

TENTATIVE:
SUBJECT TO
REVISION



TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

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

AGENDA

AUGUST 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. Palm Beach County Gold Star Families Memorial Monument**
Lauren Berkson, President, Palm Beach County Gold Star Families

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

IX. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes
Kathleen Dominguez, Town Clerk
 - a. July 9, 2019, Town Council Meeting Minutes
 - b. July 10, 2019, Development Review Town Council Meeting Minutes
 - c. July 11, 2019, Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of July 24, 2019.
Josh Martin, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 62-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Gym Source USA LLC for Fitness Equipment To Be Utilized in the Morton and Barbara Mandel Recreation Center in the Amount of \$132,329 From the Capital Improvement Fund (307) Which will be Split Between the Mandel Foundation, Friends of Recreation and the Town, and Establishing a Budget of \$140,000.
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 65-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute an Agreement for Mutual Fire/Rescue Assistance Between the City of West Palm Beach and the Town of Palm Beach.
Dean Mealy, Purchasing Manager
3. RESOLUTION NO. 66-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Interlocal Agreement Between Palm Beach County and the Town of Palm Beach for the Reimbursement of Emergency Medical Services (EMS) Grant Equipment and Authorizing the Application for Funds from the Palm Beach County EMS Program in the Amount of \$25,000 and Establishing a Budget of \$25,000 in Fiscal Year 2019 to be Used for the Purchase of Fire Armor Ballistic Protective Gear

and Authorizing the Town Manager to Execute this Purchase on Behalf of the Town; Such Funds Shall Not Supplant Existing EMS Budget.

Darrel Donatto, Fire Rescue Chief

4. RESOLUTION NO. 67-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Designation of the Following Trees as Historic or Specimen Trees at 1 Whitehall Way, 386 Hibiscus Avenue, 100 Four Arts Plaza and Phipps Plaza, Providing an Effective Date.

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

X. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on July 8, 2019

Julie Araskog, Chair

1. RESOLUTION NO. 68-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Engineering Services to Kimley-Horn and Associates, Inc. (KHA) for the Study and Development of a Truck Traffic Regulation Plan in the Amount of \$39,864 To Be Funded From the General Fund Contingency.

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

XI. REGULAR AGENDA

A. Old Business

1. Town Marina Project Update

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

2. Town-wide Undergrounding Project:

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

Steven Stern, Project Manager

- b. Phase 1 North Easement Abandonment

Patricia Strayer, P.E., Town Engineer

- c. RESOLUTION NO. 61-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order to Kimley-Horn for Engineering Design Services for the South Ocean Blvd Watermain Replacement in the Amount of \$78,566.00.

Dean Mealy, Purchasing Manager

- d. RESOLUTION NO. 63-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Construction Management at Risk (CMAR) Contract to Burkhardt Construction Inc., for the Town-wide Utility Undergrounding Phase 3

North in the Amount of \$4,042,171.13, and Establishing a Project Budget of \$4,242,171.13.

Patricia Strayer, P.E., Town Engineer

The Town negotiated cost savings of \$12,388.26 during GMP negotiations.

e. RESOLUTION NO. 64-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Purchase Order to Kimley-Horn & Associates, Inc. for Construction Phase Engineering Services for the Town-wide Overhead Utility Undergrounding Phase 3 North in the amount of \$236,976.

Patricia Strayer, P.E., Town Engineer

3. Sargassum Discussion

Kirk W. Blouin, Town Manager

B. New Business

1. Letter from Florida Retail Federation and Florida Restaurant & Lodging Association

Jay Boodheshwar, Deputy Town Manager

C. Matters Pulled From Consent Agenda: If needed

XII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 28-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2018; and Providing an Effective Date.

Jane Le Clainche, Director of Finance

2. ORDINANCE NO. 29-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Article VII, Section 106-283, Of The Town Code Of Ordinances Titled Standards For Issuance; Providing For Town Council Approval Of Special Event Permit Applications For The Use Of Phipps Plaza Park; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Jay Boodheshwar, Deputy Town Manager

3. ORDINANCE NO. 30-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Article VII, Section 106-283, Of The Town Code Of Ordinances Titled Standards For Issuance; Providing For Town Council Approval Of Special Event Permit Applications Requiring Use Of Public Sidewalks, Roads and/or Bike Paths; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

B. First Reading

1. ORDINANCE NO. 27-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Streets Sidewalks and Other Places; at Section 106-18 Application Fee/Privilege Fee at Item (a) to Make the Fee be in Accordance with the Fee Schedule as Adopted by Town Council Resolution, and at Section 106-122, Adoption of Resolution, to Delete the Need for Filing a Certified Copy of the Resolution in the Public Records of the County; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

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

2. ORDINANCE NO. 31-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Charter at Section 5.01, General Elections, to Provide the Municipal Election Date Concurrent with a Statewide or Countywide Election, and Amending the Town Code of Ordinances at Chapter 34, Elections, to Provide a New Article IV, Municipal Election Date And Election Qualifying Period for Years When the Town Holds its Municipal Elections Concurrently With Presidential Preference Primary Elections; Providing For A Run-Off Election if Necessary; Providing For Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Kathleen Dominguez, Town Clerk

3. ORDINANCE NO. 32-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Charter at Section 3.01, Town Council: Composition, Modifying the Date of the Election of the President and President Pro Tem; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Kathleen Dominguez, Town Clerk

4. ORDINANCE NO. 35-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-54, Credited Service; Loss Of Credited Service; Reinstatement Of Credited Service; Amending Section 82-57, Board Of Trustees; Administrative Duties; Investment Of Retirement System Assets; Amending Subdivision II, Reserve Accounts, By Amending Section 82-80, Member Contributions; Amending Subdivision III, Firefighters, By Amending Section 82-94, Retirement Age And Service Conditions For Firefighters; Section 82-96, Optional Forms Of Payment Of A Pension For Firefighters; Section 82-99, Deferred

Retirement Option Program; Section 82-101, Duty Disability Special Provisions; And Section 82-106, Duty Disability Special Provisions; Amending Subdivision IV, Police Officers, By Amending Section 82-114, Retirement Age And Service Conditions For Police Officers; Section 82-116, Optional Forms Of Payment Of A Pension For Police Officers; Section 82-121, Duty Disability Special Provisions; And Section 82-126, Duty Death Special Provisions; Amending Subdivision V, General Employees And Lifeguards; By Amending Section 82-136, Optional Forms Of Payment Of A Pension For Benefit Group General And Benefit Group Lifeguard; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Danielle Olson, Director of Human Resources

5. ORDINANCE NO. 36-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 6 of the Town Code of Ordinances, Alcoholic Beverages, At Section 6-9, Relating to the Prohibition of Consumption of Alcoholic Beverages in Public Places, So as to Provide An Additional Exception for Facility Rentals in Seaview Park; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Carolyn Stone, Director of Business Development and Operations

XIII. ANY OTHER MATTERS

XIV. 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: August 14, 2019

Section of Agenda

Presentations

Agenda Title

Palm Beach County Gold Star Families Memorial Monument

Presenter

Lauren Berkson, President, Palm Beach County Gold Star Families

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda Minutes

Agenda Title
Town Council Meeting Minutes
Kathleen Dominguez, Town Clerk

- a. July 9, 2019, Town Council Meeting Minutes
- b. July 10, 2019, Development Review Town Council Meeting Minutes
- c. July 11, 2019, Special Town Council Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **July 9, 2019 Town Council Meeting Minutes**
- ▣ **July 10, 2019 Town Council Development Review Meeting Minutes**
- ▣ **July 11, 2019 Special Town Council Meeting Minutes**



TOWN OF PALM BEACH

Town Clerk's Office

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

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, July 9, 2019, at 9:30 a.m. 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 - *None*

IV. APPROVAL OF AGENDA

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

V. PRESENTATIONS

A. Legislative Session Update

Florida State Senator Bobby Powell provided an overview of the major issues from the 2019 Legislative Session.

Discussion ensued regarding the bills and funding for school safety, provisions needed for the open-carry gun law, the proliferation of septic tanks and uncontrolled development in the state.

B. Scholarship Provided by the Palm Beach Civic Association and Citizens' Association of Palm Beach

Mayor Coniglio announced Miss Kalia Martin as the scholarship award winner and thanked the Palm Beach Civic Association and Palm Beach Citizens Association for sponsoring the scholarship.

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio thanked the Town Manager and staff for their hard work in creating the budget documents.

She congratulated Ned Barnes, President of the Palm Beach Civic Association, on his retirement and thanked him for his 26 years of outstanding service to the Town. She welcomed his successor Mary Robosson as the new President.

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Moore expressed her appreciation to Mr. Barnes for his service and leadership. She welcomed Ms. Robosson as the incoming President.

Council Member Lindsay thanked Mr. Barnes for all of his work. She commented on the rising consciousness in town with respect to landscaping with native plants and brought up the natives recently planted in Council Member Araskog's home as an example.

Council Member Araskog thanked Mr. Barnes for his leadership and service to the community. She also thanked Council Member Lindsay and the Garden Club of Palm Beach for educating the community on the benefits of native plants and the harmful effects of fertilizer use.

Council Member Crampton congratulated and thanked Ned Barnes.

Council President Pro Tem Zeidman echoed the comments of her colleagues with respect to Mr. Barnes. She commented on the recent Hepatitis A outbreak and informed the citizens to take precautions.

VIII. COMMUNICATIONS FROM CITIZENS

Diane Buhler, Friends of Palm Beach, thanked the Town Council for passing the ordinance banning plastic bags.

Leslie Evans, 135 Seminole Avenue, spoke regarding the metered parking program on N. County Road and suggested allocating monies from the meters to future beach clean-ups. He also suggested placing parking meters on Sunrise Avenue as a means to discourage non-resident beach-goers from parking there and to prevent littering on the island.

Warren Belmar, 130 Sunrise Avenue, expressed concern with a fast track approach to metered parking on Sunrise Avenue.

Perry Colato, Red Line Iguana Removal, LLC, spoke regarding common problems caused by iguanas to homes and the environment and removal solutions.

IX. APPROVAL OF CONSENT AGENDA

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

A. MINUTES

1. Town Council Meeting Minutes
Kathleen Dominguez, Town Clerk
 - a. June 11, 2019, Town Council Meeting Minutes
 - b. June 12, 2019, Development Review Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of June 26, 2019.

B. RESOLUTIONS

1. RESOLUTION NO. 58-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Annual Dissolved Sulfide Reduction and Odor Control Treatment Services to Kemira Water Solutions, Inc., in the Amount of \$126,420, and Establishing an Overall Budget of \$140,000, Contingent on Final Approval of the FY20 Budget.
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 59-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement within the Property Commonly Known as 239 Monterey Road, in the Town of Palm Beach, Florida.
Dean Mealy, Purchasing Manager

X. REGULAR AGENDA

A. Old Business

1. Town Marina Project Update
TIME CERTAIN: 10:30 A.M.
H. Paul Brazil, P.E., Director of Public Works

Gordon Thomson, Baird and Associates, provided an update on the design and permitting process for the Town Marina project.

Discussion ensued regarding the timeframe of the construction period and opening dates.

In response to a question from Council Member Crampton, Public Works Director Brazil, informed the Council that staff is currently working on a mitigation plan for handling construction site traffic and transportation and will present it to the Town Council for approval.

2. Coastal Update:

a. Shore Line Condition Update

Rob Weber, Coastal Program Manager, provided a presentation on the shoreline conditions and assessments for each reach.

Discussion ensued regarding ways to address the large amounts of sargassum seaweed that are washing up on the Town's beaches and ways to get private beach property owners to participate.

In response to question from the Mayor, Mr. Weber reported that there is no update on the Midtown Beach Project from the United States Army Corps of Engineers (USACE).

In response to a question from Council Member Crampton, Town Attorney Randolph opined on the concept of using the Town's public nuisance ordinance as justification for removing large piles of sargassum seaweed from privately owned beaches.

Town Manager Blouin and Council President Moore expressed legal and environmental concerns with removing seaweed from private beaches.

Warren Belmar, 137 Sunrise Avenue, commented on the sargassum seaweed problem as a health concern and a code enforcement issue.

In response to a question from Council President Moore, Mr. Weber explained the current process for cleaning and burying the seaweed on the Town's public beaches and reported that the Town is the only municipality that buries seaweed.

Council President Pro Tem Zeidman requested that staff research Sargasso seaweed removal options under the public nuisance code and report back to the Town Council with more information.

Council Member Lindsay requested that staff provide the Town Council a map of the public and private beach locations and a list of seaweed removal options to share with the residents.

- b. RESOLUTION NO. 60-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Fiscal Year 2020-2021 Annual Funding Application to the Florida Department of Environmental Protection Beach Erosion Control Program.

Mr. Weber provided an overview of Resolution No. 60-2019.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve Resolution No. 60-2019. On roll call, the motion passed unanimously.

3. [Town-wide Undergrounding Project:](#)

- a. [Review of Project and Dashboard, Summary of Project Status](#)
- b. [Discuss AT&T Cell on Wheels Decom at Palmo Way and Permanent Small Cell Towers](#)

Steve Stern, Project Manager, presented the coffee with the crew meeting schedule, reported the significant notifications that have been mailed to the residents and a progress update on construction progress and easement acquisitions in the North and South.

In response to a question from Council Member Araskog, Town Engineer Patricia Strayer, reported that landscaping and paving for Phase 1 North will be completed before Labor Day (September 2, 2019).

In response to a question from Council Member Crampton, Town Engineer Strayer spoke regarding the process for combining phases to cut costs while securing easements.

Discussion ensued regarding making native landscape vegetation an option for screening around utility boxes a requirement for all future phases and the installation of vista switches for low lying areas that are prone to flooding.

In response to a question from Council President Pro Tem Zeidman, Director Brazil spoke regarding the design standards used by FP&L engineers and the contractors for properties in low-lying areas by integrating FEMA maps into the design.

Project Manager Stern provided an update on the six month “cell on wheels” program that was deployed in Palmo Park as a way to test for improved cell phone coverage in the North end.

Discussion ensued regarding the disappointment with the “cell on wheels” program and the lack of effective solutions from AT&T for boosting cell phone coverage in the North end.

It was the consensus of the Town Council to ask staff to facilitate a discussion with an AT&T executive and the Town Council at a future meeting to discuss solutions for improving cell service in the North end.

Town Engineer Strayer presented an overview of the schedule and process involved for replacing the streetlights.

Discussion ensued regarding the size of the light poles, lumens and location.

It was the consensus of the Town Council to approve the replacement of streetlights with the same type of light used at the pump station on Mediterranean Road.

B. New Business

1. [Report and Recommendation on Population Control of Invasive Green Iguanas](#)
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided an overview of the report and the Town’s recommendations for trapping and removing iguanas from public properties.

It was the consensus of the Town Council to approve staff’s engagement with Iguana Management Removal Services for population control on public properties and publish information about the adverse impact of iguanas and how they can be removed from private properties on the Town’s website.

It was the consensus of the Town Council to reach out to the local golf courses, City of West Palm Beach and the Palm Beach Zoo to determine if they can assist with the Town’s iguana removal efforts.

2. Issues Forum Representative - *Withdrawn*
Josh Martin, Director of Planning, Zoning and Building

Director Martin reported that there is no action to be taken regarding this item.

C. Matters Pulled From Consent Agenda: None

XIV. ORDINANCES

A. Second Reading

1. 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 XI, Titled Prohibition Of Plastic Straws Within The Corporate Limits Of The Town; Providing For Definitions; Prohibiting The Sale, Distribution Or Use Of Single Use Plastic Straws And Stirrers; Providing For Exemptions; Providing Penalties For Any Such Distribution; Amending Section 2-439 Of The Town Code Relating To Citation Fine Schedule; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.
Jay Boodheshwar, Deputy Town Manager

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve Ordinance No. 23-2019, on second and final reading. On roll call, the motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 28-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2018; and Providing an Effective Date.
Jane Le Clainche, Director of Finance

Director of Finance Le Clainche provided an overview of the ordinance.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve Ordinance No. 28-2019, on first reading. On roll call, the motion passed unanimously.

2. ORDINANCE NO. 29-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Article VII, Section 106-283, Of The Town Code Of Ordinances Titled Standards For Issuance; Providing For Town Council Approval Of Special Event Permit Applications For The Use Of Phipps Plaza Park; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager, Boodheshwar provided an overview of the ordinance and its intent which requires all applicants who wish to hold a special event at Phipps Plaza Park to seek Town Council approval.

Discussion ensued regarding holding a moratorium, allowing for resident input, legal criteria that will allow the Town Council to deny or approve an event, sending the ordinance to the ORS Committee for further study.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve Ordinance No. 29-2019, on first reading. On roll call, the motion passed 4 to 1, with Council President Moore dissenting.

3. [ORDINANCE NO. 30-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Article VII, Section 106-283, Of The Town Code Of Ordinances Titled Standards For Issuance; Providing For Town Council Approval Of Special Event Permit Applications Requiring Use Of Public Sidewalks, Roads and/or Bike Paths; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date](#)
Jay Boodheshwar, Deputy Town Manager

Council President Moore declared ex-parte communications. She passed along Mrs. Audrey Gruss's request to be a part of the discussion next month during second reading.

Deputy Town Manager Jay Boodheshwar provided an overview of the ordinance and its intent. He also presented other options in lieu of the language in the above ordinance such as imposing a moratorium on the issuance of special event permits for all races and grandfathering in the applicants who have been issued permits in the past.

Discussion ensued regarding adverse impacts to the approval timeline for special event applications requiring Town Council approval, imposing a moratorium, grandfathering in the two pending 5k walk/run applicants, discrimination concerns with grandfathering in applicants, special criteria that can be used to limit issuance of event permits for walks, runs and other types of races, the popularity of the annual Turkey Trot, protecting residents rights to peace and quiet, qualifications for approving or denying a special event permit application based on its community involvement and how it serves the Town, and implementing definitive language that addresses public safety rules with respect to interfering vehicular and pedestrian traffic.

Town Attorney Randolph opined on the process for approving the ordinance today while grandfathering in the two pending applications.

It was the consensus of the Town Council to request staff and the ORS Committee review the Special Events Ordinance and make recommendations on criteria the Town Council can use for approving walks, runs and other types of races on public property.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council President Moore, to approve Ordinance No. 30-2019, on first reading with the caveat that the two pending applications for walk/run events are approved as long as they meet the criteria under the code. On roll call, the motion passed unanimously.

XV. ANY OTHER MATTERS - *None*

XVI. ADJOURNMENT

There being no further business, the Town Council meeting of July 9, 2019 adjourned at 1:30 p.m.

Danielle H. Moore, Town Council President

Kathleen Dominguez, Town Clerk

Date

TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on July 10, 2019

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order July 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

Town Clerk Dominguez gave the invocation.

Council President Moore led the Pledge of Allegiance.

III. PRESENTATIONS

A. Annual Report – Planning and Zoning Commission

Martin I. Klein, Chair

Chair Klein provided the annual report of the Planning and Zoning Commission. He thanked the staff and the Council for allowing him to serve.

It was the consensus of the Town Council to accept the Annual Report of the Planning and Zoning Commission.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio had no comments.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING

There were no comments from Town Council members or the Director of Planning, Zoning and Building.

VI. COMMUNICATIONS FROM CITIZENS

Mr. Hernandez, resident of Belle Glade, spoke regarding the high amount of parking tickets issued to the workers on the island and the challenges with parking on the island.

VII. APPROVAL OF AGENDA

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

VIII. RESOLUTIONS

- A. RESOLUTION NO. 57-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

Emily Stillings provided an overview of the resolution.

Public comments – none

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve Resolution No. 57-2019. On roll call, the motion carried unanimously.

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

IX. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal – 1236 S. Ocean Boulevard

Director of Planning, Zoning and Building Josh Martin provided an overview and background information on the appeal. Town Attorney Randolph went over administrative matters and procedure with respect to the appeal.

Ex-parte communications were declared. There were no ex-parte communications except by Council Member Araskog who had spoken with staff members Zoning Manager Paul Castro, Assistant Planning, Zoning & Building Director Wayne Bergman, and Planning, Zoning, & Building Director Martin regarding 1236 South Ocean Boulevard and the signs.

Town Attorney Randolph spoke regarding advice he had provided

to Council Member Lindsay regarding her visit to Mr. And Mrs. Thornton's property. Council Member Lindsay recused herself.

Attorney Tim Hanlon spoke on behalf of Mr. and Mrs. Thornton regarding the late communications that went out and the reason for the timing of his response raised by Council Member Araskog. He objected to the recusal of Council Member Lindsay and requested a deferral.

Attorney Amanda Quirke Hand, 1111 Brickell Avenue, objected to the deferral.

Motion was made by Council Member Araskog, and seconded by Council President Pro Tem Zeidman, to defer the ARCOM appeal to the August 14 meeting to allow time to review the appeal and Mr. Hanlon's memo that addressed another issue. On roll call, the motion carried 3-1, with Council Member Lindsay recused and Council Member Crampton dissenting.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **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 Withdrawal per Letter Dated June 18, 2019 from Maura Ziska.**

This item was withdrawn.

- b. **Z-19-00194 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-TS Town-Serving Commercial The application of Bradley Park Owner LLC (Ned Manager LLC, Manager), Applicant, relative to property located at **280 SUNSET AVE SUITE: SITE**, legal

description on file, is described below. The applicant is requesting special exception approval for a proposed restaurant of 2,998 square feet (indoor area) and 184 seats at The Bradley Park Hotel. The project will include 118 interior restaurant seats (of which 20 are bar seats) and 66 courtyard seats (of which 8 are bar seats) for a total of 184 lunch and dinner seats. Eighteen of the restaurant seats will come from the principle of equivalency from the former C'est Si Bon Gourmet Grocery retail space. The applicant is also requesting approval for valet parking at lunch and dinner. Requested hours of operation are 7:00am to 11:00pm, seven days a week. In addition to a special exception for a restaurant change of ownership, the following associated approvals are requested: A variance from Code Section 134-2176(9), schedule of off-street parking for restaurants. The new restaurant proposes 184 seats, which would require 53 parking spaces (after subtracting 18 seats available from the principle of equivalency); 30 parking spaces will continue to be provided pursuant to an existing off-site parking agreement, which formerly served Trevini Ristorante. A variance is requested for 23 parking spaces. A variance from Code Section 134-2373(10) to provide a sign on the pergola awning at the new hotel entrance. A special exception for 66 outdoor seats in the courtyard, per Code Section 134- 1111(a). A special exception for 30 shared off-site required off- street parking spaces, per code Section 134-2177(3). Site plan review, including for a generator with an output capability of 250 kW, per Code Section 134-1729(2)(c). The proposed generator will be internal to the hotel building. [Applicant's Representative: James M. Crowley, Esq.]

Mr. Crowley provided an update on the project and stated he had mentioned last month that a 350 KW generator would be needed and that had been incorporated into the motion for approval.

Council Member Lindsay brought up the verbiage with respect to seating for clarification.

Town Attorney Randolph confirmed for Council Member Araskog that it was okay to proceed although the notice had shown a 250 kW generator.

Motion was made by Council Member Araskog, and seconded by Council President Pro Tem Zeidman, to grant Special Exception Z-19-00194 based upon the finding that such grant will not adversely affect the public interest, and 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 Lindsay, and seconded by Council Member Araskog, that Site Plan Z-19-00194 of the awning 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 special 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.

2. New Business

- a. Z-19-00195 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-C Medium Density Residential The application of Mark and Heather Flaherty, Applicant, relative to property located at **145 PERUVIAN AVE SUITE: 102**, legal description on file, is described below. The applicants, owners of Unit 102 in the Regency Six Condominium, are proposing to modify the outdoor space immediately adjacent to their ground floor unit to make the space more usable and aesthetically pleasing by replacing some sod and shrubs with sand-set travertine pavers and new shrubs. The existing tree in front of the unit will also be replaced. The following variances are requested: A variance from Code Section 134-948(11)d., for overall landscaped open space of 22.6% in lieu of the 26.1% existing and the minimum of 35% landscaped open space required by the Code. A variance from Code Section 134-948(11)e, for front yard landscaped open space of 33.2% in lieu of the 46% existing and the minimum of 35% front yard landscaped open space required. [Applicant's Representative: James M. Crowley, Esq]

Attorney Crowley provided details of the project.

No ex-parte communication was declared.

Earl Hollis, 145 Peruvian Avenue, stated he was satisfied.

Council Member Araskog requested a condition with ARCOM approval; however, it was not needed.

Motion was made by Council Member Araskog, and seconded by Council President Pro Tem Zeidman, that Variance Z-19-00195 shall be granted and find in support thereof that all the criteria applicable to this application is 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 this area. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that Site Plan Z-19-00195 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 special 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, 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 this area. On roll call, the motion carried unanimously.

- b. Z-19-00199 SPECIAL EXCEPTION_ Zoning District: C-TS Town-Serving Commercial The application of The Breakers Palm Beach, Inc., Applicant, relative to property located at **212 SUNSET AVE, SUITE: SITE**, legal description on file, is described below. Per Code Section 134-1109(a)(11), the applicant is requesting approval for a restaurant to occupy the restaurant space that was approved as part of Site Plan Review #13-2014 with Special Exceptions and Variances. The applicant is a new owner. The original approval was for a restaurant of 4,110 square feet with 152 seats, of which 60 were outdoors. The proposed restaurant will have 4,193 square feet and 152 seats, all indoors. ARCOM has already approved the exterior change (windows). The requested hours of operation for this restaurant are 11:00am to 1:00am, seven days a week, with dinner until 10:00pm. The restaurant will offer valet service. [Applicant's Representative: James M. Crowley Esq]

Ex-parte communications were declared. Mayor Coniglio reported she had received a voice mail from Attorney Crowley related to this application in which he brought up valet operation. Council Member Araskog stated she spoke with Attorney Crowley that morning about the nature of the restaurant, which he did not know.

Attorney Crowley provided an overview of the project.

Discussion ensued regarding hours of operation, activities and atmosphere.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that Special Exception Z-19-00199 be granted with the modification that the restaurant hours will be Sunday through Thursday 11:00 a.m. to midnight, serving until 11:00 p.m., and on Friday and Saturday to close at 1:00 a.m. and serving food until midnight, and be allowed to stay open until 2:00 a.m. on New Year's Eve; based upon the finding that such grant will not adversely affect the public interest, and 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 this area. On roll call, the motion carried unanimously.

- c. **Z-19-00200 VARIANCE(S)** Zoning District: R-A Estate Residential The application of PB Pavilion Trust, Applicant, relative to property located at **1600 S OCEAN BLVD**, legal description on file, is described below. A variance request to add a 6,175 square foot second story addition onto the existing residence to add 6 bedrooms to a 2 bedroom house that would have a point of measurement of 30.80 feet North American Vertical Datum ("NAVD") for building height and overall height in lieu of the 17.31 feet NAVD required for lots within the coastal construction control line. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. The Architectural Review Commission approved the project as presented with a condition relating to the landscaping. Carried 6-1]

No ex parte communications were declared.

Attorney Ziska provided an overview of the variance.

Motion was made by Council Member Lindsay, and seconded by Council Member Crampton, that Variance Z-19-00200 shall be granted and find in support thereof that all 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 this area. On roll call, the motion carried unanimously.

- d. **Z-19-00201 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: B-A Beach Area The application of Michael and Frances Kettenbach, applicant, relative to property located at **801 S COUNTY RD, SUITE: BEACH CABANA**, legal description on file, is described below. Request a special exception with site plan review to add 973 square feet to the existing 488 square foot beach cabana that would have an 18.56 foot setback from the west property line in lieu of the 35 foot minimum setback required. [Applicant's Representative: Maura Ziska Esq]

No ex-parte communications were declared.

Attorney Ziska provided an overview of the variance.

Zoning Manager Castro discussed the ocean vista and unity of title requirements.

Harold Smith commented this would go to the Landmarks Preservation Commission.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Special Exception Z-19-00201 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 this area, and also provided that the ocean vista is maintained. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Site Plan Z-19-00201 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 special 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, 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 this area, and providing that the ocean vista is maintained. On roll call, the motion carried unanimously

Town Attorney Randolph advised the language regarding utility easement only had to be included in one motion.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance Z-19-00201 shall be granted and find in support thereof that all 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.

- e. **Z-19-00202 VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of Justin and Meira Besikof, Applicant, relative to property located at **307 CHILEAN AVE, SUITE: SITE**, legal description on file, is described below. A request to construct a new 3,937.50 square foot, two-story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required and a lot area of 6,250 sq. ft. in lieu of the 10,000 sq. ft. minimum required in the R-C Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property.] Request for Deferral per Letter Dated June 27, 2019 from Maura Ziska.

This item was deferred.

- f. **Z-19-00203 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Jeffrey Alderton, Applicant, relative to property located at **2283 W IBIS ISLE RD**, legal description on file, is described below. Section 134-1668 - Variance to allow the installation of a driveway gate with a 12.2 foot setback from the edge of the pavement in lieu of the 18-foot minimum required by the Zoning Code. [Applicant's Representative: David E. Klein Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. The Architectural Review Commission approved the project as presented. Carried 7-0]

No ex-parte communications were declared.

Attorney Klein provided an over view of the project.

Zoning Manager Castro advised that the comments from the Public Works Department stated the applicant was required to certify storm drainage every five years. Mr. Castro also stated that the applicant would need to coordinate with the Fire Marshall regarding his Knox box. Staff had no issue with the gates being moved closer to the street.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Araskog, that Variance Z-19-00203 shall be granted and find in support thereof that all 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.

- g. **Z-19-00204 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-TS Town-Serving Commercial The application of Serena & Lily, Applicant, relative to property located at **101 N COUNTY RD, SUITE: SITE**, legal description on file, is described below. The applicant requests approval to convert existing office space to retail use (furniture and home furnishings) in this existing one-story single use building. The building contains 3,943 square feet of gross leasable area, and the site includes 6 parking spaces. The following specific approvals are requested: Per Section 134-1109(a)(11), a special exception approval is requested as the use is over 3,000 square feet gross leasable area and has to demonstrate this said use is Town-serving. Per Code Section 134-2175(a)(3), a variance is requested for four (4) parking spaces. This number is calculated by comparing the parking demand as found in Code Section 134-2176 for 3,943 square feet of office use ($3,943/250 = 15.77 = 16$) to the parking demand for the same amount of retail use ($3,943/200 = 19.71 = 20$).

There are 6 parking spaces on this site, with no ability to provide any more. [Applicant's Representative: James M. Crowley Esq]

No ex-parte communications were declared.

Attorney Crowley provided an overview of the project.

Zoning Manager Castro agreed that this project would re-activate the property and staff had no issues.

Motion was made by Council Member Araskog, and seconded by Council President Pro Tem Zeidman, that Special Exception Z-19-00204 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 President Pro Tem Zeidman, that Site Plan Z-19-00204 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 special 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 Lindsay, that Variance Z-19-00204 shall be granted and find in support thereof that all 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-19-00205 VARIANCE(S)** Zoning District: C-TS Town-Serving Commercial The application of PBCOF Brazilian, LLC (Alex Griswold, Authorized Agent), Applicant, relative to property located at **214 BRAZILIAN AVE, SUITE: SITE**, legal description on file, is described below. 1. Section 134-1107. Permitted uses. (a)(2): Offices and professional services are only allowed above the first floor in the C-TS zoning district. A variance is being requested to allow expansion of an existing 727 square foot architectural office by 208 square feet on the first floor in the C-TS District. The original office was approved by variance in 2010 (Variance No. 5-2010). The proposed addition converts an existing storage area and portion of an entry lobby into the architectural office. [Applicant's Representative: Jamie Torres-Cruz]

No ex-parte communications were declared.

Jaime Torres, representing Fairfax and Sammons Architects, provided an overview of the project.

Zoning Manager Paul Castro supported the application.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Araskog, that Variance Z-19-00205 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met. On roll call, the motion carried unanimously.

3. Other

a. ARCOM/LPC Combination Project Discussion - Six month update

Planning, Zoning & Building Director Josh Martin provided an update on the combo project.

Council President Moore commented if not broken, don't fix it.

Council Member Araskog asked about previous issues which had been resolved and asked for a condition of ARCOM approval going forward.

Council Member Crampton commented that Council Member Araskog's suggestion was valid but he would like to continue in the direction they had been going and work towards streamlining more projects like these.

Mayor Coniglio agreed with Council Member Crampton, and commented she trusted the Planning, Zoning & Building Director and did not want to regulate minutiae.

Council Member Lindsay spoke in support of the project and Planning, Zoning & Building Director Martin's work.

Council Member Araskog expressed concerns with variances, ARCOM approval, and negative impact. She would like ARCOM to have the legal ability to bring concerns to the Town Council.

Planning, Zoning & Building Director Martin expressed his opinion that Landmarks and ARCOM needed to shape and adopt guiding principles, and shared his experience with managing design review boards.

X. ORDINANCES

A. First Reading

1. ORDINANCE NO. 26-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 2, Administration, Town Code Of Ordinances, At Article V, Code Enforcement, Division 3, Procedure, Section 2-439, Citation Fine Schedule And Table, To Include New Sections 106-49, 106-50, 106-161, And 106-162; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Town Attorney Randolph read the ordinance by title only.

Zoning Manager Castro commented this was a follow up to the shared bicycle and shared scooter ordinance to provide a fine schedule relative to Town Code Chapter 120.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Lindsay, to adopt Ordinance No. 26-2019. On roll call, the motion carried unanimously.

XI. ANY OTHER MATTERS

Council President Pro Tem Zeidman congratulated Planning, Zoning and Building Director Martin on the workshop hosted by the Planning, Zoning & Building Dept.

Director Martin announced the next workshop date for July 18 at the Sailfish Club, another in September at the Tide Line, and one in full season.

Mayor Coniglio stated well done, and suggested her Council mates save the appeal information from today's meeting. Staff indicated there were four sets of information related to that matter and updates would be provided as received.

Council Member Lindsay congratulated Planning, Zoning & Building Director Martin on the workshop attendance.

Council Member Araskog thanked Planning, Zoning & Building Director Martin for his good work. She asked Town Attorney Randolph for an update on the ordinance to amend the word town sponsored, and was referred to staff.

XII. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of July 10, 2019 was adjourned at 10:57 a.m.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Kathleen Dominguez, Town Clerk

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D. Strategic Initiatives

The Long-term Capital Program is a multi-year program designed to address the town's capital needs over a 10-year period. The program is designed to ensure that the town's capital assets are maintained and replaced in a timely and cost-effective manner.

In addition, the town has a number of other capital projects that are currently in the planning or construction phase. These projects include the construction of a new town hall, the renovation of the town's water treatment plant, and the construction of a new town library.

C. Capital Program Initiatives

The town's capital program is designed to address the town's capital needs over a 10-year period. The program is designed to ensure that the town's capital assets are maintained and replaced in a timely and cost-effective manner. The program includes a number of key initiatives, including the construction of a new town hall, the renovation of the town's water treatment plant, and the construction of a new town library.

C. Capital Program Initiatives: Major Projects

The town's capital program includes a number of major projects that are currently in the planning or construction phase. These projects include the construction of a new town hall, the renovation of the town's water treatment plant, and the construction of a new town library.

Major capital projects are those that are expected to cost more than \$100,000 and that will have a significant impact on the town's capital assets. The town's capital program includes a number of major projects that are currently in the planning or construction phase. These projects include the construction of a new town hall, the renovation of the town's water treatment plant, and the construction of a new town library.

The town's capital program is designed to address the town's capital needs over a 10-year period. The program is designed to ensure that the town's capital assets are maintained and replaced in a timely and cost-effective manner.

It was the consensus of the Town Council to table future policy decisions to a later date and only focus on the FY2020 Budget.

D. Environmental Initiatives

- Town of Danvers Environmental Initiatives
- Environmental Commission

E. Information Systems

- Information Systems
- Records Management
- Electronic Records Management

F. Training and Development

- Training and Development

III. Ordinance Title

Director L. Crampton requested that the Board of Education consider the following Ordinance for the purpose of the Merit Pay Plan for the School District of Trumbull, Connecticut.

VI. RESOLUTION NO. 49-2019 A Resolution of the Board of Education of the Town of Trumbull, Connecticut, to amend the Merit Pay Plan for the School District of Trumbull, Connecticut, to provide for the payment of merit pay to the employees of the School District of Trumbull, Connecticut, who are employed in the positions of Director of Education, Superintendent of Schools, and Assistant Superintendent of Schools, and to provide for the payment of merit pay to the employees of the School District of Trumbull, Connecticut, who are employed in the positions of Director of Education, Superintendent of Schools, and Assistant Superintendent of Schools, and to provide for the payment of merit pay to the employees of the School District of Trumbull, Connecticut, who are employed in the positions of Director of Education, Superintendent of Schools, and Assistant Superintendent of Schools.

Director L. Crampton requested that the Board of Education consider the following Ordinance for the purpose of the Merit Pay Plan for the School District of Trumbull, Connecticut, to provide for the payment of merit pay to the employees of the School District of Trumbull, Connecticut, who are employed in the positions of Director of Education, Superintendent of Schools, and Assistant Superintendent of Schools, and to provide for the payment of merit pay to the employees of the School District of Trumbull, Connecticut, who are employed in the positions of Director of Education, Superintendent of Schools, and Assistant Superintendent of Schools.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve Resolution No. 49-2019. On roll call, the motion carried unanimously.

VII. RESOLUTION NO. 50-2019 A Resolution of the Board of Education of the Town of Trumbull, Connecticut, to amend the Merit Pay Plan for the School District of Trumbull, Connecticut, to provide for the payment of merit pay to the employees of the School District of Trumbull, Connecticut, who are employed in the positions of Director of Education, Superintendent of Schools, and Assistant Superintendent of Schools, and to provide for the payment of merit pay to the employees of the School District of Trumbull, Connecticut, who are employed in the positions of Director of Education, Superintendent of Schools, and Assistant Superintendent of Schools.

The Board of Education of the Town of Trumbull, Connecticut, has considered the following Ordinance for the purpose of the Merit Pay Plan for the School District of Trumbull, Connecticut, to provide for the payment of merit pay to the employees of the School District of Trumbull, Connecticut, who are employed in the positions of Director of Education, Superintendent of Schools, and Assistant Superintendent of Schools.

Director L. Crampton requested that the Board of Education consider the following Ordinance for the purpose of the Merit Pay Plan for the School District of Trumbull, Connecticut, to provide for the payment of merit pay to the employees of the School District of Trumbull, Connecticut, who are employed in the positions of Director of Education, Superintendent of Schools, and Assistant Superintendent of Schools.

Director L. Crampton requested that the Board of Education consider the following Ordinance for the purpose of the Merit Pay Plan for the School District of Trumbull, Connecticut, to provide for the payment of merit pay to the employees of the School District of Trumbull, Connecticut, who are employed in the positions of Director of Education, Superintendent of Schools, and Assistant Superintendent of Schools.

Director L. Crampton requested that the Board of Education consider the following Ordinance for the purpose of the Merit Pay Plan for the School District of Trumbull, Connecticut, to provide for the payment of merit pay to the employees of the School District of Trumbull, Connecticut, who are employed in the positions of Director of Education, Superintendent of Schools, and Assistant Superintendent of Schools.

Member Crampton requested that the Board of Education consider the following Ordinance for the purpose of the Merit Pay Plan for the School District of Trumbull, Connecticut, to provide for the payment of merit pay to the employees of the School District of Trumbull, Connecticut, who are employed in the positions of Director of Education, Superintendent of Schools, and Assistant Superintendent of Schools.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to approve Resolution No. 50-2019. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to apply metered parking on a 24/7 basis to the 100 block of Royal Palm Way, Phipps Ocean Park North and South parking lots and the westside of S. Ocean Blvd. at Mid-Town beach. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to defer the discussion on expanding the placard parking locations until the November 12, 2019, Town Council Meeting. On roll call, the motion carried unanimously.

III. RESOLUTION NO. 50-2019 A Resolution of the Town of Cary, North Carolina, to approve the proposed changes to the Town of Cary's Comprehensive Zoning Ordinance, as amended, to apply metered parking on a 24/7 basis to the 100 block of Royal Palm Way, Phipps Ocean Park North and South parking lots and the westside of S. Ocean Blvd. at Mid-Town beach. On roll call, the motion carried unanimously.

Whereas the Town of Cary, North Carolina, is a member of the Town of Cary's Comprehensive Zoning Ordinance, as amended, to apply metered parking on a 24/7 basis to the 100 block of Royal Palm Way, Phipps Ocean Park North and South parking lots and the westside of S. Ocean Blvd. at Mid-Town beach.

Whereas the Town of Cary, North Carolina, is a member of the Town of Cary's Comprehensive Zoning Ordinance, as amended, to apply metered parking on a 24/7 basis to the 100 block of Royal Palm Way, Phipps Ocean Park North and South parking lots and the westside of S. Ocean Blvd. at Mid-Town beach.

Whereas the Town of Cary, North Carolina, is a member of the Town of Cary's Comprehensive Zoning Ordinance, as amended, to apply metered parking on a 24/7 basis to the 100 block of Royal Palm Way, Phipps Ocean Park North and South parking lots and the westside of S. Ocean Blvd. at Mid-Town beach.

Whereas the Town of Cary, North Carolina, is a member of the Town of Cary's Comprehensive Zoning Ordinance, as amended, to apply metered parking on a 24/7 basis to the 100 block of Royal Palm Way, Phipps Ocean Park North and South parking lots and the westside of S. Ocean Blvd. at Mid-Town beach.

Whereas the Town of Cary, North Carolina, is a member of the Town of Cary's Comprehensive Zoning Ordinance, as amended, to apply metered parking on a 24/7 basis to the 100 block of Royal Palm Way, Phipps Ocean Park North and South parking lots and the westside of S. Ocean Blvd. at Mid-Town beach.

Whereas the Town of Cary, North Carolina, is a member of the Town of Cary's Comprehensive Zoning Ordinance, as amended, to apply metered parking on a 24/7 basis to the 100 block of Royal Palm Way, Phipps Ocean Park North and South parking lots and the westside of S. Ocean Blvd. at Mid-Town beach.

the A... R... and R... M... A... and
the C... U... A... C... A... Dr...
the N... and the E... D...

Director L... C... and the ...

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve Resolution No. 55-2019. On roll call, the motion carried unanimously.

III. RESOLUTION NO. 55-2019 A Resolution of the Town of ...
... C... and R... C... and D...
... S... E... A... C... A...
... T... D... T... M...
... U... S... A... R... E...
... C... A... R... and R... S...
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... N... and the E... D...

Director ... and the ...

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve Resolution No. 56-2019. On roll call, the motion carried unanimously.

XIV. ANY OTHER MATTERS

Mayor C... and the ... S...
A... and the ...
... R... M...

D... and the ... N... and the ... A...

It was the consensus of the Town Council instruct staff to carry out the following actions:

- **Present information at the November 12, 2019, Town Council Meeting on expanding the “No Dogs” rule in the Midtown Beach area further north up to Wells Road;**
- **Present information at the November 12, 2019, Town Council Meeting about a “shared parking” program using the Peruvian Avenue employee parking lot on Mondays through Fridays after 5PM and on weekends to supply restaurant employees and beachgoers with parking options (for a fee);**
- **Contact Google Maps support team about correcting a mislabeled dog park location in the Town of Palm Beach.**

XV. ADJOURNMENT

Territory of the State of Tennessee
County of _____
do hereby adjourn

ATTEST

Deputy Clerk

ATTEST

Deputy Clerk

D

TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda Minutes

Agenda Title

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

Presenter

Josh Martin, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated August 1, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Minutes of the Architectural Review Commission Meeting of July 24, 2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 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 July 24, 2019

Date: August 1, 2019

STAFF RECOMMENDATION

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

The Architectural Review Commission met on Wednesday, July 24, 2019, at 7:00 PM in the Town of Palm Beach Community Center, 1000 S. Dixie Highway, Palm Beach, Florida. The meeting was called to order by the Chairman, Mr. Garrison. The meeting was held in accordance with the provisions of the Town of Palm Beach Ordinance No. 19-01, which provides for the establishment of the Architectural Review Commission. The meeting was held in accordance with the provisions of the Town of Palm Beach Ordinance No. 19-01, which provides for the establishment of the Architectural Review Commission. The meeting was held in accordance with the provisions of the Town of Palm Beach Ordinance No. 19-01, which provides for the establishment of the Architectural Review Commission.

I CALL TO ORDER

The Chairman, Mr. Garrison, called the meeting to order.

II ROLL CALL

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Please note: It was noted that Ms. Shiverick and Mr. Floersheimer would be voting in the absence of Messrs. Vila and Corey.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

Mr. Garrison called the roll.

III PLEDGE OF ALLEGIANCE

The Chairman, Mr. Garrison, called the meeting to order.

I APPROVAL OF THE MINUTES FROM THE JUNE 26, 2019 MEETING

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the minutes from the June 26, 2019 meeting. Motion carried unanimously.

10

[illegible]

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

□ I □

Diagram of a 1D lattice with 16 sites. The first site is labeled 'M', the second 'C', and the last 'r'. The remaining 13 sites are empty. The sites are represented by boxes, with some containing vertical lines to indicate occupancy.

□ II □

Tr r rd

□ III □

Mr S d S r ARCOM r C r d
d Mr M r r r I r I r S
C

[illegible]

M₁ M₂ r₁ r₂ r₃ r₄ d₁ d₂ r₅ d₃ d₄ d₅ d₆ r₆ r₇ r₈ r₉ r₁₀ r₁₁ r₁₂ r₁₃ r₁₄ r₁₅ r₁₆ r₁₇ r₁₈ r₁₉ r₂₀ r₂₁ r₂₂ r₂₃ r₂₄ r₂₅ r₂₆ r₂₇ r₂₈ r₂₉ r₃₀ r₃₁ r₃₂ r₃₃ r₃₄ r₃₅ r₃₆ r₃₇ r₃₈ r₃₉ r₄₀ r₄₁ r₄₂ r₄₃ r₄₄ r₄₅ r₄₆ r₄₇ r₄₈ r₄₉ r₅₀ r₅₁ r₅₂ r₅₃ r₅₄ r₅₅ r₅₆ r₅₇ r₅₈ r₅₉ r₆₀ r₆₁ r₆₂ r₆₃ r₆₄ r₆₅ r₆₆ r₆₇ r₆₈ r₆₉ r₇₀ r₇₁ r₇₂ r₇₃ r₇₄ r₇₅ r₇₆ r₇₇ r₇₈ r₇₉ r₈₀ r₈₁ r₈₂ r₈₃ r₈₄ r₈₅ r₈₆ r₈₇ r₈₈ r₈₉ r₉₀ r₉₁ r₉₂ r₉₃ r₉₄ r₉₅ r₉₆ r₉₇ r₉₈ r₉₉ r₁₀₀ r₁₀₁ r₁₀₂ r₁₀₃ r₁₀₄ r₁₀₅ r₁₀₆ r₁₀₇ r₁₀₈ r₁₀₉ r₁₁₀ r₁₁₁ r₁₁₂ r₁₁₃ r₁₁₄ r₁₁₅ r₁₁₆ r₁₁₇ r₁₁₈ r₁₁₉ r₁₂₀ r₁₂₁ r₁₂₂ r₁₂₃ r₁₂₄ r₁₂₅ r₁₂₆ r₁₂₇ r₁₂₈ r₁₂₉ r₁₃₀ r₁₃₁ r₁₃₂ r₁₃₃ r₁₃₄ r₁₃₅ r₁₃₆ r₁₃₇ r₁₃₈ r₁₃₉ r₁₄₀ r₁₄₁ r₁₄₂ r₁₄₃ r₁₄₄ r₁₄₅ r₁₄₆ r₁₄₇ r₁₄₈ r₁₄₉ r₁₅₀ r₁₅₁ r₁₅₂ r₁₅₃ r₁₅₄ r₁₅₅ r₁₅₆ r₁₅₇ r₁₅₈ r₁₅₉ r₁₆₀ r₁₆₁ r₁₆₂ r₁₆₃ r₁₆₄ r₁₆₅ r₁₆₆ r₁₆₇ r₁₆₈ r₁₆₉ r₁₇₀ r₁₇₁ r₁₇₂ r₁₇₃ r₁₇₄ r₁₇₅ r₁₇₆ r₁₇₇ r₁₇₈ r₁₇₉ r₁₈₀ r₁₈₁ r₁₈₂ r₁₈₃ r₁₈₄ r₁₈₅ r₁₈₆ r₁₈₇ r₁₈₈ r₁₈₉ r₁₉₀ r₁₉₁ r₁₉₂ r₁₉₃ r₁₉₄ r₁₉₅ r₁₉₆ r₁₉₇ r₁₉₈ r₁₉₉ r₂₀₀ r₂₀₁ r₂₀₂ r₂₀₃ r₂₀₄ r₂₀₅ r₂₀₆ r₂₀₇ r₂₀₈ r₂₀₉ r₂₁₀ r₂₁₁ r₂₁₂ r₂₁₃ r₂₁₄ r₂₁₅ r₂₁₆ r₂₁₇ r₂₁₈ r₂₁₉ r₂₂₀ r₂₂₁ r₂₂₂ r₂₂₃ r₂₂₄ r₂₂₅ r₂₂₆ r₂₂₇ r₂₂₈ r₂₂₉ r₂₃₀ r₂₃₁ r₂₃₂ r₂₃₃ r₂₃₄ r₂₃₅ r₂₃₆ r₂₃₇ r₂₃₈ r₂₃₉ r₂₄₀ r₂₄₁ r₂₄₂ r₂₄₃ r₂₄₄ r₂₄₅ r₂₄₆ r₂₄₇ r₂₄₈ r₂₄₉ r₂₅₀ r₂₅₁ r₂₅₂ r₂₅₃ r₂₅₄ r₂₅₅ r₂₅₆ r₂₅₇ r₂₅₈ r₂₅₉ r₂₆₀ r₂₆₁ r₂₆₂ r₂₆₃ r₂₆₄ r₂₆₅ r₂₆₆ r₂₆₇ r₂₆₈ r₂₆₉ r₂₇₀ r₂₇₁ r₂₇₂ r₂₇₃ r₂₇₄ r₂₇₅ r₂₇₆ r₂₇₇ r₂₇₈ r₂₇₉ r₂₈₀ r₂₈₁ r₂₈₂ r₂₈₃ r₂₈₄ r₂₈₅ r₂₈₆ r₂₈₇ r₂₈₈ r₂₈₉ r₂₉₀ r₂₉₁ r₂₉₂ r₂₉₃ r₂₉₄ r₂₉₅ r₂₉₆ r₂₉₇ r₂₉₈ r₂₉₉ r₃₀₀ r₃₀₁ r₃₀₂ r₃₀₃ r₃₀₄ r₃₀₅ r₃₀₆ r₃₀₇ r₃₀₈ r₃₀₉ r₃₁₀ r₃₁₁ r₃₁₂ r₃₁₃ r₃₁₄ r₃₁₅ r₃₁₆ r₃₁₇ r₃₁₈ r₃₁₉ r₃₂₀ r₃₂₁ r₃₂₂ r₃₂₃ r₃₂₄ r₃₂₅ r₃₂₆ r₃₂₇ r₃₂₈ r₃₂₉ r₃₃₀ r₃₃₁ r₃₃₂ r₃₃₃ r₃₃₄ r₃₃₅ r₃₃₆ r₃₃₇ r₃₃₈ r₃₃₉ r₃₄₀ r₃₄₁ r₃₄₂ r₃₄₃ r₃₄₄ r₃₄₅ r₃₄₆ r₃₄₇ r₃₄₈ r₃₄₉ r₃₅₀ r₃₅₁ r₃₅₂ r₃₅₃ r₃₅₄ r₃₅₅ r₃₅₆ r₃₅₇ r₃₅₈ r₃₅₉ r₃₆₀ r₃₆₁ r₃₆₂ r₃₆₃ r₃₆₄ r₃₆₅ r₃₆₆ r₃₆₇ r₃₆₈ r₃₆₉ r₃₇₀ r₃₇₁ r₃₇₂ r₃₇₃ r₃₇₄ r₃₇₅ r₃₇₆ r₃₇₇ r₃₇₈ r₃₇₉ r₃₈₀ r₃₈₁ r₃₈₂ r₃₈₃ r₃₈₄ r₃₈₅ r₃₈₆ r₃₈₇ r₃₈₈ r₃₈₉ r₃₉₀ r₃₉₁ r₃₉₂ r₃₉₃ r₃₉₄ r₃₉₅ r₃₉₆ r₃₉₇ r₃₉₈ r₃₉₉ r₄₀₀ r₄₀₁ r₄₀₂ r₄₀₃ r₄₀₄ r₄₀₅ r₄₀₆ r₄₀₇ r₄₀₈ r₄₀₉ r₄₁₀ r₄₁₁ r₄₁₂ r₄₁₃ r₄₁₄

I ☐ ☐

A. DEMOLITIONS AND TIME EXTENSIONS

□ □ □ □ □ □ □ □ □ □ **D** □ □ □ □ □ □ □ □ □ □

Addr r Rd

A

--	--	--	--	--	--	--	--	--	--

 A

--	--

 r

--

 LLC[illegible]

Diagram illustrating a 1D chain structure with two sublattices, A and B. The chain is divided into two sections by a vertical line. The left section contains 5 squares in sublattice A (labeled 'r') and 5 squares in sublattice B (labeled 'D'). The right section contains 5 squares in sublattice A (labeled 'd') and 5 squares in sublattice B (labeled 'D').

C r d r r D r r r

Mr S r r d d r r r r d
r d d d d d d d d d rd

Mr. S...r...d
S...r...d
r...

Motion made by Mr. Zukov and seconded by Mr. Ives that the proposed demolition of 133 Gulfstream Road has met the conditions listed in Sec. 18-206 of the Town's Code of Ordinances, and to approve the project as presented with the caveat 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 6-1 with Mr. Garrison opposed.

Mr. S...d
... ..
... ..
... ..
Mr. S...r...d

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.

... ..D... ..

Addr... ..N...L... ..
A... ..N... ..C... ..
r... ..M... ..Ar... ..
r... ..D... ..D... ..
rd... ..

C... ..r... ..r... ..
D... ..r... ..r... ..

C... ..r... ..M... ..Ar... ..
r... ..d... ..
d... ..
r... ..
r... ..

D... ..S... ..r... ..D... ..S... ..r... ..I... ..r... ..
d... ..
rd... ..r... ..
d... ..

Mr... ..r... ..r... ..rd... ..
r... ..
r... ..
Mr. S... ..r... ..
r... ..d... ..

Mr. S... ..r... ..rd... ..
r... ..
d... ..
r... ..

Mr... ..r... ..r... ..rd... ..
r... ..
rd... ..
r... ..
r... ..

North Carolina

Address: 100 North L Street

As of the date of the meeting, LLC is a member of the

Board of Directors of the State of North Carolina.

The Board of Directors of the State of North Carolina is

currently in the process of reviewing the

A. The Board of Directors of the State of North Carolina is

currently in the process of reviewing the

Board of Directors of the State of North Carolina.

Please note: The item was deferred to the August 28, 2019 meeting with the approval of the agenda, Item V.

North Carolina

Address: 100 East Rd

As of the date of the meeting, the

Board of Directors of the State of North Carolina is

currently in the process of reviewing the

Board of Directors of the State of North Carolina.

A. The Board of Directors of the State of North Carolina is

currently in the process of reviewing the

Please note: The item was deferred to the August 28, 2019 meeting with the approval of the agenda, Item V.

North Carolina

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO

VARIANCE IN THE

Address: 100 Central Ave

As of the date of the meeting, the

Board of Directors of the State of North Carolina is

currently in the process of reviewing the

Board of Directors of the State of North Carolina.

The Board of Directors of the State of North Carolina is

currently in the process of reviewing the

Board of Directors of the State of North Carolina.

A. The Board of Directors of the State of North Carolina is

currently in the process of reviewing the

Board of Directors of the State of North Carolina.

The Board of Directors of the State of North Carolina is

currently in the process of reviewing the

**Town’s Code of Ordinances, and to approve the project as presented.
Motion carried 5-2, with Ms. Shiverick and Mr. Floersheimer opposed.**

Please note: A short break was taken at 10:31 a.m. The meeting resumed at 10:43 a.m.

C. MAJOR PROJECTS – NEW BUSINESS

Discussion of New Construction

Address of Meeting

Address of Meeting and Date of Meeting

Discussion of New Construction and Address of Meeting

Discussion of New Construction and Address of Meeting

Discussion of New Construction and Address of Meeting

Discussion of New Construction and Address of Meeting

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Discussion of New Construction and Address of Meeting

Discussion of New Construction and Address of Meeting

Mr. Garrison requested that the Board of Directors be authorized to enter into a contract with the Town of ... for the purchase of the property located at ... and to execute all necessary documents to carry out the same.

Ms. Smith requested that the Board of Directors be authorized to enter into a contract with the Town of ... for the purchase of the property located at ... and to execute all necessary documents to carry out the same.

Mr. ... requested that the Board of Directors be authorized to enter into a contract with the Town of ... for the purchase of the property located at ... and to execute all necessary documents to carry out the same.

Mr. ... requested that the Board of Directors be authorized to enter into a contract with the Town of ... for the purchase of the property located at ... and to execute all necessary documents to carry out the same.

Ms. Smith requested that the Board of Directors be authorized to enter into a contract with the Town of ... for the purchase of the property located at ... and to execute all necessary documents to carry out the same.

Mr. Smith requested that the Board of Directors be authorized to enter into a contract with the Town of ... for the purchase of the property located at ... and to execute all necessary documents to carry out the same.

Mr. ... requested that the Board of Directors be authorized to enter into a contract with the Town of ... for the purchase of the property located at ... and to execute all necessary documents to carry out the same.

Mr. ... requested that the Board of Directors be authorized to enter into a contract with the Town of ... for the purchase of the property located at ... and to execute all necessary documents to carry out the same.

Motion made by Ms. Grace and seconded by Mr. Garrison that the proposed project at 214 Plantation Road has met the conditions listed in Sec. 18-205 of the Town's Code of Ordinances and to approve the project with the following items returning to the August 28, 2019 meeting for approval: change the front door color to white, delete the circular window on the front façade, change the front entry columns, and change the second floor, square windows to elongated windows with Bahama shutters, and to reexamine the driveway configuration. Motion carried unanimously.

D. MINOR PROJECTS – OLD BUSINESS

A ... M ...

Address ... A ...

A ... S ... TR S ...

R ... R ... d ...

Mr. Dorr E. ...
...
...

Please note: The item was removed from the agenda with the approval of the agenda, Item V.

E. MINOR PROJECTS – NEW BUSINESS

A ... Add ... Md ...

Addr ... L ...
A ... S ... M ... C ...
... R ... D ... Ar ... A ...
... D ... A ... dd ...
... r ... d ... r ... r ... d ...
... N ... d ... d ... d ... r ...
... d ...

C ... r d ... r ... D ... r ...

Mr ... r ... d ... r ... r ... d ...
... r ... d ...

Mr ... r ... d ... r ... d ...
... r ... d ... r ... d ...
... r ... d ... r ... r ...

Mr S ... r ... d ... d ... r ...
... r ... r ... r ...
... r ... d ... Mr ... r ...

M ... r ... r ... d ... r ... Mr ... d ...
... r ... r ... d ... M ... d ...
... r ... d ... A ... d ...

M ... r ... r ... d ... r ... d ...

Mr S ... r ... d ... r ... Mr ... d ...
... r ...

Motion by Ms. Grace and seconded by Ms. Shiverick to defer the proposed changes to the August 28, 2019 meeting. Motion carried 5-2, with Messrs. Garrison and Ives opposed.

A ... Md ...

Addr ... A ...
A ...

Mr. [REDACTED] Mr. [REDACTED]

Mr. [REDACTED] D [REDACTED] N [REDACTED] [REDACTED] [REDACTED] [REDACTED]

C [REDACTED] r d [REDACTED] r [REDACTED] [REDACTED] [REDACTED] D [REDACTED] r [REDACTED] [REDACTED] [REDACTED]

E [REDACTED] L [REDACTED] [REDACTED] d [REDACTED] [REDACTED] d [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Mr. [REDACTED] S [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] r [REDACTED] d [REDACTED] [REDACTED] [REDACTED]

Mr. [REDACTED] r [REDACTED] [REDACTED] d [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Mr. [REDACTED] I [REDACTED] [REDACTED] d [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] d [REDACTED] M [REDACTED] L [REDACTED] r [REDACTED] d [REDACTED] d
[REDACTED] [REDACTED] [REDACTED] Mr. [REDACTED] I [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

M [REDACTED] r [REDACTED] [REDACTED] [REDACTED] r [REDACTED] [REDACTED] [REDACTED]

M [REDACTED] S [REDACTED] r [REDACTED] [REDACTED] d [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] d [REDACTED] M [REDACTED] L [REDACTED] [REDACTED] d [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] d [REDACTED] M [REDACTED] S [REDACTED] r [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Mr. [REDACTED] r [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] r [REDACTED] [REDACTED] [REDACTED]

M [REDACTED] L [REDACTED] [REDACTED] d [REDACTED] C [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] r [REDACTED] d [REDACTED] [REDACTED]
[REDACTED] [REDACTED] r [REDACTED] [REDACTED] d [REDACTED] [REDACTED] [REDACTED] r [REDACTED] [REDACTED] [REDACTED] d [REDACTED]

T [REDACTED] [REDACTED] [REDACTED] [REDACTED] C [REDACTED] [REDACTED] [REDACTED] [REDACTED] d [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

Motion made by Ms. Grace and seconded by Mr. Ives that the proposed project at 251 Worth Avenue has met the conditions listed in Sec. 18-205 of the Town's Code of Ordinances and to approve the single sign proposed over the front entrance with the elimination of the two side plaques. Motion carried 6-1, with Mr. Small opposed.

[A \[REDACTED\] M \[REDACTED\] d \[REDACTED\]](#)

Addr [REDACTED] [REDACTED] A [REDACTED] [REDACTED] A [REDACTED]

A [REDACTED] [REDACTED] S [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] d [REDACTED] S [REDACTED]

[REDACTED] D [REDACTED] r [REDACTED] [REDACTED] I [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] d [REDACTED] [REDACTED] [REDACTED]

C [REDACTED] r d [REDACTED] r [REDACTED] [REDACTED] [REDACTED] [REDACTED] D [REDACTED] r [REDACTED] [REDACTED] [REDACTED]

R [REDACTED] [REDACTED] S [REDACTED] d r [REDACTED] S [REDACTED] d [REDACTED] S R [REDACTED] d [REDACTED] [REDACTED] d r [REDACTED] d [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] d [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] r [REDACTED] [REDACTED] [REDACTED]

II [ADJOURNMENT](#)

Motion made by Ms. Grace and seconded by Mr. Floersheimer to adjourn the meeting at 1:34 p.m. Motion carried unanimously.

Tuesday, November 14, 2017
Clerk: [Name] [Title] [Address] [City] [State] [Zip] [Phone] [Fax] [Email] [Website] [Social Media] [Other Contact Information]

R [Name] [Title] [Address] [City] [State] [Zip] [Phone] [Fax] [Email] [Website] [Social Media] [Other Contact Information]

M [Name] [Title] [Address] [City] [State] [Zip] [Phone] [Fax] [Email] [Website] [Social Media] [Other Contact Information]
ARCHITECTURAL COMMISSION

[Name] [Title] [Address] [City] [State] [Zip] [Phone] [Fax] [Email] [Website] [Social Media] [Other Contact Information]

TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 62-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Gym Source USA LLC for Fitness Equipment To Be Utilized in the Morton and Barbara Mandel Recreation Center in the Amount of \$132,329 From the Capital Improvement Fund (307) Which will be Split Between the Mandel Foundation, Friends of Recreation and the Town, and Establishing a Budget of \$140,000.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated July 24, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 62-2019**
- ▣ **Quote**
- ▣ **Layout**

TOWN OF PALM BEACH

Information for Town Council Meeting on August 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 Purchase Order to Gym Source USA LLC for Fitness Equipment to be Utilized in the New Recreation Center in the Amount of \$132,329
Resolution No. 62-2019

DATE: July 24, 2019

STAFF RECOMMENDATION

Staff recommends Town Council approval of Resolution No. 62-2019 and the issuance of a Purchase Order to Gym Source USA LLC for Fitness Equipment to be utilized in the new Recreation Center in the amount of \$132,329, and establishing a budget of \$140,000.

SUMMARY EXPLANATION/BACKGROUND

The new Recreation Center was designed to include a state of the art fitness room. Purchasing and the Director of Business Development and Operations reviewed available sources for supply of equipment that would satisfy the expectations for the fitness room. In the review of equipment options, it was decided to move forward with Gym Source USA LLC.

Purchasing identified an active Governmental Contract that Gym Source USA LLC had been awarded to by the Broward County School District.

A site visit was made to the Beach Club by the Director of Business Development and Operations to review their equipment which happens to be supplied by Gym Source USA LLC.

In discussion with Gym Source, the concern about warranty, timeliness of repairs from the initial call made by the Town and the ability to switch out a piece of equipment within the first ninety days if it did not meet the Town's expectations were all addressed with positive responses.

The budget for this purchase was \$186,000. The total for the equipment to be provided by Gym Source is \$132,329 and staff expects to expend approximately \$10,000 on miscellaneous items for the fitness room, which will result in approximately \$43,671 of savings from the original budget. By utilization of the Broward County School District Contract, the Town was able to secure best

pricing, best value and best warranty.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact of Resolution 62-2019 will be up to \$140,000. The funding will be from the Capital Improvement Fund (307). The funding for this project will be split between the Mandel Foundation, Friends of Recreation and the Town, and is fully contained in the Recreation Center project budget.

USER DEPARTMENT CONCURRENCE

The Recreation 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
Carolyn Stone, Director of Business Development and Operations
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 62-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO GYM SOURCE USA LLC FOR FITNESS EQUIPMENT TO BE UTILIZED IN THE MORTON AND BARBARA MANDEL RECREATION CENTER IN THE AMOUNT OF \$132,329 FROM THE CAPITAL IMPROVEMENT FUND (307) WHICH WILL BE SPLIT BETWEEN THE MANDEL FOUNDATION, FRIENDS OF RECREATION AND THE TOWN, AND ESTABLISHING A BUDGET OF \$140,000.

WHEREAS; the Morton and Barbara Mandel Recreation Center was programmed for a state of the art fitness room, and;

WHEREAS; Purchasing obtained authorization to utilize the Broward County School District Contract with Gym Source USA LLC; and

WHEREAS; Town Council approval is sought to approve a Purchase Order in the amount of \$132,329 to Gym Source USA LLC to be funded from the Capital Improvement Fund (307) and the project funding will be split between the Mandel Foundation, Friends of Recreation and the Town.

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 Gym Source USA LLC in the amount of \$132,329, is hereby approved.

Section 2. The Town Council approves funding from the Capital Improvement Fund (307). The funding will be split between the Mandel Foundation, Friends of Recreation and the Town.

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 14th day of August, 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk



QUOTE:

2166133

07/11/2019
Page 1 of 3

Salesperson	Store	Quote Dt	ACCOUNT ID	CUSTOMER NAME
BOB LAWRENCE	020	07/09/2019	20-408543	TOWN OF PALM BEACH

[www.gymsource.com]

Bill To

TOWN OF PALM BEACH
951 OLD OKEECHOBEE RD STE D
WEST PALM BEACH FL 33401

Ship To

TOWN OF PALM BEACH
951 OLD OKEECHOBEE RD STE D
WEST PALM BEACH FL 33401

LN	Product	Description	List	Price	Qty	Total
1	CYBEX-R70T	R70 TREAD BASE	10599.00	7,949.25	3	23,847.75
2	CYBEX-R70T/EMB-IPT	R70 TRD EMB CON W/IPTV UPGRADE		.00	3	.00
3	CYBEX-R70A/DA	R70 TOTAL BODY ARC BASE	11608.00	8,706.00	1	8,706.00
4	CYBEX-R70B/EMB-IPT	R70 ARC/BK EMB CON W/IPTV UPG		.00	1	.00
5	CYBEX-R70B-R	R70 RECUMBENT BIKE BASE	6308.00	.00	1	.00
6	CYBEX-R70B/EMB-IPT	R70 ARC/BK EMB CON W/IPTV UPG		.00	1	.00
7	STAIR-G8/BASE	GAUNTLET BASE (MUST INCLUDE CONSOLE)	7695.00	6,156.00	1	6,156.00
8	STAIR-G8/CON-EMB	EMBEDDED TV FOR GAUNTLET (NEED BASE)	2400.00	1,920.00	1	1,920.00
9	STG-LM	LES MILLS V-BK W/SUBSCR REQD/1ST YR INCL	3999.00	.00	1	.00
10	NS-SP/HAUSMANN	HAUSMANN 1412-47 4X7X16 STRETCH TABLE		.00	1	.00
11	COLORS	TABLE FRAME:OAK / TABLE UPH: BLACK		.00	1	.00
12	OCTANE-4700XT/B19	XT-4700 BASE ONLY 8019092 CHARCOAL	5199.00	3,899.25	2	7,798.50
13	OCTANE-OPT/IPVS.19	PVS TV COMM KIT 8019435 CHARCOAL	1299.00	974.25	2	1,948.50
14	OCTANE-OPT/CTS.19	OCTANE SMART TS CON 8019437 CHARCOAL	2699.00	2,024.25	2	4,048.50
15	OCTANE-XR6000S/B	XR6000 SWIVEL SEAT BASE 112250-001 CHRCL	4999.00	3,749.25	1	3,749.25
16	OCTANE-OPT/IPVS.19	PVS TV COMM KIT 8019435 CHARCOAL	1299.00	974.25	1	974.25
17	OCTANE-OPT/CTS.19	OCTANE SMART TS CON 8019437 CHARCOAL	2699.00	2,024.25	1	2,024.25
18	W-ROWER/M1-HIRISE	ROWER	1795.00	.00	1	.00
19	CYB-EAGLE/CPS	20000-CHEST PRESS	6583.00	5,924.70	1	5,924.70
20	CYB-EAGLE/PULLDOWN	20130-PULLDOWN	6583.00	5,924.70	1	5,924.70
21	CYB/PRST-FLY/REAR	21110-FLY/REAR DELT STD	5427.00	4,884.30	1	4,884.30
22	CYB/VR1-AB/BACK	13200-DUAL AB/BACK	4617.00	4,155.30	1	4,155.30
23	CYB-EAGLE/LP	20040-LEG PRESS	8635.00	7,771.50	1	7,771.50
24	CYB-EAGLE/LES-SRL	20055-LEG EXTENSION W/START RANGE LIMIT	5827.00	5,244.30	1	5,244.30



QUOTE:

2166133

07/11/2019
Page 2 of 3

Salesperson	Store	Quote Dt	ACCOUNT ID	CUSTOMER NAME
BOB LAWRENCE	020	07/09/2019	20-408543	TOWN OF PALM BEACH

[www.gymsource.com]

Bill To
TOWN OF PALM BEACH 951 OLD OKEECHOBEE RD STE D WEST PALM BEACH FL 33401

Ship To
TOWN OF PALM BEACH 951 OLD OKEECHOBEE RD STE D WEST PALM BEACH FL 33401

LN	Product	Description	List	Price	Qty	Total
25	CYB-EAGLE/SELC-SRL	20063-SEATED LEG CURL W/START RANGE LIMT	5827.00	5,244.30	1	5,244.30
26	NS-SP/TORQUE	TORQUE QT16330/ XCREATE 2MOD w/ACCESSORI	7680.00	7,680.00	1	7,680.00
27	MISCELLANEOUS	TORQUE XCREATE MOUNTING CHARGE	250.00	250.00	1	250.00
28	CYB/BRV-MED/325-XT	8840-4:1 325LB DUAL ADJ. PULLEY TALL	7609.00	6,848.10	1	6,848.10
29	CYB/PL-SMI	16121-SMITH PRESS	4747.00	4,272.30	1	4,272.30
30	CYB/FW-ADB	16161-ADJ. DECLINE BENCH	967.00	870.30	1	870.30
31	CYB/FW-AFD	16001-FLAT/INCLINE/DECLINE BENCH	967.00	870.30	2	1,740.60
32	CYB/FW-3DRS	16255-THREE TIER DUMBBELL RACK	1561.00	1,404.90	1	1,404.90
33	CYB/FW-BR	16260-BARBELL RACK	967.00	870.30	1	870.30
34	DB@HAM/JH-5-50	JELHANDLE 10PR.SET	3400.00	2,720.00	1	2,720.00
		--* kits comprised of *--				
	DB-HAM/JH-005	5LB SATELLITE JEL HANDLE DBELL/EA.			2	
	DB-HAM/JH-010	10LB SATELLITE JEL HANDLE DBELL/EA.			2	
	DB-HAM/JH-015	15LB SATELLITE JEL HANDLE DBELL/EA.			2	
	DB-HAM/JH-020	20LB SATELLITE JEL HANDLE DBELL/EA.			2	
	DB-HAM/JH-025	25LB SATELLITE JEL HANDLE DBELL/EA.			2	
	DB-HAM/JH-030	30LB SATELLITE JEL HANDLE DBELL/EA.			2	
	DB-HAM/JH-035	35LB SATELLITE JEL HANDLE DBELL/EA.			2	
	DB-HAM/JH-040	40LB SATELLITE JEL HANDLE DBELL/EA.			2	
	DB-HAM/JH-045	45LB SATELLITE JEL HANDLE DBELL/EA.			2	
	DB-HAM/JH-050	50LB SATELLITE JEL HANDLE DBELL/EA.			2	
35	DB@HAM/JH-55-75	JEL HANDLE 55-75 KIT	3200.00	2,560.00	1	2,560.00
		--* kits comprised of *--				
	DB-HAM/JH-055	55LB SATELLITE JEL HANDLE DBELL/EA.			2	



QUOTE:

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07/11/2019
Page 3 of 3

Salesperson	Store	Quote Dt	ACCOUNT ID	CUSTOMER NAME
BOB LAWRENCE	020	07/09/2019	20-408543	TOWN OF PALM BEACH

[www.gymsource.com]

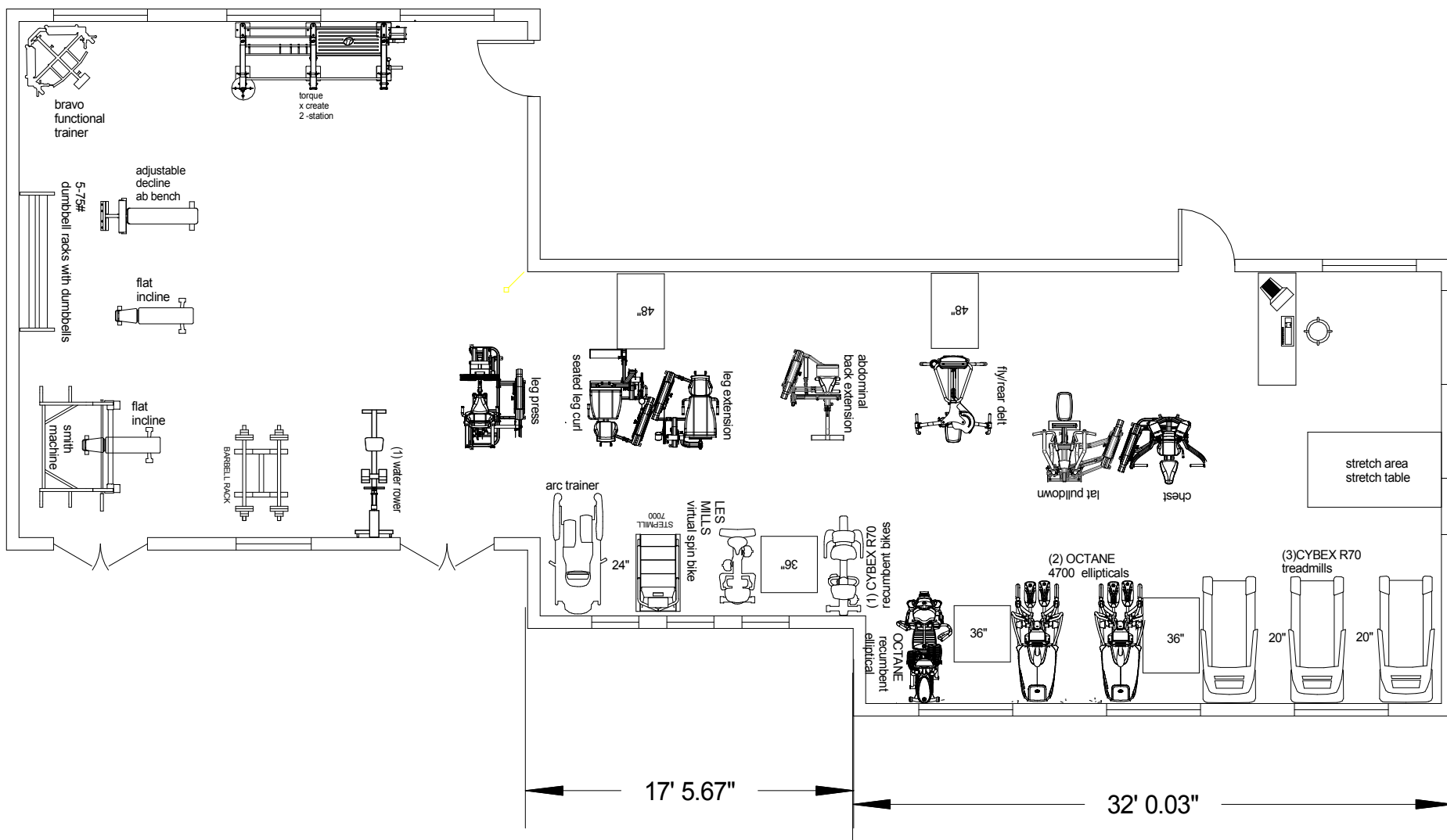
Bill To
TOWN OF PALM BEACH 951 OLD OKEECHOBEE RD STE D WEST PALM BEACH FL 33401

Ship To
TOWN OF PALM BEACH 951 OLD OKEECHOBEE RD STE D WEST PALM BEACH FL 33401

LN	Product	Description	List	Price	Qty	Total
	DB-HAM/JH-060	60LB SATELLITE JEL HANDLE DBELL/EA.			2	
	DB-HAM/JH-065	65LB SATELLITE JEL HANDLE DBELL/EA.			2	
	DB-HAM/JH-070	70LB SATELLITE JEL HANDLE DBELL/EA.			2	
	DB-HAM/JH-075	75LB SATELLITE JEL HANDLE DBELL/EA.			2	
36	HAM-SET/UB-C/S-LIT	20-60LBX10 CURL/25-65LBX10 STR URETHANE	2395.50	1,916.00	1	1,916.00
37	PL-OLY-HOG-R45	45LB HAMPTON RUBBER GRIP PLATE	117.00	93.60	4	374.40
38	PL-OLY-HOG-R35	35LB HAMPTON RUBBER GRIP PLATE	91.00	72.80	2	145.60
39	PL-OLY-HOG-R25	25LB HAMPTON RUBBER GRIP PLATE	65.00	52.00	4	208.00
40	PL-OLY-HOG-R10	10LB HAMPTON RUBBER GRIP PLATE	26.00	20.80	4	83.20
41	PL-OLY-HOG-R05	5LB HAMPTON RUBBER GRIP PLATE	13.00	10.40	4	41.60
42	PL-OLY-HOG-R02.5	2.5LB HAMPTON RUBBER GRIP PLATE	6.50	5.20	4	20.80
43	DEL-N/C	DEL.CHGE.HAS BEEN BACKED OUT FROM PRICE		.00	1	.00
44		PRICES ARE PER BROWARD CTY SCHOOL BOARD				
45		AWARD BID #16-097N				
46	CYBEX-ACC/IPTV-TXK	STB SYNC TRANSMITTER KIT FOR EMB/IPT CON	366.00	.00	5	.00
47	BVE-CAB/OCT-NEAR	CAB FOR OCTANE XT MODELS CAB-OCTANE	225.00	.00	3	.00
48	BVE-UNI/CABLE	CABLING FOR UNIV CNTRLR AXS-AUXNAOIR	60.00	.00	1	.00
49	BVE-UNI/CONTROLLER	CONTROLLER AXSPVSC-OS (NEED CABLING)	149.00	.00	1	.00
QUOTE IS VALID FOR 30 DAYS		Subtotal	175,008.50			132,328.20
TOTAL SAVINGS = \$42680.30 !!		TOTAL	175,008.50			132,328.20

GYM SOURCE RESERVES THE RIGHT TO ASSESS A 3% PROCESSING FEE FOR PAYMENTS MADE BY CREDIT CARD IN EXCESS OF \$15,000

Page 3 of 3	Gym Source USA LLC	Quote # 2166133
GYM SOURCE MIAMI		Phone: 954 818-5502 FAX: (407) 210-2407
REMIT PAYMENT TO: GYM SOURCE USA LLC, PO BOX 843443, BOSTON, MA 02284-3443		



TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 65-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute an Agreement for Mutual Fire/Rescue Assistance Between the City of West Palm Beach and the Town of Palm Beach.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▢ **Memorandum Dated August 5, 2019, from Dean Mealy, Purchasing Manager**
- ▢ **Resolution No. 65-2019**
- ▢ **Interlocal Agreement**

Information for Town Council Meeting on August 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 Authorizing the Mayor to Execute an Agreement for Mutual Fire/Rescue Assistance between the City of West Palm Beach and the Town of Palm Beach, **Resolution No. 65-2019**

DATE: 5 August 2019

STAFF RECOMMENDATION

Staff recommends the authorizing the Mayor to Execute an Agreement for Mutual Fire/Rescue Assistance between the City of West Palm Beach and the Town of Palm Beach.

SUMMARY EXPLANATION/BACKGROUND

The City of West Palm Beach and the Town of Palm Beach has an agreement for Mutual Fire/Rescue Assistance which had been previously executed in 2009. This agreement expires August 31, 2019.

The City of West Palm Beach approached the Town to renew the Mutual Aid Agreement in late June of this year.

The Mutual Aid Agreement benefits the Town for Fire and Rescue.

USER DEPARTMENT CONCURRENCE

Fire Rescue is in full concurrence with this recommendation.

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
Darrel Donatto, Fire-Rescue Chief and Director of Emergency Management

RESOLUTION NO. 65-2019

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
FOR MUTUAL FIRE/RESCUE ASSISTANCE BETWEEN THE
CITY OF WEST PALM BEACH AND THE TOWN OF PALM
BEACH.**

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

Section 1. The Town of Palm Beach hereby adopts the Agreement for Mutual Fire/Rescue Assistance between the City of West Palm Beach and the Town of Palm Beach.

Section 2. The Town Council of the Town of Palm Beach hereby authorizes the Mayor to execute the Mutual Aid Agreement for Fire/Rescue Services with the City of West Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of August, 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

**MUTUAL AID INTERLOCAL AGREEMENT
FOR FIRE/RESCUE ASSISTANCE
BETWEEN
THE TOWN OF PALM BEACH AND
THE CITY OF WEST PALM BEACH**

Contract No. 23580
Res. No. 226-19

THIS AGREEMENT is made and entered into this ____ day of _____, 20____, by and between the **TOWN OF PALM BEACH**, a Florida municipal corporation (hereinafter "**Town**"), and the **CITY OF WEST PALM BEACH**, a Florida municipal corporation (hereinafter "**City**").

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969," authorizes local governments to make the most efficient use of their power by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, each of the parties to this Agreement presently maintains a fire-rescue department with fire rescue equipment, fire fighting personnel, emergency medical equipment, emergency medical personnel, and other emergency capabilities; and

WHEREAS, it is deemed mutually advantageous to enter into this Agreement providing for mutual assistance/automatic aid in times of emergency where the need created may be too great for either party to deal with unassisted and is agreeable and in the public interest; and

NOW, THEREFORE, in consideration of the terms and conditions set forth herein and the benefits following from each to the other, the Town and City do hereby agree as follows:

1. MUTUAL ASSISTANCE; OPERATIONS

1.1. Mutual Assistance; Areas: The Town and City agree to provide assistance to each other for fire suppression, emergency medical services, and technical rescue, within the terms and conditions set forth by this Agreement. The assistance/automatic aid provided for by this Agreement shall extend to areas served by the parties through service agreements.

1.2. Request for Aid/Assistance: Emergency mutual assistance/automatic aid will be given when properly requested unless the party from whom assistance is requested determines in accordance with Section 1.5 of this Agreement that it is unable to respond. The party requesting aid and/or assistance shall provide the following information at the time the request is made:

- a. The general nature, type and location of the emergency;
- b. The type and quantity of equipment and/or personnel needed; and
- c. The name and rank of the person making the request.

All requests shall be directed through Palm Beach County's emergency dispatch communications center. The following officials of the participating parties are authorized to request aid and assistance under this Agreement: the respective Fire Chiefs, Assistant or Deputy Fire Chiefs, Incident Commanders, the Town Manager or Mayor, or the City's Mayor or City Administrator.

1.3. Command Authority: In the event of an emergency which requires additional assistance, the Fire Chief of the jurisdiction in which the incident is located, or in his absence, the Assistant or Deputy Fire Chief or the Incident Commander, will direct the activities at the scene where the emergency exists, but personnel responding to the call will remain under the command of their own officers at all times. Each party shall retain control over its personnel and the rendition of services, standards of performance, discipline of officers and employees, and other matters incidental to the performance of services. Each party authorizes its Fire Chief, or his designee, to meet with the other party's Fire Chief, or his designee, and develop automatic aid/mutual assistance plans and procedures, including but not limited to details regarding areas to be serviced and type and/or level of response. The Fire Chiefs are also authorized to promulgate necessary administrative regulations and orders to implement and administer these plans and procedures.

1.4. Remuneration: All costs associated with providing mutual assistance/automatic aid services under this Agreement shall be the responsibility of the city rendering aid/assistance.

The parties further agree that the city rendering aid/assistance may request reimbursement for any expenditure of goods or services directly from the persons, parties, or company involved in, causing, or responsible for, the incident at the sole discretion of the city rendering aid or assistance. The city rendering aid/assistance for emergency medical services that requires transport service may request reimbursement for the transport service from the patient. The city rendering service will handle insurance claims and collection in accordance with their policies and procedures and shall be in accordance with the latest Federal Medicare guidelines, if applicable.

If the rendering city invoices the party responsible for the incident for reimbursement of the goods and services provided, a copy of such invoice shall be forwarded to the requesting city as a matter of courtesy; provided, however, that the parties will not be required to provide copies of transport fee invoices to the other party and shall not otherwise use or disclose Protected Health Information ("PHI") or Electronic Protected Health Information ("e-PHI") except as permitted by the Health Insurance Portability and Accountability Act ("HIPAA"), the regulations promulgated thereunder, and any other applicable laws and regulations, all as may be amended from time to time.

1.5. Ability to Respond: Each party may refuse to respond to a request for aid/assistance in the event it does not have the required equipment or staffing available or if, in its sole judgment, compliance with the request would jeopardize the protection of its own jurisdiction or personnel. Notwithstanding anything herein that may be construed to the contrary, the parties understand and agree that it is not the intention of the parties to subsidize the

normal day-to-day operations or shortages in staffing or equipment of the other party and that the mutual assistance/automatic aid provided hereunder is intended to be mutual in nature.

1.6. HIPAA Compliance: Both parties acknowledge and agree that their respective fire-rescue departments are covered entities under the Health Insurance Portability and Accountability Act ("HIPAA") and therefore are bound by the provisions of HIPAA and the regulations promulgated thereunder (including the privacy and security rules), all as may be amended from time to time. Should any provision of this Agreement be determined to be inconsistent with the requirements of HIPAA and/or the regulations promulgated thereunder, then the parties shall promptly amend such provision as necessary to comply with HIPAA and its regulations.

2. EMPLOYEES; REPRESENTATIVES

2.1. Representative and Contract Monitors: The Town's representative and Contract Monitor during the performance of this Agreement shall be the Fire Rescue Chief, whose telephone number is (561) 227-6492. The City's representative and contract monitor during the performance of this Agreement shall be the Fire Chief, whose telephone number is (561) 804-4705.

2.2. Employee Functions: No employee of either party to this Agreement shall perform any function, or service which is not within the employee's scope of duties as defined or determined by the employee's employer.

2.3. Employee Claims, Benefits, etc.: No employee, officer, or agent of either party shall, in connection with this Agreement or the performance of services and functions hereunder, have a right to or claim any pension, workers' compensation, unemployment compensation, civil service, or other employee rights, privileges, or benefits granted by operation of law or otherwise except through and against the entity by whom they are employed. No employee of either party shall be deemed the employee of the other, for any purpose, during the performance of services hereunder.

3. EFFECTIVE DATE; TERMINATION.

3.1. Effective Date and Term: This Agreement shall take effect upon approval by both parties and continue for a term of ten (10) years, unless sooner terminated as provided herein.

3.2. Notice of Termination: Either party to this Agreement may, upon ninety (90) days prior written notice to the other, terminate this Agreement for any reason or for no reason at all.

4. LIABILITY; INDEMNIFICATION

4.1. No Assumption of Liability: Neither party to this Agreement, nor their respective officers or employees, shall be deemed to have assumed any liability for the negligent or wrongful acts or omissions of the other. Nothing in this Agreement shall be construed as a

waiver of sovereign immunity by either party.

4.2. Liability for Injury: All the privileges and immunities from liability, exemptions from law, ordinance and rules, and all pensions and relief, disability, workers' compensation and other benefits which apply to the activity of the officers or employees of either party when performing their respective functions, within the territorial limits for their respective agencies, shall apply to the same degree and extent to the performance of such functions and duties extraterritorially. Liability for injury to personnel, and for loss or damage of equipment, shall be borne by the party employing such personnel, and owning or possessing such equipment.

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

5. CONFLICT RESOLUTION; CLAIMS.

5.1. Conflict Resolution. Any dispute or conflict between the parties that arises from the provision of services under this Agreement shall be presented in writing to the respective Contract Monitors. The Contract Monitors shall then meet to discuss the disputed issues and attempt in good faith to resolve the dispute or conflict prior to either party initiating the intergovernmental conflict resolution process provided for by Chapter 164, Florida Statutes.

5.2. Remedies: This Agreement shall be construed by and governed by the laws of the State of Florida. Any and all legal action necessary to enforce the Agreement will be held in Palm Beach County. No remedy herein conferred upon any party is intended to be exclusive of any other remedy and each and every remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

5.3. Notice of Suits: Each party agrees to notify the other of any claim, or the initiation of any legal proceeding against it, which relates in any manner to the services provided by the other party. Each party will cooperate with the other in the defense of any suit or action arising out of, or related to, the services rendered under this Agreement.

6. GENERAL CONTRACT TERMS.

6.1. Equal Opportunity: Each party represents and warrants that it will not discriminate in the performance of services hereunder and that its employees and members of the general public benefiting from services hereunder will be treated equally and without regard race, color, sex, sexual orientation, pregnancy, religion, disability, age, marital status, national

origin or ancestry.

6.2. Annual Appropriations: Each party's performance and obligation under this Agreement is contingent upon an annual budgetary appropriation by its respective governing body for the purposes hereunder.

6.3. Notices: All written notices required under this Agreement shall be sent by certified mail, return receipt requested, and shall be mailed to:

Town: Town of Palm Beach Fire Rescue Department
Attn: Fire Rescue Chief
355 So. County Road
Palm Beach, FL 33480

City: City of West Palm Beach Fire Department
Attn: Fire Chief
500 North Dixie Highway
West Palm Beach, FL 33402

Each party may change its address upon notice to the other.

6.4. Records: Each party shall maintain all records pertaining to the services delivered under this Agreement for a period of at least three (3) years. Each party shall maintain records associated with this Agreement, including, but not limited to, all accounts, financial and technical records, research or reports, in accordance with Florida law.

6.5. Assignment of Rights: Neither party shall assign, transfer or convey, in whole or in part, its rights, duties, or obligations under this Agreement without the prior written consent of the other.

6.6. Modification and Amendment: No modification, amendment, or alteration in the terms or conditions of this Agreement shall be effective unless contained in a written document executed with the same formality and equality of dignity herewith.

6.7. Captions: The captions and section designations herein set forth are for convenience only and shall have no substantive meaning.

6.8. No Transfer of Power. Nothing contained in this Agreement shall be construed to constitute a transfer of powers in any way whatsoever. This Agreement is solely an interlocal agreement to provide services as authorized by Chapter 163, *Florida Statutes*. PBG and WPB City commissions or councils shall each retain all legislative authority with regard to their respective governing body.

6.9. Severability: In the event that any section, paragraph, sentence, clause, or provision hereof is held invalid by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect.

6.10. Survivability: Any provision of this Agreement that is of a continuing nature, or which by its language or nature imposes an obligation or right that extends beyond the term of this Agreement, shall survive the expiration or earlier termination of this Agreement.

6.11. Joint Preparation: The preparation of this Agreement has been a joint effort of the parties, and the resulting document shall not, solely or as a matter of judicial constraint, be construed more severely against one of the parties than the other.

6.12. None of the provisions of this Agreement shall be construed to create any third-party beneficiary or to otherwise give any enforceable rights or benefits to any one other than the parties to this Agreement.

6.13. Triplicate Execution; File with Clerk. This Agreement shall be signed in triplicate by both parties and filed for record by the City with the Clerk of the Circuit Court of Palm Beach County pursuant to Section 163.01 of *Florida Statutes*.

6.14. Entirety of Agreement. This Agreement represents the entire understanding of the parties and supersedes all other negotiations, representations, or agreements, either written or oral, relating to this Agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the undersigned parties have caused these presents to be signed by their duly authorized officers on the day and year first written above.

ATTEST:

TOWN OF PALM BEACH

By: _____
City Clerk

By: _____
Gail L. Coniglio, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
City Attorney

ATTEST:

CITY OF WEST PALM BEACH, FLORIDA

By: _____
City Clerk

By: _____
Keith A. James, Mayor

City Attorney's Office
Approved as to form and legal sufficiency
By: _____
Date: _____

TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 66-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Interlocal Agreement Between Palm Beach County and the Town of Palm Beach for the Reimbursement of Emergency Medical Services (EMS) Grant Equipment and Authorizing the Application for Funds from the Palm Beach County EMS Program in the Amount of \$25,000 and Establishing a Budget of \$25,000 in Fiscal Year 2019 to be Used for the Purchase of Fire Armor Ballistic Protective Gear and Authorizing the Town Manager to Execute this Purchase on Behalf of the Town; Such Funds Shall Not Supplant Existing EMS Budget.

Presenter

Darrel Donatto, Fire Rescue Chief

ATTACHMENTS:

- ▣ **Memorandum Dated July 31, 2019, From Darrel Donatto, Fire Rescue Chief**
- ▣ **Resolution No. 66-2019**
- ▣ **Interlocal Agreement 2019**
- ▣ **Fire Armor Quote**
- ▣ **Sole Source Documentation**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Darrel Donatto, Fire Rescue Chief

Re: Palm Beach County Emergency Medical service grant reimbursement
Resolution No: 66-2019

Date: July 31, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the Palm Beach County Emergency Medical Service grant request.

GENERAL INFORMATION

This grant program is administered under section 163.01, Florida Statutes. The Department of Health, Bureau of Emergency Medical Services (DOHEMS) is authorized by chapter 401, part II, Florida Statutes, to dispense grant funds. Forty five percent (45%) of these funds are made available to the 67 Boards of County Commissioners throughout the State to improve and expand pre-hospital Emergency Medical Services in their county.

The prehospital EMS projects may include, but not be limited to, increasing existing levels of EMS, evaluation, community education, injury-prevention programs, training in cardiopulmonary resuscitation and other lifesaving and first aid techniques.

Palm Beach Fire Rescue is requesting sixteen (16) sets of ballistic armor that include vests, helmets, and rifle plates to be used for our personnel during emergencies and to be placed on board the department's frontline emergency vehicles. The new ballistic armor will allow fire rescue personnel to team up with law enforcement agencies and mitigate emergencies that involve active shooters or other acts of violence. The department currently has nine (9) ballistic sets that are on board our suppression apparatus and can provide protection for 50% of our on duty personnel. The gear we are requesting is compliant with the National Fire Protection Association (NFPA) 3000, the National Standard for an Active Shooter/Hostile Event Response (ASHER). This purchase will allow ALL on duty personnel to don protective equipment in response to an ASHER event that could occur on the island. The County agrees to reimburse the Town from its 2018-2019 EMS state grant funds for the purchase, and the Town agrees to accept the said reimbursement under the terms and conditions of the EMS State grant.

FUNDING/FISCAL IMPACT

Fire-Rescue will use the Grant Equipment account (001.40.417.526.60.64.09) to fund the project cost of the grant request. The Town of Palm Beach portion of the grant is \$0.00 with up to \$25,000.00 (100%) funding received from approved Palm Beach County Emergency Medical service grant reimbursement program.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

The resolution has been approved by the Town Attorney as to form and legal sufficiency.

SB

Attachment: Palm Beach County Emergency Medical Service grants reimbursement agreement.

cc: Jane LeClainche, Director of Finance
Dean Mealy, Purchasing Manager
John Randolph, Town Attorney

RESOLUTION NO. 66-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE TOWN OF PALM BEACH FOR THE REIMBURSEMENT OF EMERGENCY MEDICAL SERVICES (EMS) GRANT EQUIPMENT AND AUTHORIZING THE APPLICATION FOR FUNDS FROM THE PALM BEACH COUNTY EMS PROGRAM IN THE AMOUNT OF \$25,000 AND ESTABLISHING A BUDGET OF \$25,000 IN FISCAL YEAR 2019 TO BE USED FOR THE PURCHASE OF FIRE ARMOR BALLISTIC PROTECTIVE GEAR AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THIS PURCHASE ON BEHALF OF THE TOWN; SUCH FUNDS SHALL NOT SUPPLANT EXISTING EMS BUDGET.

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969" authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, Part I of Chapter 163, Florida Statutes, permits public agencies as defined therein to enter into interlocal agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, The Department of Health, Bureau of Emergency Medical Services (DOHEMS) is authorized by Chapter 401, Part II, Florida Statutes, to dispense grant funds. Forty-five percent (45%) of these funds are made available to the 67 Boards of County Commissioners (BCCs) throughout the State to improve and expand pre-hospital Emergency Medical Services (EMS) in their county; and

WHEREAS, DOHEMS County grants are only awarded to Boards of County Commissioners (BCC), however, each BCC is encouraged to assess its countywide EMS needs and establish priorities before submitting a grant application; and

WHEREAS, the COUNTY may reimburse and disburse the State trust funds to licensed emergency medical providers; and

WHEREAS, the COUNTY agrees to reimburse the TOWN from its FY2018-2019 EMS State grant funds for the purchase of Fire Armor ballistic protective gear, and the Town agrees to accept said reimbursement under the terms and conditions of the EMS State grant and this Agreement.

WHEREAS, the total amount to be paid by the COUNTY from its FY2018-2019 EMS grant funds for the purchased EMS Equipment as reimbursement to the TOWN under this Agreement shall not exceed a total amount of twenty-five thousand dollars (\$25,000.00).

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

Section 1. The Town Council of the Town of Palm Beach hereby approves the Interlocal Agreement between Palm Beach County and the Town of Palm Beach for the reimbursement of Emergency Medical Services grant equipment and authorizes the acceptance of the Palm Beach County Emergency Medical Service grant request for the purchase of Fire Armor ballistic protective gear not to exceed a total amount of Twenty-five thousand dollars (\$25,000.00).

Section 2. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of August 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

**INTERLOCAL AGREEMENT FOR THE
USE OF EMS GRANT FUNDS FOR EMERGENCY
MEDICAL SERVICES EQUIPMENT**

THIS INTERLOCAL AGREEMENT ("the Agreement") is made as of the 26th day of March, 2019, by and between the Board of County Commissioners, Palm Beach County, a political sub-division of the State of Florida (herein referred to as "COUNTY"), and the **Town of Palm Beach**, a municipal corporation of the State of Florida (herein referred to as "TOWN"), each one constituting a public entity as defined in Part 1 of Chapter 163, Florida Statutes.

WITNESSETH

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969" authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, Part I of Chapter 163, Florida Statutes, permits public agencies as defined therein to enter into agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, The Department of Health, Bureau of Emergency Medical Services (DOHEMS) is authorized by Chapter 401, Part II, Florida Statutes, to dispense grant funds. Forty-five percent (45%) of these funds are made available to the 67 Boards of County Commissioners (BCCs) throughout the State to improve and expand pre-hospital Emergency Medical Services (EMS) in their county; and

WHEREAS, DOHEMS County grants are only awarded to Boards of County Commissioners (BCC), however, each BCC is encouraged to assess its countywide EMS needs and establish priorities before submitting a grant application; and

WHEREAS, the COUNTY may reimburse and disburse the State trust funds to licensed emergency medical providers; and

WHEREAS, the COUNTY agrees to reimburse the TOWN from its FY2018-2019 EMS State grant funds for the purchase of **Protective Element Medical (PEMS) Tactical Gear** ("EQUIPMENT" "EMS EQUIPMENT, or "EMS TRAINING") and the TOWN agrees to accept said reimbursement under the terms and conditions of the EMS State grant and this Agreement.

Now, therefore, in consideration of the mutual promises contained herein, COUNTY and TOWN agree as follows:

ARTICLE 1 – RECITALS

The above recitals are true, correct and incorporated herein.

ARTICLE 2 - REPRESENTATIVE/MONITORING POSITION

The COUNTY'S representative/Agreement monitor during the term of this Agreement shall be Sally Waite, whose telephone number is (561) 712-6484.

The TOWN representative/contact monitor during the term of the Agreement shall be Sean Baker whose telephone number is 561-227-6433.

ARTICLE 3 – REIMBURSEMENT OF TOWN

The COUNTY shall reimburse the TOWN for TOWN purchased EMS EQUIPMENT from the COUNTY's FY2018-2019 State EMS grant funds in an amount not to exceed **Twenty thousand six hundred nine dollars (\$20,609.00)**. The TOWN shall purchase the EMS EQUIPMENT and submit the required purchase documentation for reimbursement (referenced in Article - 4) to the COUNTY Representative at least ninety (90) days before the expiration of the FY2018-2019 EMS State Grant. Approved documentation will be processed by the County Finance Department for payment to the TOWN.

ARTICLE 4 - GRANT PROGRAM REQUIREMENTS

TOWN SHALL:

- A. Comply with general requirements, and conditions of the State EMS County Grant Program.
- B. Submit to the COUNTY Representative on or before **January 31, 2020** copies of paid receipts, invoices, or other documentation acceptable to the Palm Beach County Finance Department to establish that EMS EQUIPMENT was purchased by the TOWN.
- C. Immediately return the purchased EMS EQUIPMENT to the COUNTY should the TOWN cease to operate its pre-hospital emergency medical services during the life of the EMS EQUIPMENT.
- D. Submit a training report to the COUNTY'S Division of Emergency Management to include a sign in sheet, date, title and contact number of the persons trained in use and operation of the EMS EQUIPMENT if applicable, within 90 days of the effective date of this Agreement. This report shall include all of the necessary training provided for the EMS EQUIPMENT. It is the responsibility of the TOWN purchasing the EMS EQUIPMENT to provide the training. The TOWN'S failure to satisfactorily complete the training in the timeframe provided shall constitute a breach of contract. As such, COUNTY may terminate this Agreement and demand return of the EMS EQUIPMENT.

ARTICLE 5 – LIABILITY

Each party to this Agreement shall be liable for its own actions and negligence. To the extent permitted by law, and without waiving sovereign immunity beyond the limits set forth at Section 768.28, Florida Statutes, the TOWN agrees to indemnify, defend and hold harmless the COUNTY against any actions, claims demands, costs or damages arising out of the TOWN'S use, care and/or maintenance of the EMS EQUIPMENT. This provision does not constitute consent of either party to be sued by third parties and is not to be construed as a waiver of either party's sovereign immunity.

ARTICLE 6 – FILING

A copy of this Agreement will be filed with the Clerk of the Circuit Court in and for Palm Beach County.

ARTICLE 7 - AVAILABILITY OF FUNDS

The COUNTY'S performance and obligation to reimburse the TOWN under this Agreement is contingent upon availability of FY2018-2019 EMS State grant funds. Ongoing costs for EMS EQUIPMENT including, but not limited to, operation, use, maintenance and replacement, is the responsibility of the TOWN and will not be funded under this Agreement or the State EMS grant program.

ARTICLE 8 – REMEDIES

This Agreement shall be governed by the laws of the State of Florida. Any legal action necessary to enforce the Agreement will be held in Palm Beach County. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity, by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

No provision of this Contract is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Contract, including but not limited to any citizen or employees of the COUNTY and/or the TOWN.

ARTICLE 9 – ARREARS

The TOWN shall not pledge the COUNTY'S credit or make it a guarantor of payment or surety for any Agreement, debt, obligation, judgment, lien, or any form of indebtedness. The TOWN further warrants and represents that it has no obligation or indebtedness that would impair its ability to fulfill the terms of this Agreement.

ARTICLE 10 - ACCESS AND AUDITS

The TOWN shall maintain adequate records to justify all charges, expenses, and costs incurred in estimating and performing the work for at least three (3) years after completion or termination of this Agreement. The COUNTY shall have access to such books, records, and documents as required in this section for the purpose of inspection or audit during normal business hours, at the TOWN'S place of business. Palm Beach County has established the Office of the Inspector General in Palm Beach County

Code, Section 2-421 - 2-440, as may be amended. The Inspector General's authority includes but is not limited to the power to review past, present and proposed County contracts, transactions, accounts and records, to require the production of records, and to audit, investigate, monitor, and inspect the activities of the TOWN, its officers, agents, employees, and lobbyists in order to ensure compliance with contract requirements and detect corruption and fraud. Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be in violation of Palm Beach County Code, Section 2-421 - 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.

ARTICLE 11 – NONDISCRIMINATION

The COUNTY is committed to assuring equal opportunity in the award of contracts and complies with all laws prohibiting discrimination. Pursuant to Palm Beach County Resolution R2017-1770, as may be amended, the TOWN warrants and represents that throughout the term of the Contract, including any renewals thereof, if applicable, all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity or expression, or genetic information. Failure to meet this requirement shall be considered default of the Contract.

ARTICLE 12- AUTHORITY TO PRACTICE

The TOWN hereby represents and warrants that it has and will continue to maintain all licenses and approvals required to conduct pre-hospital emergency medical services during the life of the equipment. Proof of such licenses and approvals shall be submitted to the COUNTY's representative upon request.

ARTICLE 13 – SEVERABILITY

If any term or provision of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such terms or provision, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.

ARTICLE 14 – NOTICE

All notices required in this Agreement shall be sent by certified mail, return receipt requested, hand delivery or other delivery service requiring signed acceptance. If sent to the COUNTY, notices shall be addressed to:

Sally Waite, EMS Manager
20 South Military Trail
WPB, FL 33401

With copy to:

Palm Beach County Attorney's Office
301 North Olive Ave. – 6th Floor
West Palm Beach, Florida 33401

If sent to the TOWN, notices shall be addressed to:

Sean Baker
Division Chief of EMS
300 N. County Road
Palm Beach, FL 33480

ARTICLE 15 - INSURANCE

Without waiving the right to sovereign immunity as provided by section 768.28, Florida Statutes, (Statute), the TOWN represents that it is self-insured with coverage subject to the limitations of the Statute, as may be amended. If TOWN is not self-insured, TOWN shall, at its sole expense, purchase and maintain in full force and effect at all times during the life of this contract, insurance coverage at limits not less than those contained in the Statute. Should TOWN purchase excess liability coverage, TOWN agrees to include COUNTY as an Additional Insured. The TOWN agrees to maintain or to be self-insured for Workers' Compensation insurance in accordance with Chapter 440, Florida Statutes. Should TOWN contract with a third-party (Contractor) to perform any service related to the AGREEMENT, TOWN shall require the Contractor to provide the following minimum insurance:

- Commercial General Liability insurance with minimum limits of \$1,000,000 combined single limit for property damage and bodily injury per occurrence and \$2,000,000 per aggregate. Such policy shall be endorsed to include TOWN and COUNTY as Additional Insureds. TOWN shall also require that the Contractor include a Waiver of Subrogation against COUNTY.
- Business Automobile Liability insurance with minimum limits of \$1,000,000 combined single limits for property damage and bodily injury per occurrence.
- Workers' Compensation insurance in compliance with Chapter 440, Florida Statutes, and which shall include coverage for Employer's Liability with minimum limits of \$1,000,000 each accident.

When requested, the TOWN shall provide an affidavit or Certificate of Insurance evidencing insurance or self-insurance. Compliance with the foregoing requirement shall not relieve the TOWN of its liability and obligations under this Agreement.

ARTICLE 16 - ENTIRETY OF CONTRACTUAL AGREEMENT

The COUNTY and the TOWN agree that this Agreement sets forth the entire Agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in this Agreement may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties hereto.

ARTICLE 17 - EXPIRATION OF AGREEMENT

This Agreement shall automatically expire in five (5) years from the effective date or upon the expiration of the life of the EMS EQUIPMENT, whichever comes first, in accordance with the State EMS County Grant Program. At such time, the TOWN may dispose of said EMS EQUIPMENT as surplus property with no further municipal purpose.

ARTICLE 18 - EFFECTIVE DATE

This Agreement shall become effective on the date indicated in the first paragraph of this Agreement provided the Agreement has been executed by both the COUNTY and the TOWN.

ARTICLE 19 – PUBLIC RECORDS

Notwithstanding anything contained herein, as provided under Section 119.0701, F.S., if the TOWN: (i) provides a service; and (ii) acts on behalf of the County as provided under Section 119.011(2) F.S., the TOWN shall comply with the requirements of Section 119.0701, Florida Statutes, as it may be amended from time to time. The TOWN is specifically required to:

- A. Keep and maintain public records required by the County to perform services as provided under this Contract.
- B. Upon request from the County's Custodian of Public Records, provide the County with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119 or as otherwise provided by law. The TOWN further agrees that all fees, charges and expenses shall be determined in accordance with Palm Beach County PPM CW-F-002, Fees Associated with Public Records Requests, as it may be amended or replaced from time to time.
- C. Ensure that public records that are exempt, or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the Contract, if the TOWN does not transfer the records to the public agency.
- D. Upon completion of the Contract the TOWN shall transfer, at no cost to the County, all public records in possession of the TOWN unless notified by County's representative/liaison, on behalf of the County's Custodian of Public Records, to keep and maintain public records required by the County to perform the service. If the TOWN transfers all public records to the County upon completion of the Contract, the TOWN shall destroy any duplicate public records that are exempt, or confidential and exempt from public records disclosure requirements. If the TOWN keeps and maintains public records upon completion of the Contract, the TOWN shall meet all applicable requirements for retaining public records. All records stored electronically by the TOWN must be provided to County, upon request of the County's Custodian of Public Records, in a format that is compatible with the information technology systems of County, at no cost to County.

Failure of the TOWN to comply with the requirements of this article shall be a material breach of this Contract. County shall have the right to exercise any and all remedies available to it, including but not limited to, the right to terminate for cause. TOWN acknowledges that it has familiarized itself with the requirements of Chapter 119, F.S., and other requirements of state law applicable to public records not specifically set forth herein.

IF THE TOWN HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE TOWN'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, PLEASE CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT RECORDS REQUEST, PALM BEACH COUNTY PUBLIC AFFAIRS DEPARTMENT, 301 N. OLIVE AVENUE, WEST PALM BEACH, FL 33401, BY E-MAIL AT RECORDSREQUEST@PBCGOV.ORG OR BY TELEPHONE AT 561-355-6680.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Agreement on behalf of the COUNTY and TOWN has hereunto set its hand the day and year above written.

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

By: 
Verdenia C. Baker
County Administrator

TOWN OF PALM BEACH

By: 
TOWN Representative

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
Asst. County Attorney

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
TOWN Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: 
Department Director

APPROVED AS TO TERMS
AND CONDITIONS

By: 
TOWN Representative



Fire Armor LLC
4521 PGA Blvd., Suite 475
Palm Beach Gardens, Fl. 33418

Account Representative: Dave Murry - 561-876-1139
Contact Information: Firearmorballistics@gmail.com

Quote Number: 2019-04-0006
Quote Date: 16-Apr-19
Point of Contact: Chief Baker
Phone #: 561-838-5420
Fax #:
E-mail address: Sbaker@townofpalmbeach.com

Bill to:	Ship to:
Town of Palm Beach Fire Rescue 300 North County Road Palm Beach, Florida 33480 ATTN: Chief Baker	Town of Palm Beach Fire Rescue 300 North County Road Palm Beach, Florida 33480 ATTN: Chief Baker

Item number	Description	Color	Size	QTY	Price Each	Amount
FIRSTR-COY	The First Responder - Kit includes - First Responder Carrier with CRMIIIA Level IIIA NIJ 0101.6 Certified Ballistic Armor Panels (Front & Back) - 5 year ballistic warranty. Front and Rear Rifle Plate Pockets, Premium 3M Triple Trim Reflective Striping, Custom Bunker Gear Front Pocket. Two (2) custom ID Panels with 3M Reflective Lettering - Choice of Color & Lettering	COY	N/A	16	\$690.00	\$11,040.00
HC-AR500-10X12SH	HighCom Rifle Plate, NIJ 0101.06 Level III+ Stand Alone w/ Special Threats, Shooters Cut, Single Curve, 10" x 12", 7.3 Lbs, 10 year ballistic warranty.	N/A	10x12	32	\$120.00	\$3,840.00
BTLSKIN-A3-MSS	Batlskin Viper A3, NIJ Level IIIA ballistic rated ACH helmet with Modular Suspension System, Full Cut, 7 year ballistic warranty. Choice of Helmet Color	COY	LRG	16	\$400.00	\$6,400.00

NOTE that lead times, pricing, & availability is subject to change without notice
This quote is valid for 30 days, after expiration prices are subject to change.

Subtotal	\$21,280.00
Shipping and Handling	N/A
Sales Tax	N/A
Total	\$21,280.00



2/13/2019

SINGLE SOURCE MANUFACTURER / SOLE SOURCE PROVIDER

Fire Armor, LLC is a privately held corporation Headquartered in Palm Beach Gardens, Florida. We manufacture advanced Body Armor and Tactical solutions specifically designed for the Federal, State and Local Public Safety Professionals.

Fire Armor, LLC is a Single Source Manufactured and Sole Source Provider of the First Responder Ballistic Vest and Carrier System. This armor system is designed as external outer wear over the shirt or uniform and provides maximum protection in front, back and side coverage, utilizing level IIIA ballistic inserts as well as the ability or option of level III or IV rifle armor plates. This is a "One Size Fits Most" (OSFM) design, this unique/specific OSFM vest is only offered by Fire Armor. The First Responder Armor System is a 2-piece design with CMRIIA soft ballistic inserts and is to NIJ 0101.06. The following product specification details the quality and design of this armor system intended for use by Fire and EMS personnel.

CARRIER SYSTEM:

- 5 color options designed around Fire/EMS uniforms and equipment.
- The Carrier System is constructed of 2 parts (1 front and 1 rear) for universal sizing up to 60" standard.
- Carrier is constructed of 1000D Cordura.
- Enlarged/integrated front "bunker gear" style pocket for Individual First-Aid Kit (IFAK) and/or radio with internal elastic to secure items.
- Rear drag handle.
- Extended, adjustable, closed-cell foam padded shoulders with channel for optional ballistic shoulder inserts.
- 360° degrees of 3M™ Hi-Viz reflective tape and 3M™ reflective ID lettering.
- Top loading hard armor insert pockets on the front and rear capable of accepting rifle armor.

BALLISTIC PANEL INSERTS:

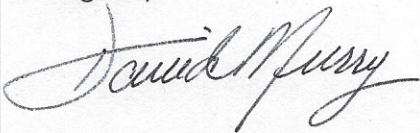
- Ballistic panel inserts consist of a front and a rear panel, the rear panel is constructed with "wings" to provide maximum coverage on all sides.
- All corners designed with ergonomic radius, reducing chaffing.
- Provides 360° of Level IIIA ballistic coverage and is no less than 700 square inches.
- Ballistic Panels are 100% ultrasonically welded around the entire perimeter to prevent water and other forms of moisture and oils from entering the ballistic panel element.

The First Responder is sold only as a direct transaction between Fire Armor, LLC and end user customers.

For ordering information or questions:

David Murry
Fire Armor, LLC
4521 PGA Blvd, Suite 475
Palm Beach Gardens, Florida 33418
(561) 876-1139
Firearmorballistics@gmail.com

Regards,

A handwritten signature in cursive script, appearing to read "David Murry".

David Murry, President

TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 67-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Designation of the Following Trees as Historic or Specimen Trees at 1 Whitehall Way, 386 Hibiscus Avenue, 100 Four Arts Plaza and Phipps Plaza, Providing an Effective Date.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated July 22, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 67-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 14, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Historic or Specimen Tree Designations
Resolution No. 67-2019

DATE: July 22, 2019

STAFF RECOMMENDATION

Town staff requests that Town Council approve Resolution No. 67-2019 and the following historic and specimen tree designations as described below.

GENERAL INFORMATION

The Town of Palm Beach Public Works Department administers the historic/specimen tree program for the Garden Club of Palm Beach. There are currently one hundred and one (101) trees on the island that have been designated as historic or specimen trees. These trees are inspected annually by the Town arborist and are registered to the property by the Palm Beach County Clerk of Courts. During the annual inspection by the Town arborist, the trees are evaluated to determine if they are of suitable quality and condition to remain as a historic or specimen tree and an inspection report is provided to the owner. The Town Ordinance allows for adding trees that are deemed to be of a historical or specimen type.

The Town arborist has identified the following trees as worthy of designation as historic or specimen. The owners of the trees have been consulted and agree with the designation request. Town staff requests permission from Council to add the following trees:

Flagler Museum – 1 Whitehall Way
Two (2) - All Spice Trees

Pan's Garden – 386 Hibiscus Ave
Live Oak

Four Arts Garden – 100 Four Arts Plaza
Dwarf Sugar Palm

Phipps Plaza – Town Owned Property
Shaving Brush Tree

This will raise the number of designated historic or specimen trees from 101 to 106.

FUNDING/FISCAL IMPACT:

There would be no impact to the budget unless the property owners request the additional maintenance as described in the Town Ordinance.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

cc: Eric B. Brown, P.E., Assistant Director of Public Works/Operations
Paul Colby, Facilities Maintenance Division Manager
Mary Presley, President, Garden Club of Palm Beach
Richard Maxwell, Town Arborist

RESOLUTION NO. 67-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE DESIGNATION OF THE FOLLOWING TREES AS HISTORIC OR SPECIMEN TREES AT 1 WHITEHALL WAY, 386 HIBISCUS AVENUE, 100 FOUR ARTS PLAZA AND PHIPPS PLAZA, PROVIDING AN EFFECTIVE DATE.

* * * * *

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

Section 1. The two (2) Allspice trees (botanical name: Pimenta Dioica) shall be designated as historic or specimen trees with the Palm Beach County Clerk:

<u>PCN/Legal</u>	<u>Location</u>	<u>Count</u>	Common <u>Name</u>	<u>Botanical Name</u>
50-43-43-22-00-002-0080	1 Whitehall Way Flagler Museum	2	Allspice	Pimenta Dioica

Section 2. The Live Oak (botanical name: Quercus Virginiana) shall be designated as a historic or specimen tree with the Palm Beach County Clerk:

<u>PCN/Legal</u>	<u>Location</u>	<u>Count</u>	Common <u>Name</u>	<u>Botanical Name</u>
50-43-43-23-05-011-0250	386 Hibiscus Ave Pan's Garden	1	Live Oak	Quercus Virginiana

Section 3. The Dwarf Sugar Palm (botanical name: Arenga Engleri) shall be designated as a historic or specimen tree with the Palm Beach County Clerk:

<u>PCN/Legal</u>	<u>Location</u>	<u>Count</u>	Common <u>Name</u>	<u>Botanical Name</u>
50-43-43-23-05-021-0031	100 Four Arts Plaza	1	Dwarf Sugar Palm	Arenga Engleri

Section 4. The Shaving Brush tree (botanical name: Pseudobombax Ellipticum) shall be designated as a historic or specimen tree with the Palm Beach County Clerk:

<u>PCN/Legal</u>	<u>Location</u>	<u>Count</u>	Common <u>Name</u>	<u>Botanical Name</u>
N/A	Phipps Plaza	1	Shaving Brush	Pseudobombax Ellipticum

Section 5. This Resolution shall become effective upon its adoption as provided by law.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of August 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda

Committee Reports

Agenda Title

Report of the Ordinances, Rules and Standards Committee Meeting Held on July 8, 2019

Julie Araskog, Chair

1. RESOLUTION NO. 68-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Engineering Services to Kimley-Horn and Associates, Inc. (KHA) for the Study and Development of a Truck Traffic Regulation Plan in the Amount of \$39,864 To Be Funded From the General Fund Contingency.

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

Presenter

ATTACHMENTS:

- ▣ **Report of the Ordinance, Rules & Standards Committee Meeting on July 8, 2019**
- ▣ **Memorandum Dated July 23, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 68-2019**
- ▣ **Truck Regulation Study**



TO N O A L M E A C

REPORT OF THE ORDINANCE, RULES AND STANDARDS MEETING HELD ON MONDAY, JULY 8, 2019

I. CALL TO ORDER AND ROLL CALL

The Ordinance, Rules and Standards Committee of the ORS Committee met on Monday, July 8, 2019, at 10:00 AM. The Committee met in the Board Room of the Town of Palm Beach. The meeting was held in accordance with the agenda.

II. PLEDGE OF ALLEGIANCE

Chair Araskog led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. COMMUNICATIONS FROM CITIZENS N

V. REGULAR AGENDA

A. Ordinance

The Ordinance, Rules and Standards Committee of the Town of Palm Beach met on Monday, July 8, 2019, at 10:00 AM. The meeting was held in the Board Room of the Town of Palm Beach. The meeting was held in accordance with the agenda.

Jay Boodheshwar, Deputy Town Manager

The Ordinance, Rules and Standards Committee of the Town of Palm Beach met on Monday, July 8, 2019, at 10:00 AM. The meeting was held in the Board Room of the Town of Palm Beach. The meeting was held in accordance with the agenda.

Cr. Ordinance Committee of the Town of Palm Beach met on Monday, July 8, 2019, at 10:00 AM. The meeting was held in the Board Room of the Town of Palm Beach. The meeting was held in accordance with the agenda.

The Ordinance, Rules and Standards Committee of the Town of Palm Beach met on Monday, July 8, 2019, at 10:00 AM. The meeting was held in the Board Room of the Town of Palm Beach. The meeting was held in accordance with the agenda.

It was the consensus of the ORS Committee that the Building Department be responsible for making a recommendation to the respective committees regarding such logistics plan and that the respective committees are not responsible for coming up with or commenting on such plans.

The Agenda Committee of the Town of Palm Beach met on Monday, July 8, 2019, at 10:00 AM. The meeting was held in the Board Room of the Town of Palm Beach. The meeting was held in accordance with the agenda.

the Board of Directors of the City of Portland, Oregon, to direct the Public Works Director, Paul Brazil, to work with Kimley-Horn on a revised proposal for the truck traffic study with the revisions to lower the scope and reduce the cost before presenting it to Town Council.

It was the consensus of the ORS Committee to direct Public Works Director, Paul Brazil, to work with Kimley-Horn on a revised proposal for the truck traffic study with the revisions to lower the scope and reduce the cost before presenting it to Town Council.

The Board of Directors of the City of Portland, Oregon, to direct the Public Works Director, Paul Brazil, to work with Kimley-Horn on a revised proposal for the truck traffic study with the revisions to lower the scope and reduce the cost before presenting it to Town Council.

It was the consensus of the ORS Committee to direct Public Works Director, Paul Brazil, to work with Kimley-Horn on a revised proposal for the truck traffic study with the revisions to lower the scope and reduce the cost before presenting it to Town Council.

Adopted by the Board of Directors of the City of Portland, Oregon, on this 1st day of May, 2014.

It was the consensus of the ORS Committee to direct Public Works Director, Paul Brazil, to work with Kimley-Horn on a revised proposal for the truck traffic study with the revisions to lower the scope and reduce the cost before presenting it to Town Council.

It was the consensus of the ORS Committee to direct Public Works Director, Paul Brazil, to work with Kimley-Horn on a revised proposal for the truck traffic study with the revisions to lower the scope and reduce the cost before presenting it to Town Council.

Attest:

Notary Public

VI. ANY OTHER MATTERS

VII. ADJOURNMENT

The Board of Directors of the City of Portland, Oregon, to direct the Public Works Director, Paul Brazil, to work with Kimley-Horn on a revised proposal for the truck traffic study with the revisions to lower the scope and reduce the cost before presenting it to Town Council.

Attest:

Notary Public

Archie C. C.

Attest:

Notary Public

Attest:

Attest:

Notary Public

Attest:

Notary Public

Attest:

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 14, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Approve a Purchase Order for a Truck Traffic and Impact Study
Resolution No. 68-2019

DATE: July 23, 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 68-2019, approving a purchase order for Engineering Services to Kimley-Horn and Associates, Inc. (KHA) for the study and development of a truck traffic regulation plan in the amount of \$39,864 and authorizing this expenditure from the General Fund Contingency.

GENERAL INFORMATION

At the May 14, 2019 Town Council meeting, staff was directed to present the topic of large trucks causing traffic impacts within the Town to the Ordinances, Rules, and Standards (ORS) Committee for their review and Consideration. This discussion has been ongoing at different committees for over two (2) years.

During Public Works Committee meetings in 2017, the challenges of large trucks trying to navigate safely and without causing property damage or traffic impacts was discussed and a proposal from American Consulting Engineers was considered at that time. Instead of pursuing the study, Public Works installed signs south of Wells Road informing northbound traffic on both North County Road and Bradley Place of the narrow roads on the northend of the Town. These signs have done little to deter large trucks from accessing the area north of Wells Road.

In preparation for the ORS meeting on July 8, 2019, staff requested a proposal for a traffic study from KHA. Staff selected KHA from the list of three (3) continuing services consultants for the Town primarily due to the extensive review of travel corridors when KHA developed as part of the Town-Wide Undergrounding Master Plan. One chapter of the Master Plan specifically addressed how the Maintenance of Traffic would be managed during each phase of construction, therefore, staff believes this background reduces the overall cost of the Truck Traffic and Impact Study.

Per the concerns raised over the past two (2) years, the KHA proposal has the following elements:

- Research and review of existing practices addressing truck traffic impacts in municipalities throughout Florida
- Review of truck routes and constraints resulting in recommendations for regulations
- Review of existing Town Ordinances to determine how best to implement new regulations
- Development of a recommended truck regulation plan

The total cost of this proposal is time and materials, not to exceed amount of \$39,864. Staff agrees that this approach will provide the needed analysis and information to effectively address the truck access issues.

FUNDING/FISCAL IMPACT:

Staff request the Town Council authorize this expenditure from the General Fund Contingency.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

cc: Jane Le Clainche, Finance Director
Patricia Strayer, P.E., Town Engineer
Dean Mealy, Purchasing Manager

RESOLUTION NO. 68-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR ENGINEERING SERVICES TO KIMLEY-HORN AND ASSOCIATES, INC. (KHA) FOR THE STUDY AND DEVELOPMENT OF A TRUCK TRAFFIC REGULATION PLAN IN THE AMOUNT OF \$39,864 TO BE FUNDED FROM THE GENERAL FUND CONTINGENCY.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves an allocation from the General Fund Contingency for a purchase order in an amount of \$39,864 for engineering services to Kimley-Horn and Associates, Inc. (KHA) for the study and development of a truck traffic regulation plan.

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of August 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk



July 18, 2019

Mr. Dean Mealy
Town of Palm Beach
951 Old Okeechobee Boulevard, Suite D
West Palm Beach, Florida 33401

Re: Truck Regulation Study
Town of Palm Beach, Florida

Dear Mr. Mealy:

Kimley-Horn and Associates, Inc. ("Kimley-Horn") is pleased to submit this agreement to the Town of Palm Beach ("the Client", "Town" or "You") for providing professional engineering services associated the study of truck regulations on certain roads in the Town of Palm Beach, Florida.

PROJECT UNDERSTANDING

It is our understanding that the Town desires to study the impacts of regulating trucks on certain roads within the Town of Palm Beach. We have prepared this agreement to investigate methods of regulating trucks, as well as methods of implementing regulations.

SCOPE OF SERVICES

REVIEW OF PEER MUNICIPALITY PRACTICES

Kimley-Horn will review truck regulations in other municipalities within Florida. For municipalities with truck regulations, Kimley-Horn will review ordinances, signage, and enforcement policies. Kimley-Horn will contact applicable municipal agencies (parking enforcement, police, planning, etc.) to discuss the challenges and effectiveness of implementing and enforcing the regulations. Kimley-Horn will review communication plans (for affected parties) as prepared by the municipalities.

CONCEPTUAL REVIEW OF TRUCK CIRCULATION

Kimley-Horn will analyze truck turning movements at various locations throughout town to determine the feasibility of allowing trucks on certain roadways without regulation. This review will be limited to up to 5 locations in the Town. The purpose of this task is to determine generally where trucks can circulate without the need for regulations. The study area will be primarily focused on the north end. Truck turning paths will be overlaid onto scaled aerials using AutoTurn software.

Kimley-Horn will also review detour plans being developed as part of the undergrounding project to determine alternate truck routing scenarios.

Kimley-Horn will collect truck classification counts at each bridge location. 24-hour counts will be collected for one week and will provide total traffic counts as well as traffic counts classified by number of axels.

The result of this task will be a summary report with graphics providing general recommendations for types of streets and neighborhoods that may require truck regulations.

REVIEW OF TOWN ORDINANCES

Kimley-Horn will review Town Ordinances to determine how to implement truck regulations. Kimley-Horn will recommend Ordinance language or language within another Town governing document that outlines the regulations (including times, locations, and affected trucks).

DEVELOPMENT OF TRUCK REGULATION PLAN

Kimley-Horn will summarize the findings of the review of other municipalities' regulation plans, potential regulation locations and recommended Ordinance language in a summary report. The report will include conceptual signage, graphics of restricted streets, recommended communication plan (for affected parties), and recommended governing language.

ADDITIONAL SERVICES

Services not included in the scope of services can be provided as additional services if authorized by the Client. Compensation for additional services will be agreed to prior to their performance.

SCHEDULE

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule.

FEE AND BILLING

Kimley-Horn will perform the services described in this Scope of Services for the above tasks on an hourly basis in accordance with our Contract with the Town. We recommend that a budget of \$39,864.98 be established for the project.

CLOSURE

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

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

We appreciate the opportunity to propose these services to you.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'KS', located below the name Kevin Schanen.

By: Kevin Schanen, P.E.
Senior Vice President

A handwritten signature in blue ink, appearing to read 'ABK', located below the name Adam B. Kerr.

Adam B. Kerr, P.E.
Project Manager

TOWN OF PALM BEACH

Town Council Meeting on: August 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 August 2, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Weekly Update**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 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: August 2, 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 August 2019 Town Council Meeting.

GENERAL INFORMATION

Town staff and the project consultant for this project (Baird and Associates) will continue to present updates to the Mayor and Town Council on a monthly basis. The project is still in the permitting and design phase, and no specific approvals are required at this time. The presentation is for informational purposes only.

- Permits - Staff and our consultants continue to coordinate with the State and Federal regulatory agencies in order for the permitting processes to meet our required schedule for the project to be included within the next grant cycle for cost-sharing with the Florida Inland Navigation District (FIND). Specific to State permitting, the project was included on the agenda for the Board of Trustees of the Internal Improvement Trust Fund meeting in July and the expanded Sovereign Submerged Land Lease was approved. Specific to Federal permitting, the USACE's public comment period expired with no comments received from the public. The National Marine Fisheries Service has requested a time extension for them to review and comment on the project. At this point, both the FDEP and the USACE have expressed that the respective review processes are expected to be completed for permits to be issued prior to the FIND deadline of September 15, 2019.
- Schedule – The project timeline is being developed for the remainder of the project. Near-term milestones include the public workshop scheduled for August 15th, and completion of bid documents no later than September 15th to coincide with anticipated permit issuance and FIND grant consideration. A more formal schedule will be presented at the September Town Council meeting.
- Solicitation (RFP) for General/Marine Contractors – As discussed previously, in order to obtain the most interest, the Purchasing staff had recommended a public workshop be held for all interested suppliers and contractors so they are aware of the proposed project and to

have the broadest base of potential proposers/bidders. The public workshop is scheduled for Thursday, August 15th and Purchasing staff will be reaching out to suppliers and contractors known to the staff or the consultant. The advertisement of the solicitation for the project itself is anticipated to occur in September, and is dependent upon receipt of the permits and conclusion of the design and final bid documents.

- 90% Design Review – The design consultant submitted the 90% design to staff, and review comments will be provided along with peer review comments (when those are received) to the consultant for preparation of the 100% design and bid documents.
- Dock Leases – The current patrons with leases at the docks have been informed of the renewal schedule and leases will be allowed to be renewed for the upcoming season with occupancy until May 1, 2020 as previously presented to the Town Council.
- Parking Issues – Based upon available parking spaces in the vicinity of the Marina, staff is reviewing concerns about parking demand and impacts on the adjacent area. Staff will present an overview of the possible alternatives to accommodate the various competing parking demands at a future Town Council meeting.

Any recommendations for approval will be presented at subsequent Town Council meetings. The recent weekly updates are attached to this memo for your information.

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
Carolyn Stone, Director of Business Development & Operations
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
Rob Weber, Coastal Program Manager

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 Jun 24 – 28

- Drafted two options in response to FDEP SSL e-mail (not a preferred route).
- Extracted demolition and dredging plans and specs for Palm Beach County's review.

Week of Jul 1 – 5

- Held staff meeting discussing schedule and potential building layout revisions in case FDEP required they stay in the same location.
- Updated schedule.
- Drafted Town Council presentation.
- Responded to Market Rate Requirement question.
- Obtained proposals from appraisers prior to FDEP undertaking the work internally.

Week of Jul 8 – 12

- Town Council meeting
- Responded to questions to support UMAM.
- Provided additional information to support peer review.
- Provided Word documents for PBC ERM review.

Week of Jul 15 – 19

- Provided additional information to support peer review.

TOWN OF PALM BEACH

Town Council Meeting on: August 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

Steven Stern, Project Manager

- b. Phase 1 North Easement Abandonment

Patricia Strayer, P.E., Town Engineer

- c. RESOLUTION NO. 61-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order to Kimley-Horn for Engineering Design Services for the South Ocean Blvd Watermain Replacement in the Amount of \$78,566.00.

Dean Mealy, Purchasing Manager

- d. RESOLUTION NO. 63-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Construction Management at Risk (CMAR) Contract to Burkhardt Construction Inc., for the Town-wide Utility Undergrounding Phase 3 North in the Amount of \$4,042,171.13, and Establishing a Project Budget of \$4,242,171.13.

Patricia Strayer, P.E., Town Engineer

The Town negotiated cost savings of \$12,388.26 during GMP negotiations.

- e. RESOLUTION NO. 64-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Purchase Order to Kimley-Horn & Associates, Inc. for Construction Phase Engineering Services for the Town-wide Overhead Utility Undergrounding Phase 3 North in the amount of \$236,976.

Patricia Strayer, P.E., Town Engineer

Presenter

ATTACHMENTS:

- ▣ **a. Review of Project and Dashboard, Summary of Project Status**
- ▣ **b. Memorandum dated July 29, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **c. Memorandum dated July 19, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **c. Resolution No. 61-2019**
- ▣ **c. Kimley-Horn Watermain Proposal**
- ▣ **d. Memorandum Dated August 5, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **d. Resolution No. 63-2019**
- ▣ **d. Phase 3 North GMP**
- ▣ **e. Memorandum Dated July 26, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **e. Resolution No. 64-2019**
- ▣ **e. Town-wide Undergrounding of Utilities Program; Phase 3 North Construction Phase Services**

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Community Meetings:

- ### Significant Correspondence:

- □ □ □ □ N r □ R □ □ □ □ □ □ □ □ N □ □ □ □ □ □ □ □ □ □ r □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □

Construction progress:

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- $\square\square\square\square\square\square R\square r\square\square rd E\square\square\square\square\square\square\square\square r\square\square\square\square\square\square\square\square\square\square\square\square\square\square\square\square\square\square A\square\square\square\square T\square\square\square\square C\square\square\square\square\square\square\square\square\square\square d\square$
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- L d r r r
- I I L r d d r A
- ATT r
- C r r r
- r d d d S r

Phase 2 North Construction:

- Addressed and dewatered
- Transfer of materials
- Excavation and foundation work
- Lateral bracing and shoring
- Concrete placement
- ATT and S

Phase 2 South Construction:

North and South construction progress. The North side has completed the foundation and is now working on the walls. The South side has completed the foundation and is now working on the walls. The North side has completed the foundation and is now working on the walls. The South side has completed the foundation and is now working on the walls.

The North side has completed the foundation and is now working on the walls. The South side has completed the foundation and is now working on the walls. The North side has completed the foundation and is now working on the walls. The South side has completed the foundation and is now working on the walls.

Phase 3 North Construction:

- Structural steel erection

Phase 3 South Construction:

- Excavation and foundation work
- Lateral bracing and shoring

Design & Easement Progress:

Phase 2:

- Survey and design

Easement

- Survey and design

Five (5) easements outstanding, progressing to conclusion.

Phase 3:

- Survey and design
- Survey and design

Easements on S

- Easements on N

Eight (8) easements outstanding, progressing to conclusion.

Individuals who have been identified as having easements on C
on N S
on R
on R

Mr R
R
L
Mrd Tr

- Easements on S

Thirty-three (33) easements outstanding with minimal alternatives available. Most easements are located on S. County Road or near the Worth Ave alley way.

Phase 4:

- Easements on N
- Easements on S

Easements on S

- Easements on N
- Easements on S



Underground Utility Project Monthly Progress Report August 2019

Table of Contents

Dashboard – Phase 1, 2 Construction and Phase 2, 3, 4, 5 Design

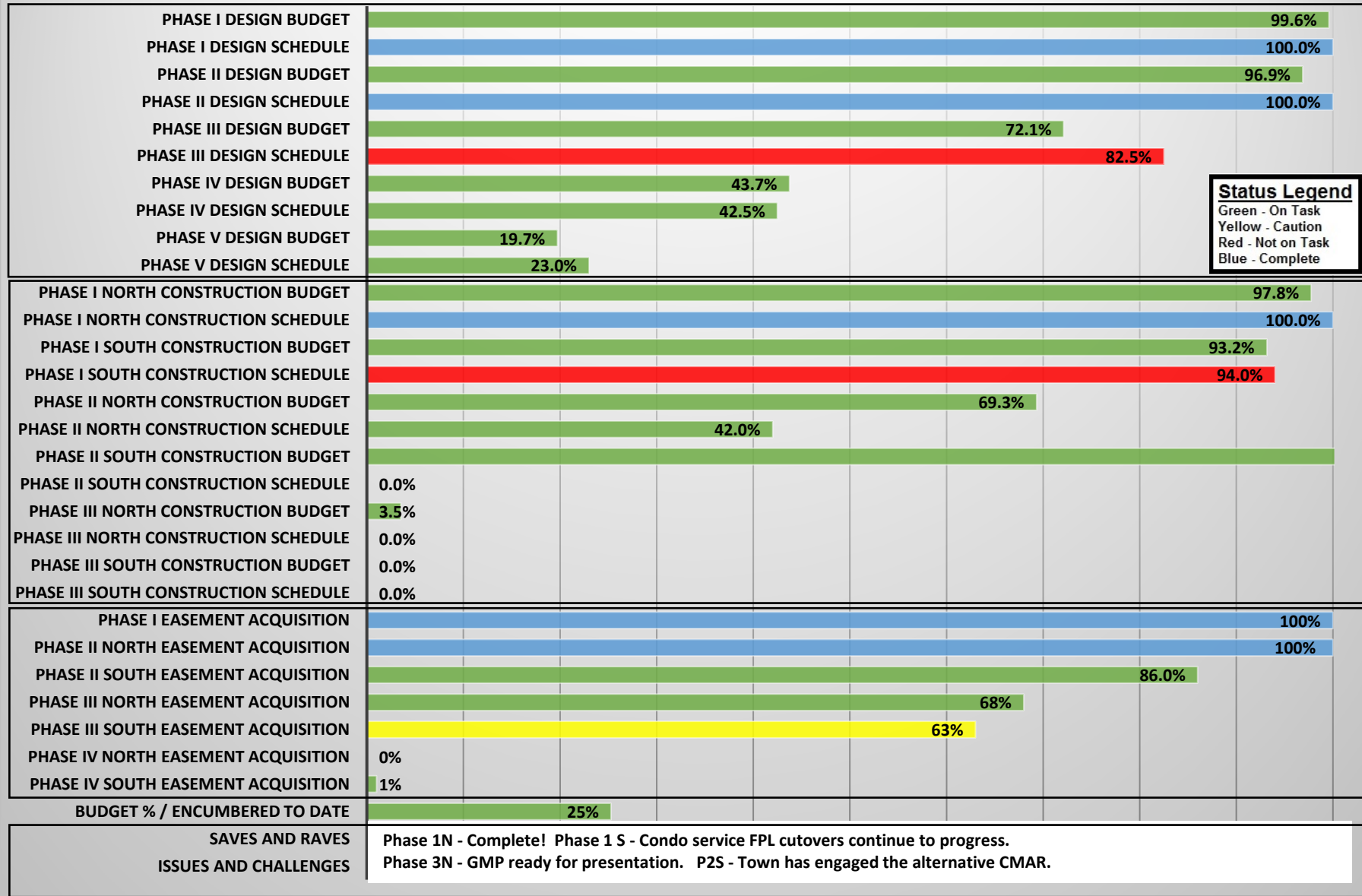
1. Kimley-Horn - Design Progress Reports - Phase 2 - 5
2. Kimley-Horn - Design Phase 2 - 5 Gantt Charts
3. Burkhardt - Executive Summary & Schedule – Phase 1N & 2N
4. Whiting Turner - Executive Summary & Schedule – Phase 1S
5. Project Financial Report
6. Interest Rate Forecast

Dashboard Notes:

- Overall Budget represents the percentage encumbered to date versus the total project budget of \$102 million.

Town of Palm Beach - Underground Utility Project Dashboard - Aug '19

0.0% 10.0% 20.0% 30.0% 40.0% 50.0% 60.0% 70.0% 80.0% 90.0% 100.0%



Status Legend
 Green - On Task
 Yellow - Caution
 Red - Not on Task
 Blue - Complete



Town-Wide Undergrounding - Phase 2 Design

KHA Project #044063202

July 2019 Progress Report

Period: June 25, 2018 to July 18, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 2 North Design is 100% complete
 - Phase 2 South Design is 99% complete
- Budget: Project is on budget as of June 15, 2018
 - Phase 2 North Design is at 98% of total task budget
 - Phase 2 South Design at 98% of total task budget
- Easement Status
 - Phase 2 North: 100% of easements approved
 - Phase 2 South: 86% of easements approved

B. Detailed Design Phase

- Continued coordination with Comcast, AT&T and FPL to finalize Network Design Plans for Phase 2 South.
- Continued resident coordination for easement acquisition in Phase 2 South.
- Coordination with the CMAR to answer RFIs for the Phase 2 South bidding process
- Phase 2 South GMP review
- GMP Negotiation Meeting with CMAR for Phase 2 South
- Attendance at Progress Meeting with Town and Utility Owners
- Attendance at Subconsultant Coordination Meetings

II. Upcoming Activities (June 25, 2018 – July 24, 2019)

A. Detailed Design Phase

- Continue resident meetings/conference calls to discuss easements in Phase 2 South.
- Continued coordination with Comcast, AT&T and FPL to finalize Network Design Plans for Phase 2 South.
- Progress Meeting Attendance.
- Finalize GMP negotiation with CMAR for Phase 2 South.



Town-Wide Undergrounding - Phase 3 Undergrounding
KHA Project #044063215
July 2019 Progress Report
Period: June 26, 2019 to July 18, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 3 North Design is 94% complete *
 - Phase 3 South Design is 71% complete *
- Budget: Project is on budget as of July 15, 2019
 - Phase 3 North Design is at 81% of total task budget
 - Phase 3 South Design at 70% of total task budget
- Easement Status
 - Phase 3 North: 68% of easements approved
 - Phase 3 South: 63% 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

- o Continued Subconsultant/utility owner coordination
- o Continued Progress on development of Bid Plans for Phase 3 South.
- o Continued review and comment on FPL, ATT and Comcast Design Plans
- o Attend Design coordination meetings with FPL and Comcast
- o Review and Respond to RFIs from BCI during GMP development for Phase 3 North.
- o Continued Coordination with Comcast related to advancing the Golfview Alley design.
- o Progress Meeting Attendance.
- o Continued development of Phase 3 North and South easement exhibits and submittal to Town.
- o Site meetings with property owners to discuss easement requests in Phase 3 North and South.
- o Development of legal sketches and descriptions for Phases 3 North and South.
- o Attendance at GMP negotiation meeting with Town and Kaufman Lynn

II. Upcoming Activities (July 19, 2019 – August 19, 2019)

A. Detailed Design Phase

- o Submittal of easement exhibits based on new equipment locations received from FPL – Phase 3 North and South
- o Continued Easement meetings with property owners – Phases 3 North and South
- o Continued coordination with FPL, AT&T and Comcast to complete the design
- o Review and negotiation of the Phase 3 North GMP
- o Submittal of the Golfview Alley communications design to CMAR for pricing.
- o Progress Meeting Attendance



Town-Wide Undergrounding - Phase 4 Undergrounding

KHA Project #044063219

July 2019 Progress Report

Period: June 26, 2018 to July 18, 2019

I. Scope Update

A. General

- **Schedule:** Project schedule progress is shown below.
 - Phase 4 North Design is 49% complete
 - Phase 4 South Design is 36% complete
- **Budget:** Project is on budget as of July 15, 2019
 - Phase 4 North Design is at 46% of total task budget
 - Phase 4 South Design at 32% of total task budget
- **Easement Status**
 - Phase 4 North: 0% of easements approved
 - Phase 4 South: 1% of easements approved.

B. Detailed Design Phase

- o Subconsultant coordination related to Phase 4 Undergrounding
- o Continued coordination with utility owners to receive design information.
- o Development of soft dig exhibit for field utility investigation.
- o Continued development of Equipment Location and Conduit Plans for Phases 4 North and South.
- o Development and delivery of easement exhibits and easement matrix to the Town for Phases 4 North and South.
- o Development of Technical Specifications for Phase 4 North
- o Progress Meeting Attendance
- o Attendance at Design Meeting with Comcast
- o For site visits and meetings with property owners to discuss easement requests

II. Upcoming Activities (July 19, 2019 – August 19, 2019)

A. Detailed Design Phase

- o Continued coordination with utility owners to refine the design.
- o Receive and review AT&T and Comcast designs for Phase 4 North and South.
- o Continued development and submittal of easement exhibits for Phases 4 North and South.
- o Meetings with property owners to discuss easement requests.
- o Progress Meeting attendance.



Town-Wide Undergrounding - Phase 5 Undergrounding

KHA Project #044063229

July 2019 Progress Report

Period: June 26, 2019 to July 25, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below
 - Phase 5 North Design is 23% complete
 - Phase 5 South Design is 23% complete
- Budget: Project is on budget as of July 15, 2019
 - Phase 5 North Design is at 17% of total task budget
 - Phase 5 South Design is at 18% of total task budget
- Easement Status
 - Phase 5: N/A, will provide status when this work begins

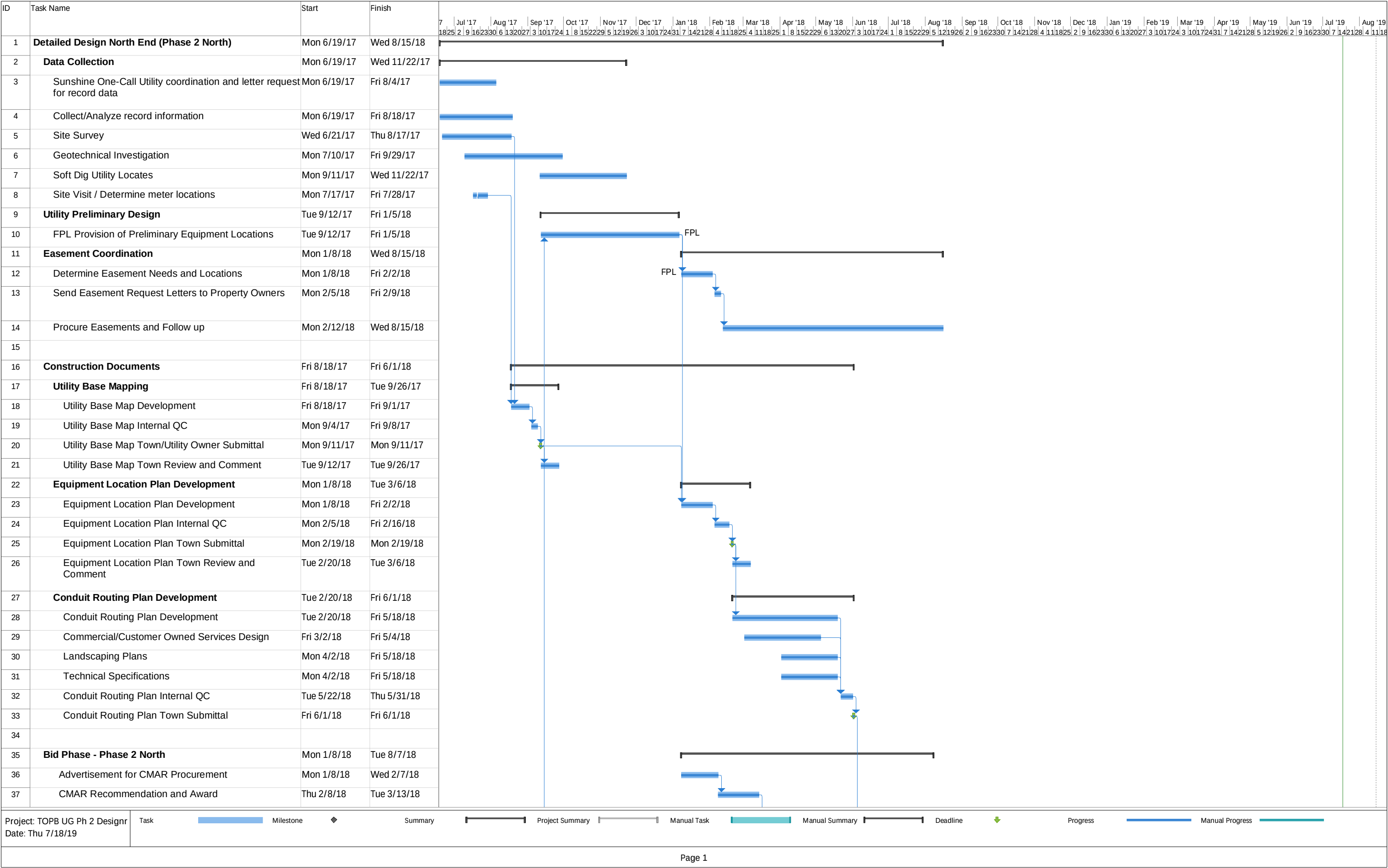
B. Detailed Design Phase

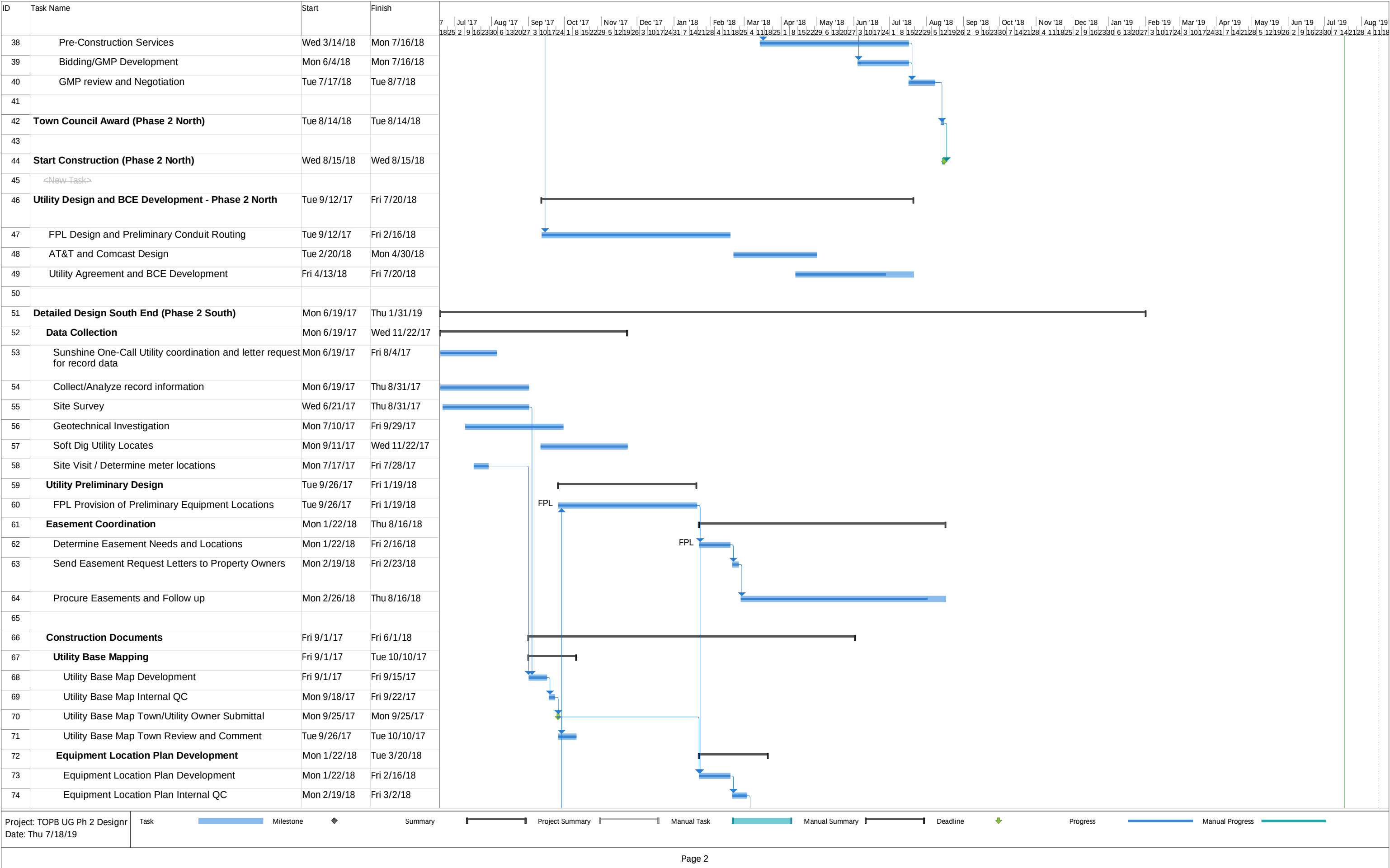
- o Submitted utility base maps to FPL
- o Coordinated with utility companies, sub-consultants, and Town
- o Led coordination meetings with sub-consultants

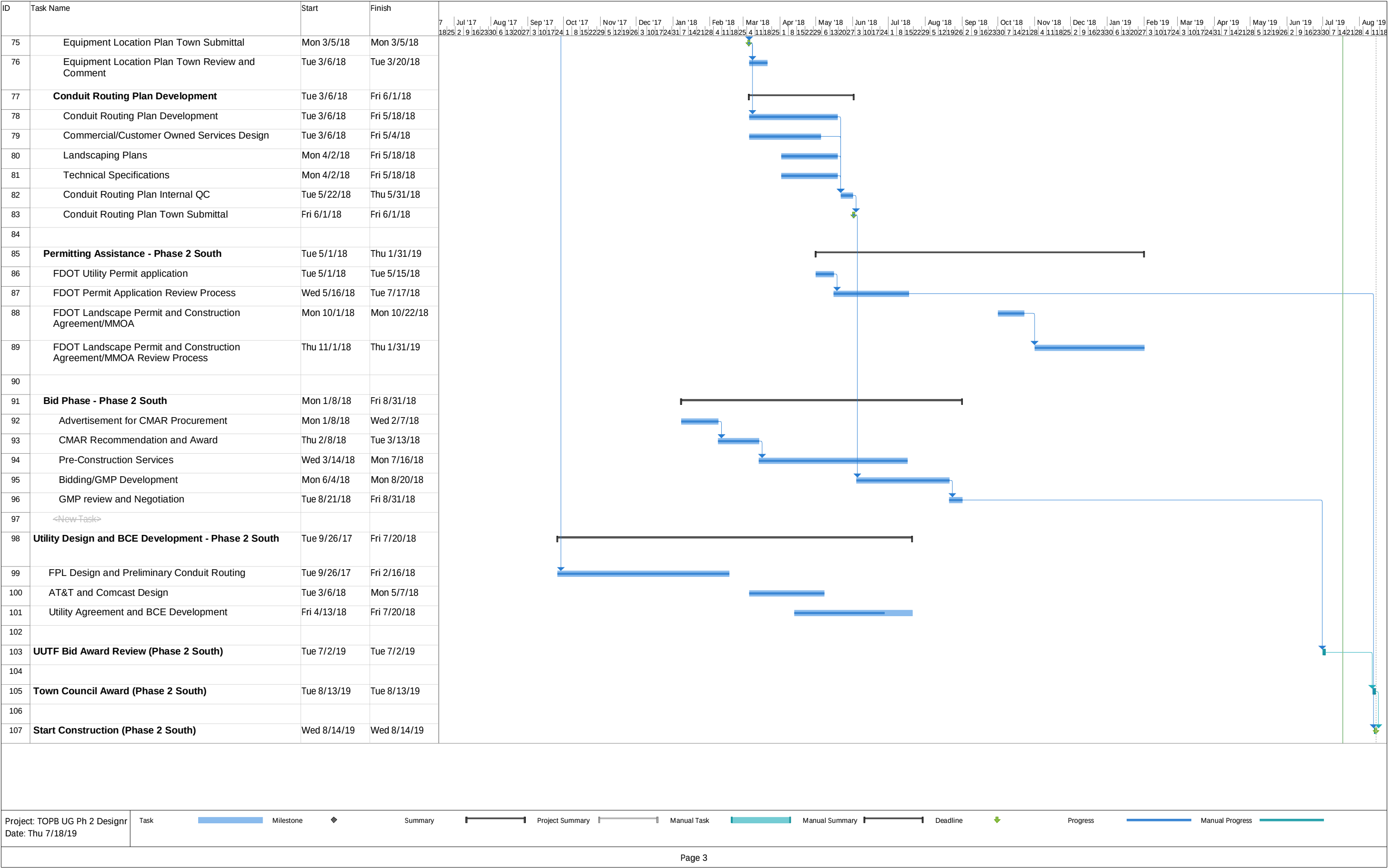
II. Upcoming Activities (July 26, 2019 – August 25, 2019)

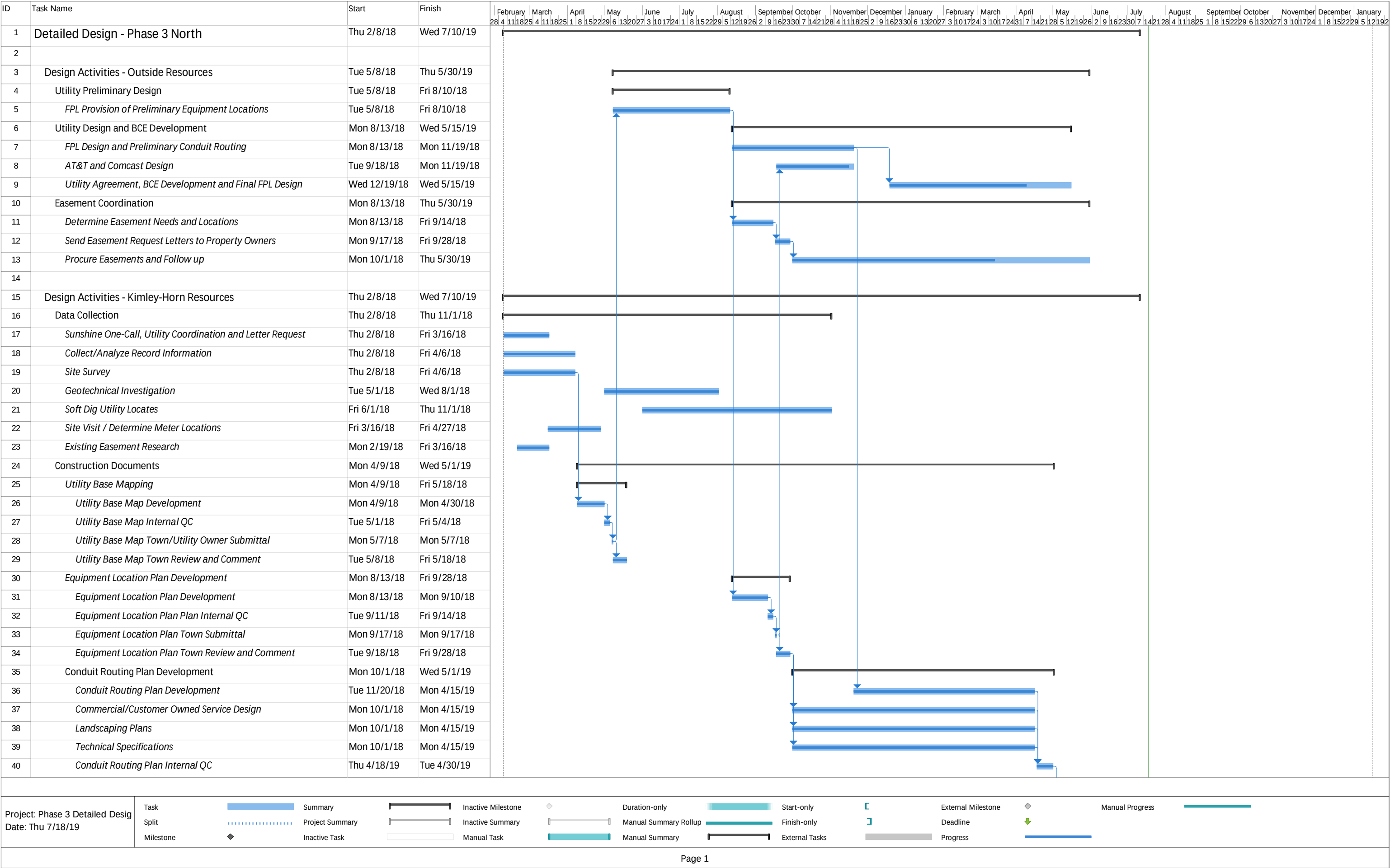
A. Detailed Design Phase

- o Await preliminary equipment locations from FPL
- o Coordinate with utility companies, sub-consultants, and Town
- o Lead coordination meetings with sub-consultants

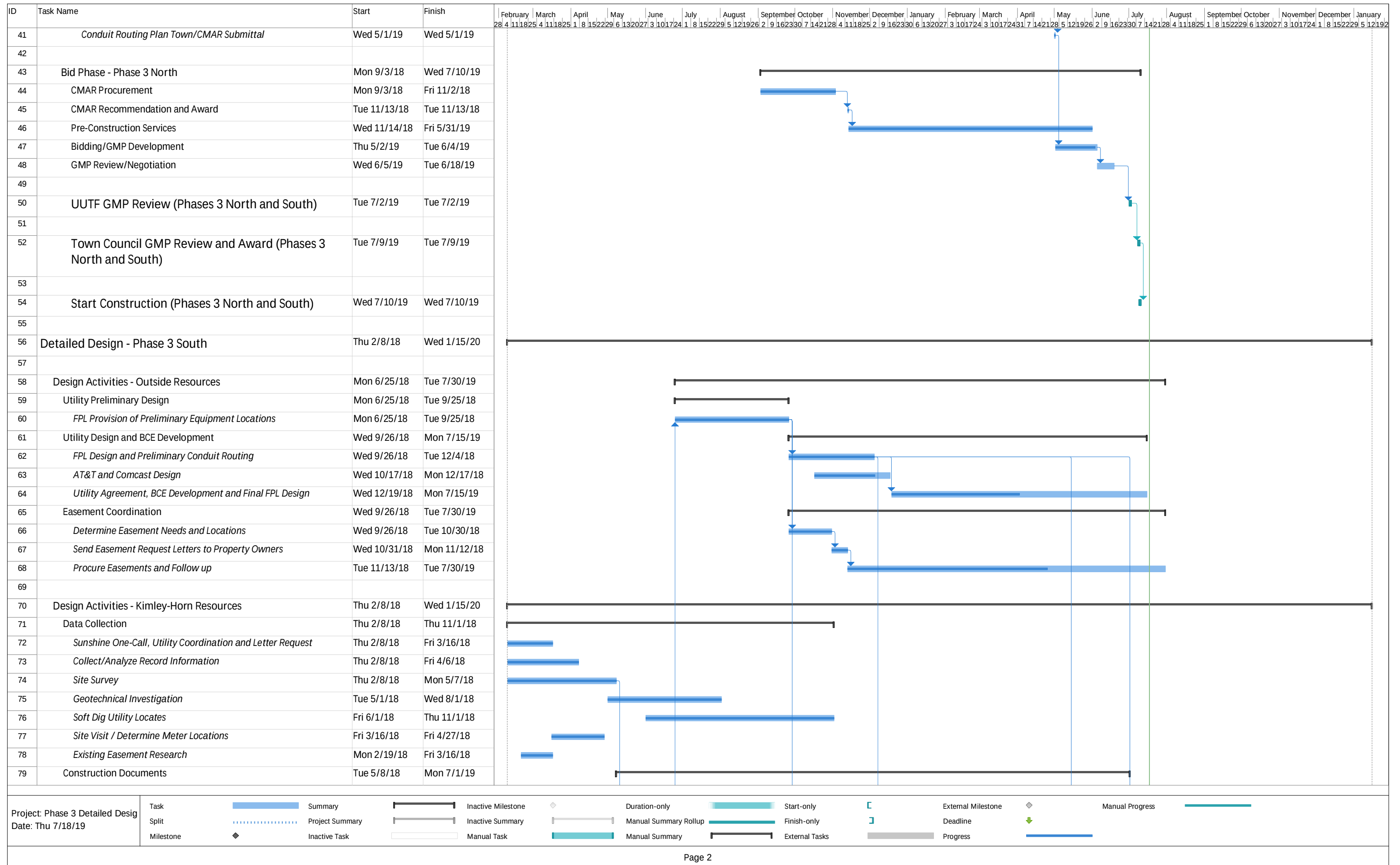


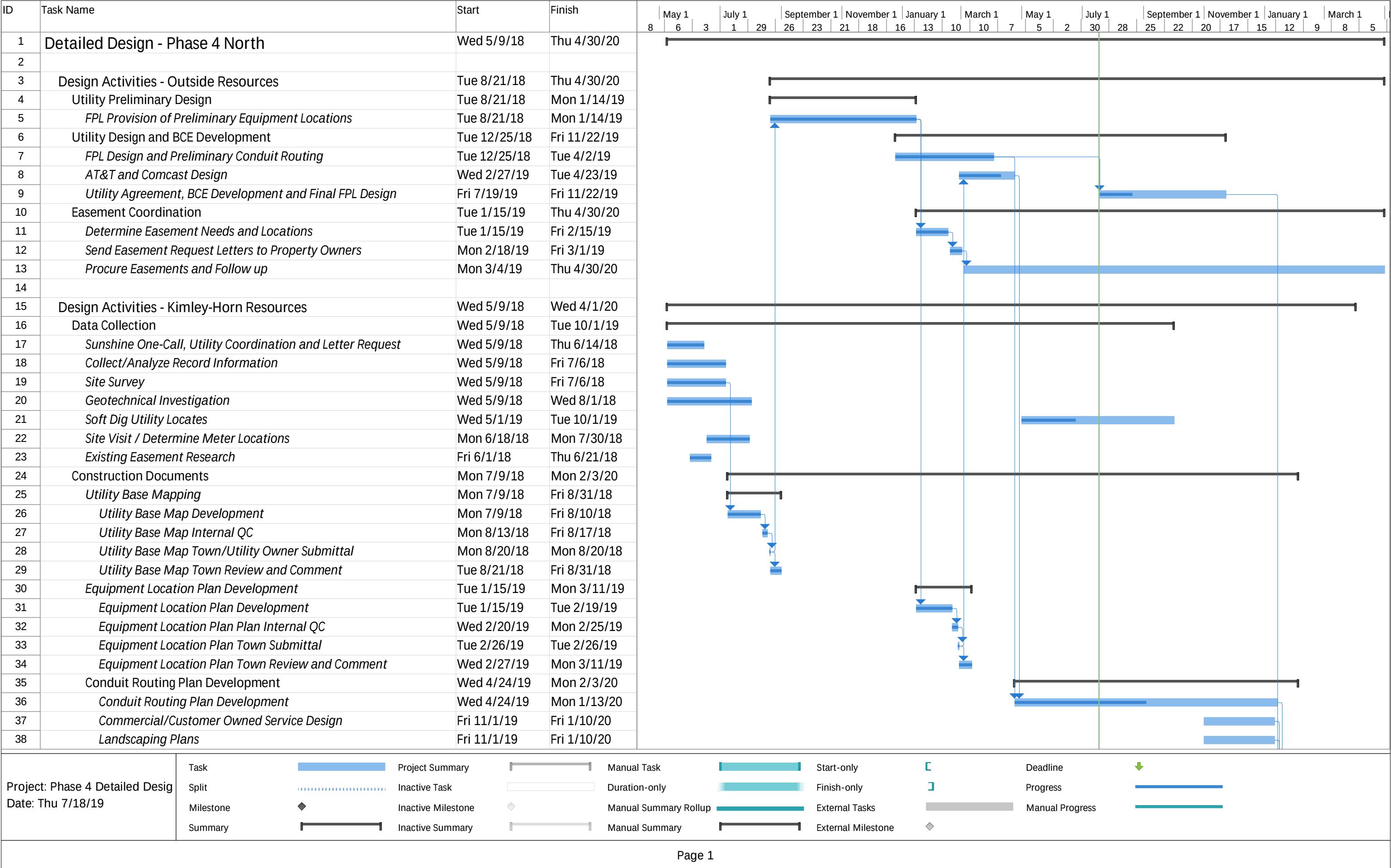


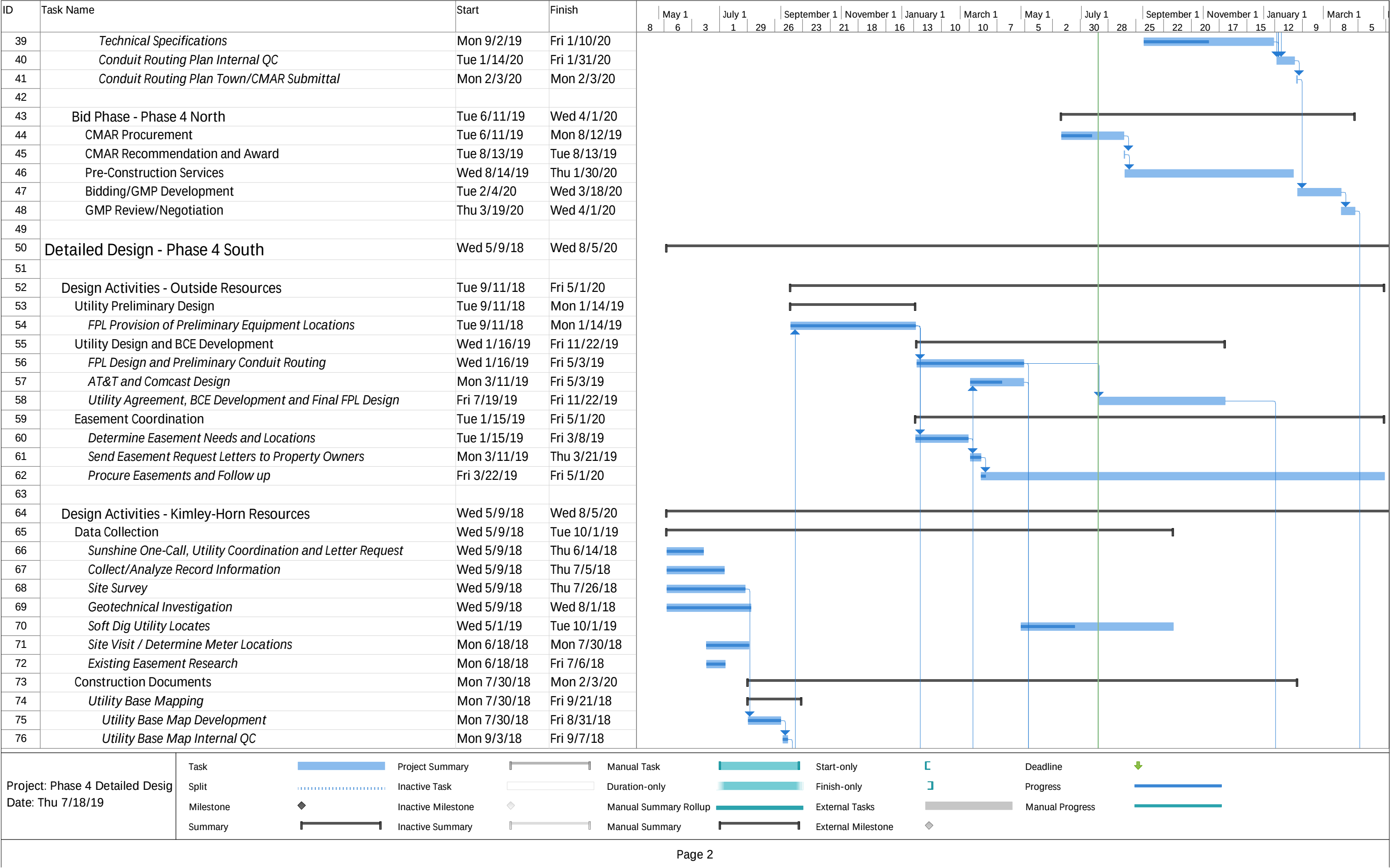




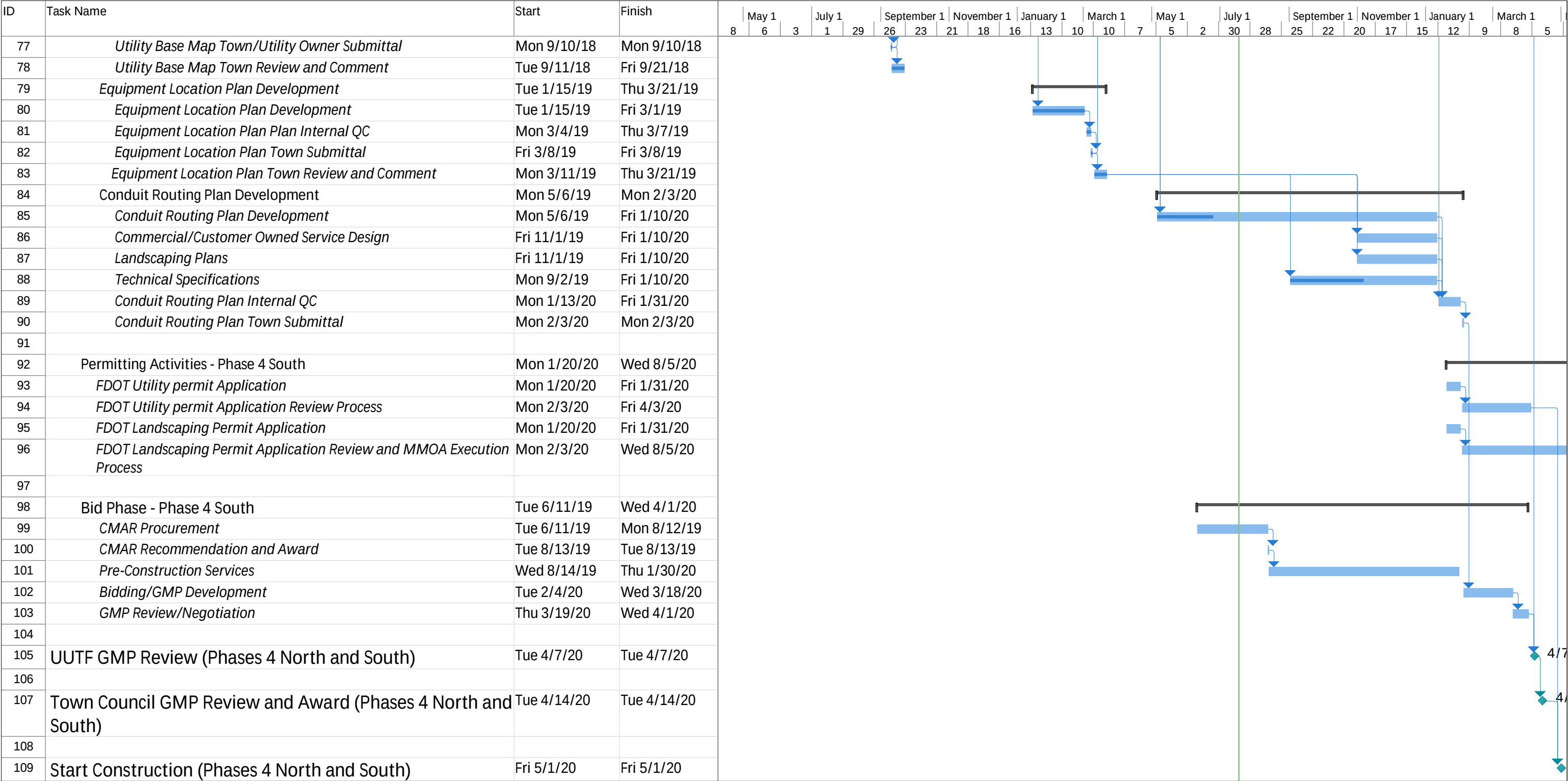
Page 1







Page 2



Project: Phase 4 Detailed Design
Date: Thu 7/18/19

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

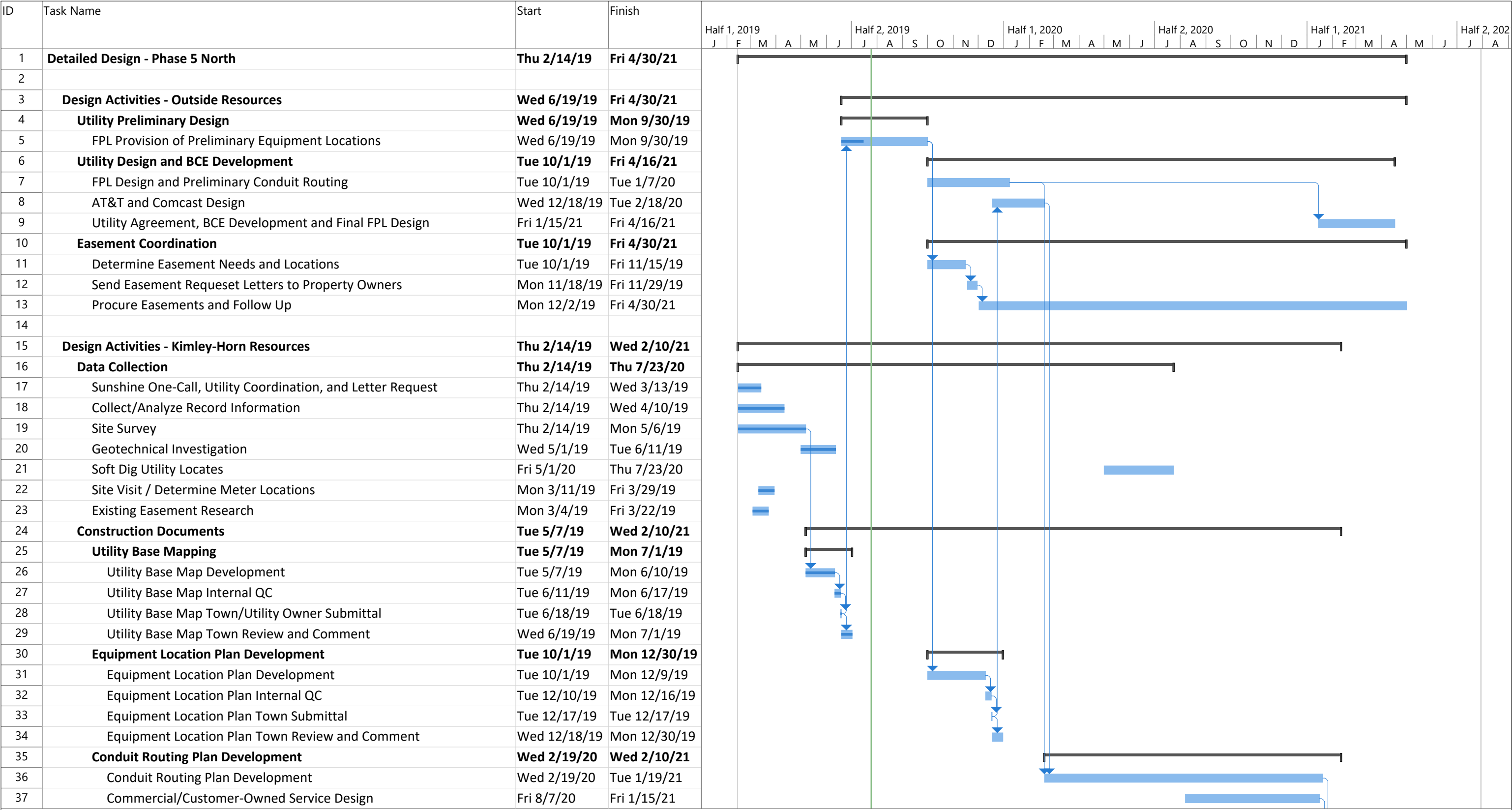
Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-onlyFinish-onlyExternal TasksExternal MilestoneDeadlineProgressManual Progress



Project: 2019_0226_Schedule
Date: Thu 7/25/19

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

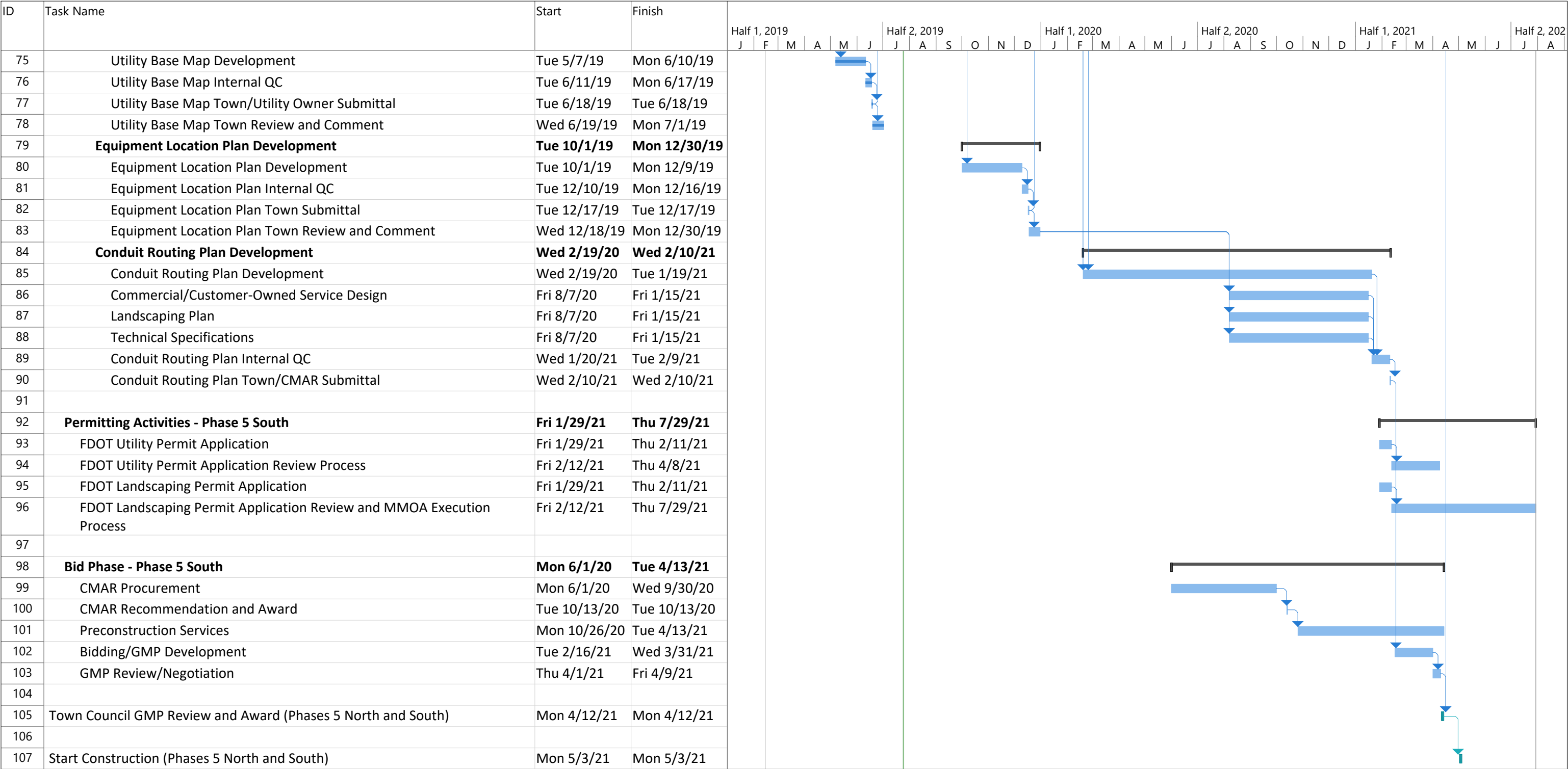
External Tasks

External Milestone

Deadline

Progress

Manual Progress



Project: 2019_0226_Schedule
Date: Thu 7/25/19

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

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 1 NORTH
SCHEDULE
RFQ No. 2017-14

ID	Task Name	% Complete	Duration	Start	Finish	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2018	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2019	Jan	Feb	Mar	Apr	May	Jun	Jul
1	Phase I - NORTH	100%	548 days	Mon 6/12/17	Wed 7/17/19																													
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	100%	133 days	Tue 2/27/18	Thu 8/30/18																													
20	*Comcast Pull Wire, Set Pedestals	100%	133 days	Tue 2/27/18	Thu 8/30/18																													
21	Cut over / Overhead Removal (ATT/Comcast)	100%	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	100%	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.	100%	1 day	Mon 6/12/17	Mon 6/12/17																													
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.	100%	1 day	Mon 6/12/17	Mon 6/12/17																													
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 07/25/19
CURRENT PERCENT COMPLETED 100%

Vincent G. Burkhardt
President



Executive Summary
For
June 2019

Project Description

Townwide Overhead Utility Undergrounding
Phase 2 North
P.O. # 181400

Project Status:

The mainline crew continued south with horizontal drilling along the roads that run east/west between North Lake Way and North Ocean Blvd. The majority of the mainline work took place on Angler, Ocean Terrace, N. Ocean Way, and Osceola Way. The second drilling crew continued drilling the private side services along Dolphin, Seagate, Angler and Ocean Terrace. We are hoping by mid to the end of next month to have all of the directional drilling completed.

Installation of transformer pads, transformers, and AT&T splice boxes continued at various locations within the project limits.

The project remains on schedule and continues to stay within budget.

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 2 NORTH
PRELIMINARY SCHEDULE
RFQ No. 2018-03

ID	Task Name	% Comple	Duration	Start	Finish	3rd Quarter			4th Quarter			1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			1st Quarter				
						Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar		
1	Phase 2 NORTH	42%	399 days	Tue 8/14/18	Fri 2/21/20																							
2	Town Council Approval	100%	1 day	Tue 8/14/18	Tue 8/14/18																							
3	Award Prime Contract	100%	13 days	Wed 8/15/18	Fri 8/31/18																							
4	Permitting	100%	14 days	Wed 8/15/18	Mon 9/3/18																							
5	Customer Owned Service Connection Permitting	85%	14 days	Wed 8/15/18	Mon 9/3/18																							
6	Sub Contract Agreements	100%	14 days	Wed 8/15/18	Mon 9/3/18																							
7	Material Procurement	99%	11 days	Mon 8/20/18	Mon 9/3/18																							
8	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	100%	240 days	Mon 9/3/18	Fri 8/2/19																							
9	Feeder Splice Box Installation	90%	140 days	Sun 12/30/18	Thu 7/11/19																							
10	Set Transformers / Switch Cabinets (FPL)	95%	155 days	Sun 1/13/19	Thu 8/15/19																							
11	Secondary Services / Wire	75%	235 days	Mon 11/5/18	Fri 9/27/19																							
12	As-Built Submission / Review (FPL)	90%	220 days	Mon 2/11/19	Fri 12/13/19																							
13	Pull Wire / Terminations Primary (FPL)	0%	145 days	Mon 2/18/19	Fri 9/6/19																							
14	*ATT Rod Conduit, Pull Wire, Set Pedestals	0%	180 days	Mon 3/11/19	Fri 11/15/19																							
15	*Comcast Pull Wire, Set Pedestals	0%	180 days	Mon 3/11/19	Fri 11/15/19																							
16	Cut over / Overhead Removal (ATT/Comcast)	0%	150 days	Mon 6/3/19	Fri 12/27/19																							
17	Energize Underground (FPL)	0%	140 days	Mon 4/8/19	Fri 10/18/19																							
18	Secondary Service Switch Over (FPL)	0%	180 days	Fri 4/19/19	Thu 12/26/19																							
19	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	180 days	Mon 6/17/19	Fri 2/21/20																							
20	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%																										
21	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%																										
22	Storm Drainage	0%	30 days	Mon 8/5/19	Fri 9/13/19																							

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

- ◆ Some switching orders for the south end of South Ocean Blvd. (south of Lake Ave.) received from FPL. Conversions currently in progress. Approx. 17 conversions completed to date.
- ◆ S. Ocean Blvd (Electrical Undergrounding Crew) - Undergrounding Crews are 100% scope of work completed. Street Lighting install completed. FPL Punchlist related items completed. Some switching orders received from FPL. Electrical conversions 10% completed.
- ◆ Phipps Ocean North Parking Lot Lighting conduit, handholes and pole installation completed. Switching orders for completing this area pending from FPL.
- ◆ Ibis Isle AT&T/Comcast conduit installation along with drainage improvements and striping complete. Currently waiting on switching orders from FPL to energize Ibis Isle.
- ◆ A-41 electrical/mechanical installations complete. Roof install 90% completed.

DOCUMENTATION:

RFIs:

- A. 37 RFIs issued to date
- B. 0 Outstanding RFI

SUBMITTALS:

- A. 276+ Individual Submittals Processed
- B. 0 Submittal Package Currently Under Review
- C. 0 Submittal Packages Pending Submission to A/E

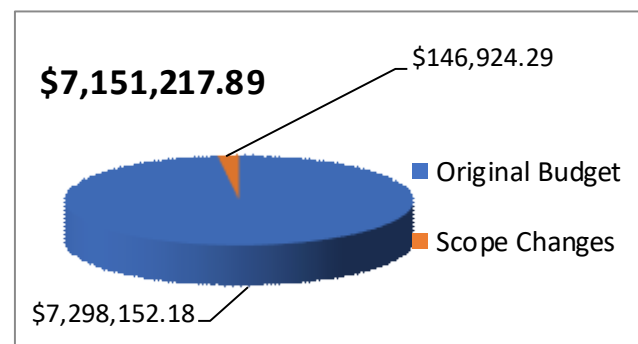
DRAWINGS: Added Scopes of Work

- A. Post GMP Phipps Ocean Park Restroom Building.
- B. Post GMP Phipps Ocean Park Lighting.
- C. Post GMP A-41 Wastewater Pump Station.
- D. Post GMP Ibis Bridge Watermain Crossing.

RELEVANT POTENTIAL CHANGES:

- A. Time Extension Requested based on delayed receipt of Switching Orders from FPL.

FINANCIALS—BUDGET VS. COSTS



Current GMP Amount	—	\$7,151,217.89
Approved Owner Initiated Scope Changes	—	\$146,924.29
Gross Billings to Date (\$)	—	\$6,495,821.28
Gross Billings to Date (%)	—	91.5%
Schedule % Completed	—	94%



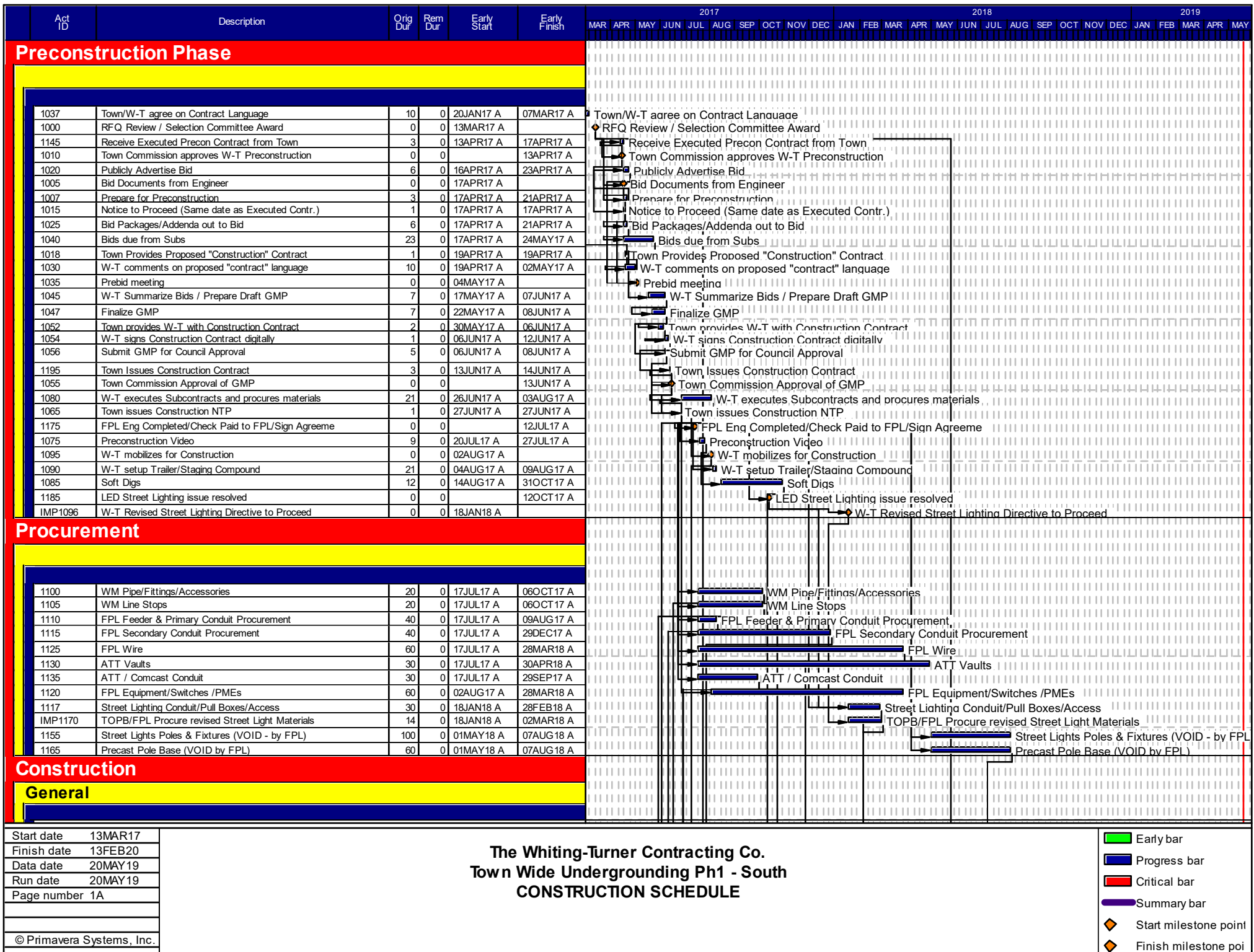
SCHEDULE SUMMARY

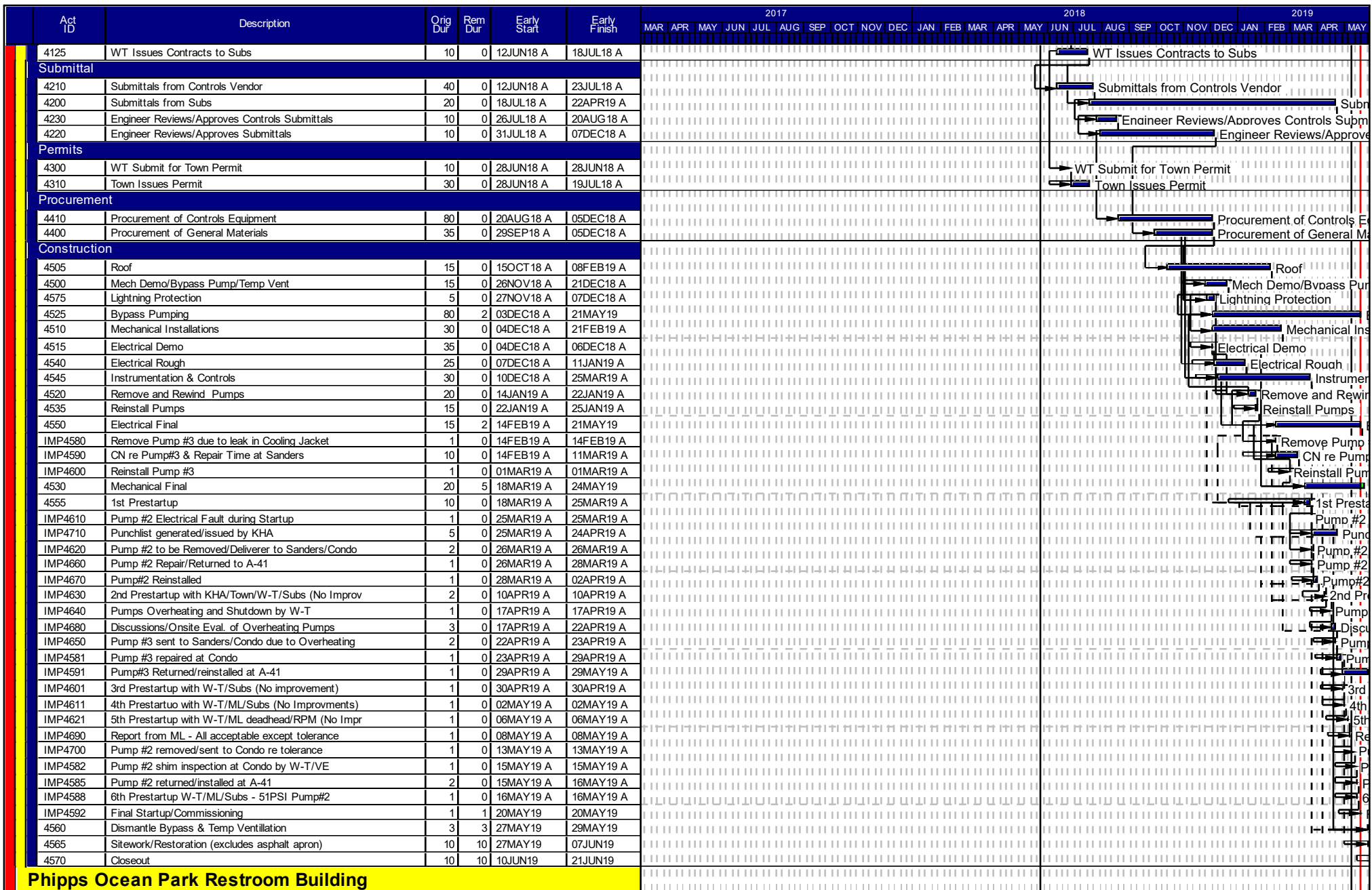
S. Ocean Undergrounding -Sta 11+10 to Sta 243+66					
1570	Converting / Energizing Services	45	44	17MAY19 A	21AUG19
1530	ATT remove Overhead Facilities	10	10	23MAY19	05JUN19
1535	Comcast remove Overhead Facilities	10	10	23MAY19	05JUN19
1537	Restoration due to ATT work	10	10	06JUN19	19JUN19
1540	Restoration due to Comcast work	10	10	06JUN19	19JUN19
1575	De-energize existing Aerial Power	7	7	22AUG19	30AUG19
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
Street Lighting					
IMP4140	Davco to complete Punchlist per Town/MR	10	5	30NOV18 A	24MAY19
4050	Asphalt/Concrete Restoration	15	15	27MAY19	14JUN19
IMP4130	Primary to be Energized (Heat-up/Switching Order)	1	1	03JUN19	03JUN19
4040	FPL to Energize Light Poles	10	10	04JUN19	17JUN19
4060	Landscape & Irrigation Restoration	10	10	17JUN19	28JUN19
4090	Bid Unit #4 Substantial Completion	0	0		28JUN19



SCHEDULE NOTES / IMPACTS:

- Street Lighting conduit and handhole installations by Whiting-Turner 100% complete. Completion of the FPL Street Lighting installation punch-list (by FPL contractor) is still pending. This is preventing Whiting-Turner from completing the restoration scope.
- Additional AT&T/Comcast Service Conduit by Whiting-Turner at Ibis Isle completed. AT&T direct installations pending and Comcast direct installation approx. 95% completed. Service swaps are still pending from both AT&T and Comcast.
- A-41 Pump Station pump back online. Roof installation substantially complete.
- FPL switching orders slowly being received. Remaining switching orders pending.



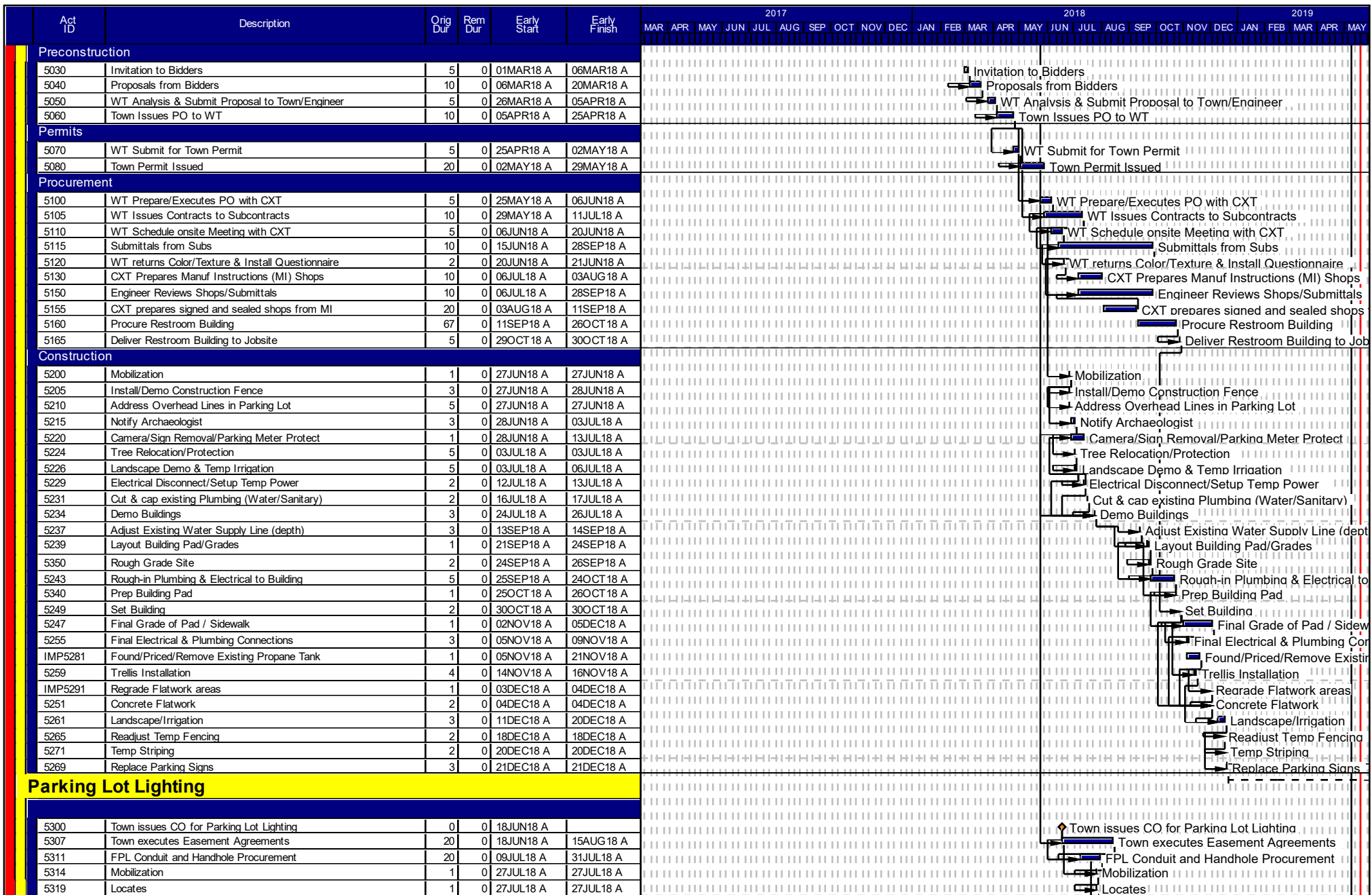


Phipps Ocean Park Restroom Building

Start date 13MAR17
 Finish date 13FEB20
 Data date 20MAY19
 Run date 20MAY19
 Page number 4A

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



Underground Utility Project Budget
Project Financial Summary
July 31, 2019

Expenditures	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,900,000	\$ 12,642,040	\$ 12,105,604	95.8%
Phase 2	\$ 9,170,000	\$ 9,710,000	\$ 5,401,525	\$ 4,082,242	75.6%
Phase 3	\$ 10,910,000	\$ 11,360,000	\$ 1,222,094	\$ 1,197,727	98.0%
Phase 4	\$ 10,370,000	\$ 10,910,000	\$ 1,306,043	\$ 448,861	34.4%
Phase 5	\$ 14,090,000	\$ 14,850,000	\$ 1,529,447	\$ 271,373	17.7%
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	\$ 4,345,427	118.1%
Total Project Costs To Date	\$ 98,580,000	\$ 106,210,414	\$ 25,781,563	\$ 22,451,234	87.1%
Total Other Costs Outside Underground Budget			\$ 929,169	\$ 1,756,905	189.1%
Total Underground Project Costs			\$ 26,710,732	\$ 24,208,138	90.6%
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			22.01%		

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments		\$ 11,591,500	0.0%
Assessment Revenue	\$ 9,380,000	\$ 8,326,498	88.8%
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	\$ 1,223,181	10193.2%
GO Bond Proceeds	\$ 60,500,000	\$ 60,499,897	100.0%
1 Cent Sales Tax	\$ 2,500,000	\$ 1,375,000	55.0%
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	\$ 231,250	
Total Project Revenues	\$ 76,263,741	\$ 87,735,602	115.0%

Underground Utility Project Budget
Phase 1 Project Costs
July 31, 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	3,571,840	99.3%
Street Light Conversion			\$ 26,273	40,934	155.8%
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	196,291	85.1%
	\$ 4,210,000	\$ 4,390,000	\$ 4,738,241	\$ 4,631,719	97.8%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,122,005	92.6%
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	1,294,618	94.2%
Construction Engineering (KH)			\$ 283,880	261,881	92.3%
	\$ 6,800,000	\$ 6,830,000	\$ 6,291,610	\$ 5,861,064	93.2%
Easement Recording Fees			\$ 347	740	
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	\$ 12,105,604	95.8%

Underground Utility Project Budget
Phase 2 Project Costs
July 31, 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	\$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 35,048	86.4%
Task 1.6 Meetings North and South			\$ 136,617	\$ 116,888	85.6%
Total Phase 2 Design	\$ 735,000	\$ 780,000	\$ 806,513	\$ 781,267	96.9%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 4,015,865	2,606,503	64.9%
Approved Change Orders			\$ -		
FPL Design Cost			\$ 11,759	1,350	11.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, Comcast, AT&T)				\$ 131,881	
FPL - Additional Vista Switches				\$ 54,938	
Street Light Conversion			\$ 19,186	\$ 19,186	
Construction Engineering (KH)			\$ 248,121	\$ 149,333	60.2%
Total Phase 2 North Construction	3,800,000	4,000,000	\$ 4,334,931	\$ 3,004,743	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	\$ 5,000	
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, Comcast, AT&T)				\$ 67,409	
Street Light Conversion				\$ 19,268	
Construction Engineering (KH)	-				
Total Phase 2 South Construction	4,435,000	4,730,000	\$ 53,330	\$ 110,459	207.1%
Easement Acquisition	200,000	200,000			
Kimley Horn Easement Assistance					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,715	99.7%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 76,456	98.7%
Surveys					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 14,020	100.0%
Task 1.7 Legal Sketch South			\$ 16,725	\$ 16,084	96.2%
Advertising				\$ 1,101	
Jones Foster - Legal			\$ 25,000	\$ 8,920	35.7%
Postage			\$ -	\$ 491	
Temp Services			\$ 5,000	\$ 1,452	29.0%
Recording Costs			\$ 3,605	\$ 2,535	70.3%
Total Easement Acquisition Costs	200,000	200,000	\$ 206,752	\$ 185,772	89.9%
Total Phase 2 Costs	\$9,170,000	\$9,710,000	\$ 5,401,525	\$ 4,082,242	75.6%

Underground Utility Project Budget
Phase 3 Project Costs
July 31, 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	\$ 266,179	92.2%
Task 1.2 Phase 3 South Design	\$ 535,000	\$ 580,000	\$ 503,260	\$ 350,152	69.6%
Task 1.3 Permitting Assistance			\$ 13,739		0.0%
Task 1.4 Bid Phase Assistance			\$ 36,834	\$ 3,683	10.0%
Task 1.5 Meetings			\$ 101,652	\$ 25,200	24.8%
Deductive Change Order (Scope Change)			\$ (49,840)		0.0%
Total Phase 3 Design	\$ 860,000	\$ 930,000	\$ 894,496	\$ 645,215	72.1%
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				5,000	
Comcast Design Cost				3,128	
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	\$ 365,938	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				5,000	
Comcast Design Cost				3,128	
Construction Engineering (KH)					
Total Phase 3 South Construction	\$ 6,090,000	\$ 6,320,000	\$ 11,359	\$ 8,128	0.0%
Easement Acquisition	\$ 260,000	\$ 260,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 235,953	\$ 177,168	75.1%
<i>Surveys</i>					
Task Legal Sketch South			\$ 37,436		
Jones Foster - Legal			\$ 25,000		
American Acquisition Group					
Temp Services			\$ 5,000		
Recording Costs				\$ 1,279	
Total Easement Acquisition Costs	\$ 260,000	\$ 260,000	\$ 303,389	\$ 178,447	58.8%
Total Phase 3 Costs	\$ 10,910,000	\$ 11,360,000	\$ 1,222,094	\$ 1,197,727	98.0%

Underground Utility Project Budget
Phase 4 Project Costs
July 31, 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	203,006	65.0%
Task 1.2 Phase 4 South Design	\$ 413,000	\$ 435,000	\$ 451,284	180,514	40.0%
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	7,541	9.7%
Total Phase 4 Design	\$ 815,000	\$ 870,000	\$ 893,879	391,061	43.7%
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				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 North Construction	\$ 4,605,000	\$ 4,820,000	\$ 12,757	8,128	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				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 South Construction	\$ 4,710,000	\$ 4,980,000	\$ 13,160	8,128	0.0%
Easement Acquisition	\$ 240,000	\$ 240,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270	41,495	14.8%
Easement Assistance (KH) -- Switches			\$ 62,780		0.0%
<i>Surveys</i>					
Legal Sketch			\$ 38,230		
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				49	
Total Easement Acquisition Costs	\$ 240,000	\$ 240,000	\$ 386,247	41,545	10.8%
Total Phase 4 Costs	\$ 10,370,000	\$ 10,910,000	\$ 1,306,043	448,861	34.4%

Underground Utility Project Budget
Phase 5 Project Costs
July 31, 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	\$ 99,926	22.0%
Task 1.2 Phase 5 South Design	\$ 600,000	\$ 640,000	\$ 606,951	\$ 133,529	22.0%
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	\$ 2,084	2.7%
Task 1.6 Meetings South					0.0%
Total Phase 5 Design	\$ 1,120,000	\$ 1,200,000	\$ 1,194,071	\$ 235,540	19.7%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 6,200,000			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
FPL Design Costs				16,223	
Construction Engineering (KH)					
Total Phase 5 North Construction	\$ 5,890,000	\$ 6,200,000	\$ -	\$ 16,223	0.0%
Phase 5 South Construction	\$ 6,750,000	\$ 7,120,000			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
FPL Design Costs				19,283	
Construction Engineering (KH)					
Total Phase 5 South Construction	\$ 6,750,000	\$ 7,120,000	\$ -	\$ 19,283	0.0%
Easement Acquisition	\$ 330,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
<i>Easement Assistance</i>			\$ 218,600	\$ 1,356	
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	\$ 271,373	17.7%

Underground Utility Project Budget
Other Project Costs
July 31, 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	\$ 2,454,281	
Total Other Project Costs	\$ 3,680,414	\$ 4,345,427	118.1%

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	\$ 336,687	95.9%
Project Construction Engineering	\$ 11,607	\$ 12,800	110.3%
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	\$ 504,361	96.0%
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		\$ 497,211	
PBT Real Estate v TPB		\$ 143,611	
Gardner, Bist Bowden, Bush (Shel Wright)		\$ 24,799	
Project Manager -Pay and benefits	\$ 265,000	\$ 281,694	106.3%
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	\$ 1,756,905	189.1%

U.S. Rate Forecasts

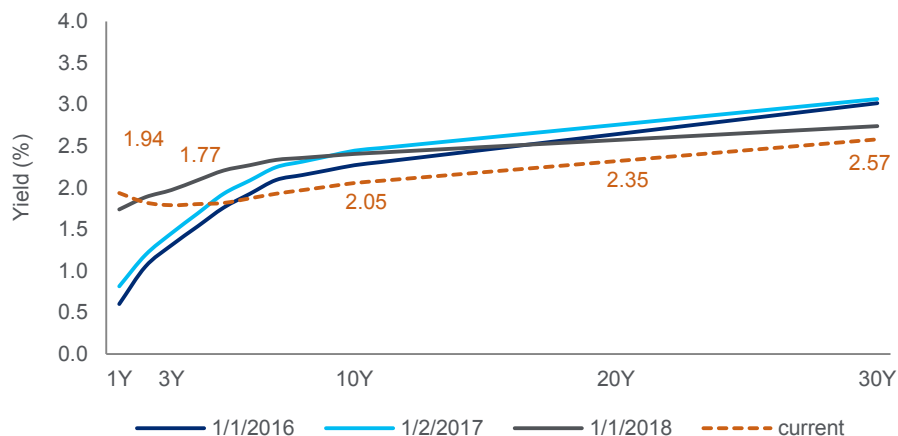
10-Year Treasury Yield Forecast

Citi and the street are forecasting a muted interest rate environment for the remainder of 2019 and 2020



US Treasury Yield Curve

The US treasury curve steepened over the past week as front end rates increased as investors priced in one versus two rate cuts at the Fed's July



Rate Forecasts

5-Year Treasury	Current	3Q19	4Q19	1Q20	2Q20	3Q20	4Q20
Citi's Forecast	1.80%	1.80%	1.80%	1.80%	1.80%	1.80%	1.80%
Economists' Consensus	1.80%	1.90%	1.92%	1.95%	2.00%	2.00%	2.02%

10-Year Treasury	Current	3Q19	4Q19	1Q20	2Q20	3Q20	4Q20
Citi's Forecast	2.05%	2.15%	2.15%	2.15%	2.15%	2.15%	2.15%
Economists' Consensus	2.05%	2.10%	2.15%	2.20%	2.20%	2.25%	2.25%

30-Year Treasury	Current	3Q19	4Q19	1Q20	2Q20	3Q20	4Q20
Citi's Forecast	2.57%	2.55%	2.55%	2.55%	2.55%	2.55%	2.55%
Economists' Consensus	2.57%	2.58%	2.60%	2.60%	2.65%	2.68%	2.67%

Fed Funds	Current	3Q19	4Q19	1Q20	2Q20	3Q20	4Q20
Citi's Forecast	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
Economists' Consensus	2.50%	2.25%	2.00%	2.00%	2.00%	2.00%	2.00%

Expectations of Fed Change in Interest Rates (Market View)

The market is currently pricing in a July rate cut given recent Fed rhetoric and headlines on trade tensions and concerns over continued economic growth



Source: Current rates and expectation of Fed hike as of July 19, 2019; Citi forecasts as of June 26, 2019, Bloomberg forecasts as of July 19, 2019.

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 14, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Phase 1 North Easement Abandonment

DATE: July 29, 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council approve vacating the rear yard easements, where possible, for properties that provided easements for the Town-wide Undergrounding for Phase 1 North. Therefore, all others will be responsible for pursuing the easement abandonment through their own resources.

GENERAL INFORMATION

Most of the overhead utilities, which includes Florida Power and Light (FPL), ATT and Comcast, are being removed from rear yard easements into either road right-of-way or front yard easements. As a result a majority of the rear yard easements will no longer have utilities located within them. It is important to note that there will continue to be utilities such as water, sewer, gas, or drainage in some instances in the rear yards. Also, in some cases, the underground program will utilize these easements where savings can be achieved. With the majority of the rear yard easements becoming vacant, there is an opportunity to abandon these easements, which allows the property owner to fully utilize this property. Staff has done an assessment of the cost and time associated with abandoning these easements. Staff's recommendation is to focus solely on the properties that have provided easements for the location of undergrounding equipment on their properties. If Town Council supports this recommendation, all other properties will have the opportunity to request the abandonment of the rear yard easements as long as no other utilities occupy the easement, but will have to utilize their own resources to complete the process.

Town Code of Ordinances, Chapter 106, Article IV, requires an application to abandon the public utility easement to be made in writing on an application form provided by the Town and include the following information:

- (1) The name and address of the applicant.
- (2) A general description of the street, alley, special purpose easement or other non-fee interest of the Town the applicant seeks to have abandoned, and the location of same. A legal description shall be provided, which description shall be accompanied by a plat, map, or drawing, that also shows the general area involved and the location of the specific property interest to be abandoned.
- (3) The reason for the request of abandonment.
- (4) The names and addresses of the owners and occupants of real property bounding and abutting the street, alley, special purpose easement or other non-fee interest of the Town the applicant seeks to have abandoned, and all owners of property within 300 feet in all directions from any point of a street or alley proposed to be abandoned. The owners of property shall be deemed to be those shown on the then current tax assessment role of the Town.

- (5) Letters of consent from affected utilities in the event of a utility abandonment, including but not limited to, FPL, Southern Bell Telephone Company, Florida Public Utilities, West Palm Beach Water Department, Comcast Cable Television, American Telephone and Telegraph, Town of Palm Beach Water Pollution Control Division, Operations Division, and the Town of Palm Beach Electrical Bureau.
- (6) Existing utilities or improvements, if any, in the area involved. If utilities and improvements need to be relocated, all details regarding same should be identified, including dedication of new easements including legal descriptions.
- (7) At least 45 days prior to the Town Council meeting at which the application is to be considered, 20 complete copies of the application should be submitted to the Public Works Department.
- (8) Such other relevant information as the Town may require. The application shall be signed by the party requesting same, who shall verify same under oath that the information contained therein is true and correct.

These steps are required for each and every property that has an easement that is being abandoned. In Phase 1 North, if the easement abandonment process was initiated for each easement that is eligible for abandonment, this would be 141 individual applications. Town staff has requested a proposal for the development of the required legal descriptions and exhibits for all 141 parcel. This cost is approximately, \$30,000, but this does not include the seven (7) others steps described above. To complete the entire process for all 141 parcels, the Town would need to dedicate a full time employee for the next 2 months. This process would repeat with each future phase of undergrounding.

As an alternative to performing the easement abandonment for each parcel, staff recommends that the abandonment process be provided solely to property owners that provided an easement for undergrounding. This reduces the number of parcels to approximately thirty (30) parcels. The cost for developing the legal descriptions and documents would be significantly reduced and the staff time could be handled by existing staff within the normal daily workload.

FUNDING/FISCAL IMPACT:

The funding will be from the Underground Utility Fund for the Town-wide undergrounding work.

PURCHASING REVIEW

Not required at this time.

TOWN ATTORNEY REVIEW

Not required at this time.

cc: Jane Le Clainche, Finance Director
Steven Stern, Project Manager Town Wide Undergrounding Program
Patricia Strayer, P.E., Town Engineer

Information for Town Council Meeting on August 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 Order to Kimley-Horn for Engineering Design Services for the South Ocean Blvd Watermain Replacement in the Amount of \$78,566.00, **Resolution No. 61-2019**

DATE: 19 July 2019

STAFF RECOMMENDATION

Staff recommends the approval of a purchase order to Kimley-Horn for Engineering Design Services for the South Ocean Blvd. Watermain Replacement in the amount of \$78,566.

SUMMARY EXPLANATION/BACKGROUND

The City of West Palm Beach has prioritized the need to replace the existing 8 inch watermain on South Ocean Blvd. from Gulfstream Road to Royal Palm Way. The main was installed in 1929 and is considered to have exceeded its useful life expectancy. While the watermain is not failing at this time this is a busy part of the Town of Palm Beach and a planned replacement would be much better than an emergency replacement. Therefore, the City of West Palm Beach has requested the Town to include this replacement in the Phase 4 South Undergrounding construction. The City of West Palm Beach will use the repair and replacement fund for the cost of the design and construction.

Kimley-Horn was utilized to provide this engineering service as part of the undergrounding project.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for the purchase will be \$78,566. This will be paid for from the Capital Improvement Fund (307) and reimbursed by the City of West Palm Beach for both the design and construction.

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
Patricia Strayer, Town Engineer
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 61-2019

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO KIMLEY-HORN FOR
ENGINEERING DESIGN SERVICES FOR THE SOUTH OCEAN
BLVD WATERMAIN REPLACEMENT IN THE AMOUNT OF
\$78,566.**

WHEREAS; The City of West Palm Beach has prioritized the need to replace the existing eight inch watermain on South Ocean Blvd from Gulfstream Road to Royal Palm Way, and;

WHEREAS; Kimley-Horn provided a proposal of \$78,566 for design engineering services; and

WHEREAS; These services will be paid for from the Capital Improvement Fund (307) and reimbursed by the City of West Palm Beach for both the design and construction.

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 Kimley-Horn in the amount of \$78,566, is hereby approved.

Section 2. The Town Council approves payment from the Capital Improvement Fund (307) and both the design and construction services will be reimbursed from the City of West Palm Beach.

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



July 11, 2019

Mr. Dean Mealy
Town of Palm Beach
951 Old Okeechobee Road
West Palm Beach, FL 33401

RE: *S. Ocean Blvd Watermain Replacement – Engineering Design Services*

Dear Dean,

Kimley-Horn and Associates, Inc. is pleased to submit this proposal to the Town of Palm Beach (Town) for providing engineering services related to the replacement of a watermain on South Ocean Blvd. in the Midtown area.

Project Understanding

The City of West Palm Beach (City) has identified a need to replace approximately 2,500 linear feet of the existing 8-in ductile iron pipe (DIP) watermain along South Ocean Blvd from Gulfstream Rd. to Royal Palm Way in the Town of Palm Beach. We understand that this watermain was installed in 1929 and is included in the City's replacement program. The City desires to remove the existing 8-in watermain and replace it with an 8-in to 12-in watermain. An Interlocal Agreement exists between the Town of Palm Beach and the City of West Palm Beach to fund the design and construction of these improvements. The Town has asked Kimley-Horn to provide design, permitting, and bidding services for the project. It is understood that the Town will administer the design and construction of these watermain improvements for the City.

Based on this understanding, the following tasks will be performed by the Consultant:

Scope of Services

Task 1 – Data Collection, Construction Documents, and Permitting

Data Collection

The Consultant has performed data collection, survey, and geotechnical investigation on South Ocean Blvd. from Gulfstream Rd. to Royal Palm Way during the Town-wide undergrounding project. We assume that the Town will allow this information to be reused for the purposes of the watermain design. We will coordinate with the City, Town, and franchise utility owners to verify collected information regarding the existing underground infrastructure. There is existing private fire line services (PFL) that will need to be considered in the design. We will review the corridor in the field to identify opportunities and constraints that may affect the design of the improvements.

The Consultant will attend up to one meeting with the City to kick off the project and discuss the design criteria.

It is understood that the route of line survey that was prepared for the Town of Palm Beach's undergrounding project can be used to develop a base map for use in the design. This survey contains right-of-way and boundary lines along with aboveground improvements, topographic information, a stationed baseline, benchmarks, and marked subsurface utilities.

The Consultant will employ the services of a sub-consultant to obtain up to 25 soft dig utility locations for known underground utilities along S. Ocean Blvd. between Gulfstream Rd. and Royal Palm Way. This information will be used to develop the project base map of existing utilities to assist in the horizontal and vertical design of the proposed watermain.

It is understood that the geotechnical reports that were prepared for the Town's undergrounding project can be incorporated into the project construction documents and additional geotechnical information is not needed for this project.

Watermain Construction Documents

During this task, the Consultant will perform the following services:

- Coordinate and conduct one (1) utility coordination meeting with affected utility owners along the project corridor.
- The Consultant will create a base map for S Ocean Blvd that combines the survey information, soft dig, and record drawing information that was obtained as part of this task. This map will serve as the base for the construction drawings for the project.
- The Consultant will prepare construction plans for the watermain at a scale of 1" = 20' (full size) for the project. The plans and specifications will be suitable for permitting, public bidding, and construction and will contain the following information:
 - Cover Sheet
 - General Notes (1 sheet)
 - Overall Site Plan (1 sheet)
 - Watermain Plan and Profile (4 sheets)
 - Watermain Connection Details (1 sheet)
 - Watermain Construction Details (4 sheets)
- Submittal of plans and specifications for review at the 30%, 90% and final completion stages
- Meet with the City to review comments and accommodate reasonable requests for revisions after the 30% and 90% completion submittals. Plans will also be provided to the Town of Palm Beach and franchise utilities at these stages for coordination purposes. Final plans will be prepared after receipt of the comments from the 90% completion stage.

- Prepare Technical Specifications for the 90% and final construction plan submittal. An index of specifications will be provided at the 30% completion stage.
- Prepare an Opinion of Probable Construction Cost (OPC) at the 90% completion stage. A final OPC will be submitted with the final construction plan submittal.
- Coordinate and conduct one (1) meeting with the Town of Palm Beach to discuss construction schedule, milling and paving limits, maintenance of traffic (MOT) requirements, and other design requirements.

Watermain Permit Application

It is anticipated that a new Florida Department of Environment Protection General Permit for Construction of Watermain Extensions for PWSs will be required for the watermain improvements. The Consultant will submit the applicable permit application for the work to the Palm Beach County Health Department. The City will be listed on the application as the permittee and owner upon the completion of the project. The Consultant will respond to a maximum of one (1) request for additional information from the Health Department for the permit application. Additional revisions or changes in response to subsequent review comments requested by the City shall be provided as an Additional Service. The \$650 permit application fee is included in this task.

Any significant plan revisions caused by changing agency criteria after our initial design is reviewed with each appropriate agency and similar factors outside of the Consultant's control, additional meetings, or additional coordination will be considered Additional Services.

Task 2 – Bid Phase Assistance

The Town will require limited bid phase services. The Consultant will:

- Attend the pre-bid meeting.
- Assist the Town in answering bidder questions.
- Review of the apparent low bidder's bid proposal and submittal of a summary of our findings to the Town.
- Incorporate addenda into the plans and specifications so conformed documents can be issued for construction.

It is our understanding that the Town will administer the bid process and distribute addenda to bidders. The Bidding or Negotiation Phase will be considered complete upon contract award or upon cessation of negotiations with prospective contractors.

Additional Services

The following services are not included in the Scope of Services for this project but may be required depending on circumstances that may arise during the execution of this project. Other items that

may be considered additional services are mentioned herein. Additional services include, but may not be limited to the following:

- The design and permitting of any utility improvements beyond what is described in the Scope of Services
- Construction phase services

Information and Services Provided by the Town

The Town shall provide the following information related to the design of this construction project:

- Access to the Site
- Record drawings for project corridor and adjacent streets as needed
- Meeting facilities

Deliverables

The following deliverables for the proposed water main route will be provided as a result of the efforts described in the Scope of Services:

- Route Survey
- Soft Dig Locate Reports
- PBCHD Permit Application
- 30%, 90%, and Final Design/Construction Documents
- 90%, and Final Opinions of Probable Cost

Schedule

Kimley-Horn will perform the scope of services above as expeditiously as practical to meet a mutually agreed upon schedule.

Fee and Billing

Kimley-Horn will perform the Scope of Services described above on a labor fee plus expense basis for the maximum labor and expense fee of \$78,565.96. Kimley-Horn will not exceed the total maximum labor and expense fee shown without authorization from the Client.

Closure

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

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

We appreciate the opportunity to provide these services to you. Please contact me at (561) 840-0820 or kevin.schanen@kimley-horn.com should you have any questions.

Sincerely,



By: Kevin Schanen, P.E.
Sr. Vice President

K:\WPB_Civil\General\Dombrowski\MidTown\Midtown Watermain Proposal.doc

Information for Town Council Meeting on August 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 Awarding a Construction Manager at Risk (CMAR) Contract to Burkhardt Construction, Inc. for the Town-Wide Utility Undergrounding Phase 3 North, **Resolution No. 63-2019**

DATE: 5 August 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 63-2019 and award a Construction Manager at Risk (CMAR) contract to Burkhardt Construction, Inc., for Town-Wide Utility Undergrounding Phase 3 North for a Guaranteed Maximum Price (GMP) amount not-to-exceed \$4,042,171.13 and establishing a Construction Phase Budget of \$4,242,171.13, and authorizes the Town Manager to execute a contract with Burkhardt Construction, Inc.

In addition, staff recommends that Town Council grant a waiver to Sections 42-196 through 199 of the Town of Palm Beach Code of Ordinances to allow for work past December 1, 2019, extending work hours and night-time work, as necessary, and approved by Public Works. Staff also recommends a waiver of the Town Code of Ordinances Section 42-226 through 229 - Regulation of Noise.

SUMMARY EXPLANATION/BACKGROUND

Town Council approved the selection of Burkhardt Construction, Inc. (BCI) as the CMAR for the Town-Wide Utility Undergrounding Phase 2 North (Phase 2 North) at the February 13, 2018 meeting. Included in the award was the options to continue with Phase 3 North. Phase 3 North extends from Merrain Road south to La Puerta Way. Due to BCI performance on Phase 2 North the staff moved forward with BCI to prepare the GMP for Phase 3 North. BCI was able to negotiate with C R Dunn to extend the awarded rates for Phase 2 North to Phase 3 North. The scope entails undergrounding of all overhead utilities, Comcast, AT&T, and Florida Power and Light (FPL). Phase 3 is scheduled to begin construction in September 2019.

The revised GMP from Burkhardt Construction, Inc. dated July 24, 2019 is included as an attachment.

A summary of the major components is provided as follows:

Direct Construction Costs	\$2,966,990.84
General Conditions	\$ 345,780.29
Project Management	\$ 510,900.00
Profit	\$ 227,500.00
Owner Direct Purchases	\$ (9,000.00)
Guaranteed Maximum Price:	\$4,042,171.13

The revised GMP was negotiated to reflect a cost savings of \$12,388.36 from the original GMP submitted by Burkhardt Construction, Inc.

Kimley-Horn and Associates provided the following review of the revised GMP as follows:

- The revised GMP amount of \$4,072,171 submitted by BCI (inclusive of a \$30k allowance for drilling through rock) is less than the \$4,220,000 updated opinion of cost by Kimley-Horn and Associates.
- The revised GMP amount of \$4,042,171.13 submitted by BCI is approximately 21% higher than the \$3,360,000 master plan opinion of cost. The difference is the result of unanticipated impacts to the project cost including market conditions that have yielded construction costs that have outpaced inflation estimates, agreed-upon easement locations not being in the most cost-efficient locations, elimination of AT&T cable subsidies that were included in the updated master plan OPC, and the need for work elements like chicanes, watermain deflections, drainage modifications, and other improvements that are necessary to place equipment in the right-of-way.

SPECIAL CONSIDERATIONS

Due to a late construction season start, the project schedule is sequenced to complete as much of the conduit installation on North Ocean Boulevard and North Lake Way, without simultaneously affecting both thoroughfares, prior to Thanksgiving. After Thanksgiving, construction will be limited to east/west roads until May 1, 2020. At that time, any unfinished construction on North Ocean Boulevard and North Lake Way will be finalized.

Staff is requesting that Town Council grant a waiver of the Town Code of Ordinances Sections 42-196 through 42-199 to allow for work past December 1, 2019, extending work hours and night-time work hours, as necessary, and approved by Public Works. Due to the complexity of this project and the relatively short schedule, it may be necessary to allow work hours from 7:00 a.m. to 7:00 p.m. Monday through Saturday during the summer months. The waiver is to include Saturday work as necessary and approved by Public Works. Staff also recommends a waiver to the Noise Ordinance for those same activities from Section 42-226 through Section 42-229 of the Town Code of Ordinances.

FISCAL IMPACT/FUNDING SOURCE

The funding will be from the Underground Utility Fund and is financed with assessment revenue and bond proceeds.

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 as to current subcontractor rates.

The Ratification of RFQ No. 2018-03 authorized award of Phase 3 and Phase 4 contingent upon satisfactory performance of Phase 2.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney. The Town Attorney will review the Construction Manager at Risk Contract for legal form and sufficiency prior to execution by the Town Manager.

CC: Jay Boodheshwar, Deputy Town Manager
 Paul Brazil, Director of Public Works
 Jane Le Clainche, Director of Finance
 Patricia Strayer, Town Engineer
 Steven Stern, Underground Utilities Project Manager
 Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 63-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONSTRUCTION MANAGEMENT AT RISK (CMAR) CONTRACT TO BURKHARDT CONSTRUCTION, INC., FOR THE TOWN-WIDE UTILITY UNDERGROUNDING PHASE 3 NORTH IN THE AMOUNT OF \$4,042,171.13, AND ESTABLISHING A PROJECT BUDGET OF \$4,242,171.13.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a Construction Management at Risk (CMAR) contract to Burkhardt Construction, Inc., for the Town-wide Utility Undergrounding Phase 3 North in the amount of \$4,042,171.13 and establishing a project budget of \$4,242,171.13.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these improvements, and is authorized to approve additional tasks, as necessary, within budget.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of August 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

Vincent G. Burkhardt
President



July 24, 2019

Re: GMP Negotiation Meeting Re-Cap

The following is a re-cap of the discussions that took place at today's GMP negotiation meeting for the Town of Palm Beach Phase 3 North Overhead Utility Undergrounding project.

MEETING ATTENDANCE:

- Kirk Blouin – Town of Palm Beach (TOPB)
- Patricia Strayer – Town of Palm Beach (TOPB)
- Dean Mealy – Town of Palm Beach (TOPB)
- Duke Basha – Town of Palm Beach (TOPB)
- Steve Stern – Town of Palm Beach (TOPB)
- Brett Johnson – Kimley-Horn (KH)
- Scott Rosslow – Mock, Roos & Assoc., Inc. (MRI)
- Marc Kleisley – Burkhardt Construction, Inc. (BCI)

ITEMS DISCUSSED:

Profit

1. Town noted that BCI's profit increased from 7.45% in Phase 2 to 7.74% in Phase 3. It was requested that we match Phase 2.

General Conditions

1. Bond Premium and Insurance Premiums shown in the GMP will be paid based on the actual invoice provided. BCI must include a copy of the invoices in the pay application. *BCI acknowledged task responsibility.*
2. Correct typo (\$10,000 – should be \$6,500) in the survey allowance line item and move the allowance to direct costs. *Typo was corrected and an allowance of \$6500 was added to the direct costs.*

Construction Phase Management fee

1. Town stated they were "ok" with the management fees and hours allotted. They questioned where BCI reflected the overlap from Phase 2. *BCI explained that there was no overlap because the management was based on 12 months not 18 months. Phase 2 is currently at 12 months.*

Exceptions and Clarifications

1. Confirm that **#8** under **Franchise Utilities** and **#1** under **Alternates** are correctly stated. *BCI confirmed that both items were repeated from Phase 2 and are properly stated. For #1, there is a value of \$15,000 (Alternate #1) that is shown on the last page of the Total Direct Construction Costs detailed breakdown sheet*

and should be carried in the Town's Contingency. For #8, BCI did not carry any rear easement restoration for FPL pole and wire removal because as the Construction Manager we felt it was FPL's responsibility to remedy any damage caused by their removal. We have reduced the Site Cleaning, Debris Removal, Tree protection and Specialty Signage by \$6500.

2. **#9 under Franchise Utilities** the Town requested that BCI add language to this item so that a protocol will be established prior to construction in order to establish tracking of hours should a rock delay be incurred. Additionally, they requested a breakdown of the \$600/hr. rate. *BCI added the requested language to this item. BCI also suggested that the Town place a value of 10% in their contingency based on the value of the work being performed along North Lake Way and adjacent resident services.*

Crew Breakdown:

- *5 men @ \$175/hr*
- *Mini Excavator @ \$50/hr*
- *Vactor @ \$50/hr*
- *Drilling Machine @ \$250/hr*
- *Truck, Trailer and Drilling mud tank with pump @ \$75/hr*

3. **#17 under General** the Town was concerned that BCI excluded demucking because the soils report shows muck in some areas. *BCI explained that we are replacing the material in the bore pits by restoring it with flowable fill and asphalt. We will construct per the standard trench restoration detail.*
4. **#3 under Water / Sewer / Storm Drainage** states that the GMP does not include any water main work, however, the Town pointed out that there is a water main deflection designed at the Merrain Rd. chicane. *BCI corrected that statement.*
5. Confirm RFI #1 was accounted for in the GMP. BCI has accounted for the answers to RFI #1. *BCI modified statement #1 under General in the Exclusions and Clarifications.*

CR Dunn's Proposal

1. The Town felt that the following two line items (located on page 5 and 6 of CR Dunn's cost proposal) were priced extremely high and asked that a reason for the cost be provided.
- a. *Page 5; Field locate spare FPL Conduit at r.o.w. and make necessary connections (10 ea @ \$1500/ea); There are 10 locations that are identified on the plans with no additional information. The rate established for the work needed to locate and make those connections is fair.*
 - b. *Page 6; Field locate phase 2 north stub out conduits and make connection with feeder and primary (2 ea @ \$3000/ea); This item has been reduced to the same unit price as above and the direct costs have been reduced by \$3000.*

Revisions need to take place and the revised GMP needs to be provided to the Town by noon on 7/25/19.

**Town of Palm Beach
Townwide Overhead Utility Undergrounding
Phase 3 - North
Guaranteed Maximum Price**

From: **Burkhardt Construction, Inc.**
Attn: Marc Kleisley, Vice President
1400 Alabama Ave.
West Palm Beach, FL 33401
Ph: (561) 659-1400
Fax: (561) 659-1402

Owner: **Town Of Palm Beach**
Public Works & Engineering Dept
951 Old Okeechobee Road
West Palm Beach, FL 33401
Tel: (561) 838-5440
Fax: (561) 835-4691

Engineer: **Kimley-Horn & Associates, Inc.**
Attn: Kevin Schanen, P.E.
1920 Wekiva Way, Suite 200
West Palm Beach, FL 33411
Ph: (561) 845-0665
Fax: (561) 863-8175

Project: **Townwide Overhead Utility Undergrounding - Phase 3 - North**

Plans: Based on bid set of plans/specifications BCI dated June 3, 2019
Complete Plan Log Attached

Location: Town of Palm Beach

Proposal Date: 7/18/2019; Revised 7/25/19

Direct Construction Costs:	\$ 2,966,990.84
General Conditions	\$ 345,780.29
Project Management	\$ 510,900.00
Profit	\$ 227,500.00
Owner Direct Purchase Material Tax Savings (estimated)	\$ (9,000.00)
Total Guaranteed Maximum Price	\$ 4,042,171.13



Town of Palm Beach

Townwide Overhead Utility Undergrounding - Phase 3 - North

Direct Construction Costs 7/18/19; Revised 7/25/19

Prepared by Burkhardt Construction, Inc.

Item Description	Quantity	U/M	Unit Price	Amount	Labor	Equipment	Material	Subcontractor	General/Rental	Subtotal		
FPL - ATT - COMCAST OVERHEAD UTILITY UNDERGROUNDING GENERAL REQUIREMENTS (ALLOWANCE) SITE CLEANING, DEBRIS REMOVAL, TREE PROTECTION, SPECIALTY SIGNAGE ALLOWANCE FOR SURVEY RE-STAKING DANGER RIBBON OFF DUTY POLICE OFFICERS TEMPORARY STREET LIGHTING UNDERGROUNDING OF FPL - COMCAST - ATT UNDERGROUNDING OF UTILITIES PROPOSED LANDSCAPING AT TRANSFORMERS FPL BINDING COST ESTIMATE AND INSTALLATION FEES COMCAST INSTALLATION FEES ATT INSTALLATION FEES												
				\$2,966,990.84								
			1	LS	\$18,500.00	\$18,500.00				18500	18500	
			1	LS	\$6,500.00	\$6,500.00				6500	6500	
			25	ROL								
				NIC								
				NIC								
			1	LS	\$2,911,240.84	\$2,911,240.84			CR DUNN	2911240.84		2911240.84
			1	LS	\$30,750.00	\$30,750.00			LOPEZ	30750		30750
					Labor	Equipment	Material	Subcontractor	General/Rental	Subtotal		
Townwide Overhead Utility Undergrounding - Phase 3 - North Direct Construction Cost Total					\$2,966,990.84	0	0	0	2941990.84	25000	2966990.84	



**Town of Palm Beach
Townwide Overhead Utility Undergrounding
Phase 3 - North**

GENERAL CONDITIONS

From: **Burkhardt Construction, Inc.**
Attn: Marc Kleisley, Vice President
1400 Alabama Ave.
West Palm Beach, FL 33401
Ph: (561) 659-1400
Fax: (561) 659-1402

Owner: **Town Of Palm Beach**
Public Works & Engineering Dept
951 Old Okeechobee Road
West Palm Beach, FL 33401
Tel: (561) 838-5440
Fax: (561) 835-4691

Engineer: **Kimley-Horn & Associates, Inc.**
Attn: Kevin Schanen, P.E.
1920 Wekiva Way, Suite 200
West Palm Beach, FL 33411
Ph: (561) 845-0665
Fax: (561) 863-8175

Project: **Townwide Overhead Utility Undergrounding - Phase 3 - North**

Plans: Based on bid set of plans/specifications BCI dated June 3, 2019
Complete Plan Log Attached

Location: Town of Palm Beach

Proposal Date: 7/18/2019; Revised 7/25/19

Item Description						Amount
BASED ON A 12 MONTH DURATION						
<i>MOBILIZATION (move-in, move-out)</i>						\$0.00
TRANSPORT	\$65.00 /	Hr	x	0		\$0.00
EQUIPMENT	\$35.00 /	Hr.	x	0		\$0.00



PROJECT FIELD OFFICE					\$95,504.60
OFFICE	\$3,500.00 /	mo.	x	12	\$42,000.00
YARD	\$0.00 /	mo.	x	0	\$0.00
EMPLOYEE PARKING FEES	\$500.00 /	mo.	x	0	\$0.00
WORK PLATFORM FOR YARD	\$200.00 /	mo.	x	0	\$0.00
TEMPORARY FENCING FOR YARD	\$500.00 /	mo.	x	0	\$0.00
CONSTRUCTION YARD LIGHTING	\$0.00 /	mo.	x	0	\$0.00
OFFICE FURNISHINGS	\$500.00 /	mo.	x	0	\$0.00
COMPUTERS	\$300.00 /	mo.	x	12	\$3,600.00
PROCORE SOFTWARE	\$500.00 /	mo.	x	12	\$6,000.00
SUBMITTAL SOFTWARE	\$2,000.00 /	ls	x	0	\$0.00
COPY MACHINE	\$350.00 /	mo.	x	12	\$4,200.00
FAX MACHINE	\$100.00 /	mo.	x	0	\$0.00
INTERNET SERVICE	\$150.00 /	mo.	x	12	\$1,800.00
CELLULAR TELEPHONE	\$500.00 /	mo.	x	12	\$6,000.00
TELEPHONE	\$150.00 /	mo.	x	0	\$0.00
FEDERAL EXPRESS MAILINGS	\$100.00 /	mo.	x	0	\$0.00
POSTAGE	\$50.00 /	mo.	x	0	\$0.00
PHOTOGRAPHS					
AERIAL PHOTOS	\$110.00 /	mo.	x	0	\$0.00
JOB PHOTOS	\$50.00 /	wk	x	0	\$0.00
PRE-CONSTRUCTION VIDEO	\$15,284.60 /	ls	x	1	\$15,284.60
PLAN REPRODUCTION COST/PRINTING	\$200.00 /	set	x	12	\$2,400.00
OFFICE SUPPLIES	\$50.00 /	mo.	x	12	\$600.00
FIRST AID SUPPLIES	\$50.00 /	mo.	x	12	\$600.00
WATER SERVICE	\$35.00 /	mo.	x	12	\$420.00
SANITARY SERVICE	\$50.00 /	mo.	x	12	\$600.00
ELECTRIC SERVICE	\$200.00 /	mo.	x	12	\$2,400.00
GARBAGE SERVICE	\$25.00 /	mo.	x	12	\$300.00
CONSTRUCTION WATER	\$500.00 /	mo.	x	12	\$6,000.00
JOHN DEERE GATOR (1)	\$500.00 /	mo.	x	0	\$0.00
ICE	\$275.00 /	mo.	x	12	\$3,300.00
BONDS					\$50,527.14
GENERAL BOND	\$4,042,171.00		x	1.25%	\$50,527.14
SUBCONTRACTORS BONDS					
PARTNERING INITIATIVES					\$2,500.00
NOTICES, LETTERS, INFORMATION MEETINGS					\$2,500.00
INSURANCE					\$75,378.55
GENERAL INSURANCE	\$3,967,292.00		x	1.90%	\$75,378.55
Commercial General Liability					
Comprehensive Automobile Liability					
Owner Indemnification					
Professional (Errors/Omissions) Liability					
Excess/Umbrella Liability					
ADD'L INSURED	\$100.00 /	ea.	x	0	\$0.00
ADDED INSURANCES					NOT INCLUDED
Railroad protective Liability Ins.					NOT INCLUDED
Builders Risk Insurance					NOT INCLUDED
Installation Floater					NOT INCLUDED
Flood Insurance					NOT INCLUDED
SUBCONTRACTORS' INSURANCE					INCLUDED IN THEIR DIRECT COSTS
SANITARY SERVICES					\$4,200.00
JOB TOILET (2ea.)	\$350.00 /	mo.	x	12	\$4,200.00



<i>TESTING COSTS</i>		\$36,495.00
DENSITIES		
PRESSURE		
PROCTORS		
BACTERIOLOGICAL		
CONCRETE CYLINDERS		
ENGINEERING & REPORTING		
TV'ING OF INSTALLED LINES	NOT INCLUDED	
<i>FEES</i>		\$0.00
TOPB BUILDING DEPT. PERMIT FEES/REVISION FEES		NONE ANTICIPATED
PERMIT SUBMISSION AND EXPEDITING		BY OTHERS
FDOT GENERAL USE PERMITS		NIC
DEWATERING PERMITS		NO FEE PERMIT
RAILROAD PERMITS		NIC
PALM BEACH COUNTY PERMITS		NIC
CITY OF WEST PALM BEACH PERMITS		NIC
<i>SURVEYING</i>		\$81,175.00
LAYOUT & ASBUILTS	Engenuity Group	\$81,175.00
ALLOWANCE FOR RESTAKING & DRAFTING		SEE DIRECT COSTS
<i>SMALL HAND TOOLS/EQUIPMENT RENTAL</i>		\$0.00
ALLOWANCE (GENERAL)		\$0.00
HANDLING, STORAGE, UN-LOADING OF OWNER DIRECT PURCHASE MATERIALS		N/A
GENERAL CONDITIONS TOTAL		\$345,780.29

**Town of Palm Beach
Townwide Overhead Utility Undergrounding
Phase 3 - North**

CONSTRUCTION PHASE MANAGEMENT FEE

From: **Burkhardt Construction, Inc.**
Attn: Marc Kleisley, Vice President
1400 Alabama Ave.
West Palm Beach, FL 33401
Ph: (561) 659-1400
Fax: (561) 659-1402

Owner: **Town Of Palm Beach**
Public Works & Engineering Dept
951 Old Okeechobee Road
West Palm Beach, FL 33401
Tel: (561) 838-5440
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Engineer: **Kimley-Horn & Associates, Inc.**
Attn: Kevin Schanen, P.E.
1920 Wekiva Way, Suite 200
West Palm Beach, FL 33411
Ph: (561) 845-0665
Fax: (561) 863-8175

Project: **Townwide Overhead Utility Undergrounding - Phase 3 - North**

Plans: Based on bid set of plans/specifications BCI dated June 3, 2019
Complete Plan Log Attached

Location: Town of Palm Beach

Proposal Date: 7/18/2019; Revised 7/25/19

Item Description	Hrs./Week	(Weeks)	Rate/Hr.	Amount
52 weeks				
Project Principal	5	52	\$ 175.00	\$ 45,500.00
Senior Project Manager	16	52	\$ 150.00	\$ 124,800.00
Project Manager	0	52	\$ 100.00	\$ -
Assistant Project Manager	0	52	\$ 75.00	\$ -
Superintendent/Construction Field Manager	32	52	\$ 100.00	\$ 166,400.00
Resident Liaison	32	52	\$ 75.00	\$ 124,800.00
Project Accountant	5	52	\$ 90.00	\$ 23,400.00
Administrative Assistant	10	52	\$ 50.00	\$ 26,000.00
Field Office Clerk	0	52	\$ 50.00	\$ -
				\$ 510,900.00



Town of Palm Beach
Townwide Overhead Utility Undergrounding
Phase 3 - North

Exceptions & Clarifications - 7/25/2019

GENERAL

- 1 Scope of work and quantities are based on Bid Set Plans received 6/3/19 and RFI #1 response received 7/11/19 for the Townwide Overhead Utility Undergrounding - Phase 3 - North . Complete plan log is included with this submittal.
- 2 Guaranteed Maximum Price (G.M.P.) was compiled using the same unit prices from Phase 2 - North. GMP pricing is based on a project start date of September 3, 2019.
- 3 G.M.P. does not include a construction contingency for the overhead utility undergrounding. Burkhardt Construction, Inc. recommends that the Town carry a construction contingency.
- 4 G.M.P. does not include any capital improvement fees, connection fees or impact fees.
- 5 It is understood that the Direct Construction Cost (Exhibit "A") is unit prices for the work shown in the plans and as modified by these exceptions and clarifications.
- 6 Project master schedule and schedule updates shall be a bar chart schedule acceptable to the Owner prepared by CMAR in house personnel.
- 7 Project Manual as described in the contract shall mean the closeout project manual which shall be updated periodically and presented to the Owner upon completion of the project. The information contained in this manual shall be as requested by the Owner.
- 8 G.M.P. cost estimate does not include additional insurance premiums for naming individual property owners as additional insureds.
- 9 G.M.P. includes all sales tax on materials. The Town has elected to direct Owner purchase the ATT & COMCAST materials, the estimated tax savings is reflected on the front page of the GMP.
- 10 Utility easements shall be obtained prior to work being performed in that area. If a construction easement has not been obtained it may impact the installation schedule, additional costs may be incurred. Reimbursement of costs may be requested and deemed appropriate, if and only if it is mutually agreed upon by the Town of Palm Beach and Burkhardt Construction. If these costs are deemed appropriate they will be paid from the contingency.



- 11 Burkhardt Construction, Inc. (BCI) is not liable for failure to perform such work or any damages that occur if such failure is as a result of Acts of God (including fire, flood, earthquake, storm, hurricane or other natural disaster). If BCI asserts Force Majeure as the reason for failure to perform such work or such damages occur as a result of any Act of God, then BCI must prove that they took reasonable steps to minimize delay or damages caused by unforeseeable events, that BCI substantially fulfilled all obligations, and that the owner was timely notified of the likelihood or actual occurrence of the event described as an Act of God (Force Majeure). Any construction related damages that took place as a result, shall be repaired or removed and replaced at the same contract unit prices and shall be paid out of the contingency.
- 12 If the proposed design locations of transformers, vaults and handholes change after conduit installation, then additional costs may be incurred for the relocation. Reimbursement of costs may be requested and deemed appropriate, if and only if it is mutually agreed upon by the Town of Palm Beach and Burkhardt Construction. If these costs are deemed appropriate they will be paid from the contingency.
- 13 In the event that the terms and provisions of all attached Exhibits conflict with or are omitted from the terms and provisions of this Contract, the terms and provisions of the attached Exhibits shall govern with respect to the performance of the work.
- 14 TOPB Building Permits; All permits shall be in hand prior to start of construction.
- 15 The following are part of the G.M.P. in order to facilitate the aggressive work schedule.
- a. Regularly scheduled crew work hours shall be from 8:00 AM to 6:00 PM Monday through Friday until November 30, 2019. December 1, 2019 through April 30, 2020 crew work hours shall be 9:00 AM to 5:00 PM Monday through Friday. From May 1, 2020 through November 30, 2020 Regularly scheduled crew work hours shall be from 8:00 AM to 6:00 PM Monday through Friday. December 1, 2020 through April 30, 2021 crew work hours shall be 9:00 AM to 5:00 PM Monday through Friday.
 - b. Night, weekend or holiday work beyond the regularly scheduled work hours stated in item a., which may be necessary due to emergency, delay or makeup time, shall be requested on a case by case basis and reviewed/approved by the Public Works Staff.
 - c. The project will require free and unlimited jobsite access for workmen and deliveries during all authorized work hours.
 - d. The schedule makes no provision for delays caused by named storms.
 - e. The construction contract shall be authorized by the Town Council in the August 2018 Town Council meeting.
- 16 G.M.P. does not include costs for removal / remediation of asbestos cement pipe or any other hazardous materials.
- 17 G.M.P. does not include removal or replacement of any unsuitable subsoils. Demucking is specifically excluded.
- 18 G.M.P. is based upon the use of the Town's property as a construction staging yard located at 6th Street and Dixie Highway, West Palm Beach.
- 19 Prices are based on re-using excavated material for backfill. No unsuitable subsoil excavation, removal or replacement. Unsuitable soil, if encountered shall be removed, disposed of, replaced as directed by the Owner and billed to the Owner at the actual direct cost.



- 20 G.M.P. is based on the assumption that portions of roadways will be closed to vehicular traffic during some phases of construction. Closures shall be coordinated with the Town and in accordance with the Town's Maintenance of Traffic permit conditions.
- 21 G.M.P. cost estimate does not include any new street signage, posts or line striping other than what has been disturbed due to construction.
- 22 G.M.P. does not include any cost to mill and pave. All areas will be restored with a permanent patch.

WATER / SEWER / STORM DRAINAGE

- 1 G.M.P. does not include any cost for disposal/treatment of contaminated ground water if encountered during dewatering operations. It is assumed that clean groundwater generated by dewatering operations will be discharged into the existing storm drainage system.
- 2 Cleaning of the existing storm drainage system within the project limits is not included except to the extent caused by contractor negligence that is under the direct supervision of the construction manager.
- 3 G.M.P. does not include any water main work except for the water main deflection at the Merrian Rd. chicane.
- 4 G.M.P. cost estimate does not include City of West Palm Beach meter installation and hook-up fees.
- 5 G.M.P. cost estimate does not include any sanitary sewer work.

FRANCHISE UTILITIES

- 1 G.M.P. cost estimate does not include any design, engineering or installation fees which may be charged to the Owner by franchise utility companies. (electric, telephone, cable tv, gas)
- 2 The Construction Manager at Risk shall not assume liability or warranty any work performed by FPL, COMCAST, ATT, FPU and/or their subcontractors.
- 3 The schedule represents the work controlled by the Construction Manager. Should the project exceed the scheduled duration due to the involvement of entities beyond our control (including but not limited to FPL, ATT and Comcast), a "No Fee" time extension for that work shall be issued. "No Fee" specifically refers to the construction phase fee and profit. Should a "Fee" be requested and deemed appropriate, if and only if it is mutually agreed upon by the Town of Palm Beach and Burkhardt Construction prior to the granted time extension.
- 4 The energizing of the new system is dependent on receiving switching orders from FPL. Services cannot be converted until the transformers are "hot".
- 5 G.M.P. does not include FPL's binding cost estimate, Comcast or ATT. These invoices shall be paid directly by the owner. Once FPL's binding cost estimate is fully executed and FPL materials are released to the subcontractor the Town will issue the Notice to Proceed.
- 6 G.M.P. cost estimate does not include any ATT wire. Comcast wire and private side service conduits outside the right of way are also excluded from the cost estimate.



- 7 G.M.P. cost estimate does not include any meter can or service disconnect removal and replacements except for an allowance at 1220 North Ocean Blvd.
- 8 G.M.P. cost estimate does not include any rear easement restoration for FPL pole and wire removal.
- 9 The unit prices from Phase 2 - North have been carried over into Phase 3 - North. It was determined in Phase 2 - North that the rock encountered was harder than expected. In lieu of increasing unit prices in all areas when rock is encountered, during the drilling operation, an hourly rate for the directional drilling crew will be added at a rate of \$600/hr. This is on a case by case basis. Should this hourly rate be requested and deemed appropriate, it must be mutually agreed upon by the Town of Palm Beach and Burkhardt Construction. The Town, Kimley-Horn and Burkhardt will establish a protocol prior to the start of construction that clearly establishes a fair way to track any additional drilling efforts.
- 10 G.M.P. cost estimate does not include any demolition and removal of any unknown structures during the installation of the proposed conduit. If encountered the additional work shall be paid from contingency.

ELECTRICAL

- 1 G.M.P. cost estimate does not include street lighting.

ALTERNATES

- 1 All related restoration in connection with FPL street lighting installation shall be paid from contingency.
- 2 The TOPB has elected to forgo add alternate #2. FPL will install all conduits and handholes for proposed street lighting. Installation of FPL poles, fixtures and foundations will be performed by FPL. FPL will pull all wire and make all connections for a complete working street light system.



Town of Palm Beach

Townwide Overhead Utility Undergrounding
Phase III - North

Schedule of Values

Prepared by Burkhardt Construction, Inc.

Submitted By:

TOTAL DIRECT CONSTRUCTION COSTS

Item Description	Quantity	U/M	Unit Price	Amount
UNDERGROUNDING OF FRANCHISE UTILITIES (FPL, COMCAST, ATT)				
MISCELLANEOUS ITEMS				\$2,911,240.84
NPDES REPORTING	1 LS		\$10,000.00	\$ 10,000.00
PERFORMANCE & PAYMENT BONDS	1 LS		\$53,782.82	\$ 53,782.82
MAINTENANCE OF TRAFFIC INCL FLAGMEN	1 LS		\$240,000.00	\$ 240,000.00
REMOVE EXISTING SEAGRAPE AS REQUIRED FOR INSTALLATION OF TRANSFORMER	1 LS		\$200.00	\$ 200.00
DEMO / REMOVE EXISTING WALL & FOOTER / REPAIR-FINISH EXISTING WALL ENDS TO MATCH EXISTING	7 LF		\$400.00	\$ 2,800.00
REMOVE EXISTING 3' HIGH CHAIN LINK FENCE IN FRONT OF EASEMENT	15 LF		\$15.00	\$ 225.00
REMOVE EXISTING CHAIN LINK FENCE	47 LF		\$15.00	\$ 705.00
REMOVE EXISTING ALUMINUM FENCE	9 LF		\$15.00	\$ 135.00
FURNISH AND INSTALL CHAIN LINK FENCE TO MATCH EXISTING STYLE AND HEIGHT	26 LF		\$45.00	\$ 1,170.00
REINSTALL / RELOCATE EXISTING 4'HIGH FENCE AROUND EASEMENT	18 LF		\$45.00	\$ 810.00
SAWCUT/REMOVE ASPHALT/EXCAVATE/SUBGRADE/COMPACT CURB PAD/INSTALL "D" CURB	110 LF		\$50.00	\$ 5,500.00
SAWCUT/REMOVE ASPHALT/EXCAVATE/SUBGRADE/COMPACT CURB PAD/INSTALL "D" CURB AT PRIVATE RESIDENCE /222 MOCKINGBIRD	89 LF		\$50.00	\$ 4,450.00
PROTECT EXISTING HEDGE	66 LF		\$10.00	\$ 660.00
PROTECT EXISTING ELECTRIC PANEL	1 EA		\$225.00	\$ 225.00
PROTECT EXISTING SEAGRAPE	1 EA		\$225.00	\$ 225.00
PROTECT EXISTING WALL	21 LF		\$10.00	\$ 210.00
RELOCATE EXISTING MAILBOX / COORDINATE WITH HOME OWNER & TOWN	2 EA		\$100.00	\$ 200.00

Item Description	Quantity	U/M	Unit Price	Amount
RELOCATE EXISTING SIGN	2 EA		\$75.00	\$ 150.00
RELOCATE EXISTING TRASH CAN AREA / 5' X 5' / PER PLAN SHEET C 3.19	1 LS		\$4,250.00	\$ 4,250.00
RELOCATE EXISTING SPRINKLER HEAD & PIPING / 235 MERRAIN ROAD	1 EA		\$150.00	\$ 150.00
REMOVE EXISTING SEAGRAPE	2 EA		\$350.00	\$ 700.00
REMOVE EXISTING PALM	1 EA		\$200.00	\$ 200.00
RELOCATE BACKFLOW PREVENTER	1 EA		\$1,500.00	\$ 1,500.00
FURNISH & INSTALL REMOVABLE BOLLARD PER DETAIL ON C 9.02	3 EA		\$1,150.00	\$ 3,450.00
FURNISH & INSTALL R7-1A SIGN AND POST	3 EA		\$900.00	\$ 2,700.00
FURNISH & INSTALL R7-1B SIGN AND POST	3 EA		\$900.00	\$ 2,700.00
FURNISH & INSTALL W5-1 SIGN AND POST	8 EA		\$900.00	\$ 7,200.00
POTHOLE EXISTING EASEMENT & RELOCATE UTILITIES IN CONFLICT WITH TRANSFORMER PLACEMENT / SHEET C 3.07	1 LS		\$5,000.00	\$ 5,000.00
LOAD/HAUL/DISPOSE OF SURPLUS FILL	1 LS		\$18,000.00	\$ 18,000.00
PERMANENT ROADWAY TRENCH / BORE PIT / HANDHOLE RESTORATION INCLUDING LINE STRIPING	1 LS		\$400,000.00	\$ 400,000.00
LA PUERTA WAY CHICANE	1 LS		\$15,501.10	\$ 15,501.10
MAINTENANCE OF TRAFFIC INCL FLAGMEN				
SAWCUT ASPHALT				
REMOVE ASPHALT AND ROAD BASE / EXCAVATE TO SUBGRADE				
CURB PAD COMPACTED				
FORM AND POUR "D" CURB				
6" THICK CONCRETE FLAT WORK AT EDGE OF ROADWAY				
6" HIGH 30# FELT BOND BREAKER				
FURNISH & INSTALL REMOVABLE BOLLARD PER DETAIL ON C 9.02				
FURNISH & INSTALL FIXED BOLLARD PER DETAIL ON C 9.02				
FURNISH & INSTALL R1-2 & R1-2AP SIGNS ON POST				
FURNISH & INSTALL WEED CLOTH WITH 3" OF #57 STONE OVER IT				
PAVEMENT REPAIRS				
MOCKINGBIRD TRAIL CHICANE	1 LS		\$16,255.80	\$ 16,255.80
MAINTENANCE OF TRAFFIC INCL FLAGMEN			INCL ABOVE	
SAWCUT ASPHALT			INCL ABOVE	
REMOVE ASPHALT AND ROAD BASE / EXCAVATE TO SUBGRADE			INCL ABOVE	
CURB PAD COMPACTED			INCL ABOVE	
FORM AND POUR "D" CURB			INCL ABOVE	
FURNISH & INSTALL REMOVABLE BOLLARD PER DETAIL ON C 9.02			INCL ABOVE	

Item Description	Quantity	U/M	Unit Price	Amount
FURNISH & INSTALL FIXED BOLLARD PER DETAIL ON C 9.02			INCL ABOVE	
FURNISH & INSTALL R1-2 & R1-2AP SIGNS ON POST			INCL ABOVE	
FURNISH & INSTALL WEED CLOTH WITH 3" OF #57 STONE OVER IT			INCL ABOVE	
PAVEMENT REPAIRS			INCL ABOVE	
ALLOW FURNISH & INSTALL 12" SDR 26 PIPE	41 LF		\$50.00	\$ 2,050.00
ALLOW FURNISH & INSTALL 2812AG01S NYLOPLAST INLET WITH H20 TOP	2 EA		\$3,000.00	\$ 6,000.00
ALLOW FURNISH & INSTALL 4' DOGHOUSE DRAINAGE STRUCTURE	1 EA		\$6,000.00	\$ 6,000.00
ALLOW CORE EXISTING MANHOLE / TIE INTO EXISTING MANHOLE WITH PIPE	1 EA		\$3,500.00	\$ 3,500.00
KENLYN ROAD CHICANE	1 LS		\$16,119.20	\$ 16,119.20
MAINTENANCE OF TRAFFIC INCL FLAGMEN				
SAWCUT ASPHALT				
REMOVE ASPHALT AND ROAD BASE / EXCAVATE TO SUBGRADE				
CURB PAD COMPACTED				
FORM AND POUR "D" CURB				
6" THICK CONCRETE FLAT WORK AT EDGE OF ROADWAY				
6" HIGH 30# FELT BOND BREAKER				
FURNISH & INSTALL REMOVABLE BOLLARD PER DETAIL ON C 9.02				
FURNISH & INSTALL FIXED BOLLARD PER DETAIL ON C 9.02				
FURNISH & INSTALL R1-2 & R1-2AP SIGNS ON POST				
FURNISH & INSTALL WEED CLOTH WITH 3" OF #57 STONE OVER IT				
PAVEMENT REPAIRS				
MERRAIN ROAD CHICANE	1 LS		\$18,565.70	\$ 18,565.70
MAINTENANCE OF TRAFFIC INCL FLAGMEN				
SAWCUT ASPHALT				
REMOVE ASPHALT AND ROAD BASE / EXCAVATE TO SUBGRADE				
CURB PAD COMPACTED				
FORM AND POUR "D" CURB				
6" THICK CONCRETE FLAT WORK AT EDGE OF ROADWAY				
6" HIGH 30# FELT BOND BREAKER				
FURNISH & INSTALL REMOVABLE BOLLARD PER DETAIL ON C 9.02				
FURNISH & INSTALL FIXED BOLLARD PER DETAIL ON C 9.02				
FURNISH & INSTALL R1-2 & R1-2AP SIGNS ON POST				
FURNISH & INSTALL WEED CLOTH WITH 3" OF #57 STONE OVER IT				
PAVEMENT REPAIRS				
ALLOW FURNISH & INSTALL LINE STOPS WITH THRUST COLLARS AND MEGA LUGS	2 EA		\$9,000.00	\$ 18,000.00
IF REQUIRED				

Item Description	Quantity	U/M	Unit Price	Amount
ALLOW FURNISH & INSTALL 8" WATER MAIN OFFSET INCLUDING TO BUT NOT LIMITED TO MJ SLEEVES, 45 DEGREE BENDS, DIP PIPE, JOINT RESTRAINTS, PRESSURE TESTING, SAMPLE POINTS, AND BACTERIOLOGICAL TESTING FOR A COMPLETE WORKING SYSTEM	1	LS	\$25,300.00	\$ 25,300.00
FPL				
INSTALL FPL FURNISHED 0PN1C	272	LF	\$15.22	\$ 4,139.84
INSTALL FPL FURNISHED 1PN1C	2191	LF	\$15.22	\$ 33,347.02
INSTALL FPL FURNISHED 2PN2C	4851	LF	\$17.25	\$ 83,679.75
INSTALL FPL FURNISHED 3PN3C	3832	LF	\$20.42	\$ 78,249.44
INSTALL FPL FURNISHED 4PN4C	204	LF	\$22.82	\$ 4,655.28
INSTALL FPL FURNISHED 5PN5C	143	LF	\$29.00	\$ 4,147.00
INSTALL FPL FURNISHED 6PN6C	0	LF	\$33.42	\$ -
INSTALL FPL FURNISHED 7PN7C	6	LF	\$35.00	\$ 210.00
INSTALL FPL FURNISHED FNC	4908	LF	\$28.35	\$ 139,141.80
INSTALL FPL FURNISHED 2FNC	347	LF	\$36.70	\$ 12,734.90
INSTALL FPL FURNISHED 1-2-FPL-S	7164	LF	\$17.16	\$ 122,934.24
INSTALL FPL FURNISHED 2-2-FPL-S	1493	LF	\$20.33	\$ 30,352.69
INSTALL FPL FURNISHED 3-2-FPL-S	165	LF	\$21.50	\$ 3,547.50
INSTALL FPL FURNISHED 4-2-FPL-S	43	LF	\$24.60	\$ 1,057.80
INSTALL FPL FURNISHED 1-5-FPL-S	296	LF	\$28.35	\$ 8,391.60
INSTALL FPL FURNISHED 2-5-FPL-S	122	LF	\$36.70	\$ 4,477.40
INSTALL FPL FURNISHED 1-2-FPL-SEC	1148	LF	\$15.19	\$ 17,438.12
INSTALL FPL FURNISHED 2-2-FPL-SEC	1075	LF	\$16.16	\$ 17,372.00
INSTALL FPL FURNISHED 3-2-FPL-SEC	254	LF	\$21.50	\$ 5,461.00
INSTALL FPL FURNISHED 1-5-FPL-SEC	150	LF	\$28.35	\$ 4,252.50
INSTALL FPL FURNISHED PRIMARY WIRE INCLUDING ALL CONNECTIONS	25919	LF	\$2.10	\$ 54,429.90
INSTALL FPL FURNISHED FEEDER WIRE INCLUDING ALL CONNECTIONS	5622	LF	\$17.36	\$ 97,597.92
INSTALL FPL FURNISHED, FPL OWNED SERVICE WIRE INCLUDING ALL CONNECTIONS, TIE-INS AND INTERCEPTS.	13785	LF	\$1.90	\$ 26,191.50
INSTALL FPL FURNISHED, FPL OWNED SECONDARY SERVICE WIRE INCLUDING ALL CONNECTIONS, TIE-INS AND INTERCEPTS.	4210	LF	\$1.90	\$ 7,999.00
INSTALL FPL FURNISHED A PHASE SPLICE BOXES; INCL. ALL NECESSARY CONNECTIONS AND TIE-INS	1	EA	\$2,400.00	\$ 2,400.00

Item Description	Quantity	U/M	Unit Price	Amount
INSTALL FPL FURNISHED PRIMARY SPLICE BOXES; INCL. ALL NECESSARY CONNECTIONS AND TIE-INS	4 EA		\$2,400.00	\$ 9,600.00
INSTALL FPL FURNISHED FEEDER SPLICE BOXES; INCL. ALL NECESSARY CONNECTIONS AND TIE-INS	5 EA		\$4,160.00	\$ 20,800.00
INSTALL FPL FURNISHED A/B/C PRIMARY SPLICE BOXES; INCL. ALL NECESSARY CONNECTIONS AND TIE-INS	1 EA		\$2,660.00	\$ 2,660.00
INSTALL FPL FURNISHED A/B PRIMARY SPLICE BOXES; INCL. ALL NECESSARY CONNECTIONS AND TIE-INS	1 EA		\$2,530.00	\$ 2,530.00
INSTALL FPL FURNISHED A/C PRIMARY SPLICE BOXES; INCL. ALL NECESSARY CONNECTIONS AND TIE-INS	1 EA		\$2,530.00	\$ 2,530.00
INSTALL FPL FURNISHED 30" HANDHOLES; INCL. ALL NECESSARY CONNECTIONS, TIE-INS AND INTERCEPT EXISTING SERVICE	11 EA		\$800.00	\$ 8,800.00
REPLACE EXISTING 24" FPL HANDHOLE WITH FPL FURNISHED 30" HANDHOLE	2 EA		\$800.00	\$ 1,600.00
INSTALL SEC TO EXISTING 24" HANDHOLE & REUSE EXISTING UNDERGROUND SERVICE CONDUIT	1 EA		\$650.00	\$ 650.00
INSTALL FPL FURNISHED 24" HANDHOLES; INCL. ALL NECESSARY CONNECTIONS, TIE-INS AND INTERCEPT EXISTING SERVICE	7 EA		\$800.00	\$ 5,600.00
INSTALL FPL FURNISHED OPEN DELTA TRANSFORMERS / PADS; INCLUDING GROUND RODS AND ALL CONNECTIONS	3 EA		\$4,147.00	\$ 12,441.00
INSTALL FPL FURNISHED TRANSFORMERS / PADS; INCLUDING GROUND RODS AND ALL CONNECTIONS	28 EA		\$2,560.00	\$ 71,680.00
INSTALL FPL FURNISHED VISTA SWITCH CABINETS, CONCRETE PADS, AND CHAMBERS; INCL. ALL NECESSARY CONNECTIONS	1 EA		\$3,900.00	\$ 3,900.00
INSTALL FPL FURNISHED STANDARD SWITCH, CONCRETE PAD; INCL. ALL NECESSARY CONNECTIONS	2 EA		\$5,600.00	\$ 11,200.00
INSTALL FPL FURNISHED CAPACITOR BANK / PADS; INCLUDING GROUND RODS AND ALL CONNECTIONS	2 EA		\$5,600.00	\$ 11,200.00
CAP 0PN1C AND INSTALL DETECTABLE MARKER	1 EA		\$175.00	\$ 175.00
FIELD LOCATE SPARE FPL CONDUIT AT R.O.W. AND MAKE NECESSARY CONNECTIONS	10 EA		\$1,500.00	\$ 15,000.00
RE-CONFIGURE CONDUIT TO NEW SPLICE BOX PER FPL PLANS	1 EA		\$3,500.00	\$ 3,500.00
FIELD LOCATE SPARE FPL CONDUIT AT R.O.W. AND EXTEND CONDUIT TO 30" HANDHOLE	1 EA		\$3,500.00	\$ 3,500.00
CONNECT NEW SECONDARY CONDUIT TO EXISTING 24" HANDHOLE	1 EA		\$650.00	\$ 650.00
INTERCEPT EXISTING SERVICE AND REUSE UNDERGROUND SERVICE	21 EA		\$1,200.00	\$ 25,200.00

Item Description	Quantity	U/M	Unit Price	Amount
ATT REMOVE EXISTING UNDERGROUND PRIMARY / FEEDER (SHEET C3.12) CONNECT 3PN3C TO EXISTING SPLICE BOX INSTALLED IN PHASE 2 NORTH LOCATE UNDERGROUND SPARE FEEDER CONDUIT INSTALLED IN PREVIOUS PHASE FIELD LOCATE PHASE 2 NORTH STUB OUT CONDUITS AND MAKE CONNECTION WITH FEEDER AND PRIMARY REMOVAL OF ALL RISERS (conduit, wire and u-guard) UP THE POLE FOR BOTH PRIMARY AND SECONDARY. THIS ALSO INCLUDES THE SECONDARY WIRE SPANNING BETWEEN THE POLE AND RESIDENCE POLE & OVERHEAD WIRE REMOVAL/DISPOSAL COMPLETE ATT FURNISH AND INSTALL 1-1- ATT-S CONDUITS FURNISH AND INSTALL 1-2- ATT-S CONDUITS FURNISH AND INSTALL 2-1- ATT-S CONDUITS FURNISH AND INSTALL 2-2- ATT-S CONDUITS FURNISH AND INSTALL 3-1- ATT-S CONDUITS FURNISH AND INSTALL 3-2- ATT-S CONDUITS FURNISH AND INSTALL 1-2- ATT-M CONDUITS FURNISH AND INSTALL 1-5- ATT-M CONDUITS FURNISH AND INSTALL 2-5- ATT-M CONDUITS FURNISH AND INSTALL ATT FLUSH VAULT 30"X48" FURNISH AND INSTALL ATT FLUSH VAULT 30"X48", H20 ROAD RATED LID FURNISH AND INSTALL ATT HANDHOLE 10"X15" FURNISH AND INSTALL ATT HANDHOLE 10"X15", H20 ROAD RATED LID FIELD LOCATE SPARE AT&T CONDUIT AT R.O.W. AND MAKE CONNECTION CONNECT TO CAPPED 1-5- ATT-M CONDUIT UNDER NORTH LAKE WAY FROM PHASE 2 NORTH UNDERGROUNDING FURNISH AND INSTALL ATT PEDESTALS ATT ENGINEERING & INSTALLATION FEES COMCAST FURNISH AND INSTALL 1-1- CC-S CONDUITS FURNISH AND INSTALL 2-1- CC-S CONDUITS FURNISH AND INSTALL 3-1- CC-S CONDUITS FURNISH AND INSTALL 4-1- CC-S CONDUITS	339 1 1 2 1 0	LF EA EA EA LS LS	\$9.44 \$1,200.00 \$3,000.00 \$1,500.00 \$150,000.00 BY OTHERS	3,200.16 1,200.00 3,000.00 3,000.00 150,000.00
	10249	LF	\$14.81	151,787.69
	2398	LF	\$16.53	39,638.94
	368	LF	\$17.75	6,532.00
	296	LF	\$23.38	6,920.48
	28	LF	\$21.84	611.52
	8	LF	\$29.16	233.28
	64	LF	\$15.97	1,022.08
	6160	LF	\$36.60	225,456.00
	424	LF	\$52.62	22,310.88
	22	EA	\$2,850.00	62,700.00
	3	EA	\$4,571.00	13,713.00
	37	EA	\$712.00	26,344.00
	3	EA	\$1,600.00	4,800.00
	12	EA	\$300.00	3,600.00
	1	EA	\$3,000.00	3,000.00
	0	EA	BY OTHERS	
	0	EA	BY OTHERS	
	2270	LF	\$14.89	33,800.30
	617	LF	\$17.83	11,001.11
	99	LF	\$21.84	2,162.16
	47	LF	\$26.33	1,237.51

Item Description	Quantity	U/M	Unit Price	Amount
FURNISH AND INSTALL 1-3- CC-M CONDUITS	3455 LF		\$24.41	\$ 84,336.55
FURNISH AND INSTALL 2-3- CC-M CONDUITS	3397 LF		\$40.88	\$ 138,869.36
FURNISH AND INSTLL 17" X 30" ROAD VAULT WITH H20 COVER	5 EA		\$3,600.00	\$ 18,000.00
INSTALL CONDUIT TO EXISTING EQUIPMENT (SHEET C5.07)	1 EA		\$2,500.00	\$ 2,500.00
INTERCEPT EXISTING SERVICE DROP (SHEET C5.07 & C5.13)	2 EA		\$2,500.00	\$ 5,000.00
INTERCEPT EXISTING RISER ON POLE (SHEET C5.13)	1 EA		\$2,500.00	\$ 2,500.00
CONNECT TO EXISTING COMCAST VAULT FROM PHASE 2 NORTH	1 EA		\$2,500.00	\$ 2,500.00
FURNISH AND INSTALL COMCAST VAULT	0 EA		BY OTHERS	
FURNISH AND INSTALL COMCAST VHUB	0 EA		BY OTHERS	
FURNISH AND INSTALL COMCAST POWER SUPPLY	0 EA		BY OTHERS	
FURNISH AND INSTALL COMCAST LCP	0 EA		BY OTHERS	
FURNISH AND INSTALL COMCAST PEDESTALS	0 EA		BY OTHERS	
COMCAST ENGINEERING & INSTALLATION FEES	0 EA		BY OTHERS	
1220 NORTH OCEAN ELECTRICAL MODIFICATIONS				
J. COMPTON ELECTRICAL	1 LS		\$7,250.00	\$ 7,250.00
WAYPOINT ENGINEERING FEES	1 LS		\$1,000.00	\$ 1,000.00

Total Direct Construction Cost \$2,911,240.84

ADD ALTERNATE 1: ALLOWANCE				
ALL RELATED RESTORATION IN CONNECTION WITH FPL STREETLIGHTING INSTALLATION	1 ALL		\$15,000.00	\$ 15,000.00
ADD ALTERNATE2:				
INSTALL FPL FURNISHED 1-2" PVC CONDUIT FOR FPL STREET LIGHTING	0 LF		BY OTHERS	
INSTALL FPL FURNISHED 24" HANDHOLE FOR FPL STREET LIGHTING	0 EA		BY OTHERS	
INSTALL FPL FURNISHED 17" HANDHOLE FOR FPL STREET LIGHTING	0 EA		BY OTHERS	

*INSTALLATION SHALL INCLUDE SAWCUTTING, ASPHALT REMOVAL, DISPOSAL, AND TEMPORARY ROADWAY RESTORATION PER PLAN DETAILS INCLUDING ANY DISTURBED LINE STRIPING.

Item Description	Quantity	U/M	Unit Price	Amount
*CONTRACTOR IS ENCOURAGED TO DIRECTIONAL DRILL ANY CONDUITS WHERE POSSIBLE OR IF UNFEASIBLE TO OPEN CUT. THE OBJECTIVE IS TO AVOID COSTLY PROPERTY RESTORATION *ROCK MAY BE ENCOUNTERED; EXCAVATION OR DRILLING OF ROCK SHOULD BE ANTICIPATED. THOROUGH INVESTIGATION IS ENCOURAGED (SEE SOILS REPORT). IF ROCK IS ENCOUNTERED, CLEAN BACKFILL MUST BE USED. BOTH ROCK EXCAVATION AND CLEAN BACKFILL SHALL BE INCLUDED IN YOUR PRICE. *DEWATERING IS ANTICIPATED AND SHALL BE INCLUDED IN YOUR PRICE.				



Burkhardt Construction, Inc.

Current Drawings

Drawing No.	Drawing Title	Revision No.	Drawing Date	Received Date	Set
Civil					
CL.00	COVER	2	05/23/2019	06/20/2019	BID SET (05/23/19)
CL.01	CL.01 GENERAL NOTES	0	05/23/2019	06/03/2019	BID SET (05/23/19)
CL.02	CL.02 GENERAL NOTES	0	05/23/2019	06/03/2019	BID SET (05/23/19)
CL.03	CL.03 GENERAL NOTES	0	05/23/2019	06/03/2019	BID SET (05/23/19)
CL.04	CL.04 GENERAL NOTES	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C2.00	C2.00 KEY MAP	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.01	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.02	FPL CONDUIT PLAN	1	05/23/2019	06/18/2019	BID SET (05/23/19)
C3.03	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.04	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.05	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.06	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.07	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.08	FPL CONDUIT PLAN	0	05/23/2019	06/18/2019	BID SET (05/23/19)
C3.08	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.09	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.10	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.11	FPL CONDUIT PLAN	1	05/23/2019	06/18/2019	BID SET (05/23/19)
C3.12	FPL CONDUIT PLAN	1	05/23/2019	06/18/2019	BID SET (05/23/19)
C3.13	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.14	FPL CONDUIT PLAN	1	05/23/2019	06/18/2019	BID SET (05/23/19)
C3.15	FPL CONDUIT PLAN	1	05/23/2019	06/18/2019	BID SET (05/23/19)
C3.16	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.17	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.18	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.19	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.20	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3.21	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.01	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.02	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.03	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.04	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.05	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.06	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.07	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)



Burkhardt Construction, Inc.

Drawing No.	Drawing Title	Revision No.	Drawing Date	Received Date	Set
C4.08	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.09	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.10	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.11	ATT CONDUIT PLAN	1	05/23/2019	06/20/2019	BID SET (05/23/19)
C4.12	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.13	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.14	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.15	ATT CONDUIT PLAN	1	05/23/2019	06/20/2019	BID SET (05/23/19)
C4.16	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.17	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.18	FPL CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.19	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.20	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C4.21	ATT CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.01	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.02	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.03	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.04	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.05	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.06	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.07	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.08	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.09	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.10	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.11	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.12	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.13	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.14	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.15	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.16	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.17	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.18	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.19	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.20	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C5.21	COMCAST CONDUIT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C6.00	FPL CONSTRUCTION DETAILS	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C6.01	FPL CONSTRUCTION DETAILS	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C6.02	FPL CONSTRUCTION DETAILS	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C7.00	AT&T CONSTRUCTION DETAILS	0	05/23/2019	06/03/2019	BID SET (05/23/19)



Burkhardt Construction, Inc.

Drawing No.	Drawing Title	Revision No.	Drawing Date	Received Date	Set
C8.00	COMCAST CONSTRUCTION DETAILS	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C9.00	ROADWAY DETAILS	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C9.01	STANDARD EASEMENT DETAILS	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C9.02	CONSTRUCTION DETAILS	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C10.00	CHICANE DETAIL	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C10.01	CHICANE DETAIL C10.01	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C10.02	CHICANE DETAIL	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C10.03	CHICANE DETAIL	0	05/23/2019	06/03/2019	BID SET (05/23/19)
FPL					
SL1.00	STREET LIGHT PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
Soft Dig Location					
C3-08	PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3-10	PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3-13	PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3-14	PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3-15	PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3-16	PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C3-19	PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
C-17	PLAN	0	05/23/2019	06/03/2019	BID SET (05/23/19)
Topographic Survey					
1 OF 8	TOPOGRAPHIC SURVEY AREA 2 UNDERGROUNDING PROJECT	0	05/23/2019	06/03/2019	BID SET (05/23/19)
2 OF 8	TOPOGRAPHIC SURVEY AREA 2 UNDERGROUNDING PROJECT	0	05/23/2019	06/03/2019	BID SET (05/23/19)
3 OF 8	TOPOGRAPHIC SURVEY AREA 2 UNDERGROUNDING PROJECT	0	05/23/2019	06/03/2019	BID SET (05/23/19)
4 OF 8	TOPOGRAPHIC SURVEY AREA 2 UNDERGROUNDING PROJECT	0	05/23/2019	06/03/2019	BID SET (05/23/19)
5 OF 8	TOPOGRAPHIC SURVEY AREA 2 UNDERGROUNDING PROJECT	0	05/23/2019	06/03/2019	BID SET (05/23/19)
6 OF 8	TOPOGRAPHIC SURVEY AREA 2 UNDERGROUNDING PROJECT	0	05/23/2019	06/03/2019	BID SET (05/23/19)
7 OF 8	TOPOGRAPHIC SURVEY AREA 2 UNDERGROUNDING PROJECT	0	05/23/2019	06/03/2019	BID SET (05/23/19)
8 OF 8	TOPOGRAPHIC SURVEY AREA 2 UNDERGROUNDING PROJECT	0	05/23/2019	06/03/2019	BID SET (05/23/19)

Information for Town Council Meeting on August 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 Purchase Order for Construction Phase Engineering Services for the Town-wide Utility Undergrounding Phase 3 North to Kimley-Horn & Associates, Inc. in the Amount of \$236,976, **Resolution No. 64-2019**

DATE: 26 July 2019

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 64-2019, approving a purchase order for Construction Phase Engineering Services to Kimley-Horn & Associates, Inc., for the Town-wide Overhead Utility Undergrounding Phase 3 North in the amount of \$236,976.

SUMMARY EXPLANATION/BACKGROUND

At the February 13, 2018 Town Council Meeting, Town Council ratified the recommendation of the Selection Committee and awarded Burkhardt Construction, Inc. (BCI) via RFQ No. 2018-04, the Construction Manager at Risk Contract, for the Town-wide Overhead Utility Undergrounding Phase 2-North with the option of Phase 3-North contingent upon satisfactory performance. BCI has presented a GMP to be considered for award in an accompanying Town Council item.

Phase 3-North Phase 3 North extends from Merrain Road south to La Puerta Way. The scope includes installing conduit and materials for undergrounding of Comcast, AT&T, and Florida Power and Light (FPL, although not all materials for AT&T and Comcast will be installed until negotiations are finalized.

Purchasing and Town Engineering Staff have negotiated a Construction Phase Engineering Service Contract with Kimley-Horn & Associates, Inc. in the amount of \$236,796.

The Construction Phase Engineering Services will include meeting attendance, plan updates, shop drawing reviews, site visits, maintaining daily reports, progress photos, construction invoice oversight, and certification on final project construction according to design.

FISCAL IMPACT/FUNDING SOURCE

The funding will be from the Underground Utility Fund for the Town-wide undergrounding work.

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
Patricia Strayer, Town Engineer
Steve Stern, Project Manager
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 64-2019

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO KIMLEY-HORN &
ASSOCIATES, INC., FOR CONSTRUCTION PHASE
ENGINEERING SERVICES FOR THE TOWN-WIDE
OVERHEAD UTILITY UNDERGROUNDING PHASE 3 NORTH
PROJECT IN THE AMOUNT OF \$236,976.**

NO. 64-2019 BE IT RESOLVED, THAT THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DO HEREBY

SUBJECT: TOWN OF PALM BEACH TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING PHASE 3 NORTH PROJECT. APPROVING A PURCHASE ORDER TO KIMLEY-HORN & ASSOCIATES, INC., FOR CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING PHASE 3 NORTH PROJECT IN THE AMOUNT OF \$236,976.

SUBJECT: TOWN OF PALM BEACH TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING PHASE 3 NORTH PROJECT. APPROVING A PURCHASE ORDER TO KIMLEY-HORN & ASSOCIATES, INC., FOR CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING PHASE 3 NORTH PROJECT IN THE AMOUNT OF \$236,976.

SUBJECT: TOWN OF PALM BEACH TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING PHASE 3 NORTH PROJECT. APPROVING A PURCHASE ORDER TO KIMLEY-HORN & ASSOCIATES, INC., FOR CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING PHASE 3 NORTH PROJECT IN THE AMOUNT OF \$236,976.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, THIS 14TH DAY OF MAY, 2019.

TOWN CLERK

ATTEST

TOWN CLERK



July 19, 2019

Dean Mealy, II CPPO
Town of Palm Beach – Purchasing Division
951 Okeechobee Road, Suite 'D'
West Palm Beach, FL 33401

RE: *Town-Wide Undergrounding of Utilities Program: Phase 3 North Construction Phase Services*

Dear Dean,

The Kimley-Horn and Associates, Inc. team (Kimley-Horn) is pleased to submit this proposal to the Town of Palm Beach ("TOWN") for providing engineering services related to the Phase 3 North construction phase for the Town-Wide Undergrounding of Utilities Program. Our project understanding, scope of services, schedule, and fee follow.

Project Understanding

The design phase of Phase 3 North is nearing completion and the Town's Construction Manager is currently preparing the Guaranteed Maximum Price. The Town has requested that Kimley-Horn perform construction phase engineering services to support the Town during the construction of the undergrounding.

It is understood that work is anticipated to begin in September 2019. This sub-phase is located between La Puerta Way and Osceola Way.

It is understood that FPL, AT&T, and Comcast all have facilities on utility poles to varying degrees. These poles are generally located in rear-lot easements or in the public right-of-way. New underground infrastructure will be installed within the road rights-of-way and in new front-lot easements. Once the new facilities have been installed, activated, and the services cut over, the rear-lot poles and wires will be removed.

Based on this understanding, our detailed scope of services is provided below.

Scope of Services

Kimley-Horn will perform the following services during construction. A more detailed description of each of the bulleted services follows later in this proposal.

- Pre-Construction Meeting attendance
- Bi-weekly progress meeting attendance for the 18-month construction duration (up to 39 meetings)
- Utility coordination meeting attendance (FPL, AT&T, Comcast, FPU) during the construction duration (up to 4 meetings)

- Visits to the site including field reports and photographs (approximately 2-3 times per week during conduit/equipment installation and 1-2 times per week during demolition, up to 169 visits)
- Clarifications and interpretations
- Recommendations with respect to defective work
- Shop drawing review
- Payment application and change order review
- Review of proposed substitutions
- Review of testing lab reports
- Record drawing review
- Substantial completion walk-through and punch list development
- Final acceptance walk-through and applicable permit certifications

The following is a more detailed description of the services that will be performed.

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

Visits to Site and Observation of Construction. Kimley-Horn will make the limited number of visits as described above in order to observe the progress of the Work. Such visits and observations by Kimley-Horn are not intended to be exhaustive or to extend to every aspect of Contractor's work. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation. Based on information obtained during such visits, Kimley-Horn will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Kimley-Horn will keep the Town informed of the general progress of the Work.

Kimley-Horn shall not, during such visits or as a result of such observations, supervise, direct, or have control over Contractor's work, nor shall Kimley-Horn have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction selected by Contractor, for safety precautions and programs incident to Contractor's work, nor for any failure of Contractor to comply with applicable laws and regulations. Kimley-Horn neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

Recommendations with Respect to Defective Work. Kimley-Horn will recommend to the Town that Contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, Kimley-Horn believes that such work will not produce a completed Project that conforms generally to Contract Documents.

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

Change Orders. Kimley-Horn may recommend Change Orders to the Town, and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.

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

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

Disagreements between Town and Contractor. Kimley-Horn will, if requested by the Town, render written decision on all claims of the Town and Contractor relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the progress of Contractor's work. In rendering such decisions, Kimley-Horn shall be fair and not show partiality to the Town or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.

Applications for Payment. Based on its observations and on review of applications for payment and accompanying supporting documentation, Kimley-Horn will determine the amounts that Kimley-Horn recommends Contractor be paid. Such recommendations will be based on Kimley-Horn's knowledge, information and belief, and will state whether in Kimley-Horn's opinion Contractor's work has progressed to the point indicated, subject to any qualifications stated in the recommendation. In the case of unit price work, Kimley-Horn's recommendations of payment will include determinations of quantities and classifications of Contractor's work, based on observations and measurements of quantities provided with pay requests. Kimley-Horn's recommendations will not be a representation that its observations to check Contractor's work have been exhaustive, extended to every aspect of Contractor's work, or involved detailed inspections.

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

Final Notice of Acceptability of the Work. Kimley-Horn will conduct a final site visit with the Town to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that Kimley-Horn may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Kimley-Horn shall also provide a notice that the Work is generally in accordance with the Contract Documents to the best of Kimley-Horn's knowledge, information, and belief based on the extent of its services and based upon information provided to Kimley-Horn upon which it is entitled to rely. If the work is found to be in general accordance with the Contract Documents, Kimley-Horn will also prepare and submit applicable permit certifications for those permits that were issued for the project.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope requested by the Town or extensions to the project schedule noted below, will be considered additional services and will be performed based on proposals approved prior to performance of the additional services.

Information and Services Provided by the Town

The following information and services shall be provided to Kimley-Horn by the Town:

- Access to the project areas

Schedule

Kimley-Horn will perform the scope of services above as expeditiously as practical to meet a mutually agreed upon schedule. It is anticipated that services will begin in September 2019. Construction is expected to be complete in February 2021 per the Construction Manager's proposed schedule. Fees for engineering services are based on these durations. Services performed beyond these durations will be considered additional services.

Fee and Billing

Kimley-Horn will perform the scope of services, excluding meetings, for the total lump sum fee listed below. All permitting, application, and similar project fees will be paid directly by the Client. Lump sum fee will be invoiced monthly based upon the overall percentage of services performed.

Construction Phase Services	\$190,759
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Kimley-Horn will attend meetings on a labor fee plus expense basis with the estimated labor and expense fee shown below. Kimley-Horn will not exceed the total maximum labor and expense fee shown without authorization from the Client.

Meetings [Construction Phase]	\$46,217
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Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Master Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., Professional Engineering Services for the Town-Wide Undergrounding of Utilities Program RFQ No. 2016-07, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" shall refer to The Town of Palm Beach.

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

We appreciate the opportunity to provide these services to you. Please contact me at (561) 840-0820 or kevin.schanen@kimley-horn.com should you have any questions.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.



By: Kevin Schanen, P.E.
Senior Vice President

PROJECT:	Town of Palm Beach Underground Utilities Program: Phase 3 North Construction Phase Services						SHEET 1 of 1					
CLIENT:	Town of Palm Beach						FILE NO.					
ESTIMATOR:	BAJ						DATE: 7/19/2019					
DESCRIPTION: See Scope of Services			DIRECT LABOR (MAN-HOURS)									
			Principal Engineer	Chief Engineer	Project Manager	Sr. Prof. Eng / Sr. LA	Engineering Intern	Specialist / Field Tech.	Admin / Tech.	SUB MR, CS, B&G, TR AA, WP, GV	EXP	LINE TOTAL
CONSTRUCTION PHASE SERVICES												
Pre-Construction Meeting					4.0	4.0	4.0	4.0		\$2,624.00		\$5,295
Construction Site Visits (up to 169 site visits)					18.0	54.0		507		\$9,048.00	\$700.00	\$83,552
Clarifications and Interpretations / Field Engineering					10.0	20.0				\$23,440.00		\$29,474
Review Testing Reports (density)						20.0		40.0	10.0			\$9,202
CUD Review					10.0	80.0		20.0				\$18,783
Shop Drawing Review						20.0	40.0		10.0			\$9,261
Payment Application Review (up to 18 applications)					9.0	18.0		36.0				\$9,679
Utility Owner Walk Throughs/Coordination (FPL/AT&T/Comcast)						8.0		8.0	4.0	\$4,622.00		\$7,359
Commercial Service Building Permit Assistance						16.0	8.0			\$2,500.00		\$6,226
Substantial Completion Review					2.0	8.0	8.0	8.0	4.0	\$2,260.00		\$6,467
Final Completion Review					1.0	4.0	4.0	4.0	2.0			\$2,104
Record Drawing Review					2.0	4.0	8.0	8.0			\$250.00	\$3,357
Meetings [Construction Phase] (Hourly)												
Progress Meetings (up to 39)					12.0	78.0		78.0		\$16,740.00	\$325.00	\$42,860
Utility Coordination field meetings (FPL, Comcast, AT&T, FPU up to 4)					4.0	8.0		8.0				\$3,358
TOTAL HOURS			0.0	0.0	72.0	342.0	72.0	721.0	30.0	\$61,234.00	\$1,275.00	\$236,976
LABOR (\$/HOUR)			\$281.22	\$268.79	\$257.15	\$173.14	\$119.48	\$118.00	\$101.94	1.0	1.0	
TOTALS			\$0.00	\$0.00	\$18,514.80	\$59,213.88	\$8,602.56	\$85,078.00	\$3,058.20	\$61,234.00	\$1,275.00	\$236,976

TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Sargassum Discussion

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▣ **E-mail Dated August 8, 2019, from Robert Weber, Coastal Program Manager**

From: [Nina Toscano](#)
To: [Pat Gayle-Gordon](#)
Subject: Fwd: Seaweed
Date: Friday, August 09, 2019 8:35:15 AM

Good morning, Pat. Please see below. I am @ the dr's and should be there around 9. Thanks. See you then.

Sent from my iPhone

Begin forwarded message:

From: Kirk Blouin <KBlouin@TownofPalmBeach.com>
Date: August 9, 2019 at 8:31:12 AM EDT
To: Nina Toscano <NToscano@TownofPalmBeach.com>
Subject: FW: Seaweed

Nina,

Please add these email thread to the TC books if they have yet to pick up or place in purple folder for next weeks meeting. Thank you.

From: Robert Weber <RWeber@TownofPalmBeach.com>
Sent: Thursday, August 08, 2019 4:18 PM
To: Kirk Blouin <KBlouin@TownofPalmBeach.com>
Cc: Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Patricia Strayer <PStrayer@TownofPalmBeach.com>
Subject: Re: Seaweed

Kirk,

Removing seaweed from the beach is currently being permitted by FDEP as a one-time event and is not available year-round. Only raking with burial can be permitted long-term.

Assuming the unit rates from the existing contract with the same raking frequency, and that access for the tractor can be provided to the contractor, the cost to rake and bury seaweed for the entire Town would be an estimated \$309,120 annually (\$5,945 per week, or \$25,760 per month).

These values are based on a conversation I just had with Clayton Peart of Universal Beach Services (our current contractor). For the purposes of this inquiry, he suggested that the current unit rate for the public beaches be extrapolated for the entire Town. Although there might be some economy of scale savings, access would be limited and

require some back-tracking.

The current contract is \$42,000 to twice a week (Mondays and Fridays) clean Mid-Town (4,300 feet) and Phipps (4,300 feet). This scope is 13% of the entire shoreline and equates to about \$4.80 per foot per year to cover these public beaches. The entire Town is 12.2 miles (64,400 feet). To take on such a large scope increase, some beaches would need to be cleaned on other days of the week.

A scope increase of more than 750% would certainly require that we re-bid the beach raking work which would result in an actual cost that would be different from the estimate provided above.

Rob

Robert Weber
Coastal Program Manager
Town of Palm Beach

On Aug 8, 2019, at 3:08 PM, Kirk Blouin <KBlouin@townofpalmbeach.com> wrote:

Rob,

Good job putting this together. What is the annual cost to continually remove the seaweed from the entire Town (Weekly, Monthly).

Thank you, Kirk.

From: Robert Weber <RWeber@TownofPalmBeach.com>

Sent: Thursday, August 08, 2019 1:30 PM

To: Kirk Blouin <KBlouin@TownofPalmBeach.com>

Cc: Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Patricia Strayer <PStrayer@TownofPalmBeach.com>

Subject: Seaweed

Kirk,

In anticipation for questions regarding seaweed that may arise at the upcoming Town Council meeting, I have visited several locations within the Town and throughout the County. In addition, I been in touch with the County, other municipalities within the County, two field representatives from FDEP, and two prospective contractors.

Beach Observations

<!--[if !supportLists]-->• <!--[endif]-->A large amount of seaweed

has accumulated at the north end of the Town along approximately 1,000 linear feet (between the inlet and approximately Arabian Road). It is at least 40 feet wide and at least 3 feet thick. These dimensions roughly equate to more than 4,000 cubic yards of seaweed.

• The amount of seaweed on the beach at the north end is significantly more than the rest of the Town.

• Observations were made at Jupiter Inlet Park, Juno Beach, and Singer Island. The density and volume of seaweed in these areas are consistent with the majority of the Town of Palm Beach shoreline.

Actions by Others

• Palm Beach County is not raking or removing seaweed from its managed beaches.

• The City of Boca Raton rakes their public beaches and buries seaweed (much like the Town) and has not performed anything additional this summer.

• FDEP has confirmed that the only government entity in South Florida that has requested removal of seaweed from the beaches is Miami-Dade County.

Options

1. Do nothing and wait for the U.S. Army Corps of Engineers to bury the sand with dry beach placement of the inlet maintenance dredging project (tentative start in November 2019);

2. Assist the seven homeowners that are directly impacted with obtaining a permit, identifying a contractor, and assisting with project management to remove the seaweed from their respective private properties at their expense; or

3. Obtain a permit, identify a contractor, and assist with project management to remove seaweed from private property using Town funds (cost below).

Estimated Cost

• Public Works staff has reached out to two (2) firms to identify an estimated cost for removal.

• The first firm, Eastman Aggregates, would use a bulldozer to push the seaweed to Angler Avenue. They would then have a loader on the beach pick up the seaweed and load into their trucks. The proposal received is for

\$20,800 using the rates from a continuing services contract with Palm Beach County. The work would be completed in about one week. The seaweed would be hauled to the Solid Waste Authority. The SWA accepts vegetation at a rate of \$42 per ton. Using a factor of 0.20 (400 pounds per cubic yard), a volume of 4,000 cubic yards of wet seaweed could equate to 800 tons. 800 tons x \$42 per ton is \$32,800. With a 15% contingency, a budget would likely need to be established for \$61,640.

• The second firm, Universal Beach Services, currently has a contract to rake seaweed along the Town's public beaches. The hourly rate of \$175 for a tractor with operator would be available. This tractor has a front bucket size of 2 cubic yards. The tractor would need to make approximately 2,000 trips to the nearest access point (Angler Avenue) to load into dump trucks. This process would likely take more than a month and would have a cost that exceeds \$50,000 before the costs of the dump trucks or disposal at the SWA are included. With time and cost, this method is not recommended.

• The use of Angler Avenue for either option would impact the existing sea oats. The estimated cost to replant sea oats in this area following a seaweed removal process would be approximately \$3,000 and would need to be added to the overall cost of the project.

The Town's annual budget for beach raking on the public beaches is \$50,000 per year.

Please let me know if you need any additional information.

Thank you,

Robert Weber
Coastal Program Manager

Town of Palm Beach
Public Works Department
951 Old Okeechobee Road
West Palm Beach, FL 33401
Phone: 561-838-5440
www.townofpalmbeach.com

TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda

Regular Agenda - New Business

Agenda Title

Letter from Florida Retail Federation and Florida Restaurant & Lodging Association

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▢ **Memorandum Dated August 5, 2019, from Jay Boodheshwar, Deputy Town Manager**
- ▢ **Resolution No. 03-2017**
- ▢ **Florida State Statute 403.7033**
- ▢ **Coral Gables Ordinance No. 2017-13**
- ▢ **Ordinance No. 24-2019**
- ▢ **Letter Dated July 15, 2019, from Florida Retail Federation and Florida Restaurant & Lodging Assoc.**
- ▢ **Florida State Statute 57.112**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 14, 2019

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Letter from Florida Retail Federation and Florida Restaurant & Lodging Association,
Objecting to Ordinance No. 24-2019

Date: August 5, 2019

STAFF RECOMMENDATION

Staff recommends Town Council review the letter dated July 15, 2019, from the Florida Retail Federation and Florida Restaurant & Lodging Association, objecting to the adoption of Ordinance No. 24-2019, and provide direction to staff.

GENERAL INFORMATION

The bullet points below summarize actions Town Council has taken to address environmental concerns related to single-use plastic bags and expanded polystyrene containers in our coastal community.

- Resolution No. 03-2017 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.
- On June 12, 2017, the ORS committee continued its discussion regarding a potential ordinance to ban single use plastic bags within the Town of Palm Beach and reviewed regulations that were approved by the City of Coral Gables. See attached Ordinance No. 2017-13, which was approved by Coral Gables and provided for a 1-year phase in period for retail establishments. ORS decided that the Town should monitor legal action against the City of Coral Gables and give consideration to a ban within the Town at a later date.
- On March 20, 2018, an update was provided to the Mayor and Town Council regarding a pending lawsuit from the Florida Retail Association against the City of Coral Gables. Council was advised to await the decision of the Third District Court of Appeal. It was the

consensus of Town Council to take no further action until the legal matter with Coral Gables was resolved.

- On May 14, 2019, Ordinance No. 24-2019, regulating single-use plastic bags and expanded polystyrene containers was presented for first reading as requested by Town Council at its previous meeting on April 9, 2019, meeting.

At said meeting, staff reported that section 403.7033 of the Florida State Statutes 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 provided 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.

Staff reported that although the recommendations of DEP have not been officially adopted, the DEP did in fact determine 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. Adoption of said regulations are still pending.

After some discussion Ordinance No. 24-2019 was deferred to May 15, 2019, when first reading was subsequently approved.

- On June 11, 2019, Ordinance No. 24-2019 was adopted on second reading and the required public education campaign commenced shortly thereafter to ensure a smooth phase-in period for the community.
- On July 15, 2019, the Town received a letter via email from the Florida Retail Federation and the Florida Restaurant & Lodging Association advising us of their intent to challenge the adoption of Ordinance 24-2019, and seek reimbursement of attorney fees and other expenses as provided for in section 57.112 of the Florida State Statutes.

Subsequent to receiving said letter, staff reached out to the City of Coral Gables to ascertain the status of their lawsuit with the Florida Retail Federation and learned that it was still awaiting a decision from the Third District Court of Appeal. Staff also contacted the City of Gainesville and St. Augustine Beach, who has recently adopted similar ordinances as the Town's and also received a similar letter from the Retail Federation and Restaurant and Lodging Association. Gainesville advised that they intended to recommend rescinding of their ordinance in an abundance of caution and St. Augustine Beach had not reached a conclusion as to how they intend on responding. Staff is seeking direction from Town Council, relative to what actions we should take in response to the letter, if any.

Attachments

cc: John C. Randolph, Town Attorney

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

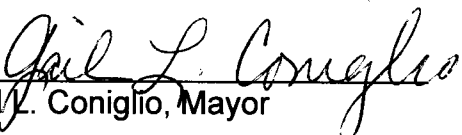
WHEREAS, the Town Council supports the efforts to repeal Section 403.7033, Florida Statutes, so that local government can enact appropriate legislation relating to the regulation of plastic bags.

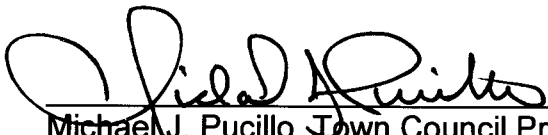
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA:

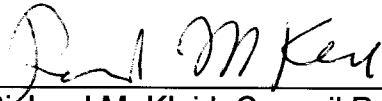
Section 1. The Mayor and Town Council support efforts to repeal Section 403.7033, Florida Statutes, so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags.

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.

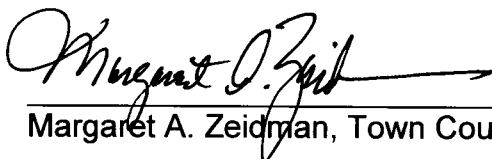

Gail L. Coniglio, Mayor


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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Select Year: 2019 ▼ Go

The 2019 Florida Statutes

[Title XXIX](#)
PUBLIC HEALTH

[Chapter 403](#)
ENVIRONMENTAL CONTROL

[View Entire Chapter](#)

403.7033 Departmental analysis of particular recyclable materials.—The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida’s ecology and economy. As such, the Department of Environmental Protection shall undertake an analysis of the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The analysis shall include input from state and local government agencies, stakeholders, private businesses, and citizens, and shall evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure consistent and effective implementation, the department shall submit a report with conclusions and recommendations to the Legislature no later than February 1, 2010. Until such time that the Legislature adopts the recommendations of the department, no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.

History.—s. 96, ch. 2008-227.

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CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2017-13

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING THE CITY OF CORAL GABLES CODE BY:

- CREATING SECTION 62-245 “PROHIBITION ON USE OF SINGLE-USE CARRY OUT PLASTIC BAGS” IN CHAPTER 62, ARTICLE VII SPECIAL EVENTS; AND
- CREATING ARTICLE IX “SALE, USE OR DISTRIBUTION OF SINGLE-USE CARRY OUT PLASTIC BAGS BY RETAIL ESTABLISHMENTS WITHIN THE CITY” IN CHAPTER 34 NUISANCE, OF THE CITY CODE.

PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, ENFORCEABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Coral Gables 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 of the City; and

WHEREAS, distribution of single-use carry out plastic bags by retailers to consumers for use in carrying purchased goods has a detrimental effect on the environment of the City, County and State; and

WHEREAS, discarded single-use carry out plastic bags contribute to overburdened landfills, threaten wildlife and marine life and degrade and litter the beaches and waters off the Florida coast, which include areas within the City; and

WHEREAS, single-use carry out plastic bags are photo-biodegradable and break down into smaller pieces which can make their way into the food chain via such animals as jellyfish and endangered sea turtles; and

WHEREAS, plastic bags constitute a portion of the litter in the City’s streets, parks, public places and waterways; and

WHEREAS, as an environmental leader among local governments in the State of Florida, the goal of the City is to replace single-use carry out plastic bags with reusable, recyclable, or compostable alternatives whenever possible; and

WHEREAS, retailers establishments such as ALDI, Trader Joes, and Whole Foods have successfully incorporated programs that encourage the use of reusable and/or recyclable alternatives to single use carry-out plastic bags; and

WHEREAS, the City's Sustainability Advisory Board and Economic Development Board have unanimously voted in support of this Ordinance; and

WHEREAS, the City has collaborated with the business community, including the Coral Gables Chamber of Commerce, Coral Gables Business Improvement District, University of Miami, and others in the development of the proposed Ordinance, including discussions on the potential impacts to businesses, educating businesses on the benefits of the Ordinance and on potential alternative products, and incorporating accommodations as necessary and appropriate; and

WHEREAS, this Ordinance provides for a 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 City Commission finds that this Ordinance is necessary for the preservation of our environment and the public health, safety and welfare of City residents and visitors and future generations; and

WHEREAS, the City was a party in a lawsuit with the State of Florida, the Florida Retail Federation and Super Progreso in which the Court held that Sections 403.708(9) and 403.7033, F.S., relating to plastic bags and packaging, are unconstitutional.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

SECTION 2. That Chapter 62, Article VII "Special Events," of the Code of the City of Coral Gables, Florida, be hereby amended to add Section 62-245 as follows:

Sec. 62-245. – Prohibition on Use of Single-Use Carry Out Plastic Bags

(a) *Definitions.* For purposes of this section only, the following definitions should apply:

- (1) *Single-use carry out plastic bag* means a bag provided by a company or individual to a customer, typically at the point of sale, for the purpose of transporting purchases, which is made predominantly of plastic derived from petroleum or a biologically-based source. This definition includes bags, as defined above, provided to an individual to transport items

provided free of charge, including but not limited to, samples and informational materials.

- (2) *City facility* includes, but is not limited to, any building, structure, park, or golf course owned, operated or managed by the City.
 - (3) *Special event permittee* means any entity or individual, and their subcontractor(s), who has been issued a special events permit by the City for a special event on City property, in a City facility or in the City's right-of-way, for the promotion or sale of their product(s) and/or business(es).
 - (4) *Compostable carry out bag* means a bag that (1) conforms to the current ASTM D6400; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) must be 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
- (b) *Prohibited Use of Plastic Bags; Penalties; Exceptions*
- (1) Special event permittees shall not provide items in single-use carry out plastic bags during special events as a condition of approval.
 - (2) Upon warning, the special event permittee must cease providing the single-use carry out plastic bags immediately. If the special events permittee does not do so he or she may be forced to discontinue the service, sale or participation in the special event.
 - (3) A violation of this section shall constitute a City code violation and may result in the revocation of the special events permit and fines and may be grounds for the placement of conditions on or for denial of a future special events permit.
 - (4) *Exceptions.* This prohibition shall not apply to Exempt Bags in 34-191(e) or other types of single-use plastic bags used, provided or given out by individuals who are special events permittees for the purpose of hosting a small private event (100 people or less) (e.g. birthday party, family reunion).

SECTION 3. That Chapter 34 "Nuisances," of the Code of the City of Coral Gables, Florida, be hereby amended to add Article IX as follows:

Article IX. – Sale, Use or Distribution of Single-Use Carry Out Plastic Bags by Retail Establishments within the City

Sec. 34-191. – Definitions

For purposes of this section only the following definitions should apply:

- (a) *Customer* means any person purchasing goods from a retail establishment.
- (b) *Single-use carry out plastic bag* means a bag provided by a company or individual to a customer, typically at the point of sale, for the purpose of transporting purchases, which is made predominantly of plastic derived from petroleum or a biologically-based source. This definition includes bags

provided to a customer to transport items provided free of charge, including but not limited to, samples and informational materials.

- (c) *Exempt bags* means (1) a compostable carry out bag (as defined in 62-245(a)(4)) or any bag without handles provided to a customer (2) 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; (3) to hold prescription medications dispensed from a pharmacy or veterinary office; (4) designed to be placed over articles of clothing on a hanger, including dry cleaning bags; (5) door hanger bags; (6) newspaper bags, (7) garbage bags; (8) pet waste bags; (9) yard waste bags; and (10) bags of any type that a customer previously owned and brings to a retail establishment for his or her own use in carrying away store goods.
- (d) *Reusable bag* means a bag with handles that is 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 and does not include any film plastic bags.
- (e) *Recyclable paper bag* means a bag that contains a minimum average of forty percent (40%) post-consumer recycled materials and displays the minimum percent of post-consumer content on the outside of the bag.
- (f) *Compostable carry out bag* means a bag that (1) conforms to the current ASTM D6400; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) must be 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
- (g) *Retail establishment* means any entity or individual 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.

Sec. 34-192. – Single-Use Carry Out Plastic Bags Prohibited; Exceptions

- (a) No retail establishment shall provide to any customer a single-use carry out plastic bag, unless noted in exceptions below.
- (b) *Exceptions:* Although the discontinuation of the use of single-use carry out plastic bags is strongly encouraged by the City of Coral Gables Commission, this article shall not apply to Exempt Bags in 34-191(c).
- (c) Retail establishments can propose innovative and creative environmentally sustainable alternative programs that eliminate the use of single use plastic bags. After being submitted, the program is reviewed by City staff for approval. Each program is reviewed on a case by case basis.

Sec. 34-193. – Use of reusable bags

Retail establishments are strongly encouraged to educate their staff to promote reusable bags and to post signs encouraging customers to use reusable bags. Should retail establishments provide carryout bags, they shall be reusable (as defined in 34-191(d)), compostable carryout bags and/or recyclable paper bags free of charge or for a fee as determined by the merchant. Retail establishments may keep any fees charged for providing such bags to offset the cost of providing the bag.

Sec. 34-194. – Enforcement; penalties

- (a) If a code enforcement officer finds a violation of section 34-192 or 34-193, prior to issuing a ticket the code enforcement officer shall issue a warning to allow for time to correct violation before citing. After the warning, the code enforcement officer may issue a ticket. The ticket shall inform the retail establishment of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, and that the violation may be appealed pursuant to the procedures in Chapter 101, Article VI, Division 3 of the City Code of Ordinances. A violation of this ordinance is deemed to be irreparable as it may only be complied with in the future and not retroactively.
- (b) A retail establishment that has been issued a ticket must elect to either:
 - (1) pay the following civil fine (per day, irrespective of the number of violations in a given day):
 - (a) First violation within a 12-month period.....\$50.00;
 - (b) Second violation within a 12-month period..... \$100.00;
 - (c) Third violation within a 12-month period..... \$500.00;
 - (d) Any subsequent violation within a 12-month period..... \$1,000.00.
 - (2) request an administrative hearing before a special master as set forth in Chapter 101, Article VI, Division 3 of the City Code of Ordinances
- (c) Failure to pay the civil fine, or to timely request an administrative hearing before a hearing officer, shall constitute a waiver of the violator's right to an administrative hearing before the special master, and shall be treated as an admission to the violation, for which fines and penalties shall be assessed accordingly.
- (d) A certified copy of an order imposing the fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes.

- (e) The hearing officer shall not have discretion to alter the penalties prescribed in this article. Any party aggrieved by a decision of a hearing officer may appeal that decision to a court of competent jurisdiction.

SECTION 4. EDUCATIONAL CAMPAIGN.

The City, desires to collaborate with the Coral Gables Chamber of Commerce (the Chamber) Business Improvement District of Coral Gables (BID), and others in a joint marketing and education effort aimed at businesses & customers. The education campaign, which will begin upon the adoption of this Ordinance, is aimed at informing special events permittees, retail establishments, and customers of its requirements. The campaign may include: community meetings, workshops, green products expos, the use of social media, citywide newsletters, programming on Coral Gables T.V., printed informational materials, email blasts to members of the Chamber and/or BID, website, resident letters and/or emails and mail inserts. New businesses will be informed about ordinance through the business tax license application process. After the conclusion of the educational campaign, the City will continue to make the Ordinance known to special event permittees and retail establishments within the City. The City will explore the possibility of joint bulk purchasing of reusable bags, compostable bags and/or recycled paper bags with its partners to assist businesses in the transition to alternative products. In addition, the City will explore and pursue grants and assistance to facilitate the transition for small businesses.

SECTION 5. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 6. REPEALER.

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 7. CODIFICATION.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances immediately upon the signing of the Ordinance; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 8. EFFECTIVE DATE.

This ordinance shall become effective upon adoption and enforcement shall begin immediately with the issuance of warnings; citations will not be issued for 1 year after said date to allow for education and the transition to alternative products. In the case of special events, enforcement shall commence immediately with all new applications. On February 27, 2017, the Court entered an Order in *Florida Retail Federation, Inc. and Super Progreso, Inc. v. City of Coral Gables*, 2016-018370-CA-01

finding Sections 403.708(9) and 403.7033, F.S. relating to plastic bags and packaging unconstitutional thereby clarifying the City's ability to pass this Ordinance.

PASSED AND ADOPTED THIS NINTH DAY OF MAY, A.D., 2017.

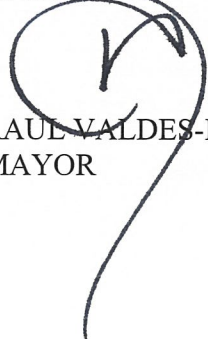
(Moved: Lago / Seconded: Keon)

(Yeas: Quesada, Keon, Lago, Mena, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: E-1)

APPROVED:



RAUL VALDES-FAULI
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY

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 X, TITLED PROHIBITION OF POLYSTYRENE CONTAINERS AND SINGLE USE CARRY OUT PLASTIC BAGS; PROVIDING FOR DEFINITIONS; PROHIBITING THE USE OF EXPANDED POLYSTYRENE CONTAINERS AND SINGLE USE CARRY OUT PLASTIC BAGS WITHIN THE CORPORATE LIMITS OF THE TOWN; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTIES AND AMENDING SECTION 2-439 OF THE TOWN CODE RELATING TO CITATION FINE SCHEDULE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; 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 an implementation period to December 12, 2019 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 X titled Expanded Polystyrene Containers and Single-Use Carry Out Plastic Bags, to read as follows:

"Article X – Expanded Polystyrene and Single-Use Carry Out Plastic Bags;

Section 42-392 – 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. 42-393. 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. 42-394. – 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. 42-393	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 effective 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 December 12, 2019.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 15th day of May, 2019, and for second and final reading on this 11th day of June, 2019.

Gail L. Coniglio
Gail L. Coniglio, Mayor

Danielle H. Moore
Danielle H. Moore, Town Council President

Margaret A. Zeidman
Margaret A. Zeidman, Council President Pro Tem

Julie Araskog
Julie Araskog, Town Council Member

Lewis S.W. Crampton
Lewis S.W. Crampton, Town Council Member

Bobbie Lindsay
Bobbie Lindsay, Town Council Member

ATTEST:

Kathleen Dominguez
Kathleen Dominguez, Town Clerk





July 15, 2019

Honorable Gail Coniglio and Palm Beach Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Ordinance No. 24-2019 – Prohibition of Polystyrene Containers and Single Use Carry Out Plastic Bags

Dear Mayor Coniglio and Town Council,

The Town of Palm Beach has enacted Ordinance No. 24-2019 for the purpose of banning plastic bags and polystyrene. This ordinance as enacted is unlawful, and we respectfully urge the Town to repeal it.

The regulation of plastic bags is expressly preempted to the state under Ch. 403.7033, Florida Statutes, and the regulation of polystyrene is expressly preempted to the state under Ch. 500.90, Florida Statutes. Local regulation of these materials in the manner outlined in Ordinance No. 24-2019 is not permitted and clearly violates the express preemptions included in the Florida Statutes referenced above.

Under Chapter 57.112, Florida Statutes, if a local government entity violates state law by enacting or attempting to enact an ordinance that contravenes an express preemption of local authority, the local government entity will be responsible for paying attorney fees, costs and damages to any person that successfully challenges the unlawful ordinance in a court of law.

Please allow this letter to serve as the official notice required by Chapter 57.112 informing the Town of Palm Beach that Ordinance No. 24-2019 clearly violates the express preemptions outlined in the statutes referenced above.

Under Ch. 57.112, you have 60 days to repeal this unlawful ordinance. If the ordinance is not repealed within the requisite period, your town will be responsible for attorney fees, costs and damages in the event the ordinance is successfully challenged in court.

Our organizations welcome the opportunity to work with your city to find other lawful ways to address our concerns on this issue. We all have a vested interest in finding efficient and effective ways of protecting Florida's environment. We assert that lawful and non-punitive mechanisms are present that can help us to achieve our common goals.

We appreciate your time and consideration.

A handwritten signature in black ink, appearing to read "Lorena Holley".

Lorena Holley
Florida Retail Federation
Vice President & General Counsel

A handwritten signature in black ink, appearing to read "Samantha Hunter Padgett".

Samantha Hunter Padgett
Florida Restaurant & Lodging Assoc.
General Counsel

Select Year: 2019 ▼ Go

The 2019 Florida Statutes

[Title VI](#)
CIVIL PRACTICE AND PROCEDURE

[Chapter 57](#)
COURT COSTS

[View Entire Chapter](#)

57.112 Attorney fees and costs and damages; preempted local actions.—

(1) As used in this section, the term “attorney fees and costs” means the reasonable and necessary attorney fees and costs incurred for all preparations, motions, hearings, trials, and appeals in a proceeding.

(2) If a civil action is filed against a local government to challenge the adoption or enforcement of a local ordinance on the grounds that it is expressly preempted by the State Constitution or by state law, the court shall assess and award reasonable attorney fees and costs and damages to the prevailing party.

(3) Attorney fees and costs may not be awarded pursuant to this section if:

(a) The governing body of a local governmental entity receives written notice that an ordinance that has been publicly noticed or adopted is expressly preempted by the State Constitution or state law; and

(b) The governing body of the local governmental entity withdraws the proposed ordinance within 30 days; or, in the case of an adopted ordinance, the governing body of a local government notices an intent to repeal the ordinance within 30 days of receipt of the notice and repeals the ordinance within 30 days thereafter.

(4) The provisions in this section are supplemental to all other sanctions or remedies available under law or court rule.

(5) This section does not apply to local ordinances adopted pursuant to part II of chapter 163, s. [553.73](#), or s. [633.202](#).

(6) This section is intended to be prospective in nature and shall apply only to cases commenced on or after July 1, 2019.

History.—s. 1, ch. 2019-151.

TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 28-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2018; and Providing an Effective Date.

Presenter

Jane Le Clainche, Director of Finance

ATTACHMENTS:

- ▣ **Ordinance No. 28-2019**
- ▣ **Exhibits A - I**

ORDINANCE NO. 28-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE TOWN'S BUDGETS ADOPTED FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2018, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2018; and

WHEREAS, the Town Council of the Town of Palm Beach, Florida, deems it necessary and appropriate to amend said budgets to provide appropriations adequate for the authorization of expenditures necessary for conducting Town operations for the fiscal year ending September 30, 2019; and

WHEREAS, the budget amendment is necessary for the General Fund and Retirement Funds to fund the Unfunded Actuarial Accrued Liability increase associated with the results of the compensation and pension changes; and

WHEREAS, the budget amendment is necessary to allocate the ending reserves of the Recreation Enterprise Fund, to the Marina Enterprise Fund, Par 3 Enterprise Fund, Capital Improvement Fund, Equipment Replacement Fund and the General Fund; and

WHEREAS, the budget amendment is necessary to allocate the remaining bond funds in the Coastal Protection Fund to the Accelerated Capital Improvement Fund to fund the remaining capital improvement projects associated with the 2013 Bond proceeds; and

WHEREAS, said budget amendments are required to be approved by ordinance.

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

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

Section 2. The General Fund, Capital Improvement Fund, Coastal Protection Fund, Accelerated Capital Improvement Fund, Recreation Enterprise Fund, Marina Enterprise Fund, Park Enterprise Fund, Equipment Replacement Fund, and Retirement Fund for the fiscal year commencing October 1, 2018, is hereby amended and adopted pursuant to Exhibits "A", "B", "C", "D", "E", "F", "G", "H", and "I" attached hereto and made a part of this ordinance.

Section 3. Effective Date. This ordinance shall take effect immediately upon passage and approval as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of the Palm Beach on first reading this 9th day of July, 2019, and for second and final reading on this 14th day of August, 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, Florida
General Fund Revenues and Expenditures
Budget Amendment
October 1, 2018 through September 30, 2019

	Adopted Budget FY2019	Ordinance No. 28-2019 Amendment	Amended Budget FY2019
Revenues			
Ad Valorem Taxes	54,210,963		54,210,963
Non Ad Valorem Taxes	6,307,000		6,307,000
Licenses & Permits	10,634,108		10,634,108
Intergovernmental	1,076,255		1,076,255
Charges for Services	4,395,558		4,395,558
Fines and Forfeitures	1,171,000		1,171,000
Investment Earnings	828,000		828,000
Miscellaneous Revenues	384,964		384,964
Interfund Transfers	2,087,581	73,454	2,161,035
Use of Undesignated Fund Balance	1,370,789	2,570,089	3,940,878
Total Revenues	82,466,218	2,643,543	85,109,761
Expenditures			
Department			
Legislative	157,500		157,500
General Government	1,087,297		1,087,297
Town Manager	780,128		780,128
Town Clerk	312,626		312,626
Advice and Litigation	589,791		589,791
Human Resources	837,154		837,154
Information Systems	2,578,125		2,578,125
Finance	1,711,405		1,711,405
Planning/Building/Zoning	4,158,060		4,158,060
Recreation	1,148,710	1,844	1,150,554
Library	345,058		345,058
Fire-Rescue	13,249,533		13,249,533
Police	14,739,935		14,739,935
Public Works	15,338,592		15,338,592
Transfer to Other Funds	18,012,304		18,012,304
Extraordinary Transfer to Retirement Fund	6,860,000	2,641,699	9,501,699
Contingent Appropriations	560,000		560,000
Total Expenditures	82,466,218	2,643,543	85,109,761
Revenue over/(under) Expenditures	\$0	-	\$0

Town of Palm Beach, Florida
Pay-As-You-Go Capital Improvement Fund (307)
Budget Amendment
October 1, 2018 through September 30, 2019

	Adopted Budget FY2019	Ordinance No. 28-2019	Amended Budget FY2019
Revenues			
Investment Earnings	67,000		67,000
Transfer from General Fund	2,200,000		2,200,000
Transfer from Recreation Enterprise Fund	6,360,358	4,687,612	11,047,970
Restricted - One Cent Sur Tax	500,000		500,000
Donations	8,063,280		8,063,280
Interlocal Agreement	800,000		800,000
Total Revenues	<u>17,990,638</u>	<u>4,687,612</u>	<u>22,678,250</u>
Expenses			
Capital Projects	21,486,674		21,486,674
Contingency	603,750		
Transfer to Underground Utility Fund (122	500,000		
Total Expenses	<u>22,590,424</u>	<u>-</u>	<u>21,486,674</u>
Revenues Over/(Under) Expenditures	(4,599,786)	4,687,612	1,191,576
Beginning Net Assets	<u>6,718,810</u>		<u>6,718,810</u>
Ending Net Assets	<u>2,119,024</u>		<u>7,910,386</u>

Town of Palm Beach, Florida
Comprehensive Coastal Management Project Fund (309)
Budget Amendment
October 1, 2018 through September 30, 2019

	Adopted Budget FY2019	Ordinance No. 28-2019 Amendment	Amended Budget FY2019
Revenues			
Investment Earnings	300,000		300,000
Grants/Local Revenue	12,917,824		12,917,824
Transfer from General Fund	7,349,124		7,349,124
Total Revenues	20,566,948	-	20,566,948
Expenditures			
Current Year Projects	19,169,067		19,169,067
Salaries and Wages	121,414		121,414
Employee Benefits	46,548		46,548
Contractual	8,100		8,100
Commodities	3,700		3,700
Capital Outlay	1,963		1,963
Transfer to ACIP Fund	-	1,018,826	1,018,826
Transfer to Debt Service Fund	542,606		542,606
Total Expenditures	19,893,398	1,018,826	20,912,224
Revenues Over/(Under) Expenditures	673,550	(1,018,826)	(345,276)
Beginning Fund Balance	27,916,610		27,916,610
Ending Fund Balance	28,590,160		27,571,334

Town of Palm Beach, Florida
2013 Accelerated Capital Improvement Fund Revenues and Expenses (314)
Budget Amendment
October 1, 2018 through September 30, 2019

	Adopted Budget FY2019	Ordinance No. 28-2019	Amended Budget FY2019
Revenues			
Investment Earnings	150,000		150,000
Transfer from Coastal Management Fund	-	1,018,826	1,018,826
Total Revenues	150,000	1,018,826	1,168,826
Expenses			
Capital Projects	10,173,368	1,018,826	11,192,194
Total Expenses	10,173,368	1,018,826	11,192,194
Revenues Over/(Under) Expenditures	(10,023,368)	-	(10,023,368)
Beginning Net Assets	10,023,368		10,023,368
Ending Net Assets	-		-

Town of Palm Beach, Florida
Recreation Enterprise Fund Revenues and Expenses
Budget Amendment
October 1, 2018 through September 30, 2019

	Adopted Budget FY2019	Ordinance No. 28-2019 <u>Amendment</u>	Amended Budget FY2019
Revenues			
Gain on Closure of Fund		90,130	90,130
Transfer from REF Reserves	-	-	-
Total Revenues	-	90,130	90,130
Expenses			
Loss on Disposition of Recreation Assets		2,045,240	2,045,240
Transfer to Marina Fund	-	6,096,141	6,096,141
Transfer to Par 3 Golf Course	-	10,358,148	10,358,148
Transfer to Equipment Replacement		110,268	110,268
Transfer to Pay-Go Capital Fund		11,047,970	11,047,970
Transfer to General Fund	-	73,454	73,454
Total Expenses	-	29,731,221	29,731,221
Revenues Over/(Under) Expenditures	-	(29,641,091)	(29,641,091)
Beginning Net Assets	29,641,091		29,641,091

Town of Palm Beach, Florida
Town Marina Enterprise Fund
Budget Amendment
October 1, 2018 through September 30, 2019

	Adopted Budget FY2019	Ordinance No. 28-2019 Amendment	Amended Budget FY2019
Revenues			
Charges For Services	4,686,286		4,686,286
Miscellaneous Revenue	1,000		1,000
Transfer from Recreation Enterprise Fund	644,189	6,096,141	6,740,330
Total Revenues	5,331,475	6,096,141	11,427,616
Expenditures			
Salaries and Wages	248,934		248,934
Employee Benefits	98,751		98,751
Contractual	754,300	13,894	768,194
Commodities	11,600	37,735	49,335
Capital Outlay	1,816,316		1,816,316
Depreciation	1,063,735		1,063,735
Contingency	55,679		55,679
Transfer to General Fund	1,282,160		1,282,160
Total Expenditures	5,331,475	51,629	5,383,104
Revenues Over/(Under) Expenditures	-	6,044,512	6,044,512
Beginning Fund Balance	-		-
Ending Fund Balance	-		6,044,512

Town of Palm Beach, Florida
Par 3 Golf Course Enterprise Fund
Budget Amendment
October 1, 2018 through September 30, 2019

	Adopted Budget FY2019	Ordinance No. 28-2019 Amendment	Amended Budget FY2019
Revenues			
Charges for Services	2,336,650		2,336,650
Use of M&I and ERF Reserves	494,134		494,134
Transfer from Recreation Enterprise Fund	-	10,358,148	10,358,148
Total Revenues	2,830,784	10,358,148	13,188,932
Expenditures			
Salaries and Wages	565,932		565,932
Employee Benefits	248,179		248,179
Contractual	530,350	21,507	551,857
Commodities	309,650		309,650
Capital Outlay	494,134	63,846	557,980
Depreciation	366,915		366,915
Contingency	89,630		89,630
Transfer to Debt Service	199,338		199,338
Transfer to General Fund	25,000		25,000
Total Expenditures	2,829,128	85,353	2,914,481
Revenues Over/(Under) Expenditures	1,656	10,272,795	10,274,451
Beginning Fund Balance	-		-
Ending Fund Balance	1,656		10,274,451

Town of Palm Beach, Florida
Equipment Replacement Fund Revenues and Expenditures
Budget Amendment
October 1, 2018 through September 30, 2019

	Adopted Budget FY2019	Ordinance No. 28-2019 Amendment	Amended Budget FY2019
Revenues			
Investment Earnings	100,000		100,000
Surplus Equipment Proceeds	50,000		50,000
Transfer from General Fund and Other Funds	2,343,173	110,268	2,453,441
Total Revenues	<u>2,493,173</u>	<u>110,268</u>	<u>2,603,441</u>
Expenditures			
Transfer to General Fund	780,421		780,421
Capital Lease - Kiosks	48,312		48,312
Capital Outlay - Equipment	1,087,598		1,087,598
Capital Outlay - IS Equipment	546,659		546,659
Contingency	500,000		500,000
	<u>2,962,990</u>	<u>-</u>	<u>2,962,990</u>
Revenues Over/(Under) Expenditures	(469,817)	110,268	(359,549)
Beginning Unrestricted Net Assets	<u>15,994,021</u>		<u>14,918,663</u>
Ending Unrestricted Net Assets	<u>15,524,204</u>		<u>14,559,114</u>

Exhibit I

**Town of Palm Beach, Florida
Employee's Retirement Fund
Budget Amendment
October 1, 2018 - September 30, 2019**

	Adopted Budget FY2019	Ordinance No. 28-2019	Amended Budget FY2019
Revenues			
Employer Contributions	9,302,382	-	9,302,382
Employee Contributions	1,100,000	-	1,100,000
Gain/Loss on Investments	15,897,876	-	15,897,876
Miscellaneous	2,500	-	2,500
Interest on Investments	1,100,000	-	1,100,000
Extraordinary Transfer from General Fun	6,860,000	2,641,699	9,501,699
Total Revenues	34,262,758	2,641,699	36,904,457
Expenditures			
Salary and Wages	48,283	-	48,283
Employee Benefits	21,480	-	21,480
Contractual	19,770,659	-	19,770,659
Total Expenditures	19,770,659	-	19,770,659
Total Revenues Over/(Under) Expenses	14,492,099	2,641,699	17,133,798

TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 29-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Article VII, Section 106-283, Of The Town Code Of Ordinances Titled Standards For Issuance; Providing For Town Council Approval Of Special Event Permit Applications For The Use Of Phipps Plaza Park; 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:

- ▣ **Ordinance No. 29-2019**

ORDINANCE NO. 29-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 106, ARTICLE VII, SECTION 106-283, OF THE TOWN CODE OF ORDINANCES TITLED STANDARDS FOR ISSUANCE; PROVIDING FOR TOWN COUNCIL APPROVAL OF SPECIAL EVENT PERMIT APPLICATIONS FOR THE USE OF PHIPPS PLAZA PARK; 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 of the Town Code of Ordinances is hereby amended to read as follows: Sec. 106-283. - Standards for issuance. The town manager shall issue a special event permit, when from 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 in route to a fire or the movement of emergency medical services equipment in route to an emergency.
- (6) The special event is not being held for the purpose of advertising any product, goods or event, and 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 was supplied to the town naming the town as 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.

Applications for the use of Phipps Plaza Park shall receive Town Council approval prior to the issuance of a special events permit. Said requirement shall automatically expire after three years from the adoption of Ordinance 29-2019.

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

TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 30-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Article VII, Section 106-283, Of The Town Code Of Ordinances Titled Standards For Issuance; Providing For Town Council Approval Of Special Event Permit Applications Requiring Use Of Public Sidewalks, Roads and/or Bike Paths; 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:

- ▣ **Ordinance No. 30-2019**

ORDINANCE NO. 30-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 106, ARTICLE VII, SECTION 106-283, OF THE TOWN CODE OF ORDINANCES TITLED STANDARDS FOR ISSUANCE; PROVIDING FOR TOWN COUNCIL APPROVAL OF SPECIAL EVENT PERMIT APPLICATIONS REQUIRING USE OF PUBLIC SIDEWALKS, ROADS AND/OR BIKE PATHS; 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 of the Town Code of Ordinances is hereby amended to read as follows: Sec. 106-283. - Standards for issuance. The town manager shall issue a special event permit, when from 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 in route to a fire or the movement of emergency medical services equipment in route to an emergency.
- (6) The special event is not being held for the purpose of advertising any product, goods or event, and 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 was supplied to the town naming the town as 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.

Applications for special events that involve leaving the primary event location (public or private properties) to utilize public sidewalks, streets and/or bike paths shall receive Town Council approval prior to the issuance of a special event permit.

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

TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 27-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Streets Sidewalks and Other Places; at Section 106-18 Application Fee/Privilege Fee at Item (a) to Make the Fee be in Accordance with the Fee Schedule as Adopted by Town Council Resolution, and at Section 106-122, Adoption of Resolution, to Delete the Need for Filing a Certified Copy of the Resolution in the Public Records of the County; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated July 17, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Ordinance No. 27-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Revise Chapter 106, Section 118 to be Consistent with the Master Fee Schedule and Section 122 to Update the Filing Requirements
Ordinance No. 27-2019

DATE: July 17, 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Ordinance No. 27-2019 revising Chapter 106, Sections 118 and 122; to be consistent with the Master Fee Schedule and to update the filing requirements, respectively. If Town Council approves the revision, Section 118 of the Ordinance will be revised to reference the fee within the Master Fee Schedule as adopted by Town Council. Section 122 will be revised, to be in accordance with Section 336.10 of the Florida Statutes. The redundant language currently in the Town's Section 106-122 will be removed.

GENERAL INFORMATION

In accordance with Town Code of Ordinances, Chapter 106, Article IV, the owner of a property who makes an application to abandon a public utility easement shall be charged an application fee. The application fee is to cover the cost of administrative review, site analysis and investigation, attorney's fees, publications, and official recording. If the application fee does not cover the cost of these items, additional costs shall be added to any privilege fee imposed. No refund shall be made of any portion of the application fee.

The Master Fee Schedule was updated in October 2018. The revision will update Chapter 106, Section 118 of the Ordinance to be consistent with the Master Fee Schedule.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

TOWN ATTORNEY REVIEW

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

cc: Eric B. Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Craig Hauschild, P.E., Civil Engineer

ORDINANCE NO. 27-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 106, STREETS SIDEWALKS AND OTHER PLACES; AT SECTION 106-18 APPLICATION FEE/PRIVILEGE FEE AT ITEM (a) TO MAKE THE FEE BE IN ACCORDANCE WITH THE FEE SCHEDULE AS ADOPTED BY TOWN COUNCIL RESOLUTION AND AT SECTION 106- 122, ADOPTION OF RESOLUTION, TO DELETE THE NEED FOR FILING A CERTIFIED COPY OF THE RESOLUTION IN THE PUBLIC RECORDS OF THE COUNTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; 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, Streets, Sidewalks and other Public Places is hereby

amended at Section 106-118(a) to read as

follows: "Sec. 106-118. – Application

fee/privilege fee.

- (a) All applications for abandonment pursuant to this article shall be accompanied by an application fee ~~of \$1,000.00~~ which shall be in accordance with the fee schedule as adopted by Town Council by Resolution and amended in the same manner. The application fee is to cover the cost of administrative review, site analysis and investigation, attorney's fees, publications and official recording. If the application fee does not cover the cost of these items, additional

costs shall be added to any privilege fee imposed. No refund shall be made of any portion of the application fee.”

Section 2. Chapter 106, Streets, Sidewalks and other Public Places is further

amended at 106-122 to read as follows:

“Sec. 106-122. – Adoption of resolution if the town council adopts a resolution granting the application ~~required by this article~~, notice ~~thereof~~ of the adoption of such resolution shall be published one time, within ~~thirty~~ 30 days following ~~its the date of~~ adoption ~~of the resolution~~, in a newspaper of general circulation published in the town. The proof of publication of the notice of public hearing, the resolution as adopted and a proof of publication of the notice of the adoption of the resolution ~~and a copy of the resolution~~ shall be recorded in the public deed records of the Palm Beach County. ~~Upon adoption of a resolution approving a petition, a certified copy of the same shall be filed in the public records of the county.~~”

Section 3. 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 4. Repeal of Ordinances in Conflict.

That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby replaced.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6. Effective Date.

This ordinance shall become effectively immediately upon passage ~~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

TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 31-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Charter at Section 5.01, General Elections, to Provide the Municipal Election Date Concurrent with a Statewide or Countywide Election, and Amending the Town Code of Ordinances at Chapter 34, Elections, to Provide a New Article IV, Municipal Election Date And Election Qualifying Period for Years When the Town Holds its Municipal Elections Concurrently With Presidential Preference Primary Elections; Providing For A Run-Off Election if Necessary; Providing For Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Kathleen Dominguez, Town Clerk

ATTACHMENTS:

- ▣ **Memorandum dated July 19, 2019, from Kathleen Dominguez, Town Clerk**
- ▣ **Ordinance No. 31-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Kathleen Dominguez, Town Clerk

Re: Ordinance No. 31-2019

Date: July 19, 2019

STAFF RECOMMENDATION

Pursuant to the discussion at the June 11, 2019, Town Council meeting, staff recommends approval of Ordinance No. 31-2019, which provides the procedure for conducting the Town's general election to be uniform with a countywide or statewide election.

GENERAL INFORMATION

At the direction of the Town Council, Ordinance No. 31-2019 was prepared to modify the language in the Town's Charter at Section 5.01, General Elections and implement Article IV to the Town's Code of Ordinances at Chapter 34, Elections. Article IV describes the procedure for setting the Town's general election date concurrent with countywide and statewide elections. Upon adoption of this ordinance, the Town will be authorized to set the general election date, Caucus date, qualification period and special meeting date for declaring the results of the Caucus, and run-off election date, if any, by passing a resolution. This procedure will only be required during Presidential Preference Primary election years when the Palm Beach County Supervisor of Elections sets the municipal election dates and ballot language deadlines to be uniform with a statewide election.

TOWN ATTORNEY REVIEW

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

cc: Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney

ORDINANCE NO. 31-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CHARTER AT SECTION 5.01, GENERAL ELECTIONS, TO PROVIDE THE MUNICIPAL ELECTION DATE CONCURRENT WITH A STATEWIDE OR COUNTYWIDE ELECTION, AND AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 34, ELECTIONS, TO PROVIDE A NEW ARTICLE IV, MUNICIPAL ELECTION DATE AND ELECTION QUALIFYING PERIOD FOR YEARS WHEN THE TOWN HOLDS ITS MUNICIPAL ELECTIONS CONCURRENTLY WITH PRESIDENTIAL PREFERENCE PRIMARY ELECTIONS; PROVIDING FOR A RUN-OFF ELECTION IF NECESSARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article III, Sections 3.03, 3.04, and Article V, Section 5.01, of the Town Charter sets the date for Town elections as the second Tuesday in March of each year; and

WHEREAS, Article V, Section 5.03 of the Town Charter sets the qualifying period for Town elections requiring candidates for the office of Mayor or Town Council to be nominated at a Town Caucus to be held on the second Tuesday of January of each year and by being endorsed by petition signed by at least twenty-five electors filed with the Town Clerk no later than 5:00 p.m. on the day following the Town caucus; and

WHEREAS, Section 5.05 of the Town Charter provides for a run-off election to be held two weeks subsequent to the general election; and

WHEREAS, Article III, Section 34-116 of the Town Code of Ordinances provides that within three days after the expiration of the time for filing the required petitions, the town council shall meet and, by resolution, provide for the holding of an election and shall among other things, set forth the official form of ballot to be used in such election.

WHEREAS, the presidential preference primary election will fall on the third Tuesday in March; and

WHEREAS, in years of statewide or countywide presidential preference primary elections, the Town Council desires to move the Town's general election date concurrent with the presidential preference primary elections; and

WHEREAS, holding the Town's election on a date concurrent with the presidential preference primary election requires the Town to adopt an ordinance that establishes a municipal election date, qualifying period and meeting date to set forth the official form of ballot by resolution, for years when the Town holds its municipal elections concurrent with the presidential primary election; and

WHEREAS, Section 100.3605, 101.75 and 166.021, Florida Statutes, permit the Town to amend its Charter to change the date of its Town election and qualifying period by ordinance and without referendum; and

WHEREAS, the Town Council believes these amendments to the Code of Ordinances are in the best interests of the citizens of the Town of Palm Beach.

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

Section 1. The facts and recitations contained in the preamble of this ordinance are adopted and incorporated by reference as if set forth in this section.

Section 2. The Town Charter of the Town of Palm Beach is hereby amended at Section 5.01, General Elections, and shall hereafter read as follows:

“General Elections shall be held on the second Tuesday in March of each year, except during statewide or countywide elections in which case the general election shall be held concurrent with said statewide or countywide election.”

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 34, Elections, by adding a new Article IV to provide municipal election dates and qualifying periods for years with a presidential primary election; providing that said section shall hereafter read as follows:

CHAPTER 34 - ELECTIONS

“Article IV. Municipal election dates, qualifying periods and run-off election dates in years of statewide or countywide presidential preference primary elections.

Sec. 34-123. Elections and qualifying for presidential primary elections.

Section 101.75, Florida Statutes, delegates authority to the Town to move the date and qualifying period of any municipal election to a date concurrent with other state and countywide elections. Notwithstanding the sections of the Town Charter and Code of Ordinances regarding the date of general municipal elections, election, qualifying periods and date of run-off elections, the Town shall hold its municipal elections concurrently with statewide presidential preference primary elections when those occur and adhere to the following municipal election date qualifying period and run-off election date in such instances:

- A. When a presidential preference primary election year occurs, the Town shall by resolution, set a concurrent election date, qualifying period, date of meeting to declare the results of the Caucus, and date of run-off election, if any.
- B. Terms of office of current council members and successful candidates shall be adjusted to be in concurrence with the dates referenced herein and shall be established by resolution adopted subsequent to the election.”

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 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 August, 2019, and for second and final reading on this 10th day of September, 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: August 14, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 32-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Charter at Section 3.01, Town Council: Composition, Modifying the Date of the Election of the President and President Pro Tem; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Kathleen Dominguez, Town Clerk

ATTACHMENTS:

- ▣ **Memorandum dated July 19, 2019, from Kathleen Dominguez, Town Clerk**
- ▣ **Ordinance No. 32-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Kathleen Dominguez, Town Clerk

Re: Ordinance No. 32-2019

Date: July 19, 2019

STAFF RECOMMENDATION

Staff recommends approval of Ordinance No. 32-2019, which modifies the date for electing a Town Council President and President Pro Tem.

GENERAL INFORMATION

At the direction of the Town Council, Ordinance No. 32-2019, was prepared to modify the language in the Town's Charter at Section 3.01 as follows:

"The Town Council shall ~~on the third Tuesday of March of each year~~, elect one of its members as President and another as President Pro Tem for the ensuing year at the first Town Council meeting following the general election. In the event, there is a runoff election as provided in Section 5.05, the President and President Pro Tem shall be elected at the first Town Council meeting following said runoff election."

As discussed during the Town Council Meeting on June 11, 2019, staff recommends setting the date for electing a Town Council President and President Pro Tem to occur at a Town Council meeting following the general election rather than a codified date of the third Tuesday of March of each year. This will provide some flexibility when scheduling the March Town Council meetings while avoiding conflicts with the Town's general election date during a countywide or statewide election year when the election is held on the third Tuesday in March.

TOWN ATTORNEY REVIEW

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

cc: Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney

ORDINANCE NO. 32-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CHARTER AT SECTION 3.01, TOWN COUNCIL: COMPOSITION. MODIFYING THE DATE OF THE ELECTION OF THE PRESIDENT AND PRESIDENT PRO TEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article III, Section 3.01, of the Town Charter sets the date for electing a President and President Pro Tem on the third Tuesday in March of each year; and

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Town Charter of the Town of Palm Beach is hereby amended at Section 3.01. Town Council: Composition to read as follows:

“Sec. 301. There shall be a Town Council of five (5) members, who shall be electors of the Town, elected at large by the electors of the Town.

The Town Council shall, elect one of its members as President and another as President Pro Tem for the ensuing year, at the first Town Council meeting following the general election. In the event there is a runoff election as provided in [Section 5.05](#), the President and President Pro Tem shall be elected at the first Town Council meeting following said runoff election.”

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 August, 2019, and for second and final reading on this 10th day of September, 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: August 14, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 35-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-54, Credited Service; Loss Of Credited Service; Reinstatement Of Credited Service; Amending Section 82-57, Board Of Trustees; Administrative Duties; Investment Of Retirement System Assets; Amending Subdivision II, Reserve Accounts, By Amending Section 82-80, Member Contributions; Amending Subdivision III, Firefighters, By Amending Section 82-94, Retirement Age And Service Conditions For Firefighters; Section 82-96, Optional Forms Of Payment Of A Pension For Firefighters; Section 82-99, Deferred Retirement Option Program; Section 82-101, Duty Disability Special Provisions; And Section 82-106, Duty Disability Special Provisions; Amending Subdivision IV, Police Officers, By Amending Section 82-114, Retirement Age And Service Conditions For Police Officers; Section 82-116, Optional Forms Of Payment Of A Pension For Police Officers; Section 82-121, Duty Disability Special Provisions; And Section 82-126, Duty Death Special Provisions; Amending Subdivision V, General Employees And Lifeguards; By Amending Section 82-136, Optional Forms Of Payment Of A Pension For Benefit Group General And Benefit Group Lifeguard; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

- ▣ **Memorandum Dated August 1, 2019, from Danielle Olson, Director of Human Resources**
- ▣ **Ordinance No. 35-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Danielle Olson, Director of Human Resources

Re: **Ordinance No. 35-2019** - Amendment of Chapter 82 of the Town Code of Ordinances Relating to Personnel, Article II, Employee Benefits, Division 2, Retirement System

Date: August 1, 2019

STAFF RECOMMENDATION

Staff recommends approval of the first reading of Ordinance 35-2019 amending Chapter 82 of Town Code of Ordinances. These changes relate to the benefits for Police Officers and non-bargaining unit Firefighters in accordance with the Town Council's recent directive during the Compensation and Benefits Study, as well as changes required pursuant to recently enacted state legislation specifically section 112.1816, F.S. entitled Firefighters; Cancer Diagnosis, and additional language to ensure compliance with IRS or statutory rules.

GENERAL INFORMATION

Pursuant to the directives received from Town Council during the recent Compensation and Benefits Study, the amendments presented herein changes the following:

- member contribution to 8.5% for police officers and non-bargaining unit firefighters, effective the first pay period after October 1, 2019; and
- Part B normal retirement age for non-bargaining unit firefighters and police officers to age 55 with 10 years of service or age 52 with 25 years of service, effective October 1, 2019.

The Florida legislature recently passed Florida Statute Section 112.1816, providing that firefighters who meet certain eligibility requirements and are diagnosed with one of 21 specified types of cancer are eligible to receive certain benefits. With respect to the retirement benefits, the statute mandates the Town provide enhanced disability pension and death benefits for eligible firefighters who become disabled or die due to one of the 21 specified types of cancer or cancer treatment.

This ordinance also provides clarification language for existing practices associated with benefits currently allowable within the Code. This includes allowing members who currently elect to purchase service to do so by payroll deduction in a manner compliant with IRS codes and clarification of member election of survivor benefits. The attorney representing the Town's

Retirement Board of Trustees has amended this ordinance to comply with the changes described herein and the statutory mandate.

FUNDING/FISCAL IMPACT

The actuary for the Town's Retirement Plan will produce the required financial impact statement following first reading of this ordinance and it will be provided upon the second reading of this ordinance at the regular meeting of the Town Council in September.

ORDINANCE NO. 35-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM; AMENDING SUBDIVISION I, IN GENERAL, BY AMENDING SECTION 82-54, CREDITED SERVICE; LOSS OF CREDITED SERVICE; REINSTATEMENT OF CREDITED SERVICE; AMENDING SECTION 82-57, BOARD OF TRUSTEES; ADMINISTRATIVE DUTIES; INVESTMENT OF RETIREMENT SYSTEM ASSETS; AMENDING SUBDIVISION II, RESERVE ACCOUNTS, BY AMENDING SECTION 82-80, MEMBER CONTRIBUTIONS; AMENDING SUBDIVISION III, FIREFIGHTERS, BY AMENDING SECTION 82-94, RETIREMENT AGE AND SERVICE CONDITIONS FOR FIREFIGHTERS; SECTION 82-96, OPTIONAL FORMS OF PAYMENT OF A PENSION FOR FIREFIGHTERS; SECTION 82-99, DEFERRED RETIREMENT OPTION PROGRAM; SECTION 82-101, DUTY DISABILITY SPECIAL PROVISIONS; AND SECTION 82-106, DUTY DISABILITY SPECIAL PROVISIONS; AMENDING SUBDIVISION IV, POLICE OFFICERS, BY AMENDING SECTION 82-114, RETIREMENT AGE AND SERVICE CONDITIONS FOR POLICE OFFICERS; SECTION 82-116, OPTIONAL FORMS OF PAYMENT OF A PENSION FOR POLICE OFFICERS; SECTION 82-121, DUTY DISABILITY SPECIAL PROVISIONS; AND SECTION 82-126, DUTY DEATH SPECIAL PROVISIONS; AMENDING SUBDIVISION V, GENERAL EMPLOYEES AND LIFEGUARDS; BY AMENDING SECTION 82-136, OPTIONAL FORMS OF PAYMENT OF A PENSION FOR BENEFIT GROUP GENERAL AND BENEFIT GROUP LIFEGUARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I. – In General; by amending Section 82-54 to read as follows:

Sec. 82-54. - Credited service; loss of credited service; reinstatement of credited service.

* * *

(d) Unless otherwise prohibited by law, a vested member who has not purchased service credit under section 82-64, may purchase years or fractional parts of years of service to be added to years of credited service provided that:

- (1) The member contributes to the retirement system the sum that would have been contributed, based on the applicable employee contribution rate in effect at the time that the credited service is requested for the years or fractional parts of years for which the credit is requested, plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service, plus the amount actuarially determined so that the crediting of service does not result in any costs to the retirement system.
- (2) Payment by the member of the required amount may be made within six months of the request for credit and in one lump sum payment, or over a period equal to the length of time being purchased or five years, whichever is less, at an interest rate which is equal to the interest rate determined under section 82-65. No credit shall be given for any service until all years of service which are to be purchased, have been purchased. The required purchase amount may be paid through payroll deduction, in which case the contributions shall be designated as employer contributions pursuant to section 414(h) of the Internal Revenue Code, and excluded from the member's gross income for federal income tax purposes. For all other purposes of the plan, such contributions shall be considered to be member contributions. No member shall have the option of choosing to receive the contributed amounts directly instead of having them paid by the city to the fund.

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I. – In General; by amending Section 82-57 to read as follows:

Sec. 82-57. - Board of trustees; administrative duties; investment of retirement system assets.

* * *

- ~~(l) The board shall also provide administrative support and coordination for the town's defined contribution plan, retirement health savings plan, and 457 plan.~~
- ~~(m) The boards of trustees for the existing firefighter, police officer and general/lifeguard retirement plans shall continue to operate through March 31, 2012, for the primary purpose of facilitating the transfer of contracts, investment holdings, assets and liabilities of the existing firefighter, police officer and general/lifeguard retirement plans, as well as all documents and records of those plans, to the new board of trustees established pursuant to subsection (b) above. During the period prior to April 1, 2012, the boards of trustees for the existing firefighter, police officer and general/lifeguard retirement plans shall continue to:~~

- ~~(1) Be the trustees of the moneys and assets of the employee groups of members and retirants of the retirement system for whose benefit such boards are formed.~~
- ~~(2) Have full power and authority to invest and reinvest the moneys and assets held for the benefit of members for whose benefit such boards are formed, subject to all terms, conditions, limitations and restrictions imposed by law on the investments of public employee retirement systems and subject to investment policies and limitations adopted by resolution of the town council or the boards from time to time.~~
- ~~(3) Invest in securities of, or other interests in, any open end or closed end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 USC 80A-1 et seq., as amended, and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.~~
- ~~(4) Employ outside investment counsel to advise each board in the making and disposition of investments. All moneys and assets of the retirement system shall be held for the sole purpose of meeting disbursements authorized in accordance with the provisions of the retirement system and shall be used for no other purposes.~~
- ~~(5) Exercise discretionary authority with respect to the management of the moneys and assets of the retirement system, and shall exercise the care, skill, prudence and diligence under the circumstances then prevailing, that a person of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims.~~
- ~~(6) Retain an independent consultant professionally qualified to evaluate the performance of professional money managers. The independent consultants shall make recommendations regarding the selection of money managers. These recommendations shall be considered by the boards at their meetings. The date, time, place and subject of regular board meetings shall be posted at least ten days prior to the date of such meetings.~~

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision II. – Reserve Accounts; by amending Section 82-80 to read as follows:

Sec. 82-80. – Reserve for member contributions.

* * *

(d) Notwithstanding the provisions of subsection (c) above:

- (1) The member contribution rate for benefit group police officer members and non-bargaining unit benefit group firefighter members who were employed but did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and benefit group police officer members and non-bargaining unit benefit group

firefighter members hired on or after May 1, 2012, effective the first full pay period after October 1, 2016 shall be ten percent of compensation. The member contribution rate for such members shall be subject to adjustment the first full pay period following October 1, 2017 and the first full pay period following October 1, 2018 of each year thereafter based on the investment performance of the retirement system, as set forth in subsection (e) below. Effective the first full pay period after October 1, 2019, the member contribution rate for benefit group police officer members and non-bargaining unit benefit group firefighter members shall be eight and one-half percent of compensation.

* * *

Section 4. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III. – Firefighters; by amending Section 82-94 to read as follows:

Sec. 82-94. – Retirement age and service conditions for firefighters.

* * *

(b) The age and service conditions for normal retirement are as follows:

- (1) Members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 50 with ten or more years of credited service; or when the member's age to last completed month plus credited service totals 65 years or more and the member has ten or more years of credited service; or when the member has 20 or more years of credited service.
- (2) Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 50, or when the member's age to last completed month plus credited service totals 65 years or more, or upon completion of 20 years of credited service regardless of age, and upon such retirement shall be eligible to receive the frozen accrued benefit based on credited service and average final compensation on April 30, 2012. Such members shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 65 with ten or more years of credited service.
- (3) Members hired on or after May 1, 2012, shall be eligible for normal retirement upon attaining age 65 with ten or more years of credited service.
- (4) Notwithstanding the provisions of paragraphs (2) and (3) above, effective October 1, 2016, non-bargaining unit members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed

by the town and not participating in the DROP on that date, and non-bargaining unit members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 56 with ten or more years of credited service. The provisions of this paragraph shall apply to non-bargaining unit members who are participating in the DROP on October 1, 2016, and to non-bargaining unit members who retire or enter the DROP on or after that date, but shall not apply to non-bargaining unit members who retired or separated from employment before October 1, 2016.

- (5) Notwithstanding the provisions of paragraphs (2) and (3) above, effective August 12, 2017 bargaining unit members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and bargaining unit members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 56 with ten or more years of credited service.
- (6) Notwithstanding the provisions of paragraphs (2), (3) and (4) above, effective October 1, 2019, non-bargaining unit members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and non-bargaining unit members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 55 with ten or more years of credited service, or age 52 with 25 years of service. The preceding sentence shall apply to non-bargaining unit members who are participating in the DROP on October 1, 2019, and to non-bargaining unit members who retire or enter the DROP on or after that date, but shall not apply to members who retired or separated from employment before October 1, 2019.

Section 5. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III. – Firefighters; by amending Section 82-96 to read as follows:

Sec. 82-96. - Optional forms of payment of a pension for firefighters.

* * *

- (c) A firefighter may elect to receive the accrued benefit based on credited service on and after May 1, 2012 as follows: The member may elect to receive a reduced pension for life, and upon the retirant's death 100 percent, 75 percent, 66 2/3 percent or 50 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of the reduced pension payable to the retirant

shall reflect an actuarial reduction in the standard form of payment based on the age of the member and the age of the beneficiary, such that the total value of the benefit payable to the retirant and beneficiary is actuarially equivalent to the standard form of payment to the retirant. The election of an optional form of payment under this subsection (c) must be in writing and filed with the board upon separation from employment and in no event later than~~prior to~~ the date retirement is effective. Payment will be made under the standard form of payment if a timely election of an optional form of payment is not made.

Section 6. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III. – Firefighters; by amending Section 82-99 to read as follows:

Sec. 82-99. – Deferred retirement option program for firefighters.

* * *

- (d) Compensation for work performed while participating in the DROP. Starting pay shall be at the base pay rate in effect on the employee's last working day of employment, prior to participation in the DROP. Job performance will be evaluated under the town's pay for performance system, and performance pay increases will be permitted as established by town policy. General pay increases shall also be awarded, as approved by the town council and the town manager. The base pay rate for DROP participants who are authorized by the town manager to extend DROP participation for up to 36 calendar months beyond the 60-month period shall be the rate of pay in effect at the end of 60-month DROP period; and that rate shall not be eligible for performance pay increase, general pay increases approved by the town council, or future Longevity Pay or Longevity Bonuses. Performance pay increases and general pay increases awarded to DROP participants will be reflected in their salary but will not be reflected in pension payments made to DROP accounts or made after DROP participation.

* * *

- (7) DROP participants shall not be eligible for disability retirement benefits as provided in sections 82-100 or 82-101, except as provided in this paragraph below. In the event a DROP participant becomes incapacitated for employment by the town as defined under sections 82-100 or 82-101, the DROP participation will terminate, and the former DROP participant will elect one of the alternatives under subsection (d)(5)b. of this section. Notwithstanding any other provision of this paragraph, a DROP participant who is initially diagnosed with cancer, as defined in section 112.1816(1), Florida Statutes, during DROP participation and on or after July 1, 2019, and is determined to be wholly prevented from rendering useful and efficient service as a firefighter, and likely to remain so disabled continuously and permanently in accordance with section 82-100(a) by reason of such cancer or the treatment thereof, shall be eligible for duty disability benefits pursuant to section 82-101. If a DROP participant elects to receive duty disability benefits as the result of an initial diagnosis of cancer,

DROP participation will terminate, and the former DROP participant shall receive payment of his or her accumulated DROP benefits in accordance with subsection (d)(5)b. Thereafter, the former DROP participant's retirement benefit shall be the greater of sixty percent of monthly average final compensation, or his/her monthly benefit at the time of disability.

* * *

(e) Death benefits under the DROP.

- (1) Upon the death of a DROP participant, the named beneficiary shall be entitled to apply for and receive the accrued benefits in the DROP as provided under subsection (d)(5)b. of this section.
- (2) The pension benefit paid to the DROP during the month of a DROP participant's death shall be the final pension benefit accrued for such DROP participant.
- (3) Eligibility to participate in the DROP terminates upon the death of a DROP participant. If the DROP participant dies on or after the effective date of enrollment in the DROP, but prior to the first monthly benefit being credited to the DROP, retirement system benefits shall be paid in accordance with section 82-103.
- (4) A DROP participant's survivor shall not be eligible for retirement system death benefits as provided in section 82-104.
- (5) Notwithstanding any other provision of this subsection (e), if a DROP participant is initially diagnosed with cancer, as defined in section 112.1816(1), Florida Statutes, during DROP participation and on or after July 1, 2019, and dies as the result of such cancer or the treatment thereof, his beneficiary(ies) shall be entitled to duty death benefits pursuant to section 82-106.

* * *

Section 7. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III. - Firefighters; by amending Section 82-101 to read as follows:

Sec. 82-101. - Duty disability special provisions.

If the disability of a member is found by the board of trustees to be the natural and proximate result, independent of all other causes, of a personal injury or disease arising out of and in the course of actual performance of duty with the town, the following provisions shall apply:

- (1) The ten-year credited service requirement shall be waived.
- (2) The member shall receive a monthly pension for the remainder of his life, equal to the greater of the following:
 - a. Sixty percent of the monthly average final compensation; or

- b. If the member retires prior to attaining the age for normal retirement, the amount of the monthly pension shall be computed as if the member has continued to accrue credited service until the date the member would have attained the age for normal retirement, provided that the member has been in receipt of the disability benefit for at least five years.
- (3) A condition or impairment of health that is caused by tuberculosis, heart disease or hypertension resulting in a member being determined to be wholly prevented from rendering useful and efficient service as a firefighter, and likely to remain so disabled continuously and permanently in accordance with section 82-100(a), shall be presumed to have been accidental and suffered in the line of duty unless the contrary is shown by competent evidence; provided that the firefighter shall have successfully passed a physical examination before entering into service as a firefighter for the town, which examination failed to reveal any evidence of such condition, and the requirements of section 112.18, Florida Statutes, are satisfied.
- (4) A condition or impairment of health that is caused by hepatitis, meningococcal meningitis, or tuberculosis, resulting in a member being determined to be wholly prevented from rendering useful and efficient service as a firefighter, and likely to remain so disabled continuously and permanently in accordance with section 82-100(a), shall be presumed to have been accidental and suffered in the line of duty, unless the contrary is shown by competent evidence; provided the requirements of section 112.181, Florida Statutes are satisfied.
- (5) Effective July 1, 2019, if a firefighter is initially diagnosed with cancer as defined in section 112.1816(1), Florida Statutes, while employed as a firefighter for the town, and as a result of the diagnosis of cancer or circumstances arising from the treatment of such cancer, he or she is determined to be wholly prevented from rendering useful and efficient service as a firefighter, and likely to remain so disabled continuously and permanently in accordance with section 82-100(a), by reason of such cancer or the treatment thereof, the board of trustees shall consider the disability to be a duty disability pursuant to section 82-101.

Section 8. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III. - Firefighters; by amending Section 82-106 to read as follows:

Sec. 82-106. - Duty death special provisions.

- (a) Death while actually performing duty for the town. If the board of trustees finds that the death of a member occurred while actually performing duty for the town or was the natural and proximate result, independent of all other causes, of a personal injury or disease arising out of and in the course of the actual performance of duty for the town, the following provisions shall apply:
 - (1) The ten-year credited service requirement specified in section 82-104 shall be waived.
 - (2) The amount of a surviving child's pension is 25 percent of the deceased member's average final compensation, not to exceed an equal share of 75

percent of the deceased member's average final compensation when there are four or more surviving children being paid.

- (3) The amount of a surviving spouse's pension for a month shall be the difference, if any, between 75 percent of the deceased member's average final compensation and the aggregate amount paid to surviving children for the month.
- (b) Presumptive duty death. Death resulting from a condition or impairment of health that is caused by hepatitis, meningococcal meningitis, tuberculosis, hypertension, or heart disease, shall be presumed to have been accidental and suffered in the line of duty unless the contrary is shown by competent evidence, provided the requirements of sections 112.18 and 112.181, Florida statutes are satisfied. Effective July 1, 2019, if a firefighter dies as the result of cancer, as defined in section 112.1816(1), Florida Statutes, or circumstances arising from the treatment thereof, and the cancer was initially diagnosed during his or her employment as a firefighter for the town on or after July 1, 2019, the board of trustees shall consider such death to have occurred in the line of duty.
- (c) If the death of a member is not found by the board of trustees to satisfy subsection (a) above, but is found to be a death in line of duty by reason of an applicable presumption under subsection (b) above ~~presumptive statutes such as F.S. § 112.181 and F.S. § 175.231,~~ the following provisions shall apply:
 - (1) The ten-year credited service requirement specified in section 82-104 shall be waived.
 - (2) The amount of a surviving child's pension is 25 percent of the deceased member's average final compensation, not to exceed an equal share of 50 percent of the deceased member's average final compensation when there are three or more surviving children being paid.
 - (3) The amount of a surviving spouse's pension for a month shall be the difference, if any, between 75 percent of the deceased member's average final compensation and the aggregate amount paid to surviving children for the month.
 - (4) Payment of a surviving child's and/or spouse's pension shall begin the first day of the month following the death of the member.
- ~~(d)~~(e) Termination. Any additional amount of pension paid a surviving spouse pursuant to this section shall, unless prohibited by F.S. ch. 175 or F.S. section 112.1816, terminate upon remarriage of the surviving spouse. Pensions for a surviving child under this section shall terminate upon attainment of age 18 years, marriage, adoption or death of such child.

Section 9. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV. – Police Officers; by amending Section 82-114 to read as follows:

Sec. 82-114. - Retirement age and service conditions for police officers.

* * *

(b) The age and service conditions for normal retirement are as follows:

- (1) Members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 50 with ten or more years of credited service; or when the member's age to last completed month plus credited service totals 65 years or more and the member has ten or more years of credited service; or when the member has 20 or more years of credited service.
- (2) Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 50, or when the member's age to last completed month plus credited service totals 65 years or more, or upon completion of 20 years of credited service regardless of age, and upon such retirement shall be eligible to receive the frozen accrued benefit based on credited service and average final compensation on April 30, 2012. Effective October 1, 2016, such members shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 56 with ten or more years of credited service. The preceding sentence shall apply to members who are participating in the DROP on October 1, 2016, and to members who retire or enter the DROP on or after that date, but shall not apply to members who retired or separated from employment before October 1, 2016.
- (3) Members hired on or after May 1, 2012, shall be eligible for normal retirement upon attaining age 56 with ten or more years of credited service.
- (4) Notwithstanding the provisions of paragraphs (1), (2) and (3) above, effective October 1, 2019, members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 55 with ten or more years of credited service, or age 52 with 25 years of service. The preceding sentence shall apply to members who are participating in the DROP on October 1, 2019, and to members who retire or enter the DROP on or after that date, but shall not apply to members who retired or separated from employment before October 1, 2019.

Section 10. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV. – Police Officers; by amending Section 82-116 to read as follows:

Sec. 82-116. - Optional forms of payment of a pension for police officers.

* * *

- (c) A police officer may elect to receive the accrued benefit based on credited service on and after May 1, 2012 as follows: The member may elect to receive a reduced pension for life, and upon the retirant's death 100 percent, 75 percent, 66 2/3 percent or 50 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of the reduced pension payable to the retirant shall reflect an actuarial reduction in the standard form of payment based on the age of the member and the age of the beneficiary, such that the total value of the benefit payable to the retirant and beneficiary is actuarially equivalent to the standard form of payment to the retirant. The election of an optional form of payment under this subsection (b) shall be in writing and filed with the board upon separation from employment but in no event later than~~prior to~~ the date retirement is effective. Payment will be made under the standard form of payment if a timely election of an optional form of payment is not made.

Section 11. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV. – Police Officers; by amending Section 82-121 to read as follows

Sec. 82-121. - Duty disability special provisions.

If the disability of a member is found by the board of trustees to be the natural and proximate result, independent of all other causes, of a personal injury or disease arising out of and in the course of actual performance of duty with the town, the following provisions shall apply:

- (1) The ten-year credited service requirement shall be waived.
- (2) The member shall receive a monthly pension for the remainder of his life, equal to the greater of the following:
 - a. Sixty percent of the monthly average final compensation; or
 - b. If the member retires prior to attaining the age for normal retirement, the amount of the monthly pension shall be computed as if the member has continued to accrue credited service until the date the member would have attained the age for normal retirement, provided that the member has been in receipt of the disability benefit for at least five years.
- (3) A condition or impairment of health that is caused by tuberculosis, heart disease or hypertension resulting in a member being determined to be wholly prevented from rendering useful and efficient service as a police officer, and likely to remain so disabled continuously and permanently in accordance with section 82-120(a), shall be presumed to have been accidental and suffered in the line of duty unless the contrary is shown by competent evidence; provided that the police officer shall have successfully passed a physical examination before

entering into service as a police officer for the town, which examination failed to reveal any evidence of such condition, and the requirements of section 112.18, Florida Statutes, are satisfied.

- (4) A condition or impairment of health that is caused by hepatitis, meningococcal meningitis, or tuberculosis, resulting in a member being determined to be wholly prevented from rendering useful and efficient service as a police officer, and likely to remain so disabled continuously and permanently in accordance with section 82-100(a), shall be presumed to have been accidental and suffered in the line of duty, unless the contrary is shown by competent evidence; provided the requirements of section 112.181, Florida Statutes are satisfied.

Section 12. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV. – Police Officers; by amending Section 82-126 to read as follows
Sec. 82-126. - Duty death special provisions.

- (a) *Death while actually performing duty for the town.* If the board of trustees finds that the death of a member occurred while actually performing duty for the town or was the natural and proximate result, independent of all other causes, of a personal injury or disease arising out of and in the course of the actual performance of duty for the town, the following provisions shall apply:
- (1) The ten-year credited service requirement specified in section 82-124 shall be waived.
 - (2) The amount of a surviving child's pension is 25 percent of the deceased member's average final compensation, not to exceed an equal share of 75 percent of the deceased member's average final compensation when there are four or more surviving children being paid.
 - (3) The amount of a surviving spouse's pension for a month shall be the difference, if any, between 75 percent of the deceased member's average final compensation and the aggregate amount paid to surviving children for the month.
- (b) *Presumptive duty death.* Presumptive duty death. Death resulting from a condition or impairment of health that is caused by hepatitis, meningococcal meningitis, or tuberculosis shall be presumed to have been accidental and suffered in the line of duty unless the contrary is shown by competent evidence, provided that the member shall have successfully passed a physical examination before entering into service as a police officer for the town, which examination failed to reveal any evidence of such condition.
- (c) If the death of a member is not found by the board of trustees to satisfy subsection (a) above, but is found to be a death in line of duty by reason of an applicable presumption under subsection (b) above ~~presumptive statutes such as F.S. § 112.181,~~ the following provisions shall apply:
- (1) The ten-year credited service requirement specified in section 82-124 shall be waived.

- (2) The amount of a surviving child's pension is 25 percent of the deceased member's average final compensation, not to exceed an equal share of 50 percent of the deceased member's average final compensation when there are three or more surviving children being paid.
 - (3) The amount of a surviving spouse's pension for a month shall be the difference, if any, between 75 percent of the deceased member's average final compensation and the aggregate amount paid to surviving children for the month.
 - (4) Payment of a surviving child's and/or spouse's pension shall begin the first day of the month following the death of the member.
- ~~(d)(e)~~ *Termination.* Any additional amount of pension paid a surviving spouse pursuant to this section shall, unless prohibited by F.S. ch. 185, terminate upon remarriage of the surviving spouse. Pensions for a surviving child under this section shall terminate upon attainment of age 18 years, marriage, adoption or death of such child.

Section 13. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V. – General Employees and Lifeguards; by amending Section 82-136 to read as follows:

Sec. 82-136. - Optional forms of payment of a pension for benefit group general and benefit group lifeguard.

* * *

(c) Members of benefit group general and benefit group lifeguard may elect to receive the accrued benefit based on credited service on and after May 1, 2012 as follows: the member may elect to receive a reduced pension for life, and upon the retirant's death 100 percent, 75 percent, 66 2/3 percent or 50 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of the reduced pension payable to the retirant shall reflect an actuarial reduction in the standard form of payment based on the age of the member and the age of the beneficiary, such that the total value of the benefit payable to the retirant and beneficiary is actuarially equivalent to the standard form of payment to the retirant. The election of an optional form of payment under this subsection (c) shall be in writing and filed with the board upon separation from employment but in no event later than prior to the date retirement is effective. Payment will be made under the standard form of payment if a timely election of an optional form of payment is not made.

Section 14. 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 15. 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 16. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 17. 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 ____ 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

ATTEST:

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: August 14, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 36-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 6 of the Town Code of Ordinances, Alcoholic Beverages, At Section 6-9, Relating to the Prohibition of Consumption of Alcoholic Beverages in Public Places, So as to Provide An Additional Exception for Facility Rentals in Seaview Park; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Carolyn Stone, Director of Business Development and Operations

ATTACHMENTS:

- ▣ **Memorandum Dated August 2, 2019, from Carolyn Stone, Director of Business Development and Operations**
- ▣ **Ordinance No. 36-2019**

TOWN OF PALM BEACH

Interim Committee of the Town of Palm Beach Municipal Board of Aldermen

That Mayor and Town Council

do hereby recommend that the Mayor and Council
do hereby recommend that the Mayor and Council

that the Council should direct the Board of Directors to order

That the Board of Directors be and it is the duty of the Council to order that the Board of Directors
Ordinance No. 36-2019

Do hereby Adopt

STAFF RECOMMENDATION

Staff recommend that the Council do hereby order that the Board of Directors be and it is the duty of the Council to order that the Board of Directors
that the Council do hereby order that the Board of Directors be and it is the duty of the Council to order that the Board of Directors
that the Council do hereby order that the Board of Directors be and it is the duty of the Council to order that the Board of Directors

GENERAL INFORMATION

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Staff recommend that the Board of Directors be and it is the duty of the Council to order that the Board of Directors

b) *With the exception that patrons of Seaview Park may consume, on the Seaview Park property, alcoholic beverages that are served in conjunction with a facility rental or event, with approval by the Town Manager.*

S...r... d...C...r S... T...C...Ord...rd...
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r...d...C...N...C...r...
...r...d...r...

TOWN ATTORNEY REVIEW

T...Ord...r...d...r...r...T...A...

...C...R...d...T...A...
...r...T...M...
...d...r...D...T...M...
N...C...r...C...

ORDINANCE NO. 36-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 10 OF THE TOWN CODE OF ORDINANCES ALCOHOLIC BEVERAGES AT SECTION 10-1 RELATING TO THE PROHIBITION OF CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES SO AS TO PROHIBIT AN ADDITIONAL EXCEPTION FOR FACILITIES RENTALS IN SEALED BARRICADING FOR REEVAL OF ORDINANCES IN CONFLICT WITH PROHIBITION FOR CODIFICATION WITH PROHIBITION AN EFFECTIVE DATE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

Section 10-1 Chapter 10 of the Town Code of Ordinance is amended to read as follows:

Chapter 10 of the Town Code of Ordinance is amended to read as follows:

"Sec. 6-9. Prohibition of consumption of alcoholic beverages in public places.

It is the intent of the Town Council of the Town of Palm Beach County, Florida to amend Chapter 10 of the Town Code of Ordinance to read as follows:

Chapter 10 of the Town Code of Ordinance is amended to read as follows:

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Section 10-1 Chapter 10 of the Town Code of Ordinance is amended to read as follows:

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Chapter 10 of the Town Code of Ordinance is amended to read as follows:

Section 10-1 Chapter 10 of the Town Code of Ordinance is amended to read as follows:

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_____ ASSED AND ADOPTED _____ r _____ r _____ d _____ T _____ C _____
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D _____ M _____ r _____ T _____ C _____ r _____ d _____

M _____ r _____ A _____ d _____ C _____ r _____ d _____ r _____ T _____

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ATTEST _____

_____ L _____ d _____ T _____ C _____ M _____ r _____

_____ D _____ T _____ C _____ r _____

L _____ S _____ Cr _____ T _____ C _____ M _____ r _____