

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JULY 22, 2014

<u>PAGE</u>	<u>ITEM</u>	
39	5A-5	<u>REVISED MOTION & TITLE:</u> Staff recommends motion to approve : <u>A) adopt</u> a Resolution of the Board of County Commissioners of Palm Beach County, Florida, <u>authorizing a modification of the Convention Center Hotel Lease with CityPlace Hotel, LLC; and providing for an effective date; and</u> <u>B) approve</u> Second Amendment to Hotel Lease with CityPlace Hotel, LLC. (Admin)
50	8G*	<u>ADD-ON:</u> Request approval to present off-site, a Proclamation recognizing Palm Beach County Community Action Agency's 50 th Anniversary of the introduction of the "War on Poverty legislation. (Sponsored by Mayor Taylor)

NOTE: Items that were revised, added, deleted, or backup submitted and were not listed on the addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (*).

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

JULY 22, 2014

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

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
- 3. CONSENT AGENDA (Pages 7 - 32)**
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 33 - 37)**
- 5. REGULAR AGENDA (Pages 38 - 47)**
TIME CERTAIN 1:30 P.M. (Executive Session/Closed) (McEaddy) (Page 39)
- 6. BOARD APPOINTMENTS (Page 48)**
- 7. STAFF COMMENTS (Page 49)**
- 8. COMMISSIONER COMMENTS (Page 50)**
- 9. ADJOURNMENT (Page 50)**

TABLE OF CONTENTS

CONSENT AGENDA

A. ADMINISTRATION

Page 7

- 3A-1 Amendment of Solicitation/Modification with the U.S. Equal Employment Opportunity Commission associated with processing/resolving employment discrimination
- 3A-2 Ratify signature on the Public Construction Bond for the Convention Center Hotel project
- 3A-3 Receive and file Landlord Estoppel Agreement for the Convention Center Hotel project
- 3A-4 Second Amendment to Development Agreement with Related Companies, L.P. and CityPlace Hotel, LLC for the Convention Center Hotel project

Page 8

- 3A-5 Various agreements for community improvement projects and initiatives through the Office of Community Revitalization's America's Next Top Neighborhood Grant Program

B. CLERK & COMPTROLLER

Page 10

- 3B-1 Warrant list
- 3B-2 Minutes
- 3B-3 Contracts and claims settlements list
- 3B-4 Change orders, work task orders, minor contracts, final payments, etc.
- 3B-5 Receive and file two annual financial reports

C. ENGINEERING & PUBLIC WORKS

Page 10

- 3C-1 Task Order with Alan Gerwig & Associates, Inc. for professional services for the Davis Road over Lake Worth Drainage District L-6 Canal bridge replacement project
- 3C-2 Deleted

Page 11

- 3C-3 Agreement with Boca Gardens HOA Inc. for traffic control jurisdiction
- 3C-4 Contract with Caulfield & Wheeler, Inc. for professional services for survey and mapping projects
- 3C-5 Resolution to declare the acquisition of property for a right-of-way easement for the construction and improvement of Penny Lane from Melaleuca Lane north to the dead end
- 3C-6 Task Order with Simmons & White, Inc. for professional services for the Church Street from Limestone Creek Road to west of Central Boulevard project
- 3C-7 Agreement with Valencia Shores Master Association, Inc. for traffic control jurisdiction

Page 12

- 3C-8 Deleted
- 3C-9 Resolution approving Local Agency Program Agreement with the FDOT for the construction and construction engineering inspection of a canal bank slope protection project on the easternmost 1.5 miles of County Road 880
- 3C-10 Budget Transfer/Amendment relating to roadway improvements and storm drainage systems on Canton Road
- 3C-11 Work Order No. 2013052-021 with Community Asphalt Corp. to mill and resurface Le Chalet Boulevard (Jog Road to Military Trail)

D. COUNTY ATTORNEY - None

E. COMMUNITY SERVICES

Page 13

- 3E-1 Receive and file Notice of Award from the Department of Health and Human Services relating to Ryan White Part A HIV Health Support Services
- 3E-2 Amendments relating to the Adult Care Food Program with the Florida Department of Elder Affairs

Page 14

- 3E-3 Reappointments/Appointments to the Palm Beach County HIV Comprehensive AIDS Resources Emergency Council
- 3E-4 Ratify signature on the 2014 Florida Department of Children and Families Homeless Prevention Grant Application

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

F. AIRPORTS

Page 15

- 3F-1 Resolution approving the Supplemental Joint Participation Agreement No. 3 with FDOT relating to Runway 9R/27L at PBI
- 3F-2 Drainage Easement Agreement with MHC Palm Beach Colony, LLC, The Westcap Corporation (of Delaware), and Enterprise Leasing Company of Florida, LLC; relating to development of a rental car facility

Page 16

- 3F-3 License Agreement with Airport Recycling Specialists, Inc., terminating two Cargo Building Lease Agreements and providing for the replacement of recycling containers at PBI
- 3F-4 Amendment No. 5 with CH2M Hill, Inc. for consulting/professional services related to the Airports Capital Improvement Program

Page 17

- 3F-5 Resolution adopting a new standard form: Signatory Airline Agreement
- 3F-6 Third Amendment to Terminal Building Lease Agreement with General Services Administration providing additional space for TSA operations

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 18

- 3G-1 Reappointment to the County Financing Committee

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 18

- 3H-1 Interlocal Agreement with the Health Care District of Palm Beach County to provide fleet and fuel management services
- 3H-2 Change Order No. 3 with Trillium Construction, Inc. decreasing the Guaranteed Maximum Price for the Jupiter Branch Library Renovations project

Page 19

- 3H-3 Interlocal Agreement with the Village of Tequesta allowing direct access to the County's 800 MHz Radio System
- 3H-4 Termination of Memorandum of Agreement with GAM Realty (USA), LLC relating to three parcels of land located south of Runway 32 at PBI
- 3H-5 Easement in favor of the City of Lake Worth for an irrigation pump within John Price Park to irrigate landscaping in the median of Lake Worth Road

Page 20

- 3H-6 Standard License Agreement for the Use of County-owned Property in favor of Thalle Construction Company, Inc. for the placement of temporary storm water discharge pipes within Paul Rardin Park
- 3H-7 First Amendment to the Interlocal Agreement with the Department of Homeland Security, Transportation Security Administration relating to the County's 800 MHz Radio System

Page 21

- 3H-8 Agreement with the South Florida Water Management and Florida Fish & Wildlife Conservation Committee (FFWCC) consenting to the transfer of 150 acres of the Mecca Farms property to the FFWCC
- 3H-9 Interlocal Agreement with Florida Fish & Wildlife Conservation Committee related to the proposed Public Shooting Park adjacent to the Corbett Wildlife Management Area South Entrance

Page 22

- 3H-10 Ratify the selection of RCC Consultants for the Public Radio System Planning and Design Services Contract

I. ECONOMIC SUSTAINABILITY

Page 22

- 3I-1 Receive and file various agreements/amendments

Page 23

- 3I-2 Reimbursement to the City of Lake Worth for the Normal Wimbley Gymnasium building addition project

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

Page 23

3K-1 Receive and file various executed agreements

Page 24

3K-2 Supplemental No. 1 to Work Authorization No. 11 with Globaltech, Inc. for the Southern Region Pumping Facility – Membrane Concentrate Bypass project increasing the project time

3K-3 Supplement No. 1 to Work Authorization No. 19 with Globaltech, Inc. for the Western Region Waste Water Treatment Facility – Effluent Strainer and Screen Bypass project increasing the project time

3K-4 Work Authorization No. 26 with Globaltech, Inc. for the Water Treatment Plant No. 11 Variable Frequency Drive Replacements for Membrane Feed and High Service Pumps

L. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 25

3L-1 Work Order No. ERM14C-08 with Wynn and Sons Environmental Construction Co., Inc. to construct public use facilities at the Winding Waters Natural Area

3L-2 Deleted

3L-3 Resolution adopting the 2013 Lake Worth Lagoon Management Plan

3L-4 Resolution requesting the Florida Department of Environmental Protection review a funding application for shoreline protection projects within its FY 2015-2016 Beach Erosion Control Assistance Program

3L-5 Amendment No. 1 with Michael Singer, Inc. for the design, fabrication, and delivery of the Bryant Park Sculptural living shoreline mangrove planter

M. PARKS & RECREATION

Page 26

3M-1 Second Amendment with the Town of Lantana relating to Sportsman’s Park improvements

3M-2 Budget Transfer within Park Impact Fees Zone 1 from Reserves to the Karen Marcus Ocean Park Preserve project

3M-3 Receive and file various Independent Contractor agreements and amendments

N. LIBRARY - None

P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION – None

R. HUMAN RESOURCES - None

S. FIRE RESCUE

Page 27

3S-1 Receive and file License Agreement with the City of Palm Beach Gardens for the training at the Palm Beach County Fire Rescue Regional Training Center

3S-2 Resolution authorizing the County Administrator or his designee to execute standard License Agreements for training at the Palm Beach County Fire Rescue Regional Training Center

3S-3 Budget Amendment to recognize a donation received from Palm Beach County Volunteer Fire Rescue for the Drowning Prevention Coalition swim lessons program

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES

Page 28

3U-1 Interlocal Agreement for network services with Florida Atlantic University Board of Trustees

3U-2 Interlocal Agreement for network services with the East Central Regional Wastewater Treatment Facilities Operation Board

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

U. INFORMATION SYSTEMS SERVICES (Cont'd)

Page 29

3U-3 Agreement for network services with The Raymond F. Kravis Center of the Performing Arts, Inc.

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY

Page 29

3X-1 Receive and file an Interlocal Agreement with the Town of Palm Beach for reimbursement from Emergency Medical Services for medical equipment funding

Page 30

3X-2 Receive and file contracts for professional services with Pre-doctoral Psychology interns

Y. PURCHASING - None

Z. RISK MANAGEMENT - None

AA. PALM TRAN

Page 30

3AA-1 Subrecipient Agreement with South Florida Regional Transportation Authority for costs associated with extending service hours on targeted routes

Page 31

3AA-2 Agreements for the procurement of a Transit Interoperability System to allow fixed route bus fare boxes to electronically accept transfers

BB. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

Page 32

3BB-1 Appointment to the Westgate/Belvedere Homes Community Redevelopment Agency Board
3BB-2 Approval of the Chair and Vice-Chair for the Westgate/Belvedere Homes Community Redevelopment Agency Board

PUBLIC HEARINGS – 9:30 A.M.

Page 33

4A Application of Saint Andrew's School of Boca Raton, Inc. for issuance of Industrial Development Revenue Bonds

Page 34

4B Palm Beach County Action Plan for FY 2014-2015

4C Approval of the use of the Uniform Method of collecting non-ad valorem special assessments

Page 35

4D Issuance of a "Special Secondary Service" Certificate of Public Convenience and Necessity with G4S Secure Solutions, Inc. to the gated community of Hunters Run

4E Palm Beach County Ordinance for Equal Opportunity to Housing and Places of Public Accommodation

Page 36

4F Sexual Offender and Sexual Predator Residence Prohibition Ordinance

4G Nuisance Abatement Ordinance

Page 37

4H Resolution confirming special assessment for water service improvement project in the Imperial Woods Subdivision

4I Five Year Road Program Ordinance

TABLE OF CONTENTS

REGULAR AGENDA

ADMINISTRATION

Page 38

- 5A-1 Ordinance authorizing hospitals to put a lien on proceeds of settlements or judgments
- 5A-2 Resolution to approve Project Opaleye as a Qualified Target Industry (QTI) business

Page 39

- 5A-3 Executive Session with the Amalgamated Transit Union (ATU) Local 1577 and the Communication Workers of America (CWA) Local 3181 – **TIME CERTAIN 1:30 P.M.**
- 5A-4 Employment diversity policy or criteria for entities doing business with the County
- 5A-5 Second Amendment with CityPlace Hotel

COMMUNITY SERVICES

Page 39

- 5B-1 Allocations for funding under the Financially Assisted Agencies Program

ECONOMIC SUSTAINABILITY

Page 40

- 5C-1 Application to the U.S. Department of Housing & Urban Development associated with Section 108 funds

FACILITIES DEVELOPMENT & OPERATIONS

Page 40

- 5D-1 Fifth Amendment with LJL Food Management, Inc. to provide food service (Tina's Café)

Page 41

- 5D-2 Deposit Receipt and Contract for Sale and Purchase with Patricia Robinette and Nancy C. Baker for sale of ±0.13 acre parcel of land within the Palm Lake Cooperative, Inc.

Page 42

- 5D-3 Parking Easement Agreement/Status Report on the Transit Village project

Page 43

- 5D-4 Modification of Deed Restrictions on land donated to the Elizabeth Faulk Foundation

PUBLIC SAFETY

Page 43

- 5E-1 Resolution relating to the Victims of Crime Emergency Support Fund

WATER UTILITIES

Page 44

- 5F-1 Water Utilities Tampering Ordinance

COUNTY ATTORNEY

Page 45

- 5G-1 Issuance of Senior Housing Revenue Bonds relating to the Faulk Senior Residence project

INFORMATION SYSTEMS SERVICES

Page 46

- 5H-1 Addendum to the State of Florida Contract with Unify, Inc. to install a new unified communications system

OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 47

- 5I-1 Proposed millage rates for FY 2015 budget

BOARD APPOINTMENTS (Page 48)

STAFF COMMENTS (Page 49)

COMMISSIONER COMMENTS (Page 50)

ADJOURNMENT (Page 50)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) Amendment of Solicitation/Modification of Contract (EECCN120020) No. 0003 [R2012-0659] with the U.S. Equal Employment Opportunity Commission (EEOC) allowing the Office of Equal Opportunity to receive revenue in the total amount of \$93,450 as payment for processing and resolving employment discrimination complaints; and

B) an upward Budget Amendment of \$11,450 in the General Fund to adjust the budget to the actual Award/Contract.

SUMMARY: Execution of this contract is required so that the Office of Equal Opportunity (OEO) can receive payment for processing and resolving complaints of employment discrimination pursuant to the Worksharing Agreement with the EEOC. Modification No. 0003 is for FY 2013 - 2014 and is in the amount of \$93,450 (\$90,350-charge processing; \$500-Intake Services, \$1,600-attendance at EEOC sponsored annual training); and \$1,000-FEPA engagement funding. EEOC Charge Resolution Contracts for all Fair Employment Practices Agencies nationwide provide payment at a rate of \$650 per charge. OEO's contract is for a total of 139 charges. Attached to the Modification No. 0003 is the FY 2014 Extension of Worksharing Agreement signed by the County Administrator on September 26, 2013. On November 26, 1996, the Board of County Commissioners approved staff's recommendation that future Worksharing Agreements be executed by the County Administrator, or his designee, because of the recurring time constraints involved in this process. The Worksharing Agreement is a prerequisite to the receipt of a Charge Resolution Contract. Countywide (DO)

2. Staff recommends motion to ratify: signature of Shannon R. LaRocque on the Public Construction Bond for the Convention Center Hotel project in the amount of \$7,659,305. **SUMMARY:** Prior to the commencement of any construction work of the Convention Center Hotel, one of the conditions of the Development Agreement between Palm Beach County, Florida and The Related Companies, L.P. and CityPlace Hotel, LLC (R2013-0103) was to have delivered to the County and recorded in the Public Records of Palm Beach County duly executed and notarized originals of the payment and performance bonds required pursuant to the provisions of Section 2.4. The Surety for the Bond required the County sign the rider naming the County as an additional obligee. The Bond, with the rider, was executed and recorded in the Official Records of Palm Beach County, Book/Page 26806/1893-1899 on May 22, 2014. The emergency signature process was utilized because there was insufficient time to submit the Bond rider for execution through the regular agenda process. District 7 (JM)

3. Staff recommends motion to receive and file: the Landlord Estoppel Agreement. **SUMMARY:** At the May 22, 2014 Zoning Meeting (Agenda Item M15), the Board of County Commissioners approved the Landlord Estoppel Agreement relating to the Convention Center Hotel project and delegated signature authority to the County Administrator or his designee. Countywide (JM/HF)

4. Staff recommends motion to approve: Second Amendment to Development Agreement with Related Companies, L.P. and CityPlace Hotel, LLC (collectively "Developer"). **SUMMARY:** On October 30, 2012, the Board of County Commissioners (BCC) approved Agreements to facilitate the construction and operation of the Convention Center Hotel. On June 4, 2013, the BCC approved an Amendment to the Development Agreement (R2013-0707). This Amendment modifies the indemnification language required to be included in the Construction Management Agreement applicable to all trade contractors and subcontractors. Countywide (JM)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

5. **Staff recommends motion to approve:** the following agreements to implement different community improvement projects and initiatives through the Office of Community Revitalization's America's Next Top Neighborhood Grant Program:
- A)** Paint Your Heart Out Palm Beach County, Inc. in an amount not-to-exceed \$5,000 to purchase painting supplies;
 - B)** Neighborhood Association President's Council, Inc. in an amount not-to-exceed \$2,100 to purchase items for the Front Porch project;
 - C)** Lake Worth's College Park Homeowners Association, Inc. in an amount not-to-exceed \$1,600 to purchase items for a neighborhood watch project;
 - D)** Face It Athletics Marketing & Media Group, Inc. in an amount not-to-exceed \$5,000 to purchase items for a Basketball Tournament and Camp, Family Fun Day and plant seedlings;
 - E)** Permadigm Initiative, Inc. in an amount not-to-exceed \$4,300 to purchase items for a permaculture garden project and 501c3 tax designation;
 - F)** Rebuilding Together of the Palm Beaches, Inc. in an amount not-to-exceed \$5,000 to purchase building supplies;
 - G)** South Palm Park Association, Inc. in an amount not-to-exceed \$3,300 to construct butterfly gardens and install association banners;
 - H)** Aurora's Voice, Inc. in an amount not-to-exceed \$5,000 to purchase items to build a children's garden;
 - I)** Riviera Beach Community Development Corporation, Inc. in an amount not-to-exceed \$5,000 to purchase items to landscape a parklet;
 - J)** Estella's Brilliant Bus, A Class Act Learning Center, Inc. in an amount not-to-exceed \$3,700 to purchase items to provide education to underprivileged children;
 - K)** Cottages of Lake Worth, Inc. in an amount not-to-exceed \$1,800 to purchase printing services for neighborhood maps;
 - L)** Royal Poinciana Neighborhood Association, Inc. in an amount not-to-exceed \$1,800 to purchase signs, solar security lights and banners;
 - M)** Riviera Beach Community Development Corporation, Inc. in an amount not-to-exceed \$5,000 to purchase health trail equipment and landscaping for a linear park/health trail in Riviera Beach;
 - N)** Residents of Lake Osborne Heights, Inc. in an amount not-to-exceed \$1,000 to purchase pet waste stations and neighborhood banners;
 - O)** Neighbors Helping Neighbors, Inc. in an amount not-to-exceed \$5,000 to remove vegetation and litter from lake and canal banks;
 - P)** Lake Worth Eden Neighborhood Association, Inc. in an amount not-to-exceed \$400 to purchase vinyl community banners;

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

5. MOTION/TITLE CONTINUED

Q) Pineapple Beach Neighborhood Association, Inc. in an amount not-to-exceed \$1,300 to purchase printing services for banners, signs and other items for a community awareness project;

R) Riviera Beach Community Development Corporation, Inc. in an amount not-to-exceed \$5,000 to purchase items to install unified house numbers;

S) Fernsworth Gardens, Inc. in an amount not-to-exceed \$1,000 to purchase fruit trees for four schools;

T) Neighborhood Association President's Council, Inc. in an amount not-to-exceed \$4,000 to purchase street banners;

U) The Glades Initiative, Inc. in an amount not-to-exceed \$3,300 to purchase printing services for a resource guide;

V) Valentina Guerra in an amount not-to-exceed \$5,000 to purchase items for the construction of a community garden; and

W) Wallace Shannonhouse in an amount not-to-exceed \$4,000 to purchase items for the anti-litter campaign project.

SUMMARY: The Resident Education to Action Program (REAP) is a five week, hands-on educational course on community revitalization and civic leadership development for residents and neighborhood organizations that are seeking to improve the quality of life within their communities. The OCR is recommending grant funding in the amount of \$78,600 for the implementation of 23 projects. Remaining funds from REAP Fiscal Year 2012-2013 were carried forward to implement projects for REAP Fiscal Year 2013-2014. The agreements being submitted represent the REAP projects selected by OCR staff to receive grant funding. Countywide (AH)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	May 20, 2014
Regular	June 3, 2014
Budget/Workshop	June 10, 2014

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 February 2014. Countywide
5. **Staff recommends motion to receive and file:** two of Palm Beach County's annual financial reports for fiscal year ended September 30, 2013:

A) The Units of Local Government – Annual Financial Report (AFR); and

B) Annual Financial Audit Report (AFAR), including the Single Audit Report.

SUMMARY: The Units of Local Government Report is an Annual Financial Report which serves to generate input to the state. The Annual Financial Audit Report is a special annual financial report defined in Chapter 10.550 of the rules of the Auditor General. This report is required to be filed annually with the Auditor General in compliance with Section 11.45 Florida Statutes and includes the Single Audit Report. Countywide (DN)

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** a Task Order to the annual contract, R2014-0119, in the amount of \$113,642.62, with Alan Gerwig & Associates, Inc. (AGA), for professional services for the Davis Road over Lake Worth Drainage District L-6 Canal bridge replacement project (Project). **SUMMARY:** Approval of this Task Order will provide the professional services necessary for the preparation of design plans and construction bid documents for the Project. AGA is a Palm Beach County company. The Small Business Enterprise (SBE) goal for the Project is 15%. AGA has achieved 93.23% SBE participation for this Project. District 2 (MRE)
2. **DELETED**

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve: an Agreement with Boca Gardens HOA Incorporated (Community) for traffic control jurisdiction to be performed by the Palm Beach County Sheriff's Office (Sheriff). **SUMMARY:** Approval of this Agreement will authorize the Sheriff to provide traffic control enforcement services within the Community. District 5 (MRE)

4. Staff recommends motion to approve: a Contract with Caulfield & Wheeler, Inc. (C&W), to provide the necessary professional services for survey and mapping projects on a task order basis for Palm Beach County (County) projects, as required. **SUMMARY:** Approval of this Contract will provide the necessary professional services for survey and mapping throughout the County for all user departments. At the option of the County, this Contract may be renewed annually for a period of one year, with a maximum of two renewals. C&W is a Palm Beach County company and a certified Small Business Enterprise. Countywide (MRE)

5. Staff recommends motion to adopt: a Resolution to declare the acquisition of property designated as Parcel 201 as a right-of-way easement necessary for the construction and improvement of Penny Lane from Melaleuca Lane north to the dead end. **SUMMARY:** Adoption of this Resolution will initiate eminent domain proceedings against Parcel 201 having a total appraised value of \$6,700. Penny Lane is located off Melaleuca Lane and is part of the Municipal Service Taxing Unit (MSTU) program assessment. Additional easements are necessary for the MSTU paving and drainage improvement project on Penny Lane. All of the required easements have been donated to Palm Beach County (County) with the exception of Parcel 201. The property owner of Parcel 201 has not responded to the offer to purchase made by the County. It is therefore necessary to file eminent domain proceedings to acquire this parcel. District 3 (PM)

6. Staff recommends motion to approve: a Task Order to the annual agreement, R2013-0415, in the amount of \$133,690.25, with Simmons & White, Inc. (S&W), for professional services for the Church Street from Limestone Creek Road to west of Central Boulevard project (Project). **SUMMARY:** Approval of this Task Order will provide the professional services necessary for the preparation of design plans and construction bid documents for the Project. The Small Business Enterprise (SBE) goal for the Project is 15%. S&W has achieved 100% SBE participation for this Project. S&W is a Palm Beach County company and is a certified SBE. District 1 (MRE)

7. Staff recommends motion to approve: an Agreement with Valencia Shores Master Association, Inc. (Community) for traffic control jurisdiction to be performed by the Palm Beach County Sheriff's Office (Sheriff). **SUMMARY:** Approval of this Agreement will authorize the Sheriff to provide traffic control enforcement services within the Community. District 3 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

8. DELETED

9. Staff recommends motion to:

A) adopt a Resolution to approve the Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT) in the amount of \$2,231,218 for the construction and construction engineering inspection (CEI) of a canal bank slope protection project on the easternmost 1.5 miles of County Road 880 (Project);

B) approve a Federal-Aid Project Funding Request for the Project; and

C) approve a Budget Amendment of \$2,231,218 in the Transportation Improvement Fund to recognize the LAP Agreement with FDOT and appropriate it to the Project.

SUMMARY: Approval of this LAP Agreement will allow Palm Beach County (County) to receive a grant of up to \$2,231,218 for the Project whose current estimated construction and CEI cost is \$2,231,218. The County will be responsible for all costs above this grant amount. District 6 (MRE)

10. Staff recommends motion to approve:

A) a Budget Transfer of \$10,000 from the Housing & Community Development Fund to the Capital Outlay Fund for the Canton Road paving and drainage improvements, Project No. 2011062 (Project); and

B) a Budget Amendment of \$10,000 in the Capital Outlay Fund to recognize the \$10,000 of additional funding from the Department of Economic Sustainability and appropriate it to the Project.

SUMMARY: Approval of this Budget Transfer and Budget Amendment will provide additional funding for staff costs for roadway improvements and storm drainage systems on Canton Road. District 2 (MRE)

11. Staff recommends motion to approve: Work Order No. 2013052-021 (Work Order) in the amount of \$441,000 to mill and resurface Le Chalet Boulevard from Jog Road to Military Trail (Improvements) utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2013-0235 with Community Asphalt Corp. **SUMMARY:** Approval of this Work Order will allow the contractual services necessary to construct the Improvements. Per County PPM CW-F-050, this Work Order exceeds the threshold relating to staff approvals of contracts, thus requiring approval from the Board of County Commissioners. District 3 (MRE)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to:

A) receive and file Notice of Award No. H89HA00034-21-01 from the Department of Health and Human Services, for the period March 1, 2014, through February 28, 2015, in an amount of \$5,359,147;

B) approve Budget Amendment of \$2,436,481 in the Ryan White Care Program Fund to align the budget to the actual grant award; and

C) approve Contract for Provision of Ryan White Part A HIV Health Support Services with Florida Department of Health in Palm Beach County for the period March 1, 2014, through February 28, 2015, in the amount of \$1,394,817.

SUMMARY: A Notice of Award was received on May 20, 2014 from the Health and Human Services, Health Resources Services Administration (HRSA) issuing remaining funding for the current grant year in the amount of \$5,359,147. The total grant award for grant year 2014, including this grant award, totals \$7,653,485. The Department of Health contract is one of several service provider contracts issued pursuant to this grant. The contract covers services for HIV affected clients including medical care, oral health care, peer mentoring, and early intervention services. The scope of services and amount of this contract and other service provider contracts will be adjusted in future board items upon reconciliation of first quarter spending. Health Department employees Mitchell Durant and Mary Kannel serve on a County advisory board, the HIV CARE Council. This Board provides no regulation, oversight, management, or policy-setting recommendations regarding the agency contract. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443 of the Palm Beach County Code of Ethics. No County funds are required. (Ryan White) Countywide (TKF)

2. Staff recommends motion to approve:

A) Amendment 001 to Permanent Contract No. Y4119 (R2013-1543) for Adult Care Food Program (ACFP) with the State of Florida, Department of Elder Affairs (DoEA) to revise and replace Attachment II of the contract for language changes and administrative review procedures; and

B) Amendment 002 to Permanent Contract No.Y4119 (R2013-1543) for ACFP with DoEA to amend the Table of Contents and add Attachment VI, ACFP Liquidated Damages.

SUMMARY: These amendments are necessary to incorporate changes made to Permanent Contract No. Y4119 (R2013-1543). ACFP provides community-based adults with nutritious meals that improve their nutritional status and allow them to remain in their communities. The program targets low-income persons, and participants receiving Medicaid, Food Stamps, and/or Supplemental Security Income (SSI). ACFP provides two meals and one snack to adult day care clients, in an effort to maintain or improve the adult participant's quality of life. No County match is required. (DOSS) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve:

A) the reappointments of the Palm Beach County HIV Comprehensive AIDS Resources Emergency (CARE) Council for three year terms beginning August 14, 2014; and

B) the appointments of the Palm Beach County HIV Comprehensive AIDS Resources Emergency (CARE) Council for three year terms beginning July 22, 2014:

<u>Seat No.</u>	<u>Reappointment</u>	<u>Seat Requirement</u>	<u>Term Expires</u>
3	Marsharee Chronicle	Community Based Organization	08/13/2014
30	Julie Graham	Hospital Planning Agencies	08/13/2014

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Term Expires</u>
23	Charles Brooks	Non-Elected Community Leader	07/21/2017
24	Elizabeth Robinson	Non-Elected Community Leader	07/21/2017

SUMMARY: The total membership shall be no more than 33 members, per Resolution No. 2011-1560. The HIV CARE Council nominations process is an open process with publicized criteria and legislatively defined conflict of interest standards. These appointments successfully completed the HIV CARE Council nominations process, and the HIV CARE Council has recommended their appointments. Ms. Chronicle has disclosed that she is employed by Compass, Inc., that contracts with the County for services. Ms. Graham has disclosed that she is employed by Health Council of Southeast Florida, that contracts with the County for services. The HIV CARE Council provides no regulation, oversight, management, or policy-setting recommendations regarding contracts. Disclosure of these contractual relationships is being provided in accordance with the provisions of Sect. 2-443 of the Palm Beach County Code of Ethics. (Ryan White) Countywide (TKF)

4. Staff recommends motion to:

A) ratify signature of Commissioner Valeche on behalf of the Mayor on the 2014 Florida Department of Children and Families Homeless Prevention Grant Application, in an amount up to \$70,000, for homeless prevention services for families;

B) delegate signature authority to the County Administrator, or his designee, to sign the 2014 Florida Department of Children and Families Homeless Prevention Grant Contract; and

C) delegate signature authority to the County Administrator, or his designee, to sign the subcontract with The Center for Family Services of Palm Beach County, Inc. (CFS), in an amount up to \$70,000, for homeless prevention services.

SUMMARY: In 2013, the Florida Legislature created the Homeless Prevention Grant program to provide emergency financial assistance to families facing the loss of their housing due to a financial crisis. In accordance with Florida Statute 420.624, the grant application must be submitted by the Lead Agency for the Continuum of Care. The Division of Human Services serves in this capacity for Palm Beach County. If awarded the grant, the funding will be sub-contracted with CFS to provide financial assistance, such as rental and utility payments to prevent homelessness for 35 families. All funds must be expended no later than June 30, 2015, and follow-up services provided through June 30, 2016. No County match funds are required. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to:

A) adopt a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 3 with the Florida Department of Transportation (FDOT) reducing funding to reflect reduced design work needed to extend Runway 9R/27L (10R/28L) Environmental & Design and Golfview Infrastructure Planning & Design project at Palm Beach International Airport (PBIA); and

B) approve a Budget Amendment for (\$3,200,000) in the Airports Improvement and Development Fund reducing FDOT Grant Funding, and reducing project cost by (\$6,552,219). Also included is an increase to Reserves of \$3,352,219.

SUMMARY: Based on the results of the Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD) approved by the Federal Aviation Administration (FAA) for the Airfield Improvement Project (AIP) at PBIA, many elements of the overall project were not approved due to the lack of need based on the reduction in aircraft operations during the study period; as such, the design efforts were minimized and a large portion of the design funding is not needed and must be returned to the FDOT. On October 16, 2007 (R2007-1791), the Board of County Commissioners (BCC) adopted a resolution approving a Joint Participation Agreement (JPA) with the FDOT in the amount of \$4,142,000 or 50% of the eligible project costs, whichever is less, for the Environmental Impact Statement and Design Runway Extension at PBIA. On March 15, 2011 (R2011-0376), the BCC adopted a resolution approving SJPA Number 1 amending the original project description to extend Runway 9R/27L (10R/28L) Environmental & Design and Golfview Infrastructure Planning & Design at PBIA, with no increase in funding. On July 19, 2011 (R2011-1020), the BCC adopted a resolution approving SJPA Number 2 modifying the participation percentages due to Federal participation in the project. SJPA Number 3 reduces funding to reflect reduced design work needed for the project. Countywide (AH)

2. Staff recommends motion to:

A) approve a Drainage Easement Agreement (Agreement) between MHC Palm Beach Colony, LLC, a Delaware limited liability company (MHC), The Westcap Corporation (of Delaware), a Delaware corporation (Westcap), Enterprise Leasing Company of Florida, L.L.C., d/b/a National Car Rental, a Florida limited liability company (Enterprise), and Palm Beach County (County); and

B) accept a Drainage Easement (Easement) from Westcap to County.

SUMMARY: Enterprise has a Lease Agreement (R2013-0137), as amended, for County property located at 2125 Belvedere Road, which is developed as a rental car facility. Enterprise also leases adjoining property at 2121 Belvedere Road from Westcap. Enterprise is developing both the County and Westcap properties as a single rental car facility. As a condition of development approval, Enterprise is required to demonstrate legal positive outfall. The Easement grants County the right to drain across a 20' wide corridor within the entire north boundary of Westcap's property. The Agreement grants County and Westcap the right to connect to a 20' x 40' parcel on MHC's property to an existing drainage outfall. The Easement and Agreement are being granted at no cost to County. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to approve: a License Agreement (License) with Airport Recycling Specialists, Inc. (ARS), terminating two Cargo Building Lease Agreements (R2010-1857 and R2013-1153) and providing for the placement of recycling containers at the Palm Beach International Airport (PBIA), commencing August 1, 2013 and expiring July 31, 2015, for payment of a license fee in the amount of \$2,400, with one automatic annual renewal. **SUMMARY:** In August 2013, ARS leased two cargo building spaces for a recycling operation at PBIA. After leasing the spaces, it was determined that ARS would be required to obtain a Development Review Officer (DRO) approval to operate a recycling center within the building. ARS has requested termination of the leases, in part, because it would not be cost effective to attempt to satisfy the DRO requirements for the operation of a recycling center in the building. In lieu of operating a recycling center, the License will allow ARS to place two containers at PBIA for the passive collection of recyclable materials. The containers will be transported to an offsite location for further processing. The License provides for the termination of both leases and the refund of all rental and security deposits, less the license fee and any other sums payable to the County. Countywide (AH)

4. Staff recommends motion to approve: Amendment No. 5 to the General Consulting Agreement with CH2M Hill, Inc. for Consulting/Professional Services in the amount of \$1,342,596.14 and to exercise the second one year renewal option for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program. **SUMMARY:** The Consulting Agreement (R2011-1333) with CH2M Hill, Inc. for general airport planning and design was approved on September 13, 2011 in the amount of \$1,521,708 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for two years with two one-year renewal options. Approval of Amendment No. 5 in the amount of \$1,342,596.14 approves the second one year renewal option for the continuation of services provided under this Agreement, revises the Schedule of Hourly Billing Rates, revises the Schedule of Subsistence and Reimbursable Expenses and will provide funds to complete the following tasks and services: Task I Services –North Palm Beach County General Aviation (F45), Palm Beach County Park (LNA) and Palm Beach County Glades (PHK) Airports Runway Signage and Marking Re-Designation Design and Bidding Services; Palm Beach International Airport (PBIA) Terminal and Concourse Interior Expansion Joint Replacement Design, Bidding and Construction Administration Services; PBIA, F45, and PHK Americans with Disabilities Act (ADA) Facility Compliance Assessment (Phase 2); PBIA Airfield Circuitry Master Plan Drawings Update; LNA Airport Redevelopment – Phase 2 Hangar, Apron, Taxiway and Access Driveway Design and Bidding Services; PBIA Concourse C Passenger Checkpoint Modification Bidding and Construction Administration Services; PBIA Construct Taxiway W Supplemental Design Services; PBIA Taxiway D & E Rehabilitation/Reconstruction Supplemental Design Services; PBIA Air Service Support – Task 7; 2014 Annual Environmental Compliance Monitoring, Inspection and Training Services; Task III Services – Miscellaneous Planning and Engineering Services; Miscellaneous Financial Consulting and Capital Programming Services; and Miscellaneous Environmental Consulting Services. CH2M Hill, Inc. is an Englewood, Colorado based firm, however, the majority of the work to be completed in this Agreement will be completed and/or managed through their Palm Beach Gardens, Florida office in conjunction with several Palm Beach County-based subconsultants and firms. Certain tasks performed during the term of this Amendment may be eligible for State and Federal grant participation. The Disadvantaged Business Enterprise (DBE) goal for the agreement was established at 25.00%. The DBE participation for this Amendment is 29.18%. The total anticipated DBE participation to date is 26.5%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

5. Staff recommends motion to adopt: a Resolution adopting a new standard form Signatory Airline Agreement; authorizing the County Administrator or his designee to execute standard form Signatory Airline Agreements on behalf of the Board of County Commissioners; authorizing the County Administrator or his designee to enter into certain amendments to standard form Signatory Airline Agreements; repealing Resolution 2006-1906, Resolution 2011-0183 and Resolution 2012-0823; providing for severability; and providing for an effective date. **SUMMARY:** The Airline-Airport Use and Lease Agreements with the existing signatory airlines at PBIA are scheduled to expire on September 30, 2014. This Resolution adopts a new standard form Signatory Airline Agreement, which provides for the use of certain airport facilities for a term of up to five years by commercial airlines. This Resolution also authorizes the County Administrator or his designee to execute the approved standard form agreement on behalf of the Board; to agree to modifications to an airline's premises; and to agree to non-material changes to the standard forms. Countywide (AH)

6. Staff recommends motion to approve: Third Amendment to Terminal Building Lease Agreement (Third Amendment) with the General Services Administration (GSA), an executive agency of the United States of America, providing for the lease of additional space and adjusting the square footage of existing space leased by GSA for the Transportation Security Administration's (TSA) operations at the Palm Beach International Airport (PBIA) for additional net annual rental of \$46,007.36. **SUMMARY:** The Terminal Building Lease Agreement, as amended, (R2011-1160) (Lease) provides for the lease of office and support space for the TSA at PBIA. The Third Amendment adds two areas of space totaling 1,447 square feet and adjusts the square footage of areas currently under lease to conform to a recent re-measurement of the PBIA terminal building, resulting in a net increase of 671 square feet of leased area, and a net increase of \$46,007.36 in annual rental. The new space will be improved by the County at a cost of \$50,126.49. The cost of the improvements will be reimbursed by the GSA. The Third Amendment also updates standard contract provisions pertaining to non-discrimination and the Inspector General. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to approve:** the reappointment of the following individual to the County Financing Committee for the term beginning August 14, 2014 to August 13, 2016:

<u>Reappoint</u>	<u>Seat No.</u>	<u>Nominated By</u>
Michael Schmidt	At-Large	Mayor Taylor Vice Mayor Burdick Commissioner Valeche Commissioner Abrams

SUMMARY: The County Financing Committee meets as needed to review and make recommendations to the County Administrator regarding the issuance of debt obligations and management of outstanding debt, including but not limited to the selection and procurement of all outside professional services. The Committee is currently comprised of the Director of the Office of Financial Management & Budget (Liz Bloeser), a representative from the Clerk & Comptroller's Office (Shannon Ramsey-Chessman), two representatives from local government agencies (Leeanne Evans, School District Treasury Manager and Paul Dumar, Solid Waste Authority Director of Financial Services), a board appointee (Michael Schmidt), and a County Department Director, if needed. The appointee by the Board will serve a term of two years, at which time the appointee may be re-appointed, or a new appointee selected by the Board. Michael Schmidt has served since August 2012, has attended all meetings, and is seeking reappointment. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** an Interlocal Agreement with the Health Care District of Palm Beach County (District) to provide fleet and fuel management services. **SUMMARY:** This Agreement provides the terms and conditions under which the County provides fleet management services to the District. The services provided include the provision of fuel for District vehicles and aviation fuel for the Trauma Hawk Aeromedical Program. The term of this Agreement is for five years commencing retroactive to July 8, 2014 and is renewable for one, five-year term. The terms of the Agreement are standard and the maintenance rates are consistent with those being charged to County Departments. In the event the County must out-source the work, a separate commercial repair rate is provided. The rates may be adjusted annually but in no event shall the fees to the District exceed the fee schedule applied to County Departments. The Agreement may be terminated by either party, with a minimum of 60 days notice. (FDO Admin) Countywide (JM)
2. **Staff recommends motion to approve:** Change Order No. 3 to the contract with Trillium Construction, Inc. (R2012-1002) decreasing the Guaranteed Maximum Price (GMP) for the Jupiter Branch Library Renovations project in the amount of \$127,282.56. **SUMMARY:** On June 4, 2013, the Board approved Amendment No. 2 to the continuing services contract with Trillium Construction, Inc. (R2013-0672) in the amount of \$1,250,676 for construction management services to renovate and upgrade the building systems as well as technology upgrades and interior and exterior refinishing of the existing facility. There is \$127,282.56 remaining as a result of buyout savings, unused allowances, and unused owner contingency. The amendment was funded through the 30.5M GO 03 Library District Improvement Fund, 22.3M GO 06 Library District Improvement Fund and the Library Expansion Program Fund. All savings will be returned to the Library Expansion Program Fund. The Small Business Enterprise (SBE) goal for this contract is 15% and the final SBE participation is 25%. Trillium Construction, Inc. is a Palm Beach County firm. (Capital Improvements Division) District 1 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** an Interlocal Agreement with the Village of Tequesta (Village) 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 Village 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. Since 2003, the Village's Police Department has been interoperable with the County's System through a talk group agreement. The Village recently upgraded its police communications equipment and has requested a direct access agreement. The Agreement requires that the Village 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 Village is required to pay all costs associated with Village's subscriber units and to comply with the established operating procedures for the System. The Village 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 with 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)

4. **Staff recommends motion to approve:** a Termination of Memorandum of Agreement with GAM Realty (USA), LLC. **SUMMARY:** On February 4, 2014, the Board approved an Agreement for Purchase and Sale and a Memorandum of Agreement with GAM Realty (USA), LLC (GAM) (R2014-0184) for the purchase of three parcels of land totaling 1.759 acres located south of Runway 32 at the Palm Beach International Airport for \$640,000. The Memorandum of Agreement was recorded to provide public notice of the existence of the County's rights to purchase this property. On May 28, 2014, the County closed on the purchase of the property. This Termination of the Memorandum will be recorded to allow the Memorandum to be deleted from the County's title policy. (PREM) District 2 (HJF)

5. **Staff recommends motion to approve:** an Easement in favor of the City of Lake Worth (City) for an irrigation pump within John Prince Park to irrigate landscaping in the median of Lake Worth Road. **SUMMARY:** The irrigation pump will be installed within John Prince Park immediately adjacent to the right-of-way for Lake Worth Road and will use water from the Keller Canal for irrigation of the landscaped median on Lake Worth Road from Congress Avenue east to Boutwell Road. The easement area for the pump and pipelines is 48' long and 30' wide containing 1,440 square feet (.03 acres). This non-exclusive easement is being granted at no charge as it will support a Florida Department of Transportation road project to resurface Lake Worth Road which includes updating landscaping in the median from Congress Avenue east to Boutwell Road. (PREM) District 3 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to approve: a Standard License Agreement for Use of County-owned Property (Agreement) in favor of Thalle Construction Company, Inc. (Thalle) for the placement of temporary storm water discharge pipes and a staging area for construction materials within the County's Paul Rardin Park. **SUMMARY:** Paul Rardin Park is located at 460 State Road 715 in Pahokee. The U.S. Army Corps of Engineers (USACE) is replacing a water control structure adjacent to the park as part of the restoration of the Herbert Hoover Dike. The boat ramp at the park will be closed for approximately 18 months. Thalle was awarded the construction project and is requesting to use part of the park for the placement of temporary above ground storm water discharge pipes and the staging of construction materials for the construction project. The term of the Agreement is for 15 months, commencing on August 5, 2014, and expiring on November 5, 2015. The proposed license area is located along the southern and western perimeter of the park. The license area is a total area of approximately 34,000 square feet or .78 of an acre. The County may terminate the Agreement at any time. The restoration of the Herbert Hoover Dike is in the best interest of the community's safety and welfare. Thalle is being paid with federal dollars and any charge for the license would be passed through to the USACE; therefore, the license is being granted at no charge. (PREM) District 6 (HJF)

7. Staff recommends motion to approve: a First Amendment to the Interlocal Agreement (R2009-0756) with the Department of Homeland Security, Transportation Security Administration (TSA) to extend the term of the Agreement for interoperable radio communications through the countywide common talk groups of the County's 800 MHz Radio System to May 4, 2019. **SUMMARY:** The Agreement which provides the terms and conditions under which TSA can program into its radios and utilize the countywide common talk groups for certain inter-agency communications expired on May 4, 2014. The Agreement provided for three renewal options, each for a period of five years. TSA has approved a renewal to retroactively extend the term of the Agreement to May 4, 2019, and the renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with the Agreement. TSA is required to pay all costs associated with TSA's subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This First Amendment renews the term, updates the notice provisions, updates the attachments, provides for disclosure of County Code Section 2-421 - 2-440 establishing the Office of the Inspector General, provides for the exclusion of third party beneficiaries and provides for disclosure of County Resolution 92-13 prohibiting discrimination. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. **Staff recommends motion to approve:** an Agreement with the South Florida Water Management District (SFWMD) and Florida Fish & Wildlife Conservation Commission (FWCC) consenting to the transfer of 150 acres of the Mecca Farms property to FWCC. **SUMMARY:** In 2013, the County sold the 1,896 acre Mecca Farms property to the SFWMD subject to SFWMD's agreement to comply with County bond limitations and with the understanding that the SFWMD would convey 150 acres in the northwest corner of the property to FWCC for use as a public shooting range. SFWMD and FWCC are ready to close on the 150 acres. County consent to this transfer is required by the terms of the Sale and Purchase Agreement between the County and SFWMD (R2013-1514) to ensure that private activity bond limitations are not violated. Pursuant to this Agreement: 1) the County consents to the conveyance to FWCC; 2) FWCC acknowledges the County bond limitations; 3) FWCC agrees not to sell or lease the Property without the County's consent; and 4) releases SFWMD from liability to the County for FWCC's failure to comply with County bond limitations. (PREM) District 1 (HJF)

9. **Staff recommends motion to approve:** an Interlocal Agreement with Florida Fish and Wildlife Conservation Commission (Commission) related to the proposed Public Shooting Park (Park) adjacent to the Corbett Wildlife Management Area South Entrance. **SUMMARY:** The Interlocal Agreement (Agreement) documents the development and operating conditions which were agreed upon between the Commission and County Staffs, but never otherwise memorialized when the Mecca Property was sold to the South Florida Water Management District. Specifically, the Agreement: 1) assigns the County with managerial and financial responsibility to obtain all required zoning approvals for the Park upon the Commission's request, and 2) provides the terms under which the County/Sports Commission can market and use the Park for sports tourism events subject to the payment of only the Commission's direct operating costs for the event. Pursuant to the Agreement, the Commission is required to: 1) supply certain materials to complete applications for zoning approvals, 2) maintain a website to communicate planned Park improvements and the construction schedule/status to the public; and 3) assume all duties and costs associated with the design, development, operation and maintenance of the Park. The Commission shall be permitted, but not required to charge a fee for the use of the Park and shall use good faith efforts to schedule and reserve the Park for local group and club activities providing that the activities are consistent with the intended use of the Park and do not in any way prohibit or inhibit public use. In the event that Commission requests that the County cease work on the zoning approvals, the Commission will be required to reimburse the County for all out of pocket expenses as of the date of the cease work notification. Both parties agree to recognize one another within all advertising and promotional materials. The Agreement takes effect upon final execution and remains in effect for 30 years from opening of trap/skeet fields and sporting clay ranges to the public (final development phase) or 40 years, whichever is sooner. (FDO Admin) Countywide/District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to ratify: the selection by the Final Selection Committee on July 7, 2014, of RCC Consultants, as the top ranked firm for the Public Radio System Planning and Design Services Contract. **SUMMARY:** Upon Board ratification, staff will commence negotiations for design services. Upon satisfactory completion of these negotiations, staff will present a contract for those services to the Board. Five proposals were received and three firms shortlisted. Submittals and presentations were reviewed based on predetermined criteria and the firms ranked. (Capital Improvements Division) Countywide (JM)

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to receive and file: three Amendments to Agreements, one Amendment to a Loan Agreement and one Subordination Agreement, as follows:

A) Amendment No. 007 to the Agreement (R2011-1031) with Westgate/Belvedere Homes Community Redevelopment Agency under the Neighborhood Stabilization Program 2 (NSP2);

B) Amendment No. 005 to the Agreement (R2011-1029) with Neighborhood Renaissance, Inc. under NSP2;

C) Amendment No. 001 to the Agreement (R2013-1809) with Riviera Beach Community Development Corporation, Inc. under the HOME Investment Partnership (HOME) Program;

D) Amendment No. 002 to the Loan Agreement (R2013-1806) with La Joya Villages, Ltd. under the HOME Program; and

E) Subordination Agreement with PNC Bank, National Association under the State Housing Initiatives Partnership (SHIP) Program.

SUMMARY: In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Amendments have been fully executed on behalf of the Board of County Commissioners (BCC) by the County Administrator, or designee, in accordance with Agenda Items R2009-1122, 5B-3 and 5B-4, as approved by the Board of County Commissioners on July 7, 2009, and September 10, 2013. These executed documents are now being submitted to the BCC to receive and file. **Federal NSP2 funds do not require a local match and the HOME Program matching requirement is met from State funds allocated under the State Housing Initiatives Partnership Program.** (DES Contract Development) Districts 2, 3, 6 & 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

2. **Staff recommends motion to approve:** reimbursement to the City of Lake Worth for the Norman Wimbley Gymnasium building addition project in the amount of \$19,510.06. **SUMMARY:** On June 21, 2011, the City of Lake Worth (City) entered into an Agreement (R2011-0901) with the County for the receipt of \$200,000 in Community Development Block Grant (CDBG) funds. The Agreement expired on September 30, 2013. The project was completed before the expiration of the Agreement, but the final payment could not be made to the contractor, nor could the City be reimbursed in accordance with the Agreement until the contractor completed his compliance with the Federally mandated Davis-Bacon Act relating to the payment of wages to workers on the project. Davis-Bacon Act requirements have been completed and all violations have been corrected thereby enabling this reimbursement. The City has made the payment to the contractor and is requesting reimbursement of \$19,510.06 which is the remaining balance available in the grant. Approval of this Agenda Item will reimburse the City for expenses already incurred in connection with the building addition at its Norman Wimbley Gymnasium located at 1515 Wingfield Street in Lake Worth. **These are Federal CDBG funds which require no local match.** (CIREIS) District 7 (TKF)

K. WATER UTILITIES

1. **Staff recommends motion to receive and file:** executed Agreements received during the month of April 2014:
 - A) Standard Potable Water and Wastewater Development Agreement with RREEF America Reit II Corp. J, SDA No. 09-01067-000-000;
 - B) Standard Potable Water and Wastewater Development Agreement with Boca Raton Associates VII, LLLP, SDA No. 09-01068-000;
 - C) Potable Water and Wastewater Development Agreement with Elizabeth Faulk Foundation, Inc., SDA No. 09-01069-000; and
 - D) Termination and Release of Standard Potable Water and Wastewater Development Agreement Due to Zoning Denial/Withdrawal with Esperanza Greene, as Trustee of the Esperanza Greene Revocable Trust under Agreement dated August 10, 1999 and Arthur T. Greene, as Trustee of the Arthur T. Greene Revocable Trust under Agreement dated August 10, 1999, Michael J. Greene, and Anthony Greene, SDA No. 09-01066-000.

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

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. **Staff recommends motion to approve:** Supplement No. 1 to Work Authorization No. 11 with Globaltech, Inc. (R2012-0159) for Southern Region Pumping Facility (SRPF) – Membrane Concentrate Bypass to increase the contract time by 190 days. **SUMMARY:** On June 18, 2013, the Palm Beach County Board of County Commissioners approved Work Authorization No. 11 with Globaltech, Inc. (R2013-0770) for the design and construction of the Southern Region Pumping Facility (SRPF) Membrane Concentrate Bypass. This Supplement increases the contract time by 190 days. During the design phase of this design-build authorization, it was decided to change the operating protocol from what was originally envisioned. This resulted in additional time to redesign and order materials not originally anticipated, some with long lead delivery times at no additional cost. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. The contract with Globaltech, Inc. provides for SBE participation of 75% overall. The cumulative SBE participation, including this Supplement is 91.38% overall. Globaltech, Inc. is a Palm Beach County company. (WUD Project No. 13-036) District 5 (JM)

3. **Staff recommends motion to approve:** Supplement No. 1 to Work Authorization No. 19 with Globaltech, Inc. (R2012-0159) for the Western Region Waste Water Treatment Facility - Effluent Strainer and Screen Bypass increasing the contract time by 150 days. **SUMMARY:** On November 6, 2013, the Palm Beach County Contract Review Committee approved Work Authorization No. 19 with Globaltech, Inc. for Western Region Waste Water Treatment Facility - Effluent Strainer and Screen Bypass. This Supplement increases the contract time by 150 days at no additional cost to allow for project completion within 300 days. The original Work Authorization included the design, permitting and construction of a bypass around the effluent screens and installation of a new effluent strainer with a project schedule of 150 days to attain final completion. A time extension of 150 days is requested due to delays caused by site plan revisions required during the design phase. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. The contract with Globaltech, Inc. provides for SBE participation of 75% overall. The cumulative SBE participation, including this Supplement is 91.38% overall. Globaltech, Inc. is a Palm Beach County company. (WUD Project No. 13-093) District 6 (JM)

4. **Staff recommends motion to approve:** Work Authorization No. 26 with Globaltech, Inc. for the Water Treatment Plant No. 11 (WTP No. 11) Variable Frequency Drive (VFD) Replacements for Membrane Feed Pumps 1 and 4 and High Service Pumps 1 and 2 in the amount of \$399,743.75. **SUMMARY:** On January 24, 2012, the Palm Beach County Board of County Commissioners approved the contract for Water, Wastewater, and Reclaimed Water Improvements Design/Build Services (R2012-0159) with Globaltech, Inc. Work Authorization No. 26 will authorize the replacement of the VFD's for membrane feed pumps 1 and 4 and high service pumps 1 and 2. The existing VFD's are no longer manufactured. The VFD's for membrane feed pumps 2 and 3 were previously replaced due to failures and our spare part inventory has been depleted. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. The contract with Globaltech, Inc. provides for SBE participation of 75% overall. This Work Authorization includes 99.24% overall SBE participation. The cumulative SBE participation, including this Work Authorization is 91.96% overall. Globaltech, Inc. is a Palm Beach County company. This project is included in the FY14-15 Capital Improvement Plan adopted by the Board of County Commissioners. (WUD Project No. 14-061) District 6 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:** Work Order No. ERM 14C-08 to the Palm Beach County Annual Pathway and Minor Construction Contract Project No. 2013051 (R2013-0427) with Wynn and Sons Environmental Construction Co., Inc. not to exceed \$542,866.90 to construct public use facilities at the Winding Waters Natural Area. **SUMMARY:** The Board of County Commissioners approved an annual construction Contract with Wynn and Sons Environmental Construction Co., Inc., a Palm Beach County SBE company, for the Palm Beach County Annual Pathway and Minor Construction Contract Project No. 2013051 (R2013-0427) on April 16, 2013. Work Order No. ERM 14C-08 authorizes Wynn and Sons to construct the public use facilities for the Winding Waters Natural Area. Wynn committed to an overall 100% SBE participation in the Contract. The project is supported by the Natural Area Fund, a non-ad valorem source, and a Federal pass-through grant from Florida Department of Environmental Protection for \$175,566. District 7 (JM)

2. **DELETED**

3. **Staff recommends motion to adopt:** a Resolution adopting the 2013 Lake Worth Lagoon (LWL) Management Plan. **SUMMARY:** The 2013 LWL Management Plan is an update to the plan adopted by the Board of County Commissioners on April 1, 2008 (R2008-0569) and the South Florida Water Management District on April 10, 2008. The 2013 Plan includes Action Plans for the restoration of the LWL in cooperation with the LWL Initiative. Adoption of the 2013 Management Plan via Resolution by other State agencies and municipalities will be sought. Countywide (SF)

4. **Staff recommends motion to adopt:** a Resolution requesting that the Florida Department of Environmental Protection (FDEP) review a funding application and support funding for shoreline protection projects within its Fiscal Year 2015/2016 Beach Erosion Control Assistance Program. **SUMMARY:** The County is requesting that the State appropriate \$425,000 for the Coral Cove Park Dune Restoration, \$100,000 for the Jupiter/Carlin Shore Protection Project, \$8,875,000 for the Juno Beach Shore Protection Project, \$51,929 for the Singer Island Shore Protection Project, \$172,000 for the Central Palm Beach County Comprehensive Erosion Control Project, \$428,663 for the South Lake Worth Inlet Management Plan, and \$51,300 for the Ocean Ridge Shore Protection Project. If the State Legislature approves funding for all of the projects, the County's matching share would be \$9,818,260. Districts 1, 4 & 7 (SF)

5. **Staff recommends motion to approve:** Amendment No.1 to the Professional Service Contract (R2014-0154) with Michael Singer, Inc. (MSI) to increase the contract amount by \$19,000 for the design, fabrication, and delivery of the Bryant Park sculptural living shoreline mangrove planter. **SUMMARY:** Amendment No. 1 increases the contract amount from \$47,500 to \$66,500 to cover costs associated with the design, fabrication and delivery of eleven units to create a 100 foot long mangrove planter. Costs associated with building the planter base are lower than originally estimated and it is now within the project budget to create a 100 foot long mangrove planter which maximizes the living shoreline habitat. The original contract amount covered seven units for a 60 foot long mangrove planter. MSI is a Palm Beach County SBE. The amendment is supported by Vessel Registration Fees, a non-ad valorem source. District 7 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** Second Amendment to Interlocal Agreement with the Town of Lantana for the funding of Sportsman's Park Improvements to increase the allowable percentage for design and engineering costs. **SUMMARY:** This Second Amendment to Agreement, R2009-1012, as amended by R2012-0730, increases the allowable percentage of the total project cost for design and engineering from ten percent (10%) to twenty percent (20%). All other terms of the Agreement, including the funding amount of \$300,000, remain the same. Funding is from the 2004 \$50 Million General Obligation Waterfront Access Bond referendum. District 4 (PK)

2. **Staff recommends motion to approve:** Budget Transfer of \$85,000 within Park Impact Fees Zone 1 from Reserves to the Karen Marcus Ocean Park Preserve project. **SUMMARY:** This Budget Transfer will provide the funding necessary to establish budget in the Karen Marcus Ocean Park Preserve project. This funding will be used to clear exotic vegetation located within the 57 acre scrub area, and to create a 15' fire break area along the north property line. Funding for this budget transfer is from the Park Impact Fees Zone 1 reserve. District 1 (AH)

3. **Staff recommends motion to receive and file:** the following original executed Independent Contractor Agreements and First Amendment to Independent Contractor Agreement received during the month of June:
 - A)** Vanya Allen, Rock and Roll Dance Instructor, Westgate Recreation Center, for the period July 22, 2014, through August 9, 2014;
 - B)** Building Up Sports Academy, Inc., Fishing Camp Instructor, Phil Foster Park and John Prince Park, for the period July 7, 2014, through July 19, 2014; and
 - C)** Anastasia Scruggs, Hip Hop Dance Instructor, Therapeutic Recreation Complex, for the period October 1, 2013, through September 30, 2014.

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

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to receive and file: one fully executed License Agreement with the City of Palm Beach Gardens, for training at the Palm Beach County Fire Rescue Regional Training Center, for the period July 1, 2014, through June 30, 2015. **SUMMARY:** On December 6, 2011, the Board adopted Resolution No. R2011-1962, which authorized the County Administrator, or his designee (Fire Rescue Administrator) to execute a one year standard license agreement with outside fire rescue/public safety agencies and other authorized entities, providing them with access to the Regional Training Center to conduct training activities and events for public safety personnel. The Licensee is responsible for the payment of applicable user fees. Pursuant to Countywide PPM CW-O-051, one license agreement fully executed by the Fire Rescue Administrator and the City Manager for the City of Palm Beach Gardens, is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (SB)

2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the County Administrator or his designee (Fire-Rescue Administrator), to execute standard license agreements for training at the Palm Beach County Fire Rescue Regional Training Center; replacing Resolution No. 2011-1962; providing for effective date. **SUMMARY:** This Resolution authorizes the County Administrator, or his designee, to execute standard License Agreements providing outside public safety agencies with use of certain areas of the Fire Rescue Regional Training Center for public safety personnel training for up to a five year term. During that term, the Fire Rescue Administrator, or his designee, will be authorized to approve or disapprove, standard Use Agreements for specific training events requested by the outside agency. The standard License Agreement provides that fees for use of the Regional Training Center shall be in accordance with a fee schedule established and updated annually pursuant to Palm Beach County Fire Rescue Operational Procedure No. VIII-7. In lieu of the insurance provisions in the standard License Agreement, the Resolution allows alternative provisions providing a substantially similar level of protection to be approved by the Director of Risk Management. This Resolution replaces Resolution No. 2011-1962. Countywide (SGB)

3. Staff recommends motion to approve: a Budget Amendment in the Fire Rescue MSTU Fund (1300) in the amount of \$5,000 to recognize a donation received from Palm Beach County Volunteer Fire Rescue for the Drowning Prevention Coalition swim lessons program. **SUMMARY:** On January 24, 2014, the County received a monetary donation in the amount of \$5,000 from the Palm Beach County Volunteer Fire-Rescue. The donor requested the monies be used to fund additional swim lessons through the Palm Beach County Drowning Prevention Coalition's Swim Bucks program. The funds from this donation will be utilized to offer an additional one-hundred swim lessons to the residents of Palm Beach County. The Budget Amendment recognizes the receipt of the \$5,000 donation and provides budget for the additional swim lesson expenditures in fiscal year 2014. Countywide (SGB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to:

A) rescind the Interlocal Agreement (R2012-0264); dated February 7, 2012;

B) approve the Interlocal Agreement for network services with Florida Atlantic University Board of Trustees (FAU); 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 dollar value of \$50,000 per Task Order.

SUMMARY: When the County recently renewed our agreement for access to the Florida LambdaRail (FLR) network, we were advised that FLR service to FAU's Jupiter campus would require separate agreements for services provided to FAU, Scripps Research Institute and Max Planck Institute which are located on FAU's Jupiter campus. All three agencies were previously served under the agreement between FAU and Palm Beach County (R2012-0264). The new proposed agreement is limited to network services for FAU only for an annual payment to the County of \$15,600. Separate agreements will be established with Scripps and Max Planck. District 1 (PFK)

2. Staff recommends motion to:

A) approve the Interlocal Agreement for network services with the East Central Regional Wastewater Treatment Facilities Operation Board (ECR Board), a legal entity created under the terms of Chapter 163, Florida Statutes; and

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

SUMMARY: The ECR Board has requested network services at their wastewater treatment plant where the City of West Palm Beach is the operating agent. This Agreement takes effect on July 22, 2014 and will increase FY 2014 revenues by \$100 and requires the ECR Board to reimburse the County \$21,327 for installation costs. The Florida LambdaRail LLC has approved connection of the ECR Board via the City of West Palm Beach to the Florida LambdaRail network. District 7 (PFK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (Cont'd)

3. Staff recommends motion to:

A) receive and file the Termination of Contract Letter regarding Agreement R2011-0546 with The Raymond F. Kravis Center of the Performing Arts, Inc. (Kravis Center) for \$8,940 annually for providing server hosting and file storage from Palm Beach County equipment located at Northwest Regional Data Center; and

B) rescind Agreement R2010-0278, dated February 23, 2010 and First Amendment R2010-1313, dated August 17, 2010; and

C) approve Agreement for network services with the Kravis Center to include current contract standards, revise their fee structure based on current network rate sheet for an annual increase of \$2,640, and to add "hand-off" services from Palm Beach County network to Lee County via the Florida LambdaRail (FLR) network; and

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

SUMMARY: The Kravis Center changed its server hosting and file storage location from the Northwest Regional Data Center in Tallahassee to Lee County and requested ISS assistance in providing the required connection (or "hand-off") between the County network and Lee County via the FLR network. Due to the advent of the hurricane season, the effective termination date of the contract is May 31, 2014 and new services are effective June 1, 2014. Because receipt of final payment is required prior to contract termination, and the new hand-off services required revision of our existing network services contract, we were unable to submit either of these changes to the Board until the present date. The Kravis Center has paid in full for all work performed under contract R2011-0546 through May 31, 2014. The revised fee structure for existing network services will not be used for billing until August 1, 2014. District 7 (PFK)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: an Interlocal Agreement with the Town of Palm Beach for reimbursement from Emergency Medical Services grant funding for medical equipment. **SUMMARY:** The County was awarded \$255,137 during FY2013-2014 from the State of Florida Department of Health, Bureau of Emergency Medical Services (EMS), to improve and expand the EMS systems. The grant funding may be used by the County or municipal agencies to purchase EMS equipment and accordingly, the County has agreed to reimburse the Town of Palm Beach for the purchase of a Laerdal MegaCode Kelly Training Manikin in an amount not to exceed \$16,990. This equipment allows paramedics to train their staff effectively while handling patients who are in an emergency cardiac crisis. The remaining EMS grant funding will be used to purchase EMS equipment for the benefit of the citizens of the County and surrounding municipal agencies. On August 13, 2013, the County Administrator or his designee was authorized to execute these standard agreements between the County and various governmental and non-governmental/private entities and make non-substantive and ministerial changes on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. There is no ad valorem funding required. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to receive and file: contracts for professional services with the following Pre-doctoral Psychology Interns to complete a required 2000-hour internship that will provide the interns training and experience in family and youth counseling payable at \$11.50 per hour for the period August 11, 2014, through August 10, 2015:

A) Kelly Kamel in the amount of \$23,000; and

B) Kristine Gross in the amount of \$23,000.

SUMMARY: The Youth Affairs Division is an authorized counselor training facility for many state colleges and universities offering degrees in psychology, social work, etc. Doctoral programs require internships in order to meet degree and licensing requirements. The Division is offering its program as a location to obtain this training. The cost savings involved with this internship program is financially beneficial to the County. Each intern, at a minimum, is assigned and completes the workload equivalent to a Licensed Family Therapist. The hourly rate of a Licensed Family Therapist is \$22.44 versus the hourly intern rate of \$11.50. This provides the County with an approximate 49% savings per intern. R2012-1313 Authorized the County Administrator of his designee, to execute future pre-doctoral psychology intern contracts on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. Countywide (PGE)

AA. PALM TRAN

1. Staff recommends motion to approve:

A) a Subrecipient Agreement with the South Florida Regional Transportation Authority (SFRTA) in the amount of \$335,226. This Agreement is effective upon execution by both parties and will be for a period of two years; and

B) a Budget Amendment of \$167,613 in the Palm Tran Grant Fund to establish budget for this award; and

C) a Budget Amendment of \$167,613 in the Palm Tran Operating Fund to establish budget for the transfer from the Palm Tran Grant Fund.

SUMMARY: On December 18, 2012, the Board of County Commissioners approved the submittal of a \$319,974 SFRTA grant application (R2012-1947) for a Job Access Reverse Commute (JARC) grant. The Grant was approved for \$167,613 (52% of what was applied for) and will provide 50% of the operating costs associated with extending service hours on targeted routes serving employment centers and workforce housing development needs. This Subrecipient Agreement states the terms under which the County is to receive the Federal Transit Administration funds. The project award provides \$167,613 from SFRTA and requires a 50% local match of the total project of \$335,226. The County's match of \$167,613 (local option gas tax) is included in Palm Tran's budget. Countywide (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

2. Staff recommends motion to approve:

A) an Agreement with Broward County for the joint procurement of a Transit Interoperability System that will allow Palm Tran and Broward County Transit (BCT) fixed route bus fare boxes to electronically accept transfers from Miami-Dade Transit (MDT) and the South Florida Regional Transit Authority (SFRTA) riders; and

B) an Agreement with Broward County, Miami-Dade County, and SFRTA for the "Back Office" software integration that will allow for the monitoring of transfers and processing of payments to the appropriate parties using the EASY Card system for fares and transfers between the four transit systems.

SUMMARY: On June 18, 2013, the Board of County Commissioners (BCC) approved the filing of a Federal Transportation Administration (FTA) Grant Application (R2013-0786) in support of Palm Tran's participation in the development of a regional fare interoperability system. The Agreement with Broward County will allow Palm Tran and BCT to engage in a two-phase project. The initial phase will be a pilot program to equip and test a limited number of bus fare boxes to accept EASY Cards currently being used by Miami-Dade County and SFRTA riders. The second phase will allow both agencies to expand and cover the entire transit fleet. Broward County will be the lead in administering the Request for Proposals (RFP) and developing the contract to obtain the software, hardware and related services needed to adapt the fare boxes, with the participation and approval of Palm Tran. Palm Tran and BCT will each be separately and solely responsible for their respective costs. Palm Tran's costs will be 100% funded with FTA grant funds. The Agreement for the "Back Office" integration provides for the transfer of revenue collected from EASY Cards to the appropriate parties using the EASY Card system for fares and transfers between the four transit systems. Miami-Dade County utilizes the EASY Card system, a contactless smartcard system, which allows for electronic payment of transit fares. Miami-Dade County has successfully operated the "Back Office" with SFRTA since 2010 allowing for the transfer of payments among their transit systems. Approval of this Agreement will expand the program to include Palm Beach County and Broward County. On June 24, 2014, Broward County approved the Transit Fare Interoperability Agreement and the "Back Office" Agreement, which was previously approved by SFRTA on May 23, 2014. Miami-Dade's staff is recommending approval at their scheduled meeting on October 7, 2014. Palm Tran's costs are included in the FY 2014 approved budget. Countywide (DR/DW)

3. CONSENT AGENDA APPROVAL

BB. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

- 1. Staff recommends motion to approve: the appointment of the following individual for the term July 23, 2014 through May 31, 2018:

<u>Name</u>	<u>Seat No.</u>	<u>Nominated by</u>
Brian Sattar	4	Mayor Priscilla A. Taylor Vice Mayor Paulette Burdick Commissioner Hal R. Valeche

SUMMARY: The Westgate/Belvedere Homes Community Redevelopment Agency (Westgate CRA) Board consists of seven at-large members from the general public and local businesses within the CRA boundaries. Ordinance No. 89-6 requires that the Palm Beach County Board of County Commissioners appoint the Westgate CRA Board Members. After duly advertising, the Westgate CRA held its Annual Meeting on May 12, 2014 to appoint a candidate to fill Seat 4. The Commissioners were notified of the vacancy by the Westgate CRA on May 21, 2014. Districts 2 & 7 (RB)

- 2. Staff recommends motion to approve: the following Westgate/Belvedere Homes Community Redevelopment Agency (CRA) Board Officers for a one year term commencing June 10, 2014 and expiring June 9, 2015:

<u>Board Member</u>	<u>Office</u>
Ronald Daniels	Chair
Joanne Rufty	Vice-Chair

SUMMARY: The Westgate/Belvedere Homes CRA Board consists of seven At-Large members from residents and local businesses within the CRA boundaries. At the June 10, 2014 meeting, the CRA Commissioners elected the Chair and Vice-Chair from amongst its Board. The term shall be one year, beginning with the date of election. Districts 2 & 7 (RB)

* * * * *

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

A. Staff recommends motion to:

1) approve the Application of Saint Andrew's School of Boca Raton, Inc. for the issuance of the County's up to \$36,000,000 Industrial Development Revenue Bonds (Saint Andrew's School of Boca Raton, Inc. Project), Series 2014 (the "Bonds");

2) conduct a Tax Equity & Fiscal Responsibility Act (TEFRA) public hearing concerning the proposed issuance of the Bonds; and

3) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the issuance of the County's Industrial Development Revenue Bonds (Saint Andrew's School of Boca Raton, Inc. Project), Series 2014 in the aggregate principal amount of not exceeding \$36,000,000 for the purpose of providing funds to make a loan to Saint Andrew's School of Boca Raton, Inc. (the "Borrower") to provide funds to refinance the County's Variable Rate Demand Industrial Development Revenue Bonds (Saint Andrew's School of Boca Raton, Inc. Project) Series 2007, potentially pay the cost of termination of an interest rate swap related to the Series 2007 Bonds and pay the costs of issuing the Bonds; authorizing the execution of a Financing Agreement; awarding the sale of the Bonds by a negotiated sale; authorizing officials of the County to take certain action in connection with the issuance of the Bonds; making certain other covenants and agreements in connection with the issuance of the Bonds; and providing an effective date.

SUMMARY: The Borrower offers lower, middle and upper school education at their 81 acre campus located at 3900 Jog Road in Boca Raton. The Borrower has applied for the issuance of an Industrial Development Revenue Bond by the County in an amount not to exceed \$36,000,000. Bond proceeds will be used to refinance the County's Variable Rate Demand Industrial Development Revenue Bonds (Saint Andrew's School of Boca Raton, Inc. Project) Series 2007, and potentially pay the cost of termination of an interest rate swap related to the Series 2007 Bonds. The 2007 Bonds were issued to refinance earlier bonds issued by the County and to finance capital assets for the Borrower's facilities. Prior to the issuance of any portion of the Bonds that will be tax-exempt, the Internal Revenue Code requires that the County hold a TEFRA public hearing. The Economic Impact Analysis demonstrates a positive impact of \$54.5 Million over five years. The Bonds will be payable solely from revenues derived from the Borrower. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay the principal, premium, if any, or interest on the Bond.** District 5 4(PFK)

4. PUBLIC HEARINGS CONTINUED

B. [Staff recommends motion to:](#)

1) **adopt** a Resolution approving the Palm Beach County Action Plan for Fiscal Year 2014-2015; and

2) **authorize** the Mayor, or her designee, to execute Standard Forms 424 and Certifications for submission to the U.S. Department of Housing and Urban Development (HUD) to receive Fiscal Year 2014-2015 formula grant funding through the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnerships (HOME) Programs.

SUMMARY: On April 15, 2014 (Agenda Item 5C-2), the Board of County Commissioners (BCC) approved programs and funding allocations for the CDBG and HOME Programs for Fiscal Year 2014-2015. At the time, staff had not received recommendations from the Palm Beach County (PBC) Homeless and Housing Alliance for the ESG Program. On May 5, 2014, they met and recommended funding to eight agencies. A list of their funding recommendations is provided as Attachment 5 (to the Agenda Item). In compliance with HUD's regulations at 24 CFR Part 91, the Department of Economic Sustainability (DES) has prepared the Action Plan (AP) for Fiscal Year 2014-2015. The proposed Fiscal Year 2014-2015 AP is consistent with BCC direction on April 15, 2014, and incorporates funding recommendations by the PBC Homeless and Housing Alliance. A summary of the draft AP and a Notice of Public Hearing were published on June 21, 2014. Two public meetings to obtain citizen input were held on June 25 and 26, 2014, one located in each the eastern and western regions of the County. This funding is projected to create 329 jobs and have a five year Economic Sustainability Impact of \$53,500,000. **The ESG required 100% local match will be provided by the seven ESG-funded agencies, the Division of Human Services, and the Department of Economic Sustainability. The HOME required local match (\$371,875) will be provided from the State Housing Initiatives Partnership Program. CDBG funds require no local match.** (Strategic Planning) Countywide (TKF)

C. [Staff recommends motion to:](#)

1) **conduct** a public hearing for approval of the use of the Uniform Method of collecting non-ad valorem special assessments provided for in Chapter 197, Florida Statutes pursuant to the Notice of Intent adopted by Resolution 97-2152 and Resolution 2011-1833; and

2) **adopt** the non-ad valorem special assessment roll and specify the unit of measurement and amount of the assessment.

SUMMARY: On December 16, 1997, the Board approved Resolution 97-2152, and on November 15, 2011, the Board approved Resolution 2011-1833, expressing the intent of Palm Beach County to use the Uniform Method of collecting non-ad valorem special assessments. This method has been utilized successfully since 1998 for the collection of water and street improvement project special assessments. The Uniform Method in Resolution 97-2152 provides for inclusion of water and street improvement project special assessments on the tax bill. The Uniform Method in Resolution 2011-1833 provides for the abatement of nuisance conditions. A public hearing is required to implement this collection method for new special assessment projects to be included on the 2014 tax bill. Countywide (PK)

4. PUBLIC HEARINGS CONTINUED

- D. **Staff recommends motion to approve:** the issuance of a "Special Secondary Service" Certificate of Public Convenience and Necessity (COPCN) with G4S Secure Solutions (USA), Inc. d/b/a "G4S" to provide Advanced Life Support Service (ALS) first response, non-transport services to the gated community of Hunters Run. **SUMMARY:** G4S currently provides private security service to the gated community of Hunters Run. The residents of Hunters Run wish to have G4S provide ALS first response, non-transport services as part of their security services. The Department of Public Safety, Division of Emergency Management has reviewed the application and recommends approval of a "Special Secondary Service Provider - Non-Transport" COPCN to be issued to G4S for operations restricted to the confines of the community of Hunters Run for the period July 22, 2014 until G4S contractual agreement with Hunters Run is terminated. The City of Boynton Beach Fire Rescue is the Primary COPCN holder and has signed a "Memorandum of Understanding" with G4S to provide such services in their respective zone. District 4 (PGE)
- E. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing Palm Beach County Code, Chapter 15, Article III, codifying Ordinance No 90-1, as amended by Ordinance No. 07-042, The Palm Beach County Ordinance for Equal Opportunity to Housing and Places of Public Accommodation; and adopting a new Palm Beach County Ordinance for Equal Opportunity to Housing and Places of Public Accommodation; providing for purpose; providing for definitions; providing for powers and duties of the Director of the Office of Equal Opportunity; providing for filing of complaints; providing for notice of complaint process; providing for determination of reasonable cause; providing for conciliation; providing for enforcement; providing for administrative remedies and other relief; providing for enforcement by private persons; providing for unlawful discriminatory practice in public accommodations and housing; providing for limitations and exceptions; providing for repeal of laws in conflict; providing for savings clause; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** On July 1, 2014, the Board of County Commissioners held a preliminary reading of this Ordinance and authorized advertising for public hearing. The current Equal Opportunity to Housing and Places of Public Accommodation Ordinance was last amended in 2007. Due to the procedural and substantive changes made to the ordinance with the purpose of bringing it into substantial compliance with the Federal Fair Housing Act and the County's policy concerning Advisory Boards such as the Fair Housing Board, repealing and replacing the Equal Opportunity to Housing and Places of Public Accommodation Ordinance in its entirety is more efficient than amending it piecemeal. The League of Cities has no opposition to the proposed ordinance. The Fair Housing Board supports the proposed ordinance in its present form. Countywide (DRO)

4. PUBLIC HEARINGS CONTINUED

- F. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 18, Article II of the Palm Beach County Code (Ordinance No. 2006-012, amended by Ordinance No. 2011-033); relating to Sexual Offender and Sexual Predator Residence Prohibition, to be known as “the Sexual Offender and Sexual Predator Residence Prohibition Ordinance of Palm Beach County, Florida”; amending Section 18-34 (Sexual Offender and Sexual Predator Residence Prohibition; Exceptions); providing for repeal of laws in conflict; providing for a 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 July 1, 2014, the Board of County Commissioners held a preliminary reading of this Ordinance and authorized advertising for public hearing. The State of Florida sexual offender and sexual predator residence prohibition laws preclude sexual offenders and sexual predators from establishing a permanent or temporary residence within one thousand (1000) feet from specified locations where children regularly congregate. The current County Ordinance provides for a more restrictive distance, prohibiting sexual offenders and sexual predators from establishing a permanent or temporary residence within twenty-five hundred (2500) feet from certain defined areas where children regularly congregate. The proposed amendment reduces the number of feet to 1000 and eliminates a designated public school bus stop from the list of specified locations, making the Ordinance consistent with Florida law. Additionally, the proposed amendment is responsive to current federal and state law evolving in other jurisdictions that suggests a County’s imposition of residency prohibitions on sexual offenders and sexual predators may not be more restrictive than the residency prohibitions mandated by the State. It is anticipated that the League of Cities will have no opposition to the proposed Ordinance amendment, as this Ordinance is applicable only in the unincorporated areas of the County. Unincorporated (PGE)
- G. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing Palm Beach County Code, Chapter 20, Nuisances, Article III, Abatement of Nuisances, codifying Ordinance No. 90-12, amended by Ordinance Nos. 93-16, 95-64, 97-9 and 2002-023, known as the “Nuisance Abatement Ordinance” created pursuant to Section 893.138 Florida Statutes, establishing the Nuisance Abatement Board of Palm Beach County; providing for inclusion in the Code of Laws and Ordinances; and providing an effective date. **SUMMARY:** On July 1, 2014, the Board of County Commissioners held a preliminary reading of this Ordinance and authorized advertising for public hearing. The Nuisance Abatement Ordinance was enacted in 1990 to establish the “Nuisance Abatement Board of Palm Beach County” (NAB) to abate drug-related nuisances occurring on premises throughout the County. The Ordinance was amended in 1997 to apply only in the unincorporated areas of the County. Since its creation, the NAB has convened less than five times to hear complaints and evidence regarding “drug-related nuisances.” The Sheriff does not object to the dissolution of the NAB. Repealing the Nuisance Abatement Ordinance will not prohibit the County or any citizen from proceeding against a public nuisance by any other means, including, but not limited to, seeking injunctive relief under Section 60.05 of the Florida Statutes. The League of Cities has no opposition to the proposed Ordinance repeal. Unincorporated (PGE)

4. PUBLIC HEARINGS CONTINUED

H. Staff recommends motion to adopt: a Resolution confirming the special assessment of \$9,124.09 for a water service improvement project (Project), \$10,968.40 for connection fees and \$2,850 for tie-in fees per lot in the Imperial Woods Subdivision located in unincorporated Palm Beach County (County). **SUMMARY:** Adoption of this Resolution will allow the County to assess each property owner on a per lot basis for the Project, plus the connection and tie-in fees, if applicable. The Town of Jupiter (Town) will provide the water service and has agreed to advance the funds for design and permits for the Project and will also fund the construction. The assessments will be passed on to the Town once collected. The County has received a positive response from a majority of the property owners on all streets, indicating their willingness to be assessed for the Project. District 1 (MRE)

I. Staff recommends motion to:

1) approve Road Program Findings of Fact (per Article 12.M.B.3 of the Unified Land Development Code) with a majority affirmative vote that the deletion of four construction projects will not result in any link or intersection on the road network operating at greater than the Adopted level of service, and no development projects are phased to this construction. The four projects that have met this criteria are the deletion of construction of Community Drive and Military Trail; Ellison Wilson Road, south of Juno Isles Boulevard to north of Ascot Road; Jog Road, Glades Road to Yamato Road; and Indiantown Road, Jupiter Farms Road to west of Florida's Turnpike; and

2) adopt an Ordinance to amend Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program (Program); providing for title; purpose; adoption of revised program and revised list of projects contained in Exhibit "A" (to the Agenda Item); implementation of the program; modification of the 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: In accordance with Article 12.M.B.3 of the Unified Land Development Code, and prior to the deletion of any construction project from Palm Beach County's (County) Program, the Board of County Commissioner's (Board) must determine that the Findings of Fact have been made. See Attachment "1" to the Agenda Item. Since the development and adoption of the County's Program on December 17, 2013, the progress and evolution of current and near term projects has continued to be monitored. Traffic counts, costs and revenues have been updated. Revisions are being proposed to modify the Program to reflect this updated information. A mid-year ordinance amendment with a preliminary reading and a Public Hearing is required in order to accomplish this. On July 1, 2014, the Board approved this amendment on preliminary reading and authorized advertisement for today's Public Hearing for final adoption. Countywide (MRE)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff requests Board direction on: preparation of an ordinance authorizing hospitals in the County to place a lien on the proceeds of settlements or judgments in order to receive payment for services rendered to a patient. **SUMMARY:** On November 5, 2013, the Board of County Commissioners directed staff to research a possible lien law (ordinance) that would assist local hospitals in the collection of bill payments through placement of liens on the proceeds of legal settlements or judgments in personal injury matters. Staff has conducted research and gathered ordinances from other jurisdictions that have addressed this issue. Additionally, meetings have been held with hospital administrators, trial attorneys, and Health Care District of Palm Beach County representatives, and some correspondence has been received and reviewed. Based on the information gathered to date and legal research by the County Attorney's Office, staff has concluded that it is possible for the County to adopt a hospital lien ordinance. A current Hillsborough County ordinance has been identified as a possible model. It is expected; however, based on the preliminary meetings and correspondence mentioned above, that there will be varying levels of support and some opposition from affected parties to a countywide ordinance on this subject. Issues to be addressed include the rate at which hospitals will get paid for medical care, measures to protect the injured individuals, and compensation for attorney's fees. If staff is directed to proceed with the preparation of an ordinance, additional outreach will be conducted to ensure that concerns of all interested parties are considered. The countywide ordinance must be presented to the League of Cities for review and comment prior to first reading. A preliminary draft ordinance based on the Hillsborough County model has been prepared by the County Attorney's Office and is attached to this item. The proposed draft also extends authority to the Health Care District and Palm Beach County Fire Rescue to place liens. Countywide (TKF)

2. Staff recommends motion to:

A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, recommending approval of Project Opaleye, a company authorized to do business in the State of Florida, as a Qualified Target Industry (QTI) business pursuant to s.288.106, Florida Statutes; providing for local financial support for the Qualified Target Industry Tax Program not to exceed \$36,000; and

B) conceptually approve an Economic Development Incentive for Project Opaleye in the amount of \$36,000 in the form of a Job Growth Incentive Grant (JGI) as a portion of the local match for a State QTI Grant.

SUMMARY: Project Opaleye is a corporate headquarters relocation project that currently employs approximately 115 people throughout the United States. The company plans to make a \$9 Million capital investment to purchase and renovate an existing building in Palm Beach Gardens. The company will relocate or hire 60 employees over a three year period at an average annual wage of \$75,000, excluding benefits, and will retain 40 existing jobs. The company will be required to maintain the new and retained jobs for a period of five years. It is anticipated that the State of Florida will provide \$360,000 in the form of a Qualified Target Industry Tax Refund which includes a required 20% local match of \$72,000 which will be split equally between the County (\$36,000) and the City of Palm Beach Gardens (\$36,000). The JGI Grant will be secured by a Letter of Credit, Bond, Corporate Guarantee or equivalent. The company will be required to enter into a formal agreement memorializing their commitments and establishing criteria for funding distribution. At such time the company name will be disclosed. The five year local economic impact is estimated to be \$110.9 Million. **Funding for the Job Growth Incentive Grant will come from General Fund Contingency Reserves.** District 1 (DW)

5. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

TIME CERTAIN 1:30 P.M.

3. [Executive Session](#) scheduled for 1:30 p.m. in McEaddy Conference Room to discuss collective bargaining with the Amalgamated Transit Union (ATU) Local 1577 and the Communication Workers of America (CWA) Local 3181. **(Closed Session)**
4. [Staff requests board direction:](#) regarding establishing employment diversity policy or criteria for entities doing business with the County. **SUMMARY:** Mayor Taylor initiated this item at the May 20, Board meeting. Resolution R92-13, as amended by R2012-0197 and R2014-0113, states the Board's policy that the County "shall not conduct business with nor appropriate funds for any organization that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, familial status, marital status, sexual orientation, gender identity and expression, genetic information or disability". County contracts currently include this requirement. Observing nondiscriminatory policies does not necessarily achieve diversity in hiring. The County's employment policy is in accordance with applicable law and establishes principles to encourage equal employment opportunity and diversity. On May 29, the Board received a legal opinion from the County Attorney that mandatory employment diversity goals for competitive contracts might not be legally sustainable. Among options are: 1) maintaining current policy language; or 2) requiring contractors to prepare if necessary, and submit, evidence of their non-discrimination policies when submitting bids or RFP responses. For non-competitive contracts such as Business Development Board and tourism agencies, the Board of County Commissioners may consider an organization's consistency with County policies in determining whether to award contracts and could require proof of the existence of such non-discrimination policies prior to entering into contracts. Countywide (TKF)

5. **REVISED TITLE & SUMMARY:** [Staff recommends motion to approve:](#)

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing a modification of the Convention Center Hotel Lease with CityPlace Hotel, LLC; and providing for an effective date; and

B) approve Second Amendment to Hotel Lease with CityPlace Hotel, LLC.

SUMMARY: On October 30, 2012, the Board of County Commissioners (BCC) approved Agreements to facilitate the construction and operation of the Convention Center Hotel. On June 4, 2013, the BCC approved an Amendment to the Hotel Lease (R2013-0706). This Amendment increases the hotel land 0.05 acres to allow sufficient land for amenities. Countywide (HF)

B. COMMUNITY SERVICES

1. [Staff recommends motion to approve:](#)

A) allocations for funding for the Behavioral Health, Special Needs/Developmental Disability, Economic Stability/Poverty, Senior Services, Domestic Abuse/Sheltering, Homelessness, Continuing Initiatives, and Non-competitive service categories under the Financially Assisted Agencies (FAA) Program for the period of October 1, 2014, through September 30, 2015, in a total amount not to exceed \$11,290,068; and

B) allocations for funding for Youth Violence/Diversion Programs and the Summer Camp Scholarship Program for the period of October 1, 2014, through September 30, 2015, in a total amount not to exceed \$968,118.

SUMMARY: This item provides the recommended FY 2015 funding allocations for the Financially Assisted Agencies Program and the Youth Violence/Diversion programs being transferred to the newly created Youth Services Department. The FAA recommendations in the Behavioral Services and Special Needs/Developmental Disability categories reflect the results of a request for proposals process initiated in April of this year. Allocations in the other FAA categories are based on prior year's funding as this is a renewal year in the three-year cycle for those categories. The Youth Violence/Diversion programs are also renewals that are being transferred to the new Youth Services Department. The total amount of funding being allocated in this item is \$12,258,186 which is unchanged from the current year program funding for all FAA service categories. This amount is included in the proposed FY 2015 budget and is subject to final budget approval by the Board of County Commissioners. Countywide (TKF)

5. REGULAR AGENDA

C. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to:

A) approve the Application to the U.S. Department of Housing and Urban Development (HUD) to reallocate the balance of Section 108 funds from the Countywide Loan Pool (Note No. B-08-UC-12-0004) in the amount of \$1,820,000 to a new program to be known as the Palm Beach County Business Loan Program; and

B) authorize the County Administrator or his designee to sign the Application to HUD to reallocate these funds to the Palm Beach County Business Loan Program.

SUMMARY: The proposed Application will reallocate the balance of funds from Section 108 Loan Pool (Note No. B-08-UC-12-0004) to a new program eligible under HUD guidelines. To date, there have been loans to 16 borrowers totaling \$11,520,000 from this loan pool. In total, the various loan pools have funded over \$23 Million to 30 different borrowers generating a total public and private investment of \$83.9 Million and commitments to create 985 jobs. The new program will allow the Department of Economic Sustainability to receive final approval on projects from HUD's Miami Field office without submission to the HUD Washington D.C. office. This will result in reduced processing time for loans allowing borrowers to access capital to rapidly satisfy critical needs facing their business. The new program will follow existing Section 108 Loan Program Guidelines for underwriting. Countywide (DW)

D. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

A) adopt a Resolution authorizing a continuing reduction in the rental rate and finding that the Fifth Amendment (R2002-0829) to Governmental Center Lease Agreement with LJL Food Management, Inc., d/b/a Tina's Café is in the best interest of the County; and

B) approve a Fifth Amendment to Governmental Center Lease Agreement with Tina's Café.

SUMMARY: LJL Food Management, Inc., d/b/a Tina's Café has been the food service provider operating in Suite 110 of the Governmental Center Parking Garage since 2005. In response to the economic downturn and Tina's Café's poor payment history, rent was reduced by 20% in 2009 and by another 50% in 2010 for a period of two years. The Third Amendment, approved by the Board on December 18, 2012 (R2012-1941), documented the reduced rental rate of \$16,601/yr until April 30, 2013, at which time the Board requested a further review of the rent. On June 4, 2013, the Board approved a Fourth Amendment (R2013-0711) which continued the reduced half-rent rate to April 30, 2014. Tina's Café continues to be delinquent with payment of rent and as of June, 2014, five months' rent (February to June) is owed. Staff met with Tina's to discuss the rent delinquencies and suggested a further reduction. Tina's believes they will be able to bring the rent current and proposes to keep the rent at the current reduced rate and pay the back rent in one additional installment per month. This Fifth Amendment provides for the continuance of the same \$16,601/yr reduced half-rent rate retroactively from May 1, 2014, until the Lease expiration on January 31, 2019 without annual increases. (PREM) Countywide (HJF)

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve:

A) a Deposit Receipt and Contract For Sale and Purchase with Patricia Robinette and Nancy C. Baker, for the sale of a ±0.13 acre parcel of land together with an 840 SF manufactured home and a 64 SF shed at 7133 43rd Trail North, Lot 1269, Riviera Beach, within the Palm Lake Cooperative, Inc., an adult retirement community located in unincorporated Palm Beach County for \$9,121; and

B) a County Deed in favor of Patricia Robinette and Nancy C. Baker without mineral and petroleum rights reservation.

SUMMARY: In October 2012, the County acquired by Tax Deed a ±0.13 acre parcel of land together with an 840 SF manufactured home and a 64 SF shed (Property) at 7133 43rd Trail North, Lot 1269, Riviera Beach, within the Palm Lake Cooperative, Inc. (Palm Lake), an active adult (55+) retirement community located in unincorporated Palm Beach County. This Property has been deemed surplus as it serves no County purpose. The Property Appraiser's Office assessed the Property at \$35,772 for 2013. Staff obtained an appraisal in June 2013 that valued the Property at \$32,000. The Property was advertised for sale and an Invitation For Bid was issued in April 2014. Staff received 33 inquiries regarding the property but only two people attended the pre-bid meeting. One responsive bid was received from Patricia Robinette and Nancy C. Baker in the amount of \$9,121. There are currently 22 homes for sale within Palm Lake and Staff believes the all cash bid requirement and lengthy paperwork associated with the bid process was a factor in limiting response to the bid. Staff recommends acceptance of the bid as it will lessen the County's potential liability and maintenance responsibilities and return the Property to the tax roll. Patricia Robinette and Nancy C. Baker will pay all closing costs and any other costs associated with this sale. As the Property is located within a residential community, the County will not retain mineral and petroleum rights. **This sale must be approved by a Supermajority Vote (5 Commissioners).** Closing is to occur within sixty days of Board approval. (PREM) District 1 (HJF)

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to:

A) approve a Parking Easement Agreement with Transit Village, LLC, a Florida limited liability company (TV); and

B) receive and file a status report on the Transit Village Project.

SUMMARY: The County entered into an Agreement for Purchase and Sale with TV for the sale of 5.8 acres at the corner of Banyan Boulevard and Clearwater Drive, commonly referred to as the Wedge for \$3,600,000. Appraisals valued the property at between \$350,000 and negative \$5,000,000. The Purchase and Sale Agreement requires TV to provide the County 25 parking spaces within TV's proposed parking garage for use by Palm Tran employees. This Parking Easement Agreement establishes the County's rights to review the design of the garage and approve the location of the County's parking spaces and circulation and access within the garage as required by the Purchase and Sale Agreement. At closing, TV will grant the County a perpetual easement for use of the 25 County parking spaces without charge. For the record, TV's parking agreement with the South Florida Regional Transit Authority (SFRTA) has the SFRTA agreeing to pay \$3,000,000 for the structured parking spaces as well as annual operating charges. The appraisal assumed the SFRTA spaces would be provided without charge to SFRTA, but charging for these spaces is not prohibited by the Purchase and Sale Agreement. The appraisal has been updated to reflect these payments by the SFRTA and is still a negative value. An update on the status of various governmental approvals, particularly the FTA/NEPA milestone, is also provided. The FTA approval letter contained a condition requiring updated appraisals within six months of closing. This is a very complicated transaction with multiple layers of required governmental approvals. TV has been actively pursuing the required approvals. The next milestone, submission of a site plan into the City's approval process, and the City's reaction thereto, will provide the clearest picture as to the viability of the project. TV has represented that it will be submitting its application in the next few months. (PREM) District 7 (HJF)

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: a Modification of Deed Restrictions on 10 acres of land donated by the County to the Elizabeth Faulk Foundation. **SUMMARY:** In 1979, the County conveyed approximately 10 acres of land located on the West side of Boca Rio Road just north of Southwest 8th Street to the Elizabeth Faulk Foundation. The County Deed restricted use of the property to habilitative purposes of the mentally ill; required that the Foundation remain a non-profit corporation; prohibited conveyance or encumbrance of the property without the County's consent; and provided that in the event these restrictions were violated, the property would revert to the County. The Elizabeth Faulk Foundation, Inc. was organized in 1971 as a Florida not-for-profit corporation with the charitable purpose of "providing free psychological and consultation services to the needy." The Foundation constructed a 13,000 SF building on roughly four acres of the property in which it operates its Faulk Center for Counseling. In 2013, the trustees of the Foundation determined that the Foundation needed to expand its scope of services to offering assisted living and memory care services to the elderly. To that end, the Foundation created Faulk Senior Services, LLC (FSS), a wholly owned and controlled entity, in order to effect the development and operation of the Faulk Senior Residence, which is programmed to include a 96 unit/117 bed Assisted Care Living Facility (ACLF) providing Alzheimer's and memory care services. The Foundation has entered into a Development Agreement with Mainsail Healthcare Development, LLC to develop the ACLF on the vacant property. The project will be financed through issuance of tax exempt revenue bonds. Once constructed, the ACLF will be managed and operated by MJM Associates, a related entity of Mainsail. Operation of the ACLF will be governed and controlled by FSS as the owner of the property and ACLF, and the profit from operations will accrue to the benefit of FSS/Foundation. The Modification of Deed Restrictions releases the County's reverter; restricts use of the property to: i) mental health counseling and rehabilitation of the mentally ill; and ii) the development, use and operation of a senior living facility with assisted living units accommodating approximately 117 assisted living beds providing memory care services; allows for conveyance of the property to FSS; allows FSS to mortgage the property to secure the bonds; and in the event of foreclosure, expands the allowable use to include a congregate living facility as defined by the ULDC. (PREM) District 5 (HJF)

E. PUBLIC SAFETY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners, Palm Beach County, Florida repealing and replacing Resolution No. R2003-2066; amending the funding sources, and expanding the uses of Victims of Crime Emergency Support Fund. **SUMMARY:** Palm Beach County Victims of Crime Emergency Support Fund (the "Victim Fund"), has historically been financed from numerous sources, including, private donations and lawfully mandated fines and penalties. In 2003, ad valorem tax support was added as an additional revenue source; however, due to the economic downturn, the ad valorem support ended in 2008. In 2013, a new diversion program operated by the Office of the State Attorney for Driving Under the Influence offenders reinstated a revenue stream to the Victim Fund. While the primary purpose of the fund is for emergency financial assistance to victims of crime, surviving family members and their families, reinstatement of prior use of the fund to include staff training and development and awareness/recognition events is being requested. Countywide (PGE)

5. REGULAR AGENDA

F. WATER UTILITIES

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on August 19, 2014 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code Chapter 27, Article X, Water Utilities Tampering; amending Section 27-206, Penalties for Service Account Holders; 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:** On May 18, 2010, the Board of County Commissioners (Board) approved the Tampering Ordinance (2010-014) allowing the Water Utilities Department (Department) to assess fines for tampering with or making unauthorized connections to the Department's utility system. The Tampering Ordinance (2010-014) as it exists requires for the first offense and all subsequent offenses be subject to \$400 fines and any administrative, testing, inspection, and court costs. However, the Department's experience since the enactment of the Tampering Ordinance (2010-014) has been that many of the first offenses have not been either deliberate or egregious. The proposed amendment will reduce the fine for a first offense for service account holders for tampering and unauthorized connections, and also allow the Department to impose costs for damages to the utility system or assets on the service account holder. These penalties are more conducive to the level of tampering and unauthorized connections for service account holders. The following fines shall be imposed on a service account holder: \$50 for a first occurrence and \$400 for any subsequent occurrences. The failure to pay any fees in accordance with this section may be subject to all delinquent account procedures of the utility, including the filing of a lien against any property for which a service account exists. Countywide (MJ)

5. REGULAR AGENDA

G. COUNTY ATTORNEY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida; approving, for the purposes of section 147(f) of the Internal Revenue Code and Section 163.01, Florida Statutes, the issuance by the Capital Trust Agency of its Senior Housing Revenue Bonds (Faulk Senior Residence Project), Series 2014, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed \$35,000,000, for the purpose of financing of the costs of the Project; affirming the purpose and function of Elizabeth H. Faulk Foundation, Inc.; approving its use of the site on which the Senior Living Facility is to be located; approving a Modification of Deed Restrictions; and providing an effective date. **SUMMARY:** On February 20, 2014, The Capital Trust Agency (the "Issuer") adopted a preliminary resolution expressing its intent to approve the issuance of the Bonds in one or more series in an amount not exceeding \$30,000,000 (the "Bonds") and loan the proceeds of the Bonds to Elizabeth H. Faulk Foundation, Inc., a Florida not for profit corporation, or one or more affiliates (the "Borrower") to finance the acquisition, construction, development, installation and equipping of an approximately 96-unit 116-bed senior living facility comprised of approximately 44 assisted living units and 52 memory care units for the elderly intended to be known as "Faulk Senior Residence," to be located on approximately five acres comprising the western ½ of the ten acre campus known as Faulk Center located at 22455 Boca Rio Road, Boca Raton, Palm Beach County, Florida, and expected to be owned by the Borrower and managed initially by MJM Associates, LLC, a New York limited liability company (the "Project"). In order to finance the costs of the Project from the proceeds of the Bonds on a tax-exempt basis, it is necessary to obtain the approval of the Board of County Commissioners ("the Board") after a Public Hearing is held pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). In addition, in order for the Issuer to finance the costs of the Project with the proceeds of Bonds within the County, it is necessary for the Issuer to obtain the County's approval to do so in accordance with Section 163.01, Florida Statutes, as amended (the "Interlocal Act"). On June 19, 2014, the Issuer's Executive Director, as hearing officer, conducted a Public Hearing as required by the Code, after publication of a notice in the *Sun-Sentinel*. The Resolution also approves the form of a Modification of Deed Restrictions which allows the property to be used for a Memory Care and Alzheimer's Senior Living Facility and permits the Property to be mortgaged to secure the proposed Bonds. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay the principal, premium, if any, or interest on the Bonds.** District 5 (PFK)

5. REGULAR AGENDA

H. INFORMATION SYSTEMS SERVICES

1. **Staff recommends motion to approve:** Addendum to the State of Florida Amended and Restated Suncom Telephony Equipment Premises Services Contract No 730-000-09-1 with Unify, Inc. (formerly Siemens Enterprise Communications) to install a new unified communications (UC) system for Palm Beach County over the next 36 months for a total cost of \$4,545,249. **SUMMARY:** The County's current telecommunications systems utilize outdated technology and are expensive to maintain. The Information Systems Services Department has performed a comprehensive evaluation of unified communication solutions offered by the leading manufacturers in the United States. Unify, Inc. was selected based upon a detailed technical evaluation, including lab testing, of UC systems offered by four competing manufacturers. The Bill of Materials lists the specific UC system software, hardware and services to be purchased via the State of Florida contract. The project budget is financed through a 7-year low interest bank note in the amount of \$10 million to fund these component costs as well as necessary network upgrades and temporary staffing costs. Countywide (PFK)

5. REGULAR AGENDA

I. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to authorize:

A) Staff to submit proposed millage rates for the FY 2015 budget to the Property Appraiser as follows:

	FY 2014 Adopted		FY 2015 Rollback		FY 2015 Proposed		Over/(Under) Rollback	
	Millage	Taxes	Millage	Taxes	Millage	Taxes		
Countywide Non-Voted	4.7815	\$623,107,031	4.5080	\$629,176,132	4.7815	\$667,348,198	\$38,172,066	6.07%
Library	0.5491	38,715,969	0.5171	39,130,596	0.5491	41,552,138	2,421,542	6.19%
Fire-Rescue MSTU	3.4581	183,001,456	3.2515	184,889,230	3.4581	196,637,074	11,747,844	6.35%
Jupiter Fire-Rescue MSTU	2.0787	15,642,600	1.9643	15,884,041	2.1748	17,586,220	1,702,179	10.72%
Aggregate-Excluding Voted Debt	6.6029	\$860,467,056	6.2878	\$877,580,675	6.6141	\$923,123,630		5.19%
Countywide Voted-Debt	0.2037	\$26,563,421			0.1914	\$26,726,391		
Countywide-Library Voted-Debt	0.0574	4,047,162			0.0533	4,033,380		

B) Staff to submit to the Property Appraiser public hearing dates of Monday, September 8 at 6 p.m. and Monday, September 22 at 6 p.m. in the Commission Chambers, 6th floor of the Governmental Center for FY 2015;

C) Administrative adjustments to establish funding in the FY 2015 budget for capital projects approved and established in the current fiscal year. These projects were approved in the current fiscal year (FY 2014) after the preparation of the proposed budget and are therefore not currently included in the FY 2015 budget. These adjustments will have no impact on proposed ad valorem taxes and will be incorporated into the tentative budget to be presented at the first public hearing; and

D) Administrative adjustments to establish funding in the FY 2015 budget for designated fund balances for contingency and other projects and carryover for encumbrances. These balances and encumbrances were approved in the current fiscal year (FY 2014) after the preparation of the proposed budget and are therefore not currently included in the FY 2015 budget. These adjustments will have no impact on proposed ad valorem taxes and will be incorporated into the tentative budget to be presented at the first public hearing.

SUIMMARY: The proposed millage rates for Countywide, Library, & Fire Rescue Municipal Service Taxing Units (MSTU) are at the current year millage rate, and above rollback. The millage rate for the Jupiter Fire MSTU is above the current rate and rollback. Countywide (PFK)

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6. BOARD APPOINTMENTS

A. OFFICE OF FINANCIAL MANAGEMENT & BUDGET
(Investment Policy Committee)

1. Staff recommends motion to approve: appointment of one of the following individuals to the Investment Policy Committee for the unexpired term of Joseph Hill, which expires September 30, 2016:

<u>Nominee</u>	<u>Seat No.</u>	<u>Nominated By</u>
Michael Schmidt	3	Commissioner Santamaria
	OR	
Larry Zalkin	3	Commissioner Berger
	OR	
Robert Earl Wilkins, Jr.	3	Mayor Taylor

SUMMARY: Joseph Hill has vacated his seat on the Investment Policy Committee (IPC) and his seat on the Committee needs to be filled. The Committee is comprised of seven members, including a current member of the Board of County Commissioners, four representatives from the private sector approved by the Board of County Commissioners, a designee of the Palm Beach County Sheriff’s Office, and an employee of the Office of Financial Management and Budget selected by the County Administrator. Commissioner Valeche currently serves as the Board’s representative and as the Committee’s Chairman. Mr. Schmidt currently serves as a member of the County Financing Committee. Countywide (PK)

B. COMMISSION DISTRICT APPOINTMENTS

JULY 22, 2014

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

8. COMMISSIONER COMMENTS

A. District 1 – COMMISSIONER HAL R. VALECHE

B. District 2 – COMMISSIONER PAULETTE BURDICK, VICE MAYOR

C. District 3 - COMMISSIONER SHELLEY VANA

Request approval to present off-site, a Proclamation declaring August 2014 as “Florida Water Professionals Month” in Palm Beach County.

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

E. District 5 - COMMISSIONER MARY LOU BERGER

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR, MAYOR

Request approval to present off-site, a Proclamation recognizing the 50th Anniversary of Palm Beach SCORE in Palm Beach County.

ADD-ON: Request approval to present off-site, a Proclamation recognizing Palm Beach County Community Action Agency’s 50th Anniversary of the introduction of the “War on Poverty legislation.

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."