

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JULY 16, 2013

<u>PAGE</u>	<u>ITEM</u>	
39	4G	<p><u>REVISED SUMMARY:</u> Petitions in favor of the installation of a potable <u>wastewater</u> main have been provided by 57% of the property owners in the Swain Boulevard project area. The project will serve seven residential properties currently on septic tanks. Individual assessments of \$45,206.15 per acre are based on 100% of the total project cost. Assessments for the seven properties range from a low of \$6,328.86 to a high of \$30,740.18. The assessment may be paid over 20 years with equal annual payments of principal and 5½% interest. The total assessable cost is \$107,590.63 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. The project will be constructed utilizing a Work Authorization under the WUD Continuing Construction Contract with Centerline Utilities, Inc. (R2013-0551). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Centerline Utilities, Inc. provides for SBE participation of 16.56%. This Authorization includes 10.06% overall participation. The cumulative SBE participation is 10.06% overall. If the actual cost exceeds the total assessable cost, the differential will be covered by WUD's budget. Centerline Utilities, Inc. is not a local company. (WUD Project No. 12-072) <u>District 2</u> (MJ) (WUD)</p>
42	5D-2*	<p><u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to:</p> <p>A) adopt a Resolution to authorize the County Administrator or his designee as the clerk to the local hearing officers for red light camera violation appeals;</p> <p>B) approve an administrative fee <u>in the amount of \$70</u> for red light camera violation appeals; and</p> <p>C) approve the Fifth Amendment to the red light violation camera and citation system contract, No. 09-015/LJ (Contract), with American Traffic Solutions dated July 21, 2009, R2009-1133, extending the contract and amending it to conform to the requirements of Laws of Florida 2013-160, and Ordinance 2013-016.</p> <p>SUMMARY: Approval of the Fifth Amendment will extend the contract for the last one year term. Adoption of the Resolution will name the County Administrator or his designee as the clerk to the local hearing officers for Red Light Camera Violation Appeals. Approval of the administrative fee will allow the local hearing officer for red light camera violations appeals to assess an administrative fee not to exceed <u>of \$70</u>, when the violation is upheld. The amendment to the Contract will extend it for the second and last one year period. The amendment also addresses changes in the appeals process required by Laws of Florida 2013-160. <u>Countywide</u> (MRE) (Engineering)</p>

REVISED MOTION/TITLE: Staff recommends motion to approve:

A) authorize the Mayor to sign a Cooperation Agreement (CA) with the United States of America for the rehabilitation of the Delray Beach Segment of the Palm Beach County, Florida Shore Protection Project (DBS) in substantial conformance with Attachment 1 to the Agenda Item;

B) authorize the Mayor to sign a Cooperation Agreement (CA) with the United States of America for the rehabilitation of the Jupiter Carlin Segment of the Palm Beach County, Florida Shore Protection Project (JCS) in substantial conformance with Attachment 2 to the Agenda Item;

C) authorize the Mayor to sign a Project Partnership Agreement (PPA) with the Department of the Army (DoA) for the remaining authorized period of periodic nourishment of the DBS in substantial conformance with Attachment 3 to the Agenda Item;

D) approve an Interlocal Agreement with the City of Delray Beach (CITY) for the construction of the beach nourishment project through June 1, 2023;

E) approve a Budget Transfer in the amount of \$2,000,000 from the General Fund Contingency Reserves to the Beach Improvement Fund for the County's required projected contribution of the 2013-14 DBS construction costs; and

F) approve a Budget Amendment in the Beach Improvement Fund of \$2,000,000 to recognize the transfer. (ERM)

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

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

JULY 16, 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. CONSENT AGENDA (Pages 7 - 34)**
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 35 - 39)**
- 5. REGULAR AGENDA (Pages 40 - 46)**
TIME CERTAIN 2:00 P.M. (Metro Mobility Contract) (Page 46)
- 6. BOARD APPOINTMENTS (Page 47)**
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- 3B-5 Destruction of records meeting State retention schedule
- 3B-6 Receive and file two annual financial reports

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3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	June 4, 2013
Budget/Workshop	June 11, 2013
Regular	June 18, 2013
Zoning	June 24, 2013

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during January 2013. Countywide
5. **Staff recommends motion to approve:** destruction of the Board of County Commissioners records, which have met the revised required State retention schedule. **SUMMARY:** These records have met the required retention schedule of the Florida Division of Library and Information Services (Ch 28.30, Ch 257.36(6)). Countywide (PFK)
6. **Staff recommends motion to receive and file:** two of Palm Beach County's annual financial reports for fiscal year ended September 30, 2012:

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

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

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

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** the renewal of the Construction Materials Testing, Geotechnical Engineering and Inspection Annual Agreements with Dunkelberger Engineering & Testing, Inc. (DET) (R2011-1133), Radise International L.C. (Radise) (R2011-1134), and Tierra South Florida, Inc. (TSF) (R2011-1135), all whose original agreements were dated August 16, 2011. **SUMMARY:** Approval of these renewal agreements will extend the required professional services for one year, on a task order basis. These renewal agreements with DET, Radise and TSF will continue for the period from August 16, 2013 through August 15, 2014. These are the second and final renewals of two possible one year renewals contemplated in the original agreements. DET, Radise and TSF are all Palm Beach County companies. Radise and TSF are certified Small Business Enterprises. Countywide (MRE)
2. **Staff recommends motion to approve:** the renewal of the Traffic Signal Design Annual Agreements with Kimley-Horn and Associates, Inc. (KHA) (R2011-1131), and Simmons & White, Inc. (S&W) (R2011-1132), whose original agreements were dated August 16, 2011. **SUMMARY:** Approval of these renewal agreements will extend required professional services for one year, on a task order basis. These renewal agreements with KHA and S&W will continue for the period of August 16, 2013 through August 15, 2014. These are the second and final renewals of two possible one year renewals contemplated in the original agreements. KHA and S&W have offices in Palm Beach County. S&W is a certified Small Business Enterprise. Countywide (MRE)
3. **Staff recommends motion to adopt:** a Resolution transferring jurisdictional control, maintenance responsibility, and ownership of any and all right-of-way for North A1A from Jupiter Beach Road to North U.S. Highway 1, to the Town of Jupiter (Town). **SUMMARY:** Approval of this Resolution will give the Town jurisdictional control, maintenance responsibility (except for current and future traffic signals), and ownership of any and all right-of-way for North A1A from Jupiter Beach Road to North U.S. Highway 1, which is wholly within the Town's municipal limits. Palm Beach County currently has this section of North A1A under its jurisdiction. District 1 (MRE)

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** Amendment No. 3 to the Agreement (R2010-1219) to provide bond counsel and related legal services, as amended by R2012-0306 and R2012-1358, with the law firm of Bryant Miller Olive P.A. (Attorney), to extend the Agreement's term through September 30, 2016. **SUMMARY:** Attorney was appointed as County bond counsel in 2010. This Amendment No. 3 extends the Agreement's term through September 30, 2016 as provided for in the Agreement and adds County standard "no third party beneficiary" language that was not in the Agreement. Countywide (PFK)
2. **Staff recommends motion to approve:** Amendment No. 3 to the Agreement (R2010-1220), as amended by R2011-0863, assigned by R2012-0039, and further amended by R2012-1596, with the law firm of Greenspoon Marder, P.A. (Attorney), to extend the Agreement for bond counsel and related legal services through September 30, 2016. **SUMMARY:** This Amendment No. 3 extends the Agreement's term through September 30, 2016 as provided for in the Agreement and adds County standard "no third party beneficiary" language that was not in the Agreement. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

3. Staff recommends motion to approve: Amendment No. 3 to the Agreement (R2010-1221) to provide disclosure counsel and related legal services, as amended by R2011-0867 and R2012-1359, with the law firm of Nabors Giblin & Nickerson, P.A. (Attorney), to extend the term of the Agreement through September 30, 2016. **SUMMARY:** This Amendment No. 3 extends the Agreement's term through September 30, 2016 as provided for in the Agreement and adds County standard "no third party beneficiary" language that was not in the Agreement. Countywide (PFK)

4. Staff recommends motion to approve: a Third Amendment to Legal Services Authorization 2011-0353-C with Sundstrom, Friedman & Fumero, LLP, for legal services related to the Glades Utility Authority. **SUMMARY:** On March 15, 2011, the Board of County Commissioners approved an agreement with Rose Sundstrom & Bentley, LLP (now known as Sundstrom, Friedman, & Fumero) (R2011-0353) for legal services related to water utilities issues. Pursuant to those agreements, work assignments were to be authorized by Legal Services Authorizations. On October 4, 2011, the Board of County Commissioners approved Legal Service Authorization 2011-0353-C with Sundstrom, Friedman & Fumero, LLP (R2011-1488) for legal services related to the Glades Utility Authority (the GUA LSA). The GUA LSA was amended on January 24, 2012 (R2012-0208) to increase the not-to-exceed amount from \$50,000 to \$100,000, and on December 4, 2012 (R2012-1780) to increase the not-to-exceed amount from \$100,000 to \$175,000 and to extend the expiration date from December 21, 2012 until June 30, 2013. The Third Amendment increases the not-to-exceed amount from \$175,000 to \$225,000 and extends the expiration date until July 31, 2013, and is necessary to utilize the services of Sundstrom, Friedman & Fumero for issues relating to the transfer of the GUA utility system to the County. Countywide (MWJ)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Amendment to the Florida Power & Light Care to Share Program Agreement (R2008-1039) with the Florida Power & Light Company for the period July 1, 2013, through July 1, 2014. **SUMMARY:** The purpose of this Amendment is to extend the term end date. This Florida Power & Light Care to Share Amendment enables the Division of Human Services to continue providing utility assistance to households at risk of their power being disconnected. The Division of Human Services also offers case management for participants to assure that payment through the grant is coupled with a plan that includes a comprehensive service continuum of emergency services, intervention and self sufficiency. A maximum payment of \$500 per participant per grant year is provided. No County funds are required. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to approve:** Amendment No. 01 to the Contract for Provision of Financial Assistance with the Palm Beach County Food Bank (R2013-0028) for the period October 1, 2012, through September 30, 2013, increasing funding by \$14,000 for a new amount not to exceed \$89,000. **SUMMARY:** The Palm Beach County Food Bank (PBC Food Bank) is dedicated to substantially reducing hunger among local residents. Palm Beach County lacks tens of millions of pounds of nutritious food annually to take care of its hungry children, adults and seniors. The PBC Food Bank distributes produce, meat and package goods free to more than 120 Palm Beach County soup kitchens, homeless shelters and food pantries. Funds for the services provided currently pays for the distribution of the food products. Additional funds will allow the PBC Food Bank to add the Supplemental Nutrition Assistance Program which will assist agencies throughout the county to enroll eligible residents in this new program. The addition of this service will help accelerate the application process and assist residents in securing benefits that will help them put food on the table. Countywide (TKF)

3. **Staff recommends motion to approve:** Use of Facility Agreement with MorseLife, Inc. for the period July 7, 2013, through July 6, 2014, in an amount not to exceed \$36,962 to provide a kosher congregate meal site and kosher meals for the elderly. **SUMMARY:** This Agreement enables Division of Senior Services (DOSS) to operate a kosher congregate meal site for the elderly at no cost to the County for space or energy usage. MorseLife, Inc. provides kosher meals at the site to elderly participants who require a kosher meal. DOSS will reimburse MorseLife, Inc. for cost per meal. The estimated annual cost of the meals will be \$36,962 funded under the Older Americans' Act grant in the amount of \$33,266 (90%) and \$3,696 (10%) in County match. This is the fifth year that we will contract with this agency for this service. Sufficient funding is included in the current and proposed FY 2014 budget to meet County obligations. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

4. **Staff recommends motion to approve:**
 - A) Amendment No. 001 to Home and Community Based Services Aged and Disabled Adult (ADA) Medicaid Waiver Referral Agreement (R2007-2167) with Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) with the effective date April 1, 2013;
 - B) Amendment No. 001 to Home and Community Based Services Assisted Living for the Frail Elderly (ALE) Medicaid Waiver Case Management Referral Agreement (R2007-2168) with AAA with the effective date April 1, 2013; and
 - C) Amendment No. 001 to Home and Community Based Services Medicaid Waivers Case Management Referral Agreement (R2007-2169) with AAA with the effective date April 1, 2013.

SUMMARY: The purpose of these amendments is to add additional requirements to each of the current referral agreements. These additional requirements include a new adverse incident report requirement for all ADA Waiver programs and ALE Waiver case management agencies; a requirement to ensure coordination of care for recipients transitioning to the Statewide Medicaid Managed Care Long-Term Care Program and a requirement to share client information as requested by the Department of Elder Affairs or AAA in the transition to the Statewide Medicaid Managed Care Long-Term Care Program. There is no fiscal impact associated with this item. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. **Staff recommends motion to approve:** Agreements with the following Long-term Care Managed Care organizations allowing the Division of Senior Services (DOSS) to provide In-Home and Community-Based services as a service provider, effective September 1, 2013:

A) American Eldercare, Inc. (AEC) Service Agreement/Subcontract; and

B) Independent Living Systems, L.L.C (ILS) Standard Provider Agreement; and

C) Sunshine State Health Plan, Inc. (Health Plan) Ancillary Services Provider Agreement; and

D) United Healthcare of Florida, Inc. (United) Adult Day Care and Home Health Care Provider Participation Agreement.

SUMMARY: These Agreements are a result of the Federal Medicaid Reform mandate where Florida legislature created a new Long-term Care Managed Care Program (LTCMCP). The State of Florida's Agency for Health Care Administration (AHCA), through a competitive bid process, chose four long-term care managed care plans for Palm Beach County. Managed care allows health care organizations to direct how their enrollees receive health care services. Medicaid recipients who qualify and become enrolled in LTCMCP will receive long-term care services. These agreements will allow DOSS to continue to provide services to Medicaid recipients and to receive payments under LTCMCP. Approval to negotiate these agreements was granted by the Board of County Commissioners on January 15, 2013 (Agenda Item 3.E.6). These agreements are available to other qualified care providers and are non-competitive. (DOSS) Countywide (TKF)

6. **Staff recommends motion to approve:** donation of Palm Beach County owned assets and classroom furnishings from the Delray Beach Early Head Start site to the School Board of Palm Beach County. **SUMMARY:** On March 12, 2013, the Board of County Commissioners approved an Early Head Start Contracted Services Agreement (R2013-0328) with the School Board of Palm Beach County (District). The Head Start/Early Head Start & Children's Services Division (Division) converted the Delray Beach Early Head Start from a grantee site to a contracted site thru the District. The Division intends to transfer some of the inventory to the District to enable them to equip the classrooms. In lieu of giving the District additional dollars for classroom furnishings, it was recommended to move the existing inventory, as we are vacating the site. The appropriate documents have been submitted and routed thru the Fixed Assets Management Office. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

7. Staff recommends motion to:

A) authorize the Department of Community Services to execute a purchase order for the Senior Companion Program with the Florida Department of Elder Affairs (DOEA) for the period July 1, 2013, through June 30, 2014, in an amount not to exceed \$1,800 for reimbursement of volunteer support expenses; and

B) approve Budget Amendment of \$765 in the DOSS Administration Fund to align the budget to the actual grant award.

SUMMARY: DOEA is implementing a purchase order, in place of a contract, to reimburse for volunteer support expenses. This purchase order will be utilized to reimburse DOSS \$1,800 to pay for volunteer level II background checks, training, supplies, recognition, and physicals. Stipends, meals and mileage will be provided by DOEA. Supervision of the Senior Companion volunteers will be provided by DOSS. The Budget Amendment is aligning the County budget with the actual grant award. (DOSS) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to approve: a First Amendment to Lease Agreement (First Amendment) with Enterprise Leasing Company of Florida, LLC, d/b/a National Car Rental (Enterprise), to correct an error in the security deposit provision of the Lease Agreement (R2013-0137). **SUMMARY:** The Lease Agreement required Enterprise to post a security deposit in the amount of \$100,000. The First Amendment strikes language inadvertently left in the Lease Agreement, which indicates the security deposit may be reduced. This language should have been deleted from the final draft of the Lease Agreement prior to Board approval. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to approve:

A) Amendment No. 2 to the Construction Manager (CM) at Risk Contract with The Morganti Group, Inc. for CM at Risk Services for terminal improvements at Palm Beach International Airport (PBIA) in the amount of \$190,000 and 70 calendar days for Emergency Phone System at PBIA;

B) a Budget Transfer of \$190,000 in the Airport Passenger Facility Charge (PFC) Fund to transfer PFC funds to the Airport Improvement and Development Fund, including a transfer from PFC Reserves; and

C) a Budget Amendment of \$190,000 in the Airport Improvement and Development Fund to provide funding for the Emergency Phone System at PBIA, and a transfer from Airport PFC funds of \$190,000.

SUMMARY: The CM at Risk Contract with The Morganti Group, Inc. for CM at Risk Services for Terminal Improvements at PBIA was approved by the Board on June 4, 2013 (R2013-0663). The Contract is for two years with three one-year renewal options and is a task order based contract for CM at Risk Services at PBIA. The Morganti Group, Inc. is a Danbury, Connecticut, based firm; however, the work will be directly managed by their southeast regional office in Palm Beach County. Amendment No. 1 in the amount of \$1,130,000 and 180 calendar days to complete Task M-1: Building 3400 Interior Improvements at PBIA was approved by the Board on July 2, 2013 (R2013-0829). Approval of Amendment No. 2 in the amount of \$190,000 and 70 calendar days will provide funds to complete Task M-2: Emergency Phone System at PBIA. The M-2 task was budgeted for Fiscal Year 2014 due to the uncertainty of the Federal Aviation Administration's schedule for occupancy of the new Air Traffic Control Tower. It has now been confirmed that the move to the new ATCT has been scheduled for mid September, which requires a budget transfer to complete the Emergency Phone System prior to occupancy. This project is being funded with PFC funds. The Disadvantaged Business Enterprise (DBE) goal for this contract was established at 13%. No DBE participation is included in this task; however, The Morganti Group, Inc. demonstrated good faith efforts to achieve the DBE goal as required by the contract. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to:

A) approve Agreement with Thanks Again, LLC to provide a rewards program for Palm Beach International Airport (PBIA), for a not to exceed amount of \$45,000 for the initial one year term, effective August 1, 2013; and

B) adopt Resolution authorizing the County Administrator or designee to renew the Thanks Again, LLC agreement for four additional one year terms; providing for an adjustment of fees, and becoming effective upon adoption.

SUMMARY: Thanks Again, LLC will provide a customized PBIA rewards program which automatically credits customers with airline miles when making purchases at PBIA, including parking, retail, and restaurants. Customers who register with the PBIA Thanks Again program will earn one airline mile for every dollar spent with opportunities for increased mileage at various spending tiers. The program is optional and is at no cost to the customer to participate. Additionally, customers can earn rewards at any participating Thanks Again, LLC location throughout the United States. The Department's cost under this Agreement pays for these services as well as funding the airline miles to be awarded to PBIA customers. The Department will separately provide for advertising and promotion of the program at PBIA. The Agreement is for a one year term, not to exceed \$45,000, which either party may cancel with proper notice. The Resolution authorizes the County Administrator, or his designee authority to renew the Agreement for four additional terms with not to exceed amounts of \$47,250, \$49,500, \$52,000, and \$54,500. The Resolution also provides delegated authority to modify transaction fee rates, monthly program fees, special rewards transaction fees, and data analytics fees; increases may be necessary for optional services, increased program costs, and the membership growth of the rewards program. Any material changes to the Agreement will require the Department to resubmit a revised Agreement to the Board for review and approval. All program costs are payable by airport revenues with no impact to ad valorem or general fund costs. The concept of loyalty programs to reward customers for their patronage of PBIA has been discussed and unanimously approved by the Aviation and Airports Advisory Board. Countywide (AH)

4. **DELETED**

5. Staff recommends motion to receive and file: Transportation Security Administration (TSA) Standard Form 1449 (SF 1449), for Contract No. HSTS01-13-H-CKP127, for the period June 1, 2013 to May 31, 2014. **SUMMARY:** On May 7, 2013 (R2013-0529), the Board approved an Other Transaction Agreement (OTA) with TSA, for the use of security checkpoint and baggage makeup areas at the Palm Beach International Airport (PBIA) at no cost to TSA and for reimbursement of the County for janitorial services in the amount of \$6,000 per month and electrical costs incurred by the County for TSA's equipment. SF 1449 is required by TSA for budgetary purposes on an annual basis for the purpose of identifying the TSA's funding source for the OTA. Agenda Item 3F1, approved on May 7, 2013, authorized the County Administrator, or his designee, the Director of the Department of Airports, to execute SF 1449. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. Staff recommends motion to approve:

A) a Supplemental Lease Agreement No. 1 (Agreement), amending the Land Lease on Airport (R2010-1842) (Lease) with the Federal Aviation Administration (FAA), to replace the legal description for the air traffic control tower (ATCT) site at the Palm Beach International Airport (PBIA) to add land necessary for the construction of a terminal radar approach control facility (TRACON) at the base of the ATCT, at no cost to the FAA; and

B) a License Agreement (License) with the FAA, providing the FAA with a construction staging area associated with FAA's construction of the TRACON, commencing October 1, 2013 and terminating September 30, 2015 or the sooner completion of construction of the TRACON, at no cost to the FAA.

SUMMARY: The Agreement will replace the legal description of ATCT site to add 1.2 acres of land for the FAA's construction of a TRACON at the base of the ATCT, for a total lease area of 5.57 acres. The License will provide the FAA with an area to be used for construction staging. The Lease and the License are provided at no cost to the FAA in consideration of the obligations assumed by the FAA to operate and maintain facilities necessary for the operation of PBIA. Countywide (AH)

7. Staff recommends motion to:

A) approve the form of an Irrevocable Standby Letter of Credit in the amount of \$6,798,455 issued by TD Bank, N.A., for the purpose of guaranteeing Galaxy Aviation of Palm Beach, Inc. (Galaxy Aviation), completes construction of improvements required pursuant to the Lease Agreement (Lease) dated October 18, 2000 (R2000-1067), as amended; and

B) authorize the County Administrator or his designee, the Director of the Department of Airports, to execute the Letter of Credit, Draw Request (Exhibit "A"), and Direction to Reduce Amount of Letter of Credit (Exhibit "B") on behalf of the County.

SUMMARY: Galaxy Aviation provides fixed-based operator services for general aviation aircraft at the Palm Beach International Airport (PBIA), pursuant to the Lease. Galaxy Aviation's principal place of business is in Palm Beach County. Galaxy Aviation will be constructing new aircraft hangars on PBIA and is required to provide security to ensure the construction of the improvements is completed. Galaxy Aviation is proposing to provide a Letter of Credit in the attached form. Exhibit "A" to the Letter of Credit authorizes the County to draw on the Letter of Credit in the event of a default to ensure the completion of the construction project. Exhibit "B" provides for the reduction of the Letter of Credit based on the percentage of completion of the work. The Letter of Credit is in conformance with the requirements of the Lease. Staff is requesting delegated authority because it is anticipated that Galaxy Aviation will be requesting monthly reductions in the amount of the Letter of Credit as the work progresses. Countywide (JM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

8. Staff recommends motion to approve: the reappointment of the following individual to the Citizens Committee on Airport Noise for a term of three years:

<u>Seat</u>	<u>Name</u>	<u>Action</u>	<u>Organization</u>
No. 10	Richard M. Kleid	Reappointment	Town of Palm Beach

SUMMARY: Per Resolution No. R2012-0435, the Citizens' Committee on Airport Noise consists of eleven seats of which four (Seat No. 8 through Seat No. 11) are recommended for appointment by the organizations approved by the Board of County Commissioners. The Town of Palm Beach submitted its recommendation for representation by letter. Countywide (AH)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: a Third Amendment to the Agreement (R2004-0901) with Tenet Good Samaritan, Inc., d/b/a Good Samaritan Medical Center (Hospital) to extend the term of the Agreement for interoperable radio communications through the countywide common talk groups of the County's 800 MHz Radio System to May 18, 2016. **SUMMARY:** The Agreement with the Hospital, which provides the terms and conditions under which the Hospital can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications, expired on May 18, 2013. Hospital has approved a retroactive renewal to extend the term of the Agreement to May 18, 2016. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to other hospitals and EMS providers. There are no charges associated with this Agreement. The Hospital is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. The Agreement provided for three renewal options, each for a period of three years. Both parties must approve the renewal option. The Agreement may be terminated by either party, with or without cause. The Third Amendment retroactively renews the term, corrects the name of Hospital, updates the notice provisions, modifies the provision on access and release of programming codes, provides for disclosure of County Code Section 2-421 - 2-440 establishing the Office of the Inspector General and provides for the exclusion of third party beneficiaries. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** a First Amendment to Interlocal Agreement (R2008-1301) with the City of Greenacres (City) to extend the term of the Agreement for direct access to the County's 800 MHz Radio System to July 21, 2017. **SUMMARY:** The Interlocal Agreement with the City, which provides the terms and conditions under which the City can directly access the County's 800 MHz Radio System, expires on July 21, 2013. The Agreement provides for two renewal options, each for a period of four years. Both parties must approve the renewal option. The City has approved a renewal to extend the term of the Agreement to July 21, 2017. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies where connection through an established municipal hub is not technically feasible. The annual fees are consistent with those being charged to the County departments. The City is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause, on October 1st of any year, with a minimum of six months notice. The First Amendment renews the term, replaces Attachment I and deletes outdated attachments, updates contact information, provides for disclosure of County Ordinance No. 2011-009 establishing the Office of the Inspector General and provides for the exclusion of third party beneficiaries. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (JM)

3. **Staff recommends motion to approve:** an Interlocal Agreement with the City of Palm Beach Gardens (City) allowing for interoperable communications through the countywide common talk groups of the County's Public Safety Radio System. **SUMMARY:** This Interlocal Agreement (Agreement) provides the conditions under which the City can program into 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 City. The terms of the Agreement are standard and offered to those municipalities that have migrated to the Municipal Public Safety Communications Consortium's Open Sky Radio System. Within ten days of the execution of this Agreement, the City is required to provide the County with its internal procedures for monitoring the common talk groups. There are no charges associated with this Agreement. 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 notice to the other party. (ESS) Countywide (JM)

4. **Staff recommends motion to receive and file:** a notice of exercise of the first option to extend the term of the Lease Agreement (R98-1015-D) with Okeeheelee BMX Parents Council, Inc. (Council) for the continued use of a bicycle moto-cross track at Okeeheelee Park for \$1/year. **SUMMARY:** Since July 21, 1998, Council has operated under the current Lease Agreement for the management of an approximate 3.78 acre bicycle moto-cross track in the southwest corner of Okeeheelee Park. Council wishes to exercise its option to extend the term of the Lease for five years from July 21, 2013, to July 20, 2018. The Annual Rent is \$1 and it is paid to the Parks & Recreation Department. The Parks & Recreation Department is satisfied with Council's performance. The Board has no discretionary authority to deny the exercise of the option; however, the County may terminate the Lease Agreement upon thirty days written notice to Council. The Council will have one remaining five year option. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. **Staff recommends motion to approve:** exercise of the second option to extend the term of the Lease Agreement with Palm Beach Gardens Community Hospital, Inc. (R2004-0324) for the continued use of antenna space on the rooftop of the Hospital at an annual rate of \$1/yr. **SUMMARY:** The County's Emergency Management Services currently leases rooftop space at the Palm Beach Gardens Community Hospital located at 3360 Burns Road in Palm Beach Gardens, for the operation of EMS communications equipment. The initial term of the Lease Agreement was for five years, ending on February 23, 2009, with two extension options, each for a period of five years. The County exercised its first option extending the term through February 23, 2014. This second and final option will extend the term of the Lease Agreement for five years, from February 24, 2014, through February 23, 2019. As the County does not have any County owned structures of the required height to support the antenna, nor are there any other towers in the general area available at a rate of \$1/yr, it is in the best interest of the County to exercise this option. The annual rent for this extension period is \$1. The County has the right to terminate the Lease Agreement at any time upon 90 days written notice. (PREM) District 1 (HJF)

6. **Staff recommends motion to approve:** an Eleventh Amendment to Tower Site Lease and Joint Use Agreement with New Cingular Wireless PCS, LLC (Cingular) and the City of Boynton Beach (City) (R99-311-D) for tower site located in Boynton Beach. **SUMMARY:** County, Cingular and City entered into a Tower Site Lease and Joint Use Agreement to jointly use Cingular's tower located east of I-95, south of Gateway Boulevard, in Boynton Beach. The parties desire to replace existing and add new antennas to improve signal coverage and add frequencies to propagate Cingular's 4G services and County and City future expansions. Each party will obtain all necessary permits and governmental approvals associated with its modifications, and all equipment installations will be made at each party's sole cost. This Eleventh Amendment updates Exhibit "G" Antenna Tower Schematics of the Tower Site Lease and updates various standard provisions. There will be no cost to the County nor service interruptions to the County's system. All other terms of the Agreement remain unchanged. (PREM) District 7 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to:

A) approve the Lease Termination Agreement with the City of Belle Glade (City) terminating the Lease Agreement between the City and the County dated May 1, 1986 (R86-606) (Lease) as of March 21, 2013;

B) receive and file the lease surrender letter documenting the surrender and termination date of the Lease as of March 21, 2013;

C) approve the transfer of three assets of the County that were erroneously recorded as County assets but were to remain City assets pursuant to the Agreement for Library Services; and

D) approve the donation of thirty-three assets which have been requested by the City and determined to be surplus by County Library staff.

SUMMARY: The County operates the Belle Glade Branch Library pursuant to an Agreement for Library Services dated May 1, 1986 (R86-605). The Belle Glade Library (Former Library) was operated from a City-owned building pursuant to a Lease. On May 26, 2010, the Board approved an Interlocal Agreement (R2010-0813) with the City requiring the County to construct a new library (New Library) on different property leased from the City. The New Library was occupied in March 2013 and the Lease was surrendered and effectively terminated on March 21, 2013. City executed a Termination of Lease Agreement which now requires Board approval. City and County staff documented the lease termination with a lease surrender letter dated March 21, 2013. Pursuant to the original Agreement for Library Services, certain materials and equipment were transferred from the City to the County, and other City museum artifacts were loaned to County for display. During the move to the New Library, County Library staff identified three loaned assets which had been inadvertently tagged and identified as County assets. These three assets now require a transfer to the City in accordance to the Agreement for Library Services. Additionally, County Library staff identified 33 other assets that have no use in the New Library and have been declared surplus. The City has requested the donation of those 33 assets. (PREM) Countywide (HJF)

8. Staff recommends motion to receive and file: Various executed Commercial License Agreements as follows:

1. Standard Commercial License Agreement with AARP;
2. Standard Commercial License Agreement with Ileen Green;
3. Standard Commercial License Agreement with Gari F. Weinraub;
4. Standard Commercial License Agreement with ShotSpotter, Inc.;
5. Standard Commercial License Agreement with Trump International Golf Club, LLC;
6. Standard Commercial License Agreement with Elizabeth Dennis; and
7. Standard Commercial License Agreement with U.S. Naval Sea Cadets Corps.

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 Commercial License Agreements dated from August 20, 2012 to May 1, 2013, have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or his designee in accordance with R2010-0333 approved by the Board on March 9, 2010. These executed documents are now being submitted to the Board to receive and file. (FDO Admin) Countywide (MJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve: a Contract with DeAngelo Brothers, Inc. (d/b/a Aquagenix) in the amount of \$268,118.10 to provide required ongoing property maintenance to ensure proper operation of the drainage system at the Mecca Farms property. **SUMMARY:** The work consists of mowing, maintenance and canal cleaning on an as-needed basis. The Board has conceptually approved selling the property, but the County still needs to maintain the property and the drainage system until the closing. Operation of the drainage system is essential to ensure that the Water Utilities Department's pump station does not flood and is accessible at all times. This is a two year contract, but payments under this contract will only be made for the tasks authorized by staff on an as needed basis and the contract can be cancelled at any time. This project is funded from the General Fund. The Small Business Enterprise (SBE) goal is 15%. The SBE participation in this Contract is 0%. DeAngelo Brothers, Inc. (d/b/a Aquagenix) is a Palm Beach County company. (FD&O Admin) Countywide/District 1 (JM)

10. Staff recommends motion to approve:

A) a Budget Transfer of \$1,000,000 from reserves in the 176.5M NAV 08 CTF Jail Expansion to increase the project budget expense line; and

B) Amendment No. 1 to the contract with Hedrick Brothers Construction Company, Inc. (R2012-1000) in the amount of \$2,895,480 for construction management services for the Video Visitation System located at the Main Detention Center on Gun Club Road.

SUMMARY: On April 25, 2006, the Board approved proceeding with the Jail Expansion Program II consisting of the expansion of the West Detention Center, the Stockade, and renovations to the Main Detention Center. Amendment No. 1 authorizes the construction of the infrastructure for video visitation at the Main Detention Center for inmate visitation. The Video Visitation System will reduce costs and enhance security associated with the operation of the detention system. The Small Business Enterprise (SBE) goal for this contract is 15%. Hedrick Brothers SBE participation for this project is 1.6%. The majority of the work in this Amendment is electrical and although two bids from SBE electrical subcontractors were received, neither bid was low and both were outside the pricing differential identified in the SBE Ordinance regarding re-ranking of bidders. Hedrick Brothers is a Palm Beach County firm and is using local subcontractors for 79% of the work. This Guaranteed Maximum Price is funded from the Criminal Justice and Public Improvement Revenue Bond Series and the budget transfer is necessary for the project to be fully funded. (Capital Improvements Division) District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. Staff recommends motion to approve:

A) Master Agreement with AT&T Corp. (Construction Master Agreement) providing for the development and installation of new communications systems and applications associated with construction projects when integration with AT&T provided network services is required;

B) Work Authorization No. 1 to Construction Master Agreement with AT&T Corp. in the amount of \$125,864.80 providing for the Court and Holding Video Visitation System (VVS) at the West County Courthouse; and

C) Work Authorization No. 2 to Construction Master Agreement with AT&T Corp. in the amount of \$993,337.43 providing for VVS at the Main Detention Center (MDC).

SUMMARY: The Construction Master Agreement provides the mechanism by which the County can approve individual work authorizations for the development, and installation, and integration of various communications systems associated with construction projects. Due to the comprehensive and critical network services provided and maintained by AT&T, through a separate Master Agreement No. 133405UA (R2009-1055), AT&T, through its Network Integration Division, is uniquely qualified to develop, install, and integrate new communications systems and application by providing for: 1) a high level of service, reliability, and resources for troubleshooting and timely repair of failures and 2) end to end performance responsibility. The term of this Construction Master Agreement is for three years with two two-year extensions, or the termination of the MSA; whichever comes first. The funding source(s) for each individual work authorization will be identified prior to the award of the individual work authorization. Work Authorization No. 1 includes the design and installation of a video conferencing system allowing communications between the Main and Gun Club Courthouse existing VVS and the West County Courthouse and West Detention Center located in Belle Glade. The contractor is responsible for the complete installation, configuration and testing of the video conferencing for three video hearing rooms and six group holding rooms located at the West County Courthouse Holding Area "C Pod". Work Authorization No. 2 provides, installs and programs the VVS equipment endpoints to enable video visits at the MDC from Central Video Visitation Facility and Courthouses. (ESS) Countywide (JM)

12. Staff recommends motion to approve: Amendment No. 3 to the contract with Trillium Construction, Inc. (R2012-1002) in the amount of \$1,099,258 for construction management services for Palm Tran Connection at Four Points Project establishing a Guaranteed Maximum Price (GMP). **SUMMARY:** Amendment No. 3 establishes a GMP of \$1,099,258 and 138 calendar days for completion. The GMP includes the cost of work, the construction manager's fee and a contingency. Approval of this contract will allow for the necessary interior and site improvements to accommodate the relocation of Palm Tran Connection. Palm Tran Connection is currently in space leased from a private party and will relocate to the 1st floor, south side, of the Four Points building. This relocation will result in annual savings for facilities costs. Palm Tran Connection has been in this location since December 2000. Occupancy is expected early in 2014. The interior improvements will be funded entirely by Federal funds. Due to federal funding requirements, the Small Business Enterprise (SBE) goal is not applicable for this contract. The Disadvantaged Business Enterprise (DBE) goal is 15% and Trillium Construction, Inc.'s participation includes 3.8% DBE. Although not required, Trillium Construction, Inc.'s SBE participation for this project is 35.8%. Trillium Construction, Inc. is a local firm and 92% of the work will be done by local contractors. (Capital Improvements Division) District 2 (JM)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to receive and file: fourteen Modifications to Grant Agreements with the State of Florida as follows:

A) Modifications 13, 14 and 15 to Grant Agreement (R2007-1027) for the 2005 Community Development Block Grant (CDBG) Disaster Recovery Initiative Program (DRI2);

B) Modifications 8, 9, 10 and 11 to Grant Agreement (R2008-1312) for the 2005 CDBG Disaster Recovery Initiative Program – Supplemental Appropriation (DRI3);

C) Modifications 2, 3, 4, 5, 6 and 7 to Grant Agreement (R2010-1411) for the 2008 CDBG Disaster Recovery Initiative Program (DRI4); and

D) Modification 1 to Grant Agreement (R2012-1005) for the 2008 Supplemental CDBG Appropriations for the Disaster Recovery Enhancement Fund (DRI5-DREF).

SUMMARY: In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Modifications have been executed on behalf of the Board of County Commissioners by the County Administrator, or his designee, in accordance with Agenda Items R2006-1351, R2007-1524, R2009-1677, and R2011-0907 as approved by the Board on July 18, 2006, September 11, 2007, October 6, 2009, and June 21, 2011, respectively. The Modifications are now being submitted to receive and file. **These are Disaster Recovery Initiative Program grant funds which require no local match.** (Strategic Planning Section) Countywide (TKF)

2. Staff recommends motion to approve: the nomination of Bobby “Tony” Smith as Chairperson of the Housing Finance Authority of Palm Beach County, Florida (Authority) for the term of June 2013 through May 2014. **SUMMARY:** At the Authority’s meeting of June 14, 2013, the Authority’s Board nominated Bobby “Tony” Smith as its Chairperson to serve a second and final term of one year in accordance with Ordinance No. 2002-022. This Ordinance requires the nomination of the Chairperson to be submitted to the Board of County Commissioners for approval. (HFA of PBC) Countywide (PFK)

3. Staff recommends motion to approve: a Contract for Accounting Services between the Housing Finance Authority of Palm Beach County, Florida (Authority), and Goldstein, Zugman, Weinstein and Poole, LLC (GZWP). **SUMMARY:** The Authority was established by the Board of County Commissioners (BCC) in 1979 in accordance with Part IV, Chapter 159, Florida Statutes. Section 2-189 of the Palm Beach County Code of Ordinances, as amended, requires that all contracts of the Authority for the purchase of goods and services in excess of \$10,000 be approved by the BCC. This Contract sets forth the terms under which GZWP will provide accounting services to the Authority. GZWP was selected by the Authority to provide accounting services pursuant to a public Request for Accounting Services process on August 14, 2009. The Contract provides for an initial three year term and up to two successive three year renewals. The initial Contract was approved by the BCC on October 6, 2009, and this first renewal Contract was entered into by the Authority on June 14, 2013, subject to approval by the BCC. **No match from County General funds is required.** (HFA of PBC) Countywide (PFK)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

4. **Staff recommends motion to approve:** an Agreement with the Town of Lake Park in the amount of \$37,294 for the period of July 16, 2013 to January 31, 2014. **SUMMARY:** This Agreement with the Town of Lake Park provides Community Development Block Grant (CDBG) funding to facilitate improvements to existing tennis courts located at 601 Federal Highway and 600 Lake Shore Drive. The Board of County Commissioners approved the allocation of this amount on July 10, 2012, under the Fiscal Year 2012-2013 CDBG Action Plan (R2012-0942). **This funding is projected to create 1.5 jobs and have a five year Economic Sustainability Impact of \$53,000. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 1 (TKF)

5. **Staff recommends motion to approve:** an Agreement with the City of Lake Worth in the amount of \$325,000 for the period of July 16, 2013 to December 30, 2014. **SUMMARY:** This Agreement with the City of Lake Worth provides Community Development Block Grant (CDBG) funding for roadway reconstruction, including new curbs and sidewalks, on 10th Avenue South between South A Street and South E Street. The Board of County Commissioners approved the allocation of \$13,095, \$79,646 and \$232,259 on July 10, 2007 (R2007-1219), July 22, 2008 (R2008-1347) and July 21, 2009 (R2009-1209) under the Fiscal Year 2007-2008, 2008-2009 and 2009-2010 Action Plans, respectively. These funds are now being reallocated to this project pursuant to the City's request. **This funding is projected to create 12 jobs and have a five year Economic Sustainability Impact of \$701,900. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 7 (TKF)

6. **Staff recommends motion to approve:** Amendment No. 003 to an Agreement (R2010-2109) with the City of Pahokee extending the expiration date from December 31, 2013 to December 31, 2014, and increasing the allocated funding by \$57,561. **SUMMARY:** On December 21, 2010, the County entered into an Agreement (R2010-2109) with the City of Pahokee as amended by Amendment No. 001 (R2011-1791) on November 15, 2011 and Amendment No. 002 (R2012-1889) on December 18, 2012. The Agreement presently provides \$530,000 in Community Development Block Grant (CDBG) funds for the renovation of the High School Gymnasium located at 360 East Main Street in Pahokee. The \$57,561 were originally allocated to the City by the Board of County Commissioners (BCC) on July 10, 2012, under the Fiscal Year 2012-2013 CDBG Action Plan (R2012-0942). The City requested that these funds, which were intended for sidewalk construction, be reallocated in order to be able to complete its ongoing High School Gymnasium renovation project. The project was delayed due to the length of time required to abate asbestos due to numerous redesigns and rebids in an attempt to bring the project cost within budget. The time extension will allow the City to rebid and award a contract that contains a scope of work based on an increased budget resulting from the additional funds provided by this Amendment. **Total project funding is projected to create 34 jobs and have a five year Economic Sustainability Impact of \$1.93 Million. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 6 (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

7. Staff recommends motion to receive and file: three Agreements, 11 Amendments to Agreements and one Release of Mortgage, as follows:

- A) Agreement with the City of Belle Glade under the Neighborhood Stabilization Program 3 (NSP3);
- B) Amended and Restated Mortgage Agreement with NOAH Development Corporation;
- C) Subordination and Intercreditor Agreement with U.S. Bank National Association;
- D) Amendment No. 003 to the Agreement (R2012-1252) with the City of Riviera Beach under the 2005 Disaster Recovery Initiative Program (DRI2);
- E) Amendment No. 004 to the Agreement (R2012-1252) with the City of Riviera Beach under DRI2;
- F) Amendment No. 002 to the Agreement (R2012-1798) with the Pahokee Housing Authority under DRI2;
- G) Amendment No. 002 to the Agreement (R2012-0137) with the Housing Authority of the City of Belle Glade under the 2005 Disaster Recovery Initiative Program – Supplemental Appropriation (DRI3);
- H) Amendment No. 004 to the Agreement (R2011-0618) with the Boca Raton Housing Authority under DRI3;
- I) Amendment No. 003 to the Agreement (R2011-0622) with the Palm Beach County Housing Authority under DRI3;
- J) Amendment No. 003 to the Agreement (R2011-0621) with Neighborhood Renaissance, Inc. under DRI3;
- K) Amendment No. 002 to the Agreement (R2012-1006) with the Pahokee Housing Authority under DRI3;
- L) Amendment No. 001 to the Agreement (R2012-1254) with the West Palm Beach Housing Authority under the 2008 Disaster Recovery Initiative Program (DRI4);
- M) Amendment No. 003 to the Agreement (R2011-1796) with the West Palm Beach Housing Authority under DRI4;
- N) Release of Mortgage to Oscar and Marta Garcia.

SUMMARY: In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Agreements, Amendments to Agreements and Release of Mortgage have been fully executed on behalf of the Board of County Commissioners (BCC) by the County Administrator, or designee, in accordance with Agenda Items 5F-1, R2006-1351, R2007-1524, R2009-1122, R2009-1677, R2011-0082, 5C-2 and 3B-1, as approved by the BCC on October 22, 2002, July 18, 2006, September 11, 2007, July 7, 2009, October 6, 2009, January 11, 2011, and June 5, 2012, and March 26, 2013, respectively. These executed documents are now being submitted to the BCC to receive and file. **These are ad valorem funds, State SHIP funds which require no local match and Federal DRI2, DRI3, DRI4, and NSP3 funds which require no local match.** (DES Contract Development) Districts 2, 3, 4, 6 & 7 (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to receive and file: executed Agreements received during the month of April 2013:

A) Standard Potable Water and Wastewater Development Agreement with The Allegro at Boynton Beach, L.L.C., No. 05-01109-000 (District 5);

B) Standard Reclaimed Water Development Agreement with The Allegro at Boynton Beach, L.L.C., No. 05-90024-000 (District 5); and

C) Standard Potable Water and Wastewater Development Agreement with Michael A. Musto and Rita A. Musto, No. 02-01136-000 (District 2).

SUMMARY: In accordance with County PPM CW-0-051, all delegated contracts/agreements/grant/ procurement items must be submitted by the initiating Department as a receive and file agenda item. The documents have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Deputy Director of the Water Utilities Department in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the Board to receive and file. Districts 2 & 5 (MJ)

2. Staff recommends motion to approve: the Partial Release of a Utility Easement over property owned by Boynton Beach Associates XXII, LLLP and Boynton School Property, LLC.

SUMMARY: On March 25, 2010, a utility easement was granted to the County for public water and sewer facilities associated with the development of the property identified by PCN 00-42-43-27-05-051-0350. A portion of this easement was intended for future water and sewer facilities maintenance as needed. This document will release the County's interest in a portion of a utility easement recorded in the Official Records of Palm Beach County, Book 23761, Page 1401, over property owned by Boynton Beach Associates XXII, LLLP and Boynton School Property, LLC. The Palm Beach County Water Utilities Department (WUD) has determined that this portion of easement is no longer needed and therefore recommends the release. District 5 (MJ)

3. Staff recommends motion to approve: a Utility Easement Agreement with VS Delray Beach East LLC.

SUMMARY: Palm Beach County Water Utilities Department (WUD) owns and operates wastewater Lift Station No. 0317, serving residential communities near the northwest corner of Atlantic Avenue and Sims Road. The location and condition of the existing utility and access easement is not acceptable for use by heavy construction equipment. WUD identified additional easement area to secure and build appropriate access to the Lift Station. VS Delray Beach East LLC agreed to enter into an agreement and to grant the required easement with no cost to WUD. WUD acknowledges that the affected area will be restored to equal or better condition. (WUD Project No. 13-044) District 5 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. **Staff recommends motion to approve:** Amendment No. 3 to the Interlocal Agreement for Biosolids Processing and Recycling with the Solid Waste Authority of Palm Beach County (SWA). **SUMMARY:** On May 3, 2005, the Palm Beach County Board of County Commissioners approved an Interlocal Agreement for Biosolids Processing and Recycling with SWA (R2005-0897). Under the Interlocal Agreement, the SWA is responsible for the design, construction, operation and maintenance of the regional Biosolids Processing and Recycling Facility (BPF), and, in addition, will market the biosolids pellets to various fertilizer manufacturers. Water Utilities, along with the other participating utilities, are responsible for delivering wastewater biosolids to the new facility, and paying for the pro-rata share of capital and net operating costs. The First (R2006-1283) and Second (R2012-0903) Amendments resolved Contractor claims for delays and increases in construction costs for the BPF. This Amendment No. 3 reflects the sale of excess capacity in the BPF to the East Central Regional Wastewater Treatment Operation Board (ECR), adjusts pro-rated shares of capacity by the original participants, addresses clarification to the Operations & Maintenance costs per ton and landfill gas delivery system, and adds provisions for continued operation at the conclusion of the term of the Agreement. The sale of excess capacity to ECR results in a return of \$2,817,749 in capital costs to the County. Countywide (MJ)

5. **Staff recommends motion to approve:** Contract with Electron Corp of South Florida for Water Treatment Plant No. 2 Electrical Cables and Radio Telemetry units (RTU's) for Wells 1 to 7 in the amount of \$489,473.57. **SUMMARY:** On May 7, 2013, four bids were received for the Water Treatment Plant No. 2 Electrical Cables and RTU's for Wells 1 to 7, with Electron Corp of South Florida being the lowest responsive, responsible bidder in the amount of \$489,473.57. The project will provide new electrical cables and RTU's for seven wells at Water Treatment Plant No. 2. The existing well cables are over 30 years old and need replacement. The RTU's are necessary to provide additional instrumentation for the wells. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. This Contract with Electron Corp of South Florida provides for SBE participation of 97% overall. Electron Corp of South Florida is a local company. (WUD Project No. 12-038) District 2 (JM)

6. **Staff recommends motion to approve:** a Contract for Disaster Recovery Design/Build Services with CDM Constructors, Inc. (CDM). **SUMMARY:** This Contract is recommended as prudent planning to ensure the integrity of the County's water and wastewater infrastructure prior to, during, and immediately following natural disasters. Following these events, reconstruction of water utility facilities needs to begin immediately in order to protect public health. This Contract facilitates the immediate reconstruction of such infrastructure and will be used by the Water Utilities Department (WUD) to obtain engineering/professional design/build/construction services for disaster recovery or mitigation related projects. The Facilities Development and Operations Department may also use the design/build Contract. CDM was procured under the provisions of s. 287.055, Florida Statutes (Consultant Competitive Negotiation Act) and County-wide PPM No. CW-O-048. Consultant Services Authorizations (CSA) will be negotiated and issued in accordance with the standard County procedures outlined in Countywide PPM No. CW-F-050. The Contract has a term of five years. CDM has agreed to meet or exceed a 30.5% small business participation goal. CDM has an office in Palm Beach County. (WUD 10-027) Countywide (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

7. **Staff recommends motion to approve:** the appointment of one Royal Palm Beach member to the Water Utilities Advisory Board for a term of three years effective July 16, 2013 through July 15, 2016:

<u>Seat No.:</u>	<u>Nominee:</u>	<u>Requirements:</u>	<u>Nominated by:</u>
11	Carlton Brooks	Royal Palm Beach Appointee Current WUD Customer Resides in PBC	Village - Royal Palm Beach Comm. Valeche Comm. Taylor Comm. Burdick

SUMMARY: Resolution No. R2012-0904 provides for an eleven-member Water Utilities Advisory Board. The membership consists of seven District members, two County-wide At-Large members, one Lake Region member and one Royal Palm Beach At-Large member. On May 16, 2006, the Board of County Commissioners adopted Resolution No. R2006-0867 establishing an 11th seat on the Water Utilities Department's Advisory Board to represent the new customers obtained from the acquisition of the Royal Palm Beach utility service area. Pursuant to the WUAB Resolution, the Royal Palm Beach member is to be appointed by the Village of Royal Palm Beach Village Council, and confirmed by the Board of County Commissioners. On March 8, 2013, Carlton Brooks' term expired as the Royal Palm Beach at-large member of the Water Utilities Advisory Board. The Village of Royal Palm Village Council has nominated Carlton Brooks for this position. The Commissioners were notified of the vacancy by the Water Utilities Department on June 25, 2013. Countywide (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to receive and file:** four original documents:

A) Sponsorship Agreement with the Marine Industries Association of Palm Beach County for Sponsorship of the Lake Worth Lagoon Symposium on May 15, 2013;

B) Sponsorship Agreement with Florida Power and Light Company for Sponsorship of the Lake Worth Lagoon Symposium on May 15, 2013;

C) Sponsorship Agreement with Chen Moore and Associates for Sponsorship of the Lake Worth Lagoon Symposium on May 15, 2013, and

D) Sponsorship Agreement with Rybovich Boat Company, LLC for Sponsorship of the Lake Worth Lagoon Symposium on May 15, 2013.

SUMMARY: On December 18, 2012 (R2012-1905), the Board of County Commissioners approved a Resolution delegating authority to the County Administrator and the Director of ERM to execute Sponsorship Agreements for the provision of benefits to a sponsor when an event or program is hosted by the Department Environmental Resources Management (ERM). Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to approve:

A) Budget Transfer of \$1,600,000 in the Natural Areas Fund from reserves to the Environmental Resources Capital Projects Fund; and

B) Budget Amendment of \$1,600,000 in the Environmental Resources Capital Projects Fund to recognize the transfer from the Natural Areas Fund for the Winding Waters Natural Area (\$500,000) and North Jupiter Flatwoods Natural Area (\$500,000) public use facility construction. Additionally, the funds will be utilized for the restoration and enhancement of the Cypress Creek Natural Area (\$600,000).

SUMMARY: The Board of County Commission (BCC) approved conceptual plans for public use facilities at both North Jupiter Flatwoods Natural Area (R2005-1770) and Winding Waters Natural Area (R2013-461). Additionally, the BCC approved an amended and restated Interlocal Agreement with the Solid Waste Authority for the restoration and enhancement work proposed for the Cypress Creek Natural Area (R2009-0575). The budget transfer and budget amendment will fund the necessary engineering and design work for construction permits, the construction of the public use facilities, as well as the restoration and enhancement proposed for these natural areas, using the non-ad valorem portion of the Natural Area Fund. Grant funds are currently being pursued to fund a portion of these projects. Districts 1 & 7 (SF)

3. Staff recommends motion to:

A) receive and file Declaration of Restrictive Covenants No.11-001-FF11 and Grant Award Calculation statement awarding a net of \$3,487,139.52 from the Florida Communities Trust reimbursing a portion of the Cypress Creek Natural Area Phase V acquisition costs;

B) approve Budget Amendment in the 11.6M Note Payable 08 Capital Project Fund for \$3,487,140 to recognize revenue from the award;

C) approve Budget Transfer of \$618,351 in 11.6M Note Payable 08 Debt Service Fund to increase transfer from the 11.6M Note Payable 08 Capital Project Fund and decrease transfer from the General Fund; and

D) approve Budget Transfer of \$618,351 in the General Fund to decrease transfer to the 11.6M Note Payable 08 Debt Service Fund and increase balance forward reserves.

SUMMARY: A delegation of authority for execution of the standard County contract(s), agreement(s) or grant(s) above was approved by the Board of County Commissioners in Board item No. 3H-5 on January 15, 2013 (R2013-0052), pursuant to PPM No. CW-O-051. District 1 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to approve:

A) Tri-Party Agreement with the City of Greenacres and Greenacres Historical Society, Inc., for the period of July 16, 2013, through January 15, 2016, in an amount not-to-exceed \$100,000 for funding of Greenacres Historical Museum exhibits and improvements to the museum's parking lot; and

B) Budget Transfer of \$100,000 within the \$25M GO Recreational and Cultural Facilities Bond Fund – 2005 from the Center for Creative Education Construction Project to the Greenacres Historical Museum.

SUMMARY: On June 19, 2012, the Board approved a reallocation from the 2002 \$50 Million Recreation and Cultural Facilities Bond of \$100,000 from the Center of Creative Education construction project to the construction of the Greenacres Historical Museum. This tri-party agreement provides funding to design and construct exhibits for the historical museum, as well as constructing improvements to the museum's parking lot. The agreement also allows for the reimbursement of eligible expenses incurred subsequent to June 1, 2012, and includes specific project milestone completion deadlines. District 2 (PK)

2. Staff recommends motion to approve: Budget Transfer of \$50,000 within the Park Impact Fees Zone 1 from Reserves for the Burt Reynolds Park Chamber of Commerce Building project to the Burt Reynolds Park Boat Ramp Parking project. **SUMMARY:** This budget transfer is necessary to move funding allocated for the Burt Reynolds Park Chamber of Commerce Building project to the Burt Reynolds Park Boat Ramp Parking project. The Burt Reynolds Park Chamber of Commerce Building project was approved in FY 2012, and included renovations to the building to meet current County code requirements and the Department's standards for maintenance and use. A redevelopment plan for the west side of Burt Reynolds Park has now been created which includes razing the Chamber of Commerce building to expand the boat trailer parking area. This Budget Transfer will effectively close out the original Chamber of Commerce Building project and will provide additional funding to the Burt Reynolds Park Boat Ramp parking area expansion project. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to approve:

A) Interlocal Agreement with the City of Belle Glade for the period July 16, 2013, through January 15, 2016, in an amount not-to-exceed \$517,514 for funding of the Belle Glade Marina Project – Phase II;

B) Florida Boating Improvement Program Project Agreement with the City of Belle Glade for the period July 16, 2013, through January 15, 2015, in an amount not-to-exceed \$29,000 for funding of the Belle Glade Marina Project – Phase II; and

C) Budget Transfer of \$29,000 within the Park Improvement Fund from the Florida Boating Improvement Program (FBIP) reserve to Belle Glade Marina project.

SUMMARY: This Interlocal Agreement and FBIP Project Agreement provide funding for Phase II of the Belle Glade Marina, situated on Torry Island at the southeast corner of Lake Okeechobee. Project elements in the Interlocal Agreement include asphalt resurfacing/regrading, picnic and parking area enhancements, guardrail, washroom renovation/expansion, boardwalk/dock, and shoreline rehabilitation. The project elements in the FBIP agreement include design, engineering, and permitting fees. The FBIP agreement also allows for the reimbursement of expenses incurred subsequent to March 1, 2013. Funding for the Interlocal Agreement is from the 2004 \$50 Million GO Waterfront Access Bond referendum, while funding for the FBIP Agreement is from the Park Improvement Fund FBIP reserve. Since the County does not typically reimburse for design and engineering costs on bond projects not entirely funded by the County, two separate agreements were necessary in order to maximize the funding allocated to the Belle Glade Marina project. District 6 (PK)

4. Staff recommends motion to receive and file: the following original executed Entertainment Contractor Agreement for a community event:

Sid Parker, The Sid Parker Orchestra concert; Sunset Cove Amphitheater, on May 31, 2013.

SUMMARY: The Parks and Recreation Department produced a popular cultural event at our Sunset Cove Amphitheater and generated positive support and goodwill for the County. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Entertainment Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2008-1109, amended by Resolution 2010-0644, and is now being submitted to the Board to receive and file. District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. Staff recommends motion to receive and file: the following original executed Sound and Light Production Services Contractor Agreement:

City Sound and Recording LLC; Jazz concert featuring The Sid Parker Orchestra, Sunset Cove Amphitheater, on May 31, 2013.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Sound and Light Production Services Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0592, amended by Resolution 2010-0645, and is now being submitted to the Board to receive and file. District 5 (AH)

6. Staff recommends motion to receive and file: the following original executed Independent Contractor Agreements:

A) Nancy Kelly, Water Exercise Instructor, North County Aquatic Complex, for the period May 7, 2013, through September 30, 2013; and

B) LB2 Enterprises, Inc., United States Masters Swimming Program, North County Aquatic Complex, for the period June 1, 2013, through September 30, 2013.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File Agenda Item. These Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 2002-2103, 2007-0409, and 2012-0168, and are now being submitted to the Board to receive and file. District 1 (AH)

R. HUMAN RESOURCES

1. Staff recommends motion to approve: the Labor-Management Agreement with The Communication Workers of America, Local 3181, effective October 1, 2012, through September 30, 2015. **SUMMARY:** Pursuant to collective bargaining negotiations, the negotiating committees for Palm Beach County and The Communication Workers of America, Local 3181, have reached a tentative agreement on negotiated issues. The proposed three-year contract incorporating all agreed-upon terms is presented for consideration and ratification. Countywide (DRO)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to approve: a Memorandum of Agreement with the Children's Services Council of Palm Beach County providing the County funding of up to \$50,000 for the Drowning Prevention Coalition for the period October 1, 2013 to September 30, 2014. **SUMMARY:** The Drowning Prevention Coalition program is managed by Palm Beach County Fire Rescue. However, the program is funded by multiple sources including the Children's Services Council of Palm Beach County and the County's general fund. This Memorandum of Agreement provides the terms and conditions of the Children's Services Council of Palm Beach County's agreement to provide funding to the County of up to \$50,000 for the Drowning Prevention Coalition program. The additional funding of this program for FY 2014 is being provided from the County's General Fund in the amount of \$150,000. Countywide (PK)

Z. RISK MANAGEMENT

1. Staff recommends motion to approve:
 - A) Quarterly Federal Excise Tax Return Form 720;
 - B) payment of \$9,204 to the Internal Revenue Service;
 - C) the delegation of authority to the County Administrator or his designee to execute future Quarterly Federal Excise Tax Returns (Form 720) on behalf of the Board of County Commissioners; and
 - D) future payments as required.

SUMMARY: The Patient Protection and Affordable Care Act (PPACA) includes a provision imposing an annual assessment on insured and self-insured group health plans to fund the Patient-Centered Outcomes Research Institute (PCORI). This annual fee will be imposed on group health plans for the next seven years. The regulations require health plan sponsors with calendar year plans ending December 31, 2012 to report and pay the fee by July 31, 2013. This includes the County's self-insured health plan. The fee is \$1 per average covered life, totaling \$9,204. The regulations require the fee to be reported on the Quarterly Federal Excise Tax Return Form 720 (specifically noted on Part II of the form), which must be executed by the Board of County Commissioners, or its delegated authority. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF

1. **Staff recommends motion to approve:** a Budget Transfer of \$53,800 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff’s Office (PBSO). **SUMMARY:** Florida Statute 932.7055(5) provides that the seizing agency shall use Forfeiture proceeds for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators, and providing matching grant funds. F.S. 932.7055(5) also requires that no less than 15% of the LETf’s previous year’s revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO’s FY 2013 estimated donation requirement is \$59,110. The PBSO’s support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The year-to-date transfer for all donations to outside organizations after approval of this item is \$1,048,244. The funds are requested here are to aid PBSO and qualified organizations that meet the requirements set forth in F.S. 932.7055. Use of LETf requires approval by the Board, upon request of the Sheriff. The current State LETf balance is \$1,096,219. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,042,419. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective organization or agency. No new positions are needed and no additional County funds are required. Countywide (PGE)

ORGANIZATION	AMOUNT
Area Agency on Aging Palm Beach, Treasure Coast, Inc.	\$15,000
PBSO – Community Services – Crime Prevention	\$34,800
Zoological Society of the Palm Beaches, Inc.	\$4,000
Total Amount	\$53,800

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. **Staff recommends motion to approve:** the following Westgate/Belvedere Homes Community Redevelopment Agency (CRA) Board Officers for a one year term commencing June 10, 2013 and expiring June 9, 2014:

<u>Board Member</u>	<u>Office</u>
Ronald Daniels	Chair
Melanie Marvin	Vice-Chair

SUMMARY: The Westgate/Belvedere Homes CRA Board consists of seven At-Large members from residents and local businesses within the CRA boundaries. At the June 10, 2013 meeting, the CRA Commissioners elected the Chair and Vice-Chair from amongst its Board. The term shall be one year, beginning with the date of election. District 7 (RB)

3. CONSENT AGENDA APPROVAL

DD. COMMISSION ON ETHICS

1. Staff recommends motion to approve: a Memorandum of Understanding (MOU) with the Delray Beach Downtown Development Authority and Palm Beach County for the services of the Palm Beach County Commission on Ethics. **SUMMARY:** The Delray Beach Downtown Development Authority agreed to subject itself to the jurisdiction and authority of the Commission on Ethics. This MOU identifies the roles and responsibilities of the Commission on Ethics and the Delray Beach Downtown Development Authority in implementing the Palm Beach County Code of Ethics, and establishes a schedule of fees to be paid by the Agency to the County in exchange for services. As required by the Commission on Ethics Ordinance, all fees paid under this agreement must be used to fund Commission on Ethics operations. The MOU is subject to final approval of the Board of County Commissioners. District 7 (LB)

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

A. Staff recommends motion to:

1) **adopt** a Resolution approving the Palm Beach County Action Plan for Fiscal Year 2013-2014; and

2) **authorize** the Mayor, or his designee, to execute Standard Forms 424 and Certifications for submission to the U.S. Department of Housing and Urban Development (HUD) to receive Fiscal Year 2013-2014 formula grant funding through the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnerships (HOME) Programs.

SUMMARY: At the March 26, 2013, Workshop the Board of County Commissioners (BCC) established the priorities for the Fiscal Year 2013-2014 Action Plan (AP). Federal Regulation 24 CFR Part 91 requires the County to submit an AP to HUD no later than August 14, 2013, to receive CDBG, ESG, and HOME entitlement grants for FY 2013-2014. Failure to meet the deadline will automatically result in the loss of all funds for the upcoming year. On May 29, 2013, the County was formally notified that CDBG funding would increase by nine percent (9%) and HOME funding by one percent (1%). The ESG funding was decreased by twenty-six percent (26%). However, staff continues to receive notice that Congress has not approved these allocations which may cause a change to the proposed funding amounts for each program. Staff is recommending that the additional CDBG funding be utilized to: increase Economic Development Activities by \$80,000 to fund the Center for Enterprise Opportunity; establish a Utility Connection Program in the amount of \$35,000; and to provide a 9% increase to Public Services, Local Entitlement Municipalities, County-Initiated Projects, and Special Area of Hope. Staff recommends that all HOME activities are proportionately increased. The Division of Human and Veterans Services Non-Conflict Grant Review Committee made funding recommendations reflecting the revised ESG grant award, resulting in a reduction of 10-29 percent from the initial amount based on the funding category and scoring. A summary of the draft AP and a Notice of Public Hearing were published on June 16, 2013. This funding is projected to create 345 jobs and have a five year Economic Sustainability Impact of \$54,540,000. **The ESG required 100% local match will be provided by the thirteen ESG-funded agencies, the Division of Human Services, and the Department of Economic Sustainability. The HOME required local match (\$342,517) will be provided from the State Housing Initiatives Partnership Program. CDBG funds require no local match.** (Strategic Planning) Countywide (TKF)

4. PUBLIC HEARINGS CONTINUED

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

1) conduct a Public Hearing on the proposed issuance of a Variable Rate Tax-Exempt Loan (Loan) by the Colorado Educational and Cultural Facilities Authority in an amount not to exceed \$15,000,000 to finance the Arthur I. Meyer Jewish Academy project located in Palm Beach County; and

2) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance by the Colorado Educational and Cultural Facilities Authority of a tax-exempt loan in an amount not to exceed \$15,000,000.

SUMMARY: Loan proceeds will be used by Jewish Federation of Palm Beach County, Inc., a Florida nonprofit corporation (Borrower), to construct and equip the Arthur I. Meyer Jewish Academy (Project). The academy, a day school for children attending kindergarten through the eighth grade, will be located at 5225 Hood Road, Palm Beach Gardens. The academy will be owned and operated by the Borrower and/or leased to, and operated by, the Arthur I. Meyer Jewish Academy, Inc., a Florida nonprofit corporation. Approval by an elected body is required by the Internal Revenue Code, however, adoption of this Resolution does not in any way obligate the County. The Economic Impact Analysis demonstrates a positive impact exceeding \$45 Million over five years for the Project. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay the principal, premium, if any, or interest on the Bond.** (B&H) [District 1](#) (PFK)

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

1) adopt a Resolution confirming the special assessment process for 10th Avenue North Water Main Extension Project; and

2) approve Work Authorization No. 4 to Johnson-Davis, Incorporated under the Water Utilities Department (WUD) Continuing Construction Contract (R2013-0550) in the amount of \$177,580.13.

SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 55% of the property owners in the 10th Avenue North project area. The project will serve 11 residential properties currently on private wells. Individual assessments of \$9,885.29 per parcel are based on 100% of the total project cost. The assessment may be paid over 20 years with equal annual payments of principal and 5½% interest. The total assessable cost is \$108,738.19 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. The project will be constructed utilizing a Work Authorization under the WUD Continuing Construction Contract with Johnson-Davis, Incorporated (R2013-0550). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Johnson-Davis, Incorporated provides for SBE participation of 20.96%. This Authorization includes 15.39% overall participation. The cumulative SBE participation is 15.88% overall. If the actual cost exceeds the total assessable cost, the differential will be cover by WUD's budget. Johnson-Davis, Incorporated is a local company. (WUD Project No. 12-073) [District 2](#) (MJ)

4. PUBLIC HEARINGS CONTINUED

D. Staff recommends motion to:

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

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

SUMMARY: On December 16, 1997 the Board approved Resolution 97-2152, and on November 15, 2011, the Board approved Resolution 2011-1833, expressing the intent of Palm Beach County to use the Uniform Method of collecting non-ad valorem special assessments. This method has been utilized successfully since 1998 for the collection of water and street improvement project special assessments. The Uniform Method in Resolution 97-2152 provides for inclusion of water and street improvement project special assessments on the tax bill. The Uniform Method in Resolution 2011-1833 provides for the abatement of nuisance conditions. A public hearing is required to implement this collection method for new special assessment projects to be included on the 2013 tax bill. Countywide (PK)

E. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code Chapter 26, Article II, Division 1, known as the Municipal Service Taxing Unit Special Assessment Ordinance; amending Section 26-24, Special Assessments; amending Section 26-25, Property Owners; amending Section 26-27, Initial Petition; amending Section 26-28, Final Petition; amending Section 26-30.2, Public Information Meeting; amending Section 26-30.3 Public Hearing; amending Section 26-30.15, Savings Clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; providing for effective date. **SUMMARY:** On July 2, 2013, the Board of County Commissioners (Board) held the preliminary reading of this ordinance. Adoption of the ordinance will amend Palm Beach County Code Chapter 26, Article II, Division 1, known as the Municipal Service Taxing Unit Special Assessment Ordinance to allow for: assessments and collections at a percentage of 100% of the total cost of the improvements, with certain specific exceptions; flexibility for the public hearing timeframe for fixed assessment projects; elimination of reference to majority response requirements for petitions; and other minor verbiage corrections. The percentage of required responses indicating support for a project will be set in the Palm Beach County Policy and Procedures Manual rather than being included in the Ordinance. Countywide (MRE)

4. PUBLIC HEARINGS CONTINUED

F. Staff recommends motion to:

1) conduct a Tax Equity & Fiscal Responsibility Act (TEFRA) Public Hearing concerning the issuance of not to exceed \$40,000,000 of Florida Development Finance Corporation Educational Facilities Revenue Bonds (Renaissance Charter School, Inc. Project), Series 2013 (the "Series 2013 Bonds"), in one or more series of tax exempt and taxable bonds, which will fund a loan to Renaissance Charter School, Inc., Red Apple Development, LLC and/or one or more of their affiliates (collectively, the "Borrowers"), Florida not-for-profit corporations which are exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

2) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance by the Florida Development Finance Corporation of its Industrial Development Revenue Bonds, in the aggregate face amount of not to exceed \$40,000,000 to provide funds for the primary purpose of making a loan to Renaissance Charter School, Inc., Red Apple Development, LLC and/or one or more of their affiliates to finance or refinance the cost of acquisition, construction, renovation and equipping of educational facilities and other capital expenditures with respect to educational facilities, to reimburse it for prior expenditures for such purpose; and providing an effective date.

SUMMARY: The Florida Development Finance Corporation would like to issue the Borrowers Bonds in an amount not to exceed \$40,000,000. Proceeds of the Bonds will be used to pay costs associated with the issuance of the Bonds and to finance or refinance the cost of acquisition, construction, renovation and equipping of buildings and ancillary facilities expected to be operated as educational facilities at two locations as follows: a facility of approximately 63,789 square feet to be located at 2001 Summit Boulevard in Glen Ridge, and a facility of approximately 61,566 square feet to be located at 12031 Southern Boulevard in Royal Palm Beach (collectively the Project). The Bonds will be in an amount not to exceed \$20,000,000 for each facility and will be payable solely from revenues derived from operation of the Project. The Project will be owned by one or more of the Borrowers. An affiliate of Charter Schools USA, Inc. will be the initial manager of the Project. The Economic Impact Analysis demonstrates a positive impact of \$80.6 Million over five years. **Neither the taxing power nor the faith and credit of the County, nor any County funds shall be pledged to pay principal or redemption premium, if any, or interest on the Bonds.** Districts 2 & 6 (PFK)

4. PUBLIC HEARINGS CONTINUED

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

1) **adopt** a Resolution confirming the special assessment process for Swain Boulevard Gravity Sewer Extension Project; and

2) **approve** Work Authorization No. 1 to Centerline Utilities, Inc. under the Water Utilities Department (WUD) Continuing Construction Contract (R2013-0551) in the amount of \$99,998.74.

SUMMARY: Petitions in favor of the installation of a ~~potable~~ wastewater main have been provided by 57% of the property owners in the Swain Boulevard project area. The project will serve seven residential properties currently on septic tanks. Individual assessments of \$45,206.15 per acre are based on 100% of the total project cost. Assessments for the seven properties range from a low of \$6,328.86 to a high of \$30,740.18. The assessment may be paid over 20 years with equal annual payments of principal and 5½% interest. The total assessable cost is \$107,590.63 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. The project will be constructed utilizing a Work Authorization under the WUD Continuing Construction Contract with Centerline Utilities, Inc. (R2013-0551). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Centerline Utilities, Inc. provides for SBE participation of 16.56%. This Authorization includes 10.06% overall participation. The cumulative SBE participation is 10.06% overall. If the actual cost exceeds the total assessable cost, the differential will be covered by WUD's budget. Centerline Utilities, Inc. is not a local company. (WUD Project No. 12-072) District 2 (MJ)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff requests Board approval: on a Resolution of the Board of County Commissioners of Palm Beach County, Florida, requesting the Secretary of the United States Department of the Interior to require the application of the two-part determination of the Indian Gaming Regulatory Act (IGRA) to the Seminole Coconut Creek land-into-trusts application. **SUMMARY:** The Seminole Tribe (Tribe) has developed plans to transform the Seminole Coconut Creek Casino into one of the largest destination casino resorts in the State of Florida. The Tribe has made application to the United States Department of the Interior to take 45 acres of land into trust for the casino resort complex to develop a proposed 20-story 1,000 room hotel, 2,500 seat showroom, an expanded parking structure, a pool and spa facility, 47,000 square feet of retail, a conference center and associated facilities. This proposal would create more hotel space than there currently is at the Seminole Hard Rock Casino, also in Broward County. The IGRA requires a “two-part determination” for off-reservation lands to be taken into trust for gaming purposes and permits approval of a land-into-trust application for a “gaming establishment” if the Secretary of the Interior concludes that approval is in the best interest of the tribe, will not be detrimental to the surrounding community, and the Governor of the State concurs. Therefore, Palm Beach County, given its proximity to this project and the potential impact it may have on the southern portion of the county, is supporting this request for a two-part determination. Countywide (DW)

B. COMMUNITY SERVICES

1. Staff recommends motion to approve: allocations for funding for the Financially Assisted Agencies (FAA) Program for the period of October 1, 2013, through September 30, 2014, for a total amount not to exceed \$12,220,011. **SUMMARY:** This item summarizes the Request for Proposals (RFP) and renewal processes for the FAA program for FY 2014. The Board of County Commissioners may approve the recommendations as submitted, approve the recommendations with modifications, or defer action to a later date. The recommended total funding amount for all service categories under this program is \$12,220,011. This amount is unchanged from the current year funding level and is subject to FY 2014, County budget approval. (Financially Assisted Agencies) Countywide (TKF)

5. REGULAR AGENDA

C. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida; approving Deutsche Bank Securities, Inc. or an affiliate thereof, and Community & Southern Bank or an affiliate thereof, as the Purchaser of not exceeding \$6,000,000 Housing Finance Authority of Palm Beach County, Florida (Authority), Multifamily Housing Revenue Bonds (La Joya Villages Project), within the meaning of Palm Beach County Code Section 2-190; and providing an effective date. **SUMMARY:** On March 12, 2013, the Board of County Commissioners (BCC) adopted a Resolution (R2013-0331) authorizing the issuance of the Bonds, approving GA Housing LLC or other tax exempt investment fund sponsored by Red Stone Partners, and Community & Southern Bank or an affiliate thereof, as the Purchaser of said Bonds. La Joya Villages, Ltd. (the Borrower) has advised the Authority that the purchaser has changed. Adoption of this Resolution provides approval of Deutsche Bank Securities, Inc. and Community & Southern Bank as the new purchaser. Section 2-190 of the Palm Beach County Code requires that all bonds of the Authority and the underwriter or purchaser of such bonds must be submitted to and approved by the BCC. The Bonds are being issued by the Authority to finance the costs of acquiring and constructing a planned 55 unit multifamily rental housing facility to be located at 1105 6th Avenue South in Lake Worth. These units will be rented to qualified persons and families as required by Section 142(d) of the Internal Revenue Code of 1986, as amended. The Developer is Realtex Development Corporation Southeast and Community Land Trust of Palm Beach County. Greenberg Traurig is Bond Counsel to the Authority with respect to the Bonds. The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** (HFA of PBC) District 7 (PFK)

5. REGULAR AGENDA

D. ENGINEERING & PUBLIC WORKS

1. Staff requests Board direction: regarding an exception to the Board of County Commissioners' (Board) policy concerning the installation of asphalt speed humps on two thoroughfare roads - Coconut Lane between Military Trail and Barwick Road and on Barwick Road north of Lake Worth Drainage District (LWDD) L-30 Canal. **SUMMARY:** Coconut Lane between Military Trail and Barwick Road and Barwick Road between LWDD L-30 Canal and Coconut Lane are two lane collector roads currently posted at 30 mph. They are shown on the Thoroughfare Right-of-Way Identification Map. The District 4 Commissioner has requested that a waiver be given from the current policy which prohibits speed humps from being installed on thoroughfare roadways. All other criteria for the installation of speed humps (traffic counts, greater than 50% of traffic exceeding the speed limit) are met. Funding for these humps will be provided through the existing traffic calming program. It is anticipated to install up to five humps at a total estimated cost of \$15,000. District 4 (MRE)

2. REVISED TITLE & SUMMARY: Staff recommends motion to:
 - A) adopt** a Resolution to authorize the County Administrator or his designee as the clerk to the local hearing officers for red light camera violation appeals;

 - B) approve** an administrative fee in the amount of \$70 for red light camera violation appeals; and

 - C) approve** the Fifth Amendment to the red light violation camera and citation system contract, No. 09-015/LJ (Contract), with American Traffic Solutions dated July 21, 2009, R2009-1133, extending the contract and amending it to conform to the requirements of Laws of Florida 2013-160, and Ordinance 2013-016.

SUMMARY: Approval of the Fifth Amendment will extend the contract for the last one year term. Adoption of the Resolution will name the County Administrator or his designee as the clerk to the local hearing officers for Red Light Camera Violation Appeals. Approval of the administrative fee will allow the local hearing officer for red light camera violations appeals to assess an administrative fee ~~not to exceed~~ of \$70, when the violation is upheld. The amendment to the Contract will extend it for the second and last one year period. The amendment also addresses changes in the appeals process required by Laws of Florida 2013-160. Countywide (MRE)

5. REGULAR AGENDA

E. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **REVISED MOTION/TITLE:** Staff recommends motion to approve:

A) authorize the Mayor to sign a Cooperation Agreement (CA) with the United States of America for the rehabilitation of the Delray Beach Segment of the Palm Beach County, Florida Shore Protection Project (DBS) in substantial conformance with Attachment 1 to the Agenda Item;

B) authorize the Mayor to sign a Cooperation Agreement (CA) with the United States of America for the rehabilitation of the Jupiter Carlin Segment of the Palm Beach County, Florida Shore Protection Project (JCS) in substantial conformance with Attachment 2 to the Agenda Item;

C) authorize the Mayor to sign a Project Partnership Agreement (PPA) with the Department of the Army (DoA) for the remaining authorized period of periodic nourishment of the DBS in substantial conformance with Attachment 3 to the Agenda Item;

D) approve an Interlocal Agreement with the City of Delray Beach (CITY) for the construction of the beach nourishment project through June 1, 2023;

E) approve a Budget Transfer in the amount of \$2,000,000 from the General Fund Contingency Reserves to the Beach Improvement Fund for the County's required projected contribution of the 2013-14 DBS construction costs; and

F) approve a Budget Amendment in the Beach Improvement Fund of \$2,000,000 to recognize the transfer.

SUMMARY: Hurricane Sandy impacted the Palm Beach County coastline on October 29, 2012, causing substantial damage to the federally authorized Jupiter Carlin and Delray Beach Shore Protection projects. Rehabilitation funding appropriated by Congress allows the Corps of Engineers (COE) to replace sand lost during the storm at 100% cost to the federal government, which is estimated to be \$4 million for the JCS and \$1.7 million for the DBS. The CAs set the terms and responsibilities of both the COE and the County. The PPA for the DBS allows for the remainder of the design beach fill template to be filled by the COE at a cost share of 56% Federal, 44% non-Federal share. Sufficient funding for the Federal share, estimated to be \$2.53 million, has been authorized for this work by Congress. The estimated non-Federal share is \$2 million, of which \$1 million is anticipated to be eligible for reimbursement by the State. A letter sent by the DoA with additional information was received on April 26, 2013. The Interlocal Agreement with the CITY allows for cooperative management of the local responsibilities associated with the project. Districts 1 & 4 (JM)

F. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** a Lease between the South Florida Water Management District (SFWMD), Palm Beach County and Roth Farms. **SUMMARY:** The County and SFWMD own adjacent parcels of land at 20 Mile Bend totaling 114.57 acres that were leased by Roth Farms until February 25, 2013, when the lease expired. Roth Farms has farmed the property since before the County's acquisition of the property in 2007. On December 20, 2012, SFWMD issued a Request for Bid (RFB) to lease both parcels for a period of one year. It was in the best interest of the County to participate in SFWMD's RFB process such that a single larger parcel could be offered for lease. Roth was the sole bidder and bid \$25,778.25 (\$225/acre). On May 6, 2013, SFWMD approved this Lease. The term is retroactive to February 26, 2013, and will expire on February 25, 2014. Upon approval by the County, Roth's payment of \$25,778.25 to SFWMD will be deposited and, as this revenue is shared on a pro rata basis between SFWMD (33.92%) and the County (66.08%), SFWMD will then forward the County \$17,034.27. (PREM) District 6 (HJF)

5. REGULAR AGENDA

F. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** a License Agreement with the City of Belle Glade (City) which grants the City the right to schedule and issue permits for the use of the Belle Glade Civic Center (Civic Center) which is located within the Palm Beach County Branch Library (Library). **SUMMARY:** On May 26, 2010, the Board approved an Interlocal Agreement (R2010-0813) (Interlocal Agreement) with the City requiring the County to construct a single facility housing both the Library and the Civic Center (together the Combined Community Facility). The Combined Community Facility is complete and the Civic Center is ready for use subject to approval of the License Agreement. The License Agreement sets forth the duties and responsibilities of the City and County relative to scheduling and processing applications for permits to use the Civic Center. Pursuant to this License Agreement, the City will be responsible for intaking, processing, approving, scheduling and calendaring the applications for permits to use the Civic Center. The County can pre-schedule the Civic Center for Library uses four or more months in advance and can schedule additional uses on an as available basis. The City will be able to schedule and permit meetings, lectures and community programming (collectively Meetings) which do not involve food and beverage and are held during Library business hours without County review. The City may also schedule the Civic Center for private uses such as weddings, baby showers, birthdays and dances (collectively Events); however, no Meeting or Event shall conflict with the quiet enjoyment, operation and use of the Library. In order to ensure that Events do not conflict with Library operations and use, the County will review all Event permit applications and determine the appropriate special conditions to further define the limits of the use, custodial and security requirements and the costs related to such use. The special conditions will be attached without modification to the City issued permit. The City will be responsible for having an employee on-site during all Events to ensure compliance with the conditions of the permit, the Facility Rules and Use Policy and to perform various responsibilities related to safety and security. Alcohol will be permitted only at Events held after Library hours. There are no County fees for Meetings scheduled by the City. Events scheduled by City will be subject to a County administrative processing fee as well as the costs for custodial and/or security made necessary as a result of the Event (County Fees). The City will collect the County Fees and will remit those County Fees no less frequently than quarterly. The City's failure to collect or remit the required fees, failure to enforce or require special conditions relating to security, or failure to comply with representative responsibilities relating to security, may result in suspension of the License Agreement. In the event of a license suspension, County will assume the scheduling and will permit uses that are consistent with the License Agreement. City will also assess and collect City fees for administrative processing, facility use and the on-site City staff. A refundable deposit is also required. (FDO Admin) Countywide (MJ)

5. REGULAR AGENDA

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to authorize:

A) Staff to submit proposed millage rates for the FY 2014 budget to the Property Appraiser as follows:

	RollBack		Proposed		Over/(Under) Rollback	
	Millage	Taxes	Millage	Taxes	Amount	Percent
Countywide Non-Voted	4.6331	\$603,768,103	4.7815	\$623,107,031	\$19,338,928	3.20%
Library	0.5343	37,672,450	0.5491	38,715,969	1,043,519	2.77%
Fire Rescue MSTU	3.3649	178,069,344	3.4581	183,001,456	4,932,112	2.77%
Jupiter Fire Rescue MSTU	2.0785	15,641,095	2.0787	15,642,600	1,505	0.01%
Aggregate-Excluding Voted Debt	6.4720	\$835,150,992	6.6029	\$860,467,056	\$25,316,064	2.02%
Countywide Voted-Debt	NA	NA	0.2037	\$26,563,421		
Countywide Library Voted-Debt	NA	NA	0.0574	\$4,047,162		

B) Staff to submit to the Property Appraiser public hearing dates of Monday, September 9 at 6 p.m. and Monday, September 23 at 6 p.m. in the Commission Chambers, 6th floor of the Governmental Center for FY 2014;

C) Administrative adjustments to establish funding in the FY 2014 budget for capital projects approved and established in the current fiscal year. These projects were approved in the current fiscal year (FY 2013) after the preparation of the proposed budget and are therefore not currently included in the FY 2014 budget. These adjustments will have no impact on proposed ad valorem taxes and will be incorporated into the tentative budget to be presented at the first public hearing; and

D) Administrative adjustments to establish funding in the FY 2014 budget for designated fund balances for contingency and other projects and carryover for encumbrances. These balances and encumbrances were approved in the current fiscal year (FY 2013) after the preparation of the proposed budget and are therefore not currently included in the FY 2014 budget. These adjustments will have no impact on proposed ad valorem taxes and will be incorporated into the tentative budget to be presented at the first public hearing.

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

5. REGULAR AGENDA

H. PALM TRAN

TIME CERTAIN 2:00 P.M.

1. Staff:

A) recommends motion to deny a request by Metro Mobility Management Group, LLC (MMMG) to extend the vehicle mileage limit from 250,000 to 300,000 miles;

B) recommends motion to deny a request by MMMG to increase dedicated service percentage from 70% to 75%;

C) requests Board direction regarding: 1) Continuation of the current Contract with MMMG provided full compliance is achieved and maintained; or 2) Termination of the Contract with MMMG in part for failure to perform; or 3) Termination of the Contract with MMMG in whole for failure to perform; and 4) Assessment of liquidated damages.

SUMMARY: On June 26, 2012, the Board of County Commissioners (BCC) approved a Contract (R2012-0934) with Metro Mobility Management Group, LLC (MMMG) for the provision of paratransit services for a term of five years in the amount of \$90,246,070.12. On April 23, 2013, the BCC discussed MMMG's performance failures under the Contract. MMMG was encouraged to have the automatic vehicle location system (AVL) system fully implemented by July 16, 2013 to enable the BCC to better evaluate complaints regarding on-time performance and consider MMMG's status. The BCC postponed a decision on the assessment of liquidated damages. Additionally, the BCC approved modifications to a proposed Amendment to the Contract, which primarily relates to Palm Tran Connection doing 100% of the scheduling. The parties have been unable to agree upon the terms of this Agreement. Since the April 23, 2013 BCC meeting, MMMG has implemented the AVL system, achieved 43% DBE participation, and has brought both the on-time performance and complaint ratios to within the contract requirements. However, MMMG has failed to meet Contract requirements for their vehicle breakdown ratio, accident ratio, maintenance requirements, mileage compliance, and liquidated damages. MMMG has requested that the mileage limit on vehicles be increased from 250,000 to 300,000, which Staff does not support as it has potential negative ramifications on customer safety and is not consistent with the original solicitation. Additionally, MMMG has requested that the dedicated service route percentage be increased from the current rate of 70% to 75%.

Staff does not support this request as it has negative budget impacts of approximately \$6.2 Million over the remainder of the five year Contract. The Contract has a maximum liquidated damage limit of \$100,000 over any 12 month period. MMMG's accumulated liquidated damages through the first ten months (May 2013) of the Contract are \$2,208,525. At the April 23, 2013 BCC meeting, the total liquidated damages through February 2013, was \$1,413,537. Staff recommended waiving \$951,607 of this amount. Due to the fact that MMMG is in default under the Contract with respect to liquidated damage limits, vehicle accident ratio, breakdown ratio, maintenance, spare ratio, mileage and age, Staff is seeking Board direction regarding termination in part for failure to perform, termination in whole for failure to perform, or continuation of the current Contract provided full compliance is achieved and maintained. Countywide (DR)

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JULY 16, 2013

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

JULY 16, 2013

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JULY 16, 2013

8. COMMISSIONER COMMENTS

A. District 1 – COMMISSIONER HAL R. VALECHE

B. District 2 – COMMISSIONER PAULETTE BURDICK

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 – COMMISSIONER STEVEN L. ABRAMS, MAYOR

E. District 5 - COMMISSIONER MARY LOU BERGER

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

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

9. ADJOURNMENT

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