

August 27, 2013 – 9:30 a.m.
FINAL

BOARD OF COUNTY COMMISSIONERS

**BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

ADDITIONS, DELETIONS, & SUBSTITUTIONS

AUGUST 27, 2013

PAGE ITEM

NONE

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

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

AUGUST 27, 2013

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

COMMISSION CHAMBERS

1. CALL TO ORDER

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance

2. AGENDA APPROVAL

- A. Additions, Deletions, Substitutions
- B. Adoption

3. REGULAR AGENDA

WORKSHOP SESSION

- 4. 9:30 A.M.** **Staff recommends motion to receive and file:** the Scripps Florida Annual Report for Year Ending June 30, 2012. **SUMMARY:** The Board of County Commissioners directed Staff to provide a comprehensive update on the status of the County's Grant Agreement with The Scripps Research Institute. This Workshop presentation will focus on the County and Scripps' obligations under the Grant Agreement, Scripps Phase II – Briger, and the Scripps 2012 Annual Report. Countywide (HF)
- 5. 10:30 A.M.** **Staff recommends approval to negotiate:** with Broward County for the South County Regional Reclaimed Water project. **SUMMARY:** Since 1996 Water Utility's Southern Region Reclaimed Water Facility has been providing irrigation quality water to golf courses and Home Owner Associations. Water Utilities Department's (WUD) Reclaimed Water System is currently at full capacity, 22 MGD, and cannot serve reclaimed water south of Clint Moore Road, an area of many golf courses and high demand. Broward County must meet legislative requirements to recycle 60 percent of its highly treated wastewater in order to avoid very expensive advanced waste treatment by 2018. Further they must eliminate ocean discharge by 2025. They have proposed a regional partnership with the County that would allow the County to serve that area south of Clint Moore Road. Should the BCC give direction to proceed with contract negotiations, WUD anticipates being able to bring a finished agreement back for Board consideration this year. Use of reclaimed water benefits the environment by replacing ground water or surface water from the natural system thus saving large quantities of water for public supply or environmental restoration. In 2012, Palm Beach County reused over 6.2 billion gallons of wastewater by serving nine golf courses and 26 residential developments. District 5 (MJ)
- 6. ADJOURNMENT**

3. REGULAR AGENDA

A. CLERK AND COMPTROLLER

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

B. ADMINISTRATION

1. **Staff recommends motion to:**

A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, recommending approval of Project Gas, a company authorized to do business in the State of Florida, as a Qualified Target Industry (QTI) business pursuant to s. 288.108, Florida Statutes; providing for local financial support for the Qualified Target Industry Tax Program not to exceed \$218,000;

B) conceptually approve an Economic Development Incentive in the amount of \$218,000 in the form of a Job Growth Incentive Grant for Project Gas;

C) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, recommending approval of Project Gas, a company authorized to do business in the State of Florida, as a Qualified Target Industry (QTI) business pursuant to s. 288.108, Florida Statutes; providing for local financial support for the Qualified Target Industry Tax in the form of an Ad Valorem Tax Exemption in an amount not to exceed \$800,000;

D) conceptually approve an Economic Development Incentive in the amount of \$800,000 in the form of an Ad Valorem Tax Exemption (AVTE); and

E) approve a waiver of a prohibited conflict of interest under the County's Agreement with the Business Development Board.

SUMMARY: Project Gas is a wholly-owned subsidiary of an international company that specializes in the production of clean energy. It currently has a leased facility in Palm Beach County that serves as the headquarters for the subsidiary. Project Gas is expanding and is considering Jupiter, Florida, Tennessee and Virginia for the location of its expanded facilities. The company is evaluating two expansion options for the Jupiter location. Project Gas has requested that the County provide conceptual approval of both options so that the parties will be in a position to enter into a formal agreement quickly once a decision has been made. **Although two Resolutions are presented here for approval, only one will be utilized and the other one will be rescinded after the company makes its selection.** The first option, which would be completed by 2016, will consist of the construction of 137,000 sq. ft. of new development, and a 180,000 sq. ft. renovation of an existing building to accommodate additional office, R&D, and warehouse space. Option 1 will create 120 permanent full-time jobs within three years with an average annualized wage of \$69,000, excluding benefits, and will retain 372 employees for five years. The new jobs will also be maintained for five years.

AUGUST 27, 2013

3. REGULAR AGENDA

B. ADMINISTRATION (CONT'D)

1. SUMMARY CONTINUED

The first option would result in a capital investment of \$31 Million with a five-year economic impact of \$617 Million. If Project Gas proceeds with the first option, the State will contribute \$2.5 Million, and Palm Beach County and the Town of Jupiter will each contribute \$218,000. The County's contribution will be in the form of a JGI grant. If the County provides a JGI Grant, the grant will be secured by a Letter of Credit, Bond, or Corporate Guaranty. The second option, which would be completed by 2020, includes the construction of a 360,000 sq. ft. new facility including office, R&D and warehouse space, the creation of 330 permanent full-time jobs within seven years with an average annualized wage of \$69,000, excluding benefits, and will retain 372 employees for five years. The new jobs will also be maintained for five years. The second option would result in a capital investment of \$65 Million with a five-year economic impact of \$642 Million. If Project Gas proceeds with the second option, the State will contribute \$6.3 Million, Palm Beach County will contribute \$800,000 in the form of an Ad Valorem Tax Exemption and the Town of Jupiter will contribute \$464,000. Prior to receipt of the Ad Valorem Tax Exemption, the company must file an application with the Property Appraiser's office for its determination that the project meets the requirements under Florida Statute 196.012 for an Ad Valorem Tax Exemption. If the project meets the requirements, an ordinance granting the exemption will be presented to the Board of County Commissioners (BCC) as required by State statute. The company will be required to enter into a formal agreement approved by the BCC memorializing their commitments and establishing criteria for funding distribution. At such time, the company name will be disclosed. Project Gas applied for incentives through the Business Development Board of Palm Beach County (BDB). In its contract with Palm Beach County, the BDB represented that it did not have any interest, direct or indirect, which would conflict in any manner with its performance of services under the contract, and that no person having such conflict of interest would be employed for the performance of those services. The BDB stated that no person who exercised any functions or responsibilities in connection with the BDB's services for the County would have any personal financial interest, direct or indirect, in the activities provided under the contract. The BDB agreed to notify the County of all potential conflicts of interest which might influence or appear to influence the BDB's judgment or quality of services so the County could determine whether the circumstance constituted a conflict of interest. In connection with the Project Gas negotiations, the BDB disclosed that it has a staff member who has a family relationship with the company. Steps were taken then to ensure that the employee was not involved in the Project Gas negotiations. As there could be a perceived conflict of interest between the BDB employee's relationship with Project Gas and approval by the County of an agreement with the company, Staff is requesting a waiver of the relationship by the Board. **Funding from the JGI Grant for Scenario one will come from General Fund Contingency Reserves.** District 1 (DW)

3. REGULAR AGENDA

C. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve:

A) a Satisfaction of Mortgage and Notice of the Survival of Certain Covenants and Conditions (Satisfaction of Mortgage) to Golden Lake Housing Associates, Ltd. (GLHA) in exchange for the receipt of \$277,893.30; and

B) Delegation of authority to the County Administrator, or his designee, to execute a Subordination Agreement with Centerline Mortgage Capital, Inc. and Woodlake Preservation, LP (WP) in an amount not to exceed \$16.15 Million.

SUMMARY: On December 17, 1996, the County entered into a HOME Rental Program Assistance and Loan Agreement (Agreement) to provide a \$214,100 cash flow dependant loan to GLHA towards the development of a 224 unit project known as Wood Lake Apartments. These funds were provided under the HOME Investment Partnerships (HOME) Program and were secured by a Mortgage and Security Agreement (Mortgage) and a Promissory Note (Note). WP intends to purchase the property from GLHA with financing from Centerline Mortgage Capital, Inc., who intends to take a first mortgage lien on the property. The County will receive full payment of principal and interest from the proceeds of the sale. The \$277,893.30 payoff is based on a closing date of September 10, 2013, and is subject to adjustment should the closing date change. With issuance of the Satisfaction of Mortgage, the Mortgage, the Note, and certain sections of the recorded Agreement relating to the debt, will be voided. Other sections of the Agreement, including the HOME Program affordability requirements, will survive and continue as a lien on the property. The Subordination Agreement will subordinate the County's lien of the recorded Agreement to that of the new first mortgage to be held by Centerline Mortgage Capital, Inc. Delegation of authority to the County Administrator, or his designee, to execute the Subordination Agreement is being provided since the final amount of the new first mortgage to be inserted into this document (not to exceed \$16.15 Million) has not yet been determined and to allow for any final revisions of the document in preparation for the closing. All further changes to the Subordination Agreement shall be subject to approval by the County Attorney's Office. **These are Federal HOME Program grant funds.** (DES Contract Development) District 2 (TKF)

3. REGULAR AGENDA

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve Contract with West Construction, Inc. in the amount of \$793,197.38 for the construction of the C-18 Canal FM#427654.2-58-01/68-01 (Pântano Trail) Project No. 2013ERM02 in the Northeast Everglades Natural Area (NENA) for a period of two hundred and twenty (220) calendar days; and

B) authorize the Mayor of the Board of County Commissioners to execute the Contract after the County receives State of Florida Department of Transportation (FDOT) Contract approval.

SUMMARY: This project includes a 10 foot wide bicycle/pedestrian path with amenities connecting Loxahatchee Slough Natural Area to Riverbend Park and the Jupiter Farms neighborhood, a distance of 5.6 miles, using South Florida Water Management District canal levees. Eight bids were received for this project. West Construction, Inc., a Palm Beach County company, was the lowest responsive, responsible bidder. Since this project is funded by FDOT, there was no Small Business Enterprise (SBE) requirement. FDOT's Disadvantaged Business Enterprise (DBE) program goal is 8.6%. FDOT will fund up to \$750,000 of this project (R2013-0469). The County's share of this project is \$200,000 from the Environmental Restoration Program: \$43,198 for the Contract, \$79,320 for 10% contingency, and \$77,482 for construction engineering & inspection (CEI). District 1 (JM)

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