

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JUNE 18, 2013

<u>PAGE</u>	<u>ITEM</u>	
19	3BB-1	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve: <u>Amendment to Exhibit “E” “Procurement Policy”</u> First Amendment to the Agreement (R2012-1320) with Discover Palm Beach County d/b/a Palm Beach County Convention and Visitors Bureau to amend Exhibit “E” Procurement Policy. SUMMARY: This Amendment to <u>Exhibit “E”</u> the agreement adds the “Business Necessity” language under Section A of the procedures of Exhibit E. <u>Countywide (DW) (TDC)</u>
20	4B	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to: 1) approve Road Program Findings of Fact (per Article <u>12.M.3.B</u> 12.N.4.B of the Unified Land Development Code) affirming that the deletion of a construction project will not result in any Link or Intersection on the road network operating at greater than the Adopted LOS (level of service), and that no project which was approved and phased based upon such assured construction would be denied building permits because of the deletion of the construction. Central Boulevard and Indiantown Road meets this criteria for deletion; and.... SUMMARY: In accordance with Article <u>12.M.3.B</u> 12.N.4.B of the Unified Land Development Code, and prior to the deletion of any construction project from Palm Beach County’s (County) Program...(Engineering)

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**

JUNE 18, 2013

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

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
- 3. CONSENT AGENDA (Pages 6 - 19)**
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 20 - 21)**
- 5. REGULAR AGENDA (Pages 22 - 25)**
- 6. BOARD APPOINTMENTS (Page 26)**
- 7. STAFF COMMENTS (Page 27)**
- 8. COMMISSIONER COMMENTS (Page 28)**
- 9. ADJOURNMENT (Page 28)**

* * * * *

TABLE OF CONTENTS

CONSENT AGENDA

A. ADMINISTRATION

Page 6

- 3A-1 Modification to Charge Resolution Contract with U.S. Equal Employment Opportunity Commission relative to processing and resolving employment discrimination complaints

B. CLERK & COMPTROLLER

Page 6

- 3B-1 Warrant list
- 3B-2 Minutes: None
- 3B-3 Contracts and claims settlements list

C. ENGINEERING & PUBLIC WORKS

Page 6

- 3C-1 Twenty-four Resolutions to initiate eminent domain proceedings necessary for construction and improvement of 60th Street North

Page 7

- 3C-2 Release of Drainage Easement in favor of the U.S.A for development of an Army Reserve Center near Congress Avenue and Silver Beach Road
- 3C-3 Change Order No. 1 with Seacoast, Inc. for repairs to the CR-707 Bridge Machine Room
- 3C-4 Agreement with Rivermill HOA for traffic control jurisdiction
- 3C-5 Resolution to vacate all drainage, utility and roadway construction easements lying in Villaggio Isles – Phase I

D. COUNTY ATTORNEY

Page 7

- 3D-1 Settlement Agreement in Linda Wooten v. PBC

E. COMMUNITY SERVICES

Page 8

- 3E-1 Ratify signature on Grant Amendment forms with U.S. Department of Health & Human Services relating to Head Start/Early Head Start programs

F. AIRPORTS

Page 8

- 3F-1 Joint Participation Agreement with FDOT for airfield lighting improvements at Palm Beach County Glades Airport
- 3F-2 License Agreement with Galaxy Aviation of Palm Beach, Inc. for aircraft parking

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 9

- 3G-1 Budget Transfers recognizing school impact fee revenues

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 9

- 3H-1 Notification of cumulative total of change orders to Moss & Associates relating to the Jail Expansion Program

Page 10

- 3H-2 Third Amendment with ABM Security Services relating to use of 800 MHz radio system
- 3H-3 Second Amendment with Town of Lake Clarke Shores relating to use of 800MHz radio system

Page 11

- 3H-4 Fourth Amendment with Health Care District of Palm Beach County relating to former County Home
- 3H-5 Second Amendment with Wellington Regional Medical Center for continued lease of space for forensic rape exam office

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

Page 12

- 3H-6 Waterway Park (Jonathan's Landing P.U.D.) Replat
- 3H-7 Amendment No. 1 with The Weitz Company relating to PBSO Data Recovery Center project

I. ECONOMIC SUSTAINABILITY

Page 12

- 3I-1 Agreement with City of Pahokee for supply and installation of an emergency generator at the City's Community Center
- 3I-2 Amendment No. 2 with Florida Turbine Technologies, Inc. and J. & S. Analysis, Inc. relating to Job Growth Incentive Grant

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

Page 13

- 3K-1 Amendment No. 1 with East Central Regional Wastewater Treatment Facilities Operating Board and City of West Palm Beach relating to construction, operation and maintenance of reclaimed water facilities
- 3K-2 Work Authorization No. 2 with Johnson-Davis, Inc. for the Atlantic Avenue 20" Reclaimed Water Main extension project
- 3K-3 Receive and file four standard WUD agreements

Page 14

- 3K-4 Contract with Layne Christensen Company for the Pahokee Wastewater Treatment Facility Deep Injection Lower Zone Monitoring Well project
- 3K-5 Contract with Ric-Man International, Inc. for Lift Station 5229 Force Main By-Pass project
- 3K-6 Work Authorization No. 11 with Globaltech, Inc. for Southern Region Pumping Facility Membrane Concentrate Bypass project

Page 15

- 3K-7 Reappointments to the Water Utilities Advisory Board

L. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 15

- 3L-1 Work Order No. ERM 13C-07 with Wynn and Sons Environmental Construction, Inc. to construct public use facilities at the Pine Glades Natural Area

M. PARKS & RECREATION

Page 16

- 3M-1 Budget Amendment increasing budget for Okeeheelee Park South Development Phase III project

N. LIBRARY

Page 16

- 3N-1 Literacy Coalition of Palm Beach County AmeriCorps Site Application providing funding for one full-time AmeriCorps member

P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION

Page 17

- 3Q-1 Receive and file seven standard agreements for Criminal Justice Commission
- 3Q-2 Reinstate and amend agreement with PBSO for security at Juvenile Assessment Center

R. HUMAN RESOURCES - None

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

S. FIRE RESCUE

Page 18

3S-1 Receive and file two Interlocal Agreements for Swimming Lessons

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES - None

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY- None

Y. PURCHASING- None

Z. RISK MANAGEMENT- None

AA. PALM TRAN

Page 18

3AA-1 Grant Application with FDOT to provide operating funding for mass transit for Lakes Region
3AA-2 Filing of the FTA Grant Application for capital funds

BB. TOURIST DEVELOPMENT COUNCIL

Page 19

3BB-1 Amendment to Exhibit E Procurement Policy with Discover Palm Beach County

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

Page 19

3CC-1 Budget Amendment to recognize reimbursement for maintenance of L-2 Pump Station

DD. SUPERVISOR OF ELECTIONS

Page 19

3DD-1 Precinct boundary changes

PUBLIC HEARINGS – 9:30 A.M.

Page 20

4A Municipal Service Taxing Unit Special Assessment Ordinance

4B Five Year Road Program Ordinance

Page 21

4C Red Light Cameras Ordinance

REGULAR AGENDA

ADMINISTRATION

Page 22

5A-1 Office of Inspector General FY 2014 Budget

5A-2 Fee schedule for expedited processing of small business certifications/re-certification/modifications

TABLE OF CONTENTS

REGULAR AGENDA CONTINUED

ECONOMIC SUSTAINABILITY

Page 22

5B-1 Resolution approving issuance of Multifamily Housing Revenue Bonds (Woodlake Apartments project)

Page 23

5B-2 Resolution approving issuance of Multifamily Housing Revenue Bonds (Village Square project)

5B-3 Resolution approving Deutsche Bank Securities, Inc. as Purchaser of Multifamily Housing Revenue Bonds (Palms West project)

FACILITIES DEVELOPMENT & OPERATIONS

Page 24

5C-1 Lease with SFWMD and Pero Family Farms for 570 acres in Ag Reserve

5C-2 Contract for Sale and Purchase with Rebecca J. Carter for 0.28+/- acre parcel of land on 131st Street in Loxahatchee Groves

Page 25

5C-3 Contract for Sale and Purchase with Racetrac Petroleum, Inc. for 1.14 acre parcel (Track K) in Lantana

SHERIFF

Page 25

5D-1 Budget Transfer for additional law enforcement services at West County Court Facility

BOARD APPOINTMENTS (Page 26)

STAFF COMMENTS (Page 27)

COMMISSIONER COMMENTS (Page 28)

ADJOURNMENT (Page 28)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) a Modification to an Award/Contract (R2012-0659) (Charge Resolution Contract No. EECCN120020, Modification No. 0001) with the U.S. Equal Employment Opportunity Commission (EEOC) allowing the Office of Equal Opportunity (OEO) to receive revenue in the total amount of \$82,500 as payment for processing and resolving employment discrimination complaints; and

B) an upward Budget Amendment of \$500 in the General Fund to adjust the budget to the actual Award/Contract.

SUMMARY: Execution of this Contract is required so that OEO can receive payment for processing and resolving complaints of employment discrimination pursuant to the Worksharing Agreement with the EEOC. This Charge Resolution Contract is for FY 2012 - 2013 and is in the amount of \$82,500 (\$79,950- charge processing; \$1,150 intake services, and \$1,400 - attendance at EEOC sponsored annual training). EEOC Charge Resolution Contracts for all Fair Employment Practices Agencies nationwide provide payment at a rate of \$650 per charge. OEO's contract is for a total of 123 charges. Attached to the Award/Contract is the Worksharing Agreement signed by the County Administrator on October 13, 2012. On November 26, 1996, the Board of County Commissioners approved staff's recommendation that future Worksharing Agreements be executed by the County Administrator, or his designee, because of the recurring time constraints involved in this process. The Worksharing Agreement is a prerequisite to the receipt of a Charge Resolution Contract. Countywide (DO)

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: None

3. Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to adopt: 24 Resolutions to declare the acquisition of property designated as Parcels 101, 102, 103, 104, 105, 106, 107, and 108 as Perpetual Right-of-Way Easements; Parcels 201, 202, 203, 204, 205, 206, 207, and 208 as Permanent Easements; Parcels 302, 303, 304, 305, 306, and 307 as Temporary Construction Easements; Parcels 1 and 2 as Fee Simple Whole Take acquisitions necessary for the construction and improvement of the 60th Street North, from west of Royal Palm Beach Boulevard to east of Royal Palm Beach Boulevard project. **SUMMARY:** The adoption of these Resolutions will initiate eminent domain proceedings against 24 parcels having a total appraised value of \$137,000. District 6 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. **Staff recommends motion to approve:** a Release of Drainage Easement in favor of the United States of America for the development of an Army Reserve Center on a parcel of land located at the northeast quadrant of Congress Avenue and Silver Beach Road in the Town of Lake Park (Property). **SUMMARY:** Approval of this Release of Drainage Easement will release a portion of the existing drainage easement recorded in Official Record Book 20335, Page 1975. The United States of America has requested that a portion of said easement be released, in order to proceed with the development and construction of an Army Reserve Center on the Property. District 7 (MRE)

3. **Staff recommends motion to approve:** Change Order No. 1 in the amount of \$19,759 and an 80 day time extension to the construction contract R2012-0794 with Seacoast, Inc. for the CR-707 Bridge Machine Room Repairs (Project). **SUMMARY:** Approval of Change Order No. 1 will compensate for the costs and additional time associated with the purchase of new bearings and the revisions made to enlarge the machinery pedestals at the Project. The time extension requires Board of County Commissioners approval. District 1 (MRE)

4. **Staff recommends motion to approve:** an Agreement with Rivermill Homeowners Association Incorporated (Community) for traffic control jurisdiction to be performed by the Palm Beach County Sheriff's Office (Sheriff). **SUMMARY:** Approval of this Agreement will authorize the Sheriff to provide traffic control enforcement services within the Community. District 3 (MRE)

5. **Staff recommends motion to adopt:** a Resolution to vacate all of the drainage, utility and roadway construction easements lying in Villaggio Isles-Phase 1, according to the plat thereof, as recorded in Plat Book 111, Pages 123 through 131, of the Public Records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will allow the petitioner to vacate the previously platted easements to allow for redevelopment of the site. The petition site is located on the west side of Hagen Ranch Road and the north side of Atlantic Avenue. District 5 (MRE)

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** Settlement Agreement in Linda Wooten v. Palm Beach County, Case No.: 502012CA015451XXXXMB AF (Fifteenth Judicial Circuit Court) for Seventy Five Thousand Dollars and No Cents (\$75,000), inclusive of attorney's fees and costs. **SUMMARY:** Plaintiff Linda Wooten ("Wooten") sued Palm Beach County for injuries allegedly sustained when she slipped and fell on a wet bleacher pad at the Jim Brandon Equestrian Center. The parties have drafted a proposed settlement agreement that would compensate Wooten for her alleged injuries in the amount of Seventy Five Thousand Dollars and No Cents (\$75,000), inclusive of attorney's fees and costs. Countywide (ATP)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to:

A) ratify Signature of the Mayor on Grant Amendment forms 424 & 424A to the Refunding Grant with the U.S. Department of Health and Human Services, for the period October 1, 2012, through September 30, 2013, decreasing the award amount by \$901,381 for a new total contract amount not to exceed \$16,431,331 for the Head Start/Early Head Start Programs; and

B) approve downward Budget Amendment of \$901,381 in the Head Start Fund to reconcile the budget with sequestration notification for 5.27% reduction in the grant award.

SUMMARY: The federal budget for the Head Start/Early Head Start Program was reduced by 5.27% in response to the Federal Budget Control Act of 2011 (Sequestration) resulting in program reductions and fund transfers. These changes were planned for in the sequestration item approved by the Board of County Commissioners (BCC) on April 2, 2013 (4.D.1) to cut the transportation budget inclusive of position eliminations, utilize lapse salary, reallocate Voluntary Pre-K reserve funds for operations to meet these cuts. In addition, School Board transitions will be presented to BCC at a later date. No changes in County funds are required for this reduction. The program will be funded by \$16,431,331 in Federal funds and \$7,468,867 in County funds. Sufficient funding is included in the budget to meet County obligations. The Budget Amendment is aligning the County budget to the sequestration notification for 5.27% reduction. (Head Start) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to:

A) adopt a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$800,000 for airfield lighting improvements at Palm Beach County Glades Airport. The grant expiration date is July 31, 2015; and

B) approve a Budget Amendment of \$800,000 in the Airport Improvement and Development Fund to recognize the receipt of a grant from the FDOT; and increase the project cost by \$1,000,000, which includes a transfer from Reserves in the amount of \$200,000.

SUMMARY: The FDOT has issued a JPA reflecting their commitment of funding to the above referenced project in the amount of \$800,000 or 80.00% of the eligible project costs, whichever is less. Countywide (AH)

2. Staff recommends motion to receive and file: License Agreement with Galaxy Aviation of Palm Beach, Inc. commencing February 14, 2013 and expiring February 19, 2013. **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 and occupancy of approximately 56,400 square feet of property for use solely and exclusively for aircraft parking. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

A) Budget Transfer from School Impact Fee Zone 1 reserve account to School Impact Fee Zone 1 appropriation account for \$2,645,684;

B) Budget Transfer from School Impact Fee Zone 2 reserve account to School Impact Fee Zone 2 appropriation account for \$2,369,818;

C) Budget Transfer from School Impact Fee Zone 3 reserve account to School Impact Fee Zone 3 appropriation account for \$4,820,548; and

D) Budget Transfer from School Impact Fee Zone 4 reserve account to School Impact Fee Zone 4 appropriation account for \$3,221,458.

SUMMARY: Impact fees budgeted in reserve accounts cannot be appropriated until funds have been collected. These budget transfers recognize school impact fee revenues as of September 30, 2012 and allow for their appropriation so that the County may remit funds to the School District in accordance with Article 13 of the Unified Land Development Code. Countywide (LB)

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. 223 in the amount of \$48,843, 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 88 sales tax change orders, the net total value of all change orders is \$5.9 million or 4.6%. The 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)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: a Third Amendment to the Agreement (R2003-2038 as amended by R2006-0663 and R2009-1084) with ABM Security Services, Inc. d/b/a Elite Protection Services, successor-in-interest to Security Services of America, LLC (Agency), allowing for interoperable communications through the countywide and EMS common talk groups of the County's 800 MHz Public Safety Radio System (800 MHz Radio System). **SUMMARY:** The Agreement which provides the terms and conditions under which the Agency can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications expired on December 16, 2012. The County's 800 MHz Radio System cannot be used for routine operational communications. The Agreement provides for three renewal options, each for a period of three years. Both parties must approve the renewal. The Agency has approved a retroactive renewal to extend the term of the Agreement to December 15, 2015. This renewal now requires Board approval. The terms of the agreement are standard and have been offered to EMS providers. There are no charges associated with this Agreement. The Agency is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Third Amendment retroactively renews the term, updates the name of Agency, updates the attachment regarding the 800 MHz Radio System Policies and Procedures, updates the provision on confidentiality of access and programming codes, updates the scenarios of usage, updates the notice provisions, provides for disclosure of County Ordinance No. 2011-009 establishing the Office of the Inspector General and provides for the exclusion of third party beneficiaries to this Agreement. Other than the changes set forth herein all other terms and conditions remain the same. (ESS) Countywide (JM)

3. Staff recommends motion to approve: a Second Amendment to Interlocal Agreement (R2003-1074) with the Town of Lake Clarke Shores (Town) 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 July 15, 2018. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Town can program its radios and utilize the countywide common talk groups for certain inter-agency communications expires on July 15, 2013. The Agreement provides for three renewal options, each for a period of five years. Both parties must approve the renewal option. The Town has approved a renewal to extend the term of the Agreement to July 15, 2018. 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. The Town 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 Second Amendment renews the term, updates the notice provisions, updates the attachments, provides for disclosure of County Ordinance No. 2011-009 establishing the Office of the Inspector General and provides for the exclusion of third party beneficiaries to this Agreement. 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)

4. Staff recommends motion to:

A) approve Fourth Amendment to Interlocal Agreement (Agreement) with the Health Care District of Palm Beach County (District) terminating the lease provisions;

B) approve a Budget Amendment of \$355,685 in the Public Building Improvement Fund recognizing revenue received and establishing a project expense budget;

C) approve a Budget Transfer of \$316,000 from reserves in the Public Building Improvement Fund to the project expense budget; and

D) authorize Staff to proceed with the demolition of the former County Home.

SUMMARY: The County and the District entered into the Agreement dated July 11, 1995 (R95-930D as modified by R960139D, R2000-1554, and R2001-0586) relating to the District's funding of the Medicaid match program, the District's operation of the Edward J. Healey Rehabilitation and Nursing Center (formerly known as the County Home located at 1200 45th Street, West Palm Beach) and included a 40 year lease of the Center. Recently, the District relocated the Center to the District-owned and newly constructed facility in Riviera Beach and requested a termination of the lease and related components of the Agreement. Since the Agreement did not contain any terms regarding a lease termination, the County and District staff negotiated the terms and conditions of this Fourth Amendment to effectuate the District's relocation of the Center and to resolve the issues presented by the vacancy. This Fourth Amendment sets forth the terms under which the lease would be terminated including sharing in the costs of securing the property prior to demolition. Staff is recommending that the County proceed with the demolition (other than the warehouse) at this time due to: 1) the condition of the building would require a significant capital investment in the property for any type of re-use, 2) the layout and location of the building does not support the County's future need for multiple social and health care uses on the property, 3) the costs associated with managing the vacant building, and 4) the liability associated with the unoccupied building. Prior to the Effective Date, District will pay County \$316,000 for demolition and funding for security services (12 hours/day, 7 days a week) through December 31, 2013. After the Effective Date, County will assume all responsibility for providing property management and security services. The Fourth Amendment updates the notice provisions of the Agreement and ratifies the remaining provisions of the Agreement. The budget amendment and transfer establish the budget for demolition from Public Building Improvement Fund Reserves and recognize the revenue from the Health Care District for both security services and the demolition. (FDO) Countywide/District 2 (TF)

5. Staff recommends motion to approve: the Second Amendment to Lease Agreement (R2011-1361) with Wellington Regional Medical Center, Incorporated (WRMI), for the continued use of 400 SF of improved space for a forensic rape exam office within the Wellington Regional Medical Center (Hospital) at 10101 Forest Hill Boulevard in the Village of Wellington for \$1/month rent. **SUMMARY:** On September 13, 2011, the County entered into a Lease Agreement with WRMI for 400 SF within the Hospital, for a ten month term until June 30, 2012, for \$500/month. On June 19, 2012, the Board approved a First Amendment to Lease Agreement which extended the term one year to June 30, 2013 and reduced the rent to \$1/month. This Second Amendment extends the term one year to June 30, 2014, and provides for automatic annual renewals. (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. **Staff recommends motion to approve:** the Waterway Park, a portion of Jonathan's Landing P.U.D. Replat. **SUMMARY:** The County plans to develop Waterway Park which is located within the Jonathan's Landing PUD on the south side of Indiantown Road in unincorporated Jupiter. The replat encompasses all of the County's 30 acre park property and two parcels owned by J.L. Property Owners Association, Inc. (POA). The County and POA properties are required to be replatted as a condition of the development approvals for the Park. The County will sign the plat as one of the property owners. (PREM) District 1 (HJF)

7. **Staff recommends motion to approve:** Amendment No. 1 to the contract with The Weitz Company, LLC (R2012-1001) in the amount of \$263,100 for construction management services for a PBSO Data Recovery Center located in the West Detention Center in Belle Glade. **SUMMARY:** In February 2009, the Board approved the construction of the West Detention Center which includes a law enforcement substation and dispatch center. This Amendment is to renovate an existing space within the West Detention Center to provide a data recovery center to provide redundancy for the primary data center located at headquarters in the event of a building or information system failure. The Small Business Enterprise (SBE) goal for this contract is 15%. The Weitz Company, LLC's SBE participation for this project is 32.8%. The Weitz Company, LLC is a Palm Beach County firm and is using 71% Palm Beach County subcontractors. Amendment No. 1 is funded entirely from the Sheriff's budget. (Capital Improvements Division) Countywide/District 6 (JM)

I. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to approve:** an Agreement with the City of Pahokee in the amount of \$43,118.80 for the period of June 18, 2013 to June 30, 2014. **SUMMARY:** On July 10, 2012, the Board of County Commissioners approved the allocation of \$43,118.80 in Community Development Block Grant (CDBG) funds (R2012-0942) to the City of Pahokee for the supply and installation of an emergency generator at the City's Community Center cafeteria located at 360 East Main Street in Pahokee. **This funding is projected to create 1.5 job(s) and have a five year Economic Sustainability Impact of \$81,600. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 6 (TKF)

2. **Staff recommends motion to approve:** Amendment No. 2 to the Contract (R2005-0483) with Florida Turbine Technologies, Inc. and J. & S. Analysis, Inc. (Company), to extend the expiration date from February 28, 2013 to July 31, 2013. **SUMMARY:** On March 1, 2005, the County entered into a Job Growth Incentive Grant Agreement (R2005-0483) with the Company to provide up \$50,000 to create 50 full-time jobs. On March 1, 2011, Amendment No. 1 to Contract (R2011-0226) was executed to extended the expiration date and the job performance deadlines. The Company agreed to create these jobs at an average annual salary of \$67,055 within three years and to maintain these jobs for an additional three years. The Company's performance audit submitted to the County verified the creation and retention of 58 new full-time jobs at an average annual salary of \$81,328 thereby exceeding the levels established in the Agreement. Approval of this Amendment will extend the term of the Agreement and the Company's job performance deadlines and enable the Company to access the balance of funds. (DES Contract Development) District 1 (DW)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Amendment No. 1 to the Interlocal Agreement with East Central Regional Wastewater Treatment Facilities Operation Board (ECR) and the City of West Palm Beach related to the construction, operation, and maintenance of reclaimed water facilities (Interlocal Agreement). **SUMMARY:** On May 20, 2008, the Palm Beach County Board of County Commissioners approved multiple agreements related to the construction and operation of a reclaimed water plant located on the ECR property, certain reclaimed water facilities located at the Florida Power and Light (FPL) West County Energy Center (WCEC), and a reclaimed water pipeline connecting the ECR facilities to the WCEC facilities. The changes in Amendment No.1 to the Interlocal Agreement are to allow the County to upgrade storage facilities at the ECR onsite reclaimed water facilities, which will be paid from bond proceeds and reimbursed by FPL. District 7 (MJ)

2. **Staff recommends motion to approve:** Work Authorization (WA) No. 2 to Johnson-Davis, Inc., under the Water Utilities Department (WUD) Pipeline Continuing Construction Contract (R2013-0550) for Atlantic Avenue 20" Reclaimed Water Main Extension in the amount of \$883,227.19. **SUMMARY:** On May 7, 2013, the Palm Beach County Board of County Commissioners (BCC) approved the Water Utilities Department Pipeline Continuing Construction Contract (R2013-0550) with Johnson-Davis, Inc. in the amount of \$8,339,350. This WA No. 2 provides for the construction of 3,128 ft of reclaimed watermain along the north side of Atlantic Avenue from the east side of the Florida's Turnpike to Hagen Ranch Road. This key project, approved by the BCC as part of the Department's 2013 Capital Plan, will allow reclaimed water service to the businesses along West Atlantic Avenue and the newly approved developments along the southern section of Lyons Road. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Johnson-Davis, Inc. provides for SBE participation of 20.96%. This WA includes 15.86% overall participation. The cumulative SBE participation is 15.86% overall. Johnson-Davis is a local company. (WUD Project No. 12-085) District 5 (JM)

3. **Staff recommends motion to receive and file:** executed Agreements received during the months of March, April, and May 2013:
 - A) Standard Potable Water and Wastewater Development Agreement with Florida South Division, LLC, No. 13-01024-000 (District 6);
 - B) Standard Potable Water and Wastewater Development Agreement with Boca Raton Associates VIII, LLLP, No. 09-01064-000 (District 5);
 - C) Utility Concurrency Reservation Agreement with Atlantic Commons Associates, LLLP (District 5); and
 - D) a Contract for Mechanical Integrity Testing of a Class 1 Deep Injection Well IW-1 at the Southern Region Pumping Facility in the amount of \$55,000 with All Webbs Enterprises, Inc. (WUD No. 13-035) District 5 (JM).

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 documents 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. Districts 5 & 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. **Staff recommends motion to approve:** a Contract with Layne Christensen Company, for the Pahokee Wastewater Treatment Facility Deep Injection Lower Zone Monitoring Well project in the amount of \$407,866. **SUMMARY:** On April 17, 2013, two bids were received for the Pahokee Wastewater Treatment Facility Deep Injection Lower Zone Monitoring Well project, with Layne Christensen Company being the lowest responsive and responsible bidder in the amount of \$395,866. This project will provide construction services to rehabilitate and convert a deep injection dual zone monitoring well to a single lower zone monitoring well at the Pahokee Wastewater Treatment Facility. This facility is under a Consent Order issued by the Florida Department of Environmental Protection (OGC11-1288; dated July 11, 2012). The deadline for correction of the monitoring well is December 2013. It is desired to include an additional work item from the bid schedule for \$12,000 to video survey a deep injection well located at Belle Glade Wastewater Treatment Facility. The video survey is needed in order to investigate the depth and flow zones of the well. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. This Contract with Layne Christensen Company provides for SBE participation of 0% overall. Layne Christensen Company is not a local company. The nature of the work is very specialized. There are few contractors that have the capability for performing this work. (WUD Project No. 10-077) District 6 (JM)

5. **Staff recommends motion to approve:** a Contract with Ric-Man International, Inc. to construct the Lift Station 5229 Force Main By-Pass Project in the amount of \$1,575,499.50. **SUMMARY:** On May 1, 2013, six construction bids were received for the Lift Station 5229 Force Main By-Pass Project with Ric-Man International, Inc. being the low responsive responsible bidder in the amount of \$1,575,499.50. The project is to install approximately 800 linear feet of new 42" force main on Haverhill Road between Gun Club Road and Lift Station (LS) 5229 just north of Kathy Lane. Currently there is a single large wastewater line conveying wastewater from the City of Lake Worth, seven smaller cities and a portion of the County service area. This line is served by a single large pump station, LS 5229. Failure of either the line or the pump station would cause a major catastrophe. The installation of the new force main will allow rerouting to the west of all the flow going into LS 5229 in an emergency, eliminating or minimizing damage to the surrounding area. This project is part of the WUD's 2013 Capital Plan approved by the BCC. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. This Contract provides for 16.1% SBE participation. Ric-Man International, Inc. is not a local company. (WUD Project No. 11-035) District 2 (JM)

6. **Staff recommends motion to approve:** Work Authorization No. 11 with Globaltech, Inc. (R2012-0159) for Southern Region Pumping Facility Membrane Concentrate Bypass in the amount of \$406,149.75. **SUMMARY:** Work Authorization No. 11 will install bypass piping and backflow prevention system at the Southern Region Pumping Facility to allow membrane concentrate from Water Treatment Plant 9 to be diverted to the South County Water Reclamation Facility. The bypass will increase available flow to the Southern Region Water Reclamation Facility to support reclaimed water demands. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Globaltech, Inc. provides for SBE participation of 75% overall. This Authorization includes 100% overall participation. The cumulative SBE participation, including this Work Authorization, is 89.27% overall. Globaltech is a local company. (WUD Project No. 13-036) District 5 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

7. **Staff recommends motion to approve:** the reappointment of two at-large members to the Water Utilities Advisory Board for a term of three years effective June 18, 2013, through June 17, 2016:

<u>Nominee:</u>	<u>Requirements:</u>	<u>Seat No.</u>	<u>Nominated by:</u>
Edwin Wechsler	Current WUD Customer Resides in PBC	8	Comm. Valeche Comm. Burdick Comm. Berger
Lawrence Gold	Current WUD Customer Resides in PBC	9	Comm. Valeche Comm. Burdick Comm. Berger

SUMMARY: Resolution No. R2012-0904 provides for an eleven-member Water Utilities Advisory Board. The membership consists of seven District members, two County-wide At-Large members, one Lake Region member and one Royal Palm Beach At-Large member. On June 7, 2013, Edwin Wechsler and Lawrence Gold's terms expired as at-large members of the Water Utilities Advisory Board (WUAB). Mr. Gold has served on the WUAB for 11 years. Mr. Wechsler has served on the WUAB since November 2008. Both individuals have indicated a desire to continue as WUAB members, and the Advisory Board unanimously supports their reappointment. The Commissioners were notified of the vacancies by the Water Utilities Department on May 21, 2013. Countywide (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:**

A) Work Order No. ERM 13C-07 to the Palm Beach County Annual Pathway and Minor Construction Contract Project No. 2013051 (R2013-0427) with Wynn and Sons Environmental Construction, Inc. not to exceed \$204,547 to construct public use facilities at the Pine Glades Natural Area;

B) Budget Transfer of \$350,000 in the Natural Areas Fund from reserves to the Environmental Resources Capital Projects Fund; and

C) Budget Amendment of \$350,000 in the Environmental Resources Capital Projects Fund to recognize the transfer from the Natural Areas Fund for the Pine Glades Natural Area Public Use Facility construction.

SUMMARY: The Board of County Commission approved an annual construction Contract with Wynn and Sons Environmental Construction, Inc., a Palm Beach County SBE company, for the Palm Beach County Annual Pathway and Minor Construction Contract Project No. 2013051 (R2013-0427) on April 16, 2013. Work Order No. ERM 13C-07 authorizes Wynn and Sons to construct a portion of the public use facilities for the Pine Glades Natural Area. Wynn committed to an overall 100% SBE participation in the Contract and will achieve 100% participation with this Work Order. The transfer of \$350,000 provides non ad valorem funding for this Work Order and additional project costs associated with existing term contracts. District 1 (JM)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to approve: Budget Amendment of \$97,043 within the Park Improvement Fund to increase budget for the Okeeheelee South Park Development Phase III project. **SUMMARY:** The Budget Amendment is necessary to recognize a payment from the Department of Environmental Resources Management (ERM) to the Parks and Recreation Department (Parks) to compensate for 114,169 cubic yards of fill provided by Parks for an ERM project. The fill from Okeeheelee Park South, was used by ERM to raise elevations to establish seagrass, mangrove and oyster reef habitats as part of the Snook Islands Natural Areas project. The funds were provided to ERM by the Florida Department of Transportation to offset impacts from planned bridges within the Lake Worth Lagoon. Parks will utilize the funds for construction of lakes, shorelines, camping areas, pathways and trails, landscaping, environmental enhancements and associated infrastructure. This Budget Amendment complies with Florida Statute, Section 129.06(2)(d), and does not require a public hearing. District 2 (AH)

N. LIBRARY

1. Staff recommends motion to:
 - A) approve** a Literacy Coalition of Palm Beach County AmeriCorps Site Application for the County Library's participation in a Literacy AmeriCorps PBC Project for the period August 12, 2013, through July 11, 2014; and
 - B) authorize** the County Administrator or his designee to execute any other necessary forms and certifications.

SUMMARY: This site application, if approved, will provide the County Library with one full-time AmeriCorps member for one year. This member will contribute 32 hours per week offering conversational English programs, providing small group basic literacy instruction and presenting student workshops. The Library will pay a service fee of \$5,700 to the Coalition and business-related mileage to the member up to \$2,800. Literacy AmeriCorps, with supplemental funds from the Coalition, will cover all other expenses including Workers' Compensation, liability, and health coverage. Funds will be provided through the Library's FY 2013 and FY 2014 operating budgets and will have minimal fiscal impact. Countywide (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to receive and file executed Agreements received during the months of February through May 2013:

A) Memorandum of Agreement with the Florida Department of Corrections, approved on March 18, 2013 for reentry services (Countywide);

B) Interlocal Agreement with the City of Lake Worth, approved on February 5, 2013 for the Youth Empowerment Center (District 7);

C) Contract with Drug Abuse Treatment Association, Inc., approved on March 1, 2013 for treatment of juveniles with co-occurring disorders (Countywide);

D) Fourth Amendment of Interlocal Agreement with the City of Riviera Beach for the Youth Empowerment Center, approved on May 14, 2013 (R2011-0768) (District 7);

E) Amended and Restated Interlocal Agreement with the City of West Palm Beach, approved on May 14, 2013 for the Youth Empowerment Center (District 7);

F) Interlocal Agreement with the City of Riviera Beach for the Youth Empowerment Center, approved on March 27, 2013 (District 7); and

G) Grant Adjustment Notice for Department of Justice (OJJDP) Gang Prevention and Intervention Grant to extend an additional six months to close June 30, 2013 for services in the youth empowerment centers (Countywide).

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. These documents have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Executive Director of the Criminal Justice Commission in accordance with Resolutions R2012-0840, R2012-1134, R2012-1575, R2010-1140, and R2012-1134, and are now being submitted to the Board to receive and file. Countywide (PGE)

2. Staff recommends motion to:

A) approve an Interlocal Agreement to reinstate and amend the original Interlocal Agreement with the Palm Beach County Sheriff's Office (R2012-0263); and

B) receive and file Grant Adjustment Notice extending the expiration date to June 30, 2013.

SUMMARY: Grant funds previously covered the cost of security at the Juvenile Assessment Center. The Department of Juvenile Justice assumed that responsibility beginning September 1, 2012. Remaining Justice Assistance Grant funds from FY 2012 are being redirected to equipment and capital outlay to support the JAC which relocated in late December 2012. The Grant Adjustment Notice has been executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Executive Director of the Criminal Justice Commission in accordance with Resolution R2011-1213, and is now being submitted to the Board to receive and file. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

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

A) Interlocal Agreement for Swimming Lessons with the City of Riviera Beach; and

B) Interlocal Agreement for Swimming Lessons with the City of West Palm Beach.

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, two 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)

AA. PALM TRAN

1. Staff recommends motion to adopt: a Resolution approving a Grant Application with the Florida Department of Transportation (FDOT) to provide operating funding for mass transit in the amount of \$300,023 of federal funds passed through the State for the Lakes Region of Palm Beach County for the period of July 1, 2014, to June 30, 2015. **SUMMARY:** FDOT has notified us that the tentative allocation of Section 5311 funds for Palm Beach County is \$300,023 for non-urbanized areas for mass transit operating assistance. This is used to partially offset the operating costs of mass transit in the Lakes Region of Palm Beach County. The operating costs of mass transit to the Lakes Region include operating, maintenance, and administrative costs. The Grant Application for \$600,046 requires 50% local match (\$300,023 Local funds, \$300,023 State) and execution of a section 49 USC§ 5333 (b) assurance. Palm Beach County provides the local funding from the local option gas tax. Grant and match are included in the FY 2014 budget. District 6 (DR)

2. Staff recommends motion to:

A) **approve** the filing of the Federal Transit Administration (FTA) Grant Application FL-95-X063 for capital funds in the amount of \$500,000; and

B) **authorize** the Palm Tran Director or Assistant Director through the County Administrator to execute, on behalf of the Board, and to transmit electronically the Board's approval of the grant award.

SUMMARY: In September 2011, the Florida Department of Transportation (FDOT) sponsored an assessment of fare Interoperability options for all the transit agencies in South Florida. The fare systems used by the agencies do not interface making regional travel complex because of the separate fare media, different fares, and transfer policies. The study team, consisting of representatives from all four transit agencies, successfully reached concurrence on a phased approach to achieve Interoperability. FDOT included the project in the Work Program and as a result Palm Beach County has been allocated \$500,000 to implement new fare collection technologies. The funds will be administered by FTA with no local match required; therefore, the project budget lists the capital projects at 100% cost for the federal share, no county funds are required. Countywide (DR)

3. CONSENT AGENDA APPROVAL

BB. TOURIST DEVELOPMENT COUNCIL

1. **REVISED TITLE & SUMMARY** Staff recommends motion to approve: Amendment to Exhibit "E" "Procurement Policy" First Amendment to the Agreement (R2012-1320) with Discover Palm Beach County d/b/a Palm Beach County Convention and Visitors Bureau to amend Exhibit "E" Procurement Policy. **SUMMARY:** This Amendment to Exhibit "E" the agreement adds the "Business Necessity" language under Section A of the procedures of Exhibit E. (TDC) Countywide (DW)

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. Staff recommends motion to approve: a Budget Amendment of \$31,000 in the County Transportation Trust Fund to recognize reimbursement from the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) for the maintenance of the L-2 Pump Station (Pump Station). **SUMMARY:** Approval of the Budget Amendment will recognize the funding and appropriate it to the maintenance of the Pump Station. Palm Beach County (County) is nearing completion of the construction of the stormwater Pump Station at the L-2 Canal. The construction of the Pump Station was funded through Federal Emergency Management Agency, with the 25% match reimbursable by the CRA over a period of eight years through an interlocal agreement. The Engineering Department (Engineering) will maintain the Pump Station when it is operational. The CRA adopted a resolution on April 13, 2009 which authorized funds to reimburse Engineering for expenses related to the maintenance of the Pump Station. District 2 (MRE)

DD. SUPERVISOR OF ELECTIONS

1. Staff recommends motion to approve: Precinct boundary changes submitted by Susan Bucher, Supervisor of Elections, as required by section 101.001(1), Florida Statute. **SUMMARY:** Precinct boundary changes as indicated. Countywide (TKF)

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4. PUBLIC HEARINGS – 9:30 A.M. (Motion to receive and file: Proof of publication)

A. **Staff recommends motion to NOT adopt:** 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 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:** On May 7, 2013, the Board of County Commissioners (Board) held its preliminary reading of this Ordinance. The proposed changes would have amended Palm Beach County Code 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 100% of the total cost of the improvements for all projects with the exception of those projects accepted into the MSTU program by the Board prior to May 1, 2013 and those projects deemed to have exceptional circumstances, but in no instance should the assessment be less than 50%. However, in addition to these amendments, other ordinance elements not covered in this advertised public hearing have been identified that require change. Staff requests that this proposed amendment not be adopted so that a revised ordinance amendment can be brought back before the Board. Countywide (MRE)

B. **REVISED TITLE & SUMMARY Staff recommends motion to:**

1) **approve** Road Program Findings of Fact (per Article ~~12.M.3.B~~ ~~12.N.4.B~~ of the Unified Land Development Code) affirming that the deletion of a construction project will not result in any Link or Intersection on the road network operating at greater than the Adopted LOS (level of service), and that no project which was approved and phased based upon such assured construction would be denied building permits because of the deletion of the construction. Central Boulevard and Indiantown Road meets this criteria for deletion; and

2) **adopt** an Ordinance to amend Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program (Program); providing for title; purpose; adoption of revised program and revised list of projects contained in Exhibit "A" of the Ordinance; implementation of the program; modification of the program; funding of other roadway improvements; interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the code of laws and ordinances; and effective date.

SUMMARY: In accordance with Article ~~12.M.3.B~~ ~~12.N.4.B~~ of the Unified Land Development Code, and prior to the deletion of any construction project from Palm Beach County's (County) Program, the Board of County Commissioner's (Board) must determine that the Findings of Fact have been made. Since the development and adoption of the County's Program on December 18, 2012, the progress and evolution of current and near term projects has continued to be monitored. Traffic counts, costs and revenues have been updated. Revisions are being proposed to modify the Program to reflect this updated information. A Mid Year Ordinance Amendment with a Preliminary Reading and a Public Hearing is required in order to accomplish this. On June 4, 2013, the Board approved this Amendment on Preliminary Reading and authorized advertisement for today's Public Hearing for final adoption. Countywide (MRE)

4. PUBLIC HEARINGS CONTINUED

- C. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code Chapter 19, Article IV, Red Light Cameras (Ordinance 2010-040), relating to the use of unmanned cameras at traffic signals to promote traffic safety; providing for adherence to red light traffic control signals; providing for notice of violation; providing for procedures for a hearing; providing for issuance of a traffic citation; providing for owners defenses; providing for consistency with state law; providing for applicability; 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 savings, ratifications and reservation of rights; and providing for effective date. **SUMMARY:** This Ordinance was before the Board of County Commissioners on June 4, 2013, for preliminary reading and permission to advertise. It amends the Red Light Camera Ordinance that was adopted on September 14, 2010. During the 2013 Legislative Session, the Florida Legislature amended Chapter 316, the State Uniform Traffic Code, requiring local governments to establish a hearing process for red light violations. This amendment is necessary to comply with the legislation. Countywide (MRE)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends Board:

A) discussion with the Palm Beach County League of Cities, Inc. regarding the Office of Inspector General (OIG) FY 2014 budget request; and

B) approve committing to fund the FY 2013 deficit in the Office of Inspector General's (OIG) Fund, estimated to be \$300,000 above the current General Fund budget, resulting from nonpayment by municipalities.

SUMMARY: Section 2-429 (3) of the OIG Ordinance, adopted on May 17, 2011, requires the Board meet with a delegation selected by the Palm Beach County League of Cities, Inc. to discuss the budget request for each fiscal year. The OIG FY 2014 proposed budget is \$3,703,143, of which \$414,213 will be funded through contracts with the Solid Waste Authority and Children Services Council, with the balance funded by the County and municipalities. In FY 2012 and estimated for FY 2013, the OIG did not expend approximately \$1 million of the appropriated budget. This was in part due to the uncertainty of funding from the municipalities. Even with this reduced spending, there will be a funding deficit in the OIG Fund. This deficit will require additional funding in FY 2013 of approximately \$300,000 over the current General Fund budgeted amount. Countywide (LB)

2. Staff recommends motion to approve: a fee schedule for the expedited processing of certification, modification of certification, and re-certification applications in the amount of \$300 effective July 1, 2013. **SUMMARY:** The Office of Small Business Assistance seeks Board approval to establish a fee schedule effective July 1, 2013 for expedited processing of certification, modification of certification and re-certification applications in the amount of \$300. Staff recommends that the Board approve the expedited processing fee and that authority be given to allow for the adjustment of fees when necessary. The Small Business Advisory Committee has reviewed the fee schedule and supports the recommendation. Countywide (TKF)

B. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida; approving the issuance of not exceeding \$13,500,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds (Woodlake Apartments Project) the proceeds of which are to be used for the purpose of financing the acquisition, rehabilitation and/or equipping of an existing 224 unit multifamily rental housing development known as Woodlake Apartments; approving the sale of the Bonds to RBC Capital Markets, LLC as the underwriter thereof, within the meaning of Section 2-190 of the Palm Beach County Code; and providing an effective date. **SUMMARY:** These Bonds are being issued by the Housing Finance Authority of Palm Beach County, Florida (the Authority), to finance the costs of acquiring and rehabilitating Woodlake Apartments, a 224 unit multifamily rental housing complex located at 1749 North Jog Road in unincorporated Palm Beach County. These units will be rented to qualified persons and families as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code). The Borrower is Woodlake Preservation, LP and the Developer is Woodlake Developer, LLC, an affiliated entity of The Related Group of Florida. The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Bryant Miller Olive is Bond Counsel to the Authority with respect to the Bonds, and RBC Capital Markets, LLC will be the bond underwriter. **This funding is projected to create 750 jobs and have a five year Economic Sustainability Impact of \$57.46 Million. Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, of interest on the Bonds.** (HFA of PBC) District 2 (PFK)

5. REGULAR AGENDA

B. ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida; approving the issuance of not exceeding \$6,500,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds (Village Square Project) the proceeds of which are to be used for the purpose of financing the acquisition, construction and/or equipping of a planned 84 unit multifamily rental housing development for the elderly to be known as Village Square; approving JP Morgan Chase Bank, N.A. or an affiliate thereof as the Purchaser of said Bonds, within the meaning of Section 2-190 of the Palm Beach County Code; and providing an effective date. **SUMMARY:** These Bonds are being issued by the Housing Finance Authority of Palm Beach County, Florida (the Authority) to finance the costs of acquiring and constructing a property to be known as Village Square, a planned 84 unit multifamily rental housing complex for the elderly in Delray Beach. These units will be rented to qualified persons and families as required by Section 142(d) of the Internal Revenue Code of 1986, as amended (the Code). The Borrower is Village Square Elderly, Ltd. and the Developer is Roundstone Development LLC. The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Greenberg Traurig is Bond Counsel to the Authority with respect to the Bonds. **This funding is projected to create 244 jobs and have a five year Economic Sustainability Impact of \$18.84 Million. Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, of interest on the Bonds.** (HFA of PBC) District 7 (PFK)

3. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida; approving Deutsche Bank Securities, Inc. or an affiliate thereof, as the Purchaser of not exceeding \$16,400,000 Housing Finance Authority of Palm Beach County, Florida (Authority), Multifamily Housing Revenue Bonds (Palms West Project), within the meaning of Palm Beach County Code Section 2-190; and providing an effective date. **SUMMARY:** On April 2, 2013, the Board of County Commissioners (BCC) adopted a Resolution (R2013-0400) authorizing the issuance of the Bonds, approving GA Housing LLC or other tax exempt investment fund sponsored by Red Stone Partners as the Purchaser and approving RBC Capital Markets, LLC as the Placement Agent. SP West Palm, LP (the Borrower) has advised the Authority that the purchaser has changed. Adoption of this Resolution provides approval of Deutsche Bank Securities, Inc. as the new purchaser. Section 2-190 of the Palm Beach County Code requires that all bonds of the Authority and the underwriter or purchaser of such bonds must be submitted to and approved by the BCC. The Bonds are being issued by the Authority to finance the costs of acquiring and rehabilitating Palms West, a 290 unit multifamily rental housing facility located at 1551 Quail Drive in unincorporated Palm Beach County. These units will be rented to qualified persons and families as required by Section 142(d) of the Internal Revenue Code of 1986, as amended. The Developer is Southport Development, Inc. Bryant Miller Olive is Bond Counsel to the Authority with respect to the Bonds. The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** (HFA of PBC) District 7 (PFK)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

1. Staff recommends motion to approve: a Lease between the South Florida Water Management District (SFWMD), Palm Beach County and Pero Family Farms, LLC (Pero) for approximately 570 acres of land located in the Ag Reserve, west of State Road 7 and approximately one mile north of West Atlantic Avenue, at an annual rental rate of \$294,517.32. **SUMMARY:** The County (39.4%) and SFWMD (60.6%) jointly own the 570 acre McMurrain property in the Ag Reserve. Pero has farmed the property since before the County's acquisition of the property in 2000. The most recent amendment to the Lease extended to May 31, 2013, and was at a rental rate of \$294,517.32/yr (\$516 per gross acre). On March 25, 2013, SFWMD issued a Request for Bids (RFB) to lease the property for 10 years at a minimum rental rate of \$516 per gross acre and provided the existing tenant (Pero) with a first right of refusal to lease the property at 10% over the highest bid received. Pero was the only bidder and bid \$294,517.32/yr. On May 9, 2013, SFWMD approved this Lease. SFWMD will continue to be the managing party to the Lease. The County will receive \$116,039.82/yr as its 39.4% share of the annual rent. (PREM) District 5/Countywide (HJF)

2. Staff recommends motion to:

A) approve a Deposit Receipt and Contract for Sale and Purchase with Rebecca J. Carter for the sale of a 0.28+/- acre parcel of land located on 131st Street in Loxahatchee Groves for \$8,800; and

B) approve a County Deed in favor of Rebecca J. Carter with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes, Section 125.35(1.c).

SUMMARY: The County acquired a 0.28+/- acre parcel of vacant land located on 131st Street, Loxahatchee Groves by Tax Deed in June 1970. This property has been deemed surplus as it serves no County purpose. The property was advertised for sale and a Request For Bids was issued in March 2013. Responsive proposals were received from: (i) Robert Shorr for \$16,600; (ii) Rebecca J. Carter for \$8,800; and (iii) George A. and Margaret A. Herzog for \$5,050. Subsequent to the bid opening, Mr. Shorr withdrew his bid and the County retained his bid deposit of \$1,660. Staff recommends acceptance of Ms. Carter's bid and conveying this property to her. It should be noted that Ms. Carter is a County employee who works in Facilities Development & Operations and is the owner of the adjacent parcel. Ms. Carter had no involvement in the formulation of bid specifications or the bid process. Staff has determined that there are not any ethical issues involved here as this was structured as an open, competitive, public bid. The Property Appraiser's Office has assessed the subject parcel at \$12,798. An appraisal was not obtained as the parcel's value is less than \$25,000. The tax deed by which the County acquired title to this property used a defective legal description which can only be cured by a suit to quiet title. That process is lengthy and the value of this parcel does not support incurring the cost of a quiet title action. The property is being sold "As Is", using the legal description from the Tax Deed. Ms. Carter will pay all costs of closing and any other costs associated with this sale. The County will retain mineral and petroleum rights in accordance with Florida Statutes, Section 270.11, without rights of entry and exploration. **This sale must be approved by a supermajority vote (5 Commissioners).** Closing is to occur within 60 days of Board approval. (PREM) District 6 (HJF)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS

3. Staff recommends motion to approve: a Deposit Receipt and Contract for Sale and Purchase with Racetrac Petroleum, Inc. for the sale of a 1.14 acre parcel of County owned surplus property known as Tract K, located in Lantana, with reservation of mineral rights, but without rights of entry and exploration for \$388,936. **SUMMARY:** The subject surplus property is a 1.14 acre parcel located east of I-95 on the south side of Hypoluxo Road and just east of Seacrest Boulevard. Staff obtained an appraisal of the property valuing it at \$350,000. Staff received numerous recent inquires from interested parties looking to purchase the site and in February of this year issued a Request for Proposal (RFP 2013-002PB). The RFP called for three elements to be rated: purchase price (60 pts.), proposed use (10 pts.), and contingencies to close (30 pts.). Four proposals were submitted: 1) Racetrac Petroleum, Inc.: Price \$388,936; develop as a Convenience Store/Gas Station; contingent upon receiving development approvals; 2) Kickstart Foundation of Palm Beach County, Inc.: Price-\$301,000; develop as a center for at risk youth; no contingencies 3) Big Man's Fast Cash, Inc.: Price-\$300,000, (\$60,000 at closing, \$2,000/mo rent for 10 years, \$240,000 balloon payment); develop as a parking lot for expansion of adjacent pawn shop; no contingencies; 4) Michael Scott Brown: Price is to exchange other property in the Ag Reserve of a value to exceed the high bidder in this RFP by 5%; development consistent with current zoning. Racetrac is proposing to assemble the corner parcel and the County's parcel to develop a new convenience store/gas station. A gas station was previously operated at the southeast corner of Seacrest and Hypoluxo. Staff recommends award of the contract to Racetrac Petroleum, Inc. as Racetrac submitted the highest cash offer and staff believes Racetrac will obtain its development approvals from Lantana and close within 6-9 months. The County will retain mineral rights in accordance with Florida Statutes, Section 270.11, but will not retain rights of entry and exploration. **This sale must be approved by a supermajority vote (5 Commissioners).** (PREM) District 7 (HJF)

D. SHERIFF

1. Staff recommends motion to approve: a Budget Transfer of \$166,000 from General Fund Contingency Reserves for additional law enforcement services provided by the Palm Beach County Sheriff's Office to the West County Court Facility. **SUMMARY:** The Budget Transfer is requested to provide law enforcement services to maintain adequate Courthouse Security services for the West County Courthouse, three additional full-time Courthouse Security Deputies are required. These additional staffing allocations will enable the Palm Beach County Sheriff's Office to maintain quality service delivery while providing for a safe and secure environment for all persons either visiting or conducting business at the West County Courthouse. Countywide (PGE)

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6. BOARD APPOINTMENTS

A. **ADMINISTRATION**
(Small Business Assistance Advisory Committee)

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

<u>Nominee</u>	<u>Seat</u>	<u>Designation</u>	<u>Term</u>	<u>Nominated By</u>
Jerry Steinberg	6	Business Incubator Program	6/18/2013 – 6/17/2016	Commissioner Taylor Commissioner Burdick
Pamela Stewart	13	Financial Institutions that Assists Small Businesses	6/18/2013 – 6/17/2016	Commissioner Taylor Commissioner Burdick
Darrell Searcy	15	Professional Services Organization	6/18/2013 – 6/17/2016	Commissioner Taylor Commissioner Valeche

OR

Veronica Vidal	15	Professional Services Organization	06/18/2013-06/17/2016	Commissioner Burdick
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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. Darrell Searcy has disclosed that he has an ownership position in The Chandler & Campbelle Group, LLC., that contracts with the County for training. The SBA Advisory Committee provides **no** regulation, oversight, management, or policy-setting recommendations regarding the subject contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sec. 2-443, of the Palm Beach County Code of Ethics. The SBA Advisory Committee supports the nominations and a memo was sent to the Board of County Commissioners on May 10, 2013 requesting approval of the recommendations for Seats 6, 13 and 15. No other nominations were received. Countywide (TKF)

B. **COMMISSION DISTRICT APPOINTMENTS**

JUNE 18, 2013

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JUNE 18, 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

E. District 5 - COMMISSIONER MARY LOU BERGER

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

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

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."