

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

SEPTEMBER 10, 2013

<u>PAGE</u>	<u>ITEM</u>	
8	2C-9	<u>ADD-ON:</u> Proclamation declaring September 15 – October 15, 2013 as “Hispanic Heritage Month” in Palm Beach County. (Sponsored by Commissioner Burdick)
40	4C	<u>DELETED:</u> Staff recommends motion to adopt: a Resolution confirming the special assessment process for the El Paso Drive, Pinto Drive and Pancho Way, east of Blanchette Trail paving and drainage improvement (Project). (Engineering) (Advertising error; will be rescheduled for October 1, 2013 at 9:30 a.m.)
43	5A-4	<u>ADD-ON:</u> Executive Session scheduled for 1:30 p.m. in McEaddy Conference Room to discuss collective bargaining with the Amalgamated Transit Union (ATU) Local 1577. (CLOSED SESSION)
55	9B	<u>ADD-ON:</u> Approval to present off-site, a Proclamation declaring September 11, 2013 as “Planting Seeds for Success – Wynnbrook Junior Garden Day” in Palm Beach County. (Sponsored by Commissioner Burdick)

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**

SEPTEMBER 10, 2013

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

**COMMISSION
CHAMBERS**

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

- 2. AGENDA APPROVAL/SPECIAL PRESENTATIONS**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
 - C. Special Presentations (Page 8)

- 3. CONSENT AGENDA (Pages 9 - 39)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 40 - 41)**

- 5. REGULAR AGENDA (Pages 42 - 51)**

- 6. BOARD APPOINTMENTS (Page 52)**

- 7. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 53)**

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- 2C-3 Nonprofits Day
- 2C-4 Domestic Violence Awareness Month
- 2C-5 American Business Women's Association Tri-County Council Appreciation Day
- 2C-6 Certificate of Appreciation to Karl Umberger
- 2C-7 Marine Debris Removal Month
- 2C-8 Caribbean-American for Community Involvement Day

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- 3D-2 Settlement Agreement in personal injury case Jose A. Castillo vs. Palm Beach County and Palm Tran, Inc.

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 - 4C Resolution confirming special assessment process for El Paso Drive, Pinto Drive and Pancho Way, east of Blanchette Trail paving and drainage improvement project
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MATTERS BY THE PUBLIC – 2:00 P.M. (Page 53)

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2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Literacy AmeriCorps Members Swearing In Ceremony. (Sponsored by Commissioner Vana)
2. Proclamation declaring September 2013 as “National Alcohol and Drug Addiction Recovery Month” in Palm Beach County. (Sponsored by Commissioner Valeche)
3. Proclamation declaring September 25, 2013 as “Nonprofits Day” in Palm Beach County. (Sponsored by Commissioner Burdick)
4. Proclamation declaring October 2013 as “Domestic Violence Awareness Month” in Palm Beach County. (Sponsored by Commissioner Santamaria)
5. Proclamation declaring September 21, 2013 as the “American Business Women’s Association Tri-County Council Appreciation Day.” (Sponsored by Vice Mayor Taylor)
6. Certificate of Appreciation presented to Karl Umberger. (Sponsored by Commissioner Vana)
7. Proclamation declaring September 2013 as “Marine Debris Removal Month” in Palm Beach County. (Sponsored by Commissioner Valeche)
8. Proclamation declaring September 21, 2013 as “Caribbean-American for Community Involvement Day” in Palm Beach County. (Sponsored by Commissioner Santamaria)
9. **ADD-ON:** Proclamation declaring September 15 – October 15, 2013 as “Hispanic Heritage Month” in Palm Beach County. (Sponsored by Commissioner Burdick)

* * * * *

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to ratify:** Jonathan Pearce of the City of Greenacres as an alternate for one of the League of Cities seats on the Palm Beach County Water Resources Task Force (Seat No. 1), and David Levy of Palm Beach Gardens as an alternate for one of the League of Cities seats on the Palm Beach County Water Resources Task Force (Seat No. 6), effective September 10, 2013. **SUMMARY:** The Water Resources Task Force is comprised of 14 members: six City elected officials; one County Commissioner; one special independent district water and/or wastewater provider or utility water or wastewater provider representative; one Lake Worth Drainage District representative; one drainage/water control district representative; one South Florida Water Management District Governing Board member; one environmental representative; one land owner actively farming to represent agricultural interests; one Indian Trail Improvement District representative. The resolution also requires designated alternates for each seat. Due to the recent resignation of a couple of League of Cities Task Force appointments, two new alternates are being submitted to be ratified by the Board of County Commissioners. Countywide (MJ)

2. **Staff recommends motion to terminate:** Contract for state lobbying services with Akerman Senterfitt effective July 31, 2013, Contract R2005-2299. **SUMMARY:** On December 6, 2005, Palm Beach County entered into a contract with Akerman Senterfitt, located at 1 Southeast 3rd Avenue, 28th Floor, Miami, Florida 33131, a corporation which is authorized to do business in the State of Florida, hereinafter referred to as "Consultant." The Legislative Affairs Office is requesting termination of the contract effective July 31, 2013 due to staffing changes with the Consultant. The Consultant has agreed to this termination per written communication. Countywide (DW)

B. CLERK & COMPTROLLER

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

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	July 2, 2013
Regular/Budget	July 16, 2013
Comp Plan	July 24, 2013
Zoning	July 25, 2013
Regular	August 13, 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

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

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 March 2013. Countywide

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: a Contract with Southeast Attenuators, Inc. (Contractor), in an amount not to exceed the total value of \$540,000, for task orders for the annual guardrail contract (Contract), Project No. 2014051. **SUMMARY:** Approval of this Contract will facilitate the furnishing and installing of guardrail, furnishing of guardrail products, removal and disposal of "old" guardrail, and/or the resetting of existing guardrail. 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)
2. Staff recommends motion to approve: Change Order No. 5 in the amount of \$307,332.50 and a 42 day time extension with Russell Engineering, Inc. for the State Road 7 & C51 Canal bridge widening project (Project) R2012-0298. **SUMMARY:** Approval of Change Order No. 5 will compensate for costs and time associated with the need for longer test and production bridge piles, the splicing of piles already driven, and the delays caused by the required increase in piling lengths due to design errors and differing site conditions. Errors & omissions will be administered under PPM-CW-F-067. District 6 (MRE)
3. Staff recommends motion to rescind: Resolution R2012-1615 and adopt a Resolution to authorize the County Administrator and/or his designees to execute construction agreements with the Florida Department of Transportation (FDOT). **SUMMARY:** Resolution R2012-1615 authorized the County Administrator and/or his designees to execute construction agreements with FDOT. FDOT has now issued a revised form of agreement. Rescinding resolution R2012-1615 and adopting a new resolution will allow the use of an updated form of agreement, and allow the County Administrator and/or his designees to continue to execute these construction agreements on behalf of Palm Beach County. Countywide (MRE)
4. Staff recommends motion to approve: the renewal of the Construction Materials Testing, Geotechnical Engineering and Inspection Annual Agreements with Ardaman & Associates, Inc., (A&A) R2011-1682, Nodarse & Associates, Inc., a Terracon Company, (N&A) R2011-1683, whose original agreements were dated November 1, 2011, and Nutting Engineers of Florida, Inc., (Nutting) R2011-1556, whose original agreement was dated October 18, 2011. **SUMMARY:** Approval of these renewal agreements will extend the required professional services for one year, on a work task order basis. The renewal agreements with A&A and N&A will continue for the period from November 1, 2013 through October 31, 2014. The renewal agreement with Nutting will continue for the period from October 18, 2013 through October 17, 2014. These are the second and final renewals of two possible one year renewals contemplated in the original agreements. Nutting is a Palm Beach County company. A&A and N&A have offices in Palm Beach County. Nutting is a certified small business enterprise. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to approve: a Contract with Rosso Site Development, Inc. (Rosso) in the amount of \$1,300,124.33 for the construction of Congress Avenue from Hypoluxo Road to Donnelly Drive (Project). **SUMMARY:** Approval of this Contract will allow Palm Beach County to issue a Notice to Proceed to Rosso, a Palm Beach County company, to begin construction of the Project. The Palm Beach County Small Business Enterprise (SBE) goal for all projects is 15% overall. The SBE participation proposed for the Project by Rosso is 52.41%. District 3 (MRE)

6. Staff recommends motion to adopt: a Resolution to approve the draft 2010 Federal Functional Classification of Public Roadways within Palm Beach County. **SUMMARY:** Federal legislation allows for State and local officials, in cooperation with each other and subject to approval of the Federal Highway Administration, to adjust the functional classifications of roadways. Roadway classifications are used to help determine the eligibility of a road for federal aid. Approval of this Resolution will allow this classification process to continue. The Palm Beach Metropolitan Planning Organization approved the same functional classification documents on July 18, 2013. Countywide (MRE)

7. Staff recommends motion to approve: a Contract in the amount of \$836,663.71 with Stanley Consultants, Inc. (SCI), for professional services for the Hood Road from east of Florida's Turnpike to west of Central Boulevard project (Project). **SUMMARY:** Approval of this Contract will provide the professional services necessary for the preparation of design plans and construction bid documents for the Project. SCI has an office in Palm Beach County. The Small Business Enterprise (SBE) goal for the project is 15%. SCI has committed to a 22% SBE participation for this Project. District 1 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: a Contract for consulting/professional and expert witness services with SDI Environmental Services, Inc., in the case styled, COVE CLUB INVESTORS, LTD., a Florida limited partnership d/b/a BOCA DUNES GOLF & COUNTRY CLUB v. PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS, Case No. 50 2013 CA 003916 XXXX MB (Fifteenth Judicial Circuit in and for Palm Beach County, Florida). The amount to be paid is an amount not-to-exceed One Hundred Ninety-Nine Thousand Dollars (\$199,000), including reimbursable costs. **SUMMARY:** Cove Club Investors, Ltd. has sued Palm Beach County, alleging negligence, trespass, inverse condemnation, nuisance, and violations of environmental law arising from the County's operation of its Water Treatment Plant No. 9 and appurtenant wells. Cove Club Investors, Ltd. claims that the County has damaged it by pumping excessive amounts of water from wells located on or about Cove Club Investors, Ltd.'s golf course, causing water features on the golf course to run dry. The Contract provides for compensation to the engineering firm of SDI Environmental Services for consulting, professional and expert witness services necessitated by the circuit court case. The Contract provides a not-to-exceed amount for compensation of One Hundred Ninety-Nine Thousand Dollars (\$199,000), including reimbursable costs; reimbursable costs and expenses have a separate not-to-exceed amount of Fifteen Thousand Dollars (\$15,000). The Contract provides for a phased approach to the work. Countywide (ATP)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. Staff recommends motion to approve: a Settlement Agreement in the amount of \$85,455, inclusive of attorneys' fees and costs, in the personal injury action styled Jose A. Castillo vs. Palm Beach County Board of County Commissioners and Palm Tran, Inc., Case No. 502012CA019639XXXMB AB. **SUMMARY:** This is a personal injury case which arose out of an incident that occurred on June 2, 2011. The plaintiff, 19 years old, sustained injuries when the car in which he was a passenger was struck by a Palm Tran bus. The Plaintiff treated with an orthopedic surgeon for a torn rotator cuff of his right shoulder and fracture of his left wrist. He underwent a right shoulder arthroscopy and chiropractic therapy. His surgeon assigned an 8% impairment rating to the shoulder. His past medical bills total \$67,276, and there was no available insurance. Staff, including the Risk Management Roundtable Committee, concurs that this settlement is in the best interest of Palm Beach County. Countywide (SCL)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Contract for Provision of Services with Gulfstream Goodwill Industries, Inc., for the period October 1, 2013, through September 30, 2014, in an amount not to exceed \$34,005, for supportive services to homeless persons. **SUMMARY:** Gulfstream Goodwill Industries, Inc. will provide case management services to 30 homeless individuals through the Transitional Housing program Project SUCCESS (Start Ultimate Challenge, Choose Empowerment, Self-Sufficiency). Case management services are a vital link to meet the needs of the homeless individual to overcome the numerous barriers that have led to their homelessness. A total of \$34,005 in County funds is included in the proposed FY 2014 budget. (Human Services) Countywide (TKF)
2. Staff recommends motion to approve: Contract for Provision of Services with The Jerome Golden Center for Behavioral Health, Inc., for the period October 1, 2013, through September 30, 2014, in an amount not to exceed \$73,318, for services to homeless individuals. **SUMMARY:** The Jerome Golden Center for Behavioral Health, Inc. will provide supportive services through the Homeless Assertive Community Treatment Team to include case management, employment counseling, medication management, benefits counseling, peer counseling and group counseling. These services are provided to homeless individuals who are severely mentally ill or dually diagnosed and have been placed in permanent housing through the Housing and Urban Development (HUD) Shelter Plus Care grant programs. A total of \$73,318 in County funds is included in the proposed FY 2014 budget. Thomas McKissack of the Jerome Golden Center is a member of the Palm Beach County HIV Care Council. This Council provides no regulation, oversight, management, or policy-setting recommendations regarding the Homeless Assertive Community Treatment Team activities funded by this contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve:

A) Contract for Provision of Services with The Jerome Golden Center for Behavioral Health, Inc. for the period October 1, 2013, through September 30, 2014, in an amount not to exceed \$42,330, for support services to homeless individuals; and

B) Contract for Provision of Services with Comprehensive Alcoholism Rehabilitation Programs, Inc. for the period October 1, 2013, through September 30, 2014, in an amount not to exceed \$42,330, for support services to homeless individuals.

SUMMARY: The Jerome Golden Center for Behavioral Health, Inc. and Comprehensive Alcoholism Rehabilitation Programs, Inc. (CARP) provide staffing on the Homeless Outreach Teams related to mental health and substance abuse assessments. Separate contracts are provided for these two agencies. Each contract will receive \$42,330. A total of \$84,660 in County funds is included in the proposed FY 2014 budget. Thomas McKissack of The Jerome Golden Center for Behavioral Health, Inc. is a member of the Palm Beach County HIV Care Council. The Council provides no regulation, oversight, management, or policy-setting recommendations regarding the activities funded by this contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. The services provided for in these contracts will be shifted to County staff in the first or second quarter of the fiscal year and the contracts will be terminated in accordance with terms. Replacement of the contracted positions with County staff will allow for more efficient deployment of outreach teams that provide seven day per week rotating coverage and navigation linkage to the Senator Philip D. Lewis Homeless Resource Center. (Human Services) Countywide (TKF)

4. **DELETED**

5. **DELETED**

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. Staff recommends motion to approve:

A) Amendment to No. 01 to the Contract for Provision of Financial Assistance with Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (R2012-1510) to move funds from RSVP match allocation to OAA Admin and OAA IIIB/E match allocations;

B) Amendment to No. 02 to the Contract for Provision of Financial Assistance with Alzheimer's Community Care, Inc. (R2011-1762) to move funds from their Family Nurse Consultant allocation to their Specialized Alzheimer's Adult Day Services allocation; and

C) Amendment to No. 02 to the Contract for Provision of Financial Assistance with The ARC of Palm Beach County, Inc. (R2011-1997) to adjust the contract unit rate in the Residential & Supported Living Program.

SUMMARY: Area Agency on Aging, Inc., in order to fully utilize the match funding provided by the County has requested that they be allowed to move funds from a program RSVP that is closing, to their Older American Act Admin (OAA) line items. The OAA Admin was not fully matched at the onset of this fiscal year and therefore can use these additional funds. Alzheimer's Community Care, Inc. is requesting a one-time transfer of contract dollars to the Specialized Alzheimer's Adult Day services from the Family Nurse Consultant. The request is based on cuts in the OAA Admin and OAA IIIB/E that have affected clients in their Medicaid Waiver and Nursing Home Diversion programs. The ARC of Palm Beach County needs to modify their unit cost rate in their Residential/Supported Living Program to reflect the adjusted costs of the Residential Program component after they had to close the Supported Living Program component. No additional funds are required for these contract modifications. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

7. Staff recommends motion to receive and file: Agreements with the below listed public and non-profit agencies to provide various training services to low income participants serviced by the Community Services Department:

A) Business Loan Fund of the Palm Beaches, Inc. d/b/a Center for Enterprise Opportunity, for the period May 1, 2013, through September 15, 2013, in an amount not to exceed \$10,000;

B) Children of Purpose Christian Academy, Inc., for the period May 1, 2013, through September 30, 2013, in an amount not to exceed \$10,000;

C) Credit Card Management Services, Inc., for the period May 1, 2013, through September 30, 2013, in an amount not to exceed \$5,250;

D) Home Education Loan Program, Inc., for the period June 1, 2013, through September 30, 2013, in an amount not to exceed \$5,250;

E) Oneeighty for Girls, Inc., for the period May 1, 2013, September 30, 2013, in an amount not to exceed \$5,000;

F) The Jerome Golden Center for Behavioral Health, Inc., for the period May 1, 2013, through September 30, 2013, in an amount not to exceed \$3,600;

G) The Center for Technology, Enterprise and Development, Inc., for the period May 1, 2013, through September 30, 2013, in an amount not to exceed \$20,000;

H) T. Leroy Jefferson Medical Society, Inc., for the period May 1, 2013, through September 30, 2013, in an amount not to exceed \$25,000; and

I) The School District of Palm Beach County, for the period May 1, 2013, through September 30, 2013, in an amount not to exceed \$18,000.

SUMMARY: On April 2, 2013, the Board of County Commissioners approved a list of pre-qualified public and non-profit agencies to provide various training services for the Community Services Department (Agenda Item 3.E.6). The majority of these training funds are provided by the Community Service Block Grant with remaining funds being Palm Beach County ad-valorem matching funds. These contracts were executed by the Department Director and the County Administrator in accordance with Agenda Item 3.E.6 (dated April 2, 2013), which delegated signature authority to the Community Services Department Director and County Administrator, or his designee, to sign the contracts for the Community Action Program. Thomas McKissack, an employee of The Jerome Golden Center for Behavioral Health, Inc., is a member of the Palm Beach County HIV Care Council. This Council provides no regulation, oversight, management, or policy-setting recommendations regarding the Community Action Program. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. (Community Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to receive and file: an Extension of Time to the following Joint Participation Agreements (JPA) with the Florida Department of Transportation (FDOT):

A) Baggage System Improvements at Palm Beach International Airport, Fin. Proj. No.: 420374-1-94-01 approved by the Board on August 16, 2011 (R2011-1153), is hereby extended until December 31, 2014;

B) Miscellaneous Taxiway Rehab and Repair at Palm Beach International Airport, Fin. Proj. No.: 429705-94-01 approved by the Board on August 16, 2011 (R2011-1156), is hereby extended until December 31, 2014;

C) Concourse B Terminal Ramp and Taxilane (Westside) at Palm Beach International Airport, Fin. Proj. No.: 429706-1-94-01 approved by the Board on August 16, 2011 (R2011-1155), is hereby extended until December 31, 2014;

D) Construct Hangars at North Palm Beach County General Aviation Airport, Fin. Proj. No.: 422466-1-94-01 approved by the Board on August 16, 2011 (R2011-1157) and amended on September 11, 2012 (R-2012-1246), is hereby extended until December 31, 2014;

E) Southside Pavement and Infrastructure Improvements at Palm Beach County Park Airport, Fin. Proj. No.: 422467-1-94-01 approved by the Board on August 16, 2011 (R2011-1158), is hereby extended until December 31, 2014; and

F) Terminal Apron Rehab and Taxilane Construction at Palm Beach County Glades Airport, Fin. Proj. No.: 422481-1-94-01 approved by the Board on August 16, 2011 (R2011-1159), is hereby extended until June 30, 2014.

SUMMARY: Delegation of authority for execution of the above Extensions of Time to the JPAs with the FDOT was approved by the Board on October 18, 2011 (Agenda Item No. 3F11). Countywide (AH)

2. Staff recommends motion to approve: Second Amendment to Automated Teller Machine Concession Agreement (Amendment) with Fifth Third Bank (Fifth Third), providing for renewal of the term through September 30, 2014. **SUMMARY:** The Automated Teller Machine Concession Agreement (R2008-1457), as amended, (Agreement) for the operation of ATM services at the Palm Beach International Airport (PBIA) is scheduled to expire on September 30, 2013. The Amendment will renew the Agreement for one year through September 30, 2014. Fifth Third will pay a privilege fee of 55% of transaction charges, but no minimum annual guarantee will apply. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to receive and file: three Agreements for the Department of Airports:

A) Palm Beach County Sheriff's Office Trespassing Enforcement Affidavit for North County General Aviation Airport (F45) for two years commencing July 25, 2013;

B) Palm Beach County Sheriff's Office Trespassing Enforcement Affidavit for Palm Beach County Glades Airport (PHK) for two years commencing July 25, 2013; and

C) Palm Beach County Sheriff's Office Trespassing Enforcement Affidavit for Palm Beach County Park Airport (LNA) for two years commencing July 25, 2013.

SUMMARY: Delegation of authority for execution of standard County agreements above was approved by the Board of County Commissioners in R2009-1163. Countywide (AH)

4. Staff recommends motion to receive and file: a Summary of fees and charges for the standard form Hotel-Motel Courtesy Shuttle Operator Permit (Permit) at the Palm Beach International Airport (PBIA) commencing October 1, 2013, pursuant to Resolution 2010-0707. **SUMMARY:** Commencing October 1, 2013, the annual fee for new or renewed Permits will be will be increased by five percent, from \$100 to \$105. Delegation of authority for increases not to exceed five percent per year without further action by the Board was approved in R2010-0707. Countywide (AH)

5. Staff recommends motion to approve: Amendment No. 3 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 \$519,242 and 180 calendar days for Task M-4: Traffic Deck Coating at PBIA and to modify the contract language regarding bid procedures. **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 (R2013-0663). 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. 3 in the amount of \$519,242 and 180 calendar days is for Task M-4: Traffic Deck Coating at PBIA. It will also modify the contract language regarding bid procedures. This project is being partially funded with Florida Department of Transportation funds. The Disadvantaged Business Enterprise (DBE) goal for this contract is 13%. The anticipated DBE participation for this Amendment is 24%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. **Staff recommends motion to approve:** Amendment No. 3 to the General Consulting Agreement with CH2M Hill, Inc. for consulting/professional services in the amount of \$317,582.26 and to exercise the first one year renewal option for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program. **SUMMARY:** The Consulting Agreement (R2011-1333) with CH2M Hill, Inc. for general airport planning and design was approved on September 13, 2011 in the amount of \$1,521,708 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for two years with two, one-year renewal options. Approval of Amendment No. 3 in the amount of \$317,582.26 approves the first one year renewal option for the continuation of services provided under this Agreement and will provide funds to complete the following tasks and services: Task I Services – Palm Beach International Airport (PBIA) 3400 Belvedere Road Overflow Parking Design Services; PBIA Navigational Aids (NAVAIDS) Relocation Design and Bidding Services; PBIA Federal Inspection Services (FIS) Expansion Construction Administration Services; Level II Tasks – 2013 Annual Environmental Compliance Monitoring, Inspection and Training Services; Task III Services – Miscellaneous Planning and Engineering Services; Miscellaneous Financial Consulting and Capital Programming Services; and Miscellaneous Environmental Consulting Services. CH2M Hill, Inc. is an Englewood, Colorado based firm, however, the majority of the work to be completed in this Agreement will be completed and/or managed through their Palm Beach Gardens, Florida office in conjunction with several Palm Beach County-based subconsultants and firms. Certain tasks performed during the term of this Amendment may be eligible for State and Federal grant participation. The Disadvantaged Business Enterprise (DBE) goal for the agreement was established at 25.00%. The DBE participation for this Amendment is 41.98%. The total anticipated DBE participation to date is 29.60%. Countywide (JCM)

7. **Staff recommends motion to:**

A) receive and file a General Aeronautical Services Permit (GASP) with Airport Recycling Specialists, Inc., (ARS) to provide general aeronautical support services to air carriers and other tenants at the Palm Beach International Airport (PBIA) commencing August 1, 2013 and terminating September 30, 2013, and automatically renewing on a yearly basis (October 1st through September 30th);

B) receive and file a Cargo Building Lease Agreement (Lease) with ARS, for the lease of space within Unit 1310-A, Cargo Building 1300 at PBIA, commencing August 1, 2013 and terminating September 30, 2013, and automatically renewing on a yearly basis (October 1st through September 30th); and

C) approve a First Amendment to Cargo Building Lease Agreement (Amendment) with ARS, amending the description of uses described in that certain Cargo Building Lease Agreement for the lease of space within Unit 1309, Cargo Building 1300 at PBIA (R2010-1857), assigned by Bullet Delivery of WPB, Inc. (Bullet) to ARS, effective August 2, 2013.

SUMMARY: Delegation of authority for execution of the standard GASP and Lease was approved by the Board of County Commissioners in R2010-0708 and R2010-1392, respectively. The lease at Unit 1309 (R2010-1857) is a standard form agreement initially entered with Bullet, who assigned its interest to ARS effective August 2, 2013. The Amendment amends the authorized uses at Unit 1309 to be consistent with Unit 1310-A, which includes the collection, sorting, compaction, short-term storage and shipment of non-hazardous solid recyclable materials recovered from airlines and other tenants at PBIA. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

8. Staff recommends motion to adopt: a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 2 with the Florida Department of Transportation (FDOT) amending the original project description to construct hangars and associated infrastructure work at North Palm Beach County General Aviation Airport with no increase in funding. **SUMMARY:** On August 16, 2011, the Board of County Commissioners (BCC) adopted a resolution (R2011-1157) approving a Joint Participation Agreement with the FDOT in the amount of \$494,152 or 80.00% of the eligible project costs, whichever is less, to construct hangars at North Palm Beach County General Aviation Airport. On September 11, 2012, the BCC adopted a resolution (R2012-1246) approving SJPA Number 1 to increase the original funding share by an additional \$280,000 for a revised FDOT participation of \$774,152. The FDOT has issued SJPA No. 2 amending the original project description to construct hangars and associated infrastructure work at North Palm Beach County General Aviation Airport with no increase in funding. Countywide (AH)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to adopt: a Resolution amending Resolution No. R2013-0589 adopted May 7, 2013 authorizing the issuance of the County's Taxable Public Improvement Revenue Bonds (Convention Center Hotel Project), Series 2013 to modify the not to exceed true interest cost rate per annum that may be borne by said bonds; providing for certain other matters in connection therewith; and providing for an effective date. **SUMMARY:** The County has approved a \$27 million subsidy for the development of a 400 room Hilton Convention Center Hotel to The Related Companies, L.P., which will be held in escrow by the Palm Beach Clerk of Court and disbursed in accordance with the terms established in the agreement. According to the agreement, the funds must be deposited no earlier than October 1, 2013 and not later than November 15, 2013. On May 7, 2013, the Board of County Commissioners (BCC) approved the issuance of not to exceed \$31M of Taxable Revenue Bonds, Series 2013 to fund the subsidy and related costs, including a maximum interest rate of 6%. Since May, interest rates have increased approximately 150 basis points and the maximum not to exceed true interest cost rate of 6% may be too low. This amendment will increase the rate to 7.5%. This will give the County the flexibility needed to issue the bonds in October. The bonds will be issued competitively so that the County will receive the best rate. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)

2. Staff recommends motion to:

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida: **(I)** authorizing the issuance of not exceeding \$10,700,000 in original aggregate principal amount of its Improvement Revenue Bonds, Series 2013 (Sheriff's Equipment Project) for the purpose of financing road patrol vehicles with radio and mobile equipment and other electronic equipment required by the Sheriff's Office, and paying certain costs related thereto; **(II)** providing for the terms and payment of such series 2013 bonds; **(III)** providing for the rights, security and remedies of the holder thereof; **(IV)** making certain covenants and agreements in connection therewith; **(V)** delegating authority to proper officials of the County, in consultation with the County's financial advisor, to select a qualified financial institution pursuant to a competitive proposal process to purchase the series 2013 bonds and to award the sale of the series 2013 bonds to such purchaser, subject to certain parameters and other matters set forth in this resolution; **(VI)** approving the form and authorizing the execution and delivery of an agreement with the purchaser of the series 2013 bonds to set forth additional covenants of the county and matters relating to the series 2013 bonds as may be required by the purchaser; **(VII)** authorizing the proper officials of the county to do all other things deemed necessary or advisable in connection with the issuance of the series 2013 bonds; **(VIII)** providing for certain other matters in connection therewith; and providing for an effective date; and

B) approve Amendment No. 3, amending Agreement R2010-1325, dated August 17, 2010, (Agreement), as amended by Amendment No. 1 (R2011-0864), dated June 21, 2011, and by Amendment No. 2 (R2013-0602), dated May 21, 2013, by and between Palm Beach County (County) and Greenberg Traurig, P.A. (Attorney).

SUMMARY: As part of the Fiscal Year 2014 budget process, the Palm Beach Sheriff's Office requested \$10.6M for the replacement of road patrol vehicles, computers, and radios. As part of the budget process, it was decided to issue debt for this request instead of funding from the operating budget. The County Financing Committee met on August 5, 2013 and approved this issuance to be competitively bid as a direct bank placement as recommended by the County's Financial Advisor and recommended Greenberg Traurig as bond counsel for this financing. Approval of Amendment No. 3 will confirm Greenberg Traurig as bond counsel. As it is a direct bank placement, disclosure counsel is not needed. This issue is a covenant to budget and appropriate with an estimated annual debt service payment of approximately \$2.2 million per year, for five years. Countywide (PFK)

3. Staff recommends motion to approve: a negotiated Settlement in the amount of \$228,372, inclusive of interest, to resolve the 2012 County public service tax dispute with AmeriGas Propane, L.P. (AmeriGas). **SUMMARY:** The Clerk & Comptroller's Audit Services Unit conducted an audit of AmeriGas' public service tax remittances to Palm Beach County for the period of January 1, 2012, through December 31, 2012. After reviewing the data the County demanded \$250,580.62, inclusive of accrued interest. AmeriGas offered \$200,000 to resolve the outstanding public service tax dispute with the County to which the County submitted a counter offer of \$228,372, the principle amount due, which was agreed upon by both the County and AmeriGas. Staff recommends approval as this settlement recovers approximately 91% of the County's final demand for the year 2012 without the delay and cost of litigation. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to adopt:** a Resolution rescinding and replacing Resolution No. R2010-2092 pertaining to the Public Art Committee (PAC). **SUMMARY:** On December 21, 2010, the Board of County Commissioners (BCC) approved the current resolution (R2010-2092) creating and governing the PAC. The resolution is being modified to add the PAC's new role in reviewing and making recommendations to the County Administrator and/or BCC relating to murals, as set forth in the recently adopted amendments to the Unified Land and Development Code. The resolution is also being modified to conform with the BCC's recent modifications to the uniform policies and procedures on advisory boards as provided in Resolution No. R2013-0193. (FDO Admin) Countywide (MJ)

2. **Staff recommends motion to approve:** a First Amendment to Interlocal Agreement (R2010-1275) (Agreement) with the Port of Palm Beach District (Port) to extend the term of the Agreement for radio maintenance services to August 16, 2016. **SUMMARY:** The Agreement with the Port, which provides the terms and conditions under which the Port receives radio equipment maintenance services from the County, expired on August 16, 2013. The Agreement provides for one renewal option for a period of three years. The Port approved a retroactive amendment to extend the term of the Agreement to August 16, 2016. The terms of the Agreement are standard and the maintenance rates are consistent with those being charged to County Departments. Services will be provided on an as-needed basis and billed to the Port. In the event that the County must out-source the labor, a separate labor rate is provided to cover the cost of the contract labor. The rates may be adjusted annually with notification by June 1 (effective the following October 1st) at the County's sole discretion, but in no event shall the Port's fee schedule exceed the fee schedule applied to County departments. The Agreement may be terminated by either party, with or without cause, with a minimum of three months notice. This First Amendment retroactively renews the term, updates the provision on County Code Section 2-421 - 2-440 establishing the Office of the Inspector General and provides for no third party beneficiaries. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (JM)

3. **Staff recommends motion to approve:** a Second Amendment to the Interlocal Agreement (R2005-2156) with the Town of Ocean Ridge (Town) to extend the term of the Agreement for direct access to the County's 800 MHz Radio System to November 1, 2017. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Town can directly access the County's 800 MHz Radio System expires on October 31, 2013. The Agreement provides for two renewal options, each for a period of four years. The Town has approved a renewal to extend the term of the Agreement to November 1, 2017 and 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 where connection through an established municipal hub is not technically feasible. The annual fees are consistent with those being charged to the County departments. In addition, the Town is required to directly pay all costs associated with Town's 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, on October 1st of any year, with a minimum of 6 months notice. This Second Amendment renews the term, replaces the attachments, updates the notice provisions, provides for disclosure of County Code Section 2-421 - 2-440 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. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: an Agreement with Village of Tequesta (Village) allowing for interoperable communications through the countywide common talk groups of the County's 800 MHz Radio System (System). **SUMMARY:** This Agreement provides the terms and conditions under which the Village can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications. The County's system will not be utilized for routine operational communications by the Village. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement but the Village is required to pay all costs associated with the Village's subscriber units and to comply with the established operating procedures for the System. The term of the Agreement is for five years with three, five-year renewals. The Agreement may be terminated by either party, with or without cause upon ten days written notice to the other party. (ESS) Countywide (JM)

5. Staff recommends motion to approve: an Interlocal Agreement with Martin County (Participant) allowing for interoperable radio communications through the countywide common talk groups of the County's 800 MHz Radio System. **SUMMARY:** This Interlocal Agreement provides the terms and conditions under which the Participant can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications. The Participant will not utilize the County's system for routine operational communications. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement but Participant is required to pay all costs associated with Participant's subscriber units and to comply with the established operating procedures for the County's Radio System. The Agreement provides for an initial term of five years with three renewal options, each for a period of five years. The Agreement may be terminated by either party, with or without cause, upon ten days prior notice to the other party. (ESS) Countywide (JM)

6. Staff recommends motion to approve: a Second Amendment to Interlocal Agreement (R2003-1698) with the Town of Manalapan (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 October 20, 2018. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Town can program into its radios and utilize the countywide common talk groups for certain inter-agency communications expires on October 20, 2013. The Agreement provided for three renewal options, each for a period of five years. The Town has approved a renewal to extend the term of the Agreement to October 20, 2018 and 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 the Agreement. The Town is required to pay all costs associated with Town's 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 Amendment renews the term, updates the attachments, updates the notice provisions, provides for the disclosure of County Code Section 2-421 - 2-440 establishing the Office of the Inspector General, and provides for the exclusion of third party beneficiaries. 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)

7. **Staff recommends motion to approve:** a First Amendment to Interlocal Agreement (R2009-1661) with the Town of South Palm Beach (Town) to extend the term of the Agreement for direct access to the County's 800 MHz Radio System to October 5, 2017. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Town can directly access the County's 800 MHz Radio System expires on October 5, 2013. The Agreement provided for two renewal options, each for a period of four years. The Town has approved a renewal to October 5, 2017 and 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 where connection through an established municipal hub is not technically feasible. The annual fees are consistent with those being charged to the County departments. The Town is required to pay all costs associated with Town's 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, on October 1st of any year, with a minimum of six months notice. The First Amendment renews the term, updates the attachments, updates contact information, provides for the disclosure of County Code Section 2-421 - 2-440 establishing the Office of the Inspector General modifies the provision on use of encryption and provides for the exclusion of third party beneficiaries. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (JM)

8. **Staff recommends motion to approve:** Change Order No. 7 to the contract with The Weitz Company, LLC (R2007-1105) decreasing the Guaranteed Maximum Price (GMP) for the West Boynton Library Renovations project in the amount of \$166,600. **SUMMARY:** On September 13, 2011, the Board approved Amendment No. 10 to the continuing services contract with The Weitz Company, LLC (R2011-1348) in the amount of \$1,735,567 for construction management services to renovate the existing Library. There is \$166,600 remaining as a result of buyout savings, unused allowances, unused owner contingency and reconciliation of sales tax recovery purchase orders. The amendment was funded through the 30.5M GO 03 Library District Improvement Fund and the Library Expansion Fund. All savings will be returned to the 30.5M GO 03 Library District Improvement Fund. The Small Business Enterprise (SBE) goal for this contract is 15% and the final SBE participation is 38%. The Weitz Company, LLC is a Palm Beach County firm. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve:

A) Contract with Aviat U.S., Inc. in the amount of \$2,281,331 to supply and install a digital microwave radio system; and

B) Change Order No. 1 to the contract with Aviat U.S., Inc. in the credit amount of \$37,500.

SUMMARY: This Contract will provide services associated with the replacement of the County's analog microwave system to a digital system. The project is designed to replace a 28 year old system now supporting only UHF EMS communications to the same digital protocol which the County installed to support its Countywide Public Safety Radio system. This microwave replacement project will expand the capacity of the digital microwave to support the County's Public Safety Radio System and the complement of direct connect users which has expanded since 1998 when the existing digital microwave system was installed. Once replaced, this system will allow the County to migrate some of the traffic from one system to another, provide additional bandwidth for other uses, and will also provide for additional redundancy for its public safety communications needs. Change Order No. 1 is an incentive proposed by Aviat U.S., Inc., in order to execute the contract before the end of September, 2013. This Contract includes a Small Business Enterprise (SBE) goal of 15%. The SBE participation in this Contract is 0%. This Contract is funded from the Radio System Renewal/Replacement Account which is made up from annual fees paid by all full time users of the system for this restricted purpose as well as \$12.50 fine and forfeiture proceeds. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to adopt: a Resolution by the Board of County Commissioners of Palm Beach County, Florida, authorizing the submittal of a New Markets Tax Credit (NMTC) Program Application with Palm Beach County (PBC) as the Controlling Entity in the amount of \$40,000,000 to the United States Department of the Treasury (Treasury) Community Development Financial Institutions (CDFI) Fund; authorizing the acceptance of the funds awarded in order to spur new or increased investments in new or established businesses in Palm Beach County; authorizing the Department of Economic Sustainability (DES) to establish and manage the NMTC Loan Program to finance business projects; and authorizing the County Administrator or his designee to execute the Loan Application documents to implement the NMTC Loan Program and issue debt obligations pursuant thereto. **SUMMARY:** This Application will request an allocation of Federal funds totaling \$40,000,000 to stimulate private investment capital that in turn will facilitate economic and community development/redevelopment in low-income communities and create jobs in Palm Beach County. The NMTC Program draws investment capital by permitting individual and corporate investors to receive a tax credit totaling 39% against their Federal Income Tax in exchange for making equity investments in specialized financial institutions called Community Development Entities (CDE). The Application requires that every Community Development Entity Applicant designate a Controlling Entity. The CDE will provide financing from the pool of investment funds in the form of loans to qualified businesses within Palm Beach County. Some examples of projects included in the application are the Inland Logistics Center, and projects in the Glades Community and in Riviera Beach. The NMTC allocations are only distributed to the County as projects are approved for funding, and DES will receive an annual allocation of revenue to offset administrative costs over a seven year period for each approved project. The loan recipient will be responsible for paying the debt of the loan. The Controlling Entity Agreement with CDE (CIDC – Palm Beach County Community Development Entity, LLC), approved on July 19, 2011 by the Board of County Commissioners, designates Palm Beach County as the Controlling Entity and non-member manager, providing management control and management voting control over the CDE. PBC DES previously applied for the NMTC Program in 2011 and 2012 and were not awarded, but recommends maintaining this structure. **No County funds will be pledged to complete any project funded by the NMTC Program. These are Federal funds which require no local match.** (DES Administration) Countywide (DW)

2. Staff recommends motion to approve: Amendment No. 003 to an Agreement (R2010-1752) with Word of Faith Community Development Corporation (WFCDC). **SUMMARY:** On October 19, 2010, Palm Beach County entered into an Agreement (R2010-1752) with WFCDC 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 the area median income. WFCDC has acquired, and is rehabilitating two homes with the \$529,398 allocated through the Agreement. This Amendment will allow WFCDC to acquire and rehabilitate one additional home 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 SHIP funds.** (DES Contract Development) District 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

3. Staff recommends motion to approve:

A) a Budget Transfer in the amount of \$327,097 from the Disaster Recovery Initiative Fund to the Disaster Recovery Initiative DRI No. 3 Wilma Fund; and

B) a Budget Amendment of \$327,097 in the Disaster Recovery Initiative DRI No. 3 Wilma Fund to recognize the transfer.

SUMMARY: The 2005 Disaster Recovery Initiative (DRI2) Program and the 2005 Disaster Recovery Initiative Program – Supplemental Appropriation (DRI3) Program are funded with Federal Community Development Block Grant (CDBG) funds that were made available by the United States Department of Housing and Urban Development to the State of Florida's Department of Economic Opportunity (DEO). NOAH Development, Inc. (NOAH) received DRI2 funding for hurricane hardening at their South Bay Villas and Covenant Villas projects which contain 65 apartments and 144 apartments, respectively. DEO determined in Fiscal Year 2011 that expenditures of \$327,097 for NOAH's project under the DRI2 grant should more appropriately be charged to the DRI3 grant. The expenditures were transferred between the DRI2 and DRI3 grants as required by DEO. DEO has now revised its determination requesting that these expenditures be charged to the DRI2 grant as originally intended and must be reported to the State as such. To accomplish the revised reclassification, a Budget Transfer and Budget Amendment are required. **These are Federal DRI2 and DRI3 funds which require no local match.** (FALS) Countywide (TKF)

4. Staff recommends motion to approve: the State Housing Initiative Partnership (SHIP) Annual Report for Fiscal Years 2010-2011, 2011-2012 and 2012-2013, and its associated Certifications. **SUMMARY:** On April 16, 2013, the Board of County Commissioners approved the Local Housing Assistance Plan (LHAP) and budget allocations for fiscal years 2010-2011, 2011-2012 and 2012-2013. The LHAP covers a three year grant allocation period. Approval of the Annual Certification Report (AR) is required to comply with the State Regulations in order for the County to receive SHIP funds. The AR is due no later than September 15, 2013. The SHIP AR for Fiscal Years 2010-2011, 2011-2012 and 2012-2013 (SHIP Report) documents the number of households funded under each affordable housing strategy, by funding year, and the amount expended to assist such households. **These are State SHIP funds which require no local match.** Countywide (TKF)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. **Staff recommends motion to approve:** reappointment of one alternate member to the Construction Board of Adjustments and Appeals:

<u>Nominee</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Margie Walden	8	Alternate Citizen at Large	Vice Mayor Taylor Comm. Burdick Comm. Valeche	9/10/2013–9/9/2014

SUMMARY: Palm Beach County Ordinance 89-31, as amended in 2002, established the Construction Board of Adjustment and Appeals (the Board). Vice Mayor Priscilla Taylor, Commissioner Paulette Burdick and Commissioner Hal Valeche have nominated Margie Walden for a term of one year. Ms. Walden is currently serving on the Board. Per Palm Beach County Ordinance 2012-006, as amended, Palm Beach County Amendments to the Florida Building Code, 2010 Edition, the Board is comprised of seven regular members: one architect; one engineer; one general contractor; one electrical contractor; one HVAC contractor; one plumbing contractor; and any other contractor licensed category. In addition to these members, there should be two alternate members: one member with the qualifications referenced above; and one member at large from the public. Countywide (SF)

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 45 with Mathews Consulting, Inc. (R2011-0633) for design of the reclaimed office and storage building facility at the East Central Regional Water Reclamation Facility (ECRWF) in the amount of \$164,546.25. **SUMMARY:** On May 3, 2011, the Palm Beach County Board of County Commissioners (BCC) approved the Contract for Utility, Architectural and Value Engineering Services with Mathews Consulting, Inc. (R2011-0633) to obtain engineering/professional service for utility related projects. On June 18, 2013, the BCC approved Amendment No. 1 to the Interlocal Agreement with the ECRWF and the City of West Palm Beach related to the construction, operation and maintenance of reclaimed water facilities (R2013-0762). The proposed warehouse and office facilities at the ECRWF onsite reclaimed water facilities will be paid from bond proceeds and reimbursed by FPL. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Mathews Consulting, Inc. provides for SBE participation of 55% overall. This Authorization includes 97.64% overall participation. The cumulative SBE participation, including this CSA is 55.56% overall. Mathews Consulting, Inc. is a local company. (WUD Project No. 13-061) District 7 (JM)
2. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 8 with Holtz Consulting Engineers, Inc., (R2011-0635) for State Road (SR) 15 (Main Street) and Gator Boulevard 16" and 12" Water Main Extension in the amount of \$119,905.49. **SUMMARY:** On May 3, 2011, the Palm Beach County Board of County Commissioners (BCC) approved the Water Utilities Department (WUD) Engineering/Professional Services Contract with Holtz Consulting Engineers, Inc. (R2011-0635). This CSA No. 8 provides design services relating to the environmental and geotechnical investigation, design and permitting of 3.2 miles of a new water main installation along SR15 (SR 80 to Gator Blvd) and along Gator Blvd (SR15 to East Sugarhouse Rd) in the City of Belle Glade. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Holtz Consulting Engineers, Inc. provides for SBE participation of 95%. This Authorization includes 82.26% overall participation. The cumulative SBE participation including this CSA is 73.58% overall. Holtz Consulting Engineers, Inc. is a local company. (WUD Project No. 13-052) District 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. **Staff recommends motion to approve:** Change Order No. 1 to the Contract with Hinterland Group, Inc. (R2012-1421) for the Wastewater Lift Station Rehabilitation project increasing the contract price by \$75,879.02 and a 90 day time extension. **SUMMARY:** On October 2, 2012, the Palm Beach County Board of County Commissioners approved the Contract for the Wastewater Lift Station Rehabilitation Project (R2012-1421) with Hinterland Group, Inc. This Change Order authorizes the Contractor to make changes to the construction of certain portions of the Wastewater Lift Stations as necessitated by field conditions. This consists of various civil, mechanical and electrical changes and provides a 90 days extension to address unforeseen field conditions. Total change orders to date is zero dollars. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. The original contract with the Hinterland Group, Inc. provides for SBE participation of 15.18% overall. This Change Order includes 7.90% overall SBE participation. The cumulative SBE participation including this Change Order is 15.03% overall. Hinterland Group, Inc. is a local company. (WUD Project No. 11-038) Countywide (JM)

4. **Staff recommends motion to receive and file:** executed Agreements received during the months of May, June and July 2013:

A) First Amendment to Standard Potable Water and Wastewater Development Agreement with Boynton Beach Associates XXII, LLLP, No 05-01091-000 (District 5) (R2007-0660);

B) First Amendment to Standard Potable Water and Wastewater Development Agreement with Boynton Beach Associates XXII, LLLP, No. 05-01080-000 (District 5) (R2006-0091);

C) Indemnity Agreement with Harvest Home Fund, LLC (District 2); and

D) Standard Potable Water and Wastewater Development Agreement with AMKBJ Partners, Ltd, LLLP; SDA No. 01-01225-000 (District 6)

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 2, 5 & 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. Staff recommends motion to approve:

A) Consent to Assignment of the Water, Wastewater and Reclaimed Water Improvements Design Build Contract (R2012-0160) (Contract) from Calvin Giordano & Associates, Inc. (Calvin Giordano) to Cardinal Contractors, Inc. (Cardinal);

B) Amendment No. 1 to the Contract adding Builders Risk Insurance; and

C) Work Authorization No. 2 to the Contract for Supervisory Control and Data Acquisition (SCADA) System Tower Improvements in the amount of \$241,597.94.

SUMMARY: On January 24, 2012, Palm Beach County Board of County Commissioners (BCC) approved the Contract for Water, Wastewater and Reclaimed Water Improvements Design/Build Services with Calvin Giordano (R2012-0160). Calvin Giordano has performed design services pursuant to the contract. At this time, Calvin Giordano needs to assign the contract to its design build team contractor, Cardinal so that Cardinal can issue the statutorily and contractually required construction bonds for the project. The contract provides that this assignment requires approval of the BCC. Builders Risk Insurance is being added to the Contract as the County will no longer be providing self insurance coverage. Work Authorization No. 2 will install a new SCADA communications tower at Water Treatment Plant No. 9 (WTP 9). The existing SCADA tower does not meet the current building code and needs replacement. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Cardinal provides for SBE participation of 26% overall. This Authorization includes 60.18% overall participation. The cumulative SBE participation, including this Work Authorization is 44.82% overall. Cardinal is a non-local company. (WUD Project No. 12-022) District 5 (JM)

6. Staff recommends motion to approve: Consultant Services Authorization No. 34 with Hillers Electrical Engineering, Inc. (R2011-0637) for the Water Treatment Plant No. 3 (WTP 3) Programmable Logic Controller (PLC) Programming in the amount of \$174,902.

SUMMARY: On May 3, 2011, the Palm Beach County Board of County Commissioners approved the continuing Contract for Electrical, Instrumentation and Telemetry Consulting Services with Hillers Electrical Engineering, Inc. (R2011-0637) to obtain engineering/ professional service for utility related projects. The existing WTP 3 PLC's are becoming obsolete and are being upgraded to a newer version which is necessary to assure uninterrupted water treatment in the event of a PLC system failure. This Consultant Services Authorization will provide for re-programming of all plant functions controlled by the PLC's. The new PLC system will also improve operational efficiency through enhanced monitoring of electric power consumption. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Hillers Electrical Engineering, Inc. provides for SBE participation of 80% overall. This Authorization includes 100% overall participation. The cumulative SBE participation, including this Consultant Services Authorization is 100% overall. Hillers Electrical Engineering, Inc. is a local company. (WUD Project No. 13-086) District 5 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) receive and file three original documents:

1) Task Assignment No. SE-190 to the Florida Fish and Wildlife Conservation Commission (FWC) Contract No. 11077 (R2011-1632) for contracted services to treat and control invasive exotic plants in the Palm Beach County Pine Glades Natural Area Triangle Track for a fixed price of \$100,000 through June 21, 2014;

2) Task Assignment No. SE-193 to the Florida Fish and Wildlife Conservation Commission (FWC) Contract No. 11077 (R2011-1632) for contracted services to treat and control invasive exotic plants in the Palm Beach County Hungryland Slough Natural Area for a fixed price of \$100,000 through June 21, 2014;

3) Task Assignment No. IP2 to the Florida Fish and Wildlife Conservation Commission (FWC) Contract No. FWC11357 (R2012-0573) for aquatic vegetation control for Lakes Clarke, Ida, Osborne, and Pine up to \$75,100 through June 30, 2014; and

B) approve Budget Amendment of \$46,322 in the Natural Areas Fund to realign the FY 2014 IP2 Task Assignment to \$75,100.

SUMMARY: On October 18, 2011, the Board of County Commissioners approved FWC Contract No. FWC11077 (R2011-1632). Delegated authority to execute all future task assignments was provided at that time. On April 17, 2012, the Board of County Commissioners approved FWC contract No. FWC 11357 (R2012-0573). Delegated authority to execute all future task assignments was provided at that time. Countywide (SF)

2. Staff recommends motion to:

A) receive and file one original document: Project Agreement (PB-12-163) executed by the Florida Inland Navigation District (FIND) for \$794,030 for the Fullerton Island Restoration Project within the Town of Jupiter, executed January 14, 2013 and expiring September 1, 2014; and

B) approve Budget Amendment in the Environmental Enhancement Fund for \$794,030 to recognize the revenue from the FIND Agreement PB-12-163.

SUMMARY: On May 15, 2012 (R2012-0727), the Board of County Commissioners (BCC) approved the FIND Waterways Assistance Program Grant Application for the Fullerton Island Restoration Project. Delegation of authority to serve as Liaison Agent to act on behalf of the BCC relative to the provisions of the Agreement was approved at that time pursuant to PPM No. CW-O-051. Construction costs are estimated at \$2,532,710 with a required matching cost share of \$1,738,680 (approximately 69%) provided from the Manatee Protection Program (\$838,680) Parks Boater Access Fund (\$400,000) and Non-specific Vessel Registration Fees (\$500,000). Submission of this agreement to the BCC was delayed for a permit modification from the Army Corps of Engineers received July 19, 2013. District 1 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to approve:

A) Contract with Applied Technology & Management, Inc. (ATM) for continuing professional coastal and marine engineering consultant services, effective for two years through September 9, 2015;

B) Contract with Coastal Planning & Engineering, Inc. (CPE) for continuing professional coastal and marine engineering consultant services, effective for two years through September 9, 2015; and

C) Contract with Olsen Associates, Inc. (OAI) for continuing professional coastal and marine engineering consultant services, effective for two years through September 9, 2015.

SUMMARY: ATM, a Palm Beach County company, CPE, a Palm Beach County company, and OAI, a Jacksonville, Florida company, will provide professional coastal and marine engineering services on a task order basis for various projects within the Department of Environmental Resources Management and other departments. ATM has agreed to SBE-M/WBE participation of 20%. CPE has agreed to SBE-M/WBE participation of 15%. Olsen has agreed to SBE-M/WBE participation of 38%. The Contracts contain an option to renew for one additional year. Countywide (JM)

4. Staff recommends motion to adopt: a Resolution requesting Florida Department of Environmental Protection (FDEP) review of a funding application and support of funding for shoreline protection projects within its Fiscal Year 2014/2015 Beach Erosion Control Assistance Program. **SUMMARY:** The County is requesting that the State appropriate \$470,000 for the Coral Cove Park Dune Restoration, \$125,000 for the Jupiter/Carlin Shore Protection Project, \$375,000 for the Juno Beach Shore Protection Project, \$639,120 for the Singer Island Shore Protection Project, \$190,000 for the Central Palm Beach County Comprehensive Erosion Control Project, \$536,250 for the South Lake Worth Inlet Management Plan, and \$46,200 for the Ocean Ridge Shore Protection Project. If the State Legislature approves funding for all of the projects, the County's matching share would be \$1,872,616. Districts 1, 4 & 7 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

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

A) Palm Beach County Officials Association, Inc., Basketball Official; West Boynton Recreation Center, for the period April 27, 2013, through June 9, 2013;

B) 3D Diving, Inc., Competitive Springboard Diving Team Coach; North County Aquatic Complex, for the period October 1, 2012, through September 30, 2013;

C) Cullett CMAA, Inc., Karate Instructor; Westgate Park & Recreation Center, for the period August 20, 2013, through September 26, 2013; and

D) Cullett CMAA, Inc., Karate Instructor; Westgate Park & Recreation Center, for the period October 8, 2013, through November 21, 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, 3 & 7 (AH)

2. Staff recommends motion to receive and file: the following original executed Entertainment Contractor Agreements for community events:

A) BandsRock Entertainment International, Inc., July 4th Celebration; Sunset Cove Amphitheater, on July 4, 2013; and

B) Zambelli Fireworks Manufacturing Co., July 4th Celebration; Sunset Cove Amphitheater, on July 4, 2013.

SUMMARY: The Parks and Recreation Department produced the July 4th Celebration, a popular holiday event at our Sunset Cove Amphitheater. This event was attended by an estimated 7,000 people and generated positive support and goodwill for the County. Unfortunately, due to weather conditions, the fireworks finale malfunctioned. Zambelli adjusted the final invoice and decreased the amount charged by \$3,634. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Entertainment Contractor 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 2008-1109, amended by Resolution 2010-0644, and are now being submitted to the Board to receive and file. District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. **Staff recommends motion to approve:** Fourth Amendment to Contract No. 80009/LS with Chet's, Inc., located in Boynton Beach, Florida, providing professional water ski instruction at Burt Aaronson South County Regional Park extending the contract for one year to expire September 30, 2014. **SUMMARY:** On September 25, 2009, Palm Beach County entered into a Standard Contract with Chet's, Inc., to provide a complete water skiing school program at Burt Aaronson South County Regional Park. The Contract provided an initial one year term, which expired on September 30, 2010, with three one year renewal options, which have been fully utilized. This Fourth Amendment extends the Agreement for an additional one year period of October 1, 2013, through September 30, 2014, to allow staff additional time to evaluate public use options for the ski lake. The total annual revenue for this Fourth Amendment is \$12,420. Article 8-Criminal History Records check and Article 35-Palm Beach County Office of the Inspector General are also amended to update them with the current required language. All other terms of the contract remain the same. District 5 (AH)

4. **Staff recommends motion to approve:** Budget Transfer of \$29,797 in Park Improvement Fund from the Payment in Lieu of Recreation reserve to Green Cay Nature Center Improvements. **SUMMARY:** This Budget Transfer establishes funding for the Green Cay Nature Center Improvements project from reserves generated pursuant to the County's Unified Land Development Code (ULDC) Article 5, Parks and Recreation – Rules and Recreation Standards. Article 5 revenues originate from cash-outs from residential developments that are unable to provide homeowners onsite recreation areas. Revenues from this fund are to be used for the purpose of acquiring and/or developing land necessary to meet the need for neighborhood or community type recreational facilities created by the development. This funding will be used for the purchase and installation of electronic entrance gates and audio/visual improvements to the theater. Funding for this project is from the \$123,379.20 Payment in Lieu of Recreation payment received for the Aspen Square development. A balance of \$82,174.20 will remain after these expenditures. This project meets the requirements of ULDC Article 5. District 5 (AH)

5. **Staff recommends motion to approve:** Budget Transfer of \$52,979 within the 1999 \$25 Million General Obligation Recreation & Cultural Bond from the Juno Pier Renovation project to the Peanut Island Decking Renovations project. **SUMMARY:** This Budget Transfer is necessary to fully fund the renovation of the wood decking on two pedestrian bridges and a nature boardwalk. The total project cost is estimated at \$98,494. There is currently \$45,515 available for this project; however, an additional \$52,979 is needed to fully fund the required repairs. Construction bids for the Juno Pier Renovation project were lower than anticipated and this project has been completed. The residual funding of \$52,979 from the Juno Pier Renovation project is now available for reallocation. Funding is from the 1999 \$25 Million General Obligation Recreation & Cultural Bond fund. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

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

City Sound and Recording LLC; 4th of July Celebration event, Sunset Cove Amphitheater, July 4, 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)

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

The Palm Beach Shakespeare Festival, Inc., Palm Beach Shakespeare Festival, Seabreeze Amphitheater, for the period July 1, 2013, through July 23, 2013.

SUMMARY: The Palm Beach Shakespeare Festival event is co-sponsored by the Department. The Department shares in the revenue of the donations received on the nights of the performances. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Amphitheater Rental Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0335, amended by Resolutions 2009-1807 and 2012-1715, and is now being submitted to the Board to receive and file. This event helps to offer a balanced schedule of events which promote the quality of life in the communities we serve. An estimated 3,200 persons attended the event produced under this Amphitheater Rental Agreement. District 1 (AH)

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

A) use of County properties in support of the Motivation Man Mini Triathlon to be held on October 19, 2013; and

B) Special Event Rental Agreement with Game On Sports Mktg Group LLC to conduct the Motivation Man Mini Triathlon.

SUMMARY: Game On Sports Mktg Group LLC would like to conduct a for-profit event, Motivation Man Mini Triathlon, using Carlin Park and portions of Ocean Cay Park. This event requires a Special Event Rental Agreement. In accordance with Chapter 21, Article II of Palm Beach County Code, all requests for use of reserved park/facility areas for for-profit activities require Board approval. Game On Sports Mktg Group LLC must meet all requirements and pay all fees associated with event coordination at Carlin Park and Ocean Cay Park. The Palm Beach County Sports Commission has endorsed the event via a sponsorship and anticipates an economic impact of \$105,000. The Parks and Recreation Department should receive an estimated \$1,869.10 in revenue for use of the County parks and staff coordination of this event. District 1 (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to:

A) submit an Application to the Florida Department of State, Division of Library and Information Services, for State Aid to Libraries in an estimated amount of \$1,182,525 for FY 2014;

B) approve the associated Agreement for State Aid to Libraries; and

C) authorize the County Administrator or his designee to execute any other necessary forms and certifications.

SUMMARY: The State provides an annual operating grant to eligible libraries based upon their annual operating expenditures from local funds. Estimated State Aid revenue has been included in the County Library's FY 2014 proposed budget. There is no match requirement for this grant. Countywide (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve: appointment of Mr. Chris Allen to the Criminal Justice Commission to complete term ending December 31, 2013 and for the period January 1, 2014, through December 31, 2016:

<u>Appoint Nominee</u>	<u>Seat No.</u>	<u>Term to Expire</u>	<u>Nominated By:</u>
Mr. Chris Allen	29	12/31/16	Economic Council

SUMMARY: The Criminal Justice Commission (CJC) is comprised of 33 members including elected officials and representatives from private and public sectors. The twelve private sector members are nominated for three-year terms by the Economic Council of Palm Beach County, Inc. and appointed by the Board of County Commissioners. The Council has nominated Mr. Chris Allen for appointment effective September 10, 2013, to complete former CJC member Susan Yoffe's term which expires on December 31, 2013 and new term commencing January 1, 2014. Countywide (PGE)

T. HEALTH DEPARTMENT

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting the FY 2013/2014 budget for the Air Pollution Control Program. **SUMMARY:** This Resolution is required by the August 21, 1984, Agreement between the Board of County Commissioners and the Department of Health Palm Beach County to establish the annual budget for the expenditure of fees deposited into the Air Pollution Control Trust Fund. This program is solely supported by motor vehicle license registration fees. The proposed FY 2013/2014 budget for the Air Pollution Control Program from this funding source is \$900,000 which is the same as the current year. This budget can be accommodated by future revenues and a surplus in the Air Pollution Control Trust Fund. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to receive and file: Termination of Contract Letter regarding Agreement R2012-1307 with Florida State University (FSU) for \$17,400 for connecting to Palm Beach County (County) Regional Network. **SUMMARY:** Within Agreement R2012-1307, FSU was going to connect to the Palm Beach County Network in order to access their facility in West Palm Beach via the Florida LambdaRail. This broadband connection was to support the College of Motion Picture Arts and its association with Digital Domain. Due to Digital Domain's bankruptcy filing prior to our estimated billing start date of October 1, 2012, this FSU campus site was never completed. Prior to Digital Domain filing for bankruptcy, installation of fiber optic cabling proceeded between April and June 2012; for which FSU reimbursed the County \$7,582.80 for the value of all work performed. District 7 (PK)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: two Interlocal Agreements with the City of Palm Beach Gardens and the City of Riviera Beach for reimbursement from Emergency Medical Services (EMS) grant funding for medical equipment. **SUMMARY:** The County was awarded \$288,470 from the State of Florida Department of Health, Bureau of Emergency Medical Services (EMS), to improve and expand the EMS system. The grant funding may be used by the County or municipal agencies to purchase EMS equipment and accordingly, the County has agreed to reimburse the City of Palm Beach Gardens for the purchase of four cardiac compression devices in the amount of \$52,000. The County has also agreed to reimburse the City of Riviera Beach for the purchase of five cardiac compression devices in the amount of \$62,000. The remaining EMS grant funding will be used to purchase EMS equipment for the benefit of the citizens of the County and surrounding municipal agencies. The County Administrator or his designee is authorized to execute these standard agreements between the County and various governmental and non-governmental/private entities and make non-substantive and ministerial changes on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. There is no ad valorem funding required. Countywide (PGE)

AA. PALM TRAN

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving a Joint Participation Agreement (JPA) in the amount of \$558,656 (\$279,328 – State funds requiring a match of \$279,328 - local funds over two years) with the State of Florida Department of Transportation (FDOT), to provide funding for the operating costs and implementation of increased service on Route 73 expanding the service from Military Trail west to 441; establishing an effective date. **SUMMARY:** On August 13, 2013, the Board of County Commissioners approved several service improvements to Palm Tran's fixed routes. One of these improvements included Route 73 which provides service to residents along Boynton Beach Boulevard, from U.S. 1 to Military Trail. The improvements include increasing service west to 441, including service to Bethesda Hospital West and the Caridad Center, and to provide an earlier and later trip from Monday to Friday. These improvements are eligible to receive \$279,328 from the Florida Department of Transportation. FDOT will provide 50% of the operating costs for two years, with the expectation of a third year contingent upon project performance and availability of funds. This JPA provides funds for years one and two of the Agreement and will become effective upon execution by FDOT. A supplemental JPA will be issued by FDOT for year three of the Agreement at the beginning of FY 2016. The JPA requires a 50% match of \$279,328 with local funds. Palm Beach County provides the local funding from ad valorem funds. **These funds are included in the proposed FY 2014 budget.** District 5 (DR)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF

1. Staff recommends motion to:

A) accept, on behalf of the Palm Beach County Sheriff's Office, a Grant Modification with the City of Miami, as the fiscal agent for the Miami Urban Area Security Initiative (UASI), to provide an additional \$40,000 in reimbursable funding, for the Regional Exercise Project; and

B) approve a Budget Amendment of \$40,000 in the Sheriff's Grant Fund.

SUMMARY: On March 12, 2013, the Board of County Commissioners accepted our agreement with the City of Miami, as the fiscal agent for the Miami Urban Area Security Initiative grant, to provide \$428,951 in reimbursable funding for various direct law enforcement domestic security activities (R2013-0317). This Grant Modification will provide additional funding to offset the costs associated the Regional Exercise Project. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

2. Staff recommends motion to receive and file: Grant Adjustment Notice amending the Florida Department of Law Enforcement Florida Consortium "2012 Paul Coverdell National Forensic Sciences Improvement Grant" to extend the grant period from September 30, 2013, through April 30, 2014. **SUMMARY:** On June 4, 2013, the Board of County Commissioners accepted this award to provide \$28,048 in reimbursable funding; the original grant period was October 1, 2012, through September 30, 2013 (R2013-0698). This agenda item will extend the grant period from September 30, 2013, through April 30, 2014. The objective of this grant is to continue to pay for travel, training, supplies and to pay overtime and benefits for Latent Print Examiners, Firearm Examiners, and Evidence Technician Staff. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required until grant funding expires in FY 2014. Countywide (PGE)

3. Staff recommends motion to:

A) accept, on behalf of the Palm Beach County Sheriff's Office, a Grant Modification with the Florida Division of Emergency Management, to provide an additional \$110,000 in reimbursable funding for a total amount of \$210,000, for FY 2010 Homeland Security Grant Program award, for Operation Stonegarden; and

B) approve a Budget Amendment of \$110,000 in the Sheriff's Grant Fund.

SUMMARY: The Board of County Commissioners accepted this grant for \$100,000, on December 7, 2010 (R2010-2040). This Grant Modification will provide additional funding to offset the costs associated with enhancing the United States Border Patrol's mission to secure the Nation's coastline through an all-threats layered integrated approach in collaboration with local and state law enforcement agencies, and Border Patrol. Reimbursable costs for this award include, but are not limited to, overtime to reinforce our presence within local communities along the coast; and intercepting those who have illegally crossed our borders through highway interdiction and crime suppression operations. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve: the First Amendment to the Agreement (R2012-1318) with the Cultural Council of Palm Beach County, Inc. (the Cultural Council) for the provision of services under Palm Beach County's Tourist Development Plan during the period of October 1, 2013, through September 30, 2014 in an amount not to exceed \$1,310,612 in contractual services and \$4,153,620 in indirect costs, grants and reserves for a total of \$5,464,232. This will be the second year of a five year agreement. **SUMMARY:** The First Amendment to the Agreement updates for the Fiscal Year 2014 are Exhibit "A" – Annual Budget; Exhibit "E" – Performance Measures; Exhibit "G" – Salary Ranges; and Exhibit H – Organizational Chart. The Cultural Council will continue to administer Category B grants totaling \$2,925,000, and Category C II grants totaling \$385,000 for the County. In addition, indirect cost and reserves of \$843,620 are included for a budget totaling \$5,464,232. These contract changes have been reviewed and approved by the TDC Finance Committee and TDC Board. (TDC) Countywide (DW)

2. Staff recommends motion to approve: the First Amendment to the Agreement (R2012-1319) with the Palm Beach County Film and Television Commission (PBCFTC) for the provision of services under the Palm Beach County's Tourist Development Plan during the period of October 1, 2013, through September 30, 2014 in an amount not to exceed \$675,553 in contractual services and \$399,046 in indirect costs and reserves for a total of \$1,074,599. This will be the second year of a five year agreement. **SUMMARY:** The First Amendment to the Agreement updates for Fiscal Year 2014 are Exhibit "A" - Annual Budget; Exhibit "F" - Performance Measures; Exhibit "I" - Salary Ranges; and Exhibit "J" -Organizational Chart. In addition, indirect cost and reserves totaling \$399,046 are included for a total budget of \$1,074,599. These contract changes have been reviewed and approved by the TDC Finance Committee and TDC Board. (TDC) Countywide (DW)

3. Staff recommends motion to approve: the First Amendment to the Agreement (R2012-1320) with Discover Palm Beach County, Inc. d.b.a. Palm Beach County Convention & Visitors Bureau for the provision of services under the Palm Beach County's Tourist Development Plan during the period of October 1, 2013, through September 30, 2014 in the amount of \$9,593,741 in contractual services and \$1,432,416 in indirect costs and reserves for a total of \$11,026,157. This will be the second year of a five year agreement. **SUMMARY:** The First Amendment to the Agreement updates for the Fiscal Year 2014 are Exhibit "A" – Annual Budget; Exhibit "H" – Performance Measures. In addition, indirect cost and reserves totaling \$1,432,416 are included for a total budget of \$11,026,157. These contract changes have been reviewed and approved by the TDC Finance Committee and the TDC Board. (TDC) Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL (Cont'd)

4. Staff recommends motion to approve: the First Amendment to the Agreement (R2012-1321) with Palm Beach County Sports Commission, Inc., (the PBCSC) for the provision of services under Palm Beach County's Tourist Development Plan during the period of October 1, 2013, through September 30, 2014 in an amount not to exceed \$778,275 in contractual services and \$1,043,664 in indirect costs, grants and reserves for a total of \$1,821,939. This will be the second year of a five year agreement. **SUMMARY:** The First Amendment to the Agreement updates for Fiscal Year 2014 are Exhibit "A" - Annual Budget; Exhibit "E" – Performance Measures; Exhibit "G" - Salary Structure; and Exhibit "H" - Organizational Chart. PBCSC will continue to administer Category "G" grants totaling \$410,000 for the County. In addition, indirect cost and reserves of \$633,664 are included for a total budget of \$1,821,939. These contract changes have been reviewed and approved by the TDC Finance Committee and the TDC Board. (TDC) Countywide (DW)

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

CONTINUED FROM JULY 16, 2013

A. Staff recommends motion to:

1) **adopt** a Resolution confirming the special assessment process for Swain Boulevard Gravity Sewer Extension Project; and

2) **approve** Work Authorization No. 1 to Centerline Utilities, Inc. under the Water Utilities Department (WUD) Continuing Construction Contract (R2013-0551) in the amount of \$99,998.74.

SUMMARY: Petitions in favor of the installation of a wastewater main have been provided by 57% of the property owners in the Swain Boulevard project area. The project will serve seven residential properties currently on septic tanks. Individual assessments of \$45,206.15 per acre are based on 100% of the total project cost. Assessments for the seven properties range from a low of \$6,328.86 to a high of \$30,740.18. The assessment may be paid over 20 years with equal annual payments of principal and 5½% interest. The total assessable cost is \$107,590.63 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. The project will be constructed utilizing a Work Authorization under the WUD Continuing Construction Contract with Centerline Utilities, Inc. (R2013-0551). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Centerline Utilities, Inc. provides for SBE participation of 16.56%. This Authorization includes 10.06% overall participation. The cumulative SBE participation is 10.06% overall. If the actual cost exceeds the total assessable cost, the differential will be covered by WUD's budget. Centerline Utilities, Inc. is not a local company. This item is being continued from the July 16, 2013 Public Hearing. Staff evaluated three optional designs and presented them to the property owners at a meeting on August 12, 2013. Consensus of the four property owners that attended the August 12, 2013 meeting were in favor of the original design. (WUD Project No. 12-072) District 2 (MJ)

B. Staff recommends motion to adopt: a Resolution confirming the special assessment process for the Fargo Avenue, El Paso Drive to Arrowhead Drive paving and drainage improvement (Project). **SUMMARY:** Adoption of this Resolution will allow Palm Beach County to assess the fixed amount of \$7,000 to each property owner. The Board of County Commissioners (Board) assigned a fixed assessment for this project at the October 16, 2012 meeting. Assessments will be payable in 10 equal annual installments at an interest rate of 5% per annum. The Project includes new roadway pavement, driveway reconstruction, and a storm water management system. District 6 (MRE)

C. ~~**DELETED: Staff recommends motion to adopt:** a Resolution confirming the special assessment process for the El Paso Drive, Pinto Drive and Pancho Way, east of Blanchette Trail paving and drainage improvement (Project).~~ **SUMMARY:** Adoption of this Resolution will allow Palm Beach County to assess the fixed amount of \$10,000 to each property owner. The Board of County Commissioners assigned a fixed assessment for this Project at the October 16, 2012 meeting. Assessments will be payable in 20 equal annual installments at an interest rate of 5% per annum. The Project includes new roadway pavement, driveway reconstruction, and a storm water management system. District 6 (MRE)

4. PUBLIC HEARINGS CONTINUED

- D. [Staff recommends motion to adopt:](#) a Resolution to abandon any public interest in that certain portion of the 66 foot right-of-way recorded in Official Record Book 192, Page 206, of the Public Records of Palm Beach County (County), Florida known as Old Military Trail (State Road No. 200); reserving an ingress and egress easement over a portion of the area to be abandoned; and executing three utility easements over the entire area to be abandoned. **SUMMARY:** Adoption of this Resolution will allow the County to vacate its interest in that certain portion of Old Military Trail. The petition site is located north of White Feather Trail and south of that portion of 80th Lane South also known as Miner Road that lies east of Military Trail. District 3 (MRE)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. **Staff recommends motion to approve:** Amendment 20 to the Contract (R91-1876D) with Robert Weisman, County Administrator, setting a salary of \$259,140.41 effective October 5, 2013, and amending the severance provision in accordance with Florida law. **SUMMARY:** This contract provides for the County Administrator's services through August 31, 2015 completion of DROP. This year marks completion of 33 years as a County employee and 22 years as Administrator. The proposed salary increase is at the same percentage as other employees. Countywide (DO)

2. **Staff recommends motion to conceptually approve:** an Economic Development Incentive in the amount of \$200,000 in the form of a Job Growth Incentive Grant for Project Hoops. **SUMMARY:** Project Hoops is a publicly traded company with its corporate headquarters located in South Florida. The company is expanding and needs to hire additional employees. Project Hoops is currently leasing space in more than one location and wishes to purchase and renovate an existing building that would allow the company to consolidate its operations and accommodate both current and future space requirements. It is searching for a 160,000-200,000 square foot building in Boca Raton. The company is also considering Fort Lauderdale for the consolidation and expansion of its headquarters. The company plans to create 86 new permanent full-time jobs with an average annualized wage of \$58,200, excluding benefits, within three years and retain 352 existing jobs for five years. The new jobs will also be maintained for five years. Project Hoops' investment in its expansion is estimated to be \$37.2 Million. The five year local Economic Development Return on investment is anticipated to be \$745 Million. The company is seeking incentives from the City of Boca Raton and Palm Beach County in the total amount of \$400,000. The City of Boca Raton has agreed to provide \$200,000. The Job Growth Incentive (JGI) will be secured by a Letter of Credit, Bond or equivalent. 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. At such time, the company name will be disclosed. **Funding from the JGI Grant will come from General Fund Contingency Reserves.** District 4 (DW)

5. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

3. Staff requests Board direction: regarding a salary policy for County Commission Administrative Assistant and Commission Secretary positions. **SUMMARY:** On March 12, 2013, the Board approved a change in pay policy for County Commission Administrative Assistants to become effective on October 1, 2013 and directed staff to bring back a progression plan for Commission Administrative Assistants and Secretaries. The new policy amended the requirements to be promoted to Senior County Commission Administrative by changing the eligibility for Senior Administrative Assistant to two years of service with the Commissioner or two years of governmental experience. Prior to the March amendment, the requirements for the Senior level position were a minimum of four years on a Commissioner's staff and a total of eight years as an employee of the Board of County Commissioners (BCC) or a minimum of one year on a Commissioner's staff with a total of fifteen years as an employee of the BCC. Under staff's proposal, pursuant to existing policy, all employees currently holding the position of County Commission Administrative Assistant would be eligible, upon approval by the Commissioner, to be promoted to pay grade E01, effective with the first pay period in October. On the effective date, Commission Secretaries would be eligible to be placed into whichever pay grade their tenure as a BCC staff member dictates. Following are the proposed pay scales, the entry level pay grades are those currently in effect:

County Commission Administrative Assistant Pay Grades	
County Commission Administrative Assistant I (New Hire)	32
County Commission Administrative Assistant II (2 years)	34
Senior County Commission Administrative Assistant (4 years)	E01

County Commission Secretary Pay Grades	
County Commission Secretary I (New Hire)	24
County Commission Secretary II (2 years)	26
Senior County Commission Secretary (4 years)	28

If a progression plan is approved, staff recommends eliminating Section 3 of the current resolution which allows for hiring above the minimum of the pay grade and for bonuses. The proposed plan requires all staff hired after October 1, 2013 to start at the base of the entry level pay grade, regardless of education or experience. Other potential options include altering the beginning pay grades, widening the gap between the steps, and making no change to the Resolution. Countywide (PFK)

4. ADD-ON: Executive Session scheduled for 1:30 p.m. in McEaddy Conference Room to discuss collective bargaining with the Amalgamated Transit Union (ATU) Local 1577. **(CLOSED SESSION)**

5. REGULAR AGENDA

B. ECONOMIC SUSTAINABILITY

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on October 22, 2013, at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing an exemption from certain ad valorem taxation for certain new and expanding business properties to encourage economic development in the County; providing for title; providing for enactment authority; providing for intent and declaration; providing for definition of terms; providing for an approval process application for exemption; providing for application consideration; providing for application fees; providing for revocation of exemption/recovery of funds; providing for appeals; providing for applicability; providing for inclusion in the code of laws and ordinances; providing for severability; providing for repeal of laws in conflict; and providing for an effective date. **SUMMARY:** In a referendum held on November 6, 2012, the voters of Palm Beach County authorized the Board of County Commissioners (BCC) to grant economic development ad valorem tax exemptions. The Ordinance establishing the Economic Development Ad Valorem Tax Exemption Program will remain in effect for a ten year period (from August 31, 2014 until August 31, 2024) based on Section 196.1995, Florida Statutes. All ad valorem tax exemptions are contingent upon the eligibility of the new business or expanding existing business subject to F.S. 196.012, which determination is made by the Palm Beach County Property Appraiser upon completion of the property improvements. A business granted an exemption must have a positive economic impact on the County's economy, including the creation and maintenance of new full-time jobs. To date, 20 companies have been approved under the Program since its inception in 1994 and over \$2.3 Million in business property taxes have been forgiven to date. (DES Administration) Countywide (DW)

5. REGULAR AGENDA

B. ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to approve:

A) the Fiscal Year 2013-2014 State Housing Initiative Partnership (SHIP) Program budget allocations as follows:

- \$342,517 to fund the HOME Match;
- \$439,718 to fund the Housing Rehabilitation;
- \$413,915 to fund the Utility Connection;
- \$211,085 to fund the Project Delivery Budget; and
- \$43,522 to fund the Administrative Budget;

B) a Budget Amendment of \$1,450,757 to the “Affordable Housing Trust Fund (SHIP)” 2012-2013 Budget to recognize the 2013-2014 SHIP grant award; and

C) a Budget Transfer of \$108,522 in the Economic Development fund to increase the salary charge off amount for the period July 1, 2013 to September 30, 2013.

SUMMARY: Palm Beach County received an allocation of \$1,450,757 from the Florida Housing Finance Corporation (FHFC) for SHIP Fiscal Year 2013-2014 which began on July 1, 2013. These funds are to be used to implement various affordable housing programs and other related activities. The allocation for the HOME Match is provided to fulfill the match requirement for the Federally-funded HOME Investment Partnerships (HOME) Program which requires a match of at least 25% from non-Federal sources for affordable housing. This Program will provide purchase assistance through a second mortgage subsidy for first time homebuyers. Housing Rehabilitation provides rehabilitative assistance to correct code violations or incipient items that will become code violations. Utility Connection provides assistance to income eligible homeowners for payment of sewer and water connection system fees. The allocation for the Administrative Budget, which represents three percent (3%) of the total allocation, is provided to monitor these housing programs and to meet annual reporting guidelines. As of Fiscal Year 2013-2014, the SHIP Program reduced the allowable allocation for the Administrative Budget from the previously allowed ten percent (10%) to three percent (3%) which has severely impacted the County’s ability to administer the various housing strategies funded from this grant. To offset this reduction, we are permitted to utilize 15% of the allocation (\$211,085) for project delivery costs. The recommended Budget Transfer is necessary to cover salary costs for the specified period since the SHIP Fiscal Year 2013-2014, which started on July 1, 2013, does not coincide with the County’s Fiscal Year. SHIP regulations require that at least 65% of a local jurisdiction’s SHIP funding be allocated to home ownership activities and that 20% of the funding allocation be expended on special needs applicants. **These are State SHIP funds which require no local match.** (B&HI) Countywide (TKF)

5. REGULAR AGENDA

B. ECONOMIC SUSTAINABILITY (Cont'd)

3. Staff recommends motion to:

A) approve a HOME Investment Partnerships (HOME) Program funding award in the amount of \$897,082 to the Riviera Beach Community Development Corporation;

B) direct staff to negotiate the loan agreement; and

C) authorize the County Administrator or his designee to execute the loan agreement.

SUMMARY: On July 21, 2013, the Department of Economic Sustainability (DES) issued a Request for Proposal DES.2013.2 (RFP) which allocated a total of \$897,082 in HOME Program funds for Community Housing Development Organizations (CHDOs). Only CHDOs who were certified by DES according to Federal HOME Program requirements were permitted to submit proposals. A total of five proposals were received, of which four were deemed responsive and forwarded to the selection committee. The selection committee, which consisted of three voting members, met at a public meeting held on August 29, 2013. The committee ranked the proposals based on the criteria established in the RFP. The selection committee recommended that funding be awarded to the Riviera Beach Community Development Corporation in the amount of \$897,082 for the Parkview Manor South Project. This project is proposed as an infill rehabilitation and new construction initiative to create attractive, decent, safe and affordable housing options in the City of Riviera Beach. Due to strict Federal deadlines, staff is requesting authorization of the County Administrator, or his designee, to execute the agreement. **These are Federal HOME Program grant funds which require a 25% local match provided with State SHIP funds.** (DES Contract Development) District 7 (TKF)

5. REGULAR AGENDA

B. ECONOMIC SUSTAINABILITY (Cont'd)

4. Staff recommends motion to:

A) approve a HOME Investment Partnerships (HOME) Program funding award in the amount of \$600,000 to La Joya Villages, Ltd.;

B) approve a HOME Program funding award in the amount of \$900,000 to Ivy Green Veterans Housing, LLC;

C) approve a HOME Program funding award in the amount of \$500,000 to Noah Development Corp.;

D) direct staff to negotiate the loan agreements; and

E) authorize the County Administrator or his designee to execute the loan agreements.

SUMMARY: On July 21, 2013, the Department of Economic Sustainability (DES) issued a Request for Proposal DES.2013.1 (RFP) for a total of \$2,000,000 in HOME Program funds for rental development projects. A total of four proposals were received, all of which were deemed responsive and forwarded to the selection committee. The selection committee, which consisted of five voting members, met at a public meeting held on August 29, 2013. The committee ranked the proposals based on the criteria established in the RFP. The selection committee recommended that the following three entities be awarded funding as follows:

1. La Joya Villages, Ltd. in the amount of \$600,000 for the construction of 55 affordable rental housing units in the City of Lake Worth. The Developers are Realtex Development Southeast and the Community Land Trust of Palm Beach County. This project will provide a preference to veteran tenants.

2. Ivy Green Veterans Housing, LLC in the amount of \$900,000 for the construction of 75 affordable rental housing units for veterans in the City of Riviera Beach. The Developers are Related Urban and the Mosnar Group.

3. Noah Development Corp. in the amount of \$500,000 for the rehabilitation of existing affordable housing units in the Covenant Villas apartment complex in the City of Belle Glade.

Due to strict Federal deadlines staff is requesting the authorization of the County Administrator, or his designee, to execute loan agreements. **These are Federal HOME Program grant funds which require a 25% local match provided with State SHIP funds.** Districts 6 & 7 (TKF)

5. REGULAR AGENDA

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: the following Municipal Service Taxing Unit (MSTU) program procedures:

A) Continue the current practice of having one initiating contact person for the proposed MSTU project to distribute petitions;

B) Continue to count an unreturned petition as a “no” vote;

C) Continue current practice to require at least 51% positive response on initial petitions to begin an MSTU project; and

D) Continue the current practice of allowing property owners either 10 or 20 years, depending on economic factors of the area and project costs, to pay the costs associated with the improvements.

SUMMARY: The Board of County Commissioners (Board) directed staff at the May 7, 2013 meeting to return to discuss the policies and procedures to be used for the MSTU program for distribution method, unreturned petition vote, and required percentage of positive response before starting a project. At the July 16, 2013 meeting, the Board also requested that the County Attorney’s Office investigate the possibility of extending the payment payback timeframe. Countywide (MRE)

D. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

A) **adopt** a Resolution authorizing a one year term extension, with three one-year extension options and finding that the Third Amendment to the Lease Agreement with Robert Weatherbee d/b/a The Sub Division (Sub Division) is in the best interest of the County; and

B) **approve** a Third Amendment to the Lease Agreement (R2006-0077) with Sub Division to continue to provide food services at the County’s Vista Center 2300 Building in West Palm Beach at an annual rate of \$9,110.30.

SUMMARY: Since January 1, 2007, Sub Division has been leasing 349 square feet of space in the lunchroom for the provision of food services at the County’s Vista Center 2300 Building located at 2300 North Jog Road. Sub Division has been providing an acceptable level of service and quality of food at reasonable prices. Staff believes that it is unlikely there would be sufficient interest in responding to an RFP for food service operations at this location to justify the Staff effort involved in issuing an RFP. Staff therefore recommends the Board find that an extension of the Lease without a competitive process is in the best interest of the County. This Third Amendment will extend the lease for one year, from January 1, 2014, through December 31, 2014, with three one-year extension options, each requiring County consent, and adds a provision regarding third party beneficiaries. On January 1, 2014, the annual rent will increase 4% from \$8,759.90 (\$729.99/mo) to \$9,110.30 (\$759.19/mo). All other terms and conditions of the Lease Agreement will remain unchanged. (PREM) District 2 (HJF)

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in three surplus properties with a total acreage of 0.93 to the Town of Loxahatchee Groves (Town) without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes, Section 197.592(3); and

B) approve three County Deeds in favor of the Town of Loxahatchee Groves.

SUMMARY: The Town has requested the conveyance of three County-owned vacant surplus properties located at 147th Avenue North, 24th Court North and Raymond Drive, within the Town's municipal boundaries. The properties total 0.93 acres and were acquired by Tax Deeds in 1997 and 1998, with a total assessed value of \$279. The properties are being conveyed pursuant to Florida Statutes, Section 197.592(3), which authorizes the conveyance of surplus property acquired by Tax Deed to the municipality in which it is located. The Town has agreed to accept the properties in 'As-Is' condition and subject to any delinquent taxes or assessments. As these properties have been declared surplus and serve no present or future County purpose, Staff recommends conveyance of the three parcels to the Town at no charge without any restrictions. Under the PREM Ordinance, an appraisal is not required since the assessed value of the properties being conveyed is less than \$25,000. This conveyance will relieve the County of potential liability for occurrences on these properties and the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes, Section 270.11, without rights of entry and exploration. **This conveyance must be approved by a supermajority vote (5 Commissioners).** (PREM) District 6 (HJF)

5. REGULAR AGENDA

E. PUBLIC SAFETY

1. Staff recommends motion to:

A) approve a First Amendment to the original contract (R2012-1577) with Child Protection Team (CPT) of Palm Beach, Inc. to increase the total contract budget in an amount not to exceed \$205,000 as required by Florida Statute-Chapter 39.304 which requires the county to pay the costs of medical evaluations for children; and

B) authorize the County Administrator or his designee to execute contracts, amendments, and modifications with Child Protection Team of Palm Beach, Inc. on behalf of the Board of County Commissioners; and

C) approve a Budget Transfer of \$45,000 from General Fund Contingency Reserves to Child Protective Services program to increase the total cost of services as a result of the increased number of exams.

SUMMARY: On October 16, 2012, the County entered into a contract with Child Protection Team of Palm Beach, Inc. to provide medical evaluations for children 0-17 referred to CPT by law enforcement, DCF and/or the courts who are alleged victims of abuse, neglect and/or abandonment, excluding sexual abuse. At that time, the Palm Beach County Board of County Commissioners approved an exam rate of \$250 per child. From October, 2012 through March, 2013, a total of 410 medical examinations were performed by CPT in Palm Beach County. Based on the number of children who received services during the first six months of the contract, the original contract limit of \$160,000 will not provide for sufficient funds for CPT to provide exams for children at an exam rate of \$250 for the remainder of the current fiscal year. The First Amendment to the contract is to increase the total cost of services by \$45,000 as a result of the increased number of exams, paid at the contract rate of \$250 per child, not to exceed a total contract amount of \$205,000. The increased contract amount will provide up to 820 children services. The original contract completion date of September 30, 2013 remains unchanged by the Amendment. Florida Statute-Chapter 39.304(5) provides that the county in which the child is a resident shall bear the initial costs of medical evaluations of the allegedly abused, abandoned, or neglected child. Countywide (PGE)

5. REGULAR AGENDA

F. RISK MANAGEMENT

1. Staff requests Board direction: regarding the creation of a “tax equity” policy to reimburse employees who cover their eligible domestic partners under the County’s self-insured health plans and are thereby subject to federal income tax for the value of the plan under the provisions of the Internal Revenue Service (IRS). **SUMMARY:** Since January 1, 2006, the Board has provided health insurance coverage to the eligible and registered domestic partners of its employees. Currently, there are forty-eight employees with enrolled domestic partners, thirty-nine of which are opposite sex partnerships and nine of which are same sex partnerships. Under current IRS guidelines, employers that pay for health insurance for domestic partners or other beneficiaries that are not legal dependents as defined by the IRS must credit the value of the health insurance plan to the employee as imputed income (additional, taxable earnings). Tax rates vary by individual and the Board cannot absolve employees from individual tax responsibilities. Therefore, should the Board proceed with implementation of this policy, it would have to increase the employee’s pay in an amount equal to the tax liability incurred by the employee for the domestic partner’s medical coverage. The Board’s cost of providing this additional benefit would be \$135,783 annually for the forty-eight employees with domestic partners currently enrolled on the health plan. This amount would be expected to increase as additional partners are enrolled and the cost of health insurance increases over time. Countywide (TKF)

G. WATER UTILITIES

1. Staff recommends motion to approve: First Amendment to Potable Water and Wastewater Development Agreement with Fairways, LLC. **SUMMARY:** On December 6, 2011, the Board of County Commissioners (BCC) approved a Potable Water and Wastewater Development Agreement (R2011-1973) with Fairways, LLC (Fairways) for the Reflection Bay Project located on the southwest corner of Century Village Boulevard and Haverhill Road. This Amendment extends the expiration date of the Agreement from December 31, 2016 to March 5, 2018; allows the remaining Mandatory Agreement Payment (MAP) to be paid in four equal installments through June 5, 2014; and provides for a pro-rated refund of the MAP if Fairways is prohibited from developing the property by a court of competent jurisdiction finding that the BCC’s quasi-judicial process was conducted improperly, its decision was not supported by the record or by the BCC’s revocation of its zoning approvals. Staff is recommending these changes due to postponements by the BCC to consider the Development Order Abandonment Application, Official Zoning Map Amendment, and the Requested Use Application. Fairways has made an initial MAP payment of \$22,156.74. Chapter 3.1.6 of the Water Utilities Uniform Policy and Procedures allows for a refund within 12 months of execution of the Developer Agreement. District 2 (MJ)

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6. BOARD APPOINTMENTS

A. INTERNAL AUDITOR
(Internal Audit Committee)

1. Staff recommends motion to:

A) reappoint one individual to the Palm Beach County Internal Audit Committee as indicated below:

<u>Nominee</u>	<u>Seat</u>	<u>Designation</u>	<u>Term</u>	<u>Nominated by</u>
David Rosenstein	2	CPA/General Business	9/10/13 to 9/9/16	Mayor Abrams Vice-Mayor Taylor Comm. Valeche Comm. Burdick

B) select and appoint one member from the list of three qualified candidates to serve on Internal Audit Committee to replace Dorritt Miller in Seat 1 whose term expired in August 2013:

<u>Nominee</u>	<u>Designation</u>	<u>Term</u>	<u>Nominated by</u>
L. Marc Cohn	General Business	9/10/13 to 9/9/16	Comm. Valeche

OR

George Loewenstein	CPA/General Business	9/10/13 to 9/9/16	Comm. Burdick
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OR

Sandra Turnquest	Government/General Business	9/10/13 to 9/9/16	Vice-Mayor Taylor Comm. Vana Comm. Berger
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SUMMARY: The Palm Beach County Internal Audit Committee consists of five members appointed at large by the Board of County Commissioners. Prospective members must have experience in business or finance, government accounting, auditing, operations or financial management, or other relevant experience. Memos were sent to all Board members seeking nominations for Seat 1 on July 1 and August 13, 2013. Countywide (PFK)

B. COMMISSION DISTRICT APPOINTMENTS

SEPTEMBER 10, 2013

7. MATTERS BY THE PUBLIC – 2:00 P.M.

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SEPTEMBER 10, 2013

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

9. COMMISSIONER COMMENTS

A. District 1 – COMMISSIONER HAL R. VALECHE

B. District 2 – COMMISSIONER PAULETTE BURDICK

ADD-ON: Request approval to present off-site, a Proclamation declaring September 11, 2013 as “Planting Seeds for Success – Wynnbrook Junior Garden Day” in Palm Beach County.

C. District 3 - COMMISSIONER SHELLEY VANA

Request approval to present off-site, a Proclamation declaring October 20-26, 2013 as “National Safe Teen Driver Awareness Week” in Palm Beach County.

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

10. 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."