

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JULY 2, 2013

<u>PAGE</u>	<u>ITEM</u>													
7	3B-2	<u>REVISED TITLE:</u> Staff recommends motion to approve: the following final minutes of the Board of County Commissioners' meetings: <table><thead><tr><th><u>Meeting Type</u></th><th><u>Meeting Date</u></th></tr></thead><tbody><tr><td>Comprehensive Plan</td><td>April 25, 2013</td></tr><tr><td>Regular</td><td>May 7, 2013</td></tr><tr><td>Workshop</td><td>May 14, 2013</td></tr><tr><td>Regular</td><td>May 22 <u>21</u>, 2013</td></tr><tr><td>Zoning</td><td>May 23, 2013</td></tr></tbody></table>	<u>Meeting Type</u>	<u>Meeting Date</u>	Comprehensive Plan	April 25, 2013	Regular	May 7, 2013	Workshop	May 14, 2013	Regular	May 22 <u>21</u> , 2013	Zoning	May 23, 2013
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Zoning	May 23, 2013													
9	3D-2	<u>REVISED SUMMARY:</u> Staff recommends motion to approve: Settlement Agreement in <u>Gayle Heike v. Palm Tran, Inc.</u> , Case No.: 502011CA002419XXXMB AF (Fifteenth Judicial Circuit Court) for \$83,000, inclusive of attorney's fees and costs. SUMMARY: Plaintiff Gayle Heike sued Palm Tran, Inc., alleging three claims under the Florida Civil Rights Act, including gender discrimination, retaliation, and hostile work environment. The parties have drafted a proposed settlement agreement which would settle Ms. Heike's claims in the amount of \$83,000, inclusive of attorney's fees and costs. <u>Staff believes Ms. Heike's termination was proper and justified; however, t</u> The timing of actions taken against Ms. Heike, when compared to the timing of Ms. Heike's initial gender discrimination claim, along with additional evidence elicited during discovery, could lead a jury to <u>infer</u> believe that actions taken against Ms. Heike were related to her initial claim, and thus were retaliatory in nature. Staff, including Risk Management and Palm Tran, recommends that the Board of County Commissioners approve this Settlement as a reasonable compromise of the claims brought by Ms. Heike in order to limit the County's exposure in this case. <u>Countywide</u> (HCH) (County Attorney)												

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**

JULY 2, 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**
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 - B. Adoption
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- 4. REGULAR AGENDA (Pages 18 - 20)**

- 5. BOARD APPOINTMENTS (Page 21)**

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

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JULY 2, 2013

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Legislative Update by Representative Dave Kerner

2. Proclamation declaring July 2013 as “Parks and Recreation Month” in Palm Beach County.
(Sponsored by Vice Mayor Taylor)

* * * * *

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** appointment of three at-large members to the Handicap Accessibility and Awareness Grant Review Committee (Grant Review Committee) to fill the three positions vacated by Pamela White, Roberta Van Sickle and Rashid Rice for a period beginning July 2, 2013 through expiration dates indicated below. These are at-large appointments to be made from the following list of nominees:

<u>Nominees:</u>	<u>Seat No.</u>	<u>Expiration Date</u>	<u>Nominated by:</u>
Linda Warren	2	01/23/2014	Mayor Abrams Comm. Valeche Comm. Burdick Vice Mayor Taylor Comm. Berger
Tomas Boiton	1	01/23/2014	Mayor Abrams Comm. Valeche Comm. Burdick Vice Mayor Taylor Comm. Vana Comm. Berger
Gerald Rosenberg	9	09/10/2014	Mayor Abrams Comm. Valeche Comm. Burdick Vice Mayor Taylor Comm. Berger

SUMMARY: This Committee is comprised of nine members. The referenced appointments are to complete the three incumbents' two-year term as a result of multiple members who are no longer Palm Beach County Residents (Roberta Van Sickle, Pamela White and Rashid Rice). The Resolution requires that appointees be a resident of the County and advocates for a person with a disability or person with a disability. Pursuant to the Policies and Procedures Manual, the Department requested that the Mayor and members of the Board of County Commissioners submit nominees for these at-large positions. A memorandum was sent to the Board of County Commissioners on May 30, 2013. Tomas Boiton has disclosed that he is employed by The Mae Volen Senior Center. The Mae Volen Senior Center contracts with the County for transportation and meal programs. The Handicap Accessibility and Awareness Grant Review Committee provides **no** regulation, oversight, management, or policy-setting recommendations regarding the subject contract(s). 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. Countywide (DO)

B. CLERK & COMPTROLLER

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

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

2. **REVISED TITLE:** Staff recommends motion to approve: the following final minutes of the Board of County Commissioners' meetings:

<u>Meeting Type</u>	<u>Meeting Date</u>
Comprehensive Plan	April 25, 2013
Regular	May 7, 2013
Workshop	May 14, 2013
Regular	May 22 <u>21</u> , 2013
Zoning	May 23, 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 December 2012. Countywide

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: Change Order No. 4 in the amount of \$60,000 and a 172 day time extension with Murray Logan Construction, Inc. for the L-2 Canal Stormwater Pump Station project R2011-1227. **SUMMARY:** Approval of Change Order No. 4 will compensate for costs associated with the use of the adjacent property necessary for construction of a by-pass canal to prevent flooding of the communities west of the L-2 Canal Stormwater Pump Station project, and for the additional time extension associated with Florida Power & Light and AT&T delays. The lengthy time extension requires the Board of County Commissioners to approve the Change Order. The Westgate Community Redevelopment Agency has agreed to use a federal grant to fully reimburse Palm Beach County the full amount of \$60,000. District 2 (MRE)
2. Staff recommends motion to approve: a Contract with Southwide Industries, Inc. (Contractor), not to exceed the total value of \$4,470,000 for task orders for the Annual Pavement Marking Contract (Contract), Project No. 2013055. **SUMMARY:** Approval of this Contract will provide for the furnishing and installation of pavement marking material, raised reflectorized pavement markers, and traffic paint on an as needed basis for various roadways throughout Palm Beach County. The Small Business Enterprise (SBE) goal for the Contract is 15%. The SBE participation committed for the project by the Contractor is 100% overall. The Contractor is a Palm Beach County company. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. **Staff recommends motion to receive and file:** Supplement No. 4 to agreement Number R2011-1481 (Agreement), with Target Engineering Group, Inc., in a total amount of \$7,626.75, to provide professional services for Construction Engineering and Inspection (CEI) for Blue Heron Boulevard and Congress Avenue (Phase II) Intersection Improvements. **SUMMARY:** This Supplement No. 4 is being submitted as a receive and file agenda item for the Clerk's Office. The construction contract was extended 60 days requiring the associated extension in CEI services. This Agreement was approved on July 8, 2011, by the County Engineer, as a delegated authority in accordance with the Purchasing Code. District 7 (MRE)

4. **Staff recommends motion to receive and file:** Supplement No. 2 to agreement Number R2011-1685 (Agreement), with Wantman Group, Inc., in a total amount of \$1,620 to provide professional services to review Crosshole Sonic Logging tests and drilled shaft testing, for West Atlantic Avenue and Jog Road Intersection Improvements. **SUMMARY:** This Supplement No. 2 is being submitted as a receive and file agenda item for the Clerk's Office. The supplement was required for the review of the Crosshole Sonic Logging tests and drilled shaft testing requested by Palm Beach County Construction Services. This Agreement was approved on September 13, 2011, by the County Engineer, as a delegated authority in accordance with the Purchasing Code. District 5 (MRE)

5. **Staff recommends motion to approve:** a Work Task Order to the annual Agreement R2011-0704 in the amount of \$171,771.85 with Kimley-Horn and Associates, Inc. (KHA) for professional services for the Forest Hill Boulevard and Military Trail Intersection Improvements – Study project (Project). **SUMMARY:** Approval of this Work Task Order will provide the professional services necessary for the preparation of an intersection improvement study. KHA is a Palm Beach County company. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for this Project by KHA is 15%. KHA has committed to a 12.15% SBE participation for this Work Task Order, but has achieved 15.30% overall under this Annual Agreement R2011-0704. Districts 2 & 3 (MRE)

6. **Staff recommends motion to approve:** an assignment of construction easement rights on Boynton Beach Boulevard west of Lyons Road. **SUMMARY:** Approval of this assignment of construction easement rights will assign a portion of the existing construction easement originally recorded in Official Record Book 13861, page 994, and later assigned to Palm Beach County in Official Record Book 16189, page 1358. The Florida Department of Transportation (FDOT) has requested that a portion of said construction easement be assigned to them, in order for them to accept additional right-of-way for Boynton Beach Boulevard. Said right-of-way is associated with the construction of a charter school known as Somerset Academy. Boynton Beach Boulevard is a FDOT owned and maintained roadway. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to receive and file:** the official transcript for the closing of the \$72,430,000 Palm Beach County, Florida Water and Sewer Revenue Refunding Bonds, Series 2013 (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)
2. **REVISED SUMMARY: Staff recommends motion to approve:** Settlement Agreement in Gayle Heike v. Palm Tran, Inc., Case No.: 502011CA002419XXXMB AF (Fifteenth Judicial Circuit Court) for \$83,000, inclusive of attorney's fees and costs. **SUMMARY:** Plaintiff Gayle Heike sued Palm Tran, Inc., alleging three claims under the Florida Civil Rights Act, including gender discrimination, retaliation, and hostile work environment. The parties have drafted a proposed settlement agreement which would settle Ms. Heike's claims in the amount of \$83,000, inclusive of attorney's fees and costs. Staff believes Ms. Heike's termination was proper and justified; however, t The timing of actions taken against Ms. Heike, when compared to the timing of Ms. Heike's initial gender discrimination claim, along with additional evidence elicited during discovery, could lead a jury to infer believe that actions taken against Ms. Heike were related to her initial claim, and thus were retaliatory in nature. Staff, including Risk Management and Palm Tran, recommends that the Board of County Commissioners approve this Settlement as a reasonable compromise of the claims brought by Ms. Heike in order to limit the County's exposure in this case. Countywide (HCH)

E. COMMUNITY SERVICES

1. **Staff recommends motion to ratify:** the signature of the Mayor on the Pre-Award Nondiscrimination Compliance Review and Authorized Signature forms for the Summer Food Service Program Permanent Agreement No. 04-0781 with the Florida Department of Agriculture and Consumer Services (DACS). **SUMMARY:** Summer Food Service Program (SFSP) Permanent Agreement No. 04-0781 was approved by the Board of County Commissioners on August, 14, 2012 (R2012-1089) to ensure that all children, age 18 years and younger, could receive nutritious meals during school vacations that are comparable to those served under the National School Lunch and School Breakfast Programs. Meals are provided, at no charge, at approved SFSP sites located within five miles of a school in which one-half or more of the children are from households with incomes at or below the eligibility level for free and/or reduced price school meals. The Pre-Award Nondiscrimination Compliance Review form and the Authorized Signature form are additional documents required to participate in this year's SFSP. The 2013 SFSP will operate for the period June 10, 2013, through August 16, 2013. The emergency signature process was utilized because there was not sufficient time to submit these forms through the regular agenda item process and meet the May 14, 2013 submission deadline. No County funds are required. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to:

A) receive and file Amendment 001 to Standard Agreement No. IZ012-9500 (R2012-1631) for Alzheimer's Disease Initiative with the Area Agency on Aging of Palm Beach/Treasure Coast (AAA) for the period July 1, 2012, to June 30, 2015, to increase the overall total funding by \$11,624 for a new amount not to exceed \$242,434 for the 2012 budget year; and to revise Attachment II, and amend Paragraph D, Attachment I, Section III. A;

B) receive and file Amendment 001 to Standard Agreement No. IH012-9500 (R2012-1634) for Home Care for the Elderly with AAA for the period July 1, 2012, to June 30, 2015, to decrease funding to Spending Authority for HCE Subsidies, to be directly paid by AAA, by \$18,000; to decrease funding to Background Screening for Caregivers by \$5,679.50 and increase funding to Case Management by \$8,679.50 for a new amount, to be directly received by the County, of \$17,141 for the 2012 budget year; and to revise Attachment II, and amend Paragraph D, Attachment I, Section III. A;

C) receive and file Amendment 001 to Standard Agreement No. IC012-9500 (R2012-1632) for Community Care for the Elderly with AAA for the period July 1, 2012, to June 30, 2015, to increase the overall total funding by \$15,000 for a new amount not to exceed \$1,062,904 for the 2012 budget year; and to revise Attachment II, and amend Paragraph D, Attachment I, Section III. A;

D) receive and file Amendment 001 to Standard Agreement No. IA013-9500 (R2013-0433) for Older Americans Act with AAA for the period January 1, 2013, to December 31, 2015, to decrease the overall total funding by \$146,923 for a new amount not to exceed \$1,859,701 for the 2013 budget year; and amends Paragraph 4; Attachment III Exhibit-1 and Attachment VIII. This amendment is a result of the sequestration;

E) receive and file Renewal Agreement IP012-9500 to Standard Agreement No. IP012-9500 (R2012-1633) for Emergency Home Energy Assistance Program with AAA for the period April 1, 2013, to March 31, 2014, in an amount not to exceed \$11,606 to outline the funding allocation for the 2013-2014 Agreement period; amend paragraph 4 of Standard Agreement; revise and replaces Attachment I, III VII and Attachment VIII; and

F) approve downward Budget Amendment of \$108,199 in the DOSS Administration Fund to align the budget to the actual grant award.

SUMMARY: Grant adjustments are made during the contract year to align services with need. These amendments were executed by the County Administrator in accordance with Resolution R2010-1942, which delegated authority to the County Administrator, or his designee, to sign documents related to DOSS/AAA grant amendments. These items are being submitted in accordance with Countywide PPM No. CW-O-051 to allow the Clerk's Office to note and receive the executed amendments. The Budget Amendment is aligning the County budget with the actual grant award. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to approve:

A) an Other Transaction Agreement (OTA) with the Department of Homeland Security/Transportation Security Administration (DHS/TSA) HSTS04-13-H-CT5718 for Surveillance Systems associated with improvements to the overall security system at Palm Beach International Airport (PBIA) in the amount of \$450,497.50; and

B) a Budget Amendment of \$450,498 in the Airport Improvement and Development Fund to recognize the receipt of an OTA from the DHS/TSA; and increase the project budget by \$450,498. The DHS/TSA participation is 100%. No local match is required.

SUMMARY: The Department of Airports (Department) is currently in the design phase for improvements to the existing security system at PBIA. A portion of the overall security project includes the addition of cameras within the security checkpoints and the terminal area. The objective of the OTA is to provide greater surveillance capabilities at PBIA, to include surveillance of TSA areas in an effort to enhance security, aid in the speedy resolution of claims, and assist in resolution of law enforcement issues. There is no intent to create a separate system for TSA use; the additional cameras will be integrated into the Department's system. This portion of the project will be included as a separate, additive bid in the project, which will be reimbursed by the DHS/TSA at a participation percentage of one hundred percent (100%). The formal acceptance of this funding, including all rights and responsibilities of all parties to the agreement, is handled through the execution of this OTA. Countywide (AH)

2. Staff recommends motion to:

A) receive and file a Statement of Joint Objectives (SOJO) for the award of Law Enforcement Officer (LEO) Reimbursement Program Other Transactional Agreement (OTA) HSTS0213HSLR043 with the Transportation Security Administration (TSA) in the amount of \$175,200 for law enforcement services at Palm Beach International Airport; and

B) approve a Budget Amendment in the Airport's Operating Fund, for the receipt of \$175,200 of funding from the TSA; and an increase to Airport's Reserve in the amount of \$175,200.

SUMMARY: Delegation of authority for execution of the above standard form SOJO Agreement was approved by the Board of County Commissioners on August 14, 2012 (R2012-1093). Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to approve: a No Cost Land on Airport Memorandum of Agreement (MOA) (DTFAEN-13-L-00216) with the Federal Aviation Administration (FAA), providing for the operation and maintenance of FAA-owned navigation, communication and weather aid facilities for the support of air traffic operations at the North Palm Beach County General Aviation Airport (Airport), commencing June 1, 2013 and expiring September 30, 2033. **SUMMARY:** The MOA will supersede and terminate Land Lease No. DTAF06-97-L-16988 (R97-681D) and Land Lease No. DTAF06-97-L-17005 (R97-682D) with the FAA (the Prior Leases). As with the Prior Leases, the MOA provides for the operation and maintenance of certain FAA-owned navigation, communication and weather aids at the Airport, including a glide slope (GS), localizer (LOC) and distance measuring equipment (DME). The MOA details responsibilities of the parties relating to the operation and maintenance of these facilities. The MOA is being provided at no cost to the FAA in consideration of the obligations assumed by the FAA to operate and maintain facilities necessary for the operation of the Airport. Countywide (AH)

4. Staff recommends motion to:

A) receive and file a Nonconcessionaire Rental Car Operator Ground Transportation Permit (Permit) with Zipcar, Inc., (Zipcar) commencing April 9, 2013, terminating September 30, 2013, automatically renewed on yearly basis (October 1st through September 30th);

B) approve a First Amendment to Nonconcessionaire Rental Car Operator Ground Transportation Permit (Amendment) with Zipcar, modifying the definition of gross revenues; and

C) adopt a Resolution of the Board of County Commissioners of Palm Beach County Florida, consenting to sublease by Avis Rent-A-Car System LLC; providing for severability; providing for an effective date.

SUMMARY: Delegation of authority for execution of the standard County Permit above was approved by the Board of County Commissioners in R2012-0629. The Amendment modifies the definition of gross revenues under the permit to more accurately reflect the categories of revenues under Zipcar's operations. Zipcar operates from a portion of the Avis return facility at Palm Beach International Airport, which Avis leases from the County pursuant to an Airport Ground Lease Agreement, as amended, (Lease) between County and Avis (R88-314). Avis is requesting approval of a sublease to Zipcar for the use of up to fifteen parking spaces at the Avis facility on a month-to-month basis. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

5. Staff recommends motion to approve:

A) Amendment No. 1 to the Construction Manager (CM) at Risk Contract with The Morganti Group, Inc. for CM at Risk Services for terminal improvements at Palm Beach International Airport (PBIA) in the amount of \$1,130,000 and 180 calendar days for Building 3400 Interior Improvements at PBIA; and

B) a Budget Transfer of \$543,000 in the Airport Improvement and Development Fund to provide budget for the Morganti contract, plus an additional 10% for permit fees, environmental mitigation and unforeseen renovations. This includes a transfer from Reserves of \$543,000.

SUMMARY: The CM at Risk Contract with The Morganti Group, Inc. for CM at Risk Services for terminal improvements at PBIA was approved by the Board on June 4, 2013 (R-2013-0663). The Contract is for two years with three one-year renewal options and is a task order based contract for CM at Risk Services at PBIA. The Morganti Group, Inc. is a Danbury, Connecticut, based firm; however, the work will be directly managed by their southeast regional office in Palm Beach County. Approval of Amendment No. 1 in the amount of \$1,130,000 and 180 calendar days will provide funds to complete Task M-1: Building 3400 Interior Improvements at PBIA. The Board approved a lease of Building 3400 to Workforce Alliance, Inc. on May 7, 2013 (R2013-0533 and R2013-0534) for a ten year term with a five year renewal option. This task authorization includes interior renovations to the leasehold to accommodate tenant requirements. The Disadvantaged Business Enterprise (DBE) goal for this contract was established at 13%. The total anticipated DBE participation including Task M-1 to date is 13.08%. Countywide (JCM)

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2012-1416) with Vita Nova, Inc. to expand the eligible program beneficiaries to be served and the scope of services to be provided. **SUMMARY:** On July 10, 2012 (R2012-0944), the Board of County Commissioners approved the Palm Beach County Action Plan: October 2012 – September 2013, which allocated \$60,394 of Emergency Solutions Grant (ESG) Program funds to Vita Nova, Inc., a not for profit agency that provides transitional housing and support services to homeless youth at their facility located at 1316 Alpine Street in West Palm Beach. On October 2, 2012, the County entered into an Agreement (R2012-1416) to fund Vita Nova, Inc. for the provision of these services. This Amendment will expand the eligible program beneficiaries to include youth at risk of homelessness and will add homeless prevention assistance to the scope of services. These revisions were requested to enable the agency to provide the comprehensive services that they routinely provide the beneficiaries they serve. **These Federal ESG funds require a matching contribution which will be provided by Vita Nova, Inc.** (DES Contract Development) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to approve: Amendment No. 003 to an Agreement (R2010-1753) with Delray Beach Community Development Corporation (DBCDC) to allow the acquisition and rehabilitation of up to two additional homes and to extend the expiration date from September 15, 2013 to May 31, 2014. **SUMMARY:** On October 19, 2010, Palm Beach County entered into an Agreement (R2010-1753) with DBCDC to fund the acquisition and rehabilitation of single family homes under the Federal HOME Investment Partnerships (HOME) Program. These homes may be rented, lease-purchased or sold to households whose incomes are at or below 80% of area median income. DBCDC has acquired, and is rehabilitating two homes with the \$529,398 allocated through the Agreement. This Amendment will allow BDCDC to acquire and rehabilitate up to two additional homes using the balance of funds remaining available and will provide additional time to enable them to do so. **These are Federal HOME Program grant funds which require a 25% local match provided with State Housing Initiatives Partnership funds.** (DES Contract Development) District 7 (TKF)

3. Staff recommends motion to approve:

A) Economic Development Bond Financing Program Participation Criteria for the Industrial Revenue Bonds Program relating to underwriting institutions for the placement of Industrial Revenue Bonds, 501-C-3 Bonds and taxable bonds; and

B) delegation of authority to the County Administrator, or his designee, to execute a Memorandum of Understanding (MOU).

SUMMARY: The Department of Economic Sustainability (DES) administers various lending programs and financial instruments, which provide financing to for-profit and non-profit institutions in order to facilitate significant investment in the County. Industrial Revenue Bonds are typically used to raise capital in excess of \$1 Million and provide access to low interest and long-term financing. DES intends to publicly solicit participation by bond underwriters who are registered with the Municipal Securities Review Board (MSRB), which is the governing body for bond underwriters. To register with the MSRB, bond underwriters must be registered with the Securities and Exchange Commission, must be registered with the Financial Industry Regulatory Authority and must comply with MSRB rules. A referral list of registered bond underwriters who execute an MOU with the County will be compiled through this solicitation. Borrowers without an established working relationship with a bond underwriter, if requested, will be referred to firms on the list to assist them with facilitating their project. The County will enter into an MOU establishing a working relationship with a bond underwriter. DES will collect a consulting and structuring fee of 25 basis points (0.25%) of the face value of any issued bonds. The last five years of bond issuance have led to over \$112 Million in financing and an estimated 2,265 jobs created. **There is no local match required.** Countywide (PFK)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to authorize: the Mayor to certify the non-ad valorem assessment roll on electronic media to the Tax Collector pursuant to Chapter 197, Florida Statutes. **SUMMARY:** This is the first year the County has utilized the Uniform Method of collecting non-ad valorem special assessments for the abatement of nuisance conditions. Under this procedure, special assessments for the abatement of nuisance conditions are included on the tax notices. Each year the non-ad valorem assessment roll must be certified to the Tax Collector by September 15. Unincorporated (AH)

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: the following original executed Independent Contractor Agreements:

A) Building Up Sports Academy, Inc., Fishing Camp, John Prince Park and Okeehelie Park, for the period June 10, 2013, through August 3, 2013; and

B) JKF Goju Kai Florida, Inc., Karate Camp, West Jupiter Recreation Center, for the period June 10, 2013, through August 17, 2013.

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 Independent Contractor Agreements have 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 94-422, amended by Resolutions 2002-2103, 2007-0409, and 2012-0168, and are now being submitted to the Board to receive and file. Districts 1, 2 & 3 (AH)

2. Staff recommends motion to:

A) receive and file a fully executed State of Florida Coastal Zone Management Program Grant Agreement for upland improvements at Jupiter Beach Park; and

B) approve a Budget Amendment of \$30,000 within the Park Improvement Fund to establish budget for the approved grant.

SUMMARY: On December 4, 2012, the Board authorized submission of a Florida Coastal Partnership Initiative grant application, R2012-1831, for upland improvements at Jupiter Beach Park. This \$30,000 National Oceanic and Atmospheric Administration (NOAA) grant will be matched with \$30,000 from the 2005 \$25 Million Recreational and Cultural Facilities General Obligation Bond Issue. The Board also authorized the County Administrator or his designee to execute the grant funding Agreement, DEP Agreement No. CM239, and other standard state and/or federal grant forms related to this project if the grant was approved. This grant was approved, the DEP Agreement has been fully executed, and is now being submitted to the Board to receive and file. The Florida Coastal Partnership Initiative makes Federal funds from NOAA available to local governments for the protection and effective management of Florida's coastal resources. The grant is administered by the Florida Department of Environmental Protection (FDEP). District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to receive and file: the following original executed Sound and Light Production Services Contractor Agreement:

City Sound and Recording LLC; Imagine Dragons concert, Sunset Cove Amphitheater, for the period May 10, 2013, through May 11, 2013.

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 Sound and Light Production Services 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 2009-0592, amended by Resolution 2010-0645, and is now being submitted to the Board to receive and file. District 5 (AH)

4. Staff recommends motion to approve: Budget Transfer of \$12,000 within the Park Improvement Fund from the Peanut Island Lifeguard Room project to the Dubois Home Restoration project. **SUMMARY:** This Budget Transfer is necessary to fund additional renovations to the chauffeur's quarters at the historic DuBois Home. The total project cost is estimated at \$29,065. There is \$17,065 currently available for this project; however, an additional \$12,000 is needed to fully fund repairs and renovations to the exterior. The Peanut Island Lifeguard Room project is substantially complete and has \$12,000 in residual funding available for transfer to another capital project. District 1 (AH)

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to approve:

A) Third Amendment to the agreement (R2010-1582) with Friends of the Mounts Botanical Garden, Inc. for funding of a horticulturist position to assist in the care and maintenance of The Mounts Botanical Garden of Palm Beach County; and

B) a Budget Amendment in the General Fund in the amount of \$41,545.

SUMMARY: Friends of the Mounts Botanical Garden, Inc. will provide funding to the County in amount not to exceed \$41,545 (\$29,685 for salary and \$11,860 for fringe benefits) to support 65.5% of a horticulturist position beginning July 18, 2013 and ending on July 17, 2014. Palm Beach County will be funding the remaining \$21,883 (\$15,636 for salary and \$6,247 for fringe benefits) at a funding level of 34.5% for a total of \$63,428. The position will continue to support The Mounts Botanical Garden of Palm Beach County. This Amendment also extends the term one additional year, until July 17, 2014. District 7 (AH)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) ratify the signature of the Director of Public Safety on the following executed Requests for Change Forms to the State of Florida, Department of Management Services grant contracts: S-08-04-21; S-08-04-22; and S-08-04-23, extending the period from May 1, 2013, through April 30, 2014; and

B) authorize the County Administrator or his designee to execute all E911 grant agreements and extensions on behalf of the Board of County Commissioners in any given year.

SUMMARY: On April 8, 2008, Palm Beach County was awarded three grants, totaling \$6,562,743, to improve the County’s existing E911 system. These grants expired on April 30, 2013 and additional time is required to complete the project. The County has requested that the State of Florida, Department of Management Services extend the deadline for one year to complete the project and provide the 9-1-1 Board with appropriate documentation to close the grants. There are no associated costs with this extension request. Countywide (PGE)

BB. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. Staff recommends motion to approve: the re-appointment of the following individuals to the Westgate/Belvedere Homes CRA Board for the term July 2, 2013 through May 31, 2017:

<u>Name</u>	<u>Seat No.</u>	<u>Nominated by</u>
Christopher Fleming	1	Commissioner Priscilla A. Taylor Commissioner Hal R. Valeche Commissioner Paulette Burdick
Joseph H. Kirby	2	Commissioner Priscilla A. Taylor Commissioner Hal R. Valeche Commissioner Paulette Burdick
Cecilia St. Hilaire	3	Commissioner Priscilla A. Taylor Commissioner Hal R. Valeche Commissioner Paulette Burdick
Joanne Ruffy	7	Commissioner Priscilla A. Taylor Commissioner Hal R. Valeche Commissioner Paulette Burdick

SUMMARY: The Westgate/Belvedere Homes Community Redevelopment Agency (Westgate CRA) Board consists of seven At-Large members from the general public and local businesses within the CRA boundaries. Ordinance No. 89-6 requires that the Palm Beach County Board of County Commissioners appoint the Westgate CRA Board Members. After duly advertising, the Westgate CRA held its Annual Meeting on May 13, 2013 to re-appoint candidates to fill seats 1, 2, 3 and 7. Christopher Fleming, a business owner, has expressed a willingness to remain on the CRA Board in Seat 1. Joseph H. Kirby, a business owner, has expressed a willingness to remain on the CRA Board in Seat 2. Cecilia St. Hilaire, a business owner, has expressed a willingness to remain on the CRA Board in Seat 3. Joanne Ruffy, a resident, has expressed a willingness to remain on the CRA Board in Seat 7. The Commissioners were notified of the vacancies by the Westgate CRA on May 31, 2013. District 7 (RB)

4. REGULAR AGENDA

A. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to approve:** a Release of Restrictions to Western Palm Beach County Mental Health Clinic, Inc. (WPBCMHC) in exchange for the receipt of \$7,203.85. **SUMMARY:** In 1999, WPBCMHC purchased the property for \$900,000 with a loan from the United States Department of Agriculture (USDA) who secured their \$800,000 loan with a first mortgage. On October 22, 2002, the County entered into an Agreement (R2002-1880) with the WPBCMHC to provide \$42,700 in Community Development Block Grant (CDBG) funds for the rehabilitation of their facility at 408 Dr. Martin Luther King, Jr. Boulevard East in Belle Glade. On September 23, 2003, Amendment No. 001 (R2003-1548) was executed to provide a time extension for the project and increase project funding by \$40,000 in CDBG funds. The amount expended on rehabilitation was secured by a Declaration of Restrictions encumbering the property for a ten (10) year period which expires on December 31, 2013. In 2005, WPBCMHC ceased their operations due to loss of State funding. Thereafter, mental health services were provided from this facility by the Jerome Golden Center (fka Oakwood Center) who leased the facility from WPBCMHC until December 2011 and who is now providing services at another location in Belle Glade. The property has remained vacant since December 2011. WPBCMHC is now in default on its first mortgage and a short sale of the property has been proposed. USDA last appraised the property in November 2010 at which time the value was \$209,500. They have indicated that the property continues to deteriorate and its present value is estimated at \$40,000 to \$50,000 which is the anticipated short sale amount which has been approved by USDA. Upon closing on the sale, the County would receive \$7,203.85 from the proceeds in exchange for releasing the encumbrance created by the Declaration of Restrictions. Staff recommends the acceptance of \$7,203.85 in exchange for the issuance of a Release of Restrictions. **These are Federal CDBG funds which require no local match.** (DES Contract Development) District 6 (TKF) (DES)

4. REGULAR AGENDA

B. ADMINISTRATION

1. Staff recommends motion to:

A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, recommending approval of OpenPeak, Inc., an existing Delaware corporation authorized to do business in the State of Florida, as a Qualified Target Industry (QTI) business pursuant to s.288.108, Florida Statutes; providing for local financial support for the Qualified Target Industry Tax Program in the form of a Job Growth Incentive Grant not to exceed \$70,000; and

B) conceptually approve a Job Growth Incentive (JGI) Grant to OpenPeak, Inc. not to exceed \$70,000 as a portion of the local match for a State QTI Grant; and

C) authorize the Office of Financial Management and Budget to administratively process a \$70,000 Budget Transfer from the General Fund Contingency Reserves to the Department of Economic Sustainability JGI Program and a Budget Amendment of \$70,000 to recognize the funds in the Economic Development Fund, following approval of the agreement.

SUMMARY: OpenPeak, Inc. is a leading mobility technology company that provides multimedia touch-screen devices and device management platforms that enable enterprises, service providers, developers, and content owners to interact with end-users in their homes, offices, and while mobile. The company has 108 employees throughout the United States with 95 employees at its headquarters in Boca Raton, Florida. The company is currently expanding its Boca Raton facility due to its recent transition from hardware-based system provider to a software company. The company plans to create 100 new permanent full-time jobs with an average annualized wage of \$93,000, excluding benefits, within two years and retain the new and existing jobs for five years. The five year local economic impact is estimated to be \$18.47 Million. Enterprise Florida is recommending to the State of Florida a QTI in the amount of \$700,000 of which \$140,000 is the required local match. The City of Boca Raton has agreed to provide one half of the local match in the amount of \$70,000. The County's one half of the local contribution will be in the form of a JGI Grant in the amount of \$70,000, which will be secured by a Letter of Credit or Bond. The company will be required to enter into a formal agreement approved by the Board of County Commissioners memorializing their commitments and establishing criteria for funding distribution. **Funding from the JGI Grant will come from General Fund Contingency Reserves.** District 4 (DW)

4. REGULAR AGENDA

C. ENGINEERING & PUBLIC WORKS

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on Tuesday, July 16, 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 26-25, Property Owners; amending Section 26-27, Initial Petition; amending Section 26-28, Final Petition; amending Section 26-30.2, Public Information Meeting; amending Section 26-30.3 Public Hearing; 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 Special Assessment Ordinance to allow for: assessments and collections at a percentage of 100% of the total cost of the improvements, with certain specific exceptions; flexibility for the public hearing timeframe for fixed assessment projects; eliminate reference to majority response requirements for petitions; and other minor verbiage corrections. The percentage of required responses indicating support for a project will be set in the Manual of Policy and Procedures for the County rather than being included in the Ordinance. Countywide (MRE)

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5. BOARD APPOINTMENTS

A. ADMINISTRATION
(Fair Housing/Equal Employment Board)

1. Staff recommends motion to approve: appointment of one at-large member to the Fair Housing/Equal Employment Board for a term beginning on July 2, 2013 through July 1, 2015. The appointment is to be made from the following nominees:

<u>Nominee</u>	<u>Nominated By:</u>	<u>Seat No.:</u>
Oscar Solá	Commissioner Burdick	9

OR

Elizabeth Warren	Self	9
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OR

Blanche Clair	Self	9
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SUMMARY: This appointment is to fill an at-large seat. The board is composed of nine members. Seven members are district appointments and two are at-large. The Ordinances require that the appointee should reflect, to the greatest extent possible, representation from the protected groups identified in the Ordinances and who have experience and interest in equal opportunities. The board meets quarterly. Pursuant to the Policies and Procedures Manual, the Department requested that the Mayor and members of the Board of County Commissioners submit nominees for this at-large position. A memorandum was sent to the Board of County Commissioners on April 26, 2013 and May 17, 2013. Countywide (DO)

B. COMMISSION DISTRICT APPOINTMENTS

JULY 2, 2013

6. MATTERS BY THE PUBLIC – 2:00 P.M.

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JULY 2, 2013

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JULY 2, 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."