

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

OCTOBER 3, 2017

<u>PAGE</u>	<u>ITEM</u>	
6	2C-7	ADD-ON: Proclamation declaring October 16-22, 2017 as Mediation Week in Palm Beach County (Sponsored by Mayor Burdick)
6	2C-8	ADD-ON: Proclamation declaring October 15-21, 2017 as National Friends of Libraries Week in Palm Beach County (Sponsored by Commissioner Kerner)
6	2C-9	ADD-ON: Proclamation declaring October 2017 as Disability Employment Awareness Month in Palm Beach County (Sponsored by Commissioner Abrams)
9	3A3	MOVED TO REGULAR/NOW 5A-4: REVISED MOTION: Staff recommends motion to approve: A) waiver of the competitive solicitation process for professional services (consulting services) based on Franklin M. Lee, Esq.'s extensive experience in disparity study review and analysis, and prior experience with the Palm Beach County disparity study Request for Proposal (RFP); B) a contract with Tydings & Rosenberg, LLP, in an amount not to exceed \$39,500.00 for the period of October 3, 2017 through January 31, 2018 to provide consulting services including: conducting a third-party review and analysis of the Palm Beach County draft Disparity Study; and providing an outline of policy recommendations narrowly tailored to the Study's findings and recommendations and C) <u>Approve a budget transfer in the general fund from contingency reserves.</u>
29	3DD-1	DELETED/FURTHER STAFF REVIEW: Staff recommends motion to approve: Agreement with Discover Palm Beach County, Inc. (Discover) for the provision of services under the County's Tourist Development Plan during the period October 1, 2017 through September 30, 2022 in the amount of \$16,000,000 in contractual services and \$2,046,438 in indirect costs and reserves for a total of \$18,046,438 retroactive to October 1, 2017. (TDC)
37	5F-1*	DELETED/FURTHER STAFF REVIEW: Staff recommends motion to adopt: resolution repealing and replacing Resolution 99-2057, which established procedures for Code Enforcement Special Magistrate hearings and for modifying fines.
41	9B-1	ADD-ON: Request for Off-Site Proclamation declaring October 26, 2017 as Lights On Afterschool Day in Palm Beach County (Sponsored by Mayor Burdick)

NOTE: Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary 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**

OCTOBER 3, 2017

**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 7-29)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Page 30)**

- 5. REGULAR AGENDA (Pages 31-37)**

- 6. BOARD APPOINTMENTS (Page 38)**

- 7. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 39)**

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- 2C-3 Guardianship Fraud Awareness Month
- 2C-4 Breast Cancer Awareness Month
- 2C-5 100th Anniversary of the YWCA
- 2C-6 Certificate of Recognition
- 2C-7 Mediation Week
- 2C-8 National Friends of Libraries Week
- 2C-9 Disability Employment Awareness Month

CONSENT AGENDA

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- 3A-1 Agreements implementing different community improvement projects

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- 3A-2 Agreements implementing different community improvement projects

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- 3A-3 ~~MOVED TO REGULAR/NOW 5A-4: REVISED MOTION: Waiver for Tydings & Rosenberg, LLP, based on extensive experience in disparity studies~~

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- 3B-1 Warrant list
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- 3C-5 Approvals and acquisitions to accomplish the road goals in the mid year adjustment to the Five Year Road Program
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- 3C-8 Work order to mill and resurface streets within the Cannon Gate subdivision
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PUBLIC HEARINGS – 9:30 A.M.

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F. PLANNING, ZONING & BUILDING

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- 5F-1 **DELETED:** Resolution repealing and replacing resolution establishing procedures for Code Enforcement Special Magistrate hearings and modifying fines

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STAFF COMMENTS (Page 40)

COMMISSIONER COMMENTS (Page 41)

ADJOURNMENT (Page 41)

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Proclamation declaring October 28, 2017 as Walk to End Alzheimer’s Day in Palm Beach County (Sponsored by Commissioner Valeche)
2. Proclamation declaring October 2017 as Florida Native Plant Month in Palm Beach County (Sponsored by Mayor Burdick)
3. Proclamation declaring October 2017 as Guardianship Fraud Awareness Month in Palm Beach County (Sponsored by Commissioner Berger)
4. Proclamation declaring October 2017 as Breast Cancer Awareness Month in Palm Beach County (Sponsored by Vice Mayor McKinlay)
5. Proclamation recognizing the 100th Anniversary of the YWCA of Palm Beach County (Sponsored by Vice Mayor McKinlay)
6. Certificate of Recognition to Patricia Lebow for decades of legal work, community leadership and philanthropic endeavors (Sponsored by Vice Mayor McKinlay)
7. **ADD-ON:** Proclamation declaring October 16-22, 2017 as Mediation Week in Palm Beach County (Sponsored by Mayor Burdick)
8. **ADD-ON:** Proclamation declaring October 15-21, 2017 as National Friends of Libraries Week in Palm Beach County (Sponsored by Commissioner Kerner)
9. **ADD-ON:** Proclamation declaring October 2017 as Disability Employment Awareness Month in Palm Beach County (Sponsored by Commissioner Abrams)

* * * * *

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends a motion to approve: agreements to implement different community improvement projects and initiatives through the Office of Community Revitalization's America's Next Top Neighborhood Grant Program for a total amount of \$78,115.

A) an Agreement with Community Faith Outreach Ministries, Incorporated in an amount not-to-exceed \$5,000 to purchase items for a community beautification project;

B) an Agreement with Lantana Homes Homeowners Association, Inc. in an amount not-to-exceed \$10,000 to purchase items for a basketball court (\$5,000) and a fence replacement project (\$5,000);

C) an Agreement with Glades Tri-County Youth Athletic League, Inc. in an amount not-to-exceed \$5,000 to purchase items for a community beautification project;

D) an Agreement with Chan Beharry in an amount not-to-exceed \$2,200 to purchase items for a community garden project;

E) an Agreement with Friends of Palm Beach, Inc. in an amount not-to-exceed \$5,000 to purchase items for a community park improvement project;

F) an Agreement with Rebuilding Together of the Palm Beaches, Inc. in an amount not-to-exceed \$5,000 to purchase items for a community beautification project;

G) an Agreement with Paint Your Heart Out Palm Beach County, Inc. in an amount not-to-exceed \$10,000 to purchase items for a community pressure washer project (\$5,000) and a community painting project (\$5,000);

H) an Agreement with Gray Mockingbird Inc. in an amount not-to-exceed \$5,000 to purchase items for a hydroponic garden project;

I) an Agreement with South Palm Park Association, Inc. in an amount not-to-exceed \$5,000 to purchase items for a median improvement project;

J) an Agreement with Cabana Colony Residents League, Inc. in an amount not-to-exceed \$14,900 to purchase items for a refrigerator magnet project (\$1,900), a trash can project (\$5,000), a newsletter project (\$3,000) and a community outreach project (\$5,000);

K) an Agreement with Bill McDonald in an amount not to exceed \$5,200 to purchase items for a crime watch project (\$2,200) and a landscaping project (\$3,000);

L) an Agreement with Youth of Plantation Trailer Park, Inc. in an amount not-to-exceed \$275 to obtain IRS 501(c)(3) tax exempt status;

M) an Agreement with Palm Beach Lakes S Neighborhood Association, Inc. in an amount not-to-exceed \$840 to obtain IRS 501(c)(3) tax exempt status; and

N) an Agreement with Residents of Lake Osborne Heights, Inc. in an amount not-to-exceed \$4,700 to purchase items for a community newsletter project;

SUMMARY: The America's Next Top Neighborhood Grant (ANTNG) is a program created under the Resident Education to Action Program (REAP) to provide funding for eligible neighborhood improvement projects and initiatives. The Program was created as an incentive for neighborhood groups and individuals to become partners with County government in the betterment of the community. For the ANTNG FY 2018 funding cycle, the OCR implemented two, five week REAP sessions. One session was conducted in the Glades/Lake Region from January 26 through February 23, 2017 and the other session was held in central Palm Beach County from March 9 through April 13, 2017. Upon completion of the two sessions, OCR staff, applicable County Departments and the REAP Steering Committee evaluated the 55 applications that were received. This agenda item includes 14 Agreements for 20 of the projects being recommended for funding in an amount totaling \$78,115. The projects will be completed in FY 2018 and include a variety of activities. Staff is requesting BCC approval of the Agreements and related funding. All funds will be drawn from the general REAP/Community Connect Initiative account. Countywide (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

2. Staff recommends a motion to approve: agreements to implement different community improvement projects and initiatives through the Office of Community Revitalization's America's Next Top Neighborhood Grant Program for a total amount of \$52,340.

A) an Agreement with Roosevelt Estates Neighborhood Association, Inc. in an amount not-to-exceed \$840 to obtain IRS 501(c)(3) tax exempt status;

B) an Agreement with Northwood Harbor Association, Incorporated in an amount not-to-exceed \$4,000 to purchase items for a sign project (\$800) and a community newsletter project (\$3,200);

C) an Agreement with Sofia Valiente in an amount not-to-exceed \$4,800 to purchase items for a community newsletter project;

D) an Agreement with Rasheda Admore in an amount not-to-exceed \$3,100 to purchase items for a community fitness project;

E) an Agreement with Federation of Families of Florida, Inc. in an amount not-to-exceed \$9,700 to purchase items for a community market project (\$4,700) and a community garden project (\$5,000);

F) an Agreement with Bonnie Hodges Leech in an amount not-to-exceed \$6,500 to purchase items for a community outreach project (\$5,000) and a community music project (\$1,500);

G) an Agreement with Inner City Youth Golfers' Incorporated in an amount not-to-exceed \$5,000 to purchase items for a community newsletter project;

H) an Agreement with Teresa Wilhem in an amount not-to-exceed \$5,000 to purchase items for a community walking trail project;

I) an Agreement with Pinewood Park Neighborhood Association, Inc. in an amount not-to-exceed \$2,300 to purchase items for a community banner project (\$1,200) and a community newsletter project (\$1,100);

J) an Agreement with Syheita Rhoden in an amount not-to-exceed \$1,000 to purchase items for a community banner project;

K) an Agreement with Loxahatchee Groves Landowners Association, Inc. in an amount not-to-exceed \$2,400 to purchase items for a community bulletin board project;

L) an Agreement with Ricardo Rojas in an amount not-to-exceed \$1,200 to purchase items for a community beekeeping project;

M) an Agreement with Floral Park Property Owner's Association, Inc. in an amount not-to-exceed \$5,000 to purchase items for a community playground project; and

N) an Agreement with Whispering Palms Neighborhood Association, Inc. in an amount not-to-exceed \$1,500 to purchase items for a community crime watch project.

SUMMARY: The America's Next Top Neighborhood Grant (ANTNG) is a program created under the Resident Education to Action Program (REAP) to provide funding for eligible neighborhood improvement projects and initiatives. The Program was created as an incentive for neighborhood groups and individuals to become partners with County government in the betterment of the community. For the ANTNG FY 2018 funding cycle, the OCR implemented two, five week REAP sessions. One session was conducted in the Glades/Lake Region from January 26 through February 23, 2017 and the other session was held in central Palm Beach County from March 9 through April 13, 2017. Upon completion of the two sessions, OCR staff, applicable County Departments and the REAP Steering Committee evaluated the 55 applications that were received. This agenda item includes 14 Agreements for 18 of the projects being recommended for funding in an amount totaling \$52,340. The projects will be completed in FY 2018 and include a variety of activities. Staff is requesting BCC approval of the Agreements and related funding. All funds will be drawn from the general REAP/Community Connect Initiative account. Countywide (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. **REVISED MOTION/MOVED TO 5A4: Staff recommends motion to approve:**

~~A) waiver of the competitive solicitation process for professional services (consulting services) based on Franklin M. Lee, Esq.'s extensive experience in disparity study review and analysis, and prior experience with the Palm Beach County disparity study Request for Proposal (RFP); and~~

~~B) contract with Tydings & Rosenberg, LLP, in an amount not to exceed \$39,500.00 for the period of October 3, 2017 through January 31, 2018 to provide consulting services including: conducting a third-party review and analysis of the Palm Beach County draft Disparity Study; and providing an outline of policy recommendations narrowly tailored to the Study's findings and recommendations.~~

~~and C) Approve a budget transfer in the general fund from contingency reserves.~~

~~**SUMMARY:** Palm Beach County seeks to enter into a contract with Tydings & Rosenberg, LLP, and more specifically Mr. Franklin M. Lee, a Partner in that firm and an accomplished attorney in the area of disparity study review. Mr. Lee will provide an independent third-party review and analysis of the draft disparity study as submitted by Mason Tillman Associates, Ltd. (MTA). This review will include an assessment of methodology and data sources as examined against the current legal framework for disparity studies, and the legal defensibility of findings and various program and policy recommendations. This detailed critique of the draft study will also provide MTA with recommendations for improvements and modifications. This review is intended to help the County ensure that MTA has performed the scope of work and complied with specifications within the terms of its contract, and that MTA's policy recommendations are adequately supported by underlying evidence and data. Deliverables will include a summary memorandum (or series of summaries) outlining the findings from this critical review of study methodology, data sources, findings and recommendations, as well as presentations to the BCC. Countywide (HH)~~

B. CLERK & COMPTROLLER

1. **Staff recommends motion to receive and file:** Warrant List – Backup information can be viewed in the Clerk & Comptroller's Office.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: NONE
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations; Water Utilities Department; Environmental Resources Department; and the Department of Airports during September 2016. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve:

A) Interlocal Agreement with the Town of Jupiter (Town) in the amount of \$312,524.85 for the water utility adjustments and improvements portion of the Center Street project from Thelma Avenue to Woodland Estates Drive (Project); and

B) budget amendment of \$312,525 in the Road Impact Fee Fund – Zone 1 to recognize reimbursement funding from the Town and appropriate it to the project.

SUMMARY: Approval of this agreement will allow Palm Beach County (County) and the Town to jointly participate in water utility adjustments and improvements for the project. The Town agrees to reimburse the County for the cost of these utility adjustments and improvements, which were included in the bid. This budget amendment is necessary to reflect the funding from the Town for the utility improvements to be incorporated into the County's construction of the project. District 1 (LBH)

2. Staff recommends motion to approve: contract with Wantman Group, Inc. (WGI) to provide annual consultant professional services on a task order basis as required, for Palm Beach County (County) traffic signal design projects. **SUMMARY:** Approval of this contract will provide the necessary professional services for traffic signal design throughout the County for all user departments. At the option of the County, this contract may be renewed annually for a period of one year, with a maximum of two renewals. The term of this contract will be from October 3, 2017 to October 2, 2018. WGI is a Palm Beach County based company. The Small Business Enterprise (SBE) goal for all contracts is 15%. WGI has committed to 46% SBE participation. Countywide (LBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to receive and file: amendment number one for a time extension to the joint participation agreement with the Florida Department of Transportation (FDOT) for the installation of three Adaptive Traffic Control systems to be located on Glades Road. **SUMMARY:** This agreement is being submitted to the Clerk and Comptroller of Palm Beach County in accordance with Countywide PPM CW-O-051. It was executed by the Deputy County Engineer on May 16, 2017. Resolution 2012-0035 delegates authority to the County Administrator or designee to execute amendments to existing funding agreements with FDOT that involve time extensions on behalf of the Board of County Commissioners. District 5 (LBH)

4. Staff recommends motion to receive and file: amendment number one for a time extension to the joint participation agreement with the Florida Department of Transportation (FDOT) for the purchase of three Adaptive Traffic Control systems to be constructed and installed on Glades Road. **SUMMARY:** This agreement is being submitted to the Clerk and Comptroller of Palm Beach County in accordance with Countywide PPM CW-O-051. It was executed by the Deputy County Engineer on May 16, 2017. Resolution 2012-0035 delegates authority to the County Administrator or designee to execute amendments to existing funding agreements with FDOT that involve time extensions on behalf of the Board of County Commissioners. District 5 (LBH)

5. Staff recommends motion to approve:
 - A) blanket approval for appraisal and acquisition of the lands, rights-of-way, and easements for all projects in Fiscal Years 2017 and 2018 as identified in the mid year adjustment to the Five Year Road Program adopted on July 11, 2017; and
 - B) the employment of all experts, including but not limited to real estate appraisers, engineers, certified public accountants, business damage experts, and other experts deemed necessary to appraise and acquire the before mentioned lands, rights-of-way, and easements.

SUMMARY: These approvals will provide for the acquisitions necessary to accomplish the road goals as adopted in the mid year adjustment to the Five Year Road Program for Fiscal Year 2017 through Fiscal Year 2021. Countywide (LBH)

6. Staff recommends motion to approve: consent to easement agreement with the United States of America, Department of the Army (DOA) for the East Camino Real Bridge over the Intracoastal Waterway, Project No. 2003501 (Project). **SUMMARY:** Approval of the agreement will allow Palm Beach County (County) to work within the DOA easement to make repairs to the bridge and replace the existing bridge fender system associated with the DOA Permit No. SAJ-2016-00509. As part of the permit process, the County is required to sign a consent to easement agreement in order to use the DOA easement for construction, improvement, and maintenance of the bridge. District 4 (LBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

7. Staff recommends motion to approve: Work Order 2015053-35 in the amount of \$1,275,000 to mill and resurface Northlake Boulevard from Military Trail to Beeline Highway utilizing Palm Beach County's annual asphalt milling and resurfacing contract R2016-0143 with Ranger Construction Industries, Inc. **SUMMARY:** Approval of this Work Order will allow the contractual services necessary to construct the Improvements. Per County PPM CW-F-050, this Work Order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners. Prior to this Work Order, over \$9 million of Ranger's \$20 million Contract has been spent or encumbered. The Small Business Enterprise (SBE) goal for all contracts is 15%. The SBE participation proposed by Ranger for this Work Order is 15%. Approval of this Work Order will result in a cumulative SBE participation of 13.8% for all the work orders issued under this Contract. **This project is funded through the infrastructure sales tax.** Districts 1 & 6 (LBH)
8. Staff recommends motion to approve: Work Order 2015053-51 in the amount of \$280,000 to mill and resurface the county-maintained residential streets within the Cannon Gate subdivision utilizing Palm Beach County's annual asphalt milling and resurfacing contract R2016-0143 (Contract) with Ranger Construction Industries, Inc. **SUMMARY:** Approval of this Work Order will allow the contractual services necessary to construct the Improvements. Per County PPM CW-F-050, this Work Order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Prior to this Work Order, over \$9 million of Ranger's \$20 million Contract has been spent or encumbered. The Small Business Enterprise (SBE) goal for all contracts is 15%. The SBE participation proposed by Ranger for this Work Order is 15%. Approval of this Work Order will result in a cumulative SBE participation of 13.9% for all the work orders issued under this Contract. **This project is funded through the infrastructure sales tax.** District 2 (LBH)
9. Staff recommends motion to approve: Work Order 2015053-52 in the amount of \$425,000 to mill and resurface Congress Avenue from Miner Road to South of Hypoluxo Road utilizing Palm Beach County's annual asphalt milling and resurfacing contract R2016-0143 with Ranger Construction Industries, Inc. **SUMMARY:** Approval of this Work Order will allow the contractual services necessary to construct the Improvements. Per County PPM CW-F-050, this Work Order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners. Prior to this Work Order, over \$9 million of Ranger's \$20 million Contract has been spent or encumbered. The Small Business Enterprise (SBE) goal for all contracts is 15%. The SBE participation proposed by Ranger for this Work Order is 15%. Approval of this Work Order will result in a cumulative SBE participation of 13.9% for all the work orders issued under this Contract. **This project is funded through the infrastructure sales tax.** District 3 (LBH)
10. Staff recommends motion to receive and file: construction agreement with the Florida Department of Transportation (FDOT) for construction of the Okeechobee Boulevard and Skees Road intersection improvements. **SUMMARY:** This agreement is being submitted to the Clerk & Comptroller of Palm Beach County (County) in accordance with Countywide PPM CW-O-051. The agreement was approved by the Deputy County Engineer as a delegated authority in accordance with Palm Beach County Resolution (R2013-1117). The County intends to construct a northbound right turn lane on Skees Road at Okeechobee Boulevard. District 2 (LBH)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$80,000 in the personal injury action styled Expedito Torres vs. Palm Beach County Board of County Commissioners and Palm Tran, Inc., Case No. 502016CA012730XXXMB **Summary:** On October 22, 2015, a Palm Tran bus rear-ended a van which was stopped in front of a stop sign at the intersection of Blue Heron Boulevard and Industrial Central Drive in Riviera Beach. The van pulled out from the intersection to go westbound on Blue Heron and then stopped. The bus continued forward, striking the van driven by Plaintiff, Expedito Torres. As a result of the accident, plaintiff allegedly sustained neck and back injuries. He underwent surgery and physical therapy. Countywide (SCL)

F. AIRPORTS

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

A) Change Order No. 4 to Amendment No. 8 (Task M-18) to the Construction Manager (CM) at Risk Contract with The Morganti Group, Inc. for Air Handler Replacement at Palm Beach International Airport (PBIA) in the amount of \$96,410.79 and;

B) budget transfer of \$96,411 in the Airport's Improvement and Development Fund to provide budget for Change Order No. 4 to Amendment No. 8 (Task M-18) of The Morganti Group, Inc. contract. This includes a transfer from Reserves of \$96,411.

SUMMARY: The Contract with The Morganti Group, Inc. for CM at Risk Services for Terminal Improvements at PBIA was approved by the Board of County Commissioners (Board) on June 4, 2013 (R2013-0663). The Contract is for two years with three one year renewal options and is a task order based contract for CM at Risk Services at PBIA. The Morganti Group, Inc. is a Danbury, Connecticut, based firm; however, the work will be directly managed by their southeast regional office in Palm Beach County. Amendment No. 8 (Task M-18) in the amount of \$8,250,000 and 680 calendar days was approved by the Board on December 15, 2015 (R2015-1765). Approval of Change Order Nos. 1-3 in the amount of \$699,845.58 and 27 calendar days were approved in accordance with the authority designated in PPM CW-F-050. Approval of Change Order No. 4 in the amount of \$96,410.79 will provide additional compensation to the contractor to complete the Air Handler Replacement at PBIA. The Disadvantaged Business Enterprise (DBE) goal for this contract is 13%. The total to date participation for this contract is 16%. It is estimated that the contractor will achieve 17% DBE participation. Countywide (AH)

2. **Staff recommends motion to approve:** First Amendment to Development Site Lease Agreement (R2017-0939) with Drive Shack Palm Beach LLC (Lease), a Delaware limited liability company, extending the deadline for completion of inspections by an additional 30 days. **SUMMARY:** The Lease provides for a 90-day inspection period, which will expire on October 9, 2017. This Amendment extends the inspections provision of the Lease by an additional 30 days. Drive Shack has requested the extension as a result of contractor delays caused by Hurricane Irma. Countywide (HF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to receive and file: Entry Agreement with Florida Department of Environmental Protection (“FDEP”) for 6743 West Indiantown Road, Jupiter, FL, FDEP Facility ID: 50-9501470. **SUMMARY:** Resolution (R2015-1613) established a new standard form Agreement for use with the Florida Department of Environmental Protection (FDEP) and its contractors to assess, remove, monitor and remediate contamination on County-owned property. The Site Access Agreement is FDEP’s standard form, and is required for FDEP to solicit a contractor, who will actually complete the remediation activities. The County enters into a separate Entry Agreement with each contractor before the contractor commences work. Both Agreements are provided without cost to FDEP or its contractors, and the remediation work would be completed at no cost to the County. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating department as a Receive and File agenda item. The attached standard Site Access Agreement was fully executed on August 1, 2017 on behalf of the Board of County Commissioners. (FDO Admin) Countywide (LDC)

2. Staff recommends motion to receive and file:

A) Standard Equipment Use Agreement with Palm Beach County Sports Commission, Inc. for a period of July 13, 2017 through July 31, 2017.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The attached standard Agreement, dated from July 7, 2017 to July 27, 2017, has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or her designee. The Equipment Use Agreement was approved by the Board on October 1, 2013, Agenda 3H-2 (the Resolution). This executed document is now being submitted to the Board to receive and file. (FDO Admin) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to receive and file:

A) Standard License Agreement for Use of County Owned Property dated June 13, 2017, with Ric L. Bradshaw, in his official capacity as Sheriff of Palm Beach County, Florida (Bus Wash – Belle Glade, FL);

B) Standard License Agreement for Use of County Owned Property dated June 13, 2017, with USNSCC Region 6-5, Inc. (Eagle Academy, Belle Glade, FL);

C) Standard License Agreement for Use of County-Owned Property dated June 27, 2017, with West Palm Beach Community Redevelopment Agency (Judicial Center surface lot, WPB); and

D) Standard License Agreement for Use of County-Owned Property dated July 14, 2017, with Safety Council of Palm Beach County, Inc. (North County Senior Center).

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The attached standard Agreements, dated from February 27, 2017 to May 12, 2017, have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or her designee. The Standard License Agreement was approved by the Board on March 9, 2010 with R2010-0333, as was amended and approved by the Board on October 1, 2013, Agenda Item 3H-3. These executed documents are now being submitted to the Board to receive and file. (FDO Admin) Countywide (LDC)

4. Staff recommends motion to approve: Amendment No. 1 to the Contract (R2014-1462) with Omnicom Consulting Group, Inc. (Omnicom) for planning and engineering services associated with the countywide public safety radio system on a continuing contract basis. **SUMMARY:** Amendment No. 1 extends the term of the Contract for planning and engineering services associated with the countywide public safety radio system for one year through October 6, 2018. The Board approved the annual Contract on October 7, 2014, and the original Contract provided for an initial three year term with two renewal options each for a period of one year. During the first three years of the Contract, Omnicom was awarded \$927,698 in Consultant Services Authorizations. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15%. Omnicom's SBE participation for this contract is 11.3%. Omnicom's team included an SBE sub-consultant, Johnson, Levinson, Ragan, Davila, Inc. (JLRD) to perform work associated with mechanical, electrical and plumbing and fire protection design services when they were needed under the work assigned to Omnicom. Only 11 of the 21 tasks completed by Omnicom required those specialty services, which resulted in the 11.3% SBE participation. Omnicom is a non-local business with an office in Tallahassee. (Capital Improvements Division) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. **Staff recommends motion to receive and file:** Amendment No. 1 to the contract with Hedrick Brothers Construction Co., Inc. (R2016-0430) in the amount of \$1,054,017 for the Main Detention Center Chiller Replacement project, in West Palm Beach. **SUMMARY:** On April 4, 2017, the Board provided authorization for the County Administrator or designee to execute a Guaranteed Maximum Price Amendment to the contract with Hedrick Brothers for the Main Detention Center Chiller Replacement project. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Amendment has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator's designee. This executed amendment is now being submitted to the Board to receive and file. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15%. The SBE participation for this Amendment is 75%. The cumulative SBE participation for this contract is 68%. Hedrick Brothers Construction, Co., Inc., is a Palm Beach County business. (Capital Improvements Division) Countywide/District 2 (LDC)

6. **Staff recommends motion to approve:** Second Amendment to Interlocal Agreement (R2007-1816), as amended by R2012-1676, collectively referred to as "Agreement" with the City of Riviera Beach (City) to extend the term of the Agreement through October 14, 2022. **SUMMARY:** The Interlocal Agreement with the City provides the terms and conditions under which the County can transport radio signals through the City by the use of the City-owned tower and the City's connection to the County's microwave system. Under the terms of the Interlocal Agreement, the City pays its share of the operational and maintenance costs associated with the microwave system. The costs for each fiscal year are provided by the County by March 1st annually. The existing agreement expires on October 14, 2017 and the City has approved the second renewal option extending the term through October 14, 2022. The Interlocal Agreement provides for four renewal options, each for a period of five years. The Interlocal Agreement may be terminated by either party, with or without cause, upon one year notice. The Second Amendment renews the term, and adds standard County nondiscrimination and Third Party beneficiary provisions. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (LDC)

7. **Staff recommends motion to approve:** Flowage Easement in favor of the Florence Fuller Child Development Center, Inc. for storm water drainage over a portion of the County's West Boca Library property located in unincorporated Boca Raton. **SUMMARY:** The Florence Fuller Child Development Center (FFCDC) is located just north of the County's West Boca Library and west of County Fire Rescue Station #54, both County properties front State Road 7, in unincorporated western Boca Raton. In 1986, the County and FFCDC entered into a land exchange agreement (R1986-1864), whereby both the County and FFCDC exchanged parcels and further agreed to assist one another with the development of their respective properties at no charge. FFCDC is currently re-developing its site to add square footage and desires to run a storm water drainage pipe along the northern boundary of the County's West Boca Library property. Pursuant to the 1986 agreement, Staff is supportive of allowing this easement to cross County property at no charge to FFCDC. Placement of the FFCDC easement area will run mostly north of and adjacent to the County's existing Library drainage easement and should not interfere with any future development of the County property. The pipe connection will drain into the State Road 7 storm water system. The easement is approximately 427 feet long by 15 to 22 feet wide and covers an area of 6,596 square feet (.15 acre). This non-exclusive easement is being granted at no charge and will be recorded into the Palm Beach County records to document its existence and location. (PREM) District 5 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. Staff recommends motion to:

A) adopt Resolution authorizing the conveyance of the County's interest in 0.11 acres of surplus property to the Town of Ocean Ridge, without charge and with a reservation of mineral and petroleum rights, but without rights of entry and exploration; and

B) approve County Deed in favor of the Town of Ocean Ridge.

SUMMARY: The Town of Ocean Ridge requested the conveyance of two small strip parcels totaling 0.11 acres of County owned surplus property located west of North Ocean Boulevard on both sides of the entrance to Ridge Harbour Estates. The Town has specified the parcels will be used for public beautification and landscaping. The County acquired the property via tax deed in July 1973. It is assessed at \$33. The two parcels are too small to be developed and serve no present or future County purpose. The parcels are being conveyed to the Town pursuant to Florida Statutes Section 197.592(3), which requires the conveyance of surplus property acquired by tax deed to the municipality in which it is located. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. The conveyance to the Town is subject to the following restrictions and reverter: i) the property shall be used only for public beautification and landscaping which landscaping shall not exceed thirty inches in height; ii) no permanent improvements shall be constructed on the parcels; and iii) in the event that the Florida Department of Transportation (FDOT) requires the use of the parcels, then upon demand by the County the property shall revert to the County. **This conveyance must be approved by a Supermajority Vote (5 Commissioners).** (PREM) District 4 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve: 12 Agreements under the Fiscal Year 2017-2018 Community Development Block Grant (CDBG) Program totaling \$218,310 to 12 non-profit agencies, in the amounts indicated below, for the period of October 1, 2017 to September 30, 2018:

A) Aid to Victims of Domestic Abuse, Inc. in the amount of \$20,640 for transitional housing and supportive services;

B) The Children's Home Society of Florida in the amount of \$19,122 for transitional housing and services to homeless pregnant or parenting teen mothers;

C) The Children's Place at Home Safe, Inc. in the amount of \$14,524 for specialized and enhanced therapeutic care for abused teens;

D) The Coalition for Independent Living Options, Inc. in the amount of \$18,448 for prepared meals to disabled individuals;

E) Healthy Mothers/Healthy Babies Coalition of Palm Beach County, Inc. in the amount of \$7,961 for assistance to uninsured low income pregnant women and their families in order to access health care, to secure payer sources and other services for prenatal care;

F) Legal Aid Society of Palm Beach County, Inc. in the amount of \$47,703 for fair housing education, outreach, advocacy and enforcement activities;

G) Place of Hope, Inc. in the amount of \$12,770 for housing and case management services to abused children;

H) Redlands Christian Migrant Association, Inc. in the amount of \$11,462 for child care and development services in the Glades area;

I) Seagull Industries for the Disabled, Inc. in the amount of \$24,780 for vocational training and supervision for disabled adults;

J) Sickle Cell Foundation of Palm Beach County, Inc. in the amount of \$14,518 for comprehensive case management services;

K) Urban League of Palm Beach County, Inc. in the amount of \$15,359 for foreclosure mitigation counseling, homebuyer education classes, and pre-purchase homebuyer counseling services; and

L) Vita Nova, Inc. in the amount of \$11,023 for supportive housing and life skills training for youths who have aged out of foster care.

SUMMARY: On July 11, 2017 (R2017-0941), the Board of County Commissioners approved the Palm Beach County Action Plan for Fiscal Year 2017-2018, which included \$218,310 in CDBG funds to the 12 non-profit agencies to provide the various public services. Employees from several of the agencies serve on a County-related advisory group. Kimberly Rommel-Enright and Vicki Krusel, employees of Legal Aid Society of Palm Beach County, Inc., serve on the HIV CARE Council, a County Advisory Board. Patrick J. Franklin, an employee of the Urban League of Palm Beach County, Inc., serves on the Discover the Palm Beaches, Inc. Board of Directors and the Infrastructure Surtax Independent Citizen Oversight Committee. Olga L. Sierra, an employee of Vita Nova, Inc., serves on the Palm Beach County HIV Care Council. These boards provide 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. **These are Federal CDBG funds which require no local match.** Countywide (JB)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to approve: Amendment 002 to an Agreement (R2016-0350) with the Town of Lake Park to extend the project completion date from October 31, 2017 to February 28, 2018. **SUMMARY:** On March 22, 2016, the County entered into an Agreement (R2016-0350), as amended by Amendment 001 (R2017-0065) on January 10, 2017, with the Town of Lake Park to provide \$634,687 in Community Development Block Grant funding for the design and installation of improvements to Lake Shore Park and Kelsey Park. The project is under construction but has experienced a delay in the start date, a delay in the delivery of park fixtures from the supplier and the need to make up for rain days. This will cause the project completion date to extend past the current agreement end date. This Amendment will allow additional time to complete construction and process all required project close out documents. **These are Federal CDBG funds which require no local match.** District 1 (JB)
3. Staff recommends motion to approve: Agreement with The Center for Technology, Enterprise and Development, Inc. (TED Center) in the amount of \$226,000 for the period October 1, 2017 to September 30, 2018. **SUMMARY:** On July 11, 2017, the Board of County Commissioners approved (R2017-0941) the FY 2017-2018 Action Plan for Palm Beach County which included an allocation of \$226,000 in Community Development Block Grant (CDBG) Program funds for the TED Center to undertake Economic Development activities. This Agreement will provide CDBG funds to the TED Center for operational expenses for the development and expansion of microenterprises (defined as “commercial enterprises” that have five or fewer employees) and small businesses. The TED Center is required to create a minimum of 15 full-time equivalent jobs countywide, with a minimum of four of the newly created jobs being held by people residing in the Glades area. Additionally, at least 51% of the jobs must be held by, or made available to, low and moderate income persons who must reside in the Palm Beach County CDBG jurisdiction during the term of the Agreement. The TED Center, a non-profit organization, is a business incubator with associated programs and services designed to improve the viability and strength of microenterprises and small businesses. **These are Federal CDBG funds which do not require a local match.** Countywide (JB)
4. Staff recommends motion to approve: Agreement with Business Loan Fund of the Palm Beaches, Inc. d/b/a Center for Enterprise Opportunity (CEO) in the amount of \$80,000 for the period October 1, 2017 to September 30, 2018. **SUMMARY:** On July 11, 2017, the Board of County Commissioners approved (R2017-0941) the FY 2017-2018 Action Plan for Palm Beach County which included an allocation of \$80,000 in Community Development Block Grant (CDBG) Program funds for CEO to undertake Economic Development activities. This Agreement will provide CDBG funds to CEO who will provide technical assistance and business support services to small businesses and persons developing small businesses. CEO will also provide loans for the establishment, stabilization, and expansion of small businesses. CEO is required to provide one-on-one business and financial counseling sessions for at least 40 unduplicated clients, conduct no less than four comprehensive business plan trainings and close five credit builder loans and/or microloans to microenterprises and small businesses. CEO is a Community Development Financial Institution certified by the U.S. Treasury. **These are Federal CDBG funds which do not require a local match.** Countywide (JB)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

5. Staff recommends motion to approve: Consulting/Professional Services Contract with the Palm Beach County Black Business Investment Corporation (BBIC) in the amount of \$54,000 for the period October 1, 2017 to September 30, 2018. **SUMMARY:** On September 18, 2017, the Board of County Commissioners approved the Fiscal Year 2017-2018 Budget which included an allocation of \$54,000 for BBIC. This Consulting/Professional Services Contract will fund the BBIC for operational expenses for providing consulting and financial assistance to existing and start-up small businesses in Palm Beach County. The BBIC is required to obtain four business loan approvals from financial institutions totaling at least \$500,000, while serving 270 clients and creating/retaining 25 full-time equivalent jobs. The BBIC, a non-profit organization, was formed in accordance with the Florida Small & Minority Business Act of 1985. The major objectives of the BBIC are to provide financial resources to new and existing businesses, and to foster increased employment and social stability within the Black community. The BBIC fills the gap between financial institutions and small businesses, providing services not offered by other agencies in Palm Beach County. **These are County Ad Valorem funds. Countywide (JB)**

6. Staff recommends motion to:

A) approve Amendment 003 to a Loan Agreement (R2016-0624) with Royal Palm Place, Ltd. (RPP) to correct the amount of the Third Mortgage;

B) approve First Mortgage Modification Agreement with RPP to correct the amount of the Third Mortgage; and

C) receive and file a Subordination Agreement with U.S. Bank National Association (U.S. Bank).

SUMMARY: On May 17, 2016, the County entered into a Loan Agreement (R2016-0624) with the RPP to provide a loan of \$115,000 in State Housing Initiatives Partnership (SHIP) Program funds for the construction of 125 affordable rental housing units to be known as Royal Palm Place. These funds represent the County's local match as required under Florida Housing Finance Corporation's (FHFC) State Apartment Incentive Loan (SAIL) Program. Royal Palm Place is a \$30.5 Million project that is receiving its funding from several different sources. The funding for the development closed on August 4, 2017. In preparation for the closing, the parties realized that that County had been provided with the incorrect amount for the FHFC's Extremely Low Income Gap Loan. The error was not substantial and did not prevent the loan financing for the project from closing, but the error needs to be corrected. The County's loan documents reference FHFC's Extremely Low Income Gap Loan (the mortgage in third mortgage position) as a \$495,000 loan, when it is actually a \$495,900 loan. Amendment 003 to the Loan Agreement and the First Mortgage Modification Agreement will modify the County's loan documents to reference the correct amount for the third mortgage. On July 11, 2017, the Board of County Commissioners (BCC) approved (Agenda Item 3I-4) a Subordination Agreement with Citibank, N.A., for this project. As the parties prepared for closing, the County was informed that although Citibank, N.A., would at a later time be the permanent mortgage holder, U.S. Bank would in fact be the construction lender for the project and would be in first mortgage position at the time of closing. The Subordination Agreement was therefore executed by U.S. Bank, not Cititbank, N.A. It is being submitted to the BCC to receive and file in order to update the BCC as to the identity of the first mortgage holder for this project. The development will include a clubhouse, pool, Energy Star appliances and provide Resident Programs including after school programs for children, literacy training and an employment assistance program. **These are SHIP grant funds which require no local match. District 7 (JB)**

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends a motion to approve: appointment of one new member to the Land Development Regulation Advisory Board (LDRAB). Seat 15 is to complete an expired term ending February 5, 2019.

<u>Appointment</u>	<u>Seat #</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
Charles Duane Drawdy	15	Commercial Builder	AGC Florida East Coast Chapter

SUMMARY: Mr. Charles Duane Drawdy, Past President of Drawdy Construction Company, Inc. has been nominated to serve on the Land Development Regulation Advisory Board (the Board). This seat was previously held by Mr. Steven Dewhurst, who was removed from the Board in December 2009 due to lack of attendance. Staff has been trying to fill this vacancy for several years. The Board is comprised of 18 members. The term of office for Board members is three years, with a limit of three consecutive three-year terms. Nine of the members shall be appointed by a majority of the Board of County Commissioners (BCC) upon a recommendation by the following organizations: Gold Coast Builders Association, League of Cities, Florida Engineering Society, American Institute of Architects, Environmental Organization, Realtors Association of the Palm Beaches, Florida Surveying and Mapping Society, Associated General Contractors of America and The Palm Beach County Planning Congress. Seven members will be appointed by the BCC; one from each commissioner as a district appointment, with consideration of expertise in Article 2. G.3. A.3.b. The BCC shall also appoint two at-large alternate members, by a majority vote of the BCC with consideration of the expertise noted above. The at-large members are alternates and therefore the attendance rules are not applicable. The Board consists of 18 members, with 15 seats currently filled and a diversity count of Caucasian: 13 (86.66%), African American: 1 (6.66%), Hispanic 1 (6.66%). The gender ratio (male:female) is 13:2. Nominee Mr. Charles Duane Drawdy is a Caucasian male. Staff has addressed the need to increase diversity within our boards and will continue to encourage this in an effort to expand the Board's diversity. Charles Duane Drawdy has disclosed that he has an ownership position in Drawdy Construction Company, Inc. that contracts, as a Subcontractor, with the County with the Road and Bridge Division. The LDRAB provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract(s). Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sec. 2-443, of the Palm Beach County Code of Ethics. Unincorporated (LB)

2. Staff recommends motion to receive and file: contract with the University of Florida's Bureau of Economic and Business Research (BEER) in the amount of \$19,000 to provide small-area population estimates and projections for Palm Beach County for year 2020 through 2045 in five-year increments. **SUMMARY:** This contract is being submitted to the Clerk and Comptroller of Palm Beach County in accordance with Countywide PPM CW-O-051. As authorized by PPM CW-O-051, the Director of Purchasing approved and executed the contract on behalf of the Board of County Commissioners on September 1, 2017. The contract is for professional and consultation services to prepare population estimates and projection model development for Palm Beach County. Countywide (RPB)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve: Amendment No. 3 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 \$62,108.48 with an associated increase in the term of the Contract of one year. **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. WUD is expanding the anion exchange treatment system to improve the water quality and demolishing the energy intensive ozone system at WTP 8 (Project). Amendment No. 3 provides for additional engineering services during construction of the Project. The term of the Contract also requires extension from three years to four years to provide for the completion of construction and project closeout to match the construction contract associated with the Project. The Small Business Enterprise (SBE) participation established by the SBE is 15% overall. The Contract with Globaltech, Inc. provides for SBE participation of 75% overall. Amendment No. 3 has 100% of SBE participation. The cumulative SBE participation, including Amendment No. 3, is 97.45% overall. Globaltech, Inc. is a Palm Beach County company. This Project is included in the FY18 Capital Improvement Plan adopted by the BCC. (WUD Project No. 13-022) District 2 (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to receive and file:

A) Arthropod Control Budget Amendment No. 5 to Agreement No. 023779 (R2017-0079, 0080) with the Florida Department of Agriculture and Consumer Services (FDACS) for fiscal year 2016-2017 revises the Mosquito Control State-reported budget for March 2017 by increasing Personal Services by \$20,000, Supplies Operating by \$3,696, and Capital Outlay by \$60,465 to account for \$84,161 in funding received from the Department of Health (DOH);

B) Arthropod Control Budget Amendment No. 6 to Agreement No. 023779 (R2017-0079, 0080) with the Florida Department of Agriculture and Consumer Services (FDACS) for fiscal year 2016-2017 amends local funds for April by decreasing Ad Valorem by \$5,000 and Chemicals by \$55,000 and increasing Travel and Per Diem by \$2,000, Freight Services by \$100, Rentals and Leases by \$2,900, Insurance by \$15,000, Repairs and Maintenance by \$5,000, Office Supplies by \$5,000, Misc. Supplies by \$10,000, and Capital Outlay by \$20,000 to balance the Mosquito Control Monthly Report;

C) Arthropod Control Budget Amendment No. 7 to Agreement No. 023779 (R2017-0079, 0080) with the Florida Department of Agriculture and Consumer Services (FDACS) for fiscal year 2016-2017 revises the Mosquito Control State-reported budget for July 2017 by increasing Personal Services by \$5,500, and Chemicals by \$253,129.40 to account for \$258,629.40 in funding received from the Department of Health (DOH); and

D) Arthropod Control Budget Amendment No. 8 to Agreement No. 023779 (R2017-0079, 0080) with the Florida Department of Agriculture and Consumer Services (FDACS) for fiscal year 2016-2017 amends the Mosquito Control State funds for April 2017 from Interest Earnings to Chemicals in the amount of \$413 to balance the Mosquito Control Monthly Report.

SUMMARY: On January 10, 2017, the Board of County Commissioners approved Contractual Services Agreement No. 023779 (R2017-0079, 0080) with FDACS. Delegated authority to sign all future time extensions, task assignments, certifications and other forms associated with this Agreement was approved at that time. The FDACS budget amendments are necessary to account for additional State funding received during the contract year for mosquito control activities from October 2016 through January 2017. Countywide (AH)

2. Staff recommends motion to:

A) approve Cooperative Agreement (Agreement) with the South Florida Water Management District (District) for the collection and analysis of water quality data in Lake Worth Lagoon (LWL) effective October 1, 2017 for a term of 5 years; and

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

SUMMARY: The Agreement outlines the cooperative process in which Palm Beach County Environmental Resources Management (PBCERM) will collect monthly surface water quality samples and associated field parameters at 14 stations in LWL. The District shall analyze the samples and post the data on the District's data base, DBHYDRO. Each party is responsible for their own expenses under this Agreement. Countywide (AH)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. **Staff recommends motion to approve:** appointment of the following individuals to the Groundwater and Natural Resources Protection Board (GNRPB). Seat No. 5 completes a three-year term beginning September 12, 2017 through March 1, 2019, and Seat No. 6 is a three-year term beginning September 12, 2017, ending September 12, 2020, per Article 2.G.3.F.3, Unified Land Development Code:

<u>Nominee</u>	<u>Seat No.</u>	<u>Representing</u>	<u>Nominated by</u>
Appoint			
Beth A. Miller	5	Citizen of Palm Beach County	Commissioner Kerner
David J. Levy	6	Hydrologist or Hydrogeologist	Florida Association of Professional Geologists

SUMMARY: Ordinance 92-20, as amended and Article 2.G.3.F.3 of the Unified Land Development Code (ULDC) provide for a seven member GNRPB. The membership consists of one professional engineer, one attorney, one hydrologist or hydrogeologist, one citizen possessing expertise and experience in managing a business, one biologist or chemist, one concerned citizen, and one member of an environmental organization. Ordinance 92-20 and Article 2.G.3.F.3 of the ULDC require that Seat No. 6 be filled by a hydrologist or hydrogeologist nominated by the Florida Association of Professional Geologists. The GNRPB has 7 seats, 5 seats currently filled and a diversity count of Caucasian: 5. The gender ratio (female: male) is 1:4. One nominee is a Caucasian female and one is a Caucasian male. In the continued effort to attain GNRPB diversity, staff intends to seek a prospective candidate from a minority-based business organization in addition to requesting nominations from the Board of County Commissioners for Seat No. 7, Business Person member, when the term ends on November 17, 2017. Countywide (AH)

M. PARKS & RECREATION

1. **Staff recommends motion to:**

A) receive and file fully executed Florida Fish and Wildlife Conservation Commission (FFWCC) Florida Boating Improvement Program (FBIP) Grant Agreement Number 16061 for construction costs associated with the redevelopment of the Bert Winters Park for the period July 1, 2016 through June 30, 2018; and

B) approve budget amendment of \$200,000 within the Park Improvement Fund to establish budget for the approved grant.

SUMMARY: On April 19, 2016, the Board of County Commissioners (Board) authorized submission of a Florida Boating Improvement Program (FBIP) Grant application, R2016-0513, to fund a portion of the construction costs associated with the redevelopment of the Bert Winters Park. The Board also authorized the County Administrator or designee to execute the Grant Agreement and other grant forms related to this project if the grant was approved. The grant was approved and the Agreement has been fully executed in accordance with Board authorization, and it is being submitted to the Board to receive and file and to establish budget for the grant. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. [Staff recommends motion to receive and file:](#) original executed Tee Time Advertising and Sales Agreement:

GolfNow, LLC, for the period August 18, 2017, through August 17, 2018.

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. This Tee Time Advertising and Sales Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the Director/Assistant Director of Parks and Recreation in accordance with Resolution 2013-1607, and is now being submitted to the Board to receive and file. This Agreement helps to sell tee times at non-peak times that would otherwise not be sold. Countywide (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. [Staff recommends motion to approve:](#) reappointment of one member to the Criminal Justice Commission as follows:

Reappoint	Seat No.	Requirement	Nominated by	Term
Lee K. Waring	25	Private Sector	Economic Council	01/01/18-12/31/20

SUMMARY: The CJC is comprised of 32 members including elected officials and representatives from private and public sectors. Ten private sector members are nominated for three-year terms by the Economic Council of Palm Beach County, Inc. (Council), and appointed by the Board. The Council has nominated Mr. Lee K. Waring be reappointed. The Board has 32 seats, 32 seats currently filled and a diversity count of Caucasian: 24 (75%), African-American: 7 (22%) and Hispanic: 1 (3%). The gender ratio (female:male) is 10:22. The nominee is a Caucasian male. Countywide (DC)

X. PUBLIC SAFETY

1. [Staff recommends motion to approve:](#) Public Safety Department Policy and Procedure Memorandum (PPM) for Drug Court Program Health and Human Services Payments. **SUMMARY:** The Public Safety Department Division of Justices Services (PSD), in conjunction with the Fifteenth Judicial Circuit and other collaborators has operated the Family Drug Court program since 2010. The Family Drug Court program is a rehabilitation program designed to identify, case manage, drug test, and provide outpatient and inpatient substance abuse treatment services to substance abusing parents of abused and neglected children. The PSD PPM establishes guidelines and requirements for the PSD, through the Clerk and Comptroller's Finance Department, to make direct payment to vendors for services provided to participants in the Family Drug Court Program. These payments were previously made by the Children's Home Society of Florida through a professional services contract. Currently, the PSD is not authorized to submit direct payments through the Clerk & Comptroller's Finance Department to vendors or clients for certain expenditures, such as rent, food, or other basic needs. Board approval of this PPM best meets the needs of the participants by expediting services and ensuring access to critical needs. The Family Drug Court Program Health and Human Services Payments PPM is in accordance with Countywide PPM CW-L-035. Funds for these services are included in the department budget. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

A) receive and file executed Amendment 2 for contract 16TFGR26 with the Florida Council Against Sexual Violence (FCASV) in the amount of \$310,466 to define tasks and deliverables for the period of July 1, 2017 through June 30, 2018, to provide sexual assault recovery services;

B) receive and file executed contract with FCASV (contract #17OAG26) for the period of July 1, 2017 through June 30, 2018, to receive grant funding in the amount of \$19,756 to provide sexual assault recovery services; and

C) approve budget amendment of \$128,702 in the Public Safety Grants Fund to adjust the budget to the actual grant awards.

SUMMARY: These are annual grants that are awarded to the Division of Victim Services. The funds are used to support and provide sexual assault recovery services to primary and secondary victims. Amendment 2 to contract #16TFGR26 revises the contract amount to \$310,466, which is inclusive of the \$157,472 allocation received in the previous grant period and \$152,994 allocated for this grant period, defines tasks and deliverables such as client eligibility, services including a 24-hour helpline, information and referral, crisis intervention, advocacy, accompaniment, community awareness, system coordination, support groups, therapy, and documentation thereof. Funds are used to cover a portion of the 24-hour sexual assault helpline, a victim advocate, and sexual assault outreach coordinator. Contract #17OAG26 funds a portion of the salary and benefits for a sexual assault care coordinator who specializes in follow up care to victims of sexual assault such as medical and social service appointments. R2006-0095 authorized the County Administrator or designee to execute FCASV grant contracts on behalf of the County. **No County matching funds are required.** Countywide (LDC)

3. Staff recommends motion to approve: Amendment to the Contract with Peggy Adams Animal Rescue League of the Palm Beaches, Inc. (PAARL) for spaying/neutering at-risk dogs and cats to increase the not to exceed amount under the Contract to \$720,000 for a maximum of \$240,000 per year. **SUMMARY:** PAARL has been providing spay/neuter services for at-risk dogs and cats under contract with the County since 2015. On November 22, 2016, the County entered into a Contract (R2016-1726), wherein PAARL agreed to provide spay/neuter services for at risk dogs and cats until September 30, 2019. From June 2015 through July 2017, 8,828 spay/neuter surgeries were performed on cats and 42 on dogs by PAARL. This Amendment will increase the not to exceed amount of the Contract by a total of \$120,000 for an additional \$40,000 per year. Grant funds from Best Friends Animal Society are available to offset the cost of the additional spay/neuter surgeries as part of the Trap, Neuter, Vaccinate, Return to Field Program. Countywide (SF)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

4. Staff recommends motion to approve: Standard Humane Trap Loan Agreement to facilitate the Trap, Neuter, Vaccinate and Return (TNVR) program. **SUMMARY:** The Humane Trap Loan Agreement will facilitate the TNVR program by allowing individuals to borrow traps from the Palm Beach County Division of Animal Care and Control for the purpose of TNVR. A \$75 deposit will be required for each trap borrowed, which will be returned when the trap is returned in good condition. Countywide (SF)
5. Staff recommends motion to approve: Interlocal Agreement for Professional Services with the Office of the Public Defender, Fifteenth Judicial Circuit of Florida, for services provided by the Palm Beach County Justice Services Division, Pretrial Services Office, from July 1, 2017 through June 30, 2019. **SUMMARY:** The Fifteenth Judicial Circuit Office of the Public Defender has requested the Palm Beach County Justice Services Division to provide a service; specifically County staff will perform duties in completing Applications For Criminal Indigent Status of defendants prior to the defendant's first appearance hearings at court. The Office of the Public Defender will compensate the Palm Beach County Justice Division for this additional service. Contract finalization was delayed for the contract service period due to contract negotiations that were ultimately resolved. Countywide (LDC)
6. Staff recommends motion to:
 - A) **approve** Contract with Florida Commission on Community Service dba Volunteer Florida serving as administrative agency for the FY 2018 Federal Emergency Management Performance Grant Program (EMPG) for the period retroactive to August 1, 2017 through June 30, 2018, in the amount of \$7,000 for Citizen Corps program initiatives to include Community Emergency Response Team (CERT) training and associated supplies; and
 - B) **approve** budget amendment of \$7,000 in the Emergency Management Fund to recognize the grant award.

SUMMARY: This an annual grant from Volunteer Florida that will be used for Citizen Corps program activities which includes CERT training and related supplies. This contract was received on August 2nd, thus the delay in requesting approval. **In-kind donation of volunteer hours will be used to fulfill the matching requirement of \$7,000 for the Citizen Corps grant.** Countywide (LDC)

Z. RISK MANAGEMENT

1. Staff recommends motion to approve: purchase of airport liability insurance, for the period October 10, 2017 through October 10, 2018; to be purchased through the County's contracted broker, Arthur J. Gallagher & Co. for a total cost of \$115,785. **SUMMARY:** The total cost of \$115,785 for airport liability insurance represents no increase over the expiring premium and liability limits will continue to be \$200,000,000. Overall, the aviation insurance market remains stable and the County's proactive approach to controlling losses continues to keep premiums very reasonable for an agency of this size. Countywide (HH)

3. CONSENT AGENDA APPROVAL

BB. YOUTH SERVICES

1. **Staff recommends motion to approve:** 21 Community Based Agency Contracts for funding in the areas of Economic Access, Parenting and Role Models, Social and Emotional Learning Supports, and Ensuring Safety and Justice, for the period October 1, 2017 through September 30, 2018, with two one-year extensions at the option of the County, in the amounts indicated below, for a total amount of \$2,190,500:

	Agency	Action Area				Amount
		Economic Access	Parenting & Role Models	Social & Emotional Learning	Ensure Safety & Justice	
A)	ASPIRA of Florida, Inc.	x				\$ 122,000
B)	Urban Youth Impact, Inc.	x				\$ 84,000
C)	Vita Nova, Inc.	x				\$ 153,000
D)	Children of Inmates, Incorporated		x			\$ 57,000
E)	Grandma's Place, Inc.		x			\$ 146,000
F)	Planned Parenthood of South Florida and The Treasure Coast, Inc. d/b/a Planned Parenthood of South, East, and North Florida		x			\$ 49,000
G)	United Way of Palm Beach County, Inc.		x			\$ 100,000
H)	American Association of Caregiving Youth, Inc.			x		\$ 35,000
I)	Center for Child Counseling, Inc.			x		\$ 203,000
J)	City of Greenacres			x		\$ 77,000
K)	Community Child Care Center of Delray Beach, Inc. d/b/a Achievement Centers for Children and Families			X		\$ 240,000
L)	Compass, Inc.			x		\$ 60,000
M)	Florida Fishing Academy, Inc.			x		\$ 39,000
N)	Housing Partnership, Inc. d/b/a Community Partners of South Florida (Lake Worth)			x		\$ 50,000
O)	Housing Partnership, Inc. d/b/a Community Partners of South Florida (Pahokee)			x		\$ 50,000
P)	Milagro Foundation, Inc. d/b/a Milagro Center			x		\$ 32,500
Q)	The Urban League of Palm Beach County, Inc.			x		\$ 84,000
R)	Aid to Victims of Domestic Abuse, Inc.				x	\$ 100,000
S)	Children's Case Management Organization, Inc. d/b/a Families First of Palm Beach County				x	\$ 129,000
T)	Father Flanagan's Boys Town Florida, Inc. a/k/a Boys Town South Florida)				x	\$ 200,000
U)	Gulfstream Goodwill Industries, Inc.				x	\$ 180,000
Total						\$2,190,500

SUMMARY: On April 3, 2017, the Youth Services Department issued a Request for Proposals for Community Based Agencies (CBAs) FY 2018 for four Action Areas identified as priorities in the Youth Master Plan: Economic Access, Parenting and Role Models, Social and Emotional Learning Supports, and Ensuring Safety and Justice. On July 11, 2017, the Board of County Commissioners conceptually approved the recommended funding allocations to the above agencies. Funding for the CBAs comes from the Head Start reallocation money identified for evidence-based and promising practices. The effective dates of services for the above contracts submitted for approval are prior to this meeting date. Olga Sierra, an employee of Vita Nova, Inc., Patrice Huntley, an employee of Compass, Inc. and Jeannette Tomici, an employee of Children's Case Management Organization, Inc. are members of the Palm Beach County HIV Care Council. Joshua Butler, an employee of Gulfstream Goodwill Industries, Inc. is a member of the Homeless Advisory Committee. Patrick Franklin, an employee of The Urban League of Palm Beach County, Inc. is a member of the Housing Finance Authority and the Infrastructure Surtax Independent Citizen Oversight Committee. These boards provide no regulation, oversight, management or policy-setting recommendations regarding the contracts listed above. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Section 2-443, of the Palm Beach County Code of Ethics. Countywide (HH)

3. CONSENT AGENDA APPROVAL

BB. YOUTH SERVICES (Cont'd)

2. Staff recommends motion to approve: Contract for Consulting/Professional Services with Speak Up for Kids of Palm Beach County, Inc., for the period October 1, 2017 through September 30, 2018, in an amount of \$100,000 for funding of two full-time positions for the Guardian Ad Litem Program. **SUMMARY:** Speak Up for Kids of Palm Beach County, Inc. (Speak Up for Kids) is a 501(c)(3) Florida non-profit corporation that supports the Guardian Ad Litem Program (GAL) within the 15th Judicial Circuit. Speak Up for Kids ensures that GAL can recruit, train and support more GAL Volunteer Child Advocates and advocates for the abused, abandoned and neglected children in the County's dependency system, facilitating their development, ensuring their right to a safe and permanent home, and building their future. Speak Up for Kids currently supports GAL with more than 13 full-time and part-time positions, including positions that are grant funded by the Office of the Florida Attorney General, and is quite familiar with GAL complexities and strives to have a GAL volunteer, trained and court-appointed, for all abused, abandoned and neglected children. The Contract will provide one year of funding to allow Speak Up for Kids to hire and assign two full-time employees, a Child Advocate Manager (CAM) and an Administrative Specialist (AS), as well as funding for the positions' operational expenses, in direct support of GAL. The CAM will assist in alleviating heavy caseloads of current CAMs, who are appointed in almost all sheltered cases on a weekly basis. Additional manpower will not only benefit the program, but will also benefit child welfare in Palm Beach County. The AS is needed to provide administrative support in the Juvenile Court System Division. The Board of County Commissioners gave preliminary approval of these two positions when considering the FY2018 budget. The effective date of service for this Contract submitted for approval is prior to this meeting date. Countywide (HH)

CC. SUPERVISOR OF ELECTIONS

1. Staff recommends motion to approve: Precinct boundary changes submitted by Susan Bucher, Supervisor of Elections, as required by section 101.001(1), Florida Statutes. **SUMMARY:** Precinct boundary changes due to municipal annexations in various municipalities. Districts 1, 5, 6 & 7 (DW)

DD. TOURIST DEVELOPMENT COUNCIL

1. ~~**DELETED: Staff recommends motion to approve:** Agreement with Discover Palm Beach County, Inc. (Discover) for the provision of services under the County's Tourist Development Plan during the period October 1, 2017 through September 30, 2022 in the amount of \$16,000,000 in contractual services and \$2,046,438 in indirect costs and reserves for a total of \$18,046,438 retroactive to October 1, 2017. **SUMMARY:** The Agreement provides for Discover to provide tourism marketing services under the County's Tourist Development Plan for a five-year period, from October 1, 2017 through September 30, 2022. The Agreement replaces the current contract (R2012-1320), the new Agreement updates for Fiscal Year 2018 Exhibit "A" — Annual Budget, Exhibit "E" — Procurement Policy, Exhibit "H" — Performance Measures, Exhibit "F" — Convention Center Booking Policy, and Exhibit "K" — Organizational Chart. The new Agreement inserts language on Public Records, Advertising, Recruiting and Job Information along with Public Meeting Notice to the contract. The administrative process for an Operations Funding procedure, including all reporting requirements has been added to this Agreement. Indirect cost and reserves of \$2,046,438 are included for a total budget of \$18,046,438. These exhibit changes have been reviewed and approved by the TDC Finance Committee and TDC Board. (TDC) Countywide (DW)~~

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

A. WESTGATE/BELVEDERE HOMES CRA

1. Staff recommends motion to adopt: Resolution of the Board that approves the 2017 Westgate/Belvedere Homes CRA Community Redevelopment Plan Amendment and establishes a shared revenue process to start in 2036. **SUMMARY:** The item before the Board of County Commissioners (BCC) is to consider the approval of the Westgate/Belvedere Homes Community Redevelopment Agency (Westgate CRA) Amended Plan and extension from 2035 to 2047. Pursuant to BCC Ordinance No. 89-11 and F.S. 163.361, the Westgate CRA is required to have BCC approval to update and amend the Westgate CRA Community Redevelopment Plan adopted by the BCC on January 11, 2005 via Resolution No. 2005-0128. Certain projects, programs, and actions contemplated in the 2005 Plan are being implemented and will be continued in the amended version. The 2017 Amended Plan focuses on six important areas: Economic Development and Redevelopment, Market Positioning, Housing, Community Improvement, Infrastructure and Public Space Improvements, and Planning for Redevelopment. In this Plan, the CRA has shifted from a focus on infrastructure improvements to economic growth and vertical redevelopment. The Plan provides a framework to develop programs and strategies to incentivize development and investment in an effort to increase the tax base and revitalize the area. To develop the Amended Plan, the CRA met with several county staff individually and hosted three public outreach meetings and presentations in an effort to gather input and support. At the April 25, 2017 workshop, the Amended Plan was presented to the BCC and no changes were recommended. The Local Planning Agency reviewed the Amended Plan at their regular meeting on May 12, 2017 and determined that it is consistent with the policies and objectives set forth by the Comprehensive Plan. No changes were recommended by the LPA. The Westgate/Belvedere Homes CRA Board approved the final draft of the Amended Plan at their June 12, 2017 regular meeting. At the August 15, 2017 meeting, the BCC continued the public hearing on the Amended Plan at the request of County Administration. Staff subsequently met with Westgate CRA staff to review a shared tax increment-financing plan for the 12-year extension period beginning in 2036 through 2047. If approved by the BCC, the yearly tax increment the County would remit to the Redevelopment Trust Fund would be as follows: seventy-five percent from 2036-2039; fifty percent from 2040-2044 and twenty-five percent from 2045 until the CRA sunsets in 2047. The Resolution adopting the 2017 Amended Plan establishes the shared revenue process. Districts 2 & 7 (RPB)

5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to adopt: Palm Beach County 2018 State Legislative Agenda. **SUMMARY:** On August 29, 2017, the Board of County Commissioners conceptually approved the 2018 State Legislative Agenda, and provided feedback on specific changes and clarification on priority items. The requested changes to the 2018 state policy priorities and appropriations include, but are not limited to:

- A more comprehensive and robust section supporting the Opioid Epidemic
- Prioritization of items such as Affordable Housing and the Opioid Epidemic
- Expanded support of The Sober Homes Task Force
- Prioritization of appropriations priorities
- Addition of Hurricane response related requests
- Additional background on several policy priorities
- Addition of support for continuation of Job Growth Grant Fund
- Creation of separate section for Mental Health
- Expanded support for the center for youthful offenders
- Add support for solar initiative
- Additional support for the agriculture industry in economic development statement. (DW)

2. Staff recommends motion to:

A) adopt Resolution by the Board of County Commissioners of Palm Beach County, Florida, recommending approval of Project Wizard, a foreign limited liability company that will be required to register and be 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 \$30,000; and providing for an effective date; and

B) conceptually approve Economic Development Incentive for Project Wizard in the form of a cash incentive over eight years, in an amount not to exceed \$30,000.

SUMMARY: Project Wizard is contemplating establishing the corporate headquarters for its financial services/information technology company in Boca Raton and Connecticut. The project will invest \$2 Million to lease, renovate, and equip a 10,000 square foot facility and create 50 new jobs over a five year period at an annualized average wage of \$75,987. The estimated five year local economic impact is \$54 Million. The business qualifies for the Qualified Targeted Industry (QTI) Tax Refund program which continues to be funded by the Legislature. The Company is being offered a \$300,000 incentive. Of this amount, \$240,000 is from the State of Florida and \$60,000 is a required match from local government entities. Palm Beach County and the City of Boca Raton will equally share the required local match. Palm Beach County's portion of the local match will be provided as a cash grant in an amount not to exceed \$30,000. The incentive will be provided over an eight year period as long as the project meets the requirements under State of Florida. Palm Beach County's grant will be paid according to the State's QTI Refund Schedule, and will be secured by a letter of credit or bond. The company will be required to enter into a formal agreement memorializing their commitments and establishing terms under which the local match will be disbursed. The company name will be disclosed at such time. District 4 (JB)

5. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to:

A) adopt Resolution by the Board of County Commissioners of Palm Beach County, Florida, recommending approval of Project Panther, 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 \$60,000; and providing for an effective date; and

B) conceptually approve Economic Development Incentive for Project Panther in the form of a cash incentive over five years, in an amount not to exceed \$60,000.

SUMMARY: Project Panther is contemplating establishing its manufacturing business in Palm Beach County, as well as Connecticut and Georgia. The project will invest \$18.5 Million to purchase, renovate, and equip a 32,000 square foot facility and create 50 new jobs over a two year period at an annualized average wage of \$75,000. The estimated five year local economic impact is \$210 Million. The business qualifies for the Qualified Targeted Industry (QTI) Tax Refund program which continues to be funded by the Legislature. The Company is being offered a \$300,000 incentive. Of this amount, \$240,000 is from the State of Florida and \$60,000 is a required match from local government entities. Palm Beach County will provide the required local match as a cash grant in an amount not to exceed \$60,000. The incentive will be provided over a five year period as long as the project meets the requirements under State of Florida. Palm Beach County's grant will be paid according to the State's QTI Refund Schedule, and will be secured by a letter of credit or bond. The company will be required to enter into a formal agreement memorializing their commitments and establishing terms under which the local match will be disbursed. The company name will be disclosed at such time. District 1 (JB)

4. **REVISED MOTION:** Staff recommends motion to approve:

A) waiver of the competitive solicitation process for professional services (consulting services) based on Franklin M. Lee, Esq.'s extensive experience in disparity study review and analysis, and prior experience with the Palm Beach County disparity study Request for Proposal (RFP); and

B) contract with Tydings & Rosenberg, LLP, in an amount not to exceed \$39,500.00 for the period of October 3, 2017 through January 31, 2018 to provide consulting services including: conducting a third-party review and analysis of the Palm Beach County draft Disparity Study; and providing an outline of policy recommendations narrowly tailored to the Study's findings and recommendations.

and C) Approve a budget transfer in the general fund from contingency reserves.

SUMMARY: Palm Beach County seeks to enter into a contract with Tydings & Rosenberg, LLP, and more specifically Mr. Franklin M. Lee, a Partner in that firm and an accomplished attorney in the area of disparity study review. Mr. Lee will provide an independent third-party review and analysis of the draft disparity study as submitted by Mason Tillman Associates, Ltd. (MTA). This review will include an assessment of methodology and data sources as examined against the current legal framework for disparity studies, and the legal defensibility of findings and various program and policy recommendations. This detailed critique of the draft study will also provide MTA with recommendations for improvements and modifications. This review is intended to help the County ensure that MTA has performed the scope of work and complied with specifications within the terms of its contract, and that MTA's policy recommendations are adequately supported by underlying evidence and data. Deliverables will include a summary memorandum (or series of summaries) outlining the findings from this critical review of study methodology, data sources, findings and recommendations, as well as presentations to the BCC. Countywide (HH)

5. REGULAR AGENDA

B. HOUSING AND ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve:

A) negotiated settlement offer in the amount of \$5,000 for the full satisfaction of two Mortgage loans granted to Thomas Stewart on December 7, 2006; and

B) Satisfaction of Mortgages.

SUMMARY: On December 7, 2006, Thomas Stewart received assistance under the County's Purchase Assistance Program to help him acquire and rehabilitate his home at 3901 36th Ct, #104B, in West Palm Beach. In exchange for this assistance, Palm Beach County holds a second mortgage in the amount of \$27,700 and a third mortgage in the amount of \$4,920. At that time, he also took out a first mortgage on the property from Wells Fargo Bank, N. A., to enable him to purchase the home. In June 2011, the bank released the first mortgage and the County's second mortgage then became the first mortgage lien on the property. In 2016, the condominium association, Piper Village West, Inc., filed for foreclosure because of unpaid condominium assessments. In February 2017, Piper Village West obtained a summary judgment of foreclosure against condominium owner Thomas Stewart and against mortgage holder Palm Beach County for its \$4,920 mortgage. The condominium association received a certificate of title to the property from the court on April 3, 2017. As a first mortgage lien, the County's \$27,700 mortgage is superior to the condominium association's lien and therefore was not included in the foreclosure action. The condominium association argues that the County's \$27,700 mortgage is no longer a valid mortgage and the association has stated its intention to file a quiet title action against the County in order to have the court rule on the viability of the County's mortgage. The County Attorney's office believes the County's mortgage is valid and continues as a lien on the property. The County will have to counter a quiet title action by filing to foreclose on the property. The condominium is currently vacant but in need of an estimated \$50,000 worth of repairs. The Property Appraiser has estimated the condominium's market value to be \$34,000. The condominium association has offered to pay the County \$5,000 to satisfy the County mortgage, and has requested a release of both the existing lien and the one that was foreclosed. Staff has evaluated the legal costs associated with a quiet title action and a foreclosure action as well as the cost of rehabilitation, and is recommending acceptance of \$5,000 in exchange for the satisfaction of both mortgages. **The original source of funds was from the State Housing Initiatives Partnership (SHIP) Program which required no local match.** District 7 (JB)

2. Staff recommends motion to:

A) approve satisfaction of 29 mortgages received from homeowners in exchange for funding under the State Housing Initiatives Program (SHIP); and

B) authorize County Administrator, or designee, to execute these satisfactions of mortgage and other homeowners whose affordability periods are as described herein.

SUMMARY: On May 18, 2004, the Board of County Commissioners approved revisions to the Local Housing Assistance Plan (LHAP) (R2004-0945) which revised the affordability period of the Second Mortgage subsidy for the Purchase Assistance strategy from ten to 30 years. Over the following seven months period, 29 SHIP Homebuyer Agreements stated an affordability period of ten years, while the recorded Second Mortgage reflected an affordability period of 30 years. The satisfaction of these 29 Second Mortgages will recognize the affordability period stated in the Homebuyer Agreement. Countywide (JB)

5. REGULAR AGENDA

B. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

3. Staff recommends motion to approve: Fiscal Year 2017-2018 State Housing Initiatives Partnership budget allocations for affordable housing strategies as follows:

• Purchase Assistance	\$1,803,538
• Owner Occupied Housing Rehabilitation	\$1,000,000
• Developer Rental Housing Assistance	\$ 700,000
• Rental Housing Re-Entry Assistance	\$ 250,000
• Foreclosure Prevention	\$ 60,000
• Disaster Mitigation	\$ 250 000
• Administrative Costs	\$ 451,505

SUMMARY: Palm Beach County receives an annual allocation from the State of Florida Housing Finance Corporation (FHFC) through the State Housing Initiatives Partnership (SHIP) Program to implement various affordable housing programs and other related activities. On April 19, 2016, the Board of County Commissioners approved the SHIP Local Housing Assistance Plan (LHAP) for fiscal years 2016-2017, 2017-2018 and 2018–2019 (R2016-0535). For Fiscal Year 2017-2018, Palm Beach County is to receive \$4,515,043, an approximate \$2.1 million reduction from the previous year. SHIP regulations require that a minimum of 65% of a local jurisdiction's SHIP funding be allocated to homeownership activities, and 20% of the fiscal year's funding allocation be expended on special needs households. The Developer Rental Housing Assistance funds will be offered through a Request for Proposal and will serve as the County's Local Area of Opportunity contribution for the FHFC's 9% Housing Tax Credit Program. The local government contribution for this program may only be provided to one affordable rental housing project and may be in the form of a cash grant or a loan. This program is highly competitive, and the provision of a local contribution will increase the probability of a County supported project receiving the 9% tax credit. If more than one local government within the County provides the local match, the project will be selected by the State through a random lottery. This is the second consecutive year the State has offered this program. The State expects to issue its Request for Applications in October 2017 with a due date in December 2017. In accordance with the SHIP regulations, the funds are required to be encumbered within two years and expended within three years of the allocation. **These are State SHIP funds which require no local match.** Countywide (JB)

5. REGULAR AGENDA

C. RISK MANAGEMENT

1. Staff recommends motion to:

A) approve Affiliation Agreement for Student Experiential Training, with Palm Beach Atlantic University, Inc., allowing psychology students obtaining graduate degrees to gain clinical experience in employee and family counseling under the supervision of the Employee Assistance Program (EAP) Manager for the period August 21, 2017 through August 20, 2018 at no cost to the County; and

B) authorize the County Administrator, or designee, to execute any future Affiliation Agreements, or amendments, between the County and Palm Beach Atlantic University, Inc. related to clinical experience in the EAP Division on behalf of the Board of County Commissioners.

SUMMARY: The Risk Management Department, through its EAP Division, seeks to work with Palm Beach Atlantic University to establish itself as an authorized counselor training facility for students who are working to achieve degrees in psychology, social work, or similar fields of educational study. Counseling programs require clinical experience in order to meet degree and licensing requirements. In addition to the students gaining valuable experience, the EAP Division would benefit from increased ability to offer programs and counseling to County employees and their families. The initial term is for the period August 21, 2017 through August 20, 2018 with three automatic annual renewal options. **No County funding is required under this Agreement.** Countywide (HH)

D. ENGINEERING & PUBLIC WORKS

1. Staff requests authorization to: acquire professional services for the Pennock Point Drainage Study (Project). **SUMMARY:** Authorization will allow staff to utilize the existing Annual Civil Engineering Design Contract, R2016-0310, to authorize Mock Roos and Associates, Inc. (MRA) to perform the Project. There is a pipe culvert under Old Fort Jupiter Road (private road) that Palm Beach County (County) replaced back in 1979. The pipe is now failing and needs to be replaced. The County appears to have maintenance obligations of this pipe due to the County's replacement in 1979. A previous drainage study of the area conducted in 1989 references a possible need to upsize this pipe to properly drain the area. The Project is needed to determine the contributing drainage area and the design flow, in order to properly size the replacement pipe. The cost of the Project is estimated at less than \$50,000. District 1 (LBH)

5. REGULAR AGENDA

D. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff recommends motion to:

A) accept perpetual easement for a drainage pond necessary for the construction of roadway improvements on Silver Beach Road from east of Congress Avenue to east of Old Dixie Highway / President Barack Obama Highway (Project); and

B) approve payment of \$1,600,000 for said perpetual easement.

SUMMARY: Approval of the negotiated amount will allow the Engineering Department to acquire a 4.252 acre perpetual easement to be used to construct a drainage retention pond for the project. The project includes the reconstruction of Silver Beach Road to a three-lane undivided roadway with a four foot wide bike lane and a six foot wide sidewalk on both sides of the roadway. Two appraisals were obtained with an average fair market value of \$1,434,700. The property owner's original counter-offer was \$1,844,600, not including fees and costs. To avoid the additional costs normally associated with an eminent domain filing, the Engineering Department staff negotiated a purchase amount of \$1,600,000 inclusive of the property owner's attorney fees, engineering fees, and appraisal costs in the amount of \$76,770.50. After fees and costs are subtracted, the purchase represents approximately 107% of the average of the two appraisals. However, pursuant to Palm Beach County Administrative Code Section 2, 305.08.1, regarding the negotiated purchase amount, BCC approval is required when the purchase amount exceeds \$250,000. **In accordance with Palm Beach County ordinance (2009-052), a supermajority vote (5 votes) is required by the BCC for all purchases of real property that require BCC approval.** The construction budget is \$5.4 million. ~~District 4~~ District 7 (LBH)

E. WESTGATE/BELVEDERE HOMES CRA

1. Staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida approving the Westgate/Belvedere Homes Community Redevelopment Agency's (CRA) Fiscal Year 2018 Budget for its Redevelopment Trust (operating) Fund, Capital Improvements Fund (formerly Construction Fund), Sinking Fund and Reserve Fund. **SUMMARY:** The budget, in the amount of \$3,590,959, is composed of four components. The first component, the Redevelopment Trust Fund, in the amount of \$2,428,897, consists of the CRA's Annual Tax Increment Financing and balance brought forward from previous years. The second component, the Capital Improvement Fund, in the amount of \$632,000, consists of balances of reimbursable grants awarded to the CRA by County, State, and Federal governments for construction activities. The third component is the Sinking Fund, in the amount of \$262,000, which consists of one annual payment from Tax Increment Financing revenues to repay the revenue bond reissued in 1999 to retrofit infrastructure in the Westgate area. The last component is the Reserve Fund, in the amount of \$268,062, which consists of a one year security payment (principal and interest), held in escrow for the March 1, 1999 Redevelopment Revenue Refunding Bonds in the amount of \$3,380,000. The Tax Increment Financing revenues will be used for: 1) obligations to Florida Power & Light for street lighting; 2) interest and principal payments due under the \$3.38 Million bond issue; and 3) CRA operations and other projects. The 2018 Budget decreases by one point eight percent (1.8%) because the CRA had less grant funds to carry forward. Districts 2 & 7 (RB)

5. REGULAR AGENDA

F. PLANNING, ZONING & BUILDING

1. **DELETED: Staff recommends motion to adopt:** ~~resolution repealing and replacing Resolution 99-2057, which established procedures for Code Enforcement Special Magistrate hearings and for modifying fines. **SUMMARY:** This Resolution sets forth rules and procedures for Code Enforcement Special Magistrate hearings and the modification of fines and liens resulting from enforcement hearings. Resolution 99-2057 provided that liens that had been sent to the Office of Financial Management & Budget (OFMB) for collection could not be modified by a Special Magistrate. This Resolution allows a Special Magistrate to modify any Code Enforcement fine or lien as long as the violations on the property have been corrected and the fines do not result from a repeat violation. This Resolution will streamline the modification process for all Code Enforcement fines and liens, since Special Magistrates already consider modification applications for fines other than those sent to OFMB for collection. Countywide (SF)~~

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OCTOBER 3, 2017

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

OCTOBER 3, 2017

7. MATTERS BY THE PUBLIC – 2:00 P.M.

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OCTOBER 3, 2017

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

OCTOBER 3, 2017

9. COMMISSIONER COMMENTS

A. District 1 – COMMISSIONER HAL R. VALECHE

B. District 2 – COMMISSIONER PAULETTE BURDICK, MAYOR

1. **ADD-ON:** Request for Off-Site Proclamation declaring October 26, 2017 as Lights On Afterschool Day in Palm Beach County (Sponsored by Mayor Burdick)

C. District 3 – COMMISSIONER DAVE KERNER

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

E. District 5 - COMMISSIONER MARY LOU BERGER

F. District 6 - COMMISSIONER MELISSA MCKINLAY, VICE MAYOR

G. District 7 – COMMISSIONER MACK BERNARD

10. 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."