

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**OCTOBER 1, 2013**

<b><u>PAGE</u></b>	<b><u>ITEM</u></b>	
7	2C-2	<b><u>REVISED TITLE:</u></b> Proclamation declaring the weekends of October 11 – 13 and October <del>19</del> <u>18</u> – 20, 2013 as “Oktoberfest 2013” in Palm Beach County. (Sponsored by Commissioner Burdick)
7	2C-4	<b><u>ADD-ON:</u></b> Proclamation declaring October 6 – 12, 2013 as “National 4-H Week” in Palm Beach County. (Sponsored by Commissioner Vana)
7	2C-5	<b><u>ADD-ON:</u></b> Proclamation declaring November 2013 as “Alzheimer’s Disease Awareness Month” in Palm Beach County. (Sponsored by Mayor Abrams)
7	2C-6	<b><u>ADD-ON:</u></b> Certificate of Appreciation to Sister Marta Lucia Tobon. (Sponsored by Commissioner Valeche)
7	2C-7	<b><u>ADD-ON:</u></b> Proclamation declaring October 2013 as “Guardianship Fraud Awareness Month” in Palm Beach County. (Sponsored by Commissioner Berger)
8	3A-2	<b><u>REVISED SUMMARY:</u></b> The SBA Advisory Committee is established pursuant to Section 2.80.32, of the Palm Beach County Code as amended on March 12, 2013. The committee consists of fifteen members, including one black business owner certified as a small business by the County; one Hispanic business owner certified as a small business by the County; one woman business owner certified as a small business by the County; one white male business owner certified as a small business by the County; one business owner domiciled in Palm Beach County; one representative of a business incubator program; one representative of the Hispanic business organization; one representative of the National Association of Women in Construction; one representative of a Women’s Business Organization; one certified minority contractor; one representative of the Associated General Contractors of America; one representative of the Small Business Development Center; one representative of a financial institution that assists small businesses; one representative of the Black Chamber of Commerce; and one representative of a professional services organization. The SBA Advisory Committee supports the nominations and a memo was sent to the Board of County Commissioners on September 10, 2013 requesting approval of the recommendations for Seats 2, 10 and 11. No other nominations were received. <u>Joseph Anderson has disclosed that he has an ownership position in JD Anderson Construction that contracts with the County for renovation of homes through the PBC Department of Economic Sustainability. The Small Business Advisory Committee provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract(s). Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sec. 2-443, of the Palm Beach County Code of Ethics. Countywide (TKF) (Admin/OSBA)</u>

- 22 3I-4 **REVISED TITLE & SUMMARY: Staff recommends motion to approve:** thirteen Agreements under the Fiscal Year 2013-2014 Community Development Block Grant (CDBG) Program totaling \$220,959 to 13 non-profit agencies, in the amounts indicated below, for the period of October 1, 2013 to September 30, 2014, as follows: A)...B)...C)...D)...E)...
- F)** Jesus and You Outreach Ministries, Inc., in the amount of \$9,281 for transitional residential shelter and supportive services to homeless men ~~abused and/or neglected children~~; G)...H)...I)...J)...K)...L)...M)...
- SUMMARY:** On July 16, 2013 (R2013-0950) (~~R2012-0950~~), the Board of County Commissioners approved the Palm Beach County Action Plan: October 2013, through September 2014, which allocated \$220,959 in CDBG funds to 13 non-profit agencies to provide public services, including fair housing activities. Kimberly Rommel-Enright and Vicki Tucci, employees of Legal Aid Society of Palm Beach County, Inc., serve on the HIV CARE Council, a County Advisory Board. Jimmy Weatherspoon, an employee of the Urban League of Palm Beach County, Inc., serves on a County Advisory Board, the Housing Finance Authority. Pam O'Brien, an employee of the Aid to Victims of Domestic Abuse, Inc., serves on the Homeless Advisory Board, a County Advisory Board. Frank Hayden, an employee of Sickle Cell Foundation of Palm Beach County, Inc. serves on the Health Council of SE Florida. These boards provide no regulation, oversight, management, or policy-setting recommendations regarding the agency contracts listed above. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. **These are Federal CDBG funds which require no local match.** (DES Contract Development) Countywide (TKF) (DES)
- 35 3S-2\* **DELETED: Staff recommends motion to approve:** an Interlocal Agreement for Fire Protection and Emergency Medical Services with the Town of Jupiter.
- 48 9D **REVISED TITLE:** Request approval to present off-site, a ~~Certificate in Memoriam U.S. Representative E. Clay Shaw~~ Proclamation declaring September 21, 2013 as "E. Clay Shaw Day" in Palm Beach County.

**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**

**OCTOBER 1, 2013**

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

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
  
- 2. AGENDA APPROVAL/SPECIAL PRESENTATIONS**
  - A. Additions, Deletions, Substitutions
  - B. Adoption
  - C. Special Presentations (Page 7)
  
- 3. CONSENT AGENDA (Pages 8 - 37)**
  
- 4. PUBLIC HEARING – 9:30 A.M. (Page 38)**
  
- 5. REGULAR AGENDA (Pages 39 - 44)**
  
- 6. BOARD APPOINTMENTS (Page 45)**
  
- 7. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 46)**
  
- 8. STAFF COMMENTS (Page 47)**
  
- 9. COMMISSIONER COMMENTS (Page 48)**
  
- 10. ADJOURNMENT (Page 48)**

\*\*\*\*\*

TABLE OF CONTENTS

**SPECIAL PRESENTATIONS - 9:30 A.M.**

Page 7

- 2C-1 National Childhood Nutrition Day
- 2C-2 Oktoberfest 2013
- 2C-3 Fetal Infant Mortality Review Month

**CONSENT AGENDA**

**A. ADMINISTRATION**

Page 8

- 3A-1 First Amendment with Town of Glen Ridge relating to Inspector General funding
- 3A-2 Small Business Assistance Advisory Committee appointment/reappointments

Page 9

- 3A-3 Amendments to five consulting/professional services contracts for state lobbying services
- 3A-4 Golf Tournament Agreement with Trump International Golf Club, LC and Peggy Adams Animal Rescue League of the Palm Beaches for one day charitable golf tournament
- 3A-5 Golf Tournament Agreement with Trump International Golf Club, LC and Cystic Fibrosis Foundation for one day charitable golf tournament

Page 10

- 3A-6 Resolution amending budgetary policy and expenditure controls for operation of Commission District offices

**B. CLERK & COMPTROLLER**

Page 10

- 3B-1 Warrant list
- 3B-2 Minutes: None
- 3B-3 Contracts and claims settlements list
- 3B-4 Change orders, work task orders, minor contracts, final payments, etc.

**C. ENGINEERING & PUBLIC WORKS**

Page 10

- 3C-1 Deleted

Page 11

- 3C-2 Contract with Rosso Site Development, Inc. for the Canton Road paving and drainage improvements project
- 3C-3 FY 2013/2014 Pathway Program
- 3C-4 Change Order No. 6 with GLF Construction Corporation for the Ocean Avenue Bridge project

Page 12

- 3C-5 Receive and file time extension to funding agreements with FDOT for three County road projects
- 3C-6 County Incentive Grant Program Agreement with Florida Department of Transportation for the design of Congress Avenue extension from Northlake Boulevard to Alternate A-1-A
- 3C-7 Resolution to vacate a portion of a 12 foot wide utility easement (Parcel 2 of the plat of Hy-Crest Center)
- 3C-8 Deleted

Page 13

- 3C-9 Supplemental Agreement No. 11 with Metric Engineering, Inc. for design plans and construction bid documents relating to the Silver Beach Road project
- 3C-10 Budget Transfer/Amendment relating to the Limestone Creek Phase IIC project

**D. COUNTY ATTORNEY** - None

**E. COMMUNITY SERVICES**

Page 13

- 3E-1 Memorandum of Understanding with Workforce Alliance, Inc. for delivery of self sufficiency services to Palm Beach County Community Action Program participants

TABLE OF CONTENTS

**CONSENT AGENDA CONTINUED**

**E. COMMUNITY SERVICES**

- Page 14
- 3E-2 Florida Department of Health Child Care Food Program Principal Attestation Statement regarding Business Integrity and Publicly-Funded Programs form
  - 3E-3 State of Florida Voluntary Prekindergarten Education Program Statewide Provider Agreement with Early Learning Coalition of Palm Beach County to provide a 540 hour school year program
- Page 15
- 3E-4 Amendments to three Contracts for Provision of Services for various homeless services
  - 3E-5 Agreement for Provision of Financial Assistance with Treasure Coast Health Council to serve as oversight agency and fiscal sponsor for the internet-based community health data portal
- Page 16
- 3E-6 Amendment No. 1 with Family Central, Inc. for increased enrollment in the Early Head Start program

**F. AIRPORTS**

- Page 16
- 3F-1 Resolution relating to the Aviation and Airports Advisory Board
  - 3F-2 Resolution relating to the Citizens' Committee on Airport Noise
- Page 17
- 3F-3 Fifth Amendment to Retail Concession Agreement with Paradies-Palm Beach, LLC
  - 3F-4 Approval Form for Sales Tax Reimbursement by the Florida Department of Revenue to Delta Air Lines, Inc.

**G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET**

- Page 17
- 3G-1 Settlement of a Code Enforcement lien entered against Gun Club Shopping Center, LLC & Gun Club Subsidiary, LLC

**H. FACILITIES DEVELOPMENT & OPERATIONS**

- Page 18
- 3H-1 Amendment No. 1 with The Gordian Group, Inc. for consulting/professional services in conjunction with the Job Ordering Contract system
  - 3H-2 Standard Equipment Use Agreement; delegation of signatory authority
- Page 19
- 3H-3 Revised Standard License Agreement for Use of County-Owned Property; delegation of signatory authority
  - 3H-4 Amendment No. 1 to three annual environmental assessment services contracts
- Page 20
- 3H-5 Notice of extension to Concessionaire Service Agreement with Tennis Insights, Inc. for continued use of concession building at South County Regional Tennis & Racquetball Center
  - 3H-6 Unity of Title for County-owned property on south side of Forest Hill Boulevard

**I. ECONOMIC SUSTAINABILITY**

- Page 20
- 3I-1 Contract for Program Administration Services between Housing Finance Authority of Palm Beach County and Housing & Development Services, Inc. relating to the 2013 Mortgage Credit Certificate Program
- Page 21
- 3I-2 Agreement with Palm Beach County Film and Television Commission, Inc. for operational and educational expenses for the Film & TV Tech Prep Program
  - 3I-3 Receive and file three standard documents for the Department of Economic Sustainability
- Page 22
- 3I-4 Agreements with thirteen non-profit agencies to receive funding under the Community Development Block Grant Program

TABLE OF CONTENTS

**CONSENT AGENDA CONTINUED**

**I. ECONOMIC SUSTAINABILITY**

Page 23

- 3I-5 Amendment No. 2 with Business Development Board for supplemental funding to provide business recruitment and retention activities
- 3I-6 Deleted
- 3I-7 Agreement with Enterprise Development Corporation of South Florida for development and expansion of microenterprises and small businesses
- 3I-8 Agreement with The Center for Technology, Enterprise and Development, Inc. for development and expansion of microenterprises and small businesses

Page 24

- 3I-9 Consulting/Professional Services Contract with the Palm Beach County Black Business Investment Corporation for consulting and financial assistance to existing and start-up small businesses

**J. PLANNING, ZONING & BUILDING**

Page 24

- 3J-1 Construction Industry Licensing Board appointment

**K. WATER UTILITIES**

Page 25

- 3K-1 Contract with All Webbs Enterprises, Inc. for mechanical integrity testing of three deep injection wells at two Water Utility facilities
- 3K-2 Consultant Services Authorization No. 12 with MWH Americas, Inc. for well rehabilitation at WTPs 3 and 9
- 3K-3 Three Subordination of County Utility Interests Agreements with FDOT along Military Trail and Community Drive
- 3K-4 Deleted
- 3K-5 Deleted

Page 26

- 3K-6 One-year extension on all Water Utilities Department Development Agreements and Renewal Agreements
- 3K-7 Change Order No. 1 with R.J. Sullivan Corporation for construction of a Vacuum Wastewater Pumping Facility

**L. ENVIRONMENTAL RESOURCES MANAGEMENT**

Page 27

- 3L-1 Resolution relating to Natural Areas Management Advisory Committee
- 3L-2 Revocable Partial Assignment of an Undivided Interest of Rights Under Easement Deed from SFWMD related to the C-18 Canal
- 3L-3 Contract with Taylor Engineering, Inc. for coastal and marine engineering services

Page 28

- 3L-4 Amendment No. 3 to Joint Partnership Agreement with FDOT to expand wetland area off Bryant Park

Page 29

- 3L-5 Grant Agreements with FDEP to provide partial funding relating to the Jupiter/Carlin and Ocean Ridge shore protection projects

Page 30

- 3L-6 Cooperative Agreements with the U.S. Bureau of Land Management and Change Orders with FDEP relating to the Jupiter Inlet Lighthouse Outstanding Natural Area
- 3L-7 Agreement Contract with FDACS for mosquito control activities

Page 31

- 3L-8 Contract with PBSO to provide law enforcement services on conservation lands and natural areas
- 3L-9 Natural Areas Management Advisory Committee reappointments

TABLE OF CONTENTS

**CONSENT AGENDA CONTINUED**

**M. PARKS & RECREATION**

Page 31

3M-1 Budget Transfer to Okeeheelee South Park Development Phase III project

Page 32

3M-2 Receive and file Amendment No. 1 with FDEP for John Prince Memorial Park – Phase IV project

3M-3 Work Order No. PR75826 for cart paths resurfacing at Southwinds Golf Course

**N. LIBRARY**

Page 32

3N-1 Cooperative Agreement with Literacy\*AmeriCorps providing for one full-time Literacy\*AmeriCorps member

Page 33

3N-2 Library Advisory Board reappointment

**P. COOPERATIVE EXTENSION SERVICE**

Page 33

3P-1 Florida Agriculture in the Classroom, Inc. Grant for 4-H projects

**Q. CRIMINAL JUSTICE COMMISSION**

Page 34

3Q-1 Interlocal Agreement with PBSO for security at Juvenile Assessment Center

3Q-2 Second Chance Act Demonstration Program Grant Application from DOJ for ex-offender reentry programs

**R. HUMAN RESOURCES** - None

**S. FIRE RESCUE**

Page 35

3S-1 Re-opener amendment of Article 28-Vacations to the Collective Bargaining Agreement with the Professional Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Inc.

3S-2 Interlocal Agreement for Fire Protection and Emergency Medical Services with the Town of Jupiter

**T. HEALTH DEPARTMENT** - None

**U. INFORMATION SYSTEMS SERVICES**

Page 36

3U-1 Amendments relating to annual maintenance of the Justice Information System

**V. METROPOLITAN PLANNING ORGANIZATION** - None

**W. PUBLIC AFFAIRS** - None

**X. PUBLIC SAFETY**

Page 36

3X-1 Modification No. 2 with FDEM for emergency preparedness activities

Page 37

3X-2 Receive and file three agreements with Fifteenth Judicial Circuit Court to provide court ordered forensic evaluations and testimony

**Y. PURCHASING** - None

**Z. RISK MANAGEMENT**

Page 37

3Z-1 Airport liability insurance purchased through Arthur J. Gallagher & Co.

**TABLE OF CONTENTS**

**CONSENT AGENDA CONTINUED**

**AA. PALM TRAN** - None

**PUBLIC HEARING – 9:30 A.M.**

Page 38

- 4A Resolution confirming special assessment process for El Paso Drive, Pinto Drive and Pancho Way

**REGULAR AGENDA**

**ADMINISTRATION**

Page 39

- 5A-1 Prescription Drug Discount Card proceeds disbursement
- 5A-2 Memorandum of Understanding with Clerk and Comptroller for release of Inspector General segregated funds
- 5A-3 Seven50 Plan

**COUNTY ATTORNEY**

Page 40

- 5B-1 Contract for Professional Legal Services with Harris Penn Lowry LLP relating to litigation for violations of the federal Fair Housing Act

**FACILITIES DEVELOPMENT & OPERATIONS**

Page 41

- 5C-1 Criminal History Records Checks Ordinance

**PALM TRAN**

Page 42

- 5D-1 Waive policy limiting number of advisory board members/Palm Tran Service Board appointments and reappointments

**RISK MANAGEMENT**

Page 43

- 5E-1 Second annual option to renew Administrative Services Only Agreement with CIGNA for County's self-funded HMO and POS health insurance plans

**WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY**

Page 44

- 5F-1 Loan to allow CRA to meet its debt service payment on \$3.38 Million Redevelopment Revenue Refunding Bonds

**BOARD APPOINTMENTS** (Page 45)

**MATTERS BY THE PUBLIC – 2:00 P.M.** (Page 46)

**STAFF COMMENTS** (Page 47)

**COMMISSIONER COMMENTS** (Page 48)

**ADJOURNMENT** (Page 48)

OCTOBER 1, 2013

**2C. SPECIAL PRESENTATIONS – 9:30 A.M.**

1. Proclamation declaring October 16, 2013 as “National Childhood Nutrition Day” in Palm Beach County. (Sponsored by Commissioner Valeche)
2. **REVISED TITLE:** Proclamation declaring the weekends of October 11 – 13 and October 19 – 20, 2013 as “Oktoberfest 2013” in Palm Beach County. (Sponsored by Commissioner Burdick)
3. Proclamation declaring October 2013 as “Fetal Infant Mortality Review Month” in Palm Beach County. (Sponsored by Vice Mayor Taylor)
4. **ADD-ON:** Proclamation declaring October 6 – 12, 2013 as “National 4-H Week” in Palm Beach County. (Sponsored by Commissioner Vana)
5. **ADD-ON:** Proclamation declaring November 2013 as “Alzheimer’s Disease Awareness Month” in Palm Beach County. (Sponsored by Mayor Abrams)
6. **ADD-ON:** Certificate of Appreciation to Sister Marta Lucia Tobon. (Sponsored by Commissioner Valeche)
7. **ADD-ON:** Proclamation declaring October 2013 as “Guardianship Fraud Awareness Month” in Palm Beach County. (Sponsored by Commissioner Berger)

\* \* \* \* \*

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** the First Amendment to Interlocal Grant Agreement (R2012-1172) with the Town of Glen Ridge to voluntarily assist in funding the Office of Inspector General operations. **SUMMARY:** The agreement provides a means for the Town of Glen Ridge to voluntarily provide quarterly grant payments to Palm Beach County to assist in funding the Office of Inspector General. The payments equal the amount of funding the Town would have paid pursuant to the cost apportionment method outlined in the Inspector General Ordinance. The payment for Glen Ridge for each quarter of FY 2014 equals \$17. District 2 (LB/PM)
  
2. **REVISED SUMMARY: Staff recommends motion to:** **A) appoint** one individual; and **B) re-appoint** two individuals to the Small Business Assistance (SBA) Advisory Committee for the seat and term indicated below:

**APPOINT:**

<b><u>Nominee</u></b>	<b><u>Seat</u></b>	<b><u>Designation</u></b>	<b><u>Term</u></b>	<b><u>Nominated By</u></b>
Veronica Vidal	2	Certified Hispanic Business Owner	10/1/2013 – 9/30/2016	Comm. Valeche Comm. Burdick Comm. Taylor

**RE-APPOINT:**

<b><u>Nominee</u></b>	<b><u>Seat</u></b>	<b><u>Designation</u></b>	<b><u>Term</u></b>	<b><u>Nominated By</u></b>
Joseph Anderson	10	Certified Minority Contractor	10/1/2013 – 9/30/2016	Comm. Valeche Comm. Burdick Comm. Taylor
Sherrill L. Disbury	11	Associated General Contractor	10/1/2013 – 9/30/2016	Comm. Valeche Comm. Burdick Comm. Taylor

**SUMMARY:** The SBA Advisory Committee is established pursuant to Section 2.80.32, of the Palm Beach County Code as amended on March 12, 2013. The committee consists of fifteen members, including one black business owner certified as a small business by the County; one Hispanic business owner certified as a small business by the County; one woman business owner certified as a small business by the County; one white male business owner certified as a small business by the County; one business owner domiciled in Palm Beach County; one representative of a business incubator program; one representative of the Hispanic business organization; one representative of the National Association of Women in Construction; one representative of a Women’s Business Organization; one certified minority contractor; one representative of the Associated General Contractors of America; one representative of the Small Business Development Center; one representative of a financial institution that assists small businesses; one representative of the Black Chamber of Commerce; and one representative of a professional services organization. The SBA Advisory Committee supports the nominations and a memo was sent to the Board of County Commissioners on September 10, 2013 requesting approval of the recommendations for Seats 2, 10 and 11. No other nominations were received. Joseph Anderson has disclosed that he has an ownership position in JD Anderson Construction that contracts with the County for renovation of homes through the PBC Department of Economic Sustainability. The Small Business Advisory Committee provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract(s). Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sec. 2-443, of the Palm Beach County Code of Ethics. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. **REVISED BACKUP: Staff recommends motion to approve:** Amendments to five consulting/professional service contracts for state lobbying on behalf of Palm Beach County to extend the term for twelve months to September 30, 2014 for a total amount of \$175,000 as follows:

A) Eighth Amendment to the contract with Pittman Law Group, P.L. (R2005-2301) in the amount of \$35,000;

B) Eighth Amendment to the contract with Ericks Consultants, Inc. (R2005-2302) in the amount of \$35,000;

C) Eighth Amendment to the contract with Corcoran and Associates, Inc. (R2005-2303) in the amount of \$35,000;

D) Eighth Amendment to the contract with Moya Group, Inc. (R2005-2304) in the amount of \$35,000; and

E) Seventh Amendment to the contract with Foley and Lardner, LLP (R2006-2141) in the amount of \$35,000.

**SUMMARY:** The original term of the contracts with Pittman Law Group, Ericks Consultants, Corcoran and Associates and the Moya Group for state lobbying was for November 1, 2005, through October 31, 2006, with additional amendments extending the term through September 30, 2013. The original term of the contract for Foley and Lardner, LLP was November 1, 2006, through October 31, 2007, with additional amendments extending the term through September 30, 2013. The dollar amounts reflected in each contract are identical to the FY 2013 contracts except for the Ericks Consulting Contract, which has been raised based on a review of the firm's performance to match the remaining four contracts. Countywide (DW)

4. **Staff recommends motion to approve:** Golf Tournament Agreement with Trump International Golf Club, L.C. and Peggy Adams Animal Rescue League of the Palm Beaches Incorporated for a one day charitable golf tournament to be held on October 28, 2013. **SUMMARY:** The Development Site Lease Agreement with the Trump International Golf Club, L.C. (Trump), approved September 3, 1996 (R96-1277D), allows use of the golf course during the months of May through October for the County to host either a single two-day, or two one-day charitable golf tournament(s). The Golf Tournament Agreement provides for the Trump International Golf Club to be available exclusively for the tournament to be held on October 28, 2013. Proceeds from the golf tournament will benefit Peggy Adams Animal Rescue League of the Palm Beaches Incorporated. Countywide (AH)

5. **Staff recommends motion to approve:** Golf Tournament Agreement with Trump International Golf Club, L.C. and Cystic Fibrosis Foundation for a one day charitable golf tournament to be held on November 11, 2013. **SUMMARY:** The Development Site Lease Agreement with the Trump International Golf Club, L.C. (Trump), approved September 3, 1996 (R96-1277D), allows use of the golf course during the months of May through October for the County to host either a single two-day, or two one-day charitable golf tournament(s). The Golf Tournament Agreement provides for the Trump International Golf Club to be available exclusively for the tournament to be held on November 11, 2013. Proceeds from the golf tournament will benefit Cystic Fibrosis Foundation. Countywide (AH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

6. Staff recommends motion to:

**A) adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution No. R2010-0224, as amended by Resolution No. R2013-0324, establishing budgetary policy and expenditure controls for the operation of Commission District offices, and providing for an effective date; and

**B) approve** a Budget Transfer of \$249,912 from Reserves to provide budget in the Commission District office budgets for salary and benefit increases.

**SUMMARY:** On September 10, 2013, the Board approved a change in pay policy for County Commission staff. The new policy created a progression plan and allows all employees currently holding the position of County Commission Administrative Assistant to be eligible, upon approval by the Commissioner, for promotion to pay grade E01, effective with the first pay period in October. At the same time, Commission Secretaries are eligible to be placed into whichever pay grade their tenure as a BCC staff member dictates. The approved 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. The Board also approved elimination of the policy which allowed for hiring above the minimum of the pay grade and for bonuses. Countywide (DRO)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: None
3. **REVISED BACKUP: Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during April 2013. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **DELETED**

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff recommends motion to approve:

**A)** a 120 calendar day Contract with Rosso Site Development, Inc. (Contractor), the lowest, responsive, responsible bidder in the amount of \$159,408.88, for the Canton Road Paving and Drainage Improvements, Project No. 2011062 (Project);

**B)** a Budget Transfer of \$160,386 in the Department of Economic Sustainability Fund to the Capital Outlay Fund for the Canton Road Paving and Drainage project; and

**C)** a Budget Amendment of \$161,436 in the Capital Outlay Fund to recognize \$160,386 in funding from the Department of Economic Sustainability and \$1,050 from Florida Public Utilities for utility reimbursable work and appropriate it to the Project.

**SUMMARY:** Approval of this Project will provide for the construction of roadway improvements and storm drainage systems on Canton Road including roadway pavement, concrete driveway aprons, drainage structures, piping and sodding. The Contractor is a Palm Beach County company. The construction contract is wholly funded with federal grant funds; therefore, the Small Business Enterprise (SBE) Ordinance does not apply to this Project. However, the Contractor is a Palm Beach County certified SBE. District 2 (MRE)

3. Staff recommends motion to approve: the Fiscal Year 2013/2014 Pathway Program.

**SUMMARY:** Approval of the Fiscal Year 2013/2014 pathway program will allow construction of the proposed projects compiled in response to requests from the Palm Beach County School Board, Palm Beach County Sheriff's Office, members of the Board of County Commissioners, and residents of Palm Beach County. The proposed projects include nine new construction projects and ten major maintenance projects. The total program cost is \$1,500,000 and is divided into the following categories:

School Related	\$ 754,860
Non-School Related	\$ 137,740
Major Maintenance	\$ 498,350
ADA and Minor Maintenance	\$ 25,000
Cost and Feasibility Studies	\$ 59,050
Fast Track Schools	\$ 25,000
<u>Total</u>	<u>\$1,500,000</u>

Countywide (MRE)

4. Staff recommends motion to approve: Change Order No. 6 in the amount of \$276,465.19 with GLF Construction Corporation for the Ocean Avenue Bridge over the Intracoastal Waterway project (Project) R2011-1446. **SUMMARY:** Approval of Change Order No. 6 in the amount of \$276,465.19 is necessary to compensate for additional work as described in Attachment 3 to the Agenda Item. This Change Order is being brought to the Board of County Commissioners for approval per PPM CW-F-050. District 4 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to receive and file:

**A)** County Incentive Grant Program (CIGP) Amendment No. Three, a time extension to the Lyons Road from Atlantic Avenue to Boynton Beach Boulevard Funding Agreement, R2010-0933, with the Florida Department of Transportation (FDOT);

**B)** Transportation Regional Incentive Program (TRIP) Amendment No. Six, a time extension to the C-51 Bridge at State Road 7 and State Road 80 Funding Agreement, R2008-0939, with FDOT; and

**C)** Transportation Regional Incentive Program (TRIP) Amendment No. Four, a time extension to the Atlantic Avenue from Lyons Road to Starkey Road Funding Agreement, R2007-0837, with FDOT.

**SUMMARY:** This receive and file will record time extensions to funding agreements with FDOT for CIGP Amendment No. Three, TRIP Amendment No. Six, and TRIP Amendment No. Four, for projects currently underway which were all signed by the Deputy County Engineer and then executed by FDOT. On January 24, 2012, the Board of County Commissioners granted the County Administrator or his designee authority to sign amendments to existing funding agreements with FDOT to provide for time extensions and to add e-verify language, under Resolution No. R2012-0035. On February 21, 2012, the County Administrator wrote a memorandum delegating this authority to the County Engineer, the Deputy County Engineer, and the Assistant County Engineer. Countywide (MRE)

6. Staff recommends motion to:

**A) adopt** a Resolution to approve the County Incentive Grant Program (CIGP) agreement with the State of Florida Department of Transportation (FDOT) in the amount of \$250,000 for the design of the Congress Avenue extension from Northlake Boulevard to Alternate A-1-A (Project); and

**B) approve** a Budget Amendment of \$250,000 in the Road Impact Fee Fund – Zone 1 to recognize the CIGP agreement with FDOT and appropriate it to the Project.

**SUMMARY:** Approval of this CIGP agreement will allow Palm Beach County (County) to receive a grant of up to \$250,000 (50/50 matching funds) for the Project whose current estimated design cost is \$500,000. The County will be responsible for all costs above this grant amount. District 1 (MRE)

7. Staff recommends motion to adopt: a Resolution to vacate a portion of a 12 foot wide utility easement within Parcel "2" of the plat of Hy-Crest Center, as recorded in Plat Book 64, Pages 177-178, Public Records of Palm Beach County, Florida.

**SUMMARY:** Adoption of this Resolution will allow the petitioner to vacate a portion of the easement to allow for redevelopment of the site. The petition site is located on the east side of Interstate 95 and the south side of Hypoluxo Road. District 7 (MRE)

8. **DELETED**

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

9. Staff recommends motion to approve: Supplemental Agreement No. 11 (Agreement) to project agreement R2004-0053 in the amount of \$137,709.21 with Metric Engineering, Inc., (MEI) for professional services for the Silver Beach Road from east of Congress Avenue to Old Dixie Highway project (Project). **SUMMARY:** Approval of this Agreement will provide the services necessary for the preparation of revised design plans and construction bid documents for the Project. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for this supplement by MEI is 12.35%, with 20.22% SBE participation achieved to date. District 7 (MRE)

10. Staff recommends motion to approve:

**A)** a Budget Transfer in FY 2013 of \$98,593 from the Disaster Recovery Initiative Fund to the Capital Outlay Fund for the Limestone Creek Phase IIC project (Project); and

**B)** a Budget Amendment in FY 2013 of \$98,593 in the Capital Outlay Fund to recognize the transfer from the Disaster Recovery Initiative Fund and appropriate it to the Project.

**SUMMARY:** The Limestone Creek Phase IIC Project is near completion. This budget transfer and amendment will provide the final funding for the construction contract as well as staff costs. The funding has been allocated by the Department of Economic Sustainability through a Disaster Recovery Initiative grant provided by the Florida Department of Economic Opportunity. Modification No. 8 to the subgrant agreement was received on August 19, 2013 which allocated additional funding for the Project. District 1 (MRE)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Memorandum of Understanding with Workforce Alliance, Inc., for the period October 1, 2013, through September 30, 2014, for delivery of self sufficiency services to Palm Beach County Community Action Program participants. **SUMMARY:** This Memorandum of Understanding (MOU) will establish an organizational framework to integrate the delivery of emergency and self sufficiency services into the One-Stop delivery system with Workforce Alliance, Inc. The MOU satisfies the program delivery requirement contained in the Department of Economic Opportunity Community Service Block Grant (CSBG) application. No County funds are required. (Community Action Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to:

**A) ratify** the signature of the Mayor on the Florida Department of Health Child Care Food Program Principal Attestation Statement Regarding Business Integrity and Publicly-Funded Programs form;

**B) ratify** the signature of the Mayor on the Delegation of Signing Authority for the Child Care Food Program form; and

**C) approve** the Child Care Food Program budget for the period October 1, 2013, through September 30, 2014, in an amount not to exceed \$1,118,804 for meals served to Head Start and Early Head Start children.

**SUMMARY:** The Head Start/Early Head Start Program will participate in the fiscal year 2013-2014 Child Care Food Program (CCFP) by providing 914 infants, toddlers and children with a breakfast, lunch and snack each day. Due to the Healthy Hunger Free Kids Act of 2010, there is no longer an annual CCFP contract. The Act required a permanent contract be established and forms periodically updated in lieu of submitting a new application yearly. A permanent contract was approved by the Board on September 13, 2011 (R2011-1311). The Principal Attestation Statement Regarding Business Integrity and Publicly-Funded Programs form is signed by all principals in the program to assure that violation of program requirement or business integrity have not occurred in the previous seven years. The Delegation of Signing Authority form will allow one representative, other than the Mayor, to sign any additional forms from the Florida Department of Health (DOH) during the contract period. The budget for fiscal year 2013-2014 is based on the Projected Earnings Worksheet provided by the DOH. Head Start staff projects reimbursement of \$1,005,185 from the DOH. County support of \$113,619 is required for a total amount of \$1,118,804 to serve meals to Head Start and Early Head Start children. Sufficient funding is included in the current budget to meet County obligations. (Head Start) Countywide (TKF)

3. Staff recommends motion to:

**A) approve** the State of Florida Voluntary Prekindergarten Education Program Statewide Provider Agreement with the Early Learning Coalition of Palm Beach County, Inc., for the period October 1, 2013, through June 30, 2014, to provide a 540 hour school year program; and

**B) authorize** the County Administrator, or his designee, to sign necessary documents regarding the VPK Program.

**SUMMARY:** The FY 2013-2014 Voluntary Prekindergarten (VPK) Program will provide early childhood services to 577 4-year olds currently enrolled in nine of the County's Head Start centers: Boynton Beach, Jupiter, Lake Worth, Pahokee, Palm Glades, Riviera Beach, South Bay, Westgate, and West Palm Beach. Due to the many documents required by the Grantor, the delegation of signing authority to the County Administrator, or his designee, is being requested to expedite signed documents getting to the Grantor. The VPK Reimbursement is based on actual attendance of the children. This year's reimbursement rate is \$2,460.69 per child for 577 children. No County match is required. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to approve:

**A)** Amendment No. 02 to Contract for Provision of Services with Gulfstream Goodwill Industries, Inc. (R2012-0612) for the period October 1, 2013, through September 30, 2014, to increase funding for engagement, interim housing and rapid re-housing services to homeless individuals by \$2,160,709, for a new total contract amount not to exceed \$4,223,743; and

**B)** Amendment No. 04 to Contract for Provision of Services with Adopt-A-Family of the Palm Beaches, Inc. (R2012-0613) for the period October 1, 2013, through September 30, 2014, to increase funding for engagement, interim housing, rapid re-housing and navigation services to homeless families by \$1,319,099 for a new total amount not to exceed \$2,745,611; and

**C)** Amendment No. 03 to Contract for Provision of Services with The Lord's Place, Inc. (R2012-0614) for the period October 1, 2013, through September 30, 2014, to increase funding for employment services to homeless individuals and families by \$204,506 for a new total amount not to exceed \$592,174.

**SUMMARY:** The Senator Philip D. Lewis Center (Lewis Center) serves as the main point of access for homeless services in central Palm Beach County. Gulfstream Goodwill Industries, Inc. serves as the lead facility operator and provides individual housing placement; ongoing support, oversight of the on-site interim housing and navigation. Adopt-A-Family of the Palm Beaches, Inc. provides family engagement, housing placement, ongoing support and navigation; and The Lord's Place, Inc. provides employment services. The County's Homeless Outreach Teams and a Health Department staffed medical facility are also located on site. The amendment amounts reflect funding levels approved for the Lewis Center in the FY 2014 budget. (Human Services) Countywide (TKF)

5. Staff recommends motion to approve: Agreement for Provision of Financial Assistance with Treasure Coast Health Council, Inc. d/b/a Health Council of Southeast Florida for the period September 10, 2013, through November 30, 2013, in an amount of \$10,000, to serve as the oversight agency and fiscal sponsor for the internet-based community health data portal. **SUMMARY:** This Agreement with Treasure Coast Health Council, Inc. d/b/a Health Council of Southeast Florida will support contracted management, fiscal agent, licensing and related expenses for the Community Health Data Portal Project (Portal Project). The Portal Project is a website portal intended to provide non-biased, easy to understand, health, environmental, economic and other local indicators to the greater community and is intended to encourage and promote informed community action by providing evidence-based policy and best practice examples, data sets, and innovative community planning and communication tools. In addition to being a resource for the general public and community organization, the portal will assist County staff and advisory boards in needs evaluation and the establishment of priorities for health and human services spending and service delivery. There are seven organizations collaborating in the portal. Additional partners are expected in the future. The County contribution of \$10,000 is approximately 5.6% of the annual project cost (approximately \$180,000). The remainder of the annual year project cost is shared by the other funders. Julie Graham, an employee of Health Council of Southeast Florida, is a member of the Palm Beach County HIV Care Council. This Council provides no regulation, oversight, management, or policy-setting recommendations regarding the Portal Project. 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. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. Staff recommends motion to approve: Amendment No. 001 to Early Head Start Contracted Services Agreement with Family Central, Inc. (R2012-1639) for the period September 9, 2013, through September 30, 2013, to increase enrollment by 16 infants and toddlers and increase funding by \$7,101 for a new total not to exceed amount of \$435,101. **SUMMARY:** This Amendment is necessary to adjust compensation for contracted services to Early Head Start infants, toddlers and families. Hispanic Human Resources Council, Inc. (HHRC) no longer provides Early Head Start services and eliminated 24 Early Head Start slots. Family Central, Inc. increased their enrollment to provide services for 16 slots eliminated by HHRC. In a separate agreement approved by the Board on July 24, 2013 (R2013-0980), the School Board of Palm Beach County increased their enrollment to provide services for the remaining eight slots eliminated by HHRC. No new County funding is required. (Head Start) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County Florida, repealing Resolution 96-205; providing for creation of the Palm Beach County Aviation and Airports Advisory Board; providing for Advisory Board membership; providing for term of office; providing for officers; providing for qualifications of members; providing for staff cooperation and support; providing for meetings; providing for quorum and attendance; providing for duties and responsibilities; providing for rules of procedures of vacancies; providing for compensation, expenses and funding; providing for appointment of advisors; providing for compliance with uniform policy for advisory boards and commissions; providing for compliance with Palm Beach County Code of Ethics; providing for severability; and providing for an effective date. **SUMMARY:** The Resolution repeals and replaces Resolution 96-205, pertaining to the Palm Beach County Aviation and Airports Advisory Board (AAAB), to conform to Resolution 2013-0193, establishing uniform policies and procedures for Palm Beach County advisory boards, committees and commissions, including Code of Ethics requirements, terms of service, travel policy and absences. The Resolution establishes that beginning March 1, 2013 no AAAB member shall be appointed or reappointed for more than three consecutive three year terms. The Resolution modifies provisions pertaining to attendance and travel expenses, and adds a provision for the Palm Beach County Code of Ethics. Countywide (AH)
2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County Florida, repealing Resolution 2012-0435; providing for the creation of a Citizens' Committee on Airport Noise; providing for nature of appointments; providing for duties of Citizens' Committee; providing for term of membership; providing for filling of vacancies; providing for rules of Citizens' Committee; providing for secretary to Citizens' Committee; providing for travel expenses, reimbursement and approval authority; providing for compliance with uniform policy for advisory boards and commissions; providing for compliance with Palm Beach County Code of Ethics; providing for severability; and providing for an effective date. **SUMMARY:** The Resolution repeals and replaces Resolution 2012-0435, pertaining to the Citizens' Committee on Airport Noise (CCAN), to conform to Resolution 2013-0193, establishing uniform policies and procedures for Palm Beach County advisory boards, committees and commissions, including Code of Ethics requirements, terms of service, travel policy and absences. The Resolution establishes that beginning March 1, 2013 no CCAN member shall be appointed or reappointed for more than three consecutive three year terms. The Resolution modifies provisions pertaining to attendance and adds a provision for the Palm Beach County Code of Ethics. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. **Staff recommends motion to approve:** a Fifth Amendment (Amendment) to Retail Concession Agreement with Paradies-Palm Beach, LLC (Paradies), modifying the mid-term refurbishment and charitable donation requirements. **SUMMARY:** Paradies provides retail concession services at Palm Beach International Airport (PBI) pursuant to a Retail Concession Agreement, as amended (Agreement) (R2007-2052). Paradies is a Florida limited liability company with a principal place of business in Atlanta, Georgia. The Agreement required Paradies to make two separate mid-term capital investments of \$340,000 prior to September 30, 2014 and 2019. This Amendment requires Paradies to make a single mid-term investment of \$700,000 to be completed no later than December 31, 2017. The mid-term investment shall be for leasehold improvements made for the purpose of introducing new concepts, updating, reconditioning and/or improving the public concession areas. If the mid-term investment is less than \$700,000, Paradies will be required to pay the difference to the County. The Amendment modifies the charitable donation requirements to specify a minimum annual contribution amount of \$10,000 and to provide flexibility in the fulfillment of Paradies' charitable commitment. The Amendment adds a standard contract provision pertaining to third-party beneficiaries. Countywide (AH)
  
4. **Staff recommends motion to approve:** Approval Form for Sales Tax Reimbursement by the Florida Department of Revenue (FDR) to Delta Air Lines, Inc. (Delta). **SUMMARY:** Delta is seeking reimbursement from the FDR for sales tax paid on certain airport space rentals at Palm Beach International Airport. The approval form will allow the FDR to review Delta's reimbursement claim and, if approved, to reimburse Delta directly for sales tax Delta originally paid. Delta agrees to provide the County with documentation supporting the taxability pertaining to the claim. Delta is a customer in good standing with the County and promptly pays all invoices including sales tax; therefore, staff recommends allowing Delta to seek this reimbursement. Countywide (AH)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to approve:** a negotiated Settlement in the amount of \$30,300 for the full satisfaction of a Code Enforcement Lien that was entered against Gun Club Shopping Center, LLC & Gun Club Subsidiary, LLC (hereinafter collectively referred to as "Gun Club") on May 7, 2008. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on November 7, 2007 giving Gun Club until December 7, 2007 to resolve their outstanding zoning violations. The zoning violations consisted of an outside lounge bar and seating constructed without proper zoning approval or building permits in addition to violation of the conditions of zoning approval prohibiting outdoor storage behind the existing structure. Gun Club was also given until March 7, 2008 to obtain the required building permits for a shed, fence and addition to the rear of the existing structure. Compliance with all conditions for zoning approval was achieved prior to the ordered compliance date of December 7, 2007. However, Gun Club did not obtain the required building permits by the ordered compliance date of March 7, 2008 resulting in the accrual of a fine in the amount of \$ 100 per day until compliance is achieved. Full code compliance was finally achieved on February 5, 2010. The total accrued lien amount through January 31, 2013, the date settlement discussions began was \$120,963.33. Gun Club has agreed to pay the County \$30,300 as full settlement of their outstanding Code Enforcement Lien. District 2 (PM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 1 to Contract with The Gordian Group, Inc. (R2011-1350) for consulting/professional services in conjunction with the Job Ordering Contract (JOC) system extending the contract until September 12, 2014. **SUMMARY:** Amendment No. 1 is an extension to the contract with The Gordian Group, Inc. The Gordian Group provides professional services required to implement the JOC system to facilitate renovation, repair, and/or maintenance improvement projects. Compensation is 1.95% of the dollar value of issued JOC work orders. Staff is bringing forward the Amendment at this time based on expiration of the term. All other terms of the original contract remain in effect. The Gordian Group is based in South Carolina. (FD&O Admin) Countywide (JM)

2. Staff recommends motion to:

**A) approve** a standard Equipment Use Agreement; and

**B) authorize** the County Administrator or his designee to execute and administer the Equipment Use Agreement.

**SUMMARY:** The County receives a number of requests for use of County-owned equipment, particularly radio equipment for special events, equipment testing/trials and for short-term continuous use. This Equipment Use Agreement (Agreement) provides the standard terms under which governmental and non-governmental entities may receive approval to use County-owned equipment and identifies alternate insurance and indemnification provisions for use when the applicant is a governmental entity or a non-governmental entity. The Agreement also requires special conditions to be included that will be developed as a result of the specifics of the request including the proposed use and related technical details and the risk level to the County resulting from potential loss or damage to the equipment and/or other liability. The special conditions will be developed jointly by the Facilities Development & Operations (FDO) and Risk Management Departments. The delegation of authority through the County Administrator to the Director of FDO includes the authority to develop and execute these standard Agreements with special conditions. From time to time, the nature of the request will require further modifications to the insurance, indemnification and risk of loss provisions of the Agreement and the authority to make such changes is also delegated. However, changes to these provisions will require Risk Management to co-approve the Agreement. All Agreements, whether they deviate from the standard or not, will require the approval of the County Attorney's Office. (FDO Admin) Countywide (MJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve:

A) a revised Standard License Agreement for Use of County-Owned Property; and

B) a revision to the delegation of authority to execute the Standard License Agreement to include modifications to the insurance/indemnity provisions with the approval of Risk Management and the County Attorney's Office.

**SUMMARY:** On March 9, 2010, the Board approved: (i) a Standard License Agreement for Commercial Activities (Standard License Agreement) for use when individuals or organizations request the use of County-owned facilities and/or vacant property for non-County use, and (ii) the delegation of signature authority for execution of the Standard License Agreement to the County Administrator or his designee. The Standard License Agreement requires revisions to incorporate situations when a government or not-for-profit entity requests use of a facility for non-county activities that are not commercial in nature, and to accommodate instances when a requested use of a facility is for a longer duration, or under more specific terms and conditions than would be appropriate for a facility use permit. The revisions to the Standard License Agreement provides for selection of term, fee and insurance/indemnity provisions based on whether the user is a government, not-for-profit entity or a for profit entity. The delegation of authority is expanded to include modifications to the insurance/indemnity provisions with the approval of Risk Management and the County Attorney's Office. Other updates to the Standard License Agreement are inclusion of County Code Section 2-421 - 2-440 establishing the Office of the Inspector General, increases to the limits of liability as set forth in Section 768.28, Florida Statutes, a provision excluding third party beneficiaries, a provision updating the non-discrimination language and re-wording of the title and fee sections of the Agreement. All other provisions remain the same. (FDO Admin) Countywide (MJ)

4. Staff recommends motion to approve: Amendment No. 1 to the contracts for environmental assessment services on a continuing contract basis:

A) Dunkelberger Engineering & Testing, Inc. (R2011-1504);

B) URS Corporation Southern (R2011-1505); and

C) REP Associates, Inc. (R2011-1506).

**SUMMARY:** Amendments No. 1 extend the term of three contracts for professional consulting services for environmental assessment services for one year. The Board approved annual contracts on October 4, 2011, which provided for an initial two year term with two one-year renewal options. Amendment No. 1 will provide services during the first renewal period. The Small Business Enterprise (SBE) goal for these contracts is 15% participation. During the first two years of these contracts, Dunkelberger Engineering & Testing, Inc. has achieved 14.9% SBE participation, URS Corporation Southern has achieved 16.7% SBE participation, and REP Associates, Inc. has achieved 95.5% SBE participation. All three of these firms are Palm Beach County companies. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. **Staff recommends motion to receive and file:** a notice of exercise of the third option to extend the term of the Concessionaire Service Agreement (R2008-1867) with Tennis Insights, Inc., for the continued use of the concession building at the South County Regional Tennis and Racquetball Center in Burt Aaronson South County Regional Park for \$16,059.84/year. **SUMMARY:** Tennis Insights has operated under the current Concessionaire Service Agreement (Agreement) for use of the concession building at the tennis and racquetball center in Burt Aaronson South County Regional Park since November 2008. Tennis Insights is now exercising the third of three one-year term extension options for the period of November 1, 2013 to October 31, 2014. The guaranteed annual rent will be increased by four percent (4%) from \$15,442.13 (\$1,286.84/month) to \$16,059.84 (\$1,338.32/month) effective November 1, 2013. The Parks and Recreation Department is satisfied with Tennis Insights' performance. The Board has no discretionary authority to deny the exercise of the option; however, the County may terminate this Agreement upon ninety days written notice to Tennis Insights. (PREM) District 5 (HJF)
  
6. **Staff recommends motion to approve:** a Unity of Title for County-owned property located on the south side of Forest Hill Boulevard, east of the Florida Turnpike and west of Pinehurst Drive in unincorporated Greenacres. **SUMMARY:** The County owns 768 acres which supports several County uses including Okeeheelee Park South, the Water Utilities Department (WUD) North Region Operation Center, the Sheriff's K-9 Facility and WUD's Production Wells for Water Treatment Plant No. 2. The 768 acres is comprised of several different parcels and property control numbers. Upon the recording of the Unity of Title, the County parcels will be considered as a single unified property which will simplify future development of the property for County purposes. (PREM) District 2 (HJF)

I. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to approve:** a Contract for Program Administration Services between the Housing Finance Authority of Palm Beach County, Florida (Authority), and Housing and Development Services, Inc. d/b/a eHousingPlus (eHousing). **SUMMARY:** The Authority was established by the Board of County Commissioners (BCC) in 1979 in accordance with Part IV, Chapter 159, Florida Statutes. Section 2-189 of the Palm Beach County Code of Ordinances, as amended, requires that all contracts of the Authority for the purchase of goods and services in excess of \$10,000 be approved by the BCC. The Contract sets forth the terms under which eHousing will provide program administration services to the Authority in connection with its 2013 Mortgage Credit Certificate Program benefiting first time homebuyers. eHousing is one of two firms in Florida providing this specialized service and was selected by the Authority on July 19, 2013, based on their lowest cost proposal. **No Match from County General funds is required.** (HFA of PBC) Countywide (PFK)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to approve: an Agreement with the Palm Beach County Film and Television Commission, Inc. (F&TV Commission) in the amount of \$50,000 for the period October 1, 2013 to September 30, 2014. **SUMMARY:** This Agreement with the F&TV Commission will fund operational and educational expenses for the Film & TV Tech Prep Program, which is entering its 19<sup>th</sup> year of operation. The grant funds will continue to develop the film and television industry in Palm Beach County through an enhanced strategic plan drafted by educators and industry professionals. Funding will be provided in accordance with PPM No. CW-F-049 (III)(F) as a specific grant awarded by the County. **This funding is projected to have a one year Economic Sustainability Impact of \$179,300. These are County ad valorem funds.** (DES Contract Development) Countywide (DW)

3. Staff recommends motion to receive and file: two Amendments to Agreements and one Modification to a Grant Agreement, as follows:

**A)** Amendment No. 002 to the Agreement (R2012-1255) with the City of Riviera Beach under the Neighborhood Stabilization Program 1 (NSP1);

**B)** Amendment No. 002 to the Loan Agreement (R2012-1800) with HTG Palm Beach II, LLC under the Neighborhood Stabilization Program 2 (NSP2) and the Home Investment Partnership Program (HOME); and

**C)** Modification No. 8 to the Grant Agreement (R2010-1411) with the State of Florida under the 2008 CDBG Disaster Recovery Initiative Program (DRI 4).

**SUMMARY:** In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Amendments to Agreements and Modification have been fully executed on behalf of the Board of County Commissioners (BCC) by the County Administrator, or designee, in accordance with Agenda Items R2009-1677, R2011-1384, and 5C-2, as approved by the BCC on October 6, 2009, September 13 and 2011, June 5, 2012, respectively. These executed documents are now being submitted to the BCC to receive and file. **These are Federal HOME funds whose match is met with State Housing Initiative Partnership Program funds and Federal NSP1, NSP2 and DRI4 funds which require no local match.** (DES Contract Development) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

4. **REVISED TITLE & SUMMARY:** Staff recommends motion to approve: thirteen Agreements under the Fiscal Year 2013-2014 Community Development Block Grant (CDBG) Program totaling \$220,959 to 13 non-profit agencies, in the amounts indicated below, for the period of October 1, 2013 to September 30, 2014, as follows:

**A)** Aid to Victims of Domestic Abuse, Inc., in the amount of \$20,110 for transitional housing and supportive services;

**B)** The Children's Home Society of Florida in the amount of \$18,563 for transitional housing and services to homeless pregnant or parenting teen mothers;

**C)** The Children's Place at Home Safe, Inc., in the amount of \$13,930 for emergency transitional shelter and specialized therapeutic care;

**D)** The Coalition for Independent Living Options, Inc., in the amount of \$17,901 for emergency meals;

**E)** Healthy Mothers/Healthy Babies Coalition of Palm Beach County, Inc., in the amount of \$7,285 for assistance to uninsured low income pregnant women and their families in order to access health care, to secure payer sources and other services for prenatal care;

**F)** Jesus and You Outreach Ministries, Inc., in the amount of \$9,281 for transitional residential shelter and supportive services to homeless men ~~abused and/or neglected children~~;

**G)** Legal Aid Society of Palm Beach County, Inc., in the amount of \$47,513 for fair housing education, outreach, advocacy and enforcement activities;

**H)** Place of Hope, Inc., in the amount of \$12,155 for transitional emergency housing and supportive services;

**I)** Redlands Christian Migrant Association, Inc., in the amount of \$10,829 for child care and education services;

**J)** Seagull Industries for the Disabled, Inc., in the amount of \$24,309 for vocational training and supervision;

**K)** Sickle Cell Foundation of Palm Beach County, Inc., in the amount of \$13,923 for comprehensive case management services;

**L)** Urban League of Palm Beach County, Inc., in the amount of \$14,774 for foreclosure mitigation counseling, homebuyer education classes, and pre-purchase homebuyer counseling services; and

**M)** Vita Nova, Inc., in the amount of \$10,386 for transitional housing and supportive services.

**SUMMARY:** On July 16, 2013 (R2013-0950) (~~R2012-0950~~), the Board of County Commissioners approved the Palm Beach County Action Plan: October 2013, through September 2014, which allocated \$220,959 in CDBG funds to 13 non-profit agencies to provide public services, including fair housing activities. Kimberly Rommel-Enright and Vicki Tucci, employees of Legal Aid Society of Palm Beach County, Inc., serve on the HIV CARE Council, a County Advisory Board. Jimmy Weatherspoon, an employee of the Urban League of Palm Beach County, Inc., serves on a County Advisory Board, the Housing Finance Authority. Pam O'Brien, an employee of the Aid to Victims of Domestic Abuse, Inc., serves on the Homeless Advisory Board, a County Advisory Board. Frank Hayden, an employee of Sickle Cell Foundation of Palm Beach County, Inc. serves on the Health Council of SE Florida. These boards provide no regulation, oversight, management, or policy-setting recommendations regarding the agency contracts listed above. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. **These are Federal CDBG funds which require no local match.** (DES Contract Development) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

5. Staff recommends motion to approve: Amendment No. 2 to the Business Development Board's (BDB) five-year Agreement (R2011-1975) allocating \$100,000 in supplemental funding for Fiscal Year 2013-2014. **SUMMARY:** On December 6, 2011, the Board of County Commissioners (BCC) entered into an Agreement (R2011-1975) with the BDB to provide business recruitment assistance, business retention activities and business expansion services in Palm Beach County. The BCC and the BDB entered into a public-private partnership to promote the County, attract new businesses and assist in creating new industries in the County. The Agreement period is from October 1, 2011 through September 30, 2016, and is in its third year of the term. This Amendment allocates \$100,000 in supplemental funding to BDB as approved by the BCC in the County's Fiscal Year 2013-2014 budget. **These are County ad valorem funds.** Countywide (DW)
  
6. **DELETED**
  
7. Staff recommends motion to approve: an Agreement with Enterprise Development Corporation of South Florida (EDC) in the amount of \$51,000 for the period October 1, 2013 to September 30, 2014. **SUMMARY:** This Agreement will provide Community Development Block Grant (CDBG) Program funds for operational expenses for the development and expansion of microenterprises (defined as "commercial enterprises" that have five or fewer employees) and small businesses. EDC is required to create a minimum of four full-time equivalent (FTE) jobs countywide of which at least 51% must be held by, or made available to, low and moderate income persons, and of which at least 51% must reside in the Palm Beach County CDBG jurisdiction during the term of the Agreement. EDC is a non-profit organization whose mission is the development of an innovation-based economy through the creation of high skill, high wage jobs in key industries that are driving global commerce. The primary objective of EDC is to facilitate the creation and growth of high technology companies. EDC received \$51,000 in CDBG funds during Fiscal Year 2012-2013 and created four and one-half FTE jobs (based on their August 2013 progress report), which exceeded their four FTE job creation requirement. **This funding is projected to have a five year Economic Sustainability Impact of \$4.8 Million. These are Federal CDBG funds which do not require a local match.** (Strategic Planning) Countywide (DW)
  
8. Staff recommends motion to approve: an Agreement with The Center for Technology, Enterprise and Development, Inc. (TED Center) in the amount of \$151,000 for the period October 1, 2013 to September 30, 2014. **SUMMARY:** This Agreement will provide Community Development Block Grant (CDBG) Program funds for operational expenses for the development and expansion of microenterprises (defined as "commercial enterprises" that have five or fewer employees) and small businesses. The TED Center is required to create a minimum of 11 full-time equivalent (FTE) jobs countywide of which at least 51% must be held by, or made available to, low and moderate income persons, and of which at least 51% must reside in the Palm Beach County CDBG jurisdiction during the term of the Agreement. The TED Center, a non-profit organization, is a business incubator with associated programs and services designed to improve the viability and strength of microenterprises and small businesses. The primary objective of the TED Center is to provide business resources and support services for business opportunities. The TED Center received \$151,100 in CDBG funds during Fiscal Year 2012-2013 and created 12 FTE jobs (based on their August 2013 progress report) which exceeded their 11 FTE job creation requirement. **This funding is projected to have a five year Economic Sustainability Impact of \$8.8 Million. These are Federal CDBG funds which do not require a local match.** (Strategic Planning) Countywide (DW)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

9. Staff recommends motion to approve: a Consulting/Professional Services Contract with the Palm Beach County Black Business Investment Corporation (BBIC) in the amount of \$54,000 for the period October 1, 2013 to September 30, 2014. **SUMMARY:** This Consulting/Professional Services Contract will fund the BBIC for operational expenses for providing consulting and financial assistance to existing and start-up small businesses in Palm Beach County. The BBIC, a non-profit organization, will be required to obtain four business loan approvals from financial institutions totaling at least \$500,000, while serving 270 clients and creating/retaining 25 full-time equivalent jobs. BBIC received \$54,000 in ad valorem funds during Fiscal Year 2012-2013 and created 42 full-time equivalent (FTE) jobs (based on their August 2013 progress report) which exceeded their 25 FTE job creation requirement. **This funding is projected to have a five year Economic Sustainability Impact of \$11.2 Million. These funds were approved in the Fiscal Year 2013-2014 Budget adopted by the Board of County Commissioners.** (DES Contract Development) Countywide (DW)

J. PLANNING, ZONING & BUILDING

1. Staff recommends a motion to approve: appointment of one new member to the Construction Industry Licensing Board:

<u>Appoint</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated by</u>
Arnold Rich	13	Consumer Representative	10/1/13-9/30/15	Mayor Abrams Comm. Burdick Comm. Valeche Comm. Vana

**SUMMARY:** The Construction Industry Licensing Board was established by Special Act, Laws of Florida, and Chapter 67-1876, as amended. The Special Act and, subsequently, Florida State Statute (F.S. §) sets forth the membership of the Board, which consists of 15 members. Arnold Rich has been nominated to replace Alvin Cohen who is no longer able to serve. The nomination represents the Seat for a Consumer Representative as cited in the Special Act, and F.S. § 489.131 establishing the Construction Industry Licensing Board. A Memorandum was sent to the Board of County Commissioners on July 29, 2013, advising of the vacant position. No other nominations were received. Countywide (SF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** a Contract with All Webbs Enterprises, Inc. for Southern Region Operations Center (SROC) and Southern Region Water Reclamation Facility (SRWRF) Deep Injection Well Mechanical Integrity Testing and Rehabilitation Contract in the amount of \$229,978. **SUMMARY:** On July 2, 2013, five bids were received for Project No. WUD 13-035 to perform mechanical integrity testing of one deep injection well at SROC and two deep injection wells at SRWRF, and to rehabilitate the deep injection well wellhead and modify piping for SROC. This testing is required by Florida Department of Environmental Protection regulations. The low bidder, All Webbs Enterprises, Inc., is the lowest responsive, responsible bidder in the amount of \$229,978. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. All Webbs Enterprises, Inc. has met the SBE goal with a participation of 97.50% overall. All Webbs Enterprises, Inc. is a local company. (WUD Project No. 13-035) District 5 (JM)
  
2. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 12 with MWH Americas, Inc. (R2011-0632) for Water Treatment Plants 3 and 9 Wells Rehabilitations and Replacement in the amount of \$195,637. **SUMMARY:** On May 3, 2011, the Palm Beach County Board of County Commissioners approved the continuing Contract for Utility Hydrogeologic & Water Resources Engineering Services with MWH Americas, Inc. (R2011-0632) to obtain engineering /professional services for utility related projects. This CSA will provide for engineering and hydrogeological services to design and permit rehabilitation or replacement of two wells at Water Treatment Plants 3 and 9. Over one-third of the Department's 95 wells have been in service 30 years or longer and they are approaching their useful lifespan. This is the second phase of a multi-year asset management plan to rehabilitate or replace five wells per year with upgraded corrosion resistant materials which will substantially increase their lifespan. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with MWH Americas, Inc. provides for SBE participation of 26% overall. This Authorization includes 30.39% overall participation. The cumulative SBE participation, including this Work Authorization, is 30.73% overall. MWH Americas, Inc. is a local company. (WUD Project No. 13-080) District 5 (JM)
  
3. **Staff recommends motion to approve:** three Subordination of County Utility Interests Agreements with the Florida Department of Transportation (FDOT) for the subordination of three utility easements along Military Trail and Community Drive. **SUMMARY:** The County presently has an interest in certain lands along Military Trail and Community Drive that have been determined necessary for highway purposes. This will require subordination of the County interest to the FDOT. If necessary, the FDOT is willing to pay to have the County's facilities relocated to prevent conflict. The Water Utilities Department concurs with this request and recommends the subordination of the three utility easements. There are no costs associated with the subordination of the easements. District 7 (MJ)
  
4. **DELETED**
  
5. **DELETED**

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

6. **Staff recommends motion to approve:** a one-year extension to all Water Utilities Department Development Agreements and Renewal Agreements that were scheduled to expire on or after September 30, 2013 and before September 30, 2014. **SUMMARY:** Developers who meet certain criteria as outlined in the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP) are required to enter into Development Agreements (Agreement) to reserve potable water, wastewater, and/or reclaimed water capacity (Capacity) for their projects. The terms of the Agreement require the submittal of a Mandatory Agreement Payment (MAP) to reserve Capacity for a period of five years. Any unused Capacity remaining in the Agreement after five years can be renewed for one additional five year term upon payment of another MAP and execution of a Renewal Agreement. No further renewals are available after ten years as prescribed by UPAP. However, the Palm Beach County Board of County Commissioners (Board) recognized the impact the downturn in the economy was having on development in the County and approved an one year extension of these Agreements on January 13, 2009 (Agenda Item 3K-1). An additional extension was approved by the Board through its authorization to include these Agreements as part of Section 14(1), Chapter 2009-06, Laws of Florida. This measure provided a two year extension for Agreements expiring between September 1, 2008, and January 1, 2012. Additional extensions were approved by the Board on September 13, 2011 (Agenda Item 6G-1) and August 14, 2012 (Agenda item 3K-1). Although the economy is showing signs of improvement, sustainable development activity in the County is undeterminable at this time. Therefore, WUD is once again recommending to the Board the approval of a one year extension on these Agreements. As can be seen from Attachment 1 (to the Agenda Item), List of Expiring Agreements FY 2014, the benefit applies not only to the larger developers but also to hundreds of smaller entities with development agreements with WUD. Districts 1, 2, 3, 5 & 6 (MJ)
  
7. **Staff recommends motion to approve:** Change Order No. 1 to the Contract with R.J. Sullivan Corporation (R2012-0600) for the construction of a Vacuum Wastewater Pumping Facility, decreasing the contract price by \$8,641.90 with a 119 day time extension. **SUMMARY:** On April 17, 2012, Palm Beach County Board of County Commissioners (BCC) approved the contract with R.J. Sullivan Corporation (R2012-0600) for the construction of a Vacuum Wastewater Pumping Facility. This change order authorizes the contractor to include several items that were not included in the original design but were required to complete the project, the deletion of an item, and unused allowance. Funding for this project has been provided by the Palm Beach County Department of Economic Sustainability (DES) under the Community Development Block Grant Program (CDBG) (\$985,400) and by Palm Beach County Water Utilities Department (WUD) (\$203,600). This Contract is the complement of the Belvedere Homes Infrastructure project that includes the construction of a vacuum type sewer collection system. The Contract's M/WBE goal is 22.4% with 6.9% female participation goal for trades rather than the County's SBE goals because the project is partially funded by a federally grant. This Contract provides 2.15% M/WBE. This Change Order includes zero to the M/WBE participation. R.J. Sullivan Corporation is a local company. (WUD Project No 11-022) District 2 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to adopt: a Resolution repealing and replacing Resolution 2009-0319, which created the Natural Areas Management Advisory Committee (NAMAC); and providing for re-creation of NAMAC as presently constituted, for membership, for conditions of appointment, for meetings and organization, for duties and functions, that Committee action is advisory only, for assistance to the Committee, for ratification and providing for an effective date. **SUMMARY:** On March 1, 2013, the Board of County Commissioners adopted Resolution 2013-0193, which established uniform policies and procedures applicable to all advisory boards created by Palm Beach County. Resolution 2013-0193 provides that no advisory board member shall serve more than three consecutive three year terms. To make the Resolution establishing NAMAC consistent with this directive, and to set all NAMAC member three year terms from October 1 to September 30<sup>th</sup>, it is necessary to repeal and replace Resolution 2009-0319 to provide for term limits consistent with Resolution 2013-0193. Countywide (SF)
  
2. Staff recommends motion to accept: a Revocable Partial Assignment of an Undivided Interest of Rights Under Easement Deed (Assignment) from the South Florida Water Management District, a government entity existing under Chapter 373, Florida Statutes (District). **SUMMARY:** The District is the beneficiary of an easement for operation of the west leg of the C-18 Canal for water control, conservation, and other public purposes (hereinafter referred to as the "Easement") that was originally granted on July 26, 1954, and recorded in Deed Book 1097, at page 261, of the Public Records of Palm Beach County, Florida. Palm Beach County's Hungryland Slough Natural Area (HSNA) adjoins the west leg of the C-18 Canal to the north and the County's Department of Environmental Resources Management (ERM) operates a surface water management system on that land. This system includes water control structures that provide water outfalls from the HSNA into the west leg of the C-18 Canal. In order to provide operational flexibility and more importantly, access to these structures for the County, the District desires to partially assign its rights under the Easement to the County. ERM also desires to obtain these Easement rights for securing direct access to its water control structures in addition to natural area management accessways and increased flexibility for ERM and its contractors for management of the HSNA. District 1 (HJF)
  
3. Staff recommends motion to approve: Contract with Taylor Engineering, Inc. (Taylor) for continuing professional coastal and marine engineering consultant services, effective for two years through September 30, 2015. **SUMMARY:** Taylor, a Palm Beach County 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. Taylor has agreed to SBE-M/WBE participation of 20%. The Contract contains an option to renew for one additional year. Countywide (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. Staff recommends motion to:

**A) approve** the Joint Partnership Agreement (R2009-0864) Amendment No. 3 with the Florida Department of Transportation (FDOT) to increase funding by \$1,200,000 and modify the wetland mitigation area to include a portion of Bryant Park;

**B) adopt** a Resolution to authorize entering into this Amendment as a requirement of FDOT;

**C) approve** a Budget Amendment of \$1,200,000 in the Environmental Resources Capital Fund to recognize the revenues from Amendment No. 3; and

**D) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications and other documents associated with Amendment No. 3 and any necessary minor amendments to those documents that do not change the scope of work or terms and conditions of the Agreement.

**SUMMARY:** Amendment No. 3 to Agreement (R2009-0864) will provide an additional \$1,200,000 from FDOT and expand the mitigation area to include four acres of wetlands within a submerged area off of Bryant Park in Lake Worth. Work will be completed by June 30, 2014. Matching funds are not required. District 3 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to:

**A) approve** Grant Agreement No. 14PB1 with the Florida Department of Environmental Protection (FDEP) for \$2,500,000 cost share for the Jupiter/Carlin Shore Protection Project ending December 31, 2014;

**B) approve** Grant Agreement No. 14PB2 with the FDEP for \$1,114,000 cost share for the Ocean Ridge Shore Protection Project, ending December 31, 2014;

**C) approve** Change Order No.1 to Grant Agreement No. 13PB1 (R2012-1823) with the FDEP for the Ocean Ridge Shore Protection Project to modify forms;

**D) approve** Amendment No. 2 to Grant Agreement No. 11PB1 (R2011-0930) with the FDEP for the South Lake Worth Inlet Management Plan Implementation Project (SLWIMP), extending the agreement to December 24, 2014;

**E) approve** Budget Amendment of \$3,614,000 in the Beach Improvement Fund to recognize the revenue for 14PBI Jupiter/Carlin (\$2,500,000) and 14PB2 Ocean Ridge (\$1,114,000); and

**F) authorize** the County Administrator, or his designee, to sign all future time extensions and other necessary minor amendments that do not significantly change the scope of work or terms and conditions of Agreements 14PB1, 14PB2, and 13PB1.

**SUMMARY:** Agreement Nos. 14PB1 and 14PB2 provide for reimbursement of funds which will be expended by the County for construction of the Jupiter/Carlin and Ocean Ridge projects, respectively. Under the terms of each Agreement, fifty percent (50%) of the non-Federal project costs are eligible for reimbursement. The County is responsible for the local match requirement of fifty percent (50%) of the non-Federal share, or \$2,500,000 for Jupiter/Carlin, and \$1,114,000 for Ocean Ridge, which is available in the Beach Improvement Fund from tourist development taxes. Reimbursement for each Agreement is retroactive to January 1, 2013, and each Agreement terminates December 31, 2014. Change Order No. 1 of Agreement No. 13PB1 modifies Request for Payment forms and updates the FDEP address and mailing station information. Reimbursement is retroactive to September 1, 2010, and the Agreement terminates September 1, 2014. There is no cost to the County. Amendment No. 2 of Agreement No. 11PB1 extends the termination date to December 24, 2014, and provides for the reimbursement of funds previously allocated in Amendment 1. Under the terms of the Agreement, up to 75% of the eligible construction costs will be reimbursed by the State. This is an inlet management project. Districts 1 & 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

6. Staff recommends motion to receive and file four documents:

**A)** Cooperative Agreement No. 2 to Grant and Cooperative Agreement L11AC20221 (R2011-1394) with the U.S. Bureau of Land Management (BLM) recognizes an award of \$100,000 for the third of a five year Agreement to enhance, restore, and monitor natural resources within the Jupiter Inlet Lighthouse Outstanding Natural Area (JILONA);

**B)** Change Order No.1 to the Department of Environmental Protection (DEP) Agreement No. 11PB1 (R2011-0930) changes paragraph 12 to update the Request for Payment forms and revises paragraph 22 to change the DEP address;

**C)** Change Order No.1 to the Department of Environmental Protection (DEP) Agreement No. 08PB4 (R2010-1322) changes paragraph 13 to update the Request for Payment forms and revises paragraph 23 to change the DEP address; and

**D)** Change Order No.1 to the Department of Environmental Protection (DEP) Agreement No. 06PB2 (R2007-0046) changes paragraph 13 to update the Request for Payment forms and revises paragraph 22 to change the DEP address.

**SUMMARY:** On September 13, 2011, the Board of County Commissioners approved Grant and Cooperative Agreement L11AC20221 (R2011-1394). Delegated authority to execute all future modifications was provided at that time. \$100,000 is included in the FY 14 Budget. On June 21, 2011, the Board of County Commissioners approved DEP Agreement No. 11PB1 (R2011-0930). Delegated authority to execute all future changed orders was provided at that time. On August 17, 2010, the Board of County Commissioners approved DEP Agreement No. 08PB4 (R2010-1322). Delegated authority to execute all future change orders was provided at that time. On January 9, 2007, the Board of County Commissioners approved DEP Agreement No. 06PB2 (R2007-0046). Delegated authority to execute all future change orders was provided at that time. Countywide (SF)

7. Staff recommends motion to:

**A) approve** Agreement Contract No. 020316 with the Florida Department of Agriculture and Consumer Services (FDACS) for mosquito control activities performed by the Department of Environmental Resources Management, for the period October 1, 2013, through September 30, 2014 for an amount not to exceed \$30,000;

**B) approve** Budget Amendment of \$11,500 to re-align the 2014 Budget to reflect the award amount; and

**C) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications, and other forms associated with this Agreement, and necessary minor amendments that do not change the scope of work, terms or conditions of this Agreement.

**SUMMARY:** The Agreement provides Arthropod Control State Aid of up to \$30,000 in quarterly installments with monthly reporting requirements regarding mosquito control activities. No match is required. The FDACS Form 13617 Certified Budget must be delivered to Tallahassee by November 1, 2013. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

8. **Staff recommends motion to approve:** a Contract with the Palm Beach County Sheriff's Office to provide continued law enforcement services on County-owned conservation lands and natural areas for a period of thirty-six months beginning October 1, 2013 and ending September 30, 2016, for \$451,341 in the first year. **SUMMARY:** This Contract provides for four full-time Sheriff's Deputies to patrol the County's conservation lands and natural areas. Funding for this Contract comes from the Ag Reserve Land Management Fund, a non-ad valorem source. Annual increases are not to exceed 8% per year. There is a provision in this Contract that provides for an additional deputy if an outside funding source can be arranged. Countywide (SF)
9. **Staff recommends motion to approve:** reappointment of the following individuals to the Natural Areas Management Advisory Committee (NAMAC) for a three year term beginning October 1, 2013, through September 30, 2016:

<u>Nominee</u>	<u>Seat No.</u>	<u>Representing</u>	<u>Nominated by</u>
Russell Ruskay	4	Municipal Parks & Recreation Program	Comm. Burdick Comm. Taylor Comm. Valeche
<b>AND</b>			
Allen Trefry	7	Citizen with Interest in Preservation & Conservation of Natural Areas	Comm. Abrams Comm. Burdick Comm. Taylor Comm. Valeche

**SUMMARY:** On February 24, 2009, the Board of County Commissioners (BCC) adopted Resolution No. 2009-0319 which re-established NAMAC with seven at-large members. Pursuant to Resolution No. 2009-0319 the composition of NAMAC is as follows: one member with experience in the management of natural areas, one biological scientist, one professional educator with knowledge of South Florida ecosystems, one representative of a local municipal government public recreation program, one member of the Palm Beach County Parks and Recreation Department staff, two citizens having an interest in preservation and conservation of natural areas. On October 1, 2013, the BCC will consider a proposal to re-establish NAMAC with the same seats and representation, but with the proposal to add term limits of no more than three consecutive three-year terms for any member of NAMAC. A memorandum from Environmental Resources Management was sent to the BCC on August 16, 2013 advising them of the need to appoint or reappoint members to fill the above seats. Both Mr. Ruskay and Mr. Trefry expressed their willingness to continue the duties of Seats 4 and 7, respectively, for another term. All of the nominees meet the necessary requirements. Countywide (SF)

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** Budget Transfer of \$300,000 within Park Impact Fees Zone 2 from Reserves to the Okeeheelee South Park Development Phase III project. **SUMMARY:** This Budget Transfer is necessary to continue the environmental restoration and park development program at Okeeheelee Park South. This budget transfer will fund exotic vegetation removal work on over 145 acres in preparation of constructing new equestrian, bike and pedestrian trails. Native wildlife habitats will be created within this park with a focus on balancing passive public recreational uses. This environmental restoration and park development program is essential work toward the establishment of a Natural Areas Management Plan for Okeeheelee Park South to prevent future wildfires and safely open this park to the public. Funding for this budget transfer is from the Park Impact Fees Zone 2 reserve. District 2 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. Staff recommends motion to receive and file: a fully executed Amendment 1 to Agreement with the State of Florida Department of Environmental Protection (FDEP) for Land and Water Conservation Fund (LWCF) Project Number 12-00583 for John Prince Memorial Park - Phase IV to extend the project completion date from March 14, 2014, to March 14, 2015. **SUMMARY:** On May 18, 2010, the Board authorized submission of a LWCF grant application for improvements at John Prince Memorial Park Phase IV, R2010-0792. The Board also authorized the County Administrator or his designee to execute the Project Agreement and other standard state and/or federal grant forms related to this project. The grant was approved and the Project Agreement, R2011-1058, provided a grant term from March 14, 2011 to March 14, 2014. The County requested an Amendment to the Agreement extending the grant term for one year. The Director of Parks and Recreation Department executed the Amendment on behalf of the Board as authorized, and the Amendment is now being presented to the Board to receive and file. District 3 (AH)
  
3. Staff recommends motion to approve: Work Order No. PR 75826 in the amount of \$203,625 to resurface the cart paths at Southwinds Golf Course utilizing the Annual Pathway and Minor Construction Contract R2013-0427 with Wynn & Sons Environmental Construction Co., Inc. **SUMMARY:** Approval of this Work Order No. PR 75826, Annual Contract No. 2013051, will provide the contractual services necessary to resurface the cart paths at Southwinds Golf Course. The proposed work will replace ageing and damaged asphalt, eliminate hazardous cracks, crevices and potholes, and mill badly rooted areas. Per County PPM CW-F-050, this Work Order exceeds the threshold relating to staff approvals of contracts, thus requiring the Board of County Commissioners' approval. District 5 (AH)

N. LIBRARY

1. Staff recommends motion to receive and file: a Cooperative Agreement with Literacy\*AmeriCorps through the Literacy Coalition of Palm Beach County. **SUMMARY:** On June 18, 2013, the Board approved a site application (R2013-0772) for the County Library's participation in the Literacy\*AmeriCorps PBC Program for the period of August 12, 2013, through July 31, 2014, and authorized the County Administrator to execute the agreement. This Agreement will provide the County Library with one full-time Literacy\*AmeriCorps member. This member will offer conversational English programs and oversee the literacy learning computer lab. The Library will pay a service fee of \$5,700 to the Literacy Coalition of Palm Beach County and business-related mileage to the member up to \$2,800. AmeriCorps, with supplemental funds from the Coalition, will cover all other expenses including Workers' Compensation, liability, and health care coverage. Countywide (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY (Cont'd)

2. **REVISED BACKUP: Staff recommends motion to approve:** reappointment of the following at-large member of the Library Advisory Board for a term of three years, effective October 1, 2013 to September 30, 2016:

<u>Nominee</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Nominated by</u>
Rosalie Krasnow	15 At Large	Resident of PBC Library District	Mayor Abrams Vice-Mayor Taylor Commissioner Valeche

**SUMMARY:** Chapter 2000-405, Laws of Florida establishes a requirement for a Library Advisory Board consisting of fifteen members; one at-large and fourteen district appointees. Ms. Krasnow has served on the Library Advisory Board since 1999. She is eligible to serve another three year term and has expressed a desire to be reappointed. A memo was distributed to the Board of County Commissioners on August 8, 2013 requesting nominations. No other nominations were received. Countywide (AH)

P. COOPERATIVE EXTENSION SERVICE

1. **Staff recommends motion to:**

**A) accept** a Grant for \$1,000 for 4-H projects funded by The Florida Agriculture in the Classroom, Inc.'s Grants Committee as part of its 2013 Florida Agriculture in the Classroom Volunteer Grants program to be completed by June 30, 2014; and

**B) approve** a Budget Amendment of \$1,500 in the Cooperative Extension Service Revenue Grant Fund to establish revenue and grant expenditure budget for the grant and for a \$500 donation from the Florida 4-H Foundation; and

**C) authorize** the County Administrator or his designee to execute any certifications, or standard forms that do not change the scope of work or terms and conditions of the grant application.

**SUMMARY:** On March 13, 2013, the Palm Beach County Cooperative Extension Service Department submitted an electronic grant application for \$2,500 to Florida Agriculture in the Classroom, Inc. (Florida Ag). Florida Ag approved the grant application and awarded the County \$1,000 to partially fund 4-H for the Fall Family Festival and 4-H Open House projects to be held on October 20, 2013 at the Palm Beach County Cooperative Extension Office and The Mounts Botanical Garden of Palm Beach County. A County match of \$500 will be provided by the Florida 4-H Foundation. Funds will be used to develop three agriculture displays. District 7 (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

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

**B) receive and file** Grant Adjustment Notices revising the budget and extending the expiration date to September 30, 2013.

**SUMMARY:** Grant funds previously covered the cost of security at the Juvenile Assessment Center (JAC). The Department of Juvenile Justice assumed that responsibility beginning September 1, 2012. Remaining Justice Assistance Grant funds from FY 2012 are being redirected to equipment and capital outlay to support the JAC which relocated in late December 2012. An extension of time is required to fully complete the purchasing of equipment. The Grant Adjustment Notice, 10, has been executed on behalf of the Board of County Commissioners by the County Administrator/Executive Director of the Criminal Justice Commission in accordance with Resolution R2011-1213, and is now being submitted to the Board to receive and file. Florida Department of Law Enforcement issued Grant Adjustment Notice 9 for administrative purposes. Countywide (PGE)

2. Staff recommends motion to:

**A) receive and file** a Second Chance Act Demonstration Program Grant Application and Award Supplement from the Department of Justice (DOJ) for \$1,500,000 beginning October 1, 2013, through September 30, 2015, to fund an ex-offender reentry program; and

**B) approve** a Budget Amendment for \$1,500,000 in the Second Chance Act Grant Fund to establish budget for the ex-offender reentry program.

**SUMMARY:** Palm Beach County accepted a grant award of \$750,000 from the Department of Justice (R2012-1428) on October 2, 2012 to facilitate the successful reintegration of offenders as they return to the community in partnership with the Florida Department of Corrections. Palm Beach County was recently awarded a \$1,500,000 supplement to this grant to continue services from October 1, 2013, through September 30, 2015. Agenda Item (R2012-0840) provided delegated authority to submit the application and accept the grant. The grant program, the Regional and State Transitional Offender Reentry (RESTORE) Initiative, utilizes the Sago Palm and West Palm Beach Work Release facilities. The ex-offenders will be provided with pre and post release services to assist in their transition back into the community. A 100% match (\$1.5M) is required and funds have been identified totaling \$40,092 in-cash and \$1,459,908 in-kind. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to approve and ratify: the re-opener amendment of Article 28-Vacations, to the Collective Bargaining Agreement with the Professional Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Inc. **SUMMARY:** In accordance with Article 28, Section 6 of the current Collective Bargaining Agreement (CBA), October 1, 2012, through September 30, 2015 (R2013-0493), the Fire Rescue Administrator and President of the Professional Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Inc (Union) agreed to reopen Article 28 of the CBA regarding Vacations. The revisions defined a broader countywide vacation selection for the District Chief/Captain positions, addressed limits for Firefighter/EMT positions so they are interchangeable with regard to vacation selection, and deleted Section 6 to remove the option for any future reopener of Article 28 prior to the expiration of the current CBA. The changes to the Article were voted on during two Union meetings on August 20th and August 21st, passed and therefore, were ratified. Countywide (SB)
  
2. ~~**DELETED: Staff recommends motion to approve:** an Interlocal Agreement for Fire Protection and Emergency Medical Services with the Town of Jupiter. **SUMMARY:** The existing eleven year agreement (R2002-1210) with the Town of Jupiter expires on September 30, 2013. The proposed ten year agreement provides for the Town to receive fire, rescue and emergency medical services from the County through the County's established Jupiter Municipal Service Taxing Unit (MSTU). The cost of services will be funded by EMS transport fees, non-emergency service fees, and ad valorem taxes levied through the Jupiter MSTU. The Town's contract price for first year (FY 2014) is \$14,874,897 which shall be collected through the Jupiter MSTU. The Town adopted Ordinance Number 42-13 to extend inclusion in the Fire/Rescue MSTU through tax year 2022 to fund service through September 30, 2023. The Agreement outlines certain terms regarding the provision of services and funding. Countywide (SB)~~

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve:

**A)** Amendment No. 4 to the Software License Agreement with SCT Government Systems, LLC (R1998-1540 & 1541) to reflect corporate name change through conversion to Xerox Government Systems, LLC, 8260 Willow Oaks Corporate Drive, Fairfax VA., 22031 ATTN: ALG Contracts/Justice Solutions. ACS was purchased by Xerox Corporation in 2010 and officially changed their name to Xerox Government Systems, LLC on March 25, 2013; and

**B)** Amendment No. 9 to the Technical Currency Program (TCP) Agreement with Xerox Government Systems, LLC (R2003-1017), to extend the software maintenance coverage for the following component modules of the Banner Courts system: Civil, Juvenile, Extended Case Information and Accounting, at an annual fee of \$245,752 for the period of October 1, 2013, through September 30, 2014.

**SUMMARY:** The TCP License Agreement was initially entered into by Palm Beach County and SCT (now Xerox) on September 29, 1998 (R1998-1540 & 1541), for annual maintenance of the Justice Information System (JIS) which included modules for Civil, Juvenile, Criminal, and Traffic Courts, and Jury Management. The TCP Agreement provides for software maintenance coverage and establishes the amount of the annual payments to Xerox. The current TCP agreement expires September 30, 2013 and this extension of the agreement will begin October 1, 2013 to provide a continuation of software maintenance coverage by Xerox. After the Clerk & Comptroller's new case management system is fully implemented, annual software maintenance cost will decrease to \$4,885 for the Jury Management module, the only Xerox software product which will remain in use by the Clerk & Comptroller. Jury Management software maintenance has been extended under a separate contract amendment. Xerox Government Systems, LLC is based in Fairfax, VA. Countywide (PFK)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: Modification No. 2 to the Subgrant Agreement 11-DS-9Z-10-60-01-445 with the State of Florida, Division of Emergency Management (FDEM) under the State Homeland Security Grant Program (SHSGP) Contract 2011 in the amount of \$95,245 to reinstate and extend the Agreement from June 30, 2013 to July 31, 2013. **SUMMARY:** The County was awarded \$95,245 from the State of Florida, Division of Emergency Management to conduct planning, training and exercise activities in order to develop, and enhance emergency preparedness capabilities. A request to extend the grant from June 30, 2013 to July 31, 2013 has been approved. R2012-1731 gave the authority to the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. **No County matching funds are required.** Countywide (PGE)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to receive and file: the following executed reinstated and amended agreements with the Fifteenth Judicial Circuit Court (Court) for the period July 1, 2013, through June 30, 2015:

**A)** Agreement Reinstating and Amending the Terms of Original Agreement for Expert Witness Professional Services for Juvenile Competency Evaluations & Psychological Evaluations; and

**B)** Agreement Reinstating and Amending the Terms of Original Agreement for Expert Witness Professional Services for Adult Competency Evaluations; and

**C)** Agreement Reinstating and Amending the Terms of Original Agreement for Expert Witness Professional Services Related to Appointment as an Examining Committee Member Relating to Guardianship Matters.

**SUMMARY:** The Court has contracted with the Division of Justice Services to provide court ordered forensic evaluations and testimony through Justice Services' Forensic Psychology Office. Seniors, adults, teens and children throughout the county are directed to the Forensic Psychology Office with the appropriate Court Order, outlining which specific evaluation is required. The scope of services provided in the original agreements (R2012-1726, R2012-1727, R2012-1728) includes competency and psychological evaluations for adult and juvenile criminal matters and appointment as an examining committee member relating to guardianship matters. These agreements compensate Justice Services Forensic Psychology Office for the psychological services provided. These amendments extend the contract termination dates from June 30, 2013 to June 30, 2015. R2005-0792 authorizes the County Administrator or his designee to execute contracts to provide psychological services to the Fifteenth Judicial Circuit Court. Countywide (PGE)

Z. RISK MANAGEMENT

1. Staff recommends motion to approve:

**A)** the purchase of airport liability insurance, for the period October 10, 2013, through October 10, 2014; to be purchased through the County's contracted broker, Arthur J. Gallagher & Co. for a total not to exceed cost of \$121,000; and

**B)** a correction to the County's Self Insured Retention Plan (SIRP) Document to accurately reflect the \$500 deductible for auto comprehensive and collision losses.

**SUMMARY:** The not-to-exceed estimated total cost of \$121,000 for airport liability insurance represents a 5% increase over the expiring premium of \$115,093 and is attributable to additional federal fees. The overall aviation insurance market is stable and the County's proactive approach to controlling losses continues to keep premiums very reasonable for an agency of this size. The correction to the SIRP is needed to simplify deductibles in accordance with the reporting guidelines set forth in Countywide PPM CW-F-075. Countywide (TKF)

\* \* \* \* \*

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

- A. 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)

\* \* \* \* \*

5. REGULAR AGENDA

A. ADMINISTRATION

1. **Staff recommends motion to approve:** the disbursement of funds from the marketing reimbursement fee received by Palm Beach County from the National Association of Counties' (NACo) Prescription Drug Discount Card. **SUMMARY:** On June 19, 2007, the Board of County Commissioners (BCC) approved a contract with NACo and Caremark, for the purpose of proceeding with the Managed Pharmacy Benefit Consumer Card Program. Palm Beach County began participating in the NACo Prescription Drug Discount Card program in September 2007. In January 2012, NACo announced the addition of a transaction revenue sharing fee option. In June 2012, the BCC approved this option and has received the marketing reimbursement fee of \$1 for each filled prescription. Since the start of the marketing reimbursement fee, Palm Beach County has collected \$13,487. In order to manage the marketing reimbursement fee, the County is requesting approval to use proceeds from the card for the following:

- 1) Advertising and marketing related to health care initiatives including the Prescription Drug Discount Card Program
- 2) Human Services – co-pays for prescription drugs for individuals under certain income thresholds
- 3) Senator Philip D. Lewis Center – health care needs
- 4) Animal Care and Control – medical equipment
- 5) Senior Centers – programming for health related initiatives
- 6) Wellness programs – support for County sponsored wellness programs.

Funds received from the program will be deposited in the appropriate budget line and distributed by County Administration based on collaborative recommendations from employees representing Community Services, Public Safety, and Public Affairs. Countywide (DW)

2. **Staff recommends motion to approve:** a Memorandum of Understanding (MOU) with the Clerk and Comptroller and Palm Beach County for release of the IG Account Segregated Funds. **SUMMARY:** The MOU provides a means for the Clerk to release funds that were paid by certain municipalities in 2011 and the first quarter of 2012 pursuant to the terms of the funding mechanism method outlined in the Inspector General Ordinance Sec. 2-429. Shortly after fifteen municipalities filed suit to challenge the funding mechanism, the Clerk and Comptroller's Office intervened in the lawsuit to determine its rights and responsibilities under the Ordinance. Since then, the Clerk has not invoiced the municipalities pursuant to the Ordinance, and has not released the funds initially paid by the municipalities. Under this MOU, a total of \$223,588 will be released by the Clerk to help fund Inspector General operations. Countywide (LB)

3. **Staff recommends a motion to receive and file:** Status report on the Seven50 Plan. **SUMMARY:** Seven50 (seven counties, 50 years) is a planning blueprint for enhancing Southeast Florida for the future. A presentation will be made by Treasure Coast Planning Council and South Florida Regional Partnership staff. Countywide

5. REGULAR AGENDA

B. COUNTY ATTORNEY

1. Staff recommends motion to:

**A) approve** a Contract for Professional Legal Services with the law firm of Harris Penn Lowry LLP to represent the County on a contingency basis in litigation for violations of the federal Fair Housing Act (FHA); and

**B) provide direction** to the County Attorney on which potential defendants should be sued.

**SUMMARY:** Preliminary research of federal government-mandated lending data indicate that mortgage origination and lending activities were targeted at minority borrowers in the County, in violation of the FHA. Taxing authorities in other states have brought suit for damages they have incurred to their tax bases, as well as for direct expenses arising out of Code Enforcement, police responses, and other costs caused by the FHA violations. Harris Penn Lowry LLP, which has its principal office in Atlanta, Georgia, was the only law firm to respond to the County's request for proposals for legal services on this matter. The firm will bear the risk of all litigation-related expenses until there is either a settlement or a judgment in the County's favor. The County Attorney requests direction as to which potential defendants should be directly sued as opposed to negotiated with in the context of lawsuits brought by other taxing authorities. Countywide (AJM)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS

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, amending Chapter 2 of the Palm Beach County Code (Ordinance No. 2003-030, amended by Ordinance No. 2008-007); pertaining to criminal history record checks; amending section 2-373 of the Palm Beach County Code (Definitions); amending section 2-374 of the Palm Beach County Code (Critical Facilities Determination); amending section 2-375 of the Palm Beach County Code (Criminal History Record Checks); amending section 2-376 of the Palm Beach County Code (Alternative Compliance); providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** This Amendment modifies the County's program for conducting criminal history record checks on contractors, vendors, repair and delivery persons who require unescorted access to Critical Facilities by adding a requirement for criminal history record checks for unescorted access to Criminal Justice Information Facilities (CJI Facilities). The Amendment is required by the Criminal Justice Information Services Security Policy (CJIS Policy) implemented by the Criminal Justice Information Services Division of the Federal Bureau of Investigation (FBI CJIS Division). CJI Facilities are those facilities or areas that contain or house law enforcement agency criminal justice information. CJI Facilities will be identified by Board resolution. The CJIS Policy assigns implementing responsibility for performing criminal history record checks at CJI Facilities to local law enforcement or the Florida Department of Law Enforcement (FDLE). Therefore, the Amendment assigns implementing responsibility for access to CJI Facilities to the Palm Beach County Sheriff's Office (Sheriff's Office). The disqualifying criminal offenses for CJI Facilities are identified in Appendix B to the Ordinance and include all misdemeanors, felonies, warrants and arrests. The Sheriff's Office in conjunction with the FDLE may review misdemeanors, pending charges, arrests and warrants to determine whether these are disqualifying offenses based on the access requested. The Sheriff's Office shall develop procedures for implementation of its responsibilities pursuant to the Amendment. Alternative compliance is amended to exclude Florida security guards who are already required by County to obtain criminal history record checks from the State, but only in the year that the State performs the record checks and to exclude volunteers of the Palm Beach County Sheriff's Office, State Attorney's Office and the Clerk & Comptroller's office. (ESS) Countywide (JM)

5. REGULAR AGENDA

D. PALM TRAN

1. Staff recommends motion to:

**A) waive** the Board of County Commissioner policy that limits advisory board members to eleven members under Resolution No. R2013-0193; and

**B) approve** the new appointment of four At-Large members and reappointments of four At-Large members to the Palm Tran Service Board (PTSB):

<u>Nominee</u>	<u>Category, Seat Number</u>	<u>Term to Expire</u>	<u>Nominated By</u>
<b>NEW APPOINTMENTS</b>			
Vivian D'Angio	Environmental Advocate Seat #3	09/30/2016	Comm. Burdick Comm. Taylor Comm. Vana Comm. Valeche
Maurice J. Jacobson	Certified Paratransit User Seat #8	09/30/2016	Comm. Burdick Comm. Valeche Comm. Vana
William McDonald	Regular Fixed Route Passenger Seat #9	09/30/2016	Comm. Burdick
Beverly J. Scott	Resident of the Glades/Lake Region Area of Palm Beach County - Seat #13	09/30/2016	Comm. Santamaria
<b>REAPPOINTMENTS</b>			
Wendy K. Harrison	Elected Municipal Official Seat #4	09/30/2016	Comm. Abrams Comm. Burdick Comm. Taylor Comm. Vana Comm. Valeche
Frank Stanzione	Fixed Route Bus Operator Seat #10	09/30/2016	Comm. Burdick Comm. Taylor Comm. Vana Comm. Valeche
Robert Templeton	Business Community Representative, Seat #5	09/30/2016	Comm. Burdick Comm. Taylor Comm. Valeche
Roberta Van Sickle	Disability Advocate Seat #2	09/30/2016	Comm. Burdick Comm. Santamaria

**SUMMARY:** The Palm Tran Service Board is composed of thirteen at-large members. The new appointments listed above have expressed their desire to become members of the PTSB. Mr. Jacobson, one of the new appointments listed, was previously a member of the Board but due to health issues was removed by application of the absence rule. His health has improved and he wishes to become a member of the Board again. The above incumbents of Seats 2, 4, 5 and 10 are members in good standing and have expressed their desire to continue to serve subsequent terms. Staff is requesting a waiver to the Board of County Commission Policy under Resolution R2013-0193 that limits membership to eleven members. Staff is recommending the composition remain at thirteen members. With these appointments one seat remains vacant and staff is working to identify interested candidates to fill this vacant seat. Countywide (DR)

5. REGULAR AGENDA

E. RISK MANAGEMENT

1. Staff recommends motion to approve:

**A)** Second annual option to renew the Administrative Services Only (ASO) Agreement (R2011-1667) dated October 31, 2011, with CIGNA Health and Life Insurance Company (CHLIC) for claims administration services for the County's self-funded HMO and POS health insurance plans for the period January 1, 2014 through December 31, 2014; and

**B)** CHLIC's proposed administrative fees, access fees and specific stop loss premiums estimated at \$2,353,808 for plan year 2014; and

**C)** The actuarial rates per coverage tier for plan year 2014; and

**D)** Employee wellness participation cash incentives in the amount of \$25 for completion of the online Health Risk Assessment (HRA) and \$25 for participation in an onsite biometric screening.

**SUMMARY:** Staff recommends Board approval of the second annual option to renew the ASO Agreement with CHLIC for the period January 1, 2014, through December 31, 2014, on behalf of the employees of the Board of County Commissioners (Board), Supervisor of Elections, and Palm Tran, Inc. (collectively participating in the plan through the provisions of Interlocal Agreement 2002 2287). CHLIC's estimated fees of \$2,353,808 represent a reduction of \$71,914 over the expiring contract primarily due to a recommended adjustment to the stop-loss limit of \$600,000 per claim (from \$550,000), based on favorable experience. The total projected health plan and administrative expense for plan year 2014 is \$64,793,382, representing an increase of \$407,961 over the projected 2013 expense at the same time last year. Although enrollment continues to trend downward over last year, allowances were made for an estimated 85 employees who currently opt out of the Board's health plan and may enroll in the health plan in 2014 due to the individual coverage mandate of the Affordable Care Act (ACA). Also effective in 2014, the ACA will require health plans to limit out-of-pocket maximums to a total of \$6,350 annually. Therefore, the current out-of-pocket maximum plan provisions will be amended to include physician office and pharmacy copayments, which were previously not capped. Due to favorable claims experience and a projected operating gain of \$4.3 million for 2013, staff is recommending employee contributions and cost-sharing remain unchanged for plan year 2014, and that an employee cash incentive for participation in certain components of the wellness program be continued and increased from \$25 to a possible \$50 per employee for the 2014 plan year. Sufficient funds have been budgeted to fund the program. Countywide (TKF)

5. REGULAR AGENDA

F. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. Staff recommends motion to:

**A) approve** a loan in the amount of \$190,000 to the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) to allow the CRA to meet its debt service payment on its \$3.38 Million Redevelopment Revenue Refunding Bonds, Series 1999, to be repaid from the CRA's Tax Increment Financing (TIF) revenues by January 15, 2014; and

**B) adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida approving the Westgate/Belvedere Homes Community Redevelopment Agency's (CRA) Fiscal Year 2014 Budget for its Redevelopment Trust (operating) Fund, Construction Fund, Sinking Fund and Reserve Fund.

**SUMMARY:** On December 1, 1992, the CRA issued Redevelopment Revenue Bonds for \$3,000,000 to construct sewer facilities, roadways, drainage facilities and sidewalks in the redevelopment area. On March 1, 1999, the CRA refunded these bonds and issued Redevelopment Revenue Refunding Bonds for \$3,380,000. A principal and interest payment in the amount of \$236,890 is due on November 1, 2013. The CRA will be unable to meet its obligation at that time since they will not receive the TIF revenues from Palm Beach County until December 2013. Therefore, the CRA is requesting a loan from the County which will be repaid from the TIF revenues. These advanced funds will be withheld from the December 2013 TIF payment. The Budget, in the amount of \$7,033,185, is composed of four components. The first component, the Redevelopment Trust Fund, in the amount of \$1,562,413, consists of the CRA's Annual Tax Increment Financing and balance brought forward from previous years. The second component, the Construction Fund, in the amount of \$4,940,000, consists of balances of reimbursable grants awarded to the CRA by County, State, and Federal governments for construction activities. The third component is the Sinking Fund, in the amount of \$262,710, which consists of one (1) annual payment from TIF revenues to repay the revenue bond reissued in 1999 to retrofit infrastructure in the Westgate area. The last component is the Reserve Fund, in the amount of \$268,062, which consists of a one-year security payment (principal and interest) held in escrow for the March 1, 1999, Redevelopment Revenue Refunding Bonds in the amount of \$3,380,000. Districts 2 & 7 (RB)

\* \* \* \* \*

OCTOBER 1, 2013

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

\*\*\*\*\*

OCTOBER 1, 2013

7. MATTERS BY THE PUBLIC – 2:00 P.M.

\* \* \* \* \*

**OCTOBER 1, 2013**

**8. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

A request from the Palm Beach County Education Commission, Inc. for the filling of a vacant seat designated for the Chair (Mayor) or his/her designee. The Education Commission is a non-profit 501(c)(3) corporation that serves as a neutral forum for dialogue among public and private entities regarding education/training opportunities and concerns at all levels, from early childhood through adult; including graduate degrees, industry certifications and job retraining. They do not lobby, fund grants or determine policy. They meet in February, April, August, October and December on the third Thursday at 8:00 am.

**B. COUNTY ATTORNEY**

OCTOBER 1, 2013

**9. COMMISSIONER COMMENTS**

**A. District 1 – COMMISSIONER HAL R. VALECHE**

**B. District 2 – COMMISSIONER PAULETTE BURDICK**

Request approval to present off-site, a Proclamation declaring October 6, 2013 as “German-American Day” in Palm Beach County.

**C. District 3 - COMMISSIONER SHELLEY VANA**

Request approval to present off-site, Proclamation declaring October 17, 2013 as “Lights on Afterschool Day” in Palm Beach County.

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

**REVISED TITLE:** Request approval to present off-site, a ~~Certificate in Memoriam U.S. Representative E. Clay Shaw~~ Proclamation declaring September 21, 2013 as “E. Clay Shaw Day” in Palm Beach County.

**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."