

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 4, 2025

[] Consent

[X] Regular

Workshop

Public Hearing

Department: Facilities Development and Operations

Department: Parks and Recreation

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: staff's report regarding the development of the Cam D. Milani Park project.

Summary: During its January 28, 2025 workshop meeting, while receiving a presentation from staff on the matter of open capital improvement projects, the Board of County Commissioners (BCC) directed staff to return at the next BCC regular meeting with an overview of the current status of the Cam D. Milani Park project. This agenda seeks to fulfill BCC direction. The Cam D. Milani Park project has been over 35 years in the making. The approximately 5.29 acres of oceanfront property, located at 4705 S. Ocean Boulevard, Highland Beach, was originally bought by Cam D. Milani with intentions to develop the property with multifamily units. Developing the oceanfront property with multi-family units has been a matter of strong opposition and legal contention with the Town of Highland Beach (Town). After years of disputes with the Town and failed oceanfront development opportunities, Mrs. Lucia Milani decided to sell the oceanfront property to Palm Beach County (County) on the condition that the property became a park named after her late husband, Cam D. Milani. On May 12, 1987, the BCC approved two (2) purchase and sale agreements (PSAs) for the acquisition of the oceanfront property to develop a public access beach park. The proposal for a public access beach park, henceforth referred to as the Cam D. Milani Park, was also met with strong opposition from the Town and has been the subject of legal actions in three (3) instances over the past several decades. On May 18, 2010, the County and the Town entered into a stipulated settlement agreement and addendum (SSAA) leading to the dismissal of the then current legal action between the Town and the County whereby the legality of some of the conditions of the Development Order issued by the Town was being challenged. Under the SSAA, the County is required to construct the Cam D. Milani Park in compliance with a Development Order approved by the Town, which includes 43 conditions of approval. Through the SSAA, the County and the Town agreed that the development of the Cam D. Milani Park would be postponed for a period of ten (10) years with the County having, at its sole discretion, the right to extend the postponement for two (2) additional periods of five (5) years each, for a maximum postponement of up to 20 years. On October 22, 2019, the County notified the Town that it was exercising its first five (5)-year option to postpone. **(Continued on Page 3)**

Background and Policy Issues: (Continued on Page 3)

Attachments:

1. Location Map
2. Presentation
3. Agenda Item 5B-3 (May 18, 2010)
4. Agenda Item 3D-3 (September 14, 2010)
5. Agenda Item 5C-1 (October 8, 2019)
6. Agenda Item 5F-1 (October 22, 2019)
7. Staff Report Cam D. Milani Park (March 12, 2024)
8. Notice of Intent to Resume Development (April 17, 2024)
9. Agenda Item 3D-6 (September 26, 2024)

Recommended by:

Department Director

Date _____

Recommended by:

Department Director

Date

Approved by:

County Administrator

Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures	\$8,681,000				
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	<u>*\$8,681,000</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget:

Yes X No

Is this item using Federal Funds?

Yes _____ No X

Is this item using State Funds?

Yes _____ No X

Budget Account No:

Fund 3602 Dept 581 Unit P897 Object 6504 \$950,000

<u>Fund</u>	<u>3603</u>	<u>Dept</u>	<u>581</u>	<u>Unit</u>	<u>P897</u>	<u>Object</u>	<u>6504</u>	<u>\$7,731,000</u>
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B. Recommended Sources of Funds/Summary of Fiscal Impact:

*Funding for development of the Cam D. Milani Park is from the Park Impact Fees Zone 2 and Zone 3. A separate item will be brought to the BCC to move funds around within the Impact Fee Fund 3603 to provide funding for this project.

C. Departmental Fiscal Review:

Kon Sher

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Signed: 1/30/2025
 OFMB: 1/30/25 1/30
 EAW: 1.30.25

ent Comments:

Heidi Galt 1/30/25

Contract Development and Control

B. Legal Sufficiency:


Assistant County Attorney 1/30/25

C. Other Department Review:

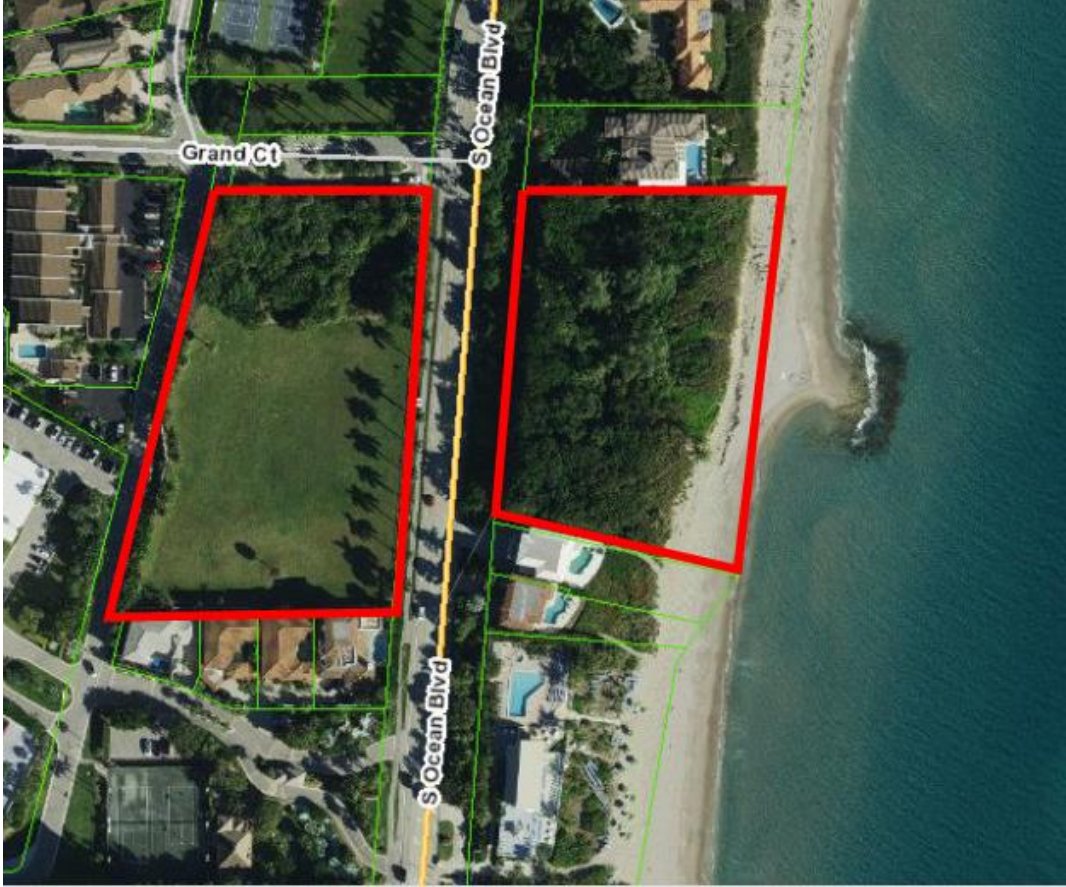
Department Director

This summary is not to be used as a basis for payment.

Summary: On July 27, 2023, the County notified the Town that it was initiating the design and permitting for the County Park, and that it would contact the Town in the near future for further coordination. On April 17, 2024, the County notified the Town of its intent to resume development of the Cam D. Milani Park. On May 7, 2024, during a regular meeting of the BCC and following extensive discussion as a result of comments made by the public, County staff was directed to proceed without further delay with project development as per the approved SSAA. On September 26, 2024, the BCC approved a contract with Brooks + Scarpa Architects, Inc. (B+S) for the provision of professional architectural/engineering design, permitting and construction administration services for the project. Condition No. 10 of the SSAA required the County to apply for National Register of Historical Places (NRHP) designation within one (1) year of its notice of intent to resume development. On July 25, 2024 the County submitted its application to NRHP nominating 2.319 acres on the southern portion of the Highland Beach Site. On November 15, 2024, the Florida Department of State, Division of Historical Resources issued a determination confirming that the archeological site under the SSAA is eligible for listing in the NRHP. The SSAA also requires the County to conduct a Cultural Resource Assessment Survey (CRAS), which must be included in the final design documents to be submitted to the Town and which shall serve, amongst another matters, to inform the design effort for the Cam D. Milani Park. The County retained Archeological and Historical Conservancy, Inc. (AHCI) to provide the archeological services required under the SSAA which services shall extend from the design phase to end of construction. AHCI is collaborating with B+S to ensure that the design proceeds in full compliance with the requirements of the SSAA, inclusive of archeological considerations. The SSAA imposes clear deadlines that the County must meet, inclusive of some related to archeological efforts; missing any of said deadlines could jeopardize development of the Cam D. Milani Park. Delivery of the Cam D. Milani Park as per the SSAA is a matter of meeting parks' countywide level of service as it relates to beach access facilities. Design is currently underway as per the approved site plan contained in the SSAA, which provides for 100 parking spaces on the west parcel and for beach access park amenities (e.g., trails, lifeguard tower) on the east parcel. For ease of reference, included as attachments to this agenda item are select relevant documents related to historical project development. **(Capital Improvements Division) District 4 (HJF)**

Background and Justification: The Cam D. Milani Park project is being pursued as per direction provided by the BCC and in accordance with the conditions of the SSAA.

ATTACHMENT 1
Location Map



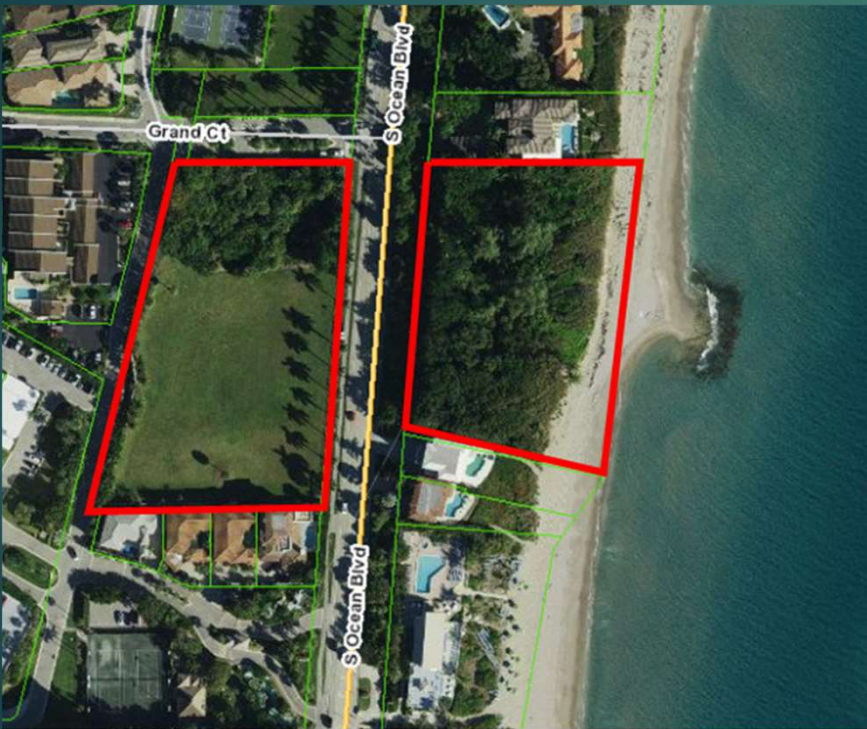
ATTACHMENT 2
Presentation

Staff's Report Cam D. Milani Park Project

FACILITIES DEVELOPMENT & OPERATIONS
PARKS AND RECREATION
BCC REGULAR MEETING
FEBRUARY 4, 2025

Location

2



- ▶ Two parcels totaling approximately 5.29 acres
- ▶ Located at 4705 S. Ocean Boulevard, Highland Beach
- ▶ District 4

Acquisition

- ▶ The property (comprised of two parcels east and west of A1A) was acquired in 1987, from Mrs. Lucia Milani as successor trustee of the Milani Family Irrevocable trust.
- ▶ The property was sold by Mrs. Milani to the County on the condition that it be named after her late husband Cam D. Milani.
- ▶ The County acquired the property to deliver a beach access park.
- ▶ The acquisition was funded from the County's Parks and Recreation Department's capital improvement program (\$1M) and from the State's Sunshine Governmental Financing Commission (i.e., Sunshine Pool, \$2.9M).

Litigation & Stipulated Settlement

- ▶ Development of the County Park has been the subject of legal actions in three instances.
- ▶ On May 18, 2010, the Town and the County entered into a stipulated settlement agreement and addendum (SSAA) leading to dismissal of the then current legal action between the Town and the County whereby the legality of some of the conditions of the Development Order issued by the Town was being challenged.
- ▶ Under the SSAA, the County is to construct the County Park in compliance with a Development Order approved by the Town, which includes 43 conditions of approval.

Litigation & Stipulated Settlement (cont.)

- ▶ Through the SSAA, the County and the Town agreed that development of the Park would be postponed for a period of 10 years with the County having, at its sole discretion, the right to extend the postponement for two additional periods of 5 years each for a maximum postponement of up to 20 years.
- ▶ On October 22, 2019, the County notified the Town that it was exercising its first 5-year option to postpone. The BCC directed staff to begin budgeting for the project design and development.

Resuming Development

- ▶ On July 27, 2023, the County notified the Town that it was initiating the design and permitting for the Park, and that it would contact the Town in the near future for further coordination.
- ▶ On April 17, 2024, the County notified the Town of its intent to resume development.
- ▶ On May 7, 2024, County staff was directed to proceed without further delay with project development as per the approved SSAA.

Resuming Development (cont.)

- ▶ On September 26, 2024, the BCC approved a contract with Brooks + Scarpa Architects, Inc. (B+S) for the provision of professional architectural/engineering design, permitting and construction administration services for the project.
- ▶ On July 25, 2024 the County submitted its application to National Register of Historic Places (NRHP) nominating 2.319 acres on the southern portion of the Highland Beach Site.
- ▶ On November 15, 2024, the Florida Department of State, Division of Historical Resources issued a determination confirming that the archeological site under the SSAA is eligible for listing in the NRHP.

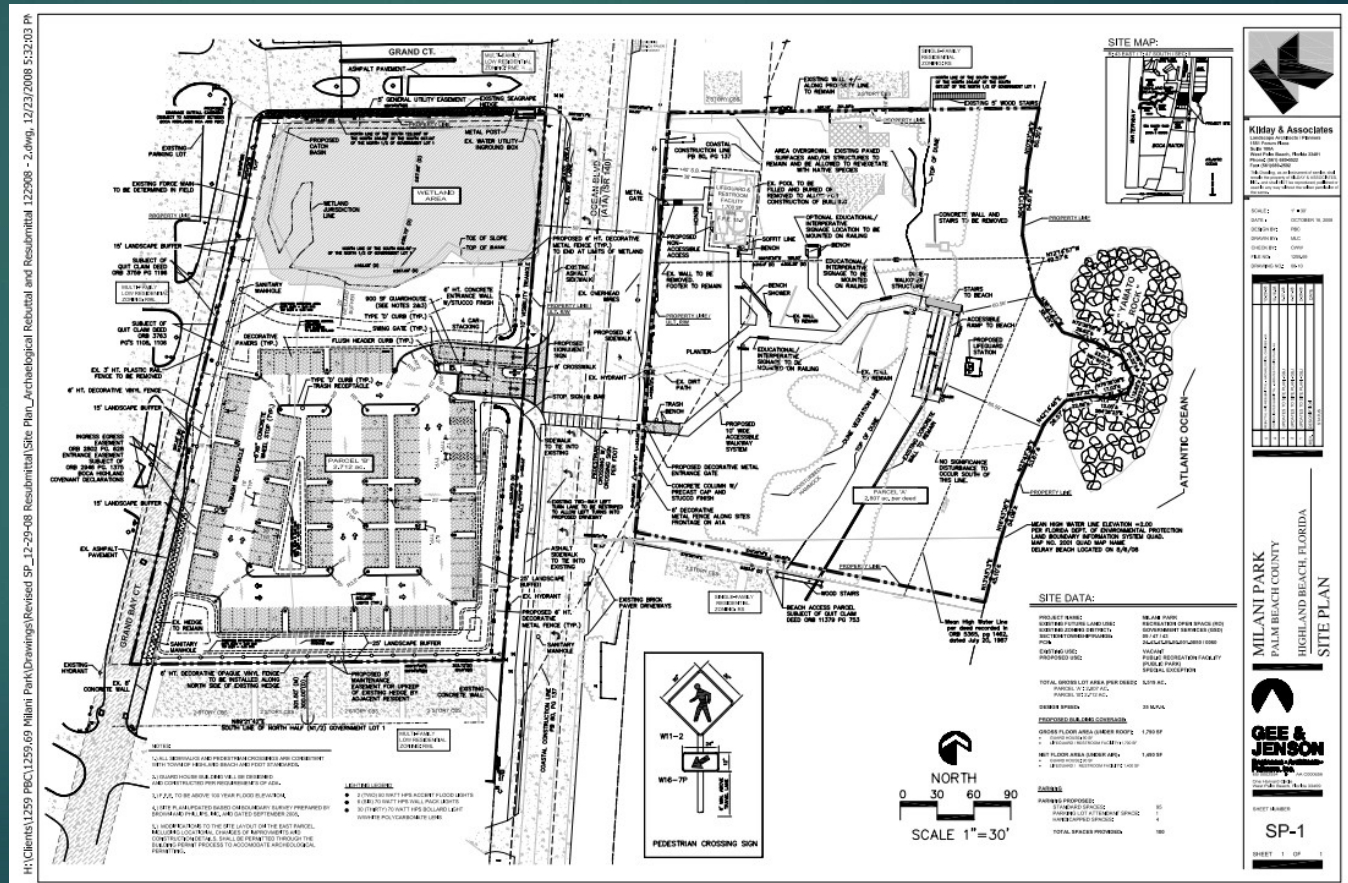
Current Status

- ▶ Design is currently underway as per the approved SSAA.
- ▶ B+S is collaborating with the archeological services firm retained by the County (i.e., Archeological and Historical Conservancy, Inc.) in order to deliver a design that meets the requirements of the SSAA.
- ▶ Funding for the project in the total amount of \$8.6M is allocated under the Parks and Recreation department's capital budget through the use of impact fees.

The Approved Site Plan

9

Reflecting
Town of
Highland
Beach's
conditions of
approval
(2010)



The Development Timeline

- ▶ The County is bound by the conditions of the SSAA.
- ▶ Under the SSAA, the County has two years after its Notice of Intent to Resume Development to deliver to the Town all design documents and supporting studies (i.e., the Compliance Package).
- ▶ Failure to meet the deadlines and conditions imposed by the SSAA carry fatal consequences, invalidating the Development Order.

The Relevance

- ▶ County beach park level of service gap – addressing this need for County residents is also consistent with the Parks Master Plan approved by BCC on December 10, 2024

Legend:

State Park, County Park, Municipal Park

1 – North County Line to PGA Blvd.

2 - PGA Blvd. to Southern Blvd.

3 - Southern Blvd. to south of Gulfstream Park

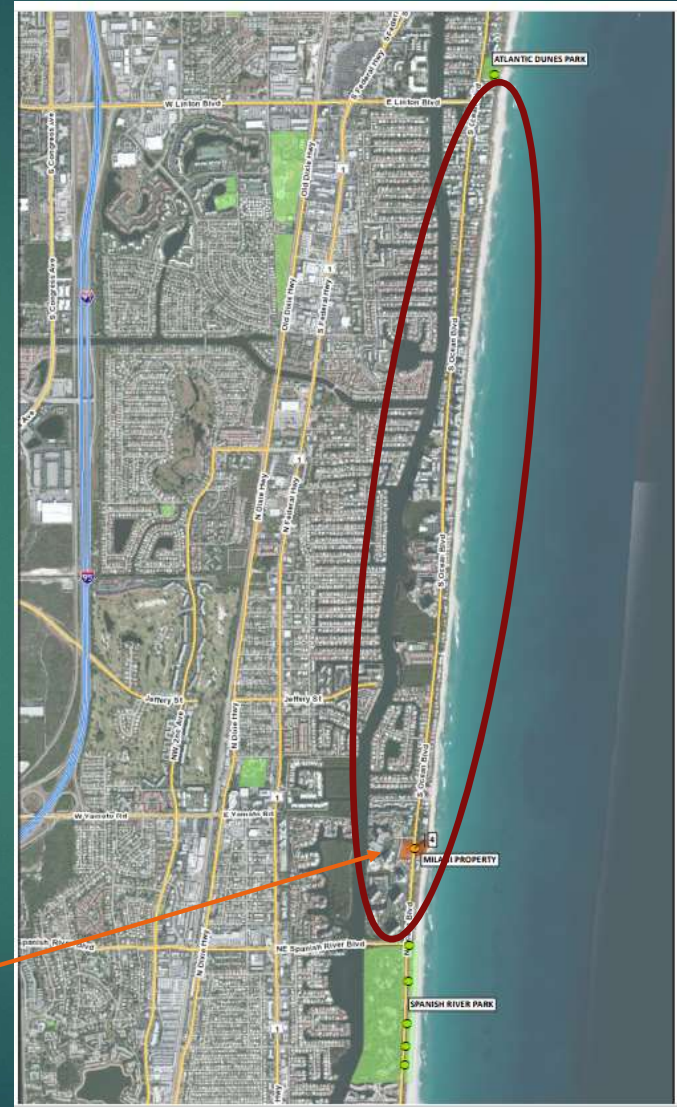
4 – North of Gulfstream Park to south County line



The Relevance (cont.)

- ▶ County beach park level of service gap – addressing this need for County residents is also consistent with the Parks Master Plan approved by BCC on December 10, 2024
- ▶ Current:
 - ▶ 4.2 mile gap of public beach access
 - ▶ 12 mile gap of County park beach access

Cam D. Milani Park



Staff's Report

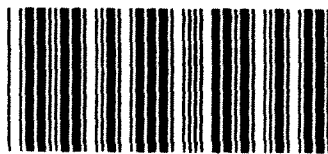
Cam D. Milani Park Project

FACILITIES DEVELOPMENT & OPERATIONS
PARKS AND RECREATION
BCC REGULAR MEETING
FEBRUARY 4, 2025

ATTACHMENT 3
Agenda Item 5B-3 (May 18, 2010)

5B3

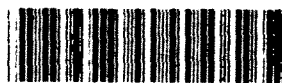
Document Type



* P B C O 1 *

Agenda Item Summary (AIS)

Place Interim Doc
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* P B C I N T O *

Place Restricted Doc
Label Here →



* P B C R D O *

Agenda Item #:

5B-3

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

MISA 7-0

R-2010-0810

Meeting Date: May 18, 2010

☐ Consent ☒ Regular
☐ Public Hearing

Department

Submitted By: FACILITIES DEVELOPMENT & OPERATIONS

Submitted For: COUNTY ATTORNEY

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a stipulated settlement agreement with the Town of Highland Beach resolving pending litigation between the parties regarding the Town's approval with conditions of the County's special exception use application for the Cam D. Milani Park.

Summary: On April 27, 2009, the Town of Highland Beach's Town Commission voted to adopt a resolution granting a special exception use approval for the County's proposed Cam D. Milani park. Five of the 43 Conditions of Approval contained within the special exception approval, Conditions No 5, 6, 10, 14, and 43, violate the essential requirements of law, constitute unlawful delegations of authority, are unconstitutionally vague, are not supported by record evidence, and are arbitrary and capricious. Palm Beach County filed a petition for writ of certiorari and a civil action for declaratory judgment and injunctive relief, challenging the special exception conditions. The petition for writ of certiorari was denied by the circuit court; however, the action for declaratory judgment and injunctive relief remains pending. Staff has negotiated a settlement agreement with the Town's staff, under which the Town would modify the challenged Conditions of Approval to address the County's concerns, and the County would delay construction of the park for a period of ten years, with the potential for two additional five-year extensions on the postponement, at the County's option. The County does remain obligated to proceed with fulfilling certain conditions which generally provide for; 1) clearing, grubbing, grading and seeding of the entire site, 2) the installation of the buffer treatment (including installation of a 6' concrete wall), and 3) the restoration of the onsite wetland. District 4 (ATP)

Background and Policy Issues: The County applied for a special exception application to the Town of Highland Beach on December 19, 2001 for the proposed Cam D. Milani Park, to provide beach access for residents of Palm Beach County. At the conclusion of litigation with the former owner, the County re-activated the prior application through a time updated submittal on September 11, 2007. The Town of Highland Beach's Town Commission held public hearings on the Special Exception application on November 4, 2008, December 2, 2008, January 6, 2009, and April 27, 2009. At the conclusion of the hearings, the Town Commission voted to approve the County's special exception application with 43 Conditions of Approval; four of the 43 Conditions of Approval are objectionable to the County.

(Continued on Page 3)

Attachments: Settlement Agreement

Recommended by: Annex Wolf 5/4/10
Department Director Date

Approved by: [Signature] 5/10/10
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget?	Yes_____ No_____				
Budget Account No.:	Fund_____	Department_____	Unit_____		
Object_____					

Reporting Category _____

- * B. **Recommended Sources of Funds/Summary of Fiscal Impact:** There is no fiscal impact associated with this item. However, the estimated cost to complete the early conditions is estimated at \$350,000.

C. **Departmental Fiscal Review:** _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

[Signature] 5/12/10
OFMB
5/12/10

[Signature] 5/14/10
Contract Development and Control
5/12/10

B. Legal Sufficiency:

[Signature]
Assistant County Attorney

At the time of our review the Settlement Agreement was not executed and Exhibits A & B were not available.

C. Other Department Review:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

Background and Policy Issues (Cont'd):

Condition of Approval No. 5 requires the County to install a fence or railing on the beach to the mean high water line, in order to create a demarcation between public and private beach property. The County has been advised by the Florida Fish and Wildlife Commission and the Florida Department of Environmental Protection that State policy is to discourage encumbrances, including fences, due to adverse impacts to sea turtles. Consequently, the County expects that required state permits will not be obtainable. The Stipulated Settlement Agreement provides that Condition of Approval No. 5 will be modified to acknowledge the County's right to proceed if, despite its best efforts, the County is unable to obtain the requisite state permits for the requested barrier.

Condition of Approval No. 6 requires the County to retain one or more Registered Professional Archaeologists that are agreeable to the Town to perform specified archaeological work on the Project. The County's concern with Condition of Approval No.6 is that it was intended to prevent the County's current archaeological expert, Bob Carr, from performing work on the Project, based on a belief on the part of Town staff that Bob Carr was biased in favor of the County. The Stipulated Settlement Agreement provides that Condition of Approval #6 will be modified to acknowledge the Town's ability to choose its own archaeological consultant, should it not agree with the County's choice.

Condition of Approval No. 10 requires the County to apply for designation of the park as a historic site on the National Register of Historic Places within one year of the adoption of the Resolution. The Stipulated Settlement Agreement provides that Condition of Approval No.10 would be modified to allow for the historic designation application to be made within one year of the County's notice to the Town of its intent to resume development of the park.

Condition of Approval No. 14 requires the County to enter into a Memorandum of Agreement ("MOA") with the State Historic Preservation Officer ("SHPO"), the Miccosukee, the Seminole Tribe of Florida, the Seminole Nation of Oklahoma, and the Town of Highland Beach, regarding "what steps will be taken to protect the Subject Property during its development," and includes a specific form and content for the MOA. The County objected to the requirement that the County enter a MOA, because the SHPO had already advised the County that a MOA was not required by the State and because some of the specified Indian Tribes were not responsive to the County's requests for input on the Project. The Stipulated Settlement Agreement would modify Condition of Approval No. 14, by acknowledging that the County is only required to make reasonable efforts to negotiate with the identified third parties for the MOA.

Condition of Approval No. 43 requires the County to replace a planned 6 foot high vinyl fence with a 6 foot high concrete decorative wall on the western property line. The Stipulated Settlement Agreement provides that Condition of Approval will be modified to resolve the potential discrepancies between the County's initial landscaping plan and the wall requirement, by including a reconciled landscaping plan reflecting all of the required elements.

In light of the foregoing, staff recommends approval of the Stipulated Settlement Agreement, which will resolve the County's concerns regarding the objectionable conditions of approval and obviate the need for further litigation.

The County remains obligated to proceed with certain conditions (No 20, 22, 24 and 43) within the timeframes set forth in the development order. Specifically, the County is required to; 1) clear and grub the West Parcel, remove existing paving and grade the perimeter landscape buffers and the balance of the site, 2) install the southern and western perimeter buffers identified in the plan which includes the installation of a 6' masonry wall, and 3) restoration of the on-site wetland; all within 180 days of the approval

of the settlement agreement and amended development order by the Town of Highland Beach. The County will have the right to install two signs on the property indicating that the site is the "Future Home of the Cam D. Milani Park." The cost of these improvements is estimated to be \$350,000 and the remainder of the funds currently allocated to this Park will be reallocated to creating additional beach access capacity in the Parks' South Region.

The Town is planning to consider the settlement agreement and amendment to the development order on May 4, 2010.

ATTACHMENT 4
Agenda Item 3D-3 (September 14, 2010)

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Agenda Item #:

3D-3

Meeting Date: September 14, 2010

☒ Consent ☐ Regular
☐ Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: an addendum to the stipulated settlement agreement with the Town of Highland Beach which was approved by the Board of County Commissioners on May 18, 2010.

Summary: On May 18, 2010, the Board of County Commissioners approved a stipulated settlement agreement with the Town of Highland Beach resolving pending litigation between the parties regarding the Town's approval with conditions of the County's special exception use application for the Cam D. Milani Park. The settlement agreement contained scrivener's errors which both parties wish to be clarified through the execution of the Addendum, including a corrected effective date, contact information for the Town of Highland Beach, an updated clarification regarding the County's dispute with Boca Highlands Condominium Association, and a specific reference to the version of the Town Code to be used in implementing the settlement agreement provisions.
District 4 (ATP)

(Continued on Page 3)

Attachments:

1. Addendum to Stipulated Settlement Agreement
2. Certification by Beverly Brown, Town Clerk, regarding Code of Ordinances
3. Code of Ordinances of the Town of Highland Beach

Recommended by: _____

County Attorney

Date

8/23/10

Approved by: _____

N/A

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
 NET FISCAL IMPACT	_____	_____	_____	_____	_____
 # ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Department _____ Unit _____ Object _____

Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

OFMB Contract Development and Control

B. Legal Sufficiency:



Assistant County Attorney

C. Other Department Review:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

Background and Justification: On May 18, 2010, the Board of County Commissioners approved a stipulated settlement agreement with the Town of Highland Beach resolving pending litigation between the parties regarding the Town's approval with conditions of the County's special exception use application for the Cam D. Milani Park. The settlement agreement contained scrivener's errors which both parties wish to be clarified through the execution of the Addendum, including a corrected effective date, contact information for the Town of Highland Beach, an updated clarification regarding the County's dispute with Boca Highlands Condominium Association, and a specific reference to the version of the Town Code to be used in implementing the settlement agreement provisions. The Addendum will correct the scrivener's errors and will clarify the status of the property line dispute between the County and the Boca Highlands Condominium Association. All substantive provisions in the Settlement Agreement will remain unchanged. Once the County executes the Addendum, it will be forwarded to the Town of Highland Beach for their consideration and execution.

ADDENDUM

R 2010-1374

SEP 14 2010

WHEREAS, Palm Beach County and The Town of Highland Beach have reached a Stipulated Settlement Agreement regarding Milani Park,

WHEREAS, the Settlement Agreement contains several "glitches" which both parties wish to be cleaned up

WHEREAS, the parties wish to clean up those "glitches" in the simplest process possible,

WHEREAS, the parties agree that this Addendum to the Stipulated Settlement Agreement will serve to clean up the "glitches" set forth below,

NOW THEREFORE, in consideration of the foregoing Whereas Clauses which the parties agree are true and correct and are incorporated into this Agreement, the parties agree as follows:

1. On page 1 of the Stipulated Settlement Agreement, the year on the Agreement has been identified as 2009. The year should be 2010.
2. On pages 3-6, the legislative formatting of the draft language, which was part of the negotiations between the parties, still shows underlining of the last round of negotiations. The underlining which should have been removed in the final document can remain as it does not adversely effect the intent of the parties.
3. On page 6, the agreement still outlines that there is a dispute between Palm Beach County and the Boca Highlands Condominium Association. That dispute has been settled and the parties so agree.

4. On page 8 (item #6) there is a reference to the Town Code which is "in effect at the time of the adoption of the Amended Development Order, (identified by XY)". To clear up this matter the Town Clerk of Highland Beach will attach and make a part of the Settlement Agreement, a copy of the current Town Code signing an affidavit that such copy was the Town Code at the time that both parties entered into the Stipulated Settlement Agreement.

5. With regard to item #20 the missing contact information will be noted as follows:

If to the Town of Highland Beach: Dale S. Sugerman,
PhD., Town Manager, 3614 South Ocean Blvd.,
Highland Beach, FL, 33487.

With copies to: Thomas E. Sliney, Esq., Buckingham,
Doolittle and Burroughs, LLP, 5355 Town Center Road,
Suite 900, Boca Raton, Florida 33486.

R 2010 13 74 SEP 14 2010

WITNESS:

PALM BEACH COUNTY, FLORIDA
By: Board of County Commissioners

Barbara Strickland
(Signature)

[Signature]
By: Chairman of the Board of County
Commissioners Burt Aaranson

Barbara Strickland
(Print Name)

Burt Aaranson
(Print Name)

Sydore Thompson
(Signature)

SEP 14 2010
(Date)

Sydore Thompson
(Print Name)

[Signature]
Approved as to Legal Form and Sufficiency
Palm Beach County Attorney's Office

Sharon R. Bock, Clerk & Comptroller
Palm Beach County
By [Signature]
Deputy Clerk



WITNESS:

TOWN OF HIGHLAND BEACH

By: Town Commission

Valeri Dakes
(Signature)

Murphy
By: Mayor

Valeri Dakes
(Print Name)

J.W. Newell
(Print Name)

Dale S. Sigerman
(Signature)

11/2/10
(Date)
Burke, Pookalla + Bayne

DALE S. SIGERMAN
(Print Name)

By: The City
Approved as to Legal Form and Sufficiency
Town Attorney

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Controller,
certify this to be a true and correct copy of the original
filed in my office on SEP 4 2010
dated at West Palm Beach, FL on SEP 4 2010
By: Sharon R. Bock
Deputy Clerk





Town of Highland Beach

3614 SOUTH OCEAN BOULEVARD • HIGHLAND BEACH, FLORIDA 33487

Palm Beach County, Florida

561-278-4548
FAX 561-265-3582

Mayor:
Jim Newill, CPA

Vice Mayor:
Miriam S. Zwick

Commissioners:
Doris M. Trinley
John J. Sorrelli
John J. Pagliaro

Town Manager:
Dale S. Sugerman, Ph. D.

July 30, 2010

I Beverly M. Brown, Town Clerk of the Town of Highland Beach, Florida, do hereby
Certify that the Code of Ordinances Attached to be a True and Correct Copy of the Code
of Ordinances of the Town of Highland Beach, Florida, that were in effect on
June 1, 2010, the date upon which the Town Commission of the Town of Highland Beach
signed the Stipulated Settlement Agreement previously signed by the Palm Beach County
Commission on May 18, 2010.

ATTEST:

Beverly M. Brown, MMC
Town Clerk
Town of Highland Beach

CODE OF ORDINANCES

Town of

HIGHLAND BEACH, FLORIDA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 09-005, adopted December 1, 2009.

See the Code Comparative Table—Ordinances for further information.

Remove old pages

Checklist of up-to-date pages

CD2:1, CD2:2
CD2:9—CD2:11
CD17:3
CD22:3, CD22:4
CD24:3, CD24:4
CD29:3—CD29:4.1
CDC:1
CDC:3—CDC:5
CCT:5, CCT:6
SLT:1—SLT:3
CDi:1, CDi:2
CDi:5—CDi:8
CDi:15, CDi:16
CDi:19, CDi:20

Insert new pages

Checklist of up-to-date pages
(following Table of Contents)

CD2:1, CD2:2
CD2:9—CD2:13
CD17:3
CD22:3, CD22:4
CD24:3, CD24:4
CD29:3—CD29:4.1
CDC:1
CDC:3—CDC:6
CCT:5, CCT:6
SLT:1—SLT:3
CDi:1, CDi:2
CDi:5—CDi:8
CDi:15—CDi:16.1
CDi:19, CDi:20

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

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ATTACHMENT 5
Agenda Item 5C-1 (October 8, 2019)

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: **October 8, 2019**

☐ Consent
☐ Ordinance

☒ Regular
☐ Public Hearing

Department: **Parks and Recreation**

Submitted By: **Parks and Recreation Department**

Submitted For: **Parks and Recreation Department**

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: **A) approve** a five-year time extension for development of the Cam D. Milani park site located within the Town of Highland Beach from June 1, 2020, to May 31, 2025; and **B) authorize** the Mayor to execute a letter to the Town of Highland Beach providing notification of the time extension.

Summary: On May 18, 2010, the Board approved a stipulated settlement agreement with the Town of Highland Beach regarding the Town's approval, with conditions, of the County's special exception use application for the development of the Cam D. Milani park property. The stipulated settlement agreement was executed by the Town on June 1, 2010. On September 14, 2010, the Board approved an addendum to the stipulated settlement agreement (R2010-1374) to correct scrivener's errors. In the settlement agreement, the County agreed not to proceed with development of the park, other than addressing certain compliance conditions, for a period of 10 years from the date of adoption for the amended development order (June 1, 2010). The settlement agreement also provided the County the right to extend the postponement at its sole option for two periods of five years each for a maximum postponement of 20 years. Should the County determine to extend the postponement period for five additional years, a letter notifying the Town of the extension is required within 6-12 months of the 10 year anniversary of the initial postponement. Inasmuch as the County requires the property to maintain Comprehensive Plan level of service requirements for beach park acres, and funding for the development of the park site has not yet been appropriated due to budgetary constraints and competing priorities, staff recommends postponing development of the Cam D. Milani park site for an additional five-year period. Pending Board approval, the obligatory letter will be sent to the Town outlining the County's intent to extend the postponement of development for an additional five years. Within this timeframe, it is the Department's intent to request design phase funding as part of our five-year Capital Program. District 4 (AH)

Background and Justification: The County purchased two parcels on either side of State Road A1A, totaling 5.39 acres from the Milani family for \$3.9 million in 1987 for future development of a beachfront park. In 2007, the County re-activated a prior development application and submitted it to the Town. On March 4, 2008, the Town's Building Official confirmed that the County's application met the 19 code requirements for issuance of the special exception application. The application was referred to the Town's Planning Board, which heard the matter at three separate workshops in February, March and April of 2009. The Planning Board recommended approval of the special exception application to the Town Commission along with 43 conditions of approval. At the April 27, 2009 Public Hearing, the Highland Beach Town Commission voted to approve the County's special exception application with the 43 conditions of approval that had been recommended.

(continued on page 3)

Attachments:

1. Time extension letter
2. Summary of Conditions

Recommended by: _____

Eric Coe
Department Director

9-15-19

Date

Approved by: _____

Donald A. Miller
Assistant County Administrator

9/24/2019
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No X
Does this item include use of federal funds? Yes _____ No X

Budget Account No.: Fund _____ Department _____ Unit _____
Object _____ Program _____


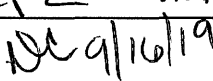
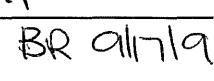
B. Recommended Sources of Funds/Summary of Fiscal Impact:

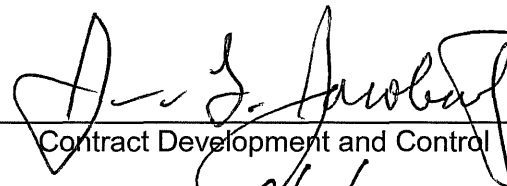
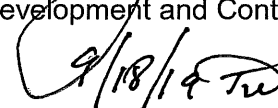
There is no fiscal impact at this time.

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

 9/17/19
OFMB  9/16/19 BR  9/17/19

 9/19/19
Contract Development and Control
 9/18/19 TW

B. Legal Sufficiency:

 9.23.19
Assistant County Attorney

C. Other Department Review:

Department Director

REVISED 10/95
ADM FORM 01

Background and Justification (Cont'd)

The County felt that a number of the conditions of development approval for the Milani property violated the law or were unconstitutional and petitioned the Court to step in. Staff was able to negotiate a settlement agreement with the Town’s staff, under which the Town would modify the challenged conditions of approval to address the County’s concerns. The County agreed to delay construction of the park for a period of 10 years, with the potential for two additional five-year extensions on the postponement, at the County’s option. The settlement agreement was approved by the BCC on May 18, 2010, and executed by the Town on June 1, 2010. However, the County remained obligated to fulfill pre-development conditions including, 1) some clearing, grubbing, grading and seeding the entire western parcel, 2) installation of a buffer concrete wall, and 3) restoration of the onsite wetland. All of these conditions were accomplished within 12 months and in accordance with the settlement agreement.

On September 14, 2010, the BCC approved an addendum to the stipulated settlement agreement with the Town of Highland Beach to correct some scrivener’s errors, including a corrected effective date from 2009 to 2010. A summary of the conditions is included as Attachment 2 to this item.

Considering there is adequate public beachfront park property a short distance to the north and south of the Milani site and based on the competing funding priorities, staff recommends extending the development delay for an additional five years. During this period, staff will request funding for the park design.



**Parks and Recreation
Department**

2700 6th Avenue South

Lake Worth, FL 33461

(561) 966-6600

Email: pbcparks@pbcgov.org

www.pbcparks.com

PALM BEACH COUNTY



PARKS & RECREATION

**Palm Beach County
Board of County
Commissioners**

Mack Bernard, Mayor

Dave Kerner, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Robert S. Weinroth

Mary Lou Berger

Melissa McKinlay

County Administrator

Verdenia C. Baker

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Official Electronic Letterhead

October 8, 2019

Mayor Rhonda Zelniker
Town of Highland Beach
3614 S. Ocean Blvd.
Highland Beach, FL 33487

**RE: Milani Park – Notification of a five-year time extension for
Park development**

Dear Mayor Zelniker:

On May 18, 2010, Palm Beach County entered into a Stipulated Settlement Agreement with the Town of Highland Beach for the development of Milani Park. On September 14, 2010, the Stipulated Settlement Agreement was amended to correct scrivener's errors including a corrected effective date from 2009 to 2010. In the Amendment to the Agreement the County agreed to not proceed with the development of Cam D. Milani Park other than compliance conditions, for a period of 10 years from the date of adoption for the amended Development Order (May 4, 2010). In addition, the Settlement Agreement also provides the County the right to extend the postponement by two additional five-year periods for a maximum postponement of 20 years.

This notification is being provided in accordance with the Settlement Agreement as the County wishes to exercise its initial five-year postponement extension for development of the Park until May 4, 2025. During this five-year extension period, funding will be requested for the design phase of the Park.

The County continues to remain in compliance with all pre-development conditions, and will continue to work cooperatively with Town Administration and law enforcement to address issues, which may arise related to the property.

Please contact the Parks and Recreation Department Director, Eric Call, at 561-966-6613 if you have any questions or need any additional information.

Sincerely,

Mack Bernard, Mayor
Palm Beach County Board of County Commissioners

CC: Robert Weinroth, Commissioner, District 4
Verdenia Baker, County Administrator
Dorritt Miller, Assistant County Administrator
Audrey Wolf, Director, FDO
Eric Call, Director, Parks and Recreation Department
Bob Hamilton, Director, Park Planning and Design
Marshall Labadie, Town Manager

Conditions of Approval for Cam D. Milani Park

Reference: Board of County Commissioners Agenda Item Summary
September 14, 2010 – Agenda Item 3D-3



#	Description	Completion Date	Status	Comments
1.	The Conditions of approval for development of Milani Park (hereinafter the "Subject Property") herein shall apply to Palm Beach County (the County), its successors and assigns			
2.	The County shall comply with Section 30-12 of the Town Code, entitled "Payment for Outside experts by reimbursing the Town for all cost the Town has incurred to date from its hiring of experts, no later than (30) days after receipt of the invoice and supporting documentation, and subject to any resolution regarding the reasonableness of fees. Any additional cost shall be paid by the County prior to issuance of the first building permit authorizing development of the Subject Property.	12/21/2010	Completed	The County issued four payments to the Town of Highland Beach between April 13, 2009 and December 21, 2010 totaling \$123,684.12 ATTACHMENT #2
3.	Following the approval of the Special Exception Resolution and in advance of submitting for any building permit, except those required to construct the improvements identified in Conditions 20 and 24, the County shall submit a consolidated package which shall include a Final Site Plan, engineering construction plans, architectural plans (floor plans and elevations), and other documents, drawings, and permits received from outside agencies that are required by the conditions contained in the granting Resolution and are necessary to initiate clearing and construction on the Subject Property. This consolidated package shall also include that documentation which is necessary to demonstrate the County's compliance with all of the conditions of approval contained in the Resolution. These plans and documents shall be collectively referred to hereinafter as "the Compliance Package". The Compliance Package shall be subject to the Town's review to confirm compliance with the conditions and other permitting requirements.	Compliance package - must be complete within two years of County's notice of intent to resume development, and prior to building permit.		Compliance Package will be completed as part of the planning, design and permitting of this project.
4.	As part of the Compliance Package and prior to the issuance of any building permits, except those required to construct the improvements identified in Conditions 20 and 24, the County shall submit a revised Park Management Plan for the subject property which shall be subject to the Town's review to confirm compliance with the subsections contained within this condition. The revised Park Management Plan shall: a. set forth the County's intended delivery of public safety services to the subject property including lifeguards, park rangers and gatehouse attendants; b. require the County to retain one or more registered professional archeologists (herein after "the archeologists") as also identified in Condition #6 herein address the planning, construction and maintenance measures to protect the archaeological resources on the East Parcel (Parcel "A"). These measures shall be incorporated into the revised Park Management Plan. The Archeologists shall be on the subject Property at #4 Continued: all times during clearing and construction of the East Parcel (Parcel "A") for the park and its improvements to monitor and inspect the activities of the County's contractors, employees and consultants; c. indicate how the County proposes to continually restore and maintain a functioning foredune;	Management Plan - must be complete within two years of County's notice of intent to resume development, and prior to building permit.		Management Plan will be part of the Compliance Package, and will be completed as part of the planning, design and permitting of this project.



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting



Condition Applies During Construction



Condition Applies to Ongoing Operations

	<p>d. Indicate that signage will be installed at the base of the dune stating that beach goers are to keep off vegetated dune area, not disturb the vegetation and that recreational beach activity shall be monitored within an area which is 10 feet from the leading edge of the foredune to minimize degradation;</p> <p>e. identify how endangered, threatened or species of special concern (in particular the Green Herons and Sea Turtles which were observed on the Site) will be protected before and after development of the Subject Property;</p> <p>f. set forth the County's plan for protecting sea turtle nests from recreational beach users;</p> <p>g. document how Palm Beach County shall comply with the Management Plan included in the reviewing agencies' permit(s) for monitoring and maintenance of the Mangrove Swamp on the West Parcel (Parcel "B");</p> <p>h. indicate how all exotic vegetation will initially be removed, and thereafter how the subject property will be monitored and maintained to protect its environmental integrity;</p> <p>i. document the plans for the collection and disposal of trash and debris from the beach recreation area. Waste collection shall occur a minimum of three times per week;</p> <p>j. set forth how maintenance of the subject property will be done, including but not limited to the parking lot, a guard in the guard house, cleaning of restrooms, and cleaning the beach. Maintenance shall be performed by Palm Beach County; and</p> <p>k. include an on-going training program for park staff for archaeological sensitivity for the Site.</p>			
5.	<p>As part of the Compliance Package, the County shall submit a drawing indicating the type of demarcation fencing or railing (which may include notices or signs attached thereto identifying adjacent private property) which it proposes to install on the beach to create delineation between public and privately owned properties along the northern and southern property lines to the mean higher water line for the East Parcel (Parcel "A"). The placement of the demarcation fencing or railing shall be subject to the County obtaining permits from the appropriate authorities; <u>however, the County shall be excused from compliance with this condition if, after a good faith effort, the County is unable to obtain required permits from the appropriate authorities, including but not limited to the Florida Department of Environmental Protection and the Florida Fish and Wildlife Commission.</u></p>	Compliance package - must be complete within two years of County's notice of intent to resume development, and prior to building permit.		Signage will be researched and included as part of the Compliance Package, and will be completed as part of the planning, design and permitting of this project.
6.	<p>The County shall retain one or more Registered Professional Archaeologists (hereinafter "the Archaeologists"), who are members or meet the standards of the Register of Professional Archeologists (ROPA) <u>agreeable to the County and the Town</u>, who will work toward the development of the Park Management Plan to address the planning, construction and maintenance measures to protect the archaeological resources on the Subject Property. These measures shall be incorporated into the Park Management Plan for the subject property as required in #4b, above. The Archaeologists shall be on the Archaeological Site (the East Parcel – Parcel "A") <u>of the Subject Property</u>, at all times during clearing and construction to monitor and inspect the activities of the County's contractors, employees and consultants. <u>If the Town finds the County's archaeological consultant unacceptable, the Town may choose to hire its own archeological consultant to review the work performed under this condition and the County shall reimburse the town for reasonable expenses incurred as part of the Town's archaeologist's review.</u></p>	Management Plan must address protection of archaeological resources, and must be complete within two years of County's notice of intent to resume development,		Underlined and strike out language are included as part of 2010 stipulated settlement agreement. BCC May 18, 2010 (5B-3)



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting

Condition Applies During Construction



Condition Applies to Ongoing Operations

7.	Prior to the issuance of any clearing, excavation or other permits necessary to fill the East Parcel (Parcel "A") of the subject property the Archaeologists shall be consulted in regard to planning and monitoring all removal of vegetation, structures and features. Native vegetation shall be left in place so to avoid any disturbance to the midden.	Archaeologists must be consulted prior to clearing, excavation or fill or removal of structures.		
8.	The County shall use materials devoid of cultural resources and contaminants (hereinafter "the Fill") and shall place same over any area to be developed, including but not limited to, areas where boardwalks and pedestrian walkways, kiosks, restrooms and/or lifeguard buildings are located. The Fill shall be in sufficient quantities to bury and preserve archaeological resources. The placement of the Fill shall be done at the direction of the Archaeologists.	Construction condition		
9.	The Site shall be interpreted. The Archaeologists shall consult with the State Historic Preservation Officer (SHPO), and offer the opportunity to comment to the Miccosukee and Seminole Tribes, to develop text, concepts, and recommendations for interpretative signage which shall be located on the eastern parcel. The signage shall, focus on (1) the Jeaga, Ais, Tequesta, Miccosukee, Creeks and Seminole Tribes; (2) Spanish, British and other European and Japanese Yamato Colony's presence in Palm Beach County or whatever is deemed most appropriate by the SHPO and Tribes.	Condition will be address during planning, design and permitting.		
10.	Within one (1) year of the County's notice of intent to resume development adoption of the Resolution , the County shall apply for National Register of Historic Places (NRHP) designation of the <u>Archaeological Site</u> . Immediately upon receipt of the NRHP determination the County shall provide evidence of its receipt of the determination to the Town. If the <u>Archaeological Site</u> is nominated, Palm Beach County will agree to accept the nomination.	County must apply for NRHP within one year of County's notice of intent to resume development		Underlined and strike out language are included as part of 2010, stipulated settlement agreement. BCC May 18, 2010 (Regular BCC Agenda 5B-3). Christian Davenport PBC Archaeologist sent a letter dated February 21, 2008, to Frederick Gaske, Director Division of Historical Resources requesting an evaluation for eligibility for inclusion in NRHP. Mr. Gaske responded on February 28, 2008, stating County is eligible to be considered for listing NRHP. ATTACHMENT #10
11.	No clearing (Except for hand removal of exotic vegetation) shall occur on the East Parcel (Parcel "A").	Operational		
12.	Prior to the issuance of any building permit, except those required to construct the improvements identified in Conditions 20 and 24, those structural features which remain on the East Parcel (Parcel "A") from the former Weir homestead, and that are determined by the Town Building Official to be structurally unstable or unsafe, shall be removed from the East Parcel (Parcel "A") unless, in the opinion of the Town Building Official and the Archaeologists, their removal would destabilize the archeological site, expose artifacts, promote erosion, disturb human remains, or otherwise be adverse to the preservation of the archeological site. Unstable or unsafe structural features shall be tested if required to determine their integrity, and their removal monitored by the Archeologists. In the event that a structural feature is determined by the Town Building Official to be structurally unstable or unsafe, and removal would destabilize that archeological site, the County shall not remove the structural feature, but shall secure the structural feature to the satisfaction of the Building Official.	Prior to building permit		



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting



Condition Applies During Construction



Condition Applies to Ongoing Operations

13.	<p>Prior to the issuance of any building permit, except those required to construct the improvements identified in Conditions 20 and 24, the Archaeologists identified in condition #6 shall undertake a Cultural Resource Assessment Survey (CRAS) (also known as Phase 1 Survey) in compliance with 1A-46.001 FAC and the Florida Division of Historical Resources "Cultural Resource Management Standards & Operations Manual" to recover</p> <p>#13 Continued:</p> <p>information present at the Archeological Site so as to expand the understanding of the Site's significance to Florida's past, its first inhabitants, and explorers, as well as its early European and Japanese settlers. The County shall submit the assessment to the Town as part of the Compliance Package.</p>	Prior to building permit		
14.	<p>The County shall <u>make reasonable efforts to negotiate and enter into a Memorandum of Agreement (MOA) with the SHPO, the Miccosukee, the Seminole Tribe of Florida, the Seminole Nation of Oklahoma, and the Town of Highland Beach regarding what steps will be taken to protect the Subject Property during its development. The Memorandum of Agreement shall generally be in the form of and include the content of the attached Exhibit "A". The County shall be considered to have made reasonable efforts to negotiate the MOA if it seeks participation by each of the parties by sending by regular and certified mail, a letter generally in the form and included in the content of the attached Exhibit "B" which is incorporated herein, and the parties fail to respond within 90 days of the written invitation. Regardless of whether or not any of the third parties referenced hereinabove decline to enter into the MOU, the County agrees to make reasonable efforts to negotiate and enter into a MOA with those third parties that do not agree to participate.</u></p>	Condition will be addressed during planning, design and permitting.		Underlined and strike out language are included as part of 2010 stipulated settlement agreement. BCC May 18, 2010 (5B-3)
15.	<p>As part of the Compliance Package, the County shall submit its engineering and construction plans and drawings showing that the restroom and lifeguard building will be located entirely within the "footprint" of the remnants of the swimming pool and any existing concrete deck poured over existing footers. In the event the restroom/lifeguard building cannot be located entirely within the footprint of the swimming pool and deck, Palm Beach County may alter the footprint of the building upon proof to the Town in consultation with the SHPO that any encroachment of the proposed building will not displace or disturb archaeological resources or human remains. If in the opinion of the Town in consultation with the SHPO this can not be accomplished, the County shall relocate this structure to the West Parcel (Parcel "B").</p>	Compliance package must be complete within two years of County's notice of intent to resume development and prior to building permit.		Plans and Specifications will be included in the Compliance Package will be completed as part of the planning, design and permitting of this project.
16.	<p>As a result of the Cultural Resource Assessment Survey (CRAS) identified in condition # 13 above, and as part of the Compliance Package and prior to the issuance of any building permits, except those required to construct the improvements identified in Conditions 20 and 24, the County shall identify the routes of any and all utility lines, sidewalks, walkways, boardwalks and/or facilities that may impact any archaeological deposits or human remains. Once the routes have been determined and permits applied for and obtained, the routes shall be excavated by hand.</p>	Prior to building permits		Prior to the issuance of any building permit.
17.	<p>The storm water system shall be designed such that there is no impact to facilities in a 5 year 24 hour storm event.</p>	Condition will be addressed in Park's design		Stormwater will be addressed during planning, design and permitting.



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting



Condition Applies During Construction



Condition Applies to Ongoing Operations

18.	As part of the Compliance Package the County shall submit copies of all applications submitted and permits received from DEP/ACOE regarding the development of the subject property.	Compliance Package must be complete within two years of County's notice of intent to resume development, and prior to building permit.		Compliance Package will be completed as part of the planning, design and permitting of this project.
19.	As part of the Compliance Package, the Landscape Plans shall provide for plantings within the 25' wetland buffer between the paved parking area and the Mangrove Swamp on the West Parcel (Parcel "B"). The landscaping shall be subject to the Town's review and approval for plant material selection that is consistent with wetland species and character.	Compliance Package must be complete within two years of County's notice of intent to resume development, and prior to building permit.		Compliance Package will be completed as part of the planning, design and permitting of this project.
20.	Within one hundred-eighty (180) days of the adoption date of the Resolution approving the Special Exception use, the County shall prepare a perimeter landscaping plan for the western and southern perimeters of the West Parcel (Parcel "B") consistent with the conceptual landscape plans submitted as part of the Special Exception application, and as outlined in Condition #43 contained herein. The perimeter landscaping plan, once approved by the Town, shall be installed within an additional 90 days.	January 14, 2011	Completed	Must be completed within one year of execution of the 2010 Settlement Agreement. Plans completed on July 28, 2010, Town of Highland Beach issued a Certificate of Completion on January 14, 2011 for landscaping, fence and Irrigation. Project completed by Anzco, Inc. \$240,495. ATTACHMENT #20
21.	The County shall provide for the following improvements at the entrance to the parking lot, west of AIA on the subject property: a. Re-stripe AIA to provide a left hand turn lane south approach at the entrance to the parking lot. b. A minimum four car stacking distance to the payment window at the guard house. The County shall not prevent access to the residential properties east of AIA, south of the subject property, by extending the northbound left hand turn lane into the park's parking lot, such that vehicles traveling south on AIA will not be able to legally enter the driveway of these two residential properties. The County shall notify these two property owners of the restriping of AIA and the proposed left hand turn lane south of the entrance to the parking lot. These property owners shall be provided notice of any FOOT meetings or applications regarding the park's turn lane or any effect to their current ingress/egress at their properties.	Condition will be addressed in Park's design		Parking and road improvements will be addressed during the planning, design and permitting for this project.
22.	As part of the Compliance Package and prior to the issuance of any building permits, except those required to construct the improvements identified in Conditions 20 and 24, the County shall submit an executed true and correct copy of the permit for the subject property from the United States Army Corp of Engineers (COE) and/or the Florida Department of Environmental Protection (FDEP). The ACOE permit application shall include an updated Jurisdictional Wetland Determination.	Prior to building permits		Must be completed within one year of execution of the 2010 Settlement Agreement.
23.	As part of the Compliance Package, the County shall provide the Town with a Phase 1 Environmental Assessment for the West Parcel (Parcel "B"). If the Phase 1 Assessment indicates possible contamination, a Phase 2 Environmental Assessment that addresses soil and/or groundwater quality beneath the parcel will be provided. The documentation shall be subject to the review of the Town for compliance with conditions in the granting Resolution. If it is determined that there are contaminants that need to be remediated, the affected soil	Compliance Package must be complete within two years of County's notice of intent to resume development, and prior to building permit.		A Phase I Environmental Assessment and if necessary a Phase II Environmental Assessment will included in the Compliance Package.



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting



Condition Applies During Construction



Condition Applies to Ongoing Operations

	or groundwater shall be managed in accordance with the recommendations of the Phase 2 Environmental Assessment and the applicable regulatory requirements			
24.	Within one hundred-eighty (180) days of the adoption date of the Resolution, the County shall submit an application to the reviewing agencies requesting to remove all exotic vegetation within the Mangrove Swamp on the West Parcel (Parcel "B"). The environmental quality of this area shall be enhanced by replanting the area to comply with the restoration plan approved by the reviewing agencies as part of the permit.	December 13, 2000	Completed	On December 6, 2000, the consultant submitted a letter to the Army Corps of Engineers with an attached survey defining the limits of the Jurisdictional wetlands. The Army Corps responded on December 13, 2000 approving the wetlands boundary. In May 2005 the County hired Environmental Management and Engineers at a cost of \$30,470 to remove exotic vegetation. ATTACHMENT #24
25.	As part of the Compliance Package and prior to the issuance of any building permits, except those required to construct the improvements identified in Conditions 20 and 24, the County shall submit a Conservation Easement in favor of the Town for the area encompassing the Mangrove Swamp. The form of the easement shall be subject to the review and approval of the Town Attorney. Once approved, the County shall record the Conservation Easement and provide the Town with a certified copy of same with the recording information thereon.	Prior to building permit		Prior to building permits
26.	The County shall comply with the Town's Sea Turtle Protection Ordinance.	Operational		
27.	Beach cleaning by mechanical means shall be limited during sea turtle nesting season in accordance with Chapter 161, Florida Statutes.	Operational		
28.	All exotic vegetation to be removed from the East Parcel (Parcel "A") shall be hand cleared. Replanting will occur only in those areas where existing native vegetation will not re-establish within a reasonable time. The Archaeologist's shall be on the Site during both the clearing and replanting of the vegetation to continuously monitor and inspect the areas being cleared and replanted. If during either the clearing or replanting any significant archaeological materials or features are encountered, the Archaeologists shall immediately notify the Town and the SHPO and cease further work until any and all materials or features have been documented to the satisfaction of the Town and the SHPO. If any human remains are uncovered while either clearing or replanting, then the provisions of Section 872.05, Florida Statutes shall be followed and implemented without delay.	During construction		
29.	In the event an underground storage tank should still be present on the Subject Property, the County shall notify the Town and appropriate environmental agencies; and manage it in accordance with Chapter 62-761, F.A.C.	During construction		
30.	As part of the Compliance Package and prior to the issuance of any development permits, the County shall identify the exact location of any utility lines to be located on site. If the County proposes to locate any utility lines in areas which would require excavation the County shall as part of its Park Management Plan identify any protected vegetation that will be adversely affected and, if appropriate identify any mitigation proposed as a result thereof.	Compliance Package must be complete within two years of County's notice of intent to resume development, and prior to building permit.		Prior to building permit



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting

Condition Applies During Construction



Condition Applies to Ongoing Operations

31.	The County shall construct all facilities using strategies identified in a recognized green building standard, and in particular, construction shall be consistent with 255.252 FSS and 255.253 FSS.	Will be addressed during design.		Green building standards will be address during the planning, design and permitting of this project.
32.	As part of the Compliance Package the County shall submit the FDOT's Vehicular Access Connection (VAC) letter supporting the design of the proposed vehicular and pedestrian access configuration shown on the site Plan.	Will be addressed during design.		Vehicular access will be address during the planning, design and permitting of this project.
33.	The parking lot area west of AIA, (Parcel "B") shall be operated from sunrise to sunset, and shall be gated to prevent vehicular traffic from entering the parking lot before or after the park's hours of operation. The Compliance Package shall depict how pedestrian access is restricted. As for the property east of AIA, (Parcel "A") the site plan shall reflect that all pedestrian access points to and from AIA have pedestrian gates.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
34.	No commercial retail uses, including concession stands, are permitted on the Subject Property.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
35.	A minimum fee of \$4.00 per day or \$6.00 per weekend day shall be charged for parking. This fee may be adjusted at the discretion of Palm Beach County.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
36.	During the hours of park operation, an attendant shall staff the guardhouse in the parking lot.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
37.	The park shall only be open from dawn to dusk, including the parking lot.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
38.	No commercial vehicles or commercial trucks shall be permitted in the parking lot. Authorized vehicles performing park maintenance are exempt from this restriction.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
39.	Palm Beach County shall provide security patrols during park operating hours and the Palm Beach County Sheriffs Office, Parks Enforcement Unit shall respond to calls 24 hours per day/7 days per week.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
40.	The County shall monitor and address any vehicles remaining in the parking lot after the park closes as follows: a. The gate will be locked if no vehicles remain. If a vehicle remains, the Park Ranger will provide a 15-30 minute grace period until the gate is locked. b. If there is a vehicle remaining in the lot after the gate is locked, a Park Ranger shall place a sticker with a phone number on it for the Visitor to call so the Park Ranger can come back and unlock the gate for the visitor to leave.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
41.	The parking lot perimeter that is surrounded by a wall or fence shall have locked gates, secured from dusk to dawn.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting

Condition Applies During Construction



Condition Applies to Ongoing Operations

42.	No pets shall be permitted on either parcel in the park.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
43.	<u>The perimeter landscaping plan for the western perimeter of the West Parcel (Parcel "B") called for in condition #20 shall include a 6' high (above grade) concrete decorative wall rather than a 6' high (above grade) opaque vinyl fence for the western property line of the West Parcel (Parcel "B") as originally proposed in the Conceptual Landscape Plan dated October 16, 2008. The six foot high (above grade) concrete decorative wall for the western property line of Parcel B shall be constructed and completed within one year of the execution of this Settlement Agreement. Additionally, on the eastern boundary of Parcel "B" of the Subject Property, the County shall install a means of physically restricting vehicular access to the West Parcel as shown on Exhibit C. The perimeter landscaping plan for the southern and western perimeters of the West Parcel (Parcel "B") and the access restrictions on the eastern boundary of Parcel "B" shall be depicted in the Landscaping Plan, which is attached hereto as Exhibit C. To the extent that the requirements of condition #43 and #20 conflict, the terms of this amended Condition #43 shall prevail.</u>	January 14, 2011	Completed	Underlined and strike out language are included as part of 2010 stipulated settlement agreement. BCC May 18, 2010 (5B-3). Must be completed within one year of execution of the 2010 Settlement Agreement. Town of Highland Beach issued a Certificate of Completion on January 14, 2011 for landscaping, fence and irrigation. Project completed by Anzco, Inc. \$240,495. ATTACHMENT #43



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting

Condition Applies During Construction



Condition Applies to Ongoing Operations

ATTACHMENT 6
Agenda Item 5F-1 (October 22, 2019)

AGENDA ITEM SUMMARY

[X] Regular
[] Public Hearing

Submitted For: Parks and Recreation Department

10-21-2019
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	-0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current Budget:	Yes		No		X
Does this item include use of federal funds?	Yes		No		X

Budget Account No.: Fund Department Unit
Object Program

B. Recommended Sources of Funds/Summary of Fiscal Impact:

There is no fiscal impact at this time.

C. Departmental Fiscal Review: Paul Raymond

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

Lisa R
OFMB
10/21/19
BR 10/21

David Jacobowitz
Contract Development and Control
10/21/19

B. Legal Sufficiency:

Anne Delmont 10.21.19
Assistant County Attorney

C. Other Department Review:

Department Director

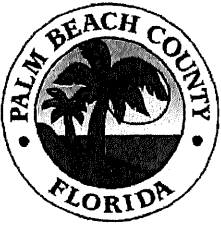
Background and Justification (Cont'd)

The County felt that a number of the conditions of development approval for the Milani property violated the law or were unconstitutional and petitioned the Court to step in. Staff was able to negotiate a settlement agreement with the Town's staff, under which the Town would modify the challenged conditions of approval to address the County's concerns. The County agreed to delay construction of the park for a period of 10 years, with the potential for two additional five-year extensions on the postponement, at the County's option. The settlement agreement was approved by the BCC on May 18, 2010, and executed by the Town on June 1, 2010. However, the County remained obligated to fulfill pre-development conditions including, 1) some clearing, grubbing, grading and seeding the entire western parcel, 2) installation of a buffer concrete wall, and 3) restoration of the onsite wetland. All of these conditions were accomplished within 12 months and in accordance with the settlement agreement.

On September 14, 2010, the BCC approved an addendum to the stipulated settlement agreement with the Town of Highland Beach to correct some scrivener's errors, including a corrected effective date from 2009 to 2010. A summary of the conditions is included as Attachment 2 to this item.

Considering there is adequate public beachfront park property a short distance to the north and south of the Milani site and based on the competing funding priorities, staff recommends extending the development delay for an additional five years. During this period, staff will request funding for the park design in the FY 2021 Budget.

If the extension on development is not approved, funding for the design and permitting of the property (estimated at \$500,00) will need to be identified by June of 2020. Funding options for this project are currently limited and would require the reallocation of existing capital project funds or use of reserve dollars. Failure to start design and permitting by June 2020 will result in the Development Order with the Town of Highland Beach becoming null and void.



**Parks and Recreation
Department**

2700 6th Avenue South
Lake Worth, FL 33461
(561) 966-6600
Fax: (561) 963-6734
www.pbcparks.com

PALM BEACH COUNTY



PARKS & RECREATION

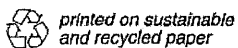
**Palm Beach County
Board of County
Commissioners**

Mack Bernard, Mayor
Dave Kerner, Vice Mayor
Hal R. Valeche
Gregg K. Weiss
Robert S. Weinroth
Mary Lou Berger
Melissa McKinlay

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



October 22, 2019

Mayor Rhonda Zelniker
Town of Highland Beach
3614 S. Ocean Blvd.
Highland Beach, FL 33487

**RE: Milani Park – Notification of a five-year time extension for
Park development**

Dear Mayor Zelniker:

On June 1, 2010, Palm Beach County entered into a Stipulated Settlement Agreement with the Town of Highland Beach for the development of Milani Park. On September 14, 2010, the Stipulated Settlement Agreement was amended to correct scrivener's errors including a corrected effective date from 2009 to 2010. In the Stipulated Settlement Agreement the County agreed to not proceed with the development of Cam D. Milani Park, other than compliance conditions, for a period of 10 years from the date of adoption of the amended Development Order (June 1, 2010). In addition, the Settlement Agreement also provides the County the right to extend the postponement by two additional five-year periods for a maximum postponement of 20 years.

This notification is being provided in accordance with the Settlement Agreement as the County wishes to exercise its initial five-year postponement extension for development of the Park until May 31, 2025. During this five-year extension period, funding will be requested for the design phase of the Park.

The County continues to remain in compliance with all pre-development conditions, and will continue to work cooperatively with Town Administration and law enforcement to address issues, which may arise related to the property.

Please contact the Parks and Recreation Department Director, Eric Call, Director at 561-966-6613 if you have any questions or need any additional information.

Sincerely,

Mack Bernard, Mayor
Palm Beach County Board of County Commissioners

CC: Robert Weinroth, Commissioner, District 4
Verdenia Baker, County Administrator
Dorritt Miller, Assistant County Administrator
Audrey Wolf, Director, FDO
Eric Call, Director, Parks and Recreation Department
Bob Hamilton, Director, Park Planning and Design
Marshall Labadie, Town Manager

Conditions of Approval for Cam D. Milani Park

Reference: Board of County Commissioners Agenda Item Summary

September 14, 2010 – Agenda Item 3D-3

#	Description	Completion Date	Status	Comments
1.	The Conditions of approval for development of Milani Park (hereinafter the “ Subject Property”) herein shall apply to Palm Beach County (the County), its successors and assigns			
2.	The County shall comply with Section 30-12 of the Town Code, entitled “Payment for Outside experts by reimbursing the Town for all cost the Town has incurred to date from its hiring of experts, no later than (30) days after receipt of the invoice and supporting documentation, and subject to any resolution regarding the reasonableness of fees. Any additional cost shall be paid by the County prior to issuance of the first building permit authorizing development of the Subject Property.	12/21/2010	Completed	The County issued four payments to the Town of Highland Beach between April 13, 2009 and December 21, 2010 totaling \$123,684.12 ATTACHMENT #2
3.	Following the approval of the Special Exception Resolution and in advance of submitting for any building permit, except those required to construct the improvements identified in Conditions 20 and 24, the County shall submit a consolidated package which shall include a Final Site Plan, engineering construction plans, architectural plans (floor plans and elevations), and other documents, drawings, and permits received from outside agencies that are required by the conditions contained in the granting Resolution and are necessary to initiate clearing and construction on the Subject Property. This consolidated package shall also include that documentation which is necessary to demonstrate the County’s compliance with all of the conditions of approval contained in the Resolution. These plans and documents shall be collectively referred to hereinafter as “the Compliance Package”. The Compliance Package shall be subject to the Town’s review to confirm compliance with the conditions and other permitting requirements.	Compliance package - must be complete within two years of County’s notice of intent to resume development, and prior to building permit.		Compliance Package will be completed as part of the planning, design and permitting of this project.
4.	As part of the Compliance Package and prior to the issuance of any building permits, except those required to construct the improvements identified in Conditions 20 and 24, the County shall submit a revised Park Management Plan for the subject property which shall be subject to the Town’s review to confirm compliance with the subsections contained within this condition. The revised Park Management Plan shall: a. set forth the County’s intended delivery of public safety services to the subject property including lifeguards, park rangers and gatehouse attendants; b. require the County to retain one or more registered professional archeologists (herein after “ the archeologists”) as also identified in Condition #6 herein address the planning, construction and maintenance measures to protect the archaeological resources on the East Parcel (Parcel “A”). These measures shall be incorporated into the revised Park Management Plan. The Archeologists shall be on the subject Property at #4 Continued: all times during clearing and construction of the East Parcel (Parcel “A”) for the park and its improvements to monitor and inspect the activities of the County’s contractors, employees and consultants; c. indicate how the County proposes to continually restore and maintain a functioning foredune;	Management Plan - must be complete within two years of County’s notice of intent to resume development, and prior to building permit.		Management Plan will be part of the Compliance Package, and will be completed as part of the planning, design and permitting of this project.



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting



Condition Applies During Construction



Condition Applies to Ongoing Operations

	<p>d. Indicate that signage will be installed at the base of the dune stating that beach goers are to keep off vegetated dune area, not disturb the vegetation and that recreational beach activity shall be monitored within an area which is 10 feet from the leading edge of the foredune to minimize degradation;</p> <p>e. identify how endangered, threatened or species of special concern (in particular the Green Herons and Sea Turtles which were observed on the Site) will be protected before and after development of the Subject Property ;</p> <p>f. set forth the County's plan for protecting sea turtle nests from recreational beach users;</p> <p>g. document how Palm Beach County shall comply with the Management Plan included in the reviewing agencies' permit(s) for monitoring and maintenance of the Mangrove Swamp on the West Parcel (Parcel "B");</p> <p>h. indicate how all exotic vegetation will initially be removed, and thereafter how the subject property will be monitored and maintained to protect its environmental integrity;</p> <p>i. document the plans for the collection and disposal of trash and debris from the beach recreation area. Waste collection shall occur a minimum of three times per week;</p> <p>j. set forth how maintenance of the subject property will be done, including but not limited to the parking lot, a guard in the guard house, cleaning of restrooms, and cleaning the beach. Maintenance shall be performed by Palm Beach County; and</p> <p>k. include an on-going training program for park staff for archaeological sensitivity for the Site.</p>			
5.	<p>As part of the Compliance Package, the County shall submit a drawing indicating the type of demarcation fencing or railing (which may include notices or signs attached thereto identifying adjacent private property) which it proposes to install on the beach to create delineation between public and privately owned properties along the northern and southern property lines to the mean higher water line for the East Parcel (Parcel "A"). The placement of the demarcation fencing or railing shall be subject to the County obtaining permits from the appropriate authorities; <u>however, the County shall be excused from compliance with this condition if, after a good faith effort, the County is unable to obtain required permits from the appropriate authorities, including but not limited to the Florida Department of Environmental Protection and the Florida Fish and Wildlife Commission."</u></p>	Compliance package - must be complete within two years of County's notice of intent to resume development, and prior to building permit.		Signage will be researched and included as part of the Compliance Package, and will be completed as part of the planning, design and permitting of this project.
6.	<p>The County shall retain one or more Registered Professional Archaeologists (hereinafter "the Archaeologists"), who are members or meet the standards of the Register of Professional Archeologists (ROPA) agreeable to the County and the Town, who will work toward the development of the Park Management Plan to address the planning, construction and maintenance measures to protect the archaeological resources on the Subject Property. These measures shall be incorporated into the Park Management Plan for the subject property as required in #4b, above. The Archaeologists shall be on the Archaeological Site (the East Parcel – Parcel "A") <u>of the Subject Property</u> at all times during clearing and construction to monitor and inspect the activities of the County's contractors, employees and consultants. <u>If the Town finds the County's archaeological consultant unacceptable, the Town may choose to hire its own archeological consultant to review the work performed under this condition and the County shall reimburse the town for reasonable expenses incurred as part of the Town's archaeologist's review."</u></p>	Management Plan must address protection of archaeological resources, and must be complete within two years of County's notice of intent to resume development,		Underlined and strike out language are included as part of 2010 stipulated settlement agreement. BCC May 18, 2010 (5B-3)



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting



Condition Applies During Construction



Condition Applies to Ongoing Operations

7.	Prior to the issuance of any clearing, excavation or other permits necessary to fill the East Parcel (Parcel "A") of the subject property the Archaeologists shall be consulted in regard to planning and monitoring all removal of vegetation, structures and features. Native vegetation shall be left in place so to avoid any disturbance to the midden.	Archaeologists must be consulted prior to clearing, excavation or fill or removal of structures.		
8.	The County shall use materials devoid of cultural resources and contaminants (hereinafter "the Fill") and shall place same over any area to be developed, including but not limited to, areas where boardwalks and pedestrian walkways, kiosks, restrooms and/or lifeguard buildings are located. The Fill shall be in sufficient quantities to bury and preserve archaeological resources. The placement of the Fill shall be done at the direction of the Archaeologists.	Construction condition		
9.	The Site shall be interpreted. The Archaeologists shall consult with the State Historic Preservation Officer (SHPO), and offer the opportunity to comment to the Miccosukee and Seminole Tribes, to develop text, concepts, and recommendations for interpretative signage which shall be located on the eastern parcel. The signage shall, focus on (1) the Jeaga, Ais, Tequesta, Miccosukee, Creeks and Seminole Tribes; (2) Spanish, British and other European and Japanese Yamato Colony's presence in Palm Beach County or whatever is deemed most appropriate by the SHPO and Tribes.	Condition will be address during planning, design and permitting.		
10.	Within one (1) year of the <u>County's notice of intent to resume development</u> adoption of the Resolution , the County shall apply for National Register of Historic Places (NRHP) designation of the Archaeological Site. Immediately upon receipt of the NRHP determination the County shall provide evidence of its receipt of the determination to the Town. If the <u>Archaeological Site</u> is nominated, Palm Beach County will agree to accept the nomination.	County must apply for NRHP within one year of County's notice of intent to resume development		Underlined and strike out language are included as part of 2010, stipulated settlement agreement. BCC May 18, 2010 (Regular BCC Agenda 5B-3). Christian Davenport PBC Archaeologist sent a letter dated February 21, 2008, to Frederick Gaske, Director Division of Historical Resources requesting an evaluation for eligibility for inclusion in NRHP. Mr. Gaske responded on February 28, 2008, stating County is eligible to be considered for listing NRHP. ATTACHMENT #10
11.	No clearing (Except for hand removal of exotic vegetation) shall occur on the East Parcel (Parcel "A").	Operational		
12.	Prior to the issuance of any building permit, except those required to construct the improvements identified in Conditions 20 and 24, those structural features which remain on the East Parcel (Parcel "A") from the former Weir homestead, and that are determined by the Town Building Official to be structurally unstable or unsafe, shall be removed from the East Parcel (Parcel "A") unless, in the opinion of the Town Building Official and the Archaeologists, their removal would destabilize the archeological site, expose artifacts, promote erosion, disturb human remains, or otherwise be adverse to the preservation of the archeological site. Unstable or unsafe structural features shall be tested if required to determine their integrity, and their removal monitored by the Archeologists. In the event that a structural feature is determined by the Town Building Official to be structurally unstable or unsafe, and removal would destabilize that archeological site, the County shall not remove the structural feature, but shall secure the structural feature to the satisfaction of the Building Official.	Prior to building permit		



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting



Condition Applies During Construction



Condition Applies to Ongoing Operations

13.	<p>Prior to the issuance of any building permit, except those required to construct the improvements identified in Conditions 20 and 24, the Archaeologists identified in condition #6 shall undertake a Cultural Resource Assessment Survey (CRAS) (also known as Phase 1 Survey) in compliance with 1A-46.001 FAC and the Florida Division of Historical Resources "Cultural Resource Management Standards & Operations Manual" to recover</p> <p>#13 Continued:</p> <p>information present at the Archeological Site so as to expand the understanding of the Site's significance to Florida's past, its first inhabitants, and explorers, as well as its early European and Japanese settlers. The County shall submit the assessment to the Town as part of the Compliance Package.</p>	Prior to building permit		
14.	<p>The County shall <u>make reasonable efforts to negotiate and enter into a Memorandum of Agreement (MOA) with the SHPO, the Miccosukee, the Seminole Tribe of Florida, the Seminole Nation of Oklahoma, and the Town of Highland Beach regarding what steps will be taken to protect the Subject Property during its development. The Memorandum of Agreement shall generally be in the form of and include the content of the attached Exhibit "A".</u> <u>The County shall be considered to have made reasonable efforts to negotiate the MOA if it seeks participation by each of the parties by sending by regular and certified mail, a letter generally in the form and included in the content of the attached Exhibit "B" which is incorporated herein, and the parties fail to respond within 90 days of the written invitation. Regardless of whether or not any of the third parties referenced hereinabove decline to enter into the MOU, the County agrees to make reasonable efforts to negotiate and enter into a MOA with those third parties that do not agree to participate.</u></p>	Condition will be addressed during planning, design and permitting.		Underlined and strike out language are included as part of 2010 stipulated settlement agreement. BCC May 18, 2010 (5B-3)
15.	<p>As part of the Compliance Package, the County shall submit its engineering and construction plans and drawings showing that the restroom and lifeguard building will be located entirely within the "footprint" of the remnants of the swimming pool and any existing concrete deck poured over existing footers. In the event the restroom/lifeguard building cannot be located entirely within the footprint of the swimming pool and deck, Palm Beach County may alter the footprint of the building upon proof to the Town in consultation with the SHPO that any encroachment of the proposed building will not displace or disturb archaeological resources or human remains. If in the opinion of the Town in consultation with the SHPO this can not be accomplished, the County shall relocate this structure to the West Parcel (Parcel "B").</p>	Compliance package must be complete within two years of County's notice of intent to resume development, and prior to building permit.		Plans and Specifications will be included in the Compliance Package will be completed as part of the planning, design and permitting of this project.
16.	<p>As a result of the Cultural Resource Assessment Survey (CRAS) identified in condition # 13 above, and as part of the Compliance Package and prior to the issuance of any building permits, except those required to construct the improvements identified in Conditions 20 and 24, the County shall identify the routes of any and all utility lines, sidewalks, walkways, boardwalks and/or facilities that may impact any archaeological deposits or human remains. Once the routes have been determined and permits applied for and obtained, the routes shall be excavated by hand.</p>	Prior to building permits		Prior to the issuance of any building permit.
17.	<p>The storm water system shall be designed such that there is no impact to facilities in a 5 year 24 hour storm event.</p>	Condition will be addressed in Park's design		Stormwater will be addressed during planning, design and permitting.



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting



Condition Applies During Construction



Condition Applies to Ongoing Operations

18.	As part of the Compliance Package the County shall submit copies of all applications submitted and permits received from DEP/ACOE regarding the development of the subject property.	Compliance Package must be complete within two years of County's notice of intent to resume development, and prior to building permit.		Compliance Package will be completed as part of the planning, design and permitting of this project.
19.	As part of the Compliance Package, the Landscape Plans shall provide for plantings within the 25' wetland buffer between the paved parking area and the Mangrove Swamp on the West Parcel (Parcel "B"). The landscaping shall be subject to the Town's review and approval for plant material selection that is consistent with wetland species and character.	Compliance Package must be complete within two years of County's notice of intent to resume development, and prior to building permit.		Compliance Package will be completed as part of the planning, design and permitting of this project.
20.	Within one hundred-eighty (180) days of the adoption date of the Resolution approving the Special Exception use, the County shall prepare a perimeter landscaping plan for the western and southern perimeters of the West Parcel (Parcel "B") consistent with the conceptual landscape plans submitted as part of the Special Exception application, and as outlined in Condition #43 contained herein. The perimeter landscaping plan, once approved by the Town, shall be installed within an additional 90 days.	January 14, 2011	Completed	Must be completed within one year of execution of the 2010 Settlement Agreement. Plans completed on July 28, 2010, Town of Highland Beach issued a Certificate of Completion on January 14, 2011 for landscaping, fence and irrigation. Project completed by Anzco, Inc. \$240,495. ATTACHMENT #20
21.	<p>The County shall provide for the following improvements at the entrance to the parking lot, west of AIA on the subject property:</p> <p>a. Re-stripe AIA to provide a left hand turn lane south approach at the entrance to the parking lot.</p> <p>b. A minimum four car stacking distance to the payment window at the guard house.</p> <p>The County shall not prevent access to the residential properties east of AIA, south of the subject property, by extending the northbound left hand turn lane into the park's parking lot, such that vehicles traveling south on AIA will not be able to legally enter the driveway of these two residential properties. The County shall notify these two property owners of the restriping of AIA and the proposed left hand turn lane south of the entrance to the parking lot. These property owners shall be provided notice of any FOOT meetings or applications regarding the park's turn lane or any effect to their current ingress/egress at their properties.</p>	Condition will be addressed in Park's design		Parking and road improvements will be addressed during the planning, design and permitting for this project.
22.	As part of the Compliance Package and prior to the issuance of any building permits, except those required to construct the improvements identified in Conditions 20 and 24, the County shall submit an executed true and correct copy of the permit for the subject property from the United States Army Corp of Engineers (COE) and/or the Florida Department of Environmental Protection (FDEP). The ACOE permit application shall include an updated Jurisdictional Wetland Determination.	Prior to building permits		Must be completed within one year of execution of the 2010 Settlement Agreement.
23.	As part of the Compliance Package, the County shall provide the Town with a Phase 1 Environmental Assessment for the West Parcel (Parcel "B"). If the Phase 1 Assessment indicates possible contamination, a Phase 2 Environmental Assessment that addresses soil and/or groundwater quality beneath the parcel will be provided. The documentation shall be subject to the review of the Town for compliance with conditions in the granting Resolution. If it is determined that there are contaminants that need to be remediated, the affected soil	Compliance Package must be complete within two years of County's notice of intent to resume development, and prior to building permit.		A Phase I Environmental Assessment and if necessary a Phase II Environmental Assessment will included in the Compliance Package.



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting



Condition Applies During Construction



Condition Applies to Ongoing Operations

	or groundwater shall be managed in accordance with the recommendations of the Phase 2 Environmental Assessment and the applicable regulatory requirements			
24.	Within one hundred-eighty (180) days of the adoption date of the Resolution, the County shall submit an application to the reviewing agencies requesting to remove all exotic vegetation within the Mangrove Swamp on the West Parcel (Parcel "B"). The environmental quality of this area shall be enhanced by replanting the area to comply with the restoration plan approved by the reviewing agencies as part of the permit.	December 13, 2000	Completed	On December 6, 2000, the consultant submitted a letter to the Army Corps of Engineers with an attached survey defining the limits of the Jurisdictional wetlands. The Army Corps responded on December 13, 2000 approving the wetlands boundary. In May 2005 the County hired Environmental Management and Engineers at a cost of \$30,470 to remove exotic vegetation. ATTACHMENT #24
25.	As part of the Compliance Package and prior to the issuance of any building permits, except those required to construct the improvements identified in Conditions 20 and 24, the County shall submit a Conservation Easement in favor of the Town for the area encompassing the Mangrove Swamp. The form of the easement shall be subject to the review and approval of the Town Attorney. Once approved, the County shall record the Conservation Easement and provide the Town with a certified copy of same with the recording information thereon.	Prior to building permit		Prior to building permits
26.	The County shall comply with the Town's Sea Turtle Protection Ordinance.	Operational		
27.	Beach cleaning by mechanical means shall be limited during sea turtle nesting season in accordance with Chapter 161, Florida Statutes.	Operational		
28.	All exotic vegetation to be removed from the East Parcel (Parcel "A") shall be hand cleared. Replanting will occur only in those areas where existing native vegetation will not re-establish within a reasonable time. The Archaeologist's shall be on the Site during both the clearing and replanting of the vegetation to continuously monitor and inspect the areas being cleared and replanted. If during either the clearing or replanting any significant archaeological materials or features are encountered, the Archaeologists shall immediately notify the Town and the SHPO and cease further work until any and all materials or features have been documented to the satisfaction of the Town and the SHPO. If any human remains are uncovered while either clearing or replanting, then the provisions of Section 872.05, Florida Statutes shall be followed and implemented without delay.	During construction		
29.	In the event an underground storage tank should still be present on the Subject Property, the County shall notify the Town and appropriate environmental agencies; and manage it in accordance with Chapter 62-761, F.A.C.	During construction		
30.	As part of the Compliance Package and prior to the issuance of any development permits, the County shall identify the exact location of any utility lines to be located on site. If the County proposes to locate any utility lines in areas which would require excavation the County shall as part of its Park Management Plan identify any protected vegetation that will be adversely affected and, if appropriate identify any mitigation proposed as a result thereof.	Compliance Package must be complete within two years of County's notice of intent to resume development, and prior to building permit.		Prior to building permit



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting



Condition Applies During Construction



Condition Applies to Ongoing Operations

31.	The County shall construct all facilities using strategies identified in a recognized green building standard, and in particular, construction shall be consistent with 255.252 FSS and 255.253 FSS.	Will be addressed during design.		Green building standards will be address during the planning, design and permitting of this project.
32.	As part of the Compliance Package the County shall submit the FDOT's Vehicular Access Connection (VAC) letter supporting the design of the proposed vehicular and pedestrian access configuration shown on the site Plan.	Will be addressed during design.		Vehicular access will be address during the planning, design and permitting of this project.
33.	The parking lot area west of AIA, (Parcel "B") shall be operated from sunrise to sunset, and shall be gated to prevent vehicular traffic from entering the parking lot before or after the park's hours of operation. The Compliance Package shall depict how pedestrian access is restricted. As for the property east of AIA, (Parcel "A") the site plan shall reflect that all pedestrian access points to and from AIA have pedestrian gates.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
34.	No commercial retail uses, including concession stands, are permitted on the Subject Property. .	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
35.	A minimum fee of \$4.00 per day or \$6.00 per weekend day shall be charged for parking. This fee may be adjusted at the discretion of Palm Beach County.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
36.	During the hours of park operation, an attendant shall staff the guardhouse in the parking lot.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
37.	The park shall only be open from dawn to dusk, including the parking lot.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
38.	No commercial vehicles or commercial trucks shall be permitted in the parking lot. Authorized vehicles performing park maintenance are exempt from this restriction.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
39.	Palm Beach County shall provide security patrols during park operating hours and the Palm Beach County Sheriffs Office, Parks Enforcement Unit shall respond to calls 24 hours per day/7 days per week.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
40.	<p>The County shall monitor and address any vehicles remaining in the parking lot after the park closes as follows:</p> <p>a. The gate will be locked if no vehicles remain. If a vehicle remains, the Park Ranger will provide a 15-30 minute grace period until the gate is locked.</p> <p>b. If there is a vehicle remaining in the lot after the gate is locked, a Park Ranger shall place a sticker with a phone number on it for the Visitor to call so the Park Ranger can come back and unlock the gate for the visitor to leave.</p>	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
41.	The parking lot perimeter that is surrounded by a wall or fence shall have locked gates, secured from dusk to dawn.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting



Condition Applies During Construction



Condition Applies to Ongoing Operations

42.	No pets shall be permitted on either parcel in the park.	Operational		Condition takes effect upon completion of the project and is an ongoing part of operations.
43.	The perimeter landscaping plan for the western perimeter of the West Parcel (Parcel "B") called for in condition #20 shall include a 6' high (above grade) concrete decorative wall rather than a 6' high (above grade) opaque vinyl fence for the western property line of the West Parcel (Parcel "B") as originally proposed in the Conceptual Landscape Plan dated October 16, 2008. <u>The six foot high (above grade) concrete decorative wall for the western property line of Parcel B shall be constructed and completed within one year of the execution of this Settlement Agreement. Additionally, on the eastern boundary of Parcel "B" of the Subject Property, the County shall install a means of physically restricting vehicular access to the West Parcel as shown on Exhibit C. The perimeter landscaping plan for the southern and western perimeters of the West Parcel (Parcel "B") and the access restrictions on the eastern boundary of Parcel "B" shall be depicted in the Landscaping Plan, which is attached hereto as Exhibit C. To the extent that the requirements of condition #43 and #20 conflict, the terms of this amended Condition #43 shall prevail.</u>	January 14, 2011	Completed	<p>Underlined and strike out language are included as part of 2010 stipulated settlement agreement. BCC May 18, 2010 (5B-3).</p> <p>Must be completed within one year of execution of the 2010 Settlement Agreement.</p> <p>Town of Highland Beach issued a Certificate of Completion on January 14, 2011 for landscaping, fence and irrigation. Project completed by Anzco, Inc. \$240,495.</p> <p>ATTACHMENT #43</p>

1



Condition has been Satisfied



Condition tied to Future Planning, Design and Permitting



Condition Applies During Construction



Condition Applies to Ongoing Operations

ATTACHMENT 7
Staff Report Cam D. Milani Park (March 12, 2024)



MEMORANDUM

TO: Mayor Sachs, Vice Mayor Marino and Members of the Board of County Commissioners

THRU: Verdenia C. Baker
County Administrator *VBaker*

FROM: Isami C. Ayala-Collazo, Director, Facilities Development & Operations (FDO) *Isami C. Ayala-Collazo*

DATE: March 12, 2024

RE: Staff's Report Cam D. Milani Park
(FDO/CID Project #2021-005675)

**Facilities Development &
Operations Department**

2633 Vista Parkway
West Palm Beach, FL 33411

Telephone - (561) 233-0200
www.pbcgov.com/fdo



**Palm Beach County
Board of County
Commissioners**

Maria Sachs, Mayor

Maria G. Marino, Vice Mayor

Gregg K. Weiss

Michael A. Barnett

Marci Woodward

Sara Baxter

Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

On February 6, 2024, the Board of County Commissioners (Board) directed Staff to provide a report on the matter of the status of the above-referenced project. This memorandum serves to fulfill Board's direction.

Real Estate Acquisition

On May 12, 1987, the Board approved two purchase and sale agreements (PSAs) for the acquisition of oceanfront property (two parcels totaling 5.29 acres) in the Town of Highland Beach at a combined purchase price of \$3.9M. The property was sold to Palm Beach County (County) by Mrs. Lucia Milani as successor trustee of the Milani Family Irrevocable Trust. Amongst other matters, the PSAs provided that at such time as a County Park were to be opened on the property, it will be named in memory of Mr. Cam D. Milani. The PSAs further provided a right of first refusal to Mrs. Milani should the County cease using the property for County purposes and offered the same for sale.

Acquisition of the property was funded from the County's Parks and Recreation department's (P&R) capital improvement program (\$1M) and from the State's Sunshine Governmental Financing Commission (i.e., Sunshine Pool, \$2.9M). The property's land use is Recreational Open Space and it is zoned as Government Services District.

Litigation and Settlement Agreement

Development of the County Park has been the subject of legal actions in three instances. On May 18, 2010, the Town and the County entered into a stipulated settlement agreement (SSA) leading to dismissal of the then current legal action between the Town and the County whereby the legality of some of the conditions of the Development Order issued by the Town was being challenged. Under the SSA, the County is to construct the County Park in compliance with a Development Order approved by the Town, which includes 43 conditions of approval. Through the SSA, the County and the Town agreed that development of the Park would be

postponed for a period of 10 years with the County having, at its sole discretion, the right to extend the postponement for two additional periods of 5 years each for a maximum postponement of up to 20 years. On October 22, 2019, the County notified the Town that it was exercising its first 5-year option to postpone. On July 27, 2023, the County notified the Town that it was initiating the design and permitting for the County Park, and that it would contact the Town in the near future for further coordination.

Coordination with the Town and Community Outreach

On September 7, 2023, and as a preparatory step before resuming development, County Staff and District Commissioner Woodward met with Town Staff and Town Mayor Moore to coordinate community engagement. As a result, a community meeting was scheduled for February 1, 2024. During the community meeting, County Staff offered to consider possible modifications to the project's scope in order to reduce its intensity. On February 6, 2024, the Town issued a resolution opposing development of the County Park and supporting the sale of the property. On February 21, 2024, County Staff and District Commissioner Woodward met with the Town's legal counsel and Town Mayor Moore to further discuss the project status and potential collaboration forward in light of the resolution issued by the Town.

Project Current Status

As previously stated, on October 22, 2019, the Board authorized exercising the first 5-year postponement option under the SSA and directed Staff to include the funds required for development of the County Park in the next 5-year capital improvement program (CIP). Funding for the Cam D. Milani Park was included as part of the FY21 CIP, with planned subsequent appropriations in FY22, FY23 and FY25. Considering the preparatory exchanges taken in the last few months, the Town's stated position opposing further collaboration for Park development, and the continued need for public beach access parks under the County's comprehensive plan, Staff is proceeding with project development as authorized by the Development Order and approved by the Board.

FDO staff remains available to provide any additional information should the Board take interest and/or deem it appropriate.

C: Tammy K. Fields, Assistant County Administrator
Jennifer Cirillo, Director, Parks & Recreation
Bob Hamilton, Director, Parks & Recreation Planning, Research and Development
John Dunnuck, FDO Deputy Director
Fernando DelDago, Director, FDO Capital Improvements
Eric McClellan, Director, FDO Strategic Planning

ATTACHMENT 8
Notice of Intent to Resume Development (April 17, 2024)



April 17, 2024

Via Certified Mail

Marshall Labadie and/or Dale S. Sugerman, Town Manager
Town of Highland Beach
3614 S Ocean Blvd.
Highland Beach, FL 33487

Thomas E. Sliney, Esq.
Buckingham, Doolittle and Burroughs, LLP
5355 Town Center Road, Suite 900
Boca Raton, FL 33486

Glen J. Torcivia, Town Attorney
Torcivia, Donlon, Goddeau & Rubin, PA
701 Northpoint Parkway, Suite 209
West Palm Beach, FL 33407

**Re: Notice of Intent to Resume Development Cam D. Milani Park
Stipulated Settlement Agreement and Addendum (R2010-0810, R2010-1374)**

Dear Messrs. Labadie, Sugerman, Sliney and Torcivia:

As a follow-up to our letter dated July 27, 2023, and the subsequent meetings held with Town Staff and Mayor Moore on September 6, 2023 and February 21, 2024, this letter constitutes the County's formal notice pursuant to section 4 of the Stipulated Settlement Agreement of its intent to resume development of the Cam D. Milani Park as authorized under the Development Order (Town Resolution R009-004), as amended.

In furtherance of the County's intent to resume development, please note that we have retained Urban Design Studio, LLC (UDS) to provide professional planning and property development services, including those required to complete the Cultural Resource Assessment Survey (CRAS) and fulfill related obligations contained with the Development Order. Therefore, be advised that in the coming weeks our contracted archaeologists and other professional staff will commence field work on the Cam D. Milani Park properties toward the accomplishment of planning and design that will lead to permitting and lawful construction of the approved site improvements.

Please do not hesitate to contact me should any additional information be required.

Cordially,

Verdenia C. Baker
County Administrator

C: Board of County Commissioners
Tammy K. Fields, Assistant County Administrator
Isami C. Ayala-Collazo, Assistant County Administrator/FDO Director
Jennifer Cirillo, Director, Parks & Recreation
Bob Hamilton, Director, Parks & Recreation Planning, Research & Development
Eric McClellan, Director FDO Strategic Planning
Fernando DelDago, Director, FDO Capital Improvements

County Administration

P.O. Box 1989
West Palm Beach, FL 33402-1989
(561) 355-2040
FAX: (561) 355-3982
www.pbcgov.com

**Palm Beach County
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Official Electronic Letterhead

ATTACHMENT 9
Agenda Item 3D-6 (September 26, 2024)

MW/ SB 6-0
ERS GW obs
R-2024-1292

☐ Public Hearing

I. EXECUTIVE BRIEF

Summary: On May 12, 1987, the Board of County Commissioners (BCC) approved two (2) purchase and sale agreements (PSAs) for the acquisition of the oceanfront property (two (2) parcels totaling 5.29 acres) located at 4705 S Ocean Boulevard, Highland Beach for the development of a public access beach park. The proposal for a public access beach park, henceforth referred to as the Cam D. Milani Park, has been the subject of legal actions in three (3) instances over the past several decades. On May 18, 2010, the County and the Town of Highland Beach (Town) entered into a stipulated settlement agreement (SSA) leading to the dismissal of the then current legal action between the Town and the County whereby the legality of some of the conditions of the Development Order issued by the Town was being challenged. Under the SSA, the County is required to construct the Cam D. Milani Park in compliance with a Development Order approved by the Town, which includes 43 conditions of approval. Through the SSA, the County and the Town agreed that the development of the Cam D. Milani Park would be postponed for a period of ten (10) years with the County having, at its sole discretion, the right to extend the postponement for two (2) additional periods of five (5) years each for a maximum postponement of up to 20 years. On October 22, 2019, the County notified the Town that it was exercising its first five (5)-year option to postpone. On April 17, 2024, the County notified the Town of its intent to resume development of the County Park. This contract will authorize the professional services (i.e. design, permitting and construction administration services) for the Cam D. Milani Park project. The Cam D. Milani Park project utilizes both parcels of land which are located on the west and east sides of A1A. The Cam D. Milani Park project includes, but is not limited to, a guardhouse with an access controlled guard gate at the entrance of the parking lot, elevated boardwalk, restroom and lifeguard building, lifeguard station and landscaping. The new public access beach park will provide a scenic space for community interaction and recreational needs. The solicitation for design professionals was advertised on June 2, 2024 according to the Equal Business Opportunity (EBO) Ordinance, with final selection on July 29, 2024. The project was presented to the Goal Setting Committee on April 3, 2024. The Committee established Affirmative Procurement Initiatives (APIs) of a minimum mandatory participation goal of 20% Small Business Enterprise (SBE) participation and an evaluation preference for SBE participation. The Consultant committed to a 22.93% SBE participation goal for this contract. Funding for this project is from the Park Impact Fees Z-3. **(Capital Improvements Division)**

District 4 (MWJ)

1. Location Map
2. Budget Availability Statement
3. Disclosure of Ownership Interests
4. Contract-Brooks + Scarpa Architects, Inc.
5. Consultant Service Authorization (CSA) History

Date _____

Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures	\$916,684				
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	\$916,684	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget: Yes X No
Is this item using Federal Funds? Yes No X
Is this item using State Funds? Yes No X

Budget Account No:
Fund 3603 Dept 581 Unit P897 Object 6505
Professional Services \$902,283.42
Staff Cost \$ 14,400.00
Total \$916,683.42

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Funding for this project is from the Park Impact Fees Z-3.

C. Departmental Fiscal Review: [Signature]

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

[Signature] 9/24/24 [Signature] 9/24/24
OFMB [Signature] 9/24/24 Contract Development and Control [Signature] 9/24/24
[Signature] 9/24/24

B. Legal Sufficiency:

[Signature] 9/24/24
Assistant County Attorney

C. Other Department Review:

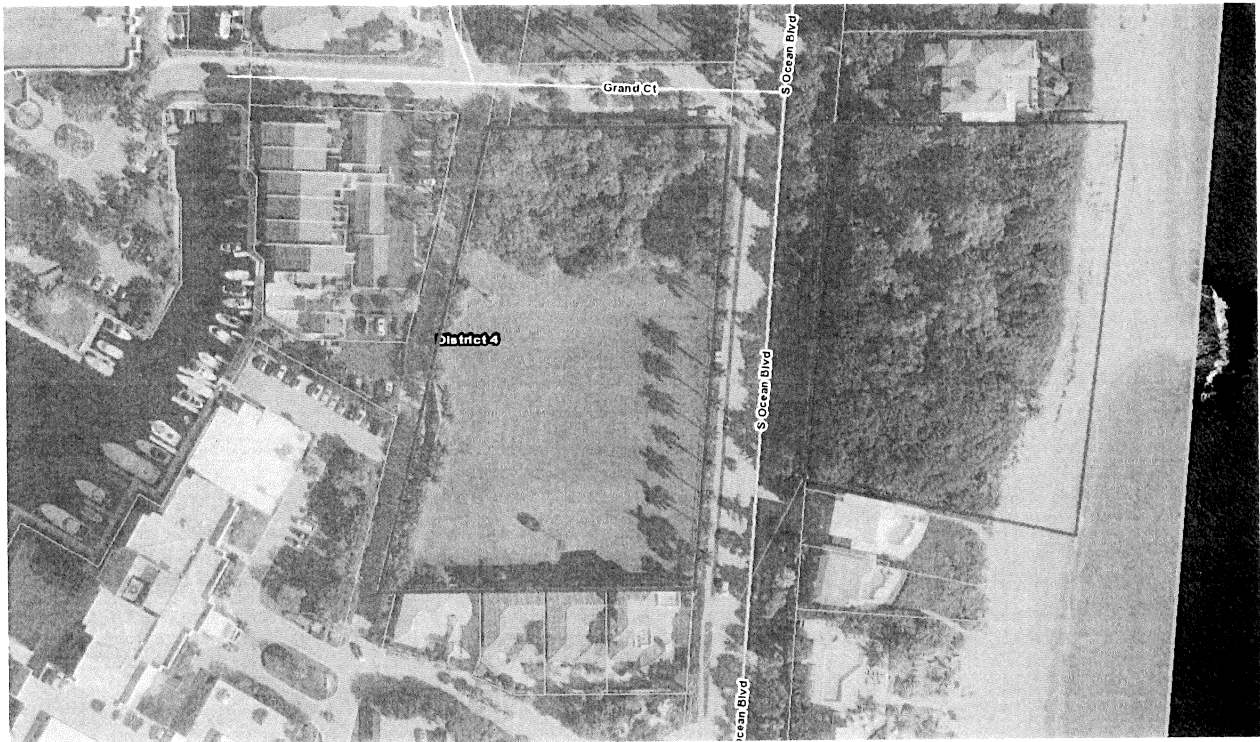
[Signature]
Department Director

This summary is not to be used as a basis for payment.

Background and Justification: On July 29, 2024, the final selection committee selected the Consultant in accordance with BCC adopted procedures pursuant to Section 287.055, Florida Statutes, the Consultants Competitive Negotiation Act (CCNA). Professional services for this contract include design, permitting and construction administration for the Cam D. Milani Park project.

LOCATION MAP

Project No: 2023-044804
Project Name: Cam D. Milani Park
Location: 4705 South Ocean Boulevard, Highland Beach, Florida 33487



BUDGET AVAILABILITY STATEMENT

REQUEST DATE: 02/29/2024 REQUESTED BY: Andrew Gamble PHONE: 233-2055

PROJECT TITLE: CAM D. MILANI PARK DESIGN SERVICES
(Same as CIP or IST, if applicable)

ORIGINAL CONTRACT AMOUNT: N/A IST PLANNING NO.:
EFDO # 2023-044804

REQUESTED AMOUNT: \$902,283.42 BCC RESOLUTION#:
DATE:

CSA or CHANGE ORDER NUMBER: Contract

LOCATION: Milani Park 4705 S. Ocean Drive Highland Beach
BUILDING NUMBER:

DESCRIPTION OF WORK/SERVICE LOCATION:

PROJECT/W.O. NUMBER: 2023-044804

CONSULTANT/CONTRACTOR: Brooks + Scarpa Architectural, Inc.

PROVIDE A BRIEF STATEMENT OF THE SCOPE OF SERVICES TO BE PROVIDED BY THE
CONSULTANT/CONTRACTOR:

New Design Professional Services for Cam D. Milani Park

CONSTRUCTION	\$
PROFESSIONAL SERVICES	\$902,283.42
STAFF COSTS*	\$ 14,400.00
EQUIP. / SUPPLIES/ADVERTISING	\$
CONTINGENCY	\$
TOTAL	\$916,683.42

** By signing this BAS your department agrees to these CID staff charges and your account will be charged upon receipt of this BAS by FD&O. Unless there is a change in the scope of work, no additional staff charges will be billed. If this BAS is for construction costs of \$250,000 or greater, staff charges will be billed as actual and reconciled at the end of the project. If the project requires Facilities Management or ESS staff your department will be billed actual hours worked upon project completion.*

BUDGET ACCOUNT NUMBER(S) (Specify distribution if more than one and order in which funds are to be used):

FUND: 3603 DEPT: 581 UNIT: P897 OBJ: 6505

IDENTIFY FUNDING SOURCE FOR EACH ACCOUNT: (check and provide detail for all that apply)

Ad Valorem (Amount \$ _____) Infrastructure Sales Tax (Amount \$ _____)
State (source/type: _____ Amount \$ _____) Federal (source/type: _____ Amount \$ _____)
Grant (source/type: _____ Amount \$ _____) ☒ Impact Fees: (Amount \$916,683.42)
Other (source/type: _____ Amount \$ _____)

Department: Parks & Recreation Department

BAS APPROVED BY: MD Jennifer E. Cullis DATE 9/23/2024
ENCUMBRANCE NUMBER: _____

DISCLOSURE OF OWNERSHIP INTERESTS

TO: PALM BEACH COUNTY CHIEF OFFICER,
OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day appeared Angela Brooks, by means of ☒ physical presence OR ☐ online notarization hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant appears herein as:
☐ an individual or ☒ the President of Brooks + Scarpa Architects, Inc.
[position—e.g., sole proprietor, president, partner, etc.] [name & type of entity—e.g., ABC Corp., XYZ Ltd. Partnership, etc.].
The Affiant or the entity the Affiant represents herein seeks to do business with Palm Beach County through its Board of County Commissioners.

2. Affiant's address is: 616 Boccaccio Ave, Venice, Ca. 90291
(business address: 3929 W. 139th St. Hawthorne Ca. 90250)

3. Attached hereto as Exhibit "A" is a complete listing of the names and addresses of every person or entity having a five percent (5%) or greater interest in the Affiant's corporation, partnership, or other principal. Disclosure does not apply to nonprofit corporations, government agencies, or to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County and the Board of County Commissioners. Affiant further acknowledges that he or she is authorized to execute this document on behalf of the entity identified in paragraph one, if any.

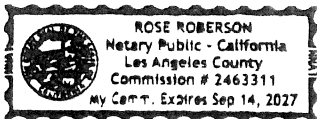
5. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

6. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Angela Brooks, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me by means of ☒ physical presence OR ☐ online notarization this 21st day of August, 2027, by Angela Brooks, [] who is personally known to me or [] who has produced Driver Lic. as identification and who did take an oath.



Rose Roberson
Notary Public
Rose Roberson
(Print Notary Name)
State of Florida at Large
My Commission Expires: 9/14/27

EXHIBIT "A"

DISCLOSURE OF OWNERSHIP INTERESTS IN AFFIANT

Affiant must identify all entities and individuals owning five percent (5%) or more ownership interest in Affiant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant's principal is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to any nonprofit corporation, government agency, or to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

Angela Brooks 51%.

616 Boccaccio Ave
Venice Ca. 90291

Lawrence Scarpa 49%.

616 Boccaccio Ave
Venice Ca. 90291

CSA History

[illegible]