



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 8, 2013

9:30 AM

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, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS

- A. Update on Royal Poinciana Theatre
[Pamela Stark Thomas and Adam Munder]
- B. Presentations by Applicants for the Planning and Zoning Commission
- C. Demonstration of Town's New Website
[Jay Boodheshwar, Director of Recreation and Special Projects]

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IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

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

VII. APPROVAL OF AGENDA

VIII. CONSENT AGENDA

A. MINUTES

1. MINUTES: SEPTEMBER 10, 2013 Page 14
Approval of the Minutes of the Town Council Meeting.
2. MINUTES: SEPTEMBER 10, 2013 Page 30
Approval of the Minutes of the Special Town Council Meeting.
3. MINUTES: SEPTEMBER 11, 2013 Page 36
Approval of the Minutes of the Town Council Meeting.
4. MINUTES: SEPTEMBER 11, 2013 Page 49
Approval of the Minutes of the Special Town Council Meeting.
5. MINUTES: SEPTEMBER 18, 2013 Page 52
Approval of the Minutes of the Special Town Council Meeting.
6. Approval of Major Matters Considered by the Architectural Commission at its Meeting on September 25, 2013. Page 56

B. RESOLUTIONS

1. RESOLUTION NO. 164-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding A Contract in an Amount not to Exceed \$47,000 to Murphy Stillings, LLC, To Provide Historic Preservation Consulting Services, Establishing a Budget for Said Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services. Page 71
[John Page, Director of Planning, Zoning, and Building]
2. RESOLUTION NO. 166-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2013-44 to Citigroup Global Markets, Inc. as Sole Senior Manager for Debt Underwriting Services. Page 77
[Jane Struder, Director of Finance]

3. RESOLUTION NO. 167-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of Additional Eden Software Modules for FY14 from Tyler Technologies in the Amount of \$71,460 and Establishing a Project Budget of \$75,000 and Authorizing the Town Manager to Execute the Purchases on Behalf of the Town. [Thomas G. Bradford, Deputy Town Manager] Page 83
4. RESOLUTION NO. 168-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute a Quit Claim Deed and Easement Agreements Between 184 Bradley Place, Parc Regent and the Town of Palm Beach for Access and Maintenance of Said Utilities and Lake Trail. [H. Paul Brazil, Director of Public Works] Page 93
5. RESOLUTION NO. 169-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders in the Aggregate Amount of \$66,800.12 to Waste Management, Inc., for Compacted Garbage Collection, and Establishing a Project Budget of \$70,000. [H. Paul Brazil, Director of Public Works] Page 121
6. RESOLUTION NO. 170-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Piggy-Back Contract for Dissolved Sulfide Reduction and Odor Control Services at the S-2 Pump Station, in the Amount of \$129,000 and Establishing a Project Budget of \$154,800. [H. Paul Brazil, Director of Public Works] Page 124
7. RESOLUTION NO. 171-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in an Amount Not-to-Exceed \$35,900, to Kimley-Horn and Associates, Inc., for Design, Bid, and Construction Phase Engineering Services for Site Improvements at S-2 Pump Station Project, and Establishing a Design, Bid, and Construction Phase Engineering Services Budget of \$38,000. [H. Paul Brazil, Director of Public Works] Page 132
8. RESOLUTION NO. 172-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$34,160, to Kimley-Horn & Associates, Inc., for Site Remediation Closure Assistance for the Pump Station A-39 Soil Contamination Remediation Project, and Establishing a Project Budget of \$37,500. [H. Paul Brazil, Director of Public Works] Page 143

9. RESOLUTION NO. 173-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing Purchase Order 131432 for Pavement Restoration of Via Marina for the A-7 to Hammon Avenue Force Main Replacement Project, in the Amount of \$96,937 and Increasing the Construction Phase Budget by \$100,000 for this Project. [H. Paul Brazil, Director of Public Works] Page 151
10. RESOLUTION NO. 174-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2013-45 and a Construction Contract to Johnson-Davis Inc., for the Stormwater Corrugated Metal Pipe Abandonment, in the Amount of \$99,900, and Establishing a Construction Phase Budget of \$110,000. [H. Paul Brazil, Director of Public Works] Page 166
11. RESOLUTION NO. 175-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in an Amount Not-to-Exceed \$9,996 to Mock, Roos & Associates, Inc., for Construction Phase Engineering Services for Stormwater Corrugated Metal Pipe Abandonment, and Establishing a Construction Phase Engineering Services Budget of \$11,000. [H. Paul Brazil, Director of Public Works] Page 172
12. RESOLUTION NO. 176-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFQ 03-2014 and a Construction Contract to Universal Electric of Florida, Inc. for the Electrical Repairs to the Australian, Brazilian and Peruvian Docks, in the Amount of \$99,849, and Establishing a Construction Phase Budget of \$110,000. [H. Paul Brazil, Director of Public Works] Page 181
13. RESOLUTION NO. 177-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$241,630 to Coastal Planning & Engineering, Inc., a Chicago Bridge & Iron Company, for U.S. Army Corps of Engineers Required Reach 8 Environmental Impact Statement Supplemental Engineering and Environmental Professional Services. [H. Paul Brazil, Director of Public Works] Page 189

C. OTHER

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| 1. | Authorization to Consider Ordinance No. 5-2013 and Ordinance No. 6-2013 prior to 5:00 p.m. at Both Public Hearings.
[John Page, Director of Planning, Zoning, and Building] | Page 211 |
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IX. REGULAR AGENDA

A. Old Business

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| 1. | Potential Lease of Town Property Located at 627 North Dixie Highway in Downtown West Palm Beach.
[Peter B. Elwell, Town Manager] | Page 213 |
| 2. | Coastal Financing Items
TIME CERTAIN: 1:30 PM | |
| a. | Interactive Chart re: Program Financing.
[Jane Struder, Director of Finance] | |
| b. | <u>RESOLUTION NO. 178-2013</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$39,860, to Coastal Planning & Engineering, Inc., a Chicago Bridge & Iron Company, for Professional Services Related to Alternative Coastal Assessment Methodologies.
[Peter B. Elwell, Town Manager] | Page 216 |

B. New Business

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| 1. | Worth Avenue Association's Request for Permission to Hold a "100 Years of Fashion" Event on Worth Avenue and in Hibiscus Plaza. [Thomas G. Bradford, Deputy Town Manager] | Page 226 |
| 2. | U. S. Army Corps of Engineers Request for Waiver of Town Code Restrictions re: Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon.
[H. Paul Brazil, Director of Public Works] | Page 233 |
| 3. | Appeal of Removal from the Investment Advisory Committee - Mr. William John Mikus. [Jane Struder, Director of Finance] | Page 239 |
| 4. | Status Report on the Potential Lake Worth Dredging Project.
[William J. Diamond, Town Council Member] | |

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| 5. | Proposed Health Insurance Premium Rates for Calendar Year 2014. [Danielle Olson, Director of Human Resources] | Page 242 |
| 6. | Planning and Zoning Commission Appointments. [John Page, Director of Planning, Zoning, and Building] | Page 251 |

X. ORDINANCES

A. Second Reading

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| 1. | <u>ORDINANCE NO. 16-2013</u> An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System, Amending Subdivision V, General Employees And Lifeguards, By Amending Section 82-139, Deferred Retirement Option Plan For Members Of Benefit Group General And Benefit Group Lifeguard; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. [Danielle Olson, Director of Human Resources] | Page 264 |
| 2. | <u>ORDINANCE NO. 17-2013</u> An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 130 Of The Town Code Of Ordinances, Vehicles For Hire; Article II, Taxicabs And Limousines; Division 2, Certificate Of Public Convenience And Necessity And Permit; Section 130-64, Permit Fee, So As To Require A Transfer Fee Of \$100.00, Or As May Be Subsequently Amended By Resolution Of The Town Council, For The Transfer Of A Vehicle Registered Under A Certificate Of Public Convenience To A New Owner; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. [Thomas G. Bradford, Deputy Town Manager] | Page 268 |
| 3. | <u>ORDINANCE NO. 18-2013</u> An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations; Article III, Architectural Review; Division 2, Architectural Commission, At Section 18-166, To Provide That In The Event There Are, In The Discretion Of The Town Council, No Bona Fide Applicants To Fill The Positions Of Registered Architects In The State Of Florida, The Town May Solicit And Appoint Architects Registered Outside The State Of Florida To Fill One Of The Architect Seats; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. [John C. Randolph, Town Attorney] | Page 272 |

4. ORDINANCE NO. 19-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 54, Historical Preservation; Article II, Landmarks Preservation; Section 54-36, To Provide That In The Event There Are, In The Discretion Of The Town Council, No Bona Fide Applicants To Fill The Positions Of Registered Architects In The State Of Florida, The Town May Solicit And Appoint Architects Registered Outside The State Of Florida To Fill One Of The Architect Seats; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. [John C. Randolph, Town Attorney]

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B. First Reading

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

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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 "Audio (Live and Archived)." 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.
- 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. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

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

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

**Town of Palm Beach
Meeting Schedule**

10/2/13

Tue 10/08/2013 09:30 AM	Town Council Meeting	Council Chambers
Wed 10/09/2013 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers
Wed 10/09/2013 01:00 PM	IAFF v. TOPB Union Negotiations	Chambers Conference Room
Thu 10/10/2013 04:00 PM	Police and Fire Rescue Open House	Police Station and Central Fire Station
Tue 10/15/2013 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
Wed 10/16/2013 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 10/17/2013 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Wed 10/23/2013 09:00 AM	Architectural Commission Meeting	Council Chambers
Mon 11/11/2013 04:00 AM	VETERANS' DAY	TOWN HALL CLOSED
Tue 11/12/2013 09:00 AM	Veterans Day Ceremony	Wall of Honor-Memorial Park
Tue 11/12/2013 09:30 AM	Town Council Meeting	Council Chambers
Wed 11/13/2013 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers
Fri 11/15/2013 09:00 AM	Architectural Commission Meeting	Council Chambers

Tue 11/19/2013 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
Wed 11/20/2013 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 11/21/2013 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Fri 11/22/2013 09:00 AM	Retirement Board of Trustees Meeting	Council Chambers
Fri 11/22/2013 02:00 PM	Investment Advisory Committee Meeting	Council Chambers
Mon 11/25/2013 09:00 AM	Shore Protection Board Meeting	Council Chambers
Thu 11/28/2013 04:00 AM	THANKSGIVING DAY	TOWN HALL CLOSED
Fri 11/29/2013 04:00 AM	DAY AFTER THANKSGIVING	TOWN HALL CLOSED
Mon 12/02/2013 06:00 PM	Holiday Tree Lighting	Bradley Park
Tue 12/03/2013 05:30 PM	Holiday Tree Lighting	South County Road
Tue 12/03/2013 06:29 PM	Holiday Tree Lighting	Worth Avenue
Tue 12/10/2013 09:30 AM	Town Council Meeting	Council Chambers
Wed 12/11/2013 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Presentations

Agenda Title

Demonstration of Town's New Website.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- Memorandum dated September 26, 2013, from Jay Boodheshwar, Director of Recreation and Special Projects

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: New Town Website

Date: September 26, 2013

STAFF RECOMMENDATION

This is an informational item. Staff will present the Town's new website (www.townofpalmbeach.com), which was developed by Icon Enterprises (Civic Plus) and launched on October 1, 2013.

GENERAL INFORMATION

At the January 8, 2013, Town Council meeting, a contract was awarded to Civic Plus to re-design the Town's website. The Town's Communications Committee, which includes staff representatives from all departments and the Town Manager's Office, along with the Town Manager and Senior Management Team have been working throughout the spring and summer months with Civic Plus to address all of the necessary phases involved in the design, development and launch of the new website. The site design was presented at the May 7, 2013, Town Council meeting, as well as an update on the overall project.

Much of the summer months were spent on content development and fine tuning of the navigation. The site was launched on October 1, 2013, in conjunction with the start of fiscal year 2014. It has been designed to be more user friendly and to reflect Palm Beach's high standards. New features, such as *Stay Informed*, *Tell the Town*, and *Twitter* news feeds; along with a much easier to navigate architecture will make for a more enjoyable browsing experience for all visitors. The *Stay Informed* feature gives visitors an opportunity to register their email addresses and cell phone numbers to receive news releases, calendar updates, emergency alerts, and newsletters from specific departments. The *Tell the Town* feature makes it easy for residents to communicate concerns about issues such as code violations or problems with roads. The new site is compatible with mobile devices, which gives users the option to view it on their mobile devices in "mobile or full site view."

Popular items such as agendas and minutes, meeting audio, news releases, and the Town calendar will be much easier to find and navigate. Residents and visitors to the Town of Palm Beach will also find it easier to locate the information they are looking for, as will those looking to do business with the Town. Links to external programs such as Granicus (meeting audio software), Laserfiche (software used to store meeting agendas and minutes), EDEN (jobs and business services software),

and parking ticket payments will be we easy to find. The parking ticket payment program, which is currently the only external program not compatible with MacIntosh computers and mobile devices, is in the process of being replaced with one that will be compatible.

A short demonstration of the website's new features and navigation tools will be conducted at the October 8, 2013, Town Council meeting to give those in attendance an opportunity to see the site live. Staff has also planned two training sessions to assist residents in navigating the new site. These sessions will be held Oct 15 and 17 from 2:00 - 4:00pm in the Town's Emergency Operations Center (EOC). Space is limited to 15 participants each day, so registration will be taken on a first come, first served basis. If there is enough interest, staff will schedule additional training sessions to ensure residents seeking assistance will have an opportunity to learn how to use the new site.

c: Thomas G. Bradford, Deputy Town Manger
Department Directors
Communication Committee Members

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: SEPTEMBER 10, 2013

APPROVAL OF THE MINUTES OF THE REGULAR TOWN
COUNCIL MEETING

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Town Council Meeting Held on September 10, 2013

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, SEPTEMBER 10, 2013**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, September 10, 2013, 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 asked that we remember all of the victims of 9/11.

Mayor Coniglio expressed her concerns over the restriping of North Ocean Boulevard to allow for a passing lane.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Kleid spoke regarding an article in the *Palm Beach Daily News* written by William Cooley regarding the 1979 Royal Poinciana Plaza agreement.

Town Manager Elwell stated that Staff is aware that the lights on the dais are not working, and that Staff is working to get them replaced.

V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

Nelson Ochoa, NP Yellow Cab, spoke regarding the distribution of taxi cab permits.

Gregg Beletsky, Worth Avenue Association President, reminded everyone about tonight's "Turtle Tuesdays" Beach Clean-up.

Les Evans, 135 Seminole Avenue, spoke regarding eminent domain.

Bobbie Lindsay Buck, Royal Poinciana Way Committee member, spoke regarding a University of Miami proposal to build a large-scale model of the proposed PUD-5.

Discussion ensued regarding costs and potential additional models for different scenarios.

By consensus of the Town Council, discussion on the proposed Royal Poinciana Way PUD-5 models, and possible funding for them, will be added to the September 11, 2013, Town Council meeting agenda.

Patty Sans, South County Road Business Association, spoke regarding the empty businesses, the Centennial Commission's proposal for the Town Hall Square, and one-hour versus two-hour parking.

Discussion ensued regarding the status of the empty Campaniello restaurant property located at the corner of Royal Palm Way and South County Road.

By consensus of the Town Council, Staff was directed to research whether or not the special exception for the Campaniello restaurant property located at the corner of Royal Palm Way and South County Road had expired.

VI. APPROVAL OF AGENDA

The following changes were made to the Agenda:

AMENDMENT: It was noted that there was a typographical error in the backup for Item No. VII.B.1, Resolution No. 122-2013. The header should read that the designation is for fiscal year 2014.

TAKEN OUT OF ORDER: Item No. IX.A.3, Centennial Legacy Project budget update, was moved to be heard immediately following the Public Works Committee Report.

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.

VII. CONSENT AGENDA

PULLED FROM CONSENT: Item No. VII.B.15, Resolution No. 144-2013, was moved to the end of New Business.

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

A. MINUTES

1. MINUTES: AUGUST 13, 2013
Approval of the Minutes of the Town Council Meeting.
2. MINUTES: AUGUST 13, 2013
Approval of the Minutes of the Special Town Council Meeting – Closed Door Session – Solid Waste Authority of Palm Beach County and Palm Beach County vs. Palm Beach County Health Department and Town of Palm Beach.
3. MINUTES: AUGUST 14, 2013
Approval of the Minutes of the Town Council Meeting.
4. MINUTES: AUGUST 14, 2013
Approval of the Minutes of the Special Town Council Meeting – Closed Door Session - 160 Royal Palm, LLC vs. Town of Palm Beach.
5. Approval of Major Matters Considered by the Architectural Commission at its Meeting on August 28, 2013.

B. RESOLUTIONS

1. RESOLUTION NO. 122-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Designating Town Depositories For Fiscal Year ~~2013~~2014 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] - ***The Fiscal Year was Amended as Stated Above.***
2. RESOLUTION NO. 131-2013 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. [Jane Struder, Director of Finance]
3. RESOLUTION NO. 132-2013 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.
[Jane Struder, Director of Finance]
4. RESOLUTION NO. 133-2013 A Resolution Of The Town Council, Town Of Palm Beach, Palm Beach County, Florida Approving A Funding Agreement To Memorialize The Terms And Conditions Associated With An Internal Loan To Be Provided To The Benefitting Property Owners Within The Everglades Island Underground Utilities Assessment Area.
[Thomas G. Bradford, Deputy Town Manager]

- 1 5. RESOLUTION NO. 134-2013 A Resolution Of The Town Council Of
2 The Town Of Palm Beach, Palm Beach County, Florida, Approving The
3 Purchase Of Annual Software Support And Maintenance For FY14 Upon
4 Approval Of The FY14 Budget For Cartegraph In The Amount Of
5 \$65,000.00, Sungard Public Sector In The Amount Of \$91,604.77, Tyler
6 Technologies In The Amount Of \$84,210.26 And MCCI In The Amount
7 Of \$33,276.60, And Authorizing The Town Manager To Execute The
8 Purchases On Behalf Of The Town.
9 [Thomas G. Bradford, Deputy Town Manager]
10
11 6. RESOLUTION NO. 135-2013 A Resolution Of The Town Council Of
12 The Town Of Palm Beach, Palm Beach County, Florida, Awarding RFP
13 No. 2013-30 And Approving A Contract To John C. Cassidy Air
14 Conditioning, Inc., For An Annual Air Conditioning Maintenance And
15 Repair Contract, In The Amount Of \$73,500 And Establishing A Project
16 Budget Of \$80,000.
17 [H. Paul Brazil, Director of Public Works]
18
19 7. RESOLUTION NO.136-2013 A Resolution Of The Town Council Of The
20 Town Of Palm Beach, Palm Beach County, Florida, Approving The
21 Award Of RFP #2013-43 To Electronic Data Collection Corporation
22 (EDC), 13 Dwight Park Drive, Syracuse, New York 13209 For The
23 Purchase And Implementation Of Software For Parking Ticket
24 Management In The Amount Of \$173,667.00 And Establishing A
25 Budget Of \$184,000.00 For Purchases In Fiscal Year 2013 And
26 Authorizing The Town Manager To Execute This Purchase On Behalf Of
27 The Town. [Thomas G. Bradford, Deputy Town Manager]
28
29 8. RESOLUTION NO. 137-2013 A Resolution Of The Town Council Of
30 The Town Of Palm Beach, Palm Beach County, Florida, Approving
31 Proposed Property, Liability, Workers' Compensation, Automobile And
32 Ancillary Coverages For FY2014; Approving The Non-Exclusive
33 Insurance Agenda Services Agreement With Employers Mutual, Inc. dba
34 Ascension Benefits & Solutions Of Florida "Ascension" In The Amount
35 Of \$28,500 And Arthur J. Gallagher Risk Management Services, Inc.
36 "AJG" In The Amount Of \$10,000; And Authorizing The Town Manager
37 To Execute Into The Non-Exclusive Insurance Agent Services
38 Agreements With Ascension And AJG On Behalf Of The Town. [Thomas
39 G. Bradford, Deputy Town Manager]
40
41 9. RESOLUTION NO. 138-2013 A Resolution Of The Town Council Of
42 The Town Of Palm Beach, Palm Beach County, Florida, To Authorize
43 The Continued Services Of Greenberg Traurig, LLP, To Represent The
44 Town For Federal Lobbying Services In FY14 At A Cost Not To Exceed
45 \$63,000. [Peter B. Elwell, Town Manager]
46

10. RESOLUTION NO. 139-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Awarding A One Year Renewal Contract To Academy Design And Technical Services, Inc. With A Pay Rate Multiplier Of 26% For The Provision Of Contractual Labor Services, Bid No. 2009-22; Authorizing The Town Manager To Take Further Action Necessary To Effectuate The Contract.
[Jay Boodheshwar, Director of Recreation and Special Projects]
11. RESOLUTION NO. 140-2013 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]
12. RESOLUTION NO. 141-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Town Manager To Execute An Interlocal Agreement For Wastewater Transmission, Treatment, And Disposal Service With The City Of Lake Worth.
[H. Paul Brazil, Director of Public Works]
13. RESOLUTION NO. 142 2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Contract Extension To Marc & Sons Landscape & Tree Services, LLC, For Turf Maintenance, In The Amount Of \$36,520 And Establishing A Project Budget Of \$40,200.
[H. Paul Brazil, Director of Public Works]
14. RESOLUTION NO. 143-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Contract Extension To Terra Maintenance Company, For Hedge Trimming, In The Amount Of \$57,920 And Establishing A Project Budget Of \$61,000.
[H. Paul Brazil, Director of Public Works]
15. RESOLUTION NO. 144-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Contract Extension To International Sweeping Inc., dba Facilities Pro Sweep, For Street Sweeping, In The Amount Of \$98,820 And Establishing A Project Budget Of \$103,800.
[H. Paul Brazil, Director of Public Works] – ***Pulled from Consent and Heard Under New Business.***

16. RESOLUTION NO. 145-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Contract Extension To Academy Design And Technical Services, Inc., For Temporary Labor For Vehicle Maintenance, In The Amount Of \$51,710, And Establishing A Project Budget Of \$57,000.
[H. Paul Brazil, Director of Public Works]
17. RESOLUTION NO. 146-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Contract Extension To Tree Huggers Landscaping And Nursery LLC, For Grounds Maintenance, In The Amount Of \$69,687 And Establishing A Project Budget Of \$73,200. [H. Paul Brazil, Director of Public Works]
18. RESOLUTION NO. 150-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Contract Extension To Batallan Enterprises, Inc., dba Propertyworks, For Mowing Services, In The Amount Of \$31,400 And Establishing A Project Budget Of \$34,500.
[H. Paul Brazil, Director of Public Works]
19. RESOLUTION NO. 151-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2013-36 And Approving A Contract To Image Janitorial Services, Inc., For Townwide Janitorial Services, In The Amount Of \$123,260 And Establishing A Project Budget Of \$135,600. [H. Paul Brazil, Director of Public Works]
20. RESOLUTION NO. 152-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Fiscal Year 2014-15 Annual Funding Application To The Florida Department Of Environmental Protection, Beach Erosion Control Program.
[H. Paul Brazil, Director of Public Works]
21. RESOLUTION NO. 153-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order To Tetra Tech, Inc., In The Amount Of \$262,613.50 To Complete The State Of Florida Department Of Environmental Protection Required Palm Beach Island Beach Management Agreement Pre-Construction Biological Monitoring For The Proposed Fy2014 Mid-Town Beach Nourishment Project, Establishing A Budget Of \$289,000.
[H. Paul Brazil, Director of Public Works]
22. RESOLUTION NO. 154-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Awarding A Construction Manager At Risk Contract To Burkhardt Construction, Inc.,

For The Peruvian Avenue 400 Block Streetscape And Infrastructure Improvements Project, For A Not-To-Exceed Amount Of \$1,213,729. [H. Paul Brazil, Director of Public Works]

23. RESOLUTION NO. 155-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Establishing An Application Fee And A Transfer Fee For Advanced Irrigation Variances, And Providing An Effective Date. [John Page, Director of Planning, Zoning, and Building]

24. RESOLUTION NO. 156-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Awarding A Purchase Order In An Amount Not-To-Exceed \$30,000 To Municipal Code Corporation For Codification & Supplementation Services, And Authorizing The Town Manager To Take Actions Necessary To Complete Said Services. [Susan Owens, Town Clerk]

25. RESOLUTION NO. 163-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Accepting A Donation Of \$40,698.13 And Approving An Increase To Purchase Order 131432 To Increase The Scope Of Work For The A-7 To Hammon Avenue And Pinewalk Force Main Replacement Project, For A Not-To-Exceed Amount Of \$40,698.13. [H. Paul Brazil, Director of Public Works]

C. OTHER

1. Approval of the Report of Finance and Taxation Committee Meeting of August 12, 2013. [Robert N. Wildrick, Chair]

2. Approval of Funding for Plaques on Memorial Wall. [Peter B. Elwell, Town Manager]

3. Approval of Town Attorney's Request for Hourly Rate Increase. [Peter B. Elwell, Town Manager]

4. Approval of Contingency Allocation For FY13 Legal Costs. [Jane Struder, Finance Director]

5. Appointment to the Code Enforcement Board. [Kirk W. Blouin, Director of Public Safety]

VIII. COMMITTEE REPORTS

- 1 A. Public Works Committee Meeting of August 14, 2013.
2 [Michael J. Pucillo, Chair]

3
4 Discussion ensued regarding potential changes to the Town's Paving Program.

5
6 **By consensus of the Town Council, Staff was directed to continue with the current paving**
7 **program for now.**

8
9 **Motion was made by Council Member Diamond, and seconded by Council Member Kleid,**
10 **to accept the Public Works Committee Report of August 14, 2013. On roll call, the motion**
11 **carried unanimously.**

- 12
13 B. Ordinances, Rules, and Standards Committee Meeting of September 9, 2013.
14 [William J. Diamond, Chair]

15
16 Discussion ensued regarding taxies picking up illegal immigrants along the beach,
17 driver background checks, permit transfers, the number of permits issued, whether
18 there should be a cap on the number of permits one taxi cab company can be
19 issued, extending the taxi cab stand hours, and using the Town's West Palm
20 Beach property as a staging area.

21
22 **Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to**
23 **accept the Ordinances, Rules and Standards Committee Report of September 9, 2013, but**
24 **to approve only the following recommendation:**

25 **To advise current taxi cab permit holders that the Town is considering**
26 **discontinuing the automatic right of renewal beginning with the fiscal year**
27 **2014 permit cycle.**

28 **On roll call, the motion carried unanimously.**

29 **By consensus of the Town Council, the remaining taxi cab related matters will be discussed**
30 **in further detail at the next ORS meeting and recommendations will be brought back**
31 **before the Town Council. The Committee was also asked to review the number of taxi cab**
32 **permits issued, the number of taxi cab stands in town, and the option of off-island parking**
33 **for taxi cabs at the Town's property in West Palm Beach.**

34
35 **IX. REGULAR AGENDA**

- 36
37 A. Old Business

- 38
39 1. Flagler Memorial Bridge Project Update.
40 [Pete Nissen, New Millennium Engineering]

41
42 Discussion ensued regarding replacement of the pylons.

2. Royal Poinciana Playhouse.

a. Complaint for Declaratory Judgment re: Disputed Documents.
[Peter B. Elwell, Town Manager]

Town Manager Elwell read a statement, which is attached to these minutes, into the record clarifying the Town's actions regarding the *Palm Beach Daily News*' public records request for documents created or received by Council President Rosow regarding the lease negotiations.

Discussion ensued clarifying that the Town is only seeking clarification from the court as to whether the records are public. If they are public, Council President Rosow will provide them to the Town to fulfill *Palm Beach Daily News*' public records request.

b. Lease Update. [Adam Munder and Pamela Stark Thomas]

John Little, the Gunster Law Firm, representing the Sterling Organization, stated that both parties have been diligently working on the lease and that they expect to have it finalized within 30-45 days.

Simon Taylor, representing the Palm Beach Theatre Guild, spoke in opposition to delaying the matter and requested that the Town start enforcing the 1979 agreement.

Discussion ensued regarding initiating a moratorium on any development review items until a lease is signed.

c. Enforcement of 1979 Agreement.
[John C. Randolph, Town Attorney]

Motion was made by Council President Pro Tem Wildrick, and seconded by Council Member Diamond, to defer this item to the November 12, 2013, Town Council meeting, unless a lease agreement is signed before then.

d. Eminent Domain. [John C. Randolph, Town Attorney]

See above motion as this item was considered concurrently with the above enforcement of the 1979 agreement item.

3. Centennial Legacy Project Budget Update.
[Thomas G. Bradford, Deputy Town Manager]

Centennial Commission representatives Mark Marsh, Jorge Sanchez, and

1 Bill Metzger provided an overview of the two options for the project.

2
3 Discussion ensued regarding the two options prepared by the Centennial
4 Commission, the need for better visuals, doing the project in phases,
5 including elements of it in the next bond, funding from the addition of
6 plaques and benches that people could purchase the naming rights to,
7 Landmarks Preservation Commission input, the Flagler Memorial
8 Fountain, Town funding assistance, entering into a public-private
9 partnership, Florida Department of Transportation approval, and fine
10 tuning the cost estimates.
11

12 **By consensus of the Town Council, the item was deferred to the October 8, 2013, Town**
13 **Council meeting so that the Centennial Commission can provide further details on their**
14 **proposed project.**
15

- 16 4. Potential Lease of Town Property Located at 627 North Dixie Highway in
17 Downtown West Palm Beach.
18 [Peter B. Elwell, Town Manager]
19

20 Town Manager Elwell stated that Staff is working on a conceptual lease,
21 and will have a substantial update for the October 8, 2013, Town Council
22 meeting.
23

- 24 5. History of Parking Regulations in Commercial Districts.
25 [Thomas G. Bradford, Deputy Town Manager]
26

27 Les Evans, 135 Seminole Ave, spoke regarding the need for a parking
28 garage, using the Apollo lot, and looking at Town employee parking
29 spaces.
30

31 Discussion ensued on the above matters, balancing the needs of different
32 businesses, and the need for the property owners and tenants to work
33 together towards a solution.
34

35 Laurel Baker, representing the Palm Beach Chamber of Commerce,
36 requested that all parking in the commercial districts have a consistent
37 two-hour parking time limit; and, if not, that the Town consider alternative
38 transportation, such as a trolley system.
39

40 B. New Business
41

- 42 1. FPL Request for Conceptual Approval to Use Town Right-of-Way for the
43 "Palm Beach Lakes Boulevard Subaqueous Feeder Project" During the
44 Summer of 2014.
45 [H. Paul Brazil, Director of Public Works]
46

Discussion ensued regarding the project schedule and providing notice to residents.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve FPL's request for conceptual approval to use town right-of-way for the "Palm Beach Lakes Boulevard Subaqueous Feeder Project" during the summer of 2014. On roll call, the motion carried unanimously.

2. RESOLUTION NO. 147-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Contract Extension To Christmas Designers, Inc., In The Amount Of \$88,447.90 For The Installation And Storage Of The Holiday Trees, Decoration, And Lighting, And Establishing A Budget Of \$97,300. [H. Paul Brazil, Director of Public Works]

Discussion ensued regarding donations, available funds, and transferring the funds previously allocated for the Fourth of July celebration to the holiday decorations.

Motion was made by Council Member Pucillo, and seconded by Council President Pro Tem Wildrick, to approve the transfer of up to \$55,000 from the General Fund Contingency Account, and the transfer of the \$13,500 previously allocated for the Fourth of July Celebration, towards the holiday decorations. On roll call, the motion carried unanimously.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve Resolution No. 147-2013. On roll call, the motion carried unanimously.

3. Planned Revisions of FEMA Flood Plain Maps.
[H. Paul Brazil, Director of Public Works]

Discussion ensued regarding flood insurance rates and discounts, the effect the revisions will have on development, and other cities' objections to the planned revisions.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the submittal of a letter of objection to FEMA regarding their planned flood plan map revisions. On roll call, the motion carried unanimously.

Town Manager Elwell stated that he will also be working with the Civic Association on this matter.

4. Pump Station A-39 Soil Contamination Remediation Alternatives. [H. Paul Brazil, Director of Public Works]

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to

1 approve Option 3, requesting no further action with institutional controls from the Florida
2 Department of Environmental Protection. On roll call, the motion carried unanimously.

3
4 5. Retirement Program Matters

- 5
6 a. Confirmation of Town Council's Legislative Intent re: Disability
7 Pensions. [Peter B. Elwell, Town Manager]

8
9 **Motion was made by Council Member Diamond, and seconded by Council Member Kleid,**
10 **to confirm the Town Council's legislative intent regarding disability pensions. On roll call,**
11 **the motion carried unanimously.**

12
13 b. ORDINANCE NO. 16-2013 (FIRST READING)

14 An Ordinance Of The Town Council Of The Town Of Palm
15 Beach, Palm Beach County, Florida, Amending Chapter 82 Of The
16 Town Code Of Ordinances Relating To Personnel, At Article II,
17 Employee Benefits, Division 2, Retirement System, Amending
18 Subdivision V, General Employees And Lifeguards, By Amending
19 Section 82-139, Deferred Retirement Option Plan For Members Of
20 Benefit Group General And Benefit Group Lifeguard; Providing
21 For Repeal Of Ordinances In Conflict; Providing For Codification;
22 Providing An Effective Date.

23 [Danielle Olson, Director of Human Resources]

24
25 **Motion was made by Council Member Diamond, and seconded by Council Member**
26 **Pucillo, to approve Ordinance No. 16-2013, on first reading. On roll call, the motion**
27 **carried unanimously.**

- 28
29 6. Consideration of Salary Increase for Town Manager Peter B. Elwell
30 [Robert N. Wildrick, Town Council President Pro Tem]

31
32 Discussion ensued regarding the salaries of other city/town managers, Mr.
33 Elwell's accomplishments and performance reviews, the fact that he has
34 volunteered to not receive a raise since 2007, and the average raise for
35 other executive employees in the Town.

36
37 **Motion was made by Council Member Diamond, and seconded by Council Member**
38 **Pucillo, to increase Town Manager Elwell's salary to \$220,000. On roll call, the motion**
39 **carried unanimously.**

40
41 *The Item Below was Pulled from the Consent Agenda:*

- 42
43 7. RESOLUTION NO. 144-2013 A Resolution Of The Town Council Of
44 The Town Of Palm Beach, Palm Beach County, Florida, Approving A
45 Contract Extension To International Sweeping Inc., dba Facilities Pro
46 Sweep, For Street Sweeping, In The Amount Of \$98,820 And Establishing

A Project Budget Of \$103,800.
[H. Paul Brazil, Director of Public Works]

Discussion ensued regarding the need to sweep everywhere, minimizing discharge into the intercoastal, credit received for participating in the National Pollutant Elimination System, how the street sweeping machines work, and dump locations and volume recording.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve Resolution No. 144-2013. On roll call, the motion carried 4-1, with Council President Rosow dissenting.

X. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 14-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System, Amending Subdivision II, Reserve Accounts, by Amending Section 82-80, Reserve for Member Contributions; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[Danielle Olson, Director of Human Resources]

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to adopt Ordinance No. 14-2013, on second and final reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 15-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Providing For An Amendment To The Town's Recreation Enterprise Fund Budget Adopted For The Fiscal Year Commencing October 1, 2012, Providing An Effective Date.
[Jane Struder, Director of Finance]

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to adopt Ordinance No. 15-2013, on second and final reading. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 17-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 130 Of The Town Code Of Ordinances, Vehicles For Hire; Article II,

Taxicabs And Limousines; Division 2, Certificate Of Public Convenience And Necessity And Permit; Section 130-64, Permit Fee, So As To Require A Transfer Fee Of \$100.00, Or As May Be Subsequently Amended By Resolution Of The Town Council, For The Transfer Of A Vehicle Registered Under A Certificate Of Public Convenience To A New Owner; 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 approve Ordinance No. 17-2013, on first reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 18-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations; Article III, Architectural Review; Division 2, Architectural Commission, At Section 18-166, To Provide That In The Event There Are, In The Discretion Of The Town Council, No Bona Fide Applicants To Fill The Positions Of Registered Architects In The State Of Florida, The Town May Solicit And Appoint Architects Registered Outside The State Of Florida To Fill One Of The Architect Seats; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. [John C. Randolph, Town Attorney]

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve Ordinance No. 18-2013, on first reading. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 19-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 54, Historical Preservation; Article II, Landmarks Preservation; Section 54-36, To Provide That In The Event There Are, In The Discretion Of The Town Council, No Bona Fide Applicants To Fill The Positions Of Registered Architects In The State Of Florida, The Town May Solicit And Appoint Architects Registered Outside The State Of Florida To Fill One Of The Architect Seats; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. [John C. Randolph, Town Attorney]

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve Ordinance No. 19-2013, on first reading. On roll call, the motion carried unanimously.

XI. ANY OTHER MATTERS

1
2 A. Town Manager Elwell announced that the Town's first budget hearing will be
3 held tonight at 5:01 p.m.
4

5 B. Ratification of Amendments to Resolution No. 121-2013, Approved on August
6 14, 2013, to Include the Approved Purchase Price of \$148,730 and Specifying
7 Which Abandonments Relate to Which Property Owner.
8

9 **Motion was made by Council Member Diamond, and seconded by Council Member Kleid,**
10 **to ratify amendments to Resolution No. 121-2013, approved on August 14, 2013, to include**
11 **the approved purchase price of \$148,730 and specifying which abandonments relate to**
12 **which property owner. On roll call, the motion carried unanimously.**
13

14 **XII. ADJOURNMENT**
15

16 There being no further business, the September 10, 2013, regular Town Council meeting
17 was adjourned at 1:22 p.m.
18
19

20 APPROVED:
21
22
23

24 _____
25 David A. Rosow
26 Town Council President

27 ATTEST:
28
29
30

31 _____
32 Susan A. Owens, MPA, MMC
33 Town Clerk
34

35 _____
36 Date

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: SEPTEMBER 10, 2013

APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL
MEETING

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting Held on September 10, 2013

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, SEPTEMBER 10, 2013**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order on Tuesday, September 10, 2013, at 5:01 p.m., 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 was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the Agenda. On roll call, the motion carried unanimously.

IV. PUBLIC HEARING ON PROPOSED MILLAGE RATE, TENTATIVE FY13 BUDGETS AND NON-AD VALOREM ASSESSMENTS

A. Notice of Proposed Property Taxes

Council President Rosow read into the record the required legal verbiage.

B. Proposed Operating Millage Rate

Council President Rosow read into the record the required legal verbiage.

Based upon the discussions from Item No. IV.E, below, Council President Rosow re-read the verbiage with the amended figures.

C. Reasons for Proposed Operating Millage Rate Increase over the Rolled-Back Millage Rate

Town Manager Elwell read into the record the required legal verbiage.

D. Comments and Questions from Public

There were no comments or questions from the public.

E. Discussion and Adoption (with changes, if any) of Proposed Operating Millage Rate for FY14.

Discussion ensued regarding holding the milage rate or increasing the proposed milage rate to 3.2468 in order to cover the Town Manager's \$25,000 salary increase and the \$55,000 in additional funding needed for the installation and storage of the holiday trees, decorations, and lighting, use of contingency funds, and funding for the Accelerated Capital Improvement and Coastal Protection Programs.

The majority of the Council members concurred that the proposed milage should be increased to 3.2468.

1. RESOLUTION NO. 157-2013 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 2013-2014 Fiscal Year.

Motion was made by Council Member Pucillo, and seconded by Council President Pro Tem Wildrick, to amend Resolution No. 157-2013 to adopt a proposed milage rate of 3.2468, and to approve the resolution as amended. On roll call, the motion carried 4-1, with Council Member Diamond dissenting.

F. Non-Ad Valorem Assessments

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

- a. RESOLUTION NO. 158-2013 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 Assessment Pursuant to the Uniform Assessment Collection Act; Providing for the Effect of this Resolution; Providing Severability and an Effective Date.

Director of Public Works Brazil read into the record the required legal verbiage and comments from three property owners.

Deputy Town Manager Bradford noted for the record that Appendix C

1 will be replaced with the correct state form for Council President
2 Rosow to sign.
3

4 **Motion was made by Council Member Diamond, and seconded by Council Member Kleid,**
5 **to approve Resolution No. 158-2013. On roll call, the motion carried unanimously.**
6

- 7 2. Worth Avenue Commercial District Improvement Project
8 [Thomas G. Bradford, Deputy Town Manager]
9

- 10 a. RESOLUTION NO. 159-2013 A Resolution of the Town Council of
11 the Town of Palm Beach, Florida, Relating to the Provision of the
12 Worth Avenue Improvement Project; Providing Authority and
13 Definitions; Approving the Final Assessment Rolls; Providing for the
14 Reimposition of the Assessments to Fund the Worth Avenue
15 Improvement Project and Related Maintenance Services; Providing for
16 Collection of the Assessments Pursuant to the Uniform Assessment
17 Collection Act; Providing for the Effect of this Resolution; Providing
18 Severability and an Effective Date.
19

20 Deputy Town Manager Bradford read into the record the required legal
21 verbiage.
22

23 **Motion was made by Council Member Diamond, and seconded by Council Member**
24 **Pucillo, to approve Resolution No. 159-2013. On roll call, the motion carried unanimously.**
25

- 26 3. Via Fontana Underground Conversion Project
27 [Thomas G. Bradford, Deputy Town Manager]
28

- 29 a. RESOLUTION NO. 160-2013 A Resolution of the Town
30 Council of the Town of Palm Beach, Florida, Relating to the Provision
31 of the Underground Utility Improvements within the Via Fontana
32 Assessment Area; Providing Authority and Definitions; Amending the
33 Initial Assessment Resolution; Approving the Updated Assessment
34 Rolls; Providing for the Reimposition of the Assessments to Fund the
35 Underground Utility Improvements Within the Via Fontana
36 Assessment Area; Providing for Collection of the Assessments
37 Pursuant to the Uniform Assessment Collection Act; Providing for the
38 Effect of this Resolution; Providing Severability and an Effective
39 Date.
40

41 Deputy Town Manager Bradford read into the record the required legal
42 verbiage.
43

44 **Motion was made by Council Member Diamond, and seconded by Council Member Kleid,**
45 **to approve Resolution No. 160-2013. On roll call, the motion carried unanimously.**
46

4. Everglades Island Underground Conversion Project
[Thomas G. Bradford, Deputy Town Manager]

- a. RESOLUTION NO. 161-2013 A Resolution of the Town Council of the Town of Palm Beach, Florida, Relating to the Provision of the Underground Utility Improvements within the Everglades Island Assessment Area; Providing Authority and Definitions; Amending the Initial Assessment Resolution; Approving the Assessment Roll; Providing for the Imposition of the Assessments to Fund the Underground Utility Improvements within the Everglades Island Assessment Area; 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.

Deputy Town Manager Bradford read into the record the required legal verbiage. He also noted for the record that Staff is expecting some prepayments of this assessment. If the project costs come in higher than expected, this resolution allows us to rebill those property owners for the difference.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve Resolution No. 161-2013. 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 FY14.

1. RESOLUTION NO. 162-2013 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 2013-2014 Fiscal Year.

Council President Rosow read into the record the required legal verbiage.

Town Manager Elwell noted that the budget document that will be brought back before the Town Council at the second budget hearing will include the amendments made this evening.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to adopt the tentative general (operating) fund, debt service fund and budgets for other funds for the 2013-2014 fiscal year. On roll call, the motion carried 4-1, with Council Member Diamond dissenting.

H. Second and Final Public Hearing to Adopt the Final Millage Rate and Budgets will be on Wednesday, September 18, 2013 at 5:01 p.m., in the Town of Palm Beach Council Chambers.

Council President Rosow announced the second and final budget hearing.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the September 11, 2013, special Town Council meeting was adjourned at 5:43 p.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Susan A. Owens, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: SEPTEMBER 11, 2013

APPROVAL OF THE MINUTES OF THE REGULAR TOWN
COUNCIL MEETING

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Town Council Meeting Held on September 11, 2013

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, SEPTEMBER 11, 2013**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, September 11, 2013, at 9:30 a.m. in the Town Council Chambers. Council President Rosow asked everyone to stand for a moment of silence for those who perished on September 11, 2001, and for the service men and women who perished in Iraq and Afghanistan as a result of the attack on September 11, 2001. 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 – None

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

V. COMMUNICATIONS FROM CITIZENS- 3 MINUTE LIMIT PLEASE

Attorney Gary Oldehoff, on behalf of the Neighborhood Alliance of Palm Beach (NAPB), 101 Bradley Place, spoke regarding the legal notices for Ordinance Nos. 5-2013 and 6-2013 on today's Agenda, and his client's opposition to the ordinances.

Discussion ensued regarding the frequency of the *Palm Beach Daily News's* publications, using the *Palm Beach Post*, and delaying approval of the ordinances for one month to advertise in the *Palm Beach Post*.

Planning, Zoning, and Building Director Page spoke regarding the closing of Mr. Campaniello's restaurant located at 290 S. County Road.

Council President Rosow stated that the special exception is abandoned if the property has not been used in accordance with the special exception for a period of two years.

Planning, Zoning, and Building Director Page stated that he would provide confirmation as to when the restaurant closed.

VI. APPROVAL OF AGENDA

The following change was made to the Agenda:

WITHDRAWN: Item No. IX.A, Testa Comprehensive Plan and Zoning Amendments, was withdrawn.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to approve the Agenda, as amended above. 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. Time Extensions – None

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. SPECIAL EXCEPTION #10-2013 WITH VARIANCES The application of Pizza Al Fresco, LLC; relative to property commonly known as **7-14 Via Mizner (Restaurant Site) and 317 Peruvian Avenue (Parking Site)**; described as lengthy legal descriptions on file; located in the C-WA and C-TS Zoning Districts. The applicant is requesting Special Exception with Site Plan Review to modify existing Special Exception #3-2006 and #4-2012 to convert a retail store containing a total of 350 square feet (previously Winston Lighting and being Unit C-105S) to additional restaurant seating space with 21 additional seats for Pizza Al Fresco Restaurant. A Special Exception is also being requested to provide supplemental off-site shared parking in the evening at 317 Peruvian Avenue. Applicant further requesting Special Exception approval to move 15 of the additional seats from the converted space into the Via Mizner courtyard during periods of good weather. No variance is required for off street parking for 6 of the additional seats. The following variances are required: to increase outdoor seating by 15 seats over and above the inside capacity, which is not permitted by the outdoor seating conditions in the Code and to eliminate the 5 required off-street parking spaces for 15 of the 21 additional seats being requested and to provide 5 supplemental shared parking spaces in only the evening at 317 Peruvian Avenue. [Attorney: William W. Atterbury, III]

1 *Deferred from the June 12, 2013, Town Council Meeting.*
2

3 The following ex-parte communications were declared: Mayor
4 Coniglio, Council President Rosow, and Council Members
5 Diamond and Pucillo spoke with Attorney Atterbury, who
6 advocated the position of his client. Council Member Kleid spoke
7 with Mr. Moore, who advocated the position of Attorney
8 Atterbury's client.
9

10 Attorney Atterbury, on behalf of Pizza Al Fresco, LLC, provided
11 an overview of the applicant's request.
12

13 Planning, Zoning, and Building Director Page provided Staff's
14 comments.
15

16 Leta Austin Foster, 345 Pendleton Lane, spoke in opposition of the
17 proposed additional seating and of the impact on parking during
18 season.
19

20 Responding to Ms. Foster's concerns, Attorney Atterbury stated
21 that his client, Mrs. Desiderio, will work with her to mitigate the
22 parking issues.
23

24 Responding to Council President Rosow, Attorney Atterbury
25 indicated the location of the common areas that were owned in
26 common and controlled by the condominium association, and
27 noted that the Association has consented to the use of the outside
28 seating in the west via.
29

30 Ali Amirniroumand, representing Via Mizner Worth Avenue
31 Association, spoke regarding his allowance of the use of the
32 outside space.
33

34 Endia Foster, 64 Via Mizner, spoke regarding non-existent shops
35 shown on the drawings in the presentation and the tables not being
36 drawn to scale.
37

38 Town Clerk Owens administered the oath to those who had not
39 already been sworn in and would be providing testimony.
40

41 Liz Maass, who owned property at 75 Via Mizner, 225 Monterey
42 Road, and 227 Brazilian Avenue, spoke regarding the shared
43 ownership of the common areas, and stated that she was not
44 approached or asked for her support for the expanded use of the
45 courtyard, and she offered to meet with the Association's Board of
46 Directors to solve the issue.

Discussion ensued regarding the Council's role in the requirements of special exceptions and variances.

Motion was made by Council Member Kleid, and seconded by Council Member Diamond, to defer Special Exception #10-2013 with Variances to the October 9, 2013, Town Council meeting to allow the applicant to address the concerns of the nearby businesses and property owners. On roll call, the motion carried unanimously.

2. New Business

- a. SPECIAL EXCEPTION #16-2013 The application of Hillstone Restaurant Group, Inc.; relative to property commonly known as **340 Royal Poinciana Way, Suite 336**; described as lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting the removal of a previous condition of approval. When the Palm Beach Grill was approved via Special Exception #34-98 in 1999, one of the conditions of approval required that each year at the time of renewal of the occupational license (aka business tax receipt) was that the applicant provide a sworn statement from a certified public accountant which demonstrated that the restaurant meets the Town serving requirement. The statement identifies the information used in making the conclusion in the statement and the Town has the right to audit said information. The applicant is requesting that the Town-serving statements prepared each year since the original approval no longer be required as the restaurant has always been Town-serving. [Attorney: James M. Crowley]

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

Attorney Crowley, on behalf of Hillstone Restaurant Group, Inc., provided an overview of the applicant's request.

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

Discussion ensued regarding whether or not the Palm Beach Grill is Town-serving.

Tom Allen, Palm Beach Grill General Manager, offered to adopt whatever process that would satisfy the requirements of a Town-serving establishment.

Town Attorney Randolph stated that today's issue is whether or not the Town Council will lift the annual requirement of

submitting an affidavit each year showing that they are Town-serving.

Discussion continued regarding priority seating for Palm Beach residents in lieu of Town-serving annual reporting for the Palm Beach Grill and the fact that any new business is required to produce Town-serving documentation.

Mayor Coniglio stated that the rules cannot be changed to fulfill obligations by the Town. All restaurants should then be required to have the same Town-serving requirements as the Palm Beach Grill.

Town Attorney Randolph stated that they were not changing the criteria for Town-serving. If Palm Beach Grill wants to do away with their annual reporting, they would need to offer a concession to the Town.

Motion was made by Council Member Diamond that Special Exception #16-2013 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. Motion died for lack of a second.

Motion was made by Council Member Diamond, and seconded by Council President Rosow, to defer Special Exception #16-2013 to the October 9, 2013, Town Council meeting to allow the applicant time to create a priority seating/reservation plan for Palm Beach residents, and to approve an extension of one month for the applicant to submit their Town-serving documentation in order to address the above concern. On roll call, the motion carried unanimously.

- b. SPECIAL EXCEPTION #17-2013 WITH SITE PLAN REVIEW AND VARIANCES The application of Hermes of Paris; relative to property commonly known as **240 Worth Avenue & 240 Worth Avenue, Suite B (aka Suite 7)**; described as Lots 5-16 inclusive, Block 18, Royal Park Addition 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 4, page 1; located in the C-WA Zoning District. The applicant is requesting special exception approval to allow an existing apparel store (Hermes) to expand into space on the second floor which will increase their current square footage from 3,856 square feet to 5,470 square feet of gross leasable area. Since the proposed space is in excess of 4,000 square feet of gross leasable area, the Applicant is required to obtain Town Council approval and a finding that the proposed use is town-serving. A request is also proposed for modification to a previously approved Site Plan

Review to enclose an exterior stairwell landing which will increase the first floor square footage by 37 square feet. A variance is also being requested as the stairwell enclosure will increase lot coverage to 74.92% in lieu of the 74.83% existing and 35% maximum allowed in the C-WA Zoning district. [Attorney: Maura Ziska] [Landmarks Preservation Commission Recommendation: Implementation of the variance will not cause negative architectural impact to the landmark property. Carried 7-0]

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

Attorney Ziska, on behalf of Hermes of Paris, provided an overview of the applicant's request.

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

Mayor Coniglio spoke regarding the applicant attesting to being Town-serving.

Responding to Mayor Coniglio, Rob Walton, Lead Code Enforcement Officer, stated that a private residence had been cited as a result of Hermes of Paris using the property improperly and that the situation has been corrected.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Special Exception #17-2013 with Site Plan Review and Variances 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.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that the site plan review related to Special Exception #17-2013 with Site Plan Review and Variances be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that the variances related to Special Exception #17-2013 with Site Plan Review and Variances be granted and find, in support thereof, that all of the criteria applicable to this

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

- 3
4 c. VARIANCE #35-2013 The application of Winston D. Wren and
5 Allison K. Wren; relative to property commonly known as **228**
6 **Nightingale Trail**; described as The west 90 feet of Lot 47,
7 Mocking Bird Trail Tract, according to the Plat thereof, as
8 recorded in Plat Book 18, Page 7 of the Public Records of Palm
9 Beach County, Florida; located in the R-B Zoning District. The
10 applicant is requesting a variance to permit the construction of a
11 1,230 square foot addition including a 670 square foot guest suite
12 in the southwest corner of the existing home, which guest suite
13 would have a side yard setback of 9 feet 8 inches in lieu of 12 feet
14 6 inches minimum required. [Attorney: Maura Ziska]

15
16 It was noted for the record that Attorney Timothy Hanlon is the
17 attorney for this item, not Ms. Ziska.

18
19 The following ex-parte communications were declared: Council
20 President Rosow spoke with Attorney Hanlon, who advocated the
21 position of his clients.

22
23 Attorney Hanlon, on behalf of Winston D. and Allison K. Wren,
24 provided an overview of the applicants' request.

25
26 Planning, Zoning, and Building Director Page provided Staff's
27 comments.

28
29 **Motion was made by Council Member Diamond, and seconded by Council Member**
30 **Pucillo, that Variance #35-2013 be granted and find, in support thereof, that all of the**
31 **criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7**
32 **have been met. On roll call, the motion carried unanimously.**

- 33
34 d. VARIANCE #36-2013 The application of Toni Holt Kramer and
35 Robert David Kramer; relative to property commonly known as
36 **211 Tangier Avenue**; described as Lot 14, TANGIER ESTATES,
37 according to the Plat thereof as recorded in the Plat Book 12, Page
38 16, Public Records of Palm Beach County, Florida; located in the
39 R-B Zoning District. The applicant is requesting a variance to
40 construct a proposed 605.82 square foot second story addition over
41 the existing garage with an exterior stair (55.33 sq. ft.) on the east
42 side of the house for a caretakers bedroom that requires approval
43 of the following variances: 1) a cubic content ratio of 4.12 in lieu
44 of the 3.93 maximum allowed and 3.89 existing; 2) 1 front yard
45 setback of 25 feet in lieu of the 30 foot minimum required for a
46 two story structure in the R-B Zoning District; 3) a side yard

setback of 12.5 feet in lieu of the 15 foot minimum required for a two story structure in the R-B Zoning District. [Attorney: Maura Ziska] [Architectural Commission: Implementation of the variance will not cause negative architectural impacts to the subject property. Carried: 7-0]

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

Attorney Ziska, on behalf of Toni Holt Kramer and Robert David Kramer, provided an overview of the applicants' request.

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

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Variance #36-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

C. Other

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 5-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan, By Amending The Future Land Use Element Data & Analysis And Policies 2.3 And 11.1 To Provide For The Creation Of A PUD-5 Within An Area Of Property Designated Commercial On The Future Land Use Map, Which Is Bounded By Bradley Place, Sunset Avenue, North County Road, And Royal Poinciana Way; Further Amending Policy 2.3.3 To Provide For The Creation of Commercial/Mixed-Use PUD's, The Creation Of The PUD-5, Detailing An Increase In The Maximum Allowable Density, And Creating Maximum Lot Coverages For First, Second and Third Stories In The PUD-5 Area; Further Creating Policy 11.1.5 That Details Mixed-Use PUD Development Requirements Within Commercial Land Use Categories Provided Certain Threshold Criteria Are Met, And Providing For Said Certain Threshold Criteria; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Hereof; Providing For Codification; And Providing For An Effective Date. [John Page, Director of Planning, Zoning, and Building]

Council President Rosow spoke regarding the proposed large-scale model of Royal Poinciana Way that could be divided into removable parts showing the effect of the proposed Comprehensive Plan Amendments and PUD-5.

Mayor Coniglio recused herself, left the dais, and provided a Memorandum of Voting Conflict Form 8b to Town Clerk Owens.

Discussion ensued regarding the issue of the creation of a PUD-5, residents taking legal action resulting in costs to the Town and delay of the project, publishing the ordinances in advance of the October meeting, and possibly preparing a digital illustration of the build out of the PUD-5 instead of a model.

Responding to Council President Rosow, Town Attorney Randolph spoke regarding the timing of the public hearings and the advertisements.

Discussion continued regarding advertising in the *Palm Beach Post* and the *Palm Beach Daily News* to satisfy NAPB's claim of improper publishing procedures, deferring the public hearing to October, and when the model might be completed.

Town Attorney Randolph advised that it was important to adopt the Comprehensive Plan Amendments by November because Florida Statutes provide that after transmittal to the state, the amendments must be adopted within 180 days or they will become null and void.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to defer additional readings of Ordinance Nos. 5-2013 and 6-2013 to the months of October and November so that Staff can republish the required public notice in both the *Palm Beach Daily News*, once they begin publishing seven days a week again, and the *Palm Beach Post*. On roll call, the motion carried unanimously.

Town Manager Elwell spoke regarding the proposed PUD-5 model, funding for the model, and waiving the purchasing procedures if needed.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to approve funding, in an amount not to exceed \$35,000, towards the Royal Poinciana Way/PUD-5 models which shall show the area as it currently exists and what the maximum build outs could be under the current code and the proposed PUD-5, to approve a waiver of the purchasing policy, based upon the urgency of the project, and to provide the Town Manager the discretion to proceed with the retention of the appropriate party to prepare the models. On roll call, the motion carried unanimously.

1 By consensus of the Town Council, Staff was directed to provide an update on who was
2 selected to prepare the models and their cost at the September 18, 2013, Special Town
3 Council meeting.
4

5 2. ORDINANCE NO. 6-2013 An Ordinance Of The Town Council Of The
6 Town Of Palm Beach, Palm Beach County Florida, Amending Chapter
7 134, Zoning, At Section 134-476 By Creating Purpose Language For An
8 Optional PUD-5, Historic Preservation Mixed Use Development, With A
9 Contributing Building Report And PUD-5 Design Guidelines Adopted By
10 Reference For The Five Palm Beach Acres In the C-TS Zoning District
11 Between Royal Poinciana Way And Sunset Avenue And Bradley Place
12 And North County Road And By Prohibiting The Use Of The PUD-5
13 Regulations For Five Years If A Contributing Building Is Voluntarily
14 Demolished; Section 134-477 By Creating A Review Process For The
15 PUD-5 And Prohibiting Variances From Certain Lot, Yard And Bulk
16 Regulations; Subdivision II, Sections 134-531, 134-532, 134-533 And
17 134-534 By Adding Submittal Requirements For A PUD-5; By Creating A
18 New Approval Process For PUDs And Amendments To PUDs By
19 Eliminating The Tentative And Final Approval Process And Replacing
20 With A Streamlined Approval Process; And By Creating A New
21 Completion Deadline for PUDs; By Eliminating Subdivision III, Sections
22 134-561 And 134-562 Related To The Tentative And Final PUD Approval
23 Process; By Renumbering 134-563 To 134-561 Adding PUD
24 Amendments And Eliminating Property Owner Consent To Amend PUDs;
25 By Renumbering 134-564 To 134-562, Adding PUD Amendment
26 Language, Eliminating The Existing Time Frame Requirement For
27 Commencement And Providing For New Commencement Language In
28 The PUD Resolution; Section 134-651 By Creating PUD-5 As A Special
29 Exception And Site Plan Review; Section 134-652 By Adding The PUD-5
30 And Identifying The Area Where A PUD-5 May Be Applied; Section 134-
31 653 By Adding A Maximum PUD-5 Lot Size And Providing A Provision
32 Which Prohibits A Variance From The Maximum Lot Size; Section 134-
33 654 By Creating A Density for the PUD-5 Of Ten Dwelling Units Per
34 Palm Beach Acre With A Maximum Of Thirteen Dwelling Units Per Palm
35 Beach Acre In Lieu Of The Maximum Six Dwelling Units Per Acre
36 Allowed In the Underlying C-TS Zoning District; Section 134-656 By
37 Providing Permitted And Special Exception Uses In The PUD-5 And
38 Creating Separation Requirements Between Residential And Commercial
39 Uses; Section 134-657 By Creating A Minimum Public Open Space
40 Requirement In The PUD-5 With A Provision Prohibiting A Variance
41 From that Requirement; Section 134-687 By Providing Requirements That
42 A PUD-5 Preserve The Main Street Character, Size And Bulk Which
43 Currently Exists In The Five Palm Beach Acres; Section 134-688 By
44 Providing Qualifying Language For The PUD-5 And Further
45 Incorporating By Reference The Contributing Building Report And PUD-
46 5 Design Guidelines; Section 134-689 By Eliminating The Requirement

For Street Trees And Adding Language Which Requires Trees Bordering Projects Whenever Possible; Section 134-690 By Adding Language That A PUD-5 Is Required To Have Curb Cuts And Vehicular Access From Only Sunset Avenue; Section 134-691 By Providing A PUD-5 Off-street Parking Exception For Replacement Of Existing Commercial Square Footage Or Intensity Of Use, New Ground Floor Retail Use, Or Retail Use Which Replaces Ground Level Off-street Parking And Curb Cuts Fronting Royal Poinciana Way; Section 134-692 By Adding Language That Prohibits Variances For Lot Coverage, Height, Overall Height and Public Open Space and Providing New Regulations Creating A PUD-5 Density Of Ten to Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Six Dwelling Units Per Acre Currently Allowed In The C-TS Zoning District, Provided Certain Conditions Being Met, By Creating Maximum Heights and Overall Heights, Including A Provision For Three Stories Where Only Two Stories Is Currently Allowed, By Adding First Floor And Second Floor Lot Coverage Of Seventy Percent And A Third Story Lot Coverage Of Thirty-five Percent, By Creating Setbacks Based On PUD Approval, By Eliminating Required Setbacks And Determining Setbacks During The Approval Process And By Creating A Minimum Thirty Percent Public Open Space Requirement; Section 134-693 By Creating Said Section And Providing A Five Year Sunset Provision Unless The Town Council Approves An Extension; Section 134-1109 Creating The PUD-5 As A Special Exception Use Within The Defined Five Palm Beach Acres In The C-TS Zoning District; By Adopting By Reference The Attached Palm Beach PUD-5 Design Guidelines And The Contributing Building Report: The Historic Character Of Royal Poinciana Way; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date. [John Page, Director of Planning, Zoning, and Building]

(Clerk's Note: Please see Item No. VIII.A.1., as this item was considered concurrently with it.)

B. First Reading – None

IX. ANY OTHER MATTERS

A. Consideration Of The Testa Family, Inc., Comprehensive Plan And Zoning Text Amendment Application To Create An Overlay Within The Five Acres Of Land Between Bradley Place And North County Road And Royal Poinciana Way And Sunset Avenue. The Application Was Previously Deferred April 2012 To The February 2013 Council Meeting In Order For The Newly Established Royal Poinciana Way Committee To Study Regulations For This Area. *Deferred from the April 11, 2012, February 13, 2013, and April 10, 2013 Town Council Meetings. - This item was withdrawn.*

X. ADJOURNMENT

There being no further business, the September 11, 2013, regular Town Council meeting was adjourned at 11:35 a.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: SEPTEMBER 11, 2013

APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL
MEETING

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting Held on September 11, 2013

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON WEDNESDAY, SEPTEMBER 11, 2013**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order on Wednesday, September 11, 2013, at 1:34 p.m., 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 was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve the Agenda. On roll call, the motion carried unanimously.

A. Coastal Protection Program.

1. Level of Protection Provided by Pilings, Seawalls, and Groins.
[H. Paul Brazil, Director of Public Works]

Discussion ensued regarding the levels of protection provided by pilings, seawalls, and groins, the effect of storms on both sides of the island, and the extension of the sand transfer plant.

2. Financing Options.
[Peter B. Elwell, Town Manager, and Jane Struder, Director of Finance]

Discussion ensued regarding how a milage only, a special assessment only, and a hybrid financing program might work, bank borrowing, bond financing, the use of market versus taxable property values, proposed special assessment areas and methodologies, FEMA funding, and Longboat Key's special assessment program.

1 By consensus of the Town Council, each Council Member will meet individually with Town
2 Manager Elwell to identify which cost distribution method they would like to utilize, and
3 Town Manager Elwell will then provide a list of what the Town can do.
4

5 IV. ANY OTHER MATTERS – None
6

7 V. ADJOURNMENT
8

9 There being no further business, the September 11, 2013, special Town Council meeting
10 was adjourned at 3:03 p.m.
11

12
13 APPROVED:
14
15

16
17
18 _____
19 David A. Rosow
20 Town Council President

21 ATTEST:
22
23

24 _____
25 Susan A. Owens, MMC
26 Town Clerk
27

28 _____
29 Date

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: SEPTEMBER 18, 2013

APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL
MEETING

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting Held on September 18, 2013

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON WEDNESDAY, SEPTEMBER 18, 2013**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order on Wednesday, September 18, 2013, at 5:01 p.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present, with the exception of Council President Pro Tem Wildrick.

II. PLEDGE OF ALLEGIANCE

Council President Rosow led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The following change was made to the Agenda:

MOVED: Item No. V., Royal Poinciana Way models, and No. VI., Town Hall Square, were switched.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve the agenda, as amended above. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

IV. PUBLIC HEARING ON FINAL MILLAGE RATE AND FY14 BUDGET

A. Proof of Publication

Town Clerk Owens confirmed that the Town had received the proof of publication notice for this meeting.

B. Announcement of Proposed Operating Millage Rate

Council President Rosow read into the record the required legal verbiage.

- 1 C. Reasons for Proposed Operating Millage Rate Increase from the Rolled-Back
2 Millage Rate

3
4 Town Manager Elwell read into the record the required legal verbiage.

5
6 Discussion ensued regarding the use of contingency funds.

- 7
8 D. Comments and Questions from Public

9
10 There were no comments or questions from the public.

- 11
12 E. RESOLUTION NO. 148-2013 A Resolution of the Town Council of the Town of
13 Palm Beach, Palm Beach County, Florida, Adopting the Final Millage Rate and
14 Levying Ad Valorem Taxes for the Fiscal Year Beginning October 1, 2013, and
15 Ending September 30, 2014; Setting Forth Certain Information Regarding the
16 Rolled-Back Millage Rate; Directing the Town Manager or the Finance Director
17 to Adjust the Adopted Millage Rate in the Event of Changes in the Assessment
18 Roll and Taxable Value; Providing an Effective Date.

19
20 **Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to**
21 **approve Resolution No. 148-2013. On roll call, the motion carried 3-1, with Council**
22 **Member Diamond dissenting and Council President Pro Tem Wildrick absent.**

- 23
24 F. RESOLUTION NO. 149-2013 A Resolution of the Town Council of the Town of
25 Palm Beach, Palm Beach County, Florida, Adopting a Final Budget and
26 Appropriating Funds for the Fiscal Year Beginning October 1, 2013, and Ending
27 September 30, 2014; Providing for an Effective Date.

28
29 **Motion was made by Council Member Kleid, and seconded by Council Member Pucillo, to**
30 **approve Resolution No. 149-2013. On roll call, the motion carried 3-1, with Council**
31 **Member Diamond dissenting and Council President Pro Tem Wildrick absent.**

32
33 **V. UPDATE REGARDING ROYAL POINCIANA WAY ARCHITECTURAL**
34 **MODELS**

35 [Peter B. Elwell, Town Manager]

36
37 Town Manager Elwell reported that the Town was able to contract with the University of
38 Miami (UM) to prepare the models. The cost would be approximately \$35,000, and they
39 would take a while to build and not be ready before the Town Council votes on the
40 Comprehensive Plan amendments in October and November. He added that the Town
41 Council also needs to decide how many models they want prepared.

42
43 Discussion ensued regarding costs, the number of models needed, timing, and using
44 computer visuals instead of the models. The majority of the Council members felt that,
45 even though the models would not be ready prior to their votes, the model would serve as
46 a good visual to educate people with.

William Cooley, 236 Fairview Lane, expressed concern over what the Town would do with the models if the amendment ordinances do not pass.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to direct Staff to finalize negotiations with UM to prepare the models, and to stick to the October/November timeline for consideration of the Royal Poinciana Way Comprehensive Plan amendment hearings. On roll call, the motion carried 3-1, with Council Member Diamond dissenting and Council President Pro Tem Wildrick absent.

**VI. TOWN HALL SQUARE IMPROVEMENT PROJECT –
RECOMMENDATION TO INCLUDE IN ACIP PHASE 2**

[David A. Rosow, Town Council President]

Discussion ensued regarding the Town taking over the project, fundraising, naming rights, bond financing, keeping the Legacy Commission, the Architectural Commission, the Landmarks Preservation Commission, the Garden Club, and the Civic Association involved in the process, the need for a Request for Proposals/Qualifications if the project exceeds \$2 million, and the need to get a clearer understanding of the extent of the project.

Motion was made by Council Member Kleid, and seconded by Council Member Diamond, to approve the Town managing, in partnership with the Legacy Commission and the appropriate entities, the Town Hall Square Improvement Project. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

VII. ANY OTHER MATTERS – None

VIII. ADJOURNMENT

There being no further business, the September 18, 2013, special Town Council meeting was adjourned at 5:50 p.m.

APPROVED:

ATTEST:

David A. Rosow
Town Council President

Susan A. Owens, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Consent Agenda

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of September 25, 2013.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated September 27, 2013, from John S. Page, Director of Planning, Zoning, and Building
- Minutes of the Architectural Meeting September 25, 2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of September 25, 2013

Date: September 27, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of September 25, 2013.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of September 25, 2013.

GENERAL INFORMATION

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

Attachment

JSP:cmd



MINUTES
ARCHITECTURAL COMMISSION
IN THE
TOWN COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 SOUTH COUNTY ROAD, PALM BEACH, FL
WEDNESDAY, SEPTEMBER 25, 2013, 9:00 a.m.

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

I. CALL TO ORDER: (9:00:48 a.m.)

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

II. ROLL CALL: (9:00:51 a.m.)

Robert J. Vila, Chairman	PRESENT
Nikita Zukov, Vice Chairman	PRESENT
Kenn Karakul, Member	ABSENT (determination pending)
Ann L. Vanneck, Member	PRESENT
Henry Homes III, Member	PRESENT
Richard Sammons, Member	PRESENT
Peter I. C. Knowles II, Member	PRESENT
Martin D. Gruss, Alternate Member	ABSENT (unexcused)
Alexander C. Ives, Alternate Member	PRESENT
Michael B. Small, Alternate Member	PRESENT

Let the record show that Mr. Ives was a voting member today due to the absence of Mr. Karakul.

Staff members present: John S. Page, Director of Planning, Zoning and Building, John Lindgren, Planning Administrator, Paul Castro, Zoning Administrator (part of meeting), John C. Randolph, Town Attorney (part of meeting), and Cynthia Delp, Secretary to the Architectural Commission.

III. PLEDGE OF ALLEGIANCE: (9:01:18 a.m.)

- IV. **APPROVAL OF THE MINUTES FROM THE AUGUST 28, 2013 MEETING: (9:01:47 a.m.)**
MOTION BY MR. HOMES FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.
- V. **APPROVAL OF THE AGENDA: (9:02:02 a.m.)**
MOTION BY MR. HOMES FOR APPROVAL OF THE AGENDA, INCLUDING
ADJUSTMENTS.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.
- VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (9:02:36 a.m.)**
Mrs. Delp administered the oath at this time and as necessary throughout the meeting.
- VII. **OTHER BUSINESS: (9:02:38 a.m.)** None
- VIII. **PROJECT REVIEW: (9:02:39 a.m.)**

A. **MAJOR PROJECTS-OLD BUSINESS: (9:02:42 a.m.)**

B - 031 - 2013 New Beach Cabana

Address: 230 S. Ocean Boulevard

Applicant: John Ceriale

Architect: Jose Andrew Gonzalez, Gonzalez Architects

Project Description: A new 196 Sw. ft. beach cabana

This project was on the April agenda, but was not heard at that time. It was deferred to the June meeting because Town Council approvals were required. At the June meeting, the project was not heard, and a motion carried for deferral to the July meeting at the request of the applicant. At the July meeting, a motion carried for deferral of the project to the August meeting, pursuant to the direction (for re-design) given by ARCOM. At the August meeting, the project was deferred to the September meeting for re-study.

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

ARCHITECTURAL PRESENTATION BY: Jose Gonzalez, Gonzalez Architects

Mr. Gonzalez presented the revised project in response to the comments made at previous meetings. Specifically, the revisions are an attempt to address style, buffering and comments relative to the public view. He explained that the cabana dimensions are 7 ft. wide x 20 ft. long, along with a 350 sq. ft. canopy. Mr. Gonzalez presented two design options: One with a single mirrored wall and the rest wrapped in Silver Buttonwood, and the second option with the entire structure wrapped in Silver Buttonwood (no mirrors). There is no lighting on the structure at all.

Under commission comments: Like the wrapping of the structure with landscaping; the experience of being on site is important...in favor of the mirrored solution... there will not be a problem with oncoming traffic ...the Silver Buttonwood on 3 sides makes it more interesting; architecture does not fit in Palm Beach...wrapping the building in green is an improvement...mirrors will have to be cleaned daily...cantilevering the roof does not fit into the

neighborhood; very opposed to mirrors in gardens because birds injure themselves...the engineering required for the cantilever due to uplift can probably be solved, but why?; cladding this in Silver Buttonwood looks like "Cousin It" with this roofline coming out of green plants, so I cannot support it; I just don't like the mirrors.

Mr. Gonzalez responded to the comments defending the design. He noted that the structure and cantilever is designed for a Category 5 hurricane.

**MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED WITH THE MIRRORS.
MOTION SECONDED BY MR. IVES.
MOTION FAILED, 3-4, WITH MRS. VANNECK, AND MESSRS. HOMES, KNOWLES
AND SAMMONS OPPOSED.**

**MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED WITHOUT THE
MIRRORS.
MOTION DIED FOR LACK OF A SECOND.**

**MOTION BY MR. HOMES TO DEFER FOR RE-STUDY.
MOTION DIED FOR LACK OF A SECOND.**

Mr. Gonzalez asked, if the project is denied, for a motion which includes the specific reasons. He also noted that very contemporary architecture has been approved in the Town of Palm Beach.

Additional commission comments: Would you consider the Silver Buttonwood on 3 sides and on the north side, have stucco and a sculpture on or in front of the wall; location, location, location... this is South Ocean Boulevard...it is not a contemporary design on an interior street...it doesn't fit; the subtlety is not perceived by looking at a rendering...you have to be there to understand...the design is very complimentary to the pool and landscaping on that side of the road.

**MOTION BY MR. IVES TO APPROVE THE ARCHITECTURE, BUT TO STUDY THE
LANDSCAPING WITH THE POSSIBILITY OF A STATUE OR SOME SORT OF THING
HIGHLIGHTING THE FRONT THERE; (THEN RESTATED AS SUCH) ...AND STUDY
THE LANDSCAPING ON PUTTING SOME SORT OF STATUE OR STRUCTURE
THERE TO KIND OF HIGHLIGHT THE SILVER BUTTONWOOD, IF IT'S GOING TO
WRAP AROUND THE FRONT.
MOTION SECONDED BY MR. ZUKOV.
IT WAS CLARIFIED THAT THE MOTION IS FOR APPROVAL OF THE
ARCHITECTURE WITHOUT THE MIRRORS.
MOTION CARRIED 4-3, WITH MRS. VANNECK AND MESSRS. HOMES AND
SAMMONS OPPOSED.**

It was clarified that the landscaping will return to ARCOM as a new and separate application.

[B - 036 - 2013 New Residence](#)

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 270 El Bravo Way

Applicant: Mr. and Mrs. Gary L. Schottenstein

Architect: Dailey Janssen Architects, Roger Janssen

Project Description: New two-story residence with 11,395 air conditioned square feet with pool, hardscape, landscape and site lighting. Building: Coral; Trim: Coral; Roof: Terra Cotta

This project was not heard at the May meeting, but was deferred to the June meeting. It is now a "combo" project. At the June meeting, a motion carried "to defer to next month with clarification on all of these very important details and ornamentation so that we can understand what we are looking at and if it's architecturally suitable, and also look at reducing some of the massing to the north." At the July meeting, a motion carried for approval of the architecture as presented, with a re-study of the chimney cap. Another motion carried that implementation of the proposed variances will not cause negative architectural impacts to the subject property. There was a third motion which carried, for deferral of the landscaping to the August meeting, after meetings with Mr. Vila and Mrs. Vanneck, and taking into account the recommendations that were made. At the August meeting, the project was deferred to the September meeting for substantial re-study.

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

MOTION BY MRS. VANNECK FOR DEFERRAL TO THE DECEMBER MEETING.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

[B - 064 - 2013 Addition/Renovation](#)

Address: 285 Colonial Lane

Applicant: 285 Colonial Lane LLC

Architect: J-W Engineering, Inc. (James Wesson)

Project Description: Interior renovation of existing house, addition of master bedroom wing, addition of cabana/office, renovation of main house attic into 2nd floor area with dormers, renovation of garage attic into bedroom area with dormer, pool revisions, new hardscape and landscaping (retaining all perimeter landscaping).

At the July meeting, a motion carried to defer the project to the August meeting "for re-study of those elements that we spoke about". This motion was seconded noting that the pool is green and is not secured and must be addressed immediately. At the August meeting, the project was deferred to the September meeting for re-study per ARCOM's recommendations.

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

ARCHITECTURAL PRESENTATION BY: Campion Platt, Designer

Mr. Platt presented revised plans in response to the comments made at previous meetings. Some changes made include: Elimination of the pergola (over the cabana) in favor of adding a second floor office with dormers front and rear, and a landscaped wall (from the ground level up to the dormers) facing the street; elimination of the previously proposed exterior stair; brought main house dormers down lower on the roof; and, site lighting was changed to lower wattage LED lights and the number of fixtures was reduced.

Under commission comments: How about just raising the roof instead of doing the dormers?... the dormers would look better as one continuous dormer...dormer on garage is too flat; these dormers are incompatible with the neighborhood; it's very common for single story residences to be reconstructed as two stories; with the amount of work you are doing at the second story, you may just want to raise the roof to add a second story; it's a difficult project...the house is not a tear down; it has some integrity...it's totally hidden from the street, except for the dormers; from the streetscape, the dormers need to be subservient and stay away from the ridge line...perhaps one single shed dormer is better...issues with position and pitch of dormer at garage; and, the amount of free board above the windows is excessive for the dormers.

**MOTION BY MR. SAMMONS TO DEFER FOR THE RE-STUDY OF THE DORMERS.
MOTION SECONDED BY MR. ZUKOV.**

Mr. Platt asked whether he might make the changes requested, and then have the project reviewed and approved after today's meeting. Mr. Randolph advised that the changes represent more than a "tweak" and it would be difficult for Building Department staff to determine if ARCOM's criteria have been met. Further he advised that ARCOM cannot defer, to one member of the commission, what the entire commission wants the applicant to do.

**MOTION BY MR. SAMMONS FOR APPROVAL OF THE PROJECT SO THEY CAN
MOVE FORWARD, BUT THAT THE DORMERS BE SENT BACK TO US (ARCOM)
RE-STUDIED.**

MOTION SECONDED BY MR. ZUKOV AND MR. HOMES.

MOTION CARRIED 6-1, WITH MRS. VANNECK OPPOSED.

[B - 049 - 2013 New Residence](#)

Address: Lots 7 & 8 El Mirasol

Applicant: Mr. Andy and Mrs. Neeta Khubani

Architect: Jeffrey A. Beer, AIA Leed AP

Project Description: Construct a new contemporary style residence in Palm Beach, Florida that consists of 13,502 sq. ft. including the garages and covered porches (10,285 sq. ft. of air conditioned space). The residence will also have a pool, hardscape, and landscape in the design. The home will have 6 bedrooms, maid's room, loggia and a five-car garage. The overreaching mood was one of innovation and optimism with great rhythm incorporating a fine balance of elegance and calming. Two stories with Flat red/brown clay tile roof, and coquina stone coloring.

The project was not heard at the August meeting, but was deferred to the September meeting at the request of the applicant. ***Please be advised that the applicant's attorney has requested that this project be withdrawn.***

MOTION BY MRS. VANNECK TO WITHDRAW THE PROJECT.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

B - 075 - 2013 Demolition and New Residence

Address: 333 Brazilian Avenue

Applicant: 333 Brazilian Avenue, LLC

Architect: Roger P. Janssen

Project Description: Demolition of existing two-story residence, two-story guesthouse, hardscape and landscape. Construction of a new 5,660 sq. ft. two-story residence with pool, hardscape and landscape. Building/Trim/& Roof Color: White

At the August meeting, motions carried for approval of the demolition with the usual caveats and approval of the architecture, as presented, except for the minor change to the east elevation. A third motion carried for deferral of the landscape to the September meeting with the idea that the applicant is to talk to the neighbors, come back with suggestions for replacing the fishtails on the east and west sides, eliminating the piers at the front, and considering the height of the hedge in the front as well as the density of the material chosen, as far as the Ligustrum is concerned.

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

LANDSCAPE PRESENTATION BY: Chuck Yannette, Parker Yannette

Mr. Yannette presented the revised plans pursuant to the comments made at the last meeting. First, he noted that he had addressed the issue of the Coconut Palms extending over the neighbor's property and forwarded the revised plans to that neighbor. The commission had been concerned about the use of Fishtail Palms on the east and west sides in the narrow areas next to the building. The Fishtails have been replaced by Callophyllum trees with Sabal Palms above (16 ft. clear trunk). The 8 ft. Podocarpus hedge remains in the design for the front of the property, but wall elements were deleted.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

B - 077 - 2013 Alterations to Residence and Site

Address: 7 Lagomar Road

Applicant: Mathieu P. Rosinsky

Architect: Roger Janssen

Project Description: Proposed alterations and renovations to existing two-story residence with site, hardscape, landscape and pool improvements

The project was reviewed at the August meeting, and a motion carried for deferral to the September meeting for additional study.

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

Mr. Randolph coached the members relative to more complete disclosures.

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Janssen presented revised plans in response to the comments made at the last meeting. Some changes include: Change in position of entrance driveway to provide a safer entry; equipment locations grouped into one yard, walled in and with a landscaped pergola over it to mitigate noise;

roof material changed to flat red terra cotta tile; shutters changed to natural mahogany; change to pattern of limestone veneer; removed metal at belt course; changed glass guard rails to horizontal metal bars with mahogany cap; changed garage door from all glass to mahogany panels with top course of clear glass; introduce railing and balcony on front elevation; rear railing changes; and, assorted fenestration changes. He noted that the boathouse pilings have been inspected and aside from one area needing some repair, they are structurally sound.

Mr. Williams continued with the landscape/hardscape stating that there have been some modifications to the site, but the design intent is the same. Changes include: the driveway entrance shifted to the north; increased landscape on the street side; added Coconut Palms in front of the wall; brought equipment closer to the house and added trellis; added Date Palms flanking the pool; added vines to front of house and trees to fountain area.

Mr. Lindgren read comments from Martin Gauthier, Project Engineer, wherein he indicated that the driveway entrance location still conflicts with the median island in Lagomar Road. The applicant must provide a revised driveway plan or a driveway study performed by a Florida registered engineer showing that the relocated driveway is safe. Any approval should be conditioned on the submission of the aforesaid study.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED, BUT THEY HAVE TO PRESENT AN ENGINEERING STUDY, A SITE ENGINEERING STUDY, FOR THE DRIVEWAY TO VERIFY THAT IT IS SAFE.

MOTION SECONDED BY MR. HOMES.

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

[B - 079 - 2013 New Residence](#)

Address: 212 Coral Lane

Applicant: Parkwood Trust Company (Tony Beyer)

Architect: Smith and Moore Architects Inc., Daniel Kahan

Project Description: New one-story residence. Final landscape, hardscape and pool.

The project was reviewed at the August meeting. A motion carried for approval of the architecture as presented. A second motion carried to defer the landscaping, not the hardscaping, to the September meeting for future study.

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

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Williams presented the revised plans pursuant to the comments made at last month's meeting. He explained that the south, east and west landscaping remains unchanged since the last presentation. On the north elevation changes include: Change to species and position of trees in front of home; added street side buffer; added tropical layered landscape material; changed monolithic slab steps to a loose flagstone path; change specimen tree from Green Buttonwood to Silver Buttonwood and change its position; and, change to berm.

Under commission comments: The neighbors feel that the house brings nothing to the neighborhood so landscape as heavily as possible; you've done a very good job in addressing our comments from last month...moving the Silver Buttonwood is terrific...lushness creates a nice statement for the neighborhood.

**MOTION BY MR. IVES FOR APPROVAL OF THE LANDSCAPE AS PRESENTED.
MOTION SECONDED BY MRS. VANNECK WITH THE SANSIVERIA GRASS ON
BOTH SIDES OF THE FRONT DOOR.
MOTION CARRIED UNANIMOUSLY.**

Mr. Page reported that a neighbor has filed an appeal relative to the approval of the architecture for this house which occurred at the August meeting. The appeal will be considered by the Town Council on Wednesday, October 9, 2013. Mr. Page noted that Mr. Vila will be unable to attend that Town Council meeting. As such, he encouraged other ARCOM members to attend.

B. **MAJOR PROJECTS-NEW BUSINESS: (10:15:42 a.m.)**
B - 083 - 2013 Patio

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE

Address: 340 S. Ocean Boulevard

Applicant: Lowell House Condominium Assoc. Inc.

Architect: James C. Paine Jr.

Project Description: Construction of a 480 sq. ft. concrete patio in the front yard between the condominium structure and S. Ocean Blvd.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: James C. Paine Jr., Architect

Mr. Paine explained that a variance is needed for landscaped open space for this proposed patio. Patios have changed over time at this site, and ultimately, the patio was removed entirely when it was damaged. After that the area was sodded. At this time, the request is to allow the replacement of the patio which was once there.

Mr. Lindgren explained that he would normally have staff approved such a request, but because of the required variance, this was brought to ARCOM for review.

Under commission comments: How about something more permeable?; the small patio will not look better than the sod that is there now.

**MOTION BY MRS. VANNECK THAT IMPLEMENTATION OF THE PROPOSED
VARIANCE WILL CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE
SUBJECT PROPERTY.**

MOTION SECONDED BY MR. HOMES.

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

Mr. Randolph commented that if the Town Council grants the variance, the project will most likely not return to ARCOM for approval, since Mr. Lindgren had stated he would normally staff approve such a project. Mr. Castro testified that the reason the project is here today is for ARCOM to make a recommendation relative to the landscaped open space variance.

[B - 085 - 2013 Addition](#)

Address: 200 La Puerta Way

Applicant: Mr. and Mr. J. B. Murray

Architect: MP Design & Architecture Inc.

Project Description: New one story addition to existing residence consisting of a master suite, family room, garage & laundry, new pool, landscape and hardscape

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

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

LANDSCAPE PRESENTATION BY: Steve West, Parker Yannette

Mr. Perry reported that there had been a previous approval for a new two story house at this location. The owner has decided to retain the one story cottage and construct an addition as described above. The proposal includes a one car side-loaded garage, as there is no garage at the property now. The existing cottage look will be retained in the main house and the new addition.

Mr. West presented the landscape/hardscape in accordance with the submitted plans. Design elements include: New driveway configuration; new cast coquina driveway aprons; new 2 ft. high garden wall topped by 2 ft. fence; new 12 ft. x 24 ft. pool with cast coquina patio; aluminum pedestrian gate; landscape material as presented; and, 23 landscape lighting fixtures for a total of 850 watts.

Under commission comments: Issue with transition where tall Ficus abuts the new wall/fence; applaud the project...one of the most charming cottages in the north end; good job in preserving the architectural integrity; and, preserves and enhances the existing structure and is compatible with the neighborhood.

MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

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

[B - 087 - 2013 Storefront](#)

Address: 247 Worth Avenue

Applicant: Jane Holzer

Architect: Callison LLC (Charles Petretti)

Project Description: Demolition of existing "Chopard" walk-in storefront, awning and storefront signage and proposed replacement with new glass/aluminum storefront and awning. New "Sandro" signage.

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

ARCHITECTURAL PRESENTATION BY: Jonathan Tyler, Callison LLC, NYC in conjunction with Jerome Baumohl, local architect

Mr. Tyler presented the project in accordance with the submitted plans and as described above. Design elements include: Change storefront structure; add black aluminum storefront framing

with white canopy and black Sandro lettering. After a short discussion relative to the awning, the following motion was made.

**MOTION BY MR. IVES FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. SAMMONS AND MR. ZUKOV SIMULTANEOUSLY.
MOTION CARRIED UNANIMOUSLY.**

[B - 088 - 2013 Storefront](#)

Address: 249 Worth Avenue

Applicant: Jane Holzer

Architect: Callison LLC (Charles Petretti)

Project Description: Painting of existing stucco, application of new break metal cladding over existing stone window surrounds and relief molding, powder coating existing door and installation of new "Maje" signage. Installation of new awning.

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

ARCHITECTURAL PRESENTATION BY: Jonathan Tyler, Callison LLC, NYC in conjunction with Jerome Baumohl, local architect

Mr. Tyler presented the project pursuant to the submitted plans and as described above. Design elements include: Paint the stucco and clad the storefront in black; add polished stainless steel signage; and, black awnings with lettering on the awnings.

Mr. Lindgren stated that the code does not permit lettering on the awnings.

Under commission comments: This is facing south and it is black metal in Palm Beach...it might work in a mall, but not here due to the heat; black is not appropriate for a south facing facade, and there is too much black making it too different for the avenue; it is not in keeping with the avenue; and, it's a "bit of a black eye".

**MOTION BY MR. HOMES TO DEFER (TO OCTOBER) FOR RE-STUDY.
MOTION SECONDED BY MR. IVES.
MOTION CARRIED UNANIMOUSLY.**

Later in the meeting, just after the motion concerning A-030-2013, the applicant for this project returned to the Chambers seeking reconsideration as the Worth Avenue construction deadline is approaching. The applicant is willing to consider a significant design change.

**MOTION BY MR. IVES TO RECONSIDER.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

Jonathan Tyler offered a solution: White stucco; thick frames white; black storefront frames and black awning.

**MOTION BY MRS. VANNECK TO APPROVE AS CHANGED.
MOTION SECONDED BY MR. IVES.**

(Mr. Vila clarified that only the black anodized window frame and the awning will be black. The signage is as presented, minus the awning signage.)

MOTION CARRIED UNANIMOUSLY.

C. [MINOR PROJECTS - OLD BUSINESS: \(10:46:50 a.m.\)](#)

[A - 030 - 2013 Gate](#)

Address: 346 Brazilian Avenue

Applicant: Dennis Hammond

Architect: Aaron Chandler

Project Description: Install pecky cypress gate in place of wrought iron gate that matches garage door at entry of home

At the August meeting, the project was reviewed and was deferred to the September meeting.

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

As no one was present on behalf of the project:

MOTION BY MR. HOMES TO MOVE THE PROJECT TO THE END OF THE AGENDA.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

After the review of the remaining agenda items, no one was present for this project.

MOTION BY MR. HOMES TO DEFER TO THE OCTOBER MEETING.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

Later in the meeting, Mr. Chandler arrived to present this project.

MOTION BY MRS. VANNECK TO RE-OPEN A-030-2013.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED UNANIMOUSLY.

Mr. Chandler presented the revised project pursuant to the comments made last month.

He indicated that a landscape architect had been hired to provide the desired Ficus hedge facade to the front of the home. He described changes to the columns and hardware related to the gate.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

[A - 031 -2013 Doors/Windows](#)

Address: 760 South County Road

Applicant: Bauman Group

Architect: Rafael Rodriguez

Project Description: This project involves the replacement of existing doors and windows. There will be a new 4'0" H x 12'0"L x 8'0" W clerestory in the kitchen. There are also new door and window openings and existing openings to be closed up.

The project was reviewed at the August meeting, and was deferred to the September meeting for more information and samples.

Please be advised that the architect has requested deferral to the October meeting.

**MOTION BY MRS. VANNECK TO DEFER TO THE OCTOBER MEETING.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.**

D. MINOR PROJECTS - NEW BUSINESS: (10:48:45 a.m.)

A - 032 - 2013 Roof

Address: 285 Jamaica Lane

Applicant: Mary Boykin

Architect: Roger P. Janssen, Dailey Janssen Architects

Project Description: Replace machine made terra cotta barrel tile with new flat concrete tile

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

ARCHITECTURAL PRESENTATION BY: Roger P. Janssen, Dailey Janssen Architects

Mr. Janssen testified that the existing roof, barrel tile, is in bad shape and the owner would like to replace with a slate grey flat tile.

The commission was not pleased with the roof material as proposed.

**MOTION BY MR. HOMES FOR APPROVAL WITH A WHITE OR LIGHTER TILE.
MOTION DIED FOR LACK OF A SECOND.**

**MOTION BY MR. HOMES TO APPROVE REPLACEMENT OF THE EXISTING ROOF
WITH THE SAME BARREL TILE.**

**MOTION SECONDED BY MR. ZUKOV.
THERE WAS NO VOTE ON THIS MOTION.**

**MOTION BY MR. HOMES TO DEFER (TO THE OCTOBER MEETING).
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE): (10:53:08 a.m.) None

**X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING,
ZONING AND BUILDING DEPARTMENT: (10:53:09 a.m.)**

Mr. Page reported that the Planning, Zoning and Building Department has taken measures to address the issue of demolition sites not abiding by the conditions for sodding and irrigating. The computer system will require a final inspection on demolition permits, and that inspection cannot be scheduled until the property has been sodded and irrigated.

- A. Discussion relative to possible change of December meeting date:
After discussion, the commission elected to change the December meeting date.

MOTION BY MRS. VANNECK TO CHANGE THE DECEMBER ARCOM MEETING DATE TO THURSDAY, DECEMBER 12, 2013.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

Mr. Ives spoke out against photos being done in a “fisheye” look. He felt it was a hindrance and was confusing to the review process. Staff will modify the ARCOM application to state that these are not permitted.

Mr. Homes inquired as to the status of the Palm House, 160 Royal Palm Way. Mr. Page reported that the owner of the hotel has filed legal action against the Town because the Town refused to extend the permit for another two years. Meanwhile, the project continues, and Mr. Page stated that the owner is attempting to open this fall. The issue of the palm trees and other issues have been brought to the owner’s attention. Fines are accruing against the property owner since February 15, 2013.

A discussion ensued about the landscape plan and supposed construction activity at the Borislav property, 1045 South Ocean Boulevard. Staff was asked to research the landscape issue, and ARCOM’s instruction to the property owner. Mr. Lindgren responded, however, that ARCOM had denied an application which was previously presented by this property owner. At that time, ARCOM made several requests of the property owner relative to the landscaping, but no motions were made to that effect.

XI. ADJOURNMENT:

MOTION BY MR. HOMES TO ADJOURN THE MEETING AT 11:30 A.M.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Wednesday, October 23, 2013 at 9:00 a.m. in the Town Council Chambers, 2nd Floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

Robert J. Vila, Chairman
ARCHITECTURAL COMMISSION

cmd

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 164-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding A Contract in an Amount not to Exceed \$47,000 to Murphy Stillings, LLC, To Provide Historic Preservation Consulting Services, Establishing a Budget for Said Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated September 24, 2013 from John S. Page
- Resolution 164-2013
- Contract Extension Letter Dated September 9, 2013

TOWN OF PALM BEACH

Information for Town Council Meeting on:

October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Historic Preservation Consultant Selection & Contract
Resolution No. 164-2013

Date: September 24, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 164-2013 authorizing the Town Manager to enter into a contract for a one-year renewal with the firm of Murphy Stillings, LLC for historic preservation services in a not-to-exceed amount of \$47,000.

GENERAL INFORMATION

The firm of Murphy Stillings, LLC was appointed last year as the Town's historic preservation consultant by the Town Council to replace Dr. Jane Day, the Town's previous consultant, who retired after many years of service to the Town.

The Town's Historic Preservation Consultant provides a wide range of services to the Town, including review of all Certificate of Appropriateness applications, research and preparation of Landmark Designation Reports, preparation/processing of tax abatement applications, presentations to the Landmarks Preservation Commission and Town Council, consultations with homeowners regarding the local landmarking process, consultations with individual Commissioners, occasional grant writing, etc.

The firm of Murphy Stillings, LLC has performed these services competently and within budget, and the Planning, Zoning & Building Department recommends that their contract be renewed for another year at the same rate and under the same conditions. They have agreed to these terms in their letter dated September 9, 2013 (attached).

FUNDING/FISCAL IMPACT (if applicable)

The consultants are performing services at the same hourly rate as Dr. Day. The attached Resolution contains a not-to-exceed amount of \$47,000 and this funding is contained in the adopted FY14 budget.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Janet Murphy and Emily Stillings
Lynda Venne Cummings

RESOLUTION NO. 164-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RENEWING A CONTRACT WITH MURPHY STILLINGS, LLC FOR ONE YEAR IN AN AMOUNT NOT TO EXCEED \$47,000, TO PROVIDE HISTORIC PRESERVATION CONSULTING SERVICES, ESTABLISHING A BUDGET FOR SAID SERVICES, AND AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE SAID SERVICES.

WHEREAS, The Town Council of the Town of Palm Beach awarded a one-year contract for historic preservation consulting services to Murphy Stillings, LLC, on September 11, 2012, and

WHEREAS, said contract was awarded for a not-to-exceed amount of \$47,000 for the first year, and

WHEREAS, the contract contains provisions allowing renewal for up to four (4) additional one-year periods.

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 wishes to renew the contract for a one-year period ending September 30, 2014 for historic preservation consulting services with Murphy Stillings, LLC in an amount not to exceed \$47,000.

Section 2. The Town Manager is hereby authorized and directed to execute a contract on behalf of the Town of Palm Beach for historic preservation consulting services with Murphy Stillings, LLC.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate this contract for historic preservation services.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of October 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Town Council President Pro
Tem

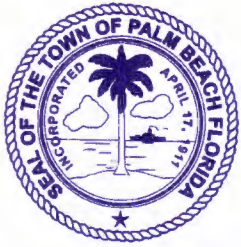
William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



TOWN OF PALM BEACH

Purchasing Department

September 9, 2013

MURPHY STILLINGS, LLC
Attn.: Janet Murphy
218 Almeria Road
West Palm Beach, FL 33405

Ref: RFP No. 2012-30 – Historic Preservation Consultant
Year 2 of Contract – First Renewal

Dear Ms. Murphy:

Our RFP referenced above expires on September 30, 2013. As specified in the RFP document, we have an option to renew the existing contract for another one year period if it is mutually agreeable to all parties.

Please advise by signature below, if a one year extension of our current contract at same terms, conditions, specifications and pricing stated in your bid dated August 8, 2012 would be acceptable.

Please, complete and return this form to the Purchasing Division by no later than 2:00 PM on September 13, 2013. Your response may be faxed to 561-835-4688.

Respectfully,

Adis Pedraza
Assistant Purchasing Agent

X

I hereby agree to a one year extension of the subject bid.

I do not approve a one year extension of the subject bid for the following reasons:

Janet Murphy
SIGNATURE

September 9, 2013
DATE

Janet Murphy
NAME (PRINT)

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 166-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2013-44 to Citigroup Global Markets, Inc. as Sole Senior Manager for Debt Underwriting Services.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum dated September 27, 2013, from Jane Struder, Finance Director
- Final Ranking Memorandum
- Resolution No. 166-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Underwriter Services RFP No. 2013-44
Resolution No. 166-2013

Date: September 27, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 166-2013 awarding the bond underwriting services for the Town's debt transactions to Citigroup Global Markets, Inc. to serve as sole senior manager.

GENERAL INFORMATION

At the August 13, 2013, Town Council meeting, staff advised that we had issued a RFP for Underwriter Services for the second phase of the Accelerated Capital Improvement Program and the bondable portion of the coastal program, and requested approval of the Selection Committee. The approved Selection Committee consisted of David Rosow, Town Council President; Denis Coleman, Resident and Former Town Council member; Thomas G. Bradford, Deputy Town Manager; and Jane Struder, Finance Director. On September 12, 2013, the Selection Committee met and reviewed the eleven proposals that were received. The Selection Committee recommended the award to Citigroup Global Markets, Inc. as sole senior manager for underwriter services. A memorandum from Lynda Cummings, Purchasing Agent, is attached listing the final rankings of the proposals.

FUNDING/FISCAL IMPACT

The underwriter fees will be paid at the time of the bond issue. Based upon an estimated \$40 million issue, Citigroup's proposed fees would be \$90,799. The proposed takedown fees range from 1.25 – 1.50 per bond. A takedown fee is the commission paid to the underwriter for placing the bonds with investors. The total fees also include the underwriter's counsel fee of \$25,000 and other underwriting expenses. A written contract in the form of a Bond Purchase Agreement will be entered into between the Town of Palm Beach and Citigroup Global Markets, upon the successful pricing of the debt transaction.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

The proposed Resolution has been reviewed by the Town Attorney and is approved for legal form and sufficiency.

jls

cc: John C. Randolph, Town Attorney
Thomas G. Bradford, Deputy Town Manager
Lynda Cummings, Purchasing Agent

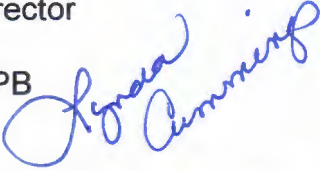


TOWN OF PALM BEACH

MEMORANDUM

DATE: September 12, 2013

TO: Jane Struder, Finance Director

FROM: Lynda S. Cummings, CPPB
Purchasing Agent 

SUBJECT: Final Ranking – RFP No. 2013-44 – Underwriter Services

The Selection Committee met on September 12, 2013. All members of the committee listed below were present:

David Rosow – Member of Finance & Taxation Committee and President
of the Town Council
Denis Coleman – Resident and Former Town Council Member
Tom Bradford – Deputy Town Manager
Jane Struder – Finance Director
Jay Glover – Managing Director, PFM Group (Financial Advisor, Non-Voting)
Jeremy Niedfeldt – Sr. Managing Consultant, PFM Group
(Financial Advisor, Non-Voting)
Lynda Cummings – Purchasing Agent (Non-Voting)
John Cmar – Purchasing Coordinator (Non-Voting)

After thorough consideration of the eleven (11) proposals received, the Selection Committee arrived at a final ranking as follows:

1. Citigroup Global Markets Inc.
2. J.P. Morgan Securities LLC
3. Raymond James & Associates, Inc.
4. Fifth Third Securities, Inc.
5. Merrill Lynch, Pierce, Fenner & Smith Inc. (Bank of America)
6. Stifel, Nicolaus & Co., Inc.
7. Southwest Securites, Inc.
8. Loop Capital Markets LLC
9. RBC Capital Markets, LLC
10. Janney Montgomery Scott LLC
11. Estrada Hinojosa & Company, Inc.

The Selection Committee recommended Citigroup Global Markets Inc. as the sole Managing Underwriter to provide underwriting services relating to the financing, refinancing, or restructuring of the Town's debt during the term of the engagement.

Cc: File: RFQ No. 2013-44

RESOLUTION NO. 166-2013

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF PALM BEACH, PALM BEACH COUNTY,
FLORIDA, AWARDED RFP NO. 2013-44 TO CITIGROUP
GLOBAL MARKETS, INC. AS SOLE SENIOR MANAGER
FOR DEBT UNDERWRITING SERVICES.**

WHEREAS, the Town issued RFP No. 2013-44 on July 28, 2013, for Underwriter Services; and

WHEREAS, a selection committee was formed to review the responses to RFP No. 2013-44; and

WHEREAS, the selection committee has unanimously recommended retaining the services of Citigroup Global Markets, Inc. as sole senior manager for underwriting services.

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: RFP No. 2013-44 is hereby awarded to Citigroup Global Markets, Inc. based upon the content of their proposal dated August 28, 2013.

Section 3: A Bond Purchase Agreement will be entered into between the Town and Citigroup Global Markets, Inc. upon the successful pricing of the Town's debt transactions.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of October 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 167-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of Additional Eden Software Modules for FY14 from Tyler Technologies in the Amount of \$71,460.00 and Establishing a Project Budget of \$75,000.00 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 30, 2013, from Spencer Wilson, Information Systems Manager
- Resolution No. 167-2013
- Resolution Exhibit A

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

Via: Thomas G. Bradford, Deputy Town Manager

From: Spencer Wilson, Information Systems Manager

Re: Approval to Purchase Additional Eden Software Modules from Tyler Technologies
Resolution No. 167-2013

Date: September 30, 2013

STAFF RECOMMENDATION

The Office of Information Systems is recommending the approval to purchase additional Eden Software modules from Tyler Technologies. These modules include Eden's Training System module that will be used within Human Resources, Tyler Cashiering which will replace the Town's existing CORE cashiering system used within Finance and Planning, Zoning and Building and the Eden Special Assessments module that will be used within Finance and Town Administration. Staff is recommending the adoption of Resolution No. 167-2013 which authorizes the Town Manager to approve issuance of purchase orders for these purchases and expend the funds from the FY2014 budget.

GENERAL INFORMATION

As part of the approved FY14 budget plan, the Office of Information Systems is working to implement three Eden modules to provide upgraded and new features to the Town's main software infrastructure. The need for the Eden training module will allow Human Resources to effectively create training programs that can be accessed by all employees. This system allows employees to sign up for courses online that can be either provided in house or on the web. Employee participation is tracked via the software and course completion including certifications and test results are all monitored via the software. This training module could eventually be used by other Departments as the need arises.

The current Town wide cashiering system which is an Eden product but provided by a third party has reached its end of life and has become unproductive and expensive to maintain. The old product has not been upgraded by the third party vendor and will not run properly on current operating systems. Tyler is replacing this third party product with the Tyler Cashiering System that is fully integrated into Eden and provides all the necessary functions for the Town. This new software allows the Town unlimited use for cashiering stations which will expand the Town's ability to perform cashiering to any Department. The annual maintenance for this new system is half the amount that has been allocated over the years for the old system.

Currently the Town handles all special assessments using either spreadsheets or other methods. Over the past two years the Town has added special assessments and now provides four assessments to the Tax Collector each year. With additional assessments on the horizon and the methods of the assessments becoming more complex, the Town is at a point where software is needed to manage this process. Assessment methods can be setup for each type of parcel and this data can be managed, tracked and then output to the Tax Collector in an effective and efficient manner. Tyler has a Special Assessments Module for the Eden system that the Town is currently evaluating and would like to proceed with if the software can meet all of the Town's requirements.

FUNDING/FISCAL IMPACT

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

Software	Department	Amount
Eden Training Module	Human Resources	\$25,170.00
Tyler Cashiering	Finance/Planning, Zoning and Building	\$28,580.00
Eden Special Assessments	Finance/ Town Manager	\$17,710.00

PURCHASING REVIEW

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 provider.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 167-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PURCHASE OF ADDITIONAL EDEN SOFTWARE MODULES FOR FY14 FROM TYLER TECHNOLOGIES IN THE AMOUNT OF \$71,460 AND ESTABLISHING A PROJECT BUDGET OF \$75,000 AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASES ON BEHALF OF THE TOWN.

WHEREAS, staff has recommended the purchase of additional Eden Software Modules from Tyler Technologies for FY14 in the amount of \$71,460 with a project budget of \$75,000 and with quotes attached hereto as Exhibit "A".

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

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

Section 2: The quotes for Tyler Technologies attached hereto as Exhibit "A" in the amount of \$69,460.00 and incorporated by reference as a part of this resolution are hereby approved and the Town Manager is authorized to execute these renewals on behalf of the Town.

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

PASSED AND ADOPTED IN REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH ASSEMBLED THIS 8th DAY OF OCTOBER 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



Quoted By: Christina Hendrickson
Date: 09/04/2013
Quote Expiration: 10/30/2013
Quote Name: Training Module w/Web extension
Quote Number: 49144

Exhibit A

Sales Quotation For:

Jim Palmer 105609
 Town of Palm Beach
 360 S County Rd
 Palm Beach, FL 33480

Phone: (561) 227-6311
Fax:
Email: jpalmer@townofpalmbeach.com

1 Software

Model #	Description	Quantity	Price	Extended Price	Discount	Software Total
HR-TRNG-SW-D	Employee Training - Software	1.00	\$6,500.00	\$6,500.00	\$0.00	\$6,500.00
HR-WBTR-SW-D	Emp Training Web Extension - Software	1.00	\$5,000.00	\$5,000.00	\$0.00	\$5,000.00
					Total:	Total:
					\$0.00	\$11,500.00

2 Services

Model #	Description	Quantity	Price	Extended Price	Discount	Services Total
SVC-TVL-EST	Estimated Travel Expenses	1.00	\$2,000.00	\$2,000.00	\$0.00	\$2,000.00
					Total:	Total:
					\$0.00	\$2,000.00

Consulting

Model #	Description	Quantity	Price	Extended Price	Discount	Consulting Total
HR-TRNG-CS-D	Employee Training - Consulting	2.00	\$1,200.00	\$2,400.00	\$0.00	\$2,400.00
					Total:	Total:
						\$2,400.00

Training

Model #	Description	Quantity	Price	Extended Price	Discount	Training Total
HR-TRNG-TR-D	Employee Training - Training	6.00	\$1,200.00	\$7,200.00	\$0.00	\$7,200.00
					Total:	Total:
						\$7,200.00

Total Other Services:	Total Consulting:	Total Training:	Total Conversion Services:	Total Services:
\$2,000.00	\$2,400.00	\$7,200.00	\$0.00	\$11,600.00
Total Training Days: 6				Total Consulting Days: 2

3 Maintenance

						87
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Model #	Description	Quantity	Price	Extended Price	Discount	Maintenance Total
HR-TRNG-SP-D	Employee Training - Support	1.00	\$1,170.00	\$1,170.00	\$0.00	\$1,170.00
HR-WBTR-SP-D	Emp Training Web Extension - Support	1.00	\$900.00	\$900.00	\$0.00	\$900.00
					Total:	Total:
					\$0.00	\$2,070.00

Summary

	Fees	Maintenance
Total Software	\$11,500.00	\$2,070.00
Total Services	\$11,600.00	
Summary Total	\$23,100.00	\$2,070.00

Comments

Tyler’s quote contains estimates of the amount of services needed, based on our preliminary understanding of the size and scope of your project. The actual amount of services depends on such factors as your level of involvement in the project and the speed of knowledge transfer.

Prices submitted in the quote include ESTIMATED travel expenses, and will be billed as incurred in accordance with Tyler’s then-current Business Travel Policy.

Tyler’s prices do not include applicable local, city or federal sales, use, excise, personal property or other similar taxes or duties, which you are responsible for determining and remitting.

In the event Client cancels services less than two (2) weeks in advance, Client is liable to Tyler for (i) all non-refundable expenses incurred by Tyler on Client’s behalf; and (ii) daily fees associated with the canceled services if Tyler is unable to re-assign its personnel.

For existing EDEN Clients, the fees are billed as follows:

- 100% of Application Software License Fees upon delivery of the software products
- 100%of the Year 1 Application Software Maintenance Fees are billed upon Initiation (first day of training)
- 100% of the Third Party Product License Fees/Purchase Price upon delivery of the third party products
- 100% of the Year 1 Third Party Product Maintenance Fees upon delivery of the third party products
- Services and associated expenses as provided/incurred.

Payment is due within 30 days of invoice receipt. Quote is subject to existing Contract.

Customer Approval:	_____	Date:	_____
Print Name:	_____	P.O. #:	_____

All primary values quoted in US Dollars



Quoted By: Christina Hendrickson
Date: 09/30/2013
Quote Expiration: 12/30/2013
Quote Name: Special Assessments
Quote Number: 50781

Sales Quotation For:

Jim Palmer 105609
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

Phone: (561) 227-6311
Fax:
Email: jpalmer@townofpalmbeach.com

1 Software

Model #	Description	Quantity	Price	Extended Price	Software Total
CS-SPAS-SW-B	Special Assessment - Software	1.00	\$4,500.00	\$4,500.00	\$4,500.00
					Total: \$4,500.00

2 Services

Model #	Description	Quantity	Price	Extended Price	Services Total
SVC-TVL-EST	Estimated Travel Expenses	1.00	\$4,000.00	\$4,000.00	\$4,000.00
					Total: \$4,000.00

Consulting

Model #	Description	Quantity	Price	Extended Price	Consulting Total
CS-SPAS-CS-B	Special Assessment - Consulting	1.00	\$1,200.00	\$1,200.00	\$1,200.00
					Total: \$1,200.00

Training

Model #	Description	Quantity	Price	Extended Price	Training Total
CS-SPAS-TR-B	Special Assessment - Training	6.00	\$1,200.00	\$7,200.00	\$7,200.00
					Total: \$7,200.00

Total Other Services:	Total Consulting:	Total Training:	Total Conversion Services:	Total Services:
\$4,000.00	\$1,200.00	\$7,200.00	\$0.00	\$12,400.00

Total Training Days: 6
Total Consulting Days: 1

3 Maintenance

Model #	Description	Quantity	Price	Extended Price	Maintenance Total
CS-SPAS-SP-B	Special Assessment - Support	1.00	\$810.00	\$810.00	\$810.00
					Total: \$810.00

Summary

	Fees	Maintenance
Total Software	\$4,500.00	\$810.00
Total Services	\$12,400.00	
Summary Total	\$16,900.00	\$810.00

Comments

Tyler’s quote contains estimates of the amount of services needed, based on our preliminary understanding of the size and scope of your project. The actual amount of services depends on such factors as your level of involvement in the project and the speed of knowledge transfer.

Prices submitted in the quote include ESTIMATED travel expenses incurred in accordance with Tyler’s then-current Business Travel Policy.

Tyler’s prices do not include applicable local, city or federal sales, use, excise, personal property or other similar taxes or duties, which you are responsible for determining and remitting.

In the event Client cancels services less than two (2) weeks in advance, Client is liable to Tyler for (i) all non-refundable expenses incurred by Tyler on Client’s behalf; and (ii) daily fees associated with the canceled services if Tyler is unable to re-assign its personnel.

For existing EDEN Clients, the fees are billed as follows:

- 100% of Application Software License Fees upon delivery of the software products
- 100%of the Year 1 Application Software Maintenance Fees are billed upon Initiation (first day of training)
- 100% of the Third Party Product License Fees/Purchase Price upon delivery of the third party products
- 100% of the Year 1 Third Party Product Maintenance Fees upon delivery of the third party products
- Services and associated expenses as provided/incurred.

Payment is due within 30 days of invoice receipt. Quote is subject to existing Contract.

Customer Approval: _____
Print Name: _____

Date: _____
P.O. #: _____

All primary values quoted in US Dollars



Quoted By: Christina Hendrickson
Date: 09/04/2013
Quote Expiration: 10/30/2013
Quote Name: Tyler Cashiering
Quote Number: 50258

Sales Quotation For:

Jim Palmer 105609
 Town of Palm Beach
 360 S County Rd
 Palm Beach, FL 33480

Phone: (561) 227-6311
Fax:
Email: jpalmer@townofpalmbeach.com

1 Software

Model #	Description	Quantity	Price	Extended Price	Discount	Software Total
OF-CASH-SW-D	Tyler Cashiering - Software	1.00	\$21,000.00	\$21,000.00	\$4,200.00	\$16,800.00
					Total:	Total:
					\$4,200.00	\$16,800.00

2 Services

Model #	Description	Quantity	Price	Extended Price	Discount	Services Total
SVC-TVL-EST	Estimated Travel Expenses	1.00	\$2,000.00	\$2,000.00	\$0.00	\$2,000.00
					Total:	Total:
					\$0.00	\$2,000.00

Training

Model #	Description	Quantity	Price	Extended Price	Discount	Training Total
OF-CASH-CS-D	Tyler Cashiering - Consulting	1.00	\$1,200.00	\$1,200.00	\$0.00	\$1,200.00
OF-CASH-TR-D	Tyler Cashiering - Training	4.00	\$1,200.00	\$4,800.00	\$0.00	\$4,800.00
					Total:	Total:
						\$6,000.00
		Total Other Services:	Total Consulting:	Total Training:	Total Conversion Services:	Total Services:
		\$2,000.00	\$0.00	\$6,000.00	\$0.00	\$8,000.00
					Total Training Days: 5	Total Consulting Days: 0

3 Maintenance

Model #	Description	Quantity	Price	Extended Price	Discount	Maintenance Total
OF-CASH-SP-D	Tyler Cashiering - Support	1.00	\$3,780.00	\$3,780.00	\$0.00	\$3,780.00
					Total:	Total:
					\$0.00	\$3,780.00

Summary

Total Software	\$16,800.00	\$3,780.00
Total Services	\$8,000.00	
Summary Total	\$24,800.00	\$3,780.00

Comments

Tyler’s quote contains estimates of the amount of services needed, based on our preliminary understanding of the size and scope of your project. The actual amount of services depends on such factors as your level of involvement in the project and the speed of knowledge transfer.

Prices submitted in the quote include ESTIMATED travel expenses, and will be billed as incurred in accordance with Tyler’s then-current Business Travel Policy.

Tyler’s prices do not include applicable local, city or federal sales, use, excise, personal property or other similar taxes or duties, which you are responsible for determining and remitting.

In the event Client cancels services less than two (2) weeks in advance, Client is liable to Tyler for (i) all non-refundable expenses incurred by Tyler on Client’s behalf; and (ii) daily fees associated with the canceled services if Tyler is unable to re-assign its personnel.

For existing EDEN Clients, the fees are billed as follows:

- 100% of Application Software License Fees upon delivery of the software products
- 100%of the Year 1 Application Software Maintenance Fees are billed upon Initiation (first day of training)
- Services and associated expenses as provided/incurred.

Payment is due within 30 days of invoice receipt. Quote is subject to existing Contract.

Customer Approval:	_____	Date:	_____
Print Name:	_____	P.O. #:	_____

All primary values quoted in US Dollars

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 168-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute a Quit Claim Deed and Easement Agreements Between 184 Bradley Place, Parc Regen and The Town of Palm Beach for Access and Maintenance of Said Utilities and Lake Trail.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 24, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 168-2013
- Attachment A - Application for Recordable Document - Title Search
- Attachment B - Legal Desc. 2-20-12
- Attachment C - Legal Desc. 8-29-12
- Attachment D - Legal Desc. 3-14-13

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorization to Execute Quit Claim Deed and Easement Agreements at 184 Bradley Place – Parc Regent
Resolution No. 168-2013

Date: September 24, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 168-2013 authorizing the Mayor to execute a Quit Claim Deed and two easement agreements between the Town of Palm Beach and 184 Bradley Place, Parc Regent, to address an orphaned parcel and furnish the Town of Palm Beach with an easement for Lake Trail and the Town owned force main located within the property at 184 Bradley Place, when all three sets of documents have been approved by the Town Attorney for legal form and sufficiency.

GENERAL INFORMATION

Representatives from 184 Bradley Place, Parc Regent, approached the Town Manager's Office concerning an orphaned property that had been filled in by sand and deposits from tidal waters over time. This conversation also opened up the discussions related to easements for Lake Trail and for the Town's existing 12" Force Main, which is to be rehabilitated this season.

The Quit Claim deed between the Town and 184 Bradley Place, Parc Regent, is to resolve a title insurance issue. A portion of the property at Parc Regent had been filled with sand and deposits by tidal waters over time and is herein described as the "Orphan Property". Per the Florida Statute, title in that orphan property was vested in Bohl Real Estate and subsequently Parc Regent. The orphaned property was obtained by Parc Regent from Bohl Real Estate by a Quit Claim Deed in December 2012(see attachment "A" for reference). In order to finalize Parc Regent's title insurance issues and to avoid future issues with the Town, Parc Regent is requesting an execution of a Quit Claim Deed for the orphaned property. In return, Parc Regent will grant the Town of Palm Beach an easement for Lake Trail and the Town's existing force main (see attachment "B" for sketch and legal of the orphaned property).

In 1956, the Town of Palm Beach constructed a force main that followed Lake Trail at the time from Tangier Avenue to Bradley Park. In the mid to late 1970's with the construction of the Tangier subaqueous crossing the 12" force main under Lake Trail was designated as a back-up for the E-6 Pump Station, also located at Tangier Avenue. As part of the Town's Accelerated Capital Improvement Program, the E-6 force main will be placed back into full active service as a result of the new subaqueous crossing at the S-2 Pump Station, located in Bradley Park. When evaluating the options for reactivating the 12" force main, staff had identified the previous easement had been prematurely abandoned. Staff has since approached the representatives of 184 Bradley Place, Parc Regent, with a request for a utility easement to access and maintain the 12" force main (see attachment "C" for sketch and legal of proposed force main easement).

Sometime in the early 1980's, while the property was undergoing major redevelopment and bringing the site to grade, the owners of 184 Bradley Place had requested the Town to relocate the Trail. It was during these improvements that Lake Trail was moved approximately 20 feet to the west where it currently exists. Since that renovation and relocation of Lake Trail, no formal easement has been established for its use or access to the public and Town.

If the 12" force main ever needs to be relocated in the future, the proposed Lake Trail easement will also have language to allow the Town to place the force main under the trail (see attachment "D" for the proposed sketch and legal for Lake Trail easement).

Staff recommends that Town Council authorize the Mayor to execute the Quit Claim Deed, Force Main Easement, and Lake Trail Easement located within the property of 184 Bradley Place, also known as Parc Regent upon finalization of documentation by all parties.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

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
William K. Francis, P.E., Town Engineer
John C. Randolph, Town Attorney
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 168-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED AND EASEMENT AGREEMENTS BETWEEN 184 BRADLEY PLACE, PARC REGENT AND THE TOWN OF PALM BEACH FOR ACCESS AND MAINTENANCE OF SAID UTILITIES AND LAKE TRAIL.

* * * * *

WHEREAS, 184 Bradley Place, Parc Regent, has requested an execution of a Quit Claim Deed with the Town of Palm Beach (TOWN) located within 184 Bradley Place; and

WHEREAS, the TOWN has requested in return easement agreements for Lake Trail and existing 12 “ force main; and

WHEREAS, the parties mutually recognize the need to execute the three Agreements 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 the Quit Claim Deed, Lake Trail Easement, and Force main easement between 184 Bradley Place, Parc Regent, and the Town of Palm Beach.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of October 2013

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

Attachment - A

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF STATE LANDS

APPLICATION FOR RECORDABLE DOCUMENT
FOR LANDS FILLED PRIOR TO JULY 1, 1975

PURSUANT TO CHAPTER 253.12(9) & (10), FLORIDA STATUTES

The purpose of this application is to document information necessary to determine if lands lying landward of the described line were filled prior to July 1, 1975, and meet the requirements pursuant to Chapter 253.12(9) & (10), Florida Statutes.

1. Applicant's Name Parc Regent Condominium Association, Inc.
Address 184 Bradley Place
City, State, Zip Code Palm Beach, Florida 33480
Telephone Number (561) 659-1419
2. Name of Waterbody Lake Worth
3. Location of Parcel:
Street/Road North Lake Trail
Section 15, Township 43 S, Range 43 E
Town/City Palm Beach County Palm Beach
Subdivision Bungalow Park Lot _____ Block _____
4. Satisfactory evidence of title in the owner to the uplands adjacent to the mean high water line as it existed prior to July 1, 1975. Satisfactory evidence of title means a title insurance policy issued by a title insurance company authorized to do business in the State of Florida, an opinion of title prepared by a member of the Florida Bar, a warranty deed with such affidavits as may be required by the Department to establish the currency of title status.
5. Aerial photographs from the best available source of the site enlarged to a suitable scale and showing the following:
 - a. The condition of the site prior to July 1, 1975;
 - b. The condition of the site after July 1, 1975;
 - c. The current condition of site.

A list of sources for aerial photography can be obtained from the address below.
6. If aerial photographs do not conclusively prove that fill was placed prior to July 1, 1975, then the following additional information shall be required:

- a. Two affidavits by disinterested parties evidencing the date, as accurately as possible from personal knowledge, when the filling of the parcel was completed;
 - b. Any other historic materials, such as surveys, permits, etc., evidencing the date and extent of fill.
7. Two prints of a Specific Purpose Survey prepared, signed, and sealed by a Florida Registered Professional Surveyor, certified to the Board of the Trustees of the Internal Improvement Trust Fund, and clearly showing the following:
 - a. The location of the waterward boundary line as it existed as of July 1, 1975;
 - b. If applicable, show limits of submerged land conveyances from the Board of Trustees of the Internal Trust Fund of the State of Florida;
 - c. A legal description of the line tied to and referencing calls in the legal description of the riparian upland parcel. If the July 1, 1975 waterward boundary line is irregular in shape, a meandering of the shoreline is preferred. For island, the meandering would close back to the point of beginning;
 - d. A tie to a section corner, quarter section corner, or corner of record;
 - e. A note stating the methodology used to locate the waterward boundary line as it existed as of July 1, 1975.
8. Applicant's affidavit that lands were filled prior to July 1, 1975, and not filled by the applicant; that lands are not subject of litigation pending on January 1, 1993, and that title to this land has NOT been judicially determined to be in the State;
9. A non-refundable processing fee of \$500.00 shall accompany each application. Fees shall be made payable to the Department of Environmental Protection.

SEND APPLICATION AND CHECK TO:

Florida Department of Environmental Protection
Division of State Lands
Bureau of Survey and Mapping
Title and Land Records Section
Mail Station #108
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Telephone: (904) 488-8123

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.



Signature of Applicant or Agent

July 26, 2012

Date

AFFIDAVIT AS TO THE STATUS OF TITLE

STATE OF FLORIDA)

COUNTY OF PALM BEACH)

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned, Jay Denger, ("Affiant"), to me well known, who being by me first duly sworn according to law, deposes, states, represents, and warrants the following upon personal knowledge on behalf of the Parc Regent Condominium Association, Inc., a Florida not-for-profit corporation.

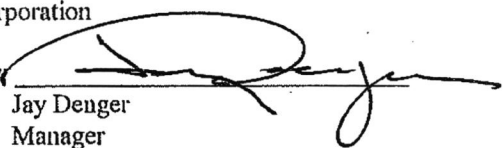
1. Affiant is a person over eighteen (18) years of age.
2. Affiant is the Manager of Parc Regent Condominium Association, Inc., a Florida non profit corporation ("Parc Regent").
3. Parc Regent is the owner of that certain tract of land situate in Palm Beach County more particularly described on Exhibit "A" attached hereto and incorporated by reference and known as the Riparian Upland Parcel, (the "Land").
4. Affiant states that to best of Affiant's knowledge, the Land was filled prior to July 1, 1975.
5. The Land was not filled by the Owner.
6. Affiant further states the Land is not and was not the subject of litigation pending on January 1, 1993 and the Land has NOT been judicially determined to be vested in the State of Florida.

FURTHER AFFIANT SAYETH NOT.

AFFIANT

PARC REGENT CONDOMINIUM
ASSOCIATION, a Florida not for profit
corporation

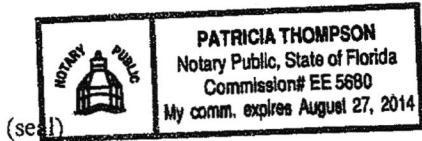
By

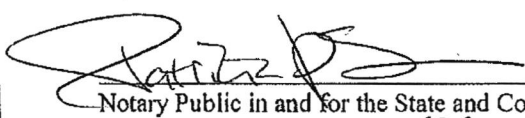

Jay Denger
Manager

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 26 day of July, 2012 by Jay Denger, the Manager of Parc Regent Condominium Association, a Florida not-for profit corporation, who is ☐ personally known to me, or who has ☒ produced FLORIDA DRIVER LICENSE as identification.




Notary Public in and for the State and County aforesaid.

Commission Number: EE 5680

My Commission expires: 27 AUG 2014

Print Notary Name: PATRICIA THOMPSON

EXHIBIT A

A PARCEL OF LAND IN THE SOUTHEAST ONE QUARTER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 25, BUNGALOW PARK, AN ADDITION TO THE TOWN OF PALM BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 7, PAGE 26; THENCE WEST ON AN EXTENSION OF THE NORTH LINE OF SAID BUNGALOW PARK, A DISTANCE OF 20.40 FEET TO A POINT ON THE ORIGINAL SEAWALL OF THE FORMER EASTERLY SHORELINE OF LAKE WORTH; THENCE CONTINUE WEST, A DISTANCE OF 36.74 FEET TO A POINT ON THE EXISTING SEAWALL ON THE PRESENT EASTERLY SHORELINE OF LAKE WORTH; THENCE SOUTH 3° 30' 00" WEST, ALONG THE EXISTING SHORELINE, A DISTANCE OF 70.13 FEET TO A POINT ON THE EXTENSION OF THE SOUTHERLY LINE OF SAID BUNGALOW PARK, EXTENDED WESTERLY; THENCE EASTERLY ALONG THE EXTENSION OF THE SOUTHERLY LINE OF SAID BUNGALOW PARK, A DISTANCE OF 11.24 FEET TO A POINT 48.20 WEST OF, ALONG THE SOUTH LINE OF, THE SOUTHWEST CORNER OF SAID BUNGALOW PARK; THENCE NORTH 03° 30' 00" EAST, A DISTANCE OF 60.11 FEET; THENCE ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID BUNGALOW PARK, A DISTANCE OF 46.69 FEET TO A POINT ON THE WEST LINE OF SAID BUNGALOW PARK; THENCE ALONG THE WEST LINE OF SAID BUNGALOW PARK, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

TITLE SEARCH

Showing Ownership and Encumbrances

Fund File Number: 06-2012-000571

Provided For: Edwards Wildman Palmer, LLP

Agent's File Reference: Parc Regent

Effective Date: February 24, 2012 at 11:00 PM

This title search commences from the date of the last outstanding institutional first mortgage on the property. If there is no outstanding mortgage, the search commences with the date record title vested in the current record owner.

Description of Real Property Situated in Palm Beach County, Florida.

See Exhibit A attached.

Apparent Title Vested in:

Bohl Real Estate Management Corp., a Florida corporation and Parc Regent Condominium Association, Inc., a Florida non profit corporation *by* Deed

Recorded in: O.R. Book 4053, Page 571, Public Records of Palm Beach County, Florida and also pursuant to Chapter 253.12 (9) Florida Statute.

This search does not cover matters other than those recorded in the Official Records Book of the county and does not assure the legality or validity of the referenced instruments.

Ad Valorem tax information is not provided.

Prepared this 6th day of March, 2012.

Attorneys' Title Fund Services, LLC

Prepared by: William C. Snyder
Phone Number: 640-3700 (Ext 6406)

TITLE SEARCH

Showing Ownership and Encumbrances

Fund File Number: 06-2012-000571

ENCUMBRANCES

1. Subject to rights of tenants under unrecorded leases, if any.
2. Subject to the rights of the public to use Lake Trail.
3. Subject to the rights of the Town of Palm Beach, Florida to use Lake Trail.
4. Subject to any unrecorded easements including but not limited to utility, ingress and egress, etc., lying within the subject property.
5. Subject to the undivided interest of all current unit owners in the Parc Regent Condominium.
6. All matters contained on the Plat of Bungalow Park, as recorded in Plat Book 7, Page 26, Public Records of Palm Beach County, Florida.
7. Terms, provisions, covenants, liens, conditions and options contained and rights and easements established by the Declaration of Condominium of Parc Regent, and all exhibits attached thereto and recorded February 3, 1987 in O.R. Book 5162, Page 1756; together with amendments recorded in O.R. Book 5719, Page 1224; O.R. Book 6520, Page 288; O.R. Book 6763, Page 1526; O.R. Book 7430, Page 1918; O.R. Book 7626, Page 321 and refiled in O.R. Book 7702, Page 1745; O.R. Book 9698, Page 859; O.R. Book 11016, Page 1955 and O.R. Book 16717, Page 436, Public Records of Palm Beach County, Florida. Such Declaration and/or Amendment(s) establishes and provides for easements, liens, charges, assessments and the prior approval of a future purchaser or occupant.
8. Certificate of Approval for Establishment of Bulkhead Line recorded in O.R. Book 695, Page 696, Public Records of Palm Beach County, Florida.
9. Riparian and littoral rights are not insured.
10. Those portions of the property herein described being artificially filled in land in what was formerly navigable waters, are subject to the right of the United States Government arising by reason of the United States Government control over navigable waters in the interest of navigation and commerce.
11. The rights, if any, of the public to use as a public beach or recreation area any part of the land lying or formerly lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme high-water line or other apparent boundary lines separating the publicly used area from the upland private area, as it may have existed prior to the construction, if any, of sea wall or bulkhead thereon.
12. This policy does not insure any portion of the insured parcel lying waterward of the mean-high water line of Lake Worth.
13. Any lien or claim of lien for services, labor or materials which may take priority over the estate or interest insured by reason of that certain Notice of Commencement recorded July 22, 2011, under O.R. Book 24651, Page 292, of the Public Records of Palm Beach County, Florida.

TITLE SEARCH

Showing Ownership and Encumbrances

Fund File Number: 06-2012-000571

14. Any lien or claim of lien for services, labor or materials which may take priority over the estate or interest insured by reason of that certain Notice of Commencement recorded September 29, 2011, under O.R. Book 24770, Page 1104, of the Public Records of Palm Beach County, Florida.

A 20-year name search has been performed on parties acquiring an interest within the time period covered by this search.

This Title Search is prepared and furnished for information only. It is not an opinion of title and may not be used as a title base for the issuance of a title insurance commitment and/or policy, nor should it be used for the preparation of foreclosure proceedings or other litigation. Maximum liability for incorrect information is \$1000 under Sec. 627.7843, F.S.

TITLE SEARCH

Showing Ownership and Encumbrances

Fund File Number: 06-2012-000571

EXHIBIT A

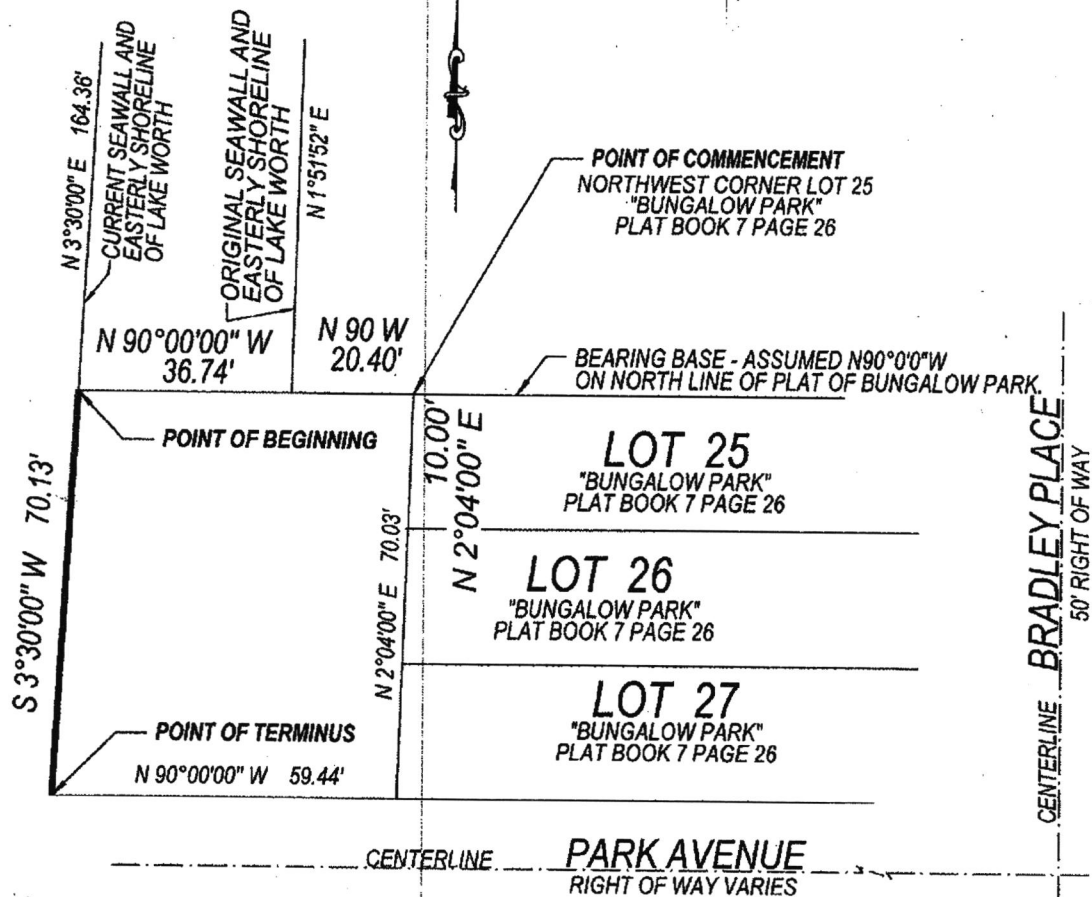
A PARCEL OF LAND IN THE SOUTHEAST ONE QUARTER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 25, BUNGALOW PARK, AN ADDITION TO THE TOWN OF PALM BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 7, PAGE 26; THENCE WEST ON AN EXTENSION OF THE NORTH LINE OF SAID BUNGALOW PARK, A DISTANCE OF 20.40 FEET TO A POINT ON THE ORIGINAL SEAWALL OF THE FORMER EASTERLY SHORELINE OF LAKE WORTH; THENCE CONTINUE WEST, A DISTANCE OF 36.74 FEET TO A POINT ON THE EXISTING SEAWALL ON THE PRESENT EASTERLY SHORELINE OF LAKE WORTH; THENCE SOUTH $3^{\circ} 30' 00''$ WEST, ALONG THE EXISTING SHORELINE, A DISTANCE OF 70.13 FEET TO A POINT ON THE EXTENSION OF THE SOUTHERLY LINE OF SAID BUNGALOW PARK, EXTENDED WESTERLY; THENCE EASTERLY ALONG THE EXTENSION OF THE SOUTHERLY LINE OF SAID BUNGALOW PARK, A DISTANCE OF 11.24 FEET TO A POINT 48.20 WEST OF, ALONG THE SOUTH LINE OF, THE SOUTHWEST CORNER OF SAID BUNGALOW PARK; THENCE NORTH $03^{\circ} 30' 00''$ EAST, A DISTANCE OF 60.11 FEET; THENCE ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID BUNGALOW PARK, A DISTANCE OF 46.69 FEET TO A POINT ON THE WEST LINE OF SAID BUNGALOW PARK; THENCE ALONG THE WEST LINE OF SAID BUNGALOW PARK, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SKETCH & LEGAL DESCRIPTION
THIS IS NOT A SURVEY

WATERWARD BOUNDARY LINE
AS OF, AND PRIOR TO,
JULY 1, 1975

A LINE BEING THE WATERWARD BOUNDARY LINE AS OF JULY 1ST, 1975 (AND PRIOR THERETO) LYING ALONG LAKE WORTH AND WEST OF BUNGALOW PARK, A SUBDIVISION AS RECORDED IN PLAT BOOK 7 AT PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF LOT 25 OF SAID BUNGALOW PARK SUBDIVISION; THENCE N 90°00'00" W ON THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID BUNGALOW PARK AS A BASIS OF BEARINGS, A DISTANCE OF 20.40 FEET TO A POINT ON THE ORIGINAL SEAWALL OF THE FORMER EASTERLY SHORELINE OF LAKE WORTH; THENCE CONTINUE N 90°00'00" W, A DISTANCE OF 36.74 FEET TO THE WET FACE OF THE EXISTING SEAWALL ON THE PRESENT EASTERLY SHORELINE OF LAKE WORTH, BEING THE POINT OF BEGINNING; THENCE S 3°30'00" W ALONG SAID WET FACE, A DISTANCE OF 70.13 FEET TO THE POINT OF TERMINUS, BEING A POINT ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF BUNGALOW PARK, 59.44 FEET WESTERLY OF THE SOUTHWEST CORNER OF SAID BUNGALOW PARK.



NOTE - A SEARCH OF THE PUBLIC RECORD WAS PERFORMED BY THIS OFFICE.
NOTE - THIS SKETCH AND LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF THE SURVEYOR AND MAPPER NAMED HEREON.
NOTE - HORIZONTAL DATUM IS ASSUMED.

5-10-12
DATE

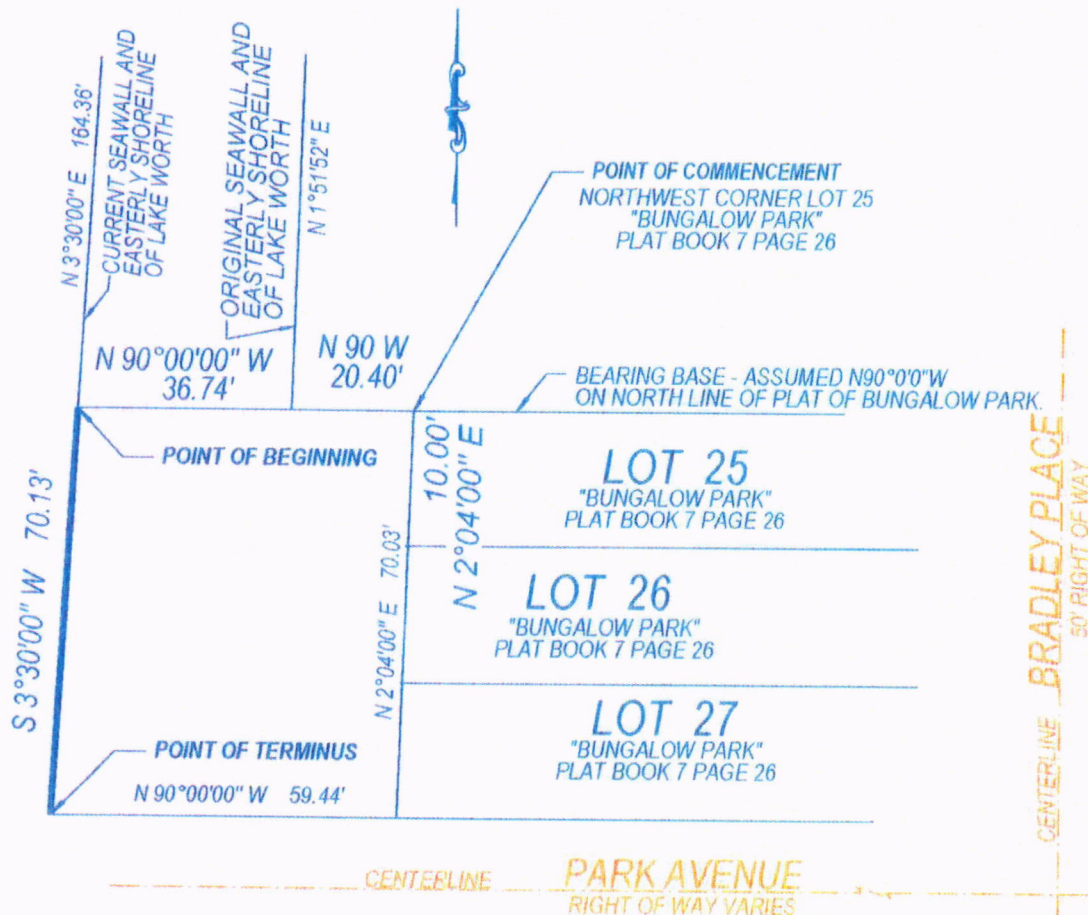


MARKED BY DATE # 5119
4546 CAMDEN STREET
WEST PALM BEACH, FL. 33415
(561) 478-7764 FAX 478-1094
PM SURVEYING
JOB # S12010022
THIS FIRM'S CERTIFICATE OF AUTHORIZATION NUMBER IS LB 6788.

SKETCH & LEGAL DESCRIPTION
THIS IS NOT A SURVEY

WATERWARD BOUNDARY LINE
AS OF, AND PRIOR TO,
SEPTEMBER 1, 1995

A LINE BEING THE WATERWARD BOUNDARY LINE ON SEPTEMBER 1ST, 1995 (AND PRIOR THERETO) LYING ALONG LAKE WORTH AND WEST OF BUNGALOW PARK, A SUBDIVISION AS RECORDED IN PLAT BOOK 7 AT PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF LOT 25 OF SAID BUNGALOW PARK SUBDIVISION;
THENCE N 90°00'00" W ON THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID BUNGALOW PARK AS A BASIS OF BEARINGS, A DISTANCE OF 20.40 FEET TO A POINT ON THE ORIGINAL SEAWALL OF THE FORMER EASTERLY SHORELINE OF LAKE WORTH; THENCE CONTINUE N 90°00'00" W, A DISTANCE OF 36.74 FEET TO THE WET FACE OF THE EXISTING SEAWALL ON THE PRESENT EASTERLY SHORELINE OF LAKE WORTH, BEING THE POINT OF BEGINNING;
THENCE S 3°30'00" W ALONG SAID WET FACE, A DISTANCE OF 70.13 FEET TO THE POINT OF TERMINUS, BEING A POINT ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF BUNGALOW PARK, 59.44 FEET WESTERLY OF THE SOUTHWEST CORNER OF SAID BUNGALOW PARK.



SCALE: 1 INCH = 30 FEET
0 10 20 30 40 50

NOTE - NO SEARCH OF THE PUBLIC RECORD WAS PERFORMED BY THIS OFFICE.
NOTE - THIS SKETCH AND LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF THE SURVEYOR AND MAPPER NAMED HEREON.
NOTE - HORIZONTAL DATUM IS ASSUMED.

4-23-12
DATE



MARK D. DUNN, CERTIFICATE # 5119
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL 33415
(561) 478-7764 FAX 478-1094
PM SURVEYING
JOB # S12010022
THIS FIRM'S CERTIFICATE OF AUTHORIZATION NUMBER IS LB 6788



CERTIFICATE

Upon application of BOHL REAL ESTATE MANAGEMENT CORP., a Florida corporation and PARC REGENT CONDOMINIUM ASSOCIATION, INC., a Florida non profit corporation, whose address is 184 Bradley Place, Palm Beach, Florida 33480, and pursuant to Section 92.16 and sub-section 253.12(9), Florida Statutes, the undersigned, on behalf of the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, pursuant to Rule 18-21.019, Florida Administrative Code, hereby certifies that the boundary separating the lands of private ownership from the adjacent state owned sovereignty lands on July 1, 1975, is described as follows:

DESCRIPTION

A LINE BEING THE WATERWARD BOUNDARY LINE AS OF JULY 1, 1975 LYING ALONG LAKE WORTH AND WEST OF BUNGALOW PARK, A SUBDIVISION AS RECORDED IN PLAT BOOK 7 AT PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF LOT 25 OF SAID BUNGALOW PARK SUBDIVISION; THENCE N 90°00'00" W ON THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID BUNGALOW PARK AS A BASIS OF BEARINGS, A DISTANCE OF 20.40 FEET TO A POINT ON THE ORIGINAL SEA WALL OF THE FORMER EASTERLY SHORELINE OF LAKE WORTH; THENCE CONTINUE N 90°00'00" W, A DISTANCE OF 36.74 FEET TO THE WET FACE OF THE EXISTING SEA WALL ON THE PRESENT EASTERLY SHORELINE OF LAKE WORTH, BEING THE POINT OF BEGINNING; THENCE S 3°30'00" W ALONG SAID WET FACE, A DISTANCE OF 70.13 FEET TO THE POINT OF TERMINUS, BEING A POINT ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF BUNGALOW PARK, 59.44 FEET WESTERLY OF THE SOUTHWEST CORNER OF SAID BUNGALOW PARK.

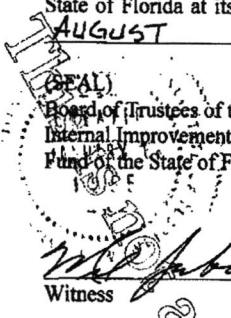
The above legal description was prepared by Mark D. Laing, Florida Professional Surveyor and Mapper No. 5119.

NOTE: (1) This certificate is issued without a title examination of all tidally influenced land or tidally influenced islands bordering or being on sovereignty land, which have been permanently extended, filled, added to existing lands, or created before July 1, 1975, by fill, lying landward of the above described waterward boundary line, and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida may not have any right, title or interest in any of these lands. (2) The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida has not determined or verified the riparian rights lines of the applicant's privately owned uplands. (3) This certificate does not constitute a determination by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida that the applicant owns the filled area that extends from applicant's lands that are immediately upland of the filled area.

FILE NUM 20120358074 OR BOOK PAGE 25446/340 DATE: 08/11/2012 11:43:06 Pgs 0340 - 341: (2pgs)
Sharon R. Beck, CLERK & COMPTROLLER

Trustees No. 41410(6165-50)

In Witness Whereof, I have hereunto set my hand and have caused to be affixed hereto the official seal of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida at its office in Tallahassee, Leon County, Florida, this 31ST day of AUGUST, 2012.


Board of Trustees of the
Internal Improvement Trust
Fund of the State of Florida

[Signature]
Witness

M.I. [Signature]
(Typed or Printed Name of Witness)

Sylvia C. Vaughan
Witness

Sylvia C. Vaughan
(Typed or Printed Name of Witness)

BOARD OF TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST
FUND OF THE STATE OF FLORIDA

By: [Signature]

Rod A. Maddox
Professional Land Surveyor Manager
Title and Land Records Section
Bureau of Survey and Mapping
Division of State Lands
State of Florida Department of
Environmental Protection
as agent for and on behalf of the Board
of Trustees of the Internal Improvement
Trust Fund of the State of Florida

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 31ST day of AUGUST, 2012, by Rod A. Maddox, Professional Land Surveyor Manager, Title and Land Records Section, Bureau of Survey and Mapping, Division of State Lands, Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. He is personally known to me or has produced a driver's license as identification.

[Signature]
State of Florida at Large,
Notary Public



(Typed, Printed or Stamped Name of Notary)

APPROVED AS TO FORM
& LEGALITY

[Signature]
DEP Attorney

Commission No. DD 843046

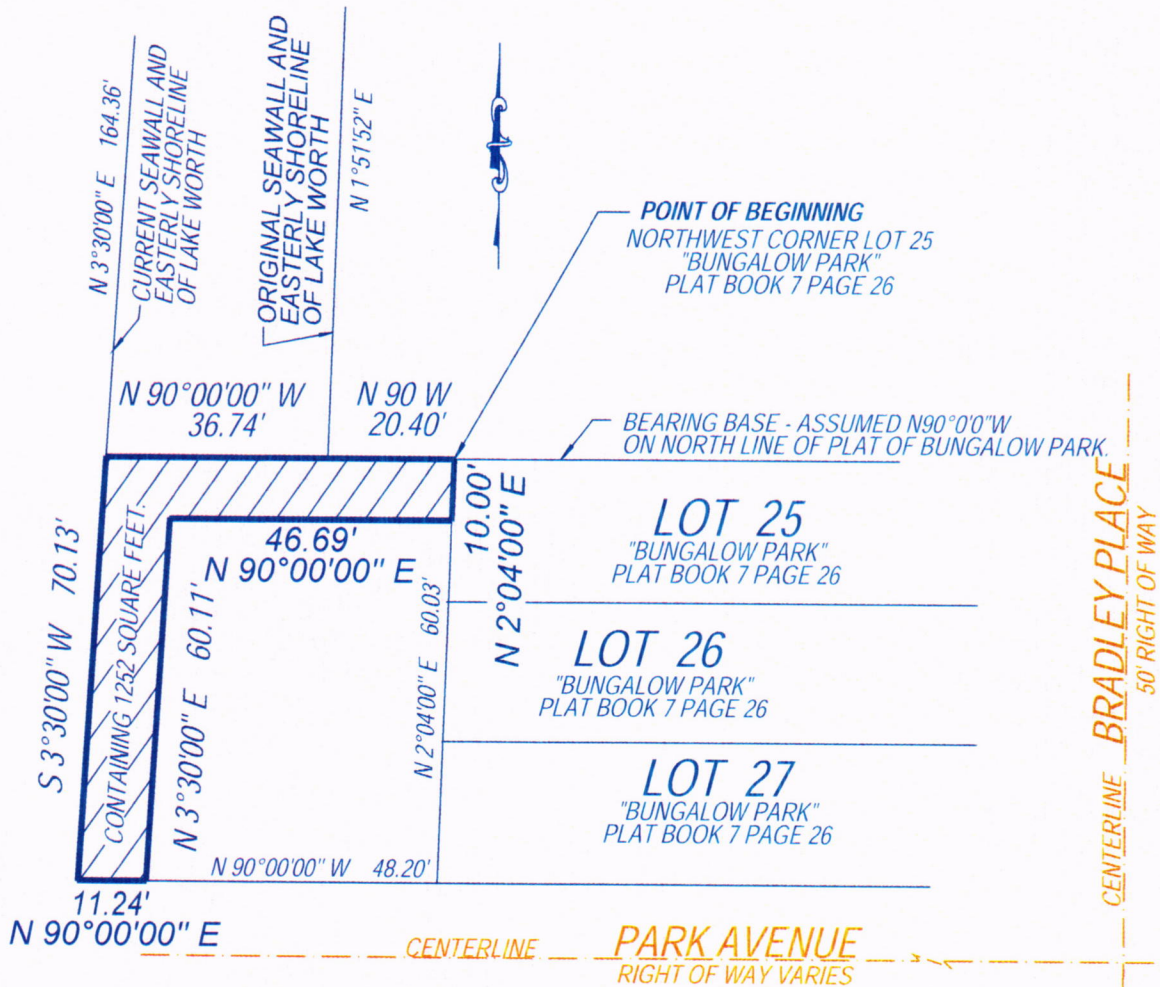
My Commission Expires: 12/04/12

Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Attachment – B

SKETCH & LEGAL DESCRIPTION
THIS IS NOT A SURVEY
SHEET 1 OF 2
SKETCH OF DESCRIPTION
SEE SHEET 2 FOR DESCRIPTION.

ADDITIONAL PROPERTY
TO
PARC REGENT, A CONDOMINIUM



NOTE - NO SEARCH OF THE PUBLIC RECORD WAS PERFORMED BY THIS OFFICE.
NOTE - THIS SKETCH AND LEGAL DESCRIPTION IS NOT VALID WITHOUT THE
SIGNATURE AND RAISED SEAL OF THE SURVEYOR AND MAPPER NAMED HEREON.
NOTE - NO SEARCH OF THE PUBLIC RECORD WAS PERFORMED BY THIS OFFICE.
NOTE - HORIZONTAL DATUM IS ASSUMED.

SCALE: 1 INCH = 30 FEET
0 10 20 30 40 50

2-20-12
DATE



4546 CAMBRIDGE STREET
WEST PALM BEACH, FL. 33415
(561) 478-7764 FAX 478-1094
PM SURVEYING
JOB # S12010022

THIS FIRM'S CERTIFICATE OF AUTHORIZATION NUMBER IS LB 6788.

SKETCH & LEGAL DESCRIPTION
THIS IS NOT A SURVEY
SHEET 2 OF 2
TEXT OF DESCRIPTION
SEE SHEET 1 FOR SKETCH.

ADDITIONAL PROPERTY
TO
PARC REGENT, A CONDOMINIUM

A PARCEL OF LAND IN THE SOUTHEAST ONE QUARTER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF LOT 25, BUNGALOW PARK, AN ADDITION TO THE TOWN OF PALM BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 7, PAGE 26;
THENCE WEST ON AN EXTENSION OF THE NORTH LINE OF SAID BUNGALOW PARK, A DISTANCE OF 20.40 FEET TO A POINT ON THE ORIGINAL SEAWALL OF THE FORMER EASTERLY SHORELINE OF LAKE WORTH;
THENCE CONTINUE WEST, A DISTANCE OF 36.74 FEET TO A POINT ON THE ON THE EXISTING SEAWALL ON THE PRESENT EASTERLY SHORELINE OF LAKE WORTH;
THENCE, SOUTH $3^{\circ}30'00''$ WEST, ALONG THE EXISTING SHORELINE, DISTANCE OF 70.13 FEET TO A POINT ON THE EXTENSION OF THE SOUTHERLY LINE OF SAID BUNGALOW PARK, EXTENDED WESTERLY;
THENCE, EASTERLY ALONG THE EXTENSION OF THE SOUTHERLY LINE OF SAID BUNGALOW PARK, A DISTANCE OF 11.24 FEET TO A POINT 48.20 FEET WEST OF, ALONG THE SOUTH LINE OF, THE SOUTHWEST CORNER OF SAID BUNGALOW PARK;
THENCE, $N03^{\circ}30'00''E$, A DISTANCE OF 60.11 FEET;
THENCE, ALONG A LINE PARALLEL TO THE THE NORTH LINE OF SAID BUNGALOW PARK, A DISTANCE OF 46.69 FEET TO A POINT ON THE WEST LINE OF SAID BUNGALOW PARK;
THENCE, ALONG THE WEST LINE OF SAID BUNGALOW PARK, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 1252 SQUARE FEET.

2-20-12
DATE



Mark A. Downing
MARK A. DOWNING, CERTIFICATE # 5119

4546 CAMBRIDGE STREET
WEST PALM BEACH, FL. 33415
(561) 478-7764 FAX 478-1094
PM SURVEYING
JOB # S12010022

THIS FIRM'S CERTIFICATE OF AUTHORIZATION NUMBER IS LB 6788.

Attachment – C

SKETCH AND LEGAL DESCRIPTION
THIS IS NOT A SURVEY
SHEET ONE OF TWO
SKETCH OF DESCRIPTION
SEE SHEET 2 FOR DESCRIPTION.

LOTS 20 TO 24 BLOCK 4
OCEAN PARK
Plat Book 6 page 78

POINT OF TERMINUS

NORTHWEST CORNER OF
PROPERTY OF PARC
REGENT CONDOMINIUM

S 88° 57' 45" W 45.73'

S 89° 59' 49" E 424.36'

CONTAINING 2205 SQUARE FEET

CENTERLINE OF EASEMENT
EASEMENT (SHOWN SHADED)
EXTENDS 5 FEET EACH SIDE

SCALE: 1 INCH = 30 FEET

0 10 20 30 40 50

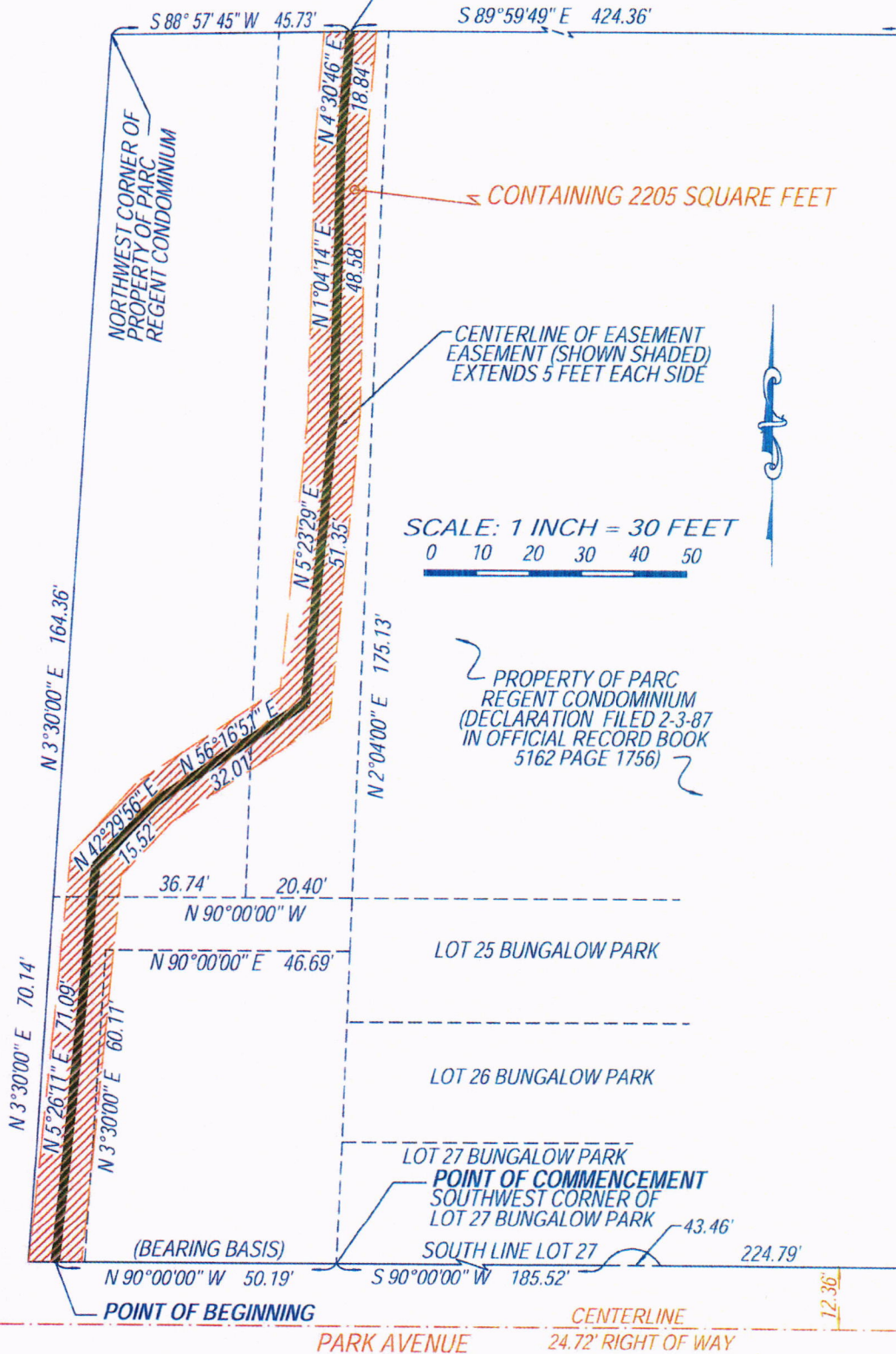
PROPERTY OF PARC
REGENT CONDOMINIUM
(DECLARATION FILED 2-3-87
IN OFFICIAL RECORD BOOK
5162 PAGE 1756)

25'

50' Right of Way

CENTERLINE

BRADLEY PLACE



PM SURVEYING
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL. 33415
(561) 478-7764 FAX 478-1094
JOB# S12010022

SKETCH AND LEGAL DESCRIPTION
THIS IS NOT A SURVEY
SHEET TWO OF TWO
DESCRIPTION
SEE SHEET 1 FOR SKETCH OF DESCRIPTION.

A 10 FOOT WIDE STRIP OF LAND IN THE SOUTHEAST ONE QUARTER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, EXTENDING 5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE SOUTHWEST CORNER OF LOT 27, BUNGALO PARK, AN ADDITION TO THE TOWN OF PALM BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 7, PAGE 26; THENCE N 90°00'00" W, AS A BASIS OF BEARINGS, ON A WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID BUNGALOW PARK, A DISTANCE OF 50.19 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE; (EASEMENT IS BOUNDED ON THE SOUTH BY SAID PROLONGATION OF SOUTH LINE) THENCE N 5°26'11" E A DISTANCE OF 71.09 FEET; THENCE N 42°29'56" E A DISTANCE OF 15.52 FEET; THENCE N 56°16'51" E A DISTANCE OF 32.01 FEET; THENCE N 5°23'29" E A DISTANCE OF 51.35 FEET; THENCE N 1°04'14" E A DISTANCE OF 48.58 FEET; THENCE N 4°30'46" E A DISTANCE OF 18.84 FEET TO THE POINT OF TERMINUS OF SAID CENTERLINE, SAID POINT BEING ON THE NORTH LINE OF THE PROPERTY OF PARC REGENT CONDOMINIUM (EASEMENT IS BOUNDED BY SAID NORTH LINE OF PARC REGENT) AND HAVING A BEARING OF S 88°57'45" W ALONG THE NORTH LINE OF PARK REGENT A DISTANCE OF 45.73 FEET TO THE NORTHWEST CORNER OF THE PROPERTY OF PARC REGENT CONDOMINIUM. SIDE LINES TO BE LENGTHENED OR SHORTENED AS NEEDED TO MEET AT ANGLE POINTS.

CONTAINING 2205 SQUARE FEET.

NOTES:

- 1) THIS FIRM'S CERTIFICATE OF AUTHORIZATION NUMBER IS LB 6788.
- 2) BEARING BASE NOTE: BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 27, BEING THE NORTH LINE OF THE PARK AVENUE RIGHT OF WAY, BEARING N 90°00'00" W ON AN ASSUMED BEARING.
- 3) NOTE - THIS SKETCH AND LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF THE SURVEYOR AND MAPPER NAMED HEREON.
- 4) NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
- 5) HORIZONTAL DATUM IS ASSUMED.
- 6) I HEREBY CERTIFY THIS SURVEY MEETS MINIMUM TECHNICAL STANDARDS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

8-29-12

DATE



Mark Daniel Laing
MARK DANIEL LAING
519
MARK DANIEL LAING

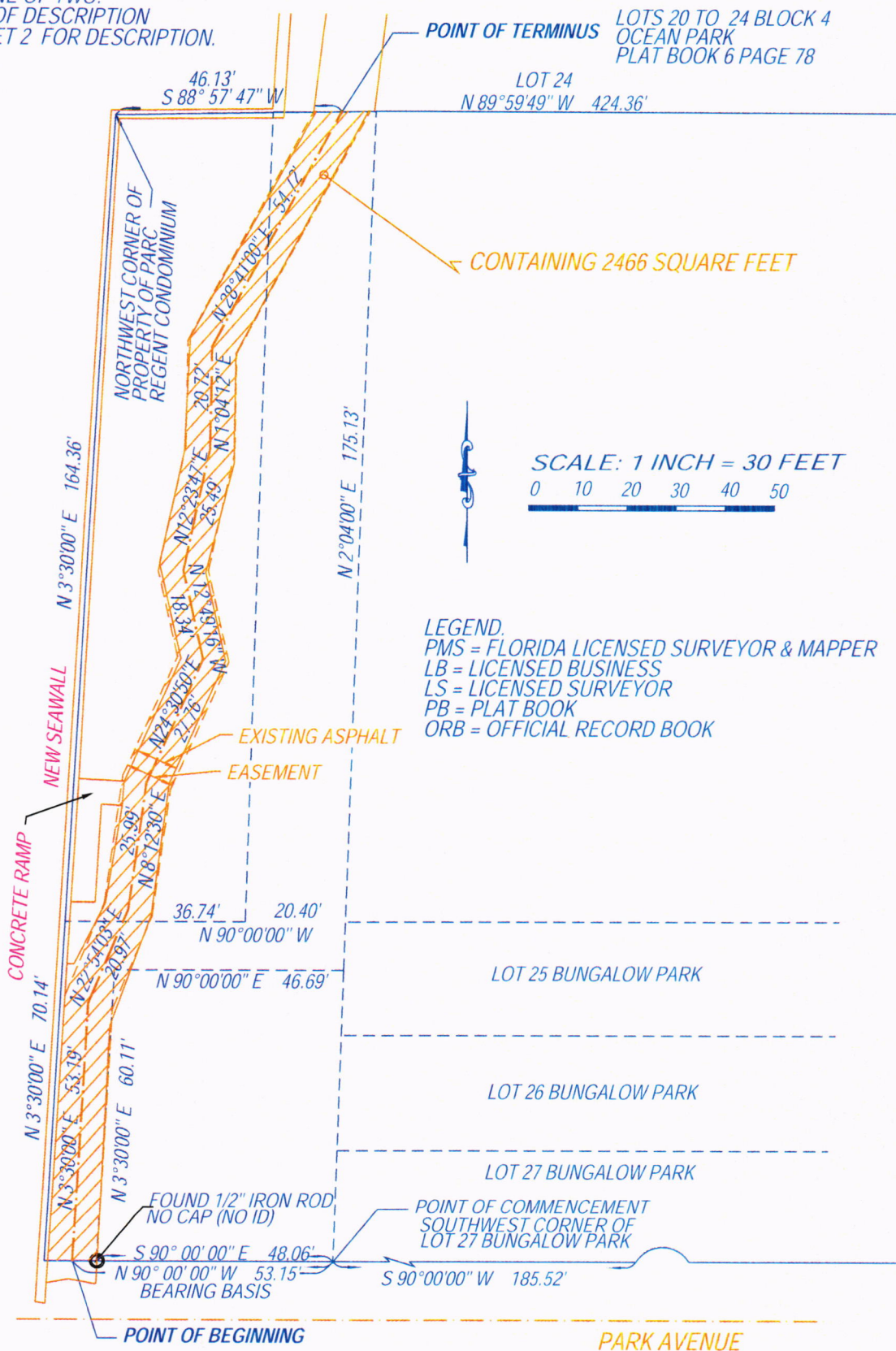
PM SURVEYING
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL. 33415
(561) 478-7764 FAX 478-1094
VISIT US AT PMSURVEYING.NET

JOB# S12010022

Attachment – D

BIKE PATH EASEMENT

LOTS 20 TO 24 BLOCK 4
OCEAN PARK
PLAT BOOK 6 PAGE 78



BRADLEY PLACE

SKETCH AND LEGAL DESCRIPTION
THIS IS NOT A SURVEY.
SHEET TWO OF TWO.
LEGAL DESCRIPTION
SEE SHEET ONE FOR SKETCH.

BIKE PATH EASEMENT

A 10 FOOT WIDE STRIP OF LAND IN THE SOUTHEAST ONE QUARTER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, EXTENDING 5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE SOUTHWEST CORNER OF LOT 27, BUNGALO PARK, AN ADDITION TO THE TOWN OF PALM BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 7, PAGE 26;

THENCE N 90°00'00" W, AS A BASIS OF BEARINGS, ON A WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID BUNGALOW PARK,

(EASEMENT BEGINS AT SAID PROLONGATION OF SOUTH LINE) A DISTANCE OF 53.15 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE;

THENCE N 03°30'00" E A DISTANCE OF 53.19 FEET;

THENCE N 22°54'03" E A DISTANCE OF 20.97 FEET;

THENCE N 08°12'30" E A DISTANCE OF 25.99 FEET;

THENCE N 24°30'50" E A DISTANCE OF 27.76 FEET;

THENCE N 12°49'16" W A DISTANCE OF 18.34 FEET;

THENCE N 12°23'47" E A DISTANCE OF 25.49 FEET;

THENCE N 01°04'12" E A DISTANCE OF 20.72 FEET;

THENCE N 28°41'00" E A DISTANCE OF 54.72 FEET TO THE POINT OF TERMINUS OF SAID CENTERLINE, SAID POINT BEING ON A BEARING OF N 89°59'49" W ALONG THE SOUTH LINE OF LOT 24 BLOCK 4 OCEAN PARK AS RECORDED IN PLAT BOOK 6 PAGE 78 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY. (EASEMENT TERMINATES AT SAID SOUTH LINE OF OCEAN PARK) AND BEARING S88°57'47"W A DISTANCE OF 46.13 FEET TO THE NORTHWEST CORNER OF THE PROPERTY OF PARC REGENT CONDOMINIUM. SIDE LINES TO BE LENGTHENED OR SHORTENED AS NEEDED TO MEET AT ANGLE POINTS.

CONTAINING 2466 SQUARE FEET.

NO SEARCH OF THE PUBLIC RECORD WAS PERFORMED BY THIS OFFICE.
THIS FIRMS AUTHOURIZATION NUMBER IS LB 6788.
THIS SKETCH AND LEGAL DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF THE SURVEYOR AND MAPPER NAMED HEREON.

3-14-13

DATE



Mark Daniel Laing
MARK DANIEL LAING
PS 19

PM SURVEYING
4546 CAMBRIDGE STREET
WEST PALM BEACH, FL. 33415
(561) 478-7764 FAX 478-1094
VISIT US AT PMSURVEYING.NET
JOB # S12010022

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 169-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders in the Aggregate Amount of \$66,800.12 to Waste Management, Inc., for Compacted Garbage Collection, and Establishing a Project Budget of \$70,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 26, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 169-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

TO: Mayor and Town Council
VIA: Peter Elwell, Town Manager
FROM: H. Paul Brazil, P.E., Director of Public Works
RE: Authorization for Purchase Orders for Compacted Garbage Collection
Resolution No. 169-2013
DATE: September 26, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 169-2013, authorizing Purchase Orders totaling \$66,800.12 to Waste Management for the remaining three months of the contract for Compacted Garbage Collection, and that an overall project budget of \$70,000 be established.

GENERAL INFORMATION

The Town contracts with Waste Management to provide this service at specific locations (eight different commercial customers). These services were previously awarded (Bid 2008-28) and all annual renewals have been exercised, with the contract expiring on December 31, 2013. The necessary purchase orders will be issued for the first quarter of FY2014 to continue this service, while the new solicitation and bid documents are being prepared and advertised. It is anticipated that a recommendation on a new contract award would be presented at the December 10, 2013, Town Council meeting. Individual purchase orders will be issued for each of the customers based on their required level of service. A small contingency is included in the overall project budget for additional collection needs that may arise beyond that basic service.

FUNDING/FISCAL IMPACT

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

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

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

RESOLUTION NO. 169-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING PURCHASE ORDERS IN THE AGGREGATE AMOUNT OF \$66,800.12, TO WASTE MANAGEMENT, INC., FOR COMPACTED GARBAGE COLLECTION, AND ESTABLISHING A PROJECT BUDGET OF \$70,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves purchase orders in an aggregate amount of \$66,800.12 to Waste Management, Inc., for compacted garbage collection at eight commercial customer locations, and hereby establishes an overall project budget of \$70,000.

Section 2. The Town Manager is hereby authorized and directed to execute this purchase order 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 completion of the said project work, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of October 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 170-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Piggy-Back Contract for Dissolved Sulfide Reduction and Odor Control Services at the S-2 Pump Station, in the Amount of \$129,000 and Establishing a Project Budget of \$154,800.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 24, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 170-2013
- RFQ No. 02-2014

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award of Piggy-Back Contract for Dissolved Sulfide Reduction and Odor Control
Treatment Services at the S-2 Pump Station
Resolution No. 170-2013

Date: September 24, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 170-2013 awarding a purchase order to Kemira Water Solutions, Inc., piggybacking the Town of Davie bid No. 12-74, for annual dissolved sulfide reduction and odor control treatment services at the S-2 Pump Station in the amount of \$129,000, and establishing a project budget of \$141,900, which includes contingency.

GENERAL INFORMATION

The Town pumps its sewage to the East Central Regional Water Reclamation Facility (ECR) for disposal and treatment. The current system uses a combination of outfalls, one (1) subaqueous pipe through Lake Worth from the south end of the island, and another subaqueous pipe from Tangier Avenue through a shared force main in West Palm Beach. The current agreement with ECR requires maximum receptive dissolved sulfide levels of 10 mg/L, and there is consideration of establishing maximum receptive dissolved sulfide levels as low as 1 mg/L.

Improvements to the S-2 Pump Station were completed in Fall 2012. The original design included the construction of a permanent dissolved sulfide reduction and odor control treatment system and was bid as an alternate. The alternate bids for the treatment system construction were found to be on the order of \$400,000 to \$500,000. This was well above the estimated cost, so the alternate was rejected and not included in the project. In addition, the operation of the system would have required annual operations cost of \$1.39 per gallon for chemicals at an estimated 100,000 gallons per year, or approximately \$139,000 per year.

Through research and discussions with other municipalities, it was found that there are currently a number of existing contracts with various governmental agencies that provide the equipment and services required for the S-2 treatment system. One is a contract between The Town of Davie and Kemira Water Solutions, Inc. The scope of the contract includes all labor, equipment,

and materials for complete installation of the system including storage tanks, on-line monitoring, automated dosage, monthly reporting, routine maintenance, monthly monitoring and reporting, emergency response, and training of Town personnel. In addition, the scope of work includes chemical delivery, as necessary, at a rate of \$1.29 per gallon at an estimated 100,000 per year, or approximately \$129,000 per year. The Town will be saving the initial cost of the equipment construction of \$400,000 to \$500,000. Also we will not have to maintain the equipment and we will receive a lower rate for chemicals. The contract provides for the option of three (3) annual renewals with all original terms, conditions, and pricing.

Since the dosage rate is dependent on actual dissolved sulfide levels, the annual chemical usage is an estimate. The system is equipped with on-line monitoring and adjusts dosage levels continuously, therefore optimizing chemical usage. Staff recommends that an initial contingency of 20% be incorporated to account for potential variations in chemical usage. This contingency may be reduced in future years as the variables are better defined.

Staff recommends that Town Council approve Resolution No. 170-2013 awarding a piggy-back contract to Kemira Water Solutions, Inc., for annual dissolved sulfide reduction and odor control treatment services at the S-2 Pump Station in the amount of \$129,000, and establishing a project budget of \$154,800, which includes contingency.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Public Works Department FY 2014 Budget to complete this work.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
Doug Terry, Water Resources Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 170-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A PIGGY-BACK CONTRACT FOR DISSOLVED SULFIDE REDUCTION AND ODOR CONTROL SERVICES AT THE S-2 PUMP STATION, IN THE AMOUNT OF \$129,000 AND ESTABLISHING A PROJECT BUDGET OF \$154,800.

* * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a piggy-back contract for a twelve month period to Kemira Water Services, Inc., for dissolved sulfide reduction and odor control services in the amount of \$129,000 and establishes a project budget of \$154,800.

Section 2. The Town Manager is hereby authorized and directed to execute this 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, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of October 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



**TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 02-2014
Dissolved Sulfide Reduction and Odor Control**

Revised September 20, 2013

INTENT

It is the intent to obtain pricing, in accordance with Town of Davie Bid # 12-74, which covers and includes all required labor, materials, equipment, installation and shipping necessary for and reasonably incidental for full and complete execution of this project. All terms, conditions, specifications and pricing of Town of Davie Bid # 12-74 shall apply.

TOWN OF PALM BEACH - CONTRACT TERM

The term of this contract shall run concurrent with the Town of Davie contract awarded on July 18, 2012.

SCOPE OF WORK FOR TOWN OF PALM BEACH:

1. Supply and install odor control system and chemicals. System shall include an on line continuous dissolved sulfide measuring/recording device.
2. Chemical to be used: Ferrous/Ferric Sulfate Solution
3. The system shall address and provide control for the odor-related problems and protection against transmission line deterioration associated with the Town's Master Pumping Station S-2, injection shall be into the 24 inch discharge pipe downstream of variable speed pumps.
4. The Grab Sample will be at the ARV manhole at the intersection of N. Tamarind Avenue and 23rd Street, West Palm Beach, FL.
5. The quantities are estimated **annual** usage. The Town of Palm Beach reserves the right to increase or decrease the total quantities as necessary to meet actual requirements.
6. Installation of equipment shall begin within 30 days after receipt of the Notice to Proceed.
7. Installation shall be complete within 60 days calendar days after receipt of the Notice to Proceed.
8. Service shall include supply and installation OdoFree storage and feed system.
9. Materials used for installation of storage tanks, piping, valves, and fitting shall meet all Palm Beach County Environmental Protection Department requirements and regulations regarding the control chemical supplied and storage tanks as applicable to secondary containment, monitoring, and all other requirements as applicable. The Town of Palm Beach is to arrange for the below ground pit where the equipment will be placed to be coated with an appropriate epoxy coating prior to the installation of the equipment;
10. Contractor will provide on-line dissolved sulfide monitoring and will complement this effort with regular on-site visits, including the analysis of grab samples downstream of the injection point, to ensure that performance is as desired.



**TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 02-2014**

Dissolved Sulfide Reduction and Odor Control

SCHEDULE OF BID ITEMS

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

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

The undersigned further declares that he proposes to furnish Dissolved Sulfide Reduction and Order Control services, as specified, for the following price as per Town of Davie Bid # 12-74:

Item	Description	Ann. Qty	Unit	Unit Cost	Extended Cost
1	Ferrous /Ferric Sulfate solution including an on-line continuous dissolved sulfide measuring/recording device.	100,000	GAL	\$ 1.29	\$ 129,000

The Proposer certifies that this Proposal is submitted in accordance with the specifications of Town of Davie Bid # 12-74 in its entirety and with full understanding of the conditions governing this RFQ. The undersigned representative submits this proposal and certifies that they are an authorized representative of the Proposer who may legally bind the Proposer.

Firm: <u>KEMIRA WATER SOLUTIONS INC.</u>	
*Signature: <u>Richard B. [Signature]</u>	Name/Title: <u>SR. ACCOUNT MANAGER</u>
Address: <u>3211 CLINTON PARKWAY CT., LAWRENCE, KS</u> Zip: <u>66047</u>	
Federal ID#: <u>59-3657872</u>	Telephone Number: <u>(785) 842-7424</u>
Fax: <u>(785) 842-3150</u>	Date: <u>09.23.13</u>

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

REMARKS: _____

Name of Bidder's Contact Person: RICHARD WATKINS

Address: 316 BARTON MUNICIPAL AIRPORT, BARTON, FL. 32830

Phone Number: 407 252 2032 Fax Number: 785-842-3150

E Mail Address: Richard.Watkins@Kemira.com

kemira

KEMIRA ODO-FREE™

Solution, 10% Fe

KEMIRA ODO-FREE™ is an effective liquid iron sulfate coagulant based on both divalent (Fe^{2+}) and trivalent iron (Fe^{3+}). ODO-FREE™ is a proprietary blend developed especially for hydrogen sulfide control, to reduce odor and corrosion, in municipal and industrial applications. The combination of divalent and trivalent iron in the product offers a superior performance compared to other treatment chemicals including ferrous salts or ferric salt solutions, or calcium or nitrate solutions. KEMIRA ODO-FREE™ can be customized to any specific total iron concentration to a maximum of 10% Fe.

PRODUCT SPECIFICATION

Appearance	Dark Liquid
Total Iron (Fe)	10.0 ± 0.5%
Fe (III)	8.0 ± 2%
Fe (II)	2.0 ± 2%
Specific Gravity (25°C)	1.3 ± 0.1

TYPICAL ANALYSIS

pH	< 2
Free Acid	<0.25%
Freezing Point	< 10°F
Water-Insoluble Matter	<0.1%

Dosing

KEMIRA ODO-FREE™ can be fed straight. No dilution or preparation is required. A diaphragm, metering pump of non-corrosive material is suitable.

Storage

Storage tanks and piping should be constructed of suitable material such as stainless steel, fiberglass, or cross-linked polyethylene. With this chemical it is recommended to clean the storage tank every 1-2 years.

Handling / Safety

The handling of any chemical requires care. Anyone responsible for using or handling KEMIRA ODO-FREE™ should familiarize themselves with the full safety precautions outlined in our Material Safety Data Sheet.

Delivery

Shipping Instructions ; Corrosive Liquid, Acidic, Inorganic, n.o.s., 8, UN 3264, P.G. III

Kemira makes this information available as an accommodation to its customers and it is intended to be solely a guide in customer's evaluation of the products. You must test our products, to determine if they are suitable for your intended uses and applications, as well as from the health, safety and environmental standpoint. You must also instruct employees, agents, contractors, customers or any third party which may be exposed to the products about all applicable precautions. All information and technical assistance is given without warranty or guarantee and is subject to change without notice. You assume full liability and responsibility for compliance with all information and precautions, and with all laws and statutes, ordinances and regulations of any governmental authority applicable to the processing, transportation, delivery, unloading, discharge, storage, handling, sale and use of each product. Nothing herein shall be construed as a recommendation to use any product in conflict with patents covering any material or its use.

Kemira
1000 Parkwood Circle, Ste 500
Atlanta, GA 30339
USA
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United States
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Mexico
Tel +52 55 9000 4140

kemira

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 171-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in an Amount Not-to-Exceed \$35,900, to Kimley-Horn and Associates, Inc., for Design, Bid, and Construction Phase Engineering Services for Site Improvements at S-2 Pump Station Project, and Establishing a Design, Bid, and Construction Phase Engineering Services Budget of \$38,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 25, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 171-2013
- Kimley-Horn Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

TO: Mayor and Town Council

VIA: Peter B. Elwell, Town Manager

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

RE: Approve a Purchase Order for Design, Bid and Construction Phase Engineering Services for Site Work at the S-2 Pump Station
Resolution No. 171-2013

DATE: September 25, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 171-2013 approving a purchase order for Design, Bid and Construction Phase Engineering Services for Site Work at the S-2 Pump Station in an amount not-to-exceed \$35,900 to Kimley-Horn and Associates, Inc., and establishing a design, bid and construction phase engineering services budget of \$38,000.

GENERAL INFORMATION

Over the past years, several projects have been completed in Bradley Park. Now that this disruptive work is done and before the bridge project is complete, we have the opportunity to do minor site improvements that will minimize the visual impact of these Public Works projects.

Staff recommends that we develop a landscape plan for the S-2 site in coordination with the Garden Club of Palm Beach. The goal is to improve upon existing landscaping and to shield the S-2 station and enhance the aesthetics of Bradley Park and Royal Poinciana Way for pedestrians and vehicular traffic.

Also, a portion of the asphalt driveway at S-2 includes some concrete curbing that has been installed over the years with inconsistent shape and size. Staff recommends replacing this curbing with new vertical curbing and milling and resurfacing the asphalt to improve aesthetics of both S-2 and Bradley Park. We will also strive to minimize the surface area of the driveway and increase green space if possible.

During the construction of the S-2 Inline Booster Station Project an air release manhole was installed at the end of the 24" subaqueous force main at the edge of Bradley Park. The top of this structure is approximately 24 inches above the surrounding area with sodded side slopes. Staff recommends lowering this structure to lessen the impact to Bradley Park.

Staff has negotiated a design, bid and construction phase engineering services proposal with Kimley-Horn and Associates, Inc., in the amount of \$35,900. Staff also recommends a contingency of \$2,100 for a total design, bid, and construction phase engineering services budget of \$38,000.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the Town's Accelerated Capital Improvement Program.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Finance Director
Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Charles R. Langley, P.E., Senior Project Engineer
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 171-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN AN AMOUNT NOT-TO-EXCEED \$35,900, TO KIMLEY-HORN AND ASSOCIATES, INC., FOR DESIGN, BID, AND CONSTRUCTION PHASE ENGINEERING SERVICES FOR SITE IMPROVEMENTS AT S-2 PUMP STATION PROJECT, AND ESTABLISHING A DESIGN, BID, AND CONSTRUCTION PHASE ENGINEERING SERVICES BUDGET OF \$38,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order in an amount not-to-exceed \$35,900 to Kimley-Horn and Associates, Inc., for Site Improvements at S-2 Project, and establishes a design, bid, and construction phase engineering services budget of \$38,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of October 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



Kimley-Horn
and Associates, Inc.

September 20, 2013

Mr. Chuck Langley, P.E.
Town of Palm Beach
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401

■
Suite 200
1920 Wekiva Way
West Palm Beach
Florida
33411-2410

Re: S-2 Inline Booster Pumping Station Site Improvements

Dear Chuck,

Kimley-Horn and Associates, Inc. ("KHA" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services related to the site improvements at the S-2 Inline Booster Pumping Station in Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

It is understood that the Town would like to make site improvements at the S-2 Inline Pumping Station which include the addition of landscaping around the S-2 Pump Station Building, improvements to the asphalt driveway which consist of replacement of the existing curbing, milling and overlaying of the existing driveway, and modification of the existing air release valve vault to reduce the height to match existing grades in the area. KHA has been requested by the Town to provide design, bid, and construction phase services for the project.

Scope of Services

Task 1 – The Garden Club of Palm Beach and ARCOM Coordination

KHA has retained a Landscape Architect (Sanchez & Maddux, Inc.) to assist with coordinating with The Garden Club of Palm Beach and the Town of Palm Beach ARCOM for the approval process of the landscaping improvements. The following services will be performed by our subconsultant:

- Attend up to two coordination meetings with The Garden Club of Palm Beach
- Attend one ARCOM meeting
- Provide a color plan graphic and street view elevation/rendering of proposed landscape improvements for ARCOM

■
TEL (561) 845-0865
FAX (561) 863-8175



Task 2 – Design Phase Services

KHA will prepare construction plans suitable for use by the Town's selected contractor containing the following information:

1. Cover Sheet
2. Site Plan
3. Valve Vault Modification Section and Details
4. Construction Details Sheet
5. Landscaping Plan
6. Landscaping Details Sheet
7. Landscaping Specifications Sheet

Landscaping plans and specifications will be prepared by a subconsultant (Sanchez & Maddux, Inc.) employed by Kimley-Horn. KHA will prepare general civil technical specifications.

We will submit plans and specifications for review at 80% completion stage and accommodate one round of reasonable requests for revisions by the Town. We will provide an opinion of probable construction cost at the 80% design stage and update this document with the final design submittal.

Task 3 – Bid Phase Services

KHA will attend the prebid meeting, review the bid proposal from the apparent low bidder, and prepare a summary memorandum for the Town containing our findings after our review of the bid. KHA will also assist the Town with responding to questions received from prospective bidders during the bid phase.

Task 4 – Construction Phase Services

KHA will provide construction phase services for the project for the purpose of providing assistance to the Town during construction. KHA will employ the services of a landscape subconsultant to perform the below services that are related to the landscape improvements that are to be made at the site. We believe this to be the level of services required to assist the Town in approving payment applications throughout the project. Our construction phase services and fees are based on a project duration of two months. The services our team will provide are as follows.

- KHA will attend the Pre-Construction Meeting.

- KHA will provide the Contractor with up to four (4) signed and sealed copies of the plans for submittal of the building permit package. We will respond to one round of reasonable building permit comments received during the building permit review.
- KHA will make 8 site visits to observe the construction progress.
- KHA will attend up to 3 progress meetings during the duration of the project.
- KHA will make recommendations with respect to defective work.
- KHA will review payment applications and change order requests. We will review up to three payment applications for the project.
- KHA will issue clarifications and interpretations.
- KHA will review Shop Drawings and Samples. We anticipate that up to 5 submittals will be required for review.
- KHA will review Substitutes and "or-equal" requests.
- KHA will review the project at the substantial completion date and develop punchlist.
- KHA will review project upon final completion.
- KHA will review Record Drawings prepared by the selected contractor.

A detailed description of each of these services has been included as an attachment to this proposal.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals approved by the Town prior to the performance of those requested additional services. Additional services we can provide include, but are not limited to, the following:

- Surveying and Mapping
- Soft Digs – Existing Utility Locates
- Easement Descriptions
- Geotechnical Investigation

Information and Services Provided By Others

We shall be entitled to rely upon the accuracy of information provided by others in the performance of professional services. It is anticipated that the following items will need to be provided to KHA by the Town during the project.

- Access to the site.



Fee and Billing

KHA will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that the following budgets be established for these services.

<i>Task 1 – The Garden Club of Palm Beach and ARCOM Coordination</i>	<i>\$ 6,800</i>
<i>Task 2 – Design Phase Services</i>	<i>\$13,400</i>
<i>Task 3 – Bid Phase Services</i>	<i>\$ 1,400</i>
<i>Task 4 – Construction Phase Services</i>	<i>\$14,300</i>

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., dated January 28, 2010, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fees described above.

We appreciate the opportunity to propose these services to you.

Very truly yours,
KIMLEY-HORN AND ASSOCIATES, INC.

By: Kevin Schanen, P.E.
Vice President

Attachment

K:\WPB_Civil\General\Lee\Proposals\Palm Beach\S-2 Driveway Improvements\S-2 Site Improvements
Proposal.docx



Construction Phase Services Attachment

Consultant will provide professional construction phase services as specifically stated below:

Pre-Construction Conference. Consultant will attend a Pre-Construction Conference prior to commencement of Work at the Site.

Visits to Site and Observation of Construction. Consultant will provide on-site construction observation services during the construction phase. Consultant will make visits at intervals as described in the Scope of Services in order to observe the progress of the Work. Such visits and observations by Consultant are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on Consultant's exercise of professional judgment. Based on information obtained during such visits and such observations, Consultant will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Consultant will keep Client informed of the general progress of the Work.

The purpose of Consultant's site visits will be to enable Consultant to better carry out the duties and responsibilities specifically assigned in this Agreement to Consultant, and to provide Client a greater degree of confidence that the completed Work will conform in general to the Contract Documents. Consultant shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work, nor shall KHA have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction selected by Contractor, for safety precautions and programs incident to Contractor's work, nor for any failure of Contractor to comply with laws and regulations applicable to Contractor's furnishing and performing the Work. Accordingly, Consultant neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

Recommendations with Respect to Defective Work. Consultant will recommend to Client that Contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, Consultant believes that such



work will not produce a completed Project that conforms generally to Contract Documents.

Clarifications and Interpretations. Consultant will respond to reasonable and appropriate Contractor requests for information and issue necessary clarifications and interpretations of the Contract Documents to Client as appropriate to the orderly completion of Contractor's work. Any orders authorizing variations from the Contract Documents will be made by Client.

Change Orders. Consultant may recommend Change Orders to Client, and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.

Shop Drawings and Samples. Consultant will review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.

Substitutes and "or-equal." Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor in accordance with the Contract Documents, but subject to the provisions of applicable standards of state or local government entities.

Inspections and Tests. Consultant may require special inspections or tests of Contractor's work as Consultant deems appropriate, and may receive and review certificates of inspections within Consultant's area of responsibility or of tests and approvals required by laws and regulations or the Contract Documents. Consultant's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Consultant shall be entitled to rely on the results of such tests and the facts being certified.

Applications for Payment. Based on its observations and on review of applications for payment and accompanying supporting documentation, Consultant will determine the amounts that Consultant recommends Contractor be paid. Such recommendations of payment will be in writing and will constitute Consultant's representation to Client, based on such observations and review, that, to the best of Consultant's knowledge, information and belief, Contractor's work has progressed to the point indicated and that such work-in-progress is



generally in accordance with the Contract Documents subject to any qualifications stated in the recommendation. In the case of unit price work, Consultant's recommendations of payment will include determinations of quantities and classifications of Contractor's work, based on observations and measurements of quantities provided with pay requests.

By recommending any payment, Consultant shall not thereby be deemed to have represented that its observations to check Contractor's work have been exhaustive, extended to every aspect of Contractor's work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Consultant in this Agreement. It will also not impose responsibility on Consultant to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, nor to determine that title to any portion of the work in progress, materials, or equipment has passed to Client free and clear of any liens, claims, security interests, or encumbrances, nor that there may not be other matters at issue between Client and Contractor that might affect the amount that should be paid.

Substantial Completion. Consultant will, promptly after notice from Contractor that it considers the entire Work ready for its intended use, in company with Client and Contractor, conduct a site visit to determine if the Work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list. If after considering any objections of Client, Consultant considers the Work substantially complete, Consultant will notify Client and Contractor.

Final Notice of Acceptability of the Work. Consultant will conduct a final site visit to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that Consultant may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Consultant shall also provide a notice that the Work is generally in accordance with the Contract Documents to the best of Consultant's knowledge, information, and belief based on the extent of its services and based upon information provided to Consultant upon which it is entitled to rely.

Limitation of Responsibilities. Consultant shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing the Work. Consultant shall not have the authority or responsibility to stop the work of any Contractor.

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 172-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$34,160, to Kimley-Horn & Associates, Inc., for Site Remediation Closure Assistance for the Pump Station A-39 Soil Contamination Remediation Project, and Establishing a Project Budget of \$37,500.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 19, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 172-2013
- Kimley-Horn Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approve a Purchase Order for Pump Station A-39 Site Remediation Closure Assistance
Resolution No. 172-2013

Date: September 19, 2013

STAFF RECOMMENDATION

Staff requests that Town Council approve Resolution No. 172-2013 approving a purchase order for the Florida Department of Environmental Protection (FDEP) Site Remediation Closure assistance for the Pump Station A-39 Soil Contamination Remediation Project in the amount of \$34,160 to Kimley-Horn and Associates, Inc. and establishing a project budget of \$37,500.

GENERAL INFORMATION

At the September 10, 2013 Town Council Meeting, staff presented an update on the contamination remediation efforts at and adjacent to Pump Station A-39. Also presented were three options on how to proceed with this project. The options were 1) Additional Groundwater Monitoring, 2) Groundwater Remediation, and 3) No Further Action with Institutional Control. Town Council selected Option 3, which allows the Town to cease remediation activities due to the fact that the site shows signs of natural attenuation. To complete this process with the FDEP, assistance from the Town's consultant Kimley-Horn and Associates, Inc. will be necessary to prepare the supporting documentation for the conditional closure.

FUNDING/FISCAL IMPACT

Funding for this project is contained within the Risk Fund Reserve for Catastrophic Exposures/Emergencies.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Eric Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E. Town Engineer
Doug Terry, Water Resources Division Manager
Jeffrey M. Sanon, P.E., Project Engineer
Lynda Cummings, Purchasing Agent
Karen Temme, Risk Manager

RESOLUTION NO. 172-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$34,160, TO KIMLEY-HORN & ASSOCIATES, INC., FOR SITE REMEDIATION CLOSURE ASSISTANCE FOR THE PUMP STATION A-39 SOIL CONTAMINATION REMEDIATION PROJECT, AND ESTABLISHING A PROJECT BUDGET OF \$37,500.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order in an amount of \$34,160 to Kimley-Horn & Associates, Inc., for site remediation closure assistance for the Pump Station A-39 Soil Contamination Remediation Project, and establishes a project budget of \$37,500.

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

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 completion of the said project work, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of October 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

August 5, 2013

Mr. Jeff Sanon
Town of Palm Beach
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401



Suite 200
1920 Wekiva Way
West Palm Beach
Florida
33411-2410

Re: A-39 Pump Station Site No Further Action with Conditions Closure Process

Dear Jeff,

Kimley-Horn and Associates, Inc. ("CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for Natural Attenuation Monitoring (NAM) at the A-39 Pump Station. Our project understanding, scope of services, fee basis, and schedule follow.

Project Understanding

The Town recently completed a Natural Attenuation Monitoring (NAM) program at the subject site to determine if the site contaminants left in the groundwater are attenuating naturally. Results of this program showed a general pattern of decline although concentrations still remain above target levels. Based on our discussions with the Town and the Florida Department of Environmental Protection (FDEP), there is general agreement that the Town could make a request for closure of groundwater conditions through a No Further Action (NFA) with conditions approach. The conditions of the NFA closure will be the implementation of an Institutional Control (IC) in the form of a Restrictive Covenant applied to the entire property (Phipps Ocean Park) that incorporates the A-39 Pump Station. Preliminarily, FDEP has verbally indicated that they agree with this approach. The FDEP also indicated that the typical requirement for this approach of a risk assessment may not be required for closure.

Based on this understanding, we offer the following scope of services.

Scope of Services

In order to make a request for conditional closure at the site, field sampling of the existing groundwater will need to be performed to show the FDEP that the aquifer is of low yield and poor quality. KHA will employ the services of HSA Engineers and Scientists to perform this aquifer characterization and background groundwater sampling. Groundwater samples will be analyzed by a laboratory for select Primary and Secondary Drinking Water Standards.



Concurrent with the sampling efforts, we will provide Conditional Closure Research and Exhibit preparation for Town and FDEP meetings. We anticipate that there will be up to two meetings with the Town to discuss the process and necessary coordination with the Town's Attorney.

KHA will work with HSA to prepare support documentation for the conditional closure. This documentation will include fate and transport modeling. KHA and HSA will prepare the closure request and support document for submittal to the FDEP for review. We will attend up to one meeting with the FDEP to review the request and answer questions.

It is understood that Restrictive Covenants will be recorded on the property to serve as the institutional control for the site. KHA and HSA will coordinate with the Town and the Town's attorney to assist in the preparation and review of these documents. We have included one meeting with the Town's attorney to discuss the process and necessary legal documentation required by the process.

We have assumed that the physical development of the Restrictive Covenants to be recorded with the property will be drafted, finalized, and recorded by the Town's Attorney with review assistance from KHA and HSA.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals approved by the Town prior to the performance of those requested additional services.

Fee and Billing

KHA will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that a budget of \$34,160 be established for these services.

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., dated January 28, 2010, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.



If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fees described above.

We appreciate the opportunity to propose these services to you.

Very truly yours,
KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'KS', is written over a horizontal line.

By: Kevin Schanen, P.E.
Vice President

Attachments

K:\WPB_Civil\General\Schanen\Proposals\Palm Beach\A-39 RMO III\A-39 RMOIII Proposal1.docx

ESTIMATE FOR ENGINEERING SERVICES

[illegible]

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 173-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing Purchase Order 131432 for Pavement Restoration of Via Marina for the A-7 to Hammon Avenue Force Main Replacement Project, in the Amount of \$96,937 and Increasing the Construction Phase Budget by \$100,000 for this Project.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 27, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 173-2013
- Mock Roos Recommendation
- Change Order Request

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorize a Change Order and Additional Appropriation for Pavement Restoration for the A-7 to Hammon Avenue Force Main Replacement Project
Accelerated Capital Improvement Program
Resolution No. 173-2013

Date: September 27, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 173-2013 authorizing a change order to Purchase Order No. 131432 with Johnson-Davis, Inc. (JDI) for the A-7 to Hammon Avenue Force Main Replacement Project for pavement restoration of Via Marina in the amount of \$96,937.00, and increase the construction phase budget from \$800,000 to \$900,000.

GENERAL INFORMATION

This project consists of replacing an existing sanitary sewer force main in Via Marina (County Road to South Ocean Boulevard) and in South Ocean Boulevard (from Via Marina to County Road).

During construction of the replacement force main along South Ocean Boulevard, JDI, and Town staff noticed cracks in the asphalt pavement at various locations. Excavation of the pipe trench revealed unforeseen conditions consisting of extremely dry and uncompacted beach sand sub-base beneath the existing roadway that sloughed off the sides of the trench undermining the adjacent road base material and asphalt pavement. This resulted in opening of asphalt cracks. No stabilized subgrade was evident.

Staff has received a recommendation from our consultant, Mock, Roos & Associates, Inc. (MRA) to remove all asphalt along this section of roadway to within eight (8) inches of the roadway curbing, re-work and compact the existing road base material, and place two (2) inches of asphalt in two (2) lifts from curb to curb with a proper roadway crown and longitudinal grading.

JDI has prepared a change order in an amount not to exceed \$64,699.50 that will utilize most of the approximately \$69,000 project contingency available. MRA has negotiated with JDI to develop this change order price. Our consultants have recommended to staff that this is a fair and reasonable price. This work needs to be done to properly reconstruct the road.

While working in Via Marina, we discovered that two previously constructed utility trenches were

not properly backfilled. Our new trench is generally along the center of the roadway. The old trenches are between our trench and each side of the road. The old trenches do not have sufficient stabilized subgrade or base material. We have budgeted sufficient funds to rebuild our new trench (approximately \$54,000), but not enough to rebuild the two old trenches (approximately \$50,000 each). Our consultant has recommended proper reconstruction and has negotiated a cost for the work.

A majority of the existing roadway curbing is severely cracked and broken. We recommend its removal and do not plan on replacing it as the roadway slope is sufficient to move storm water to existing inlets. Removal of the curbing will also allow for percolation of storm water into the existing grass strip between the roadway and the sidewalks. The revised pavement width will extend to the existing back of curb location. This work can be completed within the proposed restoration budget.

This reconstruction of Via Marina will require that the construction phase budget be increased by \$100,000 and that we process a not to exceed change order with JDI for \$96,937.00. Again, MRA has negotiated this change order amount with JDI. The total value of this additional work is estimated at \$150,955 but we have a savings of \$54,018 from the original pavement restoration bid for Via Marina which leaves a net increase of \$96,937.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the Accelerated Capital Improvement Program. Approval of the above recommended, additional work will require that the construction phase budget for this project be increased by \$100,000, which includes a small contingency.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Charles R. Langley, P.E., Senior Project Engineer
Douglas Terry, Water Resources Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 173-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, INCREASING EXISTING PURCHASE ORDER 131432 FOR PAVEMENT RESTORATION OF VIA MARINA FOR THE A-7 TO HAMMON AVENUE FORCE MAIN REPLACEMENT PROJECT, IN THE AMOUNT OF \$96,937 AND INCREASING THE CONSTRUCTION PHASE BUDGET BY \$100,000 FOR THIS PROJECT.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order increase of \$96,937 to Johnson-Davis, Inc. for the A-7 to Hammon Avenue Force Main Replacement Project.

Section 2. The Town Council of the Town of Palm Beach hereby approves an increase of \$100,000 to the construction phase budget for the A-7 to Hammon Avenue Force Main Replacement Project.

Section 3. The Town Manager is hereby authorized and directed to execute a change order on behalf of the Town of Palm Beach for this additional construction work.

Section 4. The Town Manager is hereby authorized and directed to affect an increase to the construction phase budget.

Section 5. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the additional construction work for the project, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of October 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



September 25, 2013

Mr. Chuck Langley
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480-2029

Ref. No. B2008.10
Subject: A-7 to Hammon Avenue Force Main Replacement Project
Pavement Restoration

Dear Chuck:

As you are aware, during construction of the replacement force main along Via Marina and South Ocean Boulevard the Town's Contractor (Johnson-Davis) encountered apparent existing roadway deficiencies. Specifically, excavation of the pipe trench in Via Marina revealed sub-standard base material and thickness throughout the roadway apparently caused during previous utility/drainage trench operations. In addition, excavation of the pipe trench in South Ocean Boulevard revealed unforeseen conditions consisting of extremely dry and uncompacted beach sand sub-grade resulting in pavement undermining adjacent to the pipe trench.

In response, Mock•Roos developed pavement restoration construction drawings for the necessary restoration work activities along Via Marina and a Pavement Restoration Strategy for work along South Ocean Boulevard (see attached).

Johnson-Davis has provided final price proposals, dated September 23, 2013, for the above additional work activities (see attached). The total amounts are as follows:

- Via Marina Pavement Restoration = \$96,937.00
- South Ocean Boulevard Pavement Restoration = \$64,699.00

Based on our review of the quantities and unit prices (compared to other recent projects), we find Johnson-Davis' price proposals to be fair and reasonable. It should be noted that the Town has elected to move forward with the use of crushed concrete base material for both sections of roadway.

Based on the above, Mock•Roos recommends that the Town approve Johnson-Davis' price proposals for the additional work. It is our understanding that the Town will seek Town Council

Mr. Chuck Langley
September 25, 2013
Page 2

approval for the Via Marina Pavement Restoration work and will process a Change Order from the project contingency for the South Ocean Boulevard Pavement Restoration.

If you have any questions, please contact me at 683-3113, extension 293.

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.



Garry G. Gruber, P.E.
Vice President

GGG:jeh
Enclosure

Copies: Bill Francis
John Cairnes

South Ocean Blvd Reconstruction**9/23/2013****Original Contract Work**

Item	Quantity	Unit	Unit Cost	Cost
Type S-3 Asphalt Repair - 2"	1,800	SY	\$ 21.00	\$ 37,800.00
Road Milling and Overlay	8,950	SY	\$ 15.00	\$ 134,250.00
Total				\$ 172,050.00

Work No Longer In Contract

Item	Quantity	Unit	Unit Cost	Cost
Type S-3 Asphalt Repair - 2"	1,132	SY	\$ 21.00	\$ 23,772.00
Road Milling and Overlay	4,544	SY	\$ 15.00	\$ 68,160.00
Road Base Replacement 10" Thick	300	SY	\$ 15.00	\$ 4,500.00
Total				\$ 96,432.00

Additional Work On South Ocean

Item	Quantity	Unit	Unit Cost	Total Cost
Additional Mobilization and Road Crew Superintendent	1	LS	\$ 16,000.00	\$ 16,000.00
Asphalt Removal and Disposal	1	LS	\$ 28,000.00	\$ 28,000.00
Add Additional Cushed Concrete Base, Refinish and Prime (South Ocean)	4,600	SY	\$ 9.95	\$ 45,770.00
2" S-3 Asphalt (2 - 1" lifts) (South Ocean)	4,600	SY	\$ 13.75	\$ 63,250.00
Manhole and Valvebox Adjustments	1	LS	\$ 4,000.00	\$ 4,000.00
MOT	30	Days	\$ 67.05	\$ 2,011.50
Record Drawings	1	LS	\$ 2,100.00	\$ 2,100.00
Sub Total				\$ 161,131.50
Credit				\$ (96,432.00)
Total Additional				\$ 64,699.50

Alternate Work

Item	Quantity	Unit	Unit Cost	Total Cost
Add Additional Palm Beach Agg. Rock, Refinish and Prime (South Ocean)	4,600	SY	\$ 12.00	\$ 55,200.00
Add Additional Bergeron Star Pit Limerock, Refinish and Prime (South Ocean)	4,600	SY	\$ 15.00	\$ 69,000.00

Above prices include denisty testing but do NOT include utility adjustments or relocations.

Johnson-Davis and its subcontractors are not responsible for deficient profile and/or cross slope due to existing conditions.

Via Marina Reconstruction**9/23/2013****Original Contract Work**

Item	Quantity	Unit	Unit Cost	Cost
Type S-3 Asphalt Repair - 2"	1,800	SY	\$ 21.00	\$ 37,800.00
Road Milling and Overlay	8,950	SY	\$ 15.00	\$ 134,250.00
Total				\$ 172,050.00

Work No Longer In Contract

Item	Quantity	Unit	Unit Cost	Cost
Type S-3 Asphalt Repair - 2"	668	SY	\$ 21.00	\$ 14,028.00
Road Milling and Overlay	2,400	SY	\$ 15.00	\$ 36,000.00
Road Base Replacement 10" Thick	266	SY	\$ 15.00	\$ 3,990.00
Total				\$ 54,018.00

Additional Work On Via Marina

Item	Quantity	Unit	Unit Cost	Total Cost
Additional Mobilization and Road Crew Superintendent	1	LS	\$ 16,000.00	\$ 16,000.00
Asphalt Removal and Disposal	1	LS	\$ 15,000.00	\$ 15,000.00
Curb Removal and Disposal (Via Marina)	1	LS	\$ 7,800.00	\$ 7,800.00
Excavation and Compaction of Subgrade (Via Marina)	2,500	SY	\$ 6.75	\$ 16,875.00
14" Crushed Concrete Base (Via Marina)	2,500	SY	\$ 18.50	\$ 46,250.00
2" S-3 Asphalt (2 - 1" lifts) (Via Marina)	2,400	SY	\$ 14.45	\$ 34,680.00
Manhole and Valvebox Adjustments	1	LS	\$ 4,300.00	\$ 4,300.00
MOT	30	Days	\$ 15.00	\$ 450.00
Record Drawings	1	LS	\$ 2,100.00	\$ 2,100.00
Concrete Removal and Replacement (6" thick)	150	SY	\$ 50.00	\$ 7,500.00
Sub Total				\$ 150,955.00
Credit				\$ (54,018.00)
Total Additional				\$ 96,937.00

Alternate Work

Item	Quantity	Unit	Unit Cost	Total Cost
14" Base Rock from Palm Beach Agg. (Via Marina)	2,500	SY	\$ 24.00	\$ 60,000.00
14" Limerock Base from Bergeron Star Pit (Via Marina)	2,500	SY	\$ 30.00	\$ 75,000.00

Above prices include denisty testing but do NOT include utility adjustments or relocations.

Johnson-Davis and its subcontractors are not responsible for deficient profile and/or cross slope due to existing conditions.

South Ocean Blvd and Via Marina Reconstruction**9/23/2013****Original Contract Work**

Item	Quantity	Unit	Unit Cost	Cost
Type S-3 Asphalt Repair - 2"	1,800	SY	\$ 21.00	\$ 37,800.00
Road Milling and Overlay	8,950	SY	\$ 15.00	\$ 134,250.00
Mobilization/Demobilization	1	LS	\$ 12,000.00	\$ 12,000.00
Total				\$ 184,050.00

Work No Longer In Contract

Item	Quantity	Unit	Unit Cost	Cost
Type S-3 Asphalt Repair - 2"	1,800	SY	\$ 21.00	\$ 37,800.00
Road Milling and Overlay	6,944	SY	\$ 15.00	\$ 104,160.00
Road Base Replacement 10" Thick	566	SY	\$ 15.00	\$ 8,490.00
Total				\$ 150,450.00

Additional Work On South Ocean and Via Marina

Item	Quantity	Unit	Unit Cost	Total Cost
Additional Mobilization and Road Crew Superintendent	1	LS	\$ 20,000.00	\$ 20,000.00
Asphalt Removal and Disposal	1	LS	\$ 42,000.00	\$ 42,000.00
Curb Removal and Disposal (Via Marina)	1	LS	\$ 7,800.00	\$ 7,800.00
Excavation and Compaction of Subgrade (Via Marina)	2,500	SY	\$ 6.75	\$ 16,875.00
14" Crushed Concrete Base (Via Marina)	2,500	SY	\$ 18.50	\$ 46,250.00
2" S-3 Asphalt (2 - 1" lifts) (Via Marina)	2,400	SY	\$ 13.50	\$ 32,400.00
Add Additional Cushed Concrete Base, Refinish and Prime (South Ocean)	4,600	SY	\$ 9.95	\$ 45,770.00
2" S-3 Asphalt (2 - 1" lifts) (South Ocean)	4,600	SY	\$ 13.50	\$ 62,100.00
Manhole and Valvebox Adjustments	1	LS	\$ 8,000.00	\$ 8,000.00
MOT	30	Days	\$ 67.05	\$ 2,011.50
Record Drawings	1	LS	\$ 4,000.00	\$ 4,000.00
Concrete Removal and Replacement (6" thick)	150	SY	\$ 50.00	\$ 7,500.00
Sub Total				\$ 294,706.50
Credit				\$ (150,450.00)
Total Additional				\$ 144,256.50

Alternate Work

Item	Quantity	Unit	Unit Cost	Total Cost
14" Base Rock from Palm Beach Agg. (Via Marina)	2,500	SY	\$ 24.00	\$ 60,000.00
14" Limerock Base from Bergeron Star Pit (Via Marina)	2,500	SY	\$ 30.00	\$ 75,000.00
Add Additional Palm Beach Agg. Rock, Refinish and Prime (South Ocean)	4,600	SY	\$ 12.00	\$ 55,200.00
Add Additional Bergeron Star Pit Limerock, Refinish and Prime (South Ocean)	4,600	SY	\$ 15.00	\$ 69,000.00

Above prices include density testing but do NOT include utility adjustments or relocations.

Johnson-Davis and its subcontractors are not responsible for deficient profile and/or cross slope due to existing conditions.

Ocean Boulevard Sequence of Construction:

During construction provide clean-up crew as necessary to maintain a clean and orderly work site at all times.

The Contractor shall provide MOT for the duration of the work.

Mobilize additional equipment to the site (water truck, backhoe, loader, grader, and several dump trucks). Mobilization shall include supplying a full time road crew superintendent (provided by Cheatham). Perform a survey of the existing roadway to establish the final roadway grades.

Remove existing asphalt on South Ocean Boulevard. Approximately 8-inches of asphalt adjacent to the face of curb on each side of the roadway to remain in order to reestablish the existing/final grade of the roadway.

Dispose of the existing asphalt off-site in a legal manner.

Rework and compact the existing base to ensure a homogeneous layer of base (minimum of 10-inches thick). Provide additional base material as required to bring the roadway up to the final grade.

Adjust existing facilities (valve boxes and manholes, etc.) as necessary to match final grades.

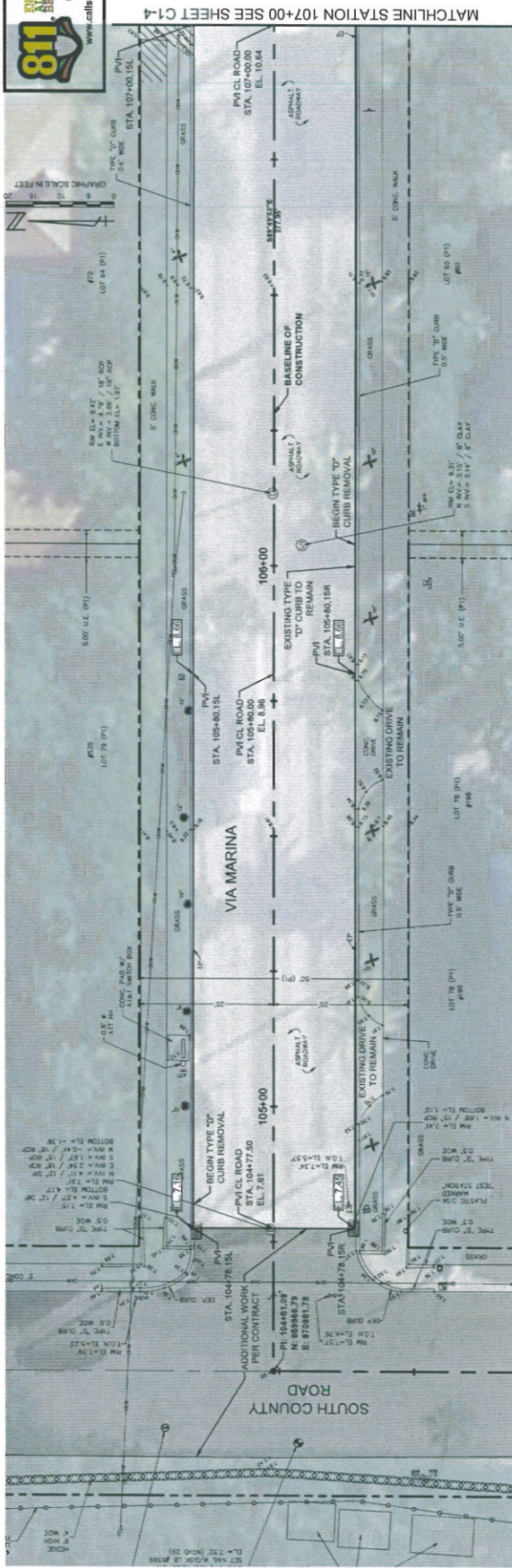
Compact and refinish the roadway base to 2-inches below the final grade. Final grade shall be set at a 2 percent slope up from the existing pavement remaining adjacent to the curbs. No longitudinal adjustment to the roadway grades will be performed. The remaining asphalt adjacent to the existing curbs will then be removed.

Densities will be taken in each lane at a 500 foot maximum interval.

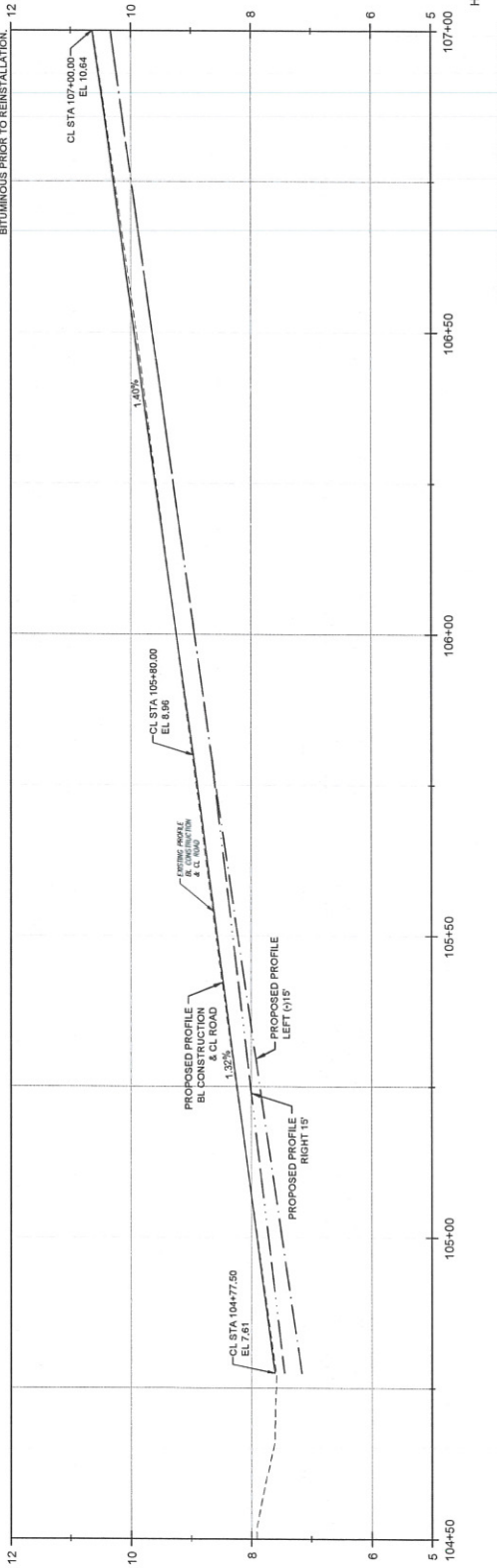
Apply a prime coat to protect the integrity of the base during construction and to ensure the adhesion of the asphalt course.

Install 2-inches of type S-III asphalt in two 1-inch lifts from curb to curb.

Provide record drawings showing the existing grades, final grades, final grades of adjusted facilities and any other information called for in the record drawing specifications.

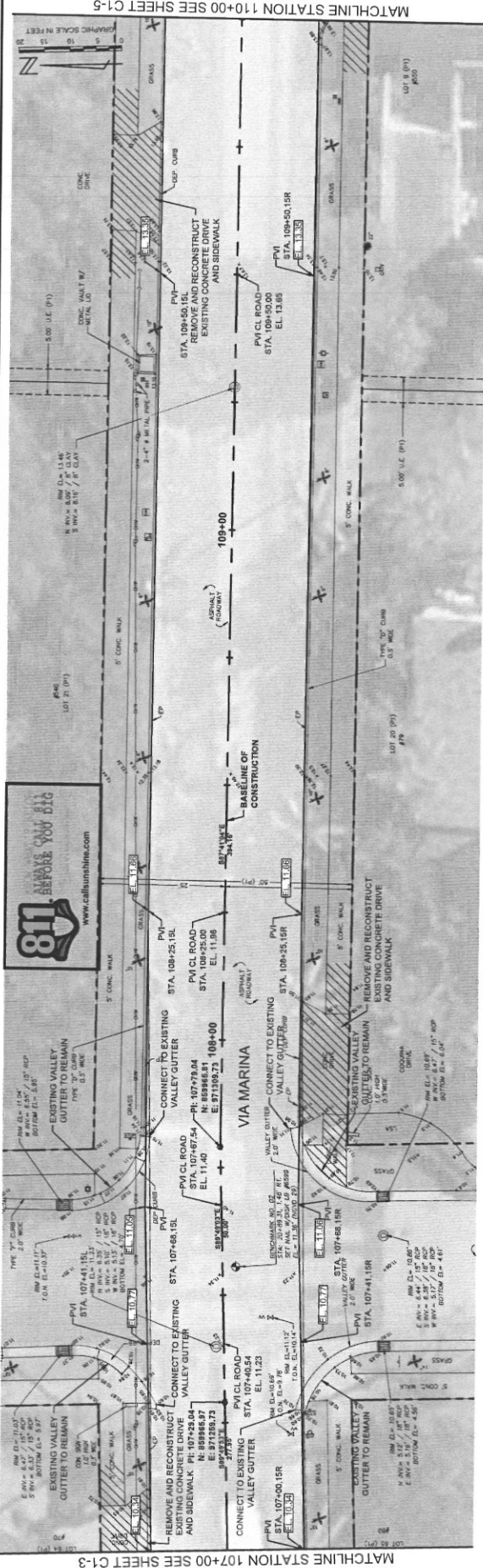


NOTE:
EXISTING MANHOLE FRAMES, VALVE BOXES, ETC., TO REQUIRED ELEVATIONS. REMOVE, CLEAN, AND PAINT WITH ONE COAT OF BITUMINOUS PRIOR TO REINSTALLATION.

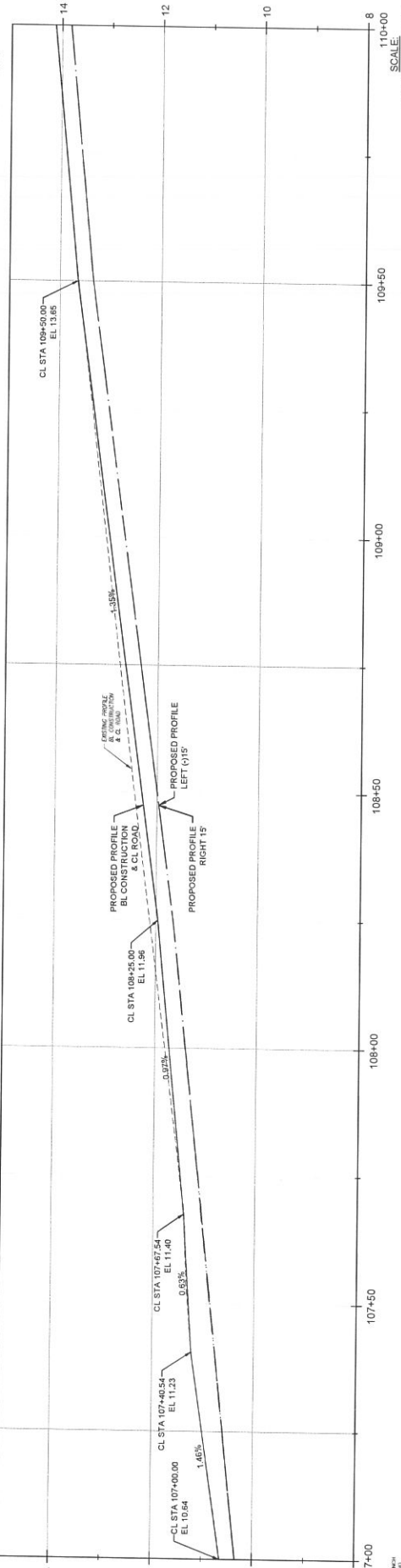


SCALE:
HORIZONTAL: 1"=10'
VERTICAL: 1"=1'

DATE: SEPTEMBER 2013		FLORIDA L.B. NO. 48		FIELD D. LEAVY		VIA MARINA RECONSTRUCTION PLAN (1 OF 3)	
P.A. NO. B3008.00		DRAWN: SMR		DESIGN: NJC		A-7 FORCEMAIN REPLACEMENT	
DWG. NO. 43-4526-17		APPR: GGG		SCALE: AS SHOWN		FROM ISLAND ROAD TO HAMMON AVE	
SHEET: C-11		TOWN OF PALM BEACH		PALM BEACH COUNTY		CONSTRUCTION DRAWINGS	
		6720 Corporate Way, West Palm Beach, Florida 33407 (561) 853-3113, Fax 472-7248				TOWN OF PALM BEACH	
		MOCK ROOS ENGINEERS & ARCHITECTS, P.A.					
		FLORIDA P.E. NO. 38773					
		DATE					



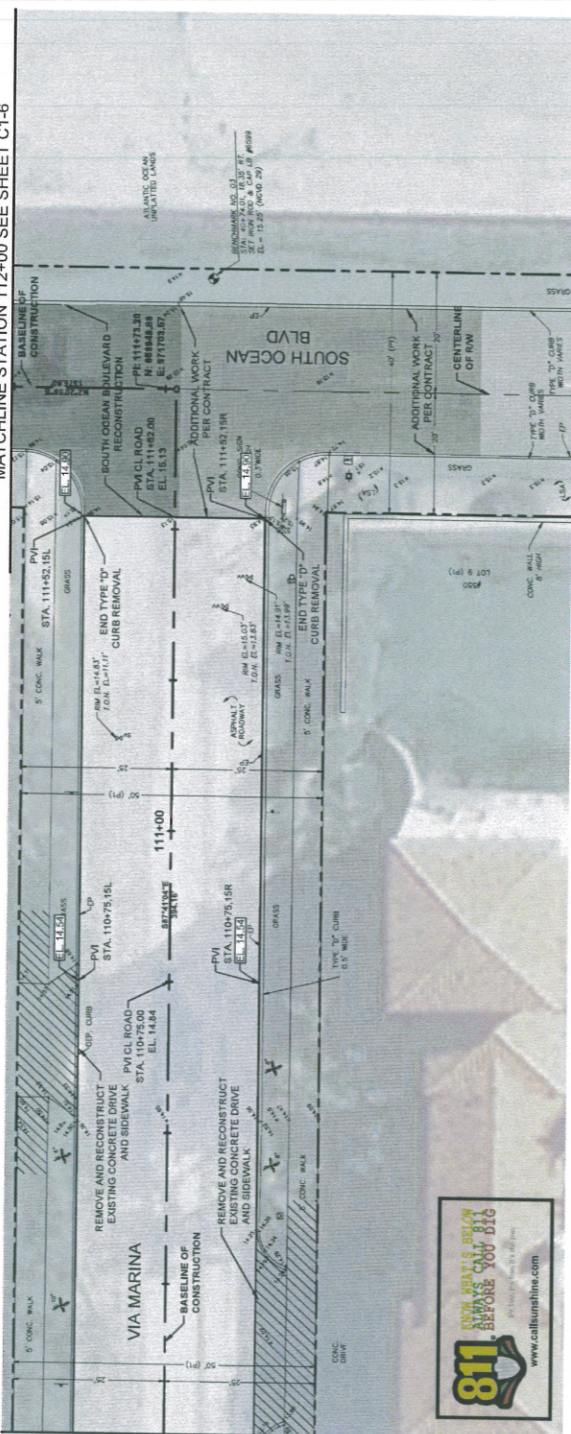
NOTE:
ADJUST EXISTING MANHOLE FRAMES, VALVE
BOXES, ETC., TO REQUIRED ELEVATIONS.
REMOVE, CLEAN, AND PAINT WITH ONE COAT OF
BITUMINOUS PRIMER PRIOR TO REINSTALLATION.



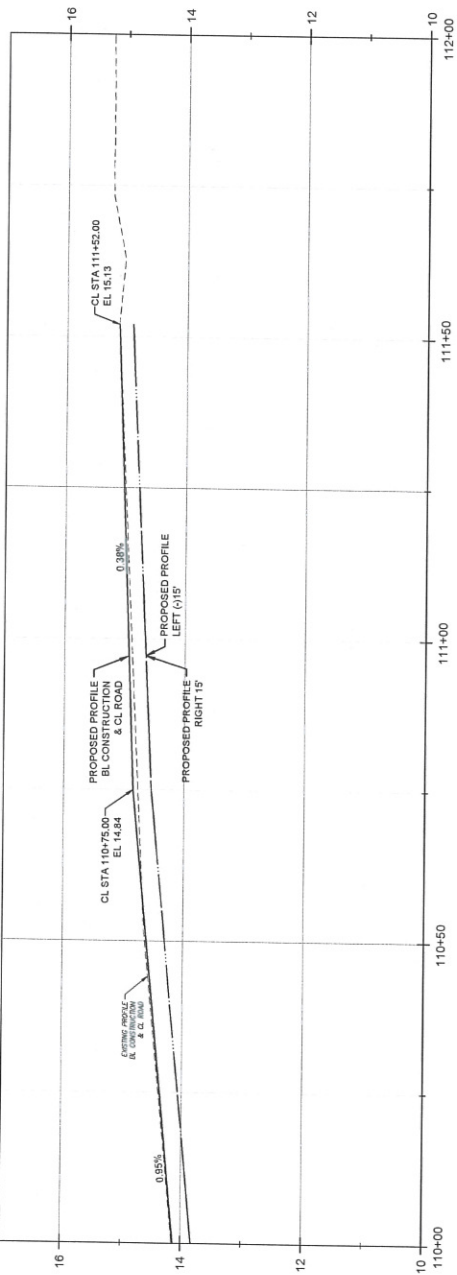
SCALE:
HORIZONTAL: 1"=10'
VERTICAL: 1"=1'

VIA MARINA RECONSTRUCTION PLAN (2 OF 3) A-7 FOREMAN REPLACEMENT FROM ISLAND ROAD TO HAMMON AVE CONSTRUCTION DRAWINGS TOWN OF PALM BEACH PALM BEACH COUNTY				FIELD D. LEAVY DRAWING SMR DESIGN NJC APRIL GGG SCALE AS SHOWN	FLORIDA L.B. NO. 48 MOCK & ROOS ENGINEERS & ARCHITECTS 5725 Corporate Way, West Palm Beach, Florida 33407 (561) 852-3113 Fax: 561-852-3146	DATE: SEPTEMBER 2013 P.A. NO. B0008.00 DWS. NO. 43-0326-17 SHEET: C-12
NO.	DATE	BY	REVISION			

MATCHLINE STATION 112+00 SEE SHEET C1-6



MATCHLINE STATION 110+00 SEE SHEET C1-4



NOTE:
ADJUST EXISTING MANHOLE FRAMES, VALVE
BOXES, ETC., TO REQUIRED ELEVATIONS.
REMOVE, CLEAN, AND PAINT WITH ONE COAT OF
BITUMINOUS PRIOR TO REINSTALLATION.

SCALE:
HORIZONTAL: 1"=10'
VERTICAL: 1"=1'

VIA MARINA RECONSTRUCTION PLAN (3 OF 3)

A-7 FORCEMAIN REPLACEMENT
FROM ISLAND ROAD TO HAMMON AVE
CONSTRUCTION DRAWINGS
TOWN OF PALM BEACH
PALM BEACH, FLORIDA

FIELD: D. LEAVY
DRAWN: SMR
DESIGN: NJC
APPR: GGG
SCALE: AS SHOWN

FLORIDA L.B. NO. 48
DATE: SEPTEMBER 2013
P.A. NO. B0006.00
DWG. NO. 43-26-17
SHEET: C1-13

MOCK ROOS
ENGINEERS & ARCHITECTS
8720 Corporate Way, West Palm Beach, Florida 33407 (904) 885-3113, Fax 978-7248

FLORIDA E.B. NO. 48
DATE: SEPTEMBER 2013
P.A. NO. B0006.00
DWG. NO. 43-26-17
SHEET: C1-13

NEEL J. CONROY
FLORIDA P.E. NO. 38773
DATE: SEPTEMBER 2013
P.A. NO. B0006.00
DWG. NO. 43-26-17
SHEET: C1-13

REVISION

NO. DATE BY

REVISION

NO. DATE BY

REVISION

NO. DATE BY

REVISION

NO. DATE BY

REVISION



CHANGE ORDER REQUEST

Date: 9/27/2013
J-D Project # : 10977
J-D Proposal #:

Project: Pinewalk Forcemain / A7 Forcemain Replacement

Owner: Town of Palm Beach

Engineer: Mock Roos

RE: Via Marina Reconstruction

At the request of the Town, Johnson-Davis, Inc. will restore according to the supplemental plans provided. Below summarizes the credits to the Town for the original asphalt restoration and the additional costs for the proposed reconstruction. Also included in this request is a contract time extension of 15 calendar days in order to complete the requested additional work.

DATE: October/November 2013
TASK: Reconstruction of Via Marina

Original Contract Work

Item	Quantity	Unit	Unit Cost	Cost
Type S-3 Asphalt Repair - 2"	1,800	SY	\$ 21.00	\$ 37,800.00
Road Milling and Overlay	8,950	SY	\$ 15.00	\$ 134,250.00
Total				\$ 172,050.00

Work No Longer In Contract

Item	Quantity	Unit	Unit Cost	Cost
Type S-3 Asphalt Repair - 2"	668	SY	\$ 21.00	\$ 14,028.00
Road Milling and Overlay	2,400	SY	\$ 15.00	\$ 36,000.00
Road Base Replacement 10" Thick	266	SY	\$ 15.00	\$ 3,990.00
Total				\$ 54,018.00

Additional Work On Via Marina

Item	Quantity	Unit	Unit Cost	Total Cost
Additional Mobilization and Road Crew Superintendent	1	LS	\$ 16,000.00	\$ 16,000.00
Asphalt Removal and Disposal	1	LS	\$ 15,000.00	\$ 15,000.00
Curb Removal and Disposal (Via Marina)	1	LS	\$ 7,800.00	\$ 7,800.00
Excavation and Compaction of Subgrade (Via Marina)	2,500	SY	\$ 6.75	\$ 16,875.00
14" Crushed Concrete Base (Via Marina)	2,500	SY	\$ 18.50	\$ 46,250.00
2" S-3 Asphalt (2 - 1" lifts) (Via Marina)	2,400	SY	\$ 14.45	\$ 34,680.00
Manhole and Valvebox Adjustments	1	LS	\$ 4,300.00	\$ 4,300.00
MOT	30	Days	\$ 15.00	\$ 450.00
Record Drawings	1	LS	\$ 2,100.00	\$ 2,100.00
Concrete Removal and Replacement (6" thick)	150	SY	\$ 50.00	\$ 7,500.00
Sub Total				\$ 150,955.00
				Credit \$ (54,018.00)
Total Additional				\$ 96,937.00

Please review and forward to the responsible parties for authorization.
As always, should there be any questions, please feel free to contact our office.

Sincerely,

Steve Fowler

Steve Fowler, P.E.

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 174-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2013-45 and a Construction Contract to Johnson-Davis Inc., for the Stormwater Corrugated Metal Pipe Abandonment, in the Amount of \$99,900, and Establishing a Construction Phase Budget of \$110,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 24, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 174-2013
- Bid Tab
- Mock Roos Recommendation

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Bid 2013-45 and Approve A Construction Contract for the Stormwater
Corrugated Metal Pipe Abandonment
Accelerated Capital Improvement Program
Resolution No. 174-2013

Date: September 24, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 174-2013 awarding Bid No. 2013-45 and a construction contract to Johnson-Davis Inc., for the Stormwater Corrugated Metal Pipe Abandonment in the amount of \$99,900 and establishing a construction phase budget of \$110,000.

GENERAL INFORMATION

The Stormwater Corrugated Metal Pipe Replacement or Abandonment project is part of the Accelerated Capital Improvement Program to replace aging or declining infrastructure. The Town's consultant reviewed tapes and locations of the stormwater corrugated metal pipe identified by Town staff as having multiple pipe failures or not in use and not properly abandoned. The Stormwater Corrugated Metal Pipe Abandonment plans and specifications for this project were prepared by the consultant Mock Roos and Associates, Inc.

The proposed construction is to abandon two corrugated pipes in Lakeside Park that were discovered during the D6 and D7 Pump Station Project. Construction also includes abandonment of a corrugated metal storm line on Monterey Road and the installation of a check valve in a storm pipe on Island Road to minimize flooding.

The Town received 4 bids from Town's prequalified underground utility contractors on September 24, 2013. A copy of the tabulation sheet is attached.

The lowest responsive bid was from Johnson-Davis Inc., for the amount of \$99,900. Staff recommends awarding the contract to Johnson-Davis Inc., and establishing a construction phase budget of \$110,000.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the Town's Accelerated Capital Improvement Program.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: H. Paul Brazil, P.E., Director of Public Works
William K. Francis, P.E., Town Engineer
Michael A. Roach, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 174-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 2013-45 AND A CONSTRUCTION CONTRACT TO JOHNSON-DAVIS INC., FOR THE STORMWATER CORRUGATED METAL PIPE ABANDONMENT, IN THE AMOUNT OF \$99,900, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$110,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards Bid No. 2013-45 and a construction contract to Johnson-Davis Inc., in the amount of \$99,900, for the Stormwater Corrugated Metal Pipe Abandonment Project, and establishes a construction phase budget of \$110,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of October 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

**TOWN OF PALM BEACH**

Bid No. 2013-45

Stormwater Corrugated Pipe**Vendor:****Address:****Telephone:****Fax:****Contact:**

D.S. Eakins Construction Corp.		Hinterland Group, Inc.		Johnson-Davis Inc.		Man-Con, Incorporated	
1481 Kinetic Road		5401 Haverhill Road, Unit 114		604 Hillbrath Dr.		3460 SW 11th Street	
Lake Park, FL 33403		West Palm Beach, FL 33407		Lantana, FL 33462		Deerfield Beach, FL 33442	
(561) 842-0001		(954) 649-4930		(561) 588-1199		(954) 275-1821	
(561) 842-0009		(321) 633-7067		(561) 585-5252		(954) 427-8133	
Douglas S. Eakins		Daniel Duke III		Bernie Vito		Guy Mancini	
Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total
1	Mobilization/Demobilization	1	LS	\$ 20,400.00	\$ 20,400.00	\$ 5,000.00	\$ 5,000.00
2	Maintenance of Traffic	1	LS	\$ 2,000.00	\$ 2,000.00	\$ 5,000.00	\$ 5,000.00
3	Insurance & Indemnification	1	LS	\$ 100.00	\$ 100.00	\$ 2,000.00	\$ 2,000.00
4	Performance & Payment Bond	1	LS	\$ 3,000.00	\$ 3,000.00	\$ 2,000.00	\$ 2,000.00
5	Lake Park Pipe Abandonment 36"	250	LF	\$ 97.00	\$ 24,250.00	\$ 50.00	\$ 12,500.00
6	Island Road Check Mate Valve & MH Modifications	1	LS	\$ 35,585.00	\$ 35,585.00	\$ 21,000.00	\$ 21,000.00
7	Monterey Road Pipe Abandonment 12"	435	LF	\$ 40.00	\$ 17,400.00	\$ 40.00	\$ 17,400.00
8	Monterey Road Manhole Demo	1	LS	\$ 12,000.00	\$ 12,000.00	\$ 8,000.00	\$ 8,000.00
9	Mill and Overlay 1" of S-III	1000	SY	\$ 18.00	\$ 18,000.00	\$ 17.00	\$ 17,000.00
10	General Contingency	1	ALLOW	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00

GRAND TOTAL	\$	142,735.00	\$	150,154.00	\$	99,900.00	\$	139,650.00
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Bid opened on 9/24/13

Opened by: *John Cacer*
Witnessed by: *Rick Brunsford*Presumed math error: Item #7 Extended
Price shown on bid at \$8,180.00 - Total
shown on bid = \$150,156.00
Unit Price for Item #9 was shown on bid at
\$17,000.00 (Obvious mistake)"No Bid": Responses received from: Lanzo Construction Co. and The Whiting-Turner Contracting Company
No Response From: B & B Underground Contractors, Centerline Utilities and T B Landmark Construction

MOCK • ROOS
ENGINEERS • SURVEYORS • PLANNERS

September 26, 2013

Mr. Michael Roach, P.E.
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480-2029

Ref. No.: B3007.00
Subject: Stormwater Corrugated Pipe Abandonment

Dear Mike:

On September 24, 2013 a total of four (4) bids were received from Town Pre-approved Underground Contractors for the subject project. The bids ranged from \$99,900.00 to \$150,154.00. The Engineer's Opinion of Probable Construction Cost was \$152,000.00.

As requested by the Town, Mock•Roos reviewed the apparent low bidder's bid for completeness, as well as the bid tabulation prepared by the Town. Based on our review, the apparent low bidder, Johnson-Davis, submitted a complete and responsive bid. The Town has had many successful projects with Johnson-Davis over many years. Mock•Roos has also had first-hand successful experiences with the company.

Based on the above, we recommend award of the project to Johnson-Davis in the amount of \$99,900.00. Our recommendation to award is based on our review of the project and the bidders from an engineering perspective. We recommend that you seek advice of legal council relative to other issues regarding legalities of award of this contract.

If you have any questions or comments regarding this recommendation or the project, please call me at 683-3113 extension 293. I would be happy to meet with you to discuss this bid further.

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

Garry G. Gruber, P.E.
Vice President

GGG:jeh
Copies: William Francis
John Cairnes

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 175-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in an Amount Not-to-Exceed \$9,996 to Mock, Roos & Associates, Inc., for Construction Phase Engineering Services for Stormwater Corrugated Metal Pipe Abandonment, and Establishing a Construction Phase Engineering Services Budget of \$11,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 24, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 175-2013
- Mock Roos Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

TO: Mayor and Town Council

VIA: Peter B. Elwell, Town Manager

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

RE: Approve a Purchase Order for Construction Phase Engineering Services for the Stormwater Corrugated Metal Pipe Abandonment Accelerated Capital Improvement Program
Resolution No. 175-2013

DATE: September 24, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 175-2013, approving a purchase order for construction phase engineering services to Mock Roos & Associates, Inc., (Mock Roos) for the Stormwater Corrugated Metal Pipe Abandonment in the amount of \$9,996.00 and establishing a construction phase engineering services budget of \$11,000.

GENERAL INFORMATION

Staff received construction bids for the Stormwater Corrugated Metal Pipe Abandonment on September 24, 2013. The proposed construction is to abandon two corrugated pipes in Lakeside Park that were discovered during the D6 and D7 Pump Station Project. Construction also includes abandonment of a corrugated metal storm line on Monterey Road and the installation of a check valve in a storm pipe on Island Road to minimize flooding. In a companion Town Council item, staff will be recommending Town Council award the construction contract to the lowest responsive bidder for this work.

The Construction Phase Engineering Services will include shop drawing reviews, site visits, maintaining daily reports, progress photos, scheduling, conducting and preparing meeting minutes, and assisting Town staff with onsite observations and inspections, etc.

Staff has negotiated a Construction Phase Engineering Services proposal with Mock Roos in the amount of \$9,996.00. Staff also recommends a contingency of \$1,004 for a total construction phase engineering services budget of \$11,000.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the Town's Accelerated Capital Improvement Program.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: H. Paul Brazil, P.E., Director of Public Works
William K. Francis, P.E., Town Engineer
Michael A. Roach, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 175-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN AN AMOUNT NOT-TO-EXCEED \$9,996 TO MOCK, ROOS & ASSOCIATES, INC., FOR CONSTRUCTION PHASE ENGINEERING SERVICES FOR STORMWATER CORRUGATED METAL PIPE ABANDONMENT, AND ESTABLISHING A CONSTRUCTION PHASE ENGINEERING SERVICES BUDGET OF \$11,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to Mock, Roos & Associates, Inc., in an amount not-to-exceed \$9,996, for construction phase engineering services to abandon existing corrugated pipe and establishes a construction phase services budget of \$11,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of October 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



September 24, 2013

Mr. Michael Roach, P.E.
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480-2029

Ref. No. B3007.10
Subject: Lake Drive Stormwater Pipe Abandonment Project Construction Assistance Services

Dear Mr. Roach:

We are submitting the attached *Proposal To Provide Lake Drive Stormwater Pipe Abandonment Construction Assistance Services*. 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 \$9,996.00.

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

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

GGG:jeh
Enclosure
Copies: William Francis
Bookkeeping

Garry G. Gruber, P.E.
Vice President

L:\mk\B3007.10\hr01ggjh.doc

Mock, Roos & Associates, Inc.

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

Proposal To Provide CMP Pipe Abandonment and Checkmate Valve Installation Construction Assistance Services

Services to be provided by: Mock•Roos

Services provided to (Client): Town of Palm Beach

Proposal Date: September 24, 2013

Proposal Terms

A. Project Understanding:

The Town is awarding a construction contract to abandon and grout fill (2) two 36" CMP stormwater pipes located adjacent to S. Lake Drive, a 12" stormwater system located in Monterey Road, and to install a tide flex checkmate valve in an existing manhole located in Island Road. Mock•Roos will perform services as outlined in **B. Scope of Services** below.

B. Scope of Services:

Construction Phase Services

1. Attend a pre-construction meeting with the Contractor and Town staff.
2. Prepare and distribute meeting minutes taken at the pre-construction meeting.
3. Review the Contractor's initial project construction schedule, and request and review schedule at appropriate intervals throughout the construction period.
4. Review the Contractor's fabrication shop drawing submittals for conformance with the Contract Documents.
5. Assist in resolving field and technical questions during the course of construction. Provide interpretations of the drawings, technical specifications, and contract documents and issue clarifications to RFI's as required.
6. Provide a part-time Mock•Roos field representative(s) to perform site observations of the Contractor's work.
7. Provide periodic site visits by Project Engineers to review Contractor's work.

8. Prepare Mock•Roos field observation reports including photographs.
9. Attend formal construction meetings as needed during the construction period.
10. Prepare and distribute meeting minutes taken at construction progress meetings.
11. Provide review and payment recommendations for each of the Contractor's monthly pay applications and one final pay application based on field observations and percent completion.
12. Assist the Client in implementing minor changes to the construction project, generally in the form of work Directive Changes. These changes should not require re-design of project elements.
13. Coordinate with the Contractor, Town Staff and Mock•Roos staff during the construction period.
14. Perform one (1) "substantial completion walk-through" with the Contractor, Contractor's subcontractors (as appropriate), and Town staff for the Project.
15. Prepare and distribute the "substantial completion certificates" and associated punch lists for the Project.
16. Perform a "final completion walk-through" with the Contractor, and Town staff for the Project.
17. Review record drawing information provided by Contractor for completeness.

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.

D. Fees and Rates:

1. We will provide the Scope of Services on an hourly not to exceed basis with an estimated total of \$9,996.00.

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.

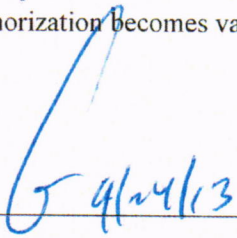
E. Conditions:

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal within 30 days of its date.
2. This proposal serves as a supplement to the general agreement between Mock•Roos and Client dated January 22, 2010.
3. In case of discrepancies, the terms of this proposal supersede those of previous agreements.

F. Acceptance and Authorization to Proceed:

1. This proposal is acceptable and Mock•Roos has authorization to proceed with the Scope of Services. This authorization becomes valid upon Mock•Roos receiving a Purchase Order for these services.

MOCK•ROOS

Signed:  9/24/13

Name: Garry G. Gruber, P.E.

Title: Vice President

Date: September 24, 2013

Town of Palm Beach
Lake Park Stormwater Pipe Abandonment Construction Assistance Services
 Mock•Roos PA#B3007.10

Task Description	Labor Classification					Subtotal
	Project Director	Engineer III	Field Representative	Administrative Assistant		
Labor Hourly Billing Rate	\$50.00	\$35.00	\$26.67	\$20.00		
Total Hours	10	27	58	12		
Precon Meeting/Minutes	2		2	1		\$ 173
Schedule Review		2				\$ 70
Shop Drawings	1	2		2		\$ 160
RFIs		4	4	1		\$ 267
Field Observations		6	40	2		\$ 1,317
Site Meetings	4	4	4			\$ 447
Pay Applications	1	4		2		\$ 230
Substantial Completion	1	3	3	2		\$ 275
Final Walkthru			3	1		\$ 100
Record Drawing Review	1	2	2	1		\$ 193
Subtotal	\$ 500	\$ 945	\$ 1,547	\$ 240		

Total Mock•Roos Direct Labor	\$ 3,232
Multiplier	3.00
Total Direct Labor @ 3.0	\$ 9,696
Reimbursibles	\$ 300
Project Total	\$ 9,996

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 176-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFQ 03-2014 and a Construction Contract to Universal Electric of Florida, Inc. for the Electrical Repairs to the Australian, Brazilian and Peruvian Docks, in the Amount of \$99,849, and Establishing a Construction Phase Budget of \$110,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 24, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 176-2013
- Kimley-Horn Review

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award A Construction Contract for Electrical Repairs at the Australian, Brazilian, and Peruvian Docks
Resolution No. 176-2013

Date: September 24, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 176-2013 awarding RFQ 03-2014 and a construction contract to Universal Electric of Florida, Inc., for the electrical repairs at the Australian, Brazilian and Peruvian Docks in the amount of \$99,849 and establishing a construction phase budget of \$110,000.

Staff also recommends a waiver of the Town's code of Ordinances (Section 42-199) to allow work past December 1, 2013.

GENERAL INFORMATION

Contained within the Recreation Enterprise Fund is the study, design, and construction of electrical repairs to the Australian, Brazilian, and Peruvian Docks.

During this past summer's electrical upgrade project at the Australian Dock, staff and our consulting engineer noticed there were multiple sections of electrical conduit that were broken, loose, and/or missing hangers. Staff decided to fully assess and quantify the damage of the conduit (which are attached to the underside of the dock), as well as the conduit at the Peruvian and Brazilian docks, so lasting repairs could be made. The assessment was absorbed in the FY13 budget, but repairs were not included in the proposed FY14 budget as they were unknown at the time. The assessment was recently completed and a cost estimate of \$100,000 was provided by the consulting engineer. These repairs should be made as soon as possible to avoid conduit collapse and interruption of shore power to our customers.

Universal Electric of Florida, Inc., had been awarded Bid No. 2013-06 for a continuing service contract that included the Town Docks. Purchasing solicited a quote from the contractor in

accordance with the pricing of the bid. The Town's Consultant determined the quote to be fair and reasonable based on the Engineer's Opinion of Cost. Staff recommends awarding the contract to Universal Electric of Florida, Inc.

SPECIAL CONSIDERATIONS

Considering that the number of allowable work days will be limited due to tidal influences, staff is requesting a waiver of the Town's Code of Ordinance Section 42-199 to allow work into Season or past December 1, 2013.

Public Works does not anticipate any significant impacts to the Public as all the work is below the docks. Staff will coordinate with the dock master where there may be impacts to the individual electric pedestals.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the Town's Recreation Enterprise Fund.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: H. Paul Brazil, P.E., Director of Public Works
William K. Francis, P.E., Town Engineer
Michael A. Roach, P.E., Project Engineer
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 176-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING RFQ 03-2014 AND A CONSTRUCTION CONTRACT TO UNIVERSAL ELECTRIC OF FLORIDA, INC. FOR THE ELECTRICAL REPAIRS TO THE AUSTRALIAN, BRAZILIAN AND PERUVIAN DOCKS, IN THE AMOUNT OF \$99,849, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$110,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards RFQ. 03-2014 and a construction contract to Universal Electric of Florida, in the amount of \$99,849, for the Electrical Repairs to the Australian, Brazilian and Peruvian Docks Project, and establishes a construction phase budget of \$110,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of October 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



Kimley-Horn
and Associates, Inc.

September 19, 2013

Mr. Mike Roach, P.E.
Town of Palm Beach, Public Works Dept.
951 Old Okeechobee Road
West Palm Beach, Florida 33401

■
Suite 200
1920 Wekiva Way
West Palm Beach
Florida
33411-2410
(561) 845-0665

Re: Electrical Repairs at the Australian, Brazilian and Peruvian Docks
RFQ No. 03-2014
Project #044063132

Dear Mr. Roach:

A quote was requested from Universal Electric of Florida, Inc. and it was received on September 17, 2013 for the Electrical Repairs at the Australian, Brazilian and Peruvian Docks project.

The Town provided the attached Universal Electric of Florida, Inc. proposal for review. The documents provided appear to be complete and responsive. The bid is within 2.5% of the engineer's opinion of probable cost (OPC) of \$95,508 that was prepared for the project in August 2013. A review of the individual bid items showed no apparent irregularities.

Based on our limited review, Universal Electric of Florida, Inc. submitted a responsive and responsible quote.

Please do not hesitate to contact me at (954) 535-5133 if you have any questions.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

Stefano Viola, P.E.

Attachments: Universal Electric of Florida, Inc. Bid Proposal Documents

Copy: File

K:\WPB_Civil\044063132 - Town Dock 2013 Imp\BidResultsRec.docx



**TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 03-2014**

Rev. 1

**Electrical Repairs
at the Australian, Brazilian and Peruvian Docks**

INTENT

It is the intent to obtain pricing, in accordance with the Town of Palm Beach Bid No. 2013-06, which covers and includes all required labor, materials, equipment and freight necessary for and reasonably incidental for full and complete execution of this project. All terms, conditions and specifications of the Town of Palm Beach Bid No. 2013-06 shall apply.

CONTRACT PLANS AND SPECIFICATIONS

All work performed shall be in accordance with the following documents:

Construction Plans for the Dock Electrical Repairs at the Australian, Brazilian and Peruvian Docks, for the Town of Palm Beach.

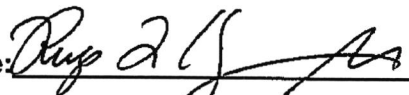
- A. Plans prepared by Kimley Horn and Associates, Inc., numbered sheets E-1 through E-9, dated July 2013.
- B. Specifications issued by Kimley Horn and Associates, Inc., dated July 2013.

PERFORMANCE AND PAYMENT BONDS

Contractor shall provide to the Town, prior to commencing the Work, a Performance Bond covering the full, faithful and complete performance of this Contract, and a Payment Bond covering full, faithful and complete payment of all obligations arising under this Contract. The Performance Bond and the Payment Bond shall incorporate by reference and be deemed to include all of the agreements and obligations of Contractor under this Contract, including, but without limitation, specific undertaking of the Surety to pay any Liquidated Damages hereunder, as well as any obligations as provided in the bidding requirements or specifically required in any of the Contract Documents related to this Contract. "Conditional" Payment Bonds pursuant to Section 713.20 of the Florida Statutes are not acceptable and will not meet the requirements of this paragraph. The Surety must be a surety licensed to write Performance and Payment Bonds meeting these requirements in Florida. For reasonable cause shown, the Town shall have the right to reject Contractor's Surety and require the Performance Bond and Payment Bonds to be issued by another surety. The Performance Bond shall remain in full force and effect for at least one (1) year after the date of Substantial Completion. It is the Contractor's obligation to record copies of the Payment and Performance Bonds among the Public Records of Palm Beach County, Florida and shall provide the Town with a certified copy of the bond before commencement of work.

REMARKS: _____

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

Firm: Universal Electric of Florida, Inc.
*Signature:  Name/Title: Phillip L. Kroyman Jr. President
Address: 6784 N.W. 17th Ave Fort Lauderdale, FL Zip: 33309
Federal ID#: 59-1898508
Telephone Number: (954) 484.5233 Fax: (954) 484.5487
Date: 9.20.2013

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

Name of Bidder's Contact Person: Phillip L. Kroyman Jr.
Address: 6784 NW 17th Ave Fort Lauderdale, FL 33309
Phone Number: 954. 484. 5233 Fax Number: 954. 484. 5487
E Mail Address: Phil @ Universalphilco.com

SCHEDULE OF BID ITEMS

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

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

The undersigned further declares that he proposes to furnish electrical services, as specified, for the following price:

LABOR RATES

Item	Personnel Title	Unit	No. of Hours	Hourly Rate	Total
1.	SUPERVISOR	HOUR		\$	\$
2.	FOREMAN	HOUR	24.00	\$ 49.00	\$ 1,176.00
3.	JOURNEYMAN (LICENSED)	HOUR	954.25	\$ 43.00	\$ 41,032.75
4.	APPRENTICE	HOUR	954.25	\$ 28.00	\$ 26,719.00
5.	HELPER	HOUR		\$	\$

HOURLY RATES FOR VARIOUS EQUIPMENT

(Includes standard crew with tools.)

Item	Equipment	Unit	No. of Hours	Hourly Rate	Total
1.	BUCKET TRUCK	HOUR		\$	\$
2.	FLAT BED TRUCK	HOUR		\$	\$
3.	CRANE SERVICE	HOUR		\$	\$

MATERIALS AND SUPPLIES

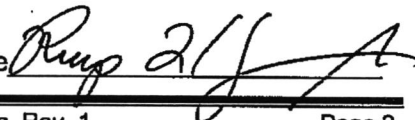
MATERIALS AND SUPPLIES (discounted at list minus 25%)	\$ 28,961.25
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PAYMENT AND PERFORMANCE BONDS	\$ 1,960.00
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TOTAL (LABOR, BONDS, EQUIPMENT AND MATERIALS): \$ 99,849.00

Company Name Universal Electric

Authorized Signature



TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 177-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$241,630 to Coastal Planning & Engineering, Inc., a Chicago Bridge & Iron Company, for U.S. Army Corps of Engineers Required Reach 8 Environmental Impact Statement Supplemental Engineering and Environmental Professional Services.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 26, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 177-2013
- USACE Letter of Necessity
- CB&I Attachment 1
- CB&I Attachment 2

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approve a Purchase Order for Supplemental Engineering and Environmental Services for the Reach 8 EIS
Resolution No. 177-2013

Date: September 26, 2013

STAFF RECOMMENDATION

Staff requests that the Town Council approve Resolution No. 177-2013 approving a purchase order for supplemental engineering and environmental professional services for the Reach 8 Environmental Impact Statement (EIS) in the hourly, not-to-exceed, total amount of \$241,630 to Coastal Planning & Engineering, Inc. (CPE), a Chicago Bridge & Iron Company (CB&I).

GENERAL INFORMATION

At the June 11, 2013 Town Council meeting, Woods Hole Group recommended that a series of "Priority 1" items be included in the Town's beach management program. One of those items included the development of an EIS for Reach 8.

On July 9, 2013 Town Council approved a purchase order to CB&I in the amount of \$561,348 and established a task budget of \$617,000 for the development of an EIS (Resolution 111-2013). During the July 9, 2013 meeting, Town staff informed Town Council that a supplemental engineering and environmental effort may be necessary following an initial review of the alternatives identified during the public scoping meeting. The meeting was held on August 12, 2013. Since that meeting, USACE staff worked with CB&I to develop an appropriate supplemental scope of work that would be necessary to complete the EIS.

Town staff met with both USACE staff and PBC ERM staff on September 24, 2013 regarding the potential scope of work. The attached scope of work reflects the refinements made pursuant to the September 24, 2013 coordination meeting. Attached is a letter from the USACE confirming the necessity of effectuating the supplemental engineering and environmental scope of work for the EIS.

The total cost of this effort is estimated to be \$241,630. Based on the Interlocal Agreement with Palm Beach County, it is anticipated that Palm Beach County will be responsible for 38.6% of the total project cost. Therefore, the net cost to the Town for the supplemental engineering and environmental work is approximately \$148,360.82. The Town will need to authorize the full amount and then seek reimbursement from the County when the work is complete.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Coastal Protection Fund, specific to a Reach 8 EIS appropriation, to complete this work.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

RW

Attachments

cc. Shore Protection Board members
Robert Weber, Coastal Coordinator

RESOLUTION NO. 177-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$241,630, TO COASTAL PLANNING & ENGINEERING, INC., A CHICAGO BRIDGE & IRON COMPANY, FOR U.S. ARMY CORPS OF ENGINEERS REQUIRED REACH 8 ENVIRONMENTAL IMPACT STATEMENT SUPPLEMENTAL ENGINEERING AND ENVIRONMENTAL PROFESSIONAL SERVICES.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order in an hourly, not-to-exceed, amount of \$241,630 to Coastal Planning & Engineering, Inc., a Chicago Bridge & Iron Company, for U.S. Army Corps of Engineers required Reach 8 Environmental Impact Statement supplemental engineering and environmental professional services.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of October 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BOULEVARD, SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

September 25, 2013

REPLY TO
ATTENTION OF

Palm Beach Gardens Section
SAJ-2008-04086(SP-GGL)
SAJ-2005-07908(SP-GGL)

Town of Palm Beach
Attention: Rob Weber
Coastal Coordinator
Public Works Department
Post Office Box 2029
Palm Beach, Florida 33480-2029

Dear Mr. Weber:

This is in reference to your permit application requesting Department of the Army (DA) authorization to fill waters of the United States in order to stabilize the beach as part of the South Central Palm Beach Island Shoreline Stabilization project. The project has two different, but connected activities, that have been assigned separate application numbers: SAJ-2008-04086(SP-GGL) for the beach fill project proposed by the Town of Palm Beach and SAJ 2005-07908(SP-GGL) for the remainder of the project to the south including beach fill and seven groins proposed by Palm Beach County. The project is being reviewed as an Environmental Impact Statement (EIS), and is located between Florida Department of Environmental Protection (FDEP) range monuments R-128+955 and R-138+551 in Palm Beach County, Florida.

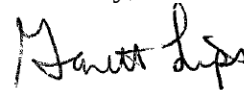
The information you submitted is not sufficient to continue our preparation of the Draft EIS. In order to assess the effects of your proposed project and other alternatives that could achieve the project purpose, the Corps is requesting the following two items:

- 1. Modeling Analyses:** The Corps is requesting the results of an SBEACH (storm damage modeling analysis) and a Delft 3-D numerical modeling assessment. The assessments are required in order to provide information about the existing storm damage risks along the entire project area, evaluate the performance of the proposed alternatives, and identification of reasonably anticipated environmental effects for each of the alternatives.
- 2. Benthic Resource Habitat Characterization:** Additionally, the Corps is requesting a hardbottom biological characterization within the project area and the adjacent affected areas. The survey shall include a characterization of the hardbottom and an inventory of *Acropora* spp. and the seven candidate species proposed for listing under the ESA. The information is required for the preparation of the DEIS, a Biological Assessment (BA), and Essential Fish Habitat (EFH) Assessment. The analysis shall include the project area, as well as the areas beyond the project limits to R-127 (approximately 2,000 feet to the north), and R-141 (approximately 3,500 feet to the south).

- 2 -

Should you have any questions or comments regarding this request for additional information, please contact me at the letterhead address, by phone at 561-472-3517, or by electronic mail at Garett.G.Lips@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Lips". The signature is written in a cursive, slightly slanted style.

Garett Lips
Project Manager

Enclosures

Copies to:

Palm Beach County ERM (Kim Miranda)



Coastal Planning & Engineering, Inc., A CB&I Company
2481 NW Boca Raton Blvd.
Boca Raton, FL 33431
Tel: +1 561 391 8102
Fax: +1 561 391 9116
www.CBI.com

September 23, 2013

Mr. Robert Weber
Coastal Coordinator
Town of Palm Beach
951 Old Okeechobee Road, Suite A
West Palm Beach, FL 33401

Re: Proposal for Numerical Modeling in Support of the Environmental Impact Statement for the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project

Dear Rob:

This proposal is provided at your request for Coastal Planning & Engineering, Inc., a CB&I Company (CB&I) to provide numerical modeling services to assist the U.S. Army Corps of Engineers (Corps) in the preparation of the Environmental Impact Statement (EIS) for the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project.

The Corps, as the lead federal agency, has responsibility for the preparation and content of the EIS in accordance with all of the requirements of NEPA (42 U.S.C. § 4321, et seq.), Council of Environmental Quality Regulations (40 C.F.R. Parts 1500-1508) and the NEPA Implementation Procedures for the Regulatory program (Appendix B of 33 C.F.R. Part 325). According to these laws and regulations, specifically 40 C.F.R. § 1506.5(c), CB&I has been selected as the Third Party Contractor (TPC) to perform the work described herein under the direction of the Corps.

Previous Work

Previous work conducted by the Town of Palm Beach and Palm Beach County looked at the projects separately. The applicable portions of that work will be used and adapted for evaluation of the combined project as described in the attached Scope of Services. Upon review of the data available and previous work completed, the USACE has determined additional services are required to obtain necessary data that is not currently available. The USACE directed CB&I to prepare this proposal for the additional services. This proposal has been reviewed by the USACE project manager and USACE engineering division at the Jacksonville District office.

A component of the applicant's purpose and need pertains to providing storm protection to the upland infrastructure and property. However, storm damage modeling has not been conducted by the applicant to determine the level of protection afforded by the existing conditions in the project area. The USACE storm damage model SBEACH will be used to complete this analysis.

As part of a previous study conducted for Palm Beach County, a Delft3D numerical model (CPE, 2013) was developed, calibrated and applied to evaluate project alternatives along the shoreline of South Palm Beach, Lantana and Manalapan. This setup was focused on the South Palm Beach project area and will need to be expanded in order to evaluate the combined project area. The existing model will be modified to include the EIS project area and recalibrated for use in evaluating the proposed actions and alternatives in the EIS and quantifying the potential hardbottom coverage.



The intent of the proposal is to provide required information without duplicating efforts completed in previous work. The proposed work includes using numerical models to prepare an assessment of existing storm damage risks along the entire project area, an evaluation of the performance of the proposed alternatives and an assessment of the potential impacts to hardbottom impacts as a result of the implementation of the proposed alternatives.

Scope of Services

The attached Scope of Services (Exhibit A) summarizes the scientific and technical services to be provided by CB&I, as the TPC for the preparation of the EIS, which in turn will aid the Corps in their decision to issue, modify, condition, or deny a Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and/or Section 404 of the Clean Water Act (33 U.S.C. 1344) permit(s) for the proposed Project. The principal objective of the proposed services is for CB&I to provide the Corps with the documents and analyses to satisfy NEPA in its preparation of the EIS.

This proposal is for numerical modeling necessary for the EIS process. CB&I will perform an assessment of existing storm damage risks, an evaluation of the performance of the proposed alternatives and an assessment of the potential impacts to hardbottom impacts as a result of the implementation of the proposed alternatives.

Fee Proposal

The fee for the services contained in this proposal is not to exceed \$123,877 and will be billed monthly on a time and materials basis. The billing rates for services rendered under this proposal will be based on direct labor costs multiplied by a factor of 3.0 as defined in Section 5.A of the Professional Services Agreement. Attached please find a spreadsheet which delineates the various phases of the work estimated with CPE standard rates and classifications (Exhibit B). Although this proposal is detailed by separable items and estimated by specific staff and categories, it is anticipated that some work elements will exceed the estimate while others fall below the estimate to complete. Our staff will be used as needed to achieve the scope of services and to meet the Town's objectives and timelines.

The services proposed herein will be performed in accordance with this proposal and the Professional Services Agreement between The Town of Palm Beach and Coastal Planning & Engineering, Inc. dated July 15, 2009. The time frame estimated to complete this work is estimated to be six (6) months from receipt of your authorization to proceed, barring any circumstances beyond the control of CB&I. We will commence work upon receipt of a Purchase Order from the Town of Palm Beach.

Thank you for the opportunity to serve the Town of Palm Beach.



If you should have any questions, please call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Pierro", is written over the typed name.

Thomas P. Pierro, P.E., D.CE
Vice President
Coastal Planning & Engineering, Inc.

Please reply to: Thomas Pierro
Phone No. 561.361.3150
E-Mail: thomas.pierro@cbi.com

cc: Samantha Danchuk, PhD, PE, CB&I
Brad Rosov, CB&I
Sheri Dindial, CB&I

Exhibit A

Scope of Services

Numerical Modeling for Southern Palm Beach Island Comprehensive Shoreline Stabilization Project EIS

Under direction of the U.S. Army Corps of Engineers (USACE), Coastal Planning & Engineering, Inc., a CB&I Company (CB&I) is assisting in the development of the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project Environmental Impact Statement (EIS). The initial tasks associated with the effort included public scoping and agency coordination to determine what data was necessary to develop the EIS. After review of the data available and previous work completed, the USACE has determined additional services are required to obtain necessary data that is not currently available. The USACE directed CB&I to prepare this proposal for the additional services. This proposal has been reviewed by the USACE project manager and USACE engineering division at the Jacksonville District office.

The intent of the proposal is to provide required information without duplicating efforts completed in previous work. The proposed work includes using numerical models to prepare an assessment of existing storm damage risks along the entire project area, an evaluation of the performance of the proposed alternatives and an assessment of the potential impacts to hardbottom impacts as a result of the implementation of the proposed alternatives. Previous work conducted by the Town of Palm Beach and Palm Beach County looked at the projects separately. The applicable portions of that work will be used and adapted for evaluation of the combined project as described in the Statement of Work.

TASK 1: Numerical Modeling

1.1 Storm Damage Vulnerability Analysis

A component of the applicant's purpose and need pertains to providing storm protection to the upland infrastructure and property. However, storm damage modeling has not been conducted by the applicant to determine the level of protection afforded by the existing conditions in the project area.

To evaluate the need for the project and the performance of project alternatives, CB&I will perform a storm damage vulnerability analysis for the Southern Palm Beach Island project area (R129-195' to R138+568'). The analysis will utilize the Storm Induced Beach Change Model, SBEACH, developed by Larson and Kraus (Larson and Kraus, 1989) for the US Army Corps of Engineers (USACE). SBEACH simulates changes in the beach profile that could result from coastal storms of varying intensity in terms of storm tide levels, wave heights, wave periods, and storm duration. Information required as input to run the SBEACH model includes the beach

cross-section, the median sediment grain size, and the time histories of the wave height, wave period, and water elevation.

1.1.1 SBEACH Analysis for Existing Conditions

The SBEACH model will be calibrated using pre-storm and post-storm surveys from a recent or historic storm event such as Hurricane Frances (2004) or Subtropical Storm Andrea (2007). Possible sets of input data for the calibration are available from the Florida Department of Environmental Protection (FDEP) beach survey database, National Oceanic and Atmospheric Administration (NOAA) Digital Coast, the NOAA tide gage and weather station at the Lake Worth Pier, the NOAA WAVEWATCH hindcast for the Western North Atlantic, and other sources. The objective of the calibration will be to reproduce the observed volumetric or contour changes above the water line.

To evaluate the potential for storm damage given the present or future conditions, we will develop five (5) synthetic storms with return intervals of 5-years, 15-years and 25-years, 50-years and 100-years. The storm suite has been defined through consultation with the USACE Jacksonville District in order to evaluate the level of protection for a range of events. The characteristics of the two storms will be based on existing data available from various federal agencies including National Oceanic and Atmospheric Administration (NOAA) tide gage at the Lake Worth Pier and the NOAA WAVEWATCH hindcast.

The shoreline will be divided into a maximum of 10 segments for analysis that have similar profile characteristics in terms of dune elevation, dune width, beach slope, and offshore profile configuration. SBEACH will be applied to each shoreline reach using the characteristics of the two synthetic storms. The results of the SBEACH model will be used to identify which structures within each shoreline reach could be impacted by the various return interval storms. Note this analysis will only identify which structures could experience damage due to storm induced erosion caused by a storm having a predetermined return interval or frequency. The analysis does not include an evaluation of damages due to flooding, wave impacts, or wind nor will it quantify the economic impacts resulting from the damage or loss of such structures.

The storm vulnerability analysis will use the existing conditions within the project area (R129-195' to R138+568') that could experience damage to identify the return interval of the storm or storms that would damage upland property and structures.

1.1.2 Alternative Analysis with SBEACH

The performance of the proposed actions/ alternatives will be evaluated using SBEACH. As in the previous task, the model will be run with the five storm scenarios. The results will be used to identify if property and structures along the shoreline will be impacted by the storm scenarios with the project in place.

1.1.3 Assessment of Flood Risk from Wave Overtopping Using SBEACH Output

Upland property is at risk of flooding if seawalls are overtopped by waves. To analyze the likelihood of seawall overtopping, the IH2VOF model will be applied to several reaches with seawalls of common height. The model solves the Reynolds-Averaged Navier-Stokes equation using a Volume-of-Fluid Approach. The eroded profiles generated during the SBEACH analysis of alternatives will be used to analyze the potential for overtopping by waves and to provide visual output of results (Figure 1). The model may also be used to evaluate wave forces on particular structures if the deemed necessary based on the USACE review of the model results.

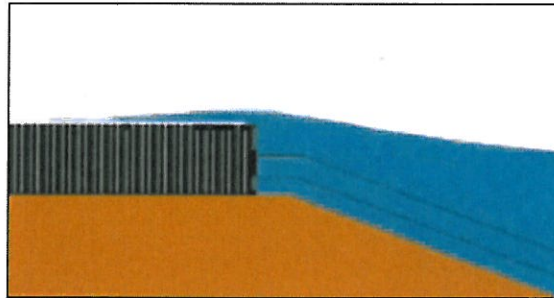


FIGURE 1: Example model output from the IH2VOF model showing a wave overtopping the seawall (<http://ihcantabria.com/IH2VOF/>)

1.2 Delft3D Modeling of Alternatives

As part of a previous study conducted for Palm Beach County, a Delft3D numerical model (CPE, 2013) was developed, calibrated and applied to evaluate project alternatives along the shoreline of South Palm Beach, Lantana and Manalapan. This setup was focused on the South Palm Beach project area and will need to be expanded in order to evaluate the combined project area. The existing model will be modified to include the EIS project area and recalibrated for use in evaluating the proposed actions and alternatives in the EIS and quantifying the potential hardbottom coverage.

1.2.1 Recalibration of Delft3D Model

The existing model will be modified as needed to include the entire EIS study area, R127 to R141, plus the adjacent areas where spreading may occur. This modification of the model setup will require the model to be recalibrated. The calibration will be based on volumetric erosion rates between December 2008 and the most recent survey available, as was conducted in the previous modeling effort.

Existing data will be used for the recalibration effort. No new beach surveys, aerial photography, or environmental investigations will be conducted. Survey data, hardbottom mappings, and aerial photographs collected since 2008 by others will be used as applicable in the model. The model will include seawalls as impermeable vertical walls with finite heights and

the Lake Worth Pier as a permeable structure. Hardbottom will be incorporated into the model by mapping the erodible sediment depth. A hardbottom/bedrock surface was developed for the previous modeling effort and will be adapted to in the current effort. Available aerial delineations of hardbottom will be compared to model results.

1.2.2 Alternative Analysis with Delft3D

The performance of the alternatives developed above will be evaluated using the recalibrated Delft3D model. Each alternative will be simulated for a minimum of 3 years. This scope of work provides for a maximum of five alternatives to be examined, including the “no action” alternative. The “no action” alternative will be used as the baseline for which to compare all other alternatives to, so the impact/benefit of the proposed project can be identified.

Evaluation of the modeling results will focus on the following:

- The amount of fill retained over the study period.
- Impacts to hardbottom.
- Exposure of the existing seawalls.
- Fill distribution and groin locations.
- Potential impacts to adjacent beaches.
- Potential risk of rip current formation near structures.

1.3 Modeling Report

A modeling report will be prepared summarizing the numerical modeling efforts described above. The modeling sections of the report will, to the greatest extent possible, follow FDEP guidelines for numerical modeling studies, consistent with previous work. An initial draft will be provided to the USACE for review, along with a presentation of model results for discussion with USACE staff. Following the review period, comments from the USACE will be addressed and a final report will be prepared and submitted. Key input and outputs from the numerical model simulations and the calibration effort along with graphics and descriptions of the model results will be provided in the report. The alternative that best meets the purpose and need of the project will be identified and recommended for consideration in the EIS.

1.4 Surfing Impact Analysis with BOUSS2D

Concern regarding potential impacts to surfing has previously been expressed in public scoping for projects within the project area. In order to evaluate project-related effects on surfing, the BOUSS-2D model will be used to simulate waves within the project area. BOUSS-2D is a phase-resolving model that can simulate the shoaling, refraction, diffraction, reflection, bottom damping, and breaking of nonlinear waves. BOUSS-2D analyzes wave behavior in the time domain, generating water-surface elevations and horizontal velocities over the wave’s period as an output (Figure 2). This approach is highly detailed and can produce graphic animations of wave propagation and interaction with structures.

The BOUSS-2D model will be setup to replicate, as nearly as possible, the preferred wave breaking conditions for surfing at the project area. A BOUSS-2D model was set up and used for the Palm Beach County project to assess the effect of the project on surfing conditions, but was limited to an evaluation of breakwaters in South Palm Beach (CPE, 2010). The conclusions of that report will be used in the evaluation to the greatest extent practicable.

The existing data and previous modeling will be used to avoid duplication of work efforts. We will use existing wave and bathymetric survey data for model setup and verification of the model's ability to replicate the observed surfing conditions. Three wave scenarios (typical, hurricane, and cold front) will be used for model verification and model runs.

A maximum of three (3) structural configurations will be considered to investigate the effects on waves in the nearshore area as they relate to potential surfing impacts of the project design alternatives. The various configurations will be based on the alternatives developed as described in the previous section. These alternatives may include modifications to the proposed groin field design and/or the addition or removal of structures.

For each structural configuration, three (3) model runs will be performed, for a maximum total of nine (9) runs. The first run of each alternative will be used to evaluate average wave conditions, the second run will evaluate hurricane conditions, and the third run will evaluate cold front wave conditions.

The results will be presented in a manner sufficient to visualize the wave propagation patterns with the various structural configurations in place. Surfability will be analyzed in terms of peel angle, peel rate, and other empirical parameters available in the published literature (i.e. Benedet et al, 2005). The presentation of the results will be included in a modeling report with graphics and computer animations as needed to visualize the results.



FIGURE 2: Output of BOUSS-2D from South Palm Beach study of breakwaters (CPE, 2010).



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September 23, 2013

Mr. Robert Weber
Coastal Coordinator
Town of Palm Beach
951 Old Okeechobee Road, Suite A
West Palm Beach, FL 33401

**Re: Proposal for Biological Characterization for the
Southern Palm Beach Island Comprehensive Shoreline Stabilization Project**

Dear Rob:

This proposal is provided for Coastal Planning & Engineering, Inc., a CB&I Company (CB&I), to conduct a biological characterization of the nearshore natural resources in support of the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project Environmental Impact Statement (EIS).

The Corps, as the lead federal agency, will have responsibility for the preparation and content of the EIS in accordance with all of the requirements of NEPA (42 U.S.C. § 4321, et seq.), Council of Environmental Quality Regulations (40 C.F.R. Parts 1500-1508) and the NEPA Implementation Procedures for the Regulatory program (Appendix B of 33 C.F.R. Part 325). According to these laws and regulations, specifically 40 C.F.R. § 1506.5(c), CB&I has been selected as the Third Party Contractor (TPC) to perform the work described herein under the direction of the Corps.

Previous Work

Previous biological monitoring has been conducted within and adjacent to the project area in conjunction with the FDEP Hurricane Recovery Dune Restoration Project and the South Palm Beach/Lantana Erosion Control Study. The data from these efforts will be referenced and used for comparison to the data generated from the surveys proposed herein in order to provide an updated and comprehensive assessment of the nearshore habitat within the project area.

Scope of Services

The attached Scope of Services (Exhibit A) summarizes the scientific and technical services to be provided by CB&I, as the TPC in conducting a biological characterization of the area within and adjacent to the proposed project area of the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project. These data will support preparation of the EIS, which in turn will aid the Corps in their decision to issue, modify, condition, or deny a Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and/or Section 404 of the Clean Water Act (33 U.S.C. 1344) permit(s) for the proposed Project. The principal objective of the proposed services is for CB&I to provide the data and analyses required to support Section 7 Consultation of the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, and NEPA throughout preparation of a Biological Assessment, an Essential Fish Habitat Assessment, and the EIS.



Fee Proposal

The fee for the services (Exhibit B) contained in this proposal is not to exceed \$117,753 and will be billed monthly on a time and materials basis. The billing rates for services rendered under this proposal will be based on direct labor costs multiplied by a factor of 3.0 as defined in Section 5.A of the Professional Services Agreement. Attached please find a spreadsheet which delineates the various phases of the work estimated with CPE standard rates and classifications (Exhibit B). Although this proposal is detailed by separable items and estimated by specific staff and categories, it is anticipated that some work elements will exceed the estimate while others fall below the estimate to complete. Our staff will be used as needed to achieve the scope of services and to meet the Town's objectives and timelines.

The services proposed herein will be performed in accordance with this proposal and the Professional Services Agreement between The Town of Palm Beach and Coastal Planning & Engineering, Inc. dated July 15, 2009. The timeframe to complete the fieldwork component of this work is estimated to be within one (1) month from receipt of your authorization to proceed, barring any circumstances beyond the control of CB&I. Final deliverables will be provided within three (3) months of the completion of fieldwork. We will commence work upon receipt of a Purchase Order from the Town of Palm Beach.

Thank you for the opportunity to serve the Town of Palm Beach.

If you should have any questions, please call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Pierro", is written over a faint, larger blue outline of the same signature.

Thomas P. Pierro, P.E., D.CE
Vice President
Coastal Planning & Engineering, Inc.

Please reply to: Thomas Pierro
Phone No. 561.361.3150
E-Mail: thomas.pierro@cbi.com

cc: Stacy Prekel, CB&I
Samantha Danchuk, PhD, PE, CB&I
Brad Rosov, CB&I
Sheri Dindial, CB&I

Exhibit A

Scope of Services

Biological Characterization for the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project

This Scope of Services is for Coastal Planning & Engineering, Inc., a CB&I Company (CB&I) to conduct a biological characterization of the nearshore natural resources in support of the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project Environmental Impact Statement. Biological assessments have been conducted in the nearshore marine habitat adjacent to the proposed project area within the past several years. The FDEP Hurricane Recovery Dune Restoration Project was constructed in April and May 2006 in response to erosion caused by the hurricanes of 2004 and 2005. The project spanned Reaches 7 and 8 in the Town of Palm Beach and was constructed with offshore sand in conjunction with the Phipps Ocean Park (Reach 7) Beach Restoration Project. The biological monitoring program for this project included cross-shore transects that spanned the width of the nearshore hardbottom resources. In Reach 8, quadrat assessments were conducted on the transects located between R-128 and R-134 (2006-2008). South of the dune project, a survey was conducted in support of the South Palm Beach/Lantana Breakwater Project Feasibility Study in 2009 and 2010 where relief measurements were taken along the eastern and western edges of the nearshore hardbottom resources between R-130 and R-143. Additionally, quantitative assessments were conducted in July 2006 along shore-perpendicular transects in South Palm Beach between R-134 and R-142 in association with the South Palm Beach/Lantana Erosion Control Study. Within the same project area (R-134 to R-142) and timeframe (September 2006) a dune vegetation survey was conducted to map species coverage and document species location. The data from these surveys will be referenced and used for comparison to the data generated from the surveys proposed herein. The proposed biological characterization will provide an updated and comprehensive assessment of the nearshore resources within and adjacent to the project area of the Southern Palm Beach Island Comprehensive Shore Stabilization Project.

In order to ensure that the biological characterization methodologies proposed by CB&I were deemed appropriate by regulatory staff and would provide the information necessary for NMFS to generate a Biological Opinion, a draft of the biological monitoring methodologies was provided to the Corps (Garett Lips). The Corps passed the information on to NMFS Protected Resources Division (PRD) and NMFS Habitat Conservation Division (HCD) for comment. NMFS-HCD responded and a conference call was set up between the Corps, NMFS-HCD and CB&I to discuss the details of the plan. Written comments and discussion during the conference call by NMFS-HCD were incorporated into the monitoring methodologies proposed herein. NMFS-PRD has been contacted by the Corps on several occasions but has not yet commented on the proposed methodologies. Input from NMFS-PRD was desired due to the incorporation of an *Acropora* spp. survey in the protocol; however, the survey is proposed as outlined in the NMFS recommended protocol for *Acropora* spp. in support of Section 7 Consultation (NMFS, 2008). Additionally, a survey for the seven species proposed for listing under the ESA will be conducted in conjunction with the *Acropora* survey. This will ensure a comprehensive

assessment of all hardbottom resources for both the listed and proposed coral species that may occur within and adjacent to the project area.

Under direction by the Corps, CB&I will conduct the following surveys to determine the distribution and abundance of federally listed (and proposed for listing) coral species and to assess the benthic hardbottom habitat within and adjacent to the project area of the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project. These data will support the production of the Environmental Impact Statement (EIS), Biological Assessment (BA), and Essential Fish Habitat (EFH) Assessment being generated for this project. A time-average analysis of the exposed hardbottom over the past 10 years (2003-2012) resulted in a hardbottom area of 26.3 ac in the nearshore habitat. The area examined in the analysis, and to be surveyed extends beyond the project limits by 2000 feet to the north and 3500 feet to the south, from approximately R-127 to R-141. The following tasks are proposed for this study area. All deliverables will be reviewed for quality assurance and quality control by our in-house QA officer prior to submittal.

Survey for *Acropora* spp. and Seven Corals Proposed for Listing

A survey of the project area and adjacent area will be conducted to determine the distribution and abundance of the federally listed coral species *Acropora* spp. The survey area will include the area from approximately 2000 ft north of the proposed project area near R-127 to approximately 3500 ft south of the proposed project area near R-141 (approximately 3 miles). Benthic habitat maps of the nearshore hardbottom in the survey area show highly ephemeral hardbottom habitat located mostly landward of the 10 ft (3.05 m) depth contour and generally within 500 ft (150 m) from shore. The survey area will include all nearshore hardbottom habitat starting at the westernmost limit of nearshore hardbottom and extending to the eastern limit of nearshore hardbottom (approximately 500 ft). The surveys will omit areas that consistently contain unconsolidated sediment based on available aerial analyses; however, these areas will be verified as unconsolidated sediment during the survey to ensure no potential habitat is omitted. The offshore reef resources (> 30 ft water depth) will not be surveyed as they are well outside the proposed project area.

The survey will follow the NMFS Recommended Survey Protocol for *Acropora* spp. in support of Section 7 Consultation (NMFS, 2008). During this survey, the area will also be assessed for the seven coral species proposed for listing (*Dendrogyra cylindrus*, *Montastrea annularis*, *Montastrea faveolata*, *Montastrea franksi*, *Mycetophyllia ferox*, *Agaricia lamarcki*, and *Dichocoenia stokesi*) under the Endangered Species Act (ESA) since it is anticipated that these species may be listed prior to commencement of the proposed project. The same protocol will be applied for these seven species. The NMFS recommended protocol is provided below.

Recommended Methods:

The most appropriate approach depends on scale, and the amount of expected error depends on the approach. Unless a complete survey of the entire area is done, the estimated distribution and abundance of these species may be significantly in error. With the exception of very small project areas, efficient field sampling may require sampling in two stages, as described in the NMFS Recommended Survey Protocol for *Acropora* spp. (NMFS, 2008) and outlined below. A preliminary visual reconnaissance of the site should be conducted to locate any occurrences of *Acropora* spp. Following the preliminary reconnaissance, a more comprehensive sampling should be initiated.

When using following survey methods, the survey personnel should record the following:

1. Species;
2. Single largest linear dimension of the colony or length, height, and width (units = mm);
3. Rank of percentage live tissue (i.e., > or < 50%);
4. GPS coordinate of each colony (if possible) or each survey site (unit = decimal degrees and state datum); and
5. Site map with locations of each colony

Based on area of the survey site, this survey will follow the methodology recommended for an intermediate to large project area (>~0.25 ac or ~0.1 ha). The data will be collected at one (1) sampling site per every 2.5 ac (10,000 m² or 1 ha). At each sampling site, a 2-tiered survey will be conducted as follows:

Tier 1. A structured 20-min timed swim will be conducted from a referenced center point (i.e., downline). If 5 or fewer colonies are encountered, the required data will be collected on those colonies and the survey will proceed to next sampling site. If greater than 5 colonies are encountered, the 2nd tier survey will be conducted.

Tier 2. Three belt transects will be surveyed from the referenced center point at 3 random bearings. Each belt transect should measure 4 m X 50 m, for a total of 200 m² sampled per transect, for a total of 600 m² per sampling site. All required data for all colonies encountered along the transect will be collected.

Deliverable: A comprehensive report will be submitted detailing the results from *Acropora* spp. survey. A map generated in ArcGIS will provide *Acropora* site locations within and adjacent to the project area.

Quantitative Benthic Assessment of the Nearshore Hardbottom Habitat

A biological assessment of the nearshore hardbottom habitat within and adjacent to the project area will be conducted to determine the existing conditions of the hardbottom resources. The assessment area will include the nearshore resources from approximately 2000 ft north of the proposed project area near R-127 to approximately 3500 ft south of the proposed project area near R-141 (approximately 3 miles). It is proposed that approximately fifteen (15) shore-perpendicular transects be spaced throughout this survey area, each extending from the landward edge of the hardbottom to the seaward extent of the hardbottom or 150 m (whichever is less). The seaward limit of 150 m was determined based on current monitoring requirements regulated by FDEP that are commonly applied in south Florida and supported by examination of aerial delineations in this area, which show that hardbottom does not generally extend beyond this distance from shore. An *a priori* power analysis will be conducted to ensure this sampling size is appropriate prior to finalization of the characterization plan. Transect location will be based on a stratified-random approach within the designated sampling area. The following methodologies will be applied to collect *in situ* benthic data.

Quadrat Sampling. Benthic communities will be evaluated along each of the shore-perpendicular transects using the quadrat-based Benthic Ecological Assessment for Marginal Reefs (BEAMR) methodology (Lybolt and Baron, 2006). The number of 1.0 m² quadrats to be sampled will be determined by a power analysis of previous data collected on similar habitat within Palm Beach County. This will provide an estimate of variability expected in the cross-shore sampling. The quadrat sampling method will collect physical characteristics (maximum relief and maximum sediment depth), and estimates of planar percent cover. Functional groups include: sediment, macroalgae, turf algae, encrusting red

algae, sponge, hydroid, octocoral, scleractinian coral, tunicate, bare hard substrate, anemone, barnacle, bryozoan, bivalve, *Millepora* spp., seagrass, sessile annelid, worm rock, and zoanthid. The macroalgae percent cover data will be augmented by a genus-level breakdown of macroalgae percent cover for all genera with at least 1% cover. In addition to percent cover data, coral density is estimated by individual colony count. Also, the maximum diameter (cm) and species of each stony coral (Scleractinia), and the maximum height (cm) and genus of each soft coral (Octocorallia) are recorded. Encrusting octocorals are measured by their maximum diameter (cm) similar to stony corals. Although coral colonies are measured to the nearest centimeter, individuals that are less than 1 cm are recorded as < 1 cm to differentiate from colonies that are truly 1 cm. Any abnormal conditions of the colony e.g., bleaching, disease, and encrusting organisms, are also noted. Photographs using a scaled framer will be conducted at each quadrat for documentation purposes.

Sediment Cover. The line-intercept methodology will be used to document sediment cover and the location of physical transitions in the nearshore habitat along the shore-perpendicular transects. The location of hardbottom boundaries interrupted by sand patches larger than 0.5 m in length will be documented using two substrate designations: nearshore hardbottom and sand. Nearshore hardbottom is clearly exposed consolidated substrate with the potential for recruitment of benthic organisms and sand is defined as sediment with a depth of greater than 1 cm with no emerging biota. Areas where biota emerges through sand are considered hardbottom regardless of sand depth in the line-intercept survey since a sand designation requires an uninterrupted 0.5-m expanse of sand. The line-intercept data will provide a ratio of hardbottom to sand for the area along each transect, extending from the inshore hardbottom edge to the seaward limit of the hardbottom or 150 m seaward of the hardbottom edge, whichever is less.

Sediment Depth. Sediment depth will be collected using plastic rulers graduated in millimeters at 1-m intervals along each shore-perpendicular transect. A maximum value of 300 mm will be documented. Sediment depth data provide a snapshot of the cross-shore sand distribution along each nearshore transect. The relief of the hardbottom edge will also be measured (cm) at the westernmost hardbottom-sand border adjacent to each transect.

Video Documentation. *In situ* video will be recorded using a digital video camera in an underwater housing along each shore-perpendicular transect to provide a video record of the conditions of each transect at the time of the survey. The speed of the video will not exceed 5 m per minute and the camera will be held at a height of 40 cm above the substrate (Porter *et al.*, 2002).

Raw data will be entered into our Access-based database for easy extraction and analysis. Data analyses will include parametric and non-parametric tests. Parametric statistical analyses will be conducted using Microsoft Excel and PRIMER v6 (Clark and Gorley, 2006; Clark and Warwick, 2001). Since this is a characterization, the analyses will primarily consist of spatial comparisons to detect potential cross-shore and longshore variations in the hardbottom habitat. This may include two-tailed t-tests, analysis of variance (ANOVA), repeated measures analysis of variance, and Student-Newman-Keuls (SNK) test. Non-parametric multivariate statistical analyses will be applied using PRIMER v6 and will be primarily applied to the BEAMR data.

Deliverable: The final deliverable for the benthic characterization will consist of a comprehensive report detailing the nature of the nearshore natural hardbottom habitat within and adjacent to the proposed project area. The report will include maps generated in ArcGIS displaying the project location, project design, nearshore marine resources (dune to subtidal),

hardbottom delineations, and survey sites. The report will also include video documentation and representative photographs from the in situ assessment. All data will be included in an interactive GIS deliverable (see Task 5).

Aerial Analysis of Nearshore Hardbottom Resources

2013 Hardbottom Delineation. Delineation of hardbottom resources will be conducted using the 2013 aerials provided by the Town of Palm Beach and/or Palm Beach County to determine the extent of potential exposed hardbottom within and adjacent to the proposed project area. A GIS specialist will conduct the delineation with assistance and verification by a marine biologist with direct experience in this area.

Historic Hardbottom Delineation. Additionally, the hardbottom delineations between 2000 and 2012 provided by the Town of Palm Beach and Palm Beach County will be analyzed to detail changes in hardbottom exposure over time. The Corps will determine the final methodology for reporting hardbottom acreage within the EIS document. These methods may include:

- 1) The area of hardbottom from the most recent aerial delineation
- 2) The maximum extent of exposed hardbottom
- 3) Persistent hardbottom
- 4) Time-averaged hardbottom

Deliverable: All aerial analyses will be reviewed for quality assurance and quality control (QA/QC) by a marine biologist and GIS specialist. These data will be incorporated into the deliverables for the Quantitative Benthic Assessment of the Nearshore Hardbottom Habitat.

Dune Vegetation Survey

We shall examine aerial photographs to determine specific areas of interest along the project area which may support dune vegetation. These areas will be ground-truthed and the extent of vegetation will be documented using DGPS. Dominant species will be identified and photo-documentation will be collected at each site. Particular effort will be made to identify and document the presence of the endangered plant species beach jacquemontia (*Jacquemontia reclinata*). The location of any endangered plant will be marked using DGPS. Results of the vegetation survey, including edge-of-vegetation and the location of any listed species will be overlaid onto project aerials using GIS. An observation report with maps will be provided to the Town, and shapefiles will be included in the comprehensive GIS deliverable (see Task 5).

Interactive GIS

The GIS deliverable will provide a comprehensive database of all georeferenced data collected in the field and from the aerial analysis specific to the Southern Palm Beach Island Comprehensive Shore Stabilization Project. This will include project location, delineated hardbottom habitat, shore-perpendicular transects, *Acropora* survey sites, dune vegetation delineation, still photographs, and *in situ* benthic data (BEAMR, line-intercept, sediment depth). This will be provided upon completion of all characterization efforts.

Literature Cited

Clarke, K.R. and R.N. Gorley. 2006. PRIMER-E® (v6): User Manual/Tutorial. PRIMER-E Ltd, Plymouth, UK.

Clarke, K.R. and R.M. Warwick. 2001. Change in marine communities: An approach to statistical analysis and interpretation, 2nd edition. PRIMER-E Ltd, Plymouth, UK.

Lybolt, M. and R. Baron. 2006. BEAMR (Benthic Ecological Assessment for Marginal Reefs): a preferred replacement for AGRRA and similar benthic assessment methods tailored for marginal reefs. *Proceedings from the 2006 ISRS European Meeting*. Bremen, Germany.

National Marine Fisheries Service (NMFS). 2008. Recommended survey protocol for *Acropora* spp. in support of Section 7 Consultation. Prepared by NMFS Office of Protected Resources.

Porter, J.W., V. Kosmynin, K. Patterson, K.G. Porter, W.C. Jaap, J. Wheaton, K.E. Hackett, M. Lybolt, C.P. Tsokos, G. Yanev, D. Marcinek, J. Dotten, D. Eaken, M. Patterson, O.W. Meier, M. Brill, and P. Dustan. 2002. Detection of Coral Reef Change by the Florida Keys Coral Reef Monitoring Project. In: Porter, J.W. and Porter, K.G. (eds). *The Everglades, Florida Bay, and Coral Reefs of the Florida Keys: An Ecosystem Sourcebook*. CRC Press, Boca Raton, pp 749-769.

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Consent - Other

Agenda Title

Authorization to Consider Ordinance No. 5-2013 and Ordinance No. 6-2013 prior to 5:00 p.m. at Both Public Hearings.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page, Director of Planning, Zoning, and Building, dated September 25, 2013

TOWN OF PALM BEACH

Information for Town Council Meetings on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Request to Consider Ordinance No. 5-2013 and Ordinance No. 6-2013 prior to 5:00 p.m. at Both Public Hearings

Date: September 25, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council conduct the public hearings on Ordinance No. 5-2013 and Ordinance No. 6-2013 at the Town Council meetings at which they are to be heard prior to 5:00 p.m.

GENERAL INFORMATION

Florida Statutes require the Town Council to hold at least one of two public hearings to adopt a comprehensive plan amendment or zoning amendment ordinance after 5:00 p.m. However, the Statute provides that the time can be changed if a majority plus one of the local governing body elect to have a hearing at another time. Staff is requesting that the Town Council elect to conduct both public hearings on Ordinance No. 5-2013 and Ordinance No. 6-2013, during the course of the normal Council business. This may occur before 5:00 p.m.

PBE:jsp:pc

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building Department
Paul W. Castro, AICP, Zoning Administrator
John Lindgren, AICP, Planning Administrator
zf

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Potential Lease of Town Property Located at 627 North Dixie Highway in Downtown West Palm Beach.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated October 3, 2013, from Peter B. Elwell

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Potential Lease of Town Property at 627 North Dixie Highway in West Palm Beach

Date: October 3, 2013

STAFF RECOMMENDATION

Staff requests Town Council direction regarding your desire to further consider leasing the above referenced property. If you do want to proceed with this matter, then staff recommends that the Town Council authorize staff to issue a request for proposals (RFP) to provide a level playing field to all interested parties and to maximize the potential revenue the Town might realize from such a lease.

GENERAL INFORMATION

Per prior Town Council direction, staff (in conjunction with Larry Alexander in the Town Attorney's Office) has been in communication with a business owner (and their attorney) who approached the Town about the possibility of securing a long-term lease of the above referenced property. We have made progress in those negotiations and have also completed the necessary staff work to assess the impacts that vacating that property would have on Town operations.

In the meantime, three other individuals have inquired about potentially leasing this property. In total, we now have at least four potential lessees and two of them have also expressed an interest in potentially leasing 701 North Dixie Highway. (Immediately across the street from 627 North Dixie Highway, this is the Town owned property that currently is being leased to the Palm Beach Firefighters Benevolent Association (PBFFBA) for \$10 per year.) This level of interest in a property that is not being actively marketed indicates that there may be other potential lessees who would be interested if they knew the Town might be willing to lease the property.

Therefore, we believe it is in the Town's best interests to cease one-on-one negotiations with the first potential lessee and to issue an RFP inviting all potential lessees to "bid" on the right to lease 627 North Dixie Highway. Such an RFP would include all of the Town's minimum requirements for such a lease and could include an "alternate bid" provision (or an "either or both" provision) relating to the potential lease of 701 North Dixie Highway. The "bidders" would have to indicate acceptance of all the minimum requirements and would propose additional terms (monthly rent, duration of lease, etc.) that would distinguish them from the others. The Town would reserve the right to select whichever proposal we deemed to be in the

overall best interests of the Town or to reject all proposals and not enter into any lease if Town Council ultimately deemed all submittals to be inadequate.

If Town Council authorizes issuance of such an RFP, we would expect to receive proposals and return for further consideration at the Town Council meeting on December 10 or January 14.

SPECIAL CONSIDERATIONS

Displacement of Documents and Equipment Currently Stored at 627 North Dixie Highway

The Town can eliminate much, but not all, of the storage that currently occurs at 627 North Dixie Highway. Based on a space needs reduction of 50-70%, we estimate the cost of constructing a sufficient prefabricated metal building on a concrete slab at Town owned property on Skees Road or Okeechobee Boulevard to be on the order of \$125,000. There would be minimal annual maintenance costs. Alternatively, we could meet our reduced storage needs through rental of self-storage units at an estimated cost of \$20,000 per year.

Displacement of PBFFBA Uses at 701 North Dixie Highway

In 2009, the Town Council granted a request from Town firefighters to allow them to use this then-vacant Town facility that had previously housed the Police Department's vehicle maintenance shop. The lease entered into at that time explicitly allows the Town ("in its sole discretion") to terminate the lease upon 180 days written notice to the PBFFBA.

FUNDING/FISCAL IMPACT

No Town Council authorization for any specific funding is required. Expenses incurred in the RFP process will be minimal and will be absorbed within already appropriated Town operating funds. Such expenses will include advertising the RFP, obtaining an appraisal, etc., and will be well below the \$25,000 limit of my spending authority.

PBE:

cc: Department Directors
Larry Alexander; Jones, Foster, Johnston, and Stubbs

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Regular Agenda - Old Business

Agenda Title

RESOLUTION NO. 178-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$39,860, to Coastal Planning & Engineering, Inc., a Chicago Bridge & Iron Company, for Professional Services Related to Alternative Coastal Assessment Methodologies.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated October 1, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 178-2013
- CP&E Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approve a Purchase Order for Alternative Coastal Assessment Methodologies
Resolution No. 178-2013

Date: October 1, 2013

STAFF RECOMMENDATION

Staff requests that the Town Council provide direction as deemed necessary and consider approval of Resolution No. 178-2013 to authorize a purchase order for professional services related to Alternative Coastal Assessment Methodologies in the hourly, not-to-exceed, amount of \$39,860 to Coastal Planning & Engineering, Inc. (CPE), a Chicago Bridge & Iron Company (CB&I).

GENERAL INFORMATION

During the August 12, 2013 Finance and Taxation Committee meeting, Town staff provided funding scenarios for the Town's current 10-Year Coastal Management Program and a methodology example for an assessment program for Council consideration. The methodology example was presented to Town Council on August 13, 2013. During a discussion on August 13, 2013, Town Council directed staff to return to a Special Town Council meeting on September 11, 2013 and provide additional information regarding program financing opportunities. Town staff presented Town Council with three ways to finance the \$84,189,000 coastal program:

1. *Ad valorem* taxes only
2. Mix of *ad valorem* taxes and assessments for properties that receive special benefits
3. Assessments only, with all properties receiving benefits paying a share of costs proportional to their share of benefits

Town Council decided that the Mayor and Town Council members would individually provide the Town Manager with their ideas for alternative coastal assessment methodologies, so that this item could be more fully explored. Based on input from the 6 elected officials, the following aggregated list was developed:

- All private properties in the Town of Palm Beach should be included in some level of assessment
- The “inland” (or “off the beach”) assessments should reflect “on a rational basis” the amount of benefit received by those properties vs. the amount of benefit received by oceanfront properties
- Consider a program similar to the Town of Longboat Key (ie. all properties assessed in large groupings of properties with differentiation between oceanfront and non-oceanfront)
- The share of project costs attributable to publicly owned properties should be paid for by *ad valorem* taxes
- Assessments should be levied only in project areas, but should extend from ocean-to-lake in the project areas, with increasingly large discounts as one moves further and further away from the beach
- All properties should be assessed in a complex formula that discounts for distance from the beach and for properties being outside of a project area
- Exclude a discount for seawalls
- Some of the items in the community benefit category should be funded as special projects (ie. Sand Transfer Plant for Reach 1, NOB seawall for Reaches 1 and 2, etc.)
- Consider beach vs. dune and seawalls vs. no seawalls in methodologies
- “Oceanfront” should be defined as seaward of the CCCL
- “Oceanfront” should be defined as seaward of the easternmost north/south street
- “Oceanfront” should be defined as the easternmost property with a structure on it at any given latitude, even if at a given latitude that structure may be west of the easternmost north/south street
- “Oceanfront” should be defined as “you can see the ocean” from the applicable property

The scope of work developed by CB&I and Dr. Stronge has been itemized so that the Town Council would have the ability to select specific items from the “menu” of ideas provided by the Mayor and Town Council. The items within the above list have some overlapping tasks; therefore, CB&I has grouped their scope of work proposal into five (5) options for evaluation. If all options are selected, Town staff will work with CB&I and Dr. Stronge to find further cost efficiencies. Therefore, all proposed costs are identified as “hourly, not-to-exceed”.

If approved by Town Council, the CB&I and Dr. Stronge effort can be completed in time for the December Town Council meeting.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Coastal Protection Fund to complete this work.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

RW

Attachment

cc. Shore Protection Board members
Jane Struder, Finance Director
Robert Weber, Coastal Coordinator
William Stronge

RESOLUTION NO. 178-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$39,860, TO COASTAL PLANNING & ENGINEERING, INC., A CHICAGO BRIDGE & IRON COMPANY, FOR PROFESSIONAL SERVICES RELATED TO ALTERNATIVE COASTAL ASSESSMENT METHODOLOGIES.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order in an hourly, not-to-exceed, amount of \$39,860 to Coastal Planning & Engineering, Inc., a Chicago Bridge & Iron Company, for professional services related to alternative coastal assessment methodologies.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 8th day of October 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



October 1, 2013

Mr. Robert Weber
Coastal Coordinator
Town of Palm Beach
951 Old Okeechobee Road, Suite A
West Palm Beach, FL 33401

Re: Proposal for Evaluation of Components for Funding the Town of Palm Beach Coastal Management Program

Dear Rob:

This proposal is provided at your request for Coastal Planning & Engineering, Inc., a CB&I Company (CB&I) to evaluate several new components related to conceptual methods for determining Town-wide benefits of coastal management projects and example taxation/assessment protocols. The objective of this exercise is to further explore an equitable sharing of the Town's coastal management efforts among the Town's tax payers based on benefits received.

Since completion of the initial phases of work that resulted in a conceptual plan for funding the Town's coastal management program, several items have been identified that warrant further discussion. Some items reflect work that has already been completed, some are new items that can be included in future analyses and some have been deemed not defensible to warrant further analysis. Direct storm damage prevention benefits will not extend all the way across the island from the ocean to the lake. Therefore, Town-wide assessments cannot be based on storm damage benefits alone. An alternative basis is proposed as part of this scope of services.

The items discussed with Town staff in the development of this proposal are summarized below:

Items deemed appropriate for further consideration:

1. All private properties in the Town of Palm Beach included in some level of assessment.
2. The "inland" (or "off the beach") assessments reflect "on a rational basis" the amount of benefit received by those properties vs. the amount of benefit received by oceanfront properties.
3. Example from Longboat Key: all properties assessed in large groupings of properties, with differentiation between oceanfront and non-oceanfront.
4. The share of project costs attributable to publicly owned properties paid for by ad valorem taxes (as it is in the previous sample methodology).

Items deemed non-defensible due to lack of applicable engineering or legal basis:

5. Increasingly large discounts as one moves further and further away from the beach.
6. Discounting for distance from the beach in a tiered system.
7. Diminishing direct benefit valuation based on hundred ft intervals west of the Coastal Construction Control Line (CCCL).

Items that require further direction:

8. Definition of "oceanfront" to divide valuation:



- a. Seaward of the CCCL (as it already is defined in Dr. Stronge's sample methodology).
 - b. Seaward of the easternmost north/south street.
 - c. Easternmost property with a structure on it at any given latitude, regardless of location with respect to north/south street or CCCL.
 - d. Defined as "you can see the ocean" from the applicable property, regardless of location with respect to north/south street or CCCL.
9. Distinguish between beach fill and dune fill, or just project vs. no project.
 10. How to handle properties adjacent to project that may receive secondary benefits.
 11. Include credit for seawalls, or not.
 12. Include items with low cost to the Town (i.e. Sand Transfer Plant), or not.
 13. Include items that the Town has identified a need to address (i.e. North Ocean Blvd. roadway protective seawall in Reach 2), or not.

Considering these items and the questions to be answered, we propose a menu of options below. These are set up as separable elements of the plan, but are designed to support and lead up to an evaluation of a new conceptual alternative. The new alternative aims to identify a "protection of property value" shared by all residents as an indirect benefit of the Town's Coastal Management Program, in addition to the direct benefit of storm protection.

Scope of Services

In a previous effort, Dr. Stronge with CB&I developed one conceptual method for analyzing benefits received by properties east of the Coastal Construction Control Line (CCCL) resulting from the Mid-Town, Reach 7 and Reach 8 beach nourishment and dune projects. Based on these economic benefits, a taxation and assessment formula was applied to properties adjacent to the project areas. The taxes associated with the economic assessment program were presented to the Council for review.

Based on comments from Town Council and Town staff on the initial method, additional iterations of the benefit analysis methodology and taxation/assessment formula have been requested. A series of items for consideration have been provided by Town staff for development of this proposal. The objective of this exercise is to further explore an equitable sharing of the Town's coastal management efforts among the Town's tax payers based on benefits received through a sequence of scope items. It is expected that some of the resulting options may not achieve the objectives of all Town Council members, while others may be selected for further more detailed investigation. Accordingly, this proposal represents Phase 1 of the work, where Phase 2 will be developed under a future proposal based on the results of this scope of work and further direction of the Town. Descriptions of the methods are presented in the following paragraphs and the costs shown represent Not To Exceed estimates to complete the evaluation for each option. Synergies associated with evaluating multiple options together may result in an overall cost savings compared to the separable elements.

Menu of Options

- A. Expand Property Assessment Town-wide: \$4,091

The existing assessment concept focuses on market values in the project areas of Mid-Town, Reach 7 and Reach 8. In this option, the database of properties and market valuations will be expanded to include all the properties within the Town of Palm Beach. Commercial properties will be identified separately from residential and Town-owned properties. It is understood that Town staff is already



working on a similar database, and that information will be used to the greatest extent practicable to update the existing property value and benefits spreadsheets.

B. Include Additional Oceanfront Properties in Direct Benefits: \$6,041

The existing assessment concept focuses on planned projects for Mid-Town, Reach 7 and Reach 8, with a distinction between beach fill, dune fill or no fill. In this option, the benefits assessment will be modified to consider including properties adjacent to the project, since adjacent properties may benefit from neighboring projects. All oceanfront properties in the Town will be considered.

C. Evaluate Alternate Definition of Oceanfront: \$6,041

The existing assessment concept uses the Coastal Construction Control Line (CCCL) as the dividing line for "oceanfront" properties that are assumed to receive all the direct benefit from related coastal protection projects. Town Council members have suggested alternate definitions to represent the oceanfront. In this option, the Town will direct what to use as the definition of "oceanfront" and the project benefit assessment will be recalculated based on the alternate definition.

D. Develop "Protection of Property Value" Alternative \$15,868

The existing assessment concept uses storm protection as the sole source of benefits derived from the Town's Coastal Protection Program and only applies that benefit to the properties seaward of the CCCL within the project area. While this is a common and logical approach, it does not consider the indirect benefits received by the rest of the properties whose property valuations are protected as a result of the Town's Coastal Program overall.

In this option, the concept of the protection of "property values" will be based on market values with the assessments calculated accordingly. Because all property values on the island are enhanced by the existence of the beach, the end result would be an island-wide assessment that would reduce the specific project assessments levied against oceanfront property owners. The proposed method will be based on an equitable split of project costs based on market values or a cost benefit ratio comparison. Numerical modeling is not proposed at this time, but can be incorporated by change order if deemed necessary. The final method for determining the protocol will be coordinated with Town staff.

E. Add/Remove Elements of the Conceptual Plan \$7,819

The existing assessment concept includes a distinction between beach fill, dune fill or no fill and the presence or absence of seawalls. While seawalls play a role in protecting upland properties from storm damage, not all properties are eligible for a seawall and would be at a disadvantage in the assessment due to the lack of this protective feature. Likewise, the existence of roadway revetments and the operation of the Sand Transfer Plant may offer a disproportionate benefit to some property owners. In this option, we will work with Town staff on how to handle these particular features and adjust the benefits assessment accordingly.

Summary of Options

This proposal is for preparation of several conceptual methods of determining economic benefits and the associated taxation/assessment protocols that comprise a menu of options to fund the Town's



Proposed FY 2014 through FY 2023 Coastal Management Budget. A summary of the options and related cost estimates to evaluate them are as follows:

OPTIONS FOR EVALUATION	NOT TO EXCEED COST ESTIMATE
A. Expand Property Assessment Town-wide	\$4,091
B. Include Additional Oceanfront Properties in Direct Benefits	\$6,041
C. Evaluate Alternate Definition of Oceanfront	\$6,041
D. Develop "Protection of Property Value" Alternative	\$15,868
E. Add/Remove Elements of the Conceptual Plan	\$7,819
TOTAL FOR ALL OPTIONS =	\$39,860

CB&I will subcontract with William B. Stronge, Ph.D. (Dr. Stronge), who will perform the benefits assessment and develop options for the Town to consider. The preliminary results of the study will be presented to Town staff in a meeting in Palm Beach and the final results will be presented to Town Council by Dr. Stronge. The PowerPoint presentation and other information developed during the course of the study will be provided to the Town as the deliverable for this work. Additional proposals will be prepared and presented to the Town as requested to expand the study beyond the limits set forth in this proposal.

Fee Proposal

The costs shown in the table above represent Not To Exceed estimates to complete the evaluation for each option. Synergies associated with evaluating multiple options together may result in an overall cost savings compared to the separable elements.

The fee for services rendered will be billed monthly on a time and materials basis. The billing rates for services rendered under this proposal will be based on direct labor costs multiplied by a factor of 3.0 as defined in Section 5.A of the Professional Services Agreement. Attached please find a spreadsheet which delineates the various phases of the work estimated with our standard rates and classifications (Exhibit B). Dr. Stronge's fees will be billed as a lump sum direct cost to the Town without additional markup. Although this proposal is detailed by separable items and estimated by specific staff and categories, it is anticipated that some work elements will exceed the estimate while others fall below the estimate to complete. Our staff will be used as needed to achieve the scope of services and to meet the Town's objectives and timelines.

The services proposed herein will be performed in accordance with this proposal and the Professional Services Agreement between The Town of Palm Beach and Coastal Planning & Engineering, Inc. dated July 15, 2009. The time frame estimated to complete this work is estimated to be two (2) months from receipt of your authorization to proceed, barring any circumstances beyond the control of CB&I. We will commence work upon receipt of a Purchase Order from the Town of Palm Beach.



Thank you for the opportunity to serve the Town of Palm Beach.

If you should have any questions, please call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom P.", with a stylized flourish at the end.

Thomas P. Pierro, P.E., D.CE
Vice President
Coastal Planning & Engineering, Inc.

Please reply to: Thomas Pierro
Phone No. 561.361.3150
E-Mail: thomas.pierro@cbi.com

cc: Samantha Danchuk, PhD, PE, CB&I
Sheri Dindial, CB&I

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Worth Avenue Association's Request for Permission to Hold a "100 Years of Fashion" Event on Worth Avenue and in Hibiscus Plaza.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- Memorandum dated September 27, 2013, from Thomas G. Bradford, Deputy Town Manager
- Exhibit A Schematic of Event
- Narrative Description of Event

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Proposed Worth Avenue Association 100 Years of Fashion Event

Date: September 27, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council provide direction to staff in regard to the Worth Avenue Association (WAA) proposal to conduct a 100 Years of Fashion event on Saturday, November 16, 2013, from 3:00 p.m. to 7:00 p.m.

GENERAL INFORMATION

At the Town Council meeting in April 2009, the Town Council approved the following policy as a prerequisite to considering promotional events sponsored by one of the Town's business associations for application to those instances where the proposed event would result in technical, but minor, violations of the Town Code:

1. The event must be sponsored by the Palm Beach Chamber of Commerce, the Royal Poinciana Way Business Association, the Greater South County Road Association, or the Worth Avenue Association.
2. The event must not involve the blocking of any public streets or sidewalks.
3. The event must be no longer than 4 hours duration.
4. The event organizers must coordinate their plans with the Police and Fire-Rescue Departments and must adhere to any conditions established by those two departments for protection of public safety.
5. The event organizers must coordinate their plans with the Public Works Department and must adhere to any conditions established by that department for the protection of property and infrastructure.
6. Each proposed event will be considered on its own merits and will be allowed only if approved by a majority vote of the Town Council.

The WAA proposes to sponsor a 100 Years of Fashion event on November 16 from 3:00 PM to 7:00 PM. The 100 Years of Fashion event is designed "to celebrate the 1913 naming of Worth Avenue after General William Jenkins Worth" following the same general format as was conducted with the previous Fashion's Night Out event.

Staff concerns with the event have been addressed as the plan provides resources needed for reasonable assurance of the public's safety. Nevertheless, the proposal does deviate from the Town Council's policy. The event is for 4 hours from 3:00 p.m. to 7:00 p.m. However, due to set up, take down and clean up the request is actually for 6 hours from 2:00 p.m. to 8:00 p.m. The 200 block of Worth Avenue will be open, but reduced to one lane of traffic. All residents of that block have been notified of the event.

WAA is requesting to use Hibiscus Plaza, closing it off so that the southernmost portion is not accessible to any vehicular traffic. This was approved last year and is in keeping with the intended use of the facilities within the Hibiscus Plaza as it is being paid for by benefitting property owners. A stage will be constructed at the extreme south end of the Hibiscus Plaza as depicted in Exhibit A for ceremonial and entertainment purposes in conjunction with the event. WAA wishes to close one lane of the 200 block of Worth Avenue for the event to display luxury automobiles and models as also depicted in Exhibit A. One vehicle travel lane will remain open. Every major intersection along the affected road network will have one or more special duty detail police officers and police cruisers posted as shown in Exhibit A, paid for by WAA. In addition, also paid for by WAA, a Fire-Rescue response vehicle, with crew, will be stationed at the east end of the 300 block of Worth Avenue for quick and easy access to event participants should emergency service be required. Police, Fire-Rescue, Code Enforcement and Public Works have reviewed the plan and have no major concerns so long as all event provisions indicated by WAA are actually carried out.

WAA will need to provide the Town with a certificate of insurance in advance of the event indicating the Town has been named as an additional insured on that policy for the WAA use of the Hibiscus Plaza and portions of Worth Avenue as described herein since much of the 100 Years of Fashion event is technically on Town property. The Risk Manager has approved the certificate of insurance submitted in this regard.

Attached is additional information provided by WAA describing the 100 Years of Fashion event. WAA officials are prepared to make a presentation if you wish and can answer any questions the Mayor and Town Council may have in regard to this commercial event.

TGB/ab

cc: Department Directors
Dan Szarszewski, Deputy Chief of Police
Gino Silvestri, Captain, Palm Beach Police
Eric Brown, Assistant Director of Public Works
Tim Pompos, Fire Marshal
Rob Walton, Chief Code Compliance Officer
Karen Temme, Risk Manager
Gregg S. Beletsky, President, WAA
Robin Miller, Administrator, WAA



- Police
- Emergency / Fire Crew
- Luxury Autos on Display
- Closed to Traffic
- Red Carpet
- Stage
- Dog Fashion Runway
- Hard Barricade
- Soft Barricade
- Stanchion Ropes
- Livery / Bus Drop
- Four Seasons Lounge



100 YEARS OF FASHION ON WORTH AVENUE

CONCEPT AND BACKGROUND:

Although a few shops already occupied the location, it wasn't until 1913 that Worth Avenue was named; after General William Jenkins Worth. In celebration, the Worth Avenue Association, in partnership with The Fashion Doctors Media Group, are planning a fashion-oriented, fun-filled afternoon/evening which will feature in-store events, luxury car displays, runway fashions, as well as food and beverage venues in private vias over the entire length of Worth Avenue.

The Art Institute of Fort Lauderdale is busy creating fashions which will be on display, representing 10 decades of fashion over 100 years of Worth Avenue's history, through today. Unfortunately, Vogue cancelled its Fashion's Night Out initiative for this year and we did not want to lose any momentum we gained from that event. We feel that this event, placed a bit later in the year to take advantage of returning visitors (and better weather!), will yield a grand scale of participants and visitors. Please know that the Worth Avenue Association has received a very large number of inquiries about events to replace FNO. We hope to anniversary one large event annually going forward as a quintessential "Worth Avenue" event, something that no other location can replicate.

Details and Request/Proposal:

- o Worth Avenue will be closed down on the north side of the 200 block to showcase Lamborghinis from different decades. The actual event will take place from 3 to 7, however, setup and take-down requires an hour on either side of that, for a

total time of 2 to 8 p.m. The MOT plan is attached hereto. Bob's Barricades will submit their permit 14 days prior to the event in accordance with this plan. The WAA and Fashion Doctors have met with Town staff, including police, fire, code enforcement and public works, along with Mr. Bradford. As a result, it was determined that 3 staff from fire and 6 staff from police will be hired via SAO for the event. Police and fire will attend a walk-through after the Town Council approves the event to make sure all bases are covered for public safety.

- Liability Insurance has been provided (see certificate attached) and will be amended if the Town requires additional coverage.
- Residents on Worth Avenue and Golfview Road will be advised by certified letter about the details for the evening. The two valet stands (Ta-boo' and Café Via Flora) have already agreed to suspending valet service on Worth Avenue during the event.
- The Art Institute of Fort Lauderdale will be featuring fashions inspired by different decades from the early 1900's to present. Celebrity judges will vote for the best representation for its specific vintage and a student will be awarded a scholarship for his/her efforts. A "*People's Choice*" scholarship award will also be added in order to engage visitors to vote and visit stores to see the fashion creations.
- As with Fashion's Night Out, a stage will be provided and Town Council members and Mayor Coniglio are invited to appear and launch the evening's festivities.
- Food and beverages served in the private vias and on Hibiscus Avenue and will reflect the same theme showcasing items from past decades and served with historic flair. There will be no alcoholic beverages served on Town property.

Sponsors or anyone providing any wines will be fully licensed to serve and will be entirely on private property and in-stores.

- 150 Worth will be hosting a Couture Cupcake Contest along with several other venues in their courtyard.
- Several upscale country clubs from Boca Raton and points north have committed to provide limo/livery buses to the event for their residents to visit and shop. The MOT indicates that any livery buses will discharge passengers at Peruvian and Hibiscus, leave the island and return at a designated time to passenger pickup.
- There will be DJ's and performers on Hibiscus Avenue Piazza, as well as a step and repeat with a red carpet for photo ops, which was a very successful draw at last year's FNO. A fashion runway is planned for the red carpet as well.
- There will be more information to follow and more venues to announce as they are committed to our event. Stores are being contacted now with participation forms they must sign in order to be included, acknowledging the nature of private vs. public property use during the event.

On behalf of the Worth Avenue Association and its members, we thank you very much for your consideration of this historic event.

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

U. S. Army Corps of Engineers Request for Waiver of Town Code Restrictions re: Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated September 26, 2013, from H. Paul Brazil, P.E., Director of Public Works
- USACE Request

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: U.S. Army Corps of Engineers Request for Waiver to Town Code for Construction Dates, Hours, and Noise for Staging in Lake Worth Lagoon

Date: September 26, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the United States Army Corps of Engineers (USACE), their contractor Marinex Construction, Inc. (Marinex), and any Marinex subcontractor to perform construction related services outside of the Town Code of Ordinances restrictions for construction dates, hours, and noise levels if staging is confined to the area shown in the request from the USACE.

GENERAL INFORMATION

The USACE has awarded a contract to Marinex to perform beach nourishment for several Federal projects within Palm Beach County. These projects are not within the Town of Palm Beach. On November 20, 2013, Marinex will begin mobilizing to Palm Beach County. Work is currently scheduled through April 30, 2014.

The USACE intends for their contractor to utilize the Lake Worth Inlet for project staging of offshore equipment. Because the Lake Worth Lagoon east of the Intracoastal Waterway's centerline is within the jurisdictional limits of the Town of Palm Beach, work performed in this area must either conform to the Town Code of Ordinances or be waived by Town Council.

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

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

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

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

The USACE's contractor for the 2013 Lake Worth Inlet maintenance dredging project, Great Lakes Dredge & Dock, Inc. (GLDD), utilized the Lake Worth Lagoon for project staging. For a majority of the construction duration, the contractor was staged in the eastern portion of the Lake Worth Lagoon and within a few hundred feet of the Town's lagoonfront shoreline. Work in this area was a disturbance to many lagoonfront residents. After lengthy discussions with both the USACE and GLDD, the staging area was moved away from the Town and closer to the Port of Palm Beach south of both Peanut Island and the Port's Turning Basin (approximately 1,800 feet, more than 1/3 mile, from the Town's lagoonfront shoreline). Due to the disturbance created from proximity to the Town's lagoonfront shoreline during much of the maintenance dredging project earlier this year, Town staff requested that the USACE not repeat this disturbance and instruct their contractor for the upcoming project to only stage in a designated area away from the Town.

FUNDING/FISCAL IMPACT

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

RW

Attachment

cc. Thomas G. Bradford, Deputy Town Manager
Kirk Blouin, Director of Public Safety
Robert Weber, Coastal Coordinator
Jerry Scarborough, Chief, Water Resources Branch, USACE



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

SEP 24 2013

Programs and Project Management Division
Water Resource Branch

Town of Palm Beach
Public Works Department
Post Office Box 2029
Palm Beach, Florida 33480

Dear Mr. Weber:

The U.S. Army Corps of Engineers (Corps) is preparing to initiate construction for the renourishment of Ocean Ridge, Delray Beach, and North Boca Raton segments within Palm Beach County. Work is scheduled to commence on or about November 20, 2013 and continue through April 30, 2014. The awarded Contractor is anticipated to operate marine and shore-based equipment 24 hours a day/ 7 days a week. The Corps requests the approval from the Town Council for the contractor to stage within the jurisdictional limits of the Town of Palm Beach within the Lake Worth Lagoon. The work will be performed within the designated staging area limits (Enclosure 1).

The Corps is requesting variance on the below Town Code of Ordinances for the proposed work.

- Section 42-198 – prohibits operation of equipment or machinery during winter, Sundays, and legal holidays (commencing on December 1 and ending May 1).
- Section 42-199 – prohibits work between 5:00pm and 8:00am.
- Sections 42-226 through 229 – regulates noise, equipment operation, and work hours and the standard Town requirement to "stand down for the season".

If you have any further questions please do not hesitate to contact the Project Manager, Sirisha Rayaprolu, 904-232-3455.

Sincerely,

Jerry W. Scarborough
Chief, Water Resources Branch

Enclosure



Google

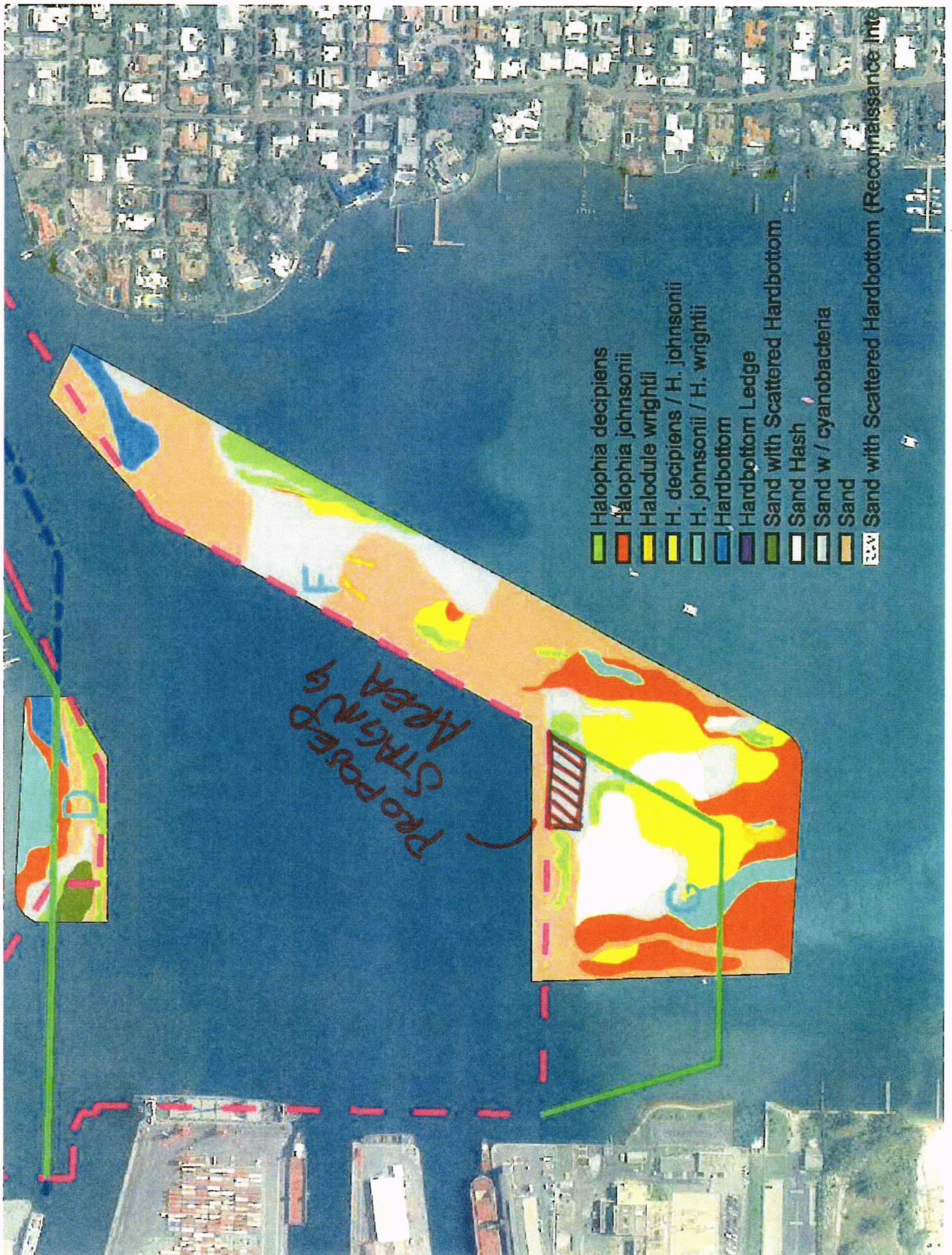
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TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Appeal of Removal from the Investment Advisory Committee - Mr. William John Mikus.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum dated September 27, 2013, from Jane Struder, Finance Director
- Letter dated October 3, 2013, from Mr. William John Mikus

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Appeal of Removal from the Investment Advisory Committee – Mr. William John Mikus

Date: September 27, 2013

STAFF RECOMMENDATION

Staff requests Town Council guidance on the appeal by Mr. William John Mikus of his removal from the Investment Advisory Committee.

GENERAL INFORMATION

Mr. William John Mikus, a member of the Investment Advisory Committee since 2008 has been absent from Committee meetings twice during the last 12 month period. He missed the May 24, 2013 meeting as well as the August 23, 2013 meeting due to a business conflict. Section 2-561(b) of the Town Code states:

Removal provisions; absences. All members of the investment advisory committee serve at the pleasure of the town council and may be removed from the committee with or without cause. Members of the committee shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend two scheduled meetings in any 12-month period. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the finance director in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the committee after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this section.

Mr. Mikus has written a letter requesting a re-appointment to the Investment Advisory Committee. If the Town Council votes to accept Mr. Mikus' request, he will serve out the remainder of his term which expires in May 2014.

Attachment

jls

cc: Investment Advisory Committee Members

Thursday, October 03, 2013

Mayor Coniglio and Town Council
C/o Jane Struder, Finance Director
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

Dear Mayor and Town Council,

It has been brought to my attention that my two recent Investment Committee absences automatically removed me from the Investment Committee. I was not aware of the recent code change regarding the "failure to attend two scheduled meetings in any 12-month period." I missed one meeting, because our family was in Italy on our annual summer vacation, and another due to a business trip that could not be rescheduled. I understand that informing Jane Struder of my planned absences did not excuse me from the new code limiting the number and reasons for absences. If the Mayor and Town Council believe that my re-statement to the Investment Committee is to the benefit of The Town of Palm Beach, I am fully committed to serve the remainder of my term. Additionally, I want the Town Council to know that over the past 5 years I have made my attendance and contribution to the Investment Committee a priority, even though I am employed full time.

Because of the nature of my business as a money manager and the enormous market uncertainty we are experiencing, it is very difficult to commit to attending a Town Council meetings during most of the time the market is open. Please accept this letter as a formal petition to reinstatement my position on the Town of Palm Beach Investment Committee.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Mikus', with a stylized flourish at the end.

William John Mikus
President/CEO

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Proposed Health Insurance Premium Rates for Calendar Year 2014.

Presenter

Danielle Olson, Director of Human Resources

Supporting Documents

- Health Insurance Update and Rates for Calendar Year 2014
- Exhibit A - Willis Letter to TOPB - Renewal
- Exhibit B - Plan Design
- ! Exhibit C - 2014 Premiums
- ! Exhibit D - Retiree Sliding Scale 2014

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Danielle Olson, Director of Human Resources

Re: Health Insurance Update and Rates for Calendar Year 2014

Date: October 2, 2013

STAFF RECOMMENDATION

Staff recommends Town Council approve the health insurance rates for 2014 as set forth herein and approve authorization for the Town Manager to extend the Town's contract with Florida Blue through December 31, 2016.

GENERAL INFORMATION

The Human Resources Department worked with Willis of Florida, the Town's health insurance broker, during FY13 to find ways to improve the efficiency and effectiveness of the Town's health insurance program and to ensure legal compliance with the Patient Protection and Affordable Care Act (PPACA).

Health Plan Design and 2014 Premiums

As presented during the July Special Town Council meeting, in order to curtail the expected increase and avoid future penalties under the PPACA, staff conducted a full analysis of the health benefit plan to identify and recommend changes to reduce plan costs. The result of the analysis included plan design changes to include replacing the Town's current Base PPO with a Point of Service (POS) plan and introduction of a wellness program.

The changes were expected to reduce the original projected 10.3% plan increase to 2.2%. Willis has conducted a recent review of projected plan costs based on the most current claim data. They have advised that greater savings may be experienced (Exhibit A). Based on their recommendation, since we need to manage these potential savings which are based on the anomaly of a particularly good claims period against the risk associated with a potentially high claims period, premium rates for 2014 will remain flat as compared to 2013.

The 2014 plan design options are shown in Exhibit B and the premium rates, including cost sharing between the Town and employee, are shown in Exhibit C. The Retirees Sliding Scale and insurance premiums for 2014 are shown in Exhibit D.

Wellness Program

Also discussed at the July Special Town Council meeting, a Wellness Program will be implemented in 2014. Employees and their dependents will be able to take part in several wellness activities which include the completion of a Health Risk Assessment (HRA), Biometric Screening, and completion of a Tobacco-Free Affidavit. Participation in the program is optional in 2014; however, in order to receive the reduced premiums employees must complete all the wellness activities. The Town's health plan third-party administrator, Florida Blue has offered to provide a wellness fund in the amount of \$75,000 over a three year period. This fund can be used at the Town's discretion, although it would require commitment from the Town via a contract extension through September 30, 2016. The contract extension would be at a reduced ASO fee from \$49.75 to \$48.75 per employee per month (approximate savings of \$5,400 per year). Florida Blue's service has been good and its provider network is broad. Staff requests Town Council to authorize the Town Manager to sign the new contract extending the Town's agreement with Florida Blue through year ending December 31, 2016.

Dental Insurance Coverage and Premiums

On January 1, 2009, the Town's dental plan changed from a fully insured to a self-insured plan and on January 1, 2011, we changed dental carriers from Ameritas to Humana Specialty Benefits. The combination has resulted in reduced administrative fees and claim expenses, allowing the premiums to remain virtually flat during the past six years. There will be no change in dental premiums for 2014.

Humana Dental Traditional PPO Plan		
Tier	Employee Contribution	Town Contribution
Employee	\$0.00	\$18.79
Employee + 1 Dependent	\$16.47	\$18.79
Employee with 2+ Dependents	\$27.19	\$18.79

FUNDING/FISCAL IMPACT

Sufficient funds have been included in the FY12 budget to provide for the Town's share of expenses for the healthcare plan as proposed herein.

Attachments

DO:kw



WILLIS

800 Corporate Drive

Suite 350

Fort Lauderdale, FL 33334

954-615-1886

Website: www.willis.com

October 3, 2013

Danielle Olson, M.A., SPHR
Director of Human Resources
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Town of Palm Beach – 2014 Plan Year Renewal

Dear Danielle:

Willis originally advised that, based on the experience information we were working with at the time we developed the Town's renewal rates for 2014, with no plan changes, you would expect to see a 10.3% increase in your rates. With that in mind, we worked with the Town to develop the plan changes necessary to bring your renewal to an increase over current of 2.2%

Based on an examination of more current claims experience that became available, greater savings may be experienced than originally anticipated. However, to mitigate the risk of another high claims year, rather than the more recent improved experience, we recommend the Town maintain a flat renewal for the 2014 plan year.

Please do not hesitate to contact us with any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Renee Schindler".

Renee Schindler
Senior Client Manager
Willis of Florida

Current Plans:

		Open Access HMO Plan	Base PPO		Buy-up PPO	
			In Network	OON	In Network	OON
Deductible	Single	\$0	\$600		\$350	
	Family	\$0	\$1,800		\$1,050	
OOP Max	Single	\$1,500	\$1,500		\$1,500	
	Family	\$3,000	\$4,500		\$4,500	
Coinsurance		NA	20%	40%	10%	30%
PCP		\$20	\$30	40% after ded	\$25	30% after ded
Specialist		\$40	\$45	40% after ded	\$40	30% after ded
Lab X-Ray		\$0	10%	40%	20%	30%
Preventive		\$0	\$0	40%	\$0	30%
UC		\$30	\$35	40% after ded	\$30	30% after ded
ER		\$115	20% after ded	20% after ded	10% after ded	10% after ded
Inpatient Hospital		\$500	20% after ded	40% after \$300 & ded	10% after ded	30% after \$300 & ded
Outpatient Hospital		\$100	20% after ded	40% after ded	10% after ded	30% after ded
Pharmacy						
Generic		\$10	\$10	NA	\$10	NA
Preferred Brand		\$30	\$35	NA	\$30	NA
Non-Preferred Brand		\$30 + 50%	\$40 + 50%	NA	\$30 + 50%	NA
Dec '12 Enrollment:	454	54	156		244	
	%	12%	34%		54%	

Total 2012-13 Projected Cost: **\$6,042,736**

Total 2013-14 Projected Cost - No Plan Changes: **\$6,666,474** **Increase (\$)** **\$623,738** **Increase (%)** **10.3%**

2014 Proposed Plans:

		Open Access HMO Plan	POS Plan		PPO Plan	
			In Network	OON	In Network	OON
Deductible	Single	\$0	\$1,000	\$2,000	\$500	\$1,000
	Family	\$0	\$2,000	\$4,000	\$1,500	\$3,000
OOP Max	Single	\$1,500	\$2,000	\$4,000	\$1,500	\$3,000
	Family	\$3,000	\$4,000	\$6,000	\$4,500	\$9,000
Coinsurance		NA	20%	50%	10%	30%
PCP		\$20	\$35	50% after ded	\$25	30% after ded
Specialist		\$40	20% after ded	50% after ded	\$40	30% after ded
Lab X-Ray		\$0	20% after ded	50% after ded	20%	30% after ded
Preventive		\$0	\$0	50% after ded	\$0	30% after ded
UC		\$30	\$50	50% after ded	\$30	30% after ded
ER		\$115	\$250	\$250	10% after ded	10% after ded
Inpatient Hospital		\$500	20% after ded	50% after \$500 & ded	10% after ded	30% after \$300 & ded
Outpatient Hospital		\$100	\$250	50% after ded	10% after ded	30% after ded
Pharmacy						
Generic		\$10	\$10	NA	\$10	NA
Preferred Brand		\$30	\$35	NA	\$30	NA
Non-Preferred Brand		\$30 + 50%	\$40 + 50%	NA	\$30 + 50%	NA

(Blue Care)

(Blue Options)

(Blue Choice)

Total 2012-13 Projected Cost: **\$6,042,736**

Total 2013-14 Projected Cost: **\$6,178,187** **Increase (\$)** **\$135,451** **Increase (%)** **2.2%**

Additional Consideration for Savings:

-Recommend that the Wellness Initiatives (HRA, Biometrics, Tobacco Use Status be tied to Medical Plan eligibility and/or Medical Plan Premiums (up to 30% premium differential allowed per Healthcare Reform effective 1/1/14; currently the maximum % is 20%); employees will be asked to sign Affidavit for Tobacco Use

-Introduce \$100 deductible for Rx Brand & Non-formulary Drugs that have a generic available; approximate annual savings based on TOPB utilization is \$39,000

TOWN OF PALM BEACH - MEDICAL PREMIUM RATES FOR 2014

With Wellness Incentive

Plan	Tier	Total Monthly Premiums			Town of Palm Beach			Employee								
		Paid Monthly		Premium Difference	Paid Monthly		2014 Cost Sharing	Town Contribution Difference		Paid Monthly		2014 Cost Sharing	Employee Contribution Difference			
		2014	2013	%	\$		2014	2013	%	\$		2014	2013	%	\$	
PPO Plan																
	Employee	\$484.58	\$484.58	0.0%	\$0.00		\$388.21	\$408.43	80.1%	-5.0%	-\$20.22	\$96.37	\$76.15	19.9%	26.6%	\$20.22
	1 Dependent	\$547.04	\$547.04	0.0%	\$0.00		\$329.45	\$343.67	60.2%	-4.1%	-\$14.22	\$217.59	\$203.37	39.8%	7.0%	\$14.22
	2 Dependents	\$1,094.09	\$1,094.09	0.0%	\$0.00		\$658.90	\$687.35	60.2%	-4.1%	-\$28.45	\$435.19	\$406.74	39.8%	7.0%	\$28.45
	3+ Dependents	\$1,641.13	\$1,641.13	0.0%	\$0.00		\$988.35	\$1,031.02	60.2%	-4.1%	-\$42.67	\$652.78	\$610.11	39.8%	7.0%	\$42.67
POS Plan																
	Employee	\$408.43	\$408.43	0.0%	\$0.00		\$388.21	\$408.43	95.0%	-5.0%	-\$20.22	\$20.22	\$0.00	5.0%	100.0%	\$20.22
	1 Dependent	\$458.23	\$458.23	0.0%	\$0.00		\$329.45	\$343.67	71.9%	-4.1%	-\$14.22	\$128.78	\$114.56	28.1%	12.4%	\$14.22
	2 Dependents	\$916.46	\$916.46	0.0%	\$0.00		\$658.90	\$687.35	71.9%	-4.1%	-\$28.45	\$257.56	\$229.11	28.1%	12.4%	\$28.45
	3+ Dependents	\$1,374.69	\$1,374.69	0.0%	\$0.00		\$988.35	\$1,031.02	71.9%	-4.1%	-\$42.67	\$386.34	\$343.67	28.1%	12.4%	\$42.67
Base Open Access HMO																
	Employee	\$388.21	\$388.21	0.0%	\$0.00		\$388.21	\$388.21	100.0%	0.0%	\$0.00	\$0.00	\$0.00	0.0%	0.0%	\$0.00
	1 Dependent	\$439.27	\$439.27	0.0%	\$0.00		\$329.45	\$329.45	75.0%	0.0%	\$0.00	\$109.82	\$109.82	25.0%	0.0%	\$0.00
	2 Dependents	\$878.53	\$878.53	0.0%	\$0.00		\$658.90	\$658.90	75.0%	0.0%	\$0.00	\$219.63	\$219.63	25.0%	0.0%	\$0.00
	3+ Dependents	\$1,317.80	\$1,317.80	0.0%	\$0.00		\$988.35	\$988.35	75.0%	0.0%	\$0.00	\$329.45	\$329.45	25.0%	0.0%	\$0.00

Without Wellness Incentive

Plan		Tier	Total Monthly Premiums			Town of Palm Beach				Employee								
			Paid Monthly	2014	2013	Premium Difference	Paid Monthly		Difference		Paid Monthly		Difference					



PPO
Retiree Sliding Scale Insurance Premium Rates 2014

Years of Service	Q1		Q2		Q3		Q4	
25 + years	50%		52%		56%		Maximum	
	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	\$ 460.06	\$ 227.00	\$ 478.46	\$ 236.08	\$ 515.26	\$ 254.24	\$ 728.44	\$ 359.43
	Retiree +1 Dependent	\$ 970.72	\$ 480.52	\$ 499.74	\$ 1,087.20	\$ 538.18	\$ 1,657.54	\$ 820.51
	Retiree +2 Dependents	\$ 1,236.03		\$ 1,285.47			\$ 1,583.39	
20 - 24 years	52%		56%		58%		Maximum	
	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	\$ 478.46	\$ 236.08	\$ 515.26	\$ 254.24	\$ 533.66	\$ 263.32	\$ 728.44	\$ 359.43
	Retiree +1 Dependent	\$ 1,009.54	\$ 499.74	\$ 538.18	\$ 1,126.03	\$ 557.40	\$ 1,657.54	\$ 820.51
	Retiree +2 Dependents	\$ 1,285.47			\$ 1,433.79		\$ 1,583.39	
15 - 19 years	56%		58%		60%		Maximum	
	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	\$ 515.26	\$ 254.24	\$ 533.66	\$ 263.32	\$ 552.07	\$ 272.40	\$ 728.44	\$ 359.43
	Retiree +1 Dependent	\$ 1,087.20	\$ 538.18	\$ 557.40	\$ 1,164.86	\$ 576.62	\$ 1,657.54	\$ 820.51
	Retiree +2 Dependents	\$ 1,384.35			\$ 1,483.23		\$ 1,583.39	
10 - 14 years	Maximum		Maximum		Maximum		Maximum	
	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	\$ 728.44	\$ 359.43	\$ 728.44	\$ 359.43	\$ 728.44	\$ 359.43	\$ 728.44	\$ 359.43
	Retiree +1 Dependent	\$ 1,657.54	\$ 820.51	\$ 820.51	\$ 1,657.54	\$ 820.51	\$ 1,657.54	\$ 820.51
	Retiree +2 Dependents	\$ 1,583.39			\$ 1,583.39		\$ 1,583.39	
10 - 14 years	Maximum		Maximum		Maximum		Maximum	
	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Medicare
	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04
	Retiree +1 Dependent	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04
	Retiree +2 Dependents	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04	\$ 2,139.04

Monthly Pension Earnings		
Quartile	Minimum	Maximum
Q1	\$ -	\$ 1,546.22
Q2	\$ 1,546.23	\$ 2,753.25
Q3	\$ 2,753.26	\$ 4,277.63
Q4	\$ 4,277.64	or greater



POS

Retiree Sliding Scale Insurance Premium Rates 2014

Years of Service	Q1		Q2		Q3		Q4	
25 + years	50%		52%		56%		Maximum	
	Retiree	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Non-Medicare	Medicare
	Retiree +1 Dependents	\$ 398.98	\$ 194.98	\$ 414.94	\$ 202.78	\$ 446.86	\$ 218.38	\$ 482.25
	Retiree +2 Dependents	\$ 840.97	\$ 412.50	\$ 874.60	\$ 429.00	\$ 941.88	\$ 462.00	\$ 1,215.62
	Retiree +3 Dependents	\$ 1,063.21		\$ 1,105.73		\$ 1,190.79		\$ 1,285.14
20 - 24 years	52%		56%		58%		Maximum	
	Retiree	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Non-Medicare	Medicare
	Retiree +1 Dependents	\$ 414.94	\$ 202.78	\$ 446.86	\$ 218.38	\$ 462.82	\$ 226.18	\$ 482.25
	Retiree +2 Dependents	\$ 874.60	\$ 429.00	\$ 941.88	\$ 462.00	\$ 975.52	\$ 478.50	\$ 1,215.62
	Retiree +3 Dependents	\$ 1,105.73		\$ 1,190.79		\$ 1,233.32		\$ 1,285.14
15 - 19 years	56%		58%		60%		Maximum	
	Retiree	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Non-Medicare	Medicare
	Retiree +1 Dependents	\$ 446.86	\$ 218.38	\$ 462.82	\$ 226.18	\$ 478.78	\$ 233.98	\$ 482.25
	Retiree +2 Dependents	\$ 941.88	\$ 462.00	\$ 975.52	\$ 478.50	\$ 1,009.16	\$ 495.00	\$ 1,215.62
	Retiree +3 Dependents	\$ 1,190.79		\$ 1,233.32		\$ 1,275.85		\$ 1,285.14
10 - 14 years	Maximum		Maximum		Maximum		Maximum	
	Retiree	Non-Medicare	Medicare	Non-Medicare	Medicare	Non-Medicare	Non-Medicare	Medicare
	Retiree +1 Dependents	\$ 482.25	\$ 235.67	\$ 482.25	\$ 235.67	\$ 482.25	\$ 235.67	\$ 482.25
	Retiree +2 Dependents	\$ 1,215.62	\$ 596.27	\$ 1,215.62	\$ 596.27	\$ 1,215.62	\$ 596.27	\$ 1,215.62
	Retiree +3 Dependents	\$ 1,285.14		\$ 1,285.14		\$ 1,285.14		\$ 1,285.14

Monthly Pension Earnings		
Quartile	Minimum	Maximum
Q1	\$ -	\$ 1,546.22
Q2	\$ 1,546.23	\$ 2,753.25
Q3	\$ 2,753.26	\$ 4,277.63
Q4	\$ 4,277.64	or greater

HMO

Quartile	Monthly Pension Earnings	
	Minimum	Maximum
Q1	\$ -	\$ 1,546.22
Q2	\$ 1,546.23	\$ 2,753.25
Q3	\$ 2,753.26	\$ 4,277.63
Q4	\$ 4,277.64	or greater

250

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Planning and Zoning Commission Appointments.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated September 30, 2013, from John Page, Director of Planning, Zoning, and Building
- Ballot
- Current Roster of Planning & Zoning Commission
- Attendance Records
- Voting Conflicts Records

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

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: September 30, 2013

STAFF RECOMMENDATION

- Staff recommends that the Town Council appoint two (2) regular members to the Planning and Zoning Commission to fill the seats being vacated as a result of the term expiration of **Leslie A. Shaw** and **Martin I. Klein**.
- 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 appointment.

GENERAL INFORMATION

- **Leslie A. Shaw** is completing Term 2 and as such is not eligible for reappointment.
- **Martin I. Klein** is eligible to serve a second term and has applied to do so.
- **Alternate Members Thomas Greenbaum and Kevin J. Kenny** are interested in promotion to Regular Member status at this time and have submitted Applications for Service on the Planning and Zoning Commission.
- Pursuant to the news release notifying the public of the vacancy on the Planning and Zoning Commission, **Alan S. Golboro** 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

cc: Susan A. Owens, Town Clerk
Veronica B. Close, Assistant Director of Planning, Zoning & Building
Paul Castro, Zoning Administrator

**BALLOT FOR APPOINTMENT OF REGULAR MEMBERS
TO THE PLANNING & ZONING COMMISSION**
Town Council Meeting on October 8, 2013

Position to be filled: 2 Regular Member (Term to expire 9/30/2016)
(due to term expiration of Martin I. Klein, Leslie A. Shaw)

Please circle 2 names from the list of names appearing below

Regular Members Applying for Reappointment

Martin I. Klein, Regular Member Completing Term 1

Alternate Members Applying for Promotion to Regular Member

(Listed alphabetically)

Thomas Greenbaum, Alternate Member	Currently serving Term 1
Kevin J. Kenny, Alternate Member	Currently serving Term 1

Others Who Have Submitted Applications

(Listed alphabetically)

Alan S. Golboro

Signature of Town Council Member: _____

**Any currently serving Alternate who is not elevated to the position of Regular Member will retain his/her current position.*

Ballot Form 10/08/2013



PLANNING & ZONING COMMISSION MEMBERS

C. Tanner Rose, Jr. (Chair)

561-838-4962 (Home)

315 S Lake Dr., #2D
Palm Beach, FL 33480First 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).

(Elected as Chairman by P&ZC Members at 8/14/2012 P&ZC Meeting)

Re-Appointed: 9/11/2012 (Regular Member)

Term Expires: 09/30/2015 (Term 2)

Leslie A. Shaw (Vice Chair)

561-655-5858 (Home)

318 Seaspray Avenue
Palm Beach, FL 33480

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) 9/30/2010Re-appointed: 10/12/10 (Regular Member)

Term Expires: 9/30/13 (Term 2)

Floyd L. Wideman, Jr.

561-841-8999 (Home)

260 El Dorado Lane
Palm Beach, FL 33480First 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)

Re-appointed: 10/11/2011 (Regular)

Term Expires: 9/30/2014 (Term 2)

Martin I. Klein

561-881-8000 (Home)

1060 North Ocean Blvd.
Palm Beach, FL 33480

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)

PLANNING & ZONING COMMISSION MEMBERS (continued)

Lewis Crampton

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)

Appointed: 9/11/2012 (Regular)

Term Expires: 9/30/2015 (Term 1)

Barbara (Bobbie) Lindsay Buck

212 Caribbean Road
Palm Beach, FL 33480

561-842-3954 (Home)

561-797-9405 (Work)

First Appointed: 09/11/2012 (Regular)

Term Expires: 9/30/2015 (Term 1)

Bruce M. Langmaid

112 Kings Road
Palm Beach, FL 33480

561-290-5916 (Home)

202-489-9700 (Cell)

First Appointed: 09/11/2012 (Alternate)

Term Expires: 9/30/2015 (Term 1)

Appointed: 05/07/2013 (Regular)

Term Expires: 9/30/2014 (Term 0)*

(*fulfilling the balance of Mr. Lawrence's unexpired term, due to Mr. Lawrence's resignation. Balance of term was less than 16.5 months, which is less than 50% of a term, and as such, will not count as a first term for him).

ALTERNATE MEMBERS

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).

Re-Appointed: 09/11/2012 (Alternate)

Term Expires: 9/30/2015 (Term 2)

Thomas Greenbaum (Alternate)

301 Australian Avenue
Palm Beach, FL 33480

404-375-5752 (Home)

First Appointed: 10/09/2012 (Alternate)

Term Expires: 9/30/2015 (Term 1)

Kevin J. Kenny (Alternate)

2560 S. Ocean Blvd., #418
Palm Beach, FL 33480

561-247-7230 (Home)

203-589-5589 (Work)

First Appointed: 05/07/2013 (Alternate)

Term Expires: 9/30/2015 (Term 1)*

(*fulfilling the balance of Mr. Langmaid's unexpired term, due to Mr. Landmaid's promotion to regular member. Balance of term was more than 28 months, and as such, will count as a first term for him).



**TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION
ATTENDANCE RECORD 2013**

MEMBERS

C. Tanner Rose	P	P	P	P	P	P	*	*	*
Leslie Shaw	P	U	P	P	P	P	*	*	*
Eugene Lawrence	E	E	\	\	\	\	/	/	/
Floyd Wideman	P	P	P	P	P	P	*	*	*
Martin Klein	P	P	P	P	P	P	*	*	*
Lewis Crampton	P	P	P	P	P	P	*	*	*
Barbara Lindsay Buck	P	P	P	P	P	P	*	*	*
Bruce M. Langmaid	-	-	-	-	-	P	*	*	*
ALTERNATE MEMBERS									
Jeffrey A. Cloninger	P	P	P	P	P	U	*	*	*
Bruce M. Langmaid	P	P	P	P	P	-	-	-	-
Thomas Greenbaum	P	P	P	P	P	P	*	*	*
Kevin J. Kenny	-	-	-	-	-	P	*	*	*

LEGEND P=PRESENT

E=EXCUSED

U-UNEXCUSED

A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"

*** Meeting cancelled**

****Additional Meeting**

***Meeting rescheduled from _____ to _____

\ Term ended March 12, 2013: Mr. Lawrence resigned from the Commission
5/7/13: Mr. Landmaid promoted to regular member to complete EL term.

TOWN OF PALM BEACH

PLANNING & ZONING COMMISSION

ATTENDANCE RECORD 2012

	1/17/2012	2/21/2012	**3/12/2012	3/20/2012	4/17/2012	5/15/2012	6/19/2012	7/17/2012	8/21/2012	9/14/2012***	10/16/2012	11/20/2012	12/18/2012
MEMBERS													
John Schuler	P	P	P	P	*	C	*	P	*	A	/	/	/
Alan Golboro	P	P	P	P	*	P	*	P	*	A	/	/	/
Leslie Shaw	P	E	E	P	*	P	*	P	*	A	P	*	*
Eugene Lawrence	P	P	P	P	*	P	*	E	*	A	P	*	*
Floyd Wideman	P	P	P	P	*	P	*	P	*	P	P	*	*
Martin Klein	P	P	P	P	*	U	*	P	*	P	P	*	*
C. Tanner Rose	P	P	P	P	*	P	*	P	*	P	P	*	*
Lewis Crampton	X	X	X	X	X	X	X	X	X	X	P	*	*
Barbara Lindsay Buck	X	X	X	X	X	X	X	X	X	X	P	*	*
ALTERNATE MEMBERS													
Lewis Crampton	P	P	P	P	*	P	*	P	*	P	X	X	X
Jeffrey A. Cloninger	P	P	P	P	*	P	*	P	*	P	P	*	*
Michael Vincent John Spa:	P	P	P	P	*	P	*	P	*	P	/	/	/
Bruce M. Langmaid	X	X	X	X	X	X	X	X	X	X	P	*	*
Thomas Greenbaum	X	X	X	X	X	X	X	X	X	X	P	*	*
Peter S. Broberg	X	X	X	X	X	X	X	X	X	X	P	*	*

Resigned 09/12

LEGEND P=PRESENT

E=EXCUSED

U=UNEXCUSED

A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"

* Meeting cancelled

** ADDITIONAL MEETING 3/12/2012

***Meeting rescheduled from 9/18 to 9/14

\ Term ended

**TOWN OF PALM BEACH
PLANNING & ZONING COMMISSION**

ATTENDANCE RECORD 2011

MEMBERS	<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>
John Schuler	P	E	P	P	*	P	*	*	E	P	P	*
Alan Golboro	P	P	P	P	*	P	*	*	P	P	P	*
Leslie Shaw	P	P	P	P	*	P	*	*	P	C	P	*
Eugene Lawrence	P	P	P	P	*	P	*	*	P	P	P	*
Floyd Wideman	P	E	P	P	*	P	*	*	P	P	P	*
Martin Klein	P	P	P	P	*	P	*	*	P	P	P	*
C. Tanner Rose	P	P	P	P	*	P	*	*	P	P	E	*
ALTERNATE MEMBERS												
Lewis Crampton	P	P	P	P	*	P	*	*	P	P	P	*
Jeffrey A. Cloninger	P	P	U	P	*	P	*	*	P	P	P	*
Michael Vincent John Spaziani	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 2010												
MEMBERS	1/19/2010	2/16/2010	3/16/2010	4/20/2010	5/18/2010	6/15/2010	7/20/2010	8/17/2010	9/21/2010	10/19/2010	11/16/2010	12/21/2010
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	E	P	P	*
Martin Klein	P	U	P	P	P	*	P	P	P	P	P	*
C. Tanner Rose	P	P	P	P	P	*	U	P	P	P	P	*
ALTERNATE MEMBERS												
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 VOTING CONFLICT RECORD 2013
PLANNING & ZONING COMMISSION**

<u>MEMBERS</u>	<u>1/15/2013</u>	<u>2/19/2013</u>	<u>3/19/2013</u>	<u>4/16/2013</u>	<u>5/21/2013</u>	<u>6/18/2013</u>	<u>7/16/2013</u>	<u>8/20/2013</u>	<u>9/17/2013</u>	<u>10/15/2013</u>	<u>11/19/2013</u>	<u>12/17/2013</u>
C. Tanner Rose	-	-	-	-	-	*	*	*	*			
Leslie Shaw	-	-	-	-	-	*	*	*	*			
Eugene Lawrence	-		N1			*	*	*	*			
Floyd Wideman	-	-	-	-	-	*	*	*	*			
Martin Klein	-	-	-	-	-	*	*	*	*			
Lewis Crampton	-	-	-	-	-	*	*	*	*			
Barbara Lindsay Buck	-	-	-	-	-	*	*	*	*			
Bruce M. Langmaid	-	-	-	N2	-	*	*	*	*			
<u>ALTERNATE MEMBERS</u>												
Jeffrey A. Cloninger	-	-	-	-	-	*	*	*	*			
Bruce M. Langmaid	-	-	-	-	N2	Promoted to Regular Member 5/7/13						
Thomas Greenbaum	-	-	-	-	-	*	*	*	*			
Kevin J. Kenny	-	-	-	X	-	*	*	*	*			

LEGEND: - No conflict
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.)
* Meeting cancelled
\ Term ended
X New Appointments
N1 Resigned 3/2013
N2 Promoted to Regular Member 5/7/13, completing remainder of EL term.

TOWN OF PALM BEACH VOTING CONFLICT RECORD 2012
PLANNING & ZONING COMMISSION

<u>MEMBERS</u>	<u>1/17/2012</u>	<u>2/21/2012</u>	<u>3/12/2012</u>	<u>3/20/2012</u>	<u>4/17/2012</u>	<u>5/15/2012</u>	<u>6/19/2012</u>	<u>7/17/2012</u>	<u>8/21/2012</u>	<u>9/14/2012</u>	<u>10/16/2012</u>	<u>11/20/2012</u>	<u>12/18/2012</u>
John Schuler	-	-	-	-	*	-	*	-	*	-	-	-	-
Alan Golboro	-	-	-	-	*	-	*	-	*	-	-	-	-
Leslie Shaw	-	-	-	-	*	-	*	-	*	-	-	-	*
Eugene Lawrence	-	-	-	-	*	-	*	-	*	-	-	-	*
Floyd Wideman	-	-	-	-	*	-	*	-	*	-	-	-	*
Martin Klein	-	-	-	-	*	-	*	-	*	-	-	-	*
C. Tanner Rose	-	-	-	-	*	-	*	-	*	-	-	-	*
Lewis Crampton	x	x	x	x	x	x	x	x	x	x	-	*	*
Barbara Lindsay Buck	x	x	x	x	x	x	x	x	x	x	-	*	*
<u>ALTERNATE MEMBERS</u>													
Lewis Crampton	-	-	-	-	*	-	*	-	*	-	x	x	x
Jeffrey A. Cloninger	-	-	-	-	*	-	*	-	*	-	-	*	*
Michael Vincent John Spaziani	-	-	-	-	*	-	*	-	*	-	-	-	-
Bruce M. Langmaid	x	x	x	x	x	x	x	x	x	x	-	*	*
Thomas Greenbaum	x	x	x	x	x	x	x	x	x	x	-	*	*
Peter S. Broberg	x	x	x	x	x	x	x	x	x	x	Resigned 9/12		

LEGEND: - No conflict
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.
* Meeting cancelled
\ Term ended
x New Appointments

**TOWN OF PALM BEACH VOTING CONFLICT RECORD 2011
PLANNING & ZONING COMMISSION**

MEMBERS

John Schuler
Alan Golboro
Leslie Shaw
Eugene Lawrence
Floyd Wideman
Martin Klein
C. Tanner Rose

ALTERNATE MEMBERS

Lewis Crampton
Jeffrey A. Clinger
Michael Vincent John Spaziani

	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
John Schuler	-	-	-	-	*	-	*	*	-	-	-	*
Alan Golboro	-	-	-	-	*	-	*	*	-	-	-	*
Leslie Shaw	-	-	-	-	*	-	*	*	-	-	-	*
Eugene Lawrence	-	-	-	-	*	-	*	*	-	-	-	*
Floyd Wideman	-	-	-	-	*	-	*	*	-	-	-	*
Martin Klein	-	-	-	-	*	-	*	*	-	-	-	*
C. Tanner Rose	-	-	-	-	*	-	*	*	-	-	-	*
Lewis Crampton	-	-	-	-	*	-	*	*	-	-	-	*
Jeffrey A. Clinger	-	-	-	-	*	-	*	*	-	-	-	*
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>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>
<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

Town Council Meeting on: October 8, 2013

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 16-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System, Amending Subdivision V, General Employees And Lifeguards, By Amending Section 82-139, Deferred Retirement Option Plan For Members Of Benefit Group General And Benefit Group Lifeguard; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

Danielle Olson, Director of Human Resources

Supporting Documents

- Ordinance No. 16-2013

ORDINANCE NO. 16-2013

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM, AMENDING SUBDIVISION V, GENERAL EMPLOYEES AND LIFEGUARDS, BY AMENDING SECTION 82-139, DEFERRED RETIREMENT OPTION PLAN FOR MEMBERS OF BENEFIT GROUP GENERAL AND BENEFIT GROUP LIFEGUARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision II, Reserve Accounts; Section 82-139, Deferred retirement option plan for members of benefit group general and benefit group lifeguard, subsection (d), to read as follows:

Sec. 82-139. - Deferred retirement option program for members of benefit group general and benefit group lifeguard.

* * *

(d) *Compensation for work performed while participating in the DROP.* Starting pay shall be at the base pay rate in effect on the employee's last working day of employment, prior to participation in the DROP. Job performance will be evaluated under the town's pay for performance system, and performance pay increases will be permitted as established by town policy. General pay increases shall also be awarded, as approved by the town council and the town manager. Performance pay increases and general pay increases awarded to DROP participants will be reflected in their salary but will not be reflected in pension payments made to DROP accounts or made after DROP participation.

(1) Effective with the date of DROP participation, the member's initial normal monthly pension benefit, calculated in accordance with section 82-135 and based on creditable service and average final compensation and the effective date of retirement, shall be fixed. Retirement system amendments which become effective after the establishment date of participation in the DROP will not be applicable to the DROP participant, unless

so stated by the amendment. The monthly pension benefit (minus any reduction as determined by the board of trustees as provided by subsection (h) of this section), cost of living adjustments, interest and earnings thereon, if any, shall accrue monthly in the retirement system or the individual investment account as applicable. Interest under the system investment method only shall accrue at an effective annual rate to be determined hereunder as set forth in subsection (h) of this section, and will be compounded monthly, on the prior month's accumulated ending balance, up to the month of termination of the DROP or death. Provided, however the monthly pension benefit payable to members of benefit group general or benefit group lifeguard who entered the DROP before May 1, 2012 or who were employed on that date and attained normal retirement based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who elect to become DROP participants shall be reduced by two percent to fund the probability of increased cost to the retirement system of members of such employment group electing to participate in DROP, which reduced amount shall thereafter be such participants' normal retirement or pension benefits. The monthly pension benefit payable to members of benefit group general or benefit group lifeguard who did not attain normal retirement based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who enter the DROP on or after May 1, 2012 shall not be reduced. The reduction in the DROP benefit provided in this paragraph will be reviewed by the board of trustees from time to time as other actuarial assumptions are reviewed and may be modified by the town council.

* * *

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of September 2013, and for second and final reading on this ____ day of _____ 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 17-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 130 Of The Town Code Of Ordinances, Vehicles For Hire; Article II, Taxicabs And Limousines; Division 2, Certificate Of Public Convenience And Necessity And Permit; Section 130-64, Permit Fee, So As To Require A Transfer Fee Of \$100.00, Or As May Be Subsequently Amended By Resolution Of The Town Council, For The Transfer Of A Vehicle Registered Under A Certificate Of Public Convenience To A New Owner; 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. 17-2013

ORDINANCE NO. 17-2013

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 130 OF THE TOWN CODE OF ORDINANCES, VEHICLES FOR HIRE; ARTICLE II, TAXICABS AND LIMOUSINES; DIVISION 2, CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND PERMIT; SECTION 130-64, PERMIT FEE, SO AS TO REQUIRE A TRANSFER FEE OF \$100.00, OR AS MAY BE SUBSEQUENTLY AMENDED BY RESOLUTION OF THE TOWN COUNCIL, FOR THE TRANSFER OF A VEHICLE REGISTERED UNDER A CERTIFICATE OF PUBLIC CONVENIENCE TO A NEW OWNER; 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 2, Certificate of Public Convenience and Necessity and Permit; Section 130-64, Permit Fee, to read as follows:

"CHAPTER 130 VEHICLES FOR HIRE ARTICLE II. TAXICABS AND LIMOUSINES

DIVISION 2. Certificate of Public Convenience and Necessity and Permit

"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.

In the event a taxicab or limousine permit is sought to be transferred to another vehicle then, and in that event, there shall be a transfer fee imposed in the amount of \$100.00 or as may be subsequently amended by resolution of the town council.

(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 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 temporarily repealed during the effective dates of this ordinance.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of September, 2013, and for second and final reading on this 8th day of October, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

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TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 18-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations; Article III, Architectural Review; Division 2, Architectural Commission, At Section 18-166, To Provide That In The Event There Are, In The Discretion Of The Town Council, No Bona Fide Applicants To Fill The Positions Of Registered Architects In The State Of Florida, The Town May Solicit And Appoint Architects Registered Outside The State Of Florida To Fill One Of The Architect Seats; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

ORDINANCE NO. 19-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 54, Historical Preservation; Article II, Landmarks Preservation; Section 54-36, To Provide That In The Event There Are, In The Discretion Of The Town Council, No Bona Fide Applicants To Fill The Positions Of Registered Architects In The State Of Florida, The Town May Solicit And Appoint Architects Registered Outside The State Of Florida To Fill One Of The Architect Seats; 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. 18-2013 ARCOM Architect
- Ordinance No. 19-2013 Landmarks

ORDINANCE NO. 18-2013

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS; ARTICLE III, ARCHITECTURAL REVIEW; DIVISION 2, ARCHITECTURAL COMMISSION, AT SECTION 18-166, TO PROVIDE THAT IN THE EVENT THERE ARE, IN THE DISCRETION OF THE TOWN COUNCIL, NO BONA FIDE APPLICANTS TO FILL THE POSITIONS OF REGISTERED ARCHITECTS IN THE STATE OF FLORIDA, THE TOWN MAY SOLICIT AND APPOINT ARCHITECTS REGISTERED OUTSIDE THE STATE OF FLORIDA TO FILL ONE OF THE ARCHITECT SEATS; 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 18, Buildings and Building Regulations; Article III, Architectural Review; Division 2, Architectural Commission; Section 18-166, to read as follows:

“Sec. 18-166. Membership; appointment.

(a) The architectural commission shall consist of seven members. At least two members, but not more than three members, of such commission shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats. In addition to the two registered architects, one member of such commission shall be a landscape architect, if available. However, in the event a landscape architect is not available, then one member of such commission shall be a master gardener or someone with equivalent expertise in landscape.

(b) The members of such commission shall be appointed by the town council, and the commission shall designate a chair.”

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of September 2013, and for second and final reading on this 8th day of October, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

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ORDINANCE NO. 19-2013

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 54, HISTORICAL PRESERVATION; ARTICLE II, LANDMARKS PRESERVATION; SECTION 54-36, TO PROVIDE THAT IN THE EVENT THERE ARE, IN THE DISCRETION OF THE TOWN COUNCIL, NO BONA FIDE APPLICANTS TO FILL THE POSITIONS OF REGISTERED ARCHITECTS IN THE STATE OF FLORIDA, THE TOWN MAY SOLICIT AND APPOINT ARCHITECTS REGISTERED OUTSIDE THE STATE OF FLORIDA TO FILL ONE OF THE ARCHITECT SEATS; 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 54 Historical Preservation; Article II, Landmarks Preservation Commission; Section 54-36, to read as follows:

“Sec. 54-36. Created; appointment; qualifications; terms; compensation; filling vacancies; reappointment.

(a) A landmarks preservation commission is created consisting of seven members. At least two members, but not more than three members, of such commission shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats. A majority of the members shall have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. Each member shall be a registered voter in the town, however, one member may be a non-resident of the town in the event it is determined by the town council that said individual has a special expertise in historic landmarks preservation. Each member other than the individual, if any, appointed by the town council as an expert, shall be a registered voter in the town. The members shall serve staggered terms of three years, and each will serve without compensation, except in the event of the appointment of an outside expert who will serve a term of only one

year, but who may be reappointed by the town council on an annual basis. Each member shall serve without compensation. The town council shall appoint the members. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the town council for the unexpired term.

(b) A member shall not be appointed for more than two consecutive three-year terms but shall be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term."

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of September 2013, and for second and final reading on this 8th day of October, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

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TOWN OF PALM BEACH

Town Council Meeting on: October 8, 2013

Section of Agenda

Ordinances - First Reading

Agenda Title

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

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- Memorandum dated September 27, 2013, from Thomas G. Bradford, Deputy Town Manager
- Ordinance No. 20-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 8, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Ordinance Creating the Option for Temporary Group Permits in Residential Permit
Parking Areas Commonly Called Gainesville Plan Areas
Ordinance No. 20-2013

Date: September 27, 2013

STAFF RECOMMENDATION

Staff recommends Town Council adopt Ordinance No. 20-2013.

GENERAL INFORMATION

The Ordinances, Rules and Standards (ORS) Committee of the Town Council recommended approval of a temporary group permit within the residential permit parking areas modeled after the program initiated in Gainesville, Florida because, among other reasons, the residential permit parking areas in Town modeled after the program initiated in Arlington County, Virginia has a provision for temporary group permits, but the Gainesville areas does not. Therefore, this ordinance is a housekeeping item to ensure equity and continuity between the two existing permit parking programs operated by the Town. The temporary group permit concept is a useful tool for times when a resident needs to access more on-street parking than they can secure for daily use through the resident permit parking program to accommodate a special activity at their home during a time of day when resident permit parking is in effect. Administrative safeguards have been put into effect per Town Council directive that only allows those residents that have purchased two (2) visitor residential parking permits to apply for temporary group permits on a first come, first serve basis for the days and times desired. The ordinance also places limitations on the maximum number of parking spaces one can secure not to exceed 50% of the on-street spaces in the area.

FUNDING/FISCAL IMPACT

The ordinance allows for the establishment of a fee to be set by resolution. However, per Town Council direction, there is no fee for the temporary group permit.

TOWN ATTORNEY REVIEW

Ordinance No. 20-2013 was prepared by Town Attorney John Randolph.

cc: Jane Struder, Director of Finance
Kirk Blouin, Director of Public Safety
Dan Szarszewski, Deputy Chief of Police
Amy Wood, Accounting Supervisor
Raychel Houston, Parking/Code Enforcement Manager

N: TGB\Agenda Items\2013\ Backup Memo for Temporary Group Permit in RPP Ord. No. 21-2013 100813 TCM

ORDINANCE NO. 20-2013

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING; ARTICLE X, ON-STREET PARKING PERMITS; DIVISION 2, RESIDENTIAL DISTRICTS; SECTION 134-2296, ISSUANCE OF SPECIAL PARKING PERMITS UPON APPLICATION, TO INCLUDE A NEW SUBPARAGRAPH (d) TO PROVIDE FOR THE ISSUANCE OF TEMPORARY GROUP PERMITS; AMENDING DIVISION 3, RESIDENTIAL DISTRICTS ADJACENT TO COMMERCIAL DISTRICTS; SECTION 134-2328, TEMPORARY GROUP PERMITS, TO PROVIDE FOR AN APPLICATION FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2296, to read as follows:

Sec. 134-2296. Issuance of special parking permits upon application.

(a) Following the official designation of a controlled parking residential area, the finance department shall issue appropriate residential parking permits. Upon application a permit shall be issued only to the owner or operator of a motor vehicle who resides in the controlled parking residential area in which he resides.

(b) The application for a permit shall contain the name of such owner or operator of the motor vehicle; residential address; and the motor vehicle's make, model and registration number. The motor vehicle's registration may, at the discretion of the finance department, be required to be presented at the time of making the application in order to verify the contents thereof. If the vehicle is registered at an address other than the local residence, the applicant shall provide other sufficient proof, acceptable to the finance department, showing residency within the controlled residential parking area. The permit shall be valid for a fiscal

year, as defined in section 134-2292, and shall be renewed for each successive fiscal year. A fee, as determined by resolution of the town council shall be charged for the annual permit and shall be payable at the finance department. After the initial permit has been issued, any renewal shall be affixed to the vehicle no later than October 15 of the applicable current year.

(c) Visitor/service permits. Upon application by such owner, up to two visitor/service permits may be issued, which permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. The permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued.

The application for a visitor/service permit or permits shall be filed by such owner. The permit or permits shall be valid for a fiscal year as defined in section 134-2292 and may be renewed each successive fiscal year. A fee, as determined by resolution of the town council shall be charged for each visitor/service permit and shall be payable at the finance department. These permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's or service vehicle observable through the front windshield of the vehicle. The permits shall be valid only for the period of time during which the service vehicle is conducting work at the premises or for the period of time a visitor is at the premises.

(d) Temporary group permits. A temporary group permit may be issued on application of any resident of the district for only one day and for no more than four (4) hours on that day upon a showing by the applicant that during the hours for which the permits are to be issued his or her residence will be used for an assemblage of persons in a way consistent with its residential character and other provisions of law and that such visitors would not be able to park their vehicles without violating the law. However such permits for such an assemblage of persons shall only be issued upon a finding of the facts stated in this section and a further finding that the issuance of such permits will not impair public safety during the time of their validity, and in this connection such permits may be limited as to the streets or portions of streets on which they shall be valid. Finally, the number of such permits issued shall not at any time exceed 50 percent of the number of spaces available in the area in which they are valid.

The application for a temporary group permit shall be filed by the resident seeking the permit. A fee as determined by resolution of the Town Council shall be charged for each temporary group permit. The permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's vehicle observable through the front windshield of the vehicle.

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2328, to read as follows:

Sec. 134-2328. Temporary group permits.

Under this division, on application of any resident of the district, permits, to be valid for only one day and for no more than four hours on that day, may be issued upon a showing by the applicant that during the hours for which the permits are to be issued his residence will be used for an assemblage of persons in a way consistent with its residential character and other provisions of law, and that such visitors would not be able to park their vehicles without violating the law. However, such permits for such an assemblage of persons shall only be issued upon a finding of the facts stated in this section and a further finding that the issuance of such permits will not impair public safety during the time of their validity, and in this connection such permits may be limited as to the streets or portions of streets on which they shall be valid. Finally, the number of such permits issued shall not at any time exceed 50 percent of the number of spaces available in the area in which they are valid.

The application for a temporary group permit shall be filed by the resident seeking the permit. A fee as determined by resolution of the Town Council shall be charged for each temporary group permit. The permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's vehicle observable through the front windshield of the vehicle.

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 8th day of October, 2013, and for second and final reading on this _____ day of _____, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member