

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JULY 7, 2015

<u>PAGE</u>	<u>ITEM</u>	
6	2C-3	<u>REVISED TITLE:</u> Proclamation declaring July 2015 as “Park and Recreation Month” in Palm Beach County. (Sponsored by Commissioner Taylor Taylor <u>Valeche</u>)
6	2C-4A	<u>ADD-ON:</u> Proclamation declaring August 1 – November 10, 2015 as “MBK Male Mentor Recruitment Period” in Palm Beach County. (Sponsored by Commissioner Taylor)
24	4A-2	<u>REVISED TITLE & SUMMARY:</u> Staff requests Board direction: concerning a request by Related Companies, L.P. (Developer) regarding proposed parking modifications for the Convention Center Hotel. If the Board supports the Developer’s request, staff recommends a motion to approve: A)..B)..C) Easement Agreement for Parking Spaces – B Deck Garage (Garage Easement). Such approval should be contingent upon receipt of an access easement to the garage in favor of Hotel and County (Access Easement), and a legal opinion in favor of the County certifying the validity and enforceability of the Garage Easement and Access Easement, <u>and receipt of Consents to the Third Amendments from the Lenders.</u> SUMMARY: On October 30, 2012, the Board of County Commissioners (BCC) approved Agreements to facilitate the construction and operation of the Convention Center Hotel. The project documents contemplate a 630 space one story garage on a parcel of land (garage land) east of the hotel site on Florida Avenue. In lieu of the parking garage, the Developer desires to instead construct 300 <u>255</u> valet spaces on the garage land and utilize 330 <u>375</u> valet spaces in an existing parking structure in CityPlace, which is owned by the West Palm Beach Community Development District. The Developer has initiated this request for the following reasons: (1) they have invested \$10 Million more than anticipated for the hotel; (2) the elimination of the parking structure would save \$5 Million resulting in earlier rental payments to the County; (3) they believe the parking demands are overestimated; and (4) they are optimistic about the operating performance of the hotel and that not constructing the garage would allow for the consideration of constructing future hotel rooms. Staff is primarily concerned for the following reasons: (1) the parking garage is a requirement of the Development Agreement; (2) the parking demand on the hotel are greater than they project; and (3) that traffic impacts from the hotel valet operation across Okeechobee Boulevard to CityPlace will worsen an already poor traffic pattern during peak periods. The Developer is currently exceeding the local workforce goals of 40% skilled and 60% unskilled laborers, with 69% and 82% respectively. <u>District 7</u> (HF) (Admin)

ADD-ON: Staff recommends motion to:

A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, recommending approval of Project Listen, 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 \$70,000; and

B) conceptually approve an Economic Development Incentive for Project Listen to serve as a portion of the local match for a State QTI Tax Refund, in the amount of \$70,000 in the form of a Job Growth Incentive (JGI) Grant, to be paid over a seven year period according to the State's QTI Refund Schedule.

SUMMARY: Project Listen is a headquarters relocation project that plans to make a \$4.85 Million capital investment to acquire, renovate and equip an existing facility in Palm Beach County and create 100 new full-time jobs within four years. The annualized average wage for these new jobs, including executives will be \$84,892 and annualized average wage, excluding executives, will be \$84,721. 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 \$700,000 in the form of a Qualified Target Industry (QTI) Tax Refund which includes a required 20% local match of \$140,000. One half of the local match will be provided by the City of West Palm Beach through a grant in the amount of \$70,000, and the other half will be provided by the County through a JGI Grant in the amount of \$70,000. The JGI Grant will be paid over a period of seven years according to the State's QTI Refund Schedule, and 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 \$35.9 Million. **Funding for the Job Growth Incentive Grant will come from General Fund Contingency Reserves.** District 7 (JB) (Admin)

ADD-ON: Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, urging the National Football Foundation Honors Committee to induct Coach Howard Schnellenberger into the College Football Hall of Fame. **SUMMARY:** Coach Howard Schnellenberger, a Palm Beach County resident, is a retired football coach with long service at both the professional and college levels. The Hall of Fame requires coaching nominees to retire with at least a .600 win percentage, but provides for induction in unique cases where coaches retire with less, such as Coach Schnellenberger's .520 win percentage. What he did for the sport, however, far transcends such simple figures. Coach Howard Schnellenberger deserves every consideration to be in the College Football Hall of Fame. District 4 (DO) (County Attorney)

REVISED SUMMARY: a Settlement Agreement with CDM Smith, Inc., settling claims brought by the County regarding alleged design and engineering deficiencies at the Lake Region Water Treatment Plant and Wellfield. **SUMMARY:** On June 21, 2011, the Board of County Commissioners (Board) approved a budget transfer of \$6.9 Million for emergency repairs/improvements to the existing 10 MGD Lake Region Water Treatment Plant, which serves Belle Glade, Pahokee and South Bay, contingent upon the Glades Utility Authority assignment of potential claims to the County upon absorption. The repairs/improvements were intended to address a decline in raw water quality from the existing seven Floridan Aquifer brackish water supply wells, operational difficulties, and equipment failures. All of the funding has been expended and has resulted in improved well and plant performance. The repairs/improvements include the construction of three additional supply wells and pumps, replacement of seven of the existing well pumps, and installation of energy recovery devices on the existing four treatment trains.

In addition to repairs and improvements, the County investigated the potential causes for the water quality degradation and operational difficulties experienced at the Lake Region Water Treatment Plant. The County has identified what it believes to be violations of the engineering standard of care owed by CDM Smith Inc., formerly Camp Dresser McKee, Inc., the engineering firm retained through three (3) Consultant Services Authorizations (R-2002-0570, R-2002-0574 and R-2005-0774) to provide engineering services for the design and construction of the plant and supporting facilities. The County's position is that CDM Smith Inc.'s violations of the standard of care contributed to the operational problems experienced at the Lake Region Water Treatment Plant and Wellfield. The parties engaged in pre-suit mediation and exchanged documentation to address the County's concerns. Due to the significant volume of technical material to be evaluated, the due diligence and pre-suit mediation took significantly longer than anticipated. The proposed settlement agreement calls for a one-time payment of \$700,000 by CDM Smith, Inc., to the County, in exchange for a release of all claims that have been or could have been raised relating to the Lake Region Water Treatment Plant project. Countywide (ATP)

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

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

JULY 7, 2015

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

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance

- 2. AGENDA APPROVAL/SPECIAL PRESENTATIONS**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
 - C. Special Presentations (Page 6)

- 3. CONSENT AGENDA (Pages 7 - 23)**

- 4. REGULAR AGENDA (Pages 24 - 27)**
TIME CERTAIN 9:45 A.M. (2015 Legislative Session Final Report) (Page 24)
TIME CERTAIN 10:15 A.M. (Clerk & Comptroller's Budget) (Page 25)

- 5. BOARD APPOINTMENTS (Page 28)**

- 6. MATTERS BY THE PUBLIC – 2:00 P.M.** (Page 29)

- 7. STAFF COMMENTS (Page 30)**

- 8. COMMISSIONER COMMENTS (Page 31)**

- 9. ADJOURNMENT (Page 31)**

* * * * *

TABLE OF CONTENTS

SPECIAL PRESENTATIONS - 9:30 A.M.

Page 6

- 2C-1 Putting Kids First: Community Back-to-School Bash Day
- 2C-2 25th Anniversary of the Americans with Disabilities Act
- 2C-3 Park and Recreation Month
- 2C-4 100 Years of Community Support and Development by the Port of Palm Beach
- 2C-5 Purple Heart County/Purple Heart Day

CONSENT AGENDA

A. ADMINISTRATION

Page 7

- 3A-1 Water Resources Task Force appointments
- 3A-2 Insurance Proceeds and Condemnation Awards Escrow Agreement with Bank Hapoalim B.M. for the Convention Center Hotel

B. CLERK & COMPTROLLER

Page 8

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

C. ENGINEERING & PUBLIC WORKS

Page 8

- 3C-1 Supplemental Agreement No. 1 with Arcadis U.S., Inc. for professional services associated with Congress Avenue and Palm Beach Lakes Boulevard intersection improvements
- 3C-2 Contract with Alan Gerwig & Associates, Inc. for professional services associated with CR 880 Bridge over the SFWMD C-51 Canal

Page 9

- 3C-3 First Amendment to three construction materials testing, geotechnical engineering and inspection annual contracts
- 3C-4 First Amendment to two traffic signal design annual contracts

D. COUNTY ATTORNEY

Page 10

- 3D-1 Receive and file official transcript for the closing of the \$63,155,000 Public Improvement Revenue Bonds

E. COMMUNITY SERVICES

Page 10

- 3E-1 Emergency Contract for Provision of Ryan White Part A HIV Health Support Services with the Health Care District of Palm Beach County for health and support of persons with HIV Spectrum Disease
- 3E-2 Amendment No. 1 with Aid to Victims of Domestic Abuse, Inc. relating to emergency shelter services to victims of domestic abuse and their children

Page 11

- 3E-3 Use of Provider and County Agreement with MorseLife Home Care, Inc. to provide kosher congregate meal site and kosher meals for the elderly

F. AIRPORTS

Page 11

- 3F-1 Contract with Ranger Construction Industries, Inc. for Concourse A/B Commuter Apron and Taxilane rehabilitation project

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

F. AIRPORTS

Page 12

- 3F-2 Receive and file Award Modification of Law Enforcement Officer Reimbursement Program Other Transactional Agreement with the Transportation Security Administration for law enforcement services at PBIA
- 3F-3 Modification to the Other Transaction Agreement with the Department of Homeland Security associated with improvements to the overall security system at PBIA

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET - None

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 13

- 3H-1 Contract with two firms relating to the PBSO Evidence/Impound Facility

I. ECONOMIC SUSTAINABILITY

Page 13

- 3I-1 Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan for the Palm Beach County Housing Authority

Page 14

- 3I-2 Data Sharing Agreement with the Florida Department of Economic Opportunity
- 3I-3 Receive and file seven standard documents for the Department of Economic Sustainability

Page 15

- 3I-4 Issuance of Impact Fee Affordable Housing Assistance Program Certificate of Award relating to the Paul Laurence Dunbar Senior Complex

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

Page 15

- 3K-1 Amendment No. 2 with the East Central Regional Wastewater Treatment Facilities Operation Board and the City of West Palm Beach relating to construction, operation and maintenance of reclaimed water facilities

Page 16

- 3K-2 Receive and file thirteen standard agreements for the Water Utilities Department

Page 17

- 3K-3 Contract with Ralph Della-Pietra, Inc. for the East Central Regional Water Reclamation Facility Reclaimed Office & Storage Facility project
- 3K-4 Amendment No. 1 with Globaltech, Inc. relating to the WTP. No. 8 Anion Exchange System design and construction
- 3K-5 Consultant Services Authorization No. 12 for the East Central Regional Reclaimed Office & Storage Facility project with Mathews Consulting, Inc.

Page 18

- 3K-6 Partial Release of a Utility Easement over property owned by SAC-Military, LLC
- 3K-7 Consultant Services Authorization No. 7 with JLA Geosciences, Inc. for the System-Wide Wellfield improvement project
- 3K-8 Settlement Agreement with CDM Constructors, Inc. relating to the Southern Region Water Reclamation Facility Digester Biogas Renewable Energy project

L. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 19

- 3L-1 Local Agency Program Supplemental Agreement with the Florida Department of Transportation relating to the Historic Jupiter-Indiantown Trail project
- 3L-2 Amendment No. 1 with the Florida Department of Environmental Protection relating to the Lake Worth Lagoon Initiative
- 3L-3 Grant Application to the Florida Boating Improvement Program associated with the Phil Foster Floating Dock Facility project

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

M. PARKS & RECREATION

Page 20

- 3M-1 First Amendment with the Town of Mangonia Park relating to the Town's Community Center and Senior Center
- 3M-2 Deed of Conservation Easement to the South Florida Water Management District for a lake mitigation area in John Prince Memorial Park's Square Lake/East Slough restoration area

N. LIBRARY - None

P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION

Page 20

- 3Q-1 Ratify Mayor's signature on MacArthur Foundation Grant Agreement to reduce the jail population

R. HUMAN RESOURCES - None

S. FIRE RESCUE

Page 21

- 3S-1 Florida Department of Health Emergency Medical Services Matching Grant for emergency medical services equipment

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES

Page 21

- 3U-1 Termination of Contract letter with the Village of Golf relating to connection to Palm Beach County Regional Network
- 3U-2 AT&T Switched Ethernet Pricing Schedule

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY

Page 22

- 3X-1 Receive and file three standard agreements for emergency medical equipment

Y. PURCHASING - None

Z. RISK MANAGEMENT - None

AA. PALM TRAN

Page 23

- 3AA-1 Resolution pertaining to the Palm Tran Service Board

BB. YOUTH SERVICES - None

CC. TOURIST DEVELOPMENT COUNCIL

Page 23

- 3CC-1 Payment to StageRight Corporation for elevated riser seating at the Palm Beach County Convention Center

TABLE OF CONTENTS

REGULAR AGENDA

ADMINISTRATION

Page 24

4A-1 2015 Legislative Session Final Report – **TIME CERTAIN 9:45 A.M.**

4A-2 Convention Center Hotel proposed parking modifications

Page 25

4A-3 Employment Contract with Verdenia C. Baker for position of County Administrator

CLERK & COMPTROLLER

Page 25

4B-1 Presentation of Clerk & Comptroller's Budget – **TIME CERTAIN 10:15 A.M.**

COUNTY ATTORNEY

Page 26

4C-1 Floating Structure Ordinance

4C-2 Ordinance pertaining to the posting of human trafficking public awareness signs

WATER UTILITIES

Page 27

4D-1 Settlement Agreement with CDM Smith, Inc. associated with the Lake Region Water Treatment Plant

4D-2 Connection Fees and Guaranteed Revenues relating to bridges and PUDs

BOARD APPOINTMENTS (Page 28)

MATTERS BY THE PUBLIC – 2:00 P.M. (Page 29)

STAFF COMMENTS (Page 30)

COMMISSIONER COMMENTS (Page 31)

ADJOURNMENT (Page 31)

JULY 7, 2015

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Proclamation declaring August 8, 2015 as “Putting Kids First: Community Back-to-School Bash Day” in Palm Beach County. (Sponsored by Mayor Vana)
2. Proclamation recognizing July 26, 2015 as the 25th Anniversary of the Americans with Disabilities Act. (Sponsored by Commissioner Burdick)
3. **REVISED TITLE:** Proclamation declaring July 2015 as “Park and Recreation Month” in Palm Beach County. (Sponsored by Commissioner ~~Taylor~~ Valeche)
4. Proclamation congratulating the Port of Palm Beach on 100 Years of Community Support and Development. (Sponsored by Commissioner Taylor)
- 4A. **ADD-ON:** Proclamation declaring August 1 – November 10, 2015 as “MBK Male Mentor Recruitment Period” in Palm Beach County. (Sponsored by Commissioner Taylor)
5. Proclamation declaring Palm Beach County as a “Purple Heart County” and August 7, 2015 as “Purple Heart Day” in Palm Beach County. (Sponsored by Vice Mayor Berger)

* * * * *

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** appointments to the Water Resources Task Force, effective July 7, 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>
4	Jason Haselkorn	Member	League of Cities	September 30, 2018
4	Paula Ryan	Alternate	League of Cities	September 30, 2018

SUMMARY: The Water Resources Task Force is comprised of 14 members: six City elected officials; one County Commissioner; one special independent district water and/or wastewater provider or utility water or wastewater provider representative; one Lake Worth Drainage District representative; one drainage/water control district representative; one South Florida Water Management District Governing Board member; one environmental representative; one land owner actively farming to represent agricultural interests; one Indian Trail Improvement District representative. The resolution also requires designated alternates for each seat. Due to the recent resignation of a League of Cities representative member, one new member and one new alternate are being submitted to be approved by the Board of County Commissioners. Countywide (MJ)

2. **Staff recommends motion to:**

A) approve an Insurance Proceeds and Condemnation Awards Escrow Agreement with Bank Hapoalim B.M. (Senior Lender) for the Convention Center Hotel; and

B) receive and file

- 1) a Letter to Bank Hapoalim B.M. dated June 25, 2015, regarding the Landlord Estoppel Agreement; and
- 2) a Memorandum of Landlord Estoppel Agreement.

SUMMARY: At the October 30, 2012, Board of County Commissioners (BCC) meeting, the Board approved the Hotel Lease for the Convention Center Hotel. At the May 22, 2014, Zoning Meeting, the Board approved a Landlord Estoppel Agreement (Agreement) (R2014-0981) for the Convention Center Hotel. The Memorandum of Estoppel Agreement was an attachment to the Agreement and was executed for the purpose of giving public notice of the existence of the Agreement. The letter was contemplated in Paragraph 10 of the Agreement-and provides certain assurance with respect to the executed project documents. The Insurance Proceeds and Condemnation Awards Escrow Agreement was contemplated in the hotel lease and appoints the Senior Lender as escrow agent for the purpose of receiving, holding and disbursing net insurance proceeds and net condemnation awards, and stipulates how the proceeds will be disbursed. District 7 (HF)

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>
Zoning	May 28, 2015
Regular	June 2, 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) to the task order under the annual intersection improvements agreement R2011-0703 (Annual), in the amount of \$277,720.25, with Arcadis U.S., Inc. (Arcadis), for professional services for the Congress Avenue and Palm Beach Lakes Boulevard Intersection Improvements project (Project). **SUMMARY:** Approval of this Supplement will provide the services necessary for the preparation of design plans and construction bid documents for the Project. The Small Business Enterprise (SBE) goal for the Project is 15%. Arcadis proposed 33% SBE participation for the Annual and 37.60% SBE participation for this Supplement. Arcadis is a Palm Beach County company. District 7 (MRE)
2. **Staff recommends motion to approve:** a Contract in the amount of \$543,612.43, with Alan Gerwig & Associates, Inc. (AGA), for professional services for the County Road 880 Bridge over South Florida Water Management District C-51 Canal Bridge Replacement project (Project). **SUMMARY:** Approval of this Contract will provide the professional services necessary for the preparation of design plans and construction bid documents for the Project. The Small Business Enterprise (SBE) goal for the Project is 15%. AGA previously proposed 100% SBE participation for the Project; however due to the necessity of AGA adding a specialty sub-consultant, whom is not a certified SBE company; the SBE participation proposed for this Project is now 94.32%. AGA is a Palm Beach County company and is certified as an SBE. Simon Coleman of AGA serves on the Environmental Appeals Board (Board). The Board provides **no** regulation, oversight, management, or policy-setting recommendations regarding the disclosed contract(s). Disclosure of the contractual relationship 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. District 6 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve: the First Amendment to the construction materials testing, geotechnical engineering & inspection annual contracts with:

A) GFA International, Inc. (GFA), R2014-1127, whose original contract was dated August 19, 2014;

B) Nutting Engineers of Florida, Inc. (Nutting), R2014-1128, whose original contract was dated August 19, 2014; and

C) Tierra South Florida, Inc. (TSF), R2014-1126, whose original contract was dated August 19, 2014.

SUMMARY: Approval of these first amendments to the construction materials testing, geotechnical engineering & inspection annual contracts will extend the required professional services for one year, on a task order basis, from August 18, 2015 to August 18, 2016. The amendments with GFA, Nutting and TSF will also adjust the fee schedule as allowed in the original contract. These amendments are the first renewals of two possible one-year renewals contemplated in the original contracts. To date, tasks in the amount of \$3,085 have been authorized for GFA with 0% Small Business Enterprise (SBE) participation which is currently less than their commitment of 20%. To date, tasks in the amount of \$11,400 have been authorized for Nutting with 100% SBE participation which equals their commitment of 100%. To date, tasks in the amount of \$36,840 have been authorized for TSF with 100% SBE participation which equals their commitment of 100%. The consultants are all Palm Beach County companies. Both Nutting and TSF are certified SBE firms. Countywide (MRE)

4. Staff recommends motion to approve: the first amendment to the traffic signal design annual contracts with:

A) McMahon Associates, Inc. Transportation Engineers (McMahon), R2014-1120, whose original contract was dated August 19, 2014; and

B) Simmons & White, Inc. (S&W), R2014-1121, whose original contract was dated August 19, 2014.

SUMMARY: Approval of these first amendments to the traffic signal design annual contracts will extend the required professional services for one year, on a task order basis, from August 18, 2015 to August 18, 2016. These amendments are the first renewals of two possible one-year renewals contemplated in the original contracts. To date, one task in the amount of \$102,499.11 has been authorized for McMahon with 42.58% Small Business Enterprise (SBE) participation which exceeds their commitment of 20%. To date, no tasks have been authorized for S&W. The consultants are both Palm Beach County companies. S&W is certified as an SBE. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to receive and file:** the official transcript for the closing of the \$63,155,000 Palm Beach County, Florida Public Improvement Revenue Bonds (Various Public Improvements Project), Series 2015A (the "Bonds"). **SUMMARY:** The official transcript for the Bonds has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Emergency Contract for Provision of Ryan White Part A HIV Health Support Services with the Health Care District of Palm Beach County, for the period March 1, 2015, through February 29, 2016, in the amount not to exceed \$434,031, to provide certain services for the health and support of persons with HIV Spectrum Disease. **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. A Ryan White Request for Proposals (RFP) was released in August 2014 for services commencing on March 1, 2015. After release of the RFP, additional information related to federal requirements for the Local Drug Reimbursement Program was received. As a result, this part of the RFP was rescinded. The prior provider of this service, the Health Care District of Palm Beach County, did not apply for funds under the RFP. Due to the rescinding of this service from the RFP, it is necessary to enter into an emergency contract with the Health Care District of Palm Beach County to ensure continued availability of medications for Ryan White clients. A new RFP for the Local Drug Reimbursement Program will be released in August 2015 for services for the period March 1, 2016 to February 28, 2018. The contract will be amended and the budget will be aligned once the final notice of award has been received. This contract covers services for HIV affected clients for the local drug reimbursement program, which includes HIV medications and nutritional supplements. No County funds are required. (Ryan White) Countywide (HH)
2. **Staff recommends motion to approve:** Amendment No. 1 to Contract for Provision of Services with Aid to Victims of Domestic Abuse, Inc. (AVDA) (R2014-1567), for the period October 1, 2014, through September 30, 2015, to reallocate budget between service programs to provide emergency shelter services to victims of domestic abuse and their children. **SUMMARY:** This Amendment is necessary to amend the current line item allocations. The reallocation of funds will allow AVDA to continue serving shelter residents in existing shelter building. Utilities and Equipment Rental/Maintenance budget line items will be reallocated to Building/Grounds Maintenance, Resident Food, Facility Supplies and Program Supplies. Overall total funding of \$45,249 will not change. No County funds are required. (Human Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. **Staff recommends motion to approve:** Use of Provider and County Agreement with MorseLife Home Care, Inc., for the period July 7, 2015, through July 6, 2017, in an amount not to exceed \$44,306 to provide a kosher congregate meal site and kosher meals for the elderly. **SUMMARY:** The Division of Senior Services (DOSS) receives federal funds from the Older Americans Act (OAA) to provide congregate meal sites. This agreement enables DOSS to operate a kosher congregate meal site for the elderly at no cost to the County for space or energy usage. MorseLife Home Care, Inc. provides kosher meals at the site to elderly participants who require a kosher meal. DOSS will reimburse MorseLife Home Care, Inc. for cost per meal. The estimated total cost of the meals will be \$44,306 funded under the OAA grant in the amount of \$39,875 (90%) and \$4,431 (10%) in County match. This is the sixth year that we will contract with this agency for this service. Sufficient funding is included in the current and proposed FY 2016 budgets to meet County obligations. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (HH)

F. AIRPORTS

1. **Staff recommends motion to approve:**

A) a Contract with Ranger Construction Industries, Inc. in the amount of \$3,894,964 for the Concourse A/B Commuter Apron and Taxilane Rehabilitation project at Palm Beach International Airport (PBIA);

B) a Budget Amendment of \$1,136,606 in the Airports Improvement and Development Fund to recognize Passenger Facility Charge (PFC) revenue, and to increase budget by \$1,136,606 for the Ranger contract; and

C) a Budget Transfer of \$1,136,606 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 \$1,136,606.

SUMMARY: This project was advertised utilizing the County's competitive bid process. On April 29, 2015, two bids were received for the Concourse A/B Commuter Apron and Taxilane Rehabilitation at PBIA. Of the two bids, Ranger Construction Industries, Inc., a Palm Beach County company has been identified as the lowest responsible/responsive bidder in the amount of \$3,894,964. 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 15.7% DBE participation. Florida Department of Transportation grant funding of \$411,616 and PFC funds of \$3,483,348 are being utilized to fund this project. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to:

A) receive and file an Award Modification (Modification P00003) of Law Enforcement Officer (LEO) Reimbursement Program Other Transactional Agreement (OTA) HSTS0213HSLR043 with the Transportation Security Administration (TSA) in the amount of \$308,000 for law enforcement services at Palm Beach International Airport (PBIA); and

B) approve a Budget Amendment in the Airport's Operating Fund, for the receipt of \$308,000 of funding from the TSA for Fiscal Year 2015; and an increase to Airport's Reserve in the amount of \$308,000.

SUMMARY: Delegation of authority for execution of the initial OTA was approved by the Board of County Commissioners on August 14, 2012 (R2012-1093). Countywide (AH)

3. Staff recommends motion to approve: Modification No. P00001 to the Other Transaction Agreement (OTA) with the Department of Homeland Security/Transportation Security Administration (DHS/TSA) HSTS04-13-H-CT5718 for Surveillance Systems associated with improvements to the overall security system at Palm Beach International Airport (PBIA) extending the term of the agreement until January 18, 2016. **SUMMARY:** On July 2, 2013, the Board approved an OTA with the DHS/TSA (R2013-0823) in the amount of \$450,497.50 for Surveillance Systems associated with improvements to the overall security system at PBIA. The agreement expires July 10, 2015. Approval of Modification No. P00001 extends the term of the OTA from July 10, 2015 to January 18, 2016; thereby allowing time for the project to be completed. Countywide (AH)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:

A) Contract with Leo A. Daly Company in the amount of \$1,055,300 for professional architectural and engineering design, permitting, and construction administration services for the Palm Beach County Sheriff's Office (PBSO) Evidence/Impound Facility; and

B) Contract with James B. Pirtle Construction Company, Inc. d/b/a Pirtle Construction Company in the amount of \$107,507 for pre-construction services for the Palm Beach County Sheriff's Office (PBSO) Evidence/Impound Facility project.

SUMMARY: The Leo A. Daly Company contract provides for the design, permitting and construction administration services for the PBSO Evidence/Impound Facility to be located on a 16 acre site near Congress Avenue and Gun Club Road in West Palm Beach. The Pirtle Construction Company construction management service contract only authorizes pre-construction services. Once the construction documents are completed, the construction manager will bid the work and provide a guaranteed maximum price (GMP) to the County. The need for this project was originally established in 2006 and again recognized in 2008 when funding for the preconstruction services was included in the Criminal Justice and Public Improvement Revenue Bond, Series 2008. This project was later suspended in 2010 due to budgetary challenges. Since 2008 PBSO has accomplished many achievements in Evidence Management which will not only result in operational benefits to PBSO, but reduce the size of the facility required. The facility consists of secure office, warehouse, and processing area as well as a 600 vehicle impound lot. Construction cost is estimated at \$18,000,000. It is anticipated that construction will be proposed for the FY 2017 capital budget with funding from a bond issue or other general revenue source. Leo A. Daly Company is a Palm Beach County firm and will provide Small Business Enterprise (SBE) participation of 29%. Pirtle Construction Company is a Broward County firm with a Palm Beach County office and will provide 4.9% SBE participation during the pre-construction phase. The 15% SBE goal will be achieved during the construction phase of the project. (Capital Improvements Division) District 2 (MRE)

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve: a Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan for the Palm Beach County Housing Authority (PBCHA). **SUMMARY:** The U.S. Department of Housing and Urban Development (HUD) requires housing authorities to submit a Five Year Plan and an Annual Plan along with an annual certification of their consistency with the Consolidated Plan of the local jurisdiction. PBCHA has provided an Agency Plan Summary of its Five Year Plan for Fiscal Years 2016-2020 and its Annual Plan for Fiscal Year 2016 to the Department of Economic Sustainability (DES) for review and DES has determined that it is consistent with the Palm Beach County Consolidated Plan. In its review, DES determined that the goals are consistent with the overall goals and specific housing objectives outlined in the County's Consolidated Plan including increasing the supply of affordable housing, improving the quality of existing affordable rental housing, improving access to affordable rental housing and establishing partnerships to address the needs of the County's homeless population. Since the PBCHA Agency Plan Summary is consistent with the County's Consolidated Plan, staff recommends approval of this certification. (Strategic Planning) Countywide (JB)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to approve: a Data Sharing Agreement with the Florida Department of Economic Opportunity. **SUMMARY:** Under this three year Agreement, the County will be able to obtain detailed census information on employment and wages at no cost. The Department of Economic Sustainability (DES) uses this information to perform economic impact analyses for proposed projects in terms of job creation and gross domestic product. Since this information is not publicly available, the Agreement is needed to establish guidelines for receiving confidential Quarterly Census of Employment and Wages (QCEW) data including confidential Reemployment Assistance Program data. The QCEW provides data such as: the number of employers or reporting units, monthly employment, average employment, total wages, and average wages by the North American Industry Classification System (NAICS). (DES Contract Development) Countywide (JB)

3. Staff recommends motion to receive and file: one Amendment to Loan Agreement, one Partial Release of Mortgage, one First Global Modification and Amendment of Mortgage and Security Agreement, Promissory Note and Other Loan Documents, one Allonge to Promissory Note, one Subordination Agreement, one Guaranty and one Amendment to Agreement as follows:

A) Amendment No. 001 to the Loan Agreement (R2014-1921) with Community Land Trust of Palm Beach County, Inc. (CLT) under the Home Investment Partnership Program (HOME) (District 3);

B) Partial Release of Mortgage to CLT under the Neighborhood Stabilization Program 2 (NSP2) (District 3);

C) First Global Modification and Amendment of Mortgage and Security Agreement, Promissory Note and Other Loan Documents with Executive Trust, Ltd. (ETL), under the State Housing Initiative Partnership Program (SHIP) (District 7);

D) Allonge to Promissory Note by ETL under SHIP;

E) Subordination Agreement with ETL and Walker & Dunlop, LLC under SHIP;

F) Guaranty from the Housing Trust Group, LLC; and

G) Amendment No. 004 to the Agreement (R2013-0384) with Palm Beach County Housing Authority (PBCHA) under NSP2 and the Neighborhood Stabilization Program 3 (NSP3) (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 R2009-1122, R2011-0082, 3I-4, 3I-2 and 5C-3 as approved by the BCC on July 7, 2009, January 11, 2011, October 21, 2014, April 21, 2015 and May 19, 2015. These executed documents are now being submitted to the BCC to receive and file. **Federal NSP2, NSP3 and State SHIP funds do not require a local match 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)

4. Staff recommends motion to approve:

A) the issuance of an Impact Fee Affordable Housing Assistance Program Certificate of Award to Paul Laurence Dunbar Senior Complex, Ltd. for a credit of \$229,533.43 towards the payment of Zone 1 Public Buildings Impact Fees, Zone 2 Park Impact Fees and Zone 2 Road Impact Fees for the construction of the Paul Laurence Dunbar Senior Complex (PLDSC) affordable housing project;

B) a Budget Transfer of \$6,518 in Zone 1 Public Buildings Impact Fees to appropriate funds for PLDSC;

C) a Budget Transfer of \$5,145 in Zone 2 Park Impact Fees to appropriate funds for PLDSC; and

D) a Budget Transfer of \$217,871 in Zone 2 Road Impact Fees to appropriate funds for PLDSC.

SUMMARY: On November 17, 2009, the Board of County Commissioners (BCC) authorized the use of impact fee investment earnings from roads, parks, and public buildings for affordable housing projects. Paul Laurence Dunbar Senior Complex, Ltd. submitted a request for assistance in response to a Notice of Funding Availability issued in May 18, 2014 by the Department of Economic Sustainability (DES). Staff is recommending \$229,533.43 in credits towards the payment of County Zone 1 Public Buildings Impact Fees (\$6,517.80), Zone 2 Park Impact Fees (\$5,144.98) and Zone 2 Road Impact Fees (\$217,870.65) for PLDSC which will have a total of 99 units. All 99 affordable rental units are intended to be rented to persons of moderate income whose incomes are at or below 120% of the area median income. A Declaration of Restrictions will be recorded to secure the funds and ensure a 15 year affordability period. **This project is projected to create 539 jobs and have a one year Economic Sustainability Impact of \$126 Million. These funds are from interest earned by the Impact Fee Fund.** (DES Contract Development) District 7 (JB)

K. WATER UTILITIES

1. Staff recommends motion to approve: Amendment No. 2 to the Interlocal Agreement with the East Central Regional Wastewater Treatment Facilities (ECRWRF) Operation Board and the City of West Palm Beach related to the construction, operation, and maintenance of reclaimed water facilities (Interlocal Agreement). **SUMMARY:** On May 20 2008, the Board of County Commissioners approved the Interlocal Agreement (R2008-0908) for the construction and operation of reclaimed water facilities located on the ECRWRF property. Amendment No. 2 to the Interlocal Agreement amends the description of the ECRWRF Reclaimed Water Facility and adds proposed office and ancillary warehouse buildings to the description, as shown in Exhibit C of the Interlocal Agreement. (WUD Project No. 13-061) District 7 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. Staff recommends motion to receive and file: executed Agreements received during the months of August 2014, March and April 2015:

A) Standard Potable Water and Wastewater Development Agreement with Pero West Land, LLC, No. 03-01036-000 (District 5);

B) Standard Potable Water and Wastewater Development Agreement with HH Bowman, LLC, No. 02-1140-000 (District 2);

C) Standard Potable Water & Wastewater Development Renewal Agreement with Lennar Homes, LLC, No. 05-01065-005 (District 3);

D) Standard Potable Water and Wastewater Development Renewal Agreement with K. Hovnanian T&C Homes at Florida, LLC, No. 05-01086-000 (District 3);

E) Standard Potable Water and Wastewater Development Renewal Agreement with Mazzoni Farms, Inc., No. 05-01105-000 (District 5);

F) Standard Potable Water and Wastewater Development Renewal Agreement with Minto Communities, LLC, No. 13-01018-000 (District 6);

G) Standard Potable Water and Wastewater Development Renewal Agreement with Boynton Beach Associates XVIII, LLLP, No. 05-01073-000 (District 5);

H) Standard Potable Water and Wastewater Development Renewal Agreement with Kidsanctuary Campus, Inc., No. 01-01209-000 (District 6);

I) Standard Potable Water and Wastewater Development Renewal Agreement with Boca Raton Associates VII, LLLP, No. 09-01045-001 (District 5);

J) Utility Concurrency Reservation Agreement with K. Hovnanian T&C Homes at Florida, LLC, No. 09-01072-000 (District 5);

K) Utility Concurrency Reservation Agreement with Hedrick 33, LLC, No. 01-01229-000 (District 6);

L) Indemnity Agreement with Devorah Real Estate, LLC. (District 5); and

M) Indemnity Agreement with Charter PB Palm Beach, LLC. (District 3).

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 Board to receive and file. (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. **REVISED SUMMARY:** Staff recommends motion to approve: Contract with Ralph Della-Pietra, Inc., for the East Central Regional Water Reclamation Facility (ECRWRF) Reclaimed Office & Storage Facility Project (Project) in the amount of \$629,954. **SUMMARY:** On March 25, 2015, five bids were received to construct an office building and warehouse adjacent to the reclaimed water facility located on the ECRWRF site. Ralph Della-Pietra, Inc. was determined to be the lowest responsive and responsible bidder in the amount of \$629,954. The proposed facilities were requested by the ECRWRF Board to upgrade the onsite facilities for the purpose of storing inventory, chemicals, parts and equipment. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Ralph Della-Pietra, Inc. provides for SBE participation of 27.66% overall. Ralph Della-Pietra, Inc. is a Palm Beach County company. (WUD Project No. ~~45-049~~ 13-061) District 7

4. Staff recommends motion to approve: Amendment No. 1 to the Contract for Water Treatment Plant No. 8 (WTP 8) Anion Exchange System design and construction services with Globaltech, Inc. (R2014-1589) in the amount of \$56,640.18. **SUMMARY:** On October 21, 2014, the Board of County Commissioners (BCC) approved the Water Utilities Department (WUD) Engineering/Professional Services Contract (Contract) for design and construction services for the WTP 8 Anion Exchange System with Globaltech, Inc. Amendment No. 1 to the Contract will expand the design consultant's scope of services to add a new sanitary sewer lift station and sludge pond pump station. The Small Business Enterprise (SBE) participation established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Globaltech, Inc. provides for SBE participation of 75% overall. Amendment No. 1 has 92.93% of SBE participation. The cumulative SBE participation, including Amendment No. 1, is 99.08% overall. Globaltech, Inc. is a Palm Beach County company. This project is included in the FY15-16 Capital Improvement plan adopted by the BCC. (WUD Project No. 13-022) District 2 (MRE)

5. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 12 for the East Central Regional (ECR) Reclaimed Office & Storage Facility Project with Mathews Consulting, Inc. in the amount of \$132,514.74. **SUMMARY:** On June 3, 2014, the Board of County Commissioners (BCC) approved the Water Utilities Department (WUD) Contract for General Utility, Architectural & Value Engineering Services with Mathews Consulting, Inc. (R2014-0823). CSA No. 12 will provide for construction management services related to the construction of the ECR Reclaimed Office & Storage Facility Project (ECR Project). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Mathews Consulting, Inc. provides for SBE participation of 80% overall. This CSA includes 100% overall participation. The cumulative SBE participation, including this CSA is 65.26% overall. Mathews Consulting, Inc. is a Palm Beach County company. (WUD Project No. 13-061) District 7

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

6. **Staff recommends motion to approve:** a Partial Release of a Utility Easement over property owned by SAC-Military, LLC (Property Owner). **SUMMARY:** On September 27, 2000, Oregon Partners No. 18, LTD, the predecessor in interest to SAC-Military, LLC, granted the County a utility easement (ORB 12118 PG 541) over County-owned facilities serving the commercial site located on the northwest corner of Military Trail and Summit Blvd. A review of the building location on the property revealed a minor encroachment into the easement. No utility facilities are affected by the encroachment. Water Utilities Department staff recommends the partial release of the portion of the utility easement that contains the encroachment. The remaining easement provides for adequate access to County utility facilities. District 2 (MJ)

7. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 7 with JLA Geosciences, Inc. (R2014-0822) for the System-Wide Wellfield Improvements Project (TR07) in the amount of \$181,420. **SUMMARY:** On June 3, 2014, the Board of County Commissioners (BCC) approved the Master Contract for Utility Hydrogeologic Engineering Services with JLA Geosciences, Inc. CSA No. 7 will provide design and bidding service for improvements on 18 existing wells at Water Treatment Plants (WTP) Nos. 3 and 9. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with JLA Geosciences, Inc. provides for SBE participation of 66% overall. This CSA includes 65.99% overall participation. The cumulative SBE participation, including this CSA is 86.23% overall. JLA Geosciences, Inc. is a Palm Beach County company. The project is included in the FY15-16 Capital Improvement Plan adopted by the BCC. (WUD Project No. 15-035) District 5 (MRE)

8. **Staff recommends motion to approve:** a Settlement Agreement with CDM Constructors, Inc., settling claims brought by each party against the other arising from a contract dated June 8, 2010, R2010-0909, authorizing CDM Constructors, Inc., to perform Design/Build Services (WUD 09-030) and Work Authorization No. 6, approved under R2011-0927 on June 21, 2011, authorizing CDM Constructors, Inc., to perform Design/Build Services on a project commonly referred to as the SRWRF Digester Biogas Renewable Energy Project. **SUMMARY:** On June 8, 2010, the Board of County Commissioners (BCC) approved a contract numbered R2010-0909, authorizing CDM Constructors, Inc., to perform Design/Build Services (WUD 09-030) on a project commonly referred to as the Southern Region Water Reclamation Facility (SRWRF) Digester Biogas Renewable Energy Project. Thereafter, the BCC approved Work Authorization No. 6 (R2011-0927) on June 21, 2011, authorizing CDM Constructors, Inc., to perform Design/Build Services on the same project. CDM Constructors, Inc. claims that it has experienced delays and unanticipated project costs, as a result of problems with the project's sole-source vendor. For its part, the County asserts that it has experienced operational difficulties with two generator engines provided as part of the Project, and has incurred costs in resolving same. The proposed Settlement Agreement provides that CDM Constructors, Inc. will provide the County with a \$25,000 credit, reflecting liquidated damages to be assessed by CDM Constructors, Inc., from the sole-source vendor. CDM Constructors, Inc., will pay the County an additional \$25,000, to compensate for interruptions in generator operations. CDM Constructors, Inc. will further waive its claims to additional compensation under Work Authorization No. 6, resulting from uncontrollable circumstances. In exchange, the County would agree to extend the time for substantial completion on the project by 428 calendar days, and would agree not to impose liquidated damages on CDM Constructors, Inc., as a result of project delays. The County will further close out Work Authorization No. 6 and pay out the contract balance and release of retainage, which amounts to \$139,536.06. Countywide (ATP)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve:

A) a Local Agency Program Supplemental Agreement (Agreement) with the Florida Department of Transportation (FDOT) to reduce the amount of FDOT funds encumbered for reimbursement of construction costs of Historic Jupiter-Indiantown Trail (FM No. 425259-2-58-01/-68-01) by \$42,564.20. The intent is to reconcile the total amount encumbered with the lower than expected contract bid cost and cost of Change Order No. 1; and

B) a downward Budget Amendment of \$42,564 in the Environmental Resources Capital Projects Fund to recognize the reduction in Agreement funding.

SUMMARY: The Agreement reduces FDOT Transportation Alternatives funds from the original \$607,019 to \$564,454.80 thereby reconciling encumbered funding to the amount of the construction contract (R2014 1660) plus Change Order No. 1. Change Order No 1 authorizes a seven day time extension and \$1,379 for additional survey work necessary for an adjustment in the path alignment due to changed site conditions. No match is required. However, the County will be responsible for any uncovered construction costs. No other terms of the original LAP Agreement (R2014-0684) are being changed and the expiration date remains as June 30, 2016. District 1 (SF)

2. Staff recommends motion to approve: Amendment No. 1 to Grant Agreement No. S0751 (R2014-1946) with the Florida Department of Environmental Protection (FDEP) for the Lake Worth Lagoon Initiative, revising Attachment A, Grant Work Plan, Attachment E, Special Audit Requirements and Attachment F, Quality Assurance Requirements. **SUMMARY:** Amendment No. 1 of Agreement No. S0751 provides for minor adjustments and revises Attachment A and Attachment F to revise methodologies to monitor sea grasses, oysters and fishes in the Lake Worth Lagoon. Attachment E replaces page 5 to re-designate the funding source description. The restoration project components of the agreement remain the same. The term of the agreement remains effective through March 6, 2018. Countywide (SF)

3. Staff recommends motion to:

A) adopt a Resolution authorizing submission of a grant application to the Florida Boating Improvement Program (FBIP) by the Director of Environmental Resources Management (ERM) requesting \$364,875 for the Phil Foster Floating Dock Facility Project;

B) ratify the FBIP application submitted to Florida Fish and Wildlife Conservation Commission (FWC) on April 6, 2015; and

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

SUMMARY: ERM submitted a grant application to FWC's FBIP on April 6, 2015 for the construction of a new floating dock facility along the snorkel trail at Phil Foster Park. A Resolution by the Board will complete the application. The total cost of the project is estimated at \$729,750. A Florida Inland Navigation District (FIND) grant application was adopted by the Board on May 19, 2015 (R2015-0654) which, if awarded, will provide matching funds. District 1 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** First Amendment to Interlocal Agreement with the Town of Mangonia Park in an amount not-to-exceed \$50,000 for funding for construction of improvements to the Town's Community Center and Senior Center to change the project scope to allocate 100% of the funding to the Community Center, and extend the project completion date from February 12, 2015 to February 12, 2016. **SUMMARY:** This First Amendment to Interlocal Agreement R2013-1038 provides for a scope change to allocate 100% of the funding to the Community Center and a 30 month extension from the date of execution of the Interlocal Agreement, which extends the projection completion date from February 12, 2015 to February 12, 2016. The Amendment to the Interlocal Agreement was requested by the Town of Mangonia Park to allow them additional time for project completion due to the change in project scope. All other terms of the Agreement including the funding amount of \$50,000 remain the same. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond. District 7 (PK)

2. **Staff recommends motion to approve:** a Deed of Conservation Easement to South Florida Water Management District (SFWMD) for a 47.83 acre lake mitigation area in John Prince Memorial Park's Square Lake/East Slough restoration area to replace the Deed of Conservation Easement as approved on March 10, 2015 (R2015-0333). **SUMMARY:** On March 10, 2015, the Board approved a 48.42 acre Deed of Conservation Easement for John Prince Memorial Park. One of the legal descriptions of the conservation areas has been revised to adjust the perimeter limits of the easement area. The overall easement area is being reduced by .59 acres to 47.83 acres. A Deed of Conservation Easement in favor of SFWMD is required in order to satisfy a condition of SFWMD Permit No. 50-02844-S issued in July 2009, for improvements at Burt Aaronson South County Regional Park's ski lake. The .59 acre reduction of land from the conservation easement area is not required to satisfy the total acreage requirement for the SFWMD permit. The Deed of Conservation Easement approved on March 10, 2015, has not been recorded. This Deed of Conservation Easement with the revised legal description will replace the March 10, 2015, version and will be recorded into the public records to satisfy the SFWMD permit condition. This Easement will ensure that the 47.83 acre wetland mitigation area created in John Prince Memorial Park will remain in a natural state and will be maintained by the County in perpetuity. The Conservation Easement allows passive recreation including boardwalks, mulched trails and observation platforms, and is consistent with the long range development plan for John Prince Memorial Park. The Conservation Easement is being granted to SFWMD at no cost as a condition of compliance with the environmental permit. District 3 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to:**
 - A) ratify** the signature of the Mayor on the executed MacArthur Foundation Grant Agreement with John D. and Catherine T. MacArthur Foundation for the period May 1, 2015, through April 30, 2016; and

 - B) approve** a Budget Amendment of \$150,000 in the Justice Services Grant Fund to reconcile the budget to the actual grant award.

SUMMARY: The Board of County Commissioners approved the application for the MacArthur Foundation Safety and Justice Challenge on June 2, 2015. The grant will help Palm Beach County achieve better public safety outcomes, lower incarceration costs and a reduced use of the local jail. The grant does not require a match. Countywide (JB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to:

A) accept Florida Department of Health Emergency Medical Services (EMS) Matching Grant, ID Code M4007, award in the amount of \$117,321 for emergency medical services equipment for the period of June 1, 2015, through June 30, 2016; and

B) approve Budget Amendment of \$117,321 within the Fire/Rescue MSTU Fund recognize the grant award, establish budget for the approved grant and transfer \$39,107 from contingency reserves for Fire-Rescue's matching requirement; and

C) authorize County Administrator or designee to execute certifications, standard forms, reimbursement requests, or work activities and time frames that do not change the general scope or terms and conditions of the grant.

SUMMARY: The EMS Matching Grant program (CSFA 64.003) is available to pre-hospital emergency medical service providers. The Grant Program provides funding for projects to acquire, repair, improve, or upgrade emergency medical services systems, or equipment. On May 5, 2015, the Board ratified the Mayor's signature on the grant application (R2015-0584). On June 1, 2015, the County received notification of the award from the Florida Department of Health. This grant award in the amount of \$117,321 (75%) plus matching funds of \$39,107 (25%) from the Fire Rescue's Main MSTU contingency reserve, total \$156,428 and will be used to purchase four Stryker Power-Pro stretchers with an expandable patient surface and stretcher loading systems. Countywide (SB)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to receive and file: Termination of Contract letter regarding Interlocal Agreement R2015-0338 with the Village of Golf (Village) for connection to Palm Beach County (County) Regional Network. **SUMMARY:** Per Interlocal Agreement R2015-0338 established in March 2015, the Village intended to connect three buildings and their security system to the Palm Beach County Network in order to utilize County Internet services via the Florida LambdaRail. This agreement would have generated \$10,680 in annual revenues to the County. The Information Systems Services Department was subsequently notified that the Village wished to terminate the agreement after determining their organization could not meet certain provisions within the contract concerning security and equipment requirements; nor did they have the technical support staff to move and support their critical computer system on the county network. As no services have yet been provided to the Village, the agreement has not been activated and therefore, no payments are due from the Village. District 4 (PFK)

2. Staff recommends motion to approve: AT&T Switched Ethernet Pricing Schedule for circuits leased by Palm Beach County as components of the Palm Beach County Regional and County NG911 networks. **SUMMARY:** This Pricing Schedule establishes a means for the County to procure, as needed, Switched Ethernet services required for the continued efficient operation of the Palm Beach County Regional and County NG911 networks. Switched Ethernet service is the replacement for our existing Metro-Ethernet service which is being retired by AT&T. This Pricing Schedule will be appended to the existing AT&T Master Agreement, No. 133405UA, approved by the Board of County Commissioners June 30, 2009 (R2009-1055). Countywide (PFK)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: the following executed Interlocal Agreements for the reimbursement of Emergency Medical Services grant equipment:

- A) City of Delray Beach;
- B) Town of Palm Beach; and
- C) Village of Tequesta.

SUMMARY: The County was awarded \$223,371 during FY 2014-2015 from the State of Florida Department of Health, Bureau of Emergency Medical Services (EMS), to improve and expand the EMS systems. The grant funding may be used by the County or municipal agencies to purchase EMS equipment and accordingly, the County has agreed to reimburse the City of Delray Beach for the purchase of four tablets and accessories in an amount not to exceed \$17,780. The County has also agreed to reimburse the Town of Palm Beach in an amount not to exceed \$17,880 for the purchase of four Panasonic tablets and accessories. The County has also agreed to reimburse the Village of Tequesta in an amount not to exceed \$2,300 for the purchase of two tablets and accessories. The remaining EMS grant funding will be used to purchase EMS equipment to benefit the County and surrounding municipal agencies EMS systems. On August 13, 2013, the County Administrator or his designee was authorized to execute these standard agreements between the County and various governmental and non-governmental/private entities and make non-substantive and ministerial changes on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. There is no ad valorem funding required. Countywide (JB)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

- 1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, reestablishing and continuing the Palm Tran Service Board, addressing terms, powers and duties; including uniform policies and procedures requirements of the County for advisory boards; repealing resolution Nos. R2001-2241, R2002-0485, R2003-1582, R2004-0949, R2007-0711, and R2008-1568; providing for an effective date. **SUMMARY:** The Palm Tran Service Board (PTSB) was established December 18, 2001, and is currently comprised of 13 At-Large voting members from 13 categories. The PTSB acts as an advisory board to the Board of County Commissioners (BCC) and has been delegated authority by the BCC to conduct public hearings and make determinations regarding certain modifications to Palm Tran's fixed route service. It also provides a forum for public input relative to public transportation issues in Palm Beach County. The changes to this Resolution include clarification of Seat 4: Elected municipal official of a municipality located in Palm Beach County, as an *ex officio* office of the elected municipal official appointed to that seat, as well as repeals Resolution No. R2001-2241, and all of its amending Resolution Nos. R2002-0485, R2003-1582, R2004-0949, R2007-0711, and R2008-1568, and to adopt, one all inclusive resolution reestablishing the Palm Tran Service Board (PTSB). All other PTSB provisions remain unchanged. Countywide (DR)

CC. TOURIST DEVELOPMENT COUNCIL

- 1. Staff recommends motion to approve: Payment to StageRight Corporation in the amount of \$598,302 via the emergency purchase process for elevated riser seating to be incorporated into the exhibit hall seating offering at the Palm Beach County Convention Center. **SUMMARY:** In anticipation of a major sporting event at the Palm Beach County Convention Center (Convention Center), Global Spectrum, L.P (Global) operator of the Palm Beach County Convention Center sought to secure through a formal RFP process elevated riser seating. The Sports Commission of Palm Beach County had secured a spectator event for the Convention Center in June 2015. The risers were received at the Convention Center on June 1st and were first used on June 13th, 14th and 15th for the Sports Commission's Florida Sunshine State Games generating 1,200 hotel room nights from this event. Although Global conducted an RFP process for the purchase of these risers, staff supports the purchase as an emergency since the purchase process was expedited in order to accommodate the major sporting event at the Convention Center and avoid renting the risers for the four day event. There is a proven demand from room night oriented business from sporting events in our community. The Palm Beach County Convention Center lacked the riser seating requirement to elevate the viewing audience that is normally supplied by the host Sports Commission for most regional, national and international events. The Tourist Development Council Board approved the purchase of risers. (TDC) Countywide (DW)

* * * * *

4. REGULAR AGENDA

A. ADMINISTRATION

TIME CERTAIN 9:45A.M.

1. **REVISED BACKUP: Staff recommends motion to receive and file:** Presentation of the 2015 Legislative Session final report by the Palm Beach County Legislative Affairs Office and Palm Beach County Legislative Delegation Office. **SUMMARY:** A presentation of the final legislative report reviewing Palm Beach County's 2015 State Legislative Agenda priorities and appropriations with the Board of County Commissioners. Countywide (DW)

2. **REVISED TITLE & SUMMARY: Staff requests Board direction:** concerning a request by Related Companies, L.P. (Developer) regarding proposed parking modifications for the Convention Center Hotel. If the Board supports the Developer's request, staff recommends a **motion to approve:**

A) the Third Amendment to the Development Agreement;

B) the Third Amendment to the Hotel Lease; and

C) Easement Agreement for Parking Spaces – B Deck Garage (Garage Easement). Such approval should be contingent upon receipt of an access easement to the garage in favor of Hotel and County (Access Easement), ~~and~~ a legal opinion in favor of the County certifying the validity and enforceability of the Garage Easement and Access Easement, and receipt of Consents to the Third Amendments from the Lenders.

SUMMARY: On October 30, 2012, the Board of County Commissioners (BCC) approved Agreements to facilitate the construction and operation of the Convention Center Hotel. The project documents contemplate a 630 space one story garage on a parcel of land (garage land) east of the hotel site on Florida Avenue. In lieu of the parking garage, the Developer desires to instead construct ~~300~~ 255 valet spaces on the garage land and utilize ~~330~~ 375 valet spaces in an existing parking structure in CityPlace, which is owned by the West Palm Beach Community Development District. The Developer has initiated this request for the following reasons: (1) they have invested \$10 Million more than anticipated for the hotel; (2) the elimination of the parking structure would save \$5 Million resulting in earlier rental payments to the County; (3) they believe the parking demands are overestimated; and (4) they are optimistic about the operating performance of the hotel and that not constructing the garage would allow for the consideration of constructing future hotel rooms. Staff is primarily concerned for the following reasons: (1) the parking garage is a requirement of the Development Agreement; (2) the parking demand on the hotel are greater than they project; and (3) that traffic impacts from the hotel valet operation across Okeechobee Boulevard to CityPlace will worsen an already poor traffic pattern during peak periods. The Developer is currently exceeding the local workforce goals of 40% skilled and 60% unskilled laborers, with 69% and 82% respectively. District 7 (HF)

4. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

3. Staff recommends a motion to approve: Employment contract with Verdenia C. Baker, for the position of County Administrator. **SUMMARY:** As directed by the Board of County Commissioners (BCC), this is a contract for two years with termination at the BCC's discretion, and provides for renewal of the contract, severance pay, and standard County employee and County administrative level benefits. The proposed contract provides for an annual salary of \$257,500 annually, deferred compensation as provided for by law, an auto allowance, and other benefits afforded County employees. Countywide (DO) (Admin)

4. ADD-ON: Staff recommends motion to:

A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, recommending approval of Project Listen, 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 \$70,000; and

B) conceptually approve an Economic Development Incentive for Project Listen to serve as a portion of the local match for a State QTI Tax Refund, in the amount of \$70,000 in the form of a Job Growth Incentive (JGI) Grant, to be paid over a seven year period according to the State's QTI Refund Schedule.

SUMMARY: Project Listen is a headquarters relocation project that plans to make a \$4.85 Million capital investment to acquire, renovate and equip an existing facility in Palm Beach County and create 100 new full-time jobs within four years. The annualized average wage for these new jobs, including executives will be \$84,892 and annualized average wage, excluding executives, will be \$84,721. 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 \$700,000 in the form of a Qualified Target Industry (QTI) Tax Refund which includes a required 20% local match of \$140,000. One half of the local match will be provided by the City of West Palm Beach through a grant in the amount of \$70,000, and the other half will be provided by the County through a JGI Grant in the amount of \$70,000. The JGI Grant will be paid over a period of seven years according to the State's QTI Refund Schedule, and 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 \$35.9 Million. **Funding for the Job Growth Incentive Grant will come from General Fund Contingency Reserves.** District 7 (JB)

B. CLERK & COMPTROLLER

TIME CERTAIN 10:15 A.M.

1. Presentation of the Clerk & Comptroller's Budget.

4. REGULAR AGENDA

C. COUNTY ATTORNEY

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on August 18, 2015 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, to be known as the "Floating Structure Ordinance"; providing for a title; providing for applicability; providing for definitions; providing for the prohibition of floating structures; providing for enforcement; penalties; providing for inclusion in the code enforcement citation ordinance of Palm Beach County, Florida; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing captions and providing for an effective date. **SUMMARY:** This Ordinance will prohibit the anchoring or mooring of floating structures in waters within the jurisdiction of the County or on County-owned property unless anchored or moored at a marina, dock or on privately owned property. The Ordinance will not encompass waters within the jurisdiction of a municipality unless the County owns the submerged land. The Ordinance will primarily be enforced by Palm Beach County Code Enforcement or the Palm Beach County Sheriff's Office. Unincorporated County (SF)

2. Staff recommends motion to approve on preliminary reading and advertise for public hearing on July 21, 2015 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, pertaining to posting of human trafficking public awareness signs; providing for definitions; providing for general requirements; providing for enforcement; providing for severability; providing for repeal of laws in conflict; providing for inclusion in the code of laws and ordinances; providing for captions; providing for applicability; and providing for an effective date. **SUMMARY:** The Board of County Commissioners, at its May 15, 2015 meeting, directed staff to prepare an ordinance pertaining to human trafficking upon passage of a state law pertaining to this subject. The new law (2015-172), signed by the Governor on June 16, 2015, authorizes counties to enforce posting of human trafficking public awareness signs at adult entertainment and massage/bodywork establishments alerting employees and patrons to remedies and protections related to human trafficking. The law and provisions of this Ordinance are to become effective January 1, 2016. Countywide (JB)

3. **ADD-ON:** Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, urging the National Football Foundation Honors Committee to induct Coach Howard Schnellenberger into the College Football Hall of Fame. **SUMMARY:** Coach Howard Schnellenberger, a Palm Beach County resident, is a retired football coach with long service at both the professional and college levels. The Hall of Fame requires coaching nominees to retire with at least a .600 win percentage, but provides for induction in unique cases where coaches retire with less, such as Coach Schnellenberger's .520 win percentage. What he did for the sport, however, far transcends such simple figures. Coach Howard Schnellenberger deserves every consideration to be in the College Football Hall of Fame. District 4 (DO)

4. REGULAR AGENDA

D. WATER UTILITIES

1. **REVISED SUMMARY:** Staff recommends motion to approve: a Settlement Agreement with CDM Smith, Inc., settling claims brought by the County regarding alleged design and engineering deficiencies at the Lake Region Water Treatment Plant and Wellfield. **SUMMARY:** On June 21, 2011, the Board of County Commissioners (Board) approved a budget transfer of \$6.9 Million for emergency repairs/improvements to the existing 10 MGD Lake Region Water Treatment Plant, which serves Belle Glade, Pahokee and South Bay, contingent upon the Glades Utility Authority assignment of potential claims to the County upon absorption. The repairs/improvements were intended to address a decline in raw water quality from the existing seven Floridan Aquifer brackish water supply wells, operational difficulties, and equipment failures. All of the funding has been expended and has resulted in improved well and plant performance. The repairs/improvements include the construction of three additional supply wells and pumps, replacement of seven of the existing well pumps, and installation of energy recovery devices on the existing four treatment trains.

In addition to repairs and improvements, the County investigated the potential causes for the water quality degradation and operational difficulties experienced at the Lake Region Water Treatment Plant. The County has identified what it believes to be violations of the engineering standard of care owed by CDM Smith Inc., formerly Camp Dresser McKee, Inc., the engineering firm retained through three (3) Consultant Services Authorizations (R-2002-0570, R-2002-0574 and R-2005-0774) to provide engineering services for the design and construction of the plant and supporting facilities. The County's position is that CDM Smith Inc.'s violations of the standard of care contributed to the operational problems experienced at the Lake Region Water Treatment Plant and Wellfield. The parties engaged in pre-suit mediation and exchanged documentation to address the County's concerns. Due to the significant volume of technical material to be evaluated, the due diligence and pre-suit mediation took significantly longer than anticipated. The proposed settlement agreement calls for a one-time payment of \$700,000 by CDM Smith, Inc., to the County, in exchange for a release of all claims that have been or could have been raised relating to the Lake Region Water Treatment Plant project. Countywide (ATP)

2. Staff recommends motion to approve: a credit in the amount of \$124,753.58 towards outstanding Connection Fees and Guaranteed Revenues on water and wastewater connections for the Bridges and Hyder Planned Unit Developments (PUD) as a reimbursement for over reserving capacity with the Palm Beach County Water Utilities Department (PBCWUD). **SUMMARY:** An affiliated entity of GL Homes (Developer) currently has six Standard Development Agreements (SDAs), including three Standard Assignments, with PBCWUD that reserve all necessary water and wastewater capacity for adjacent contiguous developments in the unincorporated area in Southern Palm Beach County consisting of the Hyder, Appolonia and Dubois Planned Unit Developments. On July 25, 2013, the Board of County Commissioners (BCC) approved Development Order Amendments that amended the three PUDs into two, essentially abandoning the Appolonia PUD. The reservation of capacity under each SDA is now inconsistent with the overall project master plan. Since these properties are adjacent to one another, PBCWUD recommends that the BCC grant an exception to PBCWUD's Uniform Policies and Procedures Manual (UPAP) to allow capacity to be transferred between agreements. Since the Developer has paid to reserve the necessary capacity under each SDA, a credit will be administered to the Developer in the amount of \$124,753.58 towards future Connection Fees and Guaranteed Revenues on water and wastewater connections. District 5 (MJ)

* * * * *

JULY 7, 2015

5. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

JULY 7, 2015

6. MATTERS BY THE PUBLIC – 2:00 P.M.

* * * * *

JULY 7, 2015

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JULY 7, 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

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."