The City of

# Boynton Beach

## City Commission Agenda

Tuesday, April 4, 2017, 6:30 PM

Commission Chambers
100 E. Boynton Beach Blvd., Boynton Beach, FL 33435
Regular City Commission Meeting

## Boynton Beach City Commission

Mayor Steven B. Grant (At Large)
Vice Mayor Mack McCray (District II)
Commissioner Justin Katz (District I)
Commissioner Christina L. Romelus (District III)
Commissioner Joe Casello (District IV)

Lori LaVerriere, City Manager
James Cherof, City Attorney
Judith A. Pyle, City Clerk

***MISSION***
**To create a sustainable community by providing exceptional municipal services, in a financially responsible manner.**

*America's Gateway to the Gulfstream*

www.boynton-beach.org

**WELCOME**
**Thank you for attending the City Commission Meeting**

**GENERAL RULES & PROCEDURES FOR PUBLIC PARTICIPATION AT CITY OF BOYNTON BEACH COMMISSION MEETINGS**

**THE AGENDA:**
**There is an official agenda for every meeting of the City Commissioners, which determines the order of business conducted at the meeting. The City Commission will not take action upon any matter, proposal, or item of business, which is not listed upon the official agenda, unless a majority of the Commission has first consented to the presentation for consideration and action.**

- **Consent Agenda Items:** These are items which the Commission does not need to discuss individually and which are voted on as a group.
- **Regular Agenda Items:** These are items which the Commission will discuss individually in the order listed on the agenda.
- **Voice Vote:** A voice vote by the Commission indicates approval of the agenda item. This can be by either a regular voice vote with "Ayes & Nays" or by a roll call vote.

**SPEAKING AT COMMISSION MEETINGS:**
The public is encouraged to offer comment to the Commission at their meetings during Public Hearings, Public Audience, and on any regular agenda item, as hereinafter described.

City Commission meetings are business meetings and, as such, the Commission retains the right to impose time limits on the discussion on an issue.

- **Public Hearings:** Any citizen may speak on an official agenda item under the section entitled "Public Hearings."
- **Public Audience:** Any citizen may be heard concerning any matter within the scope of the jurisdiction of the Commission - Time Limit - Three (3) Minutes
- **Regular Agenda Items:** Any citizen may speak on any official agenda item(s) listed on the agenda after a motion has been made and properly seconded, with the exception of Consent Agenda Items that have not been pulled for separate vote, reports, presentations and first reading of Ordinances - Time Limit - Three (3) minutes

**ADDRESSING THE COMMISSION:**
When addressing the Commission, please step up to either podium and state, for the record, your name and address.

**DECORUM:**
Any person who disputes the meeting while addressing the Commission may be ordered by the presiding officer to cease further comments and/or to step down from the podium. Failure to discontinue comments or step down when so ordered shall be treated as a continuing disruption of the public meeting. An order by the presiding officer issued to control the decorum of the meeting is binding, unless over-ruled by the majority vote of the Commission members present.

Please turn off all pagers and cellular phones in the City Commission Chambers while the City Commission Meeting is in session.

City Commission meetings are held in the Boynton Beach City Commission Chambers, 100 East Boynton Beach Boulevard, Boynton Beach. All regular meetings are held typically on the first and third Tuesdays of every month, starting at 6:30 p.m. (Please check the Agenda Schedule - some meetings have been moved due to Holidays/Election Day).

## 1. OPENINGS

A. Call to Order - Mayor Steven B. Grant

Invocation

Pledge of Allegiance to the Flag led by Commissioner Katz

Roll Call

Accept the Official Election Results from the March 28, 2017 Run-off Election

**Swearing In of Commissioner, District II - Mack McCray**

**Selection of Vice Mayor**

**Swearing In of Vice Mayor**

Agenda Approval:

1. Additions, Deletions, Corrections
2. Adoption

## 2. OTHER

A. Informational items by Members of the City Commission

## 3. ANNOUNCEMENTS, COMMUNITY & SPECIAL EVENTS & PRESENTATIONS

A. Announcement by Kathleen DePuma, Principal of Poinciana STEM Elementary, about their Lego robotics team. Ms. DePuma will introduce Gloria Gibson, Afterschool Director at Poinciana Elementary STEM Magnet School, who is responsible for the award winning robotics team.

B. Recognize and pay tribute to the partners and businesses that supported the 5th Annual Barrier Free 5K and Inaugural Magic Wheels & Special Deals events, and join the Realtors Association of the Palm Beach (RAPB) in presenting a check of the proceeds of the 5K to the Greater Boynton Beach Foundation. The Mayor will also join Recreation & Parks Director Wally Majors in presenting plaques to those who supported these events.

C. Announcement by Recreation & Parks Director, Wally Majors, of the Concert on the Green that will be held April 22, at The Links of Boynton Beach, from 5 - 7 p.m..

D. Announcement by Recreation Superintendent Amy Blackman regarding the annual Egg-Stravaganza, which will be held at Barrier Free Park on Saturday, April 15, 2017, from 10 a.m. - 1 p.m..

E. Announcement by The Links at Boynton Beach Golf Course Manager, Ron Tapper, of the winners of the 2016/17 Palm Beach County Women's Interclub Match Play League.

F. Announcement of the annual Boynton Beach Firefighters Fishing Tournament and Chili Cook-Off. Saturday April 15, 2017 between 11:00 am and 6:00 pm at Boat Club Park, 2010 North Federal Highway, Boynton Beach. A fun day for all to benefit the Boynton Beach Firefighters Benevolent

Association and the Boynton Beach Kiwanis Club.

G. Proclaim April 2017 as Water Conservation Month. Laura Corry Regional Representative with South Florida Water Management District will be present to accept the proclamation.

## 4. PUBLIC AUDIENCE

**INDIVIDUAL SPEAKERS WILL BE LIMITED TO 3 MINUTE PRESENTATIONS (at the discretion of the Chair, this 3 minute allowance may need to be adjusted depending on the level of business coming before the City Commission)**

## 5. ADMINISTRATIVE

A. Appoint eligible members of the community to serve in vacant positions on City advisory boards. The following Regular (Reg) and Alternate (Alt) Student (Stu) and Nonvoting Stu (N/V Stu) openings exist:

Arts Commission: 1 Alt
Building Board of Adjustments & Appeals: 1 Reg and 2 Alts
Library Bd: 2 Alts
Recreation & Parks Bd: 2 Alts
Senior Advisory Bd: 1 Reg and 2 Alts

B. **PROPOSED RESOLUTION NO. R17-030** - Appoint a City Commission representative and alternate to the Coalition of Boynton West Residents Association (COBWRA).

C. **PROPOSED RESOLUTION NO. R17-031** - Appoint a City Commission representative and alternate to the Countywide Intergovernmental Coordination Program.

D. **PROPOSED RESOLUTION NO. R17-032** - Appoint a City Commission representative and alternate to the Metropolitan Planning Organization

E. **PROPOSED RESOLUTION NO. R17-033** - Appoint a City Commission representative and alternate to the Palm Beach County League of Cities

## 6. CONSENT AGENDA

**Matters in this section of the Agenda are proposed and recommended by the City Manager for "Consent Agenda" approval of the action indicated in each item, with all of the accompanying material to become a part of the Public Record and subject to staff comments**

A. **PROPOSED RESOLUTION NO. R17-034** - Authorize the City Manager to apply for, execute all documents associated with the Florida Boating Improvement (FBIP) grant, accept and administer the grant on behalf of the City, and execute the Grant Agreement subject to approval by the City Attorney.

B. **PROPOSED RESOLUTION NO. R17-035** - Authorize the Mayor to sign a Consent to Assignment between the City of Boynton Beach, Layne Heavy Civil, Inc., and Reycon Partners, LLC. The company will assign to Reynolds Construction, LLC, a wholly owned subsidiary of Reycon Partners, LLC.

C. Approve the purchase of an upgrade our Geographical Information System (GIS) software to a Small Government Enterprise License Agreement through a sole source from ESRI at a cost of $35,000.

D. Approve the quote received from Tinker LLC of Alamo, CA for the FY 2017 implementation of the Water Conservation Education program for all 5th grade students at schools within the City of Boynton Beach for an estimated cost of $30,712.71. Recommendation is based on staff's ability to only identify two (2) vendors for this program and that issuing a formal bid would not produce additional vendors.

E. Approve a $5,000 donation to the Boy Scouts of America - Gulf Stream Council to go directly to support our Police Explorers; a youth mentoring program designed to help cultivate interest among our community youth in a future law enforcement career.

F. Approve release of a Bond, in the form of a Letter of Credit, in the amount of $163,235 for the completion of the clearing and grubbing in association with the High Ridge Landing project.

G. Accept the Fiscal Year 2016-2017 Budget Status Report of the General Fund and the Utilities Fund for the five (5) month period ended February 28, 2017.

H. Approve the minutes from the Regular City Commission meeting held on March 21, 2017.

**7. BIDS AND PURCHASES OVER $100,000**

A. **PROPOSED RESOLUTION NO. R17-036** - Approve the piggyback of the Palm Beach County, FL Agreement R2014-1489 with IXOM (formerly Orica Watercare, Inc.) for MIEX DOC Anion Exchange Resin with the same terms, conditions, specifications and pricing, and authorize the City Manager to sign a contract with IXOM. The maximum anticipated annual expenditure for the purchase of MIEX DOC Resin is $402,000. Palm Beach County has complied with purchasing policies and considered this as a sole source provider of resin.

**8. CODE COMPLIANCE and LEGAL SETTLEMENTS - None**

**9. PUBLIC HEARING**

**7 P.M. OR AS SOON THEREAFTER AS THE AGENDA PERMITS**

**The City Commission will conduct these public hearings in its dual capacity as Local Planning Agency and City Commission.**

A. **PROPOSED ORDINANCE NO. 17-008 - SECOND READING - PUBLIC HEARING** - Approve Ocean One rezoning from Central Business District (CBD) to Mixed Use High Intensity (MU-H) District with a proposed two-phase master plan for a total of 358 multi-family rental units, 12,075 square feet of commercial retail space and a 120-room hotel.

B. **PROPOSED ORDINANCE NO. 17-009 - SECOND READING - PUBLIC HEARING** - Approve request for abandonment of a portion of right-of-way of Boynton Beach Boulevard east of Federal Highway, and NE 6th Court between Boynton Beach Boulevard and Ocean Avenue, in conjunction with request for new site plan approval for the Ocean One mixed-use project. Applicant: Davis Camalier / Ocean One Boynton, LLC.

C. Approve requests for a Community Design Appeal of 1) Chapter 3, Article III, Section 5.C., "Build-to-line", which requires buildings to be constructed with a build-to-line of 0 to 15 feet, to allow a setback of approximately 19 feet; and 2) Chapter 4, Article III, Section 6.F., "Off-Street Parking Area Standards", which requires facades of parking garages that front on an arterial or collector roadway to be wrapped with habitable space. Applicant: Davis Camalier / Ocean One Boynton, LLC. ***TABLED TO APRIL 4, 2017 SO THAT FINAL ACTION OCCURS ON THE SAME DATE AS ACTION TAKEN ON THE CORRESPONDING REZONING AND ABANDONMENT ITEMS.***

D. Approve request for a New Site Plan for multi-family residential (rental apartments) consisting of 231 dwelling units within an eight (8)-story building, retail space, and associated recreational amenities and parking on 1.93 acres. Property located at 114 N. Federal Highway. Applicant: Davis Camalier / Ocean One Boynton, LLC. ***TABLED TO APRIL 4, 2017 SO THAT FINAL ACTION OCCURS ON THE SAME DATE AS ACTION TAKEN ON THE CORRESPONDING REZONING AND ABANDONMENT ITEMS.***

**10. CITY MANAGER'S REPORT - None**

**11. UNFINISHED BUSINESS - None**

## 12. NEW BUSINESS - None

## 13. LEGAL

A. Accept report by City Attorney regarding status of Red Light Camera Program Litigation and attorney fees

## 14. FUTURE AGENDA ITEMS

A. Consider adopting a Chronic Nuisance Ordinance. - April 2017

B. Discuss cancelling the July 4th City Commission meeting - April 4, 2017

C. Monthly Departmental Presentations:

Communications/Marketing - April 18, 2017

D. Recommend vendor as result of Request for Proposal for Pension Benefit Consultant - April 18, 2017

E. Budget workshops for the FY 17/18 budget are scheduled in the Library Program Room on the following dates and times:

Monday, July 17, 2017 @ 5:00 P.M.
Tuesday, July 18, 2017 @ 10:00 A.M.
Wednesday, July 19, 2017 @ 2:00 P.M.

F. The Commission has scheduled a Public Input - Budget Workshop on:

Tuesday, May 30, 2017 @ 6:30 P.M. in the City Commission Chambers

## 15. ADJOURNMENT

NOTICE

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. (F.S. 286.0105)

THE CITY SHALL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES WHERE NECESSARY TO AFFORD AN INDIVIDUAL WITH A DISABILITY AN EQUAL OPPORTUNITY TO PARTICIPATE IN AND ENJOY THE BENEFITS OF A SERVICE, PROGRAM, OR ACTIVITY CONDUCTED BY THE CITY. PLEASE CONTACT THE CITY CLERK'S OFFICE, (561) 742-6060 OR (TTY) 1-800-955-8771, AT LEAST 48 HOURS PRIOR TO THE PROGRAM OR ACTIVITY IN ORDER FOR THE CITY TO REASONABLY ACCOMMODATE YOUR REQUEST.

ADDITIONAL AGENDA ITEMS MAY BE ADDED SUBSEQUENT TO THE PUBLICATION OF THE AGENDA ON THE CITY'S WEB SITE. INFORMATION REGARDING ITEMS ADDED TO THE AGENDA AFTER IT IS PUBLISHED ON THE CITY'S WEB SITE CAN BE OBTAINED FROM THE OFFICE OF THE CITY CLERK.

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
Call to Order - Mayor Steven B. Grant

Invocation

Pledge of Allegiance to the Flag led by Commissioner Katz

Roll Call

Accept the Official Election Results from the March 28, 2017 Run-off Election

**Swearing In of Commissioner, District II - Mack McCray**

**Selection of Vice Mayor**

**Swearing In of Vice Mayor**

Agenda Approval:

1. Additions, Deletions, Corrections
2. Adoption

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**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:** Non-budgeted

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**REVIEWERS:**

| Department | Reviewer | Action | Date |
| --- | --- | --- | --- |
| City Clerk | Pyle, Judith | Approved | 3/14/2017 - 3:47 PM |

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:** Informational items by Members of the City Commission

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**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?**

**Grant Amount:**

---

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| City Clerk | Pyle, Judith | Approved | 3/14/2017 - 3:47 PM |

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
Announcement by Kathleen DePuma, Principal of Poinciana STEM Elementary, about their Lego robotics team. Ms. DePuma will introduce Gloria Gibson, Afterschool Director at Poinciana Elementary STEM Magnet School, who is responsible for the award winning robotics team.

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**EXPLANATION OF REQUEST:**
Poinciana STEM Elementary School's robotics team, "TAZ BOTS", qualified for the FIRST Lego League WORLD CHAMPIONSHIP and received the 1st Place Champions Award at the South Florida Region FIRST LEGO League Championship Tournament. Over 600 teams in Florida and 200 teams in South Florida Region competed this season.

FIRST® LEGO League (FLL) is an international program for 9 to 16 year-olds to get children excited about science and technology – each year there is a theme and this year it was ANIMAL ALLIES SM .

The team participated in the challenge and received an invitation to the next level. The team did extensive research on the Coral Polyps that make up our coral reefs; meeting with experts and taking a trip on a dive boat to learn. Their innovative solution was a simple clip to help give those that wear glasses an inexpensive way to SEE and enjoy the reefs. A provisional patent has been filed and the students hope to bring their product to market.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** Fostering partnerships with our schools cultivates workforce readiness, civic involvement, and business growth. Recognizing the outstanding achievements of our schools is a very important component.

**FISCAL IMPACT:** Non-budgeted N/A

**ALTERNATIVES:** No not hear the announcement.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| City Manager | Howard, Tim | Approved | 3/31/2017 - 8:21 AM |
| Finance | Howard, Tim | Approved | 3/31/2017 - 8:22 AM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:27 AM |

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:** Recognize and pay tribute to the partners and businesses that supported the 5th Annual Barrier Free 5K and Inaugural Magic Wheels & Special Deals events, and join the Realtors Association of the Palm Beach (RAPB) in presenting a check of the proceeds of the 5K to the Greater Boynton Beach Foundation. The Mayor will also join Recreation & Parks Director Wally Majors in presenting plaques to those who supported these events.

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**EXPLANATION OF REQUEST:** The Recreation & Parks Department, in partnership with the RAPB, hosted the 5th Annual Barrier Free 5K Run, Walk & Roll event. Proceeds for this event benefit future development of Barrier Free Park. Additionally, to augment and bring more attention to the event and the park, the Department organized the Magic Wheels & Special Deals event. Each of these events depends on the support from local sponsors and partners. This action will allow the Department to say thanks and recognize those involved with supporting these events.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**
No affect.

**FISCAL IMPACT:** Non-budgeted N/A

**ALTERNATIVES:**
N/A

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|

| | | | |
|---|---|---|---|
| Recreation & Parks | Majors, Wally | Approved | 3/29/2017 - 11:56 AM |
| Finance | Howard, Tim | Approved | 3/29/2017 - 5:20 PM |
| Legal | Swanson, Lynn | Approved | 3/30/2017 - 9:09 AM |
| ITS | McNally, John | Approved | 3/30/2017 - 11:20 AM |
| Human Resources | Oldbury, Julie | Approved | 3/30/2017 - 12:53 PM |
| Finance | Howard, Tim | Approved | 3/30/2017 - 1:30 PM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:10 AM |

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
Announcement by Recreation & Parks Director, Wally Majors, of the Concert on the Green that will be held April 22, at The Links of Boynton Beach, from 5 - 7 p.m..

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**EXPLANATION OF REQUEST:** The Concert on the Green will feature a concert by the Fabulons, additional activities include nature tours, food and kids activities.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** This will provide an exciting family activity that will help promote The Links.

**FISCAL IMPACT:** Non-budgeted

**ALTERNATIVES:** Do not make the announcement

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Finance | Howard, Tim | Approved | 3/24/2017 - 8:32 AM |
| Finance | Howard, Tim | Approved | 3/24/2017 - 8:32 AM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:21 AM |

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:** Announcement by Recreation Superintendent Amy Blackman regarding the annual Egg-Stravaganza, which will be held at Barrier Free Park on Saturday, April 15, 2017, from 10 a.m. - 1 p.m..

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**EXPLANATION OF REQUEST:** The annual Egg-Stravaganza is one of the Recreation & Parks Department's most popular family event. Children 1-12 years old will be able to enjoy face painting, bounce houses, music, dancing, and, of course, meet & greet the Bunny!

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** No affect

**FISCAL IMPACT:** Budgeted
Events expenses are included in the Department's budget.

**ALTERNATIVES:** Do not make the announcement.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

| Type | Description |
|---|---|
| Attachment | Egg-Stravaganza Flyer |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Recreation & Parks | Majors, Wally | Approved | 3/22/2017 - 3:31 PM |

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|---|---|---|---|
| Finance | Howard, Tim | Approved | 3/24/2017 - 8:34 AM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:16 AM |

The City of Boynton Beach Recreation & Parks Department is Hosting the Annual:

# Egg-Stravaganza

## Saturday, April 15, 10 am – 1 pm

### Congress Avenue Barrier Free Park
3111 S. Congress Avenue

- Face Painting
- Meet & Greet the Bunny
- Bounce Houses
- Music & Dancing

We Make Life Fun! Boynton Beach Recreation & Parks Department

Thank you to our Sponsors:

*Fancy Nails*

Rothman Family Chiropractic
caring for babies, kids & adults

Children will hunt for eggs, on designated fields, on their own at the following times:

Ages 1 - 2: 10:30 a.m.
Ages 3 - 5: 11:00 a.m.
Ages 6 - 8: 11:30 a.m.
Ages 9 - 12: 11:30 a.m.

Parents will be allowed in the field with ages 1 & 2 only

**For more information: 561.742.6642**

boynton-beach.org/recreation Facebook.com/boyntonbeachrecandparks Twitter.com/boyntonbeachrec

**The City of Boynton Beach Recreation & Parks Department programs are for everyone. In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of special accommodations shall, within three business days prior to the program, contact the Department at (561) 742-6649.**

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:** Announcement by The Links at Boynton Beach Golf Course Manager, Ron Tapper, of the winners of the 2016/17 Palm Beach County Women's Interclub Match Play League.

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**EXPLANATION OF REQUEST:** Palm Beach County Team Match Play was established in 1959. The current women's golf facilities that participate are Atlantis CC, The Links at Boynton Beach, Cypress Creek CC, Delray Beach GC, Lake Worth GC, PGA National Resort GC, North Palm Beach CC, and West Palm Beach GC. The Links at Boynton Beach GC joined in 2006 and this is the first time they have won first place.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** N/A

**FISCAL IMPACT:** Non-budgeted N/A

**ALTERNATIVES:** N/A

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:** N/A

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:** N/A

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**Is this a grant?** No

**Grant Amount:**

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**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Golf Course | Tapper, Ron | Approved | 3/29/2017 - 6:57 AM |
| Finance | Howard, Tim | Approved | 3/29/2017 - 8:56 AM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:15 AM |

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
Announcement of the annual Boynton Beach Firefighters Fishing Tournament and Chili Cook-Off. Saturday April 15, 2017 between 11:00 am and 6:00 pm at Boat Club Park, 2010 North Federal Highway, Boynton Beach. A fun day for all to benefit the Boynton Beach Firefighters Benevolent Association and the Boynton Beach Kiwanis Club.

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**EXPLANATION OF REQUEST:** Announcement of the Annual Boynton Beach Firefighters Fishing Tournament and Chili Cook-Off.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** N/A

**FISCAL IMPACT:** Non-budgeted N/A

**ALTERNATIVES:** N/A

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

| | Type | Description |
|---|---|---|
| | Addendum | Flyer |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Fire | Joseph, Glenn | Approved | 3/21/2017 - 3:47 PM |

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|---|---|---|---|
| Finance | Howard, Tim | Approved | 3/24/2017 - 8:35 AM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:16 AM |

**Rules & Regulations**

1. **ENTRY FEE PER BOAT:** $250 per boat paid on or before April 8, 2017. $300if paid after April 8, 2017. No exceptions. Register and pay online at www.boyntonbeachfirefighters.com.

2. **REGISTRATION:** Entries should be mailed to: Boynton Beach Firefighting Benevolent Association Attention: Fishing, 2080 High Ridge Rd., Boynton Beach, Fl 33426. No entries, angler changes, or angler additions can be made after the close of registration on April 13, 2017. **Registration fee is non refundable for any reason.**

3. **CAPTAIN'S MEETING:** Bru's Room Sports Grill located at 1333 N. Congress Ave., Boynton Beach, Fl 33426 (561) 739-9332 Thursday, April 13, 2017 register/check-in from 5:00-7:00pm, rules announced at 7:00pm. One angler from each boat must be present, you will not be able to fish this tournament if not present. Official rules will be reviewed and any rule changes will be given at this meeting.

4. **TOURNAMENT HEADQUARTERS & OFFICIAL WEIGH STATION:** Boynton Beach Firefighter Benevolent scales at Boat Club Park, 2010 N. Federal Hwy., Boynton Beach, Florida 33435 constitute the official weigh station. Regular weigh-in hours: Saturday, April 15, 2017 will be from noon to 4:00pm, if you wish to weigh in sooner, contact our weigh master on channel 68. No fish hooked or boated after hours stated above will be eligible.

5. **ANGLERS PER BOAT:** Four (4) registered anglers are permitted per boat; additional anglers are $50.00 per person. Anglers may also serve as captain and/or mate.

6. **COMMUNICATIONS:** All participating boats should be equipped with a working VHF marine radio. The tournament committee will monitor VHF channel 68, official times or special notifications will be announced during the tournament on this channel. NO WEIGH-IN STATISTICS WILL BE AVAILABLE ON VHF RADIO.

7. **START and HOURS OF FISHING:** Saturday, April 15, 2017, Gentlemen's Start, lines in @ 7:00am and all lines out of water by 3:00pm. Weigh-in closes promptly at 4:00pm. You may use any inlet to fish this tournament. Just remember this tournament is for charity and we are relying on everyone to abide by the rules.

8. **ELIGIBLE FISH:** Dolphin, Kingfish and Wahoo. Mutilated fish will not be eligible for any category. Mutilation determined by weight master. * $10,000 in cash prizes awarded on 100 boat entries. Social Security numbers are required for cash winners over $600.

9. **CATEGORIES/MINIMUM WEIGHTS/JR & LADY ANGLER:**

A) The minimum weight for Dolphin, Kingfish or Wahoo in any category is five (5) pounds.

B) Fish not meeting these minimum weights will not count. All fish must meet state requirements.

C) The "Skyler Hunt" Junior Angler award recipients must be 12 years or younger, boy or girl. NOT a cash award category. 1st, 2nd, 3rd. D) Lady angler cash prize to be determined.

E) Only one cash prize per category will be awarded per boat.

10. **TIES:** In the event of a tie in weight, the winner will be determined by the earliest weigh-in time.

11. **BAIT & TACKLE:** No bait restrictions. Live bait permitted. All fish must be caught on rod and reel. Wire lines permitted. No Electric Reels! No "Live Bait" chumming!

12. Tournament winners may be subject to a polygraph test. All fish may be examined by any means necessary.

13. **FISHING BOUNDARIES:** The fishing limits of this tournament are in territorial waters of the U.S.

14. **ENTRY REFUSAL:** THE BOYNTON BEACH FIREFIGHTER BENEVOLENT ASSOCIATION FISHING COMMITTEE reserves the right to refuse any tournament application or entry from a prospective entrant with or without cause. Any applicant refused entry shall be entitled to a refund of entry fee.

15. **WEATHER CONDITIONS:** In the event of unsafe conditions at sea, the weather committee, in its best judgment, may call off the tournament until better conditions prevail. Such notice of cancellation and resumption will be broadcast on channel 68 and on our website www.boyntonbeachfirefighters.com. In the event of full cancellation, tournament prizes will be awarded by drawings for category prizes at awards party, must be present to win. Captains are ultimately responsible for their crew and fish at their own risk.

16. THE BOYNTON BEACH FIREFIGHTER BENEVOLENT ASSOCIATION FISHING COMMITTEE and any and all participants will abide by any federal, state and/or local laws that pertain to the environmental control of the fisheries. All registered anglers must possess a current Florida saltwater fishing license and present upon request.

17. **NOTE:** Tournament rules are subject to change without notice. ANY CHANGES WILL BE ANNOUNCED AT THE CAPTAIN'S MEETING.

2017

Over $10,000 in Cash & Prizes

**Presented By** * based on 100

SUTPHEN ALL OUT.

***12th Annual***

(Proceeds benefit)

SERVING THE CHILDREN OF THE WORLD — KIWANIS INTERNATIONAL

***Kiwanis Club Boynton Beach***

(Proceeds benefit)

BOYNTON BEACH FIREFIGHTER BENEVOLENT ASSOCIATION

# Fishing Tournament & Chili Cook-Off

## Saturday, April 15, 2017

## Boat Club Park

2010 N. Federal Hwy. Boynton Beach, Florida

Flyers provided by our official printer: Konica Minolta

KONICA MINOLTA

**Register online today!**



**www.boyntonbeachfirefighters.com**

REGISTER ONLINE TODAY!!! www.boyntonbeachfirefighters.com. Boats registered by April 8, 2017 pay only **$250** and you will be entered into a special raffle eligible for 3 individual drawings. Registration after April 8, 2017 will be **$300**.

## Boat Entry Registration

(Entry Deadline April 13, 2017)

Team Name:

_____

Captain: _____

Address: _____

_____

Phone: _____

Email: _____

Angler 2: _____

Angler 3: _____

Angler 4: _____

Angler 5: _____ $50 extra

**One angler from each boat must attend Captain's meeting.**

**Register/Check-in from 5-7pm. Rules @ 7pm on April 13, 2017. Bru's Room 1333 N. Congress Ave.**

## Chili Cook-Off Registration

(Entry Deadline April 13, 2017)

Team Name:

_____

Captain: _____

Address: _____

_____

_____

Phone: _____

Email: _____

**One member of each chili team is encouraged to attend Captain's Meeting 7pm on April 13, 2017 at Bru's Room 1333 N. Congress Ave. Boynton Beach, FL**

## Fishing Tournament

*Over **$10,000** in total cash & prizes! *

7am Gentlemen's start/Lines out 3pm

12 Categories including: Kingfish, Dolphin & Wahoo

1st, 2nd, 3rd, 4th & 5th! place!

Mystery fish

**Lady/Jr. Angler

*Based on 100 Boats

**not a cash award

One member of each team is **required** to attend Captain's Meeting on April 13, 2017. Register/check-in 5-7pm. Rules @7pm

**Bru's Room**

1333 N. Congress Ave.

BB, FL 33426

**Early Entry Fee $250 by 4/8/17 $300 after.**

**Questions:**

**Jim Witt**
**561-252-0769**
**Chris Lemieux**
**561-767-6211**

## Chili Cook-Off

**$1000** in Cash Prizes

**$25** to Enter

Judging starts @ 2pm

Allotted 10 x 10 space

NO electric available

NO generators allowed

Attendance required

Noon to 6pm

Set up by 11am

Questions call: **Alex Fernandez**

**561-346-7523**

A 501(**C)(3) Organization Federal Tax ID #65-0908962** Registration #CH10868. A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE (800-435-7352) WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE.

Tom Kruse A/C
Boynton Fishermen Supply
Town of Lantana
Roffs
LA Gies Tax Service
Hooker's Electric

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
Proclaim April 2017 as Water Conservation Month. Laura Corry Regional Representative with South Florida Water Management District will be present to accept the proclamation.

---

**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

---

**ATTACHMENTS:**

| Type | Description |
|---|---|
| Proclamation | Proclamation Water Conservation Month |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| City Clerk | Stanzione, Tammy | Approved | 3/29/2017 - 8:03 AM |
| Finance | Howard, Tim | Rejected | 3/29/2017 - 8:55 AM |
| City Clerk | Stanzione, Tammy | Approved | 3/29/2017 - 9:19 AM |
| Finance | Howard, Tim | Approved | 3/29/2017 - 5:21 PM |

| | | | |
|---|---|---|---|
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:10 AM |

# *Proclamation*

**WHEREAS**, water is a basic and essential need of every living creature; and

**WHEREAS,** The State of Florida, Water Management Districts and The City of Boynton Beach are working together to increase awareness about the importance of water conservation; and

**WHEREAS,** the Florida Section of the American Water Works Association, has designated April, typically a dry month when water demands are most acute, Florida's Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources; and

**WHEREAS,** (your name) has always encouraged and supported water conservation, through various educational programs and special events; and

**WHEREAS**, every business, industry, school and citizen can make a difference when it comes to conserving water; and

**WHEREAS,** every business, industry, school and citizen can help by saving water and thus promote a healthy economy and community; and

**NOW, THEREFORE,** I, Steven B. Grant, by virtue of the authority vested in me as Mayor of the City of Boynton Beach, Florida, hereby proclaim April 2017 as:

## Water Conservation Month

in the State of Florida the City of Boynton Beach, is calling upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of Boynton Beach, Florida, to be affixed at Boynton Beach, Florida the 4th day of April, Two Thousand and Seventeen.

_____
Steven B. Grant, Mayor

ATTEST:

_____
Judith A. Pyle, CMC
City Clerk

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
Appoint eligible members of the community to serve in vacant positions on City advisory boards. The following Regular (Reg) and Alternate (Alt) Student (Stu) and Nonvoting Stu (N/V Stu) openings exist:

Arts Commission: 1 Alt
Building Board of Adjustments & Appeals: 1 Reg and 2 Alts
Library Bd: 2 Alts
Recreation & Parks Bd: 2 Alts
Senior Advisory Bd: 1 Reg and 2 Alts

---

**EXPLANATION OF REQUEST:** The attached list contains the names of those who have applied for vacancies on the various Advisory Boards. A list of vacancies is provided with the designated Commission members having responsibility for the appointment to fill each vacancy.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** Appointments are necessary to keep our Advisory Board full and operating as effectively as possible.

**FISCAL IMPACT:** Non-budgeted None

**ALTERNATIVES:** Allow vacancies to remain unfilled.

**STRATEGIC PLAN:** High Performing City Organization

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

| Type | Description |
|---|---|

Other Appointments

**REVIEWERS:**

| Department | Reviewer | Action | Date |
| --- | --- | --- | --- |
| City Clerk | Pyle, Judith | Approved | 3/14/2017 - 3:47 PM |

# 3APPOINTMENTS AND APPLICANTS FOR April 4, 2017

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**Arts Commission**

| | | | |
|---|---|---|---|
| I | Katz | Alt | 1 yr term to 12/17 Tabled (3) |

**Applicants**

None

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## Building Board of Adjustments and Appeals

| | | | |
|---|---|---|---|
| III | Romelus | Reg | 3 yr term to 12/19 Tabled (3) |
| IV | Casello | Alt | 1 yr term to 12/17 Tabled (3) |
| Mayor | Grant | Alt | 1 yr term to 12/17 Tabled (3) |

**Applicants**

None

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## Library Board

| | | | |
|---|---|---|---|
| II | McCray | Alt | 1 yr term to 12/17 Tabled (3) |
| III | Romelus | Alt | 1 yr term to 12/17 Tabled (3) |

**Applicants**

None

---

**Recreation & Parks Board**

| | | | |
|---|---|---|---|
| IV | Casello | Alt | 1 yr term to 12/17 Tabled (3) |
| Mayor | Grant | Alt | 1 yr term to 12/17 Tabled (3) |

**Applicants**

None

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## Senior Advisory Board

| | | | |
|---|---|---|---|
| II | McCray | Reg | 2 yr term to 12/18 Tabled (3) |
| III | Romelus | Alt | 1 yr term to 12/17 |
| IV | Casello | Alt | 1 yr term to 12/17 |

**Applicants**

None

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# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION: PROPOSED RESOLUTION NO. R17-030** - Appoint a City Commission representative and alternate to the Coalition of Boynton West Residents Association (COBWRA).

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**EXPLANATION OF REQUEST:**
The Coalition of Boynton West Residents Association (COBWRA) is an assembly of representatives of the various subdivisions in unincorporated Boynton Beach. As a courtesy to the City of Boynton Beach, a City representative and alternate are welcome to attend the meetings to address issues of interest or concern. The meeting is held the 3rd Wednesday of each month at 10:00 a.m. at various locations throughout the COBWRA area.

The current representative is Commissioner Joe Casello and the alternate is Vice Mayor Mack McCray.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** Maintain awareness of matters of significance to the City.

**FISCAL IMPACT:** None

**ALTERNATIVES:** The alternative to this decision would be to note make an appointment to this association.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

| Type | Description |
|---|---|
| Resolution | Reso |

Attachment Committee Explanation

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| City Clerk | Pyle, Judith | Approved | 3/29/2017 - 3:23 PM |
| Finance | Howard, Tim | Approved | 3/29/2017 - 5:19 PM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:09 AM |

**RESOLUTION NO. R17-030**

**A RESOLUTION OF THE CITY OF BOYNTON BEACH, FLORIDA, APPOINTING _____ AS A REPRESENTATIVE TO THE COALITION OF BOYNTON WEST RESIDENTS ASSOCIATION (COBWRA), AND APPOINTING _____ AS ALTERNATE REPRESENTATIVE TO THE COALITION OF BOYNTON WEST RESIDENTS ASSOCIATION (COBWRA); AND PROVIDING AN EFFECTIVE DATE**.

**WHEREAS,** the City Commission of the City of Boynton Beach, Florida, is entitled to representation on the Coalition of Boynton West Residents Association (COBWRA); and

**WHEREAS,** the City Commission has considered the qualifications necessary for such representation and wishes to bestow upon the following named individuals such right and honor of service.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA THAT:**

Section 1. The "WHEREAS" clauses above are hereby ratified and confirmed as being true and correct and incorporated herein by reference.

Section 2. The City Commission of the City of Boynton Beach, Florida, hereby appoints _____ as a representative to the Coalition of Boynton West Residents Association (COBWRA) and appoints _____ as alternate representative to the Coalition of Boynton West Residents Association (COBWRA).

Section 3. That this Resolution shall become effective immediately upon passage.

**PASSED AND ADOPTED** this _____ day of _____, 2017.

CITY OF BOYNTON BEACH, FLORIDA

| | YES | NO |
|---|---|---|
| Mayor – Steven B. Grant | _____ | _____ |
| Vice Mayor – Mack McCray | _____ | _____ |
| Commissioner – Justin Katz | _____ | _____ |
| Commissioner – Christina L. Romelus | _____ | _____ |
| Commissioner – Joe Casello | _____ | _____ |
| VOTE | _____ | |

ATTEST:

_____
Judith A. Pyle, CMC
City Clerk

(Corporate Seal)

## METROPOLITAN PLANNING ORGANIZATION

The Metropolitan Planning Organization was created by federal regulations and Florida Statutes to meet federal requirements for obtaining and expending federal transportation funds. The MPO is composed of local elected officials from County and municipal governments and applicable transportation authorities, and is independent of local elected bodies. The responsibilities of the MPO encompass multi-modal transportation planning and address short-term (five-year) and long-range (20-year) time frames. The MPO meeting is held every third Thursday of the month at 9:00 a.m. in the 12th floor conference room of the Government Center.

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## COALITION OF BOYNTON WEST RESIDENTS ASSOCIATION

The Coalition of Boynton West Residential Associations (COBWRA) is an assembly of representatives of the various subdivisions in unincorporated Boynton Beach. As a courtesy to the City of Boynton Beach, a City representative and alternate are welcome to attend the meetings to address issues of interest or concern. The meeting is held the 3rd Wednesday of each month at 10:00 a.m. at various locations throughout the COBWRA area.

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## COUNTYWIDE INTERGOVERNMENTAL COORDINATION PROGRAM

The Countywide Intergovernmental Coordination Program has been in place for several years under the auspices of two interlocal agreements that were signed by all municipalities, the School Board, the Water Management District and several special districts. The members of this Forum meet quarterly to discuss issues of inter-jurisdictional significance. Each individual local government decides the length of the term.

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION: PROPOSED RESOLUTION NO. R17-031** - Appoint a City Commission representative and alternate to the Countywide Intergovernmental Coordination Program.

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**EXPLANATION OF REQUEST:**
The Countywide Intergovernmental Coordination Program has been in place for several years under the auspices of two interlocal agreements that were signed by all municipalities, the School Board, the Water Management District and several special districts. The members of this Forum meet quarterly to discuss issues of inter-jurisdictional significance. Each individual local government decides the length of the term.

Commissioner Christina Romelus is currently serving as the representative and City Manager Lori LaVerriere is currently the alternate on this Program.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** Maintain awareness and have input into matters of inter-jurisdictional significance.

**FISCAL IMPACT:** None

**ALTERNATIVES:** The alternative would be to not make an appointment to this organization.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

---

**ATTACHMENTS:**

| | Type | Description |
|---|---|---|
| | Resolution | Reso |
| | Attachment | Committee Explanation |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| City Clerk | Pyle, Judith | Approved | 3/29/2017 - 3:24 PM |
| Finance | Howard, Tim | Approved | 3/29/2017 - 5:19 PM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:09 AM |

**RESOLUTION NO. R17-031**

**A RESOLUTION OF THE CITY OF BOYNTON BEACH, FLORIDA, APPOINTING _____ AS A REPRESENTATIVE TO THE COUNTYWIDE INTERGOVERNMENTAL COORDINATION PROGRAM, AND APPOINTING _____ AS ALTERNATE REPRESENTATIVE TO THE COUNTYWIDE INTERGOVERNMENTAL COORDINATION PROGRAM; AND PROVIDING AN EFFECTIVE DATE**.

**WHEREAS,** the City Commission of the City of Boynton Beach, Florida, is entitled to representation on the Countywide Intergovernmental Coordination Program; and

**WHEREAS,** the City Commission has considered the qualifications necessary for such representation and wishes to bestow upon the following named individuals such right and honor of service.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA THAT:**

Section 1. The "WHEREAS" clauses above are hereby ratified and confirmed as being true and correct and incorporated herein by reference.

Section 2. The City Commission of the City of Boynton Beach, Florida, hereby appoints _____ as a representative to the Countywide Intergovernmental Coordination Program and appoints _____ as alternate representative to the Countywide Intergovernmental Coordination Program.

Section 3. That this Resolution shall become effective immediately upon passage.

**PASSED AND ADOPTED** this _____ day of _____, 2017.

CITY OF BOYNTON BEACH, FLORIDA

| | YES | NO |
|---|---|---|
| Mayor – Steven B. Grant | _____ | _____ |
| Vice Mayor – Mack McCray | _____ | _____ |
| Commissioner – Justin Katz | _____ | _____ |
| Commissioner – Christina L. Romelus | _____ | _____ |
| Commissioner – Joe Casello | _____ | _____ |
| VOTE | _____ | |

ATTEST:

_____
Judith A. Pyle, CMC
City Clerk

(Corporate Seal)

## METROPOLITAN PLANNING ORGANIZATION

The Metropolitan Planning Organization was created by federal regulations and Florida Statutes to meet federal requirements for obtaining and expending federal transportation funds. The MPO is composed of local elected officials from County and municipal governments and applicable transportation authorities, and is independent of local elected bodies. The responsibilities of the MPO encompass multi-modal transportation planning and address short-term (five-year) and long-range (20-year) time frames. The MPO meeting is held every third Thursday of the month at 9:00 a.m. in the 12th floor conference room of the Government Center.

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## COALITION OF BOYNTON WEST RESIDENTS ASSOCIATION

The Coalition of Boynton West Residential Associations (COBWRA) is an assembly of representatives of the various subdivisions in unincorporated Boynton Beach. As a courtesy to the City of Boynton Beach, a City representative and alternate are welcome to attend the meetings to address issues of interest or concern. The meeting is held the 3rd Wednesday of each month at 10:00 a.m. at various locations throughout the COBWRA area.

---

## COUNTYWIDE INTERGOVERNMENTAL COORDINATION PROGRAM

The Countywide Intergovernmental Coordination Program has been in place for several years under the auspices of two interlocal agreements that were signed by all municipalities, the School Board, the Water Management District and several special districts. The members of this Forum meet quarterly to discuss issues of inter-jurisdictional significance. Each individual local government decides the length of the term.

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION: PROPOSED RESOLUTION NO. R17-032** - Appoint a City Commission representative and alternate to the Metropolitan Planning Organization

---

**EXPLANATION OF REQUEST:**
The Metropolitan Planning Organization was created by federal regulations and Florida Statutes to meet federal requirements for obtaining and expending federal transportation funds. The MPO is composed of local elected officials from County and municipal bodies. The responsibilities of the MPO encompass mulit-modal transportation planning and addresses short-term (five-year) and long-range (20-year) time frames. The MPO meeting is held on the 3rd Thursday of the month at the PBC Governmental Center on Olive Avenue. They begin at 9:00 a.m. and typically last two hours.

Mayor Steven B. Grant is currently serving at the representative and Vice Mayor Mack McCray is the alternate representative to this Committee.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** Maintain communications and awareness of MPO initiatives that may affect the City.

**FISCAL IMPACT:** None

**ALTERNATIVES:** The alternative would be to not make an appointment to this organization

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

---

**Is this a grant?** No

**Grant Amount:**

---

**ATTACHMENTS:**

| Type | Description |
|---|---|

| | |
|---|---|
| Resolution | Reso |
| Attachment | Committee Explanation |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| City Clerk | Pyle, Judith | Approved | 3/29/2017 - 3:23 PM |
| Finance | Howard, Tim | Approved | 3/29/2017 - 5:19 PM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:09 AM |

**RESOLUTION NO. R17-032**

**A RESOLUTION OF THE CITY OF BOYNTON BEACH, FLORIDA, APPOINTING _____ AS A REPRESENTATIVE TO THE METROPOLITAN PLANNING ORGANIZATION, AND APPOINTING _____ AS ALTERNATE REPRESENTATIVE TO THE METROPOLITAN PLANNING ORGANIZATION; AND PROVIDING AN EFFECTIVE DATE**.

**WHEREAS,** the City Commission of the City of Boynton Beach, Florida, is entitled to representation on the Metropolitan Planning Organization; and

**WHEREAS,** the City Commission has considered the qualifications necessary for such representation and wishes to bestow upon the following named individuals such right and honor of service.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA THAT:**

Section 1. The "WHEREAS" clauses above are hereby ratified and confirmed as being true and correct and incorporated herein by reference.

Section 2. The City Commission of the City of Boynton Beach, Florida, hereby appoints _____ as a representative to the Metropolitan Planning Organization and appoints _____ as alternate representative to the Metropolitan Planning Organization.

Section 3. That this Resolution shall become effective immediately upon passage.

**PASSED AND ADOPTED** this _____ day of _____, 2017.

CITY OF BOYNTON BEACH, FLORIDA

| | YES | NO |
|---|---|---|
| Mayor – Steven B. Grant | _____ | _____ |
| Vice Mayor – Mack McCray | _____ | _____ |
| Commissioner – Justin Katz | _____ | _____ |
| Commissioner – Christina L. Romelus | _____ | _____ |
| Commissioner – Joe Casello | _____ | _____ |
| VOTE | _____ | |

ATTEST:

_____
Judith A. Pyle, CMC
City Clerk

(Corporate Seal)

## METROPOLITAN PLANNING ORGANIZATION

The Metropolitan Planning Organization was created by federal regulations and Florida Statutes to meet federal requirements for obtaining and expending federal transportation funds. The MPO is composed of local elected officials from County and municipal governments and applicable transportation authorities, and is independent of local elected bodies. The responsibilities of the MPO encompass multi-modal transportation planning and address short-term (five-year) and long-range (20-year) time frames. The MPO meeting is held every third Thursday of the month at 9:00 a.m. in the 12th floor conference room of the Government Center.

---

## COALITION OF BOYNTON WEST RESIDENTS ASSOCIATION

The Coalition of Boynton West Residential Associations (COBWRA) is an assembly of representatives of the various subdivisions in unincorporated Boynton Beach. As a courtesy to the City of Boynton Beach, a City representative and alternate are welcome to attend the meetings to address issues of interest or concern. The meeting is held the 3rd Wednesday of each month at 10:00 a.m. at various locations throughout the COBWRA area.

---

## COUNTYWIDE INTERGOVERNMENTAL COORDINATION PROGRAM

The Countywide Intergovernmental Coordination Program has been in place for several years under the auspices of two interlocal agreements that were signed by all municipalities, the School Board, the Water Management District and several special districts. The members of this Forum meet quarterly to discuss issues of inter-jurisdictional significance. Each individual local government decides the length of the term.

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
**PROPOSED RESOLUTION NO. R17-033** - Appoint a City Commission representative and alternate to the Palm Beach County League of Cities

---

**EXPLANATION OF REQUEST:**
The Palm Beach County League of Cities shall advocate the collective interests of the municipalities in Palm Beach County in accordance with the principles of self-government. The Municipal League of Palm Beach County meets on the fourth Wednesday of each month at 10:30 a.m. at various locations. The membership term is one year.

Vice Mayor Mack McCray is currently serving at the representative and Commissioner Joe Casello is the alternate representative to this Committee.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** Maintain awareness and have input into matters of significance to the City

**FISCAL IMPACT:** None

**ALTERNATIVES:** The alternative would be to not make an appointment to this organization.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

---

**Is this a grant?** No

**Grant Amount:**

---

**ATTACHMENTS:**

| Type | Description |
|---|---|
| Attachment | Explanation of Committee |

| | | |
|---|---|---|
| Resolution | | Reso |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| City Clerk | Pyle, Judith | Approved | 3/29/2017 - 3:24 PM |
| Finance | Howard, Tim | Approved | 3/29/2017 - 5:20 PM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:09 AM |

## PALM BEACH COUNTY LEAGUE OF CITIES

The Palm Beach County League of Cities shall advocate the collective interests of the municipalities in Palm Beach County in accordance with the principles of self-government. The Municipal League of Palm Beach County meets on the fourth Wednesday of each month at 10:30 a.m. at various locations. The membership term is one year.

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## METROPOLITAN PLANNING ORGANIZATION

The Metropolitan Planning Organization was created by federal regulations and Florida Statutes to meet federal requirements for obtaining and expending federal transportation funds. The MPO is composed of local elected officials from County and municipal governments and applicable transportation authorities, and is independent of local elected bodies. The responsibilities of the MPO encompass multi-modal transportation planning and address short-term (five-year) and long-range (20-year) time frames. The MPO meeting is held every third Thursday of the month at 9:00 a.m. in the 12th floor conference room of the Government Center.

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## COALITION OF BOYNTON WEST RESIDENTS ASSOCIATION

The Coalition of Boynton West Residential Associations (COBWRA) is an assembly of representatives of the various subdivisions in unincorporated Boynton Beach. As a courtesy to the City of Boynton Beach, a City representative and alternate are welcome to attend the meetings to address issues of interest or concern. The meeting is held the 3rd Wednesday of each month at 10:00 a.m. at various locations throughout the COBWRA area.

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## COUNTYWIDE INTERGOVERNMENTAL COORDINATION PROGRAM

The Countywide Intergovernmental Coordination Program has been in place for several years under the auspices of two interlocal agreements that were signed by all municipalities, the School Board, the Water Management District and several special districts. The members of this Forum meet quarterly to discuss issues of inter-jurisdictional significance. Each individual local government decides the length of the term.

**RESOLUTION NO. R17-033**

**A RESOLUTION OF THE CITY OF BOYNTON BEACH, FLORIDA, APPOINTING _____ AS A REPRESENTATIVE TO THE PALM BEACH COUNTY LEAGUE OF CITIES, AND APPOINTING _____ AS ALTERNATE REPRESENTATIVE TO THE PALM BEACH COUNTY LEAGUE OF CITIES; AND PROVIDING AN EFFECTIVE DATE**.

**WHEREAS,** the City Commission of the City of Boynton Beach, Florida, is entitled to representation on the Palm Beach County League of Cities; and

**WHEREAS,** the City Commission has considered the qualifications necessary for such representation and wishes to bestow upon the following named individuals such right and honor of service.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA THAT:**

Section 1. The "WHEREAS" clauses above are hereby ratified and confirmed as being true and correct and incorporated herein by reference.

Section 2. The City Commission of the City of Boynton Beach, Florida, hereby appoints _____ as a representative to the League of Cities and appoints _____ as alternate representative to the Palm Beach County League of Cities.

Section 3. That this Resolution shall become effective immediately upon passage.

**PASSED AND ADOPTED** this _____ day of _____, 2017.

CITY OF BOYNTON BEACH, FLORIDA

| | YES | NO |
|---|---|---|
| Mayor – Steven B. Grant | _____ | _____ |
| Vice Mayor – Mack McCray | _____ | _____ |
| Commissioner – Justin Katz | _____ | _____ |
| Commissioner – Christina L. Romelus | _____ | _____ |
| Commissioner – Joe Casello | _____ | _____ |
| VOTE | _____ | |

ATTEST:

_____
Judith A. Pyle, CMC
City Clerk

(Corporate Seal)

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
**PROPOSED RESOLUTION NO. R17-034** - Authorize the City Manager to apply for, execute all documents associated with the Florida Boating Improvement (FBIP) grant, accept and administer the grant on behalf of the City, and execute the Grant Agreement subject to approval by the City Attorney.

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**EXPLANATION OF REQUEST:**
The Florida Boating Improvement Program provides funding through competitive grants for boating access projects and other boating-related activities on coastal and/or inland waters of Florida. Eligible program participants include county governments, municipalities and other governmental entities of the state of Florida. The FBIP grant will help the City improve boater safety by paying for half of the cost of removing ineffective buoy channel markers and replacing them with permanent channel markers.
The proposed channel markers are permanent fixtures that do not move around in the wind or water current and will not break free during a storm. Permanent channel markers prevent boaters from crashing into shallow sand bars, protects the environment by not breaking free or decomposing into the water, and keeps turtle grass and other marine life from being destroyed. A properly marked channel directs boaters into the deep water of the Intracoastal Waterway which has adjacent markers to the north and south making it easier to navigate.
The FBIP grant application deadline is April 4, 2017, and there was not sufficient time to bring this before City Commission prior to submittal. In accordance with Administrative Policy #01.02.13 Grant Management, "If the application deadline does not allow sufficient time for Commission approval prior to the application deadline, the City Manager may give approval to submit the application, provided the department places the grant application on the next available commission meeting agenda for approval. If the commission denies the request to submit the grant application; the responsible department must immediately contact the funding agency and remove the application from consideration."

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**
Safety of our patrons and visitors is a priority. By switching from buoy channel markers to permanent channel markers, boaters will gain a reliable navigational aid to assist them in finding a deep water channel to protect their boat and their safety. The channels also help boaters find the safest route into the docking area. The permanent channel markers with red and green navigational markers on each do not decompose and break apart or become unanchored due to wind or current, which will reassure the boaters that they are safely navigating in the correct area and help prevent boaters from running aground. The project is expected to take 13 months; the grant must be closed out by June 30, 2019.

**FISCAL IMPACT:** Non-budgeted
Currently, the six buoy channel markers cost $479 plus labor to replace, and on average they all need to be replaced every two years. Not including labor, six buoys cost $3,784; totaling $6,658 (every two years). Six permanent channel markers cost $10,500 including signs and reflective lights; total permanent marker cost with installation is $14,500. Permanent channel markers last over 10 years and will be more cost effective. Permitting may cost an excess of $5000 from an engineering firm. Permitting may take up to one year. After the permit is granted, the project will take one month to complete. The estimated timeline is 13 months. The estimated total cost is $20,000. The applicant is awarded points for matching the requested grant funds. The

City Park Impact fees will provide a $10,000 match with a $10,000 FBIP grant request.
It is anticipate that permitting will cost an excess of $5,000 from and could potentially take up to one year to complete. After permit is granted, the project will take one month to complete. The estimated timeline is 13 months. The estimated total cost is $20,000. The grant applicant is awarded points for matching the requested grant funds. The City Park Impact fees will provide a $10,000 match to the $10,000 FBIP grant request.

**ALTERNATIVES:** Do not apply for the grant.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** Yes

**Grant Amount:** $10,000

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**ATTACHMENTS:**

| Type | Description |
|---|---|
| Resolution | Resolution approving the City Manager signing all documents asscoiated with applying for and accepting the Florida Boater Improvement Grant |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Recreation & Parks | Majors, Wally | Approved | 3/29/2017 - 11:04 AM |
| Finance | Howard, Tim | Approved | 3/29/2017 - 5:23 PM |
| Legal | Swanson, Lynn | Approved | 3/30/2017 - 10:47 AM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:20 AM |

**RESOLUTION NO. R17-____**

**A RESOLUTION OF THE CITY OF BOYNTON BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS ASSOCIATED WITH THE FLORIDA BOATING IMPROVEMENT (FBIP) GRANT, ACCEPT AND ADMINISTER THE GRANT ON BEHALF OF THE CITY AND SIGN THE GRANT AGREEMENT SUBJECT TO APPROVAL BY THE CITY ATTORNEY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the Florida Boating Improvement Program provides funding through competitive grants for boating access projects and other boating-related activities on coastal and/or inland waters of Florida; and

**WHEREAS**, the FBIP grant will help the City improve boater safety by paying for half of the cost of removing ineffective buoy channel markers and replacing them with permanent channel markers; and

**WHEREAS,** by switching from buoy channel markers to permanent channel markers, boaters will gain a reliable navigational aid to assist them in finding a deep water channel to protect their boat and their safety.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA, THAT:**

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The City Commission approves and authorizes the City Manager to sign all documents associated with the Florida Boating Improvement (FBIP) grant, accept and administer the grant on behalf of the City and execute the Grant Agreement subject to approval by the City Attorney.

Section 3. This Resolution shall become effective immediately upon passage.

**PASSED AND ADOPTED** this _____ day of _____, 2017.

CITY OF BOYNTON BEACH, FLORIDA

| | YES | NO |
|---|---|---|
| Mayor – Steven B. Grant | _____ | _____ |
| Vice Mayor – Mack McCray | _____ | _____ |
| Commissioner – Justin Katz | _____ | _____ |
| Commissioner – Christina L. Romelus | _____ | _____ |
| Commissioner – Joe Casello | _____ | _____ |
| VOTE | _____ | |

ATTEST:

_____
Judith A. Pyle, CMC
City Clerk

(Corporate Seal)

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION: PROPOSED RESOLUTION NO. R17-035** - Authorize the Mayor to sign a Consent to Assignment between the City of Boynton Beach, Layne Heavy Civil, Inc., and Reycon Partners, LLC. The company will assign to Reynolds Construction, LLC, a wholly owned subsidiary of Reycon Partners, LLC.

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**EXPLANATION OF REQUEST:**
On September 3, 2015, Layne Heavy Civil, Inc. was awarded the construction contract for the Raw Water Main – Section C project, Bid No. 049-2821-15/KTR. The project has reached substantial completion and Layne Heavy Civil, Inc. is completing the final punch list items.

Layne Heavy Civil, Inc. has informed the City that there has been a sale of the company. The company will assign to Reynolds Construction, LLC, a wholly owned subsidiary of Reycon Partners, LLC and thus the need for a Consent to Assignment between the parties.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**
There will be no adverse effect to the City. All terms and conditions of the construction contract will remain in effect, and Layne Heavy Civil's project management team will remain intact.

**FISCAL IMPACT:** Budgeted None.

**ALTERNATIVES:** Not approve the Consent to Assignment between the parties.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

| Type | Description |
| --- | --- |
| Resolution | Resolution approving Mayor to sign Consent to Assignment |
| Addendum | Layne Letter and Consent to Assignment |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
| --- | --- | --- | --- |
| Utilities | Groff, Colin | Approved | 3/28/2017 - 3:31 PM |
| Finance | Howard, Tim | Approved | 3/28/2017 - 3:36 PM |
| Legal | Swanson, Lynn | Approved | 3/29/2017 - 3:47 PM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:22 AM |

**RESOLUTION NO. 17-**

**A RESOLUTION OF THE CITY OF BOYNTON BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO SIGN A CONSENT TO ASSIGNMENT BETWEEN THE CITY OF BOYNTON BEACH, LAYNE HEAVY CIVIL, INC., AND REYCON PARTNERS LLC.; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** On September 3, 2015, the City Commission approved the award of a construction contract to Layne Heavy Civil, Inc., for the Raw Water Main – Section C project Bid No. 049-2821-15/KTR; and

**WHEREAS**, the project has reached substantial completion and Layne Heavy Civil, Inc., is completing the final punch list items; and

**WHEREAS**, Layne Heavy Civil, Inc., has informed the City that there has been a sale of the company and that the company will assign to Reynolds Construction, LLC., a wholly owned subsidiary of Reycon Partners, LLC., and thus the need for a Consent to Assignment between the parties.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA, THAT:**

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The City Commission of the City of Boynton Beach, Florida does hereby approve and authorize the Mayor to sign the Consent to Assignment between the City of Boynton Beach, Layne Heavy Civil, Inc., and Reycon Partners, LLC, a copy of the Consent

to Assignment is attached hereto as Exhibit "A".

Section 3. This Resolution shall become effective immediately upon passage.

**PASSED AND ADOPTED** this _____ day of _____, 2017.

CITY OF BOYNTON BEACH, FLORIDA

| | YES | NO |
|---|---|---|
| Mayor – Steven B. Grant | _____ | _____ |
| Vice Mayor – Mack McCray | _____ | _____ |
| Commissioner – Justin Katz | _____ | _____ |
| Commissioner – Christina L. Romelus | _____ | _____ |
| Commissioner – Joe Casello | _____ | _____ |
| VOTE | _____ | |

ATTEST:

_____
Judith A. Pyle, CMC
Interim City Clerk

(Corporate Seal)

WATER · MINERAL · ENERGY

February 23, 2017

To our Valued Layne Heavy Civil Clients:

On February 9, 2017 the Layne Christensen Company announced plans to sell its Heavy Civil business to a new entity of private investors, including the current Heavy Civil senior management team. The sale of the company is expected to close within approximately 90 days of the 9 February public announcement.

We intend to make the transition as seamless as possible for our Clients. You will have the same project management team, from the Project Superintendent to the President of the Company. All the terms and conditions of your construction Contract Documents, including but not limited to cost, completion dates, plans and specifications, warranties, and guarantees will remain in effect. The new company will provide Performance and Payment Bonds in the same amounts and forms as specified in the Contract Documents for your project, and from the same Sureties.

As a condition of the pending sale, Layne Heavy Civil must assign their current contracts to the new company. The new company will assume the duties, obligations, responsibilities, rights and remedies of Layne Heavy Civil under the Assigned Contract. Pursuant to your Construction Contract Documents, the new company must obtain your written consent prior to its assignment of your Contract.

Attached is a draft Assignment Agreement for your consideration. In addition, we will provide Riders with the final Assignment Agreement ensuring there are no coverage gaps on your Project Performance and Payment Bonds. Our intent is to complete one of these Agreements for each of our projects, and to obtain your written consent to assignment prior to the Closing of the sale of Layne Heavy Civil.

Please review the draft Assignment Agreement and notify us within ten days of receipt of this email of any concerns, questions, or proposed revisions to the draft language. Additionally, please inform us if the Assignment Agreement will require formal Board approval, and if so, provide the dates of your upcoming Board Meetings, and the deadlines for adding the final Assignment Agreement to your Board Meeting agenda.

We appreciate your consideration and facilitation of our pending sale, and look forward to continuing a successful, long-term relationship with each of you.

Sincerely,

Les Archer, PE, DBIA
President

**HEAVY CIVIL**

4520 N. State Road 37, Orleans, IN 47452 | Office: 812.865.3232 | Fax: 812.865.3075 | layne.com

# CONSENT TO ASSIGNMENT

February [__], 2017

[Customer Name]
[Customer Address]
Attention: _____

Re: Consent to Assignment

Dear _____:

[Layne Christensen Company][Layne Heavy Civil, Inc.], a [Delaware][Indiana] corporation ("Company"), together with [Layne Christensen Company[Layne Heavy Civil, Inc.], a [Delaware][Indiana] corporation, W.L. Hailey & Company, Inc., a Tennessee corporation, Meadors Construction Co., Inc., a Florida corporation, Reynolds Water Islamorada, LLC, a Delaware limited liability company, Layne Southwest, Inc., a New Mexico corporation, and Layne Transport Co., an Indiana corporation, has entered into an Asset Purchase Agreement ("Agreement") with Reycon Partners LLC, a Delaware limited liability company ("Reycon"), pursuant to which Reycon will purchase the assets that are primarily used in Layne Christensen Company's heavy civil division (the "Transaction").

Reycon is owned by Jeffrey Reynolds (who previously owned the heavy civil division prior to its acquisition by Layne Christensen Company in 2005) and the senior members of Layne's heavy civil division management team: Leslie F. Archer, Kevin F. Strott, Michael P. Burton, Kevin D. Shemwell, Wesley L. Self and Elizabeth Smith. As a result, we do not anticipate that there will be any changes to the personnel that are currently working on your project. The performance bond for your project will also remain in effect.

The closing of the Transaction is expected to occur on or about April __, 2017 or as soon thereafter as all of the conditions to the closing of the Transaction have been satisfied (the "Closing"). Please be advised that effective as of the Closing, pursuant to the Agreement, the Company will assign to Reynolds Construction, LLC ("Reynolds"), a wholly owned subsidiary of Reycon, _____ [described contract], together with any amendments, addendums, purchase orders, and all other documents incorporated into the heretofore described contract (collectively, "Assigned Contract"), and Reycon will assume the duties, obligations, responsibilities, rights and remedies of the Company under the Assigned Contract.

The Company is required, pursuant to the Assigned Contract, to obtain your written consent prior to its assignment of the Assigned Contract. [Under the Assigned Contract, consent is not to be unreasonably withheld]. The Company requests that you (a) consent to the assignment and assumption as described above and that you agree that the Transaction will not constitute a breach of the Assigned Contract, (b) acknowledge that the Company at present is not

in default in its obligations under the Assigned Contract, and (c) agree that the Company will be released from any further obligation under the Assigned Contract.

Please execute and return to my attention as soon as possible the enclosed copy of this letter giving your consent to such assignment and accepting the terms described above, and a copy by fax to (___) ___–____. You will be notified promptly of the occurrence of the Closing. Your consent shall not be effective, however, unless and until the Closing occurs, and if, for any reason the Closing does not occur, then you shall have no obligation by reason of this letter.

If you have any questions regarding the foregoing, please do not hesitate to contact me immediately at (___) ___–____. Thank you for giving this your prompt attention.

Very truly yours,

LAYNE [CHRISTENSEN COMPANY][HEAVY CIVIL, INC.]

By: _____
Name: _____
Title: _____

The undersigned hereby (1) consents to the assignment of the Assigned Contract in connection with the Transaction and confirms that (a) the Assigned Contract is in full force and effect, (b) no breach or default under the Assigned Contract is attributable to the Company, and no event of default, that with or without notice or lapse of time or both, would constitute a default or event of default on the part of the Company, taking into account the consummation of the Transaction as of the Closing, has occurred or is continuing under the Assigned Contract, and (c) no additional consents are required in connection with the assignment of the Assigned Contract in connection with the Transaction, and (2) agrees that the Company will be released from any further obligation under the Assigned Contract.

Dated: _____ __, 2017

**[**Customer Name**]**

By: _____
Name: _____
Title: _____

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
Approve the purchase of an upgrade our Geographical Information System (GIS) software to a Small Government Enterprise License Agreement through a sole source from ESRI at a cost of $35,000.

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**EXPLANATION OF REQUEST:**
As part on their ongoing plan to upgrade their GIS system the Utility has been working with the ITS Department to identify the most cost efficient way to upgrade the software to meet the increased demands for information in the field. The options were to add additional licenses on a piecemeal as needed basis, or to make the move to this more advanced option. The accompanying analysis shows the differences with options 2 and 3 being the preferred routes. Although slightly more expensive, option 3 (Small Government ELA) actually provides 100 more online licenses, plus additional value-added software/features which can be shared across the enterprise. This option also provides the ability to improve our public portal to share information on a wider basis.
The annual cost is $45K but we receive a credit of $10K because of our current licensing expenditure. The utility will be meeting half of the cost going forward as the most significant user and need for the individual licenses.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**
The benefits to the City are considerable as the upgrades will enable a faster enactment of the potential projects that were identified in a report in 2015 which highlighted a number of exciting improvements across the city with particular emphasis on public interactions. This will enable us to provide online information to the public on a variety of issues such as parks, public art and more general geographical data such as flood zones and aerials.
Currently the Utility is the major user of GIS and will be going forward. There are over 1000 miles of underground pipes, over 200 pumping stations, 4000+ fire hydrants and over 20,000 valves that need to be correctly located and identified. This data is also used for our asset management systems, hydraulic modelling and day to day locating functions. The utility has an internal objective to have this information accurate and available to every employee either on a tablet, desktop or smartphone. This will greatly improve our efficiency when dealing with issues in the field.

**FISCAL IMPACT:** Non-budgeted The cost is $35,000 and funds will be available in account 401-2821-536-64.14

**ALTERNATIVES:**
Buy licenses on a piecemeal basis at potentially lower cost, but for a far less amount of software. Future software investments will be needed to get to the same level as the Small Government ELA option (option 3).

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

| Type | Description |
|---|---|
| Addendum | ESRI Quote |
| Addendum | Letter from ESRI |
| Addendum | Sole Source Letter from ESRI |
| Addendum | Cost analysis |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Utilities | Pigott, Bevis | Approved | 3/29/2017 - 9:48 AM |
| Finance | Howard, Tim | Approved | 3/29/2017 - 5:24 PM |
| ITS | McNally, John | Approved | 3/30/2017 - 2:12 PM |
| Legal | Swanson, Lynn | Approved | 3/30/2017 - 4:22 PM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:10 AM |

# Quotation # 20504636

**Date:** March 22, 2017

**ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.**
**303 Evernia St.**
**Suite 300**
**West Palm Beach, FL 33401**
**Phone: (561) 832-4116** **Fax: 561-832-1058**
**DUNS Number: 06-313-4175** **CAGE Code: 0AMS3**

***To expedite your order, please attach a copy of this quotation to your purchase order.***
***Quote is valid from: 03/22/2017 To: 06/20/2017***

**Customer # 101023** **Contract # ENTERPRISE AGREEMENT**

City of Boynton Beach
Information Technology Services
100 E Boynton Beach Blvd
Boynton Beach, FL 33435-3899

ATTENTION: Yury Konnikov
PHONE: (561) 742-6071
FAX: (561) 742-6092

| Material | Qty | Description | Unit Price | Total |
|---|---|---|---|---|
| 110037 | 1 | Populations of 50,001 to 100,000 Small Government Term Enterprise License Agreement - Year 1 | 45,000.00 | 45,000.00 |
| 110037 | 1 | Populations of 50,001 to 100,000 Small Government Term Enterprise License Agreement - Year 2 | 50,000.00 | 50,000.00 |
| 110037 | 1 | Populations of 50,001 to 100,000 Small Government Term Enterprise License Agreement - Year 3 | 55,000.00 | 55,000.00 |

| | |
|---|---|
| Item Total: | 150,000.00 |
| Subtotal: | 150,000.00 |
| Sales Tax: | 0.00 |
| Estimated Shipping & Handling(2 Day Delivery) : | 0.00 |
| Contract Pricing Adjust: | 0.00 |
| Total: | $150,000.00 |

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

**For questions contact:** Ali Fain **Email:** afain@esri.com **Phone:** (561) 832-4116 x8742

The items on this quotation are subject to the terms set forth herein and the terms of your signed agreement with Esri, if any, or, where applicable, Esri's standard terms and conditions at www.esri.com/legal, which are incorporated by reference. Federal government entities and government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Acceptance is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's products and services.

***If sending remittance, please address to: Esri, File No. 54630, Los Angeles, Ca 90074-4630***



FAINA **This offer is limited to the terms and conditions incorporated and attached herein.**

**Esri Use Only:**
Cust. Name _____
Cust. # _____
PO # _____
Esri Agreement # _____

Esri, 380 New York St., Redlands, CA 92373-8100 USA • TEL 909-793-2853 • FAX 909-793-5953

# SMALL ENTERPRISE AGREEMENT
# COUNTY AND MUNICIPALITY GOVERNMENT
# (E214-3)

This Agreement is by and between the organization identified in the Quotation (**"Licensee"**) and **Environmental Systems Research Institute, Inc.** (**"Esri"**).

This Agreement sets forth the terms for Licensee's use of Products and incorporates by reference (i) the Quotation and (ii) the License Agreement. Should there be any conflict between the terms and conditions of the documents that comprise this Agreement, the order of precedence for the documents shall be as follows: (i) the Quotation, (ii) this Agreement, and (iii) the License Agreement. This Agreement shall be governed by and construed in accordance with the laws of the state in which Licensee is located without reference to conflict of laws principles, and the United States of America federal law shall govern in matters of intellectual property. The modifications and additional rights granted in this Agreement apply only to the Products listed in Table A.

## Table A
## List of Products

**Uncapped Quantities**

**Desktop Software and Extensions**
ArcGIS Desktop Advanced
ArcGIS Desktop Standard
ArcGIS Desktop Basic
ArcGIS Desktop Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst, ArcGIS Publisher, ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS Workflow Manager, ArcGIS Data Reviewer

**Enterprise Software and Extensions**
ArcGIS Enterprise and Workgroup (Advanced and Standard)
ArcGIS Enterprise Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS Workflow Manager

**Enterprise Optional Server**
ArcGIS Image Server

**Developer Tools**
ArcGIS Engine
ArcGIS Engine Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Engine Geodatabase Update, ArcGIS Network Analyst, ArcGIS Schematics
ArcGIS Runtime (Standard)
ArcGIS Runtime Analysis Extension

**Limited Quantities**
One (1) Annual Subscription to Esri Developer Network (EDN) Standard*
Two (2) Esri CityEngine Advanced Single Use Licenses
250 Level 1 ArcGIS Online Named Users
250 Level 2 ArcGIS Online Named Users
37,500 ArcGIS Online Service Credits
250 Level 1 ArcGIS Enterprise Named Users
250 Level 2 ArcGIS Enterprise Named Users
5 Insights for ArcGIS

**OTHER BENEFITS**

| | |
|---|---|
| Number of Esri User Conference registrations provided annually | **4** |
| Number of Tier 1 Help Desk individuals authorized to call Esri | **4** |
| Maximum number of sets of backup media, if requested** | **2** |
| Self-Paced e-Learning | **Uncapped** |
| Five percent (5%) discount on all individual commercially available instructor-led training classes at Esri facilities purchased outside this Agreement (Discount does not apply to Small Enterprise Training Package.) | |

*Maintenance is not provided for these items
**Additional sets of backup media may be purchased for a fee

Licensee may accept this Agreement by signing and returning the whole Agreement with a signed sales quotation, purchase order, or other document that matches the Quotation and references this Agreement ("Ordering Document"). **ADDITIONAL OR CONFLICTING TERMS IN LICENSEE'S ORDERING DOCUMENT WILL NOT APPLY, AND THE TERMS OF THIS AGREEMENT WILL GOVERN.** This Agreement is effective as of the date of Esri's receipt of Licensee's Ordering Document incorporating this Agreement by reference, unless otherwise agreed to by the parties ("Effective Date").

**Term of Agreement:** Three (3) years

This Agreement supersedes any previous agreements, proposals, presentations, understandings, and arrangements between the parties relating to the licensing of the Products. Except as provided in Article 4—Product Updates, no modifications can be made to this Agreement.

Accepted and Agreed:

_____
(Licensee)

By: _____
Authorized Signature

Printed Name: _____

Title: _____

Date: _____

## LICENSEE CONTACT INFORMATION

Contact: _____

Address: _____

City, State, Postal Code: _____

Country: _____

Quotation Number (if applicable): _____

Telephone: _____

Fax: _____

E-mail: _____

## 1.0—Additional Definitions

In addition to the definitions provided in the License Agreement, the following definitions apply to this Agreement:

**"Deploy", "Deployed" and "Deployment"** mean to redistribute and install the Products and related Authorization Codes within Licensee's organization(s).

**"Fee"** means the fee set forth in the Quotation.

**"Case"** means a failure of the Software or Online Services to operate according to the Documentation where such failure substantially impacts operational or functional performance.

**"License Agreement"** means the applicable license agreement for Esri Products incorporated by this reference that is (i) found at http://www.esri.com/legal/software-license and available in the installation process requiring acceptance by electronic acknowledgment or (ii) a signed Esri license agreement that supersedes such electronically acknowledged license agreement.

**"Maintenance"** means Tier 2 Support, Product updates, and Product patches provided to Licensee during the Term of Agreement.

**"Product(s)"** means the products identified in Table A—List of Products and any updates to the list Esri provides in writing.

**"Quotation"** means the offer letter and quotation provided separately to Licensee.

**"Technical Support"** means the technical assistance for attempting resolution of a reported Case through error correction, patches, hot fixes, workarounds, replacement deliveries, or any other type of Product corrections or modifications.

**"Tier 1 Help Desk"** means Licensee's point of contact(s) to provide all Tier 1 Support within Licensee's organization(s).

**"Tier 1 Support"** means the Technical Support provided by the Tier 1 Help Desk.

**"Tier 2 Support"** means the Technical Support provided to the Tier 1 Help Desk when a Case cannot be resolved through Tier 1 Support. Licensee will receive Tier 2 Support from Esri.

## 2.0—Additional Grant of License

**2.1** **Grant of License.** Subject to the terms and conditions of this Agreement, Esri grants to Licensee a personal, nonexclusive, nontransferable license solely to use, copy, and Deploy quantities of the Products listed in Table A—List of Products for the term provided on the first page (i) for the applicable Fee and (ii) in accordance with the License Agreement.

**2.2** **Consultant Access.** Esri grants Licensee the right to permit Licensee's consultants or contractors to use the Products exclusively for Licensee's benefit. Licensee will be solely responsible for compliance by consultants and contractors with this Agreement and will ensure that the consultant or contractor discontinues use of Products upon completion of work for Licensee. Access to or use of Products by consultants or contractors not exclusively for Licensee's benefit is prohibited. Licensee may not permit its consultants or contractors to install Software or Data on consultant, contractor, or third-party computers or remove Software or Data from Licensee locations, except for the purpose of hosting the Software or Data on Contractor Servers for the benefit of Licensee.

## 3.0—Term, Termination, and Expiration

**3.1** **Term.** This Agreement and all licenses hereunder will commence on the Effective Date and continue for the duration identified in the Term of Agreement, unless this Agreement is terminated earlier as provided herein. Licensee is only authorized to use Products during the Term of Agreement. For an Agreement with a limited term, Esri does not grant Licensee an indefinite or a perpetual license to Products.

**3.2** **No Use upon Agreement Expiration or Termination.** All Product licenses, all Maintenance, and Esri User Conference registrations terminate on expiration or termination of this Agreement.

**3.3** **Termination for a Material Breach.** Either party may terminate this Agreement for a material breach by the other party. The breaching party will have thirty (30) days from the date of written notice to cure any material breach.

**3.4** **Termination for Lack of Funds.** For an Agreement with government or government-owned entities, either party may terminate this Agreement before any subsequent year if Licensee is unable to secure funding through the legislative or governing body's approval process.

**3.5 Follow-on Term.** If the parties enter into another agreement substantially similar to this Agreement for an additional term, the effective date of the follow-on agreement will be the day after the expiration date of this Agreement.

## 4.0—Product Updates

**4.1 Future Updates.** Esri reserves the right to update the list of Products in Table A—List of Products by providing written notice to Licensee. Licensee may continue to use all Products that have been Deployed, but support and upgrades for deleted items may not be available. As new Products are incorporated into the standard program, they will be offered to Licensee via written notice for incorporation into the Products schedule at no additional charge. Licensee's use of new or updated Products requires Licensee to adhere to applicable additional or revised terms and conditions of the License Agreement.

**4.2 Product Life Cycle.** During the Term of Agreement, some Products may be retired or may no longer be available to Deploy in the identified quantities. Maintenance will be subject to the individual Product Life Cycle Support Status and Product Life Cycle Support Policy, which can be found at http://support.esri.com/en/content/productlifecycles. Updates for Products in the mature and retired phases may not be available. Licensee may continue to use Products already Deployed during the Term of Agreement, but Licensee will not be able to Deploy retired Products.

## 5.0—Maintenance

The Fee includes standard maintenance benefits during the Term of Agreement as specified in the most current applicable Esri Maintenance and Support Program document (found at http://www.esri.com/legal). At Esri's sole discretion, Esri may make patches, hot fixes, or updates available for download. No Software other than the defined Products will receive Maintenance. Licensee may acquire maintenance for other Software outside this Agreement.

### a. Tier 1 Support

1. Licensee will provide Tier 1 Support through the Tier 1 Help Desk to all Licensee's authorized users.

2. The Tier 1 Help Desk will be fully trained in the Products.

3. At a minimum, Tier 1 Support will include those activities that assist the user in resolving how-to and operational questions as well as questions on installation and troubleshooting procedures.

4. The Tier 1 Help Desk will be the initial points of contact for all questions and reporting of a Case. The Tier 1 Help Desk will obtain a full description of each reported Case and the system configuration from the user. This may include obtaining any customizations, code samples, or data involved in the Case. The Tier 1 Help Desk may also use any other information and databases that may be developed to satisfactorily resolve the Case.

5. If the Tier 1 Help Desk cannot resolve the Case, an authorized Tier 1 Help Desk individual may contact Tier 2 Support. The Tier 1 Help Desk will provide support in such a way as to minimize repeat calls and make solutions to problems available to Licensee.

6. Tier 1 Help Desk individuals are the only individuals authorized to contact Tier 2 Support. Licensee may change the Tier 1 Help Desk individuals by written notice to Esri.

### b. Tier 2 Support

1. Tier 2 Support will log the calls received from Tier 1 Help Desk.

2. Tier 2 Support will review all information collected by and received from the Tier 1 Help Desk including preliminary documented troubleshooting provided by the Tier 1 Help Desk when Tier 2 Support is required.

3. Tier 2 Support may request that Tier 1 Help Desk individuals provide verification of information, additional information, or answers to additional questions to supplement any preliminary information gathering or troubleshooting performed by Tier 1 Help Desk.

4. Tier 2 Support will attempt to resolve the Case submitted by Tier 1 Help Desk.

5. When the Case is resolved, Tier 2 Support will communicate the information to Tier 1 Help Desk, and Tier 1 Help Desk will disseminate the resolution to the user(s).

## 6.0—Endorsement and Publicity

This Agreement will not be construed or interpreted as an exclusive dealings agreement or Licensee's endorsement of Products. Either party may publicize the existence of this Agreement.

## 7.0—Administrative Requirements

**7.1** **OEM Licenses.** Under Esri's OEM or Solution OEM programs, OEM partners are authorized to embed or bundle portions of Esri products and services with their application or service. OEM partners' business model, licensing terms and conditions, and pricing are independent of this Agreement. Licensee will not seek any discount from the OEM partner or Esri based on the availability of Products under this Agreement. Licensee will not decouple Esri products or services from the OEM partners' application or service.

**7.2** **Annual Report of Deployments.** At each anniversary date and ninety (90) calendar days prior to the expiration date of this Agreement, Licensee will provide Esri with a written report detailing all Deployments. Upon request, Licensee will provide records sufficient to verify the accuracy of the annual report.

## 8.0—Ordering, Administrative Procedures, Delivery, and Deployment

**8.1** **Orders, Delivery, and Deployment**

**a.** Upon the Effective Date, Esri will invoice Licensee and provide Authorization Codes to activate the nondestructive copy protection program that enables Licensee to download, operate, or allow access to the Products. If this is a multi-year Agreement, Esri may invoice the Fee thirty (30) calendar days before the annual anniversary date for each additional year.

**b.** Undisputed invoices will be due and payable within thirty (30) calendar days from the date of invoice. Esri's federal ID number is 95-2775-732.

**c.** If requested, Esri will ship backup media to the ship-to address identified on the Ordering Document, FOB Destination, with shipping charges prepaid. Licensee acknowledges that should sales or use taxes become due as a result of any shipments of tangible media, Esri has a right to invoice and Licensee will pay any such sales or use tax associated with the receipt of tangible media.

**8.2** **Order Requirements.** Esri does not require Licensee to issue a purchase order. Licensee may submit a purchase order in accordance with its own process requirements, provided that if Licensee issues a purchase order, Licensee will submit its initial purchase order on the Effective Date. If this is a multi-year Agreement, Licensee will submit subsequent purchase orders to Esri at least thirty (30) calendar days before the annual anniversary date for each additional year.

**a.** All orders pertaining to this Agreement will be processed through Licensee's centralized point of contact.

**b.** The following information will be included in each Ordering Document:

(1) Licensee name; Esri customer number, if known; and bill-to and ship-to addresses
(2) Order number
(3) Applicable annual payment due

## 9.0—Mergers, Acquisitions, Or Divestitures

If Licensee is a commercial entity, Licensee will notify Esri in writing in the event of (i) a consolidation, merger, or reorganization of Licensee with or into another corporation or entity; (ii) Licensee's acquisition of another entity; or (iii) a transfer or sale of all or part of Licensee's organization (subsections i, ii, and iii, collectively referred to as "Ownership Change"). There will be no decrease in Fee as a result of any Ownership Change.

**9.1** If an Ownership Change increases the cumulative program count beyond the maximum level for this Agreement, Esri reserves the right to increase the Fee or terminate this Agreement and the parties will negotiate a new agreement.

**9.2** If an Ownership Change results in transfer or sale of a portion of Licensee's organization, that portion of Licensee's organization will transfer the Products to Licensee or uninstall, remove, and destroy all copies of the Products.

**9.3** This Agreement may not be assigned to a successor entity as a result of an Ownership Change unless approved by Esri in writing in advance. If the assignment to the new entity is not approved, Licensee will require any successor entity to uninstall, remove, and destroy the Products. This Agreement will terminate upon such Ownership Change.

March 22, 2017

Mr. Yury Konnikov
City of Boynton Beach
100 E Boynton Beach Blvd
Boynton Beach, FL 33435-3899

Dear Yury,

The Esri Small Municipal and County Government Enterprise License Agreement (ELA) is a three-year agreement that will grant your organization access to Esri® term license software on an unlimited basis including maintenance on all software offered through the ELA for the term of the agreement. The ELA will be effective on the date executed and will require a firm, three-year commitment.

Based on Esri's work with several organizations similar to yours, we know there is significant potential to apply geographic information system (GIS) technology in many operational and technical areas within your organization. For this reason, we believe that your organization will greatly benefit from an enterprise license agreement.

An ELA will provide your organization with numerous benefits including:

- A lower cost per unit for licensed software
- Substantially reduced administrative and procurement expenses
- Maintenance on all Esri software deployed under this agreement
- Complete flexibility to deploy software products when and where needed

The following business terms and conditions will apply:

- All current departments, employees, and in-house contractors of the organization will be eligible to use the software and services included in the ELA.

- If your organization wishes to acquire and/or maintain any Esri software during the term of the agreement that is not included in the ELA, it may do so separately at the Esri pricing that is generally available for your organization for software and maintenance.

- The organization will establish a single point of contact for orders and deliveries and will be responsible for redistribution to eligible users.

- The organization will establish a Tier 1 support center to field calls from internal users of Esri software. The organization may designate individuals as specified in the ELA who may directly contact Esri for Tier 2 technical support.

- The organization will provide an annual report of installed Esri software to Esri.

380 New York Street
Redlands, California 92373-8100 USA
909 793 2853
info@esri.com
esri.com

- Esri software and updates that the organization is licensed to use will be automatically available for downloading.

- The organization will act as an Esri reference site and will permit Esri to publicize its use of Esri software and services.

- The fee and benefits offered in this ELA proposal are contingent upon your acceptance of Esri's Small Municipal and County Government ELA terms and conditions.

- Licenses are valid for the term of the ELA.

This program offer is valid for 90 days. To complete the agreement within this time frame, please contact me within the next seven days to work through any questions or concerns you may have. To expedite your acceptance of this ELA offer:

1. Sign and return the whole agreement per the instructions in the terms and conditions.

2. On the first page of the ELA, identify the central point of contact/agreement administrator. The agreement administrator is the party that will be the contact for management of the software, administration issues, and general operations. Information should include name, title (if applicable), address, phone number, and e-mail address.

3. In the purchase order, identify the "Ship to" and "Bill to" information for your organization.

4. Send the purchase order and agreement to the address, email or fax noted below:

| | |
|---|---|
| Esri<br>Attn: Customer Service SG-ELA<br>380 New York Street<br>Redlands, CA 92373-8100 | e-mail: service@esri.com<br>fax documents to: 909-307-3083 |

I appreciate the opportunity to present you with this proposal, and I believe it will bring great benefits to your organization.

Thank you very much for your consideration.

Best Regards,

Ali Fain

# SOLE SOURCE LETTER

**Environmental Systems Research Institute, Inc. (Esri)**
**380 New York Street**
**Redlands, CA 92373**
**E-mail: jricks@esri.com**

**DATE:** June 8, 2016

**TO:** To Whom It May Concern

**RE:** Esri Sole Source Justification for Geographic Information System Software

This letter confirms that Esri, as owner and manufacturer, is the sole-source provider of **software maintenance** (technical support plus Esri software updates/upgrades) for Esri products.

Esri is the sole-source provider of the following Esri products in the commercial, state, and local government marketplace:

- ArcGIS for Desktop & Extensions Subscription (Basic, Advanced, Standard)
- ArcGIS for Aviation Bundle
- ArcGIS for Desktop Advanced
- ArcGIS for Desktop Standard
- ArcGIS for Maritime Bundle
- ArcGIS for Server and extensions
- ArcGIS Online (excluding data owned by 3rd party providers)
- ArcGIS Runtime and Extensions
- Certain proprietary training courses
- Esri Business Analyst Online
- Esri Business Analyst Server
- Esri Community Analyst
- Esri Defense Mapping Bundle
- Esri Developer Network (EDN) subscriptions
- Esri MapStudio
- Esri Maps Products
- Esri Roads and Highways
- Esri Services Packages
- Portal & Hosted Portal for ArcGIS

In an effort to support diversity in federal contracting, Esri has authorized certain small businesses (see GSA Advantage! for details) as resellers of the following Esri products to eligible entities purchasing under a GSA Schedule. Esri GSA resellers cannot sell Esri software to state or local entities:

- ArcGIS for Aviation
- ArcGIS for Desktop Advanced
- ArcGIS for Desktop Standard
- ArcGIS for Maritime: Bathymetry
- ArcGIS for Maritime: Charting
- ArcGIS for Server and extensions
- Esri Business Analyst Server
- Esri Defense Mapping
- Esri Production Mapping

Esri distributes certain software licenses, ***excluding those listed above***, through open-market value-added resellers and distributors. If you have further questions, please contact me at 909-793-2853, extension 1-1990.

Jackie Ricks

ESRI Comparison

| | First Year | Second Year | Third Year | Three Year Total Investment | |
|---|---|---|---|---|---|
| ***Current ESRI Maintenance Contract*** | | | | | |
| Yearly renewal | **$20,000.00** | **$20,000.00** | **$20,000.00** | **$60,000.00** | |
| | | | | | |
| ***Utilities Separate Purchase*** | | | | | |
| Advanced GIS Server | $40,000.00 | $10,000.00 | $10,000.00 | | |
| ArcGIS Online Users (50) | $10,000.00 | $10,000.00 | $10,000.00 | | |
| ArcGIS Desktop - Editor | $6,300.00 | $1,200.00 | $1,200.00 | | |
| Total | **$56,300.00** | **$21,200.00** | **$21,200.00** | **$98,700.00** | Utilities |
| Current ESRI Budget | **$20,000.00** | **$20,000.00** | **$20,000.00** | **$60,000.00** | ITS |
| | **$76,300.00** | **$41,200.00** | **$41,200.00** | **$158,700.00** | |
| | | | | | |
| ***Utilities Additional Purchases under ITS agreement*** | | | | | |
| Advanced GIS Server Upgrade | $20,000.00 | $5,000.00 | $5,000.00 | | |
| ArcGIS Online Users (50) | $10,000.00 | $10,000.00 | $10,000.00 | | |
| ArcGIS Desktop - Editor | $6,300.00 | $1,200.00 | $1,200.00 | | |
| Total | **$36,300.00** | **$16,200.00** | **$16,200.00** | **$68,700.00** | Utilities |
| Current ESRI Budget | **$20,000.00** | **$20,000.00** | **$20,000.00** | **$60,000.00** | ITS |
| | **$56,300.00** | **$36,200.00** | **$36,200.00** | **$128,700.00** | |
| | | | | | |
| ***Small Government ELA**** | | | | | |
| Three year contract | $45,000.00 | $50,000.00 | $55,000.00 | | |
| Prorated support credit | -$10,000.00 | | | | |
| | **$35,000.00** | **$50,000.00** | **$55,000.00** | **$140,000.00** | ITS & Utilities |
| | | | | | |
| This does not include the $20,0000 already paid | $5,000.00 | $25,000.00 | $27,500.00 | $57,500.00 | ITS |
| | $30,000.00 | $25,000.00 | $27,500.00 | $82,500.00 | Utilities |

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:** Approve the quote received from Tinker LLC of Alamo, CA for the FY 2017 implementation of the Water Conservation Education program for all 5th grade students at schools within the City of Boynton Beach for an estimated cost of $30,712.71. Recommendation is based on staff's ability to only identify two (2) vendors for this program and that issuing a formal bid would not produce additional vendors.

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**EXPLANATION OF REQUEST:**
The Water Conservation Education program is an essential element of our water conservation plan required by the South Florida Water Management District (SFWMD) as part of our Consumptive Use Permit (CUP), the permit that dictates our water allocations. The program educates future rate payers (5th grade students) and current rate payers (their teachers and parents) on the importance of water conservation. The program employs classroom activities and the installation of home water saving devices to illustrate how small changes in water use can make a big impact on water consumption. Water usage is measured before and after the installation of water conserving shower heads and faucet aerators, giving the participant an accurate estimate of water and energy savings. The 2016 Water Conservation Education program, implemented by 1,030 students and teachers, saved an estimated 5.76 million gallons per year or just under one half day's production. The estimated savings per household was 5,593 gallons of water and 344 kW of electricity.

In the past, the Water Conservation Education program was administered through the WaterWise program provided by Resource Action Programs as a sole source provider. Utilities staff has identified another provider, Tinker LLC, which offers a competitive education program at savings of over $9,100 per year.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**
The program will educate approximately 1,200 students and their teachers on lifelong water conservation principles. Typically the program is implemented during the height of the dry season which emphasizes its importance. Apart from a water consumption reduction, other positive environmental impacts are projected to include: an equivalent reduction (5.76 million gallons) in wastewater treated and wastewater treatment costs; a savings of approximately 354,066 kWh of energy to customers (over $35,000 at ~ 10¢/kWh) that would have been used to heat water.

**FISCAL IMPACT:** Budgeted Funding was included in the Utilities FY2017 approved budget under account: Conservation Fund: 401-2821-536-95-43.

**ALTERNATIVES:**
None

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

| Type | Description |
|---|---|
| Addendum | Tinker LLC Quote |
| Addendum | WaterWise Quote |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Utilities | Groff, Colin | Approved | 3/20/2017 - 3:23 PM |
| Finance | Howard, Tim | Approved | 3/28/2017 - 8:41 AM |
| Legal | Swanson, Lynn | Rejected | 3/28/2017 - 4:57 PM |
| Finance | Howard, Tim | Approved | 3/30/2017 - 2:17 PM |
| Finance | Howard, Tim | Approved | 3/30/2017 - 2:17 PM |
| Legal | Swanson, Lynn | Approved | 3/31/2017 - 8:52 AM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:12 AM |

TINKER
ENERGY + WATER
EDUCATION PROGRAMS

February 3, 2017

Mr. Steve Evans
Supervisor Water Quality & Conservation
City of Boynton Beach
5469 W. Boynton Beach Blvd.
Boynton Beach, Florida 33437

Dear Mr. Evans,

Thank-you for the opportunity to quote your project. Details are as follows:

Water Conservation Education Program – 5th grade

**End to end program implementation services including:**

- Teacher recruitment and follow-up
- Classroom lessons and activities aligned with education standards
- Kit & materials delivery
- Program data collection and analysis
- Monthly reporting
- Final Program Report

**Program materials:**

- Teacher Program Kit – Quantity: 52
- Student Water Conservation Kit - Quantity: 1,177
  - Kit contents are as follows:
    - Showerhead (1.5 GPM / Watersense certified)
    - Kitchen Sink Aerator (1.5 GPM, multi-swivel, dual function)
    - Bathroom Sink Aerator (1.0 GPM)
    - Water Flow Rate Bag
    - Toilet Leak Detector Tablets
    - Outdoor Watering Gauge
    - Direct Printed Reusable Tote Bag
    - Corrugated Insert

**Proposed budget: $30,712.71**

*Budget includes all applicable costs including end to end implementation, taxes and shipping*
*Price is valid with commitment by February 28, 2017*

TINKER
ENERGY + WATER
EDUCATION PROGRAMS

We really appreciate the opportunity. If you have any questions or concerns please let me know.

Sincerely,

Joe Thrasher
President
Direct: 209-765-6263

## Resource Action Programs

976 United Cir, Sparks, NV, 89431
P:(888)438-9473 F:(800)544-8051

**Date:**January 10, 2017
**Quotation #:**002375
**Program Consultant:**Kevin Flom

Steve Evans
Conservation Coordinator
City of Boynton Beach
PO Box 310
Boynton Beach, FL 33425
Phone: (561) 742-6964
Fax: 561-731-0086

We are pleased to quote the following:

**WaterWise Program**

**City of Boynton Beach WaterWise**

**Participants:**1245

**Materials Unit Price:**$15.00

**Service Unit Price:**$15.00

| | |
|---|---|
| **Subtotal Price** | $37,350.00 |
| **Sales Tax:** | $0.00 |
| **Shipping & Handling:** | $2,490.00 |

**Total Price:$39,840.00**

**Services Provided in This Quote:**

- Identification of State Education Standards & Benchmarks
- Curriculum Development and Refinement (Completed Annually)
- Curriculum Correlation to State Education Standards & Benchmarks
- Materials Modification to Incorporate City of Boynton Beach's Logo and Color Scheme
- Materials Printing
- Assembly of Materials
- Warehousing of Materials
- Incentive Program Development
- Teacher / School Identification - with City of Boynton Beach Approval
- Teacher Outreach and Program Introduction
- Teachers Enrolled in the Program Individually
- Implementation Dates Scheduled with Teachers
- Materials Shipment Coordination
- Delivery Confirmation
- Periodic Contact to Ensure Implementation and Teacher Satisfaction
- Program Completion Incentive Offered
- Results Collection
- Thank-you Cards Sent to Participating Teachers
- Data Analysis
- Reporting

**Materials Provided in This Quote:**

- (1) - GetWiseThinkGreenLiveWise Wristband
- (1) - WaterWise Parent Letter
- (1) - WaterWise Scantron Form
- (1) - WaterWise Student Guide 2016
- (1) - WaterWise Student Workbook 2016
- (1) - WaterWise-Cert of Achievement
- (1) - WaterWise Teacher Folder
- (1) - WaterWise Kit - Kit Contents Includes:
  - (1) - Digital Thermometer
  - (1) - Flow Rate Test Bag - Black
  - (1) - GetWise Wristband Postcard 2016
  - (1) - Installation Instruction Book NS 13
  - (1) - Kit Box - WaterWise 2016
  - (1) - Kit Content Label
  - (1) - Kitchen Aerator 1.5 gpm
  - (1) - Mini Tape Measure
  - (1) - Natural Resource Fact Chart 2015
  - (1) - Parent Comment Card
  - (1) - Rain / Drip Gauge
  - (1) - Showerhead-Intellishower-1.75gpm
  - (1) - Teflon Tape Card - BLANK
  - (1) - Toilet Leak Detector Tablets
  - (1) - WaterWise Program Unit

☐ **This will serve as a purchase order** ☐ **We will issue a purchase order**

I, the undersigned, declare that I have the authorization to sign this Quotation Form and agree to the quantity, pricing & terms conditions listed above

Print Name _____ Date _____
Authorized Signature _____
Title / Company _____

**Terms and Conditions**

*Quantity represents total program size. You will only be billed for the actual materials that are specifically requested and shipped. • Please allow ten (10) business days from receipt of purchase order to begin Program implementation. • This quote is valid for 90 days from the date noted above. • A quotation not accepted within 90 days may be changed. • Customer initiated modifications or corrections will be charged additionally at RAP's current rates. • Payment terms are NET 30. • All products warranties are direct to manufacturer unless otherwise noted. • Mode/Carried is RAP's choice on any/all shipments unless otherwise noted. • If issuing a Purchase Order please cite this quote number on your Purchase Order to RAP. • Please forward your Purchase Order to RAP at FAX (800)544-8051. • Make checks payable to: Resource Action Programs.*

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
Approve a $5,000 donation to the Boy Scouts of America - Gulf Stream Council to go directly to support our Police Explorers; a youth mentoring program designed to help cultivate interest among our community youth in a future law enforcement career.

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**EXPLANATION OF REQUEST:** The donation will allow the department to comply with F.S.S. 932 pertaining to the Florida Contraband Forfeiture Act.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** This program is instrumental in our pipeline of developing and recruiting youth in our community to serve as BBPD personnel. It is a key link in our efforts to ensure that the future population of the BBPD is more reflective of the community we serve...because it allows us to draw talent directly from this population.

**FISCAL IMPACT:** Non-budgeted To be paid from forfeiture account 691-5000-590-04-25

**ALTERNATIVES:** Do not approve the expenditure.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

| Type | Description |
|---|---|
| Addendum | memo |
| Addendum | Supporting Docs |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
| --- | --- | --- | --- |
| Police | Katz, Jeff | Approved | 3/17/2017 - 10:43 AM |
| Legal | Swanson, Lynn | Approved | 3/17/2017 - 3:52 PM |
| Finance | Howard, Tim | Approved | 3/28/2017 - 8:39 AM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:10 AM |

**BOYNTON BEACH POLICE DEPARTMENT**

**INTER-OFFICE MEMORANDUM**

| | | | |
|---|---|---|---|
| TO: | Lori LaVerriere<br>City Manager | FROM: | Jeffrey S. Katz<br>Chief of Police |
| REF: | Boy Scouts of America<br>Gulfstream Council | DATE: | March 15, 2017 |

3-15-17

Florida State Statute 932.7055 (5)(C)1 mandates the following regarding forfeiture funds:

As of July 1, 1992 and during every fiscal year thereafter, any law enforcement agency that acquires at least $15,000.00 pursuant to the Florida Contraband Forfeiture Act within a fiscal year must expend or donate no less than 15 percent of such proceeds for the support or operation of any drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhoods, or school resource officer program(s).

The Boynton Beach Police Department has a longstanding community partnership with the Boy Scouts of America (BSA), which serves the youth of our community. In fact, BSA oversees the structure of our local Police Explorer chapter, which seeks to introduce teens to a future career in law enforcement.

The Boynton Beach Police Department remains committed to positively influencing juveniles within our community through financial assistance, mentorship opportunities or empowerment programs. This donation fulfils both our legal obligation and under FSS 932 and the strategic intent of our mission statement. This donation should be drawn from account number 5000-590-04-25. The current balance of this account is $63,429.62. This is a one-time expenditure with no recurring associated costs.

**BOY SCOUTS OF AMERICA©**
**GULF STREAM COUNCIL**

February 13, 2017

Jeffrey S. Katz, Chief of Police
Boynton Beach Police Department
100 E. Boynton Beach Boulevard
Boynton Beach, Florida 33435

Dear Chief Katz:

Thank you for your ongoing support of the Gulf Stream Council of the Boy Scouts of America and especially your organization's commitment to the Exploring program.

For 65 years the Exploring program has help prepare young people for the complexities of adulthood. Besides offering participants immersive career experiences, Exploring reinforces needed "soft skills" including character development, citizenship and leadership experiences. As an added benefit, Exploring can help cultivate future employees for your organization and further develop current staff assigned to the program.

The on-going success of our programs would be impossible without the financial support of committed individuals, businesses, and organizations. As a long-time contributor to the Gulf Stream Council, we know that you recognize the tremendous value of your annual gift.

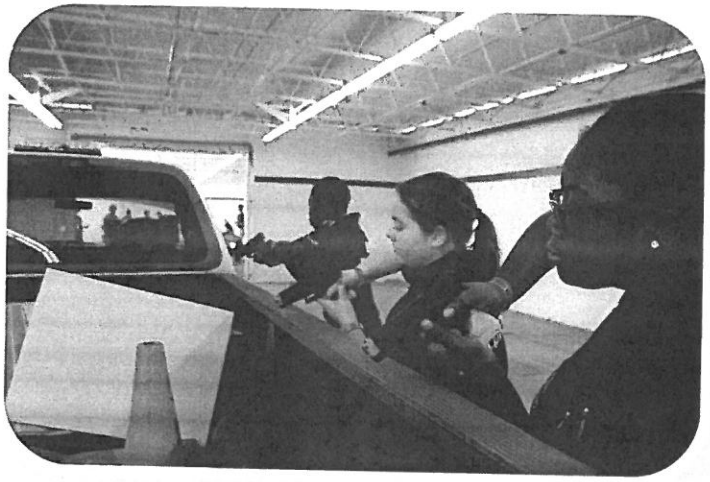
**We humbly request that the Boynton Beach Police Department consider a donation of $5,000 to support the Exploring program in our community in 2017.**

A robust Exploring program can help prevent crime and keep neighborhoods safe by providing youth with skills to help them find and be successful in their careers of choice.

Thank you for your time and consideration.

Sincerely,

Jeff Isaac
Scout Executive / CEO



8335 North Military Trail
Palm Beach Gardens, FL 33410
(561)694-8585 - Office ▪ (561)694-9050 - Fax
bsagsc@scouting.org ▪ www.GulfStreamCouncil.org

Prepared. For Life.™

# Gulf Stream Council

EXPLORING™

DISCOVER YOUR FUTURE

## Grant Proposal Prepared Especially For

# Boynton Beach Police Department

# What is Exploring?

Exploring teaches important life and career skills to young people from all backgrounds through immersive career experiences and mentorship by community leaders like you. Together, we equip young people with character, leadership and life skills that can be used both today and in their future careers.

Exploring serves two different age groups, both coed. Explorer Clubs serve middle schoolers, aged 10 - 13 in sixth through eighth grades. Explorer Posts serve older youth 14 - 20 years old. The program model is the same for both age groups: Hands-on and interactive character and career activities that are facilitated by trained professionals from participating organizations.

# History of Exploring

Exploring began as a senior scout program in early Boy Scout troops. In 1935, senior Scouts were called Explorers for the first time, and many were organized in separate Explorer crews within scout troops. In May 1949, the Boy Scouts of America recognized all young men in posts, Sea Scout ships, Air Scout squadrons, and all Boy Scouts over age 14 as Explorers.

In 1954, the BSA commissioned a national study that revealed the needs, desires, and concerns of boys 14 to 16. As a result, a completely new Exploring program was developed and implemented in 1959. This new program included activities, methods, and recognitions that were similar to, but separate from, the Boy Scouting program. After almost 10 years of limited progress, another study found that 83% of youth surveyed wanted more information on careers than they were getting at home or in school, and 94% wanted adult associations. Coed participation, sports, and adult-life recognition were found necessary to attract young adults to Exploring.

As a result, special-interest Explorer posts began to be organized by businesses, professional and trade organizations. This opportunity to join posts that specialized in careers or recreational programs attracted large numbers of young adults to Exploring. In April 1971, young women became eligible for full membership in Exploring, and the upper age limit in Exploring was increased to 21. By 1981, the rapid growth of Exploring led to the development of national specialty programs in aviation, business, science and engineering, law and government, law enforcement, health careers, outdoor, Sea Exploring, sports, career education, arts, skilled trades, social service, fire and rescue, and communications. An Explorer Presidents' Association Congress was designed to train local and national youth leaders. A biennial national Explorer leadership conference was implemented in 1994.

In 1991, the Boy Scouts of America announced the creation of the Learning for Life Corporation to provide a character education curriculum that could be facilitated in schools. Exploring, functioning as a career education program, was shifted to the Learning for Life Corporation in 1998.

In early 2013, Learning for Life obtained official approval to start the Explorer Club career education program for young people in middle school. The Explorer Club program was created in response to the U.S. Department of Education's emphasis on career education at the lower grade levels.

# Our Vision

Shape the workforce of tomorrow by engaging and mentoring today's youth in career and life-enhancing opportunities.

# Our Mission

Deliver character-building experiences and mentorship that allow youth to achieve their full potential in both life and work.

# Problem Statement

**In its 2013 Gang Reduction Annual Report, the Florida's Attorney General's Office noted that gang prevalence in Palm Beach County is among the highest in the state.** A variety of factors can lead young people to join gangs according to the National Crime Prevention Council. They include unstable family conditions, peer pressure, academic underachievement and community turmoil. However, the NCPC advises that youth can be dissuaded from gang membership by keeping them in school and enrolling them in after school activities promoting, responsible decision-making, self-esteem, service learning and other life-skills.

**Several studies have identified a link between unemployment and crime.** One study by the Justice Policy Institute found that in crime rates in one metropolitan city's neighborhoods mirrored their unemployment rates. The report surmised that developing marketable career skills may not be as important to disadvantaged youth as learning how to avoid violence, find a meal or stay out of trouble. It is reasonable to assume that at-risk youth from other cities face the same challenges and decisions.

**Palm Beach County's juvenile felonies were up in 2016.** While total juvenile arrests were down in Palm Beach County last year, the Florida Department of Juvenile Justice reported a slight uptick in juvenile felony arrests. Increased arrests of juveniles were reported for offenses including armed robbery, auto theft, drug violations and obstruction of justice.

# Poposed Solution

Our solution to this problem is to re-direct young people from negative, self-imposed limitations and introduce them to the possibilities available to them. The Exploring program does this by emphasizing career opportunities, leadership experiences, life skills, citizenship and character education. Exploring is an informal educational system that works to develop tomorrow's workforce by teaching skills employers find desirable. Exploring strives to instill the values of civil and corporate responsibility where youth interact with community role models.

Explorer posts specialize in a variety of career areas and plan activities that offer participants hands-on career exploration. Each post is sponsored by a participating organization. The organization's resources, the skills of the adult leaders and the particular interests of youth become the tools to develop a program. Business, industry, governmental agencies, professional societies, civic clubs, labor unions and other community organizations operate posts.

## 2017 Executive Board Officers

**PRESIDENT**
**Karen Donnelly**
Owner, KayDee Sports

**COUNCIL COMMISSIONER**
**Ray Lynch**
Dealer Development Rep., Fifth Third Bancorp

**VICE PRESIDENT – PROPERTIES**
**Robert Bentz**
Director - Vice President, Atlantic Land Realty, Inc.

**VICE PRESIDENT – DEVELOPMENT**
**Alan Murphy, Jr.**
Owner, Pioneer Linens

**VICE PRESIDENT-MEMBERSHIP**
**Susan Brokaw**

**VICE PRESIDENT - GOVERNANCE**
**Michael Pipkins**
Financial Advisor - UBS Financial Services, Inc.

**VICE PRESIDENT - DISTRICT OPERATIONS**
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Retired Engineer - Pratt & Whitney Aircraft

**VICE PRESIDENT - ENDOWMENT**
**Raymond Kramer III, Esq.**
Beasley, Kramer & Galardi, PA

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**David Sunderman**
Vice President, LexisNexis Risk Solutions

**ASSISTANT TREASURER**
**Kathryn Salvia, CPA**
DazkalBolton, LLP

**SECRETARY**
**Jeff Isaac**
Scout Executive/CEO, Gulf Stream Council

## 2017 Executive Board Members

**Dr. Steve Alexander**
Psychologist

**Jeff Atlas**
Senior Vice President, Raymond James

**Michael Dixon**
Partner, Akerman

**John Domenico**
Senior VP, US Trust / Bank of America Private Wealth

**George Elmore**
President / CEO, Hardrives of Delray, Inc.

**Norman Ginsberg**
Retired Executive

**Bruce Langmaid**

**Mark Luttier, Esq.**
Partner, Critton, Luttier & Coleman

**John Marion IV, Esq.**
Partner, Sellars, Marion and Bachi

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**Charles Poole**

**James Robo**
Chairman and CEO, NextEra Energy, Inc.

**Kevin Suncine**
VP Human Resources, NextEra Energy Resources, LLC

**Stephen Walker, Esq.**
Partner, Lewis, Longman & Walker P.A.

**Scott Warner**
The Warner Team

GULF STREAM COUNCIL
BOY SCOUTS OF AMERICA

# 2017 Exploring Program Budget

| | | |
|---|---|---|
| Fire Explorer Challenge | $ | 570.00 |
| Law Enforcement Explorer Challenge | $ | 2,600.00 |
| Law Enforcement Exploring Recognition Luncheon | $ | 8,690.00 |
| Firematics | $ | 570.00 |
| Law Enforcement Exploring Academy | $ | 24,220.00 |
| Law Enforcement Exploring Leadership Weekend | $ | 4,285.00 |
| Leadership Development Workshops | $ | 9,700.00 |
| **Total** | **$** | **50,635.00** |

# Nondiscrimination Statement

Learning for Life programs are designed for all age groups from pre-kindergarten through age 20. Youth participation is open to any youth in the prescribed age group for that particular program.

Adults are selected by the participating organization for involvement in the program.

Color, race, religion, gender, sexual orientation, ethnic background, disability, economic status or citizenship is not criteria for participation by youth or adults.

# 2016 Acomplishments

## *How was last year's contribution from the City of Boynton Beach used?*

In addition to providing general support year-round to organizations using the Exploring program, the Gulf Stream Council coordinated four council-wide activities for law enforcement Explorers in 2016. Your $5,000 gift last year helped support those activities, which were attended by Explorers from the Boynton Beach Police Department.

**Law Enforcement Challenge**: Last April, this career skills competition drew 151 Explorers from throughout the Gulf Stream Council, including 9 from the Boynton Beach Police Department. Explorers demonstrated police-related skills in twelve practical events. One of those events, Building Searches, was hosted by the post from Boynton. Beach.

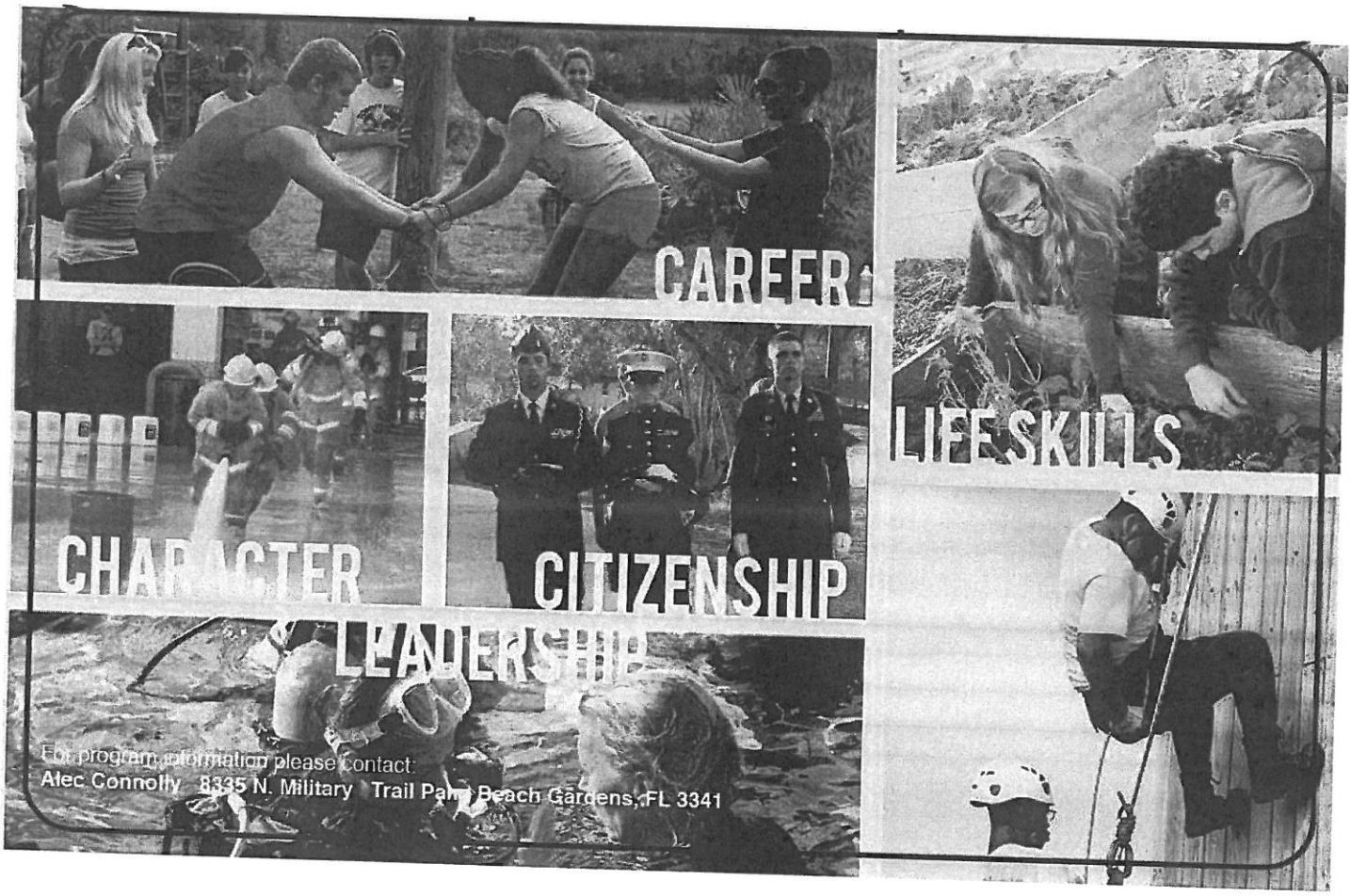
**Law Enforcement Recognition Luncheon**: This opportunity to recognize exemplary youth and adult leaders last May was attended by 276 Explorers, adult leaders, agency representatives and family members, including 11 from Boynton Beach.

**Law Enforcement Explorer Academy**: This weeklong residential career education program held in July provided Explorers with practical, hands-on law enforcement and life-skills training. Presented in a structured and highly disciplined environment, the academy offered Explorers a glimpse of the training they might receive in an actual police recruit academy. Six of the 74 Explorers in attendance hailed from the Boynton Beach Police Department.

**Law Enforcement Explorer Leadership Weekend**: Held at Indian River State College's Public Safety Training Complex last November, this activity focused on building Explorers' leadership skills and exposing them to state-of-the-art training facilities. Sixty-six Explorers from eight law enforcement agencies participated this

# EXPLORING™

## DISCOVER YOUR FUTURE



# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:** Approve release of a Bond, in the form of a Letter of Credit, in the amount of $163,235 for the completion of the clearing and grubbing in association with the High Ridge Landing project.

---

**EXPLANATION OF REQUEST:**
The Public Works Department Engineering Division requests approval to release the Performance Bond, in the form of a Letter of Credit (#18124504-00-000), in the amount of $163,235.00 for the completion of the clearing and grubbing in association with the High Ridge Landing project.

- High Ridge Housing, LLC submitted a Letter of Credit, from PNC Bank, for the completion of the clearing and grubbing in association with the High Ridge Landing Project, in the amount of $163,235.00.
- The Public Works Engineering Division has inspected the improvements and found no items needing correction.
- McLeod McCarthy and Associates, P.A. has certified that improvements were done in accordance with the approved plans.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** N/A

**FISCAL IMPACT:** Non-budgeted N/A

**ALTERNATIVES:** N/A

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:** N/A

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:** N/A

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

| Type | Description |
| --- | --- |
| Attachment | Consultant's Final Certification |
| Attachment | PBC R/W Permit Release RW33035-1015 |
| Attachment | Copy of Letter of Credit |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
| --- | --- | --- | --- |
| Public Works-Engineering | Livergood, Jeffrey | Approved | 3/20/2017 - 2:47 PM |
| Finance | Howard, Tim | Approved | 3/24/2017 - 8:36 AM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:15 AM |

McLeod • McCarthy & Associates, P.A.
Civil Engineers

March 17, 2017

Gary Dunmyer
City Engineer
Public Works, Engineering
City of Boynton Beach
100 E. Boynton Beach Blvd. | Boynton Beach, Florida 33435

**Re: High Ridge Landing: City of Boynton Beach Land Development Permit**
Boynton Beach, Florida (MMA #14-10)

**ENGINEER'S CERTIFICATION (SITE DEVELOPMENT)**

As a registered engineer in the State of Florida, to the best of my knowledge, information, and belief, it is my professional opinion that the site improvements constructed under The City of Boynton Beach Land Development Permit, based on field reviews under my responsible charge, have been constructed in substantial accordance with the approved construction plans and Land Development Permit issued by the City of Boynton Beach on October 29, 2015.

I request that the City release 95% of the restoration surety funds currently being held for this project.

If any further information is needed to proceed with releasing surety for this project, please feel free to contact me.

Sincerely,

TODD N. McLEOD
LICENSE
No. 69188
STATE OF FLORIDA
PROFESSIONAL ENGINEER

3/17/17
**Todd N. McLeod, P.E.**
Principal, President
FL License No. 69188 | CA No. 30535

The Forum III | 1655 Palm Beach Lakes Blvd, Suite 712 | West Palm Beach, FL 33401
T 561 689 9500 | F 561 689 8080
todd@mcleodmccarthy.com • www.mcleodmccarthy.com

02/14/2017

**Department of Engineering and Public Works**
P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
Fax: (561) 684-4050
www.pbcgov.com

**Palm Beach County Board of County Commissioners**

Paulette Burdick, Mayor
Melissa McKinlay, Vice Mayor
Hal R. Valeche
Dave Kerner
Steven L. Abrams
Mary Lou Berger
Mack Bernard

Verdenia C. Baker

*"An Equal Opportunity Affirmative Action Employer"*

High Ridge Housing, LLC
5604 PGA Blvd
Palm Beach Gardens, FL 33418

**COMPLETION NOTICE FOR PERMIT NUMBER: RW33035-1015**

**PROJECT LOCATION: Northwest corner of Miner Road and High Ridge Road in the City of Boynton Beach**

**ROAD NAME AND DESCRIPTION: MINER ROAD - EXISTING PAVEMENT LANE MARKINGS TO BE REMOVED AT THE WEST SIDE OF HIGH RIDGE ROAD.**
**HIGH RIDGE ROAD -**
**1.) INSTALL A DRIVEWAY CONNECTION IN THE WEST R/W APPROX. 460 FEET NORTH OF MINER ROAD.**
**2.) INSTALL A STABILIZED GRASS DRIVEWAY IN THE WEST R/W APPROX. 900 FEET NORTH OF MINER ROAD - EMERGENCY USE ONLY, REQUIRED BY THE CITY OF BOYNTON BEACH.**
**3.) INSTALL A RIGHT TURN LANE AT MINER ROAD, INCLUDING DRAINAGE FACILITIES AND CONCRETE SIDEWALK.**
**4.) MILL AND RESURFACE , ADD/REFURBISH PAVEMENT MARKINGS.**

The final field review for the above permit was conducted by the Palm Beach County Construction Coordination Division on **02/09/2017**, and was found satisfactory. This permit is closed.

Thank you for your cooperation with Palm Beach County.

James Peters
Land Development Division

JMK:JP

cc: TODD MCLEOD - MCLEOD, MCCARTHY AND ASSOCIATES, P.A.

Field Review

PNC Bank, National Association
International Trade Service Operations
500 First Avenue - 2nd Floor
Pittsburgh, PA 15219
Mail Stop: P7-PFSC-02-T

Customer Service: 1-800-682-4689
SWIFT Address: PNCCUS33

PNC

JOHN WEIR
HIGH RIDGE HOUSING, LLC
5604 PGA BOULEVARD, SUITE 109
PALM BEACH GARDENS, FL 33418

NOTIFICATION OF ISSUANCE STANDBY LETTER OF CREDIT

DATE: JANUARY 06, 2016

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| | |
|---|---|
| OUR REFERENCE: | 18124504-00-000 |
| APPLICANT: | HIGH RIDGE HOUSING, LLC |
| BENEFICIARY: | CITY OF BOYNTON BEACH |
| AMOUNT: | USD $163,235.00 |
| EXPIRY DATE: | JANUARY 06, 2017 |
| EXPIRY PLACE: | OUR COUNTERS |

---

PLEASE FIND THE ENCLOSED COPY OF OUR STANDBY LETTER OF CREDIT NUMBER 18124504-00-000.

WE KINDLY ASK YOU TO REVIEW THE DETAILS OF THE LETTER OF CREDIT AND NOTIFY US IF YOU HAVE ANY CONCERNS RELATED TO THIS LETTER OF CREDIT.

PNC BANK, NATIONAL ASSOCIATION COMPLIES WITH ALL APPLICABLE U.S. LAWS AND REGULATIONS AND THEREFORE ANY DOCUMENTS OR TRANSACTIONS WHICH IMPLICATE ANY VIOLATION UNDER THOSE LAWS OR REGULATIONS ARE PROHIBITED. IT IS THE APPLICANT'S RESPONSIBILITY TO MAKE SURE THAT ALL TRANSACTIONS COMPLY WITH ALL APPLICABLE U.S.LAWS AND REGULATIONS. PNC BANK, NATIONAL ASSOCIATION WILL TAKE APPROPRIATE ACTION(S) IN THE EVENT OF AN ACTUAL OR POSSIBLE VIOLATION, WHICH ACTION(S) MAY INCLUDE REPORTING TO APPROPRIATE GOVERNMENT AGENCY(IES).

SHOULD YOU REQUIRE ANY ASSISTANCE, PLEASE CONTACT THE INTERNATIONAL TRADE SERVICE OPERATIONS BY TELEPHONE AT 1-800-682-4689. WHEN REFERRING TO THIS LETTER OF CREDIT, REMEMBER TO QUOTE OUR REFERENCE NUMBER 18124504-00-000.

EXCEPT AS OTHERWISE STATED, THIS TRANSACTION IS SUBJECT TO THE VERSION OF THE ICC UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS, INTERNATIONAL CHAMBER OF COMMERCE, PARIS, FRANCE, WHICH IS IN EFFECT AT THE TIME OF ISSUANCE OF THIS LETTER OF CREDIT.

PNC BANK, NATIONAL ASSOCIATION
INTERNATIONAL TRADE SERVICE OPERATIONS

THIS IS A COMPUTER GENERATED DOCUMENT; A MANUAL SIGNATURE IS NOT REQUIRED.

**PNC Bank, National Association**
**International Trade Service Operations**
**500 First Avenue - 2nd Floor**
**Pittsburgh, PA 15219**
**Mail Stop: P7-PFSC-02-T**

**Customer Service: 1-800-682-4689**
**SWIFT Address: PNCCUS33**

PNC

BENEFICIARY:
CITY OF BOYNTON BEACH
100 E. BOYNTON BEACH BOULEVARD
BOYNTON BEACH, FL 33425

APPLICANT:
HIGH RIDGE HOUSING, LLC
5604 PGA BOULEVARD, SUITE 109
PALM BEACH GARDENS, FL 33418

ATTENTION: ANDREW MACK

# IRREVOCABLE STANDBY LETTER OF CREDIT

| | |
|---|---|
| OUR REFERENCE: | 18124504-00-000 |
| AMOUNT: | USD $163,235.00 |
| ISSUE DATE: | JANUARY 06, 2016 |
| EXPIRY DATE: | JANUARY 06, 2017 |
| EXPIRY PLACE: | OUR COUNTERS |

WE HEREBY OPEN OUR IRREVOCABLE LETTER OF CREDIT NO. 18124504-00-000 IN FAVOR OF THE CITY OF BOYNTON BEACH, FLORIDA ("CITY") FOR THE INITIAL AMOUNT OF USD$163,235.00 (ONE HUNDRED SIXTY THREE THOUSAND TWO HUNDRED THIRTY FIVE AND 00/100 UNITED STATES DOLLARS) EFFECTIVE AS OF THIS DATE, AND AVAILABLE FOR PAYMENT BY YOUR DRAFT(S) DRAWN ON AT SIGHT AT PNC BANK, NATIONAL ASSOCIATION.

WE ARE INFORMED THAT THIS LETTER OF CREDIT IS ISSUED PURSUANT TO THE TERMS OF THAT CERTAIN SITE PERMIT #15-2202 (HEREINAFTER, "PERMIT"), ISSUED TO THE ACCOUNT OF HIGH RIDGE HOUSING, LLC, AS DEVELOPER, IN FAVOR OF THE CITY OF BOYNTON BEACH, FLORIDA, TO DEVELOP A 184-UNIT MULTI-FAMILY RENTAL COMPLEX, CONSISTING OF A CLUBHOUSE, 8 RESIDENTIAL BUILDINGS AND SITE AMENITIES (HEREINAFTER, CALLED THE "PROJECT"), AND TO CONSTRUCT AND INSTALL THE REQUIRED PUBLIC IMPROVEMENTS AND TO SERVE AS A RESORATION SURETY SUBSEQUENT TO RECORDATION OF SAID PLAT FOR THE PROJECT PURSUANT TO THE TERMS OF THE PERMIT. THIS LETTER OF CREDIT, HOWEVER, IS INDEPENDENT OF SAID PERMIT AND REFERENCE HEREIN IS FOR INFORMATION ONLY.

THE INITIAL AMOUNT OF FUNDS AVAILABLE UNDER THIS LETTER OF CREDIT IS STATED IN ABOVE, BUT MAY BE REDUCED FROM TIME TO TIME BY AMENDMENT. WE HEREBY AGREE THAT SUCH REDUCTION SHALL NOT BE EFFECTIVE UNTIL WRITTEN CONSENT FROM THE BENEFICIARY.

IT IS A CONDITION OF THIS LETTER OF CREDIT THAT IT WILL BE AUTOMATICALLY EXTENDED, WITHOUT AMENDMENT, FOR AN ADDITIONAL PERIOD OF ONE (1) YEAR FROM THE PRESENT OR ANY FUTURE EXPIRATION DATE, UNLESS AT LEAST SIXTY (60) DAYS PRIOR TO THE THEN PRESENT EXPIRATION DATE, WE HAVE NOTIFIED YOU IN WRITING, AT THE ABOVE ADDRESS, BY REGISTERED MAIL, CERTIFIED MAIL, OR RECEIPTED COURIER SERVICE THAT WE ELECT NOT TO EXTEND THIS LETTER OF CREDIT FOR ANY SUCH ADDITIONAL PERIOD. UPON RECEIPT OF SUCH NOTICE, YOU MAY DRAW HEREUNDER FOR THE THEN AVAILABLE AMOUNT OF THE CREDIT WITHIN THE THEN APPLICABLE EXPIRATION DATE BY YOUR DRAFT(S) DRAWN ON US.

PNC Bank, National Association
International Trade Service Operations
500 First Avenue - 2nd Floor
Pittsburgh, PA 15219
Mail Stop: P7-PFSC-02-T

Customer Service: 1-800-682-4689
SWIFT Address: PNCCUS33

DRAFT(S) DRAWN UNDER THIS LETTER OF CREDIT MUST BE MARKED: "DRAWN UNDER PNC BANK, NATIONAL ASSOCIATION, LETTER OF CREDIT NO. 18124504-00-000."

SHOULD YOU HAVE THE OCCASION TO COMMUNICATE WITH US REGARDING THIS LETTER OF CREDIT, KINDLY DIRECT YOUR COMMUNICATION TO INTERNATIONAL CLIENT CARE AT (800) 682-4689, SPECIFICALLY CITING THIS LETTER OF CREDIT NUMBER.

WE HEREBY ENGAGE WITH YOU THAT DRAWINGS PRESENTED UNDER AND IN COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS LETTER OF CREDIT WILL BE DULY HONORED IF PRESENTED TO US AT PNC BANK, NATIONAL ASSOCIATION, 500 FIRST AVENUE, SECOND FLOOR, P7-PFSC-02-T, PITTSBURGH, PA 15219, ATTENTION: INTERNATIONAL TRADE SERVICES, ON OR BEFORE THE EXPIRY DATE, OR ANY AUTOMATICALLY EXTENDED EXPIRY DATE.

THIS LETTER OF CREDIT SHALL BE SUBJECT TO AND GOVERNED BY THE LAWS OF THE STATE OF FLORIDA AND THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (2007 REVISION) INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 600. IN THE EVENT OF ANY CONFLICT, THE LAWS OF THE STATE OF FLORIDA SHALL PREVAIL. VENUE FOR ANY LEGAL ACTION UNDER THIS LETTER OF CREDIT SHALL BE IN PALM BEACH COUNTY, FLORIDA. OUR ADDRESS FOR SERVICE OF PROCESS IS:

PUBLIC WORKS/ENGINEERING DEPARTMENT
CITY OF BOYNTON BEACH
100 E. BOYNTON BEACH BOULEVARD
BOYNTON BEACH, FL 33435
ATTN: ANDREW MACK
CITY ENGINEER

PNC BANK, NATIONAL ASSOCIATION
INTERNATIONAL TRADE SERVICE OPERATIONS

PNC Bank, National Association
International Trade Service Operations
500 First Avenue - 2nd Floor
Pittsburgh, PA 15219
Mail Stop: P7-PFSC-02-T

Customer Service: 1-800-682-4689
SWIFT Address: PNCCUS33

PNC

HIGH RIDGE HOUSING, LLC
ATTN: JOHN WEIR
5604 PGA BOULEVARD, SUITE 109
PALM BEACH GARDENS, FL 33418

STATEMENT OF FEES AND COMMISSIONS

WE WILL DEBIT YOUR DEMAND DEPOSIT ACCOUNT NUMBER XXXXXX0489 FIFTEEN DAYS FROM THE DATE OF THIS ADVICE.

---

| | |
|---|---|
| OUR REFERENCE: | 18124504-00-000 |
| APPLICANT: | HIGH RIDGE HOUSING, LLC |
| BENEFICIARY: | CITY OF BOYNTON BEACH |
| DATE OF INVOICE: | 01/06/2016 |
| LETTER OF CREDIT TYPE: | STANDBY |

---

| | |
|---|---|
| DOMESTIC COURIER | $25.00 |
| STANDBY ISSUANCE FEE | $350.00 |
| TOTAL AMOUNT TO BE DEBITED: | $375.00 |

SHOULD YOU REQUIRE ANY ASSISTANCE PLEASE CONTACT INTERNATIONAL CLIENT CARE AT 1-800-682-4689 OPTION 2

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
Accept the Fiscal Year 2016-2017 Budget Status Report of the General Fund and the Utilities Fund for the five (5) month period ended February 28, 2017.

---

**EXPLANATION OF REQUEST:**
This report summarizes the estimated funding sources and the adopted expenditure budgets for the City's General Fund and Utility Fund for the five (5) month period ended February 28, 2017 (42% of the fiscal year). The analysis compares:

- Actual results for the current period to the annual budget
- Actual results for the same period of the prior year annual budget

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**
The annual budget is what provides and controls the resources for City programs and services.

**FISCAL IMPACT:**
The annual budget and results to date for the General Fund and Utility Fund.

**GENERAL FUND**

| | FY 2016-17 | | | FY 2015-16 | | | FY 2017 vs. 2016 | |
|---|---|---|---|---|---|---|---|---|
| | Annual Budget | Actual to Date Amount | % | Annual Budget | Actual to Date Amount | % | Budget % | Actual % |
| Revenues &Transfers | $ 79,401 | $ 51,514 | 65% | $ 76,518 | $ 48,017 | 63% | 3.8% | 7.3% |
| Expenditures | $(79,401) | $(39,927) | 50% | $(76,518) | $(39,652) | 52% | 3.8% | 0.7% |
| Excess (Deficit) | $ - | $ 11,587 | | $- | $ 8,365 | | | |

The General Fund chart above reflects revenue in excess of expenditures (dollars in thousand) yielding a $11.5M surplus for the period ending February 28, 2017.

**Revenues & Transfers (Exhibit A) – Budgeted Funding Sources:** Property taxes and other revenues provide funding sources of $64.6M or 81% of our total $79.4M General Fund budget estimate for FY 2016-17. Transfers from other funds (non-revenues) provide $14.8M or 19% of the total funding sources to balance our $79.4M General Fund budgeted expenditures.

These three major estimated funding sources are summarized as follows:

1. 40% - $ 31.6M – Property taxes less Tax Increment Financing to the CRA
2. 41% - $ 33.0M – All other revenues plus General Fund Balance
3. 19% - $ 14.8M – Transfers from other funds

100% - $ 79.4M – Total funding sources

The property tax rate for FY 2016-17 is 7.9000 mills, no change from the prior year; the net property taxes of $31.6M in FY 2016-17 represent an 7.48% increase in property tax revenue or an increase of $2.2M from FY 2015-16.

To balance the budget in FY 2016-17, it required transfers from other funds of $14.8M representing 19% of all funding sources.

**Actual Funding Sources Realized:** At the end of the fifth month in FY 2016-17, revenues and transfers realized are approximately $51.5M of the budget estimate compared to $48.0M realized to date in FY 2015-16.

**Ad Valorem Taxes, net of discounts and TIF taxes to the CRA**, received to date was $27.6M as compared to $25.6M for FY 2015-16, as noted on Exhibit A.

**Expenditures (Exhibit B)**

**Budgeted Expenditures:** Overall, appropriations increased approximately 3.8% from $76.5M to $79.4M. The budget increase was due to the cost of doing business, providing funding related to wage increases, equipment and additional personnel.

**Actual Expenditures –** General Fund expenditures for the five month period ending February 28 (42% of the fiscal year) are $39.9M which is 50% of the $79.4M expenditure appropriation for FY 2016-17. Note: the City's annual pension obligations for General Employees, Fire, and Police are paid in the first month of the fiscal year.

The table at the top of Exhibit B displays actual expenditures of $39.9M or 50% of the FY 2016-17 budget. At this point in the fiscal year, FY2016-17 spending levels are $.3M ahead of the $39.6M or 52% expended in FY 2015-16 for this same period.

**UTILITY FUND**

The FY 2016-17 annual expenditure budget of $42.24M represents a $27K increase from the FY 2015-16 budget of $42.21M. The operational forecast reflects an estimated increase of $1.2M of the fund balance for FY 2016-17.

| | FY 2016-17 | | | FY 2015-16 | | | FY 2017 vs. 2016 | |
|---|---|---|---|---|---|---|---|---|
| | Annual Budget | Actual to Date Amount | % | Annual Budget | Actual to Date Amount | % | Budget % | Actual % |
| Revenues &Transfers | $ 42,245 | $ 18,531 | 44% | $ 42,218 | $ 18,458 | 44% | 0.1% | 0.4% |
| Expenditures | $(42,245) | $(17,782) | 42% | $(42,218) | $(17,689) | 42% | 0.1% | 0.5% |
| Excess (Deficit) | $ - | $ 749 | | $ - | $ 769 | | | |

For the five month period in FY 2016-17,

- Revenues realized are $18.5M (44%) of the annual budget estimate.
- Expenditures incurred are $17.7M (42%) of the annual appropriated budget.

This resulted in revenues in excess expenditures which yielded a surplus of approximately $749K.

**Expenditures (Exhibit D)** – Utility Fund FY 2016-17 expenditures to date are $17.78M or 42% of the annual appropriation compared to expenditures of $17.68M or 42% for the prior fiscal year (which excludes

depreciation and the joint ventures expenditures).

**ALTERNATIVES:**
Discuss this Budget Status Report or request clarification at the City Commission meeting.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

---

**Is this a grant?** No

**Grant Amount:**

---

**ATTACHMENTS:**

| Type | Description |
|---|---|
| Addendum | GF Financial Report - Rev. thru Feb 28, 2017 |
| Addendum | GF Financial Report - Exp. thru Feb 28, 2017 |
| Addendum | UF Financial Report - Rev. thru Feb 28, 2017 |
| Addendum | UF Financial Report - Exp. thru Feb 28, 2017 |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Finance | Howard, Tim | Approved | 3/31/2017 - 10:09 AM |
| Finance | Howard, Tim | Approved | 3/31/2017 - 10:09 AM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 10:26 AM |

EXHIBIT A

# CITY OF BOYNTON BEACH, FLORIDA

## GENERAL FUND ANALYSIS

## STATEMENT OF REVENUES - COMPARATIVE BUDGET TO ACTUAL

Fiscal Year Period Ended February 28, 2017 (42% of Fiscal Year)

| REVENUES | | | | | | |
|---|---|---|---|---|---|---|
| ACCOUNTS | FY 2016-17 BUDGET APPROVED | FY 2016-17 TO DATE | | FY 2015-16 BUDGET APPROVED | FY 2015-16 TO DATE | |
| | | REVENUE REALIZED | % REALIZED | | REVENUE REALIZED | % REALIZED |
| AD VALOREM TAXES, net | $ 38,322,309 | $ 34,344,145 | 90% | $ 35,437,711 | 31,627,877 | 89% |
| LESS TIF TAXES TO CRA | (6,682,137) | (6,682,137) | 100% | (5,985,241) | (5,985,241) | 100% |
| NET TAXES TO THE CITY | 31,640,172 | 27,662,008 | 87% | 29,452,470 | 25,642,636 | 87% |
| LICENSES AND PERMITS | | | | | | |
| BUSINESS TAXES | 1,656,000 | 1,529,137 | 92% | 1,545,000 | 1,473,919 | 95% |
| BUILDING PERMITS | 2,417,000 | 1,050,813 | 43% | 2,154,000 | 829,111 | 38% |
| FRANCHISE FEES | 5,065,000 | 1,974,404 | 39% | 4,830,000 | 2,123,394 | 44% |
| OTHR LICENSES, FEES & PER | 218,000 | 180,654 | 83% | 180,000 | 183,276 | 102% |
| INTERGOVERNMENTAL REVENUES | | | | | | |
| OTHER FEDERAL REVENUE | 85,000 | 4,209 | 5% | 130,000 | 12,698 | 10% |
| STATE SHARED REVENUES | 8,674,000 | 3,450,409 | 40% | 8,239,000 | 2,460,613 | 30% |
| SHRD REV FROM OTHR LCL | 310,000 | 49,747 | 16% | 395,000 | 73,453 | 19% |
| CHARGES FOR SERVICES | | | | | | |
| PYMTS IN LIEU OF TAXES | 121,300 | 134,833 | 111% | 121,300 | 120,133 | 99% |
| CHRGS-GENERAL GOVT | 459,500 | 184,300 | 40% | 459,000 | 239,065 | 52% |
| PUBLIC SAFETY | 5,133,816 | 2,881,816 | 56% | 4,870,949 | 2,070,682 | 43% |
| PHYSICAL ENVIRONMENT | 20,000 | (1,002) | -5% | 20,000 | 11,976 | 60% |
| CULTURE/RECREATION | 415,500 | 188,549 | 45% | 410,500 | 170,642 | 42% |
| INTEREST & MISC REVENUE | | | | | | |
| LIBRARY FINES | 30,000 | 7,219 | 24% | 30,000 | 6,862 | 23% |
| VIOLATIONS LOCAL ORD. | 720,000 | 269,349 | 37% | 595,000 | 324,793 | 55% |
| INTEREST EARNINGS | 50,000 | 25,762 | 52% | 50,000 | 19,399 | 39% |
| RENTS AND ROYALTIES | 368,800 | 169,577 | 46% | 367,200 | 140,012 | 38% |
| SPECIAL ASSESSMENTS | 5,541,500 | 4,994,611 | 90% | 5,541,500 | 4,981,700 | 90% |
| SALE OF SURPLUS MATERIAL | 2,000 | 1,004 | 50% | 2,000 | 767 | 38% |
| OTHER MISC. REVENUE | 625,000 | 153,449 | 25% | 233,000 | 93,071 | 40% |
| INTERNAL FUND TRANSFERS | | | | | | |
| TRANSFERS | 14,842,000 | 6,184,167 | 42% | 16,442,000 | 6,850,833 | 42% |
| FUND BALANCE APPROPRIATED | 1,006,726 | 419,469 | 42% | 450,645 | 187,769 | 42% |
| Total Revenues | $ 79,401,314 | $ 51,514,484 | 65% | $ 76,518,564 | 48,016,804 | 63% |

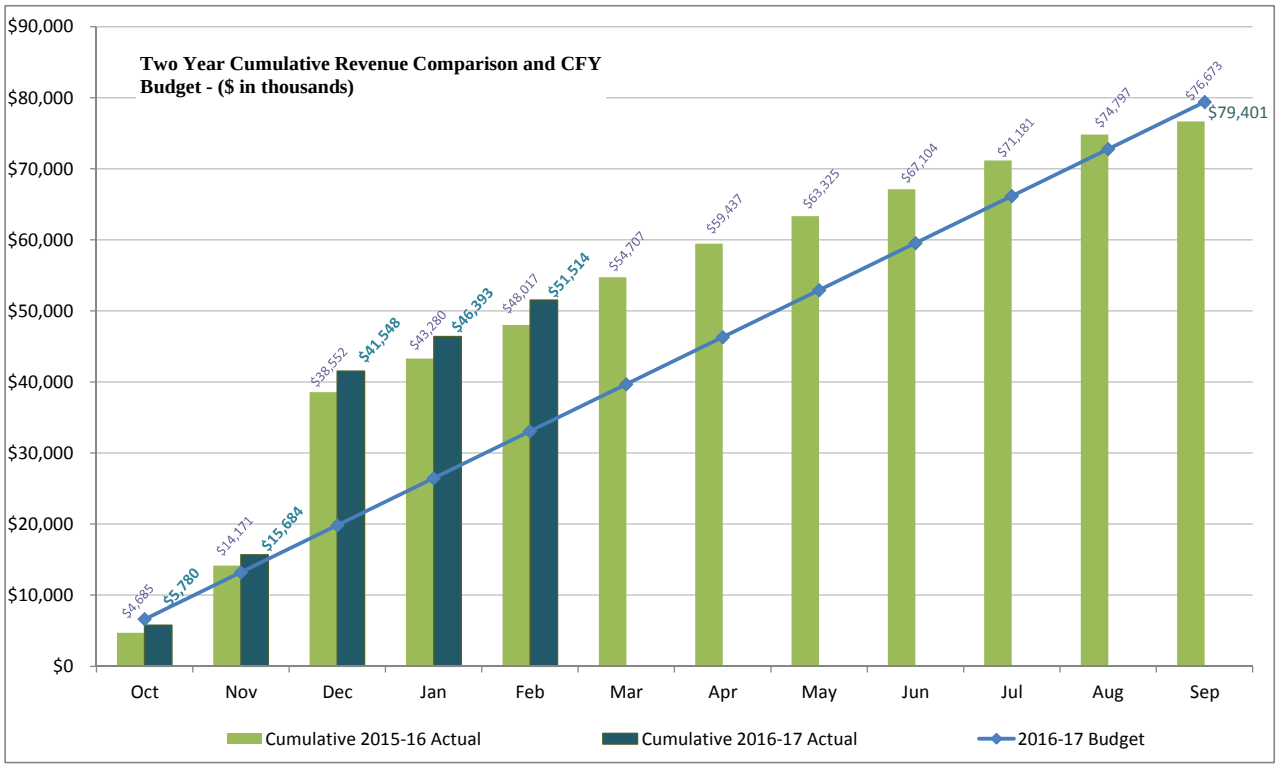


EXHIBIT B

# CITY OF BOYNTON BEACH, FLORIDA

## GENERAL FUND ANALYSIS

## STATEMENT OF EXPENDITURES - COMPARATIVE BUDGET TO ACTUAL

Fiscal Year Period Ended February 28, 2017 (42% of Fiscal Year)

| EXPENDITURES | | | | | | |
|---|---|---|---|---|---|---|
| ACCOUNTS | FY 2016-17 BUDGET APPROVED | FY 2016-17 TO DATE EXPENDED | FY 2016-17 TO DATE % EXPENDED | FY 2015-16 BUDGET APPROVED | FY 2015-16 TO DATE EXPENDED | FY 2015-16 TO DATE % EXPENDED |
| GENERAL GOVERNMENT | | | | | | |
| CITY COMMISSION | $ 231,706 | $ 130,500 | 56% | $ 260,692 | $ 100,281 | 38% |
| CITY MANAGER | 696,119 | 385,927 | 55% | 675,310 | 353,069 | 52% |
| CITY HALL/GEN. ADMIN. | 4,039,726 | 926,941 | 23% | 2,441,639 | 804,409 | 33% |
| MARKETING/COMMUNICATIONS | 314,841 | 163,715 | 52% | 234,811 | 146,179 | 62% |
| CITY CLERK | 605,165 | 215,296 | 36% | 611,709 | 268,952 | 44% |
| CITY ATTORNEY | 615,411 | 204,764 | 33% | 645,944 | 212,903 | 33% |
| FINANCIAL SERVICES | 1,186,767 | 531,184 | 45% | 1,175,704 | 638,488 | 54% |
| ITS | 2,247,432 | 1,074,572 | 48% | 1,921,828 | 985,822 | 51% |
| HUMAN RESOURCES | 806,830 | 349,894 | 43% | 720,200 | 329,965 | 46% |
| PUBLIC SAFETY | | | | | | |
| UNIFORM SERVICES | 16,197,211 | 8,970,423 | 55% | 15,809,178 | 8,421,212 | 53% |
| ADMINISTRATIVE SERVICES | 3,715,348 | 1,827,275 | 49% | 5,269,636 | 2,850,221 | 54% |
| SUPPORT SERVICES | 9,151,124 | 5,072,090 | 55% | 8,782,483 | 5,035,480 | 57% |
| FIRE | 21,789,868 | 12,153,560 | 56% | 22,767,587 | 12,290,005 | 54% |
| COMMUNITY STANDARDS | 2,191,683 | 855,680 | 39% | 0 | 0 | 0% |
| EMERGENCY MANAGEMENT | 22,870 | 2,165 | 9% | 81,914 | 6,405 | 8% |
| BUILDING & DEVELOPMENT | | | | | | |
| DEVELOPMENT | 1,091,800 | 574,451 | 53% | 1,013,150 | 533,109 | 53% |
| BUILDING | 1,200,588 | 571,883 | 48% | 1,184,195 | 534,337 | 45% |
| ENGINEERING | 693,132 | 324,022 | 47% | 716,777 | 377,176 | 53% |
| PLANNING & ZONING | 733,234 | 410,166 | 56% | 757,498 | 416,034 | 55% |
| ECONOMIC DEVELOPMENT | 231,749 | 42,717 | 18% | 245,731 | 94,083 | 38% |
| PUBLIC WORKS | | | | | | |
| PUBLIC WORKS | 223,397 | 119,492 | 53% | 235,695 | 120,819 | 51% |
| FACILITIES MANAGEMENT | 1,851,035 | 719,574 | 39% | 1,541,462 | 641,093 | 42% |
| STREETS MAINTENANCE | 1,128,602 | 398,022 | 35% | 1,100,307 | 503,671 | 46% |
| LEISURE SERVICES | | | | | | |
| LIBRARY | 2,253,461 | 1,131,968 | 50% | 2,261,401 | 1,158,581 | 51% |
| SCHOOLHOUSE MUSEUM SERV | 269,372 | 123,688 | 46% | 301,653 | 139,130 | 46% |
| RECREATION | 2,960,081 | 1,385,175 | 47% | 2,990,094 | 1,489,309 | 50% |
| PARKS & GROUNDS | 2,952,762 | 1,244,330 | 42% | 2,771,966 | 1,189,160 | 43% |
| CRA REIMBURSABLE & RESERVES | - | 17,350 | 0% | - | 12,202 | 0% |
| Total Expenditures | $ 79,401,314 | $ 39,926,824 | 50% | $ 76,518,564 | $ 39,652,095 | 52% |

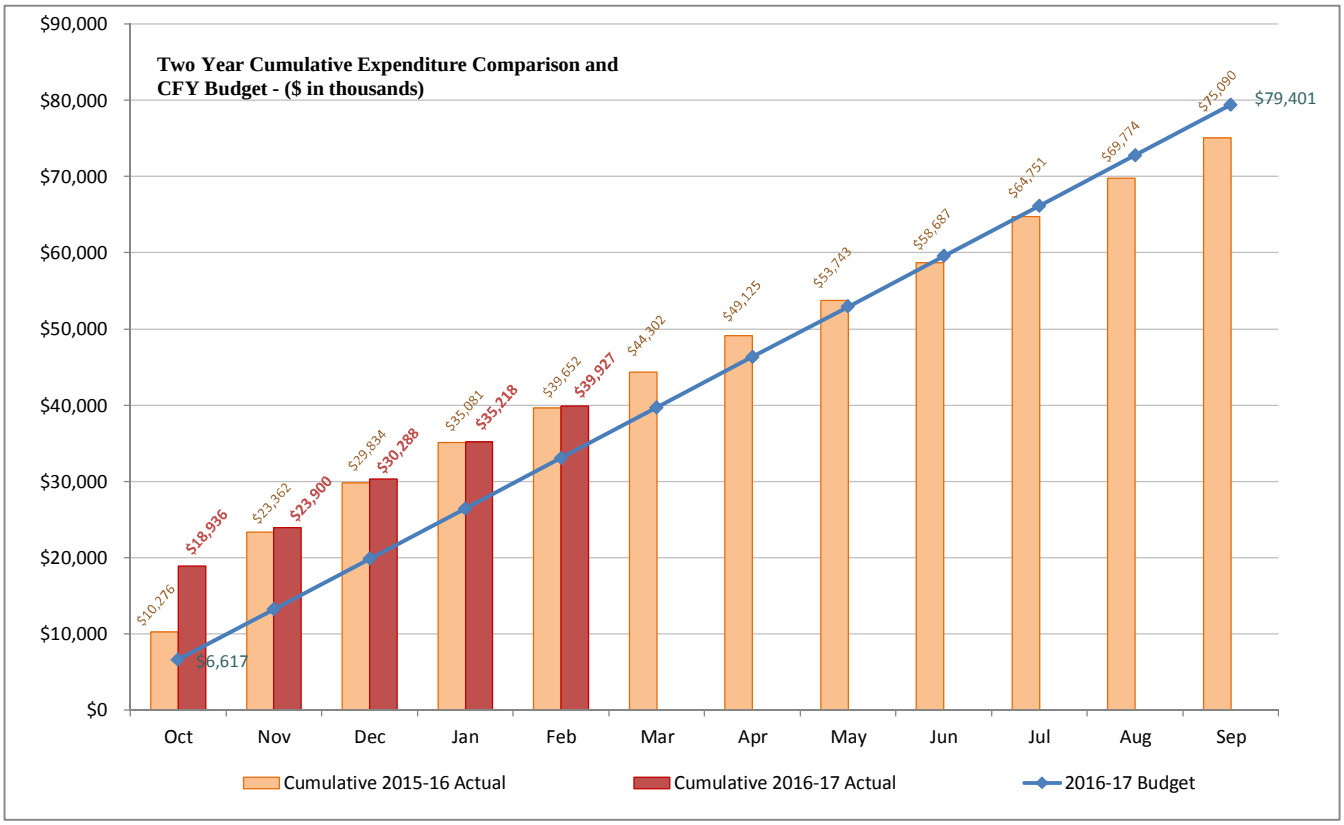


EXHIBIT C

# CITY OF BOYNTON BEACH, FLORIDA

## UTILITY FUND ANALYSIS

## STATEMENT OF REVENUES - COMPARATIVE BUDGET TO ACTUAL

Fiscal Year Period Ended February, 2017 (42% of Fiscal Year)

| REVENUES | | | | | | |
|---|---|---|---|---|---|---|
| ACCOUNTS | FY 2016-17 BUDGET APPROVED | FY 2016-17 TO DATE REVENUE REALIZED | FY 2016-17 TO DATE % REALIZED | FY 2015-16 BUDGET APPROVED | FY 2015-16 TO DATE REVENUE REALIZED | FY 2015-16 TO DATE % REALIZED |
| WATER SALES | $ 20,250,000 | $ 9,114,823 | 45% | $ 19,490,000 | $ 8,613,854 | 44% |
| WATER CONNECTION FEE | 25,000 | 16,660 | 67% | 25,000 | 20,170 | 81% |
| WATER SERVICE CHARGE | 750,000 | 424,023 | 57% | 750,000 | 341,420 | 46% |
| WTR-BACKFLOW PREVNTR TEST | 10,000 | 7,500 | 75% | 5,000 | 8,100 | 162% |
| RECLAIMED WATER SALES | 60,000 | 28,258 | 47% | 60,000 | 22,784 | 38% |
| SEWER SERVICE | 18,500,000 | 7,852,101 | 42% | 17,988,000 | 7,789,727 | 43% |
| STORMWATER UTILITY FEE | 3,800,000 | 1,591,472 | 42% | 3,790,000 | 1,583,306 | 42% |
| TELEVISE SEWER LINES | 3,500 | - | 0% | 2,500 | 2,685 | 107% |
| FEES | 15,000 | 655 | 4% | 10,000 | 11,450 | 115% |
| INTEREST INCOME | 35,000 | (4,222) | -12% | 40,000 | 2,249 | 6% |
| SALE OF SURPLUS EQUIP. | - | 734 | 0% | - | 532 | 0% |
| OCEAN RGE UT TAX ADM CHG | 800 | 258 | 32% | 800 | 327 | 41% |
| BAD DEBT RECOVERIES | - | - | 0% | 500 | - | 0% |
| MISCELLANEOUS INCOME | - | 399 | 0% | - | 37,645 | 0% |
| TRANSFER FROM SANITATION FUND | - | - | 0% | - | - | 0% |
| FUND BALANCE DECREASE (INCREASE) | (1,204,004) | (501,668) | 42% | 56,108 | 23,378 | 42% |
| TOTAL REVENUES | $ 42,245,296 | $ 18,530,993 | 44% | $ 42,217,908 | $ 18,457,627 | 44% |

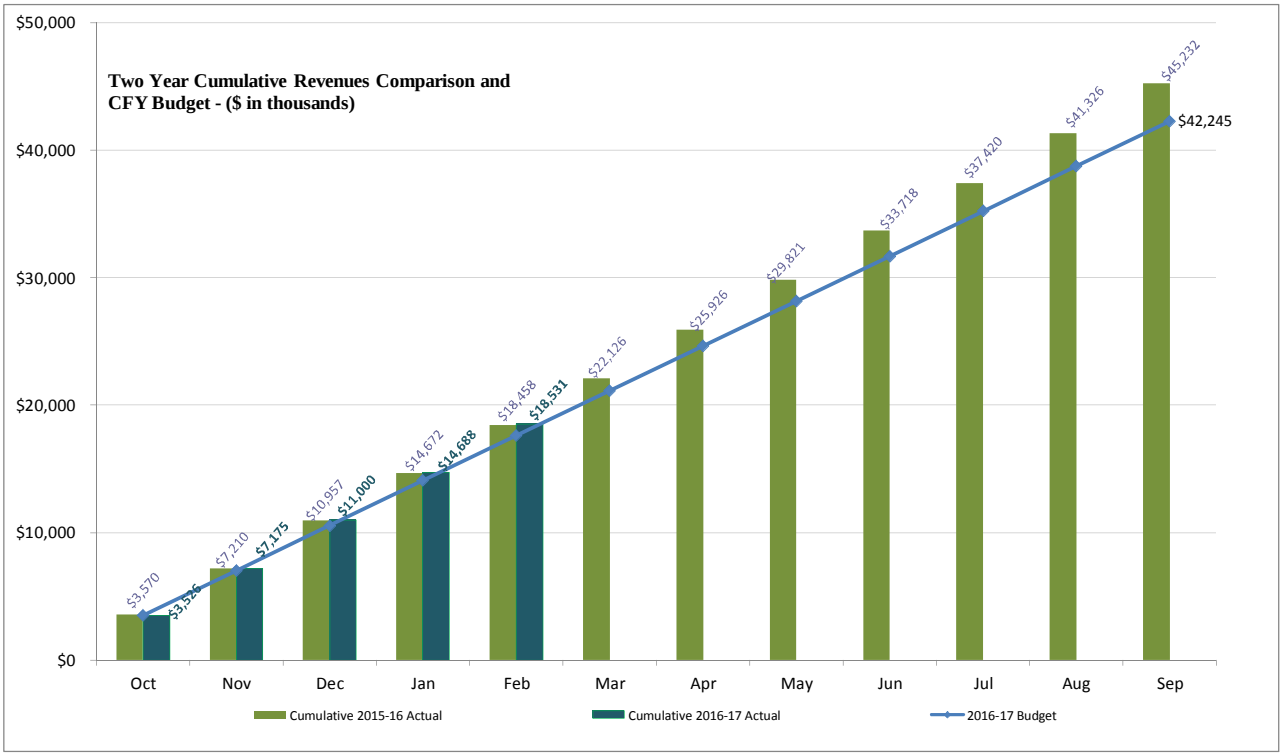
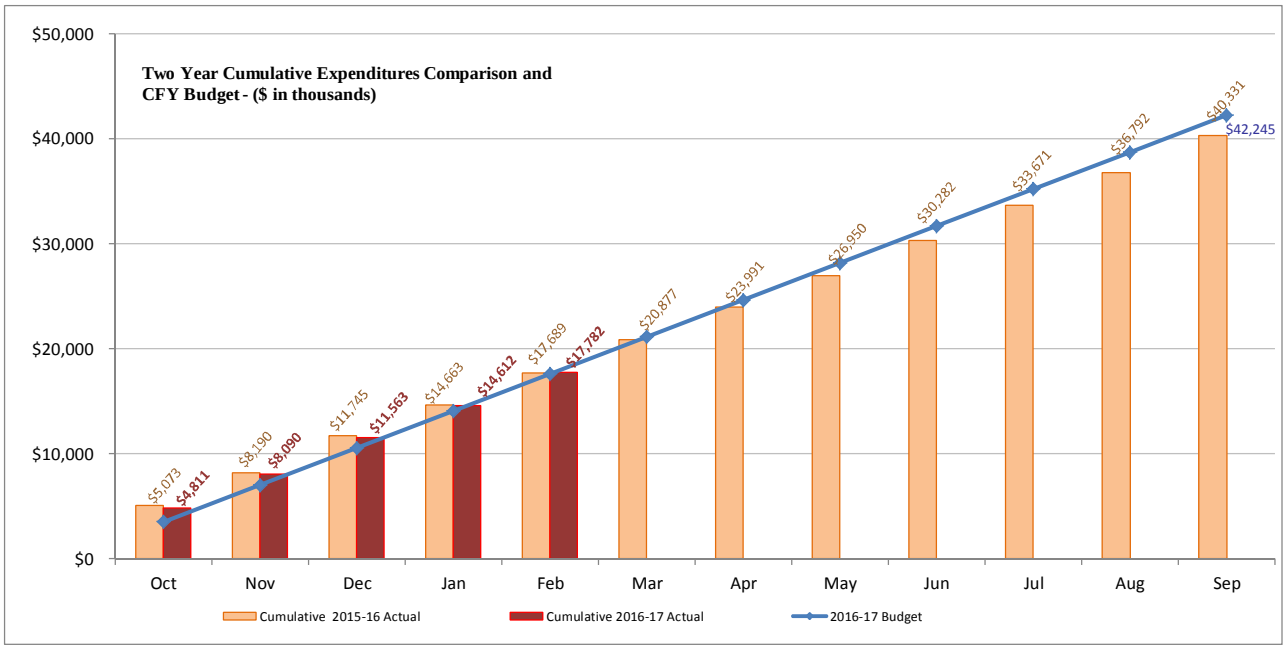


EXHIBIT D

# CITY OF BOYNTON BEACH, FLORIDA

## UTILITY FUND ANALYSIS
## STATEMENT OF EXPENDITURES - COMPARATIVE BUDGET TO ACTUAL
## Fiscal Year Period Ended February, 2017 (42% of Fiscal Year)

| EXPENDITURES | | | | | | |
|---|---|---|---|---|---|---|
| ACCOUNTS | FY 2016-17 BUDGET APPROVED | FY 2016-17 TO DATE EXPENDED | FY 2016-17 TO DATE % EXPENDED | FY 2015-16 BUDGET APPROVED | FY 2015-16 TO DATE EXPENDED | FY 2015-16 TO DATE % EXPENDED |
| WATER DISTRIBUTION | $ 1,778,837 | $ 861,653 | 48% | $ 1,659,754 | $ 812,231 | 49% |
| PUBLIC WATER TREATMENT | 5,402,432 | 2,399,329 | 44% | 5,691,571 | 2,396,935 | 42% |
| METER READING & SERVICES | 1,055,863 | 574,774 | 54% | 1,208,362 | 526,210 | 44% |
| WASTEWATER COLLECTION | 1,576,241 | 708,762 | 45% | 1,720,597 | 761,473 | 44% |
| WASTEWATER PUMPING STATNS | 2,575,321 | 1,084,985 | 42% | 2,622,842 | 1,124,895 | 43% |
| SEWAGE TREATMENT | 4,405,000 | 1,273,590 | 29% | 4,405,000 | 1,373,441 | 31% |
| WATER QUALITY | 622,451 | 266,280 | 43% | 662,894 | 316,434 | 48% |
| UTILITY ADMINISTRATION | 15,014,432 | 6,215,250 | 41% | 14,472,294 | 5,980,368 | 41% |
| UTILITES ENGINEERING | 1,332,692 | 746,367 | 56% | 1,150,746 | 626,326 | 54% |
| STORMWATER MAINTENANCE | 957,018 | 478,233 | 50% | 978,291 | 444,143 | 45% |
| CUSTOMER RELATIONS | 1,446,521 | 601,225 | 42% | 1,562,822 | 753,977 | 48% |
| DEBT SERVICE | 6,078,488 | 2,572,043 | 42% | 6,082,735 | 2,572,505 | 42% |
| Total Expenditures | $ 42,245,296 | $ 17,782,491 | 42% | $ 42,217,908 | $ 17,688,938 | 42% |



# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:** Approve the minutes from the Regular City Commission meeting held on March 21, 2017.

---

**EXPLANATION OF REQUEST:**
The City Commission met on March 21, 2017 and minutes were prepared from the notes taken at the meeting. The Florida Statutes provide that minutes of all Commission meetings be prepared, approved and maintained in the records of the City of Boynton Beach.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** A record of the actions taken by the City Commission will be maintained as a permanent record.

**FISCAL IMPACT:** Non-budgeted N/A

**ALTERNATIVES:** N/A

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

| Type | Description |
|---|---|
| Minutes | Minutes 03-21-17 |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| City Clerk | Pyle, Judith | Approved | 3/16/2017 - 3:48 PM |

| | | | |
|---|---|---|---|
| Finance | Howard, Tim | Approved | 3/16/2017 - 3:48 PM |
| City Manager | LaVerriere, Lori | Approved | 3/17/2017 - 9:59 AM |

**MINUTES OF THE REGULAR CITY COMMISSION MEETING HELD ON MONDAY MARCH 21, 2017, AT 6:30 P.M. IN COMMISSION CHAMBERS, CITY HALL 100 E. BOYNTON BEACH BOULEVARD, BOYNTON BEACH, FLORIDA**

**PRESENT:**

Steven B. Grant, Mayor
Mack McCray, Vice Mayor
Justin Katz, Commissioner
Christina Romelus, Commissioner
Joe Casello, Commissioner

Lori LaVerriere, City Manager
James Cherof, City Attorney
Judith A. Pyle, City Clerk

## 1. OPENINGS

A. Call to Order - Mayor Steven B. Grant

Mayor Grant called the meeting to order at 6:30 p.m. He announced the Closed-Door Session did not take place.

CLOSED-DOOR SESSSION on March 21, 2017 commencing at 5 pm in City Hall, pursuant to Section 286.011(8), Florida Statutes, for a private attorney-client session of the City Commission to discuss pending litigation in the following case:

SECURED HOLDINGS INC, Plaintiff, vs. QUANTUM OVERLAY DEPENDENT DISTRICT, EUGENE GERLICA and CITY OF BOYNTON BEACH, Defendants – Palm Beach County Circuit Court Case No. 502016CA005668XXXXMB

Invocation

Mayor Grant gave the invocation.

Pledge of Allegiance to the Flag led by Commissioner Joe Casello

Mayor Grant announced the certified election results were received by the City Clerk. Copies were available in the back of the Chamber. A motion was needed to accept the results.

**Motion**

Vice Mayor McCray moved to approve. Commissioner Romelus seconded the motion.

**Vote**

The motion unanimously passed.

**Swearing In - Commissioner District IV - Joe Casello**

**Judith A. Pyle,** City Clerk, administered the Oath of Office to Commissioner Casello.

Commissioner Casello explained it was a privilege and still is to again serve the residents of the City. He thanked his colleagues, announcing it was a privilege to work with them moving the City forward. He thanked his supporters and advised, for those who disagree with him at times, it is all for the betterment of Boynton Beach. The Commission congratulated him.

Roll Call

City Clerk Pyle called the roll. A quorum was present.

Agenda Approval:

1. Additions, Deletions, Corrections

Commissioner Katz added a discussion/announcement regarding Riverwalk and the property to the south as item J under Announcements. After brief discussion it was changed to Item 12. D., New Business.

Mayor Grant requested to move item 12 B, Community Support Funds to the Women's Circle.

Commissioner Casello requested item 12.C, Community Support Funds to GBCD Entrepreneurship Institute programs also be moved. Items 12. B, C, and D would be heard before the Consent Agenda.

2. Adoption

**Motion**

Commissioner Romelus moved to approve the agenda as amended. Vice Mayor McCray seconded the motion.

**Vote**

The motion unanimously passed.

**2. OTHER**

A. Informational items by Members of the City Commission

Commissioner Casello attended the Blarney Bash and commented it was very well attended. Children and seniors were present; there was a lot of activity, a great band and he hoped the event would continue to grow. He praised City and CRA staff on its success and thought it would be a signature event.

Commissioner Romelus attended Palm Beach County Days and was able to observe the City's Legislators, particularly State Representatives Al Jacquet and Bill Hager and State Senators Bobby Powell and Jeff Clemons. She spoke to future professionals at a youth symposium hosted by Sigma Gamma Rho at the Carolyn Sims Center, and attended the Blarney Bash with her family, noting it was a fun family event. She sat as a panelist at a Black Women Rise conference with other elected officials and those who ran unsuccessfully, for those who seek public office. She visited Hack Lab and advised those interested in technology can learn a lot there.

Vice Chair McCray advised his mother passed at Bethesda Memorial Hospital and prayers were needed. He thanked those who voted for him in the election and appreciated their votes. He looked forward to them returning to vote on the next election.

Commissioner Katz offered condolences to Vice Mayor McCray. He attended the Blarney Bash and prior to that, the second Boynton Rugby game for high school students. It is a new club that is not affiliated with the City that will meet on Friday nights at the Hester Center, providing an opportunity for youth to grow. He had spoken with representatives from Isram Realty and Hunters Run.

Mayor Grant celebrated his birthday on March 7th, attended Palm Beach County Days on the 8th and met with elected officials Jeff Clemons, Paul Renner, and Bill Hager. He spoke with Space Florida and is trying to get them to come to Boynton Beach. On the 13th he went to the Boynton Beach High School aviation program noting the high school is FAA accredited to issue remote pilot licenses. He attended a candidate forum for District II on the 9th; the Art in Bloom exhibit at the Children's Schoolhouse Museum on the 10th and the soft opening of NOBO, Boynton Beach's fourth brewery. He attended the Boynton Beach Youth Movement at the high school on the 11th. On the 13th he spoke about his trip to Taiwan at the City Library Brown Bag series and Coffee with a Cop the next day. He toured the Port of Palm Beaches, noting it is the most efficient port in the U.S. based on tonnage and size. It is 160 acres and provides over 2,500 jobs resulting in over $5 billion in economic activity. Mayor Grant wanted to create relationships with City warehouses and businesses to better ship their goods. On the 15th, he attended an event with Mack Bernard, attended the MPO meeting on the 16th, and met with Stacy Miller, the Secretary for the Florida Department of Transportation (FDOT) on the 17th. Federal Highway will be restriped in 2019 and FDOT will improve the intersections at Woolbright Road, Gateway Boulevard and Boynton Beach Boulevard. He explained his concerns regarding crosswalks and safety to them. He attended the Blarney Bash and was happy the City has family friendly events. He also spoke to the Historical Society advising them of what was occurring in the City.

## 3. ANNOUNCEMENTS, COMMUNITY & SPECIAL EVENTS & PRESENTATIONS

A. Announce Career Expo at Carolyn Sims Center, Thursday, March 23, 2017 from 8:30 a.m. - 12:00 p.m. sponsored by the CRA, City of Boynton Beach and CareerSource.

Mayor Grant read this item and advised there are flyers in the back of the room. He asked all to spread the word as the more who attend, the more employers will be at the next event. He wanted to do this on a routine basis as the last one was held in October.

B. Announcement by Recreation & Parks Director, Wally Majors, of the Concert on the Green that will be held April 22, at The Links of Boynton Beach, from 5 - 7 p.m.

**Wally Majors,** Recreation and Parks Director, announced they were happy to bring back the Concert on the Green. The Department has been working with Ron Tapper, for a beautiful evening, featuring the Fabulons, and since it is Earth Day they will provide tours of the Audubon Cooperative Sanctuary, have children's activities and refreshments. They are looking forward to it and hoped all would attend.

C. The joint City Commission/CRA Workshop for six month update on 2016 strategic plan that was scheduled at the Intracoastal Park Clubhouse (IPC) at 3:30p.m. - March 28, 2017 is going to be re-scheduled and the date will be announced as soon as it is re-scheduled.

Mayor Grant announced the workshop will be rescheduled to a later date.

C. Announce the April 3rd Mayor's Town Hall Meeting on Monday, April 3, 2017. The meeting will begin at 6:00 p.m. and take place at Bay Bay's Chicken & Waffles located at 326 Congress Avenue in the Oakwood Square Shopping Center.

Mayor Grant read this item and explained the Town Hall meeting would be held at Bay Bays Chicken and Waffles, next to Pier One Imports in the Oakwood Square Shopping Center on Congress Avenue.

E. Proclamation for Run Off Election to be held on March 28th, 2017 between James "Jim" DeVoursney and Mack McCray for one Commissioner in District II.

Mayor Grant read the proclamation declaring the run-off election and detailing the precinct polling locations. A list of the polling locations was in the back of the room.

F. Proclaim March as American Red Cross Month

Mayor Grant read the proclamation. Present to accept the proclamation was Glenn Joseph, Boynton Beach Fire Chief.

G. Proclaim April 5, 2017 as Arbor Day

Mayor Grant read a proclamation declaring April 5, 2017 as Arbor Day. Present to accept the proclamation was Jeff Livergood, Director Public Works and Engineering.

Mr. Livergood noted in 1872, without Facebook, Email or Twitter, one man in one state was able to organize in one day the planting of one million trees. He advised trees are a renewable resource and anything done to plant or maintain a tree enhances our environment.

H. Presentation of Certificate to City Commission by Dr. Alina Alonso, Director of Florida Department of Health in Palm Beach County, recognizing the City of Boynton Beach as a Healthiest Weight Community Champion.

Dr. Alonso recognized it takes a dedicated community to be the change and champion for the health of its residents. Boynton Beach exemplifies these efforts with its greenway/blueway paths in new developments and links to existing bike and sidewalk paths to points of interest. Boynton Beach has a 50/50 mix of active and passive parks. Employees participating in the Let's Move Campaign logged more physical activity hours than any other community for the last three years. Working together improves the City for residents and visitors, but also encourages physical activity that leads to a healthier community. She was proud to present the Healthiest Weight Community Champion certificate signed by Celeste Phillips, M.D. Surgeon General and the Secretary of Health at the Department of Health in Tallahassee. Mayor Grant accepted the Certificate.

On another matter, Mayor Grant announced the 2017 South Florida Police K-9 Competition on Saturday the 25th at Boynton Beach High School from 2 p.m. to 8 p.m. It is a free, fun, family event. No pets allowed.

I. Boynton Beach Fire Rescue Department and the members of the Boynton Beach Professional Firefighters IAFF Local 1891 check presentation of the funds raised in the annual "Fill the Boot" charity fund raising event for the Muscular Dystrophy Association.

**Glenn Joseph,** Boynton Beach Fire Chief, announced February is designated for the Fill the Boot Campaign for the Muscular Dystrophy Association (MDA.) Firefighters and IAFF Local 1891 spent the entire month collecting for MDA. They presented the MDA a check at the end of February for $33,208.78 and the Department exceeded their goal..

**Jeaneece Washington**, on behalf of MDA, thanked the City Commission for allowing the firefighters to collect for MDA. She announced she brought along an MDA family.

"Thomas" experienced camp and has been with MDA for a while. Thomas commented he has an amazing experience with MDA, especially with summer camp which is only a week in the summer. Kids with MDA have a good time with compassionate volunteers. It is the only sleep-away camp in the Palm Beach County area that cares for youth with physical disabilities that cannot feed or dress themselves. He thanked the firefighters for raising money and all the many things they do that help their families and to finally find a cure.

**John McMann,** Local 1891, explained firefighters have been supporting this cause for over 60 years. The kids are the heroes; not the firefighters, and they will continue to support the MDA. He thanked all who donated. Commissioner Romelus advised she had volunteered at an MDA camp and it is the first time families could send their kids to camp knowing they are in safe hands. For some, it is also the first time youth swim or are in a pool. She thought it was an amazing organization and requested they continue to support this cause.

**4. PUBLIC AUDIENCE**

**INDIVIDUAL SPEAKERS WILL BE LIMITED TO 3 MINUTE PRESENTATIONS (at the discretion of the Chair, this 3 minute allowance may need to be adjusted depending on the level of business coming before the City Commission)**

**Reverend Bernard Wright**, 713 NW 2nd Street, extended his deepest condolences to Vice Mayor McCray. On behalf of his family, as CEO of Real Talk Radio, the Wells Foundation and the Bernard Wright Ministry and his neighborhood, he extended thanks to those who supported him and his endeavors over the last few years. He thanked the City Commission and Jeff Livergood, Director Public Works and Engineering for his help. He has seen a great change in the City. He congratulated Commissioner Casello on his election and thanked his wife for her support. He thanked Vice Mayor McCray for the support funds for the Robert E. Wells event. He had receipts and hoped the event would grow bigger and better each year.

**Susan Oyer,** 140 SE 27th Way, thanked Commissioners Casello and Romelus for speaking in her classroom last month as well as department heads and City Manager Lori LaVerriere as her students learned about local government. She encouraged all to plant trees and she started her official school fundraiser to plant trees which will be planted in Africa. Previously trees were planted in Haiti. She encouraged the City to plant more trees at the entryways to the City and Congress Avenue and had previously provided information about it to the City Commission. She thought if the City was part of Tree City USA, they should have more trees and she requested it be put in the budget.

**Jean Waters**, Main Boulevard, announced she and her husband live in Boynton Beach. She had heard the announcement of All Peoples Day at the last City Commission meeting and also attended the Blarney Bash. She asked if Boynton Beach was a safe

city for immigrants and if it would be addressed at a Town Hall Meeting. Mayor Grant responded the Town Hall Meeting is for whatever residents want to bring up; however, in reference to being a safe City, the Police Chief has indicated it is following the law.

No one else coming forward, Public Audience was closed.

## 5. ADMINISTRATIVE

A. Appoint eligible members of the community to serve in vacant positions on City advisory boards.

The following Regular (Reg) and Alternate (Alt) Student (Stu) and Nonvoting Stu (N/V Stu) openings exist:

Arts Commission: 1 Alt
Building Board of Adjustments & Appeals: 1 Reg and 2 Alts
Library Bd: 2 Alts
Recreation & Parks Bd: 2 Alts
Senior Advisory Bd: 1 Reg and 2 Alts

Mayor Grant read the open positions.

12. B. Approve the request of Mayor Steven B. Grant to distribute $250 of his Community Support Funds to Women's Circle, a non-profit organization. (Heard out of order)

**Tee Jackson**, representing the Women's Circle, gratefully accepted the $250 to be used toward supplies. The Women's Circle is a non-profit organization. They are happy to be in the City and have the support of the Mayor, Police and all who come by. The organization assists underserved, low-income women in employment, computer classes, ESOL and citizenship classes, GED programs and more. They needed administrative supplies and thanked them on behalf of Women's Circle.

### Motion

Commissioner Casello moved to approve, Vice Mayor McCray seconded the motion.

### Vote

The motion unanimously passed.

12. C. Approve the expenditure from Commissioner Casello's Community Support Funds of $1,000 to support the GBCD Entrepreneurship Institute programs. (Heard out of order)

**Annette Gray**, Founder, GDBC Entrepreneurship Institute, 3200 S. Congress Avenue, advised the Institute provides entrepreneurial development for people of all ages starting at nine years old and continuing to 89. They are focused on two initiatives. She invited all to their South Florida Small Business and Finance Conference at Benveneuto's on May 25th and their Mobile Entrepreneurship Leadership Unit. She is working to obtain a bus from Palm Tran to bring opportunities into the community including youth entrepreneurship, tutoring, senior development in computers and making sure their services are accessible to all. Vice Mayor McCray asked if the services will only be available to Boynton residents and learned it is a regional economic development tool. She will work with all CRAs and the County. Commissioner Romelus asked if they help small businesses create business plans and learned they provide one-on-one coaching, business plan development, structuring, grant writing boot camp, and a business start boot camp. They can help businesses at all stages in the business cycle.

**Motion**

Vice Mayor McCray moved to approve. Commissioner Romelus seconded the motion.

**Vote**

The motion unanimously passed.

12. D Discussion/Announcement Riverwalk and the property to the south.

Commissioner Katz commented during the course of the Consolidated Plan Riverwalk development discussion that took place, he had been clear he would support the project and held that position. A request was made, if supporting the project, they work on concessions or improvements to make the development more palatable. One idea that came up was to attempt to acquire and preserve the mangroves located just to the south. The property was not available at that time, but since approval, has become available and Isram secured the property. If the City Commission is interested and desires, Isram will give the property to the City for preservation purposes.

**Shaul Rikman**, Isram Development, explained their intent was not to do anything further than what they had proposed and they had indicated it would be in Isram's best interest to maintain the south part of the adjacent land in its current state. Isram was able to secure that land after the project was approved. Commissioner Katz was the first Commissioner to request Isram try to obtain the land, which they recently closed on. Mr. Rikman commented it would still be in their best interest to keep the land a preserve area. In order to do so, he asked City officials if they would be willing to work with Isram on an agreement to deed the land to the City for a recreational or other purpose to sustain the land conditions and improve it for the whole community. This would be subject to the City and Isram being satisfied. Attorney Cherof requested Isram submit a written proposal and legal would review it.

Commissioner Katz thought with potentially being gifted and there being access points through Isram's property, certain legal agreements would have to be made regarding usage, access and deed restrictions. It would be a benefit to the City if the City Commission agreed and he favored the suggestion. He hoped they could extend the boardwalk further into the open area by the mangrove as it would give a greater view of the Intracoastal Waterway and he had consulted with Seagate to ensure they are happy with the potential use of the land in the future. It preserves the buffer and the Riverwalk Plaza. Vice Mayor McCray requested confirmation mangroves are protected in Florida and learned they were. Mayor Grant was in agreement with the proposal and looked forward to working with Isram in the future.

**Motion**

Vice Mayor McCray moved to proceed. Commissioner Romelus wanted to include adjacent community input. Mayor Grant noted it was public record. There was consensus to proceed.

**6. CONSENT AGENDA**

**Matters in this section of the Agenda are proposed and recommended by the City Manager for "Consent Agenda" approval of the action indicated in each item, with all of the accompanying material to become a part of the Public Record and subject to staff comments**

A. **PROPOSED RESOLUTION NO. R17-027** - Authorize the execution of a fourth amendment to the lease agreement for telecommunications tower site with Verizon Wireless Personal Communications LP d/b/a Verizon Wireless to sublease to American Tower Corporation and to allow four (4) additional five-year terms, thereby extending the lease agreement 20 years to June 17, 2041 for the existing telecommunications tower at 415 NE 4th Street.

B. **PROPOSED RESOLUTION NO. R17-028** - Authorize the City Manager to sign individual agreements with four (4) firms as a result of RFQ No.: 067-2821-16/TP for Professional Survey and Mapping Services, individual task orders for projects will be issued and submitted to the Commission for approval in accordance with the City's Purchasing policies and procedures.

C. Approve reduction of a Bond, in the form of a Letter of Credit, by the amount of $445,502.40 for the completion of the clearing and grubbing and the completion of the paving, grading, and drainage improvements in association with the Aspen Glen project.

D. Legal expenses - February 2017 - Information at the request of the Commission. No action required.

Mayor Grant pulled this item and commented the City is still spending money on Red Light Cameras. He asked how long the expenses for the Red Light Cameras would continue. Attorney Cherof explained it would not be much longer as it pertained to tickets, because the City stopped issuing tickets at the end of December. There are still court cases pending and they reached a settlement in one of them for a continual payment over a period of time for a flat fee for a few hundred violators. There are still court cases pending and a federal case pending, so there would be some expense, but the numbers should dwindle over the next few months. Mayor Grant commented the ticket is $158 and the hourly rate is $195. He did not want to spend the City's money on more attorney fees than what they can capture from the tickets. He asked if they could learn how much money or tickets are outstanding by the end of March, so the City can make a business decision to prosecute these cases and learned the information could be provided. Commissioner Casello asked about the federal case filed. Attorney Cherof explained it is a class action suit for all the individuals that received tickets. Anything the City collected, in theory, would have to be paid back.

**Motion**

Vice Mayor McCray moved to approve. Commissioner Casello seconded the motion.

**Vote**

The motion unanimously passed.

E. Accept the Fiscal Year 2016-2017 Budget Status Report of the General Fund and the Utilities Fund for the four (4) month period ended January 31, 2017.

F. Accept the written report to the Commission for purchases over $10,000 for the month of February 2017.

G. Approve the minutes from the Regular City Commission meeting held on March 6, 2017.

**Motion**

Vice Mayor McCray moved to approve the Consent Agenda. Commissioner Casello seconded the motion.

**Vote**

The motion unanimously passed.

**7. BIDS AND PURCHASES OVER $100,000**

A. **PROPOSED RESOLUTION NO. R17-029** - Award the Bid for "Self-Contained Breathing Apparatus (SCBA) for Boynton Beach Fire Rescue", Bid No. 017-2210-17/JMA to Municipal Emergency Services, Inc. (MES) of Pinellas Park, FL in the amount of $744,600, and authorize the City Manager to sign a Master Equipment Lease Purchase Agreement with Community Leasing Partners.

**Motion**

Vice Mayor McCray moved to approve Commissioner Katz seconded the motion.

**Vote**

The motion unanimously passed.

**8. CODE COMPLIANCE and LEGAL SETTLEMENTS - None**

**9. PUBLIC HEARING**

Attorney Cherof explained the next four items pertained to the same project commonly known as Ocean One. There is a rezoning and abandonment, each on first reading of ordinances. The second two items, the community design appeal and the site plan are not ordinances and are ordinarily tabled until the first two ordinances come back for second reading. The burden is on the applicant to move forward. Bonnie Miskel, Esq. representing Ocean One was present. Attorney Cherof announced he would read both ordinances to start and they would be discussed separately. Attorney Miskel had no objection to consolidating the presentation on all four items although the last two would not be heard at the meeting.

**7 P.M. OR AS SOON THEREAFTER AS THE AGENDA PERMITS**

**The City Commission will conduct these public hearings in its dual capacity as Local Planning Agency and City Commission.**

A. **PROPOSED ORDINANCE NO. 17-008 - FIRST READING** - Approve Ocean One rezoning from Central Business District (CBD) to Mixed Use High Intensity (MU-H) District with a proposed two phase master plan for a total of 358 multi-family rental units, 12,075 square feet of commercial retail space and a 120-room hotel.

Attorney Cherof read Proposed Ordinance No. 17-008 by title only on first reading and Proposed Ordinance No. 17-009 by title only on first reading. He administered an oath to all those intending to testify.

Attorney Miskel presented the Ocean One project, noting the Commission has heard bits and pieces of it at the CRA meeting. The property is on the southeast corner of Boynton Beach Boulevard and Federal Highway, spanning the entire city block between 6th Street and Federal Highway and E. Boynton Beach Boulevard and Ocean Avenue. An aerial was viewed. The zoning will be changed from Central Business District to Mixed Use High. The underlying land use is Mixed Use Core (MU-Core). When MU-Core was created, a MU-High zoning category was adopted to implement the core. The request is consistent with the underlying land use and intent. The applicant was asked to include parking on Federal Highway to the west. They had to shift the project over and in doing so it affected a small portion of land on NE 6th Court which is part of the request. They are requesting an abandonment of a right turn lane on Boynton Beach Boulevard as there is not sufficient traffic to keep it and they want to incorporate it into the project for parking. There are large plaza areas planned for Boynton Beach Boulevard around the entire site so the turn lane will be open space/public plaza and landscaping.

The zoning map reflected the Central Business District, changing to MU-High. Casa Costa, the Promenade and Marina Village are all MU-High. The LeCesse property on the other corner amended their zoning to MU-High. They are compatible with surrounding projects and important for implementation of the MU-Core land use.

The project is proposed in two phases. Phase I is on the north half of the site and has 231 residential units, 8,575 square feet of retail with a parking structure for the residents and customers. On-grade public parking is planned on the adjacent lot to the south and around the perimeter of the site. A drawing of the phases was viewed. The plan for phase II is an additional 127 units and 120-room hotel with a central public plaza area proposed. They are planning parking on the surface area of the lots. The area around the perimeter has parking on the west, east and south sides, and places planned until phase II is constructed to be on the ground level to serve the public which is part of a parking garage. The units are around a common amenity deck on the ground level. Retail will be on Federal Highway and on the northeast corner of the site, and the parking garage flanks and attaches to the building on the south side.

The entry of the Phase I building is on Boynton Beach Boulevard and there is a cut out for drop offs and pick-ups. Behind the central portion of the building will be a lobby and plaza amenities with a pool and other items for the residents. It is a u-shaped project with units on the upper levels. There will be a restaurant on the northeast corner, retail on the northwest corner and on Federal Highway. A side perspective was viewed and staff ensured they adequately screened the parking garage to look like a building. Retail will be on the lower level. Other elevations were viewed.

When rezoning, there is criteria requiring demonstration of need, justification, consistency, land use patterns, sustainability and availability of public infrastructure and services, compatibility, have an economic benefit and cannot be an economic deterioration, all of which has been provided and met. The MU-Core land use category

was designed to add intensity downtown to support starving businesses and generate new retail business. They feel the 8,575 square feet of retail will be supported by residents and those nearby. The project is compatible with surrounding communities. They have very large pedestrian areas for residents and the community such as wider sideways and plaza areas than are required. They met all of the criteria. There is availability and capacity to handle the project. It is an eight-story residential building and the garage is seven stories. They did not max out the intensity on the site, as there was not a demand in the market for a high rise, and it is a sensible use of the site. It did not max the height or the box a developer could build within.

**Harry Woodworth,** 685 NE 15th Place, commented everything Attorney Miskel presented was compatible and was discussed years ago and all thought it was wonderful. He commented on the way to the meeting, he drove around the block and there was not one empty parking space on Boynton Beach Boulevard, or down behind and where the restaurants were and there were cars waiting for others to pull out. He thought there was already a parking issue and they must do something as the development will not fix it citing a City study indicating they are 1,200 spaces short. There is never parking available. He commented the discussion is to giving an $8.2 million and a $400 thousand piece of property away for $10 and an abandonment. He noted the City gets less TIF than the developer does and this developer will get more than any other developer. He asked what the current appraised property value was.

Attorney Miskel noted there was an appraisal on the CRA's portion included in the meeting material, but the property was bought years ago. She did not have that appraisal, was unsure of the relevance and noted it was not required.

**Robert Lewis,** 350 N Federal Highway, Apt 510, Casa Costa, favored the project and was ashamed of the empty lots in front of their homes. He was pleased the City was finally getting a downtown. He attended the Planning and Zoning meeting a week ago and there were a lot of technical questions, but at the end of the meeting, they unanimously approved the project. He did not have questions of the developer, but voiced his support.

**Raymond Weedy,** 625 Casa Loma, a new resident, explained he lived through growth spurts in other states and was familiar with developer presentations on growth, traffic and schools. He noted each developer presents one small piece. He thought it was incumbent for the City to review the aggregate. Mayor Grant commented there is backup documentation. He wanted to ensure the City makes decisions on each individual project and the area as a whole.

**Irwin Cineus**, 305 NW 12th Avenue, asked if the developer would consider a Community Benefits Agreement (CBA) for jobs or supplies.

Ms. Miskel explained there will be an agreement on an upcoming agenda that includes a CBA. It will be at a public meeting.

Mr. Cineus asked how far the property was from the ocean and learned it is a short walk to the Intracoastal Waterway and then over the bridge to the ocean. He asked if the proximity to the ocean would affect the appraisal. Attorney Miskel did not know.

Commissioner Casello asked why an appraisal was being requested. Mayor Grant explained an appraisal is not a requirement for development; however, a constituent asked about the current value of the property. It costs money to have an appraisal done.

**Susan Oyer,** 140 SE 27th Way, commented normally appraisals are done when buying and selling property and she asked where the appraisal was. She did not recall the parking ratio for all these units and thought it should be 2.0 or higher from the current 1.7 spaces. She thought the units would be expensive and there will be roommates resulting in more vehicle parking. At the March 15th CRA meeting, they were told 2,000 square feet of Casa Costa was rented. She asked why they are including more retail if they cannot rent the 17K square feet of existing vacant retail space and questioned why not build the hotel as the first phase of the project as it will create jobs. Skilled jobs and long-term permanent positions were needed, not short-term construction. She asked what was being done about the parking garage as they are ugly She advised West Palm is contemplating one with living walls and global warming is a problem. She noted at the CRA meeting, Commissioners Casello and Katz indicated they wanted the most dollars possible for the taxpayers.

No one else coming forward, Public Comments was closed.

Mayor Grant had questions what the parking lot would look like looking north and asked if there will be a bigger picture at the next meeting with the site plan. He asked what the rest of Phase II would look like between the phases. He requested residents not be allowed to park on the street and they have parking control on the street two hours during the day and longer at night. He asked what would happen to the parking spots when Phase II is built, what the ratio would be and where construction workers would park, The Board wants to see the lot fully developed, but wants to know the process.

**Hannah Matras,** Senior Planner, spoke to Mr. Weedy's concern and explained the project is in the Community Development area. After a year of work, they approved a Consolidated Plan which has detailed recommendations for the CRA areas which are divided into districts and the project fits into the downtown district. The zoning for the first item is consistent with what the CRA recommends. Usually staff addresses land use amendments and rezonings, but the City reclassified nearly the entire downtown area to a mixed-use land classification and then the applicant will request the zoning, together with the master plan. In 2006, a part of the property with the financial plaza had a project proposed for it that was also mixed use consisting of a hotel, office and multi-family units, but it fell by the wayside due to the recession. There were three projects, as of now, that availed themselves of the zoning district, which was Casa Costa, Marina Village, and 500 Ocean. She reminded all the project is in a Transit

Oriented Development District which allows developers within a half mile of a proposed commuter train south of Boynton Beach to have a 25% increase in density. She pointed out this project is a quarter mile from the station and within walking distance.

Staff had heard concerns there was an overbuilding of apartments. Ms. Matras read the following from CBRE 17: "Strong population, in-migration and job growth are fueling the Palm Beach multifamily market. Additionally, as prices continue to climb for single family homes, residents are choosing to rent, particularly millennials just starting out who may not be able to afford a home in the market. Both millennials and baby boomers are creating demand for rental units with the latter showing a preference to reside in more urban areas. Market participants anticipate vacancy will be stable over the next two years and rent will continue to increase."

Single-family home prices were increasing. The main underlying factor is the demand for rental apartments. Baby boomers also created demand for rental units and most choose to be closer to downtown. Developers and investors have this trend and currently the market anticipates net absorption and vacancies will be stable or over the next two years rents will continue to rise. Ms. Matras commented the City needs to build its downtown and this should be a catalyst. The discussion about how much commercial they should support is a good question, but restaurants and these kinds of establishments service apartments and create the demand for these kinds of uses.

Commissioner Casello asked if staff recommended approval and learned they did.

**Motion**

Commissioner Casello moved to approve. Commissioner Katz seconded the motion.

Attorney Cherof clarified the vote was on proposed Ordinance No. 17-008.

City Clerk Pyle called the roll.

**Vote**

The vote was 5-0

B. **PROPOSED ORDINANCE NO. 17-009 - FIRST READING** - Approve request for abandonment of a portion of right-of-way of Boynton Beach Boulevard east of Federal Highway, and NE 6th Court between Boynton Beach Boulevard and Ocean Avenue, in conjunction with request for new site plan approval for the Ocean One mixed-use project. Applicant: Davis Camalier / Ocean One Boynton, LLC.

**Motion**

Commissioner Casello moved to approve. Commissioner Romelus seconded the motion.

City Clerk Pyle called the roll.

**Vote**

The vote was 5-0.

**Motion**

Commissioner Romelus moved to table items C and D. Vice Mayor McCray seconded the motion.

**Vote**

The motion unanimously passed.

C. Approve requests for a Community Design Appeal of 1) Chapter 3, Article III, Section 5.C., "Build to-line", which requires buildings to be constructed with a build-to-line of 0 to 15 feet, to allow a setback of approximately 19 feet; and 2) Chapter 4, Article III, Section 6.F., "Off-Street Parking Area Standards", which requires facades of parking garages that front on an arterial or collector roadway to be wrapped with habitable space. Applicant: Davis Camalier / Ocean One Boynton, LLC. ***THIS ITEM IS ADVERTISED FOR THIS MEETING BUT SHOULD BE TABLED TO APRIL 4, 2017 SO THAT FINAL ACTION OCCURS ON THE SAME DATE AS ACTION TAKEN ON THE CORRESPONDING REZONING AND ABANDONMENT ITEMS.***

D. Approve request for a New Site Plan for multi-family residential (rental apartments) consisting of 231 dwelling units within an eight (8)-story building, retail space, and associated recreational amenities and parking on 1.93 acres. Property located at 114 N. Federal Highway. Applicant: Davis Camalier / Ocean One Boynton, LLC. ***THIS ITEM IS ADVERTISED FOR THIS MEETING BUT SHOULD BE TABLED TO APRIL 4, 2017 SO THAT FINAL ACTION OCCURS ON THE SAME DATE AS ACTION TAKEN ON THE CORRESPONDING REZONING AND ABANDONMENT ITEMS.***

## 10. CITY MANAGER'S REPORT

A. Discuss Budget Workshop times for July 17-19, 2017.

Ms. LaVerriere explained they set aside three days in mid-July based on the TRIM schedule and the times they need to have the tentative millage rate established and sent to the State. Staff was considering July 17th, 18th, and 19th for the Budget Workshops to be held in the Library Program Room and will start announcing the dates to inform the public. They start on a Monday and go into the evening, depending on how long the City Commission wants to stay. There is a City Commission meeting on July 18th, so start in the morning around 10 and on Wednesday, should they need the third day, start in the afternoon. She had heard about starting later on Monday and going later to allow the public to come home from work, or having open workshops in May prior to the City Commission meetings.

Mayor Grant liked meeting prior to City Commission meetings, noting there is a fifth Tuesday in May. He wanted to hold a workshop from 6:30 p.m. to 8:00 p.m., for the residents to say what they want in next year's budget. He had received an email requesting a radar or flashing light indicating speed, similar to coming over the bridge in Ocean Ridge. It is also an opportunity for the City Commission to discuss what they would like in accordance with the Sunshine Law. Commissioner Casello and Vice Mayor McCray were fine with the date and time. Vice Mayor McCray liked having a late session on the 17th. They need one workshop to run into the evening so they can participate.

Ms. LaVerriere anticipated the third day would be used with the surtax and capital improvement projects. Commissioner Romelus suggested starting at 4 p.m. to have more time to work and not have to stay late. Mayor Grant responded the residents know they have later meetings. Commissioner Katz had no preference for time, noting the meetings go smoothly. There was consensus to start at 5 p.m., then 10 a.m. on Tuesday due to the City Commission meeting later that day

Vice Mayor McCray wanted an update on the one-cent sales tax. Ms. LaVerriere explained the Commission just approved the list of projects last month and got the committee in place. The next discussion is during budget to discuss year two of the surtax. This year for the pro-rated share, the Commission agreed on sidewalks and streets. It is estimated to be about $3.2 million for the remainder of this fiscal year. Vice Mayor McCray asked when the City would receive the funds. Ms. LaVerriere responded she anticipated receiving the funds late this month or next month from the Department of Revenue.

Ms. LaVerriere explained there would be a 5 p.m. Monday start time on July 17th and they usually do not set an end time so the City Commission can decide when to stop. Tuesday morning they will start at 10 a.m. and Wednesday they will start at 2 p.m. in addition to the May 30th budget public workshop at 6:30 p.m. in City Commission Chambers.

**11. UNFINISHED BUSINESS**

A. Consider additional research conducted by staff and provide direction relative to the addition of zoning regulations that would allow medical offices as accessory uses to a residential development.

Ms. LaVerriere explained this is a follow up item at the request of the City Commission about medical uses in residential areas. She advised staff was asked to report what Dade and Broward County have. Mayor Grant understood there have not been any commercially designated offices in a strictly residential development.

**Mike Rumpf,** Planning and Zoning Director, explained, they researched numerous cities and Sunrise, Margate and Riviera Beach had some type of provision that allowed medical offices in a strictly residential projects. Vice Mayor McCray asked if the City could institute the same. Mr. Rumpf explained if the City Commission wants, they could amend the Code to maintain the integrity of the regulations and preserve the environments while adding the use. Vice Mayor McCray requested staff amend the Code and bring back a draft. He noted this would not involve drugs and would more likely involve home health services.

Mayor Grant asked if this would allow for commercially designated development besides medical uses in residential only areas. Mr. Rumpf explained it is whatever they write into the regulations. They could specify uses, maximum square footages, even what the level of staff expertise would be, as well as number of employees or patients. Mayor Grant asked if they wanted a concession area that would serve residents, and learned staff would need to specify the zoning districts to maintain some type of control. The difference between a conventional neighborhood and a planned unit development (PUD) is a PUD is a governing authority that has interest in maintaining that environment. The City does not usually take that on, although the City has Codes and standards to enforce. They usually look for some type of management entity or board if there is an association to look out for its community.

Mayor Grant commented he would meet with Mike Rumpf. Commissioner Casello asked if larger communities, gated and un-gated communities have this type of facility and learned they do not, but some have personal services that are licensed and approved. Mayor Grant wanted more information regarding the commercial establishments from the three cities, regarding their Codes allowing it in residential neighborhoods. Vice Mayor McCray also wanted to meet with Mr. Rumpf, to find out what was occurring and then discuss it again. Mayor Grant suggested hearing the item the second meeting in April.

## 12. NEW BUSINESS

A. Authorize reimbursement of $50,000 general fund dollars to U.S. Department of Housing and Urban Development (HUD) in association with Community Development Block Grant Activities as a result of 2011 HUD audit.

Mr. Howard explained this is a request for City Commission approval to refund $50K to HUD based on an audit they performed of CDBG funds. In 2002, the City partnered with Palm Beach County and used CDBG funds for an economic development project for a company to create jobs. The company went under, did not produce the jobs, and HUD, when they conducted the audit, said they want their money back. Other items they found pertained to land parcels the City bought from 2002 to 2005 that were not yet developed and sold, some of which were on the model block. Staff worked with HUD on the lot issues because the value they wanted back initially was over $500K. Housing and Urban Development personnel said the City land banked the lots and their policies did not permit land banking.

The City provided documentation the recession occurred and they could not develop the lots. By the time they requested the funds be returned, the City had transferred the lots to the CDC and Habitat for Humanity. Homes were either under construction, permits submitted or the homes were near completion and/or sold. The City closed out the activities and said the City did what they were supposed to do according to the CDBG guidelines. There was no way to avoid the $50K refund. Since then, Florida moved to a Qualified Tax Incentive (QTI) program which withholds funding to companies until they produce documentation that they completed the task. Housing and Urban Development now requires the funds be paid from the general fund. Then they will increase the allocation to CDBG to allow the City to use the $50K and withdraw it again within the program rules of CDBG. The City has to request a reprogramming of the $50K. The City has to refund the monies from the General Fund, but they will get it back to use under CDBG.

Mayor Grant inquired how organizations apply for CDBG and learned there are several activities CDBG funds could be used for and interested parties should contact Ms. Sherrod and Mr. Mack. There is a public workshop and application process held once a year. Applicants can submit the appropriate paperwork. They are ranked by a panel and come to the City Commission for the award. Staff holds a public meeting because the Action Plan has to be approved in July. The City has paperwork in their office.

Vice Mayor McCray noted HUD was going to cut CDBG funds. Mr. Howard agreed. Unofficially, HUD funds will be cut by a certain amount, which will trickle down to the CDBG allocation entities, such as the City and the City may lose all of its funding. They will know more this summer. The City received $463K of CDBG funds this year.

**Motion**

Vice Mayor McCray moved to approve. Commissioner Romelus seconded the motion.

**Vote**

The motion unanimously passed.

B. Approve the request of Mayor Steven B. Grant to distribute $250 of his Community Support Funds to Women's Circle, a non-profit organization.

*This item was addressed earlier in the meeting.*

C. Approve the expenditure from Commissioner Casello's Community Support Funds of $1,000 to support the GBCD Entrepreneurship Institute programs.

*This item was addressed earlier in the meeting.*

**13. LEGAL**

A. Discussion and direction regarding scope of Medical Marijuana Treatment Center zoning and use regulations

Attorney Cherof noted the handouts and announced as of noon today, there are 13 separate bills pending in the House or Senate, none of which were acted on and two coming up for committee meetings in the next 10 days. Senate Bill 614 and Senate Bill 1388 were included. Senate Bill 614 is 62 pages long; however, he provided only one page because it is the page that refers to municipalities. The important part is this bill would indicate the distance requirements, as a matter of State law, between facilities that retail medical marijuana and existing public and/or private schools of all grade levels including child care facilities and between any other licensed service provider. Subsection E discusses the limits on the number of approved facilities as one for every 25K residents of a county. The draft notes that any governing body of a County or municipality can, by Ordinance, refuse a retail facility locating in their jurisdiction. If passed, the City would be authorized to prohibit a retail facility within the City; however, another provision of the bill specifies that type of restriction is not to be read as a restriction on the delivery of medical marijuana. Attorney Cherof had heard from various sources that over time, the main vehicle for delivery will not involve retail establishments, rather it would be ordered from a specific location and someone will deliver it.

The other provision of the bill is a County or municipality may level a business tax. He noted there is a strong movement in Tallahassee to restrict income to municipalities from business tax receipts. He did not know if the provision would survive.

Attorney Cherof explained Senate Bill 1388 is the general provision that a municipality may determine, by Ordinance, the criteria for the number, location and permitting requirements as long as they do not conflict with State law or Department Rule, neither of which Attorney Cherof had specific information.

The preliminary discussion is if there should be a moratorium, or direct staff to draft zoning and use regulations related to the sale of medical marijuana as some other municipalities and counties have done. In speaking with staff, draft zoning and use

regulations will be available for review within the next 30 days. If the City Commission wants to proceed, they can discuss the balance, which is the scope of regulations where City Commission input is needed on the type of use, zoning districts, the location, distance requirements and hours of operation.

Mayor Grant thought there was no reason for a moratorium if staff and legal can draft regulations within the time frame and he wanted the type of use to be conditional so they can approve each one on a case-by-case basis. He favored including industrial zoning districts as an approved location for dispensaries. In regard to the location, Mayor Grant favored a free-standing building as he did not want a dispensary to be a anchor for a development or shopping plaza. In reference to the roadway classifications, he did not want dispensaries, signage or frontage to be on arterial roads as it is still considered a schedule one drug and it should not be advertised to students on their way to school. He thought there should be a distance requirement from schools, parks and day care centers, but did not believe in distance requirements for rehab centers and places of worship. He was open to the hours of operation as reasonable business hours. Mayor Grant asked if they could issue a franchise agreement to limit dispensaries within the City. Attorney Cherof responded it did not appear to fall into the category of a franchise use. In response to a question about limiting the number of dispensaries the City could have, Attorney Cherof responded the City could. There were studies that indicate the more dispensaries there are, the less likely they will stay successful. One of the draft bills in Tallahassee limits the number of dispensaries based on the number of people that registered to obtain medical marijuana. Commissioner Casello thought one dispensary in the City should be sufficient or start with one and if they need more, the City Commission can amend it.

Vice Mayor McCray asked if there has there been an influx of people moving in to obtain medical marijuana. Mayor Grant noted there was in Colorado, but 25 other states allow medical marijuana.

Commissioner Katz agreed with the conditional use, but thought a dispensary should be in District I on the Congress Corridor between Gateway and Boynton Beach Boulevard. There are issues with security at these locations because they are soft targets. He would want it in a heavily travelled area that is well lit and secure and thought Congress Avenue had potential and would deter crime. He did not have a preference to a free standing building or a shopping center and did not mind a sign regarding roadway classifications, but agreed it would not be a flamboyant facility. He had no opinion regarding distance requirements and thought the hours would be at the Commissioners discretion, but within normal business hours of operation.

Vice Mayor McCray noted there is a religious facility in the mall. Commissioner Katz agreed, but thought since it is a pharmaceutical establishment, it was important not to create restrictions that stigmatize it Commissioner Romelus thought Bethesda Center on Congress would be a good location and wanted it housed near a medical facility.

Mayor Grant agreed it should be part of a medical facility, not just in any shopping center. He asked if there was a preference for office space as opposed to general commercial. Vice Mayor McCray noted there would be mobile distribution and door-to-door delivery. All agreed on the conditional use aspect, not limiting it to a location, but may be related to medical facilities, and the Commission will hear from the public regarding distance requirements from schools, parks and daycare centers. Normal operating hours may be 7 a.m. to 9 p.m.

**Kelly Harris,** Assistant Chief, explained currently Palm Beach County, as a whole, has a one-year moratorium, commencing February 23, 2017. The County is also waiting for revisions to the Statute which are expected on or before July 1, 2017. Mayor Grant noted Delray Beach and Boca Raton instituted moratoriums. Mayor Grant explained the City will pursue this with staff and legal when legislation is received.

Commissioner Casello had no problem with the two suggestions Commissioner Katz and Commissioner Romelus made as it is a conditional use and the distance requirements can be determined. He favored up to 1,500 feet separation and commented he had concerns about the hours.

**14. FUTURE AGENDA ITEMS**

A. Appoint a City Commission representative and alternate to the Coalition of Boynton West Residents Association (COBWRA). - April 4, 2017

B. Appoint a City Commission representative and alternate to the Countywide Intergovernmental Coordination Program. - April 4, 2017

C. Appoint a City Commission representative and alternate to the Metropolitan Planning Organization. - April 4, 2017

D. Appoint a City Commission representative and alternate to the Palm Beach County League of Cities. - April 4, 2017

E. Consider adopting a Chronic Nuisance Ordinance. - April 2017

F. Discuss cancelling the July 4th City Commission meeting - April 4, 2017

G. Monthly Departmental Presentations:

Communications/Marketing - April 18, 2017

H. Recommend vendor as result of Request for Proposal for Pension Benefit Consultant - April 18, 2017

## 15. ADJOURNMENT

### Motion

There being no further business to discuss, Commissioner Romelus moved to adjourn. Vice Mayor McCray seconded the motion.

### Vote

The motion unanimously passed. The meeting was adjourned at 8:40 p.m.

CITY OF BOYNTON BEACH

_____
Mayor - Steven B. Grant

_____
Vice Mayor - Mack McCray

_____
Commissioner - Justin Katz

_____
Commissioner - Christina Romelus

_____
Commissioner - Joe Casello

ATTEST

_____
Judith A. Pyle, CMC
City Clerk

Catherine Cherry
Catherine Cherry
Minutes Specialist

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION: PROPOSED RESOLUTION NO. R17-036** - Approve the piggyback of the Palm Beach County, FL Agreement R2014-1489 with IXOM (formerly Orica Watercare, Inc.) for MIEX DOC Anion Exchange Resin with the same terms, conditions, specifications and pricing, and authorize the City Manager to sign a contract with IXOM. The maximum anticipated annual expenditure for the purchase of MIEX DOC Resin is $402,000. Palm Beach County has complied with purchasing policies and considered this as a sole source provider of resin.

---

**EXPLANATION OF REQUEST:**
**Agreement R2014-1489 time period: October 1, 2014 thru September 30, 2017.**

As part of the upgrade and expansion of the East Water Treatment Plant, the MIEX ion exchange treatment process was added to remove organics from the raw water from the western wellfield. The MIEX process utilizes magnetically charged DOC anion exchange resin beads which aid in the removal and settling of the organics. Over time, attrition of the resin beads occurs and additional resin must be added to maintain the ongoing operation of the treatment process.

Utilities will piggyback an existing Palm Beach County contract with IXOM (formerly Orica Watercare, Inc.) for the purchase of the MIEX DOC Anion Exchange Resin.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** The use of the MIEX DOC resin is required for the ongoing operation of the MIEX ion exchange process in order to provide high quality drinking water to the customers of Boynton Beach Utilities.

**FISCAL IMPACT:** Budgeted Funding is available in Utilities account 401-2811-536-52.35.

**ALTERNATIVES:** Since the MIEX treatment process is an integral part of the East Water Treatment Plant, there is no feasible alternative at this time.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?**

**Grant Amount:**

---

**ATTACHMENTS:**

| Type | Description |
|---|---|
| Resolution | Resolution approving Piggy-Back of PBC Agreement with IXOM for MIEX DOC REson purchase |
| Agreement | Agreement with IXOM and City of Boynton Beach |
| Exhibit | Exhibit B to Agreement with City |
| Addendum | PBC Agreement Amendment 1 |
| Addendum | PBC Agreement 2 |
| Addendum | PBC Agreement 1 |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Utilities | Groff, Colin | Approved | 3/20/2017 - 3:23 PM |
| Finance | Howard, Tim | Approved | 3/28/2017 - 3:33 PM |
| Legal | Swanson, Lynn | Approved | 3/30/2017 - 3:51 PM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:13 AM |

**RESOLUTION NO. R16-**

**A RESOLUTION OF THE CITY OF BOYNTON BEACH, FLORIDA, APPROVING THE PIGGY-BACK OF A PALM BEACH COUNTY, FLORIDA AGREEMENT R2010-1128 AND FIRST AMENDMENT R2014-1489 WITH IXOM FOR THE PURPOSE OF MIEX DOC ANION EXCHANGE RESIN WITH THE SAME TERMS, CONDITIONS, SPECIFICATIONS AND PRICING WITH AN MAXIMUM ANTICIPATED ANNUAL EXPENDITURE FOR THE PURCHASE OF MIEX DOC RESIN OF $402,000; AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT FOR WITH IXOM WATERCARE, INC.,; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** City staff has confirmed that Palm Beach County's procurement process meets or exceeds that of the City of Boynton Beach's requirements; and

**WHEREAS,** upon recommendation of staff, it is the City's desire to piggy-back a Palm Beach County, Florida Agreement R2010-1128 and First Amendment R2014-1489 with IXOM for the purpose of MIEX DOC Anion Exchange Resin with the same terms, conditions, specifications and pricing with an maximum anticipated annual expenditure for the purchase of MIEX DOC Resin of $402,000.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA, THAT:**

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption.

Section 2. The City Commission of the City of Boynton Beach, Florida, hereby approves the piggy-back of a Palm Beach County, Florida Agreement R2010-1128 and First Amendment R2014-1489 with IXOM for the purpose of MIEX DOC Anion

Exchange Resin with the same terms, conditions, specifications and pricing with an maximum anticipated annual expenditure for the purchase of MIEX DOC Resin of $402,000.

Section 3. The City Manager is hereby authorized to sign a contract with IXOM, a copy of which is attached hereto as Exhibit "A".

Section 4. That this Resolution shall become effective immediately.

**PASSED AND ADOPTED** this _____ day of _____, 2017.

CITY OF BOYNTON BEACH, FLORIDA

| | YES | NO |
|---|---|---|
| Mayor – Steven B. Grant | _____ | _____ |
| Vice Mayor – Mack McCray | _____ | _____ |
| Commissioner – Justin Katz | _____ | _____ |
| Commissioner – Christina L. Romelus | _____ | _____ |
| Commissioner – Joe Casello | _____ | _____ |
| VOTE | _____ | |

ATTEST:

_____
Judith A. Pyle, CMC
City Clerk

(Corporate Seal)

CONTRACT FOR MIEX DOC ANION EXCHANGE RESIN

This Contract is made as of this ____ day of _____, 2017 by and between IXOM WATERCARE, INC., (formerly Orica Watercare, Inc.) a foreign corporation authorized to do business in the State of Florida, with offices at 33101 East Quincy Avenue, Watkins, CO 80137 ("IXOM"), and THE CITY OF BOYNTON BEACH, a Florida municipal corporation, with an address at 100 East Boynton Beach Boulevard, Boynton Beach, FL 33435 (the "City").

## RECITALS

**WHEREAS,** as part of the upgrade and expansion of the East Water Treatment Plant, the MIEX ion exchange treatment process was added to remove organics from the raw water from the western wellfield; and

**WHEREAS**, IXOM, submitted a proposal dated March 30, 2017 to the City to provide MIEX DOC Anion Exchange Resin in the maximum anticipated annual expenditure of $402,000 based on Palm Beach County, Florida Agreement R2010-1128 and First Amendment R2014-1489; and

**NOW THEREFORE**, in consideration of the mutual covenants contained herein, and for other valuable consideration received, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

## AGREEMENT

Section 1. The foregoing recitals are true and correct and are hereby incorporated in this Agreement.

Section 2. The City and IXOM agree that IXOM shall provide MIEX DOC Anion Exchange Resin in the maximum anticipated annual expenditure of $402,000 based on Palm Beach County, Florida Agreement R2010-1128 and First Amendment R2014-1489, a copy of which is attached hereto as Exhibit "A", except as hereinafter provided:

A. All references to Palm Beach County, Florida shall be deemed as references to the City of Boynton Beach.

B. All Notices to the City shall be sent to:

City: Lori LaVerriere, City Manager
City of Boynton Beach
100 East Boynton Beach Boulevard
Boynton Beach, Florida 33435
Telephone: (561) 742-6010 / Facsimile: (561) 742-6090

Copy : James A. Cherof, City Attorney
Goren, Cherof, Doody & Ezrol, PA.
3099 East Commercial Boulevard, Suite 200
Fort Lauderdale, FL 33308
Telephone: (954) 771-4500
Facsimile: (954) 771-4923

C. Any reference to Director of Purchasing shall mean Assistant City Manager, Tim Howard.

D. The Paragraph entitled "Invoicing" shall be changed to reflect: Seller must render original invoice to the City of Boynton Beach Utilities Department, 100 East Boynton Beach Boulevard, Boynton Beach, FL 33435.

E. The Paragraph entitled Palm Beach County Office of the Inspector General shall be not applicable.

F. The proposal from IXOM dated March 30, 2017, is attached hereto Exhibit "B".

Section 3. In the event that the Palm Beach County, Florida Contract is amended, or terminated, IXOM shall notify the City within ten (10) days. In the event the Palm Beach County, Florida Contract is amended or terminated prior to its expiration, this Contract shall remain in full force and effect, and not be deemed amended or terminated, until specifically amended or terminated by the parties hereto.

Section 4. IXOM agrees that in the event it enters into a Contract for the same (or substantially similar) scope of services with another local government in Florida which contains a term or condition, including fees, charges or costs, which the City determines to be more favorable than the terms in this Contract, the parties shall enter into an Addendum to provide those terms to the City.

Section 5. The insurance required shall require that the Certificate of Insurance name the City of Boynton Beach as an additional insured.

Section 6. In all other aspects, the terms and conditions of the Palm Beach County, Florida Contract are hereby ratified and shall remain in full force and effect under this Contract, as provided by their terms.

**IN WITNESS OF THE FOREGOING,** the parties have set their hands and seals the day and year first written above.

CITY OF BOYNTON BEACH, FLORIDA

ATTEST:

By:_____
Lori LaVerriere, City Manager

_____
Judith A. Pyle, CMC, City Clerk

APPROVED AS TO FORM:

_____
James A. Cherof, City Attorney

IXOM WATERCARE, INC.

WITNESSES:

_____

BY:_____
Print Name: _____
Title: _____

_____

ATTEST:

_____
CORPORATE SECRETARY

**EXHIBIT A**

**AGREEMENT BETWEEN PALM BEACH COUNTY AND IXOM WATERCARE, INC.**

**EXHIBIT B**

**PROPOSAL FROM IXOM WATERCARE, INC.**
**DATED MARCH 30, 2017**

March 30, 2017

Colin Groff, P.E.
Assistant City Manager
City of Boynton Beach
100 E. Boynton Beach Blvd.
Boynton Beach, FL 33425

**RE: MIEX® Resin Supply Pricing**

Mr. Groff,

Please accept this correspondence as approval that Ixom Watercare, Inc. has extended the terms and conditions of the Palm Beach County Resin Supply Agreement to the City of Boynton Beach. The resin pricing provided under this agreement will be honored for the duration of the contract.

We look forward to mutually successful partnership. If I or anyone else on the Ixom team can assist you, please do not hesitate to reach out.

Regards,

Jon Dyess
Customer Service Manager

Ixom Watercare, Inc.
8150 S. Akron St., Suite 401
Centennial, CO 80112
Office: 303-768-7345 Mobile: 720-201-0982
Email: jon.dyess@ixom.com

R2014 1489

# FIRST AMENDMENT TO MIEX® DOC RESIN SUPPLY AGREEMENT

**THIS AGREEMENT,** made and entered into this _____ day of OCT 0 7 2014, 2014, by and between **PALM BEACH COUNTY**, a subdivision of the State of Florida, hereinafter referred to as "Buyer," and **ORICA WATERCARE, INC.**, a Delaware corporation registered to do business in the State of Florida, hereinafter referred to as "Seller".

## WITNESSETH

**WHEREAS**, Buyer and Seller entered into a Miex® Doc Resin Supply Agreement ("Agreement") on July 20, 2010 (Palm Beach County Resolution No. R2010-1128); and

**WHEREAS,** the Agreement set forth the terms of the Buyer's purchase of Miex® Doc Resin from Seller, for use as part of the Miex® Treatment System at Buyer's Water Treatment Plant No. 2; and

**WHEREAS,** Buyer has experienced a loss of Miex® Doc Resin inventory in the Miex® Treatment System located at Water Treatment Plant No. 2; and

**WHEREAS**, Buyer and Seller have met and determined that the best course of action is for Buyer to provide discounted pricing on the Miex® Doc Resin for a period of three (3) years beginning October 1, 2014; and

**WHEREAS**, Buyer and Seller wish to amend the Agreement to account for the discounted pricing and to extend the expiration date to September 30, 2017.

**NOW, THEREFORE,** for and in consideration of these premises, the mutual undertakings and agreements herein contained and assumed, Buyer and Seller hereby covenant and agree as follows:

1. **Recitals.** The foregoing statements are true and correct and are incorporated herein by specific reference.

2. The following is added to the Paragraph entitled "TERM" on page 1 of the Agreement:

   Following the expiration of the last Renewal Period on July 19, 2015, the Agreement shall be extended through September 30, 2017.

3. The following is added to the Paragraph entitled "PRICES; QUANTITIES" on page 1 of the Agreement:

   For those purchases made between October 1, 2014 and September 30, 2015, the following terms will apply: Seller provides one (1) 650/L tote of Miex® DOC Resin at no charge to Buyer for every one (1) 650/L tote of Miex® DOC Resin that Buyer purchases up to a total of 15 totes at no charge.

   For those purchases made between October 1, 2015 and September 30, 2016, the following terms will apply: Seller provides one (1) 650/L tote of Miex® DOC Resin at no charge to Buyer for every two (2) 650/L tote of Miex® DOC Resin that Buyer purchases up to a total of 15 totes at no charge.

   For those purchases made between October 1, 2016 and September 30, 2017, the following terms will apply: Seller provides one (1) 650/L tote of Miex® DOC Resin at no charge to Buyer for every two (2) 650/L tote of Miex® DOC Resin that Buyer purchases up to a total of 13 totes at no charge.

4. All other provisions of the Agreement, dated July 20, 2010, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

**IN WITNESS WHEREOF,** Buyer and Seller have executed or have caused this Agreement to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this Agreement.

ATTEST:

R2014 1489 OCT 07 2014

SHARON R. BOCK, CLERK
AND COMPTROLLER

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Priscilla A. Taylor, Mayor

[SEAL]

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

By: _____
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: _____
Department Director

**WITNESSES:**

_____

_____
Type or Print Name

_____

_____
Type or Print Name

**SELLER, ORICA WATERCARE, INC.**

By: _____
Signature

President, N.A.
Title

Randy A CABLE
Typed or Printed Name

Corporate
Seal

Agenda Item # 3K-2

HV|SV 7-0
R-2014-1489
and
R-2014-1490

**PALM BEACH COUNTY**
**BOARD OF COUNTY COMMISSIONERS**
**AGENDA ITEM SUMMARY**

**Meeting Date:** **October 7, 2014** **Consent [X]** **Regular [ ]**
**Public Hearing [ ]**

**Department:** **Water Utilities Department**

## I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to approve: (A)** First Amendment to the Miex DOC Resin Supply Agreement with Orica Watercare, Inc.; and **(B)** Agreement for Operational Support Services with Orica Watercare, Inc.

**Summary:** On July 20, 2010, the Palm Beach County Board of County Commissioners (BCC) approved the Miex DOC Resin Supply Agreement (R2010-1128)(Agreement) with Orica Watercare, Inc. On May 20, 2014, the BCC approved an increase in the price Agreement from $1,900,000 to $2,518,000. The First Amendment extends the termination date of the Agreement from July 20, 2015 to September 30, 2017, without increasing the overall approved amount of $2,518,000.

Orica Watercare, Inc. shall provide operational support services, to minimize risk of operational failure and optimize resin and plant performance. The County agrees to pay Orica Watercare, Inc. $10,000 per month for the term of this Agreement for the operational support services set forth in the Scope of Work.

Orica Watercare, Inc. is located in Watkins, Colorado, and is a sole source provider. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. The contract with Orica Watercare, Inc. provides for 0% SBE participation. (WUD Project No. 09-046) District 2 (MJ)

**Background and Justification:** The Ozone Treatment System at WTP No. 2 reached the end of its useful life and spare parts were no longer available. The highly electricity-dependent ozone system was replaced with a Miex ion exchange process. Miex DOC Resin is a proprietary process and Orica Watercare, Inc. is the sole source provider of the resin which is manufactured in Australia.

**Attachments:**
1. Location Map
2. Two (2) Originals First Amendment to Miex DOC Resin Supply Agreement
3. Two (2) Originals Agreement for Operational Support Services

Recommended By: _____ 9/18/14
**Department Director** **Date**

Approved By: _____ 10/6/14
**Assistant County Administrator** **Date**

## II. FISCAL IMPACT ANALYSIS

**A. Five Year Summary of Fiscal Impact:**

| Fiscal Years | 2015 | 2016 | 2017 | 2018 | 2019 |
|---|---|---|---|---|---|
| Operating Expenditures | $120,000.00 | $120,000.00 | $120,000.00 | 0 | 0 |
| External Revenues | 0 | 0 | 0 | 0 | 0 |
| Program Income (County) | 0 | 0 | 0 | 0 | 0 |
| In-Kind Match County | 0 | 0 | 0 | 0 | 0 |
| NET FISCAL IMPACT | $120,000.00 | $120,000.00 | $120,000.00 | 0 | 0 |
| # ADDITIONAL FTE POSITIONS (Cumulative) | 0 | 0 | 0 | 0 | 0 |

**Budget Account No.: Fund 4001 Dept 720 Unit 2535 Object 4615**

Is Item Included in Current Budget? Yes X No ____

Reporting Category **N/A**

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

Contract will be funded by Water Utility Department user fees.

**C. Department Fiscal Review:** Debra M West

## III. REVIEW COMMENTS

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

9/28/2014
OFMB
KN 9/22 9/22

10/3/14
Contract Development and Control
10-3-14 B Wheeler

**B. Legal Sufficiency:**

10/3/14
Assistant County Attorney

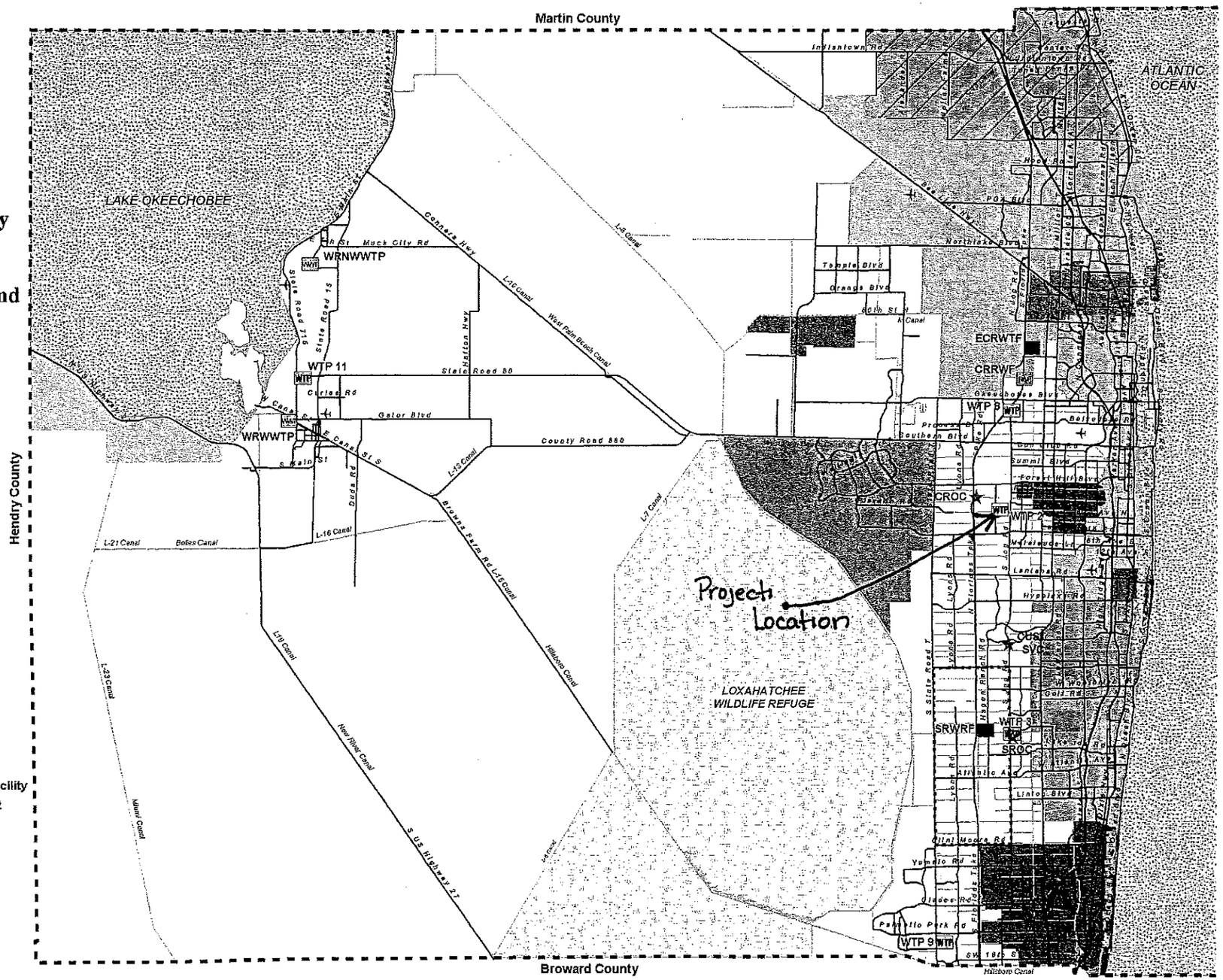
**C. Other Department Review:**

Department Director

This summary is not to be used as a basis for payment.

# Palm Beach County Water Utilities Department Service Area (SA) and Major Facilities

Attachment 1




Legend

- Administration
- Water Treatment Plant
- Reclamation Facility
- Wastewater Reclamation Facility
- Wastewater Treatment Plant
- Mandatory Reclaimed SA
- Palm Beach County Limits
- P.B.C.W.U.D. Service Area

NOT TO SCALE

R2014 1489

# FIRST AMENDMENT TO MIEX® DOC RESIN SUPPLY AGREEMENT

**THIS AGREEMENT,** made and entered into this _____ day of OCT 0 7 2014, 2014, by and between **PALM BEACH COUNTY**, a subdivision of the State of Florida, hereinafter referred to as "Buyer," and **ORICA WATERCARE, INC.**, a Delaware corporation registered to do business in the State of Florida, hereinafter referred to as "Seller".

## WITNESSETH

**WHEREAS**, Buyer and Seller entered into a Miex® Doc Resin Supply Agreement ("Agreement") on July 20, 2010 (Palm Beach County Resolution No. R2010-1128); and

**WHEREAS,** the Agreement set forth the terms of the Buyer's purchase of Miex® Doc Resin from Seller, for use as part of the Miex® Treatment System at Buyer's Water Treatment Plant No. 2; and

**WHEREAS,** Buyer has experienced a loss of Miex® Doc Resin inventory in the Miex® Treatment System located at Water Treatment Plant No. 2; and

**WHEREAS**, Buyer and Seller have met and determined that the best course of action is for Buyer to provide discounted pricing on the Miex® Doc Resin for a period of three (3) years beginning October 1, 2014; and

**WHEREAS**, Buyer and Seller wish to amend the Agreement to account for the discounted pricing and to extend the expiration date to September 30, 2017.

**NOW, THEREFORE,** for and in consideration of these premises, the mutual undertakings and agreements herein contained and assumed, Buyer and Seller hereby covenant and agree as follows:

1. **Recitals.** The foregoing statements are true and correct and are incorporated herein by specific reference.

2. The following is added to the Paragraph entitled "TERM" on page 1 of the Agreement:

   Following the expiration of the last Renewal Period on July 19, 2015, the Agreement shall be extended through September 30, 2017.

3. The following is added to the Paragraph entitled "PRICES; QUANTITIES" on page 1 of the Agreement:

   For those purchases made between October 1, 2014 and September 30, 2015, the following terms will apply: Seller provides one (1) 650/L tote of Miex® DOC Resin at no charge to Buyer for every one (1) 650/L tote of Miex® DOC Resin that Buyer purchases up to a total of 15 totes at no charge.

   For those purchases made between October 1, 2015 and September 30, 2016, the following terms will apply: Seller provides one (1) 650/L tote of Miex® DOC Resin at no charge to Buyer for every two (2) 650/L tote of Miex® DOC Resin that Buyer purchases up to a total of 15 totes at no charge.

   For those purchases made between October 1, 2016 and September 30, 2017, the following terms will apply: Seller provides one (1) 650/L tote of Miex® DOC Resin at no charge to Buyer for every two (2) 650/L tote of Miex® DOC Resin that Buyer purchases up to a total of 13 totes at no charge.

4. All other provisions of the Agreement, dated July 20, 2010, are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

**IN WITNESS WHEREOF,** Buyer and Seller have executed or have caused this Agreement to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this Agreement.

ATTEST:

R 2014 1489 OCT 07 2014

SHARON R. BOCK, CLERK
AND COMPTROLLER

By: _____
Deputy Clerk

[SEAL]

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Priscilla A. Taylor, Mayor

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

By: _____
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: _____
Department Director

**WITNESSES:**

_____

_____
Type or Print Name

_____

Ellen Brewer
Type or Print Name

**SELLER, ORICA WATERCARE, INC.**

By: _____
Signature

President, N.A.
Title

Randy A Cable
Typed or Printed Name

Corporate
Seal

R2014 1490

# AGREEMENT FOR OPERATIONAL SUPPORT SERVICES

**THIS AGREEMENT,** made and entered into this _____ day of OCT 0 7 2014, 2014, by and between **PALM BEACH COUNTY**, a subdivision of the State of Florida, hereinafter referred to as "COUNTY," and **ORICA WATERCARE, INC.**, a Delaware corporation registered to do business in the State of Florida, hereinafter referred to as "ORICA".

In consideration of the mutual promises contained herein, COUNTY and ORICA agree as follows:

## ARTICLE 1 - SERVICES

ORICA'S responsibility under this Agreement is to provide operational support services in accordance with the Scope of Work detailed in Exhibit "A", which is attached hereto and incorporated herein.

## ARTICLE 2 - SCHEDULE

ORICA shall commence services on October 1, 2014 and complete all services by September 30, 2017.

Reports and other items shall be delivered or completed in accordance with the detailed schedule set forth in Exhibit "A".

## ARTICLE 3 - PAYMENTS TO ORICA

A. COUNTY shall pay ORICA $10,000/month for the term of this Agreement for the operational support services set forth in the Scope of Work. Said payments shall be made monthly and shall begin following the first month of the term of this Agreement. Additional services, as set forth in Section 4 of the Scope of Work, shall not be included in this monthly payment and shall, where necessary, be billed separately at the appropriate hourly rate.

B. Invoices received from ORICA pursuant to this Agreement will be reviewed and approved by the COUNTY's representative, to verify that services have been rendered in conformity with the Agreement. Approved invoices will then be sent to the Finance Department for payment. Invoices will normally be paid within thirty (30) days following the COUNTY representative's approval.

C. "Out-of-pocket" expenses will be reimbursed in accordance with Section 4 of the Scope of Work. All requests for payment of "out-of-pocket" expenses eligible for reimbursement under the terms of this Agreement shall include copies of paid receipts, invoices, or other documentation acceptable to the Palm Beach County Finance Department. Such documentation shall be sufficient to establish that the expense was actually incurred and necessary in the performance of the Scope of Work described in this Agreement. Any travel, per diem, mileage, meals, or

lodging expenses which may be reimbursable under the terms of this Agreement will be paid in accordance with the rates and conditions set forth in Section ll2.06l, Florida Statutes.

D. Final Invoice: In order for both parties herein to close their books and records, ORICA will clearly state "final invoice" on the ORICA'S final/last billing to the COUNTY. This shall constitute ORICA'S certification that all services have been properly performed and all charges and costs have been invoiced to Palm Beach County. Any other charges not properly included on this final invoice are waived by ORICA.

## ARTICLE 4 – TERMS AND CONDITIONS

COUNTY and ORICA agree that the terms and conditions attached hereto and incorporated herein as Exhibit "B" shall govern this Agreement.

## ARTICLE 5 – INSURANCE REQUIREMENTS

ORICA shall, on a primary basis and at its sole expense, maintain in full force and effect, at all times during the life of this Agreement, insurance coverages and limits (including endorsements) as described herein. Failure to maintain the required insurance will be considered default of the Agreement. The requirements contained herein, as well as COUNTY's review or acceptance of insurance maintained by ORICA, are not intended to and shall not in any manner limit or qualify the liabilities and obligations assumed by ORICA under the Agreement.

A. **Commercial General Liability:** ORICA shall maintain Commercial General Liability, occurrence form, with minimum limits of **$1,000,000** per occurrence combined single limit for bodily injury, personal injury, and property damage liability. Coverage shall include, but not be limited to, Premises and Operations, Independent Consultants, Products and Completed Operations, Contractual Liability, Personal Injury & Advertising Injury, Medical Payments, and Broad Form Property Damage coverage parts. When applicable, coverage for the hazards of explosion, collapse and underground property damage (X-C-U) must also be included.

B. **Business Auto Liability:** ORICA shall maintain Business Auto Liability with minimum limits of $**500,000** per occurrence combined single limit for bodily injury, personal injury, and property damage liability. Coverage shall include all owned autos, hired autos, and non-owned auto liability. If ORICA does not have any owned or specifically insured autos, then ORICA shall maintain only the hired-auto and non-owned auto liability coverage under a separate policy or endorsed to the Commercial General Liability policy.

C. **Workers' Compensation Insurance & Employer's Liability**: ORICA shall maintain Workers' Compensation & Employer's Liability applying to ALL

employees for statutory limits in compliance with Florida Statute Chapter 440 and applicable Federal Laws. Coverage must include Employers Liability with minimum limits of $100,000 Each Accident, $500,000 Disease-Policy Limit, and $100,000 Disease-Each Employee. If ORICA has NO employees, and is NOT in the construction industry, a Certificate of Exemption from the Worker's Compensation Law along with an Affidavit of Independent Contractor status shall satisfy this requirement when provided to and approved by COUNTY's Risk Management Department.

D. **Professional Liability.** ORICA shall agree to maintain Professional Liability, or equivalent Errors & Omissions Liability at a limit of liability not less than $**1,000,000** Per Occurrence. When a self-insured retention (SIR) or deductible exceeds **$10,000**, COUNTY reserves the right, but not the obligation, to review and request a copy of ORICA most recent annual report or audited financial statement. For policies written on a Claims-Made basis, ORICA warrants the Retroactive Date equals or precedes the effective date of this contract. In the event the policy is canceled, non- renewed, switched to an Occurrence Form, retroactive date advanced; or any other event triggering the right to purchase a Supplemental Extended Reporting Period ( SERP) during the life of this Contract, ORICA shall agree to purchase a SERP with a minimum reporting period not less than three **(3)**years. ORICA shall agree this coverage shall be provided on a primary basis.

E. **Additional Insured Clause**: Except as to Workers' Compensation and Employer's Liability and Professional Liability, said the Certificate(s) of Insurance shall clearly confirm that the coverages required by this Agreement have been endorsed to include a CG 2026 Additional Insured - Designated Person or Organization, or similar endorsement, in favor of the COUNTY with the following clause:

Palm Beach County, Board of County Commissioners
A Political Subdivision of the State of Florida,
its Officers, Agents, and Employees
c/o Purchasing Department

F. **Waiver of Subrogation**: ORICA hereby waives any and all rights of Subrogation against the COUNTY, its officers, employees and agents for each required policy. When required by the insurer, or should a policy condition not permit an insured to enter into a pre-loss agreement to waive subrogation without an endorsement, then ORICA shall notify the insurer and request the policy be endorsed with a Waiver of Transfer of Rights of Recovery Against Others, or its equivalent. This Waiver of Subrogation requirement shall not apply to any policy which includes a condition to the policy specifically prohibiting such an endorsement or voids coverage should ORICA enter into such an agreement on a pre-loss basis.

G. **Certificates of Insurance**: Within forty-eight (48) hours of the COUNTY's request to do so, ORICA shall deliver to the COUNTY Certificate(s) of Insurance evidencing that all types and amounts of insurance coverages required by this Agreement have been obtained and are in full force and effect. During the term of the Agreement and prior to each subsequent renewal thereof, ORICA shall provide this evidence to the COUNTY prior to the expiration date of each and every insurance required herein. Such Certificate(s) of Insurance shall include a minimum thirty (30) day endeavor to notify due to cancellation or non-renewal of coverage.

H. **Umbrella or Excess Liability**: If necessary, ORICA may satisfy the minimum limits required above for either Commercial General Liability, Business Auto Liability, and Employer's Liability coverage under Umbrella or Excess Liability. The Umbrella or Excess Liability shall have an Aggregate limit not less than the highest "Each Occurrence" limit for either Commercial General Liability, Business Auto Liability, or Employer's Liability. The COUNTY shall be specifically endorsed as an "Additional Insured" on the Umbrella or Excess Liability, unless the Certificate of Insurance notes the Umbrella or Excess Liability provides coverage on a "Follow-Form" basis.

I. **Right to Revise or Reject**: COUNTY, by and through its Risk Management Department in cooperation with the contracting/monitoring department, reserves the right to review, modify, reject, or accept any required policies of insurance, including limits, coverages, or endorsements, herein from time to time throughout the term of this Agreement. COUNTY reserves the right, but not the obligation, to review and reject any insurer providing coverage because of poor financial condition or failure to operate legally.

**THE REST OF THIS PAGE LEFT BLANK INTENTIONALLY**

3K-2
10/21/14

**IN WITNESS WHEREOF,** COUNTY and ORICA have executed or have caused this Agreement to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this Agreement.

**ATTEST:**

R2014 1490 OCT 07 2014

Sharon R. Bock, Clerk and Comptroller

By: _____
Clerk Deputy

(SEAL)

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Priscilla A. Taylor, Mayor

APPROVED AS TO FORM AND TO LEGAL SUFFICIENCY

By: _____
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: _____
Director of Water Utilities

WITNESS:

_____
Signature

Janelle Alexander
Name (type or print)

_____
Signature

James J Cooper
Name (type or print)

ORICA:

ORICA WATERCARE, INC.
Company Name

BY: _____
Signature

Randy A Cable
Typed Name

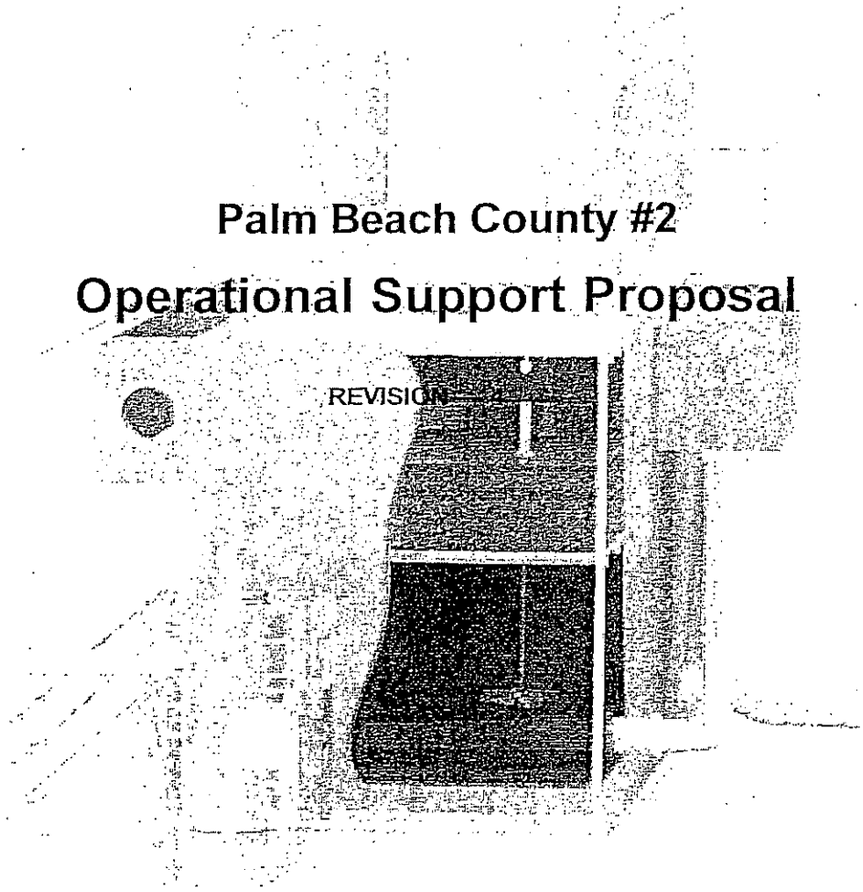
President N.A
Title

# EXHIBIT A
# SCOPE OF WORK/SERVICES

Orica Watercare
33101 E. Quincy Ave.
Watkins, CO 80137
(303) 268-5165

# Palm Beach County #2

# Operational Support Proposal




REVISION HISTORY

| REV | STATUS | DATE | PREPARED | CHECKED | APPROVED |
|---|---|---|---|---|---|
| 04 | Section 3.2 changed to reference PBC terms and conditions of sale | Sept 4, 2014 | R. Cable | K. McCurry | RC |

[1] MIEX is a registered trademark with the U.S. Patent office and owned by Orica Australia Pty Ltd.

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# 1 INTRODUCTION.

PBC#2 has been operating the MIEX® WTP since hand over in 2011. Over this period there has been no formal arrangement in place for Orica to support plant operations. After Orica's visit July 2, 2014, it was agreed that a more formal process should be in place for Orica to assist the County with monitoring plant performance, providing advice and sharing learning's from other MIEX® installations worldwide. This process could include regular plant performance reviews, resin condition monitoring, email exchanges, remote support and scheduled site visits.

The benefits of this approach to the County would be to:

- Minimize the risk of failures occurring in the future.
- Improve operator awareness
- Optimize plant performance

This proposal has been prepared to provide this support via a series of:

# 2 BASIS OF SERVICE & RECOMMENDED FREQUENCY.

## 2.1 REMOTE PLANT PERFORMANCE MONITORING (MONTHLY):

PBC#2 shall weekly send Orica a copy of MIEX® plant log sheets, including data on:

- DOC Color and UVA performance data
- Water treatment historical trends (resin loss rates, service information, MIEX® flow rate, resin concentrations in contactor, resin additions, etc).
- Regeneration historical trends (regeneration set points and actual values and other overview parameters).

An experienced MIEX® engineer will review this data when received and then discuss their findings with PBC#2 via a monthly teleconference or sooner if abnormal trends are discovered. The output from the teleconference will be a brief assessment of the findings as well as recommended actions to be undertaken by PBC#2 as applicable.

## 2.2 RESIN CONDITION MONITORING (EVERY 3 MONTHS)

A sample of loaded and fresh resin from the plant shall be sent to Orica every 3 months to enable the resin condition to be analyzed and reported on. The objective of these tests is to monitor the resin condition for decline in quality, performance, fouling (organic and in organic). The findings may prompt further actions and/or investigations;

The resin condition monitoring typically covers the following;

- Microscopy (view condition of resin)
- Bulk settled density (BSD) testing
- Settling rate
- IX activity (relative to laboratory resin)
- Particle size distribution for attrition rate monitoring as needed.

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### 2.3 SITE VISITS (EVERY 3 MONTHS)

A MIEX® engineer will visit the site over a 5 day period once every 3 months. The visit will have the following objectives;

- Face to face meetings with supervision and plant operators, maintenance personnel.

On the ground assessment of performance and investigation into plant incidents or process failures (including mechanical faults)

- Recommend and assist with development and implementation of software upgrades for process improvements and increased reliability (site specific or recommendations from other global MIEX® operations)
- Regeneration Curve Profiling (if required) – UVA, level and Conductivity
- Additional informal operator training / up skilling where requested or recommended by Orica or PBC#2 in response to incidents or as identified.
- Provide additional specific training at no additional cost as long as it can be completed within the 5 day visit allowance.

## 3 ORICA SERVICE SUPPORT SUPPLY COST

Orica is pleased to offer these services in a number of different configurations as detailed below.

### 3.1 Comprehensive Support at Annual Fee

This option includes the following;

- Resin condition monitoring: (RCM) A total of 4 sample sets per annum
- Site visits: Up to four site visits per annum with five full working days per trip at PBC#2 site or offices. Each working day is up to 10 hrs long. All expenses are included in the price.
- Routine remote performance monitoring and support. A total of up to 240 hrs per annum has been included in the price. Orica shall prioritize the performance data review and where operational support requests from PBC#2 require considerable additional time it is Orica's responsibility to alert PBC#2 to this and seek approval for additional costs prior to incurring the additional engineering time.
- The yearly cost has been split into a monthly value to smooth operational spending for PBC#2 and is based these services being purchased in 12 month blocks.

*This comprehensive support option would cost $120,000 per annum, invoiced as 12 equal monthly installments. Any additional engineering time, travel and expenses shall be charged in accordance with the schedule of rates detailed in section 4.*

### 3.2 LIMITATION OF LIABILITY

See Palm Beach County terms and conditions of sale

### 3.3 CATASTROPHIC LOSS EVENTS

For the purposes of this clause, a Catastrophic Loss is defined as losing more than 50% of the system inventory over a period of less than 30 days.

The support provided in this agreement will advise the plant in maximizing operational efficiency and will notify WTP operations of trends that would suggest that resin loss rates are increasing. Quarterly checks of operational parameters by Orica will reinforce best practices. With this additional layer of supervisory protection, the chances of a Catastrophic Loss is considerably mitigated; however, it cannot remove the chance altogether.

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Should a Catastrophic Loss occur during the period when Orica is engaged to provide the Comprehensive Support package, Orica would contribute 40% of the resin required to restore the plant to acceptable inventory.

This limited warranty would only be applicable if all of the following apply:

- Plant operations and routine maintenance are undertaken in accordance with the O&M manual and Orica instructions
- All non-routine maintenance that is undertaken is reported to Orica within 1 week.
- Performance data is communicated weekly to Orica in accordance with Section 2.1
- Replacement (top-up) resin is added at the rate recommended by Orica
- The Catastrophic Loss is directly and solely attributable to advice and direction given by Orica, and not due to any act, omission or negligence of PBC or a third party (excluding an act or omission in accordance with advice or direction given by Orica)
- Within 3 days of having found and reported a resin loss event, a visual audit is undertaken to identify the quantity of resin that has been lost (based on deficit from acceptable inventory of 42,450 litres of MIEX® DOC resin).

The warranty contained herein shall terminate if the MIEX plant failure giving rise to a claim under warranty results from (a) unauthorized modification, repair or alteration (b) improper or abnormal operation, application, maintenance or installation, or (c) operation, handling or other dealings with the equipment in a negligent manner. The warranty also does not cover resin loss arising from mechanical failure (eg valve failure, line break, etc).

### 3.4 *Resin Loss Rate*

For the purposes of this clause, Resin Loss Rate is defined as the monthly average loss rate, measured as gallons resin per million gallons of water treated. This calculation excludes the impact of any catastrophic loss event. Measurement of loss rate will take place at a frequency and using a testing method to be agreed between the parties and incorporated into the MIEX® Operation and Maintenance Manual.

The support provided in this agreement will advise the plant in maximizing operational efficiency and will notify WTP operations of trends that would suggest that resin loss rates are increasing. Quarterly checks of operational parameters by Orica will reinforce best practices. With this additional layer of supervisory protection, the chances of increased resin loss is considerably mitigated; however, it cannot remove the chance altogether.

Should the observed Resin Loss Rate exceed 3 gallons resin per million gallons of water treated during the period when Orica is engaged to provide the Comprehensive Support package, Orica would contribute the resin required to restore the inventory at the plant to the extent of such loss and provide advice to PBC as to how to rectify the loss rates. For avoidance of doubt, if the loss rate was 4 gallons resin per million gallons of water treated, Orica would contribute 1 gallons resin per million gallons of water treated, and PBC would contribute 3 gallons resin per million gallons of water treated.

This limited warranty would only be applicable if all of the following apply:

- Plant operations and routine maintenance are undertaken in accordance with the O&M manual and Orica instructions
- All non-routine maintenance that is undertaken under the guidance of is reported to Orica within 1 week
- Performance data is communicated weekly to Orica in accordance with Section 2.1
- Replacement (top-up) resin is added at the rate recommended by Orica
- The Resin Loss is not due to any act, omission or negligence of PBC or a third party (excluding an act or omission in accordance with advice or direction given by Orica)
- Within 14 days of having found and reported that resin loss appears to be above 3 gallons resin/million gallons, a visual audit is undertaken to identify the quantity of resin that has been lost (based on deficit from acceptable inventory of 42,450 litres of MIEX® DOC resin).

The warranty contained herein shall terminate if the MIEX plant failure giving rise to a claim under warranty results from (a) unauthorized modification, repair or alteration (b) improper or abnormal operation, application, maintenance or installation, or (c) operation, handling or other dealings with the equipment in a negligent manner. The warranty also does not cover resin loss arising from mechanical failure (eg valve failure, line break, etc).

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## 4 SCHEDULE OF RATES

| | |
|---|---|
| MIEX Engineer (normal hours) | $100 / hr |
| MIEX Engineer (overtime) | $130 / hr |
| Travel, Expenses & other services | Cost + 25% |

## 5 VALIDITY & PRICE ADJUSTMENT

This proposal is valid for 30 days from the submission date.

The schedule of rates and annual fee are firm for (3) three years.

Accepted By:_____
Title:_____
Date:_____

Accepted By:_____
Title:_____
Date:_____

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# EXHIBIT B –TERMS AND CONDITIONS

Palm Beach County
Purchase Order/Term Contract Standard Terms and Conditions

The following Terms and Conditions are applicable to this purchase order/contract entered into by and between **Palm Beach County** (referred to as Buyer) and **ORICA WATERCARE, INC.** (referred to as Seller).

MODIFICATIONS
No modifications of this order/contract, including but not limited to these terms and conditions, shall be binding upon Buyer unless approved by an authorized representative of Buyer's Purchasing Office.

ASSIGNMENTS

Assignments are prohibited unless prior written consent is given by the Buyer and the Seller.

EXCUSABLE DELAYS
The Buyer may grant additional time for any delay if the delay will not adversely impact the best interest of the County and is due to causes beyond the control of the Seller. Such grant must be in writing and made part of the order/contract.

DEFAULT
The County may, by written notice of default to the successful bidder, terminate the contract in whole or in part if the successful bidder fails to satisfactorily perform any provisions of this solicitation or resultant contract, or fails to make progress so as to endanger performance under the terms and conditions of this solicitation or resultant contract, or provides repeated non-performance, or does not remedy such failure within a period of 10 days (or such period as the Director of Purchasing may authorize in writing) after receipt of notice from the Director of Purchasing specifying such failure. In the event the County terminates this contract in whole or in part because of default of the successful bidder, the County may procure goods and/or services similar to those terminated, and the successful bidder shall be liable for any excess costs incurred due to this action.

If it is determined that the successful bidder was not in default or that the default was excusable (e.g., failure due to causes beyond the control of, or without the fault or negligence of, the successful bidder), the rights and obligations of the parties shall be those provided in "Termination".

TERMINATION
The Buyer may, whenever the interests of the County so require, terminate the order/contract, in whole or in part, for the convenience of the County upon five (5) days written notice to Seller. Unless directed differently in the notice of termination, the Seller shall incur no further obligations in connection with the order/contract.

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

FOB
The F.O.B. point shall be destination. If Buyer agrees, freight charges may be prepaid by the Seller and listed on the invoice; however, Seller retains title and assumes all responsibility, liability and risk in transit, and shall be responsible for the filing of claims for loss or damages.

PAYMENT TERMS
The Seller agrees that payment terms shall be Net 30. Interest penalties will only be paid in accordance with the Florida Prompt Payment Act, Florida Statute 218.70.

**Note: Palm Beach County Vendors can now be paid by Credit Card via the County's voluntary Payment Manager Program.** For vendors who don't have a merchant account, one is needed to utilize the Program. For vendors with a merchant account, you will need to enroll with Wells Fargo. For information, contact the Wells Fargo Supplier Onboarding Team at (866) 377-9533 or suppleronboardingteam@wellsfargo.com or the Palm Beach County Clerk & Comptroller at pbcpaymentmgr@mypalmbeachclerk.com.

INVOICING
Seller must render original invoice to the Palm Beach County Finance Department, P.O. Box 4036, West Palm Beach, Florida 334024036.

TAXES

The Buyer is exempt from Federal and State taxes.

PURCHASE ORDER

The Buyer will not accept any goods delivered or services performed unless a duly authorized purchase order has been issued for said goods and/or services. The purchase order number must appear on all invoices, packing slips and all correspondence concerning the order.

CONTRACT

Seller agrees that by submitting an offer (i.e. Request for Quotation) which is accepted by the Buyer (i.e. Purchase Order, Term Contract Notice) a binding contract is formed in accordance with the Buyer's terms, conditions and specifications as set forth in the solicitation and this purchase order. Seller certifies that the offer has been made by an officer or employee having the authority to bind the Seller. Accordingly, payment will only be made to the company and the address as provided in the Seller's offer unless prior written authorization is received from the Buyer.

PRICING

(1) Unless specifically requested in the specifications, any response containing modifying or escalation clauses shall be rejected.
(2) The price offered must be in accordance with the unit of measure provided on the response page(s). One (1) space or line requires only one (1) single, fixed unit price. Anything other than a single, fixed unit price shall result in the rejection of your response.
(3) Seller warrants by virtue of submitting an offer that prices shall remain firm for a period of ninety (90) days from the date of opening to allow for evaluation and award.
(4) Prices shall remain firm for the initial and any subsequent term unless modified by a special condition.
(5) All unit prices bid should be within two (2) decimal points. If bidder's pricing exceeds two (2) decimal points, Purchasing reserves the right to round up or down accordingly.

DELIVERIES

Deliveries are to be made Monday through Friday, excluding holidays, unless otherwise stipulated.

INSPECTION/ACCEPTANCE

All goods and/or services provided on this Purchase Order are subject to inspection and acceptance upon receipt or completion by an authorized representative of the Buyer. Payment shall not be authorized until the goods and/or services have been received, accepted and properly invoiced.

QUANTITIES

Quantities specified in the order/contract cannot be changed without Buyer approval. Goods shipped in excess of quantity designated may be returned at Seller's expense.

DISCRIMINATION PROHIBITED

Sellers doing business with the Buyer are prohibited from discriminating against any employee or client because of race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity and expression, or genetic information.

LEGAL REQUIREMENTS

The Seller must strictly comply with all Federal, State, County and local laws, ordinances, rules and regulations that in any manner affect the goods and/or services provided herein. The UCC shall prevail as the basis for contractual obligations between the Seller and the Buyer for any terms and conditions not addressed. The Buyer shall not be liable to the Seller for any legal fees, court costs, or other legal expenses arising from the interpretation or enforcement of this order/contract, or from any other matter generated by or relating to this order/contract.

CRIMINAL HISTORY RECORDS CHECK ORDINANCE

Pursuant to Ordinance 2003-030, the Palm Beach County Criminal History Records Check Ordinance ("Ordinance"), the County will conduct fingerprint based criminal history record checks on all persons not employed by the County who repair, deliver, or provide goods or services for, to, or on behalf of the County. A fingerprint based criminal history record check shall be conducted on all employees and subcontractors of vendors, including repair persons and delivery persons, who are unescorted when entering a facility determined to be critical to the public safety and security of the County. County facilities that require this heightened level of security are identified in Resolution R-2003-1274, as may be amended. The bidder is solely responsible for understanding the financial, schedule, and staffing implications of this Ordinance. Further, the bidder acknowledges that its bid price includes any and all direct or indirect costs associated with compliance with this Ordinance, except for the applicable FDLE/FBI fees that shall be paid by the County.

PUBLIC ENTITY CRIMES

In accordance with the Florida Public Entity Crime Statute 287.132.133, persons and affiliates who are entering into a contract or performing any work in furtherance with Palm Beach County certifies that it, its affiliates, suppliers, subcontractors and consultants who will perform hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within the 36 months immediately preceding the date hereof. This notice is required by Florida Statute 287.133
(3) (a).

SBE PROGRAM

In accordance with the Small Business Enterprise Program a preference is given to certified small businesses.

INDEMNIFICATION

To the extent authorized by law, Seller shall indemnify, save and hold harmless the Buyer, its employees and agents against any and all claims, damages, liability and court awards including costs, expenses and attorney fees incurred as a result of any act or omission by the Seller, or its employees, agents, subcontractors or assignees pursuant to the terms and conditions of this order/contract.

MATERIAL SAFETY DATA SHEETS (MSDS)

Seller compliance is required under Chapter 442, Florida Statutes; that any toxic substance delivered as a part of this order/contract must be accompanied by an MSDS.

ENDORSEMENTS

No endorsements by the Buyer of the goods and/or services will be used by the Seller in any way, manner or form.

VENUE

Any and all legal actions arising from or necessary to enforce this order/contract will be held in Palm Beach County.

PUBLIC RECORDS

Any information submitted relating to this order/contract will become a public document pursuant to Section 119.07, F.S.

SALES PROMOTIONS / PRICE REDUCTIONS

Should sales promotions occur during the term of the contract that lower the price of the procured item, the successful bidder shall extend to the County the lower price offered by the manufacturer on any such promotional item. Further, any price decreases effectuated during the contract period by reason of market change or otherwise, shall be passed on to the County. Additionally, anytime after award, the bidder may offer a reduced price which shall remain in effect for the duration of the contract.

PERFORMANCE DURING EMERGENCY

By submitting a bid, bidder agrees and promises that, during and after a public emergency, disaster, hurricane, flood, or acts of God, the County shall be given "first priority" for all goods and services under this contract. Bidder agrees to provide all goods and services to the County during and after the emergency at the terms, conditions, and prices as provided in this solicitation on a "first priority" basis. Bidder shall furnish a 24-hour phone number to the County in the event of such an emergency. Failure to provide the stated priority during and after an emergency shall constitute breach of contract and make the bidder subject to sanctions from doing further business with the County.

PALM BEACH COUNTY OFFICE OF THE INSPECTOR GENERAL AUDIT REQUIREMENTS

Pursuant to Palm Beach County Code, Section 2-421 - 2-440, as amended, Palm Beach County's Office of Inspector General is authorized to review past, present and proposed County contracts, transactions, accounts, and records. The Inspector General's authority includes, but is not limited to, the power to audit, investigate, monitor, and inspect the activities of entities contracting with the County, or anyone acting on their behalf, in order to ensure compliance with contract requirements and to detect corruption and fraud.

GLADES UTILITY AUTHORITY "GUA" PURCHASES

Pursuant to Section 2-54(f)(11), Palm Beach County Code, purchases made for the "GUA" may be awarded only to those vendors located in the Glades, as defined in the Palm Beach County Code. However, if no response is received from a vendor located in Glades, the good or service shall be re-solicited to all vendors and awarded to the lowest, responsive, responsible bidder.

LIMITATION OF LIABILITY

IN NO EVENT SHALL SELLER OR BUYER BE LIABLE, WHETHER ARISING UNDER CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE, FOR INCIDENTAL, INDIRECT, CONSEQUENTIAL OR SPECIAL DAMAGES OF ANY KIND, INCLUDING WITHOUT LIMITATION LOST PROFITS, LOST CAPITAL OR REVENUES OR LOSS BY REASON OF SERVICE INTERRUPTION OR INCREASED EXPENSE OF OPERATION. UNDER NO CIRCUMSTANCES SHALL SELLER'S OR BUYER'S LIABILITY EXCEED THE SALE PRICE OF THE GOODS GIVING RISE TO THE LIABILITY. THIS LIMITATION OF LIABILITY SHALL NOT APPLY TO SELLER'S DUTY TO INDEMNIFY BUYER, NOR SHALL IT APPLY TO THIRD-PARTY CLAIMS OF DEATH, PERSONAL INJURY, OR PROPERTY DAMAGE.

INTELLECTUAL PROPERTY

SELLER IS THE SOLE AND EXCLUSIVE OWNER OF THE INTELLECTUAL PROPERTY IN THE GOODS AND THE RIGHTS ATTACHED TO THAT INTELLECTUAL PROPERTY. NOTHING HEREIN GRANTS TO BUYER ANY RIGHT, TITLE OR INTEREST IN OR TO ANY OF THE INTELLECTUAL PROPERTY IN THE GOODS. BUYER SHALL NOT CLAIM TO HAVE ACQUIRED ANY RIGHT, TITLE OR INTEREST TO THE INTELLECTUAL PROPERTY IN THE GOODS BY VIRTUE OF PURCHASING GOODS SOLD HEREUNDER. AS USED HEREIN, "INTELLECTUAL PROPERTY" MEANS ANY INTELLECTUAL OR INDUSTRIAL PROPERTY RIGHT ANYWHERE IN THE WORLD INCLUDING, WITHOUT LIMITATION, ANY PATENT, PATENT APPLICATION, UTILITY MODEL, COPYRIGHT (INCLUDING COPYRIGHT IN MANUALS, DATABASES, AND PROMOTIONAL MATERIALS), REGISTERED DESIGN AND OTHER DESIGN RIGHTS, AND ANY OTHER RIGHTS THAT MAY SUBSIST ANYWHERE IN THE WORLD IN IMPROVEMENTS, INVENTIONS AND OTHER MANUFACTURING PROCESSES OR TECHNICAL AND OTHER INFORMATION OF SELLER.

Effective from 08/19/14

ORICA WATERCARE

Signature

Randy A CABLE
Print Name

President N.A.
Title

8-20-2014
Date

PALM BEACH COUNTY

Signature

Print Name

Title

Date

Agenda Item # 3K-3
M/V 6-0
T abs
R-2010-1128

**PALM BEACH COUNTY**
**BOARD OF COUNTY COMMISSIONERS**
**AGENDA ITEM SUMMARY**

| | | | |
|---|---|---|---|
| **Meeting Date:** | **July 20, 2010** | **Consent [X]**<br>**Public Hearing [ ]** | **Regular [ ]** |
| **Submitted By:** | **Water Utilities Department** | | |
| **Submitted For:** | **Water Utilities Department** | | |

## I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to approve:** A Purchase Agreement with Orica Watercare, Inc. for Miex DOC Anion Exchange Resin for the Water Treatment Plant (WTP) No. 2 Miex Treatment System in the total estimated amount of $1,900,000 over a five year term.

**Summary:** On June 29, 2010 (R2010-1038) the Board of County Commissioners awarded the Contract for the construction of the WTP No. 2 Miex Treatment System to John J. Kirlin LLC. The Miex anion exchange process will remove the dissolved organic carbon (DOC) color compounds, improve the water quality and reduce energy consumption compared to the existing ozone treatment process. Orica Watercare, Inc. located in Watkins, Colorado is a sole source provider of the proprietary Miex DOC Anion Exchange resin. The initial delivery in February of 2011 will fill the treatment basins at an estimated cost of $700,000. Yearly operational costs for resin replacement are estimated to be $300,000 for treating an average of 10 million gallons of water per day. The five year Purchase Agreement includes a consumer price index (CPI) escalation clause. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This Contract with Orica Watercare, Inc. provides for SBE participation of zero overall. Overall the WTP No. 2 Miex Treatment System project including design, construction and start-up resin provides 15.70% SBE participation which exceeds the 15% SBE goal. (WUD Project No. 09-046) District 2 (JM)

**Background and Justification:** The Ozone treatment system at WTP No. 2 is reaching the end of its useful life and spare parts are no longer available. Miex DOC Anion Exchange Resin is a proprietary process and Orica Watercare, Inc. is the sole source provider of the resin which is manufactured in Australia. The Purchase Agreement is recommended for Board approval in July 2010 to avoid the scheduled August 2010 price increase by Orica Watercare, Inc. The Agreement was reviewed by the County Attorney's office and the terms and conditions are acceptable.

**Attachments:**

1. Two (2) Original Purchase Agreements
2. Sole Source Letter
3. Insurance Certificate
4. Location Map

Recommended By: _____ 7/1/2010
**Department Director** **Date**

Approved By: _____ 7/12/10
**Assistant County Administrator** **Date**

## II. FISCAL IMPACT ANALYSIS

**A. Five Year Summary of Fiscal Impact:**

| Fiscal Years | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|---|---|---|---|---|---|---|
| Capital Expenditures | 0 | $700,000.00 | $300,000.00 | $300,000.00 | $300,000.00 | $300,000.00 |
| External Revenues | 0 | 0 | 0 | 0 | 0 | 0 |
| Program Income (County) | 0 | 0 | 0 | 0 | 0 | 0 |
| In-Kind Match County | 0 | 0 | 0 | 0 | 0 | 0 |
| NET FISCAL IMPACT | 0 | $700,000.00 | $300,000.00 | $300,000.00 | $300,000.00 | $300,000.00 |
| # ADDITIONAL FTE POSITIONS (Cumulative) | 0 | 0 | 0 | 0 | 0 | 0 |

**Budget Account No.: Fund 4011 Dept 721 Unit W002 Object 6541 $700,000.00 (FY 11)**
**Budget Account No.: Fund 4001 Dept 720 Unit 2535 Object 5205 $300,000.00 (FY 12 -15)**

Is Item Included in Proposed Budget? Yes X No ____

Reporting Category **N/A**

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

One time capital expenditure to be funded from user fees and balance brought forward for FY 2011. Yearly resin replacement costs (FY 12 to FY 15) will be funded by operations and maintenance.

**C. Department Fiscal Review:** Debra M West

## III. REVIEW COMMENTS

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

7/7/10
OFMB 7/6/10 7/6/10

7/8/10
Contract Development and Control
E. Jones 7/8/10
This is a sole source requirements contract.

**B. Legal Sufficiency:**

7/12/10
Assistant County Attorney

**C. Other Department Review:**

Department Director

This summary is not to be used as a basis for payment.

ORICA WATERCARE

Orica Watercare Inc.
33101 East Quincy Avenue
Watkins, CO 80137

R2010_11 28 JUL 2 0 2010

**MIEX® DOC RESIN SUPPLY AGREEMENT ("AGREEMENT")**

BUYER — Palm Beach County Water Utility Department, having a place of business at 8100 Forest Hill Boulevard, West Palm Beach, FL 33413

SUBJECT TO THE TERMS AND CONDITIONS OF THIS AGREEMENT, ORICA WATERCARE INC. ("SELLER") AGREES TO SELL TO BUYER, AND BUYER AGREES TO PURCHASE FROM SELLER, MIEX® DOC RESIN ("GOODS") FOR USE IN BUYER'S WATER TREATMENT PLANT.

TERM — This Agreement shall be effective for a period of three (3) years beginning on the date shown below (the "Term"). Thereafter, the Agreement shall be renewed automatically on a year-to-year basis for subsequent two (2) year periods ("Renewal Period"), unless either party notifies the other party in writing at least ninety (90) days prior to the end of the Term or any Renewal Period of its intention not to renew, in which event the Agreement shall terminate at the end of the then current Term or the Renewal Period.

PRICES; QUANTITIES — The price for the Goods shall be fixed for the first 12 months at $13.50/liter ($8,775.00 per Bulk 650 liter pack), exclusive of shipping charges. Thereafter, prices for the Goods shall be adjusted on each anniversary of the effective date of this Agreement as set out in Attachment A.

ORDERS — Seller will ensure that sufficient quantities of MIEX ® Resin are supplied as may be required for the continued operation of the Plant. During the Term and any Renewal Period, Buyer shall source its requirements for water treatment resin for WTP #2 exclusively from Seller. At all times, Buy shall maintain an inventory of no less than four (4) 650 Liter bulk packs.

PACKAGING — Goods will be supplied in 1000 Liter bulk packs containing 650L of settled resin (see Attachment B).

DELIVERY — Deliveries shall be made to Buyer's Plant. Buyer shall have available during normal business hours suitable equipment and personnel at the Plant to promptly unload all deliveries of Goods from the delivery vehicle. Deliveries shall be made within fifteen (15) business days from the date Seller receives Buyer's written order.

PLANT OPERATIONS — Buyer agrees to operate plant according to plant operating manual provided by Seller and to maintain records of operating history and conditions during the term of this Contract. Buyer agrees to provide Seller with access to relevant records and calculations on request.

AGREEMENT DOCUMENTS — This Agreement consists of this page, the attached Terms and Conditions, and Attachments A (Resin Price and Adjustment Terms) and B (Product Specifications).

**MIEX® DOC RESIN SUPPLY AGREEMENT**

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida, has made and executed this Contract on behalf of the said County ("Buyer") and caused the seal of the said County to be affixed hereto, and Orica Watercare, Inc. ("Seller") has hereunto set his hand and seal the day and year written. The Seller represents that it is authorized to execute this contract on behalf of itself.

R 2010 1128 JUL 20 2010

ATTEST:
SHARON R. BOOK
CLERK AND COMPTROLLER

Deputy Clerk

PALM BEACH COUNTY, FLORIDA, A
Political Subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

By: _____
Burt Aaronson, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS

Bevin A. Beaudet, P.E., Director
Water Utilities Department

'SELLER'

By: Orica Watercare Inc.
(Corporate Name)

a Delaware corporation
(insert state of corporation)

By: _____
(signatory)

Matthew Rowland
(print signatory's name)

General Manager
(print title)

June 25, 2010
(date of execution)

33101 East Quincy Avenue
(Sellers's Official Address)

Watkins, CO 80137
(Sellers's Official Address)

_____
(witness signature)

ELLEN BREWER
(witness name printed)

_____
(witness signature)

SCOTT MITCHELL
(witness name printed)

(Corporate Seal)

**Palm Beach County**
**Resin Supply Agreement Terms and Conditions**

The following Terms and Conditions are applicable to this purchase order/contract entered into by and between Palm Beach County (referred to as Buyer) and Orica Watercare Inc. (referred to as Vendor or Seller).

**MODIFICATIONS**
No modifications of this order/contract, including but not limited to these terms and conditions, shall be binding upon Buyer unless approved by an authorized representative of Buyer's Purchasing Office, and agreed to in writing by the party to be bound.

**ASSIGNMENTS**
Assignments are prohibited unless prior written consent is given by the Buyer and the Seller.

**EXCUSABLE DELAYS**
The Buyer may grant additional time for any delay if the delay will not adversely impact the best interest of the County and is due to causes beyond the control of the Seller. Such grant must be in writing and made part of the order/contract.

If shipments are delayed or suspended by Buyer for any reason, any storage or other charges incurred by Seller as a result of Buyer's request for delay or suspension of a shipment date shall be for Buyer's account. All prices stated are subject to escalation during periods of delay or suspension requested or caused by Buyer. Escalation shall be based upon increases in the U.S. Consumer Price Index occurring between quotation date and date of actual shipment.

Extended Storage: Extended storage instructions, if necessary, will be supplied with the Goods shipped to Buyer. If Equipment installation and start-up is delayed more than thirty (30) days the provisions of the extended storage instructions must be followed in order to keep any warranty on the Goods in force and effect.

Shipment Dates: Shipping dates are estimates only and are subject to Seller's lead time policy.

**DEFAULT**
The County may, by written notice of default to the Seller, terminate the contract in whole or in part if the Seller fails to satisfactorily perform any provisions of this solicitation or resultant contract, or fails to make progress so as to endanger performance under the terms and conditions of this solicitation or resultant contract, or provides repeated non-performance, and does not remedy such failure within a period of 30 days (or such period as the Director of Purchasing may authorize in writing) after receipt of notice from the Director of Purchasing specifying such failure. In the event the County terminates this contract in whole or in part because of default of the successful bidder, the County may procure goods and/or services similar to those terminated, and the successful bidder shall be liable for any excess costs incurred due to this action.

If it is determined that the Seller was not in default or that the default was excusable (e.g., failure due to causes beyond the control of, or without the fault or negligence of, the successful bidder), the rights and obligations of the parties shall be those provided in "Termination".

**TERMINATION**
The Buyer may, whenever the interests of the County so require, terminate the order/contract, in whole or in part, for the convenience of the County upon ninety (90) days written notice to seller. Unless directed differently in the notice of termination, the Seller shall incur no further obligations in connection with the order/contract. If Buyer terminates with less than 90 days notice, Buyer agrees to pay Seller an early termination penalty equal to the average monthly order prorated on a daily basis multiplied by the number of days less than 90. For example, if Buyer orders average 1000L per month over the past year and Buyer gives Seller 58 days written notice and price per Liter is $13.50, Buyer's early termination fee would be ((1000/30) X (90 – 58)) X $13.50/L = $14,400.00.

**FOB**
The F.O.B. point shall be destination. Freight charges shall be prepaid by the Seller and listed on the invoice; however, Seller retains title and assumes all responsibility, liability and risk in transit, and shall be responsible for the filing of claims for loss or damages.

Insurance: From the date of acceptance until the invoice is paid in full, Buyer shall maintain at its sole expense, insurance against loss or damage to the Goods in an amount no less than the total cost of the Goods. Such insurance shall name Seller as loss payee. Upon Seller's request, Buyer shall furnish evidence confirming the existence of the insurance described herein.

Buyer is responsible for disposing of all non-returnable containers and shipping

**PAYMENT TERMS**
The Seller agrees that payment terms shall be in accordance with the Florida Prompt Payment Act, Florida Statute 218.70.

In accordance with the Florida Prompt Payment Act, Florida Statute 218.70 payments not received when due shall incur service charges at the rate of 1% per month (12% per annum) until paid.

Seller reserves the right, among other remedies, to delay or suspend further shipments or require full or partial cash payment in advance until all sums due have been paid.

**INVOICING**
Seller must render original invoice to the Palm Beach County Water Utilities Department, 8100 Forest Hills Boulevard, West Palm Beach, Florida 33413

**TAXES**
The Buyer is exempt from Federal and State taxes.

Prices stated do not include any sales, use, excise, privilege, or other taxes or assessments imposed on the Goods sold hereunder.

**PURCHASE ORDER**
The Buyer will not accept any goods delivered or services performed unless a duly authorized purchase order has been issued for said goods and/or services. The purchase order number must appear on all invoices, packing slips and all correspondence concerning the order.

**CONTRACT**
Seller agrees that by submitting an offer (i.e. Request for Quotation) which is accepted by the Buyer (i.e. Purchase Order, Term Contract Notice) a binding contract is formed in accordance with the Buyer's terms, conditions and specifications as set forth in the solicitation and this purchase order. Seller certifies that the offer has been made by an officer or employee having the authority to bind the Seller. Accordingly, payment will **only** be made to the company and the address as provided in the Seller's offer unless prior written authorization is received from the Buyer.

**PRICING**
Seller warrants by virtue of submitting an offer that prices shall remain firm until ***July 30, 2010*** to allow Buyer to complete the balance of its procurement process for the project.

**The proposal from Seller includes only MIEX® DOC Resin specified herein and does not include, equipment, equipment installation or erection, or accessories or associated materials such as controls, piping, etc., unless otherwise specified herein.**

**DELIVERIES**
Deliveries are to be made Monday through Friday, excluding holidays, unless otherwise stipulated.

**INSPECTION/ACCEPTANCE**
All goods and/or services provided on this Purchase Order are subject to inspection and acceptance upon receipt or completion by an authorized representative of the Buyer. Payment shall not be authorized until the goods and/or services have been received, accepted and properly invoiced.

Receipt and acceptance (or notification in writing of any shortage or damage) shall occur within 10 days of physically receiving Goods. All claims for apparent damage or shortage shall be deemed waived unless made in writing and received by Seller within 20 days after Buyer's receipt of the Goods. For goods or materials which will not be uncrated until immediately prior to use or installation or for which damage or

shortage was not apparent until uncrated, claims shall be made within ten (10) days of uncrating such goods or materials. Failure to timely deliver written notice of any such claim shall be deemed an absolute and unconditional waiver of such claim, irrespective of whether the facts giving rise to such claim shall have then been discovered or of whether use or application of the Goods shall have then taken place.

Returns: Returned Goods shall not be accepted unless Buyer obtains prior written approval and transportation instructions from Seller. All Goods returned to Seller must be in full containers or cases, and in the same condition as when delivered. Goods may be returned for exchange or credit only. Seller shall give no cash refunds for returned Goods. Except for damaged goods, returned goods are subject to a restocking fee of 15% of the invoiced value of such goods and Buyer shall pay all transportation charges.

**QUANTITIES**
Quantities specified in the order/contract cannot be changed without Buyer approval. Goods shipped in excess of quantity designated may be returned at Seller's expense.

**DISCRIMINATION PROHIBITED**
Sellers doing business with the Buyer are prohibited from discriminating against any employee or client because of race, color, religion, disability, sex, age, national origin, ancestry, marital status, sexual orientation, or gender identity and expression.

**LEGAL REQUIREMENTS**
The Seller must strictly comply with all Federal, State, County and local laws, ordinances, rules and regulations that in any manner affect the goods and/or services provided herein. The UCC shall prevail as the basis for contractual obligations between the Seller and the Buyer for any terms and conditions not addressed. The Buyer shall not be liable to the Seller for any legal fees, court costs, or other legal expenses arising from the interpretation or enforcement of this order/contract, or from any other matter generated by or relating to this order/contract.

**CRIMINAL HISTORY RECORDS CHECK ORDINANCE**
Pursuant to Ordinance 2003-030, the Palm Beach County Criminal History Records Check Ordinance ("Ordinance"), the County shall conduct fingerprint based criminal history record checks on all persons not employed by the County who repair, deliver, or provide goods or services for, to, or on behalf of the County. A fingerprint based criminal history record check shall be conducted on all employees and subcontractors of vendors, including repair persons and delivery persons, who are unescorted when entering a facility determined to be critical to the public safety and security of the County. County facilities that require this heightened level of security are identified in Resolution R-2003-1274, as may be amended. The bidder is solely responsible for understanding the financial, schedule, and staffing implications of this Ordinance. Further, the bidder acknowledges that its bid price includes any and all direct or indirect costs associated with compliance of this Ordinance, except for the applicable FDLE/FBI fees that shall be paid by the County.

**PUBLIC ENTITY CRIMES**
In accordance with the Florida Public Entity Crime Statute 287.132.133, persons and affiliates who are entering into a contract or performing any work in furtherance with Palm Beach County certifies that it, its affiliates, suppliers, subcontractors and consultants who will perform hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within the 36 months immediately preceding the date hereof. This notice is required by Florida Statute 287.133 (3) (a).

**SBE PROGRAM**
In accordance with the Small Business Enterprise Program ("SBE") a preference is given to certified small businesses.

**INDEMNIFICATION**
To the extent authorized by law, Seller shall indemnify, save and hold harmless the Buyer, its employees and agents against any and all claims, damages, liability and court awards including costs, expenses and attorney fees incurred as a result of any act or omission by the Seller, or its employees, agents, subcontractors or assignees pursuant to the terms and conditions of this order/contract.

**MATERIAL SAFETY DATA SHEETS (MSDS)**
Seller compliance is required under Chapter 442, Florida Statutes; that any toxic substance delivered as a part of this order/contract must be accompanied by an MSDS.
No endorsements by the Buyer of the goods and/or services will be used by the Seller in any way, manner or form.

**VENUE**
Any and all legal actions arising from or necessary to enforce this order/contract shall be governed by the law of Florida and will be held in Palm Beach County.

**PUBLIC RECORDS**
Any information submitted relating to this order/contract will become a public document pursuant to Section 119.07, F.S.

**SALES PROMOTIONS / PRICE REDUCTIONS**
Should sales promotions occur during the term of the contract that lower the price of the procured item, the Seller shall extend to the County the lower price offered by the manufacturer on any such promotional item. Further, any price decreases effectuated during the contract period by reason of market change or otherwise, shall be passed on to Palm Beach County.

**PERFORMANCE DURING EMERGENCY**
Notwithstanding anything to the contrary in this Contract, deliveries and/or performance may be suspended or delayed by: acts of God; acts of civil or military authorities; war; riot; fire; explosion; flood; sabotage or acts of terrorism; lack of adequate fuel, power, raw materials, labor, containers or transportation facilities; changes in applicable governmental laws, regulations, or orders; breakage or failure of machinery or apparatus; labor disputes; acts or omissions of Buyer, its employees, officers or agents; or any other event, whether or not of the class or kind enumerated herein, beyond the reasonable control of Seller which makes impractical the performance of the Services, or the manufacture, transportation, or shipment of the Products or of a material or other resource upon which the manufacture or transportation of the Goods depends.

**USE**
Buyer shall not resell, distribute or supply the Goods to any third party for any reason without Seller's prior written consent. Buyer shall not deconstruct, reverse compile or reverse engineer the Goods in any way for the purpose of deciphering or replicating the chemical composition of the Goods. Buyer shall not use the Goods for any purpose other than that identified in Seller's proposal or literature as the intended use of such Goods. Any warranty granted to Buyer shall be deemed void if any Goods are used for any purpose not permitted hereunder.

**INTELLECTUAL PROPERTY**
Seller is the sole and exclusive owner of the Intellectual Property in the Goods and the rights attached to that Intellectual Property. Nothing herein grants to Buyer any right, title or interest in or to any of the Intellectual Property in the Goods. Buyer shall not claim to have acquired any right, title or interest to the Intellectual Property in the Goods by virtue of purchasing Goods sold hereunder. As used herein, "Intellectual Property" means any intellectual or industrial property right anywhere in the world including, without limitation, any patent, patent application, utility model, copyright (including copyright in manuals, databases, and promotional materials), registered design and other design rights, and any other rights that may subsist anywhere in the world in improvements, inventions and other manufacturing processes or technical and other information of Seller.

**LIMITED WARRANTY**
Subject to Limitations of Liability below, Seller warrants title and that the Goods shall conform to Seller's standard specifications in effect at the time of manufacture. **SELLER MAKES NO OTHER REPRESENTATION OR WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, AS TO MERCHANTABILITY, OR ANY OTHER MATTER WITH RESPECT TO THE GOODS, WHETHER USED ALONE OR IN COMBINATION WITH ANY OTHER GOODS, SUBSTANCES, PROCESSES OR MATERIALS.**

**LIMITATIONS OF LIABILITY**
In no event shall Seller be liable, whether arising under contract, tort (including negligence), strict liability or otherwise, for incidental, indirect, consequential or special damages of any kind, including without limitation lost profits, lost capital or revenues or loss by reason of service interruption or increased expense of operation. Under no circumstances shall Seller's liability exceed the sale price of the Goods giving rise to the liability. This paragraph is not intended to – and shall not – limit the indemnification of third party claims against Buyer under the Indemnification paragraph above.

**TRAINING**
Buyer warrants that all of its employees, contractors or other third parties to whom it grants access to the Goods (individually and collectively, the "Buyer Personnel") shall be fully trained and informed (without

assistance or reliance on Seller except as to the accuracy of specific safety information actually furnished by Seller or except as otherwise expressly agreed in writing) regarding the proper storage, handling and use of the Goods, including how to safely and properly maintain and operate the Goods. Buyer further warrants that all Buyer Personnel that handle or use the Goods (i) shall do so safely and in accordance with all applicable laws, regulations, warnings and instructions and currently accepted industry practice, and (ii) shall be fully licensed to the extent required by applicable law.

**Palm Beach County Office of the Inspector General**

Pursuant to Ordinance No. 2009-049, Palm Beach County has established the Office of the Inspector General, which is authorized and empowered to review past, present and proposed County contracts, transactions, accounts and records. All contractors and parties doing business with the County and receiving County funds shall fully cooperate with the Inspector General. The Inspector General has the power to subpoena witnesses, administer oaths, require the production of records, and to audit, investigate, monitor, and inspect the activities of the contractor, its officers, agents, employees, and lobbyists in order to ensure compliance with contract specifications and to detect waste, corruption and fraud. Where applicable, the cost of the Inspector General's Office shall be incorporated into the contract and shall be equal to one quarter (¼) of one (1) percent of the contract price.

## ATTACHMENT A

## RESIN PRICE AND ADJUSTMENT TERMS

**Annual Adjustments**. On each anniversary of the effective date of this Agreement, the price per liter of the MIEX® DOC Resin will be increased by Seller by a percentage not to exceed the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. City Average for All Items 1982-84=100, as published by the U.S. Bureau of Labor Statistics, over the immediately preceding twelve (12) month period. In no event, however, shall the prices for MIEX® DOC Resin be less than the prices paid during the previous twelve (12) months of the Agreement. In the event the index specified above is either unavailable or is no longer published, the most comprehensive official index then published by the United States Department of Labor, Bureau of Labor Statistics that most clearly approximates the index specified above shall be substituted in place thereof. Seller shall provide Buyer with fifteen (15) days written notice of the adjusted prices.

**Price Adjustments Due to Increased Costs**. If Seller experiences increases of more than ten percent (10%) in the aggregate costs of raw materials, handling and/or transportation of the MIEX® DOC Resin in any one calendar year, or more than twenty five percent (25%) in the aggregate during any three consecutive calendar years, Seller may notify Buyer of its need to increase the prices for the MIEX® DOC Resin to reflect such increased costs (the "Cost Notice"). Promptly after receipt by Buyer of any Cost Notice, Seller and Buyer shall negotiate in good faith to arrive at a revised price for the Goods that reflects such cost increases. If the parties have negotiated in good faith but are unable to agree on a revised price within sixty (60) days after receipt by Buyer of the Cost Notice, either party may terminate the Agreement upon ninety (90) days' notice to the other party. Seller shall fill all purchase orders received prior to the effective date of the price adjustment at the prices in effect at the time the purchase order was received by Seller.

## ATTACHMENT B

## PRODUCT SPECIFICATIONS[1]

**Product Name:** MIEX® DOC Resin

**Product Use:**

Ion exchange resin for use in the MIEX® DOC resin process for water treatment.

**Appearance:**

Red-brown, fine, particulate solid, which settles rapidly when suspended in water. Slight frothing may occur when the product is first suspended in water

**Packaging:**

- 650 ± 50L settled resin in a 1000L bulk pack, remainder water
- Shipping weight approx 1500kgs (3300lbs)
- Some settling is expected in transit
- Tamper evident heat shrink wrapping on caps of inner sacks
- Smaller packages are available on request.

**Shelf Life:**

The shelf life of MIEX® DOC resin is twelve (12) months from date of delivery to Buyer's Plant, provided it is stored in accordance with Orica's written instructions.

**Product Characteristics:**

| | |
|---|---|
| Bulk Density | 0.220 ± 0.040 kg/L |
| Magnetic Prop. | >90% final settled volume in 1 min settling |
| Adsorption | >50% of UV absorbance removed after 30 mins contact |
| Durability | <60% reduction in mean diameter |

*Test methods available on request*

**Test Purposes (for non standard tests)**

| | |
|---|---|
| Magnetic Properties: | Qualitative test to show that the MIEX® DOC resin is magnetized and settles rapidly. |
| Adsorption: | Shows performance of resin under standard conditions. |
| Durability: | Test to confirm resin strength. |

[1] Version 1.12: April 19 2004, ©2002 Orica Australia Pty Ltd., MIEX® is a registered trademark of Orica Australia Pty Ltd.



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on JUL 2 0 2010
dated at West Palm Beach, FL on 7-23-10
By: Deputy Clerk
BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY FLORIDA

ATTACHMENT 2

# INTEROFFICE MEMORANDUM


**Water Utilities Department Administration**

P. O. Box 16097

West Palm Beach, Fl 33416-6097

(561) 493-6000

Fax: (561) 493-6074

www.pbcwater.com



**Palm Beach County Board of County Commissioners**

Burt Aaronson, Chair

Karen T. Marcus, Vice Chair

Jeff Koons

Shelley Vana

Steven L. Abrams

Jess R. Santamaria

Priscilla A. Taylor

**County Administrator**

Robert Weisman

Palm Beach County 1909-2009 CENTENNIAL CELEBRATION

*"An Equal Opportunity Affirmative Action Employee"*


**DATE:** June 24, 2010

**TO:** Bevin A. Beaudet, P.E., Water Utilities Director BAB for

**FROM:** Steve McGrew, P.E., WUD Engineering Division

**THRU:** Maurice Tobon, P.E., WUD Engineering Director MT

**RE:** **Sole Source – ORICA WATERCARE, INC.**

The Engineering Division of the Water Utilities Department requests an extended sole source procurement from ORICA WATERCARE, INC. to purchase MIEX DOC Resin, for the new MIEX DOC Resin system, based on the following sole source justification:

Based upon our expertise and comprehensive search of the market place, MIEX DOC Resin for the new MIEX DOC Resin System offered by ORICA WATERCARE, INC. provides the following unique characteristics that we require and, to the best of our knowledge, no other manufacturer can duplicate.

> ORICA WATERCARE, INC. is the sole manufacturer and provider of the patented MIEX DOC Resin product, which is uniquely designed to allow for quick uptake of contaminant species within water, in addition to having a magnetized component allowing resin to quickly agglomerate when mixing energy is removed. The MIEX DOC Resin is the only product that will work in conjunction with the new MIEX DOC system, to be installed at Water Treatment Plant #2, improving water quality by dramatically reducing high levels of color, dissolved organic carbon (DOS), and disinfection byproducts; as required by Water Utilities.

For the above documented reasons and the attached sole source supporting documentation from the manufacturer, I request that the purchase be considered for approval as sole source.

Sole Source Letter attached.

ORICA WATERCARE

Orica Watercare Inc.
33101 East Quincy Avenue
Watkins, Colorado 80137

Tel 919-690-0008
Fax 303-268-5250
email ellen.gaby@orica.com
http://www.miexresin.com

June 17, 2010

Ms. Vernetha Green
Manager of Procurement and Stores
Palm Beach County
Water Utilities Dept
8100 Forest Hill Blvd.
West Palm Beach, FL 33416

**Re: MIEX® DOC Resin Sole Source Supply**

Dear Ms. Green:

Orica Watercare, Inc. is the sole manufacturer of the MIEX® DOC Resin. MIEX® DOC Resin is not sold or distributed by any other company.

MIEX® DOC Resin has been certified by the NSF as meeting all requirements for NSF/ANSI Standard 61 – Drinking Water System Components – Health Effects. The MIEX® DOC Resin has two very unique properties as compared to traditional ion exchange resins. First, the resin beads are very small, with an average diameter of 180 μm, which allows for very quick uptake of contaminant species within water. Second, each resin bead contains a magnetized component within their structure, which allows the beads to act as weak individual magnets. This magnetic attraction allows the resin to quickly agglomerate when mixing energy is removed. MIEX® DOC Resin is covered by US Patent 7,514,500 and International Patent AUS 1561 – PCT/AU 95/00583. The properties that make MIEX® DOC Resin unique – and the lowest cost solution to implement - also make it impossible for a substitute product to be used in the MIEX® Process.

Orica Watercare is committed to assisting Palm Beach County in any way that is required. Please feel free to contact me if you have any questions or require any additional information.

Sincerely,

Ellen Rue Gaby
Vice President of Sales
Orica Watercare, Inc.

CC: Jim Kelley, Moss-Kelley, Inc.
Shane Jones, Orica Watercare Inc.
File

The Water Treatment Plant No. 2 Miex Treatment System was designed for removal of DOC to improve water quality using Orica Watercare's Miex DOC resin. This resin has been successfully used by the Village of Palm Springs since January 2005 to dramatically reduce color, DOC and disinfection byproducts. Orica Watercare is the sole source provider of the proprietary Miex DOC resin (US Patent 7,514,500 published April 7, 2009). Attached is the sole source letter from Orica Watercare.

ORICA WATERCARE

MIEX® DOC

# DBP/Color Problem Solved for Village of Palm Springs, Florida

*Client: Eckler Engineering*

*Location: 6MGD Main & 4MGD R.L. Pratt Water Treatment Plants, Village of Palm Springs, Florida*

## Background:

The Village of Palm Springs has two lime softening plants that utilize groundwater for their water source. Raw water for these plants is drawn from wells in the local surficial aquifer in Eastern Palm Beach County. This water source has high levels of color and dissolved organic carbon (DOC), which are not removed in the existing lime softening process. In the past, chlorine has been used to bleach out color from the treated water, but this practice was no longer acceptable under the Stage 1 EPA DBP Standards. This is a common problem with ground waters on the East Coast of Florida.

Eckler Engineering investigated pretreating the raw water with ozone and MIEX® resin to reduce color and DOC prior to disinfection so that 1/ the plants could be brought into compliance with the Stage 1 EPA DBP Standards, and 2/ water received by consumers would be aesthetically more pleasing. It was found that while ozone could reduce the color levels, very little DOC was removed and therefore high levels of DBPs would still be formed after final disinfection with chlorine.

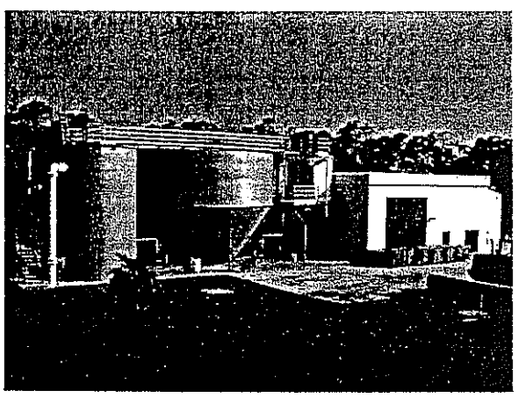

**Figure 1: R.L Platt WTP (4 MGD) at the Village of Palm Springs, Florida.**

## DBP, DOC and Color Reductions:

MIEX® bench and pilot scale tests that showed very good removal of color, DOC and DBP Formation Potentials. A pilot plant trial conducted at the Main WTP during January/February, 2003 demonstrated that the following results could be achieved:

- MIEX® resin reduced the raw water THMFP by 69% (from 167 to 51 µg/l) and reduced the HAAFP by 61% (from 94 to 37 µg/l) providing a comfortable safety margin below the EPA Standards (80 to 60 µg/l respectively).
- MIEX® treatment reduced raw water DOC by an average of 71% (from 11.8 to 3.4 mg/L), which allowed compliance with the EPA DBP standards
- MIEX® reduced the true color of the ground water by an average of 95% (from 27 to 1.3 Pt-Co units

## Full Scale Performance:

Following the trial at the Main WTP, MIEX® pretreatment systems were installed at both the Village of Palm Spring's Main (6MGD) and R.L. Pratt (4MGD) water treatment plants. These plants were started-up in January 2005 and are producing treated water equal or better in quality than was achieved during the trial. Distribution THM and HAA levels have been reduced to less than 25 and 20 µg/l respectively, providing a large comfort margin below the EPA limits.

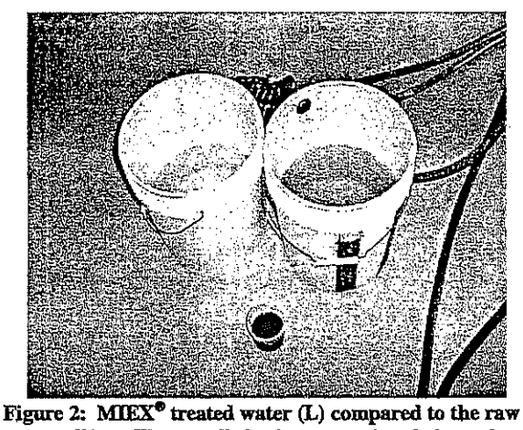

**Figure 2: MIEX® treated water (L) compared to the raw water (R). The small beaker contains brine after regeneration of loaded resin**

Additional downstream benefits identified on the full-scale plants have been a 50% reduction in treated water chlorine demand, a 25% reduction in lime required for the softening process and increased filter run times downstream.

NSF

*Orica Watercare Ph: 1-877-414-MIEX Fax: (303) 268-5250*
*Email: miex@orica.com Web: www.miexresin.com*

ACORD®

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 06/30/2010

**PRODUCER**
Aon Risk Insurance Services West, Inc.
Denver CO Office
4100 East Mississippi Avenue
Suite 1500
Denver CO 80246 USA

PHONE - (303) 758-7688 FAX - (303) 758-9458

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**INSURED**
Orica Watercare, Inc.
33101 E Quincy Avenue
Watkins CO 80137 USA

| INSURERS AFFORDING COVERAGE | | NAIC # |
|---|---|---|
| INSURER A: | Zurich American Ins Co | 16535 |
| INSURER B: | New Hampshire Ins Co | 23841 |
| INSURER C: | | |
| INSURER D: | | |
| INSURER E: | | |

Holder Identifier :

Certificate No : 570039457161

## COVERAGES

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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

LIMITS SHOWN ARE AS REQUESTED

| INSR LTR | ADD'L INSRD | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE(MM/DD/YYYY) | POLICY EXPIRATION DATE(MM/DD/YYYY) | LIMITS | |
|---|---|---|---|---|---|---|---|
| A | | GENERAL LIABILITY<br>[X] COMMERCIAL GENERAL LIABILITY<br>[X] CLAIMS MADE [ ] OCCUR<br>GEN'L AGGREGATE LIMIT APPLIES PER<br>[X] POLICY [ ] PRO-JECT [ ] LOC | GLC379286102 | 09/30/2009 | 09/30/2010 | EACH OCCURRENCE | $10,000,000 |
| | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | $100,000 |
| | | | | | | MED EXP (Any one person) | $5,000 |
| | | | | | | PERSONAL & ADV INJURY | $10,000,000 |
| | | | | | | GENERAL AGGREGATE | $10,000,000 |
| | | | | | | PRODUCTS - COMP/OP AGG | $10,000,000 |
| A | | AUTOMOBILE LIABILITY<br>[X] ANY AUTO<br>[ ] ALL OWNED AUTOS<br>[ ] SCHEDULED AUTOS<br>[ ] HIRED AUTOS<br>[ ] NON OWNED AUTOS | BAP 3792838-02 | 09/30/2009 | 09/30/2010 | COMBINED SINGLE LIMIT (Ea accident) | $10,000,000 |
| | | | | | | BODILY INJURY (Per person) | |
| | | | | | | BODILY INJURY (Per accident) | |
| | | | | | | PROPERTY DAMAGE (Per accident) | |
| | | GARAGE LIABILITY<br>[ ] ANY AUTO | | | | AUTO ONLY - EA ACCIDENT | |
| | | | | | | OTHER THAN AUTO ONLY EA ACC | |
| | | | | | | AGG | |
| | | EXCESS / UMBRELLA LIABILITY<br>[ ] OCCUR [ ] CLAIMS MADE<br>[ ] DEDUCTIBLE<br>[ ] RETENTION | | | | EACH OCCURRENCE | |
| | | | | | | AGGREGATE | |
| B | | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N [N]<br>If yes, describe under SPECIAL PROVISIONS below | WC007207720 | 09/30/2009 | 09/30/2010 | [X] WC STATUTORY LIMITS [ ] OTHER | |
| | | | | | | E.L. EACH ACCIDENT | $5,000,000 |
| | | | | | | E.L. DISEASE-EA EMPLOYEE | $5,000,000 |
| | | | | | | E.L. DISEASE-POLICY LIMIT | $5,000,000 |
| | | OTHER | | | | | |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
Palm Beach County, a political subdivision of the State of Florida, its officers, agents and employees are included as Additional Insured with respect to the General Liability and Automobile Liability policies where required by contract.

**CERTIFICATE HOLDER**
Palm Beach County
Water Utilities Department
Attn: Steve McGrew
8100 Forest Hill Blvd.
West Palm Beach FL 33413 USA

**CANCELLATION**
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE *Aon Risk Insurance Services West Inc.*

ACORD 25 (2009/01)

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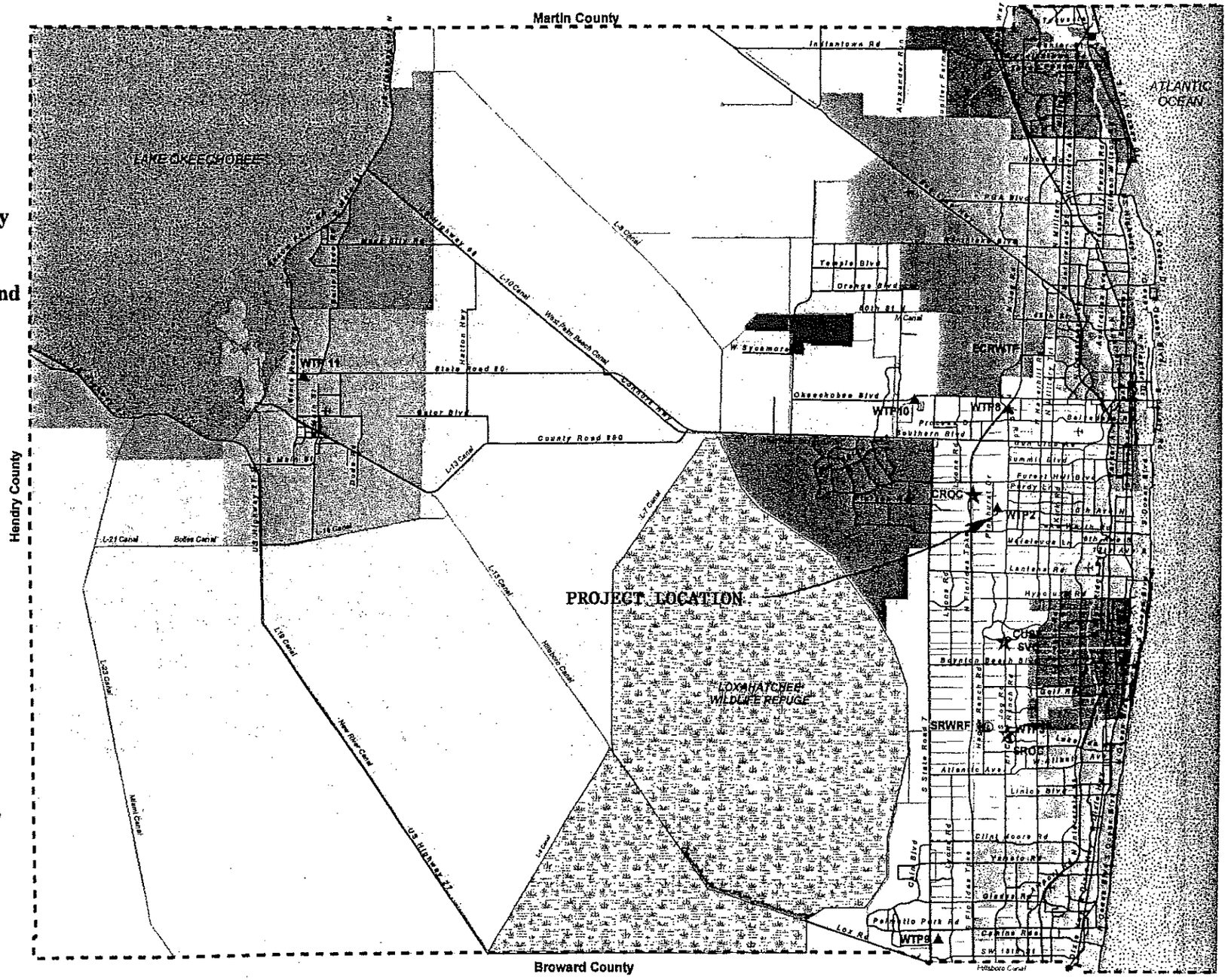
m Beach County
Water Utilities
Department
ice Area (SA) and
Major Facilities




nd

PBC WUD UTILITY SA
Palm Beach County Limits
Mandatory Reclaimed SA
Administration
Water Reclaimation Facility
Water Treatment Facility
Wetlands

NOT TO SCALE

Attachment 4

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION: PROPOSED ORDINANCE NO. 17-008 - SECOND READING - PUBLIC HEARING** - Approve Ocean One rezoning from Central Business District (CBD) to Mixed Use High Intensity (MU-H) District with a proposed two-phase master plan for a total of 358 multi-family rental units, 12,075 square feet of commercial retail space and a 120-room hotel.

---

**EXPLANATION OF REQUEST:**
The vacant, 3.63 acre property consists of two parcels, of which the smaller, 0.47 acre parcel on the northern side is presently owned by the Community Redevelopment Agency.

The applicant proposes to develop the property in two phases; a site plan for phase I, to include 231 multifamily apartment units and 8,575 feet of retail space, is being processed concurrently.

The property is already classified Mix Use Core (MXC), and the requested Mixed Use-High (MX-H) zoning is the intended zoning designation for this future land use classification. It allows a maximum density of 80 dwelling units per acre; however, since the property is located within the Downtown Transit-Oriented Development District (DTODD) which carries a 25% density bonus, the permitted density can be increased up to 100 dwelling units per acre.

The proposed zoning and master plan is closely aligned with the City's long standing vision and desire to expand housing in and around the downtown to foster pedestrian activity needed for creation of a vibrant city center. The City has supported this vision by allowing the highest residential densities in the area; more so in recent years, as the plan for a new Tri-Rail commuter service with a downtown station provided a heightened rationale for intensification of future redevelopment in proximate locations. The subject request is consistent with the recommendations of the recently adopted 2016 CRA Community Redevelopment Plan, which further expands the high intensity mixed use approach in the CRA districts located within the DTODD.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** There will be no impact on City programs or services requiring capacity expansion.

**FISCAL IMPACT:** Non-budgeted The project will expand the City's tax base and generate permit/bussiness tax revenues.

**ALTERNATIVES:** Staff recommends no alternatives.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

---

**Is this a grant?** No

**Grant Amount:**

---

**ATTACHMENTS:**

| | Type | Description |
|---|---|---|
| 🗋 | Ordinance | Ordinance Approving Rezoning |
| 🗋 | Exhibit | Exhibit A to Ordinance (Legal Desc) |
| 🗋 | Exhibit | Exhibit B to Ordinance (map) |
| 🗋 | Staff Report | Staff Report |
| 🗋 | Location Map | Location Map |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Planning and Zoning | Rumpf, Michael | Approved | 3/3/2017 - 4:16 PM |
| Finance | Howard, Tim | Approved | 3/8/2017 - 1:38 PM |
| Legal | Swanson, Lynn | Approved | 3/13/2017 - 12:24 PM |
| City Manager | LaVerriere, Lori | Approved | 3/17/2017 - 9:54 AM |

**ORDINANCE NO. 17-**

**AN ORDINANCE OF THE CITY OF BOYNTON BEACH, FLORIDA, AMENDING ORDINANCE 02-013 TO REZONE A PARCEL OF LAND DESCRIBED HEREIN AND COMMONLY REFERRED TO AS OCEAN ONE FROM CENTRAL BUSINESS DISTRICT (CBD) TO MIXED USE HIGH INTENSITY (MU-H); PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE**.

**WHEREAS,** the City Commission of the City of Boynton Beach, Florida has adopted Ordinance No. 02-013, in which a Revised Zoning Map was adopted for said City; and

**WHEREAS,** Ocean One Boynton, LLC. owner of the property located at has made application to rezone a parcel of land, said land being more particularly described hereinafter, from Central Business District (CBD) to Mixed Use High Intensity (MU-H); and

**WHEREAS,** the City Commission conducted public hearings as required by law and heard testimony and received evidence which the Commission finds supports a rezoning for the property hereinafter described; and

**WHEREAS**, the City Commission finds that the proposed rezoning is consistent with an amendment to the Land Use which was contemporaneously considered and approved at the public hearing heretofore referenced; and

**WHEREAS,** the City Commission deems it in the best interests of the inhabitants of said City to amend the aforesaid Revised Zoning Map as hereinafter set forth.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA, THAT:**

Section 1. The foregoing Whereas clauses are true and correct and incorporated herein by this reference.

Section 2. The land described in Exhibit "A" be and the same is hereby rezoned from Central Business District (CBD) to Mixed Use High Intensity (MU-H). A location map is attached hereto as Exhibit "B" and made a part of this Ordinance by reference.

Section 3. That the aforesaid Revised Zoning Map of the City shall be amended accordingly.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Should any section or provision of this Ordinance or any portion thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Ordinance.

Section 6. This ordinance shall become effective immediately upon passage.

FIRST READING this _____ day of _____, 2017.

SECOND, FINAL READING and PASSAGE this _____ day of _____, 2017.

CITY OF BOYNTON BEACH, FLORIDA

| | YES | NO |
|---|---|---|
| Mayor – Steven B. Grant | _____ | _____ |
| Vice Mayor – Mack McCray | _____ | _____ |
| Commissioner – Justin Katz | _____ | _____ |
| Commissioner – Christina L. Romelus | _____ | _____ |
| Commissioner – Joe Casello | _____ | _____ |
| VOTE | _____ | |

ATTEST:

_____
Judith A. Pyle, CMC
City Clerk

66 (Corporate Seal)

Exhibit “A” to Ordinance

LOTS 1 THROUGH 6, "FUNK BROS. ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 13 OF SAID PUBLIC RECORDS AND LOT 41, "DEWEY'S SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1 AT PAGE 37 OF SAID PUBLIC RECORDS AND ALL REPLATTED AS "AGREEMENT PLAT SHOWING PROPERTY IN NW 1/4 OF NW 1/4 OF NW 1/4 IN SECTION 27 T45S. R43E. ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10 AT PAGE 2 OF SAID PUBLIC RECORDS.

LESS AND EXCEPT: THE EAST 25.00 FEET THEREOF

ALSO LESS AND EXCEPT THAT PORTION LYING WITHIN 50.00 FEET OF THE WEST LINE OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THAT PORTION LYING WITHIN 45.00 FEET OF THE CENTERLINE OF STATE ROAD 804.

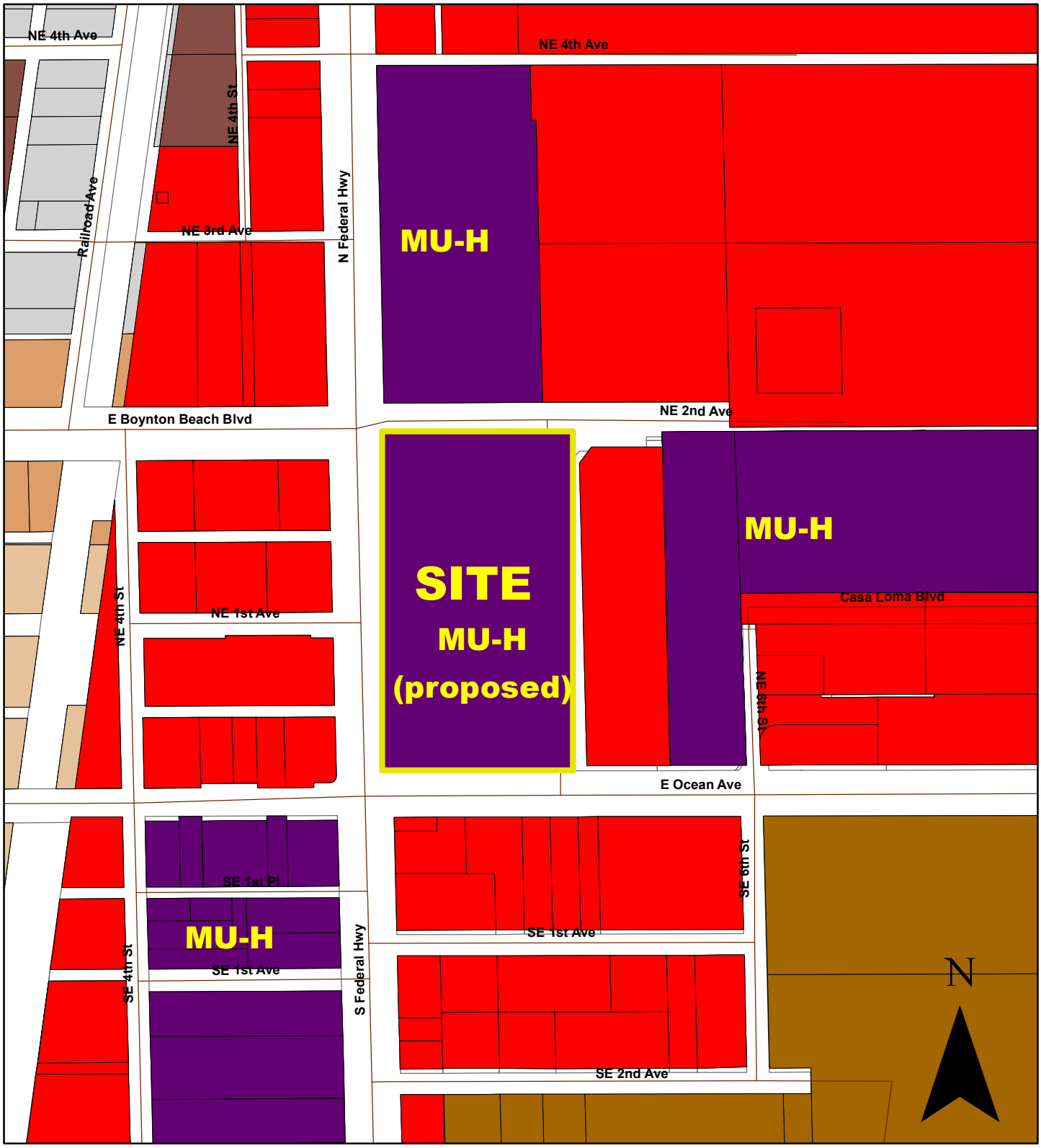
ALSO LESS AND EXCEPT THE PART INCLUDED IN THE EXTERNAL AREA OF A 10.00 FOOT RADIUS ARC WHICH IS TANGENT TO A LINE 25.00 FEET WEST OF THE EAST LINE OF SAID LOT 41 AND TO A LINE 45.00 FEET NORTH OF THE CENTERLINE OF STATE ROAD 804.

ALSO LESS AND EXCEPT THE PART INCLUDED IN THE EXTERNAL AREA OF A 12.00 FOOT RADIUS ARC WHICH IS TANGENT TO A LINE 50.00 FEET EAST OF THE WEST LINE OF SAID SECTION 27 AND TO A LINE 15.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 27.

ALSO LESS AND EXCEPT THE PART INCLUDED IN THE QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 23563 AT PAGE 1115 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF BOYNTON BEACH, PALM BEACH COUNTY, FLORIDA.

# SITE LOCATION MAP
# OCEAN ONE (REZONING 16-001)




## Legend

**ZONING DISTRICTS**

- R3 Multi Family
- C2 Neighborhood Commercial
- C3 Community Commercial
- C4 General Commercial
- CBD Central Business District
- M1 Light Industrial
- MU-H Mixed Use High

0 35 70 140 210 280 Feet

Source: Palm Beach County GIS Digital Data 2006-2015
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**DEVELOPMENT DEPARTMENT**
**PLANNING AND ZONING DIVISION**
**MEMORANDUM NO. PZ 16-036**

## STAFF REPORT

| | |
|---|---|
| TO: | Chair and Members<br>Planning and Development Board |
| THRU: | Michael Rumpf<br>Planning and Zoning Director |
| FROM: | Hanna Matras, Senior Planner |
| DATE: | February 8, 2017 |
| PROJECT: | Ocean One<br>REZN 16-001 |
| REQUEST: | Approve Ocean One rezoning from Central Business District (CBD) to Mixed Use High Intensity (MU-H) District with a proposed two-phase master plan for a total of 358 multi-family rental units, 12,075 square feet of commercial retail space and a 120-room hotel. |

---

## PROJECT DESCRIPTION

| | |
|---|---|
| Property Owner: | Ocean One Boynton, LLC |
| Applicant: | Davis Camalier/ Ocean One Boynton, LLC |
| Agent: | Bonnie Miskel, Esq. & Christina Bilenki, Esq./Dunay, Miskel & Backman, LLP |
| Location: | 114 N. Federal Highway (Exhibit “A”) |
| Existing Land Use/ Zoning: | Mixed Use Core (MXC) / Central Business District (CBD) |
| Proposed Land Use/ Zoning: | Mixed Use Core (no change)/ MU-H (Mixed Use High Intensity) |
| Acreage: | 3.63 acres |

Adjacent Uses:

North: Right-of way for NE 2nd Avenue (eastward extension of Boynton Beach Blvd), and farther north Casa Costa condominiums/mixed use project, classified Mixed Use Core (MXC) future land use and zoned Mixed Use High Intensity (MU-H); to the northeast, a City-owned property (drainage pond/park) classified Mixed Use Core (MXC) future land use and zoned Central Business District (CBD);

South: Right-of-way for Ocean Avenue, and farther south the Ocean Plaza developed commercial property classified Mixed Use (MX) future land use and zoned Central Business District (CBD);

East: First Financial Plaza office commercial condominiums, classified Mixed Use Core (MXC) and zoned Central Business District (CBD); further east, the mixed use project Boynton Beach Marina Village classified Mixed Use Core (MXC) and zoned Mixed Use High (MU-H).

West: Right-of-way for Federal Highway, and farther west, developed commercial properties designated Mixed Use (MX) land use and zoned CBD Central Business District.

## BACKGROUND

The 3.63 acre property, currently vacant, consists of two parcels. The smaller, 0.47 acre parcel on the northern side of the property is presently owned by the Community Redevelopment Agency.

The applicant proposes to develop the property in two phases: phase I, to include 231 multifamily apartment units and 8,575 feet of retail space, and phase II, with 127 multifamily units, 3,500 square feet of retail space and a 120-room hotel. (A site plan for phase I is being processed concurrently.)

The property has been classified Mix Use Core (MXC) since 2002. It was included in the City-initiated Future Land Use amendment that reclassified 19.4 acres of land in the downtown from Mixed Use (MX) to MXC. The action represented the ongoing implementation of the 2001 Federal Highway Corridor Community Redevelopment Plan, which divided the corridor into five planning areas and recommended the most intensive land use category for Planning Area III, the Central Business District (CBD)-zoned downtown. The intended zoning for MXC-classified properties was Mixed Use-High (MX-H), to be requested by a developer and reviewed concurrently with the application for a master plan or a site plan. Three projects have since availed themselves of the MX-H zoning district: Marina Village, Casa Costa and 500 Ocean, with the latter being currently under construction.

The subject property (together with the adjoining First Financial Plaza) was already the subject of an application for a MX-H zoning once, in 2006. The proposed project, consisting of a hotel, multi-family residential and commercial uses, was withdrawn, likely because of the already looming housing market collapse.

The property is under three transportation-related designations: the Downtown Transit-Oriented Development (DTOD) District, Transportation Concurrency Exception Area (TCEA) and Coastal Residential Exception. The DTOD district covers a ½ mile radius around the station (to be located just south of Boynton Beach Boulevard) of the planned Tri-Rail Coastal Link commuter service on the FEC Rail line; the district's regulations support increased intensity of development through a 25% density bonus. The TCEA, in addition to the Coastal Residential Exception applicable east of I-95, exempts all projects within a predetermined threshold from Palm Beach County traffic concurrency thus allowing denser development in the eastern, redeveloping areas of the county.

Since the maximum density for the MX-H zoning district is 80 du/acre, the DTOD density bonus would allow the project to reach a total density of 100 du/acre.

## REVIEW BASED ON CRITERIA

The following criteria used to review Comprehensive Plan Map amendments and rezonings are listed in the Land Development Regulations, Chapter 2, Article II, Section 2.B and Section 2.D.3:

***a. Demonstration of Need.*** *A demonstration of need may be based upon changing conditions that represent a demand for the proposed land use classification and zoning district. Appropriate data and analysis that adequately substantiates the need for the proposed land use amendment and rezoning must be provided within the application.*

The subject request reflects an ongoing high demand for rental apartments. According to the Marcus & Millichap's multifamily market report for the second quarter of 2016, the vacancy rate in Palm Beach County reached 4.0%, the lowest level of empty apartments since 2005. The rental market will be upheld by "stable employment in service-related positions supporting a large base of retirees," and gains in office jobs commonly held by young professionals, with the latter group contributing to absorbtion of luxury rentals. According to the company's research, over the last 12 months the Boynton Beach/Delray submarket posted outsize rent growth of 8%, bringing the average rent to $1,530. The company's fourth quarter report notes that developers have been adding a large number of new apartments, and that, in the short term, new construction will produce increases in the vacancy rate; however "rent growth will not be affected to a great degree, supporting the seventh consecutive year of increases".

Aside from the market consideration, the need for the requested rezoning of the subject site is closely aligned with the City's long standing vision and desire to expand housing in and around the downtown to foster pedestrian activity needed for creation of a vibrant

city center. The City has supported this vision by allowing the highest residential densities in the area; more so in recent years, as the plan for a new Tri-Rail commuter service with a downtown station provided a heightened rationale for intensification of future redevelopment in proximate locations. The increased development intensity and related regulations for the Downtown Transit-Oriented Development (DTOD) District, established in 2014, are consistent with recommendations of the Florida Department of Transportation (FDOT). However, the FDOT model for the Boynton Beach DTOD District is a Community Center station with stipulated densities between 11 and 16 dwelling units per acre, much higher than 7.0 dwelling units per acre, the current gross density within the District.

***b. Consistency.*** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be consistent with the purpose and intent of, and promote, the applicable Comprehensive Plan policies, Redevelopment Plans, and Land Development Regulations.*

*Consistency with the Comprehensive Plan and Redevelopment Plan*

The proposed zoning district (MU-H) ia consistent with the recommendation of the recently approved 2016 CRA Community Redevelopment Plan (the plan upheld the recommendation of the 2006 update of the Federal Highway Corridor Community Redevelopment Plan for the area).

The proposed future land use amendment and rezoning are also consistent with several applicable policies of the Comprehensive Plan, such as:

*Policy 1.18.1* *The City shall implement the Transit-Oriented Development (TOD) approach, as described in the 2012 Florida Department of Transportation's TOD Guidebook, to manage future growth within a ½ mile radius around the intersection of Ocean Avenue and the Florida East Coast rail corridor, which is the anticipated location of the Downtown Boynton Beach Station for the planned commuter Tri-Rail Coastal Link service on the FEC Corridor. This area will be referred as the Downtown TOD District hereforth. The inner ¼-mile core of this District shall be designed to accommodate the greatest density and intensity of development.*

*Policy 1.18.2* *The City shall aim to transform the Downtown TOD District area into an active, mixed-use, pedestrian-friendly activity zone, supporting new housing to increase potential ridership, intensifying land development activity, and adding amenities and destination uses for future transit riders. The City shall strive to achieve this goal through facilitating compact, high density and intensity development of a varied mix of land uses.*

Note that the subject property is located within the inner 1/4–mile core of the DTOD

District.

*Consistency with Land Development Regulations (LDR)*

The application for the Master/Site Plan complies with the development regulations of the Mixed Use High (MU-H) zoning district, other than the build-to requirements along the north side of the property and the community design standards that require the parking garage to be wrapped with habitable floor area. The agent has submitted concurrent Community Design Appeal applications and justifications, in an effort to deviate from those design regulations.

***c. Land Use Pattern.*** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be contrary to the established land use pattern, or would create an isolated zoning district or an isolated land use classification unrelated to adjacent and nearby classifications, or would constitute a grant of special privilege to an individual property owner as contrasted with the protection of the public welfare. This factor is not intended to exclude FLUM reclassifications and rezonings that would result in more desirable and sustainable growth for the community.*

The proposed rezoning will not be contrary to the established land use pattern, will not create an isolated district, nor will it constitute a grant of special privilege to the owner. As already noted in comments for criterion "b," the project is consistent with recommendations of the 2016 CRA Community Redevelopment Plan. Areas to the north and east of subject property carry the same MXC classification, and the Casa Costa and Marina Village properties are already zoned MU-H as is the 500 Ocean project under construction nearby. The proposed rezoning/master plan will further advance a desirable, sustainable, growth-promoting land use pattern for the location—high density mixed use.

***d. Sustainability.*** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would support the integration of a mix of land uses consistent with the Smart Growth or sustainability initiatives, with an emphasis on 1) complementary land uses; 2) access to alternative modes of transportation; and 3) interconnectivity within the project and between adjacent properties.*

The proposed rezoning meets the definition of "sustainable" as it supports a mixed use, high density infill development whose residents will have access to public transit via Palm Tran bus service along the US 1 corridor (a bus stop is located in front of the proposed project). Eventually, they will also find themselves within walking distance to the Coastal Link commuter station.

***e. Availability of Public Services / Infrastructure.*** *All requests for Future Land Use Map amendments shall be reviewed for long-term capacity availability at the maximum intensity permitted under the requested land use classification.*

The request is for rezoning only. (Long-term capacity availability for potable water, sewer and solid waste was reviewed as a part of the area-wide FLUM amendment in 2002.) The Palm Beach County Solid Waste Authority determined that sufficient disposal capacity will be available at the existing landfill through approximately the year 2046.

The traffic statement was submitted to the Palm Beach County for information only as the location of the subject property makes it exempt from the Palm Beach County Traffic Performance Standards. The School Capacity Availability Determination (SCAD) letter from the School District of PBC confirmed that capacity for the project is available.

Drainage will be reviewed in detail as part of the site plan, land development, and building permit review processes.

***f. <u>Compatibility</u>.*** *The application shall consider the following factors to determine compatibility:*

*(1) Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be compatible with the current and future use of adjacent and nearby properties, or would negatively affect the property values of adjacent and nearby properties; and*

*(2) Whether the proposed Future Land Use Map amendment (FLUM) and rezoning is of a scale which is reasonably related to the needs of the neighborhood and the City as a whole.*

The proposed rezoning would be compatible with the current and future use of adjacent and nearby properties (see response to criterion “c”), and would have a positive impact on the property values. Also—see commentary under criterion “a”—the proposed rezoning represents the scale that would contribute to the creation of a vibrant downtown, benefiting the neighborhood as well as the City as a whole.

***g. <u>Direct Economic Development Benefits.</u>*** *For rezoning/FLUM amendments involving rezoning to a planned zoning district, the review shall consider the economic benefits of the proposed amendment, specifically, whether the proposal would:*

*(1) Further implementation of the Economic Development (ED) Program;*
*(2) Contribute to the enhancement and diversification of the City’s tax base;*
*(3) Respond to the current market demand or community needs or provide services or retail choices not locally available;*
*(4) Create new employment opportunities for the residents, with pay at or above the county average hourly wage;*
*(5) Represent innovative methods/technologies, especially those promoting sustainability;*
*(6) Be complementary to existing uses, thus fostering synergy effects; and*

*(7) Alleviate blight/economic obsolescence of the subject area.*

The proposed project would be yet another major catalyst and synergy contributor in support of a successful, lively downtown ("g1" and "g6"), bringing more development to the area and attracting more residents and visitors to the City. As already noted in this report, the request reflect the ongoing economic recovery and the current market demand, adhering to criterion "g3", and would, if approved, effect a significant enhancement of the City's tax base (criterion "g2"). Direct impact on job generation would be negligible, with indirect (multiplier) effects having a more significant potential through increased demand for retail and restaurant uses.

***h. Commercial and Industrial Land Supply.*** *The review shall consider whether the proposed rezoning/FLUM amendment would reduce the amount of land available for commercial/industrial development. If such determination is made, the approval can be recommended under the following conditions:*

*(1) The size, shape, and/or location of the property makes it unsuitable for commercial/industrial development; or*

*(2) The proposed rezoning/FLUM amendment provides substantiated evidence of satisfying at least four of the Direct Economic Development Benefits listed in subparagraph "g" above; and*

*(3) The proposed rezoning/FLUM amendment would result in comparable or higher employment numbers, building size and valuation than the potential of existing land use designation and/or rezoning.*

The proposed rezoning does not reduce the amount of land available for commercial/industrial development. The MXC future land use classification is already in place; however, although we encourage more commercial uses in mixed use developments and would have liked the project to have a more substantial commercial component, developers have a great deal of flexibility to respond to the market.

***i. Alternative Sites.*** *Whether there are adequate sites elsewhere in the City for the proposed use in zoning districts where such use is already allowed.*

No, there are not. The City has little vacant land left. This is a large vacant property downtown; moreover, the location presented an opportunity for a CRA parcel to expand the size of the project.

***j. Master Plan and Site Plan Compliance with Land Development Regulations.*** *When master plan and site plan review are required pursuant to Section 2.D.1.e above, both shall comply with the requirements of the respective zoning district regulations of Chapter 3, Article III and the site development standards of Chapter 4.*

For the master plan/site plan review, see the corresponding staff report. The application

for the Master/Site Plan complies with the development regulations of the Mixed Use High (MU-H) zoning district, other than the build-to requirements along the north side of the property and the community design standards that require the parking garage to be wrapped with habitable floor area. The agent has submitted concurrent Community Design Appeal applications and justifications, in an effort to deviate from those design regulations.

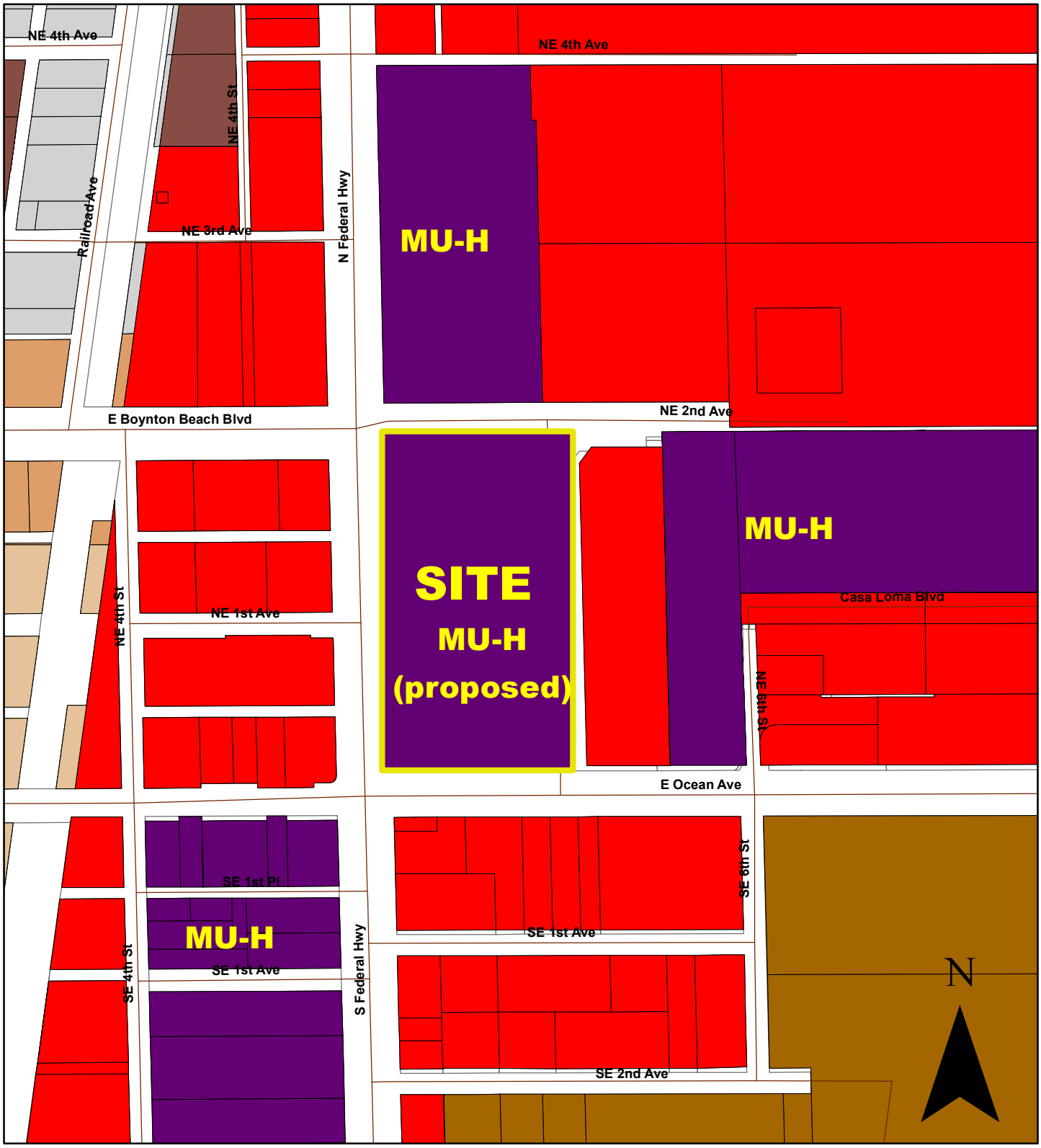
## CONCLUSION/RECOMMENDATION

As indicated herein, staff has reviewed the proposed rezoning and determined that it constitutes the implementation of the CRA Community Redevelopment Plan and the policies of the Comprehensive Plan. However, the subject request cannot be approved without a concurrent approval of the Community Design Appeal applications.

S:\Planning\SHARED\WP\PROJECTS\Ocean One\REZN 16-001\REZN 16-001 Ocean One Staff Report.doc

EXHIBIT "A"

# SITE LOCATION MAP
# OCEAN ONE (REZONING 16-001)




## Legend

**ZONING DISTRICTS**

- R3 Multi Family
- C2 Neighborhood Commercial
- C3 Community Commercial
- C4 General Commercial
- CBD Central Business District
- M1 Light Industrial
- MU-H Mixed Use High

0 35 70 140 210 280 Feet

Source: Palm Beach County GIS Digital Data 2006-2015
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# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
**PROPOSED ORDINANCE NO. 17-009 - SECOND READING - PUBLIC HEARING** - Approve request for abandonment of a portion of right-of-way of Boynton Beach Boulevard east of Federal Highway, and NE 6th Court between Boynton Beach Boulevard and Ocean Avenue, in conjunction with request for new site plan approval for the Ocean One mixed-use project. Applicant: Davis Camalier / Ocean One Boynton, LLC.

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**EXPLANATION OF REQUEST:**
Bonnie Miskel, agent for Ocean One Boynton LLC, is requesting to abandon a portion of right-of-way (ABAN 17-001) of Boynton Beach Boulevard east of Federal Highway, and NE 6th Court between Boynton Beach Boulevard and Ocean Avenue, in conjunction with the request for new site plan approval for the Ocean One mixed-use project (see Exhibit "A" – Location Map).

More specifically, the applicant is requesting to abandon that portion of the Boynton Beach Boulevard right-of-way immediately east of Federal Highway and abutting the north property line of the subject site, which encompasses the current sidewalk improvements and right turn lane onto NE 6th Court (see Exhibit "B" – Legal Description & Sketch). In addition, the applicant is requesting to abandon the west 10 feet of NE 6th Court, between Boynton Beach Boulevard and Ocean Avenue, to compensate for the 10 feet of the applicant's property to be dedicated from the west side of the project to the Florida Department of Transportation to expand the Federal Highway right-of-way (to provide the required on-street parking).

Staff has determined that the portion of the rights-of-way to be abandoned do not adversely impact traffic or other City functions, do not adversely impact other adjacent property owners, and the proposed improvements to be made by the developer in the areas to be abandoned promote better pedestrian movement and create desirable on street parking in the downtown. Therefore staff recommends that the subject request be APPROVED. The Planning & Development Board reviewed this request on February 28, 2017 and also forwards it with a recommendation for approval.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** N/A

**FISCAL IMPACT:** Non-budgeted N/A

**ALTERNATIVES:** None Recommended.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:** N/A

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

| Type | Description |
|---|---|
| Ordinance | Ordinance approving Ocean One ROW abandonment |
| Staff Report | ABAN 17-001 Staff Report |
| Location Map | Exhibit A - Location Map |
| Drawings | Exhibit B1 - Survey |
| Drawings | Exhibit B2 - Site Plan |
| Drawings | Exhibit B3 - Legal Description & Sketch |
| Drawings | Exhibit B4 - Leagal Description & Sketch |
| Letter | Exhibit C - Applicant Justification |
| Conditions of Approval | Exhibit D - Conditions of Approval |
| Development Order | Development Order |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Planning and Zoning | Rumpf, Michael | Approved | 3/9/2017 - 3:18 PM |
| Finance | Howard, Tim | Approved | 3/9/2017 - 3:22 PM |
| Legal | Swanson, Lynn | Approved | 3/13/2017 - 11:43 AM |
| City Manager | LaVerriere, Lori | Approved | 3/17/2017 - 9:55 AM |

**ORDINANCE NO. 17-**

**AN ORDINANCE OF THE CITY OF BOYNTON BEACH, FLORIDA, AUTHORIZING ABANDONMENT OF THAT PORTION OF THE BOYNTON BEACH BOULEVARD RIGHT-OF-WAY IMMEDIATELY EAST OF FEDERAL HIGHWAY AND ABUTTING THE NORTH PROPERTY LINE OF THE SUBJECT SITE, WHICH ENCOMPASSES THE CURRENT SIDEWALK IMPROVEMENTS AND RIGHT TURN LANE ONTO NE 6TH COURT ALONG WITH THE ABANDONMENT OF THE WEST 10 FEET OF NE 6TH COURT, BETWEEN BOYNTON BEACH BOULEVARD AND OCEAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO STAFF COMMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE A DISCLAIMER, WHICH SHALL BE RECORDED WITH THIS ORDINANCE IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** Ocean One Boynton LLC., Applicant is requesting the City abandon that portion of the Boynton Beach Boulevard right-of-way immediately east of Federal Highway and abutting the north property line of the subject site, which encompasses the current sidewalk improvements and right turn lane onto NE 6th Court along with the abandonment of the west 10 feet of NE 6th Court, between Boynton Beach Boulevard and Ocean Avenue, subject to staff comments; and

**WHEREAS,** comments have been solicited from the appropriate City Departments, and public hearings have been previously held before the City's Planning & Development Board, and the City Commission on the proposed abandonments; and

**WHEREAS,** staff finds that the portion of the Boynton Beach Boulevard right-of-way immediately east of Federal Highway and abutting the north property line of the subject site, which encompasses the current sidewalk improvements and right turn lane onto NE 6th Court along with the abandonment of the west 10 feet of NE 6th Court, between Boynton Beach Boulevard and Ocean Avenue no longer serves a public purpose, and the City Commission adopts that finding.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA THAT:**

**Section 1.** The foregoing Whereas clauses are true and correct and incorporated herein by this reference.

**Section 2.** The City Commission of the City of Boynton Beach, Florida, does hereby abandon that portion of the Boynton Beach Boulevard right-of-way immediately east of Federal Highway and abutting the north property line of the subject site, which encompasses the current sidewalk improvements and right turn lane onto NE 6th Court along with the abandonment of the west 10 feet of NE 6th Court, between Boynton Beach Boulevard and Ocean Avenue, subject to staff comments. The property being abandoned is more particularly described as follows:

A PORTION OF THE NORTHWEST ONE-QUARTER OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, INCLUDING PORTIONS OF LOTS 1 THROUGH 6, "FUNK BROS. ADDITION TO THE TOWN OF BOYNTON", AS RECORDED IN PLAT BOOK 2 AT PAGE 13 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF LOT 41 "DEWEY'S SUBDIVISION", AS RECORDED IN PLAT BOOK 1 AT PAGE 37 OF SAID PUBLIC RECORDS, ALL IN ACCORDANCE WITH THE "AGREEMENT PLAT", AS RECORDED IN PLAT BOOK 10 AT PAGE 2, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27; THENCE NORTH 89°55'38" EAST, ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 86.08 FEET; THENCE SOUTH 00°04'22" EAST, A DISTANCE OF 22.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°55'38" EAST, A DISTANCE OF 216.56 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 88°20'52", A DISTANCE OF 38.55 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 01°43'30" EAST, ALONG A LINE 15.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOTS 1 THROUGH 6 AND THE EAST LINE OF SAID LOT 41, A DISTANCE OF 549.27 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 10.00 FEET AND A CENTRAL ANGLE OF 91°34'03", A DISTANCE OF 15.98 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°50'33" WEST, ALONG A LINE 30 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 41, A DISTANCE OF 10.00 FEET TO A POINT OF CUSP OF A CIRCULAR CURVE TO THE LEFT; THENCE EASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 10.00 FEET AND A CENTRAL ANGLE OF 91°34'03", A DISTANCE OF 15.98 FEET TO THE POINT OF TANGENCY; THENCE NORTH 01°43'30" WEST, ALONG A LINE 25.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID LOT 41 AND LOTS 1 THROUGH 6, A DISTANCE OF 525.69 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 91°42'29", A DISTANCE OF 40.02 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 86°34'01" WEST, A DISTANCE OF 41.95 FEET; THENCE NORTH 76°46'09" WEST, A DISTANCE OF 50.34 FEET; THENCE SOUTH 89°55'38" WEST, A DISTANCE OF 129.69 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 25°51'49", A DISTANCE OF 9.03 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT BEARS SOUTH 70°12'14" EAST (THE LAST FIVE DESCRIBED COURSES BEING COINCIDENT WITH THE SOUTHERLY LINE OF A RIGHT-OF-WAY DEDICATED PER OFFICIAL RECORDS BOOK 23563 AT PAGE 1115 OF SAID PUBLIC RECORDS); THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 70°07'51", A DISTANCE OF 30.60 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF BOYNTON BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAIN 10,379 SQUARE FEET, MORE OR LESS.

**Section 3.** The City Manager is hereby authorized and directed to execute the attached Disclaimer and cause the same to be filed, with this Ordinance, in the Public Records of Palm Beach County, Florida.

**Section 4.** This Ordinance shall take effect immediately upon passage.

FIRST READING this ____ day of _____, 2017.

SECOND, FINAL READING AND PASSAGE this _____ day of _____, 2017.

CITY OF BOYNTON BEACH, FLORIDA

| | YES | NO |
|---|---|---|
| Mayor – Steven B. Grant | _____ | _____ |
| Vice Mayor – Mack McCray | _____ | _____ |
| Commissioner – Justin Katz | _____ | _____ |
| Commissioner – Christina L. Romelus | _____ | _____ |
| Commissioner – Joe Casello | _____ | _____ |
| VOTE | _____ | |

ATTEST:

_____
Judith A. Pyle, CMC
City Clerk

(Corporate Seal)

DISCLAIMER

**KNOW ALL MEN BY THESE PRESENTS** that The City Commission of the City of Boynton Beach, Florida, does hereby abandon that portion of the Boynton Beach Boulevard right-of-way immediately east of Federal Highway and abutting the north property line of the subject site, which encompasses the current sidewalk improvements and right turn lane onto NE 6th Court along with the abandonment of the west 10 feet of NE 6th Court, between Boynton Beach Boulevard and Ocean Avenue, subject to staff comments. The property being abandoned is more particularly described as follows:

A PORTION OF THE NORTHWEST ONE-QUARTER OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, INCLUDING PORTIONS OF LOTS 1 THROUGH 6, "FUNK BROS. ADDITION TO THE TOWN OF BOYNTON", AS RECORDED IN PLAT BOOK 2 AT PAGE 13 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF LOT 41 "DEWEY'S SUBDIVISION", AS RECORDED IN PLAT BOOK 1 AT PAGE 37 OF SAID PUBLIC RECORDS, ALL IN ACCORDANCE WITH THE "AGREEMENT PLAT", AS RECORDED IN PLAT BOOK 10 AT PAGE 2, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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AND A CENTRAL ANGLE OF 70°07'51", A DISTANCE OF 30.60 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF BOYNTON BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAIN 10,379 SQUARE FEET, MORE OR LESS.

**IN WITNESS WHEREOF,** the duly authorized officers of the City of Boynton Beach, Florida, have hereunto set their hands and affixed the seal of the City this ____ day of _____, 2017.

ATTEST: CITY OF BOYNTON BEACH, FLORIDA

_____ _____

Judith A. Pyle, CMC
City Clerk

Lori LaVerriere, City Manager

STATE OF FLORIDA )
)ss:
COUNTY OF PALM BEACH )

**BEFORE ME**, the undersigned authority, personally appeared Lori LaVerriere and Judith A. Pyle, CMC, City Manager and City Clerk respectively, of the City of Boynton Beach, Florida, known to me to be the persons described in and who executed the foregoing instrument, and acknowledged the execution thereof to be their free hand and deed as such officers, for the uses and purposes mentioned therein; that they affixed thereto the official seal of said corporation; and that said instrument is the act and deed of said corporation.

**WITNESS** my hand and official seal in the said State and County this _____ day of _____, 2017.

_____
NOTARY PUBLIC, State of Florida
My Commission Expires:

**DEVELOPMENT DEPARTMENT**
**PLANNING AND ZONING DIVISION**
**MEMORANDUM NO. PZ 17-007**

**TO:** Chair and Members
Planning & Development Board

**THRU:** Michael W. Rumpf
Planning and Zoning Director

**FROM:** Ed Breese
Principal Planner

**DATE:** February 16, 2017

**SUBJECT:** Abandonment of a portion of right-of-way (ABAN 17-001) of Boynton Beach Boulevard east of Federal Highway, and NE 6th Court between Boynton Beach Boulevard and Ocean Avenue, in conjunction with request for new site plan approval of Ocean One mixed use project.

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## NATURE OF REQUEST

Bonnie Miskel, agent for Ocean One Boynton LLC, is requesting to abandon a portion of right-of-way (ABAN 17-001) of Boynton Beach Boulevard east of Federal Highway, and NE 6th Court between Boynton Beach Boulevard and Ocean Avenue, in conjunction with request for new site plan approval of Ocean One mixed use project (see Exhibit "A" – Location Map).

More specifically, the applicant is requesting to abandon that portion of the Boynton Beach Boulevard right-of-way immediately east of Federal Highway and abutting the north property line of the subject site, which encompasses the current sidewalk improvements and right turn lane onto NE 6th Court (as depicted and described in Exhibit "B" – Legal Description & Sketch).

In addition, the applicant is requesting to abandon the west 10 feet of NE 6th Court, between Boynton Beach Boulevard and Ocean Avenue, to compensate for the 10 feet of the applicant's property to be dedicated from the west side of the project to the Florida Department of Transportation to expand the Federal Highway right-of-way, in order to provide the required on-street parking.

The following is a description of the zoning districts and land uses of the properties that surround the subject request:

**North:** Right-of-way for Boynton Beach Boulevard and farther north is a developed mix use project (Casa Costa) zoned MU-H (Mixed Use-High);

**South:** Vacant land under concurrent development review and known as the Ocean One project and farther south is right-of-way for Ocean Avenue;

**East:** Right-of-way for NE 6th Court and father east are developed properties (First Financial Building) zoned CBD (Central Business District) and Marina Village

zoned MU-H (Mixed Use-High); and

**West:** Vacant land under concurrent development review and known as the Ocean One project and farther west is right-of-way for Federal Highway and farther west is developed commercial properties zoned CBD (Central Business District).

## BACKGROUND

The applicant is requesting to abandon a portion of Boynton Beach Boulevard right-of-way immediately east of Federal Highway, which currently is comprised of sidewalk and landscape improvements and a right turn lane onto NE 6th Court. While the proposed abandonment of this section of Boynton Beach Boulevard reduces the right-of-way width, it will not affect the existing number or size of travel lanes within the roadway, only the loss of the right turn lane onto NE 6th Court, which is not warranted based upon predicted traffic volumes. The developer will be creating a new paver walk and landscape area, between 10 feet and 24 feet in width, on his property to offset the loss of the existing sidewalk and landscape area along the south side of Boynton Beach Boulevard, including a 10 foot wide sidewalk easement dedicated to the City.

Also, the applicant is requesting to abandon the west 10 feet of NE 6th Court, between Boynton Beach Boulevard and Ocean Avenue, to compensate for the 10 feet of the applicant's property to be dedicated from the west side of the project to the Florida Department of Transportation to expand the Federal Highway right-of-way, in order to provide the required on-street parking. The right-of-way on NE 6th Court will be reduced from 50 feet to 40 feet, with a minimum 7 foot wide sidewalk on the west side, partially in the right-of-way and partially on private property (a 5 foot wide sidewalk easement would be dedicated to the City), on-street parallel parking, a 20 foot wide two lane drive and finally, a 4 foot wide sidewalk on the east side of the street. As noted, staff supports the addition of on-street parallel parking on both Federal Highway and NE 6th Court, which justifies the abandonment request. Additionally, the applicant has submitted a justification statement for the requests (see Exhibit "C" – Applicant's Justification).

## ANALYSIS

Owners of properties within 400 feet of the subject site were mailed a notice of this request and its respective hearing dates. The applicant has certified that they posted signage and mailed notices in accordance with Ordinance No. 04-007. A summary of the responses follows:

**CITY DEPARTMENTS/DIVISIONS**

| | | |
|---|---|---|
| Engineering | - | No objection w/ provision of necessary easements. |
| Public Works/Utilities | - | No objection w/ provision of necessary easements. |
| Planning and Zoning | - | No objection |

**PUBLIC UTILITY COMPANIES**

| | | |
|---|---|---|
| Florida Power and Light | - | No objection w/ provision of necessary easements and relocation of utilities at developer's cost, if necessary. |
| AT & T | - | No objection w/ provision of necessary easements and relocation of utilities at developer's cost, if necessary. |
| Florida Public Utilities | - | No objection |
| Comcast | - | No objection w/ provision of necessary easements and relocation of utilities at developer's cost, if necessary. |
| Hotwire | - | No objection |
| PBC Traffic Engineering | - | No objection |

## RECOMMENDATION

Staff has determined that the subject portion of the rights-of-way requested to be abandoned do not adversely impact traffic or other City functions, do not adversely impact other adjacent property owners, and the proposed improvements to be made by the developer in the areas to be abandoned promote better pedestrian movement and create desirable on street parking in the downtown. Based on the above analysis, staff recommends APPROVAL of the applicant's request to abandon these portions of the rights-of-way, subject to the attached conditions. Any conditions requested by the Planning and Development Board or required by the Commission will be placed in Exhibit "D" - Conditions of Approval.

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EXHIBIT "A"

# SITE LOCATION MAP

0 20 40 80 120 160 Feet

Source: Palm Beach County GIS Digital Data 2006-2015
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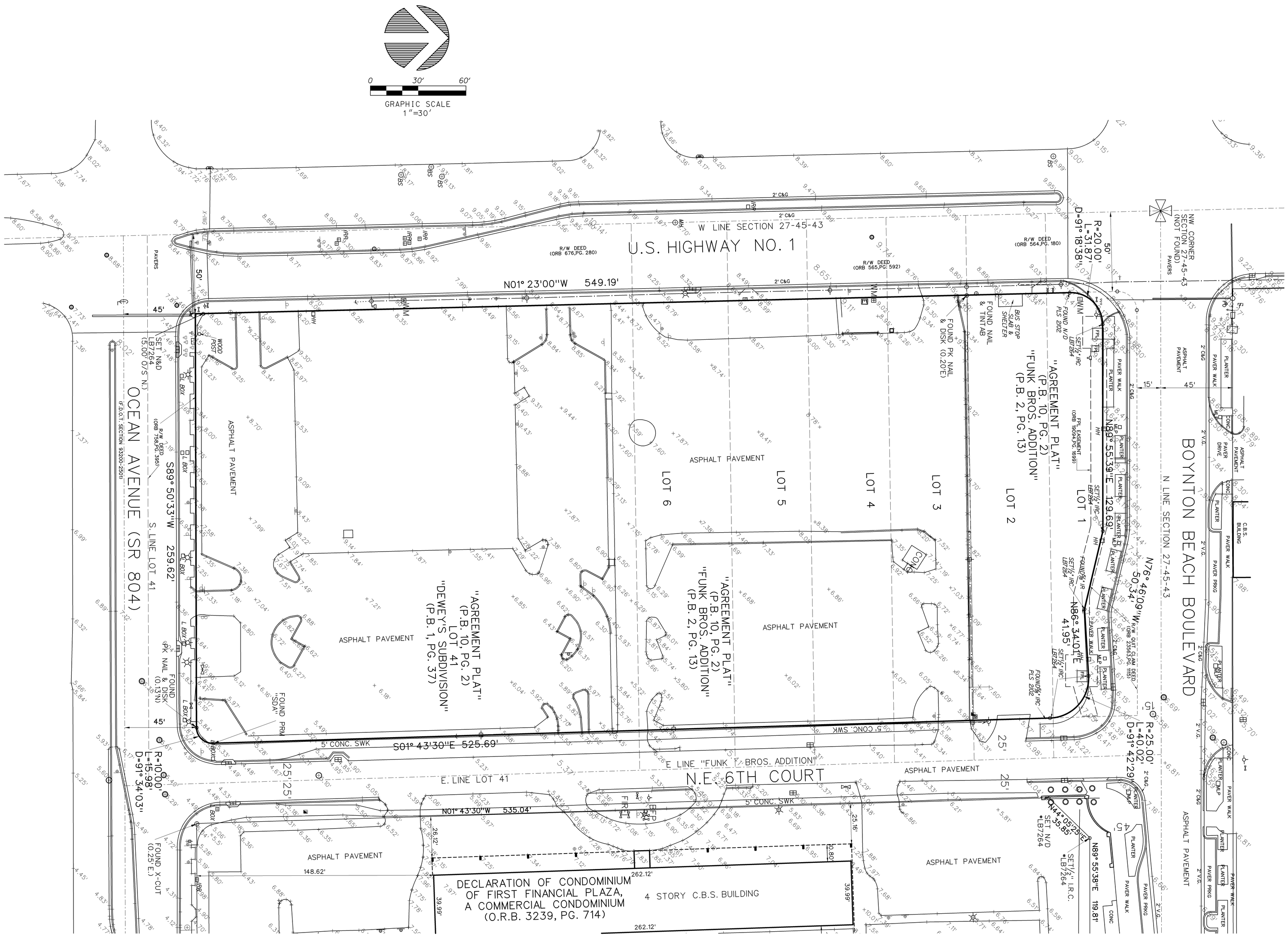



## LEGAL DESCRIPTION

LOTS 1 THROUGH 6, "FUNK BROS. ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 13 OF SAID PUBLIC RECORDS AND LOT 41, "DEWEY'S SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1 AT PAGE 37 OF SAID PUBLIC RECORDS AND ALL REPLATTED AS "AGREEMENT PLAT SHOWING PROPERTY IN NW¼OF NW¼OF NW¼IN SECTION 27 T45S, R43E. ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10 AT PAGE 2 OF SAID PUBLIC RECORDS.

LESS AND EXCEPT: THE EAST 25.00 FEET THEREOF

ALSO LESS AND EXCEPT THAT PORTION LYING WITHIN 50.00 FEET OF THE WEST LINE OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THAT PORTION LYING WITHIN 45.00 FEET OF THE CENTERLINE OF STATE ROAD 804.

ALSO LESS AND EXCEPT THE PART INCLUDED IN THE EXTERNAL AREA OF A 10.00 FOOT RADIUS ARC WHICH IS TANGENT TO A LINE 25.00 FEET WEST OF THE EAST LINE OF SAID LOT 41 AND TO A LINE 45.00 FEET NORTH OF THE CENTERLINE OF STATE ROAD 804.

ALSO LESS AND EXCEPT THE PART INCLUDED IN THE EXTERNAL AREA OF A 12.00 FOOT RADIUS ARC WHICH IS TANGENT TO A LINE 50.00 FEET EAST OF THE WEST LINE OF SAID SECTION 27 AND TO A LINE 15.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 27.

ALSO LESS AND EXCEPT THE PART INCLUDED IN THE QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 23563 AT PAGE 1115 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF BOYNTON BEACH, PALM BEACH COUNTY, FLORIDA.

## NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. ALL EASEMENTS AND RIGHTS-OF-WAY LISTED IN TITLE COMMITMENT NO. 5655598I AS PREPARED BY CHICAGO TITLE INSURANCE COMPANY, EFFECTIVE DATE: FEBRUARY 7, 2016 AT 11:00 PM, HAVE BEEN SHOWN HEREON. DOCUMENTS RECORDED IN D.B. 681, PG. 68; D.B. 1132, PG. 27; O.R.B. 6495, PG. 761 AND ORB 6495, PG. 1165 WERE NOT PROVIDED.
3. ALL EASEMENTS AND RIGHTS-OF-WAY LISTED IN OWNERSHIP AND ENCUMBRANCE REPORT NUMBER 5671474 AS PREPARED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, DATED MARCH 18, 2016, ARE SHOWN HEREON.
4. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR - FLORIDA EAST ZONE, WITH THE EAST LINE OF SAID U.S. HIGHWAY NO. 1 HAVING A BEARING OF NORTH 01°22'01" WEST, ACCORDING TO PALM BEACH COUNTY CONTROL MONUMENTS "CHUCK", "CREST 16TH" AND HAULOVER 1929".
5. ELEVATIONS SHOWN HEREON ARE BASED ON PALM BEACH COUNTY BENCHMARK "LIARWOODS" - BRASS DISK IN CONCRETE STAMPED LIARWOODS. DISK LOCATED 10.7' E. OF E. E.O.P. U.S. 1, 64' N. OF CENTERLINE BOYNTON BEACH BOULEVARD. ELEVATION = 9.684' (NGVD 1929).
6. ALL DISTANCES SHOWN ARE GROUND DISTANCES. A SCALE FACTOR OF 1.000097 WAS USED FOR THIS SURVEY.
7. AREA OF THE PROPERTY SURVEYED IS 3.478 ACRES, MORE OR LESS.

## FLOOD INFORMATION

| | | |
|---|---|---|
| COMMUNITY NUMBER | : | 120196 |
| PANEL NUMBER | : | 0003 |
| SUFFIX | : | C |
| DATE OF FIRM INDEX | : | SEPTEMBER 30, 1982 |
| ZONE | : | B |

## ABBREVIATIONS

| | | |
|---|---|---|
| A | : | ARC |
| ASPH | : | ASPHALT |
| C | : | CALCULATED |
| C&G | : | CURB & GUTTER |
| C.L.F. | : | CHAIN LINK FENCE |
| CONC. | : | CONCRETE |
| COR. | : | CORNER |
| D | : | DELTA (CENTRAL ANGLE) |
| D.E. | : | DRAINAGE EASEMENT |
| I.R. | : | IRON ROD |
| I.R.C. | : | IRON ROD AND CAP |
| L.B. | : | LICENSED BUSINESS |
| L.S. | : | LICENSED SURVEYOR |
| L.W.D.D. | : | LAKE WORTH DRAINAGE DISTRICT |
| MON. | : | MONUMENT |
| O.R.B. | : | OFFICIAL RECORDS BOOK |
| P.B. | : | PLAT BOOK |
| P.B.C.R. | : | PALM BEACH COUNTY RECORDS |
| PG. | : | PAGE |
| P.S.M. | : | PROFESSIONAL SURVEYOR & MAPPER |
| U.E. | : | UTILITY EASEMENT |
| W.F. | : | WOOD FENCE |

## LEGEND

- CATCH BASIN
- CATCH BASIN (INLET)
- CONCRETE UTILITY POLE
- GUY ANCHOR WIRE
- WOOD UTILITY POLE
- SANITARY SEWER MANHOLE
- LIGHT POLE
- BELL SOUTH RISER
- BELL SOUTH MANHOLE
- WATER VALVE
- FIRE HYDRANT
- SINGLE SUPPORT SIGN
- DRAINAGE MANHOLE
- TRAFFIC SIGNAL BOX
- IRRIGATION BOX
- LIGHT BOX
- CATV RISER
- WM WATER METER
- GAS VALVE
- 98.7 ELEVATION

## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS CONTAINED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION.

JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

LAST DATE OF FIELD WORK : JUNE 7, 2016

PERIMETER
SURVEYING & MAPPING
947 Clint Moore Road
Boca Raton, Florida, 33487
Certificate of Authorization No. LB7264
Tel: (561) 241-9988
Fax: (561) 241-5182

# BOYNTON BEACH / FEDERAL HWY PARCEL

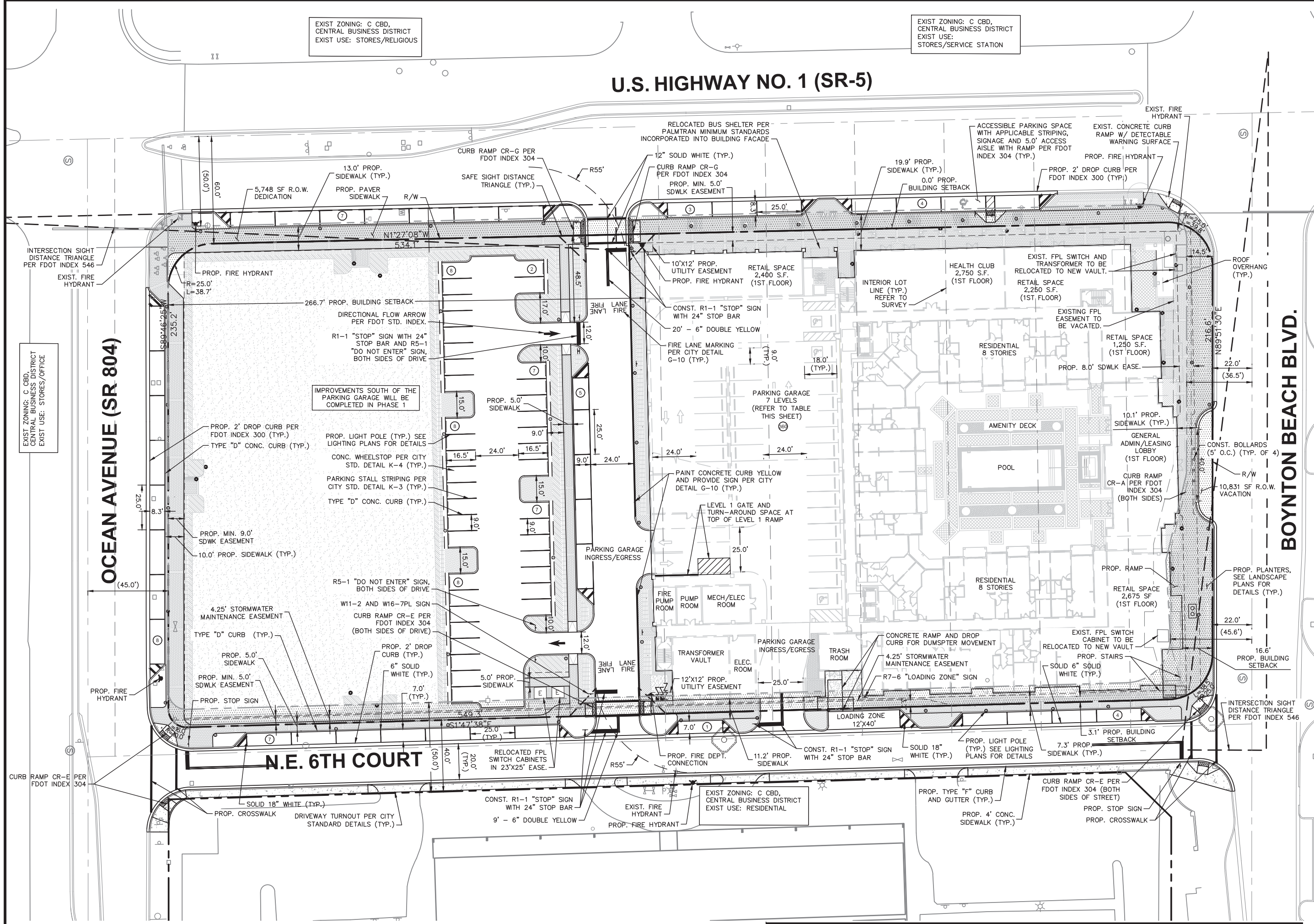
## BOUNDARY AND TOPOGRAPHIC SURVEY

| NO. | DATE | BY | CK'D | REVISIONS: | FB/PG |
|---|---|---|---|---|---|
| 1 | 3-4-05 | JSH | | BND TOPO SURVEY | |
| 2 | 3-20-06 | JSH | | UPDATE BND TOPO SURVEY | |
| 3 | 2-4-16 | JSH | | UPDATE SURVEY - DELETE EAST PARCEL | |
| 4 | 6-07-16 | JSH | | UPDATE SURVEY - DELETE TURN LANE R/W BOYNTON BEACH BLVD | |
| 5 | | | | | |
| 6 | | | | | |

SEAL

| | |
|---|---|
| JOB NO. | 04175 |
| SCALE | 1"=30' |
| FB/PG | /1 |
| DRAWN | JSH |
| CHECKED | JEK |
| SHEET | 1 OF 1 |

Plotted By: Horning, Josh Sheet Set: OCEAN ONE Layout: C4.00 SITE PLAN February 13, 2017 08:54:05am K:\bcd_civil\140232000 - ocean one\CADD\plansheets\C4.00 SITE PLAN.dwg




## FINISHED FLOOR ELEVATION:

FLOOD ZONE AE, BASE FLOOD ELEVATION = 6.00

THE PROPOSED FINISH FLOOR ELEVATION 9.30 NGVD IS ABOVE THE HIGHEST 100-YEAR BASE FLOOD ELEVATION APPLICABLE TO THE BUILDING SITE, AS DETERMINED BY THE SFWMD'S SURFACE WATER MANAGEMENT CONSTRUCTION DEVELOPMENT REGULATIONS.

NORTH

GRAPHIC SCALE IN FEET
0 15 30 60

LEGEND:

- PROPERTY LINE / RIGHT OF WAY
- LIMITS OF CONSTRUCTION
- PROPOSED PAVERS (SEE HARDSCAPE PLAN FOR DETAILS)
- PROPOSED CONCRETE SIDEWALK
- RIGHT-OF-WAY DEDICATION/ABANDONMENT
- (1) PARKING COUNT
- (16.6') EXISTING DIMENSION

## NOTES:

1. DISTANCE BETWEEN STOP BAR AND CROSSWALK SHALL BE A MINIMUM OF 4 FEET.
2. ALL LONGITUDINAL PAVEMENT MARKINGS SHALL BE 6" WIDE UNLESS OTHERWISE NOTED PER F.D.O.T. ROADWAY AND TRAFFIC DESIGN STANDARDS OR PALM BEACH COUNTY DESIGN STANDARDS.
3. THERMOPLASTIC STRIPING SHALL BE USED ALONG NE 6TH COURT AND ANY PROPOSED PAVEMENT UNLESS OTHERWISE APPROVED BY THE CITY OF BOYNTON BEACH.

| PARCEL INFORMATION | | |
|---|---|---|
| EXISTING USE | VACANT | |
| PROPOSED USE | MIXED USE | |
| EXISTING FUTURE LAND USE DESIGNATION | MIXED USE CORE (MXC) | |
| PROPOSED FUTURE LAND USE DESIGNATION | MIXED USE CORE (MXC) | |
| EXISTING ZONING DISTRICT | CBD, CENTRAL BUSINESS DISTRICT DOWNTOWN TRANSIT-ORIENTED DEVELOPMENT DISTRICT (DTODD) OVERLAY ZONE | |
| PROPOSED ZONING DISTRICT | MU-H, MIXED USE - HIGH INTENSITY DOWNTOWN TRANSIT-ORIENTED DEVELOPMENT DISTRICT (DTODD) OVERLAY ZONE | |
| PARCEL FOLIO NUMBER | 08-43-45-27-02-000-0010; 08-43-45-27-01-000-0410 | |
| FEMA FLOOD CODE | FIRM PANEL 1201960003C - ZONE B | |

| BUILDING SUMMARY | REQUIRED: | PROVIDED: | |
|---|---|---|---|
| DENSITY FOR TOTAL SITE (UNITS / ACRE) | 31 (MIN) - 100 (MAX) | 100 * 3.58 AC | 358 |
| PHASE I (UNITS) | | 231 | |
| PHASE II (UNITS) | | 127 | |
| BUILDING HEIGHT | 30' (MIN) - 150' (MAX) | 8 STORIES (110') | |
| FLOOR AREA | | | |
| GROSS RESIDENTIAL (INCL. RETAIL) | 281,010 | SF | |
| NET RETAIL | 8,575 | SF | |
| FLOOR AREA RATIO FOR PHASE I | MIN. 2.0 - MAX 4.0 | 281,010 / 86,309 SF | 3.26 |
| FLOOR AREA RATIO FOR TOTAL SITE | MIN. 2.0 - MAX 4.0 | 489,010 / 158,348 SF | 3.09 |
| USABLE OPEN SPACE | 2% | 2,122 / 86,309 SF | 2.5% |
| CONSTRUCTION TYPE | I-A | | |
| OCCUPANCY TYPE | R-2 | | |

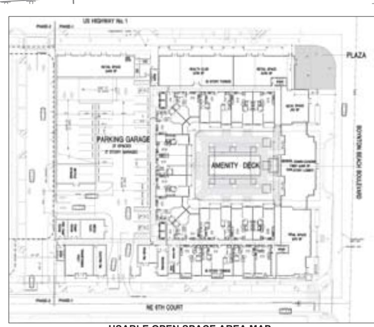
| UNIT MIX | QUANTITY | PERCENTAGE (%) |
|---|---|---|
| 1BD/1BA | 91 | 39.4% |
| STUDIO | 11 | 4.8% |
| 1BD/1BA+DEN | 50 | 21.6% |
| 2BD/1BA | 14 | 6.1% |
| 2BD/2BA | 31 | 13.4% |
| 2BD/2BA+DEN | 34 | 14.7% |
| TOTAL | 231 | 100.0% |

| | REQUIRED: | PROVIDED: |
|---|---|---|
| FRONT (NORTH) | 0' | 16.6' |
| FRONT (EAST) | 0' | 3.1' |
| FRONT (WEST) | 0' | 0' |
| SIDE (SOUTH) | 0' | 266.7 |

| SITE AREA BREAKDOWN (NORTH IMPROVEMENTS) | EXISTING: | | PROVIDED: | |
|---|---|---|---|---|
| TOTAL AREA | 84,175 SF / 1.93 AC | 100% | 84,175 SF / 1.93 AC | 100% |
| IMPERVIOUS TOTAL | 56,873 SF / 1.31 AC | 68% | 81,338 SF / 1.87 AC | 97% |
| PAVEMENT | 56,873 SF / 1.31 AC | 68% | 20,325 SF / 0.47 AC | 24% |
| BUILDING | 0 SF / 0 AC | 0% | 61,013 SF / 1.40 AC | 73% |
| PERVIOUS | 27,302 SF / 0.63 AC | 32% | 2,837 SF / 0.07 AC | 3% |

| SITE AREA BREAKDOWN TOTAL SITE | EXISTING: | | PROVIDED: | |
|---|---|---|---|---|
| TOTAL AREA | 156,106 SF / 3.58 AC | 100% | 156,106 SF / 3.58 AC | 100% |
| IMPERVIOUS TOTAL | 56,076 SF / 1.29 AC | 36% | 82,649 SF / 1.90 AC | 53% |
| PAVEMENT | 56,076 SF / 1.29 AC | 36% | 21,636 SF / 0.50 AC | 14% |
| BUILDING | 0 SF / 0 AC | 0% | 61,013 SF / 1.39 AC | 39% |
| PERVIOUS | 100,030 SF / 2.29 AC | 64% | 73,457 SF / 1.69 AC | 47% |

| PARKING ANALYSIS | | |
|---|---|---|
| PARKING REQUIRED (PER CODE) | | |
| USE | REQUIRED PARKING CRITERIA | REQUIRED PARKING |
| RESIDENTIAL | | |
| 1 BEDROOM (152) | 1.33 SPACES PER BEDROOM | 203 |
| 2 BEDROOM OR MORE (79) | 1.66 SPACES PER BEDROOM | 132 |
| GUEST PARKING (231 UNITS) | 0.15 PER UNIT | 35 |
| RETAIL | | |
| RETAIL UNIT (8,575 SF) | 1 PER 200 SF | 43 |
| TOTAL REQUIRED PARKING | | 413 |
| PARKING PROVIDED | | |
| OFF-STREET PARKING & PARKING GARAGE | | |
| LEVEL 1 | | 27 |
| LEVEL 2 | | 55 |
| LEVEL 3 | | 55 |
| LEVEL 4 | | 55 |
| LEVEL 5 | | 55 |
| LEVEL 6 | | 55 |
| LEVEL 7 | | 58 |
| ADA ACCESSIBLE PARKING | (8 REQUIRED FOR 301-400 SPACES) | 9 (INCLUDED IN ABOVE) |
| PUBLIC PARKING | | |
| ON-STREET PARKING | | 39 |
| PARKING LOT | | 40 |
| TOTAL PARKING PROVIDED | | 439 |




USABLE OPEN SPACE AREA MAP

| UNIT BREAKDOWN | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| UNIT TYPE | BR/BA | SQ FT | | 1ST | 2ND-3RD | 4TH-8TH | TOTAL UNITS | TOTAL NET RENTABLE | |
| S1 | Studio | 560 | SF | - | - | 2 UNITS X 5 LEVELS = 10 | 10 | 5,600 | SF |
| S1a | Studio | 600 | SF | 1 | - | - | 1 | 600 | SF |
| A1 | 1BR/1B | 790 | SF | - | - | 3 UNITS X 5 LEVELS = 15 | 15 | 11,850 | SF |
| A1a | 1BR/1B | 815 | SF | 2 | 3 UNITS X 2 LEVELS = 6 | 4 UNITS X 5 LEVELS = 20 | 28 | 22,820 | SF |
| A2 | 1BR/1B | 770 | SF | 1 | 1 UNIT X 2 LEVELS = 2 | 1 UNIT X 5 LEVELS = 5 | 8 | 6,160 | SF |
| A3 | 1BR/1B | 780 | SF | 4 | 4 UNITS X 2 LEVELS = 8 | 4 UNITS X 5 LEVELS = 20 | 32 | 24,960 | SF |
| A4 | 1BR/1B/den | 865 | SF | 2 | 7 UNITS X 2 LEVELS = 14 | 6 UNITS X 5 LEVELS = 30 | 46 | 39,790 | SF |
| A5a | 1BR/1B | 815 | SF | - | 1 UNIT X 2 LEVELS = 2 | 1 UNIT X 5 LEVELS = 5 | 7 | 5,705 | SF |
| A5b | 1BR/1B | 875 | SF | - | 1 UNIT | - | 1 | 875 | SF |
| A6 | 1BR/1B/den | 865 | SF | 4 | - | - | 4 | 3,460 | SF |
| B1 | 2B/1B | 1060 | SF | - | 2 UNITS X 2 LEVELS = 4 | 2 UNITS X 5 LEVELS = 10 | 14 | 14,840 | SF |
| B2 | 2B/2B | 1210 | SF | 1 | 2 UNITS X 2 LEVELS = 4 | 2 UNITS X 5 LEVELS = 10 | 15 | 18,150 | SF |
| B3 | 2BR/2B | 1170 | SF | - | - | 1 UNIT X 5 LEVELS = 5 | 5 | 5,850 | SF |
| B3a | 2BR/2B | 1215 | SF | - | - | 1 UNIT X 5 LEVELS = 5 | 5 | 6,075 | SF |
| B4 | 2BR/2B/den | 1255 | SF | 2 | 4 UNITS X 2 LEVELS = 8 | 2 UNITS X 5 LEVELS = 10 | 20 | 25,100 | SF |
| B5 | 2BR/2B/den | 1365 | SF | - | - | 2 UNITS X 5 LEVELS = 10 | 10 | 13,650 | SF |
| B6 | 2BR/2B | 1300 | SF | - | 1 UNIT X 2 LEVELS = 2 | - | 2 | 2,600 | SF |
| B7 | 2BR/2B/den | 1300 | SF | - | 2 UNITS X 2 LEVELS = 4 | - | 4 | 5,200 | SF |
| B9 | 2BR/2B | 1600 | SF | - | 1 UNIT X 2 LEVELS = 2 | - | 2 | 3,200 | SF |
| B10 | 2BR/2B | 1225 | SF | - | 1 UNIT X 2 LEVELS = 2 | - | 2 | 2,450 | SF |
| | | TOTAL | | 17 | 59 | 155 | 231 | 218,935 | SF |

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LICENSED PROFESSIONAL
JASON A. WEBBER, P.E.
FL LICENSE NUMBER
73962
DATE:

PRELIMINARY DESIGN FOR:
# OCEAN ONE
114 N. FEDERAL HIGHWAY, BOYNTON BEACH, FL
SITE PLAN

revisions:
drawn by: JPL
date: FEB/2017
sheet no: C4.00
project: 140232000

947 Clint Moore Road
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PERIMETER
SURVEYING & MAPPING
Certificate of Authorization No. LB7264

Tel: (561) 241-9988
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# SKETCH AND LEGAL DESCRIPTION
# (NOT A SURVEY)

## OCEAN ONE - ROAD RIGHT-OF-WAY ABANDONMENT

## LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST ONE-QUARTER OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, INCLUDING PORTIONS OF LOTS 1 THROUGH 6, "AGREEMENT PLAT", AS RECORDED IN PLAT BOOK 10 AT PAGE 2 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF LOT 41 "DEWEY'S SUBDIVISION", AS RECORDED IN PLAT BOOK 1 AT PAGE 37 OF SAID PUBLIC RECORDS, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27; THENCE NORTH 89° 55'38" EAST, ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 86.08 FEET; THENCE SOUTH 00° 04'22" EAST, A DISTANCE OF 22.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89° 55'38" EAST, A DISTANCE OF 216.56 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 88° 20'52", A DISTANCE OF 38.55 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 01° 43'30" EAST, ALONG A LINE 15.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOTS 1 THROUGH 6 AND THE EAST LINE OF SAID LOT 41, A DISTANCE OF 549.27 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 10.00 FEET AND A CENTRAL ANGLE OF 91° 34'03", A DISTANCE OF 15.98 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89° 50'33" WEST, ALONG A LINE 30 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 41, A DISTANCE OF 10.00 FEET TO A POINT OF CUSP OF A CIRCULAR CURVE TO THE LEFT; THENCE EASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 10.00 FEET AND A CENTRAL ANGLE OF 91° 34'03", A DISTANCE OF 15.98 FEET TO THE POINT OF TANGENCY; THENCE NORTH 01° 43'30" WEST, ALONG A LINE 25.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID LOT 41 AND LOTS 1 THROUGH 6, A DISTANCE OF 525.69 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 91° 42'29", A DISTANCE OF 40.02 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 86° 34'01" WEST, A DISTANCE OF 41.95 FEET; THENCE NORTH 76° 46'09" WEST, A DISTANCE OF 50.34 FEET; THENCE SOUTH 89° 55'38" WEST, A DISTANCE OF 129.69 FEET TO THE POINT OF

## CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.

_____
JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

LAST DATE OF FIELD WORK : NOT A SURVEY

| | | | |
|---|---|---|---|
| Project Name: OCEAN ONE | R/W ABANDONMENT | DATE: 09/28/2016 | |
| JOB NO. 04175 | DWG BY: JSH | | |
| | CK'D By: JEK | SHEET 1 OF 3 | |

# SKETCH AND LEGAL DESCRIPTION
# (NOT A SURVEY)

CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 25°51'49", A DISTANCE OF 9.03 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT BEARS SOUTH 70°12'14" EAST (THE LAST FIVE DESCRIBED COURSES BEING COINCIDENT WITH THE SOUTHERLY LINE OF A RIGHT-OF-WAY DEDICATED PER OFFICIAL RECORDS BOOK 23563 AT PAGE 1115 OF SAID PUBLIC RECORDS); THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 70°07'51", A DISTANCE OF 30.60 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF BOYNTON BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAIN 10,379 SQUARE FEET, MORE OR LESS.

## NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO SEARCH OF THE PUBLIC RECORDS WAS MADE IN THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
3. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 27, HAVING A BEARING OF NORTH 01°23'00" WEST, ACCORDING TO THE STATE PLANE COORDINATE SYSTEM, STATE OF FLORIDA, EAST ZONE, NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT.

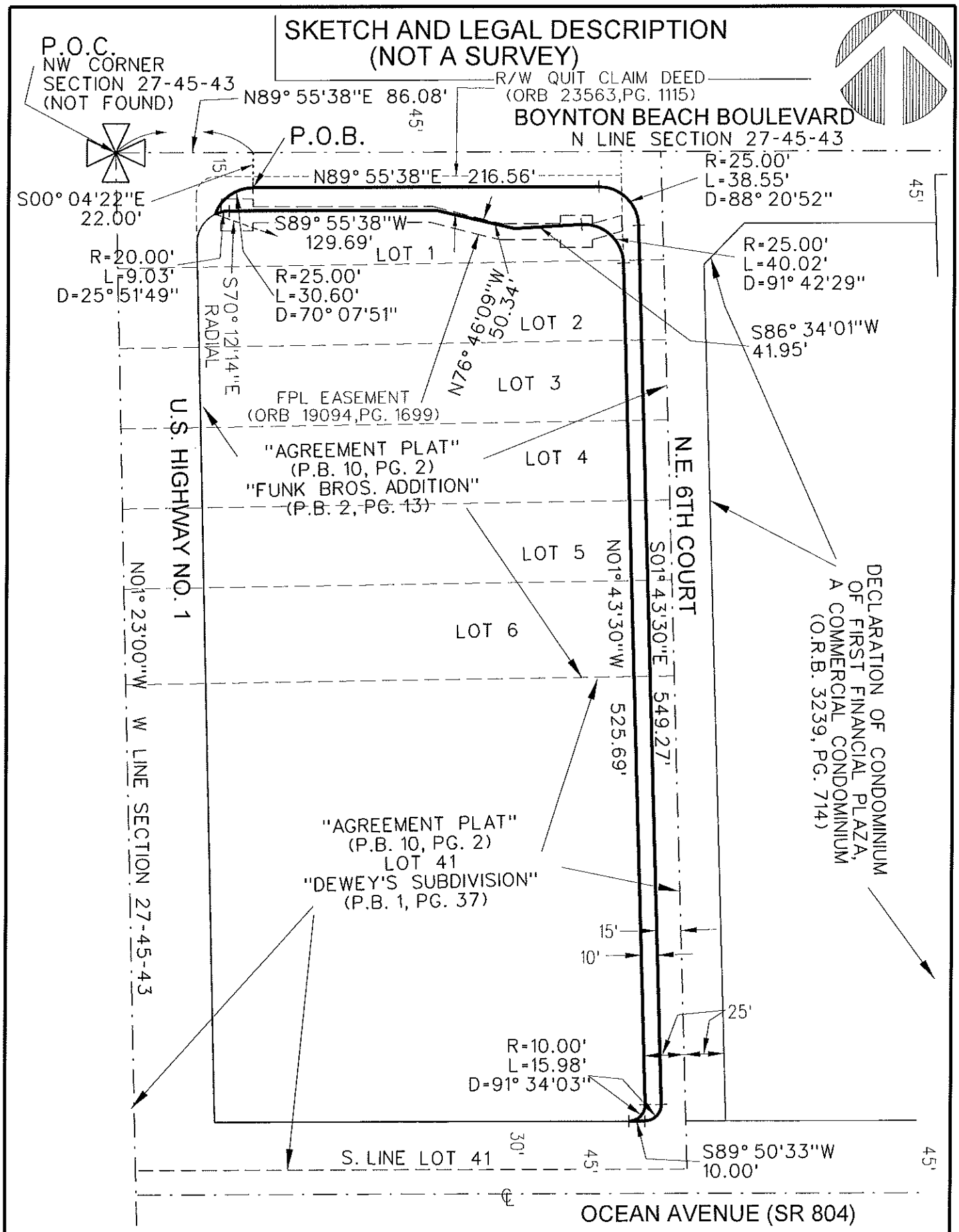
## ABBREVIATIONS

| | | |
|---|---|---|
| L | - | ARCLENGTH |
| CONC. | - | CONCRETE |
| COR. | - | CORNER |
| D | - | DELTA (CENTRAL ANGLE) |
| L.B. | - | LICENSED BUSINESS |
| L.S. | - | LICENSED SURVEYOR |
| O.R.B. | - | OFFICIAL RECORDS BOOK |
| P.O.B. | - | POINT OF BEGINNING |
| P.O.C. | - | POINT OF COMMENCEMENT |
| P.B. | - | PLAT BOOK |
| P.B.C.R. | - | PALM BEACH COUNTY RECORDS |
| PG. | - | PAGE |
| P.S.M. | - | PROFESSIONAL SURVEYOR & MAPPER |
| R/W | - | RIGHT-OF-WAY |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| JOB NO. | 04175 | Project Name: | OCEAN ONE | DWG BY: | JSH | SCALE: | N/A |
| | | | RIGHT-OF-WAY ABANDONMENT | CK'D By: | JEK | DATE: | 09/28/2016 |

SHEET 2 OF 3

# SKETCH AND LEGAL DESCRIPTION
## (NOT A SURVEY)




| JOB NO. 04175 | Project Name: OCEAN ONE | DWG BY: JSH | SCALE: 1"=80' | |
|---|---|---|---|---|
| | RIGHT-OF-WAY ABANDONMENT | CK'D By: JEK | DATE: 09/28/2016 | SHEET 3 OF 3 |

947 Clint Moore Road
Boca Raton, Florida 33487

PERIMETER
SURVEYING & MAPPING
Certificate of Authorization No. LB7264

Tel: (561) 241-9988
Fax: (561) 241-5182

# SKETCH AND LEGAL DESCRIPTION
# (NOT A SURVEY)

## OCEAN ONE - ROAD RIGHT-OF-WAY DEDICATION

## LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST ONE-QUARTER OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, INCLUDING PORTIONS OF LOTS 1 THROUGH 6, "AGREEMENT PLAT", AS RECORDED IN PLAT BOOK 10 AT PAGE 2 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF LOT 41 "DEWEY'S SUBDIVISION", AS RECORDED IN PLAT BOOK 1 AT PAGE 37 OF SAID PUBLIC RECORDS, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27; THENCE NORTH 89° 55'38" EAST, ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 62.57 FEET; THENCE SOUTH 00° 04'22" EAST, A DISTANCE OF 38.51 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS SOUTH 70° 12'14" EAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 21° 10'46", A DISTANCE OF 9.24 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 01° 23'00" EAST, ALONG A LINE 60.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 27, A DISTANCE OF 534.09 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 88° 46'28", A DISTANCE OF 38.74 FEET TO A POINT OF CUSP; THENCE SOUTH 89° 50'33" WEST, ALONG A LINE 30 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 41, A DISTANCE OF 34.47 FEET; THENCE NORTH 01° 23'00" WEST, ALONG A LINE 50.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE OF SECTION 27, ALSO BEING THE EXISTING RIGHT-OF-WAY LINE OF U.S. HIGHWAY NUMBER 1, A DISTANCE OF 549.19 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE SOUTHERLY LINE OF A RIGHT-OF-WAY DEDICATED PER OFFICIAL RECORDS BOOK 23563 AT PAGE 1115 OF SAID PUBLIC RECORDS, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 65° 26'49", A DISTANCE OF 22.84 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF BOYNTON BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAIN 5,748 SQUARE FEET, MORE OR LESS.

## CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.

---
JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

LAST DATE OF FIELD WORK : NOT A SURVEY

| | | | |
|---|---|---|---|
| Project Name: OCEAN ONE | R/W DEDICATION | DATE: 09/28/2016 | |
| JOB NO. 04175 | DWG BY: JSH | | |
| | CK'D By: JEK | SHEET 1 OF 3 | |

# SKETCH AND LEGAL DESCRIPTION
# (NOT A SURVEY)

## NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO SEARCH OF THE PUBLIC RECORDS WAS MADE IN THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
3. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 27, HAVING A BEARING OF NORTH 01° 23'00" WEST, ACCORDING TO THE STATE PLANE COORDINATE SYSTEM, STATE OF FLORIDA, EAST ZONE, NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT.

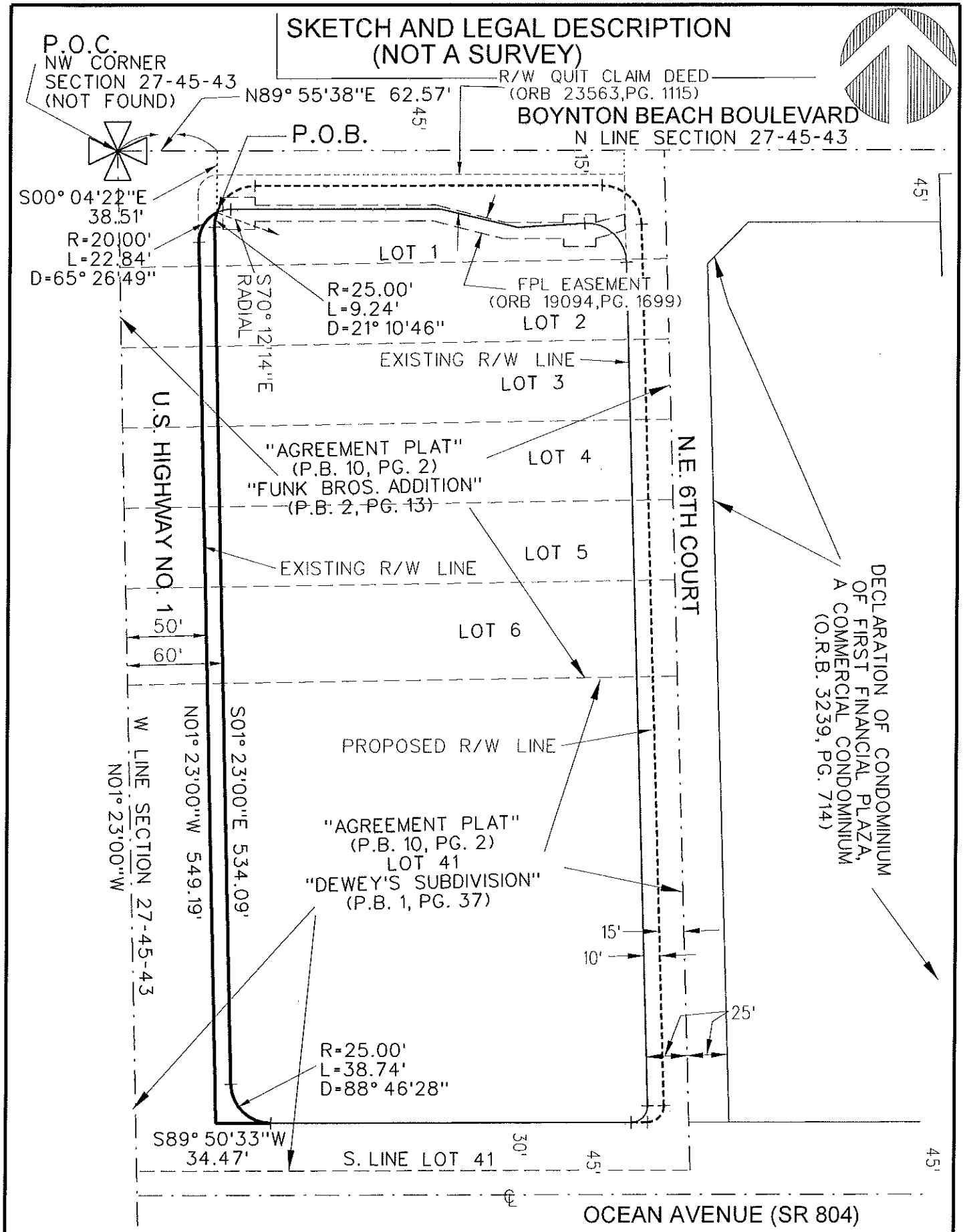
## ABBREVIATIONS

| | | |
|---|---|---|
| L | • | ARCLENGTH |
| CONC. | • | CONCRETE |
| COR. | • | CORNER |
| D | • | DELTA (CENTRAL ANGLE) |
| L.B. | • | LICENSED BUSINESS |
| L.S. | • | LICENSED SURVEYOR |
| O.R.B. | • | OFFICIAL RECORDS BOOK |
| P.O.B. | • | POINT OF BEGINNING |
| P.O.C. | • | POINT OF COMMENCEMENT |
| P.B. | • | PLAT BOOK |
| P.B.C.R. | • | PALM BEACH COUNTY RECORDS |
| PG. | • | PAGE |
| P.S.M. | • | PROFESSIONAL SURVEYOR & MAPPER |
| R/W | • | RIGHT-OF-WAY |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| JOB NO. | 04175 | Project Name: | OCEAN ONE | DWG BY: | JSH | SCALE: | N/A |
| | | | RIGHT-OF-WAY DEDICATION | CK'D By: | JEK | DATE: | 09/28/2016 |

SHEET 2 OF 3

# SKETCH AND LEGAL DESCRIPTION
## (NOT A SURVEY)




| JOB NO. 04175 | Project Name: OCEAN ONE | DWG BY: JSH | SCALE: 1"=80' | |
|---|---|---|---|---|
| | RIGHT-OF-WAY DEDICATION | CK'D By: JEK | DATE: 09/28/2016 | SHEET 3 OF 3 |

DUNAY MISKEL BACKMAN LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Hope Calhoun
Dwayne Dickerson
Ele Zachariades
Christina Bilenki
Heather Jo Allen
Andrea Keiser

**Ocean One**
**Abandonment Justification**
**Boynton Beach Blvd & NE 6th Court**

Ocean One Boynton, LLC ("Petitioner") is the owner of the +/- 3.63 gross acre parcel located at 114 North Federal Highway, which is generally located on the northeast corner of Federal Highway and Boynton Ocean Avenue (SR 84) ("Property") within the City of Boynton Beach ("City"). The Property has an underlying land use designation of Mixed Use Core ("MXC") on the City's Future Land Use Map and is currently zoned Central Business District ("CBD"). The Property is also within the City's Downtown Transit-Oriented Development District ("DTODD") Overlay Zone. The Property is currently vacant. Petitioner proposes to redevelop the Property with two hundred thirty seven (237) multi-family residential units that are highly amenitized to ensure an upscale living environment for future residents ("Project"). In order to develop the Project, Petitioner is also requesting a rezoning of the Property to the City's Mixed Use-High Intensity ("MU-H") zoning district.

The Property is further located within the Transit Oriented Design ("TOD") District around the future transit station under the City's Community Redevelopment Agency's ("CRA") Downtown Master Plan. This particular district is intended to create a downtown core that builds momentum for other redevelopment, allowing for provisions today which will accomplish the long-term vision of the commuter rail transit station. This district creates transit-supportive densities within walking distance of the marina and the future transit station. Redevelopment of the Property with high density residential development and a ground-floor retail component coincides with the goal contemplated by the TOD district.

The Project seeks to redevelop this vacant lot with a luxury residential units that will serve the community. The proposed Project is compatible with development in the adjacent areas with high-density residential development to the north and east, as well as the commercial redevelopment in the area. Further, it provides access to adjacent municipalities because of its proximity to both the Federal Highway thoroughfare, I-95 and the future transit station, making it an ideal location for residential development as individual can easily commute from home to work. The Project will help satisfy a community need and is compatible with surrounding residential and commercial development.

In order to develop the Project, Petitioner is seeking the abandonment of a portion of Boynton Beach Boulevard adjacent to the Property. This portion of Boynton Beach Boulevard is a local road where the right-of-way terminates. As such, a smaller right-of-way is more ideal to serve the properties in the immediate area. This will also allow for a large pedestrian plaza that will create a vibrant development. Further, in order to accommodate on-street parking along Federal Highway, Petitioner is also seeking abandonment of ten (10) feet of NE 6th Court and will be dedicating ten (10) feet for right-of-way along Federal Highway.

14 S.E. 4th Street, Suite 36, Boca Raton, FL 33432 | Tel: (561) 405-3300 | Fax: (561) 409-2341 | www.dmbblaw.com

In support of the abandonment request, Petitioner will demonstrate that the abandonment meets the criteria listed in Part III, Chapter 2, Article II, Section 2.G.3 of the City's Code of Ordinances ("Code") as follows: (a) Access – the subject land provides a legal means of access to a lot of record; the abandonment does not result in a permanent stoppage, interruption or an unacceptable level of service for the subject lot or neighbors lots or developments with respect to police, fire or other emergency services or solid waste removal; (b) Utilities – The subject land does not contain, support or allow potable water, sanitary sewer, or other utility which would be permanently stopped or interrupted or cause an unacceptable level of service to the subject lot or neighboring lots or development; (c) Drainage and Wastewater Management – The subject land does not contain, support or allow a legal means of drainage or wastewater for such lot or on neighboring lots, subdivisions or developments which would cause or result in a stoppage, interruption or unacceptable level of service; (d) Conservation – the subject land does not contain, support or allow the means for conservation or preservation of flora or fauna.

*(a) Access – Does the subject land provides a legal means of access to a lot of record? Would the abandonment result in a permanent stoppage, interruption or an unacceptable level of service for the subject lot or neighboring lots or developments with respect to police, fire or other emergency services or solid waste removal?*

The subject land does provide a legal means of access to a lot of record. However, the abandonment will not interrupt or prevent access to adjacent properties and developments. The Project seeks to abandon only a portion of the right-of-way adjacent to the Property and will not interrupt vehicular traffic to adjacent properties. The right-of-way along Boynton Beach Boulevard included in this request contains a turn-lane which is not required based on the anticipated vehicular traffic servicing the Project and adjacent parcels. This portion of Boynton Beach Boulevard is a local road which terminates as it approached the Intracoastal Waterway and is unnecessary to accommodate vehicles traveling in the area. Further, the additional right-of-way being vacated along NE 6th Court would narrow the roadway servicing the Property and the adjacent parcel to the east. It will not prevent legal access to any lot of record. Narrowing the right-of-way will also slow down vehicles traveling in the area and allow for safer vehicular movements and pedestrian crossing. Further, the abandonment requests will not result in a permanent stoppage, interruption or an unacceptable level of service for the neighboring developments with respect to police, fire, other emergency services or solid waste removal. As part of the site plan approval process for the Project, the proposed right-of-ways and related abandonment requests have been reviewed by police and fire and deemed acceptable for emergency services. Further, the abandonment for NE 6th Court is proposed with a dedication along Federal Highway to allow for on-street parking at the request of the City. As such, the abandonment request for the Project complies with this criteria.

*(b) Utilities – Does the subject land contain, support or allow potable water, sanitary sewer, or other utility which would be permanently stopped or interrupted or cause an unacceptable level of service to the subject lot or neighboring lots or development?*

The subject land does not contain, support or allow potable water, sanitary sewer or other utility which would be permanently stopped or interrupted. Petitioner has reviewed the request with the City's Utilities and Engineering Departments to determine any impacts of the proposed abandonment to the

adjacent properties. Petitioner will be relocating any necessary facilities in order to accommodate the Project and has been working closely with the City to ensure there is no interruption to any neighboring lot or developed serviced by the existing facilities in this area. Further, the abandonment for NE 6th Court is proposed with a dedication along Federal Highway to allow for on-street parking at the request of the City. As such, the abandonment request will not cause an interruption or an unacceptable level of service to those properties service by any existing potable water, sanitary sewer or other utilities contained within these right-of-ways.

*(c) Drainage and Wastewater Management – Does the subject land contain, support or allow a legal means of drainage or wastewater for such lot or on neighboring lots, subdivisions or developments which would cause or result in a stoppage, interruption or unacceptable level of service?*

The subject land does not contain, support or allow a means of drainage or wastewater for neighboring lots, subdivisions or other developments which would cause or result in a stoppage, interruption or unacceptable level of service. As part of the site plan process, Petitioner has submitted civil plans which address drainage and wastewater management in the vicinity of the Property. Petitioner has been working closely with the City's utilities and engineering divisions to ensure the Project complies with all drainage requirements and does not have an adverse impact to any adjacent Properties. Any facilities impacted by the Project will be relocated to ensure there is no interruption or unacceptable level of service. As such, the abandonment request meets this criteria.

*(d) Conservation – Does the subject land does not contain, support or allow the means for conservation or preservation of flora or fauna?*

The abandonment area does not contain or allow the means for conservation or preservation of flora or fauna. The existing right-of-way proposed for abandonment is currently paved and does not contain any plant materials or animal life. As such, the proposed abandonment meets this criteria.

# EXHIBIT "D"

## CONDITIONS OF APPROVAL

Project Name: Ocean One
File number: ABAN 17-001
Reference: 5th review plans identified as a New Site Plan with a February 13, 2017 Planning and Zoning Department date stamp marking.

| DEPARTMENTS | INCLUDE | REJECT |
|---|---|---|
| **ENGINEERING / PUBLIC WORKS / FORESTRY / UTILITIES** | | |
| Comments: | | |
| 1. A utility easement needs to be provided if the storm sewer line, located on the NE corner of Boynton Beach Boulevard and NE 6th Court, will be inside the property line after the building is shifted 10 feet towards NE 6th Court. | X | |
| **FIRE** | | |
| Comments: None. | X | |
| **POLICE** | | |
| Comments: None. | X | |
| **BUILDING DIVISION** | | |
| Comments: None. | X | |
| **PARKS AND RECREATION** | | |
| Comments: None. | X | |
| **PLANNING AND ZONING** | | |
| Comments: | | |
| 2. The abandonment is subject to recording of sidewalk easement agreements acceptable to the City. | X | |
| 3. Any conditions of approval from the various utility companies requiring new or revised easements and developer relocation of their facilities will be required to be addressed prior to issuance of a building permit. | X | |

| DEPARTMENTS | INCLUDE | REJECT |
|---|---|---|
| 4. Approval is subject to approval of the concurrent applications for Rezoning, New Site Plan and Community Design Appeals. | X | |
| **COMMUNITY REDEVELOPMENT AGENCY** | | |
| Comments: None. | X | |
| **PLANNING & DEVELOPMENT BOARD CONDITIONS** | | |
| Comments: None. | X | |
| **CITY COMMISSION CONDITIONS** | | |
| Comments: To be determined. | | |

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**DEVELOPMENT ORDER OF THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA**

PROJECT NAME: Ocean One (ABAN 17-001)

APPLICANT: Davis Camalier, Ocean One Boynton LLC

APPLICANT'S ADDRESS: 9816 S. Military Trail, Suite C2-3, Boynton Beach, FL 33436

DATE OF HEARING RATIFICATION BEFORE CITY COMMISSION: April 4, 2017

APPROVAL SOUGHT: Request for abandonment of a portion of right-of-way of Boynton Beach Boulevard east of Federal Highway, and NE 6th Court between Boynton Beach Boulevard and Ocean Avenue, in conjunction with request for new site plan approval of the Ocean One mixed use project.

LOCATION OF PROPERTY: 114 N. Federal Highway

DRAWING(S): SEE EXHIBIT "B" ATTACHED HERETO.

_____ THIS MATTER was presented to the City Commission of the City of Boynton Beach, Florida on the date of hearing stated above. The City Commission having considered the approval sought by the applicant and heard testimony from the applicant, members of city administrative staff and the public finds as follows:

1. Application for the approval sought was made by the Applicant in a manner consistent with the requirements of the City's Land Development Regulations.

2. The Applicant
   ___ HAS
   ___ HAS NOT

   established by substantial competent evidence a basis for the approval requested.

3. The conditions for development requested by the Applicant, administrative staff, or suggested by the public and supported by substantial competent evidence are as set forth on Exhibit "C" with notation "Included."

4. The Applicant's request is hereby
   ___ GRANTED subject to the conditions referenced in paragraph 3 above.
   ___ DENIED

5. This Order shall take effect immediately upon issuance by the City Clerk.

6. All further development on the property shall be made in accordance with the terms and conditions of this order.

7. Other: _____
   _____
   _____

DATED:_____ _____
City Clerk

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# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:** Approve requests for a Community Design Appeal of 1) Chapter 3, Article III, Section 5.C., "Build-to-line", which requires buildings to be constructed with a build-to-line of 0 to 15 feet, to allow a setback of approximately 19 feet; and 2) Chapter 4, Article III, Section 6.F., "Off-Street Parking Area Standards", which requires facades of parking garages that front on an arterial or collector roadway to be wrapped with habitable space. Applicant: Davis Camalier / Ocean One Boynton, LLC. ***TABLED TO APRIL 4, 2017 SO THAT FINAL ACTION OCCURS ON THE SAME DATE AS ACTION TAKEN ON THE CORRESPONDING REZONING AND ABANDONMENT ITEMS.***

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**EXPLANATION OF REQUEST:**
Bonnie Miskel, agent for Ocean One Boynton LLC, is requesting approval of two (2) Community Design Plan Appeals. The first appeal request is of Chapter 3, Article III, Section 5.C., "Build-to-line", which requires buildings to be constructed with a build-to-line of 0 to 15 feet, to allow a setback of 19 feet. This is a very minor deviation of the 15 feet allowed and provides for a more active pedestrian environment, permitting greater opportunities for larger planting areas to facilitate a grander planting scheme (allowing for the placement of large Medjool Date palms and 24 foot tall Oak trees), and creating a more prominent entry into the Marina District to the east.

The second is of Chapter 4, Article III, Section 6.F., "Off-Street Parking Area Standards", which requires facades of parking garages that front on an arterial or collector roadway to be wrapped with habitable space. The applicant is proposing retail use for the ground level of the garage fronting Federal Highway, and continuing the residential façade across the front of the garage, to give the appearance of habitable space, with the windows on the second floor housing public art displays, and the windows on floors three (3) through six (6) housing light box displays.

Staff has determined that the project meets the intent of the review criteria for Community Design Appeals in relation to 1) the relatively minor (4 foot deviation) in the build-to-line criteria; and 2) the façade of the garage (through the use of retail space on the ground floor, utilization of similar architectural features of the residential portion of the building on the remainder, and through the provision of art and lighted display boxes in the windows of the garage, above the retail space, facing Federal Highway).

The Planning & Development Board reviewed these requests at the February 28, 2017 meeting and recommended approval.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** N/A

**FISCAL IMPACT:** N/A

**ALTERNATIVES:** None recommended.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:** N/A

**CLIMATE ACTION:**

**CLIMATE ACTION DISCUSSION:** N/A

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**Is this a grant?**

**Grant Amount:**

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**ATTACHMENTS:**

| Type | Description |
|---|---|
| Staff Report | Staff Report |
| Location Map | Exhibit A - Location Map |
| Drawings | Exhibit B - Architectural Plans |
| Letter | Exhibit C1 - Applicant Justification (Build-to-line) |
| Letter | Exhibit C2 - Applicant Justification (garage facade) |
| Conditions of Approval | Conditions of Approval |
| Development Order | Development Order |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Planning and Zoning | Rumpf, Michael | Approved | 3/9/2017 - 3:17 PM |
| Finance | Howard, Tim | Approved | 3/9/2017 - 3:23 PM |
| Legal | Swanson, Lynn | Approved | 3/9/2017 - 4:53 PM |
| City Manager | LaVerriere, Lori | Approved | 3/13/2017 - 9:58 AM |

**DEVELOPMENT DEPARTMENT**
**PLANNING AND ZONING DIVISION**
**MEMORANDUM NO. PZ 17-006**

**STAFF REPORT**

| | |
|---|---|
| TO: | Chair and Members<br>Planning and Development Board and City Commission |
| THRU: | Michael W. Rumpf, Director of Planning & Zoning |
| FROM: | Ed Breese, Principal Planner |
| DATE: | February 17, 2017 |
| PROJECT NAME/NO: | Ocean One / CDPA 17-001 & 17-002 |
| REQUEST: | Approve requests for a Community Design Appeal of 1) Chapter 3, Article III, Section 5.C., "Build-to-line", which requires buildings to be constructed with a build-to-line of 0 to 15 feet, to allow a setback of approximately 19 feet; and 2) Chapter 4, Article III, Section 6.F., "Off-Street Parking Area Standards", which requires facades of parking garages that front on an arterial or collector roadway to be wrapped with habitable space. Applicant: Davis Camalier, Ocean One Boynton LLC |

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**Property Owner:** Ocean One Boynton LLC

**Agent:** Bonnie Miskel, Dunay, Miskel & Backman, LLP

**Location:** 114 N. Federal Highway - SE corner of Federal Highway and Boynton Beach Boulevard (see Exhibit "A" - Site Location Map)

**Site Details:** The applicant has submitted development applications for a Rezoning, New Site Plan, Community Design Plan Appeal and Abandonment for a mixed-use project known as Ocean One, which consists of 231 dwelling units within an eight (8)-story building, retail space, and associated recreational amenities and parking on 1.93 acres. The vacant site is proposed to be developed in two (2) phases, with Phase I being the subject of this review.

## NATURE OF REQUEST

As noted above, Bonnie Miskel, agent for Ocean One Boynton LLC, is requesting approval of two (2) Community Design Plan Appeals. The first appeal request is of Chapter 3, Article III, Section 5.C., "Build-to-line", which requires buildings to be constructed with a build-to-line of 0 to 15 feet, to allow a setback of 19 feet. The second is of Chapter 4, Article III, Section 6.F., "Off-Street Parking Area Standards", which requires facades of parking garages that front on an arterial or collector roadway to be wrapped with habitable space. The applicant is proposing the ground level of the garage fronting Federal Highway house retail space, and continuing the residential façade across the front of the garage, to give the appearance of habitable space, with the windows on the second floor housing public art displays, and the windows on floors three (3) through six (6) housing light box displays.

box displays.

**BACKGROUND AND ANALYSIS**

The first application submitted for Community Design Plan Appeal involves Land Development Regulations (LDR) Chapter 3, Article III, Section 5.C., which requires buildings to be constructed along the roadway frontages with a build-to-line of 0 to 15 feet. Approval may be granted by staff of up to a 15 foot setback in order to *1) optimize landscape design; 2) maximize on-site drainage solutions; 3) accommodate architectural features and building enhancements; or 4) to otherwise enhance public spaces such as sidewalks, plazas, fountains, or outdoor seating area.* There is only one side of the building (north) proposed to be located outside of the build-to-line (proposed at approximately 19 feet, or 4 feet in excess of that allowed), and accordingly, is the subject of this specific appeal request. The applicant has submitted a Justification Statement (Exhibit "C") date-stamped November 4, 2016 addressing each of the following review criteria for such applications:

- a) *Whether the proposed request will demonstrate consistency with the Comprehensive Plan;*
- b) *Whether the proposed request will not significantly detract from the livability or appearance of the city and will be consistent with the established or desired character of the area, or with the redevelopment plan, where applicable;*
- c) *On balance, whether the proposed request will be consistent with the purpose of the standard for which a deviation is requested. Granting the request will equally or better meet the purpose of the standard to be appealed;*
- d) *Whether the proposed request is intended to save or preserve existing trees or desired flora;*
- e) *Whether the proposed request will have adverse environmental impacts that cannot be prevented by the imposition of conditions;*
- f) *Whether the proposed request will have an adverse impact on property values of abutting or adjacent land;*
- g) *Whether the proposed request will seriously reduce the quality or quantity of light and air available to adjacent properties;*
- h) *Whether the proposed request is necessary to further the objectives of the City to assist with economic development and business promotion; and*
- i) *Whether the proposed request meets the purpose and intent of these regulations but conflicts with another site development standard or requirement, including sustainable development and green initiatives.*

The applicant is proposing a public plaza at the NW corner of the site, in which the building is setback approximately 45 feet, and which is consistent with the Community Redevelopment Agency (CRA) design guidelines, encouraging public spaces at focal points of downtown mixed use projects. However, further east along the north side of the property, the building setback varies from 15 feet measured from certain building columns, to nearly 19 feet. This is a very minor deviation of the 15 feet allowed and provides for a more active pedestrian environment, permitting greater opportunities for larger planting areas to facilitate a grander planting scheme (allowing for the placement of large Medjool Date palms

and 24 foot tall Oak trees), and creating a more prominent entry into the Marina District to the east.

The second application submitted for Community Design Plan Appeal involves Land Development Regulations (LDR) Chapter 4, Article III, Section 6.F., "Off-Street Parking Area Standards", which requires facades of parking garages that front on an arterial or collector roadway to be wrapped with habitable space. Once again, the applicant has prepared responses to the review criteria (see Exhibit "C" - Justification Statement) and believes that the building as proposed will not significantly detract from the livability or appearance of the downtown and will be consistent with the desired character of the area and redevelopment plan. By providing the ground level retail space, the applicant believes an active pedestrian experience will be promoted, and since the balance of the garage façade is designed utilizing similar architectural features of the residential units, it will be difficult to distinguish between habitable and uninhabitable space in the building. While staff believes the appearance between habitable and non-habitable space will be distinguishable, the architectural treatments are such that the residential building and garage blend well together as a cohesive structure, as opposed to two distinct buildings. Additionally, the fact that the applicant proposes to incorporate art and lighted display boxes in the windows of the garage, above the retail space facing Federal Highway, should add interest to the façade, enhance the pedestrian experience, and further the artistic ambiance of the downtown.

In conclusion, staff has determined that the project meets the intent of the review criteria for Community Design Appeals in relation to 1) the relatively minor (4 foot deviation) in the build-to-line criteria; and 2) the façade of the garage (through the use of retail space on the ground floor, utilization of similar architectural features of the residential portion of the building on the remainder, and through the provision of art and lighted display boxes in the windows of the garage, above the retail space, facing Federal Highway), understanding the proposed design of the project is not inconsistent with the Comprehensive Plan, will not significantly detract from the livability or appearance of the City, should enhance the pedestrian experience downtown, will provide opportunity for planting of large Medjool Date palms and Oak trees, and should not have any adverse impact on property values of abutting or adjacent land.

## RECOMMENDATION

Staff has reviewed these requests for Community Design Appeal approval. Based on the analysis contained herein, staff recommends approval contingent upon City Commission approval of the concurrent requests for Rezoning, New Site Plan, and Abandonment, and satisfying all comments indicated in Exhibit "D" – Conditions of Approval. Any additional conditions recommended by the Board or City Commission shall be documented accordingly in the Conditions of Approval.

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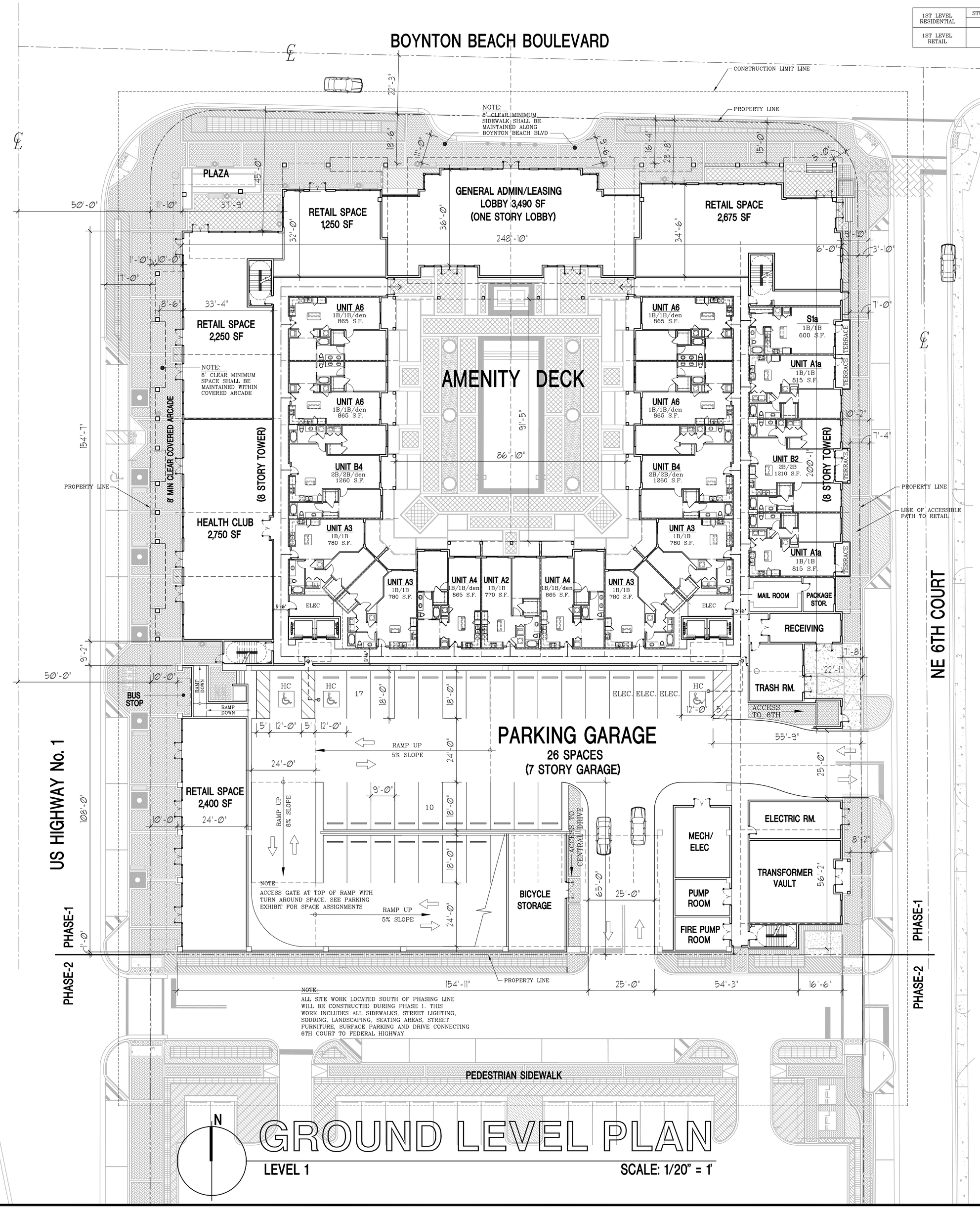
EXHIBIT "A"

# SITE LOCATION MAP

Source: Palm Beach County GIS Digital Data 2006-2015
Copyright Palm Beach County Florida 2006-2015
All rights reserved - Subject to a Licence Agreement

| 1ST LEVEL RESIDENTIAL | STUDIO | 1BED/1BA | 1BED/1BA/DEN | 2BED/1BA | 2BED/2BA | 2BED/2BA/DEN | 3BED/2BA | TOTAL |
|---|---|---|---|---|---|---|---|---|
| 1ST LEVEL RETAIL | 1 | 7 | 6 | 0 | 1 | 2 | 0 | 17 |
| | 8,575 SF | | | | | | | |




# GROUND LEVEL PLAN

LEVEL 1 SCALE: 1/20" = 1'

LEGEND

- HANDICAP– ACCESSIBLE PARKING SPACE
- LINE DEPICTS ROUTE OF ACCESSIBLE PARKING TO TENANT AREAS. ROUTE HAS BEEN DESIGNED IN COMPLIANCE WITH 2014 ACCESSIBILITY FBC
- LINE DEPICTS ACCESSIBLE ROUTE FROM ACCESSIBLE UNITS TO AMENITIES. ALL PUBLIC CORRIDOR ARE WIDER THAN 5'. THE ROUTE IS DESIGNED IN COMPLIANCE WITH REGULATIONS SPECIFIED IN THE FFHA
- PROPOSED CONSTRUCTION LIMIT LINE
- PROPERTY LINE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Ocean One
114 N. FEDERAL HIGHWAY, BOYNTON BEACH, FL
GROUND LEVEL PLAN

revisions:

drawn by: LF/SP
date: 2/22/2016
sheet no: A2.1
project: 3323

## WEST ELEVATION

SCALE: 1/16"=1'

## SOUTH ELEVATION

SCALE: 1/16"=1'

NOTE:
-EXTERIOR WALL OPENINGS SHALL COMPLY WITH THE 2014 FBC, TABLE 705.8, OR THE 2014 FBC RESIDENTIAL VOLUME, TABLE R302.1.
-EXTERIOR WALL CONSTRUCTION SHALL COMPLY WITH THE 2014 FBC, TABLE 602 OR THE 2010 FBC RESIDENTIAL VOLUME, TABLE R302.1.

NOTE:
-SPANDREL GLASS PROVIDED ON GARAGE SHALL HAVE THE SAME APPEARANCE AS OTHER GLAZED OPENINGS ON THE GARAGE. SAMPLES WILL BE PROVIDED TO PLANNING AND ZONING FOR APPROVAL.

FABRIC AWNING COLOR KEY.

ERA INDIGO BY SUMBRELLA

PAINT COLOR KEY.

LATTE BY SHERWIN WILLIAMS (SW6108)

FUTON BY SHERWIN WILLIAMS (SW7101)

CONCORD BUFF BY SHERWIN WILLIAMS (SW7684)

ELEVATION KEY NOTES

1. SMOOTH STUCCO FINISH
2. SCORED STUCCO
3. ACCENT PAINTED STUCCO
4. ALUMINUM PIPE-RAIL ESP FINISH
5. RAISED STUCCO MOLDING
6. LIGHT FIXTURES
7. TINTED GLASS WINDOW IN ALUM. FRAME ESP. FIN.
8. CLEAR STOREFRONT GLASS IN ALUM. FRAME (ESP FIN)
9. TINTED SLIDING GLASS DOOR IN ALUM FRAME (ESP FIN)
10. METAL FRAME OVERHANG
11. CONCRETE EYEBROW
12. LOBBY ENTRANCE MTL. CANOPY
13. FABRIC AWNING
14. SPANDREL GLASS WINDOW
15. STONE CLADDING
16. METAL LOUVERS


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# Ocean One

114 N. FEDERAL HIGHWAY, BOYNTON BEACH, FL

ELEVATIONS

revisions:

drawn by: LF/SP

date: 2/22/2016

sheet no: A4.1

project: 3323

VIEW LOOKING SOUTHEAST

VIEW LOOKING SOUTHWEST

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Ocean One
114 N. FEDERAL HIGHWAY, BOYNTON BEACH, FL
RENDERINGS

revisions:

drawn by: LF/&P

date: 2/22/2016

sheet no: A7.0

project: 3323

VIEW LOOKING SOUTH

VIEW LOOKING EAST

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Ocean One
114 N. FEDERAL HIGHWAY, BOYNTON BEACH, FL
RENDERINGS

revisions:

drawn by: LF/SP

date: 2/22/2016

sheet no: A7.1

project: 3323

VIEW LOOKING NORTHEAST

VIEW LOOKING SOUTHEAST

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Ocean One
114 N. FEDERAL HIGHWAY, BOYNTON BEACH, FL
RENDERINGS

revisions:

drawn by: LF/SP
date: 2/22/2016
sheet no: A7.2
project: 3323

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**Ocean One**
**114 North Federal Highway**
**Community Design Appeal – Build-to-Line**

Ocean One Boynton, LLC ("Petitioner") is the owner of the +/- 3.63 gross acre parcel located at 114 North Federal Highway, which is generally located on the northeast corner of Federal Highway and Boynton Ocean Avenue (SR 84) ("Property") within the City of Boynton Beach ("City"). The Property has an underlying land use designation of Mixed Use Core ("MXC") on the City's Future Land Use Map and is currently zoned Central Business District ("CBD"). The Property is also within the City's Downtown Transit-Oriented Development District ("DTODD") Overlay Zone. The Property is currently vacant. Petitioner proposes to redevelop the Property with two hundred thirty seven (237) multi-family residential units that are highly amenitized to ensure an upscale living environment for future residents ("Project"). In order to develop the Project, Petitioner is also requesting a rezoning of the Property to the City's Mixed Use-High Intensity ("MU-H") zoning district.

The Property is further located within the Transit Oriented Design ("TOD") District around the future transit station under the City's Community Redevelopment Agency's ("CRA") Downtown Master Plan. This particular district is intended to create a downtown core that builds momentum for other redevelopment, allowing for provisions today which will accomplish the long-term vision of the commuter rail transit station. This district creates transit-supportive densities within walking distance of the marina and the future transit station. Redevelopment of the Property with high density residential development and a ground-floor retail component coincides with the goal contemplated by the TOD district.

The TOD and this area of the City's Mixed Use Core includes both the CBD zoning district and many properties that have been rezoned to the MU-H district, as proposed by Petitioner. Specifically, the Project is consistent with the high densities of the Marina Village Condominium to the east of the Property and the Casa Costa project (f/k/a Promenade) to the north, which have been developed with high-density residential projects and with the property at the southwest corner of Federal Highway and Ocean Avenue which also allows residential densities of up to one hundred (100) dwelling units per acre. It is clear by the recent development in the area, as well as the CRA's Downtown Master Plan and the DTODD Overlay zoning district that high-density and mixed-use residential projects are desired for the Property as it is in close proximity to the marina and future transit station. The Project proposes a high-quality development that serves the redevelopment needs for this particular area of the City.

The Project seeks to redevelop this vacant lot with a luxury residential units that will serve the community. The proposed Project is compatible with development in the adjacent areas with high-density residential development to the north and east, as well as the commercial redevelopment in the area. Further, it provides access to adjacent municipalities because of its proximity to both the Federal Highway thoroughfare, I-95 and the future transit station, making it an ideal location for residential development

as individual can easily commute from home to work. The Project will help satisfy a community need and is compatible with surrounding residential and commercial development.

In order to develop the Project, Petitioner is requesting a community design appeal as follows:

***Relief from Part III, Chapter 3, Article III, Section I.E. (Table 3-4) to a build-to-line in excess of nineteen (19) feet in lieu of zero feet required.***

In support of the community design appeal, Petitioner will demonstrate that the request meets the review criteria of Chapter 2, Article II, Section 4.B.3 of the Land Development Regulations ("Code") as follows: (a) whether the proposed request is consistent with the Comprehensive Plan; (b) whether the proposed request will not significantly detract from the livability or appearance of the city and will be consistent with the established or desired character of the area, or with the redevelopment plan, where applicable; (c) on balance, the proposed request is consistent with the purpose of the standard for which a deviation is requested. Granting the request will equally or better meet the purpose of the standard to be appealed; (d) whether the proposed request is intended to save or preserve existing trees or desired flora (1) whether the applicant is unable to design or locate proposed buildings, structures, or improvements and preserve the tree(s) and comply with all provisions of these community design standards without causing the applicant undue hardship; and (2) whether it is not feasible to transplant the trees to another location on the subject site considering the following: 1) shape and dimensions of the real property; 2) location of existing structures and infrastructure improvements; and 3) size, age, health and species of trees sought to be protected; (e) whether the proposed request will have an adverse environmental impact that cannot be prevented by the imposition of conditions; (f) whether the proposed request will have an adverse impact on property values of abutting or adjacent land; (g) whether the proposed request will seriously reduce the quality or quantity of light and air available to adjacent properties; (h) whether the proposed request is necessary to further the objectives of the city to assist with economic development and business promotion; (i) whether the proposed request meets the purpose and intent of these regulations but conflicts with another site development standard or requirement, including sustainable development and green initiatives.

*(a) Whether the proposed request is consistent with the Comprehensive Plan.*

As noted above, the Property has a future land use designation of Mixed-Use Core. Per the City's Comprehensive Plan, the MX-C category is intended to provide for the vertical or horizontal mixing of land uses within a single site in order to allow for redevelopment in specific areas of the City that take maximum advantage of existing utility systems and services and promote compact development, safe and pedestrian friendly streets, and provide for transportation choices. The MX-C category east of I-95 specifically provides for high density residential development far above the density permitted in the CBD zoning district. As such, the Project would allow for this higher-density residential development that was clearly contemplated in the City's Comprehensive Plan. The requested relief is required to provide a larger pedestrian promenade along East Boynton Beach Boulevard. East of Federal Highway, Boynton Beach Boulevard becomes a local road servicing only a handful of properties. As part of the Project, Petitioner

is requesting the abandonment of a portion of Boynton Beach Boulevard which will narrow the right-of-way and slow down vehicles traveling in the area. The Project further provides a more expansive pedestrian area along Boynton Beach Boulevard to create an active pedestrian environment that allows for greater interaction with the proposed commercial uses.

The Project is further consistent with the goals, policies and objectives outlined in the City's Comprehensive Plan as follows:

- Objective 1.3 – Future development and redevelopment within the City shall continue to be regulated through administration of Land Development Regulations and Community Redevelopment Plans – The Project is consistent with the CRA's Downtown Master Plan and the intended development on the Property.
- Policy 1.1.3.d – The Project provides for the vertical mixing of land uses within a single site in order to allow for redevelopment that takes advantage of existing utility systems; and promotes compact development, safe and pedestrian-friendly streets and transportation choices – The requested relief will provide for a larger pedestrian promenade and a safer street with slower vehicular traffic.
- Objective 1.7 – The City shall eliminate blighted residential neighborhoods and business districts through the adoption and implementation of Community Redevelopment Plans within commercial and residential Community Redevelopment Areas, including areas east of I-95, notably the Federal Highway corridor – The Project proposes to transform a large vacant parcel along the Federal Highway corridor with a vibrant mixed-use project that will serve the community.
- Policy 1.7.3 – The City shall require that designs for redevelopment and infill projects encourage use of public transit, pedestrian and bicycle travel as alternatives to the car and shall maximize personal safety – The Project provides for an infill mixed-use development that encourages pedestrian activity and use of alternate transportation options in the vicinity of the Property.
- Policy 2.4.12 – The City shall provide a variety of transportation choices within the CRA by supporting the following design features for street – new continuous and permanent on-street parking; bus stops and transit enhancements; widening sidewalks… - The Project proposes wider sidewalks along Boynton Beach Boulevard to create a safe area for pedestrian activities. The Project also proposes on-street parking and an integrated bus stop.
- Objective 2.12 – Promote a pedestrian environment by providing adequate facilities, such as wider sidewalks, buffer from travel lanes, etc. for pedestrians and bicyclists – Petitioner is seeking relief from the built-to-line in order to create a wider pedestrian area and promote a safe pedestrian environment.

*(b) Whether the proposed request will not significantly detract from the livability or appearance of the city and will be consistent with the established or desired character of the area, or with the redevelopment plan, where applicable.*

The proposed request will not significantly detract from the livability or appearance of the City. The build-to-line requirement is intended to create a more vibrant and pedestrian friendly downtown area where parking areas are setback and main buildings are pushed forward towards the Property line. The Code

provides for major variations to build-to-line requirements through the approval of a Community Design Appeal Applications where portions of buildings are proposed in excess of the distance specified in order to enhance public spaces such as sidewalks, plazas, fountains or outdoor seating areas. Petitioner is requesting relief from the build-to-line requirements in order to create wider sidewalks, plazas and outdoor seating areas to promote pedestrian activity along East Boynton Beach Boulevard. Further, the sidewalks will be buffered from the street through enhanced landscaping in order to create a true pedestrian feel along this frontage. Petitioner is proposing relief to allow the building in excess of nineteen feet from the ultimate property line in order to create such an environment. It is clear the variations noted in Chapter 3, Article III, Section 5.C.2. contemplates relief in such situations that enhance the public spaces.

Further, the request is consistent with the desired character of the area and applicable redevelopment plan. As noted above, the Property is further located within the TOD District around the future transit station under the CRA's Downtown Master Plan. This particular district is intended to create a downtown core that builds momentum for other redevelopment, allowing for provisions today which will accomplish the long-term vision of the commuter rail transit station. This district creates transit-supportive densities within walking distance of the marina and the future transit station. Redevelopment of the Property with high density residential development and a ground-floor retail component coincides with the goal contemplated by the TOD district.

Finally, the City's mixed-use urban zoning districts are intended to implement the community redevelopment plans by providing for a mixture of land uses, accommodating varying densities and intensities for each planning area and by establishing a compact urban setting. These districts area also intended to support transit ridership, and in particular the development of transit-oriented development near planned passenger train stations. The Property is within a special focus area, the DTODD Overlay district, as it is in close proximity to a planned station area. Specifically, the DTODD Overlay zone is intended to improve land development patterns around the future station of the planned commuter service and further enhance the vision embodied by the mixed-use zoning districts with increased density and intensity as well as a strong emphasis on interconnectivity throughout the area. Again, there is an emphasis of high density development for this overlay district which includes the Property. The Project will allow for the higher density development encouraged by such provisions in the City's Land Development Regulations. As such, the Project is consistent with the purpose and intent of the applicable Comprehensive Plan policies, redevelopment plans and land use regulations.

*(c) On balance, the proposed request is consistent with the purpose of the standard for which a deviation is requested. Granting the request will equally or better meet the purpose of the standard to be appealed.*

The request is consistent with the purpose of this provision. The build-to-line requirement is intended to create a more vibrant and pedestrian friendly downtown area where parking areas are setback and main buildings are pushed forward towards the Property line. The Code provides for major variations to build-to-line requirements through the approval of a Community Design Appeal Applications where portions of buildings are proposed in excess of the distance specified in order to enhance public spaces such as sidewalks, plazas, fountains or outdoor seating areas. Petitioner is requesting relief from the build-to-line requirements in order to create wider sidewalks, plazas and outdoor seating areas to promote pedestrian activity along East Boynton Beach Boulevard. Further, the sidewalks will be buffered from the

street through enhanced landscaping in order to create a true pedestrian feel along this frontage. Petitioner is proposing relief to allow the building in excess of nineteen feet from the ultimate property line in order to create such an environment. It is clear the variations noted in Chapter 3, Article III, Section 5.C.2. contemplates relief in such situations that enhance the public spaces.

Further, the Project will redevelop this vacant lot with a luxury residential units that will serve the community. The proposed Project is compatible with development in the adjacent areas with high-density residential development to the north and east, as well as the commercial redevelopment in the area. Further, it provides access to adjacent municipalities because of its proximity to both the Federal Highway thoroughfare, I-95 and the future transit station, making it an ideal location for residential development as individual can easily commute from home to work.

*(d) Whether the proposed request is intended to save or preserve existing trees or desired flora (1) whether the applicant is unable to design or locate proposed buildings, structures, or improvements and preserve the tree(s) and comply with all provisions of these community design standards without causing the applicant undue hardship; and (2) whether it is not feasible to transplant the trees to another location on the subject site considering the following: 1) shape and dimensions of the real property; 2) location of existing structures and infrastructure improvements; and 3) size, age, health and species of trees sought to be protected.*

The proposed relief will not have an impact on existing trees or desired flora. The Property currently has several street trees along the street frontages. Petitioner has hired an arborist and submitted an arborists report with the site plan application for the Project to determine whether any trees can be saved. Street trees will be provided along all street frontages as required by the City's Code. This specific request relates to habitable space along the upper levels of the garage and is required to provide a safe and functioning garage facility. As noted above, the garage has been designed to continue the appearance of the livable space in the associated residential building. As such, this criteria is not applicable to the Project.

*(e) Whether the proposed request will have an adverse environmental impact that cannot be prevented by the imposition of conditions.*

The proposed request will not have an adverse environmental impact. The proposed request will not significantly detract from the livability or appearance of the City. The build-to-line requirement is intended to create a more vibrant and pedestrian friendly downtown area where parking areas are setback and main buildings are pushed forward towards the Property line. The Code provides for major variations to build-to-line requirements through the approval of a Community Design Appeal Applications where portions of buildings are proposed in excess of the distance specified in order to enhance public spaces such as sidewalks, plazas, fountains or outdoor seating areas. Petitioner is requesting relief from the build-to-line requirements in order to create wider sidewalks, plazas and outdoor seating areas to promote pedestrian activity along East Boynton Beach Boulevard. Further, the sidewalks will be buffered from the street through enhanced landscaping in order to create a true pedestrian feel along this frontage. Petitioner is proposing relief to allow the building in excess of nineteen feet from the ultimate property

line in order to create such an environment. It is clear the variations noted in Chapter 3, Article III, Section 5.C.2. contemplates relief in such situations that enhance the public spaces.

*(f) Whether the proposed request will have an adverse impact on property values of abutting or adjacent land.*

The proposed request will not have an adverse impact on property values of abutting or adjacent land. The Property is currently vacant. The Project seeks to redevelop this vacant lot with a luxury residential units that will serve the community. The proposed Project is compatible with development in the adjacent areas with high-density residential development to the north and east, as well as the commercial redevelopment in the area. Further, it provides access to adjacent municipalities because of its proximity to both the Federal Highway thoroughfare, I-95 and the future transit station, making it an ideal location for residential development as individual can easily commute from home to work. Further, this request will revitalize the Property with a Project that is consistent with the City's master plans. As noted above, the Property is further located within the TOD District around the future transit station under the City's CRA Downtown Master Plan. This particular district is intended to create a downtown core that builds momentum for other redevelopment, allowing for provisions today which will accomplish the long-term vision of the commuter rail transit station. This district creates transit-supportive densities within walking distance of the marina and the future transit station. Redevelopment of the Property with high density residential development and a ground-floor retail component coincides with the goal contemplated by the TOD district. The relief requested further allows for the enhancement of pedestrian sidewalks, plazas and outdoor seating areas that will create a quality development with the desired pedestrian activities along the ground levels. As such, this request will not have an adverse impact on property values.

*(g) Whether the proposed request will seriously reduce the quality or quantity of light and air available to adjacent properties.*

The request will not reduce the quality or quantity of light and air available to adjacent properties. Petitioner is requesting relief from the build-to-line requirements in order to create wider sidewalks, plazas and outdoor seating areas to promote pedestrian activity along East Boynton Beach Boulevard. Further, the sidewalks will be buffered from the street through enhanced landscaping in order to create a true pedestrian feel along this frontage. Petitioner is proposing relief to allow the building in excess of nineteen feet from the ultimate property line in order to create such an environment. As such, it will not impact the quality or quantity of light or air available to adjacent properties.

*(h) Whether the proposed request is necessary to further the objectives of the city to assist with economic development and business promotion.*

As noted above, the Property is further located within the TOD District around the future transit station under the City's CRA Downtown Master Plan. This particular district is intended to create a downtown core that builds momentum for other redevelopment, allowing for provisions today which will accomplish the long-term vision of the commuter rail transit station. This district creates transit-supportive densities

within walking distance of the marina and the future transit station. Redevelopment of the Property with high density residential development and a ground-floor retail component coincides with the goal contemplated by the TOD district. Petitioner is requesting relief from the build-to-line requirements in order to create wider sidewalks, plazas and outdoor seating areas to promote pedestrian activity along East Boynton Beach Boulevard and further these objectives. The sidewalks will be also buffered from the street through enhanced landscaping in order to create a true pedestrian feel along this frontage. Petitioner is proposing relief to allow the building in excess of nineteen feet from the ultimate property line in order to create such an environment.

The TOD and this area of the City's Mixed Use Core includes both the CBD zoning district and many properties that have been rezoned to the MU-H district, as proposed by Petitioner. Specifically, the Project is consistent with the high densities of the Marina Village Condominium to the east of the Property and the Casa Costa project (f/k/a Promenade) to the north, which have been developed with high-density residential projects and with the property at the southwest corner of Federal Highway and Ocean Avenue which also allows residential densities of up to one hundred (100) dwelling units per acre. It is clear by the recent development in the area, as well as the CRA's Downtown Master Plan and the DTODD Overlay zoning district that high-density and mixed-use residential projects are desired for the Property as it is in close proximity to the marina and future transit station. The Project proposes a high-quality development that serves the redevelopment needs for this particular area of the City.

The request is necessary to redevelop this vacant lot with the Project which contains luxury residential units that will serve the community. The proposed Project is compatible with development in the adjacent areas with high-density residential development to the north and east, as well as the commercial redevelopment in the area. Further, it provides access to adjacent municipalities because of its proximity to both the Federal Highway thoroughfare, I-95 and the future transit station, making it an ideal location for residential development as individual can easily commute from home to work. The Project will help satisfy a community need and is compatible with surrounding residential and commercial development. As such, the request is consistent with this criteria.

*(i) Whether the proposed request meets the purpose and intent of these regulations but conflicts with another site development standard or requirement, including sustainable development and green initiatives.*

The build-to-line requirement is intended to create a more vibrant and pedestrian friendly downtown area where parking areas are setback and main buildings are pushed forward towards the Property line. The Code provides for major variations to build-to-line requirements through the approval of a Community Design Appeal Applications where portions of buildings are proposed in excess of the distance specified in order to enhance public spaces such as sidewalks, plazas, fountains or outdoor seating areas. Petitioner is requesting relief from the build-to-line requirements in order to create wider sidewalks, plazas and outdoor seating areas to promote pedestrian activity along East Boynton Beach Boulevard. Further, the sidewalks will be buffered from the street through enhanced landscaping in order to create a true pedestrian feel along this frontage. Petitioner is proposing relief to allow the building in excess of nineteen feet from the ultimate property line in order to create such an environment. As such, the relief requested complies with this criteria.

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Heather Jo Allen
Andrea Keiser

**Ocean One**
**114 North Federal Highway**
**Community Design Appeal – Habitable Space**

Ocean One Boynton, LLC ("Petitioner") is the owner of the +/- 3.63 gross acre parcel located at 114 North Federal Highway, which is generally located on the northeast corner of Federal Highway and Boynton Ocean Avenue (SR 84) ("Property") within the City of Boynton Beach ("City"). The Property has an underlying land use designation of Mixed Use Core ("MXC") on the City's Future Land Use Map and is currently zoned Central Business District ("CBD"). The Property is also within the City's Downtown Transit-Oriented Development District ("DTODD") Overlay Zone. The Property is currently vacant. Petitioner proposes to redevelop the Property with two hundred thirty seven (237) multi-family residential units that are highly amenitized to ensure an upscale living environment for future residents ("Project"). In order to develop the Project, Petitioner is also requesting a rezoning of the Property to the City's Mixed Use-High Intensity ("MU-H") zoning district.

The Property is further located within the Transit Oriented Design ("TOD") District around the future transit station under the City's Community Redevelopment Agency's ("CRA") Downtown Master Plan. This particular district is intended to create a downtown core that builds momentum for other redevelopment, allowing for provisions today which will accomplish the long-term vision of the commuter rail transit station. This district creates transit-supportive densities within walking distance of the marina and the future transit station. Redevelopment of the Property with high density residential development and a ground-floor retail component coincides with the goal contemplated by the TOD district.

The TOD and this area of the City's Mixed Use Core includes both the CBD zoning district and many properties that have been rezoned to the MU-H district, as proposed by Petitioner. Specifically, the Project is consistent with the high densities of the Marina Village Condominium to the east of the Property and the Casa Costa project (f/k/a Promenade) to the north, which have been developed with high-density residential projects and with the property at the southwest corner of Federal Highway and Ocean Avenue which also allows residential densities of up to one hundred (100) dwelling units per acre. It is clear by the recent development in the area, as well as the CRA's Downtown Master Plan and the DTODD Overlay zoning district that high-density and mixed-use residential projects are desired for the Property as it is in close proximity to the marina and future transit station. The Project proposes a high-quality development that serves the redevelopment needs for this particular area of the City.

The Project seeks to redevelop this vacant lot with a luxury residential units that will serve the community. The proposed Project is compatible with development in the adjacent areas with high-density residential development to the north and east, as well as the commercial redevelopment in the area. Further, it provides access to adjacent municipalities because of its proximity to both the Federal Highway thoroughfare, I-95 and the future transit station, making it an ideal location for residential development

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as individual can easily commute from home to work. The Project will help satisfy a community need and is compatible with surrounding residential and commercial development.

In order to develop the Project, Petitioner is requesting a community design appeal as follows:

***Relief from Part III, Chapter 4, Article III, Section VI.F.1.c. & d. to allow uninhabitable space along approximately one hundred ten (110) feet of garage area on the Federal Highway frontage for floors two (2) through seven (7) in lieu of habitable gross building area wrapped along entire garage as required.***

In support of the community design appeal, Petitioner will demonstrate that the request meets the review criteria of Chapter 2, Article II, Section 4.B.3 of the Land Development Regulations ("Code") as follows: (a) whether the proposed request is consistent with the Comprehensive Plan; (b) whether the proposed request will not significantly detract from the livability or appearance of the city and will be consistent with the established or desired character of the area, or with the redevelopment plan, where applicable; (c) on balance, the proposed request is consistent with the purpose of the standard for which a deviation is requested. Granting the request will equally or better meet the purpose of the standard to be appealed; (d) whether the proposed request is intended to save or preserve existing trees or desired flora (1) whether the applicant is unable to design or locate proposed buildings, structures, or improvements and preserve the tree(s) and comply with all provisions of these community design standards without causing the applicant undue hardship; and (2) whether it is not feasible to transplant the trees to another location on the subject site considering the following: 1) shape and dimensions of the real property; 2) location of existing structures and infrastructure improvements; and 3) size, age, health and species of trees sought to be protected; (e) whether the proposed request will have an adverse environmental impact that cannot be prevented by the imposition of conditions; (f) whether the proposed request will have an adverse impact on property values of abutting or adjacent land; (g) whether the proposed request will seriously reduce the quality or quantity of light and air available to adjacent properties; (h) whether the proposed request is necessary to further the objectives of the city to assist with economic development and business promotion; (i) whether the proposed request meets the purpose and intent of these regulations but conflicts with another site development standard or requirement, including sustainable development and green initiatives.

*(a) Whether the proposed request is consistent with the Comprehensive Plan.*

As noted above, the Property has a future land use designation of Mixed-Use Core. Per the City's Comprehensive Plan, the MX-C category is intended to provide for the vertical or horizontal mixing of land uses within a single site in order to allow for redevelopment in specific areas of the City that take maximum advantage of existing utility systems and services and promote compact development, safe and pedestrian friendly streets, and provide for transportation choices. The MX-C category east of I-95 specifically provides for high density residential development far above the density permitted in the CBD zoning district. As such, the Project would allow for this higher-density residential development that was clearly contemplated in the City's Comprehensive Plan.

The Project is further consistent with the goals, policies and objectives outlined in the City's Comprehensive Plan as follows:

- Objective 1.3 – Future development and redevelopment within the City shall continue to be regulated through administration of Land Development Regulations and Community Redevelopment Plans – The Project is consistent with the CRA's Downtown Master Plan and the intended development on the Property.
- Policy 1.1.3.d – The Project provides for the vertical mixing of land uses within a single site in order to allow for redevelopment that takes advantage of existing utility systems; and promotes compact development, safe and pedestrian-friendly streets and transportation choices – The requested relief will provide for a larger pedestrian promenade and a safer street with slower vehicular traffic.
- Objective 1.7 – The City shall eliminate blighted residential neighborhoods and business districts through the adoption and implementation of Community Redevelopment Plans within commercial and residential Community Redevelopment Areas, including areas east of I-95, notably the Federal Highway corridor – The Project proposes to transform a large vacant parcel along the Federal Highway corridor with a vibrant mixed-use project that will serve the community.
- Policy 1.7.3 – The City shall require that designs for redevelopment and infill projects encourage use of public transit, pedestrian and bicycle travel as alternatives to the car and shall maximize personal safety – The Project provides for an infill mixed-use development that encourages pedestrian activity and use of alternate transportation options in the vicinity of the Property.
- Policy 2.4.12 – The City shall provide a variety of transportation choices within the CRA by supporting the following design features for street – new continuous and permanent on-street parking; bus stops and transit enhancements; widening sidewalks… - The Project proposes wider sidewalks along Boynton Beach Boulevard to create a safe area for pedestrian activities. The Project also proposes on-street parking and an integrated bus stop.
- Objective 2.12 – Promote a pedestrian environment by providing adequate facilities, such as wider sidewalks, buffer from travel lanes, etc. for pedestrians and bicyclists – Petitioner is seeking relief from the built-to-line in order to create a wider pedestrian area and promote a safe pedestrian environment.

*(b) Whether the proposed request will not significantly detract from the livability or appearance of the city and will be consistent with the established or desired character of the area, or with the redevelopment plan, where applicable.*

The proposed request will not significantly detract from the livability or appearance of the City. The City's Code requires that integrated parking garages within mixed-use developments provide habitable gross building area wrapped around the facility on all levels. The intent of this provision is to ensure there are active uses along pedestrian walkways and to create the feeling of a vibrant, dynamic building along visible thoroughfares. Petitioner has designed the Project to provide habitable space on the ground level along the entire Federal Highway frontage. By providing ground level retail along the garage, Petitioner is

creating an active pedestrian experience that will bring life to this corridor. On the upper levels of the garage, Petitioner is requesting relief to allow for uninhabitable space along the garage façade fronting Federal Highway. The garage has been designed to continue the appearance of the residential units along this façade to create the same feel of livable space. The garage area uses similar architectural features and designs which makes it difficult to distinguish the habitable space from the inhabitable space that is the garage. As such, the request will not detract from the appearance of the City.

Further, the request is consistent with the desired character of the area and applicable redevelopment plan. As noted above, the Property is further located within the TOD District around the future transit station under the CRA's Downtown Master Plan. This particular district is intended to create a downtown core that builds momentum for other redevelopment, allowing for provisions today which will accomplish the long-term vision of the commuter rail transit station. This district creates transit-supportive densities within walking distance of the marina and the future transit station. Redevelopment of the Property with high density residential development and a ground-floor retail component coincides with the goal contemplated by the TOD district.

Finally, the City's mixed-use urban zoning districts are intended to implement the community redevelopment plans by providing for a mixture of land uses, accommodating varying densities and intensities for each planning area and by establishing a compact urban setting. These districts area also intended to support transit ridership, and in particular the development of transit-oriented development near planned passenger train stations. The Property is within a special focus area, the DTODD Overlay district, as it is in close proximity to a planned station area. Specifically, the DTODD Overlay zone is intended to improve land development patterns around the future station of the planned commuter service and further enhance the vision embodied by the mixed-use zoning districts with increased density and intensity as well as a strong emphasis on interconnectivity throughout the area. Again, there is an emphasis of high density development for this overlay district which includes the Property. The Project will allow for the higher density development encouraged by such provisions in the City's Land Development Regulations. As such, the Project is consistent with the purpose and intent of the applicable Comprehensive Plan policies, redevelopment plans and land use regulations.

*(c) On balance, the proposed request is consistent with the purpose of the standard for which a deviation is requested. Granting the request will equally or better meet the purpose of the standard to be appealed.*

The request is consistent with the purpose of this provision. The addition of habitable space along Federal Highway would create a hazardous condition through the garage as ramps would be shorter and steeper in order to accommodate additional habitable areas. Rather, Petitioner is creating the same appearance of habitable space along the garage frontage by continuing the same architectural design elements along the garage façade. Petitioner is meeting the purpose of this provision by creating the appearance of active uses along Federal Highway and producing a dynamic product which will revitalize the Property. Granting the request will better meet the purpose of this standard as it results in a safer and more functional garage that and a vibrant Project.

The Project will further redevelop this vacant lot with a luxury residential units that will serve the community. The proposed Project is compatible with development in the adjacent areas with high-density residential development to the north and east, as well as the commercial redevelopment in the area.

Further, it provides access to adjacent municipalities because of its proximity to both the Federal Highway thoroughfare, I-95 and the future transit station, making it an ideal location for residential development as individual can easily commute from home to work.

*(d) Whether the proposed request is intended to save or preserve existing trees or desired flora (1) whether the applicant is unable to design or locate proposed buildings, structures, or improvements and preserve the tree(s) and comply with all provisions of these community design standards without causing the applicant undue hardship; and (2) whether it is not feasible to transplant the trees to another location on the subject site considering the following: 1) shape and dimensions of the real property; 2) location of existing structures and infrastructure improvements; and 3) size, age, health and species of trees sought to be protected.*

The proposed relief will not have an impact on existing trees or desired flora. The Property currently has several street trees along the street frontages. Petitioner has hired an arborist and submitted an arborists report with the site plan application for the Project to determine whether any trees can be saved. Street trees will be provided along all street frontages as required by the City's Code. This specific request relates to habitable space along the upper levels of the garage and is required to provide a safe and functioning garage facility. As noted above, the garage has been designed to continue the appearance of the livable space in the associated residential building. As such, this criteria is not applicable to the Project.

*(e) Whether the proposed request will have an adverse environmental impact that cannot be prevented by the imposition of conditions.*

The proposed request will not have an adverse environmental impact. As noted in more detail above, this specific request relates to habitable space along the upper levels of the garage and is required to provide a safe and functioning garage facility. The garage has been also designed to continue the appearance of the livable space in the associated residential building. The Project will further redevelop this vacant lot with a luxury residential units that will serve the community. The proposed Project is compatible with development in the adjacent areas with high-density residential development to the north and east, as well as the commercial redevelopment in the area. Further, it provides access to adjacent municipalities because of its proximity to both the Federal Highway thoroughfare, I-95 and the future transit station, making it an ideal location for residential development as individual can easily commute from home to work. As such, this request will not have an adverse environmental impact.

*(f) Whether the proposed request will have an adverse impact on property values of abutting or adjacent land.*

The proposed request will not have an adverse impact on property values of abutting or adjacent land. The Property is currently vacant. The Project seeks to redevelop this vacant lot with a luxury residential units that will serve the community. The proposed Project is compatible with development in the adjacent areas with high-density residential development to the north and east, as well as the commercial redevelopment in the area. Further, it provides access to adjacent municipalities because of its proximity

to both the Federal Highway thoroughfare, I-95 and the future transit station, making it an ideal location for residential development as individual can easily commute from home to work. Further, this request will revitalize the Property with a Project that is consistent with the City's master plans. As noted above, the Property is further located within the TOD District around the future transit station under the City's CRA Downtown Master Plan. This particular district is intended to create a downtown core that builds momentum for other redevelopment, allowing for provisions today which will accomplish the long-term vision of the commuter rail transit station. This district creates transit-supportive densities within walking distance of the marina and the future transit station. Redevelopment of the Property with high density residential development and a ground-floor retail component coincides with the goal contemplated by the TOD district. As such, this request will not have an adverse impact on property values.

*(g) Whether the proposed request will seriously reduce the quality or quantity of light and air available to adjacent properties.*

The request will not reduce the quality or quantity of light and air available to adjacent properties. The request relates to an area internal to the garage on the upper levels. As noted in more detail above, this specific request relates to habitable space along the upper levels of the garage and is required to provide a safe and functioning garage facility. The garage has been also designed to continue the appearance of the livable space in the associated residential building. As such, it will not impact the quality or quantity of light or air available to adjacent properties.

*(h) Whether the proposed request is necessary to further the objectives of the city to assist with economic development and business promotion.*

As noted above, the Property is further located within the TOD District around the future transit station under the City's CRA Downtown Master Plan. This particular district is intended to create a downtown core that builds momentum for other redevelopment, allowing for provisions today which will accomplish the long-term vision of the commuter rail transit station. This district creates transit-supportive densities within walking distance of the marina and the future transit station. Redevelopment of the Property with high density residential development and a ground-floor retail component coincides with the goal contemplated by the TOD district.

The TOD and this area of the City's Mixed Use Core includes both the CBD zoning district and many properties that have been rezoned to the MU-H district, as proposed by Petitioner. Specifically, the Project is consistent with the high densities of the Marina Village Condominium to the east of the Property and the Casa Costa project (f/k/a Promenade) to the north, which have been developed with high-density residential projects and with the property at the southwest corner of Federal Highway and Ocean Avenue which also allows residential densities of up to one hundred (100) dwelling units per acre. It is clear by the recent development in the area, as well as the CRA's Downtown Master Plan and the DTODD Overlay zoning district that high-density and mixed-use residential projects are desired for the Property as it is in close proximity to the marina and future transit station. The Project proposes a high-quality development that serves the redevelopment needs for this particular area of the City.

The request is necessary to redevelop this vacant lot with the Project which contains luxury residential units that will serve the community. The proposed Project is compatible with development in the adjacent areas with high-density residential development to the north and east, as well as the commercial redevelopment in the area. Further, it provides access to adjacent municipalities because of its proximity to both the Federal Highway thoroughfare, I-95 and the future transit station, making it an ideal location for residential development as individual can easily commute from home to work. The Project will help satisfy a community need and is compatible with surrounding residential and commercial development. As such, the request is consistent with this criteria.

*(i) Whether the proposed request meets the purpose and intent of these regulations but conflicts with another site development standard or requirement, including sustainable development and green initiatives.*

The intent of this provision is to ensure there are active uses along pedestrian walkways and to create the feeling of a vibrant, dynamic building along visible thoroughfares. Petitioner has designed the Project to provide habitable space on the ground level along the entire Federal Highway frontage. By providing ground level retail along the garage, Petitioner is creating an active pedestrian experience that will bring life to this corridor. On the upper levels of the garage, Petitioner is requesting relief to allow for uninhabitable space along the garage façade fronting Federal Highway. The garage has been designed to continue the appearance of the residential units along this façade to create the same feel of livable space. The garage area uses similar architectural features and designs which makes it difficult to distinguish the habitable space from the inhabitable space that is the garage. The addition of habitable space along Federal Highway would create a hazardous condition through the garage as ramps would be shorter and steeper in order to accommodate additional habitable areas. Rather, Petitioner is creating the same appearance of habitable space along the garage frontage by continuing the same architectural design elements along the garage façade. As such, the relief requested complies with this criteria.

# EXHIBIT "D"

## CONDITIONS OF APPROVAL

Project Name: Ocean One
File number: CDPA 17-001 & 17-002
Reference: 5th review plans identified as a New Site Plan with a February 13, 2017 Planning and Zoning Department date stamp marking.

| DEPARTMENTS | INCLUDE | REJECT |
|---|---|---|
| **ENGINEERING / PUBLIC WORKS / FORESTRY / UTILITIES** | | |
| Comments: None. | X | |
| **FIRE** | | |
| Comments: None. | X | |
| **POLICE** | | |
| Comments: None. | X | |
| **BUILDING DIVISION** | | |
| Comments: None. | X | |
| **PARKS AND RECREATION** | | |
| Comments: None. | X | |
| **PLANNING AND ZONING** | | |
| Comments: | | |
| 1. Approval is subject to approval of the concurrent applications for Rezoning, New Site Plan and Abandonment. | X | |
| **COMMUNITY REDEVELOPMENT AGENCY** | | |
| Comments: None. | X | |
| **PLANNING & DEVELOPMENT BOARD CONDITIONS** | | |
| Comments: None. | X | |

| DEPARTMENTS | INCLUDE | REJECT |
|---|---|---|
| **CITY COMMISSION CONDITIONS** | | |
| Comments: To be determined. | | |

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**DEVELOPMENT ORDER OF THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA**

PROJECT NAME: Ocean One (CDPA 17-001 & 17-002)

APPLICANT: Davis Camalier, Ocean One Boynton LLC

APPLICANT'S ADDRESS: 9816 S. Military Trail, Suite C2-3, Boynton Beach, FL 33436

DATE OF HEARING RATIFICATION BEFORE CITY COMMISSION: April 4, 2017

APPROVAL SOUGHT: Requests for a Community Design Appeal approval of 1) Chapter 3, Article III, Section 5.C., "Build-to-line", which requires buildings to be constructed with a build-to-line of 0 to 15 feet, to allow a setback of approximately 19 feet; and 2) Chapter 4, Article III, Section 6.F., "Off-Street Parking Area Standards", which requires facades of parking garages that front on an arterial or collector roadway to be wrapped with habitable space.

LOCATION OF PROPERTY: 114 N. Federal Highway

DRAWING(S): SEE EXHIBIT "B" ATTACHED HERETO.

_____ THIS MATTER was presented to the City Commission of the City of Boynton Beach, Florida on the date of hearing stated above. The City Commission having considered the approval sought by the applicant and heard testimony from the applicant, members of city administrative staff and the public finds as follows:

1. Application for the approval sought was made by the Applicant in a manner consistent with the requirements of the City's Land Development Regulations.

2. The Applicant
   ___ HAS
   ___ HAS NOT

   established by substantial competent evidence a basis for the approval requested.

3. The conditions for development requested by the Applicant, administrative staff, or suggested by the public and supported by substantial competent evidence are as set forth on Exhibit "C" with notation "Included."

4. The Applicant's request is hereby
   ___ GRANTED subject to the conditions referenced in paragraph 3 above.
   ___ DENIED

5. This Order shall take effect immediately upon issuance by the City Clerk.

6. All further development on the property shall be made in accordance with the terms and conditions of this order.

7. Other: _____
   _____
   _____

DATED:_____ _____
City Clerk

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# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
Approve request for a New Site Plan for multi-family residential (rental apartments) consisting of 231 dwelling units within an eight (8)-story building, retail space, and associated recreational amenities and parking on 1.93 acres. Property located at 114 N. Federal Highway. Applicant: Davis Camalier / Ocean One Boynton, LLC. ***TABLED TO APRIL 4, 2017 SO THAT FINAL ACTION OCCURS ON THE SAME DATE AS ACTION TAKEN ON THE CORRESPONDING REZONING AND ABANDONMENT ITEMS.***

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**EXPLANATION OF REQUEST:**
Ms. Bonnie Miskel, agent for Ocean One Boynton LLC, is requesting new site plan approval for Phase I of the project (north portion), which proposes 231 dwelling units within an eight (8)-story building, 8,575 square feet of commercial space, and associated recreational amenities and parking. The one (1) block site in the heart of downtown is currently vacant and was previously developed with a motel and bank. The Community Redevelopment Agency is the owner of the northerly portion of the Phase I site and has provided the applicant authorization to submit applications for development. When the applicant proposes to move forward with Phase II of the project (127 residential units, 120 hotel rooms and 3,500 square feet of retail), City Commission approval will be required for that site plan.

Required off-street parking spaces for the project totals 413 and the site plan depicts 438 parking spaces, or an excess of 25 spaces. Proposed is a seven (7)-story parking garage that would accommodate up to 359 vehicles, a surface parking lot immediately south of the parking structure accommodating 40 parking spaces, five (5) parallel parking spaces on the south side of the service drive off of Federal Highway, and 34 spaces proposed on-street, around the perimeter of the site. Palm Beach County Traffic Division reviewed the applicant's traffic study and responded that the project is located within the boundaries of the City of Boynton Beach TCEA (Traffic Concurrency Exception Area) and therefore meets the Palm Beach County Traffic Performance Standards. The traffic study was performed for both phases, and indicates that the project would generate a total of 217 AM Peak Hour trips and 310 PM Peak Hour trips.

The Planning & Development Board reviewed this request at their February 28, 2017 meeting and recommended approval, subject to the addition of 4 handicapped parking spaces either on-street or in the parking lot proposed south of Phase 1.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** N/A

**FISCAL IMPACT:** Non-budgeted The revenues received from all construction permitting, business tax applications, and increased property valuation.

**ALTERNATIVES:** None recommended.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**ATTACHMENTS:**

| Type | Description |
|---|---|
| Staff Report | Staff Report |
| Location Map | Exhibit A - Location Map |
| Drawings | Exhibit B1 - Survey |
| Drawings | Exhibit B2 - Site & Civil Plans |
| Drawings | Exhibit B4 - Landscape Plans |
| Drawings | Exhibit B5 - Photometric Plan |
| Drawings | Exhibit B6 - Photometric Plan |
| Conditions of Approval | Exhibit C - Conditions of Approval |
| Development Order | Development Order |

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Planning and Zoning | Rumpf, Michael | Approved | 3/13/2017 - 11:18 AM |
| Finance | Howard, Tim | Approved | 3/13/2017 - 11:31 AM |
| Legal | Swanson, Lynn | Approved | 3/13/2017 - 11:42 AM |
| City Manager | LaVerriere, Lori | Approved | 3/17/2017 - 9:56 AM |

**DEVELOPMENT DEPARTMENT**
**PLANNING AND ZONING DIVISION**
**MEMORANDUM NO. PZ 17-005**
**STAFF REPORT**

| | |
|---|---|
| TO: | Chair and Members<br>Planning and Development Board |
| THRU: | Michael W. Rumpf<br>Director of Planning and Zoning |
| FROM: | Ed Breese<br>Principal Planner |
| DATE: | February 15, 2017 |
| PROJECT NAME: | Ocean One (NWSP 16-002) |
| REQUEST: | New Site Plan approval for multi-family residential (rental apartments) consisting of 231 dwelling units within an eight (8)-story building, retail space, and associated recreational amenities and parking on 1.93 acres. |

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## PROJECT DESCRIPTION

| | |
|---|---|
| **Property Owner:** | Ocean One Boynton LLC |
| **Applicant:** | Davis Camalier |
| **Agent:** | Bonnie Miskel, Dunay, Miskel & Backman, LLP |
| **Location:** | 114 N. Federal Highway - SE corner of Federal Highway and Boynton Beach Boulevard (see Exhibit "A" - Site Location Map) |
| **Existing Land Use:** | MXC (Mixed Use Core) |
| **Proposed Land Use:** | No change to land use proposed |
| **Existing Zoning:** | CBD (Central Business District) |
| **Proposed Zoning:** | MU-H (Mixed Use-High) |
| **Proposed Use:** | 231 dwelling units within an eight (8)-story building, retail space, and associated recreational amenities and parking. |
| **Acreage:** | 1.93 acres |

**Adjacent Uses:**

North: Right-of-way for Boynton Beach Boulevard and farther north is a developed mix use project (Casa Costa) zoned MU-H (Mixed Use-High);

South: Vacant land designated as Phase II of the Ocean One project and farther south is right-of-way for Ocean Avenue;

East: Right-of-way for NE 6th Court and father east are developed properties (First Financial Building) zoned CBD (Central Business District) and Marina Village zoned MU-H (Mixed Use-High); and

West: Right-of-way for Federal Highway and farther west is developed commercial properties zoned CBD (Central Business District). To the southwest is the Ocean 500 project currently under construction and zoned MU-H (Mixed Use-High).

## PROPERTY OWNER NOTIFICATION

Owners of properties within 400 feet of the subject request were mailed a notice of this request and its respective hearing dates. The applicant certifies that they posted signage and mailed notices in accordance with Ordinance No. 04-007.

## BACKGROUND

**Proposal:** Ms. Bonnie Miskel, agent for Ocean One Boynton LLC, is requesting approval of several concurrent applications for the development of the Ocean One project. The first application is to rezone the property from CBD (Central Business District) to MU-H (Mixed Use-High), including a two-phase master plan that would allow the construction of a total of 358 multi-family residential units (rental apartments), a 120-room hotel and 12,075 square feet of commercial space. The second application is for new site plan approval for Phase I of the project (north portion), which proposes 231 dwelling units within an eight (8)-story building, 8,575 square feet of commercial space, and associated recreational amenities and parking. The next two (2) applications are for community design appeal; one for the northernmost build-to-line deviation and the other for a deviation from the requirement to completely wrap the parking garage along Federal Highway with habitable space. Lastly, an application has been submitted for abandonment of a portion of Boynton Beach Boulevard, east of Federal Highway, and a ten (10) foot strip of NE 6th Court in exchange for a dedication of a ten (10) foot strip of the west side of the property to the Federal Highway right-of-way.

The one (1) block site in the heart of downtown is currently vacant and was previously developed with a motel and bank. The Community Redevelopment Agency is the owner of the northerly portion of the Phase I site and has provided the applicant authorization to submit applications for

development. Phase II of the master plan (the southern portion of the site) will be subject to separate site plan review.

## ANALYSIS

**Concurrency:**

**Traffic:** A traffic study was sent to the Palm Beach County Traffic Division for their review and information and they have responded that the project is located within the boundaries of the City of Boynton Beach TCEA (Traffic Concurrency Exception Area) and therefore meets the Palm Beach County Traffic Performance Standards. The traffic study was performed for both phases, and indicates that the project would generate a total of 217 AM Peak Hour trips and 310 PM Peak Hour trips.

**School:** The School District of Palm Beach County has confirmed that area schools have adequate capacity to accommodate the potential public school students who will reside in the proposed dwelling units with their families.

**Utilities:** The City's water capacity, as increased through the purchase of up to five (5) million gallons of potable water per day from Palm Beach County Utilities, would meet the projected potable water for this project. Sufficient sanitary sewer and wastewater treatment capacity is also currently available to serve the project. The applicant will be making several upgrades to utility lines in the vicinity of the project as part of the site development.

**Police/Fire:** The Police Department has reviewed the site plan and all review comments have been acknowledged by the applicant and will be addressed at the time of permitting. The Fire Department notes that they will be able to provide an adequate level of service for this project with current or expected infrastructure and/or staffing levels. Further plan review by Police and Fire will occur during the building permit process.

**Drainage:** Conceptual drainage information was provided for the City's review. The Engineering Division has found the conceptual information to be adequate and is recommending that the review of specific drainage solutions be deferred until time of permit review. The developer will be constructing in close proximity to the City's 72" RCP storm line, and will be required to inspect and video the line in advance and post construction (see Exhibit "C" – Conditions of Approval).

**Access:** Three (3) points of ingress/egress are proposed for the project, one of which is located on Federal Highway, near the midpoint of the block. This right-in/right-out only driveway acts as a service drive, providing access to the surface parking lot to the south, the garage entrance to the north, and also through access to NE 6th Court. The second is located on NE 6th Court at the east terminus of the service drive noted above. The third driveway provides direct entry into the parking garage from NE 6th Court.

Sidewalks are provided completely around the site, with the sidewalk

proposed along NE 6th Court at a minimum of 7 feet in width and 10 feet in width along Ocean Avenue and Boynton Beach Boulevard. The sidewalk along Federal Highway is proposed at 19 feet in width, within which landscape planters would be spaced in rhythym along the front of the building. Segments of the sidewalk along Federal Highway will be covered by an arcade, with a minimum of 8 feet of clear/uninterupted walk underneath. There are also two (2) separate plazas proposed to encourage pedestrian interaction, with the first located at the NW corner of the site. A second plaza is proposed in Phase II, at the SW corner of the block.

**Parking:** Off-street parking for the MU-H zoning district requires 1.33 parking spaces for one-bedroom units and 1.66 parking spaces two (2) or more bedroom units. Phase I of the project proposes 231 units (a mixture of one and two, bedrooms), which would require 335 parking spaces. Additionally, the code requires the provision of guest parking at a rate of 0.15 spaces per unit, which adds another 35 parking spaces to the total. The commercial space, which would allow a mix of retail, office and restaurant uses, requires one (1) parking space per 200 square feet of gross floor area. The site plan proposes 8,575 square feet of retail, thereby requiring an additional 43 parking spaces. Under this standard methodology for calculating required off-street parking spaces, a grand total of 413 parking spaces would be required. The site plan proposes 438 parking spaces, or an excess of 25 spaces. Regular parking space dimensions would conform to code requirements for the CRA of 9 feet by 18 feet for 90 degree parking and 9 feet by 25 feet for parallel spaces. Handicap spaces would be dimensioned 12 feet wide by 18 feet in length.

The applicant is proposing a seven (7)-story parking garage that would accommodate up to 359 vehicles. A resident gate would be placed at the top of the first floor ramp, with a turnaround space for non-residents. The developer will be required to comply with the City's residential parking requirements to ensure that the designated resident parking spaces are reserved for, and made available to the residents, so that there is no reason for residents to utilize guest and retail parking spaces. This requirement shall be monitored and enforced by the developer (see Exhibit "C" – Conditions of Approval).

A surface parking lot is located immediately south of the parking structure and would accommodate 40 parking spaces. There are also five (5) parallel parking spaces on the south side of the service drive off of Federal Highway, and 34 spaces proposed on-street, around the perimeter of the site. Staff notes that the parking and any landscaping proposed in state rights-of-way is subject to FDOT approval (see Exhibit "C" – Conditions of Approval), and that the provision of on-street parking is strongly promoted by staff, which will support the applicant's efforts with FDOT. Lastly, as parking for Phase I of the project is depicted on the Phase II portion of the site, these parking improvements will need to be constructed as part of the Phase I project and a Unity of Title, Unity of Control or an alternative legal instrument acceptable to the City Attorney will be required to be executed prior to issuance of any permits (see Exhibit "C" – Conditions of Approval).

**Landscaping:** The Plant List (Sheets L1.00 & L1.01) indicates that the project would add a total of 179 canopy and palm trees, 1,442 accent and shrub specimens, and 3,623 small shrubs/groundcover plants. All plant materials to be used in the landscape design are required to be Florida number one grade and must be identified as having "low" or "medium" watering needs in the South Florida Water Management's "Waterwise" publication. The proposed tree species would include the following: Oak, Gumbo Limbo, Silver Buttonwood and East Palatka Holly trees. Palm species would include Medjool Date, Montgomery, Thatch, and Sabal.

Projects proposed in the Mixed Use High (MU-H) zoning district are subject to the "Streetscape Design" portion of the landscape code regulations. These code provisions recognize the desire for reduced building setbacks and encourage building placement abutting the street, thus creating an urban setting. The purpose of the "Streetscape Design" concept is to create a landscape design that encompasses both the private and public domain, to blend the two areas into one unified landscape scheme and pedestrian experience. This is accomplished through hardscape and landscape choices, covered walkways (arcades, awnings, tree canopy), and streetscape amenities (benches/seatwalls, lighting, accent plantings). The landscape design proposed by the applicant depicts the use of street trees and covered arcades to create the streetscape theme, with the lower landscape material placed at points along the building foundation and between the street and sidewalk, in an effort to provide maximum clear pedestrian pathways. The applicant has worked with staff to provide the street trees and covered walkways necessary to meet the required 50% shaded sidewalk along building frontages along arterial roadways. As noted on the drawings the landscaping of the south portion of the master plan site and along the rights-of-way will be accomplished as part of Phase I.

**Building and Site:** The proposed master plan site area totals 3.58 acres, while the site area of Phase I is 1.93 acres, plus those components in Phase II to be completed in Phase I. The dwelling units are located above the retail spaces fronting Federal Highway and Boynton Beach Boulevard, and wrapping the ground floor amenity deck, with the garage structure connected to the south end of the mixed use building. The retail portion of Phase I of the project totals 8,575 square feet and borders the public plaza at the NW corner of the site. The parking garage, as noted previously, has seven (7) levels of parking, with dedicated resident parking beginning on the second level, behind gate access and continuing to the top.

Of the 231 residential units, 152 are studio or one (1) bedroom and 79 are two (2) bedroom units. The units range in size from a 560 square foot studio unit to a 1,600 square foot, 2 bedroom/2 bath unit. Each unit also has a balcony or terrace that either faces out towards the street or in towards the courtyard.

Relative to the floor area ratio (FAR) regulations within the code, the Mixed Use High (MU-H) zoning district has a maximum FAR of 4.0. The project is

also located within the "Transit Core" (1/4 mile radius of the station), which requires that new development have a minimum density of 40 dwelling units per acre and maximum of 100 dwelling units per acre (116.7 du/ac proposed) and a minumum FAR of 2.0 (3.26 proposed). As the density proposed in Phase I of the project relies upon the entire master plan site in order to comply with the maximum density regulations, staff once again notes the condition of approval requiring the applicant to record a Unity of Title, Unity of Control or an alternate legal instrument acceptable to the City Attorney prior to issuance of any permits (see Exhibit "C" – Conditions of Approval). Phase II of the project proposes 127 dwelling units, in order to comply with the maximum 100 dwelling units per acre for the entire site (358 units on 3.58 acres).

As noted earlier, the applicant is requesting the abandonment of a portion of the right-of-way of Boynton Beach Boulevard east of Federal Highway (ABAN 17-001). The area of request currently includes the pavered and landscaped sidewalk and right turn lane onto NE 6th Court. Projected traffic volumes indicate the lane is not warranted, and therefore unnecessary. The applicant will be providing the City a sidewalk easement to compensate the loss of the existing improvements, and create an even more enhanced pedestrian environment. Additionally, the request includes the abandonment of the west 10 feet of NE 6th Court, to compensate for the 10 feet of the applicant's property to be dedicated from the west side of the project to the Florida Department of Transportation to expand the Federal Highway right-of-way. This is intended to facilitate the provision of on-street parking as requested by the City. Staff is recommending approval of the applications as being in the City's best interest.

**Building Height:** The maximum building height allowed in the Mixed Use High (MU-H) zoning district is 150 feet. The proposed building elevations depict the typical roof deck height of the residential building at 85.5 feet, with typical parapet walls at approximately 90 feet. Tower elements/architectural treatments would extend up to 110 feet, 40 feet below the maximum allowable height allowed in the MU-H and comparable with previously approved projects in the immediate vicinity. The Casa Costa project to the north has a roof deck at 142 feet, and roof elements extending to 167 feet in height, through approval of a height exception. The Marina Village project to the east has a roof deck at 144 feet, and roof elements extending to 168 feet in height, also acheived through approval of a height exception. The 500 Ocean Project to the southwest of the site was approved with a roof deck at 59 feet and tower elements reaching 75 feet in height. The garage structure for Ocean One is depicted with staggered and repeating parapet wall heights varying between 67 feet and 71.5 feet

**Setbacks:** The MU-H zoning district requires no building setbacks, but rather a zero (0) build-to line. However, the building setbacks may be increased up to 15 feet administratively, without benefit of a community design appeal, in areas where the intent is to 1) enhance public spaces such as sidewalks, plazas, fountains, or outdoor seating areas; 2) optimize landscape design; 3) maximize on-site drainage solutions; and/or 4) accommodate architectural

features and building enhancements. This requirement would apply to all building facades fronting on a street. The building setback is measured from the property line to the exterior surface of the building or supporting columns. Along Federal Highway, the proposed building setback along the length of the building, with the 8 foot wide arcade, is between zero and one foot to the arcade columns, and 10 feet in front of the garage, south of the arcade. Along NE 6th Court, the building and balcony/terraces range in setback from 3.1 feet to nearly 10.2 feet. The south side of the project is 266 feet from Ocean Avenue; however, the proposed Phase II buildings are intended to meet the build-to line, with the exception of a grand landscaped courtyard designed in the center. Finally, along the north property line abutting Boynton Beach Boulevard, the setback varies from 15 feet to certain building columns, to nearly 19 feet, and nearly 45 feet at the plaza. This side of the building exceeds the allowable build-to requirement, necessitating community design appeal approval, which the applicant submitted for review (CDPA 17-002). The greater setback has allowed for a more active pedestrian environment, greater opportunities for larger planting areas to facilitate a grander planting scheme (allowing for the placement of large Medjool Date palms and 24 foot tall Oak trees), and creating a more prominent entry into the Marina District. A thorough review of the setbacks and site design was conducted by staff, who concluded that the benefits associated with the larger setback outweigh the requirement for the building to be placed closer to the right-of-way.

**Amenities:** As noted above, the master plan depicts the inclusion of two (2) plazas along Federal Highway, located at the NW and SW corners of the site. The Phase I plaza is located at NW the corner (Federal Highway & Boynton Beach Boulevard) and is 2,122 square feet, providing for a nice focal point for the project and enhanced entrance to the Marina District. The project has also been designed with a large interior pool courtyard for resident use, containing the community pool, spa, summer kitchen/grill stations, outdoor dining areas, fountain wall and lush tropical landscaping. The amenities located within the building include a clubhouse with three (3) club rooms, large screen TV's, business center, concierge service and interior bike storage. A separate health club is proposed fronting on Federal Highway. The developer will also be working with Palm Tran of Palm Beach County to relocate and create a new transit shelter, designed utilizing some of the architectural characteristics of the mixed use project.

**Design:** The proposed building has a contemporary design, featuring a smooth stucco finish, parapet roof with tower features, decorative cornices and banding, modulation of the facades, balconies with decorative aluminum railings, building score lines, stone veneers and trims, fabric awnings, decorative grilles, arcades, and an earthtone color palette.

**Lighting:** The photometric plans (Sheets PH-1 & PH-2) include 35 freestanding pole light fixtures, all of which would be 21.5 feet in height, with the light fixture at 18 feet, and designed to match the poles and light fixture design the City has already adopted along the Casa Costa, 500 Ocean and Boynton Promenade projects. The poles and fixtures would be constructed of cast aluminum,

black in color and the light fixtures would have a flat lens to ensure the on-site illumination would not "spill over" onto adjacent properties and rights-of-way as required by code. There are no spot readings in excess of the maximum 5.9 foot-candles allowed.

**Signage:** Site and building signage has not been finalized and a Sign Program will need to be approved for the site prior to requesting any sign permits for the site (see Exhibit "C" – Conditions of Approval).

**Public Art:** The project is subject to the Art in Public Places requirement, and the applicant has been in discussions with the Public Arts Administrator regarding the art and its placement. The proposed location is the west building elevation along Federal Highway. According to the proposed construction estimates, the project would have an art budget of approximately $283,500.

## RECOMMENDATION

Staff has reviewed this request for a new site plan and recommends APPROVAL, subject to approval of the accompanying applications and satisfying all comments indicated in Exhibit "C" – Conditions of Approval. Any additional conditions recommended by the Board or required by the City Commission shall be documented accordingly in the Conditions of Approval.

S:\Planning\SHARED\WP\PROJECTS\Ocean One\NWSP 16-002\Staff Report.doc

EXHIBIT "A"

# SITE LOCATION MAP

Source: Palm Beach County GIS Digital Data 2006-2015
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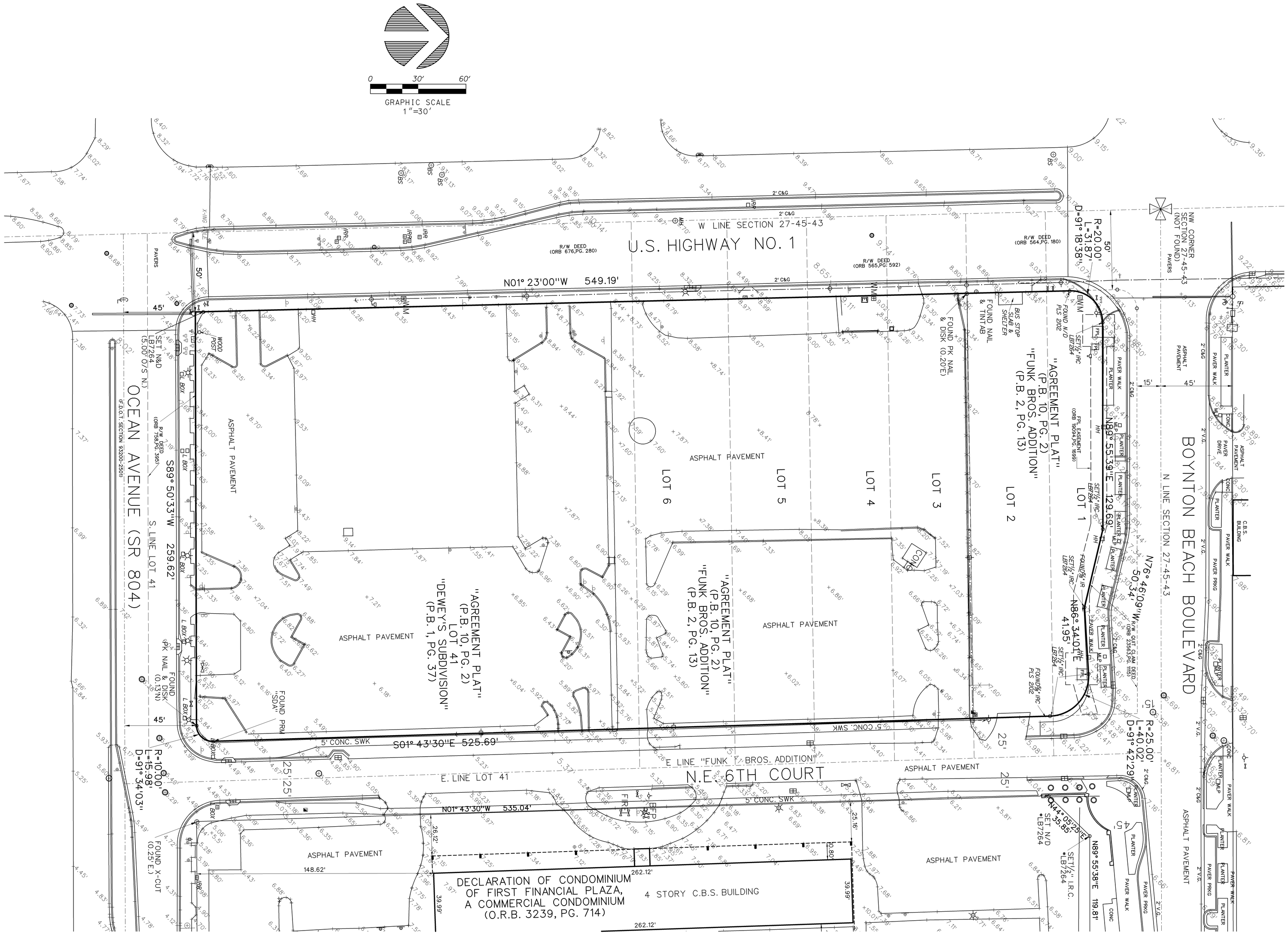



## LEGAL DESCRIPTION

LOTS 1 THROUGH 6, "FUNK BROS. ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 13 OF SAID PUBLIC RECORDS AND LOT 41, "DEWEY'S SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1 AT PAGE 37 OF SAID PUBLIC RECORDS AND ALL REPLATTED AS "AGREEMENT PLAT SHOWING PROPERTY IN NW¼OF NW¼OF NW¼IN SECTION 27 T45S, R43E. ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10 AT PAGE 2 OF SAID PUBLIC RECORDS.

LESS AND EXCEPT: THE EAST 25.00 FEET THEREOF

ALSO LESS AND EXCEPT THAT PORTION LYING WITHIN 50.00 FEET OF THE WEST LINE OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THAT PORTION LYING WITHIN 45.00 FEET OF THE CENTERLINE OF STATE ROAD 804.

ALSO LESS AND EXCEPT THE PART INCLUDED IN THE EXTERNAL AREA OF A 10.00 FOOT RADIUS ARC WHICH IS TANGENT TO A LINE 25.00 FEET WEST OF THE EAST LINE OF SAID LOT 41 AND TO A LINE 45.00 FEET NORTH OF THE CENTERLINE OF STATE ROAD 804.

ALSO LESS AND EXCEPT THE PART INCLUDED IN THE EXTERNAL AREA OF A 12.00 FOOT RADIUS ARC WHICH IS TANGENT TO A LINE 50.00 FEET EAST OF THE WEST LINE OF SAID SECTION 27 AND TO A LINE 15.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 27.

ALSO LESS AND EXCEPT THE PART INCLUDED IN THE QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 23563 AT PAGE 1115 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF BOYNTON BEACH, PALM BEACH COUNTY, FLORIDA.

## NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. ALL EASEMENTS AND RIGHTS-OF-WAY LISTED IN TITLE COMMITMENT NO. 5655598I AS PREPARED BY CHICAGO TITLE INSURANCE COMPANY, EFFECTIVE DATE: FEBRUARY 7, 2016 AT 11:00 PM, HAVE BEEN SHOWN HEREON. DOCUMENTS RECORDED IN D.B. 681, PG. 68; D.B. 1132, PG. 27; O.R.B. 6495, PG. 761 AND ORB 6495, PG. 1165 WERE NOT PROVIDED.
3. ALL EASEMENTS AND RIGHTS-OF-WAY LISTED IN OWNERSHIP AND ENCUMBRANCE REPORT NUMBER 5671474 AS PREPARED BY COMMON-WEALTH LAND TITLE INSURANCE COMPANY, DATED MARCH 18, 2016, ARE SHOWN HEREON.
4. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR - FLORIDA EAST ZONE, WITH THE EAST LINE OF SAID U.S. HIGHWAY NO. 1 HAVING A BEARING OF NORTH 01°22'01" WEST, ACCORDING TO PALM BEACH COUNTY CONTROL MONUMENTS "CHUCK", "CREST 16TH" AND HAULOVER 1929".
5. ELEVATIONS SHOWN HEREON ARE BASED ON PALM BEACH COUNTY BENCHMARK "LIARWOODS" - BRASS DISK IN CONCRETE STAMPED LIARWOODS. DISK LOCATED 10.7' E. OF E. E.O.P. U.S. 1, 64' N. OF CENTERLINE BOYNTON BEACH BOULEVARD. ELEVATION = 9.684' (NGVD 1929).
6. ALL DISTANCES SHOWN ARE GROUND DISTANCES. A SCALE FACTOR OF 1.000097 WAS USED FOR THIS SURVEY.
7. AREA OF THE PROPERTY SURVEYED IS 3.478 ACRES, MORE OR LESS.

## FLOOD INFORMATION

| | | |
|---|---|---|
| COMMUNITY NUMBER | : | 120196 |
| PANEL NUMBER | : | 0003 |
| SUFFIX | : | C |
| DATE OF FIRM INDEX | : | SEPTEMBER 30, 1982 |
| ZONE | : | B |

## ABBREVIATIONS

| | | |
|---|---|---|
| A | : | ARC |
| ASPH | : | ASPHALT |
| C | : | CALCULATED |
| C&G | : | CURB & GUTTER |
| C.L.F. | : | CHAIN LINK FENCE |
| CONC. | : | CONCRETE |
| COR. | : | CORNER |
| D | : | DELTA (CENTRAL ANGLE) |
| D.E. | : | DRAINAGE EASEMENT |
| I.R. | : | IRON ROD |
| I.R.C. | : | IRON ROD AND CAP |
| L.B. | : | LICENSED BUSINESS |
| L.S. | : | LICENSED SURVEYOR |
| L.W.D.D. | : | LAKE WORTH DRAINAGE DISTRICT |
| MON. | : | MONUMENT |
| O.R.B. | : | OFFICIAL RECORDS BOOK |
| P.B. | : | PLAT BOOK |
| P.B.C.R. | : | PALM BEACH COUNTY RECORDS |
| PG. | : | PAGE |
| P.S.M. | : | PROFESSIONAL SURVEYOR & MAPPER |
| U.E. | : | UTILITY EASEMENT |
| W.F. | : | WOOD FENCE |

## LEGEND

- CATCH BASIN
- CATCH BASIN (INLET)
- CONCRETE UTILITY POLE
- GUY ANCHOR WIRE
- WOOD UTILITY POLE
- SANITARY SEWER MANHOLE
- LIGHT POLE
- BELL SOUTH RISER
- BELL SOUTH MANHOLE
- WATER VALVE
- FIRE HYDRANT
- SINGLE SUPPORT SIGN
- DRAINAGE MANHOLE
- TRAFFIC SIGNAL BOX
- IRRIGATION BOX
- LIGHT BOX
- CATV RISER
- WM WATER METER
- GAS VALVE
- 25.00 ELEVATION

## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS CONTAINED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION.

JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

LAST DATE OF FIELD WORK : JUNE 7, 2016

PERIMETER
SURVEYING & MAPPING
947 Clint Moore Road
Boca Raton, Florida, 33487
Certificate of Authorization No. LB7264
Tel: (561) 241-9988
Fax: (561) 241-5182

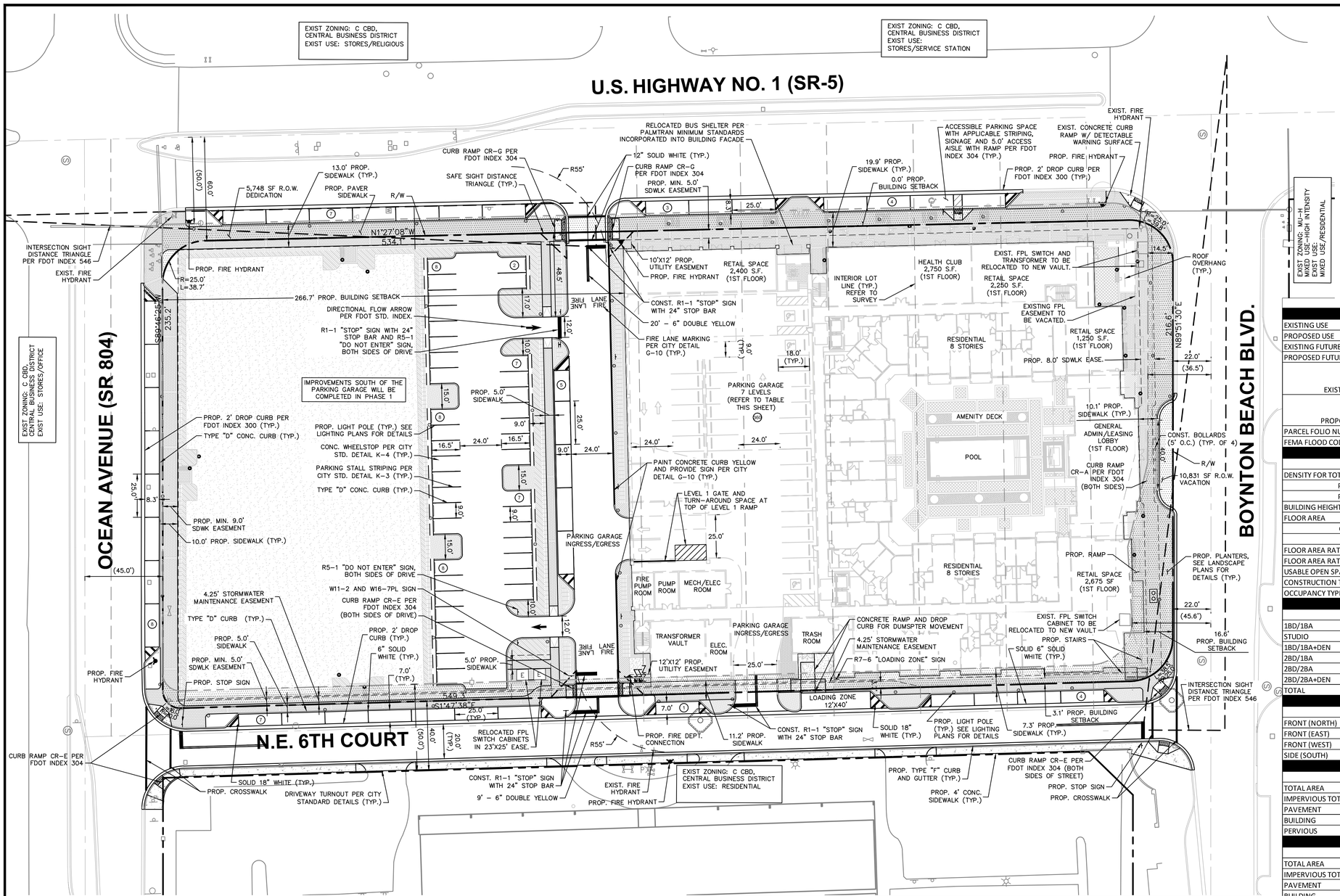
# BOYNTON BEACH / FEDERAL HWY PARCEL

## BOUNDARY AND TOPOGRAPHIC SURVEY

| NO. | DATE | BY | CK'D | REVISIONS: | FB/PG |
|---|---|---|---|---|---|
| 1 | 3-4-05 | JSH | | BND TOPO SURVEY | |
| 2 | 3-20-06 | JSH | | UPDATE BND TOPO SURVEY | |
| 3 | 2-4-16 | JSH | | UPDATE SURVEY - DELETE EAST PARCEL | |
| 4 | 6-07-16 | JSH | | UPDATE SURVEY - DELETE TURN LANE R/W BOYNTON BEACH BLVD | |
| 5 | | | | | |
| 6 | | | | | |

SEAL

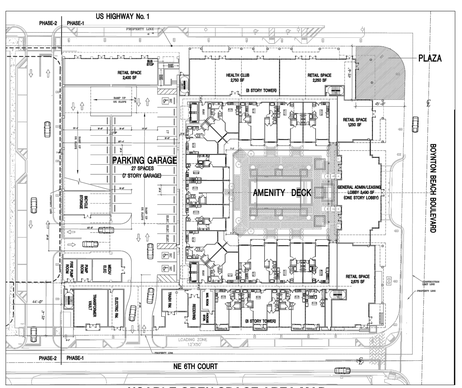
| | |
|---|---|
| JOB NO. | 04175 |
| SCALE | 1"=30' |
| FB/PG | /1 |
| DRAWN | JSH |
| CHECKED | JEK |
| SHEET | 1 OF 1 |




## NOTES:

1. DISTANCE BETWEEN STOP BAR AND CROSSWALK SHALL BE A MINIMUM OF 4 FEET.
2. ALL LONGITUDINAL PAVEMENT MARKINGS SHALL BE 6" WIDE UNLESS OTHERWISE NOTED PER F.D.O.T. ROADWAY AND TRAFFIC DESIGN STANDARDS OR PALM BEACH COUNTY DESIGN STANDARDS.
3. THERMOPLASTIC STRIPING SHALL BE USED ALONG NE 6TH COURT AND ANY PROPOSED PAVEMENT UNLESS OTHERWISE APPROVED BY THE CITY OF BOYNTON BEACH.

| PARCEL INFORMATION | | |
|---|---|---|
| EXISTING USE | VACANT | |
| PROPOSED USE | MIXED USE | |
| EXISTING FUTURE LAND USE DESIGNATION | MIXED USE CORE (MXC) | |
| PROPOSED FUTURE LAND USE DESIGNATION | MIXED USE CORE (MXC) | |
| EXISTING ZONING DISTRICT | CBD, CENTRAL BUSINESS DISTRICT<br>DOWNTOWN TRANSIT-ORIENTED<br>DEVELOPMENT DISTRICT (DTODD) OVERLAY ZONE | |
| PROPOSED ZONING DISTRICT | MU-H, MIXED USE - HIGH INTENSITY<br>DOWNTOWN TRANSIT-ORIENTED<br>DEVELOPMENT DISTRICT (DTODD) OVERLAY ZONE | |
| PARCEL FOLIO NUMBER | 08-43-45-27-02-000-0010; 08-43-45-27-01-000-0410 | |
| FEMA FLOOD CODE | FIRM PANEL 1201960003C - ZONE B | |
| **BUILDING SUMMARY** | | |
| | **REQUIRED:** | **PROVIDED:** |
| DENSITY FOR TOTAL SITE (UNITS / ACRE) | 31 (MIN) - 100 (MAX) | 100 * 3.58 AC 358 |
| PHASE I (UNITS) | | 231 |
| PHASE II (UNITS) | | 127 |
| BUILDING HEIGHT | 30' (MIN) - 150' (MAX) | 8 STORIES (110') |
| FLOOR AREA | | |
| GROSS RESIDENTIAL (INCL. RETAIL) | 281,010 | SF |
| NET RETAIL | 8,575 | SF |
| FLOOR AREA RATIO FOR PHASE I | MIN. 2.0 - MAX 4.0 | 281,010 / 86,309 SF 3.26 |
| FLOOR AREA RATIO FOR TOTAL SITE | MIN. 2.0 - MAX 4.0 | 489,010 / 158,348 SF 3.09 |
| USABLE OPEN SPACE | 2% | 2,122 / 86,309 SF 2.5% |
| CONSTRUCTION TYPE | I-A | |
| OCCUPANCY TYPE | R-2 | |
| **UNIT MIX** | | |
| | **QUANTITY** | **PERCENTAGE (%)** |
| 1BD/1BA | 91 | 39.4% |
| STUDIO | 11 | 4.8% |
| 1BD/1BA+DEN | 50 | 21.6% |
| 2BD/1BA | 14 | 6.1% |
| 2BD/2BA | 31 | 13.4% |
| 2BD/2BA+DEN | 34 | 14.7% |
| TOTAL | 231 | 100.0% |
| | **REQUIRED:** | **PROVIDED:** |
| FRONT (NORTH) | 0' | 16.6' |
| FRONT (EAST) | 0' | 3.1' |
| FRONT (WEST) | 0' | 0' |
| SIDE (SOUTH) | 0' | 266.7 |
| **SITE AREA BREAKDOWN (NORTH IMPROVEMENTS)** | | |
| | **EXISTING:** | **PROVIDED:** |
| TOTAL AREA | 84,175 SF / 1.93 AC 100% | 84,175 SF / 1.93 AC 100% |
| IMPERVIOUS TOTAL | 56,873 SF / 1.31 AC 68% | 81,338 SF / 1.87 AC 97% |
| PAVEMENT | 56,873 SF / 1.31 AC 68% | 20,325 SF / 0.47 AC 24% |
| BUILDING | 0 SF / 0 AC 0% | 61,013 SF / 1.40 AC 73% |
| PERVIOUS | 27,302 SF / 0.63 AC 32% | 2,837 SF / 0.07 AC 3% |
| **SITE AREA BREAKDOWN TOTAL SITE** | | |
| | **EXISTING:** | **PROVIDED:** |
| TOTAL AREA | 156,106 SF / 3.58 AC 100% | 156,106 SF / 3.58 AC 100% |
| IMPERVIOUS TOTAL | 56,076 SF / 1.29 AC 36% | 82,649 SF / 1.90 AC 53% |
| PAVEMENT | 56,076 SF / 1.29 AC 36% | 21,636 SF / 0.50 AC 14% |
| BUILDING | 0 SF / 0 AC 0% | 61,013 SF / 1.39 AC 39% |
| PERVIOUS | 100,030 SF / 2.29 AC 64% | 73,457 SF / 1.69 AC 47% |
| **PARKING ANALYSIS** | | |
| **PARKING REQUIRED (PER CODE)** | | |
| **USE** | **REQUIRED PARKING CRITERIA** | **REQUIRED PARKING** |
| **RESIDENTIAL** | | |
| 1 BEDROOM (152) | 1.33 SPACES PER BEDROOM | 203 |
| 2 BEDROOM OR MORE (79) | 1.66 SPACES PER BEDROOM | 132 |
| GUEST PARKING (231 UNITS) | 0.15 PER UNIT | 35 |
| **RETAIL** | | |
| RETAIL UNIT (8,575 SF) | 1 PER 200 SF | 43 |
| **TOTAL REQUIRED PARKING** | | 413 |
| **PARKING PROVIDED** | | |
| **OFF-STREET PARKING & PARKING GARAGE** | | |
| LEVEL 1 | | 27 |
| LEVEL 2 | | 55 |
| LEVEL 3 | | 55 |
| LEVEL 4 | | 55 |
| LEVEL 5 | | 55 |
| LEVEL 6 | | 55 |
| LEVEL 7 | | 58 |
| ADA ACCESSIBLE PARKING | (8 REQUIRED FOR 301-400 SPACES) | 9 (INCLUDED IN ABOVE) |
| **PUBLIC PARKING** | | |
| ON-STREET PARKING | | 39 |
| PARKING LOT | | 40 |
| **TOTAL PARKING PROVIDED** | | **439** |




USABLE OPEN SPACE AREA MAP

| UNIT BREAKDOWN | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| UNIT TYPE | BR/BA | SQ FT | 1ST | 2ND-3RD | 4TH-8TH | TOTAL UNITS | TOTAL NET RENTABLE | |
| S1 | Studio | 560 SF | - | - | 2 UNITS X 5 LEVELS = 10 | 10 | 5,600 | SF |
| S1a | Studio | 600 SF | 1 | - | - | 1 | 600 | SF |
| A1 | 1BR/1B | 790 SF | - | - | 3 UNITS X 5 LEVELS = 15 | 15 | 11,850 | SF |
| A1a | 1BR/1B | 815 SF | 2 | 3 UNITS X 2 LEVELS = 6 | 4 UNITS X 5 LEVELS = 20 | 28 | 22,820 | SF |
| A2 | 1BR/1B | 770 SF | 1 | 1 UNIT X 2 LEVELS = 2 | 1 UNIT X 5 LEVELS = 5 | 8 | 6,160 | SF |
| A3 | 1BR/1B | 780 SF | 4 | 4 UNITS X 2 LEVELS = 8 | 4 UNITS X 5 LEVELS = 20 | 32 | 24,960 | SF |
| A4 | 1BR/1B/den | 865 SF | 2 | 7 UNITS X 2 LEVELS = 14 | 6 UNITS X 5 LEVELS = 30 | 46 | 39,790 | SF |
| A5a | 1BR/1B | 815 SF | - | 1 UNIT X 2 LEVELS = 2 | 1 UNIT X 5 LEVELS = 5 | 7 | 5,705 | SF |
| A5b | 1BR/1B | 875 SF | - | 1 UNIT | - | 1 | 875 | SF |
| A6 | 1BR/1B/den | 865 SF | 4 | | - | 4 | 3,460 | SF |
| B1 | 2B/1B | 1060 SF | - | 2 UNITS X 2 LEVELS = 4 | 2 UNITS X 5 LEVELS = 10 | 14 | 14,840 | SF |
| B2 | 2B/2B | 1210 SF | 1 | 2 UNITS X 2 LEVELS = 4 | 2 UNITS X 5 LEVELS = 10 | 15 | 18,150 | SF |
| B3 | 2BR/2B | 1170 SF | - | - | 1 UNIT X 5 LEVELS = 5 | 5 | 5,850 | SF |
| B3a | 2BR/2B | 1215 SF | - | - | 1 UNIT X 5 LEVELS = 5 | 5 | 6,075 | SF |
| B4 | 2BR/2B/den | 1255 SF | 2 | 4 UNITS X 2 LEVELS = 8 | 2 UNITS X 5 LEVELS = 10 | 20 | 25,100 | SF |
| B5 | 2BR/2B/den | 1365 SF | - | | 2 UNITS X 5 LEVELS = 10 | 10 | 13,650 | SF |
| B6 | 2BR/2B | 1300 SF | - | 1 UNIT X 2 LEVELS = 2 | - | 2 | 2,600 | SF |
| B7 | 2BR/2B/den | 1300 SF | - | 2 UNITS X 2 LEVELS = 4 | - | 4 | 5,200 | SF |
| B9 | 2BR/2B | 1600 SF | - | 1 UNIT X 2 LEVELS = 2 | - | 2 | 3,200 | SF |
| B10 | 2BR/2B | 1225 SF | - | 1 UNIT X 2 LEVELS = 2 | - | 2 | 2,450 | SF |
| | | TOTAL | 17 | 59 | 155 | 231 | 218,935 | SF |


COHEN • FREEDMAN • ENCINOSA & ASSOC. Architects, PA
8085 N.W. 155th Street
Miami Lakes, Florida 33016
305-826-3999

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PHONE: 561-330-2345 FAX: 561-330-2245
WWW.KIMLEY-HORN.COM CA 00000696

LICENSED PROFESSIONAL
JASON A. WEBBER, P.E.
FL LICENSE NUMBER 73962


DATE:

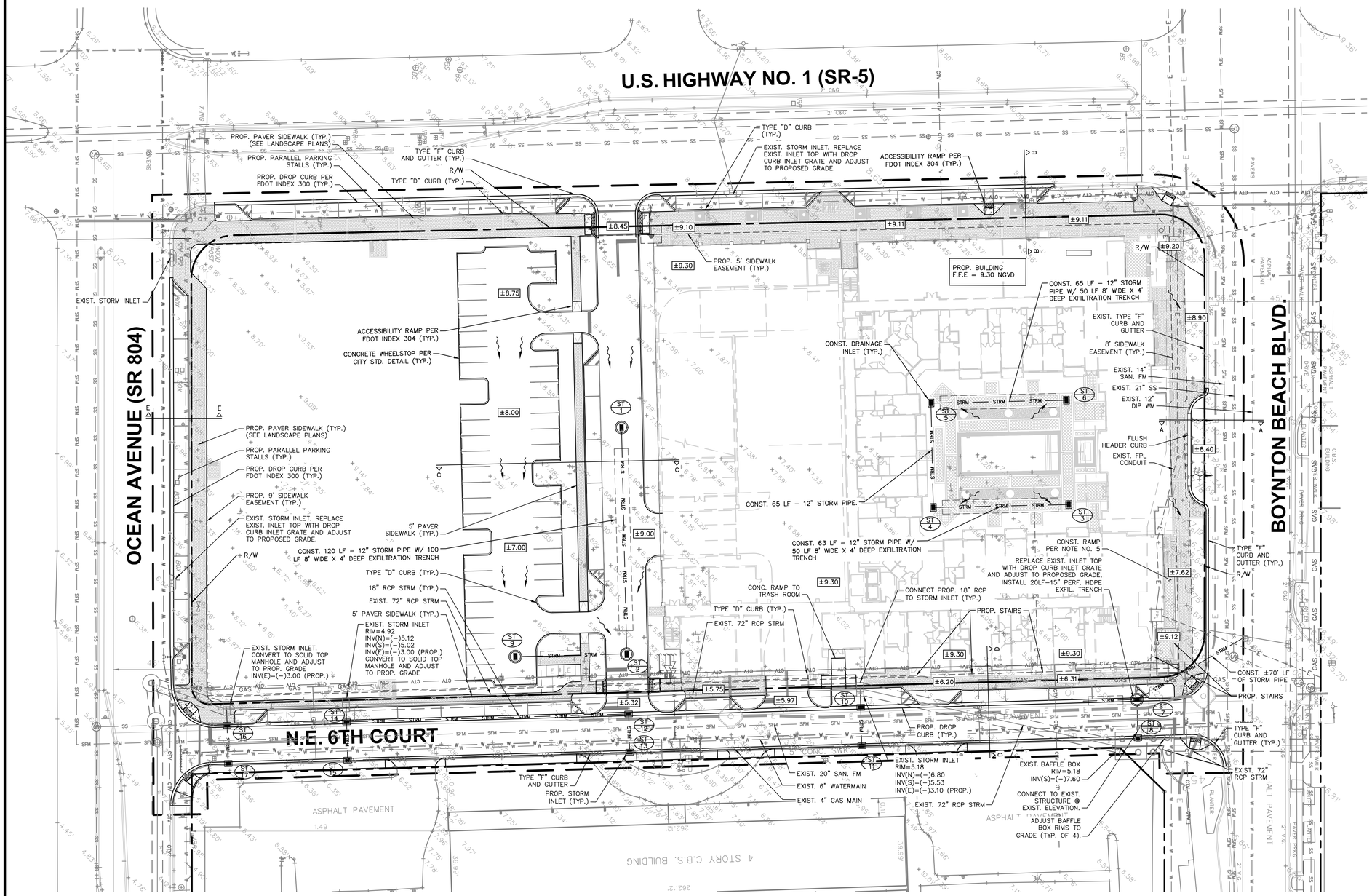
PRELIMINARY DESIGN FOR:
OCEAN ONE
114 N. FEDERAL HIGHWAY, BOYNTON BEACH, FL
SITE PLAN

revisions:

drawn by: JPL
date: FEB/2017
sheet no: C4.00
project: 140232000



Plotted By:Harning, Josh Sheet Set:OCEAN ONE Layout:C4.00 SITE PLAN February 13, 2017 08:54:05am K:\bcd_civil\140232000 - ocean one\CADD\plansheets\C4.00 SITE PLAN.dwg




GRAPHIC SCALE IN FEET
0 15 30 60

## PAVING, GRADING, AND DRAINAGE NOTES:

1. DRAINAGE STRUCTURES SHALL BE CONSTRUCTED USING U.S. PRECAST (USP), U.S. FOUNDRY (USF), OR FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD (FDOT) PRODUCTS AS SPECIFIED, OR APPROVED EQUAL.
2. ALL STORM STRUCTURES SHALL HAVE A MINIMUM 12" SUMP.
3. ALL STORM PIPE SHALL BE REINFORCED CONCRETE PIPE (RCP) OR HIGH DENSITY POLY-ETHYLENE (HDPE) PIPE.
4. ALL PIPE LENGTHS ARE MEASURED FROM CENTER OF STRUCTURES UNLESS OTHERWISE NOTED.
5. THE CROSS SLOPE ON ADA ACCESSIBLE ROUTES SHALL NOT EXCEED 2.0%. THE LONGITUDINAL SLOPE ON ADA ACCESSIBLE ROUTES (NOT INCLUDING RAMPS) SHALL NOT EXCEED 5.0%. THE LONGITUDINAL SLOPE FOR RAMPS SHALL NOT EXCEED 1V:12H (8.3%).
6. CONTRACTOR SHALL CLEAN ALL PROPOSED DRAINAGE STRUCTURES AND PIPES UPON COMPLETION OF CONSTRUCTION.
7. FULL DRAINAGE PLANS, INCLUDING DRAINAGE CALCULATIONS, IN ACCORDANCE WITH THE 2010 LDR, CHAPTER 4, ARTICLE VIII, SECTION 3.G. WILL BE REQUIRED AT THE TIME OF PERMITTING.
8. ALL CATCH BASIN AND MANHOLE COVERS SHALL BE BICYCLE PROOF PER THE 2010 LAND DEVELOPMENT REGULATIONS, CHAPTER 4, ARTICLE VIII, SECTION 3.G. AND ENGINEERING DESIGN MANUAL CHAPTER 5, PARAGRAPH D.1.b.
9. ALL PROPOSED CONNECTIONS TO EXISTING DRAINAGE STRUCTURES SHALL BE CORED TO RECEIVE NEW PIPE.

## LEGEND:

- PROPERTY LINE / RIGHT OF WAY
- LIMITS OF CONSTRUCTION
- FLOW ARROW
- ±9.30 PROPOSED ELEVATIONS
- 5.61 EXISTING ELEVATION
- PROPOSED PAVERS (SEE HARDSCAPE PLAN FOR DETAILS)

PLANS ARE IN NGVD 1979 DATUM
CONVERSION EQUATION IS BELOW:
(NGVD 1929) – 1.62' = (NAVD 1988)

**ST 1** CONST. USP 3–3.0 WITH USF 4155–6210 FRAME AND GRATE
GRATE = 8.00'
CONST. (E) = 2.50'

**ST 2** CONST. USP 3–3.0 WITH USF 4155–6210 FRAME AND GRATE
GRATE = 5.75
CONST. (S) = 2.50'
CONST. (W) = 2.50'

**ST 3** CONST. USP 3–3.0 WITH USF 4155–6210 FRAME AND GRATE
GRATE = 8.83'
INV. (S) = 4.50'

**ST 4** CONST. USP 3–3.0 WITH USF 4155–6210 FRAME AND GRATE
GRATE = 8.83'
INV. (N) = 4.50'
INV. (W) = 4.50'

**ST 5** CONST. USP 3–3.0 WITH USF 4155–6210 FRAME AND GRATE
GRATE = 8.83
INV. (N) = 4.50'
INV. (E) = 4.50'

**ST 6** CONST. USP 3–3.0 WITH USF 4155–6210 FRAME AND GRATE
GRATE = 8.83'
INV. (S) = 4.50'

**ST 7** CONST. USP 3–3.0 WITH USF 4155–6210 FRAME AND GRATE
GRATE = 6.42'
INV. (N) = 3.25'
INV. (S) = 3.25'
INV. (E) = 3.25'

**ST 8** CONVERT MANHOLE TOP OF BAFFLE BOX TO 5130–6016 FRAME, HOOD AND GRATE
GRATE = 6.25'

**ST 9** CONST. USP 3–3.0 WITH USF 4155–6210 FRAME AND GRATE
GRATE = 5.75'
CONST. (N) = 3.00'

**ST 10** CONST. USP 3–3.0 WITH USF 5130–6016 FRAME, HOOD AND GRATE
GRATE = 5.50'
INV. (E) = 2.75'
INV. (W) = 2.75'

**ST 11** CONST. USP 3–3.0 WITH USF 5130–6016 FRAME, HOOD AND GRATE
GRATE = 5.50'
INV. (W) = 3.00'

**ST 12** CONST. USP 3–3.0 WITH USF 4155–6210 FRAME AND GRATE
GRATE = 5.00'
INV. (S) = 2.25'
INV. (E) = 2.25'

**ST 13** CONST. USP 3–3.0 WITH USF 5130–6016 FRAME, HOOD AND GRATE
GRATE = 5.00'
INV. (W) = 2.50'

**ST 14** CONST. USP 3–3.0 WITH USF 4155–6210 FRAME AND GRATE
GRATE = 5.00'
INV. (N) = 1.75'
INV. (E) = 1.75'
INV. (W) = 1.75'

**ST 15** CONST. USP 3–3.0 WITH USF 5130–6016 FRAME, HOOD AND GRATE
GRATE = 5.00'
INV. (W) = 2.00'

**ST 16** CONST. USP 3–3.0 WITH USF 5130–6016 FRAME, HOOD AND GRATE
GRATE = 4.75'
INV. (E) = 1.25'
INV. (W) = 1.25'

**ST 17** CONST. USP 3–3.0 WITH USF 5130–6016 FRAME, HOOD AND GRATE
GRATE = 4.75'
INV. (W) = 1.50'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LICENSED PROFESSIONAL
JASON A. WEBBER, P.E.
FL LICENSE NUMBER
73962


DATE:

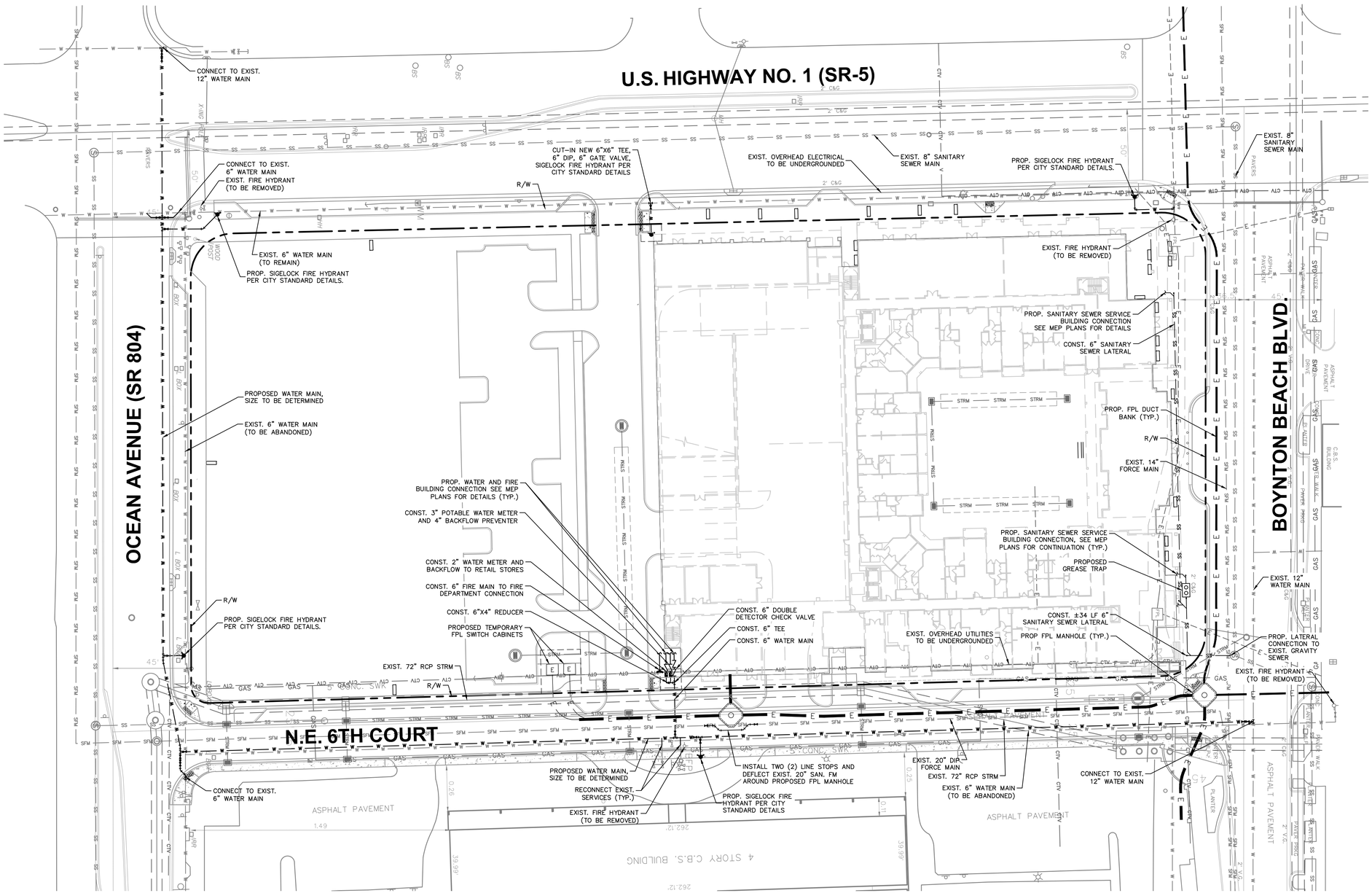
PRELIMINARY DESIGN FOR:
OCEAN ONE
114 N. FEDERAL HIGHWAY, BOYNTON BEACH, FL

PAVING GRADING AND DRAINAGE PLAN

revisions:

drawn by: JPL
date: FEB/2017
sheet no: C5.00
project: 140232000

Plotted By:Harning, Josh Sheet Set:OCEAN ONE Layout:C5.00 PAVING GRADING AND DRAINAGE PLAN January 31, 2017 11:30:33am K:\bcd_civil\140232000 – ocean one\CADD\plansheets\C5.00 PAVING GRADING AND DRAINAGE PLAN.dwg




LEGEND:

- PROPERTY LINE/RIGHT OF WAY
- LIMITS OF CONSTRUCTION
- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER LINE
- PROPOSED STORM PIPE
- EXISTING WATER MAIN
- EXISTING ELECTRICAL
- EXISTING SANITARY SEWER MAIN
- EXISTING STORM PIPE
- EXISTING FORCE MAIN

## UTILITY NOTES:

1. ALL WATER MAIN (WM) SHALL BE DIP UNLESS OTHERWISE NOTED.
2. ALL FIRE MAIN (F) SHALL BE DIP UNLESS OTHERWISE NOTED.
3. ALL DUCTILE IRON PIPE (DIP) SHALL BE CLASS 350 UNLESS OTHERWISE NOTED. ALL DIP SHALL BE MARKED PER FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) STANDARDS.
4. ALL WATER MAIN SHALL HAVE A MINIMUM 36" COVER OVER THE TOP OF THE PIPE UNLESS OTHERWISE NOTED. WATER AND FIRE MAINS SHALL HAVE MIN. 6" VERTICAL SEPARATION FROM EACH OTHER.
5. ALL FITTINGS FOR WATER MAIN, FIRE MAIN, AND SEWER FORCE MAIN SHALL BE DUCTILE IRON MECHANICAL JOINT FITTINGS UNLESS OTHERWISE NOTED.
6. PIPE DEFLECTION OF WATER MAIN, FIRE MAIN, AND SEWER FORCE MAIN SHALL NOT EXCEED MANUFACTURER'S RECOMMENDATIONS.
7. CONTRACTOR SHALL SUPPORT AND PROTECT ALL EXISTING AND PROPOSED UTILITIES WHEN CONSTRUCTING NEW UTILITIES.
8. CONTRACTOR SHALL FURNISH AND INSTALL NECESSARY PIPE AND FITTINGS TO TRANSITION PIPE MATERIALS WHEN REQUIRED AND TO CONNECT TO BUILDING PLUMBING.
9. ALL MANHOLES, VALVES, CLEANOUTS AND OTHER SUCH BOXES IN PAVEMENT OR SIDEWALKS SHALL BE SET FLUSH WITH PAVEMENT TO MATCH THE PROPOSED SLOPE AND SHALL BE H-20 TRAFFIC RATED.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114 N. FEDERAL HIGHWAY, BOYNTON BEACH, FL
UTILITY PLAN

revisions:

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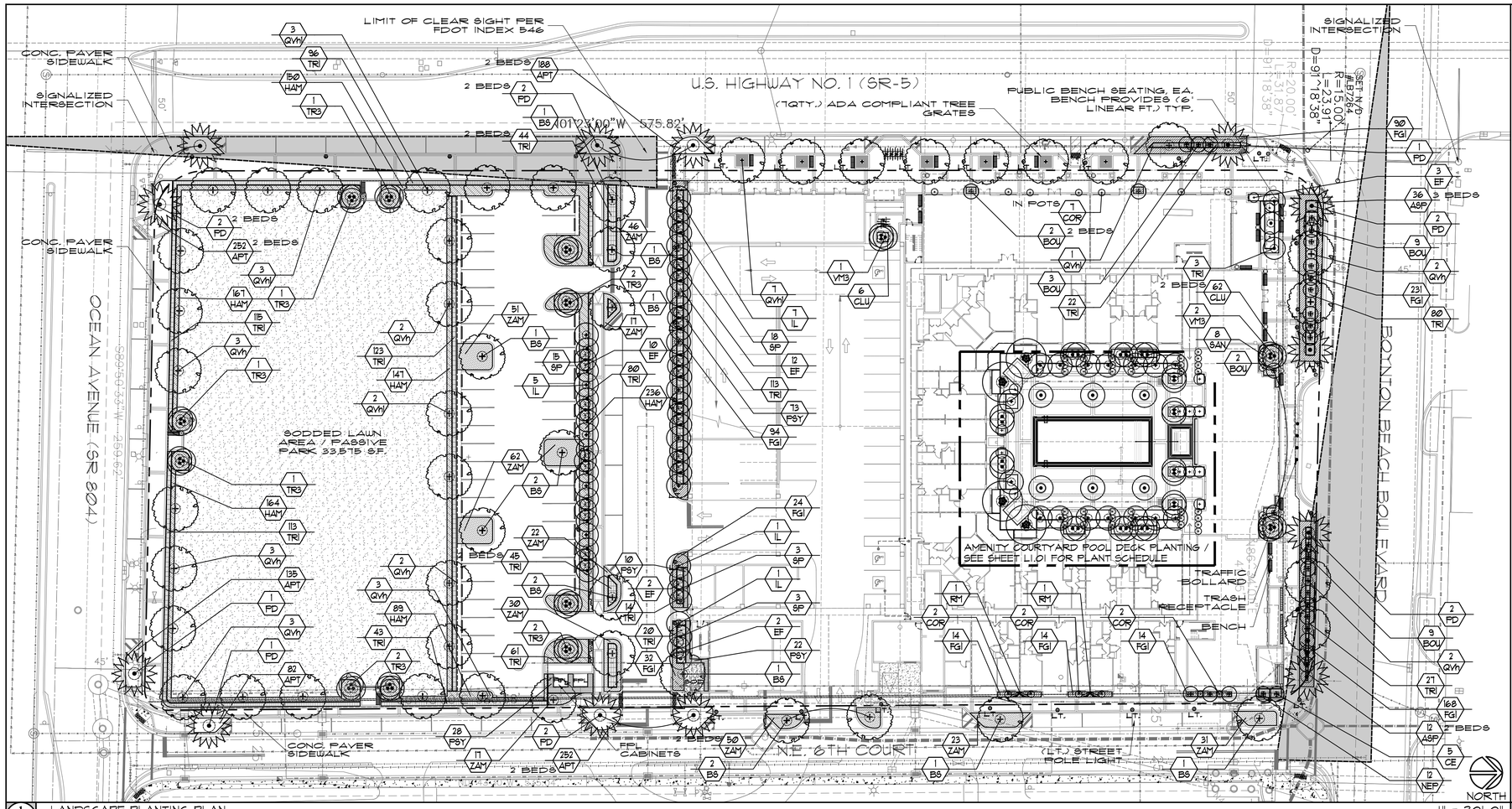
date: FEB/2017
sheet no: C6.00
project: 140232000


Plotted By: Harning, Josh Sheet Set: OCEAN ONE Layout: C6.00 UTILITY PLAN January 31, 2017 11:32:24am K:\bcd_civil\140232000 - ocean one\CADD\plansheets\C6.00 UTILITY PLAN.dwg




1 L1.00 LANDSCAPE PLANTING PLAN

## PLANT SCHEDULE

Rev. 1.28.17

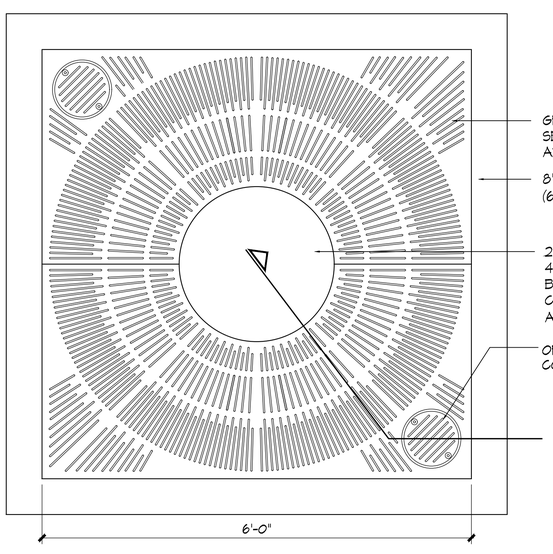
| SYM | SCEINTIFIC NAME / COMMON NAME | SPECIFICATION | Quantity | Native | Salt Tolerance |
|---|---|---|---|---|---|
| *BS | Bursera simaruba<br>Gumbo Limbo | 26' ht. x 20' spr., 7" dbh,<br>F.G. | 13 | Yes | High |
| CE | Conocarpus erectus 'sericeus'<br>Silver Buttonwood | 8' ht. x 4' spr. 2" dbh<br>Multi-trunk | 5 | Yes | High |
| EF | Eugenia foetida<br>Spanish Stopper | 8' ht. x 4' spr., 2 1/2" dbh,<br>Multi-trunk | 29 | Yes | Moderate |
| *IL | Lagerstromia speciosa<br>East Palatcka Holly | 16' ht. x 8' spr., 3 1/2" dbh,<br>F.G. | 14 | Yes | Mod. / High |
| **PD | Phoenix dactylifera<br>Medjool Date Palm | 14' c.t., matched | 13 | No | Moderate |
| *QVh | Quercus virginiana 'Highrise'<br>Live Oak Highrise Cultivar | 24' ht. x 16' spr., 6' c.t., 7" dbh<br>F.G. | 20 | Yes | Mod. / High |
| *QVh1 | Quercus virginiana 'Highrise'<br>Live Oak Highrise Cultivar | 28' ht. x 18' spr., 14' c.t., 8" dbh<br>Trees installed along FDOT r.o.w. | 16 | Yes | Mod. / High |
| RM | Ravenala madgascariensis<br>Travellers Palm Tree | 12' ht. x 12' spr., full to base | 2 | No | Moderate |
| **SP | Sabal palmetto<br>Sabal Palms | (13qty.)12' c.t. ,(13qty.)18' c.t.,(13qty.)24'c.t.<br>Install palms w/ Staggered Heights | 39 | Yes | High |
| TR1 | Thrinax radiata<br>Thatch Palm | 6'c.t., full head<br>Matched Specimens | 3 | Yes | High |
| TR3 | Thrinax radiata 'Triple'<br>Thatch Palm 'Triple | 6'c.t.-9'c.t., full heads<br>Matched palms w/ Staggered Heights | 10 | Yes | High |
| VM3 | Veitchia montgomeryana<br>Montgomery Palm 'Triple' | 12'c.t. - 25'c.t. , full heads<br>Stout trunks | 3 | No | Moderate |
| APT | Aptenia cordifolia<br>Baby Sunrose | 12" full<br>Install w/ leaves touching | 909 | No | Mod. / High |
| ASP | Asparagus densiflorus 'Meyersii'<br>Foxtail Fern | 3 gal., 18" ht. x 18" spr., 18" o.c. | 48 | No | Moderate |
| BOU | Bougainvillea Spp.<br>Bougainvillea 'New River' purple | 8' ht. x 4' spr., 4'c.t.<br>standard | 25 | No | Mod. / High |
| CLU | Clusia guttifera 'Nana'<br>Dwarf Small Leaf Clusia | 3 gal., 18" ht. x 24" spr., 24" o.c. | 68 | No | Mod. / High |
| COR | Cordyline fruticosa 'BLK Magic"<br>Black Magic Cordyline | 15gal. 48"ht. x 36" spr., min. 4 trunks | 13 | No | Moderate |
| FGI | Ficus macrophylla 'Green Island'<br>Ficus Green Island | 7 gal., 18" ht. X 18" sp., 24" o.c. | 681 | No | Mod. / High |
| HAM | Hamelia patens<br>Firebush | 7 gal., 30" ht. x 30" spr., 24" o.c.<br>Install w/ branches touching | 953 | Yes | Mod. / High |
| NEP | Nephrolepis biserrata<br>Fishtail Fern | 3 gal., 18" ht. x 18" spr., 24" o.c. | 12 | No | Moderate |
| PSY | Psychotria nervosa<br>Wild Coffee | 7gal., 36"ht. x 36"spr.<br>Install with branches touching | 133 | Yes | Moderate |
| SAN | Sansevieria trifasciata<br>Snake Plant | 3 gal., 24" ht. x 24" spr., 24" o.c. | 8 | No | Moderate |
| TRI | Tripsacum floridana<br>Dwarf Fakahatchee grass | 3 gal., 18" ht. x 18" spr., 24" o.c. | 996 | Yes | High |
| ZAM | Zamia pumila<br>Coontie | 7gal., 18"ht. x 18"spr., 24" o.c. | 349 | Yes | High |
| SOD | Stenotaphrum secundatum 'Floratam'<br>St. Augustine sod | Solid weed-free panels, stagger joints,<br>Contractor shall verify quantity | 33,575sf | | |

* Note: Asteric denotes trees proposed in accordance with municipal Tree Mitigation code requirements. 100% of the DBH removed from the site shall be replaced. Tree specifications have been selected to mitigate the total DBH removed from the site, total inches removed from the development site equal 380 inch of DBH.

** Note: Asterics denotes palms proposed in accordance with municipal Tree Mitigation code requirements. 100% of the palms removed from the site shall be replaced. 34 palms have been removed from the site.

GRAPHIC SCALE IN FEET
0 15 30 60

2 L1.00 LANDSCAPE PLANTING SCHEDULE



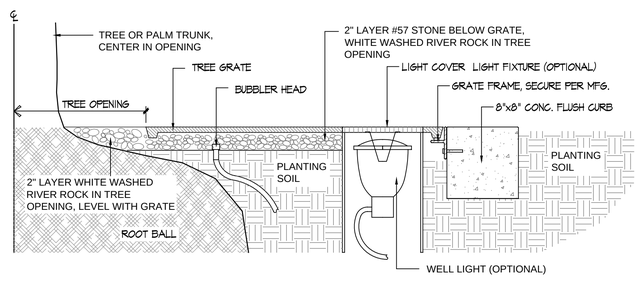

GRATE SUPPLIED IN 2 SECTIONS, CAST ALUM., ADA COMPLIANT

8" CONC. CURB W/ FRAME (6" EXPOSED)

26" DIAMETER TREE OPENING (MIN. 4" CLEARANCE FROM TRUNK SHALL BE MAINTAINED BY OWNER, AS A CONDITION OF SITE PLAN APPROVAL)

OPT. 9 ½" DIAM. LIGHTWELL COVER BOLTED TO GRATE.

TREE GRATE #M4814-1 STYLE: STARBURST SERIES 1 BY IRONSMITH. ALUM. ANGLE FRAME MODEL M4800F REQUIRED FOR INSTALLATION.




| LANDSCAPE CODE COMPLIANCE PER PART III, CHAPTER 4, ARTICLE II OF THE BOYNTON BEACH CODE OF ORDINANCES | | | |
|---|---|---|---|
| SITE AREA: 158,348 (3.63 ACRES)<br>ZONING: CBD (CENTRAL BUSINESS DISTRICT) | | | |
| SEC. 4-A-3.a.2 | MINIMUM NUMBER OF DIFFERENT TREE SPECIES PER TABLE 4-2<br>31-60 TREES = 4 SPECIES | REQUIRED<br>4 | PROVIDED<br>8 |
| SEC. 4-B-2.c | IN THE CIRCUMSTANCE BUILDING SETBACKS ARE REDUCED ALONG THE FRONT AND SIDE CORNER PROPERTY LINES AND OFF STREET PARKING AND VEHICULAR USE AREAS ARE NOT VISIBLE FROM ABUTTING ROW, A LANDSCAPE STRIP IS NOT REQUIRED IN THE PRESENCE OF BUILDINGS, STRUCTURES, PEDESTRIAN AREAS, AND SIDEWALKS | NO | NO |
| SEC. 4-B-2.c.1 | FOUNDATION LANDSCAPING AND TREES SHALL BE INSTALLED WITHIN THE REDUCED BUILDING SETBACK AREAS, BETWEEN THE BUILDING AND THE PROPERTY LINE | YES | YES |
| SEC. 4-B-5.c.1 | ALL NEW CONSTRUCTION SHALL INCLUDE SHADE TREES IN THE STEETSCAPE @ MIN. 4" CAL. (7" CAL. PROVIDED)<br>(PER SECTION 4-A-3.a.2.c, LARGE PALM SPECIES SUCH AS FLORIDA ROYAL PALM, CANARY ISLAND DATE, OR OTHER PALM SPECIES DETERMINED BY STAFF THAT HAS THE SAME VISUAL/SHADING EFFECT AS THAT OF A CANOPY TREE SHALL REPRESENT THE EQUIVALENT OF ONE CANOPY TREE) | YES | YES |
| SEC. 4-B-5.c.2 | SHADE TREES SHALL BE REGULARLY SPACED BETWEEN 25' AND 30' ON CENTER<br>WEST: FEDERAL HIGHWAY - 575' / 30' = 19 TREES<br>(LESS 24' WIDE ACCESS DRIVE)<br>NORTH: BOYNTON BEACH BLVD - 251' / 30' = 9 TREES<br>EAST: NE 6TH COURT - 580' / 30' = 19 TREES<br>(LESS 24' WIDE ACCESS DRIVE)<br>SOUTH: OCEAN AVE - 259' / 30' = 9 TREES | WEST: 19<br>NORTH: 9<br>EAST: 19<br>SOUTH: 9 | WEST: 19 PROP.<br>NORTH: 9 PROP.<br>EAST: 16 PROP.<br>SOUTH: 9 PROP. |
| TREE MITIGATION CODE COMPLIANCE PER PART III, CHAPTER 4, ARTICLE I OF THE BOYNTON BEACH CODE OF ORDINANCES | | | |
| SEC. 4-C | MITIGATION OF EXISTING TREES (TABLE 4-1 MITIGATION OF EXISTING TREES). ALL EXISTING TREES THAT ARE NOT PRESERVED IN PLACE OR RELOCATED ON-SITE SHALL BE MITIGATED IN CONNECTION WITH A LAND DEVELOPMENT PERMIT. THE EQUIVALENT REPLACEMENT FOR EXISTING TREES SHALL BE BASED ON CALIPER DIMENSION OR TYPE OF TREE AS INDICATED IN THE TABLE.<br><br>THE CUMULATIVE CALIPER INCHES OF EXISTING TREES TO BE REMOVED SHALL BE REPLACED ON-SITE WITH AN EQUAL (100 %) OR GREATER NUMBER OF CALIPER INCHES OF A REPLACEMENT CANOPY TREE OR TREES<br><br>TREE DISPOSITION CALCULATIONS PER SHEET L0.00<br>TREES TO BE REMOVED: 26<br>DBH TO BE REMOVED: 380"<br>PALMS TO BE REMOVED: 34 | 380" DBH<br>34 PALMS | SEE SHEET L0.00 |

| No. | REVISIONS | Date |
|---|---|---|
| | | |

1-28-2017

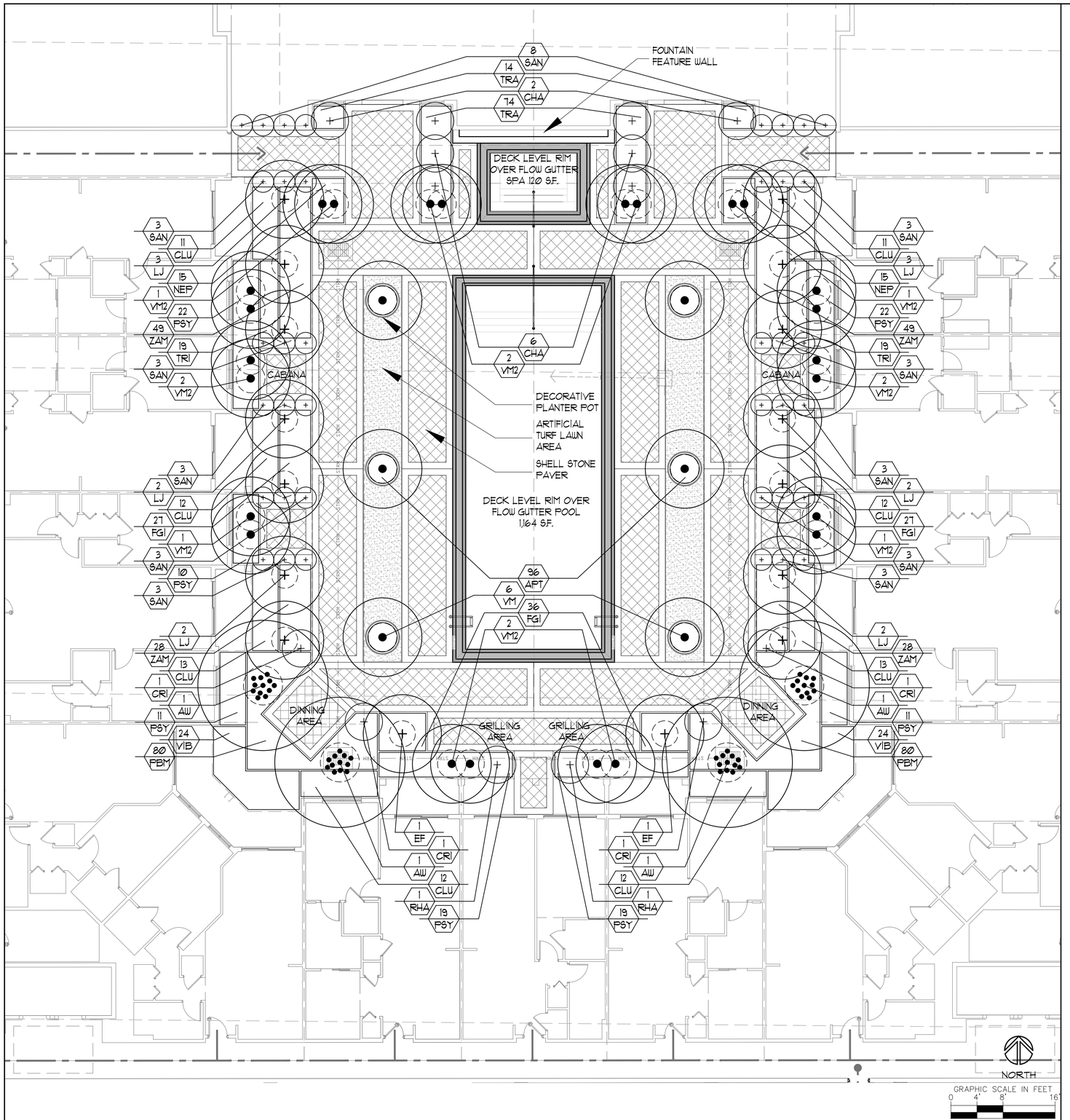
Project Name
Ocean One
114 N. Federal Highway, Boynton Beach, Fl
Drawing Title
LANDSCAPE PLANTING PLAN

RHETT ROY ASSOCIATES
Landscape Architecture Planning, P.A.
412 North Andrews Avenue
Fort Lauderdale FL 33301
Florida License Number LA 393
Fax 954/462-0722
Phone 954/462-0704

Seal

Florida License No. 0000393

Drawn: JSC
Project No. 16018.00
CAD File No. 16018.00
Date: 09/12/2016
Scale: 1" = 30'-0"
Drawing No. L1.00




1/8" = 1'-0"

1 L-1.01 AMENITY COURTYARD POOL DECK PLANTING PLAN

## PLANT SCHEDULE

| SYM | SCEINTIFIC NAME / COMMON NAME | SPECIFICATION | Quantity | Native | Salt Tolerance |
|---|---|---|---|---|---|
| AW | Acoelorrhaphe wrightii<br>Paurotis Palm | 8'ht.-20'ht x 14'spr., Min. 5 trunks<br>Matched, F.G. | 4 | Yes | High |
| EF | Eugenia foetida<br>Spanish Stopper | 8' ht. x 4' spr., 2 1/2" dbh,<br>Multi-trunk | 2 | Yes | Moderate |
| LJ | Ligustrum japonicum<br>Japanese Privet | 12'ht. x 12'spr., 4'c.t., 3.5"dbh, Multi-Trunk<br>Florida No. 1 Matched Specimens | 14 | No | Moderate |
| VM2 | Veitchia montgomeryana<br>Montgomery Palm 'Double' | 12'c.t.,full heads<br>Straight Stout trunks | 6 | No | Moderate |
| VM2 | Veitchia montgomeryana<br>Montgomery Palm 'Double' | 12'c.t. & 17'c.t. , full heads<br>Curved Stout trunks | 12 | No | Moderate |
| APT | Aptenia cordifolia<br>Baby Sunrose | 12" full<br>Install w/ leaves touching | 96 | No | Mod. / High |
| CHA | Chamaedorea cataractarum<br>Cat Palm | 7gal. 5'ft full | 8 | No | Low |
| CLU | Clusia guttifera<br>Small Leaf Clusia | 7 gal., 36" ht. x 24" spr., 24" o.c. | 96 | No | Mod. / High |
| CRI | Crinum augustum 'Queen Emma'<br>Crinum Lily | 15 gal., 3' ht., x 3' spr. | 4 | No | Moderate |
| FGI | Ficus macrophylla 'Green Island'<br>Ficus Green Island | 7 gal., 18" ht. X 18" sp., 24" o.c. | 90 | No | Mod. / High |
| NEP | Nephrolepis exaltata<br>Boston Fern | 3 gal., 18" ht. x 18" spr., 24" o.c. | 30 | Yes | Moderate |
| PBM | Philodendron burle marx<br>Burle Marx Philodendron | 3 gal., 18" ht. x 18" spr., 24" o.c. | 160 | No | Moderate |
| PSY | Psychotria nervosa<br>Wild Coffee | 7gal., 36"ht. x 36"spr.<br>Install with branches touching | 114 | Yes | Moderate |
| RHA | Rhapis excelsa<br>Lady Palm | 7gal., 60"ht. x 36"spr., min. 5-7 trunks<br>Install with branches touching | 2 | No | Low |
| SAN | Sansevieria trifasciata<br>Snake Plant | 3 gal., 24" ht. x 24" spr., 24" o.c. | 38 | No | Moderate |
| TRA | Trachelospermum jasminoides<br>Confederate Jasmine | 3gal. 18" spr. | 88 | No | Moderate |
| TRI | Tripsacum floridana<br>Dwarf Fakahatchee grass | 3 gal., 18" ht. x 18" spr., 24" o.c. | 38 | Yes | High |
| VIB | Viburnam odoratissimum 'Awabuki'<br>Viburnam Awabuki | 7gal., 36"ht. x 24"spr., 24" o.c. | 48 | No | Moderate |
| ZAM | Zamia pumila<br>Coontie | 7gal., 18"ht. x 18"spr., 24" o.c. | 154 | Yes | High |

2 L-1.01 PLANT SCHEDULE / POOL COURTYARD

| No. | REVISIONS | Date |
|---|---|---|
| | | |

1-28-2017

Project Name
Ocean One
114 N. Federal Highway, Boynton Beach, Fl

Drawing Title
AMENITY COURTYARD POOL DECK PLANTING PLAN

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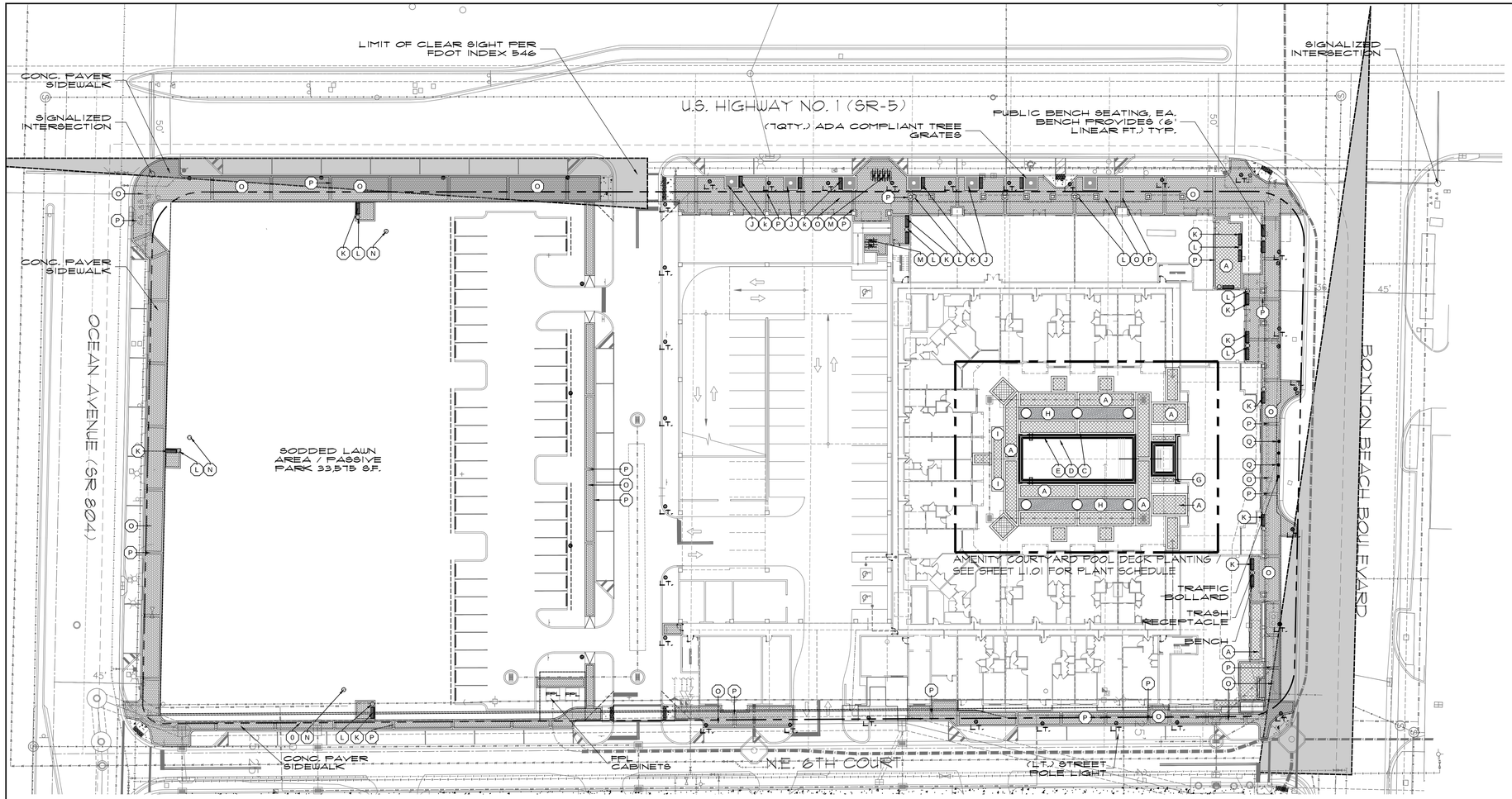



1 L2.00 HARDSCAPE PLAN

1" = 30'-0"

PROPERTY BOUNDARY LINE

## HARDSCAPE MATERIALS LEGEND
### AMENITY COURTYARD POOL DECK AREA

- (A) POOL DECK PAVER: FIELD 12" X 12" X 1 1/2", COLOR: IVORY, SHELL LOCK PAVER, DIAMOND STACK BOND, SAND SET PAVER ON MIN. 4" COMPACTED ROCK BASE.
- (B) POOL DECK PAVER BOARDER: 12" X 12" X 1 1/2", COLOR: IVORY, SHELL LOCK PAVER, STACK BOND, WITH HIDDEN MUD-SET EDGE RESTRAINT.
- (C) POOL/SPA COPING: 12" X 12" X 1 5/8", SHELL LOCK COPING W/ A SINGE BULLNOSE. COLOR TO PATCH SHELL LOCKING "IVORY" PAVING. MUD SET COPING TO POOL BEAM.
- (D) POOL/SPA FINISH: MATERIAL BY OTHERS (COLOR TO BE APPROVED BY OWNER)
- (E) POOL/SPA WATER LINE & WATER FEATURE TILE: MATERIAL TO BE SELECTED
- (F) POOL/SPA STEPS EDGE TILE: MATERIAL TO BE SELECTED
- (G) POOL/SPA SHOWER: STAINLESS STEEL POOL SHOWER FIXTURE
- (H) ARTIFICIAL TURF: FINAL SELECTION TO BE APPROVED BY OWNER
- (I) OUTDOOR GRILL: STAINLESS STEEL GAS GRILL

## HARDSCAPE MATERIALS LEGEND
### STREETSCAPE & PUBLIC PLAZA AREAS

- (J) ADA ACCESSIBLE TREE GRATE: IRONSMITH 72" SQUARE, SUNBURST SERIES-1 ALUMINUM TREE GRATE AND FRAME, COLOR FINISH: TBD, QTY. PROPOSED (7)
- (K) BENCH: LNC6 - NEWCASTLE 6' CONTOUR BENCH WITH STEEL SLAT SEATING, ARMRESTS AND PORTABLE SURFACE MOUNT LEGS, ALL STEEL FITTINGS ARE COATED WITH PLASTISOL FUSION ADVANTAGED. COLOR: TBD. QTY. PROPOSED SHALL MEET MIN. CODE REQUIREMENTS. 1' LF. PER 30 SF. OF PLAZA SPACE. (20 BENCHES PROVIDED BASED ON AN APPROXIMATE 3,300 SF OF PLAZA SPACE.)
- (L) TRASH RECEPTACLE: PT4500 UPSIDE TRASH RECEPTACLE, 50 GAL. POLYETHYLENE TRASH RECEPTACLE WITH PLASTIC TILT-OUT REMOVABLE BIN. COLOR: TBD. QTY. PROPOSED SHALL MEET MIN. CODE REQUIREMENTS. (15 TRASH RECEPTACLES PROVIDED.)
- (M) BIKE RACKS: AL19BR2 - ALLURE BIKE RACK (2-BIKE CAPACITY EA) , CAST ALUMINUM, COLOR: TBD. BIKE RACKS ARE SURFACE MOUNTED. QTY. PROPOSED SHALL MEET MIN. CODE REQUIREMENTS. (6 BIKE RACKS PROVIDED, STORAGE CAPACITY FOR 12 BIKES)
- (N) DOGI-POT PET STATION (1003A-L) STATION INCLUDES: SIGN, BAG LINER & DISPENSER, TRASH RECEPTACLE WITH LID. (3 STATIONS PROPOSED)

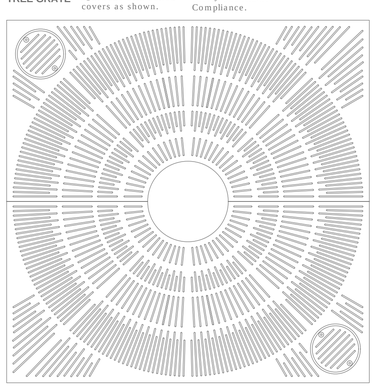
PAVING:

- (O) PEDESTRIAN PAVING, FIELD: HOLLANDSTONE TM. PAVER, PAVERS SHALL BE INSTALLED IN A 45 DEG. HERRINGBONE PATTERN. COLOR: RUSTIC RED.
- (P) PEDESTRIAN PAVING, BOARDER: HOLLANDSTONE TM. PAVERS SHALL BE INSTALLED IN A SOLDIER COURSE PATTERN
- (Q) TRAFFIC BOLLARD W/ LED LIGHTING: COLOR TBD.

(A) (B)
POOL DECK & POOL COPING SHELLSTONE PAVING

(H)
POOL DECK / TURF GRASS

7208-1 STARBURST TREE GRATE — 72" x 72" tree grate in two sections. Two lightwells with bolted covers as shown. — 1/4 Maximum slot opening for pedestrian safety and A.D.A Compliance. — Cast from 100% recycled Iron.



(J)
ADA COMPLIANT TREE GRATE
COLOR: TBD

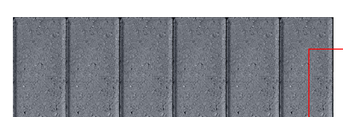
(K)
PUBLIC 6' BENCH W/ ARMRESTS
COLOR: TBD

(L)
PUBLIC TRASH RECEPTACLE
COLOR: TBD

(M)
PUBLIC BIKE RACK (2-BIKE CAPACITY)
COLOR: TBD

(Q)
TRAFFIC BOLLARD (WITH LED LIGHTING)
COLOR: TBD

(N)
PEDESTRIAN PAVING / HOLLANDSTONE TM.
PATTERN: 45 DEG. HERRINGBONE,
COLOR: RUSTIC RED



(P)
PEDESTRIAN PAVING / HOLLANDSTONE TM.
PATTERN: SOLDER COURSE
COLOR: RUSTIC RED

| No. | REVISIONS | Date |
|---|---|---|
| | | |

1-28-2017

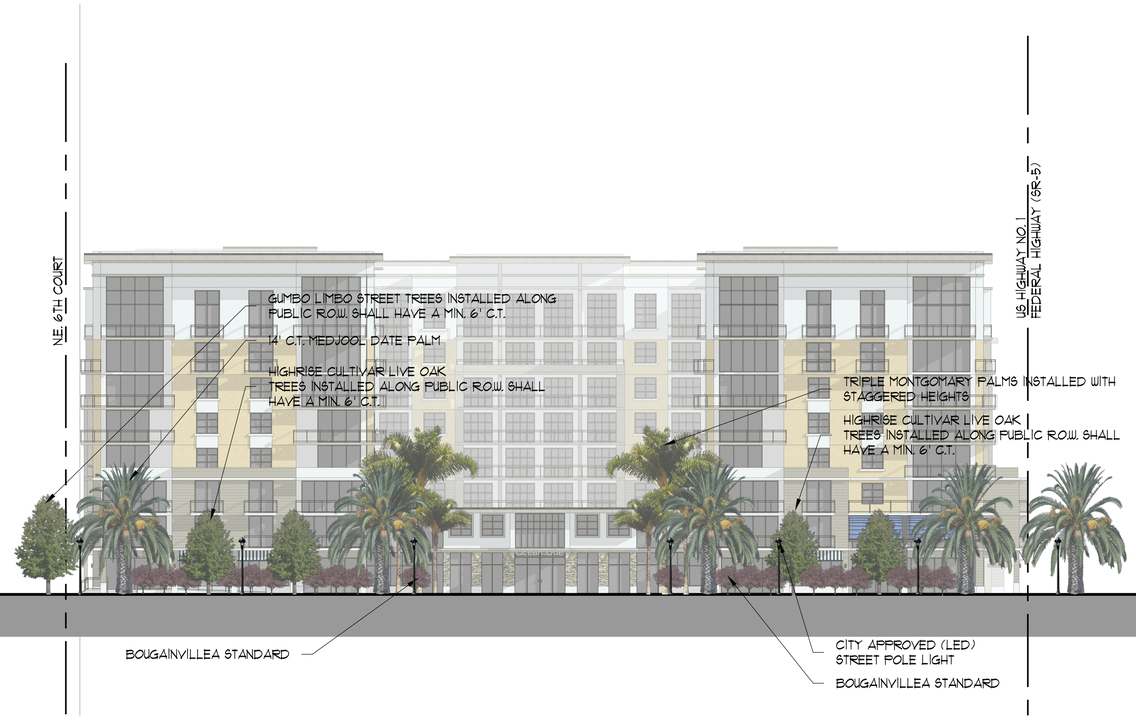
Project Name
Ocean One
114 N. Federal Highway, Boynton Beach, Fl
Drawing Title
HARDSCAPE PLAN

RHETT ROY
Landscape Architecture Planning, P.A.
412 North Andrews Avenue
Fort Lauderdale FL 33301
Florida License Number LA 393
Fax 954/462-0722
Phone 954/462-0704

Seal

Florida License No. 0000343

| | |
|---|---|
| Drawn | LSC |
| Project No. | 16018.00 |
| CAD File No. | 16018.00 |
| Date | 09/12/2016 |
| Scale | 1" = 30'-0" |
| Drawing No. | L2.00 |




GRAPHIC SCALE IN FEET
0 10 20 40

| No. | REVISIONS | Date |
|---|---|---|
| | | |

1-28-2017

Project Name
Ocean One
114 N. Federal Highway, Boynton Beach, Fl
Drawing Title
NORTH LANDSCAPE ELEVATION

RHETT ROY
Landscape Architecture Planning, P.A.
412 North Andrews Avenue
Fort Lauderdale FL 33301
Florida License Number LA 393
Fax 954/462-0722
Phone 954/462-0704

Seal

Florida License No. 0000848

Drawn
JSC

Project No.
16018.00

CAD File No.
16018.00

Date
09/12/2016

Scale
1" = 20'-0"

Drawing No.
L-3.00

| No. | REVISIONS | Date |
|---|---|---|
| | | |

1-28-2017

Project Name
Ocean One
114 N. Federal Highway, Boynton Beach, Fl

Drawing Title
EAST LANDSCAPE ELEVATION

RHETT ROY
Landscape Architecture Planning, P.A.
412 North Andrews Avenue
Fort Lauderdale FL 33301
Florida License Number LA 393
Fax 954/462-0722
Phone 954/462-0704

Seal

Florida License No. 0000343

Drawn
JSC

Project No.
16018.00

CAD File No.
16018.00

Date
09/12/2016

Scale
1" = 20'-0"

Drawing No.
L-3.01

| No. | REVISIONS | Date |
|---|---|---|
| | | |

1-28-2017

Project Name
Ocean One
114 N. Federal Highway, Boynton Beach, Fl

Drawing Title
SOUTH LANDSCAPE ELEVATION

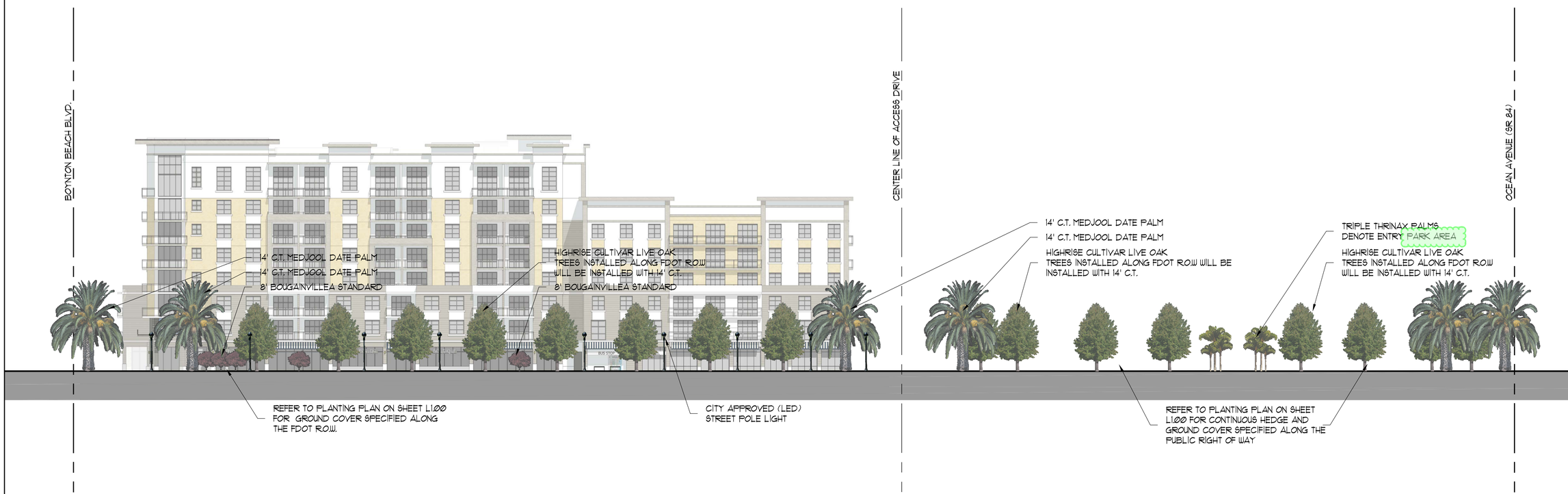
RHETT ROY

Landscape Architecture Planning, P.A.
412 North Andrews Avenue
Fort Lauderdale FL 33301
Florida License Number LA 393
Fax 954/462-0722
Phone 954/462-0704

Seal

Florida License No. 0000848

Drawn: LJSC
Project No.: 16018.00
CAD File No.: 16018.00
Date: 09/12/2016
Scale: 1" = 20'-0"
Drawing No.: L-3.02




| No. | REVISIONS | Date |
|---|---|---|
| | | |

1-28-2017

Project Name
Ocean One
114 N. Federal Highway, Boynton Beach, Fl

Drawing Title
WEST LANDSCAPE ELEVATION

RHETT ROY
Landscape Architecture Planning, P.A.
412 North Andrews Avenue
Fort Lauderdale FL 33301
Florida License Number LA 393
Fax 954/462-0722
Phone 954/462-0704

Seal

Florida License No. 0000843

Drawn
JSC

Project No.
16018.00

CAD File No.
16018.00

Date
09/12/2016

Scale
1" = 20'-0"

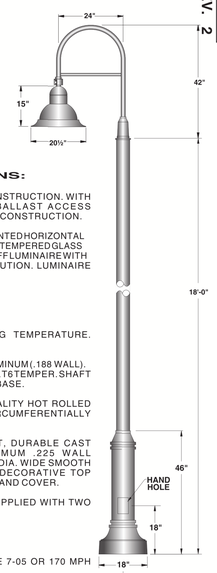
Drawing No.
L-3.03

SUN VALLEY LIGHTING

CUSTOMER APPROVAL:
X _____ DATE: _____
A signed approval will be required with the released order

PROPRIETARY SUBMITTAL, DO NOT MODIFY.

CS-7082
REV. 2




**SPECIFICATIONS:**

**LUMINAIRE:** **HOUSING** - HEAVY WALL ALUMINUM CONSTRUCTION. WITH REMOVABLE BALLAST TRAY FOR BALLAST ACCESS **REFLECTOR** - HEAVY WALL ALUMINUM CONSTRUCTION.

**OPTICS:** PRECISE, COMPUTER DESIGNED SEGMENTED HORIZONTAL REFLECTOR COMBINES WITH CLEAR FLAT TEMPERED GLASS LENS TO PRODUCE AN EFFICIENT, CUTOFF LUMINAIRE WITH TYPE II, III, IV OR V-SQ LIGHT DISTRIBUTION. LUMINAIRE PROVIDED WITH HOUSE SIDE SHIELD.

**LAMP HOLDER:** MEDIUM BASE PORCELAIN.

**LAMP:** 100W HPS (BY OTHERS)

**BALLAST:** PULSE START - H.P.F. -20°F STARTING TEMPERATURE. (MULTI-TAP VOLTAGE)

**SHAFT:** 5" DIA. EXTRUDED FROM 6063 ALLOY ALUMINUM (.188 WALL). SHAFT IS HEAT TREATED TO PRODUCE A T6 TEMPER. SHAFT IS CIRCUMFERENTIALLY WELDED TO BASE.

**ANCHOR BASE:** FABRICATED FROM STRUCTURAL QUALITY HOT ROLLED STEEL, BASE TELESCOPES AND IS CIRCUMFERENTIALLY WELDED TO SHAFT.

**DECORATIVE BASE:** TWO PIECE CORROSION RESISTANT, DURABLE CAST ALUMINUM CONSTRUCTION. MINIMUM .225 WALL THICKNESS. BASE CONSISTS OF A 18" DIA. WIDE SMOOTH STEPPED BOTTOM SECTION AND A DECORATIVE TOP SECTION PROVIDED WITH HAND HOLE AND COVER.

**ANCHORAGE:** (4) 3/4" X 24" ANCHOR BOLT, EACH SUPPLIED WITH TWO NUTS AND TWO WAHERS.

**FINISH:** POLYESTER POWDER COAT (SPECIFY COLOR)

**NOTE:** RATED FOR 150 MPH (ASD) PER ASCE 7-05 OR 170 MPH (ULTIMATE) PER ASCE 7-10.

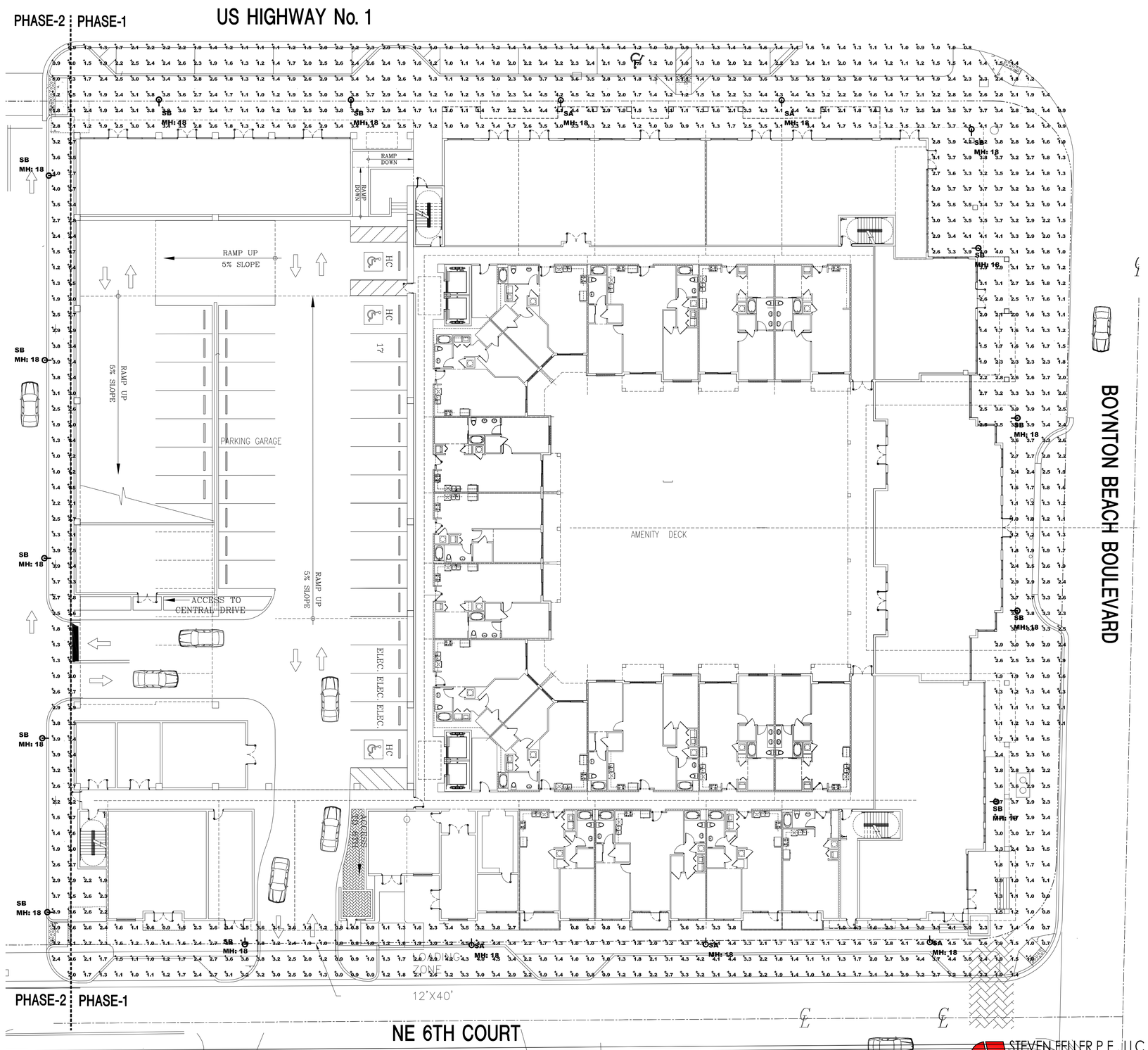
SCALE: 1/2" = 1'-0"

MADE IN THE USA

660 W. AVENUE O, PALMDALE, CA. 93551 (661) 233-2000 FAX NO. (661) 233-2001 www.sunvalleylighting.com

## SITE POLE SA/SB DETAIL

N. T. S.




## PHOTOMETRIC SITE PLAN - PHASE 1

SCALE 1/16" = 1'.0"

STEVEN FELLER P.E., LLC
FLORIDA P.E. Reg. # 22046
Certificate of Authorization # 00003427
500 N.E. THIRD AVENUE
FORT LAUDERDALE, FLORIDA 33301
PH: 954.467.1402 FAX: 954.467.5752
e-mail: fellerpe@fellerpe.com
JOB # 16004

COHEN · FREEDMAN · ENCINOSA & ASSOC.
*Architects, PA*
8085 N.W. 155th Street Miami Lakes, Florida 33016 305 826 3999

**Ocean One**
114 N. FEDERAL HIGHWAY, BOYNTON BEACH, FL

revisions:

drawn by: IK

date: 02/01/2017

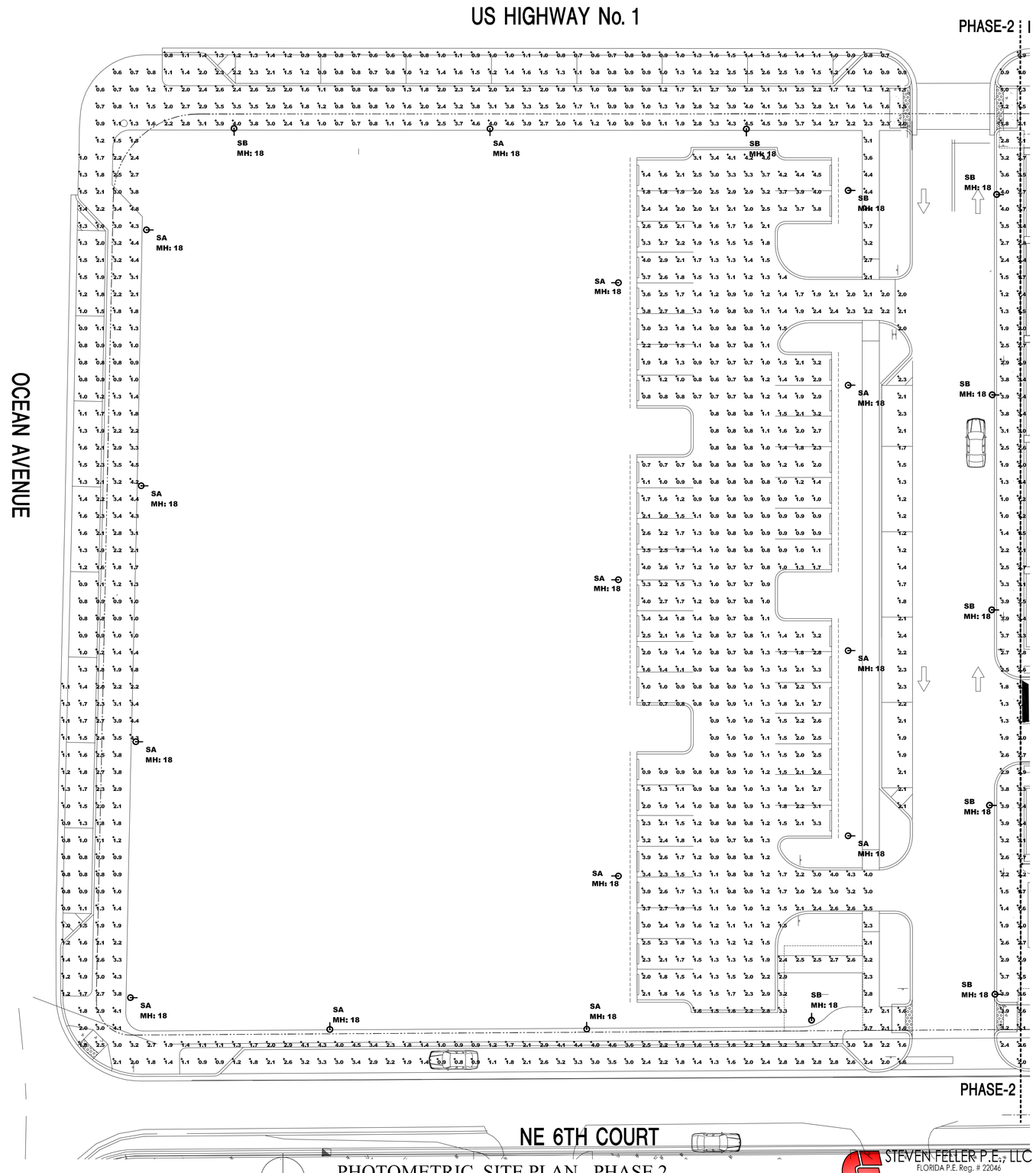
sheet no: PH-1

project:

File: E:\Ocean One_Photometrics\PH-1-2_Site plan.dwg | Layout: PH-1
User: Ivan Kouznetsov | Date: 2/01/2017 - 12:26:53 AM

| Luminaire Schedule | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Project: OCEAN ONE - SITE BOYNTON BEACH, FL 02/09/2017 | | | | | | | | |
| Symbol | Qty | Label | Arrangement | Manufacturer | Description | Lum. Lumens | LLF | Lum. Watts |
| | 18 | SA | SINGLE | US Architectural Lighting | DSS2-HR-III-100HPS MH: 18' POLE TOP MOUNT A.F.G. | 6761 | 1.000 | 130 |
| | 17 | SB | SINGLE | US Architectural Lighting | DSS2-HR-VSQ-100HPS MH: 18' POLE TOP MOUNT A.F.G. | 7286 | 1.000 | 130 |

| Calculation Summary | | | | | | | |
|---|---|---|---|---|---|---|---|
| Project: OCEAN ONE - SITE BOYNTON BEACH, FL 02/09/2017 | | | | | | | |
| Label | CalcType | Units | Avg | Max | Min | Avg/Min | Max/Min |
| ADJACENT PARKING LOT | Illuminance | Fc | 1.65 | 4.6 | 0.6 | 2.75 | 7.67 |
| PERIMETER | Illuminance | Fc | 2.30 | 4.6 | 0.6 | 3.83 | 7.67 |
| PERIMETER TOADJACENT PARKING LOT | Illuminance | Fc | 1.96 | 4.8 | 0.6 | 3.27 | 8.00 |




PHOTOMETRIC SITE PLAN - PHASE 2

SCALE 1/16" = 1'-0"


STEVEN FELLER P.E., LLC
FLORIDA P.E. Reg. # 22046
Certificate of Authorization # 00003427
500 N.E. THIRD AVENUE
FORT LAUDERDALE, FLORIDA 33301
PH: 954.467.1402 FAX: 954.467.5752
e-mail: fellerpe@fellerpe.com
JOB # 16004



COHEN · FREEDMAN · ENCINOSA & ASSOC.
*Architects, PA*
8085 N.W. 155th Street Miami Lakes, Florida 33016 305 826 3999


# Ocean One
## 114 N. FEDERAL HIGHWAY, BOYNTON BEACH, FL

revisions:

drawn by: IK

date: 02/01/2017

sheet no: PH-2

project:

File: E:\Ocean One_Photometric\PH-2 Site plan.dwg | Layout: PH-2
Date: 6/06/2017 - 3:25:54 AM

# EXHIBIT "C"

Conditions of Approval

Project Name: Ocean One
File number: NWSP 16-002
Reference: 5th review of plans identified as a New Site Plan with a February 13, 2017 Planning and Zoning Department date stamp marking.

| **DEPARTMENTS** | INCLUDE | REJECT |
|---|---|---|
| **ENGINEERING / PUBLIC WORKS / FORESTRY / UTILITIES** | | |
| Comments: | | |
| 1. Please note if triggered in the pending FDOT pre-application letter, a 12 foot wide right turn lane with appropriate storage and transition shall be provided on Federal Highway. If the turn lane is not required, a 30 foot turning radius shall be provided in the permitting phase. | X | |
| 2. Proposed bus shelter/stop location is contingent upon Palm Tran approval. Please coordinate with Palm Tran. | X | |
| 3. At time of permit submittal, please demonstrate compliance with ADA requirements for H/C parallel parking space along Federal Highway. | X | |
| 4. Developer will be responsible for replacement of existing FPL Street lighting adjacent to site with underground decorative street lighting to match existing poles and fixtures adjacent to property at Boynton Beach Boulevard. | X | |
| 5. At time of permit submittal, please demonstrate sight lines meet FDOT Standard Index 546 for the sight triangles along Federal Highway. | X | |
| 6. Please note that the City will require the 72" RCP storm line to be inspected via diver (pre and post construction) at the applicant's cost. Dive shall be video recorded and findings presented in a report. | X | |
| 7. At time of building permit submittal, please provide specific details on how the footer will be built to prevent damaging the City's 72" RCP storm pipe. | X | |
| 8. Please provide a proposed addressing plan. Addressing plan indicating all possible addresses for site, including all commercial spaces and units is required, prior to submittal of building permits. | X | |

| DEPARTMENTS | INCLUDE | REJECT |
|---|---|---|
| 9. Where public sidewalk is provided on private property, a 5 foot wide or larger easement will be required to be dedicated to the City prior to issuance of any permits. Indicate location of all public access easements and on all cross sections. | X | |
| 10. Any public drainage system that crosses on to private property will require a drainage easement. | X | |
| 11. Any existing easements, but specifically FPL, located on the property not proposed to be retained, will have to be vacated prior to permit issuance for building. | X | |
| 12. The existing 6-inch AC pipe along U.S.1 will be removed; therefore, the proposed fire hydrant cannot be connected to that line, as depicted. Per our last meeting on October 12, 2016, the following alternatives were proposed by the Utility Director:<br>a. Remove and replace the existing line, and connect the hydrant to the new line, or<br>b. Extend the water main from the fire hydrant on SW corner of the property to the U.S. 1 entrance, and connect the proposed fire hydrant. | X | |
| 13. The Developer shall, upon completion of the site improvements, install a ¾" course of Type S-III asphalt on Boynton Beach Boulevard, from Federal Highway's eastern edge of pavement to the concrete header curb forming the paver crosswalk at NE 6th Court. This requirement serves to overlay the existing road and conceal the road repairs resulting from the Developer's connecting with utilities under the paved road. | X | |
| 14. Each restaurant shall have its own grease trap. | X | |
| 15. At time of permit submittal, please provide an additional utility sheet that only shows site plan and proposed work. | X | |
| **FIRE** | | |
| Comments: All previous comments addressed at DART meeting. | X | |
| **POLICE** | | |
| Comments: All previous comments addressed at DART meeting. | X | |
| **BUILDING** | | |
| Comments: All previous comments addressed at DART meeting. | X | |

| DEPARTMENTS | INCLUDE | REJECT |
|---|---|---|
| **PARKS AND RECREATION** | | |
| Comments: | | |
| 16. Per City Ordinance, the Park Impact Fee is based upon a factor of $595 per unit for multi-family dwellings. Based upon the proposed 231 units in Phase I, the fee will be $137,445 (231 X $595). The fees associated with Phase II will be determined at time of site plan submittal for that portion of the site. | X | |
| **PLANNING AND ZONING** | | |
| Comments: | | |
| 17. It is the applicant's responsibility to ensure that the application requests are publicly advertised in accordance with Ordinance 04-007 and Ordinance 05-004 and an affidavit provided to the City Clerk and Planning & Zoning. | X | |
| 18. The garage shall be lined with commercial spaces on Federal Highway and wrapped on upper floors by habitable space anywhere the project has frontage on a public street per the LDR, Chapter 4, Article 3, Section 6.F.2.d., or an application for Community Design Plan Appeal must be approved as part of the project approval. | X | |
| 19. On Sheet C4.00 and the Master Plan, the building setback from the north property line appears to be approximately 19 feet. The build-to line required for Mixed Use High zoning is zero (0) feet, with an allowance of up to 15 feet for various design considerations. An application for Community Design Plan Appeal must be approved as part of the project approval in order to deviate from this design detail. | X | |
| 20. With the provision of the turnaround space at the gate in the parking garage, one parking space was lost, reducing the parking on that level from 55 to 54, total garage parking from 360 to 359 spaces, and reducing the excess parking to 25 spaces. At time of permitting, please revise all sheets to correspond accordingly. | X | |
| 21. Since Phase 1 of the project relies upon the entire site to meet the density and parking requirements, a Unity of Title, Unity of Control, or an alternate legal instrument acceptable to the City Attorney will be required for the entire site prior to the issuance of any permits. | X | |
| 22. At time of permit submittal, please provide a narrative explaining how parking will be monitored to ensure residents are not parking in guest and retail parking spaces. | X | |

| DEPARTMENTS | INCLUDE | REJECT |
|---|---|---|
| 23. Please know that on-street parking is supported by this Division, and that parking and any landscaping proposed in the Federal Highway right-of-way is subject to FDOT approval. Should any changes result from FDOT permitting in the design or number of parking spaces, the site plan will be required to be modified accordingly. | X | |
| 24. Clearly depict any proposed sign band where signage will be allowed on the building. As depicted, the sign locations do not appear to meet code. A subsequent site plan modification may be necessary for facade changes to accommodate tenant signage. | X | |
| 25. A Sign Program will be required for building identification and tenants. | X | |
| 26. Any review and approval of the project is subject to approval of the concurrent right-of-way abandonment request. | X | |
| **COMMUNITY REDEVELOPMENT AGENCY** | | |
| Comments: | | |
| 27. Please ensure a well-designed parking sign plan is in place to direct the public to parking entry. | X | |
| **PLANNING & DEVELOPMENT BOARD CONDITIONS** | | |
| Comments: | | |
| 28. Applicant shall convert four (4) regular parking spaces within the exterior parking (either on-street or in the surface lot) to handicap, update all affected drawings and parking counts (if changed as a result of the conversion to handicap spaces). | X | |
| **CITY COMMISSION CONDITIONS** | | |
| Comments: To be determined. | | |

S:\Planning\SHARED\WP\PROJECTS\Ocean One\NWSP 16-002\COA post P&D.doc

**DEVELOPMENT ORDER OF THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA**

PROJECT NAME: Ocean One (NWSP 16-002)

APPLICANT: Davis Camalier, Ocean One Boynton LLC

APPLICANT'S ADDRESS: 9816 S. Military Trail, Suite C2-3, Boynton Beach, FL 33436

DATE OF HEARING RATIFICATION BEFORE CITY COMMISSION: April 4, 2017

APPROVAL SOUGHT: Request for New Site Plan approval for multi-family residential (rental apartments) consisting of 231 dwelling units within an eight (8)-story building, retail space, and associated recreational amenities and parking on 1.93 acres.

LOCATION OF PROPERTY: 114 N. Federal Highway

DRAWING(S): SEE EXHIBIT "B" ATTACHED HERETO.

_____ THIS MATTER was presented to the City Commission of the City of Boynton Beach, Florida on the date of hearing stated above. The City Commission having considered the approval sought by the applicant and heard testimony from the applicant, members of city administrative staff and the public finds as follows:

1. Application for the approval sought was made by the Applicant in a manner consistent with the requirements of the City's Land Development Regulations.

2. The Applicant
   ___ HAS
   ___ HAS NOT

   established by substantial competent evidence a basis for the approval requested.

3. The conditions for development requested by the Applicant, administrative staff, or suggested by the public and supported by substantial competent evidence are as set forth on Exhibit "C" with notation "Included."

4. The Applicant's request is hereby
   ___ GRANTED subject to the conditions referenced in paragraph 3 above.
   ___ DENIED

5. This Order shall take effect immediately upon issuance by the City Clerk.

6. All further development on the property shall be made in accordance with the terms and conditions of this order.

7. Other: _____
   _____
   _____

DATED:_____ _____
City Clerk

S:\Planning\SHARED\WP\PROJECTS\Ocean One\NWSP 16-002\DO.doc

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:** Accept report by City Attorney regarding status of Red Light Camera Program Litigation and attorney fees

---

**EXPLANATION OF REQUEST:** At the March 21st City Commission meeting the City Commission directed the City Attorney to provide a report regarding outstanding Red Light Camera fine collection, court litigation and attorney fees. The City Attorney will provide information to the Commission in response to the request.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**
N/A

**FISCAL IMPACT:** None

**ALTERNATIVES:** Following Commission consideration of the report the City Commission may direct the City Attorney to continue prosecution and defense of Red Light Camera litigation, modify the degree to which violations are prosecuted and fine recovery pursued, and the extent to which the City Attorney's office should defend pending litigation.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

---

**Is this a grant?** No

**Grant Amount:**

---

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Legal | Swanson, Lynn | Approved | 3/28/2017 - 4:31 PM |
| Finance | Howard, Tim | Approved | 3/28/2017 - 5:00 PM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:43 AM |

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
Consider adopting a Chronic Nuisance Ordinance. - April 2017

---

**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

---

**Is this a grant?** No

**Grant Amount:**

---

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| City Clerk | Stanzione, Tammy | Approved | 3/22/2017 - 3:49 PM |

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:** Discuss cancelling the July 4th City Commission meeting - April 4, 2017

---

**EXPLANATION OF REQUEST:**
The first Commission meeting in July falls on Tuesday, July 4, 2017. On October 4, 2016 the Commission decided by consensus to move the meeting to Wednesday, July 5, 2017.

The Mayor requested this item be placed on a future agenda to discuss if the Commission may be interested in cancelling the meeting.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

---

**Is this a grant?** No

**Grant Amount:**

---

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| City Clerk | Stanzione, Tammy | Approved | 3/22/2017 - 3:49 PM |

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
Monthly Departmental Presentations:

Communications/Marketing - April 18, 2017

---

**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:**

**CLIMATE ACTION DISCUSSION:**

---

**Is this a grant?** No

**Grant Amount:**

---

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| City Clerk | Stanzione, Tammy | Approved | 3/22/2017 - 3:49 PM |

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
Recommend vendor as result of Request for Proposal for Pension Benefit Consultant - April 18, 2017

---

**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:** Budgeted

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

---

**Is this a grant?** No

**Grant Amount:**

---

**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| City Clerk | Stanzione, Tammy | Approved | 3/22/2017 - 3:49 PM |

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
Budget workshops for the FY 17/18 budget are scheduled in the Library Program Room on the following dates and times:

Monday, July 17, 2017 @ 5:00 P.M.
Tuesday, July 18, 2017 @ 10:00 A.M.
Wednesday, July 19, 2017 @ 2:00 P.M.

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**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:** Budgeted

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Finance | Howard, Tim | Approved | 3/28/2017 - 5:39 PM |
| Finance | Howard, Tim | Approved | 3/28/2017 - 5:39 PM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:25 AM |

# CITY OF BOYNTON BEACH
# AGENDA ITEM REQUEST FORM

**COMMISSION MEETING DATE: 4/4/2017**

**REQUESTED ACTION BY COMMISSION:**
The Commission has scheduled a Public Input - Budget Workshop on:

Tuesday, May 30, 2017 @ 6:30 P.M. in the City Commission Chambers

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**EXPLANATION OF REQUEST:**

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?**

**FISCAL IMPACT:** Budgeted

**ALTERNATIVES:**

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION: No**

**CLIMATE ACTION DISCUSSION:**

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**Is this a grant?** No

**Grant Amount:**

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**REVIEWERS:**

| Department | Reviewer | Action | Date |
|---|---|---|---|
| Finance | Howard, Tim | Approved | 3/28/2017 - 5:39 PM |
| Finance | Howard, Tim | Approved | 3/28/2017 - 5:40 PM |
| City Manager | LaVerriere, Lori | Approved | 3/31/2017 - 9:26 AM |