

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**AUGUST 18, 2015**

<b><u>PAGE</u></b>	<b><u>ITEM</u></b>	
8	2C-5	<b><u>ADD-ON:</u></b> Proclamation declaring September 19, 2015 as “Caribbean-American for Community Involvement Day” in Palm Beach County. (Sponsored by Commissioner McKinlay)
30	3L-8	<b><u>REVISED SUMMARY:</u></b> <b>A) approve</b> DEP Agreement No. 15PB4 with the Florida Department of Environmental Protection (FDEP) for cost sharing in the Delray Beach Shore Protection Project with reimbursement up to \$905,451.60;...B)...C)...D)... <b><u>SUMMARY:</u></b> DEP Agreement No. 15PB4 <u>which expires June 1, 2016</u> provides reimbursement for pre-payment of State cost share to the U.S. Army Corps of Engineers (USACE) for construction of the Delray Beach Shore Protection Project. <u>On July 16, 2013, the Board of County Commissioners approved a transfer from the General Fund Contingency Reserves to fund the non-federal share of the project.</u> The County pre-paid the State and County project costs on September 4, 2013, in the amount of \$1,810,903 as required by the USACE. <u>District 4</u> (SF) (ERM)
46	5F-3	<b><u>REVISED TITLE:</u></b> <b>Staff recommends motion to approve:</b> a Sports Facility Use Agreement (Agreement) with HW Spring Training Complex, LLC, (LLC) formed by the Washington Nationals Baseball Club, L.L.C., a Washington, D.C. Limited Liability Company (Nationals) and the Houston Astros, L.L.C., a Texas Limited Liability Company (Astros), <u>to develop a two team Major League Baseball spring training complex (Facility)</u> for use of the Facility for a term of approximately thirty one (31) years and use fees totaling \$68.8 Million Dollars over the term of the Agreement. (FDO)
50	8F	<b><u>ADD-ON:</u></b> Request approval to present off-site, a Proclamation declaring September 2015 as “Wellington All-Stars Baseball Month” in Palm Beach County. (Sponsored by Commissioner McKinlay)

**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**

**AUGUST 18, 2015**

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

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
  
- 2. AGENDA APPROVAL/SPECIAL PRESENTATIONS**
  - A. Additions, Deletions, Substitutions
  - B. Adoption
  - C. Special Presentations (Page 8)
  
- 3. CONSENT AGENDA (Pages 9 - 39)**
  
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 40 - 41)**
  
- 5. REGULAR AGENDA (Pages 42 - 47)**  
**TIME CERTAIN 11:00 A.M. (Four Spring Training Facility Items) (Pages 44 – 47)**
  
- 6. BOARD APPOINTMENTS (Page 48)**
  
- 7. STAFF COMMENTS (Page 49)**
  
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- 9. ADJOURNMENT (Page 50)**

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  - 2C-2 Burgos-Rivera Civics Education Day
  - 2C-3 Principal David Samore Week
  - 2C-4 Irv Slosberg Day

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  - 3B-3 Contracts and claims settlements list
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  - 3C-2 Second Amendment to the annual guardrail contract with Southeast Attenuators, Inc.
  - 3C-3 Third Amendment to the annual pathways & minor construction contract with Wynn & Sons Environmental Construction Co.
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**PUBLIC HEARINGS – 9:30 A.M.**

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**FACILITIES DEVELOPMENT & OPERATIONS – TIME CERTAIN 11:00 A.M.**

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5F-1 Interlocal Agreement with the City of West Palm Beach for the exchange of property for the development of a two team Major League Baseball spring training complex

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**BOARD APPOINTMENTS** (Page 48)

**STAFF COMMENTS** (Page 49)

**COMMISSIONER COMMENTS** (Page 50)

**ADJOURNMENT** (Page 50)

**AUGUST 18, 2015**

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

1. Special presentation by the Florida Department of Environmental Protection to the Palm Beach County Board of County Commissioners Purchasing Department Warehouse for participation in the State’s Recycling Recognition Program and for reaching a 77 percent recycling rate in 2014.
2. Proclamation declaring August 21, 2015 as “Burgos-Rivera Civics Education Day” in Palm Beach County. (Sponsored by Commissioner Burdick)
3. Proclamation declaring August 23 – 29, 2015 as “Principal David Samore Week” in Palm Beach County. (Sponsored by Commissioner Burdick)
4. Certificate of Recognition for Irv Slosberg Day, August 26, 2015. (Sponsored by Mayor Vana)
5. **ADD-ON:** Proclamation declaring September 19, 2015 as “Caribbean-American for Community Involvement Day” in Palm Beach County. (Sponsored by Commissioner McKinlay)

\* \* \* \* \*

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. 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) an Agreement with Bryant Park Neighborhood Association, Inc. in an amount not-to-exceed \$1,002 to purchase items for a crime watch project;
  - B) an Agreement with Cottages of Lake Worth, Inc. in an amount not-to-exceed \$5,000 to purchase items for a community outreach project;
  - C) an Agreement with Dawn Cox in an amount not-to-exceed \$1,800 to purchase items for a community outreach project;
  - D) an Agreement with Dawn Cox in an amount not-to-exceed \$4,000 to purchase items for a community beautification project;
  - E) an Agreement with Downtown Jewel Neighborhood Association, Inc. in an amount not-to-exceed \$1,400 to purchase items for a crime watch project;
  - F) an Agreement with Face It Athletics Marketing & Media Group, Inc. in an amount not-to-exceed \$5,000 to purchase supplies for a fall festival;
  - G) an Agreement with Friends of Palm Beach, Inc. in an amount not-to-exceed \$2,600 to purchase items for trash clean ups;
  - H) an Agreement with Friends of the Library of the City of Lake Worth, Florida, Inc. in an amount not-to-exceed \$5,000 to purchase items for a take a book/leave a book project;
  - I) an Agreement with Jewels and Gents, Inc. in an amount not-to-exceed \$1,300 to purchase items for a 501(c)(3);
  - J) an Agreement with Lake Worth's College Park Homeowners Association, Inc. in an amount not-to-exceed \$5,000 to purchase items for a take a book/leave a book project;
  - K) an Agreement with Lantana Homes Homeowners Association, Inc. in an amount not-to-exceed \$5,000 to purchase items for playground equipment;
  - L) an Agreement with Lantana Homes Homeowners Association, Inc. in an amount not-to-exceed \$5,000 to purchase fencing around an open playing field;
  - M) an Agreement with Neighborhood Association Presidents Council, Inc. in an amount not-to-exceed \$5,000 to purchase items for a take a book/leave a book project;
  - N) an Agreement with Linda Okroley in an amount not-to-exceed \$1,600 to purchase items for a garden;
  - O) an Agreement with Paint Your Heart Out Palm Beach County, Inc. in an amount not-to-exceed \$5,000 to purchase items to paint eligible homes in Palm Beach County;
  - P) an Agreement with Parrot Cove Neighborhood Association, Inc. in an amount not-to-exceed \$2,000 to purchase items for a crime watch project;
  - Q) an Agreement with Pineapple Beach Neighborhood Association, Inc. in an amount not-to-exceed \$5,000 to purchase items for a community beautification project;
  - R) an Agreement with Rasheda Admore in an amount not-to-exceed \$2,300 to purchase items for a dance program;
  - S) an Agreement with Rebuilding Together of the Palm Beaches, Inc. in an amount not-to-exceed \$5,000 to purchase items for home repairs in Palm Beach County;
  - T) an Agreement with Royal Poinciana Neighborhood Association, Inc. in an amount not-to-exceed \$1,500 to purchase items for a crime watch project;
  - U) an Agreement with Ruthie Brown in an amount not-to-exceed \$4,500 to purchase items for a community outreach project;
  - V) an Agreement with South Palm Park Association, Inc. in an amount not-to-exceed \$2,200 to purchase items for a crime watch project;
  - W) an Agreement with South Palm Park Association, Inc. in an amount not-to-exceed \$3,200 to purchase items for a community outreach project;
  - X) an Agreement with Susan Ona in an amount not-to-exceed \$2,000 to purchase items for a community outreach project;

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3A-1 CONTINUED

**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 Eighty One Thousand Four Hundred and Two Dollars (\$81,402) for the implementation of twenty-four projects. Remaining funds from REAP Fiscal Year 2014-2015 were carried forward to implement projects for REAP Fiscal Year 2015-2016. The agreements being submitted represent the REAP projects selected by OCR staff and REAP Steering Committee to receive grant funding. Countywide (AH)

- 2. Staff recommends motion to ratify: the following Palm Beach County League of Cities (League) alternate representative to the Treasure Coast Regional Planning Council (TCRPC) for the term ending November 30, 2015:

<u>Nominee</u>	<u>Seat No.</u>	<u>Requirement</u>
<u>Alternate appointment:</u> Paula Ryan	4A	Palm Beach County Official

**Summary:** In accordance with the TCRPC Rules of Order, on December 2, 2014, the Board of County Commissioners (BCC) appointed six Commissioners (three members and three alternates) to serve on the TCRPC. In addition, as required by the TCRPC bylaws, the BCC ratified of the League’s representatives. Staff has been notified that the League has made a change in the municipal representation. Commissioner Paula Ryan has been appointed by the League to fill a vacant alternate seat which was created when Councilmember Jeff Hmara was selected to serve as a regular member of the TCRPC. This change must now be ratified by the BCC. Countywide (RPB)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to appoint: two and re-appoint four individuals to the Small Business Assistance Advisory Committee for the seats and terms indicated below:

<u>APPOINT:</u>				
<u>NOMINEE</u>	<u>SEAT</u>	<u>DESIGNATION</u>	<u>TERM</u>	<u>NOMINATED BY</u>
Vincent Nolan	12	Small Bus Dev Ctr	8/18/2015 – 9/30/18	Commissioner Valeche Commissioner Burdick Commissioner Abrams Commissioner McKinlay Commissioner Taylor
Kenyatta Brooks	14	Blk Chamber of Commerce	8/18/2015 – 9/30/18	Commissioner Valeche Commissioner Burdick Commissioner Abrams Commissioner McKinlay Commissioner Taylor
<u>RE-APPOINT:</u>				
<u>NOMINEE</u>	<u>SEAT</u>	<u>DESIGNATION</u>	<u>TERM</u>	<u>NOMINATED BY</u>
E. Ann McNeill	3	Certified Woman Business Owner	10/1/15 – 9/30/18	Commissioner Valeche Commissioner Burdick Commissioner Abrams Commissioner McKinlay Commissioner Taylor
Robert Waite	4	Certified White Male Business Owner	10/1/15 – 9/30/18	Commissioner Valeche Commissioner Burdick Commissioner Abrams Commissioner McKinlay Commissioner Taylor
Angela Randolph	5	Business Owner Domiciled in PBC	10/1/15 – 9/30/18	Commissioner Valeche Commissioner Burdick Commissioner Abrams Commissioner McKinlay Commissioner Taylor
Jane Bloom	9	Women’s Business Organization	9/1/15 – 9/30/18	Commissioner Valeche Commissioner Burdick Commissioner Abrams Commissioner McKinlay Commissioner Taylor

**SUMMARY:** The SBA Advisory Committee is established pursuant to Section 2.80.32, of the Palm Beach County Code as amended on March 12, 2013. The committee consists of fifteen members representing one black business owner certified as a small business by the County; one Hispanic business owner certified as a small business by the County; one woman business owner certified as a small business by the County; one white male business owner certified as a small business by the County; one business owner domiciled in Palm Beach County; one representative of a business incubator program; one representative of the Hispanic business organization; one representative of the National Association of Women in Construction; one representative of a Women’s Business Organization; one certified minority contractor; one representative of the Associated General Contractors of America; one representative of the Small Business Development Center; one representative of a financial institution that assists small businesses; one representative of the Black Chamber of Commerce; and one representative of a professional services organization. Vincent Nolan has disclosed that his employer, the Small Business Development Center, is under contract with the Office of Small Business Assistance to provide small business training and technical assistance to small business clients. The SBA Advisory Committee provides no regulation, oversight, management or policy-setting recommendations regarding the subject contracts. The SBA Advisory Committee supports the nominations and a memo was sent to the Board of County Commissioners on July 10, 2015 requesting approval of the recommendations. No other nominations were received. Countywide (HH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

4. Staff recommends motion to:

**A) receive and file** the FY 2015 EEOC/FEPA Model Worksharing Agreement with the U. S. Equal Employment Opportunity Commission (EEOC); and

**B) approve** an Award/Contract (Charge Resolution Contract No. EEC45015C0047) with the U. S. Equal Employment Opportunity Commission (EEOC) in the total amount of \$73,400 as payment for processing and resolving employment discrimination complaints; and

**C) approve** a downward Budget Amendment of \$6,600 in the General Fund to adjust the budget to the actual Award/Contract.

**SUMMARY:** 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. Pursuant to Countywide PPM CW-0-051, the Worksharing Agreement is being submitted as a receive and file agenda item for the Clerk's office to note and receive. The Worksharing Agreement is a prerequisite to the receipt of a Charge Resolution Contract. Execution of this contract is required so that OEO can receive payment for processing and resolving complaints of employment discrimination pursuant to the Worksharing Agreement with the EEOC. This Charge Resolution Contract is for FY 2014-2015 and is in the amount of \$73,400 (\$70,000 - charge processing; \$1,000 Intake Services, \$1,400 - attendance at EEOC sponsored annual training and \$1,000 for FEPA engagement funding). EEOC Charge Resolution Contracts for all Fair Employment Practices Agencies nationwide provide payment at a rate of \$700 per charge. OEO's contract is for a total of 100 charges. Attached to the Award/Contract is the FY 2015 Worksharing Agreement signed by the County Administrator on May 18, 2015. Countywide (DRO)

B. CLERK & COMPTROLLER

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

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Budget Workshop	June 9, 2015
Zoning	June 25, 2015

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 2015. Countywide

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

5. Staff recommends motion to approve: list of errors, insolvencies, double assessments, discounts & Value Adjustment Board reductions on the **2014** assessment roll. **SUMMARY:** Section 197.492, F.S. - Requires that on or before the 60th day after the tax certificate sale, the Tax Collector shall make out a report to the Board of County Commissioners, separately showing the discounts, errors and double assessments and insolvencies for which credit is to be given, including in every case except discounts, the names of the parties on whose account the credit is to be allowed. The Board of County Commissioners, upon receiving the report, shall examine it; make such investigations as may be necessary; and, if the board discovers that the Tax Collector has taken credit as an insolvent item any personal property tax due by a solvent taxpayer, charge the amount of taxes represented by such item to the Tax Collector and not approve the report until the Tax Collector strikes such item from record. Countywide (PFK)

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: a Budget Amendment in the amount of \$53,500 in the Transportation Improvement Fund to recognize reimbursement funding of \$32,500 from Wal-Mart Stores, Inc., and \$21,000 from Melrose Park Property Owner's Association, Inc., and appropriate it to the construction of speed humps. **SUMMARY:** Approval of this Budget Amendment will allow the construction of five decorative speed humps on Coconut Lane between Military Trail and Barwick Road, and on Barwick Road north of the Lake Worth Drainage District L-30 Canal, with the funds from Wal-Mart Stores, Inc., and the construction of seven asphalt speed humps on Talway Circle between Armone Place and Tresmore Court, funded by the Melrose Park Property Owner's Association, Inc. Districts 4 & 5 (MRE)
2. Staff recommends motion to approve: a Second Amendment (Amendment) to the annual guardrail contract (Contract), R2013-1115, Project No. 2014051, dated September 10, 2013, with Southeast Attenuators, Inc. **SUMMARY:** Approval of this Amendment will extend the Contract expiration date from September 9, 2015 to September 9, 2016, and will increase the Contract amount by \$380,000 from \$540,000 to \$920,000. The Contract provides that its term may be extended for a defined period of time, within a total contract time span of 36 months. This is the second extension of this contract and will bring the total authorized contract time to 36 months. The Contract consists of furnishing and installing guardrail, furnishing guardrail products, removing and disposing of "old" guardrail and/or resetting of existing guardrail, as specified by various Palm Beach County Departments on an as needed basis. Countywide (MRE)
3. Staff recommends motion to approve: a Third Amendment (Amendment) to the annual pathway & minor construction contract (Contract), R2013-0427, Project No. 2013051, dated April 16, 2013, with Wynn & Sons Environmental Construction Co. Inc. **SUMMARY:** Approval of this Amendment will extend the Contract expiration date from September 30, 2015 to April 15, 2016, and will increase the Contract amount by \$2,185,000 from \$17,425,000 to \$19,610,000. The Contract provides that its term may be extended for a defined period of time, within a total contract time span of 36 months. This is the third extension of this Contract and will bring the total authorized Contract time to 36 months. The Contract consists of construction and/or resurfacing of pathways, construction of parking areas, speed humps, traffic separators, miscellaneous concrete work and other minor construction, as specified by various Palm Beach County Departments on an as needed basis. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. DELETED

5. Staff recommends motion to adopt: a Resolution to designate a portion of a Palm Beach County (County) owned parcel of land, located on the east side of Davis Road in unincorporated Lake Worth, as right-of-way. **SUMMARY:** Adoption of this Resolution will designate the west 20 feet (0.06 acres) of the 1.06 acre County owned parcel, presently managed by the Property and Real Estate Management Division, as right-of-way. The County owned parcel is located on the east side of Davis Road between Lake Worth Road and Melaleuca Lane in unincorporated Lake Worth. District 3 (MRE)
6. Staff recommends motion to approve: a Railroad Crossing License Agreement with the Florida East Coast Railway L.L.C. (FEC) and the Town of Jupiter (Town), for the reconstruction and maintenance of the Toney Penna Drive railroad crossing. **SUMMARY:** The railroad crossing agreement is between the FEC, the Town and Palm Beach County (County) for reconstruction and maintenance of grade crossing and traffic control devices at the FEC crossing with Toney Penna Drive, Crossing Number 272378-H. The County will reimburse the FEC for all construction costs which are estimated at \$960,481.91. The Town currently holds the license agreement for the maintenance of this crossing and will continue to pay the annual signal maintenance fees and roadbed maintenance fees for the crossing once construction is completed. The County is responsible for completing this intersection improvement to provide a second eastbound left turn lane, per the Abacoa Transportation Agreement, R95-418D. District 1 (MRE)
7. Staff recommends motion to adopt: a Resolution to abandon all of the utility easements identified as PBCUE and lying in Tracts "A", "B", "C", "D", "E" and "DD", "Prologis Park West Palm Beach MUPD", according to the plat thereof as recorded in Plat Book 111, Page 165, of the public records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will eliminate the public dedications which are in conflict with future redevelopment plans for the site. The petition site is located on the east side of Pike Road, the south side of 7<sup>th</sup> Place North and the west side of Florida's Turnpike. District 2 (MRE)
8. Staff recommends motion to adopt: a Resolution to abandon a strip of land 5 feet in width and increasing to a strip 10 feet in width at its east end, said strip being a portion of the 10 foot wide utility easement as platted on the Cherry Road Complex Plat according to the plat thereof as recorded in Plat Book 114, Page 114, of the public records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will eliminate the public dedications which are in conflict with future redevelopment plans for the site. The petition site is located on the north side of Cherry Road, east of Military Trail and west of Country Club Road. District 7 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

9. Staff recommends motion to receive and file:

A) a Joint Participation and Project Funding Agreement dated May 18, 2015 with AT&T Florida for utility adjustments at Burns Road and Military Trail; and

B) a Joint Participation and Project Funding Agreement dated May 20, 2015 with AT&T Florida for utility adjustments at Clint Moore Road and Military Trail.

**SUMMARY:** This receive and file will record two agreements with AT&T Florida which were executed by the Deputy County Engineer. These are being submitted in accordance with Countywide PPM No. CW-0-051 to allow the Clerk's Office to note and receive the executed agreements. Districts 1 & 4 (MRE)

10. Staff recommends motion to approve:

A) a blanket approval for appraisal and acquisition of the lands, rights-of-way, and easements on all projects as identified in the Mid-Year Adjustment to the Five Year Road Program, as adopted on June 23, 2015; and

B) the employment of all experts, including but not limited to real estate appraisers, engineers, certified public accountants, business damage experts, and other experts, deemed necessary to appraise and acquire the before mentioned lands, rights-of-way and easements.

**SUMMARY:** On June 23, 2015, the Board of County Commissioners adopted the Mid-Year Adjustment to the Five Year Road Program for Fiscal Year 2015 through Fiscal Year 2019. Approval of this item will provide for the acquisitions necessary to accomplish the road goals set therein. Countywide (MRE)

11. Staff recommends motion to approve: an assignment of a Palm Beach County (County) owned drainage easement to the Florida Department of Transportation (FDOT), described as the North five feet of Lot 25, Plat of Lakeside Gardens in Plat Book 8, page 57. **SUMMARY:** Approval of this assignment of drainage easement will transfer the existing drainage easement to FDOT. The County does not maintain and no longer requires said drainage easement. FDOT has sent a letter requesting that the County assign ownership of the drainage easement to them. This drainage easement is adjacent to the abandoned portion of N. Lake Drive in the City of Boynton Beach and they have no objections to the assignment. District 4 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to receive and file: the official transcript for the closing of the \$26,930,000 Palm Beach County, Florida Water and Sewer Revenue Refunding Bonds, Series 2015 ("the Bonds"). **SUMMARY:** The official transcript for the Bonds has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. Staff recommends motion to receive and file: the official transcript for the closing of the Palm Beach County, Florida Industrial Development Revenue Bonds (Fibex LLC Project) \$1,750,000 Series 2015A and \$1,160,000 Series 2015B (“the Bonds”). **SUMMARY:** The official transcript for the Bonds has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

3. Staff recommends motion to approve:

A) Qualified Assignment and Release Agreement (QAR); and

B) Amendment to Settlement Agreement and Release of All Claims, dated June 2, 2015, in D.D.D. and N.H.D., Individually and As Parents and Natural Guardians of K.D., a minor (R2015-0706).

**SUMMARY:** On June 2, 2015, the Board of County Commissioners approved a settlement agreement in a lawsuit brought by the parents of a minor who participated in the Head Start program. A portion of that settlement funded an annuity. To comply with the tax laws, the firm administering the annuity requests the County execute a Qualified Assignment and Release Agreement (QAR), and amend the Settlement Agreement to account for the QAR and to correct an error in the amount of the final periodic payment. Neither the QAR nor the amendment to the Settlement Agreement changes the settlement amount. Staff recommends that the Board of County Commissioners approve the QAR and Amendment to Settlement Agreement. Countywide (HH)

4. Staff recommends motion to approve: the Release of Permanent Easement Rights as full settlement in the re-foreclosure case of JPMorgan Chase Bank National Association vs. Francisco Macias, et al., Case No. 502010CA017601XXXXMB. **SUMMARY:** This is a re-foreclosure case where the Plaintiff is attempting to foreclose Palm Beach County’s (the “County”) fee simple and easement interest off certain property located at 16701 E. Brighton Drive, Loxahatchee, Florida. The County prevailed as to its fee simple interest and has no need to spend public funds to defend or maintain its easement interest. If the Board approves this easement transfer and settlement, the County will not pay attorney’s fees, costs, or transfer fees to the Plaintiff. District 6 (PM)

F. AIRPORTS

1. Staff recommends motion to approve: a Declaration of Easement (Declaration) for water utility improvements on 20,596 square feet of County-owned property on the south side of Belvedere Road at Country Club Drive at the Palm Beach International Airport (PBIA). **SUMMARY:** The Water Utilities Department is requesting a Declaration for water and sewer improvements constructed at the NetJets Aviation, Inc. (NetJets) facility, at the intersection of Belvedere Road and Country Club Drive at PBIA. The Declaration provides for the installation, operation and maintenance of water transmission and distribution facilities on the property. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to receive and file: Access Agreement with Environmental Consulting & Technology, Inc. (ECT) authorizing Enterprise to enter upon and evaluate the condition of the property at 2401 Turnage Boulevard at the Palm Beach International Airport (PBIA), commencing May 14, 2015 and expiring April 30, 2017, at no cost to ECT. **SUMMARY:** Delegation of authority for execution of the standard access agreement was approved by the Board in R2006-2716. In September 2014, a fuel spill occurred on the Avis Rent A Car site at 2500 Turnage Boulevard, adjacent to 2401 Turnage Boulevard. ECT is a consultant to Avis and will install a monitoring well at 2401 Turnage Boulevard to determine the need for cleanup or other remediation efforts on the property. All cleanup efforts will be completed by Avis at no cost to the County. The property at 2401 Turnage Boulevard is currently under a short-term lease to Enterprise Leasing Company of Florida, LLC (Enterprise) and Enterprise has no objection to the Access Agreement. Countywide (AH)
  
3. Staff recommends motion to receive and file: Three Agreements for the Department of Airports:
  - A) Palm Beach County Sheriff's Office Trespassing Enforcement Affidavit for North County General Aviation Airport (F45) commencing July 15, 2015;
  - B) Palm Beach County Sheriff's Office Trespassing Enforcement Affidavit for Palm Beach County Glades Airport (PHK) commencing July 15, 2015; and
  - C) Palm Beach County Sheriff's Office Trespassing Enforcement Affidavit for Palm Beach County Park Airport (LNA) commencing July 15, 2015.**SUMMARY:** Delegation of authority for execution of standard County agreements above was approved by the Board of County Commissioners in R2009-1163. Countywide (AH)
  
4. Staff recommends motion to receive and file: Consent to Sublease, consenting to the sublease between West Palm Beach Plaza, LLC (WPB Plaza) and Belvedere Donuts, LLC, d/b/a Dunkin' Donuts, effective July 13, 2015. **SUMMARY:** WPB Plaza is the tenant under the Development Site Lease Agreement dated March 12, 2013 (R2013-0257) (Lease) for development and operation of a travel plaza at the Palm Beach International Airport. WPB Plaza has requested the County's approval of the sublease with Belvedere Donuts, LLC, which is expressly subject to the Lease. The Lease requires the County's written consent to any sublease, which may be approved by the Airport Director. Countywide (AH)
  
5. Staff recommends motion to receive and file: a summary of fees and charges for the standard form Hotel-Motel Courtesy Shuttle Operator Permit (Permit) at the Palm Beach International Airport (PBIA) commencing October 1, 2015, pursuant to Resolution 2010-0707. **SUMMARY:** Commencing October 1, 2015, the annual fee for new or renewed Permits will be increased by five percent, from \$110 to \$115. Delegation of authority for increases not to exceed five percent per year without further action by the Board was approved in R2010-0707. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. Staff recommends motion to approve: Rescission of Utility Easement Agreement with Florida Power & Light Company (FPL) for electric utility facilities on two parcels west of the Palm Beach International Airport (PBIA) in West Palm Beach, approved on April 21, 2015 (R2015-0475), which has not been recorded. **SUMMARY:** On April 21, 2015, the Board approved a Utility Easement Agreement for existing electric utility facilities on two parcels within the Amelia Street and Sandy Lane public road rights of way, for which an application for abandonment was pending. Subsequent to the Board's approval, the area of Sandy Lane right of way to be abandoned was reduced, changing the legal description. A separate item, reflecting the revised legal description of the easement area, will be brought to the Board for approval by the Engineering Department concurrent with approval of the abandonment of the roadways. Countywide (HJF)
  
7. Staff recommends motion to approve: Amendment No. 8 to the General Consulting Agreement with CH2M Hill, Inc. for consulting/professional services in the amount of \$1,866,822.08 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. Approval of Amendment No. 8 will provide an additional \$1,866,822.08 to complete the following tasks: Task I Services – Palm Beach International Airport (PBIA) Construct Taxiway W Construction Administration (CA), Construction Engineering Inspection (CEI) and Quality Assurance (QA) Materials Testing Services; PBIA Construct Golfview Infrastructure, Phase 1 Construction Administration (CA), Construction Engineering Inspection (CEI) and Quality Assurance (QA) Materials Testing Services; Palm Beach County Park Airport (LNA) Southside Redevelopment Program Phases 1 and 2 Construction Administration Services; North Palm Beach County General Aviation, Palm Beach County Park, and Palm Beach County Glades Airports Runway Signage and Marking Re-Designation Construction Administration Services; and Task III Services - Miscellaneous Planning and Engineering Services: Work to be completed under these Task III Services will be issued per the level of authority contained in PPM CW-F-050, by way of a separate proposal or task authorization. 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 a Palm Beach County-based subconsultant firm. CH2M Hill, Inc. has committed to 25% Disadvantaged Business Enterprise (DBE) participation for this Agreement. The total DBE participation to date is 23%. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

**A) approve** request by Palm Beach County Tax Collector, Anne M. Gannon, for Board of County Commissioners to order the 2015 tax roll to be extended prior to completion of the Value Adjustment Board (VAB) hearings; and

**B) direct** the VAB to certify the assessment roll as required by State Statutes.

**SUMMARY:** Approval of this request will avoid a delay in the issuance of tax notices beyond November 1, 2015, and will permit the collection of property taxes prior to completion of the VAB hearings. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Change Order No. 8 to the contract with Hedrick Brothers Construction Company, Inc. (R2012-1000) decreasing the Guarantee Maximum Price (GMP) for the Main Detention Center Video Visitation System project in the amount of \$515,367.57. **SUMMARY:** On July 16, 2013, the Board approved Amendment No. 1 to the contract with Hedrick Brothers Construction Company, Inc. (R2013-0888) in the amount of \$2,895,480 for construction of the infrastructure for the Main Detention Center inmate video visitation system. There is \$515,367.57 remaining as a result of buyout savings, unused allowances, unused owner contingency and reduced general conditions by early completion of the project by 122 days, due to changes in means and methods because of the Palm Beach Sheriff's Office temporary change in operations. This work was funded through the Criminal Justice and Public Improvement Revenue Bond Series 2008 and funds will be returned to the project budget. The Small Business Enterprise (SBE) goal for this contract is 15% and the final SBE participation in this Amendment is 8.6%. The overall SBE participation for the contract is 21.3%. (Capital Improvements Division) Countywide (ME)

2. Staff recommends motion to approve: Contract with Ralph Della-Pietra, Inc. in the amount of \$248,829 for the provision and installation of new single inmate enclosures for the recreation yards at the Main Detention Center. **SUMMARY:** The work consists of providing, installation and ancillary work for new enclosures in the recreation yards to increase security and operational efficiency during required recreation time for inmates with administrative or disciplinary confinement restrictions. The enclosures are pre-fabricated units selected by PBSO to ensure compliance with their regulatory requirements. Work will also include additional security cameras for remote monitoring of the units. This work was competitively bid with Ralph Della-Pietra, Inc. submitting the lowest responsive, responsible bid. This project is funded by State Criminal Alien Assistance Program Grant. The total construction duration is 60 calendar days. The goal for Small Business Enterprise (SBE) participation is 15%. The SBE participation in this Contract is 22%. Ralph Della-Pietra, Inc. is an SBE, Palm Beach County company. (Capital Improvements Division) District 2 (ME)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: Contract with Sentech Electric, Inc. in the amount of \$215,900 for improvements to the Main Courthouse Central Recording Room. **SUMMARY:** The scope of this project is to provide a new Uninterrupted Power Supply (UPS) and an independent air conditioning system for the existing Central Recording Room to reduce outages for the "For The Record" system which records court proceedings. This project is funded by ad valorem dollars from the Public Building Improvement Fund. This work was competitively bid with Sentech Electric, Inc. submitting the lowest responsive, responsible bid. The total construction duration is 120 calendar days. The goal for Small Business Enterprise (SBE) participation is 15%. Small Business Enterprise (SBE) participation in this Contract is 10% achieved through the use of subcontractors. Sentech Electric, Inc. is a Broward County firm. (Capital Improvements Division) District 7 (ME)
  
4. Staff recommends motion to approve: an Agreement with Atlantic/Palm Beach Ambulance, Inc. (Participant) allowing for interoperable communications through the countywide and EMS common talk groups of the County's 800 MHz Radio System (System). **SUMMARY:** This Agreement provides the conditions under which the Participant can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications. The County's System will not be utilized for routine operational communications by the Participant. The terms of the Agreement are standard and have been offered to EMS providers with 800 MHz trunked radio capabilities. This Agreement also contains state approved standard operating procedures specific to the use of the EMS common talk groups. There are no charges associated with this Agreement. The Participant is required to pay all costs associated with the Participant's subscriber units and to comply with the established operating procedures for the County's System. This Agreement commences upon execution of this Agreement for a term of three years. There are three renewal options, each for a period of three years. The Agreement may be terminated by either party, with or without cause. (ESS) Countywide (MJ)
  
5. Staff recommends motion to approve: the plat of Bert Winters County Park. **SUMMARY:** The County plans to re-develop Bert Winters Park which is located on the west side of Ellison Wilson Road just south of Donald Ross Road in unincorporated Juno Beach. The Parks Department will be adding the one acre AMIkids property purchased in April 2013 (R2013-0491) to the overall site plan. The County is required to plat the property as a condition of approval for the Park re-development. The plat encompasses 13.52 acres of County-owned land with the County signing the plat as the sole property owner. (PREM) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to:

**A) adopt** a Resolution authorizing the conveyance of the County's interest in .12 acres of surplus property to the City of Lake Worth without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 270.11; and

**B) approve** a County Deed in favor of the City of Lake Worth.

**SUMMARY:** The City of Lake Worth (City) has requested the conveyance of County-owned unimproved surplus property located at 128 South "E" Street. The property was acquired in April 2015 by Tax Deed, is located within the City's municipal boundaries and has an assessed value of \$15,194. This property is a buildable small lot in a designated CRA area. The property is being conveyed pursuant to Florida Statutes Section 197.592(3), which authorizes the conveyance of surplus property acquired by Tax Deed to the municipality in which it is located. This property has been declared surplus and serves no present or future County purpose. Conveyance to the City will relieve the County of maintenance responsibility and liability. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. **This conveyance must be approved by a supermajority vote (5 Commissioners).** (PREM) District 3 (HJF)

7. Staff recommends motion to approve:

**A) Budget Transfer** of \$126,360 in the Airports Improvement and Development Fund to provide budget for the demolition project, including a transfer from Reserves in the amount of \$126,360; and

**B) Contract** with BG Group, LLC. in the amount of \$376,000 for demolition of Buildings 501 and 502 located at 3323 Belvedere Road to allow for future development by Department of Airports.

**SUMMARY:** The Budget Transfer will provide the additional funding necessary to fully fund this demolition project as the contract amount exceeded their current project funding. The work consists of demolishing two buildings, each approximately 25,000 square feet, and limited site restoration after demolition. This work was competitively bid with BG Group, LLC, submitting the lowest responsive, responsible bid. The total contract duration is sixty calendar days. The goal for Small Business Enterprise (SBE) participation is 15%. The SBE participation in this contract is 100%. BG Group, LLC. is a Certified SBE, Palm Beach County Company. (Capital Improvements Division) District 7 (ME)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to receive and file: three Modifications to Subgrant Agreements as follows:

**A)** Modification No. 19 to Subgrant Agreement (R2007-1027) with the Florida Department of Economic Opportunity (DEO) under the 2005 Disaster Recovery Initiative Program (DRI2);

**B)** Modification No. 19 to Subgrant Agreement (R2008-1312) with DEO under the 2005 CDBG Disaster Recovery Initiative Program - Supplemental Appropriation (DRI3); and

**C)** Modification No. 5 to Subgrant Agreement (R2012-1005) with DEO under the 2008 CDBG Disaster Recovery Initiative Program - Supplemental Appropriation (DRI5-DREF).

**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 documents have been fully executed on behalf of the Board of County Commissioners (BCC) by the County Administrator, or designee, in accordance with Resolutions R2006-1351, R2007-1524 and R2011-1384 as approved by the BCC on July 18, 2006, September 11, 2007, and June 21, 2011, respectively. These executed documents are now being submitted to the BCC to receive and file. **These are Disaster Recovery Initiative Program grant funds which do not require a local match.** (DES Strategic Planning Section) Countywide (JB)

2. Staff recommends motion to approve: Consent for Fritzner Muscat, a Palm Beach County employee, to receive State Housing Initiatives Partnership (SHIP) funds under the Purchase Assistance Program as administered by the Department of Economic Sustainability (DES). **SUMMARY:** Fritzner Muscat is an income eligible applicant who is seeking to receive \$48,000 in a forgivable second mortgage under the Purchase Assistance Program. Funding availability for the Program was posted on the DES website and advertised in the Palm Beach Post on December 3<sup>rd</sup> and 7<sup>th</sup>, 2014. Applicants are funded on a continuous basis (first come, first qualified, first completed) as long as funds are available. Mr. Muscat, who applied for assistance on January 1, 2015, has been employed by the Palm Beach County Water Utilities Department as a Meter Reader since January 2014, and his gross annual salary is \$29,480. He is seeking to purchase a home at 15 Ripley Way in Boynton Beach. The purchase price of the home is \$195,000 and it has appraised at \$197,000. It contains 1533 square feet with three bedrooms and two bathrooms. The total project cost is \$204,204. Mr. Muscat's contribution will be \$6,825 which meets the minimum required three and one-half percent (3.5%) contribution of \$6,825. The first mortgage of \$156,695, to be provided by 1<sup>st</sup> United Funding, LLC, will be for 30 years at a 3.75% interest, and the County's second mortgage of \$48,000 will be a conditional grant that is forgiven at the end of 30 years as long as the home remains the homeowner's principal place of residence. If the homeowner rents, sells, or otherwise conveys the home during the 30 years, the entire principal amount will become due and payable. **These are State SHIP funds which require no local match.** (M&HI) District 3 (JB)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

3. Staff recommends motion to approve:

A) the issuance of an Impact Fee Affordable Housing Assistance Program Certificate of Award to La Joya Villages, Ltd. for a credit of \$192,850.85 towards the payment of Zone 1 Public Buildings Impact Fees, Zone 4 Road Impact Fees for the construction of the La Joya Villages (LJV) affordable housing project;

B) a Subordination Agreement with U.S. Bank National Association, Community & Southern Bank and La Joya Villages, Ltd.;

C) a Budget Transfer of \$5,936 in Zone 1 Public Buildings Impact Fees to appropriate funds for LJV; and

D) a Budget Transfer of \$186,916 in Zone 4 Road Impact Fees to appropriate funds for LJV.

**SUMMARY:** On November 17, 2009, the Board of County Commissioners (BCC) authorized the use of impact fee investment earnings from roads, parks, and public buildings for affordable housing projects. La Joya Villages, Ltd. submitted a request for assistance in response to a Notice of Funding Availability issued in May 18, 2014 by the Department of Economic Sustainability (DES). Staff is recommending \$192,850.85 in credits towards the payment of County Zone 1 Public Buildings Impact Fees (\$5,935.14) and Zone 4 Road Impact Fees (\$186,915.71) for LJV which will have a total of 55 units. All 55 affordable rental units are intended to be rented to persons of moderate income whose incomes are at or below 120% of the area median income. A Declaration of Restrictions will be recorded to secure the funds and ensure a 15 year affordability period. The Subordination Agreement subordinates the County's interest in the Declaration of Restrictions to that of U.S. Bank National Association, as first mortgage holder, and to Community & Southern Bank, as the second mortgage holder. **This project is projected to create 593 jobs and have a one year Economic Sustainability Impact of \$33.5 Million. These funds are from interest earned by the Impact Fee Fund.** (DES Contract Development) District 7 (JB)

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: the appointment of the following individual to the Historic Resources Review Board (HRRB) for a term from August 18, 2015 to August 7, 2018:

<u>Appointment Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
Graham Huls	9	At-Large	Commissioner Valeche Commissioner Abrams Commissioner Taylor Commissioner Burdick Commissioner McKinlay

**SUMMARY:** The Unified Land Development Code (ULDC) Article 2, Chapter G, Section 3-H provides for the membership of the HRRB. The term of office of each member is for three years HRRB seats are at-large positions to be appointed by the Board of County Commissioners (BCC). This At-Large position, Seat nine is to be appointed to fill an existing vacancy. On June 5, 2015, the Planning Division forwarded a memo and forms to the BCC notifying the Board of the vacancy, and requesting nominations. Five responses were received. Unincorporated (RPB)

3. CONSENT AGENDA APPROVAL

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

2. Staff recommends motion to approve: **A)** appointment of five new members; and **B)** reappointments of two current members to the Construction Industry Licensing Board (CILB):

<u>A) Appoint</u>	<u>Seat #</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated by</u>
Mark A. Worrell	1	HARV Contractor	8/18/15-9/30/18	Commissioner Abrams Commissioner Burdick Commissioner Taylor Commissioner Valeche
Steve Svopa	6	Residential Contractor	10/1/15-9/30/18	Commissioner Abrams Commissioner Burdick Commissioner Taylor Commissioner Valeche
Terrance R. Horan	9	Engineer	10/1/15-9/30/18	Commissioner Abrams Commissioner Burdick Commissioner Taylor Commissioner Valeche
Dave Santana	14	Consumer Representative	10/1/15-9/30/18	Commissioner Taylor
Sam Roman	15	Consumer Representative	8/18/15-9/30/17	Commissioner Taylor
<u>B) Reappoint</u>	<u>Seat #</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated by</u>
Edward J. Lynch	11	Building Contractor	10/1/15-9/30/18	Commissioner Abrams Commissioner Burdick Commissioner Taylor Commissioner Valeche
Arnold Rich	13	Consumer Representative	10/1/15-9/30/18	Mayor Vana Commissioner Abrams Commissioner Burdick Commissioner Taylor Commissioner Valeche

**SUMMARY:** The Construction Industry Licensing Board was established by Special Act, Laws of Florida, and Chapter 67-1876, as amended. The Special Act and, subsequently, 489.131, Florida Statutes (F.S.), sets forth the membership of the Board, which consists of 15 members. The nominations for appointment of five new members and the reappointments of two current members are as follows: Mr. Mark A. Worrell has been nominated by the Florida Refrigeration & Air Conditioning Contractors Association (FRACCA) to replace Mr. Jeff Meve, who has resigned. Mr. Steve Svopa was nominated by the Gold Coast Builders Association, Inc. (GCBA) to replace Mr. Scott Worley, who will not be able to continue to serve. Mr. Terrance R. Horan was nominated by the Florida Engineering Society (FES) to replace Mr. John Desnoyers, who has successfully completed two terms, and is no longer eligible. Mr. Dave Santana was endorsed by Commissioner Taylor’s office to replace Mr. Stanley Goodman, who has successfully completed two terms, and is no longer eligible to serve. Mr. Sam Roman was also endorsed by Commissioner Taylor’s office to replace Mr. Sammy Berry, who is not able to continue serving due to business obligations. Mr. Edward J. Lynch and Mr. Arnold Rich are currently on the Board with terms ending in September 2015, and who are both eligible and have expressed an interest in continuing to serve. Mr. Lynch was nominated by the Associated Builders and Contractors, Inc. (ABC), Florida East Coast Chapter. Mr. Rich received endorsements from Mayor Vana, Commissioner Abrams, Commissioner Burdick, Commissioner Taylor and Commissioner Valeche. The nominations represent seats for one HARV Contractor, one Residential Contractor, one Engineer, one Building Contractor, and three Consumer Representatives, as cited in the Special Act, and F.S. establishing the Construction Industry Licensing Board. Memorandums for appointments and endorsements were sent to the Board of County Commissioners on May 20, 2015; June 11, 2015; and July 10, 2015. No other nominations were received. Countywide (SF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 7 for the GL09 Glades Infiltration and Inflow Projects Phase I with Hazen and Sawyer, P.C. in the amount of \$180,800. **SUMMARY:** On June 3, 2014, the Board of County Commissioners approved the Water Utilities Department (WUD) Engineering/Professional Services Contract with Hazen and Sawyer, P.C. (R2014-0821). CSA No. 7 provides for services relating to the manhole inspections and smoke testing of sewer main lines for the Sanitary Sewer Evaluation Survey (SSES) in the cities of Belle Glade, Pahokee and South Bay. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Hazen and Sawyer, P.C. provides for SBE participation of 22%. CSA No. 7 includes 37.66% overall participation. The cumulative SBE participation is 36.95% overall. Hazen and Sawyer, P.C. is a local Palm Beach County Company. (WUD Project No. 15-024) District 6 (MRE)
  
2. Staff recommends motion to receive and file: executed Agreements received during the months of July 2014, April and May 2015:
  - A) Standard Potable Water and Wastewater Development Renewal Agreement with Suncap West Palm Beach, LLC, No. 01-01189-003 (District 6);
  - B) Standard Potable Water and Wastewater Development Renewal Agreement with 1629 I, LLC No. 01-01181-000 (District 6);
  - C) Standard Potable Water and Wastewater Development Renewal Agreement with Investors Asset Acquisition, LLC, No. 03-01029-000 (District 5); and
  - D) Indemnity Agreement with Charter PB Wellington, LLC. (District 6).

**SUMMARY:** In accordance with County PPM CW-0-051, all delegated contracts/agreements/grants/procurement items must be submitted by the initiating Department as a receive and file agenda item. The documents have been fully executed on behalf of the Board of County Commissioners (BCC) by the County Administrator/Director of the Water Utilities Department (WUD) in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the BCC to receive and file. (MJ)
  
3. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners (BCC) revising Chapters 1 and 6 of the Water Utilities Department's (WUD) Uniform Policies and Procedures Manual (UPAP). **SUMMARY:** The UPAP is a codification of the WUD fees, standards, legal documents, policies and procedures that govern the provision of potable water, wastewater, and reclaimed water services. WUD updates the UPAP from time to time to ensure compliance with recently enacted laws and ordinances, and to ensure that it continues to enable effective and efficient delivery of utility services. Currently, individually or master-metered Dwelling Units are allowed for less than 1,500 square feet of living space per average unit. The proposed amendment to UPAP Chapter 1 modifies classifications regarding Residential Connections for Multi-Family Units, including either Individual or Master-Metered Dwelling Units, to increase the allowable size from 1,500 square feet to 1,800 square feet. This change acknowledges the increasing demand for larger apartments and condominiums. The proposed amendment to UPAP Chapter 6 authorizes the Department to require construction related fees for wastewater and/or fire line connections to be paid prior to the preconstruction meeting for every project. The Water Utilities Advisory Board reviewed and unanimously approved the changes to UPAP at their July 31, 2015 meeting. (Finance and Administration) Countywide (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. **Staff recommends motion to approve:** Contract with AKA Services, Inc. for the SR 15 (Main Street) and Gator Boulevard 16" and 12" Water Main Extension Project in the City of Belle Glade in the amount of \$2,149,199. **SUMMARY:** On March 11, 2015, six bids were received for the SR 15 (Main Street) and Gator Boulevard 16" and 12" Water Main Extension Project (Project). The Project provides for improvements to the water system infrastructure along State Road 15 and Gator Boulevard in the City of Belle Glade. These improvements are part of the continued restoration and repair of water infrastructure in the Glades Region and will result in improved water quality and fire protection to the residents and businesses of the City of Belle Glade. AKA Services, Inc. was the lowest responsive, responsible bidder in the amount of \$2,149,199. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The Contract with AKA Services, Inc. provides for SBE participation of 15.5% overall. AKA Services, Inc. is a Palm Beach County company. This project is included in the FY15 Capital Improvement plan adopted by the Board of County Commissioners. (WUD Project No. 13-052) District 6 (MRE)
  
5. **Staff recommends motion to approve:** Work Authorization No. 3 for Palm Beach International Airport (PBIA) Sewer Lining Project with Hinterland Group, Inc., in the amount of \$806,868. **SUMMARY:** On April 15, 2014, the Board of County Commissioners (BCC) approved the Water Utilities Department (WUD) Wastewater Gravity Lines and Manhole Rehabilitation Continuing Construction Contract with Hinterland Group, Inc. (R2014-0520). Work Authorization No. 3 provides for the rehabilitation of approximately 9,500 feet of existing 8" clay and ductile iron pipe (DIP) gravity wastewater lines draining into seven WUD Lift Stations located at and around PBIA. The project will also include the inspection and rehabilitation of 112 manholes. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Hinterland Group, Inc. provides for SBE participation of 15%. Work Authorization No. 3 includes 100% overall SBE participation. The cumulative SBE participation including this Work Authorization is 100% overall. Hinterland Group, Inc. is a Palm Beach County company. This project is included in the FY15 Capital Improvement plan adopted by the BCC. (WUD Project No. 15-037) District 2 (MRE)
  
6. **Staff recommends motion to approve:** Change Order No. 2 to the Contract with MWH Constructors, Inc. (R2014-0150) for the Water Treatment Plant (WTP) No. 2 Filter Replacement Project in the amount of \$175,669.30 and providing for a 75-day time extension. **SUMMARY:** On February 4, 2014, the Board of County Commissioners approved the Water Utilities Department (WUD) Construction Contract for the WTP No. 2 Filter Replacement Project with MWH Constructors, Inc. Change Order No. 2 provides for the furnishing and installation of a protective coating on the new clear well. Recent operating experience at other WUD facilities has shown that protective coating is needed to protect the new filter clear well structure from deterioration and leakage. A time extension of 75 calendar days is necessary to allow for the completion of the additional work. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with MWH Constructors, Inc. provides for SBE participation of 17.83%. This Change Order No. 2 includes 0% SBE participation. The cumulative SBE participation including this Change Order is 17.83% overall. (WUD Project No. 12-066) District 2 (MRE)
  
7. **DELETED**

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

8. Staff recommends motion to approve: an Amendment to Easement No. 24925 (R2015-0311) located in the City of Belle Glade on land owned by the Trustees of the Internal Improvement Trust Fund of the State of Florida (State). **SUMMARY:** On March 10, 2015, the Board of County Commissioners (BCC) approved the assignment and assumption of Easement No. 24925 (Easement) from the City of Belle Glade. The Easement is 6 feet wide and runs along the east side of the Belle Glade State Municipal Airport property. The Water Utilities Department (WUD) owns a 12" water main that is located within the easement area. WUD is in the process of replacing the existing 12" water main with a new 16" water main, and has requested that the State amend the Easement assigned to the County on March 31, 2015, to add land to the Easement area for the proper installation, maintenance and service of the new water main. The Amendment to Easement form has been provided by the State and requires approval by the BCC. District 6 (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve: exchanging the management responsibility of County-owned land between the Department of Environmental Resources Management and the Department of Engineering and Public Works pursuant to the Conservation Lands Protection Ordinance (No. 2003-052) and Resolution R2015-0812. A total of 0.668 acres of land within the Pond Cypress Natural Area (Natural Area) would be conveyed to the Department of Engineering and Public Works for an adjusted right-of-way for the State Road 7 Extension and 3.95 acres of equal or higher quality lands within the existing State Road 7 Extension road right-of-way that is immediately adjacent to the Natural Area would be conveyed to the Department of Environmental Resources Management and incorporated into the northern portions of the Natural Area. **SUMMARY:** The Conservation Lands Protection Ordinance requires a request to use or convey an interest in conservation lands for purposes other than originally intended to be offset by an offer that provides an exceptional benefit to the Conservation Lands Program. Engineering, working with the Florida Department of Transportation, filed a request for conveyance of 0.668 acres of land within the Natural Area. The public purpose for this land exchange is the need for State Road 7 to be extended from 60<sup>th</sup> Street North to Northlake Boulevard to provide public transportation and traffic relief for residents of western Palm Beach County. The proposed compensation for the conveyance is the addition of 3.282 acres of land to the Natural Area. The Board previously approved the concept of this exchange at their meeting on June 23, 2015 (R2015-0812). This agenda item fulfills the approved concept by actually making the land exchange pursuant to the two-stage process set forth in the Conservation Lands Protection Ordinance. **An affirmative vote of five members of the Board is required for approval.** District 6 (SF)
2. Staff recommends motion to adopt: a Resolution authorizing the County Administrator or his designee to execute a standard form Assignment of Conservation Easement to the Village of Royal Palm Beach (Village). **SUMMARY:** The Resolution establishes an Assignment of Conservation Easement to the Village. The development in which this one-acre preserve lies was annexed into the Village. Since the County no longer has regulatory authority over the area in question, and it lies within the jurisdiction of the Village, it is appropriate to transfer the easement from the County to the Village. District 6 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to:

**A) receive and file** Task Assignment IP3 Change Order No. 1 to Contract No. FWC11357 (R2012-0573) with the Florida Fish and Wildlife Conservation Commission (FWC) adds twenty-five additional acres of invasive plant control to the Lake Osborne work plan. There is no change to the cost reimbursement or the completion date of June 30, 2015;

**B) receive and file** Task Assignment No. IP3 Change Order No. 2 to Contract No. FWC11357 (R2012-0573) with the Florida Fish and Wildlife Conservation Commission (FWC) decreases funding by \$45,000 for Fiscal Year 2014/2015. This brings the total task amount with the change to \$44,595 with no change to the work plan or completion date of June 30, 2015;

**C) receive and file** Task Assignment Notification Form to Contract No. FWC11357 (R2012-0573) Task Assignment No. IP4 with the Florida Fish and Wildlife Conservation Commission (FWC) provides for aquatic vegetation control services within Palm Beach County. The term begins upon execution, June 11, 2015 through June 30, 2016 with a cost reimbursement of \$86,945;

**D) receive and file** Amendment No. 1 to Task Assignment No. 08 with the Florida Department of Environmental Protection (FDEP) Contract No. GC680 (R2007-0882) increases the amount of variable inspections and provides an \$8,000 increase in funding for the period of May 4, 2015 to June 30, 2015;

**E) receive and file** Task No. 09 to Contract No. GC680 (R2007-0882) with the Florida Department of Environmental Protection (FDEP) provides for conducting routine compliance inspections at 836 facilities identified in Exhibit No. 1 in Palm Beach, Martin and Saint Lucie counties and provides for funding in the amount of \$492,638.08 with a performance period of July 1, 2015, through June 30, 2016; and

**F) approve** Budget Amendment of \$86,945 in the Natural Areas Fund to recognize the new funding for Task Assignment IP4 for FWC Contract No. FWC 11357.

**SUMMARY:** On April 17, 2012, the Board of County Commissioners approved FWC Contract No. FWC11357 (R2012-0573) for aquatic vegetation control for Lakes Clarke, Ida, Osborne, and Pine. Delegated authority to execute all future time extensions, task assignments, certification, and any other forms associated with this Contract was approved at that time pursuant to PPM No. CW-O-051. Countywide (SF)

On June 5, 2007, the Board of County Commissioners approved FDEP Contract No. GC680 (2007-0882) for the Pollutant Storage Tank Compliance Verification Program. Delegated authority to execute all future time extensions, task assignments, certification and other forms associated with the Agreement was approved at that time pursuant to PPM No. CW-O-051. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

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 2016/2017 Beach Erosion Control Assistance Program. **SUMMARY:** The County is requesting that the State appropriate \$400,000 for the Coral Cove Park Dune Restoration, \$100,000 for the Jupiter/Carlin Shore Protection Project, \$8,925,000 for the Juno Beach Shore Protection Project, \$4,588,460 for the Southern Palm Beach Island Shore Stabilization Project, \$90,000 for the South Lake Worth Inlet Management Plan, and \$100,000 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 \$14,143,460. Districts 1, 4 & 7 (SF)
  
5. Staff recommends motion to adopt: a Resolution for the composition of the Lake Worth Lagoon Initiative (LWLI) Grant Selection Committee, comprised of representatives of the following agencies: Palm Beach County, South Florida Water Management District, Palm Beach County League of Cities, Florida Inland Navigation District, Florida Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, and the U.S. Army Corps of Engineers, which will convene for the sole purpose of ranking projects proposed by local governments to benefit the habitat resources and water quality of the Lake Worth Lagoon. **SUMMARY:** The LWLI is an informal forum to promote the exchange of information and to increase collaborative efforts to secure funding and to restore and protect the Lagoon as outlined in the Board adopted Lake Worth Lagoon Management Plan (R2014-1057). The LWLI guidelines outline the formation of a Grant Selection Committee to evaluate and rank project proposals for inclusion in the legislative agenda presented annually to the Board of County Commissioners. The LWLI Grant Selection Committee will be represented by the LWLI agencies and funding partners. There is no cost to the County. Countywide (LB)
  
6. Staff recommends motion to:
  - A) ratify** the signature of the Director of the Department of Environmental Resources Management (ERM) for Amendment No. 001 to Agreement No. S0485 with the Florida Department of Environmental Protection (FDEP). The Amendment provides funding for the County to perform contamination cleanup activities in accordance with the Petroleum Contamination Site Cleanup Program effective July 1, 2015 until June 30, 2016; and
  - B) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, change orders to task assignments, certifications, and other forms associated with this amendment, and necessary minor amendments that do not substantially change the scope of work, terms or conditions of this agreement.

**SUMMARY:** On January 12, 2010, the Board of County Commissioners approved an agreement (R2010-0095) with FDEP authorizing the County to perform contamination cleanup activities in Palm Beach County on behalf of the State. The agreement would have expired June 30, 2015. Given that the state budget approval process was delayed, the Amendment was not provided until June 30, 2015. The Director of ERM signed the Amendment on June 30, 2015, thereby extending the agreement. Under the Amendment, the County, through ERM, will continue administering the program for the period of July 1, 2015, through June 30, 2016. On an annual or semi-annual basis, FDEP will issue task assignments to the County for specific job tasks necessary to carry out cleanup services at the local level. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

7. Staff recommends motion to approve: Amendment No. 1 to Contract 13104 (R2014-0296) with the Florida Fish and Wildlife Conservation Commission for the Grassy Flats Restoration Project to allow for minor changes to the scope of work. **SUMMARY:** Amendment No. 1 to Contract 13104 with the Florida Fish and Wildlife Conservation Commission provides for minor revisions to the scope of work and changes to the United States Fish and Wildlife Services (USFWS) grant agreement. Within the Amendment, Attachment A, Section 3, Deliverables, extends the final reporting and invoicing period one year to June 30, 2016. Section 6, Contract Period, extends the USFWS grant payment period one year to June 30, 2016 and Section 7, Compensation and Payment, changes the invoice submittal frequency upon completion of each phase to no more than once a month and increases the maximum invoice amount to \$260,000. Also, Attachment D-1 the USFWS F13AP00628 grant amendment extending the award period by one year to June 30, 2016 is made part of the contract and replaces Attachment D. District 7 (SF)

8. **REVISED SUMMARY:** Staff recommends motion to:

**A) approve** DEP Agreement No. 15PB4 with the Florida Department of Environmental Protection (FDEP) for cost sharing in the Delray Beach Shore Protection Project with reimbursement up to \$905,451.60;

**B) approve** Budget Amendment in the Beach Improvement Fund to recognize the increase of \$905,452;

**C) approve** Budget Amendment in the General Fund to recognize a \$905,452 transfer from the Beach Improvement Fund; and

**D) authorize** the County Administrator, or his designee, to sign all future time extensions and other necessary minor amendments that do not significantly change the scope of work or terms and conditions of Agreement No. 15PB4.

**SUMMARY:** DEP Agreement No. 15PB4 which expires June 1, 2016 provides reimbursement for pre-payment of State cost share to the U.S. Army Corps of Engineers (USACE) for construction of the Delray Beach Shore Protection Project. On July 16, 2013, the Board of County Commissioners approved a transfer from the General Fund Contingency Reserves to fund the non-federal share of the project. The County pre-paid the State and County project costs on September 4, 2013, in the amount of \$1,810,903 as required by the USACE. District 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

9. Staff recommends motion to approve:

**A)** Amendment No. 1 to Interlocal Agreement (R2009-1523) with the Town of Palm Beach (Town) for cost sharing on 20% of the total eligible construction costs associated with the Phipps Ocean Park Beach Nourishment Project (Project); and

**B)** A Budget Transfer of \$2,432,228 in the Beach Improvement Fund from various projects to the Phipps Ocean Park Beach Nourishment Project.

**SUMMARY:** Amendment No. 1 includes cost sharing on eligible construction costs for the Phipps Ocean Park Beach Nourishment Project (Project) which totaled \$15,591,200. Currently, seventy-eight percent (78%) of the project area's shoreline is both publicly accessible and critically eroded as defined by Chapter 62B-36 FAC. Therefore, the County's share of construction costs totals \$2,432,228. To facilitate inlet maintenance dredging scheduled to commence on November 1, 2015 by the U.S. Army Corps of Engineers (USACE), Amendment No. 1 authorizes an advance of the County share for the Project to the Town. At the discretion of the Town, these funds may be loaned to the USACE to cover a shortfall in Federal funding for the inlet maintenance dredging. District 7 (SF)

M. PARKS & RECREATION

1. Staff recommends motion to approve: Second Amendment to Interlocal Agreement with the Town of Lantana for the development of the A.G. Holley Sports Complex to change the project scope to relocate the A.G. Holley Sports Complex to the Lantana Sports Facility site. **SUMMARY:** This Second Amendment to Interlocal Agreement R95-40D, as amended by R96-449D, provides for a scope change to relocate the A.G. Holley Sports Complex to the Lantana Sports Facility Site and requires the replacement project to be completed by July 20, 2017. The Amendment to the Interlocal Agreement was requested by the Town of Lantana to allow them to relocate the A.G. Holley Sports Complex to the Lantana Sports Facility Site. No funding is required from the County for this project. District 7 (AH)

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

Aneesha Hanif, Etiquette, Charm, Modeling, & Fashions, Westgate Recreation Center Gymnasium, for the period June 18, 2015, through August 7, 2015.

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

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to receive and file: a Cooperative Agreement with Literacy\*AmeriCorps through the Literacy Coalition of Palm Beach County. **SUMMARY:** On May 19, 2015, the Board approved a site application (R2015-0664) for the County Library's participation in the Literacy\*AmeriCorps PBC Program for the period of August 10, 2015, through July 9, 2016, and authorized the County Administrator to execute the agreement. This Agreement will provide the County Library with one full-time Literacy\*AmeriCorps member. This member will offer conversational English programs and oversee the literacy learning computer lab. The Library will pay a service fee of \$6,000 to the Literacy Coalition of Palm Beach County and business-related mileage to the member up to \$4,900. AmeriCorps, with supplemental funds from the Coalition, will cover all other expenses including Workers' Compensation, liability, and health care coverage. Countywide (AH)
  
2. Staff recommends motion to approve: The County Library's Long-Range Plan for FY 2016-2018. **SUMMARY:** This Plan represents the Library's mission statement, goals and objectives, and strategic plan for FY 2016 through FY 2018. This annual process of strategic planning is done in conjunction with the State's requirements for libraries receiving State Aid funds and with the County's budget process. The Library anticipates receipt of \$1,203,600 in State Aid to Public Libraries during FY 2016. The Library Advisory Board has endorsed this Plan with Resolution 15-01, dated July 13, 2015.

Highlights of the Plan for FY 2016 include:

- Circulation of books and other materials will increase by 1% to 9,406,063;
- Continued promotion of self service options for library users including online library card registration;
- Reference questions will increase by 2% to 2,042,004;
- Continued emphasis in children's programming and family reading skills development;
- Increased offering of classes on how to use E Readers and E Resources.  
Countywide (AH)

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to approve: an Agreement with the Palm Beach Soil and Water Conservation District in an amount not to exceed \$79,000 to provide soil and water resource conservation services for FY '16. **SUMMARY:** This Agreement provides funding for the Palm Beach Soil and Water Conservation District's (District) resource conservation activities. The District provides resource conservation services to rural, agricultural, and urban communities to facilitate soil and water conservation in Palm Beach County. Services include soil information, technical assistance and education to improve water quality and quantity and soil planning in Palm Beach County. Countywide (AH)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to approve: the Mayor to certify the non-ad valorem assessment roll for the Municipal Service Benefit Unit (MSBU) for Fire Hydrant Maintenance and Rental-Riviera Beach and for the MSBU for Fire Hydrant Maintenance and Rental-Boca Raton. **SUMMARY:** MSBUs for fire hydrant maintenance and rental for Riviera Beach and Boca Raton were established in February of 1993, as set out in Chapter 26, Article III of the Palm Beach County Code. The current rates as established by resolutions are \$52.86 per parcel for Riviera Beach (R98-1023) and \$23 per parcel for Boca Raton (R2008-0239). Every year the assessment roll must be certified by the Mayor of the Board, and the State Department of Revenue Form DR-408A must be signed by the Mayor for each MSBU. These forms and the tape of the assessment rolls must be submitted to the Tax Collector no later than September 15 of each year. Districts 4, 5 & 7 (SB)
  
2. Staff recommends motion to approve: Memorandum of Agreement with the Children's Services Council of Palm Beach County providing the County funding of up to \$50,000 for the Drowning Prevention Coalition for the period October 1, 2015 to September 30, 2016. **SUMMARY:** The Drowning Prevention Coalition program is managed by Palm Beach County Fire-Rescue. However, the program is funded by multiple sources including the Children's Services Council (CSC) of Palm Beach County and the County's general fund. This Memorandum of Agreement provides the terms and conditions of the Children's Services Council of Palm Beach County's commitment to the County to provide funding of up to \$50,000 in FY 2016 for the Drowning Prevention Coalition program. This funding does not require a match. Countywide (PK)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: a First Amendment to Agreement R2014-0852, as amended, for network services with Lutheran Services Florida, Inc. (LSF). **SUMMARY:** Lutheran Services Florida, Inc. (LSF) has an existing network services Agreement, as amended, for an initial term of one year with automatic one-year renewals unless notice is given by either party. This First Amendment removes two locations where network services are no longer required. The Administration location lease was effective July 1, 2014 to December 31, 2014 as stated in the original agreement and the San Castle Early Head Start location lease terminates on June 30, 2015. The Administration location revenue was projected for only three months in 2015; therefore, the revised total annual service revenue for the San Castle location is \$24,420 for FY 2015, a net decrease of \$300. The revised fee structure for network services will take effect on the billing for July 1, 2015. The Florida LambdaRail LLC has approved connection of LSF to the Florida LambdaRail network. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

V. METROPOLITAN PLANNING ORGANIZATION

1. Staff recommends motion to approve: an Interlocal Agreement to update the composition and membership of the governing board of the Palm Beach Metropolitan Planning Organization (MPO), expanding the membership from 19 to 21 members. The expanded membership will include permanent seats for both the City of Greenacres and the Village of Royal Palm Beach (currently annually alternating members) and adding a member from the Village of Palm Springs. **SUMMARY:** Following legislation allowing MPOs to expand their maximum membership from 19 to 25 members, the Palm Beach MPO directed staff to begin the process of updating their Interlocal Agreement to include two additional members. The MPO membership will consist of five county commissioners, two members each from West Palm Beach and Boca Raton, one member each from Boynton Beach, Delray Beach, Lake Worth, Riviera Beach, Palm Beach Gardens, Jupiter, Wellington, Belle Glade, Greenacres, Royal Palm Beach, Palm Springs and the Port of Palm Beach. Additionally, the Florida Department of Transportation will have one non-voting advisory member. Countywide (DR)
  
2. **ADDITIONAL BACKUP:** Staff recommends motion to approve: a Budget Amendment in the Metropolitan Planning Organization Fund (Fund 1360) in the amount of \$20,000 for grant funds from the Federal Highway Administration (FHWA). **SUMMARY:** On June 29, 2015, the MPO entered into a Joint Participation Agreement (JPA) with the State of Florida Department of Transportation (FDOT) to implement the Bicycle and Pedestrian Count Technology Deployment Pilot Program. This amendment is necessary to reflect a \$20,000 grant from the Federal Highway Administration (FHWA) in the budget for the purchase of bicycle and pedestrian counting equipment. The grant has a required match of 20% or \$4,000 which will be met by the Traffic Engineering Division staff for the installation of the counters and collection of the data. In return, the data collected from the counters will be available for use by the County's Traffic Engineering Division. Countywide (DR)

X. PUBLIC SAFETY

1. Staff recommends motion to:
  - A) receive and file** the executed State-Funded Subgrant Agreement for Hazardous Materials Contingency Planning (16-CP-11-10-60-01-161) with the State of Florida, Division of Emergency Management (FDEM) in the amount of \$24,172 for the period July 1, 2015, through June 30, 2016; and
  - B) approve** a Budget Amendment of \$24,172 in the Emergency Management Grant Fund to recognize the grant award.

**SUMMARY:** This is an annual grant from FDEM to conduct on-site visits and hazardous materials analyses at facilities within Palm Beach County known to have extremely hazardous substances designated by the U.S. Environmental Protection Agency. These assessments are required for compliance with the Emergency Planning and Community Right-To-Know Act (EPCRA), also known as the Superfund Amendments and Reauthorization Act (SARA). R2012-1731 gave authority to the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. No matching funds are required. Countywide (JB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

**A) receive and file** the executed Memorandum of Agreement Urban Area Security Initiative (UASI) FY 2014 Agreement Number 15-DS-P8-11-23-02-453; with the City of Miami to receive \$183,908 in reimbursable grant funding effective August 18, 2015, through April 30, 2016; and

**B) approve** a Budget Amendment of \$183,908 in the Urban Areas Security Initiative Grant Fund to recognize the grant award.

**SUMMARY:** This Agreement provides a means of funding various domestic security activities within the County using Federal UASI funds through the City of Miami as the UASI's fiscal agent. The UASI awarded \$183,908 to the County, which will be used to fund jurisdictional fire, health, emergency management and other approved anti-terrorism activities. On May 21, 2013, the County Administrator or his designee was authorized to execute all UASI sub-grant contracts on behalf of the Board of County Commissioners, for the UASI Grant Program in any given year (R2013-0622). No County matching funds are required. Countywide (JB)

3. Staff recommends motion to receive and file: the following executed Interlocal Agreement with the City of Riviera Beach for the reimbursement of Emergency Medical Services grant equipment. **SUMMARY:** The County was awarded \$223,371 during FY 2014-2015 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 City of Riviera Beach for the purchase of two Lifepak 15 V2 Monitors and accessories in an amount not to exceed \$56,550. The remaining EMS grant funding will be used to purchase EMS equipment to benefit the County and surrounding municipal agencies EMS systems. 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 (JB)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT

1. Staff recommends motion to approve:

A) Selection of Dr. Earl Campazzi as the contracted physician for the County's onsite occupational health clinic; and

B) a Contract with Island Medical Care, LLC., (Dr. Earl Campazzi, M.D.) to provide ninety-six hours per month of on-site physician services for the County's occupational health clinic for the period of September 1, 2015, through August 31, 2018 (with two annual options to renew) at a not-to-exceed amount of \$505,440.

**SUMMARY:** Following a competitive process that included the public advertisement of an expiring contracted position for an on-site physician for the County's occupational health clinic, staff is recommending Board approval of the selection of and contract with Dr. Earl Campazzi, M.D. (Island Medical Care, LLC). Dr. Campazzi has served as the contracted physician for the clinic since August 7, 2006. His current contract expires August 31, 2015 and contains no options for renewal. Dr. Campazzi is a Palm Beach County based occupational health physician and a provider of services that are essential to the continued operation of the occupational health clinic and its efforts to control costs in the County's self-insured workers' compensation program. The contract provides for ninety-six hours per month of on-site physician services for an amount not-to-exceed \$505,440 representing a three year guaranteed rate at a 3.8% increase over the expiring contract for the term of September 1, 2015 to August 31, 2018, with two annual options to renew at the sole discretion of the County. Countywide (HH)

AA. PALM TRAN

1. Staff recommends motion to receive and file: Executed Sub-recipient Agreement for an amount not to exceed \$22,491 with the City of Pahokee for the provision of transportation services. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Executive Director of Palm Tran in accordance with Resolution R2015-0346. This Agreement effective January 1, 2015, through December 31, 2015, is for the provision of transportation services for the City of Pahokee Senior Citizens' Wellness Transportation Program. Funding is provided by the Vendor Services Agreement with the Area Agency on Aging (AAA), Palm Beach/Treasure Coast, Inc. Delegated authority was given to execute, on behalf of the BCC the Agreement which is now being submitted to the BCC to Receive and File the executed document. AAA and the City of Pahokee have requested that the County "pass through" to the City up to \$22,491 of the funding. Pass through funds to the City of Pahokee are exempt from the match requirements. District 6 (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

2. Staff recommends motion to:

**A) adopt** a Resolution of the Board of County Commissioners of Palm Beach County (BCC), Florida, authorizing the execution and submittal of a grant application and grant agreement with the Florida Commission for the Transportation Disadvantaged (CTD), in the amount of \$2,732,998 to provide Palm Tran Connection Service (Connection) trips in accordance with the Transportation Disadvantaged Trust Fund (TDTF) requirements of Chapter 427, Florida Statutes, and Rule 41-2, Florida Administrative Code; and

**B) approve** a Budget Amendment of \$2,049,704 in Palm Tran's Grant Fund 1341 to reconcile the current budget to the actual amount of the grant award.

**SUMMARY:** Since June 1999, the Board of County Commissioners has received annual funding from the State of Florida through the CTD to provide opportunities for non-sponsored transportation disadvantaged citizens, not covered under ADA regulations, to obtain access to transportation for daily living needs when they are not sponsored for that need by any other available federal, state or local funding source. These services are provided by Connection. Last year approximately 2,508 County residents utilized this service. For FY 2016, the County has been approved for \$3,036,664, which includes \$2,732,998 in grant funds and a required local match of \$303,666 (10%). The total cost to provide transportation disadvantaged (TD) service is \$5,454,688. The County provides a matching amount of \$2,721,690, which is 896% of the required 10% match. Countywide (DR)

BB. YOUTH SERVICES

1. Staff recommends motion to receive and file: Cooperative Agreement with the School Board of Palm Beach County, Florida (School District) to provide classroom instruction for the youth in the education program at the Highridge Family Center for the period July 1, 2015 through June 30, 2016. **SUMMARY:** The Youth Services Department's Residential Treatment and Family Counseling Division is an authorized counselor training facility that provides comprehensive family services to prevent "at risk" children from entering the Juvenile Justice System. The program will serve up to 72 male and female youths between the ages of 11 and 16 who are receiving residential treatment for substance abuse, disciplinary issues and truancy. The School District and the County pledge to develop and support joint program initiatives that will facilitate the effective and efficient delivery of services for youth served in the educational Program located at the Highridge Family Center. On June 5, 2001, R2001-0892 authorized the County Administrator, or his designee, to execute standard Cooperative Agreements with the School District on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. Countywide (HH)

3. CONSENT AGENDA APPROVAL

BB. YOUTH SERVICES (Cont'd)

2. Staff recommends motion to receive and file: Contracts for Professional Services with the following Postdoctoral Psychology Residents to complete a requirement of 2000-hours of clinical work that will provide the residents training and experience in family and youth counseling for the period September 8, 2015, through September 2, 2016:

A) Loren Berry in the amount of \$32,500; and

B) Kelly Kamel in the amount of \$32,500.

**SUMMARY:** The Youth Services Department's Residential Treatment and Family Counseling Division is an authorized counselor training facility for many state colleges and universities offering degrees in psychology, social work, etc. Doctoral programs require 2,000 hours of supervised services in order to meet state licensing requirements. The Division is offering its program as a location to obtain this training. The cost savings involved with this residency program is financially beneficial to the County. Each resident, 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 resident rate of \$16.25. On October 3, 2006 (Item 3X-2), the Board of County Commissioners (Board) authorized the County Administrator, or his designee, to execute future postdoctoral psychology resident contracts on behalf of the Board, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. Countywide (HH)

CC. INTERNAL AUDIT

1. Staff recommends motion to receive and file:

A) Audit reports reviewed by the Audit Committee at its June 17, 2015 meeting as follows:

1. 15-08 Community Services - *Division of Senior Services* (2014-17)
2. 15-09 Risk Management - *Property and Casualty Insurance* (2014-07)
3. 15-10 Criminal Justice Commission - *Procurement to Payment* (2015-03)
4. 15-11 Criminal Justice Commission - *Performance Management* (2015-19)
5. 15-12 Public Affairs - *Procurement to Payment* (2015-14)
6. 15-13 Public Affairs - *Performance Management* (2015-29)

B) Audit recommendation status follow-up report as of March 31, 2015 reviewed by the Audit Committee at its June 17, 2015 meeting.

**SUMMARY:** Ordinance 2012-011 requires the Internal Audit Committee to review audit reports prior to issuance. Ordinance 2012-012 requires the County Internal Auditor to send those reports to the Board of County Commissioners. At its meeting on June 17, 2015, the Committee reviewed and authorized distribution of the above audit reports. The Committee also reviewed and authorized distribution of the Audit Recommendation Status Follow-up Report as of March 31, 2015. We are submitting these reports to the Board of County Commissioners as required by the Ordinance. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

DD. SUPERVISOR OF ELECTIONS

1. Staff recommends motion to approve: Precinct boundary changes submitted by Susan Bucher, Supervisor of Elections, as required by Section 101.001(1), Florida Statutes. **SUMMARY:** Precinct boundary changes as indicated. Countywide (DW)

EE. SHERIFF

1. Staff recommends motion to receive and file:
  - A) Grant Adjustment Notice 3 amending a Department of Justice, Office of Justice Programs FY 2014 Justice & Mental Health Collaboration Grant, to extend the grant period from September 30, 2015, through September 30, 2016; and
  - B) Grant Adjustment Notices 1 and 2.

**SUMMARY:** The Board of County Commissioners accepted this grant for \$250,000 on November 5, 2013; the original period for this grant was October 1, 2013, through September 30, 2015 (R2013-1603). This agenda item will extend the grant period from September 30, 2015, through September 30, 2016. The purpose of the project is to implement a comprehensive strategy with our mental health partners to assess and link individuals diagnosed with a mental health and/or substance abuse disorder to appropriate treatment services, and to provide peer education and support. Funding supports personnel costs, contractual services, training, data collection, and community education in support of the strategy to increase public safety. No additional County funds are required. Countywide (JB)

\* \* \* \* \*

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

A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, to be known as “The Cindy Defilippo Floating Structure Ordinance”; providing for a title; providing for applicability; providing for definitions; providing for the prohibition of floating structures; providing for enforcement; penalties; providing for inclusion in the code enforcement citation ordinance of Palm Beach County, Florida; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing captions and providing for an effective date. **SUMMARY:** This Ordinance will prohibit the anchoring or mooring of floating structures in waters within the jurisdiction of the County or on County-owned property unless anchored or moored at a marina, dock or on privately owned property. The Ordinance will not encompass waters within the jurisdiction of a municipality unless the County owns the submerged land. The Ordinance will primarily be enforced by Palm Beach County Code Enforcement or the Palm Beach County Sheriff’s Office. Unincorporated County (SF)

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

**1) approve** the filing of the FY 2015 Section 5307 Federal Transit Administration (FTA) Grant Application FL-90-X881 for \$10,439,303 in capital funds allocated to Palm Beach County Board of County Commissioners (BCC) in the amount of; and

**2) authorize** the Palm Tran Director or Assistant Director through the County Administrator to execute, on behalf of the BCC, and to transmit electronically the BCC’s approval of the grant application, award, and the resulting grant agreement.

**SUMMARY:** FTA Section 5307 Grant provides funds for capital projects and planning associated with the delivery of public transportation. The FY 2015 Grant will fund items necessary for the continued operations of the Palm Tran system including: Replacement of vehicles that have reached their useful life, security projects, facility rehabilitation and maintenance, preventive maintenance, transportation development plan consultant, transit enhancements. The grant requires a 20% local match and submittal of a Standard Form LLL - Disclosure of Lobbying Activities. The Florida Department of Transportation (FDOT) has approved the use of toll revenue credits as the required local 20% match; therefore, the projects budget lists the capital projects at 100% cost for the federal share, no county funds are required. This grant award is included in Palm Tran’s FY 2016 proposed budget. The FTA has only apportioned 8/12 (\$10,439,303) of the 5307 Grant funds, pending full appropriation by the U.S. Congress. Palm Tran will present to the BCC an amendment to this application for the remaining funds (approximately \$5,219,653) when the FTA apportions them. Countywide (DR)

4. PUBLIC HEARINGS CONTINUED

- C. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 19, Article IX (Ordinance No. 2008-43) as amended relating to vehicles for hire, amending Section 19-211 (short title; applicability); amending Section 19-213 (definitions); amending Section 19-214 (compliance with article required); amending Section 19-215 (advertising); amending Section 19-216 (reserved) adding new title vehicle for hire operational requirements; amending Section 19-217 (reciprocity); amending Section 19-218 (business permit application); amending Section 19-219 (records required); amending Section 19-220 (vehicle requirements); amending Section 19-221 (vehicle decal requirements); amending Section 19-222 (impoundment); amending Section 19-223 (vehicle safety and appearance requirements); deleting Section 19-224 (non-medical wheelchair and stretcher transportation service companies operational requirements); deleting Section 19-225 (vehicle inspections); amending Section 19-226 (commercial automobile liability insurance); amending Section 19-227 (driver requirements; failure to comply); deleting Section 19-228 (fraudulent transfer of vehicle for hire company); amending Section 19-229 (revocation, suspension and denial of permits/I.D. badges; administrative appeal); amending Section 19-230 (enforcement); amending Section 19-231 (violations); amending Section 19-235 (start-up); deleting Section 19-238 (jurisdiction); 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 an effective date. **SUMMARY:** On July 21, 2015, the Board of County Commissioners approved to advertise for public hearing the Vehicle for Hire Ordinance revisions. The original Ordinance proposal included several changes to provide flexibility for Transportation Network Companies (TNC) as well as maintain parity in a competitive industry and public safety. Based on Board direction, the revised proposed Ordinance will maintain Level 2 background checks and require automobile insurance policies in accordance with Florida Statutes. This proposed amendment to the Vehicle for Hire Ordinance was presented to the vehicle for hire industry which includes representation from Rasier, LLC on August 4, 2015. Countywide (JB)

\* \* \* \* \*

5. REGULAR AGENDA

A. COUNTY ATTORNEY

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on September 22, 2015, at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Code, Chapter 15, Article III, the Palm Beach County Ordinance for Housing and Places of Public Accommodation; by expanding the definition of a Place of Public Accommodation; 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:** The current Housing and Places of Public Accommodation Ordinance was repealed and replaced in 2014. Based on the need to provide additional coverage to aggrieved persons, it is necessary to amend the ordinance to expand the definition of a Place of Public Accommodation as outlined in the ordinance. The League of Cities has no opposition to the proposed amendment to the ordinance. The Equal Employment/Fair Housing Board supports the proposed ordinance in its present form. Countywide (DRO)

B. ENGINEERING & PUBLIC WORKS

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on Tuesday, September 22, 2015, at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code Chapter 23, Article V, known as Roadside Vendors Ordinance (Ordinance No. 2008-039) providing for criteria for permit issuance; providing for fees; providing for renewal of permit; providing for repeal of laws in conflict; providing for inclusion in the code of laws and ordinances; providing for severability; providing for savings clause; providing for captions; and providing for effective date. **SUMMARY:** This amendment to Chapter 23, Article V, known as the Roadside Vendors Ordinance (Ordinance 2008-39) will change the expiration date of the permits issued for roadside vendors from December 31 to January 31. It will also change the dates associated with the wait list and fees to move them each forward by a month. There is no change to the amount of permit fees associated with this program. Currently there are 40 active permits, down from a high of 141 in 1991. Countywide (MRE)
2. [Staff recommends motion to approve:](#)
  - A) the appraisal and acquisition of the parcel of land located at the southeast corner of Frontier Avenue and Arrowhead Drive (Palm Beach Ranchettes Neighborhood); and
  - B) the employment of all experts, including but not limited to real estate appraisers, engineers, certified public accountants, business damage experts, and other experts, deemed necessary to appraise and acquire the before mentioned land.

**SUMMARY:** Approval of this item will provide for acquisition of a vacant parcel of land necessary for the future drainage and improvement of Lyons Road from south of Lake Worth Drainage District (LWDD) L-11 Canal to north of LWDD L-10 Canal. No approval for right of way acquisition is being requested for any occupied parcel in this corridor. This is one of two vacant parcels along Frontier Avenue. This parcel's location near a canal will reduce the overall cost of providing drainage for the road. District 6 (MRE)

5. REGULAR AGENDA

C. PALM TRAN

1. Staff recommends motion to approve: a Memorandum of Agreement modifying Article 45 of the Labor Management Agreement between Palm Tran, Inc. and Palm Beach County, as joint employers, and Local Union 1577 of the Amalgamated Transit, A.F. of L. – C.I.O. – C.L.C. (ATU). **SUMMARY:** At the request of the ATU, Palm Tran commenced negotiations in June 2015 for the sole purpose of wage adjustments that would become effective during FY 2016. On July 14, 2015, ATU and Palm Tran tentatively agreed to certain wage adjustments. The Memorandum of Agreement incorporating all the agreed upon wage adjustments was ratified by the ATU on July 17, 2015. This Agreement covers wage adjustments for FY 2016 only. The Agreement allows for bus operators who are at the top rate of pay (Step 6) and maintenance personnel to receive a 3% wage rate increase. Bus operators not at the top rate of pay will receive wage rate increases as follows: Step 1 - 4%, Step 2 – 4.5%, Step 3 – 5%, Step 4 – 5.5%, Step 5 – 6%. The Agreement does not include any step progression for bus operators who are not at the top rate of pay. The associated costs are included in Palm Tran’s proposed FY 2016 budget. Countywide (DR)

D. PLANNING ZONING & BUILDING

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on September 22, 2015 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Chapter 19 (motor vehicles and traffic), by creating Article X (curbstoning); providing for a title; providing for authority; providing for applicability; providing for definitions; providing for prohibited acts; exceptions; providing for impoundment; fees and penalties; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for penalty; providing for captions; and providing for an effective date. **SUMMARY:** Section 316.1951, Florida Statutes, authorizes the County to adopt an Ordinance to prohibit the parking and display of motor vehicles for sale, hire or rental in certain areas, unless authorized. This proposed Ordinance will prohibit those activities on public rights of way, easements and private property open to the public unless authorized. An Individual will not be prohibited from displaying a vehicle for sale on property owned or leased by the individual, or on the immediately adjacent public street. Licensed motor vehicle dealers will be able to display vehicles for sale at a location other than their licensed location, if a supplemental license is obtained from the Florida Department of Motor Vehicles. Motor vehicles parked in violation of this Ordinance will be towed and the owner will be fined \$100 per vehicle. Prior to redeeming a towed vehicle, the owner must pay the towing and storage fees and the \$100 fine. Unincorporated (SF)

5. REGULAR AGENDA

E. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to authorize: the Mayor to execute grant documentation requested by the U.S. Economic Development Administration (EDA) to fund infrastructure improvements at the Lake Worth Park of Commerce. **SUMMARY:** On May 19, 2015, the Board of County Commissioners approved a Memorandum of Understanding (MOU) with the City of Lake Worth (City). In the MOU the City will compensate the County for technical assistance to secure and manage prospective EDA grant funds to facilitate the development of the Lake Worth Park of Commerce. These grant funds are intended for the reconstruction of Boutwell Road and for other related infrastructure improvements. The City will be responsible for completing the engineering design work for the proposed roadway improvements, securing matching funds and overseeing implementation of the construction work. On August 3, 2015, EDA informed the County and the City that the grant proposal had been selected through its competitive application review process subject to the appropriation of funds in EDA's Fiscal Year 2016 budget. If appropriated, EDA would fund \$1,389,100 of the \$5,426,600 total project cost under its Public Works Program. To receive these funds EDA has required the County to be a co-applicant on the grant application. The City will provide the local match of \$4,037,500 to complete the project. Approval is requested to authorize the Mayor to execute the necessary documents to join the City as co-applicant in its application to EDA for grant funding for the Lake Worth Park of Commerce. **These are federal EDA funds which require a local match which will be provided by the City of Lake Worth as the applicant. No County local match is required.** (DES Administration) District 3 (JB)

F. FACILITIES DEVELOPMENT & OPERATIONS

TIME CERTAIN 11:00 A.M.: Four Spring Training Facility Agenda Items (5F1 – 5F4)

1. Staff recommends motion to approve: an Interlocal Agreement with the City of West Palm Beach (Agreement) for the exchange of property for the development of a two team Major League Baseball spring training complex (Facility). **SUMMARY:** Pursuant to this Agreement, the City will convey approximately 141 acres of City owned property between Haverhill Road and Military Trail lying South of 45<sup>th</sup> Street (the "Site") in exchange for the County conveying 1.8 acres of County owned property lying between Evernia and Fern Streets (the "County Property"). The County will also cause the Teams to construct a 12.2 acre City Park on adjoining City owned property contemporaneously with development of the Facility. As contemplated by the material term sheet approved by the Board on February 3, 2015, this exchange is not tied to the valuation of the properties being exchanged. As the Site was previously used by the City as a yard waste landfill, substantial environmental assessment work was performed which indicates that no significant environmental contamination exists which would require remediation of the Site. The team's consultants have estimated non-environmental reclamation costs (trash removal, soil processing, transportation and disposal) at roughly \$11 Million. Both the City and County have completed their due diligence investigations of the properties to be received by them in this exchange, and each party will be accepting title to the properties in "As-Is" condition. Closing will occur within thirty (30) days following issuance of County bonds to fund development costs of the Facility. *The approval of this Agreement is a companion to and contingent upon the approval of the Developer Agreement, Sports Facility Use Agreement, and three separate Agreements pertaining to reclaimed water serving the Facility.* **Approval of this item requires a supermajority vote (5 votes).** (FDO/Admin) Countywide/District 7 (HJF)

5. REGULAR AGENDA

F. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: a Developer Agreement (Agreement) with HW Spring Training Complex, LLC, (LLC) formed by the Washington Nationals Baseball Club, L.L.C., a Washington, D.C. Limited Liability Company (Nationals) and the Houston Astros, L.L.C., a Texas Limited Liability Company (Astros), to develop a two team Major League Baseball spring training complex (Facility). **SUMMARY:** This Agreement provides the terms and conditions by which the LLC shall serve as the County's development consultant for construction of the Facility as contemplated by the material term sheet approved by the Board on February 3, 2015. The LLC shall select contractor(s) and consultant(s) consistent with the requirements of the Consultant's Competitive Negotiation Act, and be responsible for the design, permitting, construction and delivery of the Facility with the minimum requirements outlined in Exhibit B of the Agreement. The County will issue revenue bonds sufficient to fund the development of the Facility in the net amount of 130 Million Dollars to be added to the Five Million Dollars allocated in the Due Diligence and Planning Services Agreement (R2015-0358) approved by the Board on March 10, 2015. The amount ultimately available for program expenditures (the "Budgeted Amount") may be lower than 135 Million Dollars, depending on whether the extent to which any pre-construction cost savings are identified. However, the County's obligation to issue County Bonds to finance the development is subject to conditions precedent as follows: 1) execution of this Agreement, 2) execution of the Sports Facility Use Agreement, 3) closing on the exchange of the properties as contemplated by the Interlocal Agreement with the City of West Palm Beach (Interlocal), 4) County's receipt of the Funding Certification Letter from the State pursuant to F.S. §288.11631, 5) completion of the due diligence requirements for the Facility, and 6) approval of this Agreement by Major League Baseball, if required. Until such time that all conditions precedent are met; the Budgeted Amount remains at Five Million Dollars. In addition, the Agreement assigns the County's responsibilities pursuant to the Reclaimed Water Agreements and the Interlocal to the LLC, which includes the design, permitting, development and delivery of a park on approximately 12.2 acres adjacent to the Facility, at the LLC's sole cost and expense. *The approval of this Agreement is a companion to the Interlocal, Sports Facility Use Agreement and three separate Agreements pertaining to reclaimed water serving the Facility.* (FDO Admin) Countywide/District 7 (MJ)

5. REGULAR AGENDA

F. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **REVISED TITLE:** Staff recommends motion to approve: a Sports Facility Use Agreement (Agreement) with HW Spring Training Complex, LLC, (LLC) formed by the Washington Nationals Baseball Club, L.L.C., a Washington, D.C. Limited Liability Company (Nationals) and the Houston Astros, L.L.C., a Texas Limited Liability Company (Astros), to develop a two team Major League Baseball spring training complex (Facility) for use of the Facility for a term of approximately thirty one (31) years and use fees totaling \$68.8 Million Dollars over the term of the Agreement. **SUMMARY:** This Agreement sets forth the terms and conditions of the LLC's use and operation of the Facility as a two-team spring training facility for a term of approximately thirty-one (31) years and payment of a Facility Use fee in the amount of \$39,160,960, a Parking Area fee of \$6,350,240 and a Concession License Fee of \$23,288,800, payable in annual installments according to an escalating schedule over the term of the Agreement, in order to cover debt service. Payments commence on the third anniversary of the issuance of the County Bonds and continue through the term of thirty (30) years after the conclusion of the first full spring training season (approximately 31 years). The LLC is solely responsible for funding and performing routine repair and maintenance and for complying with and performing any required corrective action, including emergency repairs and maintenance, resulting from hazardous conditions, safety or regulatory requirements, defects, flaws or other issues or condition identified in an inspection. The County is responsible for funding renewal/replacement (R/R) projects for public use improvements which are identified in Exhibit B of the Agreement, except for improvements identified in Exhibit F of the Developer Agreement (County Standard Design and Construction Policy Deviations). The LLC is responsible for funding R/R projects that are not identified as County R/R projects. Capital improvements may be funded and performed by the LLC and if undertaken, become the R/R responsibility of the LLC. The LLC is entitled to receive and retain all revenue streams from its use and operation of the Facility other than profits stemming from County Events. The LLC has exclusive concessionaire rights and the LLC can retain all such revenues. All advertising revenue is the sole property of the LLC and the LLC controls all naming rights to the Facility but will include "of/at the Palm Beaches" at the end of the Facility name that is deemed acceptable to the LLC and subject to change from time to time. The Astros and the Nationals shall each provide the County with \$500,000 of tourism and marketing services annually at each Team's home city stadium or to each Team's home city audience. Each Team shall meet with the TDC annually to review and reach agreement on the promotional plan for the coming year. Jupiter Stadium Limited (JSL), which is the entity formed by the Miami Marlins and St. Louis Cardinals to operate Roger Dean Stadium is reviewing the negotiated contract and could claim more favorable terms" on the property taxes provision. *The approval of this Agreement is a companion to the Interlocal Agreement with the City of West Palm Beach, Developer Agreement, and three separate Agreements pertaining to reclaimed water serving the Facility.* (FDO Admin) Countywide/District 7 (MJ)

5. REGULAR AGENDA

F. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve:

**A)** Interlocal Agreement with the East Central Regional Wastewater Treatment Facilities Operation Board (ECR Board) and the City of West Palm Beach Related to Reclaimed Water Mains for the construction, operation, and maintenance of reclaimed water facilities within the ECR property (the “ECR Agreement”);

**B)** Interlocal Agreement with the City of West Palm Beach for the Purchase of Bulk Reclaimed Water by the City from the County (the “Bulk Purchase Agreement”); and

**C)** Interlocal Agreement with the City of West Palm Beach for the Sale and Purchase of Reclaimed Water (“the Retail Agreement”) to provide reclaimed water to serve irrigation needs of the Major League Spring Training Facility.

**SUMMARY:** The County’s Major League Spring Training complex (the “Facility”) will require reclaimed water for irrigation. Construction of a pipeline from the East Central Regional Wastewater Treatment Facilities (ECRWTF) will be required in order to provide reclaimed water to the Facility. Pursuant to the Retail Agreement, the County will design and construct a pipeline and metering facilities connecting the ECRWTF to the Facility. The cost of this project will be borne by the County and funded as part of the Facility project budget. The County Water Utilities Department will administer this project. Upon completion of construction, the pipeline and metering facilities will be owned, operated and maintained by the City. The County will design and construct the connecting and metering facilities necessary to connect the pipeline to the ECRWTF pursuant to the ECR Agreement. Those costs will be borne by the County and funded out of the Facility project budget. The County Water Utilities Department will sell reclaimed water to the City pursuant to the Bulk Purchase Agreement. These agreements are only necessary as a result of the development of the Facility and approval is being considered as a companion to the Interlocal Agreement, Developer Agreement and Sports Facility Use Agreement. (PREM) District 7 (MWJ) (FDO)

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6. BOARD APPOINTMENTS

A. OFFICE OF EQUAL OPPORTUNITY  
(Fair Housing/Equal Employment Board)

1. Staff recommends motion to approve: appointment of one member to the Fair Housing / Equal Employment Board for a term beginning on August 18, 2015, through September 30, 2016. The appointment is to be made from the following nominees:

<u>Nominee</u>	<u>Nominated By:</u>	<u>Seat No.:</u>
Lawrence Greenberg	Commissioner Valeche Commissioner Abrams	9
<b>OR</b>		
Roxanne Harris	Commissioner Burdick Commissioner McKinlay Commissioner Taylor	9

**SUMMARY:** This appointment is to fill an at-large seat created by the resignation of Oscar Sola. The appointment is at-large and for the remainder of a term ending September 30, 2016. The board is composed of nine members. Seven members are district appointments and two are at-large. The Ordinances require that the appointee should reflect, to the greatest extent possible, representation from the protected groups identified in the Ordinances and who have experience and interest in equal opportunities. The board meets quarterly. A memorandum was sent to the Board of County Commissioners on June 3, 2015 requesting nominations. Countywide (DRO)

B. COMMISSION DISTRICT APPOINTMENTS

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**AUGUST 18, 2015**

**7. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**AUGUST 18, 2015**

**8. COMMISSIONER COMMENTS**

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

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

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

Request approval to present off-site, a Proclamation declaring August 25 – 30, 2015 as “American Contract Compliance Association Week” in Palm Beach County.

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

**E. District 5 - COMMISSIONER MARY LOU BERGER, VICE MAYOR**

**F. District 6 - COMMISSIONER MELISSA MCKINLAY**

**ADD-ON:** Request approval to present off-site, a Proclamation declaring September 2015 as “Wellington All-Stars Baseball Month” in Palm Beach County.

**G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR**

Request approval to present off-site, a Proclamation declaring August 26, 2015 as “Women’s Equality Day” in Palm Beach County.

**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."