

BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MAY 19, 2015

<u>PAGE</u>	<u>ITEM</u>	
16	3I-5	<b><u>DELETED:</u> Staff recommends motion to: A) approve</b> a Conditional Grant Agreement with Amelia Estates, LLC (AELLC);....(DES) (Further staff review)
36	5A-1	<b><u>DELETED:</u> Staff recommends motion to: A) adopt</b> a Resolution by the Board of County Commissioners of Palm Beach County, Florida, recommending approval of Project Fan, a company authorized to do business in the State of Florida, as a Qualified Target Industry (QTI) business pursuant to s.288.106, Florida Statutes;....(Admin) (Further staff review)
36	5A-2	<b><u>ADD-ON:</u> Staff recommends motion to receive and file:</b> Letter from S. Renée Narloch & Associates, dated May 13, 2015, correcting County Administrator selection rankings for the official record. <b>SUMMARY:</b> On Tuesday, May 12, 2015, the Board of County Commissioners interviewed six candidates for the County Administrator position and selected Deputy County Administrator Verdenia Baker to succeed Mr. Weisman upon his retirement. After the results were announced at the end of the day, a recording and tabulation error was noticed. The search consultant, S. Renée Narloch misinterpreted the candidate rankings submitted by Commissioner Priscilla A. Taylor. The corrected rankings <i>do not</i> alter the final results. The above letter is being submitted for receive and file to make it part of the official record. <u>Countywide</u> (DN) (Admin)
37	5C-3	<b><u>ADD-ON:</u> Staff recommends approval of a request to:</b>  <b>A) approve</b> the payoff of a junior mortgage prior to satisfaction of a County held mortgage from Executive Trust, Ltd. (ETL);  <b>B) amend</b> the Board's April 21, 2015 Conceptual Approval of the subordination of a County mortgage to increase the first mortgage amount by \$719,900; and  <b>C) confirm</b> that the Delegation of Authority granted on April 21, 2015, to the County Administrator, or his designee, to execute necessary documents encompasses the new first mortgage amount of \$20,729,900.  <b>SUMMARY:</b> On April 21, 2015, the Board of County Commissioners (BCC) conceptually approved amendment of the loan documents with ETL and authorized subordination of the County mortgage to a new first mortgage loan from Walker & Dunlop, LLC in an amount not exceed the \$20,010,000 principal amount of the original first mortgage. Although ETL intended to refinance the first mortgage with a U.S. Department of Housing and Urban Development (HUD) loan in an amount not to exceed \$20,010,000, favorable interest rates have now allowed ETL to borrow \$20,729,900. ETL has requested that the County amend its subordination approval to allow the increased amount. ETL has informed Staff that HUD is requiring that the additional loan amount be reinvested into the property for renovations and used to pay off in full a \$447,104 mortgage held by the Florida Housing Finance Corporation (2011 FHFC Mortgage). Loan payments owed to date under the County mortgage will continue to be due and payable according to existing cash flow requirements contained in the loan documents, however, ETL has agreed to begin annual payments of a \$7,500 monitoring fee and a \$7,860 interest payment on the County loan. <b>The original funding was provided from the State Housing Initiatives Partnership Program and no County funds are involved.</b> (DES Contract Development) <u>District 7</u> (JB) (DES)

**ADD-ON, REVISED TITLE, SUMMARY: Staff recommends motion to:**

**A) approve** increasing the County's annual facility related expenses at the Bill Bailey Gymnasium from \$77,500 to \$138,500 for the implementation of a City of Belle Glade sponsored adult and family use recreational program at the Bill Bailey Community Center located at the NE corner of S.W. 12th Street and Martin Luther King Jr. Boulevard in Belle Glade;

**B) adopt** a resolution authorizing the conveyance of the property located at the northeast corner of S.W. 12th Street and Martin Luther King Jr. Boulevard (the "Property") to the Boys and Girls Clubs (BGC) without charge, with conditions of use, and without rights of entry and exploration ~~pursuant to Florida Statutes, Section 407.502(3);~~

**C) approve** a Donation Agreement for the Property with the Boys & Girls Clubs of Palm Beach County;

**D) approve** a County Deed in favor of the Boys and Girls Clubs of Palm Beach County;

**E) terminate** a sublease with the Boys and Girls Clubs R2001-0656 as amended by R2011-1595; and

**F) terminate** a Memorandum of Understanding (MOU) with the Palm Beach County Sheriff's Office on behalf of the Police Athletic League (PAL) R2001-0657.

**SUMMARY:** This Property is located in Belle Glade and includes an approximately 15,580 square foot gymnasium (Gym) from the former Lake Shore High/Middle School and unimproved land. Since 2000, the BGC has been using the Property for the active recreational programs associated with its Club which is located off-site. In addition, the Palm Beach County Sheriff Office (PBSO) uses the Gym for its Police Athletic League (PAL) programs. Since initially renovating the Gym at a cost of \$750,000, the County has invested approximately \$800,000 in renewal/replacement projects, not including the renovations/upgrades made in response to hurricane damage. In addition, the County has been funding facility operating expenses (maintenance, custodial, utility and renewal/replacement [R/R] expenses) in the approximate annual amount of \$77,500. In 2013, the City requested use of the Gym, during the hours that it is not being used by the BGC, for adult and family recreational programming and requested County fund a portion or all of the expenses associated with the City's use. After much negotiation between the staffs of the City, County and PBSO, County Staff agreed to recommend that the Board fund the facilities expenses associated with the City's use, providing that the City fund the recreational staffing and security required for its use. County Staff was told that the City independently made arrangements with PBSO to provide for law enforcement services during their use. County staff was able to independently confirm that arrangement with PBSO. As a result, County Staff is now recommending approval of \$61,000/year in additional funding to support the City's use of the Gym. In March 2015, the BGC approached the County requesting donation of the Property so that it could implement its plans to build a new club on the unimproved land adjacent to the Gym, which would enable the BGC to expand program services in Belle Glade. The Donation Agreement sets forth the terms and conditions of the donation. The County provides a fixed annual grant of ~~\$138,700~~ \$138,500; equal to the existing operating expenditures for the Gym (\$77,500) plus the additional program costs for the City's use (\$61,000). The donation is subject to the following conditions: 1) continued use by BGC, 2) continued use by PAL, 3) use by City, 4) all County funds must be spent at the Property for only facility related operating and R/R expenses, 5) the annual grant is subject to annual appropriation, and 6) the Property will be made available to County for disaster recovery staging. In addition, the County is agreeing to provide an additional annual grant to the BGC not to exceed \$3,700 for up to 5 years (or until its new club is constructed; whichever is earlier) to offset the costs of property insurance which the County currently funds. The existing sublease with BGC and the MOU with PBSO can be terminated since each use is now provided for via the Donation Agreement. The County has scheduled R/R projects funded with FY 15 CDBG funding that will be completed by the County after conveyance. The County Deed is subject to the State use restrictions. (PREM) District 6 (HJF) (FDO)

**ADD-ON:** Request approval to present off-site, a Proclamation declaring May 22, 2015 as "Marie J. Horenburger Day" in Palm Beach County. (Sponsored by Commissioner Abrams)

**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 19, 2015**

**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 - 33)**
  
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 34 - 35)**
  
- 5. REGULAR AGENDA (Pages 36 - 40)**
  
- 6. BOARD APPOINTMENTS (Page 41)**
  
- 7. STAFF COMMENTS (Page 42)**
  
- 8. COMMISSIONER COMMENTS (Page 43)**
  
- 9. ADJOURNMENT (Page 43)**

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TABLE OF CONTENTS

CONSENT AGENDA

A. ADMINISTRATION - None

B. CLERK & COMPTROLLER

Page 7

- 3B-1 Warrant list
- 3B-2 Minutes
- 3B-3 Contracts and claims settlements list

C. ENGINEERING & PUBLIC WORKS

Page 7

- 3C-1 Supplemental Agreement No. 1 with Kimley-Horn and Associates, Inc. for professional services relating to the West Atlantic Avenue and Florida Turnpike intersection improvements project

Page 8

- 3C-2 Agreements with nine firms for annual right-of-way acquisition appraisal services

Page 9

- 3C-3 Contract with J.W. Cheatham, LLC for construction of 60<sup>th</sup> Street North (west of Royal Palm Beach Blvd. to east of Royal Palm Beach Blvd.)

D. COUNTY ATTORNEY - None

E. COMMUNITY SERVICES

Page 9

- 3E-1 Amendments to standard agreements with the Area Agency on Aging for senior services programs

Page 10

- 3E-2 Contracts for Provision of Ryan White Part A HIV Health Support Services with two agencies

Page 11

- 3E-3 Appointments to the Homeless Advisory Board

F. AIRPORTS

Page 12

- 3F-1 Contract with Ranger Construction Industries, Inc. for the Air Cargo Apron rehabilitation project at PBI
- 3F-2 Amendment No. 7 with CH2M, Hill, Inc. for professional planning and design services related to the Airport Capital Improvement Program

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET - None

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 13

- 3H-1 Resolution conveying .41 acre vacant parcel on Collin Drive to David R. Dukes
- 3H-2 Resolution authorizing Lease Agreement with Simpson-Galla-Ferraro Post 10556, Veterans of Foreign Wars of the United States, Inc. for continued use of building in Boca Veterans Park

I. ECONOMIC SUSTAINABILITY

Page 14

- 3I-1 Budget Transfer/Amendment relating to the San Castle Community Center
- 3I-2 Receive and file seven standard agreements, amendments to agreements for the Department of Economic Sustainability

TABLE OF CONTENTS

**CONSENT AGENDA CONTINUED**

**I. ECONOMIC SUSTAINABILITY (Cont'd)**

Page 15

3I-3 Agreement with City of Lake Worth for installation of a greenway along 11<sup>th</sup> Avenue South (A Street to G Street)

3I-4 First Amendment to Mortgage and Security Agreement and Modification of Promissory Note with Lantana Associates, Ltd. associated with affordable rental housing project (Villas at Cove Crossing)

Page 16

3I-5 Conditional Grant Agreement and other documents with Amelia Estates, LLC relating to affordable housing project in Belle Glade

**J. PLANNING, ZONING & BUILDING** - None

**K. WATER UTILITIES**

Page 17

3K-1 Receive and file eight standard agreements for the Water Utilities Department

Page 18

3K-2 Utility Easement/Release of Utility Easement associated with property located on the northeast corner of Okeechobee Blvd. and Haverhill Road

3K-3 Resolution revising the Water Utilities Department's Uniform Policies and Procedures Manual

Page 19

3K-4 Contract Termination Agreement with Ric-Man International, Inc. relating to Pump Station 5229 Bypass project

**L. ENVIRONMENTAL RESOURCES MANAGEMENT**

Page 19

3L-1 Land and Water Conservation Fund Program Project Agreement No. LW627 with Florida Department of Environmental Protection relating to Cypress Creek Natural Area

Page 20

3L-2 Interlocal Agreement with the City of Lake Worth relating to the Snook Islands Public Use Facility floating dock

3L-3 Grant Agreement No. 15-016R with the Sea Turtle Conservancy for purchase of temperature monitoring equipment and sand analysis on County beaches

Page 21

3L-4 Task Order No. 1190-05 with Olsen Associates, Inc. for professional cultural resources and geophysical services in support of the Juno Beach Shore Protection project

3L-5 Annual construction contracts with three firms relating to artificial reef and breakwater construction projects

Page 22

3L-6 Florida Inland Navigation District Waterways Assistance Program Grant Application associated with the construction of the Pahokee Marina Breakwater System

**M. PARKS & RECREATION**

Page 23

3M-1 Receive and file one Amphitheater Rental Agreement

3M-2 Receive and file one Entertainment Contractor Agreement

3M-3 Receive and file one Sound and Light Production Services Contractor Agreement

Page 24

3M-4 Ratify Mayor's signature on the Florida Boating Improvement Program Grant Application associated with redevelopment and expansion of the boating facilities at Bert Winters Park

Page 25

3M-5 Ratify Mayor's signature on the Waterways Assistance Program Grant Application associated with redevelopment of the west side of Burt Reynolds Park

Page 26

3M-6 Ratify Mayor's signature on the Waterways Assistance Program Grant Application associated with the Bert Winters Park Phase II redevelopment and expansion project

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

**N. LIBRARY**

Page 27

3N-1 Literacy Coalition of Palm Beach County AmeriCorps Site Application for participation in a Literacy AmeriCorps Palm Beach County project

**P. COOPERATIVE EXTENSION SERVICE** - None

**Q. CRIMINAL JUSTICE COMMISSION**

Page 27

3Q-1 Budget Transfer relating to the Law Enforcement Work Group

3Q-2 Memorandum of Understanding with the School Board of Palm Beach County relating to the Juvenile First Offender program

**R. HUMAN RESOURCES** - None

**S. FIRE RESCUE**

Page 28

3S-1 Receive and file three standard agreements for the Fire Rescue Department

3S-2 Appointment to the Regional Hazardous Materials Oversight Committee

**T. HEALTH DEPARTMENT** - None

**U. INFORMATION SYSTEMS SERVICES**

Page 29

3U-1 Interlocal Agreement with the Town of Palm Beach for digital imaging services

**V. METROPOLITAN PLANNING ORGANIZATION** - None

**W. PUBLIC AFFAIRS** - None

**X. PUBLIC SAFETY**

Page 29

3X-1 Tier 1 Shelter Partners in Protection Program Agreement with Merial, Inc. to utilize NexGard, Frontline and Heartgard brand products

**Y. PURCHASING** - None

**Z. RISK MANAGEMENT** - None

**AA. PALM TRAN**

Page 30

3AA-1 Three Federal Transit Administration Grant Applications/Grant Agreements

3AA-2 Appointment to the Palm Tran Service Board

**BB. YOUTH SERVICES**

Page 31

3BB-1 Contract for Provision of Services with Friends of Community Services, Inc. relating to Summer Camp Scholarships

**CC. INTERNAL AUDITOR**

Page 31

3CC-1 Receive and file six Audit reports for the Internal Auditor's Office

TABLE OF CONTENTS

**CONSENT AGENDA CONTINUED**

**DD. SHERIFF**

Page 32

3DD-1 Extension Letter amending a 2013 Urban Area Security Initiative Grant for various domestic security activities

3DD-2 Memorandum of Agreement with the City of Miami relating to the FY 2014 Urban Area Security Initiative Grant for various domestic security activities

3DD-3 High Intensity Drug Trafficking Area Grant relating to Operation Pot of Gold

Page 33

3DD-4 Grant Modification No. 1 to the Florida Division of Emergency Management Federally Funded Subgrant Agreement relating to the FY 2013 State Homeland Security Grant Program for Operation Stonegarden

**PUBLIC HEARINGS – 9:30 A.M.**

Page 34

4A Resolution to abandon public interest in all of Tracts D-3 and D-4 of Canyon Isles Preserve Plat Two

4B Resolution to abandon public interest in easements relating to Atlantic Commons

4C Resolution to abandon public interest in that certain portion of the 80 foot Acme Dairy Road right-of-way

Page 35

4D Ad Valorem Taxation Ordinance (Florida South Division, LLC a/k/a ALDI)

4E Tourist Development Ordinance

**REGULAR AGENDA**

**ADMINISTRATION**

Page 36

5A-1 Resolution recommending approval of Project Fan as a Qualified Target Industry business/Economic Development Incentive

**COUNTY ATTORNEY**

Page 36

5B-1 Palm Beach County Solicitation and Distribution on Public Roads Ordinance

**ECONOMIC SUSTAINABILITY**

Page 37

5C-1 Memorandum of Understanding with the City of Lake Worth for technical assistance to secure and manage prospective grant funds to facilitate the development of the Lake Worth Park of Commerce

5C-2 Resolution approving issuance of Health Facilities Authority of Revenue Bonds (Morselife)

**FACILITIES DEVELOPMENT & OPERATIONS**

Page 38

5D-1 Demolition of a building within the Boynton Beach CRA' Boynton Harbor Marina

**LIBRARY**

Page 38

5E-1 Non-resident library card fees

MAY 19, 2015

TABLE OF CONTENTS

REGULAR AGENDA CONTINUED

PUBLIC SAFETY

Page 39

5F-1 Agreement with Peggy Adams Animal Rescue League of the Palm Beaches, Inc. for spaying/neutering at risk dogs and cats

Page 40

5F-2 Animal Care & Control Ordinance

BOARD APPOINTMENTS (Page 41)

STAFF COMMENTS (Page 42)

COMMISSIONER COMMENTS (Page 43)

ADJOURNMENT (Page 43)

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>
Workshop	March 24, 2015
Regular	April 7, 2015

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

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** Supplemental Agreement No. 1 (Supplement) in the amount of \$270,564.92 with Kimley-Horn and Associates, Inc. (KHA), for professional services for the preparation of design plans and construction bid documents for West Atlantic Avenue and Florida's Turnpike Intersection Improvements project (Project). **SUMMARY:** Approval of this Supplement will provide for the preparation of design plans and construction bid documents for the Project. This Supplement is under the Work Task Order dated October 16, 2013 under the Annual Intersection Improvement Agreement (Annual) dated May 17, 2011; R2011-0704. KHA is a Palm Beach County company. The Small Business Enterprise (SBE) goal for the Annual is 15%. The SBE participation proposed for this Supplement by KHA is 16.4%. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. **Staff recommends motion to approve:** nine appraiser agreements (Agreements) to provide right-of-way acquisition appraisal services with the following appraisal firms:

- A) Anderson & Carr, Inc.;
- B) Appraisal and Acquisition Consultants, Inc.;
- C) Callaway and Price, Inc.;
- D) Jenkins Appraisal Services, Inc.;
- E) M.R. Ford & Associates, Inc.;
- F) Parrish and Edwards, Inc.;
- G) Real Estate Analysts, LLC.;
- H) S.F. Holden, Inc.; and
- I) The Spivey Group, Inc.

**SUMMARY:** Approval of these Agreements will allow the firms to enter into a new appraisal services agreement with Palm Beach County (County) for a term of three years from May 19, 2015 through May 18, 2018 with two options to renew for one additional year on each option, and to be placed on the County's prequalified appraiser list. All firms have at least one principal certified as a State-Certified General Appraiser; met a minimum of eight years appraisal experience; has the required expert witness experience; and has not been removed from the County's prequalified appraiser list in the past three years. All the firms have offices in the County. The County advertised for these services in March 2015. When appraisal services are needed under these Agreements, the Engineering Department will request proposals from the firms for each separate project. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve: a Contract with J.W. Cheatham, LLC (Cheatham) in the amount of \$4,528,128.02 for the construction of 60<sup>th</sup> Street North, west of Royal Palm Beach Boulevard to east of Royal Palm Beach Boulevard (Project). **SUMMARY:** Approval of this Contract will allow Palm Beach County (County) to issue a notice to proceed to Cheatham, a County 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 Cheatham is 28.59%. The work includes work on Royal Palm Beach Boulevard including reconstruction of the bridge over the M-Canal. District 6 (MRE)

E. COMMUNITY SERVICES

1. Staff recommends motion to:

**A) receive and file:**

1. Amendment 002 to Standard Agreement No. IR012-9500 (R2012-1635) for Respite for Elders Living in Everyday Families (RELIEF) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period July 1, 2014, through June 30, 2015, to add, revise and amend portions of the standard agreement and increase overall total funding by \$15,000, for a new total amount not to exceed \$134,176, to provide stipend volunteers to homebound seniors for in home respite to family/caregivers; and
2. Amendment 003 to Standard Agreement No. IR012-9500 (R2012-1635) for Respite for Elders Living in Everyday Families (RELIEF) with AAA, for the period July 1, 2014, through June 30, 2015, to revise and amend portions of the standard agreement and increase overall total funding by \$10,000 for a new total amount not to exceed \$144,176, to provide stipend volunteers to homebound seniors for in home respite to family/caregivers; and
3. Amendment 007 to Standard Agreement No. IP012-9500 (R2012-1633) for Emergency Home Energy Assistance Program (EHEAP) for the Elderly with AAA, to add, revise and amend portions of the standard agreement and increase overall total funding for the period April 1, 2014, through March 31, 2015, by \$6,000 in an amount not to exceed \$9,759; to provide home energy assistance program for seniors.

**B) approve** Budget Amendment of \$25,000 in the DOSS Administration Fund to align the budget to the actual grant award.

**SUMMARY:** These receive and file items are being submitted in accordance with County- wide PPM No.CW-O-051 to allow Clerk's Office to note and receive the executed amendments. These amendments were executed by County Administrator in accordance with Resolution R2013-0242, which delegated authority to County Administrator or his designee to sign documents related to Division of Senior Services/AAA grant amendments. The budget amendment is aligning the County budget with the actual grant award. Required County match funds are included in current budget. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to approve:** Contracts for Provision of Ryan White Part A HIV Health Support Services with the below listed agencies, for the period March 1, 2015, through February 29, 2016, totaling \$4,263,746:

**A)** Compass, Inc., for providing certain services for the health and support of persons with HIV Spectrum Disease, in an amount not to exceed \$683,309: and

**B)** FoundCare, Inc., for providing certain services for the health and support of persons with HIV Spectrum Disease, in amount not to exceed \$3,580,437.

**SUMMARY:** A notice of grant award was received on February 6, 2015 from the U.S. Health and Human Services Health Resources Services Administration (HRSA), issuing a partial award in the amount of \$5,975,290, in Formula, Supplemental and Minority AIDS Initiative (MAI) funding. An additional grant award will be issued at a later date. These contracts are being funded based on level funding from the prior grant year. The contracts will be amended and the budget will be aligned once the final notice of award has been received. These agencies are selected and recommended for contracting through the Request for Proposal process. These contracts cover services for HIV affected clients which includes medical case management, medical care, pharmacy oral health care, and substance abuse treatment. These contracts represent a modified reimbursement methodology to track actual cost of service instead of units delivered. The change is in response to HRSA site visit report resulting in increased scrutiny and oversight of program and administrative expenses. Employees Marsharee Chronicle and Tony M. White of Compass, Inc., and Quinton Dames and Lilia Perez of FoundCare, Inc., serve on a County Advisory Board, the HIV CARE Council. The HIV CARE Council provides no regulation, oversight, management, or policy-setting recommendations regarding the agency contracts listed above. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. No County funds are required. (Ryan White) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve: appointments to the Homeless Advisory Board (HAB), effective May 19, 2015, for unexpired terms ending September 30, 2015, and full three year terms commencing October 1, 2015, and ending September 30, 2018:

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Nominated By</u>	<u>Term Ending</u>
2	Javaro Sims	Law Enforcement Official	Palm Beach County Law Enforcement Planning Council	09/30/2018
3	Erica Whitfield	Palm Beach County School District Board Member or Senior Staff	School District of Palm Beach County	09/30/2018
12	Van Johnson	Housing Authority Director	Community Services Department	09/30/2018

**SUMMARY:** On May 1, 2007, the Board of County Commissioners established the Homeless Advisory Board (HAB) to develop a Ten-Year Plan to End Homelessness in Palm Beach County (Ten-Year Plan). The HAB's focus is now directed toward oversight and working in conjunction with the Continuum of Care to achieve the objectives of the Ten-Year Plan. Due to the changing focus, the HAB voted to reduce the number of seats from nineteen to fourteen, and change the composition to reflect a board that is implementation oriented. Members representing education and housing are essential to the work of this board. (Human Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to approve:

**A)** a Contract with Ranger Construction Industries, Inc. in the amount of \$2,775,890.75 for the Air Cargo Apron Rehabilitation project at Palm Beach International Airport (PBIA);

**B)** a Budget Amendment of \$1,004,050 in the Airports Improvement and Development Fund to recognize Passenger Facility Charge (PFC) revenue, and to increase Airport Reserves by \$1,004,050; and

**C)** a Budget Transfer of \$1,004,050 in the Airports PFC fund to transfer PFC funds to the Airports Improvement and Development fund, including a transfer from PFC Reserves in the amount of \$1,004,050.

**SUMMARY:** This project was advertised utilizing the County's competitive bid process. On February 19, 2015, six bids were received for the Air Cargo Apron Rehabilitation at PBIA. Of the six bids, Ranger Construction Industries, Inc., a Palm Beach County company has been identified as the lowest responsible/responsive bidder in the amount of \$2,775,890.75. The Disadvantaged Business Enterprise (DBE) goal for this project was established at 15%. Ranger Construction Industries, Inc. is responsive to the DBE requirements and has committed to a minimum of 44.5% DBE participation. Florida Department of Transportation grant funding of \$1,387,946 and PFC funds of \$1,387,945 are being utilized to fund this project. Countywide (JCM)

2. Staff recommends motion to approve: Amendment No. 7 to the General Consulting Agreement with CH2M Hill, Inc. for consulting/professional services in the amount of \$1,360,514.13 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program. **SUMMARY:** The Consulting Agreement (R2011-1333) with CH2M Hill, Inc. for general airport planning and design was approved on September 13, 2011 in the amount of \$1,521,708 in order to carry out the approved Capital Improvement Programs for the County's Airports. Approval of Amendment No. 7 will provide an additional \$1,360,514.13 to complete the following tasks: Task I Services – Palm Beach County Park Airport (LNA) Book Value Estimating Services; Palm Beach International Airport (PBIA) Air Service Support; PBIA Taxiway D & E Rehabilitation/Reconstruction Supplemental Design and Permitting Services; PBIA Taxiway D & E Rehabilitation/Reconstruction Construction Administration (CA), Construction Engineering Inspection (CEI) and Quality Assurance (QA) Materials Testing Services; LNA Misc. Pavement Rehabilitation/Reconstruction CA, CEI and QA Materials Testing Services; Task III Services- Miscellaneous Planning and Engineering Services: Work to be completed under these Task III Services will be issued per the level of authority contained in PPM CW-F-050, by way of a separate proposal or task authorization. CH2M Hill, Inc. is an Englewood, Colorado based firm; however, the majority of the work to be completed in this Agreement will be completed and/or managed through their Palm Beach Gardens, Florida office in conjunction with a Palm Beach County-based subconsultant firm. CH2M Hill, Inc. has committed to 25% Disadvantaged Business Enterprise (DBE) participation for this agreement. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

**A) adopt** a Resolution authorizing the conveyance of the County's interest in a .41 acre vacant parcel of County-owned land located on Collin Drive in unincorporated West Palm Beach to David R. Dukes with reservation of mineral and petroleum rights, but without rights of entry and exploration;

**B) approve** a deposit Receipt and Contract for Sale and Purchase with David R. Dukes for the sale of approximately .41 acre of vacant surplus land for \$3,300; and

**C) approve** a County Deed in favor of David R. Dukes.

**SUMMARY:** The County Water Utilities Department (WUD) controls approximately .41 acre of vacant surplus land adjacent to Collin Drive in unincorporated West Palm Beach. The property is surrounded by residential lots, has no access to a public street and could not be developed as an independent residential lot. WUD recently relocated its lift station onto what was previously the access drive from Collin Drive. This created a large landlocked open space which WUD desires to sell in order to avoid future maintenance costs. Pursuant to Florida Statutes Section 125.35(2), the Board may effect a private sale of the parcel upon a finding that the value of a parcel is \$15,000 or less as determined by the County property appraiser, and when, due to the shape, size, location and value of the property, it is determined by the Board it is of use to only one or more adjacent property owners. The property is assessed at \$2,500. PREM notified the adjoining owners requesting bids on the site and four bids were received: Valeriano Flores and Diana Lara (Flores/Lara) in the amount of \$5,000; David R. Dukes in the amount of \$3,300; Miguel Rios-Hernandez in the amount of \$1,500; and Juan Carlos Montoya - Revocable Trust in the amount of \$1,150. Flores/Lara subsequently withdrew their bid. Staff recommends the Board accept the bid of the second high bidder, David R. Dukes, in the amount of \$3,300. The property is being sold "as is" without contingences. Closing is to occur within 30 days of Board approval. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, but will not retain rights of entry and exploration. **This sale must be approved by a supermajority vote (5 Commissioners).** (PREM) District 2 (HJF)

2. REVISED TITLE: Staff recommends motion to:

**A) adopt** a Resolution authorizing a Lease Agreement with the Simpson-Galla-Ferraro Memorial Post 10556, Veterans of Foreign Wars of the United States, Inc. (VFW) for the continued use of an 1800 SF building in the County's Boca Veterans Park located at 9400 Palmetto Park Road at an annual rate of \$10; and

**B) approve** a Lease Agreement with the Veterans of Foreign Wars.

**SUMMARY:** Since 1985, the VFW has occupied various areas of Palm Beach County's Boca Veterans Park located at 9400 Palmetto Park Road in Boca Raton. Most recently, under a Lease Agreement dated April 13, 2004, (R2004-0673), the VFW has occupied an 1,800 SF building to provide veterans services, meeting space and other VFW related activities for veterans in the South County area. The lease provided for one option to extend for five years and on February 7, 2014, the VFW timely requested the option. A new lease is being entered into to incorporate various standard terms required by County policy. The term of this Lease is for two years, retroactively commencing on May 15, 2014, through May 14, 2016, after which it will automatically renew for successive one year periods. Either party may terminate the Lease upon 60 days written notice. Parks supports the VFW and will continue to have administrative responsibility for this Lease. (PREM) District 5 (HJF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve:

A) a Budget Transfer of \$150,000 in the Housing and Community Development Fund; and

B) a Budget Amendment of \$150,000 in the Public Building Improvement Fund.

**SUMMARY:** On April 7, 2015 (Item 4C-1), the Board of County Commissioners approved an allocation of \$150,000 in Federal Community Development Block Grant (CDBG) funds for the renovation of a County-owned facility located at 1101 Mentone Road in unincorporated Lantana. The Facilities Development and Operations Department will convert the facility, which was previously utilized as an Early Head Start service center, into the San Castle Community Center to serve neighborhood residents. The Budget Transfer and Budget Amendment are necessary to create the transfer and to appropriate the funds. **These are Federal CDBG grant funds which require no local match.** (FALS) District 7 (JB)

2. Staff recommends motion to receive and file: one Amendment to Agreement, one Amendment to Loan Agreement, two Subordination Agreements, and two Amendments to a Cooperative Agreement as follows:

A) Amendment No. 003 to the Agreement (R2013-1809) with Riviera Beach Community Development Corporation, Inc. under the Home Investment Partnership Program (HOME) (District 7);

B) Amendment No. 007 to the Loan Agreement (R2013-1806) with La Joya Villages, Ltd. under HOME (District 7);

C) Subordination Agreement with the West Palm Beach Housing Authority (\$2,050,000 funding) under Disaster Recovery Initiative Program 3 (DRI3) (District 7);

D) Subordination Agreement with the West Palm Beach Housing Authority (\$60,000 funding) under DRI3 (District 7);

E) Amendment No. 2 to the Cooperative Agreement (R2012-0441) with the U.S. Department of Housing & Urban Development (HUD) for the Community Challenge Planning Grant (CCPG) (District 6); and

F) Amendment No. 3 to the Cooperative Agreement (R2012-0441) with HUD for the CCPG (District 6).

**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 documents have been fully executed on behalf of the Board of County Commissioners (BCC) by the County Administrator, or designee, in accordance with Resolution/Agenda Item R2007-1524, 3I-6, 5B-3, and 5B-4, as approved by the BCC on September 7, 2007, March 20, 2012, and September 10, 2013. These executed documents are now being submitted to the BCC to receive and file. **Federal DRI3 funds do not require a local match, Federal CCPG funds require a match which will be met through in-kind contributions that include staff time and resources from the County and other partner agencies and the Federal HOME Program matching requirement is met from State SHIP funds.** (DES Contract Development) (JB)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

3. Staff recommends motion to approve: an Agreement with the City of Lake Worth in the amount of \$267,396 for the period of May 19, 2015, through September 30, 2016. **SUMMARY:** This Agreement with the City of Lake Worth provides Community Development Block Grant (CDBG) funding for the installation of a greenway along 11<sup>th</sup> Avenue South from A Street to G Street. The greenway includes a landscaped curving multi-use path for pedestrians and cyclists and driveway access aisles for residents. On July 22, 2014, the Board of County Commissioners approved the Fiscal Year 2014-2015 Action Plan (R2014-1079) which allocated \$212,396 for the greenway installation. Amendments to the County's Action Plan for FY 2012-2013 and 2013-2014 will provide the balance of the funding required. **This funding is projected to create nine jobs and have one year Economic Sustainability Impact of \$656,128. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 2 (JB)

4. Staff recommends motion to approve:

**A)** a First Amendment to Mortgage and Security Agreement and Modification of Promissory Note with Lantana Associates, Ltd. (LAL) to extend the maturity date and modify the affordability period; and

**B)** delegation of authority to the County Administrator, or his designee, to execute a Satisfaction of Mortgage and Notice of Future Advance and Notice of the Survival of Certain Covenants and Restrictions subject to the receipt of principal and accrued and deferred interest from LAL no later than September 30, 2015.

**SUMMARY:** On August 15, 1995, the County entered into a cash flow dependent Loan Agreement (R95-1070D) with LAL to provide \$108,570 in State Housing Initiative Partnership (SHIP) Program funds towards the construction of a 94 unit affordable rental housing project. The project, known as Villas at Cove Crossing, is located at 2730 West Lantana Road in unincorporated Palm Beach County. This three percent (3%) cash flow dependent loan matured on April 30, 2015. It is secured by a Mortgage and Security Agreement (County Mortgage) and a Promissory Note from LAL. On June 4, 1996, the County entered into a Rental Program Assistance Written Agreement (R96-694D) with LAL to provide an additional \$68,000 in Federal HOME Investment Partnerships (HOME) Program funds which were secured by a Notice of Future Advance thereby increasing the amount of the County Mortgage. As of April 30, 2015, a total of \$279,822, in principal and accrued and deferred interest, is owed. Due to affordability restrictions, insufficient cash flow from the project has precluded the receipt of any payments by the County. Extending the maturity date of the County Mortgage from April 30, 2015 to September 30, 2015, will avert foreclosure and provide LAL additional time to sell the property and repay the County from the sale proceeds. Upon the sale of the property, LAL will repay the entire principal and accrued and deferred interest owed up to such time. The County's receipt of the repayment will terminate the financial obligation of the borrower but not the affordability requirements imposed on the project. The original affordability requirements extended for 30 years. They are being modified to 20 years based on current requirements and will accordingly survive to June 4, 2016. Delegation of authority to the County Administrator, or his designee, will streamline the process of issuance of the satisfaction document provided LAL makes its payment in full no later than September 30, 2015. **State SHIP funds required no local match and the Federal HOME Program grant funds required a 25% local match provided with State SHIP funds.** (DES Contract Development) District 3 (JB)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

5. ~~**DELETED:** Staff recommends motion to:~~

~~A) approve a Conditional Grant Agreement with Amelia Estates, LLC (AELLC);~~

~~B) approve a Satisfaction of Mortgage;~~

~~C) approve a Release of Restrictions; and~~

~~D) delegate authority to the County Administrator, or his designee, to execute a Subordination Agreement with First National Bank of Coffee County (Bank), a Georgia banking company.~~

**SUMMARY:** On April 21, 2009, the County entered into a Conditional Grant Agreement (R2009-0656) with AELLC to fund \$800,000 towards the acquisition of a parcel of land in Belle Glade where 30 affordable homes were to be constructed and sold to income eligible homeowners. The County's funds, of which \$650,000 have been expended to date on infrastructure improvements to the property, were secured by a Mortgage and Security Agreement, a Promissory Note, and a Declaration of Restrictive Covenant encumbering the property. Due to the recent financial crises, the developer was not able to obtain financing to undertake the intended development, but has more recently secured a \$6 Million loan from the Bank to construct 30 apartments and 12 townhouses on a portion of the property which represents the first phase of development. These 30 apartments will be subject to the County's affordability requirements as contained in the grant documents to be executed in connection with the proposed transaction and the 12 townhouses will be unrestricted units that may be rented or sold. The proposed Conditional Grant Agreement memorializes this change in the development of the property, provides retroactive approval of AELLC's use of the \$650,000 for infrastructure improvements in lieu of land acquisition, contains AELLC's relinquishment of the use of the remaining \$150,000, changes the affordability period from 30 years to 20 years, and establishes the income requirements for the households occupying the 30 apartments at a maximum of 120% of area median income. Satisfaction of the Mortgage and Security Agreement and release of the Declaration of Restrictive Covenant, which contain the original terms and conditions for the project, is necessary to allow closing on the Bank's mortgage while the County's new affordability restrictions on the project will be contained in an Amended and Restated Declaration of Restrictions which will be recorded against the property and part of the closing for the proposed transaction. Staff is recommending delegation of authority to the County Administrator, or his designee, to execute a Subordination Agreement with the Bank whereby the County's interest in the Amended and Restated Declaration of Restrictions would become subordinate to the Bank's \$6,000,000 first mortgage on the property. This delegation of authority will provide the ability to execute the Subordination Agreement in a timely manner when the closing is scheduled. (DES Contract Development) District 6 (JB)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to receive and file:** Executed Agreements received during the month of January and February 2015:

**A)** Standard Potable Water and Wastewater Development Renewal Agreement with Investors Asset Acquisition, LLC, No. 03-01021-001 (District 5);

**B)** Standard Potable Water and Wastewater Development Renewal Agreement with Principal Development Group, LLC, No. 03-01021-002 (District 5);

**C)** Standard Potable Water and Wastewater Development Renewal Agreement with 6595, LLC, No. 09-01059-000 (District 5);

**D)** Standard Potable Water and Wastewater Development Agreement with G.L. Homes of Boca Raton Associates V, LTD, No. 09-01070-000 (District 5);

**E)** Standard Potable Water and Wastewater Development Agreement with 441 Acquisition, LLC, No. 09-01071-000 (District 5);

**F)** Standard Potable Water & Wastewater Development Renewal Agreement with Palm Beach International Raceway, LLC, and Moroso Investment Partners II, LLC, No. 12-01001-000 (District 1);

**G)** Indemnification Agreement with Vitas Healthcare of Florida. (District 5); and

**H)** Indemnification Agreement with Lois Realty Corp. (District 5).

**SUMMARY:** In accordance with County PPM CW-0-051, all delegated contracts/agreements/grants/ 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 (BCC) by the County Administrator/Director of the Water Utilities Department in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the BCC to receive and file. (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. Staff recommends motion to:

**A) accept** Utility Easement granted by ICM VI-WPB 1, L.P. (ICM), to Palm Beach County (County); and

**B) approve** Release of Utility Easement granted by Century Associates to Meadowbrook Utility Systems, Inc. on 12-06-88 (ORB 5897 PG 1321) and assigned to Palm Beach County on 12-29-88 (ORB 6156 PG 1850).

**SUMMARY:** ICM has agreed to grant the County a non-standard utility easement over newly installed and previously existing utility improvements owned by the County on property located on the northeast corner of Okeechobee Boulevard and Haverhill Road in West Palm Beach. The non-standard easement will limit the easement property to those areas where the County has installed and owns utility improvements and was modified at the request of the Grantor to include language affirming the Grantor's rights and County's restoration responsibilities. The utility easement being released was granted to the previous utility provider and assigned to County. It identified the entire shopping center parcel as the easement property without designating specific utility location. With the acceptance of the new easement by the County, the old blanket easement is no longer necessary and can be released. District 2 (MJ)

3. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida revising Chapter 2 of the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP). **SUMMARY:** The UPAP is a codification of the Department's fees, standards, legal documents, policies and procedures which govern the provision of potable water, wastewater, and reclaimed water services. The Department updates the UPAP from time to time to ensure compliance with recently enacted laws and ordinances, and to ensure that it continues to enable effective and efficient delivery of utility services. This update modifies requirements for new customers signing up for service. Currently, all new customers are required to sign up for new service in person at the Department's customer service location. This proposal authorizes the Department to utilize a third party system to verify the identity of new customers. If a new customer's identity can be verified, the customer will be allowed to sign up for new service by telephone. Additional administrative updates are included in the Summary of Proposed Changes (Attachment 3 to the Agenda Item). The Water Utilities Advisory Board reviewed and unanimously approved the changes to the UPAP at their March 27, 2015 meeting. (Finance and Administration) Countywide (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. **Staff recommends motion to approve:** Contract Termination Agreement of a Construction Contract with Ric-Man International, Inc. (R2013-0769) in the amount of \$35,266.34. **SUMMARY:** On June 18, 2013, the Board of County Commissioners (BCC) approved a contract in the amount of \$1,575,499.50 with Ric-Man International, Inc. to construct the Pump Station 5229 Bypass (Project). The scope of work for the Project consisted of the rebuilding, upsizing and replacement of the pump station bypass. During project implementation issues arose as to the constructability of the Project. The County is exercising its right to terminate the Contract for convenience following a negotiated and mutually agreeable resolution of all claims related to this Project by both parties. There have been no change orders to date. With the Settlement amount, the County will have paid \$491,494.69 in total for materials that are in our possession and will be used when the project goes to construction after it has been redesigned and bid. The Contract Termination Agreement is a negotiated resolution of work performed by Ric-Man International, Inc. and is within the budgeted project amount. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. The Contract provided for 15.04% SBE participation. Actual SBE participation is 0% overall for this contract. (WUD Project No. 11-035) District 2 (JM)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to:**
  - A) approve** Land and Water Conservation Fund Program (LWCF) Project Agreement No. LW627 (Agreement) with the Florida Department of Environmental Protection (DEP) for \$200,000 to construct recreational and support facilities on a 191-acre portion of the County's Cypress Creek Natural Area, expiring three years from execution by DEP;
  - B) authorize** the County Administrator, or his designee, to sign all future time extensions, and other forms associated with this Agreement and necessary minor amendments that do not change the scope of work or terms and conditions of the Agreement;
  - C) execute** a Notice of Limitation of Use/Site Dedication identifying the 191-acre project area as an outdoor recreation area for the use and benefit of the general public in perpetuity; and
  - D) approve** a Budget Amendment of \$200,000 in the Environmental Resources Capital Projects Fund to recognize the grant revenue.

**SUMMARY:** On April 1, 2014, the Board ratified the Mayor's signature on a LWCF Grant Application requesting a \$200,000 grant to help pay for the Cypress Creek Natural Area Trails Project (Project). The Project was selected to receive a LWCF grant award of \$200,000. The County will provide a \$200,000 (50%) cash match through a transfer from non-ad valorem funds within the Natural Areas Fund. The 3-year Agreement will become effective upon execution by DEP. A Notice of Limitation of Use/Site Dedication dedicating the 191-acre Project area as an outdoor recreation site for the use and benefit of the general public, in perpetuity, must be recorded in the public records as part of the grant documentation. District 1 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

**A) approve** Interlocal Agreement with the City of Lake Worth (City) for donating a portion of the Snook Islands Public Use Facility floating dock to the City for use as a staging dock at the Bryant Park Boat Ramp Facility. The term of this Agreement would continue until the last General Obligation Bond is retired or August 1, 2026, whichever occurs first; and

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

**SUMMARY:** This Agreement provides for the donation of a portion of the Snook Islands Public Use Facility floating dock for repositioning to the adjacent Bryant Park boat ramp at no cost to the County. The dock was acquired by the County with a portion of the proceeds of the County's General Obligation Bonds (Waterfront Access Projects). The Department has determined that this portion of the dock is surplus. District 3 (SF)

3. Staff recommends motion to:

**A) approve** Grant Agreement No.15-016R with the Sea Turtle Conservancy (STC) in the amount of \$12,843.50 to fund the purchase of temperature monitoring equipment and sand analysis on County beaches through April 30, 2016;

**B) approve** a Budget Amendment of \$12,844 in the Beach Improvement Fund to recognize the revenue from the Agreement; and

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

**SUMMARY:** The proposed project will utilize temperature data loggers and sand testing to assess temperature, humidity, grain composition, color, and carbonate content to determine the effects of various sand types on sea turtle nesting. Palm Beach County ERM has the unique opportunity to test mined sand, dredged sand, and native sand in a single season. These variables will be compared to sea turtle nest evaluation results to determine impact on incubation period, hatch success, and emergence success. The results will help determine the suitability of multiple sand sources used on a frequently nourished stretch of one of Florida's most densely nested beaches. The STC grant will reimburse \$12,843.50 for project costs using funds from the Florida Sea Turtle License Plate Grant Program. The Grant Agreement is effective upon execution by both parties and expires April 30, 2016. No County match required. Districts 1 & 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. Staff recommends motion to approve: Task Order No. 1190-05 to a continuing Contract (R2013-1190) with Olsen Associates, Inc. (Olsen) in the amount of \$220,251.53 to provide professional cultural resources and geophysical services in support of the Juno Beach Shore Protection Project III. **SUMMARY:** The Board of County Commissioners approved the Contract with Olsen, a Jacksonville company, on September 10, 2013. Task Order No. 1190-05 authorizes Olsen to conduct cultural resources and sub-bottom surveying in preparation for the Juno Beach Shore Protection Project III. Costs will be paid from the Beach Improvement fund. The County is negotiating a new funding agreement which may allow DEP to cost share these tasks. Olsen committed to an overall 38.0% small business and minority business enterprise (SBE-MBE) participation in the Contract. This Task Order has 46.11% SBE-MBE participation. Olsen has achieved a 53.29% cumulative SBE-MBE participation on the Contract including this Task Order. District 1 (JM)

5. Staff recommends motion to approve: Annual Construction Contracts with the below listed vendors, for Palm Beach County Artificial Reef & Breakwater Annual Contract, Project No. 2015ERM01 for a period of 12 months, with the cumulative total of all work orders assigned under the three Contracts not to exceed the amount of \$1,566,048.20:

**A)** The Vance Construction Co. (Primary) not to exceed \$1,178,684.50;

**B)** Coston Marine Services, Inc. (Secondary) not to exceed \$1,415,196.38; and

**C)** Arbor Tree and Land, Inc. (Tertiary) not to exceed \$1,566,048.20.

**SUMMARY:** The Contracts are being established for constructing artificial reef and breakwater projects throughout the County on an as-needed basis. Contracts will be awarded to a primary, secondary and tertiary bidder. Three responsive, responsible bids were received for these annual Contracts. All bids exceeded the established 15% Small Business Enterprise (SBE) goal. The Vance Construction Co., a Palm Beach County SBE, was the primary lowest responsive, responsible bidder with 54.94% SBE participation. Coston Marine Services, Inc., a Palm Beach County SBE, was the secondary lowest responsive, responsible bidder with 100% SBE participation. Arbor Tree and Land, Inc., a Palm Beach County company, was the tertiary lowest responsive, responsible bidder with 15.81% SBE participation. The initial Contract term is 12 months, which may be extended for an additional 24 months upon approval of the Board of County Commissioners. Countywide (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

6. Staff recommends motion to:

**A) adopt** a Resolution for Assistance through Florida Inland Navigation District (FIND) Waterways Assistance Program authorizing submission of a grant application requesting \$1,300,000 of the estimated \$2,600,000 associated with construction of the Pahokee Marina Breakwater System;

**B) adopt** a Resolution for Assistance through FIND Waterways Assistance Program authorizing submission of a grant application requesting \$941,175 of the estimated \$1,882,350 associated with construction of the West Palm Beach Living Shoreline Projects;

**C) adopt** a Resolution for Assistance through FIND Waterways Assistance Program authorizing submission of a grant application requesting \$364,875 of the estimated \$729,750 associated with construction of the Phil Foster Floating Dock;

**D) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications, statements, and other forms associated with these agreements, and necessary minor amendments that do not significantly change the scope of work, terms or conditions of these agreements; and

**E) authorize** the Director of the Department of Environmental Resources Management to serve as Liaison Agent with FIND for these projects.

**SUMMARY:** The FIND grant application process involves two steps. County staff submitted initial grant proposals for reimbursement funding of \$1,300,000 (Pahokee Marina Breakwater System); \$941,175 (West Palm Beach Living Shoreline Projects); and \$364,875 (Phil Foster Floating Dock) by the April 1, 2014 deadline. However, the initial proposal remains incomplete until the Board of County Commissioners adopts a resolution authorizing each of the three proposed projects. FIND requires that the application be deemed complete by May 29, 2015; adoption of this agenda item will complete the County's application. The selection process is competitive. If successful in receiving approval for funding, the deadline for spending the grant(s) will be September 2017 with the possibility of a one-year extension. The County's (50%) matching share of up to \$2,606,050 is anticipated from a combination of state grants, Pollution Recovery Trust, Vessel Registration, and Manatee Protection funds to be determined depending on the award amount. Awards are expected to be announced in September 2015. Districts 1, 6 & 7 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: the following original executed Amphitheater Rental Agreement:

369 Productions, LLC, Barnett Bar Mitzvah event, Sunset Cove Amphitheater, for the period January 24, 2015, through January 25, 2015.

**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 Amphitheater Rental 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 2009-0335, amended by Resolutions 2009-1807, 2012-1715, and 2014-0166 and is now being submitted to the Board to receive and file. This event helps to offer a balanced schedule of events which promote the quality of life in the communities we serve. An estimated 300 persons attended the event produced under this Amphitheater Rental Agreement. District 5 (AH)

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

Warren Bradley Raker, The Crush concert, Seabreeze Amphitheater, on March 21, 2015.

**SUMMARY:** The Parks and Recreation Department produces cultural activities to promote the quality of life in the communities it serves. The Parks and Recreation Department produced a popular cultural event at the Seabreeze Amphitheater. This event was attended by an estimated 700 people 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 Resolutions 2010-0644 and 2014-0168, and is now being submitted to the Board to receive and file. District 1 (AH)

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

Blackwood Productions LLC, The Crush Concert, Seabreeze Amphitheater, on March 21, 2015.

**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 Resolutions 2010-0645 and 2014-0167, and is now being submitted to the Board to receive and file. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. Staff recommends motion to:

**A) ratify** the signature of the Mayor on a Florida Boating Improvement Program (FBIP) Grant Application submitted to Florida Fish and Wildlife Conservation Commission (FFWCC) on March 30, 2015, requesting \$400,000 to fund 50% of the construction costs associated with the redevelopment and expansion of the boating facilities at Bert Winters Park;

**B) adopt** Resolution for assistance under the Florida Boating Improvement Fund for grant funding for Bert Winters Park for construction costs associated with the redevelopment and expansion of Bert Winters Park in the amount of \$400,000;

**C) authorize** the County Administrator or his designee to execute the Grant Agreement, as well as task assignments, time extensions, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement, if the grant is approved; and

**D) authorize** the Director of the Parks and Recreation Department to serve as Liaison Agent with FFWCC for this project.

**SUMMARY:** This Grant Application requests up to \$400,000 from the FFWCC FBIP to pay for 50% of the grant project cost of \$800,000 for the redevelopment and expansion of the boating facilities at Bert Winters Park. The grant requires a 50% match which will be funded from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue, the Park Improvement Fund, and \$25,000 (2%) of Park and Recreation Department staff costs for construction oversight as in-kind services. The County estimates the total cost of this project at \$2,000,000, however, for purposes of this Grant Application, the grant project costs are estimated at \$800,000 in order to maintain the FFWCC's reimbursement percentage at 50% and to ensure reimbursement of the full \$400,000 should grant funding be awarded. The County also applied for \$1,000,000 in grant funding from the Florida Inland Navigation District for this project. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. Staff recommends motion to:

**A) ratify** the signature of the Mayor on a Waterways Assistance Program (WAP) Grant Application submitted to Florida Inland Navigation District (FIND) on March 30, 2015, requesting \$200,000 to fund the construction costs associated with the redevelopment of the west side of Burt Reynolds Park;

**B) adopt** Resolution for Assistance under the FIND WAP for grant funding for Burt Reynolds Park for construction costs associated with the redevelopment of the west side of the park in the amount of \$200,000;

**C) approve** expansion of project scope to include a new restroom, new site lighting and drainage structures;

**D) authorize** the County Administrator or his designee to execute the Grant Project Agreement, future time extensions, task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement, if the grant is approved; and

**E) authorize** the Director of the Parks and Recreation Department to serve as Liaison Agent with FIND for this project.

**SUMMARY:** In FY 2014, the County applied for and was awarded a \$750,000 FIND grant to cover 50% of the estimated \$1.5 million in construction costs associated with the redevelopment of the west side of Burt Reynolds Park. The consultant has since increased the cost estimate to \$1.9 million, and the County is now requesting an additional \$200,000 in grant funding, thereby increasing FIND's participation in the project to 50% of the revised cost estimate. The balance of the project will be funded using money from the Palm Beach County Florida Boating Improvement Program (PBC FBIP) and a \$300,000 Florida Fish and Wildlife Conservation Commission grant. Due to grant-related items requiring timely execution by the County, staff is requesting Board approval for the County Administrator or designee to approve grant documents and the Parks and Recreation Director to act as the Liaison for this project. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

6. Staff recommends motion to:

**A) ratify** the signature of the Mayor on a Waterways Assistance Program (WAP) Grant Application submitted to the Florida Inland Navigation District (FIND) on March 30, 2015, requesting \$1,000,000 for the Bert Winters Park Phase II A Redevelopment and Expansion project;

**B) adopt** Resolution for Assistance under the FIND's WAP for grant funding for the Bert Winters Park Phase II A Redevelopment and Expansion project in the amount of \$1,000,000;

**C) approve** expansion of project scope to include a second entrance road and a new restroom;

**D) authorize** the County Administrator or his designee to execute the grant agreement and future time extensions, task assignments, certifications, standard forms, or amendments to the Agreement that do not change the terms and conditions of the Agreement, if the grant is approved;

**E) authorize** the Director of the Parks and Recreation Department to serve as Liaison Agent with FIND for this project; and

**F) authorize** the Director of Property and Real Estate Management to execute and record in public records a FIND Restrictive Covenant dedicating the project area for public use for a period of 25 years upon completion of the project.

**SUMMARY:** The total cost of the Bert Winters Park Phase II A Redevelopment and Expansion project identified in this FIND WAP Grant Application is \$2,000,000. The Grant Application requests up to \$1,000,000 (50%) for construction costs associated with the renovation and expansion of the boating facilities in Bert Winters Park, and if awarded, the grant will require a \$1,000,000 (50%) match by the County. The required match will be funded from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue and the Park Improvement Fund. The County is also applying for a \$400,000 Florida Fish and Wildlife Conservation Commission grant this funding cycle. Due to multiple grant related items requiring timely execution by the County, staff is requesting Board approval for the County Administrator to approve grant documents and the Parks and Recreation Director to act as the Liaison for this project. District 1 (AH)

3. CONSENT AGENDA APPROVAL

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 10, 2015, through July 9, 2016; 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 \$6,000 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 2015 and FY 2016 operating budgets and will have minimal fiscal impact. Countywide (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve: Budget Transfer of \$20,000 in the General Fund from the Youth Services Department to the Criminal Justice Commission (CJC) for the Law Enforcement Work Group priorities. **SUMMARY:** The Board of County Commissioners provided \$400,000 in ad valorem funding to support the Youth Violence Prevention Project in FY 2015. Inclusive of these funds is \$380,000 to support three Youth Empowerment Centers. The remaining \$20,000 is allocated to the multiagency, Law Enforcement Work Group. This Work Group serves as an advisory committee to the CJC on youth violence and sets priorities accordingly. The \$20,000 allocated to support the priorities of the Work Group was erroneously put in the Youth Services Department's budget instead of the CJC's. Countywide (JB)

2. Staff recommends motion to approve: a Memorandum of Understanding with the School Board of Palm Beach County, Florida (School Board) to establish an effective partnership to support the Juvenile First Offender (JFO) program. The JFO program will be funded by transferring the available balance in the County's Juvenile Assessment Center (JAC) Fund, which is currently \$44,215.17. **SUMMARY:** The Clerk of Courts began collecting Juvenile Assessment Fees in February 1999, after the Board of County Commissioners authorized the creation of the JAC Fund (Fund 060 which later became Fund 1150) pursuant to Ordinance 97-1 and 97-2. Over the years the funds have had multiple uses but primarily the funds were used to pay for security at the JAC. The funds are no longer being collected; therefore, the account needs to be liquidated and closed. The JAC Donation Account Committee made the recommendation to disperse the remainder of the account to support the School Board's JFO program at their last official meeting on May 9, 2014. Countywide (JB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to receive and file:

**A)** one original standard Interlocal Agreement for Swimming Lessons with the City of West Palm Beach;

**B)** one original standard Independent Contractor Agreement for Swimming Lessons with Young Men’s Christian Association of the Palm Beaches, Inc.; and

**C)** one original standard Independent Contractor Agreement for Swimming Lessons with Young Men’s Christian Association of South Palm Beach County, Inc.

**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, three 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: the appointment of the following individual to the Regional Hazardous Materials Oversight Committee for completion of an unexpired term for Seat No. 2 through February 4, 2016:

<u>Appointment Nominee</u>	<u>Seat No.</u>	<u>Category</u>
Drovica Gosein-Rodriquez	2	Department of Health, PBC

**SUMMARY:** The Hazardous Materials Oversight Committee is established in Section 11-130, Palm Beach County Code, known as the Palm Beach County Regional Hazardous Materials Response Ordinance of 1998. Appointments to this five member committee are for three year terms and are composed of members from specific areas of representation. The reason for the vacancy is the board member retired. The terms of the committee members are staggered to eliminate replacing the entire committee at one time. Countywide (SB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to:

**A) rescind** the Interlocal Agreement (R2012-1308) dated September 11, 2012;

**B) approve** an Interlocal Agreement for digital imaging services with the Town of Palm Beach to update the language to current contract standards and revise the applicable fee structure based on the rate increase for large format documents; and

**C) authorize** the County Administrator, or his designee, ISS Director, to approve and execute Task Orders associated with these services, up to a maximum dollar value of \$50,000 per Task Order.

**SUMMARY:** The Town of Palm Beach (Town) has an existing digital imaging service Interlocal Agreement with Palm Beach County (R2012-1308) for an initial term of one year with automatic one-year renewals unless notice is given by either party. This Interlocal Agreement increases the applicable fee structure for the scanning of large format documents based on our annual financial analysis review of current market rates, which resulted in an increase from \$.50 to \$2 per large format document scan. District 1 (PFK)

X. PUBLIC SAFETY

1. Staff recommends motion to:

**A) approve** a Tier 1 Shelter Partners in Protection Program agreement with Merial, Inc. at no cost to utilize NexGard, 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, 2015, through December 31, 2015; 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 NexGard, Frontline and/or Heartgard products at no cost to the County. The Division agrees to exclusively apply NexGard and/or Frontline for the prevention of fleas and ticks, and provide Heartgard for the prevention of heartworms to all cats and dogs admitted into the shelter. The Division will display Merial's NexGard, 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 (DW)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to:

**A) receive and file** electronically executed Grant Applications and resulting Grant Agreements:

1. Federal Transit Administration (FTA) Project ID FL-90-X842 \$15,441,552 (R2014-0702);
2. Federal Transit Administration (FTA) Project ID FL-95-X063 \$500,000 (R2013-0786);
3. Federal Transit Administration (FTA) Project ID FL-95-X067 \$3,000,000 (R2014-0474); and

**B) approve** an upward Budget Amendment of \$3,500,000 in the Palm Tran Grant Fund (1341) to reconcile the budget to the actual award amount.

**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 grant applications and grant agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the Palm Tran Assistant Director through the County Administrator in accordance with Resolutions R2014-0702, R2013-0786 and R2014-0474. These grants will be used for a combination of capital projects and operational expenses, including: fixed route bus replacement, bus shelters, bus stop ADA compliance, preventive maintenance, employee education and training, mobile fare technology, computer equipment & software, and safety and security training programs. Delegated authority was given to execute, on behalf of the Board, and to transmit electronically the Board's approval of the grant applications, awards and resulting grant agreements, which are now being submitted to the Board to receive and file the executed documents. The Budget Amendment aligns the County budget with the actual grant awards. Countywide (DR)

2. Staff recommends motion to approve: one appointment as an At-Large member to the Palm Tran Service Board (PTSB) for the following term:

<u>Nominee</u>	<u>Category, Seat No.</u>	<u>Term to Expire</u>	<u>Nominated By</u>
Robert Weinroth	Elected Municipal Official Seat No. 4	Sept. 30, 2016	Mayor Vana Comm. Burdick Comm. Abrams Comm. Taylor Comm. McKinlay

**SUMMARY:** The Palm Tran Service Board is composed of 13 At-Large members with specific seat categories. There are currently five vacancies on the Board. A memo dated May 1, 2015 was circulated to the Board of County Commissioners requesting support of Deputy Mayor Robert Weinroth of Boca Raton's appointment to fill one vacancy and requesting additional nominees. No additional nominations were received. Countywide (DR)

3. CONSENT AGENDA APPROVAL

BB. YOUTH SERVICES

1. Staff recommends motion to approve:

**A)** Contract for Provision of Services with Friends of Community Services, Inc. for the period April 1, 2015, through September 30, 2015, in an amount not to exceed \$442,979 for Summer Camp Scholarships;

**B)** Budget Transfer of \$8,750 in the General Fund from the Outreach and Community Programming Division to the Summer Camp Scholarship Program to fund the cost associated with this Contract for Provision of Services.

**SUMMARY:** The Summer Camp Scholarship Program pays full tuition and associated fees for eligible children to attend day camp during the summer months. The Board of County Commissioners has allocated \$434,229 to fund summer camp scholarships for eligible children. Since 1995, Friends of Community Services, Inc. (Friends) (a non-profit organization previously named Governor's Council for Community Health Partnerships) has provided support for the Summer Camp Scholarship Program. Friends also develops and implements marketing strategies to raise additional funding for the Summer Camp Scholarship Program. Friends receives these funds, which are matched by Children's Services Council of Palm Beach County, in addition to other grants and private donations. Combined, these funds result in the ability to provide 1,700 scholarships to Palm Beach County children to attend over 85 camps. Friends processes payments to the specific Summer Camp vendors based on invoices from the Outreach & Community Programming Division. Friends maintains financial records, reports of payments and receipts for Summer Camp funding which is audited annually. Countywide (HH)

CC. INTERNAL AUDITOR

1. Staff recommends motion to receive and file: Audit reports reviewed by the Audit Committee at its March 18, 2015 meeting as follows:

**A)** 15-02 Library Department - *Procurement and Payroll* (2014-18).

**B)** 15-03 Water Utilities Department - *Operations and Maintenance* (2014-10)

**C)** 15-04 Engineering and Public Works Department - *Roadway Production* (2014-15)

**D)** 15-05 Parks and Recreation Department - *Special Facilities* (2014-05)

**E)** 15-06 Palm Tran Department - *Fixed Route* (2014-02)

**F)** 15-07 Office of Equal Opportunity - *Fair Housing and Equal Employment* (2014-14)

**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 18, 2015, the Committee reviewed and authorized distribution of the above audit reports. We are submitting these reports to the Board of County Commissioners as required by the Ordinance. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

DD. SHERIFF

1. **Staff recommends motion to receive and file:** Extension Letter amending a 2013 UASI Grant, to extend the grant period from March 31, 2015, through April 30, 2015. **SUMMARY:** The Board of County Commissioners accepted this grant for \$495,909 on May 6, 2014 (R2014-0651). This agenda item will extend the grant period from March 31, 2015, through April 30, 2015. The purpose of this grant project is to fund various domestic security activities within the County and Region 7 using federal Urban Area Security Initiative (UASI) funds through the City of Miami, as the UASI's fiscal agent. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (JB)

2. **Staff recommends motion to:**

**A) accept** on behalf of the Palm Beach County Sheriff's Office, a Memorandum of Agreement with the City of Miami for a FY14 Urban Area Security Initiative Grant in the amount of \$435,278 for the period of April 15, 2015, through April 30, 2016; and

**B) approve** a Budget Amendment of \$435,278 in the Sheriff's Grants Fund.

**SUMMARY:** This Memorandum of Agreement provides a means of funding various domestic security activities within the County and Region 7 using federal Urban Area Security Initiative (UASI) funds through the City of Miami, as the UASI's fiscal agent. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (JB)

3. **Staff recommends motion to:**

**A) accept** on behalf of the Palm Beach County Sheriff's Office, a High Intensity Drug Trafficking Area (HIDTA) Violent Crimes and Drug Trafficking Organization grant in the amount of \$20,000, for the period of April 16, 2015, through April 15, 2016; and

**B) approve** a Budget Amendment of \$20,000 in the Sheriff's Grants Fund.

**SUMMARY:** On April 9, 2015, the Palm Beach County Sheriff's Office received an award from the South Florida HIDTA Office. The funds will be used to offset overtime costs incurred by law enforcement officers participating in "Operation Pot of Gold." There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (JB)

3. CONSENT AGENDA APPROVAL

DD. SHERIFF (Cont'd)

4. **Staff recommends motion to receive and file:** Grant Modification No. 1 to Subgrant Agreement between the Division of Emergency Management and Palm Beach County Sheriff's Office amending Florida Division of Emergency Management Federally Funded Subgrant Agreement for a FY 2013 State Homeland Security Grant Program award for Operation Stonegarden, to extend the grant period from May 31, 2015, through July 31, 2015. **SUMMARY:** The Board of County Commissioners accepted this grant for \$120,985 on October 21, 2014; the original period for this grant was September 23, 2014, through May 31, 2015 (R2014-1630). This agenda item will extend the grant period from May 31, 2015, through July 31, 2015. Funds provided will be used to enhance the United States Border Patrol's mission to secure the Nation's coastline through an all-threats layered integrated approach in collaboration with local and state law enforcement agencies, and Border Patrol. Specifically, grant funds will pay for overtime to reinforce our presence within local communities along the coast; and intercepting those who have illegally crossed our borders through highway interdiction and crime suppression operations. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (JB)

\* \* \* \* \*

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 all of Tracts D-3 and D-4 of Canyon Isles Preserve Plat Two, as recorded in Plat Book 104, Pages 152 through 156 and a portion of Acme Dairy Road right-of-way according to the Road, Dyke and Ditch Reservation 30 feet in width, lying between Tracts 73, 88, 105, 116 and Tracts 72, 89, 104 and 117, Block 63, according to Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, page 45, (said reservation also lying between Tracts A-1 and A-2 of said Canyon Isles Preserve Plat Two) all of the Public Records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will eliminate the public dedications which are in conflict with future redevelopment plans for the site. The petition site is located 2.5 miles south of Boynton Beach Boulevard, the north boundary being approximately Flavor Pict Road and the Lake Worth Drainage District (LWDD) L-29 Canal and bounded on the south by the LWDD L-30 Canal. District 5 (MRE)
- B. **Staff recommends motion to adopt:** a Resolution to abandon any public interest in that portion of the 30 foot wide unimproved right-of-way easement falling in Tracts 94, 95, 96, 97, 98 and 99 in Section 8, Township 46 South, Range 42 east, according to the plat of Palm Beach Farms Co. Plat No. 1, as recorded in Plat Book 2, Pages 26 through 28; and that portion of the 30 foot wide right-of-way easement falling in Tracts 1, 2 and 3 in Section 17, Township 46 South, Range 42 east, and in Tracts 126, 127 and 128 in Section 8, Township 46 South, Range 42 east, according to the plat of Palm Beach Farms Co. Plat No. 1, as recorded in Plat Book 2, Pages 26 through 28, all of the Public Records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will eliminate the public dedications which are in conflict with future development plans for the site (Atlantic Commons). The petition site is located east of Florida's Turnpike, south of the Lake Worth Drainage District (LWDD) L-31 Canal and west of the LWDD E-2E Canal. District 5 (MRE)
- C. **Staff recommends motion to adopt:** a Resolution to abandon any public interest in that certain portion of the 80 foot Acme Dairy Road right-of-way as conveyed to Palm Beach County by warranty deed recorded in Official Records Book 18673, Page 7, Public Records of Palm Beach County, Florida, lying in Section 32, Township 45 South, Range 42 East; reserving a drainage easement over the area to be abandoned; reserving a utility easement over the area to be abandoned; and executing a utility easement over the area to be abandoned. **SUMMARY:** Adoption of this Resolution will allow Palm Beach County to vacate its interest in that certain portion of 80 foot right-of-way for Acme Dairy Road from the south right-of-way line of Malear Palm Drive south approximately 130 feet, in response to a condition of approval placed on the Valencia Cove project by the Board of County Commissioners requiring the Valencia Cove Homeowners Association to be responsible for maintenance and repair of all improvements, including the stormwater drainage system, located within this portion of Acme Dairy Road. The petition site is located south of Malear Palm Drive, approximately 1.88 miles south of Boynton Beach Boulevard and 0.27 miles west of Florida's Turnpike. District 5 (MRE)

4. PUBLIC HEARINGS CONTINUED

D. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing an exemption from certain Ad Valorem Taxation to encourage economic development in the County for Florida South Division, LLC, a new business; providing for a finding that requirements have been met; providing for the amount of revenue available from ad valorem tax sources for the current fiscal year; providing for the amount of revenue lost by virtue of the economic development ad valorem tax exemptions currently in effect; providing for the estimated revenue lost attributable to the exemption granted to Florida South Division, LLC; providing for the period of time for which the exemption will remain in effect and the expiration date of the exemption; providing for annual reporting requirement; providing for applicability; 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:** On May 21, 2013, the Board of County Commissioners (BCC) approved (R2013-0632) an Economic Development Incentive Grant Agreement with Florida South Division, LLC (FSD) for an incentive in the amount of \$1.7 Million in the form of an Ad Valorem Tax Exemption over a seven year period. The Ad Valorem Tax Exemption is for real property and tangible personal property improvements undertaken in the company's construction of a 650,000 sf distribution center and regional headquarters in Royal Palm Beach that will serve the ALDI, Inc. grocery stores in South Florida. The Agreement requires the company to make a minimum \$55 Million capital investment, create 95 new full-time equivalent jobs over a three year period at an annualized average wage of \$46,100, and maintain those jobs for a period of five years. As required under Palm Beach County's Economic Development Ad Valorem Tax Exemption Program implemented by the BCC through adoption of Ordinance 2013-022, FSD has filed an application with the Property Appraiser's (PA) office, and the PA has issued a determination that the project meets the requirements under Florida Statute 196.012 for an Ad Valorem Tax Exemption (attached as Exhibit B to the Ordinance). On April 21, 2015, the BCC held a preliminary reading of this Ordinance and authorized advertising for public hearing. District 6 (JB)

E. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending section 17-116 of the Code of Laws and Ordinances; codifying the Tourist Development Ordinance of Palm Beach County, Ordinance 95-30, as amended; providing for an amendment to the tourist development plan of categories used; percentage of yearly revenue, and special allocations; providing for repeal of laws in conflict; providing for a savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for penalties; providing for captions; and providing for an effective date. **SUMMARY:** This Ordinance provides for the transfer of funds from the first (1<sup>st</sup>) percent of the bed tax and the amendment of the Tourist Development Plan which will provide for the expenditure of one (1) cent of "bed" tax revenues to be used for one or more of the authorized uses pursuant to Florida Statutes, 125.0104(5): AUTHORIZED USES OF REVENUE in Palm Beach County and a few other minor housekeeping language corrections and one correction to the Cultural Council's percentage that was a typographical error. (TDC) Countywide (DW)

\* \* \* \* \*

5. REGULAR AGENDA

A. ADMINISTRATION

1. ~~DELETED: Staff recommends motion to:~~

~~A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, recommending approval of Project Fan, a company authorized to do business in the State of Florida, as a Qualified Target Industry (QTI) business pursuant to s.288.106, Florida Statutes; providing for local financial support for the Qualified Target Industry Tax Refund Program not to exceed \$21,000; and~~

~~B) conceptually approve an Economic Development Incentive for Project Fan in the amount of \$21,000 in the form of a Job Growth Incentive (JGI) Grant as the local match for a State QTI Tax Refund.~~

**SUMMARY:** Project Fan is a regional headquarters relocation project that plans to make a \$1.7 Million capital investment on renovations and equipment at an existing facility in Palm Beach County and create 21 new full-time jobs by December 31, 2017, at an average annual wage of \$48,813, excluding benefits. The company will be required to maintain the new jobs for a period of five years. It is anticipated that the State of Florida will provide \$105,000 in the form of a Qualified Target Industry (QTI) Tax Refund which includes a required 20% local match of \$21,000. The JGI Grant, which will be paid over a period of five years, will be secured by a Letter of Credit, Bond, Corporate Guarantee or equivalent. The company will be required to enter into a formal agreement memorializing their commitments and establishing criteria for funding distribution. At such time the company name will be disclosed. The five year local economic impact is estimated to be \$27 Million. **Funding for the JGI Incentive Grant will come from General Fund Contingency Reserves.** District 7 (JB)

2. ADD-ON: Staff recommends motion to receive and file: Letter from S. Renée Narloch & Associates, dated May 13, 2015, correcting County Administrator selection rankings for the official record. **SUMMARY:** On Tuesday, May 12, 2015, the Board of County Commissioners interviewed six candidates for the County Administrator position and selected Deputy County Administrator Verdenia Baker to succeed Mr. Weisman upon his retirement. After the results were announced at the end of the day, a recording and tabulation error was noticed. The search consultant, S. Renée Narloch misinterpreted the candidate rankings submitted by Commissioner Priscilla A. Taylor. The corrected rankings *do not* alter the final results. The above letter is being submitted for receive and file to make it part of the official record. Countywide (DN)

B. COUNTY ATTORNEY

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on June 23, 2015 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, to be known as the Palm Beach County Solicitation and Distribution on Public Roads Ordinance; providing for title; providing for intent; providing for definitions; providing for findings and determinations; providing for prohibitions; providing for applicability; providing for penalties; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing for an effective date. **SUMMARY:** This Ordinance will prohibit persons from displaying information, soliciting business or charitable contributions and distributing materials or goods on county and state roads, in the unincorporated area of the county. Prohibited activities include, but are not limited to panhandling, collection of donations for or by non-profit organizations or the sale or distribution of merchandise or publications. Shoulders and sidewalks are not covered by this Ordinance. Unincorporated (MRE)

5. REGULAR AGENDA

C. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to approve:** a Memorandum of Understanding (MOU) with the City of Lake Worth (City) for County technical assistance to secure and manage prospective grant funds to facilitate the development of the Lake Worth Park of Commerce. **SUMMARY:** This MOU establishes a partnership between the County and City to coordinate efforts in securing and managing infrastructure grant funds in the amount of \$1,400,000 to complete necessary roadway and related infrastructure improvements to support the development of the Lake Worth Park of Commerce and to ultimately, attract regional business projects, creating job opportunities for area residents. These improvements will allow significant private sector investment and related job creation including the establishment of a new manufacturing facility and two hotels. The City has identified the U.S. Department of Commerce, Economic Development Administration's (EDA) Public Works Grant Program as a potential funding source to help offset the overall costs of the intended infrastructure improvements and has requested County technical assistance to secure and manage the prospective grant funds. Should EDA approve the City's funding application, the County will receive funding from the City under the MOU for grant preparation and management. The City will be responsible for completing the design and engineering work related to the proposed roadway improvements, securing matching funds as necessary and overseeing construction implementation activities for the project. The Department of Economic Sustainability will be responsible for assisting the City in completing a grant application to EDA. The City will provide local matching funds of up to \$3,200,000. The application will be submitted for the funding cycle deadline of June 12, 2015. **These are Federal EDA funds which require a local match which will be provided by the City of Lake Worth as the applicant. No County local match is required.** (DES Administration) District 3 (JB)
  
2. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida approving the issuance by the Palm Beach County Health Facilities Authority of Revenue Bonds in an amount not to exceed \$138,000,000 in order to provide a loan to any one or more of the Joseph L. Morse Geriatric Center, Inc., the Tradition of the Palm Beaches, Inc., Morselife, Inc., Palm Beach Senior Care Health Management, LLC and/or Morselife Foundation, Inc. (collectively, the "Corporations") to provide funds to be used to refund the Authority's Refunding Revenue Bond (Morse Obligated Group) Series 2012A and Revenue Bond (Morse Obligated Group) Series 2012B (the "Refunded Bonds") and to finance the construction of new independent living facilities on the Corporations' existing campus (the "Campus") located at 4847 Fred Gladstone Drive and 4920 Loring Drive in the City of West Palm Beach, Florida; and providing for an effective date. **SUMMARY:** The Palm Beach County Health Facilities Authority (PBCHFA) was created pursuant to Chapter 154, Florida Statutes and by Ordinances 77-379 and 77-398 enacted by the Board of County Commissioners (Board) in 1979. The PBCHFA is governed by a five member governing body whose members are appointed by the Board. The PBCHFA will lend the proceeds of the Bonds to the Corporations to refinance previously issued bonds in 2012 and to finance the construction of a new 235,000 square-foot independent living facility comprising 135 units to be located at the Campus. Approval by an elected body is required by the Internal Revenue Code. Adoption of this Resolution does not in any way obligate the County. **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.** District 7 (PFK)
  
3. **ADD-ON: Staff recommends approval of a request to:**
  - A) approve** the payoff of a junior mortgage prior to satisfaction of a County held mortgage from Executive Trust, Ltd. (ETL);
  - B) amend** the Board's April 21, 2015 Conceptual Approval of the subordination of a County mortgage to increase the first mortgage amount by \$719,900; and
  - C) confirm** that the Delegation of Authority granted on April 21, 2015, to the County Administrator, or his designee, to execute necessary documents encompasses the new first mortgage amount of \$20,729,900.

**SUMMARY:** On April 21, 2015, the Board of County Commissioners (BCC) conceptually approved amendment of the loan documents with ETL and authorized subordination of the County mortgage to a new first mortgage loan from Walker & Dunlop, LLC in an amount not exceed the \$20,010,000 principal amount of the original first mortgage. Although ETL intended to refinance the first mortgage with a U.S. Department of Housing and Urban Development (HUD) loan in an amount not to exceed \$20,010,000, favorable interest rates have now allowed ETL to borrow \$20,729,900. ETL has requested that the County amend its subordination approval to allow the increased amount. ETL has informed Staff that HUD is requiring that the additional loan amount be reinvested into the property for renovations and used to pay off in full a \$447,104 mortgage held by the Florida Housing Finance Corporation (2011 FHFC Mortgage). Loan payments owed to date under the County mortgage will continue to be due and payable according to existing cash flow requirements contained in the loan documents, however, ETL has agreed to begin annual payments of a \$7,500 monitoring fee and a \$7,860 interest payment on the County loan. **The original funding was provided from the State Housing Initiatives Partnership Program and no County funds are involved.** (DES Contract Development) District 7 (JB)

MAY 19, 2015

5. **REGULAR AGENDA**

D. **FACILITIES DEVELOPMENT & OPERATION**

1. **Staff requests Board direction:** regarding a request from the Boynton Beach Community Redevelopment Agency (CRA) to allow demolition of a building within the CRA's Boynton Harbor Marina. **SUMMARY:** The acquisition of the Boynton Harbor Marina property was funded in part with a \$2M grant from the County. The CRA is requesting Board approval to demolish an old 2 story building at the entrance to the Marina and to replace the building with public open space including landscaping and a pedestrian promenade. The Board did not approve Staff's recommendation to approve a similar request by the CRA in 2012 (Agenda Item 5C-1, January 24, 2012) in response to objections from Splashdown Divers, which had operated a dive shop within the building and was forced to relocate in 2012. Splashdown Divers currently remains in operation across the street from the Marina, and has its boat docked at the Marina. (PREM) District 4 (HJF)

2. **ADD-ON & REVISED TITLE, SUMMARY: Staff recommends motion to:**

**A) approve** increasing the County's annual facility related expenses at the Bill Bailey Gymnasium from \$77,500 to \$138,500 for the implementation of a City of Belle Glade sponsored adult and family use recreational program at the Bill Bailey Community Center located at the NE corner of S.W. 12th Street and Martin Luther King Jr. Boulevard in Belle Glade;

**B) adopt** a resolution authorizing the conveyance of the property located at the northeast corner of S.W. 12th Street and Martin Luther King Jr. Boulevard (the "Property") to the Boys and Girls Clubs (BGC) without charge, with conditions of use, and without rights of entry and exploration ~~pursuant to Florida Statutes, Section 197.502(3);~~

**C) approve** a Donation Agreement for the Property with the Boys & Girls Clubs of Palm Beach County;

**D) approve** a County Deed in favor of the Boys and Girls Clubs of Palm Beach County;

**E) terminate** a sublease with the Boys and Girls Clubs R2001-0656 as amended by R2011-1595; and

**F) terminate** a Memorandum of Understanding (MOU) with the Palm Beach County Sheriff's Office on behalf of the Police Athletic League (PAL) R2001-0657.

**SUMMARY:** This Property is located in Belle Glade and includes an approximately 15,580 square foot gymnasium (Gym) from the former Lake Shore High/Middle School and unimproved land. Since 2000, the BGC has been using the Property for the active recreational programs associated with its Club which is located off-site. In addition, the Palm Beach County Sheriff Office (PBSO) uses the Gym for its Police Athletic League (PAL) programs. Since initially renovating the Gym at a cost of \$750,000, the County has invested approximately \$800,000 in renewal/replacement projects, not including the renovations/upgrades made in response to hurricane damage. In addition, the County has been funding facility operating expenses (maintenance, custodial, utility and renewal/replacement [R/R] expenses) in the approximate annual amount of \$77,500. In 2013, the City requested use of the Gym, during the hours that it is not being used by the BGC, for adult and family recreational programming and requested County fund a portion or all of the expenses associated with the City's use. After much negotiation between the staffs of the City, County and PBSO, County Staff agreed to recommend that the Board fund the facilities expenses associated with the City's use, providing that the City fund the recreational staffing and security required for its use. County Staff was told that the City independently made arrangements with PBSO to provide for law enforcement services during their use. County staff was able to independently confirm that arrangement with PBSO. As a result, County Staff is now recommending approval of \$61,000/year in additional funding to support the City's use of the Gym. In March 2015, the BGC approached the County requesting donation of the Property so that it could implement its plans to build a new club on the unimproved land adjacent to the Gym, which would enable the BGC to expand program services in Belle Glade. The Donation Agreement sets forth the terms and conditions of the donation. The County provides a fixed annual grant of ~~\$138,700~~ **\$138,500**; equal to the existing operating expenditures for the Gym (\$77,500) plus the additional program costs for the City's use (\$61,000). The donation is subject to the following conditions: 1) continued use by BGC, 2) continued use by PAL, 3) use by City, 4) all County funds must be spent at the Property for only facility related operating and R/R expenses, 5) the annual grant is subject to annual appropriation, and 6) the Property will be made available to County for disaster recovery staging. In addition, the County is agreeing to provide an additional annual grant to the BGC not to exceed \$3,700 for up to 5 years (or until its new club is constructed; whichever is earlier) to offset the costs of property insurance which the County currently funds. The existing sublease with BGC and the MOU with PBSO can be terminated since each use is now provided for via the Donation Agreement. The County has scheduled R/R projects funded with FY 15 CDBG funding that will be completed by the County after conveyance. The County Deed is subject to the State use restrictions. (PREM) District 6 (HJF)

E. **LIBRARY**

1. **Staff recommends motion to approve:** an increase in the fee for a non-resident library card from \$30 to \$95 annually and from \$15 to \$55 for six months. A non-resident is defined as someone who resides outside of the Library District; who resides outside a city with a reciprocal agreement with the Library District, and who does not own property in the Library District. **SUMMARY:** The fee is charged to library card applicants who are non-residents. The fee for non-resident library cards has stayed the same for twenty-three years, while the taxable values in the Library District have increased for resident card holders. The current fee is lower than the fees charged by other major Florida public library systems. A non-resident library card allows home access to numerous online services, including eBooks, music, movies, and databases that did not exist in 1992. In our library locations, a non-resident card allows borrowing of books, CDs, DVDs, and Books on CD. The card also allows full use of our in-house public Internet computers. These services and resources increase the value of possessing a non-resident library card. In FY 2014, the library system generated almost \$23,500 in non-resident library card fees. As of February 12, 2015, there were 892 active non-resident library cards. The Library Advisory Board voted unanimously to support the staff recommendation to raise the non-resident library card fees to the new levels at their regular meeting on January 12, 2015. Countywide (AH)

5. REGULAR AGENDA

F. PUBLIC SAFETY

1. Staff recommends motion to approve: an Agreement with Peggy Adams Animal Rescue League of the Palm Beaches, Inc. (ARL) for spaying/neutering at risk dogs and cats as part of the Countdown to Zero (C2Z) initiative in an amount not to exceed \$200,000 for the period of May 19, 2015, through May 18, 2016. **SUMMARY:** In February 2014, the Palm Beach County Board of County Commissioners passed C2Z through Resolution 2014-0193 as a commitment to end euthanasia of all adoptable animals by 2024. The C2Z initiative is a community collaboration to increase adoption, utilize long-term data to target sterilization programs, and incorporate best practices for owner-responsibility to reduce the number of animals needing shelter. Animal Care and Control (ACC) will transfer or refer to ARL at-risk cats and dogs for spaying/neutering, microchipping, vaccinating against rabies and ear tipping (for cats only). Once at-risk cats are sterilized, microchipped, vaccinated, or ear tipped they will be returned to the field by ACC. At-risk dogs will be collected by their owners after they are sterilized, microchipped, and vaccinated. ARL will be paid \$50 for the services provided to each cat and \$100 for the services provided to each dog. This Agreement represents a 12-month pilot program with ARL. This Agreement will be funded through the Spay/Neuter Program Fund available reserves of \$200,000. However, by depleting these reserves, funding of \$200,000 will have to be replenished for the existing spay/neuter program, which is being requested in the FY 2016 budget process. Countywide (SF)

5. REGULAR AGENDA

F. PUBLIC SAFETY (Cont'd)

2. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on June 23, 2015 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Chapter 4 (Ordinance 98-22, as amended by Ordinances 2001-065, 2003-27, 2005-44, 2008-004, 2009-019 and 2011-005) pertaining to animal care and control, amending section 4-2 (definitions), amending section 4-4 (dog and cat control); amending section 4-5 (animals creating nuisances); amending section 4-8 (keeping/adopting stray animals and maintaining feral cats); amending section 4-11 (dog and cat rabies/license tags); amending section 4-12 (redemption and adoption); amending section 4-13 (adoption fees and sterilization requirements for dogs and cats); amending section 4-16 (animal bites and quarantining); deleting section 4-17 (placement and impoundment of honeybee hives); amending section 4-18 (guard dogs); amending section 4-19 (evictions, jail terms, community services adjudications, and other involuntary occurrences; effect on animals); amending section 4-21 (livestock); amending section 4-22 (number of animals; acreage restrictions/excess animal habitats); amending section 4-23 (kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits); amending section 4-24 (animal care; manner of keeping); amending section 4-27 (aggressive dogs, dangerous dogs and vicious dogs); amending section 4-28 (sterilization program for dogs and cats ); amending section 4-29 (hobby breeder permits); amending section 4-30 (animal care and control special master hearings); amending section 4-32 (violations, civil infractions, civil penalties); adding section 4-35 (community cats); adding section 4-36 (electronic animal identification device implantation for all cats); providing for repeal of laws in conflict; providing for savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for penalty; providing for captions; and providing for an effective date. **SUMMARY:** The most significant changes in the proposed amendment to the Animal Care and Control (ACC) Ordinance are the following: removal of the “voice command” to require dogs to be leashed when off an owner’s/caregiver’s property unless certain exceptions apply (i.e. dog parks, public beach, law enforcement dog); require all community cats to be sterilized, microchipped, vaccinated against rabies and ear-tipped for identification; require community cats to be maintained on private property with approval of the owner/property manager; require community cat caregivers to provide basic care to such cats and for food areas to be clean and sanitary; allow the ACC to seize/remove community cats if necessary to protect public health or safety; provide additional regulations with regard to trapping domestic animals; allow commercial trapper to trap cats for the purpose of TNVR (Trap, Neuter, Vaccinate, Return); and require all trapped community cats to be released onsite unless trapped for re-vaccination, medical care or because of a public health or safety concern; authorize the ACC to impound dogs during a vicious dog investigation/appeal if it believes that the owner is unable or unwilling to humanely, safely and securely confine the dog. Most of the language has been added to correlate with the Countdown to Zero Resolution that was adopted by the Board in February 2014. In addition, this proposed amendment will allow the ACC to apply for grants through non-profit agencies. This proposed amendment to the Palm Beach County Animal Care and Control Ordinance was presented to the League of Cities on April 22, 2015, and was unanimously approved. A summary of the substantive recommended changes to the existing ACC Ordinance is attached to the Agenda Item. Countywide (SF)

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MAY 19, 2015

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

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**MAY 19, 2015**

**7. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**MAY 19, 2015**

**8. COMMISSIONER COMMENTS**

**A. District 1 – COMMISSIONER HAL R. VALECHE**

**B. District 2 – COMMISSIONER PAULETTE BURDICK**

**C. District 3 - COMMISSIONER SHELLEY VANA, MAYOR**

**D. District 4 – COMMISSIONER STEVEN L. ABRAMS**

**ADD-ON:** Request approval to present off-site, a Proclamation declaring May 22, 2015 as “Marie J. Horenburger Day” in Palm Beach County.

**E. District 5 - COMMISSIONER MARY LOU BERGER, VICE MAYOR**

**F. District 6 - COMMISSIONER MELISSA MCKINLAY**

**G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR**

**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."