

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

SEPTEMBER 27, 2016

<u>PAGE</u>	<u>ITEM</u>	
9	3A-3	<u>REVISED TITLE:</u> Staff recommends motion to approve: the following agreements to implement different community improvement projects... A) an Agreement with Monica Brown representing Citizens Village – <u>Citizen Villas located in Pahokee</u> , in an amount not-to-exceed \$5,000 to purchase items for a community park project; B – I)....J) an Agreement with Violet Howard representing - Lake Worth West Park Community <u>located in Lake Worth</u> , in an amount not-to-exceed \$5,000 to purchase items for a community outreach and Little Free Library project; K) – L)....M) an Agreement with Cartheda Mann representing seniors in the Glades – <u>Senior Citizen Nursing Homes located in Belle Glade</u> , in an amount not-to-exceed \$5,000 to purchase items for a community emergency preparedness outreach project; N) – Y)....Z) an Agreement with Luz Torres, representing the 300 Block of Annona Avenue, located in Pahokee , in an amount not-to-exceed \$2,800 to purchase items for a community outreach project; AA) – DD)....(Admin/OCR)
21	3F-4	<u>REVISED SUMMARY:</u> Staff recommends motion to approve: a Declaration of Easement (Declaration) on County-owned property at 1440 Perimeter Road at the Palm Beach International Airport (PBIA) for water utility improvements. SUMMARY: The Palm Beach County Water Utilities Department (WUD) is in the process of providing water and sewer service to the property located at the southeast corner of Belvedere Road and Australian Avenue, east of PBIA, owned by BW Australian Belvedere, LLC (BW), on which BW is developing a Wawa retail store. WUD is requesting the Declaration to connect water utility improvements from the nearest location, which is on PBIA property at 1440 Perimeter Road near the southwest corner of Belvedere Road and Australian Avenue. The Declaration provides for the installation, operation and maintenance of wastewater transmission and distribution facilities on PBIA property. <u>Countywide (HJF) (Airports)</u>
26	3H-5	<u>DELETED:</u> Staff recommends motion to approve: the reappointment of Kristin Garrison, AICP, CPF and Keith Williams, Esq. to the Palm Beach County Property Review Committee (PRC) for a term of three years commencing October 1, 2016:...(FDO) (Further staff review)
31	3I-8	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve: an Amendment to the <u>Amended and Restated</u> Deposit Account Control Agreement (DACA) with the U.S. Department of Agriculture (USDA) Rural Development Division and Wells Fargo Bank, National Association, to establish a second revolving loan account for the Intermediary Relending Program (IRP). SUMMARY: On December 18, 2012, the Board of County Commissioners authorized the DACA (R2012-1893) to establish a \$400,000 revolving loan account with Wells Fargo Bank from which the County will be able to lend to small businesses in the rural areas of the County according to the requirements of the IRP. On March 11, 2014, the Board of County Commissioners adopted Resolution R2014-0355 which authorized the Department of Economic Sustainability to submit a second IRP application to USDA. On February 23, 2016, USDA approved the County's second application for a \$1,000,000 IRP loan. This Amendment <u>Amended and Restated DACA</u> will establish a \$1,000,000 second revolving loan account with Wells Fargo Bank from which the County will be able to lend to small businesses in the rural area of the County. <u>District 6 (JB) (DES)</u>

38 3S-2 **REVISED TITLE: Staff recommends motion to approve:** Emergency Services Agreement for Mutual Assistance and Automatic Aid with each of the following entities: **A)** City of Boca Raton; and **B)** City of Boynton Beach; and ~~**C)** Martin County (Fire Rescue)~~

42 3X-4 **REVISED TITLE & SUMMARY: Staff recommends motion to approve:** ~~three~~ two At-Large reappointments of the following individuals to the Emergency Medical Services Advisory Council (EMS Council) for the term from October 1, 2016, to September 30, 2019:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Recommended by:</u>
John Treanor	1	Fire Chief's Assoc. of PBC	Vice Mayor Valeche Commissioner Burdick Commissioner Abrams Commissioner Taylor
Dr. Sandra Schwemmer	4	Health Care District of PBC	Vice Mayor Valeche Commissioner Burdick Commissioner Abrams Commissioner Taylor
Dr. Ken Schepke	16	PBC EMS Medical Directors Assoc.	Vice Mayor Valeche Commissioner Burdick Commissioner Abrams Commissioner Taylor

SUMMARY: Per Resolution R2014-0100, the Board of County Commissioners approved a representative make-up of the Emergency Medical Services Council to include twenty members. Thirteen members are representatives of the various components of the EMS system with specific requirements and seven members are Commission District Consumer appointments. A memo was sent to all Board members on August 4, 2016 seeking nominations for ~~the above~~ three at-large seats. Three recommendations were made, but one candidate had to be withdrawn. The diversity of the current board members is as follows: 12 Caucasian males, 4 Caucasian females, and 1 Hispanic female. Currently there are three vacant seats. Staff has addressed the need for diversity at the Emergency Medical Services Council meetings and will take additional steps as necessary to expand diversity of the Council. Countywide (LDC) (Public Safety)

43 3X-5 **REVISED SUMMARY: Staff recommends motion to:** **A) receive and file** the following executed agreements with the State of Florida, Division of Emergency Management (FDEM) to receive grant funding for the period July 1, 2016, through June 30, 2017:...**SUMMARY:** The EMPA grant is state funded while the EMPG grant is federally funded. Both grants recur annually, with the funds being distributed to the Public Safety Department's Division of Emergency Management. These funds are used to enhance and improve emergency management plans and programs and provide operational support to maintain state required programs consistent with the state's Comprehensive Emergency Management Plan. The grants will be used to further enhance emergency planning, response, mitigation and recovery in the County. R2012-1731 dated November 20, 2012 gave authority to the County Administrator, or designee, to execute these agreements on behalf of the Board of County Commissioners. The EMPA grant requires a match equal to the lesser of the average of the previous three years or the last fiscal year level of County general revenue funding. The EMPG grant requires a dollar for dollar match. Match requirements are included in the County budget. No matching County funds are required for the EMPA grant; however, a dollar for dollar match is required for the EMPG grant which is included in the County budget. (Public Safety)

- 44 3AA-1 **REVISED TITLE: Staff recommends motion to: A) adopt** a Resolution of the Board of County Commissioners of Palm Beach County (BCC), Florida, approving Joint Participation Agreement (JPA) (FM No. 430296-2-84-01) with the State of Florida Department of Transportation (FDOT), in the amount of \$865,000 to provide additional funding to assist mass transit operating in the Lakes Region Area of Palm Beach County; the JPA is effective upon execution by both parties and expires September 20, 2020, establishing an effective date; B)...~~C) approve an upward Budget Amendment of \$865,000 in the Palm Tran Operating Fund 1340 in order to budget for the transfer from the Palm Tran Grants Fund 1341~~ **C) approve a Budget Transfer of \$865,000 in the Palm Tran Operating Fund 1340 to budget the grant revenue and reduce the General Fund transfer; and D) approve a Budget Transfer of \$865,000 in the General Fund 0001, to decrease the General Fund transfer, increasing Contingency Reserves.** (Palm Tran)
- 57 6A-3 **DELETED: Staff recommends motion to approve: A)** an Economic Development Incentive Agreement with Cancer Treatment Centers of America Global, Inc. (Company)...(Admin/DES) (Moved to October 18, 2016)
- 61 6E-1 **ADD-ON: Staff recommends motion to:**
- A) approve** a Sports Development Program Agreement (Agreement) with the Florida Department of Economic Opportunity (FDEO) setting forth the terms by which the State will pay the County \$50,000,000 over a period of 25 years; and
- B) authorize** the County Administrator, or designee, to prepare and submit the annual reports required by the Agreement to the FDEO.
- SUMMARY:** On October 29, 2015, FDEO certified the County’s application to participate in the Major League Spring Training Baseball Franchise Retention Program pursuant to F.S. 288.11631. Certified applicants then enter into a funding agreement to access specific funds set aside in F.S. 212.20(6)(d)6.e. Pursuant to this Agreement, the State will pay the County \$50,000,000 in equal monthly payments of \$166,667.00 for a period of 25 years. Since the County has issued bonds for the construction of the Ballpark of the Palm Beaches and the funding received from State will be used to pay a portion of the debt services on those bonds, the County cannot be decertified. On or before September 1 annually throughout the term of this Agreement, the County shall submit an annual report to FDEO which will be coordinated by the Office of Financial Management and Budget with contributions also being made by Facilities Development & Operations and Tourist Development Council/Sports Commission. In addition, the County shall submit monthly status reports on the development of the stadium. The County agrees that it will seek FDEO’s approval prior to making any material changes, amendments, modification, extensions or the like, to the First Restated Sports Facility Use Agreement that could reasonably have any effect on FDEO’s or the State’s rights or privileges. (FDO Admin) Countywide/District 7 (MWJ) (FDO)
- 64 9B-1 **ADD-ON:** Request approval to present off-site a Proclamation declaring Thursday, October 6, 2016 as “German-American Day” in Palm Beach County. (Sponsored by Commissioner Burdick)
- 64 9B-2 **ADD-ON:** Request approval to present off-site a Proclamation declaring the weekends of October 7 – 9 and October 14 - 16, 2016 as “Oktoberfest” in Palm Beach County. (Sponsored by Commissioner Burdick)

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**

SEPTEMBER 27, 2016

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

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
- 3. CONSENT AGENDA (Pages 8 - 48)**
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 49 - 53)**
- 5. BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD – PUBLIC HEARING – 9:30 A.M. (Page 54)**
- 6. REGULAR AGENDA (Pages 55 - 61)**
- 7. BOARD APPOINTMENTS (Page 62)**
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to reappoint: three individuals to the Small Business Assistance (SBA) Advisory Committee for the seats and terms indicated below:

<u>NOMINEE</u>	<u>SEAT</u>	<u>DESIGNATION</u>	<u>TERM</u>	<u>NOMINATED BY</u>
Aida Veronica Vidal	2	Certified Hispanic Business Owner	9/27/2016 – 9/26/2019	Vice Mayor Valeche Commissioner Burdick Commissioner Abrams Commissioner McKinlay Commissioner Taylor
Joseph D. Anderson	10	Minority Contractor	9/27/2016 – 9/26/2019	Vice Mayor Valeche Commissioner Burdick Commissioner Abrams Commissioner McKinlay Commissioner Taylor
Scott Johnson	11	Associated General Contractors	9/27/2016 – 9/26/2019	Vice Mayor 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. Scott Johnson has disclosed that Johnson-Davis, Inc. is under contract to provide services to the Water Utilities Department. 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 August 18, 2016 requesting approval of the recommendations. No other nominations were received. The current diversity count is: Hispanic 2; White 6; and African American 7. Countywide (HH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

2. Staff recommends motion to approve: reappointment of one member to the Fair Housing/Equal Employment Board (Board) for a term beginning on October 1, 2016, through September 30, 2019. The reappointment is to be made from the following nominee:

<u>Nominee</u>	<u>Nominated By</u>	<u>Seat No.</u>
RoxAnne Harris	Vice Mayor Valeche Commissioner Burdick Commissioner McKinlay Commissioner Taylor	9

SUMMARY: RoxAnne Harris is a current at-large member of the Fair Housing/Equal Employment Board. She was appointed to that Board on August 18, 2015 to complete the remainder of a term of a member that resigned. The Board is composed of nine members. Seven members are district appointments and two are at-large. The Ordinances require that the appointees 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 20, 2016 requesting nominations. The Board has 9 seats, 8 seats currently filled and diversity count of Caucasian: 5 (62.5%), African American: 2 (25%) and Hispanic: 1 (12.5%). The gender ratio (female:male) is: 5:3. This nominee is an African American female. Countywide (DO)

3. REVISED TITLE: 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 for a total amount of One Hundred and Thirty Thousand Eight Hundred Fifty Dollars (\$130,850):

- A)** an Agreement with Monica Brown, ~~representing Citizens Village~~ – Citizen Villas located in Pahokee, in an amount not-to-exceed \$5,000 to purchase items for a community park project;
- B)** an Agreement with Cabana Colony Residents League, Inc. in an amount not-to-exceed \$5,000 to purchase items for a community clean-up project;
- C)** an Agreement with Friends of Palm Beach, Inc. in an amount not-to-exceed \$5,000 to purchase items for a community beautification project;
- D)** an Agreement with Loxahatchee Groves Landowners Association in an amount not-to-exceed \$1,700 to purchase items for a community beautification and banner project;
- E)** an Agreement with Memory Trees Corporation in an amount not-to-exceed \$5,700 to purchase items for a community garden and pavilion project;
- F)** an Agreement with Office Depot Foundation, Inc. in an amount not-to-exceed \$5,000 to purchase items for a community park improvement project;
- G)** an Agreement with Paint Your Heart Out Palm Beach County, Inc. in an amount not-to-exceed \$5,000 to purchase items for a community beautification project;
- H)** an Agreement with Palm Beach Central High School in an amount not-to-exceed \$5,000 to purchase items for a community beautification project;
- I)** an Agreement with Rebuilding Together of the Palm Beaches, Inc. in an amount not-to-exceed \$5,000 to purchase items for a community beautification project;

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. MOTION/TITLE CONTINUED

J) an Agreement with Violet Howard, ~~representing~~ Lake Worth West Park Community located in Lake Worth, in an amount not-to-exceed \$5,000 to purchase items for a community outreach and Little Free Library project;

K) an Agreement with Whispering Palms Neighborhood Association, Inc. in an amount not-to-exceed \$4,000 to purchase items for a community beautification project;

L) an Agreement with City of South Bay in an amount not-to-exceed \$5,000 to purchase items for a community farmers market project;

M) an Agreement with Cartheda Mann, ~~representing seniors in the Glades~~ – Senior Citizen Nursing Homes located in Belle Glade, in an amount not-to-exceed \$5,000 to purchase items for a community emergency preparedness outreach project;

N) an Agreement with Community Faith Outreach Ministries, Incorporated in an amount not-to-exceed \$5,000 to purchase items for a community beautification project;

O) an Agreement with Cottages of Lake Worth, Inc. in an amount not-to-exceed \$5,000 to purchase items for a community outreach project;

P) an Agreement with Friends of the Library of the City of Lake Worth, Florida, Inc. and Neighborhood Association President's Council, Inc. in an amount not-to-exceed \$8,200 to purchase items for a "school zone" (\$3,200) and Little Free Library project (\$5,000);

Q) an Agreement with Limestone Creek Advocates, Inc. in an amount not-to-exceed \$12,900 to purchase items for community capacity, safety and outreach projects;

R) an Agreement with Neighbors Helping Neighbors Project, Inc. in an amount not-to-exceed \$400 to file for 501(c)(3) tax exempt status;

S) an Agreement with Northwood Harbor Association, Incorporated in an amount not-to-exceed \$2,400 to purchase items for a community outreach project and to file for 501 (c)(3) tax exempt status;

T) an Agreement with Operation Reboot, Inc. in an amount not-to-exceed \$400 to file for 501 (c)(3) tax exempt status;

U) an Agreement with Glades Interagency Network, Inc. in an amount not-to-exceed \$4,700 to file for 501(c)(3) tax exempt status and purchase items for community outreach events;

V) an Agreement with The Glades Initiative Inc. in an amount not-to-exceed \$4,600 to purchase items for a community outreach project;

W) an Agreement with Neighborhood Association President's Council, Inc. in an amount not-to-exceed \$5,000 to purchase items for a street banner project;

X) an Agreement with Royal Poinciana Neighborhood Association, Inc. in an amount not-to-exceed \$2,150 to purchase items for a community clean-up and outreach project;

Y) an Agreement with Tropical Ridge Neighborhood Association, Inc. in an amount not-to-exceed \$5,000 to purchase items for a community outreach project;

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. MOTION/TITLE CONTINUED

Z) an Agreement with Luz Torres, ~~representing the~~ 300 Block of Annona Avenue located in Pahokee, in an amount not-to-exceed \$2,800 to purchase items for a community outreach project;

AA) an Agreement with Lake Worth Eden Neighborhood Association, Inc. in an amount not-to-exceed \$1,900 to purchase items for a crime watch project;

BB) an Agreement with Lantana Homes Homeowners Association, Inc. in an amount not-to-exceed \$5,000 to purchase items for a community park project;

CC) an Agreement with Residents of Lake Osborne Heights, Inc. in an amount not-to-exceed \$2,000 to purchase items for a community crime watch project; and

DD) an Agreement with Vernon Heights Property Owners Association, Inc. in an amount not-to-exceed \$2,000 to purchase items for a community crime watch project.

SUMMARY: The America's Next Top Neighborhood Grant (ANTNG) is a Program created under the Resident Education to Action Program (REAP) to provide funding for eligible neighborhood improvement projects and initiatives. The Program was created as an incentive for neighborhood groups and individuals to become partners with County government in the betterment of the community. For the ANTNG FY 2016 funding cycle, the OCR implemented two, five week REAP sessions. One session was conducted in the Glades/Lake Region from January 28 through February 25, 2016 and the other session was held in central Palm Beach County from March 8 through April 5, 2016. Upon completion of the two sessions, OCR staff and the REAP Steering Committee evaluated the fifty six applications that were received. Thirty projects are recommended for funding in an amount totaling One Hundred and Thirty Thousand Eight Hundred Fifty Dollars (\$130,850). The projects will be completed in FY 2017 and include a variety of activities. Staff is requesting BCC approval of the Agreements and related funding. All funds will be drawn from the general REAP/Community Connect Initiative account. Countywide (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

4. **Staff recommends motion to approve:** reappointment of the following individual to the Florida Atlantic Research & Development Authority (Authority) for a term of four years, from September 27, 2016, to September 26, 2020:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Bruce C. Rosetto	1	Private Sector/PBC Resident	Vice Mayor Valeche Comm. Burdick Comm. Vana Comm. Abrams Comm. McKinlay

SUMMARY: On October 3, 1985, the Board of County Commissioners (BCC) adopted Ordinance No. 85-32, which created the Florida Atlantic Research & Development Authority. The Authority is comprised of seven members: three Palm Beach County representatives, three Broward County representatives and the President of Florida Atlantic University or his/her designee. Representatives must be employed in the private sector and reside in the County in which they represent. On July 14, 2016, a memo was distributed to the BCC indicating Mr. Rosetto's term on the Authority would expire September 12, 2016. Mr. Rosetto has been a Palm Beach County representative on the Authority since December 6, 2011, and has expressed a desire to continue. Mr. Rosetto has disclosed that he is employed with the firm of Greenberg Traurig, P.A., which has one existing contract with the County for bond counsel services. FARDA provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sec. 2-443, of the Palm Beach County Code of Ethics. No other nominations were received. The diversity of the three Palm Beach County representatives is: two Caucasian males and one Caucasian female. District 4 (PFK)

B. CLERK & COMPTROLLER

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

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to receive and file:

A) a Construction Agreement with the Florida Department of Transportation (FDOT) for construction of the Northlake Boulevard and Military Trail intersection improvement project; and

B) a Construction Agreement with the FDOT for construction of the Toney Penna Drive and Old Dixie Highway/Alternate A1A intersection improvement project.

SUMMARY: In accordance with Countywide PPM CW-O-051 “Delegated Authority for Execution of County Contracts and Agreements”, these agreements are being submitted as a receive and file agenda item for the Clerk’s Office to note and receive. These agreements were approved by the Assistant County Engineer as a delegated authority in accordance with R2013-1117 District 1 (MRE)

2. Staff recommends motion to approve:

A) a Contract with R & D Paving, LLC (R & D) in the amount of \$699,820.90 for the construction of Australian Avenue, West 10th Street to 330’ north of West 13th Street intersection improvements (Project); and

B) a Budget Amendment of \$7,150 in the Road Impact Fee Fund – Zone 1 to recognize reimbursement funding from the City of Riviera Beach (\$4,400), and AT&T (\$2,750) and appropriate it to the Project.

SUMMARY: Approval of this Contract and Budget Amendment will allow Palm Beach County to issue a notice to proceed to R & D, a Palm Beach County based company, to begin construction of the Project. The Palm Beach County Small Business Enterprise (SBE) goal for all projects is 15% overall. The SBE participation proposed for the Project by R & D is 51.70%. District 7 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve:

A) a Contract with Community Asphalt Corp. (Community) in the amount of \$907,916.20 for the construction of improvements to Garden Road, south of FDOT Canal (Interstate Park Road North) to south of Blue Heron Boulevard (Project);

B) a Budget Amendment of \$143,191 in the Transportation Improvement Fund to recognize \$138,985 in reimbursement funding from the City of Riviera Beach, and \$4,206 from AT&T, and appropriate it to the Project;

C) a Budget Amendment of \$67,188 in the Road Impact Fee Fund Zone – 1 to recognize the transfer from the Transportation Improvement Fund to increase Impact Fee Zone 1 reserves; and

D) a Budget Transfer of \$67,188 from the Transportation Improvement Fund to the Road Impact Fee Fund Zone – 1 for the Project.

SUMMARY: Approval of the Contract, Budget Amendments and Budget Transfer will allow Palm Beach County to issue a notice to proceed to Community, a Palm Beach County based company, to begin construction of the Project. The 0.3 mile long Project includes bridge demolition, installation of 72' pipe culvert, curb and gutter installation, asphalt pavement and utility relocation to provide three lanes. The Palm Beach County Small Business Enterprise (SBE) goal for all projects is 15% overall. Community proposed an SBE participation of 14.86% which does not meet the SBE requirement for this project, but the next lowest bidder that met the SBE requirement was over 10% higher and therefore outside the range of ranking for responsive bidders. Approval of the \$67,188 budget transfer and budget amendment will increase the reserves in Road Impact Fee Zone 1 to reimburse the fund for expenses incurred for the Project which are not impact fee eligible. District 7 (MRE)

4. Staff recommends motion to approve:

A) a Contract with Community Asphalt Corp. (Community) in the amount of \$2,079,181.90 for the construction of Toney Penna Drive and Old Dixie Highway intersection improvements (Project); and

B) a Budget Amendment of \$16,884 in the Road Impact Fee Fund – Zone 1 to recognize reimbursement funding from the Town of Jupiter (\$12,209), AT&T (\$894), and the Loxahatchee River District (\$3,781) and appropriate it to the Project.

SUMMARY: Approval of this Contract and Budget Amendment will allow Palm Beach County to issue a notice to proceed to Community, a Palm Beach County based company, to begin construction of the Project. Although Ranger Construction Industries provided the lowest bid, it was determined after a compliance review by SBE that the contract should be awarded to Community, as they were within the range of ranking and provided the greatest amount of SBE participation of the bidders. The Palm Beach County Small Business Enterprise (SBE) goal for all projects is 15%. Community has proposed 11.61% SBE participation. District 1 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to approve: a Contract with J.W. Cheatham, LLC (Cheatham) in the amount of \$7,444,791.05 for the construction of Haverhill Road from Lantana Road to Lake Worth Road (Project). **SUMMARY:** Approval of this Contract will allow Palm Beach County to issue a notice to proceed to Cheatham, a Palm Beach County based company, to begin construction of the Project. Haverhill Road will be widened from two lanes to a four lane divided section from Lantana Road to the LWDD L-14 Canal, and will be widened from two lanes to a five lane undivided section from the LWDD L-14 Canal to Lake Worth Road. The Palm Beach County Small Business Enterprise (SBE) goal for all projects is 15%. Cheatham has proposed 15.9% SBE participation. Districts 2 & 3 (MRE)

6. Staff recommends motion to approve:
 - A) a Contract with Community Asphalt Corp. (Community) in the amount of \$3,084,001.95 for the construction of Old Dixie Highway from Park Avenue to Northlake Boulevard (Project); and
 - B) a Budget Amendment of \$49,595 in the Road Impact Fee Fund – Zone 1 to recognize anticipated reimbursement funding from Seacoast Utilities (\$46,970) and AT&T (\$2,625) and appropriate it to the Project.

SUMMARY: Approval of the Contract and Budget Amendment will allow Palm Beach County to issue a notice to proceed to Community, a Palm Beach County based company, to begin construction of the Project. The Project will add bike lanes, curb and gutter, sidewalk, and provide a drainage outfall system. A mast arm signal will also be installed at Northlake Boulevard. The Palm Beach County Small Business Enterprise (SBE) goal for all projects is 15%. Community has proposed 15.6% SBE participation. Districts 1 & 7 (MRE)

7. Staff recommends motion to adopt: Eleven resolutions declaring the acquisition of properties designated as follows: parcel 102 as fee simple road right-of-way, parcels 201, 202 and 203 as permanent easements, and parcels 301, 302, 303, 304, 305, 307 and 308 as temporary construction easements, all necessary for the construction of roadway improvements and bridge replacement on Purdy Lane from Forest Hill Elementary to east of Major Drive (Project). **SUMMARY:** Adoption of these resolutions will initiate eminent domain proceedings for the eleven parcels (seven property owners) which have a total appraised value of \$82,100. The property owners have not accepted the offers to purchase made by Palm Beach County (County) and attempts to negotiate the purchases have been unsuccessful to date. Eminent domain proceedings are necessary to acquire the parcels at this time in order to expedite construction of the Project. District 2 (PM)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

8. Staff recommends motion to:

A) receive and file an Interlocal Agreement with the Village of Palm Springs (Village) for joint participation and project funding in design of the Sherwood Forest Boulevard Bridge over Lake Worth Drainage District L-8 Canal (Sherwood Forest project);

B) receive and file an Interlocal Agreement with the Village for joint participation and project funding in the design of Purdy Lane from Forest Hill Elementary School to east of Major Drive (Purdy Lane project);

C) approve a Budget Amendment of \$21,112 in the Transportation Improvement Fund to recognize reimbursement funding from the Village and appropriate it to the Sherwood Forest project; and

D) approve a Budget Amendment of \$17,103 in the Road Impact Fee – Zone 2 Fund to recognize reimbursement funding from the Village and appropriate it to the Purdy Lane project.

SUMMARY: In accordance with Countywide PPM CW-O-051 “Delegated Authority for Execution of County Contracts and Agreements”, these agreements are being submitted as a receive and file agenda item for the Clerk’s Office to note and receive. They were approved by the Deputy County Engineer as a delegated authority in accordance with Palm Beach County Administrative Code Section 404.00. Approval of the budget amendments will recognize funding from the Village for the utility design to be incorporated into Palm Beach County’s (County) design of the Sherwood Forest project and the Purdy Lane project. Both agreements provide for reimbursement of utility design costs to the County, with the Village providing a \$21,112 reimbursement for the Sherwood Forest project and a \$17,103 reimbursement for the Purdy Lane project. The total design contract amount to date, including utility design costs, are \$100,983.12 for the Sherwood Forest project and \$229,055.84 for the Purdy Lane project District 2 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to receive and file: the official transcript for the closing of the Palm Beach County, Florida, \$121,035,000 Public Improvement Revenue Refunding Bonds, Series 2016 (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)
2. Staff recommends motion to approve: a Settlement Agreement, inclusive of attorney’s fees and costs, in the total amount of \$65,000 in the personal injury action styled Kelvin Baker vs. Palm Beach County, Case No. 502015CA001050XXXMB. **SUMMARY:** On January 17, 2013, Mr. Baker was standing on the steps of a Palm Tran bus waiting to pay his fare when the driver opened the bus doors which allegedly struck Plaintiff in the back causing injuries. Plaintiff underwent therapy, injections, and back surgery. He incurred medical bills in excess of \$130,000. Countywide (SCL)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: appointment and reappointments to the Farmworker Program Advisory Board, effective October 1, 2016:

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Term Ending</u>	<u>Nominated By</u>
9	Julia Hernandez	Education/Local	09/30/2018	Comm. McKinlay Comm. Taylor
<u>Seat No.</u>	<u>Reappointment</u>	<u>Seat Requirement</u>	<u>Term Ending</u>	<u>Nominated By</u>
2	Annie L. Monroe	Farmworker Family Advocate	09/30/2018	Comm. McKinlay Comm. Taylor
3	Mae Campbell-Harrison	Farmworker Family Advocate	09/30/2018	Comm. McKinlay Comm. Taylor
6	Mary R. Wilkerson	Business Community Representative	09/30/2018	Comm. McKinlay Comm. Taylor

SUMMARY: The total membership for the Farmworker Career Development Program (FCDP) Farmworker Program Advisory Board shall be no more than nine at-large members, per Resolution No. R2014-0402, comprised of students, representatives of business, education, agencies, and farmworker representatives. Members shall be concerned citizens who understand the problems encountered by farmworkers and are willing to be advocates for them. At least one member shall represent the regional workforce agency. The appointment and reappointments meet all applicable guidelines and requirements outlined in the Resolution adopted by the Board of County Commissioners on April 1, 2014. Ms. Hernandez has disclosed that she is employed by CareerSource Palm Beach County, Inc. Ms. Campbell-Harrison has disclosed that she is employed by Farmworker Coordinating Council of Palm Beach County, Inc. and Ms. Wilkerson has disclosed that she is employed by Data Abuse Treatment Association, Inc. These agencies contract with the County for services. The Farmworker Advisory Board provides no regulation, oversight, management, or policy-setting recommendations regarding contracts. Disclosure of these contractual relationships is being provided in accordance with the provisions of Section 2-443, of the Palm Beach County Code of Ethics. The FCDP Program Coordinator and staff have recommended these appointments. The Board has nine seats, nine seats are currently filled and diversity count of Caucasian: 1 (11%), African American: 6 (67%) and Hispanic: 2 (22%). The gender ratio (female:male) is 8:1. Three of the nominees are African American females and one is a Hispanic American female. As of October 1, 2016, there will be four remaining vacancies, FCDP Program Coordinator and staff will conduct targeted outreach in an effort to proffer candidates for appointments that will improve the diversity composition of the Board. (Farmworker Career Development Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve: reappointment to the Community Action Advisory Board effective October 1, 2016:

<u>Seat No.</u>	<u>Reappointment</u>	<u>Member Category</u>	<u>Term Ending</u>	<u>Nominated By</u>
12	Valerie Mays	Representative of the Low-Income	09/30/2019	Democratically selected in West Palm Beach

SUMMARY: The total membership for the Community Action Advisory Board (CAAB) shall be no more than 15 at-large members, per Resolution No. R-2014-0588, comprised of one-third elected public officials or their representatives, one-third private sector members recommended by the CAAB and one-third low-income representatives selected by a democratic process in the target neighborhoods served. Members will fully participate in the planning, implementation and evaluation of the Community Services Block Grant program to serve low-income communities. Ms. Mays meets all applicable guidelines and requirements outlined in the Resolution adopted by the Board of County Commissioners (BCC) on May 6, 2014. The Board has 15 seats, 12 seats are currently filled and diversity count of Caucasian: 1 (8%), African American: 10 (84%) and Hispanic: 1 (8%). The gender ratio (female:male) is 9:3. This nominee is an African American female. As of October 1, 2016, there will be four remaining vacancies, Community Action Program Coordinator and staff will conduct targeted outreach in an effort to proffer candidates for appointments that will improve the diversity composition of the Board. (Community Action Program) Countywide (HH)

3. Staff recommends motion to approve:

A) Agreement No. 2015-305-9500 for Area Agency on Aging Services For The Housing Finance Agency (HFA) Hardest Hit Fund Elderly Mortgage Assistance (Elmore) Program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), effective July 1, 2016, for a two year period with three one-year renewal options, to assist senior homeowners with collecting documents necessary to determine the homeowner’s eligibility for the Elmore Program; and

B) Budget Amendment of \$23,688 in the DOSS Administration Fund to align the FY 2016 budget to the Elmore Program Revenue.

SUMMARY: Florida Housing Finance Corporation (Florida Housing) has determined the senior homeowners targeted for assistance under the Elmore Program in many instances require special assistance and services in assembling and providing the documents and information needed in order to qualify and process their applications. The services entail in-home visits to assist the homeowner in assembling, copying and providing full and complete documentation and information needed by the Elmore Advisor Agency in order to qualify and process the homeowner’s application for Elmore assistance. A rate of \$47 shall be paid to DOSS for each hour that is spent in person assisting the senior homeowner. The Elmore Program will provide assistance for approximately six clients for four hours per client per month. Florida Housing established a pilot program utilizing the services of AAA to provide assistance to senior Elmore applicants in Palm Beach County. DOSS is the designated Lead Agency for Community Care Service Area Palm Beach A, and as such is uniquely qualified to provide the services under this Agreement in conjunction with the services it currently provides to seniors in the area it serves. Five thousand dollars budgeted from the DOSS General Fund will be re-allocated for this program. No additional County funds are required. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to:

A) ratify signature of the Mayor on the 2016 Challenge Grant Application No. LPZ22 with the Florida Department of Children and Families (DCF), in an amount up to \$131,700; and

B) delegate to the County Administrator, or designee, signature authority to sign the 2016 DCF Office on Homelessness Challenge Grant; and

C) delegate to the County Administrator, or designee, signature authority to sign subcontracts and any additional amendments or contract forms with The Homeless Coalition of Palm Beach County, Inc. and Catholic Charities of the Diocese of Palm Beach, Inc., for a time period not to exceed June 30, 2017, for the maximum cumulative amount of \$131,700.

SUMMARY: As the Lead Entity for the Homeless Continuum of Care, the Division of Human Services (DHS) is applying for funding to provide rapid re-housing to individuals/families, homeless prevention services and performance measures evaluation through the 2016 DCF Office on Homelessness Challenge Grant. DCF will allocate funds based on the applicant's score up to a maximum of \$131,700. Upon receipt of a grant award, the County will contract with The Homeless Coalition of Palm Beach County, Inc. for system performance measures evaluation services for \$56,700 and Catholic Charities of the Diocese of Palm Beach, Inc. for homeless prevention services for \$75,000. Should the funding level be below the maximum, the allocations would be reduced to amounts agreed to in advance amongst the providers. The emergency signature process was utilized because there was insufficient time to submit this application through the regular agenda process. No County funds are required. (Human Services) Countywide (HH)

F. AIRPORTS

1. Staff recommends motion to:

A) adopt a Resolution approving a Termination Agreement with the Florida Department of Transportation (FDOT) in the amount of \$1,302,328 for Security Improvements Phase 3 – Perimeter Fiber Loop at Palm Beach International Airport (PBIA); and

B) approve a Budget Amendment of \$1,302,328 in the Airports' Improvement and Development Fund to terminate a grant from the FDOT and reduce project cost by \$1,302,328.

SUMMARY: On February 3, 2015, the Board adopted a Resolution (R2015-0147 and R2015-0148) approving a Joint Participation Agreement (JPA) with the FDOT in the amount of \$1,302,328 for Security Improvements Phase 3 – Perimeter Fiber Loop at PBIA. The grant expiration date is March 31, 2017. It has been determined that this JPA is no longer needed for this project; therefore, the FDOT has provided a Termination Agreement relieving both parties of any obligations under this agreement. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to approve: a list of twelve charitable organizations to benefit from the proceeds (coins) from the fountain at Palm Beach International Airport during the period October 1, 2016, through September 30, 2017. **SUMMARY:** On March 14, 1989, the Board approved the concept of collecting contributions from the Airport's fountain on a monthly basis and contributing the funds to a different charitable organization recommended by the Community Services Department and approved by the Board. The Department of Airports recommends the non-profit organizations listed on Attachment "A" of the Agenda Item provided by the Community Services Department to receive contributions for the forthcoming fiscal year, commencing October 1, 2016. Average monthly contributions for the past year have been approximately \$50. In addition, the list will be provided to Paradies-Palm Beach, LLC, the Airport's retail concessionaire, who will send the contribution from the fountain in its gift shop areas along with an additional contribution of \$250 to the recommended recipients pursuant to its concession agreement. Countywide (AH)

3. Staff recommends motion to approve:

A) the Professional Services Agreement with RS&H, Inc. in the amount of \$1,339,272.39 for the performance of professional airfield design and engineering services in support of airfield pavement rehabilitation and reconstruction improvements at Palm Beach International Airport (PBIA);

B) a Budget Amendment of \$402,000 in the Airport's Improvement and Development Fund to recognize Passenger Facility Charge (PFC) revenue and to provide budget for the North Terminal/East Remote Apron portion of the RS&H contract; and

C) a Budget Transfer of \$402,000 in the Airport's PFC Fund to transfer PFC funds to the Airport's Improvement and Development Fund, including a transfer from Reserves of \$402,000.

SUMMARY: In order to carry out the airfield pavement improvements project at PBIA, the Department of Airports requires professional design and engineering services. In accordance with Florida Statutes 287.055 and the Federal Aviation Administration's Advisory Circular 150/5100-14 (current edition), RS&H, Inc. was one of two competitively selected firms to provide these services. This Agreement, in the amount of \$1,339,272.39, will provide the Department of Airports with the needed professional services to implement this approved Capital Improvement Project. The improvements included in the development of the scope of services for these airfield design and engineering services are as follows: Rehabilitate Terminal Apron and Taxiway east of Concourse C; Rehabilitate/Reconstruct East Remote Ramp; Rehabilitate/Reconstruct Taxiway G, from the terminal apron to Taxiway C; Relocate/Reconstruct Connector Taxiway H; Relocate/Reconstruct Connector Taxiway D; Rehabilitate Taxiway M, from the Aircraft Rescue and Firefighting (ARFF) Station to the air cargo Taxiway; Rehabilitate Connector Taxiway C6; and, Install drainage pipe/culvert at Taxiway C drainage canal. RS&H, Inc. is a Jacksonville, Florida based firm; however, the work will be completed from their Jacksonville and Fort Lauderdale offices, in conjunction with several Palm Beach County subconsultants and firms. The services performed during the term of this contract will be eligible for State and Federal grant participation; as such, the proposed fee for these tasks has been verified in accordance with FAA Advisory Circular 150/5100-14C by use of an Independent Fee Analysis conducted by a neutral third party firm (AECOM Technical Services, Inc.). A Disadvantaged Business Enterprise (DBE) goal of 16% was set for this contract. RS&H, Inc. has committed to 17% DBE participation for this contract, which exceeds the established goal. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. **REVISED SUMMARY: Staff recommends motion to approve:** a Declaration of Easement (Declaration) on County-owned property at 1440 Perimeter Road at the Palm Beach International Airport (PBIA) for water utility improvements. **SUMMARY:** The Palm Beach County Water Utilities Department (WUD) is in the process of providing water and sewer service to the property located at the southeast corner of Belvedere Road and Australian Avenue, east of PBIA, owned by BW Australian Belvedere, LLC (BW), on which BW is developing a Wawa retail store. WUD is requesting the Declaration to connect water utility improvements from the nearest location, which is on PBIA property at 1440 Perimeter Road near the southwest corner of Belvedere Road and Australian Avenue. The Declaration provides for the installation, operation and maintenance of wastewater transmission and distribution facilities on PBIA property. Countywide (HJF)

5. **Staff recommends motion to approve:** Utility Easement Agreement and Termination (Agreement) with Florida Power & Light Company (FPL) for electric utilities associated with the travel plaza facility at the Palm Beach International Airport (PBIA). **SUMMARY:** Construction of the travel plaza facility (facility) at the southeast corner of Belvedere Road and Florida Mango Road is nearing completion. FPL requires a utility easement for new electric service at the facility. The utility easement will connect to an existing utility easement on PBIA property. The Agreement includes language to terminate a utility easement that was erroneously granted to FPL by the travel plaza developer. Countywide (HJF)

6. **Staff recommends motion to receive and file:** Palm Beach International Airport Operating Permit with TEM Enterprises d/b/a Xtra Airways commencing July 5, 2016, and terminating September 29, 2016. **SUMMARY:** Delegation of authority for execution of the standard County Palm Beach International Airport Operating Permit was approved by the Board of County Commissioners in R2014-1709. Countywide (AH)

7. **Staff recommends motion to receive and file:** an Extension of Time to the following Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT): Security Enhancements and Improvements at Palm Beach International Airport, Financial Project Number 427911-1-94-01 approved by the Board on June 29, 2010 (R2010-1013 and R2010-1014), is hereby extended until December 31, 2016. **SUMMARY:** Delegation of authority for execution of the above Extension of Time to the JPA with the FDOT was approved by the Board on October 18, 2011 (Agenda Item No. 3F11). Countywide (AH)

8. **Staff recommends motion to receive and file:** License Agreement with F.B. Enterprise, LLC d/b/a Top Flight Aviation Services (Top Flight), providing for use of space at the Palm Beach International Airport (PBIA) terminal building in connection with Top Flight's airline service operations at PBIA, commencing July 1, 2016, and expiring July 31, 2016, with automatic monthly renewals thereafter, not to exceed 24 months, for payment of a \$1,151 monthly license fee. **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2007-2070. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

9. Staff recommends motion to:

A) receive and file Federal Aviation Administration (FAA) Grant Agreement Number 3-12-0113-017-2016 in the amount of \$319,948 to update the Airport Master Plan Study at North Palm Beach County General Aviation Airport; and

B) approve a Budget Amendment of \$319,948 in the Airport's Improvement and Development Fund to recognize the receipt of grant funding from the FAA, and budget project cost of \$355,498; which includes a transfer from Reserves in the amount of \$35,550.

SUMMARY: This grant begins on September 1, 2016 and expires on August 30, 2020. Delegation of authority for execution of the above standard form Grant Agreement was approved by the Board of County Commissioners on October 3, 2006 (R2006-2086). Countywide (AH)

10. Staff recommends motion to:

A) receive and file Federal Aviation Administration (FAA) Grant Agreement Number 3-12-0086-015-2016 in the amount of \$296,094 to update the Airport Master Plan Study at Palm Beach County Park Airport; and

B) approve a Budget Amendment of \$296,094 in the Airport's Improvement and Development Fund to recognize the receipt of grant funding from the FAA, and budget project cost of \$328,993; which includes a transfer from Reserves in the amount of \$32,899.

SUMMARY: This grant begins on September 1, 2016 and expires on August 30, 2020. Delegation of authority for execution of the above standard form Grant Agreement was approved by the Board of County Commissioners on October 3, 2006 (R2006-2086). Countywide (AH)

11. Staff recommends motion to:

A) receive and file Federal Aviation Administration (FAA) Grant Agreement Number 3-12-0060-005-2016 in the amount of \$234,739 to update the Airport Master Plan Study at Palm Beach County Glades Airport; and

B) approve a Budget Amendment of \$234,739 in the Airport's Improvement and Development Fund to recognize the receipt of grant funding from the FAA, and budget project cost of \$260,821; which includes a transfer from Reserves in the amount of \$26,082.

SUMMARY: This grant begins on September 1, 2016 and expires on August 30, 2020. Delegation of authority for execution of the above standard form Grant Agreement was approved by the Board of County Commissioners on October 3, 2006 (R2006-2086). Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to approve:** a negotiated settlement in the amount of \$8,450 for the full satisfaction of a Code Enforcement Lien that was entered against 4 Prop LLC on December 2, 2015. **SUMMARY:** The Code Enforcement Special Magistrate (CESM) entered an Order on July 1, 2015 on property owned by 4 Prop LLC giving them until October 29, 2015 to bring the property located at 5541 Honeysuckle Drive, West Palm Beach into full Code Compliance. The property had been cited for structural alterations, installation of a wood and chain link fence, enclosure of a carport window and changing the use of the property from single family to multi-family, all without obtaining the proper permits, together with the expiration of existing re-roofing permits. Compliance with the CESM’s Order was not achieved by the ordered compliance date and a fine in the amount of \$75 per day was imposed. The CESM then entered a claim of lien against 4 Prop LLC on December 2, 2015. Code Enforcement issued an Affidavit of Compliance for the property on March 23, 2016 stating the code violations had been corrected as of March 22, 2016. The total accrued lien amount through July 31, 2016, the month in which settlement discussions began, totaled \$12,945.42, of which 4 Prop LLC has agreed to pay the County \$8,450 for full settlement of their outstanding Code Enforcement Lien. District 2 (PM)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Amendment No. 2 to eight annual minor construction contracts increasing the maximum dollar value by \$500,000:

Contractor	Original Contract Resolution #	Status	Total Dollar in Work Orders To Date	Total SBE Participation to Date
A) All-Site Construction, Inc.	R2015-0155	SBE/Local	\$334,450	40.1%
B) Andrea Construction, Inc.	R2015-0157	SBE/Local	\$508,331	57.5%
C) ANZCO, Inc.	R2105-0158	Non-SBE/Local	\$560,387	36.5%
D) DCOTA Contracting, Inc.	R2015-0161	SBE/Local	\$21,375	0%
E) Joe Schmidt Construction, Inc.	R2015-0164	SBE/Local	\$442,861	37%
F) J. Rawn Enterprises, Inc.	R2015-0165	SBE/Local	\$42,972	35.1%
G) Ralph Della-Pietra, Inc.	R2015-0167	SBE/Local	\$394,369	11.6%
H) Robling Architecture Construction, Inc.	R2015-0168	SBE/Local	\$85,000	100%

SUMMARY: These annual Minor Construction contracts are indefinite-quantity contracts with a maximum cumulative value per year. Projects are bid among the pre-qualified participants. Under the current contract and first renewal the County awarded \$2,437,286 in work orders. Staff is requesting the cumulative limit be increased by \$500,000. All contractors are Palm Beach County businesses. The Small Business Enterprise (SBE) participation goals for the minor construction contracts is 15%. The cumulative SBE participation for all work orders to date is 41.2%. (Capital Improvements) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** Amendment No. 9 to the contract with Hedrick Brothers Construction Company, Inc. (R2012-1000) in the amount of \$461,479 for the Mounts Botanical Garden - Tropical Wetland Garden project, establishing a Guaranteed Maximum Price (GMP). **SUMMARY:** Amendment No. 9 will provide for the construction of the Windows on the Floating World: Tropical Wetland Garden, working with the County's Art in Public Places program. The construction shall include fabrication and installation of open-grid see-through walkways that will give visitors the feeling of walking on the water. Within the walks are four openings, or "windows" which will be planted with rotating aquatic plant displays. In addition, the existing stream will be expanded along with construction of new retaining walls, waterfalls, benches, pervious sidewalk, stone steps, and plantings. The project is consistent with the approved Master Plan for the Gardens and the design was approved by Friends of the Mounts Botanical Garden Inc. (Friends). The source of funding for the project is a donation by the Friends. The Small Business Enterprise (SBE) goal for this contract is 15%. Hedrick Brothers' participation for this Amendment is 18.8% and the cumulative for the contract is 21.6%. Hedrick Brothers is a Palm Beach County business and it is anticipated that 82.1% of the work will be performed by local contractors. The time of construction is 150 calendar days. (Capital Improvements Division) District 7 (LDC)

3. **Staff recommends motion to approve:** an Interlocal Agreement (Agreement) with the Port of Palm Beach (Port) for the provision of radio maintenance services. **SUMMARY:** The terms of the Agreement are standard and the maintenance rates are consistent with those being charged to County Departments. Services will be provided on an as-needed basis and billed to the Port. In the event that the County must out-source the labor, a separate labor rate is provided to cover the cost of the contract labor. The rates may be adjusted annually with notification by June 1 (effective the following October 1st) at the County's sole discretion, but in no event shall the Port's fee schedule exceed the fee schedule applied to County departments. The term of the Agreement shall retroactively commence on August 17, 2016, and shall expire on August 16, 2019. The Agreement provides for one renewal option for a term of three years. The Agreement may be terminated by either party, with or without cause, with a minimum of three months notice. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to:

A) adopt a Resolution authorizing a Third Amendment to Agreement of Lease dated August 19, 2003 (R2003-1246) with Loggerhead MarineLife Center, Inc., a Florida not-for-profit corporation (Center) to extend the 100% funding milestone and project construction deadlines; and

B) approve a Third Amendment to Agreement of Lease.

SUMMARY: On August 19, 2003, the Board approved a 30 year Lease with the Center to create a scientific research and rehabilitation center for sea turtles on 1.28 acres within Loggerhead Park in Juno Beach. On May 3, 2011 (R2011-0695), the Board approved an expansion of the leased premises to 2.39 acres to facilitate development of new classrooms and offices, exhibit areas, new holding tanks and touch tanks, additional courtyard seating, a small outdoor amphitheater and an expanded gift shop (Expansion Project) and added milestones for fund raising and deadlines for construction. The Center is requesting an 18 month extension of these deadlines as the Center desires to have sufficient reserves for the operation and maintenance of the expanded facilities, prior to commencing construction. This Third Amendment: **i)** extends the milestone to raise 100% of the estimated cost of the Expansion Project from May 2, 2016, to November 2, 2017; **ii)** extends the deadline for commencement of construction to no later than November 2, 2017; **iii)** extends the construction completion deadline from May 2, 2018, to November 2, 2019; **iv)** updates the non-discrimination and certificate of insurance provisions; and **v)** adds the no third party beneficiary provision to comply with County policy. Parks supports this amendment and will continue to have administrative responsibility for the Lease. All other terms and conditions of the Agreement of Lease remain unchanged. (PREM) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. ~~**DELETED: Staff recommends motion to approve:** the reappointment of Kristin Garrison, AICP, CPF and Keith Williams, Esq. to the Palm Beach County Property Review Committee (PRC) for a term of three years commencing October 1, 2016:~~

Reappointment Member	Seat No.	Seat Requirement	Term	Nominated by:
Kristin Garrison, AICP, CPF	4	A representative with expertise in land planning employed by governmental agency with an office in PBC or recommended by the PBC Planning Congress	October 1, 2016 - September 30, 2019	Mayor Berger Vice Mayor Valeché Comm. Taylor Comm. Abrams
Keith Williams Esq.	5	Eminent Domain Attorney employed by a governmental agency with offices in PBC or in a private practice with an office in PBC	October 1, 2016 – September 30, 2019	Vice Mayor Valeché Comm. Taylor Comm. Abrams

SUMMARY: On October 22, 2013, the Board of County Commissioners (BCC) adopted Resolution No. 2013-1421, which reestablished the PRC consisting of five members appointed at-large by the BCC and the term limits. Each member is now appointed to serve a term of three years with a limit of three consecutive terms served, which term begins October 1st and ends on September 30th. Ms. Garrison has served on the PRC for the duration of a three year term for Seat No. 4 expiring on September 30, 2016. Mr. Williams has served on the PRC for the duration of a three year term for Seat No. 5 which also expires on September 30, 2016. Both individuals have agreed, if reappointed, to continue to serve as representatives for Seat Nos. 4 and 5, respectively, on the PRC. Both seats are for a term commencing October 1, 2016, through September 30, 2019. A memorandum dated August 26, 2016, was circulated to the BCC requesting support of Ms. Garrison’s and Mr. Williams’ appointment or additional nominations. No additional nominations were received. The PRC has five seats that are currently filled with a diversity breakdown of: (i) one African-American male; (ii) three Caucasian females; and (iii) one Caucasian male. (PREM) Countywide (HJF)

I. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2015-1791) with the City of Lake Worth. **SUMMARY:** On December 15, 2015, the County entered into an Agreement (R2015-1791) with the City of Lake Worth to provide \$60,000 in Community Development Block Grant (CDBG) funding for the installation of a new pavilion with related site improvements and certain amenities in Osborne Park. The City has requested additional time to complete the project design documents. This amendment provides eight additional months to the term of the Agreement to enable construction of the improvements. **These are Federal CDBG funds which require no local match.** District 7 (JB)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to approve: a Certification of Consistency with the Palm Beach County Consolidated Plan for:

A) Glades-Diamond, Inc. in connection with their grant application to the U. S. Department of Housing and Urban Development (HUD) under the Supportive Services Demonstration for Elderly Households in HUD-Assisted Multifamily Housing Program (MHP); and

B) Villa Madonna, Inc. in connection with their grant application to HUD under the MHP; and

C) Villa Regina of West Palm Beach, Inc. in connection with their grant application to HUD under the MHP.

SUMMARY: SPM, LLC, a professional property management company, is applying to HUD for grants under the MHP on behalf of three existing multi-family housing projects for the elderly: the Glades-Diamond, Inc. in Belle Glade, Villa Madonna, Inc. in Greenacres, and Villa Regina of West Palm Beach, Inc. in West Palm Beach. A Certification of Consistency with the Palm Beach County Consolidated Plan is required to be submitted with each of the applications. SPM, LLC submitted the program description of the MHP grant applications to the Department of Economic Sustainability (DES) for review and DES has determined that the proposed grant activities are consistent with the goals and objectives outlined in the Palm Beach County Consolidated Plan. The purpose of the MHP is to: link elderly residents to supportive services in the community; prevent premature and unnecessary institutionalization; assess individual service needs; determine eligibility for public services and make resource allocation decisions for residents to successfully age in place. DES examined the proposed Program's goals and objectives outlined in the program narrative and determined that they are consistent with the overall Consolidated Plan goal to promote self-sufficiency and economic independence. Because the HUD-assisted grant application is consistent with the County's Consolidated Plan, staff recommends approval of these certifications. Districts 2, 6 & 7 (JB)

3. Staff recommends motion to approve:

A) a Budget Transfer of \$302,830 in the Housing and Community Development Fund; and

B) a Budget Amendment of \$302,830 in the Park Improvement Fund to recognize the transfer.

SUMMARY: On July 21, 2015, the Board of County Commissioners (BCC) approved the County's Fiscal Year 2015-2016 Action Plan (R2015-0939) which included an allocation of Federal Community Development Block Grant (CDBG) funds for improvements to Lake Lytal Park and the Canal Point Park. The Palm Beach County Parks and Recreation Department (Parks) is the implementing agency for these projects. The Memorandum of Understanding between DES and Parks require that an interdepartmental budget transfer be established to reimburse Parks for eligible project costs in the amount of \$160,830 for the Lake Lytal Park project and in the amount of \$142,000 for the Canal Point Park project for a total of \$302,830. This budget transfer and amendment are necessary to appropriate budget to process the interdepartmental transfers. **These are Federal CDBG grant funds which require no local match.** Districts 2 & 6 (JB)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

4. **Staff recommends motion to approve:** an Agreement with Solar and Energy Loan Fund of St. Lucie County, Inc., (SELF), a Florida not-for-profit Corporation and certified Community Development Financial Institution. **SUMMARY:** This Agreement will provide funding to SELF to deploy energy efficiency retrofit loans to homeowners exclusively in Palm Beach County, targeting low and moderate income (LMI) census tracts. SELF is an energy retrofit lending company which has been making energy efficiency retrofit loans since 2011, predominantly in LMI areas. Palm Beach County has operated a Revolving Energy Loan Fund Program since 2012, which was funded from a U.S. Department of Energy (DOE) grant awarded in 2009. This grant, which has now been closed out, was limited to non-residential entities, with subgrant awards being made to departments within the County and other governmental jurisdictions to make energy efficiency improvements to their facilities. SELF will leverage these funds with over \$4 Million in loan capital. SELF has partnered with the Green Veterans Group in South Florida to provide on-the-job training programs in collaboration with Palm Beach State College and participating contractors. This Agreement will be for a period of six years, at the end of which, funds must be paid back to the County. **No County funds for implementation are required.** Countywide (JB)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

5. Staff recommends motion to:

A) approve an Agreement with Creative Choice Homes IX, Ltd., for extension of a loan repayment deadline;

B) waive the County's letter of credit policy regarding bank ratings and accept a Letter of Credit in the amount of \$67,000 from Landmark Bank, N.A.;

C) appoint the County Administrator, or designee, as authorized agent for County for letter of credit purposes; and

D) delegate authority to the County Administrator, or designee, to execute documents related to the extension, refinancing, and satisfaction of the loan.

SUMMARY: On May 12, 1995, the County entered into a Loan Agreement with Creative Choice Homes IX, Ltd. (Developer) to provide \$70,000 in State Housing Initiatives Program (SHIP) funds for the development of 70 affordable apartment units known as at Mystic Woods Phase I and located on Leo Lane in Riviera Beach. The County loan was secured by a mortgage and promissory note that matured on April 30, 2015. The Developer did not repay the loan when it came due and we were unsuccessful in collecting the monies owed. The Developer is in the process of refinancing the outstanding debt on its property and requested additional time to repay the County loan. The Developer will repay County in full once the refinancing is complete and staff believes that allowing the Developer a short-term extension will be beneficial to the County both in terms of collecting repayment of the County's loan and in helping to keep this affordable housing development in operation. The Developer will provide the County with a performance guaranty in the form of a letter of credit in the amount of the principal balance, which will be terminated after repayment. The County will have the right to demand payment of the letter of credit from Landmark Bank, N.A., the issuing bank, if the loan is not repaid in full by April 25, 2017. The County's PPM on acceptance of Letters of Credit (PPM CW-F-055) requires that letters of credit have a minimum "peer group" rating that meets or exceeds threshold levels in at least two of five approved rating services. Landmark Bank, N.A., meets the rating requirement for one of the services, but is not rated by the other services. Staff is requesting the waiver to the PPM ratings requirement in this instance because the risk to the County is minimal: 1) the bank does have a qualified rating from one approved service; 2) the length of time for the letter of credit is under one year; 3) the dollar amount of the letter of credit is under \$70,000; 4) the County is not expending any additional funds in connection with the Agreement, and 5) the County retains the right to pursue legal remedies if necessary. **These are SHIP funds which require no local match.** District 1 (JB)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

6. Staff recommends motion to receive and file: Amendment No. 1 to Subgrant Agreement (R2015-0745) with the City of South Bay under the Brownfields Revolving Loan Fund (BRLF) Program. **SUMMARY:** In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. This document has been executed on behalf of the Board of County Commissioners (BCC) by the County Administrator, or designee, in accordance with Resolution/Agenda Item 3I-10 as approved by the BCC on October 16, 2012. This executed document is now being submitted to the BCC to receive and file. **HOME Program matching requirement is met from State SHIP funds.** District 6 (JB)

7. Staff recommends motion to approve:

A) Transmittal to the U.S. Department of Housing and Urban Development (HUD) a Section 108 Loan for Deep Waters Marine Air, Inc. and Rhema Holdings, LLC in the amounts of \$423,000 and \$246,000 respectively; and

B) Delegation of authority to the County Administrator, or designee, to execute the documents necessary for the transmittal.

SUMMARY: SUMMARY: On April 25, 2015, (Agenda Item 6D-1) the Board of County Commissioners (BCC) approved the creation of a HUD Section 108 Loan Program (Program). The Program was developed to provide a dedicated, national source of low interest loans for use by businesses to revitalize local communities and create jobs. Gulf Stream Marine, the company which is being purchased, was founded in 1988 to provide private yacht owners with services to maintain and repair air conditioning, refrigeration, and ice making equipment on their boats. The two key employees of Gulf Stream Marine have formed Deep Waters Marine and Rhema Holdings, LLC to acquire the assets and business of Gulf Stream Marine. Both these businesses are located at 3640 Investment Lane, Bay 22, in unincorporated West Palm Beach, which is in Census Tract 10.04, and has a poverty rate of 29.5%. Staff is recommending this loan since the project and the applicants qualify and meet the Section 108 Loan Criteria approved by the Board of County Commissioners on May 17, 2011 (Agenda Item 3A-3). Program funds in the amount of \$669,000 are being recommended to be allocated to these two businesses to provide for working capital and the purchase of real estate and receivables. The Project costs \$1,773,310, which includes \$669,000 in Section 108 loans, \$307,500 of bank financing, a \$573,000 seller's note and \$223,810 in owner equity. The Project will meet HUD's national objective by creating 20 full-time jobs. The Project was recommended by the Loan Review Committee on May 19, 2016. Upon approval by the Board of County Commissioners, the loan package will be submitted to HUD. **These are Federal funds which require no local match.** District 7 (JB)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

8. **REVISED TITLE & SUMMARY:** Staff recommends motion to approve: an Amendment to the Amended and Restated Deposit Account Control Agreement (DACA) with the U.S. Department of Agriculture (USDA) Rural Development Division and Wells Fargo Bank, National Association, to establish a second revolving loan account for the Intermediary Relending Program (IRP). **SUMMARY:** On December 18, 2012, the Board of County Commissioners authorized the DACA (R2012-1893) to establish a \$400,000 revolving loan account with Wells Fargo Bank from which the County will be able to lend to small businesses in the rural areas of the County according to the requirements of the IRP. On March 11, 2014, the Board of County Commissioners adopted Resolution R2014-0355 which authorized the Department of Economic Sustainability to submit a second IRP application to USDA. On February 23, 2016, USDA approved the County's second application for a \$1,000,000 IRP loan. This Amendment Amended and Restated DACA will establish a \$1,000,000 second revolving loan account with Wells Fargo Bank from which the County will be able to lend to small businesses in the rural area of the County. District 6 (JB)

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida, rescinding Responding Resolution R2015-1343 as required by Chapter 171, Part II, Florida Statutes; and providing an effective date. **SUMMARY:** On August 11, 2015, the City of Delray Beach adopted an Initiating Resolution No. 43-15 pursuant to Chapter 171, Part II, Florida Statutes (F.S.), as a first step in the process of completing an Interlocal Service Boundary Agreement (ISBA) for an area designated within the City's future annexation area. As required by Chapter 171, Part II, (F.S.), the County adopted a Responding Resolution R2015-1343 within 60 days after the receipt of the City's adopted initiating resolution, allowing the local government to commence the negotiating process for the ISBA. The City held two community meetings regarding the potential future annexations, the costs for public infrastructure and future development potential. Upon further consideration based on community concerns, the City of Delray Beach adopted Resolution No. 32-16 on August 16, 2016 to rescind its Initiating Resolution ending negotiations with the County. As a result, County staff prepared a resolution to rescind the responding resolution to formally end the ISBA process. District 4 (RB)

3. CONSENT AGENDA APPROVAL

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

2. [Staff recommends motion to approve:](#) appointment of one new member to the Land Development Regulation Advisory Board (LDRAB), for the term from September 27, 2016, to February 6, 2018:

<u>Appoint</u>	<u>Seat #</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
James McKay	11	Architect	The American Institute of Architects

SUMMARY: The Land Development Regulation Advisory Board (LDRAB) is comprised of 18 members. The Unified Land Development Code (ULDC) provides for seven members appointed by the Board of County Commissioners (BCC) one from each Palm Beach County (PBC) Commissioner as a district appointment, with consideration of expertise in Article 2.G.3.A.3.b, Qualifications; nine members that are appointed by a majority of the BCC upon a recommendation by specific organizations: Gold Coast Builders Association, League of Cities, Florida Engineering Society, American Institute of Architects, Environmental Organization, Realtors Association of the Palm Beaches, Florida Surveying and Mapping Society, Association General Contractors of America, and Palm Beach County Planning Congress; and, two members appointed at-large, as alternates, by majority vote of the BCC, with consideration of the expertise in Article 2.G.3.A.3.b, Qualifications. The at-large members are alternates and therefore the attendance rules contained in the PPM (CW-O-023) are not applicable to this seat. This appointment is consistent with the ULDC requirements. The Board consists of 18 members with 16 seats currently filled and a diversity count of Asian: 1 (6.25%), Black: 2 (12.5%), Native-American; 1 (6.25%), and White: 12 (75.0%). The gender ratio (male: female) is 13:3. Unincorporated (LB)

K. WATER UTILITIES

1. [Staff recommends motion to approve:](#) Consultant Services Authorization (CSA) No. 25 for CD06 Priority Aerial Canal Crossing Improvements Project (Project) with Holtz Consulting Engineers, Inc. in the amount of \$113,726.88. **SUMMARY:** On June 3, 2014, the Board of County Commissioners (BCC) approved the Water Utilities Department (WUD) Utility Distribution & Collection System Engineering Consulting Services Contract (Contract) with Holtz Consulting Engineers, Inc. (R2014-0825). CSA No. 25 provides engineering services relating to the surveying, design, and permitting for the replacement/rehabilitation of eight aerial canal crossings and relocation of an existing water main. The Project will increase system capacity and reliability in the eastern portion of the WUD water distribution system. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The Contract with Holtz Consulting Engineers Inc. provides for SBE participation of 100% overall. CSA No. 25 includes 86.03% overall participation. The cumulative SBE participation, including CSA No. 25, is 96.96% overall. Holtz Consulting Engineers, Inc. is a Palm Beach County company. (WUD Project No. 16-067) Districts 2 & 5 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. **Staff recommends motion to approve:** Work Authorization (WA) No. 9 for Southern Region Water Reclamation Facility (SRWRF) Safety Improvements Project (Project) with Globaltech, Inc., in the amount of \$747,650. **SUMMARY:** On March 10, 2015, the Board of County Commissioners (BCC) approved the Water Utilities Department (WUD) Contract for Optimization and Improvements Design-Build (Contract) with Globaltech, Inc. (R2015-0315). WA No. 9 is necessary to provide for safety improvements at SRWRF that were recommended by a safety study completed as part of the WUD Capital Improvements Program. The improvements include the installation of enhanced safety infrastructure on elevated access platforms, handrails, stairs, safety shower and eyewashes, fall protection and the provision of additional safety signage throughout SRWRF. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The Contract with Globaltech, Inc. provides for SBE participation of 75%. WA No. 9 includes 88.75% overall SBE participation. The cumulative SBE participation including this Work Authorization is 95.47% overall. Globaltech, Inc. is a Palm Beach County company. This project is included in the FY16 Capital Improvement Plan adopted by the BCC. (WUD Project No. 16-055) District 5 (MJ)

3. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No.16 for Pump Station No. 5229 Force Main Improvements Construction Engineering Services Project with Mock, Roos & Associates, Inc. in the amount of \$326,520. **SUMMARY:** On June 3, 2014, the Board of County Commissioners (BCC) approved the Water Utilities Department (WUD) Contract for Utility & Collection System Engineering Consulting Services (Contract) with Mock, Roos & Associates, Inc. (R2014-0826). CSA No.16 provides for engineering, construction management and field inspection services during the construction of Pump Station No. 5229 Force Main Improvements Project (Project). The Project will replace temporary piping repairs and make modifications to the regional force main system to increase operational flexibility. On February 27, 2001, the Board of County Commissioners approved an Interlocal Agreement (ILA) between Palm Beach County and the City of Lake Worth relating to joint wastewater transmission facilities (R2001-0315). In accordance with the ILA, Palm Beach County and The City of Lake Worth will share the total project costs of 58.25% and 41.75% respectively. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The Contract provides for SBE participation of 97%. CSA No.16 includes 100% overall SBE participation. The cumulative SBE participation including CSA No. 16 is 98.73% overall. Mock, Roos & Associates, Inc. is a Palm Beach County company. The Project is included in the FY16 Capital Improvement Plan adopted by the BCC. (WUD Project No. 11-035) District 2 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. **Staff recommends motion to approve:** a Contract with Man-Con, Incorporated for the Pump Station No. 5229 Force Main Improvements Project (Project) in the amount of \$3,194,662.80. **SUMMARY:** On June 9, 2016, six bids were received for force main improvements at Pump Station No. 5229. Pump Station No. 5229 and associated force mains are a critical components of the regional force main system serving the Palm Beach County, the City of Lake Worth and regional sub-partners, conveying wastewater to the East Central Regional Water Reclamation Facility (ECRWRF). On February 27, 2001, the Board of County Commissioners approved an Interlocal Agreement (ILA) between Palm Beach County and the City of Lake Worth relating to joint wastewater transmission facilities (R2001-0315). In accordance with the ILA, Palm Beach County and the City of Lake Worth will share the total project costs of 58.25% and 41.75% respectively. The Invitation to Bid included Bid Alternate No.1, which provided for the replacement of up to 460 feet of existing 42-inch force main along Haverhill Road. Man-Con, Incorporated was determined to be the lowest responsive responsible bidder in the base amount of \$2,786,509.40 and additionally provided the lowest bid for the combined Base Bid plus Bid Alternate No.1 in the total amount of \$3,194,662.80. The Water Utilities Department is undertaking improvements to the regional force main at Pump Station No. 5229 to replace temporary repairs made to a failed section of regional force main and to enhance operational flexibility and wastewater conveyance reliability in the regional system. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. Man-Con, Incorporated provides for SBE participation of 17.25% overall. Man-Con Incorporated is a Palm Beach County company. The Project is included in the FY16 Capital Improvement Plan adopted by the Board of County Commissioners. (WUD Project No. 11-035) District 2 (MJ)

5. **Staff recommends motion to approve:** Work Authorization (WA) No. 1 for Water Treatment Plant (WTP) No. 8, 12" Force Main along Jog Road Force Main (Project) with Johnson-Davis Incorporated in the amount of \$326,311.48. **SUMMARY:** On July 12, 2016, the Board of County Commissioners (BCC) approved the Pipeline Continuing Construction Contract (Contract) with Johnson-Davis Incorporated (R2016-0902). WA No. 1 provides for the installation of approximately 3,290-ft of 12" wastewater force mains along Jog Road from Belvedere Road to WTP No. 8. The Project will upsize existing wastewater mains and provide a new pipeline route to improve efficiency in the existing system. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The Contract with Johnson-Davis Incorporated provides for SBE participation of 15.43%. Work Authorization No. 1 includes 16.43% overall participation. The cumulative SBE participation, including WA No. 1 is 16.43% overall. Johnson-Davis Incorporated is a Palm Beach County company. The Project is included in the FY16 Capital Improvement Plan adopted by the BCC. (WUD Project No. 14-048) District 2 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

6. Staff recommends motion to approve: Work Authorization (WA) No. 4 with Cardinal Contractors, Inc., for the TR09 – Water Treatment Plant (WTP) Nos. 2, 3 and 9 Sodium Hypochlorite and Salt Storage/Brine Maker Replacement Project (Project) in the amount of \$1,983,686.50. **SUMMARY:** On March 10, 2015, the Board of County Commissioners (BCC) approved the Optimization and Improvements Design-Build Contract (Contract) with Cardinal Contractors, Inc. (R2015-0316). WA No. 4 is necessary to provide for replacement of sodium hypochlorite tanks used for water disinfection and installation of salt storage/brine makers used for regeneration of anion exchange media. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The Contract with Cardinal Contractors, Inc. provides for SBE participation of 26% overall. WA No. 4 includes 6.81% overall participation. The cumulative SBE participation, including WA No. 4, is 34.45% overall. Cardinal Contractors, Inc. is a Palm Beach County company. The Project is included in the FY16 Capital Improvement Plan adopted by the BCC. (WUD Project No. 16-064) Districts 2 & 5 (MJ)

7. Staff recommends motion to approve:

A) a consent to assignment of the Contract for General Utility, Architectural & Value Engineering Consulting Services (GE Contract) (R2014-0823) from Mathews Consulting, Inc. (Mathews Consulting) to Baxter & Woodman, Inc. (Baxter & Woodman);

B) a consent to assignment of the Contract for Engineering/Professional Services Western Region Operations Center (WROC Contract) (R2014-1764) from Mathews Consulting, Inc. to Baxter & Woodman, Inc.

C) a consent to assignment of the Contract for General Utility, Architectural & Value Engineering Consulting Services (2011 GE Contract) (R2011-0633) from Mathews Consulting, Inc. to Baxter & Woodman, Inc.

SUMMARY: On July 26, 2016, Baxter & Woodman acquired the assets of Mathews Consulting. Mathews Consulting has requested that Palm Beach County approve the assignment of the active contracts from Mathews Consulting to Baxter & Woodman. Approval of each consent to assignment will reassign the obligations of the contracts to Baxter & Woodman. Assignment of the contracts will ensure the efficient continuation of the professional engineering and design services provided under these contracts. Baxter & Woodman has consented to the assignment of those contracts previously held by Mathews Consulting. Countywide (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

8. **Staff recommends motion to approve:** Consultant Services Authorization No. 14 for the Southwest Belle Glade Water Service Replacement Project; Zone 2, East (Project) with Keshavarz & Associates, Inc. in the amount of \$313,092. **SUMMARY:** On June 3, 2014, the Board of County Commissioners (BCC) approved the Water Utilities Department (WUD) Engineering/Professional Services Contract (Contract) with Keshavarz & Associates, Inc. (R2014-0824). CSA No. 14 provides construction phase engineering services for water main replacement in the southwest areas of the City of Belle Glade. CSA No. 14 is necessary as part of the continued restoration and repair of vital water infrastructure in the Glades and will ensure the provision of high quality water delivery to the residents and businesses. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The Contract with Keshavarz & Associates, Inc. provides for SBE participation of 95% overall. CSA No. 14 includes 100% overall participation. The cumulative SBE participation, including CSA No. 14 is 94.53%. Keshavarz & Associates, Inc. is a Palm Beach County company. This Project is included in the FY16 Capital Improvement Plan adopted by the BCC. (WUD Project No. 14-015) District 6 (MJ)

9. **Staff recommends motion to approve:** Change Order No. 9 with MWH Constructors, Inc. for the Water Treatment Plant (WTP) No. 2 Filter Replacement (Project) with a 105-day time extension. **SUMMARY:** On February 4, 2014, the Board of County Commissioners approved the Contract for the WTP No. 2 Filter Replacement (R2014-0150) with MWH Constructors, Inc. Change Order No. 9 provides for additional days with no cost increases to allow for unanticipated needs that occurred during the start-up, testing and placing of several pieces of equipment into service. Additionally, the extension incorporates the additional time required for the Health Department to release the Project. MWH Constructors, Inc. is a Palm Beach County company. (WUD Project No. 12-066) District 7 (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:**
 - A)** a Contract for Professional Consultant Services with Applied Technology & Management, Inc. (ATM) providing professional coastal and marine engineering services, effective for two years from execution through September 26, 2018; and
 - B)** a Contract for Professional Consultant Services with Olsen Associates, Inc. (OAI) providing professional coastal and marine engineering consultant services, effective for two years from execution through September 26, 2018.

SUMMARY: ATM, a Palm Beach County company, and OAI, a Jacksonville, Florida company, will provide professional coastal and marine engineering services on a task order basis for various projects within the Department of Environmental Resources Management and other county departments. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. ATM agreed to 15% SBE participation and 10% M/WBE participation. OAI agreed to 10% SBE participation and 32% M/WBE participation. The Contracts contain an option to renew for one additional year. Countywide (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. [Staff recommends motion to receive and file:](#) the following original executed Tee Time Advertising and Sales Agreement:

GolfNow, LLC, for the period August 18, 2016, through August 17, 2017.

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 Tee Time Advertising and Sales Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the Director/Assistant Director of Parks and Recreation in accordance with Resolution 2013-1607, and is now being submitted to the Board to receive and file. This Agreement helps to sell tee times at non-peak times that would otherwise not be sold. Countywide (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. [Staff recommends motion to receive and file:](#) four Grant Adjustment Notices (GAN) from the County FY 2015 Florida Department of Law Enforcement (FDLE) Edward Byrne Memorial Justice Assistance Grants (JAG):

A) GAN 1: 2015-JAGC-PALM-1-R3-164 closeout unexpended funds of \$12,397.50;

B) GAN 1: 2015-JAGC-PALM-2-R3-188 modify budget to unit costs;

C) GAN 3: 2015-JAGC-PALM-2-R3-188 modify budget to line item costs and reduce award by \$90; and

D) GAN 4: 2015-JAGC-PALM-2-R3-188 closeout unexpended funds of \$ 9,498.62.

SUMMARY: Palm Beach County was allocated \$341,227 in Federal FY2014 as part of the FDLE JAG Formula Grant Program. The JAG Program allows local governments to support a broad range of activities to prevent and control crime based on local needs and conditions. The grants were approved to support the Department of Public Safety's Reentry and Adult Drug Court Programs. Grant 2015-JAGC-PALM-1-R3-164 was awarded in the amount of \$181,003 to the Adult Drug Court. The grant closeout reduced the award to \$168,605.50 due to fewer clients than anticipated. Grant 2015-JAGC-PALM-2-R3-188 was awarded in the amount of \$110,134 to the Reentry Program. GANs 1 and 3 dealt with modifying the budget to appropriate unit and line item costs at the request of FDLE. GAN 4 was for the grant closeout and reduced the award to \$100,635.38 for unexpended funds due to a position funded by the grant being absorbed by the Public Defender's Office. These documents have been fully executed on behalf of the Board of County Commissioners by the Assistant County Administrator in accordance with R2014-1837 through R2014-1839. **No County matching funds are required for this grant.** Countywide (JB)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

2. **Staff recommends motion to receive and file:** two Grant Adjustment Notices (GAN) from the County FY 2016 Florida Department of Law Enforcement (FDLE) Edward Byrne Memorial Justice Assistance Grant (JAG) 2016-JAGC-PALM-1-H3-211:

A) GAN 1: revise problem identification, performance measures, and modify budget; and

B) GAN 2: modify budget.

SUMMARY: Palm Beach County was allocated \$295,183 in Federal FY 2015 as part of the FDLE JAG Formula Grant Program. The JAG Program allows local governments to support a broad range of activities to prevent and control crime based on local needs and conditions. Grant 2016-JAGC-PALM-1-H3-211 was awarded in the amount of \$195,183 to support the Department of Public Safety's Reentry Program. GAN 1 revised the problem identification, performance measures, and budget to allow Gulfstream Goodwill to combine two part-time case managers into one full-time position and the City of Riviera Beach to move funds from staff to training and supplies. GAN 2 modified the budget for Gulfstream Goodwill to move funds from staff to training and supplies. These documents have been fully executed on behalf of the Board of County Commissioners by the Deputy County Administrator in accordance with R2016-0295. **No County matching funds are required for this grant.** Countywide (JB)

S. FIRE RESCUE

1. **Staff recommends motion to approve:** Memorandum of Agreement with the Children's Services Council of Palm Beach County providing funding of up to \$50,000 for the Drowning Prevention Coalition for the period October 1, 2016, to September 30, 2017. **SUMMARY:** The Drowning Prevention Coalition program is managed by Palm Beach County Fire-Rescue. It 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 2017 for the Drowning Prevention Coalition program. This grant funding does not require a County match. Countywide (PK)

2. **REVISED TITLE: Staff recommends motion to approve:** Emergency Services Agreement for Mutual Assistance and Automatic Aid with each of the following entities:

A) City of Boca Raton; and

B) City of Boynton Beach; and

~~C) Martin County~~

SUMMARY: The current Emergency Services Agreements for Mutual Assistance and Automatic Aid with each of the above entities will expire on September 30, 2016. The proposed agreements are for a ten year period through September 30, 2026. These agreements provide for fire suppression, emergency medical services, and other emergency services during extraordinary emergency events. Countywide (SB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

3. Staff recommends motion to receive and file: a copy of three municipal ordinances extending participation in the Fire/Rescue Municipal Services Taxing Unit (MSTU) for the following cities:

A) City of Belle Glade Ordinance No. 16-06, extending the City's participation through December 31, 2020; and

B) City of Pahokee Ordinance No. 2016-09, extending the City's participation through December 31, 2025; and

C) City of South Bay Ordinance No. 04-2016, extending the City's participation through December 31, 2025.

SUMMARY: The Fire/Rescue MSTU encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within municipalities that have opted to join the MSTU. The County has provided fire-rescue services to the City of Belle Glade, the City of Pahokee, and the City of South Bay as a part of the Fire/Rescue MSTU since October 1, 2006. On August 1, 2016, the City of Belle Glade adopted Ordinance No. 16-06 to extend their participation in the MSTU through December 31, 2020, for County fire rescue services through FY 2021. On August 9, 2016, the City of Pahokee adopted Ordinance No. 2016-09 to extend their participation in the MSTU through December 31, 2025, for County fire rescue services through FY 2026. On May 17, 2016, the City of South Bay Glade adopted Ordinance No. 04-2016 to extend their participation in the MSTU through December 31, 2025, for County fire rescue services through FY 2026. A copy of each of these ordinances is being submitted as a Receive and File agenda item for the Clerk's Office to note and receive. Countywide (SB)

T. HEALTH DEPARTMENT

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting the FY 2016/2017 budget for the Air Pollution Control Program. **SUMMARY:** This Resolution is required by the August 21, 1984, Agreement between the Board of County Commissioners and the Department of Health Palm Beach County (DOHPBC) to establish the annual budget for the expenditure of fees deposited into the Air Pollution Control Trust Fund. This Program is solely supported by motor vehicle license registration fees. The proposed FY 2016/2017 budget for the Air Pollution Control Program from this funding source is \$1,101,357 which is a 14.01% increase from the current year budget. The increase in budget is primarily due to the capital expenses and the match money required for the Environmental Protection Agency (EPA) funding. This budget can be accommodated by future revenues and a surplus in the Air Pollution Control Trust Fund. Countywide (HH)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. **Staff recommends motion to approve:** the Contract for Professional Services with the Legal Aid Society of Palm Beach County, Inc. to provide legal services to the indigent citizens of Palm Beach County in the areas of Family Law, Elder Law, Juvenile Advocacy, Public Guardianship and Domestic Violence Victim Representation in the amount not to exceed \$1,091,907 from October 1, 2016, through September 30, 2017. **SUMMARY:** The Legal Aid Society of Palm Beach County, Inc. has historically provided these services. This Contract will ensure the seamless continuation of legal aid services to indigent citizens of Palm Beach County. The Contract with the Legal Aid Society of Palm Beach County, Inc. consists of the State Required program (\$824,564), the Public Guardianship program (\$154,530), and the Domestic Violence Representation program (\$112,813). The \$65 Court Fee generates \$275,000 for the State Required program and partially offsets the costs of these programs. Two staff members of the Legal Aid Society of Palm Beach County, Inc. serve on a County Advisory Board. Vicki A. Krusel and Kimberly Rommel-Enright serve on the HIV Care Council. This Board provides no regulation, oversight, management, or policy-setting recommendations regarding the Legal Aid Society of Palm Beach County, Inc. contract. Disclosure of the contractual relationship at a duly noticed public meeting is being provided in accordance with the provision of Section 2-443 of the Palm Beach County Code of Ethics. Countywide (LDC)

2. **Staff recommends motion to:**

A) approve the following contracts/interlocal agreement with agencies to provide adult ex-offender reentry services for the period October 1, 2016, through September 30, 2017:

1. The Lord's Place, Inc. in the amount of \$333,030;
2. Gulfstream Goodwill Industries, Inc. in the amount of \$209,323;
3. Southeast Florida Behavioral Health Network, Inc. in the amount of \$75,000;
4. Interlocal Agreement with the City of Riviera Beach in the amount of \$227,942;

B) approve a Contract with Gulfstream Goodwill Industries, Inc. for the period October 1, 2016, through September 30, 2017, in the amount of \$337,948 to provide juvenile ex-offender reentry services; and

C) authorize the County Administrator, or designee, to execute amendments and administrative documents associated with the contracts and agreements recommended above, on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations.

SUMMARY: Palm Beach County Division of Justice Services subcontracts with four providers to coordinate adult and juvenile reentry services to those returning to Palm Beach County from incarceration. Reentry services are customized to each individual's unique needs. These contracts were awarded through a competitive process and will ensure that the County will continue to meet the needs of those returning from incarceration. These contracts are funded through ad valorem funds and grants. The grants are pending final approval. Grant applications for the DOJ (R2016-1027) and the FDLE (R2016-1029) grants were approved on August 16, 2016. The County Administrator or designee is authorized to execute the grant awards which are anticipated for December 2016. Once the grant agreements are executed, a receive and file item will follow from the Criminal Justice Commission with a budget amendment to adjust the budget to the actual grant award. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

3. Staff recommends motion to receive and file: the following contract/agreement amendments to modify budgets and/or total not to exceed amounts:

A) Fourth Amendment to Contract with Choice to Change, Inc. for juvenile reentry (R2015-1153), increasing the contract amount by \$25,511 for a total not to exceed \$155,033;

B) Second Amendment to Contract with The Lord's Place, Inc. for juvenile reentry (R2015-1151), decreasing the contract amount by \$25,511 for a total not to exceed \$14,994;

C) First Amendment to Contract with Gulfstream Goodwill Industries, Inc. for juvenile reentry (R2015-1842), amending the budget without increasing or decreasing the total not to exceed \$155,179;

D) First Amendment to Contract with Choice to Change, Inc. for juvenile reentry (R2015-1843), amending the budget without increasing or decreasing the total not to exceed \$102,000;

E) First Amendment to Contract with The Lord's Place, Inc. for adult reentry (R2016-0288), increasing the contract amount by \$14,531 for a total not to exceed \$44,903;

F) First Amendment to Contract with The Lord's Place, Inc. for adult reentry (R2016-0291), decreasing the contract amount by \$14,531 for a total not to exceed \$139,354;

G) First Amendment to Interlocal Agreement with the City of Riviera Beach for adult reentry (R2016-0293), amending the budget without increasing or decreasing the total not to exceed \$33,600; and

H) First Amendment to Contract with Gulfstream Goodwill Industries, Inc. for adult reentry (R2016-0294), amending the budget without increasing or decreasing the total not to exceed \$91,985.

SUMMARY: Palm Beach County Division of Justice Services subcontracts with six providers to coordinate reentry services to those returning to Palm Beach County from incarceration. Reentry services are customized to each individual's unique needs, which are hard to anticipate at the beginning of the contract year. These amendments are modifying budgets to ensure that the county continues to meet the needs of those returning from incarceration. These amendments reallocate funding between line items or transfer unspent funds from one contract/agreement to another. These documents have been fully executed on behalf of the Board of County Commissioners (BCC) by the County Administrator in accordance with R2013-1668, R2015-1842/1843, R2016-0284/0291 and R2016-0292/0295 and are now being submitted to the BCC to receive and file. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

4. **REVISED TITLE & SUMMARY:** Staff recommends motion to approve: ~~three~~ two At-Large reappointments of the following individuals to the Emergency Medical Services Advisory Council (EMS Council) for the term from October 1, 2016, to September 30, 2019:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Recommended by:</u>
John Treanor	1	Fire Chief's Assoc. of PBC	Vice Mayor Valeche Commissioner Burdick Commissioner Abrams Commissioner Taylor
Dr. Sandra Schwemmer	4	Health Care District of PBC	Vice Mayor Valeche Commissioner Burdick Commissioner Abrams Commissioner Taylor
Dr. Ken Schepke	16	PBC EMS Medical Directors Assoc.	Vice Mayor Valeche Commissioner Burdick Commissioner Abrams Commissioner Taylor

SUMMARY: Per Resolution R2014-0100, the Board of County Commissioners approved a representative make-up of the Emergency Medical Services Council to include twenty members. Thirteen members are representatives of the various components of the EMS system with specific requirements and seven members are Commission District Consumer appointments. A memo was sent to all Board members on August 4, 2016 seeking nominations for ~~the above~~ three at-large seats. Three recommendations were made, but one candidate had to be withdrawn. The diversity of the current board members is as follows: 12 Caucasian males, 4 Caucasian females, and 1 Hispanic female. Currently there are three vacant seats. Staff has addressed the need for diversity at the Emergency Medical Services Council meetings and will take additional steps as necessary to expand diversity of the Council. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

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

A) receive and file the following executed agreements with the State of Florida, Division of Emergency Management (FDEM) to receive grant funding for the period July 1, 2016, through June 30, 2017:

1. State-funded Grant Agreement (17-BG-83-10-60-01-057) for FY2016-17 in the amount of \$105,806 for the Emergency Management Preparedness and Assistance (EMPA) Grant to improve and enhance emergency management plans and programs and provide operational support to maintain state required programs;
2. Federally-funded Subaward and Grant Agreement (17-FG-P9-10-60-01-124) for FY2016-17 in the amount of \$265,702 for the Emergency Management Performance Grant (EMPG) to improve and enhance emergency management plans and programs and provide operational support to maintain state required programs; and

B) approve a Budget Amendment of \$280,293 in the Emergency Management Preparedness and Assistance Fund to adjust the EMPA grant award by \$79,354 to the actual award of \$105,806, and the EMPG grant by \$200,939 to the actual award of \$265,702.

SUMMARY: The EMPA grant is state funded while the EMPG grant is federally funded. Both grants recur annually, with the funds being distributed to the Public Safety Department's Division of Emergency Management. These funds are used to enhance and improve emergency management plans and programs and provide operational support to maintain state required programs consistent with the state's Comprehensive Emergency Management Plan. The grants will be used to further enhance emergency planning, response, mitigation and recovery in the County. R2012-1731 dated November 20, 2012 gave authority to the County Administrator, or designee, to execute these agreements on behalf of the Board of County Commissioners. **The EMPA grant requires a match equal to the lesser of the average of the previous three years or the last fiscal year level of County general revenue funding. The EMPG grant requires a dollar for dollar match. Match requirements are included in the County budget. No matching County funds are required for the EMPA grant; however, a dollar for dollar match is required for the EMPG grant which is included in the County budget.** Countywide (LDC)

Z. RISK MANAGEMENT

1. **Staff recommends motion to approve:** the purchase of airport liability insurance, for the period October 10, 2016, through October 10, 2017; to be purchased through the County's contracted broker, Arthur J. Gallagher & Co. for a total cost of \$115,785. **SUMMARY:** The total cost of \$115,785 for airport liability insurance represents no increase over the expiring premium and liability limits will continue to be \$200,000,000. Overall, the aviation insurance market remains stable and the County's proactive approach to controlling losses continues to keep premiums very reasonable for an agency of this size. Countywide (HH)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT (Cont'd)

2. Staff recommends motion to approve:

A) CIGNA Health and Life Insurance Company (CHLIC)'s proposed specific stop loss premiums estimated at \$477,043 for the County's self-funded HMO and POS health insurance plans for the period of January 1, 2017, through December 31, 2017; and

B) Actuarial rates per coverage tier for the County's self-funded HMO and POS health insurance plans for plan year 2017; and

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

SUMMARY: Staff recommends Board approval of CHLIC's proposed stop loss premiums and actuarial rates per coverage tier for the County's self-funded HMO and POS health insurance plans for plan year 2017. The total projected health plan and administrative expense for plan year 2017 is \$70,726,941. This includes expected claims of \$68,718,683, stop loss insurance costs of \$477,043 paid to CHLIC, and \$252,325 in taxes/fees mandated by the Affordable Care Act (ACA). The Board previously approved the plan year 2017 renewal with CHLIC, which also included the fixed administrative, access, utilization, and disease management fees, at the December 15, 2015 Board meeting. The 2017 funding level represents a 3% increase over 2016 rates. Staff recommends employee contributions and cost-sharing remain unchanged for plan year 2017, following changes that were collectively bargained and put in effect in the expiring plan year (2016). The 3% increase is necessary to ensure the financial stability of the fund and, based on projections, will provide sufficient funding to maintain the required Office of Insurance Regulation's (OIR) safe harbor surplus of 60 days of claims. Sufficient funds have been budgeted to fund the program. Countywide (HH)

AA. PALM TRAN

1. REVISED TITLE: Staff recommends motion to:

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County (BCC), Florida, approving Joint Participation Agreement (JPA) (FM No. 430296-2-84-01) with the State of Florida Department of Transportation (FDOT), in the amount of \$865,000 to provide additional funding to assist mass transit operating in the Lakes Region Area of Palm Beach County; the JPA is effective upon execution by both parties and expires September 20, 2020, establishing an effective date;

B) approve an upward Budget Amendment of \$865,000 in the Palm Tran Grant Fund 1341 to establish budget for this award; and

~~**C) approve** an upward Budget Amendment of \$865,000 in the Palm Tran Operating Fund 1340 in order to budget for the transfer from the Palm Tran Grants Fund 1341.~~

C) approve a Budget Transfer of \$865,000 in the Palm Tran Operating Fund 1340 to budget the grant revenue and reduce the General Fund transfer; and

D) approve a Budget Transfer of \$865,000 in the General Fund 0001, to decrease the General Fund transfer, increasing Contingency Reserves.

SUMMARY: Palm Tran offers service between South Bay and Canal Point including Belle Glade and Pahokee, the rural area of Palm Beach County with two local routes, Routes 47 and 48. Since the fall of 2011 FDOT has provided transit corridor grant funds to allow Palm Tran to provide increased service frequency in these routes. This JPA will provide in Fiscal Year 2017 operating funding in the amount of \$865,000, for Palm Tran to continue to provide the same level of service in this area. No County funds are required as match to this grant. District 6 (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

2. Staff recommends motion to approve: Contract with Fisher & Phillips LLP, to provide specialized professional services in the area of collective bargaining agreement negotiations and related labor and employment matters, for a period of three years with options to extend, in an amount not to exceed \$75,000. **SUMMARY:** The contract provides, on an as needed basis, services regarding public employer collective bargaining negotiations, arbitrations and labor issues. The commencement date of this new agreement is October 1, 2016 and the termination date is September 30, 2019 with two one-year renewal options. Countywide (DR)

3. Staff recommends motion to:

A) approve Termination for convenience of the Agreement between Broward County and Palm Beach County for Joint Purchase Transit Fare Interoperability; and

B) authorize the Executive Director of Palm Tran through the County Administrator and on behalf of the Board of County Commissioners to notify Broward County of the termination of the Agreement effective as of October 30, 2016.

SUMMARY: The Board of County Commissioners (BCC) approved an Agreement with Broward County for the Joint Purchase of the software, hardware and related services needed to adapt the current fare boxes to accept EASY cards currently being used by Miami-Dade and SFRTA riders (R2014-1076). Upon further examination of Palm Beach County's needs, the remaining useful life of the Palm Tran fare boxes and advanced technology of newer fare collection systems, Palm Tran determined that it is in the best interest of Palm Beach County to terminate the Agreement with Broward County for convenience and issue a solicitation for replacement fare boxes with the newest technology available so as to better serve the residents and visitors of Palm Beach County. Countywide (DR)

BB. YOUTH SERVICES

1. Staff recommends motion to approve:

A) the transfer of the Family Violence Intervention Program (FVIP) program from the Public Safety Department to the Youth Services Department effective October 1, 2016; and

B) a Budget Transfer of \$253,594 in the General Fund to transfer revenues and expenditures associated with FVIP from the Public Safety Department to the Youth Services Department; and

C) the transfer of two Court Case Advisor positions (No. 6679 and No. 7611) and one Juvenile Domestic Violence Mediation Program Coordinator position (No. 6578) from the Public Safety Department complement to the Youth Services Department complement.

SUMMARY: The FVIP program is a court diversion program for first time juvenile offenders who have been charged with domestic battery/assault. The program is in direct alignment with the Youth Services Department's mission statement and goals and therefore, staff is recommending the program be transferred to Youth Services effective October 1, 2016. The cost of the FVIP program is estimated to be \$253,594 in FY 2017. The FVIP is anticipated to remain fully funded by a percentage of revenues collected from court costs in accordance with F.S. 939.185. Countywide (HH)

3. CONSENT AGENDA APPROVAL

CC. COMMISSION ON ETHICS

1. Staff recommends motion to approve: a Memorandum of Understanding (MOU) with the Delray Beach Community Redevelopment Agency and Palm Beach County to engage the services of the Palm Beach County Commission on Ethics for a three year term, effective September 27, 2016. **SUMMARY:** The Delray Beach Community Redevelopment Agency (Delray Beach CRA) agreed to subject itself to the jurisdiction and authority of the Commission on Ethics and its Executive Director. This MOU identifies the roles and responsibilities of the Commission on Ethics and the Delray Beach CRA in implementing the Palm Beach County Code of Ethics, and establishes a schedule of fees to be paid by the Agency to the County in exchange for services. As required by the Commission on Ethics Ordinance, all fees paid under the MOU must be used to fund the Commission on Ethics' operations. The MOU is subject to final approval of the Board of County Commissioners. Districts 4 & 7 (LB)

DD. SHERIFF

1. Staff recommends motion to:
 - A) accept** on behalf of the Palm Beach County Sheriff's Office, a supplemental grant award through the City of Miami as the fiscal agent for the Miami Urban Area Security Initiative (UASI), to provide an additional \$37,750.35 in reimbursable funding, and extend the current grant period through August 31, 2016; and
 - B) approve** a Budget Amendment of \$37,751 in the Sheriff's Grant Fund.

SUMMARY: The Board of County Commissioners (BOCC) accepted the 2014 UASI grant for \$435,278 on May 19, 2015 (R2015-0676). On April 5, 2016, the BOCC received and filed an agenda item increasing the grant award by \$9,828 (R2016-0464). This agenda item will increase the grant award to include an additional \$37,751 to offset operating costs for the Contract Intelligence Analysts. There is no match requirement associated with this award. Countywide (LDC)

EE. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve: the Fifth Amendment to the Agreement (R2012-1321) with the Palm Beach County Sports Commission, Inc., (the "PBCSC") for the provision of services under Palm Beach County's Tourist Development Plan during the period of October 1, 2016, through September 30, 2017 in the amount of \$1,480,206 in contractual services and \$2,382,059 in indirect cost, grants and reserves for a total of \$3,862,265. This will be the final year of a five year agreement. **SUMMARY:** The Fifth Amendment to the Agreement updates for Fiscal Year 2017 are Exhibit "A" - Annual Budget, Exhibit "E" - Performance Measures, and Exhibit "G" - Salary Structure. PBCSC will continue to administer Category "G" grants totaling \$885,000 for the County. In addition, indirect cost and reserves of \$1,497,059 are included for a total budget of \$3,862,265. The Fifth Amendment to the Agreement includes revised changes for the contract defining the role of the Tourist Development Council (TDC) as an advisory board appointed by the Board of County Commissioners and the addition of Brand Compliance for advertising performed by the agencies on behalf of the County. The Fifth Amendment also includes the insertion of Public Records language to comply with state law. An Annual Report on diversity, as required in the agency contract, is included. These contract changes have been reviewed and approved by the TDC Finance Committee and the TDC Board. (TDC) Countywide (DW)

3. CONSENT AGENDA APPROVAL

EE. TOURIST DEVELOPMENT COUNCIL (Cont'd)

2. Staff recommends motion to approve: the Fifth Amendment to the Agreement (R2012-1319) with the Palm Beach County Film and Television Commission (PBCFTC) for the provision of services under Palm Beach County's Tourist Development Plan during the period of October 1, 2016, through September 30, 2017 in the amount of \$1,600,000 in contractual services and \$636,590 in indirect cost and reserves, for a total of \$2,236,590. This will be the final year of a five year agreement. **SUMMARY:** The Fifth Amendment to the Agreement updates for Fiscal Year 2017 are Exhibit "A" - Annual Budget; Exhibit "F" - Performance Measures. In addition, indirect cost and reserves totaling \$636,590 are included for a total budget of \$2,236,590. The Fifth Amendment to the Agreement includes revised changes for the contract defining the role of the Tourist Development Council (TDC) as an advisory board appointed by the Board of County Commissioners and the addition of Brand Compliance for advertising performed by the agencies on behalf of the County. The Fifth Amendment also includes the insertion of Public Records language to comply with state law. An Annual Report on diversity, as required in the agency contract, is included. These contract changes have been reviewed and approved by the TDC Finance Committee and the TDC Board. (TDC) Countywide (DW)

3. Staff recommends motion to approve: the Seventh Amendment to the Agreement (R2012-1320) with Discover Palm Beach County, Inc. (Discover) for the provision of services under the Palm Beach County's Tourist Development Plan during the period of October 1, 2016, through September 30, 2017 in the amount of \$15,115,000 in contractual services and \$2,123,689 in stimulus funds, indirect cost and reserves for a total of \$17,238,689. This will be the final year of a five year agreement. **SUMMARY:** The Seventh Amendment to the Agreement updates for the Fiscal Year 2017 are Exhibit "A" –Annual Budget; Exhibit "H" – Performance Measures; Exhibit "I" – Salary Structure and Exhibit "K" – Organizational Chart. The Seventh Amendment to the Agreement includes revised changes for the contract defining the role of the Tourist Development Council (TDC) as an advisory board appointed by the Board of County Commissioners and the addition of Brand Compliance for advertising performed by the agencies on behalf of the County. The Seventh Amendment also includes the insertion of Public Records language to comply with state law. An Annual Report on diversity, as required in the agency contract, is included. In addition, stimulus funds, indirect cost and reserves totaling \$2,123,689 are included for a total budget of \$17,238,689. These contract changes have been reviewed and approved by the TDC Finance Committee and the TDC Board. (TDC) Countywide (DW)

3. CONSENT AGENDA APPROVAL

EE. TOURIST DEVELOPMENT COUNCIL (Cont'd)

4. Staff recommends motion to approve: the Eighth Amendment to the Agreement (R2012-1318) with the Cultural Council of Palm Beach County, Inc. (the "Cultural Council") for the provision of services under Palm Beach County's Tourist Development Plan during the period of October 1, 2016, through September 30, 2017 in the amount of \$2,372,986 in contractual services and \$4,990,597 in indirect cost, grants and reserves for a total of \$7,363,583. This will be the final year of a five year agreement. **SUMMARY:** The Eighth Amendment to the Agreement updates for the Fiscal Year 2017 are Exhibit "A" – Annual Budget; Exhibit "C" – Employment Student Interns Policy and Exhibit "E" – Performance Measures. The Cultural Council will continue to administer Category "B" grants totaling \$3,600,000, and Category "C II" grants totaling \$445,000 for the County. In addition, indirect cost and reserves of \$945,597 are included for a budget totaling \$7,363,583. The Eighth Amendment to the Agreement includes revised changes for the contract defining the role of the Tourist Development Council (TDC) as an advisory board appointed by the Board of County Commissioners, and the addition of Brand Compliance for advertising performed by the agencies on behalf of the County. The Eighth Amendment also includes the insertion of Public Records language to comply with state law. An Annual Report on diversity and revised overhead, as required in the agency contract, is included. These contract changes have been reviewed and approved by the TDC Finance Committee and the TDC Board. (TDC) Countywide (DW)

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

A. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to:

A) conduct a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing regarding a change in use of the proceeds of the County's Variable Rate Demand Revenue Bonds, Series 2004 (The Community Foundation for Palm Beach and Martin Counties, Inc. Project) (the "Bonds");

B) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida approving a change in use of proceeds of the County's Variable Rate Demand Revenue Bonds, Series 2004 (the Community Foundation for Palm Beach and Martin Counties, Inc. project) for purposes of Internal Revenue Code Section 147(f); and

C) authorize the execution and filing of IRS Form 8038 with respect to the Bonds.

SUMMARY: In 2004, the County issued the Bonds to finance and refinance the acquisition by the Community Foundation of land located at the northwest corner of Olive Avenue and Trinity Place in West Palm Beach (Land) to be used as additional parking for the Community Foundation's headquarters. The Community Foundation wishes to exchange a portion of the Land for other land from an adjoining property. The Internal Revenue Code requires that the County conduct a public hearing concerning the exchange and approve the same, similar to the public hearing and approval required for new bond issuances. No County funds are involved in this transaction nor will the terms of the existing Bonds be modified. **Neither the taxing power nor the faith and credit of the County nor any County funds, shall be pledged to pay the principal, premium, if any, or interest on the Bonds.** District 4 **7** (PFK)

2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, making certain findings and designating the real property located at 4965 Lantana Road, Palm Beach County, Florida, 33463, further identified by property control number 00-42-44-36-37-001-0000 (the "Subject Property"), as a Brownfield Area to be known as the Lantana Square Green Reuse Area pursuant to Section 376.80(2)(c), Florida Statutes, for the purpose of rehabilitation, job creation and promoting economic development; providing an effective date; and for other purposes. **SUMMARY:** On July 12, 2016, the Board of County Commissioners (BCC) approved two motions related to the Subject Property: 1) A waiver of the statutory requirement that one of the two public hearings to be held on August 16, 2016 and September 27, 2016, be held after 5:00 p.m.; and 2) Advertising of public hearings on Tuesday, August 16, 2016 at 9:30 a.m. and September 27, 2016 at 9:30 am. On August 16, 2016, the BCC approved a motion to conduct a public hearing on September 27, 2016 as required by the Brownfields Redevelopment Act (the "Act") set forth in Sections 376.77-376.86, Florida Statutes, designating the Subject Property as a Brownfield Area. On May 6, 2016, JDR Development, LLC, a Florida Limited Liability Company, (JDR) doing business as Banyan Development, submitted a written request to Palm Beach County's Department of Economic Sustainability (DES) to designate the Subject Property as a Brownfield Area. JDR is the contract purchaser of the Subject Property and has control thereover as confirmed by the owner/seller, Pine Lantana Road Holdings, LLC, a Florida Limited Liability Company. Banyan Development plans to develop the Subject Property as a retail center, which the Palm Beach County Planning and Zoning Divisions have confirmed is allowed with the CL-Commercial Low future land use designation and MUPD-Multiple Use Planned Development zoning on the site. Prior to developing, Banyan Development is seeking a Brownfield designation under the Act. Section 376.80(12), Florida Statutes, does not require a local government to use the term Brownfield within the name of the area being designated. **No County funds for implementation are required.** District 3 (JB)

4. PUBLIC HEARINGS CONTINUED

B. PUBLIC SAFETY

1. 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) of the Palm Beach County Code, as amended, the “Palm Beach County Vehicle for Hire Ordinance”; amending Section 19-213 (definitions); amending Section 19-217 (reciprocity); 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 September 13, 2016, the Board of County Commissioners (BCC) held a preliminary reading of the amended Vehicle for Hire Ordinance. At that meeting, the BCC concurred with staffs recommended changes which were to modify the reciprocity language. Currently, the majority of vehicle for hire companies licensed in Palm Beach County cannot operate in some nearby counties due to restrictions set forth on the number of companies permitted to operate in those counties, specifically Broward and Miami-Dade. Palm Beach County does not restrict the number of companies permitted to operate. The Public Safety Department’s Division of Consumer Affairs previously met with Broward and Miami-Dade County staff to review and discuss the proposed changes and agreed to provide reciprocity for vehicle for hire companies that are licensed in Broward, Miami-Dade, St. Lucie and/or Martin Counties as long as those Counties have enacted a vehicle for hire ordinance with business permit reciprocity in substantially the same form as Palm Beach County’s Vehicle for Hire Ordinance. The vehicle for hire companies applying for a Palm Beach County business permit reciprocity would still be subject to payment of all applicable fees and comply with all provisions of the Ordinance. Staff has determined that this change would be a minimal impact to Palm Beach County since most companies in nearby counties already hold a Palm Beach County business permit. If other counties do not enact similar changes to their reciprocity language, companies that hold a Palm Beach County business permit may still not be allowed to operate in those Counties and continue to be subject to restrictions set forth on the number of companies permitted to operate. This proposed amendment to the Vehicle for Hire Ordinance was presented to the League of Cities on August 24, 2016, and was unanimously approved. Countywide (LDC)

4. PUBLIC HEARINGS CONTINUED

B. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

A) adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Chapter 4 (Ordinance 98-22, as amended by Ordinances 2001-065, 2003-27, 2005-44, 2008-004, 2009-019, 2011-005 and 2015-027) pertaining to animal care and control, amending Section 4-1 (short title); amending Section 4-2 (definitions); amending Section 4-23 (kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits); amending Section 4-26 (animal agencies); amending Section 4-27 (aggressive dogs, dangerous dogs and vicious dogs); amending Section 4-28 (sterilization program for dogs and cats); amending Section 4-29 (hobby breeder permits); amending Section 4-30 (animal care and control special master hearings); providing for repeal of laws in conflict; providing for savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for penalty; providing for captions; and providing for an effective date;

B) approve addition of one full-time Animal Control Officer II position (pay grade 26) to the Public Safety Department Animal Care and Control Division complement; and

C) approve a Budget Transfer of \$62,480 in the General Fund from Contingency Reserves to support the salaries and benefits associated with the additional position.

SUMMARY: On September 13, 2016, the Board of County Commissioners (BCC) held a preliminary reading of the amended Animal Care and Control (ACC) Ordinance. At that meeting, the BCC concurred with staffs recommended changes and directed staff to include a provision that allows ACC to revoke pet shop permits that have two major violations within a five year period. In addition, staff added definitions for major and minor violations and moved the effective date of the grandfathering clause from November 1, 2016 to October 1, 2016. As previously addressed in the preliminary reading, ordinance revisions were made to: prohibit the issuance of new pet shop and pet dealer commercial operating licenses and grandfathering in of existing licensees that remain in good standing; require pet shops and pet dealers to obtain dogs and cats from USDA licensed breeders, dealers and transporters that have no record of animal cruelty or neglect and have not received certain USDA violations within the past two years; and exempt pet shops from certain regulations when rescue dogs or cats are offered for adoption in the store. The next category of revisions support the Countdown to Zero (C2Z) mission to allow for better monitoring on adoptions, rabies vaccines, microchips, and tag requirements for animals entering our County as well as supply critical data necessary to measure success of C2Z. Changes include: require Animal Agencies to provide adoption records to ACC monthly; and require that any animal adopted out unsterilized by an Animal Agency due to health concerns be brought back to the Animal Agency or agency's veterinarian as soon as possible for sterilization. The final category includes minor revisions which are the following: amend regulations pertaining to dangerous and vicious dogs for consistency with Chapter 767, F.S.; and prohibit the breeding of cats other than registered pedigreed cats. Staff determined that current resources are not sufficient to ensure compliance and provide enforcement for these proposed ordinance changes; therefore a full-time Animal Control Officer II position is being requested. This proposed amendment to the Palm Beach County Animal Care and Control Ordinance was presented to the League of Cities on August 24, 2016, and was unanimously approved. In addition, the League of Cities made a motion to request the County to allocate additional resources to support these changes. Countywide (SF)

4. PUBLIC HEARINGS CONTINUED

C. PLANNING, ZONING & BUILDING

CONTINUED FROM AUGUST 16, 2016

1. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida establishing a community development district over the real property legally described on Exhibit "B" to this Ordinance comprising of approximately 203.54 acres: naming of the initial members of the board; establishing the naming of the district as Gulfstream Polo Community Development District; designating the purpose of the district; designating the powers of the district; providing for severability; providing for repeal of laws in conflicts; and providing for an effective date. **SUMMARY:** This item was continued from the August 16, 2016 BCC hearing at the request of the petitioner; Pulte Home Corporation. Pulte Home Corporation has petitioned the Board of County Commissioners (BCC) to grant the establishment of the Gulfstream Polo Community Development District (CDD). The staff report provides a review of the petition for consistency with the six statutory factors identified in Chapter 190, F.S. and previous BCC direction regarding CDDs. Future homeowners will be required to pay annual CDD assessments (\$900 - \$1,400) in addition to HOA fees and both ad valorem and non ad valorem taxes. The petitioner has agreed to enhanced disclosure requirements for these assessments and to not include any off-site improvements in the obligations of future residents, as previously directed by the BCC. Both the disclosure requirements and the limitation on off-site improvement funding are included within the proposed ordinance. Since the August 16th BCC hearing, the petition has been updated with 4 revised affidavits of consent and the ordinance has been modified per the petitioner's request. As the petition is consistent with the Florida Statutes and previous BCC direction regarding CDDs, staff is recommending approval of the proposed ordinance. District 6 (RPB)

4. PUBLIC HEARINGS CONTINUED

D. WATER UTILITIES

1. Staff recommends motion to:

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, confirming the Special Assessment Roll for the 77th Lane North Water Main Extension (Project); and

B) approve a Work Authorization (WA) No. 2 to Johnson-Davis Incorporated under the Water Utilities Department (WUD) Continuing Construction Contract (Contract) (R2016-0902) in the amount of \$99,026.55.

SUMMARY: Petitions in favor of the installation of a potable water main were provided to WUD by 60% (6 in favor, 3 not in favor and 1 no response). The petitions were considered and approved at the regular meeting of the Board of Supervisors of the Indian Trails Improvement District (ITID) on October 14, 2015. The Project will serve ten residential properties currently on private wells. Individual assessments of \$11,577.52 per parcel will be assessed based on 90% of the total estimated cost of the Project, pursuant to the terms of the agreement between the County and ITID, in which the County committed to allocate \$500,000 to provide financial support for up to 10% of the final cost for assessment projects within the legislative boundaries of the ITID. WUD has encumbered and expended a total of \$275,963.21 for previous ITID assessment projects. The assessment is payable over a 20-year time period in equal annual payments of principal and 5.5% interest. The total assessable cost of the Project is \$128,639.11 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency, as well as the 10% financial support payment dictated by WUD's contract with ITID. WA No. 2 will provide for the construction of the Project. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The Contract with Johnson-Davis Incorporated provides for SBE participation of 3.28%. WA No. 2 includes 8.55% overall participation. The cumulative SBE participation is 8.55% overall. If the actual cost of the Project exceeds the total assessable cost, the difference will be covered by WUD. (WUD Project No. 16-007) District 6 (MJ)

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RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE CHILD CARE FACILITIES BOARD

5. **BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD
PUBLIC HEARINGS – 9:30 A.M. (Motion to receive and file: Proof of publication)**

A. **HEALTH DEPARTMENT**

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, sitting as the Child Care Facilities Board, titled the Palm Beach County Rules and Regulations Governing Family Child Care Homes and Large Family Child Care Homes: amending Articles I through XVIII and adding Article XIX of the Rules and Regulations Governing Family Child Care Facilities in Palm Beach County; providing for definitions; providing for rules of procedure for the Child Care Advisory Council; providing for license application procedures; providing for increase in annual license fees; providing for procedures for hearings, and denial and revocation of licenses; providing for family child care personnel training requirements; providing for background screening requirements; providing for supervision and staffing requirements; providing for daily program and discipline; providing for physical facilities requirements; providing for emergency procedures; providing for nutrition; providing for medicine, first-aid and emergency procedures; providing for communicable disease control; providing for admission, assessment and record keeping; providing for child care during nighttime hours; providing for transportation; providing requirements for field trips and swimming activities; providing for classification of violations; providing for enforcement procedures; providing for repeal of laws in conflict; providing for inclusion in the code; providing for severability; providing for a savings clause; and providing for an effective date. **SUMMARY:** The Child Care Advisory Council and the Florida Department of Health in Palm Beach County are recommending a number of changes to the Rules and Regulations Governing Family Day Care Facilities. The Board of County Commissioners, pursuant to Chapter 2010-249, Laws of Florida, serves as the Child Care Facilities Board, and in this capacity, is required to promulgate rules and regulations as needed to protect the health and safety of children in child care facilities and family child care homes. The proposed changes will update County rules and provide greater consistency with State regulations which have been amended several times since the last rule update in 2006. The substantive proposed rule are attached in Attachment 2 to the Agenda Item. Countywide (HH)

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ADJOURN AS THE CHILD CARE FACILITIES BOARD

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

6. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) a Five Year Agreement with the Business Development Board, Inc., in the aggregate amount of \$7,157,350, subject to the annual potential adjustment and appropriation, for the period of October 1, 2016, through September 30, 2021, to assist in providing economic development activities for Palm Beach County; and

B) the Scope of Services for Fiscal Year 2016-2017 in the amount of \$1,431,470.

SUMMARY: Under the Agreement, the Business Development Board will provide business recruitment, expansion and retention services and general marketing for Palm Beach County. The BDB will work in partnership with the County's Department of Economic Sustainability with the goal of creating a stable and diverse economic climate throughout Palm Beach County. A new Scope of Services will be developed annually and be subject to approval by the Board of County Commissioners. Additionally, the annual contract amount will be subject to annual budget appropriation. This Agreement provides for a Small Business Enterprise (SBE) overall participation goal of 15%, in accordance with the goals established by the Board of County Commissioners. Business Development Board employee Gary Hines, serves on the Treasure Coast Regional Planning Council's Comprehensive Economic Development Strategy Committee (CEDS). The Board/Council provides no regulation, oversight, management, or policy-setting recommendations regarding the Business Development Board's Contract. Disclosure of this contractual relationship at a duly notice public meeting is being provided in accordance with the provisions of Sect. 2.443, of the Palm Beach County Code of Ethics. **These are County Ad Valorem funds.** Countywide (JB)

6. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

2. Staff recommends motion to:

A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, recommending approval of Project Cranium, a company authorized to do business in the State of Florida, as a Qualified Target Industry (QTI) business pursuant to s.288.106, Florida Statutes; providing for local financial support for the Qualified Target Industry Tax Refund Program with High-Impact Sector Bonus in the form of a cash grant not to exceed \$89,000; and providing for an effective date; and

B) conceptually approve an Economic Development Incentive for Project Cranium in the form of a Grant over eight years, in the amount not to exceed \$89,000 as a portion of the local match for the State's Qualified Target Industry Tax Refund (\$89,000).

SUMMARY: Project Cranium is considering Palm Beach County to expand its current operations in Riviera Beach, as well as relocating its regional headquarters. The company plans to invest \$11.9 Million and create 178 new jobs over a five year period at an annualized average wage of \$53,484 and a median wage of \$41,695. The Company will retain 255 existing Palm Beach County jobs and the new and existing jobs must be retained for an additional five years from the date an agreement is entered between the County and the Company. The five year local economic impact is estimated to be \$342.2 Million. The State of Florida approved an \$890,000 incentive in the form of a Qualified Target Industry (QTI) Tax Refund. Of this amount, \$712,000 is from the State of Florida and \$178,000 is from local governmental entities. The local share will be split equally between Palm Beach County and City of Riviera Beach. The local match from Palm Beach County will be provided in the form of an Economic Development Grant (cash) in an amount not to exceed \$89,000 over a period of eight years provided the project meets the requirements under State of Florida. The Grant will be paid according to the State's QTI Refund Schedule, and will be secured by a Letter of Credit, Bond, Corporate Guarantee or equivalent. The company will be required to enter into a formal agreement memorializing their commitments and establishing terms under which the local match will be provided. At such time the company name will be disclosed. Other states under consideration by the company include New Jersey. District 7 (JB)

6. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

3. ~~DELETED: Staff recommends motion to approve:~~

~~A) an Economic Development Incentive Agreement with Cancer Treatment Centers of America Global, Inc. (Company), for an incentive in the form of an \$157,500 local match paid according to the State's schedule for the Qualified Target Industry Program, and an incentive with the Company in the amount not to exceed \$200,000 paid over a five year period for the State Quick Action Closing Fund;~~

~~B) a Budget Transfer of \$357,500 from the General Fund Contingency Reserves to the Department of Economic Sustainability Fund Economic Incentive Growth Program; and~~

~~C) a Budget Amendment of \$357,500 in the Department of Economic Sustainability Fund to recognize the funds from the General Fund.~~

SUMMARY: On January 14, 2014, the Board of County Commissioners conceptually approved (R2014-0094) an economic development incentive for the Company totaling \$357,500. This Agreement discloses the name of the Company, Cancer Treatment Centers of America Global, Inc., previously referred to as Project Emblem. The Agreement requires the Company to make a minimum \$14.5 Million capital investment to purchase and renovate an existing facility in Boca Raton for its corporate headquarters, create 225 new full time jobs over a five year period, at an average annualized wage of \$90,000 excluding benefits. The Company will maintain the new jobs for a period of five years following the job creation period. The Company shall, without risk of violating any laws, make best efforts to develop and implement hiring policies that provide Palm Beach County residents preference in the hiring process. Cancer Treatment Centers of America Global, Inc. is a family owned management and marketing company supporting a group of hospitals, with a primary mission to treat patients suffering from advanced and complex cancer. The State of Florida is providing the Company \$1,575,000 in the form of a Qualified Target Industry (QTI) Tax Refund which includes a required 20% local match of \$315,000 which will be split equally between the County (\$157,500) and the City of Boca Raton (\$157,500). Additionally, Enterprise Florida is providing \$400,000 from the Quick Action Closing Fund (QACF). The County and City of Boca Raton are also providing a 100% local QACF match incentive to the State in the amount of \$400,000 which will be split equally between the County (\$200,000) and the City of Boca Raton (\$200,000). The State has entered into agreements with the Company for both incentives. This project is expected to have a five year economic impact of \$216 Million. This Economic Development Incentive Grant will be secured by a Letter of Credit, Bond, Corporate Guarantee, or equivalent security. ~~District 7~~ 4 (JB)

6. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

4. **ADDITIONAL BACKUP: Staff recommends motion to maintain:** current policy related to qualifications for Palm Beach County Ocean Rescue lifeguards and application of statutory provisions of the Florida Retirement System related to Special Risk membership. **SUMMARY:** At the May 3, 2016, meeting of the Board of County Commissioners, following several prior meetings and correspondence to individual Commissioners, an advisor with the USLA petitioned the Board to direct staff to execute Form FRS-405, which would advance the application of individuals classified as Ocean Lifeguards with EMT certification to obtain the approval of the Division of Retirement for certification as a Special Risk Member of the Florida Retirement System. At the September 13th meeting of the Board of County Commissioners, the request was repeated by several speakers under the Matters by the Public portion of the meeting, along with a request to increase the pay of Ocean Lifeguards in order to make the position more competitive with neighboring employers. While staff supports and recommends the compensation review currently in progress, staff does not support the request for execution of Form FRS-405, as there is no sound legal basis for staff to recommend this action. In 2009, a Final Order was issued by the State Retirement Commission denying the applications of two former Palm Beach County Ocean Lifeguards for Special Risk Classification on the basis that the Petitioners were voluntarily certified as EMTs, and their primary duties are not on-the-scene emergency care, but ocean rescue. This Order was affirmed by Florida's 4th District Court of Appeal in 2011. If staff were to execute Form FRS-405 on behalf of the EMT certified lifeguards, it would essentially be reversing itself with no legal basis to do so. EMT certification is voluntary, and there are currently 35 non-certified employees working in the same classification, and providing the same essential duties. Should the reversal be successful, in addition to a substantial financial exposure for back pay and benefits, staff would be required to make EMT certification mandatory, which would potentially displace the non-certified employees. Countywide (DO)

6. REGULAR AGENDA

B. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve:

A) a Budget Transfer of \$289,125.07 from General Fund Contingency Reserves to the HOME Investment Partnership Fund to repay the HOME Investments Partnership Program (HOME) funds expended for the Delray Beach Community Development Corporation (DBCDC); and

B) a Budget Amendment of \$289,125.07 in the HOME Investment Partnership Fund to recognize the transfer from the General Fund to appropriate funds for the payment.

SUMMARY: On October 19, 2010 (R2010-1753) the Board approved an Agreement with DBCDC (as amended by R2011-1619, R2012-1892, and R2013-0831) providing HOME funds in the total amount of \$529,398.66 for the acquisition and rehabilitation of four single family homes for occupancy by households with incomes no greater than 80% of Area Median Income. DBCDC expended a total of \$289,125.07 on the acquisition and rehabilitation of two homes located at 5642 Dewberry Way, West Palm Beach, FL 33415 (completed on November 13, 2012, at a cost of \$125,786.63) and 5437 River Plantation Road, Lake Worth, FL 33463 (completed on March 28, 2013, at a cost of \$163,338.44). The remaining \$240,273.59 was not remitted to DBCDC. The County's HOME interest in the properties was secured by mortgages and promissory notes. Monitoring of the project conducted by the Department of Economic Sustainability (DES) determined that the DBCDC had violated various terms of the Agreement, and on January 3, 2014, DBCDC was provided notice of the County's intent to terminate the Agreement. The Agreement expired on May 31, 2014, and the remaining balance of HOME funds was reallocated to other eligible uses. After several unsuccessful attempts to resolve matters of regulatory and programmatic non-compliance with DBCDC, the mortgages were referred to an outside servicer for foreclosure and collection proceedings. The servicer is currently in the process of initiating legal proceedings. Because the DBCDC project did not result in affordable housing occupied by HOME eligible beneficiaries, the U.S. Department of Housing and Urban Development (HUD) now requires repayment of the HOME funds expended. Approval of this item will allocate \$289,125.07 of County general funds for repayment of the HOME funds to the County's local HOME Trust Fund Account, whereupon the funds become available to the County for expenditure on new activities in accordance with HOME Program requirements. Proceeds that result from the current foreclosure proceedings and eventual disposition of the DBCDC properties will be used to repay the County general funds allocated through this item. District 2 (JB)

6. REGULAR AGENDA

C. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: an Interlocal Agreement with the City of Greenacres providing for the annexation of an enclave, generally located on the south side of Lake Worth Road, west of Military Trail. **SUMMARY:** The City of Greenacres has proposed the annexation of parcels totaling 6.89 acres located on the south side of Lake Worth Road, west of Military Trail. After reviewing the proposed annexation pursuant to the Florida Statutes, staff identified that the annexation would create an enclave and therefore, was inconsistent with Chapter 171 of the Florida Statutes. Additionally, staff received concerns from the County's Fire Rescue that the enclave could cause confusion of service delivery. On August 22, 2016, the item was presented to the Board of County Commissioners (BCC) seeking direction on whether to oppose the annexation, or pursue entering into an Interlocal Agreement that would annex the enclave into the City. The BCC directed staff to enter into an Interlocal Agreement for the annexation of the enclave. The City of Greenacres adopted an Interlocal Agreement on September 8, 2016 for the annexation of the enclave consisting of one parcel totaling 0.16 acres, identified in Exhibit A of the Interlocal Agreement. The enclave annexation meets the requirements of Chapter 171, F.S., and is consistent with the Intergovernmental Coordination Element of the County's Comprehensive Plan. District 2 (RPB)

D. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida approving the Westgate/Belvedere Homes Community Redevelopment Agency's (CRA) Fiscal Year 2017 Budget for its Redevelopment Trust (operating) Fund, Construction Fund, Sinking Fund and Reserve Fund. **SUMMARY:** The Budget, in the amount of \$3,657,985, is composed of four components. The first component, the Redevelopment Trust Fund, in the amount of \$2,096,045, consists of the CRA's Annual Tax Increment Financing and balance brought forward from previous years. The second component, the Construction Fund, in the amount of \$1,023,623, consists of balances of reimbursable grants awarded to the CRA by County, State, and Federal governments for construction activities. The third component is the Sinking Fund, in the amount of \$270,255, which consists of one annual payment from Tax Increment Financing revenues to repay the revenue bond reissued in 1999 to retrofit infrastructure in the Westgate area. The last component is the Reserve Fund, in the amount of \$268,062, which consists of a one year security payment (principal and interest), held in escrow for the March 1, 1999 Redevelopment Revenue Refunding Bonds in the amount of \$3,380,000. The Tax Increment Financing revenues will be used for: 1) obligations to Florida Power & Light for street lighting; 2) interest and principal payments due under the \$3.38 Million bond issue; and 3) CRA operations and other projects. The 2017 Budget decreases by twenty percent (20%) because this year, the CRA has less grant fund to carry forward. Districts 2 & 7 (RB)

6. REGULAR AGENDA

E. FACILITIES DEVELOPMENT & OPERATIONS

1. ADD-ON: Staff recommends motion to:

A) approve a Sports Development Program Agreement (Agreement) with the Florida Department of Economic Opportunity (FDEO) setting forth the terms by which the State will pay the County \$50,000,000 over a period of 25 years; and

B) authorize the County Administrator, or designee, to prepare and submit the annual reports required by the Agreement to the FDEO.

SUMMARY: On October 29, 2015, FDEO certified the County's application to participate in the Major League Spring Training Baseball Franchise Retention Program pursuant to F.S. 288.11631. Certified applicants then enter into a funding agreement to access specific funds set aside in F.S. 212.20(6)(d)6.e. Pursuant to this Agreement, the State will pay the County \$50,000,000 in equal monthly payments of \$166,667.00 for a period of 25 years. Since the County has issued bonds for the construction of the Ballpark of the Palm Beaches and the funding received from State will be used to pay a portion of the debt services on those bonds, the County cannot be decertified. On or before September 1 annually throughout the term of this Agreement, the County shall submit an annual report to FDEO which will be coordinated by the Office of Financial Management and Budget with contributions also being made by Facilities Development & Operations and Tourist Development Council/Sports Commission. In addition, the County shall submit monthly status reports on the development of the stadium. The County agrees that it will seek FDEO's approval prior to making any material changes, amendments, modification, extensions or the like, to the First Restated Sports Facility Use Agreement that could reasonably have any effect on FDEO's or the State's rights or privileges. (FDO Admin) Countywide/District 7 (MWJ)

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7. BOARD APPOINTMENTS

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

1. **Staff recommends motion to approve:** one appointment to Seat No. 5 and re-appointments to Seats No. 2, 3 and 4 to the Investment Policy Committee, each for a three year term:

A) Appoint to Seat No. 5

<u>Nominee</u> Mark A. Parks, Jr.	<u>Term</u> 10/1/16 - 9/30/19	<u>Nominated By</u> Vice Mayor Valeche Commissioner Burdick Commissioner Vana Commissioner Taylor
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OR

Stephen Martin Prielozny	Commissioner McKinlay
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B) Reappoint to Seat No. 2

<u>Nominee</u> Ned Roger Nashban	<u>Term</u> 10/1/19 - 9/30/19	<u>Nominated By</u> Mayor Berger Vice Mayor Valeche Commissioner Burdick Commissioner Vana Commissioner Abrams Commissioner McKinlay Commissioner Taylor
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C) Reappoint to Seat No. 3

<u>Nominee</u> Frederick Euclid Walker	<u>Term</u> 10/1/19 - 9/30/19	<u>Nominated By</u> Mayor Berger Vice Mayor Valeche Commissioner Burdick Commissioner Vana Commissioner Abrams Commissioner McKinlay Commissioner Taylor
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D) Reappoint to Seat No. 4

<u>Nominee</u> Stephen Henry Freilich	<u>Term</u> 10/1/19 - 9/30/19	<u>Nominated By</u> Mayor Berger Vice Mayor Valeche Commissioner Burdick Commissioner Vana Commissioner Abrams Commissioner McKinlay Commissioner Taylor
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SUMMARY: The Investment Policy Committee is comprised of seven members, with four being at-large appointments by the Board of County Commissioners (BCC), one being a representative appointed by the Sheriff, a member appointed from OFMB by the County Administrator, and the Chair being a member of the BCC, currently Vice Mayor Valeche. The three year term of the incumbent BCC appointees will expire on September 30, 2016, which ends the first of three three-year terms. One of the incumbents, Mr. William Moore, has requested not to be reappointed. Three of the incumbents desire to be reappointed, thereby creating one vacancy with their reappointments. Of the seats currently filled five are white males (71.4%), one black male (14.3%) and one white female (14.3%). Countywide (PK)

B. **COMMISSION DISTRICT APPOINTMENTS**

SEPTEMBER 27, 2016

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

9. COMMISSIONER COMMENTS

A. **District 1 – COMMISSIONER HAL R. VALECHE, VICE MAYOR**

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

ADD-ON: Request approval to present off-site a Proclamation declaring Thursday, October 6, 2016 as “German-American Day” in Palm Beach County. (Sponsored by Commissioner Burdick)

ADD-ON: Request approval to present off-site a Proclamation declaring the weekends of October 7 – 9 and October 14 - 16, 2016 as “Oktoberfest” in Palm Beach County. (Sponsored by Commissioner Burdick)

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

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

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

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

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

10. ADJOURNMENT

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