



TOWN OF PALM BEACH

Town Manager's Office

**TENTATIVE-
SUBJECT TO
REVISION**

TOWN COUNCIL MEETING

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

AGENDA

TUESDAY, NOVEMBER 9, 2010

9:30 A.M.

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

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

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

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE

Post Office Box 2029 * 360 South County Road * Palm Beach, Florida 33480
Telephone (561) 838-5410 * Facsimile (561) 838-5411 * townmanager@townofpalmbeach.com

III. PRESENTATIONS

None

IV. COMMENTS OF MAYOR JACK McDONALD

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

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

VII. APPROVAL OF AGENDA

VIII. CONSENT AGENDA

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|----|--|---------|
| A. | <u>MINUTES: OCTOBER 12, 2010</u>
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL
MEETING | Page 10 |
| B. | <u>MINUTES: OCTOBER 13, 2010</u>
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL
MEETING | Page 22 |
| C. | APPROVAL OF MAJOR MATTERS CONSIDERED BY THE
ARCHITECTURAL COMMISSION AT ITS MEETING ON
OCTOBER 27, 2010. | Page 32 |
| D. | RESOLUTIONS | |
| 1. | <u>RESOLUTION NO. 119-10</u> A Resolution of the Town Council of
the Town of Palm Beach, Palm Beach County, Florida, Approving
the Purchase of One D6K LGP Caterpillar Track Dozer in the
Amount of \$152,500. [H. Paul Brazil, Director of Public Works] | Page 51 |
| 2. | <u>RESOLUTION NO. 120-10</u> A Resolution of the Town Council of
the Town of Palm Beach, Palm Beach County, Florida, Approving
the Town of Palm Beach Police Department Edward Byrne
Memorial Justice Assistance Grant (JAG) Program-Florida JAG
Direct Application to the Florida Department of Law Enforcement
and Authorizing the Mayor to Execute the Same on Behalf of the
Town. [Kirk W. Blouin, Police Chief] | Page 55 |

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| 3. | <u>RESOLUTION NO. 121-10</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$25,389.60 to C3TS Consultants for the “E” Station Study, Establishing a Total Study Phase Budget of \$28,000 for Said Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.
[H. Paul Brazil, Director of Public Works] | Page 92 |
| 4. | <u>RESOLUTION NO. 122-10</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Batallan Enterprises, Inc., DBA Propertyworks in the Amount of \$26,360 for Mowing of Town Medians and Parks for the Town of Palm Beach, Sealed Bid Number 2011-02.
[H. Paul Brazil, Director of Public Works] | Page 95 |
| 5. | <u>RESOLUTION NO. 123-10</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Granting an Easement Across Town Property to Florida Power & Light Company for an Electrical Transformer and Wires to Provide Service to the D-9 Storm Water Pump Station.
[H. Paul Brazil, Director of Public Works] | Page 100 |
| 6. | <u>RESOLUTION NO. 125-10</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a One Year Renewal to the Contract to All Florida Tree and Landscape, Inc., in the Amount of \$39,675 for Trimming of Town Coconut Palms for the Town of Palm Beach.
[H. Paul Brazil, Director of Public Works] | Page 105 |
| E. OTHER | | |
| 1. | Acceptance of a Donation of Approximately \$44,000 from Jack Annan via the Palm Beach Police Foundation for the Purchase of Specialized Equipment for the Crime Scene and Evidence Unit.
[Kirk W. Blouin, Police Chief] | Page 109 |
| 2. | Approval to Waive Construction Hours Regulations for the Lake Worth Inlet Dredging Project.
[H. Paul Brazil, Director of Public Works] | Page 112 |
| 3. | Re-establishment of the “Hybrid Committee” for Review of Worth Avenue Commercial District Design Changes.
[Thomas G. Bradford, Deputy Town Manager] | Page 116 |

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| 4. | Authorization for Greenburg Traurig to Provide Federal Lobbying Services for FY11 at a Cost Not to Exceed \$33,000.
[Peter B. Elwell, Town Manager] | Page 120 |
| 5. | Acceptance of a Donation of a Holiday Tree for Worth Avenue from Mr. and Mrs. Rush Limbaugh.
[H. Paul Brazil, Director of Public Works] | Page 122 |
| 6. | Authorization to Immediately Begin Recruitment for a New Town Clerk. [Jane Struder, Director of Finance] | Page 124 |

IX. BOARD/COMMISSION ANNUAL REPORT

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| A. | Planning and Zoning Commission. [Alan Golboro, Chair and John S. Page, Director of Planning, Zoning, and Building] | Page 126 |
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X. REGULAR AGENDA

A. Old Business

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|----|---|----------|
| 1. | Request for Town Code Waiver to Allow Display of Centennial Banners. [Ned Barnes, Executive Director, Palm Beach Civic Association] | Page 131 |
| 2. | Beach Cleanup Clarification. [Peter B. Elwell, Town Manager] | Page 135 |

B. New Business

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|----|---|----------|
| 1. | County Budget Task Force Request for Town and Task Force to Become a Coalition Partner with the Taxpayer Action Board (TAB). [Fred Scheibl, Palm Beach County Taxpayer Action Board]
TIME CERTAIN: 10:30 A.M. | Page 138 |
| 2. | Florida Public Utilities Request for Relief from Seasonal Construction Hours Restrictions.
[H. Paul Brazil, Director of Public Works] | Page 142 |
| 3. | Worth Avenue Commercial District Maintenance Program; RFP No. 2011-03. [Thomas G. Bradford, Deputy Town Manager] | Page 145 |

RESOLUTION NO. 129-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Lopez Group, Inc., as the Highest Ranked Firm Responding to RFP No. 2011-03 for the Worth Avenue Commercial District Maintenance Program Based Upon Their Proposal Totaling

\$144,573 and the Selection Committee's Recommendation Pertaining Thereto; Authorizing Staff Negotiations with Lopez Group, Inc. and Other Firms Responding to the RFP in the Order of Their Ranking Should Negotiations Be Unsuccessful with the Lopez Group, Inc. and Authorizing the Town Manager to Execute a Negotiated Contract on Behalf of the Town for the Worth Avenue Commercial District Maintenance Program Subject to the Town's Adopted Budget for Said Program and the Town Attorney's Approval of the Negotiated Contract for Legal Form and Sufficiency.

4. Recreation Advisory Commission Recommendations Regarding Golf and Marina. [Jay Boodheshwar, Director of Recreation] Page 152
5. Coastal Protection Matters.
 - a. Current Condition of Beaches. Page 178
[Rob Weber, Coastal Coordinator]
 - b. Dune Restoration Project in Reaches 4, 7, and 8.
 - i. RESOLUTION NO. 128-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$4,995,000 to Rio-Bak Corporation, for the Construction of the 2010-2011 Dune Restoration Project, Establishing a Total Construction Phase Budget of \$5,245,000 for Said Project, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services. Page 180
[H. Paul Brazil, Director of Public Works]
 - ii. RESOLUTION NO. 127-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$155,864.44 to Applied Technology and Management for Construction Management Services in Connection with the 2010-2011 Dune Restoration Project, Establishing a Total Construction Management Services Budget of \$171,200 for Said Project, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services. Page 191
[H. Paul Brazil, Director of Public Works]

- c. RESOLUTION NO. 124-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$403,623 to Applied Technology & Management, Inc., to Perform an Offshore Sand Search Investigation and Borrow Area Development at the Southern End of Palm Beach, Establishing a Total Budget of \$444,000 for Said Project, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.
[H. Paul Brazil, Director of Public Works] Page 200
6. Scope and Funding for Internal Audit Services for FY11.
[Robert N. Wildrick, Town Council Member] Page 205
7. Annual Report on Unpaid Assessments, Fines and Authorization to Write off Certain Monies Deemed Uncollectible.
[Jane Struder, Director of Finance] Page 214
8. Conceptual Consideration of Closing the Mid-Block Gap in the Royal Poinciana Way Median to Provide More Green Space and Parking.
[John S. Page, Director of Planning, Zoning, and Building] Page 225
9. Request from Former Town Council Member George Matthews for “Grandfather” Status in the Town’s Health Insurance Program.
[Danielle Olson, Director of Human Resources] Page 229

XI. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 30-10 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, 2009, Providing an Effective Date.
[Jane Struder, Director of Finance] Page 242

B. First Reading

None

XII. ANY OTHER MATTERS

XIII. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 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:** A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

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

PUBLIC HEARINGS:

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

COMMUNICATIONS FROM CITIZENS:

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

OTHER AGENDA ITEMS:

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

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

Town of Palm Beach Meeting Schedule

11/3/10

Tue 11/09/2010 09:30 AM	Town Council Meeting	Council Chambers
Wed 11/10/2010 09:30 AM	Town Council Meeting (Development Review)	Council Chambers
Wed 11/10/2010 02:00 PM	Finance & Taxation Committee Meeting	Council Chambers
Thu 11/11/2010 04:00 AM	VETERANS' DAY	TOWN HALL CLOSED
Fri 11/12/2010 09:00 AM	General Employee Retirement Board	Council Chambers
Fri 11/12/2010 02:00 PM	Investment Advisory Committee (IAC) Meeting	Council Chambers
Tue 11/16/2010 09:30 AM	Planning & Zoning Commission Meeting	Council Chambers
Wed 11/17/2010 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 11/18/2010 09:00 AM	Police Officers' Retirement Board	Council Chambers
Fri 11/19/2010 09:00 AM	Architectural Review Commission Meeting	Council Chambers
Tue 11/23/2010 01:30 PM	County Budget Task Force Meeting	Council Chambers
Thu 11/25/2010 04:00 AM	THANKSGIVING DAY	TOWN HALL CLOSED
Fri 11/26/2010 04:00 AM	DAY AFTER THANKSGIVING HOLIDAY	TOWN HALL CLOSED

Mon 11/29/2010 09:00 AM	Firefighters Retirement Board Meeting	Council Chambers
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Mon 11/29/2010 06:00 PM	Holiday Tree Lighting	Bradley Park
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Tue 11/30/2010 05:30 PM	Holiday Tree Lighting	South County Road
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Tue 11/30/2010 06:29 PM	Holiday Tree Lighting	Worth Avenue
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Mon 12/06/2010 09:00 AM	Shore Protection Board Meeting	Council Chambers
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Tue 12/07/2010 09:00 AM	Mediation Conference: Karp Property, 1100 North Ocean Boulevard	Council Chambers
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Wed 12/08/2010 09:00 AM	Mediation Conference: Karp Property, 1100 North Ocean Boulevard	Council Chambers
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Tue 12/14/2010 09:30 AM	Town Council Meeting	Council Chambers
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Wed 12/15/2010 09:30 AM	Town Council Meeting (Development Review)	Council Chambers
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TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: OCTOBER 12, 2010

APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

Presenter

Joanna Cunningham, Town Clerk

Supporting Documents

- Minutes of the Regular Town Council Meeting held on October 12, 2010

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, OCTOBER 12, 2010**

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, October 12, 2010, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. PRESENTATIONS

A. Presentations by Applicants for Landmarks Preservation Commission.

The following persons spoke regarding appointment:

- William Feldkamp
- Rachel Lorentzen
- William Strawbridge

B. Presentations by Applicants for Planning and Zoning Commission.

The following persons spoke regarding appointment:

- Rachel Lorentzen
- Lewis Crampton
- Thomas Greenbaum
- Martin Klein
- Martin Phillips
- Leslie Shaw

The Town Council Members held a discussion of the recent Publix project and the possibility of having a re-study of the Royal Poinciana Overlay area.

IV. COMMENTS OF MAYOR JACK McDONALD

There were none.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Pro Tem Coniglio commented on:

- Inlet beach clean-up and you-tube video of event
- Joint Palm Beach County coastal coordination workshop
- Joint letter to federal government sent by the County and Town for federal funding of coastal protection
- She met with the Lake Worth Mayor regarding coastal protection

Council Member Wildrick congratulated Council Members Kleid and Coniglio for their efforts on the beach clean-up and their leadership.

Council Member Diamond was directed to research an “Adopt the Beach” program and report back to the Town Council at the December Town Council Meeting.

Council Member Wildrick suggested selling centennial and Town paraphernalia on the Town website as well as advertising. He suggested the website as a revenue source for the Town. Council Member Kleid added that there was a centennial website (www.palmbeachcentennial.com).

Council President Rosow directed Council Member Wildrick to study the Town website and come back to the Town Council with recommendations and changes. Council President Pro Tem Coniglio felt merchants should be able to advertise on the centennial website.

VI. COMMUNICATIONS FROM CITIZENS- 3 MINUTE LIMIT PLEASE

(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

Mrs. McNamara, 422 North Lakeside Dr., Lake Worth spoke regarding the comprehensive plan and urged support of Amendment 4.

Kathy Elliot, on behalf of Mr. Campaniello, spoke in opposition to the window screening ordinance and requested a waiver. She was informed by Town Manager Elwell and Planning and Zoning Director John Page that it was a Code Enforcement matter and was inappropriate to discuss today.

Dick Spielberg, President of the Palm Beach Hotel Association, spoke regarding the parking situation near Publix. He offered a solution and suggested valet parking behind Echo to free up street parking but it was private property. Town Manager Elwell offered a development review agenda item for next month’s Town Council Agenda and will provide a staff review. He would include the current ordinance at the November meeting.

Sherry Frankel, President of the Worth Avenue Association, wished for a new Christmas tree and base for this season on Worth Avenue.

Alan Golboro, Chairman of Planning and Zoning Commission, suggested using the Town-owned property between Sunset and Sunrise Avenues for Palm Beach Hotel parking. He would place it on the Planning and Zoning Commission agenda for next week.

VII. APPROVAL OF AGENDA

Added under New Business, Item XI.B.11, FCC Coalition

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

**

The next item heard was the TIME CERTAIN Item XI.B1.Amendment 4 Discussion Commission

**

VIII. CONSENT AGENDA

A. MINUTES: SEPTEMBER 13, 2010

APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
(FIRST PUBLIC HEARING REGARDING THE FY 11 BUDGET)

B. MINUTES: SEPTEMBER 14, 2010

APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

C. MINUTES: SEPTEMBER 15, 2010

APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

D. MINUTES: SEPTEMBER 29, 2010

APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
(SECOND AND FINAL PUBLIC HEARING REGARDING THE FY 11 BUDGET)

E. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON SEPTEMBER 22, 2010.

F. RESOLUTIONS

1. RESOLUTION NO. 112-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of Annual Software Support

and Maintenance for Cartegraph (\$44,985), Sungard Public Sector (\$87,251.67), and Tyler Technologies (\$89,867.72) and Authorizing the Town Manager to Execute the Purchases on Behalf of the Town. [Thomas G. Bradford, Deputy Town Manager]

2. RESOLUTION NO. 113-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Enter into Contract Extensions with Storm Reconstruction Services, Inc. (SRS), Scott Lewis Gardening and Trimming, Inc., and TFR Enterprises, Inc., for Debris Management, Removal, Reduction, and Disposal.[H. Paul Brazil, Director of Public Works]

3. RESOLUTION NO. 114-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Kimley-Horn and Associates, Inc., in the Amount of \$166,800 for the S-2 Inline Booster Station, Establishing a Design and Construction Documents Phase Budget of \$184,000 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete this Phase of Said Improvements. [H. Paul Brazil, Director of Public Works]

4. RESOLUTION NO. 115-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order in the Amount of \$138,839 to SGM Engineering, Inc., for the Accelerated Capital Improvement Program Street Lighting Design and Construction Inspection/Management Services for the Town of Palm Beach, Establishing a Design and Construction Inspection Phase Budget of \$152,000 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements.[H. Paul Brazil, Director of Public Works]

5. RESOLUTION NO. 116-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement Between the Town of Palm Beach and Golfnow.com for the Provision of Internet Based Tee Time Advertising and Sales; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Agreement. [Jay Boodheshwar, Director of Recreation]

6. RESOLUTION NO. 117-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement Between the Town of Palm Beach and Course Trends, Inc., for the Provision of Internet Based Advertising and Marketing Services; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Agreement. [Jay Boodheshwar, Director of Recreation]

G. OTHER

1. Approval to Proceed with Holiday Decorations for 2010 and with a Design Competition for Holiday Decorations for 2011.[H. Paul Brazil, Director of Public Works]

2. Authorization to Fill Office Assistant II Vacancy.[H. Paul Brazil, Director of Public Works]

3. Approval of Selection Committee Recommendation for Contractual Construction Program Manager. [H. Paul Brazil, Director of Public Works]
4. Re-Appointment of Alvin Parven to the General Employee Retirement Board of Trustees. [Danielle Olson, Director of Human Resources]
5. Re-Appointment of Wilbur Ross to the Firefighter Retirement Board of Trustees. [William Hanes, Pension Administrator]
6. Re-Appointment of Raymond Snow and James Wearn to the Police Officer Retirement Board of Trustees. [William Hanes, Pension Administrator]
7. Re-Appointment of Peter Graves to Mini-PERC. [Danielle Olson, Director of Human Resources]

**

This item was heard after Item XI.B.1 Amendment 4 Discussion

**

Motion to approve the Consent Agenda was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

IX. BOARD/COMMISSION ANNUAL REPORT

- A. General Employee Retirement Board of Trustees. [Alvin Parven, Chair and Danielle Olson, Director of Human Resources]

Mr. Alvin Parven, Chairman, gave a Power Point presentation to the Town Council.

There was discussion regarding:

- Combining the retirement boards.
- Using the 8% actuarial number for returns
- Using the Town for administrative and accounting functions

Motion to accept the General Employee Retirement Board Annual Report was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

X. COMMITTEE REPORTS

- A. Ordinances, Rules, and Standards Committee Meeting of September 28, 2010. [William J. Diamond, Town Council Member]

Council Member Diamond presented the report. Council President Pro Tem Coniglio clarified that the coastal language changes were in compliance with state law and nothing new was being required. She cautioned the public to be aware of the new requirements for irrigation, and landscaping of properties.

Motion to accept the Ordinances, Rules and Standards Committee Report was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

B. Administrative and Personnel Committee Meeting of September 29, 2010. [Richard M. Kleid, Town Council Member]

Council Member Kleid presented the report. He explained his reasoning for proposing an increase in the salary of Mr. Charles Langley to the top of the new pay range. Council Member Kleid felt the pay cut was excessive.

Council President Rosow provided his explanation of the reduction in salary and why he felt it was appropriate. He noted that Public Works Director Paul Brazil also had a reduction in salary and had not appealed the decision.

Council Member Kleid clarified that the Public Works Director's salary reduction was 5%, and Mr. Langley's salary was decreased 18%.

Council Member Wildrick directed staff to review the appeal procedures. He stated that bringing personnel matters to the Town Council level was inappropriate. He said it was embarrassing for the employees to come forward. Town Manager Elwell will review the current policy and provide the Town Council members with a written report at a future date.

Motion to accept the demotion of Mr. Langley was made by Council President Pro Tem Coniglio, seconded by Council Member Diamond. On roll call, the motion carried unanimously.

Motion to accept the Town Manager's recommendation of a salary decrease of 18% was made by Council Member Diamond, seconded by Council Member Wildrick. On roll call, the motion passed 4-1 with Council Member Kleid dissenting.

Motion to accept the Administrative and Personnel Committee Report was made by Council Member Diamond, seconded by Council Member Wildrick. On roll call, the motion carried unanimously.

C. Public Works Committee Meeting of October 5, 2010. [Gail Coniglio, Town Council President Pro Tem]

Council President Pro Tem Coniglio provided the report. She asked that the funds requested for the Worth Avenue Improvement District project be encumbered for certain projects and several items be returned to the Hybrid Committee for further review.

Council Member Diamond commended the Public Works Committee and supported the recommendations.

Motion to accept the Public Works Committee Report was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

XI. REGULAR AGENDA

A. Old Business

Council President Rosow, as an aside, stated that he could not locate the link to the centennial website on the town website and was assured by Town Manager Elwell that it would be restored by the end of the day.

B. New Business

1. Amendment 4 Discussion. [Lesley Blackner, Local Resident, Attorney, and Originator of the Proposed Amendment 4 and Aimee Carlson, Regional Director for Citizens for Lower Taxes and a Stronger Economy, Inc.]

TIME CERTAIN: 10 A.M.

**

This item was heard at 10:47a.m. after Item VII Approval of the Agenda

**

Council President Rosow announced that each presenter was permitted ten minutes to present their position on Amendment 4.

Lesley Blackner presented her position on Amendment 4 as the originator of the Proposed Amendment 4.

Aimee Carlson, Regional Director for Citizens for Lower Taxes and a Stronger Economy, Inc. presented the opposing position to Amendment 4.

The Town Council took no action.

**

The next item heard was Item VIII Consent Agenda

**

2. Referendum Regarding County Ethics Charter Amendment. [Jack McDonald, Mayor]

Mayor McDonald presented the item. He expressed his opposition to the County Ethics Charter Amendment. He asked that a resolution be prepared. Town Attorney Randolph counseled the Town Council regarding the prohibitions for advocating a position on a Charter Amendment. The Town Council could individually provide an opinion, but could not expend any municipal funds to advocate a town position.

Council Member Diamond read the language of the proposed Amendment. There was further discussion as to whether the Council wanted to pass a motion, a resolution or do nothing at all.

The consensus was that a resolution would be prepared for the following day's Town Council Agenda.

3. Proposed Worth Avenue Association Event for November 30, 2010. [Sherry Frankel, President, Worth Avenue Association]

There was no discussion on this item.

Motion to approve the proposed event was made by Council Member Wildrick, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

4. Proposed Historical Signage on Royal Poinciana Way and South County Road to Honor the Town's Centennial. [Patti Sans, President, Greater South County Road Association]

Council President Pro Tem Coniglio asked what the signs would look like. Public Works Director Paul Brazil indicated that they were white text on black background, with the size depending on the name of the street. They would be consistent with the current street signs.

Patti Sans clarified that Flagler Avenue was misidentified in the back-up material and Royal Poinciana Way was actually called Main Street.

Motion to approve the proposed historical signage on Royal Poinciana Way and South County Road to honor the Town's Centennial was made by Council Member Wildrick, seconded by Council Member Diamond. On roll call, the motion carried unanimously.

5. Request for Waiver of Town Code for Certain Regulations Regarding Construction Hours for 2010-2011 Dune Restoration Project. [H. Paul Brazil, Director of Public Works]

Public Works Director Paul Brazil presented the item. He outlined the constraints of turtle nesting season, the number of truckloads, length of the project etc. A lot of the factors were dependent upon the bids from the contractors that were due by October 20, 2010.

Council President Pro Tem Coniglio reminded everyone that the process would be painful, but it was necessary, and there was FEMA money available now that would not be in the future if the Town waited.

Lee Goldstein, 3120 S. Ocean Blvd., proposed using barges to haul the sand instead of trucks. Public Works Director Brazil responded that option was open and up to the contractor to propose that method.

Council Member Kleid compared this to the Worth Avenue Project, and stated that there was a lot of pain, to get a lot of gain.

Motion to approve the construction hours for the 2010-2011 Dune restoration Project was made by Council Member Diamond, seconded by Council Member Wildrick. On roll call, the motion carried unanimously.

6. Health Insurance Premium Rates for Calendar Year 2011. [Danielle Olson, Director of Human Resource]

There was no discussion on this item.

Motion to approve the Health Insurance premium rates for Calendar Year 2011 was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion carried unanimously.

7. Town of Palm Beach vs James M. Brandon-Code Enforcement Lien Foreclosure-112 Caribbean Avenue. [John C. Randolph, Town Attorney]

Town Attorney Randolph provided the background to the Town Council. Attorney Jonathan Chane, representing JP Morgan Chase Bank, offered a settlement of \$85,655.12 in payment for the Town's liens and costs.

There was discussion among the Town Council and the Mayor regarding the market value of the property, the lis pendens, the attorney costs, the liens and varying settlement issues.

Council President Rosow directed Attorney Chane to return the following day to the Town Council Meeting with a better settlement offer.

8. FPL Matters Regarding Flagler Memorial Bridge, Including Underground Utility Easement in Bradley Park. [H. Paul Brazil, Director of Public Works]

Motion to approve the FPL Matters regarding Flagler Memorial Bridge, including underground utility easement in Bradley Park, was made by Council Member Diamond, seconded by Council President Pro Tem Coniglio.

Council Member Kleid indicated there were problems with FPL's subcontractor on Worth Avenue. The problem had been resolved. Representatives from FPL were in the audience. Ethel Isaacs Williams, Area Manager of External Affairs, announced that Don Kiselewski replaced Rod Macon at FPL and welcomed any comments or concerns.

1
2 **On roll call, the motion carried unanimously.**
3

4
5 9. Landmarks Preservation Commission Appointments.[John S. Page, Director of Planning,
6 Zoning, and Building
7

8
9 Town Manager Elwell announced that William Feldkamp had been appointed as a Regular
10 Member, and Rachel Lorentzen was appointed as an Alternate Member.
11

12 10. Planning and Zoning Commission Appointments. [John S. Page, Director of Planning,
13 Zoning, and Building
14

15
16 8
17 9 Town Manager Elwell announced that Leslie Shaw and Martin Klein were both re-appointed as
18 Regular Members.
19

20 **Motion to ratify the Landmarks Preservation Commisison and Planning and Zoning**
21 **Commission Appointments was made by Council President Pro Tem Coniglio, seconded by**
22 **Council member Diamond. On roll call, the motion carried unanimously.**
23

24 11. FCC Coalition

25
26 16
27 17 Town Manager Elwell presented the item and indicated that his recommendation was not to
28 participate since regardless of contributing funding, the Town would still receive services.
29

30 **Motion to accept the Town Manager's recommendation was made by Council President**
Pro Tem Coniglio, seconded by Council member Diamond. On roll call, the motion carried
unanimously.

31 XII. ORDINANCES

32 A. Second Reading

33 None

34 B. First Reading

35 1. ORDINANCE NO. 30-10 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, 2009, Providing an Effective Date. [Jane
Struder, Director of Finance]

36
37 28
38 29 Town Attorney Randolph read Ordinance No. 30-10 by title, as printed above.
39
40

1 **Motion to approve Ordinance No. 30-10 on first reading was made by Council Member**
2 **Diamond, seconded by Council President Pro Tem Coniglio. On roll call, the motion**
3 **carried unanimously.**
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XIII. ANY OTHER MATTERS

There were none.

XIV. ADJOURNMENT

There being no further business, the October 12, 2010, Town Council Meeting was adjourned at 1:43 p.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Joanna Cunningham
Town Clerk

BackUp Documents 10-12-10
Supplemental BackUp Documents 10-12-10

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: OCTOBER 13, 2010

APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

Presenter

Joanna Cunningham, Town Clerk

Supporting Documents

- Minutes of the Regular Town Council Meeting held on October 13, 2010

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, OCTOBER 13, 2010**

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Wednesday, October 13, 2010, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR JACK McDONALD

There were none.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

There were none.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

Adele Kahn, 235 and 232 Peruvian Avenue, requested that an exception be made to allow her to lease her space that was previously approved for use as office space.

Town Council, Mayor McDonald, Town Attorney Randolph, and staff discussed the procedures, the adherence to the law, and the setting of a precedent. Mr. Castro indicated that Ms. Kahn's two options were to file for the special exception for December or wait for adoption of an ordinance that staff is proposing to the Town Council for allowing office use on Peruvian Avenue.

President Rosow suggested that Ms. Kahn file an application immediately, as the Town Council could not override the Ordinance.

President Rosow directed staff to review the procedures of expediting the processing of applications and that the Ordinances, Rules and Standards Committee would also review the procedures.

VI. APPROVAL OF AGENDA

The following changes were made to the Agenda:

ADDED: Item VIII.A., Resolution 118-10, regarding the Proposed County Charter Amendment.

ADDED: Item VII.C.3.a., Town of Palm Beach vs. James M. Brandon-Code Enforcement Lien Foreclosure-112 Caribbean Avenue. [John C. Randolph, Town Attorney]

Motion made by Council Member Diamond, seconded by President Pro Tem Coniglio, to approve the Agenda as amended. On roll call, the motion carried unanimously.

Clerk's Note: Discussion regarding Resolution No. 118-10 was addressed at this time. Please see Any Other Matters, Item VIII.A., for further discussion.

VII. DEVELOPMENT REVIEWS

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

A. Appeals

None

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 255 Worth Avenue (Vineyard Vines) (Per Letter Dated September 24, 2010, From Maura A. Ziska).

Ex-parte communication was declared by:

Council Members Diamond, Kleid, Wildrick, President Pro Tem Coniglio, and President Rosow, spoke with Attorney Maura Ziska, who advocated for the position of her client.

Attorney Ziska, representing the owners of Vineyard Vines, provided an overview of her client's request for an extension of construction work through December 15, 2010.

Planning, Zoning and Building Director Page noted that staff was comfortable with the request and recommended a series of restrictions; Attorney Ziska agreed to the terms.

Motion made by President Pro Tem Coniglio that the request for Waiver of Section 42-199, Hours of Construction Work, at 255 Worth Avenue (Vineyard Vines) for an extension of work construction to December 15, 2010, be approved, subject to conditions set forth by staff. Council Member Kleid seconded the motion. On roll call, the motion carried unanimously.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business - Less than 15 Minutes

None

2. New Business - Less than 15 Minutes

a. SITE PLAN REVIEW #9-2010 WITH SPECIAL EXCEPTION AND VARIANCE The application of RP/RS Royal Palm Way, LLC; relative to property commonly known as 324 Royal Palm Way; described as Lots 44 and 45, Block D, Revised Map of ROYAL PARK ADDITION to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. The applicant is requesting a Site Plan Review to: (i) construct 1,411 square foot roof terrace on the third floor of the existing building; and (ii) construct twenty (20) carport parking space awnings to provide covered parking on the south side of the existing parking lot. Special Exception request is to allow a roof terrace which would create a third story addition onto an existing partial three story commercial building in the C-OPI Zoning District; a Variance is being requested to allow lot coverage for the carport/awnings to be 39% in lieu of the 29% existing and the 25% maximum allowed in the C-OPI Zoning District. [Attorney: Maura A. Ziska] [ARCOM Recommendation: Approval of the variances will not cause negative impacts. Carried 7-0.]

Ex-parte communication was declared by:

Council Members Diamond, Kleid, Wildrick, President Pro Tem Coniglio, and President Rosow, spoke with Attorney Maura Ziska, who advocated for the position of her client.

Attorney Ziska presented her client's request. She noted that their lot coverage request had been increased.

Motion made by Council Member Diamond that the Site Plan Review of Site Plan Review #9-2010 with Special Exception and Variance be approved based upon the finding that the approval of the site plan would not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use had been met and that satisfactory provision and arrangement had been made concerning Section 134-329, items 1 through 11, with conditions set forth by staff. Council Member Wildrick seconded the motion.

Motion made by Council Member Diamond that the Variance of Site Plan Review #9-2010 with Special Exception and Variance be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met, with conditions set forth by staff. Council Member Wildrick seconded the motion.

Motion made by Council Member Diamond that the Special Exception of Site Plan Review #9-2010 with Special Exception and Variance, shall be granted based upon the finding that such grant would not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code had been met, with conditions set forth by staff. Council Member Wildrick seconded the motion.

Zoning Administrator Castro provided staff comments, which were accepted by the applicant.

Attorney Ziska noted that the hardship was that the lot coverage was nonconforming on the property; the code had been changed since the building was built.

President Rosow noted that staff's recommendations were included in the approval.

Upon roll call, the motions for Site Plan Review #9-2010 with Special Exception and Variance carried unanimously.

b. SPECIAL EXCEPTION #16-2010 The application of 375 South County Road LLC, dba Café Milano; relative to property commonly known as 375 South County Road; described as ROYAL PARK ADD LT 1 (LESS TRGLR PAR S COUNTY RD R/W), LTS 2 THRY 4, LT 66 (LESS PERUVIAN COURT COND) & LTS 67 THRU 69 BLOCK 9; located in the C-TS Zoning District. The applicant is requesting a Special Exception to allow a new restaurant to open in the 5,458 square foot space formerly occupied by Amici's Restaurant. The applicant proposes to meet all previous conditions of approval. [Attorney: Peter S. Broberg]

Ex-parte communication was not declared by any members of the Town Council.

Attorney Broberg provided an overview of the applicant's request.

Planning, Zoning and Building Director Page noted that staff had no objections to the request.

Zoning Administrator Castro noted that the applicant agreed to meet all previous conditions of approval. However, staff recommended that one of those requirements be that they not demonstrate town-serving each year.

Motion made by President Pro Tem Coniglio that Special Exception No. 16-2010 shall be granted based upon the finding that such grant would not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code had

1 **been met, with the conditions set forth by staff. Council Member Wildrick seconded the**
 2 **motion. On roll call, the motion carried unanimously.**
 3

c. SPECIAL EXCEPTION #17-2010 The application of Ember Group LLC.; relative to property commonly known as 350 South County Road; described as Lots 11 through 17, Block 7, of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant is requesting a Special Exception to allow a restaurant with a floor area of 4,980 square feet. The restaurant is being proposed in the former space of the "Beach House Bistro", "Island Palm" and "Galaxy Grill" restaurants. Town Council approval and a finding that the proposed use is town-serving is required. The applicant is proposing to operate a restaurant "Ember Group LLC" which will serve world cuisine in a casually sophisticated setting. The restaurant will follow the applicable conditions of the prior restaurants' approvals and the request is to operate under the previous approvals for seating, with a total of 154 seats proposed. [Attorney: Maura A. Ziska]

4
 5 Ex-parte communication was declared by:

6
 7 Council Members Diamond, Kleid, Wildrick, President Pro Tem Coniglio, and President Rosow,
 8 spoke with Attorney Maura Ziska, who advocated for the position of her client.
 9

10 Zoning Administrator Castro provided staff's comments and recommendations; he added that
 11 staff did not recommend the town-serving documentation requirement.
 12

13 **Motion made by President Pro Tem Coniglio, that Special Exception No. 17-2010 shall be**
 14 **granted based upon the finding that such grant would not adversely affect the public**
 15 **interest and that the applicable criteria set forth in Section 134-229 of the Town Code had**
 16 **been met, with conditions set forth by staff. Council Member Wildrick seconded the**
 17 **motion. On roll call, the motion carried unanimously.**
 18

d. SPECIAL EXCEPTION #18-2010 The application of Amici Market, LLC; relative to property commonly known as 155 North County Road; described as THE NORTH 70.5 FEET OF LOT 13, SUNRISE AVENUE ADDITION TO PALM BEACH LESS THE WEST 10 FEET THEREOF, ACCORDING TO THE PLAT ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA AND RECORDED IN PLAT BOOK 7, PAGE 62; TOGETHER WITH AN EASEMENT OVER THE EAST 15 FEET OF THE SOUTH 95.98 FEET OF SAID LOT 13; located in the C-TS Zoning District. The applicant is requesting Special Exception approval to operate a Town-serving specialty food market with limited accessory seating (6 seats) in a 5,980 square foot building, exceeding the 2,000 square foot limitation, which is proposing to be Town-serving. [Attorney: James R. Brindell]

19
 20 Ex-parte communication was declared by:
 21

Council Members Diamond, Kleid, President Pro Tem Coniglio, and President Rosow, spoke with Attorney James Brindell, who advocated for the position of his client. Council Member Wildrick said that Attorney Brindell called him, but they did not talk.

Zoning Administrator Castro noted that this property was approved twice as a market, and the applicant was proposing to open up an upscale market at the same location. He recommended that the applicant tell how it proposes to continue to be town-serving as an upscale market, and that the town-serving requirement not be provided in this case.

The Town Council provided comments regarding the project.

Motion made by Council Member Diamond that Special Exception No. 18-2010 shall be granted based upon the finding that such grant would not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code had been met, with the conditions set forth by staff. President Pro Tem Coniglio seconded the motion. On roll call, the motion carried unanimously.

e. VARIANCE #18-2010 The application of Kevin and Francesca McGann; relative to property commonly known as 180 E. Inlet Drive; described as Lot 21 of SEA ISLE ESTATES, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Bok 25, Page 89; located in the R-B Zoning District. The applicant is requesting a variance to allow construction of a 550 square foot second story addition for a bedroom and bathroom with an east side yard setback of 11.31 feet in lieu of the 15 foot minimum required in the R-B Zoning District. [Attorney: Maura A. Ziska]

Ex-parte communication was declared by:

Council Members Diamond, Kleid, Wildrick, President Pro Tem Coniglio, and President Rosow, spoke with Attorney Maura Ziska, who advocated for the position of her client. President Pro Tem Coniglio, and President Rosow, and Council Member Wildrick also spoke with a neighbor.

Zoning Administrator Castro provided staff's comments and recommendations.

Attorney Ziska noted that the hardship was that the property was nonconforming in width making the lot tight with the additions; the applicant was trying to use the first floor structural support in order to support the second proposed addition on the second floor; the neighbor on the opposite side supports the variance.

Motion made by President Pro Tem Coniglio that Variance #18-2010, be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met, with the conditions set forth by staff. Council Member Wildrick seconded the motion. On roll call, the motion carried unanimously.

3. Old Business - More than 15 Minutes

- a. Town of Palm Beach vs. James M. Brandon-Code Enforcement Lien Foreclosure-112 Caribbean Avenue. [John C. Randolph, Town Attorney]

Attorney Jonathan C. Chane indicated that his client, James M. Brandon, is offering \$150,000, which is 80% of the total amount that would satisfy the lien on the property, the final judgment, and any other Code Enforcement issues.

Motion made by Council Member Wildrick, seconded by President Pro Tem Coniglio, to accept the offer of \$150,000 for satisfaction of the Code Enforcement Lien-Foreclosure at 112 Caribbean Avenue. On roll call, the motion carried unanimously.

4. New Business - More than 15 Minutes
None

D. Other

1. Consideration of Utilizing Hold Harmless Agreements, Allowing For Interior Remodeling Projects to Proceed Forward at Owner's Risk, Prior to Certain Town Council Approvals.[John Page, Director of Planning, Zoning, and Building]

Town Attorney Randolph referred to Planning, Zoning and Building Director Page's memorandum in the backup material recommending that individuals be accommodated to move forward with certain projects, at their own risk, prior to receiving a special exception or variance. The recommendation would not apply to exterior projects, only to interior projects that would not affect neighbors. A Hold Harmless Agreement would be a way to accommodate individuals without any risk to the Town.

Town Attorney Randolph noted he would like to have further opportunity to review Attorney Eubanks letter of objection properly. He indicated that there may be an amendment that could made in the code to allow Mr. Page's suggestion.

Bob Moore, 420 Santa Fe Rd. West Palm Beach, provided a Town history of hold harmless agreements that were in effect in his prior career with the Town.

The Town Council, staff, and Town Attorney Randolph discussed the issue further. Mr. Castro indicated that the hold harmless agreements were ceased after a small store, Giorgio, was allowed to obtain a permit for interior renovations before coming to the Town Council. The Town Council was dismayed that a permit was allowed without the required Town Council approval. Staff was directed to not issue any more hold harmless agreements that required Town Council approval. Town

Attorney Randolph requested that this item be placed on hold until the legal status could be reviewed.

It was the consensus of the Town Council that Town Attorney Randolph would review the policy decision of the use of Hold Harmless Agreements, which would be discussed at a later date.

2. New Business - Less than 15 Minutes

None

VIII. ANY OTHER MATTERS

A. Resolution No. 118-10, Proposed Palm Beach County Charter Amendment

The Town Council, Mayor McDonald and Town Attorney Randolph discussed the language of the Town's Resolution regarding the disadvantages of the proposed Palm Beach County Charter Amendment expanding the authority of the County's Ethics Commission and Inspector General. There were two drafts of the Resolution, with the Town Council agreeing to version B.

Motion made by Council Member Diamond, seconded by Council Member Wildrick to approve Resolution 118-10, version B, with revisions.

Council Member Wildrick indicated that the language in the Resolution should include the following:

- The lengthy discussion by the Town Council.
- Each individual was highly opposed to the amendment for all of the reasons in version A.
- It was decided that it was not appropriate for the Council, as a body, to put forth a recommendation.
- It would be opposed very strongly individually.

Town Manager Elwell would come back with revised language for the Resolution, relative to Council Member Wildrick's suggestion, which will be voted on later in the meeting.

Town Manager Elwell returned with the following Resolution No. 118-10 that included the revised language:

RESOLUTION NO. 118-10 A Resolution of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Urging Voters to Carefully Consider the Disadvantages of the Proposed Palm Beach County Charter Amendment That Would Expand The Authority Of The County's Ethics Commission and the County's Inspector General.

1 Town Attorney Randolph read Resolution No. 118-10 by title, as printed above.

2
3 **Motion made by Council Member Wildrick, seconded by President Pro Tem Coniglio, to**
4 **approve Resolution No. 118-10. On roll call, the motion carried unanimously.**
5

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7 IX. ADJOURNMENT

8 There being no further business, the October 13, 2010, Town Council Meeting was adjourned at
9 11:00 a.m.
10

11
12 APPROVED:
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17 _____
18 David A. Rosow
19 Town Council President

20 ATTEST:
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22
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24 _____
25 Joanna Cunningham
26 Town Clerk
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28
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31 BackUp Documents 10-13-10

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Consent Agenda

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of October 27, 2010.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated November 2, 2010 from John S. Page, Director of Planning, Zoning and Building
- Minutes of the Architectural Commission Meeting of October 27, 2010

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of October 27, 2010

Date: November 2, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of October 27, 2010.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of October 27, 2010.

GENERAL INFORMATION

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

Attachment

JSP:cmd



MINUTES

ARCHITECTURAL COMMISSION IN THE TOWN COUNCIL CHAMBERS 360 S. COUNTY ROAD, PALM BEACH

WEDNESDAY, OCTOBER 27, 2010, 9:00 a.m.

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

I. CALL TO ORDER (9:01:49 a.m.)

The meeting was called to order by Vice Chairman and Acting Chairman William Strawbridge at 9:00 a.m.

II. ROLL CALL (9:02:11 a.m.)

The following members were present: William J. Strawbridge, Jr., Vice Chairman, Members Leslie C. Diver, Kenn Karakul, Nikita Zukov, and Robert J. Vila; and alternate members: Ann L. Vanneck, Martin D. Gruss and Peter I. C. Knowles II. Members Samuel M. Boykin (excused), and Jeffery W. Smith, Chairman (unexcused) were absent.

Staff members present were John Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Architectural Commission. Town Attorney John Randolph was not present. Let the record show that a court reporter, Jill Felicetti of Ley & Marsaa Court Reporters Inc., was present for the 333 Peruvian Avenue project.

III. PLEDGE OF ALLEGIANCE:

IV. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 22, 2010 MEETING (9:02:57 a.m.)

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

V. APPROVAL OF THE AGENDA : (9:03:08 a.m.)

MOTION BY MR. KARAKUL FOR APPROVAL OF THE AGENDA.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

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

(9:03:19 a.m.) By Mrs. Delp at this time and throughout the meeting as needed. Mr. Strawbridge announced that there will most likely be a break at approximately 10:00 a.m. to 10:30 a.m. and a break for lunch at approximately 12:00 p.m. to 12:30 p.m.

VII. OTHER BUSINESS: (9:03:36 a.m.)

Informal Review: Design of Worth Avenue Holiday Tree Base (Paul Brazil, Director of Public Works) Mr. Page reported that Paul Brazil, Director of Public Works, will return to the commission in the months ahead, but this item will not be discussed today.

VIII. PROJECT REVIEW (9:04:49 a.m.)

A. MAJOR PROJECTS - NEW BUSINESS (placed early on agenda due to time constraints associated with air travel) (9:04:52 a.m.)

B - 049 - 2010 Facade

Address: 225 Worth Avenue

Applicant: Retail Brand Alliance Inc.

Architect: Mark Dillenberg, NCARB

Project Description: Interior remodeling with Worth Avenue facade modifications

Call for disclosure of ex parte communication: Mrs. Vanneck and Mr. Vila made ex parte declarations.

Architect Mark Dillenberg presented this request. He explained that the project includes the gutting and rebuilding of the interior of the store into the current Brooks Brothers prototype. A few changes will take place on the exterior as well: move the entrance from the left to the center of the façade; clad the exterior with stucco to match the stucco on the right for continuity; add corner quoins and decorative trim; replace all glass with weather resistant storm glazing; replace all awnings to match existing awnings in a dark navy/black color. Trim and signage will be done in dark bronze aluminum, but decals will also be used by the door. Mr. Dillenberg noted that the building signage would be backlit.

Commission comments: We do not allow backlit signs; concern about adding design elements, especially quoins; why use stucco instead of travertine; use travertine to unify the storefront; this is an opportunity to do something stunning.

MOTION BY MS. DIVER FOR DEFERRAL.

**MOTION SECONDED BY MR. ZUKOV AND MR. KARAKUL
SIMULTANEOUSLY.**

MOTION CARRIED UNANIMOUSLY.

B - 050 - 2010 Single Family Dwelling

Address: 2228 Ibis Isle Road West

Applicant: Kelly Klein

Architect: Smith and Moore Architects

Project Description: New 1-story (13' 2" tall) single family detached dwelling on vacant site. Final landscape and hardscape will be presented.

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Architect Daniel Cahan of Smith and Moore Architects presented this request along with David Piscuskas of 1100 Architect and Steven Dauber, Landscape Architect. The proposed single story, four bedroom home will have 2,945 sq. ft. of air conditioned space and 4,227 square feet total. The house will be done in painted white stucco with a smooth finish. Rolling bleached mahogany shutters will match the windows. Mr. Dauber explained that the landscape plan proposes clean lines to match the modern feel of the house, gravel front driveway, similar bleached mahogany driveway gate, beach pebbles for mulch, and white marble where vehicles drive into garage.

The commission offered very positive comments regarding the design as proposed. Mrs. Vanneck asked that the architects be sure to screen the solar panels from the neighbor.

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

B. MAJOR PROJECTS - OLD BUSINESS (9:36:00 a.m.)

B - 037 - 2010 New conservatory

Address: 286 Jamaica Lane

Applicant: Elizabeth Raese

Architect: Harvey E. Koehnen

Project Description: Remove existing 6x8 dollhouse and replace with new 14x15 glass conservatory (white aluminum)

Please note that at the August meeting, there was a motion for deferral of the project so the applicant can show proper landscaping screening which protects the neighbor's view and the views from the road. At the September meeting, the project was deferred to the October meeting at the request of the applicant.

Call for disclosure of ex parte communication: None

Thomas Monroe, Production Manager of Four Seasons Sunrooms and Don Skowron of Morgan Wheelock Inc., Landscape Architect, returned to ARCOM in response to previous deferrals. Mr. Skowron reviewed and contrasted the existing landscaping vs. the proposed landscaping (having additional landscape screening to screen the conservatory from view by the neighbors or from the road.)

A neighbor, Elizabeth Marshall, 273 Bahama Lane, expressed her concerns regarding visibility of the structure through landscaping, reflection issues, “white” issues, and lighting issues.

Commission comments: Enter into an agreement with the neighbors that if a hurricane were to remove the landscape material, the property owner will immediately replace the landscape material to the level that would prevent the conservatory from being seen by the neighbors; bronze would be better than white; this is not the quality of architecture that we like in Palm Beach; must balance the rights of the owner to enjoy his home with the rights of neighbors; it’s a prefab structure and it is a product which passes code requirements; it should not be denied on aesthetic grounds; the owner has gone to great lengths to hire a respected landscape architect to effectively screen the structure; reflective glass is not really an issue.

MOTION BY MR. VILA FOR APPROVAL OF THE PROJECT FOR THE CONSERVATORY STRUCTURE AS DESIGNED, BUT WITH THE PROVISION THAT IT BE MANUFACTURED IN BRONZE TONE ALUMINUM, AND TO APPROVE THE LANDSCAPE AS PROPOSED, WITH THE GUARANTEE THAT SHOULD THERE BE STORM DAMAGE, THE OWNERS WILL CONTINUE TO REPLACE AND MAINTAIN THE LANDSCAPE IN ORDER TO PROVIDE SCREENING FROM THE NEIGHBORS AND FROM THE STREET.

**MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

B - 035 - 2010 New commercial building

Address: 2880 South Ocean Boulevard

Applicant: HOJO Partners, LLC

Architect: The Lawrence Group Architects

Project Description: A one-story office building with a combination of flat and pitched roofs and the demolition of the existing one-story building

At the September meeting, there was a motion for approval of the demolition with the typical provisions for sodding and irrigating. There was a second motion for deferral of the project to the October meeting for re-study. (It was clarified, for the applicant, that the commission would like to see a hint of Phase II and Phase III.)

Call for disclosure of ex parte communication: Ms. Diver and Mr. Zukov made ex parte declarations.

Architect Eugene Lawrence returned to ARCOM in response to last month’s deferral. He reminded the members that Phase I is for a real estate office and Phase II, (4,000 sq. ft. of additional commercial area) is contemplated for the future. Approval is only sought for Phase I at this time. Mr. Lawrence stated that he has attempted to respond to the comments made last month by: making all of the offices square (10’x 10’); making roof changes; dropping the pediment at the

front entrance; and offering a glimpse into the design for Phase II. Jeff Blakely discussed minor changes to the landscape plan.

Commission comments: You have done what we asked; this is not attractive or special; the architecture is better now, but there are additional concerns; you have missed that this is located at an entrance to Palm Beach; this is mundane; would like to see material samples; members should focus on the similar/dissimilar criteria; this design mixes architectural vocabularies...decide on a vernacular; member likes the architecture as it mixes traditional Palm Beach with a contemporary look; perhaps take off the red barrel tile and remove the Mediterranean elements; pick a look and go with it; look at the streetscape and the neighborhood.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. GRUSS.

MOTION FAILED 2-5, WITH ONLY THE MAKER & SECONDER SUPPORTING THE MOTION.

MOTION BY MR. KARAKUL FOR DEFERRAL FOR RE-STUDY (AND THE ARCHITECT IS TO RETURN WITH MATERIALS).

MOTION SECONDED BY MS. DIVER.

Under discussion, more comments were offered: The design has improved since last month; the south façade is too long; do something less ordinary; the second story is a small pop-up over such a long building; perhaps return with two different schemes.

MOTION CARRIED 6-1, WITH MR. ZUKOV OPPOSED.

B - 044 - 2010 New Single Family Home

Address: 225 Nightingale Trail

Applicant: Dr. and Mrs. Michael and Ellen Lospinuso

Architect: SKA Architects/Patrick W. Segraves

Project Description: New two-story (CBS) island style home to be approximately 4,000 square feet. Colors: Building-tan; roof-white; trim-white; shutters-white

Please note that at the September meeting, after hearing the project, there was a motion for deferral of this project to the October meeting.

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Architect Pat Segraves returned to ARCOM in response to last month's deferral. He explained that since last month he re-aligned many elements of the design. This is a one and two story home with the two-story portion in the center, and a side entry two-car garage. The roof will be done in flat, white Monier color through tile. Though there were still some technical problems with the projected plans, the mini-sets given to the members were correct. On that basis, the presentation continued using the mini-sets.

Commission comments: The design is greatly improved since last month; more uniformity is needed in the windows and doors; problem with the two-story portico; problem in the details; overall scale is good; pleasant; like the project; appreciate changes made; nice house; lack of consistency in fenestration.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE ARCHITECTURE AS PRESENTED.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED 5-2, WITH MR. VILA AND MR. STRAWBRIDGE OPPOSED.

Keith Williams of Mario Nievera Design Inc., Landscape Architect, presented a preliminary landscape plan only. (Final landscape not advertised) Mr. Williams stated that the landscape plan was unchanged since that shown last month: Central entrance drive, on axis with the front door; driveway material is salvaged brick laid in a basket weave pattern with a grass paving detail around it; Pool (38 ft. x 13 ft.) is on axis with the family room in the rear; primarily, Ficus hedges and tall palms adorn the perimeter. Mr. Williams discussed other aspects of the landscape/hardscape.

There was some discussion about whether the tall hedges should continue across the entire front façade to screen parked cars from the street, and whether the rear landscaping was too simple.

MOTION BY MR. KARAKUL FOR APPROVAL OF THE PRELIMINARY LANDSCAPE/HARDSCAPE.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED 6-1, WITH MR. GRUSS OPPOSED.

B - 045 - 2010 Landscape

Address: 333 Peruvian Avenue

Applicant: Donna Lloyd George

Architect: KVL Design LLC, Steve Kvarnberg and Alan Stopek, Efflorescence, Inc.

Project Description: Final landscape plan

Please note that at the September meeting, after hearing the project, there was a motion for deferral of the project to the October meeting.

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Mr. Strawbridge proposed that the contentious west elevation be handled first as a separate piece. Landscape Architect, Alan Stopek presented the proposed treatment for the West perimeter landscaping: Twenty (20) individually selected and placed Alexander Palms (multiple stemmed at staggered heights of 14 ft. to 23 ft.) and Giant Leaf Pothos Vine (very hearty and survived hurricanes) which, in combination, he stated, would sufficiently screen the four west windows of the building, as well as the majority of the building itself, from Mr. Moens' property

to the west. This plant material will be planted in the 3.5 ft. planting bed to the west of the north/south driveway on the subject parcel. Mr. Stopek called attention to the existing very tall landscaping on the Moens property which will also help to screen the properties from each other. Mr. Stopek was emphatic in his claim that the utmost care and consideration has been given to select plant material which will survive along the west perimeter, given the conditions, and will provide sufficient screening immediately and even more screening in the years to come.

Attorney Maura Ziska and Attorney James Green, representing Mr. Moens, introduced John Lang, Landscape Architect. Mr. Lang stressed the importance of privacy and buffers and the need to find the right plant material to provide the screening. He did not support the plant choices presented by Mr. Stopek.

Let the record show that Attorney Brian Seymour, Gunster Yoakley, representing 333 Peruvian Avenue and Attorney Maura Ziska, representing Mr. Moens presented several exhibits into the record.

Commission comments: Very narrow planting space; Alexander Palms grow quickly and do well in cold conditions; cannot do Ficus or canopy trees; light is an issue for whatever is planted; what they've proposed gives good coverage now and in the future; maintenance will be required; the neighbor can add plant material to his property as well; perhaps Mr. Moens would give permission for plant material to be planted on his property by the applicant; the applicant was approved for a big building...it could have been smaller to allow for a larger landscape bed; the applicant created the conditions which only allowed a small planting bed; when the windows became larger, you were told to screen them completely; the neighbor's landscape cannot be considered part of the buffer here...the applicant must stand alone; it looks like it will be sufficiently buffered; given the light conditions, the palms will grow slower, and given the proximity to the building, cold will be less of a factor; work together as neighbors to resolve this.

Mr. Lang stated that the best solution, as stated by one of the members, is to have the applicant plant on the Moens property, at the expense of the applicant; that Mr. Moens wants screening as close to 100% as possible and wants it enforced.

MOTION BY MR. ZUKOV FOR DEFERRAL, NOTING THAT IF THE TWO PARTIES CANNOT WORK THIS OUT, ARCOM WILL MAKE A DECISION NEXT MONTH.

MOTION FAILED FOR LACK OF A SECOND.

Mr. Seymour reported that his client is amenable to give Mr. Moens a sum of \$ 3,000.00 to plant materials on his property to provide screening.

Let the record show that there was a ten minute recess at 11:42 a.m. to allow the two parties to try to reach an agreement to resolve this issue.

Attorney Seymour reported that a solution has been reached. There is an existing deed restriction which will need to be amended. As part of that amendment, an agreement was reached to language that would provide, within that restriction, that there will be a dense vegetative barrier that blocks the west side windows and balcony on the northwest corner. This restriction is enforceable by the Town's Code Enforcement procedures. If the applicant's proposed plant material provides effective screening, it will remain. If not, however, the applicant must fix the landscaping so Mr. Moens cannot see the windows or the balcony. Attorney James Green, representing Mr. Moens, added that this allows the flexibility for the applicant to attempt to remedy the situation on their own property first, and failing that, the applicant could pay to plant the necessary screening material on the Moens property.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE WEST PERIMETER LANDSCAPING ONLY AS PRESENTED, WITH THE CONDITION THAT THE DEED RESTRICTION IS AMENDED PURSUANT TO THE LANGUAGE AS STATED BY MR. SEYMOUR, THAT THERE WILL BE A DENSE VEGETATIVE BARRIER THAT BLOCKS THE WEST SIDE WINDOWS AND BALCONY ON THE NORTHWEST CORNER, AND THIS RESTRICTION IS ENFORCEABLE BY THE TOWN'S CODE ENFORCEMENT PROCEDURES.

**MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

Moving on to other landscaping elevations, Mr. Stopek discussed the front elevation, upper and lower planting beds, planted in a diamond planting pattern. Sixteen ft. Spindle Palms are planned for the upper bed, and twelve-thirteen ft. Spindle Palms are planned for the lower bed. Underplanting will be done in the diamond pattern. It was suggested that the Spindle Palms should be taller due to the size of the building. There was an alternate suggestion that Foxtail Palms be used on the upper level instead of Spindle Palms. Mr. Stopek stated his preference for using the same variety of palm trees on both levels.

MOTION BY MR. KARAKUL APPROVING THE OTHER 3 SIDES OF LANDSCAPING WITH THE AMENDMENT TO THE DRAWINGS TO INCLUDE 18'-24' PALMS (UPPER LEVEL) AND THE SAME SCALED DOWN PALMS RELATIONSHIP FOR THE LOWER BED, USING FOXTAIL PALMS (UPPER & LOWER BEDS).

**MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

B - 046 - 2010 New Single Family Home

Address: 207 Via Tortuga

Applicant: Addison Construction Corp.

Architect: Alfred A. Cilcius

Project Description: New two-story (CBS) residence. Colors: Building-Off White; Roof-Natural Clay (barrel tile); Trim-Natural Stone

Please note that at the September meeting, without hearing a presentation, there was a motion for deferral to the October meeting, as recommended by staff.

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Architect Alfred A. Cilcius, Architect, and his associate, Lynn McCall, presented this request. Dan Swanson also offered testimony relative to the project. The new two-story residence will have a side loading three car garage, barrel tile roof, pecky cypress outriggers, white window frames, off-white stucco building, natural stone trim, recessed iron and glass front door, princess balcony over front door, and a stained wood rear trellis. It should be noted that a model was presented. Landscape Architect, Carol Perez, with A. Grant Thornbrough and Associates reviewed the preliminary landscape plan.

Commission comments: The home is large and tall, but the plant material selected is too short and out of scale with the building; problem with the inconsistency of the quoins as shown; the panes of the windows and French doors should match; only use quoins at the front entrance and nowhere else; group the three windows on the garage; front elevation - second floor balcony dies into the wall; no need for scalloped shell over French doors; details need to be reviewed and brought back; elliptical window out of proportion with façade; first and second floor windows do not relate to each other; rear elevation-detailing of balcony very heavy; only use quoins on the main house, not on garage; quoins are too large; ironwork is too fussy;

MOTION BY MR. VILA TO DEFER FOR FURTHER STUDY.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

B - 048 - 2010 Landscape/Hardscape

Address: 208 Barton Avenue

Applicant: Barry Snyder

Architect: Parker-Yannette Design Group (Steve Parker)

Project Description: Final landscape/hardscape plan

Please note that at the September meeting, after hearing the project, there was a motion for deferral of the project to the October meeting.

Call for disclosure of ex parte communication: There were no ex parte declarations.

Steve Parker of Parker-Yannette Design Group, Landscape Architects, presented his response to the comments made at last month's meeting. 1) Regarding inadequate detailing on the gates: Center gate - clear cedar (matching outlookers) for privacy from street; and, two black cast aluminum service gates on either end (coordinating with entry door); 2) Regarding making contact with the neighbor: On 10/6/10, Mr. Parker spoke with Mr. Chang regarding the project. After making several assurances to Mr. Chang regarding Royal Palms, other palms, maintaining privacy, planning for a 6 ft. high privacy wall and 12 ft. Ficus hedge,

Mr. Chang was satisfied, per Mr. Parker. 3) Regarding the front elevation and too many palms, the landscape material has been revised 4) Regarding reducing number of carriage lights on entry piers, some lights have been eliminated.

Commission comments: Handsome; terrific job; project still has double piers; hard to have a solid entry gate and then wrought iron service gates; and, plant material next to house could be taller.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. VILA.

MOTION CARRIED UNANIMOUSLY.

(Let the record show that Mr. Zukov had left the meeting prior to this vote.)

C. MAJOR PROJECTS - NEW BUSINESS (12:21:42 a.m.)

B - 051 - 2010 Demolition

Address: 45 Cocoanut Row

Applicant: Breakers Palm Beach Inc.

Architect: Tercilla Courtemanche Architects Inc.

Project Description: The old golf clubhouse building and parking lot will be demolished, to be replaced by sod and landscaping.

Call for disclosure of ex parte communication: Mr. Vila and Ms. Diver made ex parte declarations.

Mr. Strawbridge clarified that this property has not been designated as a landmark. Rene Tercilla presented this request for demolition of this structure which was built sometime before 1900. With approval of the demolition, the site will be landscaped and irrigated, and the road will be re-buffered.

Commission comments: It is tragic that this building was not properly maintained; it is a special piece, and it is sad to lose it; why was this project delayed, resulting in the demolition activities being so visible during the season; what are the future plans for the area; concern about golf balls flying across street on Sundays; who authorized the new golf house to be painted bright yellow; we cannot regulate future use; we cannot regulate paint color other than original paint color; the building is not landmarked for a reason...it has little architectural merit; sad that it has been allowed to deteriorate; the landscape buffer to be created will probably be an improvement.

MOTION BY MR. VILA FOR APPROVAL OF THE DEMOLITION.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED 6-1, WITH MR. KARAKUL OPPOSED.

Let the record show that Ms. Diver and Mr. Vila left the meeting at this point.

Members remaining: Mr. Strawbridge, Mr. Karakul, Mrs. Vanneck, Mr. Gruss and Mr. Knowles.

B - 052 - 2010 Demolition and New Construction

ARCOM TO MAKE RECOMMENDATION REGARDING VARIANCE

Address: 131 Barton Avenue

Applicant: Stephen F. and Camilla T. Brauer

Architect: Thomas M. Kirchhoff, AIA, P.A.

Project Description: Demolition of existing garage/guest house and pool. New two-story garage/guest house and pool.

Variance: A variance to allow construction of a 2,926 square foot two story guest house/garage addition with a cubic content ratio ("CCR") of 4.84 in lieu of the 3.99 existing and the 4.07 maximum allowed in the R-B Zoning District.

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Architect Thomas Kirchhoff and Attorney Maura Ziska presented this request as listed above. The existing three car garage no longer meets the owner's needs to house his antique cars. As such, the four car garage is requested.

MOTION BY MRS. VANNECK FOR APPROVAL OF THE DEMOLITION WITH THE TYPICAL CONDITIONS FOR SODDING AND IRRIGATING.

MOTION SECONDED BY MR. KARAKUL.

Mr. Page noted that since a number of members had left the meeting, a positive vote of four members was necessary for any application to be approved.

MOTION CARRIED UNANIMOUSLY.

Mr. Kirchhoff stated that the new two-story, garage/guest house with a one story garage bay element (total of four garage bays) will match the main house as to color, shutters, and roof tiles. A simple rectangular shaped pool with minimal decking will replace the existing pool.

Commission comments: Consistent with neighborhood; good architecture; better than what was there; no objection from neighbors; problem with building a new two-story building with that one story piece tacked onto the side because of setback requirements; the one story piece is tucked way back into the property.

MOTION BY MR. KARAKUL THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.

MOTION SECONDED BY MR. GRUSS.

MOTION CARRIED 4-1, WITH MRS. VANNECK OPPOSED.

MOTION BY MR. KARAKUL FOR APPROVAL OF THE ARCHITECTURE AS PRESENTED.

MOTION SECONDED BY MR. GRUSS.

MOTION CARRIED 4-1, WITH MRS. VANNECK OPPOSED.

Let the record show that Mr. Karakul left the meeting at this point, 12:55 p.m., leaving just four members. The remaining members elected to continue with the meeting without taking a lunch break.

B - 053 - 2010 New Single Family Residence

Address: 108 El Mirasol, Lot 7 & 8, El Mirasol

Applicant: Neeta and Anand Khubani

Architect: Roger Hansrote

Project Description: New two-story single family residence with 3 garages, 8 bedrooms, 9 baths, 2 half baths, breezeway, porte cochere and pool (13,869 square ft. air conditioned) Roof Material: Terra Cotta Barrel tile; CBS construction; Color-beige; Trim-cast stone; Shutters-beige (Rolladen)

Call for disclosure of ex parte communication: None declared

Architect Roger Hansrote presented this request along with Don Skowron of Morgan Wheelock Inc. Mr. Hansrote stated that this home had come to ARCOM previously and was approved, but the owner decided against building it, and the approval has expired. Let the record show that a model of the home was presented. Mr. Hansrote indicated that the design has been only slightly modified since it was last seen by ARCOM, but the concept is still the same. Don Skowron stated that the landscape is conceptually the same as well.

Commission comments: Be sure to irrigate the Seagrapes to wash the salt off; tight to get into north garage; east elevation second floor windows go right up to the outlookers...too tight...object to this; this is a very large, visible home, so when doing Mediterranean vernacular, it's better to do less than more; defer for major simplification; east elevation – row of arches underneath and nothing lines up; balcony does not line up with the doors; the project was approved twice before, so now that it is back again, it's not really fair to disapprove of it now.

Mr. Lindgren reported that he received an e-mail from Mr. Poppel, the neighbor to the west, wherein he commented on the plans. Mr. Lindgren also noted that this proposal reflects minor fenestration changes; that the footprint and layout is the same as previously approved; and, that the approval is expired.

MOTION BY MRS. VANNECK FOR DEFERRAL TO NEXT MONTH.

MOTION SECONDED BY MR. STRAWBRIDGE.

MOTION CARRIED UNANIMOUSLY.

B - 054 - 2010 Re-design pump station

Address: 1060 North Lake Way

Applicant: Town of Palm Beach

Architect: Kimley Horn & Associates; and, Bridges Marsh & Associates

Project Description: Re-design the D-10 storm water pump station by raising the height of a portion of the existing building

Call for disclosure of ex parte communication: Mr. Strawbridge and Mrs. Vanneck made ex parte declarations.

Architect Mark Marsh and Kevin Shannon of Kimley Horn & Associates presented this request for the pump station rehabilitation. The project will require variances, though the building footprint will not change. Mr. Shannon explained that the facility needs to have an electrical and mechanical upgrade to increase the reliability of the pump station. The current station has outdated equipment and is prone to failure. The upgrade will provide for an air cooled generator for greater reliability than the existing water cooled system. In order to mitigate for the air and the noise, duct silencers have been proposed within the building. It is the duct silencers which are driving the additional height of the building on the front third of the building. Baffled masonry blocks interiorly will also help to limit noise. Mark Marsh noted an existing wood shed will be removed as part of the proposal; the total building will be re-stuccoed, re-painted and refinished; the pump station is heavily landscaped, though not well maintained; the proposal includes underplanting with new Ficus, maintaining the hedge on the north and west sides, and supplementing the east side with some understory planting.

Mr. Lindgren read a letter into the record from a neighbor, Sidney Kohl, where he lists his concerns relative to buffering the pump station from the neighbors. Mr. Marsh listed the Town's response and course of action relative to each of the concerns listed which he believed would sufficiently satisfy the neighbors. Issues related to the transformer location and tide levels were discussed.

MOTION BY MRS. VANNECK THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.

**MOTION SECONDED BY MR. KNOWLES.
MOTION CARRIED UNANIMOUSLY.**

Mr. Gruss stated that he was not pleased that the Town did not maintain the landscape at this site properly. Paul Brazil, Director of Public Works, pledged that it will be properly maintained in the future.

MOTION BY MR. GRUSS TO APPROVE THE ARCHITECTURE AND THE LANDSCAPING WITH THE PROVISIO THAT THE TOWN MAINTAINS THE LANDSCAPING IN A SATISFACTORY MANNER.

**MOTION SECONDED BY MR. KNOWLES.
MOTION CARRIED UNANIMOUSLY.**

Mark Marsh noted the two colors chosen for the building: Mediterranean White and Desert Sand. It was suggested that the darker color be used for the body of the building. Paul Brazil stated that other pump stations have been well received using the colors proposed because these colors blend well with the neighborhoods.

B - 055 - 2010 Additions

Address: 180 East Inlet Drive

Applicant: Mr. and Mrs. Kevin McGann

Architect: MP Design and Architecture Inc.

Project Description: Second floor addition of 550 square feet consisting of two children's bedrooms and a bath; covered entry/terrace extension, new chimney, door and window changes

Call for disclosure of ex parte communication: Mrs. Vanneck made an ex parte declaration.

Michael Perry reported that the Town Council has approved a variance for side yard setback for this project. He reviewed the plans in accordance with the project description above, and noted that the owners also plan to change the house color to light blue with white shutters, trim and roof. The fireplace chimney will be added on the west side. Mr. Lindgren stated that staff had received a letter of support for the project from the neighbor, Mr. Dowell, 101 East Inlet Drive.

Commission comments: Problem with front entry columns, balusters and railing...nothing centers; better to remove the fretwork; the plans don't match the elevations (ARCOM was to refer to the elevations); south elevation – overhang hangs off.

MOTION BY MR. KNOWLES FOR APPROVAL AS PRESENTED, WITH A CHANGE TO THE RAILINGS REMOVING THE FRETWORK, AND ELIMINATING THE OVERHANG (ON THE SOUTH ELEVATION).

**MOTION SECONDED BY MR. GRUSS.
MOTION CARRIED UNANIMOUSLY.**

B - 057 - 2010 Demolition

Address: 237 "C" Brazilian Avenue

Applicant: Florida Capital Management LLC

Architect: None

Project Description: Demolition of Apartment Building C (2 units)

Call for disclosure of ex parte communication: None declared

Frederick J. Keitel III, the property owner, provided a demolition report for Building C only. This 700 sq. ft. structure was built in 1959. It is a CBS structure with no known historical significance. It already has no roof or floors and the interior has been gutted. It has not been used for approximately 15 years. Mr. Keitel would like to demolish it and sod the area. All existing landscape material in the area will remain. The property is already irrigated.

**MOTION BY MR. GRUSS FOR APPROVAL OF THE DEMOLITION.
MOTION SECONDED BY MR. KNOWLES.
MOTION CARRIED UNANIMOUSLY.**

B - 058 - 2010 Storefront changes

Address: 221 Worth Avenue

Applicant: Love LLC

Architect: James C. Paine

Project Description: Replace existing storefront and awning with new black storefront, entry door and white awning. Remove planter.

Call for disclosure of ex parte communication: None declared

Architect James Paine stated that this space was going to become part of Taboo, but the owner has now decided to change it back to leasable storefront. The plan includes changing out the French door look which would have matched Taboo, and reverting to a typical storefront with clear glass and a simple, white, shed awning. The pilasters will remain; building color will remain; the knee wall will be reduced from 18 inches down to one foot. The intent is that this work be done very rapidly, prior to the Worth Avenue work stoppage on November 1.

Mr. Page responded that if the work cannot be accomplished before November 1, it will have to wait till the season ends, or the applicant can proceed to the Town Council for special consideration to work during the season.

It was noted that removal of the existing planters in this location is included in the request.

Commission comments: Concern about very small window of time to complete work; problem with white awning.

Building Official Jeff Taylor testified that he spoke with the contractor today. The contractor intends to remove the planters immediately so the sidewalks can be repaired. They will proceed to the Town Council to seek approval to do the storefront at a later date.

MOTION BY MR. GRUSS FOR APPROVAL AS SUBMITTED WITH THE PROVISIO THAT THE STYLE AND COLOR OF THE AWNING BE REVIEWED BY STAFF OR ARCOM.

MOTION AMENDED BY MR. GRUSS FOR APPROVAL OF THE CHANGE TO THE STOREFRONT AND SIDEWALK, BUT THE APPLICANT MUST RETURN TO ARCOM WITH THE DESIGN AND COLOR OF AWNING WHEN IT HAS BEEN DETERMINED (WITH NEW TENANT.) IT WAS CLARIFIED THAT THE EXISTING LOUVERED AWNING WILL BE REMOVED AS PART OF THIS PROJECT.

**MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

D. MINOR PROJECTS - OLD BUSINESS (1:59:16 a.m.)

A - 009 - 2010 Balustrade & site wall

Address: 300 Dunbar Road

Applicant: Dean O'Hare c/o M.Timothy Hanlon

Architect: T & L Architecture Inc.

Project Description: Addition of ornamental balustrade on top of existing parapet. Also, addition of new site wall at entry points of driveway, replace existing site wall at pool and related landscaping

Please note that at the July meeting, there was a motion for approval of the project, with the proviso that the two piers be added as recommended, that there is a solid wall by the swimming pool area, and, that the applicant returns with details of the design of the front door. Please note that at the August meeting, the architect requested deferral of the front door design to the September meeting, and a motion was made to that effect. At the September meeting, there was a motion for deferral to the October meeting at the request of the applicant.

Call for disclosure of ex parte communication: Mrs. Vanneck and Mr. Knowles made ex parte declarations.

Architect Steven Tresize of T&L Architecture presented the details of the front door and gate. The decorative aluminum on the door and gate will be white.

Commission comments: too ornate; did not like this design; not appropriate to style of house.

MOTION BY MR. GRUSS FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. KNOWLES.

MOTION CARRIED 3-1, WITH MRS. VANNECK OPPOSED.

MOTION BY MR. GRUSS FOR DEFERRAL TO THE NEXT MEETING.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

E. MINOR PROJECTS - NEW BUSINESS

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)

X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (2:29:25 a.m.)

Mr. Page stated that due to the length of today's meeting, the Staff comments relative to A, B & C below will be postponed to next month's agenda.

Staff comments regarding: POSTPONED

A. Dish Antennas

B. Site visits/inspections by ARCOM members

C. Shutters/impact windows

Status report on Ordinance, Rules and Standards Committee review of Chapter 66
(landscaping permit requirement and other provisions)

Veronica Close, Assistant Director of Planning, Zoning & Building, gave this presentation. She discussed the history related to these changes, the process involved, landscape permit requirements, vegetation maintenance requirements proposed and comments received. A third draft of the regulations will be developed and will be taken to the Ordinance, Rules and Standards Committee and ultimately to the Town Council. As this was a PowerPoint presentation, Mr. Strawbridge asked that it be forwarded to all ARCOM members since so many were absent at this time.

Let the record show that Mr. Gruss left the meeting at 2:35 p.m.

XI. ADJOURNMENT:

The meeting adjourned at 2:38 p.m. without benefit of a motion.

The next meeting of the Architectural Commission will be held on **Friday, November 19, 2010 at 9:00 a.m.** in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road, Palm Beach, Florida.

Respectfully submitted,

William Strawbridge, Vice Chairman and Acting Chairman

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TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Resolutions

Agenda Title

Resolution No. 119-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of One D6K LGP Caterpillar Track Dozer in the Amount of \$152,500.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated October 21, 2010, from H. Paul Brazil, Director of Public Works.
- Resolution No. 119-10

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Approve Purchase of one D6K LGP Caterpillar Track Dozer
Resolution No. 119-10

Date: October 21, 2010

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve Resolution No. 119-10 for the purchase of one D6K LGP Caterpillar Track Dozer in the amount of \$ 147,500 via the 2010 FSA No. 09-17-0908 (Extended) plus \$5,000 for outfitting costs, i.e. radio, rust inhibitors, locks, decals, preventative maintenance kit for a total of \$ 152,500.

GENERAL INFORMATION

The current 1988 Caterpillar Dozer has been in service 22 years. Although not scheduled for replacement until 2018 it is mechanically and structurally deteriorated from daily usage at the landfill. Repair of the existing dozer is not cost effective or prudent to pursue any longer. The requested Dozer is necessary to efficiently continue operating our Class III vegetative landfills.

FUNDING/FISCAL IMPACT

Town staff requests authorization to expend \$ 152,500 from the Equipment Replacement Fund Account for the purchase and outfitting of one D6K LGP Caterpillar Track Dozer. An overall budget of \$175,000 was approved in the FY 2011 Town Budget with sufficient depreciation funds available for this purchase.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and award is hereby recommended to Kelly Tractor Company using the Florida Sheriffs Association Bid No. 09-17-0908 (Extended).

TOWN ATTORNEY REVIEW

This proposed resolution is similar to those previously reviewed and approved by the Town Attorney for legal form and sufficiency.

cc: Jane Struder, Director of Finance
Cheryl Somers, Assistant Finance Director
Eric Brown, Assistant Public Works Director
Larry Iverson, Service Division Manager
Lynda Venne, Purchasing Agent

RESOLUTION NO. 119-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PURCHASE OF ONE D6K LGP CATERPILLAR TRACK DOZER IN THE AMOUNT OF \$152,500.

* * * * *

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

Section 1. The Town of Palm Beach's purchase of one D6K LGP Caterpillar track dozer, under terms of the Florida Sheriffs Association Bid No. 09-17-0908 (Extended), in the amount of \$147,500 plus \$5,000 for outfitting costs for a total acquisition budget of \$152,500 is hereby approved.

Section 2. The Town Manager is hereby authorized and directed to issue a purchase order on behalf of the Town of Palm Beach for the purchase of one D6K LGP Caterpillar track dozer under terms of the Florida Sheriffs Association Bid No. 09-17-0908 (Extended) in the amount of \$152,500.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the purchase, and other outfitting purchases as needed to place these vehicles in service.

PASSED AND ADOPTED in a regular adjourned session of the Town Council of the Town of Palm Beach this 9th day of November, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 120-10 A Resolution of the Town of Palm Beach, Palm Beach County, Florida, Approving the Town of Palm Beach Police Department Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Florida JAG Direct Application to the Florida Department of Law Enforcement and Authorizing the Mayor to Execute the Same on Behalf of the Town.

Presenter

Kirk Blouin, Chief of Police

Supporting Documents

- Memorandum dated October 28, 2010, from Kirk W. Blouin, Police Chief.
- Resolution No. 120-10
- 2010 JAG Florida Direct Grant Application
- Night Vision Optics Quote

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk W. Blouin, Chief of Police

Re: Federal Fiscal Year (FFY) 2010 - Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Florida JAG Direct
Resolution No. 120-10

Date: October 28, 2010

STAFF RECOMMENDATION

- Staff recommends that the Town Council approve the Palm Beach Police Department's grant application.
- Staff recommends that the Town Council approve Resolution No. 120-10, authorizing the Mayor to execute above referenced grant application.

GENERAL INFORMATION

- The Florida Department of Law Enforcement has received an award from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Florida JAG Direct and has allocated \$1,426.00 in grant funds to the Town.
- Federal Purpose Area of Choice: Planning, evaluation and technology improvement programs.
- State Purpose Area of Choice: Equipment purchase.
- Project Title: Night Vision Optics
- Justification: Night vision optics have proven to be a useful tool for officers during foot and ATV patrol of the 23 miles of beach and intra-coastal water way of the Town of Palm Beach. The night vision optics are utilized by officers to proactively investigate incidents such as illegal immigration, drug smuggling, sea turtle egg poaching and other potentially dangerous activities such as residential burglaries or pursuit of fleeing felons.

FUNDING/FISCAL IMPACT

- The total grant allocation is \$1,426.00. There are no matching funds required for this grant. However, based on the attached quote the total cost of equipment is expected to be approximately \$2,240. Any monies over the grant amount will be paid from the Palm Beach Police Department's forfeiture or donation reserve account.

PURCHASING REVIEW

Due to the extended time lapse between grant application and the actual receipt of funds (February 2011), the procurement of equipment will be in accordance with the Town's purchasing guidelines obtaining new quotes as necessary at that time.

TOWN ATTORNEY REVIEW

Town Council approval is recommended contingent upon review and approval for legal form and sufficiency by the Town Attorney.

Attachments

KWB:lsg

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

RESOLUTION NO. 120-10

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE TOWN OF PALM BEACH POLICE
DEPARTMENT EDWARD BYRNE MEMORIAL JUSTICE
ASSISTANCE GRANT (JAG) PROGRAM - FLORIDA JAG
DIRECT APPLICATION TO THE FLORIDA DEPARTMENT OF
LAW ENFORCEMENT AND AUTHORIZING THE MAYOR TO
EXECUTE THE SAME ON BEHALF OF THE TOWN.**

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

The application of the Town of Palm Beach Police Department to the Edward Byrne
Memorial Justice Grant (JAG) Program - Florida JAG Direct, attached hereto and
incorporated by reference as a part of this resolution, is hereby approved and the
Mayor is authorized to execute the same on behalf of the Town.

**PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN
COUNCIL OF THE TOWN OF PALM BEACH ASSEMBLED THIS 9TH DAY OF NOVEMBER,
2010.**

Jack McDonald, Mayor

David A. Rosow, Council President

Gail Coniglio, President Pro-Tem

William J. Diamond, Town Council Member

ATTEST:

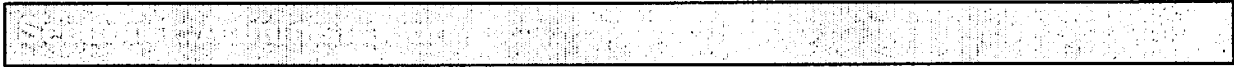
Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct



Subgrant Recipient

Organization Name: Town Of Palm Beach

County: Palm Beach

Chief Official

Name: Jack McDonald

Title: Mayor

Address: 360 South County Road

City: Palm Beach

State: FL **Zip:** 33480

Phone: 561-838-5414 **Ext:**

Fax:

Email: jmcDonald@townofpalmbeach.com

Chief Financial Officer

Name: Jane Struder

Title: Finance Director

Address: 360 South County Road

City: Palm Beach

State: FL **Zip:** 33480

Phone: 561-838-5444 **Ext:**

Fax: 561-838-5417

Email: jstruder@townofpalmbeach.com

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct



Implementing Agency

Organization Name: Palm Beach Police Department

County: Palm Beach

Chief Official

Name: Kirk Blouin

Title: Chief of Police

Address: 345 South County Road

City: Palm Beach

State: FL **Zip:** 33480

Phone: 561-838-5460 **Ext:**

Fax: 561-835-4600

Email: kblouin@palmbeachpolice.com

Project Director

Name: Lisa Gorman

Title: Administrative Planner/Accreditation Manager

Address: 345 South County Road

City: Palm Beach

State: FL **Zip:** 33480

Phone: 561-227-6355 **Ext:**

Fax:

Email: lgorman@townofpalmbeach.com

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct



General Project Information

Project Title: NIGHT VISION OPTICS
Subgrant Recipient: Town Of Palm Beach
Implementing Agency: Palm Beach Police Department
Project Start Date: 2/1/2011 **End Date:** 6/30/2011

Problem Identification

The Town of Palm Beach has 23 miles of coastline to patrol and protect. The jurisdiction includes areas surrounded by the Atlantic Ocean, the intra-coastal water way and the Palm Beach Inlet that is a port for cruise ships and import and export distribution of goods. This jurisdiction is often chosen as an entry point for illegal immigration and drug smuggling activities because of the close proximity to the Bahamas and Cuba. In addition, sea turtle eggs are targeted by poachers in this area, which ironically, due to protective legislation during sea turtle nesting and hatching season, it is mandated that lights be extinguished during the evening hours. This requirement unintentionally aids in the landing of potential illegal immigrants, drug smugglers and poachers who all embark on most of these illegal activities under the veil of darkness. There are other public safety uses for night vision optics that occur in isolated areas and/or situations in the Town of Palm Beach such as a fleeing felon or a home burglary. The Town of Palm Beach is a foliage laden community and therefore the response to a home invasion or fleeing suspect can be extremely risky and complex in nature due to the general property acreage of homes and the dense landscaping architecture of property in the Town of Palm Beach.

Project Summary (Scope of Work)

The Palm Beach Police Department inventory of night vision equipment consists of aging and antiquated first generation night vision optics purchased during the period of 1994 to 1996. Night vision optics have proven to be a useful tool for officers during foot and ATV patrol of the 23 miles of beach and intra-coastal water way that is the jurisdiction of the Town of Palm Beach.

The night vision optics are used by officers to proactively investigate incidents of illegal immigration, drug smuggling, sea turtle egg poaching and other potentially dangerous activities such as a residential burglaries or pursuit of fleeing felons.

Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - Direct

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Section Questions:

Question: Does the Subgrantee receive a single grant in the amount of \$500,000 or more from the U.S. Department of Justice?

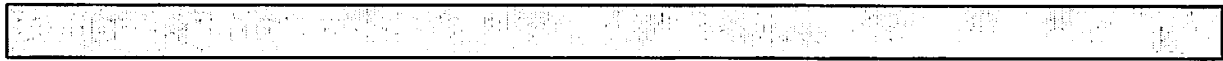
Answer: No

Question: Does the Implementing Agency receive a single grant in the amount of \$500,000 or more from the U.S. Department of Justice?

Answer: No

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct



General Performance Info:

Performance Reporting Frequency: Quarterly

Federal Purpose Area: 006 - Planning, Evaluation & Technology Improve. Progs.

State Purpose Area: E - Equipment Supplies - Purchase Equipment/Supplies

Activity Description

Activity: Equipment and Supplies
Target Group: Equipment and Supplies
Geographic Area: Suburban
Location Type: Police Department

Objectives and Measures

Objective: 25.E - Amount of funds expended on equipment and/or supplies

Measure: Part 1
Amount of funds to be expended to purchase equipment and/or supplies
Goal: \$1,426.00

Objective: 52.E - Number of equipment or supply items purchased with JAG funds by type of equipment or supplies

Measure: Part 16
How many other pieces of equipment will be purchased?
Goal: 1

Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - Direct



Section Questions:

Question: If "other" was selected for the geographic area, please describe.

Answer: N/A

Question: If "other" was selected for location type, please describe.

Answer: N/A

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

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General Financial Info:

Note: All financial remittances will be sent to the Chief Financial Officer of the Subgrantee Organization.

Financial Reporting Frequency for this Subgrant: Quarterly

Is the subgrantee a state agency?: No

FLAIR / Vendor Number: 596000402

Budget:

Budget Category	Federal	Match	Total
Salaries and Benefits	\$0.00	\$0.00	\$0.00
Contractual Services	\$0.00	\$0.00	\$0.00
Expenses	\$1,426.00	\$0.00	\$1,426.00
Operating Capital Outlay	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00
-- Totals --	\$1,426.00	\$0.00	\$1,426.00
Percentage	100.0	0.0	100.0

Project Generated Income:

Will the project earn project generated income (PGI) ? No

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct



Budget Narrative:

Budget Category: Expenses (equipment under \$2,500)

Items: Generation II Night Vision Binocular with Range Ready Bag, Video/35mm Camera Adapter.

Unit Cost: \$2,239.98

Total Cost: \$2,239.98

Funds over the grant amount will be covered using monies from either the police department forfeiture account or the donated funds reserve account.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

Section Questions:

Question: If salaries and benefits are included in the budget as actual costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the previous Byrne program?

Answer: N/A

Question: If benefits are to be included, are they reflected in the budget narrative?

Answer: N/A

Question: Indicate the Operating Capital Outlay threshold established by the subgrantee or implementing agency, if it is the sheriff's office.

Answer: Items over \$2,500.

Question: If indirect cost is included in the budget, indicate the basis for the plan (e.g. percent of salaries and benefits), and provide documentation of the appropriate approval of this plan.

Answer: N/A

Question: If the budget includes services based on unit costs, provide a definition and cost for each service as part of the budget narrative for contractual services. Include the basis for the unit costs and how recently the basis was established or updated.

Answer: N/A

Standard Conditions

Conditions of agreement requiring compliance by units of local government (subgrant recipients), implementing agencies, and state agencies upon signed acceptance of the subgrant award appear in this section. Upon approval of this subgrant, the approved application and the following terms of conditions will become binding. Failure to comply with provisions of this agreement will result in required corrective action up to and including project costs being disallowed and termination of the project, as specified in item 17 of this section.

- 1. All Subgrant Recipients must comply with the financial and administrative requirements set forth in the current edition of the U.S. Department of Justice, Office of Justice Programs (OJP) Financial Guide (Financial Guide) and the Edward Byrne Memorial Justice Assistance Grant (JAG) program guidance as well as Federal statutes, regulations, policies, guidelines and requirements and Florida laws and regulations including but not limited to:**
 - Florida Administrative Code, Chapter 11D-9, "Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program"
 - Office of Management and Budget (OMB) Circular A-21 (2 CFR 220), "Cost Principles for Educational Institutions"
 - OMB Circular A-87 (2 CFR 225), "Cost Principles for State, Local and Indian Tribal Governments"
 - OMB Circular A-102, "Grants and Cooperative Agreements with State and Local Governments"
 - OMB Circular A-110 (2 CFR 215), "Uniform Administrative Requirements for Grants and Cooperative Agreements"
 - OMB Circular A-122 (2 CFR 230), "Cost Principles for Non-Profit Organizations"
 - OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations"
 - 28 CFR 38, "Equal Treatment for Faith-Based Organizations"
 - 28 CFR 66, "U.S. Department of Justice Common Rule for State And Local Governments" (Common Rule)
 - 28 CFR 83, "Government-Wide Requirements for Drug-Free Workplace (Grants)"
 - 28 CFR 18, 22, 23, 30, 35, 42, 61, and 63
 - Public Law 109-162, Title XI—Department of Justice Reauthorization, Subtitle B—Improving the Department of Justice's Grant Programs, Chapter 1—Assisting Law Enforcement and Criminal Justice Agencies, Sec. 1111. Merger of Byrne Grant Program and Local Law Enforcement Block Grant Program
 - 42 U.S.C. 3711 et seq., "Omnibus Crime Control and Safe Streets Act of 1968"
- 2. Allowable Costs**
 - a. Allowance for costs incurred under the subgrant shall be determined according to the general principles and standards for selected cost items set forth in the Office of Justice Programs Financial Guide, U.S. Department of Justice Common Rule for State And Local Governments and federal OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments," or OMB Circular A-21, "Cost Principles for Educational Institutions."
 - b. All procedures employed in the use of federal funds for any procurement shall be according to U.S. Department of Justice Common Rule for State and Local Governments, or OMB Circular A-110, or OMB Circular A-102, and Florida law to be eligible for reimbursement.

3. Reports

a. Project Performance Reports

- (1) **Reporting Time Frames:** The subgrant recipient shall submit Quarterly Project Performance Reports to the Florida Department of Law Enforcement, hereafter known as the Department, within 15 days after the end of the reporting period. In addition, if the subgrant award period is extended beyond the "original" project period, additional Quarterly Project Performance Reports shall be submitted.

Failure to submit Quarterly Performance Reports that are complete, accurate, and timely may result in sanctions, as specified in item 17, Performance of Agreement Provisions.

- (2) **Report Contents:** Performance reports must include a response to all objectives included in your subgrant. A detailed response is required in the narrative portion for yes/no performance objectives. The narrative must also reflect on accomplishments for the quarter and identify problems with project implementation and address actions being taken to resolve the problems.

b. Financial Reports

(1) Project Expenditure Reports

- (a) The subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Project Expenditure Report to the Department. Project Expenditure Reports are due thirty-one (31) days after the end of the reporting period. In addition, if the subgrant award period is extended, additional Project Expenditure Reports shall be submitted. Project Expenditure Reports for grants made under the Recovery Act must be submitted monthly. See the Recovery Act Conditions for additional information.
 - (b) All project expenditures for reimbursement of subgrant recipient costs shall be submitted on the Project Expenditure Report Forms prescribed and provided by the Office of Criminal Justice Grants (OCJG) through the Subgrant Information Management ON-line (SIMON) system.
 - (c) All Project Expenditure Reports shall be submitted in sufficient detail for proper pre-audit and post-audit.
 - (d) Before the "final" Project Expenditure Report will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.
 - (e) Reports are to be submitted even when no reimbursement is being requested.
- (2) The Financial Closeout Documentation shall be submitted to the Department within forty-five (45) days of the subgrant termination date.
 - (3) If applicable, the subgrant recipient shall submit Quarterly Project Generated Income Reports to the Department within 31 days after the end of the reporting period covering subgrant project generated income and expenditures during the previous quarter. If any PGI remains unspent after the subgrant ends, the subgrant recipient must continue

submitting quarterly PGI reports until all funds are expended. (See Item 10, Program Income.)

c. Other Reports

The recipient shall report to the Uniform Crime Report and other reports as may be reasonably required by the Department.

4. Fiscal Control and Fund Accounting Procedures

- a. The subgrant recipient shall establish fiscal control and fund accounting procedures that assure proper disbursement and accounting of subgrant funds and required non-federal expenditures. All funds spent on this project shall be disbursed according to provisions of the project budget as approved by the Department.
- b. All expenditures and cost accounting of funds shall conform to the Office of Justice Programs Financial Guide, the Common Rule, and OMB Circulars A-21, A-87, and A-110, or A-102 as applicable, in their entirety.
- c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.

5. Payment Contingent on Appropriation and Available Funds

The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature. Furthermore, the obligation of the State of Florida to reimburse subgrant recipients for incurred costs is subject to available federal funds.

6. Obligation of Subgrant Recipient Funds

Subgrant funds shall not under any circumstances be obligated prior to the effective date or subsequent to the termination date of the subgrant period. Only project costs incurred on or after the effective date and on or prior to the termination date of the subgrant recipient's project are eligible for reimbursement.

7. Advance Funding

Advance funding shall be provided to a subgrant recipient upon a written request to the Department.

8. Trust Funds

- a. The unit of local government must establish a trust fund in which to deposit JAG funds. The trust fund may or may not be an interest bearing account.
- b. The account may earn interest, but any earned interest must be used for program purposes and expended before the subgrant end date. Any unexpended interest remaining at the end of the subgrant period must be submitted to the Office of Criminal Justice Grants for transmittal to the Bureau of Justice Assistance.

9. Travel and Training

The cost of all travel shall be reimbursed according to the subgrant recipient's written travel policy. If the subgrant recipient does not have a written travel policy, cost of all travel will be reimbursed according to § 112.061, Fla. Stat.

10. Program Income (also known as Project Generated Income)

- a. All income generated as a direct result of a subgrant project shall be deemed program income.
- b. Any project that will potentially earn PGI must submit an Earnings and Expenditures Report to report how much PGI was earned during each quarter. A report must be submitted each quarter even if no PGI was earned or expended.
- c. PGI expenditures require prior written approval from the Office of Criminal Justice Grants. Program income must be used for the purposes of and under the conditions applicable to the award. If the cost is allowable under the Federal grant program, then the cost would be allowable using program income.
- d. Program income should be used as earned and expended as soon as possible. Any unexpended PGI remaining at the end of the Federal grant period must be submitted to the Office of Criminal Justice Grants for transmittal to the Bureau of Justice Assistance.

11. Approval of Consultant Contracts

The Department shall review and approve in writing all consultant contracts prior to employment of a consultant when the consultant's rate exceeds \$450 (excluding travel and subsistence costs) for an eight-hour day. Approval shall be based upon the contract's compliance with requirements found in the Financial Guide, the Common Rule, and in applicable state statutes. The Department's approval of the subgrant recipient agreement does not constitute approval of consultant contracts. If consultants are hired through a competitive bidding process (not sole source), the \$450 threshold does not apply.

12. Property Accountability

- a. The subgrant recipient agrees to use all non-expendable property for criminal justice purposes during its useful life or dispose of it pursuant to § 274, Fla. Stat.
- b. The subgrant recipient shall establish and administer a system to protect, preserve, use, maintain and dispose of any property furnished to it by the Department or purchased pursuant to this agreement according to federal property management standards set forth in the Office of Justice Programs Financial Guide, U.S. Department of Justice Common Rule for State and Local Governments or the federal OMB Circular A-110 or A-102, as applicable. This obligation continues as long as the subgrant recipient retains the property, notwithstanding expiration of this agreement.

13. Ownership of Data and Creative Material

Ownership of material, discoveries, inventions, and results developed, produced, or discovered subordinate to this agreement is governed by the terms of the Office of Justice Programs Financial Guide (as amended), and the U.S. Department of Justice Common Rule for State and Local Governments, or the federal OMB Circular A-110 or A-102, as applicable.

14. Copyright

The awarding agency reserves a royalty-free non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes:

- a. The copyright in any work developed under an award or subaward, and

- b. Any rights of copyright to which a subgrant recipient or subrecipient purchases ownership with support funded under this grant agreement.

15. Publication or Printing of Reports

The subgrant recipient shall submit for review and approval one copy of any curricula, training materials, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) days prior to the targeted dissemination date.

All materials publicizing or resulting from award activities shall contain the following statements: "This project was supported by Award No. [contact the Office of Criminal Justice Grants for award number] awarded by the Bureau of Justice Assistance, Office of Justice Programs. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice."

16. Audit

- a. Subgrant recipients that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. The audit shall be performed in accordance with the federal OMB Circular A-133 and other applicable federal law. The contract for this agreement shall be identified in the Schedule of Federal Financial Assistance in the subject audit. The contract shall be identified as federal funds passed through the Florida Department of Law Enforcement and include the contract number, CFDA number, award amount, contract period, funds received and disbursed. When applicable, the subgrant recipient shall submit an annual financial audit that meets the requirements of § 11.45, Fla. Stat., "Definitions; duties; authorities; reports; rules."; § 215.97, Fla. Stat., "Florida Single Audit Act"; and Rules of the Auditor General, Chapter 10.550, "Local Governmental Entity Audits" and Chapter 10.650, "Florida Single Audit Act Audits Nonprofit and For-Profit Organizations."
- b. A complete audit report that covers any portion of the effective dates of this agreement must be submitted within 30 days after its completion, but no later than nine (9) months after the audit period. In order to be complete, the submitted report shall include any management letters issued separately and management's written response to all findings, both audit report and management letter findings. Incomplete audit reports will not be accepted by the Department.
- c. The subgrant recipient shall have all audits completed by an Independent Public Accountant (IPA). The IPA shall be either a Certified Public Accountant or a Licensed Public Accountant.
- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$500,000 in Federal awards during a fiscal year are exempt from the audit requirements of OMB Circular A-133 for that fiscal year. In this case, written notification, which can be in the form of the "Certification of Audit Exemption" form, shall be provided to the Department by the Chief Financial Officer, or designee, that the subgrant recipient is exempt. This notice shall be provided to the Department no later than March 1 following the end of the fiscal year.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program
Florida Department of Law Enforcement

- g. If this agreement is closed out without an audit, the Department reserves the right to recover any disallowed costs identified in an audit completed after such closeout.
- h. The completed audit report or written notification of audit exemption should be sent to the following address:

Florida Department of Law Enforcement
Office of Criminal Justice Grants
2331 Phillips Road
Tallahassee, Florida 32308

17. Performance of Agreement Provisions

In the event of default, non-compliance or violation of any provision of this agreement by the subgrant recipient, the subgrant recipient's consultants and suppliers, or both, the Department shall impose sanctions it deems appropriate including withholding payments and cancellation, termination, or suspension of the agreement in whole or in part. In such event, the Department shall notify the subgrant recipient of its decision thirty (30) days in advance of the effective date of such sanction. The subgrant recipient shall be paid only for those services satisfactorily performed prior to the effective date of such sanction.

18. Commencement of Project

- a. If a project is not operational within 60 days of the original start date of the award period, the subrecipient must report by letter to the Department the steps taken to initiate the project, the reasons for delay, and the expected start date.
- b. If a project is not operational within 90 days of the original start date of the award period, the subrecipient must submit a second statement to the Department explaining the implementation delay.
- c. Upon receipt of the ninety (90) day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, unilaterally terminate this agreement and re-obligate subgrant funds to other Department approved projects. The Department, where warranted by extenuating circumstances, may extend the starting date of the project past the ninety (90) day period, but only by formal written adjustment to this agreement.

19. Excusable Delays

- a. Except with respect to defaults of consultants, the subgrant recipient shall not be in default by reason of any failure in performance of this agreement according to its terms (including any failure by the subgrant recipient to make progress in the execution of work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the subgrant recipient. Such causes include, but are not limited to, acts of God or of the public enemy, acts of the government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case, the failure to perform shall be beyond the control and without the fault or negligence of the subgrant recipient.
- b. If failure to perform is caused by failure of a consultant to perform or make progress, and if such failure arises out of causes beyond the control of subgrant recipient and consultant, and without fault or negligence of either of them, the subgrant recipient shall not be deemed in default, unless:
 - (1) Supplies or services to be furnished by the consultant were obtainable from other sources,

- (2) The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources, and
- (3) The subgrant recipient failed to reasonably comply with such order.
- c. Upon request of the subgrant recipient, the Department shall ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule shall be revised accordingly.

20. Written Approval of Changes in this Approved Agreement

- a. Subgrant recipients must obtain prior approval from the Department for major substantive changes such as changes in project activities, target populations, service providers, implementation schedules, project director, and designs or research plans set forth in the approved agreement and for any budget changes that will transfer more than 10% of the total budget between budget categories.
- b. Subgrant recipients may transfer up to 10% of the total budget between current, approved budget categories without prior approval as long as the funds are transferred to an existing line item
- c. Under no circumstances can transfers of funds increase the total budgeted award.

21. Disputes and Appeals

- a. The Department shall make its decision in writing when responding to any disputes, disagreements, or questions of fact arising under this agreement and shall distribute its response to all concerned parties. The subgrant recipient shall proceed diligently with the performance of this agreement according to the Department's decision.
- b. If the subgrant recipient appeals the Department's decision, the appeal also shall be made in writing within twenty-one (21) calendar days to the Department's clerk (agency clerk). The subgrant recipient's right to appeal the Department's decision is contained in § 120, Fla. Stat., and in procedures set forth in Rule 28-106.104, Florida Administrative Code. Failure to appeal within this time frame constitutes a waiver of proceedings under § 120, Fla. Stat.

22. Conferences and Inspection of Work

Conferences may be held at the request of any party to this agreement. At any time, a representative of the Department, of the U.S. Department of Justice, or the Auditor General of the State of Florida, have the right of visiting the project site to monitor, inspect and assess work performed under this agreement.

23. Access To Records

- a. The Department of Law Enforcement, the Auditor General of the State of Florida, the U.S. Department of Justice, the U.S. Comptroller General or any of their duly authorized representatives, shall have access to books, documents, papers and records of the subgrant recipient, implementing agency and contractors for the purpose of audit and examination according to the Financial Guide and the Common Rule.
- b. The Department reserves the right to unilaterally terminate this agreement if the subgrant recipient, implementing agency, or contractor refuses to allow public access to all documents, papers, letters, or other materials subject to provisions of § 119, Fla. Stat. , and

made or received by the subgrant recipient or its contractor in conjunction with this agreement.

- c. The subgrant recipient will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.

24. Retention of Records

The subgrant recipient shall maintain all records and documents for a minimum of three (3) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons.

25. Signature Authority

The Subgrant Recipient Authorizing Official or Designated Representative and the Implementing Agency Official, Administrator or Designated Representative, who sign the Signature Page, have the authority to request changes to the approved agreement. The prior mentioned individuals have authority to sign or make amendments to the Sole Source, ADP Justification and the Privacy Certification forms. The Project Director has authority to submit requests for approval of specific travel, and Performance Reports, with the exception of the Financial and Closeout Package, which also requires the signature by the Chief Financial Officer of the Subgrant Recipient or authorized designee.

26. Delegation of Signature Authority

When the authorized official of a subgrant recipient or the implementing agency designates some other person signature authority for him/her, the chief officer or elected official must submit to the Department a letter or resolution indicating the person given signature authority. The letter indicating delegation of signature authority must be signed by the chief officer or elected official and the person receiving signature authority. The letter must also specify the authority being delegated.

27. Personnel Changes

Upon implementation of the project, in the event there is a change in Chief Executive Officers for the Subgrant recipient or Implementing Agency, Project Director, or Contact Person, the Department must be notified in writing with documentation to include appropriate signatures.

28. Background Check

Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of § 435, Fla. Stat. shall apply.

- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to § 435, Fla. Stat., using the level 2 standards set forth in that chapter.
- b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting

for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

- (1) Any person who is required to undergo such a security background investigation and who refuses to cooperate in such investigation or refuses to submit fingerprints shall be disqualified for employment in such position or, if employed, shall be dismissed.
- (2) Such background investigations shall be conducted at the expense of the employing agency or employee. When fingerprinting is required, the fingerprints of the employee or applicant for employment shall be taken by the employing agency or by an authorized law enforcement officer and submitted to the Department of Law Enforcement for processing and forwarding, when requested by the employing agency, to the United States Department of Justice for processing. The employing agency shall reimburse the Department of Law Enforcement for any costs incurred by it in the processing of the fingerprints.

29. Drug Court Projects

A Drug Court Project must comply with § 397.334, Fla. Stat., "Treatment-Based Drug Court Programs."

30. Overtime for Law Enforcement Personnel

Prior to obligating funds from this award to support overtime by law enforcement officers, the U.S. Department of Justice encourages consultation with all allied components of the criminal justice system in the affected jurisdiction. The purpose of this consultation is to anticipate and plan for systemic impacts such as increased court dockets and the need for detention space.

31. Criminal Intelligence System

The subgrant recipient agrees that any information technology system funded or supported by the Office of Justice Programs funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if the Office of Justice Programs determines this regulation to be applicable. Should the Office of Justice Programs determine 28 C.F.R. Part 23 to be applicable, the Office of Justice Programs may, at its discretion, perform audits of the system, as per 28 C.F.R. 23.20(g). Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.

32. Confidential Funds

A signed certification that the project director or the head of the Implementing Agency has read, understands, and agrees to abide by all of the conditions for confidential funds as set forth in the effective edition of the Office of Justice Programs Financial Guide is required from all projects that are involved with confidential funds. The signed certification must be submitted at the time of grant application.

33. Equal Employment Opportunity (EEO)

- a. Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, disability, or age in funded programs or activities. All subgrant recipients and implementing agencies must comply with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. §

5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); and Department of Justice Non-Discrimination Regulations 28 CFR Part 42; see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).

- b. A subgrant recipient or implementing agency must develop an EEO Plan if it has 50 or more employees and it has received any single award of \$25,000 or more from the Department of Justice. The plan must be prepared using the on-line short form at http://www.ojp.usdoj.gov/about/ocr/eeop_comply.htm, must be retained by the subgrant recipient or implementing agency, and must be available for review or audit. The organization must also submit an EEO Certification to FDLE.
- c. If the subgrant recipient or implementing agency is required to prepare an EEO Plan and has received any single award of \$500,000 or more from the Department of Justice, it must submit its plan to the Department of Justice for approval. A copy of the Department of Justice approval letter must be submitted to FDLE. The approval letter expires two years from the date of the letter.
- d. A subgrant recipient or implementing agency is exempt from the EEO Plan requirement if it has fewer than 50 employees or if it does not receive any single award of \$25,000 or more from the Department of Justice or if it is a nonprofit organization, a medical or educational institution, or an Indian Tribe. If an organization is exempt from the EEO Plan requirement, it must submit an EEO Certification to FDLE.
- e. The subgrant recipient and implementing agency acknowledge that failure to comply with EEO Requirements within 60 days of the project start date may result in suspension or termination of funding, until such time as it is in compliance.
- f. In the event a Federal or State court of Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

34. Americans with Disabilities Act

Subgrant recipients must comply with the requirements of the Americans with Disabilities Act (ADA), Public Law 101-336, which prohibits discrimination by public and private entities on the basis of disability and requires certain accommodations be made with regard to employment (Title I), state and local government services and transportation (Title II), public accommodations (Title III), and telecommunications (Title IV).

35. Immigration and Nationality Act

No public funds will intentionally be awarded to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e), Section 274A(e) of the Immigration and Nationality Act ("INA"). The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the subgrant recipient of the employment provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this contract by the Department.

36. National Environmental Policy Act (NEPA)

- a. The subgrant recipient agrees to assist FDLE in complying with the NEPA, the National Historic Preservation Act, and other related federal environmental impact analyses

requirements in the use of subgrant funds by the subgrant recipient. This applies to the following new activities whether or not they are being specifically funded with these subgrant funds. That is, it applies as long as the activity is being conducted by the subgrant recipient or any third party and the activity needs to be undertaken in order to use these subgrant funds,

- (1) New construction;
 - (2) Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
 - (3) A renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
 - (4) Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.
 - (5) Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.
- b. The subgrant recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by the Bureau of Justice Assistance. The subgrant recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed by the Department of Justice, for programs relating to methamphetamine laboratory operations.
- c. For any of a subgrant recipient's existing programs or activities that will be funded by these subgrants, the subgrant recipient, upon specific request from the Department and the U.S. Department of Justice, agrees to cooperate with the Department of Justice in any preparation by Department of Justice of a national or program environmental assessment of that funded program or activity.

37. Non-Procurement, Debarment and Suspension

The subgrant recipient agrees to comply with Executive Order 12549, Debarment and Suspension and 2 CFR 180, "OMB Guidelines To Agencies On Governmentwide Debarment And Suspension (Nonprocurement)" These procedures require the subgrant recipient to certify it shall not enter into any lower tiered covered transaction with a person who is debarred, suspended, declared ineligible or is voluntarily excluded from participating in this covered transaction, unless authorized by the Department. If the subgrant is \$100,000 or more, the subgrant recipient and implementing agency certify that they and their principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- d. Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

38. Federal Restrictions on Lobbying

- a. Each subgrant recipient agrees to comply with 28 CFR Part 69, "New Restrictions on Lobbying" and shall file the most current edition of the Certification And Disclosure Form, if applicable, with each submission that initiates consideration of such subgrant recipient for award of federal contract, grant, or cooperative agreement of \$100,000 or more.
- b. This certification is a material representation of fact upon which reliance was placed when this agreement was made. Submission of this certification is a prerequisite to entering into this agreement subject to conditions and penalties imposed by 31 USC 1352. Any person who fails to file the required certification is subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure to file.
- c. As required by 31 USC 1352, and implemented at 28 CFR 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR 69, the applicant certifies that:
 - (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
 - (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
 - (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

39. State Restrictions on Lobbying

In addition to the provisions contained in Item 39, above, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

40. Additional Restrictions on Lobbying

Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of the Office of Justice Programs.

41. "Pay – to – Stay"

Funds from this award may not be used to operate a "pay-to-stay" program in any local jail. Furthermore, no funds may be given to local jails that operate "pay-to-stay" programs. "Local jail," as referenced in this condition, means an adult facility or detention center owned and/or operated by city, county, or municipality. It does not include juvenile detention centers. "Pay-to-stay" programs as referenced in this condition, means a program by which extraordinary services, amenities and/or accommodations, not otherwise available to the general inmate population, may be provided, based upon an offender's apparent ability to pay, such that disparate conditions of confinement are created for the same or similar offenders within a jurisdiction.

42. Mitigation of Health, Safety and Environmental risks dealing with Clandestine Methamphetamine Laboratories

If an award is made to support methamphetamine laboratory operations the subgrant recipient must comply with this condition, which provides for individual site environmental assessment/impact statements as required under the National Environmental Policy Act.

- a. General Requirement: The subgrant recipient agrees to comply with Federal, State, and local environmental, health and safety laws and regulations applicable to the investigation and closure of clandestine methamphetamine laboratories and the removal and disposal of the chemicals, equipment, and wastes used in or resulting from the operation of these laboratories.
- b. Specific Requirements: The subgrant recipient understands and agrees that any program or initiative involving the identification, seizure, or closure of clandestine methamphetamine laboratories can result in adverse health, safety and environmental impacts to (1) the law enforcement and other governmental personnel involved; (2) any residents, occupants, users, and neighbors of the site of a seized clandestine laboratory; (3) the seized laboratory site's immediate and surrounding environment of the site(s) where any remaining chemicals, equipment, and waste from a seized laboratory's operations are placed or come to rest.

Therefore, the subgrant recipient further agrees that in order to avoid or mitigate the possible adverse health, safety and environmental impacts from any of clandestine methamphetamine operations funded under this award, it will (1) include the nine, below listed protective measures or components; (2) provide for their adequate funding to include funding, as necessary, beyond that provided by this award; and (3) implement these protective measures directly throughout the life of the subgrant. In so doing, the subgrant recipient understands that it may implement these protective measures directly through the use of its own resources and staff or may secure the qualified services of other agencies, contractor or other qualified third party.

- (1) Provide medical screening of personnel assigned or to be assigned by the subgrant recipient to the seizure or closure of clandestine methamphetamine laboratories;
- (2) Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and other personnel assigned by the subgrant recipient to either the seizure or closure of clandestine methamphetamine laboratories;
- (3) As determined by their specific duties, equip personnel assigned to the project with OSHA required protective wear and other required safety equipment;
- (4) Assign properly trained personnel to prepare a comprehensive contamination report on each closed laboratory;
- (5) Employ qualified disposal contractors to remove all chemicals and associated

glassware, equipment, and contaminated materials and wastes from the site(s) of each seized clandestine laboratory;

- (6) Dispose of the chemicals, equipment, and contaminated materials and wastes removed from the sites of seized laboratories at properly licensed disposal facilities or, when allowable, properly licensed recycling facilities;
- (7) Monitor the transport, disposal, and recycling components of subparagraphs 5 and 6 immediately above in order to ensure proper compliance;
- (8) Have in place and implement an inter-agency agreement or other form of commitment with a responsible State environmental agency that provides for that agency's (i) timely evaluation of the environmental conditions at and around the site of a closed clandestine laboratory and (ii) coordination with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if necessary, and in accordance with existing State and Federal requirements; and
- (9) Have in place and implement a written agreement with the responsible state or local service agencies to properly respond to any minor, as defined by state law, at the site. This agreement must ensure immediate response by qualified personnel who can (i) respond to the potential health needs of any minor at the site; (ii) take that minor into protective custody unless the minor is criminally involved in the meth lab activities or is subject to arrest for other criminal violations; (iii) ensure immediate medical testing for methamphetamine toxicity; and (iv) arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.

43. Limited English Proficiency (LEP)

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with LEP. For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

44. The Coastal Barrier Resources Act

The subgrant recipient will comply and assure the compliance of all contractors with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

45. Enhancement of Security

If funds are used for enhancing security, the subgrant recipient agrees to:

- a. Have an adequate process to assess the impact of any enhancement of a school security measure that is undertaken on the incidence of crime in the geographic area where the enhancement is undertaken.
- b. Conduct such an assessment with respect to each such enhancement; and, submit to the Department the aforementioned assessment in its Final Program Report.

46. Environmental Protection Agency's (EPA) list of Violating Facilities

The subgrant recipient assures that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the Program Purpose are not listed on the EPA's list of

Violating Facilities and that it will notify the Department of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

47. Flood Disaster Protection Act

The subgrant recipient will comply with Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, requiring that the purchase of flood insurance in communities where such insurance is available as a condition of the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified as an area having special flood hazards.

48. National Historic Preservation Act

It will assist the Department (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).

49. Omnibus Crime Control and Safe Streets Act

The subgrant recipient will comply and assure the compliance of all contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act; as appropriate; the provisions of the current edition of the Office of Justice Program Financial and Administrative Guide for Grants; and all other applicable State and Federal laws, orders, circulars, or regulations.

50. Human Research Subjects

Grantee agrees to comply with the requirements of 28 C.F.R. part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

51. National Information Exchange Model specifications

To support public safety and justice information sharing, the Office of Justice Programs requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this condition, visit <http://www.niem.gov/implementationguide.php>.

52. Reporting, Data Collection and Evaluation

The subgrant recipient agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by the Bureau of Justice Assistance in the program guidance for the Justice Assistance Grant (JAG). Compliance with these requirements will be monitored by the Bureau of Justice Assistance.

53. Privacy Certification

The subgrant recipient agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.

54. State Information Technology Point of Contact

The subgrant recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditures period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.

55. Interstate Connectivity

To avoid duplicating existing networks or IT systems in any initiatives funded by the Bureau of Justice Assistance for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the subgrant recipient can demonstrate to the satisfaction of the Bureau of Justice Assistance that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

56. Supplanting

The subgrant recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

57. Conflict of Interest

The subgrant recipient and implementing agency will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

58. Uniform Relocation Assistance and Real Property Acquisitions Act

The subgrant recipient will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs.

59. Limitations on Government Employees Financed by Federal Assistance

The subgrant recipient will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

60. Equal Treatment for Faith Based Organizations

The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the

"Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.

61. Certification for Employees Working Solely on a Single Federal Award

Any project staff that are fully funded by the grant must certify that they worked solely on the grant. The certification must be prepared at least semi annually and must be signed by the employee and by a supervisory official having first hand knowledge of the work performed by the employee.

CERTIFICATION FORM

Recipient Name and Address: TOWN OF PALM BEACH 360 SOUTH COUNTY ROAD, PALM BEACH, FLORIDA 33480

Grant Title: NIGHT VISION OPTICS Grant Number: _____ Award Amount: \$1,426.00

Contact Person Name and Title: Lisa S. Gorman, Admin. Planner Phone Number: (561) 227-6355

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP), its component agencies, and the Office of Community Oriented Policing Services (COPS) to prepare, maintain on file, submit to OJP for review, and implement an Equal Employment Opportunity Plan (EEOP) in accordance with 28 C.F.R §§ 42.301-.308. The regulations exempt some recipients from all of the EEOP requirements. Other recipients, according to the regulations, must prepare, maintain on file and implement an EEOP, but they do not need to submit the EEOP to OJP for review. Recipients that claim a complete exemption from the EEOP requirement must complete Section A below. Recipients that claim the limited exemption from the submission requirement, must complete Section B below. A recipient should complete *either* Section A or Section B, not both. If a recipient receives multiple OJP or COPS grants, please complete a form for each grant, ensuring that any EEOP recipient certifies as completed and on file (if applicable) has been prepared within two years of the latest grant. Please send the completed form(s) to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, N.W., Washington, D.C. 20531. For assistance in completing this form, please call (202)307-0690 or TTY (202) 307-2027.

Section A- Declaration Claiming Complete Exemption from the EEOP Requirement. *Please check all the boxes that apply.*

- | | |
|--|--|
| ☐ Recipient has less than 50 employees, | ☐ Recipient is an Indian tribe, |
| ☐ Recipient is a non-profit organization, | ☐ Recipient is an educational institution, or |
| ☐ Recipient is a medical institution, | ☒ Recipient is receiving an award less than \$25,000 |

I, Peter B. Elwell [responsible official], certify that
Town of Palm Beach [recipient] is not required to
prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R §42.302. I further certify that
Town of Palm Beach [recipient] will comply with applicable Federal civil rights
laws that prohibit discrimination in employment and in the delivery of services.

Peter B. Elwell, Town Manager

Print or type Name and Title

Signature

Date

Section B- Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review.

If a recipient agency has 50 or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to OJP for review as long as it certifies the following (42 C.F.R. § 42.305):

I, _____ [responsible official], certify that
the _____ [recipient], which has 50 or more
employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an
EEOP in accordance with 28 CFR §42.301, *et seq.*, subpart E. I further certify that the EEOP has been formulated and
signed into effect within the past two years by the proper authority and that it is available for review. The EEOP is on file in
the office of: _____ [organization],
at _____ [address], for review by the public and
employees or for review or audit by officials of the relevant state planning agency or the Office for Civil Rights, Office of
Justice Programs, U. S. Department of Justice, as required by relevant laws and regulations.

Print or type Name and Title

Signature

Date

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - Direct

Section 6: Signatures

In witness whereof, the parties affirm they each have read and agree to the conditions set forth in this agreement, have read and understand the agreement in its entirety and have executed this agreement by their duly authorized officers on the date, month and year set out below.

Corrections on this page, including Strikeovers,
whiteout, etc. are not acceptable.

State of Florida
Department of Law Enforcement
Office of Criminal Justice Grants

Signature: _____

Typed Name and Title: _____

Date: _____

Subgrant Recipient
Authorizing Official of Governmental Unit
(Commission Chairman, Mayor, or Designated Representative)

Typed Name of Subgrant Recipient: TOWN OF PALM BEACH

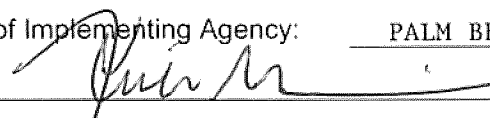
Signature: _____

Typed Name and Title: JACK MC DONALD, MAYOR

Date: _____

Implementing Agency
Official, Administrator or Designated Representative

Typed Name of Implementing Agency: PALM BEACH POLICE DEPARTMENT

Signature: 

Typed Name and Title: KIRK W. BLOUIN, CHIEF OF POLICE

Date: 10/28/10

CERTIFICATION REGARDING LOBBYING; DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

**Florida Department of Law Enforcement
Edward Byrne Memorial Justice Assistance Grant Program**

**Form Provided by the U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS,
OFFICE OF THE COMPTROLLER**

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)". The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement;

(b) If any funds other than federal appropriated funds have been paid or will be paid to any person influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or an employee of Congress, or an employee of a member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities", in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

**2. DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS
(DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510 -

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

**3. DRUG-FREE WORKPLACE
(GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620-

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about-

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

CERTIFICATION REGARDING LOBBYING; DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

**Florida Department of Law Enforcement
Edward Byrne Memorial Justice Assistance Grant Program**

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after the conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted-

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check here ☐ If there are workplaces on file that are not identified here.

Section 67.630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check here ☐ If the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address: TOWN OF PALM BEACH 360 SOUTH COUNTY ROAD, PALM BEACH, FL 33480

2. Project Name: NIGHT VISION OPTICS

3. Typed Name and Title of Authorized Representative: PETER B. ELWELL, TOWN MANAGER

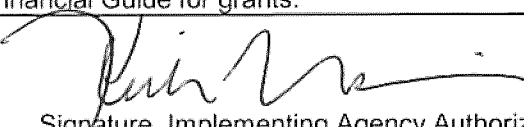
4. Signature: _____ 5. Date: _____

CONFIDENTIAL FUNDS CERTIFICATION

Florida Department of Law Enforcement
Edward Byrne Memorial Justice Assistance Grant Program

Certification Regarding Confidential Funds

A signed certification that the project director has read, understands, and agrees to abide by the provisions in Chapter 8 of the Office of Justice Programs' (OJP) Financial Guide is required from all projects that involve confidential funds from either Federal or matching funds. The signed certification must be submitted at the time of the grant application.

(To Be Completed by OCJG)	Project Title:
Project Number:	NIGHT VISION OPTICS
Name of Subgrantee: TOWN OF PALM BEACH	
Name of Implementing Agency: PALM BEACH POLICE DEPARTMENT Address: 345 SOUTH COUNTY ROAD PALM BEACH, FLORIDA 33480	
Name of Implementing Agency Authorized Official: KIRK W. BLOUIN, CHIEF OF POLICE	Telephone Number: (561) 838-5460
This is to certify that I have read, understand, and agree to abide by all of the conditions for confidential funds as set forth in the effective edition of OJP's Financial Guide for grants.	
10/28/10 Date	 Signature, Implementing Agency Authorized Official
DEFINITIONS FOR TYPES OF SPECIAL LAW ENFORCEMENT OPERATIONS	
1. <u>Purchase of Services (P/S)</u>. This category includes travel or transportation of a non-federal officer or an informant; the lease of an apartment, business front, automobiles, aircraft or boat, or similar effects to create or establish the appearance of affluence; and/or meals, beverages, entertainment and similar expenses (including buy money and flash rolls, etc.) for undercover purposes, within reasonable limits. 2. <u>Purchase of Evidence (P/E)</u>. This category is for the purchase of evidence and/or contraband such as narcotics and dangerous drugs, firearms, stolen property, counterfeit tax stamps, etc., required to determine the existence of a crime or to establish the identity of a participant in a crime. 3. <u>Purchase of Specific Information (P/I)</u>. This category includes the payment of monies to an informant for specific information. Other informant expenses classified under P/S may be charged accordingly.	

Submit Query

100% SATISFACTION GUARANTEED

DISCUSSION FORUM TACTICAL BLOG

Optics
Sights
Tactical Gear
Hunting Gear
Duty Gear
Eyewear
Electronics
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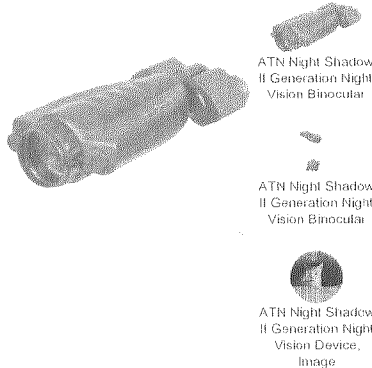
ATN NVB5X Gen. 2nd+ Night Vision Binoculars
\$1999⁹⁹



ATN Night Vision Goggles NVG7 (Gen.2) NVGONVG72I NVGONVG72J NVGONVG7C1
\$1799⁹⁹

Store Home » ATN » Night Vision » ATN Night Vision » Night Vision Binoculars » ATN Night Vision Binoculars » ATN Night Shadow II Generation Night Vision Binocular

ATN Night Shadow II Generation Night Vision Binocular w/ FREE S&H



\$2,149⁹⁹ w/ FREE SHIPPING
List Price \$3,195.00
You Save \$1,045.01 (33%)

Product Code **AT-NV-NIGHTSHADOW-2IN-NVBNSDWCI**
UPC **658175128021**
SKU **NVBNSDWCI**

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NOTIFICATION



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ATN Night Shadow II Generation Night Vision System

Models

ATN Night Shadow 2I 2+ Generation Select Tube, 40-45 lp/mm Resolution	Subtract \$300.00
ATN Night Shadow 2IA 2+ Generation Select Tube, 40-48 lp/mm Resolution	Subtract \$150.00
ATN Night Shadow CGTI 2+ Generation Select Tube, 45-54 lp/mm Resolution	Included in Price

Government Export Restriction



This item may be regulated for export by the U.S. Department of State or the U.S. Department of Commerce. Please see our [Export Policy](#) prior to placing your order.

Special Online Bundle Sale (Limit one per order)

Bundle Price

No, Thanks	
SAVE 10% on the 5.11 Range Ready Bag 59049 (info)	\$2,239.98
SAVE on ATN Video/35mm Camera Adapter for ATN Night Star, Shadow, Night Scout, Leopard ACMUCA01 (info)	\$2,195.59
SAVE on ATN Doubler for ATN Night Shadow 1, 2 CGT, HPT, 3, 3A, 3P, and 4 ACMUDBLR03 (info)	\$2,211.69
More	

Submit Query

DESCRIPTION	MODELS & PART NUMBERS	RELATED PRODUCTS
ATN Night Shadow II Generation Night Vision Binocular Product Information ATN Night Shadow II Generation Night Vision Binocular comes standard with ATN 's cutting edge "Smart" technology. This technology consist of a computerized proximity sensor, digital controls and a long-range infra-red illuminator. The proximity sensor will automatically turn the unit on and off when it is brought to the viewing position. This helps save your battery life and the life of the unit itself. The digital controls allow you to activate all of the features of the ATN Night Shadow with an easy push of a button. ATN also built a powerful infra-red illuminator into the scope. This allows you to see even in total darkness with outstanding clarity. It is dark. You can barely see your hand in front of your face. You bring your Night Shadow Night Vision Device up to your eyes and turn it on. Suddenly, in green-hued clarity, the entire scene is like day. This ATN night vision device is perfect for Camping, Boating, Nature study, or Law Enforcement, there is simply no better Bi-ocular night vision device on the market. Two year warranty is provided by ATN. Available models of ATN Night Shadow 2 Generation: NVBNSDW2I: ATN Night Shadow 2I 2+ Generation Select Tube, 40-45 lp/mm Resolution NVBNSDW2J: ATN Night Shadow 2IA 2+ Generation Select Tube, 40-48 lp/mm Resolution NVBNSDWCI: ATN Night Shadow CGTI 2+ Generation Select Tube, 45-54 lp/mm Resolution Specifications for ATN Night Shadow Night Vision Device:		



Magnification: · 3X/5X
Detection range: · 150/250m
Recognition range: · 100/175m
FOV: · 20 deg
Light gain: · 65,000 max
Min. light req.: · 5x0,0001 lux
Lens system: · 6/9 el., 90mm,F1.2
Diopter adjustment: · +/- 5
Reticle: · N/A
Range of focus: · 8' to infinity
Power supply: · 2x3 volt lithium
Battery life: · 20-30 hours
Dimensions: · 255x122x78 mm
Weight: · 1.2 kg

Features of ATN Night Shadow Night Vision Device:

- "Smart" tech. Standard
- Total darkness tech. Standard
- Outfitted with ATN exclusive Smart Features
- Automatic on/off proximity sensor
- 3x multi-coated all glass optics
- Long Range infrared illuminator
- Water and fog resistant
- Limited two-year warranty

Package Contents:

- ATN Night Shadow Night Vision Device

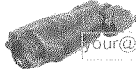
All ATN Night series come with 2 year US Warranty.

Export to some countries! This item is regulated by the Export Administration Regulations (EAR). We may be able to export this item to a number of destinations outside the United States, subject to certain restrictions. After you place an order for this item, our Compliance Department and Risk Management Team will review your order, and be in touch with you regarding necessary information.

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Contact Information

Toll-Free: 800 504 5994
Tel: 847 513 0304
Fax: 847 518 4003
sales@tactical-store.com
Hours of Operation
9AM-6PM CST Mon-Fri
9AM-5PM CST Sat-Sun

ATN Night Shadow I Generation
Night Vision Binoculars
NVBNISDW10 (12131)



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TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Resolutions

Agenda Title

Resolution No. 121-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$25,389.60 to C3TS Consultants, for the "E" Station Study Establishing a Total Study Phase Budget of \$28,000 for Said Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated October 27, 2010, from H. Paul Brazil, Director of Public Works.
- Resolution No. 121-10

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award of Contract for “E” Station Study
Accelerated Capital Improvement Program
Resolution No. 121-10

Date: October 27, 2010

STAFF RECOMMENDATION

Town Staff recommends that Town Council approve Resolution No. 121-10 authorizing the award of the “E” Station Study contract in the amount of \$25,389.60 to C3TS, and establishing a study phase budget of \$28,000.

GENERAL INFORMATION

Contained within the Accelerated Capital Improvement Program budget is an upgrade to the Town’s sanitary sewage “E” stations. The initial phase is to provide a study which will summarize the results of a condition analysis and a recommendation for upgrading each station. A cost analysis will be provided to assist the Town on determining the most cost effective upgrade for each individual station.

The Town’s original plan was to convert all “E” stations to electric submersible stations. Upon further consideration, there are concerns that converting a station to electric may be difficult and expensive. Supplying emergency power to new electric submersible stations is becoming cost prohibitive. The pneumatic system only requires emergency power at the source of the air that drives the system.

This study phase will provide an independent cost analysis to determine whether maintaining a portion of the “E” stations on compressed air is in the best financial interests of the Town.

FUNDING/FISCAL IMPACT

The study phase with cost analysis is not to exceed \$25,389.60 plus a contingency allowance for a study phase budget of \$28,000. Funding for this study will come from the Accelerated Capital Improvement Program Budget.

PURCHASING REVIEW

The Purchasing Department has reviewed the information provided and has approved the content and supporting documentation.

TOWN ATTORNEY REVIEW

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

cc. Eric Brown, P.E., Assistant Director of Public Works
James M. Bowser, P.E., Town Engineer
Douglas Terry, Water Resources Manager

RESOLUTION NO. 121-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT FOR \$25,389.60 TO C3TS CONSULTANTS, FOR THE “E” STATION STUDY ESTABLISHING A TOTAL STUDY PHASE BUDGET OF \$28,000 FOR SAID SERVICES, AND AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE SAID SERVICES.

* * * * *

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

Section 1. The “E” Station Study phase services is hereby awarded to C3TS Consultants, for their proposal amount of \$25,389.60, with a total study phase budget of \$28,000.

Section 2. The Town Manager is hereby authorized and directed to execute a purchase order on behalf of the Town of Palm Beach for study phase services with C3TS Consultants.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the study phase services for the “E” Station Study.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 9th day of November 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Resolutions

Agenda Title

Resolution No. 122-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Batallan Enterprises, Inc., DBA Propertyworks in the Amount of \$26,360 for Mowing of Town Medians and Parks for the Town of Palm Beach, Sealed Bid Number 2011-02.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated October 26, 2010, from H. Paul Brazil, Director of Public Works.
- Resolution No. 122-10
- Bid Tabulation Sheet

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Authorization to Award Contract for Mowing Services
Resolution No. 122-10

Date: October 26, 2010

STAFF RECOMMENDATION

Town Staff recommends that Town Council approve Resolution No. 122-10, awarding sealed bid 2011-02 to Batallan Enterprises DBA Propertyworks, for the mowing of the Town's medians and parks. The base price amount is \$26,360.

GENERAL INFORMATION

Town staff recently advertised and received bids for the Annual Mowing Services. This was done because the current vendor did not renew for FY2011.

On October 13, 2010, Purchasing received 10 bids for mowing services. A copy of the bid tabulation sheet is attached for reference. Vendor references indicated that Propertyworks provided excellent service. This contract will allow for four (1) year renewals.

FUNDING/FISCAL IMPACT

Budgeted funds for mowing are included in the FY 2011 budget. This new FY2011 mowing contract with will result in a savings of \$10,920 for the year.

PURCHASING REVIEW

The Purchasing Department has reviewed the information provided and has approved the content and supporting documentation.

TOWN ATTORNEY REVIEW

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

cc. Eric Brown, Assistant Director of Public Works
Ed Armstrong, Parks/Streets Supervisor
Lynda Venne, Purchasing Agent

RESOLUTION NO. 122-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AWARDING A CONTRACT TO BATALLAN ENTERPRISES,
INC., DBA PROPERTYWORKS IN THE AMOUNT OF \$26,360
FOR MOWING OF TOWN MEDIANS AND PARKS FOR THE
TOWN OF PALM BEACH, SEALED BID NUMBER 2011-02.

* * * * *

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

Section 1. The Town of Palm Beach Sealed Bid No. 2011-02 for the Mowing of Town medians
and parks contract is hereby awarded to Batallan Enterprises, Inc., dba Propertyworks, for the base bid
amount of \$26,360.

Section 2. The Town Manager is hereby authorized and directed to execute a contract on behalf
of the Town of Palm Beach for the Mowing of Town medians and parks.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such
further actions as may be necessary to effectuate the completion of the Mowing of Town medians and
parks contract.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of
Palm Beach on this 9th day of November 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

BID TABULATION

ANNUAL CONTRACT FOR MOWING - BID NO. 2011-02

Vendor:

Address:

Telephone:

Fax:

Contact:

Vendor:														LV Superior Landscaping, Inc.			
Address:														3811 S. 56 Terrace			
Telephone:														Greencres, FL 33463			
Fax:														561-439-8577			
Contact:														561-439-3701			
Contact:														Jennifer Gutierrez			
Item	Description	Qty	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total				
1	Post Causeway	44	EA	\$ 176.00	\$ 7,744.00	\$ 70.00	\$ 3,080.00	\$ 250.00	\$ 11,000.00	\$ 132.00	\$ 5,808.00	\$ 107.50	\$ 4,730.00				
2	Public Beach (Mid-Town)	44	EA	\$ 121.00	\$ 5,324.00	\$ 11.00	\$ 484.00	\$ 50.00	\$ 2,200.00	\$ 110.00	\$ 4,840.00	\$ 17.10	\$ 752.40				
3	Royal Palm Way Medians	52	EA	\$ 178.00	\$ 9,256.00	\$ 58.00	\$ 3,016.00	\$ 200.00	\$ 10,400.00	\$ 120.00	\$ 6,240.00	\$ 74.42	\$ 3,869.84				
4	Lakeside Park	44	EA	\$ 167.00	\$ 7,348.00	\$ 59.00	\$ 2,596.00	\$ 200.00	\$ 8,800.00	\$ 104.00	\$ 4,576.00	\$ 85.02	\$ 3,740.88				
5	Phipps Plaza	44	EA	\$ 48.00	\$ 2,112.00	\$ 14.00	\$ 616.00	\$ 60.00	\$ 2,640.00	\$ 30.00	\$ 1,320.00	\$ 19.55	\$ 860.20				
6	Royal Poinciana Way Medians, N & S	52	EA	\$ 74.00	\$ 3,848.00	\$ 56.00	\$ 2,912.00	\$ 200.00	\$ 10,400.00	\$ 102.00	\$ 5,304.00	\$ 70.29	\$ 3,655.08				
7	Bradley Park & S-2 Pump Station	44	EA	\$ 195.00	\$ 8,580.00	\$ 160.00	\$ 7,040.00	\$ 550.00	\$ 24,200.00	\$ 285.00	\$ 12,540.00	\$ 234.55	\$ 10,320.20				
8	North County Rd. & Miraflores Dr. (Wrightman Estate)	44	EA	\$ 69.00	\$ 3,036.00	\$ 52.00	\$ 2,288.00	\$ 170.00	\$ 7,480.00	\$ 90.00	\$ 3,960.00	\$ 73.30	\$ 3,225.20				
9	Nursery	44	EA	\$ 98.00	\$ 4,312.00	\$ 53.00	\$ 2,332.00	\$ 200.00	\$ 8,800.00	\$ 90.00	\$ 3,960.00	\$ 78.18	\$ 3,439.92				
10	Park Avenue	44	EA	\$ 39.00	\$ 1,716.00	\$ 5.00	\$ 220.00	\$ 10.00	\$ 440.00	\$ 20.00	\$ 880.00	\$ 2.93	\$ 128.92				
11	Phipps Park	44	EA	\$ 212.00	\$ 9,328.00	\$ 102.00	\$ 4,488.00	\$ 300.00	\$ 13,200.00	\$ 180.00	\$ 7,920.00	\$ 14.66	\$ 645.04				
12	Phipps Park (West side of A1A)	44	EA	\$ 139.00	\$ 6,116.00	\$ 59.00	\$ 2,596.00	\$ 200.00	\$ 8,800.00	\$ 102.00	\$ 4,488.00	\$ 83.07	\$ 3,655.08				
13	Ibis Island	44	EA	\$ 62.00	\$ 2,728.00	\$ 19.00	\$ 836.00	\$ 70.00	\$ 3,080.00	\$ 35.00	\$ 1,540.00	\$ 26.39	\$ 1,161.16				
14	S-1 Pump Station (North of Lakeside)	44	EA	\$ 48.00	\$ 2,112.00	\$ 5.00	\$ 220.00	\$ 20.00	\$ 880.00	\$ 20.00	\$ 880.00	\$ 6.84	\$ 300.96				
	Vacant lot on 6th Street-(South West side of street 300-400 block) in West Palm																
17	Beach	12	EA	\$ 148.00	\$ 1,776.00	\$ 55.00	\$ 660.00	\$ 220.00	\$ 2,640.00	\$ 135.00	\$ 1,620.00	\$ 39.42	\$ 473.04				
TOTAL				75,336.00		\$ 33,384.00		\$ 114,960.00		\$ 65,876.00		\$ 40,957.92					
Prevails. Bid Proposal Page was not signed.																	

Bid opening on October 13, 20108 @ 2:00 PM

Opened by: *Adis Pedraza*
Witnessed by: *John Omar*

BID TABULATION - BID NO. 2011-02 - ANNUAL CONTRACT FOR MOWING SERVICES

Vendor:

Address:

Telephone:

Fax:

Contact:

Description	Qty	Unit	Maia Lawn & Landscape		Native Son Landscape Management		Palm Beach Landscape and Maintenance, Inc.		Battalan Enterprises DBA Propertyworks		Tree Huggers Landscaping and Nursery, LLC	
			Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
Post Causeway	44	EA	\$ 150.00	\$ 6,600.00	\$ 90.00	\$ 3,960.00	\$ 74.68	\$ 3,285.92	\$ 45.00	\$ 1,980.00	\$ 150.00	\$ 6,600.00
Public Beach (Mid-Town)	44	EA	\$ 103.00	\$ 4,532.00	\$ 15.00	\$ 660.00	\$ 11.88	\$ 522.72	\$ 35.00	\$ 1,540.00	\$ 100.00	\$ 4,400.00
Royal Palm Way Medians	52	EA	\$ 120.00	\$ 6,240.00	\$ 75.00	\$ 3,900.00	\$ 61.10	\$ 3,177.20	\$ 60.00	\$ 3,120.00	\$ 100.00	\$ 5,200.00
Lakeside Park	44	EA	\$ 85.00	\$ 3,740.00	\$ 75.00	\$ 3,300.00	\$ 59.06	\$ 2,598.64	\$ 45.00	\$ 1,980.00	\$ 100.00	\$ 4,400.00
Phipps Plaza	44	EA	\$ 75.00	\$ 3,300.00	\$ 15.00	\$ 660.00	\$ 13.58	\$ 597.52	\$ 30.00	\$ 1,320.00	\$ 35.00	\$ 1,540.00
Royal Poinciana Way Medians, N & S	52	EA	\$ 123.00	\$ 6,396.00	\$ 75.00	\$ 3,900.00	\$ 57.70	\$ 3,000.40	\$ 60.00	\$ 3,120.00	\$ 100.00	\$ 5,200.00
Bradley Park & S-2 Pump Station	44	EA	\$ 180.00	\$ 7,920.00	\$ 195.00	\$ 8,580.00	\$ 162.92	\$ 7,168.48	\$ 60.00	\$ 2,640.00	\$ 150.00	\$ 6,600.00
North County Rd. & Miraflores Dr. (Wrightman Estate)	44	EA	\$ 108.00	\$ 4,752.00	\$ 65.00	\$ 2,860.00	\$ 50.91	\$ 2,240.04	\$ 35.00	\$ 1,540.00	\$ 50.00	\$ 2,200.00
Nursery	44	EA	\$ 108.00	\$ 4,752.00	\$ 65.00	\$ 2,860.00	\$ 54.31	\$ 2,389.64	\$ 40.00	\$ 1,760.00	\$ 50.00	\$ 2,200.00
Park Avenue	44	EA	\$ 73.00	\$ 3,212.00	\$ 5.00	\$ 220.00	\$ 2.04	\$ 89.76	\$ 20.00	\$ 880.00	\$ 20.00	\$ 880.00
Phipps Park	44	EA	\$ 150.00	\$ 6,600.00	\$ 145.00	\$ 6,380.00	\$ 101.83	\$ 4,480.52	\$ 50.00	\$ 2,200.00	\$ 200.00	\$ 8,800.00
Phipps Park (West side of A1A)	44	EA	\$ 123.00	\$ 5,412.00	\$ 70.00	\$ 3,080.00	\$ 57.70	\$ 2,538.80	\$ 35.00	\$ 1,540.00	\$ 100.00	\$ 4,400.00
Ibis Island	44	EA	\$ 98.00	\$ 4,312.00	\$ 20.00	\$ 880.00	\$ 18.33	\$ 806.52	\$ 30.00	\$ 1,320.00	\$ 50.00	\$ 2,200.00
S-1 Pump Station (North of Lakeside)	44	EA	\$ 75.00	\$ 3,300.00	\$ 5.00	\$ 220.00	\$ 4.75	\$ 209.00	\$ 20.00	\$ 880.00	\$ 30.00	\$ 1,320.00
Vacant lot on 6th Street-(South West side of street 300-400 block) in West Palm Beach												
	12	EA	\$ 133.00	\$ 1,596.00	\$ 65.00	\$ 780.00	\$ 74.67	\$ 896.04	\$ 45.00	\$ 540.00	\$ 150.00	\$ 1,800.00
TOTAL				\$ 72,664.00		\$ 42,240.00		\$ 34,001.20		\$ 26,360.00		\$ 57,740.00
sion error. Unit Price Prevails												

3 on October 13, 20108 @ 2:00 PM

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Resolutions

Agenda Title

Resolution No. 123-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Granting an Easement Across Town Property to Florida Power & Light Company for an Electrical Transformer and Wires to Provide Service to the D-9 Stormwater Pump Station.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated October 26, 2010, from H. Paul Brazil, Director of Public Works.
- Resolution No. 123-10
- Florida Power and Light Easement Survey

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Grant of Easement to Florida Power & Light -
D-9 Stormwater Pump Station
Resolution No. 123-10

Date: October 26, 2010

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 123-10 granting a non-exclusive utility easement to Florida Power & Light (FPL), upon Town owned land Lot 113, of the Revised plat of lake front addition to Boca Ratone Company's Inlet Subdivision, 306 Mediterranean Road, D-9 stormwater pump station.

GENERAL INFORMATION

FPL requires an easement for their transformer, electrical wires and other equipment necessary to provide electrical service to the D-9 stormwater pump station. The proposed non exclusive easement is 12' by 15', and will be located in the northeast corner of the property. A sketch and legal description of the proposed easement by Heller-Weaver and Sheremeta, Inc., is attached.

The transformer will be screened by hedges between the Town's property and our neighbor to the east.

FUNDING/FISCAL IMPACT

There is no financial impact to the Town associated with this easement.

TOWN ATTORNEY REVIEW

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

Attachment

cc. Douglas Terry, Water Resources Manager
Michael Roach, Project Engineer
Jose Maldonado, FPL

RESOLUTION NUMBER 123-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING AN EASEMENT ACROSS TOWN PROPERTY TO FLORIDA POWER & LIGHT COMPANY FOR AN ELECTRICAL TRANSFORMER AND WIRES TO PROVIDE SERVICE TO THE D-9 STORMWATER PUMP STATION.

* * * * *

WHEREAS, the Town is constructing and operating the D-9 Stormwater Pump Station;
and

WHEREAS, FPL has requested that the Town of Palm Beach grant an easement to FPL to install an electrical transformer, and wires to support service to the Town's D-9 stormwater pump station; and

WHEREAS, the installation of the transformer, electrical wires and equipment are necessary to operate the D-9 stormwater pump station.

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. Town Manager is hereby authorized to execute an easement between the Town of Palm Beach and Florida Power and Light Company.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 9th day of November 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

FLORIDA POWER AND LIGHT EASEMENT

A PARCEL OF LAND LYING WITHIN THE EAST 30 FEET OF LOT 113 OF THE REVISED PLAT OF LAKE FRONT ADDITION TO BOCA RATONE COMPANY'S INLET SUBDIVISION, PLAT BOOK 18 AT PAGE 5, PALM BEACH COUNTY, FLORIDA, PALM BEACH COUNTY

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING WITHIN THE EAST 30 FEET OF LOT 113 OF THE REVISED PLAT OF LAKE FRONT ADDITION TO BOCA RATONE COMPANY'S INLET SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18 AT PAGE 5, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 12.00 FEET OF THE EAST 30.00 FEET OF THE NORTH 15.00 FEET OF LOT 113 OF THE REVISED PLAT OF LAKE FRONT ADDITION TO BOCA RATONE COMPANY'S INLET SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18 AT PAGE 5, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

SAID LANDS SITUATE WITHIN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

NOTES:

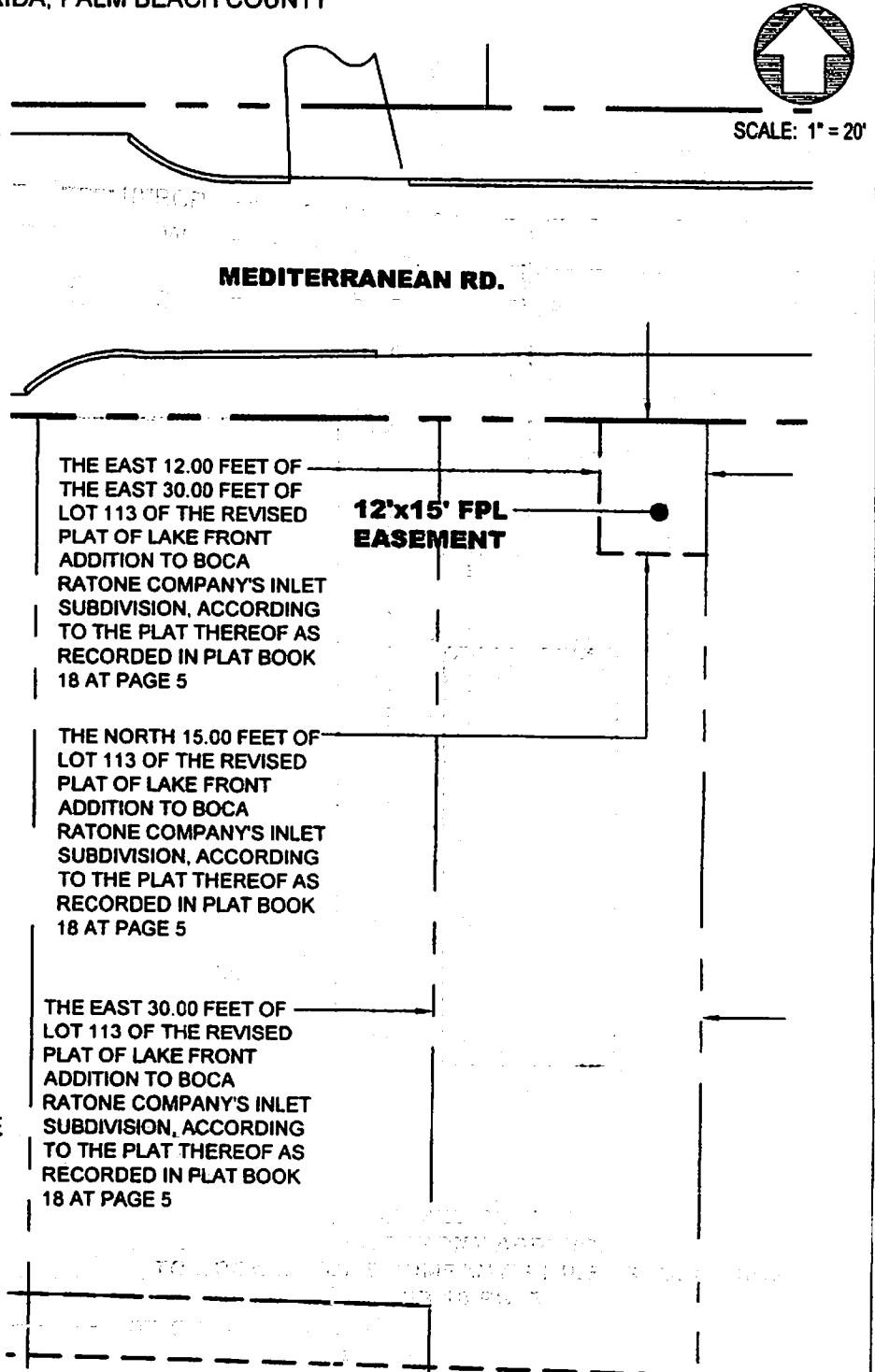
- 1) THIS SKETCH AND LEGAL DESCRIPTION DOES NOT REPRESENT A FIELD SURVEY ("THIS IS NOT A SURVEY").
- 2) SYMBOLS SHOWN HEREON ARE NOT TO SCALE.
- 3) THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND EMBOSSED SEAL OF A FLORIDA REGISTERED SURVEYOR.

LEGEND:

HWS HELLER-WEAVER AND SHEREMETA INC.
FPL FLORIDA POWER AND LIGHT CO.

HELLER-WEAVER AND SHEREMETA, INC.
FLORIDA STATE L.B. NO. 3449

BY: DANIEL C. LAAK
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REG. NO. 5118



REVISIONS



L.B. NO 0003449

Heller - Weaver and Sheremeta, inc.
Engineers ... Surveyors and Mappers
310 S.E. 1st Street, Suite 5 Delray Beach, Florida 33483
(561) 243-8700 - Phone (561) 243-8777 - Fax

DATE:	10-07-2010
SCALE:	1" = 20'
DRAWN BY:	CADD
CHECKED BY:	D.C. LAAK
SHEET:	1 OF 04
FILE NO.	10-15495.001-SS1

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Resolutions

Agenda Title

Resolution No. 125-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a One Year Renewal to the Contract to All Florida Tree and Landscape, Inc. in the Amount of \$39,675 for Trimming of Town Coconut Palms for the Town of Palm Beach.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated October 25, 2010, from H. Paul Brazil, Director of Public Works.
- Resolution No. 125-10

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Authorization to Renew the Palm Tree Trimming Contract
Resolution No. 125-10

Date: October 25, 2010

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 125-10, renewing the contract to All Florida Tree and Landscape, Inc., for the trimming of the Town's coconut palm trees. The base price amount is \$21,275, and the second optional trimming in the amount of \$18,400, is also included for the combined total of \$39,675.

GENERAL INFORMATION

The procedure for the trimming of the Town's coconut palms was changed from once per year to twice per year in FY10. This change proved to be very successful. We have improved the aesthetics of the palms and improved safety by eliminating large coconuts on the palms during the winter/spring seasons.

Vendor references and work for the Town in FY2010 indicate that All Florida Tree and Landscape, Inc., provided excellent service. Our existing contract allows for four (1) year renewals.

PURCHASING REVIEW

The Purchasing Department has reviewed the information provided and has approved the content and supporting documentation.

FUNDING/FISCAL IMPACT

Budgeted funds for two palm trimmings were in the 2011 budget. Two trimmings will be performed this year.

TOWN ATTORNEY REVIEW

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

HPB:nb

Attachment

cc. Eric B. Brown, Assistant Director of Public Works
Lynda Venne, Purchasing Agent
Karen Temme, Risk Manager

RESOLUTION NO. 125-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A ONE YEAR RENEWAL TO THE CONTRACT TO ALL FLORIDA TREE AND LANDSCAPE, INC. IN THE AMOUNT OF \$39,675 FOR TRIMMING OF TOWN COCONUT PALMS FOR THE TOWN OF PALM BEACH.

* * * * *

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

Section 1. The Town of Palm Beach Sealed Bid No. 2010-10 for the Trimming of Town coconut palms contract is hereby renewed to All Florida Tree & Landscape, Inc., for the base bid amount of \$21,275, and a second trimming for the bid amount of \$18,400, resulting in a total contract amount of \$39,675.

Section 2. The Town Manager is hereby authorized and directed to execute a contract on behalf of the Town of Palm Beach for the Trimming of Town coconut palms.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the Trimming of Town coconut palms contract.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 9th day of November 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Consent - Other

Agenda Title

Acceptance of a Donation of Approximately \$44,000 from Jack Annan via the Palm Beach Police Foundation for the Purchase of Specialized Equipment for the Crime Scene and Evidence Unit.

Presenter

Kirk Blouin, Chief of Police

Supporting Documents

- Memorandum dated October 22, 2010, from Kirk W. Blouin, Police Chief

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk W. Blouin, Chief of Police

Re: Donation for Specialized Forensic Equipment

Date: October 22, 2010

STAFF RECOMMENDATION

Staff recommends the Town Council accept a donation from the Palm Beach Police Foundation in the amount of approximately \$44,000 for the specific purpose of purchasing specialized forensic equipment to replace out of date equipment currently used by the Crime Scene & Evidence Unit.

GENERAL INFORMATION

The Palm Beach Police Foundation received a donation in the amount of approximately \$44,000 from Mr. John (Jack) Annan for the express purpose of replacing the department's current forensic investigative and laboratory equipment with newer technology.

Current/replacement Equipment:

- The current ID Card system is 8 years old and scheduled for replacement in FY2012. The system is no longer in production and parts for repair are no longer available. This equipment will be replaced with a Data-CARD CP80 and is estimated to cost \$9,000.
- The current imaging system which is used to collect evidence from items that cannot tolerate a chemical process, is 7 years old and scheduled for replacement in FY2013. Due to rapidly evolving technology our system is already three generations old, has inadequate power for current technology and is too heavy and cumbersome for field use. A Reflected Ultraviolet Imaging System has the most current technology and is lightweight for easy mobility. It's estimated cost is \$8,000.
- The current fuming chamber is 40 years old and has leaks which do not contain the cyanide fumes which is a potential hazard. The current equipment would be replaced with a Forensic Containment Cyanocarylate Fuming Chamber that is estimated to cost \$4,250.
- Forensic Laser System (light source) which is no longer in production is used on items

that can tolerate a chemical process to locate evidence that is not visible to the eye (i.e. DNA, fingerprints). The current equipment is 20 years old and was due to be replaced in FY2005. This item will be replaced with two alternate light sources; the Megamaxx Alternate Light Source which is portable for use in the field and; the Rofin Polilight Flare Plus, 8 head light source, which will be used in the lab. The estimated cost of these items is \$1,650 and \$9,800 respectively.

New equipment:

- Optical comparator FXE-250 for high magnification of fingerprints and handwriting samples estimated at \$3,800.
- Three Ozone Air Purifiers for the front office, laboratory and evidence assemble room estimated at \$1,800.
- Pro-scope laptop magnifier for documenting minute evidence in a digital format estimated at \$950.
- Remote area lighting system to include portable floodlights, handheld floodlights and battery power estimated at \$2,450.
- DFO/ninhydrin fingerprint development chamber estimated at \$900.
- Two (2) hand held Speck white lights and two (2) hand held 7400 ultra-violet lights for trace evidence detection estimated at \$300.
- Two (2) green laser trajectory lights for blood and ballistic reconstruction estimated at \$800.

PURCHASING REVIEW

The department's current obsolete equipment will be transferred to the Purchasing Department for proper disposition, destruction or sold at auction, if appropriate. The procurement of each new item will be in accordance with the Town's purchasing guidelines obtaining quotes and/or bids as necessary and placed on a future Town Council Agenda, if appropriate.

FUNDING/FISCAL IMPACT

Based on pricing estimates, the donation amount is sufficient to cover all costs related to the purchase, installation, start up supplies, and transition to the new laboratory equipment resulting in no additional monetary impact on the current or subsequent budgets.

Any new equipment meeting the Town's Fixed Asset limits will be added to the Town's inventory. However, once the new equipment has reached it's useful life and becomes obsolete, replacement equipment would be purchased, if necessary, with donated and/or forfeited funds thereby not impacting the department's Annual Depreciation budget.

KWB:lsg

cc: Jane Struder, Director of Finance

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Consent - Other

Agenda Title

Approval to Waive Construction Hours Regulations for the Lake Worth Inlet Dredging Project.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated October 27, 2010, from H. Paul Brazil, Director of Public Works.
- Request for Waiver from Manson Construction

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Request for Waiver to Town Code for Construction Hours,
USACE Lake Worth Inlet Maintenance Dredging Project

Date: October 27, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the U.S. Army Corps of Engineers (Corps), their contractor Manson Construction Company (Manson), and any Manson subcontractor to perform construction related services outside of the Town Code of Ordinances for construction dates, hours, and noise levels. A copy of the letter of request received from Manson is attached.

GENERAL INFORMATION

The Corps will soon begin its annual dredging of the Palm Beach Inlet Channel. On December 1, 2010, Manson Construction Company, (the Corps contractor) will begin mobilizing to dredge the Lake Worth Inlet, with actual dredging activity expected to begin on or about December 15, 2010. The Project includes dry beach placement at no cost to the Town. Sand will be placed according to the State permitted template in Reach 1 and the northernmost section of Reach 2. Non-beach compatible sand will be placed in the nearshore area along Reach 1.

This request includes waivers of the following sections of the Town Code of Ordinances:

Section 42-198 - prohibits operation of equipment or machinery during winter, Sundays and legal holidays (commencing on December 1 and ending May 1).

Sections 42-199 - prohibits work between 5:00pm and 8:00am.

Sections 42-226 through 229 - regulates noise, equipment operation, and work hours and the standard Town requirement to "stand down for the season".

To summarize, Town staff requests that the USACE, its contractor, and related subcontractors, be allowed to perform construction services 24 hours/day 7 days/week. This is the same relief that has been provided for prior inlet dredging events and for Town-sponsored beach nourishment projects.

FUNDING/FISCAL IMPACT

This project is being funded 100% by the U.S. Army Corps of Engineers (USACE). The Town and the USACE have an agreement in place for the Town to assume responsibility of post-construction monitoring, including sea turtle nesting monitoring, escarpment removal, and tilling. Town funding for the post construction activities is contained within the FY2011 Coastal Management Program Budget.

RW

Attachment

cc: Thomas G. Bradford, Deputy Town Manager
Kirk Blouin, Chief of Police
Robert Weber, Coastal Coordinator
James Bowser, P.E., Town Engineer



4309 Pablo Oaks Court, Suite One
Jacksonville, FL 32224
PHONE (904) 821-0211
FAX (904) 992-0811
FL State Contractors License No.: CGC1513417

Town of Palm Beach
Public Works Department
P. O. Box 2029
Palm Beach, Florida 33480

20 Oct 2010

Attention: James M. Bowser, P.E., Town Engineer

Reference: Contract No. W912EP-10-C-0040
Palm Beach Harbor, Maintenance Dredging, 33-Foot Project
Palm Beach County, Florida

Subject: Request for Variance to allow 24-hours/day, 7-days/week Operations

Mr. Bowser:

As you are aware Manson Construction Co. (Manson) will be performing work on the above referenced project for the U. S. Army Corps of Engineers. During the performance of this work Manson plans to operate our hopper dredge and shore based equipment 24-hours/day, 7-days/week. Per discussions during the recent Pre Construction Conference for this Project, Manson requests a variance from the Town of Palm Beach to allow our Crews to operate on this 24/7 schedule.

All Manson work areas will be properly lighted and marked to make the public aware of our operations. Operational areas will be manned at all times to assure public security as well as the safety of our personnel and equipment.

Please do not hesitate to contact me if you have any questions or comments of if you require additional information.

Regards,
Manson Construction Co.

A handwritten signature in black ink, appearing to read 'L. Davico', is written over the typed name and title.

Larry J. Davico
Assistant Operations Manager

cc: Correspondence File
A. Tibbs/D. Wood/I. Soto, USACE (via email)
H. Schorr, Jr., Manson (via email)
D. Howard, Manson (via email)



Seattle, WA Richmond, CA Long Beach, CA Houma, LA Jacksonville, FL

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Consent - Other

Agenda Title

Reestablishment of the "Hybrid Committee" for Review of Worth Avenue Commercial District Design Changes.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- Memorandum dated October 29, 2010, from Thomas G. Bradford, Deputy Town Manager

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Worth Avenue Improvement Project; Reestablishment of the Worth Avenue Improvement Project Review Committee, aka the "Hybrid Committee"

Date: October 29, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council reestablish the alternative advisory board review process created for the Worth Avenue Improvement Project created for the purpose of streamlining the process of seeking ARCOM and Landmarks Preservation Commission approvals for such a large project. Reestablishing the "Hybrid Committee" to review remaining design issues for the project is a recommendation of the Public Works Committee based on their meeting held on October 5 and approved by the Town Council on October 12.

GENERAL INFORMATION

There are at least 11 parcels within the proposed Worth Avenue assessment boundaries that are Town landmarks. The project replaced everything that one sees from store front to store front. Therefore, some private property was modified, including those landmarked properties therein. To avoid the unwieldy and expensive prospect of seeking approval for 11 or more landmarked properties from the Landmark Preservation Commission (LPC) and 20 or more approvals from ARCOM for the remaining properties, and additional meetings to coordinate the changes requested by one Board with the other Board, staff recommended in May 2009 that a hybrid process be used to streamline the review of the proposed improvements be approved by the Town Council. The process worked well, but we sunset the Hybrid Committee in August of 2009 thinking the design review process was complete. In addition, some of the former Hybrid Committee members are no longer a member of ARCOM or the Landmarks Preservation Commission. Therefore, we need to start over in the creation of the committee.

The known design issues that could be reviewed by the Hybrid Committee include details in the Hibiscus Plaza, plantings, Clock Tower landscaping, hanging baskets and newsracks. Other issues may arise as the improvements are examined over the course of this coming season. The goal is to have all known change orders identified well in advance of the beginning of the 2011 construction season beginning on May 1, 2011 so that any work can be started at that time.

The recommended hybrid review process for this ongoing project would be the same as used in 2009, with one difference. The merchants and property owners have requested that they each be allowed to have one representative on the committee. I recommend that the Town do this as it is they who are most affected by the improvements and bear all of the costs of the design changes. If the Town Council concurs, the makeup of the committee and the procedures they would follow will be as follows:

1. The rules and procedures to be followed, including all adopted ordinances applicable thereto, shall be those applicable to the LPC. All state laws, including Florida's Sunshine Law, applicable to appointed boards and commissions shall apply. Design changes approved by the committee must be approved by the Town Council in order to be deemed finally approved.
2. The Chairman of ARCOM shall be required to appoint three (3) current ARCOM board members to the hybrid review committee. The Chairman shall have the right to appoint himself as one of his three ARCOM appointments should he so choose. The Chairman will notify the Director of Planning, Building and Zoning of his appointments within a reasonable time when so requested.
3. The Chairman of LPC shall be required to appoint four (4) current LPC board members to the hybrid review committee. The Chairman shall have the right to appoint himself as one of his four LPC appointments should he so choose. The Chairman will notify the Director of Planning, Building and Zoning of his appointments within a reasonable time when so requested.
4. There shall be one commercial property owner representative on the committee who shall be an owner of commercial property within the Worth Avenue Commercial District and shall be selected by the Worth Avenue Restoration Association. The Worth Avenue Restoration Association will notify the Director of Planning, Building and Zoning of its appointment within a reasonable time when so requested.
5. There shall be one merchant representative on the committee who shall be an owner of a retail business within the Worth Avenue Commercial District and who shall be selected by the Worth Avenue Association. The Worth Avenue Association will notify the Director of Planning, Building and Zoning of its appointment within a reasonable time when so requested.
6. The first order of business of the hybrid committee shall be the selection of a Chair and Vice-Chair to run the committee meetings. The Vice-Chair shall run the meetings in the absence of the Chair.
7. The hybrid review committee shall meet within two weeks of receiving notice from Planning, Building and Zoning staff that staff has received an application from the Town or the Town's selected contractual professional staff for review of proposed improvements or changes to existing improvement within the Worth Avenue Commercial District assessment area. Subsequent hybrid review committee meetings, if required, shall be held at times and frequencies sufficient to generate a quorum of the committee and to avoid untimely delay relative to the project schedule.

It is recommended that the Town Council approve this proposed alternative review program for the Worth Avenue Improvement Project.

FUNDING/FISCAL IMPACT

The direct fiscal impacts to the Town will be the cost of any approved design changes. However, these costs will be paid for with remaining unspent funds in the Worth Avenue Improvement Project contingency and will be offset 100% by non-ad valorem assessments levied against those benefitting properties. The Town will incur indirect costs of staff time devoted to administering the review process described herein, but such costs are covered by the adopted current fiscal year budget.

cc: John C. Randolph, Town Attorney
H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
John S. Page, Director of Planning, Zoning and Building
Eric Brown, Assistant Director of Public Works
Joanna Cunningham, Town Clerk
Sherry Frankel, President Worth Avenue Association
Robin Miller, Administrator, Worth Avenue Association
Jane Rankin, Esq., Worth Avenue Restoration Association

N: TGB/Agenda Items/2010/ Reestablishment of the Worth Avenue Improvement Project Review Committee, aka the "Hybrid Committee" 110910
TCM

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Consent - Other

Agenda Title

Authorization for Greenburg Traurig to Provide Federal Lobbying Services for FY11 at a Cost Not to Exceed \$33,000.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated November 3, 2010, Peter Elwell

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Federal Lobbying Services

Date: November 3, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council authorize the continued services of Greenburg Traurig to represent the Town before Congress, Federal regulatory agencies, and other Federal interests for a total FY11 cost not-to-exceed \$33,000.

GENERAL INFORMATION

The Town has enjoyed a successful relationship with lobbyist Joe Corrigan of the Washington office of Greenburg Traurig (GT). Mr. Corrigan is a retired U.S. Army Colonel who once served as District Engineer for the Mobile District of the U.S. Army Corps of Engineers. While he and his colleagues at GT also represent the Town on other issues, Mr. Corrigan has been especially effective in representing the Town's interests in our recently improved communications with the Corps of Engineers, both at the Jacksonville District and in Washington.

Due to the Town's budget constraints for FY11, we asked GT to reduce its fee by 50% from \$5,000 per month to \$2,500 per month. GT agreed.

The 12 monthly payments of \$2,500 each will amount to a total of \$30,000 in fees for this year. In addition, per our existing arrangement with GT, we reimburse for properly documented out-of-pocket expenses incurred by GT in its provision of services to the Town. The most frequent of these are small charges for office related expenses, but occasionally it is necessary for Mr. Corrigan to travel to Jacksonville or Palm Beach on the Town's behalf. We only reimburse travel expenses when I personally approve the trip in advance. In order to ensure that we have sufficient authority to pay GT for its reasonable expenses in addition to its monthly fees, I am requesting that the Town Council approve a not-to-exceed figure of \$33,000 for the total cost of these services for FY11.

FUNDING/FISCAL IMPACT

Sufficient funds are available from the adopted FY11 budget to pay up to \$33,000 for Federal lobbying services as recommended in this memorandum.

PBE:

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Consent - Other

Agenda Title

Acceptance of a Donation of a Holiday Tree for Worth Avenue from Mr. and Mrs. Rush Limbaugh.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated October 28, 2010, from H. Paul Brazil, Director of Public Works.

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Donation of Holiday Tree for Worth Avenue

Date: October 28, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council accept the donation of a 40-foot high holiday tree for Worth Avenue. Council approval is necessary because the value of the donation exceeds \$25,000.

GENERAL INFORMATION

The Town owns and installs a 30-foot high holiday tree on Worth Avenue every year. We have used this same tree for many years and it is reaching the end of its useful life. Staff intended to budget for a replacement tree and decorations during the FY 2012 budget process.

Property owners and merchants on Worth Avenue have asked if it may be possible to improve the tree this year to coincide with the extensive renovation that has taken place along this street. Staff had informed this group and the Town Council that the required procurement process would not allow purchase of the tree in time for this holiday season. Also, we simply did not have the funds available.

Mr. and Mrs. Rush Limbaugh have generously offered to purchase and donate to the Town a 40 foot high holiday tree. Public Works staff has confirmed that the tree and base are larger in diameter than the current tree, but can be accommodated at the traditional site.

FUNDING/FISCAL IMPACT

We will use the existing Town owned decorations, supplemented with some additional decorations to compensate for the extra 10 feet of tree. The cost of the additional decorations is expected to be minimal and will be paid for from our existing operating budget.

This tree will require the same periodic maintenance as the existing tree. The cost for maintenance has been included in the Public Works budget in the past and we propose that it remains budgeted that way in the future.

PURCHASING REVIEW

The Purchasing Department has reviewed the information provided and has approved the content and supporting documentation.

cc. Jane Struder, Director of Finance
Eric Brown, Assistant Director of Public Works

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Consent - Other

Agenda Title

Authorization to Immediately Begin Recruitment for a New Town Clerk.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum Dated November 3, 2010, from Jane Struder, Finance Director

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Request for Authorization to Fill Town Clerk Position

Date: November 3, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council authorize the filling of the Town Clerk position due to the resignation of the Town Clerk, Joanna Cunningham.

GENERAL INFORMATION

Town Clerk Joanna Cunningham has submitted her resignation effective November 28, 2010. The next day, she will become the City Clerk for the City of West Palm Beach.

Ms. Cunningham has agreed to administer the activities related to the Town's February election and West Palm Beach has agreed to allow her to do so. The details are being worked out by Town Manager Peter Elwell, City Administrator Ed Mitchell, and Ms. Cunningham.

Assistant Finance Director Cheryl Somers will be appointed Interim Town Clerk for the purpose of signing documents that require an official Town Clerk signature and she will oversee the day to day activities of the office.

Town Manager's Office Administrative Assistant Anne Boyles will act as Clerk to the Town Council, including attending meetings and preparing minutes for the Town Council and Shore Protection Board meetings.

While these assignments will ensure that all essential duties of this position are addressed while we recruit for a new full-time Town Clerk, it is important that we keep this interim period as short as possible.

FUNDING/FISCAL IMPACT

The funds exist in the FY11 budget for this position. The range for the Town Clerk position is \$65,236 - \$99,972.

jls

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Board/Commission Annual Report

Agenda Title

Planning and Zoning Commission.

Presenter

Alan Golboro, Chair and John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page, Director of Planning, Zoning and Building, dated October 25, 2010
- 2010 Annual Report-Planning and Zoning Commission

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Annual Report - Planning and Zoning Commission

Date: October 25, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council hear the Annual Report for 2010 of the activities of the Planning and Zoning Commission.

GENERAL INFORMATION

Attached is a summary of the activities of the Planning and Zoning Commission for the past year, as well as items currently being studied. The Chairman of the Planning and Zoning Commission is prepared to address the Town Council with comments regarding the Planning and Zoning Commission's activities, and to answer any questions.

Attachment

JSP/pc

cc: Chairman, Planning and Zoning Commission
Members, Planning and Zoning Commission
Veronica B. Close, Asst. Director, Planning, Zoning and Building
Paul Castro, Zoning Administrator

2010 Annual Report - Planning and Zoning Commission

The Planning and Zoning Commission meets on the third Tuesday of every month to consider planning and zoning issues. In January, the meeting date was changed from the first Tuesday of every month to the third Tuesday of the month. The purpose of the date change was to shorten the gap in reporting Commission recommendations to the Town Council.

The Planning and Zoning Commission acted on the following items in 2009-2010:

- Review Testa comprehensive plan and zoning amendment application for Royal Poinciana Way and Sunset Avenue (Deferred indefinitely at the request of the applicant).
- Review Royal Poinciana Area Mixed Use Report prepared by Marcela Cambor & Associates, Inc. (Recommended approval by a 4-3 vote of a substantially modified proposal).
- Amend R-B zoning district cubic content ratio regulations to rectify a scrivener's error created with amendments to the Lake front properties (Recommended approval).
- Review Beach Area zoning district regulations to allow public buildings or structures and exempt them from height, setback and size requirements provided they are approved by the Town Council (Recommended approval).
- Change references in the Zoning Code from Building Official to Director of Planning, Zoning and Building, where appropriate (Recommended approval).
- Review Town-serving study by LaRue Planning & Management Services, Inc. (Recommended approval with modifications).
- Create time frames for the allowable use of temporary tents in the Beach Area zoning district (Recommended approval with modifications).
- Correct visitor parking permit regulations to cross reference fees and make the regulations consistent within those regulations (Recommended approval).
- Eliminate the point of measurement provision on the lake front properties which abut the Lake Trail (Recommended approval).
- Consider an increase in the maximum height of lighting in the zoning code to determine if the change should be made (Recommended denial).
- Ease solar technology regulations to provide more opportunity to place equipment on the roof of buildings (Recommended approval).
- Amend rules of construction of Chapter 134 to only allow uses, buildings or structures

which are specifically provided for in the Code and to ensure that when there is a conflict in the language in the Code, that the more restrictive language applies (Recommended approval).

- Amend provisions to include remedies for violations of site plan review approval (Recommended approval).
- Amend regulations of administrative zoning waivers to preclude said approval by the director of planning, zoning and building if there is abutting property owner(s) objection (Recommended approval with modification).
- Amend administrative site plan review process by adding conditions that must be met in order to obtain administrative approval (Recommended approval).
- Amend nonconforming provisions to allow additions on all nonconforming buildings and structures without a required variance, provided the additions meet the lot, yard and bulk regulations (Recommended approval).
- Amend residential development and redevelopment regulations to clarify when a property owner has to meet the density requirements for the underlying future land use designation of property if the property has been assembled for redevelopment or has not existed in the same lot configuration for the last thirty years (Recommended approval).
- Amend the R-B zoning district to specifically include a provision which allows businesses customarily associated with the Town's golf course and tennis court facilities (Recommended approval).
- Amend Site plan review requirement for multi-family rectifying inconsistent language in the R-C, R-D(1) and R-D(2) multi-family zoning districts to clarify that site plan review is required for that use (Recommended approval).
- Change cubic content in the R-C, R-D(1) and R-D(2) zoning districts to eliminate incorrect references that prohibit additions that create more cubic content than allowed (Recommended approval).
- Provide for fees for temporary roll-off storage units, portable on-demand storage units, or temporary storage units to allow for a longer period for the use of the unit and limits the number of times that a storage unit can be on a property per calendar year (Recommended approval with modifications).
- Amend off-street parking and drive aisle regulations to correct dimensional requirements throughout pertinent sections of the Code (Recommended approval).
- Modify political sign regulations in the residential zoning districts to eliminate grammatical errors, change the term "defeat" to "opposition" and create political sign

regulations for the commercial zoning districts which are consistent with the regulations in the residential zoning districts (Recommended approval with modifications).

- Amend permitted uses in the C-TS zoning district to allow offices, financial offices, and trust companies as permitted uses on the first floor in the 200 block of Peruvian Avenue and Bradley Place (Recommended denial).
- Amend lot grading and drainage provisions in all residentially zoned districts to specifically require a building permit which meets the Town's paving and drainage requirements in order to alter and raise the grade of a lot and to increase the maximum finished floor elevation from the established grade (Recommended approval with a modification).
- Require commercial, institutional and multi-family uses to provide properly enclosed and screened dumpster and recycle container areas (Recommended approval with a modification).
- Amend nonconforming use and building provisions to allow all nonconforming buildings to be demolished and rebuilt to the same size and location on a property (Recommended approval).

cc: Mayor and Town Council
Peter B. Elwell, Town Manager
John C. Randolph, Town Attorney
Veronica B. Close, Asst. Director, Planning, Zoning & Building
Joanna Cunningham, Town Clerk
Paul W. Castro, Zoning Administrator
John Lindgren, Planning Administrator
zf

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Request for Town Code Waiver to Allow Display of Centennial Banners.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated October 21, 2010, from John Page
- Letter from Ned Barnes dated October 15, 2010

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John Page, Planning, Zoning & Building Director

Re: Display of Centennial Banners in Street Rights-of-Way

Date: October 21, 2010

STAFF RECOMMENDATION

Per the request of the Palm Beach Civic Association, it is recommended that the Town Council waive provisions in Chapter 134 (Zoning) of the Code of Ordinances allowing for the temporary display of centennial banners in street rights-of-way. All aspects of installing and removing the banners should be completed to the satisfaction of the Public Works Director.

BOARD OR COMMISSION RECOMMENDATION

In July of this year, the Planning & Zoning Commission recommended the adoption of Ordinance 23-10, which would allow the Town Council to waive zoning provisions regulating the use of public right-of-way for town sponsored events. Said Ordinance was subsequently approved by the Town Council (September 15, 2010).

GENERAL INFORMATION

The Palm Beach Civic Association has requested that they be allowed to display centennial banners that will hang on brackets from Town lampposts along major Town roadways from January through April 2011. Zoning regulations prohibit the display of banners in Palm Beach. The proposal/request from the Civic Association to hang banners is not normally allowed. The recent adoption of Ordinance 23-10, however, provides the Town Council with a tool for waiving provisions of the zoning ordinance regulating the use of rights-of-way for town sponsored events. The Town Council is now allowed to waive the banner restriction provided the waiver is consistent with the Town's Comprehensive Plan, and that four of the five members vote favorably at a regularly scheduled Council meeting.

The request from the Civic Association is attached. The centennial banner design has been approved by the Town's Centennial Committee.

SPECIAL CONSIDERATIONS

All work associated with the installation and removal of the banners will be completed by a private contractor, but will be coordinated with the Public Works Department. As such, it is further recommended that approval be subject to satisfaction of the Public Works Director. The Town Council gave conceptual approval to the banner proposal from the Civic Association several months ago (while the new ordinance was being processed).

Attachment

cc: H. Paul Brazil, Public Works Director
Paul W. Castro, AICP, Zoning Administrator
John C. Randolph, Town Attorney

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 Garrison duP. Lickle, Secretary and Treasurer
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RECEIVED

OCT - 4 2010

TOWN OF PALM BEACH
PZB DEPT

October 15, 2010

Mr. John Page
 Director of Planning, Zoning, and Building
 Town of Palm Beach
 P.O. 2029
 Palm Beach, Florida 33480

Re: A Town waiver to display Centennial Banners

Dear JP,

The Palm Beach Civic Association is planning to display Centennial Banners on Town lampposts to mark Palm Beach's Centennial Celebration. I understand that a waiver from the Palm Beach Town Council is required for this project. I am writing to request such a waiver so that we can proceed with this program. This request is consistent with the recently adopted Ordinance 23-10 allowing banners in rights-of-way for Town sponsored events.

The Centennial Banners have been reviewed by the Town Council and the Town's Zoning Commission. The design has been approved by the Town's Centennial Committee. The banners feature the Town's centennial logo. They would hang from brackets on the lampposts along the major Town roadways from January 2011 until early April 2010.

Please place this item on the November Town Council Agenda. Thank you for your help.

Sincerely,



Ned Barnes
 President

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TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Beach Clean Up Clarification.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated November 3, 2010, from Peter Elwell

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Clarification of Town Council Direction Regarding Voluntary Beach Cleaning Efforts

Date: November 3, 2010

STAFF RECOMMENDATION

To enable staff to assist in implementation of an effective volunteer beach clean up plan, staff requests Town Council direction regarding both the activities to be undertaken and the level of expected participation by staff and the elected officials.

GENERAL INFORMATION

For many years the Town's Public Works Department provided beach cleaning services throughout the Town. The public beaches were cleaned daily up to the dune and the private beaches were cleaned at least once per week up to the wrack line. Due to budget constraints, beach cleaning services were reduced last year. The Town's current level of service for taxpayer funded beach cleaning is to provide daily cleaning of the public beaches at Mid-Town and Phipps Ocean Park. Trash cans at beach access points also continue to be maintained, but the weekly cleaning of the majority of the Town's shoreline has been eliminated.

Residents and elected officials have expressed concern about both the aesthetic and public safety impacts of the reduced level of service for beach cleaning. At the September 14 Town Council meeting, Council President Pro Tem Coniglio showed photographs of several beach areas at the north end of Town and urged the Town Council to take action. During that meeting, Councilmembers Coniglio and Kleid offered to organize a beach cleanup with volunteers, and the Town Council directed them to do so. That voluntary cleanup event occurred on October 8, with participation by the Rotary Club of Palm Beach, the Palm Beach Day Academy, and Citizens' Association of Palm Beach.

When the October 8 cleanup was discussed briefly at the October 12 Town Council meeting, Councilmember Diamond suggested that the Town look into an Adopt-A-Beach program to provide organized ongoing beach cleaning support from private individuals and groups. Town Council President David Rosow asked Mr. Diamond to lead the effort to establish an Adopt-A-Beach volunteer program for the Town of Palm Beach and to return to the December 14 Town Council meeting with his recommendations. Mr. Diamond accepted that assignment and has scheduled a community meeting at the Palm Beach Civic Association to discuss this matter on November 12.

Meanwhile, as Town staff has been preparing to launch our Townwide volunteer program which will enable interested residents to provide VIPS-style volunteer service to departments other than the Police Department, one area we have been planning to address is beach cleaning. We have been intending to have one resident serve as the coordinator of occasional volunteer beach cleanup events and other

residents assist with the planning and execution of these events. Staff support and oversight would be provided by Rob Weber, the Town's Coastal Coordinator. Also, we are in the final stages of designing a website dedicated to coastal management in the Town of Palm Beach. This website should be fully operational by the time the dune restoration project gets underway in late November or early December. In addition to providing information about the Town's shoreline and coastal protection projects, the website will provide volunteers with contact information to make it easy for them to sign up for future beach cleanup activities.

We are seeking Town Council direction to clarify Council's intentions regarding voluntary beach cleaning so that we do not inadvertently duplicate efforts or, worse yet, allow two or more well intentioned efforts to interfere with one another. One possible approach would be for the Town staff to continue to focus our development of an ongoing volunteer program for citizen organized beach cleanup events to focus on the public beach areas, while having the Adopt-a-Beach concept focus on areas where the upland property is privately owned. Another option would be for the Town staff to suspend our development of the contemplated volunteer program until after Mr. Diamond has reported back to the Town Council on December 14 about the results of his planning efforts with the Palm Beach Civic Association. If that option is selected, we would subsequently design the staff-supervised volunteer effort so that it supplements whatever privately organized effort(s) might be approved by Town Council.

SPECIAL CONSIDERATIONS

Any beach cleaning efforts in areas where the upland is privately owned must either be limited to the public portion of the beach (seaward of either the mean high water line or a State-approved erosion control line where one exists) or be undertaken with the explicit written permission of the private property owner(s). This is why the Town's prior Townwide beach cleaning program was limited to the wrack line and seaward in areas adjacent to private property.

Also, the Town's Code of Ordinances requires that private owners of oceanfront property keep their beaches litter free. Through the Code Enforcement unit in the Town's Police Department, we will supplement any volunteer beach cleaning program with an increased level of enforcement. This will help ensure that private property owners are complying with the ordinance and enable relatively less frequent volunteer events to effectively serve their purpose of keeping the Town's shoreline cleaner and safer.

FUNDING/FISCAL IMPACT

There is no funding dedicated to the organization of beach cleanups in the Town's budget. Organizations who help with volunteer beach cleanup events usually provide their own materials (trash grabbers, gloves, etc.). The Town's Public Works Department provides in-kind support for these events by coordinating in advance with the volunteers and by picking up the bags of collected debris when the events are over. Those in-kind services will continue to be provided with existing resources at no out-of-pocket cost to the Town's taxpayers.

PBE:

cc. Robert Weber, Coastal Coordinator
Paul Brazil, Director of Public Works
Kirk Blouin, Chief of Police
Danielle Olson, Director of Human Resources

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

County Budget Task Force Request for Town and Task Force to Become a Coalition Partner with the Taxpayer Action Board (TAB).

Presenter

Fred Scheibl, Palm Beach County Taxpayer Action Board

Supporting Documents

- Memorandum dated October 29, 2010, from Thomas G. Bradford, Deputy Town Manager
- TAB Web Page

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: County Budget Task Force Request for the Town and the County Budget Task Force to Become a Coalition Partner with the Taxpayer Action Board (TAB)

Date: October 29, 2010

STAFF RECOMMENDATION

At their meeting on October 25 the County Budget Task Force asked that the Town and its County Budget Task Force become a coalition partner with TAB.

GENERAL INFORMATION

TAB is a coalition of grassroots, business and civic groups, working together with interested citizens willing to provide their expertise in projects of countywide scope. TAB is of the opinion that county spending growth was excessive during the real estate boom and is no longer affordable. TAB seeks a return to spending levels appropriate to economic conditions. The mission of TAB is to identify areas of county spending that are redundant, unaffordable, or obsolete, educate the public about these areas, and build a consensus for specific changes to current policy.

There is no cost to become a coalition partner, but by doing so the Town and its Task Force may be helpful to TAB in their efforts by supporting TAB's initiatives to reduce County spending with letters, telephone calls and other acts of support that may be needed along the way. A page from the TAB website is attached which provides an overview of TAB and its long and short term goals. One follows TAB progress via the TAB website which is:

<http://pbctab.org>

The Task Force asked Mr. Fred Scheibl of TAB if he would provide the Town Council with an abbreviated version of the power point presentation he gave to the Task Force on October 25. Mr. Scheibl has agreed to do so and can answer any questions you may have.

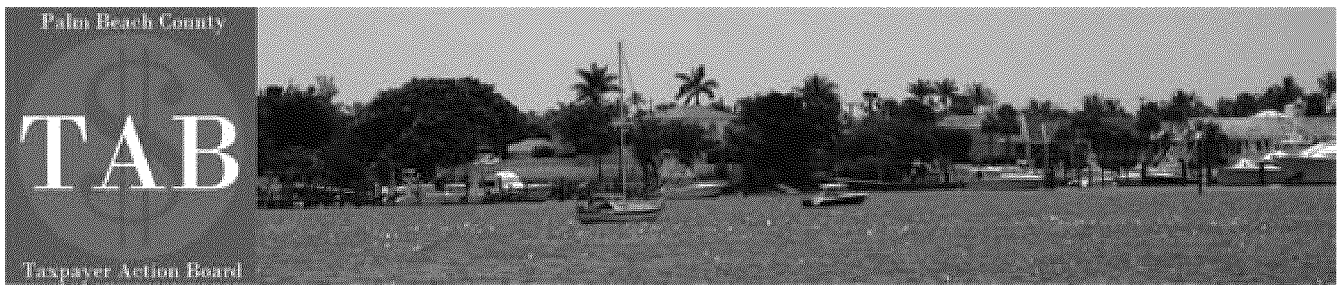
FUNDING/FISCAL IMPACT

There is no direct cost to the Town by virtue of becoming a coalition partner with TAB.

Attachment

cc: County Budget Task Force Members
Fred Scheibl, TAB

N: TGB/Agenda Items/2010/ County Budget Task Force Request for the Town and the County Budget Task Force to Become a Coalition Partner with the Taxpayer Action Board (TAB)



Overview

The Taxpayer Action Board is a coalition of grassroots, business and civic groups, working together with interested citizens willing to provide their expertise in projects of countywide scope. We believe that county spending growth was excessive during the real estate boom and is no longer affordable. We therefore seek a return to spending levels appropriate to economic conditions.

Mission

The mission of TAB is to **identify** areas of county spending that are redundant, unaffordable, or obsolete, **educate** the public about these areas, and **build a consensus** for specific changes to current policy.

Goals

Short Term

- No millage change for 2011 budget
- Achieve with spending cuts, not reserve depletion

Long Term

- Significant privatization of county services
- Compensation parity with the private sector
- Sustainability guidelines for union contracts
- Yearly sunset review of all county programs
- Investigate charter changes to increase increase transparency and public input to the budgets of PBSO and the other Constitutional Offices.

Targets of Opportunity

We have active projects in the following areas:

- Core County Mission ("what business are we in?")
- Capital Projects / Debt process
- PBSO
- Fire/Rescue
- Government Structure

Contact: info@pbctab.org

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Florida Public Utilities Request for Relief from seasonal construction hours restriction.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated October 29, 2010, from H. Paul Brazil, Director of Public Works.
- FPU Request to Waive Hours

TOWN OF PALM BEACH

Information for Town Council Meeting on November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Waiver of Construction Hours for Florida Public Utilities

Date: October 29, 2010

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Florida Public Utilities request to work between December 1 and December 29 from 8:30 AM to 6 PM daily to perform gas main replacement along North Ocean Boulevard between Onondaga Ave and Mediterranean Road. If approved, no work would occur on Saturdays or Sundays as well as December 23rd and 24th.

GENERAL INFORMATION

Florida Public Utilities (FPU), the gas company, has advised Town staff that limited funding is available to the end of this calendar year to replace old, deteriorated steel and cast iron gas mains in the Town. The section in question is along North Ocean Boulevard between Onondaga Avenue and Mediterranean Road. This section of roadway has a gas main which routinely needs repairs. This is not only a safety hazard, but creates numerous patches in the roadway which diminishes the riding quality of the roadway. FPU has requested that work be permitted between 8:30 AM and 6 PM daily in order to have all work completed by December 31, 2010. Town staff has shortened the ending date due to the observed New Years Holiday on December 30th and 31st. Work was initially to begin in October, but contracting and scheduling difficulties has pushed the start date to mid-November.

FPU also mentions in their letter of request which is attached, that if funding becomes available after January 1st, that work be allowed to continue into the new year. Town staff would recommend that any consideration of this portion of the request be withheld until we can gauge the impact upon the Town with any work that would be approved in December and that Town staff has an opportunity to review the areas of work. We therefore are advising FPU that any additional request for early work in 2011 be withheld for possible review by Town Council at their January 11, 2011 meeting.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town with this project.

HPB:nb

Attachment

cc: Eric B. Brown, P.E., Assistant Director of Public Works
James M. Bowser, P.E., Town Engineer
Allen Powery, Right of Way Inspector



10/27/10

Town of Palm Beach
James M. Bowser, P.E. - Town Engineer
Public Works Department
Post Office Box 2029
Palm Beach, Florida 33480-2029

RE: Request for Agenda item for Nov 9 Town Council Meeting - FPUC Request for Town Council's Approval to work past moratorium on N Ocean Blvd. – Onondaga Ave to Mediterranean Rd. - Facility replacement project.

Dear Mr. Bowser,

Florida Public Utilities Company (FPUC) is requesting Town Council approval to allow us to work within the Town beyond the Moratorium on the above referenced facility replacement project.

FPUC has funding available to use before the end of this year to replace our older pipes. We would like to utilize these funds to replace some aging pipes located on North Ocean Blvd., from Onondaga Ave to Mediterranean Rd. Our existing pipe within these limits is a combination of old Bare Steel and Cast Iron Pipe, which is in need of repair, so we feel we should take this opportunity to replace this line to improve safety and gas flow in this area.

FPUC is anticipating to start working in mid November and be complete by the end of December. We will install the new line using Directional Bore equipment. We plan to keep one lane open and use a flagman to direct traffic. Our proposed work hours are 8:30am to 6 pm to shorten the duration of this project, but we are open to your requirements / suggestions.

This segment above is of primary interest to complete before the end of this year, however, if our funds continue to be available in January, we would like to seek the Town's interest / approval for us to expand the scope of this project beyond December. If not, we can seek to resume work following the end of the moratorium in May, 2011.

FPUC would like to thank you in advance for your cooperation and interest in restoring our facilities and serving the residents of the Town.

Regards,



Christopher C. Canino, Senior Engineer
(561) 838-1773

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Worth Avenue Commercial District Maintenance Program; RFP No. 2011-03.

RESOLUTION NO. 129-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Lopez Group, Inc as the Highest Ranked Firm Responding to RFP No. 2011-03 for the Worth Avenue Commercial District Maintenance Program Based Upon Their Proposal Totaling \$144,573 and the Selection Committee's Recommendation Pertaining Thereto; Authorizing Staff Negotiations with Lopez Group, Inc. and Other Firms Responding to the RFP in the Order of Their Ranking Should Negotiations Be Unsuccessful with the Lopez Group, Inc., and Authorizing the Town Manager to Execute a Negotiated Contract on Behalf of the Town for the Worth Avenue Commercial District Maintenance Program Subject to the Town's Adopted Budget for Said Program and the Town Attorney's Approval of the Negotiated Contract for Legal Form and Sufficiency.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- Memorandum dated November 2, 2010, from Thomas G. Bradford, Deputy Town Manager
- Resolution No. 129-10
- Ranking of Firms
- Selection Committee

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Worth Avenue Commercial District Maintenance Program; RFP No. 2011-03;
Resolution No. 129-10

Date: November 2, 2010

STAFF RECOMMENDATION

Staff recommends the Town Council adopt Resolution No. 129-10. If approved, Resolution No. 129-10 will:

- Approve the Selection Committee's ranking of maintenance firms responding to the Town's request for proposals with Lopez Group, Inc. being the highest ranked firm with a maintenance program proposal of \$144,573.
- Authorize staff negotiations with the ranked firms in the order of their ranking by the Selection Committee.
- Authorize the Town Manager to execute a contract with the successful firm in a negotiated contract amount subject to the Town Attorney's approval of the contract in advance of Town Manager execution.

GENERAL INFORMATION

With the Worth Avenue Improvement Project coming to a close on November 24, it is time to make arrangements for the maintenance program for the upkeep of those constructed improvements. Staff prepared an RFP and advertised the same. The submittal deadline was October 27. A Selection Committee was created consisting on Murray Goodman, John Maus, Eric Brown, Assistant Director of Public Works and me. The Selection Committee met on November 2 to review the submittals and rank the same. Attached are the contractor listing and the Selection Committee rankings.

The Selection Committee ranked the firm Lopez Group, Inc. the highest based on their submittal in response to the RFP in the amount of \$144,573. This firm has worked for two years for the Worth Avenue Association. Negotiations with this firm will focus primarily on securing necessary unit prices for certain packages offered in their proposal to provide the Town with flexibility in the delivery of the services. Should these

negotiations be unsuccessful, staff will proceed to the second highest ranked firm and so on until we are able to reach agreement.

FUNDING/FISCAL IMPACT

The proposal of the Lopez Group, Inc. falls within the adopted budget for this maintenance program, which includes the cost of utility services and a contingency in addition to the actual maintenance work contemplated by the RFP. The source of funding for the program is non-ad valorem assessments paid for by the benefitting property owners within the Worth Avenue Commercial District Assessment Area.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and contract negotiations are hereby recommended with the Lopez Group, Inc. as recommended by the Selection Committee, with possible contract execution by the Town Manager, subject to negotiation of satisfactory contract terms and conditions and prior approval of said contract for legal form and sufficiency by the Town Attorney.

TOWN ATTORNEY REVIEW

Resolution No. 129-10 has been approved by the Town Attorney for legal form and sufficiency.

cc: John C. Randolph, Town Attorney
H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
Lynda Venne, Purchasing Agent
Selection Committee Members

RESOLUTION NO. 129-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE LOPEZ GROUP, INC AS THE HIGHEST RANKED FIRM RESPONDING TO RFP NO. 2011-03 FOR THE WORTH AVENUE COMMERCIAL DISTRICT MAINTENANCE PROGRAM BASED UPON THEIR PROPOSAL TOTALING \$144,573 AND THE SELECTION COMMITTEE'S RECOMMENDATION PERTAINING THERETO; AUTHORIZING STAFF NEGOTIATIONS WITH LOPEZ GROUP, INC. AND OTHER FIRMS RESPONDING TO THE RFP IN THE ORDER OF THEIR RANKING SHOULD NEGOTIATIONS BE UNSUCCESSFUL WITH THE LOPEZ GROUP, INC., AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A NEGOTIATED CONTRACT ON BEHALF OF THE TOWN FOR THE WORTH AVENUE COMMERCIAL DISTRICT MAINTENANCE PROGRAM SUBJECT TO THE TOWN'S ADOPTED BUDGET FOR SAID PROGRAM AND THE TOWN ATTORNEY'S APPROVAL OF THE NEGOTIATED CONTRACT FOR LEGAL FORM AND SUFFICIENCY .

WHEREAS, the Town Council wishes to initiate the timely implementation of the Worth Avenue Commercial District Maintenance Program in order to effectuate proper maintenance of those newly constructed facilities in keeping with the standards of the Town and the needs of a world class retail district.

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

Section 1: The Selection Committee's ranking of the maintenance firms responding to the Town's Request for Proposals Number 2011-03 is hereby approved with Lopez Group, Inc. being the highest ranked firm with a maintenance program proposal of \$144,573.

Section 2: Town staff is authorized to commence negotiations with the Lopez Group, Inc. and the other firms responding to RFP No.2011-03 in the order of their ranking should negotiations be unsuccessful with Lopez Group, Inc.

Section 3: The Town Manager is hereby authorized to execute a negotiated contract with the successful firm subject to the Town's adopted maintenance program budget and the Town Attorney's prior approval of the negotiated contract in advance of Town Manager execution.

**PASSED AND ADOPTED IN REGULAR, ADJOURNED SESSION OF THE TOWN
COUNCIL OF THE TOWN OF PALM BEACH ASSEMBLED THIS 9th DAY OF NOVEMBER,
2010.**

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

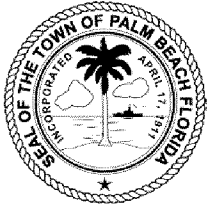
Robert N. Wildrick, Town Council Member

RFP NO. 2011-03
WORTH AVENUE COMMERCIAL DISTRICT
MAINTENANCE PROGRAM

SELECTION COMMITTEE RANKINGS

	Committee Member	Tom Bradford	Eric Brown	John Maus	Murray Goodman	
		Rating	Rating	Rating	Rating	
1	Lopez Group, Inc.	4.70	3.75	4.30	4.15	4.23
2	Burkhardt Construction, Inc.	3.65	2.90	2.55	2.65	2.94
3	Superior Landscaping & Lawn Services, Inc.	3.55	2.65	2.45	2.65	2.83

	Indicates Award Recommendation
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TOWN OF PALM BEACH
SELECTION COMMITTEE MEETING
AGENDA

RFP NO. 2011-03
WORTH AVENUE COMMERCIAL DISTRICT
MAINTENANCE PROGRAM

SELECTION COMMITTEE MEMBERS

John Maus, Property Owner/Merchant Volunteer
Murray Goodman, Property Owner/Merchant Volunteer
Eric Brown, Assistant Public Works Director
Tom Bradford, Deputy Town Manager
Lynda Venne, Purchasing Agent (Non Voting)
John Cmar, Buyer (Non Voting)

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Recreation Advisory Commission Recommendations Regarding Golf and Marina.

Presenter

Jay Boodheshwar, Director of Recreation

Supporting Documents

- Memorandum Dated November 3, 2010, from Jay Boodheshwar, Director of Recreation and Special Projects
- Minutes from the November 3, 2010, Recreation Advisory Commission Meeting
- Minutes from the October 6, 2010, Special Recreation Advisory Commission Meeting
- Minutes from the September 24, 2010, Town Docks Study Group Meeting
- Minutes from the November 1, 2010, Golf Study Group Meeting
- Minutes from the October 18, 2010, Golf Study Group Meeting
- Minutes from the September 30, 2010, Golf Study Group Meeting

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Recreation Advisory Commission's Recommendations Regarding Privatization Study for the Town Docks and Par 3 Golf Course

Date: November 3, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council review the final recommendations of the Recreation Advisory Commission (RAC) regarding the privatization studies for the Town Docks and Par 3 Golf Course and provide direction to staff regarding the long-term management approach for these two facilities.

GENERAL INFORMATION

At the July 13, 2010, Town Council meeting, staff was directed to study various privatization options for the Recreation Department and to also analyze current department operations to identify more cost effective methods for delivering recreational services to the community.

At the September 1, 2010, RAC meeting, staff engaged with the Recreation Advisory Commission to complete this task. Four study groups including, the Town Docks, Par 3 Golf Course, Recreation Center, and Tennis Facilities, were formed by the RAC, which were comprised of residents, staff, and members of the RAC itself. Members of the Study Groups are as follows:

Town Docks: RAC Chair Mrs. Danielle Moore, Mr. Daniel McDonnell, Mrs. Pamela McIver, Mr. Leo Vecellio, Mr. William Miller, Director Mr. Jay Boodheshwar, and Dockmaster Mr. Jon Luscomb

Recreation Center: RAC Chair Mrs. Danielle Moore, Mr. Chris Storkerson, Mr. Donald Singer, Mr. Larry Siedlik, Director Mr. Jay Boodheshwar, and Assistant Director Mr. Rod Gardiner

Tennis Facilities: RAC Chair Mrs. Danielle Moore, Dr. Joseph Della Giustina, Dr. Ellen Howe, Mr. Henry Jamison, Mrs. Suzanne Ainslie, Mr. Michael Spaziani, Director Mr. Jay Boodheshwar, and Assistant Directors Mr. Alan Brown and Mr. Rod Gardiner

Golf Course: RAC Chair Mrs. Danielle Moore, Mr. Steven Hall, Mr. Timothy O'Hara, Mr. Scotch Peloso, Ms. Kellie Stenzel, Mr. Stuart Shulman, Director Mr. Jay Boodheshwar, and Assistant Director Mr. Alan Brown

The Study Groups met between September 24 and November 1, 2010, to complete thorough reviews of facility operations, policies, staffing, and budgets, including options for privatizing either specific functions or entire facilities.

The first round of each Study Group meeting began with a presentation by staff that included an overview of the Recreation Department, its history, organizational structure, policies and procedures, the FY2011 budget, the long-term financial plan, and the department's capital improvement schedule. It also included a brief review of each individual facility being studied, including their program budgets, staffing levels, fees, and participation.

A brief presentation regarding the question of privatization was also provided, in the context of the Town's current financial challenges. Staff summarized that the question of privatization of recreational facilities had been posed to determine if subsidy levels of certain programs could be reduced or eliminated to assist in the generation of additional funds for transfer to the General Fund for broader Town use.

General information regarding the more popular types of privatization models that are used by municipalities were provided to the Study Groups, including asset sales, use of management companies, short-term/long-term leasing, and contracting out. The general pros and cons for these privatization approaches were reviewed, as was the potential limitations of the Town's Comprehensive Plan, the Strategic Plan and the Town Charter.

A special RAC meeting was held on October 6, 2010, to review the initial results of the first round of privatization study group meetings. At this meeting, the RAC unanimously approved the recommendations made by the Docks Study Group at its September 24, 2010, meeting to cease from exploring privatization options and requested that staff continue to develop a long term capital improvement plan to include possible expansion and upgrade to facilities, as well as further development of services to make sure that the Docks remain competitive and successful. No actions were taken regarding the Tennis Facilities, Recreation Center, and Par 3 Golf Course study groups at the October 6 special meeting. These three groups continued to meet, reviewing a variety of information, to help determine what their recommendations to the RAC would be.

At the November 3, 2010, RAC meeting recommendations from the Recreation Center, Tennis, and Golf Study Groups were provided to the RAC. Along with the ratification of the October 6, 2010, recommendation regarding the opposition to privatization of the Town Docks, the RAC

also approved the recommendations from the Golf Study Group, which included the following:

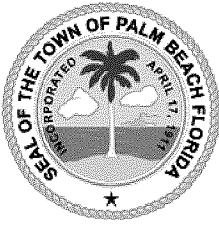
1. Staff should continue to operate the golf course and work to provide a more vibrant teaching program, fill the vacant position for the management of the daily operations and continue the marketing strategies that are in place, with the possible help of a marketing consultant to provide staff support in growing play.
2. This would include the elimination of the “pro/manager” form of leadership. A full-time manager of this facility will be appointed and an RFP will be issued for the provision of professional teaching services.

Due to the unexpected resignation of Dockmaster, Jon Luscomb, effective November 10, and the sudden retirement of previous Golf Pro/Manager, Rick Dytrych, back in mid-August, the RAC has recommended that the timeline for completing the privatization study be revised to accelerate the conclusions for the Town Docks and Par 3 Golf Course. Although an interim management plan is in place, drawing on the Department’s existing employees to provide leadership for these facilities, staff expressed its concern about the potential negative impacts of a prolonged interim period. Therefore, the RAC has requested that Town Council support the conclusions and recommendations for the Town Docks and Par 3 Golf Course as presented, so that implementation of the long-term management plans can begin as soon as possible.

SPECIAL CONSIDERATIONS

Although the RAC also reviewed the recommendations of the Tennis Facilities and Recreation Center Study Groups at its November 3, 2010, meeting, the review of these two facilities will continue on the original timeline that will result in final recommendations to the Mayor and Town Council in early 2011. The RAC would like to continue working with staff to fine tune the staffing reduction, revenue enhancement, and program improvement plans for these two areas before a final presentation is provided.

cc: Recreation Advisory Commission
Town Docks Study Group Members
Golf Course Study Group Members



TOWN OF PALM BEACH RECREATION DEPARTMENT

MINUTES OF THE RECREATION ADVISORY COMMISSION HELD ON WEDNESDAY, NOVEMBER 3, 2010

I. CALL TO ORDER, ROLL CALL & PLEDGE OF ALLEGIANCE

A meeting of the Town of Palm Beach Recreation Advisory Commission was held on November 3, 2010, at Town Hall in Council Chambers. The meeting was called to order by Chairwoman Mrs. Danielle More at 9:00 a.m. Commission members in attendance were Mr. Stephen Hall, Mr. Henry Jamison, Mr. Daniel McDonnell, Mr. Donald Singer and Mr. Timothy O'Hara. Alternate members in attendance were Mrs. Pamela McIver, Dr. Ellen Howe and Mr. Chris Storkerson. Absent from the meeting was Mr. Joseph Della Giustina. Staff members in attendance were Director Mr. Jay Boodheshwar, Assistant Directors Mr. Alan Brown and Mr. Rod Gardiner and Office Manager Mrs. Lisa Walkowich. Also in attendance were Town Council President Pro Tem Mrs. Gail Coniglio, and Council Members Mr. William Diamond and Mr. Richard Kleid.

II. COMMUNICATIONS FROM CITIZENS

Mrs. Moore suggested that rather than taking citizen comments at the beginning of the meeting she would prefer to have a questions answered as information is presented. The commission agreed.

III. APPROVAL OF AGENDA

Mrs. Moore asked if there were any changes to the agenda. There were none. Mr. Singer made the motion to approve the agenda, seconded by Mr. Hall, all were in favor.

IV. APPROVAL OF SEPTEMBER 1, 2010, & OCTOBER 6, 2010, MEETING MINUTES

Mrs. Moore asked for a motion to approve the September 1, 2010 and the October 6, 2010, meeting minutes. Mr. Singer made the motion to approve the minutes, seconded by Mr. Hall, all were in favor.

V. OLD BUSINESS – none

VI. NEW BUSINESS

- A. Interim Staff Assignments for Golf Course and Town Docks – Mr. Boodheshwar stated that due to the retirement of Golf Pro Manager Rick Dytrych and the unexpected resignation of Dockmaster Jon Luscomb, interim management plans were put into place to maintain appropriate leadership for recreational facilities, while the privatization study process took place. He said that Assistant Director Mr.

Alan Brown is currently overseeing the Golf Course and the Town Docks. Administrative duties usually performed Mr. Brown, have been re-assigned to other staff members. Mr. Boodheshwar stated that in an effort to minimize this interim period, staff was requesting that the Docks and Golf Course privatization study process be accelerated if possible. He said that by extracting these two divisions from the current privatization study time line will allow staff to take the commission's recommendations to the Town Council at the November meeting.

B. Review of Privatization Study Groups' Progress

Mr. Boodheshwar gave a detailed report regarding the privatization study group meetings that have been held since the Recreation Advisory Commission's last meeting that was held on October 6, 2010.

Docks Study Group – Mr. Boodheshwar reported that at the October 6, 2010, special Recreation Advisory Commission meeting the commission unanimously approved the recommendations made by the Docks Study Group to cease from exploring privatization options and requested that staff continue to develop a long term capital improvement plan to include possible expansion and upgrade to facilities, as well as further development of services to make sure that the Docks remain competitive and successful.

Mrs. Moore asked if there were any comments. Mr. Dan Davidson spoke to the commission on behalf of Camper and Nicholsons, offering their assistance to the Town Docks at cost for an interim period of 18 months. Mr. William Diamond said that he felt staff had the ability to operate the Docks and Golf Course successfully and did not feel that privatization should be recommended.

Mr. McDonnell made the motion that the Commission stands by its original recommendations made at their October 6, 2010, meeting and that staff should go forward in presenting this recommendation to the Town Council at their November meeting. Seconded by Mr. O'Hara, all were in favor.

Recreation Center Study Group – This meeting was held on October 20, 2010 and the following recommendations were made:

- Develop a website specifically for the Recreation Department, with possibly on-line registration features.
- Approach the Palm Beach School District after the study process is completed about cost sharing for upkeep of the Seaview Park athletic field.
- Approach Island businesses and organization regarding corporate sponsorship opportunities for community special events and other programs, to help underwrite these costs and reducing them from the budget.
- Eliminate the maintenance worker position (through attrition or transfer to another department) and contract out these responsibilities at a future date.

Tennis Facilities – This meeting was held on November 1, 2010 and the following recommendations were made:

- The cost recovery policy should be changed from 30% to 55% by taking the actions identified in the staff report. Elimination of personnel should be through attrition or through transfer to another department to accomplish this short-term goal.
- The long term goal is to have a model that has one full time facility supervisor, one part time (.75) with benefits facility supervisor, and one full time maintenance position, which will result in the achievement of 70% cost recovery and a reduction of full-time staffing by approximately 40%. This model should also be achieved through attrition or transfer and not through layoffs.
- It was determined that the 100% cost recovery model is not desirable in order to keep the quality of the facilities that the residents of the Town require.

Mrs. Moore stated that she would recommend that final recommendations regarding the tennis and recreation center study groups be tabled until the next meeting, as she felt that additional information was needed. The commission agreed.

Golf Course – This group met on October 18, 2010, and November 1, 2010. The following recommendations were made:

- Staff should continue to operate the golf course and work to provide a more vibrant teaching program
- Fill the vacant position for the management of the daily operations
- Continue the marketing strategies that are in place, with the possible help of a marketing consultant to provide staff support in growing play.

The commission held further discussions regarding the elimination (through attrition) of certain full time positions at the Golf Course and decided that should not be a part of the recommendation for now.

Mr. Hall made the motion that the RAC accept the recommendations of the Golf Course Study Group and that staff should go forward in presenting this recommendation to the Town Council at their November meeting. Seconded by Mr. O'Hara, all were in favor.

Mrs. Moore asked if there were any comments from the commission.

Mr. McDonnell stated that the improvements to the Town Docks should take place as soon as possible in an effort to remain competitive in the market.

Mr. Storkerson stated that when making the decision for privatization you have to consider the quality of life that the recreation center provides for the community which is equally as important as the finances. He said one of the unique advantages that we have in this community is the people who live here and the resources that we

have to draw from. He said that this process has been very productive and he has come away with an incredible appreciation for the passion and effort that the residents are willing to give back to the community.

Mr. Boodheshwar stated that the positions identified for elimination will result in a reduction of the current staffing levels by another 17%. Overall, since 2006 staff will have been reduced by 32.25% once the identified positions are deleted from the staff count. He said that he feels confident that even with these reductions, staff will be able to provide the level of service and growth of programs that is expected.

Dr. Howe complimented staff, stating that everyone on his team is dedicated, committed and professional and will do whatever they have to do to make sure that the department is a success.

Mrs. McIver said that she wanted to echo what everyone else was saying and now is the opportunity to build the business and we should tap into the resources that we have in the community.

Mr. Singer said that he agreed with Mrs. McIver and said that we need to tap into the expertise of the community. He thanked the staff for the great experience he had at the annual Halloween event and said that everyone who attended had a wonderful time.

Mr. O'Hara, Mr. McDonnell and Mr. Hall each thanked Mrs. Moore for all of her hard work and thanked staff for their help in this process and for doing such an excellent job.

Mr. Jamison thanked everyone for their hard work. He said that as a taxpayer he was pleased that the commission was able to provide to the Town Council a solution regarding the finances of the department, making it more efficient without employees having to lose their jobs.

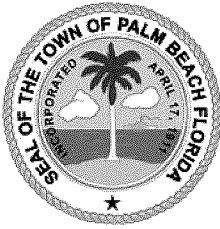
Mrs. Moore said that she wanted to thank the Town Council for charging the commission with the study. She said that it has been interesting, informative and effective and she appreciated the professionalism that has come with this process. She thanked the commissioners for all of their hard work and complimented staff for their assistance with the process.

VII. ANY OTHER MATTERS

- A. November 2010, Staff Report - Mr. Boodheshwar asked the commission if there were any questions regarding the report that they had received. There were none.

VIII. ADJOURNMENT

The meeting was adjourned by Mrs. Moore at 10:16 a.m.



TOWN OF PALM BEACH RECREATION DEPARTMENT

MINUTES OF THE RECREATION ADVISORY COMMISSION HELD ON WEDNESDAY, OCTOBER 6, 2010

I. CALL TO ORDER, ROLL CALL & PLEDGE OF ALLEGIANCE

A meeting of the Town of Palm Beach Recreation Advisory Commission was held on October 6, 2010, at Town Hall in Council Chambers. The meeting was called to order by Mrs. Danielle More, Chairwoman at 9:00 a.m. Commission members in attendance were Mr. Della Giustina, Mr. Stephen Hall, Mrs. Danielle Moore, Mr. Henry Jamison, Mr. Daniel McDonnell, Mr. Donald Singer and Mr. Timothy O'Hara. Alternate members in attendance were Dr. Ellen Howe and Mr. Chris Storkerson. Absent from the meeting was Mrs. Pamela McIver. Staff members in attendance were Director Mr. Jay Boodheshwar, Assistant Directors Mr. Alan Brown and Mr. Rod Gardiner, Dockmaster Mr. Jon Luscomb and Office Manager Mrs. Lisa Walkowich. Also in attendance were Town Council President Pro Tem Mrs. Gail Coniglio, and Council Members Mr. William Diamond and Mr. Richard Kleid.

II. COMMUNICATIONS FROM CITIZENS

Mrs. Moore suggested that rather than taking citizen comments at the beginning of the meeting she would prefer to have a questions answered as information is presented.

III. APPROVAL OF AGENDA

Mrs. Moore asked if there were any changes to the agenda. There were none. Mr. Singer made the motion to approve the agenda, seconded by Mr. Della Giustina, all were in favor.

IV. OLD BUSINESS – none

V. NEW BUSINESS

A. Review of Privatization Study Groups' Recommendations and Requests

Mr. Boodheshwar stated that each of the study group meetings began with a brief presentation by staff providing an overview of the recreation department, its history, how it is structured, procedures and policies, budgets and long term financial plan. Staff also provided an overview of each of the facilities being studied including staffing levels, fees and related budgets. He said that to help facilitate each of the meetings with regard to the question of privatization, staff has provided a number of different models that are used by

municipalities. General pros and cons were reviewed as was the potential limitations of the Town's Comprehensive Plan, the Strategic Plan and the Town Charter.

Mr. Boodheshwar summarized the results of the Docks Study Group meeting that was held on September 24, 2010. He stated that at that meeting a unanimous vote was taken which recommended that the study group cease from exploring privatization options but instead recommend to the Recreation Advisory Commission and to the Town Council that staff continue to develop the long term capital improvement plan and further develop its service to make sure that the Docks will remain competitive and successful.

Mr. Boodheshwar then read a letter into the minutes that was dated September 24, 2010, from Campers & Nicholsons, who has expressed interest in the privatization of the Docks. Mrs. Moore said that this letter was distributed to the members of the Docks Study Group. She said that Mr. Vecillio commented by email and stands by his original recommendation for the marina to remain under the control of Town. Mrs. Moore said that if the Town decided to go in this direction an RFP would need to be developed. After further discussion Mr. McDonnell made a motion to accept the recommendations made by the Docks Study Group to cease from exploring privatization options and that every effort should be made to develop long term improvements to the Town Docks. Seconded by Mr. Hall, all were in favor.

Mr. Boodheshwar reported the results of the Recreation Center Study Group that was held on September 28, 2010. He stated that this group did not come to any final conclusion relative to the concept of privatization and suggested the following be prepared for its next meeting.

- Continue to increase the quality of the Recreation Center programs.
- Create a more comprehensive marketing approach for the department.
- Keep the community engaged more frequently through email, social media, local press, local civic organizations, etc.
- Explore expansion of adult enrichment programs in the evenings.
- Approach the Palm Beach County School Board for financial participation in the upkeep of the field.
- Look for corporate sponsorship for special events and programs.
- Investigate further privatization of maintenance.
- Recalculate budget numbers, separating out the park and its functions versus the recreation center.

Mrs. Moore asked if there were any comments from the commission or audience. Mr. Diamond asked if it was the committee's goal to have the recreation center recover 100% of its costs. Mrs. Moore said that it would be difficult because of the maintenance of the park which does not produce revenue. Mr. Storkerson said that one of the difficulties that the study group had in looking at the privatization concept was the burden the recreation center budget had because of the cost of maintaining the facility and the park. He said that 50% of the foot traffic comes from the two schools and cannot be monetized. He said it was not a fair comparison to look at the utilization rates of the participants who use the facility and pay for the various programs versus the maintenance of the park.

Mrs. Moore said that the Recreation Center Study Group will be meeting in the next couple of weeks and will report back at the next regular Recreation Advisory Commission meeting.

Mr. Boodheshwar reported that the Tennis Study Group was held on September 29, 2010. He stated that this group did not come to any final conclusion relative to the concept of privatization and requested the following be prepared for its next meeting.

- Provide job descriptions and salary ranges of tennis staff.
- Provide a report showing the revenues and expenses of the current professional teaching contract.
- Provide information on the two positions that are retiring within the next 4 years, regarding savings from early retirement and the cost to buy out these two positions.
- Research privatization of additional services.
- Provide a revised budget that shows 55%, 75% and 100% recovery goals, including changes to fees and staffing to make the numbers work.

Mr. Jamison who is part of the Tennis Study Group stated that because they were in the middle of the process that the group needed to wait for the information that was requested before making any final decision. Dr. Howe said that there was still a lot to be discussed. Mrs. Moore asked if there were any comments from the audience. Mr. Diamond stated that in his opinion the closer the commission could get the Recreation Department to achieving 100% recovery the less the drive would be to privatize.

Mr. Storkerson said that there are two sides of the equation, we have spent years reducing expenses and now need to look to tap into new revenue sources.

Mr. Boodheshwar reported that the Golf Course Study Group was held on September 30, 2010. He stated that this group did not come to any final conclusion relative to the concept of privatization and requested the following be prepared for its next meeting.

- Provide information regarding golf course management models from the City of West Palm Beach, City of North Palm Beach and the City of Palm Beach Gardens.
- Research limitations to selling the golf course due to deed restrictions, etc.
- Expand the marketing program to increase rounds of golf.
- Increase the quality of merchandise.
- Research additional privatization of certain functions.

Mr. Boodheshwar said that although no vote was taken, Mrs. Moore summarized that the overall consensus of the study group is not to privatize the golf course and staff should be allowed to continue on the current path of expanding the marketing of the golf course both locally and nationally.

Mrs. Moore asked if there were any comments from the commission. Mr. Hall said that had the question of privatization come up four years ago prior to the renovation the answer and outcome would have been entirely different. With the first part of the renovation completed, through the financial help of Town residents, he felt that the overwhelming feeling of the community would be to maintain this beautiful new facility and not privatize. Dr. Howe said that since the private community stepped up and donated a lot of time, talent and money to help and better the course it would not be right to turn that over to a private company.

Mrs. Moore asked for comments from the audience. Mr. Diamond said that private money is going to be very important to the completion of the golf course project; particularly the clubhouse which Mr. Diamond feels has the potential to be a real source of income for the Town. He said that there have been questions about naming the golf course and how that relates to private sector contributions. He said that he would like some sort of advice from the commission on how to proceed so that we can encourage private sector donations and complete the project.

Mr. Jamison posed a question to Mr. Diamond that even if the Recreation Department were to decrease the subsidy of certain divisions and were able to give the Town more money from the enterprise fund, how much of a difference would there really be in his tax bill. Mr. Diamond stated that from his point of view there are 3 challenges to the Town; to keep as level a tax burden as possible because if we don't he feels we will drive property values down; the second is to reform the pensions; and the third is the need to replenish the beaches. He stated that the Town needs money and by having the Recreation Department facilities make a profit or breaking even will mean more money for the general fund and will help with the cost of beach re-nourishment without having to raise taxes. Mrs. Moore said that even if the Town holds its tax rate steady this doesn't mean the county will; and asked how much beach re-nourishment would cost? Mr. Diamond said that beach re-nourishment could be as much as \$40 million dollars and therefore it is very important that the Town be in the business of making money because we cannot lose the beaches as it will affect the whole town.

Mrs. Howe stated that at the shore protection board meetings she heard that the Town did not want to accept money for the beaches because it would mean a loss of control. Mrs. Coniglio said that Mrs. Howe was correct that historically the Town has stood on its own when it came to beach replenishment. She said that the entire Council and the community have redirected that philosophy. Mrs. Coniglio said that the amount the Tourism Development Council collects from the hotels in the Town is approximately \$4.5 million dollars, of which 14% goes to coastal. She said the Town has yet to receive any of that money. Mrs. Coniglio stated that last week she attended a workshop with the entire Palm Beach County Commission and presented our case that this can no longer occur. Mrs. Coniglio thanked the Commission for all of their efforts and said that her heart was in the community and that she valued the Recreation Department greatly.

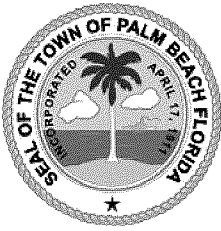
Mr. Kleid said that the Town has changed its position regarding the beach. Originally the Town didn't want to take money because it would jeopardize our position, i.e. access to the beach and restrooms. He said that currently the Town has joined with South Palm Beach and the County in hopes to get a permit for break waters for the southern end of

Reach 8. Mr. Kleid thanked the Commission stating that the process going on was very important to the community.

- VI. ANY OTHER MATTERS – Mrs. Moore thanked the Commission and the members of the study groups for putting in such intense effort into the process. She said that Mrs. Walkowich would be in touch with the Commission and the study group members regarding their next meetings.

VII. ADJOURNMENT

The meeting was adjourned by Mrs. Moore at 10:15 a.m.



TOWN OF PALM BEACH RECREATION DEPARTMENT

MINUTES OF THE RECREATION ADVISORY COMMISSION TOWN DOCKS PRIVATIZATION STUDY GROUP HELD ON FRIDAY, SEPTEMBER 24, 2010

I. CALL TO ORDER & ROLL CALL

A meeting of the Town of Palm Beach Recreation Advisory Commission Town Docks Privatization Study Group was held on September 24, 2010, in the Town Council Conference Room at Town Hall. The meeting was called to order by Mrs. Danielle Moore, Chairman of the Recreation Advisory Commission, at 1:00 p.m. Other individuals of the study group in attendance were Mr. Daniel McDonnell, Mr. William Miller, Mr. Leo Vecellio and Mrs. Pamela McIver. (Mr. Vecellio and Mrs. McIver participated by phone) Staff members in attendance were Director, Mr. Jay Boodheshwar, Dockmaster, Mr. Jon Luscomb, and Office Manager Mrs. Lisa Walkowich. Also in attendance were Mr. William Diamond and Mr. Richard Kleid, Town Council members.

II. COMMUNICATIONS FROM CITIZENS

Mrs. Moore suggested that rather than taking citizen comments at the beginning of the meeting she would prefer to have everyone listen to Mr. Boodheshwar's power point presentation and then citizens could make comments and ask questions after each section. Everyone agreed.

III. APPROVAL OF THE AGENDA

IV. TOWN DOCKS REVIEW

A. Recreation Department

Mr. Boodheshwar gave a power point presentation that included an overview of the Recreation Department, its history, organizational structure, policies and procedures and budget. Other topics included in this presentation were the department's capital improvement schedule and an overview of the Town Docks, which included a more detail description of the Town Docks budget, staffing levels, fees, participation and its long term financial plan.

B. Discussion Regarding Privatization

Mr. Boodheshwar reported that the question of privatization has been posed in the context of the broader Town government and the financial challenges that it is

currently facing. As a part of that long-term Town budget discussion, the question of privatization of recreational facilities has been posed to determine if subsidy levels of certain programs could be reduced or eliminated to assist in the generation of additional funds for transfer to the General Fund for broader Town use.

Mr. Boodheshwar gave the study group some general information regarding the more popular types of privatization models that are used by municipalities, including asset sales, use of management companies, and short-term/long-term leasing. He then reviewed the general pros and cons of privatization approaches and briefly addressed potential limitations as it relates to the Town's Comprehensive Plan, the Strategic Plan and the Town Charter.

After Mr. Boodheshwar's presentation Mrs. Moore asked the committee if they had any questions or comments.

Mr. Vecellio stated that he felt the Town Docks should continue to operate under the existing model and that he could not understand how privatizing the Town Docks would help the Town's financial situation. However, he said that the Town Docks were good but in order to remain competitive needed to be improved. He said that a private company might be more interested in profit than services and if services were to decrease, competitive area marinas would begin to poach away the best of the customers.

Mrs. McIver asked if there were items that could be addressed or improved that could potentially create new revenue streams for the Town Docks. Mr. Vecellio suggested that upgrades be made to the electrical infrastructure in an effort to become more competitive and bring in the more sophisticated boats. He said that by completing these improvements the Town could charge a premium for these larger electrical hookups.

Mr. Boodheshwar stated that based on the discussion thus far it was his understanding that the group may not be interested in further discussion of privatization at this time but wanted to expand discussion regarding the next topic which was Modifications of Current Program Operations. Mrs. Moore polled the committee who were indeed not favorable to a privatization approach for the Docks.

C. Discussion Regarding Potential Modifications of Current Program Operations

Mr. Boodheshwar asked the study group if there was additional feedback on an approach to upgrading the Town Docks to make sure that it is positioned long term for all the improving technologies, what can we do to broaden our global appeal through advertising and marketing and improve the competitiveness and attractiveness to new customers.

After some discussion the committee suggested the following:

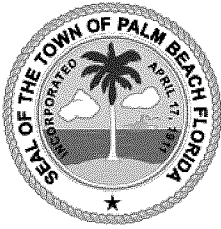
- The Town needed to revisit the idea of upgrading and expanding the docks, not necessarily increasing the number of docks, but lengthen them to accommodate bigger vessels.
- Current lease holders should be given an opportunity to give input on the subject of improvements.
- Look into a shuttle service for boat owners.
- Invest in more staff during the season.
- Consider a new dock house with amenities such as laundry facilities, modern bathrooms, etc.

Mrs. Moore asked if there was a recommendation from the study group on the subject of privatization. Mr. Vecellio made a motion to recommend that the study group cease from exploring privatization options but instead recommend to the Recreation Advisory Commission and to the Town Council that staff continue to develop the long term capital improvement plan and further develop its service to make sure that we will remain competitive and successful. Seconded by Mr. Miller, all were in favor.

V. ANY OTHER MATTERS – There were none.

VI. ADJOURNMENT

The meeting was adjourned by Mrs. Moore at 2:15 p.m.



TOWN OF PALM BEACH RECREATION DEPARTMENT

MINUTES OF THE RECREATION ADVISORY COMMISSION PAR 3 GOLF COURSE PRIVATIZATION STUDY GROUP HELD ON MONDAY, NOVEMBER 1, 2010

I. CALL TO ORDER & ROLL CALL

A meeting of the Town of Palm Beach Recreation Advisory Commission Par 3 Golf Course Privatization Study Group was held on November 1, 2010, in the Town Council Conference Room at Town Hall. The meeting was called to order by Mrs. Danielle Moore, Chairman of the Recreation Advisory Commission at 8:30 a.m. Other individuals of the study group in attendance were Mr. Steven Hall, Mr. Timothy O'Hara, Mr. Scotch Peloso, Ms. Kellie Stenzel and Mr. Stuart Shulman. Staff members in attendance were Director, Mr. Jay Boodheshwar, Assistant Director Mr. Alan Brown, and Office Manager Mrs. Lisa Walkowich. Also in attendance was Town Council member Mr. William Diamond.

II. COMMUNICATIONS FROM CITIZENS

Mrs. Moore suggested that rather than taking citizen comments at the beginning of the meeting she would prefer to have a questions answered as information is presented. Everyone agreed.

III. APPROVAL OF THE AGENDA

Mrs. Moore asked for a motion to approve the agenda. Mr. Hall made the motion to approve the agenda, seconded by Mr. Peloso. All were in favor.

IV. OLD BUSINESS

Before beginning the discussion on Old Business, Mr. Boodheshwar informed the group that the Dockmaster, Mr. Jon Luscomb, had tendered his resignation effective November 10, 2010. He reported that Mr. Alan Brown will be assuming the interim responsibilities of managing the Docks and will be working with Mr. Luscomb closely in the next week to transition into the position. He will also continue to provide leadership for the Par 3 Golf Course, but members of the golf staff will assume additional responsibilities in this interim period to allow Mr. Brown the ability to divide his time between the two facilities. Mr. Boodheshwar stated that he had spoken with Mrs. Moore yesterday to discuss the time line for the study group process and recommended that the Docks and the Golf Course study group process be removed from the original time line and accelerated. Mrs. Moore felt that completing the study of these two facilities on an expedited time line would be beneficial to our customers, staff, and entire community as we head into the season.

A. Further Discussion Regarding Golf Course Leasing Option

Mr. Boodheshwar stated that after the last committee meeting staff contacted Billy Casper Golf to informally research leasing opportunities for the Par 3. Mr. Boodheshwar furnished the company with information regarding staffing and fees, historical finances, as well as statistical information such as rounds played. Mr. Boodheshwar said that in the letter received from Billy Casper Golf, they recommended that the best approach for them was to offer management services to the Town. They stated it was not economically viable at this time to lease the golf course.

Mr. Shulman said that if you are not going to lease the golf course then there was no need to hire a company to manage it, that staff could accomplish this. Mr. Boodheshwar suggested that if the study group agreed with Mr. Shulman, we could possibly contract with a firm to provide ongoing marketing services to support staff and help drive volume.

Mr. Diamond asked what the advantage of hiring a management company over having the facility run by Town employees. Mr. Boodheshwar said that a management company would have a variety of in-house resources to draw from (i.e. marketing services). Mrs. Moore added that we have researched the management companies for a couple of municipal courses in our area, and they have all ended in less than desirable results. She also stated that she is concerned about taking such a risk with the newly restored \$4.5 million golf course.

Mr. Hall said that before getting into this privatization issue the plan was to develop a marketing plan and improve the professional operations of the course. He said that staff has not been given a chance to accomplish this and stated that he liked Mr. Boodheshwar's idea of hiring an outside consultant for the marketing of the golf course.

Mr. O'Hara stated that he was not in favor of privatizing the golf course and we should move forward with the plans that staff has in place. Mrs. Stenzel agreed and said that if we can complete this process earlier as Mr. Boodheshwar and Mrs. Moore suggested that it will also give the staff confidence to work as team and move forward.

Mr. Peloso said that when he began the process he was on the fence. He said he looked at the numbers and saw the golf course had not made money in a long time. But staff is so close and it would be a shame with all that has been done not to give the opportunity to make a go of it. He further said privatization is not appropriate at this time.

Mr. Hall said we have spent two years getting the golf course in shape and now need to continue on the path that Recreation Commission chose a few years ago, and that is to make it truly an outstanding course, and give it a chance to grow. He said there is no way an outside company can come in and do a job better than has been done

because we residents have a strong interest and a real love of this golf course in this town and we have the staff that can pull this all together.

Mr. Shulman said that he cannot see how any form of privatizing the golf course will bring the Town any additional money than what staff can do by running the golf course.

Mr. Hall made a motion recommending that staff continue to operate the golf course and work to provide a more vibrant teaching program, bring a staff person on board for the management of the daily operations and continue the marketing strategies that are in place, with the possible help of a marketing consultant. Seconded by Mr. O'Hara, all were in favor.

V. ANY OTHER MATTERS - There were none.

VI. ADJOURNMENT

The meeting was adjourned by Mrs. Moore at 9:06 a.m.



TOWN OF PALM BEACH RECREATION DEPARTMENT

MINUTES OF THE RECREATION ADVISORY COMMISSION PAR 3 GOLF COURSE PRIVATIZATION STUDY GROUP HELD ON MONDAY, OCTOBER 18, 2010

I. CALL TO ORDER & ROLL CALL

A meeting of the Town of Palm Beach Recreation Advisory Commission Par 3 Golf Course Privatization Study Group was held on October 18, 2010, in the Town Council Conference Room at Town Hall. The meeting was called to order by Mrs. Danielle Moore, Chairman of the Recreation Advisory Commission at 9:00 a.m. Other individuals of the study group in attendance were Mr. Steven Hall, Mr. Timothy O'Hara, Mr. Scotch Peloso, Ms. Kellie Stenzel and Mr. Stuart Shulman. (Ms. Stenzel participated by phone) Staff members in attendance were Director, Mr. Jay Boodheshwar, Assistant Director Mr. Alan Brown, and Office Manager Mrs. Lisa Walkowich. Also in attendance were Town Council members Mr. William Diamond and Mr. Richard Kleid.

II. COMMUNICATIONS FROM CITIZENS

Mrs. Moore suggested that rather than taking citizen comments at the beginning of the meeting she would prefer to have a questions answered as information is presented. Everyone agreed.

III. APPROVAL OF THE AGENDA

Mrs. Moore asked for a motion to approve the agenda. Mr. Hall made the motion to approve the agenda, seconded by Mr. O'Hara. All were in favor.

IV. OLD BUSINESS

A. Management Models for Area Golf Courses

Mr. Boodheshwar stated that at the last Study Group Meeting the committee members requested that staff investigate management models for the West Palm Beach, North Palm Beach and Palm Beach Gardens municipal golf courses. He said that two of the golf courses are staff operated and one uses a management company. He reported that the WPB GC is in the last year of a multiyear contract with JCD Golf Inc. JCD provides all staffing and resources as needed to maintain and operate the golf course. However, the City reimburses the payroll costs for all full time and part time employees of JCD, provided they work 100% of their time at the West Palm Beach Course. The City also pays for all other operating and maintenance expenses. JCD is

responsible for employing a Class A PGA professional, who is responsible for developing and implementing teaching services for all demographics of the community. JCD also operates the pro shop and maintains appropriate merchandise to ensure that customer needs are met. The city will pay JCD \$90,000 for fiscal year 2011. Mr. Hall said that he heard that they were not doing very well. Mrs. Moore stated that the golf course has had some very serious problems and the course is not well maintained. Mr. O'Hara said that he would be curious to see if the City was going to renew the contract with JCD. The committee members requested that staff investigate if the City has made any money with this current management company.

Mr. Boodheshwar reported that the Village of North Palm Beach Golf Course is operated as an enterprise fund, encompassing both the golf course and the restaurant. It is operated by City employees with the exception of the maintenance operations which are contracted out and included in their enterprise fund at an expense of just over 1 million dollars annually. Their management model is similar to what the Town currently uses with a Head Pro/Manager who has a supplemental agreement for teaching services.

Mr. Boodheshwar reported that the City of Palm Beach Gardens was privately leased and operated for many years, until recently. Based on their experience with the previous private operator, the City felt they were better able to operate and manage all operations of the course with City staff. Teaching services and merchandise are addressed through a PGA Professional, who is hired as an independent contractor.

B. Deed Restrictions

Mr. Boodheshwar stated that staff with the help of the Finance Department has completed a review of Par 3 purchase and financing documents with respect to deed restrictions on the re-sale of the golf course property. Staff was unable to identify any limitations to selling the golf course, other than the restrictions outlined in the Town Charter. Mrs. Moore felt that this item does not need to be investigated further, and the committee members agreed.

C. Expansion of Marketing Program

Mr. Boodheshwar stated that a variety of approaches are being taken to expand our marketing/advertising efforts. The following is a list of marketing strategies that staff is currently working on:

- The Town has entered into a contract with an online marketing firm, Course Trends, to provide services including design and management of our website. They will provide weekly e-mail blasts for specials and programs. These services will be provided through an exchange for tee time system that results in no actual cash outlay from the golf budget.
- The Town has entered into an agreement with GolfNow.com, a nationally recognized internet advertisement platform, for tee time sales. This program is operated by the Golf Channel and is fully customer driven and provides

exposure to millions of golfers nationally. This service is also provided through an exchange for tee time system.

- Continue the hotel partnership program with local area hotels. A tiered rate system has been created which provides a special rate for hotel partner guests.
- Staff will approach local civic organizations that provide newsletters to their members to advertise the golf course.
- Staff will be providing new services such as a re-gripping. In addition, staff will be working with the teaching staff to run special clinics, programs and demo days.

D. Pro-Shop Merchandise

Mr. Boodheshwar stated that staff is in the process of finalizing credit applications with various vendors. This is expected to be completed in time for us to order new inventory prior to the beginning of season.

E. Additional Functions to Consider for Privatization

Mr. Boodheshwar stated that there are several functions at the golf course that are currently privatized. We contract with companies to provide certain maintenance services, such as tree trimming and lake water management. In addition, we have also privatized the vast majority of our maintenance labor through the use of a labor service company.

Mr. Boodheshwar reported that additional staffing could be privatized through use of the contract labor. He said that existing part time employees could be transferred to a labor service company. He stated that the cost savings would be minimal - ultimately the Town would pay a similar hourly rate for the service and the employee would receive a lower hourly rate, due to the multiplier that the Town would have to pay the company for each employee. However, employees would no longer be restricted to working less than 20 hours per week, which is the current labor policy for part time staff (with no benefits).

Ms. Stenzel said that she had concerns about having staff that directly interacts with customers, being supplied by a labor company. Mr. Hall said that he had the same concerns. He felt that we have reduced costs in the area of employees as much as we can. He said that he would rather pay more and expect more from our employees, draw in a higher caliber of employees who will build relationships with the customers. Mrs. Moore said that there is nothing more to cut that will not sacrifice quality of experience and service and for all of us on this committee that is paramount. The committee members agreed.

Mr. Shulman stated that we have come to the point where we need to show the council that they will do better financially if staff continues to run the golf course. He said that we need to find out if any private management company would take on all the risk and still make a profit for the Town and will they guarantee a specific dollar

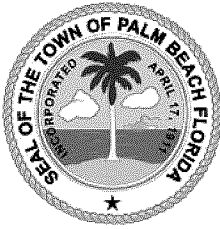
amount. Mrs. Moore asked Mr. Boodheshwar to complete some research and informally obtain the information that Mr. Shulman was seeking.

Mr. Boodheshwar also reviewed additional staff privatization options, which would include the elimination of two permanent positions (with benefits) and transferring these employees to the labor service. The committee decided to table any decisions regarding staffing until their next meeting when information regarding private management companies could be obtained

- V. ANY OTHER MATTERS – The study group members scheduled their next meeting for November 1, 2010, at 8:30 a.m. The meeting will be held at Town Hall in the Council Conference Room.

VI. ADJOURNMENT

The meeting was adjourned by Mrs. Moore at 10:15 a.m.



TOWN OF PALM BEACH RECREATION DEPARTMENT

MINUTES OF THE RECREATION ADVISORY COMMISSION PAR 3 GOLF COURSE PRIVATIZATION STUDY GROUP HELD ON THURSDAY, SEPTEMBER 30, 2010

I. CALL TO ORDER & ROLL CALL

A meeting of the Town of Palm Beach Recreation Advisory Commission Par 3 Golf Course Privatization Study Group was held on September 30, 2010, in the Town Council Conference Room at Town Hall. The meeting was called to order by Mrs. Danielle Moore, Chairman of the Recreation Advisory Commission at 10:00 a.m. Other individuals of the study group in attendance were Mr. Steven Hall, Mr. Timothy O'Hara, Mr. Scotch Peloso, Ms. Kellie Stenzel and Mr. Stuart Shulman. (Ms. Stenzel participated by phone) Staff members in attendance were Director, Mr. Jay Boodheshwar, Assistant Director Mr. Alan Brown, and Office Manager Mrs. Lisa Walkowich. Also in attendance were Town Council members Mr. William Diamond and Mr. Richard Kleid.

II. COMMUNICATIONS FROM CITIZENS

Mrs. Moore suggested that rather than taking citizen comments at the beginning of the meeting she would prefer to have everyone listen to Mr. Boodheshwar's power point presentation and then citizens could make comments and ask questions after each section. Everyone agreed.

III. APPROVAL OF THE AGENDA

Mrs. Moore asked for a motion to approve the agenda. Mr. Hall made the motion to approve the agenda, seconded by Mr. O'Hara all were in favor.

IV. PAR 3 GOLF COURSE REVIEW

A. Recreation Department

Mr. Boodheshwar gave a power point presentation that included an overview of the Recreation Department, its history, organizational structure, policies and procedures and budget. Other topics included in this presentation were the department's capital improvement schedule and an overview of the golf course, which included a more detail description of its budget, staffing levels, fees, participation, and long term financial plan. He also announced that there has been an interim management in place since the retirement of the Golf Pro/Manager in August and that Assistant Recreation Director Alan Brown is currently providing supervision of this facility.

B. Discussion Regarding Privatization

Mr. Boodheshwar reported that the question of privatization has been posed in the context of the broader Town government and the financial challenges that it is currently facing. As a part of that long-term Town budget discussion, the question of privatization of recreational facilities has been posed to determine if subsidy levels of certain programs could be reduced or eliminated to assist in the generation of additional funds for transfer to the General Fund for broader Town use.

Mr. Boodheshwar gave the study group some general information regarding the more popular types of privatization models that are used by municipalities, including asset sales, use of management companies, short-term/long-term leasing, and contracting out. He then reviewed the general pros and cons of privatization approaches and briefly addressed potential limitations as it relates to the Town's Comprehensive Plan, the Strategic Plan and the Town Charter.

After Mr. Boodheshwar's presentation Mrs. Moore asked the committee if they had any questions or comments.

Mr. Shulman stated that he did not agree with privatizing the golf course, but felt that we needed to further study the financial aspect of the discussion. He suggested surveying area golf courses to see how their golf courses are managed in order to prove to the Town Council that privatization was not in the best interest of the Town.

Ms. Stenzel said that the golf course is an amazing place and so much time and effort has gone into improving the course that it would be a shame to give it away when it is just coming into its own. She said that staff should be given the opportunity to truly expand on what we can offer to the community. Mrs. Moore agreed.

Mr. Wideman, a resident, stated that the Town needs to provide recreational services to the citizens of the Town. He said that the citizens of the Town put up a lot of money to restore the golf course and it would be a terrible mistake to give it away to a for-profit company. He also felt that privatization would hurt future contributions to the course.

Mr. Hall stated that with cost cutting measures and privatization of certain aspects of the course, we have gotten to the point where costs are under control. He said that we need to be looking at building our revenues through strong marketing and completion of the club house.

C. Discussion Regarding Potential Modifications of Current Program Operations

Mrs. Moore asked the committee for suggestions on ways to improve the operation of the golf course.

After some discussion the committee suggested the following:

- Provide information regarding golf course management from the City of West Palm Beach, City of North Palm Beach and the City of Palm Beach Gardens.
- Research limitations to selling the golf course due to deed restrictions, etc.
- Expand the marketing program to increase rounds of golf.
- Increase the quality of merchandise.
- Research additional privatization of certain functions.

Mrs. Moore stated that the overall consensus of the study group is not to privatize the golf course and staff should be allowed to continue on the current path of expanding the marketing of the golf course both locally and nationally. Mrs. Moore said that staff will report back to the committee in the next few weeks with the information that has been requested.

V. ANY OTHER MATTERS - There were none.

VI. ADJOURNMENT

The meeting was adjourned by Mrs. Moore at 11:40 a.m.

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Current Condition of Beaches.

Presenter

Robert Weber, Coastal Coordinator

Supporting Documents

- Memorandum dated November 2, 2010, from Robert Weber, Coastal Coordinator

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

Via: H. Paul Brazil, Director of Public Works

From: Robert Weber, Coastal Coordinator

Re: Current Shoreline Conditions

Date: November 2, 2010

STAFF RECOMMENDATION

Staff requests that Town Council review the general information. No action by the Council is required at this time.

GENERAL INFORMATION

For the past 2 years, Town staff has documented monthly changes in shoreline conditions. The conditions are regularly reported to the Shore Protection Board. The Town Council has requested a similar update. A report with photos will be presented during the November 9, 2010, Council meeting.

With the close of hurricane season nearly a month away (November 30), the Town remains prepared for a tropical system impacting the Town's shoreline; however, with cautious optimism for the remainder of the season, the Town has fared relatively well to date. Although the Town was not directly hit by a tropical system, the Town experienced several extended periods of persistent high winds and surf which has moderately effected the shoreline. Many of the concerned areas should directly benefit from the placement of sand associated with the upcoming projects in Reaches 1, north end of 2, 4, 7, and south end of 8.

This time last year, the Town experienced a series of nor'easters which caused beach erosion in many areas of Town. Winter months are the subannual period at which erosion is prevalent due to the stronger wind-driven waves.

All photographs taken during these shoreline condition assessments will be available on the Town's website along with other relevant information such as project status reports.

FUNDING/FISCAL IMPACTS

There is no immediate fiscal impact associated with this item.

RW

cc. H. Paul Brazil, P.E., Director of Public Works
James M. Bowser, P.E. Town Engineer

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Resolution No. 128-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$4,995,000 to Rio-Bak Corporation, for the Construction of the 2010-2011 Dune Restoration Project, Establishing a Total Construction Phase Budget of \$5,245,000 for Said Project, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated November 1, 2010, from H. Paul Brazil, Director of Public Works.
- Resolution No. 128-10
- Bid Tab Sheets
- ATM Bid Review

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Award of Contract-Dune Restoration
Resolution No. 128-10

Date: November 1, 2010

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 128-10 awarding a contract to Rio-Bak Corporation in the amount of \$4,995,000 for construction of the Town of Palm Beach 2010-2011 Dune Restoration Project, with a total construction phase budget of \$5,245,000.

GENERAL INFORMATION

On October 20, 2010, 10 bids were received to construct the Town's 2010 - 2011 Dune Restoration Project. This project is partially funded by the Federal Emergency Management Agency (FEMA). The low bid in the amount of \$4,995,000 was received from Rio-Bak Corporation of Wellington, Florida. The high bid was \$7,262,130. The low bid was below Town staff, consultant, and FEMA's estimates for this work.

The top three bid proposals received contained minor irregularities that have been thoroughly investigated by Town Staff and consultant. A meeting was held with the top two bidders, Rio-Bak Corporation and Metro Equipment Service, Inc. to discuss their proposals in more detail and to answer specific questions regarding their qualifications and abilities to do the job. After these meetings, Town staff and consultant are satisfied that the low bidder, Rio-Bak, is qualified to perform the project. A letter dated November 1, 2010 from our consultant, Applied Technology & Management (ATM), regarding their review and recommendation is attached.

FUNDING/FISCAL IMPACT

The cost sharing with FEMA is as follows:

Mid-Town Beach : FEMA, 100% of work, \$1,961,471

Phipps Ocean Park, FEMA, 82% of work, \$1,674,480; Town, 18% of work, \$367,569

Reach 8, Town, 100%, \$941,480

Bid Bond, FEMA, 73.634 %, \$36,817; Town, 26.366%, \$13,183.

Total estimated cost, FEMA, \$3,672,768; Town, \$1,322,232

amount of this reimbursement is outlined in the Town Council agenda item to award the construction management services to ATM.

Funds to construct this project are contained within the FY 2011 Coastal Management Program budget. The Town must pay all costs and upon project completion, Town staff and our consultant will seek reimbursement from FEMA.

PURCHASING REVIEW

The Purchasing Department has reviewed the information provided and has approved the content and supporting documents and concurs with awarding to the lowest responsive and responsible bidder, Rio-Bak Corporation, based on their bid of \$4,995,000.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed Resolution 128-10 and has approved same for legal form and sufficiency.

Attachment

cc. Jane Struder, Finance Director
James M. Bowser, P.E., Town Engineer
Robert Weber, Coastal Coordinator
Lynda Venne, Purchasing Agent
Shore Protection Board

RESOLUTION NO. 128-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT FOR \$4,995,000 TO RIO-BAK CORPORATION, FOR THE CONSTRUCTION OF THE 2010-2011 DUNE RESTORATION PROJECT, ESTABLISHING A TOTAL CONSTRUCTION PHASE BUDGET OF \$5,245,000 FOR SAID PROJECT, AND AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE SAID SERVICES.

* * * * *

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

Section 1. The 2010-2011 Dune Restoration project is hereby awarded to Rio-Bak Corporation, for their proposal amount of \$4,995,000, with a total construction phase budget of \$5,245,000.

Section 2. The Town Manager is hereby authorized and directed to execute a purchase order on behalf of the Town of Palm Beach for construction of the 2010-2011 Dune Restoration project with Rio-Bak Corporation.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the construction phase services for the 2010-2011 Dune Restoration project.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 9th day of November 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

2010-2011 Dune Restoration Projects
Bid No. 2011-01

Contractor	Rio-Bak Corporation	Metro Equipment Service, Inc.	C.K.A., LLC	D.S. Eakins Construction Corporation	Sunshine Land Design
Address:	12773 W. Forest Hill Blvd, Suite 210	7171 SW 62 Avenue, Suite #502	1136 New York Avenue	1481 Kinetic Road	3291 SE Lionel Terrace
Telephone:	Wellington, FL 33411	Miami, FL 33143	St. Cloud, FL 34769	Lake Park, FL 33403	Stuart, FL 34997
Fax:	561-791-9721	305-740-3303	407-709-2504	561-842-0001	772-283-2648
Contact:	561-791-9734	305-740-3305	407-641-9098	561-842-0009	772-283-8944
	Ed Accardi	Abbey Fiallo	Kenny Arrington	Douglas Eakins	Timothy R. Taylor

Mid-Town (Reach 4)

ITEM	QTY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1 Mobilization/Demobilization	1	L.S.	\$30,000.00	\$30,000.00	\$160,000.00	\$160,000.00	\$3,500.00	\$3,500.00	\$100,000.00	\$100,000.00	\$125,972.36	\$125,972.36
2 Furnish and Deliver Sand	72,800	Tons	\$21.65	\$1,576,120.00	\$20.05	\$1,459,640.00	\$22.88	\$1,665,664.00	\$23.60	\$1,718,080.00	\$23.68	\$1,723,904.00
3 Place and Grade Sand	72,800	Tons	\$4.75	\$345,800.00	\$5.47	\$398,216.00	\$5.75	\$418,600.00	\$3.50	\$254,800.00	\$5.85	\$425,880.00
4 Site Restoration	1	L.S.	\$4,500.00	\$4,500.00	\$19,534.00	\$19,534.00	\$6,500.00	\$6,500.00	\$15,400.00	\$15,400.00	\$10,000.00	\$10,000.00
5 Beach Tilling	505,100	Sq. Ft.	\$0.01	\$5,051.00	\$0.03	\$15,153.00	\$0.009	\$4,545.90	\$0.01	\$5,051.00	\$0.005	\$2,525.50
				\$1,961,471.00		\$2,052,543.00		\$2,098,809.90		\$2,093,331.00		\$2,288,281.86

Phipps Park

ITEM	QTY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1 Mobilization/Demobilization	1	L.S.	\$38,000.00	\$38,000.00	\$170,000.00	\$170,000.00	\$3,500.00	\$3,500.00	\$100,000.00	\$100,000.00	\$114,894.04	\$114,894.04
2 Furnish and Deliver Sand	78,600	Tons	\$21.65	\$1,701,690.00	\$20.05	\$1,575,930.00	\$22.88	\$1,798,368.00	\$23.60	\$1,854,960.00	\$23.68	\$1,861,248.00
3 Place and Grade Sand	78,600	Tons	\$3.60	\$282,960.00	\$5.47	\$429,942.00	\$5.75	\$451,950.00	\$3.50	\$275,100.00	\$3.85	\$302,610.00
4 Site Restoration	1	L.S.	\$10,675.00	\$10,675.00	\$7,000.00	\$7,000.00	\$6,500.00	\$6,500.00	\$22,000.00	\$22,000.00	\$20,000.00	\$20,000.00
5 Beach Tilling	872,400	Sq. Ft.	\$0.01	\$8,724.00	\$0.03	\$26,172.00	\$0.009	\$7,851.60	\$0.01	\$8,724.00	\$0.005	\$4,362.00
				\$2,042,049.00		\$2,209,044.00		\$2,268,169.60		\$2,260,784.00		\$2,303,114.04

Reach 8

ITEM	QTY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1 Mobilization/Demobilization	1	L.S.	\$28,640.00	\$28,640.00	\$70,000.00	\$70,000.00	\$3,500.00	\$3,500.00	\$81,500.00	\$81,500.00	\$70,610.60	\$70,610.60
2 Furnish and Deliver Sand	35,000	Tons	\$21.65	\$757,750.00	\$0.00	\$701,750.00	\$22.88	\$800,800.00	\$23.60	\$826,000.00	\$23.68	\$828,800.00
3 Place and Grade Sand	35,000	Tons	\$4.25	\$148,750.00	\$0.00	\$191,450.00	\$5.75	\$201,250.00	\$6.50	\$227,500.00	\$7.00	\$245,000.00
4 Site Restoration	1	L.S.	\$0.00	\$0.00	\$10,000.00	\$10,000.00	\$6,500.00	\$6,500.00	\$11,000.00	\$11,000.00	\$10,500.00	\$10,500.00
5 Beach Tilling	634,000	Sq. Ft.	\$0.01	\$6,340.00	\$0.03	\$19,020.00	\$0.009	\$5,706.00	\$0.01	\$6,340.00	\$0.005	\$3,170.00
				\$941,480.00		\$992,220.00		\$1,017,756.00		\$1,152,340.00		\$1,158,080.60
				\$4,945,000.00		\$5,253,807.00		\$5,384,735.50		\$5,506,455.00		\$5,749,476.50
				\$50,000.00		\$0.00		\$81,000.00		\$90,000.00		\$86,200.00
				\$4,995,000.00		\$5,253,807.00		\$5,465,735.50		\$5,596,455.00		\$5,835,676.50

TOTAL BID PRICE (sum of three SUBTOTALS)
Performance and Payment Bond

Indicates math error
Opened by: Lynda Venne
Witnessed by: Adis Pedraza
Bid Opening 10/20/10 @ 2:00 PM

Contractor Address: Telephone: Fax: Contact:	Arbor Tree & Land, Inc. dba ATL Diversified Industries	Phillips and Jordan, Inc.	Ranger Construction Industries, Inc.	Ceres Environmental Services	Jay Cashman, Inc.
	5796 Western Way	8940 Gall Blvd	101 Sansbury Way	3825 85th Avenue North	549 South Street
	Lake Worth, FL 33463	Zephyrhills, FL 33541	West Palm Beach, FL 33411	Brooklyn Park, MN 55443	Quincy, MA 02169
	561-965-2198	813-783-1132	561-793-9400	763-425-8822	617-890-0600
	561-965-9777	813-783-3140	561-790-4332	763-425-5636	617-890-0606
	Joe Guftuso	Stanley Croy	Miguel G. Correa	Mike Lee	Brian Rawston

Mid-Town (Reach 4)

ITEM	QTY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1 Mobilization/Demobilization	1	L.S.	\$25,000.00	\$25,000.00	\$68,353.84	\$68,353.84	\$140,000.00	\$140,000.00	\$91,000.00	\$91,000.00
2 Furnish and Deliver Sand	72,800	Tons	\$29.00	\$2,111,200.00	\$25.78	\$1,876,784.00	\$26.00	\$1,892,800.00	\$28.60	\$2,082,080.00
3 Place and Grade Sand	72,800	Tons	\$2.30	\$167,440.00	\$4.02	\$292,656.00	\$6.00	\$436,800.00	\$5.53	\$402,584.00
4 Site Restoration	1	L.S.	\$5,000.00	\$5,000.00	\$47,897.29	\$47,897.29	\$10,000.00	\$10,000.00	\$26,000.00	\$26,000.00
5 Beach Tilling	505,100	Sq. Ft.	\$0.01	\$5,051.00	\$0.21	\$106,071.00	\$0.02	\$10,102.00	\$0.026	\$13,132.60
				\$2,313,691.00		\$2,391,762.13		\$2,489,702.00		\$2,614,796.60

Phipps Park

ITEM	QTY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1 Mobilization/Demobilization	1	L.S.	\$25,000.00	\$25,000.00	\$65,884.60	\$65,884.60	\$160,000.00	\$160,000.00	\$91,000.00	\$91,000.00
2 Furnish and Deliver Sand	78,600	Tons	\$29.00	\$2,279,400.00	\$25.79	\$2,027,094.00	\$26.00	\$2,043,600.00	\$28.60	\$2,247,960.00
3 Place and Grade Sand	78,600	Tons	\$2.30	\$180,780.00	\$3.32	\$260,952.00	\$6.00	\$471,600.00	\$2.60	\$204,360.00
4 Site Restoration	1	L.S.	\$5,000.00	\$5,000.00	\$20,909.73	\$20,909.73	\$25,000.00	\$25,000.00	\$26,000.00	\$26,000.00
5 Beach Tilling	872,400	Sq. Ft.	\$0.01	\$8,724.00	\$0.21	\$183,204.00	\$0.02	\$17,448.00	\$0.026	\$22,682.40
				\$2,498,904.00		\$2,558,044.33		\$2,717,648.00		\$2,592,002.40

Reach 8

ITEM	QTY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1 Mobilization/Demobilization	1	L.S.	\$25,000.00	\$25,000.00	\$48,482.97	\$48,482.97	\$100,000.00	\$100,000.00	\$71,500.00	\$71,500.00
2 Furnish and Deliver Sand	35,000	Tons	\$29.00	\$1,015,000.00	\$25.78	\$902,300.00	\$26.00	\$910,000.00	\$28.60	\$1,001,000.00
3 Place and Grade Sand	35,000	Tons	\$2.30	\$80,500.00	\$4.87	\$170,450.00	\$6.00	\$210,000.00	\$7.15	\$250,250.00
4 Site Restoration	1	L.S.	\$10,000.00	\$10,000.00	\$62,118.09	\$62,118.09	\$35,000.00	\$35,000.00	\$26,000.00	\$26,000.00
5 Beach Tilling	634,000	Sq. Ft.	\$0.01	\$6,340.00	\$0.21	\$133,140.00	\$0.02	\$12,680.00	\$0.026	\$16,484.00
				\$1,136,840.00		\$1,316,491.06		\$1,267,680.00		\$1,365,234.00

TOTAL BID PRICE (sum of three SUBTOTALS)

Performance and Payment Bond

\$5,949,435.00	\$6,266,297.52	\$6,475,030.00	\$1,457,680.00	\$7,212,130.00
\$60,000.00	\$26,318.00	\$24,000.00	\$41,600.00	\$50,000.00
\$6,009,435.00	\$6,292,615.52	\$6,499,030.00	\$6,613,633.00	\$7,262,130.00

Indicates math err



400 S. AUSTRALIAN AVE., SUITE 300

WEST PALM BEACH, FL 33401-5045

(561) 659-0041 FAX 659-3733

WWW.APPLIEDTM.COM

November 1, 2010

Rob Weber
Coastal Coordinator
Public Works Department
P.O. Box 2029
Palm Beach, FL 33480-2029

RE: 2010-2011 Dune Restoration Projects (Bid No. 2011-01)
Bid Review and Award Recommendation

Dear Mr. Weber:

Bids for the above referenced Dune Restoration project were received on October 20, 2011. This letter provides a summary review of the bids received and recommendation regarding bid award.

Review of Project Bids

A total of 10 bids were received for this project with total costs ranging from \$4,995,000 to \$7,212,130. This result compares favorably to the engineering cost estimate developed prior to the project bidding of \$5,601,695. Of the bids received, four were less than the engineering cost estimate and 6 were above. FEMA's project estimate, which encompassed the Mid-Town and Phipps segments, was estimated to cost \$3,921,520. The FEMA project did not include an additional 10,000 cubic yard dune placement for the Phipps component and excluded Reach 8 entirely. A comparison is provided between the two pre-bid cost estimates and the received bids on a total cost per cubic yard basis in Table 1. Bid costs bracket the pre-bid cost estimates with several bids below the anticipated cost. This result is consistent with current market trends and suggests that the bids received are representative of a fair market process advantageous to the Town.

TABLE 1
Comparison of Cost Estimates and Received Bids

Project	Cost Per Cubic Yard Placed (excluding Performance Bond)			
	Engineering Estimate	FEMA Estimate	Lowest Bid	Highest Bid
Mid-Town (Reach 4)	\$41.66	\$40.00	\$37.72	\$54.03
Phipps Park (Reach 7)	\$41.65	\$40.00	\$36.37	\$52.45
Reach 8	\$43.90	*	\$37.66	\$58.31

Notes:

1. Cost Per Cubic Yard Placed includes all cost elements excluding the Performance Bond
2. Reach 8 was not included within the FEMA dune project
3. The lowest bid for Reach 8 does not include Site Restoration

Review of the bid responses indicates irregularities associated with the first three (3) lowest bids including the lowest bidder (as discussed below). Review of bids for irregularities was limited to the first three lowest bids in this evaluation.

Review of Lowest Bid (Rio-Bak Corporation)

Rio-Bak Corporation (Rio-Bak) submitted the lowest bid, with a total cost of \$4,995,000 for all three project segments. The total cost for the FEMA eligible sections is \$3.64 million.

A review of the information provided with their submission identified the following irregularities:

- The bidder did not provide a cost for site restoration for the Reach 8 segment
- The bidder stated that as there is no approved access point for Reach 8, the bidder could not provide a cost for this line item
- The bidder references and previous experience did not indicate beach-specific experience
- The list of equipment and subcontractors did not include reference to lift or conveyor systems (required at a minimum by permit for Reach 8); however their references of previous sub-contractors included a subcontractor with this capability
- The bidder did not provide a detailed traffic control or transportation plan

A request for bid clarification was sent to Rio-Bak on October 21, 2010 requesting further clarification regarding their proposed means and methods for construction of Reach 8. A response was received on October 22, 2010, though this response did not provide sufficient assurance or detail regarding the proposed means and methods of construction for Reach 8 to make a full determination on this specific issue.

A subsequent meeting between Town staff, ATM and Rio-Bak was held on October 28, 2010 to discuss the basis for their proposal and the bid irregularities noted above. At this meeting the following additional information and clarifications were provided:

- The bidder re-iterated that they were reluctant to provide a cost for site restoration for Reach 8 given that the site has not been identified. They did, however, state that this cost should not be significant in comparison to the overall project cost
- The bidder provided additional beach-specific references which demonstrate prior experience with similar projects
- The bidder provided additional detail regarding construction means and methods including the use of conveyors and additional truck resources. The bidder identified the addition of two sub-contractors to their team specific to these elements; Eastman Aggregates and Siboney Contracting. Both of these contractors were provided as sub-contractor references from previous projects within Rio-Bak's submission
- The bidder provided additional information regarding their proposed traffic maintenance and transportation plans
- The bidder stated that the base bid values and unit costs remained unaltered from the values included within their bid

Review of Second Lowest Bid (Metro Equipment Services)

A meeting with the second lowest bidder (Metro Equipment Services) was also held on October 28, 2010 and a clarification regarding means and methods for Reach 8 was also requested and provided by the bidder. The Metro Equipment Services bid was \$5,276,807 (\$281,807 more than the lowest bid). At this meeting similar concerns regarding Reach 8 and the need for conveyors and additional sub-contractors were discussed in addition to the balancing of bid values between the three project segments. As this bid was not free of irregularities and represents a greater cost than the lowest bid, no further determination was made regarding the second lowest bidder.

Recommendation

Based on a review of the bid materials provided and subsequent information provided by Rio-Bak, it is our opinion that this bidder has sufficient capacity, capability, experience and standing to successfully complete this project. A number of bid irregularities were noted. Of particular note is the lack of a line-item cost for Reach 8 site restoration. As no amount was provided within their bid, the inclusion of an additional cost for this line item at this point is likely beyond the bounds of this competitive selection, though the Town is ultimately the arbiter of this question.

At a minimum, it is recommended that the bidder provide the following additional information:

1. A revised list of specific references for similar, prior beach construction projects
2. A revised list of proposed sub-contractors
3. A revised equipment list including critical sub-contractor equipment
4. A detailed traffic maintenance and transportation plan
5. Affirmation that the base cost presented in the bid remains unaltered
6. Affirmation that no additional amount would be requested for Reach 8 site restoration

While this additional information is not insignificant, it is worth noting that Rio-Bak indicated in our 10/28 meeting that the base bid values are not altered from their bid submission. As such the costs provided within their bid submission remain intact and their bid with the above referenced information represents the lowest competent bidder for this project and at the discretion of the Town, the most advantageous bid.

Should you have any questions regarding this review, please feel free to contact me at your convenience.

Sincerely,

Applied Technology & Management, Inc.

A handwritten signature in black ink, appearing to read 'M. Jenkins', with a stylized flourish at the end.

Michael G. Jenkins, Ph.D., P.E.
Coastal Engineering Team Leader

cc: Paul Brazil (Director of Public Works)
Lynda Venne (Purchasing Agent)
Jim Bowser (Town Engineer)

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Resolution No. 127-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$155,864.44 to Applied Technology & Management for Construction Management Services in Connection with the 2010-2011 Dune Restoration Project, Establishing a Total Construction Management Services Budget of \$171,200 for Said Project, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated November 2, 2010, from H. Paul Brazil, Director of Public Works.
- Resolution No. 127-10
- ATM Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award of Contract - Construction Management (Dune)
Resolution No. 127-10

Date: November 2, 2010

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 127-10 awarding a contract to Applied Technology & Management for construction and post construction phase services in connection with the Town of Palm Beach 2010-2011 Dune Restoration Project in the amount of \$155,864.44 and establishing a not-to-exceed construction management phase budget of \$171,200.

GENERAL INFORMATION

On October 20, 2010, the Town opened bids for the 2010-2011 Dune Restoration Project. A recommendation to award a contract for this project is also on the November 9, 2010 Town Council agenda. If a contract is awarded, Town staff is recommending we employ the design consultant, Applied Technology and Management, to perform construction management on the project, and to complete post construction certifications and project close out.

This project is partially funded by the Federal Emergency Management Agency (FEMA). The construction and post construction management costs will be split based upon the overall percentage of the project funded by the Town and FEMA respectively. For this project, FEMA will pay for 73.634% and the Town 26.366% of the overall project costs.

FUNDING/FISCAL IMPACT

The construction and post construction management costs are estimated at \$155,864.44 as detailed on the engineers proposal which is attached to this memorandum. FEMA will pay an estimated \$114,769.22 and the Town will pay an estimated \$41,095.22 for the construction and post construction management costs.

PURCHASING REVIEW

The Purchasing Department has reviewed the information provided and has approved the content and supporting documentation.

TOWN ATTORNEY REVIEW

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

Attachment

cc. Jane Struder, Finance Director
James M. Bowser, P.E., Town Engineer
Rob Weber, Coastal Coordinator
Lynda Venne, Purchasing Agent

RESOLUTION NO. 127-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT FOR \$155,864.44 TO APPLIED TECHNOLOGY & MANAGEMENT FOR CONSTRUCTION MANAGEMENT SERVICES IN CONNECTION WITH THE 2010-2011 DUNE RESTORATION PROJECT, ESTABLISHING A TOTAL CONSTRUCTION MANAGEMENT SERVICES BUDGET OF \$171,200 FOR SAID PROJECT, AND AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE SAID SERVICES.

* * * * *

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

Section 1. The 2010-2011 Dune Restoration Project construction phase services is hereby awarded to Applied Technology & Management for their proposal amount of \$155,864.44, with a total construction phase budget of \$171,200.

Section 2. The Town Manager is hereby authorized and directed to execute a purchase order on behalf of the Town of Palm Beach for construction phase services with Applied Technology & Management.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the construction phase services for the 2010-2011 Dune Restoration Project.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 9th day of November 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member



400 S. AUSTRALIAN AVE., SUITE 300

WEST PALM BEACH, FL 33401-5045

(561) 659-0041 FAX 659-3733

WWW.APPLIEDTM.COM

Work Proposal

Town of Palm Beach

Applied Technology & Management

Consulting Services

For

Dune Construction Support Services

10/29/2010

This Work Order, when executed, shall be incorporated in and become an integral part of the Agreement for professional services between the Town of Palm Beach (TOWN), Florida and Applied Technology & Management (CONSULTANT), dated July 8, 2009, hereafter referred to as the Agreement.

Introduction

The CONSULTANT shall provide on-site construction observation and support services on an as-needed basis for the 2010-2011 Mid-Town, Phipps and Reach 8 Dune Construction Projects.

This effort will be conducted on a Time and Materials Not to Exceed Basis at rates consistent with the CONSULTANT's General Services Agreement with the TOWN.

Scope of Services

The following is a description of the Scope of Services to be provided under this Work Proposal. The CONSULTANT shall provide the following services:

Task 1.1 – Pre-Construction Project Support

ATM will provide the following project support prior to initiation of project construction:

1. Compilation and submission of required Notice-to Proceed documents for the FDEP and USACE
2. Review of and comment on required Contractor submittals (final transportation and traffic maintenance plans, safety plan)
3. Participation in pre-construction conference with the Contractor, Town staff and regulatory agencies
4. Update project plans with pre-construction survey data
5. Document site conditions prior to project initiation

Task 1.1 Deliverable: ATM will provide a copy of the Notice to Proceed package to the Town for review prior to submission. Comments regarding the Contractor submittals will be provided to Town staff. Minutes from the Pre-construction conference will be developed and provided to the Town. An updated set of project plans will be provided inclusive of the most recent survey data. A summary report with photo documentation of pre-project site conditions will be submitted to the Town.

Task 1.2 – On-Site Construction Observation and Project Support

ATM will provide engineering construction support services on an as needed basis as directed by the Town. ATM will provide construction observation through regular on-site review of construction progress with the contractor and Town. On-site visits will be conducted based on construction progress by the contractor and consultation with the Town. ATM will observe the construction with regard to the contract Plans and Specifications and project permit conditions. ATM will notify the Town and construction contractor of any observed deficiencies. ATM will provide on-site coordination with the contractor and Town as part of this task. During the construction process ATM will provide administrative support on an as-needed basis including contractor coordination and review of contractor invoices. ATM will provide a project completion

certification following substantial completion and will coordinate final punch-list and project close-out efforts with the Town and contractor.

ATM senior staff will attend a weekly project update and coordination meeting with the Town and contractor and will provide direction and documentation of these weekly meetings.

This task is based on the assumption of an approximate 90 day construction timeline with a total daily time commitment on the order of ten hours by key observation staff. Additional senior support is included in addition to this effort. If required multiple observers will be dedicated to the effort and it is assumed that observations will occur at all sites under active construction throughout the project duration.

Effort undertaken under this task will be conducted on a Time and Materials Not to Exceed Basis at the discretion of the Town.

Task 1.2 Deliverable: ATM will provide brief daily project observation reports electronically (by e-mail). A meeting summary document will be prepared following each weekly project meeting. Additional documents will be prepared and submitted to the Town as appropriate during construction.

Task 1.3 – Pre-Project Turbidity Monitoring

As required by State and Federal project permits the CONSULTANT will conduct the required pre-project turbidity monitoring as defined within the permit monitoring protocol. A series of 4 weekly monitoring events will be conducted as defined within the protocol at multiple locations within the Town. By reference the project Monitoring plan is included as a basis for this effort. This effort is limited to the required pre-project turbidity monitoring and does not include during or post-project efforts.

Task 1.3 Deliverable: ATM will submit documentation of each monitoring event as delineated within the monitoring protocol including turbidity readings for each area in a format consistent with permit requirements.

Task 1.4 – Construction Project Website Maintenance

The CONSULTANT will provide regular updates to the project construction website. This will include recent information regarding the status of the project, construction photos and other relevant construction documentation as directed by the Town. It is assumed that relevant information will be provided to the CONSULTANT by the Town on a timely basis for incorporation into the website. Additional internal information generated during the construction process will be incorporated into the site under the direction of the Town.

Task 1.4 Deliverable: ATM will provide regular updated pages to the website as delineated above.

Task 1.5 – As-Built Survey and Project Certification

The CONSULTANT will conduct a project 'as-built' survey and project certification document. The survey will be conducted by a sub-consultant (Sea Diversified) and will conform to requirements of the project permits and FDEP standards for beach surveys. Surveys will be conducted at each whole monument within the project area and 5,000 feet to the north and south of each project area. Due to their proximity Phipps (Reach 7) and Reach 8 will be surveyed as a single area.

The CONSULTANT will review project documentation and the as-built survey and develop a Project Certification letter sufficient for submission to both Federal and State regulatory agencies.

Task 1.5 Deliverable: Signed and sealed as built drawings will be developed sufficient for submission to the FDEP. A Project Certification letter meeting the provisions of the project permit will be developed.

Compensation

This effort will be conducted on a Time and Materials Not to Exceed Basis for **\$155,864.44**. A cost breakdown is provided within the attached Scope spreadsheet

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Resolution No. 124-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$403,623 to Applied Technology & Management, Inc. to Perform an Offshore Sand Search Investigation and Borrow Area Development at the Southern End of Palm Beach, Establishing a Total Budget of \$444,000 for Said Project, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated October 27, 2010, from H. Paul Brazil, Director of Public Works.
- Resolution No. 124-10

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

From: Robert Weber, Coastal Coordinator

Re: Award of Contract- Sand Search- South End
Resolution No. 124-10

Date: October 27, 2010

STAFF RECOMMENDATION

Staff requests that Town Council approve Resolution 124-10, authorizing the Town Manager to execute a contract with Applied Technology & Management, Inc in the amount not to exceed of \$444,000 (includes approximately 10% contingency) for the Offshore Sand Search - South End.

BOARD RECOMMENDATION

The Shore Protection Board recommended a Town wide sand search be completed between the Palm Beach inlet and the south Town limits. The first phase has been budgeted, approved, and is on-going from the inlet to the Mid Town area. Town Council budgeted \$505,000 to perform the second phase of a sand search study in FY 2011. This phase extends from the Mid-Town area to the south Town limits. The Shore Board recommends that Town Council authorize Town staff to proceed with the second phase of the sand search study.

GENERAL INFORMATION

When Town Council received the SPB Plan, the FY 2010 budget had already been approved and was being implemented as of October 1, 2009. The SPB Plan included several coastal items to be conducted during FY 2010 that were not included in the Town Council approved budget. The Offshore Sand Search was a key project that the SPB concluded should be conducted in FY 2010. The SPB reaffirmed their recommendation for conducting both the north and south sand searches at the April 5, 2010 SPB meeting.

As directed, Town staff requested a sand search proposal from Applied Technology & Management, Inc. (ATM). The purpose of the sand search is to delineate borrow areas of suitable and acceptable sand to support the Town's current beach project areas in Mid-Town and Phipps Ocean Park (Reach 7). The proposal was structured to reflect the SPB's desires to focus first on the sand resources around the Lake Worth Inlet. By separating the Offshore Sand Search into two (2) phases,

North Area and South Area, the cost of the sand search could be split between FY 2010 (supplemental appropriation) and FY 2011 (normal approval process) budgets.

On October 19, 2010, ATM offered the following brief update of the North Area sand search currently underway:

- Task 1 (Data Inventory and Field Plan) was initiated and has been largely completed
- Preliminary findings and map were provided to the Town on September 20, 2010
- Preliminary investigation areas have been defined based on various constraints to target areas most likely to provide viable material for beach restoration
- A final Task 1 report is in preparation with anticipated delivery the first week of November.
- Communication with the State Historic Preservation Office (SHPO) has been initiated and a cultural resources permit request is in preparation for the field investigations
- Field resources have been dedicated to the survey and are in preparation for completion of Task 2 field investigations in the November time frame

The total cost of the offshore sand search investigation and borrow area development, for both the north area (\$449,669) and the south area (\$403,623), is estimated to be \$853,292. The north area proposal included a data inventory review for both the entire Town's previous sand search studies (north and south area).

FUNDING/FISCAL IMPACT

Sufficient funds exist in the General Coastal Fund for this work. The south end sand search proposal, (\$403,623) and an approximate 10% contingency (\$40,377), totals \$444,000.

PURCHASING REVIEW

The Purchasing Department has reviewed the information provided and has approved the content and supporting documentation.

TOWN ATTORNEY REVIEW

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

RW

Attachment

cc. Shore Protection Board
Jane Struder, Director of Finance
James M. Bowser, P.E., Town Engineer

RESOLUTION NO. 124 - 10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT FOR \$403,623 TO APPLIED TECHNOLOGY & MANAGEMENT, INC. TO PERFORM AN OFFSHORE SAND SEARCH INVESTIGATION AND BORROW AREA DEVELOPMENT AT THE SOUTHERN END OF PALM BEACH, ESTABLISHING A TOTAL BUDGET OF \$444,000 FOR SAID PROJECT, AND AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE SAID SERVICES.

* * * * *

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

Section 1. The Offshore Sand Search Investigation and Borrow Area Development at the Southern End of Palm Beach is hereby awarded to Applied Technology & Management, for their proposal amount of \$403,623. After allowance for a 10 % contingency, the total amount authorized for the Offshore Sand Search Investigation and Borrow Area Development at the Southern End of Palm Beach is \$444,000

Section 2. The Town Manager is hereby authorized and directed to execute a contract on behalf of the Town of Palm Beach for the Offshore Sand Search Investigation and Borrow Area Development at the southern end of Palm Beach with Applied Technology & Management, Inc.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the Offshore Sand Search Investigation and Borrow Area Development at the southern end of Palm Beach.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 9th day of November 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Scope and Funding for Internal Audit Services for FY11.

Presenter

Robert Wildrick, Town Council Member

Supporting Documents

- Crowe Horwath Report-Town of Palm Beach Internal Audit Plan FY 2011



Town of Palm Beach

Internal Audit Plan Fiscal Year 2011

AUDIT PLAN

Considering the Risk Assessment performed in 2010 and the results and discussions with TPB management and Town Council regarding areas of concern for audit focus, Crowe Horwath has developed the following tentative proposed internal audit plan for FY 2011:

Segments	Segment Description	Time Frame	Cost
Segment 1	Planning, Zoning and Building	Q1 & Q2 Fiscal 2011	\$ 40,000
Segment 2	Public Safety : Fire Department	Q2 & Q3 Fiscal 2011	\$ 25,000
Segment 3	Public Safety: Police Department	Q2 & Q3 Fiscal 2011	\$ 30,000
Segment 4	Re- Audit of Human Resources	Q3 Fiscal 2011	\$ 10,000
Segment 5	Re-Audit of Construction Procurement, Project Management and Capital Project Accounting	Q4 Fiscal 2011	\$ 25,000
Segment 6	Network Security Assessment	Q2 2011	\$ 20,000
Total			\$ 150,000

The basic objectives and estimated hours and cost information for each segment is as follows: (a more detailed scope of work will be developed upon further investigation of the specific tasks to be included in the audit plan).

Segment 1 – Planning, Zoning and Building

Objectives

Evaluate and test the design and effectiveness of internal controls for documentation that procedures implemented ensure compliance with local and state laws. Procedures to be evaluated will include the following:

1. Procedures implemented to ensure compliance with the Town's Comprehensive Plan.
2. Procedures implemented to ensure compliance with the objectives of the Architectural Commission review process.
3. Procedures implemented to issue building permits and perform inspections in accordance with Florida's Building Code and Town Ordinances.
4. Procedures implemented to monitor Customer Service Response.
5. Procedures implemented to administer the Business Tax Receipt Licensing Program.

Hour and Costs

Total Estimated Cost: \$40,000

Total Estimated Hours: 285

Partner	35 Hours @ \$275/hr
Supervisor/Manager	100 Hours @ \$145/hr
Senior	150 Hours @ \$120/hr

Segment 2 – Public Safety: Fire Department

Objectives	
Evaluate and test the design and effectiveness of internal controls for ensuring that procedures are implemented in the following areas:	
1. Procedures are implemented to ensure control over excessive overtime and administration of benefits. 2. Procedures are implemented to ensure billing and collections of EMS transport revenues. 3. Procedures are implemented to ensure billing and collections of “Special Detail” revenues. 4. Procedures are implemented to ensure minimum staffing in accordance with OSHA and NFPA and/or other applicable standards. 5. Procedures are implemented to ensure the accurate preparation of the budget in accordance with the actual fiscal requirements of the public safety departments. 6. Procedures are implemented to identify and report ethics violations in accordance with Town Policies. 7. Procedures are implemented to ensure billing and collection of fire prevention and inspection fees.	
Hour and Costs	
Total Estimated Cost:	\$25,000
Total Estimated Hours:	170
Partner	20 Hours @ \$275/hr
Supervisor/Manager	64 Hours @ \$145/hr
Senior	86 Hours @ \$120/hr

Segment 3 – Public Safety: Police Department

Objectives	
Evaluate and test the design and effectiveness of internal controls for ensuring that procedures are implemented in the following areas:	
1. Procedures are implemented to ensure control over excessive overtime and administration of benefits. 2. Procedures are implemented to ensure billing and collections of "Special Detail" revenues. 3. Procedures are implemented to ensure the accurate preparation of the budget in accordance with the actual fiscal requirements of the public safety departments. 4. Procedures implemented to identify and report ethics violations in accordance with Town Policies. 5. Procedures are implemented to issue fines and violations from the Code Enforcement Board. 6. Procedures are established to maintain internal control over cash handling in the records unit. 7. Procedures are established to maintain internal control over evidence handling and confiscated property.	
Hour and Costs	
Total Estimated Cost: \$30,000	
Total Estimated Hours: 215	
Partner.	28 Hours @ \$275/hr
Supervisor/Manager	80 Hours @ \$145/hr
Senior	107 Hours @ \$120/hr

Segment 4 – Re-Audit of Human Resources

Objectives

Re test for selected findings noted in the 2010 audit of the Human Resources evaluation where the design and effectiveness of internal controls were tested to determine that:

1. Compensation information produced by payroll and pension benefit information systems is accurate.
2. Pension plans are implemented in conformance with existing federal, state and town laws and ordinances.
3. Procedures to insure conformance with gift acceptance policies were implemented and followed.

Hour and Costs

Total Estimated Cost: \$10,000

Total Estimated Hours: 80

Partner	10 Hours @ \$275/hr
Supervisor/Manager	40 Hours @ \$145/hr
Senior	50 Hours @ \$120/hr

Segment 5 – Re-Audit of Construction Procurement, Project Management and Capital Project Accounting

Objectives

Re test for selected findings noted in the 2010 audit of the Public Works evaluation where the design and effectiveness of internal controls were tested to document that:

1. Manual and automated accounting systems properly record construction and finance activity.
2. Procedures are implemented to detect fraudulent activities in the organization in a timely manner.
3. Procedures are implemented to ensure compliance with Bid procedures.
4. Procedures are implemented to ensure that Payments to contractors are tied to deliverables.
5. Procedures are implemented to effectively monitor Construction program management and effectively monitor cost overruns, change orders, contract compliance and project completion.

Hour and Costs

Total Estimated Cost: \$25,000

Total Estimated Hours: 170

Partner	20 Hours @ \$275/hr
Supervisor/Manager	64 Hours @ \$145/hr
Senior	86 Hours @ \$120/hr

Segment 6 – Network Security Assessment

Objectives							
The purpose of the Network Security Assessment is to provide a comprehensive review of the security strengths and vulnerabilities of the Town’s financial information systems * and to provide practical advice on how to address the areas of control weakness. To ensure that the Town invests information security resources most effectively we will provide individual recommendations for each topic area we assess. We identify the Town’s critical information, analyze where it flows and resides, and determine the most significant threats to the information. We will look at how the Town’s system configuration and operational processes affect the security of your critical information. For each area of vulnerability, we will recommend actions to mitigate the Town’s risks. *Individual systems to be tested to be defined later with scope before beginning project.							
Hour and Costs							
Total Estimated Cost: \$20,000 Total Estimated Hours: 160 <table><tr><td>Partner</td><td>20 Hours @ \$275/hr</td></tr><tr><td>Supervisor/Manager</td><td>60 Hours @ \$145/hr</td></tr><tr><td>Senior</td><td>80 Hours @ \$120/hr</td></tr></table>		Partner	20 Hours @ \$275/hr	Supervisor/Manager	60 Hours @ \$145/hr	Senior	80 Hours @ \$120/hr
Partner	20 Hours @ \$275/hr						
Supervisor/Manager	60 Hours @ \$145/hr						
Senior	80 Hours @ \$120/hr						

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Annual Report on Unpaid Assessments, Fines, and Authorization to Write off Certain Monies Deemed Uncollectable.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum Dated October 29, 2010, from Jane Struder, Finance Director
- Delinquent Account List
- EMS Write Off List
- Police Write Off List

Town of Palm Beach

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Status Report of Delinquent Accounts

Date: October 29, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council authorize staff to write off the balances indicated in the report and summarized below:

Type of Charge	Write off Amount	FY2010 Revenue Collected	% of Write off vs. Total Revenue
EMS Charges	\$20,990	\$373,879	5.61%
Code Enforcement Fines	1,200	45,742	2.62%
Special Detail	79	596,255	0.01%
Newsrack Fees	150	323	46.44%
Parking Tickets (FY2007)			
Tickets	45,740	400,370	11.42%
Penalties	<u>131,310</u>	<u>200,076</u>	65.63%
Total	\$199,469	\$1,616,645	12.34%

GENERAL INFORMATION

Status of Delinquent Accounts - Year End Update

Attached is the September 30, 2010, Status of Delinquent Accounts report for your review. This report includes outstanding code enforcement liens, false alarm fees, fire prevention fees and a miscellaneous receivable. The total amount of delinquent accounts on this report equals \$1,780,997. Most of the balance (99%) is made up of code enforcement liens. The numerous

\$150 amounts under code enforcement liens represent code enforcement administrative fees. These fees are an assessment of the cost associated with processing a case where the Town prevails before the Code Enforcement Board at the initial finding of violation and issuance of an order of the Board.

The Police Department is requesting that \$1,200 of these small amounts be written off as uncollectible. (See attached letter for description of cases.) In addition, the police department is requesting that one outstanding police special detail balance be written off in the amount of \$79.20.

We have received a notice of bankruptcy filing for the Tribune Company owner of the Sun Sentinel. We are requesting that the Town Council authorize the write off of three newrack fees owed by the Sun Sentinel totaling \$150.00.

Overall, aside from the code enforcement liens, the remaining receivables shown on this report represent a very small portion of the total income derived from these sources. This delinquent account report is prepared monthly and distributed to the Planning, Zoning and Building, Public Works, Fire-Rescue and the Police Departments to monitor for collection opportunities.

EMS Collections

Attached to this memorandum is a delinquent account report requesting the authority to write off \$20,989.35 in uncollectible EMS fees. The collection process has been followed and all notices have been sent. The list contains the date of the transport, the balance on the account, the reason for the write off, year of transport. The name of the patient is not included because the Town is only able to release "minimally necessary" information to the public regarding these accounts due to HIPPA regulations.

We are in the process of contracting with a collection agency to collect delinquent EMS accounts. Some of the uncollectible accounts do not reside in Palm Beach County and almost all of the delinquent accounts do not reside in Palm Beach. If the account is outside Palm Beach County, it is noted with an X on the report.

The total amount due on EMS accounts is shown below. The amounts below include the accounts that are requested to be written off in the amount of \$20,989.35

Total amount due on EMS accounts as of September 30, 2010: \$171,752

Total amount of delinquent accounts as of September 30, 2010: \$142,231

The collection rate for the FY2010 is: 90%

Total revenue from EMS fees for FY2010: \$373,879

Parking Tickets

The Town has used a collection agency, Enforcement Technology (ET) to collect on delinquent and out-of-state parking tickets since 2004. During fiscal year 2010, their efforts to collect on delinquent tickets have produced \$53,495 in additional parking ticket revenue, a decrease from \$72,227 in FY09. ET has been paid \$21,398 for their efforts during the year.

Revenues from parking tickets and associated penalties for FY2010 were \$42,884 lower than FY2009. The number of parking tickets issued in FY10 declined by 7%.

The collection rate for FY2008 parking tickets is 91%, for FY2009 it is 89% and for FY2010 thus far the rate is 85%.

Last year, Town Council authorized staff to write off tickets issued during fiscal year 2006. We are requesting that the Town Council authorize staff to write off outstanding parking tickets and penalties issued prior to September 30, 2007, totaling \$177,050. This total consists of original tickets issued in the amount of \$45,740 and \$131,310 in penalties. These tickets have been sent to the collection agency and all efforts have been made to collect these tickets. The collection agency will continue to pursue these outstanding tickets.

The chart on the next page compares FY2009 vs. FY2010 write off and receivable balances.

jls

cc: Department Directors
John C. Randolph, Town Attorney

Comparison of FY2009 vs. FY2010 Receivable Report

Write off Amounts

Type of Charge	FY2009	FY2010
EMS Charges	\$81,198	\$20,989
Dock Charges	\$15	\$0
Code Enforcement Fees	\$980	\$1,200
Parking Tickets	\$182,576	\$177,050

Balance of Delinquent Accounts

Type of Charge	FY2009	FY2010
Code Enforcement Liens	\$869,683	\$1,774,382
Special Assignment Overtime - Police	\$828	\$79
Alarm Fees	\$5,676	\$5,724
Fire Prevention Fees	\$2,692	\$662
EMS Charges	\$172,413	\$171,752
Parking Tickets		
Tickets	\$229,186	\$222,404
Penalties	\$505,215	\$454,483

Revenues from above sources

Type of Charge	FY2009	FY2010
Code Enforcement Liens	\$352,052	\$53,942
Special Assignment Overtime - Police	\$796,091	\$596,255
Alarm Fees	\$160,436	\$151,857
Fire Prevention Fees	\$179,574	\$180,208
EMS Fees	\$384,368	\$373,879
Parking Tickets	\$643,330	\$617,496

Town of Palm Beach
Monies owed to the Town Lien List
30-Sep-10

Name	Address	Case Number	Date Lien Recorded	Principal Due	Penalty/Interest Due	Total Due	Action Taken
Code Enforcement Liens							
Robert & Louisa Dean	232 Cherry Lane	Case #06-2042	12/29/2006	\$150.00	\$0.00	\$150.00	CEB Costs
Robert & Beverly Lowden	129 Chilian Ave	Case #06-2073	04/12/2007	\$150.00	\$35,277.84	\$35,377.84	Fine not reduced by CEB
Erik Gilbertson	151 Chilean Ave	Case #07-2089	01/31/2008	\$150.00	\$313,500.00	\$313,650.00	Daily Running Fine of \$250.00 started 05/17/07
John Atkinson	250 Clark Ave	Case #07-2185	04/24/2008	\$250.00	\$0.00	\$250.00	Water Violation Fine \$100; CEB Costs \$150.00
Philip Steinberg	1640 South Ocean Blvd	Case #07-2230	07-2381	\$350.00	\$0.00	\$350.00	Water Violation Fines \$200 - CEB Costs \$300
23 24 Orange Grove Pk & Wm Bell Co	230 Atlantic Ave	Case #07-2241	01/31/2008	\$150.00	\$5,000.00	\$5,150.00	Fine of \$5000.00; CEB Costs of \$150.00
Susan Gibson- Case 1	226 Pendleton Ave	Case #07-2277	01/31/2008	\$150.00	\$43,250.00	\$43,400.00	Also has daily running fine under this case # 07-2277
Susan Gibson - Case 2	226 Pendleton Ave	Case #07-2277	01/31/2008	\$150.00	\$275,100.00	\$275,250.00	Daily Running Fine of \$250.00 started 10/18/07
Violet Alexander	259 Oleander Ave	Case #07-2363	06/02/2008	\$150.00	\$4,600.00	\$4,750.00	Fine reduced by CEB from \$9500.00
Philip Steinberg	1640 S Ocean Blvd	Case #07-2385 & 07-2230	04/24/2008	\$350.00	\$0.00	\$350.00	Water Violation Fines \$200 - CEB Costs \$150
159 Sunset Ave LLC	159 Sunset Ave	Case #07-2398	04/24/2008	\$250.00	\$0.00	\$250.00	Water Violation Fines \$100 - CEB Costs \$150
John Atkinson	250 Clarke Ave	Case #07-2421	04/24/2008	\$350.00	\$0.00	\$350.00	Water Violation Fines \$200 - CEB Costs \$150
Susan C. Lee Tr	215 Colonial Lane	Case #08-2477	06/26/2008	\$0.00	\$129,940.97	\$129,940.97	Property Sold at foreclosure hearing on 9/16/10
E. Nordin Gilbertson	151 Chilian Ave	Case #08-2478	07/31/2008	\$0.00	\$225,650.00	\$225,650.00	Daily Running Fine of \$250.00 Started 05/02/08
Stephen J Macari	110 Angler Ave	Case #08-2492	07/31/2008	\$150.00	\$25,013.37	\$25,163.37	Property in Foreclosure- Town successful bidder
Beth Pouncey - xxxxxxxx	314 Australian Ave	Case #08-2493	07/31/2008	\$400.00	\$0.00	\$400.00	Non-Property Owner - Unable to file lien
Beth Pouncey - xxxxxxxx	314 Australian Ave	Case #08-2494	07/31/2008	\$400.00	\$0.00	\$400.00	Non-Property Owner - Unable to file lien
C.J.'s Simply Gourmet Inc	235 Sunrise Avenue	Case #08-2497	07/31/2008	\$400.00	\$0.00	\$400.00	Fine of \$250.00; CEB Cost of \$150.00
C.J.'s Simply Gourmet Inc	235 Sunrise Avenue	Case #08-2498	07/31/2008	\$400.00	\$0.00	\$400.00	Fine of \$250.00; CEB Cost of \$150.00
C.J.'s Simply Gourmet Inc	235 Sunrise Avenue	Case #08-2499	07/31/2008	\$150.00	\$500.00	\$650.00	Fine of \$500.00; CEB Cost of \$150.00
C.J.'s Simply Gourmet Inc	235 Sunrise Avenue	Case #08-2500	07/31/2008	\$150.00	\$500.00	\$650.00	Fine of \$500.00; CEB Cost of \$150.00
AMF Estate Management - xxxxxxxx	208 Dunbar Road	Case #08-2519	10/28/2008	\$150.00	\$0.00	\$150.00	CEB Costs; Non-property owner, unable to file lien
Marianne Chopp	250 Bradley Place #701	Case #08-2547	01/28/2009	\$0.00	\$4,400.00	\$4,400.00	Fine reduced by CEB from \$8800.00
James Brandon	112 Caribbean Road	Case #08-2551	12/02/2008	\$150.00	\$149,850.00	\$150,000.00	Bank Forclosed on property - Town settlement
Catherine Bradley - xxxxxxxx	40 Coconut Row	Case #08-2554	12/02/2008	\$400.00	\$0.00	\$400.00	Fine of \$250.00; CEB Cost of \$150.00
Catherine Bradley - xxxxxxxx	Royal Poinclana Plaza	Case #08-2572	12/02/2008	\$150.00	\$500.00	\$650.00	Fine of \$500.00; CEB Costs of \$150.00
Absolute Air Conditioning - xxxxxxxx	44 Coconut Row #A622	Case #08-2577	12/02/2008	\$150.00	\$250.00	\$400.00	Fine of \$250.00; CEB Costs of \$150.00
271 La Puerta Way LLC	271 La Puerta Way	Case #08-2583	03/04/2009	\$0.00	\$15,900.00	\$15,900.00	Property being sold subject to Town's lien
Charles W. Smith	242 Cherry Lane	Case #08-2585	12/30/2008	\$0.00	\$16,000.00	\$16,000.00	Fine: mtg. holder in foreclosure process
Precision Green - xxxxxxxx	223 Via Tortuga	Case #08-2593	02/01/2009	\$150.00	\$0.00	\$150.00	CEB Costs, Non-property owner
T & P Pavers - xxxxxxxx	1485 Via Manana	Case #09-2610	02/01/2009	\$150.00	\$250.00	\$400.00	Fine of \$250.00 & Ceb Costs of \$150.00
Paul Pomfret	169 Reef Road	Case #09-2617	04/28/2009	\$150.00	\$0.00	\$150.00	Ceb Costs
Frank Frankel	249 Brazilian Ave	Case #09-2622	04/28/2009	\$150.00	\$2,000.00	\$2,150.00	\$2000.00 Fine & CEB Costs
177 Main Street LLC	179 Main Street	Case #09-2646	07/14/2009	\$0.00	\$27,600.00	\$27,600.00	Daily fine of \$150.00 started 7/14/09
Lawrences Rule, Jr.	2283 W. Ibis Isle Road	Case #09-2652	08/18/2009	\$150.00	\$107,350.00	\$107,500.00	CEB Costs: Daily fine of \$250.00 started 8/18/09
2401 2310 00 Trust	2842 South Ocean Blvd	Case #09-2672	06/02/2010	\$150.00	\$59,250.00	\$59,400.00	Daily Fine of \$250.00 started 1/22/10 & CEB Costs
Min Y Jo LLC	249 Peruvian Ave R21	Case #09-2676	11/18/2009	\$150.00	\$750.00	\$900.00	CEB Costs
Susan C Lee Trust	215 Colonial Ave	Case #09-2684	12/22/2009	\$0.00	\$37,650.00	\$37,650.00	Daily Fine of \$500.00 started 10/15/09; CEB Costs
Stephen Macari	110 Angler Ave	Case #09-2690	02/26/2010	\$150.00	\$136,650.00	\$136,650.00	Daily Fine of \$500.00 started 1/22/10 & CEB Costs
Joseph Cain	893 South County Road	Case #10-2691	02/26/2010	\$150.00	\$1,500.00	\$1,650.00	Fine of \$1500.00 and CEB Costs
2401 2301 00 Trust	2842 South Ocean Blvd	Case #10-2700	06/02/2010	\$150.00	\$45,000.00	\$45,150.00	Daily Fine of \$250.00 started 2/20/10; CEB costs
Susan C Lee	287 Pendleton Ave	Case #10-2706	06/02/2010	\$150.00	\$48,750.00	\$48,900.00	Daily Fine of 250.00 started 4/10/10; CEB costs
Robert A & Louise A Dean	232 Cherry Lane	Case #10-2708	06/02/2010	\$150.00	\$750.00	\$900.00	Daily Fine of \$75.00 started 4/10/10; CEB costs
Omphoy Ocean Resort @ 2403 2301 12842 South Ocean Blvd	CE 10-43	Case #10-145	08/06/2010	\$150.00	\$0.00	\$150.00	CEB Costs on 3/18/10
Sirenty Investor Ltd	106 Hammon Ave	Case #10-145		\$150.00	\$19,850.00	\$20,000.00	Daily Fine of \$250.00 started 7/10/10; CEB Costs
Omphoy Ocean Resort @ 2403 2301 12842 South Ocean Blvd	Case #10-238	Case #10-238		\$150.00	\$0.00	\$150.00	CEB Costs on 7/15/10
Robert M Feldman	516 South Ocean Blvd	Case #10-159		\$150.00	\$6,600.00	\$6,750.00	Daily Fine of \$250.00 started 9/11/10 CEB Costs
Thomas Campaniello	244 South County Road	Case #10-350		\$150.00	\$0.00	\$150.00	CEB Costs on 8/19/10

Thomas Campaniello	290 South County Road	Case #10-87	\$150.00	\$0.00	\$150.00	CEB Costs on 8/19/10
Thomas Campaniello	292 South County Road	Case #10-88	\$150.00	\$0.00	\$150.00	CEB Costs on 8/19/10
Thomas Campaniello	294 South County Road	Case #10-89	\$150.00	\$0.00	\$150.00	CEB Costs on 8/19/10
Thomas Campaniello	304 South County Road	Case #10-86	\$150.00	\$0.00	\$150.00	CEB Costs on 8/19/10
Thomas Campaniello	308 South County Road	Case #10-90	\$150.00	\$0.00	\$150.00	CEB Costs on 8/19/10
Florida Capital Management	237 Brazilian Ave	Case #10-182	\$26,150.00	\$0.00	\$26,150.00	Daily Fine of \$250.00 started 8/3/10
Salomon & Ellen Bitton	142 Via Palma	Case #10-441	\$150.00	\$0.00	\$150.00	CEB Costs on 9/16/10
Gail Trinka	2300 South Ocean Blvd	Case #10-418	\$150.00	\$0.00	\$150.00	CEB Costs on 9/16/10

bold xxxxxxx - can not be liened

False Alarm Calls

Polo Ralph Lauren	300 North Avenue	AI-000840	\$300.00	\$79.86	\$379.86	Cert Ltr 9/01/10-sent to CEB 10/05/10
Saks Fifth Avenue	172 North Avenue	AI-000115	\$275.00	\$57.75	\$332.75	Cert Ltr 10/06/10-Mr. Page called sending ck 10/21/10
Michael Picotte	220 Sanford Avenue	AI-000858	\$900.00	\$60.00	\$960.00	Cert Ltr 10/06/10
John H Surovek Gallery	349 North Avenue #8	AI-000121	\$275.00	\$144.63	\$419.63	Cert Ltr 10/06/10
C G Berwind Jr	40 Blossom Way	AI-000209	\$300.00	\$30.00	\$330.00	Cert Ltr 10/06/10
Ivana Trump	102 Jungle Road	AI-000465	\$600.00	\$30.00	\$630.00	Cert Ltr 10/06/10
William Branstrom	440 Brazilian Avenue	AI-002200	\$300.00	\$31.50	\$331.50	Cert Ltr 10/06/10
PB Orthodox Synagogue	120 North County Road	AI-002016	\$1,350.00	\$60.00	\$1,410.00	Cert Ltr 10/06/10
Morris Weissman	122 Kings Road	AI-001061	\$900.00	\$30.00	\$930.00	Cert Ltr 10/06/10

Police - Special Detail

Susan Lee	Invoice #3351	08/10/2009	\$0.00	\$79.20	\$79.20	Sent past due notice - late fees only sent to CEB
Total False Alarm Calls			\$5,200.00	\$523.74	\$5,723.74	
Total Police - Special Detail			\$0.00	\$79.20	\$79.20	

Misc Revenue

Sun Sentinel - New York Times	Newsracks	MI-000097	\$60.00	\$0.00	\$60.00	Cert ltr 11/09 - sent to CEB 12/10/09- filed Banruptcy
Sun Sentinel - Wall Street	Newsracks	MI-000152	\$40.00	\$0.00	\$40.00	Cert ltr 11/09 - sent to CEB 12/10/09- filed Banruptcy
Sun Sentinel - Sun Sentinel	Newsracks	MI-000147	\$50.00	\$0.00	\$50.00	Cert ltr 11/09 - sent to CEB 12/10/09- filed Banruptcy

Fire Prevention

Cloud Ten PB	209 Royal Poinciana Way	1005138001	\$100.00	\$33.10	\$133.10	
Island Animal Hospital	262 Sunset Avenue	1006174002	\$100.00	\$21.00	\$121.00	
Island Living	203 Royal Poinciana Way	1005148001	\$100.00	\$33.10	\$133.10	
Omphony Hotel	2842 South Ocean Blvd	1007728001	\$250.00	\$25.00	\$275.00	
Charley's Crab Restaurant	456 South Ocean Blvd	*1008124001	\$190.00	\$0.00	\$190.00	
330 Co-Op	330 Coconut Row	*1008164008	\$150.00	\$0.00	\$150.00	
Brazilian Court Hotel	301 Australian Avenue	*1008174006	\$350.00	\$0.00	\$350.00	
Barymore Apts.	150 Australian Avenue	*1008188004	\$100.00	\$0.00	\$100.00	
The Down Under Apts.	216 Australian Avenue	*1008248001	\$100.00	\$0.00	\$100.00	
Fairfax & Sammons	214 Brazilian Avenue	*1008268002	\$100.00	\$0.00	\$100.00	
Robert W Slater, CPA	214 Brazilian Avenue	*1008264006	\$100.00	\$0.00	\$100.00	
Apartment	307 Chilean Avenue	*1008314004	\$100.00	\$0.00	\$100.00	
Chilean Court Condos	226 Chilean Avenue	*1008314006	\$100.00	\$0.00	\$100.00	

TOTAL FIRE PREVENTION ACCOUNTS

\$112.20

\$662.20

TOTAL MONIES OWED

\$1,739,697.32

\$1,780,997.32

EMS Transport Billing
Proposed Write Offs for 2010

ACCT #	BALANCE	FINANCE CHARGES	REASON FOR WRITE OFF	Inactive Since	Outside PBC
71	\$ 314.00		No response from pt; unable to bill	2003	
386	\$ 100.00		Insurance denied; pt unable to pay	2005	
543	\$ 268.40		Pt. denied being transported; refused to pay; bad address	2003	
1176	\$ 497.00	\$ 0.41	Deceased	2009	
1463	\$ 385.00	\$ 1.55	Bad Address; unable to locate.	2004	x N. Miami Beach
1759	\$ 342.00	\$ 0.56	Denies ever being in Palm Beach or being our pt.	2004	x Seattle, WA
1906	\$ 314.00	\$ 0.78	Bad Address; unable to locate.	2005	
1930	\$ 370.00	\$ 0.30	Insurance denied; bad address for pt.	2008	
2085	\$ 726.00		Insurance denied; bad address for pt.	2008	
2222	\$ 90.11	\$ 0.14	Deceased	2010	x Sagaponack, NY
2272	\$ 100.00	\$ 0.40	Deceased	2008	
2373	\$ 342.00	\$ 0.84	Bankruptcy	2008	
3001	\$ 440.00		Pt denies being in Florida; insufficient info to verify	2007	x Philadelphia, PA
3069	\$ 551.00	\$ 2.25	Deceased	2010	
3411 / 2296	\$ 62.90	\$ 0.35	Bad Address; unable to locate.	2009	
3554	\$ 319.16	\$ 1.04	Deceased	2009	
3667	\$ 424.00		Bad Address; international	2009	x Slovakia
3895	\$ 416.00		Unbillable; insufficient pt. info	2007	
3915	\$ 182.42	\$ 1.05	Deceased	2009	
4264	\$ 135.92	\$ 0.77	Insurance denied; pt not responding	2009	
4276	\$ 422.00	\$ 2.45	Deceased	2009	
4306	\$ 495.00	\$ 1.64	Bad address / pt info	2008	
4404	\$ 479.00		Unbillable; insufficient pt. info	2008	
4425	\$ 85.00	\$ 0.49	Deceased	2009	
4501	\$ 506.00	\$ 0.49	Bad Address; unable to locate.	2008	
4518	\$ 468.00	\$ 2.73	Bad Address; homeless	2008	
4579	\$ 291.93	\$ 1.68	Deceased	2009	
4614	\$ 533.00		Homeless	2008	
4627	\$ 16.99	\$ 0.06	Bad Address; unable to locate.	2009	x Miami
4663	\$ 100.00	\$ 0.56	Deceased	2009	
4737	\$ 468.00		Unbillable; insufficient pt. info	2009	
4828	\$ 522.00	\$ 2.58	Bad Address	2009	

EMS Transport Billing
Proposed Write Offs for 2010

4876	\$	300.00	\$	1.75	Deceased	2009	x	Rochester, NY
4898	\$	506.00			Deceased	2009	x	Morristown, TN
4910	\$	504.00			Bad Address	2009		
4920	\$	524.00	\$	0.86	Bad Address	2009		
4921	\$	515.00	\$	1.35	No response from pt; insurance denied	2009	x	Ft. Lauderdale
4932	\$	1,120.00			Deceased	2009		
5018	\$	515.00	\$	0.42	Pt. denied being transported;	2009	x	Hollywood, FL
5019	\$	468.00			Unbillable; insufficient pt. info	2009		
5053	\$	49.50	\$	0.28	Deceased	2009		
5087	\$	542.00			Insufficient info to bill	2009		
5112	\$	495.00			W/C; company could not be	2009		
5192	\$	468.00			Bad Address	2009	x	Lakeland, FL
5193	\$	468.00			Bad Address	2009	x	Lakeland, FL
5322	\$	513.00			Unbillable; hotel guest, no pt info	2010		
5325	\$	119.77	\$	0.09	Deceased	2010		
5327	\$	459.00	\$	0.38	Bad Address, unable to locate	2010		
5392	\$	495.00			Bad Address; unable to locate.	2010		
5393	\$	506.00			Unbillable; insufficient pt. info	2010		
5508 / 5509	\$	522.00			Deceased	2010		
5580	\$	497.00			Unbillable; insufficient pt. info	2010		
5643	\$	608.00			Deceased	2010		
	\$	20,961.10	\$	28.25				

Note: Each account has been research and updated (when appropriate information became available). Accounts with sufficient patient information have received monthly statements. Numerous attempts have been made to locate patient information using Insurance provider web portals, internet people searches, County property files, hospital records information, etc. Every attempt has been made to collect the balance on these accounts.



TOWN OF PALM BEACH

POLICE DEPARTMENT

A NATIONAL AND STATE ACCREDITED LAW ENFORCEMENT AGENCY



To: Chief Kirk W. Blouin *[Signature]*
 From: Raychel Houston *[Signature]*
 Via: Chain of Command *[Signature]*
 Re: Code Enforcement Board Fine Write-Offs for Finance
 Date: September 20, 2010

The following Code Enforcement Board fines need to be written off as uncollectible losses for the Town:

Case # 08-2493	314 Australian Ave.	Bethanne Pouncey	\$400.00
Case # 08-2494	314 Australian Ave.	Bethanne Pouncey	\$400.00
Case # 08-2577	44 Cocoanut Row, # 622	Absolute Air Conditioning Inc.	\$400.00

Case # 08-2493 and # 08-2494 – Bethanne Pouncey was cited by Code Enforcement on 4/12/08 and 4/18/08 for unauthorized feeding of feral cats. Complaints had been received reference from residents reference the unauthorized feeding activity and the homeowner of 314 Australian Ave. sent a letter to the Chief of Police and Ms. Pouncey was also warned against trespass on private property. Ms. Pouncey appeared before the Code Enforcement Board on May 15, 2008 on both cases and was ordered to pay a fine in the amount of \$400.00 and administrative costs of \$150.00 for each case. The mailing address for Ms. Pouncey is a post office box and collection letters have been returned unclaimed. Ms. Pouncey's name was published in the Palm Beach Daily News in 2009 as one of the individuals who owed the Town unpaid fines and fees. A public records check did not locate any real property in Ms. Pouncey's name which could be attached although there are 2 default judgments from Palm Beach Animal Care & Control for unpaid fines which have been outstanding since 2007. It is recommended this \$800.00 be written off as uncollectible.

Case # 08-2577 – On November 6, 2008, Lead Code Enforcement Officer Robert Walton wrote a Notice of Violation to an individual (Jose Rodriguez) who was installing an air conditioning system at 44 Cocoanut Row, # 622 without a permit. Mr. Rodriguez advised he was working for Absolute Air Conditioning, with a business address out of Miami. At the Code Enforcement Board hearing

on December 8, 2008, Orlando Martinez, who said he was the owner of the company, appeared before the Board and was ordered to pay a \$250.00 fine and administrative costs in the amount of \$150.00. Attempts have been made to contact Mr. Martinez by phone and letter with no response. A check with the Florida Division of Corporations indicates the company had a change of address in April, 2009 and is now located in Lake Worth, Florida. There was no response to a letter sent to this new address and it appears the company has also changed its name although Orlando Martinez is still listed as an officer. A check with the Better Business Bureau shows the company has an F rating and an internet check shows an entry on September 27, 2009 that indicates the company may not exist and does not have a business license and was reported to code compliance at Metro Dade. The property owner was not found in violation by the Code Enforcement Board so no lien was placed against the property. The \$400.00 due is the original fine of \$250.00 and the Code Enforcement Board administrative fee of \$150.00 and it is recommended it be written off as uncollectible.

If you have any questions or need additional clarification, please call me at 227-6386.

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Conceptual Consideration of Closing the Mid-Block Gap in the Royal Poinciana Way Median to Provide More Green Space and Parking.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated October 22, 2010, from John Page
- Royal Poinciana Way Map

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John Page, Planning, Zoning & Building Director

Re: Royal Poinciana Way: Median Cut Removal

Date: October 22, 2010

STAFF RECOMMENDATION

Staff requests that the Town Council provide direction on whether or not to pursue eliminating the existing median cut in the mid 200 block of Royal Poinciana Way. If a decision is made to pursue such a closure, staff will proceed to have a traffic study prepared and presented to the Florida Department of Transportation for its review and approval.

GENERAL INFORMATION

The idea of eliminating the existing median cut, though never formally endorsed by the Town, has been presented at several public meetings in recent years. Discussion of possible development regulation changes in the Royal Poinciana Area, spanning the past four years, prompted a wealth of public comments at meetings of the Planning & Zoning Commission as well as the Town Council. The perceived need for more on-street parking in the area led some to advocate removing the existing median cut in the 200 block of Royal Poinciana Way, thereafter creating more parking spaces along the street in its place. Council members have expressed some interest in exploring this idea, but no formal action has ever occurred.

Staff has completed some preliminary inquiries to determine how feasible it might be for the Town to pursue the idea of closure to be followed by the creation of new parking spaces. Results follow:

- The entire right-of-way along Royal Poinciana Way, including the median, is controlled by the State. As such, State approval would be required to alter the median opening.
- Although the State controls this property, a Maintenance Agreement between the parties obligates the Town to perform routine maintenance of the median itself.
- Should the Town pursue closure, FDOT's standard procedure calls for the Town to prepare and submit a traffic study. At minimum, the study would address traffic counts, accident data, number of vehicles using the existing median cut, where those vehicles would be re-routed, how said re-routing would affect the signal capacity at newly

- affected locations, and overall circulation ramifications.
- Designating new on-street parking would require review from three separate FDOT Divisions (Design, Traffic Operations, and Planning). A proposal to make the new parking “free” for all to use would be far less complex than a proposal to install meters. If it is intended to have users pay for parking, the approval process becomes far more detailed, essentially requiring that the State lease the property to the Town.
- It is not known exactly how many new parking spaces might be created if the median break is eliminated. Said number would be determined as part of the required traffic study.

FUNDING/FISCAL IMPACT

It is estimated that the cost of having a traffic study completed for submission to the Florida Department of Transportation would be in the range of \$4,000 - \$6,000. This number is an estimate only; no quotes have been solicited.

Attachment

cc: H. Paul Brazil, Public Works Director
John C. Randolph, Town Attorney



TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Regular Agenda - New Business

Agenda Title

Request from Former Town Council Member George Matthews for "Grandfather" Status in the Town's Health Insurance Program.

Presenter

Danielle Olson, Director of Human Resources

Supporting Documents

- Memorandum dated November 3, 2010, from Danielle Olson, Director of Human Resources
- Exhibit A - Letter dated October 28, 2010, from Mr. George Matthews
- Exhibit B - Letter dated November 6, 2009, from Danielle Olson
- Exhibit C - 2011 Maximum Premiums Chargeable to Retirees
- Exhibit D - Retiree Silding Scale Insurance Premium Rates 2011 for PPO702 Plan

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Danielle Olson, Director of Human Resources

Re: Request for Grandfather Status from George Matthews regarding Insurance Coverage

Date: November 3, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council decline the request for grandfather status from Mr. George Matthews regarding the applicable premiums and out-of-pocket expenses related to his insurance coverage.

GENERAL INFORMATION

Background

At the October 12, 2010 Town Council meeting the agenda item entitled “Premium Rates for Calendar Year 2011” was reviewed and approved by Town Council. Among the matters approved within that agenda item was a change to the adjudication of claims for members of the insurance who are eligible for Medicare but have not provided proof of Medicare Part A and Part B coverage. The information presented at the October meeting is excerpted as follows:

“... effective October 1, 2010 for the plan year beginning on January 1, 2011, Blue Cross and Blue Shield will adjudicate medical and prescription drug claims as if the Medicare-eligible retiree (or eligible dependent) elected Medicare Part A and Part B. This is true whether or not the Medicare-eligible retiree actually elected Medicare Part A and B. Medicare Part A covers inpatient hospital stays and Part B covers physician and outpatient services. Therefore, if a retiree (or their eligible dependent) is Medicare-eligible and has not elected Medicare Part A and B, they may be responsible for paying some or all of the medical and prescription drug claim.”

There are four individuals covered by the Town’s insurance who meet the eligibility requirements for Medicare (age 65 or greater) who have not provided the Town with proof of Medicare Part A and B coverage. On October 13, 2010 the Human Resources Department provided each person affected by this change with a one page notice outlining the change, requesting proof of coverage, and providing information for the Social Security Office should they need to acquire or have questions about Medicare coverage. Additional information regarding premiums and the annual open enrollment period was provided to all retirees on October 22, 2010.

Request for Grandfather Status by Mr. George Matthews

Mr. George Matthews is a former Town Council member. During his tenure in office, elected officials were offered medical and dental insurance coverage. This benefit is no longer offered to elected officials, and has not been offered for many years due to a determination that this

coverage could be construed as “compensation” that is prohibited by the Town Charter. Enrollment records indicate Mr. Matthews first received this benefit in 1981 and continues to do so to date. No other former elected official retains insurance coverage thru the Town. Mr. Matthews has requested the Town Council to consider grandfathering his status with respect to the change presented to and approved by Town Council at the October 12, 2010 meeting regarding Medicare coverage (Exhibit A).

Mr. Matthews was initially notified in writing on November 6, 2009 that he may be provided with a reduced rate for medical insurance if he was currently enrolled with Medicare Part A and Part B coverage and using such coverage as primary (Exhibit B). Proof of coverage has not been provided to date.

Mr. Matthews has participated in the cost sharing of premiums similar to retirees of the Town. He has paid for his annual premium at the beginning of each calendar year whereas retirees pay for the coverage thru their monthly pension checks or retirement health savings accounts. Retirees and Mr. Matthews pay 100% of the premium for dental insurance coverage. As of January 1, 2010 Mr. Matthews has been charged the maximum rate per the Retiree Sliding Scale for Insurance Premiums for his non-Medicare PPO702 insurance coverage (Exhibit B). Prior to January 1, 2010 he was charged 50% of the premium in a manner similar to Town retirees.

Mr. Matthews was provided the one page notice regarding the January 1, 2011 change in the adjudication of claims based on Medicare eligibility, in the same manner as the other three affected members, on October 13, 2010. His 2011 premium/open enrollment notice was provided on October 25, 2010 following a conversation with his Executive Assistant, Media Beverly. In review of the October 25, 2010 letter (Exhibit A) an error was found on page two whereas the Town’s portion of the annual premium for the Medicare primary coverage was shown as \$5,611 (monthly \$492.64) and should have read \$1,805 (monthly \$150.38). The information provided within that letter to Mr. Matthews regarding the member contributions is accurate. The management of insurance coverage has been provided in a consistent and similar manner to Mr. Matthews as provided to Town retirees.

The four members affected by this change (namelessly identified, except for Mr. Matthews) and their annual premiums with and without the Medicare Part A and Part B coverage are described within Table 1. Exhibit C provides the maximum premiums chargeable to retirees and Exhibit D provides the 2011 Retiree Sliding Scale for the PPO 702 Insurance Premiums. Both exhibits were provided within the backup documents for the October 12, 2010 Town Council meeting. Those who miss the Medicare enrollment period with Social Security may incur a fee for late enrollment. Those fees are not within the control of the Town.

Table 1.

Member	Plan Type	Annual Premium for 2011					
		Non-Medicare Coverage			Medicare Primary Coverage		
		Total Premium	Member Cost	Town Cost	Total Premium	Member Cost	Town Cost
George Matthews	PPO 702	\$8,973	\$5,645	\$3,328	\$4,866	\$3,061	\$1,805
Member #1	PPO 702	\$8,973	\$5,645	\$3,328	\$4,866	\$3,061	\$1,805
Member #2	PPO 702	\$8,973	\$5,645	\$3,328	\$4,866	\$3,061	\$1,805
Member #3	PPO 702	\$8,973	\$5,645	\$3,328	\$4,866	\$3,061	\$1,805

FUNDING/FISCAL IMPACT

The grandfathering of Mr. Matthews in the plan without Medicare Part A and Part B coverage would result in the Town not processing his claims as if Medicare coverage were primary and would lead to a higher claims cost incurred by the Town. It would also be unequal treatment of the four applicable members by providing grandfather status to one member and not to the remaining three members.

Staff presented, and Town Council accepted, the October agenda item on this matter in an effort toward cost containment of insurance benefits. The annual average claim amount in 2010 for the PPO702 non-Medicare retirees is \$7,974 compared to \$4,518 for Medicare primary retirees.

SPECIAL CONSIDERATION

Mr. Matthews advised Town Staff that he will be out of town on November 9 and unable to attend the Town Council meeting. He asked that this matter be on the agenda that day so Town Council can consider his request based upon the points he made in his October 28 letter.

Attachments

DO

C: Mr. George G. Matthews
Richard Schell, Area Vice President, Arthur J. Gallagher & Co.

RELGALF OFFICE
1925 NORTH FLAGLER DRIVE
WEST PALM BEACH, FLORIDA 33407
(561) 659-3711
FAX (561) 659-3718

TOWN OF PALM BEACH
NOV 01 2010
Town Manager's Office

EXHIBIT A

October 28, 2010

Peter B. Elwell, Manager
Town of Palm Beach
PO Box 2029
Palm Beach, FL 33480

Dear Peter,

For quite a long time, the Town of Palm Beach has shown its appreciation for my years of service by allowing me to participate under the Town's healthcare insurance plan. I have always been under the impression that this arrangement would continue as long as I paid the premiums in advance for the year, which has always been the case. So imagine my surprise, when on October 13, 2010, without any prior warning, Mr. Richard Shell of Gallagher Benefit Services called my office to advise me that effective January 1, 2011, my medical and prescription drug expenses *would be processed as if I were on Medicare Part A and Part B*, because I am "Post 65." Inasmuch as these changes could have a substantial impact on my healthcare coverage, deductibles, out of pocket expenses, and/or premiums, we requested that the information be provided in writing. That telephone notification was followed on October 18th by an undated, generic notice on Town letterhead, a copy of which is attached, which provides no specific information as to benefits and/or premium restructuring under the recommended guidelines.

To obtain clarification, I asked my business manager, Media Beverly, to speak with your insurance coordinator. She left a message with Kennie Wells, and Danielle Olson spoke with Media the following Monday, followed by written confirmation, a copy of which is also attached, in which she states that "If I am currently enrolled in Medicare" I may be provided a reduced premium rate. It further states:

"The Town is a self funded plan and can provide a discounted premium to retirees/members who have primary Medicare coverage due to the primary processing of claims thru Medicare first then secondary processing thru BlueCross BlueShield. If you chose this option then Medicare becomes your primary coverage, your doctors would bill Medicare first for all care provided. Your existing BlueCross BlueShield PPO plan would become your supplemental plan, and any services not covered by Medicare would be covered under your existing plan benefits within the PPO702 plan." (*Emphasis added*)

Peter B. Elwell, Manager
Town of Palm Beach
October 28, 2010
Page Two

My current BCBS PPO702 plan's annual premium is **\$5,645.04** with a \$200 deductible. If I were to apply for and pay for Medicare Part A and B, plus BCBS Supplemental based on the reduced rate, my total annual healthcare insurance premium would appear to be about **\$13,325**, in addition to higher deductibles; I believe Mr. Shell concurs.

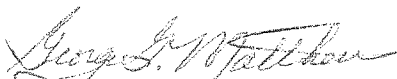
Additionally, we have asked Mr. Shell to explain the difference (between current coverage and Medicare primary) in benefits and out-of-pocket expenditures if I seek the services of an out-of-network provider?

Peter, I have been "Post 65" for more than 8 years and do not have Medicare coverage, nor do I choose to apply for Medicare Parts A and B (or D), for the obvious reasons stated above.

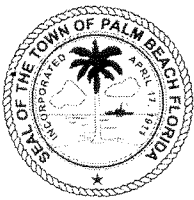
In closing and in the interest of fairness, I would simply ask that the Town Council members consider "grand-fathering me in" as I appear to be the exception to the rule in any event.

Thanks for your time and I look forward to hearing from you.

Sincerely,


George G. Matthews

Enclosures



TOWN OF PALM BEACH

HUMAN RESOURCES DEPARTMENT

EXHIBIT A

IMPORTANT INFORMATION FOR **GEORGE MATTHEWS REGARDING** **MEDICARE COVERAGE AND DISCOUNTED PREMIUMS** **AS OF JANUARY 1, 2011**

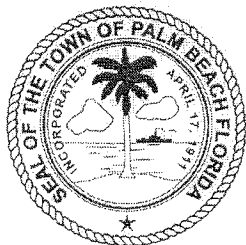
You are age 65 or older and have not provided proof of Medicare Part A and Part B coverage to the Town. If you are enrolled with Medicare Part A and Part B coverage, please send us a copy of your Medicare card. You will receive a reduced health insurance premium the first of the month following receipt of a copy of your Medicare card.

As of January 1, 2011, Blue Cross and Blue Shield will process medical and prescription drug claims for all those who are eligible to enroll with Medicare (those at or over age 65) as if Medicare Part A and Part B have been elected. Therefore, if you are NOT enrolled with Medicare Part A and B, you may be responsible for paying some or all of the medical and prescription drug claims. Which means your out-of-pocket costs for use of the insurance could increase.

In order to avoid this increase in out-of-pocket costs and obtain the discounted premium, please provide the Town of Palm Beach with a copy of your Medicare Card that includes Part A and Part B coverage. Medicare Part A covers inpatient hospital stays and Part B covers physician and outpatient services.

If you are 65 and **have not** applied for either or both Part A and Part B Medicare coverage, please contact the local Social Security Office by calling **1-800-772-1213** to arrange an appointment in order to enroll with these benefits. You may also ask them to send the paperwork to your home where you would complete the required forms then return them to Social Security.

*360 South County Road, Palm Beach, Florida 33480
(561) 838-5450 ❖ fax (561) 838-5451*



TOWN OF PALM BEACH

Human Resources Department

October 25, 2010

Mr. George Matthews
C/O Media O. Beverly, Executive Assistant
Relgalf Office
1925 North Flagler Drive
West Palm Beach, Florida 33407-6114

Re: 2011 Benefit Premiums

Dear Mr. Matthews,

The 2011 insurance rates were presented to Town Council at the October 12, 2010 meeting. The document enclosed was provided for their review and subsequent approval. The approval included the sliding scale for retiree insurance premium payments and the processing of medical and prescription claims for all those who are eligible to enroll with Medicare as if Medicare Part A and Part B have been elected. An overview of your dental and medical/prescription coverage and premiums is provided below.

Dental Insurance

There have been no rate changes to the dental coverage for 2011. However, the carrier for this insurance will change as of January 1, 2011 from Ameritas to Humana. Information regarding this plan change is enclosed for your review. You do not need to take any action for this change to take effect. You will be provided with new dental insurance cards on or around January 1, 2011. The Town does not subsidize any portion of the dental insurance for retirees/members.

Monthly Dental Premium	Annual Dental Premium
\$ 40.72	\$ 488.64

Medical/Prescription Insurance

Medical insurance is provided by BlueCross BlueShield of Florida and prescription coverage is provided by Walgreens Health Initiatives (WHI). There is no change to either carrier for 2011. The following provides the 2011 rates for the PPO702 (single coverage) insurance plan you have currently elected.

MONTHLY PREMIUM		ANNUAL PREMIUM	
Paid by Town	Paid by Retiree/Member	Paid by Town	Paid by Retiree/Member
\$ 277.31	\$ 470.42	\$ 3,327.72	\$ 5,645.04

We are currently offering an open enrollment period that would allow you to change from the PPO702 to another plan offered by the Town. This is a once a year opportunity. Any change you choose to make at this time would take effect on January 1, 2011. There are two other options for insurance coverage with the Town which include the PPO719 plan (has a higher deductible and copays, but a lower

premium) and an HMO plan. The plan benefit summaries and premiums are provided within the enclosed documents.

Furthermore, you may be provided with a reduced premium rate for medical insurance if you are currently enrolled with Medicare Part A and Part B coverage and used such coverage as primary. The first of the month following receipt of proof of coverage (a copy of your Medicare card) your monthly premium would be as follows.

MONTHLY PREMIUM MEDICARE PRIMARY		ANNUAL PREMIUM MEDICARE PRIMARY	
Paid by Town	Paid by Retiree/Member	Paid by Town	Paid by Retiree/Member
\$ 492.64	\$ 255.09	\$ 5,611.68	\$ 3,061.08

The Town is a self-funded plan and can provide a discounted premium to retirees/members who have primary Medicare coverage due to the primary processing of claims thru Medicare first then secondary processing thru BlueCross BlueShield. If you chose this option then Medicare becomes your primary coverage, your doctors would bill Medicare first for all care provided. Your existing BlueCross BlueShield PPO plan would become your supplemental plan, and any services not covered by Medicare would be covered under your existing plan benefits within the PPO702 plan.

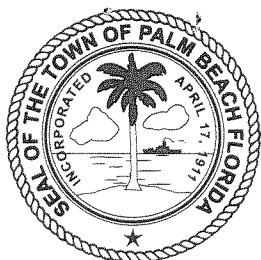
Any changes you wish to make (for example moving from the PPO702 plan to the PPO719 plan) would need to be made directly with the Human Resource Office no later than November 19, 2010. Historically you have been paying for the insurance on a direct bill basis and we are happy to continue this option for you. Please provide remittance for the January coverage no later than December 15, 2010 (as insurance is paid for in advance and January coverage would be paid for in December). Please do not hesitate to contact me at (561) 227-6322 should you have any questions or require additional information.

Sincerely,



Danielle Olson, M.A., PHR
Director of Human Resources

Enclosures



TOWN OF PALM BEACH

Human Resources Department

November 6, 2009

Mr. George Matthews
C/O Media O. Beverly, Executive Assistant
Relgalf Office
1925 North Flagler Drive
West Palm Beach, Florida 33407-6114

Re: Invoice for 2010 Benefit Premiums

Dear Mr. Matthews,

Over the past year the Town Council approved a sliding scale for retiree insurance premium payments. The rates are based on the pension earnings and years of service held by former vested employees. The distribution of the cost sharing ranges from 50% to the maximum allowable per state statute. Based upon your enrollment status with this coverage, as a former elected official versus a former employee vested in the pension plan, the medical insurance premium rates are set at the maximum allowable per state statute. The following provides the 2010 rates for the PPO702 insurance plan you have currently elected. There have been no rate changes to the dental coverage for 2010.

Coverage Period: ***January 1, 2010 – December 31, 2010 (Single Coverage)***

<u>Insurance Coverage</u>	<u>Monthly Premium</u>	<u>Annual Premium</u>
Medical Blue Cross PPO 702	\$ 434.87	\$ 5,218.44
Dental Ameritas DPO	\$ 40.72	\$ 488.64
Total	\$475.59 per month	\$5,707.08 per year

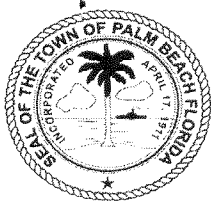
We are currently offering an open enrollment period that would allow you to change from the PPO702 to another plan offered by the Town. This is a once a year opportunity. Any change you choose to make at this time would take effect on January 1, 2010. Furthermore, you may be provided with a reduced rate for medical insurance if you are currently enrolled with Medicare Part A and Part B coverage and using such coverage as primary. Upon receipt of proof of coverage (a copy of your Medicare card) your monthly premium would be \$232.43.

Please do not hesitate to contact me at (561) 227-6322 should you have any questions or require additional information. As you are paying for the insurance on a direct bill basis, please provide remittance for the January coverage no later than December 15, 2009 (as insurance is paid for in advance and January coverage would be paid for in December). Best wishes for a happy and healthy new year!

Sincerely,

Danielle Olson, M.A., PHR

Assistant Director, Human Resources



TOWN OF PALM BEACH

HUMAN RESOURCES DEPARTMENT

Open Enrollment Notice for Retirees

The purpose of this letter is to inform you, as a retiree (or beneficiary of a retiree) of the Town of Palm Beach, that the Annual Open Enrollment for insurance begins on November 1, 2009 and ends December 15, 2009. During this time you may elect to make changes to existing medical and dental insurance plans to include the addition or removal of dependents. Any changes made during this time take effect on January 1, 2010. You are cordially invited to attend an Annual Open Enrollment informational meeting held at the Emergency Operations Center on the third floor of the central fire station located across the street from Town Hall. The meeting will be held Wednesday, November 18, 2009 at 3:00pm.

Additionally, on June 16, 2009 the Town Council approved an adjustment to the 50/50 cost sharing of medical premiums for pre and post-Medicare retirees. This adjustment resulted in the Retiree Sliding Scale for insurance premiums which encompasses both years of service and monthly pension earnings to determine the cost sharing of premiums. The percentage of premium paid by a retiree for 2010 will range from 50% (for retirees with over 25 years of service to the Town and pensions in the bottom quartile) to the maximum allowable by state statute for non-Medicare retirees (for retirees with less than 15 years of service to the Town or pensions in the top quartile).

The Retiree Sliding Scale and medical insurance premiums for 2010 are enclosed. The cost sharing percentage ranges from 50% to the maximum allowable per state statute for non-Medicare retirees. In order to determine what your insurance premiums will be for 2010 follow these steps:

1. Find the enclosed Retiree Sliding Scale that corresponds to your insurance plan (i.e. PPO 702, PPO 719, or HMO)
2. Use the Years of Service Group and Quartile designation below to match your placement in the Sliding Scale.

<u>Quartile</u>	<u>Years of Service Group</u>
N/A as former elected official, maximum per state statute charged	

If you have questions or want more information, you are encouraged to attend the upcoming meeting on November 18, 2009. You may also call the Human Resource Department at (561) 838-5450 and speak with either myself, Human Resource Analyst Kathryn Dyson, Human Resource Assistant Jody Justice, or Human Resource Director Bill Crouse for personal assistance.

Danielle Olson, M.A., SPHR
Assistant Director of Human Resources

Enclosures

TOWN OF PALM BEACH

MAXIMUM PREMIUMS CHARGEABLE - RETIREES

Pursuant to F.S. 112.0801, there is a limit as to how much of the Total Actuarial Premium may be passed on to retirees of governmental entities. The law requires that the employee portion of the premium rates for non-Medicare retirees does not exceed 100% of the rates based on the commingled experience of the actives and non-Medicare retirees. It allows for a separate rate calculation for Medicare eligible retirees in recognition of the fact that they are less costly to the health plan than non-Medicare retirees. If the Medicare retirees are experience rated separately, the rates they are charged cannot exceed the lesser of 100% of their experience rate and 100% of the cost of the active group. The Maximum Retiree Contribution % is the maximum % of the actuarial premium that retirees can be charged without violating F.S. 1120801. The Maximum Premium Chargeable is the corresponding maximum monthly premium rate that retirees can be charged.

	Total Actuarial Premium	Maximum Retiree Contribution %	Maximum Premium Chargeable
<u>Buy-Up PPO</u>			
Medicare Retiree Coverage	\$405.47	100.0%	\$405.47
Non-Medicare Retiree Coverage	\$747.73	62.9%	\$470.42
1 Medicare Dependent	\$481.64	94.3%	\$454.38
1 Non-Medicare Dependent	\$882.16	67.4%	\$594.74
2 Non-Medicare Dependents	\$1,336.53	68.6%	\$917.31
3 Non-Medicare Dependents	\$1,790.91	77.8%	\$1,393.15
<u>Base PPO</u>			
Medicare Retiree Coverage	\$355.36	100.0%	\$355.36
Non-Medicare Retiree Coverage	\$659.30	64.0%	\$421.97
1 Medicare Dependent	\$421.40	96.4%	\$406.29
1 Non-Medicare Dependent	\$775.84	68.5%	\$531.80
2 Non-Medicare Dependents	\$1,182.12	69.4%	\$820.23
3 Non-Medicare Dependents	\$1,588.41	78.4%	\$1,245.71
<u>HMO</u>			
Non-Medicare Retiree Coverage	\$643.53	62.1%	\$399.54
1 Non-Medicare Dependent	\$761.29	66.4%	\$505.13
2 Non-Medicare Dependents	\$1,147.20	67.9%	\$779.09
3 Non-Medicare Dependents	\$1,533.11	77.2%	\$1,183.23



PPO 702

Retiree Sliding Scale Insurance Premium Rates 2011

Years of Service	Q1			Q2			Q3			Q4		
	50%			52%			56%			Maximum		
25 + years	Retiree	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
1 Dependent	\$ 373.87	\$ 202.74	\$ 210.84	\$ 388.82	\$ 210.84	\$ 418.73	\$ 418.73	\$ 227.06	\$ 470.42	\$ 255.09	\$ 470.42	\$ 255.09
2 Dependents	\$ 441.08	\$ 240.82	\$ 250.45	\$ 458.72	\$ 250.45	\$ 494.01	\$ 494.01	\$ 269.72	\$ 594.74	\$ 324.71	\$ 594.74	\$ 324.71
3 Dependents	\$ 668.27			\$ 695.00		\$ 748.46	\$ 748.46		\$ 917.31		\$ 917.31	
	\$ 895.46			\$ 931.27		\$ 1,002.91	\$ 1,002.91		\$ 1,393.15		\$ 1,393.15	
	52%			56%			58%			Maximum		
20 - 24 years	Retiree	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
1 Dependent	\$ 388.82	\$ 210.84	\$ 227.06	\$ 418.73	\$ 227.06	\$ 433.68	\$ 433.68	\$ 235.17	\$ 470.42	\$ 255.09	\$ 470.42	\$ 255.09
2 Dependents	\$ 458.72	\$ 250.45	\$ 269.72	\$ 494.01	\$ 269.72	\$ 511.65	\$ 511.65	\$ 279.35	\$ 594.74	\$ 324.71	\$ 594.74	\$ 324.71
3 Dependents	\$ 695.00			\$ 748.46		\$ 775.19	\$ 775.19		\$ 917.31		\$ 917.31	
	\$ 931.27			\$ 1,002.91		\$ 1,038.73	\$ 1,038.73		\$ 1,393.15		\$ 1,393.15	
	56%			58%			60%			Maximum		
15 - 19 years	Retiree	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
1 Dependent	\$ 418.73	\$ 227.06	\$ 235.17	\$ 433.68	\$ 235.17	\$ 448.64	\$ 448.64	\$ 243.28	\$ 470.42	\$ 255.09	\$ 470.42	\$ 255.09
2 Dependents	\$ 494.01	\$ 269.72	\$ 279.35	\$ 511.65	\$ 279.35	\$ 529.30	\$ 529.30	\$ 288.98	\$ 594.74	\$ 324.71	\$ 594.74	\$ 324.71
3 Dependents	\$ 748.46			\$ 775.19		\$ 801.92	\$ 801.92		\$ 917.31		\$ 917.31	
	\$ 1,002.91			\$ 1,038.73		\$ 1,074.55	\$ 1,074.55		\$ 1,393.15		\$ 1,393.15	
	Maximum			Maximum			Maximum			Maximum		
10 - 14 years	Retiree	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
1 Dependent	\$ 470.42	\$ 255.09	\$ 255.09	\$ 470.42	\$ 255.09	\$ 470.42	\$ 470.42	\$ 255.09	\$ 470.42	\$ 255.09	\$ 470.42	\$ 255.09
2 Dependents	\$ 594.74	\$ 324.71	\$ 324.71	\$ 594.74	\$ 324.71	\$ 594.74	\$ 594.74	\$ 324.71	\$ 594.74	\$ 324.71	\$ 594.74	\$ 324.71
3 Dependents	\$ 917.31			\$ 917.31		\$ 917.31	\$ 917.31		\$ 917.31		\$ 917.31	
	\$ 1,393.15			\$ 1,393.15		\$ 1,393.15	\$ 1,393.15		\$ 1,393.15		\$ 1,393.15	

Monthly Pension Earnings		
Quartile	Minimum	Maximum
Q1	\$ -	\$ 1,322.93
Q2	\$ 1,322.94	\$ 2,390.61
Q3	\$ 2,390.62	\$ 3,777.79
Q4		\$3,777.80 or greater

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2010

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 30-10 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, 2009, Providing an Effective Date.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Ordinance No. 30-10
- Exhibit A

ORDINANCE NO. 30-10

**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, 2009,
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2009; and

WHEREAS, the Town Council of the Town of Palm Beach, Florida, deems it necessary and appropriate to amend said budgets to provide appropriations adequate for the authorization of expenditures necessary for conducting Town operations for the fiscal year ending September 30, 2010; and

WHEREAS, the budget amendment is necessary to fund unanticipated costs associated with the General Employee's Retirement Fund; and

WHEREAS, the Town Council must take action to put in place an ordinance to amend the budget.

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

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

Section 2. The Town of Palm Beach Capital Fund Budget for the fiscal year commencing October 1, 2009, is hereby amended and adopted pursuant to the attached Exhibits "A", attached hereto and made a part of this ordinance.

Section 3. Effective Date. This ordinance shall take effect immediately upon passage and approval as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 12th day of October, 2010, and for second and final reading on this 9th day of November, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

Town of Palm Beach, Florida
General Employee's Retirement Fund
Budget Amendment
October 1, 2009 - September 30, 2010

	Adopted Budget FY2010	Change	Amended Budget FY2010
Revenues			
Employer Contributions	2,616,600	0	2,616,600
Employee Contributions	887,000	0	887,000
Gain/Loss on Investments	400,000	0	400,000
Miscellaneous	1,000	0	1,000
Interest on Investments	275,000	0	275,000
Interfund Transfers	0	0	0
Total Revenues	4,179,600	0	4,179,600
Expenditures			
Contractual	4,115,500	650,000	4,765,500
Total Expenditures	4,115,500	650,000	4,765,500
 Total Revenues Over/(Under) Expenses	 64,100	 (650,000)	 (585,900)

Shoreline Ground Photography

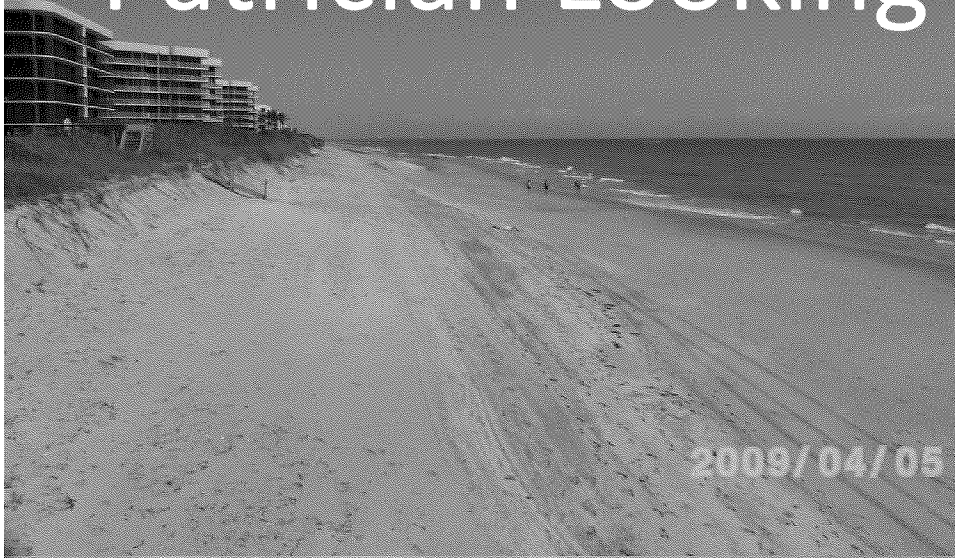
SHORELINE CONDITION ASSESSMENT
OCTOBER 2010

ROBERT WEBER
COASTAL COORDINATOR
TOWN OF PALM BEACH



SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

Patrician Looking North – Reach 8



SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

Sloan's Curve – Looking South – Reach 7



SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

Via Agape Looking North – Reach 6



SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

2010/04/12

2010/10/24

Croker — Looking South South of Banyan Road— Reach 5



SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

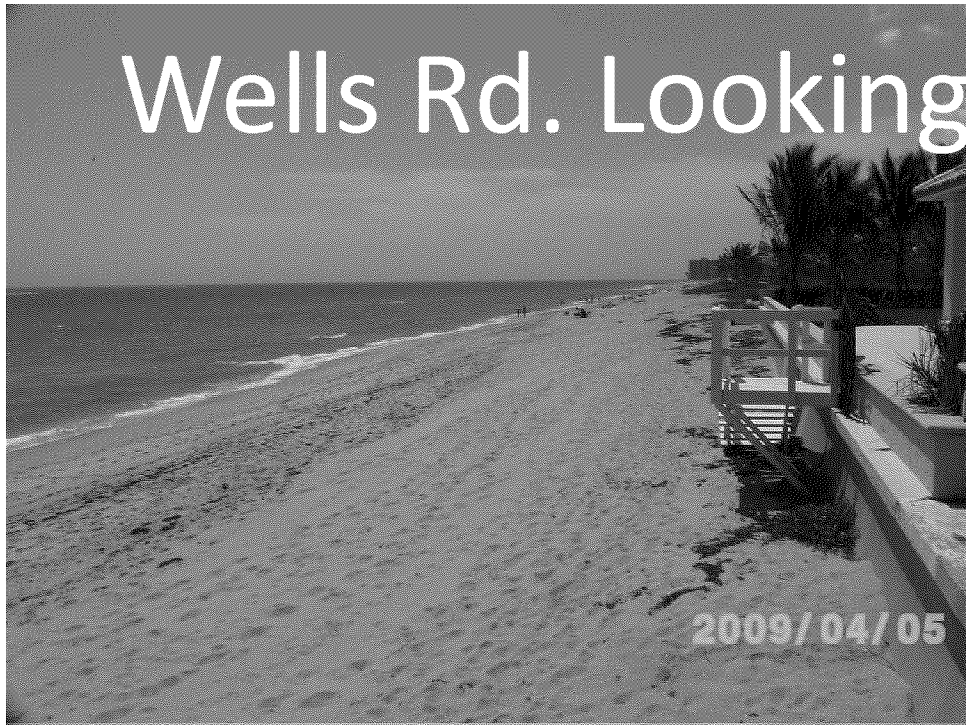
2010/04/12

2010/10/24

Gulfstream Rd. (Mid-Town) – Reach 4



Wells Rd. Looking South – Reach 3



2009/04/05



2009/11/13



2010/04/12

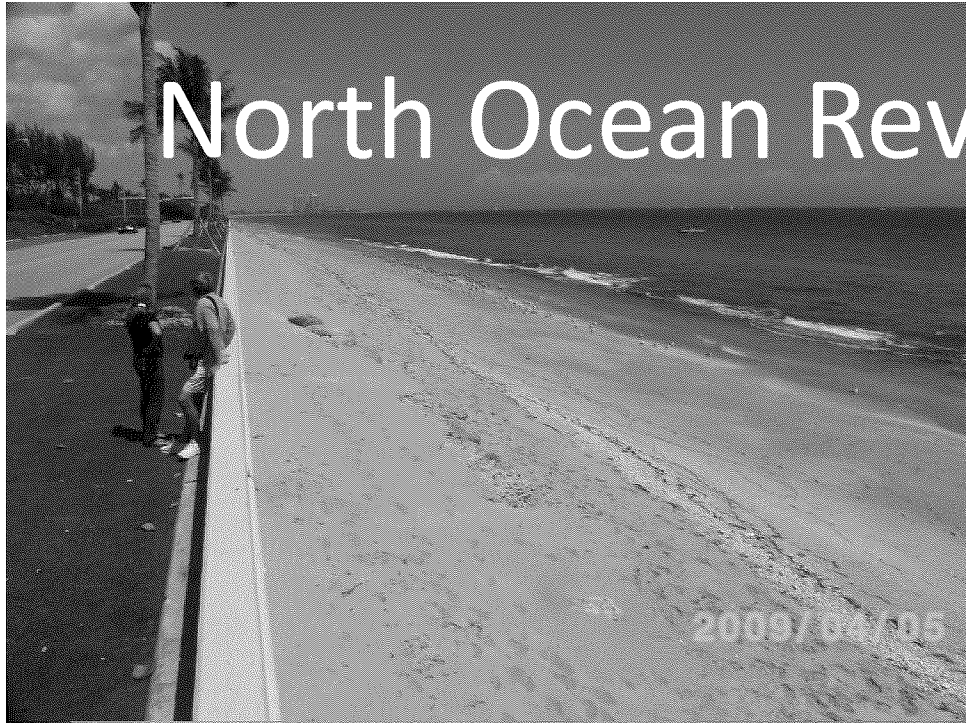


2010/10/24



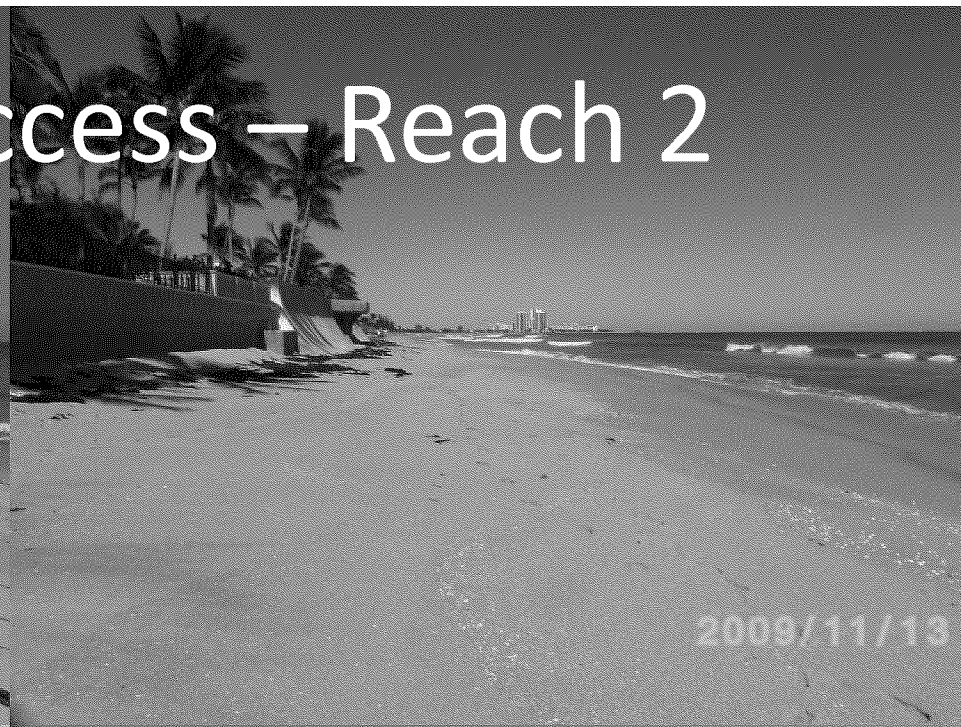
SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

North Ocean Revetment-Reach 2



SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

Orange Grove Access – Reach 2



SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

STP Discharge - Reach 1



SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

Palm Beach County Taxpayer Action Board

TAB Snapshot November, 2010

Content

- What is TAB?
- What is the problem we are trying to solve?
- Effect on 2011 Budget Cycle
- TAB plans for next cycle
- Conclusions

- “TAB Coalition Partners” - Expectations

What is TAB?

- Grassroots coalition
- County Budget Watchdog
- Focused on SPENDING (not taxes, fees, etc.)
- Mission
 - Identify areas of county spending that are redundant, unaffordable, or obsolete, educate the public about these areas, and build a consensus for specific changes to current policy.

What is TAB?

- A Coalition of

- South Florida 912
- South Florida Tea Party
- Lower Taxes Now
- Taxpayer Action Network
- Singer Island Civic Association
- Individuals, members of business and civic groups

What is TAB?

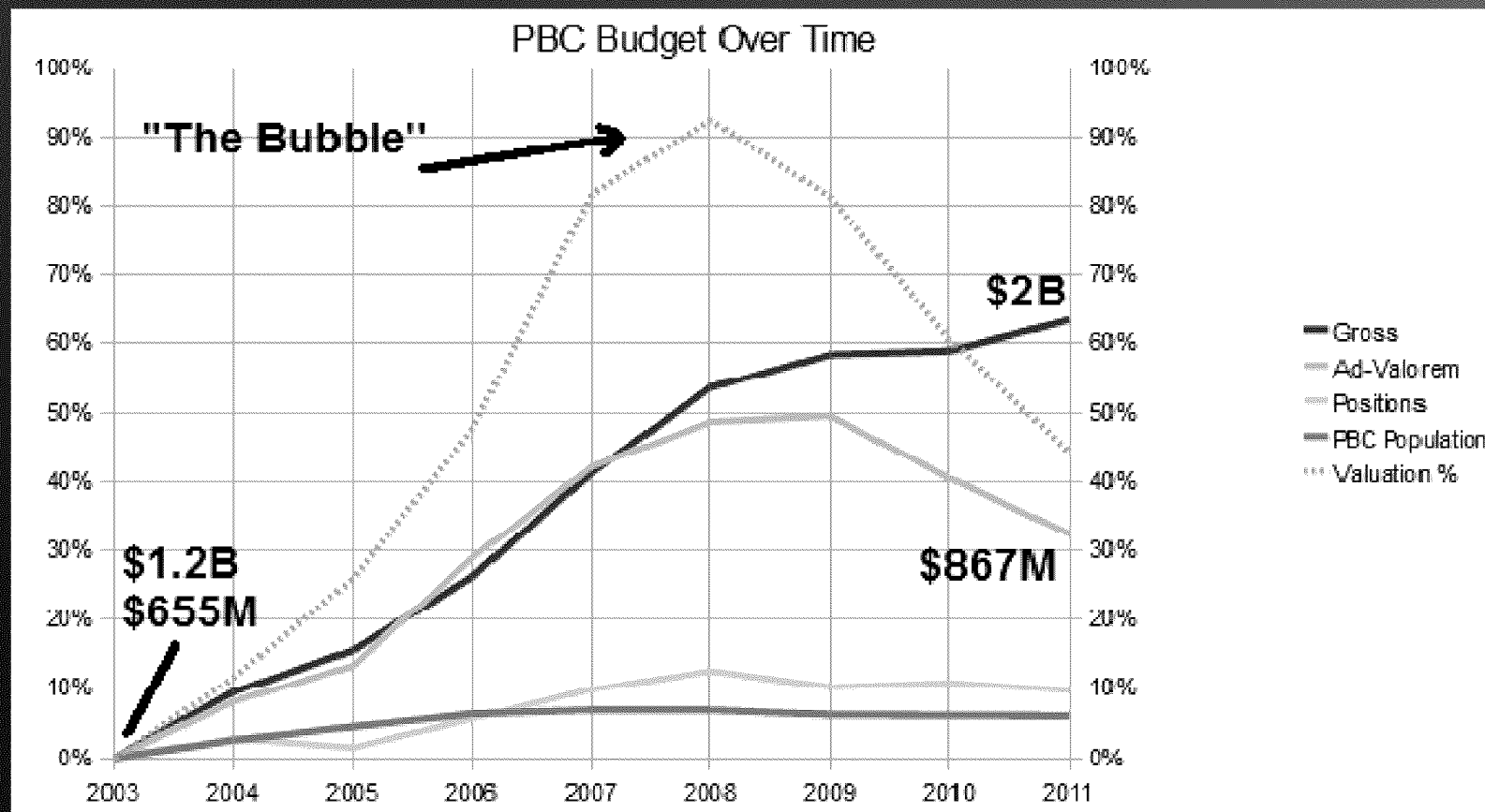
- Leadership team includes background in:
 - Law
 - Fortune 100 Management
 - Public Office
 - Political Campaigns – candidates and staff
 - Information Technology
 - Activism and Community Organization
 - Law Enforcement

County Budget

- TAB is focused (for now) on the budget items under the control of the County Commission
 - Includes county-wide departments, Fire / Rescue, Constitutional Officers including PBSO, Library System (\$4B total)
 - Does not include: Schools (\$2.5B), Solid Waste Authority (\$245M), Health Care District (\$220M), Children's Services Council (\$117M), Cities, etc.

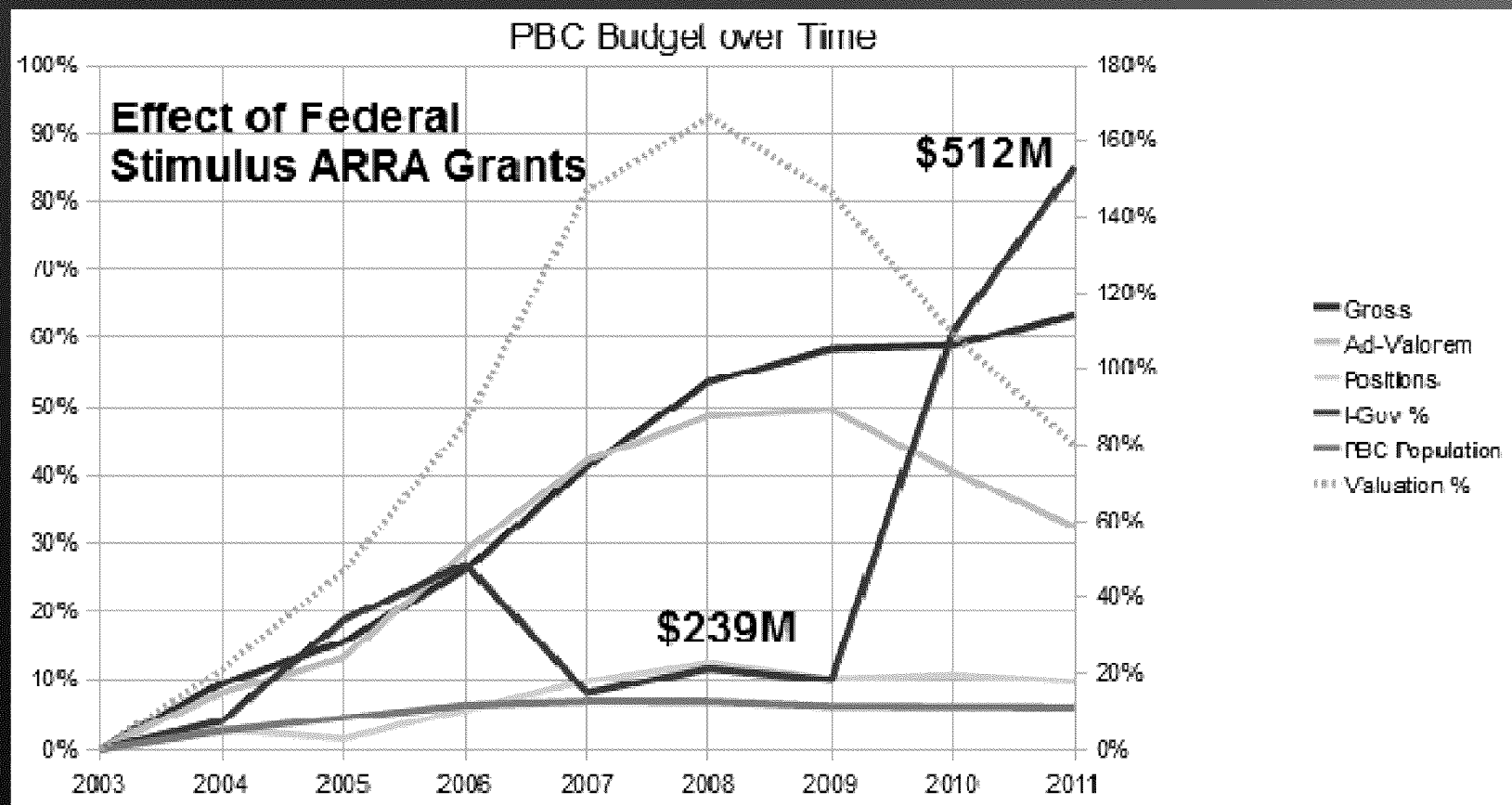
County Budget

- How Things Have Changed

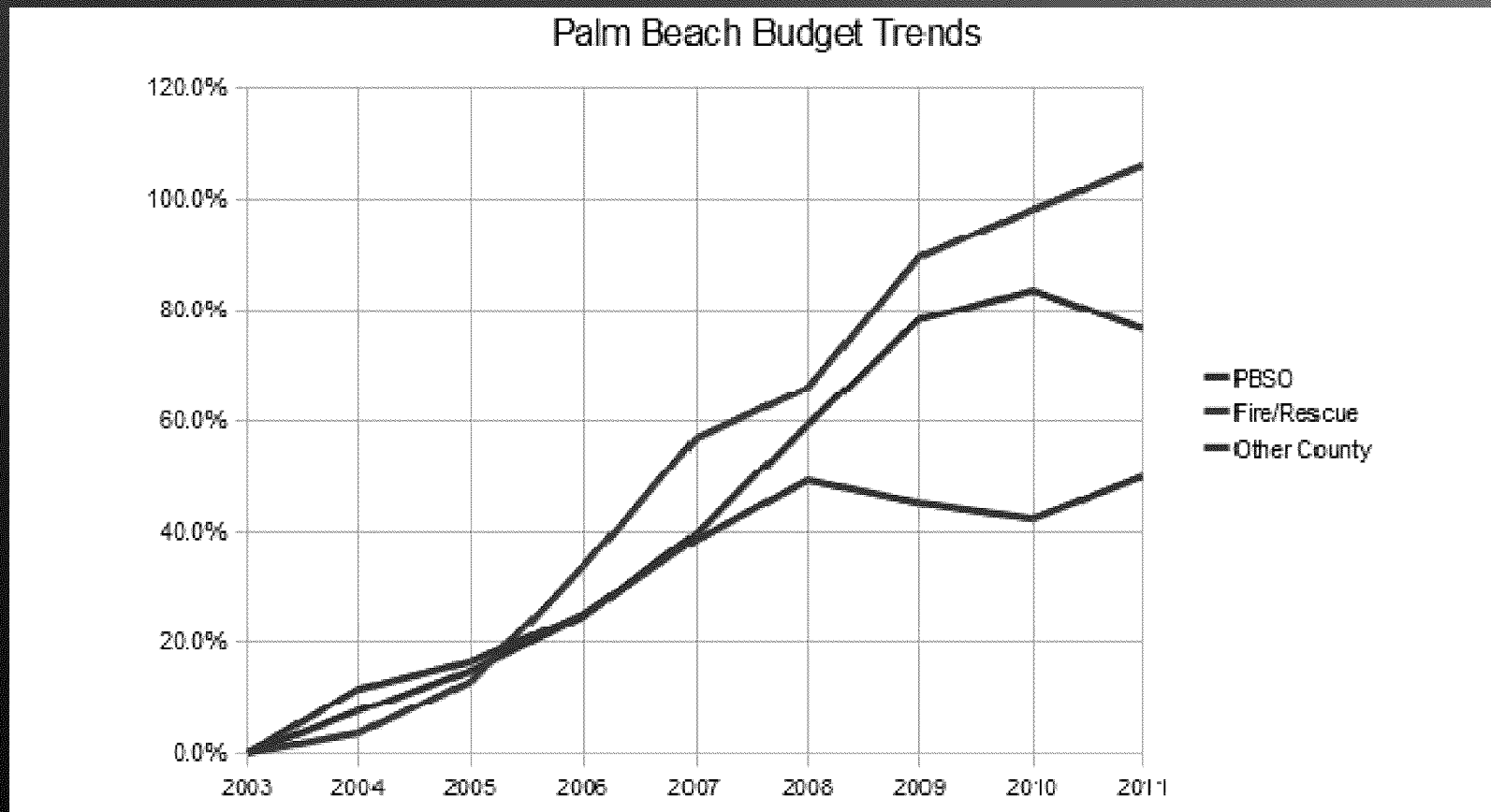


County Budget

- Why Spending Can Increase



Budget Trends



County Budget

- Where are we headed with this?
 - Property Appraiser projects another 6% decline in valuations for 2012, less (but still decline) in 2013
 - Federal ARRA funds will stop
 - Either we cut spending now or suffer very large tax increases going forward
 - 2011 Spending levels without the ARRA money would require 31% higher property taxes !
 - If the projects are not essential – WHY SPEND THE MONEY?

TAB Timeline

- TAB introduced at 7/20 budget meeting
- First round of meetings - August
 - Santamaria, Abrams, Vana, Marcus
 - Bock, Nikolits, Gannon, Bloeser/Doucette
- Prepared “TAB Proposal” - flat millage, no F/R raises, capital deferments
- 9/2 TAB Public Meeting
- 9/14 Budget Hearing
 - TAB proposal discussed, additional cuts requested by some

TAB Timeline (cont.)

- Second Round of Meetings (PBSO transparency and blue page cuts)
 - Marcus – following up on Mobile Data capital
 - Santamaria/Weisman/Merriman/Bloeser/Doucette – evaluate implications of career service statute
 - Abrams – votes not there for flat millage, small cuts not useful
 - Taylor – Absolutely no layoffs
 - Vana – No layoffs or outsourcing, “contingency audit”
 - Neiman – clarification of statute – BCC can ask PBSO for more

TAB Timeline (cont.)

- 9/28 Budget Hearing
 - PBSO turns out 60+ to counter perceived threat
 - Drug Farm / Eagle allowed to lapse
 - Cultural Council funded from LETF
 - Fire/Rescue raises, PBSO step increases untouched
 - 4.75 millage adopted / TAB Proposal rejected

Burt Aaronson: *“People are willing to pay more taxes to keep the services”, keeping millage flat would “... destroy the county.”*

TAB Timeline (cont.)

BUT:

- TAB Narrative Established
- Relationships formed with commissioners, county staff, PBSO
- Website established with regular readers – many from county staff, BCC, PBSO, Fire/Rescue, etc.
- Knowledge base established
- Media presence / public identity for TAB
- Positioned for Next Round

TAB Plans

- Build on working relationship with key players
- Establish “TAB Letters” to BCC on timely topics
- Use website for both resource and communications
- Establish TAB speakers bureau
- Recruit volunteers with relevant skills
- Expand to other taxing districts – SB, CSC, HCD
- Incorporate TAB as 501(C)4

TAB Plans (cont.)

- Participate early in budget workshops, publish analysis and proposals on TAB website as part of process
- Expand “Core Services” project – participate in “contingency audit” but also prepare our own categorization of Core vs Discretionary spending
- Expand “Structure of Government” project – participate in Charter Review, but also prepare case for changes based on models in other jurisdictions

Political Reality

“The only things that influence Commissioners are money and votes”

- PB County Commissioner

Political Reality

		Next Election	Registered Voters	% DEM	% REP
CC1	Marcus (R)	2012	133,964	33%	41%
CC2	Burdick (D)	2014	97,765	50%	24%
CC3	Vana (D)	2012	119,766	45%	29%
CC4	Abrams (R)	2014	123,611	38%	36%
CC5	Aaronson (D)	2012	133,122	54%	22%
CC6	Santamaria (D)	2014	121,023	44%	31%
CC7	Taylor (D)	2014	84,338	63%	15%

Political Reality

TAB Political Tools

- Access to large base of like-minded grassroots activists
- Technology base for phonebanking, robocalls, voter targeting (data mining), social networking
- Skills developed during the 2010 elections and ready to deploy

Conclusion

- In the 2 months of its existence, TAB was not able to derail the millage hike

BUT:

- Identity, relationships, team and plans are in place to affect the outcome for the FY2012 budget

TAB Coalition Partners

- Identify with TAB premise that county spending is excessive at current levels and should be reduced
- Confine their non-partisan involvement to County Budget issues
- Are Identified by organization logo on the TAB website banner
- May join or leave coalition at any time
- Have access to TAB research and resources
- Provide representatives to participate in TAB activities and events
- Participate in “calls to action” - speaking, writing to newspapers and commissioners, networking, generally supporting the TAB agenda

Democracy must be something more than two
wolves and a sheep voting on what to have for
dinner.

-- James Bovard, Civil Libertarian (1994)

For More Information:

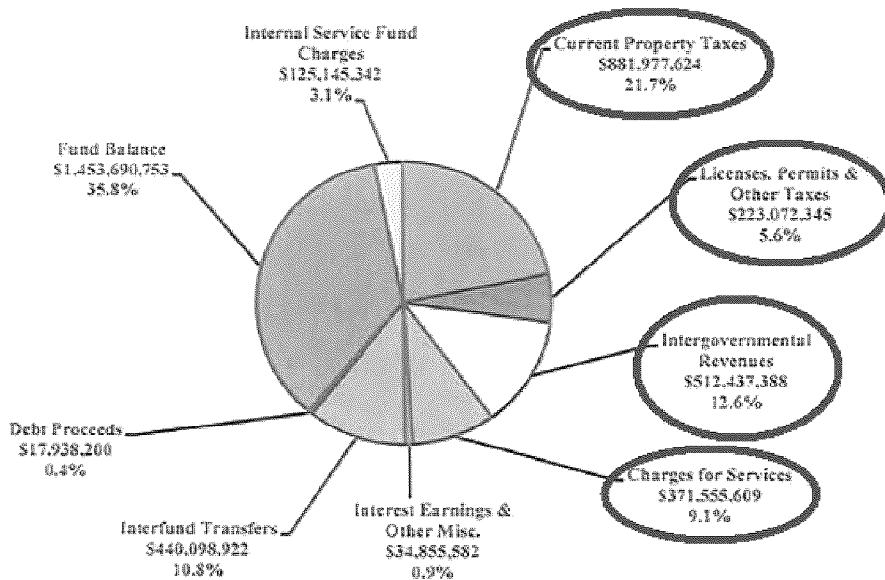
pbctab.org

BACKUP CHARTS

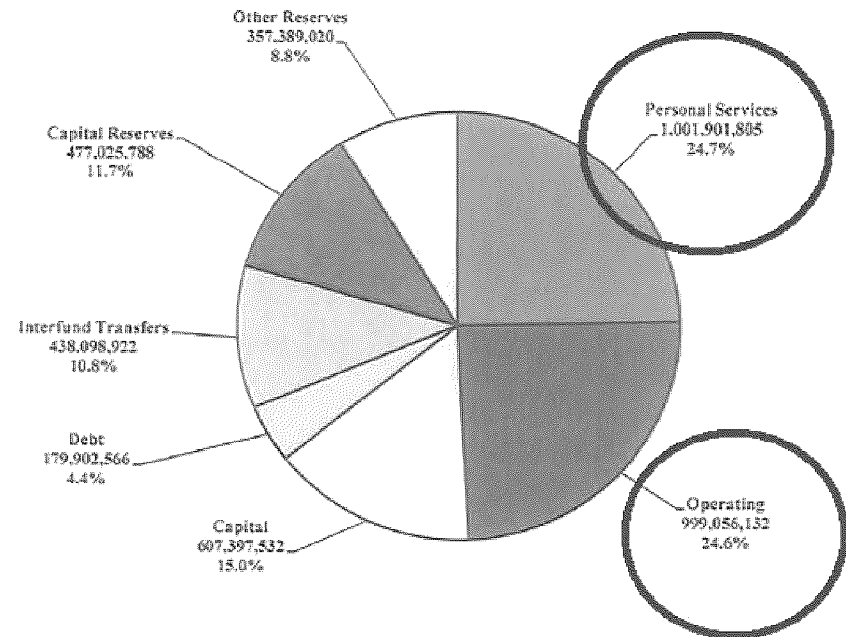
County Budget

• Income and Spending

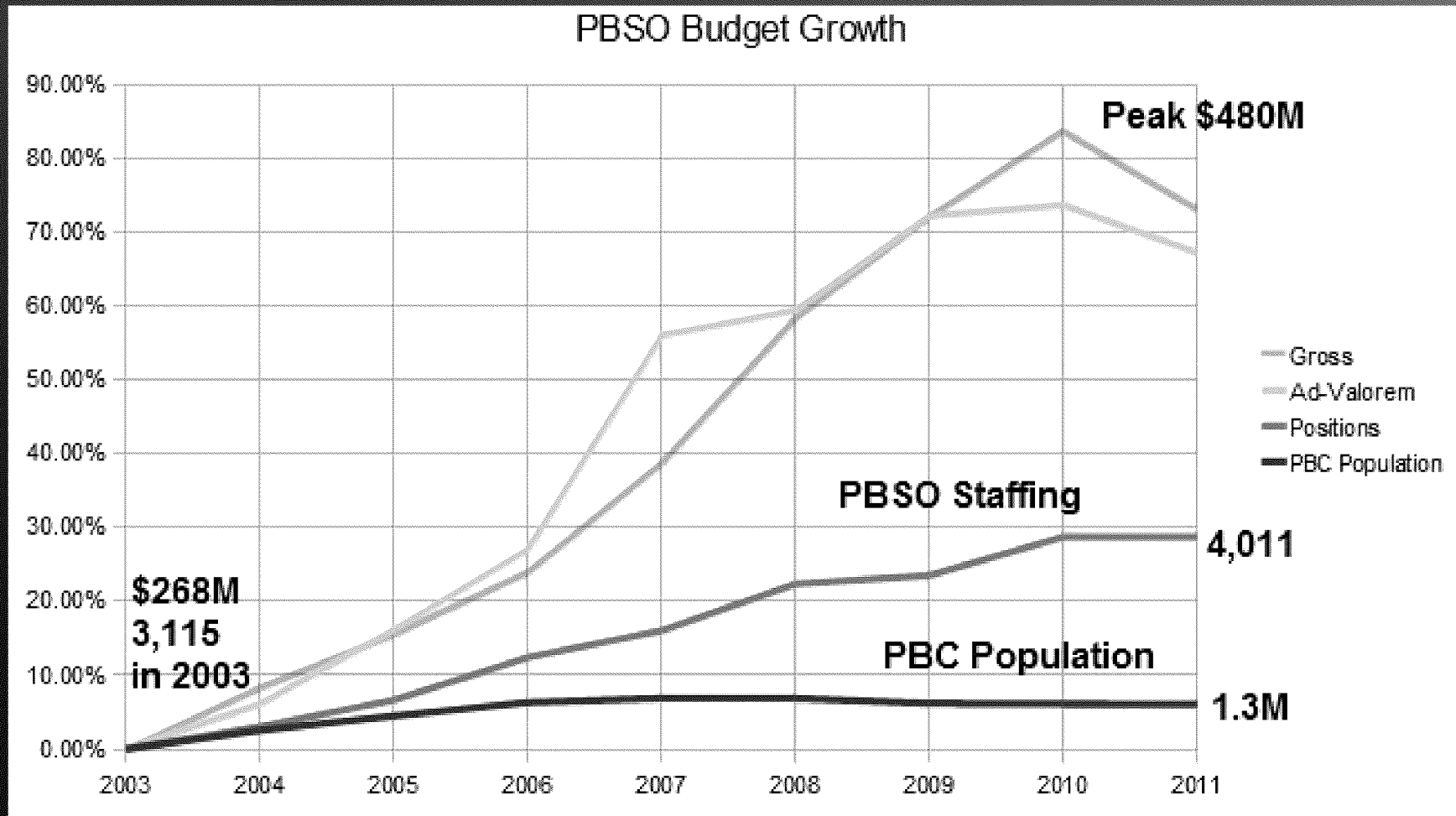
Sources of Funds by Category
Total of all Funds \$4,060,771,765



Expenditures By Category
Total of all Funds \$4,060,771,765



PBSO Project

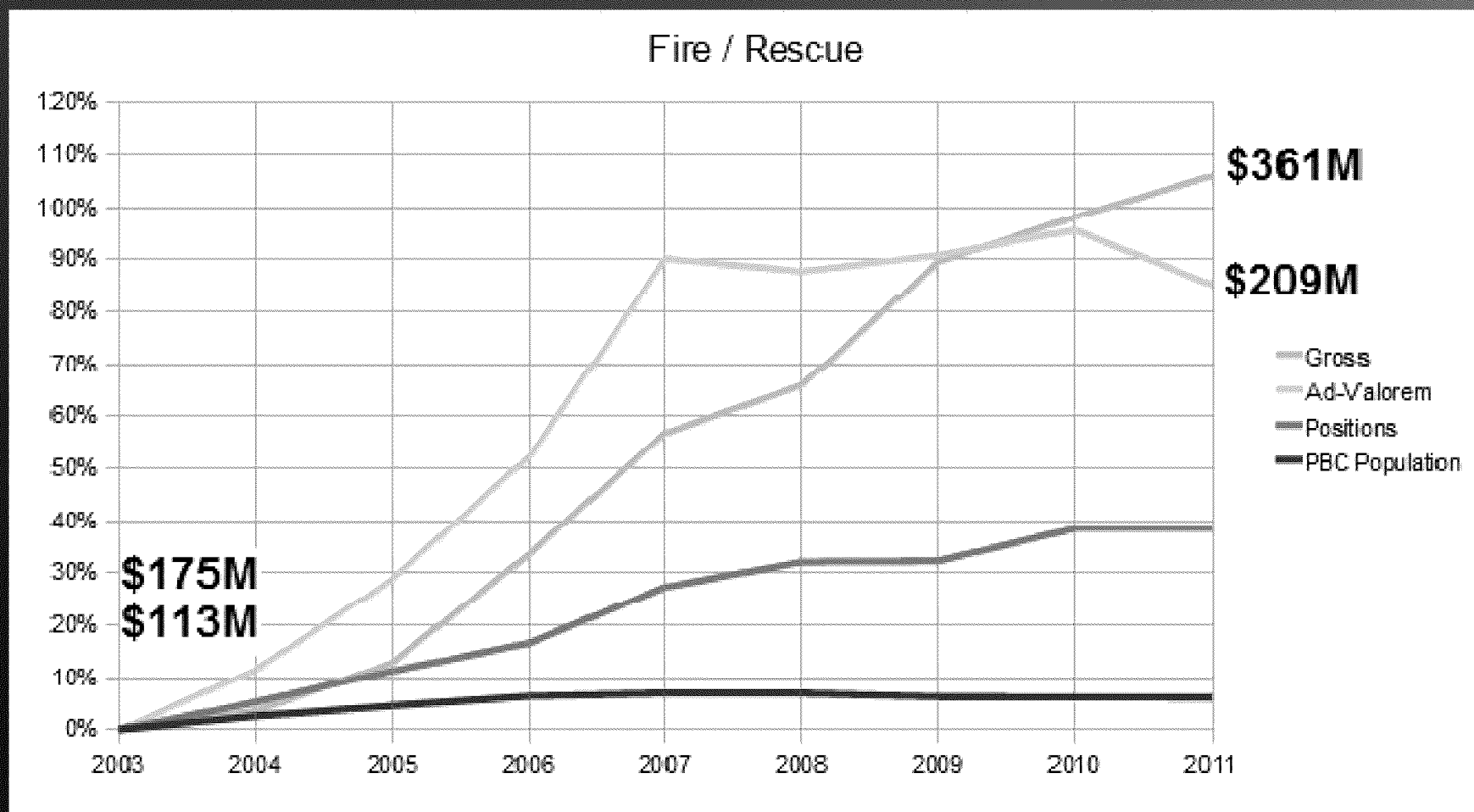


PBSO Project

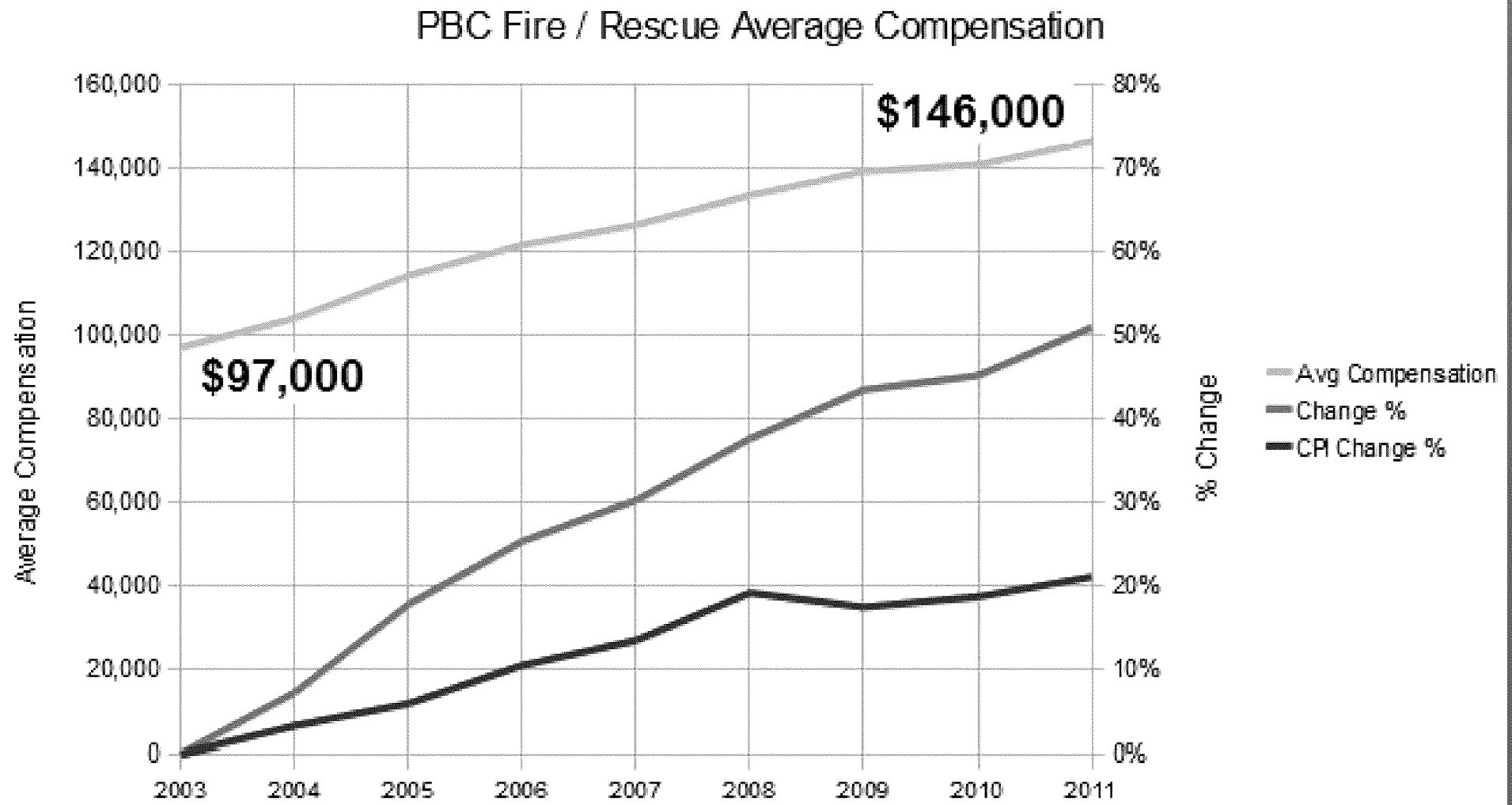
From 2003-2011:

- Personal Service Cost +92%
 - Operations Cost +27%
 - Per employee compensation +49%
 - Benefit Cost +154%
-
- Personal Service Cost is 83% of PBSO Budget

Fire-Rescue Project



Fire-Rescue Project



Useful Web sites:

Florida Department of Elder Affairs
<http://elderaffairs.state.fl.us/>

AARP
www.aarp.org

Administration on Aging
www.aoa.gov

Florida Association of Area
 Agencies on Aging
www.f4a.org

National Association of Area
 Agencies on Aging
www.n4a.org

National Association of
 State Units on Aging
www.nasua.org

Florida Council on Aging
www.fcoa.org

Florida Association of Senior Centers
<http://elderaffairs.state.fl.us/english/SeniorCenter/seniorCenter.html>

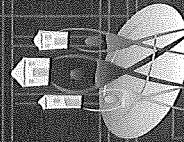
Florida League of Cities
www.flcities.com

Florida Association of Counties
www.fl.counties.com/

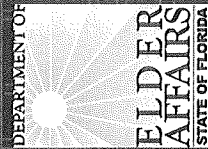
Communities for a Lifetime in
 partnership with AARP's Livable
 Communities

For additional information on the
 Communities for a Lifetime initiative,
 contact:

Florida Department of Elder Affairs,
 4040 Esplanade Way,
 Tallahassee, FL 32399-7000
 or call (850) 414-2000.



COMMUNITIES
 FOR A LIFETIME

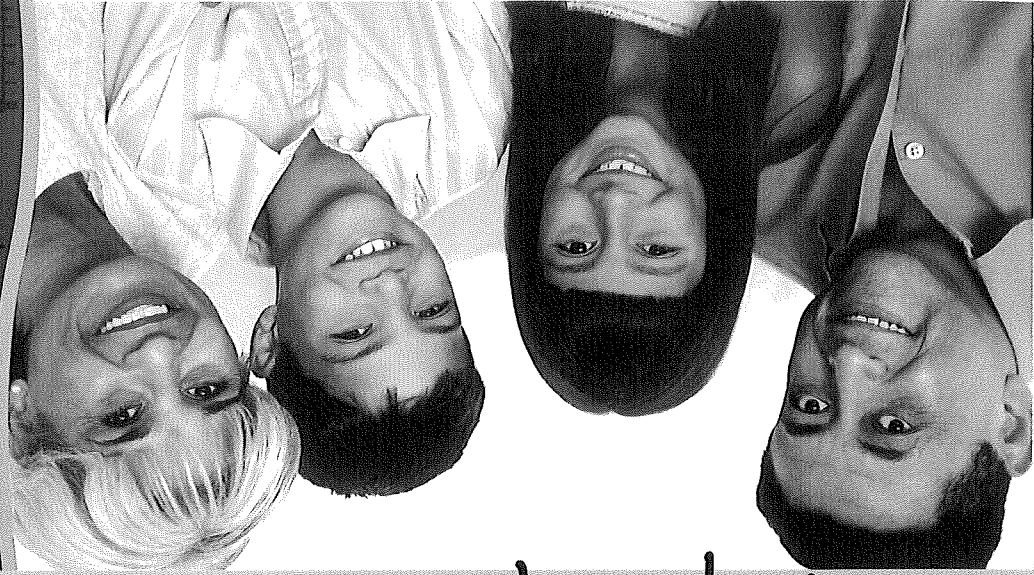


AARP

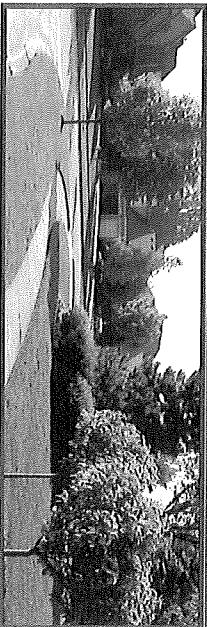
The Power to Make a Difference

Prepare for Tomorrow Today

COMMUNITIES FOR A LIFETIME



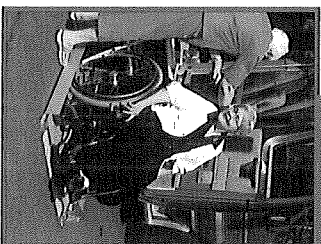
Communities for a Lifetime Overview



Communities for a Lifetime is a statewide initiative, begun in 1999, that assists Florida cities, towns and counties in planning and implementing improvements that benefit residents, both youth and elder. The Communities for a Lifetime Bureau is comprised of the following areas:

- housing, transportation, employment, health and wellness, volunteerism and intergenerational programs.

Transportation



Mobility and accessibility are essential for independent living, and transportation is the link that allows access to needed services and activities. Although there is no single solution that can meet all the mobility needs of Florida's senior population, participating communities are realizing through their visioning efforts that other mobility options such as sidewalks, bike lanes and safe crosswalks are essential investments in the health and safety of their residents.

Health and Wellness



Promoting healthy lifestyles of older people is vital in helping them to maintain health and functional independence and to lead healthy and independent lives.

Communities for a Lifetime is a tool that promotes active living through policy, programs and physical infrastructure.

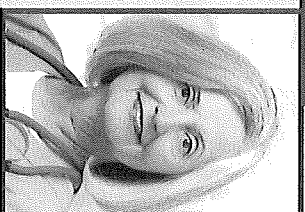
Housing:



The department helps residents and community leaders identify, assess and implement plans to fit their elder housing needs.

The department explores the best practices in elder housing planning, design and construction to meet the needs of elders and youth alike.

Employment



The Senior Community Service Employment Program is an important component to Communities for a Lifetime because it allows seniors to remain independent in their communities. The Senior Community Service Employment Program has two important purposes: to increase participants' economic self-sufficiency and to increase the number of persons who may benefit from unsubsidized employment.

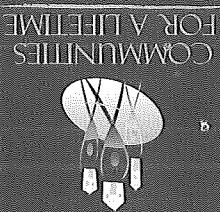
Volunteerism and Intergenerational Programs



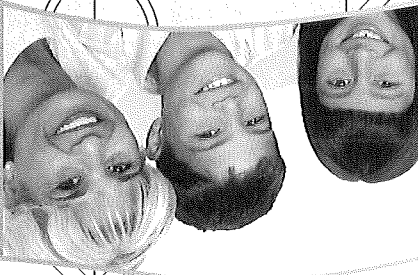
The Communities for a Lifetime initiative brings elders together with their communities to share their knowledge and experience. The department is committed to building an elder-friendly and volunteer-friendly environment in every community throughout Florida. With committed volunteers, communities can offer a wide variety of services that would otherwise be unavailable.

COMMUNITIES FOR A LIFETIME

FLORIDA DEPARTMENT OF ELDER AFFAIRS
PREPARE FOR TOMORROW - TODAY



What is the Communities for a Lifetime initiative?
Communities for a Lifetime is a statewide initiative, begun in 1999, that assists Florida cities, towns and counties in planning and implementing improvements that benefit their residents, youthful or elder. The Communities for a Lifetime Bureau is comprised of the following focus areas: Housing; Transportation and Mobility; Employment; Health, Wellness and Injury Prevention; and Volunteerism and Intergenerational programs.



Why is the initiative needed?

- Florida's demographics are changing.
- Elder population is expected to double by 2030.
- Over 78 million Americans born between 1946 and 1964 (baby boomers) began turning 60 in 2006.
- 76 million baby boomers will begin retiring in 2010.

What benefits do seniors bring to our state?

- \$3.5 billion in charitable giving
- \$135 billion in spending power
- 4.2 million jobs tied to mature Floridians
- 7.5 million donated volunteer hours
- \$2.8 billion net tax benefit after services rendered
- 50 percent of new home construction

What is the process for creating a Community for a Lifetime?

- Pass a proclamation or resolution.
- Form a senior advisory committee/task force.
- Create a community inventory or needs assessment.
- Create a senior survey and needs assessment.
- Develop a community vision or action plan.
- Initiate partnerships.
- Develop maintenance plan.

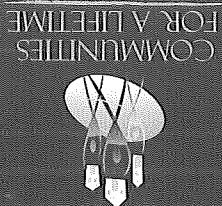
Where can I get additional information?

For more information about the Communities for a Lifetime initiative, please contact Janine R. Rogers-Harris at (850) 414-2000, or e-mail rogersj@elderaffairs.org.

COMMUNITIES FOR A LIFETIME

FLORIDA DEPARTMENT OF ELDER AFFAIRS

PREPARE FOR TOMORROW - TODAY



Housing

Through the Communities for a Lifetime initiative, the Florida Department of Elder Affairs helps to form innovative and effective partnerships in each community to help residents and leaders identify, assess and implement plans to fit their elder housing needs. The department is researching and advocating for best practices in elder housing planning, design and construction to meet the needs of elders and youth alike.

Employment

The Senior Community Service Employment Program has two important purposes: first, to increase participants' economic self-sufficiency; and second, to increase the number of persons who may benefit from subsidized employment. This program is an important component of the Communities for a Lifetime initiative because it affords participants the opportunity to remain independent in their communities.

Volunteerism and Intergenerational Programs

The Communities for a Lifetime initiative brings elders together with their communities to share their knowledge and experience. The department is committed to building an elder-friendly and volunteer-friendly environment in every community throughout Florida. Volunteers enhance their own lives and the lives of those they serve. With committed volunteers, communities can offer a wider variety of services that would otherwise be unavailable.

Transportation & Mobility

Transportation plays a vital role in the lives of elder Floridians, and no single solution can meet all the mobility needs of Florida's senior population. Mobility and accessibility are essential for independent living, and transportation is the link that allows access to needed services and activities. Participating Communities for a Lifetime are realizing through their visioning efforts that other mobility options such as sidewalks, bike lanes and safe crosswalks are not just extras, but essential investments in the health and safety of their residents of all ages.

Health, Wellness & Injury Prevention

Health promotion, disease prevention, and injury prevention activities and programs are a priority for older adults, their families and the health care system. Promoting the healthy lifestyles of older people is vital in helping them to maintain health and functional independence and lead healthy and independent lives. Communities for a Lifetime is a tool that promotes active living through policy, programs and physical infrastructure.

Commit to Change

There are many ways to modify a business to achieve an "elder-friendly" environment:

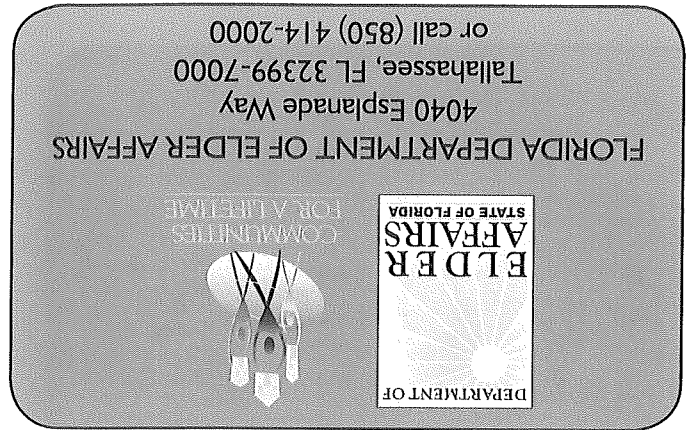
- Contemplate what could affect the overall comfort of an elder, (lighting, location, operating hours, specials, etc.)
- Select packaging that is easily accessible, has large print and has visually-friendly colors.
- Create a friendly atmosphere of courtesy and helpfulness.

- Advertise employment opportunities, and make accommodations that create an environment suitable and appealing to elders.

Human resources and marketing policies that are commonly regarded as "older-worker friendly" include:

- Flexible work hours and/or compressed work schedules;
- Temporary work assignments with short-term employment periods, consulting work, transitioning or phasing into retirement; and
- Contract agreements for work allowing special arrangements such as working from home.

Visit Employ Florida Marketplace – Silver Edition, the state's online career resource for age 50-plus residents, at <http://silver.employflorida.com>. Also, please visit the Senior Community Service Employment Program (SCSEP) web page at www.communitiesforalifetime.org/comm_emp.php.



WHAT CAN YOU DO?

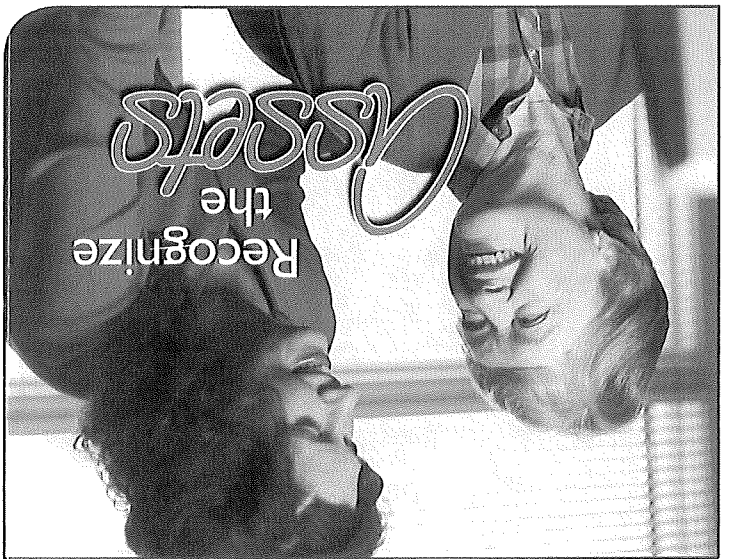
- Become actively engaged in strategies to embrace the senior community.
- Help adapt policies, practices and facilities to accommodate older job seekers and consumers.

WHAT CAN THE AGING NETWORK DO?

- Help businesses, employers and volunteer organizations find qualified and experienced staff
- Remove barriers that divide businesses, social services, and youth and adults
- Provide a tool for employers to register as an older-worker friendly business
- Provide resources that help older adults find paid and unpaid work

In partnership with AARP Livable Communities





RECOGNIZE THE ASSETS

Mature adults are Florida's greatest social and economic asset. The needs of Florida businesses and elders will significantly impact the future of community planning and development. Statistics show:

- Elders hold 75 percent of all bank accounts, and they spend nearly \$3 billion dining out;
- The purchasing power of Florida elders is more than \$55 billion a year in groceries and household supplies alone.
- Floridians age 60-plus are more likely to own the home in which they live than are seniors nationwide;
- Florida elders are responsible for 40.2 percent of the owner-occupied housing in Florida.
- The average Florida retiree contributes an estimated \$2,000 more in revenue than he or she consumes in public services; and
- A significant and growing number of Florida households are headed by grandparents, keeping them involved in a wider range of economic activities to meet the needs of their grandchildren.

ASSESS THE BENEFITS

Businesses contribute a wealth of experience and knowledge to the Communities for a Lifetime initiative, as they typically demonstrate a track record of performance and dependability. A quality business provides excellent service to its community and is more likely to offer flexibility in meeting the individual needs of consumers. Discovering the advantages of elderly consumers and workers can be beneficial to any business. Will your business be prepared to meet the growing demand?

How elders BENEFIT a business:

- Broader market base
- Community partnership
- Larger portion of volunteers
- Linkage to the elder network
- Reliable and loyal patronage
- Reputation as an elder-friendly business



TC 11/9/10

George N. Youssef
3450 S. Ocean Blvd.
Apt. 304
Palm Beach, Fl 33480
Tel. (561) 577-6763
Email gyous71462@aol.com

Dear Sir/ Madam

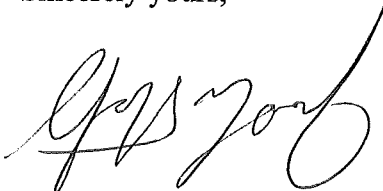
We live in a beautiful Palm Beach town that does not have a law to control the neighbor's right to block the view of one another.

I think we need a law to regulate height and location of the fence between neighbors. The next door neighbor created a fence of trees that is growing out of control there height is more than 24 feet high. Having a fence of trees this high blocked the view of the ocean and the inter costal which we paid a lot of money for it years ago when the trees were not that high, in addition to that these trees can be hazard in case of a hurricane they can fall down and destroy our cars in the parking lot.

Other city and county regulate the height and the location of fences, especially when it comes to hedges and trees. These rules and regulation are mainly made to protect the Real Estate value and prevent future hazard.

I would like thank you for taken the time to read my letter and considering Palm Beach Residence's need to such a law

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'G. Youssef', written in dark ink.

George Youssef

Communities for a Lifetime Initiative Earns National Recognition as Government Innovator

Florida's Communities for a Lifetime initiative has earned recognition from one of the nation's most prestigious institutions. The program was part of the first group of innovative government programs selected for the new Bright Ideas program by the John F. Kennedy School of Government at Harvard University.

Just 173 government programs around the country were selected for the newly created Bright Ideas program. The Harvard Kennedy School said the Bright Ideas program will recognize promising government programs and partnerships that government officials, public servants and others might find useful when faced with their own challenges.

The Communities for a Lifetime initiative, part of the Department of Elder Affairs, works with Florida cities, towns and counties to use existing local resources and state technical assistance to plan and implement improvements

that benefit residents of all ages. The initiative promotes planning in areas such as housing, transportation, health and wellness, volunteerism, intergenerational programs and employment. The goal is to help seniors remain independent and age in place within their communities throughout their lifetimes.

"The Communities for a Lifetime initiative is an exciting approach to building communities for Floridians of all ages, and it's gratifying to see the initiative attract such prestigious national recognition," said Elder Affairs Interim Secretary Charles T. Corley.

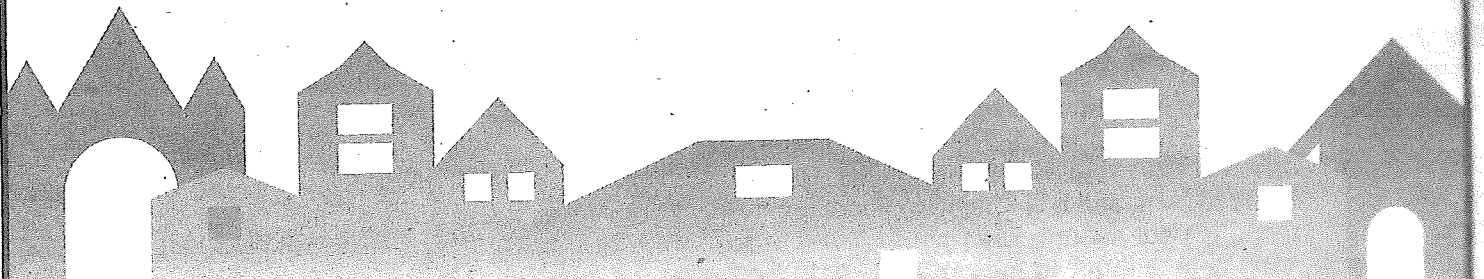
The inaugural group of Bright Ideas was chosen by a team of expert evaluators composed of academics, practitioners and former public servants. Selected from a pool of almost 600 applicants, the 2010 Bright Ideas address a range of pressing issues including poverty reduction, environmental conservation and emergency management.

Two More Cities Join Communities for a Lifetime

Two North Florida communities joined the growing ranks of active participants in the state's Communities for a Lifetime initiative. The cities of Monticello and Midway bring the total to 115 communities participating in the initiative, which works with Florida cities, towns and counties to use existing local resources and state expertise to plan and implement improvements that benefit residents of all ages.

Communities for a Lifetime promotes planning in areas such as housing, transportation, health and wellness, volunteerism, intergenerational programs and employment. The goal is to help seniors remain independent and age in place within their communities throughout their lifetimes.

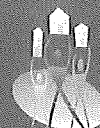
Monticello initially joined the initiative in 2006 but did not actively participate. The mayor and City Council voted to renew the city's commitment to the initiative, taking an important step for seniors and others within the community. At almost the same time, officials in Midway agreed to join the initiative for the first time. Monticello is the county seat of Jefferson County, where 3,400 residents age 60 or older represent almost one-fourth (23 percent) of the population. Midway is located in Gadsden County, where some 10,000 seniors make up 19 percent of the population.





SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

SCSEP
COMMUNITIES FOR A LIFETIME



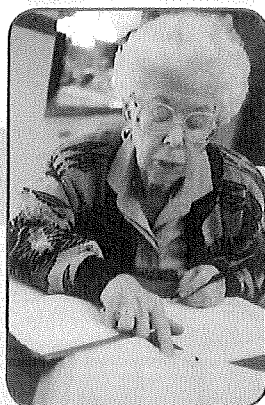
COMMUNITIES
FOR A LIFETIME

What is SCSEP?

SCSEP stands for the Senior Community Service Employment Program. Its mission is to provide job training and placement for people with limited financial resources who are age 55 or older, and to provide employers with trained, motivated workers. SCSEP is an equal opportunity employer/program.

I'm looking for work. How can SCSEP help me?

When you become a SCSEP trainee, you'll receive personalized help in meeting your goals. Maybe you would like to learn a new skill, such as working with computers. Maybe it has been many years since you were in the workforce and you need help easing back into the working world. Or maybe you just need help being placed in a job. If your situation matches any of the ones described above, or if you're just looking for a fresh start, SCSEP can help.



Where do participants train?

After receiving orientation, SCSEP participants are first placed in part-time job training with a non-profit agency. Local non-profit agencies such as libraries, community centers, and social service organizations utilize participants. The salary of the participant is paid for by SCSEP. This gives the agency a dedicated worker and provides the participant with on-the-job experience and an opportunity to re-enter the workforce.

Some participants are hired by the non-profit agency they worked for, while others may move to another non-profit agency after several months to a year in order to acquire new skills. The ultimate goal is to find a good job in the public or private sector.

For More Information, Visit:

the SCSEP Web site at www.doleta.gov/seniors; or contact your local One-Stop Career Center through the Toll-Free Help Line at 1-877-US-2JOBS (1-877-872-5627) or TTY: 1-877-889-5627.

I'm an employer. Why should I hire an older worker?

Experienced. Qualified. Responsible. Talented. These words represent the values demonstrated by older workers. SCSEP participants possess a work ethic unmatched by most other employees.

A survey of human resources managers showed "loyalty and dedication to the company" along with "commitment to doing quality work" as the top two qualities of older workers. These qualities serve a business not only through the older worker's efforts, but by providing an example for other employees to follow.

Hiring older workers brings stability to a workplace by reducing turnover. This saves money in the long run by reducing recruitment and training costs. Some employers may even qualify to take part in a program that pays the new employee's salary during an on-the-job training experience.

Why SCSEP?

For more than 40 years, SCSEP has helped millions of Americans find jobs in community service and the private sector. Each year, more than 100,000 participants receive job training and over 20,000 are placed with employers through 69 grantees, including 13 national non-profit organizations and 56 units of state and territorial governments.

Shoreline Ground Photography

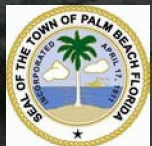
SHORELINE CONDITION

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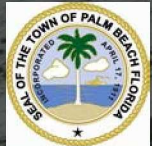
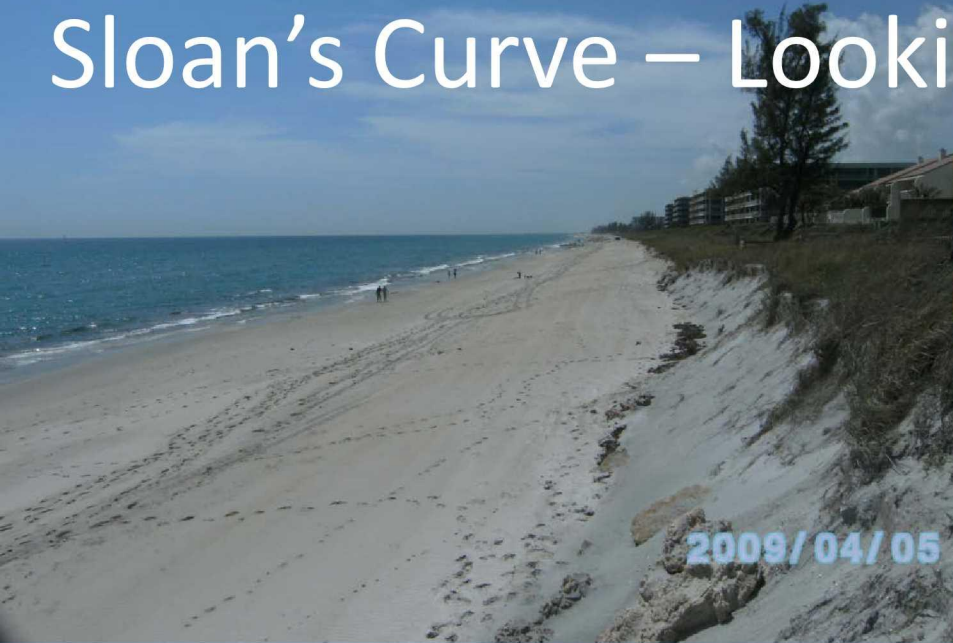


Patrician Looking North – Reach 8



SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

Sloan's Curve – Looking South – Reach 7

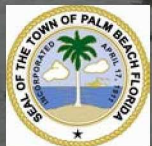


SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

2010/04/12

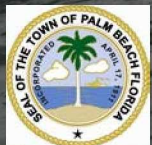
2010/10/24

Via Agape Looking North – Reach 6



SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

Croker – Looking South South of Banyan Road– Reach 5

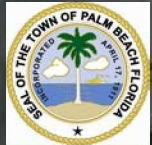


SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

2010/04/12

2010/10/24

Gulfstream Rd. (Mid-Town) – Reach 4

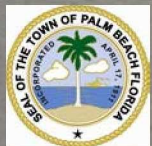


SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

2010/04/12

2010/10/24

Wells Rd. Looking South – Reach 3



SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

2010/04/12

2010/10/24

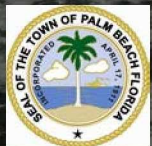
North Ocean Revetment-Reach 2



SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

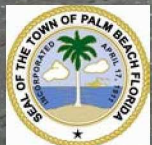


Orange Grove Access – Reach 2



SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010

STP Discharge -Reach 1



SHORELINE CONDITION SUMMARY
SPB MEETING
OCTOBER 28, 2010