



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, OCTOBER 11, 2011

9:30 A.M.

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

- I. CALL TO ORDER AND ROLL CALL
Mayor Gail L. Coniglio
David A. Rosow, Town Council President
Robert N. Wildrick, President Pro Tem
William J. Diamond, Town Council Member
Richard M. Kleid, Town Council Member
Michael J. Pucillo, Town Council Member
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. PRESENTATIONS
 - A. Recognition of Alexander Hufty Griswold, Architectural Commission, From March 2011 Through August 2011.
 - B. Presentations by Applicants for the Planning and Zoning Commission.
- IV. COMMENTS OF MAYOR GAIL L. CONIGLIO
- V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

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- VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)
- VII. APPROVAL OF AGENDA
- VIII. CONSENT AGENDA
 - A. MINUTES: SEPTEMBER 12, 2011 Page 13
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-FIRST PUBLIC HEARING ON FY12 BUDGET
 - B. MINUTES: SEPTEMBER 13, 2011 Page 17
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
 - C. MINUTES: SEPTEMBER 13 2011 Page 36
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-CLOSED-DOOR SESSION-PHIPPS PLAZA VS TOWN OF PALM BEACH-PHIPPS PLAZA CONDOMINIUM ASSOCIATES
 - D. MINUTES: SEPTEMBER 14, 2011 Page 39
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
 - E. MINUTES: SEPTEMBER 21, 2011 Page 55
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-SECOND PUBLIC HEARING ON FY12 BUDGET
 - F. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE Page 59
ARCHITECTURAL COMMISSION AT ITS MEETING ON SEPTEMBER 28, 2011.
 - G. RESOLUTIONS
 - 1. RESOLUTION NO. 87-11 A Resolution of the Town Council of Page 71
the Town of Palm Beach, Palm Beach County, Florida, Urging the Citizens' Committee on Airport Noise (CCAN) and the Board of County Commissioners of Palm Beach County to Amend and Supersede Resolution No. R-2002-0544, Pertaining to CCAN at Section 1(G), to Enable the Town of Palm Beach CCAN Representative to Reside Anywhere Within the Corporate Limits of the Town of Palm Beach.
[Richard M. Kleid, Town Council Member]

2. RESOLUTION NO. 124-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Two Year Renewal of the Agreement Between the Town of Palm Beach and Course Trends Inc. for the Provision of Internet Based Advertising and Marketing; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Agreement.
[Jay Boodheshwar, Director of Recreation and Special Projects] Page 75
3. RESOLUTION NO. 125-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Two Year Renewal of the Agreement Between the Town of Palm Beach and Golf Channel Solutions (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 and Special Projects] Page 80
4. RESOLUTION NO. 126-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of the Contract with Port Consolidated, Inc., to Supply Unleaded and Diesel Fuel in an Amount Not to Exceed \$330,000. [Jane Struder, Director of Finance] Page 87
5. RESOLUTION NO. 127-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Recreation Department Fees for Fiscal Year 2012 and Granting Authority to the Director of Recreation and Special Projects to Prorate Annual and Seasonal Lease Fees When Necessary, to Maximize Revenue Opportunities and Fill Empty Dock Slips.
[Jay Boodheshwar, Director of Recreation and Special Projects] Page 91
6. RESOLUTION NO. 129-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Davislogic, Inc., DBA All Hands Consulting in an Amount of \$45,000 to Revise the Comprehensive Emergency Management Plan and Other Related Emergency Plans, and Provide Training - RFP No. 2011-32; Establishing a Project Budget of \$50,000; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Contract.
[Jay Boodheshwar, Director of Recreation and Special Projects] Page 98

7. RESOLUTION NO. 130-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Mock Roos & Associates, Inc. in the Amount of \$7,900 and Establishing a Study Phase Budget of \$9,000 for the E-6, Bradley Park to Tangier Avenue Force Main Replacement Study. [H. Paul Brazil, Director of Public Works] Page 106
8. RESOLUTION NO. 131-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving State Grant FDEP Contract No. 11PB2 Between the State of Florida Department of Environmental Protection and the Town of Palm Beach under the Bureau of Beaches and Coastal Systems Florida Beach Management Funding Assistance Program for the Lake Worth Inlet Management Plan Implementation and Authorizing the Town Council President to Execute Same on Behalf of the Town. [H. Paul Brazil, Director of Public Works] Page 115
9. RESOLUTION NO. 133-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of the Contract for Office Supplies to Office Depot, Inc, in an Amount Not to Exceed \$46,200. [Jane Struder, Director of Finance] Page 120
10. RESOLUTION NO. 136-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Christmas Designers, Inc., in the Amount of \$70,200.35. [H. Paul Brazil, Director of Public Works] Page 124
11. RESOLUTION NO. 139-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of Amendment No. 2 to the Agreement Between the City of West Palm Beach and the Town of Palm Beach for Payment of Certain Water Main Improvements Within the Work Area in Connection with the 2010 Town of Palm Beach Water Main Improvements in the Amount of \$194,000. [H. Paul Brazil, Director of Public Works] Page 128

12. RESOLUTION NO. 140-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Reallocation of Funds for Pendleton Avenue/Pendleton Lane Utility Improvements in the Amount of \$39,648 to Address Unforeseen Conditions During Installation of Utility Improvements and Roadway Restoration on Pendleton Avenue and Pendleton Lane; Maintaining the Current Construction Phase Budget of \$971,363.80.
[H. Paul Brazil, Director of Public Works] Page 136
13. RESOLUTION NO. 141-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of the Homeless Resource Center Interlocal Agreement with Palm Beach County, Florida.
[Kirk W. Blouin, Director of Public Safety] Page 141
14. RESOLUTION NO. 142-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, to Authorize the Continued Services of Greenburg Traurig, LLP, to Represent the Town for Federal Lobbying Services in FY12 at a Cost Not to Exceed \$33,000. [Peter B. Elwell, Town Manager] Page 160
15. RESOLUTION NO. 143-11 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 in the Amount of \$49,523.00, Sungard Public Sector in the Amount of \$92,346.60 and Tyler Technologies in the Amount of \$92,878.28 and Authorizing the Town Manager to Execute the Purchases on Behalf of the Town.
[Thomas G. Bradford, Deputy Town Manager] Page 164
16. RESOLUTION NO. 144-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing a Taxicab Certificate of Public Convenience and Permit, Providing for a Limousine Certificate of Public Convenience, Permit and Transfer Fee, Providing for Late Penalties, Providing for Penalties for Non Compliance, and Providing for a Chauffeur's Permit, Providing an Effective Date.
[Jane Struder, Director of Finance] Page 177

H. OTHER

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| 1. | Appointment of “Blue Ribbon” Panel Per PERC Ordinance
Appendix “A” Section 1.003.
[Danielle Olson, Director of Human Resources] | Page 181 |
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IX. REGULAR AGENDA

A. Old Business

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| 1. | Finance and Taxation Committee Meeting of September 21, 2011
– Recommendations Regarding Parking Matters.
[Robert N. Wildrick, President Pro Tem] | Page 185 |
| a. | Kiosks in Worth Avenue Commercial District and on Royal
Poinciana Way.
[Thomas G. Bradford, Deputy Town Manager] | Page 189 |
| b. | <u>RESOLUTION NO. 63-11A</u> Resolution of the Town
Council of the Town of Palm Beach, Palm Beach County,
Florida, Increasing Fines for Parking, Providing an
Effective Date. [Jane Struder, Director of Finance] | Page 208 |
| 2. | Planning and Zoning Commission Recommendation to Reject the
Concept of Permitting Green Markets in Town.
[John S. Page, Director of Planning, Zoning, and Building] | Page 221 |

B. New Business

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| 1. | Proposed Donation from Rotary Club of Palm Beach Foundation
to Replace the Aluminum Castings on the WWII Memorial Wall
with Bronze Castings. [H. Paul Brazil, Director of Public Works] | Page 244 |
| 2. | Palm Beach Civic Association Request to Use Public Access for
Beach Cleaning on Private Properties.
[H. Paul Brazil, Director of Public Works] | Page 248 |
| 3. | Private Coastal Protection Projects | |
| a. | Lauder Seawall-
Request for Use of Town Property and Waiver of
Construction Work Hours.
[H. Paul Brazil, Director of Public Works] | Page 253 |

b.	Ecclestone Seawall- Request for Use of Town Property and Waiver of Construction Work Hours. [H. Paul Brazil, Director of Public Works]	Page 259
c.	Breakers T-Head Reconditioning Project–Waiver of Construction Work Hours. [H. Paul Brazil, Director of Public Works]	Page 274
4.	Internal Audit Report Regarding Construction In-Progress and Construction Project Bidding. [Robert N. Wildrick, President Pro Tem]	Page 279
5.	Selection Committees	
a.	Update of Town Procedure Governing the Appointment and Conduct of Selection Committees. [Jay Boodheshwar, Director of Recreation and Special Projects]	Page 300
b.	Authorization of a Selection Committee for Architectural Services. [H. Paul Brazil, Director of Public Works]	Page 308
6.	Possible Rescheduling of the February and March 2012 Town Council Meetings. [Peter B. Elwell, Town Manager]	Page 310
7.	Planning and Zoning Commission Appointments. [John S. Page, Director of Planning, Zoning, and Building]	Page 312

X. ORDINANCES

A. Second Reading

1.	<u>ORDINANCE NO. 23-11</u> An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Code of Ordinances at Chapter 66 Natural Resources, Article IV Vegetation, Division 5, Regulations, Section 66-311 Prohibited Plants, So as to Amend the Removal Date for Australian Pines So as to Reflect That the Removal Date of 2012 Shall Only Be Applicable to Australian Pines Located Within 500 Feet of the Palm Beach Island Sanctuaries Located Within the Town and	Page 323
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Described Herein; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

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

2. ORDINANCE NO. 24-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 42 Environment, Section 42-230 Relating to Lawn Maintenance Equipment Noise, Subparagraph (a); to Clarify That Golf Course Maintenance Equipment Is Exempt from the Restrictions at Section 42-199; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager] Page 329
3. ORDINANCE NO. 25-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 130 Relating to Vehicles for Hire; Amending Section 130-31 Relating to Definitions; Amending Section 130-33 Relating to Amounts, Receipt to Be Filed, Regulations; Amending Section 130-34 Relating to Taxi Stands by Deleting Said Section in its Entirety; Amending Section 130-61 Relating to Required Permits; Amending Section 130-62 Relating to Contents of Application; Amending Section 130-63 Relating to Approval of Application and Providing for 25 Taxicab Permits; Amending Section 130-64 Relating to Permit Fees; Amending Section 130-68 Relating to Annual Renewal of Permit; Amending Section 130-69 Relating to Inspection of Vehicles; Amending Section 130-70 Relating to Sale, Assignment or Transfer, So as to Provide Taxicab Permits Are Not Assignable or Transferable; Amending Section 130-97 Relating to Application; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager] Page 334
4. ORDINANCE NO. 26-11 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, 2010, Providing an Effective Date. [Jane Struder, Director of Finance] Page 348

5. ORDINANCE NO. 27-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 2 of the Town Code of Ordinances Relating to Administration at Article III, Officers Employees, Section 2-136, So as to Name the Public Safety Director as the Appointive Administrative Official under the Category of Public Safety and Eliminating the Positions of Chief of Police and Fire Chief; Providing That Wherever the Terms Chief of Police and/or Fire Chief Are Named in the Town Code of Ordinances, Policies, Rules, Regulations or Other Directives, Said Positions Shall Now Be the Responsibility of the Public Safety Director and the Duties and Obligations Specified Therein Shall Now Be the Duties and Obligations of the Public Safety Director; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[John C. Randolph, Town Attorney]

B. First Reading

1. ORDINANCE NO. 28-11 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, 2010, Providing an Effective Date.
[Jane Struder, Director of Finance]

XI. ANY OTHER MATTERS

XII. ADJOURNMENT

PLEASE TAKE NOTE

- No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "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."
- If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

**Town of Palm Beach
Meeting Schedule**

10/5/11

Tue 10/11/2011 09:30 AM	Town Council Meeting	Council Chambers
Wed 10/12/2011 09:30 AM	Town Council Meeting - Development Review	Council Chambers
Tue 10/18/2011 09:30 AM	Planning & Zoning Commission Meeting	Council Chambers
Wed 10/19/2011 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 10/20/2011 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Wed 10/26/2011 09:00 AM	Architectural Commission Meeting	Council Chambers
Thu 10/27/2011 09:00 AM	Shore Protection Board Meeting	Council Chambers
Wed 11/02/2011 09:00 AM	Recreation Advisory Commission Meeting	Council Chambers
Tue 11/08/2011 09:30 AM	Town Council Meeting	Council Chambers
Wed 11/09/2011 09:30 AM	Town Council Meeting - Development Review	Council Chambers
Thu 11/10/2011 09:00 AM	Police Officer Board of Trustees Meeting	Council Chambers
Fri 11/11/2011 04:00 AM	VETERANS' DAY	TOWN HALL CLOSED
Mon 11/14/2011 09:00 AM	General Employees Retirement Board	Council Chambers
Tue 11/15/2011 09:30 AM	Planning & Zoning Commission Meeting	Council Chambers

Wed 11/16/2011 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 11/17/2011 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Fri 11/18/2011 09:00 AM	Architectural Commission Meeting	Council Chambers
Fri 11/18/2011 02:00 PM	Firefighter Board of Trustees Meeting	Council Chambers
Thu 11/24/2011 04:00 AM	THANKSGIVING DAY	TOWN HALL CLOSED
Fri 11/25/2011 04:00 AM	DAY AFTER THANKSGIVING	TOWN HALL CLOSED
Tue 11/29/2011 05:15 PM	Holiday Tree Lighting	South County Road
Tue 11/29/2011 06:20 PM	Holiday Tree Lighting	Worth & Hibiscus Avenues
Tue 12/06/2011 09:00 AM	Shore Protection Board Meeting	Town Council Chambers
Tue 12/13/2011 09:30 AM	Town Council Meeting	Council Chambers
Wed 12/14/2011 09:30 AM	Town Council Meeting - Development Review	Council Chambers

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: SEPTEMBER 12, 2011

APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
BUDGET HEARING #1

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting - First Public Budget Hearing - held on September 12, 2011

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 12, 2011**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order at 5:01 p.m. on Monday, September 12, 2011, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE

Council President Rosow led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. PUBLIC HEARING ON PROPOSED MILLAGE RATE, TENTATIVE FY12 BUDGETS AND NON-AD VALOREM ASSESSMENTS

A. Notice of Proposed Property Taxes

B. Proposed Operating Millage

C. Reasons for Proposed Operating Millage Rate Decrease from the Rolled-Back Millage Rate

Town Manager Elwell provided an overview of the proposed operating millage rate decrease.

D. Comments and Questions from Public – None

E. Discussion and Adoption (with changes, if any) of Proposed Operating Millage Rate for FY12.

1. RESOLUTION NO. 94-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the Proposed Millage Rate Necessary to Fund the Tentative General (Operating) Fund Budget for the 2011-2012 Fiscal Year.

Motion to approve Resolution No. 94-11 was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

F. Non-Ad Valorem Assessments

1. Commercial Solid Waste Fee Assessments
[H. Paul Brazil, Director of Public Works]

- a. RESOLUTION NO. 82-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Relating to the Provision of Commercial Solid Waste Collection Services; Providing Authority and Definitions; Approving the Updated Assessment Rolls; Providing for the Reimposition of the Assessments to Fund the Commercial Solid Waste Collection Services; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing for the Effect of this Resolution; Providing Severability and an Effective Date.

Motion to approve Resolution No. 82-11 was made by Council Member Diamond, seconded by Council Member Pucillo. On roll call, the motion carried unanimously.

2. Worth Avenue Commercial District Improvement Project
[Thomas G. Bradford, Deputy Town Manager]

- a. RESOLUTION NO. 70-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Provision of the Worth Avenue Improvement Project; Providing Authority and Definitions; Approving the Final Assessment Rolls; Providing for the Imposition of the Assessments to Fund the Worth Avenue Improvement Project and Related Maintenance Services; Providing for Collection of the Assessments Pursuant to the Uniform Assessment Collection Act; Providing for the Effect of this Resolution; Providing Severability and an Effective Date.

Motion to approve Resolution No. 70-11 was made by Council Member Diamond, seconded by Council Member Pucillo. On roll call, the motion carried unanimously.

- G. Discussion and Adoption (with changes, if any) of a Tentative Operating Budget, Debt Service Budget, and Budgets for Other Funds for FY12.

1. RESOLUTION NO. 95-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the Tentative General (Operating) Fund, Debt Service Fund and Budgets for Other Funds for the 2011-2012 Fiscal Year.

Motion to approve Resolution No. 95-11 was made by Council Member Diamond, seconded by Council Member Kleid. On roll call, the motion carried unanimously.

H. Second and Final Public Hearing to Adopt the Final Millage Rate and Budgets will be on Wednesday, September 21, 2011, at 5:01 p.m., in the Town of Palm Beach Council Chambers.

Council President Rosow announced that the second and final Public Hearing to Adopt the Final Millage Rate and Budgets will be on Wednesday, September 21, 2011, at 5:01 p.m., in the Town of Palm Beach Council Chambers.

V. ANY OTHER MATTERS

VI. ADJOURNMENT

There being no further business, the September 12, 2011 Special Town Council meeting was adjourned at 5:12 p.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Susan A. Owens, MMC
Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: SEPTEMBER 13, 2011

APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Regular Town Council Meeting held on September 13, 2011

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, SEPTEMBER 13, 2011**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, September 13, 2011 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 Owens gave the invocation. Council President Rosow led the Pledge of Allegiance.

III. PRESENTATIONS

A. Legislative Report Presented by Representative Pat Rooney.

Representative Rooney informed the Town Council of items that will potentially be considered during the next legislative session: online sales tax; PIP insurance reform; immigration reform; education standards; F.S. 175/185 pension reform; and, redistricting. He spoke regarding the issues he will be proposing: military funeral buffer bill; alternative communication methods for committee meetings to save time and limit travel costs; mortgage fraud protection; certified athletic trainer incentives for public schools; and, corporate citizen tax incentives.

Council President Rosow asked Representative Rooney if he would be able to assist the Town in getting legislation passed authorizing an exemption, similar to the Town of Gulfstream's, for the Town to continue planting Australian Pines. President Rosow also asked Representative Rooney to assist the Town in getting legislation passed that would reduce state regulations and mandates, such as the Consultants Competitive Negotiations Act.

In response to Representative Rooney's comments regarding redistricting, Council Member Diamond asked what the Town can do to help keep its current geographical configurations. Representative Rooney suggested a resolution and personal letters from the Council Members.

Council President Rosow informed Representative Rooney that the Town will be in contact with his office with some proposed legislation regarding the Australian Pines.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio spoke regarding maintaining the aesthetics of Palm Beach, and requested that the Town Council give great consideration to staff's request to fill the vacant Facilities Maintenance Division Manager position. This will allow us to bring our fraying landscape back into order, and provide cost savings.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Responding to Mayor Coniglio's comments, Council President Rosow stated that he had spoken with Town Manager Elwell regarding this, as well as a possible consolidation of our landscaping vendors.

Council Member Kleid stated that the Council would be remiss if they did not talk about 9/11. He spoke regarding a couple that he knew who had lost their son, and expressed his sympathy with their grief. The Town should remember what happened and send its sympathies to the families and friends of the victims.

Council President Rosow responded that the Town Council will take a moment to recognize the victims and their families later in the meeting.

Council Member Diamond spoke regarding a recent article in the Palm Beach Daily News regarding the Town's requirement that certain businesses must submit annual proof that they are town-serving. He stated that there is work that needs to be done regarding these requirements, and that he has asked staff to initiate corrective review of the requirement.

Council President Rosow spoke regarding his comment last month on lowering taxes and staff pay reductions. He stood by his comments and explained that his concern is the future of the Town. He complimented the work done on reducing the budget with no layoffs. He stated that it is not just the rich and famous that live here. We are here to serve the other residents as well. He stated that the Council needs to support Town Manager Elwell in how he is moving forward. The Town is not an isolated area, and he is still concerned about revenues dropping. He spoke about his family constantly looking at how they might reduce expenses. He thanked the Town employees for all their work.

VI. COMMUNICATIONS FROM CITIZENS

Charlie Barnett, representing his mother Marian Barnett, 575 N. Lake Way, spoke regarding the enforcement of the hazardous trees ordinance.

Town Attorney Randolph was directed to review the hazardous trees ordinance to determine if there is something the Town can do to protect property owners from hazardous trees on neighboring properties that have crossed over their property lines.

Alan Goldboro, 2500 S. Ocean Blvd, requested that the Town Council ask the Planning and Zoning Commission to restudy the lake and ocean vistas section of the Code.

Staff was directed to ask the Planning and Zoning Commission to restudy the lake and ocean vistas section of the Code.

VII. APPROVAL OF AGENDA

The following changes were made to the Agenda:

PULLED FROM CONSENT: Item VIII.E.16, Resolution No. 114-11, was pulled from the Consent Agenda to be heard under New Business as Item IX.B.9.

PULLED FROM CONSENT: Item VIII.E.19, Resolution No. 120-11, was pulled from the Consent Agenda and heard under New Business as Item IX.B.10.

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

VIII. CONSENT AGENDA

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

Clerk's Note: Resolution Nos. 114-11 and 120-11 were previously pulled to be heard as Items IX.B.9 and IX.B.10, respectively.

- A. MINUTES: AUGUST 9, 2011
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
- B. MINUTES: AUGUST 9, 2011
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-TOWN OF PALM BEACH VS UNITED STATES OF AMERICA
- C. MINUTES: AUGUST 10, 2011
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
- D. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON AUGUST 24, 2011
- E. RESOLUTIONS

1. RESOLUTION NO. 98-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Energy Audit Selection Committee Ranking of Energy Audit Submittals with the Highest Ranking Being EMG of Hunt Valley, Maryland, Having an Energy Audit Cost of \$26,513 and Authorizing the Town Manager to Execute a Contract on Behalf of the Town for Said Energy Audit Services to Be Provided by EMG Pursuant to Their Submittal to the Town in Response to RFP No. 2011-29.
[Thomas G. Bradford, Deputy Town Manager]
2. RESOLUTION NO. 100-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Bid Award #2011-30 to Solutions4sure Inc. DBA Tech Depot 55 Corporate Drive, Trunbull, CT, for the Purchase of Mobile Computers in the Amount of \$188,393.28 for Public Safety and Authorizing the Town Manager to Execute this Purchase on Behalf of the Town.
[Thomas G. Bradford, Deputy Town Manager]
3. RESOLUTION NO. 101-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Town Depositories for Fiscal Year 2012 Pursuant to Section 2-517 of the Town Code of Ordinances and Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of Ordinances. [Jane Struder, Director of Finance]
4. RESOLUTION NO. 102-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order for Procurement and Delivery of One 23 Cubic Yard Capacity, Single Side Loading Recycling Body and One 27 Cubic Yard Capacity, Dual Side Loading High Compaction Recycling Body from Container Systems & Equipment Co. Inc., in the Amount of \$111,891.00.
[H. Paul Brazil, Director of Public Works]
5. RESOLUTION NO. 103-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of the Zoll Autopulse System in the Amount of \$51,310.40 from Zoll Medical Corporation per Quotation No. 90089 V:2.
[Kirk W. Blouin, Director of Public Safety]
6. RESOLUTION NO. 104-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a One Year Renewal Contract to Kent Security Services, Inc., in the Amount of \$48,951.00, with a Contingency of \$4,887.00 for the Provision of Armed Security Guard Services at the Town Docks, Bid No. 2010-23; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Contract.

[Jay Boodheshwar, Director of Recreation and Special Projects]

7. RESOLUTION NO. 105-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to Community Tree & Landscape Service, Inc., in the Amount of \$37,775.25. [H. Paul Brazil, Director of Public Works]
8. RESOLUTION NO. 106-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to Tree Huggers Landscaping and Nursery LLC, in the Amount of \$68,590. [H. Paul Brazil, Director of Public Works]
9. RESOLUTION NO. 107-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to Marc & Sons Landscape & Tree Services, LLC., in the Amount of \$62,769.92. [H. Paul Brazil, Director of Public Works]
10. RESOLUTION NO. 108-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to All Florida Tree and Landscape, Inc., in the Amount of \$39,675. [H. Paul Brazil, Director of Public Works]
11. RESOLUTION NO. 109-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to Elan Lawn and Landscape Service, Inc., in the Amount of \$46,479.60. [H. Paul Brazil, Director of Public Works]
12. RESOLUTION NO. 110-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to All American Sweeping, Inc., in the Amount of \$113,206.56. [H. Paul Brazil, Director of Public Works]
13. RESOLUTION NO. 111-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to Waste Management, Inc., in the Amount of \$238,655.78. [H. Paul Brazil, Director of Public Works]
14. RESOLUTION NO. 112-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to GCC Commercial Cleaning, in the Amount of \$118,200. [H. Paul Brazil, Director of Public Works]
15. RESOLUTION NO. 113-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to Batallan Enterprises dba Propertyworks, in the Amount of \$30,540. [H. Paul Brazil, Director of Public Works]

16. RESOLUTION NO. 114-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to John C. Cassidy Air Conditioning, in the Amount of \$40,000. [H. Paul Brazil, Director of Public Works] – *Pulled from Consent and heard under New Business*
17. RESOLUTION NO. 115-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a One Year Extension, Including a 3.6% Increase, of the Fire Rescue Department Uniform Contract Awarded to Seacoast Uniforms on Bid No. 2011-11. [Kirk W. Blouin, Director of Public Safety]
18. RESOLUTION NO. 119-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Renewal of the Consulting Services Agreement Between the Town of Palm Beach and Research Atlantica, Inc. as Historic Landmarks Preservation Consultant in an Amount Not to Exceed \$47,000 and Authorizing the Town Manager to Execute the Same on Behalf of the Town. [John S. Page, Director of Planning, Zoning, and Building]
19. RESOLUTION NO. 120-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2011-19 to ICMA Retirement Corporation for Plan Administration, Investment, and Record Keeping for a 401(a) Defined Contribution Retirement Plan, and Authorizing the Town Manager to Execute an Agreement on Behalf of the of the Town. [Jane Struder, Director of Finance] – *Pulled from Consent and heard under New Business*

F. OTHER

1. Approval of Contingency Allocation for Legal Fees Relating to Collective Bargaining. [Jane Struder, Director of Finance]
2. Authorization to Reimburse FEMA for Overpayments for Hurricanes Frances and Jeanne. [Jane Struder, Director of Finance]
3. Conceptual Approval of an FDOT Landscape Maintenance Agreement for the Southern Boulevard Bridge and Causeway. [H. Paul Brazil, Director of Public Works]
4. Authorization to Demolish the Casa Bendita Gazebo. [H. Paul Brazil, Director of Public Works]

IX. REGULAR AGENDA

A. Old Business

1. Parking Matters

- a. Staff Report Regarding On-Street Parking Throughout the Mid-Town Area. [Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Bradford provided an overview of staff's report.

- b. Merchants' Recommendations for Worth Avenue.
Deferred from the August 9, 2011, Town Council Meeting.

Discussion ensued among the Council regarding creation of a Parking District, kiosk installation costs, how revenues from the kiosks would be apportioned, how different types of kiosks work and what they look like, parking enforcement and violation fees, the amounts that would be charged per hour at different locations around Town, what days and hours kiosks would be operational, and inclusion of the other business associations.

Motion was made by Council Member Diamond to implement parking fees on Worth Avenue, to be split in some fashion with the Worth Avenue Association, and that overtime parking violation fines be \$60.00 on Worth Avenue, subject to staff working out the times of operation for the kiosks and other details. Motion died for lack of a second.

Motion was made by Council Member Pucillo to amend Resolution No. 63-11 to increase the overtime parking violation fee to \$60.00, with the exception of the commercial districts which would remain at \$35.00. Motion died for lack of a second.

Motion was made by Council President Pro Tem Wildrick to direct staff to prepare a complete revenue generating parking meter program for the Town, that includes Royal Poinciana Way, South County Road, and Worth Avenue, to be brought forward for a vote at the next Council meeting. Motion died for lack of a second.

Council consensus was to defer this item to allow the Finance and Taxation Committee time to review a full proposal, which will include the details discussed by the Council, and to make a recommendation to the Council. Council President Rosow stated that he will outline a very specific program, in conjunction with staff, for their consideration. The Committee meeting was scheduled for Wednesday, September 21, 2011 at 3:30 p.m. Council President Rosow added that Deputy Town Manager Bradford will provide an outline on the steps needed to create Parking Benefit Districts for the business associations.

- c. RESOLUTION NO. 63-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Fines for Parking, Providing an Effective Date.
[Thomas G. Bradford, Deputy Town Manager]
Deferred from the August 9, 2011, Town Council Meeting.

1 **Based upon previous discuss, no action was taken.**

2
3 *Clerk's Note: The Council recessed for break at 11:36 a.m., and reconvened at 11:46 a.m. All*
4 *elected officials were found to be present at the time.*

5
6 *Clerk's Note: The item below was heard after Item IX.A.3.c.*
7

- 8 2. Consideration of the Recommendations of the Public Works Committee
9 Regarding the A-39 to A-7 Force Main Project and the Accelerated
10 Capital Improvement Program.

11 [Michael J. Pucillo, Town Council Member]
12

13 Council Member Pucillo provided a summary of the Public Works
14 Committee meeting and the Committee's recommendations. He stated
15 that the Committee discussed alternatives to the CM-At Risk method of
16 proceeding with the Force Main Project. In the end, the Committee
17 directed staff and all involved contractors and consultants to "sharpen their
18 pencils" and to return to the October 11, 2011 Town Council meeting with
19 updated, reduced cost estimates.
20

21 There was some discussion regarding the possibility of combining the
22 Force Main Project on the south end of Town with this project.
23

24 **Town Manager Elwell stated that the logistical and financial aspects of this proposal will be**
25 **incorporated into the report that will be brought before the Council at the October 11,**
26 **2011 Town Council meeting.**
27

28 Public Works Director Brazil stated that there were two additional items
29 that required Council approval; both would provide cost savings to the
30 Town:
31

- 32 1. Approval of a Waiver of Section 42-199, Hours of Construction
33 Work, to allow evening and weekend work between April and
34 December, 2011, as necessary, to facilitate completion of the A-39 to
35 A-7 Force Main Project within one summer.
36

37 **Motion was made by Council Member Pucillo and seconded by Council Member Kleid to**
38 **approve a Waiver of Section 42-199, Hours of Construction Work, to allow evening and**
39 **weekend work between April and December, 2011, as necessary, to facilitate completion of**
40 **the A-39 to A-7 Force Main Project within one summer. Upon roll call, the motion carried**
41 **unanimously.**

- 42 2. Authorization for contractor to use, as a lay down area for the A-39
43 to A-7 Force Main Project, FDOT right-of-way on the Southern
44 Boulevard Causeway.
45

46 **Motion was made by Council Member Pucillo and seconded by Council Member Kleid to**

1 authorize the contractor to use, as a lay down area for the A-39 to A-7 Force Main Project,
2 FDOT right-of-way on the Southern Boulevard Causeway. Upon roll call, the motion
3 carried unanimously.
4

5 Motion was made by Council Member Pucillo and seconded by Council Member Kleid to
6 accept the report, including direction to staff and all involved contractors and consultants
7 to “sharpen their pencils” and return to the October 11, 2011 Town Council meeting with
8 updated, reduced cost estimates. Upon roll call, the motion carried unanimously.
9

10 3. Australian Pine Matters
11

- 12 a. Seeking State Permission to Plant Australian Pines.
13 [H. Paul Brazil, Director of Public Works]
14 *Deferred from the August 9, 2011, Town Council Meeting.*
15

16 Mayor Coniglio stated that she will contact the Town’s legislators and write letters of
17 support on behalf of the Town.
18

19 Motion was made by Council Member Pucillo and seconded by Council Member Kleid to
20 direct staff to pursue a state exemption for planting Australian Pines within the Town.
21 Upon roll call, the motion carried unanimously.
22

- 23 b. ORDINANCE NO. 23-11 An Ordinance Of The Town Council Of
24 The Town Of Palm Beach, Palm Beach County, Florida,
25 Amending The Code Of Ordinances At Chapter 66 Natural
26 Resources, Article IV Vegetation, Division 5, Regulations, Section
27 66-311 Prohibited Plants, So As To Amend The Removal Date For
28 Australian Pines So As To Reflect That The Removal Date Of
29 2012 Shall Only Be Applicable To Australian Pines Located
30 Within 500 Feet Of The Palm Beach Island Sanctuaries Located
31 Within The Town And Described Herein; Providing For
32 Severability; Providing For Repeal Of Ordinances In Conflict;
33 Providing For Codification; Providing An Effective Date.
34 [John Page, Director of Planning, Zoning, and Building]
35

36 Motion was made by Council Member Pucillo and seconded by Council President Pro Tem
37 Wildrick to approve Ordinance No. 23-11, on first reading. Upon roll call, the motion
38 carried unanimously.
39

- 40 c. Appeal of ARCOM Approval #A-015-2011, Australian Pine
41 Removal Exemption, 3440 South Ocean Boulevard, Halcyon
42 Condominium.
43 [John Page, Director of Planning, Zoning, and Building]
44

45 Jack Cohen, 3450 S. Ocean Blvd., representing the Patrician
46 Condominium, spoke in opposition to ARCOM Approval #A-015-

2011, and provided the history between the Patrician and Halcyon Condominiums in regards to the Australian Pines between their properties.

Motion was made by Council Member Kleid and seconded by Council Member Diamond to reject the appeal, and to make a strong recommendation that there be cooperation between the Halcyon and Patrician Condominiums with respect to regular maintenance of the Australian Pines. Upon roll call, the motion carried unanimously.

Clerk's Note: Item IX.A.2. was heard at this time.

B. New Business

1. Consideration of Scheduling an Attorney/Client Session Regarding Phipps Plaza Condominium Association vs Town of Palm Beach Case No. 502011CA 007669XXXXMB AY, in the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, to Discuss this Matter to Begin Immediately Following this Regular Town Council Meeting in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio, Town Council Members David A. Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo; Town Manager Peter B. Elwell; Attorney John C. Randolph; and Court Reporter from Ley & Marsaa Court Reporters, Inc. [John C. Randolph, Town Attorney]

Motion was made by Council Member Kleid and seconded by Council Member Pucillo to approve the scheduling of an Attorney/Client Session regarding Phipps Plaza Condominium Association vs Town of Palm Beach. Upon roll call, the motion carried unanimously.

Clerk's Note: The below item was heard after Item IX.B.10.

2. Commercial Motion Picture Making Permit Application—Flashfire Productions, LLC. [Susan A. Owens, Town Clerk]

Bill Metzger and Stratton Leopold, on behalf of Flashfire Productions, provided an overview of the applicant's request.

Council President Pro Tem Wildrick requested that the Palm Beach Police Department be in charge of the process, and that they be informed that it is the intent of the Council that this filming will not inconvenience the residents.

Motion was made by Council President Pro Tem Wildrick and seconded by Council Member Diamond to approve the filming activities requested in the August 24, 2011 application, and the request to film after midnight in the August 31, 2011 Request for

1 **Amendment to Application; and, to deny the request for intermittent traffic control in the**
2 **August 31, 2011 Request for Amendment to Application. Upon roll call, the motion carried**
3 **unanimously.**

4
5 There was discussion among the Council regarding modernizing the
6 commercial motion picture ordinances. Council President Rosow stated
7 that the Council will send the issue to the Planning and Zoning Board for
8 further discussion.
9

10 **Motion was made by Council Member Diamond to institute a moratorium on enforcement**
11 **of the Commercial Motion Picture Code as it relates to filming in residential districts.**
12 **Motion died for lack of a second.**

- 13
14 3. Request by E. Llwyd Ecclestone for a Permanent Easement at the
15 Southeast Corner of Clarke Avenue Beach to Enable Construction at a
16 Seawall on the Adjacent Private Property.
17 [H. Paul Brazil, Director of Public Works]
18

19 Ron Dixon, Dixon & Assoc. Engineers, 3600 N. Shore Dr, West Palm Beach, representing Mr.
20 Ecclestone, spoke regarding his client's willingness to pay a conveyance fee to the Town if it
21 was required.
22

23 **Motion was made by Council Member Kleid and seconded by Council Member Diamond**
24 **to approve the granting of the easement, subject to the Town being indemnified, and**
25 **payment of a conveyance fee of \$2,000.00. Upon roll call, the motion carried unanimously.**
26

27 *Clerk's Note: The Council recessed for lunch at 12:38 p.m., and reconvened at 1:48 p.m. All*
28 *elected officials were found to be present at the time.*
29

30 **At this time, Council President Rosow requested that there be a moment of silence to**
31 **recognize the victims of 9/11.**
32

- 33 4. Request for Authorization to Fill Vacant Facilities Maintenance Division
34 Manager. [H. Paul Brazil, Director of Public Works]
35

36 **Motion was made by Council Member Kleid and seconded by Council Member Diamond**
37 **to authorize staff to fill the vacant Facilities Maintenance Division Manager position. Upon**
38 **roll call, the motion carried unanimously.**
39

- 40 5. Proposed Staffing Changes for Administration of Retirement and Benefit
41 Plans. [Danielle Olson, Director of Human Resources]
42

43 **Motion was made by Council Member Pucillo and seconded by Council Member Kleid to**
44 **approve the proposed staffing changes for administration of retirement and benefit plans.**
45 **Upon roll call, the motion carried unanimously.**
46

6. Insurance Renewal Items

- a. Health Insurance Premium Rates for Calendar Year 2012.
[Danielle Olson, Director of Human Resources]

Motion was made by Council Member Pucillo and seconded by Council Member Kleid to approve the health insurance premium rates for calendar year 2012. Upon roll call, the motion carried unanimously.

- b. RESOLUTION NO. 116-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Proposed Liability, Property, Workers' Compensation, Automobile, Loss Fund Insurance Coverages and Other Insurance Coverages Incidental to the Town's Operations for FY2012; Approving the Insurance Agent Services Agreement with Wells Fargo Insurance Services and Authorizing the Town Manager to Execute the Agreement on Behalf of the Town.
[Thomas G. Bradford, Deputy Town Manager]

Motion was made by Council Member Kleid and seconded by Council Member Diamond to approve Resolution No. 116-11. Upon roll call, the motion carried unanimously.

- c. RESOLUTION NO. 118-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Proposed Third Party Administrative (TPA) Services for Liability, Property and Workers' Compensation Claims Management Services Agreement for FY2012 with Preferred Governmental Claim Solutions (PGCS) of Lake Mary, Florida in the Amount of \$32,470; and Authorizing the Town Manager to Execute the Agreement on Behalf of the Town.
[Thomas G. Bradford, Deputy Town Manager]

Motion was made by Council Member Kleid and seconded by Council Member Diamond to approve Resolution No. 118-11. Upon roll call, the motion carried unanimously.

7. Request for Contingency Allocation for the FY11 Inspector General Fees.
[Jane Struder, Director of Finance]

Council President Pro Tem Wildrick asked about a possible opt out of the Inspector General services and fees.

Town Manager Elwell stated that the Town may be able to opt out if the voters choose to do so at a future election. Staff will research the issue of opting out, as well as the formula used to calculate the municipalities' share of the costs, and report back to the Council at the October 11, 2011 Town Council meeting.

1 Town Attorney Randolph stated that other municipalities may be
2 challenging the constitutionality of the Inspector General fees.

3
4 Council Member Kleid asked if the Town could make the payment under
5 protest. Town Attorney Randolph stated that there are other cities that are
6 contemplating not paying or budgeting for these fees until the lawsuit is
7 settled, but that he did not recommend it.
8

9 **Motion was made by Council Member Pucillo and seconded by Council President Pro Tem**
10 **Wildrick to approve the request for contingency allocation for the FY11 Inspector General**
11 **fees. Upon roll call, the motion carried unanimously.**
12

- 13 8. Report Regarding the Composition of Town Selection Committees. [Jay
14 Boodheshwar, Director of Recreation and Special Projects]
15

16 Council Member Pucillo stated that the Town needs to look further into
17 the financial condition of potential vendors. We need to have someone
18 with a financial background looking at their statements and playing a
19 larger role in the process.
20

21 Council President Rosow requested that staff get the Auditor's opinion as
22 to the best practices in composing selection committees.
23

24 **Council consensus was that staff find a third party to review the financial statements of**
25 **vendors bidding on major projects, and that staff seek the Auditor's recommendations**
26 **regarding inclusion of a third-party, or elected officials, on major project selection**
27 **committees.**
28

29 **Motion was made by Council Member Diamond and seconded by Council President Pro**
30 **Tem Wildrick to accept the report. Upon roll call, the motion carried unanimously.**
31

- 32 9. RESOLUTION NO. 114-11 A Resolution of the Town Council of the
33 Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract
34 Extension to John C. Cassidy Air Conditioning, in the Amount of \$40,000.
35 [H. Paul Brazil, Director of Public Works] – *Item was pulled from*
36 *Consent Agenda*
37

38 **Motion was made by Council Member Kleid and seconded by Council Member Pucillo to**
39 **approve Resolution No. 114-11. Upon roll call, the motion carried unanimously.**
40

- 41 10. RESOLUTION NO. 120-11 A Resolution of the Town Council of the
42 Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No.
43 2011-19 to ICMA Retirement Corporation for Plan Administration,
44 Investment, and Record Keeping for a 401(a) Defined Contribution
45 Retirement Plan, and Authorizing the Town Manager to Execute an
46 Agreement on Behalf of the of the Town.

[Jane Struder, Director of Finance] – *Item was pulled from Consent Agenda*

Motion was made by Council Member Diamond and seconded by Council Member Pucillo to approve Resolution No. 120-11. Upon roll call, the motion carried unanimously.

Clerk's Note: Item IX.B.2. was heard at this time.

X. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 16-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 2 Administration, Article IV Boards and Commissions, Division 2 Planning and Zoning Commission, Section 2-328 Relating to Removal Provisions, Absences, Conflicts of Interest at Subparagraph (A); Amending Article V Code Enforcement, Division 2 Code Enforcement Board, Section 2-402 Relating to Terms, Removal Provisions, Absences, Conflicts of Interest at Subparagraph (B); Amending Article VI Finance, Division 6 Investment Advisory Committee, Section 2-567 Subparagraph (B) Relating to Removal Provisions, Absences; Amending Article X Shore Protection Board, Section 2-636 Subparagraph (B) Relating to Removal Provisions; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[Thomas G. Bradford, Deputy Town Manager]

Motion was made by Council Member Diamond and seconded by Council Member Pucillo to adopt Ordinance No. 16-11, on second reading. Upon roll call, the motion carried unanimously.

2. ORDINANCE NO. 17-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 38, Emergency Services; Article II, Alarm Systems; at Section 38-31 Relating to Purpose; at Section 38-32 Relating to Definition of False Alarm; and at Section 38-34 Relating to Enforcement; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]

Motion was made by Council Member Kleid and seconded by Council Member Diamond to adopt Ordinance No. 17-11, on second reading. Upon roll call, the motion carried unanimously.

3. ORDINANCE NO. 18-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 46, Fire Prevention and Protection, Article III, Fire Prevention Code, at Section 46-69, Ordering Correction of Hazards; Compliance Required; Appeal; Section 46-71, Owner Responsibility for Vacant Premises; Section 46-74, Open Burning; and 46-75, Exit Doors and Means of Egress; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[Thomas G. Bradford, Deputy Town Manager]

Motion was made by Council Member Diamond and seconded by Council Member Kleid to adopt Ordinance No. 18-11, on second reading. Upon roll call, the motion carried unanimously.

4. ORDINANCE NO. 19-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 54 Historical Preservation, Article II Landmarks Preservation Commission, Section 54-38 Relating to Removal Provisions, Absences, Conflicts of Interest, Subparagraph (A); Amending Section 54-39 Relating to Officers, Rules of Procedure for Commission, to Eliminate the Position of Secretary; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[Thomas G. Bradford, Deputy Town Manager]

Motion was made by Council Member Diamond and seconded by Council Member Kleid to adopt Ordinance No. 19-11, on second reading. Upon roll call, the motion carried unanimously.

5. ORDINANCE NO. 20-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 2, Administration; Article V, Code Enforcement; Division 3, Procedure; At Section 2-439 Relating To The Citation Fine Schedule To Include Violations Of Section 46-71, Owner Responsibility For Vacant Premises; Section 46-74, Open Burning, And Section 46-75, Exit Doors And Means Of Egress As Class III Violations Of The Town Code Of Ordinances; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. [Thomas G. Bradford, Deputy Town Manager]

Motion was made by Council Member Kleid and seconded by Council Member Diamond to adopt Ordinance No. 20-11, on second reading. Upon roll call, the motion carried unanimously.

- 1 6. ORDINANCE NO. 22-11 An Ordinance of the Town Council of the
2 Town of Palm Beach, Palm Beach County, Florida, Amending the Town
3 Code of Ordinances at Chapter 70, Relating to Offenses by Rescinding
4 Sections 70-6, 70-7, and 70-9; Amending Chapter 106, Relating to Streets,
5 Sidewalks, and Other Public Places, at Article VI, Parades, Sections 106-
6 192 and 106-219, So as to Delete All References to the Regulation of
7 Firearms; Providing for Severability; Providing for Repeal of Ordinances
8 in Conflict; Providing for Codification; Providing an Effective Date.
9 [John C. Randolph, Town Attorney]

10
11 **Motion was made by Council Member Diamond and seconded by Council Member Kleid**
12 **to adopt Ordinance No. 22-11, on second reading. Upon roll call, the motion carried**
13 **unanimously.**

14
15 B. First Reading

- 16
17 1. ORDINANCE NO. 24-11 An Ordinance of the Town Council of the
18 Town of Palm Beach, Palm Beach County, Florida, Amending the Town
19 Code of Ordinances at Chapter 42 Environment, Section 42-230 Relating
20 to Lawn Maintenance Equipment Noise, Subparagraph (a); to Clarify That
21 Golf Course Maintenance Equipment Is Exempt from the Restrictions at
22 Section 42-199; Providing for Severability; Providing for Repeal of
23 Ordinances in Conflict; Providing for Codification; Providing an Effective
24 Date. [Thomas G. Bradford, Deputy Town Manager]

25
26 **Motion was made by Council Member Diamond and seconded by Council Member Pucillo**
27 **to approve Ordinance No. 24-11, on first reading. Upon roll call, the motion carried**
28 **unanimously.**

- 29
30 2. ORDINANCE NO. 25-11 An Ordinance of the Town Council of the
31 Town of Palm Beach, Palm Beach County, Florida, Amending the Town
32 Code of Ordinances at Chapter 130 Relating to Vehicles for Hire;
33 Amending Section 130-31 Relating to Definitions; Amending Section
34 130-33 Relating to Amounts, Receipt to Be Filed, Regulations; Amending
35 Section 130-34 Relating to Taxi Stands by Deleting Said Section in its
36 Entirety; Amending Section 130-61 Relating to Required Permits;
37 Amending Section 130-62 Relating to Contents of Application; Amending
38 Section 130-63 Relating to Approval of Application and Providing for 25
39 Taxicab Permits; Amending Section 130-64 Relating to Permit Fees;
40 Amending Section 130-68 Relating to Annual Renewal of Permit;
41 Amending Section 130-69 Relating to Inspection of Vehicles; Amending
42 Section 130-70 Relating to Sale, Assignment or Transfer; Amending
43 Section 130-97 Relating to Application; Providing for Severability;
44 Providing for Repeal of Ordinances in Conflict; Providing for
45 Codification; Providing an Effective Date.
46 [Thomas G. Bradford, Deputy Town Manager]

1 **Motion to amend Ordinance No. 25-11 to include the conditions that the taxi permits be**
2 **non-transferrable, that the rates be displayed on the vehicle, and that meters must be used,**
3 **and to approve Ordinance No. 25-11, as amended. Upon roll call, the motion carried**
4 **unanimously. The permit fee will be set via resolution at a later date.**
5

- 6 3. ORDINANCE NO. 26-11 An Ordinance of the Town Council of the
7 Town of Palm Beach, Palm Beach County, Florida, Providing for an
8 Amendment to the Town's Budgets Adopted for the Fiscal Year
9 Commencing October 1, 2010, Providing an Effective Date.
10 [Jane Struder, Director of Finance]
11

12 **Motion was made by Council Member Diamond and seconded by Council Member Kleid**
13 **to approve Ordinance No. 26-11, on first reading. Upon roll call, the motion carried**
14 **unanimously.**
15

- 16 4. ORDINANCE NO. 27-11 An Ordinance of the Town Council of the
17 Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 2
18 of the Town Code of Ordinances Relating to Administration at Article III,
19 Officers Employees, Section 2-136, So as to Name the Public Safety
20 Director as the Appointive Administrative Official under the Category of
21 Public Safety and Eliminating the Positions of Chief of Police and Fire
22 Chief; Providing That Wherever the Terms Chief of Police and/or Fire
23 Chief Are Named in the Town Code of Ordinances, Policies, Rules,
24 Regulations or Other Directives, Said Positions Shall Now Be the
25 Responsibility of the Public Safety Director and the Duties and
26 Obligations Specified Therein Shall Now Be the Duties and Obligations of
27 the Public Safety Director; Providing for Severability; Providing for
28 Repeal of Ordinances in Conflict; Providing for Codification; Providing
29 an Effective Date. [John C. Randolph, Town Attorney]
30

31 **Motion was made by Council Member Diamond and seconded by Council Member Kleid**
32 **to approve Ordinance No. 27-11, on first reading. Upon roll call, the motion carried**
33 **unanimously.**
34

35 **XI. ANY OTHER MATTERS – None**

1 **XII. ADJOURNMENT**

2
3 There being no further business, the September 13, 2011 Town Council meeting was
4 adjourned at 4:10 p.m.
5
6
7
8

9 APPROVED:

10
11
12
13
14 _____
15 David A. Rosow
16 Town Council President

17 ATTEST:

18
19
20
21 _____
22 Susan A. Owens, MMC
23 Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: SEPTEMBER 13, 2011

APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
CLOSED DOOR SESSION

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting - closed door session - held on September 13, 2011

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, SEPTEMBER 13, 2011**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 4:19 p.m. on Tuesday, September 13, 2011, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Council Member Pucillo and seconded by Council President Pro Tem Wildrick to approve the Agenda. On roll call, the motion carried unanimously.

III. PHIPPS PLAZA CONDOMINIUM ASSOCIATION VS TOWN OF PALM BEACH, CASE NO. 502011CA 007669XXXXMB AY, IN THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

F.S. 286.011(8) allows the Mayor, Town Council, and the Town Manager to meet in a Closed-Door Attorney/Client Session for the purpose of discussing strategy related to litigation.

Council President Rosow announced the following:

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

At 4:20 p.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

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

A.) Call to Order

The Special Town Council meeting was reconvened at 4:26 p.m., in the Town Council Chambers.

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

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

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Tuesday, September 13, 2011 was adjourned at 4:26 p.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Susan A. Owens, MMC
Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: SEPTEMBER 14, 2011

APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Regular Town Council Meeting held on September 14, 2011

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, SEPTEMBER 14, 2011**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, September 14, 2011 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 Owens gave the invocation. Council President Rosow led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio commented that she attended the Palm Beach County Commission Budget Hearing last night. She indicated that she and Pat Cooper, of the Palm Beach Civic Association, spoke for tax relief in the millage rate. She stated that Bobbie Horwich, of the Town's County Budget Task Force and who attended the meeting with her, has worked diligently with the Commissioners and provided invaluable support for the Town.

Council President Rosow noted that the current County millage rate is 4.75 and is going up to 4.79, which is a .04 increase in taxes. It is a \$7.9 million cut from the budget, which will come from road projects and County reserves according to County Administrator Bob Weisman. He stated that seventy residents spoke out at the first two public hearings and urged the Commissioners not to cut any programs, but the various coalitions who spoke advocated a reduction in expenses. Mr. Weisman said these are one-time cuts and they will be back with the same kind of budget problems next year. Council President Rosow commented that four years ago the Town's budget was approximately \$66 - \$68 million, and that it is now \$58 million.

Mayor Coniglio announced that she will need to leave the meeting around 10:30 a.m., in order to meet with the Florida Department of Environmental Protection (FDEP), regarding the Town's concerns relative to funding for Reach 7 and the Clarke Avenue Beach calculations and associated restroom issues.

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

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

VI. APPROVAL OF AGENDA

The following changes were made to the Agenda:

DEFERRED: Item VII.C.2.m., Variance #23-2011, was deferred to the October 12, 2011 Town Council meeting.

Motion was made by Council President Pro Tem Wildrick and seconded by Council Member Kleid to approve the Agenda, as amended. On roll call, the motion carried unanimously.

VII. DEVELOPMENT REVIEWS

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

A. Appeals – None

B. Time Extensions & Waivers – None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. VARIANCE #18-2011 The application of Edmiston & Company; relative to property commonly known as **333 Peruvian Avenue**; described as Lots 41 through 45, inclusive, Block 11, Revised Map of Royal Park Addition to Palm Beach, according to the map thereof as 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 requests a variance to permit the operation of a yacht charter and sales office containing approximately 1,237 sq. ft. on the first floor which does not meet the requirements to allow an office use on the first floor in this situation. The proposed use does not meet the special exception uses requirement in Section 134-1109(18) that there are at least 50% existing office uses on all floors in the building or the requirement that there be more than 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district. [Attorney: M. Timothy Hanlon] *Deferred from the August 10, 2011, Town Council Meeting.*

1 The following ex-parte communications were declared: Council Members Pucillo, Kleid,
2 and Diamond, Council President Pro Tem Wildrick and Town Council President Rosow
3 spoke with Attorney Hanlon, who advocated the position of his client.
4

5 Attorney Hanlon, on behalf of Edmiston & Company, provided an overview of the
6 applicant's request.
7

8 Zoning Administrator Castro provided staff's comments.
9

10 **Motion was made by Council Member Diamond and seconded by Council Member Kleid**
11 **that Variance #18-2011 be granted and find, in support thereof, that all of the criteria**
12 **applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been**
13 **met, subject to the condition that the display in the window be made to resemble a retail**
14 **shop. This variance is being approved for this tenant only. On roll call, the motion carried**
15 **unanimously.**
16

17 **Staff was directed to bring before the Planning & Zoning Commission the possibility of**
18 **including yacht brokerages as a retail use, as opposed to an office use, and to have them**
19 **make a recommendation to Council.**
20

21 2. New Business
22

- 23 a. SITE PLAN REVIEW #10-2011 WITH VARIANCES The
24 application of Joan & Eugene Kalkin; relative to property
25 commonly known as **170 North Ocean Blvd., PH-701**; described
26 as Condominium Parcel No. 701 and Covered Parking Unit 1,
27 OCEAN TOWERS NORTH, a Condominium, according to the
28 Declaration as recorded in Official Records Book 3208, Page 1913
29 of the Public Records of Palm Beach County, Florida; located in
30 the R-C Zoning District. The applicant requests a site plan
31 modification with variances to allow one (1) retractable awning
32 totaling 214.2 square feet over the terrace on the seventh floor of a
33 seven story condominium building. Variances are requested to
34 allow the awning at a height of 60.4 feet in lieu of the 23 ½
35 maximum height allowed in the R-C Zoning District; to allow at an
36 overall height of 62.9 feet in lieu of the 31 ½ maximum height
37 allowed; to allow on the existing seventh floor penthouse of a
38 seven story building in lieu of the two story building maximum
39 allowed; and to allow with a street yard setback of 114.8 feet in
40 lieu of the 126.7 feet minimum required for multi-family use.
41 [Attorney: Maura A. Ziska] [ARCOM Recommendation:
42 Implementation of the proposed variances will not cause negative
43 architectural impacts to the subject property. Carried 7-0.]
44

1 The following ex-parte communications were declared: Council Members Pucillo,
2 Diamond, and Kleid, Council President Pro Tem Wildrick, and Council President Rosow
3 spoke with Attorney Ziska, who advocated the position of her client.
4

5 Attorney Ziska, on behalf of Joan and Eugene Kalkin, provided an overview of the
6 applicant's request.
7

8 *Clerk's Note: Council President Pro Tem Wildrick temporarily left the meeting at approximately*
9 *10:03 a.m.*
10

11 Zoning Administrator Castro provided staff's comments.
12

13 **Motion was made by Council Member Diamond and seconded by Council Member Kleid**
14 **that Site Plan Review #10-2011 be approved based upon the finding that the approval of**
15 **the site plan will not adversely affect the public interest and that the Council certifies that**
16 **the specific zoning requirements governing the individual use have been met and that**
17 **satisfactory provision and arrangement has been made concerning Section 134-329, items 1**
18 **through 11, that the variances related to Site Plan Review #10-2011 be granted and find, in**
19 **support thereof, that all of the criteria applicable to this application as set forth in Section**
20 **134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-0, with**
21 **Council President Pro Tem Wildrick absent.**
22

- 23 b. SITE PLAN REVIEW #11-2011 WITH VARIANCES The
24 application of Sandra E. Garfunkel as Trustee of the Sandra E.
25 Garfunkel Trust u/a/d 5/10/2010; relative to property commonly
26 known as **170 North Ocean Blvd., PH 705**; described as: Unit
27 705 and Covered Parking Unit 6, of OCEAN TOWERS NORTH, a
28 condominium according to the Declaration as recorded in Official
29 Records Book 3208, Page 1913 of the Public Records of Palm
30 Beach County, Florida together with an undivided interest in the
31 common elements thereof; located in the R-C Zoning District. The
32 applicant requests a site plan modification with variances to allow
33 one (1) retractable awning totaling 214.2 square feet over the
34 terrace on the seventh floor of a seven story condominium
35 building. Variances are requested to allow the awning at a height
36 of 60.4 feet in lieu of the 23 ½ maximum height allowed in the
37 R-C Zoning District; to allow at a overall height of 62.9 feet in lieu
38 of the 31 ½ maximum height allowed; to allow on the existing
39 seventh floor penthouse of a seven story building in lieu of the two
40 story building maximum allowed; and to allow with a side yard
41 setback of 89.7 feet in lieu of the 126.7 feet minimum required for
42 multi-family use. [Attorney: Maura A. Ziska] [ARCOM
43 Recommendation: Implementation of the proposed variances will
44 not cause negative architectural impacts to the subject property.

Carried 7-0.]

The following ex-parte communications were declared: Council Members Pucillo, Diamond, and Kleid, and Council President Rosow spoke with Attorney Ziska, who advocated the position of her client. Council President Pro Tem Wildrick was absent but had disclosed earlier in the meeting that he spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of Sandra E. Garfunkel, provided an overview of the applicant's request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Site Plan Review #11-2011 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11, that the variances related to Site Plan Review #11-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

- c. SITE PLAN REVIEW #12-2011 The application of Susan Mercurio; relative to property commonly known as **168 Seaspray Avenue**; described 471 and 473 of POINCIANA PARK SECOND ADDITION, according to the Plat thereof as recorded in Plat Book 6, Page 86, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a Site Plan Review to allow the construction of a 2,816 square foot two-story single family residence on a non-conforming platted lot which is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District. [Attorney: Maura A. Ziska]

The following ex-parte communications were declared: Council Members Pucillo, Diamond, and Kleid, and Council President Rosow spoke with Attorney Ziska, who advocated the position of her client. Council President Pro Tem Wildrick was absent but had disclosed earlier in the meeting that he spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of Susan Mercurio, provided an overview of the applicant's request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Site Plan Review #12-2011 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

- d. SPECIAL EXCEPTION #23-2011 The application of 313 Worth Ave LLC (Pier Mario Del Rosso, Manager; relative to properties commonly known as **313 ½ Worth Avenue, 405 Hibiscus Avenue, and 311 Peruvian Avenue**; described as lengthy legal descriptions on file; located in the C-TS Zoning District. The applicant requests special exceptions by new owner to continue to operate a 4800 square foot restaurant at 313 ½ Worth Avenue which contains in excess of 2,000 square feet of GLA which is the same operation as the previous owner; to allow off-site supplemental parking spaces at 405 Hibiscus Avenue and 311 Peruvian Avenue as was previously approved for the previous restaurant owner; and to allow 46 outdoor dining seats of which 20 seats exceed the maximum capacity as allowed by a previous variance granted to the restaurant in Via Bice. [Attorney: Joel P. Koeppel] *This item was deferred to the October 11, 2011 Town Council meeting*

The following ex-parte communications were declared: Council Member Diamond spoke with Attorney Koeppel, who advocated the position of his client.

Attorney Koeppel, on behalf of 313 Worth Ave LLC, provided an overview of the applicant's request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo that Special Exception #23-2011 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, subject to the condition that they execute a Declaration of Use Agreement which will cap the number of outside seating and provide a remedy for violations thereof. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

- 1 e. SPECIAL EXCEPTION #24-2011 WITH VARIANCES The
2 application of Charles S. Duncker relative to property commonly
3 known as **120 Reef Rd.**; described as Lots 5, 5A and 35, North
4 Shore Addition to Palm Beach, according to the map or plat
5 thereof as recorded in Plat Book 20, Page 62, Public Records of
6 Palm Beach County, Florida; located in the R-B Zoning District.
7 The applicant requests a special exception to construct a 200
8 square foot beach cabana on property across the street from the
9 main residence, which is in the R-B Zoning District. A variance is
10 requested to construct a beach cabana with a 3.59 foot west side
11 yard setback in lieu of the 10 foot minimum setback required.
12 Request a variance to also have a setback from the bulkhead line of
13 101.5 feet in lieu of the 118.5 foot minimum required for a house
14 being built east of the Coastal Construction Control Line at this
15 location. [Attorney: Maura A. Ziska]
16

17 The following ex-parte communications were declared: Council Members Pucillo,
18 Diamond, and Kleid, and Council President Rosow spoke with Attorney Ziska, who
19 advocated the position of her client. Council President Pro Tem Wildrick was absent but
20 had disclosed earlier in the meeting that he spoke with Attorney Ziska, who advocated
21 the position of her client. Mayor Coniglio spoke with the Architect, Patrick Segraves.
22

23 Attorney Ziska, on behalf of Melinda and Steve Duncker, provided an overview of the
24 applicant's request.
25

26 Architect Segraves presented the architectural plans of the project.
27

28 Zoning Administrator Castro provided staff's comments.
29

30 Carol Hack, 111 Reef Road, spoke in opposition to the project and suggested placing the
31 cabana on the south end of the lot.
32

33 Bill Atterbury, representing Jeanne Von Oppenheim, who owns the house to the south on
34 Dolphin Road, commented that his client had no objection to the cabana variance;
35 however, she objected to the variance for the house setback.
36

37 *Clerk's Note: Council President Pro Tem Wildrick returned to the meeting at 10:37 a.m.*
38

39 **Motion was made by Council Member Diamond and seconded by Council President Pro**
40 **Tem Wildrick that Special Exception #24-2011 shall be granted based upon the finding that**
41 **such grant will not adversely affect the public interest and that the applicable criteria set**
42 **forth in Section 134-229 of the Town Code have been met, subject to the condition that the**
43 **cabana be placed five feet to the south of the proposed location, that the variances related**
44 **to Special Exception #24-2011 be granted and find, in support thereof, that all of the**

1 criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7
2 have been met, with the cabana variance being subject to the condition that the cabana be
3 placed five feet to the south of the proposed location. On roll call, the motion carried
4 unanimously.

5
6 Staff was directed to bring before the Planning & Zoning Commission consideration of the
7 averaging of setbacks, and to have them make a recommendation to Council.

8
9 *Clerk's Note: Mayor Coniglio left the meeting at 10:53 a.m.*

- 10
11 f. SPECIAL EXCEPTION #25-2011 The application of Johnny
12 Meier, President, FEDCO, Inc.; relative to property commonly
13 known as **2875 So. Ocean Blvd.**; described as lengthy legal
14 description on file; located in the C-TS Zoning District. The
15 applicant requests a special exception approval pursuant to
16 Condition #2 in the original approval in 1980 to construct the
17 existing building in the subject property (Special Exception #25-
18 1980). The condition requires any retail applicant to contain Town
19 Council approval for any use other than office and professional
20 services. This request is to allow Fedco to operate a retail
21 pharmacy in suite 103 of the first floor of the subject property
22 containing 1,879 square feet. Site Plan Review approval is
23 requested to convert approximately 1,879 sq. ft. of existing
24 rentable floor area in suite 103 of the first floor to allow Fedco to
25 operate a retail pharmacy. [Representative: Johnny Meier]
26

27 The following ex-parte communications were declared: Council Member Diamond spoke
28 with Johnny Meier and the other representatives. The Town Council received an e-mail
29 from the Citizens' Association of Palm Beach.

30
31 Architect David Miller presented the plans for the project.

32
33 Mike Patel (ph), 255 Sunrise Avenue, provided an overview of the applicant's request.

34
35 Zoning Administrator Castro provided staff's comments.

36
37 Laurel Baker, Chamber of Commerce, spoke in support of the project and commented
38 that there was a survey that indicated that a pharmacy would be welcomed in the south
39 end of the Town.

40
41 Mary Clennan, 2840 S. Ocean Boulevard, spoke in opposition to the project.

42
43 Bruce Heyman, representing the Citizens' Association of Palm Beach, spoke in favor of
44 the project.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Special Exception #25-2011 shall be conditionally granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, subject to approval and execution of a Declaration of Use Agreement delineating the types of products that can be sold. The Declaration of Use Agreement is to come back before the Council before final approval of this special exception is made. On roll call, the motion carried unanimously.

- g. SPECIAL EXCEPTION #26-2011 The application of Pucci & Catana relative to property commonly known as **21 Via Mizner**; described as Unit C-111S, Via Mizner South Declaration, ORB 7069, P203; located in the C-WA Zoning District. The applicant requests a special exception to permit the operation of a luxury pet boutique for the sale of goods related to pets in a 411 square foot square store at 21 Via Mizner. The special exception is required for a use which is not specifically enumerated in the code but having the traffic, patronage and intensity of use characteristics similar to other permitted uses in the C-WA zoning district. [Attorney: M. Timothy Hanlon]

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

Attorney Hanlon, on behalf of Pucci & Catana, provided an overview of the applicant's request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Special Exception #26-2011 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

- h. REVISED SPECIAL EXCEPTION #27-2011 WITH SITE PLAN REVIEW AND VARIANCE The application of The Society of the Four Arts, Inc., relative to property commonly known as **1, 2, 3, and 4 Four Arts Plaza and 240 Coconut Row**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests a special exception with site plan review for non-profit cultural use (Section 134-329, Section 134-980 (8) and Section 134-229). The applicant request is that the

Town Council grant a modification to the existing special exception by allowing the applicant to construct a 1,208 square foot addition to the existing patio in the landscape island. As part of the proposed project, the existing crosswalks in the driveway connecting the parking lot to the existing patio and the existing patio to the buildings are being modified to allow for handicap access and safer pedestrian movement from the parking lot to the buildings. These modifications to the crosswalks have already been administratively approved by Town staff as part of the proposed project; a variance is requested for the west side of Four Arts Plaza to allow the patio addition with an overall landscaped open space of 36.75% in lieu of the 37.69% existing and the 55% minimum required for a lot in the R-B zoning district over 60,000 total square feet. The subject property is 116,543.86 square feet. A variance is also requested to allow the changes to the east side of Four Arts Plaza modifying the parking lot, south driveway and patio on the north side of the Dixon Education Building (old public school building) which would decrease the landscape open space from 45.55% minimum required to 43.94%. [Attorney: Harvey E. Oyer III] [Landmarks Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]

No ex-parte communication was declared.

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

Attorney Oyer, on behalf of the Society of the Four Arts, provided an overview of the applicant's request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Revised Special Exception #27-2011 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, that the site plan review related to Revised Special Exception #27-2011 shall be granted based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11, that the variances related to Revised Special Exception #27-2011 be granted and find, in support thereof, that all of the criteria applicable to this application

1 as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion
2 carried unanimously.

- 3
4 i. MODIFIED VARIANCE #19-2011 The application of Oleander
5 Development, LLC, Alexander Hufty Griswold (Managing
6 Partner); relative to property commonly known as **231-233**
7 **Oleander Avenue**; described as DAISY E ERBS ADD LTS 16 &
8 17; located in the R-C Zoning District. The applicant requests a
9 variance to construct an entry hall and balcony within the existing
10 footprint of the building. The current front yard setback is 15.2
11 feet; a variance is requested to build the new entry hall and balcony
12 at a 15.2 foot front yard setback in lieu of the 25 foot minimum
13 required. [Representative: Alex Hufty Griswold] *Deferred from*
14 *the August 10, 2011, Town Council Meeting.*

15
16 The following ex-parte communications were declared: Council Member Diamond spoke
17 with the applicant, Alex Hufty Griswold, who advocated his position.

18
19 Trey Sned, on behalf of Oleander Development, LLC, provided an overview of the
20 applicant's request.

21
22 Zoning Administrator Castro provided staff's comments.

23
24 **Motion was made by Council Member Diamond and seconded by Council Member Pucillo**
25 **that Modified Variance #19-2011 be granted and find, in support thereof, that all of the**
26 **criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7**
27 **have been met. On roll call, the motion carried unanimously.**

- 28
29 j. MODIFIED VARIANCE #20-2011 The application of Oleander
30 Development, LLC, Alexander Hufty Griswold (Managing
31 Partner); relative to property commonly known as **237-239**
32 **Oleander Avenue**; described as DAISY E ERBS ADD LTS 14 &
33 15; located in the R-C Zoning District. The applicant requests a
34 variance to construct an entry hall and balcony within the existing
35 footprint of the building. The current front yard setback is 15.2
36 feet; a variance is requested to build the new entry hall and balcony
37 at a 15.2 foot front yard setback in lieu of the 25 foot minimum
38 required. [Representative: Alex Hufty Griswold] *Deferred from*
39 *the August 10, 2011, Town Council Meeting.*

40
41 The following ex-parte communications were declared: Council Member Diamond spoke
42 with the applicant.

43
44 Trey Sned, on behalf of Oleander Development, LLC, provided an overview of the

applicant's request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo that Modified Variance #20-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

- k. VARIANCE #21-2011 The application of Robert Holuba relative to property commonly known as **1500 Lake Court**; described Lot B, LAKE FRONT ADDITION TO BOCA RATONE COMPANY'S INLET SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 18, Page 5, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to allow the addition of a "T" shaped dock with an outside length of 34 feet with two wood mooring pile clusters that will be 62 feet from the bulkhead in lieu of the 6 foot maximum allowed and the installation of two inside boat lifts associated with an existing 6 foot marginal dock. [Attorney: Gregory S. Kino]

The following ex-parte communications were declared: Council Member Diamond spoke with Attorney Kino, who advocated the position of his client.

Attorney Kino, on behalf of Robert Holuba, provided an overview of the applicant's request.

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

Robert Holuba, 1500 Lake Court, provided additional testimony regarding his request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo to defer Variance #21-2011 to the October 12, 2011 Town Council meeting. On roll call, the motion carried unanimously.

- l. VARIANCE #22-2011 The application of 1111 Partners LLC (Rick and Marie Wackenhut); relative to property commonly known as **930 South Ocean Blvd.**; described as lengthy legal description on file.; located in the R-A Zoning District. The applicant requests variances to raise the floor and ceiling of the

existing pool cabana and replace the flat roof with a pitched roof which will expand the height and overall height in the existing non-conforming side setback of 2.9 feet in lieu of the 15 foot minimum required and for the same modifications to the existing pool cabana with a rear setback of six (6) inches in lieu of the 15 foot minimum required. [Attorney: Maura A. Ziska] [Landmarks Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]

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

Attorney Ziska, on behalf of Mr. and Mrs. Wackenhut, provided an overview of the applicant's request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Variance #22-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

m. VARIANCE #23-2011 The application of Stephen & Anne Marie Haymes; relative to property commonly known as **146 Seminole Avenue**; described as The West 40 feet of Lot 9, all of Lot 10, and the East 10 feet of Lot 3, OCEAN PARK H.W. ROBBINS ADDITION TO PALM BEACH, according to the plat thereof, recorded in Plat Book 6, Page 78, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a second story addition that would enclose a 169 square foot balcony and would result in a cubic content ratio of 4.32 in lieu of the 4.3 existing and the 3.98 maximum allowed in the R-B Zoning District. [Attorney: Maura A. Ziska] *Request for Deferral to the October 12, 2011, Town Council Meeting Per Letter Dated August 24, 2011, from Maura A. Ziska (Special Circumstances). - This item was deferred to the October 12, 2011 Town Council meeting*

n. VARIANCE #24-2011 The application of Earle Mack; relative to property commonly known as **1950 South Ocean Blvd.**; described as Lot 107, PALM BEACH ESTATES, a subdivision in the Town of Palm Beach, Florida, according to the plat thereof on file in the

Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida as recorded in Plat Book 8, Page 3.; located in the R-AA Zoning District. The applicant requests a variance to replace a three story guest house, which is non-conforming, with a two story guest house with an 11.4 foot side yard setback in lieu of the 30 foot minimum required in the R-AA Zoning District. The proposed guest house is 1,140 square feet.
[Attorney: Maura A. Ziska]

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

Attorney Ziska, on behalf of Earl Mack, provided an overview of the applicant's request.

Zoning Administrator Castro provided staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Variance #24-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

3. Other

- a. Regulating the Renovation or Replacement of Nonconforming Accessory Structures.
[John Page, Director of Planning, Zoning, and Building]

Director of Planning, Zoning, and Building Page provided the background for minor variances regarding nonconforming accessory structures.

Zoning Administrator Castro stated that staff was concerned that if staff exclusively ruled on these matters, and there were any negative affects to the neighbors, that the neighbors would have no further remedy with the Town Council.

The consensus of the Town Council was to leave the policy the same.

VIII. ANY OTHER MATTERS - None

1
2 **IX. ADJOURNMENT**
3

4 There being no further business, the September 14, 2011, Town Council meeting was
5 adjourned at 12:17 p.m.
6

7
8 APPROVED:
9

10
11
12
13 _____
14 David A. Rosow
15 Town Council President

16 ATTEST:
17
18
19

20 _____
21 Susan A. Owens, MMC
22 Town Clerk
23

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: SEPTEMBER 21, 2011

APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
BUDGET HEARING #2

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting - Second Public Budget Hearing - held on September 21, 2011

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON WEDNESDAY, SEPTEMBER 21, 2011**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order at 5:01 p.m. on Wednesday, September 21, 2011, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE

Council President Rosow led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. PUBLIC HEARING ON FINAL MILLAGE RATE AND FY12 BUDGET

A. Proof of Publication

Town Clerk Owens announced that the Town had received the proof of publication noticing this meeting.

B. Announcement of Proposed Operating Millage

C. Reasons for Proposed Operating Millage Rate Decrease from the Rolled-Back Millage Rate

Town Manager Elwell provided an overview of the proposed operating millage rate decrease.

D. Comments and Questions from Public – None

- 1 E. RESOLUTION NO. 121-11 A Resolution of the Town Council of the Town of
2 Palm Beach, Palm Beach County, Florida, Adopting the Final Millage Rate and
3 Levying Ad Valorem Taxes for the Fiscal Year Beginning October 1, 2011, and
4 Ending September 30, 2012; Setting Forth Certain Information Regarding the
5 “Rolled-Back Millage Rate”; Directing the Town Manager or the Finance
6 Director to Adjust the Adopted Millage Rate in the Event of Changes in the
7 Assessment Roll and Taxable Value; Providing an Effective Date.
8

9 **Motion to approve Resolution No. 121-11 was made by Council Member Diamond,**
10 **seconded by Council President Pro Tem Wildrick. On roll call, the motion carried**
11 **unanimously.**
12

- 13 F. RESOLUTION NO. 122-11 A Resolution of the Town Council of the Town of
14 Palm Beach, Palm Beach County, Florida, Adopting a Final Budget and
15 Appropriating Funds for the Fiscal Year Beginning October 1, 2011, and Ending
16 September 30, 2012; Providing for an Effective Date.
17

18 Council President Rosow stated that there is one open item, parking fees.
19

20 Discussion ensued among the Town Council regarding proposed increases for
21 residential and commercial areas. The consensus of the Town Council was to
22 increase parking fines in residential areas.
23

24 Town Manager Elwell suggested that the Town Council adopt the budget as it is
25 before them now, and have staff bring back option “A” and option “B” resolutions
26 at the October 11, 2011 Town Council meeting with one resolution increasing
27 fines in residential areas to \$60, and the other increasing fines in both residential
28 and commercial areas, with an amount to be determined. Once the Town Council
29 has made its determination, then the budget can be amended to reflect the
30 changes.
31

32 **Council consensus was to discuss the issue of parking fines further at the October 11, 2011**
33 **Town Council meeting as suggested by Town Manager Elwell.**
34

35 **Motion to approve Resolution No. 122-11 was made by Council Member Diamond,**
36 **seconded by Council Member Council President Pro Tem Wildrick. On roll call, the**
37 **motion carried unanimously.**
38

39 **V. ANY OTHER MATTERS**
40

41 **VI. ADJOURNMENT**
42

43 There being no further business, the September 21, 2011 Special Town Council meeting
44 was adjourned at 5:24 p.m.
45
46

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Susan A. Owens, MMC
Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Consent Agenda

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of September 28, 2011.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated October 4, 2011 from John S. Page, Director of Planning, Zoning and Building
- Minutes of the Architectural Commission meeting of September 28, 2011

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

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 September 28, 2011

Date: October 4, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of September 28, 2011.

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 September 28, 2011.

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



**ARCHITECTURAL COMMISSION
IN THE TOWN COUNCIL CHAMBERS
360 SOUTH COUNTY ROAD
PALM BEACH, FLORIDA**

WEDNESDAY, SEPTEMBER 28, 2011, 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 (8:58:12 a.m.)

Chairman Smith called the meeting to order at 9:00 a.m.

II. ROLL CALL (8:59:02 a.m.)

Jeffery W. Smith, Chairman	PRESENT
Robert J. Vila, Vice Chairman	PRESENT
Kenn Karakul, Member	PRESENT
Nikita Zukov, Member	PRESENT
Ann L. Vanneck, Member	PRESENT
Henry Homes III, Member	PRESENT
Martin D. Gruss, Alternate Member	PRESENT
Peter I. C. Knowles II, Alternate Member	PRESENT
Alexander C. Ives, Alternate Member	PRESENT (arrived at 9:08 a.m.)

Staff members present: John S. 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.

III. PLEDGE OF ALLEGIANCE (8:59:23 a.m.)

**IV. APPROVAL OF THE MINUTES FROM THE AUGUST 24, 2011 MEETING (8:59:44 a.m.)
MOTION BY MR. HOMES FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

V. APPROVAL OF THE AGENDA : (9:00:01 a.m.)

MOTION BY MR. VILA FOR APPROVAL OF THE AGENDA.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY (9:00:09 a.m.)

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

VII. OTHER BUSINESS: (9:00:23 a.m.) None

VIII. PROJECT REVIEW (9:00:29 a.m.)

A. MAJOR PROJECTS - OLD BUSINESS (9:00:33 a.m.)

B - 057 - 2011 Balcony Enclosure

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 146 Seminole Avenue

Applicant: Stephen D. Haymes

Architect: SKA Architect + Planner/Patrick W. Segraves, A.I.A.

Project Description: Enclose second floor front balcony and remove existing doors and replace with windows. *Variance for cubic content ratio requested.*

Please note that after hearing this item at the August meeting, there was a motion for deferral to the September meeting.

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

VARIANCE PRESENTATION BY: Attorney Maura Ziska

ARCHITECTURAL PRESENTATION BY: Patrick Segraves, Architect

Ms. Ziska explained the requested cubic content ratio variance. As a result of the feedback received at last month's meeting, Mr. Segraves presented revised drawings: revised balcony enclosure with hip roof, remove of the planter box above the front door, replace planter box with cast stone, re-landscape front and back yard increasing green space, and change front doors to wood/glass/iron doors.

**MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED WITH THE PROVISIO
THAT THE TWO (2) LIGHTS ARE REMOVED ON THE FRONT FACADE.**

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

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

MOTION SECONDED BY MR. VILA.

MOTION CARRIED UNANIMOUSLY.

B - 059 - 2011 Convert duplex to single family home

Address: 237-239 Oleander Avenue

Applicant: Oleander Development LLC (Alexander Hufty Griswold)

Architect: Michael Johnson

Project Description: Remodeling a 1260 sq. ft. duplex into a single family home. Interior renovations, creation of a front entry hall and second floor balcony within the existing footprint. Impact windows, new paint and new landscape.

Please note that this item was deferred from the August meeting at the request of the applicant, but it had not been heard at that meeting.

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

ARCHITECTURAL PRESENTATION BY: Michael Johnson, Architect

Daniel Menard, Architect, LaBerge & Menard

LANDSCAPE PRESENTATION BY: Keith Williams, Mario Nievera Design Inc.

Mr. Menard explained that this existing 1954 duplex building will be remodeled into a single family dwelling and its present unattractive architecture will be changed for a much more charming appearance to include removal of the existing front stairs, enclosure of the volume under the existing stairs to create an entry vestibule and mechanical closet, add second floor balcony with metal railing, remove and replace all existing windows with Mediterranean style windows (metal painted brown to look like mahogany), stucco exterior, and lanterns. Mr. Williams stated that the driveway remains as existing, and described the landscape changes.

MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

B - 060 - 2011 Convert duplex to single family home

Address: 231-233 Oleander Avenue

Applicant: Oleander Development LLC (Alexander Hufty Griswold)

Architect: Michael Johnson

Project Description: Remodeling a 1260 sq. ft. duplex into a single family home. Interior renovations, creation of a front entry hall and second floor balcony within the existing footprint. Impact windows, new paint, new landscape.

Please note that this item was deferred from the August meeting at the request of the applicant, but it had not been heard at that meeting.

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

ARCHITECTURAL PRESENTATION BY: Michael Johnson, Architect

Daniel Menard, Architect, LaBerge & Menard

LANDSCAPE PRESENTATION BY: Keith Williams, Mario Nievera Design Inc.

Similar to the last agenda item, this 1950's duplex will be converted to a single family dwelling, but this residence will be remodeled in the Bermuda style with a cement tile roof painted white, white metal windows, yellow stucco with medium blue shutters, and railings (different in style

from the previous presentation). As for the landscape/hardscape, the only difference is that trees, other than palm trees, will be used at this home to differentiate it from the previous project.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

B. MAJOR PROJECTS - NEW BUSINESS (9:17:29 a.m.)

B - 061 -2011 Demolition & Construct New Guest House

Address: 1950 S. Ocean Boulevard

Applicant: Earle Mack

Architect: Thomas M. Kirchhoff, AIA, PA

Project Description: Demolition of existing non-conforming 3 story guest house. New two-story guest house.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff, Architect

Mr. Kirchhoff explained that he has been working on this John Volk designed home for the past four years. A variance has been obtained to remove and replace the guest house. Its details will mimic the main house. There are no changes to the landscape/hardscape.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

B - 062 -2011 Porch Addition and Hardscape

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 242 Seaspray Avenue

Applicant: James G. Pressly III & Pamela K. Pressly

Architect: Brasseur & Drobot Architects

Project Description: The project consists of the removal of an existing uncovered brick entry stair, removal of 180 sq. ft. of the existing driveway, the addition of a 160 sq. ft. covered entry/porch to match the character of the existing two story Bungalow style home, the addition of a brick walkway from the front of the property to the new entry/porch. *Variances requested for cubic content ratio, front yard setback, east side yard setback and lot coverage*

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

VARIANCE PRESENTATION BY: Attorney Maura Ziska

ARCHITECTURAL PRESENTATION BY: Jason Drobot, Architect, Brasseur & Drobot

Ms. Ziska explained the requested variances for this addition. Mr. Drobot justified the need for the addition to provide a covered front entry and shelter from the elements at this Craftsman styled home. He continued with the architectural presentation pursuant to submitted plans.

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

**MOTION SECONDED BY MESSRS. KARAKUL AND VILA SIMULTANEOUSLY.
MOTION CARRIED UNANIMOUSLY.**

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

B - 063 - 2011 Demolition and New Construction

Address: 120 Reef Road

Applicant: Charles S. and Melinda Duncker

Architect: SKA Architect + Planner/Patrick W. Segraves, A.I.A.

Project Description: Demolition of existing one-story Bermuda-style home. Construction of new two-story Island-style home to be approximately 9,800 square feet including balconies and loggias. New home will consist of one and two-story main house, one-story pool cabana and four-car garage building and 200 square foot beach cabana

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

ARCHITECTURAL PRESENTATION BY: Patrick Segraves, Architect, SKA Architect + Planner

LANDSCAPE/HARDSCAPE PRESENTATION BY: Jeff Blakely, Landscape Architect

Mr. Segraves provided the demolition report for removal of the existing house and pool. Hedges along Reef Road will remain, along with much of the existing landscaping on the north and south sides.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE DEMOLITION WITH THE TYPICAL CAVEATS RELATIVE TO SODDING AND IRRIGATING.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

Mr. Segraves advised that variances have already been obtained from the Town Council for this project. Please note that the architect presented a model of the house for use in his presentation of the project, as described above. The new home will be done in the British Colonial style with a wood shingle roof, copper gutters, and white exterior with charcoal shutters and tone on tone white trim. Both the pool and beach cabanas will have wood shingle roofs as well. It was noted that the beach cabana has no windows, only operable shutters. Mr. Blakely advised that most of the existing vegetation on site will be re-used on site, or donated, and continued with the landscape/hardscape presentation per the submitted plans.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

B - 064 - 2011 Addition

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 17 Middle Road

Applicant: Lee Sadrian Kellogg & Cynthia Kellogg

Architect: MP Design & Architecture, Inc.

Project Description: Two story addition on Northwest corner with garage & guest bedrooms above. Two story addition - loggia, family room, master bedroom & guest bedroom above. Bay window to match existing, cabana loggia with terrace above new pool, landscape and hardscape.

Variance requested for side yard setback

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

VARIANCE PRESENTATION BY: Attorney Maura Ziska

ARCHITECTURAL PRESENTATION BY: Michael Perry, MP Design & Architecture Inc.

LANDSCAPE PRESENTATION BY: Keith Williams, Mario Nievera Design Inc.

Ms. Ziska explained the variance requested for the project. Mr. Perry presented the additions for this Maurice Fatio 1934 designed home as described above and per the submitted plans. All doors/windows will be updated to hurricane rated units. Colors: White stucco with white trim, hunter green shutters, mahogany stained front door, and a light grey cement tile roof. Mr. Williams provided the landscape/hardscape presentation, including but not limited to: removal of the existing driveway and pool; new driveway done in red St. Louis brick; new lap pool - 12 ft. x 50 ft. and spa; re-use of existing vegetation as well as new plantings; more grassy area in rear; and parking areas, fountains, terraces, etc. per the submitted plans. Members were in general support of the project, but some commented negatively regarding: the variance because it involved a two-car garage in front of the house; landscape overdone; and, problem with window at garage.

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

MOTION SECONDED BY MR. KARAKUL.

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

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED WITH THE SUGGESTION TO SPLIT THE WINDOW OVER THE GARAGE, AND TO EFFECT THE CHANGES AS SUGGESTED IN THE REAR BY MRS. VANNECK.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

B - 066 - 2011 Demolition and New Construction

Address: 168 Seaspray Avenue

Applicant: Mario and Susan Mercurio

Architect: Michael J. Johnson Architect

Project Description: Demolition of existing structure and construction of new single family dwelling. New structure to be two story CBS construction with stucco exterior finish. Preliminary landscape. Preliminary hardscape to include a pool.

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

ARCHITECTURAL PRESENTATION BY: Michael Johnson, Architect
Daniel Menard, Architect, LaBerge & Menard
LANDSCAPE PRESENTATION BY: Steve Kvarnberg, KVLA Design, Inc.

Mr. Johnson briefly introduced the project, followed by the full presentation by Mr. Menard. He stated that no history was available relative to this house for a demolition report. Originally, repair and restoration of this property was planned, but that plan was later abandoned in favor of demolition and new construction. The new home, on this very narrow lot, will be 20 ft. wide x 70 ft. long with a pool in the rear, and requires no variances. The plans include a lower than grade two-car garage (to minimize views of the garage door) at elevation 7.5 ft., with a trench drain and sump pump to address flooding issues. Mr. Menard referred to the architectural style as a folly in the Dutch Cape style. The house will be white stucco with mahogany windows, doors, and shutters and an imitation grey slate roof. Mr. Kvarnberg noted that there are plans to retain as much of the perimeter landscaping as possible during the demolition phase; that some vegetation may be relocated to accommodate the driveway; and, then presented the preliminary landscape plan only.

Mr. Lindgren advised that he had received an e-mail (which he read into the record) from a neighbor, Joan Debie at 164 Seaspray, wherein she outlined her concerns regarding falling construction debris and requested that barriers between the properties be sufficiently adequate to prevent damage. A second correspondence, a letter, was received from Ms. Debie wherein she submitted a survey for review in consideration of the proposed generator location. Mr. Lindgren also reported that Martin Gauthier, Town Engineer, believes that the sunken garage will flood and will eventually become a problem for the Town.

The commission had mixed opinions relative to the proposed architectural style and also to the sunken garage aspect of the plans.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED 5-2, WITH MESSRS. SMITH AND HOMES OPPOSED.

**MOTION BY MRS. VANNECK FOR APPROVAL OF THE DEMOLITION WITH THE
TYPICAL CAVEATS FOR SODDING AND IRRIGATING.**
MOTION SECONDED BY MR. VILA.
MOTION CARRIED UNANIMOUSLY.

Let the record show that there was a short break from 10:42 a.m. to 10:48 a.m.

B - 067 - 2011 New Residence

Address: 1255 South Ocean Boulevard

Applicant: Thomas Peterffy

Architect: Smith and Moore Architects Inc., Daniel Kahan

Project Description: Presentation of a new two-story residence, landscape, hardscape and pool

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

ARCHITECTURAL PRESENTATION BY: Daniel Kahan, Architect, Smith & Moore Architects
LANDSCAPE PRESENTATION BY: Jorge Sanchez, Sanchez & Maddux

Let the record show that a model of the home was brought for the presentation. Mr. Kahan advised that there are restrictions on Lot 7 of this project and a subdivision agreement is currently pending. As a result, the boardwalk through the Mangroves and the entry gate have been deleted from today's request. This will be an Italian country villa. Persons will enter the property driving through lush landscaping before arriving at the home on the other side of this three acre property. The house is symmetrical with bronze and verdigris doors, limestone surrounds on windows, mahogany windows, Venetian style stucco exterior in a mottled affect, handmade clay barrel tile roof, and a one story link to the service building (which is at a lower height with simpler details). Mr. Sanchez presented the landscape/hardscape which was designed to maximize the potential of this site to include a collection of Palms, Mangroves, Bamboo, a large oval lawn area, a tabby driveway bordered by Dominican stone, motor court with Dominican stone, and a vanishing edge pool.

**MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED, MINUS THE GATES AND COLUMNS, AND MINUS THE BOARDWALK THROUGH THE MANGROVES.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

B - 068 - 2011 Demolition

Address: 109 Jungle Road

Applicant: Casa PB LLC (Margaret S. Bilotti, Managing Member)

Architect: Bridges, Marsh & Associates Inc.

Project Description: Demolition of existing residence and pool

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Mark Marsh, Architect, Bridges Marsh & Associates

Mr. Marsh provided the required demolition report, and testified that all perimeter landscaping will be preserved. He presented a letter from Dr. Jane Day, Staff Historic Preservation Consultant, wherein she states that this building has little historical significance.

**MOTION BY MR. KARAKUL FOR APPROVAL OF THE DEMOLITION WITH THE TYPICAL CAVEATS FOR SODDING AND IRRIGATING.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.**

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

D. **MINOR PROJECTS - NEW BUSINESS** (11:11:32 a.m.)

A - 021 - 2011 Window/Door, Roof, Pool Hardscape

Address: 210 Ocean Terrace

Applicant: Suzanne & Joe McDivitt

Architect: Mesa Architecture

Project Description: Window and door replacement, roof modification and roof tile replacement, new pool hardscape and new drainage

Call for disclosure of ex parte communication: Disclosure by Mrs. Vanneck

ARCHITECTURAL PRESENTATION BY: Stephen Roy, Architect, Mesa Architecture

Mr. Roy stated that the project includes raising a portion of the roof by two feet, replacing doors and windows, modifying two bay window openings, new entry door (six panel mahogany with sidelites), removal of pool deck and replace with cast stone set on sand, replace garage doors, replace entire roof with a slurry concrete tile. (It should be noted that the plans include a very small bump out addition [increases footprint 1 ft. 6 in.] at the master bath, though that was not included in the project description as submitted.)

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED, BUT SIMPLIFY THE GARAGE DOORS.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

A - 022 - 2011 Signage

Address: 150 Worth Avenue #115A

Applicant: Worth Avenue Association LTD

Architect: Keith Spina

Project Description: Revise previously approved signage size

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Keith Spina, Architect, GS&P Architects

Mr. Spina presented a HUBLOT sign with 12" letters to replace the previously approved 8.5" tall letters. The commission felt that 12" letters were too large.

MOTION BY MRS. VANNECK FOR APPROVAL OF 10" LETTERS.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED 6-1 WITH MR. SMITH OPPOSED (as he preferred 8.5").

A - 023 - 2011 Facade modification

Address: 260 Clarke Avenue

Applicant: Arij Gasiunasen

Architect: David J. Gengler

Project Description: Add thin travertine veneer to front (north facing) facade and sides of entry terrace

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: David Gengler, Architect

After the presentation, the commission members indicated that they were not in favor of the change, preferring the existing condition and viewing the proposed change as inappropriate.

MOTION BY MR. HOMES FOR DEFERRAL (TO OCTOBER).

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

A - 024 - 2011 Gates & Piers

Address: 854 S. County Road

Applicant: Joel Kassewitz

Architect: Roger P. Janssen of Dailey Janssen Architects

Project Description: Modification to previously approved entry gates and piers at existing residence. Entry piers to be stucco over CMU and the entry gates will be cypress frame and spindles, painted white

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Architect, Dailey Janssen Architects

Mr. Janssen stated that after reviewing the approved gates further, he determined that the scale would be better if the gate height was increased.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. VILA.

MOTION CARRIED UNANIMOUSLY.

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE) (11:38:58 a.m.): None

X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (11:39:00 a.m.): None

XI. ADJOURNMENT: (11:39:05 a.m.)

MOTION BY MRS. VANNECK TO ADJOURN AT 11:45 A.M.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Wednesday, October 26, 2011 at 9:00 a.m. in the Town Council Chambers, 2nd floor, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Jeffery W. Smith, Chairman
ARCHITECTURAL COMMISSION

cmd

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 87-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Urging the Citizens' Committee on Airport Noise (CCAN) and the Board of County Commissioners of Palm Beach County to Amend and Supercede Resolution No. R-2002-0544, Pertaining to CCAN at Section 1(G), to Enable the Town of Palm Beach CCAN Representative to Reside Anywhere Within the Corporate Limits of the Town of Palm Beach.

Presenter

Richard M. Kleid, Town Council Member

Supporting Documents

- Memorandum dated October 3, 2011, from Thomas G. Bradford, Deputy Town Manager
- Resolution No. 87-11

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Proposed New Resolution of the Citizens' Committee on Airport Noise (CCAN)
RESOLUTION NO. 87-11

Date: October 3, 2011

STAFF RECOMMENDATION

This agenda item has been requested by Town Councilman Richard M. Kleid who serves as the Town's representative on CCAN. Councilman Kleid and Town staff recommend Town Council's approval of Resolution No. 87-11.

GENERAL INFORMATION

The Citizens' Committee on Airport Noise (CCAN) was created to consider potential noise mitigation methods and suggested programs to the Department of Airports and the Board of County Commissioners. Town Councilman Richard Kleid is the Town's representative on the CCAN Board. CCAN is working to amend the County enabling resolution that created CCAN to expand the representative classifications eligible to serve on CCAN in order to broaden the experiences individuals can potentially bring to the committee.

The section of the CCAN enabling resolution that pertains to Town of Palm Beach [Section 1 (G)] limits Town representation to a person residing within the Town of Palm Beach, but south of Royal Palm Way. Town Councilman Kleid wishes to expand Town membership to any resident residing within the corporate limits of the Town and not just those citizens residing south of Royal Palm Way as this would be in keeping with the CCAN efforts to expand eligibility to serve on CCAN and potentially broaden the experiences individuals can bring to CCAN.

Resolution No. 87-11 has been prepared to formalize a Town request to CCAN and the Board of County Commissioners should the Town Council agree.

TOWN ATTORNEY REVIEW

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

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RESOLUTION NO. 87-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, URGING THE CITIZENS' COMMITTEE ON AIRPORT NOISE (CCAN) AND THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY TO AMEND AND SUPERCEDE RESOLUTION NO. R-2002-0544, PERTAINING TO CCAN AT SECTION 1(G), TO ENABLE THE TOWN OF PALM BEACH CCAN REPRESENTATIVE TO RESIDE ANYWHERE WITHIN THE CORPORATE LIMITS OF THE TOWN OF PALM BEACH.

WHEREAS, CCAN is contemplating requesting the Board of County Commissioners of Palm Beach County to amend Resolution No. R-2002-0544, which created CCAN, in order to expand the representative classifications eligible to serve on CCAN; and

WHEREAS, the provisions of the CCAN enabling resolution pertaining to the Town of Palm Beach representative classification at Section 1(G) limits the Town of Palm Beach representative to that area within the Town of Palm Beach south of Royal Palm Way; and

WHEREAS, allowing Town of Palm Beach CCAN representation to come from anywhere within the corporate limits of the Town of Palm Beach is in keeping with CCAN's efforts to expand representative classifications eligible to serve on said committee in order to potentially broaden the experiences individuals can bring to CCAN.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Palm Beach, Palm Beach County, as follows:

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

Section 2: The Town Council of the Town of Palm Beach hereby urges CCAN to recommend to the Board of County Commissioners of Palm Beach County an amendment to the CCAN enabling resolution that would allow Town of Palm Beach CCAN representation to come from anywhere within in the corporate limits of the Town of Palm Beach to expand citizen eligibility to serve on CCAN and to potentially broaden the experiences individuals can bring to CCAN.

Section 3: The Town Council of the Town of Palm Beach hereby urges the Board of County Commissioners of Palm Beach County to approve an amendment to the CCAN enabling resolution that would allow Town of Palm Beach CCAN representation to come from anywhere within in the corporate limits of the Town of Palm Beach to expand citizen eligibility to serve on CCAN and to potentially broaden the experiences individuals can bring to CCAN.

Section 4: The Town Clerk is hereby directed to provide each member of CCAN, each member of the Board of County Commissioners of Palm Beach County, the Director of Airport Operations, and the PBIA Noise Abatement Officer with a timely copy of this resolution.

Section 5: This resolution shall become effective immediately upon passage by the Town Council.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of October 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 124-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Two Year Renewal of the Agreement Between the Town of Palm Beach and Coursetrends, Inc. for the Provision of Internet Based Advertising and Marketing; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Agreement.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- Memorandum Dated September 30, 2011, from Jay Boodheshwar, Director of Recreation and Special Projects
- Resolution No. 124-11

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Contract Renewal with Coursetrends, Inc. for Internet Based Advertising and Marketing
Resolution No. 124-11

Date: September 30, 2011

STAFF RECOMMENDATION

Staff recommends that Town Council adopt Resolution No. 124-11, authorizing the Town Manager to enter into a two year renewal agreement with Coursetrends, Inc. for internet based advertising and marketing for the Par 3 Golf Course.

GENERAL INFORMATION

On October 12, 2010, Town Council approved Resolution No. 117-10, authorizing the Town Manager to enter into an agreement with Coursetrends, Inc. for the provision of internet based advertising and marketing for the Par 3 Golf Course. The agreement was for one year with the option to renew for two additional years if agreeable to both parties. Coursetrends, Inc. provided excellent service for the duration of their first one year contract and has been contacted and agreed to exercising their option for another two years.

Coursetrends, Inc. offers a variety of services including website design and maintenance, email marketing, marketing library of resources with support and training all designed toward maximizing advertising, marketing and sales at the golf course. They will continue to manage our website with unlimited editing support that can be used for basic course information as well as marketing of online tee time reservations, promotion of teaching services, posting of specials and events and many other functions. Services also include a variety of email marketing tools. Coursetrends services include unlimited training, 7 day a week phone support, and 24 hour turnaround time on requests. Coursetrends systems are compatible with our existing POS system for easy integration of data.

Based on the history from the previous year and the desire to continue internet based advertising and marketing of the Par 3 Golf Course, staff is recommending that this contract be renewed. During the first year, Coursetrends created a new interactive website that has generated over \$26,000 in revenue and increased our subscriber list substantially. The site had over 21,000 individual visitors and received over 1.2 million hits in the first year.

FUNDING/FISCAL IMPACT

There is no direct budget impact with this agreement, as the services provided by Coursetrends, Inc. will be offset with a tee time inventory exchange once each day in lieu of a monetary payment.

PURCHASING REVIEW

This item has been reviewed and approved by the Purchasing Division of the Finance Department. Town Council approval is recommended.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
John C. Randolph, Town Attorney
Alan Brown, Assistant Recreation Director
Lynda Venne, Purchasing Agent
Tony Chateauvert, Golf Manager

RESOLUTION NO. 124-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A TWO YEAR RENEWAL OF THE AGREEMENT BETWEEN THE TOWN OF PALM BEACH AND COURSETRENDS, INC. FOR THE PROVISION OF INTERNET BASED ADVERTISING AND MARKETING; AUTHORIZING THE TOWN MANAGER TO TAKE FURTHER ACTION NECESSARY TO EFFECTUATE THE AGREEMENT.

* * * * *

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 procurement of internet based advertising and marketing for the Par 3 Golf Course is hereby renewed for a two year term with Coursetrends, Inc. based upon the terms of their agreement approved through Resolution 117-10 on October 12, 2010.

Section 2. The Town Manager is hereby authorized to renew the agreement on behalf of the Town of Palm Beach with Coursetrends, Inc. for the provision of internet based advertising and marketing services for the Par 3 Golf Course under the terms outlined for the inventory exchange payment option in the proposal approved through Resolution 117-10 on October 12, 2010.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate an agreement for the provision of internet based advertising and marketing services for the Town of Palm Beach Par 3 Golf Course.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of October, 2011.

Gail Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 125-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Two Year Renewal of the Agreement Between the Town of Palm Beach and Golf Channel Solutions (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.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- Memorandum Dated September 30, 2011, from Jay Boodheshwar, Director of Recreation and Special Projects
- Resolution No. 125-11
- Agreement for Services

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Contract Renewal with Golf Channel Solutions (GolfNow.com) for Internet Based Tee Time Advertising and Sales
Resolution No. 125-11

Date: September 30, 2011

STAFF RECOMMENDATION

Staff recommends that Town Council adopt Resolution No. 125-11, authorizing the Town Manager to enter into a two year renewal agreement with Golf Channel Solutions for internet based tee time advertising and sales for the Par 3 Golf Course.

GENERAL INFORMATION

On October 12, 2010, Town Council approved Resolution No. 116-10, authorizing the Town Manager to enter into an agreement with Golf Channel Solutions for the provision of internet based tee time advertising and sales for the Par 3 Golf Course through its GolfNow.com program. The agreement was for one year with the option to renew for two additional years if agreeable to both parties. Golf Channel Solutions provided excellent service for the duration of their first one year contract and has been contacted and agreed to exercising their option for another two years.

Founded in 2001 and owned and operated by the Golf Channel, GolfNow.com offers a nationally recognized internet based tee time advertising/reservation system geared towards maximizing course utilization. GolfNow.com operates in all 50 states (including Puerto Rico and the District of Columbia) and is partnered with more than 3,000 courses across the US, Canada and Ireland. Some of its features include an on-line course description, a link to the Par 3 Golf Course's website, directions, and instant tee time reservations.

The system allows the ability to place as many or as few tee times on the web site as desired. Prices are determined by the client and can be adjusted based on demand. The system also collects emails for use in marketing and email promotions. GolfNow.com is capable of linking with our current tee time reservation system as well as our website so any online bookings will be reflected in real time on our existing tee time system. Golfers booking on-line will receive an email confirmation of their reservation, including tee time information, cancellation policy and

any other information we may choose to provide.

Based on the history from the previous year and the desire to be proactive in advertising and marketing of the Par 3 Golf Course, staff is recommending that this contract be renewed. This entry into the internet marketing and advertising niche has been very popular with our existing clientele and has increased our exposure and email database of customers in the initial year.

FUNDING/FISCAL IMPACT

There is no direct budget impact with this agreement, as the services provided by Golf Channel Solutions will be offset with a tee time inventory exchange once each day in lieu of a monetary payment. The Town also has the ability to cancel this agreement upon 60 days notice with no penalty.

PURCHASING REVIEW

This item has been reviewed and approved by the Purchasing Division of the Finance Department. Town Council approval is recommended.

TOWN ATTORNEY REVIEW

This is a standard resolution in a form previously approved by the Town Attorney for legal form and sufficiency. The renewal agreement has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jane Struder, Director of Finance
John C. Randolph, Town Attorney
Alan Brown, Assistant Recreation Director
Lynda Venne, Purchasing Agent
Tony Chateauvert, Golf Manager

RESOLUTION NO. 125-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A TWO YEAR RENEWAL OF THE AGREEMENT BETWEEN THE TOWN OF PALM BEACH AND GOLF CHANNEL SOLUTIONS (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.

* * * * *

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 procurement of internet based tee time advertising and sales for the Par 3 Golf Course is hereby renewed for a two year term with Golf Channel Solutions based upon the terms of their agreement approved through Resolution 116-10 on October 12, 2010.

Section 2. The Town Manager is hereby authorized to renew the agreement on behalf of the Town of Palm Beach with Golf Channel Solutions for the provision of internet based advertising and marketing services for the Par 3 Golf Course under the terms outlined for the inventory exchange payment option in the proposal approved through Resolution 116-10 on October 12, 2010.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate an agreement for the provision of internet based advertising and marketing services for the Town of Palm Beach Par 3 Golf Course.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of October, 2011.

Gail Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan Owens, Town Clerk

Michael J. Pucillo, Town Council Member



Golf Channel Solutions Marketing and Technology Services Agreement

The following Agreement between Golf Channel Solutions (GCS) and Palm Beach Golf Course (COURSE) shall be effective as of _____ (the "Effective Date") and shall govern GCS's provision of services for the following of COURSE's golf courses: Palm Beach Par 3 Golf Course This Agreement shall be governed by the Standard Terms and Conditions attached hereto as Appendix A (incorporated herein by this reference). This Agreement shall be terminable by either Party upon sixty (60) days written notice. COURSE's total payment to GCS shall be in the form of one Trade Time per facility per day, in exchange for which GCS shall provide the Marketing Platform as set forth below.

Marketing Platform:

- Promotion of COURSE and COURSE tee time inventory on Golfnow.com and GCS's network of partner websites
- Marketing of COURSE across GCS assets
 - Could include TV, web, print, radio, grassroots
- Demand-based pricing support
- Opportunity email/call program
- Tee sheet management services
- Dedicated market management team
- IMUS (*Internet Marketing and Utilization Solution*) Technology:
 - Web-based, log in access
 - Online tools for managing tee time inventory
 - Email marketing
 - Customer segmentation
 - Customer profiles
 - Resident/non-resident pricing distinction
 - Auto adjust technology
- Real-time reporting
- Standard course website booking engine (optional)

Payment: 1 Trade Time/day/course

COURSE Signature: _____

Printed Name: _____

Mailing Address: _____

Phone Number: (____) _____

Email: _____

GCS Signature: _____

Effective Date: _____

* **Trade Time** means one 18-hole foursome (or fivesome where allowed) made available for sale by GCS for its own benefit, the tee time of which shall be between 30 minutes after COURSE opening until 4.5 hours prior to dusk. GCS shall have the ability to sell Trade Times as singles.

Appendix A

Standard Terms and Conditions

1. **Tee Time Marketing Services.** GCS shall provide GCS's Tee Time Marketing Services for the purpose of marketing, promoting and selling COURSE tee times. GCS shall provide access to COURSE tee times to any of its branded websites, partner or affiliated websites or any other distribution channel. GCS will provide the GCS Services in a professional and workmanlike manner and free from any unreasonable defects, and GCS will use all reasonable means to fix any defect in the GCS Services that arise. GCS will provide COURSE with training on how to use the GCS Services and provide help and support as needed by COURSE. GCS shall apply the latest version of the GCS Services to the marketing and administration of COURSE tee times. GCS shall notify COURSE in advance in writing of any GCS Services updates and will provide appropriate training and/or materials to COURSE concerning all updates. Aside from these warranties, THE GCS SERVICES ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR USE. COURSE and its authorized users will use the GCS Services only in accordance with this Agreement.
2. **Pricing.** COURSE shall have the right to approve the price and amount of all non-Trade Time inventory offered in the GCS network. GCS shall receive tee times and rates equal to or better than those offered by COURSE to any third-party distribution service.
3. **Term.** This Agreement shall be terminable by either Party upon sixty (60) days notice to the other Party.
4. **Data Security.** Industry standards have been set by the Payment Card Industry Data Security Standards ("PCI Standards") for protection of customer information. The Parties represent and warrant that they will comply with PCI Standards for the entire Term of this Agreement and further agree to adhere to all other applicable standards, laws, rules, and regulations for protection of Customer Data to which they have access during the entire Term of this Agreement. GCS agrees that it will use systems, tools and security and take commercially reasonable steps to ensure COURSE Data is not accessed, redistributed, duplicated, or modified.
5. **Limited Warranties.** Both Parties represent and warrant that: (a) they have the authority to enter into this Agreement and that their signatories are duly authorized and empowered to sign this Agreement on their behalf; (b) they will comply with all applicable laws, ordinances, statutes, regulations and rules, and that they have the power to settle fully and completely all claims, causes of action, demands, charges and liabilities arising out of or relating to the Agreement.
6. **Limitation of Liability.** EXCEPT FOR THIRD PARTY LIABILITIES, IN NO EVENT SHALL EITHER PARTY BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT, CONSEQUENTIAL, EXEMPLARY OR PUNITIVE DAMAGES (INCLUDING, WITHOUT LIMITATION, ANY DAMAGES BASED ON LOSS OF PROFITS, LOSS OF USE, BUSINESS INTERRUPTION OR LOSS OF DATA), EVEN IF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE FOREGOING LIMITATIONS SHALL APPLY REGARDLESS OF THE CAUSE OR THE FORM OF ACTION (WHETHER BREACH OF CONTRACT, BREACH OF WARRANTY, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE).
7. **Ownership of Property and Data.** All personally-identifiable customer information supplied to GCS by COURSE (e.g. through the GCS booking engine being hosted on the COURSE Participating Golf Facility's website) remains the sole property of COURSE (unless independently obtained by GCS through some other means), cannot be copied, sold or reused by GCS (absent COURSE's explicit permission), and will be treated as confidential business information with at least the same degree of care as GCS's own confidential business information. All non-personally identifiable customer information supplied to GCS by COURSE (e.g., anonymous survey results), as well as all customer data obtained independently by GCS (e.g., through an end-user booking a tee time at golfnow.com or other affiliated websites) shall be GCS's sole property, but may be shared with COURSE should the Parties agree and obtain end-user consent for such an arrangement. The following shall remain the sole and exclusive property of GCS: (a) the GCS Technology and Tee Time Marketing Services (including any of GCS's enhancements or upgrades thereto), and all other software and materials developed, conceived, originated, prepared, generated or furnished by GCS under this Agreement; and (b) all copyrights, trademarks, patents, trade secrets and any other intellectual property and proprietary rights in and to the foregoing.
8. **Dispute Resolution.** This Agreement shall be governed, interpreted and construed under the laws of the United States and the State of Florida without regard to any conflict of law principles. The Parties shall act in good faith and use commercially reasonable efforts to promptly resolve any claim, dispute, controversy or disagreement (each a "Dispute") between the Parties under or related to this Agreement. Any Dispute arising out of this Agreement which cannot be resolved by the Parties shall be governed exclusively by binding arbitration initiated and conducted in accordance with the Commercial Arbitration Rules of the American Arbitration Association, conducted in the Orlando, Florida metropolitan area. The arbitrator shall have the power to award reasonable attorney's fees and costs to the prevailing party in any arbitration, and either party shall have the right to take appropriate action to enforce any arbitration award.
9. **Binding Nature; Assignment.** This Agreement shall be binding upon GCS and COURSE and their respective successors and assigns; provided, however, that neither party shall assign this Agreement or any of its rights or obligations hereunder, without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned, or delayed. A sale of substantially all of the stock or assets of a party, or the reorganization or merger of a party, shall not constitute an assignment of this Agreement. Any assignment or transfer in violation of this Section shall be void and of no force or effect. Any subcontractors retained by GCS to perform certain obligations hereunder shall be bound by and their actions are governed by this Agreement as if GCS itself was performing such obligations.

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 126-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extention of the Contract with Port Consolidated, Inc., to Supply Unleaded and Diesel Fuel in an Amount not to Exceed \$330,000.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum Dated, September 30, 2011, from Jane Struder, Finance Director
- Resolution No. 126-11

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Authorization to Extend the Fuel Purchase Contract with Port Consolidated, Inc.
Resolution No. 126-11

Date: September 30, 2011

STAFF RECOMMENDATION

Staff recommends the Town Council adopt Resolution No. 126-11, authorizing the extension of the fuel contract for unleaded gasoline and diesel fuel with Port Consolidated, Inc., in the amount of \$330,000.

GENERAL INFORMATION

The Town is a member of the Southeast Florida Governmental Purchasing Cooperative Group and the Town's quantities were included in RFP 09-A-149, issued by the City of Coral Springs as the lead agency for the Cooperative for Unleaded Gasoline and Diesel Fuel. Port Consolidated, Inc. was awarded the contract effective January 1, 2010 through March 31, 2012 with two additional two year renewals. The contract pricing is based on the daily published Platts report plus a fixed rate per type of fuel purchased. It also includes preferential delivery methods in the event of a hurricane. Anticipated usage is based on FY11 expenditures of approximately \$300,000 with a 10% contingency to accommodate the fluctuation in pricing for this commodity.

FUNDING/FISCAL IMPACT

Funds are available and budgeted in individual department accounts.

PURCHASING REVIEW

The Purchasing Division of the Finance Department participated in the RFP process conducted by the Southeast Florida Governmental Purchasing Cooperative Group and concurred with the recommended award. Town Council approval is recommended.

TOWN ATTORNEY REVIEW

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

and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Lynda Venne, Purchasing Agent
Adis Pedraza, Assistant Purchasing Agent

RESOLUTION NO. 126-11

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE EXTENTION OF THE CONTRACT WITH
PORT CONSOLIDATED, INC., TO SUPPLY UNLEADED AND
DIESEL FUEL IN AN AMOUNT NOT TO EXCEED \$330,000.**

WHEREAS; a contract was awarded to Port Consolidated, Inc. on January 1, 2010 through the Southeast Florida Governmental Purchasing Cooperative Group in which the Town of Palm Beach participates; and

WHEREAS; the contract allows for extensions through March 31, 2016.

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

Section 1: The contract extension for a period of twelve months, beginning October 1, 2011 and ending September 30, 2012, is hereby awarded to Port Consolidated, Inc., in an amount not to exceed \$330,000.

Section 2: The Town Manager, or his designee is hereby authorized and directed to take such further actions as may be necessary to effectuate the implementation of these services.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of October 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 127-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Recreation Department Fees for Fiscal Year 2012 and Granting Authority to the Director of Recreation and Special Projects to Prorate Annual and Seasonal Lease Fees, When Necessary, to Maximize Revenue Opportunities and Fill Empty Dock Slips.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- Memorandum Dated September 30, 2011, from Jay Boodheshwar, Director of Recreation and Special Projects
- Resolution No. 127-11
- Exhibit I - Town Docks Fees

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Town Docks New Fee Recommendations and Authorization for Fee Adjustments
Resolution No. 127-11

Date: September 30, 2011

STAFF RECOMMENDATION

Staff recommends that Town Council adopt Resolution No. 127-11, creating two new fee classifications and authorizing the Director of Recreation or his designee to prorate annual and seasonal lease fees to fill vacant slips that may be available throughout the season.

GENERAL INFORMATION

In an effort to create flexibility to remain competitive with other area marinas, several changes to the administrative policies and procedures of the Town Docks have recently been made. For example, the minimum L.O.A. requirements may now be waived, upon approval of the Director of Recreation and Special Projects, based on slip size availability for smaller vessels that could be accommodated in a larger available slip. Without this flexibility it is likely that we may lose potential customers to other facilities that allow for these situations.

In addition to the administrative actions that staff has taken, we are recommending that Town Council approve the proposed modification to the FY2012 fees for the Town Docks, creating two new fee classifications.

The first new fee classification is a flat rate fee for transient vessels traveling in groups during the winter season. A winter transient fee of \$2.00 per foot, plus electricity charges, is proposed for maritime groups and flotillas consisting of six (6) or more vessels. This fee would only be applicable to transient customers and if there are sufficient available slips to accommodate the group. The second new fee classification is a \$100 waiting list. This fee would be charged upon request to be placed on the waiting list for an annual or seasonal slip. The fee would be credited towards the dockage costs if a waiting list applicant is offered an available spot and it is accepted. If the waiting list applicant declines an available slip, the fee would be forfeited. The applicant would then need to reapply and pay another \$100 fee, as they would be considered a new applicant. This fee is expected to generate very minimal revenue, as it is ultimately applied to the leases. However, it is expected to thin out the waiting list and improve our procedures and

customer relations. Under the current procedure there are applicants on the list that are continually offered a slip but decline and ask to be kept on the list. This greatly impedes the process as each applicant must be contacted in order of priority and return a response before staff can move to the next name on the list. This can take up to 3 days per applicant, which has resulted in a very inefficient system, creating the potential of lost revenue as it may take several weeks to go through the list before ultimately filling the slip. We've experienced the loss of potential new customers in the past, because of the time it may take to work our way through the list.

Staff is also requesting authority for the Director of Recreation and Special Projects to prorate annual and seasonal dockage fees in an effort to remain competitive in the market, for filling annual/seasonal slips that become available after the start of the season. Having the ability to prorate fees would only apply to annual and seasonal lease holders and any prorating done would be for slips that become available after the beginning of the applicable lease term and would be done on a monthly basis. Prorating will only be permitted through the first 4 months for seasonal leases and the first 9 months for annual leases. This authorization will allow the Town Docks to better compete with other area marinas that already prorate their fees to attract vessels looking for a home port mid-season, and increases our chances that these vessels will renew their leases for an entire annual or seasonal period the following season.

FUNDING/FISCAL IMPACT

It is difficult for staff to quantify how much additional revenue these new fee classifications and the ability to prorate leases will realize for the Town Docks. The waiting list fees will be minimal, but the flat rate transient fees will allow us to be more competitive with flotillas traveling through our area. Prorating annual and seasonal leases will result in revenue that we may not have received otherwise from the vessels that may have chosen another facility for dockage space.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
John C. Randolph, Town Attorney
Alan Brown, Assistant Recreation Director
Kenneth Kooyenga, Dockmaster

RESOLUTION NO. 127-11

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING
RECREATION DEPARTMENT FEES FOR FISCAL YEAR 2012 AND
GRANTING AUTHORITY TO THE DIRECTOR OF RECREATION
AND SPECIAL PROJECTS TO PRORATE ANNUAL AND
SEASONAL LEASE FEES, WHEN NECESSARY, TO MAXIMIZE
REVENUE OPPORTUNITIES AND FILL EMPTY DOCK SLIPS.**

* * * * *

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

The attached list of Recreation Department Fees and effective dates, identified as Exhibit
I – Town Dock Facilities, revised on September 30, 2011, incorporated by reference as part of
this resolution, is hereby adopted.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of
Palm Beach assembled this 11th day of October, 2011.

Gail Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan Owens, Town Clerk

Michael J. Pucillo, Town Council Member

**FY 2012 Recreation Department Fee Schedule
Proposed Amendment**

Exhibit I – Town Docks
(Rates include “per foot” and “total fee”)

<u>ANNUAL LEASE</u>						
<u>SLIP SIZE</u>		<u>FY-2011 EXISTING FEE</u>	<u>% Increase</u>		<u>FY-2012 PROPOSED FEE</u>	
50	\$ 0.94	\$ 17,155.00	0%	\$ 0.94	\$ 17,155.00	
60	\$ 0.94	\$ 20,586.00	0%	\$ 0.94	\$ 20,586.00	
80	\$ 0.98	\$ 28,616.00	0%	\$ 0.98	\$ 28,616.00	
100	\$ 1.02	\$ 37,230.00	0%	\$ 1.02	\$ 37,230.00	
110	\$ 1.02	\$ 40,953.00	0%	\$ 1.02	\$ 40,953.00	
120	\$ 1.06	\$ 46,428.00	0%	\$ 1.06	\$ 46,428.00	
130	\$ 1.06	\$ 50,297.00	0%	\$ 1.06	\$ 50,297.00	
150	\$ 1.09	\$ 59,677.50	0%	\$ 1.09	\$ 59,677.50	
160	\$ 1.09	\$ 63,656.00	0%	\$ 1.09	\$ 63,656.00	
172	\$ 1.11	\$ 69,685.80	0%	\$ 1.11	\$ 69,685.80	
262	\$ 1.11	\$ 106,149.30	0%	\$ 1.11	\$ 106,149.30	
<u>SEASONAL LEASE</u>						
<u>SLIP SIZE</u>		<u>FY-2011 EXISTING FEE</u>	<u>% Increase</u>		<u>FY-2012 PROPOSED FEE</u>	
50	\$ 1.53	\$ 13,770.00	0%	\$ 1.53	\$ 13,770.00	
60	\$ 1.53	\$ 16,524.00	0%	\$ 1.53	\$ 16,524.00	
80	\$ 1.61	\$ 23,184.00	0%	\$ 1.61	\$ 23,184.00	
100	\$ 1.67	\$ 30,060.00	0%	\$ 1.67	\$ 30,060.00	
110	\$ 1.67	\$ 33,066.00	0%	\$ 1.67	\$ 33,066.00	
120	\$ 1.73	\$ 37,368.00	0%	\$ 1.73	\$ 37,368.00	
130	\$ 1.73	\$ 40,482.00	0%	\$ 1.73	\$ 40,482.00	
150	\$ 1.77	\$ 47,790.00	0%	\$ 1.77	\$ 47,790.00	
160	\$ 1.77	\$ 50,976.00	0%	\$ 1.77	\$ 50,976.00	
172	\$ 1.80	\$ 55,728.00	0%	\$ 1.80	\$ 55,728.00	
262	\$ 1.80	\$ 84,888.00	0%	\$ 1.80	\$ 84,888.00	

**FY 2012 Recreation Department Fee Schedule
Proposed Amendment**

<u>TRANSIENT WINTER DAILY</u>						
<u>SLIP SIZE</u>		<u>FY-2011 EXISTING FEE</u>	<u>% Increase</u>		<u>FY-2012 PROPOSED FEE</u>	
50	\$ 2.76	\$ 138.00	0%	\$ 2.76	\$ 138.00	
60	\$ 2.76	\$ 165.60	0%	\$ 2.76	\$ 165.60	
80	\$ 2.78	\$ 222.40	0%	\$ 2.78	\$ 222.40	
100	\$ 2.90	\$ 290.00	0%	\$ 2.90	\$ 290.00	
110	\$ 2.90	\$ 319.00	0%	\$ 2.90	\$ 319.00	
120	\$ 2.95	\$ 354.00	0%	\$ 2.95	\$ 354.00	
130	\$ 2.95	\$ 383.50	0%	\$ 2.95	\$ 383.50	
150	\$ 3.00	\$ 450.00	0%	\$ 3.00	\$ 450.00	
160	\$ 3.00	\$ 480.00	0%	\$ 3.00	\$ 480.00	
172	\$ 3.00	\$ 516.00	0%	\$ 3.00	\$ 516.00	
262	\$ 3.00	\$ 786.00	0%	\$ 3.00	\$ 786.00	
<u>GROUP RATE</u>	N/A	N/A	N/A	\$ 2.00	-----	

<u>TRANSIENT WINTER MONTHLY</u>						
<u>SLIP SIZE</u>		<u>FY-2011 EXISTING FEE</u>	<u>% Increase</u>		<u>FY-2012 PROPOSED FEE</u>	
50	\$ 1.90	\$ 95.00	0%	\$ 1.90	\$ 95.00	
60	\$ 1.90	\$ 114.00	0%	\$ 1.90	\$ 114.00	
80	\$ 1.95	\$ 156.00	0%	\$ 1.95	\$ 156.00	
100	\$ 1.95	\$ 195.00	0%	\$ 1.95	\$ 195.00	
110	\$ 1.95	\$ 214.50	0%	\$ 1.95	\$ 214.50	
120	\$ 2.00	\$ 240.00	0%	\$ 2.00	\$ 240.00	
130	\$ 2.00	\$ 260.00	0%	\$ 2.00	\$ 260.00	
150	\$ 2.05	\$ 307.50	0%	\$ 2.05	\$ 307.50	
160	\$ 2.05	\$ 328.00	0%	\$ 2.05	\$ 328.00	
172	\$ 2.10	\$ 361.20	0%	\$ 2.10	\$ 361.20	
262	\$ 2.10	\$ 550.20	0%	\$ 2.10	\$ 550.20	

**FY 2012 Recreation Department Fee Schedule
Proposed Amendment**

<u>TRANSIENT SUMMER DAILY</u>					
SLIP SIZE		FY-2011 EXISTING FEE	% Increase	FY-2012 PROPOSED FEE	
50	\$ 1.46	\$ 73.00	0%	\$ 1.46	\$ 73.00
60	\$ 1.46	\$ 87.60	0%	\$ 1.46	\$ 87.60
80	\$ 1.59	\$ 127.20	0%	\$ 1.59	\$ 127.20
100	\$ 1.66	\$ 166.00	0%	\$ 1.66	\$ 166.00
110	\$ 1.66	\$ 182.60	0%	\$ 1.66	\$ 182.60
120	\$ 1.68	\$ 201.60	0%	\$ 1.68	\$ 201.60
130	\$ 1.68	\$ 218.40	0%	\$ 1.68	\$ 218.40
150	\$ 1.71	\$ 256.50	0%	\$ 1.71	\$ 256.50
160	\$ 1.71	\$ 273.60	0%	\$ 1.71	\$ 273.60
172	\$ 1.72	\$ 295.84	0%	\$ 1.72	\$ 295.84
262	\$ 1.72	\$ 450.64	0%	\$ 1.72	\$ 450.64

<u>TRANSIENT SUMMER MONTHLY</u>					
SLIP SIZE		FY-2011 EXISTING FEE	% Increase	FY-2012 PROPOSED FEE	
50	\$ 1.22	\$ 1830.00	0%	\$ 1.22	\$ 1830.00
60	\$ 1.22	\$ 2196.00	0%	\$ 1.22	\$ 2196.00
80	\$ 1.24	\$ 2976.00	0%	\$ 1.24	\$ 2976.00
100	\$ 1.30	\$ 3900.00	0%	\$ 1.30	\$ 3900.00
110	\$ 1.30	\$ 4290.00	0%	\$ 1.30	\$ 4290.00
120	\$ 1.31	\$ 4716.00	0%	\$ 1.31	\$ 4716.00
130	\$ 1.31	\$ 5109.00	0%	\$ 1.31	\$ 5109.00
150	\$ 1.33	\$ 5985.00	0%	\$ 1.33	\$ 5985.00
160	\$ 1.33	\$ 6384.00	0%	\$ 1.33	\$ 6384.00
172	\$ 1.34	\$ 6914.40	0%	\$ 1.34	\$ 6914.40
262	\$ 1.34	\$ 10,532.40	0%	\$ 1.34	\$ 10,532.40

<u>WAITING LIST DEPOSIT</u>		
FY-2011 EXISTING FEE	% Increase	FY-2012 PROPOSED FEE
N/A	N/A	\$ 100.00

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 129-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to DavisLogic, Inc. DBA All Hands Consulting in an Amount of \$45,000.00 to Revise the Comprehensive Emergency Management Plan and Other Related Emergency Plans, and Provide Training - RFP No. 2011-32; Establishing a Project Budget of \$50,000.00; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Contract.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- Memorandum Dated September 30, 2011, from Jay Boodheshwar, Director of Recreation and Special Projects
- Resolution No. 129-11
- RFP No. 2011-32 Ranking Results

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Contract Award to DavisLogic, Inc. dba All Hands Consulting – RFP NO. 2011-32
Resolution No. 129-11

Date: September 30, 2011

STAFF RECOMMENDATION

Staff recommends that Town Council adopt Resolution No. 129-11, authorizing the Town Manager to enter into an agreement with DavisLogic, Inc. dba All Hands Consulting, for \$45,000 to revise the current Comprehensive Emergency Management Plan (CEMP) and other related emergency plans, and provide staffing training. Staff also recommends that Town Council establish a project budget of \$50,000, which will include the expenses associated with the contract and provide funding for other incidentals associated with this project.

GENERAL INFORMATION

At the February 15, 2011, Town Council meeting, Resolution No. 14-11 was adopted, accepting a \$50,000 non-matching reimbursable grant from Palm Beach County to revise the Town's current CEMP. The origination of the grant funding is through the Ft. Lauderdale Urban Area Security Initiative (UASI), but Palm Beach County is administering the grant to the Town. The new CEMP will serve the Town as its guide for emergency situations and will also serve as a template for other Florida municipalities with populations of 30,000 or less.

RFP No. 2011-32 (Comprehensive Emergency Management Plan Revision) was advertised on July 31 and August 7, 2011. With guidance from Lynda Venne, Purchasing Agent, a selection committee was formed, including Jay Boodheshwar, Director of Recreation and Special Projects, Brodie Atwater, Fire-Rescue Assistant Chief, Douglas Terry, Water Resources Manager, John Maio, Police Department Captain, and William Weinshank, Palm Beach County Emergency Management. Mike Galvin, Contract EOC Coordinator, served as an advisor to the committee. The entire selection process was monitored, recorded and managed by the Purchasing Division.

Seven (7) proposals were submitted. The selection committee met on September 7, 2011, to rate each proposal based on a specific set of criteria including: 1) qualifications and experience, 2) quality of services, 3) technical approach to the scope of work, and 4) fee for services. The list was reduced to two (2) proposers who made oral presentations and answered questions of the selection committee on September 22, 2011.

Each presenter was scored individually by each participant on the selection committee, and DavisLogic, Inc. dba All Hands Consulting was unanimously selected as the recommended choice to provide the desired services related to this project.

FUNDING/FISCAL IMPACT

The \$45,000 expense for the services provided by DavisLogic, Inc., as well as any incidentals that may occur, will be fully covered by the \$50,000 grant received from Palm Beach County.

PURCHASING REVIEW

This item has been reviewed and approved by the Purchasing Division of the Finance Department. Town Council approval is recommended.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Department Directors
John C. Randolph, Town Attorney
Lynda Venne, Purchasing Agent
Selection Committee

RESOLUTION NO. 129-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A CONTRACT TO DAVISLOGIC, INC. DBA ALL HANDS CONSULTING IN AN AMOUNT OF \$45,000.00 TO REVISE THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN AND OTHER RELATED EMERGENCY PLANS, AND PROVIDE TRAINING - RFP NO. 2011-32; ESTABLISHING A PROJECT BUDGET OF \$50,000.00; AUTHORIZING THE TOWN MANAGER TO TAKE FURTHER ACTION NECESSARY TO EFFECTUATE THE CONTRACT.

* * * * *

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, RFP No. 2011-32, for the revision of the Comprehensive Emergency Management Plan (CEMP) and other related emergency plans, and staff training is hereby awarded to DavisLogic, Inc. dba All Hands Consulting in an amount of \$45,000.00, with a total project budget of \$50,000.

Section 2. The Town Manager is hereby authorized to execute a contract on behalf of the Town of Palm Beach for the provision of CEMP revision and training services with DavisLogic, Inc. dba All Hands Consulting.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further legal actions as may be necessary to effectuate an agreement for the provision of CEMP revision and training services for the Town of Palm Beach.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of October, 2011.

Gail Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan Owens, Town Clerk

Michael J. Pucillo, Town Council Member

Proposer Listing

RFP No. 2011- 32

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN REVISION (CEMP)

COMPANY	CONTACT PERSON	ADDRESS	CITY	ST	ZIP CODE	PHONE	FAX
1 Calvin, Giordano & Associates, Inc.	Helene Wetherington	1800 Eller Drive, Suite 600	Fort Lauderdale	FL	33316	954-266-6466	954-266-6498
2 Cannon Design	Tracy Paladino	2170 Whitehaven Road	Grand Island	NY	14072	716-773-6800	716-773-5909
3 DavisLogic, Inc., dba All Hands Consulting	Steven C. Davis	10025 Maple Avenue	Columbia	MD	21046	410-730-5677	866-236-5999
4 EAA Research & Management, Inc.	Laurene T. Capone	1435 Arabian Drive	Loxahatchee	FL	33470	561-662-4498	561-753-0061
5 Early Alert, Inc.	Hans K. Wagner	722 SW Pine Tree Lane	Palm City	FL	34990	772-219-8105	877-932-5378
6 Integrated Solutions Consulting	Daniel Martin	3900 N. Freemont, Suite I	Chicago	IL	60613	877-437-4271	877-684-0557
7 Southeastern Technical Solutions, Inc.	Shondra M. Neumeister	1722 SW Biltmore Street	Port St. Lucie	FL	34984	772-336-3420	772-336-3470

CLOSING: August 31, 2011 @ 2:00 P.M.

Opened by:

John Omar

Witnessed by:

Adis Pedraza

RFP No. 2011-32
COMPREHENSIVE EMERGENCY MANAGEMENT PLAN REVISION (CEMP)

SHORT LIST

COMPANY	CONTACT PERSON	ADDRESS	CITY	ST	ZIP CODE	PHONE	FAX
1 Calvin, Giordano & Associates, Inc.	Helene Wetherington	1800 Eller Drive, Suite 600	Fort Lauderdale	FL	33316	954-266-6466	954-266-6498
2 Cannon Design	Tracy Paladino	2170 Whitehaven Road	Grand Island	NY	14072	716-773-6800	716-773-5909
3 DavisLogic, Inc., dba All Hands Consulting	Steven C. Davis	10025 Maple Avenue	Columbia	MD	21046	410-730-5677	866-236-5999
4 EAA Research & Management, Inc.	Laurene T. Capone	1435 Arabian Drive	Loxahatchee	FL	33470	561-662-4498	561-753-0061
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7 Southeastern Technical Solutions, Inc.	Shondra M. Neumeister	1722 SW Biltmore Street	Port St. Lucie	FL	34984	772-336-3420	772-336-3470

Indicates Short Listed Firm

RFP NO. 2011-32
COMPREHENSIVE EMERGENCY MANAGEMENT PLAN REVISION
Oral Presentations

SELECTION COMMITTEE RANKINGS

Committee Member	Brodie Atwater	Jay Boodheshwar	John Maio	Doug Terry	William Weinshank	Total
Company	Rating	Rating	Rating	Rating	Rating	Average
1 DavisLogic, Inc., dba All Hands Consulting	4.63	4.83	4.70	4.25	4.71	4.62
2 Calvin, Giordano & Associates, Inc.	4.18	4.40	4.00	4.00	4.30	4.18

Indicates Recommended Award

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 130-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Mock Roos & Associates, Inc. in the Amount of \$7,900, and Establishing a Study Phase Budget of \$9,000 for the E-6 Bradley Park to Tangier Avenue Force Main Replacement Study.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated August 31, 2011, from H. Paul Brazil, Director of Public Works
- Resolution No. 130-11
- Proposal - E-6 Force Main

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Contract for E-6, Bradley Park to Tangier Avenue, Force Main Replacement
Resolution No. 130-11

Date: August 31, 2011

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 130-11 awarding an engineering services contract, on an hourly not-to-exceed basis, in the amount of \$7,900 to Mock Roos and Associates for the E-6 Force Main Evaluation and establishing a study phase budget of \$9,000.

GENERAL INFORMATION

A project contained within the Accelerated Capital Improvement Program is the replacement of the force main from the E-6 Sanitary Sewer Pump Station on Tangier Avenue to the Town's Master Pump Station in Bradley Park. The existing 12-inch force main was constructed in 1956 and has been out of service since 1991 when the E-6 Pump Station was connected to the Town's existing 30-inch subaqueous crossing on Tangier Avenue. With the construction of the new subaqueous force main, the Town's sewage flows will be routed across the Intracoastal at a different location, and the use of this 12-inch force main will need to be resumed. This study will perform a condition analysis to determine if this force main needs to be upgraded now or could be delayed or deferred, and if in need of replacement, to determine the most cost-effective way to replace or rehabilitate this force main. In addition, a hydraulic analysis will be performed to determine if the 12-inch force main can be reduced in size, thereby reducing the replacement cost.

In addition, one other analysis will be performed, and that will be to determine if we could use the existing 30-inch force main which runs from Bradley Park to Tangier Avenue, on a limited basis to pump back to the S-2 Master Pump Station in lieu of the 12-inch force main.

As we've found that some projects are costing more than our project estimates, the Town has been deferring certain projects in the Accelerated Capital Improvement Program so sufficient funding will be made available for higher priority projects. This study will determine if we can delay the E-6 force main, freeing this money up for more critically needed projects.

PURCHASING REVIEW

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

FUNDING/FISCAL IMPACT

Funding for this project is included in the Accelerated Capital Improvement Program.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
James M. Bowser, P.E., Town Engineer
Jeffrey M. Sanon, P.E., Project Engineer
Michael Roach, P.E., Project Engineer
Douglas Terry, Water Resources Division Manager
Lynda Venne, Purchasing Agent
John C. Randolph, Town Attorney

RESOLUTION NO. 130-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO MOCK ROOS & ASSOCIATES, INC. IN THE AMOUNT OF \$7,900, AND ESTABLISHING A STUDY PHASE BUDGET OF \$9,000 FOR THE E-6, BRADLEY PARK TO TANGIER AVENUE FORCE MAIN REPLACEMENT STUDY.

* * * *

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

Section 1. The contract is hereby awarded to Mock Roos & Associates, Inc. for the amount of \$7,900 and a study phase budget of \$9,000 is hereby established for this project.

Section 2. The Town Manager is hereby authorized and directed to execute a contract on behalf of the Town of Palm Beach for the E-6, Bradley Park to Tangier Avenue, Force Main Replacement Study.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the implementation of these services in conjunction with the Accelerated Capital Improvement Program.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 11th day of October 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

MOCK • ROOS
ENGINEERS • SURVEYORS • PLANNERS

March 15, 2011

Mr. James M. Bowser, P.E.
Town Engineer
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480-2029

Ref. No. B1013.00
Subject: Replacement/Renewal Evaluation
E-6 Forcemain from Tangier Avenue to S-2 in Bradley Park

Dear Mr. Bowser:

We are submitting the attached *Proposal To Provide Engineering Services for the Replacement/Renewal Evaluation of the E-6 Forcemain from Tangier Avenue to S-2 in Bradley Park*. Please review the attached proposal and return one signed copy to our office as our authorization to proceed with the Scope of Services outlined in the proposal.

We will provide the Scope of Services on an hourly not to exceed basis with an estimated upper fee limit of \$7,900.

If you have any questions please contact me at 683-3113, extension 293. Thank you for using Mock•Roos on this project. We look forward to working with you.

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.


Garry G. Gruber, P.E.
Vice President

GGG:jeh
Enclosure
Copies: Paul Brazil, P.E.
Bookkeeping

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Mock, Roos & Associates, Inc.

5720 Corporate Way, West Palm Beach, Florida 33407-2066, (561) 683-3113, fax 478-7248

**Proposal To Provide Additional Engineering Services for the
Replacement/Renewal Evaluation of the E-6 Forcemain
from Tangier Avenue to S-2 in Bradley Park**

Services to be provided by: Mock•Roos

Services provided to (Client): Town of Palm Beach

Proposal Date: March 15, 2011

Proposal Terms

A. Project Understanding:

The Town currently has an existing 12-inch cast iron forcemain connecting the E-6 pump station, located on Tangier Avenue, to the A-5 pump station, located in Bradley Park. The 5,140 linear feet of existing pipeline was originally constructed in 1956 and has been out of service since 1992. Currently, the E-6 pump station discharges into the existing 30-inch pipe which runs directly adjacent to the E-6 pump station and then crosses the Intracoastal Waterway feeding the existing pump station located at 23rd Street in West Palm Beach. The Town is currently implementing improvements to the existing S-2 pump station (includes a new Intracoastal Waterway subaqueous crossing) to eliminate the need for the 23rd Street pump station to facilitate disposal and treatment at the ECRWRF. The new Intracoastal Waterway subaqueous crossing will also provide back-up facilities for pumping from the Island.

The Town desires to evaluate various improvements which would allow the E-6 pump station to pump to the downstream forcemain of the A-5 pump station (upstream forcemain of S-2). Mock•Roos will perform services as outlined in **B. Scope of Services** below.

B. Scope of Services:

1. Meet with the Town to identify and review existing facility information such as as-builts, pump information, proposed facility plans, and projects currently under design, etc.
2. Perform site visit of the A-5 and S-2 facilities, E-6 pump station and forcemain routing along Lake Trail.
3. Perform limited survey of existing forcemain routing along Lake Trail. Town staff will field locate the existing forcemain. Mock•Roos will locate forcemain with the primary goal of identifying location of fittings (bends) in the pipeline. Survey will be limited to forcemain location only. Obstructions such as walls, trees, etc. will not be located as part of this scope of services. Locations will be plotted on an aerial exhibit only.

4. Evaluate capacity of existing E-6 pump station and pipeline. Evaluation will include:
 - a. Determine optimum size of forcemain
 - b. Determine pumping requirements if 12-inch forcemain size is reduced by lining
 - c. Determine pumping requirements to pump from E-6 to ECRWRF
 - d. Determine pumping requirements to pump from E-6 to A-5/S-2 via existing 30-inch forcemain
 - e. Determine flow/capacity issues with pumping from E-6 to A-5/S-2 via existing 30-inch forcemain
 - f. Determine proposed valving considerations as appropriate
 - g. Determine appropriate connection configuration and location at A-5/S-2
 - h. Determine pros/cons and costs associated with various methods for improving existing 12-inch forcemain, including Insituform, pipe burst, and dig-up and replace
5. Prepare draft letter report outlining findings, recommendations and associated costs. Provide Town with two hard copies. Meet with the Town to receive comments
6. Prepare final letter report. Provide Town with two hardcopies.

C. Additional Services:

1. Any services not included in the Scope of Services will be considered Additional Services.
2. Any design changes, schedule changes, drawing changes, or other project changes requested by Client will be considered Additional Services.
3. Additional Services can be provided upon Mock•Roos receiving signed authorization from Client.
4. Construction Phase Services are not included in this proposal. It is anticipated that they will be authorized as Additional Services under a separate authorization.

D. Fees and Rates:

1. We will provide the Scope of Services on an hourly not to exceed basis with an estimated total of \$7,900.
2. Mock•Roos can provide Additional Services at the Mock•Roos rates in effect at that time, plus any reimbursable expenses, or for an agreed upon lump sum fee.

E. Conditions:

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal within 30 days of its date.
2. This Proposal is based on the Scope of Services being completed on or before September 30, 2011. If not completed by this date for reasons other than those within control of Mock•Roos, all terms may be adjusted by Mock•Roos.
3. This proposal serves as a supplement to the general agreement between Mock•Roos and Client dated January 22, 2010.
4. In case of discrepancies, the terms of this proposal supersede those of previous agreements.

F. Acceptance and Authorization to Proceed:

1. This proposal is acceptable and Mock•Roos has authorization to proceed with the Scope of Services. This authorization becomes valid upon Mock•Roos receiving one **complete** copy of this form with an original signature below.

CLIENT

Signed: _____

Name: _____

Title: _____

Date: _____

MOCK•ROOS

Signed: _____

Name: Garry G. Gruber

Title: Vice President

Date: March 15, 2011

**Please return one complete copy of this form
with an original signature to Mock•Roos. Thank you.**

**Town of Palm Beach E-6 Forcemain from Tangier Ave. to S-2 in Bradley Park
Replacement/Renewal Evaluation Services Manhour Breakdown**

Task Description	Labor Classification						Expenses
	Project Director	Senior Project Manager	Senior Engineer	Senior CADD Technician	Field Crew	Administrative Assistant	
Meet with Town/Site Visit	2	2	2			2	
Limited Survey		2			12		
Pump/Piping Evaluation	2	2	12	8		2	
Report	2	2	4			2	\$78.00
Labor Subtotal Hours	6	8	18	8	12	6	
Labor Hourly Billing Rate	\$60.00	\$51.10	\$48.70	\$36.10	\$46.10	\$20.00	
Labor Individual Totals	\$360.00	\$408.80	\$876.60	\$288.80	\$553.20	\$120.00	\$78.00
Total Mock+Roos Direct Labor							\$2,607.40
Multiplier							3.00
Total Direct Labor @ 3.0							7,822.20
Project Total							\$7,900

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 131-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving State Grant FDEP Contract No. 11PB2 Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Bureau of Beaches and Coastal Systems Florida Beach Management Funding Assistance Program for the Lake Worth Inlet Management Plan Implementation and Authorizing the Town Council President to Execute Same on Behalf of the Town.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 22, 2011, From H. Paul Brazil, Director of Public Works
- Resolution No. 131-11

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

FROM: H. Paul Brazil, Director of Public Works

RE: Renewal of Lake Worth Inlet Grant
Resolution No. 131-11

DATE: September 22, 2011

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 131-11 authorizing the Town Council President to execute the State of Florida Department of Environmental Protection (FDEP) Contract No. 11PB2 regarding Lake Worth Inlet Management Plan Implementation.

GENERAL INFORMATION

The Town of Palm Beach (Town), United States Army Corps of Engineers (USACE) and FDEP have previously agreed to work cooperatively to have the Lake Worth Inlet maintenance dredged beach compatible sand placed on the beach in lieu of the nearshore area when dredging occurs outside of sea turtle nesting season.

The Town has previously agreed to complete certain State permit conditions, including design and construction of a mitigation reef, sea turtle nesting monitoring, and mitigation reef monitoring.

FDEP agreed to cost-share with the Town for these items on a 50/50 basis. This agreement, No. 07PB5, was signed by the Town Council President following Town Council approval of Resolution No. 73-07 in December 2007. Grant agreement No. 07PB5 expired on December 31, 2010.

A new grant agreement, No. 11PB2, has been provided to the Town to increase FDEP cost-sharing participation to 75/25 (through grant agreement 07PB5) for permit required sea turtle nesting monitoring and environmental monitoring through the 2011 calendar year. FDEP's cost sharing for this work is limited to not-to-exceed \$66,582. The total estimated cost of these work items is \$88,776.

Unlike FDEP grants related to beach nourishment activities, this agreement addresses inlet maintenance and does not include public accessibility or parking requirements.

FUNDING/FISCAL IMPACT

By signing this Agreement, FDEP will reimburse the Town on a 75/25 basis not to exceed \$66,582 for work efforts undertaken by the Town to allow placement of inlet maintenance dredged sand on the beach in lieu of the nearshore area.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

The resolution for this item is a standard form that has been previously reviewed and approved by the Town Attorney.

Attachment

cc: Jane Struder, Director of Finance
Robert Weber, Coastal Coordinator

RESOLUTION NO. 131-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING STATE GRANT FDEP CONTRACT NO. 11PB2 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE TOWN OF PALM BEACH UNDER THE BUREAU OF BEACHES AND COASTAL SYSTEMS FLORIDA BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM FOR THE LAKE WORTH INLET MANAGEMENT PLAN IMPLEMENTATION AND AUTHORIZING THE TOWN COUNCIL PRESIDENT TO EXECUTE SAME ON BEHALF OF THE TOWN.

*

*

*

WHEREAS, the Town of Palm Beach (Town), United States Army Corps of Engineers (USACE), and the Florida Department of Environmental Protection (FDEP), have worked cooperatively to place the Lake Worth Inlet channel maintenance dredged sand on the dry beach south of the Lake Worth Inlet; and

WHEREAS, the Town has previously agreed to pay to the USACE the cost difference between placing sand on the beach versus the cost to place the sand in the nearshore area; and

WHEREAS, the FDEP has agreed to cost-share on a 75/25 basis with the Town expenses related to permit required sea turtle nesting monitoring and environmental monitoring; and

WHEREAS, the State's reimbursement to the Town is not to exceed \$66,562 for specific permit required sea turtle nesting monitoring and environmental monitoring total costs estimated at \$88,776.

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

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

Section 2: The Town Council hereby authorizes the execution of DEP Contract No. 11PB2 subject to review and approval of the contract by the Town Manager and Town Attorney.

Section 3: The Town Council President is hereby authorized to execute DEP Contract No. 11PB2 on behalf of the Town.

Section 4: Two (2) certified copies of this Resolution shall be provided by the Town's Public Works Department to the State of Florida Department of Environmental Protection, along with two copies of the Contract.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, assembled this 11th day of October 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 133-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of the Contract for Office Supplies to Office Depot, Inc., in an Amount Not to Exceed \$46,200.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum Dated, September 30, 2011, from Jane Struder, Finance Director
- Resolution No. 133-11

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Authorization to Award the Annual Contract for Office Supplies to Office Depot, Inc.
Resolution No. 133-11

Date: September 30, 2011

STAFF RECOMMENDATION

Staff recommends the Town Council adopt Resolution No. 133-11, awarding the annual contract for office supplies to Office Depot, Inc., in the amount of \$46,200.

GENERAL INFORMATION

The Town is a member of the Southeast Florida Governmental Purchasing Cooperative Group and the Town's quantities were included in RFI 11-051 that was issued by the City of Tamarac, Florida as the lead agency for the Cooperative for office supplies. Office Depot, Inc. was awarded the contract effective January 1, 2011 through October 17, 2013 with renewal options of up to three years. Office Depot, Inc. submitted pricing provided through the State of Florida State Term Contract #618-000-11-1. The contract provides the Town with volume savings through quantity discounts. Anticipated usage is based on FY11 expenditures of approximately \$42,000 with a 10% contingency to accommodate the fluctuation in demand by the Departments for office supplies.

FUNDING/FISCAL IMPACT

Funds are available and budgeted in individual department accounts.

PURCHASING REVIEW

The Purchasing Division of the Finance Department participated in the RFI process conducted by the Southeast Florida Governmental Purchasing Cooperative Group and concurred with the recommended award. Town Council approval is recommended.

TOWN ATTORNEY REVIEW

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

and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Lynda Venne, Purchasing Agent
Adis Pedraza, Assistant Purchasing Agent

RESOLUTION NO. 133-11

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF THE CONTRACT FOR OFFICE
SUPPLIES TO OFFICE DEPOT, INC., IN AN AMOUNT NOT TO
EXCEED \$46,200.**

WHEREAS; a contract was awarded to Office Depot, Inc. on January 1, 2011, through the Southeast Florida Governmental Purchasing Cooperative Group in which the Town of Palm Beach participates.

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

Section 1: The contract covering a period of twelve months, beginning October 1, 2011 and ending September 30, 2012, is hereby awarded to Office Depot, Inc., in an amount not to exceed \$46,200.

Section 2: The Town Manager, or his designee is hereby authorized and directed to take such further actions as may be necessary to effectuate the implementation of these services.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of October 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 136-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Christmas Designers, Inc., in the Amount of \$70,200.35.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 29, 2011, From H. Paul Brazil, Director of Public Works
- Resolution No. 136-11

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Award Holiday Lights and Decoration Services
Resolution No. 136-11

Date: September 29, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 136-11 to award a contract to Christmas Designers, Inc., in the amount of \$70,200.35 for providing holiday decorations and lighting, in various locations throughout Town during the upcoming holiday season.

GENERAL INFORMATION

The Town Council had previously accepted a holiday decoration plan at the July 8, 2009, Town Council meeting. The areas to be decorated were Royal Poinciana Way, South County Road (between Seaview Avenue and Worth Avenue), Royal Palm Way, and Worth Avenue. The decorations included LED lights wrapped on the existing palm trees and ornamental garlands attached to existing light poles. The decorations are slightly different in each area but the theme is consistent. Christmas Designers Inc. has been the vendor to furnish and install those decorations in the past.

The Town has historically had three holiday trees installed and decorated for the season. Based on the approved FY2011 budget this past year, two of those three holiday trees were to be continued (Worth Avenue and Memorial Fountain) and the third was to be discontinued (Bradley Park). A donation was received by the Town for the third tree, so it was also included this past year. A new 40-foot-high holiday tree was also donated to the Town this past year and it was installed and decorated in lieu of the previous 30-foot-high tree. The holiday tree, decorations, and bases at all three locations (if Bradley Park is included again) will be the same for this year as they were this past year.

The Town solicited bids from qualified contractors to provide these holiday decoration and lighting services. Based on those bid results (Bid No. 2011-34), the low bidder was Christmas Designers, Inc. Their overall price was the lowest, and they also provided the largest credit for the surplus 30-foot-high tree that the Town no longer needs (replaced by the donated Worth Avenue tree). Staff recommends that the Town Council approve Resolution No. 136-11 to authorize a contract to Christmas Designers, Inc. for the holiday decorations and lighting. The contract will be issued for the base year, with up to four additional renewable option years.

SPECIAL CONSIDERATIONS

The Town has previously received donations for three elements of these holiday decorations and lighting. The first donated element was the decoration and lighting on the palm trees and street light poles along Royal Poinciana Way, Royal Palm Way, South County Road, and Worth Avenue. The cost for those elements is \$55,550.35 per year. The donation fund balance is approximately \$25,000. Another \$30,000 is needed to install these decorations. The second donated element was the decoration, lighting, and installation of the holiday tree at Bradley Park. The cost for this element is \$2,350 per year. We requested this price in our bid documents so that the tree could be installed if another donor comes forward this year. The Town has not budgeted for installation of this tree. The third donated element was the additional cost to extend the lighting of the Worth Avenue palm trees until the end of April. The Worth Avenue Association has already agreed to pay for the cost of these tree lights for the additional time this year (as they did last year) at a cost of \$1,950 per year. Total donations required would be \$59,850.35 this year.

FUNDING/FISCAL IMPACT

The Town's approved FY2012 operating budget includes sufficient funds to accommodate two of the holiday trees (Worth Avenue and Memorial Park/Fountain). Funding for all the other holiday decorations (tree lights and street light garlands) and the holiday tree at Bradley Park would be from donations as described above.

PURCHASING REVIEW

This procurement has been reviewed by the Purchasing Division of the Finance Department and award is hereby recommended to Christmas Designers Inc., as a renewal of their quote from last year.

TOWN ATTORNEY REVIEW

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

Attachment

HPB:nb

cc: Eric B. Brown, Assistant Director of Public Works/Operations
Lynda Venne, Purchasing Agent
Steve Kartrude, Electrical Bureau Supervisor
Worth Avenue Association

RESOLUTION NO. 136-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AWARDING A CONTRACT TO CHRISTMAS DESIGNERS, INC.,
IN THE AMOUNT OF \$70,200.35.

* * * * *

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

Section 1. A contract for providing and installing holiday decorations is hereby awarded to
Christmas Designers, Inc., for an amount not to exceed \$70,200.35.

Section 2. The Town Manager is hereby authorized and directed to execute said contract on
behalf of the Town of Palm Beach.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such
further actions as may be necessary to effectuate the implementation of these services.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of
Palm Beach this 11th day of October 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

Richard M. Kleid, Town Council Member

ATTEST:

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 139-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of Amendment No. 2 to the Agreement Between the City of West Palm Beach and the Town of Palm Beach for Payment of Certain Water Main Improvements Within the Work Area in Connection With the 2010 Town of Palm Beach Water Main Improvements in the Amount of \$194,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 22, 2011, From H. Paul Brazil, Director of Public Works
- Resolution No. 139-11
- Second Amendment to Interlocal Agreement

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Proposed Amendment No. 2 to Interlocal Agreement With City of West Palm Beach
2010 Town of Palm Beach Water Main Improvements
Resolution No. 139-11

Date: September 22, 2011

STAFF RECOMMENDATION

Town Staff recommends that Town Council approve Resolution No. 139-11 and authorize the Mayor to sign Amendment No. 2 to the existing Interlocal Agreement with the City of West Palm Beach to replace water mains within the Town of Palm Beach.

GENERAL INFORMATION

The City of West Palm Beach (City) and the Town of Palm Beach (Town) entered into an agreement on May 4, 2010, which provided funding to the Town to construct water mains on behalf of the City within the municipal limits of the Town. On June 14, 2011 the Town Council approved Amendment No. 1 to the Interlocal Agreement that established revised project estimates based upon bid results and also deleted one street from the program.

Amendment No. 2 to this agreement will provide additional funding for shared costs of roadway restoration and pavement restoration and provide for a construction contingency. The original Pendleton Avenue project estimate did not include a prorata share of roadway restoration costs and milling and resurfacing costs. After the design was complete, the City of West Palm Beach requested that the new main be extended out into South County Road which increased costs. Also, early on during construction an unknown, abandoned transite water main, in the way of the new water main, was uncovered. There were additional costs involved in removing and properly disposing of this material. The original Tangier Avenue project estimate did not include a prorata share of roadway demolition and restoration costs. Lastly, construction work along North Lake Way has required four additional water main deflections along with costs for replacing three water services to residents and replacing six water meter boxes.

The cost estimate for the water main project after Amendment No. 1 was approved, titled "2010 Town of Palm Beach Water Main Improvements" was \$726,000. Amendment No. 2 to the agreement will increase funding by \$194,000 for a revised estimated project cost of \$920,000. A copy of the proposed amendment with a revised Attachment "A" which details the revised construction estimate is attached.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town's budget associated with this item. Funding for the water main improvements comes from the Town of Palm Beach Account which is within the City's Renewal and Replacement Fund. This fund was established by the 1999 Water Franchise Agreement and is funded annually by placing 5% of the gross revenue of the water use charges paid by customers within the Town on water meter accounts into said fund. This account was created specifically for and is to be used only for replacement of water main infrastructure within the Town. The fund balance in this account as of July 31, 2011, was \$3,502,188.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
James Bowser, P.E., Town Engineer
Charles R. Langle, P.E., Senior Project Engineer
Lynda Venne, Purchasing Agent
David Hanks, P.E., Director of Utilities, City of West Palm Beach
Laura Le, P.E., City of West Palm Beach

RESOLUTION NO. 139-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2 TO THE AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE TOWN OF PALM BEACH FOR PAYMENT OF CERTAIN WATER MAIN IMPROVEMENTS WITHIN THE WORK AREA IN CONNECTION WITH THE 2010 TOWN OF PALM BEACH WATER MAIN IMPROVEMENTS IN THE AMOUNT OF \$194,000.

*

*

*

WHEREAS, the City of West Palm Beach (CITY) has a need to replace water mains within the Town of Palm Beach (TOWN), and it is in the public's interest that the TOWN and CITY cooperate on their replacement; and

WHEREAS, the CITY is financially responsible for the renewal and replacement of the water mains in Town, and the TOWN is able to construct said City mains more economically than the CITY when combined with a Town Capital Improvement Project and is therefore undertaking the main replacement project; and

WHEREAS, the CITY has agreed to reimburse the TOWN in the amount of the actual costs of the water main related improvements, with the work to be undertaken by the Town's contractor and its subcontractors, with funds coming from the Town of Palm Beach account within the City's *Renewal and Replacement* fund; and

WHEREAS, it is necessary to amend the original agreement to provide additional funding for construction costs which exceeded engineering estimates; to provide funding to deal with unforeseen circumstances; and to provide additional funding for projects that have had the cost estimates updated; and

WHEREAS, the parties agree to an additional funding allocation in the amount of \$194,000; and

WHEREAS, the parties mutually recognize the need to execute Amendment No. 2 to the original Agreement setting forth the responsibilities of each party.

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

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

Section 2. The Mayor is hereby authorized to execute Amendment No. 2 to the Agreement between the City of West Palm Beach and the Town of Palm Beach for payment by the City to the Town for the “2010 Town of Palm Beach Water Main Improvements.”

Section 3. A copy of Amendment No. 2 is hereby incorporated within this Resolution and made a part hereof.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of October 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

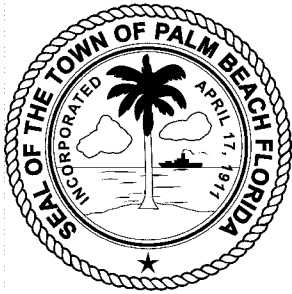
William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member



**SECOND AMENDMENT
TO THE INTERLOCAL AGREEMENT
FOR THE 2010 TOWN OF PALM BEACH
WATER MAIN IMPROVEMENTS
BETWEEN THE CITY OF WEST PALM BEACH
AND THE TOWN OF PALM BEACH**

THIS SECOND AMENDMENT is made and entered into on this ____ day of _____, 2011, by and between the City of West Palm Beach, a municipality organized under the laws of the State of Florida and hereinafter referred to as "CITY," and the Town of Palm Beach, a municipality organized under the laws of the State of Florida and hereinafter referred to as "TOWN."

WHEREAS, on May 4, 2010, the CITY and the TOWN entered into an AGREEMENT for the TOWN to construct certain water mains on behalf of the CITY, and

WHEREAS, on August 8, 2011, the CITY and the TOWN entered into the FIRST AMENDMENT to the AGREEMENT, and

WHEREAS, the CITY and TOWN desire to provide additional funding for water main work under the same terms and conditions as in the AGREEMENT.

NOW, THEREFORE, for and in consideration of these promises, the mutual understandings and agreements herein contained and assumed, CITY and TOWN hereby covenant and agree as follows:

1. Upon full execution of this Second Amendment, the CITY shall pay to the TOWN \$194,000, to be taken from the Town of Palm Beach account within the City's Renewal and Replacement Fund.
2. The revised project street list and cost estimates are shown on Attachment "A," revised September 2011, and replaces Attachment "A" in the original Agreement.
3. All other provisions of the AGREEMENT shall remain in full-force and effect.

IN WITNESS WHEREOF, CITY and TOWN have executed, or have caused this Amendment to the Agreement to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this Agreement.

TOWN OF PALM BEACH, FLORIDA

CITY OF WEST PALM BEACH, FLORIDA

By: _____
Gail L. Coniglio, Mayor

By: _____
Geraldine Muoio, Mayor

Date: _____

Date: _____

ATTEST:

ATTEST:

Town Clerk: Susan A. Owens

City Clerk: Joanna Sharp

Approved as to legal form and sufficiency:

Approved as to legal form and sufficiency:

John C. Randolph Date
Attorney for the Town of Palm Beach

Date
Attorney for the City of West Palm Beach

RECOMMEND APPROVAL:

RECOMMEND APPROVAL:

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

David Hanks, P.E. Date
Director of Public Utilities

ATTACHMENT “A”

**2010 TOWN OF PALM BEACH
WATER MAIN IMPROVEMENTS**

Street Name	Cost Estimate	Revised Estimate
Pendleton Avenue (Intracoastal to South County Road)	\$215,000	\$353,000
Tangier Avenue (No. Lake Way to No. County Road)	\$175,000	\$213,000
Worth Avenue (So. County Road to So. Ocean Blvd.)	\$270,000	\$270,000
 TOTAL ESTIMATED COST	 \$660,000	 \$836,000
10% CONTINGENCY	<u>\$ 66,000</u>	<u>\$ 84,000</u>
TOTAL PROJECT COST	\$726,000	\$920,000
 Revised Project Estimate:	 \$920,000	
Less Previous Funding:	\$726,000	
Additional Funding Required:	\$194,000	

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 140-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Reallocation of Funds for Pendleton Avenue/Pendleton Lane Utility Improvements in the Amount of \$39,648 to Address Unforeseen Conditions During Installation of Utility Improvements and Roadway Restoration on Pendleton Avenue and Pendleton Lane; Maintaining the Current Construction Phase Budget of \$971,363.80.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 23, 2011, From H. Paul Brazil, Director of Public Works
- Resolution No. 140-11

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Reallocation of Funding for Pendleton Avenue and Pendleton Lane Utility Improvements
Resolution No. 140-11

Date: September 23, 2011

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 140-11 authorizing the Town Manager to reallocate funds within the current purchase order to D.S. Eakins Construction Corporation in the amount of \$39,648 for unforeseen conflicts during installation of the remaining utility and roadway improvements on Pendleton Avenue and Pendleton Lane, maintaining the existing construction phase budget of \$971,363.80.

GENERAL INFORMATION

This project was deemed necessary due to the age and declining functionality of the existing infrastructure. By replacing the utilities on both Pendleton Avenue and Pendleton Lane, the efficiency of the utility will be improved and the potential of line breaks and blockage are greatly reduced.

The Town's engineering consultant, C3TS, prepared plans and specifications for improvements to the water main, sanitary sewer, storm drainage, and roadway. The City of West Palm Beach (City) is responsible for the water main portion of this project and will reimburse the Town for all applicable costs. The project is currently ongoing and is approximately 40% complete.

The curbing on Pendleton Lane, which is a private road, is in poor condition. The Town would have replaced the curbing if the residents on Pendleton Lane unanimously agreed to the replacement and each resident agreed to reimburse the Town accordingly based on the linear footage of the curbing. \$39,648 was included in the purchase order for the curbing, but the residents did not agree unanimously on the curbing replacement. Therefore, that task was deleted from the project.

Due to the confined work area, there are many utilities that are both active and abandoned, creating an environment of numerous unforeseen utility conflicts. During the design effort the Town's consultant completed utility verifications, soils testing, and as-built reviews in order to minimize conflicts during construction. Even after this effort it is still common to uncover unknown conditions when completing utility projects in the Town. Change orders have been issued already for unforeseen items such as asbestos cement pipe (which requires special handling during removal, transport, and disposal) and unsuitable subsurface material (which needs to be removed and replaced with clean fill).

The project was awarded for \$885,683 with \$85,680.80 in contingency. To date there is \$19,540.10 remaining in contingency with \$30,364 to be reimbursed by the City at the end of the project. The project contingency is nearly exhausted and it is possible that similar issues may appear as we progress in the project. In order to ensure that staff can timely address such issues and the contractor can complete this project by Thanksgiving, we are proposing to reallocate the \$39,648 from the deleted curbing to the project contingency.

All contingency money remaining at the completion of the project will be returned to the capital improvement fund.

FUNDING/FISCAL IMPACT

There is no new fiscal impact associated with this item.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Director of Finance
James M. Bowser, P.E., Town Engineer
Douglas Terry, Water Resources Division Manager
Jeffrey M. Sanon, P.E., Project Engineer

RESOLUTION NO. 140-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING REALLOCATION OF FUNDS FOR PENDLETON AVENUE/PENDLETON LANE UTILITY IMPROVEMENTS IN THE AMOUNT OF \$39,648 TO ADDRESS UNFORESEEN CONDITIONS DURING INSTALLATION OF UTILITY IMPROVEMENTS AND ROADWAY RESTORATION ON PENDLETON AVENUE AND PENDLETON LANE; MAINTAINING THE CURRENT CONSTRUCTION PHASE BUDGET OF \$971,363.80

* * * * *

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

Section 1. The construction phase budget of \$971,363.80 hereby remains unchanged.

Section 2. The Town Manager is hereby authorized and directed to reallocate funds in the amount of \$39,648 within the current purchase order for unforeseen conditions during installation of utility improvements and roadway restoration on Pendleton Avenue and Pendleton Lane.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the implementation of this funding reallocation.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 11th day of October 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 141-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of the Homeless Resource Center Interlocal Agreement with Palm Beach County, Florida.

Presenter

Kirk Blouin, Director of Public Safety

Supporting Documents

- Memorandum dated September 29, 2011, from Kirk W. Blouin, Director of Public Safety
- Resolution No. 141-11
- Homeless Resource Center (HRC) Interlocal Agreement

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk Blouin, Police Chief

Re: Homeless Resource Center Interlocal Agreement
Resolution No. 141-11

Date: September 29, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council execute Resolution No. 141-11 authorizing the Town Manager to enter into the Homeless Resource Center Interlocal Agreement with Palm Beach County, Florida, authorizing and agreeing that the Town of Palm Beach Police Department will follow established operating protocols as set forth in the agreement with regard to the County's homeless population.

GENERAL INFORMATION

The Palm Beach County Law Enforcement Planning Council (LEPC) and subcommittee of the Criminal Justice Commission have adopted Best Practices for law enforcement personnel with regard to interaction with the homeless population and referral of homeless individuals to the Homeless Resource Center (HRC) and related community facilities.

Palm Beach County has established a Homeless Resource Center (HRC) for referral of the County's homeless population to a central facility, supporting organizations, services and programs that will help end the cycle of homelessness.

FUNDING/FISCAL IMPACT

It is expected that any cost would be related to transportation and therefore, no additional funding would be required, as it is anticipated that most transports would be conducted by Palm Beach Police Department officers.

HRC Interlocal Agreement
Resolution No. 141-11
Page Two

TOWN ATTORNEY REVIEW

Resolution No. 141-11 has been reviewed by the Town Attorney and approved as to form and legal sufficiency.

KB/lg

Attachments

RESOLUTION NO. 141-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF THE HOMELESS RESOURCE CENTER INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, FLORIDA.

WHEREAS, Staff recommends that the Town Council enter into the Homeless Resource Center Interlocal agreement with Palm Beach County, Florida, for the purpose of utilizing a central facility that will support organizations, services and programs that will help end the cycle of homelessness.

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

Section 1: The Town Manager is hereby authorized and directed to execute the Palm Beach County, Florida Homeless Resource Center Interlocal Agreement on behalf of the Town of Palm Beach.

PASSED AND ADOPTED in regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of October, 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (this "Agreement") is made and entered into _____, by and between Palm Beach County, a political subdivision of the State of Florida ("County") and the Town of Palm Beach, a municipal corporation of the State of Florida ("Town").

WITNESSETH

WHEREAS, the County has established a Homeless Resource Center ("HRC") within the municipal boundaries of the City of West Palm Beach ("WPB") for the referral of the County's homeless population to a central facility supporting organizations, services and programs that will help end the cycle of homelessness; and

WHEREAS, the County has entered into an Interlocal Agreement dated January 12, 2010, with WPB (City Ordinance No. 4235-09, as may be amended) in support of the HRC; and

WHEREAS, the Palm Beach County Law Enforcement Planning Council ("LEPC") and subcommittee of the Criminal Justice Commission has adopted Best Practices for law enforcement personnel's: 1) interaction with the homeless population and 2) referral of homeless individuals to the HRC and related community agencies' specialty facilities; and

WHEREAS, the foregoing operating protocols have been developed in satisfaction of the requirements set forth in the Interlocal Agreement between County and WPB, which are to: 1) uphold the safe and orderly operation of the HRC; 2) sustain compatibility between the HRC and the uses and character of land surrounding and in the vicinity of the HRC; and 3) further the purpose of the HRC to end homelessness for qualified individuals that voluntarily commit to participate in the services and programs offered by the HRC; and

WHEREAS, the aforementioned protocol is endorsed by the LEPC for countywide implementation through standard law enforcement practices and procedures that shall precede a referral to the HRC; and

WHEREAS, the County and the Town have determined it to be beneficial to both parties for the Town to be able to refer and transport homeless individuals to the HRC; and

WHEREAS, this Agreement authorizes the Town to utilize the HRC in a manner that conforms to both the operational understanding and expectations of both the County and WPB as established by the Interlocal Agreement and the practices endorsed by the LEPC; and

WHEREAS, the County and the Town have the ability to lawfully enter into this Agreement.

NOW THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties hereto agree as follows:

SECTION 1: PURPOSE

The purpose of this Agreement is to: 1) provide the protocol by which the Town shall refer and transport homeless individuals for acceptance into the HRC and 2) provide for payment of any transport costs incurred by the Town.

SECTION 2: LAW ENFORCEMENT BEST PRACTICES

2.01 The Town agrees to abide by and adopt the Palm Beach County Law Enforcement Agencies Best Practices for Interaction with the Homeless ("Best Practices") in accordance with the most current approved revision to the Best Practices, which is attached as **Exhibit A** to this Agreement. The Best Practices establish the guidelines which law enforcement agencies shall include in each agency's operating procedures and which law enforcement personnel shall follow during their interactions with homeless individuals. The Best Practices may be modified or updated from time to time as may be agreed to by the LEPC. Each update to the Best Practices shall be transmitted to the County's representatives identified in Section 11 of this Agreement who shall have responsibility for transmitting such update to the Town's representatives identified in Section 11. The update shall automatically replace the former and become part of this Agreement with sixty (60) days prior notice of the implementation date.

SECTION 3: HRC REFERRAL PROCEDURES

3.01 The County may establish and issue HRC specific procedures associated with HRC referrals ("Referral Procedures"). The Referral Procedures include such documents as the Field Referral Form which is attached as **Exhibit B** to this Agreement. The Referral Procedures may be modified or updated from time to time by the County with sixty (60) days prior notice of the implementation date at which time such modifications/updates shall automatically replace the former and become a part of this Agreement. In the event that the Town does not agree to operate in accordance with the Referral Procedures, then the Town's sole option shall be to exercise its right to terminate this Agreement as provided herein.

3.02 The Town agrees to conduct training for all sworn personnel, and those non-sworn personnel which may have interaction with the homeless. The training curriculums (new and refresher) shall be provided to the Town by the County (as prepared by the Palm Beach County Sheriff's Office). The Town agrees to conduct training for all officers (and eligible non-sworn personnel) as part of new employee field training and as part of the next round of in-service training. Subsequent refresher training shall be conducted no less frequently than annually as part of in-service training.

SECTION 4: TRANSPORTATION COSTS

4.01 The Town, on an individual referral basis, has the option of either: 1) transporting a homeless person and all of their belongings that are not secured, to the HRC by Town personnel in a Town-owned vehicle, or 2) requesting that the County arranges for transport via the County's contracted transport provider. In the event that the Town chooses to utilize the County's contracted transport provider, the Town agrees to reimburse the County the actual cost of the

transport. The County shall invoice the Town for the number of transports twice a year on March 31st and September 30th. The Town shall pay the County, in full, no later than thirty (30) days after the date of the invoice. Payments shall be sent to:

Facilities Development & Operations
Fiscal Manager
2633 Vista Parkway
West Palm Beach, FL 33411-5603

Attn: HRC Interlocal Agreement #____ Invoice #

If during transport, the homeless person decides that he/she does not wish to end their homelessness, the Town will return the homeless person to his/her original location or another location within the Town's boundaries that is mutually acceptable to the homeless person and the Town. In the event that the homeless person is being transported by the County's contracted transport provider, the homeless person will be returned only to the original location from which he/she originated. In the event of the foregoing, the Town will still be required to reimburse the County for the cost of the partial trip. The Town's reimbursement obligations set forth in this section shall survive expiration or termination of this Agreement.

SECTION 5: INDEMNIFICATION

5.01 Each party shall be liable for its own actions and negligence and, to the extent permitted by law, each party shall indemnify, defend and hold harmless the other party against any actions, claims or damages arising out of the indemnifying party's negligent, willful, or intentional acts or omissions in connection with this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Section 768.28, Florida State Statutes, nor shall the same be construed to constitute agreement by either party to indemnify the other party for such other party's negligent, willful, or intentional acts or omissions. This provision shall survive expiration or termination of this Agreement.

SECTION 6: TERM OF AGREEMENT

6.01 The initial term of this Agreement is for five (5) years and shall commence immediately upon execution of this Agreement. The term of this Agreement may be renewed for three (3) successive periods of five (5) years each under the same terms and conditions of this Agreement. At least six (6) months prior to the expiration of this Agreement's term, the Town shall provide the County with a request to renew this Agreement. If agreed upon by the parties, within two (2) months of the County's receipt of such request, the County shall process an Amendment to this Agreement which shall be executed by both the Town and the County. The County may not unreasonably withhold its approval of the renewal request.

SECTION 7: ENFORCEMENT

7.01 The County will immediately communicate with the Town's Representative any referral that the County determines not to have been made in accordance with the Referral

Procedures. If a homeless person cannot be accepted into the HRC due to an error of the Town's law enforcement personnel with respect to the Referral Procedures, the homeless person will be transported back to the location from which he/she originated at the Town's cost, pursuant to Section 4.01. The Town retains the option of self-transport but agrees to consider the information provided by the HRC operator prior to making a determination regarding self-transport on a return trip. For purposes of this Section 7, within fifteen (15) days of the effective date of this Agreement the Town shall provide the County with written notice as to the person designated as the Town's Representative and such representative's contact information. The Town may from time to time change the person designated as the Town's Representative, upon three (3) days prior written notice to the County.

SECTION 8: AMENDMENTS TO THIS AGREEMENT

8.01 This Agreement may be amended from time to time by written amendment executed by both the Board of County Commissioners and the Town.

SECTION 9: TERMINATION

9.01 This Agreement may be terminated by either party, with or without cause. Any termination shall be effective sixty (60) days from the receipt of written notice thereof.

SECTION 10: ANNUAL BUDGET APPROPRIATIONS

10.01 The County's and the Town's performance and obligations to pay pursuant to this Agreement are contingent upon annual appropriation for its purpose by the Board of County Commissioners and the Town Council.

SECTION 11: NOTICES

11.01 Any notice given pursuant to the terms of this Agreement shall be in writing and delivered by Certified Mail, Return Receipt Requested. The effective date of such notice shall be the date of receipt, as evidenced by the Return Receipt. All notices shall be addressed to the following:

As to the County:

Director, Facilities Development & Operations
2633 Vista Parkway
West Palm Beach, FL 33411

With a copy to:

County Attorney's Office
301 North Olive Avenue
West Palm Beach, FL 33401

County Administrator
301 North Olive Avenue
West Palm Beach, FL 33401

Director, Human Services Division
810 Datura Street
West Palm Beach, FL 33401

As to the Town:

Town Manager
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Any party may from time to time change the address at which notices under this Agreement shall be given such party, upon three (3) days prior written notice to the other parties.

SECTION 12: APPLICABLE LAW/VENUE

12.01 This Agreement shall be governed by the laws of the State of Florida and venue for any causes of action concerning this Agreement shall be in Palm Beach County, Florida.

SECTION 13: FILING

13.01 A copy of this Agreement shall be filed with the Clerk & Comptroller's Office in and for Palm Beach County.

SECTION 14: DELEGATION OF DUTY

14.01 Nothing contained herein shall be deemed to authorize the delegation of the Constitutional or Statutory duties of the County's or the Town's officers.

SECTION 15: PALM BEACH COUNTY OFFICE OF THE INSPECTOR GENERAL

15.01 Palm Beach County has established the Office of the Inspector General, which is authorized and empowered to review past, present and proposed County contracts, transactions, accounts and records. All parties doing business with the County shall fully cooperate with the Inspector General. The Inspector General has the power to subpoena witnesses, administer oaths, require the production of records, and to audit, investigate, monitor, and inspect the activities of the Town, its officers, agents, employees, and lobbyists in order to ensure compliance with the agreement specifications and to detect waste, corruption and fraud.

SECTION 16: MISCELLANEOUS

16.01 The recitals set forth in this Agreement are true and correct and are incorporated herein.

16.02 All Exhibits referenced in this Agreement are incorporated herein by such reference and shall be deemed to be an integral part of this Agreement.

16.03 This Agreement and any Exhibits attached hereto and forming a part thereof as if fully set forth herein, constitute all agreements, conditions and understandings between the County and the Town concerning the Town's utilization of the HRC; except as herein otherwise provided, no subsequent alterations, waiver, change, or addition to this Agreement shall be binding upon the County or the Town unless reduced to writing and signed by them.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year first above written.

ATTEST:

PALM BEACH COUNTY, a political subdivision of the State of Florida

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

By: _____
Karen T. Marcus, Chair

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
County Attorney

By: _____
Dir., Facilities Development & Operations

ATTEST:

TOWN OF PALM BEACH,
a municipal corporation of the State of Florida

TOWN CLERK

By: _____
Susan A. Owens, MMC, Town Clerk

By: _____
Gail L. Coniglio, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
John C. Randolph, Town Attorney

EXHIBIT A

Palm Beach County Law Enforcement Agencies Best Practices for Interaction with the Homeless

Palm Beach County Law Enforcement Agencies Best Practices for Interaction with the Homeless

DISCUSSION: The development of countywide best practices is to ensure that members of Palm Beach County Law Enforcement Agencies understand and are sensitive to the needs and rights of homeless persons, and to set forth procedures for law enforcement members to follow during contacts with homeless persons. These Best Practices recognize that there is a right of all persons, including people experiencing homelessness, to be peaceably in any public place of the jurisdiction so long as their activities are lawful. It also explicitly affirms that homelessness is not a crime. It is also recognized that each individual law enforcement agency may develop policies and procedures to handle homeless persons based on the individual needs of their community, but that the policy or procedure will incorporate the Best Practices below.

POLICY: The policies of Palm Beach County Law Enforcement are to treat homeless persons in a manner that protects their needs, rights and dignity, while providing appropriate law enforcement services to the entire community. Agencies recognize that in law enforcement situations involving homeless individuals, it is preferable to make referrals to organizations that provide services to homeless individuals, and to refrain from initiating contacts that interrupt innocent activity and may violate an individual's constitutional rights.

DEFINITIONS:

Homeless Person - Is an individual or individuals who lack a fixed, regular and adequate night-time residence, or has a primary night-time residence that is:

- a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations;
- b. An institution that provides a temporary residence for individuals intended to be institutionalized;
- c. A private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Law Enforcement Member (LE Member) – An employee or volunteer of a municipal, county or school board law enforcement agency in Palm Beach County, Florida; whether or not that member is sworn or non-sworn, paid or non-paid, status.

Accept Referral – Applies to a Homeless Person who has indicated that they desire to end their homelessness. This differs from a Homeless Person who seeks to have nothing more than a meal or a place to sleep for the night.

Homeless Resource Center (HRC) - A facility acting as single point of access recognized by the County to accept a Homeless Person and their families and engage individuals in ending their homelessness.

BEST PRACTICES:

• CONTACT

- A LE Member may at any time approach a Homeless Person who has not been observed engaging in criminal conduct, to offer advice about shelters, services, or other assistance that is available. In appropriate situations, the LE Member may also contact an outreach worker from a public or private homeless services provider. The Homeless Person is free to choose whether to accept any referrals or not.
- When a Homeless Person accepts a referral, that person or persons shall be transported to the HRC or other community partner's facility identified by the HRC as appropriate for the specific type of referral. When a Homeless Person desires to end their homelessness and accept a referral to the HRC, the LE Member will begin the acceptance process in the field by completing an HRC Field Referral Form, confirming acceptance with the HRC and transporting (or arranging for transport) to the HRC. Prior to a Homeless Person being transported to the HRC, the LE Member shall query the appropriate State and National criminal history databases to determine if the Homeless Person is a registered sexual predator or sexual offender or has active arrest warrants.
 1. Homeless Sexual Offenders or Predators are not allowed at an HRC.
 2. Homeless Sexual Offenders or Predators under the supervision of the Florida Department of Corrections (FDOC) shall be free to go as long as their actions are lawful. For extenuating issues, FDOC can be contacted at (561) 837-5175 or after hours at (561) 791-4750.
 3. Homeless Sexual Offenders or Predators not under the supervision of FDOC should be reported to the Sheriff's Office S.P.O.T. Unit at (561) 688-4161 (M-F 8am to 4pm), or via e-mail at spot@pbsso.org.
- LE Members having interactions and or contacts with persons determined to be homeless as a result of self-initiated contact or as a result of a citizen complaint shall document that contact. In all cases LE Members shall complete the reporting form appropriate to the interaction, and shall include the letters HL (homeless) in the address field, or other appropriate field, which records for tracking contacts only, a person's homelessness status. The reporting form shall be in a form such that each agency can electronically identify, retrieve and count interactions with a Homeless Person. The countywide goal is to have the forms entered by each agency into the Law Enforcement Exchange System. LE Members shall refrain from detention, arrest, interrogation, or initiation of any other criminal law enforcement interaction with any persons based solely upon their "status" of being or appearing to be homeless, so long as their activities are lawful.

- LE Members shall not communicate in any way, to persons who are or appear to be homeless, that they are not allowed to be in a particular public space in the jurisdiction based on their homeless status.
- Homeless school age children are required to be enrolled and attend school. LE Members shall contact the School District Police Dispatch at 561-434-8700 to determine if a child is enrolled. If the child is not enrolled, the School District Police Dispatch will be able to advise what public school the child should be attending. The officer will then advise the parents where to enroll the child.

- **“MOVE ON” ORDERS**

- LE Members shall not order any person to move to another location when that person has a legal right to be present where he or she is, subject to requests to move for safety or security or other constitutionally permissible reasons.
- It is agency policy not to give “move on” orders and not to arrest people for failure to move on if there is another reasonable way to resolve the situation. LE Members shall not give “move on” orders to persons merely because the person is or appears to be homeless.

- **REQUESTS FOR IDENTIFICATION**

- Requests for identification made to persons who are, or appear to be, homeless shall be subject to the same legitimate law enforcement purposes as are required when made to any other individual, but with sensitivity to the special needs and circumstances of the individual situation.
 1. Requests or demands for identification shall only be made with good cause. Requests for identification shall not be made pursuant to casual contact with persons who are, or appear to be, homeless. At no time shall requests or demands for identification be made in order to harass, intimidate, threaten or make any other unwarranted show of authority.
 2. Unless required by law, or essential to the performance of a law enforcement officer’s duty, at no time shall a form of identification presented by a Homeless Person be seized and not returned to him or her.
 3. In situations where persons who are, or appear to be, homeless are unable to produce a valid form of identification, the LE Member shall not penalize the person for failing to produce the requested identification.

- **PERSONAL PROPERTY**

- The personal property of a Homeless Person shall be treated with the same respect and consideration given to the personal property of any other individual, with

particular sensitivity to the special needs and circumstances of the individual situation.

1. In arrest situations, a Homeless Person shall not be required to abandon personal property they identify as their own at the arrest site. LE Members shall not damage, hide or cause to be abandoned the personal property of any such person. Where practical, LE Members shall adopt or facilitate measures that will best safeguard personal property, as determined by the arrestee.
 - a. Property may be taken into custody when an arrestee identifies the property as his or hers. The personal property of arrestees experiencing homelessness is to be handled in the same manner as the property of other arrestees.
 2. In no event shall any LE Member destroy any personal property known to belong to a Homeless Person, or recognizable as property of a Homeless Person, unless it is contaminated or otherwise poses a health hazard.
 3. A Homeless Person has a constitutionally protected expectation of privacy in their personal belongings and closed containers. LE Members shall refrain from instituting any search, frisk, or other such investigation where the elements of reasonable suspicion or probable cause is not met. A person's status of being, or appearing to be, homeless, without more, does not constitute reasonable suspicion or probable cause or any other grounds for such a search.
- **ARREST SITUATIONS** - Arrests of all persons including those defined as homeless, shall comply with State law, or County Ordinance and Department policies and procedures.
 - If a LE Member observes a Homeless Person engaged in criminal activity, when practical and prudent to do so and with the consent of the victim who has signed a "refusal to prosecute" form, an alternative to a physical arrest shall be used, to include utilizing the resources at the HRC.
 - A LE Member always has the right to approach any individual including a person who is, or appears to be homeless, to allay any suspicions a LE Member may have about the individual, and ascertain that no criminal activity is occurring.
 - **TRAINING** - Training on how to interact with a Homeless Person shall be conducted as a part of any new officer field training curriculum. Annual in-service training curriculums shall include updates and refreshers on this topic.

EXHIBIT B

Field Referral Form

Homeless Resource Center

1000 45th Street, West Palm Beach, FL 33407



Field Referral Form

Contact Information For Person Making The Referral:

Contact Name:	Contact Phone No.:	Contact Badge No.:
Date:	Time:	Law Enforcement Agency:
Location:	Law Enforcement Case #:	Signature of Contact Person:

Client Information:

Name:	Date of Birth:	Gender: ☐ Male ☐ Female ☐ Other
-------	----------------	--

PLEASE VERIFY BEFORE PROCEEDING FURTHER:

NCIC / FCIC Checked

☐ Active arrest warrant ☐ Sexual offender/perpetrator

If client does not have an active arrest warrant and client is not a sexual offender/perpetrator –Please fill out the rest of the form and contact the HRC for a referral # before transporting.

Client Information (Check All That Apply)	Current Living Situation:
☐ Weapons search ☐ Personal belongings search ☐ ID verified / Type: _____ ☐ Used alcohol or drugs last 24 hours? ☐ Is client on supervised release/probation? _____ ☐ Client DOC# _____ ☐ Children present? How many _____	☐ Sharing housing ☐ Substandard housing ☐ Camping or sleeps in car ☐ Motel/hotel ☐ Transient ☐ Other: _____
For DOC information call (561) 791-4750	Contact the HRC to confirm the referral Confirmation # _____

Client Screening – If any of the following are checked, do not transport to the HRC:

Mental Health Screening Check all that apply:	Substance Abuse Screening Check all that apply:	Medical Physical Screening Check all that apply:
☐ Threat to themselves	☐ Intoxicated	☐ Large open sore/wound
☐ Threat to others	☐ Severely impaired due to drugs	☐ Chest pains/shortness of breath
If any of the above are checked, please transport client to the nearest Baker Act Facility	If any of the above are checked, please transport client to the nearest Substance Abuse Detox Facility	If any of the above are checked, please transport client to the nearest Emergency Room for Clearance

Client: I understand that I am being transported to the Homeless Resource Center because I want to permanently end my homelessness and this is not an overnight shelter. _____ Client Signature Date

Transportation Information: Name of Company: _____ Phone #: _____ Turn Over To: _____ _____ Signature of person transporting
--

_____ Name of HRC Staff _____ Date and Time _____ Signature of HRC Staff verifying handoff

Homeless Resource Center Information Sheet

The major cause of homelessness in the United States is lack of affordable housing.

Process for making referrals to the Homeless Resource Center:

- The Homeless Resource Center (HRC) is a centralized intake/assessment center that offers temporary interim housing for those individuals and families who indicate **they want to end their homelessness**.
- ***The HRC is not an overnight shelter, a food kitchen, a clothing pantry or a place to go for only a few hours.***
- If you approach a person who appears homeless, offer information on services (brochure provided with this form) or if the person would like to **end their homelessness**, offer a referral to the HRC.
- Before filling out the Field Referral Form, perform a NCIC/FCIC check to determine if the individual has an active arrest warrant or if they are a sexual offender/perpetrator. If they are, handle according to your agency policies and do not refer.
- If the individual does not have an active warrant and is not a sexual offender, fill out the Field Referral Form starting with your contact information in the first section of the form.
- Check all that apply regarding Client Information and Current Living Situation.
- To the best of your knowledge, fill out the Client Screening Section. If any of the items are checked, the individual should be referred or transported to the facility type indicated.
- Once the form is completed call the HRC (number to be determined) to confirm the referral and to be given a referral confirmation number. Write the number on the form in the space specified. Indicate to the HRC whether you will be transporting the individual or if you will be calling for transportation and the estimated time of arrival at the HRC.
- Transportation depends on your municipality's procedure. If you are not physically transporting, you must call the pre-arranged transportation company. Fill out the information on the form and have the person that is transporting sign the form indicating that the individual has been turned over to them.
- Sign the form under the Contact Information For Person Making The Referral Section before you hand the form to the HRC personnel or to the transportation company.
- If the individual has personal belongings, make every attempt to transport all of the person's belongings with them.
- Ensure that the individual's personal identification documents are returned to them before transport.

There are a few things you can do to humanize homelessness and de-stigmatize mental illness:

- Make eye contact.
- Pay attention to your language. Use expressions such as "people experiencing homelessness". People who are in this situation are still people first.
- Recognize the value of the person's belongings.

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 142-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, to Authorize the Continued Services of Greenburg Traurig, LLP, to Represent the Town for Federal Lobbying Services in FY12 at a Cost Not to Exceed \$33,000.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated September 26, 2011, from Peter B. Elwell, Town Manager
- Resolution No. 142-11

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Federal Lobbying Services
Resolution No. 142-11

Date: September 26, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 142-11 authorizing the continued services of Greenburg Traurig, LLP, to represent the Town before Congress, Federal regulatory agencies, and other Federal interests for a total FY12 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.

Last year, due to the Town's budget constraints, GT agreed to reduce its fee by 50% from \$5,000 per month to \$2,500 per month. 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 FY12.

FUNDING/FISCAL IMPACT

Sufficient funds are available from the adopted FY12 budget to pay up to \$33,000 for Federal lobbying services as recommended in this memorandum.

TOWN ATTORNEY REVIEW

Resolution No. 142-11 has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachment

n:\pbe\memos\2011\mtc federal lobbying services.doc

RESOLUTION NO. 142-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, TO AUTHORIZE THE CONTINUED SERVICES OF GREENBERG TRAURIG, LLP, TO REPRESENT THE TOWN FOR FEDERAL LOBBYING SERVICES IN FY12 AT A COST NOT TO EXCEED \$33,000.

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

Section 1. The Town Manager is hereby authorized and directed to execute a purchase order with Greenberg Traurig, LLP, in the amount of \$33,000 for Federal lobbying services during FY12.

Section 2. The Town Manager, or his designee, is hereby authorized and directed to take such further action as may be necessary to effectuate the continued representation of the Town by Greenberg Traurig, LLP, before Congress, Federal regulatory agencies, and other Federal interests.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of October 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 143-11 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 in the Amount of \$49,523.00, Sungard Public Sector in the Amount of \$92,346.60 and Tyler Technologies in the Amount of \$92,878.28 and Authorizing the Town Manager to Execute the Purchases on Behalf of the Town.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- Memorandum dated September 29, 2011, from Spencer Wilson, Information Systems Manager
- Resolution No. 143-11

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

Via: Thomas G. Bradford, Deputy Town Manager

From: Spencer Wilson, Information Systems Manager

Re: Approval to Renew the Annual Software Support and Maintenance with Cartegraph,
Sungard Public Sector and Tyler Technologies
Resolution No. 143-11

Date: September 29, 2011

STAFF RECOMMENDATION

The Office of Information Systems is recommending the renewal of the annual software support and maintenance for three of the Town's major software products. These renewals provide all of the Town's licensing, support and maintenance for Cartegraph Public Works Systems, Sungard Public Sector OSSI Systems and Tyler Technologies Eden Systems. Staff is recommending the adoption of Resolution No. 143-11 which authorizes the Town Manager to approve issuance of purchase orders for these renewals and expend the funds from the FY2012 budget.

GENERAL INFORMATION

On an annual basis, the Office of Information Systems has to renew the licensing, support and maintenance for all software that is used within the Town. These companies provide the three major software systems for the Town of Palm Beach. Tyler Technologies' Eden system provides all of the support for the Town's Financial Systems, Permits and Purchasing. Sungard's OSSI system provides all of the support for the Public Safety systems such as CAD, Police records, and mobile computing for emergency responders. Cartegraph's public works system provides all of the support for work management, labor and fleet tracking. All three companies products are proprietary and are considered sole source.

FUNDING/FISCAL IMPACT

This purchase will come from the Information Systems Software Maintenance account and is included in the FY2012 budget. The cost breakdown for each vendor is listed below:

Software	Function	Maintenance Amount
Cartegraph Systems	Public Works Systems	\$45,523.00
Sungard Public Sector	OSSI Public Safety Systems	\$92,346.60
Tyler Technologies	Eden Products	\$92,878.28

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and award is hereby recommended to Cartegraph as a sole source per attached documentation.

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and award is hereby recommended to Sungard Public Sector as a sole source per attached documentation.

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and award is hereby recommended to Tyler Technologies as a sole source per attached documentation.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 143-11

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 IN THE AMOUNT OF \$49,523.00, SUNGARD PUBLIC SECTOR IN THE AMOUNT OF \$92,346.60 AND TYLER TECHNOLOGIES IN THE AMOUNT OF \$92,878.28 AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASES ON BEHALF OF THE TOWN.

WHEREAS, staff has recommended renewal of software support and maintenance for the Town's Cartegraph Public Works Software, Sungard Public Sector OSSI Software and Tyler Technologies Eden System with quotes attached hereto as Exhibit "A", Exhibit "B", Exhibit "C" respectively.

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

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

Section 2: The quotes for the Cartegraph attached hereto as Exhibit "A" in the amount of \$45,523.00, Sungard Public Sector attached hereto as Exhibit "B" in the amount of \$92,348.60, Tyler Technologies attached hereto as Exhibit "C" in the amount of \$92,878.28 and incorporated by reference as a part of this resolution is hereby approved and the Town Manager is authorized to execute these renewals on behalf of the Town.

PASSED AND ADOPTED IN REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH ASSEMBLED THIS 11th DAY OF OCTOBER 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

CarteGraph

INVOICE

Exhibit A

Invoice # R-07340
Invoice Date 7/26/2011
Support Exp Date 10/30/2011
Payment Terms Net 30

3600 DIGITAL DRIVE
DUBUQUE IA 52003
Phone (563)557-5298 Direct or
Phone (800)688-2656 ext 5298
FAX (563) 556-8149
KevinKline@cartegraph.com

Customer ID PALMBTOFL

Bill To:
Town of Palm Beach
Cory Cordero-Kroll
360 South County Rd
Palm Beach FL 33480

Qty	Modules Covered	Unit Price	Extended Price
1.00	CarteFLEX 33-pack Subscription Maint Renew	\$46,200.00	\$46,200.00
1.00	CarteFLEX-GISconnect for ESRI Subscription	\$500.00	\$500.00
1	Modification Support #1610	\$1,323.00	\$1,323.00
1.00	Database Security Support	\$1,500.00	\$1,500.00

Subtotal \$49,523.00
Tax \$0.00
Total \$49,523.00

Your maintenance or subscription agreements on the above listed module(s) will soon expire.
To continue without interruption please return payment within 30 days.
However, if allowed to lapse, the renewal cost will be 40%
of the current list price of the software.

If you have any questions please contact Kevin Kline at:

563-557-5298 Direct or
1-800-688-2656 ext. 5298
e-mail-KevinKline@cartegraph.com

Please make checks payable to CarteGraph Systems

SUNGARD® PUBLIC SECTOR

1000 Business Center Drive
 Lake Mary, FL 32746
 800-727-8088
 www.sungardps.com

Invoice

Company	Document No	Date	Page
LG	40303	31/Aug/2011	1 of 5

Bill To: Town of Palm Beach (OSSI)
 360 S. County Rd.
 PALM BEACH, FL 33480
 United States
 Attn: Jim Palmer 561-227-6311

Ship To: Town of Palm Beach (OSSI)
 360 S. County Rd.
 PALM BEACH, FL 33480
 United States
 Attn: Jim Palmer 561-227-6311

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 6092LG	Town of Palm Beach (OSSI)		USD	NET30	30/Sep/2011

No	SKU Code/Description/Comments	Units	Rate	Extended
Contract No. 081162				
1	OSSI Base Computer Aided Dispatch System Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	8,658.00	8,658.00
2	OSSI Additional CAD Console License Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	2.00	702.00	1,404.00
3	OSSI First CAD Map Display and Map Maintenance Software License Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	810.00	810.00
4	OSSI Additional CAD Map Display Client License Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	4.00	270.00	1,080.00
5	OSSI - OPS CAD Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	2,800.00	2,800.00
6	OSSI E911 Interface Module Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	990.00	990.00
7	OSSI Telestaff Interface Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	990.00	990.00
8	OSSI Client Base Records Management System Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	12,992.00	12,992.00
9	OSSI Police to Police Annual Subscription Fee Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	0.00	0.00
10	OSSI Notification Module Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	2,272.00	2,272.00
11	OSSI Property and Evidence Module Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	880.00	880.00
12	OSSI Bar Coding Server License Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	1,200.00	1,200.00
13	OSSI Bar Coding Hand-Held Client License (Each) Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	255.00	255.00
14	OSSI RMS Map Display and Pin Mapping License Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	1,600.00	1,600.00

SUNGARD® PUBLIC SECTOR

1000 Business Center Drive
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800-727-8088
www.sungardps.com

Invoice

Company	Document No	Date	Page
LG	40303	31/Aug/2011	2 of 5

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360 S. County Rd.
PALM BEACH, FL 33480
United States
Attn: Jim Palmer 561-227-6311

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360 S. County Rd.
PALM BEACH, FL 33480
United States
Attn: Jim Palmer 561-227-6311

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 6092LG	Town of Palm Beach (OSSI)		USD	NET30	30/Sep/2011

No	SKU Code/Description/Comments	Units	Rate	Extended
15	OSSI Accident Wizard Base Server License Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	800.00	800.00
16	OSSI Accident Wizard Workstation License Client Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	25.00	24.00	600.00
17	OSSI Training Module Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	560.00	560.00
18	OSSI - QuarterMaster Module Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	880.00	880.00
19	OSSI's Integrated State/NCIC Messaging Software Switch Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	3,600.00	3,600.00
20	OSSI Base Mobile Server Software Client Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	2,250.00	2,250.00
21	OSSI Review Module for Field Reporting Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	2,000.00	2,000.00
22	OSSI - LAN Client License for Message Switch Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	10.00	54.00	540.00
23	OSSI MCT Client for Digital Dispatch Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	25.00	159.20	3,980.00
24	OSSI Mobile Client Maps Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	25.00	32.00	800.00
25	OSSI - MFR Client- Base Incident/Offense Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	25.00	159.20	3,980.00
26	OSSI - MFR Client - Accident Reporting Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	25.00	80.00	2,000.00
27	OSSI Mobile Arrest Module Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	25.00	48.00	1,200.00
28	OSSI MFR Client Arrest Affidavit Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	25.00	24.00	600.00
29	OSSI - MFR Client Citation	25.00	80.00	2,000.00

Page Total 170 25,790.00

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Company	Document No	Date	Page
LG	40303	31/Aug/2011	3 of 5

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 PALM BEACH, FL 33480
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 Attn: Jim Palmer 561-227-6311

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 6092LG	Town of Palm Beach (OSSI)		USD	NET30	30/Sep/2011

No	SKU Code/Description/Comments	Units	Rate	Extended
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
30	OSSI - MFR Client - MOBLAN Version Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	5.00	80.00	400.00
Contract No. 081162-1				
41	OSSI - Link Analysis Module Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	2,000.00	2,000.00
Contract No. 081162-2				
31	OSSI Calls for Service Module - 50 workstation Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	720.00	720.00
32	OSSI Basic Accident Module - 25 Workstation Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	640.00	640.00
Contract No. 091187				
33	OSSI - CAD Emergency Pro (EMS Pro by Documed) FIRE:RMS INTERFACE Interface Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	990.00	990.00
34	OSSI CAD Resource Monitor Display License with Maps Client Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	180.00	180.00
Contract No. 091402				
35	OSSI AVL Server Host License Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	6,300.00	6,300.00
36	OSSI CAD Client AVL License Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	5.00	360.00	1,800.00
37	OSSI Client AVL Mobile License Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	28.00	24.00	672.00
38	OSSI CAD Resource Monitor Display License with Maps Client Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	4.00	180.00	720.00
39	OSSI Residential Security Watch Module Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	560.00	560.00

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Page Total **14,982.00**

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Company	Document No	Date	Page
LG	40303	31/Aug/2011	4 of 5

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360 S. County Rd.
PALM BEACH, FL 33480
United States
Attn: Jim Palmer 561-227-6311

Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 6092LG	Town of Palm Beach (OSSI)		USD	NET30	30/Sep/2011

No	SKU Code/Description/Comments	Units	Rate	Extended
40	OSSI - Link Analysis Module Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	2,000.00	2,000.00
Contract No. 091449				
42	OSSI CAD Custom Mod - (Locution Interface for CADVoice System) Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	2,700.00	2,700.00
Contract No. 091499				
43	OSSI Base Mobile Server Software Client Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	3,600.00	3,600.00
44	OSSI MCT Client for Digital Dispatch Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	13.00	159.20	2,069.60
45	OSSI Mobile Client Maps Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	13.00	32.00	416.00
46	OSSI CAD Resource Monitor Display License with Maps Client Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	4.00	180.00	720.00
47	OSSI Rip and Run Printing/Faxing Module Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	990.00	990.00
48	OSSI Alpha Numeric Paging Module Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	990.00	990.00
49	OSSI Interface to Pagegate Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	180.00	180.00
Contract No. 100968				
50	OSSI Medical PROQA Interface Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	990.00	990.00
51	OSSI Fire PROQA Interface Maintenance Start: 01/Oct/2011, End: 30/Sep/2012	1.00	990.00	990.00

Page Total 15,645.60

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Invoice

Company	Document No	Date	Page
LG	40303	31/Aug/2011	5 of 5

Bill To: Town of Palm Beach (OSSI)
360 S. County Rd.
PALM BEACH, FL 33480
United States
Attn: Jim Palmer 561-227-6311

Ship To: Town of Palm Beach (OSSI)
360 S. County Rd.
PALM BEACH, FL 33480
United States
Attn: Jim Palmer 561-227-6311

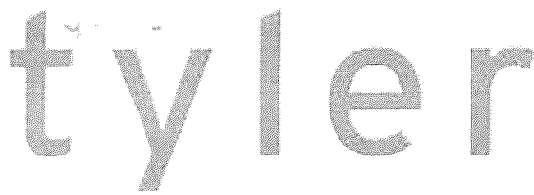
Customer Grp/No.	Customer Name	Customer PO Number	Currency	Terms	Due Date
1 6092LG	Town of Palm Beach (OSSI)		USD	NET30	30/Sep/2011

No	SKU Code/Description/Comments	Units	Rate	Extended
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Remit Payment To: SunGard Public Sector Inc.
Bank of America
12709 Collection Center Drive
Chicago, IL 60693

PSA Reference Number:

Subtotal	92,348.60
Sales Tax	0.00
Invoice Total	92,348.60
Payment Received	0.00
Balance Due	92,348.60

**Remittance:**

Tyler Technologies, Inc
P.O. Box 678168
Dallas, TX 75267-8168

Exhibit C

Invoice

Invoice No	Date	Page
53882	08/31/2011	1 of 3

Questions:

Phone: 207-781-2260
Toll-free: 1-800-772-2260
Email: munis.accounting@tylertech.com
Fax: 207-781-2459 (Accounting Dept)

RECEIVED

SEP 09 2011

FINANCE DEPT.

Bill To: TOWN OF PALM BEACH
ATTN: ACCOUNTS PAYABLE
360 S COUNTY RD
PALM BEACH, FL 33480

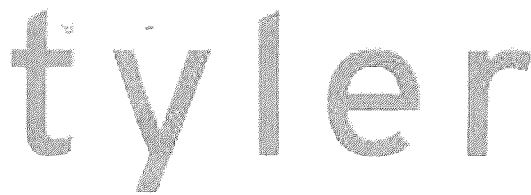
Ship To: TOWN OF PALM BEACH
ATTN: ACCOUNTS PAYABLE
360 S COUNTY RD
PALM BEACH, FL 33480

Customer No.	Ord No	PO Number	Currency	Terms	Due Date
5247	27626		USD	NET30	09/30/2011

Date	Description	Units	Rate	Extended Price
Contract No.: PALM BEACH, TOWN OF				
	CORE Cashiering Support - 1 Station (PO 71108)	1	1,773.08	1,773.08
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	CORE Cashiering Support - 3 Stations	1	7,802.27	7,802.27
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	CORE Cashiering Support - 1 Station (PO 800343)	1	1,773.08	1,773.08
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	GL/AP/PG Support	1	4,255.79	4,255.79
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	CORE Cashiering Support - 4 (PO 801716) Stations	1	6,193.20	6,193.20
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	LaserFiche interface Support	1	2,573.42	2,573.42
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	Interface Support	1	1,182.16	1,182.16
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	GASB/CAFR Support	1	2,979.05	2,979.05
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	State Package Support	1	1,182.16	1,182.16
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	Accounts Receivable Support	1	1,702.32	1,702.32
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	Human Resources Support	1	2,127.89	2,127.89
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	Disaster Recovery Support	1	14,961.45	14,961.45
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	Fixed Assets Support	1	1,702.32	1,702.32
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	Report Views Support	1	1,182.16	1,182.16
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	Parcel Manager Support	1	1,418.59	1,418.59
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	Applicant Tracking Support	1	1,063.95	1,063.95
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	Licensing Support	1	2,553.47	2,553.47
	Maintenance Start: 01/Oct/2011, End: 30/Sep/2012			
	Position Budgeting Support	1	709.30	709.30



\$ \$ I N V O I C E % 5 3 8 8 2 % 0 8 / 3 1 / 2 0 1 1 % 5 2 4 7 %

**Remittance:**

Tyler Technologies, Inc
P.O. Box 678168
Dallas, TX 75267-8168

Invoice

Invoice No	Date	Page
53882	08/31/2011	2 of 3

Questions:

Phone: 207-781-2260
Toll-free: 1-800-772-2260
Email: munis.accounting@tylertech.com
Fax: 207-781-2459 (Accounting Dept)

RECEIVED

SEP 09 2011

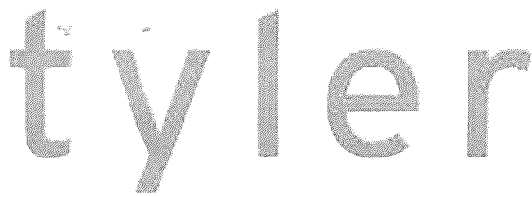
FINANCE DEPT.

Bill To: TOWN OF PALM BEACH
ATTN: ACCOUNTS PAYABLE
360 S COUNTY RD
PALM BEACH, FL 33480

Ship To: TOWN OF PALM BEACH
ATTN: ACCOUNTS PAYABLE
360 S COUNTY RD
PALM BEACH, FL 33480

Customer No.	Ord No	PO Number	Currency	Terms	Due Date
5247	27626		USD	NET30	09/30/2011

Date	Description	Units	Rate	Extended Price
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Project Accounting Support	1	2,979.05	2,979.05
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Tyler Output Processing Support	1	1,655.03	1,655.03
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Budget Preparation Support	1	1,063.95	1,063.95
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Citizen Services Support-Code Enforcement-Inspections Hierachy	1	4,289.03	4,289.03
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Crystal Reports Site License Support	1	1,182.16	1,182.16
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Payroll Support	1	5,674.38	5,674.38
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Permits & Inspections Support	1	4,965.08	4,965.08
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Requisitions Support	1	425.57	425.57
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Inventory Support	1	2,979.05	2,979.05
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	IVRS Support- (PI)	1	709.30	709.30
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Forms Support	1	3,688.34	3,688.34
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Accounts Payable Support Web	1	709.30	709.30
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Accounts Receivable Support Web	1	709.30	709.30
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Applicant Tracking Support Web	1	709.30	709.30
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Benefits Enrollment Support Web	1	930.15	930.15
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Human Resources Support Web	1	709.30	709.30
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Licensing Support Web	1	945.74	945.74
Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012	Permits & Inspections Support Web	1	1,418.59	1,418.59

**Remittance:**

Tyler Technologies, Inc
P.O. Box 678168
Dallas, TX 75267-8168

Invoice

Invoice No	Date	Page
53882	08/31/2011	3 of 3

Questions:

Phone: 207-781-2260
Toll-free: 1-800-772-2260
Email: munis.accounting@tylertech.com
Fax : 207-781-2459 (Accounting Dept)

RECEIVED

SEP 09 2011

FINANCE DEPT.

Bill To: TOWN OF PALM BEACH
ATTN: ACCOUNTS PAYABLE
360 S COUNTY RD
PALM BEACH, FL 33480

Ship To: TOWN OF PALM BEACH
ATTN: ACCOUNTS PAYABLE
360 S COUNTY RD
PALM BEACH, FL 33480

Customer No.	Ord No	PO Number	Currency	Terms	Due Date
5247	27626		USD	NET30	09/30/2011

Date	Description	Units	Rate	Extended Price
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Maintenance: Start: 01/Oct/2011, End: 30/Sep/2012

Subtotal	92,878.28
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Sales Tax	0.00
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Invoice Total	92,878.28
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TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 144-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing a Taxicab Certificate of Public Convenience and Permit, Providing for a Limousine Certificate of Public Convenience, Permit and Transfer Fee, Providing for Late Penalties, Providing for Penalties for Non Compliance, and Providing for a Chauffeur's Permit, Providing an Effective Date.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum Dated September 30, 2011, from Jane Struder, Finance Director
- Resolution No. 144-11

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Resolution Adopting Fees
Resolution No. 144-11

Date: September 30, 2011

STAFF RECOMMENDATION

Staff is requesting the Town Council approve Resolution No. 144-11 adopting fees based upon recommendations from the ORS Committee and prior review by the Town Council.

GENERAL INFORMATION

The ORS Committee has recommended and the Town Council has approved Ordinances that have removed reference to certain fees from the code and they now must be adopted by a Resolution. These fees include limousine and chauffeur permits and penalties. In addition, taxicab fees have been added to the Resolution. The fees for taxicabs are as follows:

- Certificate of Public Convenience - Taxicab \$500.00
- Fee for each Taxicab \$100.00
- Chauffeur's Permit for each Driver of a Taxicab \$100.00

The penalties that apply for limousine permits will also apply to taxicab permit.

TOWN ATTORNEY REVIEW

Resolution No. 144-11 has been reviewed for legal form and sufficiency.

FUNDING/FISCAL IMPACT

The fees relating to taxicab permits are new. Estimated additional revenue from the taxi permits is \$15,000. No changes to the current fee/fine/penalty structure for limousine permits are included in the Resolution.

Attachment

jls

RESOLUTION NO. 144-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING A TAXICAB CERTIFICATE OF PUBLIC CONVENIENCE AND PERMIT, PROVIDING FOR A LIMOUSINE CERTIFICATE OF PUBLIC CONVENIENCE, PERMIT AND TRANSFER FEE, PROVIDING FOR LATE PENALTIES, PROVIDING FOR PENALTIES FOR NON COMPLIANCE, AND PROVIDING FOR A CHAUFFEUR'S PERMIT, PROVIDING AN EFFECTIVE DATE.

WHEREAS, it has been determined a certificate of public convenience, permit, penalties and chauffeur's permits are necessary for taxicabs; and

WHEREAS, the limousine certificate of public convenience, permit, transfer fees and associated penalties were previously contained in Chapter 130, Vehicles for Hire have been removed and must now be adopted by Resolution; and

WHEREAS, the chauffeur's permit fee was previously contained in Chapter 130, Vehicles for Hire has been removed and must now be adopted by Resolution; and

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

Section 1. The foregoing recitals are hereby ratified and confirmed

Section 2. This Resolution is hereby adopted to include the fees and penalties identified below:

Certificate of Public Convenience – Limousines	\$700.00
Fee for each Limousine Permit	\$100.00
Limousine Transfer Fee	\$300.00
Certificate of Public Convenience – Taxicab	\$500.00

Fee for each Taxicab	\$100.00
Chauffeur's Permit Required for each Driver of a Limousine and Taxicab	\$100.00
Late Penalty for Annual Renewal of Limousine or Taxi Permit	\$100.00
Penalty for Non-Compliance of Vehicle Inspection for Limousine or Taxi Permits	\$50.00 Per Vehicle
Penalty for Failure to supply the Town with current List of all Drivers – Limousine or Taxi Permits	\$50.00 Per Event

Section 3. This Resolution shall become effective immediately upon passage by the Town Council.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of October, 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Consent - Other

Agenda Title

Appointment of “Blue Ribbon” Panel Per PERC Ordinance Appendix “A” Section 1.003

Presenter

Danielle Olson, Director of Human Resources

Supporting Documents

- Memorandum dated September 29, 2011, from Danielle Olson, Director of Human Resources
- PERC Ordinance Appendix "A" Section 1.003

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Danielle Olson, Director of Human Resources

Re: Appointment to “Blue Ribbon” Panel per PERC Ordinance Appendix “A” Section 1.003

Date: September 29, 2011

STAFF RECOMMENDATION

Staff recommends Town Council appoint a “blue ribbon” panel, consisting of the chairman of the Citizens Association of Palm Beach and the president of the Palm Beach Civic Association (or their designees). It will be the responsibility of the “blue ribbon” panel to recommend one or more qualified individuals for appointment to the Town’s Public Employees Relations Commission (PERC).

GENERAL INFORMATION

Ms. Helen Hoffman’s term as Chair on the PERC expired September 30, 2011. According to the Town’s Code of Ordinances, Appendix A. Section 1.003, the Public Employees Relations Commission shall be composed of a chairman and two other members to be appointed by the Town Council from a list of persons submitted by an independent “blue ribbon” panel appointed by Town Council.

It has been the past practice of the Town Council to appoint the chairman of the Citizens Association of Palm Beach and the president of the Palm Beach Civic Association (or their designees) to form the “blue ribbon” panel. The task for the “blue ribbon” panel will be to submit one or more qualified individuals for appointment by the Town Council as the Employee Representative on the PERC. If Town Council approves moving forward in the usual manner, this year’s “blue ribbon” panel would be comprised of Ned Barnes, president of the Palm Beach Civic Association, and Jimmy Ryan, chairman of the Citizens Association of Palm Beach.

If you choose to move forward in the usual manner, simply approve this item on the consent agenda. If you believe the Town Council should appoint the “blue ribbon” panel in some other manner, then please pull this item from the consent agenda so Town Council may discuss it and provide direction.

Attachment

(17) *Good faith bargaining* shall mean, but not be limited to, the willingness of both parties to meet at reasonable times and places, as mutually agreed upon, in order to discuss issues which are proper subjects of bargaining, with the intent of reaching a common accord. It shall include an obligation for both parties to actively participate in the negotiations with an open mind and a sincere desire, as well as making a sincere effort to resolve differences and come to an agreement. In determining whether a party failed to bargain in good faith, the commission shall consider the total conduct of the parties during negotiations as well as the specific incidents of alleged bad faith. Incidents indicative of bad faith shall include, but not be limited to, the following occurrences:

- (a) Failure to meet at reasonable times and places with representatives of the other party for purpose of negotiations.
- (b) Placing unreasonable restrictions on the other party as a prerequisite to meeting.
- (c) Failure to discuss bargainable issues.
- (d) Refusing, upon reasonable written request, to provide public information, excluding work products as defined in section 1.024 herein.
- (e) Refusing to negotiate because of an unwanted person on the opposing negotiating team.
- (f) Negotiating directly with employees rather than with their certified bargaining agent.
- (g) Refusing to reduce a total agreement to writing.

1.003. Public employees relations commission.

(1) There is hereby created and established a public employees relations commission, hereinafter referred to as the "commission." The commission shall be composed of a chairman and two other members to be appointed by the town council from a list of persons submitted by an independent "blue ribbon" panel appointed by the town council. Effective October 1, 1980, one appointee shall be a person who, on account of previous vocation, employment, or affiliation, is, or has

been, classified as a representative of employers; one appointee shall be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations; and one appointee shall be a person who, on account of previous vocation, employment, or affiliation, is not or has not been classified as representative of employers or of employees or employee organizations. The chairman and all members shall be appointed for four-year staggered terms. Neither the chairman nor any member shall be employed by, or hold any commission with, any governmental unit in the state or any employee organization while serving in such office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office in the same manner as herein provided for an original appointment. Once appointed, the chairman shall serve as chairman for the duration of his term. Nothing contained herein shall prohibit the chairman or commissioner from serving multiple terms.

(2) The chairman and other members shall devote such time as is necessary to the performance of their commission duties and shall not engage in any other business, vocation or employment which would interfere with the responsible, independent and objective performance of their duties. The chairman or any member shall be entitled, upon application to the finance committee of the town council, to receive an honorarium in amount determined by the finance committee as reasonable remuneration for services performed, based upon existing standards applicable to persons holding positions of similar nature. The chairman and other members shall also be reimbursed for reasonable expenses directly related to the performance of their duties under this ordinance as provided for in F.S. § 112.061. The chairman shall be responsible for the administrative functions of the commission and shall have the authority, subject only to reasonable financial limitations deemed necessary by the town council, to employ such personnel as may be necessary to carry out the provisions of this ordinance.

(3) The deliberations of the commission in any proceeding before it shall be exempt from the provisions of F.S. ch. 286. Provided, however, that

any hearing or oral argument held by the commission pursuant to F.S. ch. 120, F.S. ch. 447, or this ordinance shall be open to the public. All draft orders developed in preparation for or preliminary to the issuance of a final written order shall be exempt from the provisions of F.S. ch. 119.

1.004. Commission; powers and duties.

(1) After public hearing, the commission may adopt, promulgate, amend or rescind such rules and regulations as it deems necessary and administratively feasible to carry out the provisions of this ordinance, in accordance with F.S. ch. 120. Prior to adoption of rules and regulations by the commission, the commission shall apply effective rules and regulations promulgated by the public employees relations commission of this state, as amended.

(2) To accomplish the objectives and carry out the duties prescribed by this part [ordinance], the commission may preserve and enforce order during any proceeding; issue subpoenas for, administer oaths or affirmations to, and compel the attendance and testimony of, witnesses; or [issue subpoenas for, and compel] the production of, books, papers, records, documents, and other evidence. However, in the absence of extraordinary circumstances no subpoena shall issue which commands the attendance or testimony of any commissioner or any commission employee at a commission proceeding with respect to the performance of official or assigned duties, or the production of books, papers, records, or documents of the commission which have been prepared during the performance of such duties.

(3) In cases of neglect or refusal to obey a subpoena issued to any person, the commission may apply to a court of jurisdiction in Palm Beach County for an order requiring such person to appear before the commission and produce evidence about the matter under investigation. A failure to obey such order may be punished by the court as a contempt.

(4) Any subpoena, notice of hearing or other process or notice of the commission issued under the provisions of this ordinance shall be served personally or by certified mail. A return made and

verified by the individual making such service and setting forth the manner of such service is proof of service, and a returned post office receipt, when certified mail is used, is proof of service. All process of any court to which application may be made under the provisions of this ordinance shall be served in the county wherein the persons required to be served reside or may be found.

(5) The commission shall adopt rules as to the qualifications of persons who may serve as mediators and special masters, and shall maintain lists of such qualified persons who are not employees of the commission. The commission may initiate dispute resolution procedures by special masters pursuant to the provisions of this ordinance.

(6) Pursuant to its established procedures, the commission shall:

- (a) Resolve questions and controversies concerning claims for recognition as the bargaining agent for a bargaining unit;
- (b) Determine or approve units appropriate for purposes of collective bargaining;
- (c) Expeditiously process charges of unfair labor practices, and violations of section 1.019 ("Strikes Prohibited") by public employees; and
- (d) Resolve such other questions and controversies as it may be authorized herein to undertake.

The petitioner, charging party, respondent, and any intervenors shall be the adversary parties before the commission in any adjudicatory proceeding conducted pursuant to this part [ordinance]. Any commission statement of general applicability that implements, interprets, or prescribes law or policy, made in the course of adjudicating a case pursuant to section 1.009 or section 1.017 shall not constitute a rule within the meaning of this ordinance or F.S. § 120.52(14).

(7) The commission shall provide by rule a procedure for the filing and prompt disposition of petitions for a declaratory statement as to the applicability of any statutory provision or any rule or order of the commission. Such rule, or rules, shall provide for, but not be limited to, an

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Finance and Taxation Committee Meeting of September 21, 2011

Presenter

Robert N. Wildrick, President Pro Tem

Supporting Documents

- Report of Finance & Taxation Committee Meeting held on September 21, 2011

**REPORT OF THE FINANCE & TAXATION COMMITTEE MEETING
HELD ON WEDNESDAY, SEPTEMBER 21, 2011**

I. CALL TO ORDER AND ROLL CALL

The Finance and Taxation Committee meeting was called to order on Wednesday, September 21, 2011, at 3:30 p.m., in the Town Council Chambers. Chairman Wildrick and Committee Member Rosow were found to be present.

II. PLEDGE OF ALLEGIANCE

Chairman Wildrick led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Committee Member Rosow to approve the Agenda. On consensus, the motion carried unanimously.

IV. CONTINUED REVIEW OF MID-TOWN PARKING MATTERS

Chairman Wildrick announced that the purpose of this Committee is to review finance and taxation issues, and to make recommendations to the Town Council. He emphasized the need to find revenue for the protection of our shoreline. The only options available are to cut personnel and services, raise taxes, cut back on the shore protection program, or raise fees. This Committee's job is to recommend to the Town Council ways to finance our Town operations. Today we are going to discuss one of those ways, parking kiosks.

Committee Member Rosow echoed Chairman Wildrick's comments. He stated that the proposed budget calls for an increase in parking fees from \$35 to \$60. The Worth Avenue Association was opposed to the increase, and was told by the Town Council to come up with alternate parking plan. Two months later they came back with a plan that included parking kiosks and revenue sharing for the marketing of Worth Avenue. Committee Member Rosow felt that if we are doing it in one commercial area, then we should be doing it in the others. He stated that he felt any revenue generate from this should not go into the General Fund, but be designated for shore protection.

Robert Andrew Roddy, 231 Kenlyn Rd., spoke in opposition to kiosks.

1 Sue Ellen Clarfeld, owner of Truffies of Palm Beach, spoke regarding the pros and cons
2 of kiosks, and asked why the South County Road Association was not included in any of
3 the Worth Avenue meetings.

4
5 Lori Bernstein, owner Lori Jayne Monogramming & More, spoke in opposition to kiosks,
6 and suggested parking permits as an alternate.

7
8 Kevin Lamb, on behalf of the Chamber of Commerce, spoke in support of kiosks.

9
10 Committee Member Rosow stated that the idea of monthly/seasonal parking passes was a
11 good one; and, that we should take a look at it.

12
13 Albert Hutzler, 2315 Ibis Isle Rd., spoke in opposition to kiosks, and suggested that the
14 Town revisit valet parking.

15
16 Christopher Kauffman, 434 Seaspray Ave., resident and has store on Worth Ave., spoke
17 in opposition to increasing parking fines, and in favor of kiosks.

18
19 Candice Cohen, owner of Palm Beach Book Store, asked that someone from the Royal
20 Poinciana and South County Associations be on the parking committee, and that the
21 Town revisit valet parking.

22
23 Committee Member Rosow clarified that there was no Town committee; the proposal
24 was created by the Worth Avenue Association. He encouraged her to form a committee
25 with the other Associations and the Chamber of Commerce.

26
27 Deputy Town Manager Bradford then provided an overview of the proposed parking plan
28 and staff report.

29
30 John Maus, spoke in opposition to increasing the parking fines, and in favor of kiosks
31 along Worth Avenue, but not necessarily in the other commercial areas.

32
33 John Archer, Royal Poinciana Way Association, stated that his Association was split on
34 the issue of kiosks. He felt they should be installed initially along Worth Avenue, and see
35 what the response is before installing them town-wide.

36
37 Robert Andrew Roddy, 231 Kenlyn Rd., suggested looking at other avenues for revenue,
38 such as movie permits.

39
40 Gregg Beletsky, General Manager of Ralph Lauren, Worth Avenue, spoke in favor of
41 kiosks and creating a parking benefit district.

42
43 Leslie Evans, 135 Seminole Ave., spoke in opposition to kiosks, and expressed the
44 opposition of Bert Handelsman to the kiosks.

45
46 Harvey Oyer, Shutts & Bowen, representing the Worth Avenue Association, stated that
47 the Worth Avenue Association had met the Town Council's challenge to come up with a

1 parking plan that would negate the need to increase parking fines. He clarified that the
2 Association is not an advocate of doing this everywhere else in Town, these are uniquely
3 different commercial districts. Let's see if it works on Worth Avenue; if so, we can find a
4 way to tailor it to the other two commercial districts.
5

6 Committee Member Rosow stated that valet parking on Worth Avenue and kiosks are not
7 mutually exclusive in his mind. If we can do valet parking, and the Apollo lot owner
8 wants to make that happen, that would be a wonderful addition to this. He added that he
9 would recommend to the Town Council that we proceed with the kiosk program and
10 creation of parking benefit districts along Worth Avenue and Royal Poinciana Way, and
11 that we look at the other streets at a later time.
12

13 Chairman Wildrick agreed with Mr. Rosow's recommendation, provided that he get with
14 Deputy Town Manager Bradford and put this plan to paper.
15

16 **V. ANY OTHER MATTERS**

17
18 **VI. ADJOURNMENT**

19
20 **Motion was made by Committee Member Rosow to adjourn. On consensus, the motion**
21 **carried unanimously.**
22

23 There being no further business, the Finance and Taxation Committee Meeting of
24 Wednesday, September 21, 2011 was adjourned at 4:55 p.m.
25
26
27

28 APPROVED:
29
30
31
32

33 _____
34 Robert N. Wildrick
Chairman

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Kiosks in Worth Avenue Commercial District and on Royal Poinciana Way.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- Memorandum dated October 4, 2011, from Thomas G. Bradford, Deputy Town Manager
- Kiosk Cost Data
- Revenue Data for Worth Avenue and Royal Poinciana Way Commercial Districts
- Memorandum dated September 15, 2011, from Council President Pro Tem Wildrick
- Email dated September 23, 2011, from Irene Lummertz
- Letter dated September 30, 2011, from Laurel Baker
- Email dated October 3, 2011, from Jean Tuite and Sheila R. Thayer
- Email dated October 5, 2011, from Martin J. O'Malley, Jr.
- Email dated October 4, 2011, from Mark Rosenthal
- Letter dated September 28, 2011, from Denise A. Hanley
- Letter received October 6, 2011, from Jim Page

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Kiosks for the Worth Avenue Commercial District and on Royal Poinciana Way

Date: October 4, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the parking kiosk matters contained herein and provide staff with direction where deemed necessary.

GENERAL INFORMATION

At the Finance and Taxation Committee meeting on September 21, the committee voted to recommend to the Town Council to proceed only with kiosks in the Worth Avenue Commercial District and on Royal Poinciana Way at this time, with the provision of a parking benefit district if sufficient interest exists. Subsequent to the committee meeting, President Rosow clarified that in the case of Royal Poinciana Way he was referring to the street and not the name of the commercial district. Accordingly, I have included in the attached spreadsheet street-by-street data for the Royal Poinciana Way Commercial District.

Summary of Proposed Parking Plan

- Kiosks to be installed in the Worth Avenue Commercial District and on Royal Poinciana Way.
- In the commercial districts, the first 15 minutes will be free, subject to the technological capabilities of the kiosk.
- All new kiosk parking will be \$3 per hour.
- The hours wherein paid kiosk parking will be enforced are 10:00 AM to 6:00 PM for all new kiosks.
- All kiosks to be cell phone account capable with text message reminder to cell phone account holder 15 minutes prior to parking expiration to enable account holder to remotely increase their paid parking time to avoid a parking fine.
- The Worth Avenue commercial district and the Royal Poinciana Way commercial district are eligible to share 33% of net kiosk revenue for all kiosks within each specific commercial district subject to implementation of a dependent district per the legal requirements for the same.
- For any dependent district created for kiosk parking revenue sharing within one of the commercial districts above, a warning will be issued for the first non-moving violation issued to a vehicle within a specific commercial district that will include a kind and gentle message

encouraging the person to return to the shopping district and thanking them for their patronage and reminding them that the Town does enforce its parking regulations.

- All new net parking revenues the Town derives from this proposed parking program will be committed to the Town's Coastal Management Program. See the attached memorandum from Council President ProTem (and Finance and Taxation Committee Chairman) Robert Wildrick in this regard.

For an idea of how much money might be generated by this plan, the attached spreadsheet illustrates estimated annual revenue based on occupancy rates for the various areas to be converted to kiosk parking. The other spreadsheet provides cost data relative to the kiosks.

In their May 27, 2011, On-Street Parking Commodity report, the Police Department indicated that on average one kiosk would be needed for every 12 parking spaces. The Police Department also noted that the actual number of kiosks needed in a particular area varies based on a number of factors including topography, traffic and pedestrian flow, location of businesses or attractions in relation to the parking and user convenience. This latest plan assumes an average of one kiosk per 12 parking spaces, but this may change upon installation.

The first year return on investment (ROI) is estimated to be 69% as shown below. This ROI is based on kiosks in the Worth Avenue Commercial District, on Royal Poinciana Way only and assumes a parking benefit district in each. The five year average annual rate of return on the investment is estimated to be 39.4% as shown below.

<u>Estimated First Year Return on Investment</u>			
ROI = $\frac{(\text{Gain from Investment} - \text{Cost of Investment})}{\text{Cost of Investment}}$ = $\frac{(\$559,363 - \$331,639)}{\$331,639}$ = $\frac{\$227,724}{\$331,639}$ = 0.69 or 69% >>> $\frac{69}{1}$ = 69%			
	Cost of Investment	\$331,639	\$331,639
○ \$559,363 = 1 year of estimated Town gross kiosk parking revenues. ○ \$331,639 = 1st year of estimated Town expenditures to purchase and operate 28 kiosks as delineated above.			
<u>Estimated Five-Year Average Annual Rate of Return on Investment</u>			
ROI = $\frac{(\text{Gain from Investment} - \text{Cost of Investment})}{\text{Cost of Investment}}$ = $\frac{(\$2,796,815 - \$941,564)}{\$941,564}$ = $\frac{\$1,855,251}{\$941,564}$ = 1.97 or 197% >>> $\frac{197}{5}$ = 39.4%			
	Cost of Investment	\$941,564	\$941,564
○ \$2,796,815 = 5 years of estimated Town gross kiosk parking revenues. (\$559,363 x 5 = \$2,796,815) ○ \$941,564 = 5 years of estimated Town expenditures to purchase and operate 28 kiosks as delineated above.			
<u>Estimated Payback Period</u>			
$\frac{\$559,363}{12}$ = \$46,614 est. avg. monthly kiosk revenue. $\frac{\$331,639}{\$46,614}$ = 7.11 months = Estimated Payback Period for first year investment.			
○ \$559,363 = 1 year of estimated Town gross kiosk parking revenues. ○ \$331,639 = 1st year of estimated Town expenditures to purchase and operate 28 kiosks as delineated above.			

Kiosk Alternatives

This subject was not addressed at the Town Council meeting on September 13 or the Finance and Taxation Committee Meeting on September 21. It needs to be addressed because if there is any idea of switching kiosk manufacturers, now is the time to do so before a major investment in new

kiosks occurs. The following is a repeat of the information provided on this same subject for the Town Council meeting on September 13.

There are a multitude of manufacturers and many are multi-national firms with primary operations in Europe and North America. In 2008, the Town selected Duncan Technologies of Milwaukee, Wisconsin for its kiosk provider primarily because its kiosks were compatible with the Town's AutoCite handheld personal data assistants (PDA) that parking enforcement officers use to issue tickets. AutoCite is a subsidiary of Duncan Technologies.

The primary end user concern with the Duncan kiosks is the visibility of the screens in the bright Florida sun. Duncan advises that they have designed a solution to integrate a larger (6 inch) display into the Duncan-VS meter which requires some re-layout of the keypad of the existing meter to accommodate the larger screen. The end result is claimed to be a larger, higher quality screen that not only allows more screen space for larger fonts and graphics for the user, but is supposed to be perfectly suited for use in the bright sunlight found in Florida. This enhanced display solution will be available for newly purchased VS meters. It will also be an upgrade option for existing meters. Due to the setup involved in finalizing and supporting the new design, the lead-time to get these parts into production is approximately 3 months, plus the time to assemble.

To address a lesser concern Duncan has also indicated that if necessary, at the same time as the deployment of any new meters to be purchased by the Town, Duncan is able to upgrade the software on the meters to modify the user interface for credit card payments so that the transaction may commence by swiping the credit card.

As stated above there are many alternative parking kiosk manufacturers to choose from. However, one seems to stand out among the alternatives. The Luke II made by Digital Payment Technologies of Burnaby, British Columbia is an increasingly popular South Florida choice. It is used by Ft. Lauderdale, Boca Raton and now Palm Beach County. I have enclosed two pictures of the Luke kiosk for your review, one with solar power, the other without.

There are two issues with the Luke II, price and compatibility with the AutoCite PDA used by the Town Parking Enforcement Personnel. The Luke II can cost upwards of 50% more than a Duncan kiosk, approximately \$13,000, rounded. The Florida sales representative for Digital Payment Technologies indicated that the AutoCite is compatible with the Luke II kiosk with the proper software upgrade and it has been done by AutoCite for others, but hard bargaining may be required to make it happen since AutoCite will know that making the software change will reduce sales for the Duncan kiosk division. I was working on determining if the handheld devices used by the Luke II can be made to work with the existing Duncan kiosks. As of this writing, all I have learned is that it is possible, but there are pros and cons. I do not yet know what those pros and cons are.

Parking Benefit District State Law Creation Requirements

It is recommended that we call all dependent special districts formed around the concept of a parking benefit district a "Business Improvement District (BID)." By using this nomenclature we can capture the essence of what the preferred powers of these entities will be. However, for now, parking revenues will be the only source of revenue that the entity will have.

In compliance with the requirements of Florida Statutes for the creation of a dependent special district, Town staff proposes that Town Council adopt an ordinance that includes:

- The purpose, powers, functions, and duties of the district.
- The geographic boundary limitations of the district.
- The authority of the district.
- An explanation of why the district is the best alternative.
- The membership, organization, compensation, and administrative duties of the governing board.
- The applicable financial disclosure, noticing, and reporting requirements.
- The methods for financing the district.
- A declaration that the creation of the district is consistent with the approved local government comprehensive plans.

Special Considerations

If a plan is approved for the purchase of a large number of kiosks as proposed herein it is my intention to form a work group consisting of one or more persons from Public Works, Police, and Finance Departments, the Office of Information Systems and myself.

If the Town Council wishes to seek a new vendor this work group will develop the scope of work for inclusion in the RFP. One of the sub-tasks will be kiosk site testing to ensure the vendor can meet the performance standards chosen by the Town at each new kiosk location. I mention this only to make you aware that placing the new kiosks on the ground will not be completed overnight. Even if the current vendor is selected we must wait until the new product is designed, produced, delivered and tested. I estimate that it could be 6-9 months before new kiosks are in place and fully functional regardless of vendor.

Attachments

cc: H. Paul Brazil, Director of Public Works
Eric Brown, Assistant Director of Public Works
Jane Struder, Director of Finance
Kirk Blouin, Director of Public Safety
Daniel Szarszewski, Deputy Chief of Police
Richard Howe, Major, Police Department
Raychel Houston, Code Enforcement and Parking Enforcement
John C. Randolph, Town Attorney
Harvey E. Oyer, III, Esq., Shutts & Bowen

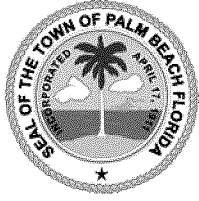
n:\tgb\agenda items\2011\kiosks in wacd and rpo in way 101111 tcm.doc

Cost Table for Town and Potential Parking Benefit Districts (PBD) Kiosks in North Avenue Commercial District and on Royal Poinciana Way										
Cost Element	Element Cost	PBD Kiosk Cost @ 33%	TPB Kiosk Cost @ 67%	PBD Cost @ 33% of 28 kiosks Yr. 1	TPB Cost @ 67% of 28 kiosks Yr. 1	PBD Kiosk Cost @ 33% Yr. 2-5	TPB Kiosk Cost @ 67% Yr. 2-5	Total PBD Cost 5 Yr	Total TPB Cost 5 Yr	Total Town Cost 5 Yr
Kiosk	\$ 8,850.00	\$ 2,920.50	\$ 5,929.50	\$ 81,774.00	\$ 166,026.00	\$ -	\$ -	\$ 81,774.00	\$ 166,026.00	\$ 166,026.00
DpW Installation	\$ 700.00	\$ 231.00	\$ 469.00	\$ 6,468.00	\$ 13,132.00	\$ -	\$ -	\$ 6,468.00	\$ 13,132.00	\$ 13,132.00
Annual Kiosk Depreciation (1)	\$ 885.00	\$ 292.05	\$ 592.95	\$ 8,177.40	\$ 16,402.60	\$ 32,709.60	\$ 66,410.40	\$ 40,887.00	\$ 83,013.00	\$ 83,013.00
Annual Duncan Fees	\$ 4,000.00	\$ 1,320.00	\$ 2,680.00	\$ 36,960.00	\$ 75,040.00	\$ 147,840.00	\$ 300,160.00	\$ 184,800.00	\$ 375,200.00	\$ 375,200.00
Annual Maintenance (2)	\$ 3,243.00	\$ 1,070.19	\$ 2,172.81	\$ 29,965.32	\$ 60,938.68	\$ 119,861.28	\$ 243,354.72	\$ 149,826.60	\$ 304,193.40	\$ 304,193.40
Total	\$ 17,678.00	\$ 5,833.74	\$ 11,844.26	\$ 163,344.72	\$ 331,639.28	\$ 300,410.88	\$ 609,925.12	\$ 463,755.60	\$ 941,564.40	\$ 941,564.40

Key:

(1) Straight Line for 10 Years

(2) Public Works wages, benefits, parts, supplies, etc. incurred for upkeep



Town of Palm Beach

MEMORANDUM

To: David Rosow, Town Council President and Member of the Finance and Taxation Committee

From: Robert N. Wildrick, President Pro Tem and Chairman of Finance and Taxation Committee

Date: September 15, 2011

Subject: Coastal Funding

As we review the necessity for parking meters in the various areas of the Town, I would like to take this opportunity to remind the Town Council of our need to finance the costs associated with the Town's coastal program.

I have worked with the Finance Department to obtain the information below.

The chart below shows the annual costs associated with the **minimum required** needs for coastal expenses.

Minimum Required Costs for Coastal

	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Annual Expenses	555,000	513,000	4,291,000	560,000	615,000	12,687,000	661,000	685,000	710,000
Average Annual Contribution	2,364,111	2,364,111	2,364,111	2,364,111	2,364,111	2,364,111	2,364,111	2,364,111	2,364,111
Difference	1,809,111	1,851,111	-1,926,899	1,804,111	1,749,111	-10,322,889	1,703,111	1,679,111	1,654,111
Accumulated Difference		3,660,222	1,733,333	3,537,444	5,286,556	-5,036,333	-3,333,222	-1,654,111	0

The total required for years FY13 – FY21 is \$21,277,000. If we were to spread out the costs evenly over the 9 year period, **\$2,364,111 will be required as an annual contribution to the minimum required coastal program.** This program will still require some borrowing either short term from a bank or from Town reserves in FY18.

The chart on the following page shows the annual costs associated with the **Shore Protection Board recommendation.**

Shore Protection Board Coastal Recommendation – “Plan B”

	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Total Expenses	1,005,000	19,563,000	6,051,000	620,000	2,065,000	12,747,000	721,000	2,335,000	1,070,000
Average Annual Contribution	5,130,778	5,130,778	5,130,778	5,130,778	5,130,778	5,130,778	5,130,778	5,130,778	5,130,778
Difference	4,125,778	-14,432,222	-920,222	4,510,778	3,065,778	-7,616,222	4,409,778	2,795,778	4,060,778
Accumulated Difference		-10,306,444	-11,226,667	-6,715,889	-3,650,111	-11,266,333	-6,856,556	-4,060,778	0

The total required for years FY13 – FY21 is \$46,177,000. If we spread out the costs evenly over the 9 year period, **\$5,130,778 will be required as an annual contribution to the program.** Even with an annual contribution of over \$5 million, this program will require either bank borrowing or the short term use of Town reserves to fund the negative differences throughout the 9 year period.

The FY12 baseline budget includes a contribution to the Coastal Protection Fund of \$3,960,000. We would need to maintain the baseline and increase it by \$1,170,778 per year to fund the coastal program recommended by the Shore Protection Board. This increase will require either raising taxes or increasing fees and fines to cover this difference. Remember, we need to increase the current baseline budget by \$1,170,778 from \$3,960,000 totaling \$5,130,778 per year in all future budgets which assumes all other General Fund revenues and expenditures remain the same as the FY12 budget, which we know cannot continue for the next 9 years. There will be other inflationary increases in the General Fund budget over the 9 year period which will require increases in revenues as well.

It is also conceivable that our real estate values could continue the downward direction of the past two years or perhaps may turn around.

We have significant costs associated with either the minimum required program or the Shore Protection Board recommended program that will need to be addressed. The expansion of the parking meter program is an opportunity to address a portion of these costs.

cc: Mayor and Town Council
Peter B. Elwell, Town Manager
Jane Struder, Finance Director

Parking on Worth Avenue
irene@irenelummertz.com
to:
council
09/23/2011 12:12 PM
Cc:
"hitanart@gmail.com"
Show Details

History: This message has been forwarded.

Dear Mayor and Town Council Members:

I am writing to express my opposition to the proposed plan to install parking kiosks on Worth Avenue. As a merchant on Worth Avenue, I have spoken to many of our clients who shop here, who have across the board made it clear that they are opposed to the installation of parking kiosks. They have the option of going elsewhere to shop, specifically The Gardens Mall, where they do not have to pay to park, and they can park there for as long as they like. Doing business in this economic environment is difficult enough; if the town adds this burden and we lose customers, my store will not be able to continue to do business on Worth Avenue. I urge the Town Council to vote against the installation of parking kiosks on Worth Avenue.

Thank you,

Irene Lummertz

Irene Lummertz Jewelry
245 A Worth Ave
Palm Beach, Fl 33480
P(561) 655 5000
F(561) 655 5025
www.irenelummertz.com

PALM BEACH CHAMBER OF COMMERCE, INC.

400 Royal Palm Way • Suite 106 • Palm Beach, FL 33480

www.palmbeachchamber.com

☎ 561.655.3282

☎ 561.655.7191

September 30, 2011

Denise Bober
The Breakers Palm Beach
President
Kevin Lamb
Gunster
Vice-President
Michael R. McCarty
Michael R. McCarty's
Vice-President
Richard Rampell
Rampell & Rampell
Treasurer

Mayor & Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Kiosk Parking

Dear Mayor & Town Council Members:

The chamber reiterates its support of kiosk parking on Worth Avenue. It is a destination. As the Urban Land Institute has stated, the most desirable parking spots dictate higher fees. The overriding issue has been the parking problems on the Avenue – this is a viable solution, one arrived at in partnership with the Worth Avenue Association.

With respect to Royal Poinciana Way, the chamber does not support the kiosk proposal at this time for a number of reasons, not the least of which is the documented evidence that more town residents shop between Sunrise and Royal Poinciana than any other part of town. The residents would be most impacted by such a move at this time.

Property owners and merchants have not been consulted on this initiative, an initiative focusing on raising funds for beach re-nourishment. We would encourage greater dialogue with these individuals before any final decisions are made.

The parking issues and business climate are far different from those on Worth Avenue. The needs and resources of the district require a more thoughtful approach to ensure that the nature of the street and the goods and services relied upon by locals are not jeopardized.

Sincerely,

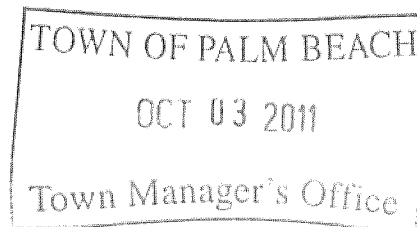
Laurel Baker

Ervin S. Duggan
Society of the Four Arts
Roger Everingham
The Colony Hotel
Linda Goings
Palm Beach Daily News
Brian Johnson
Fidelity Investments
John Maus
Maus & Hoffman
Bradford P. Miller
Creative Matters
Adam Munder
The Sterling Group
Kristy Pressly
The Breakers Palm Beach
Clay Surovek
Surovek Galleries
Directors

James A. Ponce
Historian

Laurel Baker
Executive Director
Secretary

Penny Spano
Member Services





Opposition to Kiosks
Anne Bovles to:

10/03/2011 02:10 PM

Mayor & Town Council,

Jean Tuite, 226 Australian, #5, and Sheila R. Thayer, 354 Chilean Avenue, #2F, stopped by the Town Manager's office to express their opposition to any additional parking kiosks in Town, especially on Worth Avenue.

cc: Tom Bradford



Pw: Reject Kiosk Proposals & Increased Fees on Sunrise

From: "Marty O'Malley" <mjo@momalley.com>
To: <townmanager@townofpalmbeach.com>
Date: 10/05/2011 03:48 PM
Subject: Reject Kiosk Proposals & Increased Fees on Sunrise

Attention: Peter B. Elwell, Town Manager
Thomas G. Bradford, Deputy Town Manager

I am opposed to the proposal to create metered parking Kiosks with an hourly rate of \$3.00 and fines of \$60.00 per violation. The current on street parking is limited to one hour of free parking between 10 AM to 6 PM and fines of \$30.00. I recommend that this be left as is.

The new Publix is projected to generate per their submission to ARCOM a minimum of ten percent (10%) increase in traffic volume. With several new restaurants moving nearby to this location, no one knows with certainty what the impact of added traffic to secondary commercial roads will be. Should the significant cost of the Kiosks and enforcement not be amortized by the added revenue stream, the town will then be compelled to increase the fines from \$60 to \$100 per violation.

The Kiosk proposal will have significant impact on the 200 residents, tenants and small retail businesses that live and work in our condominium. With the expansion of the new Publix, we lost our off street parking spaces and then contracted for another more limited off site location at considerable cost to all unit owners. Now at a time, when the economy has faltered, the proposal to further burden us with more restrictive and costly parking is economically harmful. The small amount of revenue the town is projected to collect after paying for the cost of the Kiosks along with the added burden for enforcement is not in the town or district's best interest.

The proposal should be rejected. Please see the attached file.

Thank you for your consideration.

Martin J. O'Malley, Jr.



Kiosk Email to Manager & Deputy.pdf

Martin J. O'Malley, Jr.
Unit 2024, 235 Sunrise Avenue
Palm Beach, Florida 33480

October 5, 2011

Attention: Mr. Peter B. Elwell, Town Manager
Mr. Thomas G. Bradford, Deputy Manager

I am a seasonal resident at the Palm Beach Hotel Condominium on Sunrise Ave. I am opposed to the proposal to create metered parking Kiosks with an hourly rate of \$3.00 and fines of \$60.00 per violation. The current on street parking is limited to one hour of free parking between 10 AM to 6 PM and fines of \$30.00. I recommend that this be left "as is" and the Kiosk proposal be rejected.

Sunrise is a mixed use, commercially zoned district. Between the years of 2007 to 2010, town agencies held numerous public hearings with respect to developing a comprehensive plan for the mixed use Royal Poinciana district. That plan proposed encouraged redevelopment of the district in a manner that was pedestrian friendly, respectful of the existing character and historic importance of the district. Among other thoughtful criteria for revitalization, the plan proposed numerous guidelines for parking. It was mistake that the Town Council failed to adopt an Ordinance that would have guided the needed revitalization.

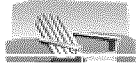
The Kiosk proposal will have significant impact on the 200 residents, tenants and small retail businesses that live and work in our condominium. With the expansion of the new Publix, we lost our off street parking spaces and then contracted for another more limited off site location at considerable cost to all unit owners. Now at a time, when the economy has faltered, the proposal to further burden us with more restrictive and costly parking is economically harmful. The small amount of revenue the town is projected to collect after paying for the cost of the Kiosks along with the added burden for enforcement is not in the town or district's best interest.

What would be in the long term interest of the entire community is to revisit the need for a Royal Poinciana planning district. Such a plan would address among other issues parking: density, function, location off or on street, overhead or underground, private or public. Parking that is centralized and accessible to all the resources of this district will have the greatest impact. The incremental approach using Kiosks and fines is not in the best interests of Palm Beach. The proposal should be rejected.

Very truly yours,

Martin J. O'Malley, Jr.

Martin J. O'Malley



Pw: To Whom It May Concern

----- Forwarded by Cheryl Kleen/PalmBeach on 10/05/2011 08:21 AM -----

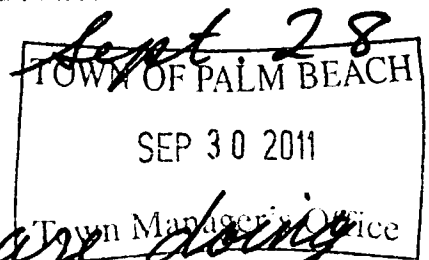
From: Mark Rosenthal <rosenthalma@yahoo.com>
To: "council@townofpalmbeach.com" <council@townofpalmbeach.com>
Date: 10/04/2011 04:40 PM
Subject: To Whom It May Concern

I can't believe we at the Palm Hotel Condominium, after suffering with the expansion of Publix, are now being told that there will be parking meters on Sunrise Ave. Wasn't it bad enough to prevent residents from parking no more than two hours? Why don't you at least create a special parking sticker for residents as you do for those who live in the streets just north of us? I hope that there can be some justice for these residents of Palm Beach.

Mark and Laura Rosenthal
235 Sunrise Avenue



denise a. hanley, inc.
Licensed Real Estate Broker



Dear Gail,

Hope you & yours are doing wonderfully.

I just had lunch with friends at Bice after putting in 8 or 9 quarters in the "monster meter" and when I came out from having a great time, there was a \$35 parking ticket! I meant to write this letter ages ago when all these meters started to sprout. It was the "pet peeve" talk of the town, but until now

I did not feel irritated enough
to sound off. Now I'm mad!
First of all, as a local and patron
to many PB stores and restaurants
nothing irritates my friends, family
and me more than these very ugly
moneygrubbing meters. Do valet
parking. Meters are ungracious
and unwelcoming to us locals and
tourists... and not easy to see, read
or work for us seniors!

My point is our adorable group
will be never lunching at Bice again
because of the metered parking, and
they all said when meters are installed
on Worth Ave & Royal Poinciana Way,
they will be going to Royal Poinciana
Plaza and the Mall! Too bad! I LIKED "THE WAY
IT WAS",
Denise

**TOWN OF PALM BEACH
PARKING CITATION**

The vehicle described below was parked in this jurisdiction
in violation of the Town of Palm Beach Code of Ordinances.
Payment must be made within 7 calendar days of the ticket
date. See instructions on reverse.



PARKING CITATION

Issue No. 100049736		
Date WED 09/28/2011	Time 02:36PM	
Officer Name N. WISEMAN	Officer ID 7588	
Agency PALM BCH PD	Beat ZONE 2	
Location 300 PERUVIAN AV	Meter No. 16614	Space No. 652

Violation	
Code: 118-129 EXPIRED METER	
Due Now \$35.00	

Vehicle		
License No. Q644RJ	State FL	Exp 11/11
		Decal Q644RJ
Make PORS	Body Style SUV	Color WHT

Remarks
Meter No: 16614. SPACE: 652 Expired: 13 min

I Certify the Foregoing is True and Correct.

[Signature]

TOWN OF PALM BEACH
FINANCE DEPARTMENT
P.O. BOX 2029 • PALM BEACH, FL 33480
(561) 835-4628
SEE REVERSE SIDE

*Ridiculous!
Can you
imagine how
a tourist
would feel?
Would never
want to
come back!*

*Certainly cannot help the ^{restaurantiers!} merchants!
They should always have valet parking.
Much more in sync with PB lifestyle.
at least at the Gardens Mall you
don't get penalized! Can park & shop
in a relaxed setting! Do not have to
pay ^{for parking} to shop and eat.*

Mrs. Gail Coniglio,
Mayor of Palm Beach, FL

Dear Mrs. Coniglio,

We are year round residents at the Palm Beach Hotel Condominium at 235 Sunrise Ave. We are strongly opposed to the proposal to create metered parking Kiosks with an hourly rate of \$3.00 and fines of \$60.00 per violation. In fact, we are opposed to the Kiosks at any hourly rate and we are opposed to any fines that are arbitrarily higher than the current parking ticket fine of \$30 to \$35 in other parts of Palm Beach.

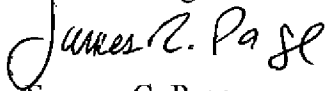
The current on street parking on our block is limited to one hour of free parking between 9AM and 6PM daily and parking fines are \$35 for Sunrise Ave. We recommend that this be left "as is" and the Kiosk proposal be rejected.

We have in excess of 200 residents at the Palm Beach Hotel. If passed and implemented the Kiosk scenario would have an extremely negative impact on not only those 200 residents, but also on the viability of the small businesses in the area. These are not large, thriving branches of multi-national companies as seen on Worth Ave. These are very small enterprises, including a Card Shop, Barber Shop, Bike Rental Store, French Bakery, etc. These are not shops people visit during a stroll down Sunrise Ave. It doesn't happen. That's more typical of Worth Ave. These are specific-purpose shops. Patrons want to park, get their business done, typically in less than 30 minutes, and move on. Making these people pay \$3 to park for their 5 minutes to 30 minutes worth of business is a losing proposal. I feel strongly that there would be fewer and fewer patrons if they have to put up with that kind of inconvenience. They'll simply go elsewhere. The use of Kiosks on our street is clearly not in the best interest of the residents or the small businesses currently on Sunrise Ave.

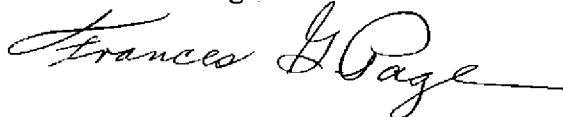
Accordingly, we ask, as two of your constituents, that you reject the proposal to place parking Kiosks on Sunrise Ave. and that you vote to either leave the parking on Sunrise Ave. as it currently is, or consider an improvement that would actually benefit the local residents and businesses, such as installing centralized parking nearby.

Sincerely,

James R. Page



Frances G. Page



TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Regular Agenda - Old Business

Agenda Title

RESOLUTION NO. 63-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Increasing Fines for Parking, Providing an Effective Date.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum Dated September 30, 2011, from Jane Struder, Finance Director
- Resolution No. 63-11 - Option A
- Resolution No. 63-11 - Option B

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Resolution Adopting Parking Ticket Fines
Resolution No. 63-11

Date: September 30, 2011

STAFF RECOMMENDATION

Staff is seeking direction from the Town Council regarding the approval of Resolution No. 63-11, increasing parking ticket fines.

GENERAL INFORMATION

Attached are two Resolutions for your review. The Resolution titled "Option A" contains the original staff proposal to increase parking ticket fines from \$35 to \$60 for most types of parking tickets. Parking tickets were last increased in 2007. The increase is estimated to generate \$268,000 in additional revenue.

The Resolution titled "Option B" contains increases in all residential parking ticket fines from \$35 to \$60 and increases parking ticket fines to \$60 in the commercial areas listed in the Resolution for all types of parking fines except the following which will be maintained at \$35:

- Overtime Parking
- Expired Meter
- Parking in a Loading Zone
- Vehicle Parked Across Lines Designating Parking Space
- Parking in Passenger Loading Zone
- Overtime Parking in a Designated Parking Zone

If Option B is chosen, estimated revenue of \$150,000 is projected.

TOWN ATTORNEY REVIEW

Resolution No. 63-11 has been reviewed and approved for legal form and sufficiency.

FUNDING/FISCAL IMPACT

The additional revenue from the proposed fine increase is estimated to be \$268,000 for Option A and \$150,000 for Option B.

Attachment

cc: Thomas G. Bradford, Deputy Town Manager
Department Directors

RESOLUTION NO. 63-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, INCREASING FINES FOR PARKING, PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town has determined that the fines for parking tickets should be increased.

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

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

Section 2. This Resolution is hereby adopted to include the fines indicated below:

Type of Fee/Fine/Penalty	Amount
Overtime Parking as referenced in Section 118-92 (a)(1)	\$35.00 \$60.00
Parking on wrong side of street as referenced in Section 118-92 (a)(2)	\$35.00 \$60.00
Parking at yellow curb as referenced in Section 118-92 (a)(3)	\$35.00 \$60.00
Blocking driveway as referenced in Section 118-92 (a)(4)	\$35.00 \$60.00
Parking on sidewalk as referenced in Section 118-92 (a)(5)	\$35.00 \$60.00
Trespassing by vehicle as referenced in Section 118-92 (a)(6)	\$35.00 \$60.00
No Parking (designated hours) as referenced in Section 118-92 (a)(7)	\$35.00 \$60.00
Parking too close to fire hydrant as referenced in Section 118-92 (a)(8)	\$40.00 \$65.00
Expired Meter as referenced in Section 118-92 (a)(17)	\$35.00 \$60.00
No parking anytime as referenced in Section 118-92 (a)(9)	\$35.00 \$60.00
Double parking as referenced in Section 118-92 (a)(10)	\$35.00 \$60.00
Obstructing traffic as referenced in Section 118-92 (a)(11)	\$35.00 \$60.00
Parking in loading zone as referenced in Section 118-92 (a)(12)	\$35.00

Option A

	\$60.00
Residential parking as referenced in Section 118-92 (a)(13)	\$35.00 \$60.00
Vehicle parked across lines designating parking space as referenced in Section 118-92 (a)(14)	\$35.00 \$60.00
Vehicle parked in wrong direction on one-way street as referenced in Section 118-92 (a)(15)	\$35.00 \$60.00
Parking at curbs designated in red as referenced in Section 118-92 (a)(16)	\$35.00 \$60.00
Official parking only as referenced in Section 118-92 (a)(18)	\$35.00 \$60.00
Parking in crosswalk as referenced in Section 118-92 (a)(19)	\$35.00 \$60.00
Parking in passenger loading zone as referenced in Section 118-92 (a)(20)	\$35.00 \$60.00
Overtime parking in a designated parking zone (in addition to any other parking regulation violation noted at the time of fine issuance) as referenced in Section 118-92 (a)(21)	\$35.00 \$60.00
All other parking violations as prescribed by appropriate state statute or other Town ordinance as referenced in Section 118-92 (b)	\$35.00 \$60.00
Failure to pay penalties for violations of sections 118-91 and 118-92 within seven days from the time of issuance of the violation shall result in an additional delinquency penalty to the violator as referenced in Section 118-93	\$20.00
Failure to pay penalties and delinquency assessments for violations of sections 118-91 and 118-92 and in accordance with section 118-93 within 60 days of issuance of the parking violation shall result in a service charge to the violator per citation in addition to the cost of the violation and delinquent penalty as referenced in Section 118-94	\$20.00
Failure to pay penalties and delinquency assessments for violations of sections 118-91 and 118-92 and in accordance with section 118-93 within 90 days of issuance of the parking violation shall result in an additional service charge to the violator per citation in addition to the cost of the violation of the original delinquent penalty and service charge as referenced in Section 118-94	\$25.00
Fee for removal of an immobilizing device as referenced in Section 118-95 (2)	\$350.00
Failure to pay parking overtime penalty within the time provided in section 118-133 (7 days) shall result in an additional delinquency penalty to the violator as referenced in Section 118-127(b)	\$10.00

Option A

Failure to pay penalties and delinquency assessments for violations of section 118-127 and in accordance with section 118-133 within 60 days of issuance of the parking violation shall result in a service charge to the violator per citation in addition to the cost of the violation and delinquent penalty as referenced in Section 118-128 (a)	\$20.00
Failure to pay penalties and delinquency assessments for violations of section 118-127 and in accordance with section 118-133 within 90 days of issuance of the parking violation shall result in an additional service charge to the violator per citation in addition to the cost of the violation, the original delinquent penalty and service charge as referenced in Section 118-128 (b)	\$25.00

Section 3. This Resolution shall become effective as of November 1, 2011.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of October, 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

RESOLUTION NO. 63-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
INCREASING FINES FOR PARKING, PROVIDING AN
EFFECTIVE DATE.

WHEREAS, The Town has determined that the fines for parking tickets should be increased.

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

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

Section 2. This Resolution is hereby adopted to include the parking fines indicated below
for residential areas of the Town:

Type of Fee/Fine/Penalty	Amount
Overtime Parking as referenced in Section 118-92 (a)(1)	\$35.00 \$60.00
Parking on wrong side of street as referenced in Section 118-92 (a)(2)	\$35.00 \$60.00
Parking at yellow curb as referenced in Section 118-92 (a)(3)	\$35.00 \$60.00
Blocking driveway as referenced in Section 118-92 (a)(4)	\$35.00 \$60.00
Parking on sidewalk as referenced in Section 118-92 (a)(5)	\$35.00 \$60.00
Trespassing by vehicle as referenced in Section 118-92 (a)(6)	\$35.00 \$60.00
No Parking (designated hours) as referenced in Section 118-92 (a)(7)	\$35.00 \$60.00
Parking too close to fire hydrant as referenced in Section 118-92 (a)(8)	\$40.00 \$65.00
Expired Meter as referenced in Section 118-92 (a)(17)	\$35.00 \$60.00
No parking anytime as referenced in Section 118-92 (a)(9)	\$35.00 \$60.00
Double parking as referenced in Section 118-92 (a)(10)	\$35.00 \$60.00
Obstructing traffic as referenced in Section 118-92 (a)(11)	\$35.00 \$60.00

Option B

Parking in loading zone as referenced in Section 118-92 (a)(12)	\$35.00 \$60.00
Residential parking as referenced in Section 118-92 (a)(13)	\$35.00 \$60.00
Vehicle parked across lines designating parking space as referenced in Section 118-92 (a)(14)	\$35.00 \$60.00
Vehicle parked in wrong direction on one-way street as referenced in Section 118-92 (a)(15)	\$35.00 \$60.00
Parking at curbs designated in red as referenced in Section 118-92 (a)(16)	\$35.00 \$60.00
Official parking only as referenced in Section 118-92 (a)(18)	\$35.00 \$60.00
Parking in crosswalk as referenced in Section 118-92 (a)(19)	\$35.00 \$60.00
Parking in passenger loading zone as referenced in Section 118-92 (a)(20)	\$35.00 \$60.00
Overtime parking in a designated parking zone (in addition to any other parking regulation violation noted at the time of fine issuance) as referenced in Section 118-92 (a)(21)	\$35.00 \$60.00
All other parking violations as prescribed by appropriate state statute or other Town ordinance as referenced in Section 118-92 (b)	\$35.00 \$60.00
Failure to pay penalties for violations of sections 118-91 and 118-92 within seven days from the time of issuance of the violation shall result in an additional delinquency penalty to the violator as referenced in Section 118-93	\$20.00
Failure to pay penalties and delinquency assessments for violations of sections 118-91 and 118-92 and in accordance with section 118-93 within 60 days of issuance of the parking violation shall result in a service charge to the violator per citation in addition to the cost of the violation and delinquent penalty as referenced in Section 118-94	\$20.00
Failure to pay penalties and delinquency assessments for violations of sections 118-91 and 118-92 and in accordance with section 118-93 within 90 days of issuance of the parking violation shall result in an additional service charge to the violator per citation in addition to the cost of the violation of the original delinquent penalty and service charge as referenced in Section 118-94	\$25.00
Fee for removal of an immobilizing device as referenced in Section 118-95 (2)	\$350.00
Failure to pay parking overtime penalty within the time provided in section 118-133 (7 days) shall result in an additional delinquency	\$10.00

Option B

penalty to the violator as referenced in Section 118-127(b)	
Failure to pay penalties and delinquency assessments for violations of section 118-127 and in accordance with section 118-133 within 60 days of issuance of the parking violation shall result in a service charge to the violator per citation in addition to the cost of the violation and delinquent penalty as referenced in Section 118-128 (a)	\$20.00
Failure to pay penalties and delinquency assessments for violations of section 118-127 and in accordance with section 118-133 within 90 days of issuance of the parking violation shall result in an additional service charge to the violator per citation in addition to the cost of the violation, the original delinquent penalty and service charge as referenced in Section 118-128 (b)	\$25.00

Section 3. This Resolution is hereby adopted to include the fines for the commercial areas of the Town listed below:

BLK	Street
	Bradley Place
100	Royal Poinciana Way to Seminole Ave.
	Cocconut Row
400	Peruvian to Worth
	County Road, North
100	Royal Palm Way to Seminole Ave
	County Road, South
200	Seabreeze to Brazilian Ave.
300	Brazilian to Peruvian Ave.
400	Peruvian to Two Lots So. of Gulfstream Rd.
	Four Arts Plaza
	Hammon Avenue
	Hibiscus Avenue
400	Chilean to Worth Avenue
	Main Street
	Peruvian Avenue
200	
300	
	Phipps Plaza
	Royal Palm Way
100	S. Ocean to S. County

200	S. County to Hibiscus Ave.
300	Hibiscus Ave. to Cocoanut Row
400	Cocoanut Row to S. Lake Drive
	Royal Poinciana Way
200	
300	
200/300	Seaview Avenue
	Sunrise Avenue
200	
	Sunset Avenue
200	
	Worth Avenue
100	
200	
300	

Section 4. This Resolution is hereby adopted to include the parking fines listed below for the commercial areas of the Town:

Type of Fee/Fine/Penalty	Amount
Overtime Parking as referenced in Section 118-92 (a)(1)	\$35.00
Parking on wrong side of street as referenced in Section 118-92 (a)(2)	\$35.00 \$60.00
Parking at yellow curb as referenced in Section 118-92 (a)(3)	\$35.00 \$60.00
Blocking driveway as referenced in Section 118-92 (a)(4)	\$35.00 \$60.00
Parking on sidewalk as referenced in Section 118-92 (a)(5)	\$35.00 \$60.00
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No Parking (designated hours) as referenced in Section 118-92 (a)(7)	\$35.00 \$60.00
Parking too close to fire hydrant as referenced in Section 118-92 (a)(8)	\$40.00 \$65.00
Expired Meter as referenced in Section 118-92 (a)(17)	\$35.00

Option B

No parking anytime as referenced in Section 118-92 (a)(9)	\$35.00 \$60.00
Double parking as referenced in Section 118-92 (a)(10)	\$35.00 \$60.00
Obstructing traffic as referenced in Section 118-92 (a)(11)	\$35.00 \$60.00
Parking in loading zone as referenced in Section 118-92 (a)(12)	\$35.00
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Failure to pay penalties and delinquency assessments for violations of sections 118-91 and 118-92 and in accordance with section 118-93 within 90 days of issuance of the parking violation shall result in an additional service charge to the violator per citation in addition to the	\$25.00

Option B

cost of the violation of the original delinquent penalty and service charge as referenced in Section 118-94	
Fee for removal of an immobilizing device as referenced in Section 118-95 (2)	\$350.00
Failure to pay parking overtime penalty within the time provided in section 118-133 (7 days) shall result in an additional delinquency penalty to the violator as referenced in Section 118-127(b)	\$10.00
Failure to pay penalties and delinquency assessments for violations of section 118-127 and in accordance with section 118-133 within 60 days of issuance of the parking violation shall result in a service charge to the violator per citation in addition to the cost of the violation and delinquent penalty as referenced in Section 118-128 (a)	\$20.00
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Section 5. This Resolution shall become effective as of November 1, 2011.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of October, 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Planning and Zoning Commission Recommendation to Reject the Concept of Permitting Green Markets in Town.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page Dated September 22, 2011
- Memorandum from Thomas G. Bradford Dated September 12, 2011
- Letter From Laurel Baker Dated September 15, 2011

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Green Market Concept
Planning & Zoning Commission Feedback

Date: September 22, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council review the recommendation of the Planning & Zoning Commission not to pursue the concept of allowing a green market in Palm Beach.

GENERAL INFORMATION

The concept of allowing green markets in Palm Beach was last discussed by the Town Council on August 9. At that time, the Council directed the issue to the Planning & Zoning Commission for consideration and return response.

The Planning & Zoning Commission considered this issue during its regular meeting on September 20, 2011. Mr. Tom Bradford attended and presented a brief history of recent green market inquiries. His attached Memo of September 12, 2011 was summarized for Commissioners. He noted that he had received favorable comments from the Worth Avenue Merchants Association as well as a suggestion from the Chamber that a green market be allowed on a trial basis (also attached). Five members of the public (Adele Kahn, John Eubanks, John Archer, Earl Hollis and Ruby Rinker) addressed the Commission. There was no direct support for the concept. Mr. Archer, representing the Royal Poinciana Way Association, said his group was split down the middle, but felt that all green market vendors should be held to the same administrative approvals as all other businesses. Others expressed either outright opposition to the concept, or posed concerns about possible locations.

The Chairman called for comments from each individual Commissioner. Although a few statements of interest were voiced, the vast majority of sentiments were negative in nature: potential noise, potential trash, upkeep and maintenance, lack of documented need, ability to carefully control goods and products for sale, impacts to nearby properties, crowd concerns, and unintended consequences.

The Planning & Zoning Commission voted 6-1 to recommend to the Town Council that the concept of a green market should not be allowed by Town Code.

attachments

cc: Tom Bradford, Deputy Town Manager
Paul Castro, Zoning Administrator
Planning & Zoning Commissioners

Memo

To: Planning and Zoning Commission/Local Planning Agency
From: Thomas G. Bradford, Deputy Town Manager Thomas
Bradford
CC: John Page, Director of Planning, Building and Zoning
Paul Castro, Zoning Administrator
Peter B. Elwell, Town Manager
John C. Randolph, Town Attorney
Mayor and Town Council
Date: 9/12/2011
Re: Green Market Concept for Palm Beach

Digitally signed by Thomas Bradford
DN: cn=Thomas Bradford, o=Town of Palm Beach,
ou=TMO, email=Bradford@townofpalmbeach.com,
c=US
Date: 2011.09.12 11:54:57 -0400

The purpose of this memorandum is to provide you with background information on the subject of a Green Market in Palm Beach. A request for conducting a Green Market was recently reviewed by Ordinances, Rules and Standards (ORS), a Town Council Committee Chaired by Bill Diamond and Co-Chair Michael Pucillo. ORS recommended to the Town Council, and the full Town Council concurred, that the concept of a Green Market be considered by the Planning and Zoning Commission (PZC) for a recommendation to the Town Council. The input of the Chamber of Commerce is also to be sought out in this regard. The primary considerations of the PZC, per the instructions of the Town Council, are to be:

- 1) Does PZC believe the concept of a Green Market in Palm Beach is something the Town should amend its ordinances to allow?
- 2) If you believe a Green Market is something that should be pursued by the Town, what locations in Town does the PZC think are workable locations for such an activity, what conditions should be imposed and what fees, if any, should be charged?

I will address these and other issues below. A short history of how we arrived at this point seems appropriate first.

In February of this year, the Town Council heard a proposal to conduct a Green Market at the Royal Poinciana Plaza and rejected this proposal 4-1. However, the minutes of that meeting indicate that the Town Council would entertain further consideration of the item (Green Market) if something more specific was provided. In addition, the Town Council made it clear that in the event the proposal would require review by the Planning and Zoning Commission that it be considered by the Town Council first for the Town Council to consider whether the proposal warrants going forward at all.

In early May of this year, the Mayor and Town Council received a written request for consideration of a Green Market in the Worth Avenue Commercial District starting this fall. Since the means by which any legal impediments with a Green Market are addressed would most likely entail the adoption of one or more ordinances, I concluded that the best first step would be to present the latest Green Market concept and proposed ordinances to ORS first, which automatically entails review by the Town Council thereafter. ORS reviewed the latest request at their meeting on July 13, 2011 and reported their findings to the Town

Council on August 9. In general, the ORS Committee thinks the Green Market concept has merit subject to conditions and the desired input of PZC and the Chamber of Commerce.

The known impediments to allowing a Green Market are the existing Town restrictions prohibiting outdoor sales. How do you provide proper safeguards against unfettered outdoor sales, yet allow outdoor sales for something like the recent Centennial Celebration or a proposed Green Market? Staff suggested to ORS that proper protections can be provided by only allowing outdoor sales in conjunction with community-wide events that have been approved by the Town Council. A draft ordinance amending the Zoning Code was submitted for ORS consideration. PZC need not concern itself with the mechanics of the ordinance at this time which generally stated the following for every commercially zoned district in Town:

"The town council may permit temporary outdoor sales, if requested in conjunction with a community-wide event, or series of community-wide events, approved by the town council upon application to the town council to conduct a community-wide event or series of community-wide events."

The recommended locations, if any, for conducting a green market will dictate which zoning districts would require such an amendment. In addition to a zoning code amendment staff is also aware that Section 114-38(c) and Section 42-90 would require an amendment. All in all, the ordinance changes are considered to be de minimis in terms of the amount of work required.

Possible conditions for such an event touched upon by ORS include:

- Submittal to Town of a sample contract between the applicant and the vendors selling goods at the event
- Establishment of criteria for designation as a "community-wide event"
- Provide a definition of a community-wide event
- Provide a definition of a green market
- Designate acceptable locations for conducting a green market
- Establishment of a business receipt tax for vendors operating in a green market special community-wide event

The concept for this particular Green Market comes from Harry Welsh of 1 Main Street Marketing, LLC. The proposed location is in the eastern half of the Apollo Parking Lot located north of the 200 block of Worth Avenue and just south of the 200 block of Peruvian Avenue. The property owner is the Peruvian Avenue Corporation and per their attorney I have been advised that they are supportive of the use of their property for such subject to final terms and conditions to be worked out if approved by the Town. The Worth Avenue Association has also indicated their support for the proposed Green Market. I have attached a PDF of the PowerPoint presentation of the concept Mr. Welsh has in mind for this location.

Mr. Castro, Mr. Page and I met and brainstormed possible locations for a green market and concluded that the Apollo Parking Lot is indeed one of the few viable locations to hold such an event because it is zoned commercial, has plenty of parking on weekends and is well removed from residential properties. The only other properties we thought would be viable were Town owned park property such as Bradley Park, Phipps Ocean Park and Lakeside Park. This would require the event to be a Town event and the Town would likely competitively select a vendor to operate a green market. This might entail such uses to be designated as a special exception in applicable zoning districts thereby requiring the adopted special exception criteria found in Section 134-229 of the Town Code to apply to each proposal.

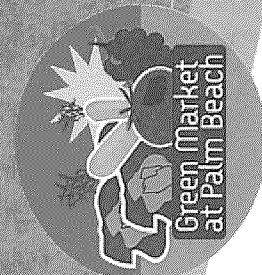
In conclusion, please remember the request of the Town Council relative to PZC consideration of the Green Market concept:

- 1) Does PZC believe the concept of a Green Market in Palm Beach is something the Town should amend its ordinances to allow?

- 2) If you believe a Green Market is something that should be pursued by the Town, what locations in Town does the PZC think are workable locations for such an activity, what conditions should be imposed and what fees, if any, should be charged?

Staff will be prepared to answer any questions you may have about any of the matters discussed herein.

N;TGB/2011/Memo/PZB/Green Market for PZC 090811



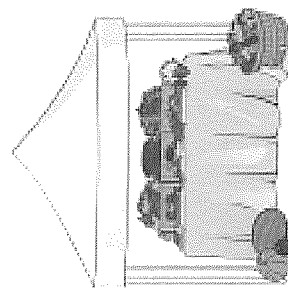
Green Market at Palm Beach

Champagne to Caviar

MISSION:

Establish the most renowned Green Market in the Country!

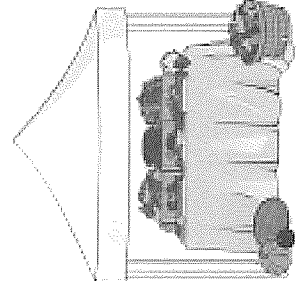
- * Keep with Palm Beach/Worth Avenue ambience
- * October through May
- * Sundays 10 AM to 3 PM
- * High end goods from area vendors
- * Synergistic presentations
 - Cooking demonstrations
 - Party Planning menus
 - Flower arrangements
 - Wine tasting
 - And, for the fun of it, magic for the kids!



Green Market

RATIONALE:

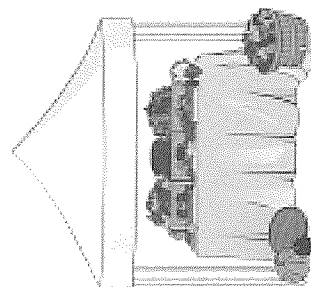
- * Many communities already enjoy something like this
- * People love "healthy and fresh"!
- * Gives local residents convenience
- * Improves quality of life
- * Keeps residents local
- * Social opportunity without 'boarders'
- * Fills Publix gap



Upscale Area Growers and Merchants

VENDORS:

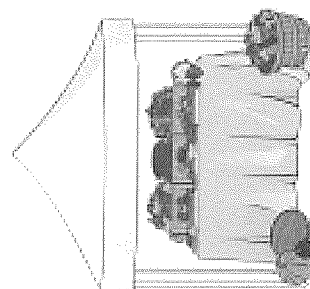
- * Vendors overwhelmingly in support of a Sunday Market in Palm Beach
- * Many currently participating in West Palm and Lake Worth on Saturdays
- * Some are in, but not happy with, Sunday event in Palm Beach Gardens
 - * Departs too much from true Green Market objective
 - * Too much focus on “craft” vendors
 - * Even true of the Saturday events
- * Ready to support Palm Beach Market!

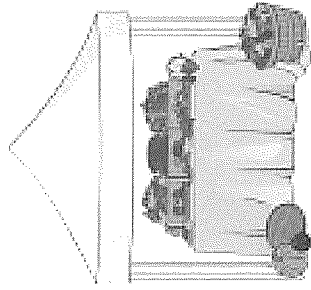


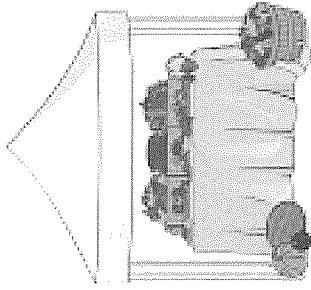
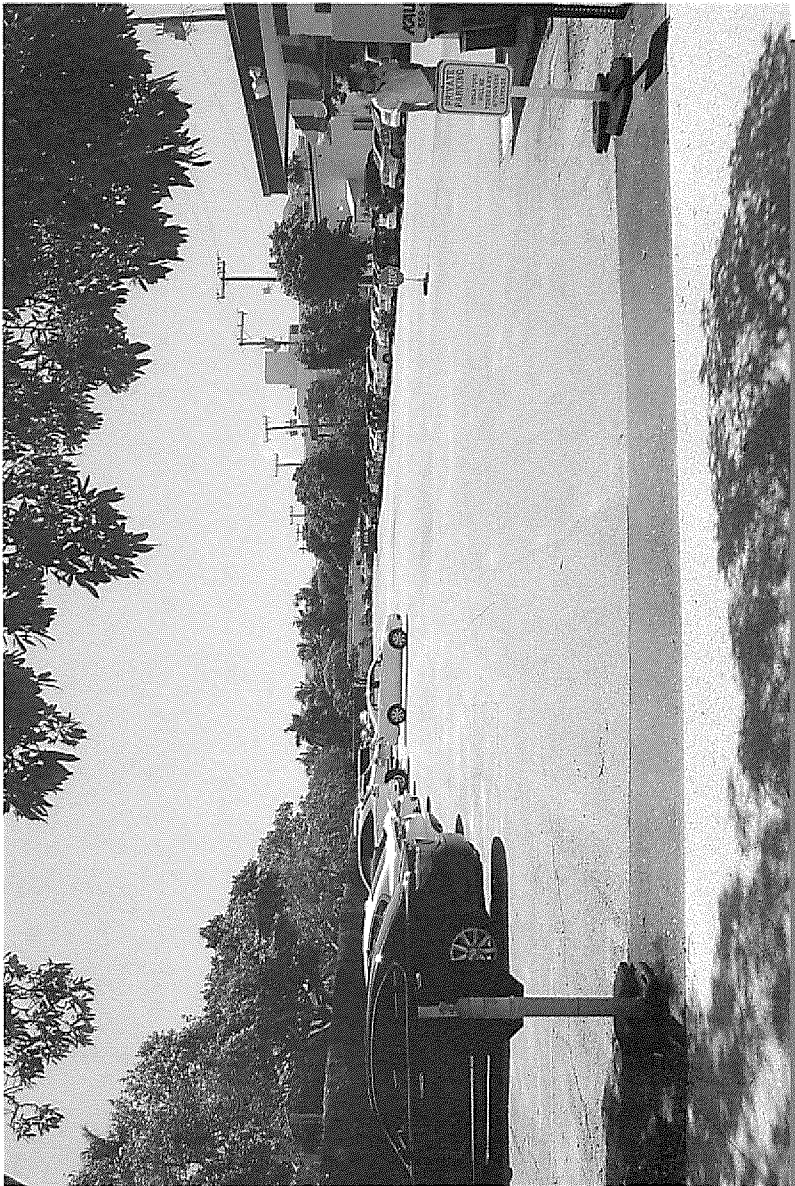
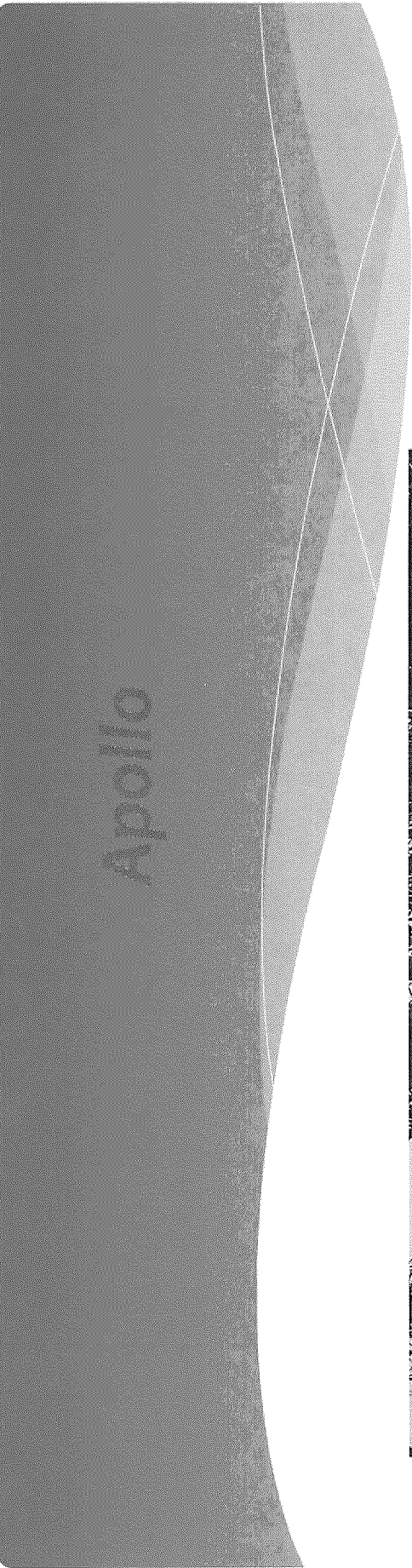
Location, Location, Location

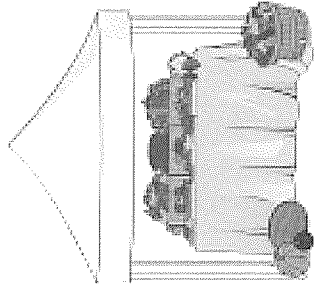
APOLLO:

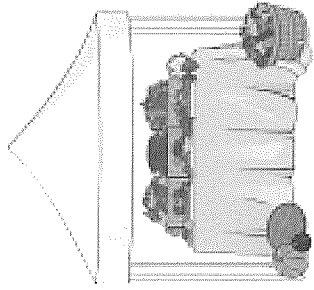
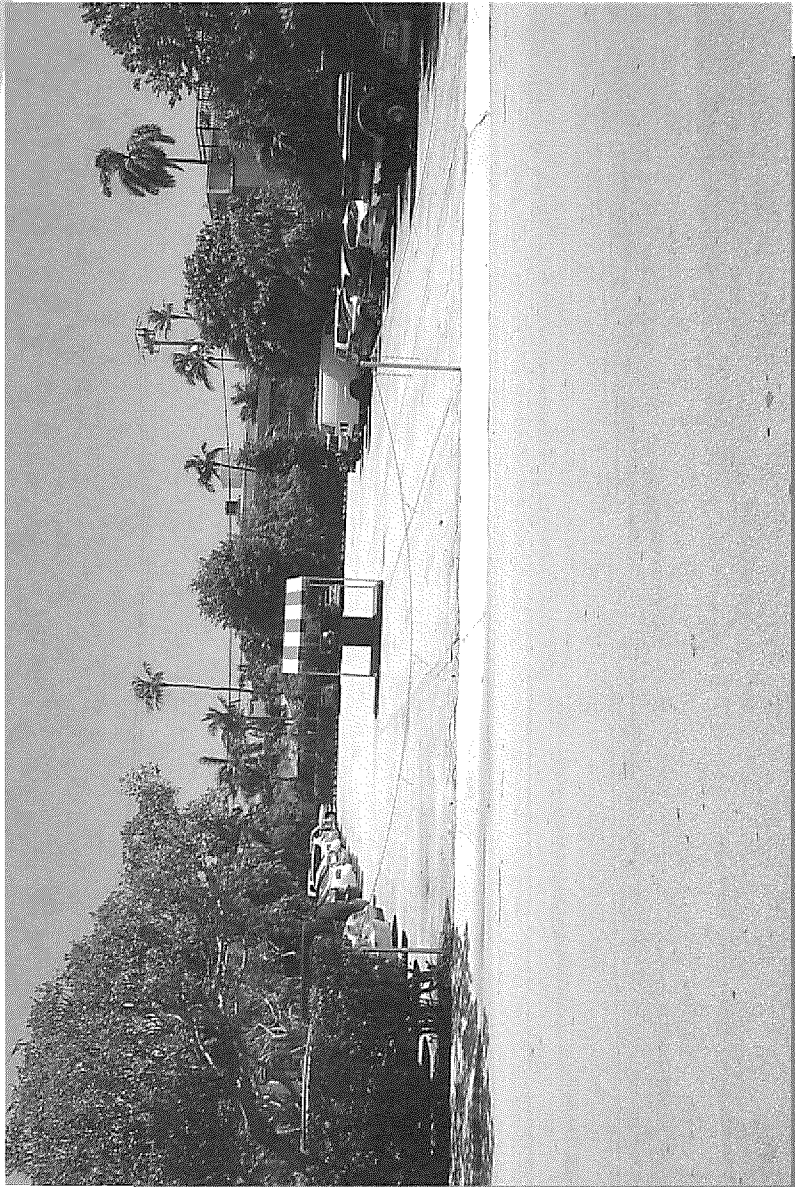
- * Site will be Apollo Parking Lot (see photo on next page)
- * Vendors set up in East End
- * Each vendor booth within a “parking space”
- * Sufficient space for expected number of vendors
- * Remaining parking for vendor vehicles and attendees
- * Possible parking for vendors across Peruvian







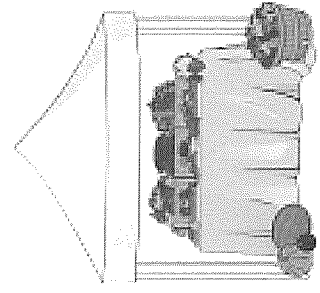




Requirements

VENDOR REQUIREMENTS:

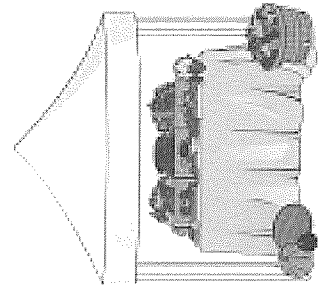
- * Minimum 10' X 10' white (only) tent
- * Larger footprints available : 10' X15', 10' X 20', etc.
- * Anchors for each leg
- * Setup by 9:45 AM
- * Breakdown no earlier than 3:00 PM. Continuity is essential



Logistics

1 MAIN STREET MARKETING (1MSM) RESPONSIBILITIES:

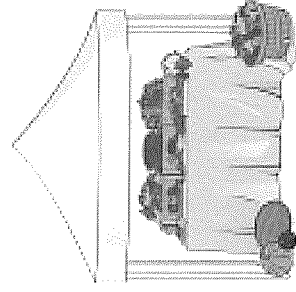
- ✓ Contacting potential vendors
- ✓ Compliance with Town Code
- ✓ Qualifying status as grower or non-grower and distinguishing quality of product
- ✓ Although, there is no exclusivity... product categories will be controlled
- ✓ Confirming that all required local, county and state permits are in order
- ✓ Obtaining contracts
- ✓ Creating and maintaining website (www.palmbeachgreenmarket.com)
- ✓ Developing and implementing advertising/pr campaign
- ✓ Managing and staffing for event
- ✓ Creating weekly activities, etc.



The Setting

STAGING:

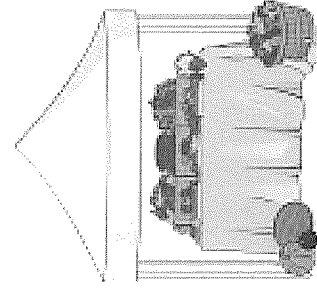
- * FUN!
- * Mimic Medieval marketplace
 - Valet concierge cold storage and delivery service
 - Bag boys/girls
 - Red (green) walkway carpet
 - Mandolin and flute players



History

1 MSM HISTORY & HARRY WELSH:

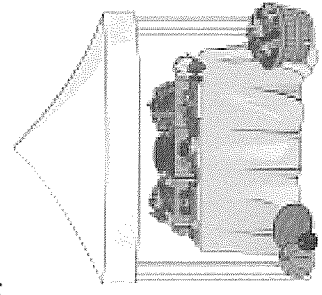
- * 1 Main Street, LLC successfully introduced the first town-approved private event on December 12, 2010 (Auto Show at Palm Beach)
- * 1MSM hosted two additional West Palm Beach Auto Shows at CityPlace and Waterfront Commons
- * Previous history includes:
 - * Marketing/management of U.S. Open Tennis at Flushing Meadows
 - * Several marketing and licensing for Olympic Games and U.S. Olympic Teams
 - * Developed and managed Fortune 500 national 'grassroots' sports programs
 - * Owned and operated Adirondack resort. Promoted weekly crafts shows
 - * General package good, sports, promotional advertising/marketing
 - * Internet marketing



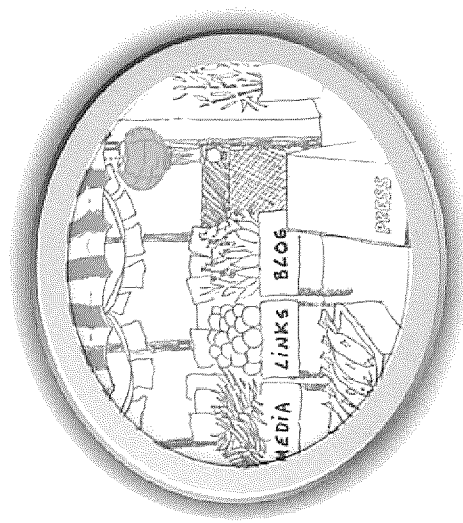
The Market

CONCLUSION:

- * This project is all about Palm Beach!!
- * Preferred consideration to the Palm Beach businesses!
- * Vendor response has been overwhelming
- * The Green Market at Palm Beach will be something the Town will be proud to call their own
- * Added revenue for Town and merchants
- * Media coverage will have positive residual benefits for the Island that extend to:
 - * real estate
 - * tourism
 - * retail
 - * business services
 - * And more!



Thank You!



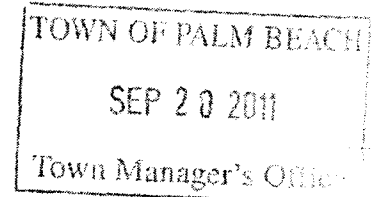
PALM BEACH CHAMBER OF COMMERCE, INC.

400 Royal Palm Way • Suite 106 • Palm Beach, FL 33480
www.palmbeachchamber.com

561.655.3282

561.655.7191

September 15, 2011



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The Breakers Palm Beach
President
Kevin Lamb
Gunster
Vice-President
Michael R. McCarty
Michael R. McCarty's
Vice-President
Richard Rampell
Rampell & Rampell
Treasurer

Mr. Thomas G. Bradford
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

via fax

RE: Green Market Concept for Palm Beach

Dear Tom,

Ned Barnes
Palm Beach Civic Assoc.
Ervin S. Duggan
Society of the Four Arts
Roger Everingham
The Colony Hotel
Linda Goings
Palm Beach Daily News
Brian Johnson
Fidelity Investments
John Maus
Maus & Hoffman
Bradford P. Miller
Bradford P. Miller
Real Estate
Adam Munder
The Sterling Group
Kristy Pressly
The Breakers Palm Beach
Clay Surovek
Surovek Galleries
Directors

Thank you for allowing the chamber to weigh in on the market concept presented by Mr. Walsh. We hope you will meet with Peter Robinson, an expert on green markets and their viability in different areas. His local expertise is critically important to this study.

Would it hurt to give a temporary approval to see how it might work? Absolutely not. We would encourage the town to experiment with new ideas.

A green market on Palm Beach: a charming concept but is it the best way to improve the commercial districts to better serve the residents.

- With the vacancy rate on-island near 20%, a once a week enterprise does not contribute significantly to a vibrant, stable economy
 - Alternatively, could a street be blocked off to create a more interesting venue compared to a parking lot as currently proposed?
 - Parking/traffic considerations: Sundays present the church traffic until noon - can you establish a venue that would not interfere with church schedules and yet draw that traffic?
- With the repeated cries of having 'those people' on island, would this encourage more sightseers?

James A. Ponce
Historian

Laurel Baker
Executive Director
Secretary

Penny Spano
Membership Services

- With the newly created West Palm Beach green market operating on Saturdays with over-whelming success, why would shoppers come to the island on Sunday?
 - o The variety of activities and the scenic venue cannot be matched on Palm Beach, save for locating it at Bradley Park
 - o The attendees are Palm Beachers and their families - there is a festive atmosphere - can the same be replicated on island?

The new Publix will be open on Sundays - is it reasonable to assume there would be some pushback by the grocery chain given the many concessions they made in building a new store?

The original concept of 'high-end' purveyors begs the question of the small, independent vendors (caterers, etc.) who have long provided goods and services to their clientele on-island, with delivery: who would actually make up the customer base for the market?

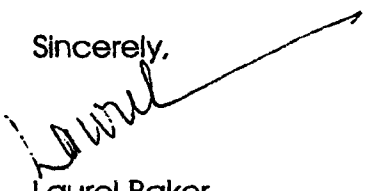
Would the market generate business for the Worth Avenue stores on a Sunday - many of which are not open on Sunday, with the exception of the holiday season?

Are there more desirable locales? Possibly - the Gucci courtyard, filled with market umbrellas - visually appealing. Bradley Park - scenic, but presents usage limitations and parking bottlenecks. The Flagler Museum - even the Poinciana Plaza.

The final conclusion? Would the town would be better served to expend energies on economic development through more creative zoning to recreate a more diverse, service-oriented business community and revive the fast-dying commercial districts that do not serve the community as they once did.

Green markets are lovely - could such an enterprise help the Town of Palm Beach and its efforts to bring back the community that once had thriving retail districts that catered to the needs of its residents?

Sincerely,


Laurel Baker

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Regular Agenda - New Business

Agenda Title

WWII Memorial Castings

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated October 4, 2011, from H. Paul Brazil, Director of Public Works
- Letter dated September 30, 2011, from Rotary Club of Palm Beach Foundation

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

FROM: H. Paul Brazil, Director of Public Works

RE: Request from Rotary Club of Palm Beach to Replace WWII Memorial Castings

DATE: October 4, 2011

STAFF RECOMMENDATION

Staff recommends that Town Council accept the proposed donation and authorize staff either to accept the funds to replace the existing painted aluminum WWII memorial plaques at Memorial Fountain or to accept donated plaques approved by staff and acquired by the donor.

GENERAL INFORMATION

The Rotary Club of Palm Beach Foundation has generously offered to fund the replacement of the existing plaques at Memorial Fountain that honor residents of Palm Beach who served in the United States military during World War II. These plaques are on the westernmost wall at the north end of the reflecting pool and are made of cast aluminum. It is the intention of the donor to replicate the plaques exactly and only change the material they are made of.

The more recently installed easternmost plaques list Town employees that died in service to the Town and residents who provided military service to our country during wars fought since 1945. This set is made of bronze.

Staff has obtained a preliminary budget estimate from the local vendor that had previously provided the easternmost plaques. We anticipate that installation of replacement western plaques will cost approximately \$20,000 to \$25,000.

The donors hoped to have the new plaques installed by December 7, 2011, Pearl Harbor Day. We would need to place an order with a manufacturer within a day or two of this Town Council meeting to meet that very aggressive deadline. The Town's purchasing policy will require development of specifications and competitive bidding given the value of the project. Staff will gladly pursue the project and complete it as quickly as possible. However, it will not be possible to meet the desired deadline if the Town accepts the donation of funds and procures the materials.

Alternatively the Council may choose to accept the donation of the plaque itself as opposed to accepting the funds for the plaque. Staff would assist the donor in any way possible in getting the casting completed and installed. The Town would retain the right to approve the proofs that are developed before the actual casting is done. This would allow staff to ensure that the plaques are identical to the originals. This alternative may allow for the installation by December 7, 2011.

FUNDING/FISCAL IMPACT

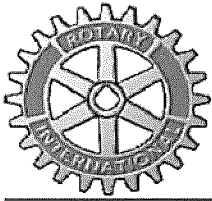
The Rotary Club of Palm Beach Foundation has generously offered to fund the complete replacement of these plaques. There is no fiscal impact to the Town.

PURCHASING REVIEW

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

Attachment

cc: Eric B. Brown, P.E., Assistant Director of Public Works
Ed Armstrong, Parks/Streets Supervisor



Rotary Club of Palm Beach Foundation

Post Office Box 105 Palm Beach, Florida 33480

TOWN OF PALM BEACH

SEP 30 2011

Town Manager's Office

September 30, 2011

The Town of Palm Beach
Mr. Peter Elwell
360 South County Road
Palm Beach, FL 33480

Dear Mr. Elwell,

The Rotary Club of Palm Beach would like to replace the current WWII memorial castings, which are painted aluminum and getting worn out, with new ones in cast bronze. The new ones will be identical to the existing ones except for the material. We would like to add text on a separate small plaque that states the replacement was made this year by the Rotary Club of Palm Beach and include the Rotary wheel. Of course, the final go ahead for the project will depend on the cost estimate which we do not yet have and will be subject to final approval of foundation board of directors.

The existing plaques were organized by Ames Benett who continues to be a member of our club. He suggested that we look into replacing them. He explained that when his group organized the memorial they couldn't raise enough money for bronze castings. His group researched the list of names of residents of Palm Beach who served in the war, and he believes the list is complete.

Since Ames is 90 years old, it would be good if we could replace the castings this year. Pearl Harbor Day might be a good time to dedicate the new castings.

Sincerely,

Riccardo Boehm
Treasurer
Rotary Club of Palm Beach

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Regular Agenda - New Business

Agenda Title

Usage of Public Beach Access for Private Beach Cleaning.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 22, 2011, from H. Paul Brazil, Director of Public Works.
- Letter dated September 20, 2011, from the Palm Beach Civic Association

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

FROM: H. Paul Brazil, Director of Public Works

RE: Usage of Public Beach Access for Private Beach Cleaning

DATE: September 22, 2011

STAFF RECOMMENDATION

Town staff requests Council direction concerning allowing private beach cleaning companies to use the Town beach access points to provide services to Town residents. Existing Town Ordinances may need to be revised based upon Council's direction.

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 in 2009. The Town's current level of service is 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. During a planning meeting with the Civic Association in December 2010, Council member Bill Diamond suggested that the Police Department's Code and Parking Enforcement Unit inform the shorefront property owners of the beach cleaning obligation for private property owners as described in the Town Code, Sec. 74-188.

As suggested, a flyer was developed by Code Enforcement and was mailed to the shorefront property owners along with the annual lighting reminder for sea turtle nesting season. On behalf of many private residents at the north end of the island, the Civic Association requests to work with Town staff to develop Angler Avenue and other access points to bring contract beach cleaning equipment onto the beach to service private properties (see attachment).

In February 2011, Town staff requested Council direction concerning private beach cleaning companies using Town beach access points for providing services to individual Town residents with mechanical equipment. No decision was made by Council at the February 2011 meeting. Council directed that the item be sent to the Ordinances, Rules, and Standards (ORS) Committee for

discussion. Staff anticipates presenting this item at the next ORS Committee meeting (October or November 2011).

It should be noted that an FDEP permit is not required for hand-cleaning the beach. This method is more labor intensive but would not require permission to move vehicles or equipment through a public access.

Sections of the Town Code, 66-82, 66-83, 74-118, 74-195, and 74-227, pertain to activities associated with mechanical beach cleaning and may require revision following recommendation of the ORS Committee and/or action by Town Council.

SPECIAL CONSIDERATIONS

Town staff has expressed concern about the potential liability of allowing private companies to regularly use Town access points. At the February 15, 2011, Council meeting, the Town Attorney advised that if the Council allowed the access, a permitting system could be created with conditions that included indemnification, a hold harmless clause, and the necessary insurance. The Town's Risk Manager, Karen Temme, could establish the insurance requirements.

Also, the Angler Avenue beach access presents unique challenges. The Angler Avenue Right-of-Way is wide enough for use by heavy equipment. However, the existing vegetation and grading limits the width of the access. The vegetation is state protected dune plants. FDEP would need to provide the Town with a permit to remove some of the existing sea oats and other dune plant species. We also anticipate opposition from some neighboring property owners if widening of the Angler Avenue access is pursued.

The Town has on a case-by-case basis allowed contractors working on construction projects (ie. seawall construction) to use a public beach access. This is considered when no other access is available for necessary work or if access through the private property would actually cause more environmental impacts than using the existing public access points.

FUNDING/FISCAL IMPACT

Town Council may want to consider a fee for private vehicles to utilize these beach access points. The fee would cover staff costs to review insurance documents and other pertinent information.

TOWN ATTORNEY REVIEW

The Town Attorney will be asked to review and comment on any proposed policy or ordinance.

Attachment

RW

cc: Thomas G. Bradford, Deputy Town Manager
Kirk Blouin, Director of Public Safety
Robert Weber, Coastal Coordinator
Karen Temme, Risk Manager

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J. Patterson Cooper, Secretary and Treasurer
Ned Barnes, President

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139 North County Road, Suite 33 • Palm Beach, Florida 33480-3950

September 20, 2011

Mayor and Town Council
Town of Palm Beach
P.O. 2029
Palm Beach, Florida 33480

Re: The Civic Association seeks Council permission to work with Town staff to develop Angler Road and other access points to bring beach cleaning equipment onto the beach for a North End beach cleaning program.

Dear Mayor Coniglio and Town Council Members:

In response to requests from Town residents, the Palm Beach Civic Association is attempting to develop a beach cleaning plan for the North End.

As you remember, the Association assisted Council member Bill Diamond last year when he was assigned to study beach cleanup for the Town. Mr. Diamond learned of a Town ordinance that requires beachfront property owners to keep their beaches clean. He therefore recommended an informational program coupled with code enforcement to address the problem.

At the Civic Association, we are following up on Mr. Diamond's investigation. Our goal is to provide a beach cleanup program that oceanfront property owners can use to keep their beaches clean on a regular basis.

The program we envision would involve no cost to the town. Property owners would contract individually with beach cleaning service providers. The owners would determine the level of cleaning desired (mechanical, handpicking, etc.). Working with the beach cleaning companies, they would be responsible for securing permits in turtle season and working out arrangements with the turtle monitor.

At the Civic Association, we propose the following:

- The Association will develop an information packet on beach cleaning and mail it to all North End oceanfront homeowners, neighborhood associations, and interested parties. The material will remind residents that oceanfront parties are required by code to keep their beaches clean. It will also outline cleanup options, vendors, costs, and details on permitting, turtle monitoring, etc.

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The Hon. Harold B. Scott

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Jimmy Ryan, *The Citizens' Assn of Palm Beach*
Dr. Rebecca van der Bogert, *Palm Beach Day Academy*

- The Association will host two informational meetings (November and February) for interested parties to learn about beach cleaning options. Beach cleaning companies, turtle monitors, and town representatives will be invited to participate.
- The Association will serve as an ongoing resource for those seeking beach cleaning information and assistance.

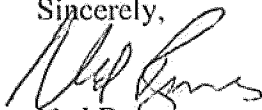
At this point, the Civic Association is seeking Town Council input and guidance. Specifically, we need help with the issue of beach access.

The Town of Palm Beach appears to have only one clearly defined access point to its North End beaches. This location at Angler Road could be used to get mechanical beach cleaning equipment onto the beach; however, Town staff informs us, securing such access would involve rearranging the plantings, sea oats, dunes, etc. which would require a permit from the Department of Environmental Protection.

The Civic Association seeks Council permission to work with Town staff to develop Angler Road and other North End locations as beach access points for beach cleaning equipment. We propose to return to the Council with our findings and recommendations.

Thank you for your consideration.

Sincerely,



Ned Barnes
President

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Regular Agenda - New Business

Agenda Title

Lauder Estates Seawall Construction

Request for Use of Town Property and Waiver of Construction Work Hours

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 23, 2011, from H. Paul Brazil, Director of Public Works.
- Design Plan for New Toe Wall.
- Letter from Dixon and Associates

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

FROM: H. Paul Brazil, Director of Public Works

RE: Lauder Estates Seawall Construction
Request for Use of Town Property and Waiver of Construction Work Hours

DATE: September 23, 2011

STAFF RECOMMENDATION

Town staff recommends that Council waive the Town Code of Ordinances, Section 42-198, for the Lauder Estates Seawall construction and allow construction to occur outside of sea turtle nesting season, specifically between December 1, 2011, and February 29, 2012. Staff additionally recommends that Council approve the utilization of a 22-foot by 22-foot section of Clarke Public Beach as a dewatering site, subject to the restoration of that area to its pre-project condition when the dewatering has been completed.

GENERAL INFORMATION

A toe wall to reinforce the existing seawall is being proposed along the easterly sections of 126 South Ocean Blvd. and 115 Flagler Drive, in Palm Beach, Florida. These properties are located immediately north of Clarke Public Beach and south of The Breakers Resort. State permits to construct the proposed toe wall have been issued (FDEP CCCL Permit Nos. PB-956-AR and PB-957-AR). Work can begin on November 1, pending receipt of U.S. Army Corps of Engineers permit. The anticipated construction duration is four (4) months.

WORK DURING “SEASON”

On September 21, 2011, Town staff received a request from Dixon And Associates Engineers, Inc., for a waiver of Section 42-198 of the Town Code of Ordinances to perform construction work during the “season” (between December 1 and April 30). The waiver is necessary in order to conduct the work outside of sea turtle nesting season, which is between March 1 and October 31. Mr. Dixon has informed Town staff that the waiver is intended for the purpose of allowing work to be conducted during the weekdays through the “season” and that construction activities would not be performed on weekends or holidays. The method of construction will include a vibratory hammer to minimize or eliminate any disruption to the adjacent properties.

CLARKE PUBLIC BEACH

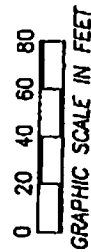
Construction includes the addition of a toe wall (consisting of steel sheet piles advanced immediately east of the existing wall) to the easternmost section of the seawall for structural support. A concrete pour between the existing seawall and the new toe wall component will be performed and a dewatering site is necessary to complete the work. With construction set to occur during the winter months, the winter profile of the beach immediately east of the site will likely not be able to accommodate a dewatering site. A 22-foot by 22-foot section of Clarke Public Beach has been requested as a dewatering site as to allow percolation of the pumped sea water into the beach sand (see attachment). This activity is to be field permitted by FDEP prior to construction. The Town has allowed this type of dewatering activity to be performed in the past, as a best practice to minimize environmental impacts.

FUNDING/FISCAL IMPACT

There are no Town funding/fiscal impacts associated with this item.

Attachments

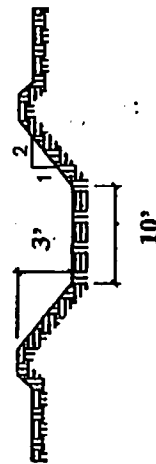
cc: Kirk Blouin, Director of Public Safety
James M. Bowser, P.E., Town Engineer
Robert Weber, Coastal Coordinator
RobWalton, Code Enforcement
Ron Dixon, P.E., Dixon and Associates Engineers



COFFERDAM DEWATERING PLAN

SECTION THRU SOAKAGE PIT
(NOT TO SCALE)

NOTE: THE SOAKAGE PIT IS TO BE CONSTRUCTED ABOVE THE HIGH TIDE LINE. THE DRAINAGE WATER IS NOT TO FLOW INTO THE OCEAN AND TO BE OPERATED TO PERCOLATE INTO THE BEACH SAND



JOB NO.	11-101
SCALE	1" = 80'-0"
DATE	03-10-11
DRAWING NO.	

**NEW TOE WALL SHEET PILES
FOR LAUDER ESTATES
126 SOUTH OCEAN BLVD.
AND 115 FLAGLER DRIVE
PALM BEACH, FLORIDA**

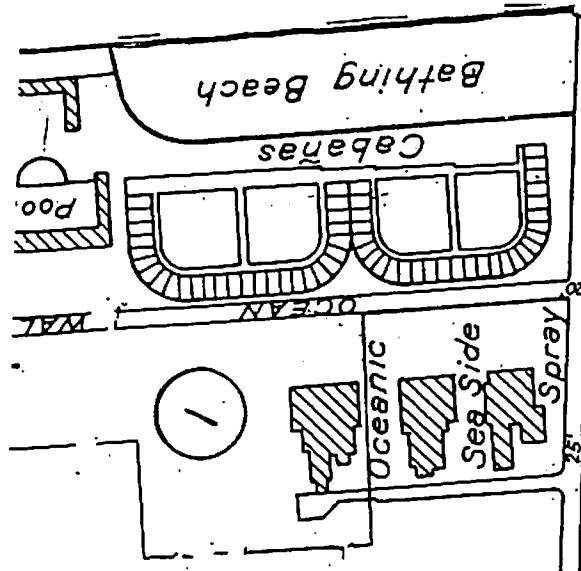
**Dixon and Associates
Engineers, Inc.**

**3600 North Shore Drive
West Palm Beach, Florida 33407**

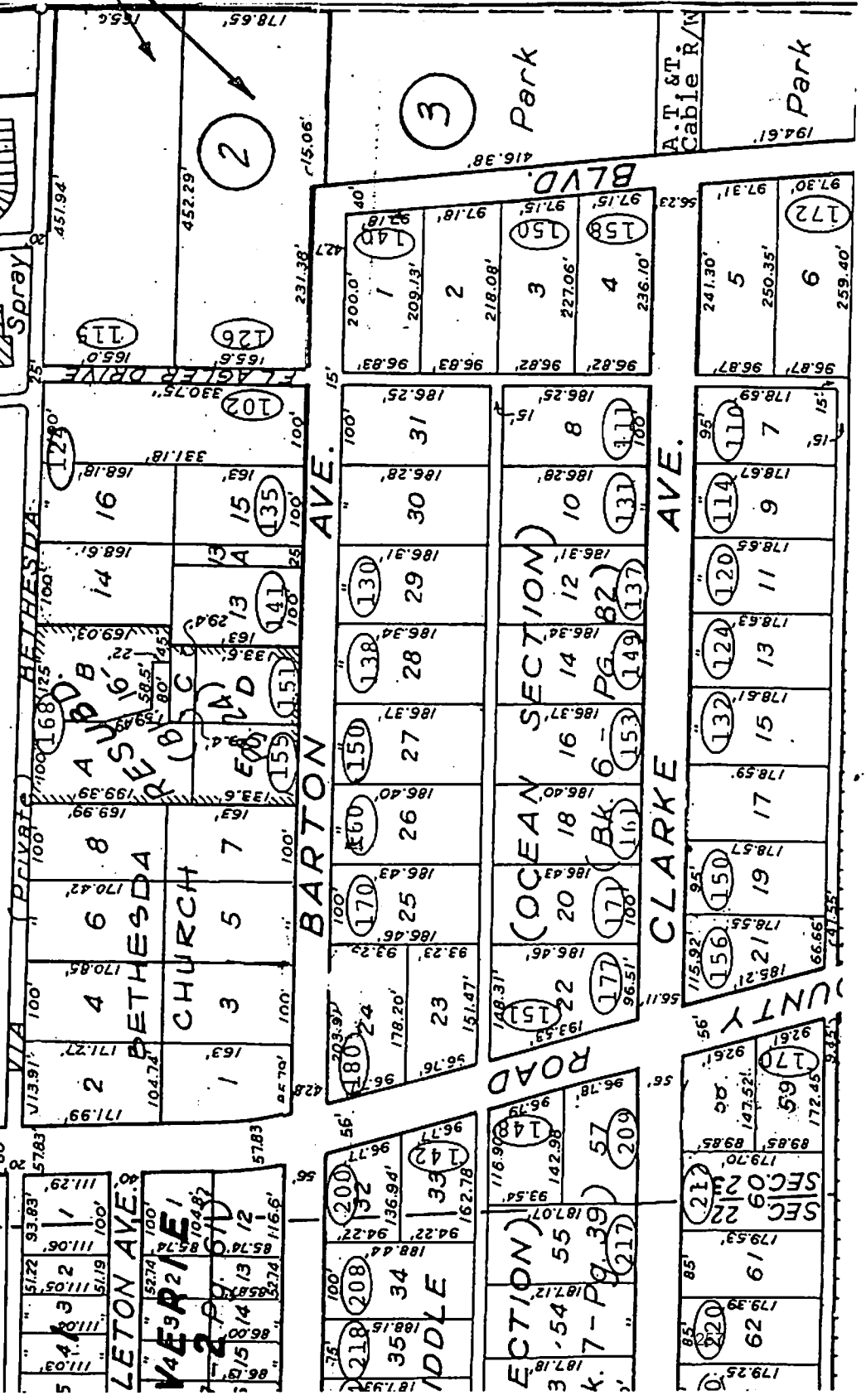
Phone (561) 684-1279 Fax: (561) 842-9616
E-Mail dixeng@bellsouth.net
Board of Professional Engineers Certificate No. 4088

DESIGN BY:	RMD
DRAWN BY:	DP
CHECKED BY:	<i>RMD</i>
COMPUTER NO.	JB-1108-F1

COUNTY
 SEC. 22
 SEC. 23
 TRACT 5
 4



SITES



PROPERTY OWNERS
 MAP
 1"=200"

DIXON AND ASSOCIATES ENGINEERS, INC.
3600 NORTH SHORE DRIVE
WEST PALM BEACH, FL 33407
Telephone 561 684 1279
Fax 561 842 9616
Email dixeng@bellsouth.net

September 21, 2011

Mr. Rob Weber
Town of Palm Beach
951 Old Okeechobee Road.
West Palm Beach, FL 33401

Re: The Lauder Estates, 126 South Ocean Blvd. and 115 Flagler Drive

Dear Rob;

We request on behalf of our client a waiver of section 42-198 from the Town Council to perform construction work during the season. Enclosed is a site plan showing the location of the work. The work is scheduled to start Nov. 1 and expect to be complete by the end of February 2012

This waiver is necessary due to turtle nesting season which occurs from March 1 thru October 31. No work on the beach can occur during the turtle nesting season...

The negative effects of the project should be minimal due to the nature of the work and its distance from homes. The equipment used will be a crane and a vibratory hammer to install the sheet piles. Also used will be a concrete pump.

Please call if you have any questions. or need any other data.

Very truly yours,



R. M. Dixon
PE 10314

Cc George Eisenbach, Jim Green, Terry Rice, Murray Logan Construction

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Regular Agenda - New Business

Agenda Title

190 South Ocean Boulevard Seawall Construction

Request for Use of Town Beach Access at Peruvian Avenue, Use of Town Property, and
Waiver of Construction Work Hours

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 23, 2011, from H. Paul Brazil, Director of Public Works.
- Letter of Notice of Commencement dated September 20, 2011.
- Request from Dixon and Associates

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

FROM: H. Paul Brazil, Director of Public Works

RE: 190 South Ocean Boulevard Seawall Construction
Request for Use of Town Beach Access at Peruvian Avenue, Use of Town
Property, and Waiver of Construction Work Hours

DATE: September 23, 2011

STAFF RECOMMENDATION

Town staff recommends that Town Council (1) waive the Town Code of Ordinances, Section 42-198, for the 190 South Ocean Boulevard seawall construction and allow construction to occur outside of sea turtle nesting season, specifically between December 1, 2011, and February 29, 2012, (2) approve the temporary excavation of a 14' by 100' section at the southernmost portion of Clarke Public Beach, and (3) approve 2 day-long temporary road diversions of South Ocean Boulevard, between Worth and Chilean Avenues. Staff also recommends that the Town Council consider the applicant's request for 2 temporary road closures of South Ocean Boulevard, between Seabreeze and Clarke Avenues, requiring detours between 10 a.m. and 2 p.m.

GENERAL INFORMATION

A toe wall to reinforce the existing seawall is being proposed along the easterly section of 190 South Ocean Boulevard, in Palm Beach, Florida. This property is located immediately south of Clarke Public Beach. A state permit to construct the proposed toe wall has been issued (FDEP CCCL Permit No. PB-967-AR). On December 15, 2010, Town Council granted a seawall variance (No. 23-2010) for construction of a sheet pile toe wall, at 190 South Ocean Boulevard, 18 feet east of the Town's bulkhead line, to protect the integrity of the existing seawall.

Toe wall construction is scheduled to begin on November 1. The anticipated construction duration is four (4) months.

To prevent erosion behind the seawall/toe wall, short return walls are being proposed. These short return walls are consistent with good engineering practice. The existing return wall lies on the property line. The new northern return wall will encroach on the adjacent Clarke Avenue beach. At last month's meeting, Council authorized a permanent easement following receipt of a land usage fee. The fee has been received.

A permit modification to PB-967-AR for the inclusion of short return walls has been submitted to the state. Expected receipt of the permit modification is December 2011. Work on the toe wall will begin in November 2011 while the state processes the permit modification for the short return walls.

WORK DURING “SEASON”

On September 21, 2011, Town staff received a request from Dixon and Associates Engineers, Inc., for a waiver of Section 42-198 of the Town Code of Ordinances to perform construction work during the “season” (between December 1 and April 30). The waiver is necessary in order to conduct the work outside of sea turtle nesting season, which is between March 1 and October 31. Mr. Dixon has informed Town staff that the waiver is intended for the purpose of allowing work to be conducted during the weekdays through the “season” and that construction activities would not be performed on weekends or holidays. The method of construction will include a vibratory hammer to minimize or eliminate any disruption to the adjacent properties. This type of request is routinely granted for this type of work.

CLARKE PUBLIC BEACH

The existing east-west return wall on the north side of 190 South Ocean Boulevard was constructed with steel sheet piles. It is good engineering practice to engage the exposed steel sheet pile with a concrete face to reduce weathering. The project includes the installation of a 5" thick concrete facing to be applied to the steel sheet piles for an east-west distance of 100 feet. This activity will require excavation. With the siting of the existing wall within 6 inches of the Clarke Public Beach south property line, the temporary excavation needed to expose the existing wall will extend approximately 14 feet into the public beach area. Once the activity is complete, the sand will be graded back to the pre-construction condition and any impacted vegetation would be replaced. 190 South Ocean Boulevard is responsible for acquiring FDEP authorization for impacts to vegetation.

Clarke Public Beach is not to be utilized as a staging area for equipment or materials. All construction related items are to be staged south of the Clarke Public Beach property line.

PERUVIAN BEACH ACCESS

A crane is necessary to hold the vibratory hammer that is used to advance the steel sheet piles. Access through the private property is not feasible due to site restrictions (turning radius off South Ocean Boulevard existing private infrastructure, and existing vegetation). Mr. Dixon’s letter to the Town requests the use of the Peruvian Avenue beach access to offload the crane, assemble, and walk up the beach (approximately 2,500 ft). The crane will remain on the beach at the 190 South Ocean Boulevard property for the duration of the project. The crane will be offloaded from the beach at the Peruvian Avenue access once the project is complete. Refueling of heavy equipment and maintenance will occur from the private property. This type of access has been granted for similar projects.

S. OCEAN BOULEVARD LANE PARKING CLOSURES

Due to public safety on the beach, active transport of the crane up and down the beach, shore-parallel, one time in each direction, will need to occur during off-peak hours on the beach. This time, conversely, is during peak traffic conditions in the morning or late afternoon. Road closures during the morning or late afternoon would present unnecessary traffic impacts; therefore, in order to offload and assemble the crane at Peruvian Avenue, traffic lanes will need to be diverted. The expected lane diversions, limited to South Ocean Boulevard between Worth and Chilean Avenues, would be similar to the plan utilized during construction of the Mid-Town truck haul beach and dune restoration project completed earlier this year. The beach side parking spaces on the east side of South Ocean Boulevard would be closed for use along with the north bound lane. North bound

traffic would be shifted onto the south bound lane. South bound traffic would be shifted onto the west side parking spaces on South Ocean Boulevard. Parking on the west side of South Ocean Boulevard would be closed for use. The diversion would occur twice. The duration of each diversion would not exceed 9am to 5pm on one day.

A traffic maintenance plan will be provided to Town staff and the contractor will be required to meet for plan approval with both Public Works and the Police Department prior to commencement of the work. This type of mobilization and demobilization is not unusual, but is typically not done during season.

S. OCEAN BOULEVARD ROAD CLOSURES

In order for the contractor to perform mobilization and demobilization activities, the applicant also has requested temporary closure of South Ocean Boulevard between Sea Breeze and Clarke Avenues. To reduce impacts to peak traffic times, the closure is to be restricted to 10am to 2pm for each of the two (2) closures. Initially, five (5) road closures were requested between Sea Breeze and Clarke Avenues. Since the September 21 letter, Mr. Dixon has worked with the project's contractor, Murphy Construction, to develop a revised plan to work on private property for each of the three (3) concrete pours. With some impacts to the landscaping and short-term traffic disturbances to back up cement mixers into the private property, the concrete pours can be performed without the need to close South Ocean Boulevard between Sea Breeze and Clarke Avenues.

A traffic maintenance plan, pending Public Works and Police Department approval, will include the South Ocean Boulevard road closures. Staff will work with the contractor during the right-of-way permit process to minimize impacts.

In summary, the following activities are being requested for Council authorization:

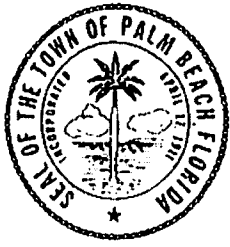
- Waiver to Town Code Sec. 42-198 for work during "season", between 9am and 5pm Monday to Friday, excluding Town-observed holidays.
- Excavation of 14' x 100' of Clarke Public Beach for concrete work along the north side of the existing return wall.
- Use of Peruvian Avenue beach access for mobilization and demobilization of a crane, including two (2) shore-parallel trips with the crane through Mid-Town Municipal Beach.
- Two (2) temporary lane diversions along South Ocean Boulevard, between Worth and Chilean avenues, to occur between 9am and 5pm.
- Two (2) temporary road closures along South Ocean Boulevard, between Sea Breeze and Clarke Avenues, to occur between 10am and 2pm.

FUNDING/FISCAL IMPACT

There are no funding/fiscal impacts associated with this item, except for the de minimis loss of parking revenue during the delivery and removal of the crane.

Attachments

cc: Kirk Blouin, Director of Public Safety
John Page, Director of Planning, Zoning, & Building
James M. Bowser, P.E., Town Engineer
Robert Weber, Coastal Coordinator
Robert Walton, Code Enforcement
Ron Dixon, P.E., Dixon and Associates Engineers



TOWN OF PALM BEACH

Public Works Department

September 15, 2011

Florida Department of Environmental Protection
Bureau of Beaches and Coastal Systems
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

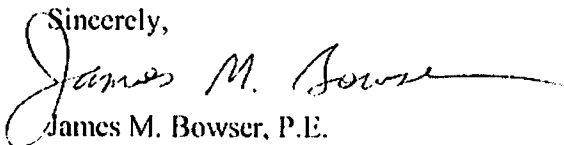
Re: Ecclestone Seawall
190 South Ocean Boulevard
Palm Beach, FL 33480

To Whom this May Concern:

On September 13, 2011, the Town of Palm Beach Town Council approved a motion that granted an easement upon Town of Palm Beach land, commonly known as Clarke Avenue Beach, to Lloyd Ecclestone, or the legal entity with ownership of 190 South Ocean Boulevard, Palm Beach, Florida for the purpose of installing a toe wall on said property adjacent to the Atlantic Ocean.

If you are in need of any additional information, please contact the Town's Coastal Coordinator, Robert Weber, at 561-838-5440.

Sincerely,


James M. Bowser, P.E.
Town Engineer

JMB:mks

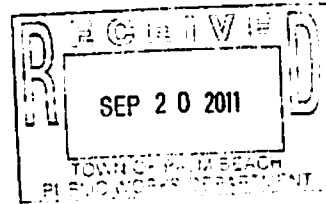
cc: Peter B. Elwell, Town Manager
H. Paul Brazil, P.E., Director of Public Works & Public Works File
John Page, Director of Planning and Zoning
Robert Weber, Coastal Coordinator
E. Lloyd Ecclestone, 190 South Ocean Boulevard
Ron Dixon, P.E., Dixon and Associates

E. LLWYD ECCLESTONE
POST OFFICE BOX 3267
WEST PALM BEACH, FLORIDA 33402

TELEPHONE
561/686-2000
FAX
561/686-5553

September 20, 2011

HAND DELIVERED



Mr. Robert Weber
Coastal Coordinator
Town of Palm Beach
951 Old Okeechobee Road
West Palm Beach, FL 33401

Re: Seawall Easement

Dear Rob:

Enclosed you will find the Notice of Commencement, description of property and description of proposed easement, check payable to the Town of Palm Beach in the amount of \$2,000, along with a copy of the email Jim Bowser sent to my engineer, Ron Dixon and copied you, detailing the route for inclusion on the October 2011 Town Council meeting agenda – anyway, I presume you know the route to get this signed.

Paul...Jim, if you know Ron is out of the office, I would appreciate it if you would forward the enclosed material to wherever it needs to go in order to meet tomorrow's deadline.

Thank you.

Sincerely,

cc: James Bowser, Town Engineer
Paul Brazil, Director of Public Works

E. Llywd Ecclestone

From: JBowser@TownofPalmBeach.com
Sent: Thursday, September 15, 2011 5:15 PM
To: Ron Dixon
Cc: PEIwell@townofpalmbeach.com; PBrazil@TownofPalmBeach.com;
JPage@TownofPalmBeach.com; JLindgren@TownofPalmBeach.com;
RWeber@TownofPalmBeach.com; E. Llywd Ecclestone
Subject: Easement Approval Letter
Attachments: Ecclestone Seawall Easement from Town pdf; Grant of Easement-Blank Form.wpd

Ron, attached is a letter addressed to FDEP, Beach and Coastal Systems, stating that the Town Council has approved the granting of an easement upon the Town's Clarke Ave beach for construction of a to wall. Hard copies will be mailed. I have attached a sample for your use in preparing an easement document. While it mentions "storm drainage" please modify to suit the toe wall. Please route a draft of this document to Rob, and copy Paul and myself.

I understand that you may need to obtain a letter from the Town regarding to the work activity being in conformance with Town Code / comprehensive plan, and you'll need to get that from John Lindgren at Planning Zoning and Building, 227-6414.

I also understand that this project must come back before Town Council for any needed exceptions to the Town Code with respect to pile driving and working into the season, access to the beach through the Town's access at Peruvian Ave., use of Clarke Avenue Beach as a construction storage / laydown area and / or a temporary construction easement and roadway impacts. A detailed request should be presented to Rob Weber no later than Wednesday September 21, 2011 for inclusion on the October 2011 Town Council meeting.

Thank you.

(See attached file: Ecclestone Seawall Easement from Town.pdf)(See attached file: Grant of Easement-Blank Form.wpd)

James M. Bowser, P.E.
Town Engineer
Town of Palm Beach
Public Works Department
Post Office Box 2029
Palm Beach, Florida 33480-2029
email: jbowser@townofpalmbeach.com
561-838-5440
Fax : 561-835-4691

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.



TOWN OF PALM BEACH

Public Works Department

September 15, 2011

Florida Department of Environmental Protection
Bureau of Beaches and Coastal Systems
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

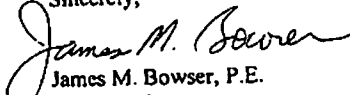
Re: Ecclestone Seawall,
190 South Ocean Boulevard
Palm Beach, FL 33480

To Whom this May Concern:

On September 13, 2011, the Town of Palm Beach Town Council approved a motion that granted an easement upon Town of Palm Beach land, commonly known as Clarke Avenue Beach, to Lloyd Ecclestone, or the legal entity with ownership of 190 South Ocean Boulevard, Palm Beach, Florida for the purpose of installing a toe wall on said property adjacent to the Atlantic Ocean.

If you are in need of any additional information, please contact the Town's Coastal Coordinator, Robert Weber, at 561-838-5440.

Sincerely,


James M. Bowser, P.E.
Town Engineer

JMB:mks

cc: Peter B. Elwell, Town Manager
H. Paul Brazil, P.E., Director of Public Works & Public Works File
John Page, Director of Planning and Zoning
Robert Weber, Coastal Coordinator
E. Lloyd Ecclestone, 190 South Ocean Boulevard
Ron Dixon, P.E., Dixon and Associates

MAILING ADDRESS: Post Office Box 2029 • 160 South County Road • Palm Beach, Florida 33480 • (561) 838-5440
LOCATION: Suite A • 951 Old Okeechobee Road • West Palm Beach, Florida 33401 • Fax No. (561) 835-4691

AFTER RECORDING - RETURN TO:
Nannette Garmon, ESQ.
Ecclesstone Organization
1555 Palm Beach Lakes Blvd #1100
West Palm Beach, FL 33401

PERMIT NUMBER _____

NOTICE OF COMMENCEMENT

The undersigned hereby given notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes the following information is provided in the Notice of Commencement.

1. DESCRIPTION OF PROPERTY (Legal description & street address, if available) TAX FOLIO NO.: 50-43-43-22-05-000-0061

SUBDIVISION Primavera Ests (Ocean Section) BLOCK _____ TRACT _____ LOT _____ BLDG _____ UNIT _____

See attached _____

2. GENERAL DESCRIPTION OF IMPROVEMENT:

Construction of a toe wall to protect & seawall

3. OWNER INFORMATION: a Name 190 South Ocean Land Trust

b Address 1555 Palm Beach Lakes Boulevard, Suite 1100 West Palm Beach, FL 33401 c Interest in property Owner

d Name and address of fee simple titleholder (if other than Owner) _____

4. CONTRACTOR'S NAME, ADDRESS AND PHONE NUMBER:

The Murphy Construction Company, P.O. Box 3768, West Palm Beach FL 33402 (1615 Clare Avenue) (561-655-3634)

5. SURETY'S NAME, ADDRESS AND PHONE NUMBER AND BOND AMOUNT:

None

6. LENDER'S NAME, ADDRESS AND PHONE NUMBER:

None

7. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13 (1) (a) 7., Florida Statutes:

NAME, ADDRESS AND PHONE NUMBER: _____

8. In addition to himself or herself, Owner designates the following to receive a copy of the Lienor's Notice as provided in Section 713.13 (1) (b), Florida Statutes:

NAME, ADDRESS AND PHONE NUMBER: _____

9. Expiration date of notice of commencement (the expiration date is 1 year from the date of recording unless a different date is specified): _____, 20____

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

[Signature]
Signature of Owner or
Owner's Authorized Officer/Director/Partner/Manager

E. LLOYD ECCLESTONE, JR. BENEFICIARY
Print Name and Provide Signatory's Title/Office

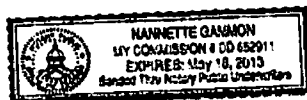
State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me this 30th day of September, 2011

By E. LLOYD ECCLESTONE, JR. as Beneficiary
(name of person) (type of authority, e.g. officer, trustee, attorney in fact)

For 190 South Ocean Land Trust
(name of party on behalf of whom instrument was executed)

☒ Personally known or ☐ produced the following type of identification:



[Signature]
(Signature of Notary Public)

Under Penalties of perjury, I declare that I have read the foregoing and that the facts in it are true to the best of my knowledge and belief (Section 92.525, Florida Statutes).

Signature(s) of Owner(s) or Owner(s)' Authorized Officer/ Director / Partner/Manager who signed above:
By [Signature] By _____

DESCRIPTION

THE SOUTH 32.66 FEET OF LOT 6 PRIMAVERA ESTATES (OCEAN SECTION), PALM BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 6, AT PAGE 82; AND LOTS 220 AND 222 IN POINCIANA PARK A SUBDIVISION OF THE TOWN OF PALM BEACH, COUNTY OF PALM BEACH, STATE OF FLORIDA, AS PER PLAT THEREOF, FILED IN PLAT BOOK 8, AT PAGE 1, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA.

AND

LOTS 225 AND 226 IN POINCIANA PARK A SUBDIVISION OF THE TOWN OF PALM BEACH, COUNTY OF PALM BEACH, STATE OF FLORIDA, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 8, AT PAGE 1 IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA; TOGETHER WITH THAT TRACT OF LAND SITUATED BETWEEN THE EAST LINE OF SAID LOTS 225 AND 226 AND THE HIGHWATER MARK ON THE BEACH OF THE ATLANTIC OCEAN AND BOUNDED ON THE NORTH BY A CONTINUATION OF THE NORTH LINE OF LOT 226 AND BOUNDED ON THE SOUTH BY A CONTINUATION OF THE SOUTH BOUNDARY OF LOT 225. TOGETHER WITH ALL IMPROVEMENTS AND FIXTURES THEREON, ALL LITTORAL RIGHTS, TENEMENTS, HEREDITAMENTS, APPURTENANCES AND ALL RIGHT, TITLE, INTEREST AND ESTATE, REVERSION, REMAINDER AND EASEMENT, IF ANY, THERETO BELONGING.

SUBJECT TO ALL PERTINENT MATTERS OF PUBLIC RECORD

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA

AS RECORDED IN OFFICIAL RECORDS BOOK 9431, PAGE 1898 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SKETCH OF DESCRIPTION PROPOSED EASEMENT

DESCRIPTION:

COMMENCING AT THE SOUTHWEST CORNER OF THE "PUBLIC PARK" PARCEL OF "PRIMAVERA ESTATES" (OCEAN SECTION), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 82 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°45'27" EAST, BEARINGS BEING BASED ON THE PALM BEACH COUNTY COASTAL CONSTRUCTION CONTROL LINE MAP OF RECORD, AS RECORDED IN PLAT BOOK 80 PAGES 137-155 INCLUSIVE, OF SAID PUBLIC RECORDS, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 148.61 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 88°45'27" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 30.00 FEET; THENCE NORTH 01°14'33" EAST, A DISTANCE OF 3.00 FEET; THENCE NORTH 88°45'27" WEST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 01°14'33" WEST, A DISTANCE OF 3.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA. SUBJECT TO ALL PERTINENT MATTERS OF RECORD. CONTAINING 90 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

- 1) SKETCH OF DESCRIPTION BASED ON "PRIMAVERA ESTATES" (OCEAN SECTION), AS RECORDED IN PLAT BOOK 6 PAGE 82 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
- 2) THIS INSTRUMENT IS NOT A SKETCH OF SURVEY.
- 3) UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL PURPOSES AND IS NOT VALID.

RPB CONSULTING, INC.
STATE OF FLORIDA LB. NO. 7022

BY:

FOR THE FIRM: _____ DATE _____
ROBERT P. BLASZYK
PROFESSIONAL LAND SURVEYOR & MAPPER
STATE OF FLORIDA REG. NO. 4133

RPB Consulting, Inc.

Land Surveying and Mapping
436 FLOTILLA ROAD, NORTH PALM BEACH, FLORIDA 33408
PHONE: (561) 841-7466 EMAIL: rpbsurveying@gmail.com

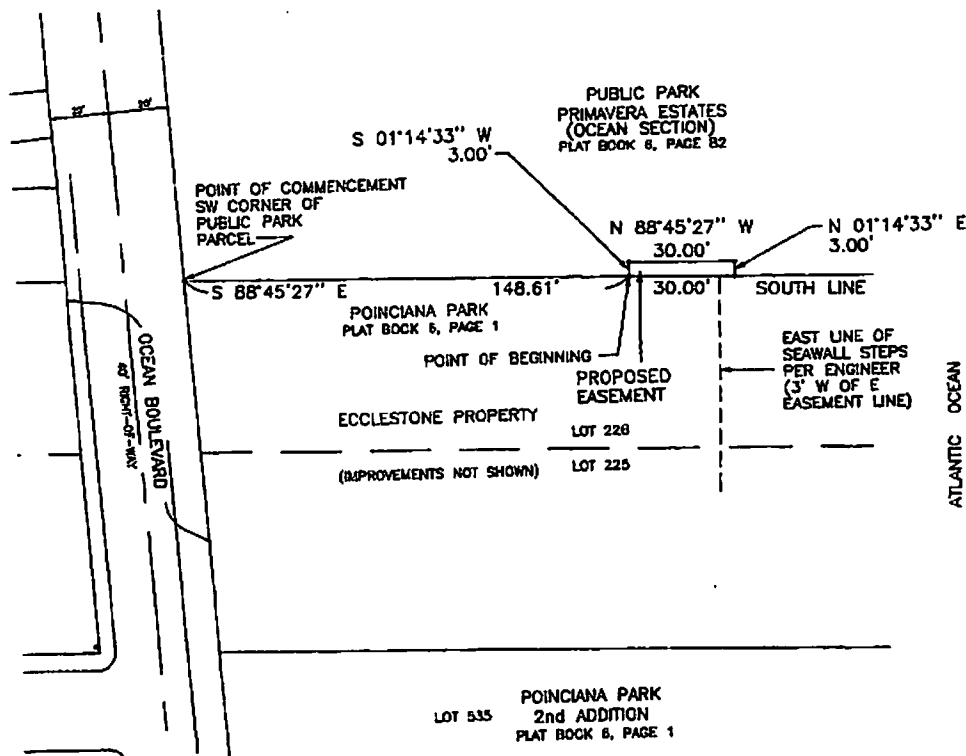
**PRIMAVERA ESTATES
PUBLIC PARK PARCEL
PALM BEACH, FLORIDA**

PROJ. NO.: R-97-004
DATE: 8-22-11
REVISED: 8-28-11
REVISED: 9-02-11
SHEET 1 OF 2

SKETCH OF DESCRIPTION PROPOSED EASEMENT



NOT TO SCALE



RPB Consulting, Inc.
Land Surveying and Mapping
436 FLOTILLA ROAD, NORTH PALM BEACH, FLORIDA 33408
PHONE: (561) 841-7466 EMAIL: rpbconsulting@gmail.com

**PRIMAVERA ESTATES
PUBLIC PARK PARCEL
PALM BEACH, FLORIDA**

PROJ. NO.: R-97-004
DATE: 8-22-11
REVISED: 8-26-11
REVISED: 9-02-11
SHEET 2 OF 2

DATE: 09/20/11 CK#: 1109 TOTAL: \$2,000.00*** BANK: Citicheck - Citigroup Interest Checking
 PAYEE: Town of Palm Beach (Comp):

(Code)	Property	Address	(Date)	Invoice	Description	Amount
(ele)	E.L. Ecclestone		09/19/11	09/19/11	(190 S. Ocean) Buying Easement	2,000.00
						2,000.00

0022412 81121

THE FAKE OF THIS DOCUMENT HAS A COLORED BACKGROUND FOR WHOLE PAPER

E L Ecclestone, Trustee PO Box 3267 West Palm Beach, FL 33402		1109 Citigroup Private Bank 241 Royal Palm Way Palm Beach, FL 33480	
PAY	*** TWO THOUSAND AND 00/100 DOLLARS	09/20/11	\$2,000.00**
TO THE ORDER OF		Town of Palm Beach	
			

SECURITY FEATURES INCLUDED: DETAILS ON BACK. 1

DIXON AND ASSOCIATES ENGINEERS, INC.
3600 NORTH SHORE DRIVE
WEST PALM BEACH, FL 33407
Telephone 561 684 1279
Fax 561 842 9616
Email dixeng@bellsouth.net

September 21, 2011

Mr. Rob Weber
Town of Palm Beach
951 Old Okeechobee Road
West Palm Beach, FL

Re: 190 South Ocean Blvd. Mr. Llwyd Ecclestone

Dear Rob;

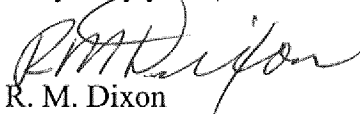
This letter is to request access thru the Town's gate beach access at Peruvian Ave. and for temporary street closings as necessary for the unloading of equipment and supplies needed for the construction of a sheet pile toe wall to protect the seawall and the application of concrete to the existing steel sheet piles on the north and south sides of the property. Enclosed is a summary of the needed street closings and a sketch from the contractor Murphy Construction Company.

The enclosed sketch locates the areas on the beach that will be affected by the project. The contractor has shown the material storage on the owner's property so the work on the beach will only be that needed for the excavation. We request approval to temporarily use an area on the Clark Ave. Beach so as to install these sheet piles and install the concrete facing.

The construction is scheduled to start November 1st. but will extend into early December so we request an exception to the Town's code to allow this construction to occur during the season.

Please call if you have any questions or need any more data.

Very truly yours,

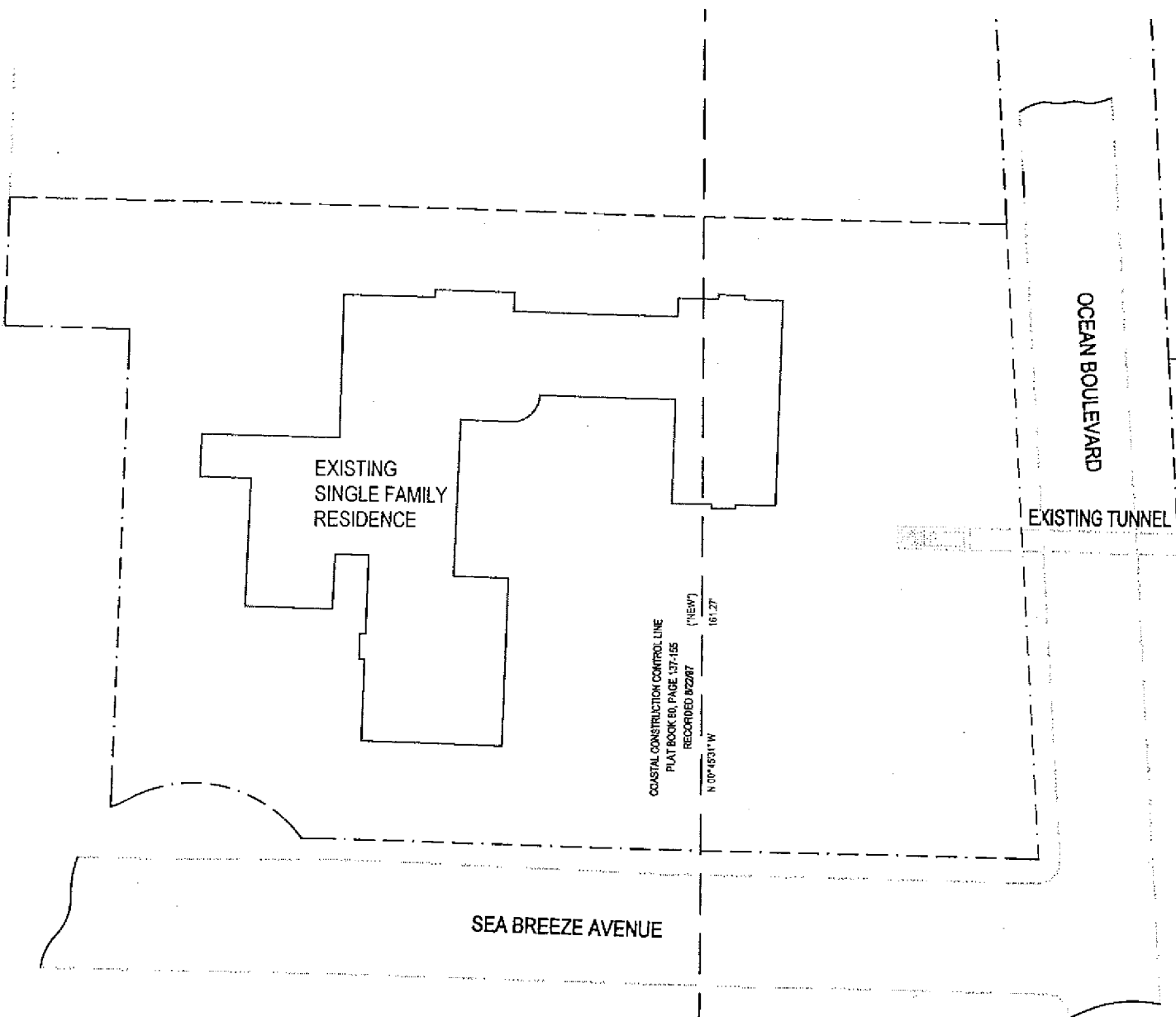


R. M. Dixon

PE 10314

Cc Llwyd Ecclestone

Cc Murphy Construction



GENERAL STRUCTURAL NOTES:

1. CONCRETE: SHALL HAVE A 28 DAY CYLINDER COMPRESSIVE STRENGTH OF 4000 PSI AND HAVE A WATER CEMENT RATIO OF NOT MORE THAN 0.45. CONCRETE SHALL HAVE A FLY ASH CONTENT OF APPROXIMATELY 20% OF CEMENT VOLUME. CHAMFER EDGES TO 3/4 INCH
2. CONSTRUCTION: SHALL CONFORM TO THE FLORIDA DOT SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
3. REINFORCING STEEL SHALL BE A615 GRADE 60. MINIMUM LAP AT SPLICES SHALL BE 30 DIAMETERS. SUBMIT SHOP DRAWINGS AND PLACING DRAWINGS TO THE ENGINEER FOR APPROVAL PRIOR TO FABRICATION.
4. STEEL SHEET PILING: SHEET PILING SHALL BE INSTALLED USING A VIBRATORY HAMMER AND UTILIZING TEMPLATES OF STEEL PILES AND STEEL BEAMS. USE PZC-13 OR APPROVED EQUAL. CONTRACTOR SHALL SUBMIT TO ENGINEER A SKETCH AND DETAILS OF TEMPLETE FOR INSTALLING SHEET PILES.
5. CONCRETE COVER: USE 4 INCHES OF COVER FOR ALL REINFORCING UNLESS SHOWN OTHERWISE.
6. PAINTING: STEEL SHEET PILES SHALL BE PAINTED WITH COAL TAR EPOXY PAINT 16 MIL THICKNESS. THE PORTION EMBEDDED IN THE CONCRETE CAP NEED NOT BE PAINTED.

PLAN

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Regular Agenda - New Business

Agenda Title

The Breakers Resort T-Head Conditioning Project Waiver of Construction Work Hours

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 28, 2011, from H. Paul Brazil, Director of Public Works.
- Letter dated September 28, 2011, from Coastal Planning & Engineering, Inc.

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

FROM: H. Paul Brazil, Director of Public Works

RE: The Breakers Resort T-Head Conditioning Project
Waiver of Construction Work Hours

DATE: September 28, 2011

STAFF RECOMMENDATION

Town staff recommends that Council waive the Town Code of Ordinances, Section 42-198, for The Breakers Resort T-head Conditioning Project, and allow construction to occur primarily outside of sea turtle nesting season, specifically between December 1, 2011, and April 30, 2012.

The Breakers Resort is seeking a waiver to The Town Code of Ordinances, Section 42-199, for The Breakers Resort T-head Conditioning Project, and allow construction to occur with heavy equipment between 7:00 a.m. and 7:00 p.m., seven (7) days a week, excluding holidays. Staff recommends that extended hours be approved but limited to weekdays unless the project suffers delays and cannot be completed in the time frame dictated by the regulatory agencies.

GENERAL INFORMATION

Sited in the middle of the Mid-Town Beach Expansion and Nourishment Project, The Breakers Resort shoreline has been the recipient of a modest amount of placed beach compatible sand in both 2003 and 2006. The Breakers Resort has received an appreciably lesser amount of sand as compared to the beaches to the north (Reach 3) and to the south (Reach 4). Concerns for impacts to nearshore environmental resources have restricted the amount of sand placed along The Breakers Resort shoreline, thus, increasing the importance of the existing structures to provide erosion control.

Six (6) groins are located along The Breakers Resort shoreline. These groins have been in place for many years and are in need of repair. Like all the groins along the Town's shoreline, these six (6) groins were evaluated by Coastal Technology Corporation and were included in the Townwide Coastal Structures Plan, dated March 2011. The recommendation in the plan is for The Breakers Resort to continue maintenance of the structures. They have helped stabilize the adjacent shoreline and a reconditioning of the structures is necessary to maintain their intended effectiveness.

The State of Florida Department of Environmental Protection (FDEP) and U.S. Army Corps of Engineers (USACE) have issued permits for the rehabilitation and modification of five (5) existing erosion control structures, removal of one (1) T-head groin, and addition of one (1) new breakwater [essentially, a T-head groin without the shore-perpendicular stem], fronting The Breakers Resort shoreline. Construction is set to begin on November 1, 2011, and continue until April 30, 2012.

The permitted activity includes work to be performed both from land and by barge from the ocean.

WAIVER TO SEC. 42-198, TOWN CODE OF ORDINANCES

A waiver to Section 42-198 is necessary in order to allow the work outside of sea turtle nesting season (March 1 and October 31). On September 28, 2011, Town staff received a request from Coastal Planning & Engineering, Inc. (CPE), for a waiver of the Town Code of Ordinances to perform construction work during the “season” (between December 1 and April 30). This request is consistent with other requests for this type of work, and the Town has routinely granted such relief in the past..

WAIVER TO SEC. 42-199, TOWN CODE OF ORDINANCES

A waiver to Section 42-199 is necessary in order to allow heavy equipment work outside of 9:00 a.m. and 6:00 p.m. construction weekday hours. The CPE waiver request included construction hours to be between 7:00 a.m. and 7:00 p.m., seven (7) days per week. Although the contractor (Murphy Construction) does not anticipate performing work on the weekends though the “season,” the letter from CPE did request permission for construction on the weekends due to the scale of the project and the potential for weather delays reducing the available construction time frame. The Town has allowed extended work hours to expedite a project but typically has not allowed this type of work on weekends or holidays unless a specific hardship has been demonstrated.

SPECIAL CONSIDERATIONS

Rehabilitation and minor modification of the erosion control structures is not expected to cause hardbottom impacts. FDEP staff, Town staff, and Town’s consultant, will develop the new environmental monitoring plan for the offshore resources, taking into consideration the proximity of the rehabilitated structures to the Town’s existing monitoring stations. This will not present any additional cost to the Town. The Town will not be responsible for impacts to nearshore resources imposed by the rehabilitated erosion control structures.

FUNDING/FISCAL IMPACT

There are no Town funding/fiscal impacts associated with this item.

Attachment

cc: Ken Wise, The Breakers Resort
Kirk Blouin, Director of Public Safety
James M. Bowser, P.E., Town Engineer
Robert Weber, Coastal Coordinator
Rob Walton, Code Enforcement
Gordon Thomson, P.E., Coastal Planning & Engineering, Inc.



COASTAL PLANNING & ENGINEERING, INC.

2481 NW BOCA RATON BOULEVARD, BOCA RATON, FL 33431

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e-mail: mail@coastalplanning.net

8440.03

September 28, 2011

Robert Weber
Town of Palm Beach
Public Works Department
Post Office Box 2029
Palm Beach, Florida 33480-2029

Re: The Breakers Hotel T-Groin Reconditioning Project
Permit No. 0173170-003-JC
Request for Town Council Construction Waiver

Dear Rob:

We request on behalf of The Breakers Hotel a waiver from the Town of Palm Beach's Code of Ordinances (Sec. 42-198) for the proposed construction activities associated with The Breakers Hotel T-Groin Reconditioning Project. The project involves the rehabilitation of 5 existing T-head groins, removal of one T-head groin, and the construction of one breakwater. Rehabilitation of the T-head groin will require the placement of approximately 11,600 tons of armor stone, placement of 7,850 square feet of marine mattress foundation, and excavation of existing armor stone and one T-groin.

It is requested that the waiver allow:

1. Construction activities on the beach starting November 1, 2011 and continuing through to March 31, 2012.
2. Construction activities on the beach 7 seven days a week between the hours of 7:00am and 7:00pm, excluding holidays. These holidays would include Thanksgiving weekend (November 24 through November 27, inclusive) and Christmas weekend (December 24 through December 28, inclusive).

This waiver is required due to State and Federal permits restricting work until after November 1 and prior to April 1. A time of day extension is requested due to greater use of the beach by hotel guests between 9am and 4pm. Work on the weekends is not anticipated by the Contractor (Murphy Construction) at this time but we request permission for construction on the weekends

due to the scale of the project and the potential for weather delays reducing available construction time.

Construction access to the project site is along Via Bethesda. This road ends at a beach access that crosses the Breakers' property. Impacts to the beach and public would be minimal due to the localized construction footprints and staging areas. Major equipment that will likely be utilized includes a backhoe, front end loader, and concrete pump. Dump trucks and flatbed trucks will deliver stone and marine mattresses, respectively, to the project site. No impacts are anticipated to surrounding homes or structures.

A set of construction plans is attached to show the scope of the project.

Please call me if you have any questions.

Very truly yours,

COASTAL PLANNING & ENGINEERING, INC.
A Shaw Group Company



Gordon G. Thomson, P.E., D.CE.
Director

cc: Ken Wise, Breakers Hotel
Stephanie Gudeman, FDEP
Mark Bolchoz, Murphy Construction Company
David Swigler, CPE

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TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Regular Agenda - New Business

Agenda Title

Internal Audit Report Regarding Construction In-Progress and Construction Project Bidding.

Presenter

Robert N. Wildrick, President Pro Tem

Supporting Documents

- Crowe Horwath Report

TOWN OF PALM BEACH

Construction In-Progress & Construction Project Bidding Internal Audit

October 1, 2010 through June 30, 2011

Distribution:
Audit Committee

October 2011

Crowe Internal Audit

Team:

Deborah Garringer
Bob Benson
Michael Ciminero
Jorge Blakely
Corinne Ahrend
Jennifer LaCroix

EXECUTIVE SUMMARY

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OBSERVATIONS AND RECOMMENDATIONS.....	12

EXECUTIVE SUMMARY

Background and Objective

Crowe Horwath LLP ("Crowe" or "we") performed an internal audit on the Town of Palm Beach's Construction In-Process and Construction Bidding Procedures, which include the Purchasing, Public Works, and Finance Departments ("Department") as of June 30, 2011. The overall objective was to review the policies, procedures and controls over the Town's construction project bidding and contract administration for the period noted. We interviewed Department personnel, and performed testing on certain sampled items related to the bidding process, contracting process, documentation, and the review process.

The basis for our original project plan was developed from two primary documents. The first document was Procedure No. 1-02-7 *Construction Contracts and Project Management Procedures* (the "Construction Policy") and the second document was the Town's Purchasing Policy and Procedures Manual (the "Purchasing Policy") that has an effective date of October 2009. For projects that were sampled prior to this effective date, we reviewed these in conjunction with the purchasing policies and procedures effective at that time. We discussed compliance with these policies and procedures with employees of the Town's Departments of Public Works and Purchasing and reviewed certain available records from project files.

Scope

The specific procedures performed were based on the results from two previous audit reports as well as requests provided by the Town as it relates to specific Public Works projects. During 2010, Crowe performed an audit of Construction in Process which included a review of the Town's accounting function as it related to construction projects from a time period spanning October 1, 2008 to March 31, 2010. The overall objective of that review was to review the controls over the accounting for construction and capital projects for the time period identified. We reviewed selected policies and procedures with the Town's personnel and in some instances tested certain detailed records and technical configurations. The second report performed in 2010 included the Town's Construction Project Bidding and Contract Administration functions. This review included testing of a sample of construction projects from the time period spanning October 1, 2008 to March 31, 2010.

The current review was performed as a follow up to the previously completed reports prepared during 2010, including recommendations and management's responses. Our observations and recommendations are based on our review of transactions from October 1, 2010 through June 30, 2011. Additionally, Crowe performed additional interviews and testing on certain Public Works projects, at the request of Town Council. Although our current testing was performed in some areas without exception, we can provide no assurance that exceptions would have been detected had procedures been changed or expanded. Finally, Crowe brought in Construction audit specialists to assist in the performance of the internal audit procedures.

It should also be recognized that internal controls are designed to provide reasonable, but not absolute, assurance that errors and irregularities will not occur, and that procedures are performed in accordance with Management's intentions. There are inherent

EXECUTIVE SUMMARY

limitations that should be recognized considering the potential effectiveness of any system of internal controls. In the performance of most control procedures, errors can result from misunderstanding of instructions, mistakes on judgment, carelessness and other factors. Internal control procedures can be circumvented intentionally by Management with respect to the execution and recording of transactions, or with respect to the estimates and judgments requirement in processing of data. Controls may become ineffective due to newly identified business or technology exposures. Further, the projection of any evaluation of internal control to future periods is subject to the risk that the procedures may become inadequate because of changes in conditions, and that the degree of compliance with procedures may deteriorate.

Summary of Results:

Overall, the Department has internal control measures in place to ensure that the Department is operating as intended; however, we did note some areas where improvements, if implemented, could strengthen the overall internal control framework over construction projects and contract Management.

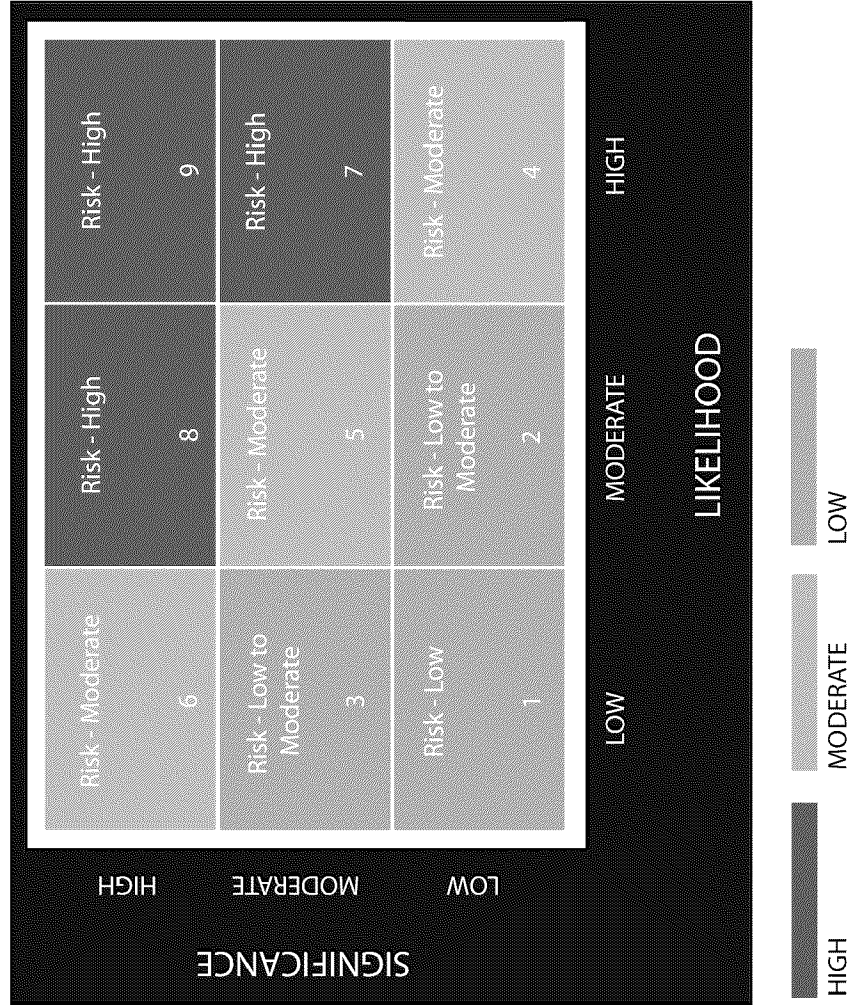
Below is a summary of Crowe's audit procedures where we noted areas of improvement. We also listed the corresponding opportunity for improvement, summary, and risk rating.

Audit Procedure		Opportunity for Improvement		Audit Finding		Risk Rating	
Review of Construction in Process Accounts		1		CIP Reconciliation Documentation should be Retained		LOW RISK	
Purchase Orders and Invoices		2		Notices to Proceed		MEDIUM RISK	
Purchase Orders and Invoices		3		Product Standardization		MEDIUM RISK	
Purchase Orders and Invoices		4		Contract File Documentation		MEDIUM RISK	
Purchase Orders and Invoices		5		Vendor Selection Committee & Process		HIGH RISK	
Purchase Orders and Invoices		6		Periodic Internal Inspections of Procurement Process		HIGH RISK	
Contracts		7		Quality Control Review of Contracts		LOW RISK	
Contracts		8		Contract Negotiations		MEDIUM RISK	
Contracts		9		Direct Owner Purchases		MEDIUM RISK	
Contracts		10		Construction Manager at Risk		HIGH RISK	
Payment Requests		11		Payment Request Documentation and Review		MEDIUM RISK	

EXECUTIVE SUMMARY

Rating Risk

Risks are evaluated based on its “significance” to management’s strategy and its “likelihood” to occur. This will result in a risk profile of the highest risks to the organization as presented below:

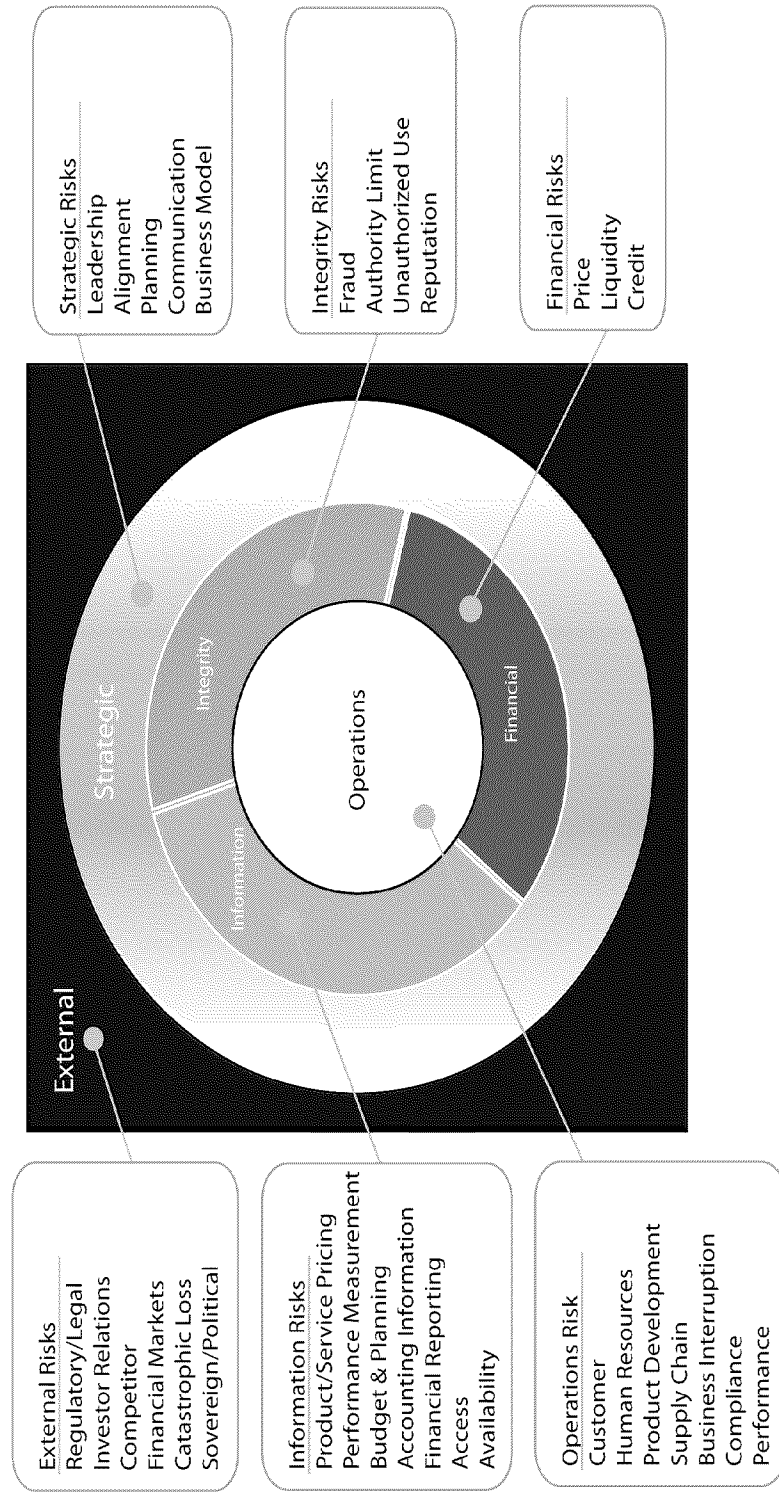


EXECUTIVE SUMMARY

The Crowe Horwath Risk Model SM

Definition of Risk

Business risk is an event, action, or failure to act that may adversely affect an organization's ability to achieve its business objectives and successfully implement its strategies. Below is a graphic profile of Crowe's Risk Model, which identifies various types of risk:



PROCEDURES PERFORMED

PROCEDURES		RESULTS
A. Review of Construction in Process Accounts:		
1	Obtain and review current Capital Improvement Program	Obtained and reviewed noting the Town has tracking mechanism for capital improvement projects.
2	Interview the Assistant Finance Director to inquire about the construction in progress accounts.	Interviewed Assistant Finance Director and documented results.
3	Request the analysis performed on the general ledger accounts related to CIP.	Requested and reviewed analysis. See Opportunity for Improvement 1 .
4	Review "new project" listing.	Reviewed new project listing. Selected 3 new projects and traced project budgets to approved Board Resolutions. No issues noted.
5	Obtain and review supplemental schedule that reconciles the individual transactions processed through each account, for quarters ending March 31, 2011 and June 30, 2011.	Requested and reviewed analysis. See Opportunity for Improvement 1 .
B. Capital Project Accounting Policies and Procedures:		
1	Obtain a copy of the current Capital Project Accounting Policy and Procedures document and newly created forms	Obtained and reviewed.
2	Inquire about periodic reconciliations performed on capital project general ledger accounts. Obtain an understanding of who the process owners or specific reviewers are.	Interviewed personnel and documented process.
C Accounting for Infrastructure Capital Assets:		
1	Request and review the capital assets excel spreadsheet	Requested and reviewed.
	a. Verify that items are entered separately	No issues noted.
	b. Confirm that depreciation is being calculated and recorded for assets purchased in the current year	No issues noted.
	c. Verify that the following are tracked:	
	i. Carrying value	No issues noted.
	ii. Depreciation rate	No issues noted.
	iii. Useful lives	No issues noted.
D Employee Access Rights:		
1	Review a copy of the current report of user access from the Office of Information Systems for access rights to Eden modules.	Reviewed. No issues noted.
E Information Systems Security Policy:		
1	Review copy of the current Information Systems Technologies Policy. Verify that it has been updated to reflect new Eden system.	Reviewed and verified. No issues noted.

PROCEDURES PERFORMED

PROCEDURES		RESULTS
F Information Systems Utilization and Communication:		
1	Inquire about the project accounting module of the Eden accounting system	Interviewed personnel and documented results.
	a. Is it being effectively utilized?	No issues noted.
	b. Is it being reconciled to the general ledger?	No issues noted.
2	Conduct interviews with finance department	Interviewed finance personnel and documented results.
	a. Ask about purchase orders with multiple budget line items	No issues noted.
	b. Processing transactions	No issues noted.
3	Inquire about period end closing procedures and obtain any written procedure documents, follow-up with finance department staff that procedures are being followed efficiently.	Interviewed personnel and documented procedures. No issues noted.
G Purchase Orders and Invoices:		
1	Obtain a current copy of the Purchasing Manual	Obtained.
2	Request a list of invoices paid from January 1, 2011 through June 30, 2011. Select a sample of invoices and review for the following	Obtained listing. Sample of 40 invoices selected.
	a. That three written quotations were obtained;	Testing performed. No issues noted.
	b. Purchases were made through the Purchasing Division;	Testing performed. No issues noted.
	c. Authorized purchase order was obtained prior to purchase;	Testing performed. See Opportunity for Improvement 2
	d. That purchase was made from the lowest responsible and responsive bidder;	Testing performed. Inquiries made with staff. See Opportunity for Improvement 3 .
	e. That purchase had approval by an authorized party.	Testing performed. No issues noted.
3	Request a list of contracts entered into from January 1, 2011 through June 30, 2011. Select a sample of contracts to review to ensure that proper procedures were followed	Obtained listing and selected sample of 20 contracts to test. See Opportunity for Improvement 4 and 5 .
4	Review directives and Payday Post communications issued by the Town Manager	Obtained and reviewed. No issues noted.
5	Inquire with management about the Purchasing Policies and Procedures seminars.	Interviewed personnel and documented seminars held during year. No issues noted.
6	Obtain Town Auditor's report results from the period inspections of the procurement process. Also obtain the random audit results from Town Manager designee.	Obtained results of external audit and interviewed Town personnel. See Opportunity of Improvement 6 .

PROCEDURES PERFORMED

PROCEDURES		RESULTS
H Whistle-blower Policy:		
1	Obtain policy and procedures on the Town's Ethics Hotline. Inquire with staff that they are aware of this and have been given documentation on the Town's Ethics Hotline.	Obtained Town's Ethics policy. Interviewed 3 Town employees noting all were aware of the Ethics Hotline. No issues noted.
I Contracts:		
1	Obtain a listing of contracts and change orders/amendments to contracts. From that list select a sample of contracts that change orders have been completed on.	Obtained listing of contracts and change orders. Crowe selected sample of 20 contracts, 5 of which had change orders completed.
	- Review the contracts for appropriate documentation supporting the scope or contract price change.	Reviewed change order documentation. No issues noted.
2	Review updated Construction Contracts and Project Management Procedures. Verify that quality control reviews on contracts are being completed	Obtained contract file and made inquiries with Town personnel. Crowe noted the quality control reviews on contracts is not fully documented. See Opportunities for Improvement 7, 8, 9, and 12
3	Review Procedures for Processing Change Orders.	Obtained and review procedures. No issues noted.
4	Obtain a listing of change orders and select a sample to:	Obtained listing and selected sample.
	a. Verify that Request for Information (RFI) to the design engineer for evaluation of the change order request and development of estimated costs is included.	Testing performed. No issues noted.
	b. Verify that Change order requests have design engineer changes reflected in the specifications and/or plans, cost estimate, contractor proposal, and use of American Institute of Architect (AIA) form is signed by each party	Testing performed. No issues noted.
	c. Verify that no work was authorized until all appropriate approvals were obtained and a formal change order was issued with approval from the Town Manager (documented through the Eden approval process)	Testing performed. Opportunity for Improvements 2 and 11
5	Interview with staff on the procedures to utilize Construction Manager at Risk contract delivery system	Interviewed Town staff. See Opportunity for Improvement 10.
J Project Files:		
1	Obtain a listing of major construction projects and non-major construction projects.	Obtained listing.
2	Select a sample of projects from each list and review project file to verify that the following are included in the project file	Sample of 20 contracts selected.
	a. A copy of the management review (for major construction projects only), which includes:	
	i. Cost records	For one (1) of the twenty (20) files tested Crowe was unable to see documentation of management review. See Opportunity for Improvement 7.
	ii. Open purchase orders and commitments	For one (1) of the twenty (20) files tested Crowe was unable to see documentation of management review. See Opportunity for Improvement 7.
	iii. Engineering progress reports	For one (1) of the twenty (20) files tested Crowe was unable to see documentation of management review. See Opportunity for Improvement 7.
	iv. Project management status reports	For one (1) of the twenty (20) files tested Crowe was unable to see documentation of management review. See Opportunity for Improvement 7.

PROCEDURES PERFORMED

PROCEDURES		RESULTS
	v. Conferences with project engineers and/or independent architects	For one (1) of the twenty (20) files tested Crowe was unable to see documentation of management review. See Opportunity for Improvement 7 .
	vi. Correspondence file	For one (1) of the twenty (20) files tested Crowe was unable to see documentation of management review. See Opportunity for Improvement 7 .
	vii. Change orders	For one (1) of the twenty (20) files tested Crowe was unable to see documentation of management review. See Opportunity for Improvement 7 .
	b. Plans and Specifications	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	c. Copies of the Bid Document and contractor response(s)	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	d. Engineering progress reports	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	e. Project management status reports	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	f. Documentation of conferences with project engineers and independent architects	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	g. Copies of all correspondence relating to the project	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	h. Complete cost records, including copies of invoices	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	i. Change orders with supporting documents and revised plans	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	j. Project check lists	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	k. Competitive bidding was properly executed in accordance with policy.	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	l. Fair price estimates were determined prior to bid openings.	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	m. Contracts were administered by qualified engineers	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	n. Projects were monitored to ensure compliance with specifications and budgets	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	o. Site visits were performed as required	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	p. Process used to track and resolve problems and violations	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	q. Approval of change orders prior to processing	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
	r. Administrator's approval of the billing requisition/invoice	Out of twenty (20) files reviewed, certain documentation was not available. See Opportunity for Improvement 4 for complete details of exceptions.
K Payment Requests:		
1	Obtain a listing of invoices paid from January 1, 2011 through June 30, 2011. Select a sample of invoices and review for:	Obtained listing of invoice paid. Selected sample of 40 invoices.
	a. Administrator's approval on billing requisition	Testing performed. No issues noted.

PROCEDURES PERFORMED

PROCEDURES		RESULTS
	b. Documentation supporting the approval from a member of Public Works department, evidencing that the percentage of completion was reasonable at the date of the requisition.	Testing performed. See Opportunity for Improvement 11 .
	c. Completed AIA document	Testing performed. No issues noted.
	d. Supporting schedule of values which correlates to the initial contract with any additions/reductions for approved change orders	Testing performed. See Opportunity for Improvement 11 .
	e. Standardized payment request document for consultants – detailing work completed and agreement with the Professional Services Agreement and the Project Proposal upon which the Scope of Work was based.	Testing performed. No issues noted.
	f. Approval of invoice by Town Project Manager and appropriate Town personnel	Testing performed. No issues noted.
L Controls Over the Receipt of Supplies and Materials:		
1	Interview Purchasing Agent/Public Works inquiring about the internal controls of the receipt of supplies and inventory into the warehouse related to Construction Projects	Interviews performed. No issues noted.
2	Determine how the receipt of materials and supplies are tracked and whether there are inventories maintained.	Interviews performed. No issues noted.
M Vendor Selection Committees:		
1	Obtain and review written policy on Vendor Selection Committees	Obtained and reviewed policy. See Opportunity for Improvement 5 .
2	Verify that members of the selection committees are chosen based on both background/experience/expertise and as to areas of authority/responsibility	Obtained and reviewed policy. See Opportunity for Improvement 5 .

OBSERVATIONS AND RECOMMENDATIONS

Overall, the Town's Construction Project bidding and accounting procedures have strengthened their internal control measures. However, the following observations were noted during our audit procedures:

1. OPPORTUNITY FOR IMPROVEMENT 1 – CIP RECONCILIATION DOCUMENTATION SHOULD BE RETAINED: LOW RISK

We observed that the Town had previously implemented a quarterly reconciliation of their construction in process (CIP) accounts. In June 2011, the Town moved to a monthly reconciliation process. Once completed, the reconciliation was reviewed but no documentation of this review was retained.

Recommendation:

We recommend that the Town maintain supporting documentation for each monthly CIP reconciliation performed, including documentation of review. Per discussions with the Town and review of documentation, these procedures have been implemented during July 2011.

Management Response / Action Plan:

As noted in the recommendation, the Accounting Assistant is now maintaining copies of emails that verify that the CIP reconciliation has been reviewed by the Assistant Finance Director. This process was implemented in July 2011.

Individual(s) Responsible:

Jane Struder, Finance Director; Cheryl Somers, Assistant Finance Director; Mary McQuaig, Accounting Assistant

Due Date: Completed.

2. OPPORTUNITY FOR IMPROVEMENT 2 – NOTICES TO PROCEED: MEDIUM RISK

Authorization to commence work is at times issued verbally, leaving no verifiable evidence as to when the order was issued.

Recommendation:

In that contracts may specify a fixed completion date, which if not met may result in substantial penalties or that retentions and ultimate realization can be related to the fulfillment of such contract guarantees, we recommend that notices to commence work for such agreements be issued in writing or in such manner that there is verifiable evidence that could be retained on the contract file.

OBSERVATIONS AND RECOMMENDATIONS

Management Response / Action Plan:

A written Notice to Proceed will be required for all capitalized construction projects. The following language will be included in the new Capitalized Construction Management Administrative Procedure, which has been drafted, reviewed by Crowe, and is near completion. *"The contractor shall not commence work on the project until the written Notice to Proceed has been issued by the Public Works Department. The Notice to Proceed shall include the official commencement date, the completion date, and contact information for the assigned project engineer."*

Please note that the new Capitalized Construction Management Administrative Procedure will replace Procedure No. 1-02-7, which was one of the documents referenced during the audit.

Individual(s) Responsible:

Jay Boodheshwar, Director of Recreation and Special Projects

Due Date: October 14, 2011

3. OPPORTUNITY FOR IMPROVEMENT 3 – PRODUCT STANDARDIZATION: MEDIUM RISK

Per discussion with Town staff and review of contract file, we observed that documentation to support a product's standardization is not being maintained by the Town. Designation of a product standardization is based on the product's service history, quality and performance reviews, comparables and engineering recommendation.

Recommendation:

We recommend that specifications, quality and performance reviews completed in support of all new designations be documented and maintained in accordance with the Town's policies. Set periodic reviews of previous designations should also be implemented and evidence of such review retained to show compliance.

Management Response / Action Plan:

The Purchasing Manual update, which has been drafted, reviewed by Crowe, and is near completion, will include the following language in Section 6-2. - Standardization. *"Standardization may occur when a process has been completed based on defining and applying uniform specifications such as quality, design and performance. The standardization process shall be documented and maintained by the Purchasing Division; including details to support the standardization designation. Thereafter, purchase of standardized products may be negotiated by the Purchasing Agent, on a sole source basis. Periodic reviews should be completed by the Public Works Department on previous designations to ensure standardization requirements are being met. Said reviews should be completed at a minimum of every two years and documentation should be maintained by the Purchasing Division to show compliance. Levels of purchasing authority shall be followed to procure standardized products."*

OBSERVATIONS AND RECOMMENDATIONS

Individual(s) Responsible:

Jay Boodheshwar, Director of Recreation and Special Projects

Due Date: October 14, 2011

4. OPPORTUNITY FOR IMPROVEMENT 4 – INCOMPLETE CONTRACT FILE DOCUMENTATION: Medium Risk

During Crowe's testing of twenty (20) construction contract files, we identified the following file documentation exceptions for items required by the Town's Purchasing Manual and the Town's Construction Contracts and Project Management Procedures. The following issues related to twenty of the twenty contract files tested.

- For two (2) of the twenty (20) contract files tested, the department was not able to provide documentation of fair pricing estimates,
- For one (1) of the twenty (20) contract files tested, documentation of the weekly engineering progress reports were not current,
- For twelve (12) of the twenty (20) contract files tested, all contract related correspondence was not included in the project file,
- For one (1) of the twenty (20) contract files tested, the department was not able to provide a copy of the project reference sheet.

Recommendation:

We recommend the Department follow the current policies related to construction contracts and project Management procedures as it relates to contract file documentation. It is important that all contracts are maintained in a consistent manner to ensure that documentation is available and complete, should questions arise by internal or external parties.

Management Response / Action Plan:

Staff will continue to improve the consistency of our documentation. File deficiencies have been brought to the attention of the individual project engineers for correction. Information Systems has developed a practical method of transferring email correspondence to the electronic files. Project Engineers will transfer future correspondence to the electronic files on a regular basis. Some research will be necessary to locate and transfer files that have previously been automatically archived.

Individual(s) Responsible:

Paul Brazil, Director of Public Works

Due Date: Transfer of active files has been completed. Archived files will be transferred by October 31, 2011.

OBSERVATIONS AND RECOMMENDATIONS

5. OPPORTUNITY FOR IMPROVEMENT 5 – VENDOR SELECTION COMMITTEE & PROCESS: HIGH RISK

The vendor selection process does not require that prior to engagement, background checks be completed on entities, their officers or key employees to ensure immediate family members, or others do not hold interests in entities that may present a conflict to the Town.

Recommendation:

Such review should be strongly considered for revision to the Town's Purchasing Manual as part of their vendor acceptance or retention procedures. The review may occur shortly after or in connection with the completion of a previous job where contractor retention is required. Implementation of such policy will help determine if there are any integrity issues that may affect the Town's willingness to engage the service provider, and help ensure there are no conflicts of interest.

Management Response / Action Plan:

The Purchasing Manual update, which has been drafted, reviewed by Crowe, and is near completion, addresses Selection Committees in Section 6-14.4. and includes the following language: *"All committee members will receive participation guidelines upon approval of the selection committee. Members will also be required to confirm that they have no conflicts of interest and do not hold interests in entities that may present a conflict to the Town by signing an acknowledgement form. In addition to the requirement that potential vendors disclose any conflicts of interest they may have with the Town, background checks may be employed to further screen vendors to ensure that they do not hold interests in entities that may present a conflict with the Town."*

Staff will utilize a protocol to be provided by Crowe Horwath for guidance in determining when and how to conduct the supplemental background screening of potential vendors.

Individual(s) Responsible:

Jay Boodheshwar, Director of Recreation and Special Projects

Due Date: October 14, 2011

6. OPPORTUNITY FOR IMPROVEMENT 6 – PERIODIC INTERNAL INSPECTIONS OF THE PROCUREMENT PROCESS: HIGH RISK

Previously we had recommended that the Town require periodic inspections of key processes and procedures by parties independent of the processing source, particularly in relation to the purchase orders and invoices. The Town responded that the auditors would perform periodic inspections and that a designee of the Town Manager would conduct random audits from time to time. Per discussions with Town personnel, we were unable to determine if any random audits had been conducted by a designee of the Town Manager.

OBSERVATIONS AND RECOMMENDATIONS

Recommendation:

We recommend the Town select a designee of the Town Manager and create a schedule of when the random procurement audits should take place. We also recommend that the random audits performed by the designee be documented in a memo so that the Town will be able to track the issues or progress noted by these inspections.

Management Response / Action Plan:

Independent auditors have conducted 3 thorough reviews of Town contracting practices in the past 17 months (Crowe in the summer of 2010; Nowlen, Holt, and Miner in the winter and spring of 2011; and Crowe for this report in the summer of 2011). Occasional additional independent audit procedures will be completed in the future. In addition, the Town will now commence the random staff audits recommended above using a protocol to be provided by Crowe and on a frequency that has been approved by Crowe.

Individual(s) Responsible:

Peter B. Elwell, Town Manager

Due Date: Commence by October 31, 2011, and continue periodically thereafter.

7. OPPORTUNITY FOR IMPROVEMENT 7 – QUALITY CONTROL REVIEW OF CONTRACTS : LOW RISK

Previously we recommended that Management should review and regularly evaluate the status of the total estimated costs and status on contracts in progress to provide information that would enable Management to take corrective action, where applicable, to effectively manage contracts. Management's review should be comprehensive and documented in the individual project's files. The Town responded that Management reviews would be documented in each individual project file.

- In our current year testing of twenty (20) project files, we noted one (1) file that did not include documentation of Management's review of the file.

Recommendation:

We recommend that the Town continue to work towards their goal to have a documented review in every project file using the "Project Reference Sheet" that was created for this purpose.

Management Response / Action Plan:

All files have been reviewed. The Director of Public Works will ensure that all files include proper documentation that such review has been completed.

Individual(s) Responsible:

Paul Brazil, Director of Public Works

Due Date: Completed.

OBSERVATIONS AND RECOMMENDATIONS

8. OPPORTUNITY FOR IMPROVEMENT – CONTRACT NEGOTIATIONS: MEDIUM RISK

Through interviews of Town personnel, we noted that contracts are negotiated without the participation of the Purchasing staff.

Recommendation:

We recommend that the Purchasing staff be included in all contract negotiations as required by Section 11-3 of the purchasing manual.

Management Response / Action Plan:

In addition to the requirement that the Purchasing staff be involved in the negotiation and recommendation of contracts, as described in Section 11-3 of the Purchasing Manual, the new Capitalized Construction Management Administrative Procedure will require that the Director or Public Works, Purchasing Agent, and Town Attorney approve all contracts before they are executed.

Individual(s) Responsible:

Jay Boodheshwar, Director of Recreation and Special Projects

Due Date: October 14, 2011

9. OPPORTUNITY FOR IMPROVEMENT 9 - DIRECT OWNER PURCHASES: MEDIUM RISK

Through interviews of Town personnel, we noted that Contracts are not negotiated so that the Town could benefit from its tax exempt status as it relates to direct owner purchases.

Recommendation:

According to the Town's Purchasing Manual, section 1-2.3.2, the Town's tax exemption information should be utilized in all purchase transactions of goods to ensure that taxes are not charged to the Town. Given the potential cost savings that this may present, we recommend that implementation of such policy be elevated on the Town's current fiscal year agenda.

Management Response / Action Plan:

Section 1-2.3.2 addresses the Town's sales tax exemption for purchasing of goods and services. It requires staff to make sure that our exemption is used each and every time a purchase is made. Regarding taking advantage of the tax exemption for direct owner purchases related to larger contracts, such as construction projects, the Town has previously employed this approach with long lead-time equipment and supplies. Staff will continue to look for opportunities to utilize this approach for future projects, regardless of size, and will work with the Purchasing Agent to accomplish this.

OBSERVATIONS AND RECOMMENDATIONS

Individual(s) Responsible: All Department Directors and Lynda Venne, Purchasing Agent

Due Date: Ongoing

10. OPPORTUNITY FOR IMPROVEMENT 10 – CONSTRUCTION MANAGER AT RISK : HIGH RISK

Through discussions with the Town personnel we learned that the Town has been utilizing a Construction Manager at Risk (CMR) method of contracting for major construction projects, including non-building projects.

By using a CMR contract, much of the risk that the Town would normally have, would be transferred to the construction manager. Another possible benefit of this type of contract, if used properly, is that a Guaranteed Maximum Price (GMP) is set for a particular project. With the GMP being set, costs that arise over this would be the responsibility of the CMR. To go along with this increased risk taken on by the construction manager, there is a mark-up in the GMP for these contingencies that might arise for the construction manager. In practice, if a CMR arrangement is used, the Construction Manager is normally engaged early in the process to manage the design process.

The CMR will contract out the work and will manage the projects instead of this function being performed by the Town. Also, we noted that the Town's policies and procedures related to CMR contracts do not address a number of items, including, but not limited to, the following:

- Requiring CMR vendors to competitively bid subcontractor work.
- Requiring CMR vendors to supply documentation to the Town of subcontractor bids.
- Situations when CMR is acceptable and the approval process for using a CMR arrangement.

Recommendation:

We recommend the Town review and revise their Policies and Procedures related to CMR contracts to ensure that the Town's procurement policies and procedures requirements are properly executed and documented within these files. The Town should ensure that the CMR is used in a manner that benefits the Town. We recommend that the Town develop documented procedures that include procedures to determine whether construction projects utilize a CMR arrangement, or are competitively bid. For example, the Town should document the types of projects and the circumstances when a CMR arrangement would be advantageous.

Management Response / Action Plan:

The Purchasing Manual update, which has been drafted, reviewed by Crowe, and is near completion, will include the following language in Section 11-5.4. – Construction Manager at Risk (CMR):

OBSERVATIONS AND RECOMMENDATIONS

"The selection of the successful contractor under this process, known as the CMR, is based upon a competitive qualifications procedure, and is allowed under Florida Statute Section 255.20.

The Town may authorize the use of competitive sealed proposals for contracts for construction manager at risk. This method is intended to permit the procurement of a construction manager at-risk to perform the functions that a construction manager may provide to a public owner, including constructability review, schedule and cost review, and the construction review function prior to the completion of the design of the project by the design consultant.

Ideally, the CMR will not self perform any construction work under this contract and will be secured prior to the commencement of the design process. The Owner reserves the right to allow the CMR to self perform work upon prior written notification and consent of the Town Manager or designee.

The CMR contract is issued with a Pre-Construction Phase Services scope and fee and will be amended once the GMP is negotiated to include the Construction Phase Services scope and fee. The greatest benefit is achieved when the contractor is brought into the design process at the onset. The benefit of this construction method is the contractor's input into the design resulting in a better scope of work and the expectation that fewer change orders and claims will occur due to design errors.

The Pre-Construction contract will require the following, among other things:

1. Develop a project manual, which includes, but isn't limited to, issues such as project goals, project approach, work plan, communication/coordination procedures, emergency contacts, etc.
2. Pre-qualifying subcontractors
3. Competitively bidding subcontractor work
4. Provide documentation of pre-qualification and bidding process
5. Prepare GMP

A GMP amendment will be executed with the Construction Phase Services contract, which will define the CMR's total Guaranteed Maximum Price (GMP) and time of performance and serve as the authorization to proceed with Construction Phase Services. The GMP will be built upon receipt of bids from subcontractors and material suppliers, which includes its fee, general conditions, any contingencies, and any allowances. The CMR is responsible for directing and coordinating the entire project including bidding of all subcontract requirements. The GMP is the most the CMR can receive for constructing the scope of work negotiated. If the cost for the project comes in less than the GMP, the balance of the GMP reverts back to the owner [the Town]. On the other hand, unless there is a scope change approved by the owner [the Town], any cost overruns are to the CMR's account."

Individual(s) Responsible:

Jay Boodheshwar, Director of Recreation and Special Projects

Due Date: October 14, 2011

OBSERVATIONS AND RECOMMENDATIONS

11. OPPORTUNITY FOR IMPROVEMENT 11 – PAYMENT REQUEST DOCUMENTATION AND REVIEW : MEDIUM RISK

- During our review of forty (40) construction invoice payments, we noted three (3) invoices did not contain documentation of how the invoice price related back to the approved contract.
- Additionally nineteen (19) of the invoices tested did not contain any documentation that the percentage of contract fee billed was reasonable in comparison to the percentage of completion of the work on the contract. The lack of substantive documentation as to the percentage of completion on open projects increases the likelihood that payments will be made prior to the work being performed and the Town losing leverage on the contractor should there be performance issues on the project.

Recommendation:

We recommend the Town follow implemented policies on invoice payment review which include verifying that invoices are supported by a schedule of values which correlates to the initial contract with any additions/reductions for approved change orders and that each line item is checked by the project manager and verified for completion of work and delivery of materials. Project managers should utilize the comment space provided in the financial system that allows for notes to be added to the approval noting the appropriateness of the billing in relation to completed work.

Management Response / Action Plan:

All payment requests are scrutinized for accuracy and reasonableness compared to work performed. Documentation of that evaluation has been insufficient. Project Engineers have been instructed to use the comments section in our financial software (Eden) to document that review.

Individual(s) Responsible:

Paul Brazil, Director of Public Works

Due Date: Completed

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Regular Agenda - New Business

Agenda Title

Status Report Regarding Improvements to Selection Committee Policies & Procedures

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- Memorandum Dated October 3, 2011, from Jay Boodheshwar, Director of Recreation and Special Projects
- Selection Committee Guidelines
- Conflict of Interest & Confidentiality Certification

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Status Report Regarding Improvements to Selection Committee Policies & Procedures

Date: October 3, 2011

STAFF RECOMMENDATION

Staff recommends that Town Council review the following staff report regarding policies and procedures relative to the formation and management of selection committees.

GENERAL INFORMATION

A progress report regarding the efforts that were underway to further improve the Town's policies and procedures relative to selection committees was presented at the September 13, 2011, Town Council meeting. To properly memorialize several new practices that were implemented in response to the recommendations generated from the 2010 Crowe Horwath audit, staff also reported that a revision of the Town's Purchasing Manual was well underway.

Over the past month, staff continued to work towards completing the manual update, receiving very helpful advice and suggestions from Crowe Horwath and Jacobs Project Management Company. Both firms are now reviewing the final draft of this document, which is expected to be approved by the Town Manager by October 14, 2011 and implemented immediately thereafter.

One of the many sections addressed in the Purchasing Manual update is the subject of selection committees. This section has been expanded significantly to further improve and clarify policies and procedures for this subject. Selection Committee Guidelines have also been updated and an acknowledgement form to certify no conflicts of interest will be required for anyone serving on future selection committees. Below is the final draft language in Section 6-14.4 of the Purchasing Manual, regarding selection committees.

With input from the Purchasing Agent, Department Directors are responsible for the formation of selection committees to review vendor qualifications/proposals submitted in response to a request for qualifications (RFQ) or request for proposal (RFP). They will assemble a diverse committee of members with varying experiences, expertise, and levels of authority/responsibility within the Town. A minimum of three members is required for non-construction related

committees and a minimum of four members is required for construction, engineering, or architectural services. The composition of committees may include various combinations of staff, elected officials, board members, appointed citizens, and subject matter experts. Committees may also include non-voting advisors when applicable. The composition of each selection committee will be determined based on the scope of the related RFP/RFQ.

The selection committee shall include members with expertise related to the services being procured and/or in order to utilize the best-qualified individuals. Not only should they be technically qualified, they also shall be free of bias or conflict of interest. Additionally, there might be other members who are experienced in the same or similar field to which the proposal applies chosen from other governmental agencies or universities. Depending on the complexity and technical requirements of the RFP, a specialist in one or more disciplines may be requested. Varied talent combination is required. Direct supervisors and their subordinates serving on the same selection committee should be avoided.

For all construction related selection committees and whenever applicable, non-construction committees, an analysis of the financial statements shall be completed for all companies responding the RFP or RFQ. This shall be completed utilizing a standard evaluation template. The Director of Finance or his/her designee shall serve on all selection committees where financial statements are required.

Department Directors shall seek approval from the Town Manager once a proposed committee has been identified and will not assemble the committee until approval is received. For projects of large or complex scope, the Town Manager may seek selection committee approval of the Town Council.

The approved selection committee will remain intact throughout the qualifications/proposal review process, including but not limited to the short-listing exercise to vendor interviews, and members will have equal voting privileges throughout the process, with the exception of non-voting facilitators and advisors.

The Purchasing Agent or designee will be responsible for facilitating all selection committees, including the coordination of scheduling and communication with vendors, but will not participate as a voting member of the selection committee.

All committee members will receive participation guidelines upon approval of the selection committee. Members will also be required to confirm that they have no conflicts of interest and do not hold interests in entities that may present a conflict to the Town by signing an acknowledgement form. In addition to the requirement that potential vendors disclose any conflicts of interest they may have with the Town, background checks may be employed to further screen potential vendors to ensure that they do not hold interests in entities that may present a conflict with the Town.

The committee shall recommend award to that firm which receives the highest point total during the evaluation process. The evaluators must exercise judgment and be as impartial as possible in evaluating the relative merits of each proposal. Evaluation guidelines will be developed by the

Purchasing Division in conjunction with the Department Director or his/her designee, specifically for each RFP/RFQ and will include a scoring methodology. The selection committee may receive advice or recommendations from other knowledgeable sources such as consultants. These sources need not be voting or actual committee members.

SPECIAL CONSIDERATIONS

In conjunction with the update of the Purchasing Manual, staff is also in the process of finalizing a new Capitalized Construction Management Administrative Procedure. This document was also developed with review and feedback from Crowe Horwath and Jacobs Project Management, and includes guidelines for addressing a variety of necessary construction management related actions, including budget authorization, design development, sub-surface investigation, procurement methods, notices of award, contracts, insurance, licenses & permits, notices to proceed, pre-construction conferences, project oversight, public communication, project status reports, management reviews, documentation & filing, payment applications, change orders, and close-out procedures. It is expected to be completed and approved by October 14, 2011, and implemented on the same timeline as the Purchasing Manual.

Attachments

cc: Department Directors
John C. Randolph, Town Attorney
Lynda Venne, Purchasing Agent

Selection Committee Guidelines

OBJECTIVE

Thank you for participating in this very important process! The Town of Palm Beach takes steps to evaluate our Requests for Proposals and Contractor Qualifications in accordance with the Town's Procurement Policies and Procedures. Our overall objective is to make the best selection in meeting the needs of the Town while following a process to ensure both fair and equitable treatment of all proposers as well as acting in a sound fiduciary manner for the taxpayers.

PROCESS

RFPs (Requests for Proposals) and RFQs (Requests for Vendor Qualifications) are solicited by the Purchasing Agent to be received by the Town before a set closing deadline. The RFP or RFQ document requires the submittals of proposals by interested parties, providing the information requested in the document and in the proper format. The RFP/RFQ is evaluated based on the pre-determined criteria set forth in the Request document. The evaluation process involves a great deal of rational thought and discussion.

SELECTION COMMITTEE

Selection Committee members have been selected because of their evaluative and technical skills that will assist in making a decision in the best interests of the Town. The Selection Committee members were selected by the Using Department in accordance with the procedures set forth in the Purchasing Manual and with approval of the Town Manager. After the deadline for submittal, copies of the proposals are delivered to the members of the Selection Committee. The Committee will meet in accordance with the Florida Sunshine Law requirements. The meetings are recorded for public record. The Purchasing Department staff will conduct the meeting as a non-voting liaison to the Selection Committee.

Committee members should refrain from discussion of the RFP/RFQ with any potential proposer, or each other, during the evaluation process, except in official Selection Committee meetings. Any questions or clarifications should be addressed to the Purchasing Department.

All meetings of the Committee and all correspondence (including electronic mail) concerning the evaluation are considered to be conducted in the "sunshine", and subject to FL Statute §119 and 286. This means that no discussion or correspondence may take place between committee members except in the Selection Committee meetings. Each member will be asked to sign a **CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT/CONFLICT OF INTEREST CERTIFICATION**.

TECHNICAL EVALUATION OF PROPOSALS

In order to ensure a fair and honest evaluation the following is recommended:

Conflict of Interest – Evaluation committee members shall avoid any actual or perceived conflict of interest, including a personal or business relationship with any prospective proposer.

Communication with Offerors – To protect against creating an unfair competitive advantage for offerors, communication shall be limited to the procurement representative.

Evaluation Criteria – Evaluation shall be limited to the criteria stated in the RFP. Evaluators may not consider other factors, alter criteria or change the relative importance of criteria.

Independent Analysis – In order to maintain an unbiased objective, evaluators should perform the initial evaluation independently. Any discussion of proposals among evaluators should occur during evaluation committee meetings when all evaluators are present and notes are taken.

RATING FORMS

Rating forms will be provided to each Selection Committee member based on the criteria set forth in the RFP/RFQ. There will be one form for each proposal submittal. The form will be tailored to highlight criteria deemed important to the specific selection being made.

Proposals can only be evaluated by using the criteria listed in the "Evaluation Criteria" of the RFP/RFQ (RFP/RFQ criteria is attached). No other criteria may be used. Initial evaluation must be based solely upon the proposal submitted; no other or additional information may be used. Scoring and rating details must be identified and included in the RFP/RFQ for each evaluation criteria, so that proposers know how heavily each criterion is weighed.

CRITERION

Each criterion will be assigned a weight, emphasizing its importance to the proposal. Listed under each criteria section are some suggested areas to be considered during the evaluation of those criteria. The Committee will review each proposal, one at a time. After a brief discussion, each Committee Member will fill-out a rating sheet assigning points (0 through 5) for each criterion (only one rating value for each criterion should be given). These points are an indication of how well you think the proposer meets the needs of the Town in that area. The suggested scoring is:

EXCELLENT	5
ABOVE AVERAGE	4
AVERAGE	3
DEFICIENCIES	2
POOR	1
DID NOT COMPLY	0

EVALUATION PROCESS

Please use round numbers. You do not need to extend the weighted values or total the sheet. Be sure to sign and date each sheet (the sheets are kept as public record). The sheets will be collected after each proposal (the committee may decide to hold all of their rating forms until all proposals have been discussed). The forms will be tallied by the Purchasing Department. The totals of the weighted criteria ratings will be tabulated and averaged. The Committee can then use the averaged ratings for their selection(s).

INTERVIEWS

Interviews may be conducted to obtain clarification of the proposals, discuss strategies and to gain a greater understanding of the respective expertise, competence, qualification and capabilities of each offeror. Offerors may be requested to make a short presentation as a part of the interview, followed by questions from evaluators. Interviews are not sales calls and should be limited to issues directly related to the project. Evaluators should be careful to avoid considering other factors that are not specifically identified in the RFP or letting personalities affect the selection. Offerors shall be provided the revised criteria that will be used for evaluation. Forms will be provided to the Selection Committee and following the interviews, evaluators will convene to rank and select the most qualified firm.

Thank you, again, for your service to the Town of Palm Beach. . .



TOWN OF PALM BEACH
CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT
CONFLICT OF INTEREST CERTIFICATION
FOR SELECTION COMMITTEE MEMBERS

RFP/RFQ NO. _____

Selection Committee Member:

You have been selected as a member of the Selection Committee to participate in the evaluation of responses received as the result of the competitive solicitation referenced above. Your selection was based upon your qualifications and knowledge in this area and your ability to develop an objective analysis of each response. You are required to report to the Town any actual or potential conflict of interest.

It is essential that the integrity of the evaluation process be maintained to insure that each proposal is given fair and equal consideration. The written/electronic responses to the solicitation and any subsequent respective clarifications and/or negotiations must stand-alone. As a Selection Committee member you must be objective and guard against any tendency to favor a particular manufacturer, firm or individual.

It is important to understand the requirements of following the Florida Sunshine law, which is in effect during the evaluation process and proceedings of the Selection Committee meetings. Once the evaluation process has started, it is essential that any contact with the offeror's be through the Purchasing Division. Additionally, you are not to communicate any information about this solicitation process, except during formal Selection Committee meetings, with any vendor or potential vendor prior to award by the Town of Palm Beach, nor shall you discuss proposal evaluations with anyone other than the Purchasing contact person and fellow Selection Committee members at the official meetings. The Florida Sunshine law is in effect until the Town of Palm Beach has awarded the contract. Vendors have been directed in the solicitation documents to make all contact with the Purchasing Division during the solicitation and evaluation process.

I, _____, as a participant in the Town of Palm Beach Selection

Committee for Request for Proposal/Qualifications (RFP/RFQ) _____ ("Project"), hereby agree that, except as otherwise provided by law:

- A. I shall maintain the confidentiality of all information that I gain access to as a result of my participation in the Selection Committee. This includes, but is not limited to: (1) any and all information considered confidential by the Town; (2) any information from any of the firms submitted proposals; and (3) all evaluation and selection process materials;
- B. I shall maintain security and control over all documents containing any information regarding the Project in my custody. I shall not make copies of any such documents, and shall return all Project documents received from or prepared for the Town to the Purchasing Division, when my work with such documents is completed;
- C. I shall not divulge any information regarding the Project to any representative of the Proposers. I shall also not divulge any information regarding the Project to the media or any member of the public. Internal information exchange with other persons working on the Project for or with the Town shall occur only as necessary to conduct assigned work for the Project. If contacted by any representative of the Proposers, the media, or any member of the public regarding the Project, I shall not discuss the Project. Instead, I shall promptly report any such attempted communication to the Purchasing Agent, Lynda Venne.
- D. Further, I hereby certify that, to the best of my knowledge I do not have, control, or direct any financial or other interest held personally or on behalf of any member of my immediate family (including but not

limited to parents, spouses, children, brothers, sisters or person(s) residing in my household) (collectively referred to herein as "my Immediate Family") in any Proposer or affiliate of any Proposer, generally or with respect to the Project;

- E. I further certify that neither I nor my Immediate Family have had any discussions, conversations, offers, agreements or arrangements for future employment with any Proposer or affiliate of any Proposer, generally or with respect to the Project;
- F. I further certify that neither I nor my Immediate Family have solicited or accepted, and that neither I or my Immediate Family will solicit or accept, gratuities, favors or anything of value from any Proposer or affiliate of any Proposer, generally or with respect to the Project; and
- G. I certify that, to the best of my knowledge, that neither I nor my Immediate Family have any connection of any kind with any of the Proposers or affiliates of any Proposers with respect to the Project or with any application or transaction that might appear to create a conflict of interest.
- H. I certify that I was not employed at any time by any Proposer or affiliate of any Proposer under consideration by this Evaluation Committee.

To emphasize the importance of the above characteristics, you are asked to sign the following statement:

I have read and understand the above and agree to be bound by the State of Florida Sunshine law, rules and principles represented. I know of no conflict of interest on my part nor have I committed any indiscretion nor accepted any gratuities or favors that would compromise my impartiality. My recommendations shall be based upon an objective review of the offeror's response and the appropriate award criteria from the solicitation in accordance with the Town of Palm Beach's procurement policies and procedures.

Name: _____ Date: _____

Signature: _____ Department: _____

If not a Town of Palm Beach Employee, please list Employer: _____

IF YOU ARE UNABLE TO EXECUTE THIS, CONTACT YOUR PROCUREMENT CONTACT IMMEDIATELY. DO NOT WAIT UNTIL THE FIRST SELECTION COMMITTEE MEETING TO INFORM THE TOWN THAT YOU HAVE A CONFLICT OF INTEREST. PLEASE COMPLETE THIS FORM AND FORWARD IT TO YOUR PROCUREMENT CONTACT PRIOR TO THE FIRST SELECTION COMMITTEE MEETING.

Please return completed form to:
Lynda S. Venne, CPPB - Purchasing Agent
Town of Palm Beach
951 Old Okeechobee Road
West Palm Beach, FL 33402

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Regular Agenda - New Business

Agenda Title

Authorization of Selection Committee for Architectural Services.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 22, 2011, from H. Paul Brazil, Director of Public Works

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

TO: Mayor and Town Council
VIA: Peter Elwell, Town Manager
FROM: H. Paul Brazil, Director of Public Works
RE: Authorization of Selection Committee for Architectural Services
DATE: September 22, 2011

STAFF RECOMMENDATION

Staff recommends that Town Council approve the selection team identified below and direct staff, as authorized under the Florida Statutes, Chapter 287.055, known as the Consultants Competitive Negotiation Act (CCNA), to receive qualifications from interested architectural consultants, to short list, to conduct consultant interviews, and to return to Town Council with a recommendation to enter into a contract with the selected consultant(s).

GENERAL INFORMATION

The Town's Capital Improvement Program includes improvements that will require the services of professional architectural firms to implement. Our current contracts with architectural firms have expired and we need authorization from Town Council to proceed in the selection process.

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

1. Public Works Committee Chairperson: Michael Pucillo, Town Council Member and Chair of the Public Works Committee
2. Town Manager's designee: Jay Boodheshwar, Director of Recreation and Special Projects
3. Public Works Director's designee: H. Paul Brazil, Director of Public Works
4. Additional individuals as deemed appropriate by the Town Manager: Jane Struder, Director of Finance, John Page, Director of Planning, Zoning, & Building

In addition, the Purchasing Division staff will oversee and assist with the Selection Team's review process.

FUNDING/FISCAL IMPACT

There is no fiscal impact associated with this approval. Council will be asked at a later date to approve entering into a Professional Services Agreement with the selected firm(s). There is no financial commitment incurred by the Town when entering into these agreements.

cc: Selection Team Members
James M. Bowser, P.E., Town Engineer
Lynda Venne, Purchasing Agent

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Regular Agenda - New Business

Agenda Title

Rescheduling of the February 2012 and March 2012 Town Council Meetings.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated October 6, 2011, from Peter B. Elwell, Town Manager

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Proposed Date Changes for the February 2012 and March 2012 Town Council Meetings

Date: October 6, 2011

STAFF RECOMMENDATION

I am seeking Town Council direction regarding the rescheduling of the February 2012 and March 2012 Town Council meetings.

GENERAL INFORMATION

As I have previously informed all of you, two Town Council members have identified schedule conflicts that would cause them to miss upcoming meetings, one in February 2012 and the other in March 2012. In response, and consistent with recent practice related to such conflicts, I proposed that these meetings be rescheduled, as follows:

Wednesday, February 15, 2012 (swearing in ceremony and development review matters)

Thursday, February 16, 2012 (regular Town Council meeting)

Wednesday, March 14, 2012 (development review matters)

Thursday, March 15, 2012 (regular Town Council meeting)

You have all indicated your availability for the two Thursday meetings (in lieu of the usual Tuesday meetings) but two of you have expressed a desire for the Mayor and Town Council to discuss this matter prior to the Town Council taking action on the proposed rescheduling. Therefore, this matter will be on the regular agenda at the October 11 Town Council meeting. I anticipate that your discussion will include, but may not be limited to, considering the balance between accommodating individual elected officials so that the full governing body may be present at every meeting vs. the expectation of the public that regular monthly Town Council meetings will be held on the second Tuesday of every month.

PBE:cek

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Regular Agenda - New Business

Agenda Title

Planning and Zoning Commission Board Appointments.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated October 3, 2011
- Planning and Zoning Commission Ballot
- Planning and Zoning Commission Roster
- Planning and Zoning Commission Attendance and Voting Records

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Planning and Zoning Commission Appointments

Date: October 3, 2011

STAFF RECOMMENDATION

- Staff recommends that the Town Council appoint a regular member to the Planning and Zoning Commission to fill the seat being vacated as a result of the term expiration of Eugene Lawrence.
- Staff recommends that the Town Council appoint a regular member to the Planning and Zoning Commission to fill the seat being vacated as a result of the term expiration of Floyd L. Wideman, Jr.
- Staff recommends that the Town Council make any appointments to the Planning and Zoning Commission which may become necessary as a result of making the aforementioned appointments.

GENERAL INFORMATION

- **Mr. Lawrence** is eligible for reappointment and has submitted an Application for Service on the Planning and Zoning Commission.
- **Mr. Wideman** is eligible for reappointment and has submitted an Application for Service on the Planning and Zoning Commission.
- Staff has confirmed that the existing Alternate Members of the Planning and Zoning Commission are not interested in promotion to Regular Member status at this time.
- Pursuant to the news release notifying the public of the vacancies on the Planning and Zoning Commission, one additional person has submitted an Application for Service on the Planning and Zoning Commission together with other appropriate qualifying information.
- The applicants listed on the attached ballot are registered voters in the Town of Palm Beach, as required by Section 2-329 of the Town of Palm Beach Code of Ordinances.

Attachments

JP: dam/cmd

cc: Susan A. Owens, Town Clerk

Veronica B. Close, Assistant Director of Planning, Zoning & Building

Paul Castro, Zoning Administrator

Town Council Meeting on October 11, 2011

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PLANNING & ZONING COMMISSION MEMBERS

Alan S. Golboro (Chairman)

2500 S. Ocean Blvd. #1-D-2
Palm Beach, FL 33480

561-582-0299 (Home)

312- 925-4685 (Work)

First Appointed: 2/15/05 (Alternate)

Term Expires: 2/2006 (Term 0)*

*Fulfilling the balance of Elizabeth Murphy's Alternate Term; serving only 1 yr; less than 50% of a term, so Term 0

Appointed: 2/14/06 (Regular member)

Term Expires: ~~2/2009~~ (Term 1) 9/30/2009

Re-appointed: 09/10/2009 (Regular Member)

Term Expires: 9/30/2012 (Term 2)

Leslie A. Shaw (Vice Chair)

318 Seaspray Avenue
Palm Beach, FL 33480

561-655-5858 (Home)

561-296-1111 (Office)

First Appointed: 2/14/06 (Alternate)

Term Expires: 2/2009 (Term 1)

Appointed: 2/13/07 (Regular Member)

Term Expires: ~~2/2010~~ (Term 1) 9/30/2010

Re-appointed: 10/12/10 (Regular Member)

Term Expires: 9/30/13 (Term 2)

John Schuler

425 Worth Avenue, 2F
Palm Beach, FL 33480

561-655-9000 (Home)

561-655-1947 (Office)

First Appointed: 2/10/2004 (Alternate)

Term Expires: 2/2006 (Term 1)*

*Fulfilling the balance of Nancy Murray's Alternate Term, & serving more than 50% of a term; thus Term 1.

Appointed: 12/13/05 (Regular member)

Term Expires: 2/2006 (Term 0)*

*Fulfilling the balance of Joanna Golino's term & only serving 2 months, less than 50% of a term, thus Term 0.

Re-appointed: 2/14/06 (Regular member)

Term Expires: ~~2/2009~~ (Term 1) 9/30/2009

Re-appointed: 09/10/2009 (Regular member)

Term Expires: 9/30/2012 (Term 2)

Eugene Lawrence

205 Worth Avenue #301
Palm Beach, FL 33480

561-659-5645 (Home)

561-655-0670 (Office)

First Appointed: 2/13/07 (Alternate)

Term Expires: ~~2/2009~~* 9/30/2009 (Term 1)

(*fulfilling balance of Mr. Guttman's unexpired Alternate Member term, & serving more than 50% of a term)

Appointed: 2/12/2008 (Regular)

Term Expires: 9/30/2008 (Term 0)

(Mr. Lawrence will fulfill the balance of Ms. Murphy's term, 7 months, which is less than 50% of a term, and as such, will not count as a first term for him)

Re-appointed: 9/8/2008 (Regular)

Term Expires: 9/30/2011 (Term 1)

Floyd L. Wideman, Jr.

260 El Dorado Lane
Palm Beach, FL 33480

561-841-8999 (Home)

First Appointed: 2/13/2007 (Alternate)

Term Expires: ~~2/2009~~* 9/30/2009 (Term 1)

(*fulfilling balance of Mr. Shaw's unexpired Alternate Member term, and serving more than 50% of a term)

Appointed: 9/8/2008 (Regular)

Term Expires: 9/30/2011 (Term 1)

PLANNING & ZONING COMMISSION MEMBERS

Page 2 of 2

Martin I. Klein
1060 North Ocean Blvd.
Palm Beach, FL 33480

561-881-8000 (Home)
561-655-0005 (Office)

First Appointed: 5/12/2009 (Regular) Term Expires: 9/30/2010 (Term 0)
(*fulfilling the balance of Mr. Guttman's unexpired member term, 16.5 months, which is less than 50% of a term, and as such, will not count as a first term for him)

Re-appointed: 10/12/2010 (Regular) Term Expires: 9/30/2013 (Term 1)

C. Tanner Rose, Jr.
315 S Lake Dr., #2D
Palm Beach, FL 33480

561-838-4962 (Home)

First Appointed: 9/8/2008 (Alternate) Term Expires: 9/30/2009 (Term 0)
(fulfilling the balance of Mr. Wideman's unexpired alternate member term, 12 months, which is less than 50% of a term, and as such, will not count as a first term for him)

Appointed: 8/11/2009 (Regular Member) Term Expires: 09/30/2012 (Term 1)
(Fulfilling the balance of Mr. Dowell's unexpired regular term (1 month) which would have been counted as term 0. However, Town Council appointment this date was for full term to expire 2012).

ALTERNATE MEMBERS

Lewis Crampton (Alternate)
2335 South Ocean Blvd., #5B
Palm Beach, FL 33480

561-540-1520 (Home)
262-374-0022 (Cell)

First Appointed: 3/10/2009 (Alternate) Term Expires: 9/30/2009 (Term 0)
(*fulfilling the balance of Mr. Klein's unexpired alternate term, 6 months, which is less than 50% of a term, and as such will not count as a first term for him)

Appointed: 9/10/2009 (Alternate) Term Expires: 9/30/2012 (Term 1)

Jeffrey A. Cloninger (Alternate)
411 Brazilian Avenue
Palm Beach, FL 33480

561-659-1387 (Home)
561-659-6640 (Work)

First Appointed: 08/11/2009 (Alternate) Term Expires: 9/30/2012 (Term 1)
(*fulfilling the balance of Mr. Ryan's unexpired term, due to Mr. Ryan's resignation on June 4, 2009. Balance of term was less than 3 months and would have been counted as term 0. However, Town Council appointment this date was for full term to expire 2012).

Michael Vincent John Spaziani (Alternate)
322 Seaspray Avenue
Palm Beach, FL 33480

561-655-8009 (Home)
561-758-3091 (Work)

First Appointed: 08/11/2009 (Alternate) Term Expires: 9/30/2012 (Term 1)
(*fulfilling the balance of Mr. Rose's unexpired term when Mr. Rose was promoted to Regular Member. Balance of term was less than 3 months and would have been counted as term 0. However, Town Council appointment this date was for full term to expire 2012).

**TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION**

ATTENDANCE RECORD 2011

	<u>1/18/2011</u>	<u>2/15/2011</u>	<u>3/15/2011</u>	<u>4/19/2011</u>	<u>5/17/2011</u>	<u>6/21/2011</u>	<u>7/19/2011</u>	<u>8/16/2011</u>	<u>9/20/2011</u>	<u>10/18/2011</u>	<u>11/15/2011</u>	<u>12/20/2011</u>
<u>MEMBERS</u>												
John Schuler	P	E	P	P	*	P	*	*	E			
Alan Golboro	P	P	P	P	*	P	*	*	P			
Leslie Shaw	P	P	P	P	*	P	*	*	P			
Eugene Lawrence	P	P	P	P	*	P	*	*	P			
Floyd Wideman	P	E	P	P	*	P	*	*	P			
Martin Klein	P	P	P	P	*	P	*	*	P			
C. Tanner Rose	P	P	P	P	*	P	*	*	P			
<u>ALTERNATE MEMBERS</u>												
Lewis Crampton	P	P	P	P	*	P	*	*	P			
Jeffrey A. Cloninger	P	P	U	P	*	P	*	*	P			
Michael Vincent John Spaziani	P	P	P	P	*	P	*	*	P			

LEGEND P=PRESENT
 E=EXCUSED
 U=UNEXCUSED
 A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"
 *= Meeting cancelled

**TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION
ATTENDANCE RECORD 2010**

<u>MEMBERS</u>	<u>1/19/2010</u>	<u>2/16/2010</u>	<u>3/16/2010</u>	<u>4/20/2010</u>	<u>5/18/2010</u>	<u>6/15/2010</u>	<u>7/20/2010</u>	<u>8/17/2010</u>	<u>9/21/2010</u>	<u>10/19/2010</u>	<u>11/16/2010</u>	<u>12/21/2010</u>
John Schuler	P	P	P	P	P	*	E	P	P	P	P	*
Alan Golboro	P	P	P	P	P	*	P	P	P	P	P	*
Leslie Shaw	P	P	P	U	P	*	P	U	P	P	P	*
Eugene Lawrence	P	P	P	P	P	*	P	P	P	P	P	*
Floyd Wideman	P	P	P	P	P	*	P	P	P	P	P	*
Martin Klein	P	U	P	P	P	*	P	P	E	P	P	*
C. Tanner Rose	P	P	P	P	P	*	U	P	P	P	P	*
<u>ALTERNATE MEMBERS</u>												
Lewis Crampton	P	P	E	P	P	*	P	P	P	P	P	*
Jeffrey A. Cloninger	P	P	P	P	P	*	U	P	P	P	P	*
Michael Vincent John Spaziani	P	P	P	P	P	*	P	P	P	P	P	*

LEGEND P=PRESENT
 E=EXCUSED
 U=UNEXCUSED
 A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"
 *=- Meeting cancelled

TOWN OF PALM BEACH

PLANNING & ZONING COMMISSION

ATTENDANCE RECORD 2008/2009

<u>MEMBERS</u>	10/7/2008	11/4/2008	12/2/2008	1/6/2009	2/3/2009	3/3/2009	3/4/2009	3/17/2009	4/7/2009	5/5/2009	6/2/2009	7/7/2009	8/4/2009	9/1/2009	10/6/2009	11/3/2009	12/1/2009
John Schuler	x	P	P	P	A	P	P	P	P	P	P	x	P	E	E	P	P
Alan Golboro	x	P	P	P	P	P	P	P	P	P	P	x	P	P	P	P	P
William Guttman	x	P	P	P	P	N2	/	/	/	/	/	/	/	/	/	/	/
Leslie Shaw	x	P	P	U	P	P	P	P	P	P	P	x	P	P	P	P	P
W. Anthony Dowell	x	P	P	P	P	P	P	P	P	P	P	N6	/	/	/	/	/
Eugene Lawrence	x	P	P	P	P	P	P	E	P	P	P	x	P	P	P	P	P
Floyd Wideman	x	P	P	P	P	P	P	P	P	P	P	x	P	E	P	P	P
Martin Klein	x	P	N1	/	/	/	/	/	/	N4	P	x	P	P	P	P	P
C. Tanner Rose	x	P	P	P	A	P	P	P	P	P	P	x	N7 P	E	P	P	P
ALTERNATE MEMBERS																	
E. James Ryan	x	P	P	P	P	P	P	P	P	P	U	N5	/	/	/	/	/
Lewis Crampton	/	/	/	/	/	/	/	N3	P	P	P	x	P	P	P	P	P
Jeffrey A. Cloninger	/	/	/	/	/	/	/	/	/	/	/	/	N8	P	P	P	P
Michael Vincent John Spaziani	/	/	/	/	/	/	/	/	/	/	/	/	N9	P	P	P	P

LEGEND P=PRESENT

E=EXCUSED

U=UNEXCUSED

A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"

x Meeting Cancelled

N1 Resigned 11/2008 (Alternate)

N2 Resigned 2/27/2009

N3 Appt'd 3/10/2009 to complete Mr. Klein's unexpired term

N4 Appt'd 5/12/2009 to complete Mr. Guttman's unexpired term

N5 Resigned 6/9/2009

N6 Resigned 6/10/2009

N7 Appt'd 8/11/2009 to complete Mr. Dowell's unexpired term

N8 Appt'd 8/11/2009 to complete Mr. Ryan's unexpired term

N9 Appt'd 8/11/2009 to complete Mr. Rose's unexpired term

TOWN OF PALM BEACH VOTING CONFLICT RECORD 2011 PLANNING & ZONING COMMISSION

	1/18/2011	2/15/2011	3/15/2011	4/19/2011	5/17/2011	6/21/2011	7/19/2011	8/16/2011	9/20/2011	10/18/2011	11/15/2011	12/20/2011
<u>MEMBERS</u>												
John Schuler	-	-	-	-	*	-	*	*	-	-	-	-
Alan Golboro	-	-	-	-	*	-	*	*	-	-	-	-
Leslie Shaw	-	-	-	-	*	-	*	*	-	-	-	-
Eugene Lawrence	-	-	-	-	*	-	*	*	-	-	-	-
Floyd Wideman	-	-	-	-	*	-	*	*	-	-	-	-
Martin Klein	-	-	-	-	*	-	*	*	-	-	-	-
C. Tanner Rose	-	-	-	-	*	-	*	*	-	-	-	-
<u>ALTERNATE MEMBERS</u>												
Lewis Crampton	-	-	-	-	*	-	*	*	-	-	-	-
Jeffrey A. Clininger	-	-	-	-	*	-	*	*	-	-	-	-
Michael Vincent John Spaziani	-	-	-	-	*	-	*	*	-	-	-	-

LEGEND: V One Voting Conflict during a meeting
V2 Two Voting Conflicts during a meeting
V3 Three Voting Conflicts during a meeting
VPD Voting Conflict Previously declared (This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing project. Only count original declared voting conflict for ongoing projects per JCR.

**TOWN OF PALM BEACH VOTING CONFLICT RECORD 2010
PLANNING & ZONING COMMISSION**

<u>MEMBERS</u>	<u>1/19/2010</u>	<u>2/16/2010</u>	<u>3/16/2010</u>	<u>4/20/2010</u>	<u>5/18/2010</u>	<u>6/15/2010</u>	<u>7/20/2010</u>	<u>8/17/2010</u>	<u>9/21/2010</u>	<u>10/19/2010</u>	<u>11/16/2010</u>	<u>12/21/2010</u>
John Schuler	-	-	-	-	-	-	-	-	-	-	-	-
Alan Golboro	-	-	-	-	-	-	-	-	-	-	-	-
Leslie Shaw	-	-	-	-	-	-	-	-	-	-	-	-
Eugene Lawrence	-	-	-	-	-	-	-	-	✓	-	-	-
Floyd Wideman	-	-	-	-	-	-	-	-	-	-	-	-
Martin Klein	-	-	-	-	-	-	-	-	-	-	-	-
C. Tanner Rose	-	-	-	-	-	-	-	-	-	-	-	-
<u>ALTERNATE MEMBERS</u>												
Lewis Crampton	-	-	-	-	-	-	-	-	-	-	-	-
Jeffrey A. Clininger	-	-	-	-	-	-	-	-	✓	-	-	-
Michael Vincent John Spaziani	-	-	-	-	-	-	-	-	-	-	-	-

LEGEND: V One Voting Conflict during a meeting
V2 Two Voting Conflicts during a meeting
V3 Three Voting Conflicts during a meeting
VPD Voting Conflict Previously declared (This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing project. Only count original declared voting conflict for ongoing projects per JCR.

**TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION
VOTING CONFLICT RECORD 2008/2009**

MEMBERS	10/7/2008	11/4/2008	12/2/2008	1/6/2009	2/3/2009	3/3/2009	3/4/2009	3/17/2009	4/7/2009	5/5/2009	6/2/2009	7/7/2009	8/4/2009	9/1/2009	10/6/2009	11/3/2009	12/1/2009
John Schuler	x	-	-	-	-	-	-	-	-	-	-	x	-	-	-	-	-
Alan Golboro	x	-	-	-	-	-	-	-	-	-	-	x	-	-	-	-	-
William Guttman	x	-	-	-	-	N2	-	-	-	-	-	x	-	-	-	-	-
Leslie Shaw	x	-	-	-	-	-	-	-	-	-	-	x	-	-	-	-	-
W. Anthony Dowell	x	-	-	-	-	-	-	-	-	-	-	N6	-	-	-	-	-
Eugene Lawrence	x	-	-	-	-	-	-	-	-	-	-	x	-	-	-	-	-
Floyd Wideman	x	-	-	-	-	-	-	-	-	-	-	x	-	-	-	-	-
Martin Klein	x	N1	-	-	-	-	-	-	-	N4	-	x	-	-	-	-	-
C. Tanner Rose	x	-	-	-	-	-	-	-	-	-	-	x	N7	-	-	-	-

ALTERNATE MEMBERS

E. James Ryan	x	-	-	-	-	-	-	-	-	-	-	N5	-	-	-	-	-
Lewis Crampton	x	-	-	-	-	-	-	N3	-	-	-	x	-	-	-	-	-
Jeffrey A. Clininger	-	-	-	-	-	-	-	-	-	-	-	-	N8	-	-	-	-
Michael Vincent John Spaziani	-	-	-	-	-	-	-	-	-	-	-	-	N9	-	-	-	-

LEGEND: V

One Voting Conflict during a meeting

V2

Two Voting Conflicts during a meeting

V3

Three Voting Conflicts during a meeting

VPD

Voting Conflict Previously declared (This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing project. Only count original declared voting conflict for ongoing projects per JCR.

x Meeting Cancelled

N1 Resigned 11/2008 (Alternate)

N2 Resigned 2/27/2009

N3 Appt'd 3/10/2009 to complete Mr. Klein's unexpired term

N4 Appt'd 5/12/2009 to complete Mr. Guttman's unexpired term

N5 Resigned 6/9/2009

N6 Resigned 6/10/2009

N7 Appt'd 8/11/2009 to complete Mr. Dowell's unexpired term

N8 Appt'd 8/11/2009 to complete Mr. Ryan's unexpired term

N9 Appt'd 8/11/2009 to complete Mr. Rose's unexpired term

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 23-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Code Of Ordinances At Chapter 66 Natural Resources, Article Iv Vegetation, Division 5, Regulations, Section 66-311 Prohibited Plants, So As To Amend The Removal Date For Australian Pines So As To Reflect That The Removal Date Of 2012 Shall Only Be Applicable To Australian Pines Located Within 500 Feet Of The Palm Beach Island Sanctuaries Located Within The Town And Described Herein; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Ordinance No. 23-11

ORDINANCE NO. 23-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 66 NATURAL RESOURCES, ARTICLE IV VEGETATION, DIVISION 5, REGULATIONS, SECTION 66-311 PROHIBITED PLANTS, SO AS TO AMEND THE REMOVAL DATE FOR AUSTRALIAN PINES SO AS TO REFLECT THAT THE REMOVAL DATE OF 2012 SHALL ONLY BE APPLICABLE TO AUSTRALIAN PINES LOCATED WITHIN 500 FEET OF THE PALM BEACH ISLAND SANCTUARIES LOCATED WITHIN THE TOWN AND DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 66 Natural Resources, Article IV Vegetation, Division 5 Regulations, Section 66-311, to read as follows:

“Sec. 66-311. Prohibited plants.

(a) *Prohibited species.* The following plants have been shown to be pestilent exotic species and shall not be installed as landscape material, and shall be removed from property as part of development and redevelopment activity and prior to the issuance of a permit for said development and redevelopment activity or pursuant to the schedule and terms specified in subsection (c) of this section:

- (1) Australian pine (*Casuarina* spp.).
- (2) Brazilian pepper (*Schinus terebinthefolius*).
- (3) Punk or paper tree (*Meleleuca quinquenervia*).
- (4) Old-world climbing fern (*Lygodium microphyllum*).
- (5) Air potato vine (*Dioscorea bulbifera*).
- (6) Carrotwood (*Cupaniopsis anacardioides*).
- (7) Earleaf acacia (*Acacia auriculiformis*).
- (8) Schefflera (*Schefflera actinophylla*)

(9) Kudzu (*Pueraria montana* var. *lobata*).

(b) *Exemptions.* An exemption or partial exemption from the prohibition of and removal requirements of Australian pines may be granted by the architectural commission or landmarks commission, as applicable, if the following conditions apply:

(1) The Australian pine is used and maintained as a hedge. Failure to maintain the hedge will result in a code violation and removal of the hedge will be required.

(2) The hedge or screen is located in an area where salt tolerant vegetation is required and where a viable aesthetic or organic option is not practical.

(3) The Australian pine is not of the "sucker" type variety (*Casuarina glauca*).

(4) The Australian pine is not directly adjacent to shoreline areas.

(5) The Australian pine is maintained as part of the character of a landmarked district or vista such as the areas known as "Pine Walk" and "Wells Road."

(c) *Future removal requirements.* In addition to the removal requirements set forth in section (a) above, a property owner shall remove or cause to be removed or eradicated the prohibited invasive non-native vegetation listed in paragraph (a) above by January 1 of the year specified in the following table:

COMMON NAME	SCIENTIFIC NAME	YEAR
Old-World Climbing Fern	<i>Lygodium microphyllum</i>	2004
Air Potato Vine	<i>Dioscorea bulbifera</i>	
Melaleuca, Punk Tree	<i>Melaleuca quinquenervia</i>	2006
Brazilian Pepper	<i>Schinus terebinthifolius</i>	2008
Carrotwood	<i>Cupaniopsis anacardioides</i>	
Earleaf Acacia	<i>Acacia auriculiformis</i>	2010

Schefflera	Schefflera actinophylla	2006
Australian Pine*	Casuarina spp.	2012*
Kudzu	Pueraria montana var. lobata	2008

*The 2012 date relating to the removal of the Australian Pine, Casuarina spp. shall only be applicable to Australian Pines which are within 500 feet of a county designated natural area described in item (d) below, i.e., the Palm Beach Island Sanctuaries.

Upon removal of the prohibited and invasive non-native vegetation specified under this section, the property owner shall maintain the property free of such prohibited invasive non-native vegetation.

(d) *Protection of natural area and incentives.* The county has recognized the Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15) located within the town as a natural area containing high quality ecosystems that are worthy of protection. The town hereby adopts for purposes of the protection of said natural area and for purposes of the regulation of the buffer area around said natural area those sections of the County Code known as the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance" relating to the protection and regulation of these areas. Additionally, the town adopts the incentive program offered by the county as incorporated within the "Palm Beach County Countywide Prohibited Invasive Non-Native Vegetation Removal Ordinance."

(e) *Enforcement.* Violations of this section shall be:

(1) Failure of a property owner to remove or eradicate prohibited invasive non-native vegetation in accordance with subsections (a) and (c) of this section.

(2) Failure of a property owner to maintain nonexempt properties free of prohibited invasive non-native vegetation in accordance with subsection (c) of this section.

The following are procedures which are to be followed for compliance and enforcement of this section.

(1) Inspection of a parcel to determine the possible location of prohibited invasive non-native vegetation.

(2) Preparation and provision of a notice informing the parcel owner of prohibited invasive non-native vegetation on the parcel and instructions for the removal or eradication of the vegetation and a timeframe provided for compliance. A follow up inspection is conducted.

(3) In the event there is a failure to comply by the property owner after notice as prescribed, the failure to comply will be noticed for hearing before the town's code enforcement board."

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of September 2011, and for second and final reading on this 11th day of October 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 24-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42 Environment, Section 42-230 Relating To Lawn Maintenance Equipment Noise, Subparagraph (a); To Clarify That Golf Course Maintenance Equipment Is Exempt From The Restrictions At Section 42-199; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- Ordinance No. 24-11

ORDINANCE NO. 24-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 42 ENVIRONMENT, SECTION 42-230 RELATING TO LAWN MAINTENANCE EQUIPMENT NOISE, SUBPARAGRAPH (a); TO CLARIFY THAT GOLF COURSE MAINTENANCE EQUIPMENT IS EXEMPT FROM THE RESTRICTIONS AT SECTION 42-199; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 42, Environment, Section 230, Lawn Maintenance Equipment Noise; subparagraph (c), to read as follows:

“Sec. 42-230. Lawn maintenance equipment noise.

(a) Operation of lawn maintenance equipment shall be limited to the hours outlined for construction work at section 42-199, including the prohibitions stated therein on Sundays and all legal holidays. Nothing in this section shall preclude the operation of lawn maintenance equipment on Saturdays or the Friday immediately after Thanksgiving. Additionally, nothing in this section shall preclude the operation of lawn maintenance equipment, including leaf blowers, by residents on Saturdays, Sundays or legal holidays, including the Friday immediately after Thanksgiving. Further, golf course maintenance equipment within the town is not restricted during the hours outlined for construction work at section 42-199; however, such golf course

maintenance equipment shall not be used before 8:00 a.m. or after 5:30 p.m. on any day at locations within 300 feet of residential properties, except in the event of valid emergencies and once per month for purposes of chemical spraying or fertilizing. The sound level meter measurement shall be no greater than 75 dBA measured 50 feet from the point of operation of the equipment. The sound level meter measurement shall not be applicable to lawn maintenance equipment used on golf courses.

(b) Lawn maintenance equipment includes but is not limited to lawn mowers, edgers, hedge trimmers, yard tractors, leaf blowers, lawn vacuum machines, and monofilament line grass trimmers.

(c) Leaf blowers shall be prohibited from use between the hours of 5:00 p.m. and 9:00 a.m. Additionally, during the period of the year commencing December 1 and ending April 30, leaf blowers may be used on Saturdays only from 9:00 a.m. to 12:00 p.m. Leaf blowers shall not exceed a decibel level of 65 dBA as measured at 50 feet from the point of operation. It shall be unlawful to blow yard trash or clippings into the public street.”

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of September, 2011, and for second and final reading on this 11th day of October 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President ProTem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 25-11 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 130 Relating To Vehicles For Hire; Amending Section 130-31 Relating To Definitions; Amending Section 130-33 Relating To Amounts, Receipt To Be Filed, Regulations; Amending Section 130-34 Relating To Taxi Stands By Deleting Said Section In Its Entirety; Amending Section 130-61 Relating To Required Permits; Amending Section 130-62 Relating To Contents Of Application; Amending Section 130-63 Relating To Approval Of Application And Providing For 25 Taxicab Permits; Amending Section 130-64 Relating To Permit Fees; Amending Section 130-68 Relating To Annual Renewal Of Permit; Amending Section 130-69 Relating To Inspection Of Vehicles; Amending Section 130-70 Relating To Sale, Assignment Or Transfer, So As To Provide Taxicab Permits Are Not Assignable Or Transferable; Amending Section 130-97 Relating To Application; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- Memorandum dated September 29, 2011, from Thomas G. Bradford, Deputy Town Manager
- Santa Monica Taxicab Franchise Code
- Ordinance No. 25-11

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Second Reading of Vehicles for Hire Ordinance
Ordinance No. 25-11

Date: September 29, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council adopt Ordinance No. 25-11 and consider the general information below pertaining to taxicab franchising.

GENERAL INFORMATION

It occurred to me at the meeting where Ordinance No. 25-11 was adopted on first reading that perhaps a better way of dealing with taxicabs would be through franchising. Franchising taxicab service has the potential to create better service, better quality control, increased safety for citizens and increased revenue to the Town. I began to research the concept and learned that one of the most recent cities to move to franchising was Santa Monica, California. I have communicated with staff there and have reviewed a number of staff and consultant reports that concluded franchising was best for Santa Monica. Santa Monica used franchising to deal with taxicab overload within their community. City leaders there felt they had an inordinate amount of taxicabs for a city of its size. Franchising shifted control of taxi cab on-street inventory to the City and away from driver/owners.

I have attached a short synopsis of Santa Monica's taxicab franchise ordinance. You will note that they employ all of the same fees Palm Beach does, plus a franchise fee. According to Santa Monica staff, the franchise fee is \$5,000 per year. To go this route will not solve the Town's need for additional funds, but it has the potential to provide a level of service from taxicabs we currently are not able to ensure. It appears to warrant closer staff scrutiny for Palm Beach applicability.

That being the case, I recommend that the Town Council proceed with adoption of Ordinance No. 25-11 as planned and have staff review the taxicab franchise scenario for Palm Beach and make a recommendation to ORS when finalized. Ordinance No. 25-11 is better than what is currently on the books and gives the Police Department new tools to employ as we head into the season. Franchising can be studied by all the departments impacted and staff will come back to ORS with a recommendation in this regard.

Attachments

N/TGB/Agenda Items/ 2011/Second Reading of Ordinance No. 25-11, Vehicles for Hire

cc: Kirk Blouin, Director of Public Safety
Jane Struder, Director of Finance
Daniel Szarszewski, Deputy Chief of Police
Richard Howe, Major, Police Department
Raychel Houston, Parking Code Enforcement Manager
Rob Walton, Chief Code Enforcement Officer
Donna Bragel, Payroll Specialist
John C. Randolph, Town Attorney

6.49.040 Taxicabs—Franchise required.

(a) The City may in its discretion award one or more, but no more than eight, nonexclusive franchises for the operation of taxicab services within the City. Upon issuance of one or more franchises, the City shall not accept new or renewal applications for an existing business license, decal or police permit to operate a taxicab service and it shall be unlawful for any person other than a taxicab franchisee and its employees or authorized agents to operate, engage in the business of operating, or cause to be operated any taxicab service within the City.

(b) Franchises shall be awarded through a competitive process initiated through a request for proposals issued by the City. A franchise applicant shall propose to operate no less than twenty-five vehicles in the franchise fleet. Franchise proposals will be evaluated based upon criteria including, but not limited to, the following: the emissions standards and fuel economy of taxicabs; the age and condition of taxicabs; provision of a centralized dispatch system; past experience, including demonstrated quality of service and safety; driver training and qualifications; financial stability; insurance; record of violations by the bidder or bidder's drivers of Federal, State or local law, and rules and regulations relating to taxicab operations, particularly safety operations; extra services available to the public, including discounts for seniors and those with disabilities; and benefits available to drivers and employees. Additionally, there shall be a local preference. Taxicab franchise proposals shall be examined and evaluated by a committee established by the City Manager, which shall make recommendations to the City Council. Upon the award of a franchise, the franchisee shall enter into a franchise agreement with the City. The franchise agreement may impose obligations on the franchisee that are additional to but not inconsistent with those imposed pursuant to this Chapter.

(c) The City may at any time initiate a competitive bidding process for the issuance of new franchises. Nothing shall prohibit a taxicab franchisee from competing for a new franchise; however, any taxicab franchisee whose franchise has been revoked shall thereafter be prohibited from competing for award of a franchise for a period of three years following the scheduled expiration of its franchise agreement.

(d) The maximum number of taxicabs permitted to operate under the terms of all franchises granted by the City shall not exceed three hundred taxicabs, which number may be adjusted by City Council from time to time.

(e) After notice and a hearing, the City Council may at any time reduce the total maximum number of taxicabs operating within the City, upon finding that the number of taxicabs is detrimental to the public health, safety, or welfare. If the City Council reduces the number of permitted taxicabs, the reduction shall be reasonably allocated amongst existing franchisees.

(f) The City Council may schedule a public hearing to determine, by resolution, whether the public convenience and necessity require the operation of additional taxicabs in the City. Any such resolution shall specify the number of additional taxicabs permitted. Any determination that the public convenience and necessity require the operation of additional taxicabs in the City shall include, but are not limited to, findings that:

(1) The additional taxicabs will not substantially impair the ability of existing franchisees, under efficient management, to earn a fair and reasonable return on their capital investments in their franchises;

(2) Existing franchisees, under normal conditions, are not fulfilling the need for taxicab services in the City; and

(3) The additional taxicabs, together with the taxicabs then currently operating in the City, will not

unduly congest, overburden, or interfere with any traffic circulation, public street access, public or private parking, or stands, or otherwise create any danger or hazard to the public health, safety, or welfare.

(g) No franchisee shall operate a taxicab within the City unless the Police Department has issued and the franchisee possesses a current taxicab vehicle permit for that specific vehicle.

(h) No taxicab franchisee shall permit any driver in its employ to operate, and no driver shall operate, a taxicab in the City into which passengers are accepted for transportation without having first obtained a valid driver's permit from the Police Department and paid to the City the required taxicab driver's permit fee.

(i) **Fees.**

(1) **Annual Franchise Fee.** Each taxicab franchisee shall pay to the City an annual fee for the privilege of operating a taxicab service in the City. Such payment shall be in addition to any other prescribed fees, including but not limited to, business license and permit fees. The franchise fee shall be due upon execution of the franchise agreement and payable on each anniversary date thereafter, unless otherwise specified in the franchise agreement. Failure to pay the franchise fee when due shall be cause for revocation of the franchise.

(2) **Annual Taxicab Vehicle Permit Fee.** Each taxicab franchisee shall be required annually to obtain a taxicab vehicle permit and to pay to the City an annual taxicab vehicle permit fee for each taxicab operating under its franchise. Any taxicab vehicle permit issued pursuant to a franchise prior to June 30, 2011, shall expire on June 30, 2011, unless revoked or suspended prior to that date pursuant to this Chapter. Taxicab vehicle permits issued after June 30, 2011, shall expire at midnight on the June 30th next succeeding its issuance, unless revoked or suspended prior to that date pursuant to this Chapter. (Added by Ord. No. 2292CCS § 2, adopted 7/28/09; amended by Ord. No. 2315CCS §§ 1, 3, adopted 6/22/10; Ord. No. 2336CCS § 1, adopted 12/14/10)

ORDINANCE NO. 25-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 130 RELATING TO VEHICLES FOR HIRE; AMENDING SECTION 130-31 RELATING TO DEFINITIONS; AMENDING SECTION 130-33 RELATING TO AMOUNTS, RECEIPT TO BE FILED, REGULATIONS; AMENDING SECTION 130-34 RELATING TO TAXI STANDS BY DELETING SAID SECTION IN ITS ENTIRETY; AMENDING SECTION 130-61 RELATING TO REQUIRED PERMITS; AMENDING SECTION 130-62 RELATING TO CONTENTS OF APPLICATION; AMENDING SECTION 130-63 RELATING TO APPROVAL OF APPLICATION AND PROVIDING FOR 25 TAXICAB PERMITS; AMENDING SECTION 130-64 RELATING TO PERMIT FEES; AMENDING SECTION 130-68 RELATING TO ANNUAL RENEWAL OF PERMIT; AMENDING SECTION 130-69 RELATING TO INSPECTION OF VEHICLES; AMENDING SECTION 130-70 RELATING TO SALE, ASSIGNMENT OR TRANSFER, SO AS TO PROVIDE TAXICAB PERMITS ARE NOT ASSIGNABLE OR TRANSFERABLE; AMENDING SECTION 130-97 RELATING TO APPLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines; Division 1, Generally; Section 130-31, Definitions; by providing additional definitions for Limousine, Prearranged Charter and Taxicabs in the manner and form following:

Sec. 130-31. Definitions.

"*Limousine* means a chauffeur-driven non-metered vehicle for hire, including, but not limited to, modified-for-the-purpose luxury limousines or full size luxury sedans providing seating accommodations for not more than sixteen (16) persons, including the driver, and which rates are

determined on an hourly, daily, weekly or monthly rental of the vehicle and the chauffeur or a combination of rental and mileage charges.

"Prearranged charter" means a written or telephone reservation made for a taxicab or limousine, which may or may not hold a permit within the town, made at least thirty (30) minutes in advance by the person requesting service at the place of business of the vehicle for hire for the provision of service from the caller's location to a destination inside or outside the corporate limits of the town. Such reservation shall be documented in written form by the business. The written documentation designated herein shall be made available immediately upon the request of authorized code enforcement or law enforcement personnel of the town. The thirty (30) minute advance requirement does not apply to companies with authorized vehicle for hire contracts with Palm Beach International Airport when said vehicles are responding to requests for travel between Palm Beach International Airport and a location within the Town of Palm Beach.

"Taxicab" means a chauffeur driven motorized vehicle equipped with a taxi meter engaged in the transportation of passengers for compensation and where the route or destination is controlled by the passenger and which are licensed by Palm Beach County. Except when responding as a prearranged charter, the operation of taxicabs in the town is permitted only from 6:00 p.m. to 6:00 a.m. of the following day."

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines; Division 1, Generally; Section 130-33, to read as follows:

"Sec. 130-33. Amounts; receipt to be filed; regulations.

(a) *Schedule of maximum rates.* Rates on file with the town and in other places enumerated herein shall be the maximum rates to be charged passengers by any certificate holder under this article.

(b) *Receipts.* Certificate holders operating taxicabs or limousines under this article are required to deliver to the passenger or passengers of each such vehicle, upon request, a receipt for each fare collected from such passenger or passengers. Such receipts shall show the point of origin, termination of the trip, the day and approximate hour of the trip, and the amount of fare charged and collected therefor.

(c) *Exemptions.* The terms and provisions of this section shall not be deemed or held to apply to established and authorized bus lines within the town.

(d) *List of drivers.* Holders of certificates of public convenience and necessity shall file with the town manager, on an annual basis, in October of each year, a list of all drivers employed by the holder. In addition, it shall be the responsibility of holders of certificates of public convenience to report, in writing, to the town manager, any changes which occur to said lists of drivers when the change occurs. In the event the holder of a certificate of public convenience and necessity fails to file a current list of all drivers employed by the holder as provided in this section, the holder of the certificate of public convenience and necessity shall pay to the town a cash penalty for each event of noncompliance. The amount of the cash penalty enumerated herein shall be established by resolution of the Town Council and may be amended from time to time by resolution of the Town Council. No certificate shall be renewed unless full payment has been made to the town of the penalties due pursuant to this section."

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines; Division 1, Generally; by deleting Section 130-34 in its entirety.

Section 4. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines; Division 2, Certificate of Public Convenience and Necessity and Permit; Section 130-61, to read as follows:

"Sec. 130-61. Required; permits under common ownership of certificate holder; revocation.

It shall be unlawful for any person to operate any motor vehicle for hire in the town other than as otherwise authorized by law, or for any person to engage in the business of operating taxicabs or limousines on the highways of the town, or to operate any taxicab or limousine for the transportation of persons for compensation on any highway in the town without first having obtained from the town a certificate of public convenience and necessity and permits as provided in this division. It shall be unlawful and a violation of this article for a certificate holder to employ

a taxicab or limousine operator not qualified under this article. Further, the certificate of title to all vehicles for which permits are granted shall be under the common ownership of the applicant for the certificate of public convenience and necessity. This section shall not apply to prearranged charters."

Section 5. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines; Division 2, Certificate of Public Convenience and Necessity and Permit; Section 130-62, paragraph (a); by amending subparagraph (11) and by including a new subparagraph (15) to read as follows:

Sec. 130-62. Contents of application.

(a) An application for a certificate of public convenience and necessity and a permit or permits thereunder shall be filed with the town manager upon forms provided by the town, and the application shall be verified under oath and shall furnish the following information:

* * *

"(11) The capacity, make, model, vehicle identification number, title number and state license plate number, and further description for each vehicle to be permitted under the certificate."

* * *

"(15) Completed and certified vehicle inspection checklist."

Section 6. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines; Division 2, Certificate of Public Convenience and Necessity and Permit; Section 130-63 to read as follows:

"Sec. 130-63. Approval of application; denial.

It has been determined by the town council that the maximum number of permits necessary to provide for the public convenience and necessity in the town is 50 limousine permits and 25 taxicab permits. The

initial 25 taxicab permits will be issued on a lottery basis. Taxicab permits are only valid for use in the town from 6:00 p.m. to 6:00 a.m. the following day and for travel only in commercially zoned districts within the town. If the town finds that the applicant favorably meets the criteria stated in section 130-62, the application shall be approved and a certificate of public convenience granted along with the permits applied for thereunder, subject, however, to the availability therefor. If it is found that the applicant does not favorably meet the criteria stated in section 130-62, the application shall be denied. A denial may be conditional, and the applicant will be given an opportunity to provide further information or take other action which will result in the approval of the application, or final, and no further action will be taken or permitted under the application."

Section 7. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines; Division 2, Certificate of Public Convenience and Necessity and Permit; Section 130-64 to read as follows:

"Sec. 130-64. Permit fee.

(a) Upon issuance of permits, the permittee shall pay a permit fee for each permit as follows:

- (1) For each certificate of public convenience
- (2) For each taxicab or limousine permit

The amount of the permit fees enumerated herein shall be established by resolution of the Town Council and may be amended from time to time by resolution of the Town Council. The above referenced permits shall be valid for a period of one year, to terminate on September 30 of each year.

(b) There shall be no proration as to the fee for permits, and the fee shall remain as set forth by resolution of the Town Council regardless of the date upon which a permit is issued during any one year."

Section 8. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines;

Division 2, Certificate of Public Convenience and Necessity and Permit; Section 130-68

to read as follows:

"Sec. 130-68. Annual renewal of permit.

Certificates and permits may be renewed as a matter of right upon application duly filed with the town manager. Renewal of certificates of permits shall be made as of October 1 of each year, the cost thereof to be as set forth in this article. Failure of any person holding a certificate or permit under this article to renew the same as provided in this section by November 1 of each year shall operate as automatic revocation of such certificate or permit, and it shall thereafter be unlawful to operate taxicabs or limousines covered thereby. In the event a certificate and applicable limousine permits are not renewed as of October 10 a late penalty for certificate or permit renewal shall be paid to the town. The amount of the late penalty for certificate or permit renewal enumerated herein shall be established by resolution of the Town Council and may be amended from time to time by resolution of the Town Council. No certificate or permit shall be renewed unless full payment has been made to the town of the penalties due pursuant to this section."

Section 9. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines; Division 2, Certificate of Public Convenience and Necessity and Permit; Section 130-690 to read as follows:

"Sec. 130-69. Inspection of vehicles.

Each taxicab or limousine operated under terms of this article and under a certificate and permit shall be certified by a qualified mechanic upon application for an initial certificate and permit, and upon annual renewal of same, as to the safety of such vehicles driven under the certificate or permit. Evidence of compliance with this section will be noted on the application and on the application for the renewal. In addition thereto, the vehicle is required to submit to and pass an inspection by the town as to the general appearance of the vehicle. The appearance shall be required to be neat and clean, and the vehicle shall not contain more than two signs visible on the outside of the vehicle, which signs shall not be in excess of a total of 100 square inches. It shall be unlawful for any vehicle operating under this article to be driven upon the streets of the town that does not have affixed thereto a valid and current insignia sticker

issued by the town and placed on the lower left-hand side of the rear window of the vehicle. Permits shall be withheld for any vehicle which has not complied with the inspection process described herein. In addition, there shall be a penalty per vehicle for noncompliance. The amount of the penalty per vehicle for noncompliance enumerated herein shall be established by resolution of the Town Council and may be amended from time to time by resolution of the Town Council. No certificate or permit shall be renewed unless full payment has been made to the town of the penalties due pursuant to this section."

Section 10. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines; Division 2, Certificate of Public Convenience and Necessity and Permit; Section 130-70 to read as follows:

"Sec. 130-70. Sale, assignment or transfer.

Except for certificates of public convenience for the operation of taxicabs authorized by this ordinance which may not be sold, assigned, mortgaged, leased or otherwise transferred, certificates of convenience and necessity and permits relating thereto issued prior to October 11, 2011, may be sold, assigned, mortgaged, leased or otherwise transferred; however, all applications for transfers of certificates or permits must be verified and contain all of the same information required under the terms of this article for original application. The application must state the date the transfer is to take place, the amount of consideration therefor, and whether the transfer is by sale, gift, inheritance or otherwise, together with the reason for the transfer. If the transfer is approved by the office of the town manager, the transfer of either a certificate or a permit shall be accompanied by fee per permit. The amount of the transfer fee per permit enumerated herein shall be established by resolution of the Town Council and may be amended from time to time by resolution of the Town Council."

Section 11. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines; Division 3, Chauffer's Permit; Section 130-97, item (6) to read as follows:

Sec. 130-97. Application.

The application for a chauffeur's permit shall include the following:

* * *

"(6) A fee per permit shall accompany the application. The amount of the permit fee enumerated herein shall be established by resolution of the Town Council and may be amended from time to time by resolution of the Town Council."

Section 12. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 13. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 14. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 15. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of September 2011, and for second and final reading on this 11th day of October 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

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TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 26-11 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, 2010, Providing an Effective Date.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Ordinance No. 26-11

ORDINANCE NO. 26-11

**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, 2010,
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2010; 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, 2011; and

WHEREAS, the budget amendment is necessary to fund unanticipated costs associated with the General Employee's Retirement Fund and the Worth Avenue Assessment Area Improvement 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 General Employee's Retirement Fund Budget and the Worth Avenue Assessment Area Improvement Fund Budget for the fiscal year

commencing October 1, 2010, is hereby amended and adopted pursuant to the attached Exhibits “A and B”, attached hereto and made a part of this ordinance.

Section 3. Effective Date. This ordinance shall take effect immediately upon passage and approval as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of September, 2011, and for second and final reading on this 11th day of October, 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

Town of Palm Beach, Florida
General Employee's Retirement Fund
Budget Amendment
October 1, 2010 - September 30, 2011

	Adopted Budget FY2011	Change	Amended Budget FY2011
Revenues			
Employer Contributions	3,075,384	0	3,075,384
Employee Contributions	895,000	0	895,000
Gain/Loss on Investments	200,000	0	200,000
Miscellaneous	1,000	0	1,000
Interest on Investments	100,000	0	100,000
Interfund Transfers	0	0	0
Total Revenues	4,271,384	0	4,271,384
Expenditures			
Contractual	4,300,000	1,000,000	5,300,000
Total Expenditures	4,300,000	1,000,000	5,300,000
Total Revenues Over/(Under) Expenses	(28,616)	(1,000,000)	(1,028,616)

Town of Palm Beach, Florida
Worth Avenue Assessment Area Improvement Fund
Budget Amendment
October 1, 2010 - September 30, 2011

	Adopted Budget FY2011	Change	Amended Budget FY2011
Revenues			
Interest on Investments	1,000	0	1,000
Special Assessment Revenue	1,037,000	0	1,037,000
Total Revenues	1,038,000	0	1,038,000
Expenditures			
Transfer to Debt Service Fund	865,163		865,163
Maintenance Costs	75,000	75,000	150,000
Total Expenditures	940,163	75,000	1,015,163
Total Revenues Over/(Under) Expenses	97,837	(75,000)	22,837

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 27-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 2 of the Town Code of Ordinances Relating to Administration at Article III, Officers Employees, Section 2-136, So as to Name the Public Safety Director as the Appointive Administrative Official under the Category of Public Safety and Eliminating the Positions of Chief of Police and Fire Chief; Providing That Wherever the Terms Chief of Police and/or Fire Chief Are Named in the Town Code of Ordinances, Policies, Rules, Regulations or Other Directives, Said Positions Shall Now Be the Responsibility of the Public Safety Director and the Duties and Obligations Specified Therein Shall Now Be the Duties and Obligations of the Public Safety Director; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

John C. Randolph, Town Attorney

Supporting Documents

- Ordinance No. 27-11

ORDINANCE NO. 27-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2 OF THE TOWN CODE OF ORDINANCES RELATING TO ADMINISTRATION AT ARTICLE III, OFFICERS EMPLOYEES, SECTION 2-136, SO AS TO NAME THE PUBLIC SAFETY DIRECTOR AS THE APPOINTIVE ADMINISTRATIVE OFFICIAL UNDER THE CATEGORY OF PUBLIC SAFETY AND ELIMINATING THE POSITIONS OF CHIEF OF POLICE AND FIRE CHIEF; PROVIDING THAT WHEREVER THE TERMS CHIEF OF POLICE AND/OR FIRE CHIEF ARE NAMED IN THE TOWN CODE OF ORDINANCES, POLICIES, RULES, REGULATIONS OR OTHER DIRECTIVES, SAID POSITIONS SHALL NOW BE THE RESPONSIBILITY OF THE PUBLIC SAFETY DIRECTOR AND THE DUTIES AND OBLIGATIONS SPECIFIED THEREIN SHALL NOW BE THE DUTIES AND OBLIGATIONS OF THE PUBLIC SAFETY DIRECTOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2-136 of the Town Code of Ordinances relating to Appointive Administrative Offices names under the heading of Public Safety a Chief of Police and a Fire Chief; and

WHEREAS, the positions of Chief of Police and Fire Chief and the duties relating thereto are compatible under the category of Public Safety; and

WHEREAS, it has been determined that it is in the public interest to amend the Code to reflect a new single position of Public Safety Director incorporating the duties of both Chief of Police and Fire Chief, thereby eliminating the positions of Chief of Police and Fire Chief.

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

Section 1. Chapter 2 of the Town Code relating to Administration is hereby amended at Article III, Officers and Employees, Section 2-136, is hereby amended to read as follows:

“Sec. 2-136. Appointive administrative officers.

Pursuant to section 4.04(a) of the Charter, the following shall constitute the appointive administrative officials of the town:

Administration:

- Finance director
- Director of planning, zoning and building
- Human resources director
- Recreation director
- Deputy town manager
- Assistant town manager

Public safety:

- Public safety director

Public works:

- Director of public works

Unless otherwise specifically provided, all other personnel of the town constitute "employees" within the meaning of section 4.04(b) of the Charter.”

Section 2. Wherever the terms “Chief of Police” and/or “Fire Chief” are named or referred to in the Town Code of Ordinances, policies, rules, regulations or other directives, said positions shall now be the responsibility of the Public Safety Director and the duties and obligations specified therein shall now be the duties and obligations of the Public Safety Director herein appointed to fulfill such duties and obligations.

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of September, 2011, and for second and final reading on this 11th day of October, 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 11, 2011

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 28-11 - 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, 2010, Providing an Effective Date.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum Dated September 30, 2011, from Jane Struder, Finance Director
- Ordinance No. 28-11
- Exhibit A

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Amendment to the Town's Health Insurance Fund Budget
Ordinance No. 28-11

Date: September 30, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 28-11 on first reading, amending the Town's FY2011 Health Insurance Fund Budget.

GENERAL INFORMATION

We indicated last month that we were monitoring the Health Insurance Fund for a potential budget amendment. In order to ensure that sufficient funds are available in the fund to cover all expenditures for FY11, we are requesting a budget amendment of \$200,000.

This fund experienced larger than anticipated health insurance claims earlier in the fiscal year. We wanted to monitor the August claims to determine if an amendment would be necessary. Unfortunately, claims for August were higher than the average. We will not have claims information for September until late October. To ensure this fund does not finish the year over budget, we believe a budget amendment is necessary. This amendment does not affect the Town's tax rate and the funding for the amendment will come from the reserves of the Health Fund.

FUNDING/FISCAL IMPACT

The Ordinance will amend the Self Insurance Fund - Health (502) in the amount of \$200,000.

TOWN ATTORNEY REVIEW

Ordinance No. 28-11 has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

jls

cc: Thomas G. Bradford, Deputy Town Manager
Danielle Olson, Human Resource Director
John C. Randolph, Town Attorney

ORDINANCE NO. 28-11

**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, 2010,
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2010; 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, 2011; and

WHEREAS, the budget amendment is necessary to fund unanticipated costs associated with the Self Insurance Fund - Health; 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 Self Insurance Fund – Health Budget for the fiscal year commencing October 1, 2010, is hereby amended and adopted pursuant to the attached Exhibit “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 11th day of October, 2011, and for second and final reading on this 8th day of November, 2011.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

Town of Palm Beach, Florida
Self Insurance Fund - Health
Budget Amendment
October 1, 2010 - September 30, 2011

	Adopted Budget FY2011	Change	Amended Budget FY2011
Revenues			
Town and Employee Contributions	4,364,300	0	4,364,300
Interest on Investments	25,300	0	25,300
Total Revenues	4,389,600	0	4,389,600
Expenditures			
Salaries and Wages	38,700		38,700
Employee Benefits	4,310,500	200,000	4,510,500
Contractual	36,000		36,000
Commodities	4,400		4,400
Other (Contingency)	500,000		500,000
Total Expenditures	4,889,600	200,000	5,089,600
Total Revenues Over/(Under) Expenses	(500,000)	(200,000)	(700,000)
Beginning Net Assets	2,214,794		2,214,794
Ending Net Assets	1,714,794		1,514,794



RECEIVED

AUG 30 2011

TOWN OF PALM BEACH
PZB DEPT

August 26, 2011

Paul Castro, Zoning Administrator
Town of Palm Beach
Planning, Zoning & Building Department
360 South County Road, East Entrance
Palm Beach, FL 33480

RE: Town of Palm Beach – Comp Plan Amendment

Dear Mr. Castro:

Please consider this correspondence as a request to initiate an amendment to the Town of Palm Beach's Comprehensive Plan pursuant to Section 163.xxx(2)(a), F.S. The purpose of this proposed amendment is to address existing Comprehensive Plan language and its relation to severing unities of title. In furtherance of prior, and recent, discussions concerning severing unities of title, we believe that the Town has an opportunity to make a minor amendment to the Comprehensive Plan that would provide clear authority for the Town to sever unities of title under certain circumstances.

In terms of background, there are unities of title for condominium units that exist within the Town's boundaries that have been joined over the years. As properties change ownership, the original circumstances that made the joining of the units attractive may no longer exist. New property owners' goals, or just the sheer economic circumstances of a property owner over time, may make severing those units beneficial. No new physical density or intensity results on the ground, it becomes simply an exercise in accounting. A limiting factor appears to be parking requirements thus rendering the site "incompatible" or "inconsistent" with certain principles in the Comprehensive Plan. In some scenarios, this might be a significant constraint, in others it may be de minimis. However, until the Town takes a closer look at the issue, a blanket prohibition on the practice of severing the unities of title appears to exist.

We believe that the Town should authorize severing unities of title under circumstances that do not result in significant impacts to a site or its surroundings. We believe that a narrowly tailored solution exists and we would like to explore potential approaches to that solution upon the Town's review of the extent of the issue.

See Things Differently®

BRADENTON
1001 Third Avenue West
Suite 670
Bradenton, Florida 34205

p | 941-708-4040 • f | 941-708-4024

JACKSONVILLE
245 Riverside Avenue
Suite 150
Jacksonville, Florida 32202

p | 904-353-6410 • f | 904-353-7619

TALLAHASSEE
315 South Calhoun Street
Suite 830
Tallahassee, Florida 32301

p | 850-222-5702 • f | 850-224-9242

WEST PALM BEACH
515 North Flagler Drive
Suite 1500
West Palm Beach, Florida 33401

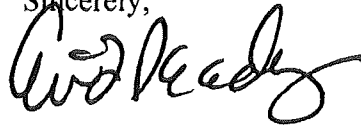
p | 561-640-0820 • f | 561-640-8202

For your information, I am attaching some very preliminary suggestions on how the concept could be addressed in the existing Comprehensive Plan. We used a precedent from the Palm Beach County Comprehensive Plan (see attached) whereby the County recognized the size of existing lots at the time they were designated but required a different minimum lot size for newly created lots. Policy 1.3-d in the attachment also provides some guidance allowing the subdivision of lots under certain circumstances if the **original** number of units so designated is not exceeded. This is only meant to frame the issue for discussion, recognizing that other issues may have to also be addressed in the Comprehensive Plan (such as parking) or in the Code of Ordinances.

We respectfully request that the Town support moving forward with the process of investigating this issue to culminate in an appropriate amendment to the Comprehensive Plan.

If you have any further questions, please do not hesitate to contact Peter Broberg or myself.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin L. Deady". The signature is fluid and cursive, with a large initial "E" and "D".

Erin L. Deady, Esquire

ELD/as

Enclosures

I:\Client Documents\Larkin\3664-001\Corr\Comp Plan Request 082211.doc

Potential Text Amendments to Town of Palm Beach Comprehensive Plan

1) Text Amendment Option A: Amend Future Land Use Element Policy 7.2 as follows:

The Town shall prohibit replacement or expansion of uses found to be incompatible or inconsistent with the range and land uses identified on the Town's Future Land Use Map and Official Zoning Map. In making an incompatibility or inconsistency determination under this Policy, the Town shall not consider the re-establishment of a unit that was previously developed and lawfully existed to be the replacement or expansion of a use or an increase in density or intensity.

2) Text Amendment Option B: Amend Future Land Use Element Policy 7.2 as follows:

The Town shall prohibit replacement or expansion of uses found to be incompatible or inconsistent with the range and land uses identified on the Town's Future Land Use Map and Official Zoning Map. In making an incompatibility or inconsistency determination under this Policy, the Town shall not consider the severing of a unity of title as an increase in density.

3) Text Amendment Option C: Amend Future Land Use Element Policy 2.2.3 as follows:

Multi-Family High Density – Intended to accommodate residential development at a maximum density of 13 dwelling units per gross Palm Beach acre (40,000 square feet) and, under limited circumstances, a maximum height of five stories.

Appropriate uses include single-family, two-family, townhouses and multi-family dwellings; residential PUDs as set forth in Policy 11.1.2; mixed-use PUD's as set forth in Policy 11.1.3; hotel and motel uses up to 26 rooms per gross Palm Beach acre (40,000 square feet) and associated accessory commercial uses (hotel and motel rooms are considered to be equivalent to 0.5 dwelling units); timesharing uses up to nine units per gross Palm Beach acre (40,000 square feet); public uses and facilities; public and private schools; private group uses; group homes and foster care facilities; and essential services.

This future land use category shall recognize the density of all lots as they existed on the date of the designation of the lot as Multi-Family High Density, whether or not such density is greater than allowed by the existing land use designation.

561-842-1536

PAULINE PITT

TOWN OF PALM BEACH

OCT 11 2011

Town Manager's Office

October 10, 2011

To: Town of Palm Beach

Re: "Against parking kiosks and higher parking fines"

What else will the council do to try to take away what is left of the Palm Beach that we know and love? Put Tolls on the bridges? Obviously, you would not be attempting to chase customers away from shopping on Worth Avenue and Royal Poinciana Way but, you will, if kiosks are installed.

I understand that you are trying to raise funds for the town--- there has to be a better and more positive way.

I also understand that you are trying to stop the employees from taking all the good parking spaces. The solution of this problem can be solved by making the stores pay for their employees to park.

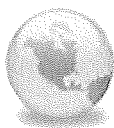
The matter of employees parking on those streets is the fault of the town. The town needs to provide parking areas for them and charge the stores an annual rate for employee parking - make the stores pay for this.

We must keep Palm Beach a place that people want to come and shop.

Please do not allow kiosks on Worth Avenue or Royal Poinciana Way.

Most Respectfully,

Pauline Pitt
Pauline Pitt



concerns

Jane Scott

to:

drosow

10/10/2011 08:04 PM

Hide Details

From: Jane Scott <jane@windermere.com>

To: drosow@townofpalmbeach.com

My husband and I are firmly against parking kiosks anywhere other than Worth Avenue and the public beaches. Part of the charm and draw for residents and visitors alike is not having the metered parking common in WPB. Trying to maintain a boutique like feel will be greatly negated by the addition of parking kiosks or the like. Understanding that moneys are needed for beach replenishment, I suggest that these revenues be raised elsewhere. We are also firmly against the proposed zoning overlay. If any variances are made they should be on a case by case basis.

Thanks,

Jane and Joel Scott

Jane Lindsay Scott
210 Manana Lane
Palm Beach, FL 33480



Kiosks

Wyckoff Ranny to drosow

10/10/2011 08:52 PM

Hi David - Looking forward to see you soon again. Just to let you know that Shelby and I are against the Kiosks that are up for consideration. Palm Beach doesn't need them, in our opinion.

Ranny



Worth Avenue Parking
Vanneck Ann to council

10/11/2011 05:57 AM

Dear Sirs:

I am not opposed to kiosks on Worth Avenue. There is continual abuse by employees as well as construction workers and others. I understand there is a 15 minute grace period and that the kiosk can be programmed to call your cell phone 15 minutes before expiration. That should be adequate for people to make the necessary payments. However, I am against raising the parking fine to \$60. That is prohibitive. I understand that people currently misuse the \$35 fine and park on the avenue. If there are kiosks on the avenue, they probably will not park there as they do not use the kiosks by the beach either. If it continues to be a problem, I suggest you enact a graduated fine schedule for multiple offenses.

Thank You
Ann Vanneck



parking kiosks

CallEdBarb

to:

drosow

10/10/2011 06:53 PM

[Hide Details](#)

From: CallEdBarb@aol.com

To: drosow@townofpalmbeach.com

Hi, David,

I am part of the silent majority who think the parking kiosks are very unfortunate newcomers to Palm Beach. They are inconvenient for users and often force drivers to walk way out of their way to pay for parking. Parking meters were much easier and more user-friendly.

Barbara Callahan



(no subject)

ISLANDAH

to:

Council

10/10/2011 05:33 PM

Hide Details

From: ISLANDAH@aol.com

To: Council@TownOfPalmBeach.com

To the Mayor and Town Council Members,

I am writing to voice my opposition to the proposed parking meters and/or kiosks in the commercial districts of Palm Beach, and the increase in parking ticket fines. Parking has always been an issue on the island, especially for the merchants. I know that the proposed areas initially do not include Sunset Ave, where I run Island Animal Hospital, but I fear that it would set a precedent that would soon spread to our streets, either by your hand or a future council's.

The small businesses on the island have a number of challenges to staying viable, including parking, seasonality (2/3 of the town is gone for half the year), a declining demographic, and an expansion of choices in West Palm Beach. The cost of land and the general lack of parking already require us to ask our clients to find parking places, as buying enough land to include a parking lot is just not cost effective for most small businesses in this town. I have no doubt that asking clients to pay at a meter or kiosk will drive them away. In fact, I feel comfortable in saying that meters or kiosks on my street would effectively put me out of business, or at least drive me off the island.

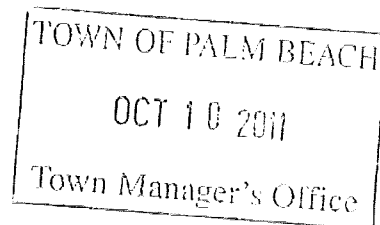
I understand that Palm Beach is primarily a residential community, and a very special one at that. We probably agree that there is definitely a need and desire for a limited and controlled amount of businesses and merchants on the island. However, the town often neglects or ignores the needs of these local merchants, and at times can seem downright hostile to them. The money raised from these increased parking fees, after the added costs of installation and enforcement, will be a small percentage of the desired revenue need for beach nourishment and other projects. But I believe it would cause a seismic shift in the viability of the businesses on the island, especially in these challenging economic times. A vibrant, active commercial district is a benefit to this community, and paid parking would be a severe detriment to those of us already overcoming the additional hurdles we must face to stay in business here.

Sincerely,

Brad Ochstein, DVM
Island Animal Hospital

MAD INVESTMENTS LLC
1255 North Flagler Drive
Fort Lauderdale, FL 33304
561-252-0495

October 10, 2011



Mayor Coniglio and Town Council
Town of Palm Beach
360 South County Road
PO Box 2079
Palm Beach, FL 33480

Re: Ordinance No. 25-11

Dear Mayor Coniglio and Council Members:

As a town resident and one who has been in the taxi business for many years, I currently operate cabs in Broward County. I applaud your proposal to bring taxi service to the Island. This is something that has been needed for years and will provide convenience to both town residents and visitors for years ahead. Over the years I have inquired at Town Hall (business tax office) about the availability of additional limousine permits, only to be told that the application process was closed. It is my understanding that all 50 of these permits are controlled by just four companies. I hope this will not be the case with the soon-to-be-issued taxi permits should the town council pass this resolution. No qualified individuals should be excluded from participating in the upcoming lottery. Although I do not currently operate taxis in Palm Beach County, it is my intention to actively lobby on my own behalf for a portion of the new permits being issued. I will prepare a business plan to provide town residents with safe, clean, reliable taxi service on the Island as well as off the Island. I will operate clean, late model cars with drivers who are able to communicate with their passengers and provide the kind of service expected by town residents.

The current proposal as put forth is a good beginning, but I don't think the 6:00 p.m to 6:00a.m. time slot is sufficient to cover the Town's needs, especially during season.

To effectively provide good service, there are economies of scale to be considered. There is overhead involved: purchasing cars, hiring qualified drivers, and maintaining the cars in a safe manner. All these items should be considered as the permits are issued.

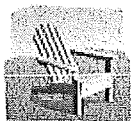
I hope you will consider my requests and pass this ordinance in a way that will be fair and equitable to all those involved. Thank you for any consideration you may extend me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Remson".

Mark Remson

MR/mkb



Fw: Mayor and Town Council

Cheryl Kleen to: Peter B Elwell

Cc: Thomas G. Bradford, jrandolph, Susan Owens, Anne Boyles

10/07/2011 01:19 PM

----- Forwarded by Cheryl Kleen/PalmBeach on 10/07/2011 01:18 PM -----

From: "Robert Klecinsky" <rfklecinsky@mhcreal.com>

To: <Council@TownOfPalmBeach.com>

Date: 10/07/2011 01:07 PM

Subject: Mayor and Town Council

Please rethink giving people that shop in Palm Beach
parking tickets "as a PB Thank You" for patronsing
The Island.

This sends a message to customers to shop The Gardens Mall that
already has Chanel,
Tiffany, Ferragamo etc!

Penny wise and pound foolish?

Think about the message you are sending to visitors to Palm Beach.

Robert Klecinsky

561-471-8000.



To:
Cc:
Bcc: mtc, Thomas G. Bradford/PalmBeach,
Subject: Opposed to Kiosks

Mayor Coniglio,

Laura Klein called. She will not be able to attend the Council meeting but she wanted you to know that she is vehemently opposed to kiosks on Worth Avenue. She doesn't care how much money it will generate. She thinks it's just ludicrous. Rodeo Drive and other streets don't have it. She is also opposed to kiosks on Royal Poinciana. She is also opposed to raising the parking from \$35 to \$60. She doesn't believe that Council chose this time of year to discuss topics that are so important. It's not yet the season. She thinks this issue should be put on the back burner or on hold until people are here, it is the season, and people can have a chance to vote on it.

cc: Council Members

Fwd: Against Parking Kiosks

Bridget Koch

to:

aboyles

10/09/2011 03:33 PM

Show Details

-----Original Message-----

From: trooney130 <trooney130@aol.com>

To: Council <Council@TownOfPalmBeach.com>

Sent: Sun, Oct 9, 2011 11:25 am

Subject: Against Parking Kiosks

I have been a Palm Beach resident for 42 years and a voting resident for 22 years. For some time I have seen many negative changes in the town with traffic and cutting of services but putting parking kiosks in will rank up there with any of the mistakes in our operations in history. Lets keep our town great and not add to negative changes that can ruin our town. Hope you all know the importance of what you are doing and what it can do. Sincerely Timothy J. Rooney 160 Wells Road.



Mayor and Town Council Members No to parking Meters
Bridget Koch to: aboyles

10/09/2011 11:33 AM

I strongly opposed putting parking meters on Worth Avenue. It is one of the most beautiful streets in the country and it is simply not the venue for kiosks. Additionally, people come to Worth Avenue to spend money. Going through the hassle and paying for parking will hinder people from shopping on Worth Avenue. There seems to be a need to raise money for beach erosion and this need can be met by putting in place rental car fees as well as a bed tax. Kiosks are not the answer. They will ruin the ambiance of this beautiful street. A better idea would be for the city to provide a parking lot and valet service. Or to have residents purchase parking permits and have employees and visitors pay to park in parking lots. I am a ten year resident of Palm Beach and have had a family presence on this island for over forty years. I hate to see the town change for the worse. Please do not rush into this decision. It is a bad one. I strongly oppose this idea and any member of town council who endorses it.

Bridget Rooney Koch



To:
Cc:
Bcc: mtc, Thomas G. Bradford/PalmBeach,
Subject: Kiosks

Ari Gasiunasen of 400 Hibiscus Avenue came by Town Hall to express his opposition to metered parking. He said it would take away form business tremendously.

STORE + PROPERTY OWNERS

The undersigned merchants and property owners in the Royal Poinciana commercial district strongly oppose both the proposed \$60.00 parking tickets and the proposed parking meter kiosks that the Town of Palm Beach City Council is considering. If passed, they will have a material adverse effect on both the character and economic viability of the area.

Name	Address
Lie Papunzel's	251 Royal Poinciana Way
Thy W. King (OWNER)	277 Royal Poinciana Way
Ania A. Voyer - CEST SI BON	280 SUNSET AVE.
oyaggu Jurga Island A. Hosp.	262 Sunset Ave
Jegauu (Jor Heywood)	219. Royal Poinciana Way. Palm Beach.
J Riezenman Razamataz	(208 Sunset)
Sally Kimball Classic Collections	118 N. County Rd
RICHARD DAY	33480 CLOTHING 116 N COUNTRY RD
Palm Beach Bicycle trail Shop	223 Sunrise Ave. Palm Beach
Peggy M. [unclear]	227 Sunrise
The Gazebo Flowers	230B Sunrise Ave. P.B. FL.
Mary's Orchids	237 Sunrise

Mary's
Emily

The undersigned merchants and property owners in the Royal Poinciana commercial district strongly oppose both the proposed \$60.00 parking tickets and the proposed parking meter kiosks that the Town of Palm Beach City Council is considering. If passed, they will have a material adverse effect on both the character and economic viability of the area.

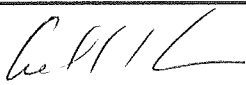
Name	Address
Danielian Jewelers	106 N. County Rd.
Ossana Danielian	
Denise McCann	Joy B 201 Bermuda Lane / 233 Royal Poinciana
Hampton's of Palm Beach	257 Royal Poinciana Way
Josh Volpe	
Stephanie B. J. Kels	Tropical Fruit Shop 261 Royal Poinciana
Price-Cook FZC	235 Royal Poinciana Way.
Blanca Kallra	PNC 245 Royal Poinciana Way
Bank	219 Royal Poinciana
Krousseau	
Gwen Cassie and James Boutique	219 Royal Poinciana Way Ste 2
Tanya Pierce	219 Royal Poinciana
Leidy Images	219 Royal Poinciana Way

The undersigned merchants and property owners in the Royal Poinciana business district strongly oppose the proposed parking meter kiosks that the Town of Palm Beach City Council is considering. If passed, it will have a material adverse effect on both the character and economic viability of the area.

Name	Address
Vartan Mnatsakanian	243 Sunrise Av. P.B. 33480
Elizabeth Quinn	247 Sunrise Ave PB 33480
Dee Patel (Fresco Drugs)	255 Sunrise Ave PB 33480
MILDRED Hoyt, Inc. May C Juskee	265 SUNRISE AVE PB 33480
ISLAND HOME	249 ROYAL POINCIANA WAY 33480
P. Goodwin Fine Watches + Jewelry	2536 Royal Poinciana Way 33480
Main Street News (Briana Scott)	255 Royal Poinciana Way P.B. 33480
Palm Produce Resortwear	217 Royal Poinciana Way P.B.
Eyes ON the ISLAND (JMM from 20)	209 Royal Poinciana Way P.B.
Everett & ARTHUR (Mindy Chen)	100 North County Road P.B.
The PALM BEACH BOOK STORE (CAVANCE COHEN)	215 Royal Poinciana Way P.B.

The undersigned residents and customers of the Royal Poinciana business district strongly oppose the proposed parking meter kiosks that the Town of Palm Beach City Council is

The undersigned merchants and property owners in the Royal Poinciana business district strongly oppose the proposed parking meter kiosks that the Town of Palm Beach City Council is considering. If passed, it will have a material adverse effect on both the character and economic viability of the area.

Name	Address
Leslie Shaw 	Royal Palm Travel 223 Sunset Ave
DONNA MARKS SPRINKLES PALM BEACH	279 ROYAL POINCIANA WAY P.B, FL 33480 5616191140
Leslie Burns Property Owner	249-253 Royal Poinciana Way

The undersigned residents and customers of the Royal Poinciana business district strongly oppose the proposed parking meter kiosks that the Town of Palm Beach City Council is

RESIDENTS / CUSTOMERS VISITORS

The undersigned residents and customers of the Royal Poinciana business district strongly oppose both the proposed \$60.00 parking tickets and the proposed parking meter kiosks that the Town of Palm Beach City Council is considering. If passed, it will have a material adverse effect on both the character and economic viability of the area.

NAME

ADDRESS

EVA LILJA

110 OCEAN TERRACE PALM BEACH

Spila R. Thayer

354 Chilean Ave Palm Beach

Sharon Burke

243 SUNRISE AV.

Maggie Johnson

100 WORTH aff. #401- Palm Beach

Laura Levine

300 Atlantic Ave. PA

John McCann

324 Garden Rd Palm Beach

W & Hancock

217 LEST RD 33480

Dorothy Rose

1070 N. Lake Way 33480

Paul Stendel

315 S. Lake Dr., 33480

Joan Friedrichs

455 Australian Ave 33480

Leine Bittman

1617 W. Flagler Dr. 33407

Dorita Battell

N Country Road

Humbly Green

214 Chilean Ave, PB

Varian Matsakian

243 Sunrise AV.

RESIDENTS CITIZENS

The undersigned residents and customers of the Royal Poinciana commercial district strongly oppose both the proposed \$60.00 parking tickets and the proposed parking meter kiosks that the Town of Palm Beach City Council is considering. If passed, they will have a material adverse effect on both the character and economic viability of the area.

Name	Address
Edith Kusturac	8033 Earth Circle Allentown PA 18106
Reginald Cramer	9000 11th Pkg
Terri Canning	6800 Chesapeake Hunter 33456
Julia Weston	1528 Nanette Ct. Lake Worth FL
Meredith Maclure	19214 Lox. R. Rd. Jupiter, FL 33452
Leah Thomas	2069 Vining Cr. Wellington FL 33414
John Allen	480 Hibiscus West Palm Beach FL 33406
Joseph Dwyer	3425 Presidential Way West Palm Beach FL 33401
Ruby Bryant	8575 SE 10th Ave Ft. Lauderdale FL 33355
Heaven Parker	1999 190th Torrance CA 90504
Monica Mance	1999 190 Torrance CA 90504
Ray Mance	211 Ash Ave Melbourne Beach Fl. 32951
Santa Corrick	Melbourne Beach FL 32951
Robert H.	808 SW Palm Shred 33497
Mike Bryan	PBG, FL 33410
Rita C. Abramson	3464 Belmont Terr. Davie, FL 33328
Eli Burns	214 S. 11th Ave. Ft. Lauderdale, FL 33300
Michael Tidwell	315 S. Lake Dr. PB 33480
	305 Everglade Ave. P.B. 33480
	217 Ole Fort St. A
	POB 33482, PB 1

The undersigned residents and customers of the Royal Poinciana commercial district strongly oppose both the proposed \$60.00 parking tickets and the proposed parking meter kiosks that the Town of Palm Beach City Council is considering. If passed, they will have a material adverse effect on both the character and economic viability of the area.

Name	Address
Bob Hogan	1436 AUSTRALIAN AVE. P. BCH.
Wheeler	11673 Wimbledon Wellington, FL
Ann Appleman	529 S. Flagler Dr. WPB 33401.
Randy Eaton	18165 92 Ridgeway Dr - 33468
Chris Eumer	233 Plank Road PB
James W. Phillips	1275 Almeria Ave Miami
Robert Taylor	Palm Beach FL PBG, FL
Beth Stall	Toucanet. PBG FL
Leitha Braswell	7332 Southport Dr. PB 33472
John H. Braswell	7332 Southport Dr. PB 33472
J. J.	336 EL Vedado Rd 33480
JANINA MEDORA	1718 N. 1ST LN WPB. 33406
Vincent Quinones Gonzalez	324 GATLIN - 33415 - Florida.
Tim Pelfrey	4806 N. Flagler Dr. WPB FL 33407
Edna Bruno	4806 N. Flagler Dr WPB FL 33407
Doris Strachan	750 Ocean Royale Ave. S. Beach FL 33408
John Strachan	750 Ocean Royale Ave S. Beach FL 33408
R. J. Strachan	108 TURNBURY AVE. FL 33462
Kevin Strachan	108 TURNBURY AVE. FL 33462
Robert T. Strachan	170 Pine Lake Drive Ocean 33470
Kenneth Strachan	44 Coconut Row. P.B. FL 33410
	82 MIDDLE CP. 33480

The undersigned residents and customers of the Royal Poinciana commercial district strongly oppose both the proposed \$60.00 parking tickets and the proposed parking meter kiosks that the Town of Palm Beach City Council is considering. If passed, they will have a material adverse effect on both the character and economic viability of the area.

Name	Address
Scott Hayward	211 Royal Poinciana Way, Palm Beach
Brenda H. Schuman	215 Seminole Ave.
Bobbi Gilligan	1 N. GOLFVIEW RD.
Jenny Kipp	Coconut Grove, Fort Lauderdale.
Trish	U.K. ENGLAND
Nancy Taylor	355 Manor Dr. #8 Boyton, FL
Lisa Brigham	3710 Whitehall WPB 33401
Fran Brown	44 Coconut Lakes Palm Beach FL 33410
Benj. Brown	44 COCONUT HWY PB FL 33480
J B PHILLIPS	150 BRADLEY PL PB FL
Rb. Phillips	150 BRADLEY PL, PB, FL
Harold E. S. G. W.	1900 Emerald Dr. #21
H. Straub	6301 Wheatley Ct Boynton Beach 33436
Dennis J. Callahan	505 SLATER DR WPB FL 33401
W. BRADFORD	251 Kenlyn Rd P.B.
Stephanie Wrightman	229 OAKWOOD, PB 33401
Valerie Wilkerson	259 Queens Lane PB 33480
Arnold Hoffman	823 Atlantic, PB 33480
	150 Bradley Pl. Apt 616, PB 33480

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NAME

ADDRESS

Walter Taylor

235 Sunrise Ave. Unit 3234

Robert McLean

235 Sunrise Ave. # 3234

Antonio G. Diello

251 Sunrise Ave. # 15. e 16

Richard Kelley

235 Sunrise Ave. # 2029

Helen Chernes

235 Sunrise Ave # 5043

Rev. Robert & Betty Godley

235 Sunrise Ave # 3207

Darlene & Jack Blanchard

235 Sunrise Ave., 1025-27-29

W. C. Johnson

235 Sunrise Avenue 3050 & C-18

F. C. Johnson

235 Sunrise Ave. P.B.

E. J. Green

235 SUNRISE

James McCune

235 Sunrise Ave. # 3022

Randolph A. Dineen

145 Kugo Way R.P.B. 3341

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NAME

ADDRESS

Steve Ziegler

235 Sunrise Ave Suite 204 33480

Kevin McLam

7902 Nibe River Rd. WPB 33411

1502 Coconut

125 ROOSE TRAIL P. Box 33480

Nancy Burmiston

231 Seminole Avenue PB 33480

Herbert J. Rehmer

525 S. Flamingo WB

Charles Davis

232 Oleander Ave PB FL 33480

Ed BERT GARY

200 ESPERANZA WAY 33480

Albert Schoubrum
ALBERT Schoubrum

150 BRADLEY PL. P. BEACH 33480

Zalman Levitin

234 Australian Ave. P.B. 33480

Howard Amster

253 OLEANDER #200 33480

44 Coconut Row PB 33480

44 Coconut Row PB 33480

416 Sun + Surf

416 Sun + Surf

1624 Nature CB PB 33410

1624 Nature CB PB 33410

3540 GIN LANE, WPB, FL 33410

3540 GIN LANE, WPB, FL 33410

McKeen Towers, 1102 Rooms

McKeen Towers, 1102 Rooms

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Name	Address
Kether Evans	135 Seminole Ave. PB
Nicole Andino	4803 Tropical Garden Dr Bynnton Bch
Elizabeth LeGare	309 Salinas Dr. PBG FL
Jessie Pineda	1031 Sunset Rd, WPB FL 33401
John Stinson	202 Prestwick Dr. FL
Ashley Chervantio	1014 SANCYARY CIRCLE, PBG, FL 33410
Robert Fleming	253 Royal Poinciana Way, Unit 2, PB 33480
Charles Lee	202 S. Arthur Dr Hypocentris 33466
John Lee	215 Fruitland Rd PB FL 33480
Chany Ann Eluloh	501 SE 2nd St. #720, Fort Lauderdale FL
Frances Webster	360 South Ocean Blvd 3-C PB 33480
Debra Elmer	145 Peruvian Ave. #202 PB 33480
Melanie Silver	1482 S. Ocean Blvd.
Marty Silver	125 Seminole Ave
Linda Hull	125 Seminole
SETH LOVELL	136 Seaview Ave PB 33480
Joan Vogel	136 Seaview Ave, PB 33480
Wendy Thompson	2347 Saratoga Bay Dr. WPB. 33409
Thyphus honey Sobell	449 Superior Place WPB 33409
Isaac Rosenberg	150 BRADLEY PL.
Barbara Kelly	277 Royal Poinciana Way
	277 Royal Poinciana Way
	277- ROYAL POINCIANA WAY

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NAME

ADDRESS

Odette Humphreys
West Palm Beach
Fusion -

756 Hi-Mt. Rd.
221 PARK AVE
220 Sunrise Cntr #100

Andreas Brandt

756 Hi Mount Rd.

The undersigned residents and customers of the Royal Poinciana business district strongly oppose both the proposed \$60.00 parking tickets and the proposed parking meter kiosks that the Town of Palm Beach City Council is considering. If passed, it will have a material adverse effect on both the character and economic viability of the area.

NAME

ADDRESS

~~Norman J. Davis and~~

GARY SPECK

John Randolph

JOHN TOOFANIAN

155 BARTON AVE, PALM BEACH

428 38th St. West Palm Beach, FL

212 Marlborough Rd, WPB, 33405

239 Sun Rise Blvd. -

257 Royal Poinciana Way

160 Dunbar Road -

3308 WASHINGTON ST WPB

1280 N. LAKE WAY PB

345 Colonial Rd WPB FL 33405

139 Sunrise Ave Palm Beach FL

346 Tuxedo Ln WPB, 33401

400 South Ocean Blvd, PB FL 33480

1511 N Lake Way, Palm Beach

221 WINTER RD Palm Beach, FL

730 East Ocean, Boynton B.

~~John D. B.~~

Robert Henry

~~HARRY BURTON~~

~~SP Burt~~

Christopher Cook

Dennis Dean

~~A~~

Ed W. W.

Chadma Kama

Mary Ann

Paul Hansen

The undersigned residents and customers of the Royal Poinciana business district strongly oppose both the proposed \$60.00 parking tickets and the proposed parking meter kiosks that the Town of Palm Beach City Council is considering. If passed, it will have a material adverse effect on both the character and economic viability of the area.

Name	Address
Kelli Maxson	227 Brazilian Ave PB.
SARAH GOODKIN	620 BISLAYNE DRIVE W.P.B.
PAUL GOODKIN	620 BISLAYNE DR. W.P.B.
SEGALL-SAGUI	223 Atlantic Ave. P.B.
Sam Hyslop	838 AVON RD. W.P.B.
Julia Mlagess	3110 Whitehall Dr. 33401

Helen Smith	227 Brazilian Ave Palm Bch.
-------------	-----------------------------

Janine M. Recchi	205 Worth Avenue
------------------	------------------

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Name	Address
Shanette Noll	44 Coe Row Palm Beach 33480
C. De Conyns	44 Coe Row " 33480
Cheryl Lucks	332 Seaspray Ave. Palm Beach
Eileen Williams	1620 South Ocean Blvd. 33480
Bruce Rangan	353 PALM AVE Palm Beach
Gillian Baker	5980 Piney Ct greenacres #1
Scott Howie	6231 Robbinson ST JUPITER FL 33458
Nicole Perna	3557 Little Pine Lane, Lake Worth, FL 33467
Kira Mohn	1014 Sanctuary Cove Dr. N. Palm Beach, FL 33410
Bailey Latham	345 30th ST - WPB FL 33407

Name

Address

ROBERT WRIGHT

3920 N. Ocean DR

Sepson Island

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Name	Address
Greg M. Smith	1801 N. Flagler Drive #912 WPB 33407
Bob [unclear]	214 Brazilian Ave St 200 PB 33480
J. Barry Curtin	214 Brazilian Ave St 200 PB 33480
Michael [unclear]	214 Brazilian Ave P.B. FL 33480
Ken [unclear]	214 Brazilian Ave P.B. 33480
Marcella Hemminger	1438 West Broward St Lantana 33462
Jan [unclear]	184 Sunset Ave #35 Palm Beach, FL 33480
Sue Ellen Chappel	350 So. County Rd. #105 PB
[unclear] (Bus.)	350 S. County Rd #105 PB
[unclear] (Res.)	811 Blightwood way wellington
Whitney Taylor	3701 S. Flagler Dr WPB, FL 33407
Veronika Bensova	412 Capistrano Dr., PBG, FL 33410
Amanda Fricke	410 Evernia St #325 WPB, FL 33401

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Name	Address
Patti Sechof	923 Kelsey park dr palm beach gardens
NDK D. Jones Jacob	317 Auburn Ave Palm Beach FL 33401
MAURE McOUTLE	1246 W. Lake Circle
Diana M Mulvey	2295 Corporate Blvd NW B1 Boca Raton FL 33431
Linda J. Rossbach	930 Indigo Point Gulf Stream FL 33483
	251 Dunbar Rd P.B. 33480
	Boca Raton
CRISTINA SANTOS	60 BISCAYNE DR WPB
RET COOCHU	1623 EMBASSY DRIVE SUITE 201 W.P.B
	622 BISCAYNE WPB

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Name	Address
Elaine K. Wink	100 Sunrise Ave. 325
Mort Brunner	2874 So. Ocean Blvd.
Klene Karp	622 N. Flagler W.P.B.
Penny Venable	7610 Red Knees Rd. W.P.B.
Carol Greenbaum	235 Garden Rd. Palm Beach
Judith Kaufman	130 Sunrise Ave. Palm Beach
Samuel M. Melby	1420 Oceanway Jupiter
Florence Tree	100 Sunrise Ave. Palm Beach
Maisha Nelson	139 N. County Rd. P.B.
Tanya Kerr	100 Sunrise Ave.
Carollette Cook	139 Sunrise Ave. Palm Beach
Amanda Gas	139 Sunrise Ave. Palm Beach

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Name	Address
Harriet & David Shapiro	2501 Presidential Way WPB 46
Rachel Shapiro	2400 Presidential Way Apt 1704 WPB 33401
Joanne & Jules Rubenstein	2450 Presidential Way W.P.B.
Ann Beach	1800 Presidential Way Apt 21
Bernard & Rose Weinstein	2400 Consul W.P.B. 33401
Edward L. Polyzak	Consulate W.P.B. 33401
Rae Deep	2427 Pres. Way W.P.B.
B. Glass	2400 Presidential W.P.B.
Edith Grossman	2480 Presidential Way WPB
Scott Sabin	1027 Parkway Ct. Green Acres
Rex Carr	
Leonard Klein	1900 Consulate Place WPB
Alan Skurnik	2480 Presidential Way
Helen Hoffman	2557 Seminole Cr. WPB

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Name	Address
Rita T. Sanchez	112 Bloomingfield Dr. W. P.B. 33405-
Denise S. Sgroves	2500 S. Ocean Blvd 101 P.B.
John West	2860 S. OCEAN AVE. P.B. 33405
R. Murphy	310 Westminster Rd W. P.B. 33405-
Wendy Cohn	2640 LAKESHORE DR. PALM BEACH
Conal Patten	172 Pal Dr RPB FL 33404
Nor Plevy	165 N. Village Way Jupiter
Pat Fox	139 Santa Fe Ave 33458
Rita C. Abramson	Drive W PB 33405
Billy Meyer	305 Everglade Ave. Palm B. 33480
Regina Cook	1249 Breaker West Blvd WPB 33411
Danielle Hall	2600 N. Flagler Dr W. P.B.
Jennie K. Hertz	342 Coconut Row
Nan Lund	3793 CARABOLA Circle N. Coconut Cr. 33406
Glen Hoffman	258 Seminole Ave. P.B.
Barbara James	150 Bradley Pk 618 P.B.
Anna Christ	303 E Hansen Marcelline 33404
Man B. McConick	6238 N. Kirkwood, Chgo IL
Melville	250 Bradley Ave - Palm Beach.
	100 Sunrise Ave, 210 PB 33480

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Name	Address
Charlie Pepper	333 Seaspray Ave. P.B.
Dorothy Goodrich	222 Caribbean P.B.
Donna	FAYETTEVILLE, GA 30294
Tom Hedley	339 Garden Road, P.B.
John	303 W. Broadway, Miami
William R. R. R.	2425 2nd Ave N. WPB
John R. R. R.	2425 2nd Ave N. WPB
Tracey Davidson	12727 Headwaters Terrace Wellington
Gail McClure	13329 Polo Club Rd. Wellington
William R. R. R.	P.O. Box 16489 WPB FL 33401
William R. R. R.	800 W. 1st Ave. WPB 33401
William R. R. R.	701 S. Olive Ave. WPB 33401
William R. R. R.	801 S. Olive Ave. WPB 33401
William R. R. R.	11675 Lindbergh Ave. Wellington
William R. R. R.	143 Reef Rd. Palm Beach
William R. R. R.	143 Reef Rd. Palm Beach
William R. R. R.	912 Bridle Lane W. C. FL 19380
William R. R. R.	400 N. Flagler Dr. WPB
William R. R. R.	" " " " " "
William R. R. R.	701 S. Olive Ave #117 WPB FL 33401
Patrick Killian	220 Atlantic Ave. WPB FL 33480

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NAME

ADDRESS

Linda Cummins

2702 Birch Oak Way Boynton Beach

Raymond Middleton

103 Elk Ridge Rd. W.B.

Elmer Fagot

235 Sunrise Ave - P.B.

William Crandall

235 Sunrise Ave - P.B.

Don B. Standaud

235 Sunrise Ave. P.B.

Tom Spillers

1670 Myacokes Blvd W.B.

Barbara Joyce

4519 N.W. 51st Ct. Coconut Cr. Fl.

Donna Welch

7080 Citrus Ave P.B. Fl.

James White

9140 SW 2nd Ave. Ft. Lauderdale

Harley Lane

Sunshine Park

Mary Stanley

Subros Dale W.B. Fl.

Pat Leator

8054 5thompson Blvd

Pat Korman

W.B. Fl.

Barry Tupper

Delray Fl.

Brenda Bunker

1241 N.W. 51 N.B. Fl.

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Palm Prouce Resortwear

217 Royal Poinciana

Name	Address	WORK	Home
Jyolith Uttal	217 Royal Poinciana Way		151 Deerfield Dr Jupiter
Rhonda Nickerson	119 AUSTRALIAN		
Kathleen Doucherty	217 Royal Poinciana Way PB.		
STANLEY STAPLEBERRY	201 ROYAL POINCIANA WAY PB		
Kathy Shavers	201 Royal Poinciana Way		
Rw. Jenn Colman	135 Main St P.O. Box		
Joyce Higer	246 Forest Hill		
Janita Lewis	208 Fern St WPB 33401		
Raymond Smith	3901 S. Angler Way		
Cherrie Cebelo	BEAZIA COURT		
Karen Gestant	university		
Carol Barron	Sutford Ave		
Brenda K. Miller	118 Seaspay -		
ANDRONIKA MIKOVA	25 Seminole Ave		
Rodney Rogers	3803 Victoria Drive		
Donna Shackelford	8911 S DR W		
MO Sagah	3850 Quail Ridge Royal		
Abby Lee & Abby Lee	4144 Wellington Street Dr., Wellington		
Angela Nelson	223 Atlantic Ave #2B Palm Beach		
Hefeka Chirico	417 Schoolhouse Rd Jupiter FL 33458		
Mike A. Davis	6111 Kingbird Manor Dr Litchia 3317		
Alicia M. J. Kane	235 Sunrise Ave Palm Beach 3348		
Muriel Hillman	7431 Uxeha Way WPB Fl 33406		
	1200 Glen Rd Glen Ridge 33406		
	2860 Ocean Blvd 33480		

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NAME

ADDRESS

Elodie MERIC

3800 Washington Road. WPB.

PATRICK LEZE

2201 Sunrise Avenue. P.B.

D. Clackson

234 Via Linda PB

M. A.

236 Sunrise #2204

Bruno BAli

315 Sunrise #301

Meluf R. P. R.

255 Sunrise Ave.

GASTON Redondo

6820 S.W. 19th St. L

D. J. P.

101 N. Clematis St

M. L. Gordon

1801 N. Flagler

Rodolfo R. R.

913 Clarke Ave

Kamil A. M. R.

261 E. Dorado PB

J. R.

121 W. 1st Rd

R. R.

220 Sunrise Ave #103

P. R.

100 Via Del Lago PB

Patrick Eversley / J. G. R.

308 Peruvian Ave

Kenn Huthmy

DAVID ELIAGRE

Joyce Garabedian

Pete Michael

McLameco

Donald Carter

Janette Koch

Nancy Carter

Tom Whitstall

Ann Hernandez

L. We D'otter (LILLIA DIOTTAVI)

Bearly Yager

Fernando Pacheco

Marcy Blotoff

631 N. ST. WPB FL 33410

400 CARRIBLAIL

1728 Boardman ave FL 33407

1550 N. Flagler DR. (1004)

#2905

235 Sunrise Ave.

P. B.

6 Lagomar Rd Palm Beach

132 E. Buena, PB

6 Lagomar, PB

400 CARRIBLAIL

223 Southland Rd. - P.B.

VIA ANDREA DEI CASTAGNI
NO 10 ROMA ITALY

255 Cherry Lane, A.B.

150 BRADLEY PL.

140 Seagale

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NAME

ADDRESS

David V. Reese

108 Dolphin Rd., P.B.

J.M. ROSSIN

1295 S. BEACH ROAD

AC. MERLES

#136 N. LAKE WAY

THERRY BEARD

251 SUNRISE

Maury Wolfe

272 Sanford Ave, PB

STUART FISHER

164 SEMINOLE P.B.

Nick Lewis

235 Sunrise Ave #3268

Mark Bresnahan

235 Sunrise Ave 2021

MARIA EDWARDS

209 V. A. TORRUGA 33480

SANTO LUMIA

100 Royal Palm Way

Nancy Kohn

211 Sea Spray Palm Beach 33480

SARA ALANI

15001 COUNTY RD PB 33480

Alexi Shields

235 Sunrise Ave 33480

Paul Heaven

Lake Worth - Stuart

Rick Hutchinson Esq.

3120 VINCENT RD WPB 33405

Helene Chirco

235 Sunrise Ave 33480

