



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, October 5, 2016 6:30 PM,  
Lake Park Town Hall  
535 Park Avenue

|   |   |                      |
|---|---|----------------------|
| <b>James DuBois</b>                         | — | <b>Mayor</b>         |
| <b>Kimberly Glas-Castro</b>                 | — | <b>Vice-Mayor</b>    |
| <b>Erin T. Flaherty</b>                     | — | <b>Commissioner</b>  |
| <b>Anne Lynch</b>                           | — | <b>Commissioner</b>  |
| <b>Michael O'Rourke</b>                     | — | <b>Commissioner</b>  |
| <hr style="border-top: 1px dashed black;"/> |   |                      |
| <b>John O. D'Agostino</b>                   | — | <b>Town Manager</b>  |
| <b>Thomas J. Baird, Esq.</b>                | — | <b>Town Attorney</b> |
| <b>Vivian Mendez, CMC</b>                   | — | <b>Town Clerk</b>    |

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, 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. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

A. **CALL TO ORDER/ROLL CALL**

B. **PLEDGE OF ALLEGIANCE**

C. **SPECIAL PRESENTATIONS/REPORTS**

1. Proclamation for Dwayne Bell, Sr. Employee of the Year for 2015

Tab 1

D. **PUBLIC COMMENT:**

This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

E. **CONSENT AGENDA:** All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda. Any person wishing to speak on an agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

2. Final Public Hearing on the Budget Meeting Minutes of September 20, 2016

Tab 2

3. Regular Commission Meeting Minute of September 21, 2016 Tab 3
- F. **PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:**
4. Ordinance No. 9-2016 Comprehensive Plan – Mixed Use Tab 4  
**Staff will be requesting that this item be Continued to the October 19, 2016 Regular Commission meeting. A motion to continue the item will be necessary.**  
 AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN’S COMPREHENSIVE PLAN; PROVIDING FOR AMENDMENTS TO THE RESIDENTIAL AND COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR THE AMENDMENT OF OBJECTIVE 9 AND POLICY 9.6; PROVIDING FOR THE CREATION OF POLICY 9.6.1 AND THE REPEAL OF POLICY 9.9 AND CREATING AS PART OF THE TOWN’S LAND DEVELOPMENT REGULATIONS A MIXED-USE ZONING OVERLAY DISTRICT; PROVIDING FOR TRANSMITTAL OF THE PROPOSED AMENDMENTS TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
- G. **PUBLIC HEARING(S) - ORDINANCE ON SECOND READING:**  
 None
- H. **NEW BUSINESS:**
5. Commission Approval to Reject Bids Associated with the Kelsey Park & Lake Shore Park Community Development Block Grant (CDBG) Improvements Project – RFP No. 104-2016; Re-bid Project Tab 5
6. Resolution No. 44-10-16 Award Contract for RFP 105-2016, Sanitation Vehicle Refurbishment, Public Works Vehicle No. 50, to Sunbelt Hydraulics & Equipment, Inc. Tab 6
7. Resolution No. 45-10-16 to Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Grants Writer Tab 7
8. Reimburse Legal Fees Incurred from a Florida State Ethics Complaint Filed Against Former Commissioner Kathleen Rapoza Acting in her Official Capacity as a Town Commission Member in the Amount of \$10,110.85 Tab 8
9. Christmas Tree Sales in Kelsey Park Tab 9
- I. **TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**
- J. **ADJOURNMENT:**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, October 19, 2016**

**Special  
Presentations  
/Reports**

# TAB 1



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 5, 2016

Agenda Item No. Tab 1

Agenda Title: Proclamation for Dwayne Bell, Sr. Employee of the Year for 2015

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON \_\_\_\_ READING
- NEW BUSINESS
- OTHER: Proclamation
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *J. N. Carty* Date: *9-23-16*  
*Bonnie McMillan-Turner*

Name/Title  
HUMAN RESOURCES DIRECTOR

|   |  |   |
|---|--|---|
| <b>Originating Department:</b><br><br>Human Resources   | <b>Costs: \$ 500.00</b><br><br><b>Funding Source:</b><br><b>Acct. # 001-51-512-105-15000</b><br><b>(FY 2016)</b><br><input type="checkbox"/> Finance _____ | <b>Attachments:</b><br><br>Copy of Proclamation for Employee of the Year  |
| <b>Advertised:</b><br>Date: _____<br>Paper: _____<br><input checked="" type="checkbox"/> Not Required | All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.     | <b>Yes I have notified everyone <u>BMT</u></b><br>or<br>Not applicable in this case _____<br><br><b>Please initial one.</b> |

**Summary Explanation/Background:**

On August 26, 2016, the nomination period opened up for receipt of nominations for Employee of the Year for 2015. The deadline for receipt of such nominations was September 2, 2016, and by this deadline the following employees were nominated for this award:

- Dwayne Bell, Sr., Sanitation Foreman, Public Works Department
- Howard Butts, Foreman General Infrastructure, Public Works Department
- Janet Miller, Assistant to the Human Resources Director
- Janet Perry, Assistant to the Town Manager
- James Skrandel, Facilities Maintenance Worker III, Public Works Department

The final deadline for receipt of completed ballots for the actual selection of Employee of the Year from among the above nominees was September 13, 2016. By a majority vote of the ballots submitted, Dwayne Bell, Sr. was selected as the Employee of the Year for 2015. It should be noted that this is the second time that Mr. Bell has been selected as Employee of the Year, which is indeed an honor.

Mr. Bell will receive a one-time monetary award of \$500.00 (which was budgeted for in Fiscal Year 2016), and he will also be eligible for nomination by the Town Commission for recognition by other agencies.

**PROCLAMATION  
OF THE TOWN OF LAKE PARK, FLORIDA  
RECOGNIZING DWAYNE BELL, SR.  
AS THE 2015 EMPLOYEE OF THE YEAR**

**WHEREAS; Dwayne Bell, Sr.** commenced his employment with the Town of Lake Park as an Equipment Operator II on October 30, 2006; and

**WHEREAS;** on October 3, 2007, **Dwayne Bell, Sr.** was promoted to the position of Equipment Operator III; and

**WHEREAS;** in recognition of the high degree of professionalism and the excellence with which he has always performed his duties, as well as his dependability and integrity, **Dwayne Bell, Sr.** was promoted to the position of Sanitation Foreman on December 28, 2013; and

**WHEREAS;** in such position, **Dwayne Bell, Sr.** has continued to excel by demonstrating excellent leadership and considerable expertise in handling major assignments, as well as a strong commitment to providing quality customer service to Town residents; and

**WHEREAS; Dwayne Bell, Sr.** was selected as the Employee of the Year for 2011 and in recognition for his selection as Employee of the Year for 2015, the Town of Lake Park wishes to publicly honor him again for his service and accomplishments.

**NOW, THEREFORE,** on behalf of the Commission of the Town of Lake Park, I, James DuBois, Mayor of the Town of Lake Park, do hereby publicly recognize and commend **Dwayne Bell, Sr.** for his continued dedication to duty and service, and recognize him as the Employee of the Year for 2015.

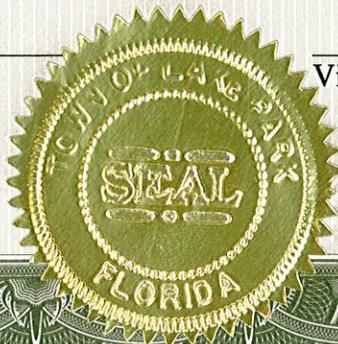
**IN WITNESS WHEREOF,** I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 5<sup>th</sup> day of October 2016.

BY:

ATTEST:

\_\_\_\_\_  
Mayor James DuBois

\_\_\_\_\_  
Vivian Mendez, Town Clerk



# Consent Agenda

# TAB 2



**Town of Lake Park Town Commission**

**Agenda Request Form**

Meeting Date: October 5, 2016

Agenda Item No. Tab 2

**Agenda Title: Final Public Hearing on the Budget Meeting Minutes of September 20, 2016.**

- SPECIAL PRESENTATION/REPORTS  CONSENT AGENDA
- BOARD APPOINTMENT  OLD BUSINESS
- PUBLIC HEARING ORDINANCE ON \_\_\_\_\_ READING
- NEW BUSINESS
- OTHER: \_\_\_\_\_

Approved by Town Manager *J. Edwards* Date: 9-23-16

*Shaquita Edwards, Administrative Assistant*  
Name/Title

|   |  |   |
|---|--|---|
| <b>Originating Department:</b><br><br><p style="text-align: center;">Town Clerk</p>                   | Costs: \$ 0.00<br>Funding Source:<br>Acct. #<br><input type="checkbox"/> Finance _____   | <b>Attachments:</b> <ul style="list-style-type: none"> <li>• Agenda</li> <li>• Minutes</li> <li>• Exhibits "A-C"</li> </ul> |
| <b>Advertised:</b><br>Date: _____<br>Paper: _____<br><input checked="" type="checkbox"/> Not Required | All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda. | Yes I have notified everyone _____<br>OR<br>Not applicable in this case <u>SE</u><br><b>Please initial one.</b>             |

**Summary Explanation/Background:**

**Recommended Motion:**

To approve the Final Public Hearing on the Budget Meeting Minutes of September 20, 2016.



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Final Public Hearing  
On the Budget Meeting  
Tuesday, September 20, 2016, 6:30 p.m.  
Lake Park Town Hall  
535 Park Avenue

|                              |   |                      |
|------------------------------|---|----------------------|
| <b>James DuBois</b>          | — | <b>Mayor</b>         |
| <b>Kimberly Glas-Castro</b>  | — | <b>Vice-Mayor</b>    |
| <b>Erin T. Flaherty</b>      | — | <b>Commissioner</b>  |
| <b>Anne Lynch</b>            | — | <b>Commissioner</b>  |
| <b>Michael O'Rourke</b>      | — | <b>Commissioner</b>  |
| .....                        |   |                      |
| <b>John O. D'Agostino</b>    | — | <b>Town Manager</b>  |
| <b>Thomas J. Baird, Esq.</b> | — | <b>Town Attorney</b> |
| <b>Vivian Mendez, CMC</b>    | — | <b>Town Clerk</b>    |

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- A. CALL TO ORDER/ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. PUBLIC HEARINGS

\*\*\*\*OPEN PUBLIC BUDGET HEARING\*\*\*\*

- A. Staff Report
- B. Public Comments
- C. Commission Deliberation

1. Resolution No. 37-09-16 Adopting the Final Millage Rate for Fiscal Year 2016-2017

Tab 1

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING A FINAL MILLAGE RATE FOR THE TOWN OF LAKE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; STATING THE

**ROLLED-BACK RATE FOR THE TOWN OF LAKE PARK; STATING THE PERCENT BY WHICH THE TOWN MILLAGE RATE EXCEEDS, IF ANY, THE ROLLED-BACK MILLAGE RATE; AND LEVYING FOR AD VALOREM TAXES ON ALL TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY IN THE TOWN OF LAKE PARK FOR FISCAL YEAR 2016/2017; PROVIDING FOR AN EFFECTIVE DATE.**

**2. Resolution No. 38-09-16 Adopting the Budget for Fiscal Year 2016-2017**

**Tab 2**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.**

**\*\*\*\*\* CLOSE PUBLIC BUDGET HEARING\*\*\*\*\***

**D. PUBLIC COMMENT:**

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**E. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**

**F. ADJOURNMENT:**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, September 21, 2016**



**Minutes**  
**Town of Lake Park, Florida**  
**Final Public Hearing**  
**on the Budget Meeting**  
**Tuesday, September 20, 2016, 6:30 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Final Public Hearing on the Budget Meeting on Tuesday, September 20, 2016 at 6:35 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty and Anne Lynch, Town Manager John O. D'Agostino, Assistant Town Attorney Kelly Gardner, and Town Clerk Vivian Mendez. Commissioner Michael O'Rourke was absent.

Town Clerk Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

**PUBLIC HEARING(S):**

**1. Resolution No. 37-09-16 Adopting the Final Millage Rate for Fiscal Year 2016-2017**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING A FINAL MILLAGE RATE FOR THE TOWN OF LAKE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; STATING THE ROLLED-BACK RATE FOR THE TOWN OF LAKE PARK; STATING THE PERCENT BY WHICH THE TOWN MILLAGE RATE EXCEEDS, IF ANY, THE ROLLED-BACK MILLAGE RATE; AND LEVYING FOR AD VALOREM TAXES ON ALL TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY IN THE TOWN OF LAKE PARK FOR FISCAL YEAR 2016/2017; PROVIDING FOR AN EFFECTIVE DATE.**

**2. Resolution No. 38-09-16 Adopting the Budget for Fiscal Year 2016-2017**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.**

Mayor DuBois opened the Public Hearing. Town Manager D'Agostino explained the item (see Exhibit "A").

Finance Director Blake Rane explained the projected decreases of the Analysis of Debt Service Millage to be about .7 for Fiscal Year 2016-2017 and 0 for Fiscal Year 2017-2018 (see Exhibit "B").

Vice-Mayor Glas-Castro suggested that the Town needed to budget funds for a lobbyist to increase revenues outside of the tax rate. She explained that a lobbyist was needed due to the limited availability of the Town Manager and Commissioners. Mayor DuBois suggested that Vice-Mayor Glas-Castro provided names of lobbyists to Town Manager D’Agostino. Town Manager D’Agostino explained that the Town would need to proceed with a Request for Qualifications. Commissioner Flaherty added that he would appreciate the presence of a lobbyist in Tallahassee for the Town of Lake Park. Commissioner Lynch suggested that the lobbyist needed to be local or nearby to provide an accurate representation of the Town and its mission. Mayor DuBois explained that lobbyists were not required to reside within the County or municipality for which they represent.

Vice-Mayor Glas-Castro informed the Commission that she would not vote on Resolution No. 38-09-16 due to concerns with the language of section 6 (see Exhibit “C”). Mayor DuBois explained that previously he suggested consideration for separate discussion of section 6 as it related to mechanisms. Town Manager D’Agostino explained that he asked the following two questions of neighboring municipalities; he stated, “Do you have the ability to transfer funds from within departments? and Do you have the ability to transfer funds from one department to another”. He read the response from Finance Director Randy M. Sherman for the City of Riviera Beach, “The City Manager and I can authorize transfers within a department. We are permitted to transfer between departments with Council approval. Internal department transfers happen throughout the year. We do present a mid-year report and request at that time Council approval for any contingency requests. We do not go back for end-of-year transfers”. He read the response from Village Clerk Melissa Teal for the Village of North Palm Beach, “Per Section 4 of the Annual Budget establishes limitations on expenditures by fund, and the total appropriation of each fund may not be increased or decreased without specific authorization by a duly enacted Ordinance effecting such amendment or transfer. However, specific activity and department amounts may be exceeded upon authorization of the Village Manager so long as excesses exist in other activities within said fund budget. Notwithstanding the foregoing, the Village Council shall approve, by ordinance or resolution as required, the transfer of all appropriations in excess of \$10,000 and all transfers from the Village’s Unassigned Fund Balance Account or Council Contingency Account”. He read the response from Village Manager Richard J. Reade for the Village of Palm Springs, “we are unable to move funding from department to department without a budget amendment that requires Council approval. We are able to move funding within a department that requires an administrative budget transfer”. Mayor DuBois suggested that in addition to the discussion of section 6 the Commission establish a threshold that would require approval of the Commission. Town Manager D’Agostino explained the importance of transparency as it related to agenda items brought before the Commission. Finance Director Rane suggested the Commission continue its discussion about section 6 of Resolution No. 38-09-16 on Wednesday, September 21, 2016 at 6:30 p.m. at the Regular Commission Meeting for the Town of Lake Park.

**Motion: Commissioner Flaherty moved to approve Resolution No. 37-09-16 Adopting the Final Millage Rate for Fiscal Year 2016-2017; Commissioner Lynch seconded the motion.**

Vote on Motion:

| Commission Member     | Aye | Nay | Other |
|-----------------------|-----|-----|-------|
| Commissioner Flaherty | X   |     |       |

|                        |   |  |        |
|------------------------|---|--|--------|
| Commissioner Lynch     | X |  |        |
| Commissioner O'Rourke  |   |  | Absent |
| Vice-Mayor Glas-Castro | X |  |        |
| Mayor DuBois           | X |  |        |

Motion passed 4-0

**Motion: Commissioner Lynch moved to approve Resolution 38-09-16 Adopting the Budget for Fiscal Year 2016-2017; Commissioner Flaherty seconded the motion.**

Town Manager D'Agostino announced that the Budget included the amount of \$20,000.00 for a lobbyist for the Town of Lake Park. Finance Director Rane announced that the raise for the Town Manager was also included in the budget.

Vote on Motion:

| Commission Member      | Aye | Nay | Other  |
|------------------------|-----|-----|--------|
| Commissioner Flaherty  | X   |     |        |
| Commissioner Lynch     | X   |     |        |
| Commissioner O'Rourke  |     |     | Absent |
| Vice-Mayor Glas-Castro |     | X   |        |
| Mayor DuBois           | X   |     |        |

Motion passed 3-0

**PUBLIC COMMENT OPENED:**

None

**PUBLIC COMMENT CLOSED:**

**TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**

**Assistant Town Attorney Gardner** had no comments

**Town Manager D'Agostino** had no comments

**Commissioner Lynch** had no comments

**Commissioner O'Rourke** was absent

**Commissioner Flaherty** Thanked the administration for the Town of Lake Park for preparing the Budget for Fiscal Year 2016-2017.

**Vice-Mayor Glas-Castro** Thanked the administration for the Town of Lake Park for preparing the Budget for Fiscal Year 2016-2017.

**Mayor DuBois** had no comments.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Flaherty and seconded by Commissioner Lynch, and by unanimous vote, the meeting adjourned at 7:24 p.m.

\_\_\_\_\_  
Mayor James DuBois

\_\_\_\_\_  
Administrative Assistant, Shaquita Edwards

\_\_\_\_\_  
Town Clerk, Vivian Mendez

Town Seal

Approved on this \_\_\_\_\_ of \_\_\_\_\_, 2016

Exhibit "A"

July 6, 2016

Town Commission  
Town of Lake Park

**Re: Draft Budget Transmittal Letter**

Dear Mayor James DuBois and Members of the Town Commission of Lake Park:

The purpose of the Town Manager's Transmittal Letter is to highlight the recommended changes to the Operating Budget and the proposed funding of Departmental Initiatives for the FY 16-17 Fiscal Year that will begin on October 1, 2016. I am recommending that the Millage Rate remain the same for FY 16-17 as was proposed for FY 15-16. The rate of 8.8055 which includes the Fire MSTU of 3.458. Therefore, the proposed Millage Rate without the Fire MSTU calculation is 5.3474. The millage rate has remained the same for the past three fiscal years. The increase in the General Fund Budget is the increase in value from FY 15-16 to FY 16-17; however, I must caution you that the proposed increase in value is the preliminary number provided to our Finance Director by the Palm Beach County Property Appraiser's Office. The actual numbers will be available through that office on or about July 1, 2016.

The Ad Valorem Tax increase is projected at \$167,497. The total General Fund Revenue increase is projected at \$580,774 from all revenue accounts. The revenue drivers for the General Fund include an Ad Valorem CRA increase of \$93,029, a Communications Tax Increase of \$7,891, an increase of \$27,798 increase in the Electric Franchise Fee (resulting from an estimated rate increase of 7% from Florida Power and Light, an increase in Penalties for Building Permits of \$5,500 (with the addition of a Part-Time Code Enforcement position to the budget). We expect an increase in Tennis Program revenue of \$19,000. Pursuant to the RFP which the Town has recently issued for the provision of Tennis Center Management and Maintenance Services, the new tennis professional will be is required to pay a license fee to the Town. We estimate that fee to be \$19,000 higher than the previous Tennis Professional. With an uptick in permits and construction in the Town of Lake Park, the percentage amount the Town of Hy-Byrd Inspections reimburses the Town at 20% of the fee will increase by \$110,000. We are also projecting an increase in investment income due to rate increases of \$11,500. The information contained in this portion of my transmittal letter is taken from General Fund Revenue.



Office of the  
Town Manager

535 Park Avenue  
Lake Park, FL 33403  
Phone: (561) 881-3304  
Fax: (561) 881-3314

[www.lakeparkflorida.gov](http://www.lakeparkflorida.gov)

## **General Fund Initiatives**

### **The following departmental initiatives are being presented as part of the Town Manager's proposed budget for the FY 16-17 Fiscal Year:**

#### **Town Commission Budget:**

The administration has proposed to fund \$18,495 in initiatives for the Town Commission Budget. Those initiatives consist of \$5,000 for Special Events for Commissioners to attend important network functions as official representatives of the Town of Lake Park. Further, the administration has proposed to fund the redesign of the Town's official website at \$10,000 in order to make it more intuitive and customer-friendly and the purchase of five new iPads for the Mayor and each Commissioner at \$3,495.00.

#### **Town Manager Department Budget:**

The Town Manager's budget initiative is \$53,000 to fund a Grants Writer position, which is a position which currently exists in the Town's Uniform Classification System but which has remained vacant since April of 2012.

The consensus expressed by the Commission at its June 15, 2016 meeting was to fund education reimbursements under one line item. Accordingly, it is being proposed that an initiative be funded for this purpose in the amount of \$14,500 as part of the Human Resource Department budget. Such education reimbursement initiatives will be listed separately in each department budget which will be for informational purposes only.

#### **Human Resources Department Budget:**

The Human Resource Department initiatives include \$14,500 for education reimbursements referenced above. Additionally, the initiative to provide a payment to each eligible employee for refusing the Town's health insurance coverage will appear in both the Finance and Library at \$3,960 each.

#### **Town Clerk Department Budget:**

The Town Clerk Department initiative is \$2,275 which represents 5% increase to upgrade the current Administrative Assistant position to Deputy Town Clerk, which will constitute a promotion. This initiative was not listed among the initial initiatives presented to the Commission on June 15, 2016.

#### **Information Technology Department Budget:**

The initiatives for the Information Technology Department include \$13,700 for Disaster Recovery at \$1,800, \$2,700 for Work Station Management Agent and Web Protection, \$6,000 to purchase new emergency management lap top computers to augment the Town's Emergency Operations Center at Station 68 in the event of a natural disaster and the purchase of a spare server at \$3,200.

**Finance Department Budget:**

The initiatives for the Finance Department include \$8,428 to reclassify the Chief Accountant to the Assistant Finance Director and to adjust the Town's pay plan for employees of the Finance Department to correspond to the recent salary/wage survey conducted by the Public Employers Personnel Information Exchange (PEPIE).

**Public Works Department Budget (Administration Division):**

The initiatives for the Public Works Administration Division consist of \$3,000 to purchase two desk top computers, and \$25,078 for the hiring of a full-time Administrative Assistant half way through the FY 16-17 budget at the mid-year budget adjustment period.

**Public Works Department Budget (General Maintenance Division):**

The initiative for the Public Works Grounds Maintenance Division is \$20,000 to purchase a new 72-inch mulch mower (Toro Grounds Master).

**Community Development Department Budget:**

The initiative for the Community Development Department is \$22,391 to fund a part-time Code Compliance Officer position to work nights and weekends. Revenue has been increased by \$5,500 in anticipation of hiring the part time Code Compliance Officer.

**Special Events (Formerly Parks and Recreation) Department Budget:**

The initiative for the Special Events Department is \$60,544 for a full-time Recreation Supervisor which was mislabeled at our June 16, 2016 initiatives review as an Assistant Events Supervisor. The actual position is a Recreation Supervisor. The figure of \$60,544 includes benefits and FICA.

**Library Budget:**

The initiatives for the Library are \$23,297 to meet the personnel needs of the Library as recommended by the Library Director, i.e.: A \$3,000 increase for the Librarian I; and, an increase of \$7,580 to bring the part-time Library Accounting Clerk up to full time and to fund an additional part-time Library Assistant I at \$12,717 (including FICA). The increase requested by the Library Director of the current part-time Library Assistant I hours from 10 hours to 25 hours is not necessary as this position was reclassified to full-time position during this current fiscal year. The total operating budget for the Library increased from \$260,389 to \$290,000 (rounded up). The purchase of material for the Library and the Children's Room as requested by the Library Director.

## **Roads Fund and Enterprise Funded Initiatives**

### **Public Works Department Streets and Road Fund Budget:**

The Public Works Department Road Fund Budget increase of \$190,000 is proposed by using Earl Stewart Funds for road projects. The Park Avenue Streetscape redesign, the Park Avenue driveway turn-outs between the 700 to 900 blocks will be completed using Earl Stewart Funds as well as the Park Avenue mill and overlay between the 800 and 900 block.

Further, the purchase of a self-propelled line striping machine and a used Palm Beach County dump truck is proposed for purchase. The Earl Stewart Funds will be used for actual road construction and reconstruction projects and not the purchase of equipment. The cost of the Park Avenue streetscape, sidewalk and driveway turn-outs as well as the mill and overlay of Park Avenue between the 700 to 900 blocks will cost \$165,000.

### **Public Works Facilities Maintenance Division Budget:**

The Public Works Facilities Maintenance Division Budget is proposed to increase by \$44,787 (including FICA) to add one additional full-time Facilities Maintenance Worker II position. The purpose of this position is to begin a rigorous maintenance schedule for all Town-owned public buildings. Our public buildings are the largest investment our community has made throughout the years in the Town of Lake Park. The preservation and upkeep of public buildings is paramount to protecting the public investment made by our taxpayers.

### **Marina Fund Budget:**

The Marina Fund will realize a proposed increase in revenue of \$63,155. The Marina is expecting an increase of \$40,000 in wet slip income. The projected increase in costs to rent slips at the Riviera Beach Marina will permit the Lake Park Marina to increase wet slip rental fees an estimated 5.7%. With the implementation of a flat rate utility charge, the Marina expects to see an increase of \$42,500 in electric revenue over last year.

With the purchase of a self-propelled line striping machine for the Streets and Roads Fund, the Marina can have the parking lots re-striped and pay an internal fee for the service to the Streets and Roads Fund for such services. The Marina has decided to keep the part-time Dock Attendant position currently budgeted in the Marina Fund budget rather than increase that position from part-time to full-time.

### **Stormwater Utility Fund Budget:**

The Stormwater Utility Fund proposes to transfer \$190,000 from fund balance to achieve two very important objectives: To update the 1999 Master Drainage Plan (phase I, Town-wide) and to replace the deep drainage structure and outfall line at the Earman River. As directed by the Town Commission, I will be working with the North Palm Beach Village

Manager as well as other stakeholders in this issue to discuss possible monetary contributions from them to the cost of this project.

**Sanitation Fund Budget:**

The Sanitation Fund proposes to replace the clam shell truck at \$140,000 from the Sanitation Fund balance. The other initiatives as proposed in the Sanitation Fund will be completed using fund balance.

**Conclusion:**

In conclusion, the proposed Town Manager's Budget is balanced **without an increase in the Millage Rate**. The proposed budget provides funding for key personnel for the Library, Facilities Maintenance, and the Special Events Department. The addition of such personnel will ensure program continuity and expansion. Further, the addition of a part-time Grants Writer will enable the Town to identify and attract much needed grant funding to supplement projects and services throughout the Town of Lake Park. The Grants Writer position will provide grant support across the organizational structure. With the purchase of a self-propelled line painting machine, Public Works personnel can now paint road lines throughout the Town. The roadwork planned for the 700 to 900 block of Park Avenue along with sidewalk reconstruction between the 700 to 900 block and a new landscape plan for Park Avenue will serve to attract new business possibilities to Park Avenue.

As we begin the budget deliberation process, the attached budget is now balanced and addresses the important initiatives of the administration and hopefully the Town Commission. The Commission's budget deliberation will enhance the budget as together we formulate a budget document that meets the needs of the entire Lake Park community.

Sincerely Yours,



John O. D'Agostino  
Town Manager, Town of Lake Park

**TOWN OF LAKE PARK**  
**FISCAL YEAR 2015 - 2016**  
**ANALYSIS OF DEBT SERVICE MILLAGE**

**FOR TEN YEAR PERIOD 2007 - 2016**

|        |         | Inc./Dec.  | % Inc./Dec. |
|--------|---------|------------|-------------|
| Fiscal | Oper.   | Over Prior | Over Prior  |
| Year   | Millage | Year       | Year        |
| 2008   | 0.9500  | (0.3500)   | -26.92%     |
| 2009   | 1.1500  | 0.2000     | 21.05%      |
| 2010   | 1.4000  | 0.2500     | 21.74%      |
| 2011   | 1.7000  | 0.3000     | 21.43%      |
| 2012   | 1.8200  | 0.1200     | 7.06%       |
| 2013   | 1.7921  | (0.0279)   | -1.53%      |
| 2014   | 1.7400  | (0.0521)   | -2.91%      |
| 2015   | 1.6650  | (0.0750)   | -4.31%      |
| 2016   | 1.5600  | (0.1050)   | -6.31%      |
| 2017   | 1.4280  | (0.1320)   | -8.46%      |

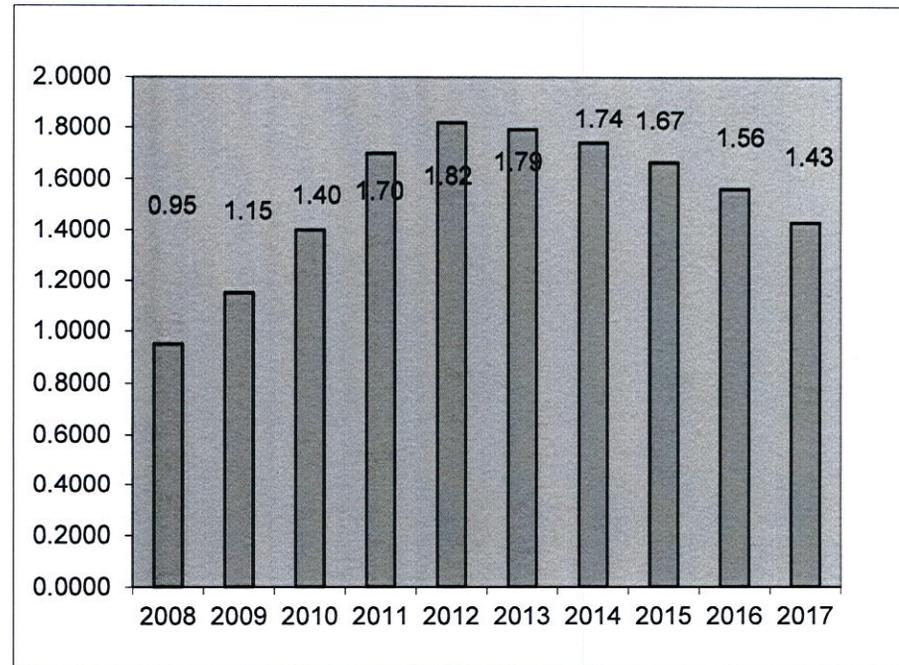


Exhibit "C"

**RESOLUTION NO. 38-09-16**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.**

**WHEREAS**, pursuant to Article VIII, §2 of the Florida Constitution the Town of Lake Park has the governmental, corporate and proprietary powers to conduct municipal government; and

**WHEREAS**, pursuant to Section 166.241, Florida Statutes, each municipality in the state of Florida is required to establish a fiscal year beginning October 1 of each year and ending September 30 of the following year and shall adopt a budget each fiscal year.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AS FOLLOWS:**

**Section 1.** As hereinafter stated in this resolution, the term "fiscal year" shall mean that period of time beginning October 1, 2016, and including September 30, 2017.

**Section 2.** The revenues hereinafter incorporated by reference shall be, and the same hereby are, appropriated to provide the monies to be used to pay the necessary operating and other expenses of the respective funds and departments of the Town of Lake Park for the above described fiscal year.

**Section 3.** Sums hereinafter incorporated by reference listed as operating and other expenses of the respective funds and departments of the Town shall be, and the same hereby are, appropriated and shall be paid out of the revenues herein appropriated for said fiscal year.

**Section 4.** The revenues and the expenses for which appropriations are hereby made, all set forth above, shall be as follows:

- A. As set out in the amended proposed Town of Lake Park General Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- B. As set out in the amended proposed Town of Lake Park Debt Service Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- C. As set out in the amended proposed Town of Lake Park Insurance Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- D. As set out in the amended proposed Town of Lake Park Special Projects Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- E. As set out in the amended proposed Town of Lake Park Streets and Roads Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- F. As set out in the amended proposed Town of Lake Park Marina Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.

- G. As set out in the amended proposed Town of Lake Park Stormwater Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- H. As set out in the amended proposed Town of Lake Park Sanitation Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.

**Section 5.** The sums hereinbefore incorporated by reference based upon departmental estimates prepared by the Town Manager and the Finance Director shall be, and the same hereby are, fixed and adopted as the budget for the operation of the Town of Lake Park Government and its other enterprises for the fiscal year beginning October 1, 2016.

**Section 6.** The Town Manager is hereby authorized to amend/transfer appropriations between departmental accounts provided, however, that total appropriated expenditures by fund do not exceed Commission authorized amounts.

**Section 7.** The Town of Lake Park adopts the provisions of Florida Statutes 200 which provides for the expenditures of monies for the fiscal year based upon the proposed budget approved by the Town Commission of the Town of Lake Park.

**Section 8.** This Resolution shall take effect immediately upon adoption.

THE REST OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY.

The foregoing Resolution was offered by Commissioner Lynch who moved its adoption. The motion was seconded by Commissioner Flaherty and upon being put to a roll call vote, the vote was as follows:

|                                 | AYE           | NAY |
|---------------------------------|---------------|-----|
| MAYOR JAMES DUBOIS              | ✓             | —   |
| VICE-MAYOR KIMBERLY GLAS-CASTRO | —             | ✓   |
| COMMISSIONER ERIN FLAHERTY      | ✓             | —   |
| COMMISSIONER ANNE LYNCH         | ✓             | —   |
| COMMISSIONER MICHAEL O'ROURKE   | <u>Absent</u> |     |

The Town Commission thereupon declared the foregoing Resolution NO. 38-09-16 duly passed and adopted this 20 day of September, 2016.

TOWN OF LAKE PARK, FLORIDA

BY: James Dubois  
JAMES DUBOIS  
MAYOR

ATTEST:

Vivian Mendez  
VIVIAN MENDEZ  
TOWN CLERK



Approved as to form and legal sufficiency:

BY: Kelly Gooden on behalf of  
THOMAS J. BAIRD  
TOWN ATTORNEY

# TAB 3



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 5, 2016

Agenda Item No. Tab 3

Agenda Title: Regular Commission Meeting Minutes of September 21, 2016

- SPECIAL PRESENTATION/REPORTS  CONSENT AGENDA
- BOARD APPOINTMENT  OLD BUSINESS
- PUBLIC HEARING ORDINANCE ON \_\_\_\_ READING
- NEW BUSINESS
- OTHER: \_\_\_\_\_

Approved by Town Manager *[Signature]* Date: 9-28-16  
*Shaquita Edwards, Administrative Assistant*  
 Name/Title

|   |  |   |
|---|--|---|
| <b>Originating Department:</b><br><br>Town Clerk  | Costs: \$ 0.00<br>Funding Source:<br>Acct. #<br><input type="checkbox"/> Finance _____   | <b>Attachments:</b> <ul style="list-style-type: none"> <li>• Agenda</li> <li>• Minutes</li> <li>• Exhibits "A-D"</li> </ul> |
| <b>Advertised:</b><br>Date: _____<br>Paper: _____<br><input checked="" type="checkbox"/> Not Required | All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda. | Yes I have notified everyone _____<br>OR<br>Not applicable in this case <u>SE</u><br><b>Please initial one.</b>             |

Summary Explanation/Background:

To approve the Regular Commission Meeting Minutes of September 21, 2016.



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, September 21, 2016, 6:30 PM  
Lake Park Town Hall  
535 Park Avenue

|                              |   |                      |
|------------------------------|---|----------------------|
| <b>James DuBois</b>          | — | <b>Mayor</b>         |
| <b>Kimberly Glas-Castro</b>  | — | <b>Vice-Mayor</b>    |
| <b>Erin T. Flaherty</b>      | — | <b>Commissioner</b>  |
| <b>Anne Lynch</b>            | — | <b>Commissioner</b>  |
| <b>Michael O'Rourke</b>      | — | <b>Commissioner</b>  |
| <hr/>                        |   |                      |
| <b>John O. D'Agostino</b>    | — | <b>Town Manager</b>  |
| <b>Thomas J. Baird, Esq.</b> | — | <b>Town Attorney</b> |
| <b>Vivian Mendez, CMC</b>    | — | <b>Town Clerk</b>    |

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, 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. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

A. **CALL TO ORDER/ROLL CALL**

B. **PLEDGE OF ALLEGIANCE**

C. **SPECIAL PRESENTATIONS/REPORTS**

1. Proclamation for Dwayne Bell, Sr. Employee of the Year for 2015 Tab 1
2. Marina Update Tab 2
3. Status Report on the Condition of the Town's Stormwater Drainage System and the Utility that Supports its Maintenance and Construction Tab 3

D. **PUBLIC COMMENT:**

This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

**E. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda. Any person wishing to speak on an agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.**

**4. Regular Commission Meeting minutes of September 7, 2016** **Tab 4**

**5. First Public Hearing on the Budget Meeting minutes of September 8, 2016** **Tab 5**

**F. PUBLIC HEARING(S) – ORDINANCE ON FIRST READING:**

**6. Ordinance No. 9-2016 Comprehensive Plan – Mixed Use** **Tab 6**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN AS IT RELATES TO THE COMMERCIAL/RESIDENTIAL LAND USE DESIGNATION AND RESPECTIVE CAPACITY ANALYSIS.**

**G. PUBLIC HEARING(S)-QUASI-JUDICIAL – RESOLUTION:**

**7. Resolution No. 39-09-16 Site Plan Application for the Special Exception use for a Self-Storage Facility that is proposed in Two Phases and will Include a total of 201,600 Square Feet, to be located with the Congress Business Park Planned Unit Development.** **Tab 7**

**H. PUBLIC HEARING(S) - ORDINANCE ON SECOND READING:**

**8. Ordinance No. 06-2016 Amending Chapter 78, Article I, Section 78-6 of the Lake Park Town Code, Entitled “REASONABLE ACCOMMODATION PROCEDURES” in its Entirety and Replacing it with New Reasonable Accommodation Regulations to Protect Persons with Disabilities due to Substance Abuse and the General Public.** **Tab 8**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78, ARTICLE I, SECTION 78-6 OF THE LAKE PARK TOWN CODE, ENTITLED “REASONABLE ACCOMMODATION PROCEDURES” IN ITS ENTIRETY AND REPLACING IT WITH NEW REASONABLE ACCOMMODATION REGULATIONS TO PROTECT PERSONS WITH DISABILITIES DUE TO SUBSTANCE ABUSE AND THE GENERAL PUBLIC; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**9. Ordinance No. 07-2016 Updating the Threshold for Capitalization Assets from \$750.00 to \$5,000.00** **Tab 9**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, SECTION 2-24**

**PERTAINING TO THE RECORDING AND INVENTORY OF CERTAIN PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**10. Ordinance No. 08-2016 A Town Initiated Ordinance Proposing the Modification of Town Code Section 18-123(7) Allowing Liquor Vendors of Special Events held on Town Property to Provide their own Liquor Legal Liability Insurance to the Town.**

**Tab 10**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 18, ARTICLE IV, SECTION 18-123 OF THE TOWN CODE ENTITLED "ADDITIONAL CRITERIA FOR PERMIT APPROVAL"; PROVIDING FOR THE AMENDMENT OF SECTION 18-123(7) RELATED TO THE LIQUOR LEGAL LIABILITY INSURANCE; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**I. BOARD MEMBERSHIP NOMINATION:**

**11. Joseph Rice- Nominated for appointment to the Planning & Zoning Board as a Regular Member**

**Tab 11**

**J. NEW BUSINESS:**

**12. A Request from the Event Organizers of the South Florida Southern Rock Festival to Waive Facility Rental and Event Parking Fees for Event on October 1-2, 2016 at Lake Shore Park.**

**Tab 12**

**13. Continuing Professional Services Contract with Calvin, Giordano & Associates in Support of the Park Avenue Roadway Improvement Project**

**Tab 13**

**14. Revision of the Employee Evaluation Forms for General Employees and for Department Head/Supervisory Employees**

**Tab 14**

**15. Resolution No. 40-09-16 Authorizing the Mayor to Sign the Grant Agreement for State Aid to Libraries**

**Tab 15**

**16. Resolution No. 41-09-16 Recognizing Florida City Government Week from October 16-22, 2016**

**Tab 16**

**17. Resolution No. 42-09-16 to Amend the Town of Lake Park Uniform Classification System to Revision the Job Description for the Position of Chief Accountant.**

**Tab 17**

**18. Amendment of the Town of Lake Park Position Titles, Job Codes and Pay Plan for Fiscal Year 2017.**

**Tab 18**

**19. Resolution No. 43-09-16 Authorizing and Directing the Mayor to Execute the Second Amendment to the Town Manager Employment Agreement between the Town of Lake Park and John O. D'Agostino**

**Tab 19**

**K. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**

**L. ADJOURNMENT:**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, October 5, 2016**



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, September 21, 2016, 6:30 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, September 21, 2016 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Anne Lynch and Michael O'Rourke, Town Manager John O. D'Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Town Clerk Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

Mayor DuBois requested that items under New Business be moved to the Consent Agenda.

**Motion: Vice-Mayor Glas-Castro moved to reorder the agenda by moving New Business items 14, 15, and 16 to the Consent Agenda; Commissioner O'Rourke seconded the motion.**

Vote on Motion:

| Commission Member      | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty  | X   |     |       |
| Commissioner Lynch     | X   |     |       |
| Commissioner O'Rourke  | X   |     |       |
| Vice-Mayor Glas-Castro | X   |     |       |
| Mayor DuBois           | X   |     |       |

Motion passed 5-0.

**SPECIAL PRESENTATIONS/REPORTS**

**1. Proclamation for Dwayne Bell, Sr. Employee of the Year for 2015.**

This items was moved to the October 5, 2016 Regular Commission meeting.

**2. Marina Update.**

Marina Director Ted Schiafone presented the Marina update (see Exhibit "A"). Commissioner Lynch expressed appreciation for the proposed objectives for the Marina. She offered to be a part of the marine experience center discussed during the presentation. She offered to show him a cargo trailer that has been on the Marina property for some time. She asked if vessel owners have been notified of fee changes. Marina Director Schiafone stated that raising fees were not being proposed at this time.

Commissioner O'Rourke asked where do the charter vessels fit in the dive community. Marina Director Schiafone stated that a review of the charter village would be reviewed to see if the current charter vessels fit. He stated that his concern was how they operate on the Marina property. He had an idea of which charter vessels were good and which ones were not as good. Commissioner O'Rourke asked if the Marina staff had a sense of how many charter dives take place. Marina Director Schiafone stated that they do not have that information, but he had a sense.

Commissioner Flaherty asked if it were possible to accommodate parking for all the patrons during a busy weekend. Marina Director Schiafone suspected that one charter vessel company was using outside parking and bringing in their patrons to assist with the parking situation. Commissioner Flaherty asked if the exterior showers were shut off at night. Marina Director Schiafone stated that they could be shut off at night, but the security company checks on them regularly.

Vice-Mayor Glas-Castro asked with the new payment system would patrons be paying to launch or park. Marina Director Schiafone stated that patrons would be paying to launch. He stated that with the new payment app, truck trailers could pay to park overnight.

Mayor DuBois stated that NOVA South Eastern as well as the Smithsonian in Fort Pierce had well respected Marine programs. He stated that the South Florida Water Management District and FPL had scientist that could be brought in to teach. Marina Director Schiafone stated that he had researched a few of those organizations. Mayor DuBois stated that when planning for parking there was always going to be an issue during holidays. He asked if there was any idea as to when the Marina Enterprise Fund would generate the revenue for a Marina Enterprise Capital Improvement Fund. Finance Director Blake Rane explained that the 2016 Fiscal Year would end with between \$50,000 - \$75,000 positive cash flow from the Marina.

### **3. Status Report on the Condition of the Town's Stormwater Drainage System and the Utility that Supports its Maintenance and Construction.**

Town Manager D'Agostino explained the item. He introduced Patrick Figurella of Calvin Giordano & Associates, who presented a status report (see Exhibit "B"). Public Works Director Dave Hunt explained the importance of the National Pollution Discharge Elimination System permit held by the Town. He informed the Commission that an annual maintenance report must be provided to the Florida Department of Environmental Protection on behalf of the Environmental Protection Agency and that fines are associated with non-compliance of the permit.

#### **PUBLIC COMMENT:**

None

#### **CONSENT AGENDA:**

**4. Regular Commission meeting minutes of September 7, 2016.**

**5. First Public Hearing on the Budget Meeting minutes of September 8, 2016.**

**14. Revision of the Employee Evaluation Forms for General Employees and for Department Head/Supervisory Employees**

**15. Resolution No. 40-09-16 Authorizing the Mayor to Sign the Grant Agreement for State Aid to Libraries**

**16. Resolution No. 41-09-16 Recognizing Florida City Government Week from October 16-22, 2016**

**Motion: Commissioner O'Rourke moved to approve the consent agenda; Commissioner Lynch seconded the motion.**

Vote on Motion:

| Commission Member      | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty  | X   |     |       |
| Commissioner Lynch     | X   |     |       |
| Commissioner O'Rourke  | X   |     |       |
| Vice-Mayor Glas-Castro | X   |     |       |
| Mayor DuBois           | X   |     |       |

Motion passed 5-0.

**PUBLIC HEARING(S) – ORDINANCE ON FIRST READING:**

**6. Ordinance No. 9-2016 Comprehensive Plan – Mixed Use**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN AS IT RELATES TO THE COMMERCIAL/RESIDENTIAL LAND USE DESIGNATION AND RESPECTIVE CAPACITY ANALYSIS.**

Town Attorney Baird requested that the item be continued to the October 5, 2016 Regular Commission meeting while staff continues to work through the language in the Ordinance.

**Motion: Commissioner O'Rourke moved to continue Ordinance 09-2016 to the October 5, 2016 Regular Commission meeting; Commissioner Lynch seconded the motion.**

Vote on Motion:

| Commission Member      | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty  | X   |     |       |
| Commissioner Lynch     | X   |     |       |
| Commissioner O'Rourke  | X   |     |       |
| Vice-Mayor Glas-Castro | X   |     |       |
| Mayor DuBois           | X   |     |       |

Motion passed 5-0.

**PUBLIC HEARING(S)-QUASI-JUDICIAL – RESOLUTION:**

**7. Resolution No. 39-09-16 Site Plan Application for the Special Exception use for a Self-Storage Facility that is proposed in Two Phases and will Include a total of 201,600 Square Feet, to be located with the Congress Business Park Planned Unit Development.**

Disclosure of Ex-Parte Communication:

Commissioner Flaherty disclosed that he sent a “thank you” email to the applicant.

Commissioner Lynch had no ex-parte communication to disclose.

Commissioner O’Rourke had no ex-parte communication to disclose.

Vice-Mayor Glas-Castro had no ex-parte communication to disclose.

Mayor DuBois disclosed that he met with the applicant for about an hour.

Attorney Baird sworn in all witnesses.

Community Development Director Nadia DiTommaso explained the item (see Exhibit “C”).

Brian Cheguis of iPlan & Design, LLC explained the item (see Exhibit “D”).

Commissioner Lynch asked Mr. Cheguis for clarification of the period for the outdoor storage of recreational vehicles including RV Campers, Boats and Trailers. Mr. Cheguis answered, “two to three years” and explained that there was a limited lifetime for outdoor storage. Commissioner Flaherty asked Mr. Cheguis to explain the fencing specifications. Mr. Cheguis explained that upon the completion of Phase II Spacebox would remove fencing and enhance the landscape to make Spacebox an open access facility. Commissioner Lynch asked Mr. Cheguis about security measures for outdoor storage for the period of Phase I. Mr. Cheguis explained that in Phase I there would be a keypad access gate, security cameras and additional lighting after hours. Commissioner O’Rourke asked that Mr. Cheguis explain the buffers. Community Development Director DiTommaso explained that the Planned Unit Development established the perimeter buffers per site specifications and interior buffers are set by Code at 8 feet in width. Mr. Cheguis added that the buffers were in compliance (see Exhibit “E”). Vice-Mayor Glas-Castro asked Mr. Cheguis to provide clarification for the privacy security 8-foot post and panel concrete wall for outdoor storage during Phase I. She explained that Mr. Cheguis announced fencing specifications during his presentation and that information was not included in the site plan. Community Development Director DiTommaso added that she also relied on the information represented in the site plan (see Exhibit “E”). Mr. Cheguis explained that after thorough analysis of Phase II with enhanced landscape, it would be most convenient to use a chain-link fence versus a post and panel concrete wall. Vice-Mayor Glas-Castro asked Mr. Cheguis what was the increased landscape size and explanations on how the plant selections and sizes on the proposed landscape plans exceeded the code requirements as represented by the applicant. Mr. Cheguis explained the increased landscape specifications (see landscape plans in the site plan package-Exhibit “E”). Vice-Mayor Glas-Castro asked Mr. Cheguis why the applicant had chosen not to adhere the recommendation for improved architectural detail and to extend the width of the canopy provided by the Town of Lake Park Planning and Zoning Board. Mr. Cheguis explained that the architectural element was designed to meet criteria for façade

purposes and that details were not accurately conveyed to the architect. Vice-Mayor Glas-Castro asked what was the construction time for Phase I. Mr. Cheguis explained that Phase I construction would be completed in 10-12 months after the final approval of permits. Vice Mayor Glas-Castro asked whether the storage facility being built in North Palm Beach was considered in the market analysis and Mr. Cheguis responded that the Northlake Boulevard and Burns Road facilities being built were considered. Vice-Mayor Glas-Castro suggested that Phase 2 be completed by the PBC Traffic buildout date of December 31, 2018. Vice-Mayor Glas-Castro indicated that the appraisal provided reflected the construction of both buildings and that it did not accurately reflect the interim of construction, millage rates and that half of the value should be assumed. Vice-Mayor Glas-Castro suggested in the future that all application material be provided to the Commission, particularly the Market Study the applicant prepared. Mayor DuBois asked Mr. Cheguis if he had a total for traffic impact fees; Mr. Cheguis apologized and explained that he did not have that information. Mayor DuBois suggested modifications to include window fenestrations, scoring and enhanced design features such as louvers or Bahama shutters. Director of Development Mr. Casey Tippens addressed the Commission and explained that they would consider all recommendations and explained they are highly invested in the site and the project already. Commissioner Lynch asked what was the projected completion time for Phase I & II. Mr. Cheguis explained that Phase II would be completed at least 36 months after Phase I commences.

**PUBLIC COMMENT:**

None

**Motion: Commissioner O'Rourke moved to continue Resolution No. 39-09-16 to the October 19, 2016 Regular Commission meeting; Commissioner Lynch seconded the motion.**

Vote on Motion:

| Commission Member      | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty  | X   |     |       |
| Commissioner Lynch     | X   |     |       |
| Commissioner O'Rourke  | X   |     |       |
| Vice-Mayor Glas-Castro | X   |     |       |
| Mayor DuBois           | X   |     |       |

Motion passed 5-0.

**PUBLIC HEARING(S) - ORDINANCE ON SECOND READING:**

**8. Ordinance No. 06-2016 Amending Chapter 78, Article I, Section 78-6 of the Lake Park Town Code, Entitled "REASONABLE ACCOMMODATION PROCEDURES" in its Entirety and Replacing it with New Reasonable Accommodation Regulations to Protect Persons with Disabilities due to Substance Abuse and the General Public.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78, ARTICLE I, SECTION 78-6 OF THE LAKE PARK TOWN CODE, ENTITLED "REASONABLE ACCOMMODATION PROCEDURES" IN ITS ENTIRETY AND REPLACING IT**

**WITH NEW REASONABLE ACCOMMODATION REGULATIONS TO PROTECT PERSONS WITH DISABILITIES DUE TO SUBSTANCE ABUSE AND THE GENERAL PUBLIC; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Motion: Commissioner O'Rourke moved to approve Ordinance No. 06-2016 on second reading; Commissioner Flaherty seconded the motion.**

Vote on Motion:

| Commission Member      | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty  | X   |     |       |
| Commissioner Lynch     | X   |     |       |
| Commissioner O'Rourke  | X   |     |       |
| Vice-Mayor Glas-Castro | X   |     |       |
| Mayor DuBois           | X   |     |       |

Motion passed 5-0.

**9. Ordinance No. 07-2016 Updating the Threshold for Capitalization Assets from \$750.00 to \$5,000.00.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, SECTION 2-24 PERTAINING TO THE RECORDING AND INVENTORY OF CERTAIN PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**Motion: Commissioner O'Rourke moved to approve Ordinance No. 07-2016 on second reading; Commissioner Flaherty seconded the motion.**

Vote on Motion:

| Commission Member      | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty  | X   |     |       |
| Commissioner Lynch     | X   |     |       |
| Commissioner O'Rourke  | X   |     |       |
| Vice-Mayor Glas-Castro | X   |     |       |
| Mayor DuBois           | X   |     |       |

Motion passed 5-0.

**10. Ordinance No. 08-2016 A Town Initiated Ordinance Proposing the Modification of Town Code Section 18-123(7) Allowing Liquor Vendors of Special Events held on Town Property to Provide their own Liquor Legal Liability Insurance to the Town.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 18, ARTICLE IV, SECTION 18-123 OF THE TOWN CODE ENTITLED "ADDITIONAL CRITERIA FOR PERMIT APPROVAL"; PROVIDING FOR THE AMENDMENT OF SECTION 18-123(7) RELATED TO THE LIQUOR LEGAL LIABILITY INSURANCE; PROVIDING**

**FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Motion: Commissioner O'Rourke moved to approve Ordinance No. 08-2016 on second reading; Commissioner Flaherty seconded the motion.**

Vote on Motion:

| Commission Member      | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty  | X   |     |       |
| Commissioner Lynch     | X   |     |       |
| Commissioner O'Rourke  | X   |     |       |
| Vice-Mayor Glas-Castro | X   |     |       |
| Mayor DuBois           | X   |     |       |

Motion passed 5-0.

**BOARD MEMBERSHIP NOMINATION:**

**11. Joseph Rice- Nominated for appointment to the Planning & Zoning Board as a Regular Member.**

**Motion: Mayor DuBois nominated Mr. Rice for the Planning & Zoning Board; Commissioner Flaherty seconded the nomination.**

Vote on Motion:

| Commission Member      | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty  | X   |     |       |
| Commissioner Lynch     | X   |     |       |
| Commissioner O'Rourke  | X   |     |       |
| Vice-Mayor Glas-Castro | X   |     |       |
| Mayor DuBois           | X   |     |       |

Motion passed 5-0

**NEW BUSINESS:**

**12. A Request from the Event Organizers of the South Florida Southern Rock Festival to Waive Facility Rental and Event Parking Fees for Event on October 1-2, 2016 at Lake Shore Park.**

Town Manager D'Agostino explained that Town Administration and the event organizers of the South Florida Southern Rock Festival have met with all stakeholders, Palm Beach County Sheriff's Office and Palm Beach County Fire Rescue to establish plans. He explained that the total financial impact to the Town for fee waivers totaled \$3,602.60. Mr. Johnny Ringo of Southern Events and Promotions, Inc. introduced himself and addressed the Commission. He explained that plans would be acknowledged and finalized with Palm Beach County Sheriff's Office and Fire Rescue on Thursday, September 22, 2016. Mayor DuBois asked Mr. Ringo why the Town should waive the requested fees. Mr. Ringo explained that he was granted fees waivers for previous events held in the Town of Lake Park. Town Manager D'Agostino explained that there was a request for the closure of Lake Shore Drive from on October 1<sup>st</sup> and 2<sup>nd</sup>, 2016 from 11:00 a.m. until 7:00 p.m. to accommodate additional parking. Commissioner O'Rourke asked

for clarification of fee waivers in the amount of \$3,602.60. Town Manager D'Agostino explained that the total was based on the specifications for South Florida Rock Festival. Special Events Director Riunite Franks explained that the fee included staff for the rental of the Lake Shore Indoor Pavilion and that the additional fees would not affect the Town Budget. Vice-Mayor Glas-Castro asked if Tennis Programs were canceled for the duration of the event. Town Manager D'Agostino explained that the Tennis Programs were not canceled. Vice-Mayor Glas-Castro asked Mr. Ringo if admission to the event was free for the residents of Lake Park and if proceeds from alcohol sales would go to the Lake Park Kiwanis Club; Mr. Ringo answered, "Yes" and explained that additional charitable organizations would be present at the event. Mr. Ringo explained that attendees were permitted to bring chairs and asked the Commission if bleachers were available for use. Mayor DuBois authorized the use of the bleachers for the Festival.

**Motion: Commissioner O'Rourke moved to approve the request from the event organizers of the South Florida Southern Rock Festival to waive facility rental and event parking fees for event on October 1-2, 2016 at Lake Shore Park and use of bleachers; Commissioner Lynch seconded the motion.**

Vote on Motion:

| Commission Member      | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty  | X   |     |       |
| Commissioner Lynch     | X   |     |       |
| Commissioner O'Rourke  | X   |     |       |
| Vice-Mayor Glas-Castro | X   |     |       |
| Mayor DuBois           | X   |     |       |

Motion passed 5-0

**13. Continuing Professional Services Contract with Calvin, Giordano & Associates in Support of the Park Avenue Roadway Improvement Project**

**Motion: Commissioner Flaherty moved to continue Professional Services Contract with Calvin, Giordano & Associates in support of the Park Avenue Roadway Improvement Project; Commissioner Lynch seconded the motion.**

Vote on Motion:

| Commission Member      | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty  | X   |     |       |
| Commissioner Lynch     | X   |     |       |
| Commissioner O'Rourke  | X   |     |       |
| Vice-Mayor Glas-Castro | X   |     |       |
| Mayor DuBois           | X   |     |       |

Motion passed 5-0.

**17. Resolution No. 42-09-16 to Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Chief Accountant.**

**Motion: Vice-Mayor Glas-Castro moved to approve Resolution No. 42-09-16; Commissioner Flaherty seconded the motion.**

Vote on Motion:

| Commission Member      | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty  | X   |     |       |
| Commissioner Lynch     | X   |     |       |
| Commissioner O'Rourke  | X   |     |       |
| Vice-Mayor Glas-Castro | X   |     |       |
| Mayor DuBois           | X   |     |       |

Motion passed 5-0.

**18. Amendment of the Town of Lake Park Position Titles, Job Codes and Pay Plan for Fiscal Year 2017.**

**Motion: Commissioner Lynch moved to approve amendment of the Town of Lake Park Position Titles, Job Codes and Pay Plan for Fiscal Year 2017; Commissioner Flaherty seconded the motion.**

Vote on Motion:

| Commission Member      | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty  | X   |     |       |
| Commissioner Lynch     | X   |     |       |
| Commissioner O'Rourke  | X   |     |       |
| Vice-Mayor Glas-Castro | X   |     |       |
| Mayor DuBois           | X   |     |       |

Motion passed 5-0.

**19. Resolution No. 43-09-16 Authorizing and Directing the Mayor to Execute the Second Amendment to the Town Manager Employment Agreement between the Town of Lake Park and John O. D'Agostino.**

**Motion: Commissioner Flaherty moved to approve Resolution No. 43-09-16; Commissioner Lynch seconded the motion.**

Vote on Motion:

| Commission Member      | Aye | Nay | Other |
|------------------------|-----|-----|-------|
| Commissioner Flaherty  | X   |     |       |
| Commissioner Lynch     | X   |     |       |
| Commissioner O'Rourke  | X   |     |       |
| Vice-Mayor Glas-Castro | X   |     |       |
| Mayor DuBois           | X   |     |       |

Motion passed 5-0.

**TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**

**Town Attorney Baird** had no comments.

**Town Manager D'Agostino** asked if the Commission would authorize permission to write a proclamation in support of the PFC Bruce W. Carter Young Marines Organization for drug awareness and education for Red Ribbon Week. The Commission did not authorize the proclamation in support of PFC Bruce W. Carter Young Marines Organization. He announced that the Town of Lake Park would meet with the Florida Municipal Loan Corporation in efforts to close its bond issue. He announced that the Lake Park Sunset Celebration would be on Friday, September 30, 2016 from 6:00 p.m. until 9:00 p.m. at the Lake Park Harbor Marina.

**Commissioner Lynch** asked Lieutenant Gendreau if Citizens on Patrol should participate in the South Florida Southern Rock Festival. Lieutenant Gendreau agreed, and explained that the event would be properly staffed. Commissioner O'Rourke asked that the public and event organizers be made aware that only service dogs were permitted in the park. Lieutenant Gendreau explained that there would be restricted access to the event

**Commissioner O'Rourke** invited everyone to attend the Sunset Celebration on Friday, September 30, 2016 from 6:00 p.m. until 9:00 p.m. at the Lake Park Harbor Marina.

**Commissioner Flaherty** had no comments.

**Vice-Mayor Glas-Castro** announced that Cities are preparing for the Read for the Record Event and that participation was welcomed. Mayor DuBois asked what book would be read; Library Director Karen Mahnk answered, "The Bear ate my Sandwich" and explained that the event would be from October 24, 2016 through October 27, 2016.

**Mayor DuBois** announced that the Lake Park Diversity Council would meet on Thursday, September 22, 2016 at 10:00 a.m.; thereafter, he would attend a Literacy Coalition Meeting. He congratulated Joseph Rice for his appointment to the Planning and Zoning Board as a Regular Member.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Flaherty and seconded by Vice-Mayor Glas-Castro, and by unanimous vote, the meeting adjourned at 9:43 p.m.

\_\_\_\_\_  
Mayor James DuBois

\_\_\_\_\_  
Administrative Assistant, Shaquita Edwards

\_\_\_\_\_  
Town Clerk, Vivian Mendez, CMC

Town Seal

Approved on this \_\_\_\_\_ of \_\_\_\_\_, 2016

# Lake Park Harbor Marina

Update September 21, 2016

*Exhibit "A"*



# INTRODUCTION

- Marina Director – Ted Schiafone
- Recent News
  - FIND Grant
  - PBC Fishing Foundation – Kids Fishing Days

# FIND Grant Standings

## 2016-2017 Waterway Assistance Program Project Applications

| AGENDA ITEM#      | COUNTY          | PROJECT SPONSOR            | PROJECT TITLE                                    | ASSISTANCE REQUESTED | RUNNING TOTAL       | AVERAGE SCORE |
|-------------------|-----------------|----------------------------|--|----------------------|---------------------|---------------|
| ITEM 10.49        | St Johns        | City of St. Augustine      | Salt Run Dredging Part 7                         | \$150,000.00         | \$150,000.00        | 47.83         |
| ITEM 10.03        | Martin          | Martin County              | Phipps Park Shoreline                            | \$350,000.00         | \$500,000.00        | 46.25         |
| ITEM 10.47        | St Johns        | City of St. Augustine      | Shoal Markers for Menendez Mooring Field         | \$10,000.00          | \$510,000.00        | 45.92         |
| <b>ITEM 10.23</b> | <b>St Lucie</b> | <b>City of Fort Pierce</b> | <b>Boat Access Fisherman's Warf Moores Creek</b> | <b>\$78,500.00</b>   | <b>\$588,500.00</b> | <b>45.67</b>  |
| ITEM 10.52        | Miami-Dade      | City of Miami              | Dinner Key Marina Mooring Facility Phase I       | \$75,000.00          | \$663,500.00        | 45.58         |
| ITEM 10.59        | Miami-Dade      | City of Miami              | Virginia Key Boat Launch and Parking Phase I     | \$60,500.00          | \$724,000.00        | 45.58         |
| ITEM 10.55        | Miami-Dade      | City of Miami              | Mooring Facility off Watson Island Ph I          | \$75,000.00          | \$799,000.00        | 45.50         |
| ITEM 10.63        | Miami-Dade      | Miami-Dade County          | Crandon Marina Floating Dock Reno. Part 2        | \$550,410.00         | \$1,349,410.00      | 45.33         |
| ITEM 10.24        | St Lucie        | St. Lucie County           | Port of Ft Pierce - Fisherman's Wharf Phase I    | \$316,000.00         | \$1,665,410.00      | 45.25         |
| ITEM 10.45        | St Johns        | St. Johns County           | Frank Butler Park West Boat Ramp Dredging        | \$60,000.00          | \$1,725,410.00      | 45.17         |
| ITEM 10.31        | Brevard         | Brevard County             | POW MIA Park Channel Dredging Phase II           | \$225,000.00         | \$1,950,410.00      | 45.08         |
| ITEM 10.35        | Brevard         | City of Rockledge          | Rockledge Multi-purpose Day use Dock Ph I        | \$84,000.00          | \$2,034,410.00      | 45.08         |
| ITEM 10.36        | Volusia         | City of Daytona Beach      | Riverfront Park Day Docks Phase II               | \$717,368.00         | \$2,751,778.00      | 45.00         |
| ITEM 10.65        | Miami-Dade      | Miami-Dade County          | Matheson Marina Floating Dock Ren. Part 2        | \$526,300.00         | \$3,278,078.00      | 45.00         |
| ITEM 10.08        | Palm Beach      | City of West Palm Beach    | Currie Park Boat Access Phase II                 | \$428,000.00         | \$3,706,078.00      | 44.92         |
| ITEM 10.14        | Nassau          | City of Fernandina Beach   | Mooring Field Capacity Increase Phase II         | \$150,000.00         | \$3,856,078.00      | 44.92         |
| ITEM 10.37        | Volusia         | City of Holly Hill         | Sunrise Park South Ramp and Dredging Ph II       | \$341,110.00         | \$4,197,188.00      | 44.92         |
| ITEM 10.13        | Nassau          | City of Fernandina Beach   | Marina Basin Maintenance Dredging                | \$151,650.00         | \$4,348,838.00      | 44.83         |
| ITEM 10.27        | Duval           | City of Jacksonville       | Half Moon Island Park & Boat Ramp Phase IIA      | \$924,199.00         | \$5,273,037.00      | 44.83         |
| ITEM 10.68        | Miami-Dade      | Miami-Dade County          | Pelican Island Dock Replacement                  | \$123,000.00         | \$5,396,037.00      | 44.67         |
| ITEM 10.28        | Duval           | City of Jacksonville       | Metro Park Marina Dredge Phase I                 | \$100,000.00         | \$5,496,037.00      | 44.58         |
| ITEM 10.34        | Brevard         | City of Palm Bay           | Palm Bay Municipal Marina Dock & Dredge          | \$42,500.00          | \$5,538,537.00      | 44.58         |
| ITEM 10.60        | Miami-Dade      | City of Miami              | Virginia Key Seawall, Dock & Kayak Launch Ph I   | \$1,017,804.00       | \$6,556,341.00      | 44.58         |
| ITEM 10.18        | Broward         | Broward County             | Hollywood N Beach Park Mooring Field Ph I        | \$75,000.00          | \$6,631,341.00      | 44.50         |
| ITEM 10.58        | Miami-Dade      | City of Miami              | Seybold Canal and Wagner Creek Dredging          | \$1,200,000.00       | \$7,831,341.00      | 44.50         |
| ITEM 10.53        | Miami-Dade      | City of Miami              | Miami Marine Stadium In-water Phase I            | \$250,000.00         | \$8,081,341.00      | 44.33         |
| ITEM 10.16        | Flagler         | Town of Marineland         | Marineland Marina Phase IIB                      | \$200,000.00         | \$8,281,341.00      | 44.00         |
| ITEM 10.41        | Volusia         | City of Ormond Beach       | Cassen Park Public Dock Phase I                  | \$53,298.75          | \$8,334,639.75      | 44.00         |
| ITEM 10.62        | Miami-Dade      | City of Miami Beach        | North Beach Kayak Launch Dock                    | \$142,007.00         | \$8,476,646.75      | 44.00         |
| ITEM 10.10        | Palm Beach      | Town of Lake Park          | Lake Park Harbor Marina Dock Retrofit Phase I    | \$55,000.00          | \$8,531,646.75      | 43.75         |
| ITEM 10.07        | Palm Beach      | City of Riviera Beach      | Riviera Beach City Marina Dock G & Lifts         | \$1,157,500.00       | \$9,689,146.75      | 43.67         |
| ITEM 10.15        | Nassau          | City of Fernandina Beach   | Southern Basin Dock Realignment Phase I          | \$75,000.00          | \$9,764,146.75      | 43.67         |
| ITEM 10.64        | Miami-Dade      | Miami-Dade County          | Homestead Bayfront Marina Ramp Piers Ph I        | \$75,000.00          | \$9,839,146.75      | 43.67         |

# Kids Fishing Days



# OBJECTIVES

- 1) Operational Efficiency
- 2) Financial Improvement / Controls
- 3) Property Enhancements
- 4) Long Term Sustainability / Maintenance and Reserves
- 5) Future Update / Requests

# 1) OPERATIONAL EFFICIENCY

- Boat Ramp / Trailer Parking
- Fuel Dock
- Main Parking Lot
- Charters / Commercial Vessels

?

# Boat Ramp / Trailer Parking



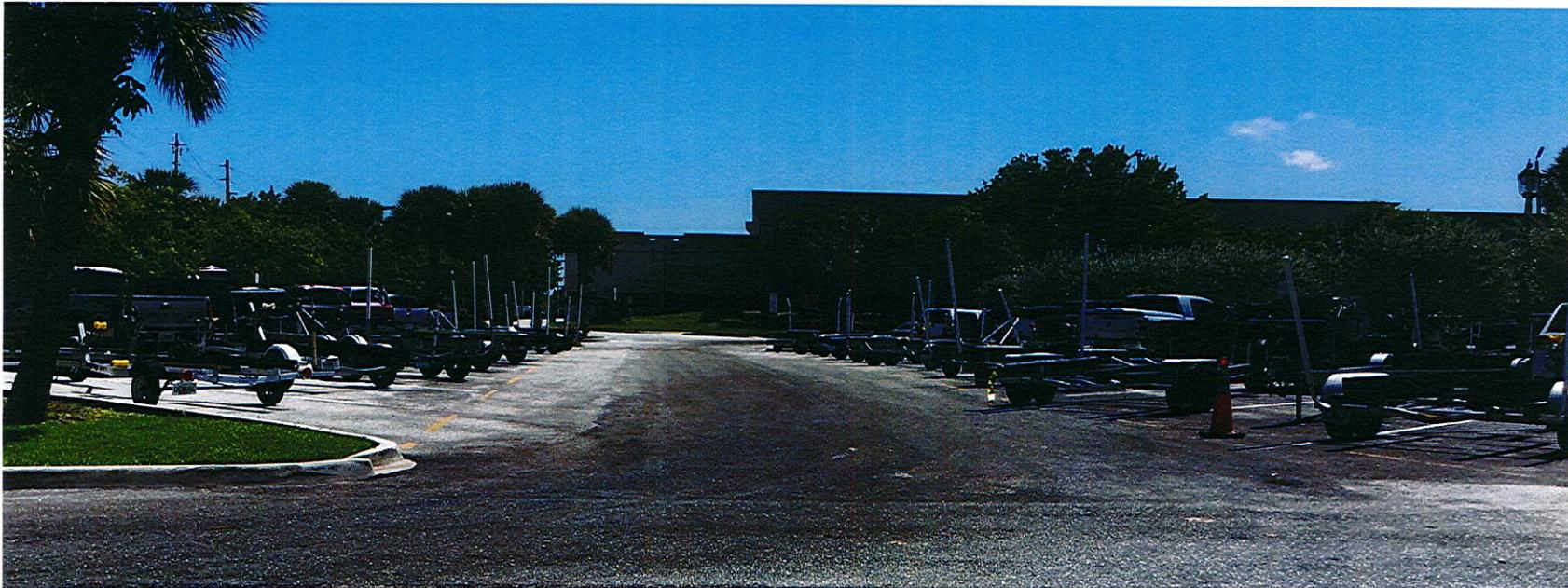
# Typical Day at Boat Ramp – Prior to Changes



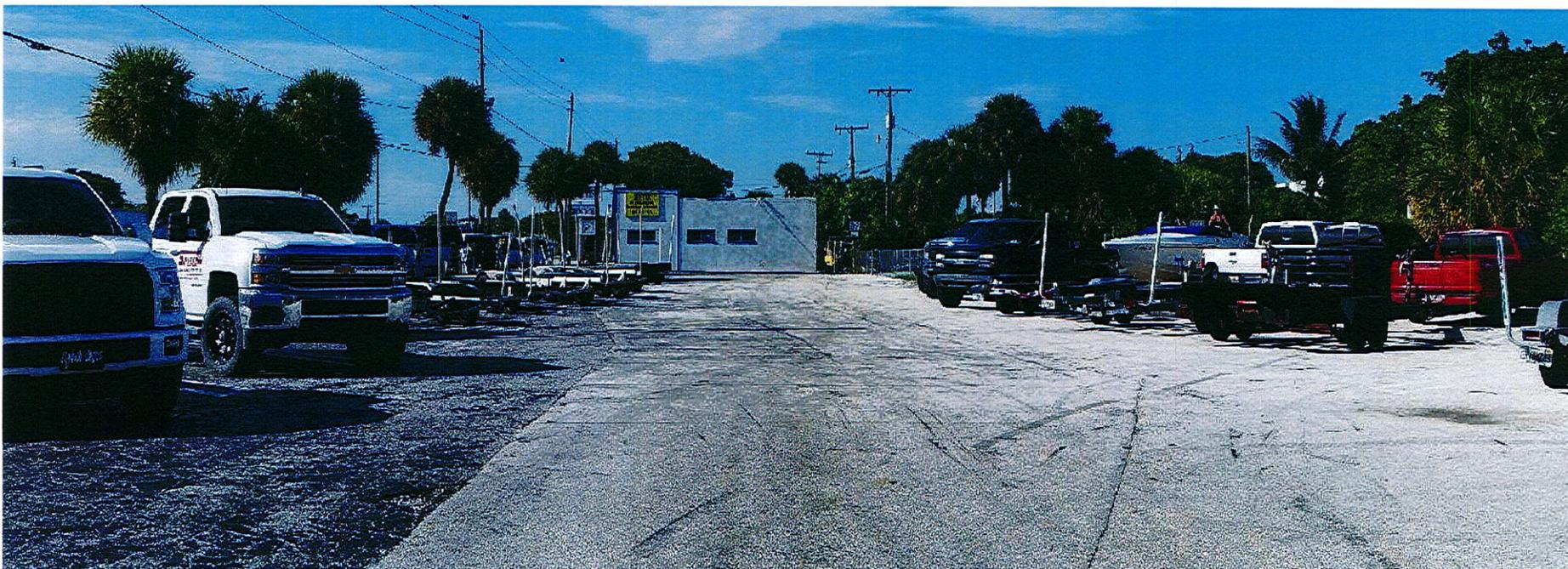
# 4<sup>th</sup> of July Weekend – Prior to Changes



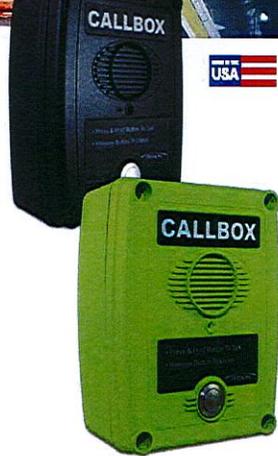
# Labor Day Weekend – With Changes



# Labor Day Weekend – Upper Parking Lot



# Fuel Dock



**New!**

## Q Series 2-Way Radio Callbox

Narrowband Analog

Put Communication Right Where You Need It! Install the Q Series radio callbox virtually anywhere to maximize manpower efficiency, improve safety or service response times. Deploys easily — no wires, no trenching, no construction required. Can be used stand-alone using alkaline batteries\* or can be powered using external AC adapter.

The Q Series callbox provides long range, 2-way communication and allows staff and visitors to communicate with your 2-way radio-equipped personnel from points near and far, —the plant floor, maintenance garage, gated areas, delivery dock or the 9th tee.

**Features / Benefits:**

- Wireless, 2-Way Push-To-Talk, Narrowband Analog Technology  
*No Costly Trenching or Construction Costs To Install*
- High Performance Features, Business Band Frequencies  
*Long Range — Up to 1 Mile,\*\* Line-Of-Sight. Works With Any Other Analog Business Band 2-Way Radio*
- Rugged, High-Impact Gasket Sealed Enclosure  
*Durable, Sealed and Weatherproof For Outdoor Use*
- Internal Antenna, Tough, Machined Aluminum PTT Button  
*Long-Life, Tamper and Vandal-Resistant*
- Battery\* Powered or External Power Capable  
*Stand-Alone Operation, No Wires, Or Opt. External Powered For Always-On Operation*  
\*The optimal performance is always best operation, but function should be checked
- High-Audio Output, High-Gain Mic Capability  
*Adjustable Volume - Loud, Easy To Hear In Loud Environments*
- User Adjustable Settings and PC Programmable  
*Allows Easy In-The-Field Programming or via PC*
- Built-In Relay Control (Q series models only)  
*Allows Long-Range, Remote Control Of Gates Or Doors*
- Standard Flange Mount Hole Pattern  
*Easy Installation, Optional Mounting Brackets Available*
- Available In Different Colors  
*Pick The Color Best Suited To Meet Your Need:*
  - High Visibility Green and Coal Black
  - Custom Colors Available For Volume Applications

**Applications...** Schools and Day Cares • Manufacturing and Construction Sites • Health Care Facilities • Golf Course • Gate Secured Areas • Amusement Parks and Resorts



# Main Parking Lot



# Charters \ Commercial Vessels



## 2) FINANCIAL IMPROVEMENTS / CONTROLS

- Boat Ramp / Overnight Trailer Parking
- Fuel System
- Cash Drawer / Cash Payments
- Accounts Receivables / Billing
- Rate Structure / Fees / Fines

### 3) PROPERTY IMPROVEMENTS

- Marina Office / Marina Property
- Individual Slip Tenants
- Commercial Slip Tenants – “Charter Captain Village”

## 4) LONG TERM SUSTAINABILITY

- Short Term – Maintenance
- Long Term – Reserves for Replacement

## 5) FUTURE UPDATES / REQUESTS

- Market Conditions – Competitive Pricing Opportunity
- Annual Lease Addendum – Deposit
- Charter Captain Village – Premier Location in Palm Beach County



Exhibit "B"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 21, 2016

Agenda Item No. Tab 3

Agenda Title: Status Report on the Condition of the Town's Stormwater Drainage System and the Utility that Supports its Maintenance and Construction

- SPECIAL PRESENTATION/REPORTS  CONSENT AGENDA
- BOARD APPOINTMENT  OLD BUSINESS
- PUBLIC HEARING ORDINANCE ON \_\_\_\_ READING
- NEW BUSINESS
- OTHER: \_\_\_\_\_

Approved by Town Manager *[Signature]* Date: 9-9-16  
*[Signature]*  
 David Hunt / Public Works Director

|   |  |  |
|---|--|--|
| <b>Originating Department:</b><br>Public Works  | Costs: N/A<br><b>Funding Source:</b> 402 – Storm-water Utility<br>Acct. # N/A<br><input type="checkbox"/> Finance _____ N/A                            | <b>Attachments:</b><br>Power Point Presentation  |
| <b>Advertised:</b><br>Date: _____<br>Paper: _____<br><input checked="" type="checkbox"/> Not Required | All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda. | Yes I have notified everyone _____<br>or<br><b>Not applicable in this case</b> <u><i>[Signature]</i></u><br><b>Please initial one.</b> |

Summary Explanation/Background:

The Town's stormwater drainage system consists of grassed swales that convey rain water to catch basins that connect to underground pipes that carry water to 10 major outfalls that discharge into the Intracoastal Waterway and South Florida Water Management District's (SFWMD) C-17 canal. This system prevents the flooding of dwellings and businesses and ensures the safe passage of vehicular traffic.

In 1986 the Town's consultant prepared an Engineering Investigation and Report that included a Comprehensive Storm Drainage Improvements Program, more commonly called the Master Drainage Plan (the Plan). This plan was updated in 1993 and again in 1999. The 1999 Plan update recommended improvements to the system that were estimated to cost \$6,365,950. In the ensuing years, some of these improvements were made using grant funds. The stormwater system atlas

was not updated with each new project that was completed after 1999. Town crews have attempted to field verify and document structures that do not appear in the Plan. A system wide survey will aid in analyzing which previously recommended projects have not been completed.

In 1987 the EPA was required, under Section 402 (p) of the Clean Water Act, to establish final regulations governing stormwater discharge permit application requirements. In 1997 the first 5-year National Pollutant Discharge Elimination System (NPDES) permit was issued to Palm Beach County's forty co-permittees. The permit required each municipality to perform system maintenance and to report its annual activities. The General Fund financed these compliance activities until 2008 when the Stormwater Utility was created. The utility established a user fee based upon the amount of impervious surface found on a typical residential site. This Equivalent Stormwater Unit (ESU) was set at 5,202 square feet and a residential account was charged \$6.00 per month.

In 2009 the charge per ESU was adjusted to its current rate of \$6.50 per month. This appears on the residents' non- ad valorem tax bill for the annual amount of \$78.00.

It has been seventeen years since the Master Drainage Plan was updated. Elements of the system are failing due to their age. Development and environmental changes have put stress upon the system's capacity to handle significant storm events. Data collection in support of reporting requirements demand that digital files be created in order to gage the effectiveness of maintenance activities and to determine which parts of the system are not performing properly.

The Town's engineering consultant, Calvin, Giordano & Associates, has been assigned the job of specifying the tasks necessary to create a new stormwater Master Drainage Plan. The Fiscal Year 2016-17 Stormwater Fund has budgeted \$100,000 to prepare Phase I of the town-wide Master Drainage Plan. The Plan will identify the location of all drainage structures and comment upon their condition. The Plan will examine the performance of the system and make improvement recommendations. Projects will be prioritized and costs estimates will be developed.

Concurrent with the development of a new Master Plan, Town staff is analyzing its long range equipment needs that are used in the daily inspection, maintenance, and operation of the drainage system.

All of these anticipated costs, based upon the severity of the need, will be distributed across suggested timelines and then compared with annual utility revenues. Based upon discussions concerning how the Town would like to move the programs forward, utility rates will be calculated to meet the established goals over a period of years.

### **Recommended for Future Consideration:**

Staff will be bringing consultant services proposals forward for your review and approval at future meetings. The consultant's products will aid in the development of the Master Drainage Plan.

Rate adjustments will need to be evaluated and consideration must be given as to how they will be implemented (i.e., front loaded for quick action versus incremental annual steps consistent with scheduled improvements' critical path, codification of annual adjustments that set a termination date, establishment of rates sufficient to service loans or bonds, etc.)

# TOWN OF LAKE PARK

Stormwater System Update

September 21, 2016



Calvin, Giordano & Associates, Inc.  
EXCEPTIONAL SOLUTIONS™

# Stormwater System

## At a Glance

- **Town is 1,122 Acres**
- **3055 Parcels**
- **409 Drainage Structures**
- **46,000 Linear Feet of Pipe**
- **9,503 Linear Feet of Exfiltration Trench**
- **10 Outfalls**

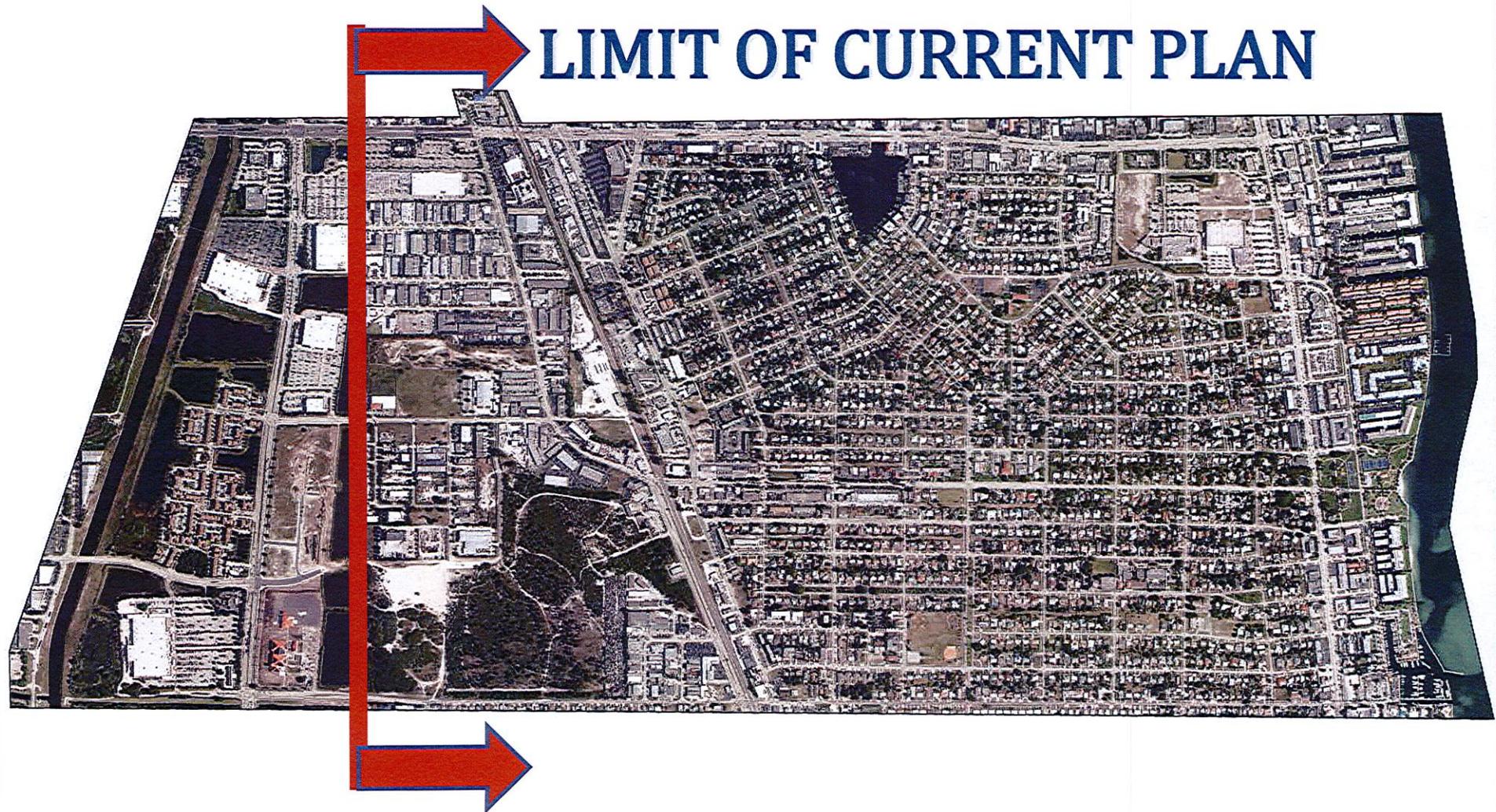
# Stormwater System

## **EXISTING KNOWLEDGE BASE IS OLD**

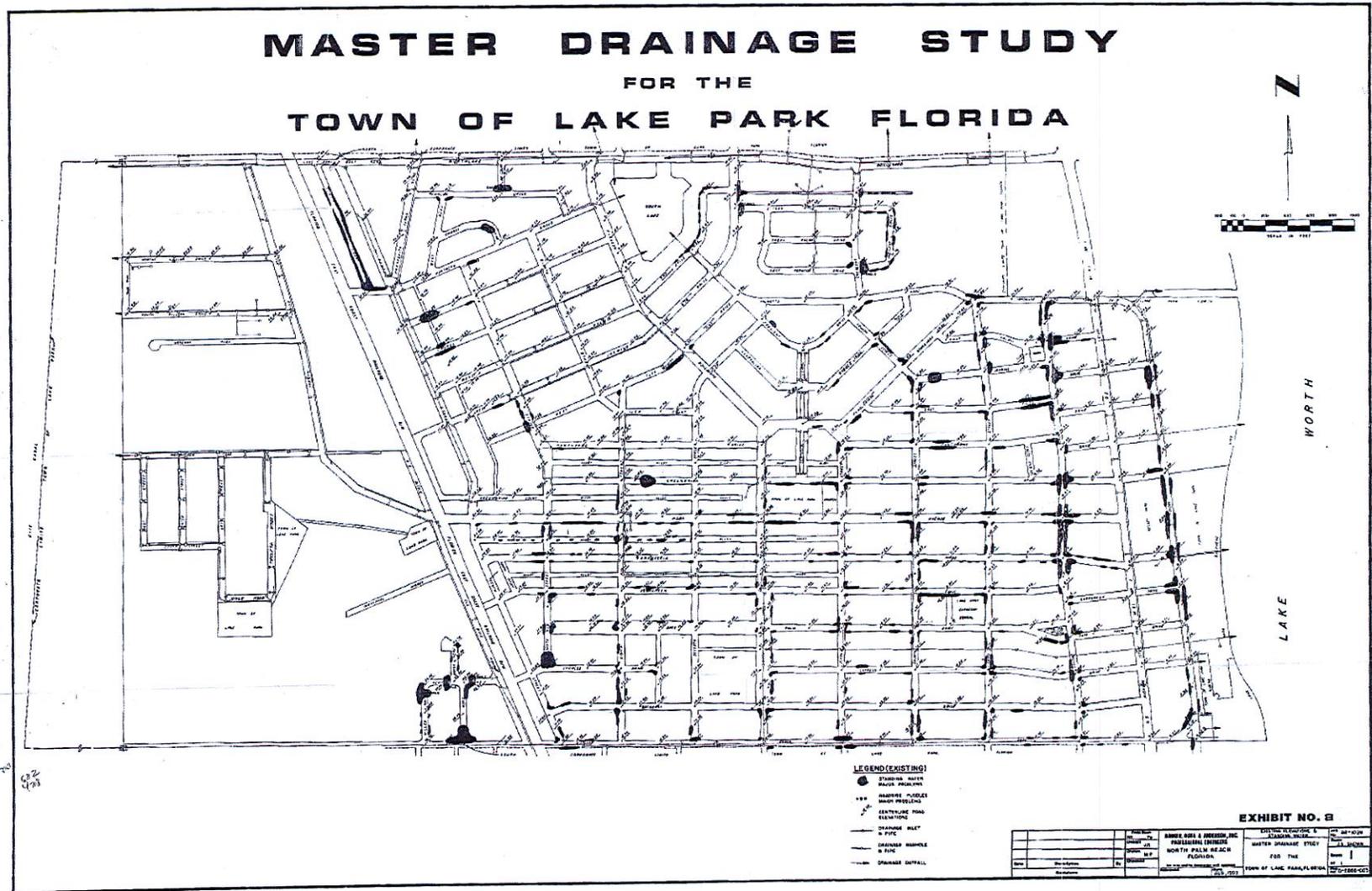
- **Original Date March, 1986**
- **Revised in August, 1993 and August 1996**
- **No Digital Data**
- **Survey Data on Old Datum of Unknown Quality**
- **Does not Encompass Whole Town**
- **Manual Updates by PW Staff**



# Stormwater System – Town Aerial

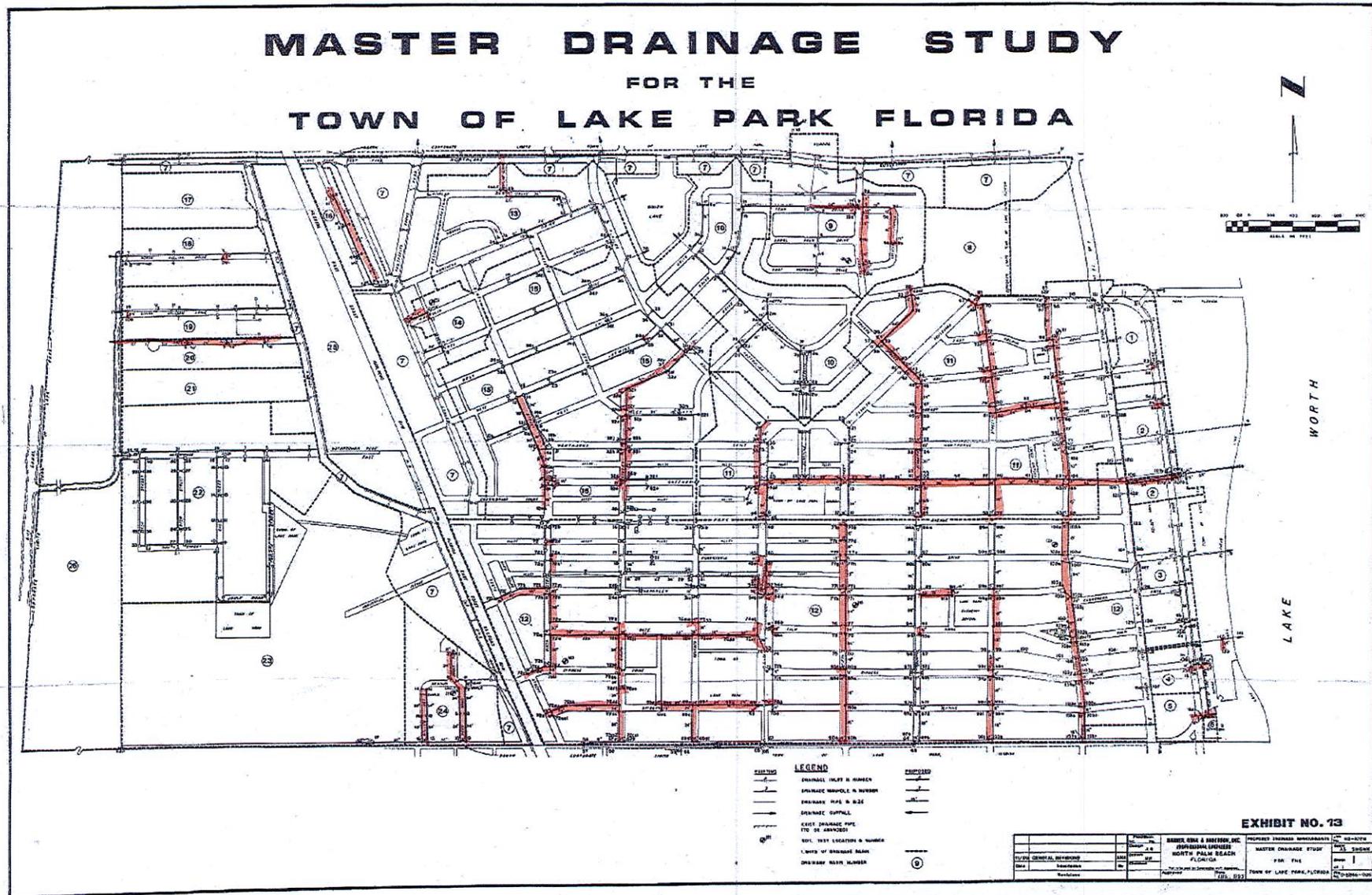


# Problem Areas in 1996





# The Master Drainage Plan



Town of Lake Park - Stormwater System - September 21, 2016

# Stormwater System Needs

- **Field Survey of All Existing Drainage Structures**
- **Review TV Inspection of 6,900 Linear Feet of pipe**
- **Televise and 39,100 Linear Feet of pipe**
- **Acquire new Topographical Data (LIDAR)**
- **Create Stormwater Models of the 10 Outfall Systems**
- **Prepare New Master Drainage Plan for Town's Future**
- **5-Year Plans for Improvement**

# **Stormwater Utility Funding Issues:**

## **Current Funding Supports Operations Only:**

- **Major Equipment Maintenance Not Supported**
  - **Vac-Truck Life Extension**
  - **Street Sweeper**
- **Equipment Replacement Not Supported**
  - **Vac-Truck/Street Sweeper Replacement Every 10 Years**
- **Updating Stormwater Master Plan Not Supported**
- **Construction of Improvements Not Supported**

# Where Do We Go From Here?

- **TMDL Limits Coming in Future NPDES Permit**
- **Need to Update Master Drainage Plan**
- **Need to Implement 5-Year Plans**
- **SWU Rate Adjustment Will Be Required to Accomplish Long Range Goals**



Exhibit "C"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 21, 2016

Agenda Item No. Tab 7

Agenda Title: SITE PLAN APPLICATION FOR THE SPECIAL EXCEPTION USE OF A SELF-STORAGE FACILITY THAT IS PROPOSED IN TWO PHASES AND WILL INCLUDE A TOTAL OF 201,600 SQUARE FEET, TO BE LOCATED WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT.

- Special presentation/reports, Board appointment, Public hearing ordinance on reading, Resolution - public hearing/quasi-judicial, Other, Consent agenda, Old business.

Approved by Town Manager [Signature] Date: 9-14-16

Nadia Di Tommaso / Community Development Director [Signature]

Table with 3 columns: Originating Department (Community Development), Costs (\$ Legal/Consultant review and required advertisement and certified mail), Attachments (Staff Report, Resolution 39-09-16, etc.), Advertised (Date: 08-08-2016), and Yes I have notified everyone (ND - see notation in costs field).

Summary Explanation/Background:

Please refer to the enclosed staff report.

Recommended Motion: I MOVE TO APPROVE RESOLUTION 39-09-16 WITH THE CONDITIONS OF APPROVAL PROPOSED BY STAFF.



**TOWN LAKE OF PARK  
TOWN COMMISSION  
MEETING DATE: September 21, 2016  
STAFF REPORT**

**APPLICATION:** SITE PLAN APPLICATION FOR THE SPECIAL EXCEPTION USE OF A SELF-STORAGE FACILITY THAT IS PROPOSED IN TWO PHASES AND WILL INCLUDE A TOTAL OF 201,600 SQUARE FEET, TO BE LOCATED WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT

**SUMMARY OF APPLICANT'S REQUEST:** Spacebox Lake Park, LLC ("Applicant"), is proposing to develop a self-storage FACILITY in two phases that will provide 201,600 square feet (*100,800 square feet in each phase*) of self-storage within Tract G1 of the Congress Business Park Planned Unit Development (PUD) ("the Site"). The Site is currently owned by Congress Avenue Properties ("Owner") that the Applicant has a contract to purchase the Site.

The Site has a "Commercial/Light Industrial" future land use designation and is within the Congress Business Park PUD Zoning District. The Site has an underlying Commercial-2 Business District (C-2) zoning designation. The C-2 designation allows "storage warehouses" as special exception uses.

**Staff Recommendation:** APPROVAL with conditions. Refer to pages 10-12 of this staff report for conditions. The Applicant has provided staff with a Market Feasibility Study for the proposed self-storage use, which the Applicant will present at the TC Meeting on September 21.

**Planning & Zoning Board:** The Planning and Zoning Board held a meeting on August 22, 2016 to consider this application. The Board approved the application (4-0) and requested three modifications to the plans, which include:

- (1) Add some additional El Dorado stone work (or other complementary colors/textures) within the upper stories of the facades to further break up to the empty spaces, while not overwhelming the facades. → **The Applicant has indicated that "The Architect did a texture change to the large panels on the second floor and confirms that those panels will be smooth (sandblast finish) versus the rest of the stucco areas as (sand pebble finish). No added stone was added as it will get too heavy for such a large building".**
- (2) Add additional Cypress trees and wet tolerant Florida native plants around the sodded retention area. → **Additional Bald Cypress trees and native grasses were added – see landscape plans.**
- (3) Ensure the overhang along the front building façade will be wide enough to cover the perimeter walkway. → **The Applicant has indicated that "The Architect increased the width of the canopy an additional 18" as they were meant to satisfy the facade requirements and they are not designed as a pedestrian covering. The final configuration provides for almost 5' of overhang which will allow pedestrians partial coverage".**
- (4) Add additional plantings around the outdoor storage area by possibly incorporating additional palms (or other plantings) in the void spaces. → **The Applicant has provided additional landscaping in the form of increased shrubs around the outdoor storage area and infill palm clusters - see landscape plans.**

**BACKGROUND:**

Applicant(s): Spacebox Lake Park, LLC  
Owner(s): Congress Avenue Properties, LLC  
Address/Location: North Congress Avenue  
Net Acreage: 4.665 acres  
Legal Description: see survey  
Existing Zoning: Planned Unit Development (PUD)/Commercial 2 (C-2)  
Commercial 2 (C-2) Business District  
Future Land Use: Commercial/Light Industrial

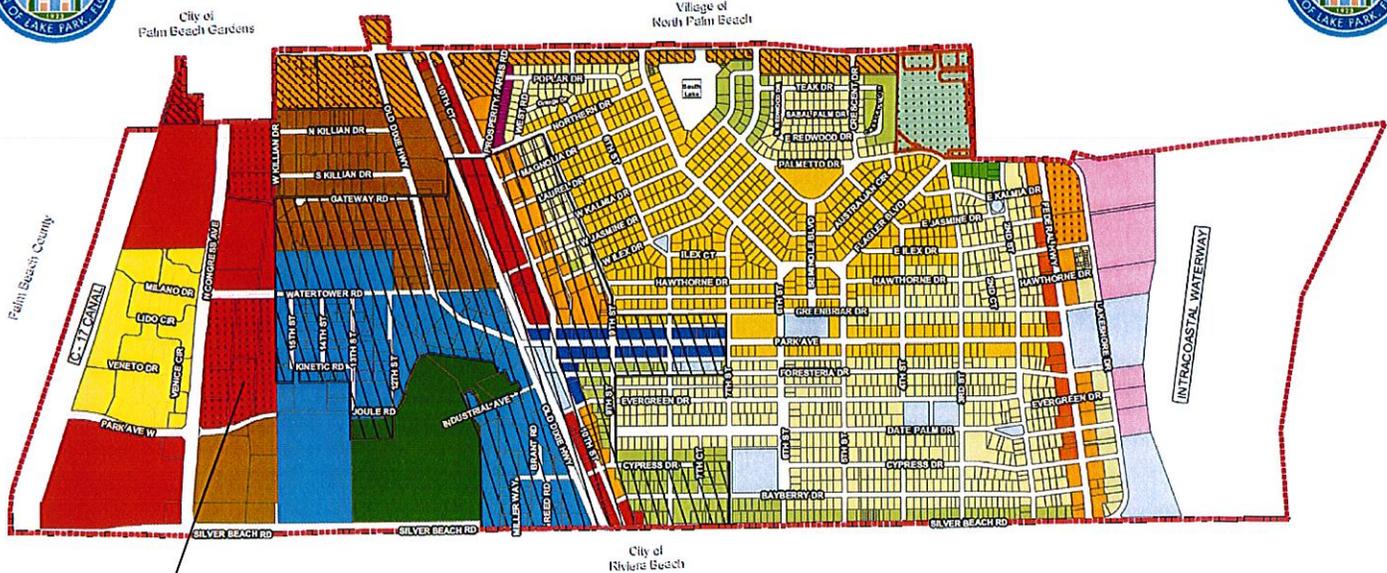
**Figure 1: Aerial View of Site (image not to scale; for visual purposes only)**



**The Site**

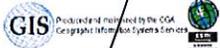


# Lake Park Zoning Map



- Legend**
- TOWN BOUNDARY
  - C3 BUSINESS DISTRICT
  - CRA OVERLAY
  - R1B TWO FAMILY RESIDENCE DISTRICT
  - C1 BUSINESS DISTRICT
  - C4 BUSINESS DISTRICT
  - NBOZ OVERLAY
  - R1 SINGLE FAMILY RESIDENCE DISTRICT
  - P PUBLIC DISTRICT
  - C1B BUSINESS DISTRICT
  - CLIC CAMPUS LIGHT INDUSTRIAL & COMMERCIAL
  - PADD PARK AVENUE DOWNTOWN DISTRICT
  - R1A SINGLE FAMILY RESIDENCE DISTRICT
  - R2A MULTIPLE FAMILY RESIDENCE DISTRICT
  - C2 BUSINESS DISTRICT
  - CONSERVATION
  - PUD PLANNED UNIT DEVELOPMENT
  - R2 MULTIPLE FAMILY RESIDENCE DISTRICT
  - R3 MULTIPLE FAMILY RESIDENCE DISTRICT
  - R1AA RESIDENCE DISTRICT
  - TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Calvin, Giordano & Associates, Inc.  
EXCEPTIONAL SOLUTIONS



Map Date - 6-28-2018

Nadia Di Tommaso - Director  
Community Development Department  
Town of Lake Park  
535 Park Ave., Lake Park, FL 33403  
561-881-3310 561-881-3323 (fax)  
ndtommaso@lakeparkflorida.gov

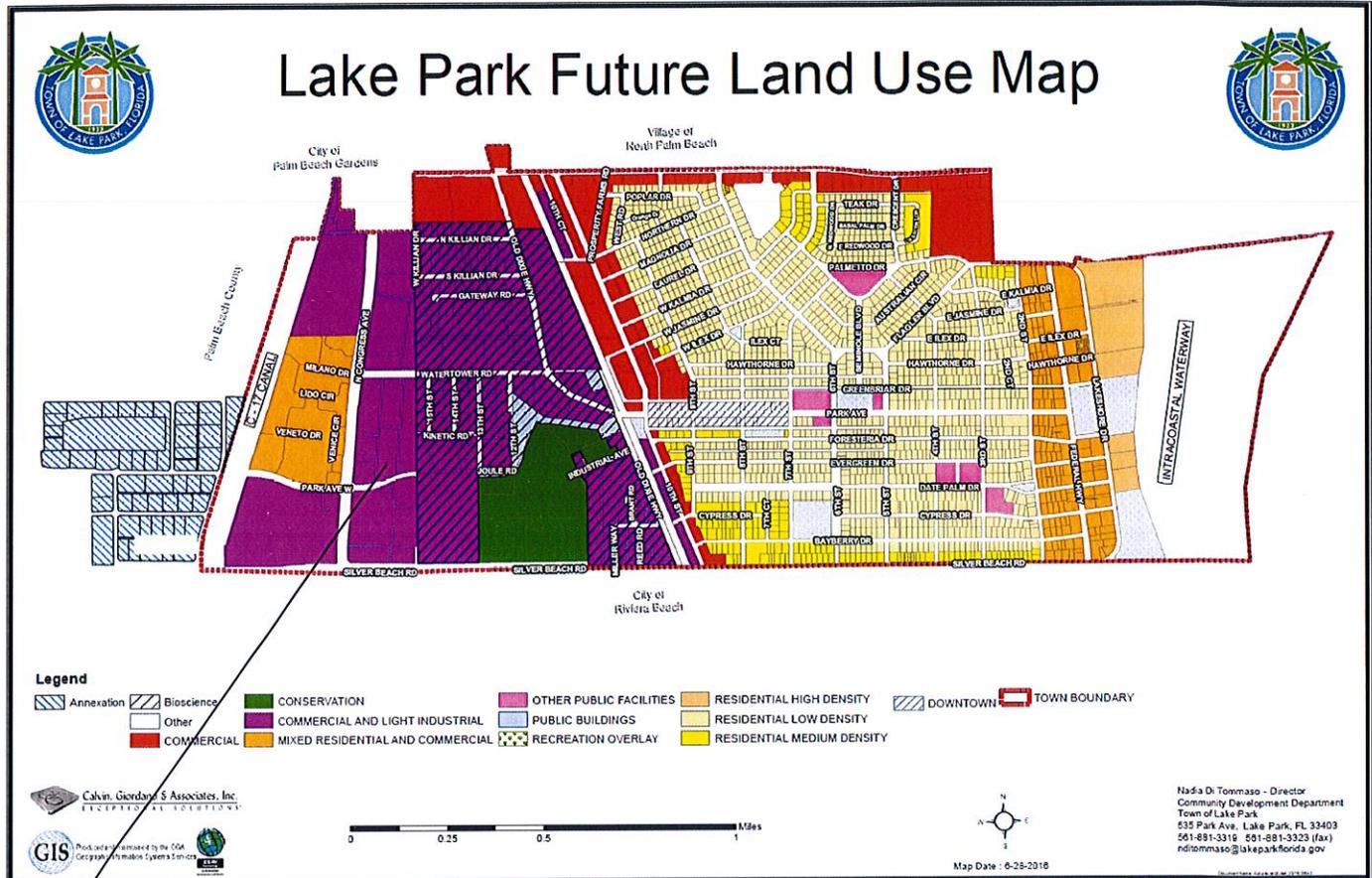
**Subject Site**

## Adjacent Zoning

- North: Planned Unit Development (PUD) / Commercial 2 (C-2)
- South: Commercial 4 (C-4)
- East: Planned Unit Development (PUD) / Commercial 2 (C-2)
- West: Planned Unit Development (PUD) / Commercial 2 (C-2)

# LAKE PARK FUTURE LAND USE MAP

## Adjacent Existing Land Use



**Subject Site**

|        |                             |
|--------|-----------------------------|
| North: | Commercial/Light Industrial |
| South: | Commercial/Light Industrial |
| East:  | Commercial/Light Industrial |
| West:  | Commercial/Light Industrial |

## PART I: APPLICATION FOR A SPECIAL EXCEPTION USE

### ANALYSIS OF SPECIAL EXCEPTION CRITERIA

Town Code **Section 78-184** sets forth the criteria, all of which must be met to entitle an applicant to a Special Exception use. **Note: Staff's analysis of the criterion are in bold.**

1. Is the proposed Special Exception Use consistent with the goals, objectives, and policies of the Town's Comprehensive Plan?

**Staff has determined that the proposed use would specifically further the following Objective and Policy of the Future Land Use Element of the Comprehensive Plan:**

*Objective 1, Policy 1.5:*

*The Town shall encourage development and redevelopment activities which will substantially increase the tax base while minimizing negative impacts on natural and historic resources, existing neighborhoods and development, and adopted Levels of Service standards.*

*Objective 5:*

*As a substantially built-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.*

New development on what is now an undeveloped parcel will increase the Town's tax base. The Site is not environmentally sensitive or historically significant and therefore, the development of the Site would not cause negative impacts to the surrounding area, or existing neighborhoods. There is a multi-family residential development west of the PUD; however, this neighborhood is separated by North Congress Avenue. The Applicant has also provided a Market Feasibility Study and Ad Valorem Analysis to justify the proposal. Staff finds that the proposed special exception use of a self-storage facility in this area of the Town is consistent with Policy 1.5.

Other properties along Congress Avenue have been developing and the Site is one of the few remaining areas for new development in the Town. Therefore, staff finds that the development of a self-storage facility would be consistent with Objective 5, particularly since the Applicant has justified this request through their Market Analysis which identifies the need in the area.

**CRITERIA MET.**

2. Is the proposed Special Exception Use consistent with the Town's land development and zoning regulations and all other portions of this Code?

**The Site Plan which has been submitted meets the Land Development Regulations and all other portions of the Town Code.**

**CRITERIA MET**

3. Is the proposed Special Exception Use compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property?

**North Congress Avenue corridor has developed with a variety of intensive commercial uses including gas stations, department stores, retail, fast food restaurants, and financial institutions. The scale and intensity of the proposed self-storage facility is compatible with the character of the surrounding properties. The County Engineering Department has verified that the Site meets the County's traffic concurrency standards.**

**The Applicant's proposed development meets the Town's Land Development Regulations regarding building setbacks. The self-storage facility is generally compatible with the mass, and height of the character of the surrounding area. Furthermore, the character of the proposed self-storage facility has design features that are incorporated into the ALDI store and RaceTrac gas station that recently received site plan approval, as well as the Bank of America and Sonic restaurant built a few years ago along the Congress Avenue corridor. The proposed self-storage facility, as reviewed by Staff and its Consultants, meets the Town's Architectural Guidelines.**

**While the self-storage facility is to be open to customers at all hours via secured entrances, this type of establishment is not expected to cause any type of nuisance primarily because patrons of these establishments come and go within a short timeframe and the fact that the actual storage units that will be internalized inside the two buildings. However, it is noted that the Phase I implementation plan will provide outdoor storage of boats, cars, RV's and the like on the site until construction of the Phase II building begins. This outdoor storage area is to be heavily landscaped and screened from public view per plan sheets LP1 – 4 so as to minimize any visual nuisance. Staff recommends a condition that the Phase I outdoor storage area be utilized only for the parking of vehicles and no vehicle may be repaired, have parts installed, or other work such as testing/running of engines so as to further protect the commercial corridor and nearby residential development on Congress Avenue from any noise-based nuisances.**

**CRITERIA MET**

4. Will the proposed Special Exception Use on the Site create a concentration or proliferation of the same or similar type of use, which may be detrimental to the development or redevelopment of the area?

**While the Town has several office/warehouse buildings in its industrial area, built many years ago without any architectural interest, there are no self-storage facilities located in the Town of Lake Park and the nearest such facilities include Public Storage located at 3601 Blue Heron Blvd (approx. 1.4 miles from the site); Public Storage at 401 Northlake Blvd (approx. 2.5 miles from the site); and, a storage facility currently being constructed at 545 Northlake Blvd. (approx. 2.4 miles from the site). Approval of this special exception use will not create a concentration or proliferation of the same or similar type of use.**

**CRITERIA MET**

5. Will the proposed Special Exception Use have a detrimental impact on surrounding properties based on:

- a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;

**The proposed use is not expected to have a detrimental impact on the surrounding properties based on the number of persons using, residing or working on the property. The proposed use has anticipated patronage that is estimated to occur primarily outside of peak AM/PM traffic hours and on the weekends. The Site Plan meets the Town's Land Development Regulations which have been enacted in order to mitigate adverse impacts on surrounding properties.**

**CRITERIA MET**

- b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use.

**Due to the nature of the use, it has the potential to create noise via the loading or unloading activities at loading zones, but not odor or visual nuisances. Loading zones are located on the north, south and western elevations (1 each) of the Phase I building and two on the western elevation and 1 on the southern elevation of the Phase II building. However, noise that may be generated is not expected to exceed what already exists in the area, such as loading dock activity of Aldi, RaceTrac, Sonic or Walmart.**

**CRITERIA MET**

- c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.

**The Palm Beach County Traffic Division has submitted a Traffic Concurrency Letter to the Town that verifies the projected traffic upon the affected roadways is within**

**acceptable level of service and therefore consistent with the County's Traffic Performance Standards.**

**CRITERIA MET**

6. Does the proposed Special Exception Use:

- a. Significantly reduce light and air to adjacent properties?

**The proposed development will not reduce light and air to adjacent properties. Lighting at the site is comparable to the Aldi store to the west.**

**CRITERIA MET**

- b. Adversely affect property values in adjacent areas.

**Developing on a vacant parcel raises the property value of the subject Site and therefore, will not adversely affect property values in the adjacent areas.**

**CRITERIA MET**

- c. Deter the improvement, development or redevelopment of surrounding properties in accord with existing regulations.

**The proposed Special Exception Use is not a deterrent to the improvement, development or redevelopment of surrounding properties.**

**CRITERIA MET**

- d. Negatively impact adjacent natural systems or public facilities, including parks and open spaces.

**The proposed Site is not within or in close proximity to any naturally sensitive areas or parks. While the Palm Beach County conservation area is nearby, it is not adjacent to the Site and is actually separated by other parcels measuring more than 1,200 feet in width. The PUD has satisfied concurrency standards for the adjacent public facilities which verifies that the proposed use will not be a negative impact.**

**CRITERIA MET**

- e. Provide pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

**The Site Plan includes a continuous pedestrian network, trash receptacles, and an outdoor seating area. Bike racks have also been incorporated into the Site Plan. A pedestrian pathway around the perimeter of the Site provides connectivity to and from developments to the west of the site that front North Congress Avenue.**

**CRITERIA MET**

## PART II: APPLICATION FOR A SITE PLAN

The Site Plan has been reviewed by the Town's consulting Engineers; consulting Design Architect and Landscape Architect, as well as the Community Development Department and the Palm Beach County Sheriff's Office for Crime Prevention through Environmental Design (CPTED) review. Seacoast's final review is also forthcoming. Based upon this review, Staff finds that the Site Plan meets the Land Development Regulations of the Town Code, and is consistent with the Signage and Architectural Guidelines, and the Landscaping Plan established pursuant to the Congress Avenue Park PUD for the basis of site plan approval with certain conditions.

### SITE PLAN PROJECT DETAILS:

**Building Site:** The Site is within Tract G1 of the Congress Business Park PUD.

**Site Access:** Phase I will have three entrances, one at the south along Park Avenue West; one at the west along the PUD internal road network which connects to Congress Avenue; and one through the internal road network which connects the PUD to Water Tower Road. When Phase II is developed it will provide one additional access point on the north side which will directly connect the property to the PUD internal roadway network.

**Traffic:** The Applicant has received a letter from Palm Beach County's Traffic Division that confirms there is adequate capacity on the roadways to serve the Site.

**Landscaping:** The Site Plan meets the Town's Landscaping Code regulations per the Town's consulting landscape architect review and is consistent with the Congress Avenue PUD's Landscaping Master Plan.

**Drainage:** The Town's Engineer has reviewed the Applicant's Paving and Drainage Plan and has determined that it meets the engineering requirements for drainage.

**Parking:** The Code requires 1 space for each employee on the shift of greatest employment and two customer parking spaces located adjacent to the facility's leasing office plus one space for every 200 storage bays. The Applicant is proposing 13 spaces, inclusive of 2 ADA spaces, for Phase I, which exceeds the minimum number of parking spaces required by the Code. Phase II will add an additional 26 spaces for a grand total of 39 spaces inclusive of 2 ADA spaces, which also exceeds the minimum number of overall required spaces.

**Signage:** The Applicant's proposed Master Signage Plan is consistent with the Town's Sign Code and the previously approved PUD Master Signage Plan. The Applicant is proposing 1 wall sign and 1 canopy sign on west elevation of the Phase I and Phase II buildings and one wall sign on the north elevation of the Phase II building. All of the proposed signs are consistent with the PUD signage regulations and Code and will be subject to the Town's signage permitting requirements.

**Photometric (Lighting):** Meets the minimum requirements in the Town code.

**Zoning:** Storage warehouses are special exception use in the C-2 zoning district. The proposed building height with rooftop features is just over 40 feet, which meets the intent of the PUD code that calls for a maximum building height of 50 feet. The interior division of the proposed floors is 5 feet, however this is not contrary to the Code since the overall exterior height of 50 feet is not being exceeded. The interior 5 stories is however being identified as a feature that has been granted administrative approval through the staff review process and will be part of this project if approved.

**Water/Sewer:** Forthcoming and conditioned.

**Design:** The proposed Elevations for the self-storage facility meets the Town's Architectural Guidelines as well as the architectural guidelines established by the PUD. The Applicant has incorporated design features for the building which are consistent with the intent of the Code and the previously approved PUD.

**Fire:** PBC Fire will be reviewing the plans in greater detail as part of the building permit review process.

**PBSO:** The Crime Prevention through Environmental Design (CPTED) review was performed by the Palm Beach Sheriff's Office (PBSO) and the applicant has addressed their questions satisfactorily regarding lighting and site access.

### **PART III: STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the Site Plan for the special exception use of a 201,600 square foot self-storage facility in the Congress Business Park PUD to be built in TWO Phases, **subject to the following conditions:**

1.
  - a. Phase I: Site Plan, Architectural Plan, Landscape Plan, Irrigation Plans, Civil Plans, Photometric Plan, Electrical Plan, Master Sign Plan and Autoturn Analysis referenced as Sheets SP1, A101, A102, A103, A201, A202, A203, LP1, LP2, LP4, IR1, IR2, IR3, IR4, C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, PHM1, PHM2, E0, E1, MSP1, and ATA1 received and dated by the Department of Community Development on 8/31/16.
  - b. Phase II: Site Plan, Architectural Plan, Landscape Plan, Preliminary Civil Engineering Plan, Site Photometric Plan, Electrical Plan, and Autoturn Analysis referenced as Sheets SP1, A101.2, A102.2, A103.2, A201.0, A202.2, A203.2, LP3, IR1, IR2, IR3, CP, ATA2 received and dated by the Department of Community Development on 8/31/16.
  - c. Survey signed and sealed 10-22-15 and prepared by Lidberg Land Surveying, Inc. received and dated by the Department of Community Development on 8/31/16.

2. The Owner, the Applicant and their successors and assigns shall be subject to the conditions set forth herein.
3. Construction on the Site is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless otherwise approved in writing by the Community Development Director. Any proposed disruption to the normal flow of traffic within the rights of way of North Congress Avenue, Water Tower Road, or the Park Avenue West as part of the construction of the Site, shall be submitted to the Community Development Director and Public Works Director, and shall be subject to their review and approval.
4. Should the Community Development Director (the Director) determine that the construction is disrupting the surrounding entrance/exit streets and parking areas along North Congress Avenue, the Park Avenue West Extension, or Water Tower Road such that the operation of nearby businesses is adversely impacted, the Director may issue a stop work order requiring the immediate cessation of construction activities until such time as the Director determines that there is a resolution of the adverse impacts on nearby businesses.
5. The Applicant shall install and from the date of the issuance of a certificate of occupancy shall continuously maintain the landscaping shown on the Site Plan and the Landscaping Plan. In addition, upon notification by the Director, the Applicant shall replace any and all dead or dying landscape material so that it is consistent with the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.
6. The hedge material for the Site shall be maintained at five feet unless otherwise noted on the approved plans which have been incorporated herein as a condition.
7. The Applicant shall ensure that pedestrians have safe and adequate passage along each of the Site's entrances.
8. During the construction of the Site, the Applicant shall ensure that any and all contractors use commonly accepted best practices to reduce airborne dust and particulates.
9. The dumpster area shall be kept closed at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park.
10. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on the Site are in accordance with the approved Site and Landscaping Plans.
11. The Applicant hereby acknowledges that the development of the Site is subject to the recorded Unity of Control for the PUD, and agrees to comply with the terms thereof.
12. Prior to the issuance of any building permits, the Applicant shall submit copies of any other permits required by other agencies, including but not limited to the Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection.
13. Any revisions to the approved Site Plan, Landscape Plan, Architectural Elevations, Signs, Statement of Use, Photometric Plan, colors, materials, or the location of proposed improvements or structures, shall be submitted to the Community Development Department and shall be subject to its review and approval.
14. Cost Recovery. All professional consulting fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. The failure of the Applicant to reimburse the Town within the 10 days from the town's mailing

- of its invoice will result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order.
15. The Applicant is required to submit a Cash Surety in the amount equal to the 110% of the perimeter infrastructure and landscaping improvements of Phase II. The Cash Surety is required prior to the issuance of a building permit for Phase I.
  16. The Phase I outdoor storage area shall only be used to park vehicles. The repair, installation of parts, testing of engines or any other mechanical work on vehicles is prohibited.
  17. All expired landscaping currently surrounding the Site shall be replaced with trees, vegetation or other plantings which are in accordance with the specifications approved as part of the master plan for the PUD. Additionally, if any existing landscape material is damaged as part of the Applicant's development of the Phase II of the project, the Applicant shall immediately replace it in accordance with the approved specifications.
  18. The Applicant shall submit any easements, abandonments, or releases to the Director for review and approval by the Town Attorney. Any documents which have been approved by the Town Attorney and which require recordation shall be the responsibility of the Applicant and shall be recorded prior to the issuance of the building permit for the construction of Phase I.
  19. **The Applicant shall initiate bona fide and continuous development of the Site within 18 months from the effective date of this resolution. Should the Director determine that the Applicant has not initiated and continued bona fide development, the approvals granted by this Resolution shall become null and void. Once bona fide development has been initiated, the development of the Site shall be completed within 18 months.**

Exhibit "D"

## Spacebox Lake Park – Self Storage Facility

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Town Commission Hearing  
Site Plan for Special Exception Use

September 21, 2016

iPLAN  
& DESIGN

## Project Team

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Applicant – Mr. Casey Tippens, Dir. of Dev.

Spacebox Lake Park, LLC

Architect – Mr. Wade R. Squires, Principal

Stackable + Squires Design Group

Site Design & Entitlements – Mr. Brian Cheguis

iPlan & Design, LLC

Civil Engineer – Mr. Mark Smiley, Principal

Smiley & Associates

Traffic Engineer – Ms. Yvonne Ziel

Yvonne Ziel Traffic Consultants

iPLAN  
& DESIGN

## Specific Request

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Seeking Town Commission approval of a Site Plan for a Special Exception *Self Storage Facility* use proposed to be developed in two (2) phases for a total of 201,600 sf of enclosed Self Storage use on the subject 4.665 acre property locate on parcel G1 of the Congress Business Park PUD.

## Entitlement Approval History

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June 08, 2014 Master Plan for Congress Business Park (28.66 acres)  
approved by way of Resolution 16-16-2014

October 01, 2014 Tract F was approved for the Aldi Food Market Site by  
way of Resolution 33-10-2014

March 04, 2015 Tract B was approved for the RaceTrac Gasoline Station  
by way of Resolution 07-03-2015

## Location

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Tract G1 of the Congress Business Park PUD

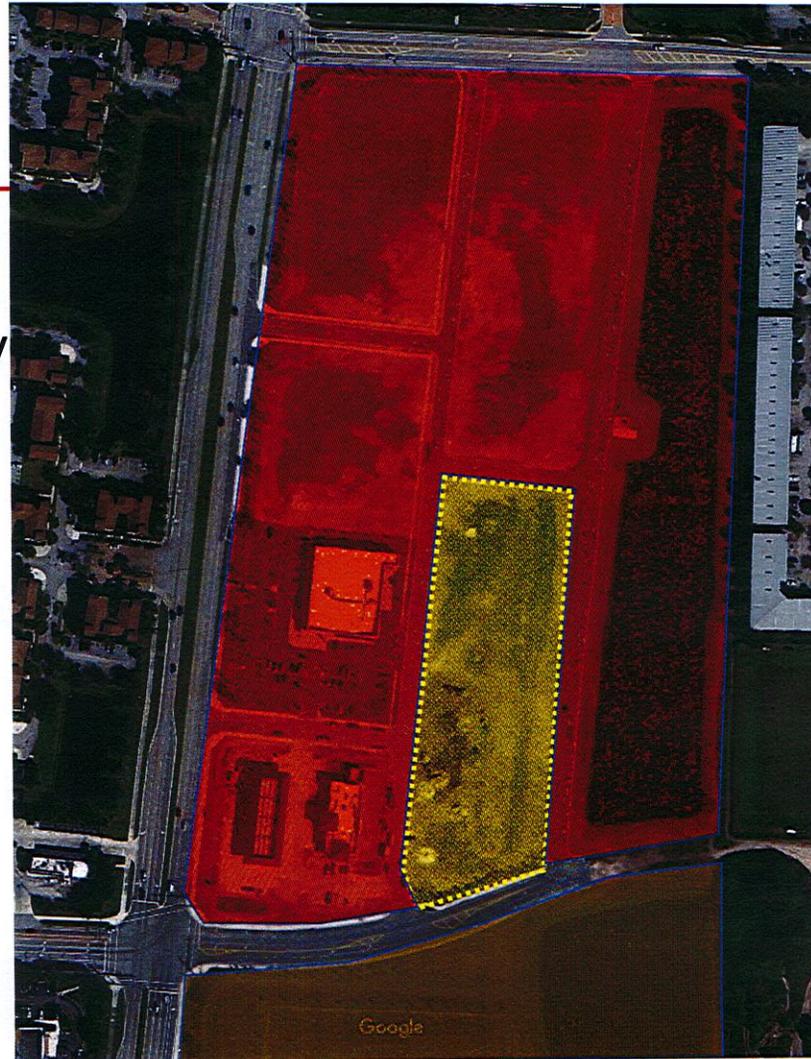
Adjacent to Park Ave. W.  
; the US Army Reserve  
Training Facility; water  
retention tract; and,  
Vacant parcels



## Surrounding Zoning

N, E & W:  
Planned Unit Development /  
Commercial 2 (C-2)

S  
Commercial 4 (C-4)



## Surrounding FLUs

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N, S, E & W:  
Commercial/Light Industrial



# Phase I Site Plan

OUTDOOR RV/BOAT STORAGE  
FOR UP TO 67 VEHICLES (INTERIM)  
OPAQUE SCREENING & VISUAL BUFFERING

SECURITY GATE & CCTV

MULTIPLE POINTS OF ACCESS  
FOR PATRONS & PBC EMS

3 STORIES / <37.5 FT HEIGHT  
SECURE ACCESS FOR PATRONS  
BLDG. AS TERMINAL VISTA



# Phase II Site Plan

2<sup>nd</sup> 3-STORY INDOOR STORAGE BLDG.  
ALL OUTDOOR STORGE REMOVED  
CONTINUED COMPLIMENTARY ARCH.

ADDITIONAL GREENSPACE  
& ON-SITE SW RETENTION

MULTIPLE POINTS OF ACCESS  
FOR PATRONS & PBC EMS

3 STORIES / <37.5 FT HEIGHT  
SECURE ACCESS FOR PATRONS  
BLDG. AS TERMINAL VISTA



# Phase I Architecture



SOUTH ELEVATION RENDERED  
3/2" = 1'-0" 4

NORTH ELEVATION RENDERED  
3/2" = 1'-0" 3



EAST ELEVATION RENDERED  
3/2" = 1'-0" 2



WEST ELEVATION RENDERED 4

# Phase I Perspective

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# Phase II Architecture

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WEST ELEVATION RENDERED PHASE II  
332' x 1'-0" 4



SOUTH ELEVATION RENDERED PHASE II  
332' x 1'-0" 3

NORTH ELEVATION RENDERED PHASE II  
332' x 1'-0" 2



EAST ELEVATION RENDERED PHASE II  
332' x 1'-0" 1

# Phase II Perspective

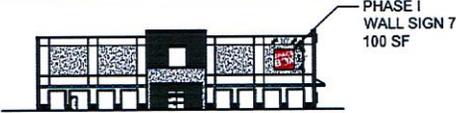


# Phase I & II Signage

LOCATION MAP



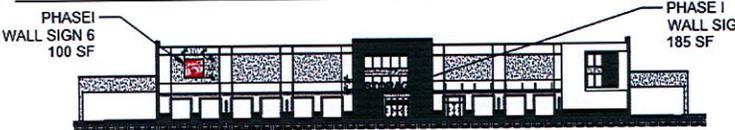
BLDG 1 (PH I NORTH ELEVATION WALL SIGN 8)



BLDG 1 (PH I SOUTH ELEVATION WALL SIGN 3)



BLDG 1 (PH I WEST ELEVATION WALL SIGN 4 & 6)



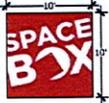
BLDG 2 (PH II WEST ELEVATION WALL SIGN 9 & 10)



BLDG 2 (PH II NORTH ELEVATION WALL SIGN 11)



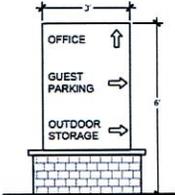
SPACEBOX LOGO



FREE STANDING SIGN



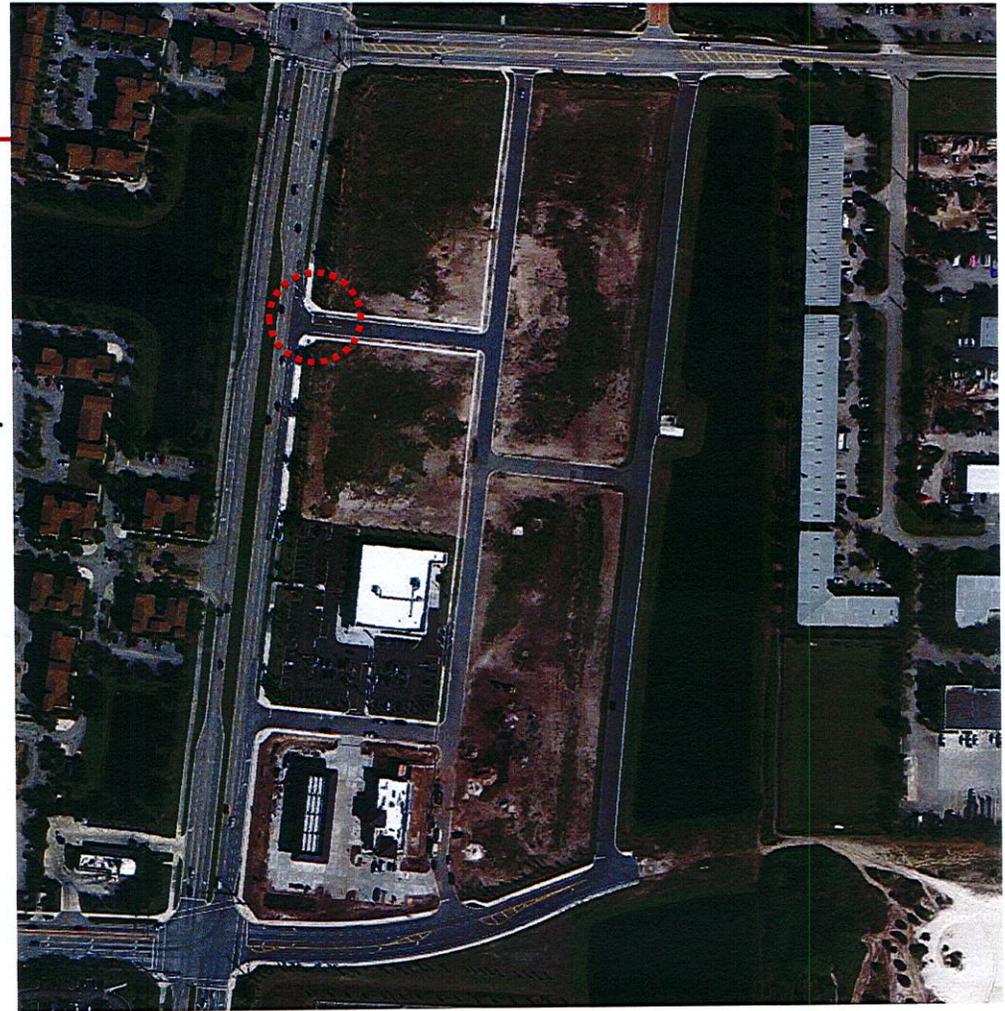
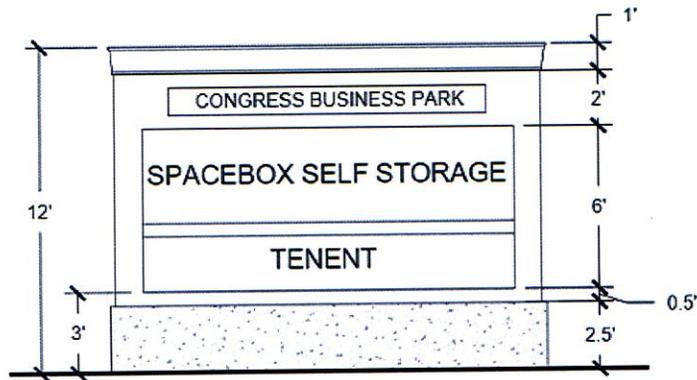
PARKING AREA INSTRUCTIONAL SIGN (PH I & II, 4 SIGNS TOTAL)



# Offsite PUD Signage

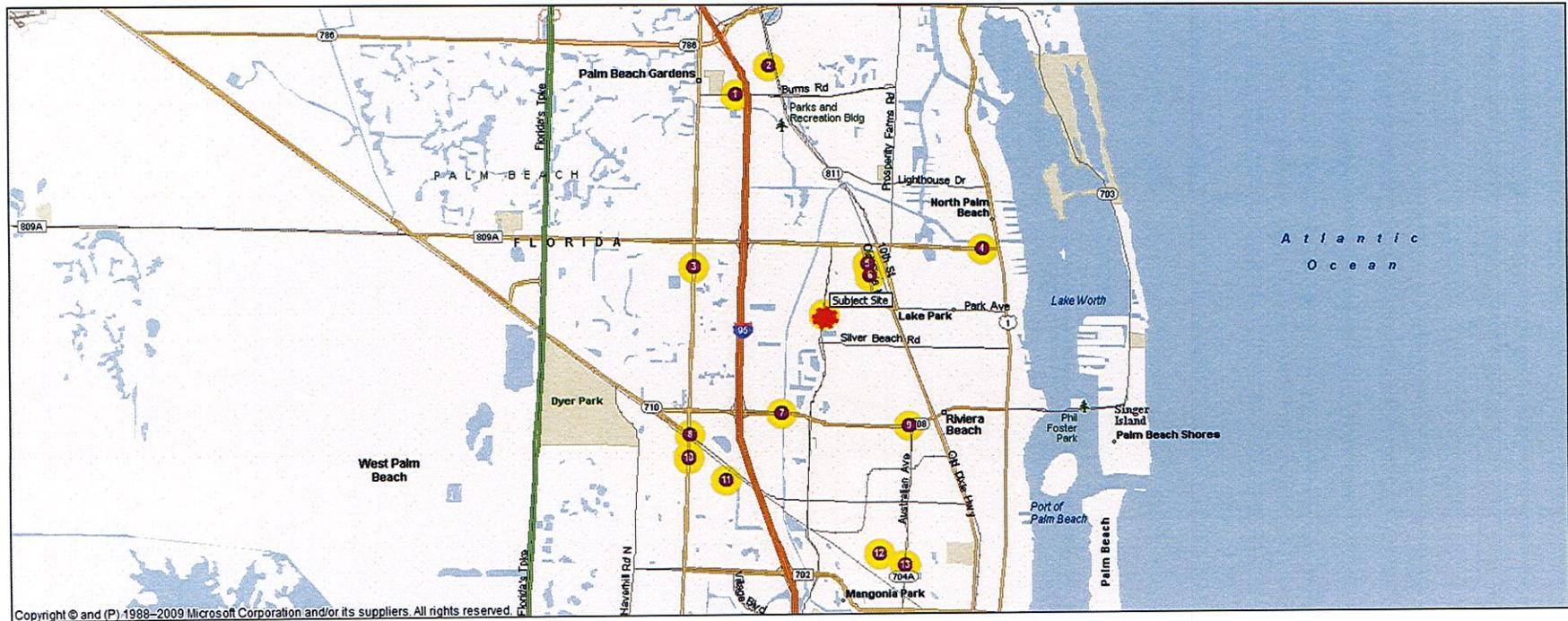
Activating the previously approved PUD Directional Sign adjacent to Congress Ave.

No changes to previously approved size or design of this sign



# The Self Storage Market & Taxable ROI for Lake Park

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## The Self Storage Market & Taxable ROI for Lake Park

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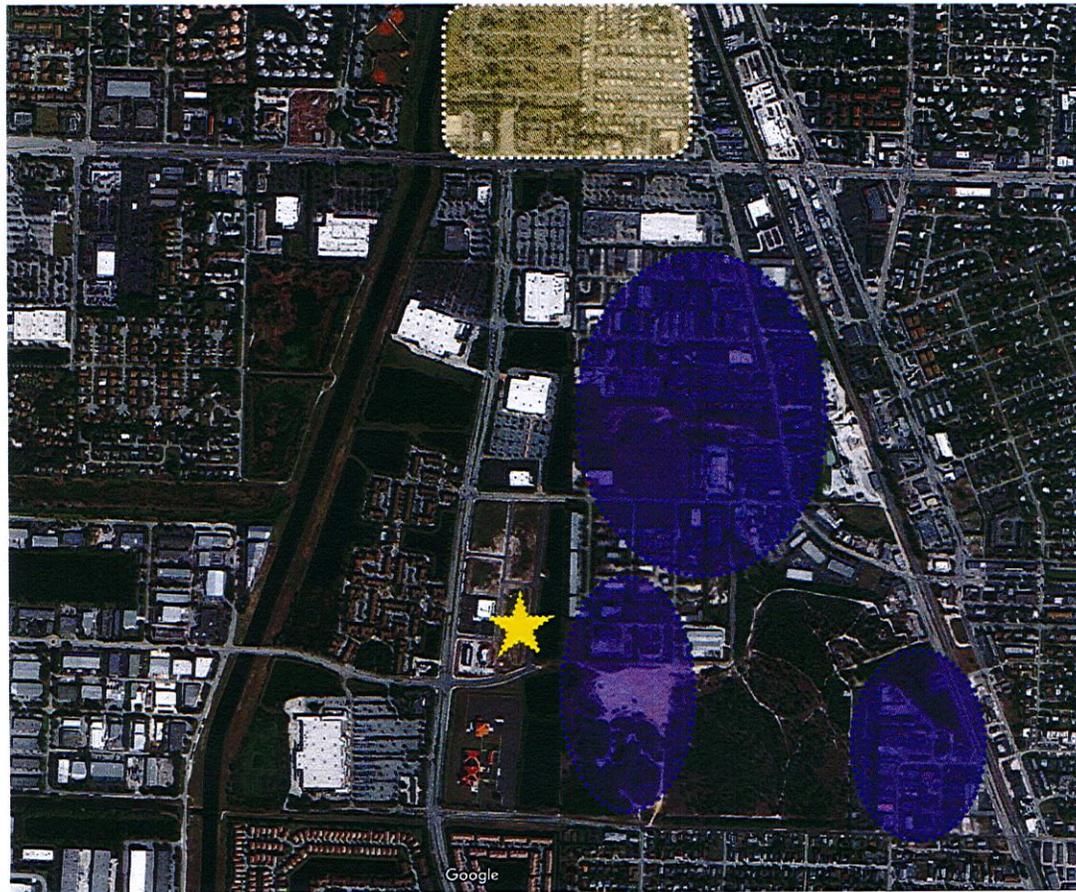
Parcel G1 is considered a “backstop” parcel within this Industrial/Commercial PUD – No Congress Avenue frontage

With future development (north of Congress at Northlake Blvd.) and pending industrial Bioscience and Industrial redevelopment of the Industrial/BRPO lands to the east...market is robust for Self Storage use

Comparatively, Self Storage will provide the highest yield and ultimately the highest Ad Valorem Tax base for the Town (\$279,000.00/Annum) as compared to Retail (\$144,000/Annum) or Industrial (\$150,000/Annum)

# The Self Storage Market & Taxable ROI for Lake Park

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## Site Plan & Special Exception Criteria Compliance

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Zoning Staff have determined that the site plan as presented herein meets all of the review requirements (i.e. Access; Traffic; LS; Drainage; Parking; Signage; Photometrics; Water/sewer; Design; Fire and, PBSO (with up to 19 conditions of approval)

Zoning Staff have determined that the Special Exception Criteria (TC – Sec. 78-184) have all been met (i.e. Further Objectives/Policies of the Comp. Plan; Consistent with Zoning; Consistent Character; Non-Proliferation; Impact on surroundings; Noise/Odor/Traffic; and, Contextual Impacts (with up to 19 conditions of approval)

# Planning and Zoning Board Recommendations

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## P & Z Board Additional Requirements:

- Increase landscaping size & material quantities at time of planting around the interim outdoor storage area.
- Add landscaping around the dry retention area (grasses and water tolerant trees) to reduce amount of sod.
- Add additional wall treatment on large blank spaces of building facades
- Review depth of overhang to attempt to weather protect pedestrians

The Applicant has complied with all the above P&Z Board recommendations.

The Planning & Zoning Board recommended approval of the Site Plan and Special Exception use request 4 – 0.

## Staff Recommendation and Conditions

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Zoning Staff are recommending approval of the Two (2) Phase Site Plan and Special Exception Self Storage use with up to 19 conditions of approval

The Applicant is in agreement with all staff conditions of approval.

We are seeking Town Commission approval of the Site Plan and Special Exception use as presented herein.

## Conclusion

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The Applicant and Design Team are here to answer any questions

THANK YOU

## Spacebox Self Storage at Lake Park

### Special Exception Use and Site Plan Approval

(To develop a 2-Phase, +/- 201,600 square foot Self Storage Facility)

#### Justification Statement

August 31, 2016

### SPECIAL EXCEPTION

#### 1. INTRODUCTION:

IPlan and Design, on behalf of Space Box Lake Park, LLC (the 'Applicant') is pleased to submit for review and approval a request for Special Exception approval for a Self-Storage use (Warehouse Storage use), and Site Plan approval for a two (2) phased development proposed to include two (2) Self Storage buildings totaling 201,600 square feet (at ultimate buildout). The subject 4.665 acre property is located on the north side of Park Avenue in the Town of Lake Park, Florida, (address: N/A - Vacant property / PCN: 36-43-42-19-26-007-0000). The property possesses a Commercial / Light Industrial (Comm\_Lt\_Ind) future land use designation and a corresponding Business District C-2 Zoning District designation. It is located within the Congress Business Park PUD and is designated for Tract G1 within the PUD (an internal tract located east of Congress Avenue behind the RaceTrac and Aldi Food Market projects). Administrative approval is also being sought to formalize the allowable number of floors allowed within this development as previous height allowances have been permitted as part of the original approval of the Planned Unit Development (PUD). amendment petition is being processed concurrently by the Community Development. The Applicant is confident that approval of the above entitlement petitions will result in a more efficient and architecturally superior development.

The Applicant is seeking Special Exception approval for a Self-Storage Facility (proposed to be developed in two (2) phases) on Tract G1 of the Congress Business Park PUD. Town Code Section 78-184 prescribes the criteria that must be met to entitle a Special Exception use for a proposed development. The following six (6) criteria and sub-criteria have been analyzed for the requested Self-Storage use:

1. Is the proposed Special Exception use consistent with goals, objectives and policies of Town's Comprehensive Plan?

The Applicant believes that this proposed use at this location would further up to three (3) objectives and policies of the Future Land Use element of the Town's Comprehensive Plan as outlined herein:

*Policy 1.5* – The Comprehensive Plan specifies that the Town is to encourage development and redevelopment activities that will substantially increase the tax base while protecting and minimizing negative off-site impacts for surrounding properties, the natural environment, residential neighborhoods and within adopted levels of service.

*Objective 1* – The Comprehensive Plan specifies that the Town is to encourage development and redevelopment activities that will substantially increase the tax base while protecting and minimizing negative off-site impacts for surrounding properties, the natural environment, residential neighborhoods and within adopted levels of service.

*Objective 5* – The Town shall promote redevelopment and infill development in a manner that is consistent to existing neighborhoods and uses, the built and natural environments and adjacent jurisdictions.

2. Is the proposed Special Exception use consistent with the Town's Land Development and Zoning Regulations and all other applicable codes?

The Special Exception use has been site and building programmed to meet or exceed the property development standards and architectural design criteria established by the Town's LDRs and Zoning regulations. In order to ensure all existing regulations are fully complied with a minor PUD/Master Plan Amendment is being requested to ensure that the previously approved 50 foot maximum height allowance within the PUD also contemplates more than 2 stories of use within buildings constructed within the PUD. The site will be reviewed by Palm Beach County Fire Rescue for circulation and by Seacoast Utility Authority for compliance with water and wastewater requirements.

3. Is the Special Exception compatible with character and use (existing and future) of surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback, and other relevant factors peculiar to the proposed special exception use and the surrounding property.?

The Special Exception use will be located within Tract G1 of the Congress Business Park. This parcel is an internal parcel within a previously approved Planned Unit Development (PUD) surrounded by Commercial, Industrial and Government Facility uses. The building(s) (Phase I and Phase II) have been sited to the east side of the property. Other Commercial uses have been constructed to the west of the subject site along Congress Avenue and across from San Marco Villas (a residential community) located on the west side of Congress Avenue. The building will comply with the maximum height limitation of the PUD (50 feet) and will incorporate up to three (3) floors within each of the buildings. This compact design allows for more architectural significance to each building providing more of a Commercial appearance versus a long low lying building and an Industrial appearance. Specific architectural elements and detailing have been incorporated into the facades of the two buildings to ensure architectural compatibility is achieved between the existing approved developments and this proposed development. This use generates

low levels of traffic and at off-peak times and days for those customers utilizing and accessing the storage facility. The hours of operation (with employees present and office open are typically 8am-6pm Mon-Sat. Customers will have 24 hour access to gated areas and the indoor facility will be 24 hour accessible via keypad entry. There is a high level of security throughout the site via security cameras, secure access areas, secure gates, etc. These areas are accessible only to paying customers after hours.

4. Will the proposed Special Exception use on the site create a concentration or proliferation of the same or similar type of use, which may be detrimental to the development or redevelopment of the area?

According to an internal market analysis prepared for this site in Lake Park, there is a recognized need for a modern enclosed Self Storage facility to serve the residential, commercial and industrial customers located within a 3 mile radius of this site. Due to continued residential development in Lake Park and adjacent jurisdictions the demand for this specific use will increase for the above listed users within the two- and one-mile radii in the near/foreseeable future. There are no other facilities of this size, type and scale in close proximity to this site. The only other facilities in close proximity include the Public Storage facility on Northlake Blvd. at US Hwy. 1 in North Palm Beach. Other, older facilities exist and have a very low vacancy rate which further establishes the need for more updated/modern Self Storage use options for the residential, commercial and industrial citizens of Lake Park.

5. Will the proposed Special Exception Use have a detrimental impact on surrounding properties based on:
  - a. The number of persons anticipated to be using, residing or working on the property as a result of the Special Exception use:

NO – Access to this type of use is typically outside of the AM/PM peak traffic periods and on weekends. The use will have a maximum of two employees working on any given shift when the office is open to the public (during normal business hours). This site will not have a detrimental impact to surrounding uses based on access and number of employees.

- b. The degree of noise, odor, visual, or other potential nuisance factors generated by the Special Exception use;

NO – This use does not generate any noise, odor, vibrations, noxious emissions and /or visual impacts\* or nuisances (\*with appropriate screening of Phase I Outdoor Storage use). No off-site detrimental impacts shall be realized by this Special Exception use.

- c. The effect on the amount and flow of traffic within the vicinity of the proposed Special Exception use:

NO – This use generates very low AM/PM peak hour traffic and more off-time and off-weekday traffic generation for persons accessing their stored goods. The internal location of the subject Tract G1 further removes traffic accessing the site away from Congress Avenue and into the internal roadway network of the Planned Unit Development.

6. Does the Special Exception use:

- a. Significantly reduce light and air to adjacent properties?

NO – The buildings have been designed to be compact and meet the maximum building height of 50 feet. The provision of two (2) similar buildings provide more visual interest than a single building that would extend a longer horizontal distance across

the site. The adjacent Commercial properties are oriented and programmed to face Congress Avenue (Aldi Food Market and RaceTrac) and away from the subject property and development. The buildings on the subject site are located to the east side of the property adjacent to a service road and water detention pond. No reduction of light and air to adjacent properties will occur as a result of approval of this Special Exception use at this specific location.

b. Adversely affect property values in adjacent areas?

NO – The site is an infill site within an approved Planned Unit Development (PUD) which has been developed to generate Commercial and Industrial tax revenues to the Town. A Commercial and/or Industrial use was always contemplated for this property within the approved PUD. No impacts to adjacent non-PUD lands will occur as a result of the approval of this Special Exception use on this property located internally within the PUD.

c. Deter the improvement, development or redevelopment of surrounding properties in accordance with existing regulations?

NO – The site is an infill site within an approved Planned Unit Development (PUD). Redevelopment of other sites within the PUD can occur without any impacts realized from this development. All other surrounding properties to the west, south and east are fully developed. An internal PUD roadway separates the subject property from the only vacant parcel around the subject site.

d. Negatively impact adjacent natural systems or public facilities, including parks and open spaces?

NO – This criterion is not applicable to this specific request. This use does not impact recreational or natural open spaces as it is located on a vacant parcel within a

previously approved Planned Unit Development. The PUD is already serviced by all public facilities and buildout of this parcel will be readily accommodate by the existing service providers such as PBSO, PBCFR, SUA, Cable, Telephone, Gas, FPL, etc..

e. Provide pedestrian amenities including but not limited to, benches, trash receptacles, and/or bicycle parking?

YES - The Applicant has provided a direct sidewalk connection from the adjacent properties to the west to ensure pedestrian connectivity can be achieved to the site from the existing sidewalk system located on the west parcels and directly from Congress Avenue. Further, on-site amenities such as a benches and trash receptacles have been provided accordingly. Bicycle facilities have not been provided for this specific use as access to storage is unique in that an extremely significant amount of access will be by vehicular traffic.

## SITE PLAN

### 2. INTRODUCTION:

IPlan and Design, on behalf of Space Box Lake Park, LLC (the 'Applicant') is pleased to submit for review and approval a request for Special Exception approval for a Self-Storage use (Warehouse Storage use), and Site Plan approval for a two (2) phased development proposed to include two (2) Self Storage buildings totaling 201,600 square feet (at ultimate buildout). The subject 4.665 acre property is located on the north side of Park Avenue in the Town of Lake Park, Florida, (address: N/A - Vacant property / PCN: 36-43-42-19-26-007-0000). The property possesses a Commercial / Light Industrial (Comm\_Lt\_Ind) future land use designation and a corresponding Business District C-2 Zoning District designation. It is located within the Congress Business Park PUD and is designated at Tract G1 within the PUD (an internal tract located east of Congress Avenue behind the RaceTrac and Aldi Food Market projects). A Planned Unit Development (PUD) amendment petition is being processed concurrently by the Community Development department to formalize off-site signage and

make minor modifications to the number of stories allowed within the PUD. The Applicant is confident that approval of the three entitlement petitions outlined above will result in a more efficient and architecturally superior development.

**HISTORIC AND RECENT PLANNING & ZONING ENTITLEMENTS:**

The development history of the site and PUD is outlined herein:

**June 08, 2014**

Resolution No. 16-16-14 – Approval of a PUD Master Plan for the vacant 28.66 acre site (located between Water Tower Rd, Congress Avenue and Park Avenue.

- Approved the Master PUD Development Plan, Master PUD Landscape Plan, PUD Landscape Plan, Landscape Specifications and Engineering Plans (incl. 11 conditions of approval)

**October 01, 2014**

Resolution No. 33-10-14 – Approval of the Aldi Food Market Site Plan on adjacent Tract F of the Congress Business Park PUD

**March 04, 2015**

Resolution No. 07-0301 – Approval of the RaceTrac Gasoline Station with Convenience Store Site Plan and Special Exception Use on Tract B of the Congress Business Park PUD

**CONSISTENCY WITH OVERLAYS**

Not Applicable – Site is not located within any Town of Lake Park Special Planning or Overlay Districts.

**EXISTING ENTITLEMENTS FOR SURROUNDING PROPERTIES**

The surrounding properties have commercial high and/or light industrial future land uses/zoning district designations and uses, as outlined herein:

| Location     | FLUA  | Zoning District            | Use                       | Description   |
|--------------|---|----------------------------|---------------------------|---|
| Subject Site | Commercial /<br>Light Industrial<br>(Comm_Lt-Ind) | Business District<br>(C-2) | Vacant                    | Unimproved site   |
| North        | Commercial /<br>Light Industrial<br>(Comm_Lt-Ind) | Business District<br>(C-2) | Vacant                    | Unimproved site   |
| East         | Commercial /<br>Light Industrial<br>(Comm_Lt-Ind) | Business District<br>(C-2) | Vacant                    | Unimproved site   |
| West         | Commercial /<br>Light Industrial<br>(Comm_Lt-Ind) | Business District<br>(C-2) | Commercial                | RaceTrac Gasoline Station and<br>Convenience Store / Aldi Food Market |
| South        | Commercial /<br>Light Industrial<br>(Comm_Lt-Ind) | Business District<br>(C-4) | US Government<br>Facility | US Army Reserve Training Facility                                     |

**COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS CHAPTER 78 - ZONING**

***Building Site:***

The subject property is Tract G1 of the Congress Business Park PUD, which received Master Site Plan approval by the Town Commission (via Resolution No. 16-06-14) on June 08, 2014. The PUDs zoning designation is Business District (C-2). The site is proposed to be developed in two phases. Phase I will provide a single 100,800 square foot enclosed Self Storage Facility and adjacent Outdoor Storage use (with up to 68 RV and Boat parking spaces). Phase II will remove the Outdoor Storage use and develop a second 100,800 square foot enclosed Self Storage Facility (at ultimate/final buildout).

The subject property meets and/or exceeds all of the established property development requirements:

| District              | Minimum Yard Requirements |        | Side             | Rear                                      | Min. 1 <sup>st</sup> Floor Area | Max. FAR | Max. Lot Cover | Bldg. Site Area                      | Max. Height             |
|-----------------------|---------------------------|--------|------------------|---|---------------------------------|----------|----------------|--------------------------------------|-------------------------|
|                       | Front                     | Corner |                  |   |                                 |          |                |                                      |                         |
| C-2 Business District | 25 ft.                    | 15 ft. | 15 ft./15 ft.    | 15 ft. or 5 ft. with dedicated rear alley | 1,200sf / min. depth 25 ft.     | 2.0      | N/A            | Min. 25 ft. length of store rm. wall | **50 ft and 2 Stories   |
| Existing Site         | 103.3 ft.                 | N/A    | 64.7 ft./ 353 ft | 42.7 ft.                                  | 33,600 sf.                      | 0.51     | 17%            | 140'x240'                            | *+/- 37.5ft / 3 stories |

\* Additional Number of Stories is being sought through administrative approval due to the increased height allowance approved for the PUD

\*\* Height approval by way of Master Plan approval (Resolution 16-06-2014)

***Site Access:***

Phase I Site Access is proposed to be from three (3) entrances. The main building façade and entrance feature has been oriented west and centered on the fifty (50) foot wide access driveway that commences at Congress Avenue and terminates at the subject site (Tract G1). The other two (2) proposed entrances are located on the existing internal PUD roadway located along the east side of the site. The two (2) easternmost access points are readily accessible from Park Avenue and/or Water Tower Road. These multiple points of access will provide for maximum circulation for both waste haulers and Palm Beach County Fire Rescue vehicles and for customers accessing the site from the north and the south.

Phase II Site Access adds a fourth (4<sup>th</sup>) access drive at the north end of the subject property for convenient access to the second proposed enclosed Self Storage Building. This last access point will provide for maximum circulation for both waste haulers and Palm Beach County Fire Rescue vehicles.

***Traffic:***

The Applicant has requested a Traffic Performance Standard (TPS) concurrency letter from Palm Beach County Traffic Division to confirm that there is adequate capacity on the adjacent roadways that serve this site. As Self-Storage uses generate less traffic than typical Commercial/Industrial type uses, any previously approved additional trips shall be re-assigned to other undeveloped parcels within the PUD.

***Landscaping & Screening:***

The subject property will provide landscape buffers; interior landscaping; vehicular use area landscaping; and, foundation plantings throughout the site and around the building(s), respectively. A landscape and irrigation plan has been provided at the time of site plan submittal. Up to two (2) different perimeter buffer conditions have been identified and shall be designed to meet the landscaping requirement of Article VIII Section 78-253 & -254. One 15 foot wide PUD buffer has been previously installed on the south boundary of the subject site adjacent to Park Avenue (in satisfaction of Condition #4 of Resolution 16-06-14). Standard eight (8) foot wide landscape buffers have been specified along the other adjacent property boundaries (west, north and east parcel boundaries). Pedestrian connectivity throughout the site has been complemented with a variety of interior and foundation planting areas.

All landscape islands within vehicular use areas comply with the minimum width and length requirements of Article VIII, Section 78-253(c)(2) with no landscape island width less than 5 feet (inside dimension) and no interior landscape island area less than 25 square feet. The Applicant shall ensure that Article VIII, Section 78-253 (a)(1-3) are strictly adhered to. The use of native plants and water conservation techniques will be integrated into the design to the greatest extent practicable.

Section 78-112 specifies that walls proposed in Commercial Districts shall not be higher than eight (8) feet. For the Phase I component of the site plan approval the Applicant is proposing outdoor storage of recreational vehicles (including RV campers and boats and trailers). The Applicant is proposing to install an eight (8) foot high post and panel concrete wall in compliance with the above referenced code section. Further, the approved Master Plan's adopted development regulations indicate that roof

mounted mechanical equipment shall be fully screened from the public as well as at-grade mechanical equipment, dumpsters, and utilities. The site plan has been programmed to incorporate appropriate screening of the above referenced building and site elements/infrastructure. Pursuant to comments from the Planning and Zoning Board, the Applicant has provided additional landscaping in the form of increased shrubs around the outdoor storage area and infill palm clusters. Around the retention areas, additional Bald Cypress and native grasses have been added around the banks and slopes to reduce the amount of sod, (refer to updated Landscape Plans submitted with added landscaping).

***Environmental:***

**Environmental Assessment** – The site is vacant, and has been cleared of all vegetation with the exception of the required fifteen foot wide PUD buffer located at the south end of the subject property along Park Avenue. The subject property is an infill site and is surrounded by Commercial uses, a Government Facility and vacant property (including a water detention tract).

**Significant Habitats or Species / Flood Zone / Wellfield Zone**

**Significant Habitats or Species:** No protected flora or fauna exist on this highly disturbed property.

**Flood Zone:** The site is located within Flood Zone A8, Elevation 13, per flood insurance rate map no. 120192 0130B, effective date October 15, 1982.

**Wellfield Zone:** The site is not located within any identified Palm Beach County wellfield zones.



View West



View North

***Drainage:***

The Applicant is proposing a system of on-site surface retention area(s) in combination with trenching to provide the required stormwater staged storage.

***Parking & Loading:***

Per Article V, Section 78-142 Self Storage uses are required to park at a rate of 1 parking sp. / employee on shift (highest intensity) + 2 customer parking spaces located adjacent to facility's leasing office + 1 sp./200 storage bays. Required Off-street parking cannot be used for outdoor storage of goods/materials; vehicle sales/repairs; and, sale or display of goods. The Applicant is proposing additional parking in Phase I to accommodate the Outdoor Storage area of the site which shall accommodate up to 68 outdoor parking spaces for Recreational Vehicles and Boats/Trailers. Interior parking shall be provided as aisle ways adj. to the storage bays, and will be used for circulation and temporary customer parking. All interior travel aisles are two way in configuration and are (as an aggregate) dimensioned to a width of 30 feet.

An Autoturn analysis of internal drive radii has been provided for approval to the Town of Lake Park and Palm Beach County Fire Rescue for the Phase I and Phase II site plans.

| <b>USE</b>                            | <b>PARKING RATE</b>         | <b>PARKING REQ / Provided</b> |
|---------------------------------------|-----------------------------|-------------------------------|
| <b><i>Self-Storage (Phase I)</i></b>  |                             |                               |
| Employees (highest intensity (2))     | 1 sp. / Employee            | 2 / 2                         |
| Customers                             | 2 spaces @ public entrance  | 2 / 2                         |
| No. of Storage Bays (763)             | 1 sp. / 200 bays            | 4 / 6                         |
| No. of Outside Storage Bays (68)      | 1 sp. / 200 bays            | 1 / 5                         |
|                                       | <b>Total Parking Ph. I</b>  | <b>9 / 15</b>                 |
| <b><i>Self-Storage (Phase II)</i></b> |                             |                               |
| Employees (highest intensity (2))     | 2 sp. / Employee            | 2 / 2                         |
| Customers                             | 2 spaces @ public entrance  | 4 / 12                        |
| No. of Storage Bays (1526)            | 1n sp. / 200 bays           | 8 / 8                         |
|                                       | <b>Total Parking Ph. II</b> | <b>14 / 22</b>                |

All accessible parking shall adhere to F.S. Statute 316.1957 and 553.511, and any rules promulgated thereunder. The Applicant is providing two (2) accessible parking spaces. The site plan furnishes the two A.D.A. compliant parking spaces adjacent to the main entrance to the Phase I building.

Due to the nature of this use, a loading space is not required to be provided. Multiple loading spaces are integrated into the Phase I and Phase II buildings for ease of access to customer storage bays.

***Signage.***

The Applicant is proposing wall mounted and ground signage in accordance with the requirements of the sign code as specified in Article IV, Section 70-103(5)(a-b), et. al. of the Land Development Regulations. The building's principal public entrance is located on the west side of the building aligned with the access road leading from Congress Avenue. The permitted signage on the Phase I building frontage (1.5 x the building façade length = 1.5 sf. x 240 ft. = 360 sf.). Additional wall signage is proposed on the south (side) façade of the Phase I building facing Park Avenue. Side wall signage is permitted to be calculated at 50% of the front wall signage, (in this instance, 360 sf. X 0.5 = 180 sf.).

The Phase II building is designed to be similar in overall mass, height, dimensioning as the Phase I building. Principal (front wall) signage is proposed on the west façade to a maximum of 360 sf. Additional side wall signage at 50% of the front wall signage maximum is proposed on the north side of the Phase II building to a maximum of 180 sf. See proposed signage tables below for Phase I and Phase II wall signage, Phase I freestanding signage and Phase I and II parking area instructional signage:

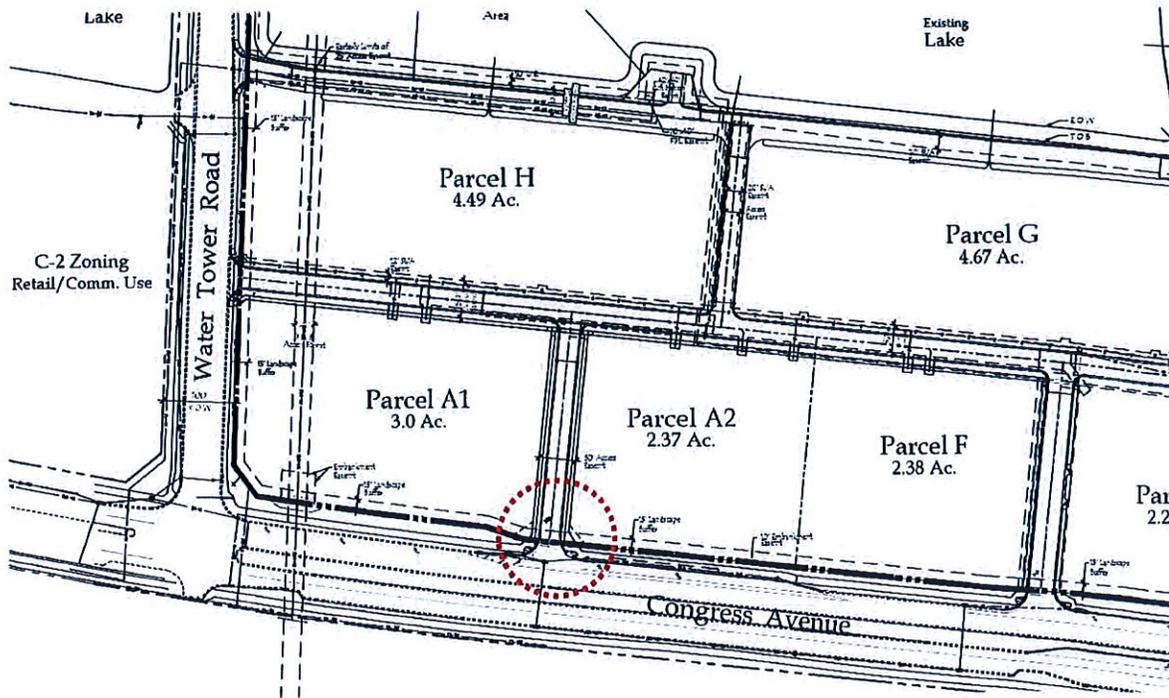
| Space Box Signage Table         |          |                                     |                   |                       |
|---------------------------------|----------|-------------------------------------|-------------------|-----------------------|
| Phase I – Building 1 Wall Signs |          |                                     |                   |                       |
| Wall                            | Location | Code Requirement                    | Max. Signage Area | Proposed Signage Area |
| West                            | Front    | 1.5 sf. / 1.0 ft. of bldg. frontage | 360 sf.           | 285 sf.               |
| South                           | Side     | 50% of front wall max. calc.        | 180 sf.           | 100 sf.               |
| East                            | Rear     | 50% of front wall max. calc.        | 180 sf.           | 0 sf.                 |
| North                           | Side     | 50% of front wall max. calc.        | 180 sf.           | 100 sf.               |

| Phase II – Building 2 Walls Signs |          |                                     |                   |                       |
|-----------------------------------|----------|-------------------------------------|-------------------|-----------------------|
| Wall                              | Location | Code Requirement                    | Max. Signage Area | Proposed Signage Area |
| West                              | Front    | 1.5 sf. / 1.0 ft. of bldg. frontage | 360 sf.           | 230 sf.               |
| South                             | Side     | 50% of front wall max. calc.        | 180 sf.           | 0 sf.                 |
| East                              | Rear     | 50% of front wall max. calc.        | 180 sf.           | 0 sf.                 |
| North                             | Side     | 50% of front wall max. calc.        | 180 sf.           | 100 sf.               |

| Phase I – Freestanding Signs  |                            |                            |                            |                            |
|---|----------------------------|----------------------------|----------------------------|----------------------------|
| Frontage / Location   | West Access Road           | East Access Road           | North Access Road          | Park Avenue                |
| Sign Type   | Monument                   | Monument                   | Monument                   | Monument                   |
| Max. No. of Signs   | 1                          | 0                          | 0                          | 0                          |
| Max. Sign Area<br>1.0 sf. / 1.5 ft. of frontage<br>(1.0 x 760.29 / 2 = 380 sf.) | 380 sf                     | 0                          | 0                          | 0                          |
| Proposed Sign Area  | 80 sf                      | 0                          | 0                          | 0                          |
| Sign Type   | Parking Area Instructional | Parking Area Instructional | Parking Area Instructional | Parking Area Instructional |
| Max. No. of Signs (N/A)   | 1                          | 2                          | 0                          | 1                          |
| Max. Sign Area<br>(Legible to drivers accessing site)                           | 18 sf                      | 18 sf                      | 18 sf                      | 18 sf                      |
| Proposed Sign Area  | 18 sf                      | 18 sf                      | 0                          | 18 sf                      |
| Phase II – Freestanding Signs   |                            |                            |                            |                            |
| Sign Type   | Parking Area Instructional | Parking Area Instructional | Parking Area Instructional | Parking Area Instructional |
| Max. No. of Signs (N/A)   | 0                          | 0                          | 1                          | 0                          |

|   |       |       |       |       |
|---|-------|-------|-------|-------|
| Max. Sign Area<br>(Legible to drivers accessing site) | 18 sf | 18 sf | 18 sf | 18 sf |
| Proposed Sign Area                                    | 0     | 0     | 18 sf | 0     |

A previously approved off-site "PUD Directional Sign" has been specified to be constructed in concert with the development of this back parcel. Currently, the Property Owner and Applicant have identified the potential location at the intersection of Congress Avenue and the northernmost access road (between Parcels A1 and A2), on either the north or south side of the access road along the east side of Congress Avenue (See PUD Exhibit herein).



**Zoning:**

Article III, section 78-72(2)(n) outlines that Storage Warehouse uses are allowed as Special Exceptions within the Business District (C-2) zoning district if approved by Town Commission. The proposed use will be developed consistent with the current Land Development Regulations of the Town of Lake Park Zoning Code and the Congress Business Park PUD development regulations as prescribed on the

approve Master Plan approved by Town Council on June 08, 2014 (by way of Reso. No. 16-06-14). The maximum FAR for non-residential/commercial projects with a Commercial/Light Industrial District is 2.0 and the project at final build out will be at approximately 1.0 FAR. All other property development regulations have been met or exceeded as part of the site and building programming for this specific use.

***Water/Sewer:***

All required easements for water/sewer purposes have been previously established and platted. Seacoast Utility Authority shall be contacted as part of obtaining the necessary water capacity reservation for the development of a Self-Storage Facility (up to +/-201,600 sf of Self-Storage use).

***Design:***

The Applicant shall adhere to the design requirements from Chapter 78, Article XII *Architectural Design Guidelines for Nonresidential Buildings* and also to the *Congress Avenue Business Park PUD-Development Regulations (General and Specific Standards)*.

*Congress Avenue Business Park PUD-Development Regulations (General and Specific Standards)*.

A. General

The site programming and building orientation have been developed so as to maximize the terminal vista for patrons accessing the site from Congress Avenue. The main public entrance to the site and building are fully aligned with the intersection of the internal roadways. The colors and materials for the buildings and signage on the subject site will be consistent with the existing nonresidential developments (Aldi Food Market and RaceTrac) located adjacent to the property. Elements from these adjacent projects will be incorporated into the design of the Self-Storage buildings.

B. Specific

1. Colors & Materials

The Applicant has utilized lighter off whites for a majority of the building and provided slightly darker colors to accent various architectural elements around the entire building as well as to accentuate various massing changes along each façade. They have used

variations in materials to indicate a strong base to the building as well as identify and highlight the entry elements.

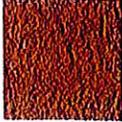
2. Architectural Character

The architectural vernacular of the building is contemporary and maintains a sense of consistency between the two buildings on the subject site. There is no over-use of superfluous details as the building design is clean and modern and uses a change in materials, color and depth to break up the façade and introduce visual interest. The main materials include the integration of stucco, stone veneer and decorative CMU, glass and dark charcoal grey canopies and metal accents.

3. Building Façade

Façade articulation shall be incorporated into all four sides of the architecture in combination with variations in color, material and vertical articulation. The following design elements have been integrated into the design: varied roof lines, well defined public entries by way of combining different material finishes, horizontal and vertical articulation, multiple colors, and projections. All facades on both buildings have been visually broken up through the use of building offsets and the alteration of building materials and various accent bands. Further, and in response to comments from the Planning and Zoning Board the Applicant has extended the architectural element (a canopy feature), an additional 18" to provide more depth and interest on the west façade of the Phase I building. Also, in response to a comment requesting additional fenestration on the building the Applicant has committed to providing a change in stucco textures on the large panels on all facades of the buildings, (see specification herein).

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|  |  |   |   |
|--|--|---|---|
| <b>Sandblast®</b><br>Aggregate Textured 100% Acrylic-Based Dirt Pickup Resistant Finishes  |  |   |  |
| <ul style="list-style-type: none"><li>• <a href="#">Data Sheet</a></li><li>• <a href="#">Specifications - PDF</a></li><li>• <a href="#">Specifications - DOC</a></li></ul> | <ul style="list-style-type: none"><li>• <a href="#">SDS</a></li><li>• <a href="#">Colors</a></li><li>• <a href="#">Textures Up Close</a></li></ul> | <ul style="list-style-type: none"><li>• <a href="#">Request More Info</a></li></ul> |   |
| <hr/>  |  |   |   |
| <b>Sandpebble®</b><br>Aggregate Textured 100% Acrylic-Based Dirt Pickup Resistant Finishes   |  |   |  |
| <ul style="list-style-type: none"><li>• <a href="#">Data Sheet</a></li><li>• <a href="#">Specifications - PDF</a></li><li>• <a href="#">Specifications - DOC</a></li></ul> | <ul style="list-style-type: none"><li>• <a href="#">SDS</a></li><li>• <a href="#">Colors</a></li><li>• <a href="#">Textures Up Close</a></li></ul> | <ul style="list-style-type: none"><li>• <a href="#">Request More Info</a></li></ul> |   |

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4. Building Height

The building shall be less than the approved 50 foot height restriction for the PUD. The proposed height will be 37' 6.5" in height.

5. Signage

See Signage Section above. All building, freestanding and parking area instructional signage complies with the requirements of LDR Article IV, Section 70-103(5)(a-b), and will comply with the approved Master Plan signage requirements for the use of multiple materials and colorful lettering and/or backgrounds.

6. Screening

See Screening Section above. All building mounted mechanical equipment shall be effectively screened from public view. A combination of landscaping, fencing and post and panel concrete walls shall be used to screen at-grade mechanical equipment, dumpsters and utilities. Further, all rooftop AC condensers are to be residential sized units and behind parapet walls.

7. Pedestrian Circulation

A pedestrian sidewalk has been specified from the adjacent nonresidential projects (Aldi Food Market and RaceTrac) across the internal roadway to the front of the subject property. It is expected that foot traffic to the Self-Storage use will be extremely low as most patrons access the site from a vehicle to either deposit or pick up stored goods.

# **Ordinance on First Reading**

# TAB 4



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 19, 2016

Agenda Item No. Tab 4

\*\*\*ITEM WILL BE CONTINUED TO OCTOBER 19, 2016\*\*\*

Agenda Title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR AMENDMENTS TO THE RESIDENTIAL AND COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR THE AMENDMENT OF OBJECTIVE 9 AND POLICY 9.6; PROVIDING FOR THE CREATION OF POLICY 9.6.1 AND THE REPEAL OF POLICY 9.9 AND CREATING AS PART OF THE TOWN'S LAND DEVELOPMENT REGULATIONS A MIXED-USE ZONING OVERLAY DISTRICT; PROVIDING FOR TRANSMITTAL OF THE PROPOSED AMENDMENTS TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

- [ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[X] PUBLIC HEARING - QUASI-JUDICIAL - ORDINANCE ON 1st READING
[ ] NEW BUSINESS
[ ] OTHER

Approved by Town Manager \_\_\_\_\_ Date: \_\_\_\_\_

Nadia Di Tommaso / Community Development Director

Name/Title

Table with 3 columns: Originating Department (Community Development), Costs (Consultant Fee per the agreement & Legal Ads), Attachments (ITEM TO BE CONTINUED), Advertised (Date: 09-25-2016), and notification details.

Summary Explanation/Background:

THIS ITEM IS BEING CONTINUED TO OCTOBER 19, 2016.

LPA Board Recommendation (August 22, 2016): APPROVAL (3-1)

Recommended Motion: None at this time.

# **New Business**

# TAB 5



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 5, 2016

Agenda Item No. Tab 5

Agenda Title: Commission Approval to Reject Bids Associated with the Kelsey Park & Lake Shore Park Community Development Block Grant (CDBG) Improvement Projects – RFP No. 104-2016; Re-bid Project

- SPECIAL PRESENTATION/REPORTS
  - BOARD APPOINTMENT
  - PUBLIC HEARING ORDINANCE ON FIRST READING
  - NEW BUSINESS**
  - OTHER: \_\_\_\_\_
- CONSENT AGENDA
  - OLD BUSINESS

Approved by Town Manager *David Hunt* Date: 9/28/16  
*SIGNATURE AUTHORIZED BY TOWN MGR.*  
 David Hunt / Public Works Director

|  |  |  |
|--|--|--|
| <b>Originating Department:</b><br><br><b>PUBLIC WORKS</b>  | Costs: \$ 0.00<br>Funding Source: N/A<br>Acct. #: N/A<br><input checked="" type="checkbox"/> Finance <u><i>BYP</i></u>                                 | <b>Attachments:</b><br><b>Bid Tabulation</b><br><b>Evaluation Committee meeting minutes</b><br><b>Tabulation of options</b>    |
| <b>Advertised:</b><br>Date: _____<br>Paper: _____<br><input checked="" type="checkbox"/> <b>Not Required</b> | All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda. | Yes I have notified everyone _____<br>or<br><b>Not applicable in this case</b> <u><i>JDH</i></u><br><b>Please initial one.</b> |

**Summary Explanation/Background:** A Town Evaluation Committee met on September 14, 2016 for the purpose of discussing the three bids that were submitted in response to the Request for Proposal (RFP) No. 104-2016 (see attached meeting minutes). The lowest base bid submittal was considered non-responsive due to the absence of a bid bond and acknowledgement of addendums. The next lowest submittal was considered responsive and responsible but the offeror was instructed to provide clarifications in order to arrive at an accurate base bid amount. The corrected bid tabulation sheet has been included in this agenda packet.

The Committee found that all bid submittals, ranging from \$523,274 to \$590,791, exceeded the amount budgeted for the project and a recommendation would need to be brought before the Commission.

\$437,555 was provided to the Town via CDBG funding. Approximately \$385,643 remains available after paying for architect design and consulting services. The corrected base bid amount submitted by All-Site Construction is \$562,853.41.

The Town Manager, Finance Director, Public Works Director, and Project Manager have reviewed the bid line items, the base bid total, and Town funds currently available for the project. The Finance Director advised against using any of the Fund Balance for this project. Use of the Fund Balance at this time would move the Town back towards the category of a "deteriorating financial condition", a comment made by the auditor in each of the Town's CAFRs since fiscal year 2011 and only removed in the CAFR for the year ending September 30, 2015.

As background, the architect prepared separate plans for the Kelsey Park construction project and the Lake Shore restroom renovation project. An analysis of the schedule of bid items indicates that either one of the projects may be completed with the available grant funds, but not both (see attached).

The Kelsey Park project could be completed by deleting the replacement benches and trash receptacles and requesting the County to re-allocate Fiscal Year 2017 CDBG funds (originally slated for the purchase and placement of benches/receptacles in Lake Shore Park in the amount of \$34,032) to supplement building construction costs.

Alternatively, the Lake Shore restroom improvements could be completed that would include its roof being replaced along with the re-roof of the Community Meeting Building, bench and trash receptacle replacement at Kelsey Park, and the placement of electrical conduit to the future location of new tennis court light poles. (The bench/receptacle replacement project for Lake Shore Park would be completed with the Fiscal Year 2017 CDBG funds). This option would not expend all of the funds allocated to the Town in its agreement with the County. Unused CDBG funds would revert back to the County.

Regardless of which option the Commission chooses, the current bid submittals should be rejected and the project re-bid. The Palm Beach County Department of Economic Sustainability (DES) has been consulted and it is their opinion that the deadline for completion of the project, while needing to be extended due to a rebid, would still allow DES to meet its responsibility of having all funds expended by September 30, 2017. It is imperative that the Town move rapidly to get the project rebid.

Staff is seeking Commission consensus as to which project should be re-bid:

- A) A new restroom constructed in Kelsey Park (no new benches or trash receptacles)
- B) Renovation of the Lake Shore Park restroom, including two new roofs, electric conduit for future tennis court lights, and benches/receptacles for Kelsey Park. (Unused funds would revert back to the County)

The recommendation is to reject all bids submitted for RFP No. 104-2016 and to prepare a new bid packet based upon the Commission's direction. Once consensus has been achieved on the new scope of work, staff will consult with Palm Beach County DES to see if a revised agreement will need to be executed with the Board of County Commissioners.

**Recommended Motion:** I move to reject all bids submitted for Town RFP No. 104-2016 and to have staff prepare a new request for proposal for re-bid purposes.

**I move to authorize staff to prepare an RFP based upon the following scope of work**  
(Select 'A' or 'B' based upon consensus):

- A) Construct a new restroom in Kelsey Park with no new benches or trash receptacles.
- B) Renovate the Lake Shore Park restroom, including two new roofs, electric conduit for future tennis court lights, and benches/receptacles for Kelsey Park.

**BID TABULATION**  
**KELSEY AND LAKE SHORE PARKS RESTROOM CONSTRUCTION & RENOVATION**  
**TOWN OF LAKE PARK BID NO. 104-2016**

SHEET 1 OF 3

| ITEM NO. | ITEM DESCRIPTION   | UNIT | QTY. | ALL-SITE CONSTRUCTION |               | WEST CONSTRUCTION INC. |               | ANATOM CONSTRUCTION CO. (NON-RESPONSIVE) |               |
|----------|--|------|------|-----------------------|---------------|------------------------|---------------|--|---------------|
|          |  |      |      | UNIT PRICE            | TOTAL PRICE   | UNIT PRICE             | TOTAL PRICE   | UNIT PRICE                               | TOTAL PRICE   |
| 1        | INDEMNIFICATION  | Job  | 1    |                       | \$ 1,000.00   |                        | \$ 10.00      |  | \$ 25,000.00  |
| 2        | GENERAL CONDITIONS   |      |      |                       | \$ 7,500.00   |                        |               |  |               |
| 2A       | Mobilization   | Job  | 1    |                       | \$ 10,000.00  |                        | \$ 63,304.00  |  | \$ 60,200.00  |
| 2B       | Registration with the Town, No-Fee Town Permit, Renovation Permit  | Job  | 1    |                       | \$ 50.00      |                        | \$ 500.00     |  | \$ 2,000.00   |
| 2C       | Payment Bond & a Performance Bond  | Job  | 1    |                       | \$ 10,000.00  |                        | \$ 6,000.00   |  | \$ 9,660.00   |
| 2D       | Shop Drawing Processing  | Job  | 1    |                       | \$ 500.00     |                        | \$ 600.00     |  | \$ 10,000.00  |
| 2E       | Project Close-Out incl. Record Drawings, Manuals, & Warranties   | Job  | 1    |                       | \$ 500.00     |                        | \$ 5,068.00   |  | \$ 2,000.00   |
| 3        | Temporary Silt Fencing Around Kelsey Site  | Job  | 1    |                       | \$ 750.00     |                        | \$ 10,864.00  |  | \$ 3,500.00   |
| 4        | Temporary access corridor, cap sprinkler heads & restore grass & concrete  | Job  | 1    |                       | \$ 1,000.00   |                        | \$ 4,570.00   |  | \$ 3,500.00   |
| 5        | Select soil import for building pad, walkways, and transition fill incl. grading, compaction, soil testing & report per spec. on plan sheet S1.1 & Exhibit "B" | C.Y. | 260  | \$ 9.61               | \$ 2,498.60   | \$ 62.00               | \$ 16,120.00  | \$ 60.00                                 | \$ 15,600.00  |
| 6        | Remove encountered abandoned utility pipe  | L.F. | 100  | \$ 10.00              | \$ 1,000.00   | \$ 8.50                | \$ 850.00     | \$ 15.00                                 | \$ 1,500.00   |
| 7        | Cap abandoned utility pipes  | EA.  | 8    | \$ 3.00               | \$ 24.00      | \$ 80.00               | \$ 640.00     | \$ 100.00                                | \$ 800.00     |
| 8A       | New restroom/storage building in Kelsey Park   | L.S. | 1    |                       | \$ 256,939.00 |                        | \$ 230,494.00 |  | \$ 199,420.00 |
| 8B       | Water service line & connection to existing for new restroom building  | L.F. | 50   | \$ 50.00              | \$ 2,500.00   | \$ 14.00               | \$ 700.00     | \$ 100.00                                | \$ 5,000.00   |
| 8C       | Backflow prevention device   | L.S. | 1    |                       | \$ 1,100.00   |                        | \$ 850.00     |  | \$ 2,000.00   |
| 8D       | Electrical service new from existing panel at N.W. corner of park to new building  | L.F. | 250  | \$ 30.00              | \$ 7,500.00   | \$ 34.00               | \$ 8,500.00   | \$ 25.76                                 | \$ 6,440.00   |
|          | Reduced trenching & conduit \$ /l.f.   |      |      | \$ 12.81              | \$ 12.81      | \$ 10.00               |               | no quote                                 |               |
| 8E       | Sanitary sewer connection per Seacoast Utility Authority requirements  | L.F. | 20   | \$ 700.00             | \$ 14,000.00  | \$ 37.00               | \$ 740.00     | \$ 200.00                                | \$ 4,000.00   |
| 8F       | Construct concrete walkways and ramped walkways  | S.Y. | 219  | \$ 40.00              | \$ 8,760.00   | \$ 70.00               | \$ 15,330.00  | \$ 75.00                                 | \$ 17,082.00  |
| 8G       | Construct reinforced concrete steps  | L.S. | 1    |                       | \$ 7,000.00   |                        | \$ 8,000.00   |  | \$ 2,000.00   |
| 8H       | Hand rail at ramped walkway and steps  | L.F. | 170  | \$ 81.00              | \$ 13,770.00  | \$ 70.00               | \$ 11,900.00  | \$ 81.25                                 | \$ 13,812.50  |
| 9        | Site drainage (basin, swale, sod)  | L.S. | 1    | \$ 50.00              | \$ 50.00      |                        | \$ 4,400.00   |  | \$ 6,000.00   |
| 10       | Build irrigation system in areas receiving fill dirt and in dry detention area . Incl. labor, equipment, materials. Install Town supplied sprinkler heads.     |      |      |                       |               |                        |               |  |               |
| 10A      | Sch. 40 pipe, fittings, flex pipe 1" or less   | L.F. | 250  | \$ 15.00              | \$ 3,750.00   | \$ 12.00               | \$ 3,000.00   | \$ 15.00                                 | \$ 3,750.00   |
| 10B      | Sch. 40 pipe, fittings, flex pipe 1-1/4" throug 2"   | L.F. | 150  | \$ 18.00              | \$ 2,700.00   | \$ 13.00               | \$ 1,950.00   | \$ 18.00                                 | \$ 2,700.00   |

**BID TABULATION (CONTINUED)**  
**KELSEY AND LAKE SHORE PARKS RESTROOM CONSTRUCTION & RENOVATION**  
**TOWN OF LAKE PARK BID NO. 104-2016**

SHEET 2 OF 3

| ITEM NO.                                  | ITEM DESCRIPTION  | UNIT  | QTY. | ALL-SITE CONSTRUCTION |                     | WEST CONSTRUCTION INC. |                      | ANATOM CONSTRUCTION CO (NON-RESPONSIVE) |                      |
|---|---|-------|------|-----------------------|---------------------|------------------------|----------------------|---|----------------------|
|   |   |       |      | UNIT PRICE            | TOTAL PRICE         | UNIT PRICE             | TOTAL PRICE          | UNIT PRICE                              | TOTAL PRICE          |
| 11  | Sod (Floritam associated with building site)                                      | L.S.  | 1    |                       | \$ 3,500.00         |                        | \$ 9,250.00          |   | \$ 5,000.00          |
| 12A                                       | Park Benches, 6' (remove & dispose of existing, provide & install new)            | EA.   | 15   | \$ 2,168.00           | \$ 32,520.00        | \$ 2,700.00            | \$ 40,500.00         | \$ 1,335.00                             | \$ 20,025.00         |
| 12B                                       | Remove & dispose of concrete slabs for benches, construct new slabs               | EA.   | 3    | \$ 600.00             | \$ 1,800.00         | \$ 630.00              | \$ 1,890.00          | \$ 1,000.00                             | \$ 3,000.00          |
| 13  | Trash receptacles   | EA.   | 6    | \$ 1,816.00           | \$ 10,896.00        | \$ 2,120.00            | \$ 12,720.00         | \$ 1,000.00                             | \$ 6,000.00          |
| 14A                                       | Renovations to Lake Shore Park Restroom   | L.S.  | 1    |                       | \$ 153,028.00       |                        | \$ 118,151.00        |   | \$ 79,325.00         |
| 14B                                       | Reroof Lake Shore Park Restroom ("S" tile) incl. dormer removal, reframe & sheath | L.S.  | 1    |                       | \$ 6,300.00         |                        | \$ 11,500.00         |   | \$ 7,000.00          |
| 14C                                       | Replace rotted roof sheathing   | S.F.  | 96   | \$ 5.00               | \$ 480.00           | \$ 3.50                | \$ 336.00            | \$ 10.00                                | \$ 960.00            |
| 14D                                       | Replace damaged fascia  | L.F.  | 20   | \$ 5.00               | \$ 100.00           | \$ 6.70                | \$ 134.00            | \$ 5.00                                 | \$ 1,000.00          |
| 14E                                       | Replace damaged soffit incl. vents  | L.F.  | 20   | \$ 35.00              | \$ 700.00           | \$ 11.00               | \$ 220.00            | \$ 100.00                               | \$ 2,000.00          |
| 15  | (5) Portable toilets for public use (2 men, 2 women, 1 ADA Handicap)              | Month | 5    | \$ 125.00             | \$ 625.00           | \$ 340.00              | \$ 1,700.00          | \$ 600.00                               | \$ 3,000.00          |
| <b>BASE BID: TOTAL ITEMS 1 THROUGH 15</b> |   |       |      |                       | <b>\$562,853.41</b> |                        | <b>\$ 590,791.00</b> |   | <b>\$ 523,274.50</b> |

**THE BID SUBMITTAL OF ANATOM CONST. DID NOT INCLUDE THE BID BOND OR THE SIGNED ADDENDUM. THE BID SUBMITTAL IS NON-RESPONSIVE.**

**BID TABULATION (CONTINUED)**  
**KELSEY AND LAKE SHORE PARKS RESTROOM CONSTRUCTION & RENOVATION**  
**TOWN OF LAKE PARK BID NO. 104-2016**

| ITEM DESCRIPTION  |        | ALL-SITE<br>CONSTRUCTION | WEST<br>CONSTRUCTION INC. | <i>ANATOM</i><br>CONSTRUCTION CO.<br>(NON-RESPONSIVE) |
|---|--------|--------------------------|---------------------------|---|
| ALTERNATE I: Install Dimensional Asphalt Shingle Roof in lieu of "S" tile roof  |        |                          |                           |   |
| a. Kelsey Park .....  | Deduct | \$ 5,900.00              | \$ 2,400.00               | \$ 5,900.00   |
| b. Lake Shore Park Restroom .....   | Deduct | \$ 3,500.00              | \$ 1,500.00               | \$ 5,100.00   |
| <b>TOTAL ALTERNATE I</b>  |        | <b>\$ 9,400.00</b>       | <b>\$ 3,900.00</b>        | <b>\$ 11,000.00</b>                                   |
| ALTERNATE II: Re-roof of Community Meeting Building   |        |                          |                           |   |
| a. With "S" tile as specified for restroom building .....   | Add    | \$ 17,900.00             | \$ 20,048.00              | \$ 7,900.00   |
| b. With Dimensional Asphalt shingle as specified .....  | Add    | \$ 13,350.00             | \$ 15,000.00              | \$ 13,350.00  |
| c. Remove dormers, reframe and sheath .....   | Add    | \$ 2,000.00              | \$ 3,400.00               | \$ 960.00   |
| d. *Total bid items 14C, 14D, 14E .....   | Add    | \$ 1,280.00              | \$ 690.00                 | \$ 3,960.00   |
| <b>TOTAL ALTERNATE II W/ "S" TILE</b>   |        | <b>\$ 21,180.00</b>      | <b>\$ 24,138.00</b>       | <b>\$ 22,820.00</b>                                   |
| ALTERNATE III: Re-roof of Tennis Center Office Building   |        |                          |                           |   |
| a. With "S" tile as specified .....   | Add    | \$ 7,900.00              | \$ 9,620.00               | \$ 7,900.00   |
| b. With Dimensional Asphalt Shingle as specified .....  | Add    | \$ 4,100.00              | \$ 5,800.00               | \$ 5,100.00   |
| c. Remove dormers, reframe and sheath .....   | Add    | \$ 2,000.00              | \$ 3,400.00               | \$ 960.00   |
| d. *Total bid items 14C, 14D, 14E .....   | Add    | \$ 1,280.00              | \$ 690.00                 | \$ 3,960.00   |
| <b>TOTAL ALTERNATE III W/"S" TILE</b>   |        | <b>\$ 11,180.00</b>      | <b>\$ 13,710.00</b>       | <b>\$ 12,820.00</b>                                   |
| ALTERNATE IV: Tennis Court Lighting   |        |                          |                           |   |
| a. Install all (empty) conduits from panel location to future pole locations .....  | Add    | \$ 10,560.00             | \$ 15,680.00              | \$ 9,600.00   |
| b. Demolish existing lighting system and install the new poles, lighting, controls,<br>conduits, and wiring for a complete system .....   | Add    | \$ 202,950.00            | \$ 155,680.00             | \$ 194,500.00   |
| ALTERNATE V: Benches and Trash Receptacles for Lake Shore Park  |        |                          |                           |   |
| a. Park Benches same as bid item 12A... 11@ \$ ___/ea. ....   | Add    | \$ 2,168.00 \$ 23,848.00 | \$ 2,700.00 \$ 29,700.00  | \$ 1,365.00 \$ 14,685.00                              |
| b. Trash Receptacles same as bid item 13... 9@\$ ___/ea. ....   | Add    | \$ 1,816.00 \$ 16,344.00 | \$ 2,120.00 \$ 19,080.00  | \$ 1,000.00 \$ 9,000.00                               |
| <b>TOTAL ALTERNATE V</b>  |        | <b>\$ 40,192.00</b>      | <b>\$ 48,780.00</b>       | <b>\$ 23,685.00</b>                                   |
| ALTERNATE VI: Deduct line item 8E, Add 40 l.f. 6" PVC sanitary sewer. Add 40 l.f. @\$ ___/l.f.  | Add    | \$ 15.00 \$ 600.00       | \$ 45.00 \$ 1,800.00      | <i>Error</i> → \$ 4,000.00                            |
| ALTERNATE VII: ADDITIONAL POTABLE WATERLINE: Provide labor, equipment and materials to install 1-1/2" potable water pipe at 24" cover for future metered service from building to drainage corridor and along and along drainage corridor. Cap at west road right-of-way. Install 1-1/2" tee and valve at building 210 l.f. | Add    | \$ 50.00 \$ 10,500.00    | \$ 30.00 \$ 6,300.00      | \$ 25.34 \$ 5,322.00                                  |



## Evaluation Committee Meeting Minutes

Town of Lake Park, Florida

Request for Proposal No. 104-2016

Kelsey and Lake Shore Parks

Restroom Construction and Renovation

Wednesday, September 14, 2016 2:00 p.m.

Commission Chamber, Town Hall, 535 Park Avenue

The Evaluation Committee meeting was conducted on Wednesday, September 14, 2016 at 2:00 p.m. Present were Town Manager John D'Agostino, Finance Director Blake Rane, Public Works Director David Hunt, Project Manager Richard Pittman, Operations Manager Richard Scherle, and Town Clerk Vivian Mendez.

Finance Director Rane called the meeting to order at 2:00 p.m. and introduced himself and staff as members of the Evaluation Committee for Kelsey and Lake Shore Parks Restroom Construction and Renovation. Project Manager Pittman explained that bids were opened and read aloud on Tuesday, September 13, 2016 at 2:00 p.m. He explained that three bidders submitted for this project, and that Anatom Construction was lowest base bidder. Furthermore, Anatom Construction did not include signed acknowledgements of the addendums or a bid bond as part of their submittal. He suggested that the Committee determine whether the bid should be accepted prior to further discussion. Town Manager D'Agostino suggested that the absence of the required documents was inexcusable.

**Motion: Town Manager D'Agostino moved to reject the submittal of Anatom Construction for non-responsiveness; Project Manager Pittman seconded the motion.**

Project Manager Pittman stated, "Bids or proposals which are submitted without the required bid security shall be rejected" as governed by Ordinance 04-2016 (See Exhibit "A").

Vote on Motion:

| Committee Member            | Aye | Nay | Other |
|-----------------------------|-----|-----|-------|
| Committee Member D'Agostino | X   |     |       |
| Committee Member Hunt       | X   |     |       |
| Committee Member Pittman    | X   |     |       |
| Committee Member Scherle    | X   |     |       |

Motion passed 4-0.

Project Manager Pittman explained that All-Site Construction submitted a bid that he believed to be responsive. He distributed copies of the submittal of All-Site Construction to the Committee and explained that the company had submitted all of the required documents. Project Manager Pittman explained the unit prices on the bid tabulation sheet (See Exhibit "B"). Finance Director Rane informed the Committee that All-Site Construction did not provide a quote for the removal and disposal of concrete slabs. (See Exhibit "B"). Project Manager Pittman explained that All-Site Construction failed to

provide a quote and suggested that moving forward the Town may request the removal fee to be \$0.00. Finance Director Rane asked if the omission was curable. Town Manager D'Agostino explained that he believed it was a curable omission. Project Manager Pittman suggested that the omission was curable by negotiation.

**Motion: Town Manager D'Agostino moved that item 12-B of the bid tabulation was a curable omission by All-Site Construction; Project Manager Pittman seconded the motion.**

Vote on Motion:

| Committee Member            | Aye | Nay | Other |
|-----------------------------|-----|-----|-------|
| Committee Member D'Agostino | X   |     |       |
| Committee Member Hunt       | X   |     |       |
| Committee Member Pittman    | X   |     |       |
| Committee Member Scherle    | X   |     |       |

Motion passed 4-0.

Project Manager Pittman continued to explain the submittal of All-Site Construction and directed the attention of the Committee to item 14-C of the bid tabulation. He informed the Committee that he had made several corrections due to miscalculations and explained that the revised base bid was \$561,040.60 after the reduction of about \$4,500.00 from the original submittal.

Town Manager D'Agostino directed the attention of the Committee to 12-B of the bid tabulation and asked for direction for purposes of negotiation. Project Manager Pittman informed the Committee that two representatives of All-Site Construction were present and asked that they address the Committee.

The representative of All-Site Construction explained that they did not have the correct unit price for items 12-B and 14-C of the bid tabulation to provide to the Committee. Public Works Director Hunt explained item 12-B as it requests the unit price for the removal, disposal and the creation of each concrete slab. The All-Site Construction representative asked the Committee "what is the procedure to submit the corrected document"? Town Manager D'Agostino would like the item negotiated however, it should not exceed the quoted average cost per unit provided by West Construction. Public Works Director Hunt explained that the contractor might have failed to provide a quote for 12-B due to the inclusion of associated costs in 12-A. Finance Director Rane asked the Committee "how would you like the contractor to communicate and by what time?" Town Manager D'Agostino suggested that the contractor submit the corrected quote in writing no later than 4:00 p.m. on Thursday, September 15, 2016 to the Town Clerk's Office. Project Manager Pittman asked that All-Site Construction also acknowledge the correction of item 14-C. The representative agreed to make the suggested corrections and to submit to the Office of the Town Clerk.

Finance Director Rane asked the Committee for further comments. Town Manager D'Agostino suggested that the bid process should move forward in efforts to provide a recommendation to the Town Commission because the base bids exceed the amount budgeted for the project. Finance Director Rane asked the Committee for further

comments. Town Manager D'Agostino asked if it was correct to assume that blank unit costs for item 13 of the bid tabulation were services provided by the Town. Project Manager Pittman answered "no" and informed the Committee that All-Site Construction did include unit prices for items 12-A & 13 of the bid tabulation and that he had failed to include them in as part of the document. He stated, "the unit price for item 12-A was \$2,168.00 and the unit price of item 13 was \$1,816". Finance Director Rane asked the about item 8-D on page one of the bid tabulation, where a quote of \$32.81 was provided but the Town did not specify a unit quantity for "reduced trenching & conduit". Project Manager Pittman explained that in the event that the Town could salvage conduit, it could be used as part of the distance of item 8-D. Finance Director Rane explained that in the event of the use of salvaged conduit the number of feet and unit prices would be reduced. Operations Manager Scherle suggested that the reuse of conduit would be more expensive. Project Manager Pittman agreed with Finance Director Rane and Operations Manager Scherle and suggested that All-Site Construction review the quote provided for item 8-D. The representative of All-Site Construction agreed. Project Manager Pittman explained that the reduced price would be included as part of the change order to be determined upon the assessment of the electrician.

Project Manager Pittman explained that the submitted agenda request form would disclose that items 14 C, D & E were to be determined after removal of the roof. He explained that the Committee would ask the Commission to include a contingency based on the unknowns for the project. Town Manager D'Agostino asked if there was a percentage included in the Towns Procurement Ordinance. Finance Director Rane answered "no, it is not specified in the Ordinance". Town Manager D'Agostino asked if there would be five portable toilets provided for one month or five months. Finance Director Rane explained that they would be provided for a total of five months and rotated each month.

Town Manager D'Agostino asked if there should be discussion about the alternates. Project Manager Pittman explained that alternates should be discussed and referenced to the Town Commission in the event of increases and decreases.

**Motion: Town Manager D'Agostino moved to evaluate the total base bid of All-Site Construction prior to making a recommendation to the Town Commission; The motion failed for lack of a second.**

This motion was withdrawn by Town Manager D'Agostino.

**Motion: Public Works Director Hunt moved to accept the submittal of All-Site Construction as the lowest, responsive, responsible bidder based on further clarification of items; Project Manager Pittman seconded the motion.**

Vote on Motion:

| Committee Member            | Aye | Nay | Other |
|-----------------------------|-----|-----|-------|
| Committee Member D'Agostino | X   |     |       |
| Committee Member Hunt       | X   |     |       |
| Committee Member Pittman    | X   |     |       |
| Committee Member Scherle    | X   |     |       |

Motion passed 4-0.

Public Works Director Hunt explained that he purposely omitted the amount of the base bid in his previous motion due to the anticipated submittal of All-Site Construction on Thursday, September 15, 2016 at 4:00 p.m.

**Motion: Town Manager D'Agostino moved to continue upon completion of the base bid amount and clarifications by All-Site Construction to the Commission for consideration; Public Works Director Hunt seconded the motion.**

Vote on Motion:

| Committee Member            | Aye | Nay | Other |
|-----------------------------|-----|-----|-------|
| Committee Member D'Agostino | X   |     |       |
| Committee Member Hunt       | X   |     |       |
| Committee Member Pittman    | X   |     |       |
| Committee Member Scherle    | X   |     |       |

Motion passed 4-0.

Project Manager Pittman asked if the representative of All-Site Construction would like to inform the Committee of the services provided by their company. Project Coordinator Angel Fashaw has worked for All-Site Construction Company for two years. She explained that the company was established in 2001 and that the owner has since then completed for various projects for clients including municipalities. Project Manager Pittman asked "what type of trade employees are within your company?". Project Coordinator Fashaw explained that various trade specialists were employed with All-Site Construction and that their expertise supports their credentials to oversee and complete projects. Project Manager Pittman asked Project Coordinator Fashaw if her company was aware of the minimal amount of work to be provided by them in compliance with Palm Beach County and the Davis-Bacon Act. Project Coordinator Fashaw acknowledged that All-Site Construction was aware of the minimal requires work; she added that they had previously worked with Palm Beach County and were familiar with the Davis-Bacon Act.

Public Works Director Hunt asked if the Committee would continue the discussion about the alternates. Finance Director Rane suggested that the alternates for the project are highly unlikely. Project Manager Pittman asked if the deduction for shingle roofing should be included in the agenda request form. Town Manager D'Agostino explained that the difference in price was \$9,400.00 and stated, "I don't believe that is a significant amount of savings". Finance Director Rane asked Project Manager Pittman to include subtotals for the alternates. Project Manager Pittman agreed to include the subtotals as part of final bid tabulation sheet. Town Manager D'Agostino suggested that the alternates not be reviewed in lump sum amounts without consideration to future projects. He explained that some items within the project i.e. Tennis Court Lighting and Trash Receptacles may have to be budgeted as future projects. Project Manager Pittman asked the representative of All-Site Construction to submit the unit price for alternate five. Town Manager D'Agostino suggested to that the bid tabulation sheet should be corrected upon the submittal of All-Site Construction. He explained that a recommendation should be provided to the Town Commission as a result of the final base bid and alternates. Project Manager Pittman explained the specifications within the bid for a particular

manufacturers lighting and suggested that it could become competitive in the future. Public Works Director Hunt explained that the Town had a design that may correlate with alternate vendors. Town Manager D’Agostino asked if the light pole locations were specified. Public Works Director Hunt answered “yes” and explained that they were very specific and that the Town could demand that future vendors comply with the established design and light pole locations. Town Manager D’Agostino suggested providing all alternates and a corrected bid tabulation to the Commission for further discussion. Finance Director Rane agreed to corrections of the bid tabulation and suggested highlighting the prices of the “S” tile within alternates two and three. Finance Director Rane asked Project Manager Pittman to explain alternates six and seven. Project Manager Pittman explained that alternates six and seven were the results of preparation for demolition per the advisement of lateral pipe sizes by Seacoast Utilities. He explained that alternates six and seven may not be necessary, and that connection to the sewer was included as part of the base bid. Project Manager Pittman suggested that alternate seven was an item that needed to be discussed with the Town Commission. He explained that alternate seven would include the installation of new water service pipes from the new restroom building to the potential location of a water meter.

**Motion: Town Manager D’Agostino moved to accept the alternates per discussed modifications; Public Works Director Hunt seconded the motion.**

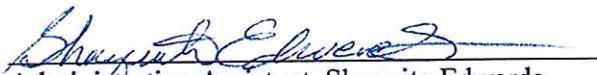
Vote on Motion:

| Committee Member            | Aye | Nay | Other |
|-----------------------------|-----|-----|-------|
| Committee Member D’Agostino | X   |     |       |
| Committee Member Hunt       | X   |     |       |
| Committee Member Pittman    | X   |     |       |
| Committee Member Scherle    | X   |     |       |

Motion passed 4-0.

**ADJOURNMENT**

There being no further business to come before the Evaluation Committee and after a motion to adjourn by Town Manager D’Agostino and seconded by Public Works Director Hunt, and by unanimous vote, the meeting adjourned at 3:15 p.m.

  
 Administrative Assistant, Shaquita Edwards

~~contract with the federal, state, or municipal governments or any other governmental agency or political subdivision providing the vendor extends the same terms and conditions of the contract to the Town. Cooperative purchasing or piggybacking is only allowed for the purchase of the same product or service and limited only to variances in the quantity and or minor features of a product or service. The town may cooperatively purchase or piggyback from vendors or contractors who have been selected after a competitive process and selected by other governmental entities who are subject to competitive solicitations by Florida law. The vendor or contractor shall confirm in writing that it will provide the goods or services to the Town based upon the terms of the contract which is the subject of the cooperative purchasing . The Town and vendor or contractor shall enter into a contract which incorporates the terms of the cooperative purchasing contract.~~ Cooperative purchases shall be subject to the approval levels specified in § 2-247.

(f) *Field purchase orders.* Field purchase orders may be utilized for purchases of less than \$1,500.00. Field purchase orders do not require the preparation of a purchase requisition by the ~~procuring~~originating department or the approval of the finance director prior to the procurement of a commodity and/or service. The ~~procuring~~originating department is responsible for ensuring that a competitive price is received for the commodity and/or service ordered, and that the budgetary appropriation for the commodity and/or service purchased is not over ~~expanded~~expended. The town manager or the finance department shall determine the integrity of such purchases.

(g) *Construction services.* The procurement of construction services by the town shall be acquired in accordance with the competitive sealed bid process outlined in § 2-248.

(1) Bid security shall be required for all competitive sealed bidding for construction contracts when the total cost of construction is estimated by the town manager or the finance director to exceed \$200,000.00. Bid security shall be an original bid bond executed by a surety company admitted and authorized to do business in the State of Florida. Cash, a certificate of deposit, treasurer's check, or a certified cashier's check satisfactory to the town may be tendered in lieu of the bid bond. Nothing contained herein shall prevent the town from requiring bid security on construction contracts ~~under~~ of less than \$200,000.00 as determined in the discretion of the town manager to be in the best interest of the town. Bid security shall be in an amount deemed sufficient by the town manager to ~~insure~~ ensure bid compliance but in no event shall the bid security be less than five percent of the bid amount.

(2) Bids or proposals which are submitted without the required bid security shall be rejected.

(3) Any person, firm or entity ~~whethat~~ enters into a written construction contract with the town which is for \$200,000.00 or more shall, before commencing the work, execute and deliver to the town within the time specified by the contract or procurement documents, a payment and performance bond, each in the amount equal to or greater than 100 percent of the total contract price, unless the amount of the bonds is reduced to a lesser amount as determined by the town commission, but in no event shall the amount of each bond be less than 100 percent of the total contract price. The bonds shall be issued by a surety insurer authorized to do business in the State of Florida as a surety. The required bonds shall also be recorded in the public records of Palm Beach County. At the

Exhibit "B"

| BID TABULATION   |   |      |      |                       |               |                        |               |                         |               |
|--|---|------|------|-----------------------|---------------|------------------------|---------------|-------------------------|---------------|
| KELSEY AND LAKE SHORE PARKS RESTROOM CONSTRUCTION & RENOVATION |   |      |      |                       |               |                        |               |                         |               |
| TOWN OF LAKE PARK BID NO. 104-2016                             |   |      |      |                       |               |                        |               |                         |               |
|  |   |      |      | ALL-SITE CONSTRUCTION |               | WEST CONSTRUCTION INC. |               | ANATOM CONSTRUCTION CO. |               |
| ITEM NO.   | ITEM DESCRIPTION  | UNIT | QTY. | UNIT PRICE            | TOTAL PRICE   | UNIT PRICE             | TOTAL PRICE   | UNIT PRICE              | TOTAL PRICE   |
| 1  | INDEMNIFICATION   | Job  | 1    |                       | \$ 1,000.00   |                        | \$ 10.00      |                         | \$ 25,000.00  |
| 2  | GENERAL CONDITIONS  |      |      |                       | \$ 7,500.00   |                        |               |                         |               |
| 2A   | Mobilization  | Job  | 1    |                       | \$ 10,000.00  |                        | \$ 63,304.00  |                         | \$ 60,200.00  |
| 2B   | Registration with the Town, No-Fee Town Permit, Renovation Permit   | Job  | 1    |                       | \$ 50.00      |                        | \$ 500.00     |                         | \$ 2,000.00   |
| 2C   | Payment Bond & a Performance Bond   | Job  | 1    |                       | \$ 10,000.00  |                        | \$ 6,000.00   |                         | \$ 9,660.00   |
| 2D   | Shop Drawing Processing   | Job  | 1    |                       | \$ 500.00     |                        | \$ 600.00     |                         | \$ 10,000.00  |
| 2E   | Project Close-Out incl. Record Drawings, Manuals, & Warranties  | Job  | 1    |                       | \$ 500.00     |                        | \$ 5,068.00   |                         | \$ 2,000.00   |
| 3  | Temporary Silt Fencing Around Kelsey Site   | Job  | 1    |                       | \$ 750.00     |                        | \$ 10,864.00  |                         | \$ 3,500.00   |
| 4  | Temporary access corridor, cap sprinkler heads & restore grass & concrete   | Job  | 1    |                       | \$ 1,000.00   |                        | \$ 4,570.00   |                         | \$ 3,500.00   |
| 5  | Select soil import for building pad, walkways, and transition fill incl. grading, compaction, soil testing & report | C.Y. | 260  | \$ 9.61               | \$ 2,498.60   | \$ 62.00               | \$ 16,120.00  |                         | \$ 15,600.00  |
| 6  | Remove encountered abandoned utility pipe   | L.F. | 100  | \$ 10.00              | \$ 1,000.00   | \$ 8.50                | \$ 850.00     |                         | \$ 1,500.00   |
| 7  | Cap abandoned utility pipes   | EA.  | 8    | \$ 3.00               | \$ 24.00      | \$ 80.00               | \$ 640.00     |                         | \$ 800.00     |
| 8A   | New restroom/storage building in Kelsey Park  | L.S. | 1    |                       | \$ 256,939.00 |                        | \$ 230,494.00 |                         | \$ 199,420.00 |
| 8B   | Water service line & connection to existing for new restroom building   | L.F. | 50   | \$ 50.00              | \$ 2,500.00   | \$ 14.00               | \$ 700.00     |                         | \$ 5,000.00   |
| 8C   | Backflow prevention device  | L.S. | 1    |                       | \$ 1,100.00   |                        | \$ 850.00     |                         | \$ 2,000.00   |
| 8D   | Electrical service  | L.F. | 250  | \$ 30.00              | \$ 7,500.00   | \$ 34.00               | \$ 8,500.00   |                         | \$ 6,440.00   |
|  | Reduced trenching & conduit \$ /l.f.  |      |      | \$ 32.81              |               | \$ 10.00               |               | no quote                |               |
| 8E   | Sanitary sewer connection per Seacoast Utility Authority requirements   | L.F. | 20   | \$ 700.00             | \$ 14,000.00  | \$ 37.00               | \$ 740.00     |                         | \$ 4,000.00   |
| 8F   | Construct concrete walkways and ramped walkways   | S.Y. | 219  | \$ 40.00              | \$ 8,760.00   | \$ 70.00               | \$ 15,330.00  | 78                      | \$ 17,082.00  |
| 8G   | Construct reinforced concrete steps   | L.S. | 1    |                       | \$ 7,000.00   |                        | \$ 8,000.00   |                         | \$ 2,000.00   |
| 8H   | Hand rail at ramped walkway and steps   | L.F. | 170  | \$ 81.00              | \$ 13,770.00  | \$ 70.00               | \$ 11,900.00  |                         | \$ 13,812.50  |
| 9  | Site drainage (basin, swale, sod)   | L.S. | 1    |                       | \$ 50.00      |                        | \$ 4,400.00   |                         | \$ 6,000.00   |
| 10   | Build irrigation system in areas receiving fill dirt and in dry detention area.                                     |      |      |                       |               |                        |               |                         |               |
| 10A  | Sch. 40 pipe, fittings, flex pipe 1" or less  | L.F. | 250  | \$ 15.00              | \$ 3,750.00   | \$ 12.00               | \$ 3,000.00   |                         | \$ 3,750.00   |
| 10B  | Sch. 40 pipe, fittings, flex pipe 1-1/4" through 2"   | L.F. | 150  | \$ 18.00              | \$ 2,700.00   | \$ 13.00               | \$ 1,950.00   |                         | \$ 2,700.00   |

**BID TABULATION (CONTINUED)**  
**KELSEY AND LAKE SHORE PARKS RESTROOM CONSTRUCTION & RENOVATION**  
**TOWN OF LAKE PARK BID NO. 104-2016**

|   |  |       |      | ALL-SITE<br>CONSTRUCTION |                     | WEST<br>CONSTRUCTION<br>INC. |                      | ANATOM<br>CONSTRUCTION CO. |                      |
|---|--|-------|------|--------------------------|---------------------|------------------------------|----------------------|----------------------------|----------------------|
| ITEM<br>NO.                               | ITEM DESCRIPTION   | UNIT  | QTY. | UNIT<br>PRICE            | TOTAL<br>PRICE      | UNIT<br>PRICE                | TOTAL<br>PRICE       | UNIT<br>PRICE              | TOTAL<br>PRICE       |
| 11  | Sod (Floritam)   | L.S.  | 1    |                          | \$ 3,500.00         |                              | \$ 9,250.00          |                            | \$ 5,000.00          |
| 12A                                       | Park Benches, 6' (remove & dispose of existing, provide & install new)     | EA.   | 15   |                          | \$ 32,520.00        |                              | \$ 40,500.00         |                            | \$ 20,025.00         |
| 12B                                       | Remove & dispose of concrete slabs for benches, construct new slabs        | EA.   | 3    | ?????                    | no quote            | \$ 630.00                    | \$ 1,890.00          |                            | \$ 3,000.00          |
| 13  | Trash receptacles  | EA.   | 6    |                          | \$ 10,896.00        |                              | \$ 12,720.00         |                            | \$ 6,000.00          |
| 14A                                       | Renovations to Lake Shore Park Restroom                                    | L.S.  | 1    |                          | \$ 153,028.00       |                              | \$ 118,151.00        |                            | \$ 79,325.00         |
| 14B                                       | Reroof Lake Shore Park Restroom ("S" tile) incl. dormer removal, reframe & | L.S.  | 1    |                          | \$ 6,300.00         |                              | \$ 11,500.00         |                            | \$ 7,000.00          |
| 14C                                       | Replace rotted roof sheathing  | S.F.  | 96   | \$ 5.00                  | \$ 480.00           | \$ 3.50                      | \$ 336.00            |                            | \$ 960.00            |
| 14D                                       | Replace damaged fascia   | L.F.  | 20   | \$ 5.00                  | \$ 100.00           | \$ 6.70                      | \$ 134.00            |                            | \$ 1,000.00          |
| 14E                                       | Replace damaged soffit incl. vents   | L.F.  | 20   | \$ 35.00                 | \$ 700.00           | \$ 11.00                     | \$ 220.00            |                            | \$ 2,000.00          |
| 15  | (5) Portable toilets for public use  | Month | 5    | \$ 125.00                | \$ 625.00           | \$ 340.00                    | \$ 1,700.00          |                            | \$ 3,000.00          |
| <b>BASE BID: TOTAL ITEMS 1 THROUGH 15</b> |  |       |      |                          | <b>\$561,040.60</b> |                              | <b>\$ 590,791.00</b> |                            | <b>\$ 523,274.50</b> |

CORRECTED AMOUNT

↑  
**BID SUBMITTAL DID  
 NOT INCLUDE SIGNED  
 ADDENDUM AND  
 BID BOND**

**BID TABULATION (CONTINUED)**  
**KELSEY AND LAKE SHORE PARKS RESTROOM CONSTRUCTION & RENOVATION**  
**TOWN OF LAKE PARK BID NO. 104-2016**

| ITEM DESCRIPTION  | ALL-SITE<br>CONSTRUCTION | WEST<br>CONSTRUCTION<br>INC. | ANATOM<br>CONSTRUCTION CO. |
|---|--------------------------|------------------------------|----------------------------|
| <b>ALTERNATE I:</b> Install Dimensional Asphalt Shingle Roof in lieu of "S" tile roof   |                          |                              |                            |
| a. Kelsey Park ..... Deduct   | \$ 5,900.00              | \$ 2,400.00                  | \$ 5,900.00                |
| b. Lake Shore Park Restroom ..... Deduct  | \$ 3,500.00              | \$ 1,500.00                  | \$ 5,100.00                |
| <b>ALTERNATE II:</b> Re-roof of Community Meeting Building  |                          |                              |                            |
| a. With "S" tile as specified for restroom building ..... Add   | \$ 17,900.00             | \$ 20,048.00                 | \$ 17,900.00               |
| b. With Dimensional Asphalt shingle as specified ..... Add  | \$ 13,350.00             | \$ 15,000.00                 | \$ 13,350.00               |
| c. Remove dormers, reframe and sheath ..... Add   | \$ 2,000.00              | \$ 3,400.00                  | \$ 960.00                  |
| d. *Total bid items 14C, 14D, 14E ..... Add   | \$ 5,780.00              | \$ 690.00                    | \$ 3,960.00                |
| <b>ALTERNATE III:</b> Re-roof of Tennis Center Office Building  |                          |                              |                            |
| a. With "S" tile as specified ..... Add   | \$ 7,900.00              | \$ 9,620.00                  | \$ 7,900.00                |
| b. With Dimensional Asphalt Shingle as specified ..... Add  | \$ 4,100.00              | \$ 5,800.00                  | \$ 5,100.00                |
| c. Remove dormers, reframe and sheath ..... Add   | \$ 2,000.00              | \$ 3,400.00                  | \$ 960.00                  |
| d. *Total bid items 14C, 14D, 14E ..... Add   | \$ 5,780.00              | \$ 690.00                    | \$ 3,960.00                |
| <b>ALTERNATE IV:</b> Tennis Court Lighting  |                          |                              |                            |
| a. Install all (empty) conduits from panel location to future pole locations ..... Add  | \$ 10,560.00             | \$ 15,680.00                 | \$ 9,600.00                |
| b. Demolish existing lighting system and install the new poles, lighting, controls,<br>conduits, and wiring for a complete system ..... Add | \$ 202,950.00            | \$ 155,680.00                | \$ 194,500.00              |
| <b>ALTERNATE V:</b> Benches and Trash Receptacles for Lake Shore Park   |                          |                              |                            |
| a. Park Benches same as bid item 12A... 11 @ \$ ___/ea. .... Add  | \$ 2,168.00              | \$ 29,700.00                 | \$ 14,685.00               |
| b. Trash Receptacles same as bid item 13... 9 @ \$ ___/ea. .... Add   | \$ 1,816.00              | \$ 19,080.00                 | \$ 9,000.00                |
| <b>ALTERNATE VI:</b> Deduct line item 8E, Add 40 l.f. 6" PVC sanitary sewer. Add 40 l.f. @\$ ___/l.f. Add                                   | 15 \$ 600.00             | \$ 1,800.00                  | \$ 4,000.00                |
| <b>ALTERNATE VII:</b> Additional potable water line installed 24' deep within drainage corridor 210l.f. @ Add                               | 50 \$ 10,500.00          | \$ 6,300.00                  | \$ 5,322.00                |

**EVALUATION OF OPTIONS FOR KELSEY & LAKE SHORE PARKS RESTROOM CONSTRUCTION & RENOVATION**

| ITEM NO. | ITEM DESCRIPTION   | ALL-SITE QUOTED PRICE | PRICE APPLIED TO KELSEY PARK | PRICE APPLIED TO LAKE SHORE PARK |
|----------|--|-----------------------|------------------------------|----------------------------------|
| 1        | INDEMNIFICATION  | \$ 1,000.00           | \$ 1,000.00                  | \$ 1,000.00                      |
| 2        | GENERAL CONDITIONS   | 7,500.00              | 7,500.00                     | 7,500.00                         |
| 2A       | Mobilization   | 10,000.00             | 10,000.00                    | 10,000.00                        |
| 2B       | Registration with the Town, No-Fee Town Permit, Renovation Permit  | 50.00                 | 50.00                        | 50.00                            |
| 2C       | Payment Bond & a Performance Bond  | 10,000.00             | 10,000.00                    | 10,000.00                        |
| 2D       | Shop Drawing Processing  | 500.00                | 500.00                       | 500.00                           |
| 2E       | Project Close-Out incl. Record Drawings, Manuals, & Warranties   | 500.00                | 500.00                       | 500.00                           |
| 3        | Temporary Silt Fencing Around Kelsey Site  | 750.00                | 750.00                       |                                  |
| 4        | Temporary access corridor, cap sprinkler heads & restore grass & concrete  | 1,000.00              | 1,000.00                     |                                  |
| 5        | Select soil import for building pad, walkways, and transition fill incl. grading, compaction, soil testing & report per spec. on plan sheet S1.1 & Exhibit "B" | 2,498.60              | 2,498.60                     |                                  |
| 6        | Remove encountered abandoned utility pipe  | 1,000.00              | 1,000.00                     |                                  |
| 7        | Cap abandoned utility pipes  | 24.00                 | 24.00                        |                                  |
| 8A       | New restroom/storage building in Kelsey Park   | 256,939.00            | 256,939.00                   |                                  |
| 8B       | Water service line & connection to existing for new restroom building  | 2,500.00              | 2,500.00                     |                                  |
| 8C       | Backflow prevention device   | 1,100.00              | 1,100.00                     |                                  |
| 8D       | Electrical service new from existing panel at N.W. corner of park to new building  | 7,500.00              | 7,500.00                     |                                  |
|          | Reduced trenching & conduit \$ /l.f.   | 12.81                 |                              |                                  |
| 8E       | Sanitary sewer connection per Seacoast Utility Authority requirements  | 14,000.00             | 14,000.00                    |                                  |
| 8F       | Construct concrete walkways and ramped walkways  | 8,760.00              | 8,760.00                     |                                  |
| 8G       | Construct reinforced concrete steps  | 7,000.00              | 7,000.00                     |                                  |
| 8H       | Hand rail at ramped walkway and steps  | 13,770.00             | 13,770.00                    |                                  |
| 9        | Site drainage (basin, swale, sod)  | 50.00                 | 50.00                        |                                  |
| 10       | Build irrigation system in areas receiving fill dirt and in dry detention area . Incl. labor, equipment, materials. Install Town supplied sprinkler heads.     |                       |                              |                                  |
| 10A      | Sch. 40 pipe, fittings, flex pipe 1" or less   | 3,750.00              | 3,750.00                     |                                  |
| 10B      | Sch. 40 pipe, fittings, flex pipe 1-1/4" throug 2"   | 2,700.00              | 2,700.00                     |                                  |

**EVALUATION OF OPTIONS FOR KELSEY & LAKE SHORE PARKS RESTROOM CONSTRUCTION & RENOVATION**

| ITEM NO.  | ITEM DESCRIPTION   | ALL-SITE QUOTED PRICE | PRICE APPLIED TO KELSEY PARK | PRICE APPLIED TO LAKE SHORE PARK |
|---|--|-----------------------|------------------------------|----------------------------------|
| 11  | Sod (Floritam associated with building site)   | \$ 3,500.00           | \$ 3,500.00                  |                                  |
| 12A   | Park Benches, 6' (remove & dispose of existing, provide & install new) <i>located in Kelsey Park</i>                                 | 32,520.00             |                              | \$ 32,520.00                     |
| 12B   | Remove & dispose of concrete slabs for benches, construct new slabs  | 1,800.00              |                              | 1,800.00                         |
| 13  | Trash receptacles  | 10,896.00             |                              | 10,896.00                        |
| 14A   | Renovations to Lake Shore Park Restroom  | 153,028.00            |                              | 153,028.00                       |
| 14B   | Reroof Lake Shore Park Restroom ("S" tile) incl. dormer removal, reframe & sheath  | 6,300.00              |                              | 6,300.00                         |
| 14C   | Replace rotted roof sheathing  | 480.00                |                              | 480.00                           |
| 14D   | Replace damaged fascia   | 100.00                |                              | 100.00                           |
| 14E   | Replace damaged soffit incl. vents   | 700.00                |                              | 700.00                           |
| 15  | (5) Portable toilets for public use (2 men, 2 women, 1 ADA Handicap)   | 625.00                |                              | 625.00                           |
| <b>BASE BID: TOTAL ITEMS 1 THROUGH 15</b>           |  | <b>\$562,853.41</b>   | <b>\$ 356,391.60</b>         | <b>\$ 235,999.00</b>             |
| ALTERNATE II: Re-roof of Community Meeting Building |  |                       |                              |                                  |
|   | a. With "S" tile as specified for restroom building .....  | \$ 17,900.00          |                              | \$ 17,900.00                     |
|   | b. With Dimensional Asphalt shingle as specified .....   | 13,350.00             |                              |                                  |
|   | c. Remove dormers, reframe and sheath .....  | 2,000.00              |                              | 2,000.00                         |
|   | d. *Total bid items 14C, 14D, 14E .....  | 1,280.00              |                              | 1,280.00                         |
|   | <b>TOTAL ALTERNATE II W/ "S" TILE</b>  | <b>\$ 21,180.00</b>   |                              | <b>\$ 21,180.00</b>              |
| ALTERNATE IV: Tennis Court Lighting                 |  |                       |                              |                                  |
|   | a. Install all (empty) conduits from panel location to future pole locations .....   | \$ 10,560.00          |                              | \$ 10,560.00                     |
|   | b. Demolish existing lighting system and install the new poles, lighting, controls, conduits, and wiring for a complete system ..... | \$ 202,950.00         |                              |                                  |

**EVALUATION OF OPTIONS FOR KELSEY & LAKE SHORE PARKS RESTROOM CONSTRUCTION & RENOVATION**

| ITEM NO.  | ITEM DESCRIPTION   | ALL-SITE QUOTED PRICE | PRICE APPLIED TO KELSEY PARK | PRICE APPLIED TO LAKE SHORE PARK |
|---|--|-----------------------|------------------------------|----------------------------------|
|   | <b>TOTAL OF BOLD AMOUNTS</b>                                 |                       | \$ 356,391.60                | \$ 267,739.00                    |
|   | CONTINGENCY  |                       | 53,459.00                    | 23,000.00                        |
|   | CPZ Architect Construction Phase Services                    |                       | 9,000.00                     | 6,000.00                         |
|   | Building Permit Fee  |                       | 6,000.00                     | 3,000.00                         |
|   | Misc. Town Expense   |                       |                              |                                  |
|   | <b>TOTALS</b>  |                       | \$ 424,850.60                | \$ 299,739.00                    |
| <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><b>Note: Palm Beach County DES has indicated that the Fiscal Year 2017 CDBG funds, initially designated for benches and trash container in Lake Shore Park, may be re-allocated to complete the Kelsey Park construction project. This would provide an additional \$34,032 to the current available grant amount of \$385,640 totaling \$419,672.</b></p> </div> |  |                       |                              |                                  |
| ALTERNATE V: Benches and Trash Receptacles for Lake Shore Park  |  |                       |                              |                                  |
|   | a. Park Benches same as bid item 12A...11@ \$___/ea. ....    | \$ 23,848.00          |                              |                                  |
|   | b. Trash Receptacles same as bid item 13... 9@\$___/ea. .... | 16,344.00             |                              |                                  |
|   |  | \$ 40,192.00          |                              | \$ 40,192.00                     |
| ALTERNATE VI: Deduct line item 8E, Add 40 l.f. 6" PVC sanitary sewer. Add 40 l.f. @\$___/l.f. ....  |  | \$ 600.00             | DEDUCT \$13,400              |                                  |
| ALTERNATE VII: ADDITIONAL POTABLE WATERLINE: Provide labor, equipment and materials to install 1-1/2" potable water pipe at 24" cover for future metered service from building to drainage corridor and along and along drainage corridor. Cap at west road right-of-way. Install 1-1/2" tee and valve at building 210 l.f. ....  |  | \$ 10,500.00          |                              |                                  |

# TAB 6



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 5, 2016

Agenda Item No. Tab 6

Agenda Title: Award Contract for RFP No. 105-2016, Sanitation Vehicle Re-  
furishment, Public Works Vehicle No. 50, to Sunbelt Hydraulics  
& Equipment, Inc.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON \_\_\_\_\_ READING
- NEW BUSINESS**
- OTHER: \_\_\_\_\_

Approved by Town Manager *Benita McClinton* Date: 9/28/16  
*SIGNATURE AUTHORIZED BY TOWN MGR.*  
*David Hunt*  
 David Hunt / Public Works Director

|  |  |  |
|--|--|--|
| <b>Originating Department:</b><br><br>Public Works   | Costs: \$ 54,880.00<br>Funding Source: Sanitation Fund<br>Acct. # 404-64100<br><input checked="" type="checkbox"/> Finance <u><i>BPR</i></u>           | <b>Attachments:</b><br>- RFP packet with Offeror's Submittals (Exhibit A)<br>- 2016 Budget Approval<br>- Letter of Notice of Intent to Award<br>- Resolution Authorizing Mayor to Execute Contract |
| <b>Advertised:</b><br>Date: <u>July 31, 2016</u><br>Paper: <u>Palm Beach Post</u><br><input type="checkbox"/> Not Required | All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda. | <b>Yes I have notified everyone</b> <u><i>JOH</i></u><br>or<br>Not applicable in this case _____<br><b>Please initial one.</b>   |

**Summary Explanation/Background:** At the July 16, 2014 Commission Meeting, a Sanitation Vehicle Replacement Schedule was submitted as backup in support of establishing a new sanitation rate. Two sanitation vehicles were scheduled for refurbishment in 2016 and \$75,000 was budgeted for the project.

Request for Proposal (RFP) No. 105-2105 was announced on July 31, 2016 and bid packets were distributed to interested offerors. Submitted bids were opened at a public meeting on August 24, 2016. An Evaluation Committee met for a public meeting on September 7, 2016 to discuss the merits of the bid submittals and to issue an Intent to Award to the lowest responsive, responsible offeror.

The Evaluation Committee decided to recommend to the Town Commission that it award the contract for RFP No. 105-2016, Sanitation Vehicle Refurbishment, Public Works Vehicle No. 50, to Sunbelt Hydraulics & Equipment, Inc. based upon its low, base bid submittal of \$47,720.25.

Several of the Schedule of Bid Items were unit prices based upon estimated assumptions regarding the extent of worn items that would be revealed during the contractor's inspection. It is estimated that repairs and replacements to these unknown conditions could add as much as fifteen percent (15%) to the base bid amount. A contingency of approximately \$7,160 is being requested to cover these anticipated, as yet to be determined, repair and/or replacement items.

Sunbelt Hydraulics & Equipment, Inc. must seek advanced written approval from the Town before performing the additional tasks at their submitted unit costs.

Once this contract has been executed by the Town and the contractor, Sunbelt Hydraulics & Equipment, Inc. will have 45 calendar days to complete the work and make delivery or will suffer liquidated damages for each day it exceeds the contract terms.

**Recommended Motion: I move to authorize the Mayor to execute the contract for RFP No. 105-2016 to Sunbelt Hydraulics & Equipment, Inc. in the amount of their Base Bid of \$47,720. 25.**

**This Motion also recommends allowing for a contingency of up to 15% of the Base Bid in the amount of \$7,160.00.**

EXHIBIT "A"



OWNER:  
TOWN OF LAKE PARK  
535 Park Ave.  
Lake Park, Florida 33403

## REQUEST FOR PROPOSAL

SANITATION VEHICLE REFURBISHMENT  
PUBLIC WORKS VEHICLE NO. 50  
HEIL DuraPack Python on a 2009, Autocar WX64

TOWN OF LAKE PARK

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Contract Documents for the Solicitation of  
COMPETITIVE SEALED BIDS

RFP NO. 105-2016

Prepared by:

TOWN OF LAKE PARK  
David Hunt, Public Works Director  
650 Old Dixie Highway  
Lake Park, FL 33403  
Tel. 561.881.3345  
Fax 561.881.3349  
Email: [dhunt@lakeparkflorida.gov](mailto:dhunt@lakeparkflorida.gov)

Date of Distribution: July 31, 2016

Bid Due Date: Wednesday, August 24, 2016  
at 10:00 a.m.

DOCUMENT 001

**TOWN OF LAKE PARK**  
535 Park Ave.  
Lake Park, FL. 33403

**SANITATION VEHICLE REFURBISHMENT**  
**TOWN OF LAKE PARK**  
**PUBLIC WORKS**

**Contract Documents**

**Town of Lake Park Bid No. 105-2016**

Date of Bid Advertisement: July 31, 2016

DOCUMENT 002

**PROJECT DATA**

**Project Title:** SANITATION VEHICLE REFURBISHMENT  
PUBLIC WORKS VEHICLE NO. 50  
HEIL DuraPack Python on a 2009, Autocar WX64  
Town of Lake Park

**Town Bid Number:** 105-2016

**Pre-bid Inspection Address:** General GMC Truck  
360 South Military Trail  
West Palm Beach, Florida 33415

**Project Address:** Refurbishment to be conducted at awarded contractor's site

**VIN Number:** **5VCDC6JF79H208151**

**Heil, Python Body  
Serial Number:** **7D7303068**

**Vehicle Owner:** Town of Lake Park

**Town Commission:** James DuBois, Mayor  
Kimberly Glas-Castro, Vice-Mayor  
Erin T. Flaherty, Commissioner  
Anne Lynch, Commissioner  
Michael O'Rourke, Commissioner

**Owner's Representative:** John O. D'Agostino  
Town Manager  
535 Park Avenue  
Lake Park, Florida 33403  
Phone: 561.881.3304  
Fax: 561.881.3314

**Project Manager:** David Hunt  
Public Works Director  
650 Old Dixie Highway  
Lake Park, Florida 33403  
Phone: (561) 881-3345  
Fax: (561) 881-3349

**END OF PROJECT DATA**

DOCUMENT 003

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DOCUMENT 004

**LIST OF DRAWINGS**

**SANITATION VEHICLE REFURBISHMENT  
PUBLIC WORKS VEHICLE NO. 50  
TOWN OF LAKE PARK**

| <b><u>SHEET NO.</u></b> | <b><u>TITLE</u></b>                             |
|-------------------------|---|
| 1                       | PRE-BID INSPECTION<br>VEHICLE LOCATION SITE MAP |
| 2                       | TYPICAL GRAPHIC PACKAGE                         |

DOCUMENT 005

**TOWN OF LAKE PARK  
NOTICE TO OFFERORS**

NOTICE IS HEREBY GIVEN that the Town of Lake Park, Florida will be accepting sealed bids for:

**SANITATION VEHICLE REFURBISHMENT  
PUBLIC WORKS VEHICLE NO. 50  
HEIL DuraPack Python on a 2009, Autocar WX64**

**Town Bid No. 105-2016**

The work shall generally consist of refurbishing the HEIL DuraPack Python body, including, but not limited to, structural repairs including the rebuild of the Python grabber arm assembly, paint and body work, repair/replace hydraulic system controls, hydraulic pump, cylinders, and hoses, inspection and repair of electrical wiring and components, along with miscellaneous body repairs. **The vehicle is parked for pre-bid inspection at General GMC Truck, 360 South Military Trail, West Palm Beach, FL 33415 (561.686.8906 or 877.248.0346).** The refurbishing work shall be conducted at the awarded contractor's site or its subcontractor's.

Sealed bids will be received in triplicate by the Town Clerk until 10:00 a.m. on Wednesday, August 24, 2016 at the Town of Lake Park Town Hall located at 535 Park Avenue, Lake Park, Florida 33403. Bids received after this time shall be returned unopened. Receipt of a bid by any Town office, receptionist, or personnel, other than the Clerk's Office, does not constitute "receipt" as required by this solicitation.

Project Documents: Bid documents will be available Monday, August 1, 2016, and may be obtained by calling the Town Clerk at 561.881.3311, 8:30 a.m. to 5:00 p.m., Monday through Friday, and requesting a 'No Charge' bid set. Bids shall be submitted on the form(s) provided.

A VOLUNTARY Pre-bid Conference will be held on Wednesday, August 10, 2016, at 9:30 a.m. in the Town Hall Commission Chambers, 535 Park Avenue, Lake Park, FL 33403, to provide a brief description of the project and the terms of the bid documents.

Bid Documents: Envelope containing bid must be sealed and clearly marked, "SANITATION VEHICLE REFURBISHMENT, PUBLIC WORKS VEHICLE NO. 50; Town Bid No. 105-2016".

All bid prices shall be guaranteed firm for a minimum of 90 calendar days after the submission of the bid. No offeror may withdraw his or her bid within 90 calendar days after the bid opening date.

Bid security in the form of a Bid Bond acceptable to the Town, or Cashier's Check made payable to the "Town of Lake Park" in an amount equal to five percent (5%) of the bid, will be required. Guaranty Bonds in the form of Performance Bond and Payment Bond, will not be required. The Surety Company shall have at least the minimum ratings of A-, Class VI or higher, as described in the Instructions to Offerors.

Bids shall be opened and read aloud in the Town of Lake Park Commission Chambers at 10:00 a.m. on Wednesday, August 24, 2016. Award of the bid will be made at a Town of Lake Park Regular Commission Meeting.

All offerors are advised that the Town has not authorized the use of the Town seal by individuals or entities responding to Town invitations to bid or requests for proposal, and that any such use by unauthorized persons or entities constitutes a second degree misdemeanor pursuant to Section 165.043, Florida Statutes.

All offerors are advised that the Town will not supply or sell materials to offerors in connection with submission or preparation of bids, or any other matter, including but not limited to envelopes, labels or tape.

Offerors shall demonstrate successful performance of projects of a similar magnitude, scope, value, and trade as this project.

The Town of Lake Park reserves the right to reject any and all bids, to waive any informality in a bid and to make awards in the best interest of the Town.

**Vivian  
Mendez**

Digitally signed by Vivian Mendez  
DN: cn=Vivian Mendez, o=Town  
of Lake Park, ou=Town Clerk,  
email=vmendez@lakeparkflorida.  
gov, c=US  
Date: 2016.07.29 10:56:02 -04'00'

---

Vivian Mendez, CMC, Town Clerk  
Town of Lake Park, Florida

Published on: July 31, 2016  
Palm Beach Post

## OFFERORS UNDERSTANDING

### MANDATORY REQUIREMENTS:

- **VOLUNTARY PRE-BID CONFERENCE**

There is a **VOLUNTARY** pre-bid conference scheduled for this project, to be held at **9:30 a.m., on Wednesday, August 10, 2016**, at the Town Hall Commission Chambers, 535 Park Avenue, Lake Park, Florida. Town representatives will assemble at the Commission Chambers to provide a brief description of the project and the terms of the bid documents. **The vehicle is parked for pre-bid inspection at General GMC Truck, 360 South Military Trail, West Palm Beach, FL 33415 (561.686.8906 or 877.248.0346). Call ahead to schedule a time to inspect the vehicle. Chassis components are currently under repair.** It is available for a pre-bid inspection during normal business hours. The purpose of the pre-bid conference is to answer questions, and to clarify any inconsistencies. All offerors wishing to submit bids may attend or be represented at the pre-bid, to glean additional information about the project and to ensure any clarifications are given and questions are answered. At the pre-bid, interested offerors will have the opportunity to familiarize themselves with the requirements and to ensure all items affecting the bidding/costing of the project are considered.

- Offerors shall view the vehicle to ascertain by inspection pertinent conditions. They must also carefully examine all plans, bid specifications, terms, and conditions prior to submitting bids on the work to be completed. Failure to familiarize oneself with the vehicle condition will in no way relieve the offeror from responsibility in fulfilling the contract.
- The attention of offerors is called to the necessity of being familiar with the various Federal, State and Local laws affecting the prosecution of the work.
- All bids, to include any Addenda or acknowledgement of Addenda, must be sealed, and mailed or delivered to the office of the Town Clerk, at 535 Park Avenue, Lake Park, Florida, 33403. Please note, no fax, email, or phone bids will be accepted. Receipt of a bid by any town office, receptionist or personnel other than the clerk's office does not constitute "receipt" as required by this solicitation.

All sealed bids must have the following information plainly marked on the outside of the envelope or package:

**Sanitation Vehicle Refurbishment  
Public Works Vehicle No. 50  
Town of Lake Park, Florida  
Town Bid No. 105-2016  
Attn: TOWN CLERK**

**BIDS MUST BE RECEIVED BY 10:00 A.M., AUGUST 24, 2016.**

## **PURPOSE OF BID**

The sole purpose of this bid is to refurbish the HEIL DuraPack Python body, including, but not limited to, structural repairs including the rebuild of the Python grabber arm assembly, paint and body work, repair/replacement of hydraulic system controls, hydraulic pump, cylinders, and hoses, inspection and repair of electrical wiring and components, along with miscellaneous body repairs per requirements of the specifications.

No Bid may be withdrawn for a period of ninety (90) days after submittal.

## **DELIVERY**

Delivery of all products and services shall be F.O.B. Destination. All charges for freight and delivery shall be included in the bid price. All products and services must be delivered as bid. Any required return of products delivered in error or in a condition not conducive to the requirements of the project or suitable to the town, shall be done so at no cost to the town, and shall not delay the completion of the project.

All products and services must be delivered as bid. It is agreed by the offeror that by signing and delivering its bid, it is accepting the terms, conditions and specifications contained in these Contract Documents. Upon contract award, the Town will issue the Contract Agreement Form for signature, which represents the agreement between the parties, and the precedence of terms, if a conflict exists.

Offeror agrees to **not** commence work without the following:

- Fully executed Contract Agreement Form.
- Providing the Town of Lake Park with proof of proper licensure to perform this work, and properly registering with the Town as a vendor (if not already registered).
- Approved permit for the project.
- Receipt of a Town Purchase Order, referencing the project.
- A Notice to Proceed (NTP) issued from the Town (issuance of a Purchase Order will serve as the NTP unless otherwise agreed).

## **REQUIRED SUBMITTAL ITEMS**

By signing the Bid Form, Contractor accepts all the terms and conditions which are expressed in this solicitation. Contractor is required to submit the following:

**ONE (1) ORIGINAL and TWO (2) COPIES of the following documents:**

- Bid Form (signed)
- Schedule of Bid Items
- All Addenda (signed and/or acknowledged on Bid Form)
- Clarifications/Exceptions Form
- Proof of Bonding Capabilities
- Proof of existing insurance\* in accordance with this solicitation (outlined in the **CONTRACT AGREEMENT INFORMATION, 1. COMPETITIVE SEALED BID PROCESS, (k) Insurance Coverage.**)

- References Form
- Proof of proper licensing - applicable licensing to perform the required services. If a license is not required for the ordered services, please provide a valid Occupational License/Business Tax Receipt, issued to the contractor, for this type of service.
- List of Subcontractors and Prime Vendors
- Drug-Free Workplace Form
- Sworn Statement on Public Entity Crimes
- Anti-kickback Affidavit
- Certification Non-segregated Facilities

**ONE (1) ORIGINAL** of the following document:

- **Bid Bond**, (see **CONTRACT AGREEMENT INFORMATION, 1. COMPETITIVE SEALED BID PROCESS, (j) Bid Security, Payment Bond, and Performance Bond.**)

*\*Please Note that in addition to the proof of insurability required above, a project-specific Certificate of Insurance, reflecting the minimum levels of insurance coverage outlined herein, will be required of the awarded contractor, prior to commencing work.*

End of 'OFFERORS UNDERSTANDING'

**REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK**

## CONTRACT AGREEMENT INFORMATION

### 1. COMPETITIVE SEALED BID PROCESS

(a) **Publication of notice.** Public notice of the invitation to bid shall be published in a newspaper of general circulation in the county for a period of time, as determined herein, prior to bid submittal deadline, and posted on the Town of Lake Park official web site. The public notice shall state the place, date, and time of bid opening.

(1) For bids estimated to be from \$25,000.00 or more and expected to be less than \$200,000.00, the public notice of the invitation to bid shall provide a minimum of 21 days for submission of bids.

(b) **Bid submission.** Bids must be submitted in a sealed envelope no later than the time and date set forth as the bid submittal deadline and at the location specified in the invitation to bid. Any bids received later than the bid submittal deadline or at any other location than as specified in the invitation to bid shall not be accepted and shall be returned unopened to the offeror. It shall be the offerors sole responsibility to ensure that its bid reaches the specified place for receipt of bids by the specified deadline. The town shall bear no responsibility for any failure of the U.S. Postal Service, other courier service or town employee to successfully deliver a bid to the designated delivery location. It is noted that offerors shall be allowed to withdraw their bids at any time prior to bid opening.

(1) All bids and accompanying documentation received from offerors in response to an invitation to bid become the property of the town, and will not be returned to the offerors. In the event of a contract award, all documentation produced as part of the contract shall become the exclusive property of the town.

(c) **Bid acceptance and evaluation.** Bids shall be accepted from all qualified offerors except as otherwise provided herein and shall be evaluated based on the requirements set forth in the invitation for bid. Unsolicited alternates will not be considered.

The town may, at any time and in its sole discretion, reject all bids and/or re-advertise for bids using the same or different specifications and terms and conditions.

(d) **Bid opening.** Bids shall be opened publicly in the presence of one or more witnesses at the time and place specified in the invitation to bid. At the time of public opening, the town clerk or designee will officiate at all public bid opening of sealed bids, and shall announce and record the name of each bidder, the amount of each bid and such other relevant information as the town manager deems appropriate.

(e) **Public record.** Upon award recommendation or ten days after opening, bids become public records and shall be subject to public disclosure consistent with F.S. ch. 119.

(1) Contract Requirements:

a. The contractor is required to keep and maintain public records required by the town to perform the service.

b. Upon request from the town's custodian of public records, the contractor must provide the town 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 F.S. ch. 119 or as otherwise provided by law.

c. The contractor must ensure that public records that are 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 contractor does not transfer the records to the town.

d. Upon completion of the contract, transfer, at no cost, to the town all public records in possession of the contractor or keep and maintain public records required by the town to perform the service. If the contractor transfers all public records to the town upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the town, upon request from the town's custodian of public records, in a format that is compatible with the information technology systems of the town.

(2) Request for Records; Noncompliance:

a. If a request to inspect or copy public records related to the town's contract for services is received by the town and if the town does not possess the requested records, the town shall immediately notify the contractor of the request, and the contractor must provide the records to the town or allow the records to be inspected or copied within a reasonable time.

b. If a contractor does not comply with the town's request for records, the town shall enforce the contract provisions in accordance with the contract.

c. A contractor who fails to provide the public records to the town within a reasonable time may be subject to penalties under s. 119.10

(3) Civil Action:

a. If a civil action is filed against a contractor to compel production of public records relating to a town's contract for services, the court shall assess and award against the contractor the reasonable costs of enforcement, including reasonable attorney fees, if:

1. The court determines that the contractor unlawfully refused to comply with the public records request within a reasonable time; and

2. At least 8 business days before filing the action, the plaintiff provided written notice of the public records request, including a statement that the contractor has not complied with the request, to the town and to the contractor.

b. A notice complies with subparagraph (a)2. if it is sent to the town's custodian of public records and to the contractor at the contractor's address listed on its contract with the town or to the contractor's registered agent. Such notices must be sent by common carrier delivery service or by registered, Global Express Guaranteed, or certified mail, with postage or shipping paid by the sender and with evidence of delivery, which may be in an electronic format.

c. A contractor who complies with a public records request within 8 business days after the notice is sent is not liable for the reasonable costs of enforcement.

**IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE TOWN'S CUSTODIAN OF PUBLIC RECORDS AT 561.881.3311, [vmendez@lakeparkflorida.gov](mailto:vmendez@lakeparkflorida.gov), 535 Park Avenue, Lake Park, FL 33403.**

**(f) *Cancelling or postponing invitation to bid.*** The town manager or finance director may, prior to bid opening, elect to cancel an invitation to bid or postpone the date and/or time of bid submission or opening. In such situations, an addendum will be issued.

**(g) *Withdrawal of bids.*** An offeror can withdraw its bid up to the time listed for receipt of bids. If an offeror unilaterally withdraws its bid without permission after bid opening, the finance director may suspend the vendor from participating in future bids for up to three years.

**(h) *Corrections to bids.*** The following shall govern the corrections of information submitted in a bid when the information is a material factor in determining the responsiveness of the bid.

(1) Errors in extension of unit prices or in multiplication, division, addition or subtraction in a bid may be corrected by the finance director or designee prior to award. In such cases, the unit prices bid shall not be changed. When offerors bid in words and in figures on items on the bid sheet and the words and figures do not agree, the words shall govern and the figures shall be disregarded.

(2) Nothing herein is intended to prohibit the acceptance of a voluntary reduction in price from the low offeror after recommendation to award bid to the low offeror, provided such reduction is not conditioned on, or does not result in, the modification or deletion of any specifications or conditions contained in the invitation to bid.

**(i) *Standards.*** Factors to be considered in determining whether the standard of responsibility for offerors has been met include whether, in the town's determination, an offeror has:

(1) Appropriate financial, material, equipment, facility, and personnel resources, experience, knowledge, and expertise, or the ability to obtain them, necessary to indicate its capability to meet all contractual requirements as demonstrated by the offerors submitted bid documents.

(2) A satisfactory record of performance on similar projects as set forth by the vendor offerors submitted bid documents and as verified by the town.

(3) A record of integrity that is satisfactory to the town.

(4) Documented that it is legally established to conduct business and to contract with the town.

**(j) *Bid Security, Payment Bond, and Performance Bond.***

(1) Bid security shall be required for all competitive sealed bidding contracts. Bid security shall be an original bid bond executed by a surety company admitted and authorized to do business in the State of Florida. Cash, a certificate of deposit, treasurer's check, or a certified cashier's check satisfactory to the town may be tendered in lieu of the bid bond. Bid security shall be in an amount deemed sufficient by the town manager to ensure bid compliance but in no event shall the bid security be less than five percent of the bid amount.

(2) Bids or proposals which are submitted without the required bid security shall be rejected.

- (3) Any person, firm or entity that enters into a written construction contract with the town shall, before commencing the work, execute and deliver to the town within the time specified by the contract or procurement documents, a payment and performance bond, each in the amount equal to or greater than 100 percent of the total contract price, unless the amount of the bonds is reduced to a lesser amount as determined by the town commission, but in no event shall the amount of each bond be less than 100 percent of the total contract price. The bonds shall be issued by a surety insurer authorized to do business in the State of Florida as a surety. The required bonds shall also be recorded in the public records of Palm Beach County. At the discretion of the town commission, any person or entity entering into a construction contract which is for \$200,000.00 or less may be exempted from executing the payment and performance bond.
  - (4) In lieu of the bond required by this section, a contractor may file with the town an alternative form of security in the form of cash, a money order, a certified check, a cashier's check, an irrevocable letter of credit, or a security of a type listed in F.S. Chapter 625, pt. 1L. Any such alternative form of security shall be for the same purpose and be subject to the same conditions as those applicable to the bond required by this section. The determination of the value of an alternative form of security shall be made by the town manager.
  - (5) The bond must state on its front page: the name, principal business address, and phone number of the contractor, the surety, the owner of the property being improved, and, if different from the owner, the contracting public entity; the contract number assigned by the contracting public entity, and a description of the project sufficient to identify it, such as a legal description or the street address of the property being improved, and a general description of the improvement. Such bond shall be conditioned upon the contractor's performance of the construction work in the time and manner prescribed in the contract and promptly making payments to all persons defined in F.S. § 713.01, as amended, who furnish labor, services, or materials for the prosecution of the work provided for in the contract.
  - (6) If at any time after the execution of the contract and the surety bonds, the town deems the surety or sureties upon such bonds to be unsatisfactory or, if for any reason such bonds cease to be adequate to cover the requirements of the contract, the town may require the contractor, at its sole expense and within five days after the receipt of notice from the town, to furnish an additional bond in such form and amount and with such surety as shall be satisfactory to the town. In such event, no further payment to the contractor shall be deemed to be due under the contract until such new or additional security shall be furnished in manner and form satisfactory to the town as to protect the interests of the town and ensure the payment of persons supplying labor and materials under the contract. Final payment of all construction projects shall be approved by the town manager after certification of completion from the community development director.
  - (7) Nothing herein shall prohibit the town from deleting line items within the invitation to bid and purchasing said items directly from a supplier in an amount not exceeding the bid amount per line item of the successful offeror, without further bidding, in an effort to benefit from the town's tax exempt status.
- (k) **Insurance Coverage.** The offeror (contractor) shall maintain the following insurance coverages in the amounts specified below during the term of the contract and any extensions thereof:
- (1) Workers' compensation insurance for all employees of the contractor for statutory limits in compliance with applicable state and federal laws. Notwithstanding the number of employees or any other statutory provisions to the contrary, coverage shall extend to all employees of the contractor and all subcontractors. Employers liability limits shall be not less than **\$1,000,000.00 each accident; \$1,000,000.00 disease-policy limit; and \$1,000,000.00 disease-each employee.**

- (2) Comprehensive general liability of \$1,000,000.00, per occurrence, premises and operations, independent contractors, products and completed operations, personal and advertising injury, XCU coverage, and a contractual liability endorsement \$2,000,000.00 aggregate.
- (3) Business auto liability of \$1,000,000.00 per occurrence or combined single limit for bodily injury and property damage liability. This insurance shall be an "any-auto" policy including hired and non-owned auto liability coverage.

The town shall be included as an additional named insured under the general liability and automobile liability policies and a waiver of subrogation against the town shall be included in all workers' compensation policies. Current valid insurance policies meeting the requirements herein identified shall be maintained during the term of the contract, and any extensions thereof. A current certificate of insurance issued not more than 30 calendar days prior to the submission of the bid documents demonstrating the required coverages shall be submitted with the offerors' bid documents. There shall be a 30 day notification to the town in the event of cancellation or modification of any stipulated insurance policy. It shall be the responsibility of the contractor to ensure that all subcontractors are adequately insured or covered under their policies.

All certificates of insurance shall be subject to the town's verification and approval as part of the town's evaluation of the bid or proposal. The town may require the contractor to provide a complete certified copy of the insurance policy(ies). If the contractor includes the installation of machinery and/or equipment into an existing structure, the comprehensive general liability policy must include an endorsement covering same, including installation and transit.

The required insurance coverages shall be issued by an insurance company duly authorized and licensed to do business in the State of Florida with minimum qualifications in accordance with the latest edition of A.M. Best's Insurance Guide: Financial Stability: B+ to A+.

All required insurance shall preclude any underwriter's rights of recovery or subrogation against the town with the express intention of the parties being that the required coverages protect both parties as the primary insurance for any and all losses covered by the above described insurance.

Violation of the terms of such insurance requirements shall constitute a material breach of the contract by the contractor and the town, at its sole discretion, may cancel the contract and all rights, title and interest of the contractor shall thereupon cease and terminate.

**(l) Tie bids.** If two or more offerors are tied, the tie may be broken and the successful offeror selected by the following criteria presented in order of importance and consideration:

- (1) Quality of the items or services bid if such quality is ascertainable.
- (2) Delivery time if provided in the bids by the offerors.
- (3) If it is impossible with any reasonableness to determine if any of the above criteria have been met, or if application of the above criteria do not resolve the issue, the award will be given to that bidder offeror whose bid was received earliest in time by the town as indicated by the time clock stamp impressed upon the bid envelope of each offeror.

**(m) Bid award.** Award will ordinarily be made to the lowest responsive and responsible offeror whose bid meets the requirements and criteria set forth in the invitation for bids. Notice of intent to award, along with a tabulation of the bid/proposal results, shall be posted by the town clerk on the town's official website five business days prior to the commission award. All offerors, or contractors affected by the proposed award of contract will also be notified by the town clerk at the time of posting, via telefax or other means, of the intended award. The award shall be effective upon approval by the town commission and upon issuance of a purchase order, execution of a

contract, or written notice of award by the finance director or town manager. The town may reject any bid prior to such issuance. In the event only one bid is received, the town may award to the sole offeror if the bid is deemed to be reasonable and in the best interests of the town or to request new bids. In the event all bids exceed budgeted funds, the finance director, with direction of the town manager, in cooperation with the department director of the originating department, is authorized, when time or economic considerations preclude re-solicitation to negotiate an adjustment of the bid price and/or bid specifications with the low responsive and responsible offeror in order to bring the bid within the amount of budgeted funds.

**(n) Rejection or award of bids.**

- (1) The town reserves the right to accept or reject any and all bids and/or to make award to the lowest responsive and responsible offeror whose bid meets the requirements and criteria set forth in the invitation for bid and whose award will, in the opinion of the town, be in the best interest of and most advantageous to the town.
- (2) Factors to be considered in determining whether the standard of responsibility has been met include whether a prospective offeror has provided:
  - a. Appropriate financial, material, equipment, facility, and personnel resources, experience, knowledge, and expertise, or the ability to obtain them, necessary to indicate its capability to meet all contractual requirements as demonstrated by the offeror in the bid documents;
  - b. A satisfactory record of performance on similar projects as specifically set forth in the bid submitted by the offeror and verified by the town;
  - c. A record of integrity that is satisfactory to the town;
  - d. Documentation that the offeror is a legally established business entity, is in good standing, and is able to conduct business in the state of Florida and to contract with the town;
  - e. A summary of any and the identification of all parties pertaining to all litigation which the offeror has been a party over the past five years; and
  - f. All necessary information in connection with the inquiry concerning responsibility including but not limited to any current licenses, permits, insurance, or official documentation of its legal status.

The offeror shall supply the above information or documentation to the town as part of the bid documents it submits to the town pursuant to the town's invitation to bid. If an offeror fails to supply such information the town shall consider the bid documents submitted to be not responsive to the invitation to bid and find the offeror nonresponsive.

**(o) Changes and amendments.** The finance director and/or town manager may authorize changes/amendments for construction, and goods and/or services within the overall scope of the project or procurement pursuant to § 2(10) of Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager. If the amendment/change order exceeds the maximum amounts herein, the amount of the amendment/change order must be approved by the town commission. If the change is outside the scope of the original project or procurement as determined by the finance director and/or town manager, a new invitation to bid must be issued, unless an emergency or sole source situation exists. Should an emergency or sole source situation exist, a new contract with the existing contractor may be negotiated and presented to the town commission for approval, provided such contractor is qualified and available to perform on the new project, or is capable of securing the services of a qualified subcontractor. Extensions of time frames for completion of contracts may be authorized by the finance director and/or town manager.

A change order to a purchase order must be approved by the finance director and/or town manager for all changes that affect the original dollar amount by an increase of ten (10%) percent or more. Change orders of \$10,000.00 or more shall proceed pursuant to Chapter 2, Article III, § 2-82 pertaining to the purchasing authority of the town manager.

**(p) *Protested solicitations and awards***

(1) Right to protest. Any actual or prospective offeror that is allegedly aggrieved in connection with the solicitation or pending award of a contract may protest to the town's finance director.

(2) Notice.

a. A written notice (e.g., letter, etc.) that a bid protest will be filed must be submitted to the office of the finance director no later than 5:00 p.m. Eastern Time, three business days from the time of initial posting of notice of intent to award. The notice of bid protest must be in writing, and must identify the protestant and the solicitation involved, and shall include a factual summary of the basis of the protest.

b. The formal written protest must then be filed at the office of the finance director no later than 5:00 p.m. Eastern Time, within five business days after the date of filing the notice of bid protest. The formal written bid protest shall contain at a minimum the following information:

1. Identification of the name, address and contact information of the protestant and the solicitation involved;
2. A clear, brief, statement of the facts, legal arguments and other grounds on which the protest is based;
3. Identification of any applicable statutes, or ordinance(s), or other legal authority(ies) which the protestant deems applicable to the solicitation involved; and
4. A clear statement, in writing, of the specific nature of the relief requested by protestant.
5. Any additional written or physical materials, objects, statements, and arguments, which the protestant deems relevant to the issues raised in the request for review.

**The protestant shall mail a copy of the notice of protest and the formal written protest to the finance director, and shall provide the town manager with evidence of such mailing.**

c. The formal written protest is considered filed with the town when it is received by the finance director and is not timely filed unless it is received by the finance director within the times specified above. Failure to file a written notice of bid protest and subsequent formal written protest within the time period specified shall result in relinquishment of all rights of protest by the offeror and abrogation of any further bid protest proceedings.

d. These protest procedures shall be the sole remedy for challenging an award of bid or proposal. Offerors are prohibited from attempts to influence, persuade or promote through any other channels or means. Such attempts shall be cause for suspension in accordance with subsection 2-253(a).

(3) Authority to resolve. The finance director shall attempt to resolve the protest in a fair and equitable manner, and shall render a written decision within 10 business days to the protestant. The protestant may appeal such decision, in writing to the finance director within five business days of the date of the written decision, whereby a protest committee, comprised of the finance

director, town manager, town attorney, and the department director of the originating department, shall have the authority to settle and resolve the protest.

- (4) Proceedings. The finance director shall serve as the presiding officer of the protest committee in a nonvoting capacity. The town clerk shall give reasonable notice to all substantially affected persons or businesses prior to the date scheduled to consider the appeal of the protest.
  - a. At or prior to the protest proceeding, the protestant may submit any written or physical materials, objects, statements, affidavits, and arguments which the protestant deems relevant to the issues raised.
  - b. In the proceeding, the protestant, or its representative or counsel, may also make an oral presentation of the evidence and arguments. However, neither direct nor cross examination of witnesses will be permitted, although the presiding officer and other protest committee members may make whatever inquiries deemed pertinent to a determination of the protest.
  - c. The judicial rules of evidence shall not apply and the protest committee shall base its decision on such information adduced in the course of the proceeding upon which reasonable prudent persons rely in the conduct of their affairs.
  - d. A quorum of the committee consists of a majority of protest committee members. A decision shall be rendered by a majority vote of the committee members in attendance.
  - e. If it is deemed that the solicitation or award is in violation of law or the procedures outlined herein, the solicitation or award shall be cancelled or revised.
  - f. If it is determined that the solicitation or award should be upheld, the finance director shall promptly issue a decision on behalf of the protest committee in writing stating the reason for the action with a copy furnished to the protestant and all substantially affected persons or businesses. The decision shall be final and conclusive as to the town. Any party may arrange for the proceedings to be stenographically recorded, and shall bear the expense of such recording. The proceedings shall be open to the general public.
- (5) Stay of procurement during protests. In the event of a timely protest, the finance director shall not proceed further with the solicitation or with the pending award of the contract until the finance director, with the advice of the town attorney and after consultation with the department director of the originating department makes a determination that the award of the contract without delay is necessary to protect substantial interests of the town.
- (6) Reservation of powers to settle actions pending before the courts. Nothing in this section is intended to affect the existing powers of the town commission to settle actions pending before the courts.
- (7) Damages. In the event that a court of competent jurisdiction upholds the protestant's claim, the court awarded damages on behalf of the protestant shall be solely limited to bid/proposal preparation costs.

**(q) *Suspension and debarment***

- (1) Suspension. An offeror may be suspended for a period not to exceed two years as determined by the finance director based upon the following:
  - a. Offeror defaults or fails to fully comply with the conditions, specifications, or terms of any current or previous bid, quotation, proposal or contract with the town;
  - b. Offeror commits any fraud or misrepresentation or provides false information in connection with a bid, quotation proposal or contract with the town;

- c. Offeror is charged by a court of competent jurisdiction with the commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
  - d. Offeror is charged by a court of competent jurisdiction with the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a town government contractor. If charges are dismissed or the vendor offeror found not guilty, the suspension shall be lifted automatically upon written notification and proof of final court disposition provided by the vendor offeror to town;
  - e. Offeror becomes insolvent, has proceedings in bankruptcy instituted against it, or compounds its debts or assigns over its estate or effects for payment thereof, or has a receiver or trustee appointed over its property;
  - f. Offeror violates the ethical standards set forth in local, state, or federal law;
  - g. Offeror fails to comply with the minority or women business enterprise participation or minority or women business enterprise requirements of an awarded contract; or
  - h. Any other cause the finance director determines to be so serious and compelling as to materially and adversely affect responsibility of a business to perform as a town government contractor, including but not limited to suspension by another governmental entity for substantial cause.
- (2) Debarment. An offeror may be permanently debarred for the following:
- a. Default or failure to fully comply with the conditions, specifications, drawings, or terms of a bid, proposal or contract with the town twice in any three-year period.
  - b. Conviction by or judgment obtained in a court of competent jurisdiction for commission of those offenses in connection with the vendor offeror's commercial enterprise stated in subsections (1) c. and (1) d. of this section. If the conviction or judgment is reversed through the appellate process, the debarment shall be removed immediately upon written notification and proof of final court disposition from the offeror to the town.
  - c. Placement of the offeror or its subcontractor(s) on the convicted vendor list maintained by the State of Florida Department of Management Services within thirty-six months from the date of submittal of the bid or proposal.
- (3) Decision. After the finance director has determined there is cause to suspend or debar an offeror, the finance director shall notify the offeror in writing of the debarment or the period of suspension and the reasons for the action taken.
- (4) Finality of decision. The suspension or debarment shall be final and conclusive unless the suspended or debarred offeror initiates protest proceedings pursuant to section 2-252 within 21 days after the date of notification.

**(r) Inspections and tests.**

- (1) The finance director or department director of the originating department may inspect, or arrange for the inspection of, all deliveries of supplies, materials, equipment or contractual services to determine conformance with specifications set forth in the order of contract.
- (2) Any originating department which has the staff and facilities for adequate inspection may be authorized by the finance director to inspect deliveries made to it.

(3) The finance director shall have the authority to require chemical and/or physical tests or samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. For such tests, the finance director shall have the authority to make use of any facilities of the town where such tests may be competently performed or an outside laboratory may be utilized. Should the product fail such testing, the town may require the offeror to pay the town for any expense incurred in testing.

End of 'CONTRACT AGREEMENT INFORMATION'

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## INSTRUCTIONS TO OFFERORS

### 1. PREPARATION OF BIDS

- A. Bids shall be submitted in in triplicate, one ORIGINAL and two copies, in the form(s) provided, and must be signed by the offeror or its authorized representative. Bids will be completed in ink (preferably typed), and signed in BLUE ink by an officer and/or owner of the business possessing the required authority. The bid will include all information requested.

Should any information requested not be provided or if the bid should be received unsigned on the bidding sheet ('BID FORM'), it will be considered non-responsive and subject to rejection.

Any corrections made to entries on any bid form(s) shall be initialed where changed by the person signing the bid in BLUE ink.

- B. Offerors must quote on all items appearing on the bid form(s) unless specific directions in the advertisement, on the bid form(s), or the specific provisions allow for partial bids. Failure to quote on all items may disqualify the bid. When quotations on all items are not required, offerors shall insert the words 'No Bid' where appropriate.
- C. A complete list of all subcontractors to be used for this project shall be submitted with the proposal. These subcontractors shall not be changed after the opening of bids without the written approval of the Town of Lake Park. The town reserves the right to reject any subcontractor and require replacement with an approved subcontractor.

### 2. FORM

The page attached at the end of this section demonstrates the Agreement to be executed between the Town and the Contractor for this project. This Agreement formally incorporates the bid document and the Contractor's bid into the Construction Contract.

### 3. GENERAL CONDITIONS

Where any portion of any Paragraph, Subparagraph or Clause thereof is modified or deleted by these supplements, the unaltered provisions shall remain in effect.

### 4. CONTRACT TERMS

The contract shall include, but not be limited to, the following:

- A) All terms, conditions, plans, and specifications of this bid.

- B) Lump sum total for the project, as well as a schedule of bid item prices, and/or as indicated on the bid form, for all goods/services required of this project, or for those applied to additional work above and beyond the original scope.
- C) Offeror agrees that terms of the contract shall provide that the town retains ownership rights to all documents prepared by the Contractor during the course of the contract. These documents shall become 'Public Record'.

Before starting repairs:

**The Contractor shall perform no portion of the work at any time without Contract Documents or, where required, approved Shop Drawings or Product Data for such portion of the Work.**

**5. ENTIRE AGREEMENT**

This contract (consisting of the Scope of Work, Schedule of Bid Items, Technical Specifications, any Addenda, contractor's bid, Contract Agreement Information, Instructions To Offerors, and Contract Agreement Form) states the entire contract between the parties hereto with respect to the subject matter hereof, and all prior and contemporaneous understandings, representations, and agreements are merged herein or superseded hereby. No alterations, modifications, release, or waiver of this contract or any of the provisions hereof shall be effective unless in writing, executed by the parties. The products/services required of this contract will be officially "ordered" through the issuance of a Purchase Order.

**Contractor shall NOT commence work until they have been issued a signed Purchase Order from the TOWN OF LAKE PARK.**

**6. WAIVER**

It is agreed that no waiver or modification of this contract or of any covenant, condition or limitation contained in it shall be valid unless it is in writing and duly executed by the party to be charged with it, and that no evidence of any waiver or modification shall be offered or received in evidence in any proceeding, arbitration, or litigation between the parties arising out of or affecting this contract, or the right or obligations of any party under it, unless such waiver or modification is in writing, duly executed as above. The parties agree that the provisions of this paragraph may not be waived except by a duly executed writing.

**7. SEVERABILITY**

If any term or provision of this contract is found to be illegal and unenforceable, such terms shall be deemed stricken and the remainder of the contract shall remain in full force and effect.

8. **SURVIVORSHIP OF BENEFITS**

This contract shall be binding on and inure to the benefit of the respective parties and their executors, administrators, heirs, personal representatives, successors and assigns.

9. **ADDENDA - CHANGES WHILE PREPARING BID**

**It is the responsibility of all offerors to ascertain whether addenda have been issued pertinent to this Request for Bids prior to submitting their bid by contacting the Town of Lake Park, TOWN CLERK at 561.881.3311.**

**Failure to acknowledge all Addenda may result in rejection of your bid as non-responsive.**

No interpretation of the meaning of the plans, specifications or other Contract Documents will be made to any offeror orally. Every request for such interpretation should be in writing (email preferred) and must be received by the Town Clerk at least five (5) business days prior to the date fixed for the opening of bids. Any and all such interpretations and any supplemental instructions will be in the form of written addenda to the specifications which, if issued, will be faxed or transmitted via email, to all companies known to have received a copy of the Invitation for Bid. Failure of any offeror to receive any such addendum shall not relieve any offeror from any obligations under his/her bid as submitted. All addenda so issued shall become part of the original bid document.

Questions pertaining to the specifications and/or any issues relating to the bid should not be directed to any department other than that of the Town Clerk. Should the offeror acquire information from any source other than the Town Clerk and decide to use that information in the bid response, the offeror does so at its own risk.

10. **BIDDERS SUBMITTING MORE THAN ONE BID**

Multiple bids submitted by a single Bidder shall not be accepted, unless said additional bids are identified as 'Alternates'. The Town may accept or reject 'Alternate' bids, in its best interest. Please annotate the words: **ALTERNATE BID** on the sealed envelope which contains the alternate bid. If multiple bids from the same Bidder are received and there is no distinguishing markings indicating which the "alternate" bid is, then the first bid opened will be considered as the main bid.

This provision shall NOT prohibit subcontractors or suppliers from submitting quotes to several potential Bidders.

11. **REJECTION OF BIDS**

**The Town reserves the right to reject any and all bids.**

**The process for bid rejection shall comply with the terms and conditions detailed above in CONTRACT AGREEMENT INFORMATION, 1. COMPETITIVE SEALED BID PROCESS, (n) *Rejection or award of bids*.**

Recommendation of Award. In case of failure on the part of the contractor to comply as required, the bid security (or Bid Bond) accompanying the bid, will be forfeited to the town. Award may then be made to the next lowest responsible and responsive offeror, or the work may be re-solicited, at the town's option.

20. **SUBLETTING OR ASSIGNING CONTRACT**

All awards will be made with the understanding that the work will be performed by the contractor to whom the award is made, with the assistance of workmen under its immediate superintendence, and the contract shall not be sublet to another contractor except with the prior written consent of the TOWN OF LAKE PARK. In no event will the contractor be released from responsibility.

21. **CONTRACTOR'S RESPONSIBILITIES**

The Contract Documents are intended to communicate the nature of the design, concept and scope of the work. The Contractor shall be responsible for the construction and coordination of the parts and all systems shall be complete, compatible and fully functional without additional costs.

22. **MANNER OF PERFORMANCE**

Contractor agrees to perform its duties and obligations under this contract in a professional and workmanlike manner, in accordance with all applicable local, federal and state laws, rules, and regulations. Contractor agrees that the services provided under this contract shall be provided by employees that are educated, trained, experienced, certified, and licensed in all areas encompassed within their designated duties. Contractor agrees to furnish the town with any and all documentation, certification, authorization, license, permit, or registration currently required by applicable laws or rules and regulations. Contractor further certifies that it and its employees are now in and will maintain good standing with such governmental agencies and that it and its employees will keep all licenses, permits, registrations, authorizations, or certifications required by applicable laws or regulations in full force and effect during the term of this contract. Failure of Contractor to comply with this paragraph shall constitute a material breach of this contract.

23. **MATERIAL QUALITY & BRAND NAMES**

- (1) All items used in the manufacture or construction of any supplies, material or equipment covered by the bid shall be new, not used, or remanufactured. The item(s) bid or the components of the item(s) bid shall be of the best quality and highest grade workmanship unless otherwise specified herein.
- (2) Whenever proprietary names are specified, whether or not followed by the words "or equal" it shall be subject to equals as approved and accepted as "equal" by the owner, as it shall be the owners' prerogative to select which products/materials meeting specifications from the information furnished by the prospective offeror, to produce the low bid or best value to the town.

Prospective offerors requesting consideration for an "or equal" approval shall submit a written request to the Town Clerk six (6) business days prior to the day of the bid opening.

24. **GUARANTEE**

Offeror guarantees that it will use only technically qualified individuals in the performance of this contract, and will perform the services in a workmanlike manner. Further, offeror certifies that it is legally able of offer, technically qualified to perform, and properly licensed to provide the required services to a Florida municipality. Offeror certifies that it's insurance carrier, as reflected on any certificates of insurance submitted with its bid, or subsequent to recommendation of award, is legally able to provide such insurance in the State of Florida, and that the insurance covers the work requested and performed.

25. **CONTRACT TIME**

The contract shall be completed and invoiced by \_\_\_\_\_, 2016.

The time for completion of the contract shall be forty-five (45) calendar days.

Once the contract start date is established, and a Notice to Proceed has been issued, the contract will be considered in-process as of the start date, and the count as to the number of days for completion of the project, will have commenced. Any extension to the number of days agreed to in advance (as reflected on the bid form), and commencing on the start date referenced in the Notice to Proceed, must be requested by the Contractor to the authorized agent for the Town. The Town must agree to the extension, or liquidated damages may commence.

26. **LIQUIDATED DAMAGES**

The Contractor shall pay to the town, as damages for non-completion of the work within the time stipulated for its completion, **twenty-five dollars (\$25.00)** for each and every calendar day exceeding the stipulated time of completion. This sum is hereby agreed upon, fixed, and determined by the parties hereto as liquidated damages that the Town will suffer by reason of such default and not by way of penalty. The Town is hereby authorized to deduct any liquidated damages from payments due to the Contractor. The calculation of the number of days the contractor has worked on the project will begin on the latter of the day a permit is approved and issued to the contractor, or the start date as agreed at the designated pre-construction meeting. From that day, the number of calendar days as shown on the contractor's submitted bid form will be added, creating a firm end date. Any work performed beyond the end date is subject to the assessment of liquidated damages **(\$25 for each calendar day)**, unless an appropriate extension is requested and approved by the Town in writing.

27. **PAYMENT**

In keeping with Florida Statute 218.735, payment for an accurate and accepted application for payment on a construction contract is due *20 days after it is stamped as "received" by the town*. If an "Agent", meaning a professional service company under contract to the town to provide construction-phase services in support of the project is engaged, then payment is due the contractor within twenty five (25) days of being stamped as "received" by the Agent. Application(s) for payment should be sent to the Public Works Director, David Hunt, located at 650 Old Dixie Highway, Lake Park, FL 33403, who will ensure that each application for payment is reviewed for accuracy, and then authorize the payment of the invoice, or the return of an unacceptable invoice.

**All applications for payment, with the exception of the application for FINAL payment shall reflect 10% retainage of the total value of the work completed.**

28. **PAYMENTS TO CONTRACTOR AND COMPLETION**

The town may employ an independent third party to perform inspections and approve applications for payments on this project. If the town does engage an agent on this project, the town will communicate at the pre-construction meeting, the specifics regarding to whom to send applications for payment, the roles of each party, etc.

Final payment will NOT be made until all requested work has been performed and accepted by the town, and contractor has passed a final inspection in accordance with the bid documents.

Upon satisfactory completion of the work and the contractor's submission of a sworn affidavit as evidence that he has paid all labor, materials and other charges against the project in accordance with the terms of the contract, the town's engineer or other agent on the project will issue a **Certificate of Contract Completion**.

29. **PERMITS, TAXES, LICENSES**

Contractor shall, at its own expense, obtain all necessary permits, pay all licenses, fees, and taxes, required to comply with all local ordinances, state and federal laws, rules and regulations applicable to the business to be carried on under this contract. There is no requirement for a Notice of Commencement.

30. **FEDERAL AND STATE TAX**

The TOWN OF LAKE PARK is exempt from sales tax. Upon request, the authorized agent of the Town will provide an exemption certificate to the successful Offeror. Vendors or contractors doing business with the TOWN OF LAKE PARK shall not be exempt from paying sales tax to their suppliers for materials to fulfill contractual obligations with the Town, nor shall any vendor/contractor be authorized to use the Town's Tax Exemption Number in securing such materials.

31. **RIGHT TO AUDIT RECORDS**

The audit of records shall comply with the terms and conditions detailed above in **CONTRACT AGREEMENT INFORMATION, 1. COMPETITIVE SEALED BID PROCESS, (e) Public record.**

Audit of Cost or Pricing Data: The Town may, at reasonable times and places audit the books, documents, papers and records of any contractor who has submitted cost or pricing data to the extent that such books, documents, papers and records are pertinent to such cost or pricing data.

32. **RIGHT TO INSPECT**

The right to inspect any part of the plant, place of business, or work site of a contractor or subcontractor shall comply with the terms and conditions detailed above in **CONTRACT AGREEMENT INFORMATION, 1. COMPETITIVE SEALED BID PROCESS, (r) Inspections and tests.**

The finance director or department director of the originating department may inspect, or arrange for the inspection of, all deliveries of supplies, materials, equipment or contractual services to determine conformance with specifications set forth in the order of contract.

33. **TERMINATION**

Once the contract has been awarded, it may be terminated by the town without cause upon providing contractor with at least thirty (30) days prior written notice.

Should either party fail to perform any of its obligations under this contract for a period of thirty (30) days after receipt of written notice of such failure, the non-defaulting party will have the right to terminate the contract immediately upon delivery of written notice to the defaulting party of its election to do so. The foregoing rights of termination are in addition to any other rights and remedies that such party may have.

If the town elects to terminate for convenience (without cause), or with cause, subsequent to the termination language above, the town may seek the services of the next-lowest offeror, or that offeror which in the sole determination of the town, offers the town the most advantageous opportunity to complete the project.

34. **DAVIS/BACON ACT NOT APPLICABLE**

35. **EQUAL OPPROTUNITY/MINORITY AND WOMEN BUSINESS ENTERPRISE**

(a) The town shall use its best efforts to ensure that minority and women businesses shall have an equitable opportunity to participate in the town's procurement process and that no business shall be excluded from participation in, denied benefits of, or be otherwise discriminated against in connection with the award and performance of any contracts with the town because of race, color, religion, national origin, age, sexual orientation, gender, marital status, handicap or physical impairment.

(b) This division shall be read consistently with the Florida Civil Rights Act, F.S. ch. 760, and shall not repeal existing or subsequently enacted town minority/women business enterprise ordinances.

36. **BID PREFERENCES**

The town shall provide a five percent bid preference for one of the following criteria, and the specific application of that preference must be included in the RFP:

- (a) To local merchants whose principal office is within the town's boundaries, and who have maintained a valid town business tax receipt for the previous two years; or
- (b) To certified minority or Florida veteran owned business enterprises pursuant to the Florida Office of Supplier Diversity.

37. **CONFLICT OF INTEREST**

The standards of conduct for public officers and employees as set forth in the Palm Beach County Code of Ethics and F.S. §112.313 Part III are incorporated herein by reference as if fully set forth herein.

38. **'DRUG FREE WORKPLACE CERTIFICATION'**

In compliance with Florida Statute (Section 287.087), the attached 'Drug Free Workplace Certification' form must be fully executed and submitted with all bids. Firms which indicate participation in a 'Drug Free Workplace' program will receive preference in the event of a tie bid.

39. **FLORIDA STATUTES, SECTION 287.133, PARAGRAPH (2)(a):  
'PUBLIC ENTITY CRIMES'**

'A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of thirty six (36) months from the date of being placed on the convicted vendor list.'

40. **ANTI-KICKBACK AFFIDAVIT**

The attached anti-kickback affidavit must be fully executed and submitted. It confirms that no portion of the sum bid in connection with the work to be performed will be paid to any employee of the Town of Lake Park as a commission, kickback, reward or gift, directly or indirectly by any member of the vendor's firm or by an officer of the corporation.

41. **'CERTIFICATION OF NONSEGREGATED FACILITIES'**  
**(Office of Federal Contract Compliance Programs (OFCCP), Executive Order 11246,**  
**As Amended; Equal Employment Opportunity)**

SEC. 202, "...all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:

The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor."

In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with authorized procedures.

42. **ADDITIONAL INFORMATION**

Requests for additional information should be referred to David Hunt, Public Works Director, at 561.881.3345 or [dhunt@lakeparkflorida.gov](mailto:dhunt@lakeparkflorida.gov)

End of 'INSTRUCTIONS TO OFFERORS'

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**CONTRACT AGREEMENT**

**AGREEMENT BETWEEN OWNER AND CONTRACTOR**

SANITATION VEHICLE REFURBISHMENT  
PUBLIC WORKS VEHICLE NO. 50  
TOWN OF LAKE PARK

**Town of Lake Park Bid No. 105-2016**

Upon execution by both parties, this Agreement shall serve as the Contract between the TOWN OF LAKE PARK ("Owner") and \_\_\_\_\_ ("Contractor") for the delivery of the bid items contained in the aforementioned contractor's response to the Town's SANITATION VEHICLE REFURBISHMENT project. All terms, conditions, plans and specifications, Addenda Nos. \_\_\_\_\_ and contractor's accepted bid, dated \_\_\_\_\_ shall apply to this Agreement, and are incorporated herein. In the event of conflict, the terms of the Town's bid shall take precedence. The total contract amount shall be \$ \_\_\_\_\_.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: Town of Lake Park through and signing by its Town Manager, on the \_\_\_\_ day of \_\_\_\_\_, 2016: and \_\_\_\_\_ authorized to execute same.

TOWN OF LAKE PARK, through its  
Town Manager

By: \_\_\_\_\_  
John O. D'Agostino., Town Manager

Attest: \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Blake Rane, Finance Director

\_\_\_\_\_ day of \_\_\_\_\_, 2016

**AGREEMENT BETWEEN OWNER AND CONTRACTOR (Cont.)**

Contractor:

\_\_\_\_\_  
Name of Contractor

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name, Title

\_\_\_\_ day of \_\_\_\_\_, 2016

(CORPORATE SEAL)

STATE OF FLORIDA                    )  
  ):ss  
COUNTY OF \_\_\_\_\_ )

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2016 by  
\_\_\_\_\_ who (check one) [ ] is personally known to me or  
[ ] has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

\_\_\_\_\_  
Print or Type Name of Notary Public

My commission expires:

End of 'AGREEMENT BETWEEN OWNER AND CONTRACTOR'

## **SCOPE OF WORK**

### **SANITATION VEHICLE REFURBISHMENT PUBLIC WORKS VEHICLE NO. 50 TOWN OF LAKE PARK**

The work shall generally consist of refurbishing the HEIL DuraPack Python body (mounted on a 2009, Autocar WX64 chassis) including, but not limited to, structural repairs including the replacement of the Python grabber arm assembly, grabber, and grabber bands (using Only HEIL O.E.M. parts), repair/replacement of hydraulic system controls, hydraulic pump, cylinders, and hoses, inspection and repair of electrical wiring and components, along with miscellaneous body repairs, body work, and cab and body paint job.

**SIX MONTHS PARTS AND LABOR WARRANTY ON ALL REPAIR OR REBUILD ITEMS  
ONE YEAR PARTS AND LABOR WARRANTY ON ALL NEW REPLACEMENT PARTS**

#### **SPECIFICALLY:**

##### **HYDRAULIC SYSTEM CONTROLS** (See Schedule of Bid Items No. 3)

- Reseal Hydraulic Main Body Valves and Replace all Pneumatic Valves
- Replace all Main Valve Pneumatic Lines
- Inspect and Repair PLC System ensuring all functions work properly; Provide 'Alternate' quote if PLC System needs Replacement
- Replace all Hydraulic System Filters
- Replace Hydraulic Oil and Flush Hydraulic Tank
- Replace Hydraulic Tank Sight Gage

##### **PUMP AND HYDRAULIC WELDMENTS** (See Schedule of Bid Items No. 4)

- Replace Hydraulic Pump and Supply Hoses to Pump and Main Valves
- Rebuild Packer Cylinders and Replace all Hoses
- Replace Tailgate Lock Cylinders and Tailgate Lock Bushings
- Rebuild Tailgate Cylinders and Replace all Hoses
- Replace Hoses on Body Lift Cylinders

##### **BODY STRUCTURAL REPAIR** (See Schedule of Bid Items No. 5)

- Replace Python Grabber Arm Assembly using ONLY HEIL O.E.M. Parts; Install new Mounting Bolts
- Replace Grabber Assemblies and Install new Grabber Bands using ONLY HEIL O.E.M. Parts
- Rebuild Packer Blade
- Inspect and Repair Follower Panel; Provide 'Alternate' quote if Follower Panel needs Replacement
- Replace Packer Blade Cylinder Pins and Bushings
- Replace Packer Blade Shoes and Replace Packer Blade Tracks (I.e., Rails)

**MISCELLANEOUS BODY REPAIRS** (See Schedule of Bid Items No. 6)

- Install New Tool Box on Tailgate ICC Bumper
- Replace Tailgate Seal
- Replace both Sump Door Seals
- Replace Tailgate and Hopper Camera Cables

**BODY WIRING and ELECTRICAL COMPONENTS** (See Schedule of Bid Items No.'s 7a., 7b., 7c., & 7d.)

- Inspect and Repair Body Wiring to all Body Mounted Lamps; Provide Lump Sum Cost for Five (5) Hours on Task; Provide Hourly Rate for Any Hours Worked over Five (5) – **Advanced Written Approval from town Required before Proceeding**
- Replace Body Mounted Lamps and/or bulbs as needed; Provide Unit Price for One (1) Lamp, installed
- Inspect and Repair Body Wiring to all Body Mounted Proximity Switches; Provide Lump Sum Cost for Four (4) Hours on Task; Provide Hourly Rate for Any Hours Worked over Four (4) – **Advanced Written Approval from town Required before Proceeding**
- Replace Body Mounted Proximity Switches as needed; Provide Unit Price for One (1) Switch, installed

**PAINT and BODY WORK** (See Schedule of Bid Items No. 8)

- Chassis Cab is to be Prepped for Paint; Prime Repairs made to Body Damage and Rust Removal
- Cab to be Painted with Factory Color (White) Base Coat/Clear Coat
- Sideloader Body to be Prepped for Paint; Prime Repairs made to Body Damage and Rust Removal
- Paint Body (Note Color Change to Blue: DuPont™ Imron (or equal) Color Code – NO441NA); Color Change Requires Two Coats of Base with One Clear Coat.
- Apply town Decal Package; Town to provide material

**The contract shall be completed and invoiced by: \_\_\_\_\_, 2016.**

Questions/Clarifications to the Scope of Work will be discussed at the Pre-Bid Meeting. No interpretation of the meaning of the plans, specifications or other Contract Documents will be made to any offeror orally. Every request for such interpretation should be in writing (email preferred) and must be received by the Town Clerk at least five (5) business days prior to the date fixed for the opening of bids. (Per "Instructions to Offerors", paragraph 9.)

## TECHNICAL SPECIFICATIONS

All required bid items are described in the Scope of Work and the Schedule of Bid Items and may be further clarified in any Addenda issued. Offerors are encouraged to view the vehicle so that its condition is known and considered.

Questions/Clarifications to these Technical Specifications will be discussed at the Pre-Bid Meeting. No interpretation of the meaning of the plans, specifications or other Contract Documents will be made to any offeror orally. Every request for such interpretation should be in writing (email preferred) and must be received by the Town Clerk at least five (5) business days prior to the date fixed for the opening of bids. (Per "Instructions to Offerors", paragraph 9.)

**BID FORM**

**SANITATION VEHICLE REFURBISHMENT  
PUBLIC WORKS VEHICLE NO. 50  
TOWN OF LAKE PARK**

**Bid No. 105-2016**

**Instructions: Remove this and all following pages, complete and execute, and submit in duplicate (1 Original and 2 copies) with your bid package (which includes drawings, offerors understanding, agreement information, instructions to offerors, scope of work, and technical specifications).**

In accordance with the plans and specifications noted in this Bid document, the **TOTAL BASE BID** for this project is:

*Forty seven thousand seven hundred twenty dollars  $75/100$  (\$ 47,720.75)*

**Completion:** All work must be completed by \_\_\_\_\_, 2016. Work will be performed at contractor's or their sub-contractor's facility. Town will deliver and pick up vehicle at the contractor's facility.

**Required documents attached?** – (1 Original and 2 copies):

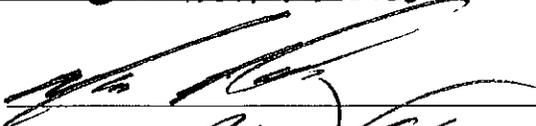
|  | <u>Yes</u> or No |
|--|------------------|
| - Bid Form (signed)                              | yes              |
| - Schedule of Bid Items                          | yes              |
| - Acknowledge Addenda No.(s)___ (if issued)      | yes              |
| - Clarifications/Exceptions                      | yes              |
| - Bid Security and Proof of Bonding Capabilities | yes              |
| - Proof of Existing Insurance Coverage           | yes              |
| - List of References                             | yes              |
| - Licenses (copies of applicable licenses)       | yes              |
| - List of Subcontractors and Prime Vendors       | yes              |
| - Drug Free Workplace Certification              | yes              |
| - Sworn Statement on Public Entity Crimes        | yes              |
| - Anti-kickback Affidavit                        | yes              |
| - Certification of Non-segregated Facilities     | yes              |

NAME OF FIRM: Sunbelt Waste Equipment

ADDRESS: 2201 NW 22 Street  
Pompano Beach, FL 33069

PHONE #: 561-274-8505 FAX #: 561-274-8506

E-MAIL: mickey.chavez@sunbeltwaste.com

AUTHORIZED SIGNATURE: 

NAME & TITLE (TYPED or PRINTED): Mickey Chavez President

**SCOPE OF WORK**

**SANITATION VEHICLE REFURBISHMENT (cont.)**

**MISCELLANEOUS BODY REPAIRS** (See Schedule of Bid Items No. 6)

- Install New Tool Box on Tailgate ICC Bumper; Tool Box dimensions: 24"W x 14"H x 17½" D
- Replace Tailgate Seal
- Replace both Sump Door Seals
- Replace Tailgate and Hopper Camera Cables

**BODY WIRING and ELECTRICAL COMPONENTS** (See Schedule of Bid Items No.'s 7a., 7b., 7c., & 7d.)

- Inspect and Repair Body Wiring to all Body Mounted Lamps; Provide Lump Sum Cost for Five (5) Hours on Task; Provide Hourly Rate for Any Hours Worked over Five (5) – **Advanced Written Approval from town Required before Proceeding**
- Replace Body Mounted Lamps and/or bulbs as needed; Provide Unit Price for One (1) Lamp, installed
- Inspect and Repair Body Wiring to all Body Mounted Proximity Switches; Provide Lump Sum Cost for Four (4) Hours on Task; Provide Hourly Rate for Any Hours Worked over Four (4) – **Advanced Written Approval from town Required before Proceeding**
- Replace Body Mounted Proximity Switches as needed; Provide Unit Price for One (1) Switch, installed

**PAINT and BODY WORK** (See Schedule of Bid Items No. 8)

- Chassis Cab is to be Prepped for Paint; Prime Repairs made to Body Damage and Rust Removal
- Cab to be Painted with Factory Color (White) Base Coat/Clear Coat
- Sideloader Body to be Prepped for Paint; Prime Repairs made to Body Damage and Rust Removal
- Paint Body (Note Color Change to Blue: DuPont™ Imron (or equal) Color Code - NO441NA); Color Change Requires Two Coats of Base with One Clear Coat.
- Apply town Decal Package; Town to provide material

**The contract shall be completed and invoiced by: \_\_\_\_\_, 2016.**

Questions/Clarifications to the Scope of Work will be discussed at the Pre-Bid Meeting. No interpretation of the meaning of the plans, specifications or other Contract Documents will be made to any offeror orally. Every request for such interpretation should be in writing (email preferred) and must be received by the Town Clerk at least five (5) business days prior to the date fixed for the opening of bids. (Per "Instructions to Offerors", paragraph 9.)

**REQUEST FOR PROPOSAL  
COMPETITIVE SEALED BID**

**TITLE: SANITATION VEHICLE REFURBISHMENT  
PUBLIC WORKS VEHICLE NO. 50  
HEIL DuraPack Python on a 2009, Autocar WX64**

**BID DUE DATE: AUGUST 24, 2016 at 10:00 a.m.**

**CONTACT PERSON WITH TOWN: David Hunt, Public Works Director    Tel. 561.881.3345**

Please bid the following consistent with the Technical Specifications and information contained in the "List of Drawings" documents.

**SCHEDULE OF BID ITEMS**

| <u>ITEM</u> | <u>DESCRIPTION</u>  | <u>QUANTITY</u> | <u>UNIT</u> | <u>UNIT COST</u>                      | <u>ESTIMATED COST</u>          |
|-------------|---|-----------------|-------------|---------------------------------------|--------------------------------|
| 1.          | <u>INDEMNIFICATION</u>  | 1               | Job         | \$100.00                              | \$ <u>100.00</u>               |
| 2.          | <u>GENERAL CONDITIONS</u>   | 1               | Job         | L.S.                                  | <u>475.<sup>00</sup></u>       |
|             | <u>HYDRAULIC SYSTEM CONTROLS</u>  |                 |             |                                       |                                |
| 3.          | <u>Note:</u> Provide 'Alternate' quote (see below) if PLC System needs Replacement  | 1               | Job         | L.S.                                  | <u>5230.<sup>00</sup></u>      |
| 4.          | <u>PUMP AND HYDRAULIC WELDMENTS</u>   | 1               | Job         | L.S.                                  | <u>5480.<sup>00</sup></u>      |
|             | <u>BODY STRUCTURAL REPAIR</u>   |                 |             |                                       |                                |
|             | Use <u>only</u> HEIL O.E.M. parts for grabber, grabber arm assembly, and grabber bands  |                 |             |                                       |                                |
| 5.          | <u>Note:</u> Provide 'Alternate' quote (see below) if Follower Panel needs Replacement  | 1               | Job         | L.S.                                  | <u>\$ 26,208.<sup>00</sup></u> |
| 6.          | <u>MISCELLANEOUS BODY REPAIRS</u>   | 1               | Job         | L.S.                                  | <u>2,210.<sup>00</sup></u>     |
| 7.          | <u>BODY WIRING and ELECTRICAL COMPONENTS</u>  |                 |             |                                       |                                |
|             | Inspect and Repair Body Wiring to all Body Mounted Lamps; Insert hourly rate for task. This hourly rate shall be used for any time spent over the base bid of five hours. (Advanced Written Approval from town Required for additional hours) | 5               | Hours       | <u>\$98.<sup>00</sup></u><br>Per hour | <u>490.<sup>00</sup></u>       |
| 7a.         |   |                 |             |                                       |                                |
| 7b.         | Replace Body Mounted Lamps and/or bulbs as needed; Provide Unit Price for One (1) Lamp, installed   | T.B.D.          | Ea.         | <u>\$ 26.<sup>00</sup></u>            |                                |

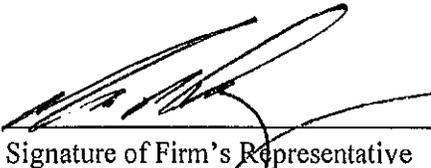
| <u>ITEM</u> | <u>DESCRIPTION</u>   | <u>QUANTITY</u> | <u>UNIT</u>       | <u>UNIT COST</u>             | <u>ESTIMATED COST</u> |
|-------------|--|-----------------|-------------------|------------------------------|-----------------------|
| 7c.         | Inspect and Repair Body Wiring to all Body Mounted Proximity Switches; Insert hourly rate for task. This hourly rate shall be used for any time spent over the base bid of four hours. (Advanced Written Approval from town Required for additional hours) | 4               | Hours             | 98 <sup>00</sup><br>Per hour | 392 <sup>00</sup>     |
| 7d.         | Replace Body Mounted Proximity Switches as needed; Provide Unit Price for One (1) Switch, installed -OEM   | T.B.D.          | Ea.               | \$ 191 <sup>00</sup>         |                       |
| 8.          | <u>PAINT and BODY WORK</u><br>* INCLUDES ALL FACTORY Decals  | 1               | Job               | L.S. \$                      | 7135.75               |
|             | <u>TOTAL BASE BID: ITEMS 1 THRU 8</u><br>(Do not include Items 7b. or 7d. in base bid)   | 1               | Job               | L.S.                         | \$ 47,720.75          |
| 9.          | <u>CONTINGENCY</u>   | 15%             | Base-Bid Subtotal |                              |                       |

Written Amount Forty seven thousand seven hundred twenty dollars 75/100

- SIX MONTHS PARTS AND LABOR WARRANTY ON ALL REPAIR OR REBUILD ITEMS
- ONE YEAR PARTS AND LABOR WARRANTY ON ALL NEW REPLACEMENT PARTS

|               |   |     |                        |
|---------------|---|-----|------------------------|
| ALTERNATE I:  | Replace PLC System (Labor & Material)     | ADD | \$ 3,195 <sup>00</sup> |
| ALTERNATE II: | Replace Follower Panel (Labor & Material) | ADD | \$ 3,565 <sup>00</sup> |

**NOTE:** Alternate prices should reflect a credit for Rebuild costs embedded in Lump Sums provided in BASE BID ITEM No.'s 3. & 5. above.

Submitted by:  Title: President  
Signature of Firm's Representative

Name of Firm: Sunbelt Waste Equipment

FAILURE TO ADDRESS ALL BID ITEMS MAY RESULT IN REJECTION OF BID.  
AWARD OF CONTRACT WILL BE BASED ON THE LOWEST RESPONSIVE BASE BID  
Note: Bid Bond amount is to be based on 5% of the Base Bid.

**REQUEST FOR PROPOSAL  
COMPETITIVE SEALED BID**

**TITLE: SANITATION VEHICLE REFURBISHMENT  
PUBLIC WORKS VEHICLE NO. 50  
HEIL DuraPack Python on a 2009, Autocar WX64**

**BID DUE DATE: AUGUST 24, 2016 at 10:00 a.m.**

**CONTACT PERSON WITH TOWN: David Hunt, Public Works Director      Tel. 561.881.3345**

Please bid the following consistent with the Technical Specifications and information contained in the "List of Drawings" documents.

**SCHEDULE OF BID ITEMS**

| <u>ITEM</u> | <u>DESCRIPTION</u>  | <u>QUANTITY</u> | <u>UNIT</u> | <u>UNIT COST</u>                   | <u>ESTIMATED COST</u>      |
|-------------|---|-----------------|-------------|------------------------------------|----------------------------|
| 1.          | <u>INDEMNIFICATION</u>  | 1               | Job         | \$100.00                           | \$ 100.00                  |
| 2.          | <u>GENERAL CONDITIONS</u>   | 1               | Job         | L.S.                               | <u>475<sup>00</sup></u>    |
|             | <u>HYDRAULIC SYSTEM CONTROLS</u>  |                 |             |                                    |                            |
| 3.          | <u>Note:</u> Provide 'Alternate' quote (see below) if PLC System needs Replacement  | 1               | Job         | L.S.                               | <u>5230<sup>00</sup></u>   |
| 4.          | <u>PUMP AND HYDRAULIC WELDMENTS</u>   | 1               | Job         | L.S.                               | <u>5480<sup>00</sup></u>   |
|             | <u>BODY STRUCTURAL REPAIR</u>   |                 |             |                                    |                            |
|             | Use <u>only</u> HEIL O.E.M. parts for grabber, grabber arm assembly, and grabber bands  |                 |             |                                    |                            |
| 5.          | <u>Note:</u> Provide 'Alternate' quote (see below) if Follower Panel needs Replacement  | 1               | Job         | L.S.                               | <u>26,208<sup>00</sup></u> |
| 6.          | <u>MISCELLANEOUS BODY REPAIRS</u>   | 1               | Job         | L.S.                               | <u>2,210<sup>00</sup></u>  |
| 7.          | <u>BODY WIRING and ELECTRICAL COMPONENTS</u>  |                 |             |                                    |                            |
|             | Inspect and Repair Body Wiring to all Body Mounted Lamps; Insert hourly rate for task. This hourly rate shall be used for any time spent over the base bid of five hours. (Advanced Written Approval from town Required for additional hours) |                 |             |                                    |                            |
| 7a.         |   | 5               | Hours       | <u>98<sup>00</sup></u><br>Per hour | <u>490<sup>00</sup></u>    |
| 7b.         | Replace Body Mounted Lamps and/or bulbs as needed; Provide Unit Price for One (1) Lamp, installed   | T.B.D.          | Ea.         | <u>26<sup>00</sup></u>             |                            |

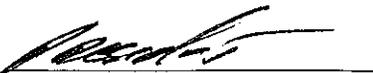
| <u>ITEM</u> | <u>DESCRIPTION</u>   | <u>QUANTITY</u> | <u>UNIT</u>       | <u>UNIT COST</u>              | <u>ESTIMATED COST</u> |
|-------------|--|-----------------|-------------------|-------------------------------|-----------------------|
| 7c.         | Inspect and Repair Body Wiring to all Body Mounted Proximity Switches; Insert hourly rate for task. This hourly rate shall be used for any time spent over the base bid of four hours. (Advanced Written Approval from town Required for additional hours) | 4               | Hours             | 98. <sup>00</sup><br>Per hour | \$ 392. <sup>00</sup> |
| 7d.         | Replace Body Mounted Proximity Switches as needed; Provide Unit Price for One (1) Switch, installed<br>OEM   | T.B.D.          | Ea.               | \$ 191. <sup>00</sup>         |                       |
| 8.          | <u>PAINT and BODY WORK</u><br>* Includes all FACTORY Decals.<br>SUBTOTAL BASE BID: ITEMS 1 THRU 8<br>(Do not include Items 7b. or 7d. in base bid)   | 1               | Job               | L.S.                          | \$ 7,135.75           |
| 9.          | <u>CONTINGENCY</u><br>Remove   | 15%             | Base Bid Subtotal | —                             | N/A                   |
|             | <u>TOTAL BASE BID</u>  | 1               | Job               |                               | \$ 47,720.75          |

Written Amount \_\_\_\_\_

- SIX MONTHS PARTS AND LABOR WARRANTY ON ALL REPAIR OR REBUILD ITEMS
- ONE YEAR PARTS AND LABOR WARRANTY ON ALL NEW REPLACEMENT PARTS

|               |   |     |                        |
|---------------|---|-----|------------------------|
| ALTERNATE I:  | Replace PLC System (Labor & Material)     | ADD | \$ 3195. <sup>00</sup> |
| ALTERNATE II: | Replace Follower Panel (Labor & Material) | ADD | \$ 3565. <sup>00</sup> |

**NOTE:** Alternate prices should reflect a credit for Rebuild costs embedded in Lump Sums provided in BASE BID ITEM No.'s 3. & 5. above.

Submitted by:  Title:   
Signature of Firm's Representative

Name of Firm: Sonbette Waste Equipment

FAILURE TO ADDRESS ALL BID ITEMS MAY RESULT IN REJECTION OF BID.  
AWARD OF CONTRACT WILL BE BASED ON THE LOWEST RESPONSIVE BASE BID  
 Note: Bid Bond amount is to be based on 5% of the Base Bid.

Town of  
LAKE PARK



Department of  
PUBLIC WORKS

Town of Lake Park Bid No. 105-2016 August 17, 2016

**ADDENDUM NO. 1**

**SANITATION VEHICLE REFURBISHMENT  
PUBLIC WORKS VEHICLE NO. 50**

Each recipient of the Addendum No.1 to the bid who responds to the bid, acknowledges all of the provisions set forth in the bid document, including *Offerors Understanding, Contract Agreement Information, Instructions to Offerors, and Contract Agreement with Submittals* for Sanitation Vehicle No. 50 Refurbishment, Bid No. 105-2016 and agrees to be bound by the terms thereof. This addendum shall modify, clarify, change, or add information and clarification and become part of the bid documents.

BOUND CONTRACT DOCUMENT

Page 8 – OFFERORS UNDERSTANDING, MANDATORY REQUIREMENTS: - *VOLUNTARY PRE-BID CONFERENCE*; After, “Chassis components are currently under repair.” Insert the following:

Body wiring harness replacement, as a result of vehicle fire, is being performed by Sunbelt Waste Equipment, 2201 NW 22<sup>nd</sup> Street, Pompano Beach, FL 33069. Vehicle shall be fully operational at the time of commencement of refurbishment project.

Page 37 – SCOPE OF WORK, MISCELLANEAOUS BODY REPAIRS (See Schedule of Bid Items No. 6)

- Install New Tool Box on Tailgate ICC Bumper

Add the following: Tool box dimensions: 24” W x 14” H x 17½” D

Page 41 - SCHEDULE OF BID ITEMS; Delete:

9. CONTINGENCY

15%

Base Bid  
Subtotal

\$ 47,720.75

The TOTAL BASE BID is now Items 1 thru 8

.....

Bidders must acknowledge receipt of the Addendum Number 1 in the space provided below. This Addendum forms an integral part of the bid document and therefore must be executed. Failure to return the addendum with your bid submittal may be cause for disqualification.

650 Old Dixie Highway, Lake Park, Florida 33403 \* (561) 881-3345 \* Fax: (561) 881-3349

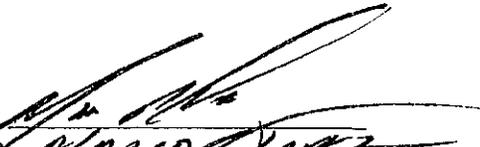
E-mail: publicworks@lakeparkflorida.gov

Issued By: Town of Lake Park  
Office of the Town Clerk  
August 17, 2016

By: Vivian Mendez  
Vivian Mendez, CMC,  
Town Clerk

Digitally signed by Vivian Mendez  
DN: cn=Vivian Mendez, o=Town of  
Lake Park, ou=Town Clerk,  
email=vmendez@lakeparkflorida.gov,  
c=US  
Date: 2016.08.17 16:12:28 -04'00'

Bidder:

Signed By:   
Print Name: Mario Lopez  
Title: Assistant  
Date: 8/18/16

End of Addendum #1

Attachments: Revised Scope of Work, Page 37  
Revised Schedule of Bid Items Pages 40 & 41

**INSERT ACKNOWLEDGEMENT OF RECEIPT OF ALL ADDENDUM HERE**

Date: \_\_\_\_\_

ADDENDUM NO. \_\_\_\_\_

TOWN OF LAKE PARK

PROJECT NAME: \_\_\_\_\_

PROJECT NO. \_\_\_\_\_

BID NO. \_\_\_\_\_

Each recipient of the Addendum No. \_\_\_\_\_ to the bid who responds to the bid acknowledges all of the provisions set forth in the Invitation to Bid and agrees to be bound by the terms thereof. This addendum shall modify, clarify, change or add information and clarification and become part of the bid documents for (Project Name) \_\_\_\_\_, Town of Lake Park Bid No. \_\_\_\_\_.

.....  
Bidders must acknowledge receipt of the Addendum No. \_\_\_\_\_ in the space provided below. This Addendum forms an integral part of the bid document and therefore must be executed.

Failure to return this addendum with your bid submittal may be cause for disqualification.

Issued By: Town of Lake Park  
Office of the Town Clerk  
Date: \_\_\_\_\_

Signed By: \_\_\_\_\_  
Vivian Mendez  
Town Clerk

Bidder:

Signed By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

End of Addendum No. \_\_\_\_\_

CLARIFICATIONS/EXCEPTIONS

Please list any clarifications of your bid in this section, as well as any exceptions you may have.

NONE - using all OEM PARTS

INSERT BID SECURITY HERE

(INCLUDE PROOF OF BONDING CAPABILITIES FOR PAYMENT AND PERFORMANCE IF REQUIRED FOR THIS PROJECT)

**NOTE:** Attorney-in-fact who signs Bid Bonds or Contract Bonds must file with such bond a certified copy of their Power of Attorney to sign such bonds.

47,720.75  

---

2,386.04



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
6/8/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

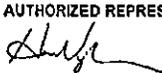
|  |   |                                      |              |
|--|---|--------------------------------------|--------------|
| <b>PRODUCER</b><br>Collinsworth, Alter, Lambert, LLC<br>23 Eganfuskee Street<br>Suite 102<br>Jupiter, FL 33477 | <b>CONTACT NAME:</b> Dianthe Charron                |                                      |              |
|  | <b>PHONE (A/C, No, Ext):</b> (561) 776-9001         | <b>FAX (A/C, No):</b> (561) 427-6730 |              |
| <b>E-MAIL ADDRESS:</b> dcharron@gallc.com  |   |                                      |              |
| <b>INSURER(S) AFFORDING COVERAGE</b>   |   | <b>NAIC #</b>                        |              |
| <b>INSURED</b><br><br>Sunbelt Hydraulics & Equipment Inc.<br>2201 NW 22nd Street<br>Pompano Beach, FL 33069    | <b>INSURER A:</b> Monroe Guaranty Insurance Company |                                      | <b>32506</b> |
|  | <b>INSURER B:</b> FCCI Insurance Company            |                                      | <b>10178</b> |
|  | <b>INSURER C:</b>                                   |                                      |              |
|  | <b>INSURER D:</b>                                   |                                      |              |
|  | <b>INSURER E:</b>                                   |                                      |              |
|  | <b>INSURER F:</b>                                   |                                      |              |

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE  | ADDL SUBR INSD WVD              | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS   |
|----------|--|---------------------------------|---------------|-------------------------|-------------------------|--|
| A        | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC<br>OTHER: |                                 | GL00179312    | 06/15/2016              | 06/15/2017              | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000<br>MED EXP (Any one person) \$ 10,000<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COM/OP AGG \$ 2,000,000 |
| B        | <input checked="" type="checkbox"/> AUTOMOBILE LIABILITY<br><input checked="" type="checkbox"/> ANY AUTO<br><input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS<br><input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS               |                                 | CA00299372    | 06/15/2016              | 06/15/2017              | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$  |
| B        | <input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR<br><input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE<br><input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000   |                                 | UMB00212132   | 06/15/2016              | 06/15/2017              | EACH OCCURRENCE \$ 1,000,000<br>AGGREGATE \$ 1,000,000   |
| B        | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below   | Y/N<br><input type="checkbox"/> | 001WC16A73721 | 06/01/2016              | 06/01/2017              | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER<br>E.L. EACH ACCIDENT \$ 1,000,000<br>E.L. DISEASE - EA EMPLOYEE \$ 1,000,000<br>E.L. DISEASE - POLICY LIMIT \$ 1,000,000                                |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

|  |   |
|--|---|
| <b>CERTIFICATE HOLDER</b><br><br>Sunbelt Hydraulics & Equipment Inc.<br>2201 NW 22nd Street<br>Pompano Beach, FL 33069 | <b>CANCELLATION</b><br><br>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.<br><br>AUTHORIZED REPRESENTATIVE<br> |
|--|---|

**INCLUDE PROOF OF EXISTING INSURANCE**

| REFERENCES        |  |
|-------------------|--|
| AGENCY            | CITY OF MIAMI                                  |
| CONTACT NAME      | CARLOS F. PAU                                  |
| CONTACT TELEPHONE | 305-329-4869                                   |
| CONTACT EMAIL     | CPAU@MIAMIGOV.COM                              |
| CONTACT ADDRESS   | 1390 N.W. 20TH ST<br>MIAMI , FL, 33142         |
| AGENCY            | CITY OF OAKLAND PARK                           |
| CONTACT NAME      | ROBERT DANN                                    |
| CONTACT TELEPHONE | 954-630-4453                                   |
| CONTACT EMAIL     | ROBERTD@OAKLANDPARKFL.GOV                      |
| CONTACT ADDRESS   | 3801 NE 5TH AVE<br>FORT LAUDERDALE, FL, 33334  |
| AGENCY            | CITY OF FORT MEYERS                            |
| CONTACT NAME      | WILLY EMMERSON                                 |
| CONTACT TELEPHONE | 239-321-8081                                   |
| CONTACT EMAIL     | WEMERSON@CITYFTMEYERS.COM                      |
| CONTACT ADDRESS   | 4200 DR. MLK JR BLVD<br>FORT MEYERS, FL, 33916 |

**LIST OF REFERENCES**

Following are references from agencies/companies/individuals in which your company has provided similar services within the last 5 years:

**REFERENCE #1**

Company/Agency Name: \_\_\_\_\_

Address: \_\_\_\_\_

Point of Contact: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

---

**REFERENCE #2**

Company/Agency Name: \_\_\_\_\_

Address: \_\_\_\_\_

Point of Contact: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

---

**REFERENCE #3**

Company/Agency Name: \_\_\_\_\_

Address: \_\_\_\_\_

Point of Contact: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

pompano

beach

Florida's Warmest Welcome

CITY OF POMPANO BEACH  
BUSINESS TAX RECEIPT  
FISCAL YEAR: 2015-2016

THIS IS NOT A BILL

Business Tax Receipt Valid from October 1, 2015 through September 30, 2016

9/1/2015

4438041

SUNBELT HYDRAULICS & EQUIPMENT

2201 NW 22 STREET

POMPANO BEACH FL 33069

THIS IS YOUR BUSINESS TAX RECEIPT. PLEASE POST IN A CONSPICUOUS PLACE AT THE BUSINESS LOCATION.

BUSINESS OWNER

SUNBELT HYDRAULICS & EQUIPMENT

BUSINESS LOCATION

2201 NW 22 ST POMPANO BEACH FL

REGISTRATION NO.

CLASSIFICATION

16-00061182

MERCHANTS-WHSL \$50,000.01 TO \$100,000.00

16-00061183

REPAIR SVC-EQUIPMENT (SPECIFY TYPE)

NOTICE: A NEW APPLICATION MUST BE FILED IF THE BUSINESS NAME, OWNERSHIP OR ADDRESS IS CHANGED. THE ISSUANCE OF A BUSINESS TAX RECEIPT SHALL NOT BE DEEMED A WAIVER OF ANY PROVISION OF THE CITY CODE NOR SHALL THE ISSUANCE OF A BUSINESS TAX RECEIPT BE CONSTRUED TO BE A JUDGEMENT OF THE CITY AS TO THE COMPETENCE OF THE APPLICANT TO TRANSACT BUSINESS.

BUSINESS TAX RECEIPTS EXPIRE SEPTEMBER 30<sup>TH</sup> OF EACH YEAR

# BROWARD COUNTY LOCAL BUSINESS TAX RECEIPT

115 S. Andrews Ave., Rm. A-100, Ft. Lauderdale, FL 33301-1895 - 954-831-4000

VALID OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017

DBA:  
Business Name: SUNBELT HYDRAULICS & EQUIPMENT INC

Receipt #: 378-8344  
Business Type: WHOLESALE/DISTRIBUTOR  
(WHOLESALE/DISTRIBUTOR)

Owner Name: JOSEF LUCH  
Business Location: 2201 NW 22 ST  
POMPANO BEACH  
Business Phone: 561-274-8505

Business Opened: 04/06/2009  
State/County/Cert/Reg:  
Exemption Code:

Rooms                      Seats                      Employees                      Machines                      Professionals

| For Vending Business Only |              |         |               |              |                 |            |
|---------------------------|--------------|---------|---------------|--------------|-----------------|------------|
| Number of Machines:       |              |         | Vending Type: |              |                 |            |
| Tax Amount                | Transfer Fee | NSF Fee | Penalty       | Prior Year's | Collection Cost | Total Paid |
| 45.00                     | 0.00         | 0.00    | 0.00          | 0.00         | 0.00            | 45.00      |

**THIS RECEIPT MUST BE POSTED CONSPICUOUSLY IN YOUR PLACE OF BUSINESS**

**THIS BECOMES A TAX RECEIPT  
WHEN VALIDATED**

This tax is levied for the privilege of doing business within Broward County and is non-regulatory in nature. You must meet all County and/or Municipality planning and zoning requirements. This Business Tax Receipt must be transferred when the business is sold, business name has changed or you have moved the business location. This receipt does not indicate that the business is legal or that it is in compliance with State or local laws and regulations.

**Mailing Address:**

SUNBELT HYDRAULICS & EQUIPMENT INC  
2201 NW 22 ST  
POMPANO BEACH, FL 33069

Receipt #WWW-15-00136734  
Paid 07/05/2016 45.00

**2016 - 2017**



## 2016 Florida Annual Resale Certificate for Sales Tax

DR-13  
R. 10/15

THIS CERTIFICATE EXPIRES ON DECEMBER 31, 2016

Business Name and Location Address

Certificate Number

SUN BELT HYDRAULIC & EQUIPMENT INC  
2201 NW 22ND ST  
POMPANO BEACH, FL 33069-1329

16-8015123482-7

By extending this certificate or the certificate number to a selling dealer to make eligible purchases of taxable property or services exempt from sales tax and discretionary sales surtax, the person or business named above certifies that the taxable property or services purchased or rented will be resold or re-rented for one or more of the following purposes:

- Resale as tangible personal property.
- Re-rental as tangible personal property.
- Resale of services.
- Re-rental as commercial real property.
- Incorporation into and sale as part of the repair of tangible personal property by a repair dealer.
- Re-rental as transient rental property.
- Incorporation as a material, ingredient, or component part of tangible personal property that is being produced for sale by manufacturing, compounding, or processing.

### **Florida law provides for criminal and civil penalties for fraudulent use of a *Florida Annual Resale Certificate*.**

The *Florida Annual Resale Certificate* is issued to active, registered sales and use tax dealers. **As a buyer**, use your certificate to purchase or rent property or services tax exempt that you intend to resell or re-rent to your customers. You cannot use this certificate to purchase or rent property or services that you will use in your business. **As a seller**, you must collect sales tax and discretionary sales surtax imposed on retail sales or rentals of taxable property or services, unless the transaction is exempt.

**Seller Certificate Verification** – Verify resale or exemption certificates using a customer's sales tax certificate number:

- Phone: **877-FL-RESALE** (877-357-3725)
- Online: Go to [www.myflorida.com/dor](http://www.myflorida.com/dor) and select "*More e-Services*" and then "*Verify resale and exemption certificates*"
- Mobile App: **Florida Tax (FL Tax)** mobile app for iPhone, iPad, Android phones and tablets, Windows Phone

If you obtain an authorization number for each tax-exempt sale, or for all sales to a specific customer, you do **not** need to keep a copy of the customer's *Florida Annual Resale Certificate*.

**INCLUDE PROOF OF PROPER LICENSING (APPLICABLE LICENSING TO  
PERFORM THE REQUIRED SERVICES)**

LIST OF SUBCONTRACTORS AND PRIME VENDORS

The following are the subcontractors and prime vendors anticipated to be used if your company is awarded the Contract. Please note that all changes to this list must first be approved in writing by the TOWN OF LAKE PARK, Project Manager.

PAINT-only

| <u>NAME OF COMPANY</u>   | <u>ADDRESS OF COMPANY</u>                | <u>PHONE/CONTACT</u> |
|--------------------------|--|----------------------|
| 1) A-1 TRUCK & Body & RV | 1982 NW 44 St<br>Pompano Beach, FL 33064 | (954) 974-4479       |
| 2) _____                 |  | EFFREN DIAZ          |
| 3) _____                 |  |                      |
| 4) _____                 |  |                      |
| 5) _____                 |  |                      |



**Environmental  
Solutions Group**  
A DIVERSITY COMPANY



**MARATHON**



**Gurotto-Can**

June 7, 2016

**Subject: Heil Environmental Authorized Dealer Representation**

To Whom It May Concern:

Please be advised that Sunbelt Waste is an authorized dealer for Heil Environmental. Sunbelt Waste geographical Area of Responsibility ("AOR") includes the Metro Dade area in the state of Florida.

**Accordingly, Sunbelt Waste is responsible for both sales and support (including but not limited to factory-authorized warranty work and sale of Heil service parts) for all Heil products in the Metro Dade area in the state of Florida.**

**There are no other Heil-authorized dealers in the Metro Dade area in the state of Florida for Original Equipment Manufacturer ("OEM") service parts for our Products.**

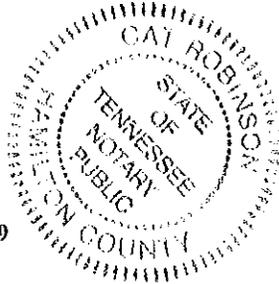
Respectfully submitted,

George Paturalski  
Director of Risk Management and Assistant Secretary

On June 7, 2016 the signatory above, George Paturalski did appear before me and affirm the veracity of the information supplied herein.

NOTARY PUBLIC

**Cat Robinson  
Notary Public  
Commission Expires 4-20-19**



**INCLUDE APPLICATION FOR BID PREFERENCE (IF APPLICABLE)**

**NOTE:** Bid preference criteria shall apply to:

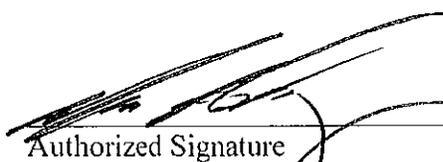
- (a) Local merchants; or
- (b) Certified minority or Florida veteran owned business enterprises

**CERTIFICATION OF DRUG FREE WORKPLACE PROGRAM**

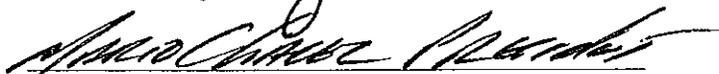
I certify the firm of Sunbelt Waste Equipment, maintains a drug-free workplace program, and that the following conditions are met:

1. We publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace; and specifying that actions will be taken against employees for violations of such prohibitions.
2. We inform employees about the dangers of drug abuse in the workplace, the company's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. We give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection one (1).
4. In the statement specified subsection one (1), we notify the employee that, as a condition of working in the commodities or contractual services that are under bid, the employee will abide by the terms of the statement; and will notify the employer of any conviction of, or plea of guilty or 'nolo contendere' to any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace, no later than five (5) days after such conviction.
5. We impose a sanction on, or require the satisfactory participation in a drug-abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is convicted.
6. We make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

  
Authorized Signature

8/8/16  
(Date)

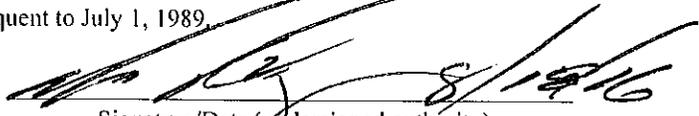
  
Name & title (typed)

**SWORN STATEMENT UNDER SECTION 287.133(3) (a), FLORIDA STATUTES,  
ON PUBLIC ENTITY CRIMES**

(To be signed in the presence of a notary public or other officer authorized to administer oaths.)

Before me, the undersigned authority, personally appeared MARIO CHAVEZ who, being by me first duly sworn, made the following statements:

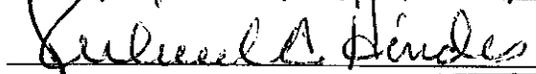
1. The business address of Sunbelt Waste Equipment  
(Name of offeror or contractor)  
is 2201 NW 22<sup>nd</sup> St Pompano Beach FL 33069
2. My relationship to MARIO Chavez  
(Name of offeror or contractor)  
is President  
(Relationship such as sole proprietor, partner, president, vice president, etc.)
3. I understand that a public entity crime as defined in Section 287.133 of the Florida Statutes includes a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity in Florida or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or such an agency or political subdivision and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
4. I understand that "convicted" or "conviction" is defined by the statute to mean a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
5. I understand that "affiliate" is defined by the statute to mean (1) a predecessor or successor of a person or a corporation convicted of a public entity crime, or (2) an entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime, or (3) those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate, or (4) a person or corporation who knowingly entered into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months.
6. Neither the Offeror or contractor nor any officer, director, executive, partner, shareholder, employee, member or agent who is active in the management of the Offeror or contractor nor any affiliate of the Offeror or contractor has been convicted of a public entity crime subsequent to July 1, 1989.

  
Signature/Date (undersigned authority)

Sworn to and subscribed before me in the state of FLORIDA and

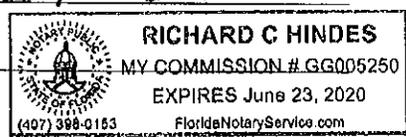
county of BROWARD.

on the 18 day of AUGUST, 2016.



Notary Public

My commission expires:



ANTI-KICKBACK AFFIDAVIT

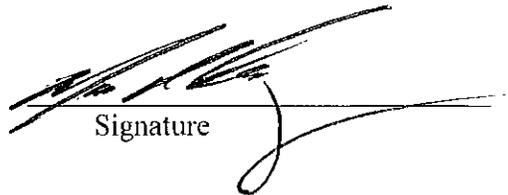
STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared MARIO Chavez  
\_\_\_\_\_, who, after being by me first duly sworn, deposes and says:

(1) I am MARIO Chavez of Sunbelt Waste, the offeror that has  
submitted a proposal to perform work for the following project:

Contract # 105-2016 Project name: Sanitation Vehicle Refurb #50

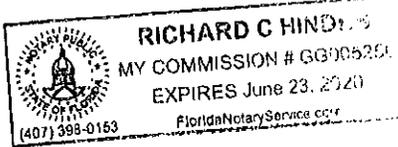
(2) I, the undersigned, hereby depose and say that no portion of the sum bid in connection  
with the work to be performed at the property identified above will be paid to any employee of  
the Town of Lake Park as a commission, kickback, reward or gift, directly or indirectly by me or  
any member of my firm or by an officer of the corporation.

  
Signature

Subscribed and sworn to (or affirmed) before me this 18 day of AUGUST 2016  
by MARIO P. CHAVEZ, who is personally known to me or who has  
produced Personally Known as identification.

NOTARY SEAL:

Notary Signature 



Notary Name: RICHARD C HINDE  
Notary Public State of Florida MY COMMISSION # GG005250  
EXPIRES June 23, 2020  
FloridaNotaryService.com

**CERTIFICATION OF NON-SEGREGATED FACILITIES**

The offeror certifies that he/she does not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that he,/she does not permit his/her employees to perform their services at any location, under his/her control where segregated facilities are maintained. The offeror certifies further that he/she will not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that he/she will not permit his/her employees to perform their services at any location under his/her control where segregated facilities are maintained. The offeror agrees that a breach of this certification will be a violation of the Equal Opportunity clause in any contract resulting from acceptance of this bid. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. The offeror agrees that (except where he/she has obtained identical certification from proposed subcontractors for specific time periods) he/she will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he/she will retain such certifications in his/her files.

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

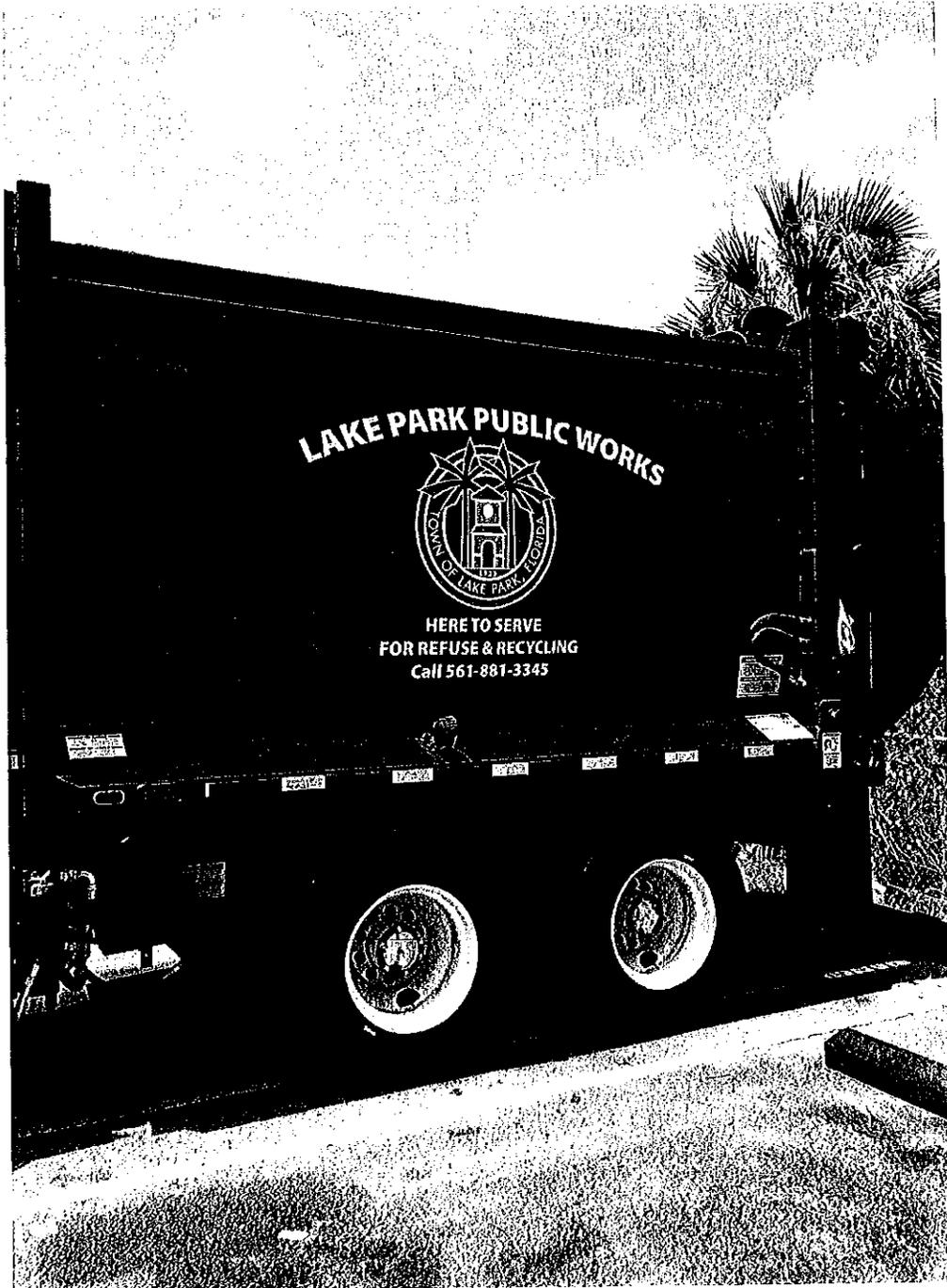
Project Name: 105-2016 Refurb Sanitation Vehicle #50

Company Name and Address:

Signature:  \_\_\_\_\_

Name & Title: David Chavez Rodriguez

TYPICAL TRUCK GRAPHIC



CONTRACTOR TO APPLY TOWN SUPPLIED DECALS  
BOTH SIDES OF BODY

**TOWN OF LAKE PARK - ANNUAL BUDGET  
SANITATION FUND (FUND 404)  
PROPOSED INITIATIVES with DETAIL  
FISCAL YEAR 2015-16**

**Schedule 5**

| Project Title   | Description and Justification   | Revenue | Cost      |
|---|---|---------|-----------|
| Machinery & Equip.  | Take delivery of two vehicles; annual debt service                                  |         | \$106,433 |
|   | Refurbish 2006 sideloader and 2009 frontloader                                      |         | 75,000    |
|   | (2) Replacement computers for streaming safety videos and desktop model for billing |         | 3,000     |
|   | Laser printer (or: upgrade DPW photocopier lease for color printing capabilities)   |         | 500       |
| TOTALS FOR INITIATIVES THAT ARE INCLUDED IN THE PROPOSED BUDGET     |   |         | \$184,933 |
| Lift Gate for #36   | Lift Gate for safe operations and injury mitigation                                 |         | 2,500     |
| TOTALS FOR INITIATIVES THAT ARE NOT INCLUDED IN THE PROPOSED BUDGET |   |         | 2,500     |
| COMBINED TOTALS   |   |         | \$187,433 |



Public Works  
Department

September 19, 2016

Mr. Mario Chavez, President  
Sunbelt Hydraulics & Equipment, Inc.  
2201 NW 22nd Street  
Pompano Beach, Florida 33069

Dear Mr. Chavez,

**Subject: Evaluation Committee Decision Concerning Bid Submittals for Town RFP No. 105-2016, Sanitation Vehicle Refurbishment**

The Town of Lake Park formed an Evaluation Committee to determine which offeror for the refurbishment of the side loading Sanitation truck (Vehicle No. 50) had submitted the lowest, responsive, and responsible bid on August 24, 2016.

The Committee met on September 7, 2016 and found the following:

- The bid package submitted by McNeilus Truck & Manufacturing was non-responsive due to its failure to submit a Bid Security and its exception to the bid requirement that the grabber, grabber arm assembly, and grabber bands be only Heil O.E.M. parts.
- The package submitted by Sunbelt Waste Equipment was considered to be the lowest, responsive, responsible bid.

Based upon its findings, the Evaluation Committee will recommend to the Town Commission the award of RFP No. 105-2016 to Sunbelt Waste Equipment in the amount of its total base bid of \$47,720.25.

Respectfully yours,

  
David Hunt, Public Works Director

Attachment

cc: Mr. John O. D'Agostino, Town Manager  
Mr. Blake Rane, Finance Director  
Ms. Vivian Mendez, Town Clerk  
Mr. Paul Mathis, Vehicle Maintenance Foreman  
Mr. Hoa Hoang, Chief I.T. Officer

650 Old Dixie Highway  
Lake Park, FL 33403  
Phone: (561) 881-3345  
Fax: (561) 881-3349

[www.lakeparkflorida.gov](http://www.lakeparkflorida.gov)

Bid Opening  
10:00 a.m.

Town Bid No. 105-2016  
Refurbishment of Veh. No. 50

August 24, 2016

| <b>Required documents attached?:</b>         | <b>VENDOR NAME:</b> | <u>Sunbelt</u>            | <u>McNeilus</u>           | <u>                    </u> |
|--|---------------------|---------------------------|---------------------------|-----------------------------|
| (1 Original and 2 copies)                    |                     |                           |                           |                             |
| - Bid Form (signed)                          |                     | <u>  x  </u>              | <u>  x  </u>              | <u>          </u>           |
| - Schedule of Bid Items                      |                     | <u>  x  </u>              | <u>  x  </u>              | <u>          </u>           |
| - Acknowledge Addenda No.1                   |                     | <u>  x  </u>              | <u>  x  </u>              | <u>          </u>           |
| - Clarifications/Exceptions                  |                     | <u>  x  </u>              | <u>  x  </u>              | <u>          </u>           |
| - Bid Security                               |                     | <u>  x  </u>              | <u>          </u>         | <u>          </u>           |
| - Proof of Existing Insurance Coverage       |                     | <u>  x  </u>              | <u>  x  </u>              | <u>          </u>           |
| - List of References                         |                     | <u>  x  </u>              | <u>  x  </u>              | <u>          </u>           |
| - Licenses (copies of applicable licenses)   |                     | <u>  x  </u>              | <u>  x  </u>              | <u>          </u>           |
| - List of Subcontractors and Prime Vendors   |                     | <u>  x  </u>              | <u>  x  </u>              | <u>          </u>           |
| - Drug Free Workplace Certification          |                     | <u>  x  </u>              | <u>  x  </u>              | <u>          </u>           |
| - Sworn Statement on Public Entity Crimes    |                     | <u>  x  </u>              | <u>  x  </u>              | <u>          </u>           |
| - Anti-kickback Affidavit                    |                     | <u>  x  </u>              | <u>  x  </u>              | <u>          </u>           |
| - Certification of Non-segregated Facilities |                     | <u>  x  </u>              | <u>  x  </u>              | <u>          </u>           |
| <b>- BASE BID AMOUNT</b>                     |                     | <u><b>\$47,720.75</b></u> | <u><b>\$30,275.00</b></u> | <u>          </u>           |

**RESOLUTION NO. 44-10-16**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE TOWN RFP NO. 105-2016, CONTRACT AGREEMENT WITH SUNBELT HYDRAULICS AND EQUIPMENT, INC. FOR THE REFURBISHMENT OF PUBLIC WORKS VEHICLE NO. 50; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town is a municipality and given those powers and responsibilities enumerated by Chapter 166 Florida Statutes and the Florida Constitution; and

**WHEREAS**, the Town is empowered to enter into contractual arrangements with public agencies, private corporations or other persons; and

**WHEREAS**, the Town solicited proposals to refurbish one, 2009 HEIL DuraPack Python on an Autocar WX64 chassis; and

**WHEREAS**, the Town has complied with the requirements of its code and Florida statutes pertaining to the competitive bidding of products and services; and

**WHEREAS**, a Town Evaluation Committee recommends the award of the bid to Sunbelt Hydraulics & Equipment, Inc. for the refurbishment of Public Works Vehicle No. 50.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:**

**Section 1.** The foregoing recitals are incorporated herein.

**Section 2.** The Mayor is hereby authorized and directed to execute the Contract Agreement, attached hereto and incorporated herein as **Exhibit "A"**.

**Section 3.** This Resolution shall be effective upon adoption.

# TAB 7



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 5, 2016

Agenda Item No. *Tab 7*

Agenda Title: Resolution to Amend the Town of Lake Park Uniform Classification System to Revise the Job Description for the Position of Grants Writer

- SPECIAL PRESENTATION/REPORTS
  - BOARD APPOINTMENT
  - PUBLIC HEARING ORDINANCE ON \_\_\_\_\_ READING
  - NEW BUSINESS**
  - OTHER: \_\_\_\_\_
- CONSENT AGENDA
  - OLD BUSINESS

Approved by Town Manager *[Signature]* Date: *9-23-16*

Name/Title  
*Human Resources Director*

|  |  |  |
|--|--|--|
| <b>Originating Department:</b><br><br><b>Human Resources</b>   | <b>Costs: \$ -0-</b><br>Funding Source:<br>Acct. #<br><input type="checkbox"/> Finance _____   | <b>Attachments:</b><br><br><b>Resolution; and Revised Grants Writer Job Description in Redline Format</b>                            |
| <b>Advertised:</b><br>Date: _____<br>Paper: _____<br><input checked="" type="checkbox"/> <b>Not Required</b> | All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda. | Yes I have notified everyone _____<br>or<br><b>Not applicable in this case</b><br><b>BMT</b> _____<br><br><b>Please initial one.</b> |

**Summary Explanation/Background:**

Currently, a job description exists in the Town's Uniform Classification System entitled Grants Writer. The purpose of this item is to revise this job description to include as a requirement extensive knowledge of grant funding sources at the local, county, state and federal levels as well as private/public foundations.

There will be no budgetary impact as a result of this action as the salary range for this position will not be changed.

**Recommended Motion:** I move to adopt Resolution 45-10-16 2016.

**RESOLUTION No. 45-10-16**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN UNIFORM CLASSIFICATION SYSTEM TO REVISE THE JOB DESCRIPTION FOR THE POSITION OF GRANTS WRITER; PROVIDING FOR THE PUBLICATION OF AN UPDATED UNIFORM CLASSIFICATION SYSTEM; AND, PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Town of Lake Park is a duly constituted municipality organized and existing under the laws of the State of Florida and Chapter 166, Fla. Stat; and

**WHEREAS**, the Uniform Classification System of the Town of Lake Park is based upon similarity of duties performed and responsibilities assumed, so that the same qualifications are reasonably required for the same schedule of pay, and are equally applied to all positions in the same class; and

**WHEREAS**, it is necessary to provide an updated listing of certain current titles and classifications within the Town service.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, AS FOLLOWS:**

**Section 1.** The foregoing recitals are hereby incorporated as if fully set forth herein.

**Section 2.** The Uniform Classification System is amended to revise the job description for the position of Grants Writer. A copy of the revised job description is attached hereto as Exhibit A.

**Section 3.** This Resolution shall become effective immediately upon adoption.

## GRANTS WRITER

**CLASSIFICATION CODE:** 489  
**PAY GRADE:**  
**DEPARTMENT:** TOWN MANAGER

### **CHARACTERISTICS OF THE CLASS:**

Under general direction of the Town Manager, the purpose of the position is to perform specialized professional work involving researching grant opportunities, preparing grant applications and proposals, to enable the Town to attain its goals and objectives established from time to time by the Town Commission and the Town Manager. Reports to the Town Manager. Performs related duties as requested. This is an exempt position.

### **EXAMPLES OF ESSENTIAL FUNCTIONS:**

The list of essential functions, as outlined herein, is intended to be representative of the tasks performed within this classification. The omission of an essential function does not preclude management from assigning duties not listed herein if such functions are a logical assignment to the grants writer position.

1. Provides ongoing in-depth research and analysis of potential funding sources, including federal, state, local public agencies, private foundations, and individuals, identifying those appropriate to support Town priorities and programs that match funding agency interests and requirements and maximize fundability.
2. Monitors and reviews local, state, and federal guidelines concerning all grant programs; initiates the preparation of documentation, applications, forms, and requests specific guidelines to aid in determining grant applicability to the Town's goals and objectives.
3. Develops, writes and edits applications and proposals for submission to federal, state and local public agency funding sources, and private foundations and individuals.
4. Assists department heads in researching, developing, writing, and editing grant proposals and applications generated by department heads.
5. Maintains primary responsibility for monitoring the budgetary and funding cycles of federal, state, and local public agency funding sources, and private foundations; monitors grant application deadlines to ensure that grant applications and proposals are submitted by the Town in a timely manner.

## GRANTS WRITER

6. Develops and maintains a master file on all active and pending grants.
7. Develops and maintains resource files on all Town grant priorities.

### REQUIREMENTS:

A. Bachelor's degree from an accredited college or university in Public Administration, Communications, English, Business or related field and a minimum of three years of experience as a grants writer are required. Extensive knowledge of grant funding sources at the local, county, state and federal levels as well as private/public foundations is also required.

### B. Knowledge, Skills and Abilities:

- Considerable knowledge of federal, state, local and foundation grant application procedures, to include organizational structures and funding mechanisms.
- A proven record of securing major grants.
- Excellent writing, speaking and presentation skills.
- Extensive experience in researching funding opportunities.
- Knowledge of the principles, concepts, methods and techniques associated with computers and on-line researching methods.
- Ability to establish and maintain effective working relationships with department heads, funding agencies and private organizations.

### PHYSICAL REQUIREMENTS:

Tasks involve the ability to exert very light physical effort in sedentary to light work, involving some reaching, handling, fingering and/or feeling of objects and materials. The employee is occasionally required to walk. The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

It is the policy of the Town of Lake Park to prohibit discrimination on the basis of race, color, religion, gender, national origin, age, political affiliation, physical or mental disability (where the disabled persons are able to perform the work they are seeking with reasonable accommodation), marital status, familial status, or sexual orientation, or any other form of unlawful discrimination, except when such condition is a bona fide occupational qualification. Such employment practices include, but are not limited to, the recruitment, hiring, compensation, assignment, training, promotion, demotion, discipline or dismissal of employees.

# TAB 8



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: October 5, 2016

Agenda Item No. Tab 8

Agenda Title: Legal Reimbursement Request for Reimbursement Former Commissioner Kathleen Rapoza

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON \_\_\_\_\_ READING
- NEW BUSINESS
- OTHER: \_\_\_\_\_

Approved by Town Manager *J. D'Agostino* Date: 9-28-16  
John O. D'Agostino, Town Manager

Name/Title

|  |   |  |
|--|---|--|
| <p><b>Originating Department:</b><br/><br/>Town Manager</p>  | <p>Costs: \$10,110.85<br/>         Funding Source: General Fund<br/>         Acct. # <u>108-31101</u><br/> <input checked="" type="checkbox"/> Finance <u>BK 231101</u></p> | <p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• Attorney Baird's Letter.</li> <li>• State of Florida Commission on Ethics Press Release.</li> <li>• David A. Act on Esquire Billing Statement.</li> <li>• Florida Commission on Ethics Public Report</li> <li>• Attorney Acton's Request Letter to Attorney Baird</li> </ul> |
| <p><b>Advertised:</b><br/>         Date: _____<br/>         Paper: _____<br/> <input checked="" type="checkbox"/> Not Required</p> | <p>All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.</p>               | <p>Yes I have notified everyone _____<br/>         OR<br/>         Not applicable in this case JOD<br/> <b>Please initial one.</b></p>   |

**Summary Explanation/Background:** Attorney Acton on behalf of his client Kathleen Rapoza is requesting reimbursement of legal fees in the amount of \$10,110.85. Such fees were incurred representing former Commissioner Rapoza on an ethics complaint leveled against Rapoza during the Earl Stewart expansion project. Former Commissioner Rapoza was acting in her official capacity and serving a public purpose in her actions.

The attachments from Attorney Baird and Attorney Acton along with the ethics decision and the Ethics publication are sufficient to reimburse Kathleen Rapoza according to Florida State Statute.

**Recommended Motion:** Move to reimburse legal fees incurred from a Florida State Ethics Complaint filed against Kathleen Rapoza acting in her official capacity as a Town Commission Member in the amount of \$10,110.85.

**Thomas J. Baird**  
*Florida Bar Board Certified*  
*City, County and Local Government Attorney*  
561-650-8233  
Fax: 561-746-6933  
tbaird@jonesfoster.com

September 27, 2016

**VIA EMAIL: [jdagostino@lakeparkflorida.gov](mailto:jdagostino@lakeparkflorida.gov)**

John D'Agostino  
Town Manager  
Town of Lake Park  
535 Park Avenue  
Lake Park, FL 33403

Re: COE Action on Former Commissioner Rapoza

Dear John:

Please find attached the Public Report of the Florida Commission on Ethics finding "no probable cause" to pursue the complaint of Mr. John Hash against former Commissioner Rapoza. I am also attaching a letter from Ms. Rapoza's attorney wherein he requests that his attorney fees be reimbursed.

Attorney Acton has correctly referenced the law as it pertains to an attorney who defends a public official who was acting in her official capacity and performing her public duty. Therefore, I recommend that Ms. Rapoza be reimbursed the \$10,110.85 in attorney fees and expenses she incurred defending herself from what ultimately was a baseless complaint. Please place this request on the Commission's next available agenda.

Very truly yours,

JONES, FOSTER, JOHNSTON & STUBBS, P.A.



By \_\_\_\_\_  
Thomas J. Baird

TJB:mrg

**Attachments**

p:\docs\26508\00001\ltr\1ql4619.docx



Matthew F. Carlucci  
*Chair*  
Michelle Anchors  
*Vice Chair*  
Daniel Brady, Ph.D.  
Matthew J. Carson  
Michael Cox  
Tom Freeman  
Guy W. Norris  
Kimberly Bonder Rezanka  
Stanley M. Weston

State of Florida  
COMMISSION ON ETHICS  
P.O. Drawer 15709  
Tallahassee, Florida 32317-5709  

---

325 John Knox Road  
Building E, Suite 200  
Tallahassee, Florida 32303

Virindia Doss  
*Executive Director*  
C. Christopher Anderson, III  
*General Counsel/  
Deputy Executive Director*  
  
(850) 488-7864 Phone  
(850) 488-3077 (FAX)  
[www.ethics.state.fl.us](http://www.ethics.state.fl.us)

*"A Public Office is a Public Trust"*

---

## PRESS RELEASE

For Immediate Release  
September 14, 2016

CONTACT PERSON:

Virindia Doss or  
Kerrie J. Stillman  
850.488.7864

**May be accessed on the Internet at [www.ethics.state.fl.us](http://www.ethics.state.fl.us)**

TALLAHASSEE—September 14, 2016— Meeting in Tallahassee on September 9<sup>th</sup> in closed session, the Florida Commission on Ethics took action on 30 complaints, Chairman Matthew F. Carlucci announced today. A finding of probable cause is not a determination that a violation has occurred. Such a determination is made only after a full evidentiary hearing on the allegations.

The Commission found probable cause to believe that Miami-Dade Schools Superintendent ALBERTO CARVALHO violated the gift law in several different instances by accepting but failing to disclose tickets or admissions valued at more than \$100. Probable cause also was found to believe that he accepted neckties valued at more than \$100 and failed to report them as gifts. However, because Mr. Carvalho was forthcoming, accepted responsibility for the failure to report certain gifts and ultimately

reported those gifts on a Form 9, the Commission will take no further action on the allegations unless he requests an administrative hearing. Two other allegations concerning a failure to disclose tickets or event admissions given to him were dismissed with a finding of no probable cause.

The Commission found no probable cause to believe that GERALDINE MUOIO, Mayor of the City of West Palm Beach and Chair of the City's Community Redevelopment Agency, voted on a measure that would result in a special private gain to her or her daughter. No probable cause was found to believe that she misused her position to affect the development of a health and wellness campus. An allegation that Ms. Muoio had a conflicting contractual relationship with a hospital while it was regulated by or doing business with the City was dismissed with a finding of no probable cause.

No probable cause was found to believe that KEITH A. JAMES, West Palm Beach Commissioner and a member of the City's Community Redevelopment Agency, solicited or accepted campaign contributions based upon an understanding that his vote, official action, or judgment would be influenced. No probable cause also was found to believe that he accepted campaign contributions when he knew or should have known that they were given to influence a vote or other action in which he was expected to participate. The Commission found no probable cause to believe that Mr. James misused his position to affect the development of a health and wellness campus.

The Commission found no probable cause to believe that Lake Hamilton Police Chief LYLE JAGNISZAK violated ethics laws. There were seven allegations: that he accepted monetary gifts for several years from a local business owner and in exchange

for those gifts he investigated or harassed persons who complained about that business owner; that he accepted those monetary gifts when he knew or should have known that they were intended to influence his official actions; that he misused his position to accept gifts and investigate individuals for the benefit of the donor; that he inappropriately disclosed or used certain information that he had access to by virtue of his position as Police Chief for the benefit of another person or entity; that he solicited gifts from a lobbyist or vendor of his agency; that he accepted a gift valued at more than \$100 from someone other than a lobbyist or vendor and failed to report it; and that he accepted lottery tickets from a local business owner and failed to report them.

The Commission considered a complaint filed against Lake Park Town Commissioner KATHLEEN RAPOZA. They found no probable cause to believe that she misused her position to favor her husband's employer. The Commission also found no probable cause to believe that she solicited or accepted something of value with the understanding that it would influence her official action. No probable cause was found to believe that she accepted compensation, payment, or a thing of value when she knew or should have known that it was given to influence her vote or actions as a Commissioner. An allegation that she voted on measures that would inure to the special private gain or loss of her husband or her husband's employer was dismissed with a finding of no probable cause.

No probable cause was found to believe that Marco Island Chief of Police ALFRED SCHETTINO misused his position to direct officers to issue reports, citations, or Notices to Appear to a rental property tenant regarding a complaint filed by a City Councilmember who had alleged that the tenant had violated the City noise ordinance.

The Commission also found no probable cause to believe that he misused his position to alter or destroy police records related to the matter.

No probable cause was found to believe that LYNN GRUBER-WHITE, Hernando County Planning & Zoning Commission member, had a conflicting employment or contractual relationship by serving as President of the Ridge Manor Property Owners Association while simultaneously serving as a member of the Hernando County Planning and Zoning Commission. The Commission found no probable cause that she had a voting conflict when she voted on certain matters. No probable cause also was found on an allegation that she failed to disclose a voting conflict or file a voting conflict memorandum as required by law.

No probable cause was found to believe that MACK THETFORD, Chairman of a Bicycle Pedestrian Advisory Committee in the Milton area, misused his position to add a measure to a meeting agenda to have the Committee recommend to the Florida-Alabama Transportation Planning Organization to advocate that the Florida Department of Transportation consider an alternate southern route in its study concerning changes to Highway 90. No probable cause was found to believe that he voted on a matter before the Committee from which he would financially benefit. No probable cause also was found to believe that he participated in a matter that would inure to his special private gain or loss without first disclosing his interest.

The Commission found no probable cause to believe that Central Broward Water Control District Commissioner DOUGLAS R. BELL misused his District personnel and resources to benefit his law firm or his clients.

Probable cause was found to believe that Representative CARY PIGMAN, District 55, Florida House of Representatives, misused his position by linking his efforts to obtain legislative funding for the Okeechobee School District to retaliate or attempt to retaliate against an employee of a School District. However, the Commission rejected the recommendation of its Advocate and found no probable cause to believe that Representative Pigman solicited the Okeechobee County Superintendent of Schools to take an action against a School District employee based on the understanding that this action would influence his vote, official action, or judgment as a member of the Florida House of Representatives. An allegation that he misused his position to secure a job with the South Florida Water Management District for an individual connected to him in a personal capacity even though others were more qualified for the position was dismissed with a finding of no probable cause.

COLLEEN CONKLIN-WALSH serves as a member of the Flagler County School Board and failed to file her 2013 Form 6 disclosure as required by law. The Commission was required to initiate an investigation to determine if her failure to file was willful. The Commission found probable cause to believe that she willfully failed to file her disclosure form. However, the Commission will take no further action on the matter unless Ms. Conklin-Walsh requests a hearing. In two other self-initiated investigations to determine if a failure to file the required annual disclosure form was willful, probable cause was found to believe that FRANK SHEIL, member of the Dundee Board of Adjustment, and ANTWON McNEIL, Midway Planning & Zoning Board member, willfully failed to file their 2014 Form 1 disclosures.

The Commission reviewed a number of complaints for legal sufficiency. These reviews are limited to questions of jurisdiction and determinations as to whether the contents of the complaint are adequate to allege a violation of the Code of Ethics or other laws within the Commission's jurisdiction. As no factual investigation precedes the reviews, the Commission's conclusions do not reflect on the accuracy of the allegations made in these complaints. The Commission dismissed the following complaints for lack of legal sufficiency: MARGORIE ELAINE POE, Madeira Beach City Commissioner; LILA SELLERS, Bradford County Commissioner; WILL SEXTON, Bradford County Attorney; STEVE WHIDDEN, Hendry County Sheriff; MONIQUE I. MILLER, Candidate for the Florida House of Representatives; BARRY STEARNS, Broward County Fire Inspector & Plans Examiner; BRENNA DURDEN, Atlantic Beach City Attorney; PATRICK DEWAYNE MENCY, Candidate for St. Johns County Clerk of Courts; WILL C. SWANSON, Jacksonville Sheriff's Detective; HECTOR MARTINEZ, Ft. Lauderdale Police Sergeant; JOHN BOLLINGER, Ft. Lauderdale Police Captain; YVETTE MARTINEZ, Ft. Lauderdale Police Detective; KATHERINE FERNANDEZ RUNDLE, 11<sup>th</sup> Judicial Circuit State Attorney; ARTHUR CHRISTIAN MILLER, 7<sup>th</sup> Judicial Circuit Assistant State Attorney; RITCH WORKMAN, Member of the House of Representatives and Candidate for the Florida Senate; WILLIAM MEGGS, 2<sup>nd</sup> Judicial Circuit State Attorney; and DEBBIE MAYFIELD, Member of the Florida House of Representatives and Candidate for Florida Senate.

**PUBLIC SESSION**

The Commission voted in public session to forward fees petitions in five complaints

to the Division of Administrative Hearings for a hearing to determine if attorney fees and costs should be awarded from the complainants in the previously-dismissed complaints regarding the following Flagler County officials: NATE McLAUGHLIN, Commissioner; FRANK J. MEEKER, Commissioner; CHARLES ERICKSEN, Commissioner; ALBERT J. HADEED, County Attorney; and GEORGE HANNS, Commissioner.

Contact the Commission office to obtain rulings on appeals of automatic fines imposed for late submission of financial disclosure reports submitted by public officers and employees. (See Item V. on the September 9<sup>th</sup> meeting agenda posted on the Commission's website.)

The Florida Commission on Ethics is an independent nine-member commission formed in 1974 to review complaints filed under the statutory Code of Ethics and to answer questions from public officials about potential conflicts of interest through its issuance of advisory opinions.

If the Ethics Commission believes a violation of the law may have occurred, it may decide to hold a public hearing. If it concludes a violation has been committed, it may recommend civil penalties that include removal from office or employment and fines up to \$10,000 per violation.

DAVID A. ACTON, ESQ.  
PLLC

601 Heritage Drive, Suite 458  
Jupiter, Florida 33458-2777  
Tel. 561-578-4680  
Fax 561-656-2377  
DActon.law@gmail.com

October 1, 2015

Kathleen Rapoza  
801 Lake Shore Dr., Apt. 114  
Lake Park, FL 33403-2922

Re: FCOE Complaint No. 15-170

**STATEMENT**  
September 1 - 30, 2015

|          |   |                |
|----------|---|----------------|
| 09/03/15 | Conferred with client and husband at Lake Park Town Hall; obtained copy of relevant meeting minutes from Town Clerk                   | 0.8 hrs        |
| 09/16/15 | Drafted contract letter to client   | N.C.           |
| 09/17/15 | Conducted legal research re: applicable Rules of Administrative Procedure for FCOE proceedings  | 0.7 hrs        |
| 09/18/15 | Drafted and e-filed Notice of Appearance with FCOE Complaint Coordinator; mailed copy to client; conducted teleconference with client | 0.5 hrs        |
| 09/30/15 | Drafted and mailed Notice of Filing to FCOE Complaint Coordinator; mailed copy to client; drafted and mailed letter to client         | 0.7 hrs        |
|          | <b>TOTAL TIME</b>   | <b>2.7 hrs</b> |

Fees due and payable for professional services at rate of \$250/hour = \$ 675.00  
Expenses to be reimbursed (~~receipts attached~~) = \$ 0.00

**TOTAL FEES & EXPENSES \$ 675.00**

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|  |             |
|--|-------------|
| Retainer received                      | \$1,000.00  |
| Less Fees & Expenses on this Statement | - \$ 675.00 |
| Retainer balance on account            | \$ 325.00   |

**NO PAYMENT IS DUE FROM YOU AT THIS TIME. THANK YOU!**

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601 Heritage Drive, Suite 458  
Jupiter, Florida 33458-2777  
Tel. 561-578-4680  
Fax 561-656-2377  
DActon.law@gmail.com

January 2, 2015

Kathleen Rapoza  
801 Lake Shore Dr., Apt. 114  
Lake Park, FL 33403-2922

Re: FCOE Complaint No. 15-170

**STATEMENT**

October 1 – December 31, 2015

|          |  |         |
|----------|--|---------|
| 11/10/15 | Conducted teleconference with client re: status of matter and preparation of affidavits to submit to FCOE  | 0.3 hrs |
| 11/16/15 | Conducted teleconference with FCOE Complaint Coordinator re: status of matter; drafted letter to client re: status, process of investigation, probable cause hearing, etc. | 1.2 hrs |
| 11/23/15 | Conducted teleconference with client re: status, drafting and executing affidavits; drafting memorandum of law, etc.   | 0.3 hrs |
| 12/08/15 | Conducted teleconference with client re: status and recent votes on further agenda items related to EST expansion  | 0.1 hrs |
| 12/14/15 | Conducted teleconference with client re: advice concerning Voting on upcoming agenda items related to EST expansion  | 0.1 hrs |
|          | Reviewed agenda items scheduled for 12/16/15 Commission meeting re: EST expansion  | 0.5 hrs |
| 12/15/15 | Conducted teleconference with client re: no conflict of interest concerning upcoming votes re: EST expansion   | 0.1 hrs |
| 12/18/15 | Drafted outline of Complaint allegations to be addresss in affidavits by Gerald Rapoza and EST representative  | 0.6 hrs |
| 12/29/15 | Conducted teleconference with client re: affidavits  | N.C.    |
| 12/30/15 | Drafted proposed affidavit of Gerald Rapoza  | 1.0 hrs |

|          |                                |                |
|----------|--------------------------------|----------------|
| 12/31/15 | Drafted cover letter to client | 0.4 hrs        |
|          | <b>TOTAL TIME</b>              | <b>4.6 hrs</b> |

|  |              |
|--|--------------|
| Fees due and payable for professional services at rate of \$250/hour | = \$1,150.00 |
| Expenses to be reimbursed (receipts attached)                        | = \$ 0.00    |

|                                  |                   |
|----------------------------------|-------------------|
| <b>TOTAL FEES &amp; EXPENSES</b> | <b>\$1,150.00</b> |
|----------------------------------|-------------------|

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|                                   |                  |
|-----------------------------------|------------------|
| Fees & Expenses on this Statement | \$1,150.00       |
| Retainer balance on account       | - \$ 325.00      |
| <b>TOTAL DUE</b>                  | <b>\$ 825.00</b> |

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February 4, 2016

Kathleen Rapoza  
801 Lake Shore Dr., Apt. 114  
Lake Park, FL 33403-2922

Re: FCOE Complaint No. 15-170

**STATEMENT**  
January 1 – 31, 2016

|          |  |         |
|----------|--|---------|
| 01/04/16 | Conducted teleconference with client re: intent to move for reconsideration of Res. 49-12-15 (12/16/15 agenda item J)  | 0.2 hrs |
|          | Reviewed agenda item J and proposed resolution; reviewed Fla. Stat. §166.041(4) re: effective dates of resolutions and Code §2-53 re: Town adoption of Robert's Rules of Order                       | 0.5 hrs |
| 01/05/16 | Conducted teleconference with client re: reconsideration of resolution and effect on FCOE investigation; teleconference with Town Attorney Thomas Baird, Esq.; and second teleconference with client | 0.6 hrs |
| 01/08/16 | Conducted teleconference with client re: affidavits and outcome of motion for reconsideration (not made)   | 0.1 hrs |
| 01/11/16 | Revised affidavit of Gerald Rapoza; drafted proposed affidavit of Jason Stewart, General Manager of Earl Stewart Toyota  | 0.7 hrs |
| 01/12/16 | Conducted teleconference with Jason Stewart re: affidavit; revised affidavit; drafted e-mail to him sending affidavit  | 0.7 hrs |
|          | Conducted teleconference with client; made further revisions to affidavit of Gerald Rapoza based upon teleconference with Jason Stewart; mailed revised affidavit to Gerald Rapoza                   | 0.6 hrs |
| 01/21/16 | Conducted teleconference with client re: execution of affidavit by Gerald Rapoza   | 0.1 hrs |
| 01/23/16 | Reviewed executed affidavit of Gerald Rapoza   | N.C.    |

|          |   |                |
|----------|---|----------------|
| 01/27/16 | Drafted e-mail to Jason Stewart re: status of proposed affidavit; reviewed response; re-sent original e-mail & affidavit to him | 0.2 hrs        |
| 01/29/16 | Drafted notice of filing affidavits of Rapoza and Stewart (pending receipt of latter)   | 0.2 hrs        |
|          | <b>TOTAL TIME</b>   | <b>3.9 hrs</b> |

Fees due and payable for professional services at rate of \$250/hour = \$ 975.00  
 Expenses to be reimbursed (~~receipts attached~~) = \$ 0.00

**TOTAL FEES & EXPENSES** \$ 975.00

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|                                   |                  |                  |
|-----------------------------------|------------------|------------------|
| Balance due on previous Statement | \$ 825.00        |                  |
| Payment received                  | - \$ 825.00      | <i>Thank you</i> |
| Retainer balance on account       | \$ 0.00          |                  |
| -----                             | -----            |                  |
| Fees & Expenses on this Statement | \$ 975.00        |                  |
| Retainer balance on account       | - \$ 0.00        |                  |
| <b>TOTAL DUE</b>                  | <b>\$ 975.00</b> |                  |

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April 1, 2016

Kathleen Rapoza  
801 Lake Shore Dr., Apt. 114  
Lake Park, FL 33403-2922

Re: FCOE Complaint No. 15-170

**STATEMENT**

February 1 – March 31, 2016

|          |  |         |
|----------|--|---------|
| 02/03/16 | Called Jason Stewart and left voice-mail re: affidavit status  | 0.1 hrs |
| 02/05/16 | Exchanged text messages with Jason Stewart re: affidavit   | 0.1 hrs |
|          | Conducted teleconference with client re: case status and communications with Jason Stewart re: affidavit   | 0.2 hrs |
| 03/08/16 | Sent text message to Jason Stewart re: affidavit status  | 0.1 hrs |
| 03/09/16 | Conducted teleconference with client re: attempts to contact Jason Stewart re: affidavit, and case status generally  | 0.2 hrs |
| 03/15/16 | Attempted conference with Jason Stewart at dealership, but was told he was out-of-town   | 0.1 hrs |
| 03/23/16 | Received voice-mail from client re: expiration of term of office and offer to contact Jason Stewart  | N.C.    |
| 03/24/16 | Drafted proposed letter to FCOE from Town Clerk, V. Mendez, and sent by e-mail to Town Attorney, T. Baird; reviewed his response; drafted e-mail to Town Clerk sending draft of letter | 0.5 hrs |
|          | Called Jason Stewart and left voice-mail re: affidavit status  | 0.1 hrs |
|          | Conducted teleconference with client re: letter, attempts to contact Jason Stewart re: affidavit; etc.   | 0.1 hrs |
| 03/25/16 | Reviewed e-mail and voice-mail from an FCOE investigator, Roberto Anderson-Cordova, re: scheduling interviews  | 0.1 hrs |

|          |  |                |
|----------|--|----------------|
| 03/28/16 | Reviewed e-mail from Town Clerk confirming requested letter being sent to FCOE; drafted brief response   | 0.1 hrs        |
|          | Conducted teleconference with FCOE investigator and drafted memo to file; reviewed personal calendar for available dates to conduct interviews; conducted teleconference with client re: available dates for interviews and pre-interview meeting, letter from Town Clerk, etc.                    | 0.5 hrs        |
|          | Called Jason Stewart and left voice-mail re: getting attorney's name to discuss affidavit and possible FCOE interview  | 0.1 hrs        |
| 03/29/16 | Conducted teleconference with client re: available dates for interviews; drafted e-mail to FCOE investigator re: dates, etc.   | 0.2 hrs        |
| 03/30/16 | Reviewed e-mail from FCOE investigator re: preferred date for interviews of client, her husband, and Jason Stewart   | 0.1 hrs        |
|          | Conducted teleconference with Jason Stewart re: name of his attorney and possible interview by FCOE investigator   | 0.1 hrs        |
|          | Reviewed mailed copy of letter from Town Clerk to FCOE   | N.C.           |
| 03/31/16 | Conducted teleconference with Gary M. Dunkel, Esq. attorney for Jason Stewart and drafted memo to file; conducted teleconference with client re: contact with Stewart and his attorney, investigator's preferred date for interviews, etc.; drafted e-mail response to investigator re: interviews | 0.6 hrs        |
|          | <b>TOTAL TIME</b>  | <b>3.3 hrs</b> |

Fees due and payable for professional services at rate of \$250/hour = \$ 825.00  
 Expenses to be reimbursed (~~receipts attached~~) = \$ 0.00

**TOTAL FEES & EXPENSES** **\$ 825.00**

|                                   |                  |                  |
|-----------------------------------|------------------|------------------|
| Balance due on previous Statement | \$ 975.00        |                  |
| Payment received                  | - \$ 975.00      | <i>Thank you</i> |
| Retainer balance on account       | \$ 0.00          |                  |
| -----                             | -----            |                  |
| <br>                              |                  |                  |
| Fees & Expenses on this Statement | \$ 825.00        |                  |
| Retainer balance on account       | - \$ 0.00        |                  |
| <b>TOTAL DUE</b>                  | <b>\$ 825.00</b> |                  |

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May 2, 2016

Kathleen Rapoza  
801 Lake Shore Dr., Apt. 114  
Lake Park, FL 33403-2922

Re: FCOE Complaint No. 15-170

**STATEMENT**

April 1-30, 2016

|          |   |         |
|----------|---|---------|
| 04/02/16 | Reviewed e-mail from Jason Stewart's attorney, Gary Dunkel, Esq., confirming their availability for interview on 4/26/2016; drafted response  | 0.1 hrs |
| 04/04/16 | Drafted e-mail to FCOE investigator re: interview date & time for Jason Stewart and his attorney  | 0.1 hrs |
| 04/05/16 | Conducted teleconference with Jason Stewart re: revisions to the affidavit; revised affidavit accordingly; drafted e-mail to Stewart, sending revised affidavit and instructions to return executed original to me for filing with FCOE | 0.6 hrs |
| 04/06/16 | Reviewed e-mail from FCOE investigator confirming place, date, and time for interviews of client and her husband  | 0.1hrs  |
| 04/13/16 | Reviewed e-mail and executed affidavit from Jason Stewart; drafted notice of filing affidavit with FCOE, copy to client   | 0.3 hrs |
| 04/21/15 | Reviewed case file, especially complaint, and prepared outline of topics to discuss with client and her husband in preparation for interviews   | 0.7 hrs |
| 04/22/16 | Conferred with client and her husband in preparation for interviews by FCOE investigator  | 1.0 hrs |
| 04/25/16 | Drafted list of topics concerning course and status of investigation to discuss with FCOE investigator  | 0.3 hrs |

|          |  |                |
|----------|--|----------------|
| 04/26/16 | Accompanied and advised client and her husband during inter-views by FCOE investigator, Roberto Anderson-Cordova, and conferred with client and her husband post-interview | 2.5 hrs        |
|          | <b>TOTAL TIME</b>  | <b>5.7 hrs</b> |

|  |              |
|--|--------------|
| Fees due and payable for professional services at rate of \$250/hour | = \$1,425.00 |
| Expenses to be reimbursed ( <del>receipts attached</del> )           | = \$ 0.00    |

|                                  |                   |
|----------------------------------|-------------------|
| <b>TOTAL FEES &amp; EXPENSES</b> | <b>\$1,425.00</b> |
|----------------------------------|-------------------|

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|                                   |                   |                  |
|-----------------------------------|-------------------|------------------|
| Balance due on previous Statement | \$ 825.00         |                  |
| Payment received                  | - \$ 825.00       | <i>Thank you</i> |
| Retainer balance on account       | \$ 0.00           |                  |
| -----                             | -----             |                  |
| Fees & Expenses on this Statement | \$1,425.00        |                  |
| Retainer balance on account       | - \$ 0.00         |                  |
| <b>TOTAL DUE</b>                  | <b>\$1,425.00</b> |                  |

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DActon.law@gmail.com

August 2, 2016

Kathleen Rapoza  
801 Lake Shore Dr., Apt. 114  
Lake Park, FL 33403-2922

Re: FCOE Complaint No. 15-170

**STATEMENT**

May 1 – July 31, 2016

|          |   |         |
|----------|---|---------|
| 06/30/16 | Reviewed text message from client; conducted teleconference with her re: employment status of her husband while FCOE investigation still pending  | 0.1 hrs |
| 07/05/16 | Drafted and mailed Request for Notification and Copies re: Investigator's Report and contents of FCOE files   | 0.5 hrs |
| 07/11/16 | Reviewed e-mail from FCOE Complaint Coordinator (C.C.) re: sending documents as e-mail attachments rather than by U.S. Mail; drafted response   | 0.1 hrs |
| 07/13/16 | Reviewed e-mail from FCOE C.C. sending link to contents of FCOE Complaint File; reviewed contents on-line to confirm completeness; reviewed cover letter from C.C. re: Report of Investigation (ROI), deadline for response, hearing date/time, & place, etc.; calendared deadline and hearing dates  | 0.6 hrs |
| 07/15/16 | Reviewed e-mail from FCOE C.C. sending link to contents of FCOE Investigative File; reviewed initial FCOE Determination of Investigative Jurisdiction and Order to Investigate; prepared synopsis of Order with text of cited statutes for client and use in preparing written response and arguments; reviewed ROI, including comparison of findings to Commission minutes and other documents; drafted letter to client, including copies of ROI, cover letter (notice of hearing), Order, and synopsis | 2.6 hrs |
| 07/16/16 | Drafted outline of matters to discuss with client based on ROI, notice of hearing, synopsis of Order to Investigate, applicable FCOE administrative rules, timeline & deadlines, etc.   | 1.2 hrs |

|          |  |                 |
|----------|--|-----------------|
| 07/20/16 | Conducted teleconference with client re: ROI, notice of hearing, contents of written response, attendance at FCOE hearing; etc.  | 1.1 hrs         |
| 07/21/16 | Reviewed contents of FCOE Investigative File on-line; prepared list of contents; printed copies of e-mails to/from investigator; began drafting Response to ROI                    | 2.4 hrs         |
| 07/22/16 | Continued drafting Response to ROI; drafted e-mail to client re: delay in completion; prepared chart re: payments to client's husband by Earl Stewart Toyota (Response attachment) | 2.1 hrs         |
| 07/23/16 | Conducted legal research for cases interpreting statutes cited in FCOE Order to Investigate; continued drafting Response to ROI  | 2.9 hrs         |
| 07/24/16 | Completed drafting Response to ROI; drafted e-mail forwarding draft to client  | 2.6 hrs         |
| 07/25/16 | Conducted teleconference with client re: draft Response to ROI   | 0.2 hrs         |
| 07/26/16 | Executed Response; prepared copies; mailed original to FCOE and copy to client   | 0.5 hrs         |
|          | <b>TOTAL TIME</b>  | <b>16.9 hrs</b> |

Fees due and payable for professional services at rate of \$250/hour = \$4,225.00  
Expenses to be reimbursed (receipts attached) = \$ 35.85

**TOTAL FEES & EXPENSES** **\$4,260.85**

|                                   |                     |                  |
|-----------------------------------|---------------------|------------------|
| Balance due on previous Statement | \$1,425.00          |                  |
| Payment received                  | - <u>\$1,425.00</u> | <i>Thank you</i> |
| Retainer balance on account       | \$ 0.00             |                  |
| -----                             | -----               |                  |
| Fees & Expenses on this Statement | \$4,260.85          |                  |
| Retainer balance on account       | - <u>\$ 0.00</u>    |                  |
| <b>TOTAL DUE</b>                  | <b>\$4,260.85</b>   |                  |

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DActon.law@gmail.com

September 21, 2016

Kathleen Rapoza  
801 Lake Shore Dr., Apt. 114  
Lake Park, FL 33403-2922

Re: FCOE Complaint No. 15-170

### STATEMENT

August 1 – September 21, 2016

|          |   |         |
|----------|---|---------|
| 08/08/16 | Conducted teleconference with client re: case status  | 0.1 hrs |
| 08/10/16 | Received and reviewed FCOE Advocate's Recommendation (for findings of "no probable cause" on all four allegations) and cover letter from FCOE Complaint Coordinator (C.C.); prepared copies for client; drafted brief e-mail to client and conducted teleconference with client re: findings, hearing, on September 9 <sup>th</sup> , request to Town for reimbursement, etc. | 0.5 hrs |
| 08/18/16 | Drafted Response to Advocate's Recommendation; drafted cover letter to C.C.; mailed originals to FCOE & copies to client  | 1.0 hrs |
| 09/09/16 | Conducted teleconference with FCOE staff member and left voice-mail for C.C. re: result of hearing  | N.C.    |
| 09/10/16 | Conducted teleconference with client re: awaiting result of hearing; submission of request for reimbursement; etc.  | 0.2 hrs |
| 09/12/16 | Conducted teleconference with C.C. re: result of hearing (no probable cause found on all four allegations); drafted e-mail to client; reviewed response from her  | 0.2 hrs |
| 09/14/16 | Reviewed FCOE "Press Release" re: results of closed session hearings, including client's  | 0.1 hrs |
| 09/19/16 | Received and reviewed "Public Report" of FCOE findings of no probable cause on all allegations; prepared copy for client  | 0.1 hrs |

|          |   |                |
|----------|---|----------------|
| 09/21/16 | Drafted letter to client forwarding copies of Public Report and<br>and Press Release; drafted letter to Town Attorney, including<br>copies of Public Report, Press Release, and all Statements, re-<br>questing reimbursement of client by Town | 1.0 hrs        |
|          | <b>TOTAL TIME</b>   | <b>3.2 hrs</b> |

|  |      |        |
|--|------|--------|
| Fees due and payable for professional services at rate of \$250/hour | = \$ | 800.00 |
| Expenses to be reimbursed ( <del>receipts attached</del> )           | = \$ | 0.00   |

|                                  |           |               |
|----------------------------------|-----------|---------------|
| <b>TOTAL FEES &amp; EXPENSES</b> | <b>\$</b> | <b>800.00</b> |
|----------------------------------|-----------|---------------|

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|                                   |                     |                  |
|-----------------------------------|---------------------|------------------|
| Balance due on previous Statement | \$4,260.85          |                  |
| Payments received                 | - <u>\$3,000.00</u> | <i>Thank you</i> |
| Balance on account                | <u>\$1,260.85</u>   |                  |
| -----                             | -----               |                  |
| Fees & Expenses on this Statement | \$ 800.00           |                  |
| Balance on account                | + <u>\$1,260.85</u> |                  |
| <b>TOTAL DUE</b>                  | <b>\$2,060.85</b>   |                  |



ORDERED by the State of Florida Commission on Ethics meeting in executive session

September 9, 2016.

Date September 14, 2016  
  
Matthew F. Carlucci  
*Chair, Florida Commission on Ethics*

MFC/gps

cc: Mr. David A. Acton, Attorney for Respondent  
Ms. Melody A. Hadley, Commission Advocate  
Mr. John Hash, Complainant

DAVID A. ACTON, ESQ.  
PLLC

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601 Heritage Drive, Suite 458  
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September 21, 2016

Thomas J. Baird, Esq.  
Town Attorney, Lake Park  
4741 Military Trail, Suite 200  
Jupiter, FL 33458-4842

Re: In re: Kathleen Rapoza  
FCOE Complaint No. 15-170,

Dear Mr. Baird:

The Florida Commission on Ethics (FCOE) determined in “closed session” on Friday, September 9<sup>th</sup>, that there was “no probable cause” to pursue any of the allegations made in the Complaint filed by Mr. John Hash against former Town of Lake Park Commissioner Kathleen Rapoza, and therefore dismissed the Complaint. Enclosed are copies of the FCOE “Public Report” concerning Mrs. Rapoza specifically and the FCOE “Press Release” issued the same day, stating the findings made by the Commission in “closed session” on September 9<sup>th</sup> concerning her case and others.

On behalf of Mrs. Rapoza, I hereby request that the Town of Lake Park reimburse her as soon as possible for the \$10,110.85 in attorney’s fees and expenses that she has paid me to represent her for the past 13 months. Enclosed are copies of all of my Statements to her for fees and expenses.

As you know, it is well established in Florida law that public officials are entitled to be reimbursed for the attorney’s fees and expenses incurred in defending themselves against litigation – including ethics complaints – arising out of their public duties and while serving a public purpose. *See Thornber v. City of Ft. Walton Beach*, 568 So.2d 914, 917 (Fla. 1990) (“This entitlement to attorney’s fees arises independent of statute, ordinance, or charter.”). *See also Ellison v. Reid*, 397 So.2d 352, 354 (Fla. 1st DCA 1981) (“If a public officer is charged with misconduct while performing his official duties and while serving a public purpose, the public has a primary interest in such a controversy and should pay the reasonable and necessary legal fees incurred by the public officer in successfully defending against unfounded allegations of official misconduct.”); *Lomelo v. City of Sunrise*, 423 So.2d 974, 976 (Fla. 4th DCA 1982) (“These cases establish that a municipal corporation or other public body is obligated to furnish or pay fees for counsel to defend a public official subjected to attack either in civil or criminal proceedings where the conduct complained of arises out of or in connection with the performance of his official duties. This obligation arises independent of statute, ordinance, or

charter. It is not subject to the discretion of the keepers of the city coffers.”); *Malloy v. Board of County Commissioners of Leon County*, 946 So.2d 1260, 1263 (Fla. 1st DCA 2007) (“This common law right applies to ... ethics proceedings.”).

The allegations made by Mr. Hash in his Complaint over a year ago concerned the “official conduct” of then-Commissioner Rapoza in voting on agenda items at public meetings of the Town Commission, and therefore clearly “arose out of or in connection with the performance of her official duties.” Furthermore, the context out of which the alleged misconduct arose clearly “served a public purpose,” as it involved the fulfillment of her duty as an elected Town Commissioner to consider and vote upon such matters in public meetings.

I submit that, given the extent of my nearly 40 years of experience as an attorney and my Board Certification by the Florida Bar in City, County, and Local Government Law, the \$250 per hour rate that I charged Mrs. Rapoza was very reasonable. I further submit that the amount of time required to conduct this representation – successfully – was also reasonable, especially since the matter involved a full-scale investigation including recorded statements taken of Mrs. Rapoza, her husband, you, Town staff, and Earl Stewart Toyota employees by an FCOE investigator. Additional information or records in regard to either fees or time can be provided, if necessary.

Please keep me informed of when the Town Commission will consider this request. I plan to attend the meeting at which this is addressed, at no charge to Mrs. Rapoza or the Town.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Acton". The signature is written in a cursive style with a large initial 'D'.

David A. Acton

Encls.

# TAB 9



**Town of Lake Park Town Commission**

**Agenda Request Form**

**Meeting Date:** October 5, 2016

**Agenda Item No.** *Tab 9*

**Agenda Title:** Christmas Tree Sales in Kelsey Park

- SPECIAL PRESENTATION/REPORTS
  - BOARD APPOINTMENT
  - ORDINANCE ON 1<sup>st</sup> READING
  - NEW BUSINESS
  - OTHER: Discussion Item**
- CONSENT AGENDA
  - OLD BUSINESS

**Approved by Town Manager** *[Signature]* **Date:** *9-23-16*

*Nadia Di Tommaso / Community Development Director* *[Signature]*  
**Name/Title**

|  |  |   |
|--|--|---|
| <b>Originating Department:</b><br><br><p style="text-align: center;"><b>Community Development</b></p>        | Costs: \$ 0.00<br>Funding Source:<br>Acct. #<br><input type="checkbox"/> Finance _____   | <b>Attachments:</b><br><br><p style="text-align: center;">N/A</p>   |
| <b>Advertised:</b><br>Date: _____<br>Paper: _____<br><input checked="" type="checkbox"/> <b>Not Required</b> | All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda. | Yes I have notified everyone _____<br>or<br>Not applicable in this case <i>ND</i><br><br><b>Please initial one.</b> |

**Summary Explanation/Background:**

At the September 7, 2016 Town Commission meeting, the Commission discussed the possibility of having Christmas tree sales in Kelsey Park by a private vendor for a 30-day period. Prior to this meeting, the Community Development Department received the same verbal request and after some discussion with internal staff, provided the vendor with staff's determination pursuant to the Town Code provisions. In order to assist the Town Commission with the discussion of this item, staff recommends that the following is considered:

- (1)** While the Special Events Chapter 18 of the Town Code does not place a time limit on special events, a special event by general practice typically does not exceed 1-3 days on public property whereby public property events are typically set up to serve the interests of the community and the public at-large. Events on private property can be significantly longer

and are typically set up to serve either a public interest, or a business interest when conducted on commercial private property. In addition, the Special Events Department facility fee schedule is also structured in a way that is in line with the "temporary" intent of special events on public property since it requires a \$400/day park rental fee along with a \$500/day refundable park rental deposit, for a total of \$900/day (up-front) every day the park is used. The proposed Christmas tree sales operation is for 30 days and has been determined to be a business operation more so than a special event.

- (2)** Kelsey Park is zoned "Public", with a "Public Buildings & Grounds" future land use designation and a "Recreation Overlay". By definition, the Public Zoning District is defined as:

"...uses shall be restricted to those necessary or essential to the administration and operation of the town, including but not limited to town hall, recreation facilities, parks and playgrounds, swimming pool areas, libraries, municipal offices, fire and police stations, aquariums, museums, public works facilities, water and sewerage plants, etc."

The Public Buildings & Grounds future land use designation also defines this area in the Future Land Use Element of the Comprehensive Plan as:

"Lands and structures that are owned, leased, or operated by a government entity such as libraries, police stations, fire stations, post offices, government administration buildings, and areas used for associated storage of vehicles and equipment..."

Consequently, staff has determined that a 30-day business operation in Kelsey Park is not consistent with the zoning and land use designations of Kelsey Park. This type of operation is however consistent with commercially-zoned private property, similar to Loews along Congress Avenue who conducts annual Christmas tree sales through a private vendor.

- (3)** The 30-day proposal is an extended use of the public park for private purposes. Consideration should be given to the necessary customer parking and daily loading/unloading needs; water and electric needs; and tent installation needs.

**Recommended Motion:** For discussion purposes only. A motion from the Town Commission will be required if the Town Commission is interested in modifying the Town Code, zoning or land use designation for Kelsey Park.