



TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

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

AGENDA

MAY 14, 2019

9:30 AM

Welcome

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. PRESENTATIONS

- A.** Legislative Session Update
Michael "Mike" Caruso, District Representative
- B.** Presentation on Royal Poinciana Playhouse
Alexandra Patterson, Up Markets
- C.** Seventy-five (75) Palm Trees for Palm Beach Project
Ned Barnes and John David Corey, Palm Beach Civic Association

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A.** Presentations by Investment Advisory Committee Applicants
Kirk W. Blouin, Town Manager
- B.** Appointments to the Investment Advisory Committee Page 8
Kirk W. Blouin, Town Manager
- C.** Presentations by Landmarks Preservation Commission Applicants
Kirk W. Blouin, Town Manager
- D.** Appointments to the Landmarks Preservation Commission Page 24
Kirk W. Blouin, Town Manager

VII. COMMENTS OF MAYOR GAIL L. CONIGLIO

VIII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

X. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

- 1. Town Council Meeting Minutes Page 39
Kathleen Dominguez, Town Clerk
 - a. April 4, 2019, Special Town Council Meeting Minutes
 - b. April 9, 2019, Town Council Meeting Minutes
 - c. April 10, 2019, Local Planning Agency Meeting Minutes
 - d. April 10, 2019, Development Review Town Council Meeting Minutes
 - e. April 10, 2019, Special Town Council Meeting Minutes - closed door session
 - f. April 23, 2019, Special Town Council Meeting Minutes
- 2. Approval of Major Matters Considered by the Architectural Review Page 90
Commission at its Meeting of April 24, 2019
Josh Martin, Director of Planning, Zoning and Building

B. RESOLUTIONS

- 1. RESOLUTION NO. 32-2019 A Resolution of the Town Council of Page 117
the Town of Palm Beach, Palm Beach County, Florida, Approving

the Ranking of Invitation To Bid No. 2019-18, For E-1 Sanitary Pump Station Upgrade Improvement To Hinterland Group, Inc. in the Amount of \$247,400 and a Project Budget of \$284,510.

Dean Mealy, Purchasing Manager

2. RESOLUTION NO. 33-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order to Virtra For a Training Simulator For Police In the Amount of \$234,528.30. Page 122

Dean Mealy, Purchasing Manager

3. RESOLUTION NO. 34-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Easement Agreement Between the Town of Palm Beach and Florida Power and Light (FPL) at 265 Palmo Way for Access, and Maintenance of FPL Equipment. Page 130

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

C. OTHER

1. Waiver to Town Code for Extended Construction Hours and Lane Closure for AT&T to Construct a Fiber Line and Make Connection in Royal Palm Way at Cocoanut Row Page 145

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

2. Designation of Voting Delegate and Alternate(s) to the Palm Beach County League of Cities, Inc. Page 150

Kathleen Dominguez, Town Clerk

3. Request by the City of West Palm Beach for Town Sponsorship in the Amount of \$12,000 for the City's Fourth on Flagler Event Page 153

Kirk W. Blouin, Town Manager

4. Request to Consider Ordinance No. 17-2019 at Public Hearings Prior to 5:00 p.m. Page 157

Josh Martin, Director of Planning, Zoning & Building

XI. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Code Enforcement Board Page 159
Matthew Natale, Chair

XII. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on April 4, 2019 Page 163
Julie Araskog, Chair

XIII. REGULAR AGENDA

A. Old Business

1. Town Marina Project Update Page 168
H. Paul Brazil, P.E., Director of Public Works

- | | | |
|----------------------------|---|----------|
| 2. | Town-wide Undergrounding Project | Page 174 |
| | a. Review of Project and Dashboard, Summary of Project Status
<i>Steve Stern, Project Manager</i> | |
| 3. | Proposed Town Sponsorship of Business Association Special Event during the Veteran's Day Holiday Weekend in November 2019 to be Hosted by the Main Street Association, with the Palm Beach Rotary Foundation as Event Provider
<i>Josh Martin, Director of Planning, Zoning and Building</i> | Page 215 |
| 4. | Update to the Town's Compensation Study
<i>Danielle Olson, Director of Human Resources</i> | Page 233 |
| 5. | Coastal: | Page 234 |
| | a. Town of South Palm Beach Dune Construction Project | |
| | b. Shore Protection Board Recommendation for the Town-wide Groin Rehabilitation Program | |
| | c. New Ten-year Budget (<i>For Discussion only</i>)
<i>H. Paul Brazil, P.E., Director of Public Works</i> | |
| 6. | <u>RESOLUTION NO. 15-2019</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Long-term Ground Lease of 5976 Okeechobee Boulevard, West Palm Beach, Florida to AHS Residential.
<i>Kirk W. Blouin, Town Manager</i> | Page 240 |
| 7. | Discussion Regarding Unregulated On-Street Parking Spaces on North County Road and Bradley Place
<i>Jay Boodheshwar, Deputy Town Manager</i> | Page 241 |
|
B. New Business | | |
| 1. | <u>RESOLUTION NO. 36-2019</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Bid Waiver, Contract Execution and Purchase Orders for the Procurement of Lucy, for a Work Management System for Public Works for \$388,300, contingent upon future budget funding approval.
<i>Dean Mealy, Purchasing Manager</i> | Page 245 |
| 2. | <u>RESOLUTION NO. 37-2019</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Recommendation of the Selection Committee for Dockage System Design and Manufacturing, RFP No. 2019-15, Which Pre-Qualified Three Firms; Bellingham Marine, EMG USA LLC and SF Marina Systems USA.
<i>Dean Mealy, Purchasing Manager</i> | Page 276 |
| 3. | <u>RESOLUTION NO. 38-2019</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a | Page 289 |

Purchase Order to Rechten International Trucks, Inc. for the Purchase of One 2019 International Dump Truck; And Approval To Fund the Project from the Equipment Replacement Fund in the Amount of \$88,688 for a Total Budget of \$92,000.

Dean Mealy, Purchasing Manager

C. Matters Pulled From Consent Agenda: If needed

XIV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 8-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 114 Taxation, Article II, Local Business Tax, At Section 114-43, Schedule, So As To Amend The Fees Delineated For Each Business, Profession Or Occupation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Josh Martin, Director of Planning, Zoning & Building

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B. First Reading

1. ORDINANCE NO. 21-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 42, Environmental, Article IX, Fertilizer-Friendly Use, Section 42-372 "Definitions" and Section 42-376, "Timing Of Fertilizer", Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

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

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2. ORDINANCE NO. 22-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 102, Solid Waste, Article I, in General, at Section 102-5 Deposit in Unauthorized Place, by Revising Verbiage to Read "No Person Shall Deposit or Cause to be Deposited any Refuse in any Place not Authorized for Disposal. The Public Works Director or Their Designee Shall Determine the Authorized Location for Collection and Disposal. Garbage Placed for Collection in an Unauthorized Place will not be Collected and Procedures Set Forth in Section(s) 102-48 and 102-7 will be Administered" Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

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

Page 315

3. ORDINANCE NO. 23-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, To Include A New Article IX, Division 2, Titled Prohibition Of Single Use

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Plastic Straws; Prohibiting The Distribution Of Plastic Straws; Providing Penalties For Any Such Distribution; Providing For Conflicts; Providing For Severability; Providing For Codification; And Providing An Effective Date.

Jay Boodheshwar, Deputy Town Manager

4. ORDINANCE NO. 24-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, To Include A New Article IX, Titled Prohibition Of Polystyrene Containers And Single Use Carry Out Plastic Bags; Prohibiting The Use Of Expanded Polystyrene Containers And Single Use Carry Out Plastic Bags Within The Corporate Limits Of The Town; Providing For Penalties And Amending Section 2-439 Of The Town Code Relating To Citation Fine Schedule; Providing For Codification; Providing An Effective Date.

Page 352

Jay Boodheshwar, Deputy Town Manager

5. ORDINANCE NO. 25-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Article VII, Section 106-257, Subsection (1) Of The Town Code Of Ordinances Titled Regulations Relating To Special Events; Providing For A Prohibition On The Use Of Phipps Plaza Park For A Special Event Due To The Close Residential Proximity Of This Public Space; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

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Jay Boodheshwar, Deputy Town Manager

XV. ANY OTHER MATTERS

XVI. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 12:00 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 12:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

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

Note 3: If a person decides to appeal any decision made by this Council with respect

to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

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

Note 6: All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Appointments to the Investment Advisory Committee

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated May 6, 2019, from Kathleen Dominguez, Town Clerk**
- ▣ **Sample Ballot for Regular Member**
- ▣ **Attendance Record**
- ▣ **Application - Andrews**
- ▣ **Application - McDonald**
- ▣ **Application - Storkerson**

TOWN OF PALM BEACH

Information for Town Council Meeting on May 14, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Kathleen Dominguez, Town Clerk

RE: Investment Advisory Committee Appointments of Regular Members

DATE: May 6, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint members to the Investment Advisory Committee in order to fill the vacant seats resulting from Michael Andrews, Chris Storkerson and David McDonald's expired terms. Please note that all vacant seats are eligible for re-appointment. All applicants have submitted proof of voter registration in the Town of Palm Beach.

GENERAL INFORMATION

The Town Clerk's office has received three applications seeking **REAPPOINTMENT** from the following members:

- 1) Michael Andrews who resides at 255 Mockingbird Trail, Palm Beach, FL.
- 2) David McDonald who resides at 250 Bradley Place, #604, Palm Beach, FL.
- 3) Chris Storkerson who resides at 302 N. Woods Road, Palm Beach, FL.

c.c.: Jane Le Clainche, Director of Finance

**BALLOT FOR APPOINTMENT OF REGULAR MEMBERS
TO THE INVESTMENT ADVISORY COMMITTEE
Town Council Meeting on May 14, 2019**

Positions to be filled:

3 Regular Members

Please circle 3 from the list of names appearing below:

Regular Members Applying for Reappointment

Michael Andrews

David McDonald

Chris Storkerson

Signature of Town Council Member: _____
Town Council Member

Investment Advisory Committee

Attendance 2017-2018

Meeting Date	8/18/2017	11/17/2017	2/16/2018	5/18/2018	8/17/2018	11/16/2018
Members						
Dr. Michael F. Andrews	Present	Present	Present	Present	Present	Absent
Chris Storkerson	Present	Present	Present	Present	Absent	Present
Kevin McClusky	Present	Present	Present	Absent	Absent	N/A
Andrew Frazier	Present	Present	Present	Present	Present	Present
Kathleen Anderson	N/A	N/A	Excused	Present	Present	Absent
David McDonald	N/A	N/A	N/A	N/A	N/A	Present
Bernard R. Panfel	Absent	Present	N/A	N/A	N/A	N/A

Investment Advisory Committee

Voting Conflicts 2017-2018

Members						
Meeting Date	8/18/2017	11/17/2017	2/16/2018	5/18/2018	8/17/2018	11/16/2018
Dr. Michael F. Andrews	None	None	None	None	None	None
Bernard R. Panfel	None	None	N/A	N/A	N/A	N/A
Kevin McClusky	None	None	None	None	None	N/A
Chris Storkerson	None	None	None	None	None	None
Andrew Frazier	None	None	None	None	None	None
Kathleen Anderson	N/A	N/A	N/A	None	None	None
David McDonald	N/A	N/A	N/A	N/A	N/A	None

		Attendance 2018-2019			
Meeting Date		2/15/2019	5/17/2019	8/16/2019	11/15/2019
Members					
Dr. Michael F. Andrews		Present			
Chris Storkerson		Present			
Andrew Frazier		Present			
Kathleen Anderson		Present			
David McDonald		Present			

Investment Advisory Committee

Voting Conflicts 2018-2019

Members					
Meeting Date		2/15/2019	5/17/2019	8/16/2019	11/15/2019
Dr. Michael F. Andrews		none			
Bernard R. Panfel		none			
Chris Storkerson		none			
Andrew Frazier		none			
Kathleen Anderson		none			
David McDonald		none			

RECEIVED**By kdominguez at 4:35 pm, May 02, 2019****TOWN OF PALM BEACH****APPLICATION FOR SERVICE ON****INVESTMENT ADVISORY COMMITTEE**

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

Name: Michael AndrewsResidence Address: 255 Mockingbird TrailMailing Address: 255 Mockingbird TrailHome Telephone: 561-881-8297E-mail Address: mfabuzzard@aol.comWork Telephone: 561-881-1976I am a resident of the Town of Palm Beach MFA (please initial) KD

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

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

I have served on the Investment Advisory Committee for more than twenty years and am currently its chairman.

I believe that the committee provides a valuable oversight of Town's excess funds and helps the Town's Finance department

to effectively monitor diverse opportunities to protect and enhance the return cash positions.

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

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☒ 4+

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

None

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

I am a full time resident and should be available for any scheduled meetings.

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

I worked for more than 20 years for Nuveen Investments that has more than \$70 billion in short term fund investments.

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

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

- ☐ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Other _____

7. Present occupation. Retired

No. of years. 3 months

Employer. Nuveen Investments

8. Past occupation(s). Nuveen Investments

No. of years. 23

Employer(s). _____

9. Please provide details regarding your educational background:

B.S. Business Administration - Bucknell University

M.B.A. Marketing - Fairleigh Dickinson University

Ph. D. Union Institute and University

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

Family Member Name	Relationship	Address	Occupation	Employer
No Conflicts				

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

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

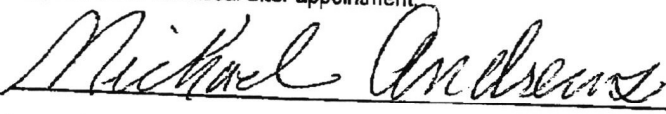
☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
 board/commission/committee

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

RACE☐ African American☐ Native American☐ Asian American☐ Caucasian☐ Hispanic American☐ Not known**GENDER**☒ Male ☐ Female**PHYSICALLY DISABLED**☒ Yes ☐ No

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

SIGNATURE:



DATE:

04/29/2019

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

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

INVESTMENT ADVISORY COMMITTEE

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

ADJUST FONT SIZE: **+** **-** RESET

Select Language ▼

Website Search



DOROTHY JACKS
CFA, AAS
Palm Beach County Property Appraiser
We Value What You Value

**Real Property**

Search by Owner Name (Last Name first) or Address

Search

Classic PAPA



MyPAPA



Print This Page



Save as PDF



Print Property Summary



2018 Proposed Tax Notice

Property Detail

Owner Information

Sales Information

Exemption Information

Property Information

Appraisals

Assessed and Taxable Values

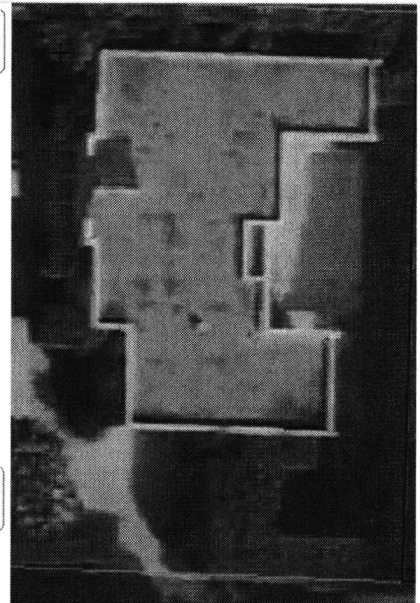
Taxes

Filtered Property Detail

Property Detail

Show Full Map

Location Address	255 MOCKINGBIRD TRL
Municipality	PALM BEACH
Parcel Control Number	50-43-43-03-09-000-0100
Subdivision	MOCKINGBIRD TRAIL TRACT
Official Records Book/Page	07972 / 0160
Sale Date	OCT-1993
Legal Description	MOCKING BIRD TRAIL TRACT LT 10 & UND INT IN PT OF LTS 19A, 20A & UNMBRD TR AS IN DB863P260 K/A PRIV BCH

Nearby Sales Search

Owner Information

Change of Address**Owner(s)**

ANDREWS LORRAINE
ANDREWS MICHAEL F &

Mailing Address

255 MOCKINGBIRD TRL
PALM BEACH FL 33480 3117





TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

INVESTMENT ADVISORY COMMITTEE

TOWN OF PALM BEACH

APR 24 2019

10:00AM
JMF

Town Manager's Office

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

Name: DAVID G McDONALD Residence Address: 250 BRANLEY PLACE #604

Mailing Address: SAME Home Telephone: 646 709 4215

E-mail Address: dgmcdonald1@gmail.com Work Telephone: SAME

I am a resident of the Town of Palm Beach DEM (please initial) JD

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

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

SEE ATTACHED

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

☐ 0 ☐ 1 ☒ 2 ☐ 3 ☐ 4+

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

SEE ATTACHED

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

AVAILABLE FOR ALL MEETINGS

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

SEE ATTACHED

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

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

- ☒ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Other _____

7. Present occupation. CONSULTANT

No. of years. < 1

Employer. SELF EMPLOYED

8. Past occupation(s). INVESTMENT BANKING/CAPITAL MKTS. No. of years. 26

Employer(s). GOLDMAN SACHS (11), MORGAN STANLEY (12), ALEX BROWN (3)

9. Please provide details regarding your educational background:

KELLOGG / NORTHWESTERN UNIV. - MBA

DYSON / CORNELL UNIV. - BS

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

Family Member Name	Relationship	Address	Occupation	Employer
NICKI MCD.	SPOUSE	250 BRANLEY	VOLUNTEER	-

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

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

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

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Not known

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: _____

D. McDonald

DATE: _____

4/17/19

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

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

INVESTMENT ADVISORY COMMITTEE

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

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON INVESTMENT ADVISORY COMMITTEE

DAVID G McDONALD 4/17/19

1) I am a full time resident of Palm Beach as of last year and anxious to get more involved in the Town. After 26 years on Wall Street and personal investing, I think my financial experience would be helpful to the Investment Advisory Committee.

3) Dyson School of Business Advisory Board/Cornell University '07-'14
(President '11-'14)

Goldman Sachs Undergraduate Recruiting Team '10-'18

Vanderbilt University Parents Leadership Committee '08-'11

Point O'Woods (Fire Island NY) Volunteer Fire Co/Treasurer '06-'10

5) My prior investment experience was in Investment Banking, most recently as Head of Equity Syndicate at Goldman Sachs, and Institutional Sales. I worked closely with mutual funds and hedge funds, corporate managements, private equity and venture capital firms. Currently, I manage my personal assets across equities, fixed income, and alternative investments.

RECEIVED

By kdominguez at 4:36 pm, May 02, 2019



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

INVESTMENT ADVISORY COMMITTEE

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

Name: Chris Storkerson Residence Address: 302 N Woods Rd, Palm Beach FL 33480

Mailing Address: _____ Home Telephone: 561-319-9499

E-mail Address: cs102@ntrs.com Work Telephone: 561-802-2033

I am a resident of the Town of Palm Beach cws _____ (please initial)

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

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

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

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☒ 4+

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

Investment Advisory Committee, Recreation Advisory Committee, Palm Beach Community Foundation

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

5. Please describe your current or prior investment experience, and describe any fixed investment experience you may have.
Senior Vice President, Wealth Management, Northern Trust

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

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

- ☐ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Other _____

7. Present occupation. Wealth Management No. of years. 14

Employer. Northern Trust

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

Employer(s). _____

9. Please provide details regarding your educational background:

Middlebury College - BA Economics

University of Southern California - MBA

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

Family Member Name	Relationship	Address	Occupation	Employer
Samantha	Wife	Same		
Liam	Son	Same	Student	
Oscar	Son	Same	Student	

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

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

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

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Not known

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: _____

DATE: 5-2-19

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

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

INVESTMENT ADVISORY COMMITTEE

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

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Appointments to the Landmarks Preservation Commission

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated May 6, 2019, from Kathleen Dominguez, Town Clerk**
- ▣ **Sample Ballot for Alternate Member**
- ▣ **Attendance Record**
- ▣ **Application - Gordon**
- ▣ **Application - Seay**
- ▣ **Application - Wong**

TOWN OF PALM BEACH

Information for Town Council Meeting on May 14, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Kathleen Dominguez, Town Clerk

RE: Landmarks Preservation Commission Appointment of Alternate Member

DATE: May 6, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint one (1) alternate member to the Landmarks Preservation Commission in order to fill the vacant seat resulting from the resignation of Jacqueline Weld Drake. All applicants have submitted proof of voter registration in the Town of Palm Beach.

GENERAL INFORMATION

The Town Clerk's office has received applications seeking **ALTERNATE MEMBER APPOINTMENT** from the following citizens:

Jamie Gordon who resides at 2165 Ibis Isle Road, #4, Palm Beach, FL.
J. David Seay who resides at 3456 S. Ocean Blvd., Apt. 304, Palm Beach, FL.
Fernando Wong who resides at 320 Chilean Avenue, #6, Palm Beach, FL.

c.c.: Josh Martin, Director of Planning, Zoning and Building

**BALLOT FOR APPOINTMENT OF ALTERNATE MEMBER
TO THE LANDMARKS PRESERVATION COMMISSION
Town Council Meeting on May 14, 2019**

Positions to be filled:

 1 Alternate Member

Please circle 1 from the list of names appearing below

Applications Received From the following:
(Listed Alphabetically)

Jamie Gordon

J. David Seay

Fernando Wong

Signature of Town Council Member: _____
Town Council Member



**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

MEMBERS

EDWARD AUSTIN COONEY
RICHARD RENE SILVIN
JACQUELINE ALBARRAN
PAGE LEE HUFTY
PATRICK W. SEGRAVES
JOHN T. GANNON
KIM COLEMAN
SUE PATTERSON

	1/16/2019	2/20/2019	3/13/2019	4/17/2019	5/22/2019	6/19/2019	7/17/2019	8/21/2019	9/18/2019	10/18/2019	11/20/2019	12/18/2019
EDWARD AUSTIN COONEY	P	P	P	P	*	*	*	*	*	*	*	*
RICHARD RENE SILVIN	P	P	P	P	*	*	*	*	*	*	*	*
JACQUELINE ALBARRAN	P	P	P	P	*	*	*	*	*	*	*	*
PAGE LEE HUFTY	P	P	A	*	*	*	*	*	*	*	*	*
PATRICK W. SEGRAVES	P	P	P	P	*	*	*	*	*	*	*	*
JOHN T. GANNON	P	P	P	P	*	*	*	*	*	*	*	*
KIM COLEMAN	P	P	P	P	*	*	*	*	*	*	*	*
SUE PATTERSON	&	&	&	P	*	*	*	*	*	*	*	*

ALTERNATE MEMBERS

JACQUELINE WELD DRAKE
SUE PATTERSON
ANNE METZGER
MARCIA CINI

	1/16/2019	2/20/2019	3/13/2019	4/17/2019	5/22/2019	6/19/2019	7/17/2019	8/21/2019	9/18/2019	10/18/2019	11/20/2019	12/18/2019
JACQUELINE WELD DRAKE	P	P	P	%	%	%	%	%	%	%	%	%
SUE PATTERSON	E	P	P	&	&	&	&	&	&	&	&	&
ANNE METZGER	P	P	P	P								
MARCIA CINI	#	#	#	P		U				U		

LEGEND P=PRESENT

E=EXCUSED

U=UNEXCUSED

A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"

X=COMMISSION DID NOT MEET

* Term Expired

% Resigned from Commission

& Promoted to Regular Member at 03/19/19 TC Mtg

Appointed to Commission at 03/19/19 TC Mtg

**RECEIVED****TOWN OF PALM BEACH**

MAR 28 2019

APPLICATION FOR SERVICE ON

TOWN CLERK**LANDMARKS PRESERVATION COMMISSION**

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

Name: JAMIE GORDON Residence Address: SAME

Mailing Address: 2165 Kings Isle Road #4
Palm Beach, FL 33480 Home Telephone: 561-951-7957

E-mail Address: hannigordone@yahoo.com Work Telephone: 561-273-2309

I am a registered voter of the Town of Palm Beach JG (please initial) P.G.

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

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

I am very interested in going back to the town I
can home. Also, I have a sincere, life long
interest in architecture and history (See attachment)

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? 2

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

na

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

none expected. I am aware of the requirement
to attend all meetings - unless given prior approval.

5. Have you ever lived in or owned a landmarked home or property? Yes ☐ No ☒ (If so, where?)

However, I have lived in a number of residences
deemed to be of "historical" importance in
the UK.

Landmarks Preservation Commission (LPC) Application
Revised 6/14/2019 5-14-19

Page 28 of 3

my family also have owned / own an number of
estates in Scotland.

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

Yes, as an insurance broker to HNW and UHNW families, many clients have owned, currently live in or are thinking of buying landmarked properties.

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

- ☐ National Trust for Historic Preservation
☐ Florida Trust for Historic Preservation
☒ Palm Beach County Historical Society
☒ Citizens' Association of Palm Beach
- ☒ Preservation Foundation of Palm Beach
☐ North End Property Owner's Association
☒ Palm Beach Civic Association
Other Preservation Organization: _____

8. Present occupation. Risk Advisor No. of years. 13+

Employer. Alliant Ins. Services (formerly Crystale Co.)

9. Past occupation(s). Insurance Broker No. of years. 25+

Employer(s). Marsh, Inc. Crystal & Company & Alliant Insurance Services.

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

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

11. Please provide details regarding your educational background:

Attended Harrow School - England, UK
Attended Georgetown University, Wash DC - graduated in 1988

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

I am passionate about history, architecture and preserving valuable landmarked properties where it is appropriate to do so.

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

Family Member Name	Relationship	Address	Occupation	Employer
<u>Louisa</u>	<u>Spouse</u>	<u>2165 Buckle</u>	<u>N/A</u>	<u>N/A</u>
<u>Gordon</u>		<u>Palm Beach, FL</u>		

14. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations?

No

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

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

n/a board/commission/committee

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

☐ Yes

☐ No

Only applying as an "alternate" member

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Other

GENDER

☒ Male

☐ Female

PHYSICALLY DISABLED

☐ Yes

☒ No

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

SIGNATURE: _____

[Signature]

DATE: 3/28/19

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

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

LANDMARKS PRESERVATION COMMISSION

(LPC) - The LPC safeguards the Town's historic and cultural resources through its landmarked structures and historic districts. This State of Florida Certified Commission reviews and approves structural and landscape modifications to Designated structures and properties. The LPC is comprised of seven regular and three alternate members, who are registered voters of the Town of Palm Beach and appointed by the Town Council, and who have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. One commissioner may be a non-resident of the Town who possesses specific knowledge or skills directly related to the preservation of historic structures or property. At least two members, but not more than three members, shall be registered architects in the State of Florida. In the event that 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. Members are appointed for three-year terms and no member may serve more than two consecutive terms, although a member may be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term. Although an alternate member may not serve more than two three-year terms as an alternate, an alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-years terms thereafter.

WIKIPEDIA

Westwell, Oxfordshire

Westwell is a village and civil parish about 2 miles (3 km) southwest of Burford in Oxfordshire.

Contents

- Manor**
- Parish church
- War memorial
- References
- Sources and further reading
- External links

Manor *this was my childhood home*

The oldest part of the Manor House was built in about 1545.^[2] The east wing of the house was added in about 1750^[2] and the north and south wings in about 1840.^[3] The house was altered and restored in 1920.^[3]

Close to the Manor House is a dovecote that was built in the 17th century.^[3] It is still in use as a dovecote.^[4] Adjoining the Manor House to the northeast is a barn that was probably built in the 18th century, but has a Tudor arched entrance with a mullioned window above.^[5]

The Manor House,^[6] dovecote^[4] and barn^[5] are all Grade II* listed buildings.

Parish church

The Church of England parish church of Saint Mary^[7] is Norman^[8] and was built in the 12th century.^[9] The chancel arch may have originally been Norman, but if so it was later altered in the Transitional style from Norman to Early English Gothic.^[2] The chancel's east window may also be Transitional, but the windows in its north and south walls are Early English lancets.^[2] The south porch was added in the 14th century^[8] and to the east of it one of the nave windows is Perpendicular Gothic.^[2] The other windows of the nave are Victorian.^[2] In 1869 the nave was extended one bay to the west and the bell-turret was added.^[8] St Mary's is a Grade I listed building.^[9] The parish is now part of the Benefice of Shill Valley and Broadshire, which includes also the parishes of Alvescot, Black Bourton, Broadwell, Broughton Poggs, Filkins, Holwell, Kelmscott, Kencot, Langford, Little Faringdon and Shilton.^[10]

The Rectory (now the Old Rectory) was built at^[11] or before^[2] the end of the 17th century. It is a five-bayed building of ashlar Cotswold stone.^[2] It is a Grade II* listed building.^[11]

War memorial

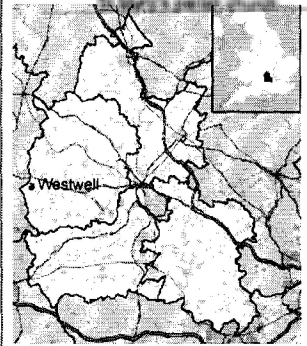
The War Memorial was erected after the First World War.^[3] It incorporates a numeral from a face of the clock of the Cloth Hall, Ypres.^[3] The Oxfordshire and Buckinghamshire Light Infantry had fought in the First Battle of Ypres in 1914 and the Battle of Passchendaele near Ypres in 1917.

References

- ^[1] "Area selected: West Oxfordshire (Non-Metropolitan District)" ([http://neighbourhood.statistics.gov.uk/dissemination/viewFullDataset.do?sessionId=ac1f930b30d73ec370d62b6f4444bc01a4cf1d94fab7&instanceSelection=03070&productId=779&\\$ph=60_61&datasetInstanceId=3070&startColumn=1&numberOfColumns=8&containerAreaId=790500&nejs=true&nsc=true&nevg=true&ns](http://neighbourhood.statistics.gov.uk/dissemination/viewFullDataset.do?sessionId=ac1f930b30d73ec370d62b6f4444bc01a4cf1d94fab7&instanceSelection=03070&productId=779&$ph=60_61&datasetInstanceId=3070&startColumn=1&numberOfColumns=8&containerAreaId=790500&nejs=true&nsc=true&nevg=true&ns)) *Neighbourhood Statistics: Full Dataset View*. Office for National Statistics. Retrieved 24 March 2010.
- ^[2] Sherwood & Pevsner 1974, p. 835
- ^[3] Sherwood & Pevsner 1974, p. 836
- ^[4] Historic England. "Manor House, Dovecote About 1 Metres to South West (1065943)" (<https://HistoricEngland.org.uk/listing/the-list/list-entry/1065943>). *National Heritage List for England*. Retrieved 13 October 2012.
- ^[5] Historic England. "Manor House, Barn at North East Corner (1065942)" (<https://HistoricEngland.org.uk/listing/the-list/list-entry/1065942>). *National Heritage List for England*. Retrieved 13 October 2012.
- ^[6] Historic England. "Manor House (1357459)" (<https://HistoricEngland.org.uk/listing/the-list/list-entry/1357459>). *National Heritage List for England*. Retrieved 13 October 2012.
- ^[7] Oxfordshire Churches & Chapels website: Westwell (<http://www.oxfordshirechurches.info/Westwell.htm>)
- ^[8] Sherwood & Pevsner 1974, p. 834
- ^[9] Historic England. "Church of St Mary (1357134)" (<https://HistoricEngland.org.uk/listing/the-list/list-entry/1357134>). *National Heritage List for England*. Retrieved 13 October 2012.
- ^[10] Archbishops' Council (2010). "Benefice of Shill Valley and Broadshire" (<http://www.achurchnearyou.com/benefice.php?B=27/441BF>). Church of England. Retrieved 28 June 2013.
- ^[11] Historic England. "The Old Rectory (1065936)" (<https://HistoricEngland.org.uk/listing/the-list/list-entry/1065936>). *National Heritage List for England*. Retrieved 13 October 2012.

Sources and further reading

- Fisher, A.S.T. (1972). *History of Westwell, Oxfordshire*. Bear Court Books. ISBN 0950169013.



Population	67 (2001 census) ^[1]
OS grid reference	SP2209
Civil parish	Westwell
District	West Oxfordshire
Shire county	Oxfordshire
Region	South East
Country	England
Sovereign state	United Kingdom
Post town	BURFORD
Postcode district	OX18
Dialling code	01993
Police	Thames Valley
Fire	Oxfordshire
Ambulance	South Central
EU Parliament	South East England
UK Parliament	Witney

- Sherwood, Jennifer; Pevsner, Nikolaus (1974). *Oxfordshire. The Buildings of England*. Harmondsworth: Penguin Books. pp. 834–836. ISBN 0-14-071045-0.

External links

 Media related to Westwell, Oxfordshire at Wikimedia Commons

Retrieved from "https://en.wikipedia.org/w/index.php?title=Westwell,_Oxfordshire&oldid=867862221"

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TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

TOWN OF PALM BEACH

APR 01 2019

Town Manager's Office

LANDMARKS PRESERVATION COMMISSION

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

Name: J. David Seay, Esq.

Residence Address: 3456 S. Ocean Blvd, Apt 304
Palm Beach, FL 33480

Mailing Address: same as residence

Home Telephone: (917) 885-2989

E-mail Address: jdauidseay@aol.com

Work Telephone: _____

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

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

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

I am passionate about preserving historically and architecturally significant properties and in preserving and maintaining the unique nature and character of Palm Beach, my adopted home. I am committed to the mission of the LPC.

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? 0

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

I have served on the boards of directors of numerous nonprofit organizations in New York and regionally and nationally. A complete listing can be provided.

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

None

5. Have you ever lived in or owned a landmarked home or property? Yes ☒ No ☐ (If so, where?)

North Chatham, Columbia County, NY (1820 side hall colonial home)
National and New York Registers of Historic Places

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

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

- | | |
|---|---|
| ☐ National Trust for Historic Preservation | ☐ Preservation Foundation of Palm Beach |
| ☐ Florida Trust for Historic Preservation | ☐ North End Property Owner's Association |
| ☐ Palm Beach County Historical Society | ☐ Palm Beach Civic Association |
| ☐ Citizens' Association of Palm Beach | ☐ Other Preservation Organization: _____ |

8. Present occupation. Retired No. of years. 1

Employer.

9. Past occupation(s). Attorney No. of years. 41

Cerebral Palsy Ass'n of NYS (ERP and Chief Legal Officer)
Employer(s). National Alliance on Mental Illness of NYS (Executive Director)
United Hospital Fund of NY (VP and General Counsel); EXEC. OFFICE of the President, Washington, DC

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

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

11. Please provide details regarding your educational background:

BA (philosophy) Oklahoma City University

JD Columbus School of Law, Catholic University of America, Washington, DC

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

(1) Having owned & preserved a home circa 1920 on the National and NYS Registers of Historic Places, and (2) a career in law and management experience in non-profit organization, and (3) governance experience.

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

Family Member Name	Relationship	Address	Occupation	Employer
Anita Seay	spouse	same	artist	self

14. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations?

No

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

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

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

☒ Yes ☐ No

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

RACE

GENDER

☐ African American

☐ Native American

☒ Male

☐ Female

☐ Asian American

☒ Caucasian

PHYSICALLY DISABLED

☐ Hispanic American

☐ Other

☐ Yes

☒ No

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

SIGNATURE: _____

DATE: 3-30-19

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

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

LANDMARKS PRESERVATION COMMISSION

(LPC) - The LPC safeguards the Town's historic and cultural resources through its landmarked structures and historic districts. This State of Florida Certified Commission reviews and approves structural and landscape modifications to Designated structures and properties. The LPC is comprised of seven regular and three alternate members, who are registered voters of the Town of Palm Beach and appointed by the Town Council, and who have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. One commissioner may be a non-resident of the Town who possesses specific knowledge or skills directly related to the preservation of historic structures or property. At least two members, but not more than three members, shall be registered architects in the State of Florida. In the event that 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. Members are appointed for three-year terms and no member may serve more than two consecutive terms, although a member may be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term. Although an alternate member may not serve more than two three-year terms as an alternate, an alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-years terms thereafter.



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

LANDMARKS PRESERVATION COMMISSION

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

Name: Fernando Wong Residence Address: 320 Chilean #8
Mailing Address: 201 Seaview #2 Home Telephone: 561 515 0213
E-mail Address: tim@fernandowongold.com Work Telephone: 305 321 0546

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

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

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

My business, and indeed, my entire life has been passionately devoted to creating beauty through the use of classical architectural principles.

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? 6

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

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

I will be available.

5. Have you ever lived in or owned a landmarked home or property? Yes ☐ No ☒ (If so, where?)

14. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations?

No

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

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

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

☒ Yes ☐ No

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

RACE

☐ African American

☐ Asian American

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☐ Native American

☐ Caucasian

☐ Other

GENDER

☐ Male

☐ Female

PHYSICALLY DISABLED

☒ Yes

☐ No

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

SIGNATURE: _____

DATE: 5/2/19

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

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

LANDMARKS PRESERVATION COMMISSION

(LPC) - The LPC safeguards the Town's historic and cultural resources through its landmarked structures and historic districts. This State of Florida Certified Commission reviews and approves structural and landscape modifications to Designated structures and properties. The LPC is comprised of seven regular and three alternate members, who are registered voters of the Town of Palm Beach and appointed by the Town Council, and who have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. One commissioner may be a non-resident of the Town who possesses specific knowledge or skills directly related to the preservation of historic structures or property. At least two members, but not more than three members, shall be registered architects in the State of Florida. In the event that 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. Members are appointed for three-year terms and no member may serve more than two consecutive terms, although a member may be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term. Although an alternate member may not serve more than two three-year terms as an alternate, an alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-years terms thereafter.

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.
 I have worked on the restoration of landmarked houses originally designed by John Volk, Addison Mizner, Maurice Fatio, Marion Syms Wyeth and John F. Staub with some of the finest classical architects in America.

7. Are you a member of any of the following organizations? (Check all that apply) *AMERICAN FRIENDS of British Art*

☒ National Trust for Historic Preservation	☒ Preservation Foundation of Palm Beach	<i>INSTITUTE of CLASSICAL Art & ARCHITECTURE</i>
☐ Florida Trust for Historic Preservation	☐ North End Property Owner's Association	
☒ Palm Beach County Historical Society	☐ Palm Beach Civic Association	
☐ Citizens' Association of Palm Beach	☒ Other Preservation Organization: <i>?</i>	

8. Present occupation. Fernando Wong Outdoor Living Design No. of years. 15
 Employer. _____

9. Past occupation(s). _____ No. of years. _____
 Employer(s). _____

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

☒ Architecture	☒ History
☒ Design	☒ Landscape Architecture/Design
☒ Architectural History	☒ Building Construction

11. Please provide details regarding your educational background:
 I studied Architecture for 4 years and Interior Design for 3 years at the University of Panama before I immigrated to the United States in 2001.

12. Why do you feel that you are qualified to serve on the Town's Landmarks Preservation Commission (Attach additional page if necessary)
 I founded one of the premier landscape architecture firms in the United States based on classical architectural principles.

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

Family Member Name	Relationship	Address	Occupation	Employer

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Minutes

Agenda Title

Town Council Meeting Minutes

Kathleen Dominguez, Town Clerk

- a. April 4, 2019, Special Town Council Meeting Minutes
- b. April 9, 2019, Town Council Meeting Minutes
- c. April 10, 2019, Local Planning Agency Meeting Minutes
- d. April 10, 2019, Development Review Town Council Meeting Minutes
- e. April 10, 2019, Special Town Council Meeting Minutes - closed door session
- f. April 23, 2019, Special Town Council Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **Minutes of the Special Town Council Meeting Held on April 4, 2019**
- ▣ **Minutes of the Town Council Meeting Held on April 9, 2019**
- ▣ **Minutes of the Local Planning Agency Meeting Held on April 10, 2019**
- ▣ **Minutes of the Town Council Development Review Meeting Held on April 10, 2019**
- ▣ **Minutes of the Special Town Council Meeting - Closed Door Session - Held on April 10, 2019**
- ▣ **Minutes of the Special Town Council Meeting Held on April 23, 2019**



MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON THURSDAY, APRIL 4, 2019

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 10:30 a.m. on Thursday, April 4, 2019, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to approve the agenda. On roll call, the motion passed unanimously.

III. COMMUNICATIONS FROM CITIZENS - None

IV. REGULAR AGENDA

1. Review and Discussion of Employee Compensation and Benefits Report
Danielle Olson, Director of Human Resources

Kirk Blouin, Town Manager, spoke regarding the history of the Town's current 75th market percentile policy. He encouraged the council members not to make decisions in haste and reminded them that the goal is to provide fair and competitive wages and benefits to the employees while being fair to the taxpayers. He informed the council members that the salary surveys collected by Evergreen Solutions was not comparable to the Palm Beach County market and therefore, will need to be reformatted a second time with the data from Miami Beach and the Cost of Living Adjustment (COLA) for the Broward County cities removed.

Jay Boodheshwar, Deputy Town Manager, commented that the process for addressing market place deficiencies relative to salaries for general and public safety employees has been a positive learning experience.

Director Olson provided an overview of the study process, market data results, benchmark positions and selection of market peers.

Market Percentile Options for Pay Ranges:

Ms. Olson presented a matrix table with the pay range data for the general, police and fire positions based on the 50th, 65th and 85th market percentiles. For comparison, she provided the proposed minimum, midpoint, maximum salary ranges to the current minimum, midpoint and maximum pay grades for each position, and how the Town compares to the selected market peers.

President Moore expressed concern about excluding the Miami-Dade County data from the report because it is a competitive county.

Discussion ensued regarding the market percentile policy, who the most competitive agencies within the county are, the Cost of Living Index Adjustments (COLI) and its impact to salary ranges and employee separation trends.

It was the consensus of the Town Council to exclude the Miami Beach salary data and the COLI salary adjustments for the Broward County cities from the report and present the new data for further review and discussion at the Special Town Council meeting scheduled for April 12, 2019.

Step Plan Options for Public Safety:

Director Olson presented proposed step plan options for Public Safety personnel, which included the comparison of a Merit Based Step plan versus a Traditional 10 Step plan. She also provided an overview of the current merit increase system.

Council Member Araskog requested to see the number of municipalities who provide a step plan and bonus plan for Public Safety employees at the April 12, 2019 Special Town Council meeting.

It was the consensus of the Town Council to allow the Town Manager to determine the appropriate merit plan for Public Safety and General.

It was the consensus of the Town Council to allow Town Manager Blouin to proceed with implementing a 10 Step merit plan for Police Officers and Fire fighters, effective October 1, 2019.

Revised Cost Estimates Based on Percentiles:

Director Olson presented the amended cost estimates prepared by Evergreen Solutions that will bring all employee groups' salaries to the new minimum while addressing compression with the option named Move Toward Market (3 Tier) and

Closest Step in Revised Pay Plan.

Discussion ensued regarding the taxable value of the options for each market percentile group.

It was the consensus of the Town Council to proceed with bringing the employees to the new salary minimum, address compression and move toward the 3 Tier Market and Closest Step in Revised Pay Plan option. Staff will update and present the cost estimates with the Miami Beach salary data and Broward County Cost of Living Index (COLI) information removed at the April 12, 2019 Special Town Council meeting for further discussion.

Proposed Changes to Merit Pay:

Town Manager Blouin provided an overview of the proposed new performance pay system and automatic cost of living adjustment (COLA) for general employees and non-sworn public safety personnel.

Director Olson presented the implementation options, which are subject to budget approval. She recommended that staff evaluate market conditions and bring any concerns with out of market pay ranges to the Town Manager during the annual budget process.

Deputy Town Manager Boodheshwar pointed out that the automatic COLA is a benefit to the employees even though they are slightly reducing the performance pay score range.

In response to a question from Council Member Araskog, Town Manager Blouin specified the positions included in the STEP program versus the positions included in the proposed Merit Pay system. He also added that any proposed changes to the Firefighter's pay and benefits are subject to collective bargaining with the union.

Discussion ensued regarding whether or not there should be a Town-wide compensation study conducted every five years.

It was the consensus of the Town Council to approve the amended performance pay system with the implementation of COLA subject to budget approval as described. Staff will provide the new payroll cost estimates to the actuary and present the new figures during the annual budget process.

Exhibit E - Retirement Benefits:

Town Manager Blouin recommended that the retirement eligibility age change to 55 with 25 years of service, as it is most competitive with the market.

Council Member Araskog requested to see the minimum and maximum salary range in addition to the retirement benefits for police officers and firefighters for each agency presented in the next report on April 12, 2019.

Discussion ensued regarding whether or not to include the general employees in the conversation next week relative to retirement benefits and what scenarios to take to the actuary in order to meet the budget timeline and April 12, 2019 meeting date.

It was the consensus of the Town Council to hold off on taking any proposed retirement plan changes to the actuary until after the April 12, 2019 Special Town Council Meeting.

Ancillary Benefits:

Town Manager Blouin provided an overview of the traditional 48-hour workweek schedule for Firefighters versus the Town Palm Beach's workweek schedule, which is 52 hours.

Darrel Donatto, Fire Chief, recommended bringing back the 3 positions that were eliminated in 2018 after the Comprehensive Review of Town Operations (CROTO) process. He described the issues and complications with the current 28-day pay cycle, recommended a 21-day pay cycle and spoke regarding how the workweek schedule change would affect the overtime budget.

Town Manager Blouin recommended all of Chief Donatto's recommendations as described above.

It was the consensus of the Town Council to approve the adjusted 48-hour workweek changes and the 21-day workweek pay cycle subject to the collective bargaining.

Director Olson summarized the areas of discussion that will take place at the April 12, 2019 Special Town Council Meeting based on the directives provided above.

Council Members Lindsay and Araskog requested to see the data for Palm Beach County only with the revised cost estimates and how the Town of Palm Beach ranks next to each one.

Discussion ensued regarding rescheduling the April 12, 2019 Special Town Council Meeting to go over the new data.

(Clerk's note: The Town Council took a five-minute recess)

After a brief recess, Director Olson reported that Evergreen Solutions could provide the newly requested data by the close of business on Wednesday, April 10, 2019. She

also explained the staff time involved for reformatting and reviewing the data provided by the Evergreen Consultants.

It was the consensus of the Town Council to reschedule the April 12, 2019 Special Town Council Meeting date to Tuesday, April 23, 2019 at 9:30 a.m.

V. **ANY OTHER MATTERS** – *None*

VI. **ADJOURNMENT**

There being no further business, the Special Town Council meeting of Thursday, April 4, 2019, was adjourned at 1:30 p.m.

APPROVED:

Danielle H. Moore
Town Council President

ATTEST:

Kathleen Dominguez
Town Clerk

Date



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, APRIL 9, 2019

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, April 9, 2019 at 9:30 am in the Town Council Chambers. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Dominguez gave the invocation. Council President Moore led the pledge of allegiance.

III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the agenda:

1. The items listed below were added to Item XVI. *Any Other Matters* for discussion:
 - Passing an emergency ordinance to expand the ban on plastic bags by including plastic straws
 - Scheduling an educational workshop for local businesses on banning plastic materials
 - Issues with landscape plans changing after obtaining ARCOM approval

John “Skip” Randolph, Town Attorney, requested the Town Council’s consideration of scheduling an attorney/client closed-door session to discuss the PBT Real Estate, LLC. vs. the Town of Palm Beach Case No. 9:17-CV-81254 at the conclusion of the Town Council Development Review Meeting on April 10, 2019.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve scheduling a closed-door session to discuss Case No. 9:17-CV-81254 at the conclusion of the Development Review meeting on April 10, 2019. On roll call, the motion passed unanimously.

IV. APPROVAL OF AGENDA

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve the agenda, as amended above. On roll call, the motion passed unanimously.

V. RECOGNITIONS

- A. Recognition of Page Lee Hufty for her service on the Landmarks Preservation Commission from May 2014 to March 2019
Josh Martin, Director of Planning, Zoning and Building

Mayor Coniglio thanked Ms. Hufty for her service to the Landmarks Preservation Commission and presented her with a plaque.

VI. PRESENTATIONS

- A. Palm Beach Civic Association Long Range Planning Committee Financial Strategy Study
Harvey Poppel, Palm Beach Civic Association

Mr. Poppel presented Long Range Planning sub-committee's work in an effort to inform Town officials on ways to reduce and eliminate financial vulnerabilities and capitalize on opportunities beneficial to Palm Beach residents.

VII. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A. Presentations by Code Enforcement Board Applicants
Kirk W. Blouin, Town Manager

The following applicants presented their qualifications:

Jack Cohen
Bram Majtlis
Steven Meltzer

In response to a question by Council Member Araskog, each applicant spoke regarding their philosophy on the purpose and workings of the Code Enforcement Board.

- B. Appointments to the Code Enforcement Board
Kirk W. Blouin, Town Manager

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve the appointments of Bram Majtlis and Steven Meltzer as regular members of the Code Enforcement Board. On roll call, the motion passed unanimously.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve the appointment of Jack Cohen as an alternate member of the Code Enforcement Board. On roll call, the motion passed unanimously.

- C. Presentations by Recreation Advisory Commission Applicants
Kirk W. Blouin, Town Manager

The following applicants presented their qualifications:

Peter Harris
Pamela McIver
Grier Pressly
Kristen Schonwald-Vila
Leslie Wyrzes

In response to a question from Council Member Araskog, each applicant spoke regarding their use of the recreation center, experience with marketing, public relations and running a pro shop.

- D. Appointments to the Recreation Advisory Commission
Kirk W. Blouin, Town Manager

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to approve the appointments of Grier Pressly and Leslie Wyrzes as regular members of the Recreation Advisory Commission. On roll call, the motion passed unanimously.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve the appointments of Pamela McIver and Kristen Schonwald-Vila as alternate members of the Recreation Advisory Commission. On roll call, the motion passed unanimously.

- E. Presentations by the Retirement Board of Trustees Applicants
Kirk W. Blouin, Town Manager

The following applicants presented their qualifications:

Jeffrey Amling
Brad Kaufman
Thomas Parker

In response to a question from Council Members Araskog and Crampton, each applicant spoke regarding their view and philosophy in addressing the unfunded actuarial accrued liability and the pension fund's performance.

- F. Appointments to the Retirement Board of Trustees
Kirk W. Blouin, Town Manager

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to approve the appointments of Brad Kaufman and Thomas Parker as regular members of the Retirement Board of Trustees.

VIII. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio commented on the Special Town Council meeting held on April 4, 2019, for the purpose of reviewing and discussing the findings of the Employee Benefits and Compensation Study. She complimented staff and the Evergreen Solutions consulting firm for all of their hard work and announced the date of the second public meeting. She encouraged the residents to attend and share their expertise or opinions on this matter.

Mayor Coniglio expressed concern with the Florida Legislature's efforts to undermine Home Rule authority given to counties and municipalities to handle local matters.

She also spoke regarding the proposed Ordinance No. 15-2019 and its intent to enable the Town to address properties that are in derelict condition at the cost of the property owner. She requested that it pass as an Emergency Ordinance.

IX. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Moore thanked Planning and Zoning Director Josh Martin for his work on proposed Ordinance No. 15-2019 and agreed with the Mayor to proceed with passing it as an Emergency Ordinance. She spoke about the recent fundraising event for the Navy Seals organization and the patriotism and honor that came from that event. She expressed her thanks to the Navy Seals, event organizer Rebecca Williams, and relayed how privileged she is to serve her community.

Council Member Araskog thanked Wayne Bergman for his work on Ordinance No. 15-2019. She commented on the recent incident in late March when a group of individuals gathered on the Royal Park Bridge with handguns and rifles while fishing. She expressed her concern with the current law as it relates to the possession of guns in public spaces. She asked for each Town Council member's participation in sending a letter to the legislature to reform gun laws. She also spoke regarding future beach clean-ups and hurricane preparedness for condominiums.

Council Member Crampton spoke regarding a recent incident where a woman was struck by a car while walking her dog on the south end of the Island on A1A. He expressed concern with the limited number of crosswalks and the need for increased safety measures along that stretch of road.

Council President Pro Tem Zeidman introduced Diana Barrett, a resident and member of the Palm Beach Civic Association's Health Care Committee. She spoke about Mrs. Barrett's community based system for educating residents on life-saving techniques such as Cardio Pulmonary Resuscitation (CPR) and the use of an Automated External Defibrillator (AED).

Diana Barrett, 690 Island Drive, provided an overview of the pilot program called "CPR in a box" which consists of providing CPR and AED sessions in her home to residents in partnership with the Palm Beach Fire Rescue Department.

Darrel Donnato, Fire Rescue Chief, spoke regarding the Town's participation in the program and its success.

Council Member Lindsay expressed concern over the recent incident with the individuals who were holding firearms on the Royal Park Bridge while fishing and the need to address the State Legislature on gun law reform. She spoke in support of passing Ordinance No. 15-2019 as an emergency ordinance. She commented on the items that appear routinely each month on the Consent Agenda that require spending and encouraged the Purchasing staff to include any cost savings information from the previous year so that it appears on the agenda.

X. **COMMUNICATIONS FROM CITIZENS**

Rick Smith, 130 Sunrise Avenue, expressed his appreciation to the Public Safety department and to Diana Barrett for providing sessions on life saving techniques. He spoke regarding the presentation provided earlier in the meeting by Harvey Poppel related to unexpected expenses and generating revenue and brought up the idea of a transfer tax as a new revenue stream for the Town.

Skip Aldridge, 2295 S. Ocean Blvd., spoke regarding the recent incident of the woman who was struck by a vehicle while walking her dog on A1A. He expressed his appreciation to the first responders and requested support from the Town Council with making that strip of road (owned and operated by the Florida Department of Transportation) safer for the residents.

Diane Buhler, Friends of Palm Beach, spoke regarding the abundance of sargassum seaweed that has reappeared on the Town's beaches and pointed out the benefits of the seaweed in managing beach erosion. She announced that the beaches in South Hampton provide wire baskets for picking up trash on the beaches and proposed the same concept for the Town of Palm Beach. She commented on the success of the Blue Tubes available at the entrance to the Town's beaches and their success with keeping the beaches clean. She also announced the date, time and location for the Great American Beach Clean-up event in Palm Beach.

XI. APPROVAL OF CONSENT AGENDA

The following items were pulled from the Consent Agenda and placed under Item XIV.C.

- Resolution No. 19-2019
- Resolution No. 20-2019

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

A. MINUTES

1. Town Council Meeting Minutes
Kathleen Dominguez, Town Clerk
 - a. March 19, 2019, Town Council Meeting Minutes
 - b. March 19, 2019, Special Town Council Meeting Minutes - Closed Door
 - c. March 19, 2019, Development Review Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Commission at its Meeting of March 27, 2019
Josh Martin, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 19-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Town Manager to Apply to the Local Initiatives (LI) Construction Program From The Florida Department of Transportation Through the Palm Beach Metropolitan Planning Organization for up to \$650,000 for Implementation of a Fiberoptic Infrastructure to Link the Four (4) Most Critical Signalized Intersections in Palm Beach to Palm Beach County.
*H. Paul Brazil, P.E., Director of Public Works - **PULLED FROM CONSENT***
2. RESOLUTION NO. 20-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Selection Committee Recommendation For RFP No. 2019-02, For The Recreation Center Playground Equipment And Awarding A Contract To DW Recreation Services, Inc. In The Amount Of \$392,999.66; And Establishing An Overall Project Budget Of \$400,000.00.
*Jay Boodheshwar, Deputy Town Manager - **PULLED FROM CONSENT***
3. RESOLUTION NO. 21-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Retroactive Award And Purchase Order in the Amount of \$398,589 To

D.S. Eakins For Emergency Repair Of Broken Line And Sanitary Lift Station Upgrade.

Dean Mealy, Purchasing Manager

4. RESOLUTION NO. 22-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$65,350 and a Five Year Contract in the Amount of \$393,699 to Zimmerman Tree Service For Invitation To Bid No. 2019-12 For Tree Trimming For Lot 3, Hardwood Trees As Designated To A Primary, Secondary And Tertiary Vendor.

Dean Mealy, Purchasing Manager

5. RESOLUTION NO. 23-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order In The Amount Of \$46,283.90 And A Five Year Contract In The Amount Of \$233,730 To Muscart Painting And Decorating, As The Recommendation Of Award Of Invitation To Bid 2019-04, For Annual Curb, Bollard And Tire Stop Painting; Contingent Upon Funding By Approved Budgets.

Dean Mealy, Purchasing Manager

6. RESOLUTION NO. 24-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing A Purchase Order To Alan Jay Chevrolet In The Amount Of \$115,460.55 For Two (2) Chevy Tahoe 1500 SUV Patrol Cars And One (1) Administrative Chevy Tahoe 1500 SUV Utilizing The State Of Florida Sheriff's Association Contract No. FSA18-Vel26.0.

Dean Mealy, Purchasing Manager

C. OTHER

1. Request to Consider Ordinance No. 10-2019 and Ordinance 11-2019 at Public Hearings Prior to 5:00 P.M.

Josh Martin, Director of Planning, Zoning & Building

XII. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Landmarks Preservation Commission

Edward Cooney, Chair

Mr. Cooney provided an overview of the report. In response to a question from Mayor Coniglio, Mr. Cooney provided his input on the Landmarks Preservation Commission's position taken on the recent proposed changes to the façade of a historical restaurant building.

It was the consensus of the Town Council to accept the Annual Report of the Landmarks Preservation Commission.

B. Annual Report of the Architectural Commission (ARCOM)

Robert J. Vila, Chair

Michael Small, Vice Chair, stood in for Mr. Vila and provided an overview of the report.

Mayor Coniglio expressed her appreciation to the kind and respectful demeanor of the ARCOM members.

Mr. Small provided an overview of ARCOM's role in the approval process for the property at 288 S. County Road and the major vs. minor alteration items.

In response to a question from Council Member Zeidman, Mr. Small provided an overview of the ordinance that outlines the criteria that the ARCOM must take into consideration.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve the Annual Report of ARCOM. On roll call, the motion passed unanimously.

XIII. COMMITTEE REPORTS

- A. Report of the Public Works Committee Meeting Held on March 14, 2019
Bobbie Lindsay, Chair

Chair Lindsay provided the highlights of the meeting and report.

In response to a question from Mayor Coniglio, Town Manager Blouin spoke regarding possible solutions for addressing the issues with trucks parking along the narrow streets of the North end and the abuse with the Right-of-Way permit parking system.

Motion was made by Council Member Araskog, and was seconded by Council President Moore, to approve the report. On roll call, the motion passed unanimously.

XIV. REGULAR AGENDA

A. Old Business

1. Proposed Town Sponsorship of Business Association Special Event during the Veteran's Day Holiday Weekend in November 2019 to be Hosted by the Main Street Association, with the Palm Beach Rotary Foundation as Event Provider.

Josh Martin, Director of Planning, Zoning and Building

Richard Zaretsky, President of the Rotary Club of Palm Beach, provided an overview of the event, which included a scaled back plan and a change of date from Memorial Day weekend to the Veterans Day holiday on November 7th to the 11th. He provided an overview of the project, explained that the proceeds of the event will benefit the Town employees

and addressed the solutions for mitigating potential damage to the irrigation system to the medians as well as parking and traffic control in that area.

Tom Bradford, 44 Chestnut Trail, Tequesta, presented the findings from the archeological firm to verify that the project does not present any archeological issues to the area in question.

Mayor Coniglio spoke regarding conflicts with the Town's Code of Ordinances on the use of banners and requested hanging a banner so that it is supported like a flag. She also expressed disappointment that the flags would not be present on the afternoon of Veterans Day and United States Marine Corps' Birthday.

In response to questions from Council Members, Paul Brazil, Director of Public Works, addressed concerns surrounding the potential replacement and repair of the irrigation system in that area due to the installation of multiple flagpoles. He provided the department's position on the solutions presented and stated that there are no as-built drawings for the existing irrigation system located on the medians on Royal Poinciana Way.

Discussion ensued regarding budget and cost for replacing any damaged Town property, lack of staff resources, outsourcing repairs, pedestrian safety, setting a precedent, flag protocol and short term flag display etiquette, timing with season and lack of parking, using a shorter flagpole that would give more leeway to the irrigation system and alternative event locations.

Town Manager Blouin and Acting Police Chief Caristo spoke regarding the amount of available parking spaces during the daytime and evening hours on Royal Poinciana Way during the month of November.

Mr. Bradford pointed out the traffic data for that area can be found on the Palm Beach County's engineering department's web page.

Town Attorney Randolph opined on the notification requirements for approving an event in the Bradley Park area.

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to defer this matter to the May 14, 2019, Town Council meeting with the requirement that the applicant revise the application to reflect the following:

- **Bradley Park as the new event location**
- **No banner displays - only flags may be used to recognize project underwriters**
- **Staff approval is required for all project sponsors**

On roll call, the motion passed unanimously.

2. Town Marina Project Update.
H. Paul Brazil, P.E., Director of Public Works

Gordon Thomson, Baird and Associates, presented the updated schedule for the Town Marina project as it relates to obtaining permits from United States Army Corps of Engineers and the Florida Department of Environmental Protection. He presented the Palm Way dock plans that featured the identified FP&L cable lines and other identified boundary surveys.

In response to a question from Council Member Lindsay, Mr. Thomson provided the schedule for providing the proposed Palm Way dock design options to the Council for review.

In response to a question from Council Member Araskog, Mr. Thomson explained the timeline for securing the most critical permits.

In response to questions from the Mayor, Mr. Thomson confirmed that there is no need for dredging and therefore, should not present a major hurdle in the permit process.

Town Manager Blouin provided a general overview of Town staff's process with respect to the permit application process.

It was the consensus of the Town Council to review and discuss the proposed Palm Way Dock designs at the Special Town Council Meeting on April 23, 2019.

3. Town-wide Undergrounding Project
Steven N. Stern, Project Manager

- a. Project Status Update.

Project Manager Stern provided an update on the undergrounding project, announced the next Underground Utilities Task Force meeting date and provided an update on the street chicane issues.

Mr. Stern provided an overview of AT&T's proposed solutions for improved coverage and wireless services on the Island after the removal of the wireless tower that was located on top of the building at the Port of Palm Beach.

Discussion ensued regarding aesthetics, predicted indoor and outdoor coverage, cost for installation and maintenance, and potential locations for small cell sites.

It was the consensus of the Town Council to direct staff to invite an executive level AT&T representative to the May 14, 2019, Town Council meeting to present the proposed solutions for improved coverage.

4. Coastal Update:
H. Paul Brazil, P.E, Director of Public Works

- a. Shoreline Condition Update

Rob Weber, Coastal Program Manager, presented a shoreline condition update for each reach, which included the amount of cubic yards of sand deposited in Reach 1 from the Sand Transfer Plant.

Discussion ensued regarding the benefits of raking sand, costs associated with individual beach raking on public and private properties, turtle monitoring, garbage clean-up, and what qualifies as a public versus a private beach.

Mr. Weber clarified that the Town is not removing the seaweed – just raking it. He also stated that the Shore Protection Board will be meeting this month with recommendations for the annual budget.

It was the consensus of the Town Council to direct staff to prepare and provide a menu of costs related to beach cleanup for all reaches within the Town.

- b. RESOLUTION NO. 16-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute a First Amendment to Interlocal Agreement R2016-0999 Between the Town of Palm Beach and Palm Beach County for Long-Term Operation and Maintenance of the Sand Transfer Plant.

Mr. Weber provided an overview of the resolution.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve Resolution No. 16-2019. On roll call, the motion passed unanimously.

- c. RESOLUTION NO. 17-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Reimbursement to Palm Beach County for Sand Transfer Plant Repairs, in the Amount of \$106,724.09.

Mr. Weber provided an overview of the resolution.

Discussion ensued regarding the Town's ownership history and legal issues with the County related to the Sand Transfer Plant.

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve Resolution No. 17-2019. On roll call, the motion passed unanimously.

B. New Business

1. Defined Contribution Plan Liability Coverage and Oversight.

Danielle Olson, Director of Human Resources

Jane Le Clainche, Director of Finance, provided a recap of the Retirement Board of Trustees's request to remove their responsibility with overseeing the Town's Defined Contribution (DC) retirement plan investments due to their concerns with potential liability. She outlined the next steps and financial impact involved should the Town Council agree to the Pension Board's request.

Jim Linn, Pension and Benefits Attorney for the Town, opined on the potential liability risk to the Town and third party entity for assuming fiduciary responsibility of the Town's DC plan investments.

Discussion ensued regarding which entity and individuals should be responsible for overseeing the Town's DC retirement plan investments and the cost to the Town.

Staff clarified the duties and responsibilities of the ICMA Retirement Corporation as the Town's retirement plan sponsor and the potential role of the Town's consulting firm AndCo.

It was the consensus of the Town Council to direct staff to prepare an ordinance amending the Town Code, to clarify the Retirement Board of Trustees fiduciary responsibilities and define the formation and role of the employee committee with respect to managing the Town's Defined Contribution (DC) retirement plan for first reading at the May 14, 2019, Town Council meeting.

2. Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended September 30, 2018

Jane Le Clainche, Director of Finance

Director Le Clainche provided an overview of the CAFR report.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to accept the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2018. On roll call, the motion carried unanimously.

3. Discussion of Open Carry Laws

Nicholas Caristo, Acting Chief of Police

Acting Police Chief Caristo provided an overview of the state's policy on

firearms and open carry as it applies to the recent situation that took place on March 23, 2019 in the City of West Palm Beach near the Town of Palm Beach limits when a group of individuals appeared on the Royal Park Bridge with firearms while fishing. He maintained that the Police Department remains committed to keeping the community safe.

4. RESOLUTION NO. 25-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order In The Amount Of \$189,200 To APTIM Environmental & Infrastructure, LLC., For Reach 8 Beach Nourishment Permitting, And Establishing A Permitting Budget Of \$217,000.

Dean Mealy, Purchasing Manager

(Clerk's Note: This item was taken out of order and heard immediately after Item XIV.A.4.)

Rob Weber, Coastal Program Manager, provided an overview of the resolution.

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve Resolution No. 25-2019. On roll call, the motion passed unanimously.

C. Matters Pulled From Consent Agenda

1. RESOLUTION NO. 19-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Town Manager to Apply to the Local Initiatives (LI) Construction Program From The Florida Department of Transportation Through the Palm Beach Metropolitan Planning Organization for up to \$650,000 for Implementation of a Fiberoptic Infrastructure to Link the Four (4) Most Critical Signalized Intersections in Palm Beach to Palm Beach County.

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

In response to a question from Council Member Lindsay, Director Brazil provided an overview of the resolution and its intent. He explained that the Town still has the flexibility to control the traffic signals under certain situations such as during the presidential visits.

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to approve Resolution No. 19-2019. On roll call, the motion passed unanimously.

2. RESOLUTION NO. 20-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Selection Committee Recommendation For RFP No. 2019-02, For The Recreation Center Playground Equipment And Awarding A Contract To DW Recreation Services, Inc. In The Amount Of \$392,999.66; And Establishing An Overall Project Budget Of \$400,000.00.

Jay Boodheshwar, Deputy Town Manager

In response to a question from Council Member Araskog, Deputy Town Manager Boodheshwar verified that the playground design is traditional and will include shaded seating areas.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve Resolution No. 20-2019. On roll call, the motion passed unanimously.

XV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 21-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Code Of Ordinances Of The Town Of Palm Beach At Chapter 66, Natural Resource Protection, At Article 1, In General, Section 66-2, Definitions; At Article IV, Vegetation, Section 66-212, Purpose And Intent; To Include A New Section 66-285, General Under Division 4, Design Requirements; Amending Section 66-286, Water Conserving Landscape Design; And Amending Section 66-311, Prohibited Plants; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Josh Martin, Director of Planning, Zoning & Building

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to adopt Ordinance No. 21-2018, on second and final reading. On roll call, the motion passed 4 to 1, with Council Member Moore dissenting.

2. ORDINANCE NO. 13-2019 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, Article X. - On-Street Parking Permits, At Section 134-2296(C) and Section 134-2327(2); Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to adopt Ordinance No. 13-2019, on second and final reading. On roll call, the motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 8-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 114 Taxation, Article II, Local Business Tax, At Section 114-43,

Schedule, So As To Amend The Fees Delineated For Each Business, Profession Or Occupation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Josh Martin, Director of Planning, Zoning & Building

Wayne Bergman,,Assistant Director of Planning, Zoning and Building, provided an overview of the Ordinance.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve Ordinance No. 08-2019, on first reading. On roll call, the motion passed unanimously.

2. ORDINANCE NO. 15-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances By Adopting A New Chapter 88, Property Maintenance Code, Regulating And Governing The Conditions And Maintenance Of All Property, Buildings And Structures, By Providing The Standards For Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Ensure That Structures Are Safe, Sanitary And Fit For Occupation And Use, And The Condemnation Of Buildings And Structures Unfit For Human Occupancy And Use; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Josh Martin, Director of Planning, Zoning & Building

Assistant Director Bergman provided an overview of the Ordinance.

Discussion ensued regarding the need to adopt this as an Emergency Ordinance.

Anita Seltzer, 44 Cocoanut Row, expressed concerns that the reasons for the necessitation for this emergency ordinance have not been discussed.

In response to Ms. Seltzer, Mr. Bergman spoke regarding the intent of the Ordinance and that this has been discussed previously during public meetings.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to adopt Ordinance No. 15-2019, on first reading as an Emergency Ordinance. On roll call, the motion passed unanimously.

XVI. ANY OTHER MATTERS

1. Emergency ordinance to expand the ban on plastic bags by including plastic straws

Council Member Araskog requested the Town Council consider passing an emergency ordinance that combines banning the use of plastic bags and straws or have a first reading during the Special Town Council meeting on April 23, 2019.

Town Attorney Randolph recommended that the Town Council address this item in May so he can research the legal feasibility of banning plastic bags. He also opined that the potential Ordinance to ban plastic bags could also include plastic straws.

It was the consensus of the Town Council to defer this item to The May 14, 2019 Town Council Meeting.

2. Scheduling an educational workshop for local businesses on banning plastic materials

Council Member Araskog recommended scheduling an educational workshop for local businesses on banning plastic materials.

3. Issues with landscape plans changing after obtaining ARCOM approval

Council Member Araskog spoke regarding noise and privacy issues due to significant landscape plan changes after they obtaining ARCOM approval.

Town Attorney Randolph commented that the issues described by Council Member Araskog are enforcement issues.

It was the consensus of the Town Council to direct staff to provide solutions for addressing the enforcement of revised landscape plans approved by ARCOM at the May 14, 2019 Town Council Meeting.

XVII. ADJOURNMENT

There being no further business, the Town Council meeting of April 9, 2019 adjourned at 5:50 p.m.

Danielle H. Moore, Town Council President

Kathleen Dominguez, Town Clerk

Date

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES OF THE LOCAL PLANNING AGENCY MEETING

HELD ON WEDNESDAY APRIL 10, 2019

I. CALL TO ORDER AND ROLL CALL

The Local Planning Agency Meeting was called to order on April 10, 2019 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

Deputy Clerk Ruderman gave the invocation.

Council President Moore led the Pledge of Allegiance.

III. COMMUNICATIONS FROM CITIZENS – None

IV. ORDINANCE NO. 10-2019 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, At Article VIII, Supplementary District Regulations, At Section 134-1516. Underground Location Of Utility Service Lines, By Excluding Boxes Housing Essential Services From Lot Coverage And Landscape Open Space Calculations; Creating Section 134-1518, Which Prohibits The Docking Or Storage Mobility Stations For Shared Scooters In The Town; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Zoning Administrator Castro provided an explanation for the ordinance.

Discussion took place on revising “and” or “or” verbiage.

A discussion took place on dock-less bicycles and whether or not they should be considered in this ordinance.

A discussion took place on emergency ordinances.

Motion made by Agency Member Crampton and seconded Council Member Araskog, to approval Ordinance 10-2019.

ORDINANCE NO. 11-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places, As Follows: At Article II, Streets, In Creating Section 106-49, Titled Unlawful To Dock, Store Or Park Motorized

Or Non-Motorized Shared Scooters, Making It Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters On Public Or Private Streets; And Creating Section 106-161, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters, Making It Unlawful To Dock, Store Or Park Shared Motorized Or Non-Motorized Scooter On Sidewalks; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Zoning Administrator Castro provided an explanation for the ordinance.

Motion was made by Agency Member Crampton and seconded by Agency Member Zeidman, to approve Ordinance No. 11-2019. On roll call, the motion carried unanimously.

V. **ADJOURNMENT**

There being no further business, the April 10, 2019 Local Planning Agency meeting was adjourned at 9:45 a.m.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Kathleen Ruderman, Deputy Town Clerk



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on April 10, 2019

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order April 10, 2019, at 9:55 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 - None

III. PRESENTATIONS

- A. An Approach to Zoning Reform and Process Improvement in
The Town of Palm Beach, Florida
Josh Martin, Director of Planning, Zoning & Building

Before giving his presentation, Director Martin clarified that none of the suggested changes within his presentation have been made to date. He stressed that the potential process improvements are *not only* for developers but for all sectors.

Director Martin gave his presentation, which included: Process Improvement and Code Reform, the Town Comprehensive Plan, Preparing to Update the Zoning Ordinance, and Determining the Organizational Approach.

The Council Members thanked Mr. Martin for his hard work and encouraged him to move forward with his approach.

Mr. Martin explained Euclidean versus Form Based Zoning.

Mayor Coniglio suggested that a timeline be proposed and that items be prioritized.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

V. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING - None

VI. COMMUNICATIONS FROM CITIZENS

Simon Taylor, 234 Oleander, spoke about positive changes taking place at the Royal Poinciana Playhouse.

VII. APPROVAL OF AGENDA

The following changes were made to the agenda:

Item IX.B.1.a. Z-18-00108 Special Exception with Variances, was deferred to the October 10, 2019 Town Council meeting.

Item IX.B.1.b. Z-18-000138 Special Exception with Site Plan Review was deferred to the May 15, 2019 Town Council meeting.

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

VIII. PUBLIC HEARINGS

A. RESOLUTION NO. 27-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 911 North Ocean Boulevard, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

Landmark Consultant, Janet Murphy of Murphy Stillings, LLC provided details pertaining to the property.

Attorney Kino requested on behalf of the homeowners that this item be approved with the condition to allow the use of an ingress/egress easement over Lot #1 in the future if necessary.

Director Martin provided Staff comments.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, that the Designation Report become part of the record with the condition to allow the use of an ingress/egress easement over Lot 1. On roll call, the motion carried unanimously.

Deputy Clerk Ruderman swore in all those who would be providing testimony, and again throughout the meeting as necessary.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, to approve Resolution No. 27-2019 approving the landmark with the condition to allow the use of an ingress/egress easement over Lot 1. On roll call, the motion carried unanimously.

B. RESOLUTION NO. 28-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 124 Clarke Avenue, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

Landmark Consultant, Emily Stillings of Murphy Stillings, LLC provided details pertaining to the property.

Motion was made by President Pro Tem Zeidman, and seconded Council Member Lindsay, that the Designation Report become part of the record. On roll call, the motion carried unanimously.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, to approve Resolution No. 28-2019 approving the landmark. On roll call, the motion carried unanimously.

IX. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Permit Extension, 232 Colonial Lane

Assistant Director Bergman provided details on the request.

Director Martin recommended 6-month time extension and suggested adding a condition to this request to screen of the property per the new ordinance.

Contractor, Janssen cited reasons for project's delay.

A discussion about incentives ensued.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, to approve the request for the permit extension with a condition that front will be finished first, and that \$1,000/day fine will be placed upon the property for each day beyond the six-month approval. On roll call, the motion carried 4-1 with Council President Moore dissenting.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S) Zoning District: C-TS Town Serving Commercial The application of Palm Beach Hotel Condominium Association, Inc., Applicant, relative to property located at 235 SUNRISE AVE SUITE: CM 23, legal description on file, is described below. A request for a variance and a special exception to expand a non conforming use ("hotel") to incorporate a 3,200 square foot space on the ground floor to be used as a gym which is an accessory use to the condominium hotel. [Applicant's Representative: Maura Ziska Esq] If approved, consideration of proposed Declaration of Use Agreement.

Item was deferred to the October 10, 2019 Town Council meeting.

b. Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of Palm Beach Day Academy, Inc., Applicant, relative to property located at 241 SEAVIEW AVE SUITE: SITE, legal description on file, is described below. 1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department). [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject landmark property. Carried 4-1. The Landmarks Preservation Commission deferred the project to the April 17, 2019 meeting at the request of the attorney. Carried 7-0.] Request for Deferral to the May 15, 2019 Town Council Meeting per Letter Dated March 28, 2019 from Maura Ziska.

Item was deferred to the May 15, 2019 Town Council meeting.

2. New Business

a. Z-19-00174 VARIANCE(S) Zoning District R-C Medium Density Residential The application of Zachary Potter, Applicant, relative to property located at 254 N COUNTY RD, legal description on file, is described below. Request for a variance to allow a swimming pool at the northwest corner of the property with a 1.5 foot rear yard setback in lieu of the 10-foot minimum setback required. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Member Crampton and President Pro Tem Zeidman.

Attorney Ziska provided details of the project.

Director Martin recommended that location of pool be restudied.

Architect Williams provided additional details.

Discussion took place on the pool's proximity to the property line.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to defer Z-19-00174 Variances to the May 15, 2019 Town Council meeting to further study the location for the pool. On roll call, the motion carried unanimously.

b. Z-19-00175 VARIANCE(S) Zoning District: R-B Low Density Residential
The application of Michael and Gayle Kalisman, Applicant, relative to property located at 146 DUNBAR RD, legal description on file, is described below. Request for a variance to allow the construction of a 324 square foot canvas carport/awning with a west side yard setback of 2.0 feet in lieu of the 12.5 feet minimum required. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Member Zeidman and President Pro Tem Zeidman.

Attorney Ziska provided details of the project.

Director Martin recommended approval.

Architect Smith provided additional details.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that Variance No. Z-18-00175 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 and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

c. Z-19-00176 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of La Goulue Palm Beach, LLC (Craig Pogson, Its Manager), Applicant, relative to property located at 288 S COUNTY RD, legal description on file, is described below. This application requests Special Exception approval to authorize a proposed restaurant, which exceeds 3,000 square feet of gross leasable area at the space currently occupied by Chez L'Epicier. The most recent restaurant approval for this location took place in October, 2014, and was modified in 2016. That restaurant, Chez L'Epicier, was approved for 4,454 square feet and 138 seats, and included valet parking. Approved hours of operation were: Dinner Wednesday through Sunday, 3:00 pm to midnight; Brunch and dinner Saturday and Sunday 10:30 am to midnight; Occasional special events weekdays or Monday and Tuesday

night, not past midnight. In 2016, the hours of operation were modified to add dinner on Monday and Tuesday. This restaurant, La Goulue, requests the same square footage (4,454), number of seats (138), valet operation, and hours of operation as past approvals except that the request includes modifying the Declaration of Use Agreement to allow lunch on weekdays. A special exception is also requested for 12 outdoor seats, to be located on the north side of the building. The applicant also requests site plan modification to modify the awnings and restore the main restaurant entrance to its historic location on the northeast facade of the building. [Applicant's Representative: James M. Crowley Esq] [The Landmarks Preservation Commission approved the project as presented. Motion carried 5-2]

Ex-parte communications were declared by Council Members Crampton and Araskog, and Council President Moore.

Attorney Crowley provided details of the project.

Architect Pandula provided additional details.

Director Martin provided Staff comments.

Discussion took place on outdoor seating, valet parking, and the front door location.

Major Caristo spoke about safety and outdoor seating.

The Town Council recessed at 11:40 a.m. and recessed at 11:46 a.m.

Attorney Crowley reported that moving the front door may require the applicant to go back to the Landmarks Commission. Landmarks has already approved the door in the current location. He suggested using plantings or bollard for safety.

Director Martin reported the countdown lights at the intersection are not correctly calibrated to dedicated turn movements and passive turn movements. Correcting this would improve safety of the intersection. He also stated that a restaurant of this size should not have such a turnover of customers to cause a safety concern.

Major Caristo reported information on accidents at that intersection.

Discussion took place on the safety of customers entering and exiting the restaurant and the possible placement of bollards for the protection of the customers.

Architect Pandula offered information from Landmarks Preservation Commission with regard to doors and bollards.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that Special Exception No. Z-19-00176 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 with the condition that a Declaration of Use Agreement come back on May 15, 2019, for consideration and evaluation of outdoor seating and front door location. On roll call, the motion carried 4-1 with Council Member Araskog dissenting.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, Site Plan Review Z-19-00176 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.

d. Z-19-00177 VARIANCE(S) Zoning District R-B Low Density Residential
The application of Oliver H. (Piper) Quinn, Applicant, relative to property located at 165 SEASPRAY AVE, legal description on file, is described below. Request for a variance to allow construction of a new two-story house with a one car garage in lieu of the two-car garage minimum required for a lot over 75 feet wide. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Member Crampton and President Pro Tem Zeidman.

Attorney Ziska provided details of the project.

Architect Kahan provided additional details.

Director Martin recommended approval.

The location of garage was discussed.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Variance No. Z-18-00177 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 and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

e. Z-19-00178 VARIANCE(S) Zoning District R-C Medium Density Residential
The application of 237 Brazilian Ave LLC (Todd Glaser, Manager), Applicant, relative to property located at 237 BRAZILIAN AVE

SUITE: SITE, legal description on file, is described below. A request to allow construction of a new two story, two family residence (5.852 square foot each) with the following side yard setbacks: 1) A request for a variance to allow a west side yard setback of 13 feet in lieu of the 15 foot minimum required for the second floor in the R-C Zoning District for a two family residence; and 2) A request for a variance to allow an east side yard setback of 13 feet in lieu of the 15 foot minimum required for the second floor in the R-C Zoning District for a two family residence. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Members Crampton and President Pro Tem Zeidman.

Attorney Ziska provided details of the project.

Director Martin explained driveway requirements and recommended approval.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to defer Z-19-00178 until ARCOM has approved the project. Upon further clarification, Council Member Lindsay withdrew her second. Council Member Crampton then seconded the motion. On roll call, the motion failed 3-2 with Council Member Lindsay, Council President Moore and President Pro Tem Zeidman, dissenting.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, that Variance No. Z-18-00178 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 and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

f. Z-19-00179 VARIANCE(S) Zoning District R-B Low Density Residential
The application of 111 Atlantic Avenue LLC (Todd Glaser, Manager), relative to property located at 111 ATLANTIC AVE, legal description on file, is described below. A variance request to allow construction of a new 7,272 square feet two (2) story, single-family residence with an 11 foot rear yard setback for the second floor in lieu of the 15 foot minimum required. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Member Crampton.

Attorney Ziska provided details of the project.

Architect Portuondo provided additional details.

Director Martin recommended approval.

A discussion on the landscaping and the impact on neighbors.

Motion was made by President Pro Tem Zeidman, and seconded by Council President Moore, that Variance No. Z-18-00179 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 and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion 3-2 with Council Members Lindsay and Araskog dissenting.

g. Z-19-00180 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District R-A Estate Residential The application of 910 S Ocean LLC (Tom Campbell), Applicant), relative to property located at 910 S OCEAN BLVD, legal description on file, is described below. 1. Request Site Plan approval to permit construction of a new 17,527 square foot, two story residence on a platted lot with a depth of 128.42 in lieu of the 150 foot minimum required in the R-A Zoning District. 2. Request a variance to allow a point of measurement of 21.5 NAVD ("North American Vertical Datum") in lieu of the 18.34 NAVD maximum allowed for properties east of the Coastal Construction Control Line. 3. Request for a special exception to permit construction of a new 500 square foot beach cabana east of South Ocean Boulevard. 4. Request for a special exception to permit the construction of a pedestrian tunnel for access under South Ocean Boulevard to the beach parcel. 5. Request a variance to allow a retaining wall along the west property line in the side yard and front yard setbacks to be a range of 11.4 feet to 11.8 feet in height in lieu of the 6 and 7 foot maximum allowed in the front yard and side yard setbacks. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project as presented. Carried 7-0.]

Ex-parte communications were declared by Council Member Crampton and President Pro Tem Zeidman.

Attorney Ziska provided details of the project.

Director Martin recommended approval.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, that Special Exception No. Z-19-00180 shall be granted, based upon the finding that such

grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. In addition, the applicant will provide satisfactory screening of the construction site and work with the Public Works Department on the maintenance of a traffic plan for the tunnel. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, that Site Plan Review Z-19-00180 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 Araskog, and seconded by Council Member Crampton, that Variance No. Z-19-00180 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.

h. Z-19-00181 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of Royal Poinciana Chapel, relative to property located at 60 COCOANUT ROW SUITE: CHAPEL, legal description on file, is described below. The Royal Poinciana Chapel is requesting that the existing columbarium building be expanded to include a 320 square foot open-air masonry addition on the north side of the existing open-air columbarium building located on the southwest side of the property. Floor and beam elevations, masonry construction, finishes, building height, flat roof and pitch roof will match the existing. In addition, the request also includes an emergency 200 kw generator with built enclosure and is proposed to be located on the rear (south) side of the existing columbarium building in the existing equipment area if required in determining the existing loads. Perimeter site walls will be added to screen equipment pursuant to code. The existing landscape and hardscape will be modified surrounding the addition, relocating existing plant material and adding a connecting walk and contemplative seating areas. [Applicant's Representative: John Cater Randolph II Esq]

No ex-parte communications were declared.

Attorney Randolph provided details of the project.

Architect Schwab provided additional details.

Zoning Administrator Castro made a clarification on the generator size.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Special Exception No. Z-19-00181 shall be granted, with a change from a 200 kw generator to a 60 kw generator, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, that Site Plan Review Z-19-00181 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.

i. Z-19-00182 VARIANCE(S) Zoning District R-A Estate Residential The application of Victor Spilotro, Applicant, relative to property located at 200 VIA BELLARIA, legal description on file, is described below. Request for a variance to allow the placement of a total of nine (9) new air conditioning condensing units within the side yard and rear yard setbacks associated with the renovation of the residence. The proposed air conditioning units would require the following variances: 1. An east side yard setback of 5 feet in lieu of the 15 foot minimum required for the placement of five air conditioning units. 2. A west side yard setback of 7.2 feet in lieu of the 15 foot minimum required for the placement of three air conditioning units. 3. Use of the walls on the neighboring properties to the east, west and south in lieu of constructing new walls on the applicant's property for screening. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Member Crampton.

Attorney Ziska provided details of the project.

Architect Bacon provided additional details.

Director Martin provided Staff comments.

Discussion took place on location of condensing units.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, that Variance No. Z-19-00182 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 and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area subject to the applicant entering into a standard wall agreement. In addition, the applicant must provide a wall agreement which ensures that if a neighbor remove a wall in the vicinity of the air conditioning units that the owner agrees to build a wall that screens the air conditioning units. On roll call, the motion carried unanimously.

j. Z-19-00183 VARIANCE(S) Zoning District: R-B Low Density Residential
The application of JRL 360 LLC (James R. Loewenberg, Manager), Applicant, relative to property located at 217 VIA TORTUGA, legal description on file, is described below. Applicant is proposing to construct a 261 square foot second story addition over the existing first floor to accommodate an additional bedroom and will require a variance to allow a cubic content ratio ("CCR") of 4.7 in lieu of the 4.54 existing and the 3.9 maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Member Crampton and President Pro Tem Zeidman.

Attorney Ziska provided details of the project.

Director Martin provided Staff comments and recommended approval.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance No. Z-19-00183 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 and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area subject to the applicant entering into a standard wall agreement. On roll call, the motion carried unanimously.

k. Z-19-00184 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: CT-S Commercial Town Serving The application of NED 223 SUNSET OWNER LLC, relative to property located at 223 SUNSET AVE SUITE: SITE, legal description on file, is described below. The applicant is proposing interior and exterior renovations to the existing office building, to upgrade and expand the office portions of

the building, and to convert a portion of the existing first-floor office space to restaurant use in order to accommodate the relocation of Trevini Ristorante to this location. The leasable area of office will be expanded from 13,699 SF to 15,602 SF by eliminating a portion of the parking garage. The proposed restaurant will occupy 2,856 SF of interior space with 106 total seats, 30 of which will be located in an outdoor covered seating area of 840 SF. The requested hours of operation for the restaurant are: Lunch 11:30 am - 3:00 pm, Dinner 5:00 pm - 10:30 pm seven days a week, the following approvals are requested: Site Plan Review approval is being requested for the exterior changes to the site. Special exceptions are being requested for on-site shared parking in the C-TS district and outdoor seating to allow 30 seats on the new covered patio for Trevini Ristorante. A variance to allow 7,207 SF of office space on the first floor in lieu of the second floor and a parking variance reflecting the difference between parking demand utilizing shared parking (52 spaces) as calculated by Kimley-Horn and Associates in its February 20, 2019 Parking Study and the 47 existing spaces, a variance of 5 off-street parking spaces. [Applicant's Representative: James M. Crowley Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project with conditions relating to the architecture, with the exception of the design of the tower element, which will return to the Commission's April 24, 2019 meeting. Carried 7-0.]

No ex-parte communications were declared.

Attorney Crowley provided details of the project.

Architect Spina provided additional details.

Director Martin provided Staff comments and recommended approval.

A discussion took place on valet parking.

Motion was made by Council Member Araskog , and seconded by Council Member Crampton, that Variance No. Z-19-00184 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 and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area with the condition that the valet service only operate during dinner hours. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, that Special Exception No. Z-19-00184 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 Araskog, and seconded by Council Member Crampton, that Site Plan Review Z-19-00184 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.

3. Other

a. Expired Permits - 70 Middle Road

Ex-parte communications were declared by Mayor Coniglio, Council Members Lindsay and Araskog and Council President Moore.

Assistant Director Bergman provided an update.

Director Martin provided Staff comments and noted that the Planning, Zoning Building Department should better track permits.

Discussion took place on the code enforcement process and measures that may be taken moving forward.

Code Enforcement Manager, Alma provided additional details.

X. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 12-2019 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 3, Procedure And Requirements, Section 18-201, Preliminary Sketch; Site Plan; Final Plan By Adding Subsection (D); Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, to adopt Ordinance 12-2019 on second reading. On roll call, the motion carried unanimously.

2. ORDINANCE 14-2019 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 III, Certificate Of Appropriateness, Division 2, Procedures And Effect, By Adding Section 54-99, Construction Screening Plan; Providing For Severability; Providing For The Repeal

Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, to adopt Ordinance 14-2019 on second reading. On roll call, the motion carried unanimously.

A. First Reading

1. ORDINANCE NO. 10-2019 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, At Article VIII, Supplementary District Regulations, At Section 134-1516. Underground Location Of Utility Service Lines, By Excluding Boxes Housing Essential Services From Lot Coverage And Landscape Open Space Calculations; Creating Section 134-1518, Which Prohibits The Docking Or Storage Mobility Stations For Shared Scooters In The Town; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton, to approve Ordinance 10-2019 on first reading. On roll call, the motion carried unanimously. President Pro Tem Zeidman later amended verbiage from “or” to “and”.

2. ORDINANCE NO. 11-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places, As Follows: At Article II Streets, In Creating Section 106-49, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters, Making It Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters On Public Or Private Streets; And Creating Section 106-161, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters, Making It Unlawful To Dock, Store Or Park Shared Motorized Or Non-Motorized Scooter On Sidewalks; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, to approve Ordinance 11-2019 on first reading. On roll call, the motion carried unanimously.

XI. ANY OTHER MATTERS

Verbiage in Ordinance No. 10-2019 was amended in the discussion but not in the motion so another motion was made to correct this.

Motion was made by President Pro Tem Zeidman, and seconded by Council President Moore to amend the word “or” to “and” in Ordinance No. 10-2019 as recommended by the Local Planning Agency. On roll call, the motion carried unanimously.

XII. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of April 10, 2019 was adjourned at 1:45 p.m.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Kathleen Ruderman, Deputy Town Clerk



**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON WEDNESDAY, APRIL 10, 2019**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 1:50 p.m. on Wednesday, April 10, 2019, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to approve the agenda. On roll call, the motion passed unanimously.

III. PBT Real Estate, LLC, A Limited Liability Company vs. Town of Palm Beach, A Florida Municipal Corporation, Dorothy Jacks, as Property Appraiser of Palm Beach County, Florida and Anne M. Gannon, as Tax Collector of Palm Beach County, Florida, Case No. 9:17-CV-81254

F.S. 286.011(8) Allows the Mayor, Town Council, and the Town Manager to Meet in a Closed-Door Attorney/Client Session for the Purpose of Discussing Settlement Negotiations and/or Strategy Relating to Litigation and Expenses.

Town Council President Moore announced the following:

- a) The Attorney/Client Closed-Door Session
- b) The estimated time is forty-five minutes
- c) The names of the persons attending:
 - Gail L. Coniglio, Mayor
 - Danielle H. Moore, Town Council President
 - Margaret A. Zeidman, Town Council President Pro Tem
 - Julie Araskog, Town Council Member
 - Lewis Crampton, Town Council Member
 - Bobbie Lindsay, Town Council Member
 - Kirk W. Blouin, Town Manager
 - John C. Randolph, Town Attorney
 - Joanne O'Connor, Town Attorney

The persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

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

The Special Town Council meeting was reconvened in the Town Council Chambers.

Town Council President Moore announced that the Council has directed the Town Attorney to reject the settlement offer made by PBT Real Estate, LLC and to proceed accordingly.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to reject the settlement offer from PBT Real Estate, LLC. On roll call, the motion passed unanimously.

V. ANY OTHER MATTERS – *None*

VI. ADJOURNMENT

There being no further business, the Special Town Council meeting of Wednesday, April 10, 2019, was adjourned at 2:01 p.m.

APPROVED:

Danielle H. Moore
Town Council President

ATTEST:

Kathleen Dominguez
Town Clerk

Date



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE SPECIAL TOWN COUNCIL HELD ON TUESDAY, APRIL 23, 2019

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called on Tuesday, April 23, 2019 at 9:30 a.m. in the Town Council Chambers. On roll call, all elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE

Council President Moore led the pledge of allegiance.

III. APPROVAL OF AGENDA

The following modification was made to the agenda:

Item No. V. A. 3., was removed from the agenda and deferred to a later date.

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

IV. COMMUNICATIONS FROM CITIZENS

Michael Taylor, Port Saint Lucie, addressed recent comments that were made during the April 9, 2019 Town Council meeting about gun laws in Florida and his appearance on the Royal Park Bridge on March 23, 2019 with a rifle while fishing with other individuals.

Jim Whelan, 365 Linda Lane, West Palm Beach, spoke in support of Mr. Taylor's above comments and spoke regarding cycling in Palm Beach. He commented on the way motorists treat cyclists and requested placement of "share the road signs" and more

restroom facilities for bicyclists on the Island. He also spoke in support of giving the Palm Beach police officers a raise.

Mayor Coniglio commented on a recent newspaper article about the poor condition of the State of Florida's infrastructure, particularly in the southeast quadrant and congratulated the Public Works department for their proactive efforts towards improving the Town's sewage systems.

V. REGULAR AGENDA

A. Old Business

1. Town of Palm Beach Marina Project - Palm Way Dock Alternatives
H. Paul Brazil, P.E., Director of Public Works

Director Brazil explained that there is only one feasible alternative for the Palm Way dock due to the easement constraints presented by Florida Power & Light's (FPL) cable crossing near the project area.

Gordon Thomson, Baird and Associates, presented the alternative concept for the Palm Way dock design, which also included construction costs and potential revenue.

In response to a question from Mayor Coniglio, Mr. Thomson explained that there will be no dredging solutions needed to work around the Florida Power & Light (FPL) cable line conflicts and therefore, should not delay the permit process.

In response to a question from Council Member Araskog, Mr. Thomson explained the different sizes of vessels the Palm Way dock can accommodate under the design concept.

Public comments:

Michael Sax, 150 Seminole Ave., expressed concerns with the design regarding the amount of slips for boats under 60 feet and 75 feet and the revenue expectations. He recommended looking at the rates of neighboring harbors and rethinking the design to include smaller boat accommodations.

John David Corey, 426 Australian Ave, reminded the Town Council to focus on the entire Lake Drive Park area, not just the marina and docks.

Gary Patsley, 230 Clarke Ave., commented on the minor difference in revenue compared to the previous designs and requested relooking at the new design to allow for slips that accommodate smaller boats and the addition of finger piers on the North side (toward the Royal Park bridge).

In response to Mr. Patsley's comments, Mr. Thomson explained the limitations with the North side of the dock with facilitating smaller vessel slips.

In response to a question from Council Member Crampton, Mr. Thomson explained how the potential revenue was estimated in comparison to the variety of marina rates in Palm Beach and Broward Counties.

Town Manager Blouin stated that the potential revenue estimates were based on the current market rates. He also pointed out that the Town docks' revenue stream is separate from the budget and is not part of the Town's long-term financial plan.

In response to a question from Council Member Araskog, Town Manager Blouin explained that the dock design was based on market needs, not individual needs.

In response to a question from Council President Pro Tem Zeidman, Director Brazil stated that the Town will do everything they can to accommodate the demand and will be flexible with the rates.

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to approve the alternative dock design Concept #1, as presented. On roll call, the motion passed unanimously.

2. Review and Discussion of Employee Compensation and Benefits Report.
Danielle Olson, Director of Human Resources

Director Olson provided an overview of the tentative decisions that were made at the Special Town Council Meeting on April 4, 2019 and the items for discussion today.

Peer Market and Percentile Options:

Director Olson provided an overview of the market data collected from the selected peer groups for comparison in terms of salaries according to market percentiles ranging from 50th to 85th and above.

In response to a question from Council Member Araskog, Acting Police Chief Nicholas Caristo and Fire Rescue Chief Darrel Donato provided input on the desired peer market counties to be compared to in order to remain competitive.

Discussion ensued regarding the cost of living differentiations for Broward versus Palm Beach County and which county is the most competitive with the Town of Palm Beach.

Motion was made by Council Member Crampton, and was seconded by Council Member Araskog, to select Palm Beach County as the benchmark for addressing compensation solutions. On roll call, the motion passed unanimously.

Director Olson provided the total cost estimates for the proposed compensation adjustments at various percentile ranges. She presented a chart graphic, which represented the percentage of employees who will be affected by the new pay grade minimum and compression adjustments based on their number of years in service.

Council Member Araskog brought up the recent salary adjustments that were made to the police officers from the City of Palm Beach Gardens. She requested to defer the decision on the market percentile value for the general employees in order to get a better handle on the data. She also requested to vote on the 75th market percentile policy for police officers and fire fighters today.

In response to a question from Council Member Crampton, Director Olson explained the percentage of employees whose existing salaries fall below and above the 75th market percentile and how the cost for implementing proposed compensation solutions will be calculated based on the 75th market percentile.

Town Manager Blouin stated that he will be working with staff on “scrubbing the data” by reviewing the job descriptions, removing outliers and amending any incomplete or incorrect data before making any salary adjustments.

In response to a question from Council President Pro Tem Zeidman, Director Le Clainche explained the actuarial review process and timeline based on the direction provided today versus two weeks from now. She also explained the timing needed to complete the employees’ wages and compensation forecast for next year’s budget.

Discussion ensued regarding the desired market percentile policy value for basing the compensation structure for all employees (General, Police and Fire), time sensitivity with respect to the budget timeline, and the actuarial review process and cost.

Public Comments:

Eric Chavetz, spoke regarding the necessity to decide on the market percentile for police officers and fire fighters and encouraged them not to make hasty decisions for the general employees.

Michael Belisle, Palm Beach Police Foundation, commented on the de minimis cost per million in taxable value for selecting the 75th market percentile range.

In response to a question from Mayor Coniglio, Director Olson reported that 1984 was the last time the Town Council set the market percentile benchmark for employees' salaries. She also revisited the market data results and estimated taxable cost per million for adjusting the compensation packages for the general employees, police officers and fire fighters.

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to direct the actuary to analyze the financial impact to the Unfunded Actuarial Accrued Liability (UAAL) for implementing the 75th market percentile benchmark for police officers and fire fighters and the 65th and 75th market percentile benchmarks for the general employees and present the data at the next Town Council meeting. On roll call, the motion passed unanimously.

Public Safety Retirement Plan Options:

Director Olson provided an overview of the retirement benefit survey data for police officers, fire fighters and paramedics sorted by peer with the minimum and maximum salary ranges. She also presented an overview of the actuarial analysis for proposed retirement benefit changes based on a 25-and-out and a 30-and-out with a retirement eligibility age of 52 scenario for public safety.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to direct the actuary to analyze the financial impact to the UAAL for changing the overall retirement age from 56 to 55, a 25-and-out with a minimum retirement age of 52 and an employee contribution of 8.5%. On roll call, the motion passed unanimously.

Performance Bonus Program:

Director Olson provided an overview of the Town's Bonus and Longevity compensation programs and how the Town compares to other market peers.

In response to a question from council members, Town Manager Blouin commented on the recruitment and retention efforts with respect to the bonus program and recommended that the Town Council not make any changes to the current program.

In response to a question from Council President Pro Tem Zeidman, Director Olson clarified that the compensation from the performance bonus program is non-pensionable.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to proceed with the existing performance bonus program. On roll call, the motion passed 4 to 1, with Council Member Araskog dissenting.

Director Olson summarized the decisions made during today's meeting in addition to the April 4, 2019 Special Town Council meeting.

Discussion ensued regarding the Cost of Living Adjustments (C.O.L.A.) implementation and impact to the budget.

Motion was made by Council Member Crampton, and was seconded by Council President Moore, to allow the employees who did not receive a pay increase in FY20 as a result of the study because their pay is above the midpoint, to receive a pay increase based on the Town's existing merit plan and allow all employees to move to the new merit plan in FY21. On roll call, the motion passed unanimously.

Director Olson explained the timeline for receiving the requested data from the actuary.

Council President Pro Tem Zeidman requested to hold a joint meeting with the Retirement Board of Trustees after the sensitivity analysis from the actuaries becomes available.

It was the consensus of the Town Council to schedule a joint meeting with the Retirement Board of Trustees on June 11, 2019, with a 10:00 a.m. time certain, subject to the availability of the Retirement Board members.

Council Member Araskog requested the Town Council consider placing new hires in the Florida Retirement System (FRS) as a topic for discussion with the Retirement Board members during the joint meeting.

Discussion ensued regarding the pros and cons of placing new hires in the Florida Retirement System.

It was the consensus of the Town Council to discuss this matter at a later date.

3. RESOLUTION NO. 15-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving A Long-term Ground Lease for 5976 Okeechobee Blvd., West Palm Beach, Florida to AHS Residential.

Deferred to the May 14, 2019, Town Council Meeting
Jay Boodheshwar, Deputy Town Manager

B. New Business

1. RESOLUTION NO. 29-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order To Oracle Elevator And Authorizing A Contingency Appropriation From The Par 3 Fund For The Upgrade Of The Elevator In The Amount Of \$55,882.

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

Director Brazil provided an overview of the repairs and upgrade needed to the existing elevator in the Par 3.

Motion was made by Council Member Crampton, and was seconded by Council Member Araskog, to approve Resolution No. 29-2019. On roll call, the motion passed unanimously.

VI. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 15-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances By Adopting A New Chapter 88, Property Maintenance Code, Regulating And Governing The Conditions And Maintenance Of All Property, Buildings And Structures, By Providing The Standards For Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Ensure That Structures Are Safe, Sanitary And Fit For Occupation And Use, And The Condemnation Of Buildings And Structures Unfit For Human Occupancy And Use; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Josh Martin, Director of Planning, Zoning and Building

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to adopt Ordinance No. 15-2019, on second and final reading. On roll call, the motion passed unanimously.

VII. ANY OTHER MATTERS – None

VIII. ADJOURNMENT

There being no further business, the Special Town Council meeting of April 23, 2019 adjourned at 1:00 p.m.

APPROVED:

Danielle H. Moore, Town Council President

Kathleen Dominguez, Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of April 24, 2019

Presenter

Josh Martin, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated May 7, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- **Minutes of the Architectural Review Commission Meeting of April 24, 2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Josh Martin, Director of Planning, Zoning & Building

Re: Approval of the Architectural Commission Meeting Minutes of April 24, 2019

Date: May 7, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of April 24, 2019.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of April 24, 2019.

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

JM:kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, APRIL 24, 2019

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

I. **CALL TO ORDER**

Vice Chair Small called the meeting to order at 9:00 a.m.

II. **ROLL CALL**

Robert J. Vila, Chairman	ABSENT (unexcused)
Michael B. Small, Vice Chairman	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
John David Corey, Member	PRESENT
Nikita Zukov, Member	PRESENT
Betsy Shiverick, Alternate Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	ABSENT (excused)

Please note: It was noted that Ms. Shiverick would be voting in Mr. Vila's absence.

Staff Members present were:

John Lindgren, Planning Administrator
Wayne Bergman, Assistant Director of Planning, Zoning and Building
Kelly Churney, Secretary to the Architectural Review Commission
John Randolph, Town Attorney

Mr. Lindgren introduced Wayne Bergman as the Assistant Director and Building Official in the Planning, Zoning and Building Department. The Commission welcomed Mr. Bergman to the Town.

III. **PLEDGE OF ALLEGIANCE**

Vice Chair Small led the Pledge of Allegiance.

IV. **APPROVAL OF THE MINUTES FROM THE MARCH 27, 2019 MEETING**

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the minutes from the March 27, 2019 meeting. Motion carried unanimously.

V. **APPROVAL OF THE AGENDA**

Mr. Lindgren asked the Commission to defer project B-022-2019, 223 Sunset Avenue to the May 29, 2019 meeting. Mr. Lindgren also noted that the discussion item listed under Item IX. Other Business regarding modifications to ARCOM landscaping plans would be deferred to the May 29, 2019 meeting as well.

Mr. Corey requested a permanent modification to the agenda, which would allow the Commission members, as well as staff to address any concerns prior to the start of any project review. Mr. Lindgren stated that the agenda could be modified for the current meeting, as well as in the future, to satisfy Mr. Corey's request.

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

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

Ms. Churney administered the oath at this time and throughout the meeting as necessary.

VII. **COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)**

There were no public comments heard at this time.

VIII. **COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT**

Mr. Small acknowledged the recent, devastating fire at Notre Dame. Mr. Small offered prayers for Dan Floersheimer, who was called away on a family health emergency. Mr. Small recounted the ARCOM Annual Report that he presented to the Town Council at their April meeting. He stated the Town Council expressed their appreciation to the Commission for their role in the beautification of the Town. Mr. Small congratulated Kenn Karakul, Jim Held and Daniel Kahan for the new home on Jungle Road. He expressed appreciation on behalf of the Commission for the site visit to their new home that followed the March meeting. Finally, Mr. Small congratulated John David Corey for his new position on the Board of Directors with the Palm Beach Civic Association.

Mr. Corey inquired if the projects on the agenda would be held to the standards listed in the February 2019 ARCOM Requirements, especially relating to the landscape plans. Mr. Lindgren responded.

Ms. Catlin stated that she had received calls from citizens inquiring about demolitions and the reason ARCOM is not halting the demolitions. She also expressed concern about the lack of enforcement that follows demolition, particularly with the landscaping and keeping the site clean, neat and debris free. Mr. Lindgren discussed the Code Enforcement issues and stated he would be happy to pass on the issues if he is notified.

Mr. Garrison suggested using a checklist that applicants sign and notarize when submitting their plans. Mr. Garrison added that he would like to see the landscaping on adjacent properties and the boundaries of the properties during demolition and after new construction.

Ms. Grace asked what the policy was regarding artificial turf and asked her fellow Commissioners to weigh in with their thoughts. Mr. Lindgren responded and added that he would not administratively approve artificial turf in the front of the property anymore.

Ms. Grace inquired about moratoriums on demolitions in the Town and stated that Mr. Martin was going to look into the legalities.

Mr. Ives stated that he receives comments from other residents about particular properties that are being demolished as opposed to the amount of demolitions. Mr. Ives suggested more dialog between the Commissions by staff about the properties to be demolished.

Mr. Small requested brevity from the professionals when presenting previous projects. Mr. Small spoke about demolitions and the limitations that ARCOM has on these projects.

IX. PROJECT REVIEW

A. DEMOLITIONS AND TIME EXTENSIONS

None.

B. MAJOR PROJECTS – OLD BUSINESS

B-017-2019 New Construction

Address: 1616 S. Ocean Blvd.

Applicant: Land Trust Service Corporation, Trustee of Trust No. 1616 SOB
(Mark Warda, President)

Professional: M. Mark Marsh/Bridges Marsh & Associates, Inc.

Project Description: Proposal of a new two-story residence with pool, landscape and hardscape.

A motion carried at the March 27, 2019 meeting to approve the project as presented with the exception of the front door entrance design, which was deferred for one month to the April 24, 2019 meeting for restudy.

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

Mr. Marsh presented the modifications to the front door entrance design and other minor changes for the new residence.

Ms. Shiverick stated she saw the model in the architect's office and thought the new entrance was pleasant and was happy to see the elimination of the stone cladding. She was in favor of the new shutters on the master bedroom windows.

Ms. Grace thought the removal of the stone cladding was an improvement but still questioned the front entrance design.

Mr. Zukov was in favor of the new front entrance design.

Mr. Corey stated he felt the change was not significant and added he still had an issue with the entrance.

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

Motion by Mr. Zukov and seconded by Mr. Ives to approve the project as presented. Motion carried 5-2, with Mr. Corey and Ms. Grace opposed.

B-018-2019 Modifications

Address: 341 Hibiscus Ave.

Applicant: Roy and Vanessa Carroll

Professional: Dustin Mizell/Environment Design Group

Project Description: Addition of vehicular gate. Revisions to the entry courtyard and associated landscape changes.

A motion carried at the March 27, 2019 meeting to defer the project for one month to the April 24, 2019 meeting for restudy.

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

Mr. Mizell presented the modifications proposed for the new front vehicular gate and revisions to the landscape.

Mr. Corey stated the pedestrian gate and the vehicular gate did not match. He questioned whether the new proposal was appropriate and offered a possible solution. He stated that he could not support the project as designed. Mr. Mizell responded.

Ms. Shiverick was in favor of the new landscaping but still was not in favor of the proposed vehicular gate. Mr. Mizell responded. Ms. Shiverick was not in favor of the gates so close to the sidewalk.

Mr. Ives agreed with Ms. Shiverick and Mr. Corey. He did not feel the new proposal was an improvement to the property.

Ms. Catlin thought the landscape design was better but stated she did not feel the vehicular gate was appropriate, especially for the site. She felt the gate closed the space.

Ms. Grace suggested a restudy and redesign of the site.

Mr. Small was in favor of the landscaping and the wall but felt the new gates needed to be restudied.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project for one month to the May 29, 2019 meeting to restudy the project based on the comments from the Commissioners. Motion carried unanimously.

[B-022-2019 Modifications](#)

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) - Done 3/27/19

Address: 223 Sunset Ave.

Applicant: 223 Sunset Avenue LLC

Professional: Keith Spina/GliddenSpina + Partners

Project Description: The applicant is proposing architectural and functional upgrades to revitalize the existing building at 223 Sunset Avenue in order to facilitate the relocation of Trevini Ristorante and to expand and improve the existing office space. This project will include the following exterior improvements: Significant new planting of ground covers, shrubs and trees; narrowing of the existing driveway to ten feet wide to create a pedestrian walkway to the restaurant and office building entries; new in ground lighting for trees; installation of a small public courtyard adjacent to the lobby entry; an iconic entry portal and street entry are proposed; the building will be painted and receive new and reconditioned windows; and a symbolic clock tower is proposed at the existing elevator/stair tower. The restaurant will also feature an outdoor dining terrace of 840 sq. ft. covered by an awning. Interior improvements include enclosing the existing upper-level garage space with windows to create 4,795 sq. ft. of office space and converting approximately 2,856 sq. ft. of existing office space on south side of building to the proposed restaurant use.

Motions carried at the March 27, 2019 meeting that implementation of the proposed special exception with site plan review and variances will not cause negative architectural impact to the subject property. An additional motion carried to approve the project as presented, subject to conditions, with an alternate plan for the tower element to return to the April 24, 2019 meeting.

Please note: This project was deferred to the May 29, 2019 meeting with the approval of the agenda, Item V.

C. [MAJOR PROJECTS – NEW BUSINESS](#)

[B-021-2019 New Construction](#)

Address: 165 Seaspray Ave.

Applicant: Oliver “Piper” Quinn

Professional: Daniel Kahan/Smith and Moore Architects, Inc.

Project Description: A new two-story residence in the Palm Beach Colonial vernacular. Final landscape.

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

Mr. Kahan presented the architectural concept and plans proposed for the new residence. Mr. Kahan added that the Town Council approved a variance for a one-car garage for the property. Mr. Kahan presented material and color samples to the Commission.

Ms. Shiverick was in favor of the concept and design. She liked the details and materials proposed. She stated she was hopeful that the roof material would fade in color. Otherwise, she offered her support for the home.

Ms. Catlin stated the proposal had charm and personality. She was in full support of the project.

Mr. Ives liked the approach in the design and thought the proposed residence had an identity.

Ms. Grace was in favor of the proposal and applauded the professional for obtaining the variance for the one car garage. Ms. Grace inquired about the existing Mango tree in the front of the home. Mr. Small asked Ms. Grace to hold her question until the presentation by the landscape professional.

Mr. Corey offered support for the home and suggested a detail in the design for the carriage house.

Mr. Garrison thought the house was very appropriate for the Sea Streets. He added that the house would be a great asset to the community.

Jedidiah Hall, Nievera Williams Design, presented the proposed landscape and hardscape for the new home.

Mr. Corey was in favor of the proposed landscape materials and thought the presentation was successful.

Ms. Grace expressed concern for the loss of the existing Mango tree. Mr. Hall stated he believed the Mango tree was on the adjacent property.

Mr. Garrison asked about the fence on the rear of the property and the proposed landscape that would be surrounding the fence. Mr. Hall responded.

Mr. Small asked Mr. Lindgren if an easement would need to be requested. Mr. Lindgren stated that the Commission would need to request the easement. Mr. Kahan agreed to the requested utility easement.

Mr. Corey asked if the project would need to meet the 25% native requirement. Mr. Lindgren responded.

Motion made by Mr. Corey and seconded by Mr. Zukov to approve the project as presented. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: A short break was taken at 10:20 a.m. The meeting resumed at 10:30 a.m.

Mr. Small stated that the Town Council passed an ordinance with regard to fencing and screening during demolition and construction. He stated that the project at 165 Seaspray had been applied for before the ordinance passed. Mr. Small stated he would be asking all of the professionals if they would accept the new ordinance as a condition to the approval.

Mr. Small asked Mr. Kahan if he accepted the conditions of the new ordinance for his project at 165 Seaspray Ave. Mr. Kahan agreed to the additional conditions.

[B-023-2019 New Construction](#)

Address: 280 El Pueblo Way

Applicant: Thomas Frankel

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Proposed two-story residence, one-story guesthouse, landscape, hardscape, spa and pool.

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

Please note: Mr. Ives returned after the break at 10:33 a.m.

Mr. Janssen presented the architectural plans proposed for the new residence and guesthouse. Mr. Janssen presented material and color samples to the Commission. Mr. Janssen stated that he did meet with the neighbors to explain the design. He added that he believed many of the neighbors accepted the design now that they understood the project.

Ms. Catlin appreciated that the house was not built to the maximum on the lot.

Mr. Corey agreed with Ms. Catlin regarding the size of the home. He thought the house could work in its location. Mr. Corey questioned the materials and colors proposed for the home as well as the massing over the garage. Mr. Janssen responded.

Mr. Grace was in favor of the lawn space and the lot organization. She questioned the scale of the proposed home. She thought the house lacked some character.

Ms. Shiverick was in favor of the proposed design style and thought the massing was acceptable. She questioned if the garage could be reduced in the width as well as the east side of the home. Ms. Shiverick thought the color was acceptable for the design style of the home and thought color could be added in with landscaping.

Mr. Garrison was in favor of the home. He expressed concern for the colors proposed for the home and questioned if the colors could be changed.

Mr. Ives declared ex parte communications for the project. Mr. Ives stated that he thought the overall house design was good. However, Mr. Ives questioned the connection from the house to the garage as well as the positioning of the dormers. He suggested moving the garage space to the south.

Mr. Small stated that the existing house on the site was charming. He questioned if the professionals could save and renovate the existing home. Mr. Janssen responded. Mr. Small expressed concern for the garage design and stated it looked as if it were an afterthought. Mr. Janssen stated he could revisit the garage layout.

Ms. Grace suggested making the garage subordinate to the house, which she felt would add more charm to the design.

Mr. Corey provided a design suggestion for the dormers.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Janssen agreed to the easement.

Mr. Small asked Mr. Janssen if he accepted the conditions of the new fencing and screening ordinance for the project. Mr. Janssen agreed to the conditions of the new ordinance.

Dustin Mizell, Environment Design Group, presented the proposed landscape and hardscape plans.

Mr. Corey was in favor of the landscape plans.

Ms. Grace stated she was in favor of the landscape plan and thought it was very good. She asked about the drainage for the property. Mr. Mizell responded.

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

Motion made by Mr. Ives and seconded by Mr. Corey to defer the project for one month to the May 29, 2019 meeting for a restudy of the northwest connection of the garage and main house. Motion carried unanimously.

B-024-2019 New Construction

Address: 237 Brazilian Ave.

Applicant: 237 Brazilian, LLC

Professional: Jose Luis Gonzalez-Perotti, AIA/Portuondo-Perotti Architects

Project Description: New construction of a two-family residential building, proposed pool and landscape/hardscape improvements.

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

Rafael Portuondo, Portuondo-Perotti Architects, presented the architectural plans for the proposed two-family residential building. He presented material samples to the Commission.

Ms. Catlin thought the buildings were acceptable but thought they lacked soul and felt stiff. She thought the proposed landscape accentuated the stiffness.

Mr. Corey stated he supported the project.

Mr. Garrison thought the layout of the building was good however, he questioned the first floor volume. Mr. Portuondo respond.

Mr. Ives felt the design elements were appropriate because the proposed were townhomes. He offered his full support.

Mr. Zukov suggested looking at the interior door heights. Mr. Portuondo responded to the comment from Mr. Zukov.

Ms. Shiverick was in favor of the front entrance design as well as the design of the living spaces. She inquired about the shutter colors and material. Mr. Portuondo responded and showed the Commission a sample of the shutters and well as the colors.

Ms. Grace thought the project had a lot of potential. She thought the height of the buildings could be slightly reduced. She questioned the fenestration and expressed concern for the proposed materials. She asked if the shutters would be operational. Mr. Portuondo confirmed they would be operational. Mr. Portuondo discussed the materials to be used.

Mr. Small was in favor of the proposal and thought the new residences would enhance the beauty of the neighborhood.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Portuondo agreed to the easement.

Mr. Small asked Mr. Portuondo if he accepted the conditions of the new fencing and screening ordinance for the project. Mr. Portuondo agreed to the conditions of the new ordinance.

Ms. Grace inquired about the proposed window frames as she was not in favor of dark window frames. Mr. Portuondo responded and stated he would consider a lighter window frame.

Keith Williams, Nievera Williams Design, presented the proposed landscape and hardscape design.

Fran Burns, President of the Condominium Association at 227 Brazilian Avenue, asked for a copy of the plans so that she could show the residents in her building. Ms. Churney provided a copy of the plans to Ms. Burns. She also expressed concern for the proposed Oak trees. She inquired about the schedule of construction.

Maura Ziska, attorney for the owner, stated that Senator Bradley, who lives in the condominium, reached out to Ms. Ziska and stated that he supported the project.

Yasmine Ramp, 227 Brazilian Ave., expressed concern for the existing, diseased Ficus trees as well as the Oak trees proposed. Ms. Ramp asked if the professional would consider another species. Mr. Williams stated he would consider another tree but added he would prefer a tree to a palm tree.

Ms. Grace was in favor of the trellis and appreciated the rear garages. She asked the professional to consider a tree specimen that would grow tall.

Mr. Zukov inquired if Mr. Williams would consider another tree specimen. Mr. Williams stated he would.

Mr. Corey expressed concern for the proposed Oak trees on the sides of the property. He recommended adding larger trees in the front of the property.

Mr. Garrison questioned why the material details were not included in the presentation. He believes this should be included in the checklist he recommended.

Mr. Ives was in favor of the landscape plan and thought it was befitting of the design.

Mr. Zukov asked about the landscaping lighting. Mr. Lindgren stated that there is an exterior lighting requirement in place.

Motion made by Mr. Zukov and seconded by Mr. Garrison to approve the project as presented with the condition that the professionals would return in one month to the May 29, 2019 meeting to restudy the landscaping proposed for the borders along both driveways as well as to present the colors proposed for the home. Motion carried 6-1, with Mr. Ives opposed.

[B-025-2019 New Construction](#)

Address: 239 Monterey Rd.

Applicant: 239 Monterey Road, LLC

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Demo of existing site wall, pier and fence. Proposed two-story residence, landscape, hardscape, spa and pool.

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

Mr. Janssen presented the proposed demolition of the site wall, pier and fence. Mr. Janssen presented the architectural plans proposed for the new residence.

Mr. Corey declared his ex parte communication and added that one of the neighbors he encountered on his site visit was not supportive of the proposed home.

Mr. Ives questioned the design style of the home and asked the professional to lower the proposed roof pitch.

Ms. Shiverick thought the proposed colors for the home were too somber. She suggested using cheerful colors. Ms. Shiverick thought the roof design was whimsical.

Mr. Corey suggested reducing the roof pitches in the design. He thought the front façade was successful but questioned the fenestration on the rear façade. He added that he thought both the height and the rear fenestration needed to be restudied.

Ms. Grace thought the home design was not very interesting. She suggested changing the window color, reducing the roof height and reducing the rear glazing.

Mr. Small thought the design was appropriate for the street.

Ms. Catlin thought that by using a different color, it could alter the look of the home.

Mr. Zukov agreed that by lowering the roof pitch of the home, it could change the look of the home.

Mr. Garrison agreed with his fellow Commissioners' suggestions to change the proposed colors and to reduce the roof pitch. Mr. Janssen agreed.

Carol Perez, AGT Land, presented the proposed landscape and hardscape design.

Ms. Grace thought the height of house was accentuated by landscaping and expressed concern for the thinness in the height of the landscaping on the north side. She questioned the proposed material for the driveway. Ms. Perez stated the overhead power lines limited what could be planted on the north side.

Mr. Corey questioned the plantings proposed for the north border and thought the new home would tower over the one story home next door. He suggested beefing up the north border. Mr. Corey thought that the landscaping was thin overall.

Ms. Shiverick agreed with Ms. Grace about her assessment of the material proposed for the driveway. She suggested using the same material for the landing of the home. Ms. Perez agreed to use cast stone.

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

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Janssen agreed to the easement.

Mr. Small asked Mr. Janssen if he accepted the conditions of the new fencing and screening ordinance for the project. Mr. Janssen agreed to the conditions of the new ordinance.

Motion made by Mr. Corey and seconded by Ms. Grace to defer the project for one month to the May 29, 2019 meeting to allow the professionals to address the comments made by the Commissioners. Motion carried unanimously.

Mr. Lindgren asked Mr. Zukov to disclose the comments he provided to Mr. Janssen in the side conversation he had during the landscape presentation. Mr. Zukov stated he provided Mr. Janssen with a suggestion for the roof pitch.

Please note: The Commission took a lunch break at 12:29 p.m. The meeting resumed at 1:34 p.m.

[B-026-2019 Demolition/New Construction](#)

Address: 247 Miraflores Dr.

Applicant: Laetitia Oppenheim

Professional: Peter Pennoyer Architects and SMI Landscape Architecture, Inc.
Project Description: Demolition of existing structure, landscape and hardscape.
Construction of a new 4,670 square foot under air residence, pool, new landscape and hardscape.

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

Frank Lynch, attorney for the owner, introduced the project and the professionals.

Mr. Pennoyer presented the proposed demolition for the existing structure.

Mr. Corey asked if the entire landscape would be removed from the site.

Jorge Sánchez, SMI Landscape Architecture, Inc. presented the landscape and hardscape plans for the demolition.

Ms. Grace inquired about the late submittal of the architectural mini-sets. Mr. Lindgren responded. A short discussion ensued about the landscape plans and the proper demolition plan.

Mr. Small asked Mr. Sánchez if he accepted the conditions of the new fencing and screening ordinance for the project. Frank Lynch, attorney for the owner, agreed to the conditions of the new ordinance.

Mr. Lindgren stated that the professionals should provide a construction demolition plan that shows the buffering while the construction is ongoing.

A discussion ensued regarding the landscape demolition plan, the construction demolition plan, and the difference between the two plans.

Mr. Ives noted the architect of record of the existing home was Agnes Ballard, the first female architect in the history of Florida.

Motion made by Mr. Corey and seconded by Mr. Garrison to defer the demolition request for one month, to the May 29, 2019 meeting, to allow the professionals to return to the Commission with a complete landscape and hardscape demolition plan.

Mr. Lynch stated the house was not placed under consideration for landmark status. He added that the screening for demolition would be presented with the demolition permit. A discussion ensued regarding the landscape package that was presented to the Commission.

Motion carried 5-2, with Ms. Shiverick and Mr. Ives opposed.

Mr. Pennoyer presented the architectural plans proposed for the new residence.

Ms. Grace expressed her concern for the projection of the house onto the street. She was in favor of some of the architectural elements but thought it may be too tall for the street. She suggested removing one garage and questioned the color of the garage doors.

Mr. Ives thought the project was nice and added the style would offset the size of the home. He recommended adding more details of the Palm Beach Moorish-Mediterranean style into the home. Mr. Pennoyer stated he thought about adding more details but decided to restrain the design.

Mr. Corey thought the design was excellent but questioned if it was the correct location of the proposed home.

Ms. Shiverick thought the house was stunning and well designed. She recommended adding striped awnings on the side and rear of the home.

Ms. Catlin expressed a concern for the garage area. She felt the garage protruded too far from the home.

Ms. Grace stated she thought the proposed home was attractive but added that she thought the home would stand out on the street.

Mr. Garrison thought the house would set the tone for the street. He thought the house was well designed. He questioned the green doors for the garage and thought the garage element could be restudied.

Mr. Small agreed completely with Ms. Shiverick and Mr. Garrison.

Ms. Catlin agreed with Ms. Shiverick and Messrs. Small and Garrison. She added that while the home is different, she did not think the design was out of place.

Ms. Grace thought the large tower would be out of place on the street. She suggested making changes so that the home did not appear so large on the street.

Mr. Corey inquired about doors on the north elevation. Mr. Pennoyer responded.

Mr. Sánchez presented the landscape and hardscape plans proposed for the new residence.

Mr. Small expressed a concern for the landscape boundaries during construction. He also asked for a depiction of the boundaries to determine if the neighbors would be protected during the construction. Mr. Sánchez responded and confirmed the neighbors would be protected.

Mr. Corey thought the home proposed would dominate over the street. He questioned if the proposed landscaping would screen the west side. Mr. Sánchez responded and showed an existing photo of the west property line. Mr. Corey suggested adding more landscaping to increase the height and girth. Mr. Corey was appreciative of the landscaping proposed. However, he questioned if there were enough native plants proposed.

Ms. Grace expressed concern for the proposed solid wood gate. She recommended using an open gate.

Ms. Shiverick commented on the tower element and thought it was appropriate.

Mr. Corey requested a complete plant list that showed the native and non-native materials.

Mr. Ives advocated for the design.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Sánchez responded with concern. Mr. Lindgren further described the request. Mr. Sánchez responded but did not agree to the easement request.

Mr. Corey requested that the professionals return with cross sections of the site before the architecture was approved.

Mr. Small asked Mr. Sánchez if he accepted the conditions of the new fencing and screening ordinance for the project. Mr. Sánchez agreed to the conditions of the new ordinance.

Mr. Sánchez inquired about the cross sections requested. Mr. Lindgren stated he could email the professionals a few samples.

A second motion made by Mr. Corey and seconded by Ms. Grace to defer the project for one to the May 29, 2019 meeting to address the comments from the Commission members. Motion carried 5-2, with Mr. Ives and Ms. Shiverick opposed.

Please note: A short break was taken at 2:43 p.m. The meeting resumed at 2:48 p.m.

[B-028-2019 Demolition/New Construction](#)

Address: 227 Ocean Terrace

Applicant: 227 Ocean Terrace, LLC

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: Demolition of an existing single-family residence, pool, hardscape and landscape. Construction of a two-story Bermuda style single-family residence with pool. Final hardscape and landscape.

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

Mr. Smith presented the proposed demolition for the existing structure.

Steve West, Parker Yannette Design Group, presented the proposed landscape and hardscape demolition plan.

Mr. Small asked Mr. Smith if he accepted the conditions of the new fencing and screening ordinance for the project. Mr. Smith agreed to the conditions of the new ordinance.

Motion made by Mr. Garrison and seconded by Mr. Corey to approve the demolition request as presented with the condition to sod and irrigate the property within 30 days and all elements on the property are to be maintained prior to demolition, with the items remaining after demolition to be maintained until new construction commences. Motion carried unanimously.

Mr. Smith presented the architectural plans for the proposed new residence. Mr. Smith stated that the surrounding property photographs had been inadvertently left out of plans and presented them on the overhead projector. Mr. Smith also placed an alternate elevation on the overhead projector that showed a reduction in the front entrance width.

Ms. Grace stated she was in favor of the proposed colors as well as the gable on front entrance but thought the gable could be reduced in size. She recommended using a lighter, natural wood for the front door. She was not in favor of the pedestrian gate design and questioned if the height of the home could be reduced. Mr. Smith responded.

Ms. Shiverick stated she appreciated the reduction of the front entrance. She recommended reducing the width a bit more along with balcony width over the front door. Ms. Shiverick questioned the sidelights proposed on the windows on the first floor, front façade. She also recommended adding shutters to the windows. Mr. Smith responded and stated the sidelights proposed assisted with bringing light into the room. Ms. Shiverick suggested making window bigger rather than using sidelights.

Mr. Corey was in favor of the design. Mr. Corey also was in favor of the alternate narrower door and the lighter wood for the door. He agreed with Ms. Shiverick's suggestion of the reduction in the balcony over the front door.

Ms. Catlin was in favor of the larger door and thought it was inviting. She questioned if the slope of the roof could be reduced. Mr. Smith stated he reduced the arch width but not the width of the door.

Mr. Ives wondered if there were too many elements on front the front façade. He was in favor of Ms. Shiverick's suggestion for the balcony. He also questioned if the gable width could be reduced.

Mr. Small agreed that the balcony width could be reduced. He was in favor of the reduced front entrance and was not in favor of the sidelights on the front windows. He liked the idea of using shutters rather than the sidelights. Mr. Small added that he would support removing the front pedestrian gate as well.

Mr. West presented the proposed landscape and hardscape design for the new home.

Ms. Grace questioned the concrete pavers in the front of the garage and suggested using a different material or using a grass pattern along with the pavers. Mr. West responded and stated he would look into the suggestion.

Mr. Corey recommended switching the Sea Grape and the Coconut palm on the west side of the property. Mr. West agreed to the change.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Smith agreed to the easement.

Mr. Small asked Mr. Smith if he accepted the conditions of the new fencing and screening ordinance for the project. Mr. Smith agreed to the conditions of the new ordinance.

Mr. Garrison complimented the Mr. West for including the cross sections as well as the plant list.

Ms. Grace asked about the color of the Mahogany proposed for the front door. Mr. Smith stated the front door would have a clear coat over the Mahogany door.

A second motion made by Mr. Corey and seconded by Mr. Garrison to approve the project with the following conditions: the front door material is Mahogany with a clear coat, the front door is reduced 14", the balcony over the front door is reduced at Ms. Shiverick's suggestion, the front pedestrian gate is removed and the Sea Grape and Coconut palm are switched on the west side of the property. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring

**said easement, if necessary to facilitate utility undergrounding in the area.
Motion carried unanimously.**

Mr. West asked for clarification on the motion as to whether the piers are to be removed with the pedestrian gate. Mr. Corey stated that the proposed piers could remain.

[B-030-2019 New Construction](#)

***ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL
EXCEPTION WITH SITE PLAN REVIEW***

Address: 220 Jungle Rd.

Applicant: Thought Development, LLC (Edward Kettenbach)

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: Construction of a two-story Palm Beach Mediterranean Revival home with pool. Final hardscape and landscape.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW INFORMATION: Special Exception with Site Plan Review to allow the construction of a new 8,186 square foot two-story residence on a non-conforming lot with a width of 120 feet in lieu of the 125 feet minimum required in the R-A zoning district and a lot area of 19,200 square feet in lieu of the 20,000 square foot minimum required in the R-A zoning district. There is an existing 929 square foot two-story garage on the property. The total square feet of the new residence and the existing garage together is 9,115 square feet.

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

Maura Ziska, attorney for the owner, explained the zoning request and advocated for a positive recommendation to the Town Council.

Mr. Smith presented the architectural plans for the proposed new residence. Mr. Smith presented an alternate elevation on the overhead projector, which showed alternate lights. Mr. Smith presented some material samples to the Commission.

Ms. Grace was in favor of the home but felt the front entry portico was too heavy. She suggested reducing the second floor window on the left side, north elevation. She questioned if the windows on the second floor were too high and suggested lowering them. Ms. Grace suggested using smaller lanterns, a lighter gray for the shutters and possibly painting the front door to match the shutters.

Ms. Shiverick was in favor of the home. She requested the ornamental grills to remain on the front façade. Ms. Shiverick suggested removing the window over front entry and replacing it with a marble relief panel. She added that she favored the variegated roof colors. Mr. Smith stated the single window above the front entrance was the only window for the bedroom.

Mr. Garrison suggested making the fenestration symmetrical on the second floor. He also suggested replacing the window over the front door with a door. Mr. Smith responded.

Mr. Corey was in favor of the house and agreed that a symmetrical façade would be optimal. Mr. Corey asked about the proposed driveway. Mr. Smith responded.

Ms. Catlin was in favor of the alternate design for three upper windows on second floor.

Mr. Zukov questioned the length of the driveway along the entire length of the house. He also thought the left side of the home should match the right side. Mr. Smith responded.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape design for the proposed home. He presented inspirational photos on the overhead projector.

Ms. Shiverick suggested using the antique brick in the front motor court. Mr. Williams agreed to use the brick along with a contrasting stone. Ms. Shiverick suggested a different planting along the driveway.

Mr. Corey agreed with Ms. Shiverick's suggestion.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Smith agreed to the easement.

Mr. Small asked Mr. Smith if he accepted the conditions of the new fencing and screening ordinance for the project. Mr. Smith agreed to the conditions of the new ordinance.

Motion made by Mr. Garrison and seconded by Mr. Ives that implementation of special exception with site plan review will not cause negative architectural impact to the subject property. Motion carried unanimously.

A second motion made by Mr. Garrison and seconded by Mr. Corey to approve the project as presented with the following conditions: the windows on the second floor, front façade are changed so that the three windows above the door match the alternate drawing and the single window is changed to match the double windows, the trees along the driveway are switched at the suggestion of Ms. Shiverick, the front motor court material is changed to brick with a contrasting stone and the driveway is removed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area. Motion carried unanimously.

[B-032-2019 Modifications](#)

Address: 1015 S. Ocean Blvd.

Applicant: Jennie K. Scaife, Trustee of the JKS 2017 Real Estate Trust, dated as of March 20, 2017 by David Zywiec, as Personal Representative

Professional: Stergas & Associates, AIA

Project Description: The construction of an upper room addition of 725 square feet with 3' wide covered deck facing the ocean, above and within the footprint of the existing garage.

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

Jim Stergas, Stergas & Associates, AIA, presented the proposed architectural plans for the addition to the existing residence.

Mr. Zukov inquired about the purpose of the additional space. Mr. Stergas responded. Mr. Zukov asked if there were any objections from the neighbors.

Jamie Crowley, attorney for the owner, stated he worked with the neighbor's attorney and added that they had no objection to the addition to the addition.

Mr. Garrison thought this was a clever way to add additional space.

Ms. Shiverick inquired about the doors on the addition and the proposed material for the doors. Mr. Stergas responded.

Ms. Catlin inquired about the addition as well as what the addition would look like from the street. Mr. Stergas responded.

Mr. Small inquired about construction access. Mr. Stergas responded. Mr. Small confirmed that there was no zoning relief needed. Mr. Stergas responded.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Crowley agreed to the easement.

Mr. Small asked Mr. Crowley if he accepted the conditions of the new fencing and screening ordinance for the project. Mr. Crowley agreed to the conditions of the new ordinance.

Ms. Grace inquired about the purpose of the additional space. Mr. Stergas responded.

Ms. Shiverick confirmed that amount of space to be added. Mr. Stergas responded.

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the project as presented. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area. Motion carried 5-2, with Mses. Grace and Shiverick opposed.

D. MINOR PROJECTS – OLD BUSINESS

None.

E. MINOR PROJECTS – NEW BUSINESS

A-011-2019 Modifications

Address: 880 S. Ocean Blvd.

Applicant: Mr. and Mrs. Alex Chesterman

Professional: MP Design and Architecture

Project Description: We are respectfully requesting to reconsider the previously approved pool house design and gate designs. A one-story garage addition has been added to the west façade of the pool house and the gate design has been altered (from a flat top gate, to a segmental arched gate.) The Southwest driveway facing South County Road will be revised to provide a turn-around space. The Northwest driveway facing Via Vizcaya will also be revised to provide a turn-around space.

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

Michael Perry, MP Design and Architecture, presented the modifications to the previously approved pool house.

Mario Nievera, Nievera Williams Design, presented the proposed modifications to the landscape and hardscape designs.

Mr. Corey asked if the previously presented pattern was to remain in the motor court in front of the original garage. Mr. Nievera stated it would remain. Mr. Corey asked if the east pedestrian gate would be landscaped with grass. Mr. Nievera confirmed it would be grass.

Mr. Lindgren pointed out that the vehicular gate was incorrectly rendered and it would need to be 18 feet from the road.

Mr. Perry responded and stated that the vehicular gate would be 18 feet from the street.

Mr. Small asked Mr. Perry if he accepted the conditions of the new fencing and screening ordinance for the project. Mr. Perry agreed to the conditions of the new ordinance.

Motion made by Mr. Corey and seconded by Mr. Zukov to approve the project as presented. Motion carried unanimously.

[A-013-2019 Modifications](#)

Address: 231 Nightingale Trail

Applicant: John Copeland

Professional: LaBerge & Ménard

Project Description: New landscape, hardscape. House to be repainted. Modify existing garage entrance.

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

Mr. Ménard presented the architectural modifications to the existing home.

Todd McLean presented the landscape and hardscape modifications for the existing residence.

Mr. Lindgren stated that the driveway would need to be reduced at the street to 14 feet wide.

Ms. Shiverick stated she did not have a problem with garage doors that faced the front. She asked about the garage door material and pattern. Messrs. Ménard and McLean responded. Ms. Shiverick suggested to charm up the front of the house if the garage was designed to face the front. She recommended changing the front fencing walls to a solid wall with an espalier around the doors. She also recommended changing the colors proposed for the home.

Ms. Grace stated that she preferred a side facing garage rather than a front-facing garage. She thought that more planting could be added to the existing driveway. She added that she preferred the existing red brick driveway.

Mr. Ménard advocated for the front facing garage.

Mr. Corey asked about the width for the driveway and the design with the reduced driveway entrance. Mr. McLean responded.

Ms. Catlin stated she preferred the existing beige color but with the new blue shutters. She added that she believed the front entry garage worked in the home. She recommended adding plantings with color around the garage. She was in favor of the openness of the fence. She recommended using a combination of a wall, at Ms. Shiverick's suggestion, while keeping it open.

Ms. Grace expressed concern for the reduction of parking spaces. Mr. Mclean responded.

A discussion ensued about the possibility of numerous cars parked in the front driveway.

Mr. Small asked if the owner would dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Ménard agreed to the easement.

Mr. Small asked Mr. Ménard if he accepted the conditions of the new fencing and screening ordinance for the project. Mr. Ménard agreed to the conditions of the new ordinance.

Motion made by Ms. Shiverick and seconded by Mr. Zukov to defer the project for one month to the May 29, 2019 meeting for the the following items: a better fence plans, different colors for the home and shutters, and an espalier or some kind of treatment and/or ground cover around the reduced driveway and the correct drawings of the driveway. Motion carried 5-2, with Mr. Garrison and Ms. Grace opposed.

[A-014-2019 Modifications](#)

Address: 146 Dunbar Rd.

Applicant: Michael and Gayle Kalisman

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: Construction of a 324 square foot canvas awning above an existing driveway.

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

Mr. Smith presented the proposed awning above the existing driveway. He added that the project received an approval for the variance by Town Council.

Mr. Ives stated that the awning was far back on the property and the canvas matched the home. He stated he would support the project.

Ms. Shiverick suggested using a canvas material rather than the proposed vinyl material.

Ms. Grace asked if the awning could be cantilevered over the driveway rather than using the posts. Mr. Smith responded and explained the reason for the design.

Mr. Small asked if a Porte Cochère could be designed rather than the awning.

Ms. Catlin stated she usually was not in favor of the awnings. However she stated she did not find this proposal offensive. She asked if canvas could be used rather than the vinyl. Mr. Smith responded.

Motion made by Mr. Zukov and seconded by Mr. Ives to approve the project as presented. Motion failed 3-4, with Messrs. Small, Corey and Mses. Shiverick and Grace opposed.

Motion made by Mr. Corey and seconded by Mr. Ives to approve the project as presented with a canvas awning rather than a vinyl awning. Motion carried 5-2, with Messrs. Small and Zukov opposed.

[A-015-2019 Modifications](#)

Address: 165 Worth Ave.

Applicant: Wally Findlay Galleries (tenant)

Professional: N/A

Project Description: Installation of a temporary fiberglass sculpture in the gallery's courtyard.

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

Mr. Lindgren, on behalf of the applicant, presented the fiberglass sculpture that had already been installed.

Mr. Corey inquired the length of time that the sculpture would remain in the space. Mr. Lindgren could not answer the question. Mr. Corey suggested a making a motion to approve the sculpture with a set end date.

Ms. Catlin thought the sculpture was too big for the space.

Some of the commissioners were upset that the sculpture was already installed.

Mr. Ives stated that art was a matter of opinion but in this case, he believed the size of the sculpture was an issue.

Motion made by Mr. Corey and seconded by Mr. Garrison to approve the installation of the sculpture exhibit for 90 days from the April 24, 2019. Motion carried 5-2, with Messrs. Ives and Small opposed.

X. [OTHER BUSINESS](#)

1. Discussion – Major modifications to approved ARCOM landscaping plans.

Please note: This project was deferred to the May 29, 2019 meeting with the approval of the agenda, Item V.

XI. [ADDITION COMMUNICATION FROM CITIZENS \(3 MINUTE LIMIT PLEASE\)](#)

There were no comments heard at this time.

XII. **ADJOURNMENT**

The meeting adjourned at 5:17 p.m. without the benefit of a motion.

The next meeting will be held on Wednesday, May 29, 2019 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

Michael B. Small, Vice Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 32-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Ranking of Invitation To Bid No. 2019-18, For E-1 Sanitary Pump Station Upgrade Improvement To Hinterland Group, Inc. in the Amount of \$247,400 and a Project Budget of \$284,510.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated May 6, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 32-2019**
- ▣ **Bid Tab**

Information for Town Council Meeting on May 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO Town Purchasing Manager

RE: Resolution Approving the Award of Invitation to Bid No. 2019-18 to Hinterland Group, Inc. for the E-1 Pump Station Improvement, **Resolution No. 32-2019**

DATE: 6 May 2019

STAFF RECOMMENDATION

Staff recommends the Award of Invitation to Bid No. 2019-18 to Hinterland Group, Inc. for the E-1 Pump Station Improvement in the amount of \$247,400 and a project budget of \$284,510.

SUMMARY EXPLANATION/BACKGROUND

Public Works requested the issuance of Invitation to Bid No. 2019-18 for the E-1 Pump Station Improvement for construction services. The Town had purchased the materials as a Direct Owner Purchase to avoid the contractor paying the tax on the pump and motors to be installed.

Purchasing issued the Invitation to Bid on March 24, 2019 for a period of thirty days. The solicitation was published in Demand Star to 516 suppliers, Public Purchase to 501 suppliers, the Palm Beach Post and through the E-bidding system. Six responses were received, of which two were from suppliers that had not done business with the Town previously. There is a continued effort to expand the vendor pool.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for the purchase will be \$284,510. This will be funded from Accelerated.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, Director of Public Works
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 32-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE RANKING OF INVITATION TO BID NO. 2019-18, FOR E-1 SANITARY PUMP STATION UPGRADE IMPROVEMENT TO HINTERLAND GROUP, INC. IN THE AMOUNT OF \$247,400 AND A PROJECT BUDGET OF \$284,510.

WHEREAS; Public Works determined that Sanitary Pump Station E-1 upgrade improvement was required, and;

WHEREAS; Purchasing issued Invitation to Bid 2019-18 for construction services; and

WHEREAS; Town Council approval is sought for the ranking of Invitation to Bid No. 2019-18 and for approval of a Purchase Order in the amount of \$247,400 to Hinterland Group Inc.

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

Section 1. The award of Invitation to Bid No. 2019-18 to Hinterland Group Inc. and award of a purchase order in the amount of \$247,400 and a project budget in the amount of \$284,510, is hereby approved from the Accelerated.

Section 2. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this ____ day of _____ 20__.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk



Bid No. 2019-18 - E-1 Lift Station Improvements

BID TABULATION - 4/24/2019

ITEM	QTY UNIT	Hinterland Group		D.S. Eakins		Murray Logan		A Green World Construction		Force Enterprises		V-Engineering	
		PER UNIT	TOTAL	PER UNIT	TOTAL	PER UNIT	TOTAL	PER UNIT	TOTAL	PER UNIT	TOTAL	PER UNIT	TOTAL
TCM Backup 5 Mobilization/Demobilization	LS 1	\$10,000.00	\$10,000.00	\$24,688.00	\$24,688.00	\$26,000.00	\$26,000.00	\$9,592.13	\$9,592.13	\$14,513.00	\$14,513.00	\$26,400.00	\$26,400.00
Performance and Payment Bonds	LS 1	\$7,500.00	\$7,500.00	\$4,800.00	\$4,800.00	\$4,560.00	\$4,560.00	\$9,820.00	\$9,820.00	\$10,113.00	\$10,113.00	\$3,621.90	\$3,621.90
Insurance and Indemnification	LS 1	\$500.00	\$500.00	\$3,200.00	\$3,200.00	\$4,500.00	\$4,500.00	\$2,002.82	\$2,002.82	\$2,810.00	\$2,810.00	\$5,000.00	\$5,000.00
E-1 Demolition	LS 1	\$25,000.00	\$25,000.00	\$13,500.00	\$13,500.00	\$25,900.00	\$25,900.00	\$24,337.11	\$24,337.11	\$23,411.00	\$23,411.00	\$23,978.10	\$23,978.10
E-1 Sanitary By-Pass Pumping	LS 1	\$20,000.00	\$20,000.00	\$34,600.00	\$34,600.00	\$60,000.00	\$60,000.00	\$53,478.70	\$53,478.70	\$13,446.00	\$13,446.00	\$15,000.00	\$15,000.00
E-1 Civil/Mechanical Improvements	LS 1	\$90,000.00	\$90,000.00	\$116,526.00	\$116,526.00	\$149,000.00	\$149,000.00	\$190,872.14	\$190,872.14	\$133,480.00	\$133,480.00	\$110,000.00	\$110,000.00
E-1 Electrical Improvements	LS 1	\$35,000.00	\$35,000.00	\$55,655.00	\$55,655.00	\$51,500.00	\$51,500.00	\$130,852.41	\$130,852.41	\$51,051.00	\$51,051.00	\$40,000.00	\$40,000.00
E-1 Site Restoration	LS 1	\$24,400.00	\$24,400.00	\$12,030.00	\$12,030.00	\$23,000.00	\$23,000.00	\$7,134.74	\$7,134.74	\$47,315.00	\$47,315.00	\$5,000.00	\$5,000.00
Allowance	ALL 1	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00
TOTAL		\$247,400.00		\$299,999.00		\$379,460.00		\$463,090.05		\$331,139.00		\$264,000.00	
RANK		Apparent Awardee		3		5		6		4		2	

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 33-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order to Virtra For a Training Simulator For Police In the Amount of \$234,528.30.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated May 2, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 33-2019**
- ▣ **Quote**

Information for Town Council Meeting on May 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO Town Purchasing Manager

RE: Resolution Approving the Purchase of VirTra Systems 300 Training Simulator for the Police Department in the Amount of \$234,528.30, **Resolution No. 33-2019**

DATE: 2 May 2019

STAFF RECOMMENDATION

Staff recommends the purchase of the VirTra Systems 300 Training Simulator for the Police Department in the amount of \$234,528.30.

SUMMARY EXPLANATION/BACKGROUND

The Police Department presented a Florida Department of Law Enforcement (FDLE) –Justice Assistance Grant (JAG) Resolution No. 188-2018 on October 15, 2018 for the purpose of applying the \$50,000 Grant to apply toward the purchase of a Virtra Training Simulator. The grant was officially approved.

The Virtra Systems 300 Training Simulator is available on the State of Arizona DPS Contract #17-152755. Both the State of Arizona DPS and the vendor have provided permission for the Town of Palm Beach to utilize the contract.

The simulator delivers real-life law enforcement scenarios to provide training on de-escalation opportunities, critical decision making in use of force encounters, marksmanship, and tactical skills.

The Police Department in review of this specialized training, recommended this unit as the best fit for the Town of Palm Beach.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for the purchase will be \$234,528.30. The Town will utilize the JAG Grant funds in the amount of \$50,000, which is reimbursable upon purchase of the simulator. The remaining balance of \$184,528.30 will be funded from the Police Foundation.

USER DEPARTMENT CONCURRENCE

The Police Department is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Nicholas Caristo, Chief of Police
Lisa Gorman, Police Planner
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 33-2019

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO VIRTRA FOR A
TRAINING SIMULATOR FOR POLICE IN THE AMOUNT OF
\$234,528.30.**

WHEREAS; Police recognizes the need for a virtual training simulator, and;

WHEREAS; Purchasing obtained pricing from the State of Arizona DPS Contract No. 17-152755 to purchase the requested unit; and

WHEREAS; Town Council approval is sought to approve a Purchase Order in the amount of \$234,528.30. A \$50,000 JAG Grant will be utilized and the remainder of funds will be provided by the Police Foundation.

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

Section 1. The award of a Purchase Order to VirTra in the amount of \$234,528.30, is hereby approved.

Section 2. The Town Council approves the use of the JAG Grant in the amount of \$50,000 and accepts the Police Foundation Donation in the amount of \$184,528.30.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this ____ day of _____ 20__.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk



7970 S Kyrene Road, Tempe, AZ 85284 USA | TOLL FREE: 800.455.8746 PH: 480.968.1488 FAX: 480.968.1448 | VIRTRA.COM

Account Name	Town of Palm Beach Police Department	Created Date	3/21/2019
Contact Name	Dean Mealy	Quote Number	00002363
Phone	(561) 227-7000	Expiration Date	6/7/2019
Email	dmealy@townofpalmbeach.com		
Ship To Name	Town of Palm Beach Police Department	Prepared By	Steve Dilullo
		Phone	(480) 968-1488
		Email	steve.dilullo@virtra.com

Notes: Additional years of Service and Warranty Plan may be purchased (first two years included) for 10% of system cost

The pricing for this quote directly correlates to the pricing given for the Arizona DPS contract #17-152755

Product Code	Product	Line Item Description	Product Description	Sales Price	Quantity	Total Price
V-300LE-2	VirTra 300 LE (w/ 2 year warranty)		VirTra Systems 300 LE-2 simulator uses five interconnected screens to create fully immersive active engagements in a 300 degree environment surrounding the trainees. Multi-directional audio and seamless real video create an environment and situation that will challenge trainees. Comes with LE content library, computer rack, UPS backup, and audio/projection equipment. System is configurable to fit in a variety of spaces (within minimum requirements). Two year warranty and support services included.	\$149,411.00	1.00	\$149,411.00
VHU-BS-300	Borderless Screens (V-300 Systems)		Eliminates the 5 inch black border between screens to increase immersion on VirTra 300 systems.	\$8,599.00	1.00	\$8,599.00
VHU-TRS-300	Truss System (V-300 System)	OPEN MARKET ITEM	Overhead truss structure for V-300, front project systems.	\$6,912.00	1.00	\$6,912.00
VATU-TP-300	Training Platform (V-300 Systems)		Enhanced training platform for use with the VirTra 300 systems. Required for the breach door and enhanced sound effects.	\$10,390.00	1.00	\$10,390.00
VATU-SE	Enhanced Sound Effects		Powerful amplifier and transducers that permit trainees to actually feel sounds for increased realism.	\$5,086.00	1.00	\$5,086.00
VATU-LL-G2X	Low Light-Training-G2X	OPEN MARKET ITEM	Hardware and software for low light training, includes 2 flashlights. For use with advanced handheld lights only (VATU-FLT-G2X).	\$4,004.00	1.00	\$4,004.00
VATU-TMAR TCM Backup	Trainee Monitor and Recording 5-14-19		Trainee monitor and recording. Real-time monitoring, recording, and playback during debriefing sessions of trainees. Includes software and hardware that integrates into the VirTra line of simulators.	\$6,542.00	1.00	\$6,542.00 126



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V-VICTA-01	VirTra Virtual Interactive Coursework and Training Academy™	OPEN MARKET ITEM	VirTra-Virtual Interactive Coursework and Training Academy™ certified simulator training curriculum. V-VICTA is a progressive science based approach to the use of simulation as a training system. Program materials include teacher lesson plans, student outline, presentation material, pre-tests, post-tests, course evaluation and all interactive video learning material in conjunction with the simulator for each available course. Virtual Instructor scenarios teach, train, test and sustain methodology to ensure participants dynamically absorb information to facilitate long term transfer of critical psycho-motor skills. Available exclusively to all VirTra simulation systems under a current Service or Subscription plan.	\$0.00	1.00	\$0.00
VTRK-SWMP	VirTra Tetherless-Smith & Wesson M&P	OPEN MARKET ITEM	Micro-switch activated tetherless handgun recoil kit for Smith & Wesson M&P- 9 mm, .40 caliber, 1.0 or 2.0 variants. Customer to specify type. Includes one magazine. (All recoil kits convert real firearms which must be supplied by the customer).	\$4,155.00	4.00	\$16,620.00
VTRK-SWMP-MAG	VirTra Tetherless-Smith & Wesson M&P-Magazine	OPEN MARKET ITEM	Additional magazine for use with the VTRK-SWMP recoil kits.	\$551.00	5.00	\$2,755.00
VWSA-SWMP-AP	Tetherless-Smith & Wesson M&P-Adapter Plate	OPEN MARKET ITEM	Adapter plate for the SWMP-MAG. Compatible with TRK and VTRK models. (Requires VirTra refill station).	\$437.00	1.00	\$437.00
VWSA-RFS	Refill Station		Table-top refill station for all refillable magazines. Includes automatic push button activation and one CO2 tank which must ship empty.	\$4,004.00	1.00	\$4,004.00
VATU-TFII	VirTra Threat-Fire™		VirTra Systems patented Threat-Fire™ return-fire-simulator device delivers a safe and adjustable electrical impulse to simulate hostile fire and enhance realism during training. No eye-protection required (Requires wireless station).	\$3,068.00	2.00	\$6,136.00
VWSA-WS	Wireless Station		Required for wireless recoil kits and the Threat-Fire™ to connect to the VirTra simulator (Only one wireless station needed per system).	\$1,508.00	1.00	\$1,508.00
VNLW-TAS-X26/P	X26P TASER®	OPEN MARKET ITEM	TASER® X26 simulation cartridge. Fits both X26 and X26P live TASER® handles. (X26/P handles supplied by customer.)	\$1,462.00	2.00	\$2,924.00
V-300-INSTL	VirTra 300 Installation/Training		VirTra Installation and Training for one (1) V-300 System. Includes all travel and expenses in the CONUS.	\$5,700.00	1.00	\$5,700.00



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Grand Total \$234,528.30

VirTra, Inc.
Sales Terms and Conditions for Direct Sales to End Users/Buyer
Effective as of May 1, 2017 (supersedes all prior versions)

Definitions: The following capitalized words shall mean:

"End Users/Buyer" means the organization or person who buys Seller's Goods and Services.

"Goods and Services" means the articles, products, accessories and services to be supplied to Buyer by Seller.

"Technology and Intellectual Property Rights" means all patents, registered and unregistered designs, copyright, trademarks, know-how, software, firmware, hardware, systems, components, or assemblies.

"Seller" means VirTra, Inc., located at 7970 S Kyrene Rd., Tempe, AZ 85284.

These Sales Terms and Conditions for Direct Sales to End Users/Buyers ("T&C") apply to Buyer's purchase of all Goods and Services purchased directly from Seller. Goods and Services sold by Seller are expressly subject to and conditioned upon the T&C set forth herein. By accepting delivery of the Goods and Services, Buyer accepts and is bound to these T&C. Any different or additional terms set forth by, whether in Buyer's purchase order or another communication, are expressly rejected and will not be binding on Seller unless agreed to in writing by an authorized officer of Seller.

All Sales Final. All sales are final and no returns, refunds or exchanges of the Goods and Services are allowed, except as provided by state or federal law, and, to the returns, refunds or exchanges are required by law, must be preapproved by Seller using their Return Merchandise Authorization (RMA) form.

Restocking Fees. In Seller's sole discretion, all returns, refunds or exchanges may be charged a restocking fee of up to 15% of the purchase price paid, plus any applicable shipping and sales tax, unless the returned product is defective, or the return is a direct result of a Seller's error, **Payment Terms.** Terms of payment are within Seller's sole discretion and, unless otherwise agreed to by Seller in writing, payment in full must be received prior to Seller's final acceptance of an order. Payment for Goods and Services will be made in United States currency (\$US Dollar) by a preapproved payment method. Credit payment terms must be preapproved by Seller's Finance Department and if approved, invoices are due and payable within the time period noted on invoices, measured from the date of the invoice. Seller may at its sole discretion invoice parts of an order separately. Seller may suspend or cancel Buyer's order for any failure to comply with agreed upon payment terms. Seller is not responsible for pricing, typographical, or other errors in any offer by Seller and reserves the right to cancel any orders resulting from such errors.

Late Payments. Interest and late payment fees may be calculated from the day after the payment's stated due date through the date payment is received in full, at the maximum legal allowable interest rate in effect on the applicable dates.

Taxes. Sales tax, end user tax, pass-through tax, value-added tax (VAT), transaction privilege tax, consumption tax, customs tax and/or duties are the sole responsibility of Buyer, and Buyer agrees to reimburse Seller for all applicable taxes that Seller is required to collect, regardless of the tax amount being excluded from Seller's quotes or Buyer's Purchase Orders.

Tax Exemption. Buyer must provide Seller with a correct, valid and signed tax exemption certificate applicable to the specific Goods and Services purchased, relevant to the end use location, prior to Seller invoicing. If an invalid tax exemption certificate is received or no tax exemption certificate is received, it will be the responsibility of Buyer to pay all required taxes. Additionally, it will be Buyer's responsibility to obtain any tax refunds permitted if Seller has collected and remitted taxes to a taxing authority.

Shipping; Title; Risk of Loss. Shipping and handling cost will be added to all invoices unless otherwise expressly indicated and agreed to in writing at the time of sale. Seller reserves the right to make partial shipments unless specifically stated otherwise on Buyer's signed quote or purchase order and such shipping terms are pre-approved by Seller in writing. Products may ship from multiple locations. Title and risk of loss passes from Seller to Buyer FOB Shipping Point upon Seller's delivery to the common shipping carrier. Any loss or damage that occurs during shipment is Buyer's responsibility. Buyer must promptly file claims for damaged items with the freight carrier. Shipping dates are estimates only.

Excusable Delays. Seller will use commercially reasonable efforts to deliver all products ordered as agreed or as soon as reasonably practicable. In the event of interruption of any delivery due to causes beyond the reasonable control of Seller, including but not limited to force majeure, fire, labor disturbances, riots, accidents, or inability to obtain necessary materials or components, Seller has the right, in its sole discretion and upon oral or written notice to Buyer, to delay or terminate the delivery.

Not For Resale or Export. Buyer agrees and represents that they are buying for their sole use, and does not intend to resale or plan to export Seller's products. Shipping of Seller's products out of the United States (US) is restricted by US federal law and neither Seller's products nor the technology can be exported out of the US without Seller's prior written approval and a validated export/import license (DSP 5,61, or 73) submitted to Seller for processing and approval and issued by the US State Department.

Regulations and Restrictions. Buyer agree to comply with all applicable laws, codes and license requirements, and controls of the United States and other applicable jurisdictions in connection with the use of Seller products including Buyer's acceptance of responsibility for the payment of any relevant taxes or duties. Buyer is responsible for understanding and verifying all local laws, regulations, restrictions and building code requirements for the purchase, delivery, receipt, storage, installation and use of Seller's Goods and Services. Seller may suspend or cancel Buyer's order, at Seller's sole discretion, for violation of regulations and restrictions.

Technology and Intellectual Property Rights. Buyer agrees that Seller claims, and has claim to, various proprietary rights of its Goods and Services, and Buyer agrees to take reasonably necessary steps to ensure that Seller's rights will not directly or indirectly be violated, which would cause irreparable harm to Seller. Except for the license to use the Goods and Services, the sale of Goods and Services will not confer upon Buyer any license, express or implied, under any patents, trademarks, trade names, or other proprietary rights owned or controlled by Seller, its subsidiaries, affiliates, or suppliers; it being specifically understood and agreed that all the rights are reserved to Seller, its subsidiaries, affiliates, or suppliers. Without limiting the foregoing, Buyer will not, without Seller's prior written consent, use any trademark or trade name of Seller in connection with any Goods and Services.

Design Changes. Seller reserves the right to make changes in design of any of its products without incurring any obligation to notify Buyer or to



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make the same change to products previously purchased by Buyer.

Severable Provisions. If any provision of these T&C is found to be invalid or unenforceable by a court of competent jurisdiction, then the remainder will remain in full force and effect and any invalid provision(s) will be modified or partially enforced by the court to the maximum extent permitted by law to effectuate the purpose of this agreement.

Limitation of Liability. Seller shall not be liable for any or all loss or damage suffered by Buyer in excess of the contract price. Nothing contained in these T&C shall be construed so as to limit or exclude the liability as a result of Seller's gross negligence or that gross negligence of its employees or agents.

Relationship of Parties. Nothing contained in these T&C shall be construed as establishing or implying any partnership or joint venture between the parties and nothing in these T&C shall be deemed to construe either or the parties as the agent of the other.

Assignment and Sub-Contracting. The contract between Buyer and Seller for the Goods and Services shall not be assigned or transferred, nor the performance of any obligation sub-contracted, without the prior written consent of both Buyer and Seller.

Entire Agreement. These T&C, along with the product warranty, license and service agreement(s), constitute the entire agreement between the parties. These Sales T&C supersede and replace any prior agreement or understanding between the parties, including any oral representations concerning the subject matter of this agreement. Any prior or extrinsic representations or agreements, with the exception of the product warranty, any service and license agreement(s), are intended to be discharged or nullified.

Governing Law; Jurisdiction and Venue. The laws of the State of Arizona, USA govern this transaction and agreement, without regard to conflicts of law. Any litigation regarding the interpretation or enforcement of these T&C shall be resolved in the State of Arizona and the courts of Arizona shall have exclusive jurisdiction over such litigation and the parties agree to such exclusive jurisdiction.

Exclusions and Limitations; Release.

To the extent permitted by law, Seller's warranty and the remedies set forth in that warranty are exclusive and in lieu of all other warranties, remedies, and conditions, whether oral or written, statutory, express or implied, as permitted by applicable law, Seller specifically disclaims any and all statutory or implied warranties, including without limitation, warranties of merchantability, design, fitness for a particular purpose, arising from a course of dealing, usage or trade practice, warranties against hidden or latent defects, and warranties against patent infringement. If Seller cannot lawfully disclaim statutory or implied warranties than to the extent permitted by law, all such warranties are limited to the duration of the express warranty described above and limited to the other provisions contained in the warranty document.

The remedies provided for in the warranty are expressly in lieu of any other liability Seller may have. Seller's cumulative liability to any party for any loss or damage resulting from any claims, demands, or actions arising out of or relating to any Seller product will not exceed the purchase price paid to Seller by Buyer for the product, notwithstanding third party purchases. In no event will Seller be liable for any direct, special, indirect, incidental, exemplary, punitive or consequential damages, however caused, whether for breach of warranty, breach of contract, negligence, strict liability, tort or under any other legal theory, even if Seller has been advised of the possibility of those damages or if those damages could have been reasonably foreseen, and notwithstanding any failure of essential purpose of any exclusive remedy provided in the warranty. Some local laws do not allow for the limitation or exclusion of liability for incidental or consequential damages, so the above limitation or exclusion may not apply to Buyer. Seller disclaims any representation that it will be able to repair any product under warranty or make a product exchange without risk to or loss of programs or data.

Buyer agrees to release and save Seller harmless from any and all liability arising out of use or misuse of Seller product, including any claims for damages and personal injuries. Buyer agrees to assume all risks of loss and all liability for any damages and personal injury which may result from use or misuse of Seller product. Seller is not liable for any claims made by a third party or by Buyer for or on behalf of a third party.

To accept this quote as a purchase order, please sign and return to VirTra rep

Signature: _____

Printed Name: _____

Date: _____

-SELECT PAYMENT METHOD-

- _____ Credit Card; include contact information only
- _____ Purchase Order
- _____ Check
- _____ Invoice
- _____ Other (please specify)

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 34-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Easement Agreement Between the Town of Palm Beach and Florida Power and Light (FPL) at 265 Palmo Way for Access, and Maintenance of FPL Equipment.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated April 12, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 34-2019**
- ▣ **Underground Easement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Authorization to Execute Easement and Use Agreement at 265 Palmo Way for Florida Power & Light as Part of the Town Wide Overhead Utility Undergrounding Phase 3 - North
Resolution No. 34-2019

DATE: April 12, 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 34-2019 granting a non-exclusive utility easement to Florida Power & Light (FPL), upon Town owned land within ALTO LIDO lots 16-23 Palm Beach, Florida as recorded in Plat book 11, Page 36 Public Records of Palm Beach County, Florida.

GENERAL INFORMATION

As part of the Town-wide Underground Phase - 3 North, FPL and the design team identified a need for two (2) switch cabinets on Palmo Way. The design team also identified two (2) capacitor banks in Phase 4-North that needed easements. Town Staff and the consultant, Kimley Horn & Associates, proposed grouping the equipment together on the Town owned property at 265 Palmo Way to provide uniform screening for this equipment and reduced the need for acquiring additional easements from private owners. The proposed design improvements also included a 10' strip of easement along the perimeter of the property to place conduit, to minimize the impacts to the Town's roadway and make restoration easier and less costly. The proposed non-exclusive easement to accommodate the equipment, conduit/wires as described in the attached sketch, and a legal description is provided by Avirom & Associates, Inc.

FUNDING/FISCAL IMPACT

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

TOWN ATTORNEY REVIEW

This item has been reviewed by the Town Attorney.

Attachment

cc: Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Michael Roach, P.E., Project Engineer
Steven Stern, Underground Utilities Manager

RESOLUTION NUMBER 34-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE TOWN OF PALM BEACH AND FLORIDA POWER AND LIGHT (FPL) AT 265 PALMO WAY FOR ACCESS, AND MAINTENANCE OF FPL EQUIPMENT.

* * * * *

WHEREAS, the Town is constructing and operating an FPL Transformer/Equipment at the 265 Palmo Way property; and

WHEREAS, FPL has requested that the Town of Palm Beach grant an easement to FPL to access and maintain the transformer equipment that services 265 Palmo Way; and

WHEREAS, the installation of the conduit and wires and equipment are necessary to operate and provide power to 265 Palmo Way.

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

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

Section 2. Town Manager is hereby authorized to execute an easement between the Town of Palm Beach and Florida Power and Light Company to access and maintain the transformer equipment that services 265 Palmo Way.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of May.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

Work Request No. 7253400 **UNDERGROUND EASEMENT**

Sec. ____, Twp __ S, Rge __ E

Parcel I.D.: 50-43-43-03-08-000-0160
(Maintained by County Appraiser)

This Instrument Prepared By
S.N. Stern, Project Manager
Town of Palm Beach
360 S. County Rd.
Palm Beach, FL 33480

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company ("FPL"), Bellsouth Telecommunications, LLC, Comcast Corporation, and the Town of Palm Beach, together with the affiliates, licensees, agents, successors, and assigns of the above named entities, a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility, communications, and cable distribution facilities (including cables, conduits, appurtenant equipment, and appurtenant above ground equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them, within an easement described as follows:

Reserved for Circuit Court

See Exhibit "A & B" ("Easement Areas")

Together with the right to permit any other person, firm, or corporation on behalf of the above named entities, and their affiliates, licensees, agents, successors, and assigns, to attach or place wires to or within any facilities hereunder and lay cable and conduit within the easement area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area, over, along, under, and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 20__.

Signed, sealed, and delivered in the presence of:

Town of Palm Beach

(Witness' Signature)

By: _____

(Kirk Blouin)

Print Name: _____

Its: Town Manager

(Witness)

Print Name: _____

(Witness' Signature)

Print Address: _____

Print Name: _____

(Witness)

STATE OF FLORIDA AND COUNTY OF PALM BEACH. The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, and _____, who is (are) personally known to me or _____ who has (have) produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

Notary Public, Signature

Print Name: _____

EXHIBIT A**SKETCH AND DESCRIPTION****UTILITY EASEMENT**

PORTION OF LOT 21, ALTO LIDO

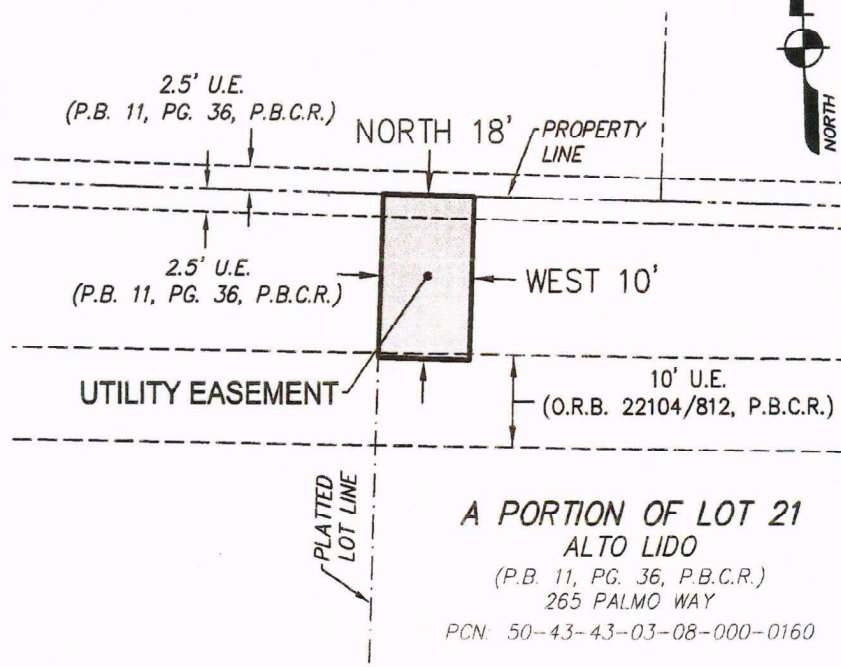
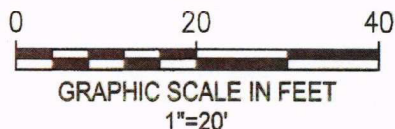
(P.B. 11, PG. 36, P.B.C.R.)

TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

LAND DESCRIPTION:

The west 10 feet of the north 18 feet of Lot 21, ALTO LIDO, according to the Plat thereof as recorded in Plat Book 11, Page 36, of the Public records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 180 square feet, more or less.

**SURVEYOR'S REPORT:**

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Abbreviation Legend: L.B. = Licensed Business; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG. = Page; P.L.S. = Professional Land Surveyor; R/W = Right of Way.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17, Florida Administrative Code, pursuant to Chapter 472, Florida Statutes.

Date: 4/8/19

MICHAEL D. AVIROM, P.L.S.
Florida Registration No. 3268
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS

**AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING**

50 S.W. 2nd AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
TEL. (561) 392-2594, FAX (561) 394-7125
www.AVIROMSURVEY.com

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JOB #: **10194-4.170**SCALE: **1" = 20'**DATE: **04/04/2019**BY: **M.J.A.**CHECKED: **M.D.A.**

F.B. -- PG. --

SHEET: **1 OF 1**

EXHIBIT B**SKETCH AND DESCRIPTION
UTILITY EASEMENT**PORTION OF LOTS 16 THROUGH 23, ALTO LIDO
(P.B. 11, PG. 36, P.B.C.R.)**LAND DESCRIPTION:**

TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

A portion of Lots 16 through 23, ALTO LIDO, according to the plat thereof as recorded in Plat Book 11, Page 36, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

BEGINNING at the northwest corner of said Lot 16; thence S88°29'15"E, along the north line of said Lot 16, a distance of 10.01 feet; thence S03°45'17"W, 43.00 feet; thence S86°14'43"E, 15.00 feet; thence S03°45'17"W, 44.00 feet; thence N86°14'43"W, 15.00 feet; thence S03°45'17"W, 20.00 feet; thence S86°14'43"E, 5.00 feet; thence S03°45'17"W, 13.00 feet; thence N86°14'43"W, 5.00 feet; thence S03°45'17"W, 4.88 feet to a point of curvature; thence southeasterly along the arc of a circular curve concave to the northeast, a radius distance of 5.12 feet, through a central angle of 92°14'30", an arc distance of 8.24 feet to a point of tangency; thence S88°29'13"E, 633.27 feet; thence N01°30'47"E, 4.00 feet; thence S88°29'13"E, 12.00 feet; thence S01°30'47"W, 4.00 feet; thence S88°29'13"E, 62.00 feet; thence N01°30'47"E, 14.00 feet; thence S88°29'13"E, 32.00 feet; thence S01°30'47"W, 14.00 feet; thence S88°29'13"E, 45.00 feet to the east line of Lot 23 of said plat; thence S01°30'45"W, along said east line, 10.00 feet to the north right-of-way line of Palma Way; thence N88°29'13"W, along said right-of-way line, 784.27 feet to a point of curvature; thence continue along said curve and north right-of-way, northwesterly along the arc of a circular curve concave to the northeast, a radius distance of 15.12 feet, through a central angle of 92°14'30", an arc distance of 24.34 feet to a point of tangency and the east right-of-way of N. Lake Way; thence N03°45'17"E, along said right-of-way, 124.49 feet to the POINT OF BEGINNING.

Said land lying in Palm Beach County, Florida and contains 10,473 square feet, more or less.

SURVEYOR'S REPORT:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Abbreviation Legend: L.B. = Licensed Business; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG. = Page; P.L.S. = Professional Land Surveyor; P.O.B. = Point of Beginning; R/W = Right of Way.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17, Florida Administrative Code, pursuant to Chapter 472, Florida Statutes.

Date: 4/9/19


MICHAEL D. AVIROM, P.L.S.
Florida Registration No. 3268
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS

TCM Backup 5-14-19

**AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING**

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JOB #:	10194-4.170B
SCALE:	1" = 20'
DATE:	04/08/2019
BY:	M.J.A.
CHECKED:	M.D.A.
F.B.	PG. --
SHEET:	1 105 7

EXHIBIT B

SKETCH AND DESCRIPTION UTILITY EASEMENT

PORTION OF LOTS 16 THROUGH 23, ALTO LIDO
(P.B. 11, PG. 36, P.B.C.R.)
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

P.O.B.
(N.W. CORNER
LOT 16)

N. LAKE WAY

N03°45'17"E
124.49

EAST R/W LINE

N86°14'43"W
15.00

S03°45'17"W
44.00

S03°45'17"W
20.00

S86°14'43"E
5.00

S03°45'17"W
13.00

N86°14'43"W
5.00

S03°45'17"W
4.88

C2

NORTH R/W LINE

PALMO WAY

S88°29'15"E
10.01

2.5' U.E.
(P.B. 11, PG. 36, P.B.C.R.)

2.5' U.E.
(P.B. 11, PG. 36, P.B.C.R.)

S86°14'43"E
15.00

10' U.E. (O.R.B. 22104/812, P.B.C.R.)

CURVE TABLE

C1	L=8.24'	R=5.12'	Δ=92°14'30"
C2	L=24.34'	R=15.12'	Δ=92°14'30"

LOT 16
ALTO LIDO

(P.B. 11, PG. 36, P.B.C.R.)
265 PALMO WAY

PCN: 50-43-43-03-08-000-0160

S88°29'13"E
633.27

LOT LINE (TYPICAL)

PLAT LINE (TYPICAL)

12.0'
6.0'

F.P.L. UTILITY EASEMENT
(O.R.B. 26951/661, P.B.C.R.)

MATCHLINE

N88°29'13"W
784.27

REVISIONS

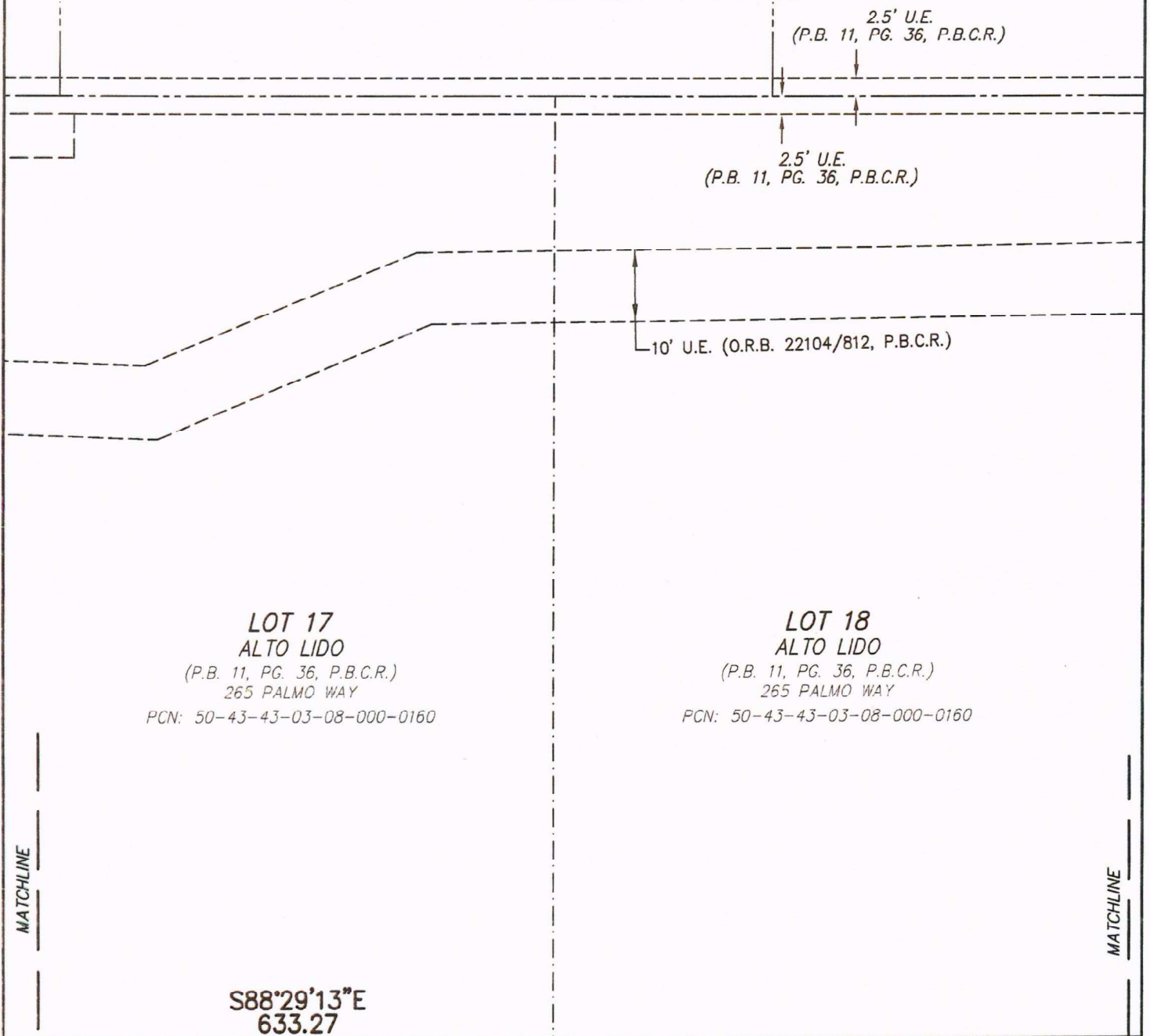


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JOB #: 10194-4.170B
SCALE: 1" = 20'
DATE: 04/08/2019
BY: M.J.A.
CHECKED: M.D.A.
F.B. -- PG. --
SHEET: 2 OF 7

PORTION OF LOTS 16 THROUGH 23, ALTO LIDO
(P.B. 11, PG. 36, P.B.C.R.)
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA



S88°29'13"E
633.27

NORTH R/W LINE

PALMO WAY

N88°29'13"W
784.27

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		SCALE:	1" = 20'
		DATE:	04/08/2019
		BY:	M.J.A.
		CHECKED:	M.D.A.
		F.B.	-- PG. --
		SHEET:	3 OF 7

EXHIBIT B

SKETCH AND DESCRIPTION
UTILITY EASEMENT
PORTION OF LOTS 16 THROUGH 23, ALTO LIDO
(P.B. 11, PG. 36, P.B.C.R.)
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

2.5' U.E.
(P.B. 11, PG. 36, P.B.C.R.)

10' U.E. (O.R.B. 22104/812, P.B.C.R.)

LOT 19
ALTO LIDO
(P.B. 11, PG. 36, P.B.C.R.)
265 PALMO WAY
PCN: 50-43-43-03-08-000-0160

S88°29'13"E
633.27

NORTH R/W LINE

PALMO WAY

N88°29'13"W
784.27

REVISIONS

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JOB #: 10194-4.170B

SCALE: 1" = 20'

DATE: 04/08/2019

BY: M.J.A.

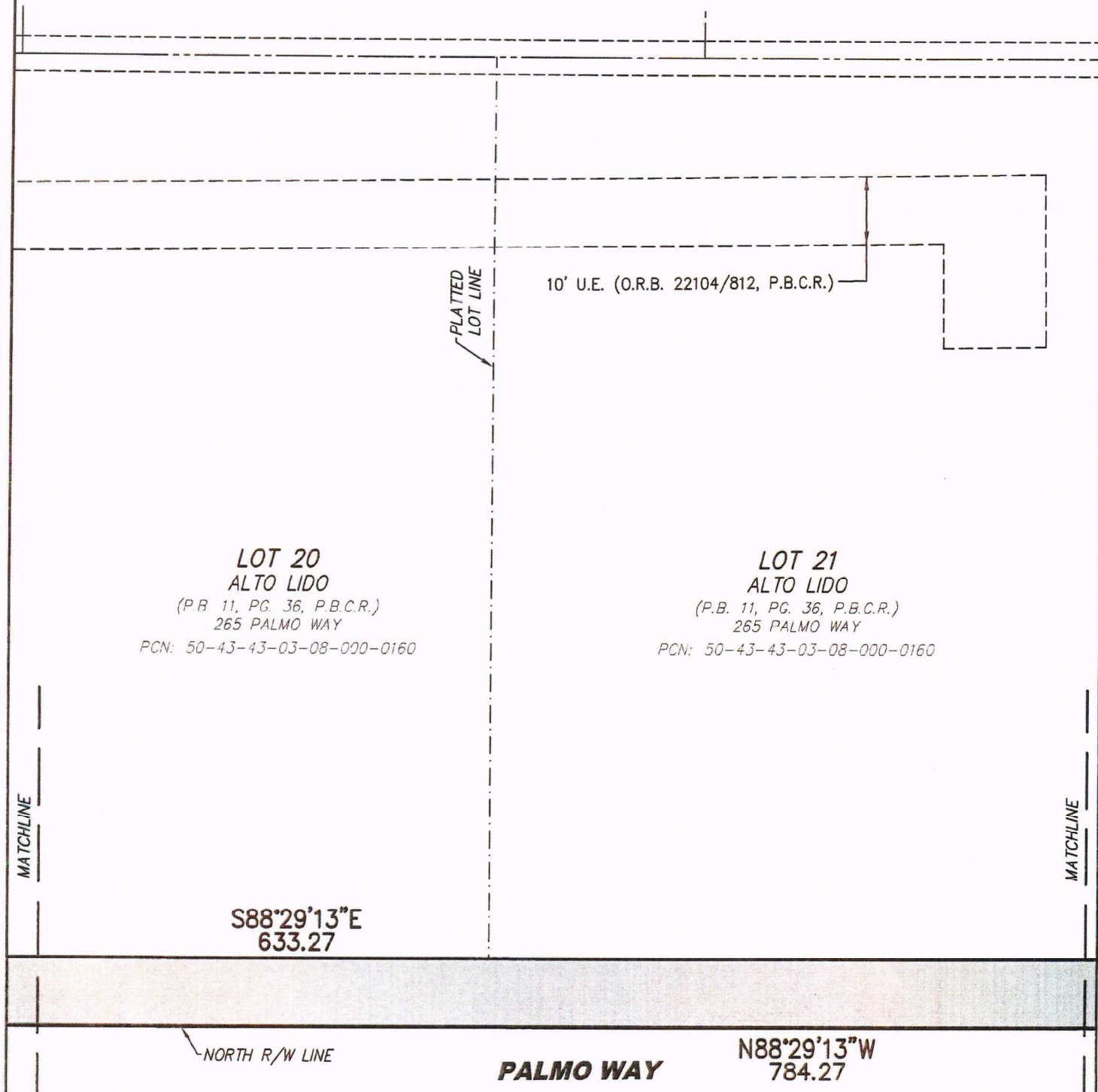
CHECKED: M.D.A.

F.B. --- PG. ---

SHEET: 4 OF 7

EXHIBIT B

SKETCH AND DESCRIPTION
UTILITY EASEMENT
PORTION OF LOTS 16 THROUGH 23, ALTO LIDO
(P.B. 11, PG. 36, P.B.C.R.)
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

**REVISIONS****AVIROM & ASSOCIATES, INC.**
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JOB #: **10194-4.170B**SCALE: **1" = 20'**DATE: **04/08/2019**BY: **M.J.A.**CHECKED: **M.D.A.**F.B. **--** PG. **--**SHEET: **5 OF 7**

EXHIBIT B**SKETCH AND DESCRIPTION
UTILITY EASEMENT**

PORTION OF LOTS 16 THROUGH 23, ALTO LIDO
(P.B. 11, PG. 36, P.B.C.R.)
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

2.5' U.E.
(P.B. 11, PG. 36, P.B.C.R.)

2.5' U.E.
(P.B. 11, PG. 36, P.B.C.R.)

**LOT 22
ALTO LIDO**

(P.B. 11, PG. 36, P.B.C.R.)
265 PALMO WAY

PCN: 50-43-43-03-08-000-0160

MATCHLINE

MATCHLINE

N01°30'47"E 4.00
S88°29'13"E 633.27
S88°29'13"E 12.00
S01°30'47"W 4.00
S88°29'13"E 62.00

N88°29'13"W
784.27

PALMO WAY

NORTH R/W LINE

REVISIONS

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JOB #: 10194-4.170B

SCALE: 1" = 20'

DATE: 04/08/2019

BY: M.J.A.

CHECKED: M.D.A.

F.B. -- PG. --

SHEET: 6 OF 7

EXHIBIT B

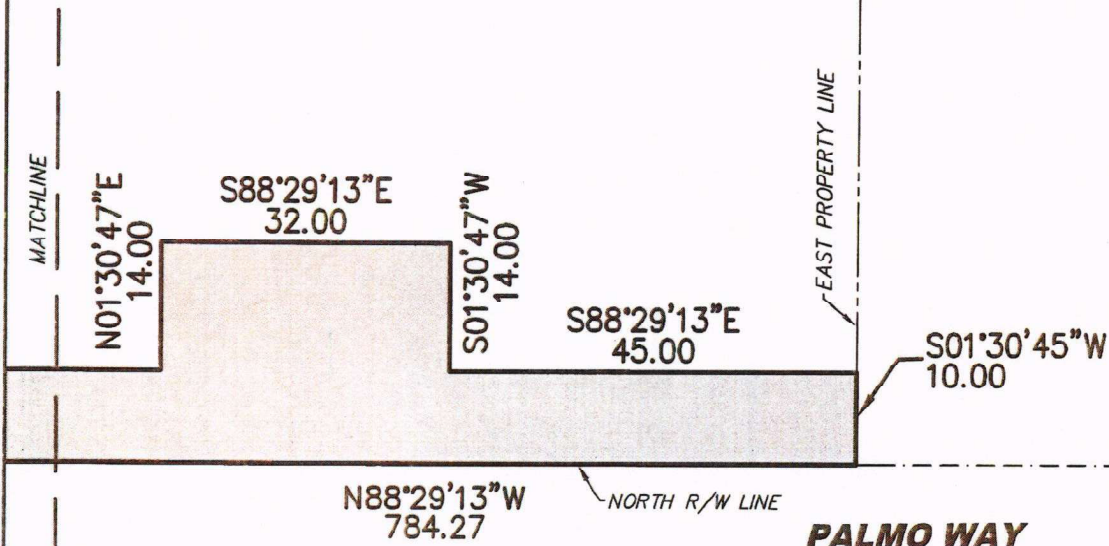
SKETCH AND DESCRIPTION
UTILITY EASEMENT
PORTION OF LOTS 16 THROUGH 23, ALTO LIDO
(P.B. 11, PG. 36, P.B.C.R.)
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

2.5' U.E.
(P.B. 11, PG. 36, P.B.C.R.)

2.5' U.E.
(P.B. 11, PG. 36, P.B.C.R.)

LOT 23
ALTO LIDO
(P.B. 11, PG. 36, P.B.C.R.)
265 PALMO WAY
PCN: 50-43-43-03-08-000-0160

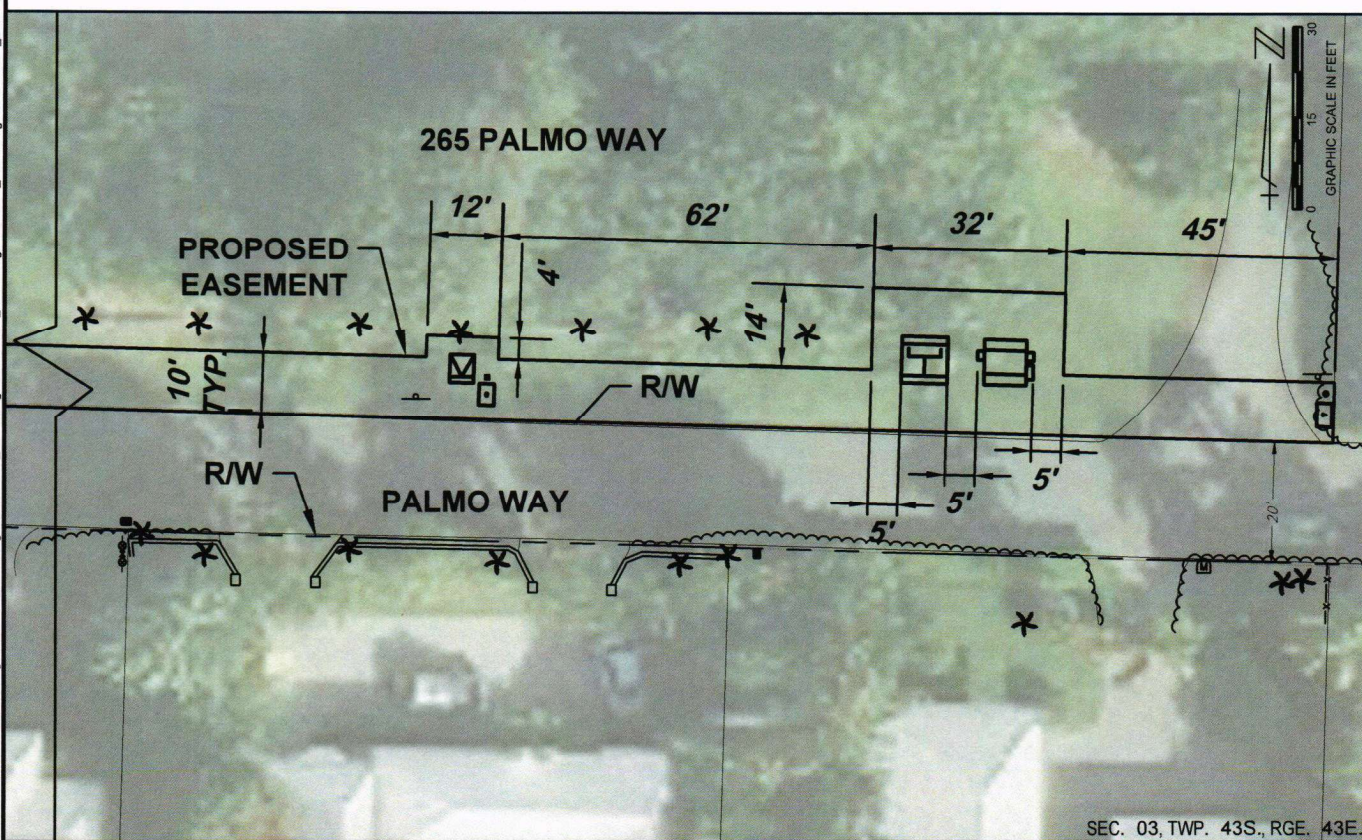
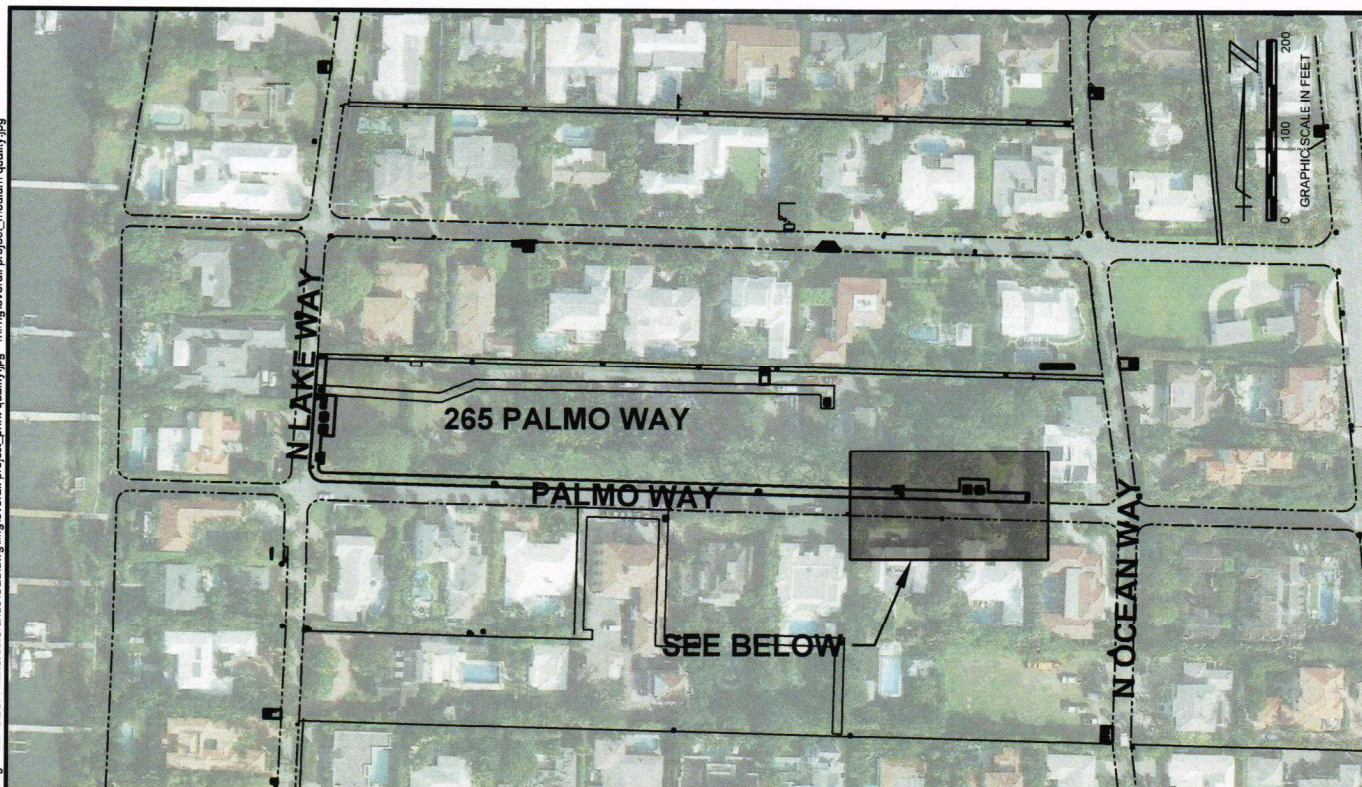
LOT 24
ALTO LIDO
(P.B. 11, PG. 36, P.B.C.R.)
1240 NORTH OCEAN WAY
PCN: 50-43-43-03-08-000-0240

**REVISIONS**

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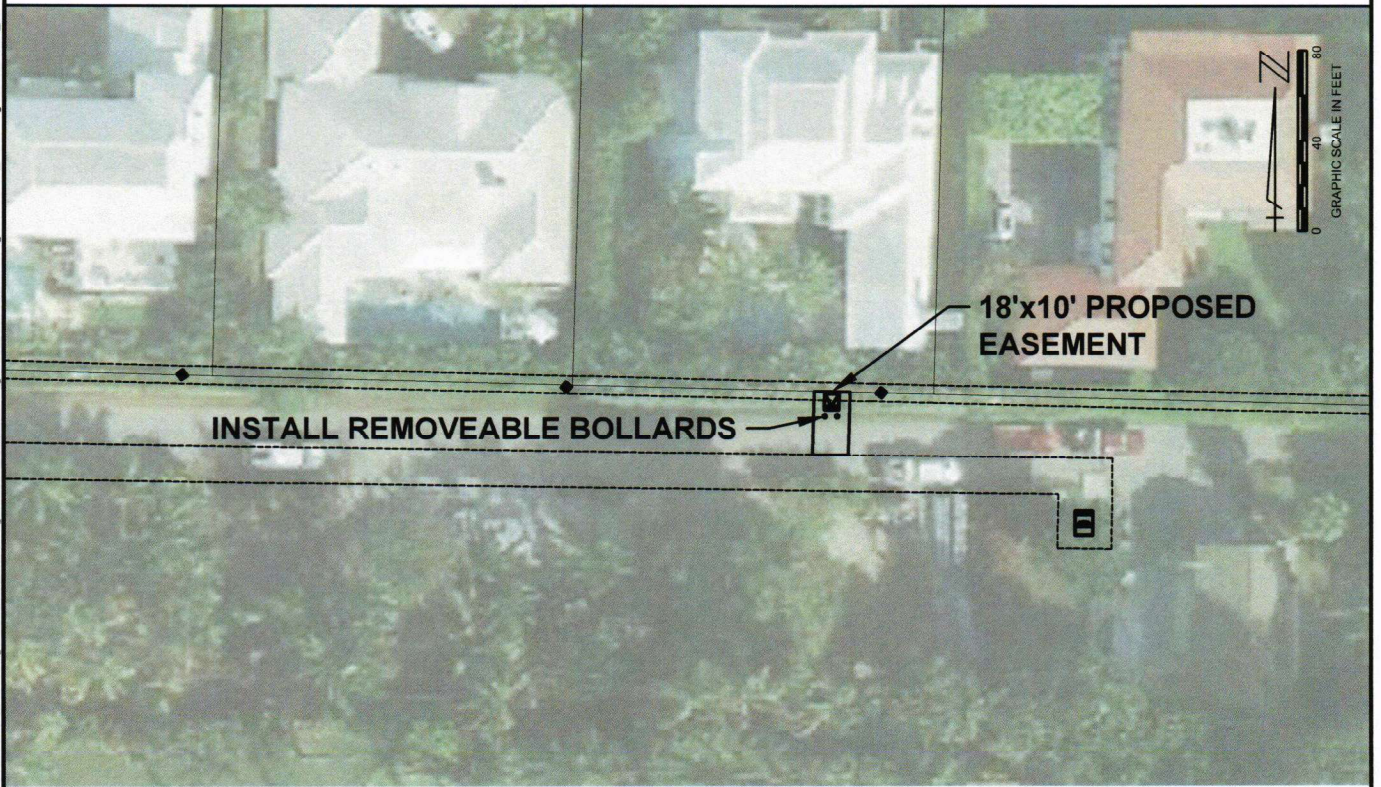
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JOB #:	10194-4.170B
SCALE:	1" = 20'
DATE:	04/08/2019
BY:	M.J.A.
CHECKED:	M.D.A.
F.B.	PG.
SHEET:	7 OF 7



SCALE: AS SHOWN	FL. E.B. NO. 48	FL. L.B. NO. 48	TOWN OF PALM BEACH UNDERGROUNDING PHASE 3 NORTH EASEMENT EXHIBIT PALM BEACH COUNTY, FL	DATE: 2018
FIELD: -----	MOCK•ROOS CONSULTING ENGINEERS 5720 Corporate Way, West Palm Beach, Florida 33407 (561) 683-3113, fax 478-7248			P.A. NO. B5040.3C
DRAWN: SMR				DR. NO. 4667
APPR: JPC				ADD: 265 PALMO WAY

DWG: F:\khokh\und3\Cad\dwg\EASEMENTS.dwg PLOT DATE: Mar 15, 2019 - 2:28pm
 XREFS: UN3CS01_UTD1.dwg UN3CS01_bm01.dwg UN3CS01_BM02.dwg UN3CS01_BM03.dwg UN3CS01_md01.dwg UN3CS01_BM01-sup.dwg UN3CS01_BM01-sup.dwg
 IMAGES: F:\khokh\und3\Cad\dwg\overall project_print_quality.jpg .img\overall project_medium_quality.jpg



SEC. 03, TWP. 43S., RGE. 43E.

SCALE: AS SHOWN	FL. E.B. NO. 48	FL. L.B. NO. 48	TOWN OF PALM BEACH UNDERGROUNDING PHASE 3 NORTH EASEMENT EXHIBIT PALM BEACH COUNTY, FL	DATE: 2018
FIELD: ---	MOCK • ROOS CONSULTING ENGINEERS 5720 Corporate Way, West Palm Beach, Florida 33407 (561) 683-3113, fax 478-7248			P.A. NO. B5040.30
DRAWN: SMR				DR. NO. 4667
APPR: JPC				ADD: 265 PALMO WAY 3

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Consent - Other

Agenda Title

Waiver to Town Code for Extended Construction Hours and Lane Closure for AT&T to Construct a Fiber Line and Make Connection in Royal Palm Way at Coconut Row

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated April 24, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **AT&T Proposal**
- ▣ **Map**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Waiver to Town Code for Extended Construction Hours and Lane Closure for AT&T to Construct a Fiber Line and Make Connection in Royal Palm Way at Cocoanut Row

DATE: April 24, 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the waiver of the Town Code of Ordinances Sections 42-196 through 42-199 and Sections 42-226 through 42-229, restrictions for construction hours, work during season, lane closure, and waiver to noise ordinance for AT&T and their contractor to construct a fiber line and connection at Royal Palm Way and Cocoanut Row.

GENERAL INFORMATION

Last year at the June 12, 2018 Town Council meeting, Council approved AT&T's request for the lane closure and extended work hours. Due to unforeseen equipment failures and permitting issues with the Florida Department of Transportation, AT&T was not able to complete the work. AT&T and their contractors plan to install multiple 4-inch conduits along Cocoanut Row north to approximately midway through the Royal Palm Way intersection. AT&T has requested to perform their work at night to minimize any daytime traffic impacts. They would also be placing steel plates in the intersection temporarily to restore daytime traffic in all directions until the work is complete.

During the night-time hours (9:00pm - 5:30am), AT&T would detour eastbound traffic from the Royal Park Bridge south on South Lake Drive then east on Brazilian Avenue. Westbound traffic on Royal Palm Way will not be impacted. Traffic on Cocoanut Row will be able to proceed northbound and southbound through the intersection.

Staff recommends a waiver to Section 42-196 through Section 42-199 of the Town Code of Ordinances to allow for extended work hours and night-time work hours as necessary, and approved by Public Works. AT&T, with the assistance of their contractors and Public Works staff, will notify businesses and residents in the immediate area prior to any night time activities, and issue a press release for the week.

Staff also recommends a waiver to the Noise Ordinance for those same night-time activities from Section 42-226 through Section 42-229 of the Town Code of Ordinances.

FUNDING/FISCAL IMPACT

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

TOWN ATTORNEY REVIEW

This item has been reviewed by the Town Attorney.

Attachment

cc: Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Michael Roach, P.E., Project Engineer
Steven Stern, Underground Utilities Manager



Farhan Qazi
Manager OSP Engineering

AT&T Florida
120 N K St,
Lake Worth,
FL-33460

T 561-540-9275
Farhan.Qazi@att.com
att.com

April 24th, 2019

Town of Palm Beach

Attention: Patricia Strayer

Subject: Proposed AT&T work in Town of Palm Beach Between 5-2019 to 11-2019

Following is the summary of items which are waiting for Town's approval to proceed with approval before AT&T can begin construction in the Town/FDOT right of way:

1. For AT&T project, 8E843311N, permit number UT-19-02748, starting at the intersection of Royal Palm Way and Cocoanut Row to intersection of Australian Av and Cocoanut Row, AT&T will be blocking East bound Lane on Royal Palm Way and South Bound lane on Cocoanut Row. AT&T will proceed with the work upon permit approval and work at the intersection will be completed in 10 Business days once started. AT&T will follow the FDOT mandated Maintenance of Traffic Plan for the intersection to minimize impact on the traffic.
2. For AT&T project, 9E843250N, permit number UT-19-02881, starting at the intersection of Bradley Pl and Sunset Av towards west on Sunset Av, AT&T will be blocking Center of the intersection to open-cut and repair the roadway to access the conduit system to be repaired. Next, AT&T will directionally Bore Sunset Av to place conduit on the Northern right of way of Sunset Av for future fiber optics based services. AT&T will proceed with the work upon permit approval and work at the intersection will be completed in 5 Business days once started. AT&T will follow the FDOT mandated Maintenance of Traffic Plan for the intersection to minimize impact on the traffic

Farhan Qazi, E.I.,
Manager OSP Planning & Engineering Design
AT&T Network Operations, Construction and Engineering

AT&T
120 N K St, 3Rd Flr, Lake Worth, FL-33460
m 561-540-9275 | FQ2669@att.com

MOBILIZING YOUR WORLD

AT&T

To be setup in accordance with Standard Index 616,660 & TA19 of the MUTCD

Table 1
Device Spacing

Speed (mph)	Cones or Tubular Markers	Barrels or Vertical Panels or Drums	Taper	Tangent
25	25	25	25	50
30 to 45	25	50	30	50

DISTANCE BETWEEN SIGNS

Speed	Spacing (ft.)	A	B	C
40 mph or less	200	200	200	200
45 mph	350	350	350	350

Table 2
Device Spacing

Speed (mph)	Cones or Tubular Markers	Barrels or Vertical Panels or Drums	Taper	Tangent
25	25	25	25	50
30 to 45	25	50	30	50



TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Consent - Other

Agenda Title

Designation of Voting Delegate and Alternate(s) to the Palm Beach County League of Cities, Inc.

Presenter

Kathleen Dominguez, Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated May 2, 2019 from Kathleen Dominguez, Town Clerk**
- ▣ **Voting Delegate Form**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Kathleen Dominguez, Town Clerk

Re: Designation of Voting Delegate and Alternate(s) to the Palm Beach County League of Cities, Inc.

Date: May 2, 2019

STAFF RECOMMENDATION

Staff recommends the Town Council take official action to designate a voting delegate and alternate(s) to vote on behalf of the Town at Palm Beach County League of Cities general membership meetings, special general membership meetings and/or functions of the general membership.

GENERAL INFORMATION

The Palm Beach County League of Cities has requested that each member municipality update their voting delegate and alternate(s) records via the attached form. Section 3.05 of the Town Charter states that the Mayor is the Town Official designated to represent the Town in all agreements with governmental entities. Mayor Coniglio regularly attends the meetings of the Palm Beach County League of Cities. Based upon the Town Charter Mayor Coniglio should be designated the voting delegate of the Town to the League of Cities.

Historically, the President and the President Pro Tem have served as the voting alternates. Therefore, the Mayor has recommended the following individuals serve as alternates: Danielle Moore, Margaret Zeidman, Bobbie Lindsay and Bobbi Horwich. It is recommended that at least one alternate be designated so that the Town can be properly represented at any meeting of the Palm Beach League of Cities in the absence of the Mayor.

ATTACHMENT



Designation of Voting Delegate & Alternate(s) to the Palm Beach County League of Cities, Inc.

In accordance with Article Four of the Bylaws of the Palm Beach County League of Cities, Inc., as amended January 25, 2017, the governing body of (City, Town, or Village name):

Took the official action and designated the following voting delegate and alternate(s) to vote on behalf of the above named municipality at any League of Cities general membership meeting, special general membership meeting and/or function of the general membership. This designation applies **ONLY** to weighting voting items for the General Membership.

Voting Delegate

Email:

Alternate(s)

Email:

Alternate(s)

Email:

Alternate(s)

Email:

Alternate(s)

Email:

Alternate(s)

Email:

Alternate(s)

Email:

Action taken this _____ day of _____, _____

Mayor Signature

Attest:

Clerk Signature (SEAL)

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Consent - Other

Agenda Title

Request by the City of West Palm Beach for Town Sponsorship in the Amount of \$12,000 for the City's Fourth on Flagler Event

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 25, 2019, from Kirk Blouin, Town Manager**
- ▣ **Sponsorship Request from City of West Palm Beach**
- ▣ **Sponsorship Benefits**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

To: Mayor and Town Council

From: Kirk Blouin, Town Manager

Re: Request by the City of West Palm Beach for Town Sponsorship in the Amount of \$12,000 for the City's Fourth on Flagler Event

Date: April 25, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council authorize the expenditure of \$12,000 from the FY 2019 General Fund Contingency for the Town to be an official sponsor of the City of West Palm Beach's Fourth on Flagler July 4th Celebration.

GENERAL INFORMATION

Attached is a letter dated March 18, 2019, from Cinde Martin, Marketing Consultant for the City of West Palm Beach, requesting that the Town be an official sponsor of the Fourth on Flagler event. The attachment to Ms. Martin's letter identifies benefits of sponsorship.

The Town has previously sponsored this event, including last year for \$12,000. Since many Palm Beach residents enjoy the Fourth on Flagler fireworks, we believe this Town sponsorship is fair, provides a public benefit, and is good intergovernmental relations. Therefore, staff recommends Town Council approval of this request.

FUNDING/FISCAL IMPACT

If Town sponsorship of the Fourth on Flagler event is approved by the Town Council, the \$12,000 cost for this sponsorship will be expended from the FY 2019 General Fund Contingency Account.

Attachments

KB:nt

cc: Jane Le Clainche, Director of Finance



"The Capital City of the Palm Beaches"

March 18, 2019

Mr. Kirk Blouin
Town of Palm Beach
Correspondence via e-mail

Dear Mr. Blouin,

We are so grateful to have had The Town of Palm Beach's past support for the City of West Palm Beach's 4th on Flagler celebration for so many years. I believe it's been almost 20 years now. Thank You.

It's our 31st Anniversary this year and we are respectfully requesting the Town of Palm Beach again serve as a sponsor and donate \$ 12,000.00 to the event. As you know, we serve as the County's largest Fireworks display on the 4th of July.

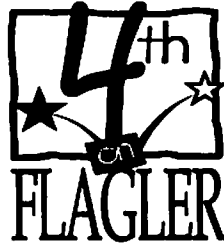
This year, like last, we are also undertaking a 60-day Summer in Paradise Campaign to include a FUNSTRUCTION message embracing the City's ongoing construction. We are tying in with our community partner – UNITED WAY OF PALM BEACH COUNTY to include a NEIGHBORS UNITED CAMPAIGN! As part of the celebration we are including trolley and bike tours that include Palm Beach destinations. Discover the Palm Beaches is helping to fund us and will promote Summer in Paradise to out of market visitors in Florida, Massachusetts, Philadelphia, New York and Chicago.

I've attached an outline of the benefits you will continue to receive as a 4th on Flagler partner. Let me know if you have any other requests. We look forward to working with you on our 31ST Anniversary of 4th on Flagler!

Sincerely,

Cinde A. Martin
Marketing Consultant

"An Equal Opportunity Employer"



OFFICIAL SPONSORSHIP
Town of Palm Beach

THURSDAY, JULY 4, 2019

Attendance approximately 120,000+

Join the City of West Palm Beach for South Florida's largest and best Fourth of July Celebration. Celebrating our 31st year, 4th on Flagler has become the largest, free community celebration in Palm Beach County. This year we will be celebrating Palm Beach County in a BIG way. We invite the Town of Palm Beach to join us in providing this community service for all residents.

The celebration is heavily promoted on television – we are again working with WPBF-TV 25 again and we welcome our radio partners, Hubbard Radio which includes 97.9 WRMF, WIRK 103.1, SUNNY 107.9, BEATZ FM, 840 WFTL, 640 Hurricane Radio and X 102.3 with The Palm Beach Post supplying our print ads. With two stages, a kids area, an art area, delicious food and drink, and of course the grand star – the fireworks – this event is slated for good ole' Americana fun!

Benefits include:

- Right to a Corporate Display Areas; one (1) 10x10 tent on Flagler Drive
- Media Recognition
 - Corporate Inclusion in select print ads to run in The Palm Beach Post
 - Corporate Inclusion in select radio ads to run on Palm Beach Broadcasting
- Website Inclusion
- Collateral Inclusion on 4th on Flagler Collateral
- Prominent Signage at Event; Inclusion on all Sponsor Boards
- VIP Ticket Package for Event
 - 1 VIP Parking Pass
 - 14 Tickets to the VIP Hospitality Area
- Right to pre and post event promotions (with City's prior approval)
- First right of refusal

PACKAGE VALUE - \$ 20+K ANNUALLY

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Consent - Other

Agenda Title

Request to Consider Ordinance No. 17-2019 at Public Hearings Prior to 5:00 p.m.

Presenter

Josh Martin, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum Dated May 2, 2019, from Josh Martin, Director of Planning, Zoning and Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

To: Mayor and Town Council

From: Josh Martin, Planning, Zoning & Building Director

Re: Request to Consider Ordinance No. 17-2019 at Public Hearings Prior to 5:00 p.m.

Date: May 2, 2019

STAFF RECOMMENDATION

Staff recommends the Town Council conduct the public hearings on Ordinance No. 17-2019 at the Town Council meetings at which the proposed Ordinance is to be heard prior to 5:00 p.m. The proposed Ordinance will be heard on first reading at the May 15, 2019 meeting, and it is anticipated that the second reading will be on June 12, 2019.

GENERAL INFORMATION

Florida Statute 166.041 requires the Town Council hold at least one of two public hearings to adopt a comprehensive plan amendment or zoning amendment ordinance that changes the list of permitted, conditional or prohibited uses within a zoning district consisting of parcels of land involving ten acres or more after 5:00 p.m. However, the Statute provides that the time of hearing can be changed if a majority plus one of the local governing body elects to have a hearing at another time. Staff is requesting the Town Council elect to conduct the public hearings on Ordinance No. 17-2019 during the course of the normal Council business. The first reading of the proposed Ordinance will be on May 15, 2019. The second reading is anticipated to be on June 12, 2019. All public hearings may occur before 5:00 p.m.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Kathleen Dominguez, Town Clerk
Paul W. Castro, AICP, Zoning Administrator
zf

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Board/Commission Annual Report

Agenda Title

Annual Report of the Code Enforcement Board

Presenter

Matthew Natale, Chair

ATTACHMENTS:

- ▣ **Memorandum Dated April 30, 2019, from Nicholas Caristo, Chief of Police**
- ▣ **List of Properties**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

To: Mayor and Town Council
Via: Kirk W. Blouin, Town Manager
From: Nicholas Caristo, Chief of Police 
Re: Annual Report – Code Enforcement Board
Date: April 30, 2019

STAFF RECOMMENDATION

Staff recommends the Town Council hear the presentation of the Annual Report for 2018/2019 by Matthew Natale, Chair of the Code Enforcement Board.

GENERAL INFORMATION

The following information is a summary of activities of the Code Enforcement Board and staff for the past year. Benjamin Alma, Support Services Manager, is prepared to answer any questions from the Town Council.

The Code Enforcement Board consists of 9 members (7 regular members and 2 alternates). Matthew Natale was re-elected as Chair at the April 2019 meeting, and Scotch Peloso was re-elected as Vice Chair. The remaining regular members are Bram Mijtlis, Scotch Peloso, Daniel McDonnell, Rosemary Carpenter, Linda K. Wartow, and Steven Meltzer. The alternate members are Herbert Roemmelle and Jack Cohen.

From May 2018 through April 2019, the Code Enforcement Board heard 68 new code violation cases, 11 fine consideration cases, 10 requests for fine reductions, 1 foreclosure consideration and 3 cases as old business. From May 1, 2018 through April 30, 2019, the Town of Palm Beach collected \$319,120.00 in fines ordered by the Code Enforcement Board and \$5,850.00 in Code Enforcement administrative fees.

As of April 30, 2019, there are 9 properties with daily running fines, totaling \$2,323,500.00, 4 properties with non-running fines, totaling \$475.00, and 5 non-property owners having non-running fines, totaling \$1,225.00. Liens in favor of the Town have been filed against property owners where appropriate.

Notice of Code Violation citations written and collected from May 1, 2018 to April 30, 2019, in which the violator admits to guilt and pays the fine, totaled \$21,775.00.

At the present time, the Code Enforcement staff is comprised of 1 Parking/Code Enforcement Specialist and 2 full-time Code Enforcement Officers.

Code Enforcement staff handled 1,651 complaints from May 1, 2018 through April 30, 2019 of which 687 were self-initiated by the Code Enforcement Officers. There were 2,346 inspections completed, 938 code violation written warnings, 728 verbal warnings, 248 Notice of Violation letters issued, 145 Notice of Violation citations issued and 104 Board Orders issued. Code Enforcement and Parking Enforcement staff wrote a total of 77 Right of Way violations.

Attached is a list of all properties with current outstanding code enforcement fines as of April 30, 2019.

Attachment

NC/cm

Case #	Name	Address
07-2277	Susan Gibson	226 Pendleton Ave
10-2706	Susan C. Lee	287 Pendleton Ave.
15-57	224 Atlantic LLC	224 Atlantic Ave.
15-964	Matthew Gabelli	1157 N. Lake Way
16-1116	Susan Gibson	226 Pendleton Ave
18-226	Yvonee M. Anderson	3230 S. Ocean Blvd. #A201
18-400	Husnija Spahic	2840 S. Ocean Blvd. #A201
18-580	James Pirrie & Marianne Carey	328 Chilean Ave.
18-706	Wood's Law & Gardens	259 Clarke Ave.
18-1398	Only Authentics	240 Worth Ave.
18-1517	GE Express Auto Transport	3450 S. Ocean Blvd
18-843	The Patrician of Palm Beach Condo Apts.	3450 S. Ocean Blvd
18-1553	Como Home and Design	253 Royal Poinciana Way
19-298	JLZ realty South	212 Oleander Ave.
19-69	Thomas & Sandra Campaniello	240 S. County Rd,
19-96	Mark & nancy Gilbert	323 Chilean Ave.
18-1404	David & Sabrina marr	235 Sunrise Ave #2019
19-47	Lugo Jorge & Mary Rodriguez	401 Peruvian Ave. #402

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda Committee Reports

Agenda Title

Report of the Ordinances, Rules and Standards Committee Meeting Held on April 4, 2019

Presenter

Julie Araskog, Chair

ATTACHMENTS:

- ▣ **Report of the ORS Committee Held on April 4, 2019**



REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING HELD ON THURSDAY, APRIL 4, 2019

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules and Standards (ORS) Committee meeting was called to order on Thursday, April 9, 2019, at 9:00 a.m. in the Town Council Chambers. On roll call, all committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Araskog led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Chair Araskog suggested to move item no. V.B.1. to be heard after Communications from Citizens.

Motion was made by Committee Member Crampton, and was seconded by Chair Araskog, to approve the agenda, as amended above. On roll call, the motion passed unanimously.

IV. COMMUNICATIONS FROM CITIZENS - None

V. REGULAR AGENDA

A. Old Business

1. Review of Article VII, Section 106 of the Town Code, Relative to Special Event Permits on Public Property
Jay Boodheshwar, Deputy Town Manager

(Clerk's note: This item was taken out of order and heard immediately after item V. B.2.)

Chair Araskog provided the various reasons for the potential consideration to limit or prohibit special events at Phipps Plaza Park.

Deputy Town Manager Boodheshwar provided an overview of Section 106 of the Town's Code and presented an aerial view of all the public spaces/parks that fall within the Town's jurisdiction for use of special events.

Discussion ensued regarding the various reasons for prohibiting the use of Phipps Park Plaza and other parks for use of special events that are in close

proximity to residential areas.

Carol LeCates, 212 Seabreeze Ave., spoke in support of banning events in Phipps Plaza Park and other parks are near residential areas.

Bradley Geist, 234 Phipps Plaza, expressed public safety concerns with holding events in Phipps Plaza Park.

Motion was made by Chair Araskog, and was seconded by Committee Member Crampton, to present the proposed Ordinance as described at the April 9, 2019 Town Council meeting.

B. New Business

1. Discussion Regarding an Ordinance Prohibiting Single-Use Plastic Straws
Jay Boodheshwar, Deputy Town Manager

(Clerk's Note: This item was taken out of order and heard immediately after Item No. IV.)

Chair Araskog read the following verbiage from strawlessocean.org into the record:

*"Plastic straws are really bad for the ocean. **It's estimated that we use over 500 million straws every day in America**, and most of those end up in our oceans, polluting the water and killing marine life. We want to encourage people to stop using plastic straws for good. If we don't act now, **by the year 2050 there will be more plastic in the ocean than fish**. It's estimated that the average person again uses 1.6 straws per day. That means that if 25,000 people stop using straws we would eliminate 5,000 straws and prevent them from entering our oceans and harming wildlife each day."*

Discussion ensued regarding the various states that have adopted ordinances banning plastic straws with the intent of protecting the environment and marine life.

Chair Araskog proposed emergency passage of the plastic straws ordinance during the April 9, 2019 Town Council meeting.

Deputy Town Manager Boodheshwar recommended adopting the ordinance during the May Town Council session in order to carry out the necessary advertising procedures.

Motion was made by Committee Member Crampton, and was seconded by Chair Araskog, to request emergency passage of the proposed Ordinance to ban plastic straws with a proviso of a twelve-month phase-in period to be considered at the May Town Council Meeting. On roll call, the motion passed unanimously.

2. Proposed Ordinance to Address Property Maintenance Standards
Wayne Bergman, Assistant Director of Planning, Zoning and Building

(Clerk's Note: This item was taken out of order and heard immediately after Item No. V.B.1.)

Wayne Bergman, Assistant Director of Planning, Zoning and Building, provided an overview of the proposed ordinance amending the Town's Property Maintenance Code.

Discussion ensued regarding the urgent need for emergency passage and various changes to the sections within the ordinance.

It was the consensus of the ORS Committee to update the proposed ordinance based on the direction provided and present it to the Town Council for first reading at the April 9, 2019 Town Council meeting.

VI. ANY OTHER MATTERS - None

VII. ADJOURNMENT

There being no further business to discuss, the Ordinances, Rules and Standards Committee Meeting of Thursday, April 4, 2019, was adjourned at 10:10 a.m.

APPROVED:

Julie Araskog
Chair

ATTEST:

Kathleen Dominguez
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town Marina Project Update

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated April 29, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Weekly Project Update**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Town Marina Project Update

DATE: April 29, 2019

STAFF RECOMMENDATION

Gordon Thomson with Baird and Associates will be presenting a status report regarding engineering and design for the Town Marina Project at the May 14, 2019 Town Council Meeting.

GENERAL INFORMATION

Town staff has been fully engaged with the consultants (Baird and Associates, and Edgewater Resources) for this project and are presenting updates to the Mayor and Town Council on a monthly basis. The project is in the permitting and design phase, therefore, no approvals are required at this time, and the presentation is for informational purposes only. Specific milestones and issues include the following:

- Permits - Town staff and our consultants continue to pursue State and Federal regulatory approvals in order to meet the permitting schedule. In order to receive potential cost sharing from the Florida Inland Navigation District, the State (FDEP) and Federal (USACE) permits, as well as a new State submerged lands lease, must be obtained by September 15th, 2019. Both FDEP and the USACE continue to be responsive and help the Town stay on schedule. The USACE publicly noticed the project on April 29th. Following a 21-day noticing, the USACE will submit a request for information to the Town to address any comments received. During permit application review, the USACE also receives input from advisory agencies. The USACE has recognized the lack of environmental resources in the project area and has initiated an expedited consultation with the National Marine Fisheries Service. This should help keep the project on schedule. The Town's consultants and sub-consultants are gathering additional information requested by FDEP to complete State permitting review. In order to meet the September 15th deadline, the permit application must be deemed complete by FDEP and the project must be on the July agenda for State Submerged Lands Lease approval by the Board of Trustees of the Internal Improvement Trust Fund of Florida. We expect to know if the State Submerged Land Lease request is scheduled for the July Board of Trustees meeting by mid-June.
- Schedule and Risk Analysis – The project timeline is dependent on a variety of factors, and to achieve the aggressive schedule envisioned, many parallel activities need to occur. For example, permit issuance by September is required, but until the Public Notice period closes and any additional Requests for Additional Information (RAI) are received, it is

difficult to predict the actual completion. Similarly, the consideration of the Sovereign Submerged Lands (SSL) lease by the State Board of Trustees at their July session is needed, but confirmation of that agenda will not be known through FDEP until June. Some of the design and procurement milestones continue to be refined, but are subject to change. The design for the buildings was delayed due to additional ARCOM meetings that prevented the plans from progressing until that ARCOM approval was obtained. Due to the complex nature of the project, the procurement process is important, and allowing sufficient time for well-prepared proposals is vital to receipt of competitive and comprehensive bids. Two other factors that also should be considered in the timeline are the renewals of existing dock leases and the project timing as it impacts revenue and patrons. [This issue is further examined in a later topic.] The grant application via FIND is another consideration, although this application can be adapted to the actual timeline that occurs. Mr. Thomson will present a schedule update and three (3) possible outcomes (original schedule, current schedule, and a schedule reflecting a spring 2020 construction start date).

- Florida Power & Light Cable Conflict (Palm Way Dock) – The alternative concepts for revising the Palm Way Dock location due to the cable crossing conflict were presented to the Town Council at their April 23rd meeting, and one of those concepts (Concept #1) was approved. Permit and design documents are being updated to reflect that revision.
- Solicitation (RFQ) for Dock Manufacturers – Based upon the procurement approach discussed previously, the staff issued a solicitation to dock manufacturers for the purpose of reviewing and pre-qualifying dock systems and manufacturers. Four (4) manufacturers responded and three (3) of those four (4) were short-listed for interviews. The Selection Committee interviewed the three (3) manufacturers and found them to meet the basic qualifications necessary. One area of concern that was raised during the interviews was the fabrication, delivery, and installation schedules associated with the new floating docks, and whether the original completion by December 2020 is realistic or achievable. The Selection Committee recommendation is a separate agenda topic for the Town Council approval at the May 14, 2019 meeting.
- 60% Design Review – The design consultant submitted the 60% design to staff, and it is being reviewed. Further design details, along with draft specifications have been included in that submission. The next design milestone would be the 100% design submission.
- Dock Leases – The current patrons with leases at the docks have been informed that the renewal information will be sent out to them this summer (June/July). Due to uncertainty on whether to stay at the Town Docks until the start of construction, some patrons are anxious to know whether they must make plans to depart by December 1, 2019 or not. Since there is some risk that accompanies this decision, Staff has discussed the various issues that affect the project timeline (hence the start of construction). It is possible that any of the factors noted in the above paragraph may cause the permits to be issued later than expected, or to cause construction to commence later than December 1, 2019. If the existing patrons depart by that date, then there will be no revenue received during that season. Based on the alternative May 2020 construction start date identified previously, a partial year of revenue (approximately \$1.5M estimated) could be achieved in that scenario. Staff recommends that by next month, the decision be made regarding lease renewals, to inform the patrons and plan the construction start date accordingly.

Any required approvals will be sought at subsequent Town Council meetings.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Dean Mealy, Purchasing Manager
Mike Horn, Town Dockmaster

Summary of Weekly Work Completed for the Town Marina Project

Prepared and submitted via email weekly to the Town by
Gordon Thompson at Baird and Associates

Week of April 1 – 5

- Revised the permit sketches to address USACE comments in RAI#1. Developed and submitted responses and permit sketches to Edgewater.
- Participated in the FPL efforts to unearth the conduit passing under Lake Worth Lagoon and surveyed in their spot locations.
- Held a meeting with Town staff to make several key decisions.
- Issued a Notice to Proceed for the boundary survey.
- Submitted a proposal for Tier II elutriate testing for arsenic.
- Drafted a presentation for next week's Town Council meeting.
- Continued development of 60% plans and specifications.

Week of April 8 – 12

- An update was held with the team regarding permitting. The response to the USACE RAI #1 was submitted by Edgewater.
- Additional alternatives were developed to avoid dredging or placing piles within the FPL cable buffer.
- Met with FDEP regarding RAI #1 and approach for RAI #2.
- Finalized and submitted a proposal for granulometric testing.
- Presented a project update to Town Council.
- Continued development of 60% plans and specifications.
- Reviewed dock manufacturer pre-qualification packages.
- Researched and responded to questions regarding any remaining options to locate FPL cable. Also responded to question regarding market analysis.

Week of April 15 – 19

- Dock manufacturer pre-qualification packages were reviewed and scored. A selection meeting was held where three of the four manufacturers were requested back for interviews. Baird developed questions for the Town to provide to the dock manufacturers.
- Additional alternatives were developed to avoid dredging or placing piles within the FPL cable buffer.
- Samples for the granulometric analysis were collected.
- Continued development of 60% plans and specifications. Internal meeting of Baird sub-consultants in preparation for 60% design submittal.
- Details for oil disposal and trash compaction needs was finalized.
- Response to proposed rates and the market study was provided.

Week of April 22 – 26

- Held a meeting with the Royal Park Homeowners Association.
- Presented updated alternatives to Town Council.
- Conducted pre-qualification interviews with dock manufacturers.
- Held bi-weekly staff meeting.
- Boundary survey field effort was completed.
- Samples for the granulometric analysis are being analyzed.
- 60% plans and specifications were submitted.

Summary of Weekly Work Completed for the Town Marina Project

Prepared and submitted via email weekly to the Town by
Gordon Thompson at Baird and Associates

Week of April 22 – May 3

- Updated presentation for Town Council.
- Submitted geotechnical analyses.
- 100% plans and specifications continue to be developed.

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project

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

Presenter

Steve Stern, Project Manager

ATTACHMENTS:

- ▣ **Project Summary and Status Report**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

To: Mayor & Town Council

Via: Kirk W. Blouin, Town Manager

From: **Steven Stern, Underground Utilities Project Manager**

Re: Utility Undergrounding Project Status Report

Date: April 29, 2019

I. Communications

Recent Events

- Phase 1, 2, 3 - South: Cup of Joe with Bo & Town Staff, Friday May 4, 2019.
Location: South Fire Station
- Phase 1, 2, 3 North: Coffee with the Crew & Town Staff, Monday May 6, 2019.
Location - Palmo Way – Near the Pump Station

There are no meetings scheduled for June or July. The next coffee meetings are planned for Friday, August 2nd and Monday August 5th.

Significant Correspondence:

- Initial Easement Notification letters are being prepared and will be sent in May to property owners within the Phase 4 North construction area.

II. Progress Summary:

Construction progress:

Phase 1 North Construction:

- FPL subscriber conversions complete.
- ATT conversions activities nearly complete – with a few exceptions.
- Comcast conversion activities in progress.
- Overhead wire and pole removal planned to begin end of May 2019.
- Final landscape will follow pole removal.

Phase 1 South Construction:

- FPL switching orders in progress.
- FPL condominium conversions are expected to begin presently at 4 locations near the southern Town limits. Advance notification and coordination will occur with each condo.
- ATT conversions activities nearly complete - Ibis Isle.
- Comcast conversion activities pending FPL Ibis Isle primary energization.
- Final pole removal and landscape expected to begin August 2019.

Phase 2 North Construction:

- Horizontal directional drilling continues. N Ocean Blvd, N Ocean Way, N Lake Way are complete. Private side service conduit installation is in progress.
- The contractors are presently drilling, placing pads and equipment on east-west streets.
- All planned Chicanes in Phase 2 North have been avoided with the generous cooperation of property owners granting necessary easements.

Phase 2 South Construction:

- Due to delay in Phase 3 South design and easement acquisition staff recommends moving forward with Phase 2 South award.
- The GMP is expected to be on the July Town Council Agenda.
- Construction start planned for July/August 2019.

Phase 3 North Construction:

- Design is 80% complete and easement acquisition progressing slowly at 42%, the bid package expected to be available to the CMAR in late May.
- A Chicane Plan is being developed.
- Staff recommendation for award expected to be on the July Town Council Agenda.
- Construction start planned for August 2019.

Phase 3 South Construction:

- Bid package availability remains incomplete due to Comcast design delays and slow progress of easement acquisition, which is currently at 36%.
- We are not ready to begin the bid process at this time.

Design & Easement Progress:**Phase 2:**

- Phase 2 North Design is 99% complete
- Phase 2 South Design is 98% complete

Easement Status:

- Phase 2 North: 100% of easements approved
- Phase 2 South: 84% of easements approved

Phase 3:

- Phase 3 North Design is 80% complete
- Phase 3 South Design is 70% complete

Easement Status:

- Phase 3 North: 42% of easements approved
- Phase 3 South: 36% of easements approved

Phase 4:

- Phase 2 North Design is 36% complete
- Phase 2 South Design is 26% complete

Easement Status:

- Phase 4 North: 0% of easements approved
- Phase 4 South: Not started.



Underground Utility Project Monthly Progress Report May 2019

Table of Contents

Dashboard – Phase 1 & 2 Construction and Phase 2, 3, 4, 5 Design

1. Kimley-Horn - Design Progress Reports - Phase 2 - 5
2. Kimley-Horn - Design Phase 2 - 5 Gantt Charts
3. Burkhardt - Executive Summary & Schedule – Phase 1N & 2N
4. Whiting Turner - Executive Summary & Schedule – Phase 1S
5. Project Financial Report
6. Interest Rate Forecast

Dashboard Notes:

- Overall Budget represents the percentage encumbered to date versus the total project budget of \$102 million.

Prepared by the TMO & Finance Departments
April 29, 2019

Town of Palm Beach - Underground Utility Project Dashboard - May '19





Town-Wide Undergrounding - Phase 2 Design

KHA Project #044063202

April 2019 Progress Report

Period: March 26, 2018 to April 19, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 2 North Design is 99% complete
 - Phase 2 South Design is 98% complete
- Budget: Project is on budget as of March 15, 2018
 - Phase 2 North Design is at 95% of total task budget
 - Phase 2 South Design at 93% of total task budget
- Easement Status
 - Phase 2 North: 100% of easements approved
 - Phase 2 South: 84% of easements approved

B. Detailed Design Phase

- Subconsultant/utility owner coordination related to Phase 2 Design revisions and construction.
- Continued modification of Phase 2 South construction plans based on easement acquisition process
- Continued coordination with Comcast, AT&T and FPL to finalize Conduit Plans for Phase 2 South.
- Coordination with the FDOT for the Phase 2 South Landscape MMOA
- Continued resident meetings for easement acquisition in Phase 2 North and Phase 2 South.
- Attendance at Progress Meeting with Town and Utility Owners
- Attendance at property owner meetings/conference calls to discuss easement requests.
- Preparation/Revision of Easement Exhibits for Phase 2 South. Submittal of exhibits to Town.
- Revisions to Phases 2 North and South Landscape plan to replace ficus benamina with other species due to Town Code of Ordinance changes.

II. Upcoming Activities (April 20, 2018 – May 19, 2019)

A. Detailed Design Phase

- Continue resident meetings/conference calls to discuss easements in Phase 2 South.
- Submittal of bid plans to Kaufman Lynn for advertisement.
- Bid phase services for Phase 2 South.
- Continued coordination with Comcast, AT&T and FPL to finalize Conduit Plans for Phase 2 South.
- Progress Meeting Attendance.



Town-Wide Undergrounding - Phase 3 Undergrounding
KHA Project #044063215
April 2019 Progress Report
Period: March 26, 2018 to April 25, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 3 North Design is 80% complete *
 - Phase 3 South Design is 70% complete *
 - Budget: Project is on budget as of April 15, 2019
 - Phase 3 North Design is at 65% of total task budget
 - Phase 3 South Design at 55% of total task budget
 - Easement Status
 - Phase 3 North: 42% of easements approved
 - Phase 3 South: 36% of easements approved
- * Phase 3 is currently behind schedule. Due to hurricane impacts drawing resources to the panhandle, Comcast was unable to meet the schedule for their design.

B. Detailed Design Phase

- Continued Subconsultant/utility owner coordination related to Phase 3 Undergrounding.
- Continued Progress on development of Equipment Location and Conduit Plan for Phase 3 North and South.
- Continued review and comment on FPL, ATT and Comcast Design Plans
- Continued Progress on Landscaping Plans for Phase 3 North and South
- Phase 3 Specification development.
- Continued Coordination with Waypoint regarding commercial service sizing.
- Meeting with ATT to coordinate the Phase 3 South Design
- Progress Meeting Attendance.
- Continued development of Phase 3 North and South easement exhibits and submittal to Town.
- Site meetings to discuss easement requests in Phase 3 North and South.
- Development of legal sketches and descriptions for Phases 3 North and South.
- Coordination Meetings with Subconsultants

II. Upcoming Activities (April 26, 2019 – May 25, 2019)

A. Detailed Design Phase

- Submittal of easement exhibits based on new equipment locations received from FPL – Phase 3 North and South
- Continued Easement meetings with property owners – Phases 3 North and South
- Continued coordination with FPL, AT&T and Comcast to complete the design
- Submittal of Phase 3 North bid plans to the CMAR
- Progress Meeting Attendance



Town-Wide Undergrounding - Phase 4 Undergrounding

KHA Project #044063219

April 2019 Progress Report

Period: March 26, 2018 to April 25, 2019

I. Scope Update

A. General

- **Schedule:** Project schedule progress is shown below.
 - Phase 4 North Design is 36% complete
 - Phase 4 South Design is 26% complete
- **Budget:** Project is on budget as of April 15, 2019
 - Phase 4 North Design is at 36% of total task budget
 - Phase 4 South Design at 26% of total task budget
- **Easement Status**
 - Phase 4 North: 0% of easements approved
 - Phase 4 South: N/A, will provide status when this work begins. Easement needs still being quantified.

B. Detailed Design Phase

- Subconsultant coordination related to Phase 4 Undergrounding
- Continued coordination with utility owners to receive record information.
- Provided FPL with review comments of the initial FPL equipment and conduit plans received for Phases 4 North and South.
- Field review of preliminary FPL equipment locations for feasibility.
- Preliminary development of Equipment Location Plans for Phase 4 North and South.
- Submittal of Phase 4 South plans to AT&T and Comcast to begin design
- Development and delivery of easement exhibits to the Town for Phases 4 North and South.
- Progress Meeting Attendance

II. Upcoming Activities (April 26, 2018 – May 25, 2018)

A. Detailed Design Phase

- Continued coordination with utility owners to refine the design.
- Receive and review AT&T and Comcast designs for Phase 4 North
- Continued development and submittal of easement exhibits for Phases 4 North and South.
- Meetings with property owners to discuss easement requests.
- Progress Meeting attendance.



Town-Wide Undergrounding - Phase 5 Undergrounding

KHA Project #044063229

April 2019 Progress Report

Period: March 26, 2019 to April 25, 2019

I. Scope Update

A. General

- **Schedule:** Project schedule progress is shown below
 - Phase 5 North Design is 15% complete
 - Phase 5 South Design is 15% complete
- **Budget:** Project is on budget as of April 15, 2019
 - Phase 5 North Design is at 11% of total task budget
 - Phase 5 South Design is at 11% of total task budget
- **Easement Status**
 - Phase 5: N/A, will provide status when this work begins

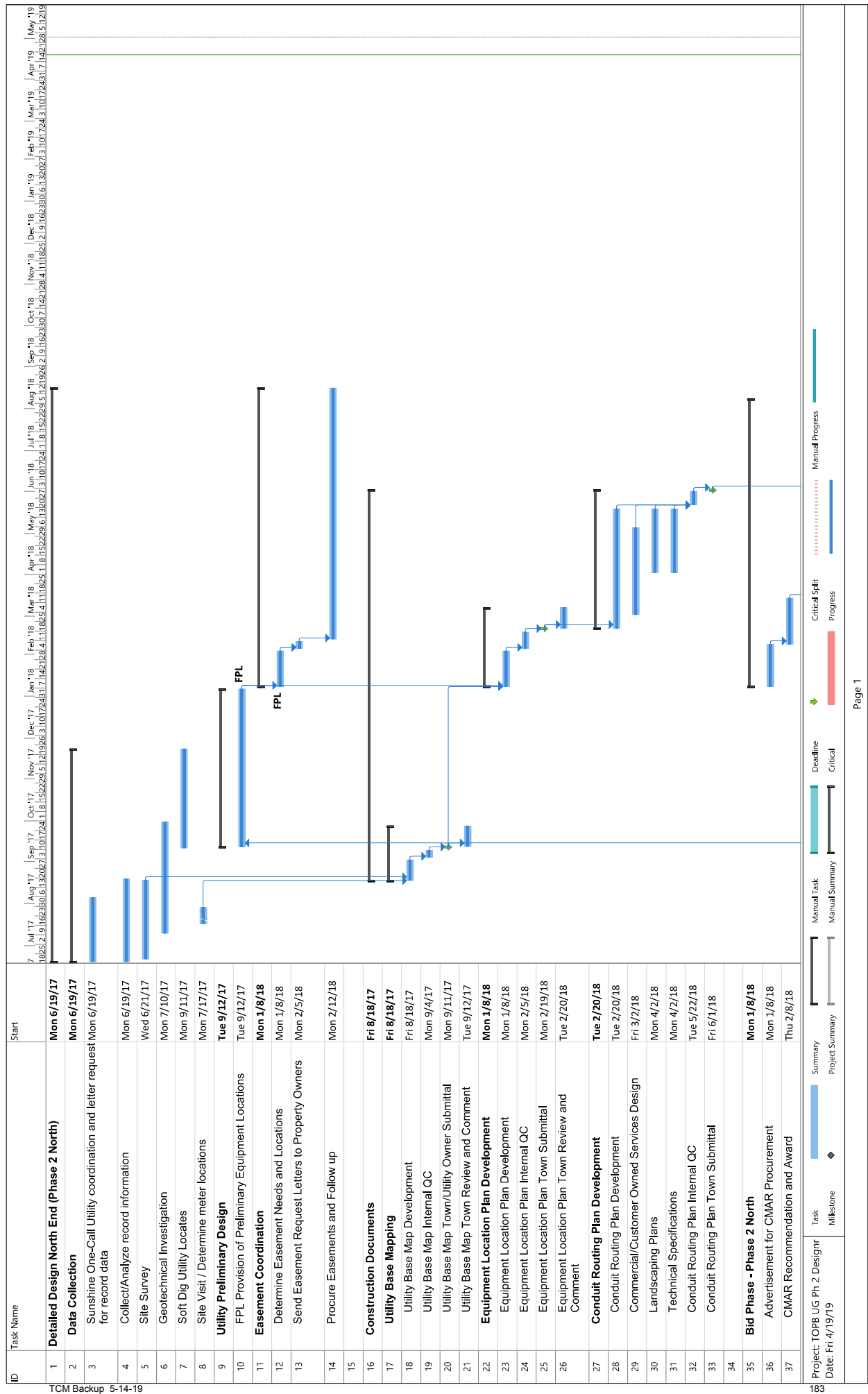
B. Detailed Design Phase

- Finished field meter reviews
- Continued surveying
- Continued utility coordination
- Coordinated with sub-consultants and Town
- Researched existing easements
- Led coordination meetings with sub-consultants

II. Upcoming Activities (April 26, 2019 – May 25, 2019)

A. Detailed Design Phase

- Finish surveying
- Begin geotechnical investigation
- Begin utility base map development
- Coordinate with sub-consultants and Town
- Lead coordination meetings with sub-consultants



ID	Task Name	Start
38	Pre-Construction Services	Wed 3/14/18
39	Bidding/GMP Development	Mon 6/4/18
40	GMP review and Negotiation	Tue 7/17/18
41		
42	Town Council Award (Phase 2 North)	Tue 8/14/18
43		
44	Start Construction (Phase 2 North)	Wed 8/15/18
45	New Tasks	
46	Utility Design and BCE Development - Phase 2 North	Tue 9/12/17
47	FPL Design and Preliminary Conduit Routing	Tue 9/12/17
48	AT&T and Comcast Design	Tue 2/20/18
49	Utility Agreement and BCE Development	Fri 4/13/18
50		
51	Detailed Design South End (Phase 2 South)	Mon 6/19/17
52	Data Collection	Mon 6/19/17
53	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17
54	Collect/Analyze record information	Mon 6/19/17
55	Site Survey	Wed 6/21/17
56	Geotechnical Investigation	Mon 7/10/17
57	Soft Dig Utility Locates	Mon 9/11/17
58	Site Visit / Determine meter locations	Mon 7/17/17
59	Utility Preliminary Design	Tue 9/26/17
60	FPL Provision of Preliminary Equipment Locations	Tue 9/26/17
61	Easement Coordination	Mon 1/22/18
62	Determine Easement Needs and Locations	Mon 1/22/18
63	Send Easement Request Letters to Property Owners	Mon 2/19/18
64	Procure Easements and Follow up	Mon 2/26/18
65		
66	Construction Documents	Fri 9/1/17
67	Utility Base Mapping	Fri 9/1/17
68	Utility Base Map Development	Fri 9/1/17
69	Utility Base Map Internal QC	Mon 9/18/17
70	Utility Base Map Town/Utility Owner Submittal	Mon 9/25/17
71	Utility Base Map Town Review and Comment	Tue 9/26/17
72	Equipment Location Plan Development	Mon 1/22/18
73	Equipment Location Plan Development	Mon 1/22/18
74	Equipment Location Plan Internal QC	Mon 2/19/18

Project: TORB UG Ph 2 Designr
Date: Fri 4/19/19

Task Milestone

Summary Project Summary

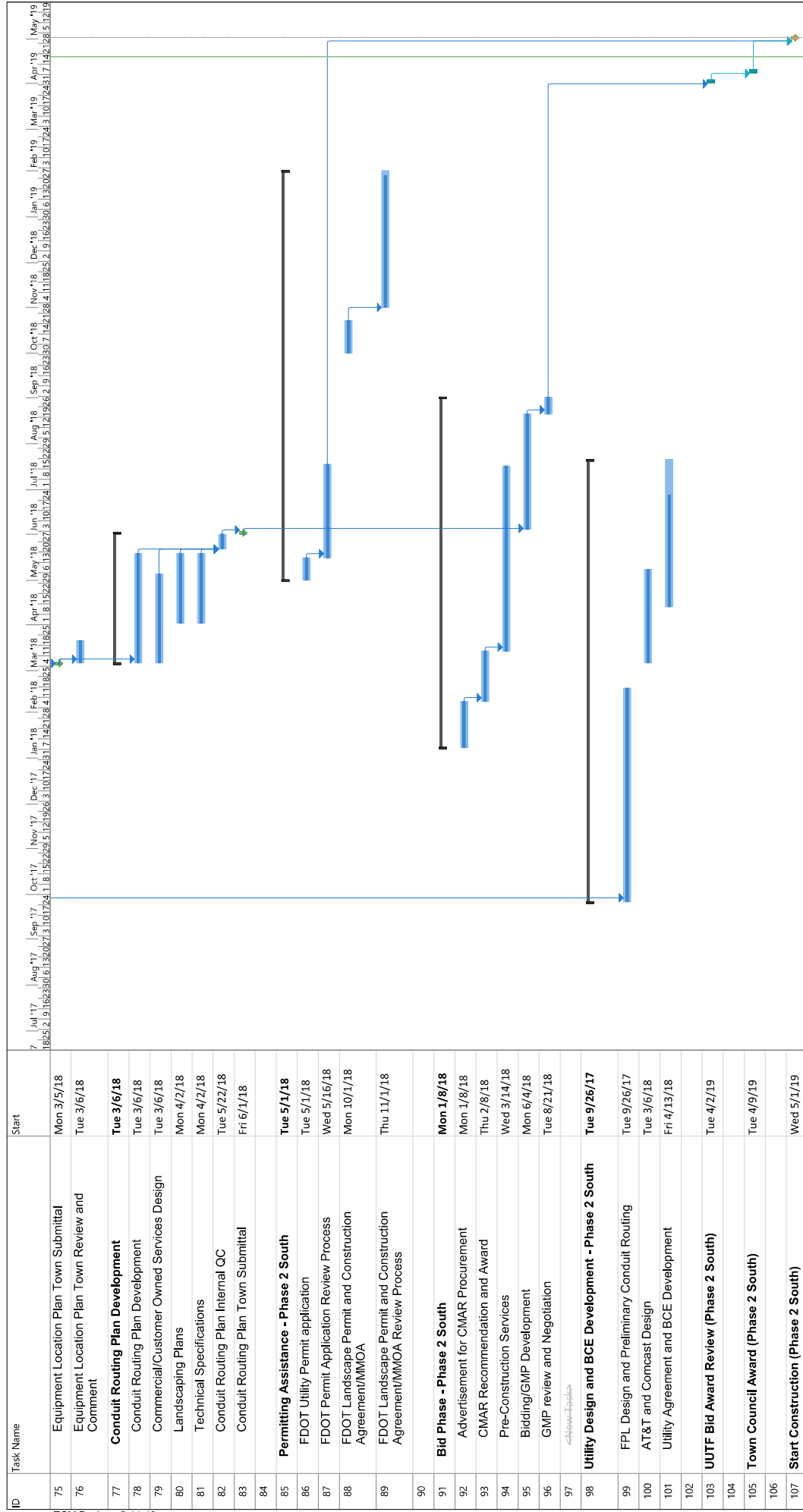
Manual Task Manual Summary

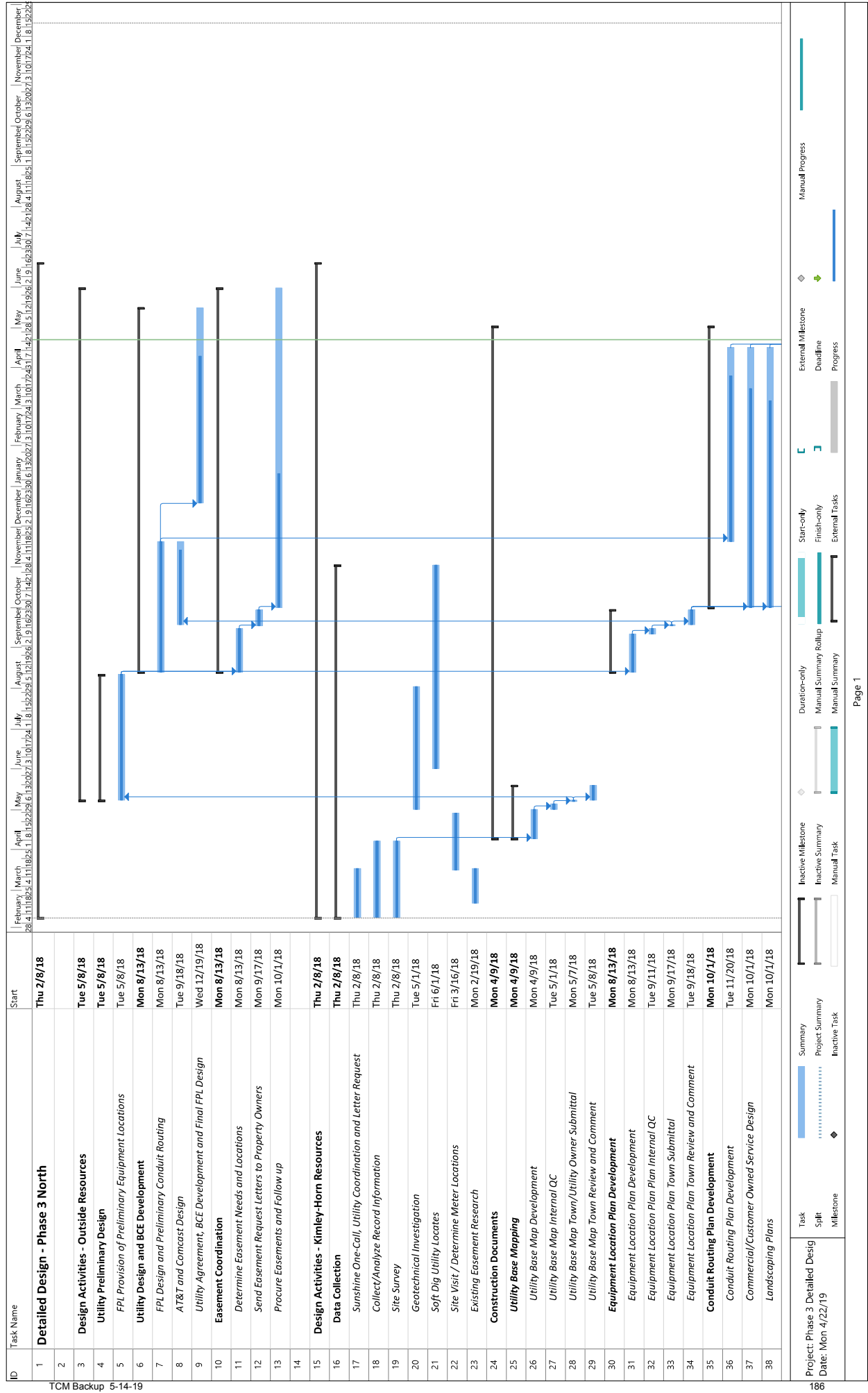
Deadline Critical

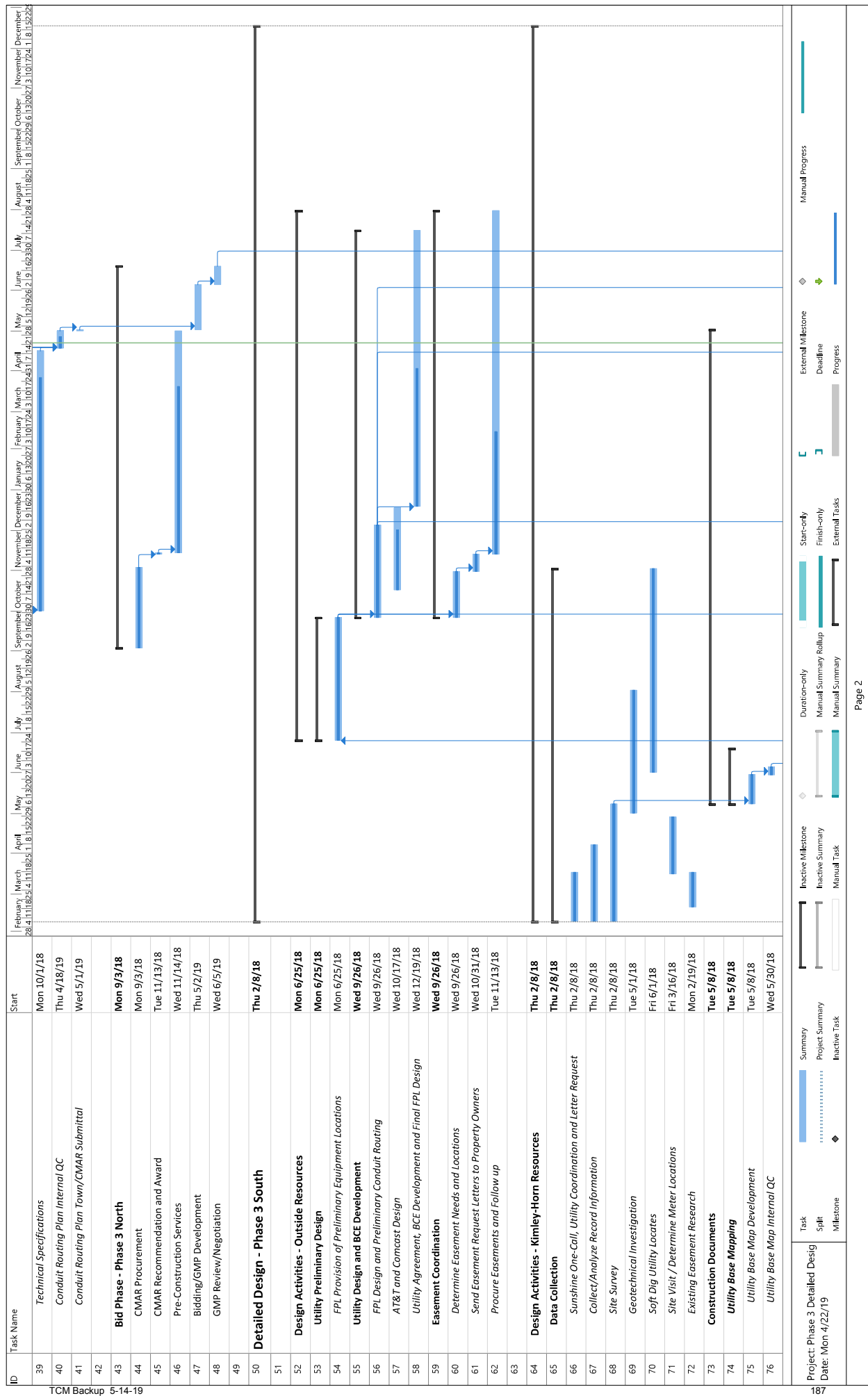
Critical Split Progress

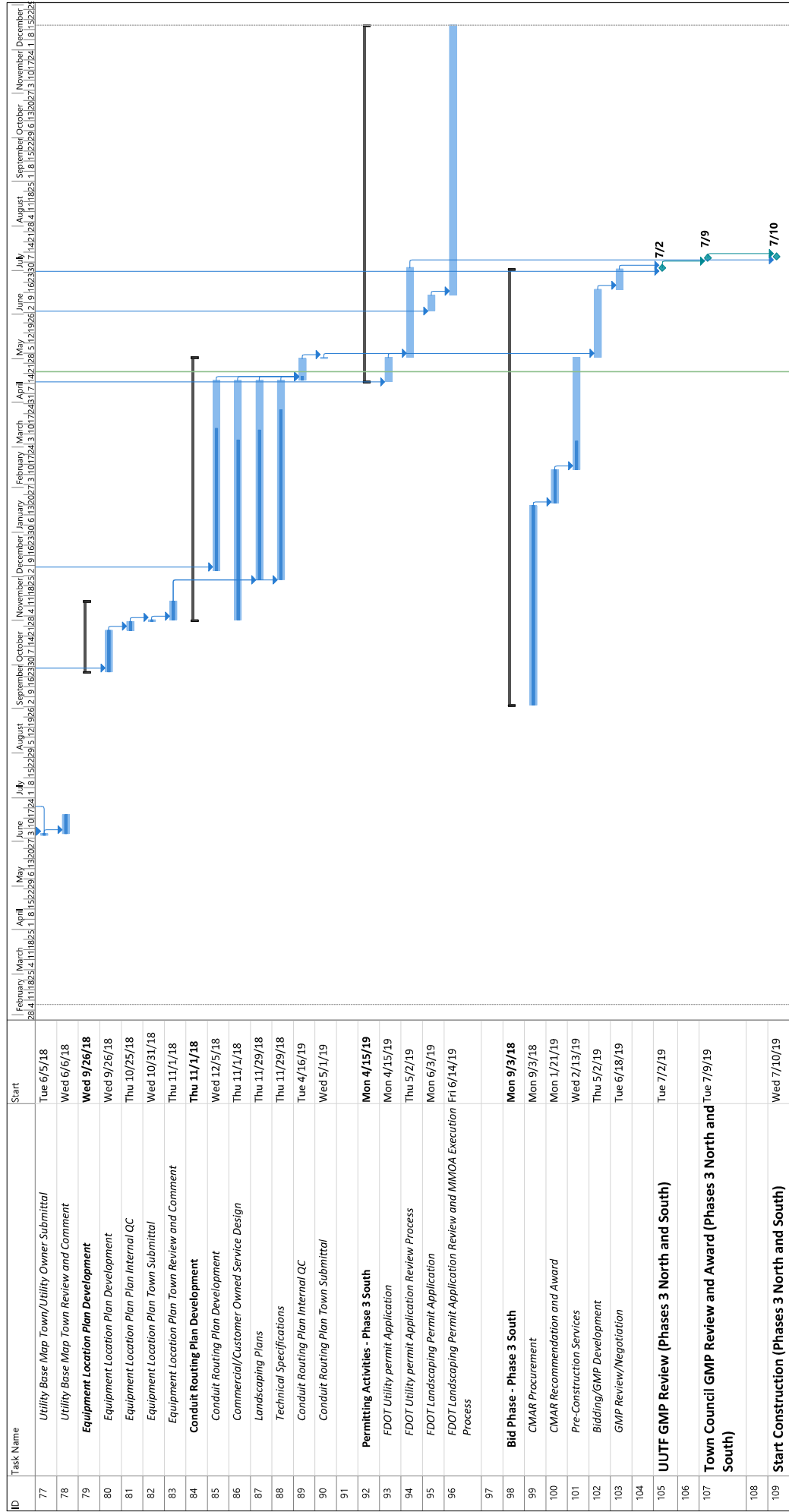
Manual Progress

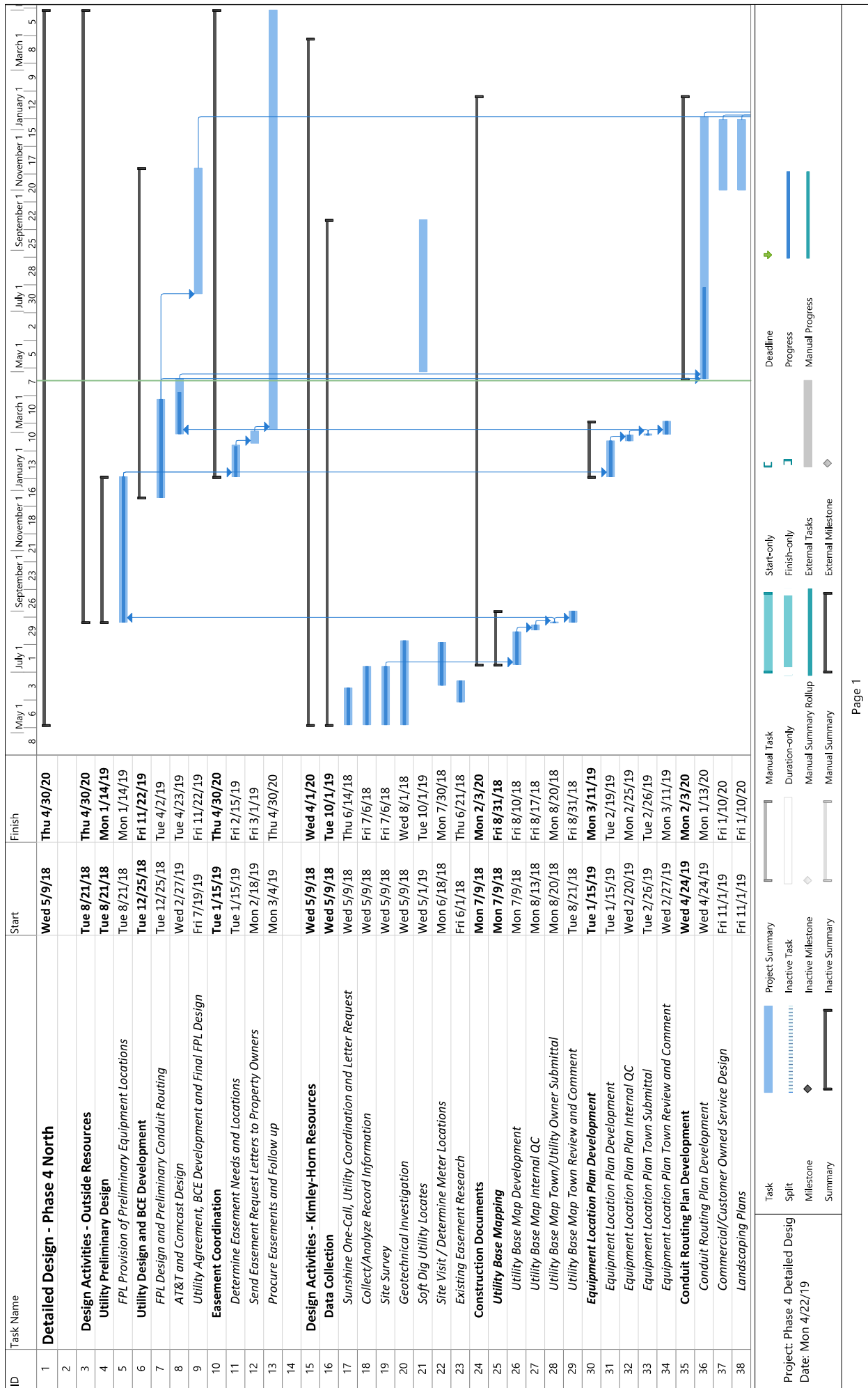
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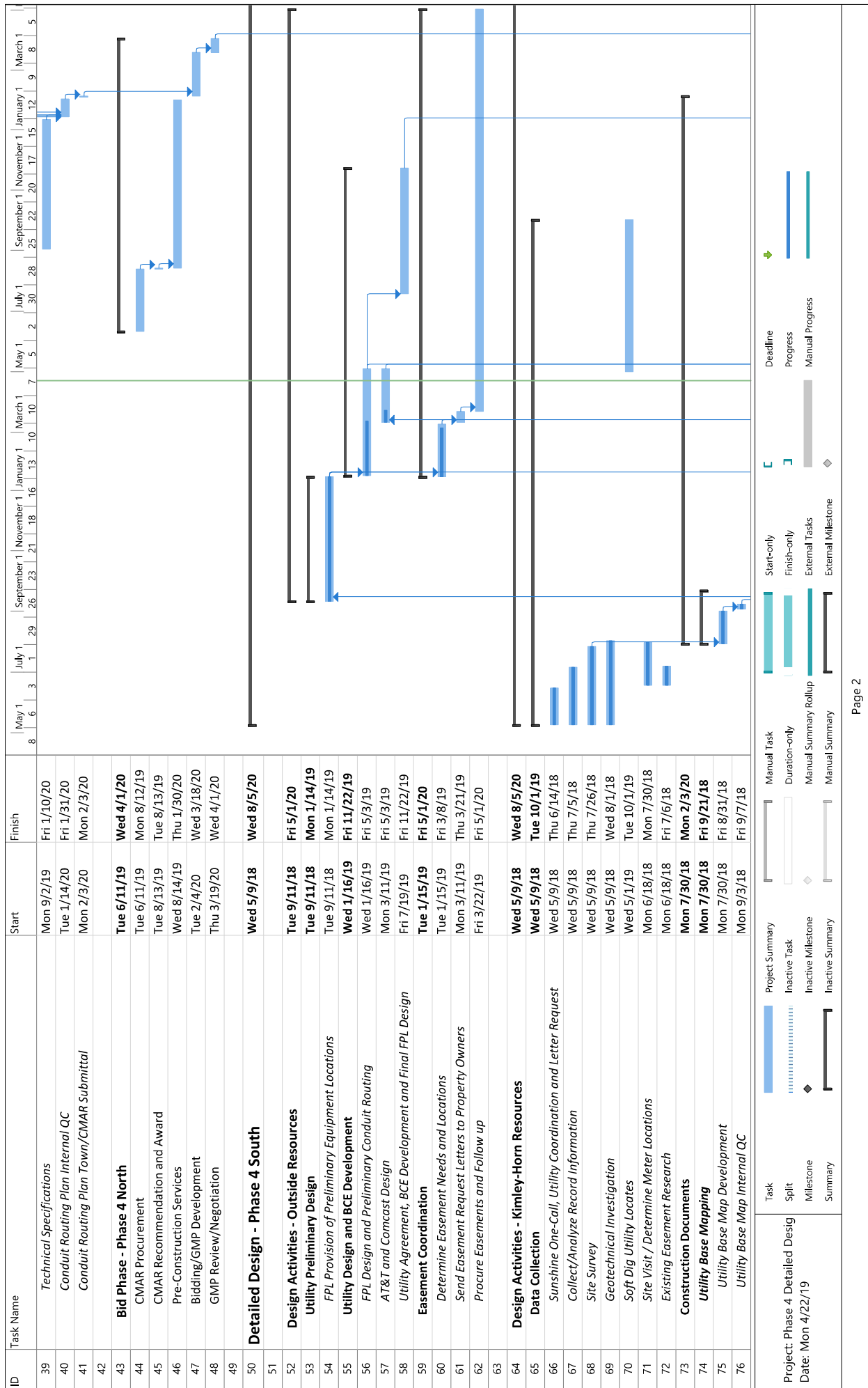


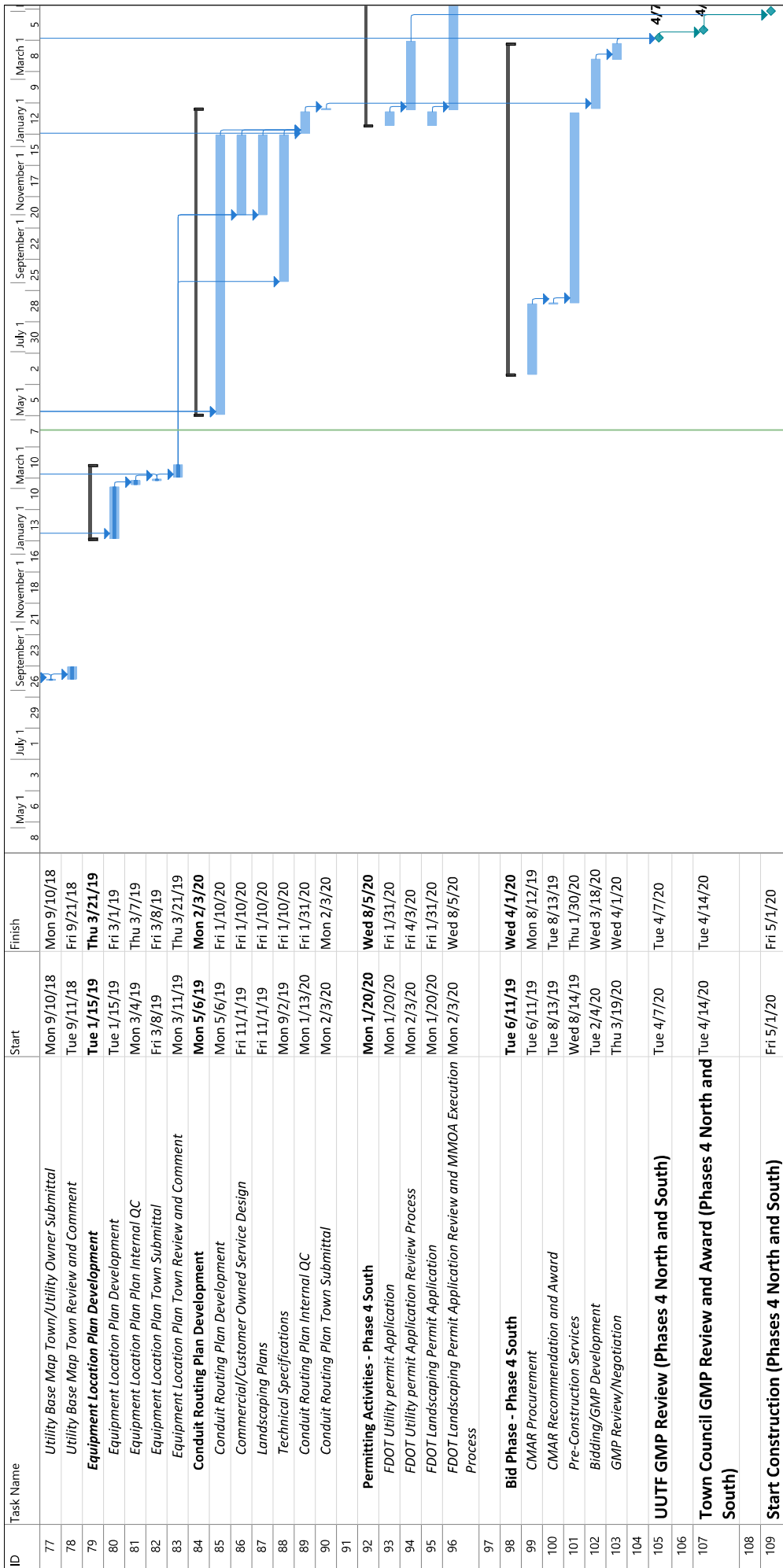












Project: Phase 4 Detailed Design
Date: Mon 4/22/19

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

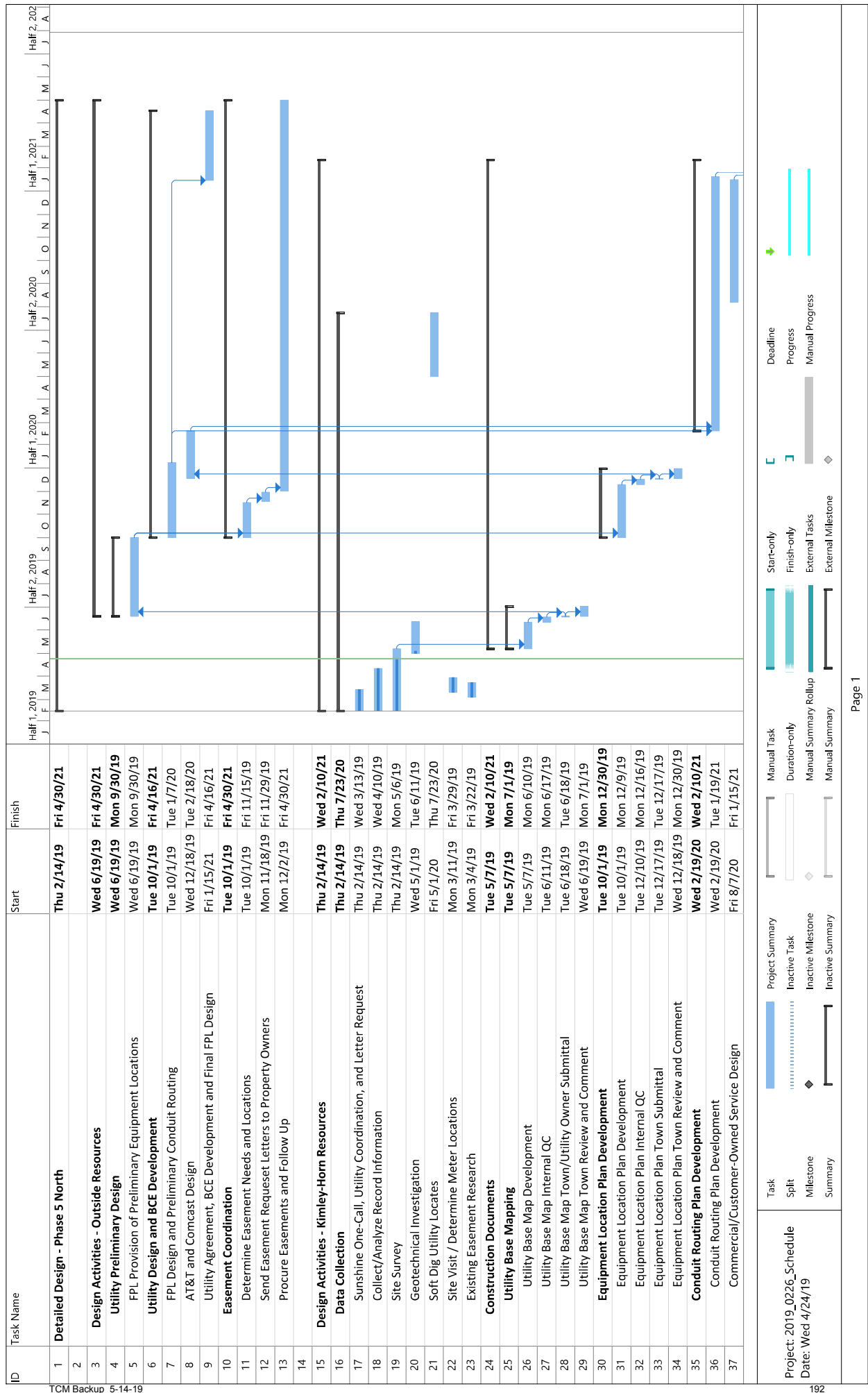
External Tasks

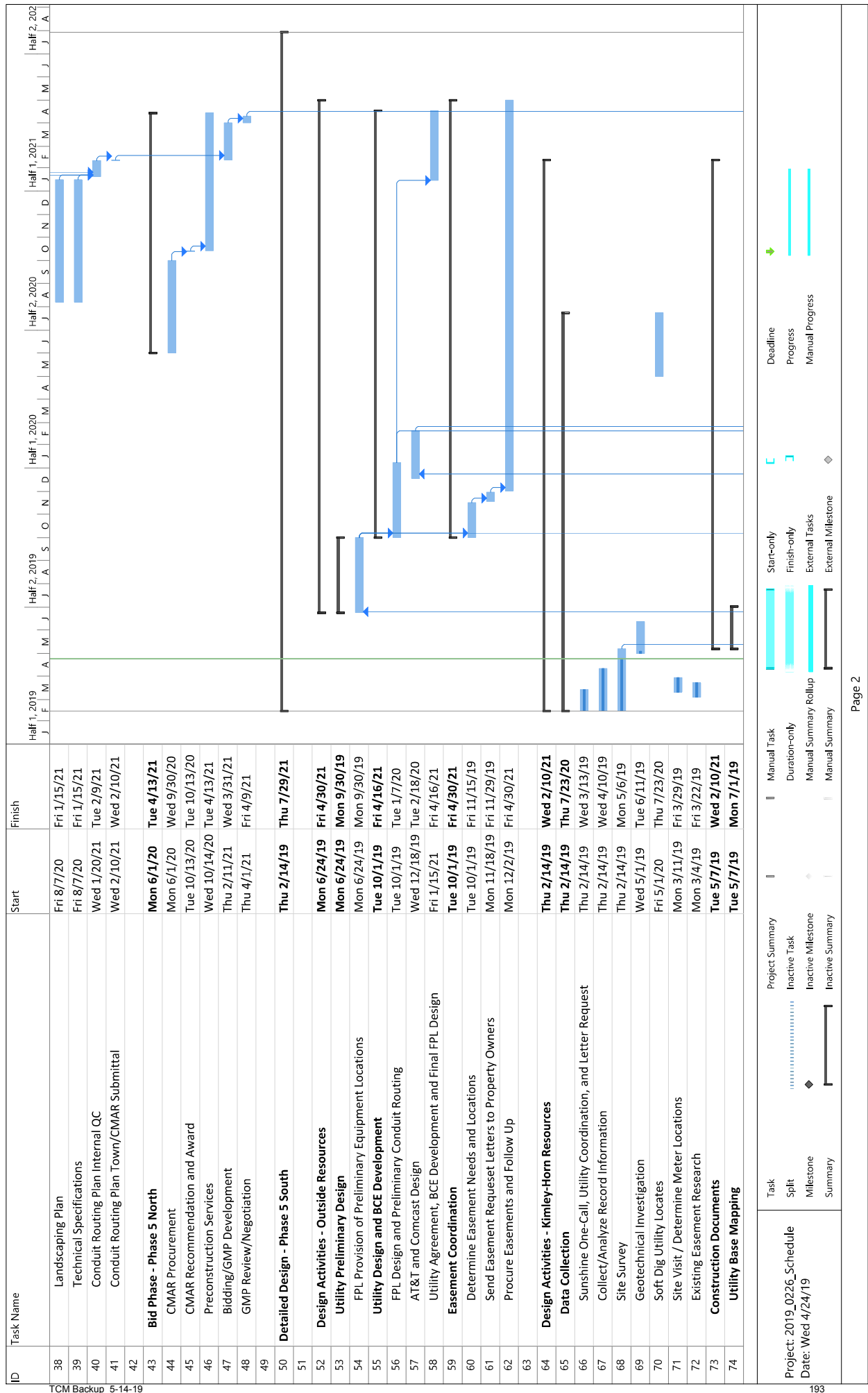
External Milestone

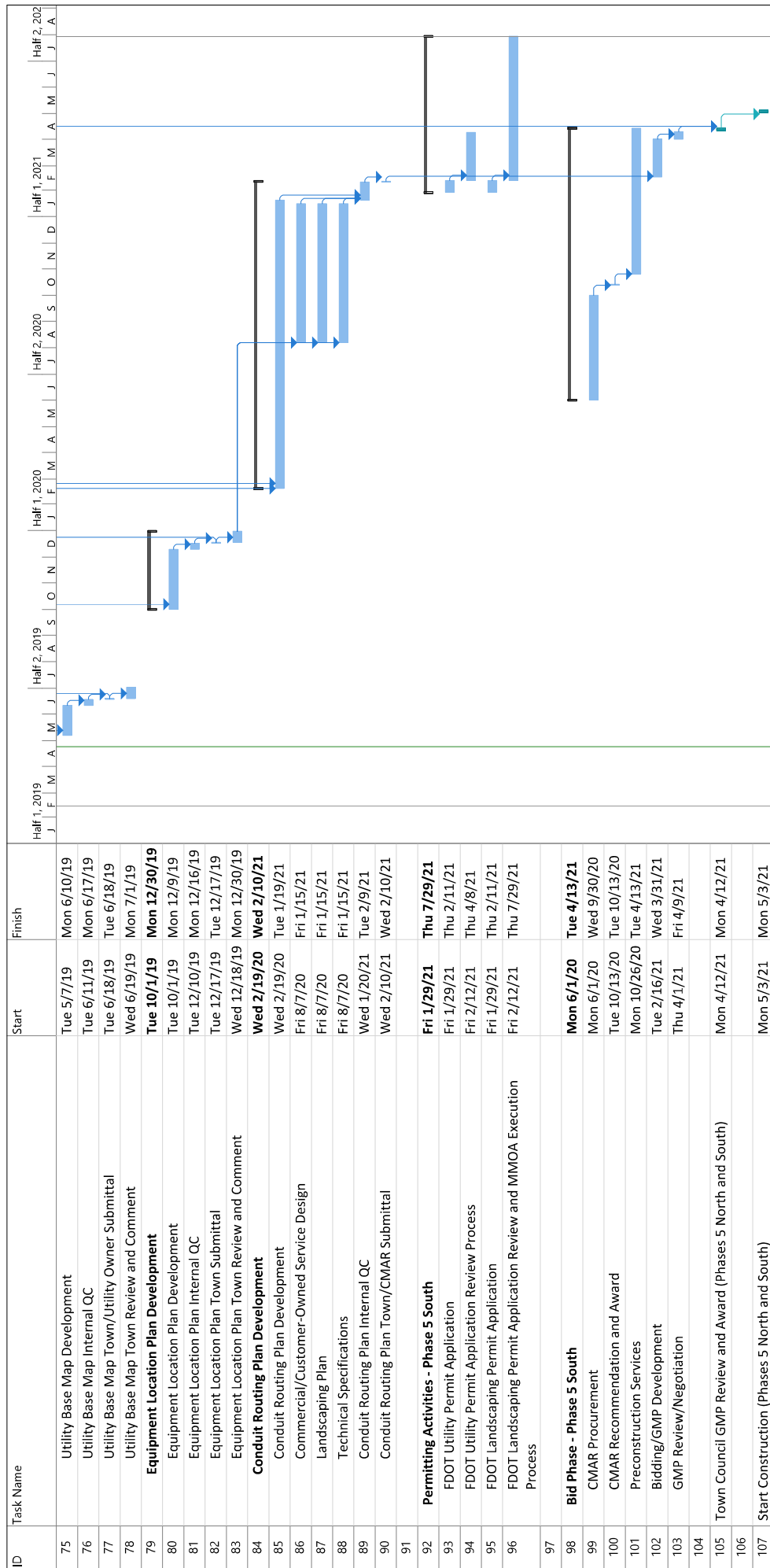
Deadline

Progress

Manual Progress







Project: 2019_0226_Schedule

Date: Wed 4/24/19

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Progress

Manual Progress

Vincent G. Burkhardt
President



Executive Summary

Vincent G. Burkhardt
President



Executive Summary
For
February & March 2019

Project Description

Townwide Overhead Utility Undergrounding
Phase 1 North
P.O. # 171308

Project Status:

Since there was no pay application turned in for the month of February 2019 this Executive Summary will include the project progress for the months of February and March of 2019. At the beginning of February the crews continued with energizing of the remaining transformers. Once all transformers were energized the switching order was released by FPL to begin the private side service work. The private side switching began mid-February and continued through the end of March. By the end of March most of the residents were switched over to the underground system.

COMCAST continued with installation of cable and equipment through the entire phase. They also began installation of the private side services. AT&T begin their work during the first full week of February and have continued pulling cable and setting equipment throughout March. Both COMCAST & AT&T have made significant progress during this time period.

****The work as show in line item numbers 19, 20, 21, and 24 in our included schedule are delayed due to the Town's negotiations with AT&T and COMCAST.****



Vincent G. Burkhardt
President



Executive Summary
For
March 2019

Project Description

Townwide Overhead Utility Undergrounding
Phase 2 North
P.O. # 181400

Project Status:

During March the horizontal directional drilling continued along North Ocean Way between Ocean Terrace and Osceola Way. Once the crew completed the drilling in that area they then moved the drilling operation to the north end of the project. They drilled North Ocean Way between North Ocean Blvd. and Esplanade Way. The crew then drilled along Esplanade Way between North Lake Way and North Ocean Way.

Setting of transformer pads, transformers, and AT&T splice boxes continued at various locations within the project.

The project remains on schedule and continues to stay within budget.

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING

PHASE 1 NORTH

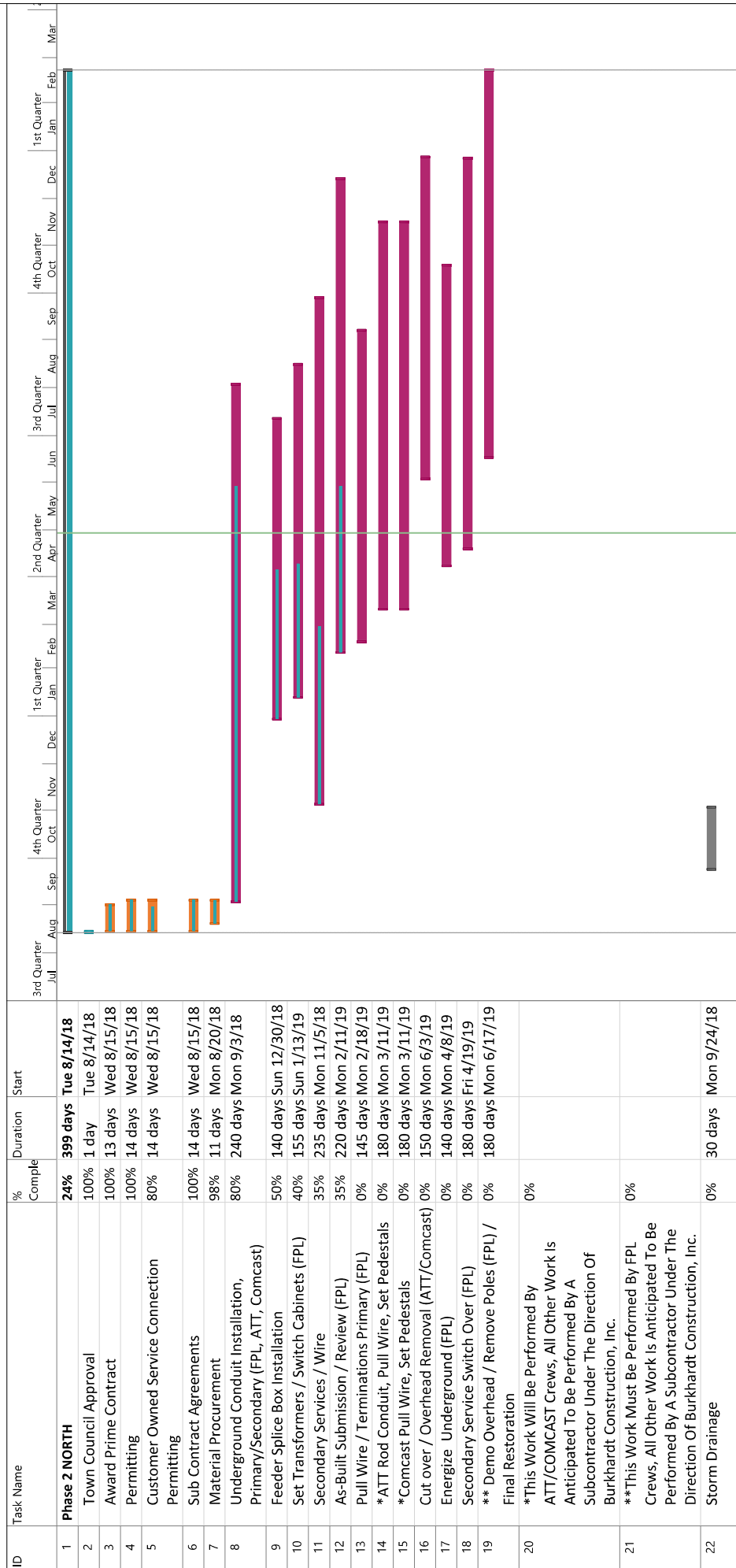
SCHEDULE

RFQ No. 2017-14

ID	Task Name	% Complete	Duration	Start	Finish
1	Phase 1 - NORTH	91%	420 days?	Mon 6/12/17	Fri 1/18/19
2	Fully Executed Non-GAF Agreement	100%	23 days	Mon 6/12/17	Wed 7/12/17
3	Copy Of Executed Easements	100%	23 days	Mon 6/12/17	Wed 7/12/17
4	Fully Executed Applicant Installed Agreement With FPL	100%	23 days	Mon 6/12/17	Wed 7/12/17
5	Fully Executed R/O/W Agreement With FPL	100%	23 days	Mon 6/12/17	Wed 7/12/17
6	Fully Executed Agreement With COMCAST / AT & T	100%	23 days	Mon 6/12/17	Wed 7/12/17
7	Town Council Approval	100%	1 day	Tue 6/13/17	Tue 6/13/17
8	Award Prime Contract	100%	13 days	Wed 6/14/17	Fri 6/30/17
9	Permitting	100%	15 days	Mon 6/26/17	Fri 7/14/17
10	Customer Owned Service Connection Permitting	100%	15 days	Mon 6/26/17	Fri 7/14/17
11	Sub Contract Agreements	100%	23 days	Wed 6/14/17	Fri 7/14/17
12	Material Procurement	100%	11 days	Fri 6/30/17	Fri 7/14/17
13	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	100%	225 days	Mon 7/17/17	Fri 5/25/18
14	Feeder Splice Box Installation	100%	15 days	Thu 10/12/17	Wed 11/1/17
15	Set Transformers / Switch Cabinets (FPL)	100%	75 days	Sun 2/4/18	Thu 5/17/18
16	Secondary Services / Wire	100%	138 days	Tue 2/20/18	Thu 8/30/18
17	As-Built Submission / Review (FPL)	100%	47 days	Tue 2/20/18	Wed 4/25/18
18	Pull Wire / Terminations Primary (FPL)	100%	81 days	Tue 2/20/18	Tue 6/12/18
19	*ATT Rod Conduit, Pull Wire, Set Pedestals	97%	133 days	Tue 2/27/18	Thu 8/30/18
20	*Comcast Pull Wire, Set Pedestals	97%	133 days	Tue 2/27/18	Thu 8/30/18
21	Cut over / Overhead Removal (ATT/Comcast)	0%	45 days	Mon 9/3/18	Fri 11/2/18
22	Energize Underground (FPL)	100%	30 days	Mon 9/17/18	Fri 10/26/18
23	Secondary Service Switch Over (FPL)	100%	113 days	Mon 6/11/18	Wed 11/14/18
24	** Demo Overhead / Remove Poles (FPL) / Final Restoration	15%	90 days	Mon 9/17/18	Fri 1/18/19
25	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%			
26	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%			
27	Storm Drainage	100%	45 days	Mon 7/17/17	Fri 9/15/17
28	Water Main	100%	79 days	Sun 10/15/17	Wed 1/31/18

DATED 04/26/19
CURRENT PERCENT COMPLETED 91%

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
 PHASE 2 NORTH
 PRELIMINARY SCHEDULE
 RFQ No. 2018-03





SAFETY

Monthly safety inspections are conducted by WT Regional Safety Director. Daily safety inspections conducted by onsite staff.

- 0 lost time incidents to date
- 1 recordable incident to date

CONSTRUCTION

- S. Ocean Blvd (Electrical Undergrounding Crew) - Undergrounding Crews are 100% completed with conduit, equipment, concrete vaults and pads, cable and terminations. Street Lighting conduit and boxes completed. FPL Punchlist related items completed. In the process of receiving switching orders from FPL.
- Phipps Ocean North Parking Lot Lighting conduit, handholes and pole installation completed. Currently waiting on switching orders from FPL to energize poles.
- Ibis Isle AT&T/Comcast conduit installation along with Concrete Curb/Asphalt Mill & Resurface (drainage) and striping complete. Currently waiting on switching orders from FPL
- Ibis Isle Watermain replacement completed.
- Restroom building is completed and open to the public.
- A-41 electrical/mechanical installations complete. Pump Station Start-up completed. Punchlist items currently being addressed.

DOCUMENTATION:

RFIs:

- 37 RFIs issued to date
 - 0 Outstanding RFI
- SUBMITTALS:
- 275+ Individual Submittals Processed
 - 0 Submittal Package Currently Under Review
 - 0 Submittal Packages Pending Submission to A/E

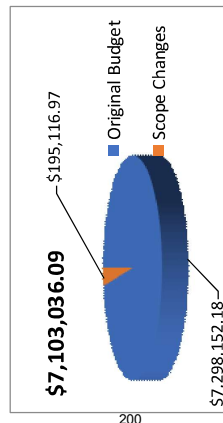
DRAWINGS: Added Scopes of Work

- Post GMP Phipps Ocean Park Restroom Building.
- Post GMP Phipps Ocean Park Lighting.
- Post GMP A-41 Wastewater Pump Station.
- Post GMP Ibis Bridge Watermain Crossing.

RELEVANT POTENTIAL CHANGES:

FINANCIALS—BUDGET VS. COSTS

Current GMP Amount	— \$7,103,036.09
Approved Owner Initiated Scope Changes	— \$195,116.09
Gross Billings to Date (\$)	— \$6,349,321.79
Gross Billings to Date (%)	— 89%
Schedule % Completed	— 91%



SCHEDULE SUMMARY

S. Ocean Undergrounding -Sta 11+10 to Sta 243+66

Item	Quantity	Unit	Preconstruction	Construction	Post Construction
1535	10	10	10	10	10
1536	10	10	10	10	10
1537	10	10	10	10	10
1538	10	10	10	10	10
1539	10	10	10	10	10
1540	10	10	10	10	10
1541	10	10	10	10	10
1542	10	10	10	10	10
1543	10	10	10	10	10
1544	10	10	10	10	10
1545	10	10	10	10	10
1546	10	10	10	10	10
1547	10	10	10	10	10
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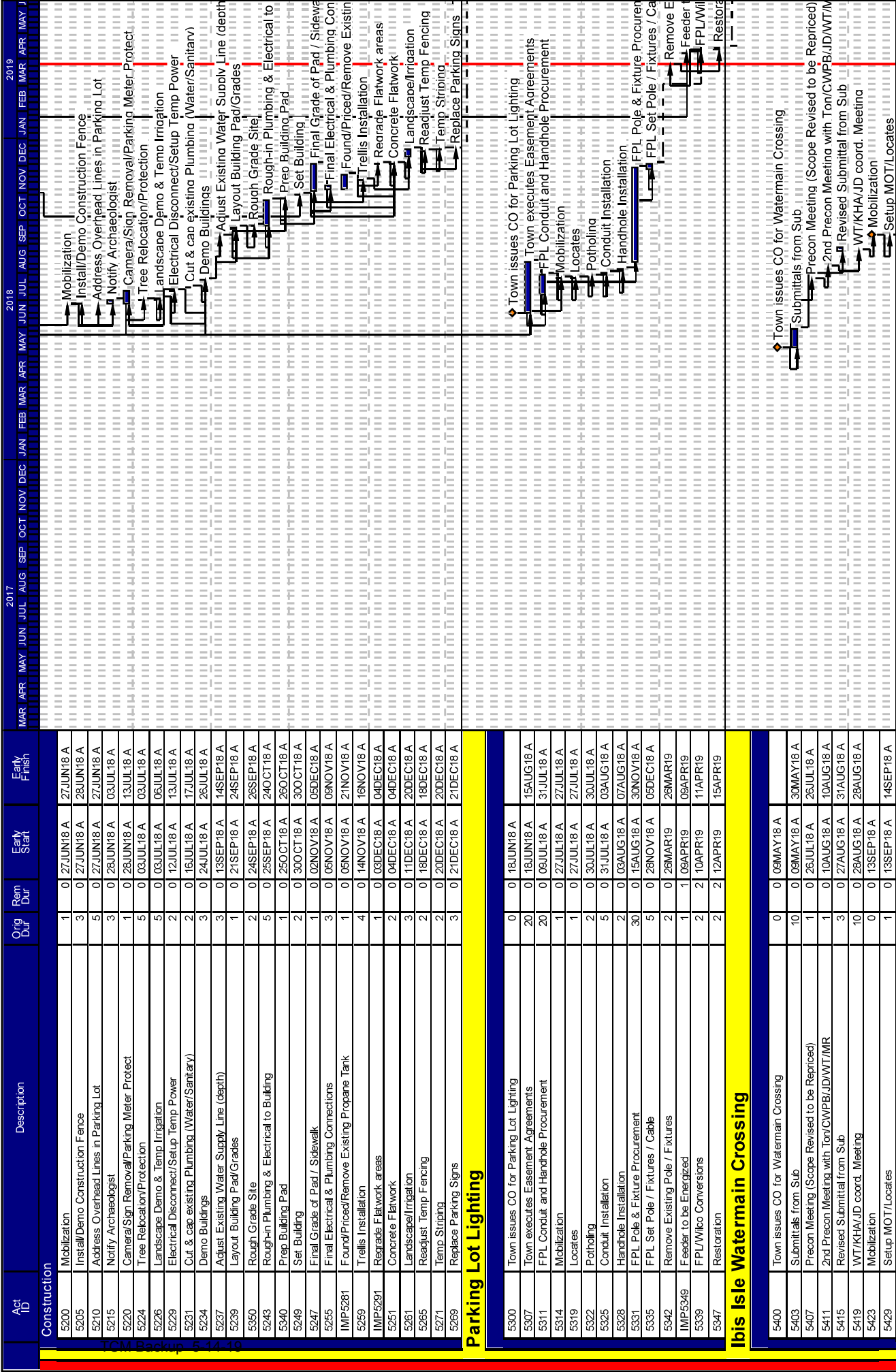
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	Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
2017 2018 2019 MAR APR MAY JUN JUL AUG SEP OCT NOV DEC JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC						
Locates Soft Digs/Exploration Landscape Relocation/Demo Hurricane Irma Schedule Impacts CAD files from Engineer Existing Conflicts - RFI 04 & 06 ATT Conduit Installation Comcast Conduit Installation WM Deflections Line Stop Installations FPL Feeder & Primary Conduits Installation Service Sweep Condu /Set Equip Pads/Splice Boxes FPL Feeder Splice Box Installation WT's Sub provide As-Built for ATT/Comcast FPL Transformer Pad Installation PB Resort Conduit Install on hold per KH 12-1-17 WT's Sub provides As-Built for FPL/TB/K-H FPL Pull Feeder Wire FPL Pull Primary & Service Wire Easements Recorded (Town/KHA) ATT Vault (Installed by W-T's Sub) FPL Set Equip/Vista Switches/PME/Transformers FPL Primary Cable at 3 Phase Transformer Termin W-T submit CN for PB Resort Changes Comcast Pull Wire/Set Pedestals/Terminations ATT Pull Wire/Set Pedestals/Terminations FPL installed Pole at South End in wrong locatio KHA/Town approves PB Resort CN Switching Orders requested from FPL (south end) ATT/Comcast review as-built/inspect/procure wire Final Landscape & Irrigation Restoration ATT on hold - NO INSTALL PER TOWN FPL Walktru/FPL Punchlist FPL Punchlist Items Addressed by W-T/Town Revised Punchlist As-Built to FPL (KHA) FPL Revised Asphalt Followup Meeting Switching Orders requested from FPL Make Feeder Hot/Burn-in Switching Order received from FPL Comcast remove Overhead Facilities ATT remove Overhead Facilities Restoration due to Comcast work FPL Reviews Punchlist, Revised As-Built Restoration due to ATT work Converting / Energizing Services De-energize existing Aerial Power Bid Unit #1 & #2 Substantial Completion FPL Remove Overhead Cond./Light/Poles (by FPL)						
IMP 1517 IMP 1516 1500 1505 1521 1518 1543 1545 1512 1509 1550 IMP 1503 1547 1553 1557 1502 1507 1555 1560 IMP 1574 1525 1527 IMP 1564 IMP 1575 1595 1514 1590 IMP 1567 IMP 1615 IMP 1625 IMP 1628 IMP 1605 1565 IMP 1635 1535 1530 1605 1537 1570 1575 1580 1585 0 10 20 30 8 5 4 10 60 50 75 75 20 5 20 10 5 40 50 0 15 55 45 5 20 5 0 20 2 20 40 35 10 1 10 0 30 10 15 10 45 7 0 90 16AUG17 A 28AUG17 A 29AUG17 A 29AUG17 A 29AUG17 A 04SEP17 A 04SEP17 A 27SEP17 A 23OCT17 A 01NOV17 A 01NOV17 A 01DEC17 A 28DEC17 A 27JAN18 A 27JAN18 A 0 01MAR18 A 01MAR18 A 26MAR18 A 20APR18 A 01MAY18 A 01MAY18 A 07MAY18 A 11MAY18 A 21MAY18 A 01JUN18 A 06AUG18 A 07SEP18 A 04DEC18 A 08DEC18 A 25FEB19 A 27FEB19 A 28FEB19 A 20MAR19 A 30MAR19 A 30APR19 A 31MAY19 A 05AUG19 A 13AUG19 A 14AUG19 A 30AUG17 A 06SEP17 A 31MAY18 A 31MAY18 A 29DEC17 A 29DEC17 A 08JUN18 A 31AUG18 A 31AUG18 A 28SEP18 A 31AUG18 A 19APR18 A 23OCT18 A 07SEP18 A 14SEP18 A 28FEB18 A 30JUN18 A 07SEP18 A 31AUG18 A 11MAY18 A 01APR19 15APR19 24JUL18 A 30MAY18 A 21MAY18 A 05DEC18 A 23JAN20 28SEP18 A 04DEC18 A 25FEB19 A 27FEB19 A 20MAR19 A 30MAY19 17MAY19 15APR19 29APR19 29APR19 29APR19 13MAY19 02AUG19 13AUG19 13AUG19 17DEC19						
IMP 1517 IMP 1516 1500 1505 1521 1518 1543 1545 1512 1509 1550 IMP 1503 1547 1553 1557 1502 1507 1555 1560 IMP 1574 1525 1527 IMP 1564 IMP 1575 1595 1514 1590 IMP 1567 IMP 1615 IMP 1625 IMP 1628 IMP 1605 1565 IMP 1635 1535 1530 1605 1537 1570 1575 1580 1585 0 10 20 30 8 5 4 10 60 50 75 75 20 5 20 10 5 40 50 0 15 55 45 5 20 5 0 20 2 20 40 35 10 1 10 0 30 10 15 10 45 7 0 90 16AUG17 A 28AUG17 A 29AUG17 A 29AUG17 A 29AUG17 A 04SEP17 A 04SEP17 A 27SEP17 A 23OCT17 A 01NOV17 A 01NOV17 A 01DEC17 A 28DEC17 A 27JAN18 A 27JAN18 A 0 01MAR18 A 01MAR18 A 26MAR18 A 20APR18 A 01MAY18 A 01MAY18 A 07MAY18 A 11MAY18 A 21MAY18 A 01JUN18 A 06AUG18 A 07SEP18 A 04DEC18 A 08DEC18 A 25FEB19 A 27FEB19 A 28FEB19 A 20MAR19 A 30MAR19 A 30APR19 A 31MAY19 A 05AUG19 A 13AUG19 A 14AUG19 A 30AUG17 A 06SEP17 A 31MAY18 A 31MAY18 A 29DEC17 A 29DEC17 A 08JUN18 A 31AUG18 A 31AUG18 A 28SEP18 A 31AUG18 A 19APR18 A 23OCT18 A 07SEP18 A 14SEP18 A 28FEB18 A 30JUN18 A 07SEP18 A 31AUG18 A 11MAY18 A 01APR19 15APR19 24JUL18 A 30MAY18 A 21MAY18 A 05DEC18 A 23JAN20 28SEP18 A 04DEC18 A 25FEB19 A 27FEB19 A 20MAR19 A 30MAY19 17MAY19 15APR19 29APR19 29APR19 29APR19 13MAY19 02AUG19 13AUG19 13AUG19 17DEC19						
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IMP 1517 IMP 1516 1500 1505 1521 1518 1543 1545 1512 1509 1550 IMP 1503 1547 1553 1557						

	Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
	3010	Backfill and Temp Restore	30	0	11SEP17 A	28MAR18 A
	3030	Service Sweep Condu /Set Equip Pads/Splice Boxes	45	0	19SEP17 A	28FEB18 A
	3052	Easements Recorded	0	0		11OCT17 A
	IMP 3009	Additional FPL Conduits per Town	7	0	23OCT17 A	03NOV17 A
	3020	WT's Sub provides as-builts for ATT & Comcast	5	0	06NOV17 A	23MAR18 A
	3045	Set Equip/PME/Terminations	30	0	06NOV17 A	28FEB18 A
	IMP 3011	Additional ATT & Comcast Conduit CO Approval	10	0	10NOV17 A	20MAR18 A
	3047	Transformer Installation	30	0	13NOV17 A	28FEB18 A
	3049	Pull Primary & Service Wire	30	0	27NOV17 A	28FEB18 A
	3005	Fire Hydrant Assembly	5	0	29NOV17 A	30NOV17 A
	3055	WT's Sub provides as-builts for FPL/TPB/KH	5	0	03JAN18 A	23MAR18 A
	3035	ATT/Comcast Reviews as-builts/inspect/procedure	20	0	02APR18 A	31AUG18 A
	3057	ATT/Comcast to install Residential Services	35	10	02APR18 A	06MAY19
	IMP 3013	Hold - No Install by Comcast per TOPB	30	0	25APR18 A	28SEP18 A
	IMP 3012	Additional ATT & Comcast Conduit Install (WT)	10	0	04JUN18 A	31JUL18 A
	IMP3084	Ibis Isle Mill-Overlay-Curb Redesign	5	0	10OCT18 A	23OCT18 A
	IMP3120	Reprice Ibis Isle Redesign	5	0	23OCT18 A	06NOV18 A
	3074	Curb Removal & Replacement	7	0	19NOV18 A	21NOV18 A
	3076	Asphalt Mill & Overlay	7	0	04DEC18 A	14DEC18 A
	3085	Energize Primary	10	10	28MAR19	08APR19
	3090	WT's Sub Converts Residential Services (FPL)	45	45	09APR19	10JUN19
	IMP3067	Comcast requires Power to complete conversions	10	10	09APR19	22APR19
	3100	ATT/Comcast remove overhead facilities	20	20	23APR19	20MAY19
	3110	Bid Unit #3 Substantial Completion	0	0		10JUN19
	3070	FPL Remove Overhead Conductors/Light/Poles	90	90	11JUN19	15OCT19
	3080	Final Landscape & Irrigation Restoration	45	45	02OCT19	03DEC19
	Street Lighting					
	IMP 4000	Revised Street Lighting Drawings from EOR	30	0	27JUN17 A	27SEP17 A
	IMP 4005	W-T Provide Proposal re Revised Street Lighting	0	0	06NOV17 A	
	IMP 4007	Revised Street Lighting CO Approval	10	0	06NOV17 A	18JAN18 A
	IMP 4009	WT Pickup Materials from FPL	4	0	02MAR18 A	16MAR18 A
	4000	Conduit & Pull Box Installation	40	0	26MAR18 A	06JUL18 A
	4080	WT's Sub provides conduit as-builts for TPB/KH	10	0	21MAY18 A	24JUL18 A
	4010	FPL to Install Pole Bases	60	0	14AUG18 A	31AUG18 A
	4030	FPL to Install Poles & Fixtures	40	0	14AUG18 A	31AUG18 A
	4070	FPL to Setup Pedestrian Detour at Sidewalk	2	0	14AUG18 A	31AUG18 A
	4020	FPL to Pull Wire/Terminations	15	0	03SEP18 A	01NOV18 A
	IMP4140	Davco to complete Punchlist per Town/MR	10	5	30NOV18 A	01APR19
	4050	Asphalt/Concrete Restoration	15	15	02APR19	22APR19
	IMP4130	Primary to be Energized (Heat-up/Switching Order)	1	1	09APR19	09APR19
	4040	FPL to Energize Light Poles	10	10	10APR19	23APR19
	4060	Landscape & Irrigation Restoration	10	10	23APR19	08MAY19
	4090	Bid Unit #4 Substantial Completion	0	0		06MAY19
	A-41 Pump Station					
	Preconstruction					
	4100	Bid Packages to Subs	5	0	23MAR18 A	26APR18 A
	4105	Subcontractor Bids Due	10	0	26APR18 A	10MAY18 A
	4110	WT Prepares Analysis & Submit to Owner	10	0	11MAY18 A	18MAY18 A
	4115	Town Council/Engineer Approves WT Proposal	15	0	18MAY18 A	12JUN18 A
	4120	Town Issues Change Order / PO	3	0	12JUN18 A	28JUN18 A
	4125	WT Issues Contracts to Subs	10	0	12JUN18 A	18JUL18 A
	Submital					
	4210	Submittals from Controls Vendor	40	0	12JUN18 A	23JUL18 A
	Start date	13MAR17				
	Finish date	27JAN20				
	Data date	26MAR19				
	Run date	26MAR19				
	Page number	3A				
	© Primavera Systems, Inc.					

The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE

[illegible]



Start date 13MAR17

Finish date 27JAN20

Date date 26MAR19

Run date 26MAR19

Page number 5A

The Whiting-Turner Contracting Co.

Town Wide Undergrounding Ph1 - South

CONSTRUCTION SCHEDULE

Early bar

Progress bar

Critical bar

Summary bar

Start milestone point

Finish milestone point

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Underground Utility Project Budget
Project Financial Summary
April 30, 2019

Expenditures	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,900,000	\$ 12,642,040	\$ 11,557,977	91.4%
Phase 2	\$ 9,170,000	\$ 9,710,000	\$ 5,401,525	\$ 2,988,630	55.3%
Phase 3	\$ 10,910,000	\$ 11,360,000	\$ 1,222,094	\$ 940,435	77.0%
Phase 4	\$ 10,370,000	\$ 10,910,000	\$ 1,306,043	\$ 302,388	23.2%
Phase 5	\$ 14,090,000	\$ 14,850,000	\$ 1,529,447	\$ 76,724	5.0%
Phase 6	\$ 16,820,000	\$ 17,690,000	\$ -	\$ -	
Phase 7	\$ 11,730,000	\$ 12,220,000	\$ -	\$ -	
Phase 8	\$ 12,300,000	\$ 12,890,000	\$ -	\$ -	
Other	\$ 570,000	\$ 3,680,414	\$ 3,680,414	\$ 2,434,002	66.1%
Total Project Costs To Date	\$ 98,580,000	\$ 106,210,414	\$ 25,781,563	\$ 18,300,156	71.0%
Total Other Costs Outside Underground Budget			\$ 929,169	\$ 1,638,198	176.3%
Total Underground Project Costs			\$ 26,710,732	\$ 19,938,354	74.6%
Opinion of Cost - Master Plan			98,600,000		
AT&T and Comcast Additional Project Costs			6,700,000		
FPL Credit			(3,300,000)		
Total Project Budget			\$ 102,000,000		
% Budgeted/Encumbered To Date Project Costs			25.28%		
% Spent to Date - Project Costs			17.94%		

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments		\$ 11,591,500	0.0%
Assessment Revenue	\$ 9,380,000	\$ 8,211,106	87.5%
Commercial Paper	\$ -	Paid off w/GO bond	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest on Assessment Escrow	\$ -	\$ 396,389	
Interest	\$ 12,000	\$ 840,576	7004.8%
GO Bond Proceeds	\$ 60,500,000	\$ 60,499,897	100.0%
1 Cent Sales Tax	\$ 2,500,000	\$ 1,250,000	50.0%
FPL		\$ 450,246	
Other			
Kevin McGann - CO #9		\$ 34,900	
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Transfer from (001) General Fund - PM Salary	\$ 265,000	\$ 197,500	
Total Project Revenues	\$ 76,263,741	\$ 87,078,856	114.2%

Underground Utility Project Budget
Phase 1 Project Costs
April 30, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Legal Sketch and Description - Easements			34,000	28,546	84.0%
Subtotal Design Phase	\$ 1,330,000	\$ 1,400,000	\$ 1,310,829	\$ 1,305,359	99.6%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,176,792	88.3%
Street Light Conversion			\$ 26,273	28,753	109.4%
Change Order for AT&T and Comcast Conduit			\$ 371,201	371,201	100.0%
Utility Design Costs			\$ 15,595	15,595	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	416,138	87.3%
Construction Engineering (KH)			\$ 230,532	199,099	86.4%
	\$ 4,210,000	\$ 4,390,000	\$ 4,738,241	\$ 4,227,298	89.2%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,002,629	89.9%
Change Order for AT&T and Comcast Conduit			\$ 125,147	125,147	100.0%
Other Approved Change Orders - Additional soil borings at Ibis Isle			\$ 2,200	2,200	100.0%
Utility Design Costs			\$ 33,013	33,013	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,289,694	93.9%
Construction Engineering (KH)			\$ 283,880	243,049	85.6%
	\$ 6,800,000	\$ 6,830,000	\$ 6,291,610	\$ 5,717,933	90.9%
Easement Recording Fees			\$ 347	\$ 665	
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 280,000	\$ 301,359	\$ 306,723	101.8%
Total Phase 1 Costs	\$ 12,620,000	\$ 12,900,000	\$ 12,642,040	\$ 11,557,977	91.4%

Underground Utility Project Budget
Phase 2 Project Costs
April 30, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000	360,000	\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000	420,000	\$ 335,353	\$ 318,585	95.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 11,407	90.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 32,842	81.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 98,170	71.9%
Total Phase 2 Design	\$ 735,000	\$ 780,000	\$ 806,513	\$ 742,307	92.0%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 4,015,865	1,763,391	43.9%
Approved Change Orders			\$ -		
FPL Design Cost			\$ 11,759	1,350	11.5%
ATT Design Cost			\$ 5,000		0.0%
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, AT&T)				\$ 64,472	
FPL - Additional Vista Switches				\$ 54,938	
Street Light Conversion			\$ 19,186	\$ 19,186	
Construction Engineering (KH)			\$ 248,121	\$ 87,847	35.4%
Total Phase 2 North Construction	3,800,000	4,000,000	\$ 4,334,931	\$ 2,027,735	0.0%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	-	
Kaufman Lynn Construction					
Approved Change Orders			\$ -		
FPL Design Cost			\$ 13,330	14,200	106.5%
ATT Design Cost			\$ 5,000		
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, Comcast, AT&T)				\$ -	
Street Light Conversion				\$ 19,268	
Construction Engineering (KH)	-				
Total Phase 2 South Construction	4,435,000	4,730,000	\$ 53,330	\$ 38,050	71.3%
Easement Acquisition	200,000	200,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,715	99.7%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 76,456	98.7%
<i>Surveys</i>					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 14,020	100.0%
Task 1.7 Legal Sketch South			\$ 16,725	\$ 14,526	86.9%
Advertising				\$ 1,101	
Jones Foster - Legal			\$ 25,000	\$ 5,495	22.0%
Postage			\$ -	\$ 491	
Temp Services			\$ 5,000	\$ 1,452	29.0%
Recording Costs			\$ 3,605	\$ 2,283	63.3%
Total Easement Acquisition Costs	200,000	200,000	\$ 206,752	\$ 180,538	87.3%
Total Phase 2 Costs	\$9,170,000	\$9,710,000	\$ 5,401,525	\$ 2,988,630	55.3%

Underground Utility Project Budget
Phase 3 Project Costs
April 30, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000	\$ 350,000	\$ 288,851	\$ 196,132	67.9%
Task 1.2 Phase 3 South Design	\$ 535,000	\$ 580,000	\$ 503,260	\$ 277,204	55.1%
Task 1.3 Permitting Assistance			\$ 13,739		0.0%
Task 1.4 Bid Phase Assistance			\$ 36,834		0.0%
Task 1.5 Meetings			\$ 101,652	\$ 14,364	14.1%
Deductive Change Order (Scope Change)			\$ (49,840)		0.0%
Total Phase 3 Design	\$ 860,000	\$ 930,000	\$ 894,496	\$ 487,700	54.5%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 3,850,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 12,850		
ATT Design Cost					
Comcast Design Cost					
Construction Engineering (KH)					
Daniella Construction - Nightingale/LaPuerta - Townwide portion				\$ 243,470	
FPL Nightingale/LaPuerta - Townwide Portion				\$ 74,900	
Comcast Nightingale/LaPuerta - Townwide Portion				\$ 8,885	
AT&T Nightingale/LaPuerta Townwide Portion				\$ 30,555	
Total Phase 3 North Construction	\$ 3,700,000	\$ 3,850,000	\$ 12,850	\$ 357,810	0.0%
Phase 3 South Construction	\$ 6,090,000	\$ 6,320,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 11,359		
ATT Design Cost					
Comcast Design Cost					
Construction Engineering (KH)					
Total Phase 3 South Construction	\$ 6,090,000	\$ 6,320,000	\$ 11,359	\$ -	0.0%
Easement Acquisition	\$ 260,000	\$ 260,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 235,953	\$ 94,848	40.2%
<i>Surveys</i>					
Task Legal Sketch South			\$ 37,436		
Jones Foster - Legal			\$ 25,000		
American Acquisition Group					
Temp Services			\$ 5,000		
Recording Costs				\$ 77	
Total Easement Acquisition Costs	\$ 260,000	\$ 260,000	\$ 303,389	\$ 94,925	31.3%
Total Phase 3 Costs	\$ 10,910,000	\$ 11,360,000	\$ 1,222,094	\$ 940,435	77.0%

Underground Utility Project Budget
Phase 4 Project Costs
April 30, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000	\$ 435,000	\$ 312,317	\$ 124,927	40.0%
Task 1.2 Phase 4 South Design	\$ 413,000	\$ 435,000	\$ 451,284	\$ 157,949	35.0%
Task 1.3 Permitting Assistance			\$ 14,468	\$ -	0.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	\$ -	0.0%
Task 1.6 Meetings			\$ 77,911	\$ 4,151	5.3%
Total Phase 4 Design	\$ 815,000	\$ 870,000	\$ 893,879	\$ 287,027	32.1%
Construction Costs					
Phase 4 North Construction	4,605,000	4,820,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 12,757		
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 North Construction	\$ 4,605,000	\$ 4,820,000	\$ 12,757	\$ -	0.0%
Phase 4 South Construction	4,710,000	4,980,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160		
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 South Construction	\$ 4,710,000	\$ 4,980,000	\$ 13,160	\$ -	0.0%
Easement Acquisition	\$ 240,000	\$ 240,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270	\$ 15,361	5.5%
Easement Assistance (KH) -- Switches			\$ 62,780		
<i>Surveys</i>					
Legal Sketch			\$ 38,230		
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				\$ -	
Total Easement Acquisition Costs	\$ 240,000	\$ 240,000	\$ 386,247	\$ 15,361	4.0%
Total Phase 4 Costs	\$ 10,370,000	\$ 10,910,000	\$ 1,306,043	\$ 302,388	23.2%

Underground Utility Project Budget
Phase 5 Project Costs
April 30, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000	\$ 560,000	\$ 454,210	\$ 27,253	6.0%
Task 1.2 Phase 5 South Design	\$ 600,000	\$ 640,000	\$ 606,951	\$ 48,556	8.0%
Task 1.3 Permitting Assistance North					0.0%
Task 1.3 Permitting Assistance South			\$ 17,100		0.0%
Task 1.4 Bid Phase Assistance North			\$ 37,899		0.0%
Task 1.4 Bid Phase Assistance South					0.0%
Task 1.6 Meetings North			\$ 77,911	\$ 588	0.8%
Task 1.6 Meetings South					0.0%
Total Phase 5 Design	\$ 1,120,000	\$ 1,200,000	\$ 1,194,071	\$ 76,397	6.4%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 6,200,000			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 5 North Construction	\$ 5,890,000	\$ 6,200,000	\$ -	\$ -	0.0%
Phase 5 South Construction	\$ 6,750,000	\$ 7,120,000			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 5 South Construction	\$ 6,750,000	\$ 7,120,000	\$ -	\$ -	0.0%
Easement Acquisition	\$ 330,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
<i>Easement Assistance</i>			\$ 218,600		
Easement Assistance			\$ 75,696	\$ 250	0.3%
<i>Surveys</i>					
Legal Sketch			\$ 41,080		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				\$ 77	
Total Easement Acquisition Costs	\$ 330,000	\$ 330,000	\$ 335,376	\$ 327	0.1%
Total Phase 5 Costs	\$14,090,000	\$14,850,000	\$ 1,529,447	\$ 76,724	5.0%

Underground Utility Project Budget
Other Project Costs
April 30, 2019

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Tash 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 597,883	100.0%
Comcast Preplanning - Master Plan		\$ 12,015	
Community Outreach	\$ 282,519	\$ 201,608	71.4%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Commercial Paper Issuance Cost		\$ 200,675	
Commercial Paper Fees		\$ 52,252	
Commercial Paper Interest		\$ 243,096	
GO Bond Closing Costs		\$ 483,618	
GO Bond Debt Service	\$ 2,700,000	\$ 542,856	
Total Other Project Costs	\$ 3,680,414	\$ 2,434,002	66.1%

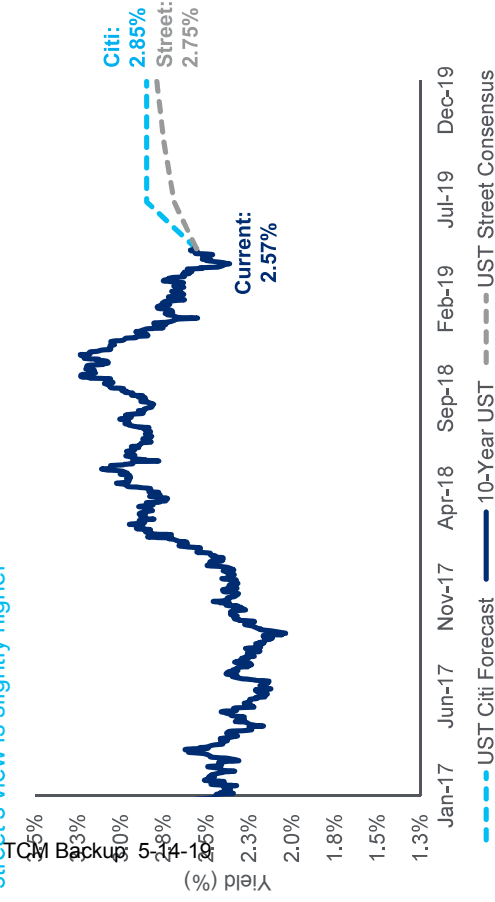
Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 334,767	95.4%
Project Construction Engineering	\$ 11,607	\$ 11,491	99.0%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 3,334	\$ 2,914	87.4%
Total Lake Worth Section	\$ 525,586	\$ 501,132	95.3%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 438,762	
PBT Real Estate v TPB		\$ 124,403	
Gardner, Bist Bowden, Bush (Shel Wright)		\$ 24,799	
Project Manager -Pay and benefits	\$ 265,000	\$ 243,873	92.0%
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 23,735	67.8%
Total Related Costs Outside of the Budget	\$ 929,169	\$ 1,638,198	176.3%

U.S. Rate Forecasts

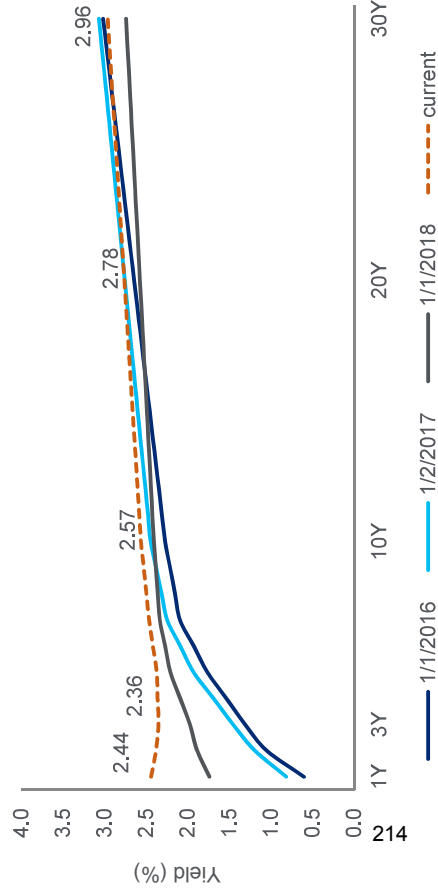
10-Year Treasury Yield Forecast

Citi forecasts a relatively flat interest rate environment through 2019, while the street's view is slightly higher



US Treasury Yield Curve

The US treasury 2s30s curve bear steepened over the last week

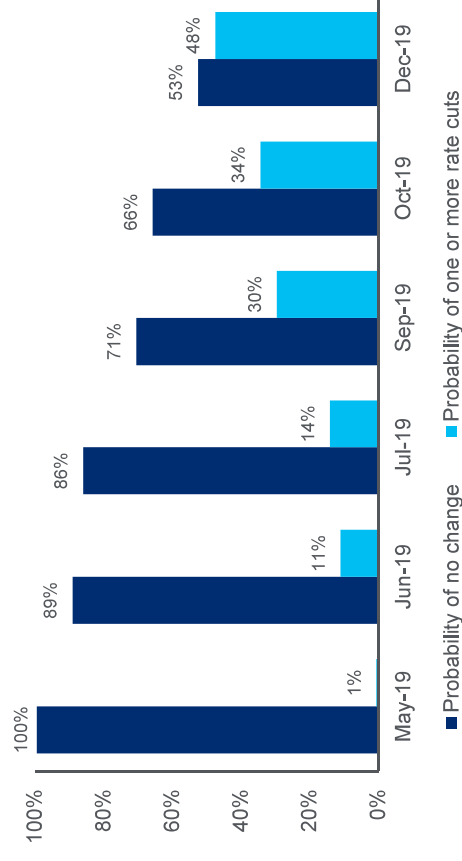


Rate Forecasts

5-Year Treasury		Current	2Q19	3Q19	4Q19	1Q20	2Q20	3Q20
Citi's Forecast		2.38%	2.70%	2.70%	2.70%	2.70%	2.70%	2.70%
10-Year Treasury		Current	2Q19	3Q19	4Q19	1Q20	2Q20	3Q20
Citi's Forecast		2.57%	2.85%	2.85%	2.85%	2.85%	2.85%	2.85%
Economists' Consensus			2.60%	2.70%	2.75%	2.81%	2.82%	2.85%
30-Year Treasury		Current	2Q19	3Q19	4Q19	1Q20	2Q20	3Q20
Citi's Forecast		2.96%	3.05%	3.05%	3.05%	3.05%	3.05%	3.05%
Economists' Consensus			3.00%	3.05%	3.12%	3.16%	3.22%	3.21%
Fed Funds		Current	2Q19	3Q19	4Q19	1Q20	2Q20	3Q20
Citi's Forecast		2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
Economists' Consensus			2.50%	2.50%	2.50%	2.50%	2.50%	2.50%

Expectations of Next Fed Increase in Rates

As expected, the Fed left rates unchanged and said no hikes are appropriate in 2019 with only a 25 bps rise through 2020 as inflation declined to 1.8% vs. 1.9%.



Source: Current rates and expectation of Fed hike as of April 19, 2019; Citi forecasts as of March 28, 2019, Bloomberg forecasts as of April 19, 2019.

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Proposed Town Sponsorship of Business Association Special Event during the Veteran's Day Holiday Weekend in November 2019 to be Hosted by the Main Street Association, with the Palm Beach Rotary Foundation as Event Provider

Presenter

Josh Martin, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Letter Dated May 3, 2019 from Richard Zaretsky**
- ▣ **Administrative Procedure**
- ▣ **Bradley Park Site Plan**
- ▣ **Bradley Park Aerial**
- ▣ **Certificate of Insurance**
- ▣ **Hold Harmless Agreement**



May 3, 2019

Mr. Josh Martin
Director, Planning, Building & Zoning
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

RE: Rotary Club of Palm Beach Foundation Application for a Town Sponsored Business Association Special Event for Flags for Heroes During the Veteran's Day Holiday Period 2019

Dear Mr. Martin:

This letter and attachments are in furtherance of the Town Council meeting on April 9, 2019, wherein the Palm Beach Rotary Foundation received a tentative approval from the Town Council at Bradley Park subject to a final consideration on May 14 in order to grant the public due notice of the event and revised venue. The Main Street Palm Beach Association and the Rotary Foundation are pleased with this decision and promise to deliver a well-planned and coordinated public event without incident.

Based upon the foregoing a new application has been prepared and submitted herewith. Also included is an updated site plan at Bradley Park, including a marked-up aerial photo of the site. The required certificate of Insurance and a hold harmless agreement are attached.

Once again we have provided a video in the link below for those members of the public who may be reading this for the first time when posted online with the agenda backup materials to enable them to visualize how our display will look by seeing a similar Flags for Heroes public display.

<https://www.youtube.com/watch?v=CqabCKG1yFo>

The permits required for the program at Bradley Park are less than in the medians of Royal Poinciana Way. The permits that are required for use of Bradley Park and the changes to the permit requirements for this new venue are:

The Palm Beach Rotary Foundation – PO Box 105, Palm Beach, FL 33480 –
Colleen@Parkeyenterprises.com

1. The attached Town Sponsored Business Association Special Events Permit
2. Town Charitable Solicitation Permit(s) for the event and any private events associated therewith.
3. A Town of Palm Beach, DPW, Right-of-Way (ROW) Permit is no longer required.
4. FDOT Banner Permit – Since banners are not approved and the flags are not on FDOT right-of-way an FDOT Banner permit is no longer needed.
5. Barricades and an MOT are no longer needed as there will be no road closures.

In addition to the listed permits, the Rotary Foundation is aware that it may be required, likely at the request of Public Works (DPW), to call Sunshine 811 before staking flag holders. We are required to plan a flag grid not in conflict with the plan drawing of the new irrigation system in Bradley Park and we will work closely with Town DPW staff to ensure this happens with no damage to the irrigation system.

Enumerated below are a number of key items related to the event and how Rotary intends to address things:

1. Rotary Foundation agrees to fill all flagpole holes with quality topsoil (staff prefers topsoil) and is responsible for any damage to Town property. We have provided staff with an executed hold harmless agreement and a certificate of insurance naming the Town as an additionally insured. These items are attached. If we cause damages, you will be paid.
2. Parking should not be an issue for the event because the event is not at the height of the Season and not all interested parties will come see the flags at the same time. Most attendees will park on Royal Poinciana Way and walk over and perhaps visit the businesses in the area before and after seeing their flag.
3. As we stated last month, we have modified our proposed use of funds raised to be the following. The net funds raised will be used to provide funding for scholarships to college bound and existing college students of full-time Town of Palm Beach Fire-Rescue employees and Town of Palm Beach General employees, including Life Guards. The Palm Beach Police Foundation provides the same for Police Department employees. The Palm Beach Rotary Foundation wants to do the same for the other Town employees. We hope you will agree.
4. The new business association for the district is the Main Street Palm Beach Business Association (MSPBA) and it is the sponsor of the event. MSPBA fully supports the event, and appears as the sponsor on the application for permit.
5. There will be no banners. We heard you loud and clear last month. The Rotary Foundation target is to install up to 500 flags. The grid we lay out will be done with the blessing of DPW staff, will allow persons to walk through the

park to look at the flags and will avoid damage to trees and any ground based impediments.

6. The target audience for participation/solicitation is "town persons." Merchants, residents and visitors.
7. We are still planning opening ceremony/dedication. This is a low key, solemn event with a few speakers and perhaps a color guard. At most, a half hour event. We can eliminate the use of a generator if it is OK for us to plug into an outlet at the Tea House for the PA system. The noise ordinance will be complied with.
8. The plan is to grid out flag locations beforehand and put up the flags on November 7. Flags will be removed on November 11.

Based on all of the foregoing, the Rotary Foundation has updated the Business Association Special Events permit and the required site plan to reflect the latest information and requested changes and have submitted them with this letter to you. We look forward to seeing you at the May 14 Town Council meeting and presenting this information and our revised permitting materials to you and the Town Council.

If you should have any questions, please feel free to contact Thomas Bradford or me at your convenience.

Sincerely,

Richard P. Zaretsky

Richard P. Zaretsky, Esq.
President, Rotary Club of Palm Beach Foundation

Cc:

Frances Frisbie, Director, Main Street Palm Beach Association
Thomas G. Bradford, Rotary Club of Palm Beach

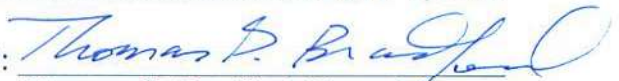


TOWN OF PALM BEACH

Administrative Procedure

Procedure No.....1-15-9

Effective Date.....October 8, 2015

APPROVED: 
Thomas G. Bradford, Town Manager

TITLE: TOWN SPONSORED BUSINESS ASSOCIATION SPECIAL EVENTS

OBJECTIVE:

It is the policy of the Town of Palm Beach to allow for Town-sponsored special events within the public right-of-way or other public lands within the three identified commercial areas commonly described as Worth Avenue, South County Road, and Royal Poinciana Way, by the business associations representing each area. All proposed events will be carefully reviewed, individually approved, and restricted in accordance with the procedures as outlined herein and the Town Code of Ordinances. All expenses pertaining to such special events shall be borne by the association originating the event, and the Town shall be held harmless from any and all liabilities that may arise from such events.

RESPONSIBILITY:

It is the responsibility of the business association requesting Town sponsorship of a special event to complete and submit a Business Association Special Event Proposal Form and provide supporting documents, site plans, etc. to the Town's Director of Recreation, who will ascertain whether or not the proposal is complete and sufficient information has been provided. Once deemed complete, it will be reviewed by multiple Town Departments, including but not necessarily limited to Recreation, Police, Fire Rescue, Public Works, and Planning, Zoning and Building. Each department may provide comments/recommendations regarding event conditions. Once the Director of Recreation is satisfied that such internal review is complete, the application will be presented to the Town Manager or his/her designee for approval prior to Town Council's review and final approval, denial, or approval with modifications.

PROCEDURE:

Each proposal for a special event to be sponsored by the Town shall be weighed on its individual merits and acted upon by the Town Council without regard to precedents. The following rules shall apply to special events:

- The maximum number of such Town-sponsored special events shall be two (2) per calendar year per commercial area, excluding holiday lighting ceremonies traditionally held in November and/or December.
- No more than one (1) special event per day shall be allowed in Town, based upon a first-come, first-served basis.
- Proposals should be submitted at least 90 days prior to the proposed special event and no earlier than one year in advance.
- It is expected that the duration of each event will be eight hours or less. Any and all exceptions from such rule shall be clearly identified within the proposal.
- Obstruction of public rights-of-way may be approved. Obstructions must be clearly identified within the proposal.
- Each proposal must include a detailed site plan identifying vehicular access, pedestrian access, event venue(s), and all related equipment. Barricades and related safety equipment must be provided to the satisfaction of the Town. A Maintenance of Traffic Plan (M.O.T.) may be required depending upon size and complexity of the special event.
- The business association may be responsible for securing any/all regulatory approvals necessary for each such event, including State DOT permit(s).
- Special detail officers, including Police and Fire Rescue personnel, may be required to ensure public safety at such events. The Town shall have authority to require same, and all costs shall be borne by the business association.
- Food trucks shall not be permitted, nor shall any temporary cooking facilities be allowed. All food served at each event shall be prepared in licensed restaurants, or transported to the event from alternate locations.
- A liquor license must be obtained by the business association if money is required to purchase drinks, tickets, coupons, etc. No liquor license shall be required if alcohol is served free of any charge whatsoever.
- Signage of all kinds, including banners and photo backdrops, shall be approved on a case by case basis. Signage must be set up and removed in accordance with the eight hour event restriction unless specifically allowed for longer periods by the Town Council.

- Any special equipment, including but not limited to staging, lights, amplifiers, generators, etc., must be detailed within the proposal, and will be approved, denied, or modified per Town Council approval.
- All equipment not previously identified herein, including but not limited to fencing, barriers, tents, stages, platforms, risers, canopies, portable restrooms, garbage cans, dumpsters, etc., shall be clearly identified within the proposal and shown on a detailed site plan.
- The business association must submit proof of insurance to the Town in accordance with the recommendation of the Town's Risk Manager for each special event, and each certificate of insurance shall name the Town of Palm Beach as an additional insured.
- A Hold Harmless Statement must be provided, in format satisfactory to the Town's Risk Manager, exempting the Town of Palm Beach from any and all liabilities stemming from a special event.
- The Town has the right to require a refundable bond or satisfactory form of cash deposit to be paid as a condition of approval. The bond or cash equivalent will be refunded thereafter, unless the Town determines to retain all or a portion of same for Town-determined remedial expenses.

ATTACHMENTS:

Business Association Special Event Proposal Information and Form



Business Association Special Event Proposal Information & Form

Proposal Process

The proposal process begins when you submit the completed Business Association Special Event Proposal Form to be considered for Town sponsorship. ***Keep in mind that acceptance of the proposal should in no way be construed as final approval or confirmation of your request.***

Upon receipt of your proposal the Town will assign a coordinator to help guide you through the process. The coordinator distributes the proposal to all Town departments for review. During the review process you will be notified if your event requires additional information, permits or licenses. You will be allowed time to provide us with all pending documents.

Delays in providing these items often delay our ability to finish our review and issue a decision on your special event proposal.

You may be contacted individually by these departments if they have specific questions or concerns about your event. Depending on the impact on Town services, a group meeting with all affected departments and the association may be scheduled to clarify questions and concerns.

Proposal Steps:

1. Submit your completed proposal at least 90 days prior to your proposed event. Proposals will be accepted up to 1 year in advance. Completed proposals may be:
 - Delivered: Recreation Center, 340 Seaview Avenue or
 - Mailed: Town of Palm Beach Recreation Department, ATTN: Business Association Special Event Proposal, P.O. Box 2029, Palm Beach, FL 33480 or
 - Emailed: bzickar@townofpalmbeach.com
2. You will be sent an e-mail acknowledgement that your proposal has been received. Your proposal will be reviewed by Town staff, which may take up to three weeks. During this time, you may be contacted by Town staff for clarification of event details.
3. After a full review of your proposal, including Town Council approval, you will receive either a conditions of approval letter or a denial letter. The conditions of approval letter will outline requirements for your event, such as necessary permits, approvals and/or event bonds/cash deposit fees. This may include, but is not limited, to the following:

- Certificate of Insurance showing evidence of a commercial liability policy
 - Copy of Temporary Liquor License, if applicable
 - Traffic/Parking Control Services
 - Inspections
4. Once all the conditions of approval have been met a final Special Event Approval Letter will be issued by the Town.

Fees

It will be the association's responsibility to pay for the cost of all inspections and other Town services (i.e., Police and Fire). Other fees such as permit fees may apply for tents, stages, etc. Depending on the type of event, respective fees may vary. Events will require a refundable security deposit, depending on the type, location and size of the event. Fees can range as follows:

Event Description	Event Size	Security Deposit
Minor	Less than 250 attendees	\$500
Medium	Between 251 – 1,000 attendees	\$2,000
Major	Over 1,000 attendees	\$5,000

For additional information, contact Beth Zickar, Director of Recreation at 561-838-5485 or bzickar@townofpalmbeach.com.



BUSINESS ASSOCIATION SPECIAL EVENT PROPOSAL FOR TOWN SPONSORSHIP

EVENT TITLE **Flags for Heroes**

EVENT DATE **11/07/19 - 11/11/19**

SECTION 1: CONTACT INFORMATION

Business Association	Main Street Palm Beach Association, Inc.(MSPBA) w/ Rotary Club of Palm Beach Foundation	
Representative Name	Frances Frisbie (1)	Richard P. Zaretsky (2)
E-Mail Address	frances@frisbiegroup.com	RPZ@ZaretskyLaw.com
Mailing Address	125 Worth Avenue, #221 Palm Beach, FL 33480	1615 Forum Place, STE 3A West Palm Beach, FL 33401
Primary Telephone	561-717-9803	561-689-6660
Secondary Telephone	NA	561-249-4820
Fax Number	NA	561-683-1559

SECTION 2: EVENT INFORMATION

Event Location	Bradley Park located between Royal Poinciana Way and Sunset Avenue, west of Bradley Place.	
Event Admission Fee	☐ Yes, Amount _____ ☒ No NO	
Anticipated Attendance	250 +/- over the course of 4 days	
Event Time	From: 11/07/19	To: 11/11/19
Event Set Up	Date: 11/07/19 1:00 PM - 8:00 PM	
Event Dismantle	Date: 11/11/19 3:00 PM- 8:00 PM	
Event Description		

Flags for Heroes enables citizens to recognize the heroes in their lives while raising funds for charitable causes. Citizens may purchase a medallion to be placed on a flagpole recognizing their hero. A goal of 500 flags has been established. People have the option of purchasing a \$75 medallion or a \$100 medallion to commemorate their hero. All proceeds, net of event costs, will be donated to college scholarships for children of Town of Palm Beach Fire-Rescue, General and Lifeguard employees.

Footnote (1) Frances Frisbie is a Director of MSPBA and their primary representative.

Footnote (2) Richard Zaretsky is the President and primary representative of the Rotary Foundation.

Is this event part of a larger marketing campaign? If yes, please describe.

NO

Not Applicable

Public Inquiries Contact (Name, Telephone and E-Mail Required)	Richard Zaretsky Tele: 561-689-6660; Email: RPZ@ZaretskyLaw.com
Are you requesting any street and/or sidewalk closures? NO	If yes, specify street and/or sidewalks and time of closures. No street or sidewalk closures. However, we do ask that the Town approve reserving several parking spaces for Rotary and volunteers for set up and take down.
Does your event include food concessions? NO (No On-Site Cooking Permitted)	Anticipated Number of Vendors: Not Applicable
Does your event involve the sale or consumption of alcoholic beverages? NO	If yes, please check all that apply: ☐ Free Alcohol ☐ Distilled Spirits ☐ Alcohol Sales ☐ Beer ☐ Wine Not Applicable <i>If alcohol is sold at an event, the applicant is required to obtain a temporary liquor license from the Division of Alcoholic Beverages and Tobacco. Copy of temporary liquor license must be provided to Town prior to event date. Additional insurance requirements and police enforcement will be required.</i>
Does your event require amplified sound and/or music? YES. A PA system is contemplated for the kick off ceremony for announcements and statements.	If yes, please check all that apply: ☒ Amplified sound for announcements & short speeches in compliance with Noise Ordinance. ☐ Amplified sound for recorded music ☐ Amplified sound for live music <i>Approval of a Special Event Proposal does not necessarily exempt the planned event from the requirements of the Town of Palm Beach's Noise Ordinance.</i>
Will you be installing any temporary signage? ☐ Yes ☒ No NO	If yes, list number, description and location: Not Applicable <i>Compliance with Section 134-2371 of the Town of Palm Beach Code of Ordinances is required.</i>
Do you plan to provide portable comfort stations at your event? ☐ Yes ☒ No NO	If yes, how many stalls will be in each station: _____ ☐ Yes ☐ No Is comfort station ADA accessible? <i>If not providing, provide information as to availability of restroom facilities in the immediate area of the event site that will be available to the public, include ADA accessible and non-ADA accessible.</i>

Will you be installing any temporary structures? ☐ Yes ☐ No NO	If yes, identify number and size of tents & canopies: Not Applicable Delivery Date: _____ Removal Date: _____ Stage/Platform/Riser Dimensions: Length: _____ Width: _____ Height: _____ Delivery Date: _____ Removal Date: _____ <i>Vendors will be required to provide a certificate of commercial general liability insurance in an amount to be determined by the Town, listing the Town of Palm Beach as additional insured. Permits may be required.</i>
Will funds be solicited for any charities? ☐ Yes ☐ No YES	Funds will go to the PB Rotary Foundation to raise funds for college scholarships for children of Town of Palm Beach Fire-Rescue, General and Lifeguard employees. TPB Charitable permit(s) to be submitted per TPB Ordinance.
Will this event utilize a generator(s) ☐ Yes ☐ No NO	If yes, list the number and size of each: It is requested that TPB allow PA system for opening event to use power at Bradley Tea House. This will negate need for generator and reduce event noise.
Site Plan YES. Event site plan has been submitted with this application.	Please include a complete site plan of the proposed event, including: - An outline of the event site including the names of the streets or areas that are part of the venue and the surrounding area. - Any street or lane closure requests. - The locations of fencing, barriers and/or barricades. Include any removable fencing for emergency access. - Vehicular access. - Pedestrian access. - Location of stages, platforms, risers, canopies, tents, comfort stations, dumpsters and any other temporary structures. - Generator locations and/or source of power. - Placement of vehicles and/or trailers. - Anticipated parking locations. - Vendor locations. - Temporary signage locations. - Locations of all other event activities.

**FOR OFFICIAL USE ONLY
DEPARTMENT REVIEW**

Recreation

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Police

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Fire Rescue

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Public Works

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Planning, Zoning & Building

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Town Manager's Office

Reviewer: _____

____ Approved

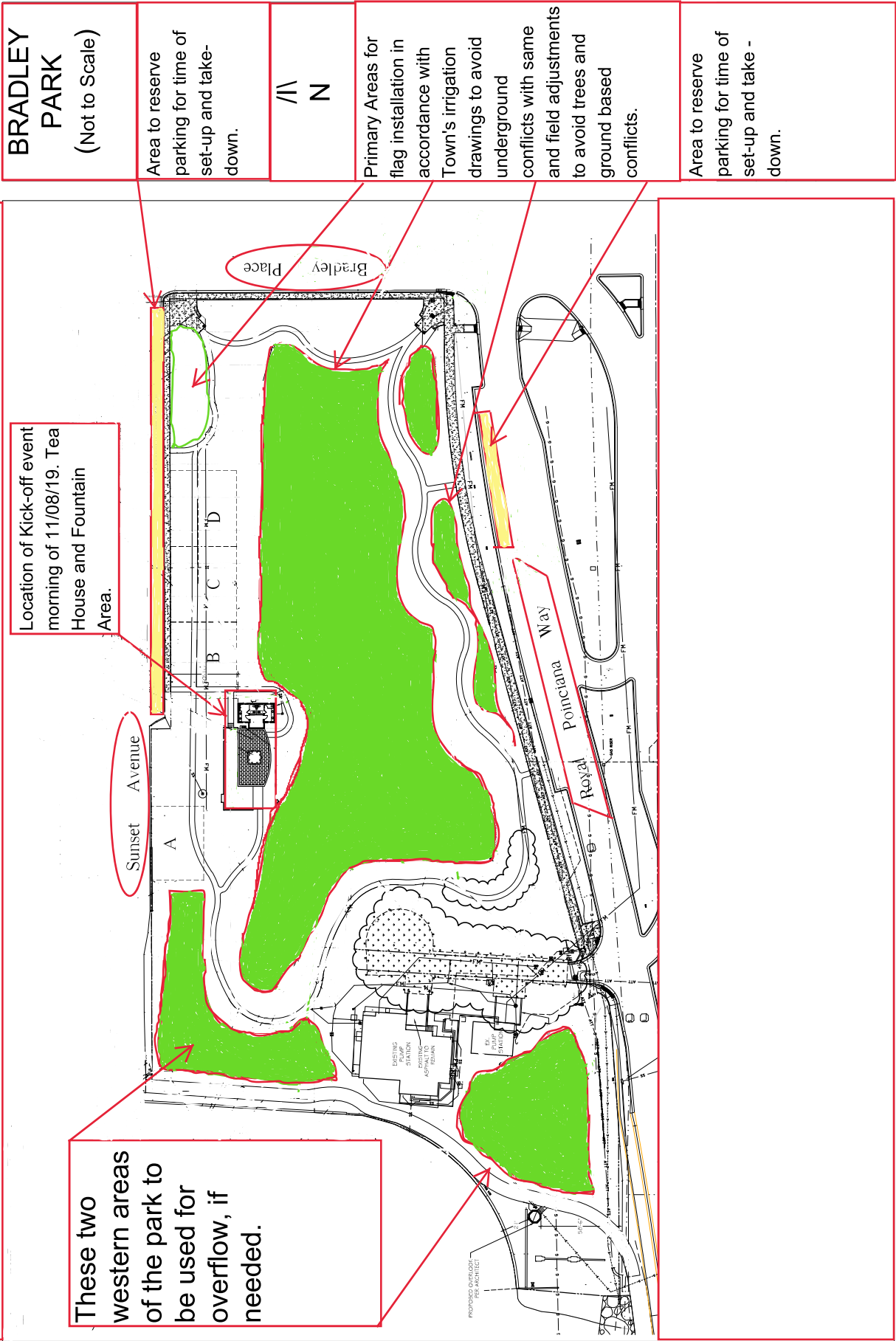
Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

- After final Department review, please return to the Recreation Department.

Rotary Foundation Bradley Park Site Plan for Flags for Heroes Program November 7-11, 2019



Designated
Overflow Areas for
flags, if needed.

Primary Flag
Placement Areas
Per a Flag Grid not
in Conflict with
Irrigation Plan and
Approved by Town
Staff

14 on-street parking
spaces on Royal
Poinciana Way to
accommodate public
parking and access

12 on-street parking spaces on Sunset Ave.
to accommodate public parking and access

XXXXXX = Area of Reserved Parking for set-up &
take-down days



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/10/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 2850 Golf Road Rolling Meadows IL 60008		CONTACT NAME: Ali Sulita PHONE (A/C, No, Ext): 1-833-3ROTARY E-MAIL ADDRESS: rotary@ajg.com FAX (A/C, No): 630-285-4062	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Lexington Insurance Company	
		NAIC # 19437	
INSURED All Active US Rotary Clubs & Districts PALM BEACH ROTARY FOUNDATION ATTN: Risk Management Dept. 1560 Sherman Ave. Evanston, IL 60201-3698		INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 899307648

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Liquor Liability Included GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:			015375594	7/1/2018	7/1/2019	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$
A	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			015375594	7/1/2018	7/1/2019	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☐ UMBRELLA LIAB ☐ EXCESS LIAB ☐ OCCUR ☐ CLAIMS-MADE ☐ DED ☐ RETENTION \$			NOT APPLICABLE			EACH OCCURRENCE \$ AGGREGATE \$ \$
	☐ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	☐ Y ☒ N	☐ A	NOT APPLICABLE			PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate holder is included as additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER

TOWN OF PALM BEACH, FLORIDA
360 SOUTH COUNTY ROAD
PALM BEACH, FLORIDA 33480

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

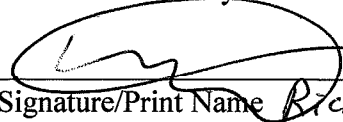
AUTHORIZED REPRESENTATIVE

Hold Harmless Agreement

To the fullest extent allowed by law Palm Beach Rotary Foundation shall protect, defend, reimburse, indemnify and hold harmless the Town of Palm Beach, and the Town's officers, agents, employees free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, attorneys or other professional fees, or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, cause or causes of action of every kind and character in connection with, or arising directly or indirectly out of or related to the Royal Poinciana Association Memorial Day event on May 27, 2019 to include any event set-up required on May 23 -26, 2019. Without limiting the generality of the foregoing, Palm Beach Rotary Foundation's Indemnity shall include all claims, damages, losses, or expense arising out of or related to personal injury, death, damages to property, defects in materials or workmanship, actual or alleged infringement of any patent, trademark, copyright, proprietary information, or applications of any thereof, or of any other tangible or intangible personal or property right, or any actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or order of any court. Palm Beach Rotary Foundation agrees to investigate, respond, adjust and provide a defense for, all and any such claims, demands and actions at Palm Beach Rotary Foundation sole expense and agrees to bear and remain liable for all such other costs and expenses relating thereto, even if such claim is groundless, false or fraudulent. Notwithstanding the foregoing, Palm Beach Rotary Foundation Indemnity's shall not extend to liability for damages to persons or property to the extent such damage was caused by any act, omission, or default of the Town, or by the Town's officers, agents and employees.

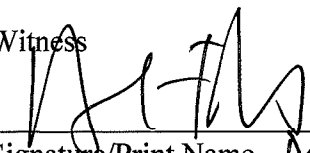
Palm Beach Rotary Foundation acknowledges and agrees that Town would not enter into this agreement without this indemnification of Town by Palm Beach Rotary Foundation, and that Town's entering into the agreement shall constitute good and sufficient consideration for this indemnification. Nothing in this agreement shall be construed to affect in any way the Town's rights, privileges, and immunities as set forth in Florida Statute 768.28.

Palm Beach Rotary Foundation


Signature/Print Name *Richard Zaretsky*

12/10/18
Date

Witness


Signature/Print Name *Daniel Frank*

12/10/18
Date

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Update to the Town's Compensation Study

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

Will be provided under separate cover.

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Danielle Olson, Director of Human Resources

Re: Update to the Town's Compensation Study

Date: May 9, 2019

STAFF RECOMMENDATION

Staff recommends Town Council review the attached study update and requested actuarial data related to the Town-wide Compensation and Benefits Study.

GENERAL INFORMATION

Pursuant to the directives provided by Town Council at the regular meeting held on March 19, 2019 and subsequent Special Town Council Meetings held on April 4 and 23, 2019, the following summary and exhibits have been prepared.

Summary of Tentatively Approved Items:

The following are tentatively approved items subject to further review of actuarial impact analysis to the Town's retirement plan, and collective bargaining as applicable:

- 75th Percentile for the Palm Beach County market to be used to establish Public Safety pay ranges;
- 10 Step Plan for Police Officer, Firefighter, Driver-Engineer, and to be considered by Town Manager for Sergeant and Fire Lieutenant;
- Merit for open pay range positions at 1.5% to 6% range, instead of 3% to 7.5%; and COLA implemented FY21 for all positions per annual budget approval;
- Frequency of future studies to be completed every 5 years, pending approval;
- Workweek changes (Kelly day 52hr to 48hr) within 21 (versus current 28) day pay cycle, subject to negotiations where applicable, for shift Firefighter personnel;
- Retirement Plan changes for Public Safety from Age 56 to Age 55 with 10 years, adding 25& Out with Age 52, and 8.5% employee contribution, subject to actuarial impact analysis and negotiations where applicable;

General Employee Benchmarks Update:

The Town Manager and executive staff have been busy conducting their evaluation of benchmark position data in the Palm Beach County market for General employees. This work is expected to be completed soon so that implementation cost estimates can be finalized for consideration when Council contemplates which percentile to use as the general market position policy at the June 11, 2019, Town Council meeting. Additionally, staff will be coordinating one-on-one meetings with the Mayor and Town Council prior to the June meeting to review the information in detail.

Actuarial Impact Estimates:

Pursuant to the direction provided by Town Council at the meeting held on April 23, 2019, the actuary for the Town's retirement plan was tasked with completing first year actuarial impacts of compensation changes for Public Safety at the 75th market percentile, compensation changes at the 65th and 75th market percentiles for General and Ocean Rescue employees, and retirement benefit changes for Public Safety. The supplemental valuation reports for the described analysis have been obtained and are provided herein.

- Exhibit A. Summary of Estimated Actuarial Impact on Retirement Plan
- Exhibit B. Supplemental actuarial valuation (study) for Police Officers of the Town of Palm Beach Retirement System
- Exhibit C. Supplemental actuarial valuation (study) for Firefighters of the Town of Palm Beach Retirement System
- Exhibit D. Supplemental actuarial valuation (study) for General and Ocean Rescue benefit groups of the Town of Palm Beach Retirement System

Sensitivity Analysis:

At the April 23, 2019, Town Council meeting the actuary for the Town's retirement plan was tasked with preparing a 10-year forecast of the actuarial results that are in your backup using the current assumptions. He is also stress testing the results using a 5% actual return for the 10-year period. This information will be presented with your June 11, 2019, Town Council backup and will be provided to the Retirement Board.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Department Directors

ESTIMATED ACTUARIAL IMPACT ON RETIREMENT PLANS									
	Police 75th Percentile	Fire 75th Percentile	General 75th Percentile	Total	Cost per \$1M of Taxable Value (5%)	General 65th Percentile	Diff. to 75th %tile	Total Public Safety 75th/ General 65th	Cost per \$1M of Taxable Value (5%)
Range Adjustments on 10/1/2019	\$53,499	\$38,472	\$44,764	\$136,735		\$30,725	-\$14,039	\$122,696	
Compensation Growth Assumption	\$177,514	\$201,555	\$242,003	\$621,072		\$242,463	\$460	\$621,532	
SUBTOTAL - COMPENSATION CHANGES:	\$231,013	\$240,027	286767	\$757,807	\$42	\$273,188	-\$13,579	\$744,228	\$41
25& Out age 52	\$4,852	\$19,216	N/A	\$24,068		N/A	N/A	\$24,068	
Age 55	-\$1,213	\$17,430	N/A	\$16,217		N/A	N/A	\$16,217	
8.5% Employee Contribution	\$76,424	\$80,891	N/A	\$157,315		N/A	N/A	\$157,315	
SUBTOTAL - PUBLIC SAFETY BENEFIT CHANGES:	\$80,063	\$117,537	N/A	\$197,600	\$11	N/A	N/A	\$197,600	\$11
TOTAL	\$311,076	\$357,564	\$286,767	\$955,407	\$53	\$273,188	-\$13,579	\$941,828	\$52
Total UAAL Change	\$564,218	\$723,439	\$810,341	\$2,097,998		\$718,703	-\$91,638	\$2,006,360	
Cost of Retirement Changes per Employee Retirement Group									
Cost per Employee	\$5,185	\$5,337	\$1,385	\$2,861		\$1,320	-\$66	\$11,841	
Cost per \$1M/Group	\$17	\$20	\$16	\$53		\$15	-\$1	\$52	
Change in UAAL/Cost per Employee	\$9,404	\$10,798	\$3,915	\$6,281		\$3,472	-\$443	\$6,007	

**PRIVILEGED AND CONFIDENTIAL ATTORNEY- CLIENT COMMUNICATION
INFORMATION - NOT A PUBLIC RECORD**

May 8, 2019

Ms. Jane Le Clainche, CPA
Director of Finance
Town of Palm Beach
360 S. County Road
Palm Beach, Florida 33480

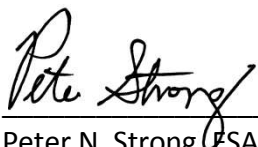
**Re: Town of Palm Beach Retirement System –
Police Officers Supplemental Valuation**

Dear Ms. Le Clainche:

As requested, enclosed is a supplemental actuarial valuation (study) for Police Officers of the Town of Palm Beach Retirement System.

Please call if you have any questions regarding the calculations enclosed.

Sincerely,



Peter N. Strong, FSA, MAAA, FCA
Enrolled Actuary No. 17-06975



Dina Lerner, ASA, MAAA, FCA
Enrolled Actuary No. 17-08236

PS: jc
Enclosures

Exhibit B
Town Council Meeting
May 14, 2019

TOWN OF PALM BEACH RETIREMENT SYSTEM
SUPPLEMENTAL ACTUARIAL REPORT FOR POLICE OFFICERS
AS OF SEPTEMBER 30, 2018

Requested By: Jane Le Clainche, CPA, Director of Finance
Date: May 8, 2019
Submitted By: Peter N. Strong, FSA, EA, FCA, MAAA and Dina Lerner, ASA, EA, FCA, MAAA
Gabriel, Roeder, Smith & Company

This report contains an actuarial study to evaluate the effects of proposed compensation and benefit change scenarios for Police Officers of the Town of Palm Beach Retirement System. Peter N. Strong and Dina Lerner are Members of the American Academy of Actuaries (MAAA) and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein.

The date of the valuation was September 30, 2018 and determines the contribution rates for the fiscal year ending September 30, 2020. Supplemental valuations do **not** predict the result of future actuarial valuations. Rather, supplemental valuations give an indication of the probable annual cost of the **proposed changes only** without comment on the complete end result of future valuations.

Actuarial assumptions and methods were consistent with those in September 30, 2018 Actuarial Valuation Report, dated February 26, 2019, unless otherwise noted. Actuarial assumptions are adopted by the Retirement Board of Trustees.

TOWN OF PALM BEACH RETIREMENT SYSTEM
SUPPLEMENTAL ACTUARIAL REPORT FOR POLICE OFFICERS
AS OF SEPTEMBER 30, 2018

Current Plan Provisions for Police Officers under Plan B (post April 30, 2012 benefits):

- Normal Retirement eligibility condition is age 56 with at least 10 years of service.
- The member contribution rate is subject to adjustment based on the assumed investment return and the actual rate of investment return for the plan year ending on the valuation date, net of investment expenses, and such that the ratio of employer to member contributions for the plan year ending on the valuation date is maintained for the plan year following the adjustment; subject in any event to a minimum member contribution rate of 8% and a maximum member contribution rate of 12% of compensation. The adjusted member contribution rate for the fiscal year ending in 2020 is 10.47%.

Current Plan Assumptions for Police Officers:

- The rate of salary increase used for individual members is 3.5% per year.
- Plan B Normal retirement rates are 70% per year at ages 56 through 59 and 100% at age 60.

Proposed Changes for Police Officers:

- Scenario 1: Assumed salary increases for fiscal year (FY) 2019 are equal to actual salary increases from FY 2018 to FY 2019, as provided by the Town.
- Scenario 2: Same as Scenario 1, but with additional updates to assumed salary increases for FY 2020 to match the scheduled salary increases during FY 2020, as provided by the Town, reflecting changes to bring pay ranges up to the 75th percentile of the market.
- Scenario 3: Same as Scenario 2, but also reflecting compensation changes expected after FY 2020 by changing the long-term rate of salary increase assumption from 3.5% to 6.0% per year.
- Scenario 4: Same as Scenario 3, but with a change in Normal Retirement eligibility conditions under Plan B to age 55 with at least 10 years of service, and with adjusted assumed Normal Retirement rates as described in Comment 7 below.
- Scenario 5: Same as Scenario 4, but with an additional Plan B Normal Retirement eligibility condition of age 52 with at least 25 years of service.
- Scenario 6: Same as Scenario 5 but with a change in the employee contribution rate to a fixed rate of 8.5% per year.

TOWN OF PALM BEACH RETIREMENT SYSTEM

SUPPLEMENTAL ACTUARIAL REPORT FOR POLICE OFFICERS

AS OF SEPTEMBER 30, 2018

The results of the proposed compensation and benefit changes are shown below:

	Valuation	Scenario 1 - Reflecting Actual FY 2019 Salaries	Scenario 2 - Scenario 1 with Compensation Changes for FY 2020	Scenario 3 - Scenario 2 with Change in Salary Increase Assumption	Scenario 4 - Scenario 3 with NR Change to Age 55 & 10	Scenario 5 - Scenario 4 with Additional NR Eligibility at Age 52 & 25	Scenario 6 - Scenario 5 with Employee Contribution Rate of 8.5% Per Year
Summary of Results for Police Officers							
Salary Increase Assumption	3.5% per year variable 8-12% Age 56 & 10	3.5% per year variable 8-12% Age 56 & 10	3.5% per year variable 8-12% Age 56 & 10	6.0% per year variable 8-12% Age 56 & 10	6.0% per year variable 8-12% Age 55 & 10	6.0% per year variable 8-12% Age 55 & 10 or 52 & 25	6.0% per year fixed 8.5% Age 55 & 10 or 52 & 25
Employee Contribution Rate							
Plan B Normal Retirement Eligibility							
Member Contribution Rate	10.47 %	10.47 %	10.47 %	10.47 %	10.47 %	10.47 %	8.50 %
Employer Normal Cost Rate	9.58 %	9.49 %	9.28 %	13.24 %	13.22 %	13.39 %	14.72 %
Town Pension Contribution for Police Officers							
As Illustrative \$	88.27 %	85.80 %	80.48 %	84.87 %	84.84 %	84.96 %	86.85 %
if Contributed October 1st	\$ 3,312,460	\$ 3,334,891	\$ 3,367,826	\$ 3,551,534	\$ 3,550,278	\$ 3,555,300	\$ 3,634,390
Unfunded Actuarial Accrued Liability (UAAL)	\$ 3,200,781	\$ 3,222,455	\$ 3,254,280	\$ 3,431,794	\$ 3,430,581	\$ 3,435,433	\$ 3,511,857
Funded Ratio	\$ 29,299,529	\$ 29,454,023	\$ 29,610,667	\$ 29,845,566	\$ 29,842,130	\$ 29,816,355	\$ 29,863,747
	71.1 %	71.0 %	70.9 %	70.8 %	70.8 %	70.8 %	70.7 %
Change in Town Contribution for Police Officers from Valuation	N/A %	(2.47) %	(7.79) %	(3.40) %	(3.43) %	(3.31) %	(1.42) %
As Illustrative \$	\$ N/A	\$ 22,431	\$ 55,366	\$ 239,074	\$ 237,818	\$ 242,840	\$ 321,930
if Contributed October 1st	\$ N/A	\$ 21,674	\$ 53,499	\$ 231,013	\$ 229,800	\$ 234,652	\$ 311,076
Change in UAAL from Valuation	\$ N/A	\$ 154,494	\$ 311,138	\$ 546,037	\$ 542,601	\$ 516,826	\$ 564,218
Change in Funded Ratio from Valuation	N/A %	(0.1) %	(0.2) %	(0.3) %	(0.3) %	(0.3) %	(0.4) %
Change in Town Contribution for Police Officers from Scenario 1	N/A %	N/A %	(5.32) %	(0.93) %	(0.96) %	(0.84) %	1.05 %
As Illustrative \$	\$ N/A	\$ N/A	\$ 32,935	\$ 216,643	\$ 215,387	\$ 220,409	\$ 299,499
if Contributed October 1st	\$ N/A	\$ N/A	\$ 31,825	\$ 209,339	\$ 208,126	\$ 212,978	\$ 289,402
Change in UAAL from Scenario 1	\$ N/A	\$ N/A	\$ 156,644	\$ 391,543	\$ 388,107	\$ 362,332	\$ 409,724
Change in Funded Ratio from Scenario 1	N/A %	N/A %	(0.1) %	(0.2) %	(0.2) %	(0.2) %	(0.3) %

TOWN OF PALM BEACH RETIREMENT SYSTEM
SUPPLEMENTAL ACTUARIAL REPORT FOR POLICE OFFICERS
AS OF SEPTEMBER 30, 2018

Comments

Comment 1 — Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the plan's funded status); and changes in plan provisions or applicable law.

Comment 2 — If you have reason to believe that the information provided in this report is inaccurate, or is in any way incomplete, or if you need further information in order to make an informed decision on the subject matter of this report, please contact the authors of the report prior to making such decision.

Comment 3 — This report is intended to describe the financial effect of the proposed changes. This report is not intended to make a formal recommendation. This would be a separate process and involve the Board and other professionals.

Comment 4 — In the event that more than one change is being considered, it is very important to remember that the results of separate actuarial valuations cannot generally be added together to produce a correct estimate of the combined effect of all of the changes.

Comment 5 — This report is intended to describe the financial effect of the proposed changes on the Retirement System. Except as otherwise noted, potential effects on other benefit programs were not considered.

TOWN OF PALM BEACH RETIREMENT SYSTEM
SUPPLEMENTAL ACTUARIAL REPORT FOR POLICE OFFICERS
AS OF SEPTEMBER 30, 2018

Comments (Concluded)

Comment 6 — The reader of this report should keep in mind that actuarial calculations are mathematical estimates based on current data and assumptions about future events (which may or may not materialize). Please note that actuarial calculations can and do vary from one valuation year to the next, sometimes significantly. As a result, the cost impact of a proposed change may fluctuate over time, as the dynamics and circumstances of the Retirement System change.

Comment 7 — The assumptions for retirement under Plan B were adjusted for Police Officers in conjunction with the proposed benefit provision changes in scenarios 4, 5, and 6. Normal retirement rates used for scenarios 4, 5, and 6 in this supplemental valuation are shown below:

Current Retirement Rates		Proposed Retirement Rates	
Retirement Ages	Percent Retiring	Year of Normal Retirement Eligibility	Percent Retiring
	All Police Officers		All Police Officers
56	70%	1	70%
57	70%	2	70%
58	70%	3	70%
59	70%	4	70%
60	100%	5	100%

Comment 8 — This report complements the September 30, 2018 Actuarial Valuation Report previously delivered to the Plan Administrator and the Town and should be considered in conjunction with that report. Except as otherwise noted above all assumptions, methods, plan provisions and data used in this report were the same as those used in the September 30, 2018 Actuarial Valuation Report. Please refer to the September 30, 2018 Actuarial Valuation report, dated February 26, 2019, for this information and all associated disclosures.

**PRIVILEGED AND CONFIDENTIAL ATTORNEY- CLIENT COMMUNICATION
INFORMATION - NOT A PUBLIC RECORD**

May 8, 2019

Ms. Jane Le Clainche, CPA
Director of Finance
Town of Palm Beach
360 S. County Road
Palm Beach, Florida 33480

**Re: Town of Palm Beach Retirement System –
Firefighters Supplemental Valuation**

Dear Ms. Le Clainche:

As requested, enclosed is a supplemental actuarial valuation (study) for Firefighters of the Town of Palm Beach Retirement System.

Please call if you have any questions regarding the calculations enclosed.

Sincerely,



Peter N. Strong, FSA, MAAA, FCA
Enrolled Actuary No. 17-06975



Dina Lerner, ASA, MAAA, FCA
Enrolled Actuary No. 17-08236

PS: jc
Enclosures

Exhibit C
Town Council Meeting
May 14, 2019

TOWN OF PALM BEACH RETIREMENT SYSTEM
SUPPLEMENTAL ACTUARIAL REPORT FOR FIREFIGHTERS
AS OF SEPTEMBER 30, 2018

Requested By: Jane Le Clainche, CPA, Director of Finance
Date: May 8, 2019
Submitted By: Peter N. Strong, FSA, EA, FCA, MAAA and Dina Lerner, ASA, EA, FCA, MAAA
Gabriel, Roeder, Smith & Company

This report contains an actuarial study to evaluate the effects of proposed compensation and benefit change scenarios for Firefighters of the Town of Palm Beach Retirement System. Peter N. Strong and Dina Lerner are Members of the American Academy of Actuaries (MAAA) and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein.

The date of the valuation was September 30, 2018 and determines the contribution rates for the fiscal year ending September 30, 2020. Supplemental valuations do **not** predict the result of future actuarial valuations. Rather, supplemental valuations give an indication of the probable annual cost of the **proposed changes only** without comment on the complete end result of future valuations.

Actuarial assumptions and methods were consistent with those in September 30, 2018 Actuarial Valuation Report, dated February 26, 2019, unless otherwise noted. Actuarial assumptions are adopted by the Retirement Board of Trustees.

TOWN OF PALM BEACH RETIREMENT SYSTEM
SUPPLEMENTAL ACTUARIAL REPORT FOR FIREFIGHTERS
AS OF SEPTEMBER 30, 2018

Current Plan Provisions for Firefighters under Plan B (post April 30, 2012 benefits):

- Normal Retirement eligibility condition is age 56 with at least 10 years of service.
- The member contribution rate is subject to adjustment based on the assumed investment return and the actual rate of investment return for the plan year ending on the valuation date, net of investment expenses, and such that the ratio of employer to member contributions for the plan year ending on the valuation date is maintained for the plan year following the adjustment; subject in any event to a minimum member contribution rate of 8% and a maximum member contribution rate of 12% of compensation. The adjusted member contribution rate for the fiscal year ending in 2020 is 10.38%.

Current Plan Assumptions for Firefighters:

- The rate of salary increase used for individual members is 3.5% per year.
- Normal retirement rates are 70% per year at ages 56 through 59 and 100% at age 60.

Proposed Changes for Firefighters:

- Scenario 1: Assumed salary increases for fiscal year (FY) 2019 are equal to actual salary increases from FY 2018 to FY 2019, as provided by the Town.
- Scenario 2: Same as Scenario 1, but with additional updates to assumed salary increases for FY 2020 to match the scheduled salary increases during FY 2020, as provided by the Town, reflecting changes to bring pay ranges up to the 75th percentile of the market.
- Scenario 3: Same as Scenario 2, but also reflecting compensation changes expected after FY 2020 by changing the long-term rate of salary increase assumption from 3.5% to 6.0% per year.
- Scenario 4: Same as Scenario 3, but with a change in Normal Retirement eligibility conditions under Plan B to age 55 with at least 10 years of service, and with adjusted assumed Normal Retirement rates as described in Comment 7 below.
- Scenario 5: Same as Scenario 4, but with an additional Plan B Normal Retirement eligibility condition of age 52 with at least 25 years of service.
- Scenario 6: Same as Scenario 5 but with a change in the employee contribution rate to a fixed rate of 8.5% per year.

TOWN OF PALM BEACH RETIREMENT SYSTEM

SUPPLEMENTAL ACTUARIAL REPORT FOR FIREFIGHTERS

AS OF SEPTEMBER 30, 2018

The results of the proposed compensation and benefit changes are shown below:

	Valuation	Scenario 1 - Reflecting Actual FY 2019 Salaries	Scenario 2 - Scenario 1 with Compensation Changes for FY 2020	Scenario 3 - Scenario 2 with Change in Salary Increase Assumption	Scenario 4 - Scenario 3 with NR Change to Age 55 & 10	Scenario 5 - Scenario 4 with Additional NR Eligibility at Age 52 & 25	Scenario 6 - Scenario 5 with Employee Contribution Rate of 8.5% Per Year
Summary of Results for Firefighters							
Salary Increase Assumption	3.5% per year variable 8-12% Age 56 & 10	3.5% per year variable 8-12% Age 56 & 10	3.5% per year variable 8-12% Age 56 & 10	6.0% per year variable 8-12% Age 56 & 10	6.0% per year variable 8-12% Age 55 & 10	6.0% per year variable 8-12% Age 55 & 10 or 52 & 25	6.0% per year fixed 8.5% Age 55 & 10 or 52 & 25
Employee Contribution Rate							
Plan B Normal Retirement Eligibility							
Member Contribution Rate	10.38 %	10.38 %	10.38 %	10.38 %	10.38 %	10.38 %	8.50 %
Employer Normal Cost Rate	9.20 %	9.16 %	9.08 %	13.16 %	13.39 %	13.57 %	14.90 %
Town Pension Contribution for Firefighters							
As Illustrative \$	92.38 %	90.36 %	87.12 %	91.63 %	92.02 %	92.45 %	94.26 %
if Contributed October 1st	\$ 3,989,487	\$ 4,004,617	\$ 4,029,302	\$ 4,237,889	\$ 4,255,927	\$ 4,275,814	\$ 4,359,527
Unfunded Actuarial Accrued Liability (UAAL)	\$ 3,854,982	\$ 3,869,602	\$ 3,893,454	\$ 4,095,009	\$ 4,112,439	\$ 4,131,655	\$ 4,212,546
Funded Ratio	\$ 38,555,061	\$ 38,640,445	\$ 38,763,567	\$ 39,025,947	\$ 39,105,470	\$ 39,229,217	\$ 39,278,500
	63.9 %	63.8 %	63.8 %	63.6 %	63.6 %	63.5 %	63.5 %
Change in Town Contribution for Firefighters from Valuation							
As Illustrative \$	N/A %	(2.02) %	(5.26) %	(0.75) %	(0.36) %	0.07 %	1.88 %
if Contributed October 1st	\$ N/A	\$ 15,130	\$ 39,815	\$ 248,402	\$ 266,440	\$ 286,327	\$ 370,040
Change in UAAL from Valuation	\$ N/A	\$ 14,620	\$ 38,472	\$ 240,027	\$ 257,457	\$ 276,673	\$ 357,564
Change in Funded Ratio from Valuation	N/A %	(0.1) %	(0.1) %	(0.3) %	(0.3) %	(0.4) %	(0.4) %
Change in Town Contribution for Firefighters from Scenario 1							
As Illustrative \$	N/A %	N/A %	(3.24) %	1.27 %	1.66 %	2.09 %	3.90 %
if Contributed October 1st	\$ N/A	\$ N/A	\$ 24,685	\$ 233,272	\$ 251,310	\$ 271,197	\$ 354,910
Change in UAAL from Scenario 1	\$ N/A	\$ N/A	\$ 23,852	\$ 225,407	\$ 242,837	\$ 262,053	\$ 342,944
Change in Funded Ratio from Scenario 1	N/A %	N/A %	0.0 %	(0.2) %	(0.2) %	(0.3) %	(0.3) %
	\$ N/A	\$ N/A	\$ 123,122	\$ 385,502	\$ 465,025	\$ 588,772	\$ 638,055

TOWN OF PALM BEACH RETIREMENT SYSTEM
SUPPLEMENTAL ACTUARIAL REPORT FOR FIREFIGHTERS
AS OF SEPTEMBER 30, 2018

Comments

Comment 1 — Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the plan's funded status); and changes in plan provisions or applicable law.

Comment 2 — If you have reason to believe that the information provided in this report is inaccurate, or is in any way incomplete, or if you need further information in order to make an informed decision on the subject matter of this report, please contact the authors of the report prior to making such decision.

Comment 3 — This report is intended to describe the financial effect of the proposed changes. This report is not intended to make a formal recommendation. This would be a separate process and involve the Board and other professionals.

Comment 4 — In the event that more than one change is being considered, it is very important to remember that the results of separate actuarial valuations cannot generally be added together to produce a correct estimate of the combined effect of all of the changes.

Comment 5 — This report is intended to describe the financial effect of the proposed changes on the Retirement System. Except as otherwise noted, potential effects on other benefit programs were not considered.

TOWN OF PALM BEACH RETIREMENT SYSTEM
SUPPLEMENTAL ACTUARIAL REPORT FOR FIREFIGHTERS
AS OF SEPTEMBER 30, 2018

Comments (Concluded)

Comment 6 — The reader of this report should keep in mind that actuarial calculations are mathematical estimates based on current data and assumptions about future events (which may or may not materialize). Please note that actuarial calculations can and do vary from one valuation year to the next, sometimes significantly. As a result, the cost impact of a proposed change may fluctuate over time, as the dynamics and circumstances of the Retirement System change.

Comment 7 — The assumptions for retirement were adjusted for Firefighters in conjunction with the proposed benefit provision changes in scenarios 4, 5, and 6. Normal retirement rates used for scenarios 4, 5, and 6 in this supplemental valuation are shown below:

Current Retirement Rates		Proposed Retirement Rates	
Retirement	Percent Retiring	Year of Normal Retirement	Percent Retiring
Ages	All Firefighters	Eligibility	All Firefighters
56	70%	1	70%
57	70%	2	70%
58	70%	3	70%
59	70%	4	70%
60	100%	5	100%

Comment 8 — This report complements the September 30, 2018 Actuarial Valuation Report previously delivered to the Plan Administrator and the Town and should be considered in conjunction with that report. Except as otherwise noted above, all assumptions, methods, plan provisions and data used in this report were the same as those used in the September 30, 2018 Actuarial Valuation Report. Please refer to the September 30, 2018 Actuarial Valuation report, dated February 26, 2019, for this information and all associated disclosures.

**PRIVILEGED AND CONFIDENTIAL ATTORNEY- CLIENT COMMUNICATION
INFORMATION - NOT A PUBLIC RECORD**

May 8, 2019

Ms. Jane Le Clainche, CPA
Director of Finance
Town of Palm Beach
360 S. County Road
Palm Beach, Florida 33480

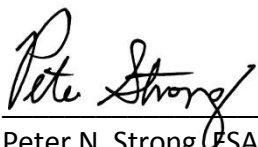
**Re: Town of Palm Beach Retirement System –
General and Ocean Rescue Supplemental Valuation**

Dear Ms. Le Clainche:

As requested, enclosed is a supplemental actuarial valuation (study) for General and Ocean Rescue benefit groups of the Town of Palm Beach Retirement System.

Please call if you have any questions regarding the calculations enclosed.

Sincerely,



Peter N. Strong, FSA, MAAA, FCA
Enrolled Actuary No. 17-06975



Dina Lerner, ASA, MAAA, FCA
Enrolled Actuary No. 17-08236

PS: jc
Enclosures

Exhibit D
Town Council Meeting
May 14, 2019

TOWN OF PALM BEACH RETIREMENT SYSTEM
SUPPLEMENTAL ACTUARIAL REPORT FOR GENERAL AND OCEAN RESCUE
AS OF SEPTEMBER 30, 2018

Requested By: Jane Le Clainche, CPA, Director of Finance
Date: May 8, 2019
Submitted By: Peter N. Strong, FSA, EA, FCA, MAAA and Dina Lerner, ASA, EA, FCA, MAAA
Gabriel, Roeder, Smith & Company

This report contains an actuarial study to evaluate the effects of proposed compensation change scenarios for General and Ocean Rescue benefit groups of the Town of Palm Beach Retirement System. Peter N. Strong and Dina Lerner are Members of the American Academy of Actuaries (MAAA) and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein.

The date of the valuation was September 30, 2018 and determines the contribution rates for the fiscal year ending September 30, 2020. Supplemental valuations do **not** predict the result of future actuarial valuations. Rather, supplemental valuations give an indication of the probable annual cost of the **proposed changes only** without comment on the complete end result of future valuations.

Actuarial assumptions and methods were consistent with those in September 30, 2018 Actuarial Valuation Report, dated February 26, 2019, unless otherwise noted. Actuarial assumptions are adopted by the Retirement Board of Trustees.

TOWN OF PALM BEACH RETIREMENT SYSTEM
SUPPLEMENTAL ACTUARIAL REPORT FOR GENERAL AND OCEAN RESCUE
AS OF SEPTEMBER 30, 2018

Current Plan Assumptions for General and Ocean Rescue:

- The rate of salary increase used for individual members is 3.5% per year.

Proposed Plan Assumptions for General and Ocean Rescue:

- Scenario 1: Assumed salary increases for fiscal year (FY) 2019 are equal to actual salary increases from FY 2018 to FY 2019, as provided by the Town.
- Scenario 2: Same as Scenario 1, but with additional updates to assumed salary increases for FY 2020 to match the scheduled salary increases during FY 2020, as provided by the Town, reflecting changes to bring pay ranges up to the 65th percentile of the market.
- Scenario 3: Same as Scenario 2 EXCEPT salary increases for FY 2020 reflect changes in pay ranges to bring them up to the 75th percentile of the market, as provided by the Town.
- Scenario 4: Same as Scenario 2, but also reflecting compensation changes expected after FY 2020 by changing the long-term rate of salary increase assumption from 3.5% to 5.5% per year.
- Scenario 5: Same as Scenario 3, but also updating compensation changes expected after FY 2020 by changing the long-term rate of salary increase assumption from 3.5% to 5.5% per year.

TOWN OF PALM BEACH RETIREMENT SYSTEM

SUPPLEMENTAL ACTUARIAL REPORT FOR GENERAL AND OCEAN RESCUE

AS OF SEPTEMBER 30, 2018

The results of the proposed compensation changes are shown below:

	Valuation	Scenario 1 - Reflecting Actual FY 2019 Salaries	Scenario 2 - Scenario 1 and Compensation Changes for FY 2020 with Pay Ranges at the 65th Percentile	Scenario 3 - Scenario 1 and Compensation Changes for FY 2020 with Pay Ranges at the 75th Percentile	Scenario 4 - Scenario 2 and Updating Compensation Changes for FY 2021+ with Change In Salary Increase Assumption	Scenario 5 - Scenario 3 and Updating Compensation Changes for FY 2021+ with Change In Salary Increase Assumption
Summary of Results for General and Ocean Rescue						
Salary Increase Assumption	3.5% per year	3.5% per year	3.5% per year	3.5% per year	5.5% per year	5.5% per year
Employer Normal Cost Rate	6.60 %	6.57 %	6.56 %	6.53 %	8.37 %	8.34 %
Town Pension Contribution	33.00 %	32.65 %	32.18 %	31.95 %	34.47 %	34.14 %
As Illustrative \$	\$ 3,608,723	\$ 3,620,850	\$ 3,640,520	\$ 3,655,049	\$ 3,891,443	\$ 3,905,496
if Contributed October 1st	\$ 3,487,055	\$ 3,498,773	\$ 3,517,780	\$ 3,531,819	\$ 3,760,243	\$ 3,773,822
Unfunded Actuarial Accrued Liability (UAAL)	\$ 32,615,141	\$ 32,675,581	\$ 32,743,990	\$ 32,829,717	\$ 33,333,844	\$ 33,425,482
Funded Ratio	72.4 %	72.4 %	72.4 %	72.3 %	72.0 %	71.9 %
Change in Town Contribution from Valuation As Illustrative \$ if Contributed October 1st	N/A % N/A \$ N/A \$	(0.35) % 12,127 \$ 11,718 \$	(0.82) % 31,797 \$ 30,725 \$	(1.05) % 46,326 \$ 44,764 \$	1.47 % 282,720 \$ 273,188 \$	1.14 % 296,773 \$ 286,767 \$
Change in UAAL from Valuation Change in Funded Ratio from Valuation	N/A % N/A %	60,440 \$ 0.0 %	128,849 \$ 0.0 %	214,576 \$ (0.1) %	718,703 \$ (0.4) %	810,341 \$ (0.5) %
Change in Town Contribution from Scenario 1 As Illustrative \$ if Contributed October 1st	N/A % N/A \$ N/A \$	N/A % N/A \$ N/A \$	(0.47) % 19,670 \$ 19,007 \$	(0.70) % 34,199 \$ 33,046 \$	1.82 % 270,593 \$ 261,470 \$	1.49 % 284,646 \$ 275,049 \$
Change in UAAL from Scenario 1 Change in Funded Ratio from Scenario 1	N/A % N/A \$	N/A % N/A \$	68,409 \$ 0.0 %	154,136 \$ (0.1) %	658,263 \$ (0.4) %	749,901 \$ (0.5) %

TOWN OF PALM BEACH RETIREMENT SYSTEM
SUPPLEMENTAL ACTUARIAL REPORT FOR GENERAL AND OCEAN RESCUE
AS OF SEPTEMBER 30, 2018

Comments

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TOWN OF PALM BEACH RETIREMENT SYSTEM
SUPPLEMENTAL ACTUARIAL REPORT FOR GENERAL AND OCEAN RESCUE
AS OF SEPTEMBER 30, 2018

Comments (Concluded)

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TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Coastal:

- a. Town of South Palm Beach Dune Construction Project
- b. Shore Protection Board Recommendation for the Town-wide Groin Rehabilitation Program
- c. New Ten-year Budget (*For Discussion only*)

Presenter

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

ATTACHMENTS:

- ▣ **a. Memorandum dated May 1, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **a. Town of South Palm Beach**
- ▣ **b. Memorandum dated May 1, 2019, from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Potential Dune Construction Project in the Town of South Palm Beach

DATE: May 1, 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council direct staff to work with the Town of South Palm Beach to develop an interlocal agreement to include dune construction within South Palm Beach with the 2020 Reach 8 Dune Restoration Project.

GENERAL INFORMATION

The Town of South Palm Beach has relied on Palm Beach County to manage shore protection. The comprehensive Environmental Impact Statement (EIS) completed by the U.S. Army Corps of Engineers (USACE) in 2016 included the Reach 8 and Reach 9 shorelines along the towns of Palm Beach, South Palm Beach, and Lantana. The USACE's EIS reviewed preferred projects from both the Town of Palm Beach and Palm Beach County. The County's preferred project for South Palm Beach included both sand placement and groins for storm protection. With the County's recent decision to withdraw their permit application for their preferred project, South Palm Beach is looking for measures to move forward with storm protection.

The Beach Management Agreement (BMA) includes the entire shoreline of Palm Beach Island and serves as the state permit for a list of approved projects to be constructed by BMA participants (Town of Palm Beach or Palm Beach County). One of the BMA's approved projects is dune construction. Sand placed exclusively on the dry beach, commonly referred to as a dune construction project, does not require a Federal permit. Therefore, extending the Reach 8 Dune Restoration project to the south and into the Town of South Palm Beach has the necessary regulatory approvals.

On April 16, 2019, Mayor Bonnie Fischer sent a letter to Mayor Gail Coniglio requesting that the Town of Palm Beach consider including the Town of South Palm Beach with the next dune restoration project in Reach 8. Should Town Council direct staff to move forward with the request, staff will develop an interlocal agreement with South Palm Beach to identify cost sharing and other responsibilities by each party. Temporary construction easements will need to be provided by South Palm Beach for each property within the proposed extended project area. Town staff would return to Town Council for approval of the agreement.

The Town of South Palm Beach has indicated that they are exploring beach access points that could be helpful for Town's access to Reach 8. Public beach access in Reach 8 does not exist, therefore, the Town is required to obtain an easement every time the Town places sand in Reach 8.

Dune construction in South Palm Beach would likely extend for a distance of approximately 2,800 feet. The estimated sand placement on the order of 5 to 10 cubic yards per linear foot is estimated to cost between \$350,000 and \$700,000.

FUNDING/FISCAL IMPACT

The Town of South Palm Beach has assured that any cost incurred by the Town of Palm Beach for including sand placement in Reach 9 would be paid for by South Palm Beach. Details of a reimbursement arrangement would be outlined in an interlocal agreement.

Note that intergovernmental coordination for this project could increase ranking for Reach 8 state cost sharing due to planned regionalization with Reach 9. This could result in more state funds available to the Town of Palm Beach.

Attachment

cc: Jane Le Clainche, Director of Finance
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager

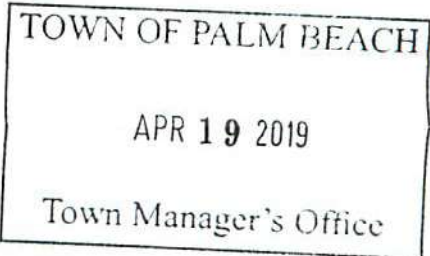


TOWN OF SOUTH PALM BEACH

3577 South Ocean Boulevard, South Palm Beach, Florida 33480
(561) 588-8889 • Fax (561) 588-6632

April 16, 2019

The Honorable Gail L. Coniglio, Mayor
Town of Palm Beach
360 S County Rd.
Palm Beach, FL. 33480



RE: Dune Restoration Project Reach 8

Dear Mayor Coniglio:

I understand that the Town of Palm Beach will be undertaking a Dune Restoration project in Reach 8 sometime later this year or early in 2020. As you are aware, the Beach Management Agreement (BMA) geographically includes the Town of South Palm Beach within the boundaries of the Inlet to Inlet agreement. As you are planning this Dune Restoration project, we would request that you consider including us in the project. You can be assured that any cost incurred as a result of our participation will be paid for by the Town of South Palm Beach.

Thank you for your consideration.

Sincerely,

Bonnie Fischer, Mayor

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Shore Protection Board Recommendation for the Town-wide Groin Rehabilitation Program

DATE: May 1, 2019

STAFF RECOMMENDATION

Town staff requests that Town Council provide direction to staff regarding the Town's Groin Rehabilitation Program and seawall replacement.

GENERAL INFORMATION

Groin rehabilitation was included as an approved project in the Beach Management Agreement (BMA). The BMA, which serves as the State permit, specifically authorizes repair, rehabilitation, or removal of existing groins within Reaches 2 through 6 to maintain the current level of function. The U.S. Army Corps of Engineers permitted the entire Groin Rehabilitation Program in December 2018.

The majority of the groins in the Town are privately owned. It should be noted that if the Town performs repair or rehabilitation of the groins, the Town may assume a maintenance and eventual replacement liability for those groins. The life expectancy of the new groins would be approximately 50 years. This would place any future maintenance/replacement on a similar schedule with infrastructure replaced in the nearly completed Accelerated Capital Improvement Program.

The planned placement of new groins in the program was based on coastal engineering to find appropriate spacing to maximize continuity of the shoreline for storm protection. The old groins were typically placed on property ends to maximize individual benefit. Therefore, some new groins would not be placed exactly where the old groins are. These differences could result in a perception by private property owners that the groin locations create an impact to their respective properties. Cooperation from private property owners, including temporary construction easements needed for each groin, would be essential prior to construction.

The groins are functioning appropriately (although no longer optimally), but their deteriorated condition will worsen and their effectiveness will continue to diminish over the next 10 to 15 years. At some point, the groins will entirely lose their functionality and the groins will not be able to be replaced. The new groins will not provide a higher level of service as the existing groins.

A benefit of implementing a Groin Rehabilitation Program is the improvement of both the aesthetics and safety. Should Town Council not move forward with this program, the Town could require that the private property owners address unsafe conditions on their properties.

On April 25, 2019, the Shore Protection Board (SPB) unanimously recommended a FY 2020 Coastal Management Program budget that included an increased appropriation for groin rehabilitation from \$500,000 to \$5,000,000. In addition, the budget forecasted the annual appropriation of \$5,000,000 would continue for four (4) additional years to fund the estimated cost of the multi-phased project of \$25 million. The SPB also recommended Town Council utilize the existing groin funding (which totals approximately \$3 million) to move forward with the first phase.

Staff described that the most appropriate location to begin rehabilitating groins is in Mid-Town where the groins are owned by the Town and where the groins provide a direct benefit to maintain the beach nourishment project. Town staff also informed the SPB that the next construction window this coming winter will include the U.S. Army Corps of Engineers' construction of the Mid-Town Beach Nourishment Project. Work on the beach for groins cannot occur during the dredging project; therefore, any additional work in Mid-Town would need to be scheduled for FY 2021.

Seawalls

Replacement of Town-owned seawalls are coming due. The SPB's recommended FY 2020 budget recognizes this need and includes an annual appropriation of \$2,000,000 over a six (6) year period to specifically address the estimated construction cost to replace the seawall along Mid-Town between Royal Palm Way and south of Gulfstream Road. For seawalls in other locations such as rights-of-way fronting the Lake Worth Lagoon, an annual appropriation of \$1,000,000 is maintained in the program. The SPB has expressed concerns regarding the ownership of seawalls adjacent to private property along South Ocean Boulevard and has suggested that the Town explore this potential liability. Staff informed the SPB that, based on previous experience, seawalls adjacent to private property are the responsibility of the private property owner and our Code requires them to be maintained. The SPB requested a legal opinion. Staff will do this with the assistance of the Town Attorney.

FUNDING/FISCAL IMPACT

Since Town Council adopted the 10-year Coastal Management Program budget in 2013, each approved fiscal year budget included an appropriation of \$500,000 for groin rehabilitation. From FY 2014 through FY 2019, an accumulation of \$3,000,000 is available for this project. The current accumulation of funds is insufficient to complete the anticipated first phase of construction.

Since construction of a possible first phase of the Groin Rehabilitation Program in Mid-Town would not occur until FY 2021, the annual appropriation of \$500,000 could be maintained and not increased to \$5,000,000 for FY 2020. Should Town Council direct staff to plan implementation of the Town-owned groins in Mid-Town, staff would recommend to include in the FY 2021 proposed budget the difference of the estimated cost from the accumulation of funds between FY 2014 and FY 2020.

cc: Shore Protection Board
Jane Le Clainche, Director of Finance
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

RESOLUTION NO. 15-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Long-term Ground Lease of 5976 Okeechobee Boulevard, West Palm Beach, Florida to AHS Residential.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

Will be provided under separate cover.

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Discussion Regarding Unregulated On-Street Parking Spaces on North County Road and Bradley Place

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated May 5, 2019, from Jay Boodheshwar, Deputy Town Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Consideration of Parking Regulation Changes on North County Road and Bradley Place

Date: May 5, 2019

STAFF RECOMMENDATION

Staff recommends Town Council review the following report, relative to the current parking regulations on North County Road and Bradley Place, and provide direction to staff.

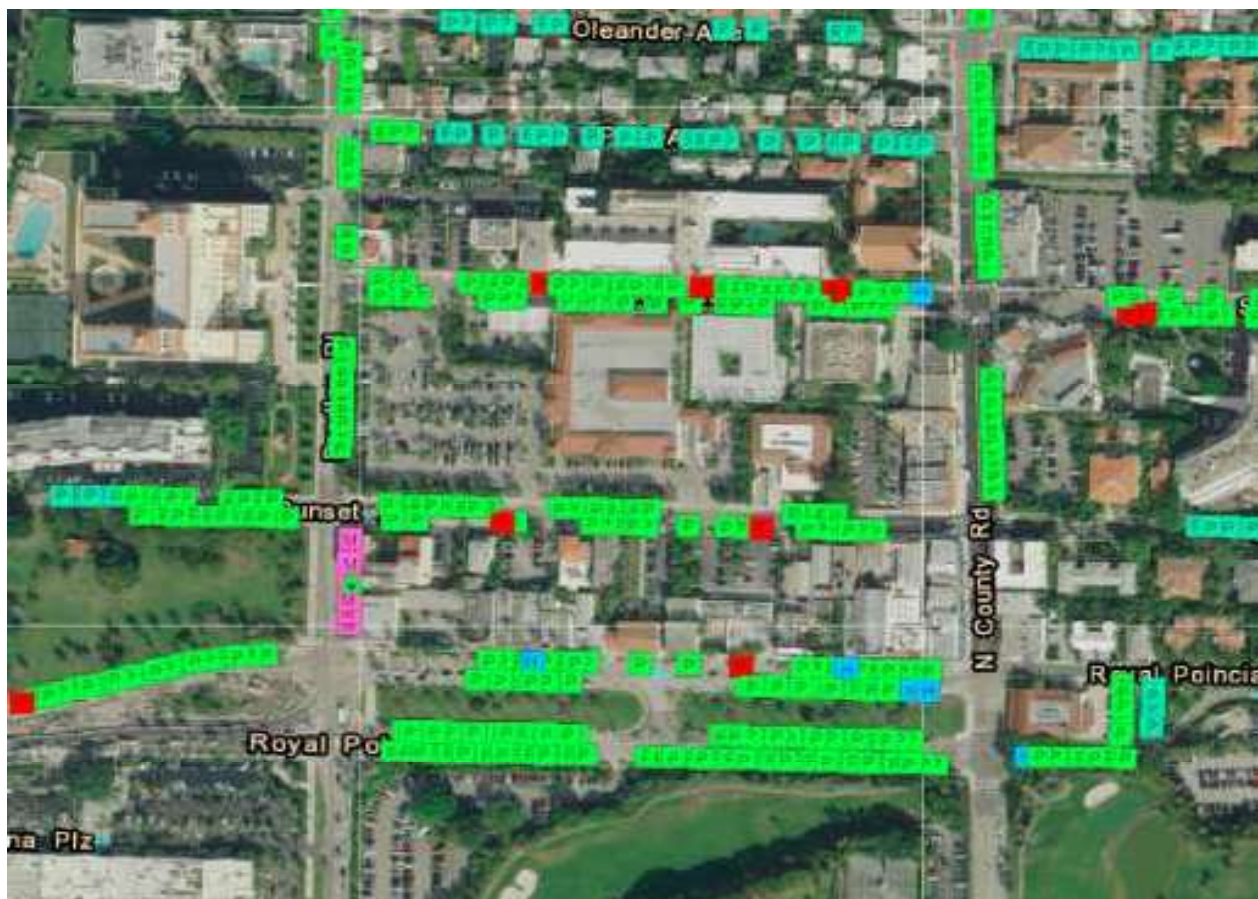
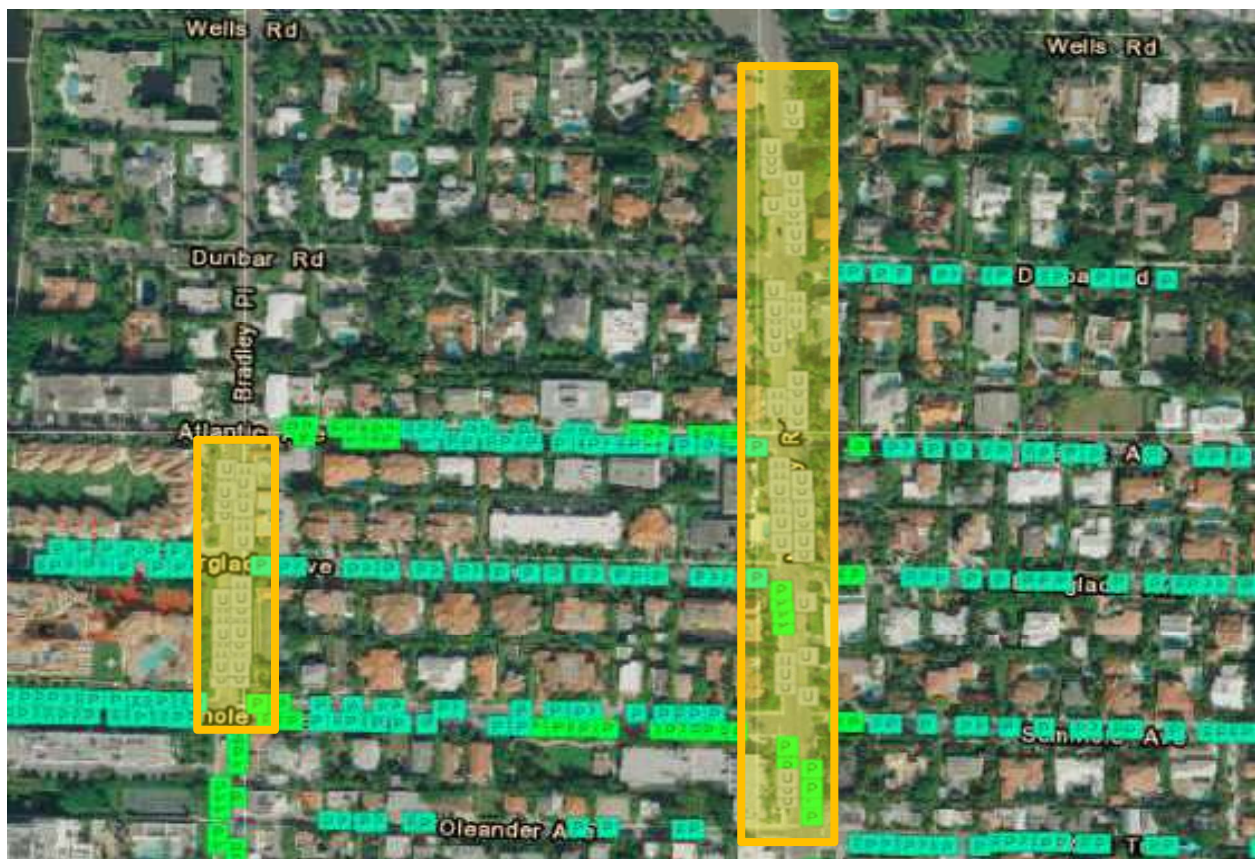
GENERAL INFORMATION

At the May 8, 2018, Town Council meeting, staff presented a scalable plan to expand the current paid parking program. Said plan included options to expand the placard and metered (Kiosks and ParkMobile) parking programs, to better monetize on-street spaces and create a larger parking revenue stream for the Town. After much discussion this item was tabled for future consideration.

At a recent Council meeting, some council members expressed concerns about the unregulated parking spaces on North County Road and Bradley Place, which are routinely used by contractors and others for long periods of the day. Staff was directed to review the situation and develop a proposal for Council consideration.

As highlighted on the map below there are currently a total of 83 unregulated on-street parking spaces north of Royal Poinciana Way on Bradley Place and North County Road, of which 29 are on Bradley Place between Seminole and Atlantic and 54 are on North County between Oleander and Wells.

On Bradley Place, south of Seminole to Royal Poinciana way, there is a combination of time-limited and metered parking spaces. On North County Road, south of Oleander to Royal Poinciana Way, there are time-limited parking spaces. East/west streets north of Royal Poinciana Way to Wells Road include a combination of time-limited and residential permit parking spaces. Royal Poinciana Way has time-limited spaces.



The most obvious solution to the expressed concerns about the unregulated parking spaces on these two north/south arteries is to implement a time limit regulation to prohibit all day parking. To ensure residents and employees of nearby business continue to have access to these spaces, the current placard program could be expanded to allow parking in specific time-limited areas on both Bradley Place and North County Road.

The placard parking permit program allows for unlimited parking in designated areas. Placards can be purchased for the following timeframes:

- \$95 for 1 month
- \$320 for 4 months
- \$450 for 6 months
- \$840 for 12 months

The placard permit, which is either placed on the dashboard or hung from the rearview mirror, does not guarantee a parking space. However, the placard parking permit allows vehicles to park for an unlimited period, but the placard parking permit is only valid for the parking permit area purchased. Employers, employees of area businesses, residents, visitors, guests of residents, can purchase and utilize the placard permit.

cc: H. Paul Brazil, Director of Public Works
Nick Caristo, Police Chief
Jane LeClainche, Director of Finance
Ben Alma, Support Services Manager

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 36-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Bid Waiver, Contract Execution and Purchase Orders for the Procurement of Lucity, for a Work Management System for Public Works for \$388,300, contingent upon future budget funding approval.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated May 2, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 36-2019**
- ▣ **Lucity Agreement**

Information for Town Council Meeting on May 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO Town Purchasing Manager

RE: Resolution Approving a Bid Waiver to Lucity to Provide a Work Order Management System for Public Works, **Resolution No. 36-2019**

DATE: 2 May 2019

STAFF RECOMMENDATION

Staff recommends the Approval of Bid Waiver to Lucity, contract execution and issuance of a Purchase Order to Provide a Work Order Management System.

SUMMARY EXPLANATION/BACKGROUND

Public Works met with IT and purchasing in early 2018 to discuss upgrading a Work Order Management that would address:

- All aspects of Public Works operations to include preventative maintenance, fleet, facilities, utilities, garbage collection, landscape maintenance, and outsourced maintenance functions.
- A Work Order Management to include payroll integration into Tyler Eden and the eventual upgrade to Tyler Munis.
- Construction Project Management
- Engineering Project Management
- Mapping infrastructure of Town Assets
- Import fuel dispensing records to fleet operations
- Purchasing and inventory forecasting

To determine which Work Management Systems were available and since the Town did not have updated specifications or a scope, it was determined that the Town would issue a Request for Information. The Purchasing Division issued RFI No. 2018-WOM on March 31, 2018.

The Town received ten (10) submittals which were then reviewed by the team from Public Works, IT and purchasing. The incumbent, Cartegraph did not submit a response.

Based on the documentation presented, team recommended having oral presentations from four

(4) firms as follows:

- Assetworks
- Lucity
- Tyler
- Dude Solutions

The one-on-one presentations examined every aspect of what a robust system could provide the Town as assets get older, maintenance schedules are reduced and we undergo construction of new facilities.

The Lucity product demo resulted in the firm being called back into a second demo of their product to include other stakeholders such as Recreation.

As a result of the information packages received, presentations made, it was a unanimous decision that the Lucity product would best fit the Town for the years to come. The goal is to manage assets to reduce downtime, critical failure and to produce the best in tracking of assets to maintain costs for repairs or replacement.

It was recommended that Lucity provide upfront review of business processes to meet the best in the market place outcome of how the system will work and provide the best value to the Town.

Since the process began with a Request for Information (RFI) and subsequent presentations to understand the market place, Purchasing is recommending a Bid Waiver with Lucity to provide the WOM System for the Town.

The proposal contains the annual cost of \$70,000. It also includes the consultant being present for up to two years to provide both the review of business process as well as be hands on for implementation and training. The Town currently pays \$41,616 annually for the Cartegraph WOM which is not providing the metrics required to be successful.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for the purchase will be \$70,000 for annual software subscription. The annual amount of \$70,000 will be valid for the first three years of the contract with a five percent (5%) increase at year four. The initial contract for software subscription will be written for \$210,000, three years, contingent upon annual budget approval.

The Town has also recommended the business review of process, implementation and training over a period of two years for a cost of \$178,000. The \$178,000 is invoiced monthly based on project progress (i.e. % completion of each task).

The total for the first year will be \$248,300 which is \$70,000 for the annual software subscription and the service cost \$178,000. It would be the intent of purchasing to issue two (2) Purchase Orders, one for the annual software subscription in the amount of \$70,000 and the other Purchase Order in the amount of \$178,000 for the service costs.

Public Works will pay for the implementation costs and the initial software subscription from FY2019 vacancies and other budget savings.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, Director of Public Works
Charles Kapachinski, IT Manager
Duke Basha, Assistant Purchasing Manager

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RESOLUTION NO. 36-2019

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A BID WAIVER, CONTRACT EXECUTION AND
PURCHASE ORDERS FOR THE PROCUREMENT OF LUCITY,
FOR A WORK ORDER MANAGEMENT SYTEM FOR PUBLIC
WORKS IN THE AMOUNT OF \$388,300 CONTINGENT UPON
FUTURE BUDGET APPROVAL.**

WHEREAS; Public Works and other Town Stakeholders identified the need to replace the current Work Management Software Solution, and;

WHEREAS; Purchasing issued Request for Information No. 2018-WOM to secure information on Work Order Management System; and

WHEREAS; Town Council approval is sought to approve a Bid Waiver, Contract Execution and Purchase Order to Lucity in the amount of \$70,000 for annual software subscription and \$178,000 for the service contract to be paid as tasks are completed over a period of two years. Two (2) subsequent software subscription years at \$70,000 annually is recommended contingent on funding in Future Fiscal Years.

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

Section 1. The award of the Bid Waiver, Contract Execution and Purchase Order to Lucity for \$70,000 for annual software subscription and another Purchase Order for \$178,000 for service costs, and \$140,000 for two additional years of soft subscription for a total of \$388,300, with the future funding contingent upon budget approval and allocation of funds.

Section 2. The Town Council approves funding the project from the Public Works budget. Public Works will pay for the implementation costs and the initial software subscription from FY2019 vacancies and other budget savings.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this ____ day of _____ 20__.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

Solutions Agreement

This Lucity Solutions Agreement (the "**Agreement**"), effective as of the latest date shown on the signature block below (the "**Effective Date**"), is entered into between Lucity, Inc., a Kansas Corporation with its principal place of business in Overland Park, KS ("**Lucity**") and the Town of Palm Beach, FL ("**Customer**"), together with Lucity, the "**Parties**", and each, a "**Party**".

WHEREAS, Lucity licenses and gives access to certain software applications ("**Solutions**") to its customers and also provides maintenance, support, migration, installation and other professional services; and

WHEREAS, Customer desires to license and/or gain access to certain Solutions and receive professional services described herein, and Lucity desires to grant and provide Customer license and access to such offerings as well as to support them with professional services, subject to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, terms, and conditions set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, by the signatures of their duly authorized representative below, the Parties intending to be legally bound, agree to all of the following provisions and exhibits of this Agreement:

LUCITY, INC.	TOWN OF PALM BEACH
1000 Business Center Dr. Lake Mary, FL 32746	[INSERT CUSTOMER ADDRESS] [ADDRESS LINE 2]
By: [DRAFT]	By: [DRAFT]
Print Name:	Print Name:
Print Title:	Print Title:
Date Signed:	Date Signed:

1. **LucitySolution: Work, Asset, GIS Desktop, GIS Web, Mobile, API**

2. **Term.**

- 2.1. Initial Term. The Initial Term of this Agreement commences as of the Effective Date and will continue in effect for five (5) years from such date unless terminated earlier pursuant to any of the Agreement's express provisions (the "**Initial Term**").
- 2.2. Renewal Term. This Agreement will automatically renew for additional successive one (1) year terms unless earlier terminated pursuant to any of the Agreement's provisions (a "**Renewal Term**" and, collectively, with the Initial Term, the "**Term**").
- 2.3. Non-Renewal. Either party may elect to end renewal of the contract by issuing a notice of non-renewal, in writing, to the other party six (6) months prior to the expiration of the current contract term.

3. **Fees**. In consideration of the rights and services granted by Lucity to Customer under this Agreement, Customer shall make payments to Lucity pursuant to the amounts and payment terms outlined in Exhibit 1 (the "**Project Cost Summary**").

4. **Definitions**. Capitalized terms not otherwise defined in this Agreement have the meanings set forth below:

- 4.1. "**Action**" means any claim, action, cause of action, demand, lawsuit, arbitration, inquiry, audit, notice of violation, proceeding, litigation, citation, summons, subpoena, or investigation of any nature, civil, criminal, administrative, regulatory or other, whether at law, in equity, or otherwise.
- 4.2. "**Affiliate**" of a Person means any other Person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, such Person.

- 4.3. **"Authorized User"** means Customer's employees, consultants, contractors, and agents who are authorized by Customer to access and use the Solutions under the rights granted to Customer pursuant to this Agreement, and for whom access to the Solutions has been purchased.
- 4.4. **"Baseline"** means the version of a Lucy Solution updated to the particular time in question through Lucy's warranty services and maintenance, but without any other modification whatsoever.
- 4.5. **"Component System"** means any one of the Solutions identified in Exhibit 1, including all copies of Source Code, Object Code and all related specifications, Documentation, technical information, and all corrections, modifications, additions, development work, improvements and enhancements to and all Intellectual Property Rights for such Component System.
- 4.6. **"Customer Data"** means information, data, and content, in any form or medium, collected, downloaded, or otherwise received, directly or indirectly from Customer, an Authorized User or end-users by or through the Solutions, provided the data is not personally identifiable and not identifiable to Customer.
- 4.7. **"Custom Modification"** means a change that Lucy has made at Customer's request to any Component System in accordance with a Lucy-generated specification, but without any other changes whatsoever by any Person.
- 4.8. **"Customer Systems"** means the Customer's information technology infrastructure, including computers, software, hardware, databases, electronic systems (including database management systems), and networks, whether operated by Customer or through the use of third-party services.
- 4.9. **"Defect"** means a material deviation between the Baseline Lucy Solution and its Documentation, for which Defect Customer has given Lucy enough information to enable Lucy to replicate the deviation on a computer configuration that is both comparable to the Customer Systems and that is under Lucy's control. Further, with regard to each Custom Modification, Defect means a material deviation between the Custom Modification and the Lucy-generated specification and documentation for such Custom Modification, and for which Defect Customer has given Lucy enough information to enable Lucy to replicate the deviation on a computer configuration that is both comparable to the Customer Systems and that is under Lucy's control.
- 4.10. **"Documentation"** means any manuals, instructions, or other documents or materials that Lucy provides or makes available to Customer in any form or medium and which describe the functionality, components, features, or requirements of the Solutions, including any aspect of the installation, configuration, integration, operation, use, support, or maintenance thereof.
- 4.11. **"Enhancements"** means general release (as opposed to custom) changes to a Baseline Component System or Custom Modification which increase the functionality of the Baseline Component System or Custom Modification in question.
- 4.12. **"Harmful Code"** means any software, hardware, device or other technology, including any virus, worm, malware, or other malicious computer code, the purpose or effect of which is to (a) permit unauthorized access to, or to destroy, disrupt, disable, distort, or otherwise harm or impede any (i) computer, software, firmware, hardware, system, or network; or (ii) any application or function of any of the foregoing or the security, integrity, confidentiality, or use of any data Processed thereby; or (b) prevent Customer or any Authorized User from accessing or using the Solutions as intended by this Agreement.
- 4.13. **"Intellectual Property Rights"** means any and all registered and unregistered rights granted, applied for, or otherwise now or hereafter in existence under or related to any patent, copyright, trademark, trade secret, database protection, or other intellectual property rights laws, and all similar or equivalent rights or forms of protection, in any part of the world.
- 4.14. **"Maintenance"** means optimization, error correction, modifications, and updates to Lucy Systems to correct any known Defects and improve performance. Maintenance will be provided for each Component System, the hours and details of which are described in Exhibit 2 (**"Support Standards"**).
- 4.15. **"New Releases"** means new editions of a Baseline Component System or Custom Modification.
- 4.16. **"Person"** means an individual, corporation, partnership, joint venture, limited liability entity, governmental authority, unincorporated organization, trust, association, or other entity.
- 4.17. **"Personal Information"** means any information that does or can identify a specific individual or by or from which a specific individual may be identified, contacted, or located. Personal Information includes all "nonpublic personal information" as defined under the Gramm-Leach-Bliley Act, "protected health information" as defined under the Health and Insurance Portability and Accountability Act of 1996, "Personal Data" as defined in the EU General Data Protection Regulation (GDPR 2018), "Personal

Information" as defined under the Children's Online Privacy Protection Act of 1998, and all rules and regulations issued under any of the foregoing.

- 4.18. **"Professional Services"** means installation, implementation, development work, training or consulting services including custom modification programming, support relating to custom modifications, on-site support services, assistance with data transfers, system restarts and reinstallations provided by Lucy.
- 4.19. **"Representatives"** means, with respect to a party, that party's employees, officers, directors, agents, subcontractors, and legal advisors.
- 4.20. **"Lucity Personnel"** means all individuals involved in the performance of Support Services and Professional Services as employees, agents, Subcontractors or independent contractors of Lucy.
- 4.21. **"Lucity Solution(s)"** means the Component Systems, Documentation, Custom Modifications, development work, Lucy Systems and any and all other information, data, documents, materials, works, and other content, devices, methods, processes, hardware, software, technologies and inventions, including any deliverables, technical or functional descriptions, requirements, plans, or reports, provided or used by Lucy or any Subcontractor in connection with Professional Services or Support Services rendered under this Agreement.
- 4.22. **"Lucity Systems"** means the information technology infrastructure used by or on behalf of Lucy to deliver Solutions, including all computers, software, hardware, databases, electronic systems (including database management systems), and networks, whether operated directly by Lucy or through the use of third-party services.
- 4.23. **"Support Services"** means Maintenance, Enhancements, implementation of New Releases, and general support efforts to respond to incidents reported by Customer in accordance with the detailed Support Standards outlined in Exhibit 2.
- 4.24. **"Third-Party Materials"** means materials and information, in any form or medium, including any software, documents, data, content, specifications, products, related services, equipment, or components of or relating to the Solutions that are not proprietary to Lucy.

5. License, Access & Services.

- 5.1. License Grant. Subject to and conditioned on the payment of Fees and compliance with all other terms and conditions of this Agreement, Lucy hereby grants to Customer a non-exclusive, non-sublicenseable, and non-transferable license to the current version of the Lucy Solution(s) outlined in Exhibit 1 at the time of this Agreement's execution.
- 5.2. Access and Scope of Use. Subject to and conditioned on Customer and their Authorized Users' compliance with the terms and conditions of this Agreement, Lucy hereby grants Customer a non-exclusive, non-transferable right to access and use the Solutions, solely by Authorized Users. Such use is limited to Customer's internal use. Lucy shall deliver to Customer the initial copies of the Lucy Solution(s) outlined in Exhibit 1 by (a) electronic delivery, by posting it on Lucy's network for downloading, or similar suitable electronic file transfer method, or (b) physical shipment, such as on a disc or other suitable media transfer method. Physical shipment is on FOB-Lucy's shipping point, and electronic delivery is deemed effective at the time Lucy provides Customer with access to download the Solutions. The date of such delivery shall be referred to as the **"Delivery Date."**
- 5.3. Documentation License. Lucy hereby grants to Customer a non-exclusive, non-sublicenseable, non-transferable license to use the Documentation during the Term solely for Customer's internal business purposes in connection with its use of the Solutions.
- 5.4. Service and System Control. Except as otherwise expressly provided in this Agreement:
 - 5.4.1. Lucy has and will retain sole control over the operation, provision, maintenance, and management of the Solutions; and
 - 5.4.2. Customer has and will retain sole control over the operation, maintenance, and management of, and all access to and use of, the Customer Systems, and sole responsibility for access to and use of the Solutions by any Person by or through the Customer Systems or other means controlled by Customer or any Authorized User, including any reports or results obtained from any use of the Solutions, and conclusions, decisions, or actions based on such use.
- 5.5. Limitations. Customer must provide Lucy with such facilities, equipment and support as are reasonably necessary for Lucy to perform its obligations under this Agreement, including, if required by Lucy, remote access to the Customer Systems. Lucy is not responsible or liable for any delay or failure of performance caused in whole or in part by any Customer delay or Customer's failure to perform any

obligations under this Agreement.

- 5.6. Exceptions. Lucy has no obligation to provide Support Services relating to any Defect with the Solutions that, in whole or in part, arise out of or result from any of the following:
- 5.6.1. software, or media on which provided, that is modified or damaged by Customer or third party;
 - 5.6.2. any operation or use of, or other activity relating to, the Solutions other than as specified in the Documentation, including any incorporation, or combination, operation or use of the Solutions in or with, any technology (software, hardware, firmware, system, or network) or service not specified for Customer's use in the Documentation;
 - 5.6.3. any negligence, abuse, misapplication, or misuse of the Lucy Solution other than by Lucy personnel, including any Customer use of the Lucy Solution other than as specified in the Documentation or expressly authorized in writing by Lucy;
 - 5.6.4. any Customer's failure to promptly install any New Releases that Lucy has previously made available to Customer;
 - 5.6.5. the operation of, or access to, Customer's or a third party's system, materials or network;
 - 5.6.6. any relocation of the Lucy Solution other than by Lucy personnel;
 - 5.6.7. any beta software, software that Lucy makes available for testing or demonstration purposes, temporary software modules, or software for which Lucy does not receive a fee;
 - 5.6.8. any breach of or noncompliance with any provision of this Agreement by Customer or any of its Representatives or any Force Majeure Event (including abnormal physical or electrical stress).
- 5.7. Reservation of Rights. Except for the specified rights outlined in this Section, nothing in this Agreement grants any right, title, or interest in or to any Intellectual Property Rights in or relating to the Support Services, Professional Services, Solutions, or Third-Party Materials, whether expressly, by implication, estoppel, or otherwise. All right, title, and interest in the Solutions, and the Third-Party Materials are and will remain with Lucy and the respective rights holders.
- 5.8. Changes. Lucy reserves the right, in its sole discretion, to make any changes to the Support Services and Solutions that it deems necessary or useful to: (a) maintain or enhance the quality or delivery of Lucy's services to its customers, the competitive strength of or market for Lucy's services, or the Support Services' cost efficiency or performance; or (b) to comply with applicable law. Without limiting the foregoing, either party may, at any time during the Term, request in writing changes to particular Support Services, Professional Services or their product suite of Solutions. The parties shall evaluate and, if agreed, implement all such requested changes. No requested changes will be effective unless and until memorialized in either a Lucy issued Add-On Quote signed by the Customer, or a written change order or amendment to this agreement signed by both parties.
- 5.9. Subcontractors. Lucy may from time to time in its discretion engage third parties to perform Professional Services or Support Services (each, a "**Subcontractor**").
- 5.10. Security Measures. The Lucy Solution may contain technological measures designed to prevent unauthorized or illegal use of the Lucy Solution. Customer acknowledges and agrees that: (a) Lucy may use these and other lawful measures to verify compliance with the terms of this Agreement and enforce Lucy's rights, including all Intellectual Property Rights, in and to the Lucy Solution; (b) Lucy may deny any individual access to and/or use of the Lucy Solution if Lucy, in its reasonable discretion, believes that person's use of the Lucy Solution would violate any provision of this Agreement, regardless of whether Customer designated that person as an Authorized User; and (c) Lucy may collect, maintain, process, use and disclose technical, diagnostic and related non-identifiable data gathered periodically which may lead to improvements in the performance and security of the Solutions.
- 6. Use Restrictions.** Customer shall not, and shall not permit any other Person to, access or use the Solutions except as expressly permitted by this Agreement. For purposes of clarity and without limiting the generality of the foregoing, Customer shall not, except as this Agreement expressly permits:
- 6.1. copy, modify, or create derivative works or improvements of the Solutions, or rent, lease, lend, sell, sublicense, assign, distribute, publish, transfer, or otherwise make available any Solutions to any Person, including on or in connection with the internet or any time-sharing, service bureau, software as a service, cloud, or other technology or service;

- 6.2. reverse engineer, disassemble, decompile, decode, adapt, or otherwise attempt to derive or gain access to the source code of the Solutions, in whole or in part;
- 6.3. bypass or breach any security device or protection used by Solutions or access or use the Solutions other than by an Authorized User through the use of his or her own then valid access;
- 6.4. input, upload, transmit, or otherwise provide to or through the Lucy Systems, any information or materials that are unlawful or injurious, or contain, transmit, or activate any Harmful Code;
- 6.5. damage, destroy, disrupt, disable, impair, interfere with, or otherwise impede or harm in any manner the Lucy Systems, or Lucy's provision of services to any third party, in whole or in part;
- 6.6. remove, delete, alter, or obscure any trademarks, Specifications, Documentation, warranties, or disclaimers, or any copyright, trademark, patent, or other intellectual property or proprietary rights notices from any Documentation or Solutions, including any copy thereof;
- 6.7. access or use the Solutions in any manner or for any purpose that infringes, misappropriates, or otherwise violates any Intellectual Property Right or other right of any third party, or that violates any applicable law;
- 6.8. access or use the Solutions for purposes of competitive analysis of the Solutions, the development, provision, or use of a competing software service or product or any other purpose that is to Lucy's detriment or commercial disadvantage or otherwise access or use the Solutions beyond the scope of the authorization granted under this Section.

7. Customer Obligations.

- 7.1. Customer Systems and Cooperation. Customer shall at all times during the Term: (a) set up, maintain, and operate in good repair all Customer Systems on or through which the Solutions are accessed or used; (b) provide Lucy Personnel with such access to Customer's premises and Customer Systems as is necessary for Lucy to perform the Support Services in accordance with the Support Standards and Specifications; and (c) provide all cooperation as Lucy may reasonably request to enable Lucy to exercise its rights and perform its obligations under and in connection with this Agreement.
- 7.2. Effect of Customer Failure or Delay. Lucy is not responsible or liable for any delay or failure of performance caused in whole or in part by Customer's delay in performing, or failure to perform, any of its obligations under this Agreement.
- 7.3. Corrective Action and Notice. If Customer becomes aware of any actual or threatened activity prohibited by Section 6, Customer shall, and shall cause its Authorized Users to, immediately: (a) take all reasonable and lawful measures within their respective control that are necessary to stop the activity or threatened activity and to mitigate its effects (including, where applicable, by discontinuing and preventing any unauthorized access to the Solutions and permanently erasing from their systems and destroying any data to which any of them gained unauthorized access); and (b) notify Lucy of any such actual or threatened activity.

8. Professional Services.

- 8.1. Compliance with Customer Policies. While Lucy Personnel are performing services at Customer's site, Lucy will ensure that such personnel comply with Customer's reasonable security procedures and site policies that are generally applicable to Customer's other suppliers providing similar services and that have been provided to Lucy in writing or in advance. Customer shall promptly reimburse Lucy for any out-of-pocket costs incurred in complying with such procedures and policies.
- 8.2. Contributed Material. In the process of Lucy's performing Professional Services, Customer may, from time to time, provide Lucy with designs, plans, or specifications, improvements, works or other material for inclusion in, or making modifications to, the Solutions, the Documentation or any other deliverables ("**Contributed Material**"). Customer grants to Lucy a nonexclusive, irrevocable, perpetual, transferable right, without the payment of any royalties or other compensation of any kind and without the right of attribution, for Lucy, Lucy's Affiliates and Lucy's licensees to make, use, sell and create derivative works of the Contributed Material.

9. Confidentiality.

- 9.1. Confidential Information. "**Confidential Information**" means information in any form or medium (whether oral, written, electronic, or other) that the Disclosing Party considers confidential or proprietary, including information consisting of or relating to the Disclosing Party's technology, trade secrets, know-how, business operations, plans, strategies, customers, and pricing, and information with respect to which the Disclosing Party has contractual or other confidentiality obligations. Without limiting the foregoing, Confidential Information of Lucy includes the Solutions, all software provided with the Solutions, and

algorithms, methods, techniques and processes revealed by the Source Code of the Solutions and any software provided with the Solutions. In connection with this Agreement each party (as the "**Disclosing Party**") may disclose or make available Confidential Information to the other party (as the "**Receiving Party**").

- 9.2. Exclusions. Confidential Information does not include information that: (a) was rightfully known to the Receiving Party without restriction on use or disclosure prior to being disclosed or made available to the Receiving Party in connection with this Agreement; (b) was or becomes generally known by the public other than by the Receiving Party or any of its Representatives' noncompliance with this Agreement; (c) was or is received by the Receiving Party on a non-confidential basis from a third party that was or is independently developed by the Receiving Party without reference or use of any Confidential Information.
- 9.3. Protection of Confidential Information. As a condition to being provided with any disclosure of or access to Confidential Information, the Receiving Party shall:
- 9.3.1. not access or use Confidential Information other than as necessary to exercise its rights or perform its obligations under and in accordance with this Agreement;
 - 9.3.2. not disclose or permit access to Confidential Information other than to its Representatives who: (i) need to know such Confidential Information for purposes of the Receiving Party's exercise of its rights or performance of its obligations under and in accordance with this Agreement; (ii) have been informed of the confidential nature of the Confidential Information and the Receiving Party's obligations under this Section; and (iii) are bound by written confidentiality or restricted use obligations at least as protective of the Confidential Information as the terms in this Section;
 - 9.3.3. safeguard the Confidential Information from unauthorized use, access, or disclosure using at least the degree of care it uses to protect its sensitive information and in no event less than a reasonable degree of care;
 - 9.3.4. ensure its Representatives' compliance with, and be responsible and liable for any of its Representatives' non-compliance with, the terms of this Section.
- 9.4. Compelled Disclosures. If the either Party or any of its Representatives is compelled by applicable law to disclose any Confidential Information then, to the extent permitted by law, that Party shall: (a) promptly, and prior to such disclosure, notify the other Party in writing of such requirement so that they can seek a protective order or other remedy or waive its rights under this section; and (b) provide reasonable assistance to the Disclosing Party in opposing such disclosure or seeking a protective order or other limitations on disclosure. If the Disclosing Party waives compliance or, after providing the notice and assistance required under this Section, the Receiving Party remains required by law to disclose any Confidential Information, the Receiving Party shall disclose only that portion of the Confidential Information that the Receiving Party is legally required to disclose.
- 9.5. Trade Secrets. Notwithstanding any other provisions of this Agreement, the Receiving Party's obligations under this Section with respect to any Confidential Information that constitutes a trade secret under any applicable law will continue until such time, if ever, as such Confidential Information ceases to qualify for trade secret protection under one or more such applicable laws other than as a result of any act or omission of the Receiving Party or any of its Representatives.

10. Security.

- 10.1. Lucity will implement commercially reasonable administrative, technical and physical safeguards designed to ensure the security and confidentiality of Customer Data, protect against any anticipated threats or hazards to the security or integrity of Customer Data, and protect against unauthorized access or use of Customer Data. Lucity will review and test such safeguards on no less than an annual basis.
- 10.2. Customer shall maintain, in connection with the operation or use of the Solutions, adequate technical and procedural access controls and system security requirements and devices, necessary for data privacy, confidentiality, integrity, authorization, authentication and non-repudiation and virus detection and eradication.
- 10.3. To the extent that Authorized Users are permitted to have access to the Solutions, Customer shall maintain agreements with such Authorized Users that adequately protect the confidentiality and Intellectual Property Rights of Lucity in the Solutions and Documentation, and disclaim any liability or responsibility of Lucity with respect to such Authorized Users.

11. Personal Data. If Lucy processes or otherwise has access to any personal data or personal information on Customer's behalf when performing Lucy's obligations under this Agreement, then:

- 11.1. Customer shall be the data controller (where "**data controller**" means an entity which alone or jointly with others determines purposes for which and the manner in which any personal data are, or are to be, processed) and Lucy shall be a data processor (where "**data processor**" means an entity which processes the data only on behalf of the data controller and not for any purposes of its own);
- 11.2. Customer shall ensure that it has obtained all necessary consents and it is entitled to transfer the relevant personal data or personal information to Lucy so that Lucy may lawfully use, process and transfer the personal data and personal information in accordance with this Agreement on Customer's behalf, which may include Lucy processing and transferring the relevant personal data or personal information outside the country where Customer and the Authorized Users are located in order for Lucy to provide the Solutions and perform its other obligations under this Agreement; and
- 11.3. Lucy shall process personal data and information only in accordance with lawful and reasonable instructions given by Customer and as set out in and in accordance with the terms of this Agreement; and
- 11.4. each party shall take appropriate technical and organizational measures against unauthorized or unlawful processing of the personal data and personal information or its accidental loss, destruction or damage so that, having regard to the state of technological development and the cost of implementing any measures, the measures taken ensure a level of security appropriate to the harm that might result from such unauthorized or unlawful processing or accidental loss, destruction or damage in relation to the personal data and personal information and the nature of the personal data and personal information being protected. If necessary, the parties will cooperate to document these measures taken.

12. Representations and Warranties.

- 12.1. Software Warranty. Lucy warrants to Customer that for a period of twelve (12) months from the Execution Date, the Solutions (as delivered to Customer by Lucy and when properly used for the purpose and in the manner specifically authorized by this Agreement), will perform as described in the Documentation in all material respects, including being free from any viruses or Harmful Code.
- 12.2. Professional Services Representation and Warranty. Lucy represents, warrants, and covenants to Customer that during the Term, Lucy will perform Professional Services using personnel of required skill, experience, and qualifications and in a professional and workmanlike manner in accordance with generally recognized industry standards for similar services and will devote adequate resources to meet its obligations under this Agreement. If Customer reasonably believes that any Professional Services were performed in violation of this warranty, it will notify Lucy within twenty (20) days of service performance describing the issue, together with adequate supporting documentation and data. Upon receipt of such notice, Lucy's obligation will be to re-perform the particular Professional Services affected as soon as commercially reasonable at no additional charge.
- 12.3. Support Services Representation and Warranty. Lucy represents, warrants, and covenants to Customer that during the Term, Lucy will perform the Support Services using personnel of required skill, experience, and qualifications and in a professional and workmanlike manner in accordance with both generally recognized industry standards for similar services, and the specific guidance for support found in Exhibit 2, and will devote adequate resources to meet its obligations under this Agreement. If Customer reasonably believes that any Support Services failed to meet this warranty, they will follow their preferred escalation path outlined in the Support Standards below, including receipt of service credit.
- 12.4. DISCLAIMER OF WARRANTIES. **EXCEPT FOR THE EXPRESS LIMITED WARRANTIES SET FORTH ABOVE, LUCITY MAKES NO WARRANTIES WHATSOEVER, EXPRESSED OR IMPLIED, WITH REGARD TO THE SOLUTIONS, PROFESSIONAL SERVICES, SUPPORT SERVICES, AND/OR ANY OTHER MATTER RELATING TO THIS AGREEMENT, AND THAT LUCITY DISCLAIMS ALL WARRANTIES, WHETHER EXPRESS, IMPLIED, STATUTORY, OR OTHER, INCLUDING ALL WARRANTIES ARISING FROM COURSE OF DEALING, USAGE OR TRADE PRACTICE, AND SPECIFICALLY DISCLAIMS IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE, AND NON-INFRINGEMENT. FURTHER, LUCITY EXPRESSLY DOES NOT WARRANT THAT A LUCITY SOLUTION, ANY CUSTOM MODIFICATION OR ANY IMPROVEMENTS WILL BE USABLE BY CUSTOMER IF THE LUCITY SOLUTION OR CUSTOM MODIFICATION HAS BEEN MODIFIED BY ANYONE OTHER THAN LUCITY PERSONNEL, OR WILL BE ERROR FREE, WILL OPERATE WITHOUT INTERRUPTION OR WILL BE COMPATIBLE WITH**

ANY HARDWARE OR SOFTWARE TO THE EXTENT EXPRESSLY SET FORTH IN THE DOCUMENTATION. ALL THIRD-PARTY MATERIALS ARE PROVIDED "AS-IS" AND ANY REPRESENTATION OR WARRANTY OF OR CONCERNING ANY OF THEM IS STRICTLY BETWEEN CUSTOMER AND THE THIRD-PARTY OWNER. THIS AGREEMENT DOES NOT AMEND, OR MODIFY LUCITY'S WARRANTIES UNDER ANY AGREEMENT OR ANY CONDITIONS, LIMITATIONS, OR RESTRICTIONS THEREOF.

- 13. Notices.** All notices and other communications required or permitted under this Agreement must be in writing and will be deemed given when delivered personally, sent by United States registered or certified mail, return receipt requested; transmitted by facsimile or email confirmed by United States first class mail, or sent by overnight courier. Notices must be sent to a Party at its address shown below, or to such other place as the Party may subsequently designate for its receipt of notices in writing by the other Party.

If to Lucy:
Lucity
1000 Business Center Dr.
Lake Mary, FL.
Phone: 407-304-3235 **email: contracts@centralsquare.com**
Attention: Senior Counsel / Contracts Department

If to Customer:
[INSERT CUSTOMER NAME]
[INSERT CUSTOMER ADDRESS]
[ADDRESS LINE 2]
Phone: *customer to supply **email: *customer to supply**
Attention: *customer to supply POC

14. Force Majeure.

- 14.1. No Breach or Default. Neither Party will be liable to the other for any failure or delay in fulfilling or performing any term of this Agreement (except for any payment obligation) when and to the extent such failure or delay is caused by any circumstances beyond such Party's reasonable control (a "**Force Majeure Event**"), including Acts of God, flood, fire, earthquake, explosion, war, terrorism, invasion, national or regional emergency, riot or other civil-unrest, labor disruption, acts and omissions of third parties, governmental and judicial action (including embargoes, export or import restrictions) not the fault of the Party failing or delaying in performance.
- 14.2. Affected Party Obligations. In the event of any failure or delay caused by a Force Majeure Event, the affected Party shall give prompt written notice to the other Party stating the period of time the occurrence is expected to continue and use commercially reasonable efforts to end the failure or delay and minimize the effects of such Force Majeure Event.

15. Mutual Indemnification.

- 15.1. Lucity Indemnification. Lucy shall indemnify, defend, and hold harmless Customer and Customer's officers, elected officials, directors, employees, agents, successors, and assigns from and against any and all losses incurred by or resulting from any Action by a third party (other than an Affiliate of Customer) that Customer's use of the Solutions in accordance with this Agreement infringes or misappropriates such third party's US Intellectual Property Rights, US patents, copyrights, or trade secrets. The foregoing obligation does not apply to the extent that the alleged infringement arises from:
- 15.1.1. Third-Party Materials or Customer Data;
 - 15.1.2. access to or use of the Solutions in combination with any hardware, system, software, network, or other materials or service not provided by Lucy or specified for Customer's use in the Documentation;
 - 15.1.3. modification of the Solutions other than: by or on behalf of Lucy or with Lucy's written approval in accordance with Lucy's written specification;
 - 15.1.4. failure to timely implement any modifications, upgrades, replacements, or enhancements made available to Customer by or on behalf of Lucy; or
 - 15.1.5. act, omission, or other matter described in Section 15.2 below, whether or not the same results in any Action against or losses by any Lucy Indemnitee.
- 15.2. Customer Indemnification. Customer shall indemnify, defend, and hold harmless Lucy and its officers, directors, employees, agents, successors, and assigns from and against any and all losses incurred by

Lucity resulting from any Action by a third party (other than an Affiliate of Lucity) that arise out of or result from, or are alleged to arise out of or result from:

15.2.1. Customer Data, including any Processing of Customer Data by or on behalf of Lucity in accordance with this Agreement;

15.2.2. Gross negligence or more culpable act or omission (including recklessness or willful misconduct) by Customer, any Authorized User, or any third party on behalf of Customer or any Authorized User, in connection with this Agreement.

15.3. Procedure. Each party shall promptly notify the other party in writing of any Action for which such party believes it is entitled to be indemnified. The party seeking indemnification shall cooperate with the other party at that party's sole cost and expense. The indemnitor shall promptly assume control of the defense and shall employ counsel of its choice that is reasonably acceptable to the indemnitee to handle and defend the same.

15.4. Sole Remedy. THIS SECTION SETS FORTH CUSTOMER'S SOLE REMEDIES AND LUCITY'S SOLE LIABILITY AND OBLIGATION FOR ANY ACTUAL, THREATENED, OR ALLEGED CLAIMS THAT THE SERVICES AND SOLUTIONS OR ANY SUBJECT MATTER OF THIS AGREEMENT INFRINGES, MISAPPROPRIATES, OR OTHERWISE VIOLATES ANY INTELLECTUAL PROPERTY RIGHTS OF ANY THIRD PARTY.

16. Termination. This Agreement may be terminated:

16.1. For cause by either Party, effective on written notice to the other Party, if the other Party materially breaches this Agreement and: (i) is incapable of cure; or (ii) being capable of cure, remains uncured thirty (30) days after the non-breaching Party provides the breaching Party with written notice of such breach.

16.2. For lack of payment by written notice to Customer, if Customer's failure to pay amounts due under this Agreement has continued more than ninety (90) days after delivery of written notice of non-payment.

17. Effect of Termination or Expiration. On the expiration or earlier termination of this Agreement:

17.1. all rights, licenses, and authorizations granted to Customer hereunder will immediately terminate and Customer shall immediately cease all use of and other activities with respect to Lucity's Confidential Information relating to the Solutions, and within thirty (30) days deliver to Lucity, or at Lucity's request destroy and erase Lucity's Confidential Information from all systems Customer directly or indirectly controls; and

17.2. all licenses, access or subscription fees, services rendered but unpaid, and any amounts due by Customer to Lucity of any kind are immediately payable and due no later than thirty (30) days after the effective date of the termination or expiration, including anything that accrues within those thirty days.

17.3. The provisions set forth in the following sections, and any other right or obligation of the parties in this Agreement that, by its nature (including but not limited to: Use Restrictions, Confidential Information, Warranty Disclaimers, Mutual Indemnifications & Limitations of Liability), should survive termination or expiration of this Agreement, will survive any expiration or termination of this Agreement.

17.4. Return of Customer Data. If Customer requests in writing at least 10 days prior to the effective date of expiration or earlier termination of this Agreement, Lucity shall within 60 days following such expiration or termination, deliver to Customer in Lucity's standard format the then most recent version of Customer Data maintained by Lucity, provided that Customer has at that time paid all Fees then outstanding and any amounts payable after or as a result of such expiration or termination.

17.5. Deconversion. In the event of (i) expiration or earlier termination of this Agreement, or (ii) Customer no longer purchasing certain Solutions (including those indicated to be Third-Party Materials), if Customer requests assistance in the transfer of Customer Data to a different vendor's applications ("**Deconversion**"), Lucity will provide reasonable assistance. Lucity and Customer will negotiate in good faith to establish the relative roles and responsibilities of Lucity and Customer in effecting Deconversion, as well as the appropriate date for completion. Lucity shall be entitled to receive compensation for any additional consultation, software and documentation required for Deconversion on a time and materials basis at Lucity's then standard rates.

18. Assignment. Customer shall not assign or otherwise transfer any of its rights, or delegate or otherwise transfer any of its obligations or performance, under this Agreement, in each case whether voluntarily, involuntarily, by operation of law, or otherwise, without Lucity's prior written consent, which consent Lucity may give or withhold in its sole discretion. For purposes of the preceding sentence, and without limiting its generality, any merger, consolidation, or reorganization involving Customer (regardless of whether Customer is a surviving or

disappearing entity) will be deemed to be a transfer of rights, obligations, or performance under this Agreement for which Lucy's prior written consent is required. No delegation or other transfer will relieve Customer of any of its obligations or performance under this Agreement. Any purported assignment, delegation or transfer in violation of this Section is void. This Agreement is binding upon and inures to the benefit of the Parties and their respective permitted successors and assigns.

19. No Waiver. A Party's failure to enforce its rights with respect to any single or continuing breach of this Agreement will not act as a waiver of the right of that Party to later enforce any such rights or to enforce any other or any subsequent breach.

20. Arbitration of Disputes. Any dispute, controversy or claim arising out of or relating to this Agreement, including the breach, termination, or validity thereof, shall be resolved by final and binding arbitration.

20.1. Arbitration Procedure. The claimant shall commence the arbitration by delivering a notice of arbitration to the respondent setting out the nature of the claim(s), the relief requested, and the proposed location. Within thirty (30) days of the receipt of the notice, the respondent shall deliver its answer any counterclaim(s), relief requested, and any proposed change to location. The tribunal shall consist of three (3) arbitrators, appointed as follows: The claimant shall appoint an arbitrator in the request for arbitration and the respondent shall appoint an arbitrator in the answer. The two arbitrators so appointed shall, within thirty (30) days of delivery of the answer, appoint a third arbitrator who shall act as the chair of the tribunal. The tribunal shall decide the procedures in the arbitration after consultation with the parties. The tribunal may make its decisions by a majority. The tribunal shall have the power to grant any provisional or final remedy or relief it deems appropriate, including conservatory measures and an award of attorneys' fees. The parties agree that judgment may be entered upon the award by any court having jurisdiction.

21. Jurisdiction and Governing Law. This Agreement and any dispute or claim arising, directly or indirectly, out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) is governed by, and shall be construed and enforced in accordance with, the laws of the State of Florida excluding choice of law. Each party irrevocably (i) agrees that a County or Circuit Court in the Eighteenth Judicial Circuit, in and for Seminole County, Florida, or the United States District for the Middle District of Florida, shall have exclusive jurisdiction to settle any dispute, controversy or claim arising, directly or indirectly, out of or in connection with this Agreement, or the breach, termination or validity thereof (including non-contractual disputes or claims) and that such court shall be the proper venue therefor; (ii) waives the right to trial by jury, (iii) consents to service of process by first class certified mail, return receipt requested, postage prepaid, to the address at which the party is to receive notice and (iv) agrees that the prevailing party shall be entitled to recover its reasonable attorney's fees, court costs and other legal expenses from the other party.

22. Severability. If any provision of this Agreement is illegal or unenforceable, it will be deemed stricken from the Agreement and the remaining provisions of the Agreement will remain in full force and effect.

23. LIMITATIONS OF LIABILITY.

23.1. LIMITED LIABILITY OF LUCITY. LUCITY'S LIABILITY IN CONNECTION WITH THE SERVICES, IMPROVEMENTS OR ANY OTHER MATTER RELATING TO THIS AGREEMENT WILL NOT EXCEED THE FEES THAT CUSTOMER ACTUALLY PAID TO LUCITY IN CONNECTION WITH THIS AGREEMENT FOR THE INITIAL TERM OR RENEWAL TERM WHEN THE RELEVANT ACTIONS LEADING TO SUCH LIABILITY AROSE. IN ANY EVENT, LUCITY SHALL NOT BE LIABLE FOR ANY LOSSES RESULTING FROM THE CRIMINAL ACTS OF THIRD PARTIES.

23.2. EXCLUSION OF DAMAGES. REGARDLESS OF WHETHER ANY REMEDY SET FORTH HEREIN FAILS OF ITS ESSENTIAL PURPOSE OR OTHERWISE, IN NO EVENT WILL LUCITY, LUCITY PERSONNEL, SUBCONTRACTORS OR SUPPLIERS BE LIABLE UNDER OR IN CONNECTION WITH THIS AGREEMENT FOR ANY (I) LOSS OF DATA, BUSINESS, REVENUE, PROFIT, GOODWILL, OR REPUTATION, (II) BUSINESS INTERRUPTION, INCREASED COSTS, OR DIMINUTION IN VALUE, OR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, WHETHER BASED ON BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, OR OTHERWISE; AND WHETHER OR NOT LUCITY, LUCITY PERSONNEL, SUBCONTRACTORS OR SUPPLIERS HAVE BEEN ADVISED OF THE POSSIBILITY OF SUCH LOSSES OR DAMAGES OR SUCH LOSSES OR DAMAGES WERE OTHERWISE FORESEEABLE.

23.3. BASIS OF THE BARGAIN. CUSTOMER ACKNOWLEDGES THAT LUCITY HAS SET ITS FEES AND ENTERED INTO THIS AGREEMENT IN RELIANCE UPON THE LIMITATIONS OF LIABILITY AND THE DISCLAIMERS OF WARRANTIES AND DAMAGES SET FORTH IN THIS AGREEMENT, AND THAT THE SAME FORM AN ESSENTIAL BASIS OF THE BARGAIN BETWEEN THE PARTIES.

- 24. Third-Party Materials.** Customer is hereby advised that Lucy provides front-line support services for third parties, but these third parties assumes all responsibility for and liability in connection with the Third-Party Materials. Lucy is not authorized to make any representations or warranties that are binding upon the third party or to engage in any other acts that are binding upon the third party, excepting specifically that Lucy is authorized to represent the fees for the Third-Party Materials as the same is provided for in the Agreement and to accept payment of such amounts from Customer on behalf of the third party for as long as such third party authorizes Lucy to do so. As a condition precedent to installing or accessing any Third-Party Materials, Customer may be required to execute a click-through, shrink-wrap EULA or similar agreement provided by the Third-Party Materials provider.
- 25. Entire Agreement; Amendment and Modification.** This Agreement contains the entire understanding of the parties with respect to its subject matter, and supersedes and extinguishes all prior oral and written communications between the parties about its subject matter. Any purchase order, agreement, or other ordering document issued by Customer at any time for any reason, will not modify or affect this Agreement nor have any other legal effect notwithstanding the inclusion of any additional or different terms or conditions in any such ordering document and shall serve only the purpose of identifying the products or services ordered. No modification of this Agreement will be effective unless it is in writing, is signed by each Party, and expressly provides that it amends this Agreement. Notwithstanding any language to the contrary herein, numbered Add-On Quotes on Lucy letterhead issued by authorized Lucy representatives and signed by Customer shall constitute an amendment to this Agreement.
- 26. No Third-Party Beneficiaries.** This Agreement is for the sole benefit of the Parties and their respective successors and permitted assigns and nothing herein, express or implied, is intended to or shall confer on any other person any legal or equitable right, benefit, or remedy of any nature under or by reason of this Agreement.
- 27. Counterparts.** This Agreement may be executed in counterparts, each of which is deemed an original, but all of which together are deemed to be one and the same agreement. A signed copy of this Agreement delivered by facsimile, e-mail, or other means of electronic transmission is deemed to have the same legal effect as delivery of an original signed copy of this Agreement.
- 28. Cooperative Purchases.** This Contract may be used by other government agencies. Lucy has agreed to offer similar services to other agencies under the same terms and conditions as stated herein except that the compensation may be negotiated between Lucy and other agencies based on the specific revenue expectations, agency reimbursed costs, and other agency requirements. The Customer will in no way whatsoever incur any liability in relation to specifications, delivery, payment, or any other aspect of purchases by such agencies.
- 29. Incorporated Exhibits to this Agreement:**
- Exhibit 1 – Schedule of Costs and Invoicing
 - Exhibit 2 - Maintenance & Support Standards
 - Exhibit 3 – Travel Guidelines
 - Exhibit 4 – Insurance Requirements
 - Exhibit 5 – Scope of Services
 - Exhibit 6 – Schedule of Software

EXHIBIT 1
Schedule of Costs and Invoicing

Item	Cost	Invoicing
Annual Subscription License fee (reference Exhibit 6)	\$70,000.00	Invoiced at software install
Services Cost (reference Exhibit 5)	\$178,300.00	Invoiced monthly based on project progress (i.e. % completion of each task)
TOTAL PROJECT COST	\$248,300.00	
Annual Subscription License fee (years 2 & 3)	\$70,000.00	Fee starting in Year 4 subject to an increase of 5%.

Note: Pricing for Professional Services is a good faith estimate based on the information available to Lucity at the time of execution of this Agreement. The total amount that Customer may pay for these services can vary based on the actual number of hours required to complete the services. If required, additional services will be provided on a time and materials basis at hourly rates equal to Lucity's then-current list price rates for the services at issue.

EXHIBIT 2

Support Standards

PART I – Cloud/ASP Support and Maintenance Provisions

TBD

EXHIBIT 3

Travel Expense Guidelines

Lucity will adhere to the following guidelines when incurring travel expenses:

All arrangements for travel are to be made through the Lucity Corporate Travel Agent unless other arrangements have been made with the Customer and are documented in writing.

AIR TRAVEL – Lucity will use the least expensive class of service available with a minimum of seven (7) day, maximum of thirty (30) day, advance purchase. Upon request, Lucity shall provide the travel itinerary as the receipt for reimbursement of the airfare and any fees. Fees not listed on the itinerary will require a receipt for reimbursement.

Trips fewer than 250 miles round are considered local. Unless a flight has been otherwise approved by the Customer, Customer will reimburse the current IRS approved mileage rate for all local trips.

LODGING – Lucity will use the most reasonable accommodations possible, dependent on the city. All food items, movies, and phone/internet charges are not reimbursable.

RENTAL CAR – Compact or Intermediate cars will be required unless there are three or more Lucity employees sharing the car in which case the use of a full size car is authorized. Gas is reimbursable however, pre-paid gas purchases will not be authorized and all rental cars are to be returned with a full tank of gas. Upon request, receipts for car rental and gas purchases will be submitted to Customer. Lucity shall decline all rental car insurance offered by the car rental agency as staff members will be covered under the Lucity auto insurance policy. Fines for traffic violations are not reimbursable expenses.

OTHER TRANSPORTATION – Lucity staff members are expected to use the most economical means for traveling to and from the airport (Airport bus, hotel shuttle service). Airport taxi or mileage for the employee's personal vehicle (per IRS mileage guidelines) are reimbursable if necessary. Upon request, receipt(s) for the taxi will be submitted to Customer. Proof of mileage may be required and may be documented by a readily available electronic mapping service. The mileage rate will be the then-current IRS mileage guideline rate (subject to change with any change in IRS guidelines).

OTHER BUSINESS EXPENSES – Parking at the airport is reimbursable. Tolls to and from the airport and while traveling at the Customer site are reimbursable. Tipping on cab fare exceeding 15% is not reimbursable. Porter tips are reimbursable, not exceeding \$1.00 per bag. Laundry is reimbursable when travel includes a weekend day or Company Holiday and the hotel stay is four nights or more. Laundry charges must be incurred during the trip and the limit is one shirt and one pair of pants/skirt per day. With the exception of tips, receipts shall be provided to Customer upon request for all of the aforementioned items.

MEALS – Standard per Diem. Subject to change due to cost of living.

EXHIBIT 4

Minimum Insurance Requirements

- **Workers' Compensation**, statutory limits, and Employer's Liability with limits no less than \$1,000,000.
- **Commercial General Liability insurance**, covering bodily injury and property damage liability, products & completed operations, with minimum limits \$1,000,000 each occurrence for bodily injury and property damage, \$2,000,000 general aggregate.
- **Business Auto Liability insurance**, covering any vehicle used by vendor in performance of work for Lucity or around Lucity's premises. Limits no less than \$1,000,000 each accident.
- **Cyber Liability Insurance**, with limits not less than \$2,000,000 per occurrence or claim, \$2,000,000 aggregate. Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Vendor in this agreement and shall include claims involving infringement of intellectual property, infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion and network security. The policy shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring expenses with limits sufficient to respond to these obligations.

EXHIBIT 5 Scope of Services

IMPLEMENTATION WORK PLAN

The “Functional Groups” that will be users of the System are identified in the following table:

Functional Groups	
Sewer	Treatment
	Collection
	Pumping
	FOG
Transportation	Maintenance
	ROW
	Pavement Management
Stormwater	
Parks	
Facilities	
Fleet	
Refuse & Recycling	
Inventory	
Project Management	

The scope of service will address the needs of these functional groups as it relates to the deployment of the Asset Management software. Should additional functional groups or business units require implementation, additional implementation effort outside of this scope can be negotiated.

Implementation

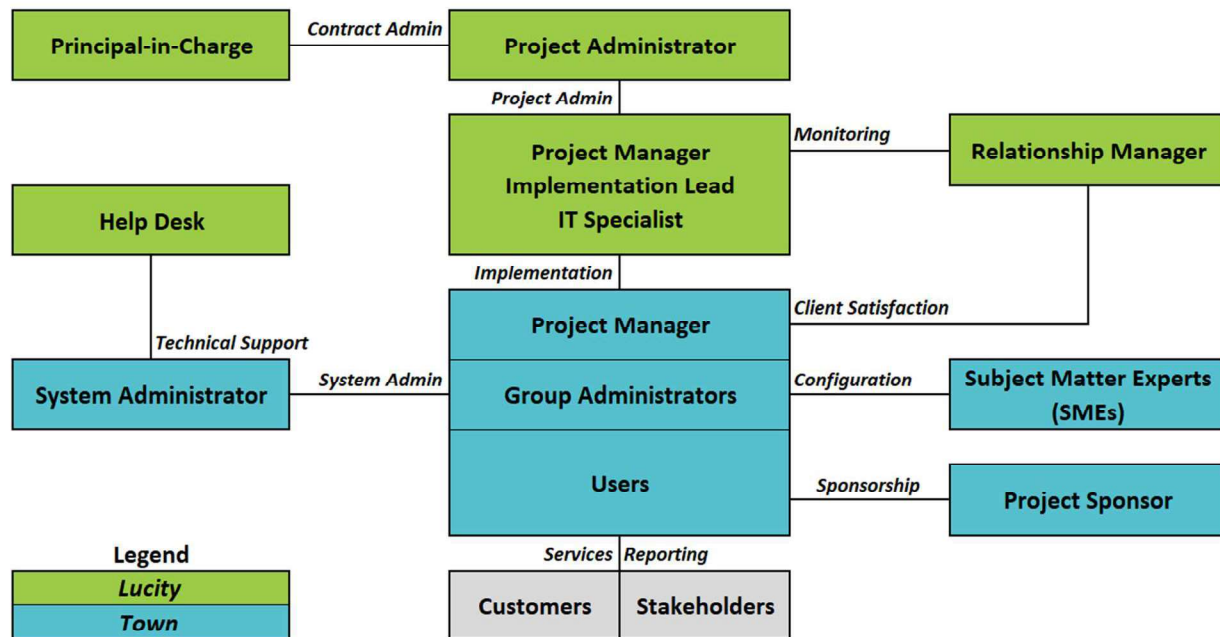
Lucity will provide all implementation services (in close collaboration with Town staff) utilizing on-staff personnel. Following are tasks that comprise our proposed Implementation Work Plan.

- Project Management – Initiation; Progress
- Installation & Kickoff – IT Audit; Installation; Kickoff Meeting
- Configuration – Discovery; Functional Groups; GIS
- Data Loading
- Interfaces
- Testing
- Training – Administration; Production

IMPLEMENTATION METHODOLOGY

Our proposed Project Team is comprised of both Lucity on-staff personnel and Town staff – the Project Team organization chart is provided as Exhibit 1. An outline of our proposed Implementation Work Plan follows. Participation and responsibilities of the Project Team are included in the task descriptions.

EXHIBIT 1 – Project Team



1 PROJECT MANAGEMENT

1.A Initiation

A meeting will take place as soon as possible after issuance of the Notice to Proceed to introduce key Project Team members and initiate project activities. An outline of the expected topics for the Initiation Meeting follows.

- Project Team
 - Review roles, responsibilities, and personnel assignments
 - Identify primary contacts and exchange contact information
- Software
 - Verify licensing details (products and users)
- Project Plan
 - Set dates for IT Audit, Installation, and Kickoff tasks – our recommendation is for the IT Audit to be completed as soon as possible, and Installation to be completed prior to Kickoff

Participants in the Initiation Meeting should include the following Project Team members:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Lucity <ul style="list-style-type: none"> – Project Manager – Relationship Manager | <ul style="list-style-type: none"> • Town <ul style="list-style-type: none"> – Project Manager – System Administrator – Project Sponsor |
|---|--|

1.B Progress

An outline of the project management activities expected throughout the project follows.

- Meetings & Workshops
 - Convene bi-weekly Project Progress meetings to review Project Plan completion status
 - Provide agendas, “Follow-up Memorandum”, and “Trip Report” documents
- Project Plan
 - Provide updates as needed based on approved revisions to scope and/or schedule
- Invoicing
 - Prepare billing summaries, and submit invoices to the Town for approval and payment processing

Participants in the project management activities should include the following Project Team members:

- Lucity
 - Project Manager
 - Project Administrator
- Town
 - Project Manager

2 INSTALLATION & KICKOFF

2.A Installation

Lucity will install and configure the cloud hosted environment for the Town’s pre-production instance of the LucityAM software. This pre-production instance will serve as the environment used by the project team in configuration and training of the software. Prior to “go-live” this instance will be transitioned to a live production environment, built to support 100 users of the solution.

2.B Kickoff Meeting

A Kickoff Meeting will be held to transfer knowledge between Project Team members, gather information, and set the stage for subsequent Implementation tasks. An outline of the expected Kickoff Meeting activities follows.

- LucityAM Software Demonstration
 - Present functional overview – typical user workflows for inspections, work orders, etc. and “out of the box” capabilities including reporting (standard templates and ad hoc), GIS integration, and data interfaces
 - Review default “Work Flow Setup” data, UI templates (dashboards and data forms/views), and default user groups/roles
- Functional Groups
 - Identify each Group’s place (Department, Division, etc.) within the organizational structure of the Town
 - Confirm with each Group Administrator those persons assigned to serve as Group SMEs for Configuration task
 - Examine current basic business processes of each Group with associated data, reporting, and integration requirements
 - Review with each Group their Work Flow Setup spreadsheet with default data – spreadsheet to be completed by the Town
- GIS and IT
 - Discuss completed Installation task and related activities, and identify needed actions prior to initiation of Configuration – GIS task

- Access
 - Verify Implementation Lead has remote access into installed LucityAM
- Project Plan
 - Confirm Project Team and Functional Groups
 - Discuss what is expected of Project Team members throughout project
 - Review schedule, and discuss how LucityAM will “go-live”
 - Identify any needed revisions to Project Plan based on knowledge gained from the Kickoff Meeting sessions
 - Set date for Configuration – Discovery task
- Action Items
 - Complete Work Flow Setup spreadsheets – these spreadsheets are used to record data required to define Categories, Problems, Causes, Tasks, and Resources (Employees, Crews, Equipment, Materials, Fluids, Contractors) for Functional Groups with LucityAM Work – Work Administrator

Participants in the Kickoff Meeting sessions should include the following Project Team members:

- | | |
|--|--|
| <ul style="list-style-type: none">• Lucity<ul style="list-style-type: none">– Project Manager– Relationship Manager | <ul style="list-style-type: none">• Town<ul style="list-style-type: none">– Project Manager– System Administrator– Functional Group Administrators– SMEs – GIS and IT– Project Sponsor |
|--|--|

3 CONFIGURATION

3.A Discovery

A Discovery Workshop will be completed – this workshop will consist of a series of sessions that focus on refining the default LucityAM configuration to support the specific operational needs of the distinct Functional Groups (and Town departments). An outline of the expected Discovery Workshop activities follows.

- Functional Groups
 - Examine details (what, who, how, and why) of business processes of each Group, and identify potential revisions to improve results and best leverage capabilities of LucityAM
 - Review with each Group their completed Work Flow Setup spreadsheet, and identify any additional data revisions for initial LucityAM configuration
 - Identify revisions to dashboards, data forms/views, and default user groups/roles for each Group
 - Discuss available data from sources other than GIS to be incorporated (i.e. “loaded”) into LucityAM – data to be gathered by the Town
 - Identify any supplemental reporting and/or integration needs to be addressed with LucityAM implementation
- GIS
 - Outline overall GIS strategy for LucityAM deployment
- Project Plan

- Identify any needed revisions to Project Plan based on knowledge gained from Discovery activities
- Set date for Configuration – Functional Groups task
- Action Items
 - Apply initial configuration to installed LucityAM based on revised Work Flow Setup data and revised user dashboards, data forms/views, maps, and groups/roles
 - Deliver data from sources other than GIS to Implementation Lead for evaluation
 - Evaluate options for supplemental reporting and/or integration, and identify next steps
 - Install and test Mobile Server, and download and install LucityAM Mobile

Participants in the Configuration – Discovery Workshop activities should include:

- | | |
|-----------------------|-----------------------------------|
| • Lucity | • Town |
| – Project Manager | – Project Manager |
| – Implementation Lead | – System Administrator |
| | – Functional Group Administrators |
| | – SMEs – GIS |

3.B Functional Groups

Finalizing the LucityAM configuration will be an iterative process. The Implementation Lead will first meet with each Functional Group to review the initial configuration and identify needed refinements. With subsequent refinements, additional meetings will be convened to review the latest LucityAM configuration – which will include GIS integration, loaded data, custom reporting, and custom integration (if required) as these become available. The process will continue until the LucityAM operational needs of the Groups are met.

The Implementation Lead will also use Lucity Security to define security setup for the Functional Groups. This effort will:

- Import users into LucityAM using the Import tool, and associate users to Windows Login accounts
- Set controls for user access and assign group/role permissions for various LucityAM functions

Participants in the Configuration – Functional Group Meetings task should include:

- | | |
|-----------------------|-----------------------------------|
| • Lucity | • Town |
| – Implementation Lead | – System Administrator |
| | – Functional Group Administrators |
| | – SMEs – Groups |

Custom Reports

Although we expect the LucityAM reporting capabilities (standard templates and ad hoc) will meet most of the Town's needs, some supplemental custom reports will likely be desired/required. The number and nature of such custom reports will be defined from the Configuration activities.

Custom reports can be designed, developed, and incorporated into LucityAM by the Town or a third-party. Alternatively, we can deliver custom report templates (using Crystal Reports) *through negotiated additional services*.

For this scope, we assume any assistance the Town may require with supplemental custom reports will be part of the Post Operational phase (and outside the scope of the initial EAM implementation).

3.C GIS

The Implementation Lead will work with the System Administrator and GIS SME to configure and test the bi-directional LucityAM/Esri ArcGIS integration. Configuration of this integration involves the following activities:

- **LucityAM and GIS Integration** – Use Administration tool to link ArcGIS Server, Portal, or ArcGIS Online feature services, layers, and fields to LucityAM.
- **Lucity GIS Web to LucityAM Integration** (also applicable to integration of Collector for ArcGIS (and any other third-party mapping application) to LucityAM) – Use Administration tool to set up “GIS Task” to check feature services at scheduled time interval and push any updates to LucityAM.
- **Lucity Spatial Generator Configuration** – Use Administration tool to enable the Lucity Spatial Indexer process, and set maximum number of days to process spatial history of information related to work order and service request locations (addresses, coordinates) and related assets; use Administration tool to set up URL for Geocoding Service for processing locations; and use Administration tool to set up Edit Map Service URL for processing assets.
- **GIS Map Setup** – Use Administration tool to create maps (by layering map services) for LucityAM GIS Web and LucityAM Mobile; and use Map Setup in Administration tool to assign maps to user groups/roles.

GIS data available at the time of the Configuration – GIS task efforts will be loaded into LucityAM, and necessary training will be provided to the Town to load additional GIS data that may become available later.

4 DATA LOADING

GIS

As described for the Configuration – GIS task, data from the Town’s GIS will be loaded into LucityAM as part of the GIS to LucityAM Integration.

Core Data Load

The “Core Data Load” will include the City’s completed/refined Work Flow Setup data (tasks, activities, employee, equipment, etc.) and (typically) a “Street Name List” against which street addresses are validated.

Legacy Systems

We acknowledge data for conversion services is required from the Town's existing Cartegraph database. We have experience in converting asset, inspection, and work order data from the Cartegraph system into the Lucity database. At this time it is unclear what data and how much data the Town would like converted from Cartegraph. As such we have provided an estimate based on past efforts for similar sized agencies. We anticipate a discussion with the Town's project team and SME's to determine a proper scope and level of effort as we engage in the Kickoff and Discovery tasks.

Any data not identified in this scope will be evaluated for suitability in converting/loading. Lucity will provide expected effort and associated costs after review of such data *through negotiated additional services*.

5 INTERFACES

The Town has identified the need to integrate Lucity with Eden. This integration would enable the Town to export Employee Work Resource times from Lucity Work Order Resource records into Eden's Payroll. Lucity and Eden have a standard, out-of-the-box process for sharing this information. Lucity will assist the Town in configuring the Lucity tool to accomplish this data sharing. There are processes on the Eden application that are required as well. The Town would need to provide expertise (in-house or through Tyler) to address any efforts required outside the Lucity solution.

6 TRAINING

We will provide a Training Plan detailing session descriptions and durations, methods and materials for each Functional Group, and the overall schedule. An outline of the expected Training activities follows.

6.A Administration

Installation and Maintenance

- Complete procedures as outlined in Install Manual for initial LucityAM installation and future software upgrades
- Review available software documentation
- Review technical support and software maintenance services and resources provided through Lucity Constant Connection Program
- Discuss current backup and recovery practices for the Town's data, and reviewing suggested practices specific to LucityAM

Security

- Complete procedures as outlined in Lucity Security for adding new users, and defining user group and individual permissions for LucityAM access and use

Configuration

- Use tools, parameters and settings available with LucityAM products to refine configuration

Documents

- Complete procedures for establishing links between LucityAM records and externally managed electronic documents
- Add custom content to on-line Help via hyperlinks to externally managed information

Integration

- Use LucityAM products for completing processes for configuring and refining the GIS integration

Reporting

- Add custom reports

Data Import/Export

- Import data using Import & Update tool, and export data using LucityAM reporting capabilities

The goal of the Training – Administration task is for the System Administrator to be reasonably self-sufficient in refining, expanding and sustaining the implemented LucityAM.

6.B Production

Following is a limited list of items that will be addressed during Production Training sessions.

General

- *Dashboard*: Using assigned “Home” pages with personalized real-time LucityAM content
- *Filter*: Creating queries to produce specific record sets
- *Locate*: Quickly finding a specific record within the current “Filter”
- *Show in Map*: Opening assigned GIS maps and zooming to assets and locations (customer addresses, work sites, etc.)
- *Document Control*: Linking electronic documents (images, videos, as-built drawings, O&M manuals, Web site links, etc.) to records
- *Subset Manager*: Loading filtered data from one application into other applications
- *Browse*: Creating and exporting ad-hoc reports
- *Reports*: Using assigned report templates
- *Help*: Using the on-line, context-sensitive Help

Work Management

- Receiving/creating, routing and completing service requests, and work orders in response to service requests
- Establishing work order templates for recurring activities and PM schedules
- Creating, assigning, routing and completing work orders from templates and PM schedules
- Performing in-house and external billing of work order costs
- Viewing linked electronic documents
- Using GIS to locate customers and work locations
- Producing operational, management and regulatory reports

Asset Management

- Collecting and maintaining asset attributes
- Establishing appropriate relationships between assets
- Assessing the condition, and tracking the operating status, of assets
- Interpreting asset lifecycle costs
- Viewing linked electronic documents
- Using GIS to locate assets and display condition assessment data
- Validating and transferring data from external systems (SCADA, fueling, CCTV)

- Producing operational, management and regulatory reports

The goal of the Training – Production task is for users being enabled with the knowledge, skills and confidence to follow proper business processes and successfully complete their specific operational workflows with LucyAM.

7 SCHEDULE

A schedule we consider reasonable for completion of the proposed Implementation Work Plan is provided as Exhibit 2. It is expected that the final schedule will be determined by the Town's Project Manager and the Lucy Project Manager.

EXHIBIT 2 – Implementation Work Plan Schedule

EAM IMPLEMENTATION																		
Work Plan Task	Month																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1 PROJECT MANAGEMENT																		
1.A INITIATION																		
1.B PROGRESS																		
2 INSTALLATION & KICKOFF																		
2.A INSTALLATION																		
2.B KICKOFF MEETING																		
3 SYSTEM CONFIGURATION																		
3.A DISCOVERY																		
3.B FUNCTIONAL GROUPS																		
3.C GIS																		
4 DATA MIGRATION																		
5 INTERFACES																		
6 TRAINING																		
7.A ADMINISTRATION																		
7.B PRODUCTION																		
7.C GO LIVE																		

EFFORT AND COSTS

The levels of effort and associated costs for the Work Plan costs are summarized in Exhibit B.3. The costs are based on the following standard rates.

- Labor (per person) – same for all Lucy personnel/task, except report writer
 - \$225.00 per hour for on-site work (travel time is not charged)
 - \$150.00 per hour for remote work
 - \$115.00 per hour for custom report development
- Expense estimates (per person) – expenses are billed at actual cost
 - \$550.00 per on-site trip
 - \$350.00 per on-site day

EXHIBIT 3 – Implementation Work Plan Effort and Costs

Task	Effort			Cost		
	On-site		Remote	Labor	Directs	Total
	Trips	Hours	Hours			
PROJECT MANAGEMENT						
Initiation			2	\$ 300.00	\$ -	\$ 300.00
Installation (Cloud)	lump sum					\$ 1,750.00
Kickoff Meeting	1	24	8	\$ 6,600.00	\$ 1,600.00	\$ 8,200.00
Progress			144	\$ 21,600.00	\$ -	\$ 21,600.00
IMPLEMENTATION						
Business Process - Discovery	3	72	16	\$ 18,600.00	\$ 4,800.00	\$ 23,400.00
Configuration	3	72	120	\$ 34,200.00	\$ 4,800.00	\$ 39,000.00
GIS Integration			60	\$ 9,000.00	\$ -	\$ 9,000.00
Data Loading - Cartergraph			100	\$ 15,000.00	\$ -	\$ 15,000.00
Integration - Eden Timesheet			16	\$ 2,400.00	\$ -	\$ 2,400.00
TRAINING						
Administration	1	16	8	\$ 4,800.00	\$ 1,250.00	\$ 6,050.00
Preliminary	3	72	24	\$ 19,800.00	\$ 4,800.00	\$ 24,600.00
Go Live	3	72	24	\$ 19,800.00	\$ 4,800.00	\$ 24,600.00
Follow Up			16	\$ 2,400.00	\$ -	\$ 2,400.00
TOTAL FEE						\$ 178,300.00
• Labor rates are as follows: \$225 per onsite hour and \$150 per remote hour for Project Managers, System Implementers & Solutions Trainers; \$270 per onsite hour and \$180 per remote hour for IT Specialists						
• Travel expenses are estimated at \$550 per trip and \$350 per day and will be billed at actual cost.						

EXHIBIT 6
Schedule of Software

LucityAM Named User Annual Subscription - SaaS	Users	Annual Fee
Work	Site	\$ 70,000.00
Assets		
GIS Desktop		
GIS Web		
Mobile		
REST API		
LucityAM Named User Licensing and Cloud Hosting Fee		\$ 70,000.00
• Named User License fee includes Constant Connection Program (Annual Support & Maintenance program) and Lucity Cloud Hosting fee for 100 users. Fee starting in Year 4 subject to an increase of 5%.		

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 37-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Recommendation of the Selection Committee for Dockage System Design and Manufacturing, RFP No. 2019-15, Which Pre-Qualified Three Firms; Bellingham Marine, EMG USA LLC and SF Marina Systems USA.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated May 2, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 37-2019**
- ▣ **Requirements Requested in RFQ**
- ▣ **Respondents to RFQ**
- ▣ **Ranking from Initial Review of Proposals**
- ▣ **Pass/Fail Ranking After Oral Interview**

Information for Town Council Meeting on May 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO Town Purchasing Manager

RE: Resolution Approving the Selection Committee Recommendation for RFQ No. 2019-15, Dockage System Design & Manufacturing Capability for Town Docks; Approving Three Firms as Pre-Qualified, **Resolution No. 37-2019**

DATE: 2 May 2019

STAFF RECOMMENDATION

Staff recommends the approval of the Selection Committee Recommendation shortlisting three firms as pre-qualified for the Dockage System Design & Manufacturing Capability for Town Docks, RFQ No. 2019-15.

SUMMARY EXPLANATION/BACKGROUND

The Town issued RFQ No. 2019-15 for Dockage System Design and Manufacturing Capability for Town Docks on March 1, 2019. Purchasing consulted with Public Works as well Baird Engineering, the firm hired in 2018 to provide Professional Engineering Services for the Town Dock Replacement with goal of securing names of firms that are known to provide the services requested for this solicitation. Purchasing reached out to twenty-seven (27) firms, both nationally and internationally by email in addition to advertising in Demand Star, Public Purchase, Town-website and the Palm Beach Post.

The following firms responded to the RFQ No. 2019-15: Bellingham Marine; EMG USA, LLC; Golden Manufacturing, Inc.; and SF Marina Systems USA.

The Selection Committee consisted of the following voting members: Jay Boodheshwar, Deputy Town Manager, Eric Brown, P.E. Assistant Director, Public Works, Jane Le Clainche, CPA Finance Director, Jason Debrincat, Senior Project Engineer, Gordon Thomson, P.E. Baird and Associates and Carlos Vidueira of Huizenga Group.

In addition, the following members were designated to serve as non-voting members as follows: Kirk W. Blouin, Town Manager, Paul Brazil, P.E. Public Works Director, Patricia Strayer, P.E. Town Engineer, and Mike Horn, Dock Master. The Selection Committee was chaired by Dean Mealy, Purchasing Manager and Duke Basha, Assistant Purchasing Manager, of which, both are non-voting.

The goal of the solicitation for the Dockage System Design and Manufacturing Capability was to secure responsive and responsible firms that could be pre-qualified to manufacture and deliver a concrete floating dock system for the Town Dock Replacement Project. By pre-qualifying firms, when the Town issues the solicitation for the Contractor, the contracting firm would have a list of pre-qualified firms of which the contracting firm could collaborate with to present as part of their proposal.

The Selection Committee met for the first time on April 17, 2019. The Selection Committee moved forward with three of the four firms for oral presentations. The three firms invited for oral presentations were:

- Bellingham Marine
- EMG USA LLC
- SF Marina Systems USA

After the initial meeting on April 17, 2019, we had requested that each committee member submit questions that they deemed required additional detail and would be part of their overall presentation. The questions were sent respectfully to each firm based on their written response to the solicitation. Questions were provided a week ahead of the scheduled date for oral presentation.

Oral presentations were held on April 25, 2019 with the three firms. The objective of the scoring for the three firms was a combination of their written proposal response and their oral presentation which included responding to the questions that the committee had wanted additional clarification to. The scoring was not a ranking, but a pass/fail score. All three firms that presented at the oral presentations were ranked as pass.

Approving the recommendation of the Selection Committee will provide a path forward for the upcoming solicitation of the contractor. Negotiations are not held with any of the three pre-qualified firms until the contractor submits their proposal with one or with multiple dock manufacturers.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact related to the recommendation approving the Selection Committee Recommendation to short list three firms as pre-qualified.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, Director of Public Works
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 37-2019

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING RECOMMENDATION OF THE SELECTION
COMMITTEE FOR DOCKAGE SYSTEM DESIGN AND
MANUFACTURING, RFQ NO. 2019-15, WHICH PRE-
QUALIFIED THREE FIRMS; BELLINGHAM MARINE, EMG
USA LLC AND SF MARINA SYSTEMS USA.**

WHEREAS; Request for Qualification No. 2019-15 for Dockage System Design and Manufacturing was issued with goal of pre-qualifying firms responsive and responsible to the solicitation, and;

WHEREAS; The Selection Committee recommended three firms as pre-qualified; Bellingham Marine, EMG USA LLC and SF Marina Systems USA; and

WHEREAS; Town Council approval is sought to approve the Selection Committee recommendation.

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

Section 1. The Town Council approves the Selection Committee Recommendation for RFQ No. 2019-15.

Section 2. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this ____ day of _____ 20__.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

1247 RFQ No. 2019-15 Dockage System Design & Manufacturing Capability for Town Docks Replacement

[Help](#)BAFO-evaluation phase Ends on **May 14 2019 3:00 PM**

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Summary

Name: RFQ No. 2019-15 Dockage System Design & Manufacturing Capability for Town Docks Replacement

Procedure

Select type of contract: Services

This is a test No solicitation:

Approval & Publication

Activate lots: No

Reference number: RFP No.2019-15

Template Name: RFP - Services

Additional Information

Short description: **General Information about this solicitation:**

The Town of Palm Beach, Florida is seeking proposals from experienced, knowledgeable, and well-established firms, capable of designing and manufacturing a concrete floating dockage system for this Town Docks Replacement Project.

Other options

Introduction

The Town Docks are located adjacent to the Intracoastal Waterway and south of the Royal Park Bridge. The Town Docks are the only public marina on the island of Palm Beach. The Town Docks are adjacent to the Town's park on South Lake Drive and some of the upland infrastructure associated with the docks/marina exist in the park. The Town Docks currently consist of three piers (Brazilian, Australian, and Peruvian Docks) comprising of approximately 80 boat slips and 606 ft of marginal side tie mooring. The Town selected W.F. Baird & Associates (Baird) to lead the professional engineering services for the Town Docks Replacement project. Baird has developed a permit drawing set for the approved marina redevelopment Master Plan that is the basis for this Request for Qualifications.

If you are interested in this solicitation and would like to view additional details click the 'participate' button below. This is the only way to access to Permit Drawings, Geotechnical Report, and Terms and Conditions of this Request for Qualifications.

Selecting the participate button in no way obligates you to submit a response to this Request for Qualifications (RFQ), but is necessary in order to see the details, access the attached documents and requirements.

Pre-Proposal Conference/Site Visit

A "NON-MANDATORY" pre-proposal meeting/site visit will be held on:
Date/Time: March 14, 2019 at 2:00PM

Attendance is strongly encouraged as this will be the only forum to seek clarification from Town staff. Companies outside our area will be able to attend through a conference call.



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solicitations@townofpalmbeach



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Instructions how to access to a conference call "Go To Meeting" are attached.

Location:

Public Works Building
Meeting Room
951 Okeechobee Road
West Palm Beach, Florida 33401

Question Deadline

The deadline for questions is SEVEN (7) CALENDAR DAYS before the end of the Offer Phase (due date).
Questions should be submitted through this software platform using the Question & Answer feature or by emailing your questions to solicitations@townofpalmbeach.com.
The Town may provide written addenda up to FIVE (5) calendar days before the date fixed for receiving the bid proposals. Any oral explanation(s) given before the bid opening will not be binding.

Designated Procurement Representative

The Designated Procurement Representative for this Solicitation is:
Duke Basha, Assistant Purchasing Manager
solicitations@townofpalmbeach.com ;
dbasha@townofpalmbeach.com
(561) 227-7001
All communications regarding this solicitation will be handled by this Town representative.

Negometrix Support Contact:

(Technical) Assistance (Mon - Fri: 8 am to 6 pm)
Negometrix Service Desk
Telephone: (724) 888-5294
Email: servicedesk@negometrix.com

Negometrix - Assistance & Support

Attached below is a file titled 'Getting Started in Negometrix - Supplier Guide'. This file will provide useful information in how Suppliers use the system to obtain the solicitation information and submit their own Solicitation Response. Suppliers may also contact the Negometrix support desk at the number provided.

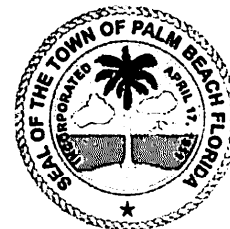
Attached description file(s):	 Advertisement.pdf 148 Kb	Download	Preview
	 Go To Meeting instructions.docx 13 Kb	Download	Preview
	 How to register on Negometrix.pdf 442 Kb	Download	Preview
	 Instructions To Suppliers.pdf 211 Kb	Download	Preview

Internal description:
(Only visible to buyers)

Internal documents:	 Conflict of Interest Confidentiality executed forms.pdf 17775 Kb	Download	Preview
	 revised scoring.pdf 1330 Kb	Download	Preview

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1247 RFQ No. 2019-15 Dockage System Design & Manufacturing Capability for Town Docks Replacement

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 BAFO-evaluation phase Ends on **May 14 2019 3:00 PM**

Settings	Participants	Schedule	Pricing sheets	Questionnaires	Question & Answer
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All Questionnaires Questions	1. SOLICITATION PACKAGE DOCUMENTS & EVALUATION ...			1.3. EVALUATION FACTORS	

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1.3. EVALUATION FACTORS

Weight: 65 (100%)

 Filter on: ☒ Status: click to change color ☒ Green ☒ Orange ☒ Red

[Preview as supplier](#) [Search](#)

FIRM COMPOSITION, QUALIFICATION AND BACKGROUND

1.3.1.

This section should include the name and type of firm or organization (corporation, partnership, joint venture, etc.) that will serve as the Applicant Firm. The history, ownership, organization, and background of the Applicant Firm shall be provided. If the Applicant Firm is a joint venture, the required information shall be submitted for each member of the joint venture firm. Details of the organizational structure of the joint venture shall be given.

List all completed and active projects for which the Applicant firm has manufactured concrete floating dock systems within the past five years, including the approximate project value and approximate project size (number of slips or dock square footage, etc). In addition, list all projected projects that the Applicant will be working on in the near future. Projected projects will be defined as a project(s) that the Applicant has been awarded a contract but the Notice to Proceed has not been issued.

Identify any projects that the Applicant firm worked on concurrently. Describe Applicant firm's approach in managing these projects.

Were there or will there be challenges for any of the listed projects? If so, describe how Applicant firm dealt or will deal with the projects' challenges.

A Transmittal and Introduction letter should be included introducing the Company with the corporate name (if applicable), address and telephone number of principal office, number of years in business and size of staff. Include a reproduction of Corporate Charter Registration, if applicable.

This letter will summarize in a brief and concise manner that the Applicant Firm understands the scope of the work to be performed and a statement why the firm believes itself to be qualified to design and manufacture concrete docks. An authorized agent of the Applicant Firm must sign the Letter of Transmittal indicating the agent's title or authority.

Please upload a document to answer this evaluation criteria.

No questions through Question & Answer

[Pose a question to the buyer](#)

Type	KO	Worst	Best	Unit	Weight (Quality percentage)	Needs evaluation	Allow supplier to attach document(s)
Document evaluation	☒	0.00	5.00	points	20 (20%)	☒	☒

[View question details](#)

EXPERIENCE/STAFF QUALIFICATIONS

1.3.2.

Please provide following information by uploading a document(s):

- Credentials of personnel to be assigned to the Town
- High quality level of services to be provided to Town
- Certifications
- Include a brief resume of the Project Manager and Lead Dockage System Designer, which should include but not limited to: Name and title, Number of years with this firm, Number of years with other firms; Experience detailing types of projects and what was the specific project involvement; Education; Active registration; Other experience and qualifications that is relevant to this project.

Support

No questions through Question & AnswerPose a question to the buyer

Type	KO	Worst	Best	Unit	Weight (Quality percentage)	Needs evaluation	Allow supplier to attach document(s)
Document evaluation	☒	0.00	5.00	Points	10 (10%)	☒	☒

[View question details](#)**CONTRACTORS WORKLOAD**

1.3.3.

Proposer's Workload: Schedule to accommodate this contract.

List all completed and active projects for which the Applicant firm has manufactured concrete floating dock systems within the past three years, including the approximate project value and approximate project size (number of slips or dock square footage, etc). In addition, list all projected projects that the Applicant will be working on in the near future. Projected projects will be defined as a project(s) that the Applicant has been awarded a contract but the Notice to Proceed has not been Issued.

Identify any projects that the Applicant firm worked on concurrently. Describe Applicant firm's approach in managing these projects.

Were there or will there be challenges for any of the listed projects? If so, describe how Applicant firm dealt or will deal with the projects' challenges.

Please upload a document to answer this criteria.

No questions through Question & AnswerPose a question to the buyer

Type	KO	Worst	Best	Unit	Weight (Quality percentage)	Needs evaluation	Allow supplier to attach document(s)
Document evaluation	☒	0.00	5.00	Points	10 (10%)	☒	☒

[View question details](#)**DOCKAGE SYSTEM**

1.3.4.

The firm should provide a general description of their dockage system. Highlight the company's experience designing/ manufacturing concrete floating dock systems and concrete floating wave attenuation systems.

Provide typical production rate of units anticipated for replacement at the Town Docks based on information in the Town's current permit sketches dated 2.15.2019. Provide the anticipated location of the dock manufacturing facility. Describe the storage capacity at the Applicant Firm's manufacturing facility for units anticipated for replacement at the Town Docks.

As an informational notice, the Town intends to do an Owner Direct Purchase of the Docks when the Marina Contractor is selected.

No questions through Question & AnswerPose a question to the buyer

Type	KO	Worst	Best	Unit	Weight (Quality percentage)	Needs evaluation	Allow supplier to attach document(s)
Document evaluation	☒	0.00	5.00	points	25 (25%)	☒	☒

[View question details](#)**DETAILED TECHNICAL PROPOSAL**

1.3.5.

Detailed Technical Proposal

Please attach detailed Technical Proposal per below requirements, but not limited to:

- Understanding of Town needs
- Describe and upload the design of concrete dockage systems
- Provide technical specifications of systems that you are proposing
- The ability to satisfactorily convey, via the completeness and responsiveness of their Proposal, a depth of understanding of the request for qualification, and firm's capacity to accomplish future requirements successfully

- Approach to the Project
- Reinforcement steel used
- Fendering material
- Concrete mix design and coverage requirements for steel
- Pile guide locations and roller/guide material selection

Please upload the document to answer to this evaluation criteria.

No questions through Question & Answer

[Pose a question to the buyer](#)

Type	KO	Worst	Best	Unit	Weight (Quality percentage)	Needs evaluation	Allow supplier to attach document(s)
Document evaluation	☒	0.00	5.00	Points	25 (25%)	☒	☒

[View question details](#)

FINANCIAL/ BONDING CAPABILITY/LITIGATION STATEMENT

1.3.6.

Please provide the following information by uploading necessary document(s):

- **Financial Information:** An indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project should be included in the RFP response. If short-listed, the Town may order a Dun & Bradstreet report and will request reimbursement from all short listed finalists for the cost of the report.
- **Bonding Capability:** Confirm that the Applicant firm has sufficient total bonding capability of the firm to design and manufacture the approximate size project for the dock portion of the work described by Alternative 3 in the Town Master Plan.
- **Litigation Statement:** A statement that no litigation or regulatory action has been filed against your firm in the last three (3) years shall be included in the RFQ. If an action has been filed against your firm within the last three years, state and describe the litigation or regulatory action filed against your firm and identify the court or agency before which the action was instituted, the applicable case or file number, and the status or disposition for such reported action. Describe all litigation (include the court and location) of any kind involving Applicant Firm or Applicant Firm's team members within the last three years.

No questions through Question & Answer

[Pose a question to the buyer](#)

Type	KO	Worst	Best	Unit	Weight (Quality percentage)	Needs evaluation	Allow supplier to attach document(s)
Document evaluation	☒	0.00	5.00	—	10 (10%)	☒	☒

[View question details](#)

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1247 RFQ No. 2019-15 Dockage System Design & Manufacturing Capability for Town Docks Replacement

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Ends on May 14 2019 3:00 PM

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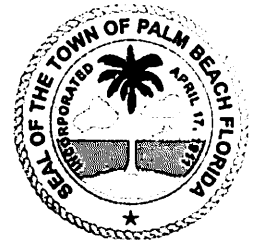
[View progress](#)

Status ▾

Results: 4

Items per page ▾

Name	Submission	Status
Bellingham Marine		Evaluated
EMG USA LLC		Evaluated
Golden Manufacturing, Inc.		Evaluated
SF Marina Systems USA		Evaluated



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Offers/Applications Evaluate Compare & Select

Evaluation Questionnaires 1. SOLICITATION PACKAGE DOCUMENTS & EVALUATION ...

Offer phase (4) Evaluation (4) BAFO-phase (0) BAFO-evaluation (0)
Awarding

1. SOLICITATION PACKAGE DOCUMENTS & EVALUATION FACTORS

4 of 4 Complete offers 15 Questions

Pricing sheet "No pricing need to be submitted at this time"

Price 0% 100% Quality

Phase ▼ Rank ▼



PRICE / QUALITY CHART

Offers/Applications	Rank	Knockouts of 13	unanswered question(s) of 15	Uploads missed of 12	Incomplete evaluations of 11	Price	Quality score	Inviti phas
Bellingham Marine Bellingham Marine Apr 2 2019 1:38:35 PM	1	-	-	2	-	-	92.21%	Evalu
SF Marina Systems USA SF Marina Systems USA Apr 1 2019 5:04:52 PM	2	-	-	2	-	-	77.37%	Evalu
EMG USA LLC EMG USA LLC Apr 2 2019 11:36:00 AM	3	-	-	-	-	-	49.71%	Evalu
Golden Manufacturing, Inc. Golden Manufacturing, Inc. Apr 2 2019 12:09:59 PM	4	-	-	2	-	-	42%	Evalu

Rank Selected

Compare two offers

Compare by: ☒ Question groups ☐ Questions[Save image](#)

Quality score

[Bellingham Ma...](#) (1)[SF Marina Sys...](#) (2)[EMG USA LLC](#) (3)

Solicitations Palm Beach
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Contact groups

Templates

Company administrator:

Solicitations Palm Beach
(561) 838-5406
solicitations@townofpalmbeach



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Interview scoring results - RFQ No. 2019-15 Dockage System Design & Manufacturing

COMPANY	Jay Boodheshwar	Eric Brown	Jane Le Clainche	Gordon Thomson	Jason Debrincat	Carlos Vidueira	TOTAL
Bellingham	1	1	1	1	1	1	6
EMG USA LLC	1	2	1	1	1	1	7
SF Marina	1	1	1	1	1	1	6

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 38-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Rechtien International Trucks, Inc. for the Purchase of One 2019 International Dump Truck; And Approval To Fund the Project from the Equipment Replacement Fund in the Amount of \$88,688 for a Total Budget of \$92,000.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated May 2, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 38-2019**
- ▣ **Quote**

Information for Town Council Meeting on May 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO Town Purchasing Manager

RE: Resolution Approving the Purchase of One (1) Dump Truck from the Equipment Replacement Fund, **Resolution No. 38-2019**

DATE: 2 May 2019

STAFF RECOMMENDATION

Staff recommends the purchase of one (1) 2019 International Durastar Cab and Chassis with Dump Body, from Rechten International Trucks, Inc. in the amount of \$88,688.

SUMMARY EXPLANATION/BACKGROUND

Public Works requested replacement of 544-58, Asset Number 10037 in the budget for FY19. The Dump Truck was scheduled for replacement at ten years based on useful life and service records. The Dump Truck was purchased in 2009. This item had originally been presented in November 2018 for replacement and the decision was made to wait until mid-year. This item was approved in the budget for FY19.

Purchasing solicited the quote from the authorized dealer from the Florida Sheriff's Association (FSA). The FSA has secured the best pricing that is available to agencies within the State.

The existing Dump Truck will be sold through Public Surplus to garner the most return.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for the purchase will be \$88,688. This Dump Truck was scheduled for replacement in the FY19 Equipment Replacement Fund and the funds were included in the budget which was approved.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, Director of Public Works
Chet Purves, Service Division Manager
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 38-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO RECHTIEN INTERNATIONAL TRUCKS, INC. FOR THE PURCHASE OF ONE, 2019 INTERNATIONAL DUMP TRUCK; AND APPROVAL TO FUND THE PROJECT FROM THE EQUIPMENT REPLACEMENT FUND IN THE AMOUNT OF \$88,688 FOR A TOTAL BUDGET OF \$92,000.

WHEREAS; Public Works identified the need to replace Asset Number 10037 Dump Truck in the FY19 Budget, and;

WHEREAS; Purchasing obtained pricing from Rechtiem International Trucks, Inc., utilizing the Florida Sheriff Association Contract Price List; and

WHEREAS; Town Council approval is sought to approve a Purchase Order in the amount of \$88,688 from the Equipment Replacement Fund.

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

Section 1. The award of a Purchase Order to Rechtiem International Truck Sales Inc. in the amount of \$88,688, is hereby approved.

Section 2. The Town Council approves replacement from the Equipment Replacement Fund in an amount not to exceed \$92,000.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this ____ day of _____ 20__.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk



REQUEST FOR QUOTATION
******THIS IS NOT AN ORDER******

TOWN OF PALM BEACH

RFB- 01-2019

30,000 LB GVWR CAB & CHASSIS (DUAL REAR WHEEL) - 4X2

SPECIFICATION #13

2019 International MV

Due by 2pm, Wednesday October 10, 2018

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the Florida Sheriff's Association's & Florida Association of Counties Contract# FSA18-VEH16.0, which covers and includes all required equipment and freight, necessary for and reasonably incidental for full and complete execution of this purchase. All terms, conditions and specifications of the Florida Sheriff's Association Contract# FSA18-VEH16.0 shall apply.

SCHEDULE OF BID ITEMS

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

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

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

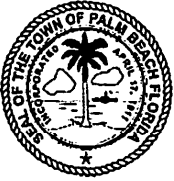
ITEM	DESCRIPTION	QTY	UOM	UNIT PRICE	TOTAL PRICE
1	BASE PRICE-2019 International MV-FSA SPECIFICATION No.13- with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract# FSA18-VEH16.0 as awarded by specification, by zone.	4	EA	\$62,700.00	\$250,800.00
2	Add Option: 16HGH³ - Trans Oil Temp Meter -For use w/ Allison Automatic Transmissions only. A min. discount of 6.5% of manufacturer's list price is applied ³	4	EA	\$ 45.00	\$ 180.00
3	Add Option: 4EBT³ - Air Dryers - Bendix AD-IP air dryer or equal. A min discount of 6.5% of manufacturer's list price is applied. Includes code 4VGA ³	4	EA	\$ 513.00	\$ 2,052.00
4	Add Option: 5708³ - Tilt Steering Wheel - Tilt steering column. A minimum discount of 6.5% off manufacturer's list price is applied ³	4	EA	\$ 118.00	\$ 472.00
5	Add Option: 3k³ -Third Key-Includes minimum of 5% discount from MSRP. Dealer supplied ³	4	EA	\$ 18.00	\$ 72.00
6	Add Option: 8XHN³ -Airhorn-A minimum discount of 6.5% of manufacturer's list price is applied. Dealer installed ³	4	EA	\$ 89.00	\$ 356.00
7	Add Option: CA120³ - Includes 120,000 PSI Frame Rails - Factory Option codes ICAE & IWEJ. A minimum discount of 6.5% of manufacturer's list price is applied ³	4	EA	\$ 485.00	\$ 1,940.00

**REQUEST FOR QUOTATION********THIS IS NOT AN ORDER********TOWN OF PALM BEACH****RFB- 01-2019****30,000 LB GVWR CAB & CHASSIS (DUAL REAR WHEEL) - 4X2****SPECIFICATION #13****2019 International MV****Due by 2pm, Wednesday October 10, 2018**

ITEM	DESCRIPTION	QTY	UOM	UNIT PRICE	TOTAL PRICE
8	Add Option: SAFETY ³ - Safety Kit, Fire Extinguisher's & Triangles - Includes min of 5% discount from MSRP. Dealer installed ³	4	EA	\$ 150.00	\$ 600.00
9	Add Option: MUDDLAPS ³ -Mud Flaps-Includes minimum of 5% discount from MSRP. Dealer installed ³	4	EA	\$ 70.00	\$ 280.00
10	Add Option: 8WPB ³ -Daytime Running Lights- A minimum discount of 6.5% of manufacturer's list price is applied ³	4	EA	\$ 55.00	\$ 220.00
11	Add Option: 16ALTRASH ³ -16 ft. aluminum trash dump	4	EA	\$ 23,360.00	\$ 93,440.00
12	Add Option: DLRBA ³ -Backup Alarm-Dealer Installed ³	4	EA	\$ 120.00	\$ 480.00
13	Add Option: 16SDC ³ - Optional equipment - specify- Exterior grab handle(s) for use with standard cab. Use order code 16SDD for 4 door cab price \$445.00. Units(s) spec'd out with vertical exhaust, only (1) grab handle will be provided on driver side. Please use order code 16SJA and add \$111.00. A minimum discount of 6.5% of manufactures list price is applied. ³	4	EA	\$ 222.00	\$ 888.00
14	Add Option: 8718 ³ - Optional equipment - safety- Auxiliary power source-dash mounted for cigar-type receptacle. Use factory order code 8XHR for Auxiliary Power Outputs & USB port - Add \$36.00. A min discount of 6.5% of manufactures list price is applied ³	4	EA	\$ 29.00	\$ 116.00
15	Add Option: 8WRB ³ - Optional equipment - safety- Headlights on with wipers automatically. A minimum discount of 6.5% of manufactures list price is applied. ³	4	EA	\$ 39.00	\$ 156.00
16	Add Option: NEWTAG ³ - New state tag for Palm Beach County, Florida. Including registration fee.	4	EA	\$ 250.00	\$ 1,000.00
17	Add Option: NON-PUBLISHED - Electric Tarp	4	EA	\$ No Charge	\$ No Charge
18	Add Option: NON-PUBLISHED - Cone Holder	4	EA	\$ 205.00	\$ 820.00
19	Add Option: NON-PUBLISHED - Access Ladder	4	EA	\$ 220.00	\$ 880.00
TOTAL PRICE (LINES 1 THRU 19):				\$ 88,688	\$ 354,752.00

TECHNICAL INTERNATIONAL TRUCKS
Company Name

Authorized Signature



REQUEST FOR QUOTATION
******THIS IS NOT AN ORDER******

TOWN OF PALM BEACH

RFB- 01-2019

30,000 LB GVWR CAB & CHASSIS (DUAL REAR WHEEL) - 4X2

SPECIFICATION #13

2019 International MV

Due by 2pm, Wednesday October 10, 2018

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: RECHTAN INTERNATIONAL TRUCKS INC

*Signature: [Signature] Name/Title: JOHN BRADLEY ACT MGR

Address: 3787 INTERSTATE PARK RD, DIVIDEN BEACH, FL 33404
FL

Federal ID#: 59-2044408

Telephone Number: (561) 892-9050 Fax: (561) 892-0714

E-Mail Address: bradley@rectan.com

Date: 10-11-18

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

Name of Bidder's Contact Person: JOHN BRADLEY

Address: 3787 INTERSTATE PARK RD, DIVIDEN BEACH, FL 33404

Phone Number: 561 892 9545 Fax Number: 561 892 0714

Email Address: bradley@rectan.com

Dean Mealy

From: Chester Purves
Sent: Wednesday, May 01, 2019 10:57 AM
To: Dean Mealy
Subject: TC Item

Dean- for the purpose of reference for TC memo, the intent at this time is to replace asset number 10037.

Thanks

Chet Purves
Services Division Manager

Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401
561-838-5440 Office
561-835-4691 Fax
386-627-3581 Cell

cpurves@townofpalmbeach.com

FLORIDA SHERIFFS ASSOCIATION & FLORIDA ASSOCIATION OF COUNTIES

SPECIFICATION #013 - 30,000 LB GVWR CAB & CHASSIS (DUAL REAR WHEEL) - 4X2

2019 Hino 338 ; 2019 Ford F-750 (F7D)
2019 Freightliner M2 ; 2019 International MV
2019 Kenworth T370 ; 2019 Mack MHD
2019 Peterbilt 337 ; 2019 Western Star 4700

THE FOLLOWING ITEMS WILL BE FACTORY INSTALLED ON THE BASE VEHICLE/EQUIPMENT TO MEET THE MODEL NUMBER AND BUILD CODES OF THE VEHICLE LISTED.

1. FSA BASE VEHICLE REQUIREMENTS

- a. Air conditioning
- b. Standard full-size spare tire, if available
- c. 2 keys

2. ENGINE:

- a. Diesel engine, minimum 200 HP

3. TRANSMISSION/AXLES:

- a. Manufacturers standard automatic transmission (with PTO provision) minimum, or approved equivalent.
- b. 21,000 lb. rear
- c. All axles, synthetic lube.

4. PERFORMANCE ITEMS:

- a. Manufacturer's standard power steering.
- b. Manufacturer's standard gauges.

5. COMFORT ITEMS:

- a. Air conditioning, factory installed.
- b. Manufacturer's standard tinted glass all around.
- c. Manufacturer's standard AM/FM stereo.
- d. Heavy duty rubber floor covering instead of carpet.
- e. Manufacturer's standard production seats. Purchaser will select color at time of order.
- f. Keys: two (2) per vehicle, single key locking system, (each vehicle keyed differently).

6. SAFETY ITEMS:

- a. Dual mount outside mirrors must provide a field of vision for vehicles to 102" width, and for towing.
- b. Convex mirrors mounted below standard mirrors.
- c. Interior dome lights with left and right door activated switches.

7. BRAKES:

- a. Factory air brakes
- b. Anti-lock brake system

8. TIRES AND WHEELS:

- a. BSW 11R22.5 (14 PR) or approved equivalent, front and rear.
- b. Oil bath hubs, with synthetic lube.

9. CHASSIS, FRAME, CAB:

- a. Minimum 30,000 lbs. GVWR.
- b. Cab & chassis only.
- c. Manufacturer's standard colors, factory painted. Colors to be determined by individual agencies.
- d. Manufacturer's standard front bumper, bright or painted.
- e. Factory front tow hooks.
- f. Fuel tank capacity, 45 gallons minimum.
- g. Cab to center of rear axle - 84" approximately.

PROPOSAL PRICE

BID NO. FSA18-VEH16.0 Cab & Chassis Trucks and Heavy Equipment

Specification #13 30,000 LB GVWR CAB & CHASSIS (Dual Rear Wheel) - 4x2

Unit Price Per Base

Western District \$ _____ /ea.

Northern District \$ _____ /ea.

Central District \$ _____ /ea.

Southern District \$62,700.00 /ea.

Brand Name:

☒ International MV

SUBMIT SEPARATE SHEETS FOR EACH BRAND AND MODEL OFFERED

BIDDERS MUST INCLUDE A MANUFACTURER'S PRINT-OUT TO VERIFY THE VEHICLE BID MEETS ALL THE FSA AND MANUFACTURER STANDARD REQUIREMENTS OF EACH MAKE AND MODEL/TRIM LEVEL. ALSO, ANY DEALER INSTALLED AFTERMARKET COMPONENTS, IF SPECIFIED, MUST BE NOTED ON THE MANUFACTURER'S PRINT-OUT. ALL CONDITIONS AND REQUIREMENTS SHALL APPLY.

Delivery should occur within 90 - 120 calendar days after receipt of Purchase Order.

FSA18-VEH16.0 Cab & Chassis Trucks and Heavy Equipment

45

Dean Mealy

From: Duke Basha
Sent: Thursday, March 28, 2019 3:46 PM
To: Dean Mealy
Subject: FW: 544 Trash Dump Req
Attachments: RE_ Price confirmation.pdf; 544 RFB 01-2019 Town of Palm Beach - Quote - 16' aluminum trash dmp - 10-16-18.pdf; 544Trash Dump Req.pdf

Dean, per Chet, please enter a resolution for TC approval for Trash Dump.

From: Chester Purves <CPurves@TownofPalmBeach.com>
Sent: Thursday, March 28, 2019 2:57 PM
To: Natalee Downer-Allen <ndownerallen@TownOfPalmBeach.com>
Cc: Duke Basha <dbasha@TownOfPalmBeach.com>; Eric Brown <EBrown@TownofPalmBeach.com>
Subject: 544 Trash Dump Req

Attached for processing.
Thanks,
Chet Purves
Services Division Manager

Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401
561-838-5440 Office
561-835-4691 Fax
386-627-3581 Cell

cpurves@townofpalmbeach.com

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 8-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 114 Taxation, Article II, Local Business Tax, At Section 114-43, Schedule, So As To Amend The Fees Delineated For Each Business, Profession Or Occupation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

Josh Martin, Director of Planning, Zoning & Building

ATTACHMENTS:

- ▣ **Memorandum Dated April 12, 2019 from Wayne Bergman, Assistant Director of Planning, Zoning & Building**
- ▣ **Ordinance No. 8-2019**
- ▣ **Exhibit A**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

Via: Josh Martin, Director of Planning, Zoning & Building

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

Re: Proposed Change in the Business Tax Receipt Rate Structure
Ordinance No. 8-2019

Date: April 12, 2019

STAFF RECOMMENDATION

Staff recommends adoption on the second reading of Ordinance 08-2019, amending the Business Tax Receipt Rate Structure. It should be noted that adoption of this ordinance will require a majority plus one vote of the Town Council in order to become effective.

GENERAL INFORMATION

In the current Fiscal Year, the Town issued 1,476 Business Tax Receipts (formerly known as occupational licenses) to local businesses. All businesses, professions, and occupations conducted within the Town are required to pay the annual Business Tax Receipt. The Town Code of Ordinances, Chapter 114, Taxation, Sections 114-31 through 114-45 detail the Business Tax Receipt program.

Per Florida Statute 205.0535, the Town may increase Business Tax Receipt Rate Structure every two years by an amount not to exceed 5%. The Town's Business Tax Receipt Rate Structure were last modified on May 9, 2017 with the current rates commencing on October 1, 2017. The rate structure was also increased in 2015, 2013 and 2011.

Staff is recommending an increase in rate structure for FY 2019/2020 by the allowed 5%. If approved, this modification would represent a potential increase in revenue of approximately \$35,000 per year.

When adopted, the revised rate structure will be incorporated into the renewal notices scheduled for issuance on or about July 1, 2019, for the new tax year commencing October 1, 2019.

FUNDING/FISCAL IMPACT

The proposed fees will represent an increase in Business Tax Receipts of approximately \$35,000 annually, commencing in the next Fiscal Year (2020). This increase is reflected in the Town's Long Term Financial Plan.

SPECIAL CONSIDERATIONS

This ordinance has been reviewed by the Town Attorney for legal form and sufficiency. Ordinance No. 08-2019 (Chapter 114-43) is ready to be adopted on Second Reading.

Attachments
WRB

ORDINANCE NO. 08 - 2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 114 TAXATION, ARTICLE II, LOCAL BUSINESS TAX, AT SECTION 114-43, SCHEDULE, SO AS TO AMEND THE FEES DELINEATED FOR EACH BUSINESS, PROFESSION OR OCCUPATION; 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, FLORIDA, AS FOLLOWS:

Section 1. Chapter 114 of the Town Code of Ordinances relating to Local Business Taxes, is hereby amended at Section 114-43, SCHEDULE, by increasing Business Taxes as set forth on attached Exhibit "A" for each category of listed Business, Profession, or Occupation.

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, Florida, on the First Reading this 9th day of April, 2019; and for the Second and Final Reading on this 14th day of May, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

EXHIBIT "A" - PROPOSED SCHEDULE OF BUSINESS TAX FEES

<u>LICENSE CATEGORY</u>	<u>CURRENT</u>	<u>PROPOSED</u>	<u>PROPOSED</u>	<u># ACTIVE</u>	<u>TOTAL</u>
	<u>BTR</u>	<u>BTR</u>	<u>(ROUNDED)</u> <u>BTR</u>	<u>LICENSES</u> <u>4/3/2019</u>	<u>ESTIMATED</u> <u>REVENUE</u>
A					
ABSTRACTORS OF TITLE	\$ 422.00	443.1	443	1	443
ACCOUNTANT, AUDITOR, CPA, FIRM (INCLUDES ONE PROFESSION	422.00	443.1	443	4	1772
ACCOUNTANT, AUDITOR, CPA	422.00	443.1	443	3	1329
ADULT ENTERTAINMENT	1,218.00	1278.9	1279	0	0
ADMINISTRATIVE OFFICE	342.00	359.1	359	67	24053
ANSWER PHONE (SUPPORT BUSINESS SERVICES)	422.00	443.1	443	27	11961
APARTMENTS (See RENTAL DWELLINGS)					
ARCHITECT	422.00	443.1	443	21	9303
ART GALLERY, UP TO 400 SQ. FT	179.00	187.95	188	2	376
ART GALLERY, 401 - 2,000 SQ. FT	422.00	443.1	443	25	11075
ART GALLERY, 2,001 - 4,000 SQ. FT	487.00	511.35	511	6	3066
ART GALLERY, 4,001 - 8,000 SQ. FT	973.00	1021.65	1022	1	1022
ART GALLERY, OVER 8,000 SQ. FT	1,463.00	1536.15	1536	0	0
ARTIST	324.00	340.2	340	0	0
ASTROLOGER, PHRENOLOGIST, CRYSTAL READING, PALM	442.00	464.1	464	0	0
READER, SOOTHSAYER, FORTUNE TELLER AND CLAIRVOYANT					
B					
BAKERY	211.00	221.55	222	1	222
BANK, TRUST COMPANY	1,220.00	1281	1281	25	32025
BARBER	161.00	169.05	169	5	845
BARBER, SHOP (Includes one barber)	161.00	169.05	169	5	845
BEAUTY SHOP (See COSMETOLOGY SALON)					
BICYCLE SHOP, RENTALS	161.00	169.05	169	1	169
BICYCLE SHOP, SALES (See MERCHANTS)					
BOAT DEALER (Yacht Broker)	324.00	340.2	340	4	1360
BROADCASTING STATION (Radio or TV)	469.00	492.45	492	2	984

BROKER	422.00	443.10	443	78	34554
BROKERAGE/INVESTMENT COMPANY (Includes one broker)	1,220.00	1281	1281	25	32025
BUSINESS OFFICE ONLY (Two people maximum)	211.00	221.55	222	87	19314
<u>C</u>					
CAR RENTAL AGENCY	649.00	681.45	681	0	0
CATERING	211.00	221.55	222	5	1110
CHIROPRACTOR	422.00	443.10	443	1	443
COIN-OPERATED MACHINES	112.00	117.6	118	3	354
CONSULTANT	422.00	443.10	443	38	16834
CONTRACTOR OFFICE (Construction)	469.00	492.45	492	13	6396
COSMETOLOGIST (Individual)	161.00	169.05	169	84	14196
COSMETOLOGY SALON (Includes one cosmetologist)	161.00	169.05	169	29	4901
<u>D</u>					
DANCE INSTRUCTOR	211.00	221.55	222	0	0
DANCE STUDIO/SCHOOL	422.00	443.10	443	0	0
DENTIST	422.00	443.10	443	7	3101
DINING ROOM, 40 Chairs or less	211.00	221.55	222	2	444
Plus, for each chair	3.30	3.47	3.47	44	152.68
DINING ROOM, over 40 Chairs	422.00	443.10	443	17	7531
Plus, for every chair	3.30	3.47	3.47	4427	15361.69
DINING, CLUB (See DINING ROOM)					
<u>E</u>					
ELECTRIC LIGHT COMPANY	366.00	384.3	384	0	0
EMPLOYMENT AGENCY	422.00	443.10	443	1	443
ENGINEER	422.00	443.10	443	0	0
<u>F</u>					
FACIALIST, REGISTERED (FA) OR SPECIALIST (FB)	48.00	50.4	50	25	1250
FULL SPECIALIST	48.00	50.4	50	12	600
FULL REGISTRATION	48.00	50.4	50	1	50

<u>G</u>						
GAS COMPANY	366.00	384.3	384	0	0	
GOLF COURSE	469.00	492.45	492	4	1968	
<u>H</u>						
HEALTH STUDIO	422.00	443.10	443	12	5316	
HOTEL, 10 rooms or less	64.00	67.2	67	0	0	
HOTEL, More than 10 rooms	64.00	67.2	67	10	670	
Plus, each additional room	7.72	8.11	8.11	1387	11248.57	
<u>I</u>						
INSURANCE BROKER, COMPANY/AGENCY	422.00	443.10	443	149	66007	
INSURANCE SALESPERSON	211.00	221.55	222	19	4218	
INTERIOR DECORATOR	422.00	443.10	443	15	6645	
INTERIOR DESIGNER	422.00	443.10	443	4	1772	
<u>J</u>						
JEWELER	732.00	768.6	769	44	33836	
<u>L</u>						
LAW FIRM (Includes one lawyer)	422.00	443.10	443	41	18163	
LAWYER	422.00	443.10	443	36	15948	
<u>M</u>						
MASSAGE THERAPIST (Individual)	422.00	443.10	443	86	38098	
MASSAGE ESTABLISHMENT	422.00	443.10	443	12	5316	
MERCHANT, UP TO 400 SQ. FT.	179.00	187.95	188	41	7708	
MERCHANT, 401 - 2,000 SQ. FT.	422.00	443.10	443	192	85056	
MERCHANT, 2,001 - 4,000 SQ. FT.	487.00	511.35	511	28	14308	
MERCHANT, 4,001 - 8,000 SQ. FT.	973.00	1021.65	1022	10	10220	
MERCHANT, OVER 8,000 SQ. FT.	1,463.00	1536.15	1536	6	9216	
MORTGAGE BROKER	422.00	443.10	443	0	0	

MORTGAGE COMPANY	422.00	443.10	443	2	886
MOTOR SCOOTER AND MOTORCYCLE RENTAL	1,319.00	1384.95	1385	0	0
MUSIC SERVICE	422.00	443.10	443	6	2658
<u>N</u>					
NAIL REGISTRATION (FV) or NAIL SPECIALIST (FT)	48.00	50.4	50	27	1350
NEWSPAPER - SEE PUBLISHER					
NIGHTCLUB - with dancefloor	1,218.00	1278.9	1279	12	15348
NIGHTCLUB - without dancefloor	797.00	836.85	837	2	1674
NURSE	422.00	443.10	443	2	886
NURSING AGENCY	422.00	443.10	443	4	1772
<u>O</u>					
OPTICIAN	422.00	443.10	443	2	886
OPTOMETRIST	422.00	443.10	443	1	443
<u>P</u>					
PARKING GARAGE	422.00	443.10	443	0	0
PARKING LOT	211.00	221.55	222	4	888
PHARMACIST (individual)	422.00	443.10	443	1	443
PHARMACY	422.00	443.10	443	5	2215
PHOTOGRAPHER	211.00	221.55	222	3	666
PHYSICIAN	422.00	443.10	443	18	7974
PRINTING COMPANY	422.00	443.10	443	0	0
PROFESSION NOT LISTED	422.00	443.10	443	21	9303
PROPERTY MANAGEMENT	211.00	221.55	222	14	3108
PUBLIC RELATIONS	422.00	443.10	443	3	1329
PUBLISHER	422.00	443.10	443	2	886
<u>R</u>					
REAL ESTATE BROKER	422.00	443.10	443	50	22150
REAL ESTATE SALESPERSON	0.00	0	0	0	0
RENTAL DWELLINGS	41.00	43.05	43	59	2537

REPAIR SHOP (other than auto)	422.00	443.10	443	0	0
RESTAURANT, 40 Chairs or less	211.00	221.55	222	2	444
Plus, for each chair	3.30	3.47	3.47	57	197.79
RESTAURANT, over 40 Chairs	422.00	443.10	443	30	13290
Plus, for each chair	3.30	3.47	3.47	4788	16614.36
<u>S</u>					
SAVINGS AND LOAN ASSOCIATION	1,220.00	1281	1281	1	1281
SCHOOL, PRIVATE	422.00	443.10	443	0	0
SECURITY AGENCY, PRIVATE	211.00	221.55	222	0	0
SECURITY OFFICER, PRIVATE	31.50	33.08	33	0	0
SERVICE STATION	469.00	492.45	492	1	492
SERVICES, UNLISTED	211.00	221.55	222	17	3774
SWIMMING POOLS, PUBLIC	422.00	443.10	443	15	6645
<u>I</u>					
TALENT AGENCY	422.00	443.10	443	0	0
TAXICABS	324.00	340.2	340	2	680
TELECOMMUNICATIONS COMPANY (formerly telegraph)	366.00	384.3	384	0	0
TELEPHONE COMPANY	366.00	384.3	384	0	0
THEATER	1,463.00	1536.15	1536	0	0
Plus, for each seat	2.21	2.32	2.32	0	0
TRAVEL BUREAU/AGENCY	422.00	443.10	443	3	1329
TRUST COMPANY	1,220.00	1281	1281	2	2562
<u>U</u>					
UNCLASSIFIED BUSINESS NOT LISTED	342.00	359.1	359	18	6462
<u>V</u>					
VETERINARIAN	422.00	443.10	443	3	1329
VETERINARIAN ESTABLISHMENT	422.00	443.10	443	1	443
ANNUAL REVENUE	\$ 693,875.24			\$	728,569.09

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 21-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 42, Environmental, Article IX, Fertilizer-Friendly Use, Section 42-372 “Definitions” and Section 42-376, “Timing Of Fertilizer”, Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Presenter

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

ATTACHMENTS:

- ▢ **Memorandum dated April 19, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- ▢ **Ordinance No. 21-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on May 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Emergency Amendment to Fertilizer Control Ordinance
Ordinance No. 21-2019

DATE: April 19, 2019

STAFF RECOMMENDATION

Town staff recommends Town Council adoption of Ordinance 21-2019 amending the Town Code of Ordinances Article IX Fertilizer-Friendly Use, at Section 42-372 “Definitions”, Number 12, and Section 42-376 “Timing of Fertilizer Applications”.

GENERAL INFORMATION

At the January 9, 2019 Town Council meeting, Town Council adopted a Fertilizer Control Ordinance, No. 22-2018. This Ordinance is to limit the runoff of nutrients into the Lake Worth Lagoon as a result of the application of fertilizers. The Ordinance will supplement ongoing efforts to minimize discharge of pollutants. A measure that the Town already has in place is the requirement for newly constructed projects to provide on-site retention of runoff from a two inch (2”) rainfall. This allows for the runoff of light to moderate rainfall events to be retained on site, therefore, significantly reducing the amount of nutrient discharge into the Lake Worth Lagoon.

The State has also approved a Statute (FS 482.1562) that became effective this year. The Statute requires Best Management Practices Training and Certification for all commercial workers applying fertilizer on residential or commercial properties. This does not apply to individual property owner’s applying fertilizer to their yard. The Statute is attached for reference.

This intent, if this amendment is approved, is to provide simplicity in Sections 42-372 ‘Definitions’, Number 12, and Section 42-376. - ‘Timing of Fertilizer Applications’ by clarifying the fertilizer application period prohibiting fertilizer applications from June 1st through September 30th annually. Added text in these sections read, “No Fertilizer containing nitrogen or phosphorus shall be applied between June 1st and September 30th, as well as any other Prohibited Application Period.”

FUNDING/FISCAL IMPACT

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

SPECIAL CONSIDERATIONS

The amended Ordinance has been reviewed by the Town Attorney for legal form and sufficiency.

Amended Ordinance No. 2018-22 (Chapter 42) is ready to be approved on First Reading.

TOWN ATTORNEY REVIEW

This item has been reviewed by the Town Attorney.

Attachment

cc: John C. Randolph, Town Attorney
Joshua Martin, PZB Director
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Paul Colby, Facilities Maintenance Division Manager
Benjamin Alma, Parking/Code Enforcement Manager

ORDINANCE NO. 21-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 42, ENVIRONMENTAL, ARTICLE IX, FERTILIZER-FRIENDLY USE, SECTION 42-372 “DEFINITIONS” AND SECTION 42-376, “TIMING OF FERTILIZER”, PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 42, Environmental, Article IX, Fertilizer-Friendly Use, Section 42-372, “Definitions”, and Section 42-376, “Timing of Fertilizer”, is hereby amended by adding text, as follows:

Sec. 42-372. – Definitions

2. No Fertilizer containing nitrogen or phosphorus shall be applied between June 1 and September 30 as well as any other Prohibited Application Period.

Sec. 42-376. – Timing of Fertilizer

1. No Fertilizer containing nitrogen or phosphorus shall be applied between June 1 and September 30 as well as any other Prohibited Application Period.

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, Florida.

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, Florida, on the First Reading this 14th day of May, 2019; and for the Second and Final Reading on this _____ day of _____, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 22-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 102, Solid Waste, Article I, in General, at Section 102-5 Deposit in Unauthorized Place, by Revising Verbiage to Read “No Person Shall Deposit or Cause to be Deposited any Refuse in any Place not Authorized for Disposal. The Public Works Director or Their Designee Shall Determine the Authorized Location for Collection and Disposal. Garbage Placed for Collection in an Unauthorized Place will not be Collected and Procedures Set Forth in Section(s) 102-48 and 102-7 will be Administered” Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated April 18 2019, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Ordinance No. 22-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

To: Mayor and Town Council
Via: Kirk W. Blouin, Town Manager
From: H. Paul Brazil, P. E., Director of Public Works
Re: Amending Chapter 102 - First Reading
Ordinance 22-2019

DATE: April 18, 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the first reading of Ordinance 22-2019 amending Chapter 102 of the Town of Palm Beach Code of Ordinances.

GENERAL INFORMATION

Collection of residential and commercial solid waste is unique in location and procedures all through Town. Accessibility, appearance, and function for both residential and commercial establishments are a few of the factors that play a role when determining the correct collection locations.

In Chapter 102, Sec.102-5 the Ordinance provides information regarding placement for disposal that must be authorized but does not provide information to identify the person authorizing the appropriate location. Additionally, information is not provided identifying procedures if garbage is placed in an unauthorized place.

Staff recommends the following revisions notated by strikethrough and underlines to this section of the ordinance.

Sec. 102-5. - Deposit in unauthorized place.

No person shall deposit or cause to be deposited any refuse in any place not ~~un~~authorized for disposal. The Public Works Director or their designee shall determine the authorized location for collection and disposal. Garbage placed for collection in an unauthorized place will not be collected and procedures set forth in section(s) 102-48 and 102-7 will be administered.

FUNDING/FISCAL IMPACT

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: John C. Randolph, Town Attorney
Eric Brown, P.E., Assistant Director of Public Works
Chester Purves, Services Division Manager

ORDINANCE NO. 22-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 102, SOLID WASTE, ARTICLE I, IN GENERAL, AT SECTION 102-5 DEPOSIT IN UNAUTHORIZED PLACE, BY REVISING VERBIAGE TO READ “NO PERSON SHALL DEPOSIT OR CAUSE TO BE DEPOSITED ANY REFUSE IN ANY PLACE NOT AUTHORIZED FOR DISPOSAL. THE PUBLIC WORKS DIRECTOR OR THEIR DESIGNEE SHALL DETERMINE THE AUTHORIZED LOCATION FOR COLLECTION AND DISPOSAL. GARBAGE PLACED FOR COLLECTION IN AN UNAUTHORIZED PLACE WILL NOT BE COLLECTED AND PROCEDURES SET FORTH IN SECTION(S) 102-48 AND 102-7 WILL BE ADMINISTERED” 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 102, Solid Waste; Article I, In General; at Section 102-5 to read as follows:

Sec. 102-5. - Deposit in unauthorized place.

No person shall deposit or cause to be deposited any refuse in any place not authorized for disposal. The Public Works Director or their designee shall determine the authorized location for collection and disposal. Garbage placed for collection in an unauthorized place will not be collected and procedures set forth in section(s) 102-48 and 102-7 will be administered.

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 14th day of May, 2019, and for second and final reading on the 9th day of June, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 23-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, To Include A New Article IX, Division 2, Titled Prohibition Of Single Use Plastic Straws; Prohibiting The Distribution Of Plastic Straws; Providing Penalties For Any Such Distribution; Providing For Conflicts; Providing For Severability; Providing For Codification; And Providing An Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated May 5, 2019, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Ordinance No. 23-2019**
- ▣ **House Bill 771**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Consideration of an Ordinance to Prohibit Single-Use Plastic Straws
Ordinance No. 23-2019

Date: May 5, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council consider approval of the first reading of Ordinance No. 23-2019, prohibiting single-use plastic straws, as recommended by the Ordinances, Standards and Rules Committee.

GENERAL INFORMATION

The City of Delray Beach Commission approved Ordinance No. 10-19, on February 5, 2019, prohibiting the distribution of single-use plastic straws at most of its businesses by the year 2020. Delray Beach is one of nine other coastal Florida communities (Ft. Lauderdale, Deerfield Beach, Hallandale Beach, Surfside, Coral Gables, Marco Island, Ft. Myers Beach, and Miami Beach) that have adopted or are in the process of phasing in regulations to limiting the use of plastic straws.

At the April 4, 2019, ORS meeting, committee members reviewed Delray Beach's ordinance and requested staff use it as the model to develop an ordinance for Town Council consideration. Several modifications were recommended for the Town's version of the ordinance, including the addition of plastic stirrers in the definitions and a phase in period of 12 months.

It is important to note that on April 30, 2019, the Florida Legislature approved House Bill 771 (attached), which preempts local ordinances from enforcing plastic straw bans until 2024. The bill is currently awaiting Governor DeSantis' signature.

TOWN ATTORNEY REVIEW

Ordinance No. 23-2019 was prepared by and approved by the Town Attorney for legal form and sufficiency.

Attachments

ORDINANCE NO. 23-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 42, ENVIRONMENT, TO INCLUDE A NEW ARTICLE IX, DIVISION 2, TITLED PROHIBITION OF SINGLE USE PLASTIC STRAWS; PROHIBITING THE DISTRIBUTION OF PLASTIC STRAWS; PROVIDING PENALTIES FOR ANY SUCH DISTRIBUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Palm Beach (hereinafter referred to as the "Town") finds that single-use plastic straws pose an environmental hazard to the health, safety, and welfare of the residents and visitors of Palm Beach, Florida, as well as negatively impact water quality and surrounding wildlife; and

WHEREAS, while certain plastics can be recycled, the vast majority of single-use plastic straws cannot be recycled due to their lack of resin code and small size, making them a nuisance on the environment; and

WHEREAS, Palm Beach has a vibrant and growing hospitality business community, much of which is located adjacent to and within a half a mile of the Town's beaches and marine waterways, which use or distribute single-use plastic straws that are lightweight and easily blow out of trash bins and recycle containers leaving them to accumulate in storm runoff and waterways, making them a common type of pollutant found in the Town's beaches and marine waterways; and

WHEREAS, single-use plastic straws are non-biodegradable and take hundreds of years to decompose. Even then, the plastic merely breaks down into micro-plastic pieces which marine life ingest, decreasing their life span; and

WHEREAS, the public at large is becoming increasingly aware of the negative environmental consequences from using single-use food service items which are non-biodegradable; and

WHEREAS, non-plastic straws such as those made of paper, plant, vegetable, and other natural products, are readily available and are a more environmentally responsible alternative to plastic straws; and

WHEREAS, the Town Council of the Town of Palm Beach find adoption of this Ordinance is in the best interest and promotes the health, safety, and welfare of the citizens, residents, and businesses of the Town of Palm Beach.

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

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance as if fully restated herein.

Section 2. Chapter 42 of the Town Code of Ordinances is hereby amended to include a new Article IX, Division 2, Prohibition of Single Use Plastic Straws, to read as follows:

“Section 43-366 – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(A) *Definitions.* For the purpose of this Chapter:

(1) “Person” means any person, business, corporation, public nonprofit entity, agency of institution, partnership, or other organization or group, however organized.

- (2) “Natural products” means an item containing nothing artificial or synthetic in its compounds while it remains a whole item and throughout its decomposition process.
- (3) “Single-use” is defined as an item that is intended to be used one time in its same form by the customer, food vendor, or entity.
- (4) “Plastic Straw” means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. Single-use plastic straw includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, or other similar materials. Plastic stirrers are considered straws for purposes of this ordinance.
- (5) “Marine degradable” means products that will biodegrade under the marine environmental conditions of aerobic marine waters or anaerobic marine sediments in less than 120 days. Products predominately made with plastics, either petroleum or biologically based, shall not be considered marine degradable.
- (6) “Distribution” or to “distribute” means the vending, sale, giving, deployment or delivering of a straw for any purpose, other than as defined herein, whether or not incident to the sale, vending, provision of any kind of beverage in a container.
- (7) “Restaurant and beverage establishments” means any establishment within the Town of Palm Beach, Palm Beach, Florida, that sells prepared food or beverages for consumption on, near, or off its premises by customers

including dine-in and take-out public eating places (whether food is served in connection with or separate from other business), bars and night clubs, bakeries, coffee shops, delis, catering halls, hotel-based restaurants, cafes and bars, ice cream shops, and convenience stores with fountain beverage dispensers.

Sec. 43-367. Distribution of Plastic Straws Prohibited

Restaurant and beverage establishments located within the Town are prohibited from distributing plastic straws.

Exemptions

- (1) Single-use plastic straws can be distributed to a customer when based upon a medical or physical condition for which non-plastic straws would be unsuitable.
- (2) Single-use plastic straws can be distributed for use on private property use as a residence, by the School Board of Palm Beach County, by beverage prepared and packaged outside of the Town, provided such beverage is not altered, packaged, or repackaged within the Town, by supermarkets and convenience retailers.

Sec. 43-368. Enforcement, Penalties, Injunctive Relief

The Town may enforce this article by civil citation in accordance with Chapter 2, Article V, Section 2-439. In addition, persons who are not in conformity with these requirements shall be subject to appropriate civil action in the court of appropriate jurisdiction for injunctive relief.

Section 3. Section 2-439 of the Town of Palm Beach Code of Ordinances is hereby amended as set forth below. Except as amended herein, the remainder of 2-439 remains in full force and effect.

Sec. 2-439. – Applicable codes and ordinances.

The following ordinances are enforceable by procedures described in this section.

Section 4. Severability.

Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. Repeal of Ordinances in Conflict.

That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby replaced.

Section 6. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 7. Effective Date.

This ordinance shall become effectively immediately upon adoption; however, to allow time for restaurant and beverage establishments to expend their current stock of plastic straws and transition to natural, marine degradable alternatives, the Town will not commence enforcement of this Ordinance until 8:00 a.m. on July 1, 2020.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of May, 2019, and for second and final reading on this _____ day of _____, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

Lewis S.W. Crampton, Town Council Member

Bobbie Lindsay, Town Council Member

ATTEST:

Kathleen Dominguez, Town Clerk

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

1
2 An act relating to environmental regulation; amending
3 s. 403.706, F.S.; requiring counties and
4 municipalities to address the contamination of
5 recyclable material in specified contracts;
6 prohibiting counties and municipalities from requiring
7 the collection or transport of contaminated recyclable
8 material by residential recycling collectors; defining
9 the term "residential recycling collector"; specifying
10 required contract provisions in residential recycling
11 collector and materials recovery facility contracts
12 with counties and municipalities; amending s. 403.813,
13 F.S.; prohibiting a local government from requiring
14 from the Department of Environmental Protection
15 further verification for certain projects; revising
16 the types of dock and pier replacements and repairs
17 that are exempt from such verification and certain
18 permitting requirements; creating s. 403.7034, F.S.;
19 prohibiting local government entities from adopting or
20 enforcing local ordinances or regulations relating to
21 single-use plastic straws before a specified date;
22 providing for expiration of the moratorium; requiring
23 the Office of Program Policy Analysis and Government
24 Accountability to conduct a study of local ordinances
25 and regulations restricting or prohibiting the use of

Page 1 of 24

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0771-04-er

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

single-use plastic straws; providing for the scope of the study; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the President of the Senate and the Speaker of the House of Representatives by a specified date; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsection (22) of section 403.706, Florida Statutes, is redesignated as subsection (23), and a new subsection (22) is added to that section, to read:

403.706 Local government solid waste responsibilities.—

(22) Counties and municipalities must address the contamination of recyclable material in contracts for the collection, transportation, and processing of residential recyclable material based upon all of the following:

(a) A residential recycling collector is not required to collect or transport contaminated recyclable material, except pursuant to a contract consistent with paragraph (c). As used in this subsection, the term "residential recycling collector" means a for-profit business entity that collects and transports residential recyclable material on behalf of a county or municipality.

(b) A recovered materials processing facility is not

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

51 required to process contaminated recyclable material, except
52 pursuant to a contract consistent with paragraph (d).

53 (c) Each contract between a residential recycling
54 collector and a county or municipality for the collection or
55 transport of residential recyclable material, and each request
56 for proposal or other solicitation for the collection of
57 residential recyclable material, must define the term
58 "contaminated recyclable material." The term should be defined
59 in a manner that is appropriate for the local community, taking
60 into consideration available markets for recyclable material,
61 available waste composition studies, and other relevant factors.
62 The contract and request for proposal or other solicitation must
63 include:

64 1. The respective strategies and obligations of the county
65 or municipality and the residential recycling collector to
66 reduce the amount of contaminated recyclable material being
67 collected;

68 2. The procedures for identifying, documenting, managing,
69 and rejecting residential recycling containers, truck loads,
70 carts, or bins that contain contaminated recyclable material;

71 3. The remedies authorized to be used if a container,
72 cart, or bin contains contaminated recyclable material; and

73 4. The education and enforcement measures that will be
74 used to reduce the amount of contaminated recyclable material.

75 (d) Each contract between a recovered materials processing

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

76 facility and a county or municipality for processing residential
77 recyclable material, and each request for proposal or other
78 solicitation for processing residential recyclable material,
79 must define the term "contaminated recyclable material." The
80 term should be defined in a manner that is appropriate for the
81 local community, taking into consideration available markets for
82 recyclable material, available waste composition studies, and
83 other relevant factors. The contract and request for proposal
84 must include:

85 1. The respective strategies and obligations of the county
86 or municipality and the facility to reduce the amount of
87 contaminated recyclable material being collected and processed;

88 2. The procedures for identifying, documenting, managing,
89 and rejecting residential recycling containers, truck loads,
90 carts, or bins that contain contaminated recyclable material;
91 and

92 3. The remedies authorized to be used if a container or
93 truck load contains contaminated recyclable material.

94 (e) This subsection applies to each contract between a
95 municipality or county and a residential recycling collector or
96 recovered materials processing facility executed or renewed
97 after October 1, 2019.

98 (f) This subsection applies only to the collection and
99 processing of material obtained from residential recycling
100 activities. As used in this subsection, the term "contaminated

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101 recyclable material" refers only to recyclable material that is
102 comingled or mixed with solid waste or other nonhazardous
103 material. The term does not include contamination as that term
104 or a derivation of that term is used in chapter 376 and other
105 sections of chapter 403, including, but not limited to,
106 brownfield site cleanup, water quality remediation, drycleaning-
107 solvent-contaminated site cleanup, petroleum-contaminated site
108 cleanup, cattle dipping vat site cleanup, or other hazardous
109 waste remediation.

110 Section 2. Subsection (1) of section 403.813, Florida
111 Statutes, is amended to read:

112 403.813 Permits issued at district centers; exceptions.—

113 (1) A permit is not required under this chapter, chapter
114 373, chapter 61-691, Laws of Florida, or chapter 25214 or
115 chapter 25270, 1949, Laws of Florida, and a local government may
116 not require a person claiming this exception to provide further
117 department verification, for activities associated with the
118 following types of projects; however, except as otherwise
119 provided in this subsection, this subsection does not relieve an
120 applicant from any requirement to obtain permission to use or
121 occupy lands owned by the Board of Trustees of the Internal
122 Improvement Trust Fund or a water management district in its
123 governmental or proprietary capacity or from complying with
124 applicable local pollution control programs authorized under
125 this chapter or other requirements of county and municipal

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126 governments:

127 (a) The installation of overhead transmission lines,
128 having ~~with~~ support structures that ~~which~~ are not constructed in
129 waters of the state and which do not create a navigational
130 hazard.

131 (b) The installation and repair of mooring pilings and
132 dolphins associated with private docking facilities or piers and
133 the installation of private docks, piers, and recreational
134 docking facilities, or piers and recreational docking facilities
135 of local governmental entities when the local governmental
136 entity's activities will not take place in any manatee habitat,
137 any of which docks:

138 1. Has 500 square feet or less of over-water surface area
139 for a dock ~~which is~~ located in an area designated as Outstanding
140 Florida Waters or 1,000 square feet or less of over-water
141 surface area for a dock ~~which is~~ located in an area that ~~which~~
142 is not designated as Outstanding Florida Waters;

143 2. Is constructed on or held in place by pilings or is a
144 floating dock ~~which is~~ constructed so as not to involve filling
145 or dredging other than that necessary to install the pilings;

146 3. May ~~shall~~ not substantially impede the flow of water or
147 create a navigational hazard;

148 4. Is used for recreational, noncommercial activities
149 associated with the mooring or storage of boats and boat
150 paraphernalia; and

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151 5. Is the sole dock constructed pursuant to this exemption
152 as measured along the shoreline for a distance of 65 feet,
153 unless the parcel of land or individual lot as platted is less
154 than 65 feet in length along the shoreline, in which case there
155 may be one exempt dock allowed per parcel or lot.

156
157 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department
158 from taking appropriate enforcement action pursuant to this
159 chapter to abate or prohibit any activity otherwise exempt from
160 permitting pursuant to this paragraph if the department can
161 demonstrate that the exempted activity has caused water
162 pollution in violation of this chapter.

163 (c) The installation and maintenance to design
164 specifications of boat ramps on artificial bodies of water where
165 navigational access to the proposed ramp exists or the
166 installation of boat ramps open to the public in any waters of
167 the state where navigational access to the proposed ramp exists
168 and where the construction of the proposed ramp will be less
169 than 30 feet wide and will involve the removal of less than 25
170 cubic yards of material from the waters of the state, and the
171 maintenance to design specifications of such ramps; however, the
172 material to be removed shall be placed upon a self-contained
173 upland site so as to prevent the escape of the spoil material
174 into the waters of the state.

175 (d) The replacement or repair of existing docks and piers,

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except that fill material may not be used and the replacement or repaired dock or pier must be within 5 feet of the same location and no larger in size than the existing dock or pier, and no additional aquatic resources may be adversely and permanently impacted by such replacement or repair ~~in the same location and of the same configuration and dimensions as the dock or pier being replaced or repaired.~~ This does not preclude the use of different construction materials or minor deviations to allow upgrades to current structural and design standards.

(e) The restoration of seawalls at their previous locations or upland of, or within 18 inches waterward of, their previous locations. However, this may ~~shall~~ not affect the permitting requirements of chapter 161, and department rules shall clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.

(f) The performance of maintenance dredging of existing manmade canals, channels, intake and discharge structures, and previously dredged portions of natural water bodies within drainage rights-of-way or drainage easements which have been recorded in the public records of the county, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state, provided that no more dredging is to be performed than is necessary to restore the canals, channels, and intake and discharge structures, and

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201 previously dredged portions of natural water bodies, to original
202 design specifications or configurations, provided that the work
203 is conducted in compliance with s. 379.2431(2)(d), provided that
204 no significant impacts occur to previously undisturbed natural
205 areas, and provided that control devices for return flow and
206 best management practices for erosion and sediment control are
207 utilized to prevent bank erosion and scouring and to prevent
208 turbidity, dredged material, and toxic or deleterious substances
209 from discharging into adjacent waters during maintenance
210 dredging. Further, for maintenance dredging of previously
211 dredged portions of natural water bodies within recorded
212 drainage rights-of-way or drainage easements, an entity that
213 seeks an exemption must notify the department or water
214 management district, as applicable, at least 30 days before
215 ~~prior to~~ dredging and provide documentation of original design
216 specifications or configurations where such exist. This
217 exemption applies to all canals and previously dredged portions
218 of natural water bodies within recorded drainage rights-of-way
219 or drainage easements constructed before ~~prior to~~ April 3, 1970,
220 and to those canals and previously dredged portions of natural
221 water bodies constructed on or after April 3, 1970, pursuant to
222 all necessary state permits. This exemption does not apply to
223 the removal of a natural or manmade barrier separating a canal
224 or canal system from adjacent waters. When no previous permit
225 has been issued by the Board of Trustees of the Internal

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226 Improvement Trust Fund or the United States Army Corps of
227 Engineers for construction or maintenance dredging of the
228 existing manmade canal or intake or discharge structure, such
229 maintenance dredging shall be limited to a depth of no more than
230 5 feet below mean low water. The Board of Trustees of the
231 Internal Improvement Trust Fund may fix and recover from the
232 permittee an amount equal to the difference between the fair
233 market value and the actual cost of the maintenance dredging for
234 material removed during such maintenance dredging. However, no
235 charge shall be exacted by the state for material removed during
236 such maintenance dredging by a public port authority. The
237 removing party may subsequently sell such material; however,
238 proceeds from such sale that exceed the costs of maintenance
239 dredging shall be remitted to the state and deposited in the
240 Internal Improvement Trust Fund.

241 (g) The maintenance of existing insect control structures,
242 dikes, and irrigation and drainage ditches, provided that spoil
243 material is deposited on a self-contained, upland spoil site
244 which will prevent the escape of the spoil material into waters
245 of the state. In the case of insect control structures, if the
246 cost of using a self-contained upland spoil site is so
247 excessive, as determined by the Department of Health, pursuant
248 to s. 403.088(1), that it will inhibit proposed insect control,
249 then-existing spoil sites or dikes may be used, upon
250 notification to the department. In the case of insect control

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251 where upland spoil sites are not used pursuant to this
252 exemption, turbidity control devices shall be used to confine
253 the spoil material discharge to that area previously disturbed
254 when the receiving body of water is used as a potable water
255 supply, is designated as shellfish harvesting waters, or
256 functions as a habitat for commercially or recreationally
257 important shellfish or finfish. In all cases, no more dredging
258 is to be performed than is necessary to restore the dike or
259 irrigation or drainage ditch to its original design
260 specifications.

261 (h) The repair or replacement of existing functional pipes
262 or culverts the purpose of which is the discharge or conveyance
263 of stormwater. In all cases, the invert elevation, the diameter,
264 and the length of the culvert may ~~shall~~ not be changed. However,
265 the material used for the culvert may be different from the
266 original.

267 (i) The construction of private docks of 1,000 square feet
268 or less of over-water surface area and seawalls in artificially
269 created waterways where such construction will not violate
270 existing water quality standards, impede navigation, or affect
271 flood control. This exemption does not apply to the construction
272 of vertical seawalls in estuaries or lagoons unless the proposed
273 construction is within an existing manmade canal where the
274 shoreline is currently occupied in whole or part by vertical
275 seawalls.

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(j) The construction and maintenance of swales.

(k) The installation of aids to navigation and buoys associated with such aids, provided the devices are marked pursuant to s. 327.40.

(l) The replacement or repair of existing open-trestle foot bridges and vehicular bridges that are 100 feet or less in length and two lanes or less in width, provided that no more dredging or filling of submerged lands is performed other than that which is necessary to replace or repair pilings and that the structure to be replaced or repaired is the same length, the same configuration, and in the same location as the original bridge. No debris from the original bridge shall be allowed to remain in the waters of the state.

(m) The installation of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of waters in the state, except in Class I and Class II waters and aquatic preserves, provided no dredging or filling is necessary.

(n) The replacement or repair of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of waters of the state.

(o) The construction of private seawalls in wetlands or other surface waters where such construction is between and adjoins at both ends existing seawalls; follows a continuous and uniform seawall construction line with the existing seawalls; is no more than 150 feet in length; and does not violate existing

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301 water quality standards, impede navigation, or affect flood
302 control. However, in estuaries and lagoons the construction of
303 vertical seawalls is limited to the circumstances and purposes
304 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
305 the permitting requirements of chapter 161, and department rules
306 must clearly indicate that this exception does not constitute an
307 exception from the permitting requirements of chapter 161.

308 (p) The restoration of existing insect control impoundment
309 dikes which are less than 100 feet in length. Such impoundments
310 shall be connected to tidally influenced waters for 6 months
311 each year beginning September 1 and ending February 28 if
312 feasible or operated in accordance with an impoundment
313 management plan approved by the department. A dike restoration
314 may involve no more dredging than is necessary to restore the
315 dike to its original design specifications. For the purposes of
316 this paragraph, restoration does not include maintenance of
317 impoundment dikes of operating insect control impoundments.

318 (q) The construction, operation, or maintenance of
319 stormwater management facilities which are designed to serve
320 single-family residential projects, including duplexes,
321 triplexes, and quadruplexes, if they are less than 10 acres
322 total land and have less than 2 acres of impervious surface and
323 if the facilities:

324 1. Comply with all regulations or ordinances applicable to
325 stormwater management and adopted by a city or county;

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326 2. Are not part of a larger common plan of development or
327 sale; and

328 3. Discharge into a stormwater discharge facility exempted
329 or permitted by the department under this chapter which has
330 sufficient capacity and treatment capability as specified in
331 this chapter and is owned, maintained, or operated by a city,
332 county, special district with drainage responsibility, or water
333 management district; however, this exemption does not authorize
334 discharge to a facility without the facility owner's prior
335 written consent.

336 (r) The removal of aquatic plants, the removal of
337 tussocks, the associated replanting of indigenous aquatic
338 plants, and the associated removal from lakes of organic
339 detrital material when such planting or removal is performed and
340 authorized by permit or exemption granted under s. 369.20 or s.
341 369.25, provided that:

342 1. Organic detrital material that exists on the surface of
343 natural mineral substrate shall be allowed to be removed to a
344 depth of 3 feet or to the natural mineral substrate, whichever
345 is less;

346 2. All material removed pursuant to this paragraph shall
347 be deposited in an upland site in a manner that will prevent the
348 reintroduction of the material into waters in the state except
349 when spoil material is permitted to be used to create wildlife
350 islands in freshwater bodies of the state when a governmental

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entity is permitted pursuant to s. 369.20 to create such islands as a part of a restoration or enhancement project;

3. All activities are performed in a manner consistent with state water quality standards; and

4. No activities under this exemption are conducted in wetland areas, as defined in s. 373.019(27), which are supported by a natural soil as shown in applicable United States Department of Agriculture county soil surveys, except when a governmental entity is permitted pursuant to s. 369.20 to conduct such activities as a part of a restoration or enhancement project.

The department may not adopt implementing rules for this paragraph, notwithstanding any other provision of law.

(s) The construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts, provided that such structures:

1. Float at all times in the water for the sole purpose of supporting a vessel so that the vessel is out of the water when not in use;

2. Are wholly contained within a boat slip previously permitted under ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or part IV of chapter 373, or do not exceed a combined total of 500 square feet, or 200 square feet in an Outstanding Florida Water, when associated with a

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376 dock that is exempt under this subsection or associated with a
377 permitted dock with no defined boat slip or attached to a
378 bulkhead on a parcel of land where there is no other docking
379 structure;

380 3. Are not used for any commercial purpose or for mooring
381 vessels that remain in the water when not in use, and do not
382 substantially impede the flow of water, create a navigational
383 hazard, or unreasonably infringe upon the riparian rights of
384 adjacent property owners, as defined in s. 253.141;

385 4. Are constructed and used so as to minimize adverse
386 impacts to submerged lands, wetlands, shellfish areas, aquatic
387 plant and animal species, and other biological communities,
388 including locating such structures in areas where seagrasses are
389 least dense adjacent to the dock or bulkhead; and

390 5. Are not constructed in areas specifically prohibited
391 for boat mooring under conditions of a permit issued in
392 accordance with ss. 403.91-403.929, 1984 Supplement to the
393 Florida Statutes 1983, as amended, or part IV of chapter 373, or
394 other form of authorization issued by a local government.

395
396 Structures that qualify for this exemption are relieved from any
397 requirement to obtain permission to use or occupy lands owned by
398 the Board of Trustees of the Internal Improvement Trust Fund
399 and, with the exception of those structures attached to a
400 bulkhead on a parcel of land where there is no docking

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401 structure, may ~~shall~~ not be subject to any more stringent
402 permitting requirements, registration requirements, or other
403 regulation by any local government. Local governments may
404 require either permitting or one-time registration of floating
405 vessel platforms to be attached to a bulkhead on a parcel of
406 land where there is no other docking structure as necessary to
407 ensure compliance with local ordinances, codes, or regulations.
408 Local governments may require either permitting or one-time
409 registration of all other floating vessel platforms as necessary
410 to ensure compliance with the exemption criteria in this
411 section; to ensure compliance with local ordinances, codes, or
412 regulations relating to building or zoning, which are no more
413 stringent than the exemption criteria in this section or address
414 subjects other than subjects addressed by the exemption criteria
415 in this section; and to ensure proper installation, maintenance,
416 and precautionary or evacuation action following a tropical
417 storm or hurricane watch of a floating vessel platform or
418 floating boat lift that is proposed to be attached to a bulkhead
419 or parcel of land where there is no other docking structure. The
420 exemption provided in this paragraph shall be in addition to the
421 exemption provided in paragraph (b). The department shall adopt
422 a general permit by rule for the construction, installation,
423 operation, or maintenance of those floating vessel platforms or
424 floating boat lifts that do not qualify for the exemption
425 provided in this paragraph but do not cause significant adverse

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426 impacts to occur individually or cumulatively. The issuance of
427 such general permit shall also constitute permission to use or
428 occupy lands owned by the Board of Trustees of the Internal
429 Improvement Trust Fund. No local government shall impose a more
430 stringent regulation, permitting requirement, registration
431 requirement, or other regulation covered by such general permit.
432 Local governments may require either permitting or one-time
433 registration of floating vessel platforms as necessary to ensure
434 compliance with the general permit in this section; to ensure
435 compliance with local ordinances, codes, or regulations relating
436 to building or zoning that are no more stringent than the
437 general permit in this section; and to ensure proper
438 installation and maintenance of a floating vessel platform or
439 floating boat lift that is proposed to be attached to a bulkhead
440 or parcel of land where there is no other docking structure.

441 (t) The repair, stabilization, or paving of existing
442 county maintained roads and the repair or replacement of bridges
443 that are part of the roadway, within the Northwest Florida Water
444 Management District and the Suwannee River Water Management
445 District, provided:

446 1. The road and associated bridge were in existence and in
447 use as a public road or bridge, and were maintained by the
448 county as a public road or bridge on or before January 1, 2002;

449 2. The construction activity does not realign the road or
450 expand the number of existing traffic lanes of the existing

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road; however, the work may include the provision of safety shoulders, clearance of vegetation, and other work reasonably necessary to repair, stabilize, pave, or repave the road, provided that the work is constructed by generally accepted engineering standards;

3. The construction activity does not expand the existing width of an existing vehicular bridge in excess of that reasonably necessary to properly connect the bridge with the road being repaired, stabilized, paved, or repaved to safely accommodate the traffic expected on the road, which may include expanding the width of the bridge to match the existing connected road. However, no debris from the original bridge shall be allowed to remain in waters of the state, including wetlands;

4. Best management practices for erosion control shall be employed as necessary to prevent water quality violations;

5. Roadside swales or other effective means of stormwater treatment must be incorporated as part of the project;

6. No more dredging or filling of wetlands or water of the state is performed than that which is reasonably necessary to repair, stabilize, pave, or repave the road or to repair or replace the bridge, in accordance with generally accepted engineering standards; and

7. Notice of intent to use the exemption is provided to the department, if the work is to be performed within the

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476 Northwest Florida Water Management District, or to the Suwannee
477 River Water Management District, if the work is to be performed
478 within the Suwannee River Water Management District, 30 days
479 before ~~prior to~~ performing any work under the exemption.

480
481 Within 30 days after this act becomes a law, the department
482 shall initiate rulemaking to adopt a no fee general permit for
483 the repair, stabilization, or paving of existing roads that are
484 maintained by the county and the repair or replacement of
485 bridges that are part of the roadway where such activities do
486 not cause significant adverse impacts to occur individually or
487 cumulatively. The general permit shall apply statewide and, with
488 no additional rulemaking required, apply to qualified projects
489 reviewed by the Suwannee River Water Management District, the
490 St. Johns River Water Management District, the Southwest Florida
491 Water Management District, and the South Florida Water
492 Management District under the division of responsibilities
493 contained in the operating agreements applicable to part IV of
494 chapter 373. Upon adoption, this general permit shall, pursuant
495 to ~~the provisions of~~ subsection (2), supersede and replace the
496 exemption in this paragraph.

497 (u) Notwithstanding any provision to the contrary in this
498 subsection, a permit or other authorization under chapter 253,
499 chapter 369, chapter 373, or this chapter is not required for an
500 individual residential property owner for the removal of organic

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detrital material from freshwater rivers or lakes that have a natural sand or rocky substrate and that are not Aquatic Preserves or for the associated removal and replanting of aquatic vegetation for the purpose of environmental enhancement, providing that:

1. No activities under this exemption are conducted in wetland areas, as defined in s. 373.019(27), which are supported by a natural soil as shown in applicable United States Department of Agriculture county soil surveys.

2. No filling or peat mining is allowed.

3. No removal of native wetland trees, including, but not limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

4. When removing organic detrital material, no portion of the underlying natural mineral substrate or rocky substrate is removed.

5. Organic detrital material and plant material removed is deposited in an upland site in a manner that will not cause water quality violations.

6. All activities are conducted in such a manner, and with appropriate turbidity controls, so as to prevent any water quality violations outside the immediate work area.

7. Replanting with a variety of aquatic plants native to the state shall occur in a minimum of 25 percent of the preexisting vegetated areas where organic detrital material is removed, except for areas where the material is removed to bare

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526 rocky substrate; however, an area may be maintained clear of
527 vegetation as an access corridor. The access corridor width may
528 not exceed 50 percent of the property owner's frontage or 50
529 feet, whichever is less, and may be a sufficient length
530 waterward to create a corridor to allow access for a boat or
531 swimmer to reach open water. Replanting must be at a minimum
532 density of 2 feet on center and be completed within 90 days
533 after removal of existing aquatic vegetation, except that under
534 dewatered conditions replanting must be completed within 90 days
535 after reflooding. The area to be replanted must extend waterward
536 from the ordinary high water line to a point where normal water
537 depth would be 3 feet or the preexisting vegetation line,
538 whichever is less. Individuals are required to make a reasonable
539 effort to maintain planting density for a period of 6 months
540 after replanting is complete, and the plants, including
541 naturally recruited native aquatic plants, must be allowed to
542 expand and fill in the revegetation area. Native aquatic plants
543 to be used for revegetation must be salvaged from the
544 enhancement project site or obtained from an aquatic plant
545 nursery regulated by the Department of Agriculture and Consumer
546 Services. Plants that are not native to the state may not be
547 used for replanting.

548 8. No activity occurs any farther than 100 feet waterward
549 of the ordinary high water line, and all activities must be
550 designed and conducted in a manner that will not unreasonably

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restrict or infringe upon the riparian rights of adjacent upland riparian owners.

9. The person seeking this exemption notifies the applicable department district office in writing at least 30 days before commencing work and allows the department to conduct a preconstruction site inspection. Notice must include an organic-detrital-material removal and disposal plan and, if applicable, a vegetation-removal and revegetation plan.

10. The department is provided written certification of compliance with the terms and conditions of this paragraph within 30 days after completion of any activity occurring under this exemption.

(v) Notwithstanding any other provision in this chapter, chapter 373, or chapter 161, a permit or other authorization is not required for the following exploratory activities associated with beach restoration and nourishment projects and inlet management activities:

1. The collection of geotechnical, geophysical, and cultural resource data, including surveys, mapping, acoustic soundings, benthic and other biologic sampling, and coring.

2. Oceanographic instrument deployment, including temporary installation on the seabed of coastal and oceanographic data collection equipment.

3. Incidental excavation associated with any of the activities listed under subparagraph 1. or subparagraph 2.

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576 Section 3. Section 403.7034, Florida Statutes, is created
577 to read:

578 403.7034 Local regulation of single-use plastic straws;
579 moratorium.—

580 (1) Before July 1, 2024, a county, a municipality, or
581 another entity of local government may not adopt or enforce an
582 ordinance or other local regulation relating to single-use
583 plastic straws. The moratorium on local regulation and
584 enforcement under this section expires July 1, 2024.

585 (2) The Office of Program Policy Analysis and Government
586 Accountability shall conduct a study of each ordinance or
587 regulation adopted by the governing body of a county,
588 municipality, or special district in Florida to restrict or
589 prohibit the use of single-use plastic straws. The study's scope
590 must include, but is not limited to, gathering information
591 pertaining to the data and conclusions on which the county,
592 municipality, or special district used in adopting such
593 ordinance or regulation. The Office of Program Policy Analysis
594 and Government Accountability shall submit a report of its
595 findings to the President of the Senate and the Speaker of the
596 House of Representatives no later than December 1, 2019.

597 Section 4. This act shall take effect July 1, 2019.

TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 24-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, To Include A New Article IX, Titled Prohibition Of Polystyrene Containers And Single Use Carry Out Plastic Bags; Prohibiting The Use Of Expanded Polystyrene Containers And Single Use Carry Out Plastic Bags Within The Corporate Limits Of The Town; Providing For Penalties And Amending Section 2-439 Of The Town Code Relating To Citation Fine Schedule; Providing For Codification; Providing An Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated May 5, 2019, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Ordinance No. 24-2019**
- ▣ **Resolution No. 03-2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Consideration of an Ordinance to Prohibit Expanded Polystyrene Containers and Single-Use Carry Out Plastic Bags
Ordinance No. 24-2019

Date: May 4, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council consider approval of the first reading of Ordinance No. 24-2019, prohibiting expanded polystyrene containers and single-use carry out plastic bags, as previously recommended by the Ordinances, Standards and Rules Committee.

GENERAL INFORMATION

Resolution No. 03-2017 (attached) was approved at the January 10, 2017, Town Council meeting, strongly encouraging the Florida State Legislature to repeal section 403.7033 of the Florida Statutes so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags and expanded polystyrene containers. A copy of the resolution was subsequently forwarded to the State but no action has been taken by the Legislature.

It is important to note that Section 403.7033 required the Florida Department of Environmental Protection (DEP) to perform an analysis and submit a report to the Legislature by February 1, 2010, regarding the necessity and efficacy of both statewide and local regulation of bags used by consumers to carry products from retail establishments. The statute also provides that until such time that the Legislature adopts the recommendations of DEP, no local or state government may enact any regulation or tax on the use of such retail bags. Although the recommendations of DEP have not been officially adopted, the DEP analysis determined a need for new or different regulations of bags used by customers to carry products from retail establishments, recommends the implementation of new standards requiring the prohibition of plastic carryout bags and encourages the use of reusable bags to the benefit of the State's environment.

TOWN ATTORNEY REVIEW

Ordinance No. 24-2019 was prepared by and approved by the Town Attorney for legal form and sufficiency.

Attachments

ORDINANCE NO. 24-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 42, ENVIRONMENT, TO INCLUDE A NEW ARTICLE IX, TITLED PROHIBITION OF POLYSTYRENE CONTAINERS AND SINGLE USE CARRY OUT PLASTIC BAGS; PROHIBITING THE USE OF EXPANDED POLYSTYRENE CONTAINERS AND SINGLE USE CARRY OUT PLASTIC BAGS WITHIN THE CORPORATE LIMITS OF THE TOWN; PROVIDING FOR PENALTIES AND AMENDING SECTION 2-439 OF THE TOWN CODE RELATING TO CITATION FINE SCHEDULE; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Palm Beach declares that it is in the best interest of the public health, safety and welfare of its residents and visitors to reduce litter and pollutants on the land and in the waters in and surrounding the Town; and

WHEREAS, expanded polystyrene is a petroleum based plastic most commonly incorrectly referred to by the name of "Styrofoam" which is actually the proprietary trade name of a polystyrene foam product; and

WHEREAS, expanded polystyrene containers and single-use carry out plastic bags are detrimental to the environment because they do not fully degrade, they overburden landfills, introduce unsafe chemicals into the environment, become litter and create hazards for land and aquatic animals due to ingestion, and create impediments to waste reduction and recycling goals, while creating unsightly litter; and

WHEREAS, use and distribution of expanded polystyrene containers and single-use carry out plastic bags by retailers to consumers for use in carrying purchased goods has a detrimental effect on the public health, safety and welfare of the Town, County and State; and

WHEREAS, expanded polystyrene and plastic bags constitute a portion of the litter in the Town's streets, parks, public places and waterways; and

WHEREAS, the Town considers itself an environmental leader among local governments in the State of Florida, the goal of the Town being to replace expanded polystyrene and single-use carry out plastic bags with reusable, recyclable, or compostable alternatives whenever possible; and

WHEREAS, this Ordinance provides for a one (1) year implementation period allowing for an extensive education campaign and for retail establishments to expend their current stock of single-use carry out plastic bags and transition to reusable, recyclable, or compostable alternatives; and

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation of our environment and the public health, safety and welfare of Town residents and visitors and future generations.

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

Section 1. Chapter 42 of the Town Code of Ordinances is hereby amended to include a new Article IX titled Expanded Polystyrene Containers and Single-Use Carry Out Plastic Bags, to read as follows:

“Section 43-363 – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food service provider means a person or entity that provides food directly to the consumer, regardless of whether such food is provided free of charge or sold, or whether consumption occurs on or off premises, or whether the food is provided from a building, pushcart, stand or vehicle. Food service providers include, but are not limited to, restaurants, cafes, sidewalk cafes, delicatessens, coffee shops, grocery stores, markets, supermarkets, drug stores, pharmacies, bakeries, caterers, gas stations, vending or food trucks or carts and cafeterias.

Retail establishment means any person or entity engaged in the retail sale of goods. Retail establishment includes any supermarket, grocery store, convenience store, shop, service station, restaurant, farmers' market vendor, and any other sales outlet where a customer can directly purchase goods, materials and products.

Expanded polystyrene containers means plates, bowls, cups, containers, lids, trays, coolers, ice chests, food containers and all similar articles that consist of blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding and extrusion-blown molding (extruded foam polystyrene).

Single-use carry out plastic bag means a bag provided to a customer, typically at the point of sale or distribution, for the purpose of transporting items, which is made predominantly of plastic derived from petroleum or a biologically-based source.

Special event permittee means any entity or person, and their subcontractors, agents or affiliates, who has been issued a special event permit by the Town for a special event on Town property, in a Town facility or in the Town's right-of-way, for the promotion or sale of their products and/or business.

Sec. 43-364. Prohibition on use of expanded polystyrene and single-use carry out plastic bags.

(a) Food service providers and retail establishments shall not sell, use, offer for sale or use, or provide food or beverage in expanded polystyrene containers. Food service providers and retail establishments shall not sell, use, offer for sale or use, or provide to any person a single-use carry out plastic bag.

(1) Exceptions: Although the discontinuation of the use of expanded polystyrene containers and single-use carry out plastic bags is strongly encouraged, this article shall not apply to:

- a. Expanded polystyrene containers used for prepackaged food that have been filled and sealed prior to receipt by the food service provider or retail establishment;
- b. Expanded polystyrene containers used to store raw meat or seafood sold from a butcher case or similar refrigerated display or storage case;
- c. Compostable bags that (i) conform to the current ASTM D6400; (ii) are certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (iii) are capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials;
- d. Reusable bags, meaning bags with handles that are specifically designed and manufactured for multiple reuse and made of durable material specifically designed for and provided to consumers with the intention of multiple, long-term use; or

e. Any bags without handles provided to a customer (i) to protect food or merchandise from being damaged or contaminated by other food or merchandise, when items are placed together in a reusable bag or recyclable bag, including produce bags; (ii) to hold prescription medications dispensed from a pharmacy or veterinary office; (iii) that is designed to be placed over articles of clothing on a hanger, including dry cleaning bags.

(b) Special event permittees, or any vendor operating under that permittee, shall not sell, use, provide food or drink in, or offer the use of, expanded polystyrene containers or single-use carry out plastic bags in city facilities. Upon warning, the special event permittee or any vendor operating under that permittee must stop use of the expanded polystyrene containers or single-use carry out plastic bags, as applicable.

Sec. 43-365. – Enforcement; penalties; injunctive relief.

The Town may enforce this article by civil citation in accordance with Chapter 2, Article V, Section 2-439. In addition, persons who are not in conformity with these requirements shall be subject to appropriate civil action in the court of appropriate jurisdiction for injunctive relief.

Section 2. Section 2-439 of the Town of Palm Beach Code of Ordinances is hereby amended as set forth below. Except as amended herein, the remainder of 2-439 remains in full force and effect.

Sec. 2-439. – Applicable codes and ordinances.

The following ordinances are enforceable by procedures described in this section.

Sec. 43-364	Expanded polystyrene containers and single-use carry out plastic bags	II
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Section 3. It is the intention of the Town Council that the provisions of Sections 1 and 2 of this Ordinance shall become and be made part of the Code of Ordinances of the Town of Palm Beach, Palm Beach, Florida, and that sections and paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.

Section 4. 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 5. 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 6. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 7. Effective Date.

This ordinance shall become effectively immediately upon adoption; however, to allow time for food service providers and retail establishments to expend their current stock of expanded polystyrene containers and single-use carry out plastic bags and transition to reusable, recyclable, or compostable alternatives, the Town will not commence enforcement of this Ordinance until 8:00 a.m. on July 1, 2020.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of May, 2019, and for second and final reading on this _____ day of _____, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

Lewis S.W. Crampton, Town Council Member

Bobbie Lindsay, Town Council Member

ATTEST:

Kathleen Dominguez, Town Clerk

RESOLUTION NO. 03-2017

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, STRONGLY ENCOURAGING THE STATE LEGISLATURE TO REPEAL SECTION 403.7033, FLORIDA STATUTES, SO THAT LOCAL GOVERNMENTS ARE NO LONGER PREEMPTED FROM ENACTING APPROPRIATE LEGISLATION RELATING TO THE REGULATION OF PLASTIC BAGS.

WHEREAS, the Town Council of the Town of Palm Beach is diligent in its efforts to preserve the beautiful environment that supports the tourism industry which is so vital to the economy of the Town of Palm Beach and the State of Florida; and

WHEREAS, plastic bags are detrimental because they do not fully degrade in our oceans or land environment and they introduce unsafe chemicals into our environment; and

WHEREAS, plastic bags create the potential for death of (land) and marine animals through entanglement and ingestion; and

WHEREAS, the expansive usage of single-use shopping bags and their typical disposal rates creates an impediment to the Town's waste reduction and recycling goals while creating unsightly litter; and

WHEREAS, single-use plastic bags are difficult to recycle and frequently contaminate material that is processed through the Town's curbside recycling and composting programs; and

WHEREAS, reusable bags are considered to be the best option to reduce waste and litter, protect wildlife and conserve resources; and

WHEREAS, Council acknowledges that some businesses have taken affirmative steps to accomplish this goal and recognizes their proactive efforts; and

WHEREAS, it is in the public interest for the Council to encourage and enable the location of a viable reusable bag manufacturing operation in the State of Florida; and

WHEREAS, it is in the public interest for the Florida Legislature to provide statewide deregulation of the proliferation of single-use shopping bags; and

WHEREAS, the Florida Legislature under "The Energy, Climate Change, and Economic Security Act of 2008", enacted House Bill 7135, creating Section 403.7033, Florida Statutes; and

WHEREAS, Section 403.7033 requires the Florida Department of Environmental Protection (DEP) to perform an analysis and submit a report to the Legislature by February 1, 2010 regarding the necessity and efficacy of both statewide and local regulation of bags used by consumers to carry products from retail establishments; and

WHEREAS, the statute also provides that until such time that the Legislature adopts the recommendations of DEP, no local or state government may enact any regulation or tax on the use of such retail bags; and

WHEREAS, the DEP analysis determined a need for new or different regulations of bags used by customers to carry products from retail establishments and recommends the implementation of new standards requiring the prohibition of plastic carryout bags encourages the use of reusable bags to the benefit of the State's environment; and

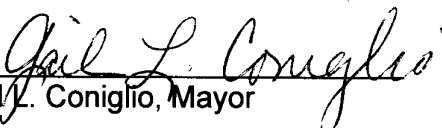
WHEREAS, the Town Council supports the efforts to repeal Section 403.7033, Florida Statutes, so that local government can enact appropriate legislation relating to the regulation of plastic bags.

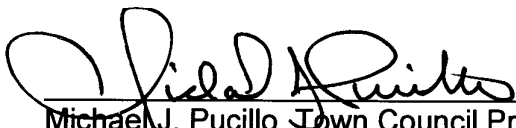
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA:

Section 1. The Mayor and Town Council support efforts to repeal Section 403.7033, Florida Statutes, so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags.

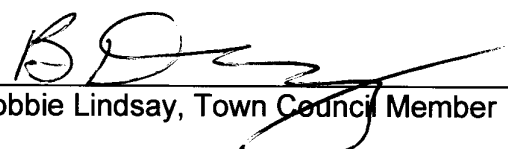
Section 2. This Resolution shall become effective immediately upon passage.

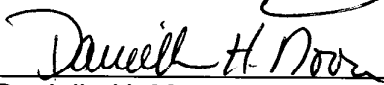
PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of January, 2017.

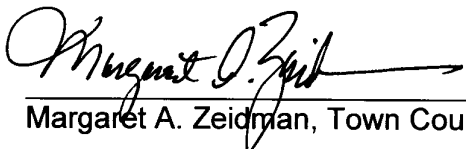

Gail L. Coniglio, Mayor


Michael J. Pucillo, Town Council President


Richard M. Kleid, Council President Pro Tem


Bobbie Lindsay, Town Council Member


Danielle H. Moore, Town Council Member


Margaret A. Zeidman, Town Council Member




Susan A. Owens, MMC, Town Clerk

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TOWN OF PALM BEACH

Town Council Meeting on: May 14, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 25-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Article VII, Section 106-257, Subsection (1) Of The Town Code Of Ordinances Titled Regulations Relating To Special Events; Providing For A Prohibition On The Use Of Phipps Plaza Park For A Special Event Due To The Close Residential Proximity Of This Public Space; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated May 4, 2019, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Ordinance No. 25-2019**
- ▣ **Ordinance 12-2018**
- ▣ **Resolution No. 102-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Amendment of Article VII, Section 106 of the Town Code, Relative to Special Event
Permits on Public Property
Ordinance No. 25-2019

Date: May 4, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council consider approval of the first reading of Ordinance No. 25-2019, amending Article VII, Section 106 of the Town Code that regulates the issuance of special event permits on public property, as recommended by the Ordinances, Standards and Rules Committee.

GENERAL INFORMATION

During the summer of 2018, Section 106 of the Town Code was modified via Ordinance 12-2018, providing better clarity on certain regulations, expanding the time frame for events and the application process, as well as rules to better protect public spaces and to charge deposits and fees. A companion resolution (Resolution No. 102-2018) was also approved to adopt fees for the use of public spaces. Both documents are attached.

This matter was further addressed at the April 4, 2019, ORS meeting to consider if the Code should be modified again to prohibit or limit the use of Phipps Plaza Park for organized special events, which would require a special events permit. After a review of this particular park in proximity of nearby residential properties, along with a review of other neighborhood parks and open spaces and a discussion about limitations elsewhere, ORS ultimately recommended that special event permits should not be issued for use of Phipps Plaza Park. Ordinance No. 25-2019 includes language that would create this restriction.

TOWN ATTORNEY REVIEW

Ordinance No. 25-2019 was prepared by and approved by the Town Attorney for legal form and sufficiency.

Attachments

ORDINANCE NO. 25-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 106, ARTICLE VII, SECTION 106-257, SUBSECTION (1) OF THE TOWN CODE OF ORDINANCES TITLED REGULATIONS RELATING TO SPECIAL EVENTS; PROVIDING FOR A PROHIBITION ON THE USE OF PHIPPS PLAZA PARK FOR A SPECIAL EVENT DUE TO THE CLOSE RESIDENTIAL PROXIMITY OF THIS PUBLIC SPACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY FLORIDA AS FOLLOWS:

Section 1. Chapter 106, Article VII, Section 106-257, Subsection (1) of the Town Code of Ordinances is hereby amended to read as follows:

Sec. 106-257. - Regulations relating to special event.

The following regulations shall apply to all special events held within the town:

(1) There shall be held at the location requested no more than one special event on any given day, without priority for any particular date, to be granted to the first person to submit a completed application designating that day. The town reserves the right to limit use of public spaces at any time to prevent overuse and/or adverse impacts to adjacent neighborhoods. The issuance of special event permits for the use of Phipps Plaza Park is prohibited due to the close residential proximity of this public space.

Section 2. Severability.

Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid,

such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 3. Repeal of Ordinances In Conflict.

All other ordinances of the Town, or parts thereof, in conflict with 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 become effectively immediately upon adoption after second reading 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 _____ day of _____, 2019, and for second and final reading on this _____ day of _____, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

Lewis S.W. Crampton, Town Council Member

Bobbie Lindsay, Town Council Member

ATTEST:

Kathleen Dominguez, Town Clerk
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Ordinance No. _____

Page 2 of 2

ORDINANCE NO. 12-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE VII, SPECIAL EVENTS ON PUBLIC PROPERTY, DIVISION 1, GENERALLY, BY AMENDING SECTIONS 106-257(1) AND 106-257(2) RELATING TO REGULATIONS RELATING TO SPECIAL EVENT; AMENDING SECTION 106-281 RELATING TO REQUIRED; AMENDING SECTIONS 106-282(B), 106-282(C)(10), AND 106-282(C)(14) RELATING TO APPLICATION; AMENDING SECTIONS 106-283(6) AND 106-283(10) RELATING TO STANDARDS FOR ISSUANCE; AMENDING SECTION 106-284 RELATING TO NOTICE OF APPROVAL OR DENIAL; AMENDING SECTION 106-285 RELATING TO APPEAL PROCEDURE; 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 106, Streets, Sidewalks and Other Public Places; Article VII, Special Events on Public Property, Division 1, Generally, by amending Section 106-257(1) and Section 106-257(2) to read as follows:

"Sec. 106-257. - Regulations relating to special event.

The following regulations shall apply to all special events held within the town:

- (1) There shall be held at the location requested no more than one special event on any given day, without priority for any particular date, to be granted to the first person to submit a completed application designating that day. The Town reserves the right to limit use of public spaces at any time to prevent overuse and/or adverse impacts to adjacent neighborhoods.
- (2) The maximum total duration of each special event and the assembly thereof shall be three-five (5) hours.

- (3) Any signs, props or displays used in conjunction with the special event must be removed immediately after the time permitted for the special event has expired.
- (4) The use of banners, flags (other than flags of official governmental bodies), streamers, balloons or any similar devices, in connection with the event, shall be prohibited.
- (5) The use of decorated vehicles and trailers in connection with the event is prohibited.
- (6) The granting of a special event permit under this article shall not require the complete blockading of streets or intersections to vehicular traffic, and the town shall be empowered to apportion such streets and intersections for simultaneous use by special event participants and vehicular and pedestrian traffic.
- (7) The concentration of persons and/or vehicles at the special event will not interfere unduly with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly area or other areas of the town.
- (8) There are sufficient parking places near to the site of the special event to accommodate the approximate number of automobiles reasonably expected to be driven to the special event.
- (9) The event is not otherwise in violation of ordinances or regulations of the town or the state or of federal law."

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Article VII, Special Events on Public Property, Division 1, Generally, by amending Section 106-281 to read as follows:

"Sec. 106-281. - Required.

No person shall engage in, participate in, aid, form or start any special event unless a special event permit shall have first been obtained from the town manager or his/her designee. No permit shall be required for special events officially sponsored by the town government and approved by the town council, nor shall the regulations set forth in this division 2 apply to such special events.

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Article VII, Special Events

on Public Property, Division 1, Generally, by amending Sections 106-282(B), 106-282(C)(10), and 106-282(C)(14) to read as follows:

"Sec. 106-282. - Application.

- (a) *Required.* A person seeking issuance of a special event permit shall file an application with the town clerk's office on forms provided by the town.
- (b) *Filing.* A completed application for a special event permit, providing all information required herein, shall be filed with the town clerk's office not less than ~~30-45 days~~ (or a shorter period of time as deemed appropriate at the discretion of the Town Manager) not and not more than 90 days9 months for residents and 7 months for non-residents before the date on which it is proposed to conduct the special event.
- (c) *Contents.* The application for a special event permit shall set forth the following information:
 - (1) The name, address and telephone number of the person seeking to conduct such a special event.
 - (2) The purpose of the special event.
 - (3) If the special event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
 - (4) The date on which the special event is to be conducted.
 - (5) The exact hours the special event is to be conducted.
 - (6) The name or type of event.
 - (7) The exact location of the event.
 - (8) The approximate number of participants and spectators.
 - (9) A detailed description of the activity or activities, including whether or not the event requires support facilities such as traffic control, parking volume, crowd control.
 - (10) The name of the applicant's insurance company for the event and proof of insurance. The town shall be named as ~~an additional~~ insured on a policy of liability insurance in an amount not less than \$1,000,000.00. The Town of Palm Beach reserves the right to require additional coverages and limits based upon the particular special event proposed by the applicant. If the special event applicant maintains higher limits than the minimums shown below, the Town requires and shall be entitled to coverage for the higher limits maintained by the applicant.

- (11) The signature of the applicant.
- (12) The name, address and telephone number of the person who will be responsible for the conduct of the special event (i.e., special event chair).
- (13) Provisions for cleanup after conclusion of the special event. The applicant shall be responsible for costs of complete and immediate cleanup.
- (d) Fees. (14) — The following fees in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time:
 - a. An administrative processing fee and, in the event of a late filing a late filing fee, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time.;
 - b. A refundable damage deposit, if applicable;
 - c. A usage fee prepaid for the hours requested to hold the proposed special event, if applicable."

Section 4. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Article VII, Special Events on Public Property, Division 1, Generally, by amending Sections 106-283, 106-283(6) and 106-283(10) to read as follows:

"Sec. 106-283. - Standards for issuance.

The town manager's ~~office~~ shall issue a special event permit, when from ~~a~~ consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

- (1) No other applicant has obtained a permit for the date requested.
- (2) The special event applicant has agreed in writing to abide by all provisions set forth in this article.
- (3) All required information is set forth in the application and is in accordance with all provisions set forth in this article.
- (4) The concentration of persons and vehicles at assembly points of the special event will not interfere with the proper fire and police protection of or ambulance services to areas contiguous to such assembly areas.

- (5) The conduct of such special event will not interfere with the movement of police and fire rescue vehicles and equipment en route to a fire or the movement of emergency medical services equipment en route to an emergency.
- (6) The special event is not being held for the purpose of advertising any product, goods or event, and ~~is not designed to~~ shall not be held for private profit or fund raising, unless the applicant is a 501 (c) 3 non-profit, in which a charitable solicitation permit would also be required.
- (7) The conduct of the special event will not substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic contiguous to the place of the special event.
- (8) The conduct of the special event will not result in damage to town-owned property or constitute a hazard to the safety of other persons within the immediate vicinity of the event.
- (9) No event is scheduled elsewhere in the town where the town's resources required for that event are so great that the deployment of resources for the proposed assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.
- (10) An original certificate of insurance ~~must be~~ supplied to the town naming the town as ~~an additional~~ insured on a policy of liability insurance in an amount not less than \$1,000,000.00 or an amount higher based upon the particular special event proposed.

Section 5. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Article VII, Special Events on Public Property, Division 1, Generally, by amending Section 106-284 to read as follows:

"Sec. 106-284. - Notice of approval or denial.

The town manager shall act upon an application for a special event permit within ~~45~~ 20 days after the filing thereof and must notify the applicant of the approval or denial of the application within that same period. If the town manager denies an application, a written notice stating the reasons for denial shall be sent to the applicant by certified mail and made available by the town for inspection within the ~~45~~ 20-day period specified above."

Section 6. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Article VII, Special

Events on Public Property, Division 1, Generally, by amending Section 106-285 to read as follows:

"Sec. 106-285. - Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a special event permit to the town council. The appeal shall be ~~submitted in writing taken~~ within five days of notice of denial. If an appeal to the town council is made, the town council shall act upon such appeal at the next regular monthly meeting of the town council subsequent to the notice of appeal."

Section 7. 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 8. 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.

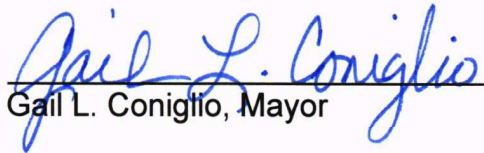
Section 9. Codification.

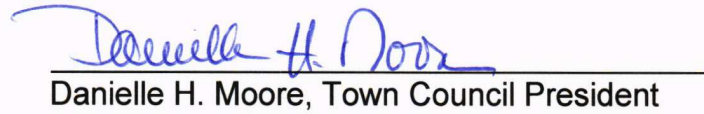
This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 10. Effective Date.

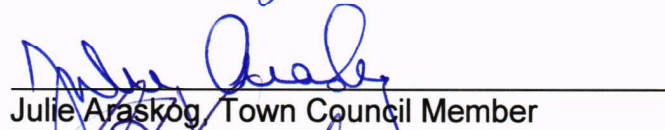
This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 12th day of June, 2018, and for second and final reading on this 10th day of July, 2018.


Gail L. Coniglio, Mayor


Danielle H. Moore, Town Council President

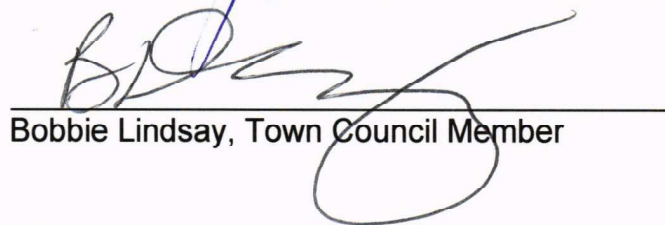

Margaret A. Zeidman, Council President Pro Tem


Julie Araskog, Town Council Member


Lewis S. W. Crampton, Town Council Member

ATTEST:


Kathleen Dominguez, Town Clerk


Bobbie Lindsay, Town Council Member



RESOLUTION NO. 102-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING VARIOUS SPECIAL EVENT PERMIT FEES FOR THE USE OF TOWN OF PALM BEACH PUBLIC PROPERTIES.

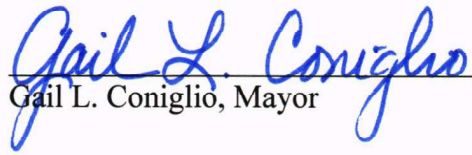
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1: The special event permit fees listed below for the use of Town of Palm Beach properties are hereby adopted.

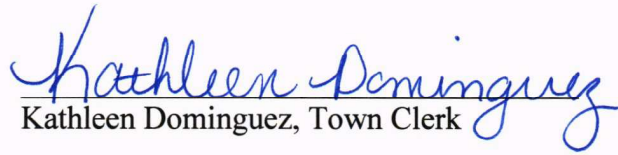
Location	Application Fee	Damage Deposit	Nonresident Usage Fee	Resident Usage Fee
Bradley Park	\$250	50 or Less: \$200 51-100: \$500 Over 100: \$1,000	50 or Less: \$75/hr 51-100: \$150/hr Over 100: \$250/hr	\$0
Memorial Park	\$250	50 or Less: \$200 51-100: \$500 Over 100: \$1,000	50 or Less: \$75/hr 51-100: \$150/hr Over 100: \$250/hr	\$0
Lake Drive Park	\$250	50 or Less: \$100 51-100: \$200 Over 100: \$500	50 or Less: \$50/hr 51-100: \$100/hr Over 100: \$200/hr	\$0
Phipps South Ocean Park	\$250	50 or Less: \$100 51-100: \$200 Over 100: \$500	50 or Less: \$50/hr 51-100: \$100/hr Over 100: \$200/hr	\$0
Phipps South Ocean Park (Chickee Hut Only)	\$250	\$100	\$75/hr	\$0
Public Beaches	\$250	\$100	\$0	\$0
All Other Public Spaces	\$250	\$100	\$0	\$0

Section 2: The Town Clerk is hereby directed to update the master fee schedule for the Town of Palm Beach and implement the special event permit fees upon adoption Resolution No. 102-2018.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of July, 2018.


Gail L. Coniglio, Mayor

ATTEST:


Kathleen Dominguez, Town Clerk

