

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

NOVEMBER 19, 2013

<u>PAGE</u>	<u>ITEM</u>	
9	3E-1	<u>REVISED SUMMARY:</u> Staff recommends motion to approve: A) Amendments to Contract for Provision of Financial Assistance with the below listed agencies for the period October 1, 2013, through September 30, 2014, in an amount totaling \$2,926,549:... SUMMARY: The information submitted reflects part of the total \$12,258,187 <u>\$12,258,186</u> funding approved by the Board of County Commissioners for the Financially Assisted Agencies Program for FY 2014. Other contracts will be forthcoming upon receipt of all the required information. (Community Svcs)
26	3M-1	<u>DELETED:</u> Staff recommends motion to approve: Interlocal Agreement with the School Board of Palm Beach County for the period November 19, 2013, through November 18, 2014, for the mutual use of recreational facilities. (Parks) (Further staff review)
31	3AA-3	<u>REVISED TITLE:</u> Staff recommends motion to: A) approve Vendor Service Agreement with the Area Agency on Aging (AAA) in the amount of \$700,638 to fund transportation services for the Division of Senior Services (DOSS) Program for the period January 1, 2013 through December 31, 2014; and B)... C) authorize a one (1) time reimbursement of \$141,589.00 to the AAA for payments made to Palm Tran for services provided prior to the contract approval; <u>and</u> <u>D) approve</u> a Budget Amendment of \$314,185 in Palm Tran's Operating Fund 1340 for Fiscal Year 2013 in order to recognize the grant award. (Palm Tran)
32	3BB-1	<u>DELETED:</u> Staff recommends motion to: A) approve Second Amendment to the contract for Discover Palm Beach County, Inc. (1F) Airlift Development with Budget Transfer for \$250,000 from Discover Palm Beach County, Inc. to TDC Administration.; and...(TDC) (Further staff review)
35	5B-2	<u>DELETED:</u> Staff recommends motion to: A) approve an Agreement for 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...(County Attorney) (Further staff review)
36	5C-2	<u>DELETED:</u> Staff recommends the Board deny: a request from the City of Greenacres (City) and City residents for the County to assume maintenance of Chickasaw Road from the western limit of the plat of Chickasaw manor to Jog Road. (Engineering) (Further staff review)

ADD-ON, TIME CERTAIN 11:00 A.M., REVISED SUMMARY: Staff recommends motion to authorize: Staff to negotiate a Settlement Agreement with Metro Mobility Management Group, LLC (MMMG) to terminate their existing contract and to provide service through January 31, 2015. **SUMMARY:** On July 16, 2013, the Board of County Commissioners (BCC) encouraged MMMG to seek an additional partner in response to concerns raised about compliance with contractual provisions. MMMG was unable to identify a partner who could participate under the existing terms and has requested that their contract be terminated. Staff is in support of this request and recommends the following Settlement Terms be the basis of the Settlement Agreement:

1. MMMG will provide services through January 31, 2015;
2. Liquidated Damages currently total approximately \$2.4 Million. Liquidated Damages in excess of \$1 Million shall be waived at upon execution of the Settlement Agreement and the remaining \$1 Million shall be held in abeyance until January 31, 2015. Should MMMG's performance continue at the same levels, the remaining \$1 Million of Liquidated Damages shall be waived. The existing \$1 Million Performance Bond will remain in place;
3. ~~Future Liquidated Damages may be assessed through January 31, 2015, only if the County suffers an economic loss from the actions of MMMG;~~ Liquidated damages will continue to be assessed as appropriate, but contingent upon service being provided by MMMG in an acceptable manner through the termination date, these would be waived.
4. Equipment requirements and future capital investments set forth in Article 7 of the current contract will be waived. To ensure continued safety and on time performance MMMG will remove from service vehicles with 350,000 miles or greater and place into service existing lower mileage vehicles; and
5. Payment for Non-Dedicated Service shall be based on an increased mileage rate of \$2.15 per mile through January 31, 2015, which is projected to have an impact of \$1.6 Million. Of this amount, 20% of the increase will be shared with MMMG's current DBE partners. MMMG will retain key personnel including the Project Manager and Maintenance Manager through January 31, 2015.
6. A waiver and release of claims that MMMG had, has or may have against the County.

This arrangement will benefit the County as follows: (1) it allows for an adequate transition period to consider all options for service delivery; (2) it provides the best alternative to disruption in service which would be caused by an immediate or non-negotiated termination; (3) it provides a certain level of stability for current MMMG employees and Disadvantaged Business Enterprises; and (4) it is more cost effective than an emergency procurement for a new vendor. Staff intends to present the formal Settlement Agreement to the BCC at the January 14, 2014, Board Meeting. Countywide (DR) (Palm Tran)

ADD-ON, REVISED TITLE: Request approval to present off-site, a Proclamation declaring November 2013 as "Pancreatic Cancer Awareness Month" in Palm Beach County. (Sponsored by Commissioner Vana)

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**

NOVEMBER 19, 2013

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

**COMMISSION
CHAMBERS**

1. CALL TO ORDER

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance
- D. Comments by Mayor
- E. Election of Mayor
- F. Election of Vice Mayor
- G. Comments

2. AGENDA APPROVAL

- A. Additions, Deletions, Substitutions
- B. Adoption

3. CONSENT AGENDA (Pages 7-33)

4. PUBLIC HEARINGS - 9:30 A.M. (Page 34)

5. REGULAR AGENDA (Pages 35-39)

TIME CERTAIN 11:00 A.M. (Metro Mobility Contract) (Page 39a)

6. BOARD APPOINTMENTS (Page 40)

7. STAFF COMMENTS (Page 41)

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

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- 3C-1 Work Order No. 2013052-01 with Community Asphalt Corporation to mill and resurface Jog Road (45th Street to Beeline Highway)
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- 3C-3 Contract with The Murphy Construction Co. for construction of CR 880 at 20-Mile Bend emergency slope protection

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- 3D-1 Settlement Agreement in Michelle Troy v. Palm Beach County

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- 3E-1 Amendments and contracts for financial assistance with multiple social services agencies under the Financially Assisted Agencies program

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- 3F-1 Change Order No. 1 with The Morganti Group, Inc. for Building 340 improvements at PBI
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3U-1 Eighteenth Amendment with CGI Technologies and Solutions, Inc. to extend project completion date

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V. METROPOLITAN PLANNING ORGANIZATION - None

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- 3AA-1 Contract with Seagull Industries for the Disabled, Inc. for transportation services
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ADJOURNMENT (Page 42)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve: the appointment of Ms. Kelly Sobolewski to the Workforce Alliance, Inc. Board of Directors for the period November 19, 2013, through November 18, 2016:

Nominee/ Appointment	Seat No.	Term	Area of Representation	Nominated By
Kelly Sobolewski	11	From 11/19/13 Through 11/18/16	Private Sector	Business Development Board of Palm Beach County, Inc.

SUMMARY: The membership of Workforce Alliance, Inc. conforms to the requirements of the Workforce Investment Act (WIA) of 1998, and the Workforce Innovation Act of 2000. Policy for this item is defined in R2007-1220 Agreement between Palm Beach County, Florida (County) and Workforce Alliance, Inc. dated July 10, 2007. Per this Agreement, 17 private sector member appointments shall be made by County. The Workforce Investment Act of 1998 requests that an emphasis be placed on Chief Executive Officers or highest level of management positions for both community and business sector appointments. The Workforce Alliance, Inc. Board of Directors is comprised of a minimum of 35 members as determined from time to time by the Board of Directors with representatives of business in the local area who are owners of businesses, local educational entities, labor organizations, community-based organizations, economic development agencies, one-stop partners. Countywide (TKF)

2. Staff recommends the following appointments: to the Workforce Alliance, Inc. Youth and Young Adult Outreach Committee (Youth Council) for the period November 19, 2013, through November 18, 2016:

Nominee/ Appointment	Seat No.	Nominated By
Gregory J. Starling	6	Florida Department of Juvenile Justice
James S. Titcomb	12	Workforce Alliance, Inc.
Anacaona Florentino	14	Workforce Alliance, Inc.
Mary L. Watford	15	Florida Division of Vocational Rehabilitation
Pearlie Hill	16	Workforce Alliance, Inc.

SUMMARY: The membership of the Workforce Alliance, Inc. (Alliance) Youth Council conforms to the requirements of the Workforce Investment Act (WIA) of 1998, WIA 117(h)(1)-(3) and 20 CFR 661.335 and the Workforce Innovation Act of 2000. Per WIA there shall be established, as a subgroup within each local board, a Youth Council appointed by the local board, Workforce Alliance, Inc., in cooperation with the Chief Elected Official, Palm Beach County Board of County Commissioners, for the local area. The Workforce Accountability Act, 445 F.S. approved by the Florida Legislature effective July 1, 2012, requires that Alliance establish a Youth Council subject to the approval of the Palm Beach County Board of County Commissioners as Chief Elected Official. The Alliance Youth Council is comprised of 16 members recommended by the Alliance Board of Directors with representatives appointed in accordance with WIA. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: None
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** Work Order No. 2013052-011 (Work Order) in the amount of \$374,000 to mill and resurface Jog Road from 45th Street to Beeline Highway (Improvements) utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2013-0235 with Community Asphalt Corp. **SUMMARY:** Approval of this Work Order will allow the contractual services necessary to construct the Improvements. 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 6 (MRE)
2. **DELETED**
3. **Staff recommends motion to receive and file:** a Contract dated September 24, 2013 with The Murphy Construction Co., in the amount of \$199,498.25 (Contract) for the construction of County Road 880 at 20 Mile Bend emergency slope protection (Project). **SUMMARY:** The Contract is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. The Contract was approved on September 24, 2013, by the County Engineer, as a delegated authority in accordance with the Purchasing Code. The Project involved the repair and stabilization of the embankment for County Road 880 at the South Florida Water Management District's L-13 Canal. District 6 (MRE)

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** Settlement Agreement in Michelle Troy v. Palm Beach County, Case No.: 50 2012 CA 019619 XXXX MB AD (Fifteenth Judicial Circuit) for Sixty Two Thousand Five Hundred Dollars (\$62,500) and mediation fees, inclusive of all other attorney's fees and costs. **SUMMARY:** Michelle Troy, a current employee with the Head Start Division of the Community Services Department, sued the County in state circuit court in a two-count complaint alleging violations of the Florida Civil Rights Act on the basis of age and handicap. Troy alleges that her demotion in lieu of lay-off and subsequent placement was discriminatory on the basis of age and handicap, and that she was denied promotional and training opportunities. She also alleges that she was prevented from attending meetings and had job responsibilities taken from her and assigned to younger, non-disabled employees. The proposed Settlement Agreement would modify Troy's demotion and place her in the position of Education Coordinator. The Settlement Agreement would also compensate her in the amount of Sixty Two Thousand Five Hundred Dollars (\$62,500), inclusive of attorney's fees and costs, except for the cost of mediation, which the County would pay directly. Countywide (ATP)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

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

A) Amendments to Contract for Provision of Financial Assistance with the below listed agencies for the period October 1, 2013, through September 30, 2014, in an amount totaling \$2,926,549:

1. Amendment No. 01 to Contract for Provision of Financial Assistance with Adopt-A-Family of the Palm Beaches, Inc., (R2012-1655), increasing funding by \$234,100 for a new total not to exceed amount of \$468,200; and
2. Amendment No. 01 to Contract for Provision of Financial Assistance with The Salvation Army, a Georgia Corporation, (R2012-1516), increasing funding by \$68,267 for a new total not to exceed amount of \$136,534; and
3. Amendment No. 02 to Contract for Provision of Financial Assistance with Deaf Service Center of Palm Beach County, Inc., (R2011-1885), increasing funding by \$146,721 for a new total not to exceed amount of \$440,163; and
4. Amendment No. 02 to Contract for Provision of Financial Assistance with Drug Abuse Treatment Association, Inc., (R2011-1564), increasing funding by \$257,035 for a new total not to exceed amount of \$771,105; and
5. Amendment No. 02 to Contract for Provision of Financial Assistance with Housing Partnership, Inc., (R2011-1766), increasing funding by \$68,870 for a new total not to exceed amount of \$206,610; and
6. Amendment No. 02 to Contract for Provision of Financial Assistance with Parent-Child Center, Inc., (R2011-1768), increasing funding by \$240,852 for a new total not to exceed amount of \$722,556; and
7. Amendment No. 02 to Contract for Provision of Financial Assistance with The ARC of The Glades, Inc. fka Glades Area Association for Retarded Citizens, Inc., (R2011-1565), increasing funding by \$185,337 for a new total not to exceed amount of \$556,011; and
8. Amendment No. 02 to Contract for Provision of Financial Assistance with South County Mental Health Center, Inc., (R2011-1996), increasing funding by \$1,486,826 for a new total not to exceed amount of \$4,460,478.
9. Amendment No. 03 to Contract for Provision of Financial Assistance with The ARC of Palm Beach County, Inc., (R2011-1997), increasing funding by \$238,541 for a new total not to exceed amount of \$715,623; and

B) Contracts for Provision of Financial Assistance with the below listed agencies for the period October 1, 2013, through September 30, 2014, in an amount totaling \$293,161:

1. Adopt-A-Family of the Palm Beaches, Inc., for Service Enriched Housing in an amount not to exceed \$60,000; and
2. Deaf Service Center of Palm County, Inc., for Assistive Communications Equipment in an amount not to exceed \$83,161; and
3. Palm Beach County Food Bank, Inc., for SNAP and Food Distribution in an amount not to exceed \$150,000.

SUMMARY: The information submitted reflects part of the total ~~\$12,258,187~~ \$12,258,186 funding approved by the Board of County Commissioners for the Financially Assisted Agencies Program for FY 2014. Other contracts will be forthcoming upon receipt of all the required information. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve: Non-Financial Agreement No. 2013-015 with Workforce Alliance, Inc., to provide work experience and training activities for Workforce Alliance, Inc. program participants at DOSS work sites effective November 19, 2013. **SUMMARY:** This Agreement will allow Workforce Alliance, Inc. to place program participants at DOSS work sites for the provisions of work experience and training activities. No County funds are required. (DOSS) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve: appointment of the following Parents and Community Representatives to the Head Start/Early Head Start Policy Council for terms effective November 19, 2013 and ending November 18, 2014:

PARENT REPRESENTATIVE AND ALTERNATE(S) BY CENTER

<u>Seat ID #</u> 01	<u>Community Representative</u> Virginia H. Smith	<u>Seat ID#</u> 02	<u>Community Representative</u> Elizabeth Warren
<u>Seat ID #</u> 03	<u>Community Representative</u> Jongelene B. Adams	<u>Seat ID#</u> 04	<u>Community Representative</u> Vacant
<u>Seat ID #</u> 05	<u>Community Representative</u> Vacant	<u>Seat ID#</u> 06	<u>Community Representative</u> Vacant
<u>Seat ID #</u> 07	<u>Community Representative</u> Vacant	<u>Seat ID#</u> 08	<u>Community Representative</u> Vacant
<u>Seat ID #</u> 09	<u>Boynton Beach</u> Keith J. Amerson Sr. - Rep Amisstika P. Goldwire - Alt	<u>Seat ID#</u> 10	<u>Jupiter</u> Michael S. Worden - Rep Elio E. Landaverde - Alt
<u>Seat ID #</u> 11	<u>South Bay</u> Edith B. Tucker - Rep Abel Perez - Alt	<u>Seat ID#</u> 12	<u>Palm Glades</u> Selene M. Resendez - Rep Yarelys Perez - Alt
<u>Seat ID #</u> 13	<u>Pahokee</u> Chevon Baker - Rep Vacant	<u>Seat ID#</u> 14	<u>Westgate</u> Khalilah T. Williams - Rep Ben-Richard Dorzilme - Alt
<u>Seat ID #</u> 15	<u>Lake Worth</u> Ricketta S. Tate - Rep Vacant	<u>Seat ID#</u> 16	<u>Riviera Beach</u> Lakeysha Coleman - Rep Ebony I. Williams - Alt
<u>Seat ID #</u> 17	<u>West Palm Beach</u> Natalia T. Frazier - Rep Amy N. McDonald - Alt	<u>Seat ID#</u> 18	<u>Union Baptist</u> Vacant
<u>Seat ID #</u> 19	<u>Achievement Center</u> Crystal L. Scott - Rep Guilene Beaubrun - Alt	<u>Seat ID#</u> 20	<u>Family Central</u> Ashley Brown - Rep Vacant
<u>Seat ID #</u> 21	<u>Early Head Start/Home Based</u> Angela M. Alvin - Rep Vacant	<u>Seat ID#</u> 22	<u>Florence Fuller</u> Vacant
<u>Seat ID #</u> 23	<u>Apostolic Daycare.</u> Cherdeline Pierre-Louis - Rep Vacant	<u>Seat ID#</u> 24	<u>A Step Above</u> Vacant
<u>Seat ID #</u> 25	<u>Emmanuel</u> Nathasha Francois-Webber - Rep Vacant	<u>Seat ID#</u> 26	<u>King's Kids</u> Lydia F. Charles - Rep Vacant
<u>Seat ID #</u> 27	<u>My First Steps</u> Marlene Alfonso - Rep Fabiola Coty-Bioche - Alt	<u>Seat ID#</u> 28	<u>San Castle</u> Vacant
<u>Seat ID #</u> 29	<u>YWCA</u> Vacant	<u>Seat ID#</u> 30	<u>Tender Love & Care</u> Deidre E. McClendon - Rep Sinthia Ahmed - Alt
<u>Seat ID #</u> 31	<u>Kidz Kaleidoscope</u> Amy Arellano - Rep Jason Jimenez - Alt	<u>Seat ID#</u> 32	<u>Hispanic Human Resources</u> Vacant
<u>Seat ID #</u> 33	<u>School District (Village Academy)</u> Martinique Sanders - Rep Gladys D. Jackson - Alt		<u>Vacant</u>

SUMMARY: The term of appointment for parent representatives and alternates to the Head Start/Early Head Start (HS/EHS) Policy Council is one year, and requires that the parent representative/alternate be a parent of a child enrolled in the HS/EHS program. The Council is comprised of 33 members, of which eight must be representatives of the community. The remaining membership is comprised of parents whose children are actively enrolled in the HS/EHS program. The HS/EHS Policy Council has recommended these individuals for appointment. In the event that the HS/EHS program is terminated by the County for any reason, this Council may be dissolved immediately upon written notice to the Representatives. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to approve: Amendment No. 1 to Head Start Delegate Agency Agreement with Hispanic Human Resources Council, Inc. (R2012-1478) for the period October 1, 2012, through September 30, 2013, to add two planning days. **SUMMARY:** This Amendment is necessary to incorporate the school year calendar for the Delegate Agency. The Delegate Agency will submit a written and signed memo indicating planning days. No new County funding is required. (Head Start) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to approve:

A) Change Order No. 1 to Task M-1 under the Construction Manager (CM) at Risk Contract with The Morganti Group, Inc. increasing the Guaranteed Maximum Price (GMP) in the amount of \$33,290 for Building 3400 improvements at Palm Beach International Airport (PBI); and

B) a Budget Amendment of \$33,290 in the Airport Improvement and Development Fund to provide budget for the Change Order; including reimbursement from Workforce Alliance, Inc. (Tenant) of \$33,290.

SUMMARY: The Department of Airports is requesting Board approval of Change Order No. 1 to Task M-1 under the continuing CM at Risk Contract with The Morganti Group, Inc. approved June 4, 2013 (R2013-0663). Task M-1 for Building 3400 Improvements was approved by the Board on July 2, 2013 (R2013-0829) in the amount of \$1,130,000. Approval of Change Order No. 1 in the amount of \$33,290 will provide funds for additional electrical and HVAC improvements requested by the Tenant. The costs will be reimbursed to the Department of Airports by the Tenant. The Morganti Group, Inc. is a Danbury, Connecticut, based firm; however, the work will be directly managed by their southeast regional office in Palm Beach County. The Disadvantaged Business Enterprise (DBE) goal for this contract was established at 13%. The total DBE anticipated participation including Change Order No. 1 to date is 31%. Countywide (JCM)

2. Staff recommends motion to approve: a Contract with Community Asphalt Corp. in the amount of \$907,522.30 for the Taxiway D and H Extensions at North Palm Beach County General Aviation Airport (F45). **SUMMARY:** This project was advertised utilizing the County's competitive bid process. On August 22, 2013, five bids were received for the Taxiway D and H Extensions at F45. Of the five bids, Community Asphalt Corp., a Palm Beach County company, has been identified as the lowest responsible/responsive bidder in the amount of \$907,522.30 for the Taxiway D and H Extensions at F45. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 15%. Community Asphalt Corp. is responsive to the DBE requirements. Florida Department of Transportation grant funding of \$726,018 and Passenger Facility Charge funding of \$181,504.30 are being utilized to fund this project. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to approve:

A) Amendment No. 4 to the Construction Manager (CM) at Risk Contract with The Morganti Group, Inc. for CM at Risk Services for Terminal Improvements at Palm Beach International Airport (PBIA) in the amount of \$400,000 and 105 calendar days for Task M-6: Airport Parking Lot at PBIA; and

B) a Budget Transfer of \$440,000 in the Airport Improvement and Development Fund to provide budget for the Morganti contract, plus an additional 10% for permit fees, environmental mitigation and unforeseen conditions. This includes a transfer from Reserves of \$440,000.

SUMMARY: The CM at Risk Contract with The Morganti Group, Inc. for CM at Risk Services for Terminal Improvements at PBIA was approved by the Board on June 4, 2013 (R2013-0663). The Contract is for two years with three one-year renewal options and is a task order based contract for CM at Risk Services at PBIA. The Morganti Group, Inc. is a Danbury, Connecticut, based firm; however, the work will be directly managed by their southeast regional office in Palm Beach County. Approval of Amendment No. 4 in the amount of \$400,000 and 105 calendar days is for Task M-6: Airport Parking Lot at PBIA. The Disadvantaged Business Enterprise (DBE) goal for this contract is 13%. The current DBE participation for the contract including this Amendment is anticipated to be 26.21%. Countywide (JCM)

4. Staff recommends motion to approve: Amendment No. 4 to the General Consulting

Agreement with CH2M Hill, Inc. for Consulting/Professional Services in the amount of \$772,253.74 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program.

SUMMARY: The Consulting Agreement (R2011-1333) with CH2M Hill, Inc. for general airport planning and design was approved on September 13, 2011 in the amount of \$1,521,708 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for two years with two, one-year renewal options. Approval of Amendment No. 4 in the amount of \$772,253.74 will provide funds to complete the following tasks and services: Task I Services –Palm Beach International Airport (PBIA) Taxiways D & E Rehabilitation/Reconstruction Design and Bidding Services; PBIA Golfview Commercial Property Appraisal, Acquisition and Relocation Services; and PBIA Concourse C Passenger Checkpoint Modification Design Services; Task III Services – Miscellaneous Planning and Engineering Services; Miscellaneous Financial Consulting and Capital Programming Services; and Miscellaneous Environmental Consulting Services. CH2M Hill, Inc. is an Englewood, Colorado based firm, however, the majority of the work to be completed in this Agreement will be completed and/or managed through their Palm Beach Gardens, Florida office in conjunction with several Palm Beach County-based subconsultants and firms. Certain tasks performed during the term of this Amendment may be eligible for State and Federal grant participation. The Disadvantaged Business Enterprise (DBE) goal for the agreement was established at 25.00%. The DBE participation for this Amendment is 18.61%. The total anticipated DBE participation to date is 29.04%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 1 to Contract with Cross Environmental Services, Inc. dated February 19, 2013 to implement the first renewal of the Annual Asbestos Abatement Contract with a maximum value of \$199,999. **SUMMARY:** Amendment No. 1 is a renewal to the Annual Asbestos Abatement Contract which was awarded to Cross Environmental Services, Inc. The Annual Asbestos Abatement Contract is an indefinite-quantity contract and this renewal has a maximum value of \$199,999. The maximum value is shared and work orders are awarded based on competitive quotes/bids issued to all four participating Contractors. The renewal term is for twelve months or until \$199,999 in work orders are issued in this term. Staff is bringing forward the Amendment at this time based on the cumulative value. All terms of the original contract remain in effect. This is the first extension allowed by the Contract. The Small Business Enterprise (SBE) goal is 15% and the SBE participation to date is 0%. Cross Environmental Services, Inc. is not a Palm Beach County company. This is a bond-waiver contract. (FD&O Admin) Countywide (JM)

2. Staff recommends motion to approve: Amendment No. 1 to Contract with DECON Environmental & Engineering, Inc. dated February 19, 2013 to implement the first renewal of the Annual Asbestos Abatement Contract with a maximum value of \$199,999. **SUMMARY:** Amendment No. 1 is a renewal to the Annual Asbestos Abatement Contract which was awarded to DECON Environmental & Engineering, Inc. The Annual Asbestos Abatement Contract is an indefinite-quantity contract and this renewal has a maximum value of \$199,999. The maximum value is shared and work orders are awarded based on competitive quotes/bids issued to all four participating Contractors. The renewal term is for twelve months or until \$199,999 in work orders are issued in this term. Staff is bringing forward the Amendment at this time based on the cumulative value. All terms of the original contract remain in effect. This is the first extension allowed by the Contract. The Small Business Enterprise (SBE) goal is 15% and the SBE participation to date is 0%. DECON Environmental & Engineering, Inc. is not a Palm Beach County company. This is a bond-waiver contract. (FD&O Admin) Countywide (JM)

3. Staff recommends motion to approve: Amendment No. 1 to Contract with DPC General Contractors, Inc. dated February 19, 2013 to implement the first renewal of the Annual Asbestos Abatement Contract with a maximum value of \$199,999. **SUMMARY:** Amendment No. 1 is a renewal to the Annual Asbestos Abatement Contract which was awarded to DPC General Contractors, Inc. The Annual Asbestos Abatement Contract is an indefinite-quantity contract and this renewal has a maximum value of \$199,999. The maximum value is shared and work orders are awarded based on competitive quotes/bids issued to all four participating Contractors. The renewal term is for twelve months or until \$199,999 in work orders are issued in this term. Staff is bringing forward the Amendment at this time based on the cumulative value. All terms of the original contract remain in effect. This is the first extension allowed by the Contract. The Small Business Enterprise (SBE) goal is 15% and the SBE participation to date is 0%. DPC General Contractors, Inc. is not a Palm Beach County company. This is a bond-waiver contract. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. **Staff recommends motion to approve:** Amendment No. 1 to Contract with Simpson Environmental Services, Inc. dated February 19, 2013 to implement the first renewal of the Annual Asbestos Abatement Contract with a maximum value of \$199,999. **SUMMARY:** Amendment No. 1 is a renewal to the Annual Asbestos Abatement Contract which was awarded to Simpson Environmental Services, Inc. The Annual Asbestos Abatement Contract is an indefinite-quantity contract and this renewal has a maximum value of \$199,999. The maximum value is shared and work orders are awarded based on competitive quotes/bids issued to all four participating Contractors. The renewal term is for twelve months or until \$199,999 in work orders are issued in this term. Staff is bringing forward the Amendment at this time based on the cumulative value. All terms of the original contract remain in effect. This is the first extension allowed by the Contract. The Small Business Enterprise (SBE) goal is 15% and the SBE participation to date is 0%. Simpson Environmental Services, Inc., is not a Palm Beach County company. This is a bond-waiver contract. (FD&O Admin) Countywide (JM)

5. **Staff recommends motion to approve:** Amendment No. 5 to Contract with DAVCO Electrical Contractors Corporation (R2009-2056) to implement the fourth renewal of the Annual Electrical Contract with a maximum value of \$1,000,000. **SUMMARY:** Amendment No. 5 is a renewal to the Annual Electric Contract which was awarded to DAVCO Electrical Contractors Corporation. The Annual Electric Contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The maximum value is shared and work orders are awarded based on competitive quotes/bids issued to all five participating contractors. The renewal term is for twelve months or until \$1,000,000 in work orders are issued in this term. Staff is bringing forward the Amendment at this time based on the expiration of the term. All terms of the original contract remain in effect. This is the fourth and final extension allowed by the Contract. The Small Business Enterprise (SBE) goal is 15% and will be tracked cumulatively for each work order issued. DAVCO Electrical Contractors Corporation achieved 0% SBE participation. The cumulative SBE participation among all contractors is 67.62%. SBE and local preference applied at work order level. DAVCO Electrical Contractors Corporation is a Palm Beach County company and a certified contractor. This is a bond-waiver contract. (FD&O Admin) Countywide (JM)

6. **Staff recommends motion to approve:** Amendment No. 5 to Contract with Global Communications & Electrical Systems, Inc. (R2009-2058) to implement the fourth renewal of the Annual Electrical Contract with a maximum value of \$1,000,000. **SUMMARY:** Amendment No. 5 is a renewal to the Annual Electrical Contract which was awarded to Global Communications & Electrical Systems, Inc. The Annual Electrical Contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The maximum value is shared and work orders are awarded based on competitive quotes/bids issued to all five participating contractors. The renewal term is for twelve months or until \$1,000,000 in work orders are issued in this term. Staff is bringing forward the Amendment at this time based on the expiration of the term. All terms of the original contract remain in effect. This is the fourth and final extension allowed by the Contract. The Small Business Enterprise (SBE) goal is 15% and will be tracked cumulatively for each work order issued. Global Communications & Electrical Systems, Inc. achieved 100% SBE participation. The cumulative SBE participation among all contractors is 67.62%. SBE and local preference applied at work order level. Global Communications & Electrical Systems, Inc. is a Palm Beach County company and a certified SBE contractor. This is a bond-waiver contract. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to approve: Amendment No. 5 to Contract with Knight Electric Co., Inc. (R2009-2128) to implement the fourth renewal of the Annual Electrical Contract with a maximum value of \$1,000,000. **SUMMARY:** Amendment No. 5 is a renewal to the Annual Electrical Contract which was awarded to Knight Electric Co., Inc.. The Annual Electrical Contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The maximum value is shared and work orders are awarded based on competitive quotes/bids issued to all five participating contractors. The renewal term is for twelve months or until \$1,000,000 in work orders are issued in this term. Staff is bringing forward the Amendment at this time based on the expiration of the term. All terms of the original contract remain in effect. This is the fourth and final extension allowed by the Contract. The Small Business Enterprise (SBE) goal is 15% and will be tracked cumulatively for each work order issued. Knight Electric Co, Inc., achieved 0% SBE participation. The cumulative SBE participation among all contractors is 67.62%. SBE and local preference applied at work order level. Knight Electric Co., Inc. is a Palm Beach County company. This is a bond-waiver contract. (FD&O Admin) Countywide (JM)

8. Staff recommends motion to approve: Amendment No. 5 to Contract with Langer Electric Company (R2009-2060) to implement the fourth renewal of the Annual Electrical Contract with a maximum value of \$1,000,000. **SUMMARY:** Amendment No. 5 is a renewal to the Annual Electrical Contract which was awarded to Langer Electric Company. The Annual Electrical Contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The maximum value is shared and work orders are awarded based on competitive quotes/bids issued to all five participating contractors. The renewal term is for twelve months or until \$1,000,000 in work orders are issued in this term. Staff is bringing forward the Amendment at this time based on the expiration of the term. All terms of the original contract remain in effect. This is the fourth and final extension allowed by the Contract. The Small Business Enterprise (SBE) goal is 15% and will be tracked cumulatively for each work order issued. Langer Electric Company achieved 0% SBE participation. The cumulative SBE participation among all contractors is 67.62%. SBE and local preference applied at work order level. Langer Electric Company is not a Palm Beach County company. This is a bond-waiver contract. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. **Staff recommends motion to approve:** Amendment No. 5 to Contract with RCI Electric, Inc. (R2009-2059) to implement the fourth renewal of the Annual Electrical Contract with a maximum value of \$1,000,000. **SUMMARY:** Amendment No. 5 is a renewal to the Annual Electrical Contract which was awarded to RCI Electric, Inc. The Annual Electrical Contract is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The maximum value is shared and work orders are awarded based on competitive quotes/bids issued to all five participating contractors. The renewal term is for twelve months or until \$1,000,000 in work orders are issued in this term. Staff is bringing forward the Amendment at this time based on the expiration of the term. All terms of the original contract remain in effect. This is the fourth and final extension allowed by the Contract. The Small Business Enterprise (SBE) goal is 15% and will be tracked cumulatively for each work order issued. RCI Electric, Inc achieved 100% SBE participation. The cumulative SBE participation among all contractors is 67.62%. SBE and local preference applied at work order level. RCI Electric, Inc. is a Palm Beach County company and a certified SBE contractor. This is a bond-waiver contract. (FD&O Admin) Countywide (JM)
10. **Staff recommends motion to approve:** appointment of three members to the Public Art Committee for a three year term:

<u>Member</u>	<u>Committee Seat</u>	<u>Term</u>
Rena Blades	Cultural Council of Palm Beach County	11/19/13– 09/30/16
William Dale Waters	Design Professional	11/19/13– 09/30/16
Talya R. Lerman	Nonprofit Arts Professional	11/19/13- 09/30/16

SUMMARY: Three Committee seat vacancies are being filled in this item. The Cultural Council of Palm Beach County is a required seat which became vacant due to retirement of Bill Nix from the Cultural Council and they brought forth Rena Blades to complete Mr. Nix’s term. Rena Blades has disclosed that she is employed by the Cultural Council of Palm Beach County that contracts with the County for Grants and Marketing services provided by contract. The Public Art Committee provides no regulation, oversight, management, or policy-setting recommendations regarding the Cultural Council’s contracts. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sec. 2-443, of the Palm Beach County Code of Ethics. The individuals who previously served in the design professional (Ingacio Reyes) and nonprofit arts professional (Rod Faulds) seats resigned from the Committee. Coincidentally their term also ended. The Committee recommends the following appointments: William Waters for the Design Professional seat and Talya Lerman for the Nonprofit Arts Professional seat. The term for each of the three new Committee members will be through September 30, 2016. (FDO Admin) Countywide (MJ)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to receive and file: two Amendments to Mortgages and Security Agreements and Modifications of Promissory Notes and four Amendments to Agreement, as follows:

A) First Amendment to Mortgage and Security Agreement and Modification of Promissory Note (R2013-0639) with Marina Clinton Associates, Ltd. (MCA) under the State Housing Initiatives Partnership (SHIP) Program;

B) First Amendment to Mortgage and Security Agreement and Modification of Promissory Note (R2013-0640) with MCA under the SHIP Program;

C) Amendment No. 003 to the Agreement (R2012-1798) with the Pahokee Housing Authority under the 2005 Disaster Recovery Initiative Program (DRI2);

D) Amendment No. 004 to the Agreement (R2011-0615) with the West Palm Beach Housing Authority under the 2005 Disaster Recovery Initiative Program – Supplemental Appropriation (DRI3);

E) Amendment No. 005 to the Agreement (2011-0615) with the West Palm Beach Housing Authority under the 2005 Disaster Recovery Initiative Program – Supplemental Appropriation (DRI3); and

F) Amendment No. 006 to the Agreement (R2010-0900) with the Housing Partnership, Inc. under the Neighborhood Stabilization Program (NSP1).

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 have been fully executed on behalf of the Board of County Commissioners (BCC) by the County Administrator, or designee, in accordance with Agenda Items R2006-1351, R2007-1524, R2011-1384 and 5E-1, as approved by the BCC on July 18, 2006, September 11, 2007, September 13, 2011 and May 21, 2013, respectively. These executed documents are now being submitted to the BCC to receive and file. **These are SHIP and Federal DRI2, DRI3 and NSP1 funds which require no local match.** (DES Contract Development) Countywide (TKF)

2. Staff recommends motion to approve: an Agreement with Housing Leadership Council of Palm Beach County, Inc. (HLC) in the amount of \$15,000 in State Housing Initiative Partnership (SHIP) funds for a housing study. **SUMMARY:** Approval of this Agreement provides one-third of the amount needed for a countywide housing study. The Study, costing a total of \$45,000, will be undertaken by Carras Community Investment, Inc., who was selected through a Request for Proposals process undertaken by HLC. The County, HLC and the Realtors Association of the Palm Beaches, Inc., collaborated in establishing the scope of the study and will each fund one-third of the cost. The last countywide housing study was prepared in 2006. The proposed Study will include an inventory and analysis of the County's housing, a housing needs assessment, identification of homeownership and rental impediments and a housing financing needs statement. The results and findings of the housing study will be used by the Department of Economic Sustainability (DES) for the preparation of the SHIP Local Housing Assistance Plan and for other affordable housing programs undertaken by DES. **These are SHIP grant funds which require no local match.** (DES Administration) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

3. [Staff recommends motion to approve:](#) an Agreement with the City of Greenacres in the amount of \$322,291 for the period of November 19, 2013, through April 1, 2015. **SUMMARY:** This Agreement with the City of Greenacres provides Community Development Block Grant (CDBG) funding for renovations to the Community Hall and 500 Perry Avenue buildings. On July 16, 2013, the Board of County Commissioners approved the Fiscal Year 2013-2014 Action Plan (R2013-0950) which allocated \$322,291 in Special Area of Hope funds to the City of Greenacres. The City has decided to utilize the funds for the rehabilitation of these two buildings. **This funding is projected to create 11 jobs and have a one year Economic Sustainability Impact of \$614,000. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 2 (TKF)

4. [Staff recommends motion to approve:](#) an Agreement with the City of Greenacres in the amount of \$589,231 for the period of November 19, 2013, through May 1, 2015. **SUMMARY:** This Agreement with the City of Greenacres provides Community Development Block Grant (CDBG) funding for the installation of sanitary sewer lines adjacent to 10th Avenue including Martin Avenue, Perry Avenue, Flemming Avenue, Jennings Avenue and 10th Avenue North in Greenacres. On July 16, 2013, the Board of County Commissioners approved the Fiscal Year 2013-2014 Action Plan (R2013-0950) which allocated \$89,231 to the City of Greenacres based on the local entitlement formula and \$500,000 for the 10th Avenue Sewer Project. These funds will be combined to facilitate the project. **This funding is projected to create 21 jobs and have a one year Economic Sustainability Impact of \$1.2 Million. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 2 (TKF)

5. [Staff recommends motion to approve:](#) an Agreement with the City of Belle Glade in the amount of \$135,071 for the period of October 1, 2013 to September 30, 2014. **SUMMARY:** This Agreement provides Community Development Block Grant (CDBG) funding to pay for the salary and benefits of three full-time Code Compliance Officers. These Officers ensure that residential and commercial properties are in compliance with applicable codes. On July 16, 2013, the Board of County Commissioners approved the Fiscal Year 2013-2014 Action Plan (R2013-0950) which allocated \$135,071 for these code enforcement costs. **This funding is projected to create four jobs and have a one year Economic Sustainability Impact of \$179,290. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 6 (TKF)

6. [Staff recommends motion to approve:](#) an Agreement with the City of South Bay in the amount of \$28,450 for the period of October 1, 2013 to September 30, 2014. **SUMMARY:** This Agreement provides Community Development Block Grant (CDBG) funding to pay for the salary and benefits of one full-time Code Compliance Officer. This Officer ensures that residential and commercial properties are in compliance with applicable codes. On July 16, 2013, the Board of County Commissioners approved the Fiscal Year 2013-2014 Action Plan (R2013-0950) which allocated \$28,450 for these code enforcement costs. **This funding is projected to create two jobs and have a one year Economic Sustainability Impact of \$61,000. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 6 (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

7. Staff recommends motion to approve: an Agreement with the City of Pahokee in the amount of \$48,132 for the period of October 1, 2013 to September 30, 2014. **SUMMARY:** This Agreement provides Community Development Block Grant (CDBG) funding to pay for the salary and benefits of one full-time Code Compliance Clerk and partially fund the salary of one Code Compliance Officer. These code enforcement personnel ensure that residential and commercial properties are in compliance with applicable codes. On July 16, 2013, the Board of County Commissioners approved the Fiscal Year 2013-2014 Action Plan (R2013-0950) which allocated \$48,132 for these code enforcement costs. **This funding is projected to create three jobs and have a one year Economic Sustainability Impact of \$122,070. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 6 (TKF)

8. Staff recommends motion to approve: a Consent for Palm Beach County employee Renee Hightower to receive a lot purchased with funding from the Community Development Block Grant (CDBG) Program in connection with her purchase of a home in Kennedy Estates. **SUMMARY:** Renee Hightower has been employed by Palm Beach County Parks and Recreation Department as a paraprofessional seasonal camp counselor/bus driver for five (5) years and five (5) months. Ms. Hightower is an income eligible homebuyer who is seeking to purchase a four-bedroom home in the Kennedy Estates development at 17346 Kennedy Estates Boulevard, Jupiter, under the Habitat for Humanity of Palm Beach County's (Habitat) Program. On October 2, 2007, the County entered into an Agreement (R2007-1726) with Habitat for the conveyance of 6.6 acres of land, purchased by the County with CDBG funds, for the development of Kennedy Estates which comprises 27 single family lots. Upon the construction and sale of each home Habitat is required to convey the lot at no cost to the income qualified homeowner as a subsidy to make the purchase affordable. The appraised value of the property is \$170,000 and the appraised value of the lot is \$32,000. After deducting the value of the lot from the property's appraised value, Ms. Hightower's purchase price will be \$138,000. In exchange for the receipt of the lot at no cost, Ms. Hightower will provide the County a 30 year mortgage on the property at closing. No repayment is required if the home remains as her principal place of residence for the term of the mortgage. If the homeowner rents, sells, or otherwise conveys the home during the 30 years, the then appraised value of the lot becomes due and payable unless the property is sold to another income qualified homeowner who may then take over the remainder of the 30 year period. **These are Federal CDBG funds which require no local match.** (B&HI) District 1 (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

9. Staff recommends motion to approve: the following three (3) Agreements with the U.S. Department of Housing and Urban Development (HUD) for Fiscal Year 2013-2014:

A) Funding Approval/Agreement for the Community Development Block Grant (CDBG) Program in the amount of \$5,892,217;

B) Funding Approval and HOME Investment Partnerships Agreement for the HOME Investment Partnerships (HOME) Program in the amount of \$1,611,843; and

C) Funding Approval/Agreement for the Emergency Solutions Grant (ESG) Program in the amount of \$393,491.

SUMMARY: On July 16, 2013, the Board of County Commissioners adopted a Resolution (R2013-0953) approving the County's Fiscal Year 2013-2014 Action Plan. This Plan established the County's priorities for implementation of the CDBG, HOME, and ESG Programs. HUD approved the Action Plan and requires approval of these Agreements which will make Federal funds totaling \$7,897,551 available to the County.

No local match is required to implement the CDBG Program; however, the ESG and HOME programs have matching requirements. The ESG Program matching requirement is met through a cash or in-kind contribution by each agency receiving this funding, and the HOME matching requirement will be met from program income earned under the State Housing Initiatives Partnership Program. (Strategic Planning Section) Countywide (TKF)

10. Staff recommends motion to approve:

A) a Budget Transfer of \$701,290 in the Neighborhood Stabilization Program (NSP1) Fund;

B) a Budget Amendment of \$183,381 in the Neighborhood Stabilization Program 2 (NSP2) Fund to recognize the transfer; and

C) a Budget Amendment of \$517,909 in the Affordable Housing Trust Fund (SHIP) to recognize the transfer.

SUMMARY: In order to timely expend NSP1 grant funds, the Department of Economic Sustainability identified \$183,381 in NSP2 funds and \$517,909 in SHIP funds that were expended on homeowner mortgage assistance that were equally eligible for expenditure under NSP1. These expenditures totaling \$701,290 were made in Fiscal Year 2011-2012 and as such require the Budget Transfer and Budget Amendments to allow the expenditures to be appropriately reflected under the NSP1 grant. **These are Federal NSP1 and NSP2 funds and State SHIP funds which require no local match. (FALS) Countywide (TKF)**

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

11. Staff recommends motion to approve:

A) a Budget Amendment of \$490,146 in the Neighborhood Stabilization Program (NSP1) Fund; and

B) a Budget Amendment of \$10,000 in the Neighborhood Stabilization Program 2 (NSP2) Fund.

SUMMARY: The U.S. Department of Housing and Urban Development (HUD) required the County to refund \$490,146 in NSP1 funds and \$10,000 in NSP2 funds deemed by HUD not to have met the eligibility requirements for these grants. The funds were returned to HUD pursuant to PPM CW-F003 and HUD reallocated these amounts back to their respective grant lines of credit to enable the County to use them. Approval of these two (2) Budget Amendments will increase the NSP1 budget by \$490,146 and the NSP2 budget by \$10,000 to reflect HUD's actions and to allow the expenditure of these funds. **These are Federal NSP1 and NSP2 funds which require no local match.** (FALS) Countywide (TKF)

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: a Termination of Removal Agreement for future right-of-way between Palm Beach County, a political subdivision of the State of Florida, and 1733 South Congress Avenue, LLC. **SUMMARY:** S&S Enterprises, Inc. (S&S) was a previous tenant of property located at 1733 South Congress Avenue. S&S installed a free standing sign in a future right-of-way of the County, which required a building permit from the County. As a condition of issuing the building permit, County and S&S entered into a Removal Agreement for the future right-of-way, dated August 8, 1986, which required S&S remove the sign if requested by County. The current owner of the property, 1733 South Congress Avenue, LLC requested the County terminate the Removal Agreement since the sign which is subject to the removal agreement is no longer present. District 2 (AH)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING (Cont'd)

2. Staff recommends motion to approve: appointment of one member to the Construction Board of Adjustments and Appeals:

<u>Nominee</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Duane Drawdy	2	General Contractor	Construction Industry Management Council	11/19/2013-11/18/2017

SUMMARY: Palm Beach County Ordinance 89-31, as amended in 2002, established the Construction Board of Adjustment and Appeals (the "Board"). The Construction Industry Management Council has nominated Duane Drawdy for a term of four years. Mr. Drawdy has previously served on the Board from 2008 until August 2013. Per Palm Beach County Ordinance 2012-006, as amended, Palm Beach County Amendments to the Florida Building Code, 2010 Edition, the Board is comprised of seven regular members: one architect; one engineer; one general contractor; one electrical contractor; one HVAC contractor; one plumbing contractor; and any other contractor licensed category. In addition to these members, there should be two alternate members: one member with the qualifications referenced above; and one member at-large from the public. As required by Section 2-443(d) of the Code of Ethics, this Agenda Item Summary will serve as disclosure for Duane Drawdy. Mr. Drawdy is the owner of Drawdy Construction Company, Inc., which contracts with Palm Beach County to provide construction services for the County through sealed bids. The Construction Board of Adjustments and Appeals provides no regulation, oversight, management, or policy-setting recommendations regarding this contract. Countywide (SF)

K. WATER UTILITIES

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution No. R2012-1936 pertaining to the special assessment process for the 61st Street North Water Main Extension, reducing the individual assessment from \$7,190.45 per parcel to \$6,632.53 per parcel. **SUMMARY:** On December 18, 2012, the Palm Beach County Board of County Commissioners adopted Resolution R2012-1936 confirming the 61st Street North Water Main Extension. Pursuant to Section 9 of Ordinance No. 2001-0010, property owners are entitled to a reduction in their individual assessment if the final cost of the project falls below the original estimate. The assessment adopted by the Board was based upon an estimated cost of \$93,475.85. The final assessable cost is \$86,222.90. This project is based on 13 residential properties, the individual cost to the property owners is decreased from \$7,190.45 per parcel to \$6,632.53 per parcel. (WUD Project No. 12-052) District 6 (MJ)
2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution No. R2013-0321 pertaining to the special assessment process for the 74th Street North Water Main Extension, reducing the individual assessment from \$9,529.81 per parcel to \$9,202.33 per parcel. **SUMMARY:** On March 12, 2013, the Palm Beach County Board of County Commissioners adopted Resolution R2013-0321 confirming the 74th Street North Water Main Extension. Pursuant to Section 9 of Ordinance No. 2001-0010, property owners are entitled to a reduction in their individual assessment if the final cost of the project falls below the original estimate. The assessment adopted by the Board was based upon an estimated cost of \$85,768.29. The final assessable cost is \$82,820.97. This project is based on nine residential properties, the individual cost to the property owners is decreased from \$9,529.81 per parcel to \$9,202.33 per parcel. (WUD Project No. 11-132) District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. Staff recommends motion to receive and file: executed Agreement received during the month of August 2013:

A) Standard Reclaimed Water Development Agreement with Esperanza Greene, as Trustee of the Esperanza Greene Revocable Trust under Agreement dated August 10, 1999 and Arthur T. Greene, as Trustee of the Arthur T. Greene Revocable Trust under Agreement dated August 10, 1999, Michael J. Greene, and Anthony Greene, SDA #09-90010-000.

SUMMARY: In accordance with County PPM CW-0-051, all delegated contracts/agreements/grants/procurement items must be submitted by the initiating Department as a receive and file agenda item. The document has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Deputy Director of the Water Utilities Department in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the Board to receive and file. District 5 (MJ)

4. Staff recommends motion to approve: an Amendment to the Interlocal Agreement (Interlocal Agreement) with the Town of Lake Clarke Shores (Town) (R2012-0334) to manage wastewater system improvements in the Seminole Manor neighborhood.

SUMMARY: On March 6, 2012, Palm Beach County Board of County Commissioners (BCC) approved the Interlocal Agreement with the Town (R2012-0334) which provides the terms and conditions under which the County shall manage the construction of wastewater system improvements in the Town's service area. The County was initially awarded a Community Development Block Grant (CDBG) in the amount of \$551,229 for the neighborhood known as Seminole Manor for wastewater system improvements in Fiscal Year 2012. Additional wastewater system improvements for the Town in the amount \$250,000 (CDBG funds) was approved by the BCC on July 16, 2013 as part of the Action Plan for Fiscal Year 2014. The grant funds will be award to Palm Beach County Water Utilities Department who has agreed to implement the Phase II project on behalf of the Town. The Phase II Project more specifically, involves the rehabilitation of four lift stations located within the Seminole Manor neighborhood. This project will increase the reliability of sewer service and reduce potential sewer overflows. District 3 (MJ)

5. Staff recommends motion to approve: the Release of a Temporary Construction Easement over property owned by Boynton Beach Associates XXIV LLLP.

SUMMARY: On August 30, 1991, Temporary Construction and Permanent Utility Easements were established in favor of Palm Beach County through a Stipulated Order of Taking (Case No. CL91-2035 AF), recorded in ORB 6947/Page 757 of the Official Records of Palm Beach County. Following the Order of Taking, County has constructed a wastewater transmission force main within the limits of the Permanent Utility Easement. County has no need for the Temporary Construction Easement and therefore recommends its release. District 5 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

6. Staff recommends motion to approve: Work Authorization No. 5 with Cardinal Contractors, Inc. for installation of Diesel Generator Catalytic Converters in the amount of \$1,456,144.81. **SUMMARY:** On January 24, 2012, Palm Beach County Board of County Commissioners approved the Contract for Water, Wastewater and Reclaimed Water Improvements Design/Build Services with Calvin Giordano (R2012-0160). On September 10, 2013 the Contract was assigned from Calvin Giordano to Cardinal Contractors to enable bonding capacity with the same design build team members. Work Authorization No. 5 will install catalytic converters on 13 diesel emergency generators at eight utility sites. This Work Authorization is necessary to comply with the Environmental Protection Agency (EPA) National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines Rule (RICE NESHAP) by the May 2014 deadline. The RICE NESHAP rule applies to diesel generators which are on Florida Power & Light (FPL) interruptible load control rates. The reduced FPL rate for participation in the load control program saves \$600,000 per year. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Cardinal Contractors, Inc. provides for SBE participation of 26% overall. This Authorization includes 34.92% overall participation. The cumulative SBE participation, including this Work Authorization is 31.14% overall. Cardinal Contractors, Inc. is a non local company; however, their design team member is a Palm Beach County company. (WUD Project No. 13-075) District 5 (JM)

7. Staff recommends motion to approve: the Release of a Utility Easement over property owned by HCR ManorCare Properties LLC (ManorCare). **SUMMARY:** On January 14, 1998, a utility easement was granted to the County for public water and sewer facilities associated with the development of the Manor Care at Delray project (ORB 10209, Page 920). A proposed expansion of the Adult Care Living Facility (ACLF) building encroaches into the existing utility easement. ManorCare proposes to relocate the existing utility facilities from the easement area, and to grant a new easement to the County, as required. The Palm Beach County Water Utilities Department has determined that the existing easement is no longer needed and therefore recommends the release. District 5 (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:
 - A) approve** Purchase Order A8E447 from the Florida Fish and Wildlife Conservation Commission (FWCC) for cost reimbursement for Gopher Tortoise Habitat Management at the Hypoluxo Scrub Natural Area expiring March 30, 2014 in an amount not to exceed \$12,000; and
 - B) authorize** the County Administrator, or his designee, to sign all future purchase orders and other forms associated with this cost reimbursement, and necessary minor amendments that do not change the scope of work, terms or conditions of this purchase order.

SUMMARY: Reimbursement funds were requested to assist with habitat management activities at Hypoluxo Scrub Natural Area. The cost reimbursement resulting from the approval of this Purchase Order will provide funding up to \$12,000 for burn preparation and fuel reduction using mechanical treatment to improve gopher tortoise habitat. There is no match required for this reimbursement funding. District 7 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. ~~**DELETED: Staff recommends motion to approve:** Interlocal Agreement with the School Board of Palm Beach County for the period November 19, 2013, through November 18, 2014, for the mutual use of recreational facilities. **SUMMARY:** This Agreement enables the School Board and the Parks and Recreation Department to utilize each other's recreational facilities at no cost except for those facilities outlined in the Agreement in which both parties acknowledge that fees may be charged. The Agreement outlines the procedures for requesting and authorizing the use of recreational facilities and establishes the requirements for use by County-affiliated recreation organizations. The current Agreement, R2008-2241, expires on December 2, 2013. The Department has worked with the School Board to create this Agreement and recommends approval in the best interest of the community. The term of this Interlocal Agreement is for one year and shall be automatically renewed unless terminated by either party with 90 days advance written notice. The School Board approved the new Agreement at its October 16, 2013, meeting. Countywide (AH)~~

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

A) Christopher Carroll Chapman, Wheelchair Rugby Official; Therapeutic Recreation Complex, for the period October 9, 2013, through October 31, 2013;

B) Kerin Banfield, Wheelchair Rugby Official; Therapeutic Recreation Complex, for the period October 9, 2013, through October 31, 2013;

C) Robert C. Bogusch, Wheelchair Rugby Official; Therapeutic Recreation Complex, for the period October 9, 2013, through October 31, 2013;

D) FLA Aquatics, Inc., Competitive Swim Team Coach; Aqua Crest Pool, for the period October 1, 2013, through September 30, 2014; and

E) Palm Beach County Officials Association, Inc., Junior Volleyball Official; West Boynton Recreation Center, for the period October 29, 2013, through April 16, 2014.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File Agenda Item. These Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 2002-2103, 2007-0409, and 2012-0168, and are now being submitted to the Board to receive and file. Districts 3 & 7 (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) ratify the submittal of the Grant Application for a Second Chance Act Juvenile Reentry Program Grant;

B) receive and file the award from the Department of Justice (DOJ), Office of Juvenile Justice and Delinquency Prevention (OJJDP) for \$750,000 beginning October 1, 2013, through September 30, 2014, to fund a juvenile reentry program;

C) authorize grant funds to be used to hire one Senior Criminal Justice Analyst, Pay Grade 35 position for the life of the grant. This position will be eliminated at the conclusion of the grant period;

D) approve a Budget Amendment for \$750,000 in the Criminal Justice Grant Fund to establish budget for the juvenile reentry program; and

E) authorize the County Administrator, or his designee, to execute future contracts or agreements and amendments/modifications for the above named award on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office.

SUMMARY: Palm Beach County, through the Criminal Justice Commission, was successful in winning a competitive grant award of \$50,000 (R2011-1813) from the DOJ to facilitate the planning for successful reintegration of juvenile ex-offenders as they return to the County. The grant award allows for the development of a strategic plan for juvenile ex-offenders to successfully transition back into the community. The implementation grant application for Back To A Future – Palm Beach County's Juvenile Reentry Project, was submitted in June, 2013. On October 1, 2013, Palm Beach County was awarded a \$750,000 grant to implement services from October 1, 2013, through September 30, 2014. The award provides juveniles with pre and post release services to assist in their transition back into the community. Grant funds will be used to hire one Senior Criminal Justice Analyst, pay grade 35 position for the life of the grant. This position will be eliminated at the conclusion of the grant period. A 100% match (\$750,000) is required and match funds will be provided by the Department of Juvenile Justice. There is no cost to the County. Countywide (PGE)

2. Staff recommends motion to approve: appointment of Michelle Dryer to the Corrections Task Force/Public Safety Coordinating Council (CTF/PSCC) to serve for the period of November 19, 2013, through September 30, 2017:

<u>Appoint</u>	<u>Nominee Seat No.</u>	<u>Term to Expire</u>	<u>Nominated By:</u>
Michelle Dryer	11	9/30/2017	CTF/PSCC Chair

SUMMARY: The CTF/PSCC is comprised of 20 members including elected officials and representatives from private and public sectors. This Committee meets the requirements of Florida Statute 951.26. This statute requires a seat for a representative from a County/State job program. To satisfy this requirement, the committee has nominated Ms. Michelle Dryer of Workforce Alliance for appointment. Her term will begin November 19, 2013 and expire September 30, 2017. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. **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 expired 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) retroactively from October 1, 2013. 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 Municipal Service Taxing Unit through tax year 2022 to fund service through September 30, 2023. The Agreement outlines certain terms regarding the provision of services and funding. Countywide/District 1 (SB)

2. **Staff recommends motion to receive and file:** a License Relating to Fire-Rescue Training and Structure Burn with Lavonne Cunningham, now known as Lavonne Greene, Shirley Jo Ann Timmons and Donald G. Callaway. **SUMMARY:** Pursuant to Countywide PPM CW-O-051, one (1) license agreement fully executed by the Fire Rescue Administrator and the property owners of parcel control number 00-42-43-25-00-000-1290, is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. This License grants Palm Beach County Fire Rescue the authority to conduct fire-rescue training exercises on the parcel of property identified in the agreement. Countywide (SB)

U. INFORMATION SYSTEMS SERVICES

1. **Staff recommends motion to approve:** Eighteenth Amendment to contract with CGI Technologies and Solutions, Inc. (CGI) (R2002-1782), to extend the ending date of the Statement of Work from December 31, 2013 to December 30, 2014, at no additional cost to the County. **SUMMARY:** The Eighteenth Amendment is a date extension to allow additional time for completion of the deliverables specified in the original contract, including vendor self-service and Modification No. 11. CGI Technologies and Solutions, Inc. is not a Palm Beach County or Florida-based business. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (Cont'd)

2. Staff recommends motion to:

A) rescind the Interlocal Agreement (R2011-1215); dated August 16, 2011 and First Amendment (R2013-0081); dated January 15, 2013;

B) approve the Interlocal Agreement for network services and GIS hosting services with Palm Beach County and Loxahatchee River Environmental Control District for an annual revenue total of \$4,176; and

C) authorize the County Administrator or his designee, ISS Director, to approve and execute Task Orders associated with these services up to maximum total revenue of \$50,000 per Task Order.

SUMMARY: The Loxahatchee River Environmental Control District (District) has an existing Interlocal Agreement (R2011-1215) and First Amendment (R2013-0081) with Palm Beach County. This Interlocal Agreement and First Amendment will be replaced with a new Interlocal Agreement which increases the rate for the first existing connection, adds a third location for network services and includes new services for GIS Hosting. The new agreement takes effect on December 1, 2013 and will increase FY 2014 revenues by \$1,480, for a total of \$3,880. This new total includes \$500 for the additional network connection (10 months), \$480 for an increase to existing network connections (10 months), and \$500 for GIS hosting services (10 months). In addition, the agreement requires the District to fully reimburse the County for installation and setup costs (estimated at \$2,525). The Florida LambdaRail LLC has approved connection of the District to the Florida LambdaRail network. District 1 (PFK)

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) receive and file two executed grant agreements with the State of Florida, Division of Emergency Management (FDEM), to receive grant funding to enhance and improve the emergency management plans and programs of the County and provide operational support to maintain state required programs for the period of July 1, 2013, through June 30, 2014, as follows:

1. Emergency Management Preparedness and Assistance (EMPA) (14-BG-83-10-60-01-050) in the amount of \$105,806; and
2. Emergency Management Performance Grant (EMPG) (14-FG-IM-10-60-01-117) in the amount of \$236,650; and

B) approve a Budget Amendment of \$10,257 in the Emergency Management Preparedness and Assistance Fund to adjust the EMPG grant to the actual award.

SUMMARY: EMPA is state funded while EMPG is federally funded. Both grants recur annually, with the funds being distributed to the Public Safety Department's Division of Emergency Management. These funds are used to enhance and improve emergency management plans and programs and provide operational support to maintain state required programs consistent with the state's Comprehensive Emergency Management Plan. The grants will be used to further enhance emergency planning, response, mitigation and recovery in the County. Resolution No. R2012-1731 authorizes the County Administrator or his designee to execute certain operational agreements with Florida's Division of Emergency Management. **No matching County funds are required for the EMPA grant; however, a dollar for dollar match is required for the EMPG grant which is included in the County budget.** Countywide (PGE)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. **Staff recommends motion to approve:** a Contract with Palm Beach County Disaster Recovery Coalition, Inc. (DRC) for disaster response and recovery services in support of the Palm Beach County Comprehensive Emergency Management Plan (CEMP) in an amount not to exceed \$49,500 for the period commencing October 1, 2013, and ending September 30, 2014. **SUMMARY:** The County has allocated \$49,500 in ad valorem funding for disaster response and recovery services in support of the Palm Beach County Comprehensive Emergency Management Plan (CEMP). DRC, with the assistance of the Division of Human Services, will fulfill all the responsibilities of a lead agency as outlined in the County's CEMP to include assistance for unmet needs of County residents, referrals for individuals/families seeking home repair assistance and coordination with Palm Beach County League of Cities to ensure municipal unmet needs are addressed and prioritized. For this Contract, DRC will recruit non-profit agencies and faith based organizations to support disaster response efforts, expand and update resource registry, conduct community-wide disaster preparedness presentations and training sessions for various case-management agencies, develop a process for coordination, collection, and dissemination of the Unmet Needs Report, fulfill all the responsibilities of a lead agency as outlined in the County's CEMP, develop and conduct a strategic plan to be reviewed annually, and coordinate disaster response and repair activities in the event of a disaster. Countywide (PGE)

3. **Staff recommends motion to approve:** the following Agreements for Psychology Practicum Students earning doctoral degrees and social work students earning master's degrees which will allow the Youth Affairs Division to provide clinical supervision to individuals seeking training and experience in family and youth counseling to obtain state licensure at no cost to the County:

A) Nova Southeastern University, Inc. for the period August 26, 2013, through August 25, 2014. This agreement will automatically renew for an additional year.; and

B) Barry University for the period November 19, 2013, through November 18, 2016.

SUMMARY: The County, through its Youth Affairs Division is an authorized counselor training facility for many state colleges and universities offering degrees in psychology, social work, and similar fields of educational study. Doctoral programs require practicum experience in order to meet degree and licensing requirements and Master's programs require field education experience in order to meet degree and licensing requirements. The Division is offering its services and programs through these Affiliation Agreements, as a means for the students to obtain the necessary training and experience to earn their respective degree. There are no costs associated with these Affiliation Agreements. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. **Staff recommends motion to approve:** A Contract with Seagull Industries for the Disabled, Inc. in the amount of \$100,200, during the period October 1, 2013 through September 30, 2014. **SUMMARY:** This contract will provide partial reimbursement for the costs of transportation services being provided by Seagull Industries for the Disabled, Inc. for their transportation disadvantaged clients during FY 2014 (October 1, 2013 through September 30, 2014). Palm Tran has been providing this funding since June 1999, as most, if not all the customers served by Seagull would be eligible for Palm Tran Connection service. Seagull provides over 10,000 annual trips, serving over 20 individuals per month. Trip services include adult day training, medical appointments, employment and life sustaining functions. This funding is included in the approved Palm Tran FY 2013-2014 budget. Countywide (DR)

2. **Staff recommends motion to approve:** A Contract with Federation Transportation Services, Inc. in the amount of \$135,313 during the period October 1, 2013 through September 30, 2014. **SUMMARY:** This contract will provide partial reimbursement for the costs of transportation services being provided by Federation Transportation Services, Inc. for their transportation disadvantaged clients during FY 2014 (October 1, 2013 through September 30, 2014). Palm Tran has been providing this funding since June 1999, as most, if not all the customers served by Federation would be eligible for Palm Tran Connection service. Federation provides over 20,000 annual trips, serving over 80 individuals per month. Trip services include meal sites, medical appointments and life sustaining functions. This funding is included in the approved Palm Tran FY 2013-2014 budget. Countywide (DR)

3. **REVISED TITLE: Staff recommends motion to:**
 - A) approve** Vendor Service Agreement with the Area Agency on Aging (AAA) in the amount of \$700,638 to fund transportation services for the Division of Senior Services (DOSS) Program for the period January 1, 2013 through December 31, 2014; and

 - B) authorize** the Executive Director of Palm Tran to execute the Sub-Recipient Agreement in substantially the form of Attachment 2, with the City of Pahokee, upon its approval by the City; and

 - C) authorize** a one (1) time reimbursement of \$141,589.00 to the AAA for payments made to Palm Tran for services provided prior to the contract approval; and

 - D) approve** a Budget Amendment of \$314,185 in Palm Tran's Operating Fund 1340 for Fiscal Year 2013 in order to recognize the grant award. (Palm Tran)

SUMMARY: The AAA receives funds from DOSS to provide nutrition meal site trips to areas within the County. Since June 1999, the AAA has contracted with the County, through Palm Tran, to provide these services. The previous contract with AAA (R2012-0583) expired December 31, 2012. In error, the AAA continued to pay the County \$141,589 through August 2013 and needs to be reimbursed. Under the terms of the new Agreement, the AAA will provide \$700,638 to the County for services provided between January 2013 through December 2014. Of this amount, \$43,512 will be provided to the City of Pahokee through a Sub-Recipient Agreement to run their Senior Citizen Wellness Transportation Program. A \$65,712 local match is required which is included in the approved FY 2013-2014 Palm Tran budget. Countywide (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

4. Staff recommends motion to:

A) approve Florida Commission for the Transportation Disadvantaged (CTD) Trip and Equipment Grant in the amount of \$2,739,629 for FY 2013/2014 to provide non-sponsored trips in accordance with the Transportation Disadvantaged Trust Fund (TDTF) requirements of Chapter 427 Florida Statutes and Rule 41-2 Florida Administrative Code; and

B) authorize the Executive Director of Palm Tran, through the County Administrator or his designee, to file and execute the Trip and Equipment Grant Agreement with the CTD; and

C) approve a budget amendment of \$2,149,154 in Palm Tran's grant fund 1341 for Fiscal Year 2013 in order to recognize the grant award and related County match.

SUMMARY: Since June of 1999, Palm Beach County has received funding from the State of Florida through the Florida Commission for the Transportation Disadvantaged to provide transportation disadvantaged service to eligible residents in Palm Beach County. Each year approximately 2,100 residents utilize this service. For the FY 2013-2014, the County has been awarded \$2,739,629 which requires a local match of \$304,403 for a total program cost of \$3,044,032. The required local match of \$304,403 is included in the approved Palm Tran FY 2013-2014 budget. Countywide (DR)

BB. TOURIST DEVELOPMENT COUNCIL

1. ~~**DELETED: Staff recommends motion to:**~~

~~**A) approve** Second Amendment to the contract for Discover Palm Beach County, Inc. (1F) Airlift Development with Budget Transfer for \$250,000 from Discover Palm Beach County, Inc. to TDC Administration.; and~~

~~**B) adopt** the current Travel and Entertainment Policy of Discover Palm Beach County, Inc. to supplement the Palm Beach County PPM CW-F-009 for airline relations position under the Tourist Development Council.~~

SUMMARY: The active position of airlift development has been under the direction of Discover Palm Beach County, Inc., (Discover) by agreement between the Tourist Development Council (TDC) and the Department of Airports since May 23, 1995, funded by Palm Beach International Airport (PBIA) through a transfer of funds to the Tourism Promotion Fund. This proposed change in oversight to the Tourist Development Council from Discover, allows for a broader more targeted airlift program development providing service to all agencies contracted by the TDC. The cooperative effort between the TDC and PBIA will allow this position to be a BCC position but fully funded by the Airport Enterprise Fund. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. TOURIST DEVELOPMENT COUNCIL (Cont'd)

2. Staff recommends motion to terminate: the Category "B" Grant Agreement R2013-1105 between Palm Beach County and Palm Beach Pops, Inc., in the amount of \$106,634. **SUMMARY:** Palm Beach Pops, Inc. will not have a concert season this year and therefore do not wish to contract with the County for the allocation they were previously awarded in the amount of \$106,634. Palm Beach Pops is voluntarily asking to terminate their grant agreement. They have not expended any funds. The dollars will go back into the reserves for the Cultural Council. The Cultural Council Board and the Tourist Development Council approved this recommendation to terminate. Countywide (DW)

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

A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Sections 2-260.14 and 2-260.15, codifying Palm Beach County Ordinance No. 2010-006, as amended, pertaining to the County Internal Audit Committee; providing for an alternate member of the County Internal Audit Committee; incorporating uniform policies and procedures for County advisory boards and providing for an effective date. **SUMMARY:** Ordinance No. 2010-006, as amended, created the County Internal Audit Committee. The Board adopted Resolution No. 2013-0193, imposing specific requirements on County advisory boards, such as the County Internal Audit Committee. This Ordinance amends County Code Sections 2-260.14 and 2-260.15 to provide that the uniform policies and procedures in Resolution No. 2013-0193 will apply to the County Internal Audit Committee. Per Board direction, an alternate member has been added to the County Internal Audit Committee. Countywide (PFK)

B. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Subsection 2-41(c), codifying Palm Beach County Ordinance No. 87-11, as amended, pertaining to the County Investment Policy Committee; incorporating uniform policies and procedures for County advisory boards and providing for an effective date. **SUMMARY:** Ordinance No. 87-11 created the County Investment Policy Committee. The Board adopted Resolution No. 2013-0193, imposing specific requirements on County advisory boards, such as the County Investment Policy Committee. This Ordinance amends County Code Subsection 2-41(c) to provide that the uniform policies and procedures in Resolution No. 2013-0193 will apply to the County Investment Policy Committee. Countywide (PFK)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff requests Board direction: on 2014 State Legislative Program. **SUMMARY:** Staff requests the Board's review of the draft 2014 State Legislative Program. The Legislative Program outlines the issues that the County's Legislative Affairs Office, in conjunction with the County's lobbying team, will be working on for the Board during the upcoming Legislative Session. Countywide (DW)

B. COUNTY ATTORNEY

1. Staff recommends motion to approve: a Settlement Agreement with the Town of Palm Beach, settling administrative petitions in *Solid Waste Authority of Palm Beach County et. al. v. State of Florida, Department of Environmental Protection et. al.*, OGC Case Nos. 12-1527, 12-1528, SWVA Nos., 12-01, 12-02 (State of Florida Department of Environmental Protection, Palm Beach County Health Department). **SUMMARY:** The proposed Settlement Agreement resolves two administrative petitions filed by Palm Beach County and the Solid Waste Authority challenging a request for variance and a request for solid waste permit renewal by the Town of Palm Beach for two landscape material landfills operated at Skees Road and Okeechobee Boulevard in West Palm Beach. The proposed Settlement Agreement provides for the incorporation of a Good Neighbor Plan into the solid waste permit renewal, which requires the Town of Palm Beach to implement additional dust control, fire prevention, and pest control measures, including the installation of additional landscaping on the border between the landfill and the neighboring homes at the Okeechobee Boulevard facility and the use of ascertainable benchmarks to measure active landscape pile heights. District 2 (ATP)

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

~~**A) approve** an Agreement for 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. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on Tuesday, December 17, 2013 at 9:30 a.m.: an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program; providing for title; purpose; adoption of revised Five Year Road Program and revised list of projects contained in Exhibit "A"; implementation of the Program; modification of Program; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** This is the Annual Update of Palm Beach County's Five Year Road Program which is required to be considered each year by the Five Year Road Program Ordinance. Exhibit "A" to the Ordinance is a list of proposed projects for the next five years and contains certain changes and modifications. This list is submitted for the Board of County Commissioners' consideration on preliminary reading today with the final list to be approved with the Ordinance at public hearing on Tuesday, December 17, 2013. Countywide (MRE)

2. ~~**DELETED: Staff recommends the Board deny:** a request from the City of Greenacres (City) and City residents for the County to assume maintenance of Chickasaw Road from the western limit of the plat of Chickasaw manor to Jog Road.~~ **SUMMARY:** The central part of the county has many public rights of way that were dedicated "to the public", but were never accepted for maintenance by the County. Chickasaw Road is a non-standard paved roadway within one of those Palm Beach Farms platted public rights of way. The Lake Worth Drainage District (District) claims ownership of the section of land under the road, but believes it is not responsible for the road itself. There are 60 City properties and 16 county properties that have access to Chickasaw Road, and this road is the only way out of the City approved subdivisions. The road was paved around 1980 by a developer of property within the City, but the road is outside of the City's municipal boundary. Staff believes the District allowed the road to be paved. The County has never accepted the right-of-way or the paved substandard road for maintenance (substandard because of the proximity to canal and power poles, minimal drainage, less than 20' of pavement). The road has developed potholes, and when City residents contacted the City to repair them, the City referred them to the County. In a meeting with the City, County staff told Commissioner Burdick that we would present this to the Board. **Significant liability and cost issues (\$700,000) are potentially involved in the direction/decision if the Board considers accepting maintenance.** There is currently no funding available for the design and construction of any roadway improvements for Chickasaw Road. Staff does not recommend the County accept maintenance. It may be more appropriate for the City to annex the road and accept maintenance. District 2 (MRE)

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** the addition of two Project Manager positions and one Facilities/Systems Project Manager position to the complement of Facilities Development & Operations/Capital Improvements Division. **SUMMARY:** Over the last six years, the complement of the Capital Improvements Division (CID) has been reduced by 16 persons representing over a 45% decrease in total staffing. Historically, the complement of CID has been adjusted, in real time, upward and downward based on workload. The last and most significant reduction between 2008-2010 was necessary due to the completion of projects funded prior to 2008 and virtually no new project starts (except for renewal/replacement projects) since that time. However, three new positions are required mid-year due to: a) newly approved building projects, b) the number of renewal/replacement projects of electronic systems that are funded, and c) the need to proceed expeditiously with deferred renewal/replacement projects. These include but are not limited to: Convention Center Parking Garage, Palm Tran Expansion – South County, Airport Center Building 2 Renovations, PBSO West Atlantic Substation, Jupiter Health Center, Lake Worth West Community Center Expansion, PBSO Special Ops Vehicle Storage, Main Courthouse Electronic Systems Renewal Replacement and Public Safety Microwave System Upgrade. The cost associated with these new positions is recovered through the charging of “staff costs” to the projects to which they are assigned. Since there are no corresponding increases in supervision, management and/or support staff, the revenue generated by these three positions will equal the expenses. (FDO Admin) Countywide (JM)

5. REGULAR AGENDA

E. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve:

A) Initiation of the Convention Center Parking Garage (Parking Garage) project;

B) a Budget Amendment of \$2,000,000, in the Public Building Improvement Fund recognizing the transfer from the TDC 1st Cent Tourist Local Option Fund and establishing a project budget line; and

C) a Budget Transfer of \$2,000,000 in the Tourist Development Council (TDC) 1st Cent Tourist Local Option Fund Reserves to establish a transfer- out budget line to the Public Building Improvement Fund.

SUMMARY: This item will allow staff to begin the planning and design process for the Parking Garage required at this time due to demand and future loss of existing parking spaces as a direct result of construction of the convention center hotel. The Parking Garage has been contemplated since the early planning stages of the Convention Center, however the timing was to be determined in the future when either: 1) event demands required same, and/or 2) the timing of the hotel and/or expansion of the Convention Center was known. Also, this item provides for a budget amendment and transfer to establish the budget for pre-construction services for the Parking Garage. By the Board approving the budget transfer today and a prioritization of the Parking Garage design from a Staff workload perspective (the two largest variables within the County's control), the TDC is attempting to: 1) construct the Parking Garage concurrent with the construction of the hotel, and 2) coordinate the timing of the two construction projects so that only one peak booking/attendance season is impacted. Coordination is already underway with the hotel agreeing to include changes to their design to create a better interface with the Convention Center and will need to continue in terms of ongoing communication and both parties making reasonable adjustments to the their own construction schedules. Funding for the pre-construction services is from 1st cent bed tax. The construction will be financed through a bond to be issued in late FY 14 or early FY 15 using allowable bed taxes to pay the future debt service. The TDC approved allocating \$2,000,000 to proceed with the design of the Parking Garage at its September 16, 2013 meeting. (FDO) Countywide (DW)

5. REGULAR AGENDA

F. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve the following FY 2013 Year-End Budget Amendments and Transfers:

A) Budget Amendment of \$7,854,251 in the General Fund to: 1) recognize a transfer from the Fleet Management Fund (\$3,827,065) and from the Health Insurance Fund (\$4,027,186) for the pro-rata share distribution of surplus reserves; 2) a transfer of \$154,400 within the General Fund to reallocate budget between departments; 3) a transfer of \$1,200,000 to the Palm Tran Operations Fund to fund the Pension Plan deficiency and; 6) a net increase of \$6,654,251 to contingency reserves;

B) Budget Amendment of \$643 in the School Concurrency Fund to recognize Impact Fee revenue and increase the transfer due to the School District;

C) Budget Amendment of \$1,200,000 in the Palm Tran Operations Fund to recognize the transfer from the General Fund;

D) Budget Transfer of \$5,000,000 in the Fleet Management Fund to establish a pro-rata share distribution of surplus reserves;

E) Budget Transfer of \$5,500,000 in the Employee Health Insurance Fund to establish a pro-rata share distribution of surplus reserves;

F) Budget Amendment of \$498,492 in the County Library Fund to recognize revenue from Fleet and Risk Management and increase reserves;

G) Budget Amendment of \$51,608 in the Fire Rescue MSTU Fund to recognize revenue from Fleet and Risk Management and increase reserves;

H) Budget Amendment of \$194,794 in the MSTD-Building Fund to recognize revenue from Fleet and Risk Management and increase reserves;

I) Budget Amendment of \$1,668,562 in the Water Utilities Operation and Maintenance Fund to recognize revenue from Fleet and Risk Management and increase reserves; and

J) Budget Amendment of \$232,293 in the Airport Operations Fund to recognize revenue from Fleet and Risk Management and increase reserves.

SUMMARY: **A1)** Reserves have accumulated in the Fleet Fund for a number of reasons including reduced fleet replacement, higher resale values, and extended replacement life cycles. The Employee Health Insurance Fund ended FY 2013 with lower than projected claims expenses, which generated a surplus reserve; **A2)** A reallocation of \$154,400 is necessary to cover personnel cost for employees that entered DROP, an increase in laboratory testing and supplies for the Medical Examiner's Office due to an increase in autopsy cases and, warehouse purchases at year-end including hurricane supplies, which haven't been charged off to County departments; **A3)** The second \$3.6 million installment of the Palm Tran/ATU 1577 Pension Plan funding deficiency was made in September, 2013. Although this unbudgeted expenditure was offset by higher than anticipated revenue, it resulted in a deficit appropriation budget of \$1,200,000 for the year; **B)** The County collects and remits impact fee funds to the School District. Actual revenue collected for FY 2013, exceeded the budget. Countywide (PK)

5. REGULAR AGENDA

G. PALM TRAN

ADD-ON - TIME CERTAIN 11:00 A.M.

1. **REVISED SUMMARY:** Staff recommends motion to authorize: Staff to negotiate a Settlement Agreement with Metro Mobility Management Group, LLC (MMMG) to terminate their existing contract and to provide service through January 31, 2015. **SUMMARY:** On July 16, 2013, the Board of County Commissioners (BCC) encouraged MMMG to seek an additional partner in response to concerns raised about compliance with contractual provisions. MMMG was unable to identify a partner who could participate under the existing terms and has requested that their contract be terminated. Staff is in support of this request and recommends the following Settlement Terms be the basis of the Settlement Agreement:

1. MMMG will provide services through January 31, 2015;
2. Liquidated Damages currently total approximately \$2.4 Million. Liquidated Damages in excess of \$1 Million shall be waived at upon execution of the Settlement Agreement and the remaining \$1 Million shall be held in abeyance until January 31, 2015. Should MMMG's performance continue at the same levels, the remaining \$1 Million of Liquidated Damages shall be waived. The existing \$1 Million Performance Bond will remain in place;
3. ~~Future Liquidated Damages may be assessed through January 31, 2015, only if the County suffers an economic loss from the actions of MMMG;~~ Liquidated damages will continue to be assessed as appropriate, but contingent upon service being provided by MMMG in an acceptable manner through the termination date, these would be waived.
4. Equipment requirements and future capital investments set forth in Article 7 of the current contract will be waived. To ensure continued safety and on time performance MMMG will remove from service vehicles with 350,000 miles or greater and place into service existing lower mileage vehicles; and
5. Payment for Non-Dedicated Service shall be based on an increased mileage rate of \$2.15 per mile through January 31, 2015, which is projected to have an impact of \$1.6 Million. Of this amount, 20% of the increase will be shared with MMMG's current DBE partners. MMMG will retain key personnel including the Project Manager and Maintenance Manager through January 31, 2015.
6. A waiver and release of claims that MMMG had, has or may have against the County.

This arrangement will benefit the County as follows: (1) it allows for an adequate transition period to consider all options for service delivery; (2) it provides the best alternative to disruption in service which would be caused by an immediate or non-negotiated termination; (3) it provides a certain level of stability for current MMMG employees and Disadvantaged Business Enterprises; and (4) it is more cost effective than an emergency procurement for a new vendor. Staff intends to present the formal Settlement Agreement to the BCC at the January 14, 2014, Board Meeting. Countywide (DR)

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6. BOARD APPOINTMENTS

A. **ADMINISTRATION**
(Treasure Coast Regional Planning Council)

1. **Staff requests Board direction:** as it relates to the Board of County Commissioners (BCC) appointments to the Treasure Coast Regional Planning Council for a one year term beginning December 1, 2013, to November 30, 2014. Current representatives are shown below:

	<u>Seat No.</u>	<u>Requirement</u>
<u>Regular Seats:</u>		
Commissioner Hal R. Valeche	1	Palm Beach County Official
Commissioner Paulette Burdick	2	Palm Beach County Official
Commissioner Priscilla A. Taylor	3	Palm Beach County Official
<u>Alternate Seats:</u>		
Commissioner Jess R. Santamaria	1	Palm Beach County Official
Commissioner Steven L. Abrams	2	Palm Beach County Official
Commissioner Shelley Vana	3	Palm Beach County Official

SUMMARY: In accordance with the Treasure Coast Regional Planning Council (TCRPC) Rules of Order, the Board of County Commissioners (BCC) is requested to appoint their members and alternates for the coming year before the Council’s Annual meeting on December 13, 2013. The BCC will also need to ratify the Palm Beach County League of Cities (League) members under a separate board appointment item. Countywide (RPB)

B. **COMMISSION DISTRICT APPOINTMENTS**

NOVEMBER 19, 2013

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

NOVEMBER 19, 2013

8. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER HAL R. VALECHE

B. District 2 – COMMISSIONER PAULETTE BURDICK

C. District 3 - COMMISSIONER SHELLEY VANA

ADD-ON: Request approval to present off-site, a Proclamation declaring November 2013 as “Pancreatic Cancer Awareness Month” in Palm Beach County.

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

E. District 5 – COMMISSIONER MARY LOU BERGER

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR

9. ADJOURNMENT

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