

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

DECEMBER 17, 2013

<u>PAGE</u>	<u>ITEM</u>							
8	3B-2	<u>REVISED TITLE:</u> Staff recommends motion to approve: the following final minutes of the Board of County Commissioners' meetings: <table><thead><tr><th><u>Meeting Type</u></th><th><u>Meeting Date</u></th></tr></thead><tbody><tr><td>Regular</td><td>November 5, 2013</td></tr><tr><td>Regular</td><td>November 17, 2013 <u>November 19, 2013</u> (Clerk)</td></tr></tbody></table>	<u>Meeting Type</u>	<u>Meeting Date</u>	Regular	November 5, 2013	Regular	November 17, 2013 <u>November 19, 2013</u> (Clerk)
<u>Meeting Type</u>	<u>Meeting Date</u>							
Regular	November 5, 2013							
Regular	November 17, 2013 <u>November 19, 2013</u> (Clerk)							
10	3D-3	<u>DELETED:</u> Staff recommends motion to approve: a Contract for Professional Legal Services with Conroy, Simberg, Ganon, Krevans, Abel, Lurvey, Morrow & Schefer, P.A. (Conroy, Simberg), to provide litigation services for Palm Beach County in the Workers' Compensation matter of <u>Frank Nicastro v. Palm Beach County</u> , with a cap of \$100,000 in attorney fees and \$20,000 in costs and expenses until the earlier of December 31, 2015, or termination of the litigation. (Attorney) (Further staff review)						
10	3D-4	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve: a Second <u>Third</u> Amendment to Legal Services Authorization 2011-0353-B with Sundstrom, Friedman & Fumero, LLP, for miscellaneous legal services related to complex utilities projects/agreements. SUMMARY: On March 15, 2011, the Board of County Commissioners approved an agreement with Rose Sundstrom & Bentley, LLP (R2011-0353) for legal services related to water utilities issues. Pursuant to that agreement, work assignments were to be authorized by Legal Services Authorizations. On May 3, 2011, the Board of County Commissioners approved Legal Services Authorization 2011-0353-B (R2011-0599) with Rose, Sundstrom & Bentley, LLP, now known as Sundstrom, Friedman & Fumero, LLP, for miscellaneous legal services related to complex utilities projects/agreements. This Second <u>Third</u> Amendment to Legal Services Authorization 2011-0353-B increases the not-to-exceed amount from \$50,000 to \$75,000 and extends the term for one additional year. <u>Countywide</u> (MWJ) (Attorney)						
18	3H-5	<u>REVISED SUMMARY:</u> Staff recommends motion to approve: an Assignment and Assumption of Easement in favor of the South Florida Water Management District (SFWMD) as required by the Agreement with SFWMD for sale of the Mecca Property. SUMMARY: The Agreement with SFWMD for sale of the Mecca Property (R2013-1514) requires the County to assign to SFWMD the County's interest in an Easement over four parcels of land within the Corbett Wildlife Management area which the Florida Fish and Wildlife Conservation Commission (FWCC) granted to the County. The Easement from FWCC is for: 1) a SFWMD canal/floway; 2) a SFWMD canal maintenance road; 3) an FPL electrical substation; and 4) a road (future Seminole Pratt Whitney Road). The Easement allows for assignment of the canal/floway and canal maintenance road easements to SFWMD, but requires the consent of FWCC to the assignment of the FPL substation easement and partial assignment of road easement to SFWMD. FWCC consent is a condition precedent to closing of the sale of the Mecca property to SFWMD. SFWMD has agreed to waive this condition, proceed <u>with closing on December 17 and obtain consent of FWCC post closing.</u> This Assumption of Easement reflects that FWCC consent will be obtained post closing and replaces the Assignment and Assumption of Easement attached as Exhibit "D" to the Agreement with SFWMD. (PREM) <u>Districts 1 & 6/Countywide</u> (HJF) (FDO)						

REVISED TITLE & SUMMARY: Staff recommends motion to:

A) approve a Local Agency Program (LAP) Supplemental Agreement (Agreement) with the Florida Department of Transportation (FDOT) ~~amending the Agreement (R2013-0469) dated April 16, 2013 to increase the in an amount of \$123,555 for reimbursement to the County for construction costs related to the~~ of costs of Pântano Trail from the Loxahatchee Slough Natural Area to Riverbend Park (FM No. 427654-2-58-01/-68-10) to be completed on or before June 30, 2015 by \$123,555; and

B) approve Budget Amendment of \$123,555 in the Environmental Capital Projects Fund to recognize the Agreement funding.

SUMMARY: This Agreement will encumber ~~an additional~~ \$123,555 in FDOT Advance Construction Transportation Alternatives (ACTU) funds ~~authorized by Section 1122 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) established in 23 U.S.C. 213,~~ to reimburse the cost of construction of 5.6 miles of the proposed Northeast Everglades Natural Area (NENA) Pântano Trail. This supplement brings the total dollar amount available to the County for project construction from the original \$669,643 to \$793,198. No match is required. No other terms of the original LAP Agreement (R2013-0469) are being changed. District 1 (SF) (ERM)

REVISED TITLE & SUMMARY: Staff recommends motion to approve: ~~Amended Contract with NMS Management Services, Inc., R2010-0928, for the County's to provide drug and alcohol testing services for Palm Beach County's employee drug and alcohol testing program, to exercise the option to renew for one year, beginning May 1, 2013, through April 30, 2104, at an annual cost of \$41,450. SUMMARY: The Board of County Commissioners approved contract R2010-0928 on May 1, 2010 for a term of three years with two one-year options to renew. They are exercising this option to renew with the same terms and conditions. The contract was amended to change the standard language in several provisions since the original contract was approved. NMS Management Services, Inc., will screen Palm Beach County applicants and employees in safety-sensitive positions for drugs and alcohol, as required under the Omnibus Transportation Employee Testing Act of 1991. Services shall commence retroactively on May 1, 2013, for a term of three years, with two one-year options to renew, at an annual cost of \$41,450.~~ Countywide (DO) (Human Resources)

REVISED TITLE: Staff recommends motion to approve: A) a Contract with the Department of Health (DOH) in the amount of \$2,052,586 for Environmental Health and Engineering programs provided by the Palm Beach County Health Department (CHD) for the period October 1, 2013, through September 30, 2014; and

B) An Addendum to the Contract to clarify:

- 1) Paragraph 6.a. – as State employees/personnel, CHD employees are not “officers, agents, or employees of the County”;
- 2) Paragraph 7.c. – The County shall assure that insurance coverage for vehicles is available through either a self-insurance program or insurance purchased by the County except for insurance referenced in paragraph 7.e.;
- 3) Paragraph 7.d. – The County shall be named as additional insured on any agreement in which the CHD contracts or subcontracts any work to be performed on the premises to a third party; and
- 4) Paragraph 7.e. – As a State agency, the CHD agrees to be responsible for its own, its officers', employees', or agents' negligent acts, or omissions, or ~~tortuous~~ tortious acts, which result in claims or suits against the parties, and agrees to be liable for any damages proximately caused by said acts or omissions. (Health Department)

REVISED MOTION/TITLE & SUMMARY: Staff recommends motion to approve:

~~A) direction to staff to negotiate with the School Board and the County's municipalities to begin the implementation process for a recommended one-half percent (.5%) Local Government Infrastructure Sales Surtax to be levied for six years; to be placed before the voters on November 4, 2014; the proceeds of which would be shared with the School Board and municipalities for the purpose of constructing new and improving existing public infrastructure and facilities including schools, parks, roads and bridges;~~

~~B) a fund split of approximately 40% School Board, 36% County and 24% cities;~~

~~C) direction to staff to bring back a recommendation for a hybrid split of the County share of funding by Commission district that reflects municipal funding within each district, project priorities and public need; and~~

~~D) direction to staff to document potential projects for all participants.~~

~~**SUMMARY:** County, School Board and municipal staffs have identified significant facility and infrastructure needs to maintain and enhance our public quality of life. Eight different types of local discretionary sales surtaxes are currently authorized by law. Palm Beach County is one of only nine counties, out of 67, that does not currently levy any local discretionary sales surtax. The State allows a county to levy a discretionary sales surtax upon voter approval of one-half or one percent for infrastructure. Proceeds from the Infrastructure Surtax can be applied to the uses enumerated in 212.055(2)(d), Florida Statutes (2013), including the construction and/or improvement of schools, parks, roads and bridges. A one-half percent (.5%) surtax will generate approximately \$110 million annually. Revenue must be distributed in accordance with an interlocal agreement between the County and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the parties. The sales surtax applies to all transactions subject to the state tax imposed on sales, use, services, rentals and admissions. However, the sales amount above \$5,000 on any item of tangible personal property is not subject to the surtax. The \$5,000 limitation only applies to tangible personal property and therefore does not apply to the rental of commercial real property, transient rentals, or services. Providing additional revenue in this manner relieves pressure to increase property taxes and means that visitors and other persons who do not pay property taxes will share in the cost of public facilities that they use and benefit from. If passed, the tax would take effect on January 1, 2015. Alternatives the Board could consider include proceeding independently of the School Board and changing the duration and amount of the surtax. Countywide (PK)~~

Staff requests Board direction: on initiating a .5% infrastructure sales surtax ballot question for the November 4, 2014 election on behalf of the County and municipalities for a three year collection period or as may otherwise be determined appropriate by the Board. **SUMMARY:** County and municipal staffs have identified significant facility and infrastructure needs to maintain and enhance our public quality of life. Eight different types of local discretionary sales surtaxes are currently authorized by law. Palm Beach County is one of only nine counties, out of 67, that does not currently levy any local discretionary sales surtax. The State allows a county to levy a discretionary sales surtax upon voter approval of one-half or one percent for infrastructure. Proceeds from the Infrastructure Surtax can be applied to the uses enumerated in 212.055(2)(d), Florida Statutes (2013), including the construction and/or improvement of parks, roads and bridges. A one-half percent (.5%) surtax will generate approximately \$110 million annually. Revenue would be distributed between the County and municipalities by population. The sales surtax applies to all transactions subject to the state tax imposed on sales, use, services, rentals and admissions. However, the sales amount above \$5000 on any item of tangible personal property is not subject to the surtax. The \$5000 limitation only applies to tangible personal property and therefore does not apply to the rental of commercial real property, transient rentals, or services. Providing additional revenue in this manner relieves pressure to increase property taxes and means that visitors and other persons who do not pay property taxes will share in the cost of public facilities that they use and benefit from. If passed, the tax would take effect on January 1, 2015. A consideration of the BCC needs to be the possibility that the School Board could proceed with their own sales surtax ballot initiative. As challenging as it may be to get a single surtax approved by the voters, it seems unlikely that multiple surtax ballot proposals would be viewed favorably. Countywide (PK) (Admin)

- 46 5C-2 **DELETED: Staff recommends motion to approve:** a pre-auction sale of: (i) Asset No. 10162819, a 2006 Ford E350 - passenger van for \$7,350, and (ii) Asset No. 10162820, a 2006 Ford E350 - passenger van for \$6,248, to Faith's Place Center for Art Education, Inc., a Florida not-for-profit 501(c)(3) corporation (Faith's Place) for use in providing transportation to and from various local schools for students enrolled in the after-school arts programs provided by Faith's Place. (FDO) (Due to the Agency's financial reasons)
- 46 5C-3* **ADD-ON, TIME CERTAIN OF 9:30 A.M.:** **Staff recommends motion to approve:** a Memorandum of Agreement between the County and South Florida Water Management District (SFWMD). **SUMMARY:** The Agreement with SFWMD for the sale of the Mecca Property (R2013-01514) requires recordation of a Memorandum of Agreement to put third parties on notice of the existence of the Agreement and the parties' rights and obligations thereunder which survive the closing. The form of this document was attached as Exhibit F to the Agreement. Subsequent to SFWMD's approval of the Agreement, the chairman of SFWMD's Governing Board objected to the form of the document and requested that the document be revised to specifically identify those provisions of the Agreement which the County desires to put third parties on notice of. This Memorandum of Agreement spells out those specific provisions and replaces the Memorandum of Agreement attached as Exhibit F to the Agreement. (PREM) Districts 1 & 6/Countywide (HJF) (FDO)
- 49 7A-1 **REVISED TITLE:** **Staff recommends motion to approve:** reappointment of the following individuals to the Palm Beach County Environmental Control Hearing Board for terms of three years beginning on February 1, 2014 and ending on January 31, 2017:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Edward Sherman	3	Citizen-at-Large	Mayor Taylor Vice Mayor Burdick Comm. Valeche Comm. Abrams Comm. Berger <u>Comm. Vana</u>
(Health Dept)			

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**

DECEMBER 17, 2013

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

**COMMISSION
CHAMBERS**

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

- 2. AGENDA APPROVAL/SPECIAL PRESENTATION**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
 - C. Special Presentation – **9:30 A.M.** (Page 7)

- 3. CONSENT AGENDA** (Pages 8 - 39)

- 4. PUBLIC HEARINGS - 9:30 A.M.** (Pages 40 - 42)

- 5. REGULAR AGENDA** (Pages 43 - 47)
TIME CERTAIN 10:30 A.M. (Local Government Infrastructure Sales Surtax) (Page 44)

- 6. BOARD APPOINTMENTS** (Page 48)

- 7. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD** (Page 49)

- 8. STAFF COMMENTS** (Page 50)

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

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DECEMBER 17, 2013

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Representative Mark Pafford

* * * * *

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	November 5, 2013
Regular	November 17, 2013 <u>November 19, 2013</u>

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during June 2013. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** an Interlocal Agreement (Agreement) with South Indian River Water Control District (District) in an amount not to exceed \$32,000 per year, to provide for the mowing and grading (maintenance) of certain Palm Beach County (County) roads within the jurisdiction of the District. **SUMMARY:** Approval of this Agreement will enable the District to continue to provide maintenance of various County road rights-of-way located in their District which have been under interlocal agreement since 1984, for a revised amount not to exceed \$32,000 yearly. This annual amount was calculated based on the expected maintenance that the County anticipates for each of the roads over the course of a year. The annual increase is from \$30,000 to \$32,000. The last adjustment in the yearly amount was over ten years ago. District 1 (MRE)
2. **Staff recommends motion to approve:** two work orders to mill and resurface County-maintained residential roads utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract with Community Asphalt Corp. (R2013-0235), which includes: Work Order 2013052-012 in the amount of \$737,000 for Lantana Homes Subdivision and Work Order 2013052-013 in the amount of \$633,000 for Lee's Crossing Subdivision (Improvements). **SUMMARY:** Approval of these work orders will allow the contractual services necessary to construct the Improvements. Per County PPM CW-F-050, these work orders exceed the threshold relating to staff approvals of contracts, thus requiring the Board of County Commissioners' approval. This work will resurface over 14 miles of residential streets. District 2 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. **Staff recommends motion to adopt:** a Resolution to approve an Emergency Local Government Emergency Relief Reimbursement Agreement (Agreement) with the State of Florida Department of Transportation (FDOT), regarding reimbursement of storm damage repairs along Jog Road at the Lake Worth Drainage District Lateral 43 Canal (Project). **SUMMARY:** Adoption of the Resolution to approve the Agreement will allow Palm Beach County to request reimbursement funding from FDOT's Emergency Relief Program in an amount not to exceed \$35,029.92 for emergency repairs at the Project due to damage caused by Tropical Storm Isaac. District 4 (MRE)

4. **Staff recommends motion to approve:** the 2010 Federal Functional Classification and Urban Area Boundaries Map (Map) within Palm Beach County (County). **SUMMARY:** Federal legislation allows for State and local officials, in cooperation with each other and subject to approval of the Federal Highway Administration (FHWA), to adjust the urban boundaries and functional classifications of roadways. The boundaries and classification are used to help determine eligibility for various federally aided highway and transit programs. Approval of this Map will allow the boundary and classification process to continue towards formal FHWA adoption. The Palm Beach County Metropolitan Planning Organization approved the same Map on December 9, 2013. Countywide (MRE)

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** the Extension to the Interlocal Agreement (ILA) (R2010-1769) between the Solid Waste Authority (Authority) and Palm Beach County (County) for the provision of Inspector General services at the Authority, to extend the term of the ILA through the earlier of February 28, 2014, or the date a replacement ILA is fully executed. **SUMMARY:** This Extension extends the ILA's term. Except as modified in the Extension, all of the terms and conditions of the ILA remain in full force and effect. The Authority has executed the Extension. Countywide (PFK)

2. **Staff recommends motion to receive and file:** the official transcript for the closing of the \$28,075,000 Palm Beach County, Florida, Taxable Public Improvement Revenue Bonds (Convention Center Hotel Project), Series 2013 (the "Bonds"). **SUMMARY:** The official transcript for the Bonds has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

3. **DELETED: Staff recommends motion to approve:** a Contract for Professional Legal Services with Conroy, Simberg, Canon, Krevans, Abel, Lurvey, Morrow & Schefer, P.A. (Conroy, Simberg), to provide litigation services for Palm Beach County in the Workers' Compensation matter of Frank Nicastro v. Palm Beach County, with a cap of \$100,000 in attorney fees and \$20,000 in costs and expenses until the earlier of December 31, 2015, or termination of the litigation. **SUMMARY:** Former County employee Frank Nicastro (Nicastro) has long been in litigation with the County over his Workers' Compensation claims, which arose out of an injury he sustained in 1981. Recent activity in the litigation has been over the costs associated with Nicastro's attendant care, his guardianship, and related attorneys' fees, among other matters. Anne Ford, Esquire, who has been representing the County since 2000 at the trial level, has decided to retire and close her law firm, Anne H. Ford, P.A. The law firm of Conroy, Simberg successfully represented the County in four recent appeals in the litigation, and is willing to assume representation of the County at the trial level going forward. Countywide (AJM)

4. **REVISED TITLE & SUMMARY: Staff recommends motion to approve:** a ~~Second~~ Third Amendment to Legal Services Authorization 2011-0353-B with Sundstrom, Friedman & Fumero, LLP, for miscellaneous legal services related to complex utilities projects/agreements. **SUMMARY:** On March 15, 2011, the Board of County Commissioners approved an agreement with Rose Sundstrom & Bentley, LLP (R2011-0353) for legal services related to water utilities issues. Pursuant to that agreement, work assignments were to be authorized by Legal Services Authorizations. On May 3, 2011, the Board of County Commissioners approved Legal Services Authorization 2011-0353-B (R2011-0599) with Rose, Sundstrom & Bentley, LLP, now known as Sundstrom, Friedman & Fumero, LLP, for miscellaneous legal services related to complex utilities projects/agreements. This ~~Second~~ Third Amendment to Legal Services Authorization 2011-0353-B increases the not-to-exceed amount from \$50,000 to \$75,000 and extends the term for one additional year. Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to:

A) receive and file funding allocation notification for Phase 31 of the Emergency Food & Shelter National Board Program, for the period April 1, 2013, through March 31, 2014, in an amount of \$204,555, for provision of shelter, rent/mortgage and utility payments to assist individuals and families in crisis;

B) ratify signature of the Mayor on the Recipient Organization Certification and the Phase 31 Certification Regarding Lobbying revised forms for the Emergency Food & Shelter National Board Program; and

C) approve Budget Amendment of \$54,555 in the Human Services Division General Fund to align the budget with the actual grant award.

SUMMARY: The Emergency Food and Shelter National Board Program (EFSP) is a restricted federal grant. On October 25, 2013, EFSP announced allocations for the Phase 31 award to Palm Beach County. At the same time, EFSP required a signature on the Recipient Organization Certification and the Phase 31 Certification Regarding Lobbying revised forms. These forms were part of the Phase 31 EFSP grant application signed by the Mayor on September 9, 2013, and submitted to the Board on October 22, 2013 (R2013-1377). The forms were revised by Emergency Food and Shelter National Board Program after the application was submitted. This award is administered locally by the United Way of Palm Beach County, Inc. and consists of funding for shelter in the amount of \$63,923, rent/mortgage in the amount of \$119,324, and utilities in the amount of \$21,308. Staff in the Division of Human Service offices assess applicants for this program, approve service plans to assist these households and process invoices. The total fund allocation of \$204,555 is for an eleven month period and is non-recurring. There are no County match funds required for this grant. (Human Services) Countywide (TKF)

2. Staff recommends motion to approve: Memorandum of Agreement with the Children's Services Council of Palm Beach County, for the period October 1, 2013, through September 30, 2014, in an amount not to exceed \$55,000 to support Head Start professional development training through Palm Beach State College Institute of Excellence in Early Care and Education SEEK Scholarship program. **SUMMARY:** The Division of Head Start has received funds from the U.S. Department of Health and Human Services to provide professional development training. As a result, Head Start is contracting with the Children's Services Council of Palm Beach County to provide services through Palm Beach State College for Head Start classroom staff and supervisors. This is the fourth year of this successful partnership. The Agreement provides enhanced training and professional development opportunities for Head Start staff. Services will be funded with \$44,000 in Federal funds and \$11,000 in County funds. Sufficient funding is included in the current budget to meet County obligations. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve: appointment/reappointment of the following representatives to the Community Action Advisory Board effective December 17, 2013:

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Term Ending</u>	<u>Nominated By</u>
1	Thyra Starr	Public Sector	9/30/2015	Mayor Taylor Vice Mayor Burdick Comm. Valeche
6	Tamara Price	Private Sector	9/30/2016	Mayor Taylor Vice Mayor Burdick Comm. Valeche
10	Jonel Etienne	Private Sector	9/30/2016	Mayor Taylor Vice Mayor Burdick Comm. Valeche
<u>Reappointment</u>				
2	Maria Ruiz	Public Sector	9/30/2016	Mayor Taylor Vice Mayor Burdick Comm. Valeche
5	Mary Wilkerson	Public Sector	9/30/2015	Mayor Taylor Vice Mayor Burdick Comm. Valeche Comm. Santamaria
11	Elaine Gulley	Low-Income Sector	9/30/2016	Mayor Taylor Vice Mayor Burdick Comm. Valeche Comm. Santamaria
12	Valerie Mays	Low-Income Sector	9/30/2016	Mayor Taylor Vice Mayor Burdick Comm. Valeche

SUMMARY: The Community Action Advisory Board (CAAB) is a 15 member tri-partite board comprised of one-third elected public officials or their representatives, one-third private sector members and no less than one-third low-income representatives. On September 25, 2013, written notice was sent to each Commissioner to request nominations. Thyra Starr (Seat 1) will complete the remaining unexpired term for Dr. Yvette Coursey who resigned. The appointments meet all applicable guidelines and requirements outlined in Resolution R2009-1549. The CAAB reviewed and approved the nominees listed above on August 21, 2013 and September 25, 2013. Thyra Starr, an employee of Paradies-Palm Beach, LLC, has disclosed a contractual relationship with the County for services. The Community Action Advisory Board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. (Community Action) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to:

A) adopt a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$800,000 for perimeter fence improvements at North Palm Beach County General Aviation Airport. The grant expiration date is January 31, 2016; and

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

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

2. Staff recommends motion to:

A) adopt a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$2,445,500 to rehabilitate Taxiway C at Palm Beach International Airport (PBIA). The grant expiration date is January 31, 2016; and

B) approve a Budget Amendment of \$2,445,500 in the Airport Improvement and Development Fund to recognize the receipt of a grant from the FDOT; and budget the project cost of \$4,891,000, which includes a transfer from Reserves in the amount of \$2,445,500 to provide the mandatory match.

SUMMARY: The FDOT has issued a JPA reflecting their commitment of funding to the above referenced project in the amount of \$2,445,500 or 50.00% of the eligible project costs, whichever is less. Countywide (AH)

3. Staff recommends motion to:

A) adopt a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$400,000 for security improvements at Palm Beach County Park Airport (Lantana). The grant expiration date is January 31, 2016; and

B) approve a Budget Amendment of \$400,000 in the Airport Improvement and Development Fund to recognize the receipt of a grant from the FDOT; and budget the project cost of \$500,000, which includes a transfer from Reserves in the amount of \$100,000 to provide the mandatory match.

SUMMARY: The FDOT has issued a JPA reflecting their commitment of funding to the above referenced project in the amount of \$400,000 or 80.00% of the eligible project costs, whichever is less. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to approve: Airline Service Incentive Program Participation Agreement with American Airlines, Inc. **SUMMARY:** The Department has received a schedule commitment from American Airlines to initiate daily, non-stop service from Palm Beach International Airport (PBI) to Los Angeles (LAX), California, plus two additional non-stop flights to LaGuardia (LGA), New York. The Agreement includes incentive provisions beyond the Department Director's authorization level which requires Board approval: American can consolidate their existing leasehold with US Airways, without penalty, upon approval of the proposed merger by governing authorities; and if American expands their leasehold to include a VIP/club room at PBI, the Agreement waives club room lease charges for two years, contingent on the continuation of PBI to LAX service. The incentive package uses airport revenues; no general fund or ad valorem dollars are expended. Most incentives are earned over time and are contingent on the continuation of the PBI to LAX service. The Convention and Visitors Bureau will provide a portion of the marketing expenditures to promote travel to Palm Beach County. Countywide (AH)

5. Staff recommends motion to:

A) adopt a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 1 with the Florida Department of Transportation (FDOT) increasing the original FDOT funding share by an additional \$1,000,000 and revising the total cost of the project to Rehabilitate Itinerant Apron at Palm Beach County Park Airport (LNA). The expiration date of this grant is September 30, 2014;

B) approve a Budget Amendment of \$1,000,000 in the Airport Improvement and Development Fund to recognize the receipt of a grant from the FDOT; increase the project cost by \$1,250,000, and a transfer from Airport Passenger Facility Charge (PFC) funds of \$875,000; and

C) approve a Budget Transfer of \$875,000 in the Airport PFC Fund to transfer PFC funds to the Airport Improvement and Development Fund, including a transfer from Reserves.

SUMMARY: On September 11, 2012, the Board of County Commissioners adopted a Resolution (R2012-1243) approving a Joint Participation Agreement (JPA) with the FDOT in the amount of \$2,300,000 or 80.00% of the eligible project costs to rehabilitate Itinerant Apron at LNA under a multi-year funding plan. The FDOT has issued SJPA Number 1, as part of the final year of funding, increasing the original funding share by an additional \$1,000,000 for a revised FDOT participation of \$3,300,000 with a total project cost of \$4,125,000. The County's local share, utilizing PFC funds, is \$825,000 of the project cost to provide the mandatory match. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. Staff recommends motion to:

A) adopt a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 1 with the Florida Department of Transportation (FDOT) increasing the original FDOT funding share by an additional \$1,250,000 and revising the total cost of the project to Construct Apron, Taxilanes/Taxiways and Infrastructure at Palm Beach International Airport (PBIA). The expiration date of this agreement is June 30, 2015; and

B) approve a Budget Amendment of \$1,250,000 in the Airport Improvement and Development Fund to recognize the receipt of a grant from the FDOT, and increase the project cost by \$2,500,000, which includes a transfer from Reserves in the amount of \$1,250,000.

SUMMARY: On May 21, 2013, the Board of County Commissioners adopted a Resolution (R2013-0607 & R2013-0608) approving a Joint Participation Agreement (JPA) with the FDOT in the amount of \$1,000,000 or 50% of the eligible project costs to construct Apron, Taxilanes/Taxiways and infrastructure at PBIA under a multi-year funding plan. The FDOT has issued SJPA Number 1, as part of the second year of funding, increasing the original funding share by an additional \$1,250,000 for a revised FDOT participation of \$2,250,000 with a total project cost of \$4,500,000. The County's current local share for this project is \$2,250,000 to provide the mandatory match. Countywide (AH)

7. Staff recommends motion to approve: a List of twelve charitable organizations to benefit from the proceeds (coins) from the fountain at Palm Beach International Airport during the period October 1, 2013, through September 30, 2014. **SUMMARY:** On March 14, 1989, the Board approved the concept of collecting contributions from the Airport's fountain on a monthly basis and contributing the funds to a different charitable organization recommended by the Community Services Department and approved by the Board. The Department of Airports recommends the non-profit organizations listed on Attachment "A" to the Agenda Item provided by the Community Services Department to receive contributions for the forthcoming fiscal year, commencing October 1, 2013. Average monthly contributions for the past year have been approximately \$50.00. In addition, the list will be provided to Paradies-Palm Beach, LLC, the Airport's retail concessionaire, who will send the contribution from the fountain in its gift shop areas along with an additional contribution of \$250 to the recommended recipients pursuant to its concession agreement. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

8. Staff recommends motion to:

A) approve Fixed Base Operator (FBO) Lease Agreement (Lease) for the Palm Beach County Park Airport (Airport) with Galaxy Aviation of Lantana, Inc. (Galaxy), for a term of 30 years and minimum rental and fees of \$295,371 for the first lease year after the transition period; and

B) authorize the County Administrator or his designee, the Director of the Department of Airports, to execute the Estoppel Certificate (Exhibit "D" to the Lease) on behalf of the County.

SUMMARY: On May 15, 2013, the Department of Airports (Department) issued RFP No. LN-13-4 for a FBO Lease for the Airport. Four proposals were received. On August 14, 2013, the Selection Committee recommended the selection of Galaxy after reviewing the proposals and hearing oral presentations. Galaxy's principal place of business is in Palm Beach County. The term of the Lease will commence on the later of April 1, 2014, or the date the County delivers possession of the existing terminal building. The Lease provides for the lease of the general aviation facilities located at the Airport, including the terminal building and aircraft hangars. The Lease provides for an initial 6 month transition period. During the transition period, Galaxy will be obligated to pay \$47,685 in ground rental plus 51.2% of annual gross real estate revenues from the lease of the hangars and improvements located on the Airport. For the first lease year after the transition period, Galaxy will pay the County \$95,371 in ground rental. In addition to ground rental, Galaxy will pay the greater of \$200,000 or 51.2% of annual gross real estate revenues for the lease of the hangars and improvements located on the Airport. The Department has offered leases to the existing subtenants, which will be assigned to Galaxy and become effective on April 1, 2014. The Estoppel Certificate establishes the current status of the leases to be assigned to Galaxy, including the status of the security deposits and prepaid rental. Galaxy has committed to make a minimum capital investment of \$5,525,000 to be spent toward the construction of a new aviation fuel facility, aircraft wash rack, terminal building and aircraft hangars. The Lease provides up to \$2,000,000 in rental credit for completion of certain improvements and repairs by Galaxy to address deferred maintenance of buildings and improvements located on the Airport. The Lease also provides that the County will complete infrastructure improvements to the Airport in an amount not to exceed \$3,000,000, subject to sufficient grant funding and passenger facility fee funding sources. Countywide (HF)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: a negotiated Settlement Offer in the amount of \$5,000 for the full satisfaction of a Code Enforcement Lien that was entered against Josh D. & Gertha Joseph on May 7, 2008. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on February 6, 2008 giving the Josephs until April 6, 2008 to either obtain a fence permit or remove the fence from their property. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50 per day was imposed. The CESM then entered a claim of lien against the Josephs' property. The cited code violation was fully corrected as of July 21, 2009 (fence removed). The total accumulated lien amount through February 15, 2013, the date settlement discussions began, was \$37,504.27. To finally resolve this matter, the Josephs have agreed to pay the County \$5,000 (13.3%) for full settlement of their outstanding Code Enforcement Lien. District 6 (PM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** an Interlocal Agreement with the U.S. Fish & Wildlife Service (Arthur R. Marshall Loxahatchee National Wildlife Refuge), an office of the United States Department of the Interior (Participant), allowing for direct access to the County's 800 MHz Public Safety Radio System. **SUMMARY:** This Interlocal Agreement (Agreement) provides the terms and conditions under which the Participant can directly access the County's 800 MHz Public Safety Radio System (Radio System). The terms of this Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies where connection through an established municipal hub is not technically feasible. The U.S. Fish & Wildlife Service has been participating on the County's System since 2002. The Agreement requires that the Participant pay a one-time \$2,089/unit access or capacity charge as well as annual fees of \$211.42/unit towards the renewal and replacement fund and \$154/unit towards maintenance and operation of the system infrastructure. The annual fees are consistent with those being charged to the County departments. The Participant is required to pay all costs associated with Participant's subscriber units and to comply with the established operating procedures for the System. The Participant will assign representatives to participate in user committee meetings to discuss system maintenance and administration issues. The term of the Agreement is for five years and there are two renewal options, each for a term of four years. The Agreement may be terminated by either party, with or without cause on October 1st of any year, with a minimum of six months notice. (ESS) Countywide (JM)

2. **Staff recommends motion to approve:** an Interlocal Use Agreement (Agreement) with Ric L. Bradshaw, Sheriff, in his official capacity as the Sheriff of Palm Beach County (Sheriff), for use of a building located at John Prince Park for a bicycle operations unit (Bike Unit). **SUMMARY:** This Agreement will allow the Sheriff to continue to use a building located at John Prince Park (the "Premises") for operation of a Bike Unit. This location benefits both the Bike Unit and the County by enhancing security at the park. The Sheriff has been occupying the Premises since 2005 and the Parks Department concurs that this is a compatible use. The County and Sheriff have agreed that the Premises will be used only for storage and ancillary uses. The term of the Agreement is for three years with one renewal option for an additional term of three years. County reserves the right to terminate the Agreement upon ninety (90) days advance notice. (FDO Admin) District 3 (MJ)

3. **Staff recommends motion to approve:** Amendment No. 3 to the contract with Hedrick Brothers Construction Company, Inc. (R2012-1000) in the amount of \$425,181 for the construction of a Wi-Fi System located at the Main Detention Center (MDC) on Gun Club Road. **SUMMARY:** The addition of the WiFi system in the Jail facility will provide the Palm Beach County Sheriff's Office (PBSO) pharmacy an efficient and controlled method of dispensing and tracking inmate medications as the pharmacist moves throughout the facility. In the future the use of WiFi may be expanded to provide information to staff throughout the facility increasing the efficiency of service distribution and reducing inmate transport. The majority of the work in this Amendment is electrical, is a similar type work, and requires access to and work to be performed in both inmate occupied and non-occupied areas of the facility; thus paralleling the video visitation system install authorized in Amendment No. 1. By combining the two, the County realized general condition cost savings and PBSO realized manpower efficiencies in terms of providing escorts. The Small Business Enterprise (SBE) goal for this contract is 15%. Hedrick Brothers SBE participation for this Amendment is 9.69%. The Amendment will be fully funded through PBSO. Hedrick Brothers Construction Company, Inc. and all subcontractors are Palm Beach County firms. (Capital Improvements Division) District 2/Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve:

A) a Pipeline Removal Agreement with 1501 FMR, Inc.; and

B) a Release of Phosphate, Minerals, Metals, Petroleum, Entry and Exploration Reservations in favor of 1501 FMR, Inc. for property located at 1501 Florida Mango Road in unincorporated West Palm Beach.

SUMMARY: Palm Beach County sold a 4.13 acre property located at 1501 Florida Mango Road in unincorporated West Palm Beach to 1501 FMR, Inc. on May 17, 1994 (R94-631D). A County-owned six inch (6") wastewater pipeline was located on the property at the time of the conveyance and remains in use. However, the County did not reserve an easement for the pipeline, which raises questions as to whether the County has the legal right for the pipeline to remain. In addition, the County Deed did not expressly release the mineral rights, which also raises questions as to whether the mineral rights were released. 1501 FMR claims that it was not aware of the existence of the pipeline and has objected to the impact of the pipeline and mineral rights upon its development plans. Due to the inability to reach a satisfactory agreement with 1501 FMR, Inc. for the pipeline to remain in place and the fact that the pipeline is nearing the end of its useful life, the Water Utilities Department has decided to remove the pipeline and construct a replacement pipeline. In exchange for the County's release of mineral rights, 1501 FMR, Inc. will allow WUD one year to remove and replace the pipeline and will grant the County a Temporary Construction Easement required for performance of the work. (PREM) District 2 (HJF)

5. **REVISED SUMMARY:** Staff recommends motion to approve: an Assignment and Assumption of Easement in favor of the South Florida Water Management District (SFWMD) as required by the Agreement with SFWMD for sale of the Mecca Property. **SUMMARY:** The Agreement with SFWMD for sale of the Mecca Property (R2013-1514) requires the County to assign to SFWMD the County's interest in an Easement over four parcels of land within the Corbett Wildlife Management area which the Florida Fish and Wildlife Conservation Commission (FWCC) granted to the County. The Easement from FWCC is for: 1) a SFWMD canal/floway; 2) a SFWMD canal maintenance road; 3) an FPL electrical substation; and 4) a road (future Seminole Pratt Whitney Road). The Easement allows for assignment of the canal/floway and canal maintenance road easements to SFWMD, but requires the consent of FWCC to the assignment of the FPL substation easement and partial assignment of road easement to SFWMD. FWCC consent is a condition precedent to closing of the sale of the Mecca property to SFWMD. SFWMD has agreed to waive this condition, proceed with closing on December 17 and obtain consent of FWCC post closing. This Assumption of Easement reflects that FWCC consent will be obtained post closing and replaces the Assignment and Assumption of Easement attached as Exhibit "D" to the Agreement with SFWMD. (PREM) Districts 1 & 6/Countywide (HJF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to receive and file: three Modifications to Subgrant Agreements with the State of Florida Department of Economic Opportunity (DEO) as follows:

A) Modification No. 16 to Subgrant Agreement (R2007-1027) for the 2005 Community Development Block Grant (CDBG) Disaster Recovery Initiative Program (DRI2);

B) Modification No. 12 to Subgrant Agreement (R2008-1312) for the 2005 CDBG Disaster Recovery Initiative Program – Supplemental Appropriation (DRI3); and

C) Modification No. 9 to Subgrant Agreement (R2010-1411) for the 2008 CDBG Disaster Recovery Initiative Program (DRI 4).

SUMMARY: In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Modifications have been executed on behalf of the Board of County Commissioners by the County Administrator, or his designee, in accordance with Agenda Items R2006-1351, R2007-1524, and R2009-1677 as approved by the Board on July 18, 2006, September 11, 2007, and October 6, 2009 respectively. The Modifications are now being submitted to receive and file. **These are Disaster Recovery Initiative Program grant funds which require no local match.** (Strategic Planning Section) Countywide (TKF)

2. **DELETED**

3. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2013-1424) with the City of Lake Worth to modify the scope of work for the roadway construction on 7th Avenue South. **SUMMARY:** On October 22, 2013, the County entered into an Agreement (R2013-1424) with the City of Lake Worth to provide \$450,750 in Community Development Block Grant (CDBG) funds for the design and reconstruction of the roadway on 7th Avenue South between South A and South F Streets in Lake Worth. This Amendment modifies the scope of work to add the installation of a water main to the project. **These are Federal CDBG funds which require no local match.** (DES Contract Development) District 7 (TKF)

4. **DELETED**

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

5. Staff recommends motion to receive and file: five Agreements under the HOME Investment Partnerships (HOME) Program as follows:

A) Loan Agreement with La Joya Villages, Ltd.;

B) Loan Agreement with Ivy Green Veterans Housing, LLC;

C) Loan Agreement with NOAH Development Corporation;

D) Agreement with Riviera Beach Community Development Corporation, Inc.; and

E) Subordination Agreement with Centerline Mortgage Capital, Inc. and Woodlake Preservation, LP.

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 Agreements have been fully executed on behalf of the Board of County Commissioners (BCC) by the County Administrator, or designee, in accordance with Agenda Items 3C-1, 5B-3 and 5B-4, as approved by the BCC on August 27, 2013, and September 10, 2013. These executed documents are now being submitted to the BCC to receive and file. **These are Federal HOME Program grant funds which require a 25% local match provided with State SHIP funds.** (DES Contract Development) Districts 2, 6 & 7 (TKF)

6. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2013-1260) with the Coalition for Independent Living Options, Inc. to revise the cost of meals eligible for reimbursement. **SUMMARY:** On October 1, 2013, the County entered into an Agreement (R2013-1260) with the Coalition for Independent Living Options, Inc. to provide \$17,901 in Community Development Block Grant (CDBG) funds for the provision of prepared meals to the disabled and their families who are temporarily unable to prepare food. This Amendment revises the cost per meal package eligible for reimbursement to reflect the amount charged by the supplier. The cost per meal package will increase from \$33.15 to \$34.34 for the period of October 1, 2013 to December 31, 2013 and will increase to \$35.04 beginning January 1, 2014. **These are Federal CDBG funds which require no local match.** (DES Contract Development) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, rescinding responding Resolution R2008-0456 as required by Chapter 171, Part II, Florida Statutes; and providing an effective date. **SUMMARY:** On February 4, 2008, the City of Greenacres adopted an initiating Resolution No. 2008-05 pursuant to Chapter 171, Part II, Florida Statutes, as a first step in the process of completing an Interlocal Service Boundary Agreement (ISBA) for an area designated within the City’s future annexation area. Pursuant to Statutory requirements, the County adopted a responding Resolution R2008-0456 within 60 days after the receipt of the City’s adopted initiating resolution, allowing the local governments to commence the negotiating process for the ISBA. After two years of negotiations, the City of Greenacres adopted Ordinance No. 2010-32 to execute the ISBA. On December 9, 2010, the Board of County Commissioners unanimously denied a motion to schedule a public hearing to consider adoption of an ordinance for the ISBA. This action ended negotiations with the City of Greenacres regarding the ISBA. To alleviate concerns of residents within the future annexation area of the City of Greenacres, this Resolution serves to rescind the responding Resolution R2008-0456. Districts 2 & 3 (RB)

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

<u>Nominee</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Thomas Donegan	9	Alternate Contractor	Construction Industry Management Council	12/17/13-12/16/14

SUMMARY: Palm Beach County Ordinance 89-31, as amended in 2002, established the Construction Board of Adjustments and Appeals (the “Board”). The Construction Industry Management Council has re-nominated Thomas Donegan for a term of one year. Per Palm Beach County Ordinance 2012-006, as amended, Palm Beach County Amendments to the Florida Building Code, 2010 Edition, the Board is comprised of seven regular members: one architect; one engineer; one general contractor; one electrical contractor, one HVAC contractor; one plumbing contractor; and any other contractor licensed category. In addition to these members, there should be two alternate members: one member with the qualifications referenced above; and one member at-large from the public. Countywide (SF)

K. WATER UTILITIES

1. Staff recommends motion to approve: Work Authorization No. 3 to Centerline Utilities, Inc. (R2013-0551) for 8-inch water main replacement along Pinegrove Drive from Haverhill Road to LWDD E-3 Canal in the amount of \$293,894.95. **SUMMARY:** On May 7, 2013, the Palm Beach County Board of County Commissioners approved the Water Utilities Department Pipeline Continuing Construction Contract (R2013-0551) to Centerline Utilities, Inc. This Work Authorization No. 3 provides for the replacement of 2600 ft of existing 8-inch asbestos cement water main with 8-inch DIP pipe along the LWDD L-2 Canal and Pinegrove Drive from LWDD E-3 Canal to Haverhill Road. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Centerline Utilities, Inc. provides for SBE participation of 15%. This Authorization includes 17.86% overall participation. The cumulative SBE participation is 14.92% overall. Centerline Utilities, Inc. is a local company. The project will also include the restoration of the affected LWDD L-2 canal north right-of-way to the original (pre-construction) condition. (WUD Project No. 13-007) District 2 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. Staff recommends motion to approve: the Release of a Utility Easement over property owned by 42K, LLC. **SUMMARY:** This document will release Palm Beach County's (County) interest in a utility easement recorded in the Official Records of Palm Beach County, Book 24645, Page 0417, over property owned by 42K, LLC. The Water Utilities Department has determined that this portion of easement is no longer needed and therefore recommends the release. District 2 (MJ)

3. Staff recommends motion to approve: the Partial Release of a Utility Easement over property owned by 10651 Southern, LLC. **SUMMARY:** This document will release Palm Beach County's (County) interest in a portion of a utility easement recorded in the Official Records of Palm Beach County, Book 23459, Page 0053, over property originally owned by Southern Blvd. Partners, LLC. The Water Utilities Department has determined that this portion of easement is no longer needed and therefore recommends the release. District 6 (MJ)

4. Staff recommends motion to approve: the Partial Release of a Utility Easement over property owned by Okee Property East, LLC. **SUMMARY:** This document will release Palm Beach County's (County) interest in a portion of a utility easement recorded in the Official Records of Palm Beach County, Book 22441, Page 0274, over property originally owned by Okee Property East, LLC and Okee Property West, LLC. The Water Utilities Department has determined that this portion of easement is no longer needed and therefore recommends the release. District 2 (MJ)

5. Staff recommends motion to approve: a Contract with Anatom Construction Company for the Northern Region Operations Center (NROC) Initial Operations & Maintenance (O&M) Building in the amount of \$1,683,729. **SUMMARY:** On August 6, 2013, seven bids were received for Project No. WUD 11-012 to construct the initial O&M Building. The O&M building will replace the temporary office trailer currently on the site and serve as a base for the field crews and customer service necessary to serve the Northern Region area. The low bidder, Anatom Construction Company, is the lowest responsive, responsible bidder in the amount of \$1,683,729. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. Anatom Construction Company has met the SBE goal with a participation of 36.82% overall. Anatom Construction Company is a local company. This project is included in the FY12-13 Capital Improvement plan adopted by the Board of County Commissioners. (WUD Project No. 11-012) District 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

6. **Staff recommends motion to approve:** Change Order No. 2 for the Pahokee Dual Zone Monitoring Well Rehabilitation Project (R2013-0768) to the contract with the Layne Christensen Company in the amount of \$160,120.00 and providing a 70-day time extension. **SUMMARY:** On June 18 2013, the Palm Beach County Board of County Commissioners approved a Contract (R2013-0768) for the rehabilitation of the Western Region North Wastewater Treatment Plant (WRNWWTP) (Pahokee) Dual Zone Monitoring Well with the Layne Christensen Company. Change Order No. 1 provided for additional hours to remove the failed tubing and video logging to aid in the retrieval operations. Due to unforeseen conditions at 1,147 feet of depth, the remaining 6.625 inch tubing could not be completely retrieved and the fiberglass reinforced pipes could not be installed in the existing Lower Monitoring Interval. The Florida Department of Environmental Protection approved a modified plan to address this issue. Change Order No. 2 is significantly less expensive than the alternative to abandonment of the existing monitoring well system and construction of a new monitoring well system. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. The contract with Layne Christensen Company provides for SBE participation of 0% overall. Layne Christensen Company is not a local company. (WUD Project No. 10-077) District 6 (JM)

7. **Staff recommends motion to approve:**
 - A)** the Acceptance of funds from the South Florida Water Management District (SFWMD) Water Savings Incentive Program (WaterSIP) in the amount of \$23,375 for the period October 1, 2013 to August 29, 2014; and

 - B)** a Budget Amendment of \$23,375 in the Palm Beach County Water Utilities Department (WUD) Fund (720-2556-4615) to budget the award of the funds.

SUMMARY: The SFWMD WaterSIP provides funding for the installation of 20 automatic flushing devices at dead end locations along WUD's potable water distribution system. The intent of the WaterSIP is to provide funding to save water through demand reduction. Implementation of water demand conservation projects is vital to the future of Florida's water resources. There is a required local sponsor match of approximately \$70,000 that will be met by the expenditure of previously budgeted PBCWUD operating expenses. Millions of gallons of potable water are being saved every day because utilities have installed water conservation devices funded through this program. Countywide (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

8. **Staff recommends motion to approve:** a Unit Price Contract with Rangeline Tapping Services, Inc. for the Water Utilities Department Pipe Wet Tapping & Line Stopping Continuing Contract to provide materials and installation services for wet tapping and line stopping of potable water, reclaimed water and wastewater pipelines over a 24-month term with the option of two 12-month renewals in a cumulative amount not to exceed \$4,031,971. **SUMMARY:** On October 22, 2013, one bid was received for the Palm Beach County (County) Water Utilities Department Pipe Wet Tapping & Line Stopping Continuing Contract. The Contract will be used to expedite the installation of pipe wet taps and line stops for emergency pipe repairs, pipe and valve replacements and construction projects throughout the County's service area. Contract award is for the base contract only, and the contract by itself does not guarantee nor authorize Rangeline Tapping Services, Inc. to perform any work. Work will be assigned during the 24-month contract period by formal work authorizations drawn against this contract, with approvals pursuant to PPM CW-F-050. The unit prices for labor and materials contained in this Contract will be used in determining the cost of work authorizations. Supplements to work authorizations for changes that occur during construction will be subject to the change order limits for construction contracts as established under PPM CW-F-050 with each work authorization considered as an individual construction contract. There shall be no increase in the contract unit prices for the duration of the contract or any renewal terms. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. This Contract with Rangeline Tapping Services, Inc. provides for SBE participation of 100% overall. Rangeline Tapping Services, Inc. is a local company. (WUD Project No. 13-097) Districts 1, 2, 3, 5 & 6 (JM)

9. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 49 with Mathews Consulting, Inc. (R2011-0633) for construction services related to the Northern Region Operations Center (NROC) Initial Operations & Maintenance (O&M) Building in the amount of \$136,084.05. **SUMMARY:** On May 3, 2011, the Palm Beach County Board of County Commissioners (BCC) approved the Contract for Utility, Architectural and Value Engineering Services with Mathews Consulting, Inc. (R2011-0633) to obtain engineering/professional service for utility related projects. This Consultant Services Authorization will provide for construction services related to the NROC Initial O&M Building. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Mathews Consulting, Inc. provides for SBE participation of 55% overall. This Authorization includes 100% overall participation. The cumulative SBE participation, including this CSA is 56.09% overall. Mathews Consulting, Inc. is a local company. (WUD Project No. 11-012) District 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

10. Staff recommends motion to approve: Amendment No. 1 to the unit price Contract with Hinterland Group, Inc. (R2013-0062) for the rehabilitation of sanitary sewer concrete structures and lift stations, Water Utilities Department, Division of Operations/Maintenance. **SUMMARY:** On January 15, 2013, the Palm Beach County Board of County Commissioners approved the rehabilitation of sanitary sewer concrete structures and lift stations, Water Utilities Department, Division of Operations/Maintenance Project (R2013-0062) to Hinterland Group, Inc. in the amount of \$419,578. Staff is recommending that the contract be renewed for an additional 12-month term in the amount of \$419,578, allowing for no increase in the unit prices for labor or materials under the renewal. The contract renewal will allow the continued efficiency and rehabilitation of sanitary sewer concrete structures and lift stations throughout the County's service area. The renewal of the Contract itself does not guarantee nor authorize any work. Work will be assigned during the 12-month renewal period by formal Construction Delivery Orders (KDO) drawn against this continuing contract with the project cost identified on each KDO. The unit prices contained in this renewal contract will be used in determining the cost of the KDO's. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. Hinterland Group, Inc. proposes to continue to meet the established goal of 15%. Hinterland Group, Inc. is a local Palm Beach County company. (WUD Project No. 12-001/VMG) Countywide (JM)

11. Staff recommends motion to approve: an Amendment to the "Finance Assistance Award" contract with the U.S. Department of Commerce, Economic Development Administration (EDA). **SUMMARY:** On May 4, 2010, the Board of County Commissioners (BCC) ratified the signature of the County Administrator on a Financial Assistance Award with the EDA in the amount of \$3,990,000 for the design and construction of wastewater infrastructure then owned by the Glades Utility Authority (GUA) within its utility service area. When the Water Utilities Department (WUD) assumed the GUA's assets, this agreement was assigned to WUD. Due to weather delays experienced during the wet season, an eight month extension of the construction period and project closeout date was coordinated and negotiated with the EDA to allow for efficient completion of the project. Countywide (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to grant: a perpetual, non-exclusive Drainage, Flowage and Maintenance Easement (Easement) to the South Indian River Water Control District (District), a special district under Chapter 298, Florida Statutes, over a 29.8-acre wetland restoration/creation project in the Cypress Creek Natural Area (Easement Area). **SUMMARY:** The Easement Area is the subject of a proposed freshwater wetland restoration project. The restored wetlands will connect to an existing lake and canal system that are part of the District's overall drainage system. The lake and a portion of the canal are the subject of an existing drainage, flowage and maintenance easement, granted to the District by the previous property owners. The District requires conveyance of the Easement before the restored wetlands are connected to its drainage system. The Easement grants the District the non-exclusive right to flow water in, on, over, under, through and across the Easement Area. It also grants the District the right, but not obligation, to maintain drainage-related facilities within the Easement Area pursuant to certain conditions. There is no cost to the County. District 1 (HJF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. **Staff recommends motion to approve:** annual contracts with Eastman Aggregate Enterprises, LLC (Primary) not to exceed the amount of \$4,262,891 for the first year of construction, and, Rio-Bak Corporation (Secondary) not to exceed \$4,568,311.50 for the first year of construction for Palm Beach County Dune and Wetland Restoration Annual Contract, Project No. 2013ERM01 for a period of 12 months, with the cumulative total of both Contracts not to exceed the amount of \$4,568,311.50. **SUMMARY:** The Contracts are being established for constructing beach dune and wetland habitat restoration projects throughout the County on an as-needed basis. Two responsive, responsible bids were received for these annual contracts. The Contracts will be awarded to a primary and secondary bidder. Eastman Aggregate Enterprises, LLC, a Palm Beach County company, was the primary lowest responsive, responsible bidder, with 44.05% Small Business Enterprise (SBE) participation, which exceeds the established 15% goal. Rio-Bak Corporation, a Palm Beach County company, with 15.11% SBE participation, was the secondary lowest responsive, responsible bidder. The initial Contract term is 12 months, which may be extended for an additional 24 months upon approval of the Board of County Commissioners. Countywide (JM)

3. **Staff recommends motion to approve:** the revised Management Plan for the Yamato Scrub Natural Area. **SUMMARY:** The Management Plan for the Yamato Scrub Natural Area was originally approved by the Board of County Commissioners (BCC) on June 5, 2001 and by the State of Florida on October 6, 2001. The management plan was revised in 2013 to include a chronology of significant events and activities occurring since the County's acquisition, improvements in management techniques and other new information. The next update will be due to the state in 2024. The County manages the natural area with the assistance of the City of Boca Raton. District 4 (SF)

4. **Staff recommends motion to approve:** Change Order No. 1 to Contract (R2013-0064) with Industrial Divers Corp. Inc. (IDC) in the amount of \$39,564.88 for Mooring Buoys Project No. 2012ERM03 extending quarterly maintenance for two (2) years, maintaining four additional buoys, and adding materials for replacement. **SUMMARY:** The proposed Change Order of \$39,564.88 to an original Contract value of \$61,344 with IDC renews quarterly maintenance for two additional years as allowed in the Contract at a cost of \$32,400.80. The Change Order also provides maintenance for the four new buoys installed by the Florida Fish & Wildlife Conservation Commission (FWC) in September 2013 at a cost of \$3,215.68. A provision for replacement materials is added on an "as-needed" basis up to \$3,948.40. There is no Small Business Enterprise (SBE) participation on this Contract. Costs for the maintenance are covered by Vessel Registration Fees previously allocated by Resolution R2012-0501 on April 3, 2012. Districts 1, 4 & 7 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to approve:

A) Amendment No. 3 to Grant Agreement No. 08PB4 (R-2010-1322) with the Florida Department of Environmental Protection for the Juno Beach Nourishment Project (Project) extending the expiration date one year to December 31, 2014; and

B) Budget Amendment of \$12,815 to recognize additional grant funds and increase the project budget for Task 3.2 Deliverable Y and Z. (ERM)

SUMMARY: This amended agreement will reimburse the County for monitoring costs expended through FY2013 and provide funds for Permit-required monitoring through December 31, 2014 with an increased spending authority of \$12,815. A 50% match is provided by the Beach Improvement Fund, a non-ad valorem source from Tourist Development taxes. District 1 (SF)

6. Staff recommends motion to approve:

A) Work Order No. 2042-05 to the Palm Beach County Annual Dune & Wetlands Restoration Project No. 2011ERM05 Contract (R2011-2042) with Eastman Aggregate Enterprises, LLC (Eastman) not-to-exceed \$790,189.57 to provide dune restoration services for the Coral Cove Dune Restoration Project; and

B) Budget Transfer of \$900,000 in the Beach Improvement Fund from the Jupiter Carlin Shoreline Protection Project to the Coral Cove Dune Restoration Project.

SUMMARY: The Board of County Commissioners approved an annual construction Contract with Eastman, a Palm Beach County SBE company, for the Palm Beach County Annual Dune & Wetlands Restoration Project No. 2011ERM05 (R2011-2042) on December 20, 2011. Work Order No. 2042-05 authorizes Eastman to complete dune restoration activities along the designated eroded shorelines. Eastman committed to an overall 21.23% SBE participation in the Contract and will achieve 49.82% participation with this Work Order. Funding for the Coral Cove Work Order and other project costs of \$109,810 for design and monitoring is provided by a transfer from the Jupiter Carlin Shoreline Protection Project (\$900,000) as a result of revised scheduling of work for that project. The Beach Improvement Fund is supported by Tourist Development taxes. District 1 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

7. Staff recommends motion to:

A) adopt a Resolution authorizing the Clerk to transfer \$475,000 from the Pollution Recovery Trust Fund (PRTF) to support the Vegetation Enhancement Program and the Lake Worth Lagoon (LWL) Monitoring and Chain of Lakes (COL) Water Quality Programs; and

B) approve a Budget Transfer of \$475,000 from the Pollution Recovery Trust Fund to the Vegetation Enhancement Program (\$240,000), LWL Monitoring Program (\$195,000) and Chain of Lakes Water Quality Program (\$40,000).

SUMMARY: This Resolution authorizes the transfer of \$475,000 from the PRTF to enhance public lands and conduct monitoring studies outlined in the LWL and COL Management Plans. Countywide (SF)

8. REVISED TITLE & SUMMARY: Staff recommends motion to:

A) approve a Local Agency Program (LAP) Supplemental Agreement (Agreement) with the Florida Department of Transportation (FDOT) ~~amending the Agreement (R2013-0469) dated April 16, 2013 to increase the~~ in an amount of \$123,555 for reimbursement to the County for construction costs related to the of costs of Pântano Trail from the Loxahatchee Slough Natural Area to Riverbend Park (FM No. 427654-2-58-01/-68-10) to be completed on or before June 30, 2015 by \$123,555; and

B) approve Budget Amendment of \$123,555 in the Environmental Capital Projects Fund to recognize the Agreement funding.

SUMMARY: This Agreement will encumber ~~an additional~~ \$123,555 in FDOT Advance Construction Transportation Alternatives (ACTU) funds ~~authorized by Section 1122 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) established in 23 U.S.C. 213,~~ to reimburse the cost of construction of 5.6 miles of the proposed Northeast Everglades Natural Area (NENA) Pântano Trail. This supplement brings the total dollar amount available to the County for project construction from the original \$669,643 to \$793,198. No match is required. No other terms of the original LAP Agreement (R2013-0469) are being changed. District 1 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

9. Staff recommends motion to:

A) approve an Interlocal Agreement with the City of Boca Raton for law enforcement services from November 15, 2013, through April 30, 2014 in the estuarine waters of Palm Beach County during manatee season not to exceed \$17,000, to take effect retroactively to November 13, 2013; and

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

SUMMARY: Pursuant to the Manatee Protection Plan (MPP) approved by the Board on August 21, 2007 (R2007-1420), the County has committed to annually provide \$150,000 of funding for additional on-water law enforcement in the County's waterways. On December 18, 2007, the Board of County Commissioners approved a Resolution (R2007-2277) adopting a standard form Interlocal Agreement with law enforcement agencies for an increased law enforcement presence in the estuarine waters of Palm Beach County. On July 19, 2011 (R-N/A), the Board of County Commissioners approved a revised standard form Interlocal Agreement for law enforcement services to expedite contract execution and streamline the process. The program has been highly effective, with approximately 10,463 hours of enhanced manatee patrols conducted since its inception. Manatee mortalities in Palm Beach County have also significantly decreased since this program has been in place. The enforcement activities will take place during manatee season (November 15, 2013 through April 30, 2014). District 4 (SF)

M. PARKS & RECREATION

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

Heather Tate-Boldt, Read A Recipe Instructor; West Jupiter Recreation Center, for the period November 12, 2013, through December 20, 2013.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File Agenda Item. This Independent Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 2002-2103, 2007-0409, and 2012-0168, and is now being submitted to the Board to receive and file. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

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

AEG Live SE, LLC, A Day to Remember concert, Sunset Cove Amphitheater, for the period October 23, 2013, through October 24, 2013.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Amphitheater Rental Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2011-1960, and is now being submitted to the Board to receive and file. This event helped to offer a balanced schedule of events which promote the quality of life in the communities we serve. An estimated 3,800 persons attended the event produced under the Amphitheater Rental Agreement. District 5 (AH)

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

City Sound and Recording LLC; A Day to Remember concert, Sunset Cove Amphitheater, for the period October 23, 2013, through October 24, 2013.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Sound and Light Production Services Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0592, amended by Resolution 2010-0645, and is now being submitted to the Board to receive and file. District 5 (AH)

4. Staff recommends motion to approve: Agreement with Palm Beach County Officials Association, Inc., in an amount not-to-exceed \$320,222.10, for a period of three years beginning January 2, 2014, through December 31, 2016, for sports officiating services. **SUMMARY:** The current agreement, R2008-2330, for providing sports officiating services for softball expires on January 1, 2014. On October 11, 2013, a Request for Submittal was issued seeking submittals for adult slow pitch softball officiating at County facilities. The Department received only one bid, reviewed that bid, and deemed that bid as acceptable. The cost of this Agreement will be completely offset by revenue derived from program fees. Countywide (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) receive and file the Adult Drug Court Grant Award from the Florida Department of Law Enforcement for \$143,000 for the period October 1, 2012, through September 30, 2013 was used to facilitate the development of continued treatment of drug abuse of all types in Palm Beach County; and

B) authorize the County Administrator or his designee to execute all related documents for Palm Beach County's FY 2013 Adult Drug Court Grant Program, to execute all necessary forms and documents as required by the State of Florida, Department of Law Enforcement.

SUMMARY: Palm Beach County applied for a grant award of \$143,000 from the Florida Department of Law Enforcement (FDLE) to facilitate the expansion and enhancement of Palm Beach County's Adult Drug Court. Due to staff oversight, the grant was never received and filed. Using the prescription drug epidemic and subsequent reaction by state and local law enforcement, the current Drug Court will use new therapies and enhanced training to reduce the number of adult drug offenders in our County. The application was funded and approved by FDLE and began on October 1, 2012. The grant calls for the use of an evidence based design to address the expansion, enhancement of court operations, and to enhance offender services. Countywide (PGE)

R. HUMAN RESOURCES

1. **REVISED TITLE & SUMMARY & BACKUP:** Staff recommends motion to approve: Amended Contract with NMS Management Services, Inc., ~~R2010-0928, for the County's to provide drug and alcohol testing services for Palm Beach County's employee drug and alcohol testing program, to exercise the option to renew for one year, beginning May 1, 2013, through April 30, 2104, at an annual cost of \$41,450.~~ **SUMMARY:** ~~The Board of County Commissioners approved contract R2010-0928 on May 1, 2010 for a term of three years with two one-year options to renew. They are exercising this option to renew with the same terms and conditions. The contract was amended to change the standard language in several provisions since the original contract was approved.~~ NMS Management Services, Inc., will screen Palm Beach County applicants and employees in safety-sensitive positions for drugs and alcohol, as required under the Omnibus Transportation Employee Testing Act of 1991. Services shall commence retroactively on May 1, 2013, for a term of three years, with two one-year options to renew, at an annual cost of \$41,450. Countywide (DO)

3. CONSENT AGENDA APPROVAL

T. HEALTH DEPARTMENT

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

A) a Contract with the Department of Health (DOH) in the amount of \$2,052,586 for Environmental Health and Engineering programs provided by the Palm Beach County Health Department (CHD) for the period October 1, 2013, through September 30, 2014; and

B) An Addendum to the Contract to clarify:

- 1) Paragraph 6.a. – as State employees/personnel, CHD employees are not “officers, agents, or employees of the County”;
- 2) Paragraph 7.c. – The County shall assure that insurance coverage for vehicles is available through either a self-insurance program or insurance purchased by the County except for insurance referenced in paragraph 7.e.;
- 3) Paragraph 7.d. – The County shall be named as additional insured on any agreement in which the CHD contracts or subcontracts any work to be performed on the premises to a third party; and
- 4) Paragraph 7.e. – As a State agency, the CHD agrees to be responsible for its own, its officers’, employees’, or agents’ negligent acts, or omissions, or ~~tortious~~ tortious acts, which result in claims or suits against the parties, and agrees to be liable for any damages proximately caused by said acts or omissions.

SUMMARY: This Contract sets forth the funding responsibilities of the DOH and the County for the operation of the Palm Beach County Health Department. The State and County share in the funding of the \$8,165,362 environmental health budget. The State’s share is \$3,801,027 (46.6%), primarily from State general revenue and fees. Funding from the County’s FY 2014 budget is \$2,052,586 (25.1%) that includes Childcare Enforcement & Control Funding of \$123,193 and is a 3% increase over FY 2013 funding. The remaining local share (28.3%) is comprised of County Authorized Fees of \$988,000 (12.1%), Federal Funds of \$314,749 (3.9%), Department of Environmental Protection (DEP) Funds of \$109,000 (1.3%), and the Air Pollution Tag Fees of \$900,000 (11.0%). County funding is used primarily for salaries and benefits. The environmental staffing is responsible for surveillance of public drinking water systems, permitting and inspection of septic tanks, regulation of air pollution sources, inspection and licensing of child care and other group care facilities, and other duties related to environmental health. The Childcare Enforcement & Control Funding provides for a full time Attorney/Hearing Officer and a half-time paralegal position to provide counsel for the Child Care Advisory Council and to serve as Acting Environmental Control Officer for the Environmental Control Hearing Board. County funds are included in the FY 2014 budget. No additional funds are needed. County staff requested certain changes to the State’s standard contract in order to clarify the insurance and liability provisions. The State preferred including these in an Addendum instead of revising the standard contract. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to:

A) rescind the Agreement (R2006-2759) dated December 19, 2006;

B) approve the Agreement for application and network services with Palm Beach County and Alzheimer's Community Care, Inc. for an annual revenue total of \$25,862; and

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

SUMMARY: Alzheimer's Community Care, Inc. has an existing application services agreement with Palm Beach County (R2006-2759). This Agreement will be replaced with a new Agreement to add network services. The new Agreement takes effect on December 1, 2013 and will increase FY 2014 revenues by \$500, for a total of \$25,762. In addition, the Agreement requires Alzheimer's Community Care to fully reimburse the County for installation costs (estimated at \$6,030). District 7 (PFK)

2. Staff recommends motion to receive and file: Termination of Contract letter regarding Agreement R2012-0921 with Jewish Family & Children's Services (JFCS) for connection to Palm Beach County (County) Regional Network. **SUMMARY:** Within Agreement R2012-0921, JFCS intended to connect two buildings at different locations to the Palm Beach County Network in order to utilize County Internet services via the Florida LambdaRail. This Agreement would have generated \$10,200 in annual revenues to the County. Due to unexpected delays encountered in the completion of the County's fiber connection intended to serve JFCS, the County was unable to provide Internet services within JFCS's required time period. No services were provided to JFCS; therefore, no payments are due from JFCS. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (Cont'd)

3. Staff recommends motion to approve:

A) an Agreement for access and use of licensed imagery, software products and services with Pictometry International Corp. for the period December 17, 2013 to December 16, 2015, with additional services to be requested via Task Orders through December 2017;

B) a Budget Amendment in the Information Technology Capital Improvements fund to recognize \$154,000 in revenue from the Property Appraiser's Office; and

C) Task Order No. 1 with Pictometry International Corp. for a not to exceed amount of \$307,999.

SUMMARY: Pictometry International, of Rochester, New York, provides detailed aerial photography which shows buildings, infrastructure and land from all sides, as well as a straight down perspective. Pictometry's proprietary technology for displaying oblique aerial photography was initially evaluated by the GIS Policy Advisory Committee and approved by the Board in 2007 (R2007-1010). The original contract was awarded as a sole source procurement because there were no other companies producing oblique aerial imagery. The images and software tools are used primarily by the Property Appraiser's Office and Fire-Rescue, who help pay for the costs through an Interlocal Funding Agreement. Task Order No. 1 is for the first capture of the imagery. The Board's share of funding for the imagery is budgeted in the Countywide GIS Capital account, and the Property Appraiser's Office will contribute \$77,000 in year one and \$77,000 in year two for a total amount of \$154,000. Additional cost sharing agreements are being pursued with local municipalities to assist with this important project. Countywide (PK)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: an executed Contract with Palm Beach County Disaster Recovery Coalition, Inc. (DRC) to provide a Preparedness Ambassador Symposium to the faith based community leaders and organizations in the amount of \$12,000 for the period November 1, 2013, through January 31, 2014. **SUMMARY:** The Department of Public Safety through its Division of Emergency Management is charged with mitigation, preparedness, response, and recovery from disasters. Part of those responsibilities is community outreach. The County was awarded \$658,604 from the U.S. Department of Homeland Security through the City of Miami Urban Area Security Initiative (UASI) 2011 Grant. Of the \$658,604 in grant funding, the County will award \$12,000 to DRC to provide a symposium which involves designing and implementing a disaster preparedness program targeting religious leaders to become preparedness ambassadors. Once trained, preparedness ambassadors will relay the knowledge and information they obtained through this initiative to their membership to promote volunteerism, and personal preparedness. Since this is a train-the-trainer initiative, the reach is exponentially expanded with each ambassador recruited. The goal of the project is to increase community resiliency to disasters through the promotion of volunteerism and preparedness information. Motion R2013-0622 authorizes the County Administrator or his designee to execute all UASI sub-grant contracts on behalf of the Board of County Commissioner for the UASI Grant Program. **No County matching funds are required.** Countywide (PGE)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to receive and file: the executed 211 Palm Beach/Treasure Coast, Inc. Contract to provide 24-hour emergency crisis phone counseling services through the Violent Crime Rape Crisis Hotline in an amount not to exceed \$42,000 for the period October 1, 2013, through September 30, 2014. **SUMMARY:** 211 Palm Beach/Treasure Coast, Inc. will continue to provide immediate telephone rape crisis intervention services twenty-four hours per day, seven days per week on the Violent Crime Rape Crisis Hotlines. Three Thousand (\$3,000) from the Florida Council Against Sexual Violence Rape Crisis Program grant will be used to offset the sexual violence related calls through the Rape Crisis Hotline. Resolution R2011-0937 authorized the County Administrator or his designee, to exercise the option to renew future agreements provided that funding is available and the County Attorney signs for legal sufficiency. Countywide (PGE)

3. Staff recommends motion to receive and file: the Agreement with the City of Miami, a municipal corporation of the State of Florida, as a fiscal agent for the Fort Lauderdale/Miami Urban Area Security Initiative (UASI) to receive distribution of equipment totaling \$111,799.40 purchased and delivered by the City of Miami, used for response and recovery operations throughout the County. These items were procured by the City of Miami using Regional UASI funding and are of no cost to the County. **SUMMARY:** The City of Miami was granted funding for the Miami Urban Area in 2008 and 2009. The City of Miami was not able to spend all of the funding for the Miami Urban Area and used the unspent funds to purchase equipment for Palm Beach County's response and recovery operations. The equipment purchased includes light towers, water pumps and a vehicle stabilization kit. The equipment will be used to enhance the County's ability to respond to, recover from, and mitigate domestic security and emergency management related issues. Motion R2013-0622 authorizes the County Administrator or his designee to execute all UASI sub-grant contracts on behalf of the Board of County Commissioners, for the UASI Grant Program in any given year. **No County matching funds are required.** Countywide (PGE)

4. Staff recommends motion to:
 - A) receive and file** the executed Hazardous Materials Contingency Planning and Grant Agreement (14-CP-11-10-60-01-236) with the State of Florida, Division of Emergency Management in the amount of \$24,175 for the period November 15, 2013, through June 30, 2014; and
 - B) approve** a Budget Amendment of \$24,175 in the Emergency Management Grant Fund to recognize the grant award.

SUMMARY: This is an annual grant from the State of Florida Division of Emergency Management to conduct on-site visits and hazardous materials analyses at facilities within Palm Beach County known to have extremely hazardous substances designated by the U.S. Environmental Protection Agency. These assessments are required for compliance with the Emergency Planning and Community Right-To-Know Act, also known as the Superfund Amendments and Reauthorization Act. R2006-0401 gave authority to the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. **No County matching funds are required.** Countywide (PGE)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to approve:

A) the First Amendment to the Funding Agreement (R2010-2039) between the City of Boca Raton and Palm Beach County in the amount of \$123,248 for the enhanced frequency of service on Route 94 through September 30, 2014; and

B) Budget Amendment of \$123,248 in the Palm Tran Grant Fund to recognize the contribution from the City of Boca Raton; and

C) Budget Amendment of \$123,248 in the Palm Tran Operating Fund to recognize the transfer from the Palm Tran Grant Fund and appropriate it to Route 94.

SUMMARY: On December 7, 2010 the Board of County Commissioners approved a three year Funding Agreement (R2010-2039) with the City of Boca Raton in the amount of \$492,993 that provided partial funding for increased bus frequency during peak hours on Route 94 between the Tri-Rail station and the FAU/PBSC campus via Federal Highway in Boca Raton. This First Amendment will extend that Funding Agreement through September 30, 2014. Countywide (DR)

2. Staff recommends motion to:

A) adopt a Resolution authorizing the sale, conveyance and transfer of one 2001 Gillig 35 ft. bus, that has reached its useful life, to the West Jupiter Community Group, Inc., contingent upon the Federal Transit Administrations (FTA) approval of the transfer; and

B) approve an Agreement for the sale, conveyance, and transfer of one 2001 Gillig 35 ft. bus to the West Jupiter Community Group, Inc. for the sum of \$1,516.67.

SUMMARY: Palm Tran needs to dispose of one 2001 Gillig 35 ft. bus that has reached its useful life and may be sold or transferred with the FTA's approval. The West Jupiter Community Group, Inc. has approached Palm Tran and expressed a desire to acquire the bus. Further, they have affirmed that they are an entity qualified and eligible to receive a conveyance of personal property from Palm Beach County in accordance with the requirements of Section 125.38, F.S., and that they desire to use the bus for the public or community interest and welfare. Palm Tran will submit the Board's Resolution to the FTA and request written approval to transfer the bus for the agreed sum of \$1,516.67. This bus was purchased using 100% Federal funds. Countywide (DR)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF

1. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a Grant Modification with the City of Miami, as the fiscal agent for the Miami Urban Area Security Initiative (UASI), to provide an additional \$150,000 in reimbursable funding, for the Regional Maritime RADAR and Patrol Vessel Tracking Project; and

B) approve a Budget Amendment of \$150,000 in the Sheriff's Grant Fund.

SUMMARY: On March 12, 2013, the Board of County Commissioners (BCC) accepted our agreement with the City of Miami, as the fiscal agent for the Miami Urban Area Security Initiative grant, to provide \$428,951 in reimbursable funding for various direct law enforcement domestic security activities (R2013-0317). On September 10, 2013, the BCC accepted a grant modification with the City of Miami, as the fiscal agent for the Miami Urban Area Security Initiative grant, to provide an additional \$40,000 in reimbursable funding for the Region 7 Exercise Project (R2013-1210). This Grant Modification will provide additional funding to offset the costs associated with the Regional Maritime RADAR and Patrol Vessel Tracking Project. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

2. Staff recommends motion to receive and file:

A) a Grant Modification, dated May 31, 2013, with the Office of National Drug Control Policy to provide an additional \$47,789, in reimbursable funding, for the Palm Beach Narcotics Task Force; and

B) a Grant Modification, dated October 17, 2013, with the Office of National Drug Control Policy to provide an additional \$49,183, in reimbursable funding, for the Palm Beach Narcotics Task Force; and

C) approve a Budget Amendment of \$96,972 in the Sheriff's Grant Fund.

SUMMARY: On April 2, 2013, the Board of County Commissioners accepted an award from the Office of National Drug Control Policy to provide \$50,403 in reimbursable funding for overtime and other expenses associated with the Palm Beach Narcotics Task Force (R2013-0394). On May 31, 2013, the Office of National Drug Control Policy provided a supplemental award in the amount of \$47,789, in reimbursable funding, for overtime and other expenses associated with the Palm Beach County Narcotics Task Force. On October 17, 2013, the Office of National Drug Control Policy provided an additional supplemental award in the amount of \$49,183, in reimbursable funding, for overtime and other expenses associated with the Palm Beach County Narcotics Task Force. The two supplemental awards, totaling \$96,972, will provide additional funding to offset the costs associated with the Palm Beach Narcotics Task Force. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

3. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a Bureau of Justice Assistance (BJA) State Criminal Alien Assistance Program FY 2013 Grant in the amount of \$525,344; and

B) approve a Budget Amendment of \$525,344 in the Sheriff's Grants Fund.

SUMMARY: The Bureau of Justice Assistance has made funds available to be used for correctional purposes. These funds will be used in accordance with the Department of Justice Reauthorization Act of 2005. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

4. Staff recommends motion to approve: a Budget Transfer of \$266,685 from the Law Enforcement Trust Fund (LETF) to the Palm Beach County Sheriff's Office (PBSO).

SUMMARY: Florida Statute 932.7055(5) provides that the seizing agency shall use Forfeiture proceeds for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators, and providing matching grant funds. F.S. 932.7055(5) also requires that no less than 15% of the LETF's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2014 estimated donation requirement will not be finalized until year-end close-out. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The year-to-date transfer for all donations to outside organizations after approval of this item is \$575,593. The funds are requested here are to aid PBSO and qualified organizations that meet the requirements set forth in F.S. 932.7055. Use of LETF requires approval by the Board, upon request of the Sheriff. The current State LETF balance is \$728,126. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$461,441. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective organization or agency. No new positions are needed and no additional County funds are required. Countywide (PGE)

ORGANIZATION	AMOUNT
City of Belle Glade	\$122,000
Girls Scouts of Southeast Florida, Inc.	\$10,000
Gulf Stream Council of the Boy Scouts of America, Inc.	\$10,000
Hanley Center Foundation, Inc.	\$10,000
Inner City Youth Golfers', Inc.	\$10,000
Lake Lytal Lassie League, Inc.	\$5,000
Mental Health Association of Palm Beach County, Inc.	\$25,000
Palm Beach County Fishing Foundation, Inc.	\$3,470
Palm Beach County PAL, Inc.	\$25,000
Safety Council of Palm Beach County, Inc.	\$7,075
Sunset House, Inc.	\$10,000
Teen Dream Builders, Inc.	\$9,140
United States Naval Sea Cadet Corps, Palm Beach Division	\$20,000
Total Amount	\$266,685

3. CONSENT AGENDA APPROVAL

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. **REVISED TITLE & SUMMARY:** Staff recommends motion to approve: Change Order No. 2 to the Contract with Ric-Man International, Inc. (R2013-0091) (~~R2012-0094~~) for the Westgate/Belvedere Homes Infrastructure Improvement Project Phase II, increasing the contract price by \$310,546.60 and 60 day time extension. **SUMMARY:** On January 15, 2013, the Palm Beach County Board of County Commissioners approved a Contract with Ric-Man International, Inc. (R2013-0091) (~~R2012-0094~~) for the Westgate/Belvedere Homes Infrastructure Improvements Phase II. This Change Order authorizes the Award of the Alternate Bid for water main replacement, drainage, paving and various water main repairs. The Alternate Bid was not awarded at the time of the base bid award due to the lack of funds. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is not required by this contract due to a federally funding project. This Contract with Ric-Man International, Inc. includes 22.73% MBE, 6.91% WBE participation. Although SBE participation is not required by the Contract, a Good Faith Effort as determined by DES, has been made by Ric-Man International, Inc., providing for SBE participation of 27.07% overall. The Local Preference Ordinance is not applicable to this Federally funded project. (WUD Project No. 10-502 (11-022) District 7 (JM))

DD. INTERNAL AUDITOR

1. Staff recommends motion to appoint: L. Marc Cohn as the Alternate Member to serve on Internal Audit Committee for the remainder of a three year term ending September 30, 2016. **SUMMARY:** The Palm Beach County Internal Audit Committee ordinance was revised November 19, 2013 to provide for five regular members and one alternate member appointed at-large by the Board of County Commissioners (BCC). At the September 10, 2013 BCC meeting, the Board directed staff to revise the ordinance to incorporate an alternate member for the committee and suggested Mr. Cohn serve as the alternate member once that position was established in the ordinance. Countywide (PFK)

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

A. **REVISED BACKUP: Staff recommends motion to:**

1) **determine** that Palm Beach County (County) has adhered to and implemented its Five Year Road Program (Program) based on substantial evidence that the funding for the current fiscal year and the addition of the new fifth year are as contemplated in the Comprehensive Plan (Plan) and that fewer than 20% of the FY 2012 construction projects are more than 12 months behind schedule as defined in Attachment “1”; and

2) **adopt** an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Program; providing for title; purpose; adoption of revised 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 the County’s Program which is required to be considered each year by the Program Ordinance. The Unified Land Development Code requires that concurrent with the adoption of the annual Program, the Board of County Commissioners must determine that the appropriate Findings of Fact associated with the Road Program have been made. Those Findings have been made and are defined in Attachment “1” to the Agenda Item. Exhibit “A” to the Ordinance contains the road projects to be undertaken by the County in the next five years and is included as Attachment “2” to the Agenda Item. Countywide (MRE)

B. **Staff recommends motion to approve:** Alignment Alternate 1A for Polo Club Road from 1,000 feet north of 47th Place South to Lake Worth Road. **SUMMARY:** Approval of the alignment of Polo Club Road will allow the roadway design phase and subsequent roadway construction to proceed. The alignment of Polo Club Road is part of the Lake Worth Road Corridor Master Plan which was developed to plan and accommodate growth in the area. In the approximately 450 acre area, generally referred to as the Gulfstream Polo site, bounded on the north by Lake Worth Road, the west by Lyons Road, the east by the Florida Turnpike, and the south by the Lake Worth Drainage District Canal L-14, there have recently been several proposed developments, including Gulfstream Planned Unit Development, which would necessitate this corridor. District 6 (MRE)

4. PUBLIC HEARINGS CONTINUED

- C. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 13, Article II, Division 3 of the Palm Beach County Code, known as the “Palm Beach County Fire Rescue Emergency Transport Fee Ordinance”; providing for an increase in emergency transport fees; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** The current fees for emergency transport services are as follows:

<u>Effective Date</u>	<u>Basic Life Support (BLS)</u>	<u>Advanced Life Support-1 (ALS1)</u>	<u>Advanced Life Support-2 (ALS2)</u>	<u>Mileage</u>
January 1, 2011	\$530.00	\$530.00	\$690.00	\$10.00

The proposed ordinance amendment provides for an increase in the emergency transport fee schedule as follows:

<u>Effective Date</u>	<u>Basic Life Support (BLS)</u>	<u>Advanced Life Support-1 (ALS1)</u>	<u>Advanced Life Support-2(ALS2)</u>	<u>Mileage</u>
January 1, 2014	\$590.00	\$590.00	\$750.00	\$11.50
January 1, 2015	\$610.00	\$610.00	\$770.00	\$12.00
January 1, 2016	\$630.00	\$630.00	\$790.00	\$12.50
January 1, 2017	\$650.00	\$650.00	\$810.00	\$13.00
January 1, 2018	\$670.00	\$670.00	\$830.00	\$13.50

Establishing these new rates will ensure that Fire Rescue continues to receive the Medicare maximum allowance for ground transportation services. These fees were last increased on January 1, 2011. The proposed rates are comparable to other billing agencies within the County and are estimated to result in an additional \$1,985,264 in revenues in the first full year. Countywide (SGB)

- D. **REVISED BACKUP: Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, updating the 5-year Capital Improvement Tables 1-17 of the 1989 Comprehensive Plan; providing for repeal of laws in conflict; providing for severability; and providing for an effective date. **SUMMARY:** The Board of County Commissioners (BCC) will consider this agenda item to adopt an ordinance to update the Five-Year Capital Improvement tables in the Capital Improvements Element of the County's Comprehensive Plan. In accordance with the requirements of Section 163.3177(3), Florida Statutes, the Comprehensive Plan shall contain the projected schedule of improvements for five fiscal years that reflect the need to reduce existing deficiencies, remain abreast of needed replacements, and meet future demand. Countywide (RB)

4. PUBLIC HEARINGS CONTINUED

- E. **ADDITIONAL BACKUP: Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing Palm Beach County Code, Chapter 9, Article I, codifying Ordinance No. 72-2, as amended, “The Palm Beach County Consumer Affairs Ordinance,” relating to consumer affairs and unfair or deceptive trade practices; and adopting a new consumer affairs ordinance; providing for title; providing for definitions; providing for scope of ordinance; providing for exemptions; providing for other rights and remedies; providing for a consumer affairs division; providing for a director of consumer affairs; providing for powers of director; providing for complaints; providing for the prohibition of unfair or deceptive trade practices; providing for a consumer affairs hearing board; providing for powers of the consumer affairs hearing board—proceedings at hearing; providing for assurance of voluntary compliance; providing for cease and desist order of director; providing for order to show cause; providing for statutes adopted; providing for enforcement and civil penalties; providing for repeal of laws in conflict; providing for savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and, providing for an effective date. **SUMMARY:** On December 3, 2013, the Board of County Commissioners held preliminary reading of this Ordinance and authorized advertising for public hearing. The current Consumer Affairs Ordinance was last amended in 1977. Due to the substantial procedural and substantive changes made to the ordinance with the purpose of bringing it into compliance with the numerous County policies and procedures implemented since 1977, including Resolution 2013-0193 concerning County Advisory Boards affecting the Consumer Affairs Hearing Board, repealing and replacing the Consumer Affairs Ordinance in its entirety is more efficient than amending it piecemeal. The League of Cities has no opposition to the proposed ordinance. The Consumer Affairs Hearing Board supports the proposed ordinance in its present form. Countywide (PGE)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) an Economic Development Incentive Grant Agreement with SBA Communications Corporation in the amount of \$200,000;

B) a Budget Transfer of \$200,000 from the General Fund Contingency Reserves to the Department of Economic Sustainability Fund Job Growth Incentive (JGI) Program; and

C) a Budget Amendment of \$200,000 in the Department of Economic Sustainability Fund to recognize the funds from the General Fund.

SUMMARY: On September 10, 2013, the Board of County Commissioners conceptually approved a Job Growth Incentive (JGI) Grant in the amount of \$200,000. This Agreement discloses the company's name, SBA Communications Corporation, which was previously referred to as Project Hoops. In accordance with the Agreement, the Company will invest \$37.2 Million to purchase and renovate an existing facility in Boca Raton for its corporate headquarters. The Company will create 86 new permanent full-time jobs within three years, with an annualized average wage of \$58,200, and retain 352 existing jobs for a period of five years. The new jobs will also be maintained for five years. The City of Boca Raton has agreed to also provide an economic development incentive to the Company in the amount of \$200,000. The JGI Grant will be secured by a Letter of Credit, Bond, or equivalent. **The Regional Economic Model estimates that this project will have a five year economic impact of \$745 Million.** District 4 (DW)

5. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

TIME CERTAIN 10:30 A.M.

2. **REVISED MOTION/TITLE & SUMMARY:** ~~Staff recommends motion to approve:~~

~~A) direction to staff to negotiate with the School Board and the County's municipalities to begin the implementation process for a recommended one-half percent (.5%) Local Government Infrastructure Sales Surtax to be levied for six years; to be placed before the voters on November 4, 2014; the proceeds of which would be shared with the School Board and municipalities for the purpose of constructing new and improving existing public infrastructure and facilities including schools, parks, roads and bridges;~~

~~B) a fund split of approximately 40% School Board, 36% County and 24% cities;~~

~~C) direction to staff to bring back a recommendation for a hybrid split of the County share of funding by Commission district that reflects municipal funding within each district, project priorities and public need; and~~

~~D) direction to staff to document potential projects for all participants.~~

~~**SUMMARY:** County, School Board and municipal staffs have identified significant facility and infrastructure needs to maintain and enhance our public quality of life. Eight different types of local discretionary sales surtaxes are currently authorized by law. Palm Beach County is one of only nine counties, out of 67, that does not currently levy any local discretionary sales surtax. The State allows a county to levy a discretionary sales surtax upon voter approval of one-half or one percent for infrastructure. Proceeds from the Infrastructure Surtax can be applied to the uses enumerated in 212.055(2)(d), Florida Statutes (2013), including the construction and/or improvement of schools, parks, roads and bridges. A one-half percent (.5%) surtax will generate approximately \$110 million annually. Revenue must be distributed in accordance with an interlocal agreement between the County and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the parties. The sales surtax applies to all transactions subject to the state tax imposed on sales, use, services, rentals and admissions. However, the sales amount above \$5,000 on any item of tangible personal property is not subject to the surtax. The \$5,000 limitation only applies to tangible personal property and therefore does not apply to the rental of commercial real property, transient rentals, or services. Providing additional revenue in this manner relieves pressure to increase property taxes and means that visitors and other persons who do not pay property taxes will share in the cost of public facilities that they use and benefit from. If passed, the tax would take effect on January 1, 2015. Alternatives the Board could consider include proceeding independently of the School Board and changing the duration and amount of the surtax. Countywide (PK)~~

Staff requests Board direction: on initiating a .5% infrastructure sales surtax ballot question for the November 4, 2014 election on behalf of the County and municipalities for a three year collection period or as may otherwise be determined appropriate by the Board.

Summary: County and municipal staffs have identified significant facility and infrastructure needs to maintain and enhance our public quality of life. Eight different types of local discretionary sales surtaxes are currently authorized by law. Palm Beach County is one of only nine counties, out of 67, that does not currently levy any local discretionary sales surtax. The State allows a county to levy a discretionary sales surtax upon voter approval of one-half or one percent for infrastructure. Proceeds from the Infrastructure Surtax can be applied to the uses enumerated in 212.055(2)(d), Florida Statutes (2013), including the construction and/or improvement of parks, roads and bridges. A one-half percent (.5%) surtax will generate approximately \$110 million annually. Revenue would be distributed between the County and municipalities by population. The sales surtax applies to all transactions subject to the state tax imposed on sales, use, services, rentals and admissions. However, the sales amount above \$5000 on any item of tangible personal property is not subject to the surtax. The \$5000 limitation only applies to tangible personal property and therefore does not apply to the rental of commercial real property, transient rentals, or services. Providing additional revenue in this manner relieves pressure to increase property taxes and means that visitors and other persons who do not pay property taxes will share in the cost of public facilities that they use and benefit from. If passed, the tax would take effect on January 1, 2015. A consideration of the BCC needs to be the possibility that the School Board could proceed with their own sales surtax ballot initiative. As challenging as it may be to get a single surtax approved by the voters, it seems unlikely that multiple surtax ballot proposals would be viewed favorably. Countywide (PK)

5. REGULAR AGENDA

B. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida; approving Citibank, N.A. or an affiliate thereof as the Purchaser of not exceeding \$6,500,000 Housing Finance Authority of Palm Beach County, Florida (Authority), Multifamily Housing Revenue Bonds (Village Square Project), within the meaning of Palm Beach County Code Section 2-190; and providing an effective date. **SUMMARY:** On June 18, 2013, Board of County Commissioners (BCC) adopted a Resolution (R2013-0788) authorizing the issuance of the Bonds, approving JP Morgan Chase Bank, N.A. or an affiliate thereof as the Purchaser of said Bonds. Village Square Elderly, Ltd. (the "Borrower") has advised the Authority that the Purchaser has changed. Adoption of this Resolution provides approval of Citibank, N.A. or an affiliate thereof as the new Purchaser. Section 2-190 of the Palm Beach County Code requires that all bonds of the Authority and the underwriter or purchaser of such bonds must be submitted to and approved by the BCC. The Bonds are being issued by the Authority, to finance the costs of acquiring, constructing and equipping a planned 84 unit multifamily rental housing facility to be located at 738 Southwest 12th Street in Delray Beach. These units will be rented to qualified persons and families as required by Section 142(d) of the Internal Revenue Code of 1986, as amended. The Developer is Roundstone Development, LLC. Greenberg Traurig, P.A. is Bond Counsel to the Authority. The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, of interest on the Bonds.** (HFA of PBC) District 7 (PFK)

2. **Staff recommends motion to:**

A) conceptually approve a Section 108 Loan Program Agreement with Hartman Windows & Doors, LLC (Company) in the amount of \$1,103,454 contingent upon approval of the U.S. Department of Housing and Urban Development (HUD); and

B) approve an exception to the Palm Beach County Section 108 Loan Program Criteria for Hartman Windows & Doors, LLC to waive the maximum loan amount of \$1,000,000.

SUMMARY: The Company has acquired a building in the City of Riviera Beach at 2107 West Blue Heron Boulevard which is in Census Tract 14.04 and has a poverty rate of 24.1%. Staff is recommending this loan since it is located in an economically distressed areas where the Palm Beach County Section 108 Loan Program encourages business development. The \$1,103,454 Section 108 Loan will be leveraged by a private bank loan from Wells Fargo in the amount of \$3,650,000 and owner equity in the amount of \$1,172,607. The Company is expanding its manufacturing operations on the site and anticipates creating 46 full-time positions. **The Regional Economic Model estimates that this project will have a five year economic impact of \$63.9 Million. These are Federal funds which require no local match.** (B&H) District 7 (DW)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in three properties totaling 0.57 acres of surplus property to Habitat for Humanity of Palm Beach County, Inc., without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

B) approve three County Deeds in favor of Habitat for Humanity of Palm Beach County, Inc.

SUMMARY: Habitat for Humanity of Palm Beach County, Inc. has requested the conveyance of three County-owned vacant surplus properties totaling 0.57 acres with a combined assessed value of \$68,598. The properties are located in unincorporated Lake Worth and Jupiter, and were acquired via Tax Deeds. The properties have been declared surplus as they serve no present or future County purpose. Habitat for Humanity proposes to utilize the properties for construction of affordable housing for homebuyers earning between 50% - 120% of the area median income. Florida Statutes, Section 125.38 allows the County to convey property to not-for-profit organizations without utilizing a bid process. The County Deeds contain restrictions limiting the use to affordable housing and contain reverters. The Department of Economic Sustainability supports this conveyance to Habitat. Under the PREM Ordinance, an appraisal is not required since none of the properties being conveyed has an assessed value greater than \$25,000. This conveyance will relieve the County of potential liability for occurrences on these properties and also the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes, Section 270.11, without rights of entry and exploration. **Pursuant to the PREM Ordinance, this item must be approved by a supermajority vote (5 Commissioners).** (PREM) Districts 1 & 3 (HJF)

2. ~~**DELETED: Staff recommends motion to approve:** a pre-auction sale of: (i) Asset No. 10162819, a 2006 Ford E350 passenger van for \$7,350, and (ii) Asset No. 10162820, a 2006 Ford E350 passenger van for \$6,248, to Faith's Place Center for Art Education, Inc., a Florida not-for-profit 501(c)(3) corporation (Faith's Place) for use in providing transportation to and from various local schools for students enrolled in the after-school arts programs provided by Faith's Place.~~ **SUMMARY:** This item authorizes the County to conduct a pre-auction sale of two 2006 Ford E350 passenger vans, as more particularly described below, to Faith's Place, a 501(c)(3) entity located at 500 22nd Street, West Palm Beach. Faith's Place contacted Mayor Taylor's Office inquiring regarding the availability of surplus buses and/or vans to provide after school transportation for approximately twenty-five students to and from Faith's Place and U.B. Kinsey/Palmview Elementary School of the Arts, Westward Elementary School, Roosevelt Elementary School and Roosevelt Middle School. The School District of Palm Beach County recently eliminated the after-school bus route that was providing transportation to and from the after-school program. Staff identified two 2006 Ford E350 passenger vans that were being processed for disposition at auction as surplus property. Countywide PPM CW-O-068 ("PPM") authorizes County to conduct pre-auction sales of surplus property to governmental agencies when they agree to pay the suggested minimum bid price. Faith's Place has agreed to purchase the two vehicles at the suggested minimum bid amounts. Since the PPM is silent on pre-auction sales to not-for-profits, approval for the pre-auction sale is being brought to the Board for consideration. If approved, the sale will be processed by the Fixed Assets Management Office. (FDO Admin) Countywide (JM)

3. ~~**ADD-ON, TIME CERTAIN 9:30 A.M.:**~~ Staff recommends motion to approve: a Memorandum of Agreement between the County and South Florida Water Management District (SFWMD). **SUMMARY:** The Agreement with SFWMD for the sale of the Mecca Property (R2013-01514) requires recordation of a Memorandum of Agreement to put third parties on notice of the existence of the Agreement and the parties' rights and obligations thereunder which survive the closing. The form of this document was attached as Exhibit F to the Agreement. Subsequent to SFWMD's approval of the Agreement, the chairman of SFWMD's Governing Board objected to the form of the document and requested that the document be revised to specifically identify those provisions of the Agreement which the County desires to put third parties on notice of. This Memorandum of Agreement spells out those specific provisions and replaces the Memorandum of Agreement attached as Exhibit F to the Agreement. (PREM) Districts 1 & 6/Countywide (HJF)

5. REGULAR AGENDA

D. PLANNING, ZONING & BUILDING

1. Staff recommends motion to:

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, granting a County tax exemption for a historic property located within the City of Delray Beach; and

B) approve the restrictive covenant for the historic property, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

SUMMARY: The Resolution will authorize a County tax exemption for the following historic property located within the City of Delray Beach:

Address: 124 North Swinton Avenue, Old School Square Historical District, Delray Beach (Commercial).

If granted, the tax exemption shall take effect January 1, 2014, and shall remain in effect for ten years or until December 31, 2023. The exemption shall apply to 100 percent of the assessed value of all improvements to the historic property, which resulted from restoration, renovation, or rehabilitation of the property. Actual exemption amounts will be based upon the Countywide Millage rate on a yearly basis. It is estimated that approximately \$1,176 tax dollars will be exempted annually based on the 2014 Countywide Millage rate. Accompanying each resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. District 7 (RPB)

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DECEMBER 17, 2013

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

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RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

7. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD

A. HEALTH DEPARTMENT
(Environmental Control Hearing Board)

1. **REVISED TITLE:** Staff recommends motion to approve: reappointment of the following individuals to the Palm Beach County Environmental Control Hearing Board for a term of three years beginning on February 1, 2014 and ending on January 31, 2017:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Edward Sherman	3	Citizen-at-Large	Mayor Taylor Vice Mayor Burdick Comm. Valeche Comm. Abrams Comm. Berger <u>Comm. Vana</u>
David Freudenberg	4	Citizen-at-Large	Mayor Taylor Vice Mayor Burdick Comm. Vana Comm. Abrams Comm. Berger

SUMMARY: The Board is composed of five members. Membership must consist of one lawyer recommended by the Palm Beach County Bar Association, one medical doctor recommended by the Palm Beach County Medical Society, one engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society, and two citizens-at-large not holding elective office. Edward Sherman and David Freudenberg have expressed a desire to remain on the Hearing Board for another term. Both nominees meet the necessary requirements. Memorandums were sent to the Board of County Commissioners on October 20, 2013 and November 20, 2013 advising them of the need to appoint or reappoint members to fill the above seats. Countywide (PE)

ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

DECEMBER 17, 2013

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

DECEMBER 17, 2013

8. COMMISSIONER COMMENTS

A. District 1 – COMMISSIONER HAL R. VALECHE

B. District 2 – COMMISSIONER PAULETTE BURDICK, VICE MAYOR

C. District 3 - COMMISSIONER SHELLEY VANA

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, MAYOR

9. ADJOURNMENT

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