

**BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MAY 7, 2013

| <u>PAGE</u> | <u>ITEM</u> | |
|-------------|-------------|--|
| 7 | 2C-12 | <u>ADD-ON:</u> Proclamation declaring May 2013 as “Mental Health Month” in Palm Beach County. (Sponsored by Commissioner Burdick) |
| 12 | 3C-3 | <u>DELETED:</u> Staff recommends motion to approve: A) an Agreement for acquisition of right-of-way and utility easements with CA Miami 7788 OMT LLC (Developer); B) a Budget Amendment of \$329,963 in the Transportation Improvement Fund to recognize a contribution from the Developer and appropriate it to the northbound right turn lane on Military Trail at Miner Road. (Engineering) (Further staff review) |
| 37 | 4B-2 | <u>DELETED:</u> Staff recommends motion to approve: A) First Amendment to Mortgage and Security Agreement and Modification of Promissory Note with Marina Clinton Associates, Ltd. (MCA);...(DES) (Further staff review) |
| 44 | 8F | <u>ADD-ON:</u> Request approval to present off-site (Belle Glade), a Proclamation declaring May 6 – 10, 2013 as “National Correctional Officers and Employees Week” in Palm Beach County. (Sponsored by Commissioner Santamaria) |
| 44 | 8G | <u>ADD-ON:</u> Request approval to present off-site, a Proclamation declaring May 11, 2013 as “Knights of Pythagoras Mentoring Network’s Ladies of Distinction Day” in Palm Beach County. (Sponsored by Commissioner Taylor) |

NOTE: Items that were revised, added, deleted, or backup submitted and were not listed on the addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (*).

**ORDER OF BUSINESS
BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

MAY 7, 2013

**TUESDAY
9:30 A.M.**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance

- 2. AGENDA APPROVAL/SPECIAL PRESENTATIONS**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
 - C. Special Presentations (Page 7)

- 3. CONSENT AGENDA (Pages 8 – 35)**

- 4. REGULAR AGENDA (Pages 36 - 40)**

- 5. BOARD APPOINTMENTS (Page 41)**

- 6. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 42)**

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- 9. ADJOURNMENT (Page 44)**

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- 2C-2 Emergency Medical Services Week
- 2C-3 Water Reuse Week
- 2C-4 Certificates of Congratulations to students from Don Estridge High Tech Middle School
- 2C-5 Wendy's Appreciation Month
- 2C-6 National Missing Children's Day
- 2C-7 Workforce Development Professionals Month
- 2C-8 National Beach Safety and Rip Current Awareness Week
- 2C-9 Certificate of Appreciation to Gregory Lutin
- 2C-10 Teen Pregnancy Prevention Month
- 2C-11 National Travel and Tourism Week

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- 3A-2 Payment for Palm Beach Partners Business Matchmaker Conference & Expo

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B. CLERK & COMPTROLLER

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- 3B-1 Warrant list
- 3B-2 Minutes
- 3B-3 Contracts and claims settlements list
- 3B-4 Change orders, work task orders, minor contracts, final payments, etc.

C. ENGINEERING & PUBLIC WORKS

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- 3C-1 Work Task Order with Civil Design, Inc. for design plans and construction bid documents for El Paso Drive, Pancho Way and Pinto Drive
- 3C-2 Five work orders to mill and resurface several County roads

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- 3C-3 Agreement w/CA Miami 7788 OMT, LLC relating to right turn lane on Military Trail associated with Franklin Academy

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- 3D-1 Pal Mar Water Control District Appointment of Commissioner Valeche
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- 3E-1 Contract with The Jerome Golden Center for Behavioral Health, Inc. for permanent housing beds for disabled, homeless individuals
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- 3F-3 License Agreement with Sixt Rent A Car, LLC for overflow parking of vehicles at PBI
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- 3F-6 Citizens Committee on Airport Noise reappointment

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- 3I-1 Twenty-Four Short Sales on County held mortgages

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Q. CRIMINAL JUSTICE COMMISSION

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3Q-1 Grant Adjustment Notice, Contract and Interlocal Agreement relating to CIT training and recidivist recovery court operations
- 3Q-2 Criminal Justice Commission appointment

R. HUMAN RESOURCES - None

S. FIRE RESCUE

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T. HEALTH DEPARTMENT - None

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Y. PURCHASING - None

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3BB-1 Grant Modification for Miami Urban Area Security Initiative Investigative/Intelligence Equipment project

3BB-2 Grant Modification for Miami Urban Area Security Initiative Regional 7 Perimeter Response Team Enhanced Capability

3BB-3 Grant Adjustment Notice extending FDLE grant for Region 7 Domestic Security Task Force

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3BB-4 Budget Transfer from Law Enforcement Trust Fund to various agencies for crime and drug prevention and education programs

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4A-1 Escrow Agreement relative to the Convention Center Hotel project

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4B-1 Section 108 Loan Program Agreement with BI Development Group for renovation of the old Belle Glade City Hall

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4B-2 Amendments/Agreement relating to the Marina Bay Apartments affordable housing project

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4C-1 Municipal Service Taxing Unit Special Assessment Ordinance

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4D-1 Lease with Drop In Action Sports Complex, Inc. for development and operation of a skate and BMX facility within Loggers' Run Park

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MAY 7, 2013

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ADJOURNMENT (Page 44)

MAY 7, 2013

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Proclamation declaring May 2013 as “Building Safety Month” in Palm Beach County. (Sponsored by Commissioner Valeche)
2. Proclamation declaring May 19-25, 2013 as “Emergency Medical Services Week” in Palm Beach County. (Sponsored by Commissioner Burdick)
3. Proclamation declaring May 19-25, 2013 as “Water Reuse Week” in Palm Beach County. (Sponsored by Commissioner Vana)
4. Certificate of Congratulations in honor of the students from Don Estridge High Tech Middle School who won the Lego League State Championship. (Sponsored by Commissioner Abrams)
5. Proclamation declaring May 2013 as “Wendy’s Appreciation Month” in Palm Beach County. (Sponsored by Commissioner Berger)
6. Proclamation declaring May 25, 2013 as “National Missing Children’s Day” in Palm Beach County. (Sponsored by Commissioner Santamaria)
7. Proclamation declaring May 2013 as “Workforce Development Professionals Month” in Palm Beach County. (Sponsored by Commissioner Taylor)
8. Proclamation declaring June 2-9, 2013 as “National Beach Safety and Rip Current Awareness Week” in Palm Beach County. (Sponsored by Commissioner Valeche)
9. Certificate of Appreciation presented to Gregory Lutin who will be recognized as a 2013 Father of the Year by the National Father’s Day Council and the American Diabetes Association. (Sponsored by Commissioner Abrams)
10. Proclamation declaring May 2013 as “Teen Pregnancy Prevention Month” in Palm Beach County. (Sponsored by Commissioner Santamaria)
11. Proclamation declaring May 4-12, 2013 as “National Travel and Tourism Week” in Palm Beach County. (Sponsored by Commissioner Taylor)
12. **ADD-ON:** Proclamation declaring May 2013 as “Mental Health Month” in Palm Beach County. (Sponsored by Commissioner Burdick)

* * * * *

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to ratify: the following Palm Beach County League of Cities (League) representatives to the Treasure Coast Regional Planning Council (TCRPC) for the term ending November 30, 2013:

| <u>Nominees</u> | <u>Seat No.</u> | <u>Requirement</u> |
|--------------------------------|-----------------|----------------------------|
| <u>Regular appointments:</u> | | |
| Anne Gerwig | 4 | Palm Beach County Official |
| Ellen Andel | 8 | Palm Beach County Official |
| <u>Alternate appointments:</u> | | |
| John Szerdi | 4A | Palm Beach County Official |
| Vacant | 8A | Palm Beach County Official |

SUMMARY: In accordance with the TCRPC Rules of Order, on November 20, 2012, the Board of County Commissioners (BCC) appointed six Commissioners (three members and three alternates) to serve on the TCRPC. In addition, as required by the TCRPC bylaws, the BCC ratified the League’s representatives. Staff has been notified that the League has made changes in the municipal representation following the March municipal elections. Councilmember Anne Gerwig has moved from an alternate to replace Martha Webster. Vice Mayor Pro Tem Ellen Andel has also been moved from an alternate to replace Shelby Lowe. Commissioner John Szerdi was selected to fill the alternate seat left by Councilmember Gerwig, and Seat 8A (alternate) is currently vacant. These changes must now be ratified by the BCC. Countywide (RPB)

2. Staff recommends motion to approve: Payment in an amount not to exceed \$3,000 for participation in the Palm Beach Partners Business Matchmaker Conference & Expo to be held on September 20, 2013 at the Kravis Center, West Palm Beach, FL. **SUMMARY:** The Office of Small Business Assistance, Department of Airports and Palm Tran are participating with the South Florida Water Management District, School District of Palm Beach County, the City of West Palm Beach, the City of Riviera Beach, the Center for Technology, Enterprise & Development, Inc. (TED Center) and the Paragon Foundation, Inc., to present the 2013 Business Matchmaker Conference & Expo (a statewide conference). This is the 7th Annual Matchmaker Conference & Expo held in Palm Beach County. Each participating entity will contribute \$3,000 and the county’s contribution will be broken down as follows: the Office of Small Business Assistance (\$1,000), Department of Airports (\$1,000) and Palm Tran (\$1,000). Payment will be made on or before June 3, 2013 to the Paragon Foundation of Palm Beach County. The conference and expo will provide Small Business Enterprise owners an opportunity to collaborate with larger businesses in an effort to increase business opportunities and knowledge of programs offered by the above listed governmental partners. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to appoint: one individual to the Small Business Assistance Advisory Committee, for the term indicated below:

| <u>Nominee</u> | <u>Seat</u> | <u>Designation</u> | <u>Term</u> | <u>Nominated By</u> |
|----------------|-------------|--|---------------------|--|
| Samuel Roman | 13 | Hispanic Business Organization in Construction | 5/7/2013 – 5/6/2016 | Commissioner Valeche Commissioner Burdick Commissioner Vana Commissioner Taylor |

SUMMARY: The SBA Advisory Committee is established pursuant to Section 2.80.32, of the Palm Beach County Code as amended on March 12, 2013. The committee consists of fifteen members representing one black business owner certified as a small business by the County; one Hispanic business owner certified as a small business by the County; one woman business owner certified as a small business by the County; one white male business owner certified as a small business by the County; one business owner domiciled in Palm Beach County; one representative of a business incubator program; one representative of the Hispanic business organization; one representative of the National Association of Women in Construction; one representative of a Women’s Business Organization; one certified minority contractor; one representative of the Associated General Contractors of America; one representative of the Small Business Development Center; one representative of a financial institution that assists small businesses; one representative of the Black Chamber of Commerce; and one representative of a professional services organization. The SBA Advisory Committee supports the nominations and a memo was sent to the Board of County Commissioners on March 26, 2013 requesting approval of the recommendation for Seat 13. No other nominations were received. Countywide (TKF)

4. Staff recommends motion to approve: reappointment of the following individual to the Health Facilities Authority for the term May 7, 2013, to April 30, 2017:

| <u>Nominee</u> | <u>Seat No.</u> | <u>Seat Requirement</u> | <u>Term Expiration</u> | <u>Nominated by:</u> |
|----------------------|-----------------|-------------------------|------------------------|--|
| Dr. Keysha L. Bryant | 2 | Resident of PBC | 04/30/2017 | Comm. Valeche Comm. Burdick Comm. Taylor |

SUMMARY: Per Chapter 154.207, Florida Statutes and Resolution Nos. R77-379, R77-398 and R92-563, the Health Facilities Authority is composed of five (5) members appointed at-large by the Board of County Commissioners (BCC). A memo dated April 10, 2013 was circulated to the BCC notifying the Board that Dr. Bryant’s term on the Authority expired April 30, 2013, and requesting support of Dr. Bryant’s reappointment or asking for additional nominations. No other nominations have been received. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

5. Staff recommends motion to approve: reappointment of one individual to the Health Council of Southeast Florida, Inc. for a two year term commencing May 7, 2013:

| <u>Reappoint</u> | <u>Seat No.</u> | <u>Seat Requirement</u> | <u>Nominated By</u> |
|----------------------|-----------------|-------------------------|-------------------------------|
| Dr. Murray D. Sigman | 7 | Health Care Provider | Comm. Valeche Comm. Taylor |

SUMMARY: The Health Council of Southeast Florida, Inc. (Council) is a not-for-profit corporation established pursuant to Section 408.033, Florida Statutes, for the purpose of providing and coordinating health planning activities within Palm Beach, Martin, St. Lucie, Indian River and Okeechobee Counties. The Council consists of twelve members: six representatives for Palm Beach County; two members appointed by Martin County; two members appointed by St. Lucie County; one member appointed by Indian River County; and one member appointed by Okeechobee County. The appointees must be representatives of health care providers, health care purchasers, and non-governmental health care consumers, not to exclude elected government officials. Dr. Sigman is a retired dentist with the Palm Beach County Health Department and has served on the Council since 2008. He is eligible for reappointment and has expressed a desire to continue to serve. A memo dated April 12, 2013 was circulated to the Board of County Commissioners requesting support of Dr. Sigman’s reappointment or requesting additional nominations. No additional nominations were received. Countywide (TKF)

6. Staff recommends motion to approve: a Contract with Palm Beach State College Board of Trustees for the benefit of the Small Business Development Center (SBDC) in the amount of \$94,000 to provide technical assistance and training to small businesses in Palm Beach County for the period of October 1, 2012, through September 30, 2013. **SUMMARY:** This Contract provides Palm Beach County’s Small Business Enterprise firms with technical assistance and training in the form of direct consulting services in the areas of finance, marketing, management, construction, human resources, business plans and international trade. In addition, SBDC provides local SBE’s with services that result in federal certifications, such as 8(a), HUBZone and Small Disadvantaged Business; identify federal contract opportunities for local small businesses; and assist local businesses in submitting bids to local, state, and federal agencies. The total amount of this proposed contract for FY 2013 is \$94,000 and is being made retroactive to October 1, 2012. The delay of this contract being submitted for approval is due to minor contract language revisions by the SBDC and the SBDC’s not obtaining the appropriate signatures and returning the contract in a timely manner. To prevent a delay with a potential future contract, OSBA will begin contract renewal three months prior to the existing contract’s expiration date. An audit has been completed for contracted services in FY 2012 and resulted in satisfactory performance. The FY 2012 performance and FY 2013 contracted performance is listed below. Countywide (TKF)

| | Deliverables | FY12 Contracted | Achieved As of 9/30/12 | FY13 Contracted |
|---|---|------------------------|-------------------------------|------------------------|
| | SBDC | | | |
| 1 | Management & Technical Assistance Clients | 550 | 673 | 550 |
| 2 | Loans Approved | \$1,330,000 | \$1,170,000 | \$1,330,000 |
| 3 | SBDC Seminars | 6 | 6 | 6 |
| | PTAC | | | |
| 4 | Management & Technical Assistance Clients | 150 | 130 | 150 |
| 5 | Procurement Approved | \$10,000,000 | \$7,500,647 | \$7,000,000 |
| 6 | Government Procurement Seminars | 18 | 19 | 18 |
| 7 | Certification Training | 10 | 14 | 10 |
| 8 | Review of RFP/Bid Process | 8 | 8 | 8 |
| | SBDC | | | |
| 9 | Quarterly Report and Client Profile | 4 | 4 | 4 |

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings:

| <u>Meeting Type</u> | <u>Meeting Date</u> |
|---------------------|---------------------|
| Workshop | March 26, 2013 |
| Zoning | March 28, 2013 |

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during November 2012. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** a Work Task Order to the Annual Agreement R2013-0413 in the amount of \$152,783.61 with Civil Design, Inc., (CDI) for professional services for El Paso Drive, Pancho Way and Pinto Drive east of Blanchette Trail (Project). **SUMMARY:** Approval of this work task order will provide the professional services necessary for the preparation of design plans and construction bid documents for the Project. CDI is a Palm Beach County company and is a certified Small Business Enterprise (SBE). The SBE goal for the Project is 15%. The SBE participation committed for this Project by CDI is 93%. District 6 (MRE)
2. **Staff recommends motion to approve:** five Work Orders to mill and resurface Palm Beach County (County) roads utilizing the County's Annual Asphalt Milling and Resurfacing Contract R2013-0235 with Community Asphalt Corporation which includes: Work Order 2013052-02 in the amount of \$595,000 for Clint Moore Road from Jog Road to Military Trail; Work Order 2013052-03 in the amount of \$235,000 for Florida Mango Road from 10th Avenue North to Forest Hill Boulevard; Work Order 2013052-06 in the amount of \$255,000 for Rogers Road from one mile west of Miami Canal (approximately one mile to west); Work Order 2013052-07 in the amount of \$564,000 for Hatton Highway from south of Curves in Roadway (approximately 2.2 miles to the north); Work Order 2013052-08 in the amount of \$572,000 for CR 880 from Brown Farms Road (approximately 2.25 miles to the west), (Improvements). **SUMMARY:** Approval of the five Work Orders will allow the contractual services necessary to construct all the Improvements. Three of these roads are funded through the 'Glades Area Roads' resurfacing account within the Five Year Road Program. Per County PPM CW-F-050, these Work Orders exceed the threshold relating to staff approvals of contracts, thus requiring Board of County Commissioners' approval. Districts 3, 4 & 6 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. ~~DELETED: Staff recommends motion to approve:~~

~~A) an Agreement for acquisition of right-of-way and utility easements with CA Miami 7788 OMT LLC (Developer); and~~

~~B) a Budget Amendment of \$329,963 in the Transportation Improvement Fund to recognize a contribution from the Developer and appropriate it to the northbound right turn lane on Military Trail at Miner Road.~~

SUMMARY: Approval of the agreement for acquisition will allow right-of-way and easements to be acquired for construction of a right turn lane on Military Trail associated with the conditions of approval R2012-1168, for the development of a charter school known as Franklin Academy, and approval of the budget amendment will recognize funds contributed by the Developer to fund the acquisition. District 3 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: a continuing proxy appointing Commissioner Hal R. Valeche as Palm Beach County's representative for purposes of voting at the June 6, 2013, landowners' annual meeting and any subsequent landowners' meetings of the Pal Mar Water Control District. **SUMMARY:** This proxy authorizes Commissioner Valeche to vote on behalf of the County at the annual landowners' meeting on June 6, 2013 and thereafter until revoked. The number of acres now owned by Palm Beach County is Two Hundred Thirty-three and seventy-three one hundredths (233.73). District 1 (JCM)

2. Staff recommends motion to receive and file: the official transcript for the closing of the \$9,450,000 Palm Beach County, Florida Bond Anticipation Notes, (CCRC Pre-Development Project), Series 2011 (the "Bonds"). **SUMMARY:** The official transcript for the Bonds has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Contract for Provision of Financial Assistance with The Jerome Golden Center for Behavioral Health, Inc. for the period May 23, 2013, through May 22, 2014, in an amount not to exceed \$387,148 for up to 38 permanent housing beds for disabled, homeless individuals. **SUMMARY:** The Division has received funds from the U.S. Department of Housing and Urban Development (HUD) Shelter Plus Care grant to provide rental assistance for permanent housing beds. As a result, the Division is contracting with The Jerome Golden Center for Behavioral Health, Inc. to provide permanent housing beds for up to 38 homeless, disabled individuals. Thomas McKissack of The Jerome Golden Center for Behavioral Health, Inc., serves on the Palm Beach County HIV Care Council advisory board. This Board provides no regulation, oversight, management, or policy-setting recommendations regarding the activities funded by this contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. No County funds are required. (Human Services) Countywide (TKF)

2. **Staff recommends motion to adopt:** Resolution authorizing the County Administrator, or his designee, signatory authority on amendments to individual Ryan White provider agency contracts for not more than ten percent of the contracted amount or \$150,000, whichever is greater, effective May 7, 2013. **SUMMARY:** This Resolution updates and replaces Resolution R2010-1074 which expired on February 28, 2013. The delegation of signatory authority to the County Administrator or his designee on contract amendments facilitates the spending of funds in a timely manner in compliance with a federal mandate. This authority allows for reallocation of funding for not more than ten percent (10%) of the contracted amount or \$150,000, whichever is greater of the individual agency contracts, based on the recommendations of the Palm Beach County HIV CARE Council and Ryan White staff. Contract amendments signed by the County Administrator, or his designee, are brought before the BCC as receive and file documents in accordance with PPM CW-O-051. Ryan White funds are 100% Federal with no County match required. There is no fiscal impact associated with this item. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to:

A) receive and file Notice of Grant Award from the Department of Health and Human Services for the period March 1, 2013, through February 28, 2014, in an amount not to exceed \$3,554,902; and

B) approve eight Contracts for Provision of Ryan White Part A HIV Health Support Services with listed provider agencies for the period March 1, 2013, through February 28, 2014, totaling \$6,119,816, for Ryan White Part A Treatment Extension Act of 2009 HIV Emergency Relief:

| | |
|---|--------------------|
| 1. Compass, Inc. | \$ 459,390 |
| 2. Comprehensive AIDS Program of Palm Beach County, Inc | \$2,407,120 |
| 3. FoundCare, Inc. | \$ 615,308 |
| 4. Gratitude House, Inc. | \$ 3,614 |
| 5. Health Care District of Palm Beach County | \$ 528,345 |
| 6. Legal Aid Society of Palm Beach County, Inc. | \$ 205,682 |
| 7. Palm Beach County Health Department | \$1,432,634 |
| 8. Treasure Coast Health Council, Inc. d/b/a Health Council of SE FL | <u>\$ 467,723</u> |
| Total | \$6,119,816 |

SUMMARY: A Notice of Grant Award from the Department of Health and Human Services Health Resources and Services Administration (HRSA) was received on February 15, 2013, and conveys a partial award totaling \$3,554,902. The balance of the Federal funding will be awarded at a later date. These contracts are being funded at 75% based on the previous years' grant award. The contracts will be amended and the budget will be aligned once the final notice of award has been received. These agencies are selected and recommended for contracting through the Request for Proposal (RFP) process. These contracts cover services for HIV affected clients which includes medical case management, medical care, pharmacy oral health care, and substance abuse treatment. Employees Roz Collins of Gratitude House, Inc., Kimberly Rommel-Enright and Vicki Tucci of Legal Aid Society of Palm Beach County, Inc., Marsharee Chronicle and Lorenzo Lowe of Compass, Inc., Julie Graham of Treasure Coast Health Council, Inc., and Elaine Esplin of Comprehensive AIDS Program of Palm Beach County, Inc. serve on a County Advisory Board, the HIV CARE Council. Employee Mickale Linton of Legal Aid Society of Palm Beach County, Inc. serves on a County Advisory Board, the Head Start-Early Head Start Policy Council. These Boards provide no regulation, oversight, management, or policy-setting recommendations regarding the agency contracts listed above. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to:

A) approve an Other Transaction Agreement (OTA) with the United States of America, acting through the Transportation Security Administration (TSA), providing the use of security checkpoint and baggage makeup areas at the Palm Beach International Airport (PBI) at no cost to the TSA and for the reimbursement of the County for janitorial services in the amount of \$6,000 per month and electrical costs incurred by the County for the TSA's equipment, commencing June 1, 2013 and expiring May 31, 2014, and automatically renewing on an annual basis; and

B) authorize the County Administrator, or his designee, the Director of the Department of Airports (Department), to execute TSA Standard Form 1449, for Contract No. HSTS01-13-H-CKP127, as such form may be modified by the TSA from time-to-time (SF 1449), on an annual basis provided that any modified form is substantively the same as the form attached to this item in all material respects.

SUMMARY: Pursuant to the Aviation and Transportation Security Act (ATSA) of 2001, the TSA is required to conduct screening of all passengers, property and baggage. In order to carry out its statutory mandate, the TSA requires use of security checkpoint and baggage makeup areas at PBI, and space for a TSA radio transmitter. Although the County is not permitted to charge the TSA for use of the security checkpoint and baggage makeup areas under the ATSA, the OTA is necessary to formalize the obligations of the TSA and County related to use of the areas by the TSA. The OTA also provides for the reimbursement of the County for electrical costs and janitorial services performed by the County's janitorial contractor at the security checkpoint and baggage makeup areas. The OTA will automatically renew each June 1 for as long as TSA provides services at PBI, or until the OTA is terminated. SF 1449 is required by the TSA for budgetary purposes on an annual basis for the purpose of identifying the TSA's funding source for the OTA and is not intended to modify the obligations of the parties under the OTA. The Department is requesting the Board to authorize the County Administrator or his designee to execute SF 1449 on an annual basis as required by TSA, provided that no material changes are made to the content of the form. Countywide (AH)

2. Staff recommends motion to receive and file: Cargo Building Lease Agreement (Lease) with A+M Management Systems, LLC d/b/a GSRX, LLC (GSRX) commencing April 1, 2013 and expiring September 30, 2013, and automatically renewing on a year-to-year basis thereafter, for the lease of 1,672 square feet of space at 1310-A North Perimeter Road, and a license to use a 750 square feet paved asphalt storage area at the Palm Beach International Airport (PBI), for payment of rentals in the amount of \$7,268.50 for the initial term. **SUMMARY:** Delegation of authority for execution of the standard form cargo building lease agreement was approved by the Board in R2010-1392. GSRX provides general aeronautical services to US Airways and United/Continental Airlines at PBI. The Lease provides for the use of approximately 1,672 square feet of space within the PBI cargo building 1300, and a license to use a 750 square feet paved asphalt storage area, for aviation-related vehicle and equipment maintenance activities and for office administration, associated with GSRX's operations at PBI. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. **Staff recommends motion to receive and file:** License Agreement with Sixt Rent A Car LLC (Sixt) commencing March 12, 2013 and expiring April 11, 2013, renewing automatically each month thereafter, provided no renewal shall extend beyond January 11, 2014, for overflow parking of vehicles in connection with Sixt's rental car operation at the Palm Beach International Airport (PBIA), for payment of a license fee in the amount of \$500 per month. **SUMMARY:** Delegation of authority for execution of the standard license agreement was approved by the Board in R2007-2070. This License Agreement provides for the use of a 7,000 square foot portion of the parking area adjacent to PBIA Building No. 1475 for use solely for the parking of vehicles in connection with Sixt's rental car operation at PBIA. Countywide (AH)

4. **Staff recommends motion to approve:** Amendment No. 2 to the General Consulting Agreement with CH2M Hill, Inc. for Consulting/Professional Services in the amount of \$2,769,807.47 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program. **SUMMARY:** The Consulting Agreement (R2011-1333) with CH2M Hill, Inc. for general airport planning and design was approved on September 13, 2011 in the amount of \$1,521,708 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for two years with two, one year renewal options. Amendment No. 1 was approved for a net increase in the amount of \$1,453,038. Approval of Amendment No. 2 in the amount of \$2,769,807.47 will provide funds to complete the following tasks and services: Task I Services –Palm Beach International Airport (PBIA) North-South Taxilane Design and Bidding Services; PBIA ADA Facility Compliance Assessment (Phase 1); PBIA Runway 14-32 Obstruction Survey; and PBIA 2012 and 2032 Noise Contours; Palm Beach County Park Airport (LNA) Miscellaneous Pavement Rehabilitation and Reconstruction Design, Bidding and Construction Administration Services; LNA Airport Redevelopment - Phase 1 Planning, Programming, Design, Permitting and Bidding Services; Palm Beach County Glades Airport (PHK) Automated Weather Observing System (AWOS) Planning, Programming, Design, Bidding and Construction Administration Services; Task III Services – Miscellaneous Planning and Engineering Services; Miscellaneous Financial Consulting and Capital Programming Services; and Miscellaneous Environmental Consulting Services. CH2M Hill, Inc. is an Englewood, Colorado based firm, however, the majority of the work to be completed in this Agreement will be completed and/or managed through their Palm Beach Gardens, Florida office in conjunction with several Palm Beach County-based subconsultants and firms. Certain tasks performed during the term of this Amendment may be eligible for State and Federal grant participation. The Disadvantaged Business Enterprise (DBE) goal for the agreement was established at 25.00%. The DBE participation for this Amendment is 32.35%. The total anticipated DBE participation to date is 31.36%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

5. Staff recommends motion to:

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County Florida, authorizing the lease of certain real property to the Workforce Alliance, Inc., pursuant to Florida State Statute Section 125.38; and providing for an effective date;

B) approve a Lease Agreement (Lease) with Workforce Alliance, Inc., a Florida non-profit corporation, for lease of the building located at 3400 Belvedere Road (Building 3400) and vehicular parking areas at the Palm Beach International Airport, providing for an initial annual rental of \$335,483.60, and for renovations in an amount not to exceed \$700,000 at County's cost, commencing on January 1, 2014, for an initial term of 10 years with one five-year option to renew; and

C) approve a Budget Transfer of \$700,000 in the Airports Improvement and Development Fund from Reserves to provide budget to fund the capital improvements at Building 3400.

SUMMARY: The Workforce Alliance provides job placement, recruitment and training services and has offices in Boca Raton, West Palm Beach and Belle Glade and desires to consolidate its operations in a central location. The Lease provides for the lease of Building 3400, which consists of approximately 28,921 square feet of building space; associated parking areas adjacent to Building 3400; and an additional parking area to consist of approximately 60 parking spaces to accommodate the employee and customer parking needs of the Workforce Alliance. The initial term of the Lease is 10 years with one five-year option to renew. The initial annual rental is \$335,483.60. Building 3400 was formerly leased by the Department of Juvenile Justice (DJJ), which made specialized improvements to allow it to be utilized for the evaluation, processing and treatment of juveniles. Building 3400 will require renovations in order to make it functionally usable for the Workforce Alliance's business operations, including replacement of flooring, interior painting, removal of existing juvenile detention and treatment facilities, removal and replacement of specialized door hardware and bathroom renovations. This Lease provides that the County will cause renovations to be made to Building 3400 in an amount not to exceed \$700,000, which are mutually agreed to by the Department and Workforce Alliance. The County will also maintain responsibility for the general maintenance and repair of Building 3400, including the roof and HVAC system. In addition to generating lease revenue in the long term, the Lease will provide a funding source for necessary improvements and repairs to Building 3400. Countywide (HJF)

6. Staff recommends motion to approve: the reappointment of the following individual to the Citizens Committee on Airport Noise (CCAN) for a term of three years:

| <u>Seat</u> | <u>Name</u> | <u>Action</u> | <u>Organization</u> |
|-------------|-----------------|---------------|-----------------------|
| No. 11 | Nancy S. Pullum | Reappointment | Good Neighbor Council |

SUMMARY: Per Resolution No. R2012-0435, the Citizens' Committee on Airport Noise consists of 11 seats of which 4 (Seat No. 8 through Seat No. 11) are recommended for appointment by the organizations approved by the Board of County Commissioners. The Good Neighbor Council submitted its recommendation for representation by letter. Countywide (AH)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to receive and file:** notification of the cumulative total of change orders to Moss and Associates (R2007-0031) for the Jail Expansion Program having exceeded \$500,000. **SUMMARY:** In accordance with PPM CW-F-050, when the cumulative value of changes approved by the Lead Department exceeds \$500,000, the Department is required to notify the Board that it has exceeded this reporting threshold, and the cumulative total is then reset. The approval of Change Order No. 203 in the amount of \$49,280, by the Department Director, caused the cumulative value of changes for this project to exceed \$500,000. This item notifies the Board that the cumulative threshold has been reached and the reporting threshold is reset. The original value of this contract is \$129 million. Excluding sales tax change orders, the net total value of all change orders is \$5.9 million or 4.6%. This cost was partially offset by the \$1.1 million that was saved by implementation of the sales tax recovery program. (Capital Improvements Division) Countywide/District 6 (JM)

2. **Staff recommends motion to approve:** Amendment No. 3 to the Contracts for property development evaluation services on a continuing contract basis:
 - A) Cotleur & Hearing, Inc., (R2010-0807);

 - B) Gentile Glas Holloway O'Mahoney & Associates, Inc., Landscape Architects, Planners, Environmental Consultants (R2010-0753); and

 - C) Urban Design Kilday Studios (R2010-0805).

SUMMARY: Amendments No. 3 extend the term of three contracts for professional consulting services for property development evaluations for one year. The Board approved annual contracts on May 18, 2010. The original Contracts provided for an initial two year term with two - one year renewal options. Amendment No. 3 will provide services during the second and final renewal period. The Small Business Enterprise (SBE) goal for these contracts is 15% participation. Due to budget constraints, Cotleur & Hearing, Inc. and Gentile Glas Holloway O'Mahoney & Associates, Inc. have been authorized \$0 in task work orders, and Urban Design Kilday Studios has \$79,705 in task work orders with 100% SBE participation. All three of these firms are local SBEs. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve:

A) Amendment No. 4 increasing the term for one additional year to: All-Site Construction, Inc. (R2010-0751), F.H. Paschen, S.N. Nielsen & Associates, LLC. (R2010-0752), H.A. Contracting Corporation (R2010-0804), and M.A.C. Construction, Inc. (R2010-0776); and

B) Amendment No. 4 increasing the term for one additional year and increasing the maximum cumulative capacity from \$3M to \$4M to: Robling Architecture Construction, Inc. (R2010-0802).

SUMMARY: Amendments No. 4 extend the term of five Job Order Contracts (JOC) for one year. The contractors will continue to perform as an annual general contractor for implementation of maintenance and capital projects. Amendment No. 4 provides for services during the third renewal period and continues the maximum cumulative capacity of the work orders of \$5,000,000 except Amendment No. 4 with Robling which increases the maximum cumulative capacity from \$3,000,000 to \$4,000,000. Pursuant to the terms and conditions of the JOC Contract to account for escalation, the contractor's initial adjustment factors from May 18, 2010, will be modified by 1.0854%. The Small Business Enterprise (SBE) goal established for this contract is 15% participation. The total cumulative SBE participation to date is 51.3%.

- All-Site Construction, Inc. SBE/Local, 81.3% SBE participation to date;
- F.H. Paschen, S.N. Nielsen & Associates, LLC. Non SBE/Miami-Dade, 36.0% SBE participation to date;
- H.A. Contracting Corporation (R2010-0804), Non SBE/Local, 33.0% SBE participation to date;
- M.A.C. Construction, Inc. (R2010-0776), Central, Non SBE/Local, 44.1% SBE participation to date;
- Robling Architecture Construction, Inc. SBE/Local, 62.2% SBE participation to date. (Capital Improvements Division) Countywide (JM)

4. Staff recommends motion to approve: a Third Amendment to Agreement (R2004-0457) with Delray Medical Center, Inc. (Hospital) to extend the term of the agreement for interoperable radio communications through the countywide common talk groups of the County's 800 MHz Radio System to March 15, 2016. **SUMMARY:** The Agreement, which provides the terms and conditions under which Hospital can program its radios and utilize the countywide common talk groups for certain inter-agency communications expired on March 15, 2013. The Agreement provided for three renewal options, each for a period of three years. Both parties must approve the renewal option. Hospital has approved a renewal to extend the term of the Agreement to March 15, 2016. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. Hospital is required to pay all costs associated with the subscriber units and to comply with established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Third Amendment renews the term, updates the notice provisions, modifies the provision on access and release of programming codes, and provides for disclosure of County Code Section 2-421-2-440 establishing the Office of the Inspector General. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. **Staff recommends motion to approve:** an Interlocal Agreement (Agreement) with the City of Atlantis (City) allowing for interoperable communications through the countywide common groups of the County's Public Safety Radio System. **SUMMARY:** This Interlocal Agreement provides the conditions under which the City can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications. The County's system will not be utilized for routine operational communications by the City. The terms of the Agreement are standard and offered to those municipalities with 800 MHz trunked radio capabilities that have migrated to the MPSCC Open Sky Radio System. There are no charges associated with this Agreement. The City is required to pay all costs associated with subscriber units, to comply with the established operating procedures for the County's Public Safety Radio System and to provide County with City's internal procedures in regards to monitoring common talk groups within ten days of execution of the Agreement. The Agreement terminates and replaces the prior Agreement (R2004-1890) which was executed prior to the City's transition to the Open Sky Radio System. The Agreement provides for an initial term of five years with three renewal options, each for a period of five years. This Agreement may be terminated by either party, with or without cause, upon ten days prior notice to the other party. (ESS) Countywide (JM)

I. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to receive and file:** Twenty-four Short Sales on County held mortgages approved from January 1, 2012, through December 31, 2012, by the Department of Economic Sustainability (DES). **SUMMARY:** On January 12, 2010, the Board of County Commissioners (BCC), in response to the economic housing crisis, approved Short Sale Policy Guidelines for homeowners that have County mortgages and that were seriously at risk of losing their homes to foreclosure. The County provides gap financing to eligible first-time home buyers in the form of a forgivable second mortgage loan. The County's investment is leveraged with recognized banks and mortgage lenders whose financing was secured by a mortgage with a first lien position. The short sale strategy prevents the loss of the County's entire investment that in the event of a foreclosure would be lost, provides financial relief to distressed homeowners, and decreases urban blight through the resale to an eligible buyer. The Short Sale policies require the first lender to repay the County a minimum of \$3,000 or eight percent (8%) of the remaining balance owed on the County's second mortgage. DES approved 24 short sales from January 1, 2012, through December 31, 2012. To date, 59 short sales have been approved representing three percent (3%) of the total HOME Investment Partnership Program (HOME) and the State Housing Initiatives Program (SHIP) mortgage portfolio. The original mortgages were funded in Fiscal Years 2002-2008, from the County's annual allocation of HOME and SHIP, and were awarded to 20 low and four moderate-income eligible households, which are hereby being submitted to the BCC to receive and file. All short sales comply with the approved Guidelines. (BHI) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2012-1400) with Redlands Christian Migrant Association, Inc. (RCMA) to decrease the number of beneficiaries served and to increase the rate of reimbursement. **SUMMARY:** On October 2, 2012, the County entered into an Agreement (R2012-1400) with the RCMA allocating \$9,911 in Community Development Block Grant (CDBG) funds for child care services to children of migrant farmworker families and other low-income families living in the Glades area. Under the Agreement, RCMA would provide child care services to 80 children on a daily basis and to 105 unduplicated children annually. RCMA requested \$34,213 in CDBG funds to serve these children; however, due to limited CDBG funding availability, they were only awarded \$9,911. At this lower level of funding they may only provide the same level of service to 30 children on a daily basis and to 105 unduplicated children annually. Accordingly, the amendment increases the rate of reimbursement per child to a rate commensurate with the one provided in Fiscal Year 2011-2012. **These are Federal CDBG funds which require no local match.** (DES Contract Development) Countywide (TKF)

K. WATER UTILITIES

1. Staff recommends motion to receive and file: executed Agreement received during the month of February 2013:
 - A) Standard Potable Water and Wastewater Development Agreement with 6201 Plaza II, LLC, a Florida limited liability company, No. 02-01135-000 (District 3).
SUMMARY: In accordance with County PPM CW-0-051, all delegated contracts/agreements/grants/ procurement items must be submitted by the initiating Department as a receive and file agenda item. The document have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Deputy Director of the Water Utilities Department in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the Board to receive and file. District 3 (MJ)
2. Staff recommends motion to approve: Change Order No. 1 to a Contract with Electron Corp of South Florida (R2012-1894) for the Southern Region Water Reclamation Facility (SRWRF) Phase II Electrical Reliability Improvements in the amount of \$331,321 and a time extension of 110 days to the contract. **SUMMARY:** On December 18, 2012, the Palm Beach County Board of County Commissioners (BCC) approved a contract with Electron Corp of South Florida (R2012-1894) for the SRWRF Phase II Electrical Reliability Improvements. Change Order No. 1 is to add the three bid alternate items listed in the contract. These bid alternates will provide portable generator termination boxes to be used during maintenance or failure of the SRWRF electrical system. The change order prices were negotiated less than the original bid alternate prices based on the current cost of copper and will provide a \$21,000 savings. Change Order No. 1 also provides for a 110 day time increase for purchasing and installation of materials. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. This Change Order with Electron Corp of South Florida provides for 100% SBE participation overall. The cumulative SBE participation, including this change order is 98.6% overall. Electron Corp of South Florida is a Palm Beach County company. (WUD Project No. 11-020) District 5 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. Staff recommends motion to approve: a partial release of Utility Easement on land owned by Boca Raton Associates VI, LLLP. **SUMMARY:** This document will release the County's interest in a portion of a utility easement recorded in the Official Records of Palm Beach County in Book 25539, Page 1167. During development of the new clubhouse facilities for Bridges PUD, located west of Lyons Road and north of Clint Moore Road, it was determined that the existing easement extends beyond County owned facilities and it affects development plans for the clubhouse. The property owner now requests release of the portion of the original easement. The Water Utilities Department concurs with this request and, therefore, recommends the partial release. There is no cost to the property owner nor County for this partial release of easement. District 5 (MJ)

4. Staff recommends motion to approve: a unit price contract with:
 - A) Johnson-Davis, Incorporated in a cumulative amount not to exceed \$8,339,350; and
 - B) Centerline Utilities, Inc. in a cumulative amount not to exceed \$8,521,496.03 for the Water Utilities Department Pipeline Continuing Construction Contract 2013 to install raw water mains, potable water mains, reclaimed water mains, wastewater force mains, and water service lines over a 12 month term.

SUMMARY: On February 20, 2013, six bids were received for the Water Utilities Department Pipeline Continuing Construction Contract 2013. Johnson-Davis, Incorporated and Centerline Utilities, Inc. are the first and second lowest responsible and responsive bidder, respectively. This contract will be used to expedite utility special assessment projects, utility improvement projects for the Belle Glade, Pahokee and South Bay areas and other pipeline projects where timing is critical. Contract award is for the base contract only, and the contract by itself does not guarantee nor authorize Johnson-Davis, Incorporated or Centerline Utilities, Inc. to perform any work. The bid dollar amounts of \$8,339,350 for Johnson-Davis Incorporated and \$8,521,496.03 for Centerline Utilities, Inc. shall **only** be used to establish the unit prices for this contract. Work will be assigned during the 12 month contract period by formal work authorizations drawn against this contract, with approvals pursuant to PPM CW-F-050 and requirements for any Federally funded projects. The unit prices contained in this Contract will be used in determining the cost of work authorizations. It is the intention of the Department to limit the total of the authorizations for each firm to \$6,500,000. Supplements to work authorizations for changes that occur during construction will be subject to the change order limits for construction contracts as established under PPM CW-F-050 with each work authorization considered as an individual construction contract. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. This contract with Johnson-Davis, Incorporated and Centerline Utilities, Inc. provides for SBE participation of 20.96% and 16.56% overall, respectively. Johnson-Davis, Incorporated is a Palm Beach County company. Centerline Utilities, Inc. is not a Palm Beach County company. (WUD Project No. 13-020) Districts 1, 2, 3, 5, 6 & 7 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. Staff recommends motion to approve: an Interlocal Agreement with the City of Greenacres (City) in an amount up to \$75,000 for installation of two water mains in Greenacres. **SUMMARY:** This Interlocal Agreement provides the terms and conditions under which the County will reimburse the City for all costs associated with construction of two water mains along Swain Boulevard and Fleming Avenue. The County has existing water mains on Swain Boulevard, Fleming Avenue, and 10th Avenue North which should be connected in order to improve fire flow and increase water pressure within the area. As part of a City bid for utility improvements, the City included an alternate for the construction of a water main along Swain Boulevard connecting to the County water main along 10th Avenue North. In a future construction phase, scheduled for bid in FY '14, the City is including the design and construction of a water main along Fleming Avenue. Adding the installation of the water main sections to the City's construction contracts is the least disruptive to the traveling public and most economical method to complete these projects. Ownership of the water mains will be conveyed to the County following completion of construction. District 2 (MJ)

6. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida revising the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP). **SUMMARY:** The UPAP is a codification of the Department's fees, standards, legal documents, policies and procedures which govern the provision of potable water, reclaimed water, and wastewater services. The Department updates the UPAP from time to time to ensure compliance with recently enacted laws and ordinances, and to ensure that it continues to enable effective and efficient delivery of utility services. This proposed revision unifies the business rules of the Glades Utility Authority (GUA) with the business rules of WUD and allows for the absorption of the GUA, and also includes various other necessary revisions. A Summary of Proposed Changes to UPAP is shown in Attachment 3 of the Agenda Item. The Water Utilities Advisory Board reviewed and unanimously approved the changes to the UPAP at their February 22, 2013 meeting. (Finance and Administration) Countywide (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. [Staff recommends motion to receive and file:](#) seven original documents:

A) Sponsorship Agreement with Coastal Eco-Group, Inc. for Sponsorship of the Lake Worth Lagoon Symposium on May 15, 2013;

B) Sponsorship Agreement with Taylor Engineering, Inc. for Sponsorship of the Lake Worth Lagoon Symposium on May 15, 2013;

C) Sponsorship Agreement with CSA Ocean Sciences, Inc. for Sponsorship of the Lake Worth Lagoon Symposium on May 15, 2013;

D) Sponsorship Agreement with Eastman Aggregate Enterprise, LLC for Sponsorship of the Lake Worth Lagoon Symposium on May 16, 2013;

E) Project Agreement Amendment, Exhibit B – Cost Estimate Revision to Project Agreement No. R2012-0576, Bryant Park Boat Ramp with the City of Lake Worth deletes the Project Cost Estimate Exhibit A and substitutes it with a revised Project Cost Estimate Exhibit A;

F) Project Agreement Amendment, Exhibit B – Cost Estimate Revision to Project Agreement No. PB-11-153, Bryant Park Boat Ramp with the Florida Inland Navigation District (FIND), deletes the Project Cost Estimate Exhibit A, and substitutes it with a revised Project Cost Estimate Exhibit A; and

G) Modification 2 to Contract No. WHIP 2002 724209070ZM (R2008-0399) with the U.S. Department of Agriculture (USDA) for the High Ridge Scrub Natural Area, modifies the expiration date to one year after the final management activity is completed or January 14, 2014.

SUMMARY: (A, B, C, D) On December 18, 2012 (R2012-1905), the Board of County Commissioners approved a Resolution delegating authority to the County Administrator and the Director of ERM to execute Sponsorship Agreements for the provision of benefits to a sponsor when an event or program is hosted by the Department Environmental Resources Management (ERM). On April 17, 2012 (R2012-0576), the Board of County Commissioners approved an Interlocal Agreement with the City of Lake Worth to provide \$255,000 of FIND funding to the City as well as commit the City's share of \$370,000 as a match. Delegation of authority to execute all documents in connection with this agreement was approved on June 12, 2012 pursuant to PPM No. CW-O-051. On April 17, 2012 (R2012-0575), the Board of County Commissioners approved Project Agreement No. PB-11-153 with FIND for \$255,000 to cover a portion of the \$625,000 project costs for the refurbishment and improvements of the Bryant Park Boat Ramp Facility located with the city of Lake Worth. Delegation of authority to execute all documents in connection with this agreement was approved on April 27, 2012 pursuant to PPM No. CW-O-051. On March 11, 2008 (R2008-0399), the Board of County Commissioners approved Contract No. WHIP 2002 724809070ZM with the USDA for the High Ridge Scrub Natural Area. Delegation of authority to execute all documents in connection with this agreement was approved on March 19, 2008 pursuant to PPM No. CW-O-051. Countywide & District 3 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

A) approve Joint Partnership Agreement (R2009-0864) Amendment No. 2 with the Florida Department of Transportation (FDOT) to reduce the size of the wetland mitigation project and extend the agreement by one year to June 30, 2014; and

B) adopt a Resolution to authorize entering into this Agreement Amendment as a requirement of FDOT.

SUMMARY: Agreement (R2009-0864) Amendment No. 2 will reduce the size of the planned mitigation area to its original design which includes 12 acres of wetlands within Snook Islands Phase II. In addition, one year will be added to the completion date. There will be no fiscal impact with the approval of this Amendment. District 3 (SF)

3. Staff recommends motion to:

A) adopt a Resolution for Assistance through Florida Inland Navigation District (FIND) Waterways Assistance Program authorizing submission of a grant application requesting \$600,000 to cover a portion (26%) of the \$2,311,183 associated with construction of the Grassy Flats Restoration Project;

B) adopt a Resolution for Assistance through FIND Waterways Assistance Program authorizing submission of a grant application requesting \$280,725 to cover a portion (50%) of the \$561,450 associated with shoreline protection and the Juno Dunes Natural Area;

C) adopt a Resolution for Assistance through FIND Waterways Assistance Program authorizing submission of a grant application requesting \$258,037 to cover a portion (50%) of the \$516,075 associated with construction of a shoreline protection project along the Highland Beach Mangroves;

D) authorize the County Administrator, or his designee, to sign the project agreements, all future time extensions, task assignments, certifications, statements, and other forms associated with these agreements, and necessary minor amendments that do not change the scope of work, terms or conditions of these agreements; and

E) authorize the Director of the Department of Environmental Resources Management to serve as Liaison Agent with FIND for these projects.

SUMMARY: The County will be submitting grant proposals which will reimburse the County up to \$1,138,762 for three estuarine restoration projects. Specifically, the grant proposals would reimburse the County for \$600,000 (Grassy Flats Restoration Project); \$280,725 (Juno Dunes Natural Area Shoreline Protection Project); and \$258,037 (Highland Beach Mangroves Shoreline Protection Project). If successful in receiving approval(s) for funding, the deadline for spending the grant(s) will be September 2015 with the possibility of a one-year extension. The County's share of \$2,249,946 is anticipated from a combination of federal and state grants, municipal partners, Pollution Recovery Trust, Vessel Registration, and Manatee Protection funds to be determined depending on the award amount. Awards are expected to take place in FY14. The Department will only accept awards for which it has adequate matching funds available. Districts 1, 2 & 4 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: the following original executed Entertainment Contractor Agreement for a community event:

Frank Loverso, Whitestone Band concert; Canyon Town Center Amphitheater, on March 16, 2013.

SUMMARY: The Parks and Recreation Department produced a popular cultural event at our Canyon Town Center Amphitheater. This event was attended by an estimated 400 people and generated positive support and goodwill for the County. A sponsorship with GL Homes offset the expenses of this concert. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Entertainment Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2008-1109, amended by Resolution 2010-0644, and is now being submitted to the Board to receive and file. District 5 (AH)

2. Staff recommends motion to receive and file: the following original executed Amphitheater Rental Agreement:

Jewish Community Center of the Greater Palm Beaches, Inc., Community Hanukkah Candle Lighting event, Canyon Town Center Amphitheater on December 9, 2012.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Amphitheater Rental Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0335, amended by Resolutions 2009-1807 and 2012-1715, and is now being submitted to the Board to receive and file. This event helped to offer a balanced schedule of events which promote the quality of life in the communities we serve. An estimated 600 persons attended the event produced under this Amphitheater Rental Agreement. District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to:

A) ratify the signature of the Mayor on a Waterways Assistance Program (WAP) Grant Application submitted to the Florida Inland Navigation District (FIND) on March 27, 2013, requesting \$250,000 to fund 25% of the acquisition cost for the purchase of a one acre privately held outparcel within Bert Winters Park;

B) adopt Resolution for Assistance under the FIND WAP for grant funding for acquisition of a one acre waterfront parcel located in Bert Winters Park in the amount of \$250,000;

C) authorize the County Administrator or his designee to execute the Grant Project Agreement, as well as task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement, if the grant is approved; and

D) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with FIND for this project.

SUMMARY: On April 16, 2013 (5.B.2.), the Board approved the purchase of the Marine Institute property from AMIkids, Inc., for \$1,000,000, and the property is scheduled to close on or before May 31, 2013. This Grant Application requests up to \$250,000 (25%) of the acquisition costs to acquire the one acre waterfront outparcel of land located within Bert Winters Park. The WAP grant provides for pre-agreement expenses with reimbursement allowed up to 12 months after the closing date. Funding for the initial purchase of this property will come from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue. FIND will only contribute 25% towards the cost of land acquisitions. Due to grant-related items requiring timely execution by the County, staff is requesting Board approval for the County Administrator or designee to approve grant documents and the Parks and Recreation Director to act as the Liaison Agent for this project. If awarded, the grant agreement requires the property to be used for a boating access facility within 7 years of closing, and dedicated to public use for a minimum period of 25 years after completion of construction. If the County fails to adhere to these provisions, the District may require the applicant to refund the program funding. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. Staff recommends motion to:

A) ratify the signature of the Mayor on a Florida Boating Improvement Program (FBIP) Grant Application submitted to Florida Fish and Wildlife Conservation Commission (FFWCC) on March 28, 2013, requesting \$400,000 to fund 10.7% of the construction costs associated with the Waterway Park boat launching facility;

B) adopt Resolution for assistance under the Florida Boating Improvement Program for grant funding for the Waterway Park project in the amount of \$400,000;

C) authorize the County Administrator or his designee to execute the funding Agreement, as well as task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement, if the grant is approved; and

D) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with FFWCC for this project.

SUMMARY: This Grant Application requests up to \$400,000 from the FFWCC FBIP to pay for 10.7% of the estimated \$3,747,336 in construction costs associated with the development of the Waterway Park boat launching facility. On March 27, 2013, the County also submitted a grant application to the Florida Inland Navigation District (FIND) requesting \$1,861,168 in Waterway Assistance Program (WAP) funding to pay for a portion of the construction costs. If the grants are awarded, the balance of the project will be funded using money from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue. Due to grant related items requiring timely execution by the County, staff is requesting Board approval for the County Administrator or designee to approve grant documents and the Parks and Recreation Director to act as the Liaison Agent for this project. The FFWCC grant application includes \$25,000 of Park and Recreation Department staff costs for construction oversight. The \$25,000 in staff costs figure was not included in the cost estimate provided to FIND. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. Staff recommends motion to:

A) ratify the signature of the Mayor on a Waterways Assistance Program (WAP) Grant Application submitted to Florida Inland Navigation District (FIND) on March 27, 2013, requesting \$1,861,168 to fund 50% of the construction costs associated with the Waterway Park boat launching facility;

B) adopt Resolution for Assistance under the FIND WAP for grant funding for the Waterway Park project in the amount of \$1,861,168;

C) authorize the County Administrator or his designee to execute the Grant Project Agreement, as well as task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement, if the grant is approved; and

D) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with FIND for this project.

SUMMARY: This Grant Application requests up to \$1,861,168 from the FIND WAP to pay for 50% of the estimated \$3,722,336 in construction costs associated with the development of the Waterway Park boat launching facility. On March 28, 2013, the County also submitted a grant application to the Florida Fish and Wildlife Conservation Commission – Florida Boating Improvement Program requesting \$400,000 grant to help pay for construction. If the grants are awarded, the balance of the project will be funded using money from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue. Due to grant related items requiring timely execution by the County, staff is requesting Board approval for the County Administrator or designee to approve grant documents and the Parks and Recreation Director to act as the Liaison Agent for this project. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

6. Staff recommends motion to:

A) ratify the signature of the Mayor on a Waterways Assistance Program (WAP) Grant Application submitted to the Florida Inland Navigation District (FIND) on March 27, 2013, requesting \$75,000 to fund 50% of planning, design and permitting for improvements to the Ocean Inlet Park Marina;

B) adopt Resolution for Assistance under the FIND WAP for grant funding for planning, design and permitting of Ocean Inlet Park in the amount of \$75,000;

C) authorize the County Administrator or his designee to execute the Grant Project Agreement, as well as task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement, if the grant is approved; and

D) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with FIND for this project.

SUMMARY: The total cost of the project identified in the FIND WAP Grant Application is \$150,000. This Grant Application requests up to \$75,000 (50%) for planning, design and permitting costs to renovate and redevelop the Ocean Inlet Park Marina. If the grant is awarded, the County will provide a \$75,000 (50%) match from Florida Boating Improvement Program (FBIP) funding. Due to grant-related items requiring timely execution by the County, staff is requesting Board approval for the County Administrator or designee to approve grant documents and the Parks and Recreation Director to act as the Liaison Agent for this project, if this grant is approved by FIND. District 4 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. Staff recommends motion to:

A) ratify the signature of the Mayor on a 2013 National Urban and Community Forestry Grant Program Grant Application requesting \$9,953.24 for a tree planting project at Haverhill Park;

B) adopt Resolution to enter into a Grant Memorandum of Agreement with the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry, if the grant is approved;

C) authorize the County Administrator or his designee to execute the funding Agreement, as well as task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement, if the grant is approved; and

D) authorize the Director of the Parks and Recreation Department to serve as Liaison with the Florida Division of Forestry for this project.

SUMMARY: This Grant Application requests \$9,953.24 from the Florida Division of Forestry for a tree planting project at Haverhill Park in order to create additional tree canopy in the park and to enhance the park's landscape buffer. The grant will be matched (50%) using trees and mulch from the Parks and Recreation Department's nursery valued at \$9,992.51. If awarded, the grant requires the County to enter into a Grant Memorandum of Agreement that details project costs, required status reports, establishes timelines, and reimbursement procedures. The County will also be required to enter into a Grant Maintenance Memorandum of Agreement which requires the County to maintain the plant material established as a part of the project for a period of three years. The project and related expenditures must be completed by January 31, 2015. Due to grant-related items requiring timely execution by the County, staff is requesting Board approval for the County Administrator or designee to approve grant documents and the Parks and Recreation Director to act as the Liaison Agent for this project. District 2 (AH)

8. Staff recommends motion to approve: Budget Transfer of \$54,676 within the Park Improvement Fund from the Florida Boating Improvement Program (FBIP) reserve to Peanut Island Decking Renovations project. **SUMMARY:** This Budget Transfer is necessary to fully fund the renovation of the wood decking on the boat dock and fishing pier. The total project cost is estimated at \$204,255. There is \$149,579 currently available for this project; however, an additional \$54,676 is needed to fully fund the required repairs. Due to statutory limitations for the use of FBIP funds, FBIP funding will only be used on the boat dock portion of this project. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

9. Staff recommends motion to approve: a non-standard Amphitheater Rental Agreement with Live Nation Worldwide, Inc., for the presentation of an Imagine Dragons concert on May 10, 2013, at Sunset Cove Amphitheater. **SUMMARY:** The Parks and Recreation Department (Department) utilizes a standard Amphitheater Rental Agreement which is executed at the Department level. However, non-standard Amphitheater Rental Agreements are sometimes required to satisfy the specific requirement terms of a given renter. Promoter, Live Nation Worldwide, Inc. has requested modifications to the approved standard Amphitheater Rental Agreement language. The modifications clarify the responsibilities and expectations of the County and Live Nation Worldwide, Inc., for issues such as damages, personal injury, and indemnification. The non-standard agreement releases Live Nation Worldwide, Inc., from liability to the extent such damage or injury is caused by the County's negligence or willful misconduct, or structural or premise related defects at the amphitheater. District 5 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:
- A) receive and file** a Grant Adjustment Notice from the U.S. Department of Justice to extend the term of the Justice & Mental Health Collaboration Program Grant to March 31, 2013;
- B) approve** reinstating and extending the Contract (R2010-0923) with the Jerome Golden Center for Behavioral Health, Inc. a not-for-profit agency, from September 30, 2012, to March 31, 2013; and
- C) approve** reinstating and extending the Interlocal Agreement (R2010-0274) with the University of South Florida from September 30, 2012, to March 31, 2013.
- SUMMARY:** The expiration-date extensions of the Grant, Contract and Interlocal Agreement are being requested due to start-up delays and staff turnover with filling the Case Manager and Crisis Intervention Team (CIT) Coordinator positions. The extensions will allow for the completion and evaluation of the CIT Training and Recidivist Recovery Court operations. Countywide (PGE)

2. Staff recommends motion to approve: appointment of Marshall Manley to the Criminal Justice Commission for the period May 7, 2013, through December 31, 2015:

| <u>Appoint Nominee</u> | <u>Seat No.</u> | <u>Term to Expire</u> | <u>Nominated By:</u> |
|------------------------|-----------------|-----------------------|----------------------|
| Mr. Marshall Manley | 27 | 12/31/15 | Economic Council |

SUMMARY: The Criminal Justice Commission is comprised of 33 members including elected officials and representatives from private and public sectors. The twelve private sector members are nominated for three-year terms by the Economic Council of Palm Beach County, Inc. and appointed by the Board of County Commissioners. The Council has nominated Mr. Marshall Manley for appointment effective May 7, 2013. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to receive and file: three original standard agreements for the Fire Rescue Department:

A) Independent Contractor Agreement for Swimming Lessons with the Young Men's Christian Association of South Palm Beach County, Inc.; and

B) Independent Contractor Agreement for Swimming Lessons with the Young Men's Christian Association of the Palm Beaches, Inc.; and

C) Interlocal Agreement for Swimming Lessons with the Village of Wellington.

SUMMARY: On September 27, 2005, the Board adopted Resolution Number R2005-1906 authorizing the County Administrator, or his designee (the Fire Rescue Administrator) to execute standard agreements with municipalities and independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. Pursuant to Countywide PPM CW-O-051, three standard County agreements that have been executed by the County Administrator, or his designee (the Fire Rescue Administrator) are being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (PK)

2. Staff recommends motion to receive and file: one fully executed license agreement with the Town of Palm Beach, for training at the Palm Beach County Fire Rescue Regional Training Center, for the period April 8, 2013, through April 7, 2014.

SUMMARY: On December 6, 2011, the Board adopted Resolution No. R2011-1962, which authorized the County Administrator, or his designee (Fire Rescue Administrator) to execute a one year standard license agreement with outside fire rescue/public safety agencies and other authorized entities, providing them with access to the Regional Training Center to conduct training activities and events for public safety personnel. The Licensee is responsible for the payment of applicable user fees. Pursuant to Countywide PPM CW-O-051, one license agreement fully executed by the Fire Rescue Administrator and the Town Manager for the Town of Palm Beach, is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (SB)

X. PUBLIC SAFETY

1. Staff recommends motion to approve: the addition of one grant funded Victim Services Licensed Therapist position (Pay Grade 32) on a part-time (30-hour) basis to the Victim Services complement. **SUMMARY:** On November 29, 2012, the County entered into an Agreement (R2012-1732) with the State of Florida, Department of Health (COHB6) to receive \$120,000 for individual and group therapy services for primary sexual assault victims over the age of 12 in Palm Beach County for the period of October 1, 2012, through September 30, 2015. The part-time Victim Services Therapist position will be 100% funded by the grant. This position is expected to end when the grant expires on September 30, 2015 and removed from our complement upon expiration, unless the grant is renewed. This position will provide mental health therapy services to primary sexual assault victims 12 and older. The therapist assists victims with the reduction of social, emotional, and behavioral symptoms related to their sexual assault trauma experience and promotes healing. **No County matching funds are required for this grant.** Countywide (PGE)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF

1. **Staff recommends motion to receive and file:** a Grant Modification, dated March 12, 2013, to extend the agreement period for the Miami Urban Area Security Initiative (UASI) Investigative/Intelligence Equipment Project from February 28, 2013, through March 31, 2013. **SUMMARY:** On March 12, 2013, the Board of County Commissioners accepted our agreement with Miami-Dade County, as the fiscal agent for the Miami Urban Area Security Initiative grant, to provide \$200,000 in reimbursable funding for the Investigative/Intelligence Equipment Project. The original expiration period was through February 28, 2013 (R2013-0315). This agenda item will extend the agreement period from February 28, 2013, through March 31, 2013. This agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miami as the Miami UASI's fiscal agent. These funds will be used to purchase Investigative/Intelligence Equipment for Region 7. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

2. **Staff recommends motion to receive and file:** a Grant Modification, dated March 12, 2013, to extend the agreement period for the Miami Urban Area Security Initiative (UASI) Regional 7 Perimeter Response Team Enhanced Capability from February 28, 2013, through March 31, 2013. **SUMMARY:** On January 15, 2013, the Board of County Commissioners accepted our agreement with Miami-Dade County, as the fiscal agent for the Miami Urban Area Security Initiative grant, to provide \$189,000 in reimbursable funding for the Regional 7 Perimeter Response Team Enhanced Capability. The original expiration period was through February 28, 2013 (R2013-0088). This agenda item will extend the agreement period from February 28, 2013, through March 31, 2013. This agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miami as the Miami UASI's fiscal agent. These funds will be used to enhance the capabilities of the Region 7 Perimeter Response Teams by purchasing field force equipment which will provide protection for officer's deployed during civil unrest incidents. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

3. **Staff recommends motion to receive and file:** a Grant Adjustment Notice amending the Florida Department of Law Enforcement grant to extend the grant period from April 30, 2013, through June 30, 2013. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$199,988 on October 16, 2012; with a grant period of June 1, 2012, through April 30, 2013 (R2012-1584). On January 15, 2013, the BCC accepted a grant modification providing additional funding of \$32,500 (R2013-0087). This agenda item will extend the grant period from April 30, 2013, through June 30, 2013. These funds and related equipment, which have been approved by FDLE for purchase, will be used to enhance the security of regional critical assets identified by the Region 7 Domestic Security Task Force, including the Palm Beach International Airport. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

4. Staff recommends motion to approve: a Budget Transfer of \$267,612 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Florida Statute 932.7055(5) provides that the seizing agency shall use Forfeiture proceeds for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators, and providing matching grant funds. F.S. 932.7055(5) also requires that no less than 15% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2013 estimated donation requirement is \$59,110. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The year-to-date transfer for all donations to outside organizations after approval of this item is \$964,739. The funds are requested here are to aid PBSO and qualified organizations that meet the requirements set forth in F.S. 932.7055. Use of LETf requires approval by the Board, upon request of the Sheriff. The current State LETf balance is \$1,814,350. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,546,738. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective organization or agency. No new positions are needed and no additional County funds are required. Countywide (PGE)

| <u>ORGANIZATION</u> | <u>AMOUNT</u> |
|--|------------------|
| 2-1-1 Palm Beach Treasure Coast, Inc. | \$30,000 |
| Alzheimer's Community Care, Inc. | \$10,000 |
| Big Dog Ranch Rescue, Inc. | \$25,000 |
| Boys & Girls Club of PBC, Inc. - Belle Glade | \$25,412 |
| Crime Stoppers of Palm Beach County, Inc. | \$35,000 |
| Florida Crime Prevention Association | \$7,000 |
| Homesafe, Inc. | \$10,000 |
| Leadership Palm Beach County, Inc. | \$20,000 |
| The National Center for Missing & Exploited Children | \$15,000 |
| Palm Beach County Sheriff's Foundation | \$30,000 |
| Palm Beach Recovery Coalition, Inc. | \$25,200 |
| Palms West Community Foundation – ReggaeFest 2013 | \$5,000 |
| Palms West Community Foundation – SalsaFest 2013 | \$5,000 |
| West Palm Beach Library Foundation | \$25,000 |
| Total Amount | \$267,612 |

* * * * *

4. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to:

A) approve an Escrow Agreement between Palm Beach County, Sharon R. Bock Clerk & Comptroller of Palm Beach County (Clerk), The Related Companies, L.P. and CityPlace Hotel, LLC; and

B) authorize the deposit of \$27 million of the proceeds of the bonds issued relating to the Project in the escrow account no earlier than October 1, 2013, and not later than November 15, 2013.

SUMMARY: On October 30, 2012, the Board of County Commissioners approved the necessary agreements to facilitate the construction and operation of the Convention Center Hotel. The approved Development Agreement (R2013-0103) requires the County to deposit \$27 million, the County's contribution to the project, into an escrow account held by the Clerk. These funds will be utilized to reimburse the developer for the design, construction, equipping and furnishing of the hotel in accordance with the terms established in the Agreement. Disbursements shall not be made until the developer's equity of \$20 million has been expended. Countywide (HF) (JM)

B. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to:

A) conceptually approve a Section 108 Loan Program Agreement with BI Development Group, LLC, (Company) in the amount of \$1,028,000 contingent upon the approval of the U.S. Department of Housing and Urban Development (HUD); and

B) approve an exception to the Palm Beach County Section 108 Loan Program Criteria for BI Development Group, LLC, to waive the maximum loan amount of \$1,000,000.

SUMMARY: The company has acquired the old Belle Glade City Hall which is a historic land mark registered with the U.S. Department of the Interior and the Florida Division of Historical Resources. The building is situated in the Avenue A Revitalization Corridor in Belle Glade, which was designated by the Board of County Commissioners for a dedicated portion of the Section 108 loan pool to encourage business development in this economically distressed area of the County. The \$1,028,000 Section 108 Loan will be leveraged by a County Energy Efficiency Conservation Loan (Energy Loan) in the amount of \$99,000, a Brownfield Economic Development Incentive (BEDI) grant in the amount of \$514,000, and owner equity in the amount of \$929,000 for a total project value of \$2,570,000. The company plans to renovate the historic site to create a mixed-use development consisting of five residential units on the second floor and a retail/restaurant space on the ground floor. The project is anticipated to create 32 full-time jobs and 137 construction jobs. The Department estimates that the project will have a \$19 million return on our economic investment over a five year period. **These are Federal funds which require no local match.** (B&HI) District 6 (DW)

4. REGULAR AGENDA

B. ECONOMIC SUSTAINABILITY (Cont'd)

2. ~~DELETED: Staff recommends motion to approve:~~

~~A) First Amendment to Mortgage and Security Agreement and Modification of Promissory Note with Marina Clinton Associates, Ltd. (MCA);~~

~~B) First Amendment to Mortgage and Security Agreement and Modification of Promissory Note with MCA; and~~

~~C) Subordination Agreement with MCA and Lancaster Pollard Mortgage Company.~~

SUMMARY: On November 21, 2000, the County entered into a Loan Agreement (R2000-1932) with MCA which provided \$291,950 in State Housing Initiative Partnership (SHIP) funds to assist in the construction of Marina Bay Apartments, a 192 unit elderly multifamily affordable housing project in unincorporated Lantana. The County secured this three percent (3%) cash flow dependent loan with a second mortgage which matures on April 30, 2030. On July 12, 2005, the County entered into a Loan Agreement (R2005-1345) with MCA which provided \$50,000 in SHIP funds for hurricane repairs at Marina Bay Apartments. The County secured this one percent (1%) cash flow dependent loan with a third mortgage which matures on April 30, 2021.

MCA desires to refinance their first mortgage with a new first mortgage which matures on June 1, 2048. Accordingly, MCA is requesting that the County extend both of its mortgages to June 1, 2048, and execute the Subordination Agreement. The County will receive \$113,099 in back interest payments as well as \$55,688 to monitor the project as required by the State for the additional 18 year extension period that commences in 2030. (DES Contract Development) District 3 (TKF)

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve on preliminary reading and advertisement for Public Hearing on Tuesday, June 18, 2013 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code Chapter 26, Article II, Division 1, known as the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance; amending Section 26-24, Special Assessments; amending Section 26-30.15, savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; providing for effective date. **SUMMARY:** The proposed amendment will amend Chapter 26, Article II, Division 1, known as the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance to allow for assessments and collections at a percentage of up to 100% of the total cost of the improvements for all projects. This will allow the Board of County Commissioners the latitude to address unusual situations as they arise without future ordinance changes. Countywide (MRE)

4. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

A) adopt a Resolution approving a 10-year lease with Drop In Action Sports Complex, Inc., a Florida not-for-profit corporation (DIASC), for development and operation of a skate and BMX facility on 1.75 acres within Loggers' Run Park; and

B) approve a Lease Agreement with DIASC.

SUMMARY: DIASC is proposing to construct a skate and BMX facility utilizing the existing covered roller hockey rink and adjoining area within Loggers' Run Park. The park, located on the north side of Palmetto Park Road west of US 441, is a District level park that serves residents of western Boca Raton. DIASC will bear all costs for construction, operation and maintenance of the facility with revenue from user fees, lessons, foundation grants, fundraisers, and a pro shop. The Parks and Recreation Department is unable to pursue any additional skate parks due to the high staffing and operational costs associated with this type of facility. Leasing the park's existing hockey rink area to a not-for-profit corporation to operate a skate/BMX facility will allow for the immediate development of such a facility. DIASC's proposed improvements include a covered skate rink; pro skate and BMX courses; outside novice skate and BMX courses; a pro shop/entrance booth; and a vehicular drop off area. DIASC will operate and maintain its improvements within the lease area at its expense, while the County will remain responsible for maintenance and repair of the existing covered shelter, sports lighting and the remainder of the park, including parking lots and restrooms that serve the skate/BMX facility. The proposed location within Loggers' Run Park is compatible with the existing and proposed site uses, and should have little fiscal impact on the operation of the remainder of the park. The term of this lease is for 10 years with one option to extend for a period of 5 years. Rent will be \$10 per year. (PREM) District 5 (HJF)

2. Staff recommends motion to authorize: staff to prepare and issue a Request for Proposals (RFP) to construct and operate a culturally authentic Japanese Inn (Ryokan) at the Morikami Museum and Japanese Gardens. **SUMMARY:** Recently the Parks and Recreation Department was contacted by a not-for-profit children focused charity, Medical Missions for Children ("MMC"), expressing interest in leasing 14 acres in Morikami Park to construct and operate a five-star Japanese Inn and Spa. Morikami Park encompasses 170 acres west of Jog Road in southern Palm Beach County and first opened in 1977. In 1993, a new Museum opened as the only museum in the United States dedicated exclusively to Japanese culture. Over the past 35 years, various master plans for the Morikami Park, Museum and Gardens have been produced with future elements that include additional lakes, gardens, exhibits, artisan village, and a Japanese Inn. MMC's concept is to develop a five star Ryokan and Spa in proximity to and with connectivity to the Museum and Gardens. The intent behind issuing an RFP is to determine if there are other groups interested in development of a Ryokan and to obtain further information regarding development concepts. That information will be utilized to analyze feasibility, consistency with the Morikami Master Plan and consistency with land use and zoning requirements. Assuming the development concepts are found consistent with the Master Plan and reasonable to obtain land use and development approvals, the proposals would then be utilized to select a developer with whom to negotiate. The lease of up to 14 acres within Morikami Park for a Ryokan has the support of the Morikami, Inc. Board of Trustees. (PREM) District 5 (HJF)

4. REGULAR AGENDA

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to adopt: a Resolution authorizing the issuance of not exceeding \$31,000,000 in original aggregate principal amount of its Taxable Public Improvement Revenue Bonds (Convention Center Hotel Project), Series 2013 for the purpose of facilitating the development of a convention center hotel to be located on a site owned by the County adjacent to the County Convention Center, including by funding certain obligations of the County pursuant to certain convention center hotel agreements, including lease and development agreements between the County and the Developer of the Convention Center Hotel, as more fully described herein, and paying certain costs related and incidental thereto; providing for the terms and payment of such Series 2013 bonds; providing for the rights, security and remedies of the holders thereof; making certain covenants and agreements in connection therewith; authorizing the registration of the Series 2013 bonds under a book-entry system; delegating authority to proper officials of the County, in consultation with the County's financial advisor, to determine whether to obtain a Series 2013 bond insurance policy and/or to fund the debt service reserve fund for the Series 2013 bonds, and if so funded, whether to obtain a reserve account credit facility in satisfaction of all or a part of the debt service requirement; authorizing the execution and delivery of one or more insurance agreements in connection with any bond insurance policy and/or reserve account credit facility and the payment of the related premiums; approving a form of a preliminary official statement and authorizing the preparation and execution and delivery of a final official statement; authorizing the proper officials of the County to execute and deliver a certificate deeming the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12; providing for certain continuing disclosure undertakings pursuant to such rule; approving forms of an official notice of sale and summary notice of sale; authorizing the public sale of the Series 2013 bonds and the use of the preliminary official statement, official notice of sale and summary notice of sale in connection therewith; delegating authority to proper officials of the County, in consultation with the County's financial advisor, to accept, pursuant to a competitive public sale process, the bid or bids of the lowest qualified bidder or bidders for the purchase of the Series 2013 bonds, subject to certain parameters and other matters set forth in this resolution; appointing an initial paying agent and registrar for the Series 2013 bonds; authorizing the proper officials of the County to do all other things deemed necessary or advisable in connection with the issuance of the Series 2013 bonds; providing for certain other matters in connection therewith; and providing for an effective date. **SUMMARY:** The County has approved a \$27 million subsidy for the development of a 400 room Hilton Convention Center Hotel to The Related Companies, L.P., which will be held in escrow by the Palm Beach Clerk of Court and disbursed in accordance with the terms established in the agreement. According to the agreement, the funds must be deposited no earlier than October 1, 2013 and not later than November 15, 2013. The bonds are being authorized at a not to exceed amount of \$31 million to include the subsidy, cost of issuance, a debt service reserve account (if needed), expenses incurred to date for consultants and legal consultants, and for expenses for the management of the project. On April 12, 2013, the County Financing Committee met and upon the recommendation of the County's Financial Advisor, recommended that the bonds will be sold as a taxable issue through a competitive sale. Countywide (PFK)

4. REGULAR AGENDA

F. WATER UTILITIES

1. Staff recommends motion to adopt: a Resolution by the Board of County Commissioners of Palm Beach County, Florida, supporting Phase I implementation of the proposed C-51 Reservoir Project. **SUMMARY:** In October 2011, the Palm Beach County Board of County Commissioners (BCC) approved a Memorandum of Understanding (R2011-1670) directing staff to support on-going planning efforts associated with the C-51 Reservoir. In April 2013, the BCC gave staff direction to continue to participate in the planning aspect of the project with interested parties. Significant planning, modeling and analysis has demonstrated that water from the C-51 Reservoir is available as a future water supply source and to protect the Lake Worth Lagoon from harmful discharges. On January 18, 2013, a joint meeting of the Broward and Palm Beach County Water Resources Task Forces voted to support the project and recommended that interested parties approve a Resolution supporting further advancement of the project. The project will be implemented in three phases to reduce costs to encourage implementation and use of the Reservoir by entities which currently need the water. Staff recommends approval of the Resolution, which does not bind the County to any future costs or course of action, but which expresses support for implementation of Phase I of the project. Palm Beach County Water Utilities Department does not need water from Phase I, but would like to continue to participate in the development of the project. Countywide (MJ)

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MAY 7, 2013

5. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

MAY 7, 2013

6. MATTERS BY THE PUBLIC – 2:00 P.M.

MAY 7, 2013

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

MAY 7, 2013

8. COMMISSIONER COMMENTS

A. District 1 – COMMISSIONER HAL R. VALECHE

B. District 2 – COMMISSIONER PAULETTE BURDICK

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 – COMMISSIONER STEVEN L. ABRAMS, MAYOR

Water Vehicle for Hire Registry

E. District 5 - COMMISSIONER MARY LOU BERGER

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

ADD-ON: Request approval to present off-site (Belle Glade), a Proclamation declaring May 6 – 10, 2013 as “National Correctional Officers and Employees Week” in Palm Beach County.

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR, VICE MAYOR

Request approval to present off-site, a Proclamation declaring May 6 – 10, 2013 as “National Correctional Officers and Employees Week” in Palm Beach County.

ADD-ON: Request approval to present off-site, a Proclamation declaring May 11, 2013 as “Knights of Pythagoras Mentoring Network’s Ladies of Distinction Day” in Palm Beach County.

9. ADJOURNMENT

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."