

April 23, 2013 – 9:30 a.m.
FINAL

BOARD OF COUNTY COMMISSIONERS

**BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

ADDITIONS, DELETIONS, & SUBSTITUTIONS

APRIL 23, 2013

PAGE

ITEM

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3A-2

ADD-ON: Request approval to present off-site, a Proclamation in memoriam of Rev. Herman C. McCray. (Sponsored by Commissioner Taylor)

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

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

APRIL 23, 2013

**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. REGULAR AGENDA

TIME CERTAIN 1:30 P.M. (Executive Session/Closed) (McEaddy) (Page 2)
TIME CERTAIN 2:00 P.M. (Metro Mobility Contract) (Page 4)

WORKSHOP SESSION

- 4. [9:30 A.M.](#) Advisory Boards (Administration)
- 5. [10:30 A.M.](#) Naming of Mounts Botanical Garden (Cooperative Extension)
- 6. **ADJOURNMENT**

3. REGULAR AGENDA

A. ADMINISTRATION

TIME CERTAIN 1:30 P.M.

1. Executive Session scheduled for 1:30 p.m. in McEaddy Conference Room to discuss collective bargaining with the Amalgamated Transit Union (ATU) Local 1577 and the Communication Workers of America (CWA) Local 3181.
(Closed Session)
2. **ADD-ON:** Request approval to present off-site, a Proclamation in memoriam of Rev. Herman C. McCray. (Sponsored by Commissioner Taylor)

B. CLERK AND COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

C. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to approve:** the following documents with Indian Trace Associates, Ltd. (ITA):

A) Second Amendment to Mortgage and Security Agreement and Modification of Promissory Note;

B) Global Modification, Amendment and Subordination of Mortgage and Security Agreement, Promissory Note and Other Loan Documents; and

C) Allonge to Promissory Note.

SUMMARY: On June 3, 2003, the County entered into a Loan Agreement (R2003-0809) with ITA which provided \$320,648 in State Housing Initiative Partnership (SHIP) funds to assist in the construction of a 330 unit multifamily affordable housing project in Riviera Beach. The County secured this cash flow dependant loan with a mortgage which matures on December 31, 2034, and which is in third mortgage lien position. ITA desires to refinance their first mortgage with a new first mortgage which matures on December 31, 2048. Accordingly, ITA is requesting that the County extend its mortgage to December 31, 2048 and execute the required subordination agreement. The County will receive \$25,000 in back interest payments as well as \$42,000 to monitor the project during the additional 14 years. The monitoring fee will be paid in two payments with \$21,000 due upon execution of these documents and \$21,000 due by December 31, 2020. The Housing Finance Authority of Palm Beach County provided the original first mortgage in the amount of \$23,400,000, and the Florida Housing Finance Corporation provided the second mortgage in the amount of \$2,000,000. (DES Contract Development) District 7 (TKF)

3. REGULAR AGENDA

D. PUBLIC SAFETY

1. Staff recommends motion to approve: appointment of two At-Large members to the countywide Consumer Affairs Hearing Board as follows:

Nominee	Term	Expires	Seat	Requirement	Recommended by Commissioners:
Frank Lewis	2 years	04/22/2015	5	Management/Business	Paulette Burdick Jess R. Santamaria Priscilla Taylor Hal R. Valeche
Harold Moldoff	2 years	04/22/2015	7	Citizen/Resident	

SUMMARY: Section 9-5 of Chapter 9, Article I of the Palm Beach County Code establishes a Consumer Affairs Hearing Board (“Hearing Board”). The nine members of the Hearing Board are selected for countywide representation and serve two year terms for a maximum of six years. The Hearing Board serves in both an advisory capacity to the County Commissioners and as an Appeals Hearing Board to hear and act on consumer concerns about unfair/deceptive business practices and appeals relating to the towing, vehicle for hire, moving and price gouging ordinances. Members are selected from various businesses, professions and the general public. With the approval of this motion, the Hearing Board will have five of nine appointed/active members, and one member (special technical) whose term has expired, but is permitted to remain until his successor is duly appointed and qualified. Countywide (PGE)

3. REGULAR AGENDA

E. PALM TRAN

TIME CERTAIN 2:00 P.M.

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

A) approve an Amendment to the contract with Metro Mobility Management Group, LLC (MMMG); and

B) waive \$951,607 in liquidated damages charges (LQD's) that have been assessed since the start of the contract, contingent on satisfaction of all vehicle requirements by July 15, 2013, and collection of \$479,870 of the remaining LQD's.

SUMMARY: Staff issued a Request for Proposal (RFP) for a single vendor to operate the Palm Tran Connection paratransit service in December 2011 (previously, three vendors with two vendors operating 90% of the work operated this service). This was done as a cost saving measure having a single provider with between 25-40% of the work being operated by the provider using non-dedicated (smaller) vehicles.

MMMG began service under the new contract on August 13, 2012 with only a seven-week start-up period after contract award. This short start-up period, originally planned to be 3 to 4 months, was in part due to a protest by MV Transportation (the 2nd ranked proposer), which delayed the award until June, when the protest was dropped. During the first six weeks of the contract, MMMG could not meet the daily service requirements, mostly the result of having an insufficient number of drivers and vehicles, and substantial critical service failures were experienced. By mid-October, MMMG was operating service at or near the 91% on-time service performance threshold. In late November, an issue arose between MMMG and one of the Disadvantaged Business Enterprise (DBE) vendors which resulted in additional critical service failures between late November 2012 and January 2013. In an effort to quickly resolve these failures, staff and MMMG agreed to have Connection do 100% of the scheduling and to limit the use of the non-dedicated service to the minimum 25% threshold established in the contract and the RFP. These changes have worked very well and staff is recommending their continuation.

On-time performance since February 2013 (when Connection assumed doing 100% of the scheduling) has averaged **above 95%** (above the 91% requirement) and higher than the 92% performance average achieved in 2012. The primary contract modification relates to Connection doing 100% of the scheduling. MMMG has agreed to pay the additional cost of approximately \$60,000 per year for the hiring of one additional scheduler. Staff has recently provided MMMG with a letter documenting several contract compliance issues. MMMG has responded with proposals to cure each item.

MMMG has exceeded the limit established in the Contract for LQD. LQD's are assessed under the terms of the contract when the vendor fails to perform the contract requirements including within a specified time, or at a specified level of performance. MMMG has asked staff to waive many of the LQD's given the circumstances involved. Staff does not believe that the contract provides staff the authority to waive LQD's in this manner.

3. REGULAR AGENDA

E. PALM TRAN (Cont'd)

1. SUMMARY CONTINUED

LQDs were established for many items in the contract including on-time performance and vehicle requirements. The total LQDs from the beginning of the contract through February exceeds \$1.4 million. This is largely the result of the two main issues:

- start-up issues that impacted the service during the first six weeks of the contract, mostly the result of MMMG not having a sufficient number of vehicles and/or drivers to meet the service requirements; and
- vehicle (non-safety) requirements that have not been met, including for flex fuel and installation of a Automated Vehicle Locator (AVL) system. The AVL system has been delayed in part due to interface issue between the County's Scheduling vendor (Trapeze) software and the software from MMMG's vendor, which is now being resolved.

Staff recommends the reduction of the LQD's for the first six weeks of the contracts and establishing a July 15, 2013 date for all vehicles to be in compliance. This would leave LQD's of \$479,870 that MMMG would need to pay. These remaining LQD's primarily relate to the service failures referenced above. Staff further recommends that the outstanding remaining LQD's be paid by July 15, 2013. Countywide (DR)

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