



# AGENDA

Lake Park Town Commission  
 Town of Lake Park, Florida  
**Regular Commission Meeting**  
**Wednesday, December 17, 2008,**  
 Immediately following the  
**Special Call CRA Board Meeting,**  
 Lake Park Town Hall  
 535 Park Avenue

<b>Desca DuBois</b>	—	<b>Mayor</b>
<b>Edward Daly</b>	—	<b>Vice-Mayor</b>
<b>G. Chuck Balius</b>	—	<b>Commissioner</b>
<b>Jeff Carey</b>	—	<b>Commissioner</b>
<b>Patricia Osterman</b>	—	<b>Commissioner</b>
<hr style="border-top: 1px dashed black;"/>		
<b>Maria V. Davis</b>	—	<b>Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian Mendez Lemley</b>	—	<b>Town Clerk</b>

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

- A. **CALL TO ORDER**
- B. **INVOCATION**
- C. **PLEDGE OF ALLEGIANCE**
- D. **ROLL CALL**
- E. **ADDITIONS/DELETIONS - APPROVAL OF AGENDA**
- F. **PROCLAMATION(S):**
  - Jhonathan Zaldivar – Outstanding Local Student Recognition
  - Badcock Furniture Home Furniture & More – Atilus Family Support
  - Thomas Masters, Mayor of Riviera Beach – Atilus Family Support
- G. **PRESENTATION:**  
 Presentation by Intergovernmental Consultant Fausto Gomez

H. **PUBLIC and OTHER COMMENT**

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

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

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

For Approval:

1. Regular Commission Meeting Minutes of December 3, 2008 Tab 1
2. November 5, 2008 Special Call Attorney-Client Session Announcement Minutes Tab 2
3. Town of Lake Park V. Joseph Sorota (Foreclosure Action) Tab 3
4. Professional Engineering Services for Drainage and Streetscape Improvements for Lake Shore Drive Tab 4
5. Marina South Breakwater Project Change Order # 1 Tab 5
6. Award of Removal and Replacement of Concrete Sidewalk in Various Locations to American Concrete Enterprise Tab 6
7. Award of Bid to Lanzo Lining Services, Inc. for RFQ #0813, 9<sup>th</sup> Street Storm Drain Cured-In-Place Pipe Lining, Hawthorne Drive to W. Ilex Drive Tab 7
8. Resolution No. 66-12-08 Pension Plan Amendment Tab 8

K. **PUBLIC HEARING(S)**

**ORDINANCE ON SECOND READING:**

9. **ORDINANCE NO. 21-2008 Tax Incentives Ballot Question**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SUBMITTING TO REFERENDUM THE QUESTION OF WHETHER THE TOWN COMMISSION SHALL BE AUTHORIZED TO GRANT TO NEW BUSINESSES OR TO EXEMPT EXISTING BUSINESSES WHICH EXPAND AN EXEMPTION FROM THE PAYMENT OF PROPERTY TAXES LEVIED BY THE TOWN PURSUANT TO SECTION 3, ARTICLE VII OF THE STATE CONSTITUTION; ESTABLISHING THE DATE OF MARCH 10, 2009 FOR THE REFERENDUM; PROVIDING FOR A BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Tab 9**

**10. ORDINANCE NO. 22-2008 New Marina Fishing Pier Hours**  
**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE**  
**PARK, FLORIDA, AMENDING CHAPTER 76, ARTICLE III, SECTION 76-74,**  
**“ENTITLED PERMITTED HOURS OF USE”; TO CHANGE THE HOURS OF**  
**PERMITTED USE OF THE LAKE PARK HARBOR MARINA TO PREVENT USE**  
**OF, AND VEHICULAR PARKING AT, THE MARINA FROM 11:00 P.M. TO 6:00**  
**A.M.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION;**  
**PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR**  
**AN EFFECTIVE DATE.** **Tab 10**

**L. DISCUSSION AND POSSIBLE ACTION:**

**11. Video Cameras for Lake Shore Park**

**Tab 11**

**M. ADJOURNMENT:**

# Proclamation

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 17, 2008

Agenda Item No. *Proclamation*

- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING              | <input type="checkbox"/> RESOLUTION                            |
| <input type="checkbox"/> Public Hearing              | <input type="checkbox"/> DISCUSSION                            |
| <input type="checkbox"/> ORDINANCE ON FIRST READING  | <input type="checkbox"/> BID/RFP AWARD                         |
| <input type="checkbox"/> ORDINANCE ON SECOND READING | <input type="checkbox"/> CONSENT AGENDA                        |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM    | <input checked="" type="checkbox"/> <b>Other: Proclamation</b> |

**SUBJECT:** Outstanding local student recognition

**RECOMMENDED MOTION/ACTION:** Issue Proclamation recognizing Jhonathan Zaldivar for his achievements and leadership qualities

**Approved by Town Manager** *W. Davis* **Date:** *12/10/08*

Virginia Martin, Grants Writer  
Name/Title

December 9, 2008  
Date of Actual Submittal

<b>Originating Department:</b> <i>Mayor</i>	Costs: \$ N/A Funding Source: Acct. #	<b>Attachments:</b> Proclamation
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Grants <i>GM</i> _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <i>GM</i> _____: Please initial one.

**Summary Explanation/Background:** A local 8<sup>th</sup> grade student, Jhonathan Zaldivar, attends H. L. Watkins Middle School, and was recently awarded the Winner Scholarship for his academic performance, leadership skills, and exemplary citizenship while attending the school. He is well liked and respected by his teachers and his peers. It is reasonable that this behavior and performance should be acknowledged and rewarded by his community as an example of what we expect of our youth.

# PROCLAMATION

## RECOGNIZING AN OUTSTANDING STUDENT

**WHEREAS**, Jhonathan Zaldivar is an eighth grade student at H. L. Watkins Middle School who has been awarded the coveted "Winner Scholarship;" and

**WHEREAS**, Jhonathan Zaldivar has been variously described by his teachers as "a leader," "polite," "involved," "industrious," and "dedicated;" and

**WHEREAS**, Jhonathan Zaldivar, in addition to his academic pursuits, is actively involved in the Yearbook and Builder's Club, and serves as a student aide in the Guidance Office at H. L. Watkins Middle School; and

**WHEREAS**, Jhonathan Zaldivar is, according to his teachers, in sync academically, ever ready with bits of interesting information about subjects under discussion, willing to "lighten the load" when necessary, having the uncanny ability to challenge everyone to do their best; and

**WHEREAS**, the Commissioners of the Town of Lake Park and I want to recognize the efforts of this young man in his academic excellence, his leadership qualities and potential, and in having justifiably earned the "Winner Scholarship."

**NOW, THEREFORE**, on behalf of the Town Commission, Staff, and Citizens of the Town of Lake Park, I, Mayor Desca DuBois, do hereby recognize Jhonathan Zaldivar for being a young man who is a tribute to his family, his school, and to his community.

**IN WITNESS WHEREOF**, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 17<sup>th</sup> day of December, 2008.

By: \_\_\_\_\_  
Mayor Desca DuBois

ATTEST:

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



**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 17, 2008

Agenda Item No. *Proclamation*

- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING              | <input type="checkbox"/> RESOLUTION                            |
| <input type="checkbox"/> Public Hearing              | <input type="checkbox"/> DISCUSSION                            |
| <input type="checkbox"/> ORDINANCE ON FIRST READING  | <input type="checkbox"/> BID/RFP AWARD                         |
| <input type="checkbox"/> ORDINANCE ON SECOND READING | <input type="checkbox"/> CONSENT AGENDA                        |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM    | <input checked="" type="checkbox"/> <b>Other: Proclamation</b> |

SUBJECT: Atilus family support

RECOMMENDED MOTION/ACTION: Issue Proclamation recognizing Badcock Home Furniture & More for contribution

Approved by Town Manager

*W. Davis*

Date:

*12/12/08*

Desca DuBois, Mayor  
Name/Title

December 9, 2008  
Date of Actual Submittal

<b>Originating Department:</b> Mayor	Costs: \$ N/A  Funding Source:  Acct. #	<b>Attachments:</b> Proclamation
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <u>DD</u> :  Please initial one.

**Summary Explanation/Background:** John Baber, owner of the local Badcock Home Furniture & more donated an entire house full of furniture to the Atilus family following the untimely death of their husband and father at the Mayor's request.



# PROCLAMATION

## RECOGNIZING AN OUTSTANDING BUSINESS OWNER AND CORPORATE CITIZEN

*WHEREAS*, the W. S. Badcock Corporation was founded in 1904; and

*WHEREAS*, the W. S. Badcock Corporation is one of the largest privately-owned home furniture retailers in the United States; and

*WHEREAS*, the local Badcock Home Furniture & More has been in business since 1998 in a store owned by John Baber and located at 1409 10<sup>th</sup> Street in the Town of Lake Park, Florida; and

*WHEREAS*, when recently asked to help a local family in distress, John Baber and the Lake Park Badcock Home Furniture & More were unhesitant in their willingness to help by generously donating an entire house of furniture to a Lake Park family who suffered the loss of their husband, father, and sole provider; and

*WHEREAS*, the Commissioners of the Town of Lake Park and I want to acknowledge the overwhelming compassion of John Baber and his Staff at the Lake Park Badcock Home Furniture & More.

*NOW, THEREFORE*, on behalf of the Town Commission, Staff, and Citizens of the Town of Lake Park, I, Mayor Desca DuBois, do hereby recognize John Baber and his Staff at the Lake Park Badcock Home Furnishings & More for their outstanding Corporate Citizenship.

*IN WITNESS WHEREOF*, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 17<sup>th</sup> day of December, 2008.

By: \_\_\_\_\_  
Mayor Desca DuBois

ATTEST:

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

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 17, 2008

Agenda Item No. *Proclamation*

- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING              | <input type="checkbox"/> RESOLUTION                            |
| <input type="checkbox"/> Public Hearing              | <input type="checkbox"/> DISCUSSION                            |
| <input type="checkbox"/> ORDINANCE ON FIRST READING  | <input type="checkbox"/> BID/RFP AWARD                         |
| <input type="checkbox"/> ORDINANCE ON SECOND READING | <input type="checkbox"/> CONSENT AGENDA                        |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM    | <input checked="" type="checkbox"/> <b>Other: Proclamation</b> |

SUBJECT: Atilus family support

RECOMMENDED MOTION/ACTION: Issue Proclamation recognizing Thomas Masters, Mayor of Riviera Beach for assistance and support of efforts to help the Atilus family

Approved by Town Manager *H. Davis* Date: *12/12/08*

Desca DuBois, Mayor  
Name/Title

December 9, 2008  
Date of Actual Submittal

<b>Originating Department:</b> Mayor	Costs: \$ N/A Funding Source: Acct. #	<b>Attachments:</b> Proclamation
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <u>DD</u> : Please initial one.

**Summary Explanation/Background:** Thomas Masters, Mayor of Riviera Beach, helped facilitate translation for the Mayor to speak with the Atilus family in the immediate aftermath of the shooting., and also helped Mayor DuBois orchestrate the donation of goods and services for the family.

# PROCLAMATION

## RECOGNIZING AN ACTIVIST AND HUMANITARIAN

*WHEREAS*, Thomas Masters is the Mayor of Riviera Beach, an activist, and humanitarian; and

*WHEREAS*, Mayor Masters has clearly stated that “not enough is being done about violence and crime, and addressing the issues of importance to the ordinary citizen;” and

*WHEREAS*, Mayor Masters immediately responded to a call for help to translate and facilitate discussions between myself, as Mayor of Lake Park, and the devastated family of Fresnel Atilus, a man whose life was tragically ended while he worked to support his family; and

*WHEREAS*, Mayor Masters further gave generously of his time and energies to help the Mayor of Lake Park arrange donations of goods and services needed by the family during the initial crisis and its immediate aftermath; and

*WHEREAS*, the Commissioners of the Town of Lake Park and I want to acknowledge the willing assistance and expertise provided by Mayor Masters in helping our community bring some degree of stability to this family.

*NOW, THEREFORE*, on behalf of the Town Commission, Staff, and Citizens of the Town of Lake Park, I, Mayor Desca DuBois, do hereby recognize Mayor Thomas Masters for his calm and compassionate service to the Town and the Atilus family in helping to ameliorate their anxiety during this extraordinarily difficult time.

*IN WITNESS WHEREOF*, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 17<sup>th</sup> day of December, 2008.

By: \_\_\_\_\_  
Mayor Desca DuBois

ATTEST:

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

# Presentation

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 17, 2008

Agenda Item No. *Presentation*

- |  |   |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> Ordinance on Second Reading<br><input type="checkbox"/> Public Hearing<br><br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><br><input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> RESOLUTION<br><br><input type="checkbox"/> DISCUSSION<br><br><input type="checkbox"/> BID/RFP AWARD<br><br><input type="checkbox"/> CONSENT AGENDA |
|--|---|

**Other: Presentation by Intergovernmental Consultant Fausto Gomez**

**SUBJECT: 2009 Legislative Session**

**RECOMMENDED MOTION/ACTION: N/A**

Approved by Town Manager *W. Davis* Date: *12/2/08*

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Date of Actual Submittal

<b>Originating Department:</b>  <p style="text-align: center;"><b>Town Manager</b></p>	Costs: \$ _____  <b>Funding Source:</b> Acct. # _____	<b>Attachments:</b>   
<b>Department Review:</b> <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background: Consultant Fausto Gomez will briefly discuss the 2009 State budget and legislative session.**

# Consent Agenda

# TAB 1

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 17, 2008

Agenda Item No. Tab 1

- |   |  |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> Ordinance on Second Reading<br><input type="checkbox"/> Public Hearing<br><br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><br><input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION<br><br><input type="checkbox"/> DISCUSSION<br><br><input type="checkbox"/> BID/RFP AWARD<br><br><input checked="" type="checkbox"/> CONSENT AGENDA |
|---|--|

SUBJECT: Regular Commission Meeting Minutes of December 3, 2008.

RECOMMENDED MOTION/ACTION: Approve the Minutes from the Regular Commission Meeting of December 3, 2008.

Approved by Town Manager

*W. Davis*

Date:

12/12/08

*Jessie Hilde*  
Deputy Clerk

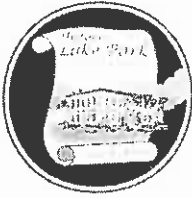
12/11/08

Date of Actual Submittal

<b>Originating Department:</b> Town Clerk	Costs: \$ N/A  Funding Source:  Acct. #	<b>Attachments:</b>
<b>Department Review:</b> <input type="checkbox"/> City Attorney <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development	<input type="checkbox"/> Finance <input type="checkbox"/> Fire Dept <input type="checkbox"/> Library <input type="checkbox"/> PBSO	<input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Town Clerk <i>vmk</i> <input type="checkbox"/> Town Manager
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <input checked="" type="checkbox"/> _____:  Please initial one.

Summary Explanation/Background:





**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**December 3, 2008 7:30 p.m.**

**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, December 3, 2008 at 7:30 p.m. Present were Mayor DuBois, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Attorney Thomas Baird, Town Manager Maria Davis and Town Clerk Vivian Mendez Lemley.

Mayor DuBois led the Invocation.

Mayor DuBois led the Pledge of Allegiance.

Town Clerk Vivian Mendez Lemley performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

None

**Motion: A motion was made by Commissioner Balius to approve the Agenda; Commissioner Carey made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor DuBois	X		

Motion passed 5-0.

**PUBLIC and OTHER COMMENT**

None

**COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY**

**Commissioner Balius**

None

**Vice-Mayor Daly**

None

**Commissioner Carey**

None

**Commissioner Osterman** clarified that it was National City Bank that was providing a grant for the Town's Martin Luther King Celebration and stated that things were progressing nicely for the event. She stated that CRA Board Member Michelle McKenzie-Suiter was able to get one of the Highwaymen and one of the other Highwaymen's son to participate in the festival and will be having a signing. She stated that Lake Park Elementary will be holding an art competition which has 120 children participating.

**Mayor DuBois** asked if the art would be exhibited.

**Commissioner Osterman** stated that she believed the art would be exhibited at the Library the week before the competition.

**Mayor DuBois** wished everyone a safe and happy holiday.

**Attorney Thomas Baird** stated that he and Town Manager Maria Davis would be engaging in mediation tomorrow with Mr. Sorota and his son. He stated that it was his belief that the mediation would be successful.

Attorney Baird gave an update on the Marina Security Bid investigation. He gave a brief explanation of his discussion with Mr. Wummer of Advanced National Security. He stated that his conclusion was that he does not have an answer as to how Town letterhead was placed in the bid package and it would not be conducive to staff or himself to pursue the matter any further. He explained the rebidding process that would take place as a result of the Commission's vote to have the Marina Security Service rebid.

**Town Manager Maria Davis** stated that due to unforeseen circumstances the Friday night Sunset Party at the Marina would be canceled. She announced the Holiday Event at Lake Shore Park would take place on Saturday, December 6, 2008 beginning at 6 p.m. Santa will arrive at 6:15 p.m and the tree lighting would take place at 6:45 p.m.

**Mayor DuBois** stated that she would be judging at the Holiday Boat Parade on December 6 and would not be able to attend the tree lighting service at Lake Shore Park.

#### **CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of November 5, 2008
2. Regular Commission Meeting Minutes of November 19, 2008

Commissioner Carey stated that page 7 of the November 19, 2008 Commission Meeting Minutes indicated that he had made a motion and a second on the motion for the ordinance which would include ballot language to adopt for a referendum question that would provide tax incentives to new businesses in the Town. He asked that the minutes be reviewed and corrected to reflect that he had made the motion and another Commissioner had made the second.

#### **Public Comment Open.**

*None*

Public Comment Closed.

**Motion:** A motion was made by Commissioner Balius to approve the Consent Agenda with modifications to the November 19, 2008 Commission Meeting Minutes; Commissioner Balius made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor DuBois	X		

Motion passed 5-0.

**PUBLIC HEARINGS**

**QUASI-JUDICIAL HEARING: ORDINANCE ON 2<sup>nd</sup> READING**

**ORDINANCE NO. 20-2008 – Congress Avenue Properties LLC Rezoning of Parcel D AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP TO REZONE AN APPROXIMATELY 25.769 ACRE PARCEL OF LAND OWNED BY CONGRESS AVENUE PROPERTIES LIMITED WHICH IS GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF WATERTOWER ROAD AND CONGRESS AVENUE AS DEPICTED ON THE LOCATION MAP FROM A ZONING DESIGNATION OF C-4 BUSINESS DISTRICT TO C-2 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ex-parte communication was declared as follows:

- Mayor DuBois – none
- Vice-Mayor Daly –none
- Commissioner Balius – none
- Commissioner Osterman – none
- Commissioner Carey – none

Town Clerk Vivian Mendez Lemley swore in all witnesses.

Community Development Director Patrick Sullivan explained the reason for Ordinance No. 20-2008.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 20-2008 upon 2nd reading; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 20-2008 by caption-only.

**ORDINANCE ON 1st READING**

**ORDINANCE NO. 21-2008 – Tax Incentives Ballot Question**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SUBMITTING TO REFERENDUM THE QUESTION OF WHETHER THE TOWN COMMISSION SHALL BE AUTHORIZED TO GRANT TO NEW BUSINESSES OR TO EXEMPT EXISTING BUSINESSES WHICH EXPAND AN EXEMPTION FROM THE PAYMENT OF PROPERTY TAXES LEVIED BY THE TOWN PURSUANT TO SECTION 3, ARTICLE VII OF THE STATE CONSTITUTION; ESTABLISHING THE DATE OF MARCH 10, 2009 FOR THE REFERENDUM; PROVIDING FOR A BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance No. 21-2008 upon 1st reading; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other

Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 21-2008 by caption-only.

**ORDINANCE NO. 22-2008 – New Marina Fishing Pier Hours**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76, ARTICLE III, SECTION 76-74, “ENTITLED PERMITTED HOURS OF USE”; TO CHANGE THE HOURS OF PERMITTED USE OF THE LAKE PARK HARBOR MARINA TO PREVENT USE OF, AND VEHICULAR PARKING AT, THE MARINA FROM 11:00 P.M. TO 6:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 22-2008 upon 1st reading; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 22-2008 by caption-only.

**RESOLUTION NO. 65-12-08 – Elected Officials Using Town Letterhead or Their Elected Official Title**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING RESOLUTION 47-2001 DIRECTING THAT ANY WRITTEN COMMUNICATIONS WHEREBY THE MAYOR, VICE-MAYOR OR A COMMISSIONER USES THEIR TITLE OR USES THE OFFICIAL TOWN STATIONERY MUST FIRST BE APPROVED BY A MAJORITY OF THE FULL COMMISSION AT A PUBLIC MEETING; PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Resolution No. 65-12-08; Commissioner Carey made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor DuBois	X		

Motion passed 5-0.

**DISCUSSION AND POSSIBLE ACTION**

**Charter Change Discussion**

Town Manager Maria Davis explained and reviewed the proposals to change certain articles of the Town Charter. The first of which was to change the requirement for a Town Manager to have a minimum experience in Public Administration two years to five years. The next provision that staff recommended changing was the section of the charter that provides for the appointment of the Mayor or any Commissioner to execute the duties of the Town Manager in the absence of the Town Manager. Staff believes this defeats the premise of the Manager /Commission form of government.

She stated that under Article XVI "Registration and Elections" staff recommended that "run off" elections be eliminated, strictly for economic reasons and that "run off" elections only happen in the event of a tie vote.

Lastly she stated that there was nothing in the Town Charter that required an elected official to reside in the Town through their term in office. She stated that staff recommended adding a residency requirement for elected officials in the Town Charter.

Mayor DuBois stated that most municipalities do not require a supermajority vote to hire or fire a Town Manager. She asked the Commission for their opinion of changing the requirement to hire or fire a Town Manager from supermajority to majority.

**The Commission came to consensus to keep the requirement of a supermajority vote to hire or fire a Town Manager.**

Discussion ensued among the Commissioners regarding the elimination of “run off” elections.

Attorney Baird stated that he would check with the Florida League of Cities on how other municipalities handle their run off elections. He also stated that he would have to research the Florida Statutes in order to determine which charter change proposals would need to be changed by referendum, or if some could be changed by ordinance.

Discussion ensued among the Commissioners regarding the residency requirements of elected officials.

**The Commission came to consensus to make it a requirement for an elected official to be a resident of the Town for the duration of their term in office.**

**The Commission came to consensus to remove the section of the charter that provides for the appointment of the Mayor or any Commissioner to execute the duties of the Town Manager in the absence of the Town Manager.**

**The Commission came to consensus to require a Town Manager have at least of five years of Public Administration experience instead of two.**

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balius and seconded by Commissioner Osterman, and by unanimous vote, the meeting adjourned at 8:10 p.m.

---

Mayor DuBois

---

Deputy Clerk Jessica Shepherd

---

Town Clerk Vivian Mendez Lemley

Town Seal

Approved on this \_\_\_ of \_\_\_\_\_, 2008.



# TAB 2

**Town of Lake Park Town Commission**  
**Agenda Request Form**

Meeting Date: December 17, 2008      Agenda Item No. *Tab 2*

- |  |   |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING              | <input type="checkbox"/> RESOLUTION                       |
| <input type="checkbox"/> ORDINANCE ON SECOND READING | <input type="checkbox"/> DISCUSSION                       |
| <input type="checkbox"/> ORDINANCE ON FIRST READING  | <input type="checkbox"/> BID/RFP AWARD                    |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM    | <input checked="" type="checkbox"/> <b>CONSENT AGENDA</b> |

SUBJECT: Special Call Attorney-Client Session of November 5, 2008

RECOMMENDED MOTION/ACTION: Approve the minutes of the Special Call Attorney-Client Session of November 5, 2008

Approved by Town Manager *W. Davis*      Date: *12/10/08*  
*Vivian M. Lemley*      *12/10/08*  
 Name/Title      Date of Actual Submittal

<b>Originating Department:</b>  <p style="text-align: center;"><b>Town Clerk</b></p>	Costs: \$ _____ Funding Source: _____ Acct. # _____	<b>Attachments:</b>  <p style="text-align: center;"><b>Minutes</b></p>
<b>Department Review:</b> <input type="checkbox"/> Attorney _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____	<input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Recreation _____ <input checked="" type="checkbox"/> Town Clerk <i>VML</i> <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <u>n/a</u>  <b>Please initial one.</b>

**Summary Explanation/Background:**



**Town of Lake Park**  
**Special Call Attorney-Client Session**  
**Town Hall Commission Chambers**  
**535 Park Avenue, Florida 33403**  
**Wednesday, November 5, 2008 6:30 p.m.**

The Town Commission met for the purpose of a Special Call Attorney-Client Session on Wednesday, November 5, 2008 at 6:30 p.m. Present were Mayor DuBois, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Attorney Thomas Baird, Town Manager Maria Davis, Town Clerk Vivian Mendez Lemley and an appointed court reporter.

Mayor DuBois led the Pledge of Allegiance.

Town Clerk Vivian Mendez Lemley performed the Roll Call.

**THE TOWN COMMISSION WENT INTO AN ATTORNEY-CLIENT SESSION; THE PURPOSE OF THE ATTORNEY-CLIENT SESSION WAS FOR DISCUSSING THE O'CAMPO AND SOROTA FORECLOSURE CASES. LOCATION OF THE MEETING WAS THE TOWN HALL CONFERENCE ROOM WITH THE FOLLOWING PERSONS IN ATTENDANCE: ATTORNEY THOMAS BAIRD, MAYOR DUBOIS, VICE-MAYOR DALY, COMMISSIONERS BALIUS, CAREY, OSTERMAN, TOWN MANAGER MARIA DAVIS AND A COURT REPORTER.**

**The Commission went into the Attorney-Client session at 6:33 p.m.**

**The Special Call Attorney-Client Meeting was reconvened at 7:23 p.m.**

**ADJOURNMENT**

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

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

\_\_\_\_\_  
Town Clerk Vivian Mendez Lemley

(Town Seal)

Approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2008

# TAB 3

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 17, 2008

Agenda Item No. *Tab 3*

PUBLIC HEARING

RESOLUTION

Public Hearing

DISCUSSION

ORDINANCE ON FIRST READING

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

CONSENT AGENDA

Other:

**SUBJECT:** Town of Lake Park V. Joseph Sorota (foreclosure action)

**RECOMMENDED MOTION/ACTION:** Ratification of the Settlement Proposal

Approved by Town Manager

*He. Davis*

Date:


*12/12/08*

<b>Originating Department:</b>  <p style="text-align: center;"><b>Town Attorney</b></p>	Costs: \$ N/A  Funding Source:  Acct. #	Attachments:  <p style="text-align: center;"><b>Letter from Attorney</b></p>
<b>Department Review:</b> <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary:** Mayor Dubois, Patrick Sullivan and Town Attorney, Thomas J. Baird attended mediation with Mr. Sorota and his attorneys. A settlement was reached whereby Mr. Sorota will pay the Town \$85,000 within 60 days of the Settlement Stipulation between the parties being executed. If this payment is not made within the 60 days, then the Town is entitled to a Final Judgment of Foreclosure in the amount of \$280,000. According to Mr. Sorota's son, Alan Sorota, it is his intention to pay the town, demolish the existing building and construct a Flannigan's restaurant on the site.

**TOWN OF LAKE PARK**  
INTER-OFFICE MEMORANDUM

To: Mayor and Town Commission

From: Thomas J. Baird, Town Attorney 

Date: December 10, 2008

Re: Town of Lake Park v. Sorota

Cc: Maria Davis, Town Manager  
Patrick Sullivan, AICP, Community Development Director

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On Thursday, December 4, 2008, Mayor Dubois, Patrick Sullivan and I participated in a second mediation with Mr. Joseph Sorota. Also present was Mr. Sorota's son, Alan Sorota, Esquire and another attorney, Aldo Beltrano, Esquire. Mr. Sorota was no longer interested in selling his property to the Town for \$450,000. This was most likely a result of the two appraisals coming in at a value which exceeded the Property Appraiser's 2007 assessed value of \$640,156. (The average of the two appraisals was \$676,310.) Moreover, the Property Appraiser's 2008 assessed value is \$672,620. Additionally, Alan Sorota plans to demolish the building and redevelop it. He represented that his neighbor owns the Flannigan chain of restaurants and that he and Mr. Flannigan plan to develop a new Flannigan's at this location. Consequently, the Mediator suggested we try to negotiate a fine to be paid to the Town.

The Mediator suggested we use the amount requested in the Town's Complaint. Although the Sorotas' disputed this amount they agreed to negotiate using the figure of \$183,663.75 as the "baseline." Naturally, the Sorotas' disputed the amount of the fines and raised several defenses which if accepted would substantially reduce the amount of fines due.

Because this case is before a Judge with "equity" jurisdiction, the Judge has wide latitude to reduce or even eliminate the fine. It was the mediator's opinion that Mr. Sorota might be viewed by a Court sympathetically and therefore the likelihood of any substantial recovery was tenuous. After trading offers and counteroffers, the Mayor agreed to recommend a settlement of \$85,000. I disclosed to the mediator that I have represented the Town on a contingent fee basis and I was entitled to 25% of the settlement as compensation. We then made two attempts to exceed the \$85,000. Our last offer of \$90,000 was rejected because \$85,000 was the maximum Alan Sorota had available for settlement. Following discussion with the mediator, the Mayor, Mr. Sullivan and I all agreed that we would recommend \$85,000 to the Town Commission.

The settlement agreement also provides that if the \$85,000 is not paid in 60 days the Town shall be entitled to a judgment of foreclosure in the amount of \$280,000. The property would then be sold at an auction. If only the Town were to bid, the Town would be awarded a certificate of title for its judgment amount (\$280,000). If there are other bidders, and any one of them bids more than \$280,000 the Town would receive \$280,000 from the highest bidder in satisfaction of its judgment.

# TAB 4

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 17, 2008

Agenda Item No. *Tab 4*

- |  |   |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING              | <input type="checkbox"/> RESOLUTION                       |
| <input type="checkbox"/> Ordinance on Second Reading | <input type="checkbox"/> DISCUSSION                       |
| <input type="checkbox"/> Public Hearing              | <input type="checkbox"/> BID/RFP AWARD                    |
| <input type="checkbox"/> ORDINANCE ON FIRST READING  | <input checked="" type="checkbox"/> <b>CONSENT AGENDA</b> |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM    |   |
| <input type="checkbox"/> Other:                      |   |

**SUBJECT: Professional Engineering Services for Drainage and Streetscape Improvements for Lake Shore Drive**

**RECOMMENDED MOTION/ACTION: Approve**

Approved by Town Manager *W Davis* Date: *12/5/08*

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Date of Actual Submittal

<b>Originating Department:</b>  Town Manager	Costs: \$205,850 Funding Source: \$100,000 Legislative Grant Appropriation \$105,805 Stormwater Improvements Drainage Acct. # 402-82101	Attachments: Proposal
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____:  Please initial one.



**Summary Explanation/Background: The Town Commission recently established a stormwater utility in order to begin addressing the Town's stormwater improvement needs. It has been determined that the area of Town which clearly has the worst flooding conditions is Lake Shore Drive.**

**The total cost of design for the Lake Shore Drive Improvements is \$205,850. The Town applied for and was granted a \$100,000 appropriation from the State to begin the design process for drainage and streetscape improvements for Lake Shore Drive. The remaining \$105,850 required to complete the design will be funded through stormwater utility revenue collected.**

**Staff has reviewed the attached proposal and finds it to be in order.**



September 16, 2008

Ms. Maria Davis  
Town Manager  
Town of Lake Park  
535 Park Avenue  
Lake Park, FL 33403

**RE: Lake Shore Drive**  
CGA Proposal No. 08-1908

Dear Ms. Davis,

We are pleased to submit this proposal for Professional Services on the above referenced project located in the Town of Lake Park.

**I. Professional Engineering Services**

**A. Electrical Engineering**

1. Perform electrical engineering design services for pedestrian and street lighting.
2. Perform electrical engineering services to develop specifications for pedestrian and street lighting.

**B. Civil Engineering**

**1. Preliminary Engineering**

- Prepare for and attend 2 Public Hearings to select the desired alternative
- Coordinate with the Town of Lake Park, SFWMD, FDEP, FDOT, SUA and other applicable agencies.
- Prepare Preliminary Roadway and Water Main Replacement Plans.
- Prepare preliminary water management calculations.
- Prepare preliminary cost estimates.

**2. Final Engineering**

Engineering  
Construction Engineering  
& Inspection  
Municipal Engineering  
Transportation Planning  
& Traffic Engineering  
Surveying & Mapping  
Planning  
Landscape Architecture  
& Environmental Services  
Construction Services  
Indoor Air Quality  
Data Technologies  
& Development

560 Village Blvd., Suite 340  
West Palm Beach, FL 33409  
Phone: 561.684.6161  
Fax: 561.684.6360  
www.calvin-giordano.com

- Prepare Stormwater Pump Station plans and details.
- Prepare Stormwater Pollution Prevention Plans and Details.
- Prepare final flood routing calculations.
- Prepare final cost estimates.

### 3. Engineering Permitting

- Attend any required pre-application meetings with agencies.
- Prepare and submit applications to agencies including all plans, calculations and other data required to secure necessary permits.
- Secure the following permits from the following agencies, including required permits for temporary facilities:
  - Drainage – South Florida Water Management District - ERP
  - Drainage – FDEP – Drainage Wells
  - Drainage – FDOT Drainage Connection Permit
  - Potable Water Distribution System – Palm Beach County Fire Rescue approval
  - Potable Water Distribution System – SUA approval
  - Potable Water Distribution System Construction – Palm Beach County Health Department
- Note: All permit fees shall be paid by Client.
- Attend any required pre-application meetings.
- Prepare and submit applications to agencies including all plans, calculations and other data required to secure necessary permits.
- Respond to agency comments and/or requests for information.
- Conduct any coordination required throughout the permitting process in order to secure permits.

### 4. Bidding Phase Services

- Prepare Bid Documents
- Attend Pre-Bid Meeting
- Address contractor RFI's

- Attend Bid Opening
- Evaluate Bids

## **II. Professional Landscape Architecture Services**

- A. Using the Surveyed base information, verify conditions of any existing trees/palms and provide assessment of the viability to relocate, remove or remain in current location.
- B. Coordinate issues of Civil, Traffic and Electrical Engineering to ensure that all development issues for the park have been considered.
- C. Prepare overall plan of linear park in conjunction with the Civil Engineering proposed solutions for the drainage and pedestrian crosswalk areas.
- D. Design the paving surfaces for the project and provided options for site furnishings for the City to review.
- E. Finalize the layout as the other disciplines refine the designs of the park.
- F. Design the proposed planting plans, plant lists and planting details.
  1. Provide irrigation design, specifications and details.
- G. Upon receiving approval of the design development plans by the City, coordinate the construction document plans for bidding the project.
- H. Provide assistance through the bidding timeframe.
- I. All construction administration scope will be provided hourly as directed by the City.

## **III. Professional Surveying Services**

- A. Engineering Design Survey

1. Calvin, Giordano & Associates, Inc. (CGA) shall prepare a topographic survey in accordance with Rule 61G17-6 of the Florida Administrative Code (F.A.C.). The limits of the survey shall encompass the entire right of way of Lake Shore Drive from the north limits of the Lake Park Marina to a point approximately 85-feet east of the intersection of U.S. 1 (Federal Highway) and Lake Shore/Palmetto Drive. The survey shall also extend 25-feet east of the east right of way line and a minimum of 50-feet west of the west right of way line of Lake Shore Drive. The survey limits shall also include all intersecting side streets from their intersection with Lake Shore Drive west to North Federal Highway. The survey limits shall also include Lake Shore Park and Kelsey Park. In addition, lands lying west of Lake Shore Drive and east of Federal Highway may be included in the survey limits (as to determination of existing ground elevations) to enable the design engineer to calculate the amount of runoff these lands have historically contributed to the Lake Shore Drive drainage basin. Services include resurrecting a sufficient number of monuments to define the right of way lines of Lake Shore Drive and the intersecting side streets. The survey shall depict the location of all visible improvements including drainage outfalls. CGA shall coordinate with utility operators to have underground utilities marked with surface paint marks which CGA shall then field locate. Elevations relative to the National Geodetic Vertical Datum of 1929 (NGVD 29) shall be determined at 50-foot cross section intervals along Lake Shore Drive and along intersecting side streets. Finished floor elevations shall be determined for building structures adjacent to Lake Shore Drive and within Lake Shore Park and Kelsey Park. Rim and invert elevations for all gravity sewer structures will be determined and said measurements shall include pipe size and type.

## **BASIS OF PROPOSAL**

- Any opinion of the construction cost prepared by Calvin, Giordano & Associates, Inc. represents its judgment as a design professional and is supplied for the general guidance of the CLIENT since Calvin, Giordano & Associates, Inc. has no control over the cost of labor and material, or over competitive bidding or market conditions. Calvin, Giordano & Associates, Inc. does not guarantee the accuracy of such opinions as compared to contractor bids or actual cost to the CLIENT.
- Any outside engineering services, studies, or laboratory testing not specifically mentioned in the Scope of Services will be the responsibility of the CLIENT. All municipal, permit, and agency fees as well as Title Certificates will be paid by the CLIENT.
- Basic services outlined within this proposal shall be considered complete when the project plans are submitted to the regulatory agencies for Certification.
- Calvin, Giordano & Associates, Inc. is performing the consultant services set forth in this Agreement strictly as a professional consultant to CLIENT. Nothing contained in this Agreement shall create any contractual relationship between Calvin, Giordano & Associates, Inc. and any contractor or subcontractor performing construction activities on the project, or any of CLIENT's other professional consultants.
- Calvin, Giordano & Associates, Inc. is performing the surveying services set forth in this Agreement strictly as a professional consultant to CLIENT. Nothing contained in this Agreement shall create any contractual relationship between Calvin, Giordano & Associates and any contractor or subcontractor performing construction activities on the project, or any of CLIENT's other professional consultants.
- Calvin, Giordano & Associates, Inc. shall not be responsible for the contractor's schedules or failure to carry out the construction in accordance with the construction documents. Calvin, Giordano & Associates, Inc. shall not have control over or charge of acts or omissions of the contractor, subcontractors, or their agents or employees, or of any other persons performing portions of the construction.
- Calvin, Giordano & Associates, Inc. will ensure that all consultants carry proper insurance, including professional liability insurance, if appropriate.
- Permit construction certification will include one partial and one final inspection.

## **ADDITIONAL FEES**

The following services are NOT included in this proposal and will be considered Additional Services, which will be addressed in a separate contractual agreement. The services include but are not limited to:

- Architectural, structural (i.e., retaining walls, bridges, docks), mechanical (i.e., fire pumps), fire protection, geotechnical and testing, environmental assessment, power, gas, telephone, cable television, site lighting services.
- Calculations for needed fire flow for site demands, based on building type use and size, if required.
- Calculations of off-site flood stages.
- Construction quality control inspections.
- Off-site engineering and negotiations for off-site easements, if required (other than as specified in the Scope of Services).
- Permit application or negotiation with permitting authorities other than those specifically listed herein.
- Preparation of construction contract documents, other than drawings and technical specifications (e.g., bid schedule, project manual);
- Professional land surveying not included in the scope of services (i.e., buried utility investigation, easement research, condominium documents, project stake-out and as-built drawings).
- Professional services required due to conditions different from those itemized under the Scope of Services or due to events beyond the control of Calvin, Giordano & Associates, Inc.
- Professional services required, due to changes in the site plan initiated by the CLIENT, their representatives or other consultants (e.g., architects, landscape architects, etc.) after either design or preparation of the construction drawings has commenced.
- Re-review of rejected shop drawings.
- Review and approval of Contractor pay requests.
- Review of Data supplied by the CLIENT (i.e. GIS data sets, databases, aerial images, etc.) required for integration into this project.
- Review of shop drawings for contractor or Client selected alternatives, materials, products, etc.
- Special shop drawing annotation and modification to expedite shop drawing approval process.
- Updated boundary survey, site evaluation or closing assistance work, unless specified above.
- Construction Engineering and Engineering Inspections during Construction
- Services and fees associated with a Test Drainage Well

## **REIMBURSABLE EXPENSES**

Calvin, Giordano & Associates, Inc. and its consultants will be reimbursed for the printing of drawings and specifications, deliveries, Federal Express services, required travel time and travel expenses, long distance telephone calls, fax transmittals, postage, fees paid for securing approval of authorities having jurisdiction over the project, renderings, models and mock-ups required by CLIENT, as required. Reimbursable expenses and sub-consultant invoices will be billed directly to the CLIENT at a multiplier of 1.25.

### **MEETING ATTENDANCE**

Due to the difficulties of predicting the number or duration of meetings, no meetings other than those listed above, are included in the Schedule of Fees shown below. Preparation for and meeting attendance, as necessary, will be provided on a time and materials basis and will be billed at the standard hourly rates in accordance with the attached Hourly Rate Schedule.

### **SCHEDULE OF FEES**

Calvin, Giordano & Associates, Inc. will perform the Scope of Services for a lump sum fee as shown in the proposed Schedule of Fees:



- Calvin, Giordano & Associates, Inc. agrees to indemnify, hold harmless and, at CLIENT's option, defend or pay for an attorney selected by CLIENT, to defend CLIENT, its officers, agents, servants, and employees against any and all claims, losses, liabilities, and expenditures of any kind, including attorney fees, any appellate attorney costs, court costs, and expenses, caused by, arising from or related to any acts, omissions or negligence of Calvin, Giordano & Associates, Inc.
- Calvin, Giordano & Associates, Inc. and the CLIENT agree by their signatures on this document that each party will not hire or attempt to hire any staff from the other party while under contract together.
- Calvin, Giordano & Associates, Inc. is preparing and providing drawings, plans, specifications and other documents as outlined in the scope of services for this Agreement for use in the construction of this project, based upon design and construction criteria prepared and provided by others, including but not limited to the CLIENT and CLIENT's consultants. Calvin, Giordano & Associates, Inc. is not responsible for any errors and omissions in the aforesaid design and construction criteria provided by others.
- CLIENT agrees to indemnify, hold harmless and, at Calvin, Giordano & Associates, Inc.'s option, defend or pay for an attorney selected by Calvin, Giordano & Associates, Inc., to defend Calvin, Giordano & Associates, Inc., its officers, agents, servants, and employees against any and all claims, losses, liabilities, and expenditures of any kind, including attorney fees, any appellate attorney costs, court costs, and expenses, caused by, arising from, or related to any acts, omissions or negligence of CLIENT or its consultants.
- CLIENT agrees to limit Calvin, Giordano, & Associates, Inc.'s liability for any and all claims that CLIENT may assert on its own behalf or on behalf of another, including but not limited to claims for breach of contract or breach of warranty, to the amount of fees paid to Calvin, Giordano & Associates, Inc., pursuant to this Agreement.
- Drawings, specifications, and other documents and electronic data furnished by Calvin, Giordano & Associates, Inc. in connection with this project are instruments of service. All original instruments of service shall be retained by Calvin, Giordano & Associates, Inc. and will remain their property, with all common law, statutory and other reserved rights, including copyright, in those instruments. This information provided in the instruments of service is proprietary and will not be shared with others without prior written consent. The CLIENT may request reproducible copies, and all original documents upon payment of all outstanding invoices, and expenses.
- In the event of termination in accordance with this Agreement or termination not the fault of Calvin, Giordano & Associates, Inc., Calvin, Giordano & Associates, Inc. shall be compensated for services properly performed prior to receipt of notice of termination, together with Reimbursable Expenses then due.
- Invoices for work accomplished to date will be submitted monthly and are payable within thirty (30) days. The CLIENT will pay invoices upon receipt and understands interest charges of 1.5% per month will be applied to any unpaid balance past thirty (30) days. Calvin, Giordano & Associates, Inc. may elect to stop work until payment is received. If work is stopped for thirty (30) days or more, Calvin, Giordano & Associates, Inc. may request compensation for start-up costs when work resumes.

- The CLIENT or their representative shall be available to meet with Calvin, Giordano & Associates, Inc. and provide decisions in a timely manner throughout the course of the project. The CLIENT will provide all plans and other pertinent information, which are necessary for Calvin, Giordano & Associates, Inc. to provide complete professional services as outlined in this contract.
- The terms of Agreement shall be valid for the Client's acceptance for a period of thirty (30) days from the date of execution by Calvin, Giordano & Associates, Inc. after which time this contract offer becomes null and void if not accepted formally (evidenced by receipt of an executed copy of this document). All rates and fees quoted in this document shall be effective for a period of six (6) months, after which time they may be renegotiated with the CLIENT.
- This Agreement may be terminated by either party upon not less than seven (7) days written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination. Failure of CLIENT to make payments to Calvin, Giordano & Associates, Inc., in accordance with this Agreement, shall be considered substantial nonperformance and cause for termination.

#### **MISCELLANEOUS PROVISIONS**

- CLIENT and Calvin, Giordano & Associates, Inc., respectively, bind themselves, their partners, successors, assigns, and legal representatives to the other party to this Agreement and to the partners, successors, assigns, and legal representatives of such other party with respect to all covenants of this Agreement. Neither CLIENT nor Calvin, Giordano & Associates, Inc. shall assign this Agreement without written consent of the other.
- This Agreement represents the entire and integrated agreement between the CLIENT and Calvin, Giordano & Associates, Inc. and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Calvin, Giordano & Associates, Inc. and the CLIENT.
- Unless otherwise provided, this Agreement shall be governed by the law of the place where the project is located.

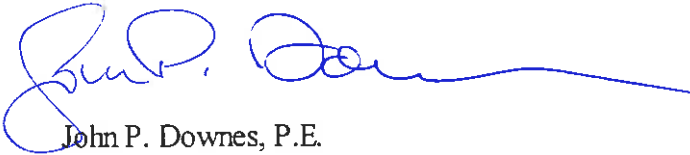
#### **TERMINATION OF THE AGREEMENT**

- This Agreement may be terminated by either party upon not less than seven (7) days written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination. Failure of CLIENT to make payments to Calvin, Giordano & Associates, Inc., in accordance with this Agreement, shall be considered substantial nonperformance and cause for termination.
- In the event of termination in accordance with this Agreement or termination not the fault of Calvin, Giordano & Associates, Inc., Calvin, Giordano & Associates, Inc. shall be compensated for services properly performed prior to receipt of notice of termination, together with Reimbursable Expenses then due.

We appreciate the opportunity to submit this proposal. Calvin, Giordano & Associates, Inc. is prepared with the necessary manpower to proceed with the proposed scope of services upon receipt of the executed authorization. Our personnel are committed to completing the project in a timely manner. Please indicate your acceptance of this proposal by signing below and returning one executed copy of the contract to this office. We look forward to working with you in making this project a success.

Sincerely,

**CALVIN, GIORDANO & ASSOCIATES, INC.**

A handwritten signature in blue ink, appearing to read "John P. Downes", with a long horizontal flourish extending to the right.

John P. Downes, P.E.  
Executive Vice President

Cost of these services are \$205,850.00 plus hourly as noted in fee breakdown.

**ACCEPTANCE OF CONTRACT**

---

**CALVIN, GIORDANO & ASSOCIATES, INC.**

By: John P. Downes  
Name: John P. Downes, P.E.  
Title: Executive Vice President

Date: 9/18/08

By: \_\_\_\_\_  
Name: Ms. Maria Davis  
Title: Town Manager

Date: \_\_\_\_\_

# TAB 5

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 17, 2008

Agenda Item No. *Tab 5*

- |   |   |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> Ordinance on Second Reading<br><input type="checkbox"/> Public Hearing<br><br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><br><input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION<br><br><input type="checkbox"/> DISCUSSION<br><br><input type="checkbox"/> BID/RFP AWARD<br><br><input checked="" type="checkbox"/> <b>CONSENT AGENDA</b> |
|---|---|

**SUBJECT:** Marina South Breakwater Project Change Order # 1

**RECOMMENDED MOTION/ACTION:** Approve

Approved by Town Manager

*W. P. Davis*

Date:

*12/10/08*

Name/Title

Date of Actual Submittal

<b>Originating Department:</b>  <p style="text-align: center;"><b>Town Manager</b></p>	<b>Costs: \$52,000</b>  <b>Funding Source: Florida Fish and Wildlife Commission Grant</b> Acct. # _____	<b>Attachments:</b> Change Order Request Email Regarding Rubble Survey Letter from Engineer
<b>Department Review:</b> <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** As you are aware, staff directed Cutcher and Associates to perform a rubble survey in the basin of the marina due to discovery of rubble on the bottom of the basin which damaged a tenant's boat. The survey revealed quite a number of

**sites consisting of concrete or timber rubble in size from 2 square feet to over 16 square feet. Most of the rubble appears to be waste material from the marina demolition/construction project.**

**Staff applied for and was granted a dredging grant from the Florida Fish and Wildlife Commission in the amount of \$58,276 last year. To date, \$2,500 was spent to remove the rubble that damaged the tenant's boat.**

**Palm Beach Marine Construction, Inc. is the contractor which was awarded the South Breakwater Project, which is currently under construction. Cutcher and Associates provided Palm Beach Marine Construction, Inc. with the rubble survey and negotiated a price of \$52,000 to remove the rubble in the basin. This entire change order expense will be paid with grant dollars. Staff recommends approval of change order # 1 to Palm Beach Marine Construction, Inc. in the amount of \$52,000, which will increase the contract amount from \$331,340 to \$383,340.**

# ***Cutcher & Associates, Inc.***

## ***Coastal Engineers***

Voice: (561) 748-6746  
Fax: (561) 748-6865  
Email: depth@gate.net

752 North US Hwy 1,  
Tequesta, FL 33469

December 10, 2008

Maria Davis – Town Manager  
Town of Lake Park – Lake Park Marina  
535 Park Ave.  
Lake Park, FL 33403

### **RE: Change Order #1 – Rubble Removal & Time Extension: South Breakwater Construction & Floating Dock Repair**

Maria:

As you are aware, Change Order #1 as submitted for Commission approval addresses the rubble removal within the marina basin. This rubble material poses a navigation restriction in several places. As requested, we have completed a survey of the rubble material. That survey has been provided to PBMC (Palm Beach Marine Construction) as the basis for the change order price determination.

PBMC originally proposed a price change of \$57,000 for the removal, transportation and disposal of said rubble. I advised PBMC that this value would exceed the available funds (FWC grant), considering that some of the grant money has already been used for rubble removal within the basin and that I could not recommend the change order as such. PBMC proposed a price reduction of \$5,000 which would equate to a \$52,000 value.

In consideration of the amount of material, wide distribution of material and the anticipated difficulty of said removal, I would consider the proposed change of \$52,000 to be acceptable. Furthermore, the work must be completed by December 30, 2008 which places a considerable challenge on the contractor. PBMC has assured me that the work can however be completed by the 30<sup>th</sup> in order to qualify for the FWC grant. Therefore, I recommend the proposed price change.

With regards to the proposed contract time extension, I recommend that the project completion date be extended from December 23, 2008 to February 12, 2009. This is due to:

1. Additional work requested by Owner – rubble removal
2. Delay in shipping of floating dock repair materials – Bellingham Marine
3. Difficulty in pile driving due to presence of rock layer

Should you have any questions with regards to this letter, please do not hesitate to call me.

Sincerely,

*Robert Cutcher*

Robert Cutcher, P.E.



# AIA Document G701™ - 2001

## Change Order

PROJECT: <i>(Name and address)</i>	CHANGE ORDER NUMBER: 001	OWNER	<input checked="" type="checkbox"/>
Town of Lake Park south breakwater	DATE: 12/9/2008	Engineer	<input checked="" type="checkbox"/>
construction floating dock repairs	ARCHITECT'S PROJECT NUMBER: 07-272	CONTACTOR	<input type="checkbox"/>
TO CONTRACTOR: <i>(Name and address)</i>		FIELD	<input type="checkbox"/>
Palm Beach Marine Construction Inc.	CONTRACT DATE	OTHER	<input type="checkbox"/>
1410 Forsythe Road, W. Palm Beach, FL	CONTRACT FOR:		

The Contract is changed as follows:

*(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)*

Remove and discard existing demolition debris, rocks, trash, etc. as per survey provided by Cutcher & Associates dated 12/4/08. \$52,000

Please note additional charges that may apply if:

1) debris is larger than anticipated; 2) piles are embedded in rock; 3) divers are required to cut, saw, etc. Barge time with crew, crane & tug is \$750/hr. 4) Disposal of hazardous materials is encountered; 5) Disposal charges if debris exceeds quantities on survey.

Palm Beach Marine Construction Inc. requests that an Owner's representative be present at all times of the debris removal.

The original (Contract Sum) (Guaranteed Maximum Price) was	\$ 331,340.00
The net change by previously authorized Change Orders	\$ -
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was	\$ 331,340.00
The (Contract Sum) (Guaranteed Maximum Price) will be increased	
by this Change Order in the amount of	\$ 52,000.00
The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be	\$ 383,340.00
The original Contract Time for completion was	12/23/2008
The new Contract Time for completion is	2/12/2008

*(Note: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.)*

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER

Cutcher & Associates Inc, Coastal Engineers  
Engineer *(Firm name)*

Palm Beach Marine Construction Inc.  
CONTRACTOR *(Firm name)*

Town of Lake Park  
OWNER *(Firm name)*

752 US Hwy 1 Tequesta, FL 33469

1410 Forsythe Rd, W Palm Beach

535 Park Av. Lake Park, FL 33403

ADDRESS

ADDRESS

ADDRESS

BY *(Signature)*

BY *(Signature)*

BY *(Signature)*

*(Typed name)*

*(Typed name)*

*(Typed name)*

**Maria Davis**

---

**From:** Roxann [roxann@cutcherassociates.com]  
**Sent:** Tuesday, November 25, 2008 4:34 PM  
**To:** jdowns@dkdr.com  
**Cc:** Maria Davis  
**Subject:** FW: Lake Park Marina Rubble Survey

Below please find a copy of an e-mail that Robert wanted forwarded to you. Please feel free to give us a call if you have any questions.

Wishing you a Happy Thanksgiving for everyone at Cutcher and Associates, Inc.

Roxann Stobie  
Office Manager



***Cutcher & Associates, Inc.***

***Coastal Engineers***

752 US Hwy. 1  
Tequesta, FL 33469  
Voice: 561-748-6745  
Fax: 561-748-6865  
Email: [roxann@cutcherassociates.com](mailto:roxann@cutcherassociates.com)

---

**From:** Bob Berry [mailto:r.berry@cutcherassociates.com]  
**Sent:** Tuesday, November 25, 2008 4:28 PM  
**To:** depth@gate.net  
**Cc:** roxann@cutcherassociates.com  
**Subject:** Lake Park Marina Rubble Survey

Robert:

We have just completed the rubble survey in the Lake Park Harbor Marina. We identified over 34 sites consisting of concrete or timber rubble, ranging in size from 2 sf to over 16 sf. Most of the debris appears to be waste material from the marina demo / construction project. A report with location map shall be completed by next week.

**Bob Berry - Marine Engineer**



***Cutcher & Associates, Inc.***

***Coastal Engineers***

12/10/2008

# TAB 6

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 17, 2008

Agenda Item No. *Tab 6*

- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING              | <input type="checkbox"/> RESOLUTION                |
| <input type="checkbox"/> Ordinance on Second Reading | <input type="checkbox"/> DISCUSSION                |
| <input type="checkbox"/> Public Hearing              | <input type="checkbox"/> BID/RFP AWARD             |
| <input type="checkbox"/> ORDINANCE ON FIRST READING  | <input checked="" type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM    |  |
| <input type="checkbox"/> Other:                      |  |

**SUBJECT: Award of Removal and Replacement of Concrete Sidewalk in Various Locations to American Concrete Enterprise**

**RECOMMENDED MOTION/ACTION: Approve**

Approved by Town Manager *W. Davis* Date: *12/10/08*

Name/Title

Date of Actual Submittal

<b>Originating Department:</b>  Town Manager	Costs: \$14,933.48 Funding Source: Streets and Roads Fund Acct. #	Attachments: Letter Quotes
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** Staff solicited letter quotes for the replacement of various broken concrete sidewalk flags. Staff recommends award to the lowest responsible bidder, American Concrete Enterprise, in the amount of \$14,933.48.

TELEPHONE BID  
TOWN OF LAKE PARK, FLORIDA

Date 12/9/08

Awarded to AMERICAN CONCRETE ENTERPRISE

Requisition # \_\_\_\_\_

1020 POWELL DR. RIVIERA BCH, FLA.

PH. 840-8884

Item	Units	Description	Unit	Total
1.		REPAIR CITY SIDEWALKS		\$ 14,933.48
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

33404

Bid of ORF. CONST. 1830 HYPOLUXO RD, Bid of \_\_\_\_\_

1.	6.	SUITE 125B LANTANA FL. 33462	6.	
		PH. 547-4608	7.	
			8.	
			9.	
			10.	

\$ 19,662.18

Bid of S&F CONST. 2180 SE. 1ST ST, Bid of \_\_\_\_\_

1.	6.	BOYNTON BCH, FL. 737-4175	6.	
			7.	
			8.	
			9.	
			10.	

\$ 23,781.00


AMERICAN CONCRETE ENTERPRISE,  
 INC.  
 1020 POWELL DR.  
 RIVIERA BEACH, 33404


# Estimate

DATE
10/31/2008

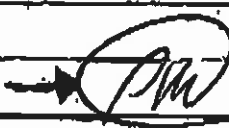
NAME / ADDRESS
THE TOWN OF LAKE PARK 630 OLD DIXIE HWY LAKE PARK, FL 33403 ***REVISED 12/09/2008***

ITEM	DESCRIPTION	QTY	TERMS	PROJECT
			CITY PAY SCHED.	
			COST	TOTAL
CITYWALK CITYWALK CITYWALK HC	REMOVE AND REPLACE VARIOUS SECTIONS OF 5 FT WIDE CITYWALK AS INSTRUCTED. THE BELOW PRICING INCLUDES ALL LABOR, MATERIALS AND EQUIPMENT NEEDED TO REMOVE, DISPOSE OF, FORM AND POUR CONCRETE WALKS ALL REMEDIAL CLEANUP BY AMERICAN CONCRETE ENT.			
	REPLACE ONLY 4" CITYWALK SQ FT'	157.95	5.44	859.25
	REMOVE & REPLACE 4" CITYWALK SQ FT	1,967	5.44	10,700.48
	REMOVE & REPLACE 6" CITYWALK SQ FT' H/C STAMP LOCATIONS - STAMP ONLY EA.	448.75 5	6.68 75.22	2,997.65 376.10
THE ABOVE QUANTITIES ARE REFLECTIVE OF ATTACHED LOCATION/QUANTITY SHEETS ISSUED BY THE TOWN OF LAKE PARK. ADDITIONAL QUANTITIES IF REQUESTED WOULD BE EXTRA.				
			<b>TOTAL</b>	\$14,933.48

LOCATION	SIZE	COMMENT	SQ FT
1.) 5 <sup>th</sup> St + Foresteria Dr. (WEST SIDE)	5' x 109' x 4"	THICKEN EDGE	545.00
	5' x 36.5' x 6"	@ CORNER	182.50
	5' x 4' x 6"	(3) STAMPS	20.00
2.) 5 <sup>th</sup> St + Foresteria Dr. (EAST SIDE)	5.5 x 5	} 4" THICK R/R	27.50
	5' x 4.5		22.50
	5' x 19'		95.00
3.) EVERGREEN @ HOUSE # 424 (S)	5' x 5	R/R	25.00
4.) EVERGREEN @ HOUSE # 417 (N)	5' x 20' x 4"	TREE ROOT	100.00
5.) LOTTIE MAY PARK	5' x 13.5'	} 4" R/R	67.50
	5' x 20.25'		101.25
	5' x 5'		25.00
	5' x 5.5'		27.50
	5' x 6'	} 6" THICK / THICKENED EDGE	30.00
	5' x 7'		35.00
	5' x 19.5'		97.50
	5' x 5'		} 4" R/R
5' x 5'	25.00		
INITIAL HERE →		(CONT'D)	

LOCATION	SIZE	COMMENT	SA \$
(CONTD) LOTTIE MAY PARK	5'x5.5'		27.50
	5'x 15.5'	4" THICK	77.50
	5'x 5.25'	R/R	26.25
	5'x 5'		25.00
	5'x 6.5'	6" THICK END	32.50
			EDGE (1) STAMP
	5'x10'	4" THICK	50.00
	5'x 3'		15.00
	5'x 30'		750.00
6.) DATE PALM & 2ND ST.	5'x 11.25'	6" THICK END EDGE AND STAMPED	56.25
	5'x 5.5'		27.50
	5'x 5'	4" R/R	25.00
7.) DATE PALM EAST OF FEDERAL	5'x 5'	4" R/R	25.00
	5'x 4.5'		22.50
	5'x 10'	6" APPROACH	50.00
	5'x 15'	4" (STUMP)	75.00
	5'x 6'	4" R/R	30.00
	5'x 10.5'		52.50
8.) CYPRESS EAST OF FED. BY DUNKIN DONUTS	4'x 18'	4" R/R	72.00
INITIAL HERE			



LOCATION	SIZE	COMMENT	SQ FT
9.) LAKE SHORE PARK	5' x 11'	REPLACE 4"	55.00
	5' x 5'	ONLY	25.00
★	5' x 10.25'	REMOVAL	51.25
	5' x 5.34	BY	26.70
10.) PARK AVE &	5' x 5'	6" R/R	25.00
2ND STREET	5' x 5'	4" R/R	25.00
"	5' x 5'	6" R/R	25.00
"	5' x 10'	4" R/R	50.00
		TOTAL:	2,573.70
		4" R/R TOTAL:	1,967.00
		6" R/R TOTAL:	448.75
★	WILL BE REMOVED → 4"	REPLACE ONLY:	157.95
	BY LAKE PARK P.W.		
		STAMPS	5
INITIAL HERE	→ 		

HOME PHONE  
(561) 547-4608

11/13/2008

# ORF CONCRETE

1830 HYPOLUXO ROAD  
SUITE 125 B  
LANTANA, FLORIDA 33462

NOV. 11, 2008

## TOWN OF LAKE PARK

LABOR & MATERIALS TO REMOVE BROKEN CONCRETE SIDE WALKS WALKS IN (10 ) LOCATIONS AS FOLLOWS : 5th ST. & FORESTERIA DR. ( WEST SIDE & EAST SIDE ) , EVERGREEN @ HOUSE #424 (on south side of st. ) AND HOUSE # 417 (north side of st. ) , LOTTIE MAY PARK , DATE PALM & 2ndST. , DATE PALM EAST OF FEDERAL, CYPRESS EAST OF FEDERAL BY DUNKIN DONUTS , LAKE SHORE PARK AND PARK AVE. & 2nd ST. A TOTAL OF 2,573.70sq.ft. :

- 1). SAW CUT CONCRETE SIDE WALKS IN ALL LOCATIONS THAT ARE MARKED AND REMOVE AND HAUL AWAY.
- 2). FORM UP ALL REMOVED AREAS AT 4" DEEP AND SOME AT 6"DEEP.
- 3). PLACE & FINISH 3000psiCONCRETRE WITH FIBER MESH WITH BROOM FINISH AND SAW CUT EVERY 5'.
- 4). PLACE (5) HANDIE-CAP STAMP IN CONCRETE WITH DOME TEXTURE WHERE CONCRETE MEETS ROAD.
- 5). STRIP FORMS AND CLEAN UP.

TOTAL : \$19,662.18

ATTN : HOWARD



CONSTRUCTION

INCORPORATED

2180 S.E. 1st Street • Boynton Beach, FL 33435 • (561) 737-4175 • Fax (561) 369-1445

RECEIVED

Proposal Submitted to Town of Lake Park	Phone 561-722-9379	Date 10/31/2008
Street 650 Old Dixie Highway	Job Name sidewalk replacement	
City, State, and Zip Code Lake Park, FL 33403	Attn: Mr. Howard Butts	

We hereby submit specifications and estimates for:

**1.) Sidewalk replacement:**

Remove / replace approximately 2,574 s.f. of broken sidewalk at the following locations:

Foresteria	892.50 s.f.
Evergreen	125.00 s.f.
Lottie May Park	837.50 s.f.
Date Palm	363.75 s.f.
Cypress	72.00 s.f.
Lake Shore Park	157.00 s.f.
Park Avenue	125.00 s.f.

TOTAL: 2,573.70 s.f.

We Propose hereby agree to furnish labor and materials- complete in accordance with the above specifications, for the sum of:

Twenty three thousand seven hundred eighty one and 00/100 dollars (\$ 23,781.00 )

Payment to be made as follows:  
Invoice to be submitted upon completion; payment within thirty days

Authorized Signature Jim Ford (President)

All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire tornado and other necessary insurance. Our workers are fully covered by workers compensation insurance.

This proposal may be withdrawn by us if not accepted within 30 days

Acceptance of proposal - The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_  
Date of Acceptance \_\_\_\_\_

# TAB 7

**Town of Lake Park Town Commission  
Agenda Request Form**

**Meeting Date: December 17, 2008**

Agenda Item No. *Tab 7*

- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING              | <input type="checkbox"/> RESOLUTION                |
| <input type="checkbox"/> Ordinance on Second Reading |  |
| <input type="checkbox"/> Public Hearing              | <input type="checkbox"/> DISCUSSION                |
| <input type="checkbox"/> ORDINANCE ON FIRST READING  | <input checked="" type="checkbox"/> BID/RFP AWARD  |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM    | <input checked="" type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other:                      |  |

**SUBJECT:** Award of Bid to Lanzo Lining Services, Inc. for RFQ #0813, 9<sup>th</sup> Street Storm Drain Cured-In-Place Pipe Lining, Hawthorne Dr. to W. Ilex Dr. in the amount of \$ 23,987.00.

**RECOMMENDED MOTION/ACTION:** Approve

Approved by Town Manager *Richard Pittman* Date: *12/12/08*

Richard Pittman, CRA Project Manager  
Name/Title

December 10, 2008  
Date of Actual Submittal

<b>Originating Department:</b> Town Manager	<b>Costs: \$ 23,987.00</b> <b>Funding Source: Storm Water Utility</b> <b>Acct. # 402-53-538-402-63010</b>	<b>Attachment:</b> Bid Tabulation
<b>Department Review:</b> <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>RDP</u> _____:  Please initial one.

**Summary Explanation/Background** Earlier this year soil settlement was observed in the swale on the east side of 9<sup>th</sup> Street between Hawthorn Drive and West Ilex Drive. The cause of the soil settlement is water and sand infiltration into the 24" diameter storm drain pipe that is under the swale area. The pipe interior was cleaned and inspected via a skid mounted camera able to video the pipe interior. Numerous locations of water and sand infiltration can be observed along the 245 feet pipe length.

Numerous methods of repair are available. Grouting joints and exposing joints is not feasible because of the length of pipe involved and soil conditions. Lining the pipe interior is considered to be the best solution. The project was bid specifying an epoxy cured-in-place-pipe lining which eliminates the need to excavate to expose pipe joints.

The large depression in the swale which caused investigation of the problem has been filled. Voids and loose sand currently exist between the pipe and the ground surface. This project does not include filling voids or compacting sand above the pipe. Over time these voids will show on the ground surface and will need to be filled. If the storm drain pipe is not repaired the voids will get bigger causing a concern for the adjacent roadway.

Five contractors in the business of lining pipe were sent a bid package. Five contractors submitted quotes. Lanzo Lining Services submitted the low bid in the amount of \$ 23,987.00. Lanzo Lining Services is a subsidiary of Lanzo Construction. Lanzo Lining Services has been in business nine years. The parent company has been in the construction business thirty-five years.

The company will need approximately 30 days to have the pipe lining fabricated and approximately three days to accomplish the work when they start work at the site. Ninth Street will remain open to traffic. Motorists using Hawthorne Drive and West Ilex Drive will be detoured due to the need for construction equipment to block the road. Residents in the vicinity of the project will be notified of the street closure.

Award of the project to Lanzo Lining Services is recommended.

**BID TABULATION**  
**9<sup>TH</sup> STREET STORM DRAIN CURED-IN-PLACE PIPE LINING**  
**HAWTHORN DRIVE. TO W. ILEX DRIVE**  
**RFQ 0813**  
**QUOTES RECEIVED 12/10/08**

<u>COMPANY NAME</u>	<u>BID AMOUNT</u>
1. Lanzo Lining Services, Inc.	\$ 23,987.00
2. Insituform Technology, Inc.	\$ 29,645.00
3. Reynolds Inliner, LLC	\$ 32,850.00
4. Shenandoah Construction	\$ 34,952.50
5. Rockline Vac Systems, Inc.	\$ 42,900.00

Prepared by:  
Richard Pittman, CRA Project Manager

# TAB 8



**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 17, 2008

Agenda Item No. *Tab 8*

- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING              | <input checked="" type="checkbox"/> RESOLUTION     |
| <input type="checkbox"/> Ordinance on Second Reading |  |
| <input type="checkbox"/> Public Hearing              | <input type="checkbox"/> DISCUSSION                |
| <input type="checkbox"/> ORDINANCE ON FIRST READING  | <input type="checkbox"/> BID/RFP AWARD             |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM    | <input checked="" type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other:                      |  |

SUBJECT: Pension plan amendment.

RECOMMENDED MOTION/ACTION: Adopt resolution.

Approved by Town Manager

*W. Davis*

Date:

*12/12/08*

*Anne M. Costello*  
Name/Title Finance Director

*12/10/08*  
Date of Actual Submittal

<b>Originating Department:</b>  Finance	Costs: \$ N/A  Funding Source: Acct. #	<b>Attachments: Resolution and Amendment for the Final 415 Regulations</b>
Department Review: [x] Town Attorney _____ [ ] Community Affairs _____ [ ] Community Development _____	[x] Finance _____ [ ] Fire Dept _____ [ ] Library _____ [ ] Marina _____ [ ] PBSO _____	[ ] Personnel _____ [ ] Public Works _____ [ ] Town Clerk _____ [ ] Town Manager _____
<b>Advertised:</b> Date: ___ N/A _____ Paper: _____ [ ] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** In order to keep the Town's Pension Plan in compliance with the requirements of the Internal Revenue Code and IRS regulations, the Town must adopt the "Amendment for the Final 415 Regulations". Under the Code, qualified plans are required to be amended for changes in the law of the regulations affecting qualification requirements. In April of 2007, the IRS and the Department of Treasury issued final regulations under Code Section 415 clarifying the definition of "compensation" for purposes of the "100% of compensation" limit, clarifying the definition of "annual addition" and providing guidance regarding the correction of excess annual additions. Adoption of this required amendment of the Town's Section 401(a)/403(a) qualified retirement plan will keep the plan in compliance.

**RESOLUTION NO. 66-12-08**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING THE TOWN PENSION PLAN TO ADOPT THE FINAL 415 REGULATIONS , AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park's Commission has the authority pursuant to the Florida Constitution and Chapter 166, Florida Statutes to establish such pension plans as it deems appropriate for its eligible employees; and

**WHEREAS**, on November 4, 1998, the Town Commission of the Town of Lake Park (Commission) adopted Resolution 66, 1998 establishing a pension plan administered by the Variable Annuity Life Insurance company (herein referred to as VALIC) for Town employees; and;

**WHEREAS**, on September 7, 2005 the Commission adopted Resolution No. 30-09-05 amending the Plan to include the eligibility of the Town Manager for participation in the Plan ; and

**WHEREAS**, in April of 2007, the Internal Revenue Service and the Department of Treasury issued final regulations under Code Section 415 clarifying the definition of "compensation" for purposes of the "100% of compensation" limit, and the definition of "annual addition" and providing guidance regarding the correction of excess annual additions.; and

**WHEREAS**, the Commission upon the recommendation of the Town's Finance Director has determined that it is appropriate to amend the Plan to conform to changes in the law or regulations affecting qualification requirements;

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

**Section 1.** The Commission hereby adopts the Amendment for the Final 415 Regulations

**Section 2.** The Commission hereby authorizes the Plan Administrator to sign the "Certificate of Adopting Resolution".

**Section 3.** This Resolution shall become effective immediately upon adoption.

**AMENDMENT FOR THE FINAL 415 REGULATIONS**

**ARTICLE I  
PREAMBLE**

- 1.1 **Effective date of Amendment.** This Amendment is effective for limitation years and plan years beginning more than ninety (90) days after the close of the first regular legislative session (of the legislative body with authority to amend the Plan) that begins on or after July 1, 2007, except as otherwise provided herein.
- 1.2 **Superseding of Inconsistent provisions.** This Amendment supersedes the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment.
- 1.3 **Employer's election.** The Employer adopts all Articles of this Amendment, except those Articles that the Employer specifically elects not to adopt.
- 1.4 **Construction.** Except as otherwise provided in this Amendment, any reference to "Section" in this Amendment refers only to sections within this Amendment, and is not a reference to the Plan. The Article and Section numbering in this Amendment is solely for purposes of this Amendment, and does not relate to any Plan article, section or other numbering designations.
- 1.5 **Effect of restatement of Plan.** If the Employer restates the Plan, then this Amendment shall remain in effect after such restatement unless the provisions in this Amendment are restated or otherwise become obsolete (e.g., if the Plan is restated onto a plan document which incorporates the final Code §415 Regulation provisions).

**ARTICLE II  
EMPLOYER ELECTIONS**

The Employer only needs to complete the questions in Section 2.2 in order to override the default provisions set forth below. If the Plan will use all of the default provisions, then these questions should be skipped.

- 2.1 **Default provisions.** Unless the Employer elects otherwise in Section 2.2, the following defaults will apply:
- a. The provisions of the Plan setting forth the definition of compensation for purposes of Code § 415 (hereinafter referred to as "415 Compensation"), shall be modified by (1) including payments for unused sick, vacation or other leave and payments from nonqualified unfunded deferred compensation plans (Section 3.2(b)), (2) excluding salary continuation payments for participants on military service (Section 3.2(c)), and (3) excluding salary continuation payments for disabled participants (Section 3.2(d)).
  - b. The "first few weeks rule" does not apply for purposes of 415 Compensation (Section 3.3).
  - c. The provision of the Plan setting forth the definition of compensation for allocation purposes (hereinafter referred to as "Plan Compensation") shall be modified to provide for the same adjustments to Plan Compensation (for all contribution types) that are made to 415 Compensation pursuant to this Amendment.
- 2.2 **In lieu of default provisions.** In lieu of the default provisions above, the following apply: (select all that apply; if no selections are made, then the defaults apply)

**415 Compensation. (select all that apply):**

- a.  Exclude leave cashouts and deferred compensation (Section 3.2(b))
- b.  Include military continuation payments (Section 3.2(c))
- c.  Include disability continuation payments (Section 3.2(d)) for all participants, and the salary continuation will continue for the following fixed or determinable period: \_\_\_\_\_
- d.  Apply the administrative delay ("first few weeks") rule (Section 3.3)

**Plan Compensation. (select all that apply):**

- f.  No change from existing Plan provisions
- g.  Exclude all post-severance compensation
- h.  Exclude post-severance regular pay
- i.  Exclude leave cashouts and deferred compensation

- j.  Include post-severance military continuation payments  
 k.  Include post-severance disability continuation payments for all participants, and the salary continuation will continue for the following fixed or determinable period: \_\_\_\_\_  
 l.  Other (describe) \_\_\_\_\_

**Plan Compensation Special Effective Date.** The definition of Plan Compensation is modified as set forth herein effective as of the same date as the 415 Compensation change is effective unless otherwise specified:  
 m. \_\_\_\_\_ (enter the effective date)

### ARTICLE III FINAL SECTION 415 REGULATIONS

- 3.1 **Effective date.** The provisions of this Article III shall apply to limitation years beginning more than ninety (90) days after the close of the first regular legislative session (of the legislative body with the authority to amend the Plan) that begins on or after July 1, 2007.
- 3.2 **415 Compensation paid after severance from employment.** 415 Compensation shall be adjusted, as set forth herein and as otherwise elected in Article II, for the following types of compensation paid after a Participant's severance from employment with the Employer maintaining the Plan (or any other entity that is treated as the Employer pursuant to Code § 414(b), (c), (m) or (o)). However, amounts described in subsections (a) and (b) below may only be included in 415 Compensation to the extent such amounts are paid by the later of 2 1/2 months after severance from employment or by the end of the limitation year that includes the date of such severance from employment. Any other payment of compensation paid after severance of employment that is not described in the following types of compensation is not considered 415 Compensation within the meaning of Code § 415(c)(3), even if payment is made within the time period specified above.
- (a) **Regular pay.** 415 Compensation shall include regular pay after severance of employment if:
- (1) The payment is regular compensation for services during the participant's regular working hours, or compensation for services outside the participant's regular working hours (such as overtime or shift differential), commissions, bonuses, or other similar payments; and
  - (2) The payment would have been paid to the participant prior to a severance from employment if the participant had continued in employment with the Employer.
- (b) **Leave cashouts and deferred compensation.** Leave cashouts shall be included in 415 Compensation, unless otherwise elected in Section 2.2 of this Amendment, if those amounts would have been included in the definition of 415 Compensation if they were paid prior to the participant's severance from employment, and the amounts are payment for unused accrued bona fide sick, vacation, or other leave, but only if the participant would have been able to use the leave if employment had continued. In addition, deferred compensation shall be included in 415 Compensation, unless otherwise elected in Section 2.2 of this Amendment, if the compensation would have been included in the definition of 415 Compensation if it had been paid prior to the participant's severance from employment, and the compensation is received pursuant to a nonqualified unfunded deferred compensation plan, but only if the payment would have been paid at the same time if the participant had continued in employment with the Employer and only to the extent that the payment is includible in the participant's gross income.
- (c) **Salary continuation payments for military service participants.** 415 Compensation does not include, unless otherwise elected in Section 2.2 of this Amendment, payments to an individual who does not currently perform services for the Employer by reason of qualified military service (as that term is used in Code § 414(u)(1)) to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the Employer rather than entering qualified military service.
- (d) **Salary continuation payments for disabled Participants.** Unless otherwise elected in Section 2.2 of this Amendment, 415 Compensation does not include compensation paid to a participant who is permanently and totally disabled (as defined in Code § 22(e)(3)). If elected, this provision shall apply to all participants for the period specified in Section 2.2 of this Amendment.
- 3.3 **Administrative delay ("the first few weeks") rule.** 415 Compensation for a limitation year shall not include, unless otherwise elected in Section 2.2 of this Amendment, amounts earned but not paid during the limitation year solely because of the timing of pay periods and pay dates. However, if elected in Section 2.2 of this

Amendment, 415 Compensation for a limitation year shall include amounts earned but not paid during the limitation year solely because of the timing of pay periods and pay dates, provided the amounts are paid during the first few weeks of the next limitation year, the amounts are included on a uniform and consistent basis with respect to all similarly situated participants, and no compensation is included in more than one limitation year.

- 3.4 Inclusion of certain nonqualified deferred compensation amounts.** If the Plan's definition of Compensation for purposes of Code § 415 is the definition in Regulation Section 1.415(c)-2(b) (Regulation Section 1.415-2(d)(2) under the Regulations in effect for limitation years beginning prior to July 1, 2007) and the simplified compensation definition of Regulation 1.415(c)-2(d)(2) (Regulation Section 1.415-2(d)(10) under the Regulations in effect for limitation years prior to July 1, 2007) is not used, then 415 Compensation shall include amounts that are includible in the gross income of a Participant under the rules of Code § 409A or Code § 457(f)(1)(A) or because the amounts are constructively received by the Participant. [Note if the Plan's definition of Compensation is W-2 wages or wages for withholding purposes, then these amounts are already included in Compensation.]
- 3.5 Definition of annual additions.** The Plan's definition of "annual additions" is modified as follows:
- (a) **Restorative payments.** Annual additions for purposes of Code § 415 shall not include restorative payments. A restorative payment is a payment made to restore losses to a Plan resulting from actions by a fiduciary for which there is reasonable risk of liability for breach of a fiduciary duty under applicable federal or state law, where participants who are similarly situated are treated similarly with respect to the payments. Generally, payments are restorative payments only if the payments are made in order to restore some or all of the plan's losses due to an action (or a failure to act) that creates a reasonable risk of liability for such a breach of fiduciary duty (other than a breach of fiduciary duty arising from failure to remit contributions to the Plan). This includes payments to a plan made pursuant to a court-approved settlement to restore losses to a qualified defined contribution plan on account of the breach of fiduciary duty (other than a breach of fiduciary duty arising from failure to remit contributions to the Plan). Payments made to the Plan to make up for losses due merely to market fluctuations and other payments that are not made on account of a reasonable risk of liability for breach of a fiduciary duty are not restorative payments and generally constitute contributions that are considered annual additions.
- (b) **Other Amounts.** Annual additions for purposes of Code § 415 shall not include: (1) The direct transfer of a benefit or employee contributions from a qualified plan to this Plan; (2) Rollover contributions (as described in Code §§ 401(a)(31), 402(c)(1), 403(a)(4), 403(b)(8), 408(d)(3), and 457(e)(16)); (3) Repayments of loans made to a participant from the Plan; and (4) Repayments of amounts described in Code § 411(a)(7)(B) (in accordance with Code § 411(a)(7)(C)) and Code § 411(a)(3)(D) or repayment of contributions to a governmental plan (as defined in Code § 414(d)) as described in Code § 415(k)(3), as well as Employer restorations of benefits that are required pursuant to such repayments.
- (c) **Date of tax-exempt Employer contributions.** Notwithstanding anything in the Plan to the contrary, in the case of an Employer that is exempt from Federal income tax (including a governmental employer), Employer contributions are treated as credited to a participant's account for a particular limitation year only if the contributions are actually made to the plan no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable, depending on the basis on which the employer keeps its books) with or within which the particular limitation year ends.
- 3.6 Change of limitation year.** The limitation year may only be changed by a Plan amendment. Furthermore, if the Plan is terminated effective as of a date other than the last day of the Plan's limitation year, then the Plan is treated as if the Plan had been amended to change its limitation year.
- 3.7 Excess Annual Additions.** Notwithstanding any provision of the Plan to the contrary, if the annual additions (within the meaning of Code § 415) are exceeded for any participant, then the Plan may only correct such excess in accordance with the Employee Plans Compliance Resolution System (EPCRS) as set forth in Revenue Procedure 2006-27 or any superseding guidance, including, but not limited to, the preamble of the final §415 regulations.
- 3.8 Aggregation and Disaggregation of Plans.**
- (a) For purposes of applying the limitations of Code § 415, all defined contribution plans (without regard to whether a plan has been terminated) ever maintained by the Employer (or a "predecessor employer") under which the participant receives annual additions are treated as one defined contribution plan. The "Employer"

means the Employer that adopts this Plan and all members of a controlled group or an affiliated service group that includes the Employer (within the meaning of Code §§ 414(b), (c), (m) or (o)), except that for purposes of this Section, the determination shall be made by applying Code § 415(h), and shall take into account tax-exempt organizations under Regulation Section 1.414(c)-5, as modified by Regulation Section 1.415(a)-1(f)(1). For purposes of this Section:

(1) A former Employer is a "predecessor employer" with respect to a participant in a plan maintained by an Employer if the Employer maintains a plan under which the participant had accrued a benefit while performing services for the former Employer, but only if that benefit is provided under the plan maintained by the Employer. For this purpose, the formerly affiliated plan rules in Regulation Section 1.415(f)-1(b)(2) apply as if the Employer and predecessor Employer constituted a single employer under the rules described in Regulation Section 1.415(a)-1(f)(1) and (2) immediately prior to the cessation of affiliation (and as if they constituted two, unrelated employers under the rules described in Regulation Section 1.415(a)-1(f)(1) and (2) immediately after the cessation of affiliation) and cessation of affiliation was the event that gives rise to the predecessor employer relationship, such as a transfer of benefits or plan sponsorship.

(2) With respect to an Employer of a participant, a former entity that antedates the Employer is a "predecessor employer" with respect to the participant if, under the facts and circumstances, the employer constitutes a continuation of all or a portion of the trade or business of the former entity.

(b) **Break-up of an affiliate employer or an affiliated service group.** For purposes of aggregating plans for Code § 415, a "formerly affiliated plan" of an employer is taken into account for purposes of applying the Code § 415 limitations to the employer, but the formerly affiliated plan is treated as if it had terminated immediately prior to the "cessation of affiliation." For purposes of this paragraph, a "formerly affiliated plan" of an employer is a plan that, immediately prior to the cessation of affiliation, was actually maintained by one or more of the entities that constitute the employer (as determined under the employer affiliation rules described in Regulation Section 1.415(a)-1(f)(1) and (2)), and immediately after the cessation of affiliation, is not actually maintained by any of the entities that constitute the employer (as determined under the employer affiliation rules described in Regulation Section 1.415(a)-1(f)(1) and (2)). For purposes of this paragraph, a "cessation of affiliation" means the event that causes an entity to no longer be aggregated with one or more other entities as a single employer under the employer affiliation rules described in Regulation Section 1.415(a)-1(f)(1) and (2) (such as the sale of a subsidiary outside a controlled group), or that causes a plan to not actually be maintained by any of the entities that constitute the employer under the employer affiliation rules of Regulation Section 1.415(a)-1(f)(1) and (2) (such as a transfer of plan sponsorship outside of a controlled group).

(c) **Midyear Aggregation.** Two or more defined contribution plans that are not required to be aggregated pursuant to Code § 415(f) and the Regulations thereunder as of the first day of a limitation year do not fail to satisfy the requirements of Code § 415 with respect to a participant for the limitation year merely because they are aggregated later in that limitation year, provided that no annual additions are credited to the participant's account after the date on which the plans are required to be aggregated.

#### ARTICLE IV PLAN COMPENSATION

- 4.1 **Compensation limit.** Notwithstanding Amendment Section 4.2 or any election in Amendment Section 2.2., if the Plan is a 401(k) plan, then participants may not make elective deferrals with respect to amounts that are not 415 Compensation. However, for this purpose, 415 Compensation is not limited to the annual compensation limit of Code § 401(a)(17).
- 4.2 **Compensation paid after severance from employment.** Compensation for purposes of allocations (hereinafter referred to as Plan Compensation) shall be adjusted, unless otherwise elected in Amendment Section 2.2, in the same manner as 415 Compensation pursuant to Article III of this Amendment, except in applying Article III, the term "limitation year" shall be replaced with the term "plan year" and the term "415 Compensation" shall be replaced with the term "Plan Compensation."

**4.3 Option to apply Plan Compensation provisions early.** The provisions of this Article shall apply for Plan Years beginning more than ninety (90) days after the close of the first regular legislative session (of the legislative body with authority to amend the Plan) that begins on or after July 1, 2007, unless an earlier effective date is specified in Section 2.2. of this Amendment.

This amendment has been executed this \_\_\_\_\_ day of \_\_\_\_\_.

Name of Plan: \_\_\_\_\_

Name of Employer: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



**FINAL 415 REGULATIONS AMENDMENT  
EXPLANATION**

**ARTICLE I -- PREAMBLE**

**Effective date of amendment.**

This section indicates that the Amendment is effective for limitation years (i.e., plan years) beginning more than ninety (90) days after the close of the first regular legislative session (of the legislative body with authority to amend the Plan) that begins on or after July 1, 2007, unless you elect, in Section 2.2, to change your Plan's definition of Compensation (for allocation purposes) as of a different date (such as an earlier date, as allowed under the proposed regulations, or a later date, to avoid a possible cutback in benefits). Therefore, if your Plan Year is the calendar year, and if your governing body met during the third quarter of 2007, the Amendment applies to the 2008 plan year.

**Superseding of inconsistent provisions.**

This section is a reminder that the Amendment will supersede any provisions of your Plan (such as the Plan's definition of "Compensation") to the extent those provisions are inconsistent with the Amendment.

**Employer's election.**

This section clarifies that, unless the Employer elects otherwise in Section 2.2, the Employer is adopting all of the default provisions of the Amendment.

**Construction.**

This section clarifies that all references to a "Section" number are references to the sections of the Amendment, not sections of the Plan.

**Effect of restatement of Plan.**

This section provides that this Amendment will survive any subsequent restatement of the Plan (i.e., if the plan is restated, the Employer does not need to re-adopt this Amendment).

**ARTICLE II -- EMPLOYER ELECTIONS**

**Default Provisions.**

This section sets forth the "default" provisions of the Amendment (i.e., the provisions that will apply unless the Employer elects, in Section 2.2, to have different provisions apply). Therefore, unless the Employer elects otherwise, the compensation taken into account under the Plan for purposes of the limit on annual additions (hereinafter referred to as "415 Compensation") will be modified to include certain post-termination pay-outs of unused sick, vacation or other leave and certain post-termination distributions from nonqualified deferred compensation plans, and to exclude salary continuation payments to participants on military leave and salary continuation payments for disabled participants. In addition, unless the Employer elects otherwise, 415 Compensation for a given Plan Year will not include amounts paid in the first few weeks after the end of the Plan Year that were earned during the Plan Year (such as a paycheck on January 2, 2009, for the pay period that ended on December 28, 2008). Finally, unless the Employer elects otherwise, the Plan's definition of "Plan Compensation" (the compensation taken into account for purposes of making or allocating employer contributions) will also be modified to include and exclude the amounts described above (i.e., it will track the Plan's definition of "415 Compensation").

**In lieu of default provisions.**

In this section, the adopting Employer may change (i.e., override) any of the "default" provisions of the Amendment. The Employer may make separate elections for the Plan's definition of "415 Compensation" (which is used to limit annual additions) and the Plan's definition of "Compensation" (which is used to make and/or allocate employer contributions).

With respect to "415 Compensation," the Employer may separately elect to (a) exclude leave cash outs and distributions from nonqualified plans, (b) include salary continuation for participants in the military, (c) include salary continuation payments for all disabled participants for a fixed period, or (d) include amounts paid in the first few weeks after the end of the plan year that were earned during the plan year.

With respect to "Plan Compensation," the Employer may separately elect to either (f) keep the Plan's existing definition of Compensation, (g) exclude all post-severance pay (including regular pay, which is now required to be included in 415 Compensation), (h) exclude only post-severance regular pay, (i) exclude leave cash outs and distributions of deferred compensation, (j) include post-severance salary continuation for participants in the military, (k) include post-severance disability continuation payments for all employees for a fixed period, or (l) include or exclude other types of pay. These elections will apply to all types of contributions (Elective Deferrals, Matching Contributions and Non-matching Employer Contributions).



Finally, the Employer may elect to apply the new definition of Plan Compensation as of a special effective date. This may apply, for example, if the employer has already been taking into account certain post-severance compensation, as specifically permitted by the proposed regulations under Section 415, and now wishes to apply the new definition of compensation as of that earlier effective date.

### **ARTICLE III- FINAL SECTION 415 REGULATIONS**

#### **Effective date.**

This section reiterates that the changes required by the final 415 regulations under Section 415 apply to limitation years (which are generally the same as the plan year) beginning more than ninety (90) days after the close of the first regular legislative session (of the legislative body with authority to amend the Plan) that begins on or after July 1, 2007 (i.e., 2008 for calendar year plans, if the legislative body met during the third quarter of 2007).

#### **415 Compensation paid after severance from employment.**

This section sets forth the new rules under the final 415 regulations that require (or in some cases, allow) the inclusion in "415 Compensation" of certain amounts paid after severance from employment, so long as such amounts are paid by the later of 2 1/2 months after severance from employment, or the last day of the limitation year that includes the date of such severance from employment. There is one type of post-severance pay ("regular pay") that is now required to be included in 415 Compensation, and four other types of post-severance pay (leave cash outs, deferred compensation, military pay and pay for disabled participants) that are allowed to be included in 415 Compensation, if the plan so provides.

"Regular pay" means amounts that are paid for services performed during the participant's regular working hours (such as commissions or bonuses) or for services performed after the participant's regular working hours (such as overtime or shift differential) or other similar payments, so long as the amounts would have been paid to the participant even if the participant had not terminated employment. Leave cash outs may be included in 415 Compensation (and will be included unless the Employer elects otherwise in Section 2.2) so long as they would have been included in compensation if they were paid prior to termination of employment, and only if the participant would have been able to use the leave if employment had continued. Similarly, amounts that are distributed to a participant from an unfunded nonqualified deferred compensation plan (e.g., a Section 457(f) plan or a for-profit employer's nonqualified deferred compensation plan) may be included in 415 Compensation (and will be included unless the Employer elects otherwise in Section 2.2) so long as such payment would have been paid at the same time if the participant had not terminated employment (i.e., it is not a payment that is triggered by termination of employment). Salary continuation payments for military service participants and salary continuation payments for participants who are permanently and totally disabled may be included in 415 Compensation, but only if the Employer affirmatively elects, in Section 2.2, to include such amounts.

#### **Administrative delay ("the first few weeks") rule.**

This section describes the "first few weeks rule," whereby 415 Compensation may include (but only if the Employer affirmatively elects, in Section 2.2, to do so) amounts that are earned during the plan year, but paid in the following plan year, because of the timing of pay periods and/or pay dates. In order to include such amounts, they must be paid in the first few weeks of the next plan year, they must be included uniformly and consistently for all participants, and they must not be included in compensation in more than one plan year.

#### **Inclusion of certain nonqualified deferred compensation amounts.**

This section describes one specific type of compensation (amounts that become taxable during the plan year under nonqualified deferred compensation plans because of Section 409A, Section 457(f), or the doctrine of constructive receipt) that must be included in 415 Compensation if the Plan uses the "long-form" definition of compensation under the Section 415 regulations (and not the "safe-harbor" or "simplified" definition of compensation described in the Section 415 regulations). This section includes a reminder that, if the Plan uses either the "W-2 Income" or the "Section 3401 wages" definition of 415 Compensation (or Plan Compensation), then these amounts are already included in the Plan's definition of "compensation."

#### **Definition of annual additions.**

This section sets forth the definition of "annual addition" for purposes of the limitation on annual additions to defined contribution plans under Section 415(c). It clarifies that annual additions do not include (1) "restorative payments" (amounts paid to restore losses to the Plan that result from actions by a plan fiduciary which may constitute a breach of fiduciary duty), (2) direct transfers into the Plan from other qualified plans, (3) rollover contributions, (4) repayments of loans to plan participants, or (5) repayments of previously forfeited amounts on behalf of rehired participants. It also clarifies that, in the case of a tax-exempt employer (including a governmental employer), employer contributions may be credited to a

participant's account for a particular plan year only if the contributions are actually made to the plan no later than the 15th day of the tenth calendar month following the end of the calendar year (or fiscal year) with or within which the plan year ends.

**Change of limitation year.**

This section provides that the limitation year may only be changed by amending the Plan, and that if the Plan is terminated, it will be treated as if it had been amended to change the limitation year to end on the date of termination.

**Excess Annual Additions.**

This section is a reminder that excess annual additions may no longer be corrected by distributing elective deferrals and/or employee after-tax contributions in accordance with plan provisions providing for such distribution. Instead, excess annual additions must be corrected under the Employee Plans Compliance Resolution System procedures, as (currently) set forth in Revenue Procedure 2006-27.

**Aggregation and Disaggregation of Plans.**

This section sets forth the special rules for determining which employers must be treated as a "controlled group" of companies (i.e., as a single employer) for purposes of the limitation on annual additions under Section 415, and how mid-year changes in such "controlled group" of employers must be treated.

**ARTICLE IV- – PLAN COMPENSATION**

**Compensation limit.**

This section clarifies what compensation may be taken into account, in a Section 401(k) plan, for purposes of making elective deferrals. It provides that elective deferrals may only be made from compensation that is "415 Compensation." However, for purposes of this restriction, 415 Compensation does not have to be limited to the annual compensation limit under Section 401(a)(17) (which is \$230,000 for plan years beginning in 2008). Thus, the plan administrator need not cut-off deferrals when a highly compensated participant reaches the annual compensation limit. However, the plan administrator may not allow participants to make elective deferrals from compensation (such as certain amounts paid after severance of employment) that is not 415 Compensation.

**Compensation paid after severance from employment.**

This section reiterates that the Plan's definition of Compensation (for allocation purposes) will be the same as the Plan's definition of "415 Compensation" unless the Employer elects otherwise in Section 2.2 of the Amendment.

**Option to apply Plan Compensation provisions early.**

This section provides that the amendments to the Plan's definition of Compensation (for allocation purposes) will also be effective for plan years beginning more than ninety (90) days after the close of the first regular legislative session (of the body with authority to amend the Plan) that begins on or after July 1, 2007 (i.e., 2008 for calendar year plans, if the Employer's legislative body met during the third quarter of 2007) unless the Employer elects a different effective date in Section 2.2.

**EMPLOYER SIGNATURE**

The Employer must sign the amendment regardless of whether the Employer has chosen to apply the default provisions in Section 2.1 or whether the Employer has elected one or more of the optional provisions in Section 2.2 of the Amendment.

**OVERVIEW OF FINAL SECTION 415 REGULATION CHANGES  
AND TIMING OF PLAN AMENDMENT**

**Background**

Section 415 of the Internal Revenue Code ("Code") limits the annual additions (i.e., contributions and/or forfeitures) that may be made to qualified defined contribution plans on behalf of a given participant to the lesser of (i) \$46,000 (2008 figure), or (ii) 100% of the participant's compensation for the plan year. In April of 2007, the IRS and the Department of Treasury issued final regulations under Code Section 415 clarifying the definition of "compensation" for purposes of the 100% of compensation limit, clarifying the definition of "annual addition," and providing guidance regarding the correction of excess annual additions.

The Section 415 limit is a key provision in qualified plans, as plans are required by statute to include provisions in the written plan document expressly prohibiting contributions to the plan in excess of the Section 415 limit. In addition, many plans define "compensation" for allocation purposes using a Section 415 definition of compensation.

The final 415 regulations have changed the definition of "compensation" for purposes of the limitation on annual additions. Under the final regulations, "415 Compensation" is now required to include certain amounts (such as bonuses, commissions, overtime or shift differential) that are paid after severance of employment, so long as they are paid by the later of 2 1/2 months after severance of employment or the last day of the limitation year which includes the date the participant terminates employment, and they are not paid "on account of" termination of employment. There are also four types of post-severance compensation that may be included in 415 Compensation, if the plan so provides (including certain cash-outs of unused sick or vacation leave, certain distributions from nonqualified plans, salary continuation to participants on military leave, and salary continuation for participants who are permanently disabled) so long as they are paid within the time frame described above, and they satisfy certain additional restrictions. However, the final regulations clarify that 415 Compensation does not include amounts that are paid on account of termination of employment (i.e., "severance pay") if such amounts are paid after severance of employment. Plans that use the "long-form" definition of 415 Compensation are also required to include amounts deferred under nonqualified plans that become taxable during the plan year on account of Section 409A, Section 457(f), or the doctrine of constructive receipt.

Under the Code, qualified plans are required to be amended for changes in the law or the regulations that affect the qualification requirements under Section 401(a) of the Code (including the final 415 regulations). For governmental employers, such "interim" amendments must generally be adopted by the 15<sup>th</sup> day of the tenth month after the close of the calendar year that includes the effective date of the new law or regulation.

**Effective Date**

For governmental plans, the final Section 415 regulations are effective for limitation years (which are generally the same as the plan year) beginning more than ninety (90) days after the close of the first regular legislative session (of the legislative body with authority to amend the plan) that begins on or after July 1, 2007. Thus, for calendar year plans, if the legislative body with authority to amend the plan met during the third quarter of 2007, the regulations are effective January 1, 2008. Such plans must be amended by October 15, 2009. However, plans whose plan year ends between September 30 and December 30 may have to be amended earlier. For example, if an employer's plan year/limitation year ends on November 30, and if the legislative body with authority to amend the plan met between July 1, 2007 and August 31, 2007, the final 415 regulations became effective on December 1, 2007, meaning the amendment may need to be executed by as early as October 15, 2008.

Thus, calendar year plans should adopt the Amendment (to comply with the final 415 regulations) no later than October 15, 2009. Non-calendar year plans should adopt the Amendment as soon as possible (as the deadline could be as soon as October 15, 2008).

**Execution of Amendment**

Enclosed you will find an "Amendment for the Final 415 Regulations," a sample resolution for proper authorization of the amendment by your governing body, and a section-by-section explanation of the Amendment. As explained in the enclosed materials, the amendment has certain "default" provisions (which are described in Section 2.1 of the Amendment), and a section (Section 2.2) in which you may elect to have different provisions apply. **You must execute the amendment, regardless of whether you choose to apply the default provisions in Section 2.1 or whether you elect one or more of the optional provisions in Section 2.2.**

The following chart indicates the deadline for adoption of the enclosed Amendment:

Plan/Limitation Year End	AND	Governing Body Met*	THEN	Effective Date of Regulations	AND	Amendment Deadline
January 31		July 1 and November 2, 2007		February 1, 2008		October 15, 2009
February 28		July 1 and December 1, 2007		March 1, 2008		October 15, 2009
March 31		July 1, 2007 and January 1, 2008		April 1, 2008		October 15, 2009
April 30		July 1, 2007 and January 31, 2008		May 1, 2008		October 15, 2009
May 31		July 1, 2007 and March 2, 2008		June 1, 2008		October 15, 2009
June 30		July 1, 2007 and April 1, 2008		July 1, 2008		October 15, 2009
July 31		July 1, 2007 and May 2, 2008		August 1, 2008		October 15, 2009
August 31		July 1, 2007 and June 2, 2008		September 1, 2008		October 15, 2009
December 31		July 1, 2007 and October 2, 2007		January 1, 2008		October 15, 2009

\*If your governing body with the authority to amend the plan did not meet during the dates indicated in the above chart, then the effective dates and amendment deadlines noted above are extended by at least one year.

**CERTIFICATE OF ADOPTING RESOLUTION**

The undersigned authorized representative of \_\_\_\_\_  
\_\_\_\_\_ (the Employer) hereby certifies that the following resolutions were duly adopted by the governing  
body of the Employer on \_\_\_\_\_, \_\_\_\_\_, and that such resolutions have not been  
modified or rescinded as of the date hereof;

**RESOLVED**, the Amendment to the \_\_\_\_\_  
\_\_\_\_\_ (the Amendment) generally effective for limitation years beginning more than ninety (90)  
days after the close of the first regular legislative session (of the legislative body with authority to amend the Plan)  
that begins on or after July 1, 2007, is hereby approved and adopted and that an authorized representative of the  
Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more  
counterparts of the amendment.

The undersigned further certifies that attached hereto is a copy of the Amendment approved and adopted in  
the foregoing resolution.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

\_\_\_\_\_  
[print name/title]

# TAB 9

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 17, 2008

Agenda Item No. *Tab 9*

- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING                      | <input type="checkbox"/> RESOLUTION                                    |
| <input type="checkbox"/> ORDINANCE ON FIRST READING          | <input checked="" type="checkbox"/> <b>ORDINANCE ON SECOND READING</b> |
| <input type="checkbox"/> BID/RFP Award                       | <input type="checkbox"/> DISCUSSION                                    |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM            | <input type="checkbox"/> CONSENT AGENDA                                |
| <input checked="" type="checkbox"/> <b>Other: Referendum</b> |  |

SUBJECT: Tax exemption for new and expanding businesses

RECOMMENDED MOTION/ACTION: Submit Ordinance to Referendum

Approved by Town Manager *W. Davis* Date: *12/12/08*

Virginia Martin, Grants Writer  
Name/Title

December 12, 2008  
Date of Actual Submittal

<b>Originating Department:</b> Grants	Costs: \$ Funding Source: Acct. #	<b>Attachments:</b> Ordinance
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Grants <i>GM</i> _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: <u>TBD</u> Paper: <u>Palm Beach Post</u> <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>GM</u> :  Please initial one.

**Summary Explanation/Background:** This ordinance has been requested to make Lake Park competitive with other communities in the region when it comes to recruiting new businesses or encouraging existing businesses to expand their operations in this community.



**ORDINANCE NO. 21-2008**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, SUBMITTING TO REFERENDUM THE QUESTION OF WHETHER THE TOWN COMMISSION SHALL BE AUTHORIZED TO GRANT TO NEW BUSINESSES OR TO EXEMPT EXISTING BUSINESSES WHICH EXPAND AN EXEMPTION FROM THE PAYMENT OF PROPERTY TAXES LEVIED BY THE TOWN PURSUANT TO SECTION 3, ARTICLE VII OF THE STATE CONSTITUTION; ESTABLISHING THE DATE OF MARCH 10, 2009 FOR THE REFERENDUM; PROVIDING FOR A BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, pursuant to §166.021, Fla. Stat. (2007), the Town has the governmental, corporate and proprietary powers to enable it to conduct municipal government; and

WHEREAS, pursuant to §196.1955, Fla. Stat. (2007), the Town Commission has been authorized to submit to a referendum of the Town's registered electors the question of whether or not the Commission may grant property tax exemptions to qualified new businesses or existing businesses which propose to expand pursuant to Section 3 of Article VII of the State Constitution; and

WHEREAS, pursuant to §196.1995, Fla. Stat. (2007) any exemption granted may remain in effect for up to 10 years with respect to any particular facility, regardless of any change in the authority of the Town Commission which has granted an exemption; and

WHEREAS, the years of exemption and those businesses eligible for an exemption shall be based upon the criteria set forth by Florida Statutes and by such criteria as the Commission in its sole discretion may establish, on a case by case basis; and

**WHEREAS**, §100.342, Fla. Stat. (2007), requires that the Town publish two (2) notices in a newspaper of general circulation in the Town, evidencing the Town's intention to hold a referendum to determine whether a majority of the qualified electors of the Town, approve of the Town Commission granting an exemption from the payment of Town property taxes to new or expanding businesses in the town; and

**WHEREAS**, pursuant to §100.342, Fla. Stat. (2007), the first notice shall be published in the fifth week prior to the week the referendum is to be held, and the second notice shall be published in the third week prior to the week the referendum is to be held.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:**

**Section 1. Referendum declared.** A Referendum is hereby called for and shall be held in the Town of Lake Park, Florida on the 10th day of March 2009, to determine whether or not a majority of the electors voting in the Referendum, support the Commission's proposal to be authorized to grant to new or expanding businesses in the town an exemption from the payment of property taxes levied by the Town.

**Section 2. Ballot title.** The ballot title which is the subject of this Referendum, and by which to be commonly referred to or spoken of, shall be captioned as "Town of Lake Park, Florida, Authorization to grant property tax exemptions to new businesses and expansions of existing businesses."

**Section 3. Conduct of Referendum.** The Supervisor of Elections of Palm Beach County, Florida, shall determine polling locations or places and all qualified electors of the Town of Lake Park, Florida who vote in the Referendum shall vote at those designated polling places. The polls shall be opened on the date of the Referendum on the proposed Town of Lake Park, from 7:00

a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Lake Park, Florida shall be permitted to vote on this Referendum question. In the event a majority of electors, voting in the Referendum vote affirmatively then the Town shall have satisfied the requirements of Section 196.1955, Fla. Stat. (2007) and the Town Commission shall have been authorized to grant property tax exemptions to new businesses and expansions of existing businesses. .

**Section 4. Notice and advertising of the Referendum.** The Town Clerk shall prepare and give notice of the proposed Referendum by causing appropriate notice to be published in accordance with the provisions of §100.342, Fla. Stat. (2007), at least once each week during the third and fifth weeks preceding the week in which the Referendum is to be held. The publications shall be placed in the *Palm Beach Post* a newspaper of general circulation within the Town. The Town Clerk shall secure from the publisher of the newspaper, an appropriate affidavit of proof that the statutorily required Referendum notices have been duly published, as herein set forth and these two affidavits shall be part of the record of the Town Commission.

**Section 5. Ballot summary.** The ballot summary concerning the Referendum question shall be:

SHALL THE TOWN COMMISSION BE AUTHORIZED TO GRANT PURSUANT TO SECTION 3, ARTICLE VII OF THE STATE CONSTITUTION, PROPERTY TAX EXEMPTIONS TO QUALIFIED NEW BUSINESSES AND EXPANSIONS OF EXISTING BUSINESSES?

YES    \_\_\_    FOR AUTHORITY TO GRANT EXEMPTIONS  
NO     \_\_\_    AGAINST AUTHORITY TO GRANT EXEMPTIONS

**Section 6. Canvassing.** The election returns of the Referendum shall be canvassed in the manner provided by law, and the returns shall be certified to the Town Commission, which shall declare the result thereof. Upon canvassing the returns of the Referendum, the result of the

Referendum shall be recorded in the minutes of the Town Commission in the manner prescribed by law.

**Section 11, Effective date.** This Ordinance shall take effect immediately upon adoption.

# TAB 10

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 17, 2008

Agenda Item No. *Tab 10*

- |  |   |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING                                | <input type="checkbox"/> RESOLUTION     |
| <input checked="" type="checkbox"/> <b>Ordinance on Second Reading</b> | <input type="checkbox"/> DISCUSSION     |
| <input type="checkbox"/> Public Hearing                                | <input type="checkbox"/> BID/RFP AWARD  |
| <input type="checkbox"/> ORDINANCE ON FIRST READING                    | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM                      |   |
| <input type="checkbox"/> Other:  |   |

**SUBJECT:** To Amend Chapter 76, Article III, Section 76-74 of the Town of Lake Park Code of Ordinances to Change the Hours of Permitted Use of the Lake Park Harbor Marina

**RECOMMENDED MOTION/ACTION:** Adoption of Ordinance

Approved by Town Manager *W. Davis* Date: *12/17/08*

Name/Title

Date of Actual Submittal

<b>Originating Department:</b> Lake Park Harbor Marina	Costs: \$ -0- Funding Source: Acct. #	<b>Attachments: Copy of Ordinance</b>
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <u>  BMT  </u> : Please initial one.

**Summary Explanation/Background:**

**The purpose of this action is to prohibit use of the Marina and vehicular parking at the Marina between the hours of 11:00 p.m. until 6:00 a.m. in order to prevent the use of the fishing pier for fishing during such hours. Such action will not apply to persons using the launching ramps for boat recovery only, live-aboards, transients, tenants of the Marina and their guests or to employees of the Town.**

**ORDINANCE NO. 22-2008**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76, ARTICLE III, SECTION 76-74, "ENTITLED PERMITTED HOURS OF USE"; TO CHANGE THE HOURS OF PERMITTED USE OF THE LAKE PARK HARBOR MARINA TO PREVENT USE OF, AND VEHICULAR PARKING AT, THE MARINA FROM 11:00 P.M. TO 6:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida (Town) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town of Lake Park Commission has the authority to proscribe rules and regulations for the operation of the Lake Park Harbor Marina; and

**WHEREAS**, the Town Commission has reviewed the current hours of operation for the Marina and has determined that it is in the best interests of the Town and its citizens to amend the hours of operation.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:**

**Section 1.** The whereas clauses are hereby incorporated as the legislative findings of the Town Commission.

**Section 2.** Chapter 76, Article III, Section 76-74 of the Town Code is hereby amended to read:

**Sec. 76-74. Permitted hours of use.**

(a) No person, except as otherwise provided herein, shall use or be present on the premises of the marina from ~~9:00~~ 11:00 p.m. until 6:00 a.m.; however, this provision shall not apply to



persons using launching ramps for boat recovery only, live-aboards, transients, tenants of the marina and their guests nor to employees of the town.

(b) Vehicular parking within the marina facility from ~~9:00~~ 11:00 p.m. until 6:00 a.m. shall be prohibited other than for the vehicles of live-aboards, transients, tenants of the marina and their guests, ramp users awaiting recovery, and authorized town employees.

**Section 3. Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Codification.**

The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

**Section 5. Repeal of Laws in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6. Effective Date.**

This Ordinance shall take effect immediately upon adoption by the Town Commission.

# TAB 11

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: December 17, 2008

Agenda Item No. Tab 11

- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING              | <input type="checkbox"/> RESOLUTION            |
| <input type="checkbox"/> Ordinance on Second Reading |  |
| <input type="checkbox"/> Public Hearing              | <input checked="" type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING  | <input type="checkbox"/> BID/RFP AWARD         |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM    | <input type="checkbox"/> CONSENT AGENDA        |
| <input type="checkbox"/> Other:                      |  |

**SUBJECT:** Video Cameras for Lake Shore Park

**RECOMMENDED MOTION/ACTION:** Provide Direction to Staff

Approved by Town Manager *H. Hoang* Date: 12/3/08

Hoa Hoang  
Name/Title

\_\_\_\_\_  
Date of Actual Submittal

<b>Originating Department:</b>  Town Manager	Costs: \$  Funding Source: Acct. #	Attachments: Proposals
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** Vice Mayor Daly requested staff to research the cost of installing security cameras at Lake Shore Park.

**Staff researched various options and provided the attached spreadsheet for the Commission's convenience. The following is a summary of the information on the spreadsheet.**

- 1. Install two cameras on the 801 condominium building directed southward and two cameras on the 501 condominium building directed northward. A wireless installation would cost \$54,130 plus one-time electrical and I.T. installations for \$7,000 for a grand total of \$61,130 plus recurring annual fees in the amount of \$16,440 per year.**
- 2. Install two cameras on the 801 condominium building directed southward and two cameras on the 501 condominium building directed northward. This installation would include the installation of the cameras and trenching the park to install wires to the Tennis office, which has telephone and internet service that can be tapped for a cost of \$22,000 plus one-time electrical and I.T. installations for \$7,000 for a grand total of \$29,000 plus recurring annual fees in the amount of \$1,440 for internet.**

**Note: Both companies which provided quotes for these installations indicated that the cameras would be so far away that the images would not be clear.**

- 3. Install wireless cameras on all existing lamp posts throughout the park in the amount of \$141,435 plus one-time electrical and I.T. installations for \$7,000 for a grand total of \$148,435 plus annual recurring fees of \$16,440.**
- 4. Install cameras on all existing lamp posts. This installation would include trenching the park to install wires to each lamp post in the amount of \$35,000 plus one-time electrical and I.T. installations for \$7,000 for a grand total of \$42,000 plus recurring annual fees in the amount of \$1,440 for internet.**
- 5. Install cameras on all existing lamp posts utilizing directional boring instead of trenching in the amount of \$94,000 plus one-time electrical and I.T. installations for \$7,000 for a grand total of \$101,000 plus \$1,440 annual recurring fees for internet.**

**Note: Should the Commission choose to install cameras at the park, there is approximately \$50,000 remaining in the park construction account.**

**SUMMARY (ESTIMATE)**

<i>Lake Shore Park</i>	<i>Fee-Annual</i>	<i>Wireless</i>	<i>Wired-Trench</i>	<i>Directional Boring</i>
4 cameras mounted on two buildings with permissions		\$54,130	\$22,000	N/A
Cameras for the whole Park mounted on existing lamp posts		\$141,435	\$35,000	\$94,000
Internet-Annual	\$1,440	\$1,440	\$1,440	\$1,440
Electrical	One time	\$5,000	\$5,000	\$5,000
Set up-I.T.	One time	\$2,000	\$2,000	\$2,000
Fee-Annual	\$15,000	\$15,000	NO FEE	NO FEE



**PRECISION CONTRACTING SERVICES INC.**



**311 West Indiantown Road  
Suite 7  
Jupiter, FL 33458  
Phone: (561) 743-9737  
Fax: (561) 743-0775**

<b>To:</b> Town Of Lake Park	<b>Contact:</b> Hoa Hoang
<b>Address:</b> Lake Park, FL	<b>Phone:</b>
	<b>Fax:</b>
<b>Project Name:</b> 08.08.18.01 Lake Park Security Cameras/Alternate	<b>Bid Number:</b>
<b>Project Location:</b> Lake Park Waterfront Park CCTV System, Lake Park, FL	<b>Bid Date:</b> 8/18/2008

Line #	Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
<b>1 Park CCTV System</b>						
1.00		Registered Communication Distribution Designer (Design, Site Review, Network Configurations)	16.00	HR	\$150.00	\$2,400.00
1.01		Comm Electronics - Fiber Technician (mob, Prep) (2m X 1hr X 5d)	10.00	HR	\$125.00	\$1,250.00
1.02		Comm Cable - Electronics Installer (mob, Prep) (3m X 1hr X 5d)	15.00	HR	\$75.00	\$1,125.00
1.03		CAD Technician - CCTV Electronics Design & Asbuilts	16.00	HR	\$75.00	\$1,200.00
2.01	KBE-495V75-20N	Camera, Bosch IP Fixed, Outdoor, Pole Mount Varifocal 5-50mm Day-Night MPEG IV (F&I)	22.00	EACH	\$1,875.00	\$41,250.00
2.02	VG4-324-ECEOC	Camera, Bosch IP PTZ, Outdoor, Pole Mount Day-Night MPEG IV (F&I)	2.00	EACH	\$4,695.00	\$9,390.00
2.03	TC1334	Camera Power Supply & Surge Arrestor Panels Fixed (F&I)	22.00	EACH	\$425.00	\$9,350.00
2.04	VG4-A-PSU1	Camera Power Supply & Surge Arrestor Panels PTZ (F&I)	2.00	EACH	\$425.00	\$850.00
2.05	LTC 9213/01	CCTV Pole Mount, Fixed (F&I)	22.00	EACH	\$125.00	\$2,750.00
2.06		CCTV Wall Mount, PTZ (F&I)	2.00	EACH	\$125.00	\$250.00
2.09		Cable, CAT 5E Patch Cords (F Only) - 1/end 1' - 3'	48.00	EACH	\$5.00	\$240.00
2.10		Nema, 3R 24"x24"x8" (F&I)	9.00	EACH	\$675.00	\$6,075.00
3.01	ABMX 218I4	Video Server W/ ATI Graphics Card - Recorder For 32 Channel Of MPEG-4 Video (F&I)	1.00	EACH	\$3,985.00	\$3,985.00
3.02	DVA-08K-04050RA	Bosch Premium SCSI RAID 5 Dual Host Array 8 BAY, 4 HDD, 2 TB	1.00	EACH	\$6,475.00	\$6,475.00
3.03	DBSR322	DIBos Digital Video Recorder Software 32 Channel (F&I)	1.00	EACH	\$4,845.00	\$4,845.00
3.04	DVA-ACON-HD68A	SCSI Cables 1m HD68-VHDCI For DIBos & NDVR (F&I)	1.00	EACH	\$125.00	\$125.00
3.05	UML-192-90	Monitor 19" LCD Flat Panel 1280 X 1024 VGA, DVI, HDMI, CVBS, AUDIO, 120/230VAC, 50/60 HZ (F&I)	1.00	EACH	\$1,375.00	\$1,375.00
3.06	APC750	System UPS, 120VAC 750, Managed (F&I)	1.00	EACH	\$625.00	\$625.00
3.07	FS726TP	Ethernet Swltch, 24 Port Non-Hardened, Managed, POE (F&I) @ Park Admin	1.00	EACH	\$2,875.00	\$2,875.00
4.01	FM2200E-K	FluidmeshTM 2200, 2port Triband Radio 24VAC W/Sunshield, Pole Mount Adapter (F&I)	10.00	EACH	\$3,775.00	\$37,750.00
4.02	AL6-NMNF8	N-Male To N-Female Bulkhead 0-6 GHz Lightning Surge Protector With	10.00	EACH	\$425.00	\$4,250.00
4.03	MA-WA57-3HG-MNTB	Mars Antenna Patch 23dbi 5.1-5.8 Ghz Antenna With Mount And	10.00	EACH	\$0.00	\$0.00

Line #	Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
4.04	TIMA40A-5	LMR-400 5ft Cable Assembly N-Male To N-Male	10.00	EACH	\$0.00	\$0.00
5.00		CCTV Control Training - (Up To 6 Persons)	2.00	DY	\$1,500.00	\$3,000.00
<b>Total Price for above 1 Park CCTV System Items:</b>						<b>\$141,435.00</b>
<b>1A Park CCTV System-Phase 1/Partial</b>						
1.00		Registered Communication Distribution Designer (Design, Site Review, Network Configurations)	6.00	HR	\$150.00	\$900.00
1.01		Comm Electronics - Fiber Technician (mob, Prep) (2m X 1hr X 3d)	6.00	HR	\$125.00	\$750.00
1.02		Comm Cable - Electronics Installer (mob, Prep) (3m X 1hr X 3d)	9.00	HR	\$75.00	\$675.00
1.03		CAD Technician - CCTV Electronics Design & Assemblies	6.00	HR	\$75.00	\$450.00
2.01	KBE-495V75-20N	Camera, Bosch IP Fixed, Outdoor, Roo Mount Varifocal 5-50mm Day-Night MPEG IV (F&I)	5.00	EACH	\$1,875.00	\$9,375.00
2.02	VG4-324-ECE0C	Camera, Bosch IP PTZ, Outdoor, Pole Mount Day-Night MPEG IV (F&I)	0.00	EACH	\$4,695.00	\$0.00
2.03	TC1334	Camera Power Supply & Surge Arrestor Panels Fixed (F&I)	5.00	EACH	\$425.00	\$2,125.00
2.04	VG4-A-PSU1	Camera Power Supply & Surge Arrestor Panels PTZ (F&I)	0.00	EACH	\$425.00	\$0.00
2.05	LTC 9213/01	CCTV Roof Mount, Fixed (F&I)	5.00	EACH	\$250.00	\$1,250.00
2.06		CCTV Wall Mount, PTZ (F&I)	0.00	EACH	\$125.00	\$0.00
2.09		Cable, CAT 5E Patch Cords (F Only) - 1/end 1' - 3'	10.00	EACH	\$5.00	\$50.00
2.10		Nema, 3R 24"x24"x8" (F&I)	3.00	EACH	\$675.00	\$2,025.00
3.01	ABMX 218I4	Video Server W/ ATI Graphics Card - Recorder For 32 Channel Of MPEG-4 Video (F&I)	1.00	EACH	\$3,985.00	\$3,985.00
3.02	DVA-08K-04050RA	Bosch Premium SCSI RAID 5 Dual Host Array 8 BAY, 4 HDD, 2 TB	1.00	EACH	\$6,475.00	\$6,475.00
3.03	DBSR322	DIBos Digital Video Recorder Software 32 Channel (F&I)	1.00	EACH	\$4,845.00	\$4,845.00
3.04	DVA-ACON-HD68A	SCSI Cables 1m HD68-VHDCI For DIBos & NDVR (F&I)	1.00	EACH	\$125.00	\$125.00
3.05	UML-192-90	Monitor 19" LCD Flat Panel 1280 X 1024 VGA, DVI, HDMI, CVBS, AUDIO, 120/230VAC, 50/60 HZ (F&I)	1.00	EACH	\$1,375.00	\$1,375.00
3.06	APC750	System UPS, 120VAC 750, Managed (F&I)	1.00	EACH	\$625.00	\$625.00
3.07	FS726TP	Ethernet Switch, 24 Port Non-Hardened, Managed, POE (F&I) @ Park Admin	1.00	EACH	\$2,875.00	\$2,875.00
4.01	FM2200E-K	FluidmeshTM 2200, 2port Triband Radio 24VAC W/Sunshield, Pole Mount Adapter (F&I)	3.00	EACH	\$3,775.00	\$11,325.00
4.02	AL6-NMNFB	N-Male To N-Female Bulkhead 0-6 GHz Lightning Surge Protector With	3.00	EACH	\$425.00	\$1,275.00
4.03	MA-WA57-3HG-MNTB	Mars Antenna Patch 23dBI 5.1-5.8 Ghz Antenna With Mount And	3.00	EACH	\$0.00	\$0.00
4.04	TIMA40A-5	LMR-400 5ft Cable Assembly N-Male To N-Male	3.00	EACH	\$0.00	\$0.00
5.00		CCTV Control Training - (Up To 6 Persons)	2.00	DY	\$1,500.00	\$3,000.00
10.06		CCTV Licensing - Includes DVR & Camera Firmware Upgrades, License Fees	5.00	EACH	\$125.00	\$625.00
<b>Total Price for above 1A Park CCTV System-Phase 1/Partial Items:</b>						<b>\$54,130.00</b>
<b>2 Maintenance Services</b>						
10.00		Yearly Maintenance Per Month (Includes 8 Hrs Per Month Of Preventative Maintenance)	12.00	MO	\$1,000.00	\$12,000.00
10.01		CCTV Repair Event Technician W/ Truck-Tooling Per HR (Regular Hours)	0.00	HR	\$85.00	\$0.00
10.02		CCTV Repair Event Technician W/Bucket Truck Per HR (Regular Hours)	0.00	HR	\$125.00	\$0.00
10.03		CCTV Repair Event Technician W/ Truck-Tooling Per HR (OT Hours)	0.00	HR	\$125.00	\$0.00
10.04		CCTV Repair Event Technician W/Bucket Truck Per HR (OT Hours)	0.00	HR	\$175.00	\$0.00

Line #	Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
10.05		Parts Will Be Billed At Cost Plus 15% Per Repair Event	0.00	EACH	\$0.00	\$0.00
<b>Total Price for above 2 Maintenance Services Items:</b>						<b>\$12,000.00</b>
<b>3 License Fees</b>						
10.06		CCTV Licensing - Includes DVR & Camera Firmware Upgrades, License Fees	24.00	EACH	\$125.00	\$3,000.00
<b>Total Price for above 3 License Fees Items:</b>						<b>\$3,000.00</b>

**Notes:**

- Location: Lake Park Waterfront Park CCTV system

PCS has proposed a wireless & cabled CCTV network plan for the Park Including 18 Bosch fixed outdoor Flexidome Impact resistant cameras to be placed on ~9 existing light poles with an additional 4 fixed and 2 pan tilt zoom cameras to be mounted at the corners of the Pavilion and Tennis facilities a the above referenced facility.

PCS to F&I a FluidMesh triband wireless network to support the MPEG IV encoded video from the 9 SL poles. PCS to get local 120VAC power from the Town at each pole. All electrical work to provide PCS a NON-photocell activated circuit to each pole mounted device cabinet. PCS to place a pole mounted NEMA cabinet on each pole to house power outlet (provided by others) surge arrestor panel, wireless & CCTV power transformers, 2 port ethernet switch internal to radio & related cable items.

Cameras to be networked thru a 32 channel IP encoder, wireless radios a 24port POE switch and video server with software. Encoded video streams will allow for cameras to be monitored by IP address across any network connection. Town of Lake Park to communicate desired recording parameters for activation by motion detection, all time or set time-date standards. Recorder to allow for up to 168 hours of recording for each camera as 2CIF, 15fps.

Client will need PSTN-DSL service at the facility to monitor security network over the Internet from remote locations. The Town of Lake Park to setup, establish, pay recurring fees for an Internet access from a ISP for access to this DVR for remote viewing.

PCS has included a 21" Flat Screen LCD monitor for local monitoring as well.

PCS to provide monthly maintenance for system up to 8 hours for adjustment, status-log monitoring, camera cleaning, wireless strength review,....

- 1A Park CCTV System-Phase 1 Partial; Includes furnish & install of five fixed CCTV cameras by roof mount on each end of the park - and with one camera centrally located in park facility. Necessary electronics are included here and available for future expandability of the CCTV system.

• Maintenance:

PCS provides a yearly contract proposal for monthly CCTV preventative maintenance. Prices provided are for one year.

Customer will be invoiced monthly for 8 hours of preventative maintenance / cleaning / network performance review on the CCTV cameras/network components.

PCS to perform additional services on a time & material basis as requested by Town.

PCS will also be on call to respond to customer repair events within 24 hours of notice to initiate repairs.

Town will be responsible for portal to portal hourly charges per repair event. In addition, customer will be billed for any materials needed at cost plus 15%.

- PCS will Mobilize a total of 1 times for the proposed work after noticed by the contractor. Additional Mobilizations will be billed as additions to contract at \$300.00 per Mobilization.
- PCS has NOT Included any provisions for a performance bond. Sales or use tax has been Included for all materials.
- PCS requires 30 days written notice for project scheduling. PCS will require 3-5 work days to perform the proposed work.
- Proposed pricing is based on award of all items bid upon. PCS reserves the right to modify unit prices if all quoted items are not awarded. Prices are only valid for 90 days of the bid date. PCS reserves the right to modify or withdraw their offer if either a letter of intent or a contract is not received within 90 days of the bid date.
- PCS is a certified MWBE Contractor with specific agencies. It is the bidders responsibility to verify PCS's current status prior to utilizing this proposal to meet required contract goals.

**Payment Terms:** Payment terms: NET 30 Days and 18% APR for balances exceeding 30 Days.

<p><b>ACCEPTED:</b> The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p><b>Buyer:</b> _____</p> <p><b>Signature:</b> _____</p> <p><b>Date of Acceptance:</b> _____</p>	<p><b>CONFIRMED:</b> <b>Precision Contracting Services, Inc</b></p> <p><b>Authorized Signature:</b> _____</p> <p><b>Estimator:</b> Robert Sanford 561-743-9737, ext. 18    rsanford@pcsfiber.com</p>
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**Cypress Communications, Inc**  
 3201 Tuxedo Avenue, West Palm Beach, FL 33405  
 (561) 640-9224 Office  
 (561) 656-8844 Fax  
 Mike Azarowicz/MDU Coordinator

## QUOTATION

Attn. Hoa Hoang  
 To: City of Lake Park  
 Lake Shore Park

Ph#  
 Fax

**Please Note: Estimate only, exact amount of vaults if needed and molding to go to roof of norht bldg are not included in this bid**

Date	Terms	Salesperson
	30 Days	Mike

Quantity	Part #	Item Description	Unit Price	Total
2000	999999	trench and install pipe from 1" to 2" for cctv	\$ 5.30	\$ 10,600.00
		18" depth and new sod if needed		
1000	materials	pipe / glue / string / couplings	\$ 1.55	\$ 1,550.00
install				\$ 3,000.00
4	cam's	cameras	\$ 700.00	\$ 2,800.00
2	recorders	recorders	\$ 2,000.00	\$ 4,000.00
				\$ -
				\$ -
				\$ -
			<b>Sub Total</b>	<b>\$ 21,950.00</b>
			Tax	N/A
			Shipping	N/A
			<b>Total</b>	<b>\$ 21,950.00</b>

*trench  
 w/4 cam's*

*\$22,000*

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## QUOTATION

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 To: City of Lake Park  
 Lake Shore Park

Ph#  
 Fax

**Please Note: Estimate only, exact amount of vaults if needed and molding to go to roof of norht bldg are not included in this bid**

Date	Terms	Salesperson
	30 Days	Mike

Quantity	Part #	Item Description	Unit Price	Total
2815	999999	trench and install pipe from 1" to 2" for cctv	\$ 5.30	\$ 14,919.50
		18" depth and new sod if needed		
1950	materials	pipe / glue / string / couplings	\$ 2.25	\$ 4,387.50
15	cam's	day/night cams and recorder/ w.wiring	\$ 800.00	\$ 12,000.00
20	install	install and setup cams and recorder	\$ 185.00	\$ 3,700.00
				\$ -
				\$ -
				\$ -
				\$ -

Sub Total	\$ 35,007.00
Tax	N/A
Shipping	N/A
<b>Total</b>	<b>\$ 35,007.00</b>

*trench  
 w 15 cam*

*\$35,000*

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## QUOTATION

Attn. Hoa Hoang  
 To: City of Lake Park  
 Lake Shore Park

**Please Note: Estimate only, exact amount of vaults if needed and molding to go to roof of norht bldg are not included in this bid**

Ph#  
 Fax

Date	Terms	Salesperson
	30 Days	Mike

Quantity	Part #	Item Description	Unit Price	Total
2815	999998	directional bore with pull back 1" to 2" for cctv	\$ 20.50	\$ 57,707.50
		18" depth and new sod if needed		
2815	materials	pipe / glue / string / couplings	\$ 5.85	\$ 16,467.75
20	cam's	day/night cams and recorder/ w.wiring	\$ 800.00	\$ 16,000.00
20	install	install and setup cams and recorder	\$ 185.00	\$ 3,700.00
				\$ -
				\$ -
				\$ -
				\$ -

Sub Total	\$ 93,875.25
Tax	N/A
Shipping	N/A
<b>Total</b>	<b>\$ 93,875.25</b>

directional boring

\$94,000