

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MAY 20, 2014

<u>PAGE</u>	<u>ITEM</u>	
10	3H-3	<u>DELETED:</u> Staff recommends motion to approve: Amendment No. 5 to two Job Order Contracts (JOC):...(FDO) (Moved to June 3, 2014)
10	3H-4	<u>MOVED TO THE REGULAR AGENDA; NOW 5A-5:</u> Staff recommends motion to: A) adopt a Resolution authorizing the conveyance of the County's interest in 0.13 acres of surplus property to the City of South Bay without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 197.592(3); and...(FDO)
22	4G	<u>REVISED TITLE:</u> Staff recommends motion to: 1) conduct a Tax Equity & Fiscal Responsibility Act (TEFRA) Public Hearing concerning the issuance by the County not to exceed \$6,000,000 of Tax-Exempt Adjustable Mode Revenue Bonds (The King's Academy, Inc. Project), Series 2014 (the Bonds) in one or more series of tax exempt and taxable bonds, which will fund a loan to The King's Academy, Inc. (the Borrower), a Florida not-for-profit corporation which is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986; and 2) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida authorizing the issuance of the Tax-Exempt Adjustable Mode Revenue Bonds (the King's Academy, Inc. Project), Series 2014, in an aggregate principal amount not exceeding \$6,600,000 <u>\$6,000,000</u> , for the purpose of making a loan of funds to the King's Academy, Inc. in order to finance and refinance the acquisition, construction and equipping of educational facilities; providing that such revenue bonds shall not constitute a debt, liability or obligation of Palm Beach County, Florida or the State of Florida or any political subdivision thereof, but shall be payable solely from the revenues herein provided; approving and authorizing the execution and delivery of a Loan Agreement with the King's Academy, Inc. to provide security for such bonds, and for other matters therein provided; approving and authorizing the execution and delivery of an Indenture of Trust; approving and authorizing the execution and delivery of certain other documents required in connection with the foregoing; and providing certain other details in connection therewith. (DES)

REVISED TITLE & SUMMARY: ~~Staff recommends motion to approve: the following four one-time purchases off of two piggyback contracts under the Florida Department of Transportation's Transit Research Inspection Procurement Services Program (TRIPS) for 231 vehicles for Palm Tran Connection:~~

A) Creative Bus Sales, Inc. (TRIPS-11-CA-TP) in the not to exceed amount of \$6,500,000;

B) Getaway Bus, LLC (TRIPS-11-CA-GB) in the not to exceed amount of \$6,100,000;

C) ~~Alliance Bus Group, Inc. d/b/a~~ First Class Coach Sales, LLC ~~d/b/a Alliance Bus Group, Inc.~~ (TRIPS-11-CA-FCCSC) in the not to exceed amount of \$2,600,000; and

D) Florida Transportation Systems, Inc. (TRIPS-13-MV-FTS) in the not to exceed amount of \$2,000,000.

SUMMARY: At the January 28, 2014 meeting, the Board of County Commissioners (BCC) approved a new service delivery model, which has the County purchasing all new Palm Tran Connection vehicles for use by the three (3) new paratransit service providers to be selected under the new Request for Proposals issued May 1, 2014. The BCC also approved the ability to piggyback off of two the existing ~~State of Florida Department of Transportation's Transit Research Inspection Procurement Services (TRIPS) TRIPS Contracts~~. ~~This~~ These Contracts currently has have three approved vendors that can supply 191 standard cutaway vehicles and one approved vendor that can supply 40 minivans. ~~Accordingly,~~ Staff convened a Selection Committee on May 8, 2014, to select three vendors to supply 191 vehicles. The Selection Committee ranked Creative Bus Sales, Inc. No. 1 with 91.95 points, ~~Gateway~~ Getaway Bus, LLC No. 2 with 91.50 points and ~~Alliance Bus Group, Inc. d/b/a~~ First Class Coach Sales, LLC d/b/a Alliance Bus Group, Inc. No. 3 with 90.30 points. The selection of three separate vendors assists with ensuring that the vehicles will be delivered before the new providers start service delivery on February 1, 2015. It is Staff's goal to have all vehicles delivered by December 1, 2014. Of the 191 vehicles, 50 will operate with propane to maximize fuel cost savings and the remaining 141 vehicles will be equipped with the propane prep kit that will allow the County to convert to propane in the future should the anticipated fuel cost savings be realized. The remaining 40 vehicles will be wheelchair equipped minivans. The County decided to purchase the minivans from Florida Transportation Systems, Inc. who is the highest ranked vendor under the TRIPS-13-MV-RFP. A selection process was not required for these vehicles due to the fact that there is only one approved vendor, Florida Transportation Systems, Inc. on the TRIPS contract. Countywide (DR/DW) (Palm Tran)

ADD-ON: **Staff recommends motion to approve:** an Employment Contract with John A. Carey, chosen by the Inspector General (IG) Committee to become Palm Beach County's Inspector General. **SUMMARY:** The Chair of the Palm Beach County Commission on Ethics, with the assistance of the County Attorney and County Administration, has negotiated a four year Employment Contract with John A. Carey. The Employment Contract provides for a four year term beginning June 23, 2014, a starting salary of \$175,000 per year, an automobile allowance, and includes benefits similar to those provided to all County employees. In accordance with Ordinance 2011-009, the Employment Contract is hereby presented for approval by a majority of the Board of County Commissioners. Countywide (DO) (Admin/County Attorney)

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**

MAY 20, 2014

**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 6 - 19)**
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 20 - 23)**
- 5. REGULAR AGENDA (Pages 24 - 29)**
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3B-4 Change orders, work task orders, minor contracts, final payments, etc.

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** reappointment of one individual to the Health Council of Southeast Florida, Inc. for a two year term commencing May 20, 2014:

<u>Reappoint</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Recommended By</u>
Marnie R. Poncy	9	Health Care Purchaser	Mayor Taylor Vice Mayor Burdick Comm. Valeche Comm. Abrams

SUMMARY: The Health Council of Southeast Florida, Inc. (Council) is a not-for-profit corporation established pursuant to Section 408.033, Florida Statutes, for the purpose of providing and coordinating health planning activities within Palm Beach, Martin, St. Lucie, Indian River and Okeechobee Counties. The Council consists of twelve members: six representatives for Palm Beach County; two members appointed by Martin County; two members appointed by St. Lucie County; one member appointed by Indian River County; and one member appointed by Okeechobee County. The appointees must be representatives of health care providers, health care purchasers, and non-governmental health care consumers, not to exclude elected government officials. Ms. Poncy is eligible for reappointment and has expressed a desire to continue to serve. A memo dated April 24, 2014, was circulated to the Board of County Commissioners requesting support of Ms. Poncy’s reappointment or requesting additional nominations. No additional nominations were received. Countywide (TKF)

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>
Zoning	March 27, 2014
Regular	April 1, 2014
Environmental Control Board	April 1, 2014
Retreat	April 4, 2014

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 December 2013. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: a Contract with Gomez and Son Fence Corp. (Gomez) in the amount of \$638,855 for the construction of the Southwest 18th Street & the Palmetto Park Road pedestrian cages over the Turnpike (Project). **SUMMARY:** Approval of this Contract will allow Palm Beach County to issue a notice to proceed to Gomez, a Miami Dade company, to begin construction of the Project. The Palm Beach County Small Business Enterprise (SBE) goal for all projects is 15% overall. The SBE participation proposed for the Project by Gomez is 0% and failed to meet the 15% SBE goal for the Project. The second low bidder, West Construction, Inc. also failed to meet the 15% SBE goal and their bid falls outside the range for ranking of responsive bidder's consideration. Districts 4 & 5 (MRE)

2. Staff recommends motion to adopt: a Resolution to abandon a portion of that certain 10 foot wide utility easement recorded in Official Records Book 24147, Page 1380, also being a parcel of land lying within a portion of Tract "A," Amestoy Plat Two – 14 Acre Parcel, according to the plat thereof, as recorded in Plat Book 115, Page 156 through 159 and a portion of Tracts 106 and 107, Block 51, Palm Beach Farms Co. Plat No. 3 as recorded in Plat Book 2, Pages 45 through 54, all of the Public Records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will allow Boynton School Property, LLC, and Boynton Beach Associates XXII, LLLP (owners), to vacate this easement to clear the land of this encumbrance to meet the requirement to dedicate right-of-way for a turn lane. The petition site is located on the north side of Boynton Beach Boulevard, west of Lyons Road. District 5 (MRE)

3. Staff recommends motion to adopt: a Resolution to approve a Memorandum of Agreement (Agreement) with the Florida Department of Transportation (FDOT) for Palm Beach County (County) to assume maintenance of the Adaptive Traffic Control System (ATCS) deployed by FDOT. **SUMMARY:** Approval of the Agreement will allow FDOT to proceed with the ATCS deployments in County. As per the Agreement, FDOT will oversee the design, installation and integration of the ATCS deployments on Okeechobee Boulevard from Tamarind Avenue to Flagler Drive and on Northlake Boulevard from Military Trail to Federal Highway. Once deployed, it will be the responsibility of the County to assume the maintenance of ATCS and its components. The costs of maintaining ATCS processor units, system software, the vehicle detection system, and other ancillary components are anticipated to be about \$100,000 per year. Districts 1 & 7 (MRE)

4. Staff recommends motion to adopt: a Resolution to approve Amendment Number Three to the Joint Participation Agreement R2009-0823 (JPA), with the Florida Department of Transportation (FDOT), for the operation and maintenance of the Traffic Management Center (TMC) at the Vista Center Intelligent Transportation System Facility. **SUMMARY:** Adoption of this Resolution and approval of Amendment Number Three to the JPA will allow the FDOT to have access to their unspent funds for FY 2009/2010 through FY 2011/2012 (\$222,342.75). The Board of County Commissioners approved the JPA with FDOT on June 27, 2009, which established a process of sharing the expenses of operating and maintaining certain equipment in the TMC. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to:

A) approve Amendment No. 3 to Ryan White Part A HIV Health Support Services contract with FoundCare Inc. (R2013-0523), for the period March 1, 2013, through February 28, 2014, changing the reimbursement methodology for oral health care to allow for direct cost reimbursement. The total not to exceed amount of the contract remains \$1,074,573; and

B) receive and file Amendment No. 1 to Ryan White Part A HIV Health Support Services contract with the Health Care District of Palm Beach County (R2013-0525), for the period March 1, 2013, through February 28, 2014, increasing funding by \$25,000 for a new total not to exceed amount of \$399,345.

SUMMARY: The FoundCare, Inc. reimbursement methodology will allow for direct cost reimbursement for a new dental clinic. Ryan White HIV Health Support service dollars are reviewed throughout the contract year and reallocated to best meet the needs of affected clients. The Health Care District of Palm Beach County amendment is reallocated dollars from unspent funds. These funds will allow our system of care to provide additional medical services to Palm Beach County residents living with HIV/AIDS. No County match funds are required. The receive and file item is being submitted in accordance with Countywide PPM No. CW-O-051 to allow the Clerk's Office to note and receive this item. Amendment was executed by the County Administrator in accordance with Resolution R2013-0519, which delegated authority to the County Administrator, or his designee, to sign contract amendments related to the Ryan White Part A HIV Emergency Relief Grant. (Ryan White) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to approve: Change Order No. 2 to Task M-3: Interior Signage Improvements at Palm Beach International Airport (PBIA) of the contract with The Morganti Group, Inc. for a time extension of 86 calendar days and no increase in cost. **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. Task M-3: Interior Signage Improvements at PBIA in the amount of \$97,240 was approved by the Department on June 24, 2013. Change Order No. 1 in the amount of \$1,483 approved by the Contract Review Committee on December 18, 2013 extended the contract time by 90 calendar days. Approval of Change Order No. 2 will extend the time an additional 86 calendar days due to permitting issues. There is no increase in cost. Pursuant to PPM CW-F-50, this Change Order is being brought to the Board for approval due to the cumulative time extension exceeding the limit of 120 calendar days. The Disadvantaged Business Enterprise (DBE) goal for this contract is 13%. The DBE participation for this Change Order is 0%. The anticipated DBE participation for this contract is 25%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 2 to the contracts for mechanical, electrical, plumbing (MEP) engineering and heating, ventilation and air conditioning (HVAC) consulting services on a continuing contract basis:

A) Gartek Engineering Corporation (R2011-0895); and

B) Johnson, Levinson, Ragan, Davila, Inc. (R2011-0850).

SUMMARY: Amendment No. 2 extends the term of two contracts for professional consulting services for MEP/HVAC services for one year. The Board approved annual contracts on June 21, 2011. The original Contracts provided for an initial two year term with two one-year renewal options. Amendment No. 2 will provide services during the second renewal period. Gartek Engineering Corporation and Johnson, Levinson, Ragan, Davila, Inc. (JLRD) are SBE firms. During the first two years of these contracts, Gartek Engineering Corporation has achieved 96% SBE participation, and JLRD has achieved 75%. The Small Business Enterprise (SBE) goal for Gartek Engineering Corporation is 98% and JLRD is 15%. Both of these firms are local. (Capital Improvements Division) Countywide (JM)

2. Staff recommends motion to approve: Change Order No. 6 to the contract with Hedrick Brothers Construction Co., Inc. (R2007-1506) decreasing the Guaranteed Maximum Price (GMP) for the Main Detention Center (MDC) and Sheriff's Office Headquarters Electrical Infrastructure/Emergency Power Renewal/Replacement project in the amount of \$170,178.43. **SUMMARY:** On June 5, 2012, the Board approved Amendment No. 13 to the contract with Hedrick Brothers (R2012-0828) in the amount of \$2,014,476 for early site work and procurement of the generators and switchgear. On October 2, 2012, the Board approved Amendment No. 14 (R2012-1391) in the amount of \$3,071,085 for replacement of existing generators and electrical switchgear as well as the addition of a one story building and renovation to existing central energy plant to facilitate the replacement of the generators. There is \$170,178.43 remaining as a result of buyout savings, unused allowances, unused owner contingency and reconciliation of sales tax recovery purchase orders. This work was funded through Public Building Improvement Fund and funds will be returned to the project budget. The Small Business Enterprise (SBE) goal for this contract is 15% and the final SBE participation is 37%. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. ~~**DELETED: Staff recommends motion to approve:** Amendment No. 5 to two Job Order Contracts (JOC):~~

~~**A)** All Site Construction, Inc. (R2010-0751), North, SBE/Local, 77% SBE participation to date; and~~

~~**B)** Robling Architecture Construction, Inc. (R2010-0802), South, SBE/Local, 55% SBE participation to date.~~

SUMMARY: Amendment No. 5 extends the term of two Job Order Contracts (JOC) for one year. The contractors will continue to perform as an annual general contractor for implementation of maintenance and capital projects. The Job Order Contract is an indefinite-quantity, fixed unit price contract. The Board approved annual contracts on May 18, 2010, which provided for an initial one year term with four one-year renewal options. Amendment No. 5 provides for services during the fourth and final renewal period with no increase in the maximum cumulative capacity. Pursuant to the terms and conditions of the JOC Contract to account for escalation, the contractor's initial adjustment factors from May 18, 2010 will be modified by 1.1129%. The Small Business Enterprise (SBE) goal established for this contract is 15% participation. The total cumulative SBE participation to date is 39.7%. (Capital Improvements Division) Countywide (JM)

4. **MOVED TO THE REGULAR AGENDA; NOW 5A-5: Staff recommends motion to:**

A) adopt a Resolution authorizing the conveyance of the County's interest in 0.13 acres of surplus property to the City of South Bay without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 197.592(3); and

B) approve a County Deed in favor of the City of South Bay.

SUMMARY: The City of South Bay has requested the conveyance of County-owned unimproved surplus property located at 135 Northwest 11th Avenue. The 0.13 acre property was acquired in August 2012 by Tax Deed, is located within the City's municipal boundaries and has an assessed land value of \$10,000. The property is being conveyed pursuant to Florida Statutes Section 197.592(3), which requires the conveyance of surplus property acquired by Tax Deed to the municipality in which it is located. The subject property has been declared surplus and serves no present or future County purpose. The City proposes to utilize the property in their Affordable Housing Program. This conveyance will relieve the County of potential liability for occurrences on this property and also the cost of maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. **All purchases, sales and exchanges of real estate must be approved by a supermajority vote (5 Commissioners) pursuant to recent amendments to the PREM Ordinance.** (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. **Staff recommends motion to approve:** a Declaration of Easement in favor of Palm Beach County Water Utilities Department (WUD) for water lines and a fire hydrant required for the County's new Fire Rescue Station No. 74 site in the City of South Bay. **SUMMARY:** The County acquired 3.04 acres of land for Fire Station No. 74 from the City of South Bay in 2007. Construction of the new station was completed in February 2013. The Declaration of Easement provides two easement areas for WUD's water lines and appurtenant equipment serving the station. The easement areas are 20' wide and approximately 155' and 10' in length. The combined total area is approximately 3,308 sq. ft. (.076 acres). The Declaration of Easement will be recorded to provide public notice of the existence and location of the water lines and improvements. (PREM) District 6 (HJF)

6. **Staff recommends motion to approve:** Contract with Leo A. Daly Company in the amount of \$1,817,156 for professional architectural and engineering design services for the Convention Center Parking Garage project. **SUMMARY:** This Contract provides for the design of the Convention Center Parking Garage with approximately 2740 spaces. The garage project is proceeding at this time in order to coordinate with adjacent hotel construction and the loss of surface parking where the hotel will be constructed. Approval to proceed with the project as well as establishment of the design services budget (\$2,000,000) was approved by the Board at the November 19, 2013, meeting. The remainder of the project is estimated at \$58,400,000 and will be financed through a bond to be issued in early 2015 using bed taxes to pay the future debt service. The Small Business Enterprise (SBE) participation for this contract is 23.6%. Leo A. Daly Company is a Palm Beach County firm. (Capital Improvements Division) District 7 (JM)

7. **Staff recommends motion to approve:** Contract with Tercilla Courtemanche Architects, Inc. in the amount of \$538,258 for professional architectural and engineering design services for the Airport Center Building 2 Renovations project. **SUMMARY:** This project involves design of renovations to Airport Center Building 2 to accommodate the offices of the Tourist Development Council (TDC) and related agencies as well as several divisions of the Sheriff's Administrative Services including Central Records, Human Resources, Risk Management and Graphics. The costs for this contract have been allocated on a pro rata share of square footage to be utilized. The construction budget is \$11,000,000. The source of funding for this project is bed tax for TDC and ad valorem for Palm Beach County Sheriff's Office. The Small Business Enterprise (SBE) participation for this contract is 100%. Tercilla Courtemanche Architects, Inc. is a PBC firm. (Capital Improvements Division) District 2 (JM)

I. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to approve:** an Interlocal Agreement with the City of West Palm Beach (West Palm Beach) for the provision of Economic Development services. **SUMMARY:** Under this Interlocal Agreement, the County will provide services to West Palm Beach on an as needed basis, including economic development and fiscal impact analysis for projects to be undertaken in West Palm Beach. West Palm Beach will provide the County a scope of services for each project and the County will provide a good faith estimate of the cost for services to be provided. The written scope of work and the good faith estimate will be subject to approval by the County Administrator, or his designee, and West Palm Beach. This Interlocal Agreement will continue in effect until either party provides the other party written notice of termination. (DES Administration) Districts 2 & 7 (DW)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** an Interlocal Agreement (Agreement) with the City of South Bay (City) regarding payment of the Florida Department of Environmental Protection (FDEP) Loan No. WW72707P (Loan). **SUMMARY:** Palm Beach County (County) agreed to retire or assume all debt associated with the Glades Utility Authority (GUA) as part of the May 1, 2013 absorption. While utility improvements associated with the FDEP Loan were conveyed to the GUA in 2009, the obligation to repay the Loan was never transferred to the GUA. The Florida Department of Environmental Protection (FDEP) has denied the County's request to legally assume the Loan and to execute scheduled payments directly to FDEP. Therefore, in order to satisfy this outstanding debt, PBCWUD recommends that the Board of County Commissioners (BCC) approve this Agreement which authorizes a payment of \$28,068.10 to FDEP to satisfy the outstanding balance on the Loan as of May 10, 2014, and a payment of \$6,416.92 to the City for reimbursement of Loan payments after the May 1, 2013, absorption of GUA. District 6 (MJ)

2. **Staff recommends motion to approve:** Consultant Services Authorization No. 11 to the Contract with A.D.A. Engineering, Inc. (R2011-0634) for the Lyons Road 16" Reclaimed Water Main Extension Project (from Hyder P.U.D. to West Atlantic Avenue) in the amount of \$163,048.45. **SUMMARY:** On May 3, 2011, the Palm Beach County Board of County Commissioners approved the Water Utilities Department (WUD) Engineering/Professional Services Contract with A.D.A. Engineering (R2011-0634). This Consultant Services Authorization No.11 provides for the survey and engineering design for the extension of approximately 8,000 linear feet of 16" Reclaimed Water Main along Lyons Road from just north of Quiet Vista Circle (Hyder P.U.D.) to West Atlantic Avenue. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with A.D.A. Engineering, Inc. provides for SBE participation of 87% overall. This Authorization includes 68.03% overall participation. The cumulative SBE participation, including this Authorization, is 73.8% overall. A.D.A. Engineering, Inc. is a Palm Beach County company. (WUD Project No. 14-056) District 5 (JM)

3. **Staff recommends motion to approve:** One Subordination of County Utility Interests Agreement with the Florida Department of Transportation (FDOT) for the subordination of one utility easement along Military Trail and Community Drive. **SUMMARY:** The County presently has an interest in certain lands along Military Trail and Community Drive that have been determined necessary for highway purposes. This will require subordination of the County's interest to the FDOT. If necessary, the FDOT is willing to pay to have the County's facilities relocated to prevent conflict. The Water Utilities Department concurs with this request and recommends the Subordination of the Utility Easement ORB 5773, Page 930. There are no costs associated with the subordination of the easement. District 7 (MJ)

4. **DELETED**

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. **Staff recommends motion to approve:** Work Authorization (WA) No. 11 for 1501 FMR INC 6" Force Main Relocation at Florida Mango Road and Donna Road with Johnson-Davis, Inc., (R2013-0550) in the amount of \$212,486.54. **SUMMARY:** On May 7, 2013, the Palm Beach County Board of County Commissioners approved the Water Utilities Department Pipeline Continuing Construction Contract (R2013-0550) to Johnson-Davis, Inc. This Work Authorization No. 11 provides for the installation of 355-ft Force Main along Donna Rd. and installation of 480-ft along Florida Mango Rd. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Johnson-Davis, Inc. provides for SBE participation of 20.96%. This Authorization includes 19.54% overall participation. The cumulative SBE participation is 18.29% overall. Johnson-Davis, Inc. is a Palm Beach County company. This project is included in the FY 13-14 Capital Improvement plan adopted by the Board of County Commissioners. (WUD Project No. 13-087) District 2 (JM)

6. **Staff recommends motion to approve:** increase funding to the Purchase Agreement with Orica Watercare, Inc. for the Miex DOC Anion Exchange Resin for Water Treatment Plant No. 2 Miex Treatment System from \$1,900,000 to \$2,518,000 for continued deliveries for the remaining one year of a five year contract term. **SUMMARY:** On July 20, 2010, the Palm Beach County Board of County Commissioners (Board) approved the Miex DOC Anion Exchange Resin Purchase Agreement (R2010-1128) with Orica Watercare, Inc. The Miex Anion Exchange process removes the dissolved organic carbon (DOC) color compounds, reduces electrical demand and improves the water quality. Water Treatment Plant No. 2, where the Miex unit is located, has been producing more water than anticipated four years ago, as a result of its efficient operation and water quality. As a result, more resin than planned is now needed. Orica Watercare, Inc. located in Watkins, Colorado is a sole source provider of the proprietary Miex DOC Anion Exchange resin. The unit price and number of gallons required will be used in determining the cost of the Construction Delivery Orders. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. This contract with Orica Watercare, Inc. provides for SBE participation of 0%. (WUD Project No. 09-046) District 2 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve a Local Agency Program Agreement (Agreement) with the Florida Department of Transportation (FDOT) in an amount not to exceed \$607,019 for reimbursement of construction and construction engineering and inspection (CEI) costs of the Historic Jupiter-Indiantown Trail from Riverbend Park to Cypress Creek Natural Area (FM No. 425259-2-58-01/-68-01) to be completed on or before June 30, 2016;

B) approve Federal-Aid Project Funding Request in support of the LAP Agreement;

C) approve Budget Amendment of \$607,019 in the Environmental Capital Projects Fund to recognize the Agreement funding; and

D) authorize the County Administrator, or his designee, to sign all forms and necessary minor amendments that do not change the scope of work, terms or conditions of this Agreement.

SUMMARY: The Agreement will encumber \$607,019 in FDOT Transportation Alternatives funds, authorized by Section 1122 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) established in 23 U.S.C. 213, to reimburse the cost of construction and CEI of 2.1 miles of the proposed Historic Jupiter-Indiantown Trail. This project includes a twenty-foot and a ten-foot wide shellrock bicycle/pedestrian path, shade shelter, bicycle racks, safety fencing and informational signs. The path will connect Riverbend Park to the Cypress Creek Natural Area. Specific federal requirements for contract bidding and job reporting apply. No County match is required; however, the project cost estimate exceeds the \$607,019 reimbursement by \$52,337. The additional money would come from a non ad valorem portion of the Natural Areas Fund. District 1 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. [Staff recommends motion to receive and file:](#) the following original executed Sound and Light Production Services Contractor Agreements:

A) City Sound and Recording LLC; Riverdown concert, Sunset Cove Amphitheater on January 25, 2014;

B) City Sound and Recording LLC; Solid Brass concert, Seabreeze Amphitheater on February 14, 2014;

C) Blackwood Productions LLC; Big Vince and Phat Cats concert, Seabreeze Amphitheater on March 14, 2014;

D) Blackwood Productions LLC; The Avett Brothers concert, Sunset Cove Amphitheater for the period March 28, 2014, through March 29, 2014;

E) Blackwood Productions LLC; Ales for Anglers concert, Sunset Cove Amphitheater for the period March 29, 2014, through March 30, 2014; and

F) Blackwood Productions LLC; Reach FM: Reach Fest concert, Sunset Cove Amphitheater for the period April 12, 2014, through April 13, 2014.

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 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 2009-0592, amended by Resolutions 2010-0645 and 2014-0167, and are now being submitted to the Board to receive and file. Districts 1 & 5 (AH)

N. LIBRARY

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

A) **approve** a Literacy Coalition of Palm Beach County AmeriCorps Site Application for the County Library's participation in a Literacy AmeriCorps Palm Beach County Project for the period August 11, 2014, through July 10, 2015; and

B) **authorize** the County Administrator or his designee to execute any necessary forms and certifications.

SUMMARY: This site application, if approved, will provide the County Library with one full-time AmeriCorps member for one year. This member will contribute 32 hours per week offering conversational English programs, recruiting volunteers, assessing students and presenting student workshops. The Library will pay a service fee of \$5,800 to the Coalition and business-related mileage to the member up to \$4,900. Literacy AmeriCorps, with supplemental funds from the Coalition, will cover all other expenses including Workers' Compensation, liability, and health coverage. Funds will be provided through the Library's FY 2014 and FY 2015 operating budgets and will have minimal fiscal impact. Countywide (AH)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to receive and file: two original standard agreements for the Fire Rescue Department:

A) Interlocal Agreement for Swimming Lessons with the City of Riviera Beach; and

B) Independent Contractor Agreement for Swimming Lessons with Small Fish Big Fish Swim School, LLC.

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

2. Staff recommends motion to approve: reappointment to the Fire Rescue Advisory Board for the term indicated below:

<u>Nominee</u>	<u>Seat No.</u>	<u>Category</u>	<u>Term</u>	<u>Nominated By</u>
Jay Littman	5	Business	3	Comm. Burdick Comm. Valeche Comm. Taylor Comm. Abrams Comm. Berger

SUMMARY: The Fire Rescue Advisory Board was created by Resolution No. R89-1661 and revised by No. R92-596 on April 28, 1992. This Board consists of seven (At Large) members with specific fields of expertise and serve three year terms. On April 3, 2014, a memo was distributed to the County Commissioners requesting nominations to the board. No other nominations have been received. Countywide (PK)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) approve a no cost Agreement with Merial, LLC Tier 1 Shelter Partners in Protection Program to utilize Frontline and Heartgard brand products for dogs and cats that are in the care of Palm Beach County's Division of Animal Care and Control. The term of the Agreement is retroactive to January 1, 2014, through December 31, 2014; and

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

SUMMARY: This Agreement will provide the Division of Animal Care and Control (Division) with Frontline and/or Heartgard products at no cost to the County. The Division agrees to exclusively apply Frontline for the prevention of fleas and ticks and provide Heartgard for the prevention of heartworms to all cats and dogs expected to be adopted from the shelter. The Division will display Merial's Frontline and Heartgard brand products through material provided by Merial such as marketing collateral and coupons. This program saves the Division approximately \$22,000 each year. Countywide (SF)

2. Staff recommends motion to receive and file: two Interlocal Agreements with the City of Greenacres and the City of Riviera Beach for reimbursement from Emergency Medical Services (EMS) grant funding for medical equipment. **SUMMARY:** The County was awarded \$255,137 during FY2013-2014 from the State of Florida Department of Health, Bureau of Emergency Medical Services (EMS), to improve and expand the EMS systems. The grant funding may be used by the County or municipal agencies to purchase EMS equipment and accordingly, the County has agreed to reimburse the City of Greenacres for the purchase of three Zoll E-Series Biphasic 12-lead heart monitors in an amount not to exceed \$68,000. This equipment allows paramedics to effectively monitor a patient's heart activity and electronically transfer the information to the hospital Emergency Room for quicker patient care. The County has also agreed to reimburse the City of Riviera Beach in an amount not to exceed \$41,325 for the purchase of four Stryker Power Stretchers to decrease the amount of back injuries to their employees as well as ensure the safety of their patients. The remaining EMS grant funding will be used to purchase EMS equipment for the benefit of the citizens of the County and surrounding municipal agencies. On August 13, 2013, the County Administrator or his designee was authorized to execute these standard agreements between the County and various governmental and non-governmental/private entities and make non-substantive and ministerial changes on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. There is no ad valorem funding required. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT

1. Staff recommends motion to:

A) approve Letter of Agreement (LOA) between the Board and the Palm Beach County Clerk and Comptroller (Clerk) providing authorization for the Board to reimburse the Clerk a maximum of \$375,000 for the purchase of user licenses for the PeopleSoft Benefits Administration System; and

B) authorize the County Administrator or his designee to execute a Memo of Understanding with the Clerk and Comptroller or her designee for the services provided by the Clerk to the County for the use of the PeopleSoft Benefits Administration System.

SUMMARY: Risk Management has used an in-house system known as “RIMS” since 2009 for benefits administration. Although this system has served the purpose for which it was created, it represents an additional and inefficient interface between the County’s HRIS system and the Clerk’s PeopleSoft system. PeopleSoft currently holds the County’s benefits data for payroll purposes. As data integration is considered a best practice in the technology field, we have explored the use of PeopleSoft for benefits administration as a replacement for RIMS. This action will increase staff efficiencies, reduce data and compliance risk, and allow a best practice approach to electronic benefits administration with a market leader. PeopleSoft is fully functional for the needs of the public sector, and is currently used by 23 states (including Florida) and 17 Florida municipal agencies. Funding for this project is currently available in the self-insured health fund. The cost of the project will be offset by the reduced need for in-house maintenance of the RIMS system, with an estimated breakeven in year four and an estimated savings of \$500,000 after ten years. If approved, staff estimates a full implementation of the system in time for the 2015 open enrollment period. Countywide (TKF)

BB. INTERNAL AUDITOR

1. Staff recommends motion to receive and file: Peer Review Report on the Palm Beach County Internal Auditor's Office conducted by the Association of Local Government Auditors. **SUMMARY:** Government auditing standards require peer reviews every three years of the Internal Auditor's Office. The Association of Local Government Auditors conducted the peer review and found that, except for two deficiencies noted, the Office's internal quality control system was suitably designed and operating effectively to provide reasonable assurance of compliance with Government Auditing Standards. The report also makes suggestions for improvement in the Office's system of quality control. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

BB. INTERNAL AUDITOR (Cont'd)

2. Staff recommends motion to receive and file:

A) Audit reports reviewed by the Audit Committee at its March 19, 2014 meeting as follows:

1. 14-01 Public Safety - *Victim Services*;
2. 14-02 Airports - *Operations and Maintenance Division*;
3. 14-03 OFMB - *Municipal Impact Fee Review for Town of Jupiter*; and
4. 14-04 Palm Tran - *Bus Bench and Bus Shelter Advertising Contracts*.

B) Audit recommendation status follow-up report as of September 30, 2013 reviewed by the Audit Committee at its March 19, 2014 meeting.

SUMMARY: Ordinance 2012-011 requires the Internal Audit Committee to review audit reports prior to issuance. Ordinance 2012-012 requires the County Internal Auditor to send those reports to the Board of County Commissioners. At its meeting on March 19, 2014, the Committee reviewed and authorized distribution of the attached audit reports. The Committee also reviewed and authorized distribution of the Audit Recommendation Status Follow-up Report as of September 30, 2013. We are submitting these reports to the Board of County Commissioners as required by the Ordinance. Countywide (PFK)

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

A. **Staff recommends motion to adopt:** a Resolution to abandon any public interest in the unimproved road easements lying within a portion of Section 30, Palm Beach Farms Company Plat No. 1, as recorded in Plat Book 2, Page 26, and road right-of-way according to those deeds recorded in Official Records Book 3220, Page 1019 and Official Records Book 3801, Page 1960, all of the Public Records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will allow the petitioner, Boynton Beach Associates XXIV, LLLP, to abandon this portion of the unimproved road easements and right-of-way that is in conflict with their proposed subdivision plan. District 5 (MRE)

B. **Staff recommends motion to:**

1) **adopt** a Resolution to confirm the special assessment for a portion of Hypoluxo Village I and II Subdivision (unrecorded), Section 6, Township 45 South, Range 43 East, canal spray treatment program, under the Palm Beach County Municipal Services Taxing Unit (MSTU) improvement program; and

2) **approve** a Budget Transfer of \$25,012 in the MSTU Improvement Fund from Reserves to Hypoluxo Village Canal Spraying Treatment.

SUMMARY: Adoption of this Resolution will allow Palm Beach County (County) to assess the fixed amount of \$169 to each of the 148 benefitting property owners. Assessments will be payable in five equal annual installments of \$39.73 at an interest rate of 5.5% per annum. 100% of the cost of spray treating the canals in the Hypoluxo Village I and II Subdivision will be assessed on a per lot basis to the benefitting property owners. The project duration is anticipated to be approximately five years or until the \$25,012 is expended. A similar program was conducted here in 2002 and lasted for five years. The residents have asked that the program be instituted again. Canals are typically sprayed quarterly but the number of sprayings each year varies based on climate and need. The County's annual contractor for vegetation control will be utilized for this program. District 3 (MRE)

C. **Staff recommends motion to:**

1) **conduct** a Tax Equity & Fiscal Responsibility Act (TEFRA) Public Hearing concerning the issuance of the County's up to \$7,000,000 Industrial Development Revenue Bonds (Gulfstream Goodwill Industries, Inc. Project), Series 2014 (the Bonds) which will fund a loan to Gulfstream Goodwill Industries, Inc. (the Company), a Florida non-profit corporation; and

2) **approve** the Application of the Company for the issuance of the Bonds.

SUMMARY: The Company utilizes revenue generated through the sale of donated goods to fund, design and deliver vocational and training programs serving persons with disabilities and economic disadvantages. The proceeds of the Bonds will be used by the Company to refinance the County's Tax-Exempt Adjustable Mode Industrial Development Revenue Bonds (Gulfstream Goodwill Industries, Inc. Project) Series 2006, refinance conventional debt of the Company and finance capital expenditures of the Company. The 2006 Bonds were issued to refinance earlier Industrial Development Revenue Bonds issued by the County and to finance capital assets for the Company's facilities in Mangonia Park and Jupiter. Assets to be financed and refinanced are also located at the Company's facilities in Boca Raton, Delray Beach, Greenacres, West Palm Beach, Palm Beach Gardens, Belle Glade, Palm Beach, Riviera Beach, Royal Palm Beach and Wellington. Prior to the issuance of any portion of the Bonds that will be tax-exempt, the Internal Revenue Code requires that the County hold a public hearing. The Bonds will be payable solely from revenues derived from the Company. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay the principal, premium, if any, or interest on the Bonds.** Districts 1, 2, 4, 5, 6 & 7 (PFK)

4. PUBLIC HEARINGS CONTINUED

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

1) approve the filing of the FY 2014 Section 5307 Federal Transit Administration (FTA) Grant Application FL-90-X842 for \$15,441,552 in capital funds allocated to Palm Beach County; and

2) authorize the Palm Tran Executive Director or his/her designee through the County Administrator to execute, on behalf of the Board, and to transmit electronically the Board's approval of the grant application, award and resulting grant agreement.

SUMMARY: The FTA Section 5307 Grant provides funds for capital projects, operating costs and planning associated with the delivery of public transportation. The FY 2014 Grant will fund items necessary for the continued operations of the Palm Tran system including: replacement of vehicles that have reached their useful life, tire lease, MIS equipment, Trapeze Module upgrades, security projects, general purpose equipment, preventive maintenance, employee education and training, and safety and security training programs. The Grant requires a 20% local match and submittal of a Standard Form LLL - Disclosure of Lobbying Activities. The Florida Department of Transportation has approved the use of toll revenue credits as the required local 20% match; therefore, the projects budget lists the capital projects at 100% cost for the federal share, no County funds are required. This grant award is included in Palm Tran's FY 2015 proposed budget. Countywide (DR)

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

1) approve the filing of the FY 2013 Section 5307 Federal Transit Administration (FTA) Grant Application FL-90-X839 for \$14,672,550 in capital funds allocated to Palm Beach County; and

2) authorize the Palm Tran Executive Director or his/her designee through the County Administrator to execute, on behalf of the Board, and to transmit electronically the Board's approval of the grant application, award and resulting grant agreement.

SUMMARY: The FTA Section 5307 Grant provides funds for capital projects, operating costs and planning associated with the delivery of public transportation. The FY 2013 grant will fund capital items necessary for the continued operations of the Palm Tran system including: replacement of vehicles that have reached their useful life, tire lease, MIS equipment, Trapeze Module upgrades, security projects, general purpose equipment, preventive maintenance, employee education and training, and safety and security training programs. The Grant requires a 20% local match and submittal of a Standard Form LLL - Disclosure of Lobbying Activities. Palm Tran has applied to the Florida Department of Transportation for the use of toll revenue credits as the required local 20% match; therefore, the projects budget lists the capital projects at 100% cost for the federal share, no County funds are required. This Grant is included in Palm Tran's current year budget. Countywide (DR)

4. PUBLIC HEARINGS CONTINUED

F. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, adopting a Countywide Ordinance to be entitled "The Palm Beach County Water Taxi Registration Ordinance"; providing for title; providing definitions; providing for registration and licensure requirements; providing for insurance and indemnification requirements; providing for revocation, suspension and denial of license/administrative appeal/court appeal; providing for refusal of service regulations; providing for enforcement; providing for inclusion in the code of laws and ordinances; providing for severability; providing for repeal of laws in conflict; and providing for an effective date. **SUMMARY:** The Board of County Commissioners has determined that it is in the best interests of Palm Beach County and the general public to permit licensed and qualified water taxi service providers to operate water taxis, in order to provide services necessary to transport pedestrian passengers between Designated Docking Facilities and various municipalities in Palm Beach County. This Countywide Water Taxi Registration Ordinance is intended to provide only for a countywide registration and licensing process for these water taxi service providers. The initial registration fee shall be \$150 and the renewal registration fee shall be \$150. The initial registration shall be valid for a two year period and a renewal registration shall be valid for a two year period. Nothing herein prevents Providers from obtaining successive renewals from Palm Beach County so long as the requirements of this Ordinance are met. The League of Cities has no opposition to the proposed Ordinance. Countywide (DW)

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

1) conduct a Tax Equity & Fiscal Responsibility Act (TEFRA) Public Hearing concerning the issuance by the County not to exceed \$6,000,000 of Tax-Exempt Adjustable Mode Revenue Bonds (The King's Academy, Inc. Project), Series 2014 (the Bonds) in one or more series of tax exempt and taxable bonds, which will fund a loan to The King's Academy, Inc. (the Borrower), a Florida not-for-profit corporation which is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986; and

2) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida authorizing the issuance of the Tax-Exempt Adjustable Mode Revenue Bonds (the King's Academy, Inc. Project), Series 2014, in an aggregate principal amount not exceeding ~~\$6,600,000~~ \$6,000,000, for the purpose of making a loan of funds to the King's Academy, Inc. in order to finance and refinance the acquisition, construction and equipping of educational facilities; providing that such revenue bonds shall not constitute a debt, liability or obligation of Palm Beach County, Florida or the State of Florida or any political subdivision thereof, but shall be payable solely from the revenues herein provided; approving and authorizing the execution and delivery of a Loan Agreement with the King's Academy, Inc. to provide security for such bonds, and for other matters therein provided; approving and authorizing the execution and delivery of an Indenture of Trust; approving and authorizing the execution and delivery of certain other documents required in connection with the foregoing; and providing certain other details in connection therewith.

SUMMARY: The King's Academy offers preschool, elementary and secondary education at their campus located at 8401 Belvedere Road in unincorporated Palm Beach County. The proceeds of the Bonds will be used by the Borrower to construct and equip a theater of approximately 22,000 gross square feet on the school campus with a seating capacity of approximately 800. The proceeds may also be used for other necessary and useful renovations, improvements, equipment purchases and other capital expenditures. The Economic Impact Analysis demonstrates a positive impact of \$9.6 Million over two years. **The Bonds will not constitute a debt, liability or obligation or a pledge of the faith and credit or taxing power of the County or of the State of Florida or of any political subdivision thereof, but shall be payable solely from the revenues of and proceeds pledged by the Borrower.** District 2 (PFK)

4. PUBLIC HEARINGS CONTINUED

- H. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Sections 17-116 of the Code of Laws and Ordinances as codified in the Tourist Development Ordinance of Palm Beach County, Ordinance 95-30, as amended; providing for an amendment to the Tourist Development Plan to authorize the expenditure of additional revenues for the promotion and marketing of palm beach county tourism and for the renovation of the airport center building and the relocation of the tourist development council and its agencies; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for applicability; and providing for an effective date. **SUMMARY:** This Ordinance provides for an amendment to the County's Tourist Development Plan to authorize the expenditure of the bed tax operating reserve fund of the 1st Cent of the Tourist Development Tax ("bed tax") for a marketing stimulus campaign of \$2 Million to promote County tourism by all agencies and \$6 Million to establish the budget renovation of the Airport Center Building and the relocation of the Tourist Development Council Administration and Discover Palm Beach County, Inc., the Palm Beach County Sports Commission and the Palm Beach County Film & TV Commission. Countywide (DW)
- I. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, amending Palm Beach County Code Chapter 2, Article IV, Division 3, (the Palm Beach County Living Wage Ordinance) (Ordinance 2003-004, as amended by Ordinance 2004-002 and Ordinance 2011-004) amending Sections 2-148 Definitions, 2-149 Living wage, 2-150 Implementation, and 2-150.1 Compliance and enforcement, for the inclusion of Paratransit Transportation Services; providing for repeal of laws in conflict; providing a savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement, penalty and captions; and providing for an effective date. **SUMMARY:** At the February 25, 2014, Board of County Commissioners' (BCC) Workshop, concerning the upcoming Request for Proposals (RFP) for Palm Tran Connection paratransit services, the Board directed Staff to prepare an amendment to the Palm Beach County Living Wage Ordinance to extend its provisions to contractors awarded contracts for the provision of paratransit transportation services and their subcontractors. Currently, the Ordinance applies only to construction contracts. On May 6, 2014, the BCC held a preliminary reading of this Ordinance and authorized advertising for public hearing. Countywide (JM/DR)

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5. REGULAR AGENDA

A. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

A) approve a Lease Agreement with Lutheran Services Florida, Inc., a not-for-profit 501(c)(3) Florida corporation (LSF) for the provision of Head Start services at 6415 Indiantown Road, Jupiter (Jupiter);

B) adopt a Resolution authorizing the Lease Agreements to LSF for Jupiter;

C) approve a Lease Agreement with LSF at 1440 W. Martin Luther King Boulevard, Riviera Beach (Riviera Beach);

D) adopt a Resolution authorizing the Lease Agreements to LSF for Riviera Beach;

E) approve a Lease Agreement with Lutheran Services Florida, Inc., a not-for-profit 501(c)(3) Florida corporation (LSF) at 3691 Oswego Avenue, West Palm Beach (Westgate); and

F) adopt a Resolution authorizing the Lease Agreements to LSF for Westgate.

SUMMARY: On September 24, 2013, the Board determined that the County would not apply for Federal Head Start grant funding and supported LSF's grant application to assume responsibility as Head Start grantee effective July 1, 2014. The three Leases are located in County-owned facilities where Head Start services are co-located with other County programs and include: 1) 4,802 sf at Jupiter; 2) 9,237 sf at Riviera Beach; and 3) 2,734.5 sf at Westgate, along with the playground areas at each building. While the Leases are effective upon execution, occupancy of the premises is contingent upon Federal approval of LSF's grant application. LSF will assume responsibility for the secondary building systems and all Head Start program-related maintenance and repair. County is responsible for the base building systems and the capital repairs. The allocation of repair and maintenance responsibilities will be reevaluated after occupancy so the parties can make adjustments based on actual experience and an amendment will be executed prior to May 1, 2015 to document any adjustments. The Leases identify which specific County assets will remain at the premises for use by Tenant and requires LSF to return the assets to County at the Lease Term or LSF will be required to pay County the undepreciated value of such assets. The annual rent is One Dollar (\$1). The initial term of each Lease is five years, with two renewal options, for five years each. The County may terminate the Leases: 1) immediately if LSF's grant application is not approved or funded on or before July 1, 2014; and 2) with 180 days notice prior to the end of the grant year. LSF may terminate the Leases with 90 days notice to County. (FDO Admin) Countywide (HJF)

5. REGULAR AGENDA

A. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to:

A) approve a Lease Agreement with Lutheran Services Florida, Inc., a not-for-profit 501(c)(3) Florida corporation (LSF) for a building located at 990 U.S. Highway 27 North, South Bay (South Bay);

B) adopt a Resolution authorizing the Lease Agreement for South Bay;

C) approve a Lease Agreement with Lutheran Services Florida, Inc., a not-for-profit 501(c)(3) Florida corporation (LSF) for a building located at 100 North Chillingworth Drive, West Palm Beach (West Palm Beach); and

D) adopt a Resolution authorizing the Lease Agreement for West Palm Beach.

SUMMARY: On September 24, 2013, the Board determined that the County would not apply for Federal Head Start grant funding and supported LSF's application to assume responsibility as Head Start grantee effective July 1, 2014. The buildings at South Bay and West Palm Beach are 19,443 sf and 20,822 sf, respectively and are solely occupied by Head Start. While the Leases are effective upon execution, occupancy of the buildings is contingent upon Federal approval of LSF's grant application. LSF will pay annual rent of One Dollar (\$1) and will assume full responsibility for the routine maintenance, repair and upkeep of the buildings. LSF is responsible for all utility costs and ISS will provide telephone and network communication services at LSF's cost. LSF will pay fifty percent (50%) of the capital renewal/replacement expenses, but for the first year. Specified County assets will remain at the premises for use by LSF and LSF will return the assets to County at the Lease Term or will pay County the undepreciated value of these assets. LSF has provided a \$225,000 performance bond for each of the two Leases. The bonds are required to be renewed on a year to year basis throughout the Lease Term and failure to obtain renewal or replacement bonds constitutes a Lease default. The initial Term of each Lease is five years, with two renewal options, for five years each. The County may terminate the Leases: 1) immediately if LSF's grant application is not approved or funded on or before July 1, 2014; and 2) with 180 days notice prior to the end of the grant year. LSF may terminate the Leases with 90 day notice along with the obligation that LSF still fund 50% of the R/R Projects that have been undertaken by the County in that year. (FDO Admin) Countywide (HJF)

5. REGULAR AGENDA

A. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to:

A) approve a Lease Agreement with Lutheran Services Florida, Inc. (LSF), a not-for-profit 501(c)(3) Florida corporation for the provision of Head Start services at 50 South Military Trail, West Palm Beach (Four Points Center);

B) adopt a Resolution authorizing the Lease Agreement to LSF for the facilities at Four Points Center;

C) approve a Lease Agreement with LSF at 1101 Mentone Road, Lantana (San Castle); and

D) adopt a Resolution authorizing the Lease Agreement to LSF for the facilities at San Castle.

SUMMARY: On September 24, 2013, the Board determined that the County would not apply for Federal Head Start grant funding and supported LSF's application to assume responsibility as Head Start grantee effective July 1, 2014. The leased premises consist of 11,083 sf on the second floor of the Four Points Center; and a 1,988 sf stand alone building at San Castle. While the Leases are effective upon execution, occupancy is contingent on Federal approval of LSF's grant application. The term of the Four Points Center Lease is through December 31, 2014 and the San Castle Lease term is through June 30, 2015. There are no renewal options in either of these Leases. The Four Points Lease provides temporary administrative office space while LSF renovates space for its permanent administrative facility. Since the premises will not be used for Head Start programming, the monthly rent is established at the market rate for comparable commercial office space at \$22 per/sf (\$20,318.83 per month). County will provide all utilities and provide routine custodial, repair and maintenance services and LSF will be responsible for any additional services. LSF will continue Early Head Start programming at San Castle for one year and therefore the rent is \$1/yr. LSF is responsible for utilities, custodial and pest control services, and repair or maintenance responsibilities. County will perform the building systems repair and maintenance. The County may terminate the Leases: 1) immediately if LSF's grant application is not approved or funded on or before July 1, 2014; and 2) with 180 days notice prior to the end of the grant year. LSF may terminate the San Castle Lease with 90 days notice and the Four Points Center Lease with 30 days notice to County. (FDO Admin) Countywide (HJF)

5. REGULAR AGENDA

A. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: a Donation Agreement with Lutheran Services Florida, Inc. (LSF), a Florida not for profit 501(c)(3) corporation for the County's donation of inventory, equipment and property from County's Head Start program to LSF for use in providing Head Start program services in Palm Beach County. **SUMMARY:** On September 24, 2013, the Board determined that the County would not apply for Federal Head Start grant funding and supported LSF's application to assume responsibility as Head Start grantee effective July 1, 2014. County's Head Start program assets include substantial personal property and equipment located in various facilities including: 1) 1699 Wingfield Street, Lake Worth; 2) 909 Northeast 3rd Street, Boynton Beach; 3) 380 East 5th Street, Pahokee; 4) 6415 Indiantown Road, Jupiter; 5) 1440 West Martin Luther King Boulevard, Riviera Beach; 6) 3691 Oswego Avenue, West Palm Beach; 7) 990 U.S. Highway 27 North, South Bay; 8) 100 North Chillingworth Drive, West Palm Beach; 9) 1101 Mentone Road, Lantana; 10) 50 South Military Trail, West Palm Beach; and 11) 810 Datura Street, West Palm Beach (collectively "the Facilities"). The Facilities are equipped with computers, children's furniture, health assessment equipment, playground equipment, learning tools, unused office supplies and the miscellaneous personal property acquired over the life of the Head Start program. LSF requested donation of the Facilities personal property assets for use in its programming and conveyance of these items is critical to providing uninterrupted services. Staff inventoried the assets and reallocated personal property assets which were useful to other County departments. Those remaining assets (that were of no use to another County department) are specifically identified in the Donation Agreement (the "Facilities Inventory") and are recommended for donation to LSF. The Donation Agreement is contingent on LSF's approval as Federal Head Start grantee and contains a County option to require return of the Facilities Inventory if LSF ceases to be the Head Start grantee prior to June 30, 2019 which is the estimated useful life of the Facilities Inventory. LSF accepts the Facilities Inventory in "as is" condition, assumes the entire risk of loss or damage, and is responsible for repairing and maintaining the Facilities Inventory. (PREM) Countywide (HJF)

MOVED FROM CONSENT; WAS 3H-4

5. Staff recommends motion to:
- A) adopt** a Resolution authorizing the conveyance of the County's interest in 0.13 acres of surplus property to the City of South Bay without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 197.592(3); and

B) approve a County Deed in favor of the City of South Bay.

SUMMARY: The City of South Bay has requested the conveyance of County-owned unimproved surplus property located at 135 Northwest 11th Avenue. The 0.13 acre property was acquired in August 2012 by Tax Deed, is located within the City's municipal boundaries and has an assessed land value of \$10,000. The property is being conveyed pursuant to Florida Statutes Section 197.592(3), which requires the conveyance of surplus property acquired by Tax Deed to the municipality in which it is located. The subject property has been declared surplus and serves no present or future County purpose. The City proposes to utilize the property in their Affordable Housing Program. This conveyance will relieve the County of potential liability for occurrences on this property and also the cost of maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. **All purchases, sales and exchanges of real estate must be approved by a supermajority vote (5 Commissioners) pursuant to recent amendments to the PREM Ordinance.** (PREM) District 6 (HJF)

5. REGULAR AGENDA

B. FIRE RESCUE

1. Staff recommends motion to approve: the write-off of uncollectible emergency transport patient accounts to remove these amounts from the County's financial books for the following period:

October 1, 2006 through September 30, 2007 (FY07)	\$4,620,640.08
October 1, 2007 through September 30, 2008 (FY08)	\$5,917,499.34
October 1, 2008 through September 30, 2009 (FY09)	\$6,204,605.29
October 1, 2009 through September 30, 2010 (FY10)	<u>\$7,477,636.15</u>
	\$24,220,380.86

SUMMARY: In December 1994, the Board authorized Fire Rescue to transport critically ill/injured patients and bill for those services. The County contracts with a private company for these billings and collections services. The County receives payment from a number of sources, including commercial insurance, Medicare, Medicaid, and private individuals. During the period October 1, 2006 to September 30, 2010, Fire Rescue generated \$82,221,265 in gross transport billings and collected (to-date) \$45,623,248. After adjustments of \$12,377,636.44, required under the guidelines of the Medicare/Medicaid programs, the balance of \$24,220,381 is currently deemed to be uncollectible. This balance is primarily due to partial payments, insurance denial based on medical necessity, the inability to obtain accurate patient and/or insurance information, and patients without medical coverage or high deductibles. Staff recommends the amount deemed uncollectible be written-off the County's financial books. Countywide (SB)

5. REGULAR AGENDA

C. PALM TRAN

1. **REVISED TITLE & SUMMARY (2ND):** **Staff recommends motion to approve:** the following four one-time purchases off of two piggyback contracts under the Florida Department of Transportation's Transit Research Inspection Procurement Services Program (TRIPS) for 231 vehicles for Palm Tran Connection:

A) Creative Bus Sales, Inc. (TRIPS-11-CA-TP) in the not to exceed amount of \$6,500,000;

B) Getaway Bus, LLC (TRIPS-11-CA-GB) in the not to exceed amount of \$6,100,000;

C) Alliance Bus Group, Inc. d/b/a First Class Coach Sales, LLC ~~d/b/a Alliance Bus Group, Inc.~~ (TRIPS-11-CA-FCCSC) in the not to exceed amount of \$2,600,000; and

D) Florida Transportation Systems, Inc. (TRIPS-13-MV-FTS) in the not to exceed amount of \$2,000,000.

SUMMARY: At the January 28, 2014 meeting, the Board of County Commissioners (BCC) approved a new service delivery model, which has the County purchasing all new Palm Tran Connection vehicles for use by the three (3) new paratransit service providers to be selected under the new Request for Proposals issued May 1, 2014. The BCC also approved the ability to piggyback off of two the existing ~~State of Florida Department of Transportation's Transit Research Inspection Procurement Services (TRIPS) TRIPS~~ Contracts. ~~This~~ These Contracts currently has have three approved vendors that can supply 191 standard cutaway vehicles and one approved vendor that can supply 40 minivans. ~~Accordingly,~~ Staff convened a Selection Committee on May 8, 2014, to select three vendors to supply 191 vehicles. The Selection Committee ranked Creative Bus Sales, Inc. No. 1 with 91.95 points, ~~Gateway~~ Getaway Bus, LLC No. 2 with 91.50 points and Alliance Bus Group, Inc. d/b/a First Class Coach Sales, LLC ~~d/b/a Alliance Bus Group, Inc.~~ No. 3 with 90.30 points. The selection of three separate vendors assists with ensuring that the vehicles will be delivered before the new providers start service delivery on February 1, 2015. It is Staff's goal to have all vehicles delivered by December 1, 2014. Of the 191 vehicles, 50 will operate with propane to maximize fuel cost savings and the remaining 141 vehicles will be equipped with the propane prep kit that will allow the County to convert to propane in the future should the anticipated fuel cost savings be realized. The remaining 40 vehicles will be wheelchair equipped minivans. The County decided to purchase the minivans from Florida Transportation Systems, Inc. who is the highest ranked vendor under the TRIPS-13-MV-RFP. A selection process was not required for these vehicles due to the fact that there is only one approved vendor, Florida Transportation Systems, Inc. on the TRIPS contract. Countywide (DR/DW)

D. ADMINISTRATION/COUNTY ATTORNEY

1. **ADD-ON:** **Staff recommends motion to approve:** an Employment Contract with John A. Carey, chosen by the Inspector General (IG) Committee to become Palm Beach County's Inspector General. **SUMMARY:** The Chair of the Palm Beach County Commission on Ethics, with the assistance of the County Attorney and County Administration, has negotiated a four year Employment Contract with John A. Carey. The Employment Contract provides for a four year term beginning June 23, 2014, a starting salary of \$175,000 per year, an automobile allowance, and includes benefits similar to those provided to all County employees. In accordance with Ordinance 2011-009, the Employment Contract is hereby presented for approval by a majority of the Board of County Commissioners. Countywide (DO)

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MAY 20, 2014

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

MAY 20, 2014

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

MAY 20, 2014

8. COMMISSIONER COMMENTS

A. District 1 – COMMISSIONER HAL R. VALECHE

B. District 2 – COMMISSIONER PAULETTE BURDICK, VICE MAYOR

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

E. District 5 - COMMISSIONER MARY LOU BERGER

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR, 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."