

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

FEBRUARY 5, 2019

<u>PAGE</u>	<u>ITEM</u>	
6	2C-3	REVISED SPONSOR: Proclamation declaring February 11-17, 2019 as 211 Awareness Week in Palm Beach County (Sponsored by Mayor Bernard Commissioner Valeche)
6	2C-6	REVISED TITLE: Proclamation declaring February 2019 as <u>Building Community Mental Health Alliances</u> School-Based Mental Health Care Awareness Month in Palm Beach County (Sponsored by Commissioner Weinroth)
6	2C-7	ADD-ON: Recognizing the 50 th Anniversary of the West Palm Beach (FL) Chapter of The Links, Incorporated (Sponsored by Mayor Bernard)
6	2C-8	ADD-ON: Proclamation declaring February 20, 2019 as National Love Your Pet Day in Palm Beach County (Sponsored by Commissioner Weiss)
6	2C-9	ADD-ON: Certificate of Appreciation to Dr. Elizabeth Alderman (Sponsored by Mayor Bernard)
13	3F-3	REVISED MOTION: Staff recommends motion to receive and file: a notice requesting professional services for the Palm Beach County Department of Airports in support of the preparation of a Part 150 Noise Compatibility Study for Palm Beach County Park Airport (<u>Lantana Airport</u>).
16	3H-6	DELETED FOR FURTHER STAFF REVIEW: Staff recommends motion to approve: A) Amendment No. 1 to the contract with The Morganti Group, Inc. (R2017-0419) in the amount of \$22,527,000 for the Palm Tran South Expansion project establishing a Guaranteed Maximum Price (GMP) for construction management services for the period of 628 days from notice to proceed unless amended by change order; and B) Amendment No. 2 to the contract with The Morganti Group, Inc. (R2017-0419) in the amount of \$1,683,000 for the Palm Tran South Expansion project establishing a Guaranteed Maximum Price (GMP) for construction management services for the period of 386 days from notice to proceed unless amended by change order. The 386 days from the notice to proceed will run concurrent with the 628 days defined in Amendment No. 1 above. (FDO)
32	5D-2	REVISED MOTION: Staff recommends motion to: A) approve a second amendment to Contract No. 14-041/SC, the contract for Palm Tran Connection Services Run Package B, dated October 7, 2014 by and between Palm Beach County and First Transit, Inc., <u>and First Group America, Inc. (First Transit)</u> to shift runs and vehicles and to increase the not-to-exceed amount by \$13,555,714.04 formerly allocated to Maruti Fleet & Management, LLC, (Maruti) Run Package C Contractor; and B) approve a second amendment to Contract No. 14-041/SC, the contract for Palm Tran Connection Services Run Package A, dated October 7, 2014, by and between Palm Beach County, and MV Transportation, Inc., <u>and MV Contract Transportation, Inc (MV Transportation)</u> to shift runs and vehicles and to increase the not-to-exceed amount by \$14,695,621.80 formerly allocated to Maruti, Run Package C Contractor. (Palm Tran)

ADD-ON:Staff recommends motion to approve: **A)** resolution designating Election Systems & Software, LLC (ESS) as the only source from which essential voting equipment, certified by the Department of State, can be obtained; **B)** Sales Order Agreement between Palm Beach County, the Palm Beach County Supervisor of Elections (SOE) and ESS for the purchase of voter tabulation equipment in the amount of \$8,676,635.70; and **C)** budget transfer in the General Fund in the amount of \$4,551,316 from contingency reserves to provide sufficient additional budget for the FY2019 payment to ESS and other vendors for equipment identified as necessary by the SOE. **SUMMARY:** Upon recommendation from the SOE, the Board of County Commissioners (BCC) is being requested to adopt a resolution designating ESS as the only election equipment source certified by the State of Florida from which suitable voting equipment can be obtained. This recommendation is based upon ESS High Speed Digital Image Scanners being the only ones certified with the State of Florida and capable of meeting the needs of future elections in Palm Beach County. Through the negotiation process, a Sales Order Agreement was reached between the County, the SOE and ESS for the purchase of 900 complete DS200 Scanners, 75 DS200 Scanner components, 10 High Speed Digital Scanners, and 525 ExpressVote Terminals with ADA compliant accessory equipment at a cost of \$8,676,635.70. In the FY19 budget, the BCC approved \$11,131,231 in the SOE budget for voting equipment costs. That amount was the original total requested by the SOE for FY19. Upon further review by the SOE, as communicated by a revised budget request, the SOE has determined that the total cost for new voting equipment is \$15,682,546.70. This revised number accounts for a retrofit of an existing sorter and inserter and the purchase of an additional sorter and inserter in the amount of \$1,644,850, additional computers for provisional ballot processing, phone banking and vote by mail, and \$4,344,526 for a new VR Systems Voter Registration /Check-In System. A budget transfer in the amount of \$4,551,316 is requested to complete the total purchase of all equipment required to meet the needs of future elections. As part of the purchase agreement an annual hardware, software, and firmware license, maintenance and support agreement is included. The fee for the first three years after the one year warranty period is \$1,362,540. A cover letter from the Mayor to the Secretary of State certifying the sole source purchase is included in this item and will be sent to the State upon approval. Countywide (AH) (Admin)

NOTE: Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary 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**

FEBRUARY 5, 2019

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

**COMMISSION
CHAMBERS**

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

- 2. AGENDA APPROVAL/SPECIAL PRESENTATIONS/BCC AND STAFF COMMENTS**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
 - C. Special Presentations (Page 6)
 - D. Staff Comments (Page 7)
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- 3. CONSENT AGENDA (Pages 9-27)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Page 28)**

- 5. REGULAR AGENDA (Pages 29-33)**

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- 2C-5 Economic Development Week
- 2C-6 School-Based Mental Health Care Awareness Month

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- 3B-3 Contracts and claims settlements list

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- 3C-4 Resolution with the Florida Department of Transportation, Florida's Turnpike Enterprise for construction improvements impacting Lantana Road
- 3C-5 Receive and file agreement with G.L. Acquisitions Corporation for project located on Golf Course Road north of Glades Road

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- 3F-2 Receive and file amendment to agreement with MN Airlines, LLC to remove ticket office space
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PUBLIC HEARINGS – 9:30 A.M.

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REGULAR AGENDA

A. PUBLIC SAFETY

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MATTERS BY THE PUBLIC – 2:00 P.M. (Page 35)

ADJOURNMENT (Page 36)

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Proclamation declaring February 2019 as Black History Month in Palm Beach County (Sponsored by Mayor Bernard)
2. Proclamation declaring February 2019 as American Heart Month in Palm Beach County (Sponsored by Commissioner McKinlay)
3. Proclamation declaring February 11-17, 2019 as 211 Awareness Week in Palm Beach County (Sponsored by Commissioner Valeche)
4. Proclamation declaring March 10, 2019 as Boating & Beach Bash for People with Disabilities Day in Palm Beach County (Sponsored by Commissioner Weinroth)
5. Proclamation declaring February 11-15, 2019 as Economic Development Week in Palm Beach County (Sponsored by Commissioner McKinlay)
6. Proclamation declaring February 2019 as Building Community Mental Health Alliances ~~School-Based Mental Health Care Awareness~~ Month in Palm Beach County (Sponsored by Commissioner Weinroth)
7. **ADD-ON:** Recognizing the 50th Anniversary of the West Palm Beach (FL) Chapter of The Links, Incorporated (Sponsored by Mayor Bernard)
8. **ADD-ON:** Proclamation declaring February 20, 2019 as National Love Your Pet Day in Palm Beach County (Sponsored by Commissioner Weiss)
9. **ADD-ON:** Certificate of Appreciation to Dr. Elizabeth Alderman (Sponsored by Mayor Bernard)

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2D. STAFF COMMENTS

1. ADMINISTRATION COMMENTS

Staff recommends motion to receive and file: the updated Board Directive Reports which include in process and completed board directive items. **SUMMARY:** At the February 6, 2018 Board of County Commissioners Meeting, direction was given to the County Administrator to bring back as a receive and file once a month a status report of the board directives to date. The categories of the board directives have been revised to now reflect two groups: **1) In Process** and **2) Completed**. The report continues to be updated on an on-going basis. Countywide (DN)

2. COUNTY ATTORNEY

FEBRUARY 5, 2019

2E. COMMISSIONER COMMENTS

District 1 – COMMISSIONER HAL R. VALECHE

District 2 – COMMISSIONER GREGG K. WEISS

District 3 – COMMISSIONER DAVE KERNER, VICE MAYOR

District 4 – COMMISSIONER ROBERT S. WEINROTH

Request for off-site Proclamation declaring February 24, 2019 as Congregation B'nai Israel Lori Sklar Mitzvah Day in Palm Beach County

District 5 - COMMISSIONER MARY LOU BERGER

District 6 - COMMISSIONER MELISSA MCKINLAY

District 7 – COMMISSIONER MACK BERNARD, MAYOR

3. CONSENT AGENDA APPROVAL

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 receive and file:** a list of Clerk & Comptroller Finance Department records which have been converted to an electronic format. **SUMMARY:** These records have been converted from paper to an electronic format. The electronic records will be maintained according to their required retention schedule under the State of Florida’s General Records Schedule GSI-SL for State and Local Government Agencies. (Ch. 119, Ch. 257) Countywide
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller’s Office. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to:**

A) adopt a resolution to approve a Highway Maintenance Memorandum of Agreement (HMMOA) with the Florida Department of Transportation (FDOT) to construct certain improvements more particularly described as Financial Project ID 436894-4-52-01 for the replacement of Seminole Drive over the L-16 Canal bridge (Project); and

B) approve an HMMOA with the FDOT for the Project.

SUMMARY: FDOT, in coordination with the County, is designing, permitting and constructing the Project. The Project includes replacing the existing bridge with a new bridge with two 12-foot lanes, five foot designated bike lanes and six-foot sidewalks on both sides. As a requirement of the Local Initiatives Program between Palm Beach County (County) and FDOT, an HMMOA must be executed by the Board of County Commissioners prior to the Project going to production. FDOT requires the County to adopt a resolution approving the HMMOA and to execute the HMMOA itself. District 3 (LBH)
2. **Staff recommends motion to:**

A) adopt a resolution to approve a Highway Maintenance Memorandum of Agreement (HMMOA) with the Florida Department of Transportation (FDOT) to construct certain improvements more particularly described as Financial Project ID 436894-2-52-01 for the replacement of El Clair Ranch Road over the L-30 Canal bridge (Project); and

B) approve an HMMOA with the FDOT for the Project.

SUMMARY: FDOT, in coordination with the County, is designing, permitting and constructing the Project. The Project includes replacing the existing bridge with a new bridge with two 12-foot lanes, five foot designated bike lanes and six-foot sidewalks on both sides. As a requirement of the Local Initiatives Program between Palm Beach County (County) and FDOT, an HMMOA must be executed by the Board of County Commissioners prior to the Project going to production. FDOT requires the County to adopt a resolution approving the HMMOA and to execute the HMMOA itself. District 5 (LBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve: Work Order 2018051-6 in the amount of \$400,000 to mill and resurface Woolbright Road from Lawrence Road to Congress Avenue utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2018-1533 with Ranger Construction Industries, Inc. (Ranger). **SUMMARY:** Approval of this work order will allow the contractual services necessary to construct the improvements. Per County PPM CW-F-050, this work order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Prior to this work order, approximately \$1 million of Ranger's \$16 million contract has been spent or encumbered. This annual construction bid was solicited on July 8, 2018, prior to the effective date of the Equal Business Opportunity Ordinance and pursuant to the Small Business Enterprise (SBE) Ordinance requirements. Ranger proposed 15% SBE participation for the annual contract and for this individual work order. None of Ranger's three subcontractors is M/WBE. Approval of this work order will result in a cumulative SBE participation of 15% for all the work orders issued under the contract. **This project is partially funded through the infrastructure sales tax.** District 4 (LBH)

4. Staff recommends motion to:
 - A) adopt** a resolution approving a Memorandum of Agreement (MOA) with the Florida Department of Transportation, Florida's Turnpike Enterprise (Department) for the construction of improvements impacting Lantana Road and the construction, maintenance, operation and ownership of the Hypoluxo Road bridge over Florida's Turnpike (Project); and
 - B) approve** an MOA with the Department for the Project.

SUMMARY: Adoption of this resolution approving the MOA will allow the Department to construct the Project, which will include widening the Department's bridges over Lantana Road and reconstructing Palm Beach County's (County) Hypoluxo Road bridge over Florida's Turnpike. The MOA is required since the Project impacts County road rights-of-way. Construction will be entirely funded by the Department at an estimated cost of \$170 million. District 3 (LBH)

5. Staff recommends motion to receive and file: a proportionate share agreement for \$2,784,899, Project Control Number 2018-0775, with G.L. Acquisitions Corporation, dated November 15, 2018, for their proposed project located at the northern terminus of Golf Course Road approximately one-third of a mile north of Glades Road. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating Department as a receive and file agenda item. The agreement was executed by the County Administrator on November 15, 2018. Resolution R2016-0125 delegates authority to the County Administrator or designee to enter into certain proportionate share agreements on behalf of the Board of County Commissioners. District 5 (LB)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: amendments for Consulting/Professional Services with the below listed agencies, for the period April 1, 2018 through March 31, 2019 in an amount totaling \$96,636, to provide a variety of training services to low-income participants:

1) Amendment No. 1 with Nurse Assistant Training School, Inc. d/b/a Academy for Nursing and Health Occupations (R2018-0733), for an increase of \$84,136, in an amount not to exceed \$142,376, for home health aide and nurse assistant training services; and

2) Amendment No. 1 with Credit Card Management Services, Inc. (R2018-0735), for an increase of \$12,500, in an amount not to exceed \$62,500 for financial literacy training services.

SUMMARY: The agencies represented in the amended contracts are qualified to provide various training services for clients of the Community Action Program (CAP). The funds are provided by the Community Services Block Grant (CSBG). Qualified clients must be residents of Palm Beach County and meet the federal poverty guidelines. A portion of CSBG funds will be used to provide training for eligible participants. In Federal Fiscal Year 2017, 83 clients completed vocational training programs. **No County funds are required.** (Community Action Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to:

A) receive and file a Notice of Award Grant No. H89HA00034-25-04 from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA), for the budget period March 1, 2018 through February 28, 2019, to increase funding by \$233,474 for a new not to exceed amount of \$7,658,923 for new and existing programs to continue improving health outcomes for clients with HIV/AIDS;

B) approve budget amendment in the amount of \$233,474 in the Ryan White Care Program fund to align the budget to the actual grant award; and

C) approve amendments to contracts for Provision of Ryan White Part A HIV Health Support Services with the agencies listed below, for the period of March 1, 2018 through February 28, 2021:

1. Amendment No. 1 with AIDS Healthcare Foundation, Inc. (R2018-0370), to increase funding in Grant Year (GY) 2018 by \$13,000 for a new GY 2018 total of \$189,517, for an overall new contract total amount of \$564,217, and include Exhibit D, Subaward Notice for compliance with 2 CFR 200.33, to improve health outcome services for persons living with HIV Spectrum Disease;

2. Amendment No. 1 with Compass, Inc. (R2018-0223), to increase funding in GY 2018 by \$4,400, for a new GY 2018 total of \$803,597 for an overall new contract total amount of \$2,491,189, and include Exhibit D, Subaward Notice for compliance with 2 CFR 200.33, to improve health outcome services for persons living with HIV Spectrum Disease;

3. Amendment No. 1 with FoundCare, Inc. (R2018-0224), to increase funding in GY 2018 by \$212,073, for a new GY 2018 total of \$3,753,742 for an overall new total contract amount of \$11,370,874, and include Exhibit D, Subaward Notice for compliance with 2 CFR 200.33, to improve health outcome services for persons living with HIV Spectrum Disease;

4. Amendment No. 2 with Treasure Coast Health Council, Inc. d/b/a Health Council of Southeast Florida (R2018-0222), to increase funding in GY 2018 by \$96,348, for a new GY 2018 total of \$798,865 for a new overall contract amount of \$1,830,753, and include Exhibit D, Subaward Notice for compliance with 2 CFR 200.33, to improve health outcome services for persons living with HIV Spectrum Disease; and

5. Amendment No. 1 with Legal Aid Society of Palm Beach County, Inc. (R2018-0221), to include Exhibit D, Subaward Notice for compliance with 2 CFR 200.33, with no changes to the original contract, for a total amount of \$985,158, to improve health outcome services for persons living with HIV Spectrum Disease.

SUMMARY: A revised notice of award was received on October 24, 2018 from the U.S. Department of Health and Human Services, Health Resources and Service Administration (HRSA), issuing carryover funding for the prior grant year to the current grant year in the amount of \$233,474. The total grant award for GY 2018, including this notice of award is \$7,658,923. This is a carryover amount; it is not a new annual award. Carryover amounts will vary from year to year based on funds that were leftover from prior grant year. On December 5, 2017, the Board of County Commissioners ratified the Mayor's signature on the Ryan White Part A HIV Emergency Relief Grant Program application (R2017-1776). The grant will allow the Community Services Department to continue providing needed medical and support services to Palm Beach County residents living with HIV/AIDS. The contract amendments are necessary to allocate the carryover funding and re-allocate a portion of administrative funding for services and for compliance with 2 CFR 200.33, which requires certain language for subaward agreements. Kimberly Rommel-Enright and Kristina Rowe, employees of Legal Aid Society of Palm Beach County, Inc., Lilia Perez and Quinton Dames, employees of FoundCare, Inc., Ashnika Ali, employee of Treasure Coast Health Council, Inc., Kristen Harrington, employee of AIDS Healthcare Foundation, Inc. and Alejandro Rodriguez, employee of Compass, Inc., are members of the HIV CARE Council. Marcia Hayden, employee of Treasure Coast Health Council, Inc. is a member of the Planning Commission. These boards provide no regulation, oversight, management, or policy-setting recommendations regarding the agencies listed above. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Section. 2-443, of the Palm Beach County Code of Ethics. **No County match is required.** (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. **Staff recommends motion to receive and file:** four Consent to Sublease (Consent) documents listed below for Galaxy Aviation of Lantana, Inc. d/b/a Stellar Aviation of South Palm Beach (Galaxy Aviation), for Palm Beach County Park Airport (Lantana Airport):

1. Consent for Galaxy Aviation and Sarasota Avionics, Inc., effective 10/3/2018.
2. Consent for Galaxy Aviation and East Caring Air, LLC, effective 6/1/2018.
3. Consent for Galaxy Aviation and Jorge Gonzales, effective 10/1/2018.
4. Consent for Galaxy Aviation and Benjamin Samples and Casey Rice, effective 10/1/2018.

SUMMARY: Galaxy Aviation provides fixed base operator services at Lantana Airport pursuant to a lease agreement (R2016-0759) with the County. The lease agreement provides for the sublease of space subject to the County's consent. Delegation of authority for execution of the standard County agreements above was approved by the BCC in R94-1453. Countywide (AH)

2. **Staff recommends motion to receive and file:** a second amendment to Non-Signatory Airline Agreement with MN Airlines, LLC d/b/a Sun Country Airlines (Sun Country) (R2016-1128, as amended) (Agreement), replacing Exhibit "B" to the Agreement, to remove 146 square feet of ticket office space from Sun Country's leasehold for a rental reduction of \$8,510.51 at the Palm Beach International Airport (PBI), effective January 2, 2019. **SUMMARY:** Sun Country is a seasonal carrier at PBI and no longer requires a ticket counter office. The second amendment removes the 146 square foot ticket counter office space from Sun Country's leasehold effective January 2, 2019. Delegation of authority for execution of amendments to the County standard form Non-Signatory Airline Agreement for the purpose of relocating, increasing or decreasing an airline's premises was approved by the Board in R2014-1575. Countywide (AH)

3. **Staff recommends motion to receive and file:** a notice requesting professional services for the Palm Beach County Department of Airports in support of the preparation of a Part 150 Noise Compatibility Study for Palm Beach County Park Airport (Lantana Airport). **SUMMARY:** In accordance with Board established procedures referencing the Consultant's Competitive Negotiation Act, this notice is required to be processed as the initial step of the selection process to comply with Florida Statutes 287.055 (Public Announcement in a Uniform and Consistent Manner). The Department of Airports will execute an advertisement and selection process for these services. A Disadvantaged Business Enterprise goal of 8.5% has been established. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$37,000 for the full satisfaction of a code enforcement lien that was entered against Louise Jordan on March 3, 2010. **SUMMARY:** The Code Enforcement Special Magistrate (CESM) entered an Order on November 4, 2009 for property owned by Louise Jordan giving her until January 3, 2010 to bring her property located at 17035 48th Court North in Loxahatchee into full code compliance. The property had been cited for renovations without the required building 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 Louise Jordan on March 3, 2010. The Code Enforcement Division issued an affidavit of compliance for the property on April 18, 2017 stating that as of April 12, 2017 the cited code violations had been fully corrected. The total accrued lien amount on August 15, 2018, the date on which settlement discussions began, totaled \$313,148.26. Louise Jordan has agreed to pay Palm Beach County \$37,000 for full settlement of her outstanding code enforcement lien. District 6 (SF)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: an Amended and Restated Interlocal Agreement (Agreement) with the City of Pahokee (City), providing fleet management services from February 5, 2019 through February 4, 2024. **SUMMARY:** The Agreement provides the terms and conditions under which the County provides fleet management services. Fleet management services generally include: 1) preventative maintenance and corrective repairs to vehicles and equipment, 2) the management and operation of fueling sites, 3) the sale of fuel, and 4) the management of the Vehicle Replacement Policy Fund. This Agreement expands the Fleet Management services the County is providing the City; provides for a term of five years with one renewal option for five years; adds attachments regarding Fleet Management maintenance repair service locations, fee schedule, and vehicle replacement fund; and incorporates standard contract provisions on non-discrimination, the Office of the Inspector General, Insurance and Liability. The County does not require any additional staffing and/or equipment to enter this Agreement, and as such, this Agreement will result in increased revenues to Fleet Management. (FDO – Admin) Countywide/District 6 (LDC)
2. Staff recommends motion to approve: an agreement with the United States Department of Homeland Security, U.S. Seventh Coast Guard District (Coast Guard) allowing for interoperable communications through the countywide common talk groups of the County's Public Safety Radio System (System) for the period of February 5, 2019 through February 4, 2024. **SUMMARY:** This agreement provides the terms and conditions under which the Coast Guard can program its radios and utilize the countywide common talk groups for certain types of inter-agency communications. The County's System will not be utilized for routine operational communications by the Coast Guard. The terms of the agreement are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this agreement. The Coast Guard is required to pay all costs associated with the Coast Guard's subscriber units and to comply with the established operating procedures for the County's System. This agreement provides for an initial term of five years with three renewal options, each for a period of five years. This agreement may be terminated by either party, with or without cause, upon ten days prior written notice to the other party. This agreement, when effective, terminates and replaces the agreement between County and Coast Guard R2009-1415. (ESS) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: the exercise of the second option to extend the term of the Lease Agreement (R2007-0395) dated March 13, 2007, with Tallman, LLC for the continued use of 4,990 SF of indoor secured vehicle storage space for the Palm Beach County Sheriff's Office at an annual rent of \$84,000 for the period of March 29, 2019 through March 28, 2020. **SUMMARY:** Since March 29, 2007, the County has leased approximately 4,990 SF of indoor storage and 6,000 SF of paved outdoor storage within the Murphy/Sister's Towing Complex located at 6907 Southern Boulevard in unincorporated Palm Beach County for the operation of both indoor and outdoor secured vehicle storage for PBSO. On March 12, 2013 (R2013-0271), the Board approved the fourth amendment to the lease agreement, which deleted the 6,000 SF outdoor storage area and extended the term of the lease agreement to March 28, 2018, with two extension options. Exercise of this second and final option will extend the term of the lease agreement for one year from March 29, 2019 through March 28, 2020. The annual rent will remain at \$84,000 (\$7,000/monthly). PREM will continue to have administrative responsibility for this agreement. (PREM) District 2 (HJF)
4. Staff recommends motion to receive and file: an ATM Operating License Agreement (License Agreement) with Guardians Credit Union dated December 10, 2018, for the PBC Criminal Justice Complex located at 3228 Gun Club Road, West Palm Beach; PBC Courthouse located at 205 N. Dixie Highway, West Palm Beach; South County Courthouse located at 200 W. Atlantic Avenue, Delray Beach; and Vista Center located at 2300 N. Jog Road, West Palm Beach for the period of February 18, 2019 through February 17, 2022. **SUMMARY:** The Credit Union has operated automated teller machines within four Palm Beach County-owned buildings since 2012. The current License Agreement expires on February 17, 2019 (R2018-0047). This License Agreement will commence on February 18, 2019 and extend for three years, with two extension options, each for a period of one year. Either party may terminate this License Agreement upon 30 days written notice. PREM will have administrative responsibility for this license agreement. There is no annual fee or rent charged for this License Agreement. (PREM) Districts 2 & 7 (HJF)
5. Staff recommends motion to approve: an Interlocal Agreement with the Town of Highland Beach (Town) allowing for interoperable communications through the countywide common talk groups of the County's Public Safety Radio System (System) from February 5, 2019 through February 4, 2024. **SUMMARY:** This agreement provides the terms and conditions under which the Town can program its radios and utilize the countywide common talk groups for certain types of inter-agency communications. The County's System will not be utilized for routine operational communications by the Town. The terms of the agreement are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this agreement. The Town is required to pay all costs associated with the Town's subscriber units and to comply with the established operating procedures for the County's System. The agreement terminates and replaces the prior agreement (R2014-0051) that allowed the Town to directly connect to the System. The agreement provides for an initial term of five years with three renewal options, each for a period of five years. This agreement may be terminated by either party, with or without cause, upon ten days prior written notice to the other party. (ESS) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. ~~DELETED FOR FUTHER STAFF REVIEW: Staff recommends motion to approve:~~

~~A) Amendment No. 1 to the contract with The Morganti Group, Inc. (R2017-0419) in the amount of \$22,527,000 for the Palm Tran South Expansion project establishing a Guaranteed Maximum Price (GMP) for construction management services for the period of 628 days from notice to proceed unless amended by change order; and~~

~~B) Amendment No. 2 to the contract with The Morganti Group, Inc. (R2017-0419) in the amount of \$1,683,000 for the Palm Tran South Expansion project establishing a Guaranteed Maximum Price (GMP) for construction management services for the period of 386 days from notice to proceed unless amended by change order. The 386 days from the notice to proceed will run concurrent with the 628 days defined in Amendment No. 1 above.~~

~~**SUMMARY:** Amendment No. 1 authorizes the work for the expansion and renovation of the Palm Tran South Facility which includes the addition of approximately 28,000 sq. ft. of building space consisting of offices, locker rooms, training center for bus operators and ancillary support space. Additional work will consist of a new 135 vehicle parking lot for employees, and a new bus lift at the existing maintenance building. Amendment No. 2 authorizes the scope of work associated with the installation of Closed-Circuit Television, Access Control, Fire Alarm, Audio/Video System, Intercom System, Tele-Data and Cable Television system for the expansion and renovation of the Palm Tran South Facility. The entire project was intended to be funded from Federal funds and included a requirement for Morganti to make a Good Faith Effort to subcontract at least 10% of the dollar value of the total amount of this contract to certified DBE subcontractors. After Morganti completed the subcontractor bidding, the County determined that specific electronic equipment and infrastructure required to meet County standards did not comply with the Federal Transportation Administration's (FTA) Buy America provision. As a result, that specific scope was removed and issued as a concurrent Amendment No. 2 funded through ad valorem funds. Amendment No. 1 has 10.14% DBE participation and Amendment No. 2 has 0% SBE participation. If the County had not separated Amendment No. 2, Morganti would have achieved 9.43% DBE participation. Regardless of the County's ultimate decision to split the project into two separate amendments, The Morganti Group, Inc., has conducted good faith efforts to meet the federal and contract requirements and hence staff's recommendation to award. Palm Tran staff made that determination after considering the quality, quantity and intensity of the various efforts made by The Morganti Group, Inc. (Capital Improvements Division) District 7 (LDC)~~

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY

1. Staff recommends motion to receive and file: the following documents:

A) Amendment 001 to a Loan Agreement (R2018-0666) with Housing Partnership, Inc., under the State Housing Initiatives Partnership (SHIP) Program; and

B) Amendment 001 to a Loan Agreement (R2018-0277) with BDG Banyan Court, LP, under the SHIP Program.

SUMMARY: As an entitlement jurisdiction, the County receives an annual allocation of SHIP funding and one of our approved strategies includes providing financial assistance to for-profit and non-profit developers of affordable housing. In 2018, the County entered into SHIP agreements with Housing Partnership, Inc. and BDG Banyan Court, LP for the rehabilitation and construction of their projects. Amendment 001 with Housing Partnership, Inc., extended the start of construction date for the project by approximately three months. Amendment 001 with BDG Banyan Court, LP, extended the loan expenditure deadline by eight months. The attached documents have been executed on behalf of the Board of County Commissioners (BCC) by the County Administrator in accordance with Agenda Items 5B-2 and 3I-7, as approved by the BCC on April 4, 2017 and March 13, 2018, respectively. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. **SHIP grant funds are State funds that do require a local match. District 3 (JB)**

2. Staff recommends motion to:

A) receive and file the Notice of Termination letter terminating the Economic Development Incentive Agreement (R2016-0940) with Sancilio & Company, Inc. (Sancilio);

B) approve a budget transfer of \$500,000 from the Economic Development Fund to the General Fund; and

C) approve a budget amendment of \$500,000 in the General Fund to recognize the transfer from the Economic Development Fund to the General Fund.

SUMMARY: On July 12, 2016, the County entered into an Economic Development Incentive Agreement (R2016-0940) with Sancilio to provide up to \$82,500 in local matching support under the State of Florida Qualified Target Industry Tax Refund program and up to \$417,500 in local matching support under the Quick Action Closing Fund program. On June 8, 2018, the County received notice that Sancilio filed for bankruptcy, which is a default per the terms of the agreement. Sancilio was required to create 275 new jobs over a four year period at an average annualized wage of \$57,500. They were also required to retain 149 existing jobs. The County has not disbursed any funds pursuant to the agreement and on August 15, 2018 the County notified Sancilio the agreement had been terminated. The effective date of the termination was September 14, 2018. The \$500,000 cash match funded by the general fund contingency reserve is being returned to the general fund. **District 7 (JB)**

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

3. Staff recommends motion to:

A) receive and file the Notice of Termination letter terminating the Economic Development Incentive Agreement (R2015-0950) with Sikorsky Aircraft Corporation (Sikorsky);

B) approve a budget transfer of \$18,200 from the Economic Development Fund to the General Fund; and

C) approve a budget amendment of \$18,200 in the General Fund to recognize the transfer from the Economic Development Fund to the General Fund.

SUMMARY: On July 21, 2015, the County entered into an Economic Development Incentive Agreement (R2015-0950) with Sikorsky to provide up to \$18,200 in local matching support under the State of Florida Qualified Target Industry (QTI) Tax Refund program. The County also agreed to provide Sikorsky an ad-valorem tax exemption in an amount not to exceed \$128,575, which was secured by a letter of credit. To date, the County disbursed \$57,908 in ad-valorem tax exemptions to Sikorsky. Sikorsky was required to create 14 new jobs over a three year period at an average annualized wage of \$80,000. They were also required to retain 81 existing jobs. Sikorsky was unable to meet the requirements of the agreement, and in a letter dated August 1, 2018, the County terminated the agreement and invoiced Sikorsky for reimbursement of the \$57,908 in disbursed ad-valorem tax exemptions. Sikorsky subsequently withdrew from the State QTI program. Sikorsky submitted the reimbursement to the County on August 20, 2018. The effective date of the termination was May 11, 2018. The \$18,200 cash match funded by the general fund contingency reserve is being returned to the general fund. District 1 (JB)

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: the reappointment of one member to the Zoning Commission (ZC), for the term beginning February 6, 2019 to February 8, 2022.

<u>Reappoint</u>	<u>Seat #</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
Robert Currie	9	Architect	PBC The American Institute of Architects

SUMMARY: The Zoning Commission (ZC) shall be comprised of nine members appointed by the Board of County Commissioners (BCC). Seven members will be appointed by the BCC, one from each Commissioner as a district appointment. Two members shall be appointed by a majority vote of the BCC. These shall be architects registered in the State of Florida and nominated by the Palm Beach County Chapter of The American Institute of Architects (AIA). The term of office for Board members is three years, with a limit of three consecutive three-year terms. These appointments are consistent with the Unified Land Development Code (ULDC) requirements, Article 2.G.3.L, ZC. The Board consists of nine members, with nine seats currently filled and a diversity count of Caucasian: 8 (89%) and African-American: 1 (11%). The gender ratio (male: female) is 7:2. Mr. Currie is a Caucasian male. Staff has addressed the need to increase diversity within our boards and will continue to encourage this in an effort to expand the Board's diversity. Unincorporated (LB)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** a Continuing Construction Contract (Contract) for Wastewater Gravity Lines & Manhole Rehabilitation with Hinterland Group, Inc., for a 24-month term in the amount of \$5,993,256 with the option of one 12-month renewal. **SUMMARY:** On October 17, 2018, one bid was received for the Water Utilities Department (WUD) Continuing Construction Contract for Wastewater Gravity Lines & Manhole Rehabilitation. Hinterland Group, Inc., was determined to be a responsible and responsive bidder. The Contract will be used to expedite utility capital improvement projects and any emergency projects for repairs and rehabilitation of manholes and wastewater gravity lines where timing is critical. The Contract award is for the unit bid prices received and the overall bid dollar amount of \$5,993,256, which was utilized to establish the unit prices for work to be undertaken under the Contract. The Contract does not guarantee nor authorize Hinterland Group, Inc., to perform any work. Work will be assigned during the 24-month Contract period by work authorizations drawn against the Contract, subject to approval pursuant to the requirements of PPM CW-F-050. The unit prices contained in the Contract will be used to determine the amount of each work authorization. Any supplements to work authorizations for changes that occur during construction will be subject to the change order limits for construction contracts as established under PPM CW-F-050. The Small Business Enterprise (SBE) participation goal established by the 2002 SBE Ordinance under which this Contract was procured is 15% overall. The Contract with Hinterland Group, Inc., provides for 95% SBE participation. Hinterland Group, Inc., is a Palm Beach County company. The new EBO Ordinance will be added at the time of renewal. (WUD Project 18-069) Countywide (MJ)

2. **Staff recommends motion to approve:** Amendment No. 2 to the Contract with Aquifer Maintenance and Performance Systems, Inc., (AMPS) for System-wide Wellfield Maintenance for the Water Utilities Department (WUD) to renew and add funding to the Contract for an additional 12-month period. **SUMMARY:** On March 14, 2017, the Board of County Commissioners approved the WUD System-wide Wellfield Maintenance Contract (Contract) (R2017-0315) with Aquifer Maintenance and Performance Systems, Inc., (AMPS) in the amount of \$1,189,076. WUD has undertaken \$803,897.70 of authorized maintenance work under the Contract through December 1, 2018. Historically, WUD has spent approximately \$400,000 annually to maintain existing wellfields. An increase of \$500,000 is required for the continuation of maintenance for the extended contract period, which includes the replacement of well pumps and motors that are reaching the end of their expected life cycle. The additional funding will increase the overall Contract amount to \$1,689,076. The proposed 12-month renewal and increase in the overall Contract amount will allow for the continuation of system-wide wellfield maintenance to maintain adequate raw water supply to the WUD's water treatment plants. The renewal of the Contract does not guarantee nor authorize any work. Work will be assigned during the 12-month renewal period by formal Construction Delivery Orders (KDO), which are drawn against the Contract with the project cost identified on each KDO. The unit prices contained in the Contract will be used in determining the cost of the KDOs. The Small Business Enterprise (SBE) participation goal established by the 2002 SBE Ordinance under which this Contract was procured is 15% overall. The Contract provided for 0% SBE participation, however, AMPS has been certified as an SBE for the provision of well services, including drilling, plugging, consulting, maintenance and repair. AMPS is a Palm Beach County company. (WUD Project No. 16-001/VMG) Countywide (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES Cont'd)

3. Staff recommends motion to approve:

A) a contract with B&B Underground Construction Inc., for the Runyon Village Water and Wastewater System Improvements, Belle Glade (Project) in the amount of \$719,505;

B) a budget transfer of \$682,440 in the Housing and Community Development Fund, and

C) a budget amendment of \$682,440 in the Capital Improvement Fund to recognize the transfer.

SUMMARY: On November 14, 2018, five bids were received for the Project to upgrade existing water distribution system and wastewater collection and transmission system extensions to serve the Runyon Village residential development. The lowest responsible responsive bidder is B&B Underground Construction Inc., in the amount of \$719,505. The Water Utilities Department (WUD) will administer the project for the Palm Beach County Department of Housing and Economic Sustainability (DHES). Funding for this project in the amount of \$682,440 has been provided by DHES under a grant from HUD to the County through the Community Development Block Grant (CDBG) Program. Federally funded projects are subject to the federal DBE requirements and local governments are precluded from requiring local preferences during solicitation. As a result, this Project had a participation goal of 22.4% MBE and 6.9% WBE. Per federal requirements, B&B Underground Construction Inc., undertook a good faith effort to identify and include DBE participants, although none were included in the Contract. Although SBE participation is not required by the Contract, B&B Underground Construction Inc., is certified as an SBE and has identified other SBE's as sub-contractors. SBE participation will be tracked as part of the Contract and B&B Underground Construction, Inc. has committed to meeting the SBE goal established by the Board of County Commissioners. B&B Underground Construction Inc., is a Palm Beach County Company. The Project is in the FY19 Water Utilities Department (WUD) budget. (WUD Project No. 14-037) District 6 (MJ)

4. Staff recommends motion to approve: an Interlocal Agreement Between Palm Beach County (County) and the South Florida Water Management District (District) Regarding Seismic Survey Reimbursement (Agreement) with an associated cost share of \$95,000. **SUMMARY:** The District is undertaking seismic surveys in a number of locations around Lake Okeechobee to obtain better data and imaging of the underlying geology. This data will be utilized by District staff in analyzing the utilization of deep injection wells in those locations to dispose of excess surface water from the Lake Okeechobee watershed. Water Utilities Department (WUD) staff has previously identified the need for seismic surveys to better understand the geology in areas where WUD may locate future wells to provide raw water to Water Treatment Plant 11, as well as in the locations of wells currently in service. The Agreement provides for cost-sharing of an additional transect that has been included in the scope of work of the contract for seismic services being undertaken by the District. This additional transect will benefit the efforts of both the District and the County in providing imaging of the underlying geology in an area extending west towards Lake Okeechobee. The agreed upon cost to the County for its share of the additional work is \$95,000. The Agreement contains a modified version of the non-discrimination language previously approved by the Board of County Commissioners agreed to by the parties. District 6 (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve:

A) Assignment Assumption and Consent Agreement (Agreement) with Aptim Environmental & Infrastructure, Inc. (APTIM-INC), and Aptim Environmental & Infrastructure, LLC. (APTIM-LLC) for professional consultant services contract R2016-1523 (Contract) effective upon execution; and

B) Task Order No. 1523-09 to Contract (R2016-1523) with APTIM-LLC in an amount not to exceed \$205,136.90 providing for sea turtle monitoring services during the 2019 sea turtle nesting season beginning March 1, 2019 and ending December 31, 2019.

SUMMARY: The Board of County Commissioners approved the Contract with APTIM-INC, a Palm Beach County company, on October 18, 2016 (R2016-1523). On January 7, 2019, APTIM-INC withdrew their status as a Florida registered corporation and was restructured as APTIM-LLC. Approval of this Agreement will assign the Contract from APTIM-INC to APTIM-LLC. APTIM-INC has consented to assign their Contract and Task Order Authorizations to APTIM-LLC for the completion of work. Task Order No. 1523-09 authorizes APTIM-LLC to manage permit-required sea turtle monitoring activities in association with the South Lake Worth Inlet Sand Transfer Plant Reconstruction Project, the Ocean Ridge Shore Protection Project, and the Singer Island Dune Restoration Project. The task order is funded by tourist development taxes and is eligible for cost sharing from the Florida Department of Environmental Protection. At the time of contracting, the Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) was 15% overall. APTIM-LLC committed to an overall 15% SBE participation and has achieved 69.4% overall SBE-M/WBE participation on the master contract. The subcontractor identified to perform on this task order is an SBE with participation that equates to 96.9% of the task order. Districts 1 & 4 (DC)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

A) approve a contract for Consulting/Professional Services (Contract 1) with Loggerhead MarineLife Center, Inc. (LMC) for an amount not to exceed \$1,456,764.18, providing for a four year period of sea turtle monitoring services for the North County Comprehensive Shoreline Stabilization Project, beginning upon execution of this contract and expiring December 31, 2022;

B) approve a contract for Consulting/Professional Services (Contract 2) with LMC for an amount not to exceed \$50,000, to provide 2019 sea turtle nesting data to Palm Beach County (PBC) for ongoing research related to regulatory decisions that affect beach nourishment projects and the potential effects of the 2018 red tide event as it relates to sea turtle nesting in PBC, beginning upon execution of this contract and expiring December 31, 2019; and

C) authorize the County Administrator, or designee, to sign all future time extensions, task assignments, certifications, and other forms associated with these contracts, and any necessary minor amendments that do not significantly change the scope of work, terms, or conditions of these contracts.

SUMMARY: Environmental permits issued by state and federal agencies for the North County Comprehensive Shoreline Protection Project require monitoring activities to assess the impact of beach nourishment on sea turtles. These conditions could be required through 2022 for this project. LMC, a private non-profit corporation, will conduct all permit-required monitoring for these projects under Contract 1. Contract 1 is funded by tourist development taxes and is eligible for cost sharing from Florida Department of Environmental Protection (DEP). Contract 2 will provide non-permit required nesting data collected on Juno and Jupiter Beach in 2019, to allow PBC Environmental Resources Management to answer questions addressed in the recent permitting process for the North County Comprehensive Shoreline Protection Project. In addition, data will be correlated to the 2018 red tide event and its potential impact on sea turtle nesting in PBC. This work is funded by beach management funds. Contract 2 is for data access purposes only. District 1 (AH)

3. Staff recommends motion to receive and file: the second amendment to contract for Sinking of Retired Naval Submarine *USS CLAMAGORE* to Create an Artificial Reef (Amendment) with CRB Geological and Environmental Services, Inc. D/B/A Artificial Reefs International *USS CLAMAGORE* (ARI-Clamagore) extending the completed service date to September 30, 2019, for the sinking of retired naval submarine *USS CLAMAGORE*. **SUMMARY:** On January 10, 2017, the Board of County Commissioners (BCC) approved the contract for Sinking of Retired Naval Submarine *USS CLAMAGORE* to create an artificial reef (R2017-0113). ARI-Clamagore has secured exclusive rights with the submarine owner, Patriots Point Naval & Maritime Museum, for acquiring and reefing the *USS CLAMAGORE*, a 320' long Balao class submarine built in 1945, and retired to the museum in 1975. The BCC approved the first amendment (R2018-0080) on January 23, 2018, for a one year extension of time to January 9, 2019. This amendment is for a time extension to September 30, 2019. The time extension allows ARI-Clamagore to complete their necessary fund-raising efforts and to complete the engineering design to allow the submarine to rest on the sea floor and be stable in storm events. Delegated authority to the County Administrator, or designee, to sign all future time extensions, task assignments, certifications, and other forms associated with the contract was approved at that time. 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. District 1 (AH)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. **Staff recommends motion to approve:** annual contracts with the below listed construction vendors, for Palm Beach County Artificial Reef and Breakwater Annual Contract, Project No. 2018ERM03 for a period of two years:

A) Coston Marine Services, Inc. (Contractor A) not to exceed \$1,500,795; and

B) McCulley Marine Services, Inc. (Contractor B) not to exceed \$1,478,743.

SUMMARY: These construction contracts are being established to construct artificial reefs in the Atlantic Ocean and inshore marine restoration projects. The County will authorize projects by contract work orders, when needed and adequately funded. Two bids were received. The Department of Environmental Resources Management recommends awarding the work to two contractors. This will provide redundancy and capacity for multiple, concurrent projects. This bid was solicited on May 20, 2018 and May 27, 2018, according to the SBE Ordinance in place at the time, with award recommendation taking place on October 17, 2018. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. Contractor A, a Palm Beach County SBE, was the higher responsive, responsible bidder. Since it had 20% SBE participation and fell inside the range for the ranking of responsive bidder consideration, Contractor A was ranked lowest responsive bidder. Contractor B, a St. Lucie County company, was the next lowest responsive, responsible bidder with no SBE participation. Contractor B, has since revised their team to include 15.5% SBE participation. The initial contract term is two years, which may be extended for an additional one year upon approval by the Board of County Commissioners. The new EBO Ordinance will be added at the time of renewal. Countywide (DC)

P. COOPERATIVE EXTENSION SERVICE

1. **Staff recommends motion to approve:** a grant agreement with the Western Palm Beach County Farm Bureau, Inc. in an amount not to exceed \$20,000 from Agricultural Economic Development Program funds to assist in conducting the 2019 Palm Beach County Sweet Corn Fiesta. **SUMMARY:** The 2019 Palm Beach County Sweet Corn Fiesta will be held on April 28, 2019, with expenses incurred after April 1, 2019 being eligible for reimbursement. This event will increase public awareness of local agriculture on a regional and statewide basis. It provides an opportunity for a local agricultural organization, the Western Palm Beach County Farm Bureau, to stage an event that will make our residents more aware of the economic significance of our largest vegetable row crop in our County's billion-dollar agricultural industry while bringing in people from surrounding counties. This is the 19th year for the event. The Palm Beach County Agricultural Enhancement Council has reviewed the request and met with representatives of the Western Palm Beach County Farm Bureau. Countywide (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) approve a first amendment to the Interlocal Agreement with the Public Defender's Office of the Fifteenth Judicial Circuit in the amount \$232,000 for the period of February 5, 2019 through September 30, 2019 to fund community-based services as jail alternatives for pretrial inmates under the Criminal Justice Commission's (CJC) John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge Project; and

B) authorize the County Administrator, or designee, to execute amendments and documents related to this agreement, on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County's Attorney's Office, and within budgeted allocations.

SUMMARY: On January 23, 2018, the Board of County Commissioners (the Board) approved an Interlocal Agreement with the Public Defender's Office in the amount of \$124,000 for the period of execution to September 30, 2019 (R2018-0099). This agreement provided MacArthur grant funding for a new position at the Public Defender's Office of a Client Navigator to identify clients held in jail on a pretrial status and craft release options amenable to the court including community-based services. The amendment to this agreement provides \$232,000 additional grant dollars designated for community-based services such as housing, treatment, and other care that a judge would require in order to release an individual from jail on a pretrial status. The Client Navigator will work with the Public Defender's Social Service Division in placing current pretrial inmates in these community-based services thereby reducing the jail population and providing more appropriate care for these individuals. Although the January 23, 2018 Board agenda item provided the Executive Director of the CJC with delegated authority to amend the agreement, the scope of the amendment is substantially different than the original agreement, thereby requiring Board approval. Countywide (DC)

R. HUMAN RESOURCES

1. Staff recommends motion to approve: the Labor-Management Bargaining Agreement (Agreement) between the Palm Beach County Board of County Commissioners (County) and the Communication Workers of America (CWA), Local 3181, effective October 1, 2018 through September 30, 2021. **SUMMARY:** The County and the CWA have concluded contract negotiations with the production of the attached successor Agreement to the recently expired Labor-Management Agreement which was in effect from October 1, 2015 – September 30, 2018. The agreement provides for wage increases in 2018, 2019, 2020, and April of 2021. The proposed wage increase for the current fiscal year has already been budgeted and provides no additional cost to the Board. It is in the same amount afforded to other County employees (3%). The Agreement also provides for a 3% wage increase in 2019 with a 2% in October 2020 and a 2% in April 2021. The Agreement also contains a provision to raise the minimum hourly rate to \$15, which will affect approximately 70 employees in the bargaining unit at an estimated cost of \$94,000. The three year cumulative cost of the Agreement is estimated to be \$6,000,000. Countywide (DO)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to approve:

A) an Interlocal Agreement with the Palm Beach County Tax Collector providing for compensation of an amount not to exceed one percent of total collections for the implementation and collection of the County's non-ad valorem assessments for Municipal Service Benefit Unit (MSBU)–Riviera Beach effective tax year 2019 and subsequent years thereafter until cancelled by either party; and

B) an Interlocal Agreement with the Palm Beach County Tax Collector providing for compensation of an amount not to exceed one percent of total collections for the implementation and collection of the County's non-ad valorem assessments for Municipal Service Benefit Unit (MSBU)–Boca Raton effective tax year 2019 and subsequent years thereafter until cancelled by either party.

SUMMARY: These agreements will reimburse the Tax Collector for costs associated with collecting the special assessment for fire hydrant maintenance and rental within the MSBU-Riviera Beach and MSBU–Boca Raton pursuant to the uniform method for the levy, collection, and enforcement of non-ad valorem assessments, in accordance with Section 197.3632, Florida Statutes. The Tax Collector has been providing services to the County for the implementation and collection of non-ad valorem assessments for MSBU–Riviera Beach and MSBU–Boca Raton since 1993, and the estimated cost for FY 2019 is \$2,808. Districts 4, 5 & 7 (SB)

2. Staff recommends motion to receive and file: fully executed standard agreements for swimming lessons for FY 2019 with:

A) Small Fish Big Fish Swim School, LLC; and

B) Village of Wellington.

SUMMARY: On September 27, 2005, the Board adopted Resolution Number R2005-1906 authorizing the County Administrator, or designee (the Fire Rescue Administrator), to execute standard agreements with municipalities and independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. These standard agreements have been fully executed by the Fire Rescue Administrator, and are now being submitted to the Board as a receive and file agenda item in accordance with Countywide PPM CW-O-051 for the Clerk and Comptroller's Office to receive and file. Countywide (SB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

3. Staff recommends motion to approve and ratify: the Collective Bargaining Agreement between Palm Beach County and Professional Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Inc., for the period October 1, 2018 through September 30, 2021. **SUMMARY:** On August 25, 2016, the Board approved a Collective Bargaining Agreement (CBA) with the Professional Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Inc. (R2016-1061) for the period October 1, 2015 through September 30, 2018. The County continued to operate under the terms and conditions of the expired agreement as the parties negotiated the terms and conditions of a new bargaining agreement. This new agreement is anticipated to be fully ratified by the Union membership on this date (02/05/19). The three-year cumulative cost of this agreement is estimated to be \$54.1 million (representing a 10% increase in annual personnel services costs) over the expired CBA, and includes across-the-board salary increases as follows:

FY 2019	Effective upon ratification	3%
FY 2020	Effective the pay period which includes October 1, 2019	3%
FY 2021	Effective the pay period which includes October 1, 2020	2%
FY 2021	Effective the pay period which includes April 1, 2021	2%

Funding for fiscal year 2019 can be accommodated in the approved FY 2019 budget. The major elements of this agreement are included in Attachment 3 to this agenda item. Countywide (SB)

4. Staff recommends motion to approve and ratify: the Collective Bargaining Agreement between Palm Beach County and Professional Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Inc., relating to the District Chiefs in the Supervisory Unit, for the period October 1, 2018 through September 30, 2021. **SUMMARY:** On October 18, 2016, the Board approved a Collective Bargaining Agreement (CBA) with the Professional Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Inc., District Chief Supervisory Unit (R2016-1549) for the period October 1, 2015 through September 30, 2018. The County continued to operate under the terms and conditions of the expired agreement as the parties negotiated the terms and conditions of a new bargaining agreement. This new agreement is anticipated to be fully ratified by the Union membership on this date (02/05/19). The three-year cumulative cost of this agreement is estimated to be \$300,703 (representing a 10% increase in annual personnel services costs) over the expired CBA, and includes across-the-board salary increases as follows:

FY 2019	Effective upon ratification	3%
FY 2020	Effective the pay period which includes October 1, 2019	3%
FY 2021	Effective the pay period which includes October 1, 2020	2%
FY 2021	Effective the pay period which includes April 1, 2021	2%

Funding for fiscal year 2019 can be accommodated in the approved FY 2019 budget. The major elements of this agreement are included in Attachment 3 to this agenda item. Countywide (SB)

3. CONSENT AGENDA APPROVAL

BB. YOUTH SERVICES

1. Staff recommends motion to receive and file: a contract for professional services with Rachelle Sosu, a Postdoctoral Psychology Fellow (Fellow), to complete a requirement of 2,000 hours of clinical work that will provide training and experience in family and youth counseling, in the amount of \$36,020, for the period August 5, 2019 through July 31, 2020. **SUMMARY:** The Youth Services Department's Residential Treatment and Family Counseling Division (Division) is an authorized counselor training facility for many state colleges and universities offering degrees in psychology, social work, and other related fields. Postdoctoral programs require 2,000 hours of supervised services in order to meet state licensing requirements. The Division is offering its program as a location to obtain this training. The cost savings involved with this fellowship program is financially beneficial to the County. The Fellow, at a minimum, is assigned and completes the workload equivalent to a Licensed Family Therapist. The base hourly rate of a Licensed Family Therapist is \$25.26 versus the hourly resident contract rate of \$17.76. Additionally, the Fellow will receive a \$500 stipend for health insurance. On October 3, 2006, Agenda Item 3X-2 authorized the County Administrator, or designee, to execute future postdoctoral psychology resident (n/k/a Fellow) contracts on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. The Contract spans two fiscal years, and sufficient funding is included in the current budget and in the proposed FY 2020 budget to meet county obligations. The Contract was executed early to allow the selected Fellow to make necessary plans following graduation. Countywide (HH)

CC. SUPERVISOR OF ELECTIONS

1. Staff recommends motion to approve: precinct boundary changes submitted by Susan Bucher, former Supervisor of Elections, as required by section 101.001(1), Florida Statutes. **SUMMARY:** Precinct boundary changes due to municipal annexations in various municipalities and precinct boundary changes. Boynton Beach, Jupiter, and Palm Beach Gardens Districts 1 & 4 (DW)

DD. SHERIFF

1. Staff recommends motion to receive and file:
 - A) Grant Adjustment Notice #1 to Grant Award between the Palm Beach County Sheriff's Office (PBSO) and the National Institute of Justice on behalf of the Palm Beach County Sheriff's Office to revise the budget detail worksheet;
 - B) Grant Adjustment Notice #2 to update PBSO's Point of Contact; and
 - C) Grant Adjustment Notice #3 which extends the project period from December 31, 2018 through December 31, 2019.

SUMMARY: The Board of County Commissioners accepted this grant award for \$389,757 on November 22, 2016 (R2016-1736). This agenda item will revise the budget detail worksheet through Grant Adjustment Notice #1, update PBSO's Point of Contact through Grant Adjustment Notice #2, and extend the project period from December 31, 2018 through December 31, 2019 through Grant Adjustment Notice #3. Countywide (LDC)

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

A. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to adopt: a resolution abandoning any public interest in a 30 foot wide by 154 foot long portion of the unimproved right-of-way (ROW) of Marguerita Street, lying east of Haverhill Road and north of Ceceile Avenue (Abandonment Site), a portion of the ROW described in the Quit Claim Deed recorded in Official Record Book 13832, Pages 1363-1364, Public Records of Palm Beach County. **SUMMARY:** Adoption of this resolution will eliminate the public dedication that is in conflict with future redevelopment plans by AHC of West Palm Beach, LLC. (Petitioner). The Abandonment Site is located approximately 775 feet east of Haverhill Road and ½ mile north of Okeechobee Boulevard. District 7 (LBH)

B. PUBLIC SAFETY

1. Staff recommends motion to adopt: an ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 17, Article XV of the Palm Beach County Code, the “Palm Beach County Home Caregiver Ordinance” (R2015-038); amending Section 17-463 (definitions); amending Section 17-464 (home caregiver id badge); amending Section 17-465 (disqualifications); amending Section 17-466 (administrative appeal); amending Section 17-468 (penalties); providing for repeal of laws in conflict; providing for a savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing for an effective date. **SUMMARY:** On January 5, 2019, the Board of County Commissioners held a preliminary reading of the Home Caregiver Ordinance revisions. The Board of County Commissioners enacted the Home Caregiver Ordinance as a way to curtail abuse, neglect, and exploitation of the elderly and disabled persons by Home Caregivers. Issuing of ID Badges began in April of 2016 with nearly 11,000 applications processed. Over the course of administering the ordinance and with input from the Criminal Justice Commission Elder Abuse Prevention Task Force, several areas were identified that require revision to improve the efficacy of the ordinance. Highlighted revisions include the following: 1) prohibiting the advertisement of caregiver services without a valid Home Caregiver ID badge, 2) defining the term Home Care Business, Partner and Home Caregiver ID Badge, 3) extending exemptions to court appointed guardians and persons working under the direction and control of a specified Florida Agency for Health Care Administration (AHCA) licensed facility, 4) including clerk/court staff, Florida Department of Children and Families, and Florida Department of Elder Affairs as personnel authorized to inspect the license, 5) adding language for processing civil citations, 6) creating a requirement for Home Care Businesses to require each Home Caregiver to provide proof of a valid Home Caregiver ID badge prior to assignment, 7) creating a violation for a Home Care Business to provide or make available the services of a Home Caregiver without having a Home Caregiver ID Badge, 8) creating a violation for the failure of the agency, registry or provider to notify the Division within 15 days of the caregiver’s ineligibility, discontinuance from employment or placement, or leave of absence, 9) replacing the term “license” with “Home Caregiver ID Badge,” and 10) adding a verification option for level two background checks using the Agency for Health Care Administration licensing database. The proposed revisions to the Home Caregiver Ordinance were presented to the League of Cities on November 28, 2018 with no objection and was supported by the Criminal Justice Commission on December 17, 2018. Agenda item 5A1 is a companion item to this agenda item. Countywide (LDC)

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5. REGULAR AGENDA

A. PUBLIC SAFETY

1. Staff recommends motion to adopt: a resolution of the Board of County Commissioners of Palm Beach County, Florida repealing and replacing Resolution R2016-098, and establishing fees and fines for the Home Caregiver Ordinance. **SUMMARY:** The Home Caregiver Ordinance provides that the Board of County Commissioners shall establish by resolution certain licensing, renewal, and replacement fees. This proposed amendment to the resolution increases licensing fees of the five year license from \$70 to \$100 for applicants requiring fingerprint checks and from \$20 to \$30 for applicants submitting an agency affidavit. When the initial fee structure was established, the fiscal and operational impact was indeterminable, as the volume was unknown. The current fees set forth in 2015 have not generated sufficient revenue to offset the cost to administer the program. The operating and personnel cost is approximately \$216,000. FDLE fees for submitting and monitoring fingerprints is \$66 (94% of the current fee). In addition, the resolution updates the fine schedule by specifying violations by type instead of applying a fixed fine amount for all violations types. Currently, fines for violations to section 17-464 are set at \$500. The new fine schedule ranges from \$150 to \$500 depending on the violation type. Since licensing began in April of 2016, nearly 11,000 applications have been processed. Countywide (LDC)

B. HOUSING AND ECONOMIC SUSTAINABILITY

1. Staff recommends motion to:
 - A) approve** an Impact Fee Affordable Housing Assistance Program (IFAHAP) funding award in the amount of \$106,399 to Ocean Breeze East Apartments, LLC (Ocean Breeze East) for the Ocean Breeze East project;
 - B) authorize** the Mayor to execute a Certificate of Award to be released to the recipient pursuant to IFAHAP Guidelines;
 - C) approve** a budget transfer of \$91,212 in Impact Fee Assistance Program – Roads Zone 4 to appropriate funds for Ocean Breeze East;
 - D) approve** a budget transfer of \$15,187 in Impact Fee Assistance Program – Public Building to appropriate funds for Ocean Breeze East.

SUMMARY: Since 2009, the County has authorized the use of impact fee investment interest earnings from roads, parks, and public buildings to be used for affordable housing projects. On May 14, 2018, the Department of Housing and Economic Sustainability issued a Notice of Funding Availability (NOFA) making \$1,305,932 in IFAHAP funding available from Palm Beach County's Fiscal Year 2017 funding cycle. Ocean Breeze East submitted a request for assistance in response to the NOFA on December 17, 2018. Staff recommends that up to \$106,399 be provided as a credit for impact fees associated with the Ocean Breeze East project. Ocean Breeze East will be given credits for Roads Zone 4 Impact Fees (\$91,212) and Public Building Impact Fees (\$15,187) for the construction of Ocean Breeze East. Ocean Breeze East will pay impact fees above the allocated \$106,399. The project is located at 700 North Seacrest Boulevard in Boynton Beach, and will have 123 multifamily apartment units for affordable rental to very low, low, and moderate income persons or households. According to IFAHAP requirements, all 123 apartment units assisted by IFAHAP will be rented to households with incomes no greater than 140% of Area Median Income. The assisted units will be deed-restricted to remain affordable for 20 years. These funds are from interest earned by the Impact Fee Fund. District 7 (JB)

5. REGULAR AGENDA

B. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to approve:

A) the second (2nd) amendment to the Palm Beach County's State Housing Initiatives Partnership (SHIP) Program Local Housing Assistance Plan (LHAP) for Fiscal Years 2016/17 – 2018/19; and

B) transmittal of the 2018 Triennial Report to non-SHIP entitlement municipalities in Palm Beach County.

SUMMARY: On November 14, 2018, the Commission on Affordable Housing (CAH) adopted its 2018 Triennial Report including recommendations in 12 affordable housing incentive areas. The recommendations were subsequently reviewed by DHES, the Department of Planning, Zoning and Building, and County Engineer's Land Development Division. Staff supports eight of the CAH's recommendations (#s: 2,3,4,7,8,10,11,12) which relate to incentives that are currently in place in the areas of impact fees, density, infrastructure capacity, lot configurations, street requirements, public lands, transit-oriented development, and preservation of affordable housing. Recommendations #1 and #9 relate to a new staff position for expedited permitting and conducting economic impact studies for certain regulatory changes. Staff is proposing to maintain the current processes without incurring the additional budget impacts. Recommendations #5 and #6 relate to wholesale modifications of the land development regulations for accessory units, parking and setback requirements. Staff is in the process of reviewing the related provisions of the Comprehensive Plan and/or Unified Land Development Code and, based upon the completion of those reviews, recommends the modifications be made where deemed appropriate subject to final approval of the BCC. On January 23, 2019, the CAH met and discussed the recommendations with County staff. Because the County provides SHIP assistance to the residents of non-SHIP entitlement municipalities, the Triennial Report will be provided to those municipalities for their consideration and review of their requirements, ordinances, and land development regulations related to affordable housing. A summary of the CAH's recommendations and staff's alternate recommendations is included in Attachment 1 to this agenda item, and the Triennial Report is provided in Attachment 2 to this agenda item. The BCC has the sole authority to approve the LHAP, amendments thereto, and the housing incentives contained therein. Staff recommends that the BCC approve the proposed 2nd Amendment to the Palm Beach County SHIP Program LHAP, Attachment 3 to this agenda item, incorporating the eight staff supported CAH recommendations (#s: 2,3,4,7,8,10,11,12) and the four alternate recommendations from staff (#s: 1,9,5,6), and updating descriptions of affordable housing incentives which the County implements. The approved 2nd amendment will be sent to the Florida Housing Finance Corporation by the February 12, 2019 deadline. Countywide (JB)

5. REGULAR AGENDA

C. FIRE RESCUE

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on March 12, 2019 at 9:30 a.m.:](#) an ordinance of the Board of County Commissioners of Palm Beach County, Florida; amending Section 12-57 of the Palm Beach County Code, Table 1.3.8 Schedule of Fire Inspections of the Palm Beach County Local Amendments to the Florida Fire Prevention Code; revising the inspection schedule for certain apartments; providing for legislative findings; providing for applicability; providing for repeal of laws in conflict; providing for severability; providing for enforcement; providing for inclusion in the Code; and providing for an effective date. **SUMMARY:** Pursuant to Chapter 633, Florida Statutes, the State Fire Marshal has adopted Rule Chapter 69A-60, Florida Administrative Code, an updated statewide minimum firesafety code known as the Florida Fire Prevention Code, which incorporates Florida editions of NFPA 1 Fire Code and NFPA 101 Life Safety Code. On December 19, 2017, the Board of County Commissioners adopted the Palm Beach County Local Amendments to the Florida Fire Prevention Code (Local Amendments), which are set forth in Chapter 12, Article IV, Sections 12-56 and 12-57 of the Palm Beach County Code (codifying Ordinance 2017-043). Palm Beach County Fire Rescue desires to revise the Local Amendments to modify the inspection schedule for certain apartments to provide annual inspections which will enhance public safety, improve our ISO PPC rating, and improve homeowners' insurance rates in the future for residents within Palm Beach County Fire Rescue's jurisdiction. Countywide (SB)

D. PALM TRAN

1. [Staff recommends motion to approve:](#) an agreement regarding termination of the Contract No. 14-041/SC, the contract for Palm Tran Connection Services Run Package C, dated October 7, 2014, by and between Palm Beach County and Maruti Fleet & Management, LLC (Maruti) to modify and terminate the existing contract providing services through March 31, 2019. **SUMMARY:** During the term of Contract No. 14-041/SC, Maruti experienced financial hardships that affected their performance of the agreement. Maruti expressed a desire to Palm Beach County to terminate the contract prior to its original expiration date of January 31, 2022. As a result of Maruti's desire to terminate the contract early, the parties agreed to execute a Termination Agreement. The subject agreement specifies in the Transition Timeline how the vehicles will be inspected to ensure the County is made whole for any repairs that may be required in accordance with the Vehicle Acceptance Agreement. Palm Tran management has estimated that worst-case, repairs could be approximately \$80,000. Maruti has agreed to allow the County to withhold progress payments for the final two payment periods, which would have been due to Maruti on March 25, 2019 and April 1, 2019, for a total amount of \$151,237.75 to allot for the estimated repairs. The County shall also retain Maruti's Performance Bond (Bond #10017182) in the amount of \$700,000 until July 8, 2019, in the event that the progress payments are insufficient to satisfy any claims made by the County. Maruti agrees to provide a waiver and release to the County for any and all claims which it may have against the County. Countywide (DR)

5. REGULAR AGENDA

D. PALM TRAN (Cont'd)

2. Staff recommends motion to:

A) approve a second amendment to Contract No. 14-041/SC, the contract for Palm Tran Connection Services Run Package B, dated October 7, 2014 by and between Palm Beach County and First Transit, Inc., and First Group America, Inc. (First Transit) to shift runs and vehicles and to increase the not-to-exceed amount by \$13,555,714.04 formerly allocated to Maruti Fleet & Management, LLC, (Maruti) Run Package C Contractor; and

B) approve a second amendment to Contract No. 14-041/SC, the contract for Palm Tran Connection Services Run Package A, dated October 7, 2014, by and between Palm Beach County, and MV Transportation, Inc., and MV Contract Transportation, Inc. (MV Transportation) to shift runs and vehicles and to increase the not-to-exceed amount by \$14,695,621.80 formerly allocated to Maruti, Run Package C Contractor.

SUMMARY: Maruti expressed a desire to Palm Beach County to terminate Contract No. 14-041/SC prior to its original expiration date of January 31, 2022. As a result of Maruti's desire to terminate the contract early, Palm Tran management explored options which would provide the most seamless continuity of service for our riders. Management determined that transitioning the service provided by Maruti to the other two existing providers would minimize any negative impact to these riders. As a result, staff entered into negotiations with the two remaining paratransit providers, First Transit and MV Transportation, to amend their existing contracts to evenly divide the work remaining as a result of the Maruti contract termination. The shift in runs and vehicles will increase the not-to-exceed amount by \$14,695,621.80 for MV Transportation and \$13,555,714.04 for First Transit. MV's average hourly rate is \$34.65 and First Transit's average hourly rate is \$33.63. Although MV and First Transit's hourly rates are slightly higher than Maruti's, the County will not have to pay an estimated \$2.5 million in Maruti's fixed costs for the remaining three years of the contract. As a result, the higher hourly rate charged by First Transit and MV Transportation is negligible. The parties also agreed to modify certain provisions of the contract, including but not limited to those relating to the transfer of vehicles and associated routes, equipment, records and documentation formerly provided by Maruti. First Transit and MV Transportation agreed to perform the additional work at its current hourly rates and fixed costs. The current Contract No. 14-041/SC has a Disadvantaged Business Enterprise (DBE) requirement of 20%. First Transit utilizes four DBE partners that will account for approximately \$2.7 million of the increased not-to-exceed amount. MV Transportation utilizes three DBE partners that will account for approximately \$2.9 million of the increased not-to-exceed amount. Countywide (DR)

5. REGULAR AGENDA

E. ADMINISTRATION

1. **Staff recommends motion to approve:** a resolution stating the preference and will of Palm Beach County to have juveniles of this community be treated as juveniles when they break certain Florida Laws and urging the legislature to adopt legislation that would create additional statewide standards for prosecution of juveniles under the age of 18 who commit certain offenses and require that children prosecuted as adults be held separate and apart from adult inmates. **SUMMARY:** On October 2, 2018, the Board of County Commissioners directed staff to bring back a resolution related to direct file of juveniles for approval and include it as part of the County's State Legislative Agenda. Since 2009, more than 14,000 children have been prosecuted as adults in Florida. There is concern that the state of Florida has one of the highest rates in the nation of charging children as adults. Palm Beach County's State Attorney Office has been a leader in Florida in reforming the system of "direct file". In 2017, the office announced a 45 percent reduction in direct files over the previous year due in part to reforms such as requiring two separate, experienced prosecutors to approve the filing of adult charges against a juvenile. Countywide (AH)

2. **ADD-ON: Staff recommends motion to approve:**

A) resolution designating Election Systems & Software, LLC (ESS) as the only source from which essential voting equipment, certified by the Department of State, can be obtained;

B) Sales Order Agreement between Palm Beach County, the Palm Beach County Supervisor of Elections (SOE) and ESS for the purchase of voter tabulation equipment in the amount of \$8,676,635.70; and

C) budget transfer in the General Fund in the amount of \$4,551,316 from contingency reserves to provide sufficient additional budget for the FY2019 payment to ESS and other vendors for equipment identified as necessary by the SOE.

SUMMARY: Upon recommendation from the SOE, the Board of County Commissioners (BCC) is being requested to adopt a resolution designating ESS as the only election equipment source certified by the State of Florida from which suitable voting equipment can be obtained. This recommendation is based upon ESS High Speed Digital Image Scanners being the only ones certified with the State of Florida and capable of meeting the needs of future elections in Palm Beach County. Through the negotiation process, a Sales Order Agreement was reached between the County, the SOE and ESS for the purchase of 900 complete DS200 Scanners, 75 DS200 Scanner components, 10 High Speed Digital Scanners, and 525 ExpressVote Terminals with ADA compliant accessory equipment at a cost of \$8,676,635.70. In the FY19 budget, the BCC approved \$11,131,231 in the SOE budget for voting equipment costs. That amount was the original total requested by the SOE for FY19. Upon further review by the SOE, as communicated by a revised budget request, the SOE has determined that the total cost for new voting equipment is \$15,682,546.70. This revised number accounts for a retrofit of an existing sorter and inserter and the purchase of an additional sorter and inserter in the amount of \$1,644,850, additional computers for provisional ballot processing, phone banking and vote by mail, and \$4,344,526 for a new VR Systems Voter Registration /Check-In System. A budget transfer in the amount of \$4,551,316 is requested to complete the total purchase of all equipment required to meet the needs of future elections. As part of the purchase agreement an annual hardware, software, and firmware license, maintenance and support agreement is included. The fee for the first three years after the one year warranty period is \$1,362,540. A cover letter from the Mayor to the Secretary of State certifying the sole source purchase is included in this item and will be sent to the State upon approval. Countywide (AH)

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FEBRUARY 5, 2019

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

FEBRUARY 5, 2019

7. MATTERS BY THE PUBLIC – 2:00 P.M.

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FEBRUARY 5, 2019

8. 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."