

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**JANUARY 15, 2013**

<u>PAGE</u>	<u>ITEM</u>	
10	3B-7	<b><u>REVISED SUMMARY:</u> Staff recommends motion to receive and file:</b> Annual financial reports, excess fees and unexpended budget for Fiscal Year 2010/2011 & Fiscal Year 2011/2012, for the Clerk & Comptroller, Tax Collector, and Property Appraiser. <b>SUMMARY:</b> The financial reports of these Constitutional Officers were submitted to the Office of the Clerk & Comptroller on or before October 31, 2012, in accordance with F.S. 218.36. The amounts shown for the Tax Collector and the Property Appraiser represent the total payment to the County. A portion of these revenues are budgeted in the Library, Fire-Rescue, and various other special revenue funds ( <del>Budget Estimates based on Palm Beach County Fiscal Year Annual Budget documents</del> ). The amounts shown as additional/decrease in excess fees will be included in the adjustment for additional balances brought forward which will be brought to the Board of County Commissioners in March 2013. <u>The adjustments for FY 2011 were approved by the Board of County Commissioners March 20, 2012. Countywide (PFK) (Clerk)</u>
12	3E-1	<b><u>DELETED:</u> Staff recommends motion to approve: A)</b> Contract for Provision of Services with Governor's Council for Community Health Partnerships, Inc. for the period February 1, 2013, through September 30, 2013, in an amount not to exceed \$442,979 for Summer Camp Scholarships; and...(Community Services) (Governor's Council is no longer able to perform the service)
24	3K-4	<b><u>DELETED:</u> Staff recommends motion to approve: A)</b> Work Authorization No. 7 for design, permitting, and construction of the Southern Region Water Reclamation Facility (SRWRF) Solar Energy Project with CDM Constructors, Inc. in the amount of \$924,967;...(WUD) (Further staff review)
40	5C-2	<b><u>REVISED TITLE:</u> Staff:</b>  <b>A) recommends motion to approve on preliminary reading and advertise for Public Hearing on February 5, 2013 at 9:30 a.m.:</b> an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Unified Land Development Code, Ordinance 2003-70, as amended, by amending Article 13, concerning countywide impact fee amounts, ... <b>B) requests Board direction regarding</b> one of three of the following options for adjusting impact fee rates:  <b>I.</b> Option 1 – Increase fees to the full amount (95% of the amount calculated in the study) allowed by the ordinance.  <b>II.</b> Option 2 – Increase fees to the full amount allowed by the ordinance with two phase-in periods on May 4, 2013 and May 4, 2014. <del>The first phase</del>

~~would increase fees approximately 60%. The first phase would capture 60% of the proposed fee increase.~~ The final adjustment of the fees on May 4, 2014 would increase the fees to the full amount allowed by the ordinance.

- III. Option 3 – Impact Fee Review Committee recommend a 20% increase of impact fees identified in the impact fee study with two phase-in periods beginning on May 4, 2013 and May 4, 2014. This would result in a net decrease of impact fees for residential development and approximately a net increase of 13% for non-residential development. (OFMB/Impact Fee Office)

43 5F-1 **ADD-ON: Staff recommends motion to approve:** a Memorandum of Understanding (MOU) with the Delray Beach Community Redevelopment Agency and Palm Beach County for the services of the Palm Beach County Commission on Ethics. **SUMMARY:** The Delray Beach Community Redevelopment Agency agreed to subject itself to the jurisdiction and authority of the Commission on Ethics. This MOU identifies the roles and responsibilities of the Commission on Ethics and the Delray Beach Community Redevelopment Agency in implementing the Palm Beach County Code of Ethics, and establishes a schedule of fees to be paid by the Agency to the County in exchange for services. As required by the Commission on Ethics Ordinance, all fees paid under this agreement must be used to fund Commission on Ethics operations. The MOU is subject to final approval of the Board of County Commissioners. District 7 (LB) (Commission on Ethics) (Added to Agenda at the request of the Mayor of the City of Delray Beach)

43 5F-2 **ADD-ON: Staff recommends motion to approve:** a Memorandum of Understanding (MOU) with the Lake Worth Community Redevelopment Agency and Palm Beach County for the services of the Palm Beach County Commission on Ethics. **SUMMARY:** The Lake Worth Community Redevelopment Agency agreed to subject itself to the jurisdiction and authority of the Commission on Ethics. This MOU identifies the roles and responsibilities of the Commission on Ethics and the Lake Worth Community Redevelopment Agency in implementing the Palm Beach County Code of Ethics, and establishes a schedule of fees to be paid by the Agency to the County in exchange for services. As required by the Commission on Ethics Ordinance, all fees paid under this agreement must be used to fund Commission on Ethics operations. The MOU is subject to final approval of the Board of County Commissioners. District 3 (LB) (Commission on Ethics)

46 8C **ADD-ON:** Request approval to present off-site, a Certificate of Special Recognition for Gloria Blake. (Sponsored by Commissioner Vana)

46 8E **ADD-ON:** Request approval to present off-site, a Proclamation declaring March 22, 2013 as “All People’s Day” in Palm Beach County. (Sponsored by Commissioner Berger)

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

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

**JANUARY 15, 2013**

**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 7)
  
- 3. CONSENT AGENDA (Pages 8 - 33)**
  
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 34 - 35)**
  
- 5. REGULAR AGENDA (Pages 36 - 43)**
  
- 6. BOARD APPOINTMENTS (Page 44)**
  
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  - 2C-4 Stalking Awareness Month
  - 2C-5 Arbor Day

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**JANUARY 15, 2013**

**2C. SPECIAL PRESENTATIONS – 9:30 A.M.**

1. Receipt of \$12,000 donation from Stray No More, a local animal advocacy organization, to Palm Beach County Animal Care & Control.
2. Recognition of the Palm Beach County Water Utilities Department for receiving the Association of Metropolitan Water Agencies Platinum Award for Utility Excellence for 2012.
3. Certificate of Appreciation to the Caridad Center. (Sponsored by Commissioner Berger)
4. Proclamation declaring January 2013 as “Stalking Awareness Month” in Palm Beach County. (Sponsored by Commissioner Santamaria)
5. Proclamation declaring January 18, 2013 as “Arbor Day” in Palm Beach County. (Sponsored by Commissioner Vana)

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**JANUARY 15, 2013**

### 3. CONSENT AGENDA APPROVAL

#### A. ADMINISTRATION

1. **Staff recommends motion to approve:** tri-party Interlocal Agreement with the School Board of Palm Beach County and the Palm Beach County Health Department regarding the use of school facilities for points of dispensing (PODs) for medical and emergency services during a declared state or local emergency. **SUMMARY:** This Agreement provides for the use of specified public school facilities by the County as emergency facilities in advance, during, and immediately after a declared state or local biological emergency. The designated facilities will be made available for use as PODs for medications and/or vaccines from the Centers for Disease Control and Prevention's National Stockpile. The PODs would be operated by the Palm Beach County Health Department with staff support from the School Board. The Agreement requires the County to reimburse the School Board for all costs not reimbursed by the Federal Emergency Management Agency associated with the use of school facilities. This Agreement does not include provisions for emergency sheltering use which are addressed in a separate agreement. Countywide (PE)

2. **Staff recommends motion to approve:** appointment of one individual to the Health Council of Southeast Florida, Inc. for a two-year term commencing January 15, 2013:

<b><u>Appoint</u></b>	<b><u>Seat No.</u></b>	<b><u>Seat Requirement</u></b>	<b><u>Nominated By</u></b>
Patricia Avakian	10	Health Care Purchaser	Comm. Burdick

**SUMMARY:** The Health Council of Southeast Florida, Inc. (Council) is a not-for-profit corporation established pursuant to Section 408.033, Florida Statutes, for the purpose of providing and coordinating health planning activities within Palm Beach, Martin, St. Lucie, Indian River and Okeechobee Counties. The Council consists of twelve members: six representatives for Palm Beach County; two members appointed by Martin County; two members appointed by St. Lucie County; one member appointed by Indian River County; and one member appointed by Okeechobee County. The appointees must be representatives of health care providers, health care purchasers, and non-governmental health care consumers, not to exclude elected government officials. On December 4, 2012, a memo was circulated to the BCC requesting nominations. Countywide (TKF)

3. **Staff recommends motion to approve:** the appointment of the James S. Titcomb to the Workforce Alliance, Inc. (Alliance) Board of Directors for the period January 15, 2013, through January 14, 2016:

Nominee/ Appointment	Seat No.	Term	Area of Representation	Nominated By
James S. Titcomb	7	1/15/13 - 1/14/16	Private Sector	Chamber of Commerce of the Palm Beaches

**SUMMARY:** The membership of Workforce Alliance, Inc. (Alliance) conforms to the

requirements of the Workforce Investment Act of 1998, and the Workforce Innovation Act of 2000. Policy for this item is defined in R2007-1220 Agreement between Palm Beach County, Florida (County) and Alliance dated July 10, 2007. Per this Agreement, seventeen private sector member appointments shall be made by County. The Workforce Investment Act of 1998 requests that an emphasis be placed on CEO's or highest level of management positions for both community and business sector appointments. The Alliance Board of Directors is comprised of a minimum of forty members as determined from time to time by the Board of Directors with representatives of business in the local area who are owners of businesses, local educational entities, labor organizations, community-based organizations, economic development agencies, one-stop partners. Countywide (TKF)

**JANUARY 15, 2013**

### **3. CONSENT AGENDA APPROVAL**

#### **A. ADMINISTRATION (Cont'd)**

4. **Staff recommends motion to approve:** reappointment/appointment of the following individuals to the Treasure Coast Regional Planning Council's Comprehensive Economic Development Strategy (CEDS) Committee, for the term January 1, 2013 to December 31, 2013:

**Reappoint:**

Sherry Howard, Deputy Director, Palm Beach County Dept. of Economic Sustainability  
Gary Hines, Sr. Vice President, Business Development Board of Palm Beach County, Inc.

Tony T. Brown, Executive Director, Riviera Beach Community Redevelopment Agency

**Appoint:**

Artice "Art" Cobb, Jr., retired

Douglas Saenz, Director, Industry & Economic Relations, Workforce Alliance, Inc.

**SUMMARY:** The Treasure Coast Regional Planning Council (TCRPC) manages and maintains the CEDS Committee whose purpose is to oversee and guide District-wide economic development planning. The Treasure Coast Economic Development District is comprised of Palm Beach, Martin, St. Lucie and Indian River Counties. The CEDS Committee is a requirement of the U.S. Department of Commerce Economic Development Administration and is comprised of five appointees from each of the participating Counties. The TCRPC annually requests the Board of County Commissioners, as the appointing authority for Palm Beach County, to review its existing members, and to either appoint or reappoint members. Staff recommends the reappointment/appointment of the above five individuals. Mr. Hines of the Business Development Board and Mr. Saenz of the Workforce Alliance have disclosed that their respective employers have existing contracts with the County. Staff has evaluated these contractual relationships and determined that the above Committee provides no regulation, oversight, management or policy-setting recommendations regarding any of the disclosed contractual relationships. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of

**B. CLERK & COMPTROLLER**

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners= meetings:

<b><u>Meeting Type</u></b>	<b><u>Meeting Date</u></b>
Child Care	November 20, 2012
Final	November 20, 2012
Regular	November 20, 2012
Reorganizational	November 20, 2012
Regular	December 4, 2012
Zoning	December 5, 2012

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

**JANUARY 15, 2013**

**3. CONSENT AGENDA APPROVAL**

**B. CLERK & COMPTROLLER (Cont'd)**

4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during August and September 2012. Countywide
5. **Staff recommends motion to approve:** the Bond of re-elected Sheriff, Ric L. Bradshaw; Clerk & Comptroller, Sharon R. Brock; Supervisor of Elections, Susan Bucher; Tax Collector, Anne M. Gannon; and Property Appraiser, Gary R. Nikolits. **SUMMARY:** Following the election, newly elected or re-elected officials must secure bonding for presentation to the Board of County Commissioners for approval pursuant to Ordinance No. 98-51. Payment for the costs of bond premiums is paid out of the County's General Revenue Fund pursuant to Chapter 113.07(4), F.S. Countywide (PFK)

6. **Staff recommends motion to:**

**A) receive and file** the Report of County Officials Bonds dated January 2013; and

**B) identify** all bonds described in the Bond Report as sufficient pursuant to Section 2-140, of the County Code.

**SUMMARY:** Section 2-140 of the County Code sets various bond amounts for specified County officers and provides for examination of the sufficiency of all of the bonds at a regular meeting of the Board of County Commissioners in January and June of each year. Countywide (PFK)

7. **REVISED SUMMARY: Staff recommends motion to receive and file:** Annual financial reports, excess fees and unexpended budget for Fiscal Year 2010/2011 & Fiscal Year 2011/2012, for the Clerk & Comptroller, Tax Collector, and Property Appraiser. **SUMMARY:** The financial reports of these Constitutional Officers were submitted to the Office of the Clerk & Comptroller on or before October 31, 2012, in accordance with F.S. 218.36. The amounts shown for the Tax Collector and the Property Appraiser represent the total payment to the County. A portion of these revenues are budgeted in the Library, Fire-Rescue, and various other special revenue funds (~~Budget Estimates based on Palm Beach County Fiscal Year Annual Budget documents~~). The amounts shown as additional/decrease in excess fees will be included in the adjustment for additional balances brought forward which will be brought to the Board of County Commissioners in March 2013. The adjustments for FY 2011 were approved by the Board of County Commissioners March 20, 2012. Countywide (PFK)

JANUARY 15, 2013

3. **CONSENT AGENDA APPROVAL**

C. **ENGINEERING & PUBLIC WORKS**

1. **Staff recommends motion to receive and file:** an Agreement with Leftwich Consulting Engineers, Inc., in the amount of \$32,504.94, for professional services for long range transportation planning services for the Glades Region Master Plan Highway Network Reevaluation project. This Agreement was approved on October 31, 2012, by the County Engineer, as a delegated authority in accordance with the Purchasing Code. **SUMMARY:** On November 21, 2011, the United States Department of Housing and Urban Development (HUD) announced that Palm Beach County (County), through its Department of Economic Sustainability, was selected to receive \$1.98 million from the Sustainable Competitive Regional Planning and Communities Challenge Competitive Grant (Grant) for the creation of a Glades Region Master Plan. One of the deliverables required by HUD under the approved Grant includes a re-evaluation of Glades Area Highway Network as shown in the County's Comprehensive Plan to reflect the most up-to-date land use and socio-economic data. District 6 (MRE)
2. **DELETED**

3. **Staff recommends motion to approve:** the renewal of the Survey and Mapping annual agreements with Brown & Phillips, Inc. (B&P), whose original agreement was dated February 15, 2011, R2011-0176 and Dennis J. Leavy & Associates, Inc. (DJL), whose original agreement was dated February 15, 2011, R2011-0177. **SUMMARY:** Approval of these renewal agreements will extend required professional services for one year, on a work task order basis. Both renewal agreements will continue for the period from February 15, 2013, through February 14, 2014. These are the second and final renewals of two possible one year renewals contemplated in the original agreements. B&P and DJL are both Palm Beach County companies and are certified Small Business Enterprises. Countywide (MRE)
  
4. **Staff recommends motion to approve:** the renewal of the Structural Engineering annual agreements with Alan Gerwig & Associates, Inc. (AGA), whose original agreement was dated February 15, 2011, R2011-0173; Bridge Design Associates (BDA), whose original agreement was dated February 15, 2011, R2011-0174; and R.J. Behar & Company, Inc. (RJB), whose original agreement was dated February 15, 2011, R2011-0175. **SUMMARY:** Approval of these renewal agreements will extend required professional services for one year, on a work task order basis. These renewal agreements will continue for the period from February 15, 2013, through February 14, 2014. These are the second and final renewals of two possible one year renewals contemplated in the original agreements. AGA, BDA and RJB are Palm Beach County companies and are certified Small Business Enterprises. Countywide (MRE)

JANUARY 15, 2013

### 3. CONSENT AGENDA APPROVAL

#### D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** a Contract for Professional Legal Services between Palm Beach County and Conroy, Simberg, Ganon, Krevans, Abel, Lurvey, Morrow & Schefer, P.A. for defense of an appeal in the case of Nicastro v. Palm Beach County Board of County Commissioners, et al., Case No. 1D12-5658, with a cap of \$15,000 in attorneys' fees and \$2,500 in costs and expenses. **SUMMARY:** Former County employee, Frank Nicastro, has long been in litigation with the County over his Workers' Compensation claims. Recent activity in the litigation has involved the costs associated with Nicastro's attendant care, his guardianship, and related attorneys' fees, among other matters. The County has prevailed so far, and Nicastro and his attorneys have filed four appeals. The County Attorney exercised the limits of her authority under the Administrative Code and executed a Contract for Professional Legal Services between the County and Conroy, Simberg, Ganon, Krevans, Abel, Lurvey, Morrow & Shefer, P.A., to handle the first three appeals. A recently filed fourth appeal requires Board approval, and the proposed contract provides for handling the appeal in an amount not to exceed \$15,000 in attorneys' fees and \$2,500 in costs and expenses. Countywide (AJM)

#### E. COMMUNITY SERVICES

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

~~A) Contract for Provision of Services with Governor's Council for Community Health Partnerships, Inc. for the period February 1, 2013, through September 30, 2013, in an amount not to exceed \$442,979 for Summer Camp Scholarships; and~~

~~B) Budget Transfer of \$8,750 in the General Fund from Human Services Admin to Financially Assisted Agencies to fund the administrative cost associated with delivering the program.~~

**SUMMARY:** The Summer Camp Scholarship Program pays full tuition and associated fees for eligible children to attend day camp during the summer months. Palm Beach County Board of County Commissioners has allocated \$434,229 for this fiscal year to fund summer camp scholarships for eligible children. An additional \$8,750 is being provided from the Human Services Division budget for administrative costs. Governor's Council for Community Health Partnerships, Inc. (GCCHP) receives these funds, which are matched by Children's Services Council of Palm Beach County, in addition to other grants and private donations. Combined, these funds result in the ability to provide 1,400 scholarships to Palm Beach County children to attend over 75 camps. GCCHP processes payments to the specific summer camp vendors based on invoices received from the Human Services Division. GCCHP maintains financial records, reports of payments and receipts for summer camp funding which is audited annually. (Human Services) Countywide (TKF)

**JANUARY 15, 2013**

### **3. CONSENT AGENDA APPROVAL**

#### **E. COMMUNITY SERVICES (Cont'd)**

##### **2. Staff recommends motion to approve:**

**A)** Amendments to Contracts for Provision of Financial Assistance with the below-listed agencies for the period October 1, 2012, through September 30, 2013, in an amount totaling \$592,985:

1) Amendment No. 01 to Adopt-A-Family of the Palm Beaches, Inc. (R2011-1498), increasing funding by \$38,812 for a new total not to exceed amount of \$77,624;

2) Amendment No. 01 to Seagull Industries for the Disabled, Inc. (R2011-1770), increasing funding by \$268,901 for a new total not to exceed amount of \$537,802;

3) Amendment No. 01 to The Glades Initiative, Inc. (R2011-1774), increasing funding by \$145,530 for a new total not to exceed amount of \$291,060; and

4) Amendment No. 01 to Wayside House, Inc. (R2011-1889), increasing funding by \$139,742 for a new total not to exceed amount of \$279,484.

**B) Contracts for Provision of Financial Assistance with the below-listed agencies in an amount totaling \$274,254:**

1) Palm Beach County Food Bank, Inc. for the period October 1, 2012, through September 30, 2013, in an amount not to exceed \$75,000 for food distribution; and

2) For the Children, Inc. for the period December 1, 2012, through September 30, 2013, in an amount not to exceed \$199,254 for Family, Youth and Health Zone.

**SUMMARY:** The information submitted reflects part of the total \$12,220,011 funding approved by the Board of County Commissioners for the Financially Assisted Agencies Program for FY 2013. Other contracts will be forthcoming upon receipt of all the required information. Countywide (TKF)

3. **Staff recommends motion to approve:** Contract for Consulting/Professional Services with Palm Beach County Health Department for the period January 1, 2013, through September 30, 2013, in an amount not to exceed \$10,000 to provide dental services for children and pregnant women in the Head Start Program. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services to provide dental services. As a result, Head Start is contracting with the Palm Beach County Health Department to provide dental health services for children and pregnant women in the Head Start/Early Head Start programs. Services are funded with \$6,854 in Federal funds, and \$3,146 in County matching funds. Sufficient County funding is available in the current budget to meet County obligations. (Head Start) Countywide (TKF)

**JANUARY 15, 2013**

**3. CONSENT AGENDA APPROVAL**

**E. COMMUNITY SERVICES (Cont'd)**

4. **Staff recommends motion to:**

**A) receive and file** Notice of grant award from the Department of Health and Human Services, for the period March 1, 2012, through February 28, 2013, in an amount not to exceed \$9,185,596;

**B) approve** Budget Amendment of \$131,049 in the Ryan White Care Program fund to align the budget to the actual grant award;

**C) receive and file** Amendments to Ryan White Part A HIV Health Support Services (Formula and Supplemental) contracts with the below-listed agencies for the period March 1, 2012, through February 28, 2013, in an amount totaling \$241,548:

- 1) Amendment No. 4 to FoundCare, Inc. (Formula, R2012-0599), increasing funding by

\$119,700 for a new total not to exceed amount of \$706,198;

2) Amendment No. 1 to FoundCare, Inc. (Supplemental, R2012-0816), increasing funding by \$16,898 for a new total not to exceed amount of \$109,692;

3) Amendment No. 1 to Comprehensive AIDS Program of Palm Beach County, Inc. (Supplemental, R2012-0814), increasing funding by \$100,000 for a new total not to exceed amount of \$654,635; and

4) Amendment No. 3 to Treasure Coast Health Council, Inc. d/b/a Health Council of Southeast Florida (Formula, R2012-0487), increasing funding by \$4,950 for a new total not to exceed amount of \$487,950.

**SUMMARY:** A notice of grant award was received from the Health and Human Services Health Resources Services Administration issuing additional funding in the amount of \$131,049 from unobligated Formula and Minority AIDS Initiative (MAI) funding from grant year 2011. The total grant award for grant year 2012 now totals \$9,185,596. Ryan White HIV Health Support service dollars are reviewed throughout the contract year and reallocated to best meet the needs of affected clients. These amendments are reallocated dollars from unspent funds from Palm Beach County Health Department. These funds will allow our system of care to provide additional medical and support services to Palm Beach County residents living with HIV/AIDS. The balance of the funding will be reallocated at a later date. No County match funds are required. These receive and file items are being submitted in accordance with Countywide PPM No. CW-O-051 to allow the Clerk's Office to note and receive these items. Amendments were executed by the County Administrator in accordance with Resolution R2010-1074, which delegated authority to the County Administrator, or his designee, to sign documents related to the Ryan White Part A HIV Emergency Relief Grant. (Ryan White) Countywide (TKF)

**JANUARY 15, 2013**

### **3. CONSENT AGENDA APPROVAL**

#### **E. COMMUNITY SERVICES (Cont'd)**

##### **5. Staff recommends motion to:**

**A) ratify** the signature of the Chairman on:

1) the U.S. Department of Housing and Urban Development Renewal Application for the Supportive Housing Program, for the period of January 1, 2014, through December 31, 2014, in the amount of \$ 530,175;

2) the U.S. Department of Housing and Urban Development Shelter Plus Care Renewal Application, for the period of May 23, 2013, through May 22, 2014, in the amount of \$396,088; and

3) the U.S. Department of Housing and Urban Development Collaborative Planning Application, for a one-year period beginning on the date of grant execution, in the amount of \$85,195; and

**B) delegate** authority to the County Administrator, or his designee to sign the U.S. Department of Housing and Urban Development (HUD) Supportive Housing Program, Shelter Plus Care and Collaborative Planning grant agreements;

**C) delegate** authority to the County Administrator, or his designee to sign the contracts for the HUD Supportive Housing Program with Gulfstream Goodwill Industries, Inc., Jerome Golden Center for Behavioral Health, Inc., and Comprehensive Alcoholism Rehabilitation Program, Inc. (CARP, Inc.), for no more than a one-year period to end December 31, 2014, for the maximum cumulative amount of \$530,175;

**D) delegate** authority to the County Administrator, or his designee to sign the contract for the HUD Shelter Plus Care Program with Jerome Golden Center for Behavioral Health, Inc., for no more than a one-year period to end May 22, 2014, for the final amount approved in the 2012 HUD Shelter Plus Care grant agreement; and

**E) delegate** authority to the County Administrator, or his designee to sign the contract for the HUD Collaborative Planning grant for a one year period for the maximum amount of \$85,195.

**SUMMARY:** The Supportive Housing Program (SHP) will continue funding 30 transitional housing beds and supportive services, including specialized Case Management for the Homeless Outreach Teams (HOT). A 25% cash match of \$85,736 is required. This match will be included in the FY 2014 budget. The Shelter Plus Care (S+C) Renewal Grant provides sponsor based rental assistance for 32 disabled individuals. There is no county cash match requirement for this grant, but an in-kind match is provided by the partner agency, Jerome Golden Center for Behavioral Health, Inc., in the form of supportive services. The CoC Planning Application will provide funding for the coordination of planning activities related to ending homelessness. A 25% cash match of \$17,039 is required. Match funds of \$91,240 are currently appropriated in the Division budget. An additional \$11,535 in matching funds will be required for the CoC Planning Application if awarded. A new position has been requested in the grant and Board approval will be sought following grant award. Thomas McKissack of the Jerome Golden Center for Behavioral Health, Inc. serves on a County Advisory Board, the Palm Beach County HIV Care Council. This Board provides no regulation, oversight, management, or policy-setting recommendations regarding the activities funded by their contracts. 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. (Human Services) Countywide (TKF)

**JANUARY 15, 2013**

### **3. CONSENT AGENDA APPROVAL**

## E. COMMUNITY SERVICES (Cont'd)

6. **Staff recommends motion to authorize:** County Staff to negotiate all necessary agreements related to the implementation of Florida's Agency for Health Care Administration (AHCA) new plan to provide services to Medicaid recipients under Medicaid's Long-Term Care Managed Care Program (LTMCP). **SUMMARY:** Approval of this item will authorize staff to negotiate agreements with two (2) to four (4) Medicaid managed care providers selected by ACHA. The agreements, upon Board approval, will allow DOSS to continue to provide services to Medicaid recipients and to receive payments under the new LTMCP. Revenue received under this program is approximately \$379,000 annually. Countywide (TKF)

## F. AIRPORTS

1. **Staff recommends motion to receive and file:** an Extension of Time to the following Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT): Concourse C Security Improvements at Palm Beach International Airport, Fin. Proj. No.: 429348-1-94-01 approved by the Board on March 15, 2011 (R2011-0367), is hereby extended until September 30, 2013. **SUMMARY:** Delegation of authority for execution of the above Extension of Time to the JPA with the FDOT was approved by the Board on October 18, 2011 (Agenda Item No. 3F11). Countywide (AH)
2. **Staff recommends motion to receive and file:** Amendment to Extend Airline-Airport Use and Lease Agreement with JetBlue Airways Corporation to extend the termination date of the Agreement for two (2) additional years to expire on September 30, 2014. **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2012-0823. Countywide (AH)
3. **Staff recommends motion to receive and file:** Palm Beach County Glades Airport Drop Zone Permit with Extreme Skydiving Inc. d/b/a Skydive Lakeside commencing November 1, 2012, terminating October 31, 2013, automatically renewed on yearly basis (November 1<sup>st</sup> through October 31<sup>st</sup>). **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2004-0891. Countywide (AH)
4. **Staff recommends motion to receive and file:** License Agreement with Centerport, Inc. (Centerport) commencing January 1, 2013 and expiring December 31, 2013, for the parking of trailers and vehicles in connection with Centerport's cargo operation at the Palm Beach International Airport (PBI), for payment of a license fee in the amount of \$162.50 per month. **SUMMARY:** Delegation of authority for execution of the standard license agreement was approved by the Board in R2007-2070. This License Agreement provides for the use of approximately 3,000 square feet space adjacent to the flight crew parking lot areas at PBI, for use solely for the parking of trailers and vehicles in connection with Centerport's cargo operation at PBI. Centerport is a tenant at Building 1300 and previously held a similar License Agreement that expired December 31, 2012

JANUARY 15, 2013

3. **CONSENT AGENDA APPROVAL**

F. **AIRPORTS** (Cont'd)

5. **Staff recommends motion to receive and file:** License Agreement with Bullet Delivery of WPB, Inc. (Bullet) for the use and occupancy of space at 1310-A North Perimeter Road, at the Palm Beach International Airport (PBIA), for an initial term commencing November 19, 2012 and expiring December 31, 2012, automatically renewing on monthly basis, for payment of a license fee in the amount of \$2,166 for the initial term and \$1,585 per month for each renewal term. **SUMMARY:** Delegation of authority for execution of the standard license agreement was approved by the Board in R2007-2070. This License Agreement provides for the use of approximately 2,236 square feet space within the PBIA cargo building 1300, Unit 1310-A, for use solely for the storage of materials and equipment in connection with Bullet's cargo operation at PBIA. Bullet is a cargo tenant at Unit 1309 and previously held a similar License Agreement for storage at Unit 1310 until such time as this space at Unit 1310-A became available for use. Countywide (AH)
  
6. **Staff recommends motion to receive and file:** Airline-Airport Use and Lease Agreement with United Air Lines, Inc. commencing October 1, 2012 and terminating September 30, 2014. **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2012-0823. Countywide (AH)
  
7. **Staff recommends motion to receive and file:** License Agreement with Avis Rent A Car System, LLC (Avis) commencing November 27, 2012 and expiring May 31, 2013, for the parking of vehicles in connection with Avis' rental car operation at the Palm Beach International Airport (PBIA), for payment of a license fee in the amount of \$550 per month, for each 10,000 square feet of overflow parking area used. **SUMMARY:** Delegation of authority for execution of the standard license agreement was approved by the Board in R2007-2070. This License Agreement provides for the use of a variable amount of parking area adjacent to the Avis rental car facility at PBIA, for use solely for the parking of vehicles in connection with Avis' rental car operation at PBIA. Because Avis has variable overflow parking needs, the License Agreement provides for adjustment of both the dates and size of the area utilized, for which Avis will pay the license fee. Countywide (AH)

G. **OFFICE OF FINANCIAL MANAGEMENT & BUDGET**

1. **Staff recommends motion to approve:** a negotiated settlement in the amount of

\$350,000, inclusive of interest, to resolve the 2009-2011 County public service gas tax dispute with AmeriGas Propane, L.P. (AmeriGas). **SUMMARY:** The Clerk & Comptroller's Audit Services Unit conducted an audit of AmeriGas Propane, L.P.'s public service gas tax remittances to Palm Beach County for the period of January 2009 through December 2011. After reviewing the data the County demanded \$430,169.88, inclusive of accrued interest. AmeriGas has offered \$350,000 to resolve the outstanding public service tax dispute with the County. Staff recommends approval as this settlement recovers approximately 81.36% of the County's final demand for the years 2009-2011 without the delay and cost of litigation. Countywide (PFK)

**JANUARY 15, 2013**

### **3. CONSENT AGENDA APPROVAL**

#### **H. FACILITIES DEVELOPMENT & OPERATIONS**

1. **Staff recommends motion to approve:** Change Order No. 13 to the contract with The Weitz Company (R2007-1105) decreasing the Guaranteed Maximum Price (GMP) for the Main Library Renovations project in the amount of \$216,991. **SUMMARY:** On December 21, 2010, the Board approved Amendment No. 7 to the continuing services contract with The Weitz Company (R2010-2094) in the amount of \$2,506,101 for construction management services to renovate the existing library. There is \$216,991 remaining as a result of buyout savings, unused allowances, unused owner contingency and reconciliation of sales tax recovery purchase orders. The amendment was funded through the 30.5M GO 03 Library District Improvement Fund, 22.3M GO 06 Library District Improvement Fund and the Library Expansion Fund. All savings will be returned to the 30.5M GO 03 Library District Improvement Fund and the Library Expansion Program Fund. The Small Business Enterprise (SBE) goal for this contract is 15% and the final SBE participation is 38%. The Weitz Company is a Palm Beach County firm. (Capital Improvements Division) Countywide (JM)
  
2. **Staff recommends motion to approve:** Amendment No. 1 to the contracts for architectural services on a continuing contract basis:
  - 1) Colomé & Associates, Inc. (R2011-0113);
  - 2) Leo A. Daly (R2011-0112); and
  - 3) Tercilla, Courtemanche Architects, Inc. (R2011-0122).

**SUMMARY:** Amendments No. 1 extend the term of three contracts for professional consulting services for architectural services for one year. The Board approved annual contracts on February 1, 2011. The original Contracts provided for an initial two year term with two - one year renewal options. Amendment No. 1 will provide services during the first renewal period. Colomé & Associates, Inc. and Tercilla, Courtemanche Architects, Inc. are both SBE firms. During the first two years of these contracts,

Colomeç & Associates, Inc. has achieved 83% Small Business Enterprise (SBE) participation, Leo A. Daly Company has achieved 24%, and Tercilla, Courtemanche Architects, Inc.'s SBE participation is 0% as they have not done any work under this contract. The Small Business Enterprise goal for these contracts is 15% participation. All three of these firms are local. (Capital Improvements Division) Countywide (JM)

3. **Staff recommends motion to approve:** a Contract with CAM Group, LLC in the amount of \$318,211 to replace the existing roof system at the West Jupiter Community Center. **SUMMARY:** The work consists of the removal of the existing metal roof system and replacement with a new standing seam metal roofing system. The replacement of the roof is required due to the increasing quantity of leaks during the past few years which have become an expensive maintenance problem. The replacement roof has been designed to meet current wind requirements and will have a twenty year warranty. The funding for this project is from the five year Countywide Repair, Replace and Renovate account. This work was competitively bid with CAM Group, LLC submitting the lowest responsive, responsible bid. The SBE participation in this Contract is 0%. The total construction duration is 90 days. This replacement is a scheduled maintenance replacement project. CAM Group, LLC is not a certified SBE contractor and is a Martin County company. (Capital Improvements Division) District 1 (JM)

**JANUARY 15, 2013**

### **3. CONSENT AGENDA APPROVAL**

#### **H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)**

4. **Staff recommends motion to approve:** a First Amendment to Lease Agreement dated October 2, 2012 (R2012-1385) with Delray Beach Playhouse, Inc., a Florida not-for-profit corporation, to delete the requirement to obtain flood insurance. **SUMMARY:** Delray Beach Playhouse, Inc ("Playhouse") originally developed and has continually operated the theatrical playhouse in Lake Ida Park East since January 1, 1957. On October 2, 2012, the Board approved a replacement Lease Agreement with Playhouse extending the term for five years. After approval of the Lease, Playhouse requested the flood insurance requirement be deleted due to the high cost of obtaining the coverage. This First Amendment will delete the requirement for flood insurance and add standard language confirming that the Lease does not create any third party beneficiaries. The Parks and Recreation and Risk Management Departments support this request. (PREM) District 4 (HJF)
5. **Staff recommends motion to approve:** Exercise of the first option to extend the Lease Agreement (R2007-1590) with Walter J. Hatcher and Joyce B. Hatcher of 6.54 acres of property off Indiantown Road just west of Riverbend Park. **SUMMARY:** Walter J. Hatcher and Joyce B. Hatcher sold 84 acres of property to the County in February of 2008. The property is just west of Riverbend Park, and across Indiantown Road from the Cypress Creek Natural Area. The County acquired this property in a partnership with the

Solid Waste Authority. Its location and physical characteristics make it ideal for wetland habitat and water quality restoration. ERM and the SWA designed the restoration project to include dredged lakes which would provide SWA with needed fill, and would tie into Riverbend Park. As a condition of the sale, the Hatchers are allowed to remain in possession of 6.54 acres of the property which includes their house until such time that ERM was ready to commence development of the restoration project The Lease to the Hatchers was for five years with two - one year extension options subject to Board approval. The Hatchers have requested the County's approval of the first extension option which will extend the term through February 13, 2014. (PREM) District 1 (HJF)

6. **Staff recommends motion to approve:** appointment of two (2) members to the Public Art Committee for a three (3) year term:

<b>Member</b>	<b>Public Art Committee Seat</b>	<b>Term</b>
Vernon Grant	PBC resident with significant visual art background	1/15/2013 - 1/14/2016
Leslie Albert	PBC resident with significant visual art background	1/15/2013 - 1/14/2016

**SUMMARY:** Two Committee seats became vacant; both for “PBC residents with significant visual art background.” The Committee recommends that Vernon Grant and Leslie Albert replace these seats previously filled by Joan Goldberg and Dorothea Lemeh. The term for both new Committee members will be for three years from the date of their appointment, thus ending on January 14, 2016. (FDO Admin) Countywide (MJ)

**JANUARY 15, 2013**

**3. CONSENT AGENDA APPROVAL**

**I. ECONOMIC SUSTAINABILITY**

1. **Staff recommends motion to approve:** reimbursement to the Town of Mangonia Park for the Community Center renovation project in the amount of \$6,944.81. **SUMMARY:** On December 7, 2010, the Town of Mangonia Park (Town) entered into an Agreement (R2010-2006) with the Board of County Commissioners for the receipt of \$81,107 in Community Development Block Grant Funds (CDBG). The Agreement expired on July 31, 2012. After completion of the project and expiration of the Agreement, the contractor Browning & Becker Construction, Inc., discovered a mathematical error in the calculation of the retainage due the contractor at the end of the project. The Town has made the payment to the contractor and is requesting reimbursement of \$6,944.81, which is the available balance remaining in the grant. Reimbursement of this amount will fully expend the grant awarded to the Town for this project. Approval of this Agenda Item will

reimburse the Town for expenses already incurred in connection with the completion of renovations at its Community Center located at 5000 South Australian Avenue, Mangonia Park. **These are Federal CDBG funds which require no local match.** (CREIS) District 7 (TKF)

2. **Staff recommends motion to approve:** the following three (3) Agreements with the U.S. Department of Housing and Urban Development (HUD) for Fiscal Year 2012-2013:

**A)** Funding Approval/Agreement for the Community Development Block Grant (CDBG) Program in the amount of \$5,393,765;

**B)** Funding Approval and HOME Investment Partnerships Agreement for the HOME Investment Partnerships (HOME) Program in the amount of \$1,592,579; and

**C)** Grant Agreement for the Emergency Solutions Grant (ESG) Program in the amount of \$531,619.

**SUMMARY:** On July 10, 2012, the Board of County Commissioners adopted a Resolution (R2012-0943) approving the County's Fiscal Year 2012-2013 HUD Action Plan. This Plan established the County's priorities for implementation of the CDBG, HOME, and ESG Programs. HUD approved the Action Plan and requires approval of these Agreements which will make Federal funds totaling \$7,517,963 available to the County. **No local match is required to implement the CDBG Program; however, the ESG and HOME programs have matching requirements. The ESG Program matching requirement is met through a cash or in-kind contribution by each agency receiving this funding, and the HOME matching requirement will be met from program income earned under the State Housing Initiatives Partnership Program.** (Strategic Planning Section) Countywide (TKF)

JANUARY 15, 2013

### 3. CONSENT AGENDA APPROVAL

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

3. **Staff recommends motion to ratify:** the County Administrator's signature on an Agreement with the U.S. Department of Housing and Urban Development (HUD) for Emergency Solutions Grants (ESG) Program funding in the amount of \$167,529 for the period of July 27, 2012 to July 27, 2014. **SUMMARY:** This Agreement, which was signed by HUD on August 23, 2012 and countersigned by the County Administrator on September 12, 2012, provides a second allocation of ESG funding for Fiscal Year 2011-2012. These funds will be used by Adopt-A-Family of the Palm Beaches to provide rapid re-housing services to homeless persons and families. The Agreement is being submitted to the Board of County Commissioners to be ratified. **These are Federal ESG funds which require a match of \$167,529 (100%). An in-kind match will be provided by Adopt-A-Family of the Palm Beaches in the amount of \$154,575 (92%) and the**

County's match will be provided by the Department of Economic Sustainability in the amount of \$12,954 (8%). (DES Strategic Planning) Countywide (TKF)

4. **Staff recommends motion to approve:** an Economic Development Incentive Grant Agreement with ADT, LLC in the amount of \$184,000. **SUMMARY:** On October 16, 2012, the Board of County Commissioners (BCC) conceptually approved (R2012-1589) a Job Incentive Grant for ADT, LLC in the amount of \$184,000, at which time the BCC also approved a Budget Transfer and a Budget Amendment for this project. The Agreement memorializes the company's commitment to create 120 new jobs over a three year period and retain 260 jobs both at an average salary of \$81,110. The company will be required to provide an irrevocable Letter of Credit which will be called should the company default on its commitments under the Agreement. The Regional Economic Model estimates that ADT, LLC will have a \$138 Million impact over a five year period. District 4 (DW)

JANUARY 15, 2013

### 3. CONSENT AGENDA APPROVAL

#### J. PLANNING, ZONING & BUILDING

1. **Staff recommends motion to approve:** **A)** appointment of one new member; and **B)** reappointment of three members to the Land Development Regulation Advisory Board (LDRAB), for the term from February 5, 2013, to February 2, 2016:

***A) Appoint one (1) new member***

<b><u>Nominee</u></b>	<b><u>Seat #</u></b>	<b><u>Seat Requirement</u></b>	<b><u>Nominated By</u></b>
Edward Tedtmann	12	Broker/Realtor	Audubon Society of the Everglades

***B) Reappoint three (3) members***

<b><u>Nominee</u></b>	<b><u>Seat #</u></b>	<b><u>Seat Requirement</u></b>	<b><u>Nominated By</u></b>
Raymond Puzzitiello	08	Residential Builder	Florida Atlantic Building Association f/k/a Gold Coast Builders
Terrence Bailey Society	10	Engineer	Florida Engineering Society
Gary Rayman	14	Land Surveyor	Florida Surveying & Mapping Society

**SUMMARY:** The Board is comprised of 19 members. The Unified Land Development Code (ULDC) provides for seven members appointed by the Board of County Commissioners (BCC) (one from each Palm Beach County (PBC) Commissioner as a district appointment) with consideration of expertise in Art. 2.G.3.A.3.b., Qualifications; ten members that are appointed by a majority of the BCC upon a recommendation by specific organizations: Residential Builder: Gold Coast Builders; Municipal

Representative: PBC League of Cities; Engineer: Florida Engineering Society; Architect: American Institute of Architects; Environmentalist: Environmental Organization; Realtor: The PBC Board of Realtors; Surveyor: Florida Surveying and Mapping Society; Citizen Representative: Condominium/HOA Association; Commercial Builder: Association General Contractors of America; and AICP Planner: PBC Planning Congress; and two members appointed at-large, as alternates, by majority vote of the BCC, with consideration of the expertise in Art. 2.G.3.A.3.b., Qualifications. These appointments/reappointments are consistent with the ULDC requirements. As required by Section 2-443 of the Code of Ethics, this Agenda Item Summary will serve as disclosure for Gary Rayman. Gary Rayman's employer contracts with Palm Beach County to provide surveying services for the County. The Land Development Regulation Advisory Board provides no regulation, oversight, management or policy-setting recommendations regarding this contract. Unincorporated (LB)

**JANUARY 15, 2013**

### **3. CONSENT AGENDA APPROVAL**

#### **K. WATER UTILITIES**

1. **Staff recommends motion to receive and file:** executed Agreements received during the months of September and October, 2012:

**A)** Standard Development Agreement with Shirdi Sai Center of South Florida, Inc, SDA No. 02-01134-000 (District 3);

**B)** Standard Development Agreement with BHC Holdings LL, LLC, SDA No. 05-01111-000 (District 5); and

**C)** Utility Concurrency Reservation Agreement with Florida South Division, LLC, UCRA No. 13-01024-000 (District 6).

**SUMMARY:** In accordance with County PPM CW-0-051, all delegated contracts/agreements/grants/procurement items must be submitted by the initiating Department as a receive and file agenda item. The documents have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Deputy Director of the Water Utilities Department in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the Board to receive and file. Districts 3, 5 & 6 (MJ)

2. **Staff recommends motion to approve:** Contract with Hinterland Group, Inc. for the Rehabilitation of Sanitary Sewer Concrete Structures and Lift Stations, Water Utilities Department, Division of Operations/Maintenance, over a 12 month term in a budgeted amount not to exceed \$419,578 with an option to renew for four additional twelve month terms. **SUMMARY:** On January 12, 2012, five bids were received for the Rehabilitation of Sanitary Sewer Concrete Structures and Lift Stations with Hinterland Group, Inc.

being the lowest, responsive, responsible bidder in the amount of \$419,578. This Contract will be used to rehabilitate and maintain existing lift stations and concrete structures. Contract award is for a twelve month term with an option to renew for four additional twelve month terms. The Contract is for a not to exceed budgeted amount of \$419,578. Work will be assigned during the twelve month contract period by formal Construction Delivery Orders (KDOs) drawn against this continuing contract. The unit prices contained in this Contract will be used in determining the cost of each KDO. In accordance to the SBE Ordinance Section 2-80.21 - 2-80.34 of the Palm Beach County Code, the Small Business Enterprise (SBE) participation goal established is 15% overall. Hinterland Group, Inc. proposes to meet the established goal of 15% as per the commitment statement. Hinterland Group, Inc. is a local Palm Beach County company. T.V. Diversified, Inc., the second lowest bidder, filed a bid protest on the grounds that Hinterland's bid should be deemed non-responsive on the basis that Hinterland's bid was based upon the use of a product which was not listed on the County's Minimum Construction and Engineering Standards as of the date the bids were due to be submitted and opened by the County. In accordance with the County Purchasing Ordinance, the protest was heard by a Special Master. The Protest Hearing occurred on October 26, 2012, with the Special Master recommending the bid protest be denied. (Bid No. WUD 12-001/VMG) Districts 2, 3, 5 & 6 (JM)

**JANUARY 15, 2013**

**3. CONSENT AGENDA APPROVAL**

**K. WATER UTILITIES (Cont'd)**

3. **Staff recommends motion to approve:** a First Amendment to Potable Water and Wastewater Development Agreement (Amendment) with HTG Palm Beach II, LLC. **SUMMARY:** HTG Palm Beach II, LLC owns property located on Melaleuca Lane, west of Haverhill Road. In order to provide potable water and wastewater concurrency reservations for new developments, the Water Utilities Department (WUD) requires property owners to enter into a formal development agreement with WUD. Pine Run Developers, LLC entered into a Standard Development Agreement (Agreement) on May 3, 2004. HTG Palm Beach II, LLC was assigned the Agreement, via an Indemnity Agreement on November 28, 2012. Subsequent to assuming the Agreement, HTG Palm Beach II, LLC requested the option of remitting all associated fees prior to request for service initiation, in order to satisfy certain loan timing requirements. The Amendment provides this option. Under the terms of the Amendment, remittal of payment prior to service initiation does not exempt HTG Palm Beach II, LLC from any subsequent fee changes, and HTG Palm Beach II, LLC is still responsible for remitting the full amount of associated fees existing as of the time of service initiation. District 2 (MJ)

4. **DELETED: Staff recommends motion to approve:**

~~**A) Work Authorization No. 7 for design, permitting, and construction of the Southern Region Water Reclamation Facility (SRWRF) Solar Energy Project with CDM**~~

Constructors, Inc. in the amount of \$924,967;

~~B) Budget Amendment of \$50,000 decreasing the Water Utilities Capital Improvement Fund (4011);~~

~~C) Budget Transfer of \$50,000 in the Water Utilities Revenue Fund (4000) to establish a transfer to Department of Economic Sustainability (DES);~~

~~D) Budget Amendment of \$50,000 increasing the DES Disaster Recovery Initiative Fund (1106) for cost associated with staffing and administration grant fund projects;~~

~~E) Budget Transfer of \$450,000 in the Energy Efficiency & Conservation Block Grant Fund (1541) to budget for the amount awarded to WUD by DES; and~~

~~F) Budget Amendment of \$450,000 increasing the Energy Efficiency & Conservation Block Grant (EEGBC) Capital Fund (3903) to establish budget for additional funds.~~

SUMMARY: On June 8, 2010, the Palm Beach County Board of County Commissioners approved the Water Utilities Department (WUD) Design/Build Services Contract with CDM Constructors, Inc. (R2010-0909). Work Authorization No. 7 will include new solar panels and ancillary support systems at the SRWRF. The Solar Energy Project will generate 125 kW, or approximately 2% of SRWRF's electricity from solar energy. The project is partially funded by the United States Department of Energy's Energy Efficiency and Conservation Block Grant Program Assistance Agreement in the amount of \$450,000. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with CDM Constructors, Inc. provides for SBE participation of 31% overall. This Authorization includes 20.86% overall participation. The cumulative SBE participation, including this Work Authorization, is 28.77% overall. CDM Constructors, Inc. is a local Palm Beach County company. The Budget Amendment allows for a one-time transfer of funds to be used by DES for costs associated with the staffing and administration of the Solar Energy and Biogas projects. DES is responsible for administration of these projects through the Department of Energy. (WUD Project No. 09-030) District 5 (JM)

**JANUARY 15, 2013**

### **3. CONSENT AGENDA APPROVAL**

#### **L. ENVIRONMENTAL RESOURCES MANAGEMENT**

1. [Staff recommends motion to receive and file:](#) one original document for the Department of Environmental Resources Management:

Contract with Industrial Divers Corp. Inc., in the amount of \$61,344, for the installation and first year's maintenance of 28 mooring buoys and 38 anchor pins at several locations in Palm Beach County (Mooring Buoys Project No. 2012ERM03).

**SUMMARY:** Section 2-53 of the Palm Beach County Code delegates authority to the

Director of Environmental Resources Management (ERM) to execute construction contracts under \$200,000. There is no Small Business Enterprise (SBE) participation on this Contract. ERM may extend the Contract two additional years for buoy and anchor maintenance for \$31,920 with a potential three-year Contract amount of \$93,264. The Contract is funded by a \$45,180 Florida Boating Improvement Program Grant (R2012-0500) from the Florida Fish and Wildlife Conservation Commission, and vessel registration fees (R2012-0501). Districts 1, 4 & 7 (JM)

## M. PARKS & RECREATION

1. Staff recommends motion to receive and file: executed Independent Contractor Agreement received during the month of October:

Patricia Ann Fisher, Water Aerobics Instructor, Aqua Crest Pool, for the period November 23, 2012, through September 30, 2013 (FISH14237911125303A).

**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 Independent Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 2002-2103, 2007-0409, and 2012-0168, and is now being submitted to the Board to receive and file. District 7 (AH)

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

Seymour Schatzberg, Sy Schatzberg and the Gold Coast Dance Band concert; Canyon Town Center Amphitheater, on November 17, 2012.

**SUMMARY:** The Parks and Recreation Department produced a popular cultural event at our Canyon Town Center Amphitheater. This event was attended by an estimated 230 persons and generated positive support and goodwill for the County. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Entertainment Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2008-1109, amended by Resolution 2010-0644, and is now being submitted to the Board to receive and file. District 5 (AH)

**JANUARY 15, 2013**

## 3. **CONSENT AGENDA APPROVAL**

**M. PARKS & RECREATION (Cont'd)**

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

City Sound and Recording LLC; Black Friday Fest concert, Sunset Cove Amphitheater, for the period November 23, 2012, through November 24, 2012.

**SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Sound and Light Production Services Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0592, amended by Resolution 2010-0645, and is now being submitted to the Board to receive and file. District 5 (AH)

4. **Staff recommends motion to receive and file:** the following original executed Amphitheater Rental Agreements:

**A)** AEG Live SE, LLC, Sublime with Rome concert, Sunset Cove Amphitheater, for the period August 31, 2012, through September 1, 2012; and

**B)** AEG Live SE, LLC, Matisyahu concert, Seabreeze Amphitheater, for the period October 27, 2012, through October 28, 2012.

**SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Amphitheater Rental Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2011-1960, and are now being submitted to the Board to receive and file. These events helped to offer a balanced schedule of events which promote the quality of life in the communities we serve. An estimated 5,480 persons attended the events produced under these Amphitheater Rental Agreements. Districts 1 & 5 (AH)

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

**A)** Budget Transfer of \$110,000 within Park Impact Fees Zone 2 from Reserves to the Lake Lytal Park Improvements Phase 2 project; and

**B)** Budget Transfer of \$100,000 within Park Impact Fees Zone 3 from Reserves to the Caloosa Park Improvements Phase 2 project.

**SUMMARY:** These two budget transfers will provide the funding necessary to purchase and install shade structures to provide coverage over various bleacher areas at Lake Lytal Park and Caloosa Park. The shade structures and associated ADA accessibility

compliance requirements will cost approximately \$210,000 for both parks. These budget transfers are necessary to fully fund these two projects. Funding for these budget transfers is from the Park Impact Fees Zone 2 and Park Impact Fees Zone 3 reserve. Districts 2 & 4 (AH)

JANUARY 15, 2013

### 3. CONSENT AGENDA APPROVAL

#### M. PARKS & RECREATION (Cont'd)

6. **Staff recommends motion to approve:** Second Amendment to Contract, R2010-2016, with Gordon Andrews for the period February 1, 2013, through January 31, 2014, in an amount not-to-exceed \$106,500 per year for USA Swimming and US Masters Swimming coaching services at the Lake Lytal Family Aquatic Center. **SUMMARY:** For the past sixteen years, Gordon Andrews has been the USA Swimming coach at Lake Lytal Family Aquatic Center. He has been the US Masters Swimming coach for the past two years. The current Professional Services Contract will expire on January 31, 2013, with one remaining renewal option available under this contract. This Amendment exercises the final renewal option with Gordon Andrews through January 31, 2014, in an amount not-to-exceed \$106,500. This contractor utilizes six additional coaches in providing this service. District 2 (AH)
  
7. **Staff recommends motion to approve:** a non-standard Amphitheater Rental Agreement with JM Family Enterprises, Inc., for a company picnic event on February 2, 2013, at Sunset Cove Amphitheater. **SUMMARY:** The Parks and Recreation Department (Department) utilizes a standard Amphitheater Rental Agreement which is executed at the Department level. However, non-standard Amphitheater Rental Agreements are sometimes required to satisfy the specific requirement terms of a given renter. JM Family Enterprises, Inc. has requested modifications to the approved standard Amphitheater Rental Agreement language. The modifications clarify the responsibilities and expectations of the County and JM Family Enterprises, Inc., for issues such as cancellation and postponement, minimum and maximum attendance, photography and recording rights, and compliance with public entity crimes certification. County net revenues generated from the company picnic event total \$4,450. District 5 (AH)

#### Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:** an Agreement with the University of South Florida not to exceed \$45,105 to provide technical assistance to and evaluation of the Palm Beach County Justice, Mental Health Collaboration Project through March 28, 2014. **SUMMARY:** The University of South Florida is recommended to receive \$45,105 of grant funds to provide technical assistance and evaluation on the project, specifically, to provide analysis of records and services of people leaving the jail with substance

abuse and/or mental health issues. This Agreement will provide for analysis of case management records for dually diagnosed offenders with a preference for custodial parents. The Jerome Golden Center for Behavioral Health Services, Inc. was selected to provide the services as a not-for-profit community mental health agency currently serving this population and utilizing the supportive housing model (R2011-1410 and R2012-1293). Countywide (PGE)

**JANUARY 15, 2013**

**3. CONSENT AGENDA APPROVAL**

**Q. CRIMINAL JUSTICE COMMISSION (Cont'd)**

**2. Staff recommends motion to:**

**A) approve** an Agreement to reinstate and amend the original Interlocal Agreement with the Palm Beach County Sheriff's Office (R2012-0263); and

**B) receive and file** Grant Adjustment Notices revising the budget and extending the expiration date to March 31, 2013.

**SUMMARY:** Grant funds previously covered the cost of security at the Juvenile Assessment Center (JAC). The Department of Juvenile Justice assumed that responsibility beginning September 1, 2012. Remaining Justice Assistance Grant funds from FY 2012 are being redirected to equipment and capital outlay to support the JAC once it moves to its permanent location on the Detention Center campus which is projected to be early 2013. Countywide (PGE)

**3. Staff recommends motion to:**

**A) receive and file** a Florida Department of Law Enforcement Grant award for \$215,801 beginning October 1, 2012, through September 30, 2013 to fund ex-offender reentry programs;

**B) approve** a Contract for \$102,279 with Gulfstream Goodwill Industries, Inc., to provide reentry services to ex-offenders from October 1, 2012, through September 30, 2013;

**C) approve** a Contract for \$29,497 with The Lord's Place, Inc. to provide reentry services to ex-offenders from October 1, 2012, through September 30, 2013;

**D) approve** an Interlocal Agreement for \$132,634 with the City of Riviera Beach to provide reentry services to ex-offenders from October 1, 2012, through September 30, 2013; and

**E) approve** a Budget Transfer of \$8,609 in the Crime Prevention Fund from reserves to increase the budget for this program.

**SUMMARY:** Gulfstream Goodwill Inc., The Lord's Place and the City of Riviera Beach will provide intensive case management services to ex-offenders returning to Palm Beach County from the Florida Department of Corrections and the County Jail. These agreements are funded through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program and the Crime Prevention Fund. There is no match requirement for the JAG Program. Countywide (PGE)

**JANUARY 15, 2013**

### **3. CONSENT AGENDA APPROVAL**

#### **U. INFORMATION SYSTEMS SERVICES**

1. **Staff recommends motion to approve:** Pricing Schedule with AT&T Corporation for Long Distance Services to be provided during the one-year period February 11, 2013, through February 10, 2014 in the estimated amount of \$60,000. **SUMMARY:** This Pricing Schedule, known as the "AT&T Business Network Service Pricing Schedule", will provide the County with long distance services for a period of twelve months with four additional one-year options to extend. This Pricing Schedule will be appended to the existing AT&T Master Agreement, No. 133405UA, approved by the Board of County Commissioners on June 30, 2009 (R2009-1055). ISS contracted with the Baller Herbst Law Group of Washington, D.C., a nationally recognized telecommunications law firm, to assist with price negotiations and analysis, and to obtain the best possible pricing and contract terms. This new Agreement will reduce the contract term from three years to one year and reduce our 'minimum annual revenue commitment' (MARC) from \$60,000 to \$30,000, a 50% reduction. This new Pricing Schedule will provide the County flexibility as we migrate to the new VoIP telephone technology. Countywide (PFK)

2. **Staff recommends motion to:**

**A) approve** the Agreement with the Early Learning Coalition of Palm Beach County (Coalition) to connect their office to the Palm Beach County (County) Regional Network at an estimated net first year revenue of \$2,340, for an initial term of one (1) year with automatic one-year renewals unless notice is given by either party; and

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

**SUMMARY:** The Coalition wishes to connect to the County Regional Network in order to receive broadband Internet access at the stated monthly rates. The County's Information Systems Services (ISS) Department will be responsible for providing Internet access via the County's connection to the Florida LambdaRail (FLR). The County will not incur any costs associated with this project other than staff time involved in planning and managing the project. This Agreement is similar to existing network service agreements

with other non-profit organizations, municipalities and other public sector organizations. ISS has received approval from the FLR for the Coalition to be connected to the Palm Beach County fiber network and gain access to the FLR for either Internet or transport purposes. District 3 (PFK)

**JANUARY 15, 2013**

**3. CONSENT AGENDA APPROVAL**

**U. INFORMATION SYSTEMS SERVICES (Cont'd)**

3. **Staff recommends motion to:**

**A) approve** the First Amendment to the Agreement 2011-1215 with the Loxahatchee River Environmental Control District (District) which will generate FY 2013 revenue to the County estimated at \$2,400; and

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

**SUMMARY:** The Loxahatchee River Environmental Control District has an existing agreement with Palm Beach County for Network Services (R2011-1215) and wishes to amend this agreement to include both Fiber and WiMax services from their Jupiter Park Drive location as described in the First Amendment. This agreement will generate \$2,400 in FY 2013 revenues and also includes one-time installation costs of \$31,540.08 to be paid by the District. The Florida LambdaRail LLC has approved the inclusion of the Loxahatchee River Environmental Control District to be connected to the Florida LambdaRail. District 1 (PFK)

**X. PUBLIC SAFETY**

1. **Staff recommends motion to receive and file:** the executed Clinical Service Agreement with ChildNet, Inc. to provide psychological evaluations for dependency cases referred by the Juvenile Division of the 15<sup>th</sup> Judicial Circuit Court (Court) for the period of October 1, 2012, through June 30, 2013. **SUMMARY:** ChildNet, Inc. contracted with the Division of Justice Services to provide court ordered psychological evaluations for dependency cases referred by the Court. These are frequently on the parents of children under ChildNet, Inc. care and are required as a part of a case plan or to support and provide important and relevant expert psychological information for litigation. This contract compensates Justice Services Forensic Psychology Office for the psychological services provided to this agency. R2005-0792 authorizes the County Administrator or his designee to sign contracts to provide psychological services to the Fifteenth Judicial Circuit Court. Countywide (PGE)

2. **Staff recommends motion to:**

**A) approve** a Contract with Byron V. Reid, D.V.M. for on-call veterinary services for large animals in an amount not to exceed \$10,000 for the period January 24, 2013, through January 23, 2014. This Contract may be renewed by written mutual agreement of the parties for up to three additional one year renewals for the same terms and conditions; and

**B) authorize** the County Administrator or his designee, the Public Safety Director to approve the renewal of this Contract.

**SUMMARY:** The Animal Care and Control Division is required to provide appropriate and necessary veterinary services for sheltered animals. This Contract will provide part-time, relief and emergency "on-call" professional medical services for sheltered animals on an as needed basis. This is the first renewal of the original contract entered into January 24, 2012. The Contract may be renewed by written mutual agreement of the parties for up to three additional one year renewals for the same terms and conditions. Countywide (SF)

JANUARY 15, 2013

3. **CONSENT AGENDA APPROVAL**

X. **PUBLIC SAFETY (Cont'd)**

3. **Staff recommends motion to approve:** the Agreement (13-IS-3S-10-60-02-521) with the State of Florida, Division of Emergency Management to receive reimbursement for costs incurred as a result of damages caused by Hurricane Isaac that began on Saturday, August 25, 2012. **SUMMARY:** On October 18, 2012, the President of the United States issued a major disaster declaration designated FEMA-4084-DR-FL for the State of Florida as a result of Hurricane Isaac authorizing public assistance for Palm Beach County. Public assistance is a federal grant to aid state and local governments in returning a disaster area to pre-disaster conditions. The federal share of the eligible costs under this Agreement is 75% and the non-federal share will be the remaining amount. Payment of a specified portion of the non-federal share is contingent upon future State appropriations. Typically, the State of Florida will contribute a 12.5% share of the qualified actual expenditures incurred, leaving the County responsible for absorbing the remaining 12.5 percent. Countywide (PGE)

AA. **PALM TRAN**

1. **Staff recommends motion to approve:** Contracts with Seagull Industries for the Disabled, Inc. and Federation Transportation Services, Inc. in the amounts of \$100,200 and \$135,313 respectively, under which these not-for-profit agencies will be reimbursed, in part, for providing transportation services to certain of their transportation disadvantaged clients during the period October 1, 2012, through September 30, 2013.

**SUMMARY:** These contracts will provide partial reimbursement for the costs of transportation services for life sustaining services being provided by Seagull and Federation for their transportation disadvantaged clients during FY 2013 (October 1, 2012 through September 30, 2013). Countywide (DR)

**BB. SHERIFF**

1. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office, a Grant Modification with the Florida Department of Law Enforcement to provide an additional \$32,500 reimbursable funding for the PBSO's Critical Infrastructure Protection/Target Hardening Project; and

**B) approve** a Budget Amendment of \$32,500 in the Sheriff's Grants Fund.

**SUMMARY:** The Board of County Commissioners accepted this grant for \$199,988 on October 16, 2012; with a grant period of June 1, 2012, through April 20, 2013 (R2012-1584). This Grant Modification will provide supplemental funds that will be used to enhance the security of regional critical assets identified by the Region 7 Domestic Security Task Force, including the Palm Beach International Airport. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

**JANUARY 15, 2013**

**3. CONSENT AGENDA APPROVAL**

**BB. SHERIFF (Cont'd)**

2. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office, an Agreement with the City of Miami, as the fiscal agent for the Miami Urban Area Security Initiative to provide \$189,000 in reimbursable funding for the Regional 7 Perimeter Response Team Enhanced Capability effective until February 28, 2013; and

**B) approve** a Budget Amendment of \$189,000 in the Sheriff's Grant Fund.

**SUMMARY:** This Agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miami as the Miami UASI's fiscal agent. These funds will be used to enhance the capabilities of the Region 7 Perimeter Response Teams by purchasing field force equipment which will provide protection for officer's deployed during civil unrest incidents. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required.

Countywide (PGE)

3. **Staff recommends motion to:**

**A) accept** on behalf of the Palm Beach County Sheriff's Office, a Grant Modification with the Office of National Drug Control Policy to provide an additional \$85,000 in reimbursable funding for the Palm Beach Narcotics Task Force; and

**B) approve** a Budget Amendment of \$85,000 in the Sheriff's Grant Fund.

**SUMMARY:** The Board of County Commissioners accepted this grant for \$102,486 on May 1, 2012; with a grant period of January 1, 2012, through December 31, 2013 (R2012-0653). This Grant Modification will provide supplemental funds that will be used for overtime reimbursement and other expenses associated with the Palm Beach Narcotics Task Force. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

4. **Staff recommends motion to:**

**A) accept** on behalf of the Palm Beach County Sheriff's Office, an Agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative to provide \$179,702 in FY 2009 reimbursable funding for various direct law enforcement oriented domestic security activities effective until January 31, 2013; and

**B) approve** a Budget Amendment of \$179,702 in the Sheriff's Grant Fund.

**SUMMARY:** This Agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. These funds will be used for the Region 7 Bomb Squad Portable X-Ray Build-out project. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

**JANUARY 15, 2013**

**3. CONSENT AGENDA APPROVAL**

**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 as indicated. Countywide (TKF)

**DD. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY**

1. **Staff recommends motion to approve:** a Contract with Ric-Man International, Inc. in the amount of \$2,685,368 for the construction of Belvedere Homes Infrastructure Improvements – Phase 2, contingent upon approval by the Florida Department of Economic Opportunity. **SUMMARY:** On December 12, 2012, five (5) bids were opened for the Belvedere Homes Infrastructure Improvements - Phase 2 with Ric-Man International, Inc. being the lowest responsible responsive bidder in the amount of \$2,685,368. The drainage improvements include the construction of storm sewers and the grading of the swales. The potable water improvements include the replacement of asbestos cement water main pipes (9,700 ft in Phase 2), installation of new water services and fire hydrants. The wastewater system improvements include the construction of a vacuum type sewer collection system consisting of pipes providing wastewater services to 229 properties in Phase 2. The Water Utilities Department (WUD) will administer the project for Westgate/Belvedere Homes Community Redevelopment Agency (CRA). Funding for this project has been provided by WUD, CRA and the Palm Beach County Department of Economic Sustainability (DES) under the Community Development Block Grant Disaster Recovery Initiative Program. The partially federally funded project has participation goals of 22.4% MBE and 6.9% WBE. The Contract with Ric-Man International, Inc. includes 22.73% MBE, 6.91% WBE participation. Although SBE participation is not required by the Contract, a good faith effort as determined by DES, has been made by Ric-Man International, Inc., who provides for SBE participation of 27.07% overall. Ric-Man International, Inc. is a Broward County company. The Local Preference Ordinance is not applicable to this federally funded project. (WUD Project No. 10-502) District 7 (JM) (Water Utilities)

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**JANUARY 15, 2013**

4. **PUBLIC HEARINGS – 9:30 A.M. (Motion to receive and file: Proof of publication)**
  - A. **Staff recommends, contingent upon the approval and execution of 2 and 3 below by the City of South Bay, a motion to:**
    - 1) **adopt** a Resolution determining that the purchase of the Glades Utility Authority (GUA) water and wastewater system is in the public interest, as required under Section 125.3401, Florida Statutes;
    - 2) **approve** the Stipulated Settlement Agreement with the Cities of Belle Glade, Pahokee, and South Bay, and the GUA settling the case styled *Palm Beach County v. Glades Utility Authority, et. al.*, Case No.: 50-2012-CA-009640XXXXMB;
    - 3) **approve** the First Amendment to the Interlocal Agreement with the Cities of Belle Glade, Pahokee, and South Bay establishing the GUA;

**4) approve** the First Amendment to the Service Agreement with the GUA for Operations, Maintenance, Administration and Management of the Glades Utility Authority Utility System;

**5) approve** the Escrow Agreement between the County and the Clerk of the Circuit Court and authorize the deposit of a maximum of \$2.5 Million in the account to pay off certain debt obligations of the GUA as of the closing of the transfer of the GUA assets to the County; and

**6) authorize** the County Administrator or his designee to execute any and all documents necessary to carry out the closing of the transfer of the GUA water and wastewater system to the County.

**SUMMARY:** In 2009, the GUA was formed by Interlocal Agreement between the Cities of Pahokee, Belle Glade, South Bay, and the County to provide sustainable infrastructure for water and wastewater service to the Tri-Cities area. The formation of the GUA resulted in many successes, including the receipt of more than \$18 Million in grants and the development of a well-managed, integrated utility system. The economic downturn, including the loss of its biggest customer, the Glades Correctional Institution, along with the discovery that existing infrastructure is in much worse condition than originally anticipated will result in GUA operating with negative cash balances by early 2013. This problem is exacerbated by the GUA Board's inability to adopt balanced budgets for FY 2012 and 2013. The above Agreements allow the GUA to be absorbed into the County's Water Utilities Department in order to begin the process of rebuilding the deteriorating infrastructure. The First Amendment to the Interlocal Agreement terminates the 2009 Interlocal Agreement, transfers the GUA Service Area rights to the County, and memorializes the "Seven Point Plan." The First Amendment to the Service Agreement terminates the Service Agreement upon transfer of the GUA to Palm Beach County. The Stipulated Settlement Agreement provides for the dismissal of the lawsuit with prejudice, once the Amended Interlocal Agreement and Service Agreement have been executed by all appropriate parties and assets have been transferred. The Escrow Agreement allows the Clerk to escrow the money needed to retire certain unfavorable debt obligations. The Cities of Belle Glade and Pahokee, and the GUA Board have approved the Agreements. The County's approval will be contingent upon approval and execution by the City of South Bay. Failure by the City of South Bay to approve these agreements resulted in the GUA customers seeing a 6.5% increase in their bill, effective January 1, 2013. The County has attempted to resolve the dispute through the Chapter 164 Dispute Resolution Process, and the above-styled lawsuit was abated while the Chapter 164 negotiations proceeded. County staff recommends that the County continue to pursue relief through prosecution of the lawsuit, unless and until the City of South Bay approves the Stipulated Settlement Agreement. District 6 (MJ/ATP)

**JANUARY 15, 2013**

#### **4. PUBLIC HEARINGS CONTINUED**

##### **B. Staff recommends motion to:**

**1) conduct a public hearing** on the proposed issuance of revenue bonds (the "Bonds") by the Kansas Development Finance Authority (the "Authority") in an amount not to exceed \$30,000,000, of which not to exceed \$28,700,000 will be used to finance certain projects

located in Palm Beach County, and

**2) adopt** a Resolution approving the issuance of the Bonds, and providing for an effective date.

**SUMMARY:** If the Bonds are issued, the Authority will loan the proceeds of the Bonds to Lifespace Communities, Inc. (the “Corporation”) to provide funds to be used to renovate, remodel, improve and equip the life care retirement communities known as (a) Abbey Delray South (the “Abbey Delray South Project”) located at 1717 Homewood Beach, Delray Beach, Florida 33445 and (b) Harbour’s Edge (the “Harbour’s Edge Project”) and, together with the Abbey Delray South Project, the “Projects”) located at 401 E. Linton Boulevard, Delray Beach, Florida 33483. All facilities financed with the proceeds of the Bonds will be located at the locations set forth above and will be owned and operated by the Corporation. Approval by the Board of County Commissioners is required by the Internal Revenue Code. **Neither the taxing power nor the faith and credit of the County, nor any County funds shall be pledged to pay principal or redemption premium, if any, or interest on the Bonds.** District 4 (PFK)

**C.** **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Sections 2-80.20 through 2-80.34 of the Palm Beach County Code, which codified Ordinance No. 2002-064, as amended by Ordinance No. 04-071, Ordinance No. 05-048, Ordinance No. 2008-014, and Ordinance No. 2009-024, and established a Small Business Enterprise Program; providing for policy and purpose; providing for definitions; providing for Small Business Certification; providing for M/WBE certification; providing for the Small Business Advisory Board; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** On December 18, 2012, the Board of County Commissioners held preliminary reading of this ordinance and authorized advertising for public hearing. The proposed changes to the SBE Ordinance are recommended to create a thorough process for reviewing applications for certification, update the membership of the SBE Advisory Board, and provide further clarity. Countywide (TKF)

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**JANUARY 15, 2013**

**5. REGULAR AGENDA**

**A. ADMINISTRATION**

1. **Staff recommends motion to receive and file:** executed documents dated November 30, 2012, related to the Convention Center Hotel project:
  - A)** Amendment to Settlement Agreement;
  - B)** Convention Center Hotel – West Palm Beach Agreement;
  - C)** Declaration of Restrictive Covenant (Convention Center Hotel Land Pilot Payment);

- D) Payment, Performance, and Construction Guaranty;
- E) Development Agreement;
- F) Hotel Lease;
- G) Memorandum of Hotel Lease;
- H) Hotel Room Block Agreement;
- I) Memorandum of Room Block Agreement; and
- J) Convention Center Hotel Garage Easement.

**SUMMARY:** On October 30, 2012, the Board of County Commissioners (BCC) approved and authorized the Chair of the BCC to execute the above agreements contingent upon receipt of fully executed agreements including Related New York's \$5 Million security deposit by November 30, 2012. Staff has received the required security deposit in the form of a bond. Related New York has until May 2014 to commence construction or the \$5 Million security deposit will be forfeited. Countywide (JM/HJF)

**JANUARY 15, 2013**

## **5. REGULAR AGENDA**

### **A. ADMINISTRATION (Cont'd)**

2. **Staff requests Board direction:** on a proposed Resolution of the Board of County Commissioners of Palm Beach County, Florida, establishing Rules of Procedure to be incorporated into Section 500.00 of the County's Administrative Code; and providing for an effective date. **SUMMARY:** Staff requests the Board's direction on a proposed Resolution adopting updated Rules of Procedure that more accurately reflect the custom and practice of the Board of County Commissioners (BCC) and the public participants at BCC meetings. These rules serve as the sole source of procedural guidance. Possible changes include:
  - Allowing for Board discretion to adjust times and locations as needed or requested, including the possibility of holding night meetings. One option offered to accommodate the possibility of night meetings is as follows: Schedule a regular quarterly night meeting at 6 P.M. at the first meeting of the months of March, June, September and December with special presentations and public hearings occurring at 6 P.M. and Matters by the Public occurring at 7 P.M. Because of the driving distance from many locations to downtown West Palm Beach can be great for many residents, particularly our more senior population, day meetings have been favored. However, day meetings for those that work daytime hours make it difficult for those residents to attend. Therefore, if the Board approved a quarterly night meeting option, four regular meetings would be

held in the evening and fourteen would be held during the day on an annual basis.

- Moving “Matters by the Public” from 2 P.M. to the morning at the meeting on the first Tuesday of the month. It has been suggested that a morning time is more favorable for public attendance. The proposed change in the attached resolution includes a 9:45 A.M. time based on a suggestion by the Board; however, it should be noted that such a time could possibly be delayed by special presentations and public hearings. As an alternative, 11 A.M. might be more beneficial as it would avoid the preceding conflicts and might allow a portion of regular business to be handled beforehand. The benefit of the current 2 P.M. time offers time certainty to the public but sometimes requires the Board to come back for an afternoon session when all other business has been completed in the morning. If the Board schedules regular night meetings as suggested, there would be six day and four night “Matters by the Public” offered to residents.
- Designating the Chair as the “Mayor” and the Vice Chair as the “Vice Mayor”.  
Countywide (DMN)

**JANUARY 15, 2013**

## **5. REGULAR AGENDA**

### **B. FACILITIES DEVELOPMENT & OPERATIONS**

#### **1. REVISED TITLE: Staff recommends motion to:**

**A) approve** a Third Amendment to SubLease Agreement (R2012-0465, R2011-1595, R2001-~~0565~~0656) with the Boys and Girls Club of Palm Beach County, Inc., for the Bill Bailey Community Center (BGC) in Belle Glade to re-assign responsibility for payment of water, wastewater and electricity to the County; and

**B) requests Board direction** on a request from the City of Pahokee to lease the City owned former fire station building for the operation of a PBSO/PAL Youth Center.

**SUMMARY:** This item addresses two issues relative to the County expanding its funding commitment to afterschool and youth recreational programs in the Glades and responding to requests from: 1) the BGC to amend its sub-lease for the Bill Bailey Community Center for the County to assume responsibility for the utility costs, and 2) the City of Pahokee to lease the former Pahokee fire station building for renovation and operation of a new PBSO/PAL Youth Center. The BGC has notified the County that it is unable to fund shortfalls which jeopardize the continuation of programs at Bill Bailey. Staff believes that it is important that services continue not only for the 910 youth which utilize the facility annually, but also to maintain the community benefits derived from being the only indoor recreational facility in this area and for post disaster recovery needs. The annual funding shortfall is \$85,000 annually. County Staff and PBSO have evaluated the capital and operating requirements associated with the creation of the

PBSO/PAL Youth Center at the former Pahokee fire station and the cost per youth served is very high due to the condition of the building, the requirement to fund additional sworn and non-sworn Staff, and the limited number of additional youth that would be served. County Staff and PBSO agree that additional services would benefit area youth, and while not satisfying the Pahokee request geographically, an alternative approach for the operation of Bill Bailey could be implemented for less total cost and serve a minimum of 140 additional youth in lieu of the 30 that could be accommodated at the Pahokee facility. Staff is requesting direction from the Board on undertaking and funding any expansion, and if so, which option. (FDO Admin) District 6.(HJF)

**JANUARY 15, 2013**

**5. REGULAR AGENDA**

**C. OFFICE OF FINANCIAL MANAGEMENT & BUDGET**

1. **Staff recommends motion to adopt:** a Resolution **(I)** authorizing the issuance of not exceeding \$10,100,000 in original aggregate principal amount of its Public Improvement Revenue Bonds (unified messaging system project), Series 2013 for the purpose of financing the cost of upgrading the communications technology available to county employees, by replacing the County's existing telephone systems with a modern unified messaging system, as more fully described herein, and paying certain costs related thereto; **(II)** providing for the terms and payment of such series 2013 bonds; **(III)** providing for the rights, security and remedies of the holder thereof; **(IV)** making certain covenants and agreements in connection therewith; **(V)** delegating authority to proper officials of the County, in consultation with the County's financial advisor, to select a qualified financial institution pursuant to a competitive proposal process to purchase the series 2013 bonds and to award the sale of the series 2013 bonds to such purchaser, subject to certain parameters and other matters set forth in this resolution; **(VI)** authorizing the execution and delivery of an agreement with the purchaser of the series 2013 bonds to set forth additional covenants of the county and matters relating to the series 2013 bonds as may be required by the purchaser; **(VII)** authorizing the proper officials of the county to do all other things deemed necessary or advisable in connection with the issuance of the series 2013 bonds; **(VIII)** providing for certain other matters in connection therewith; and providing for an effective date. **SUMMARY:** On October 16, 2012, the Board authorized staff to proceed with the planning of a \$10million, three-year project to replace the County's 80 separate telephone systems with a single, modern, Unified Communications Systems. Bonds will be issued for this project in amount not to exceed \$10,100,000 (\$10 million for the project and not to exceed \$100,000 for cost of issuance). The County Financing Committee (CFC) met on August 23, 2012 and approved this issuance to be competitively bid as a direct bank placement as recommended by the County's Financial Advisor. The Board approved Greenspoon Marder as bond counsel for this financing. As it is a direct bank placement, disclosure counsel is not needed. This issue is a covenant to budget and appropriate with an estimated annual debt service payment of approximately \$1.1 million per year, for 10 years. The first debt service payment will be budgeted in FY 2014. At the request of the CFC, the bids will also include pricing for a 7-year maturity to be compared to the 10-year maturity. The County's financial advisor will make a recommendation as to which maturity to accept. Countywide (PFK)

JANUARY 15, 2013

5. REGULAR AGENDA

C. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)

2. **REVISED TITLE:** [Staff:](#)

**A) recommends motion to approve on preliminary reading and advertise for public hearing on February 5, 2013 at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Unified Land Development Code, Ordinance 2003-70, as amended, by amending Article 13, concerning countywide impact fee amounts, as follows: Chapter B – county district, regional, and beach parks impact fee; Chapter C – fire-rescue impact fee; Chapter D – library impact fee; Chapter E – law enforcement impact fee; Chapter F – public buildings impact fee; Chapter G – school impact fee; Chapter H – road impact fee; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Unified Land Development Code; providing for an effective date; and

**B) requests Board direction regarding** one of three of the following options for adjusting impact fee rates:

- I. Option 1 – Increase fees to the full amount (95% of the amount calculated in the study) allowed by the ordinance.
- II. Option 2 – Increase fees to the full amount allowed by the ordinance with two phase-in periods on May 4, 2013 and May 4, 2014. ~~The first phase would increase fees approximately 60%. The first phase would capture 60% of the proposed fee increase.~~ The final adjustment of the fees on May 4, 2014 would increase the fees to the full amount allowed by the ordinance.
- III. Option 3 – Impact Fee Review Committee recommend a 20% increase of impact fees identified in the impact fee study with two phase-in periods beginning on May 4, 2013 and May 4, 2014. This would result in a net decrease of impact fees for residential development and approximately a net increase of 13% for non-residential development.

**SUMMARY:** Based on the impact fee study all three options above reflect decreases in the park, fire rescue, law enforcement, and school impact fees. The study reflects the fire rescue fee being eliminated because there are no new fire stations proposed in the 5-Year Capital Plan. The park impact fee decreases because the County is no longer acquiring park land for beaches. The school impact fee decreases significantly because of the limited number of new schools required to accommodate growth. The law enforcement fee is down slightly primarily reflecting shifts in the demand for services. The methodology provides for the appropriate credits for other revenue sources that help fund capital facility infrastructure including ad valorem taxes, debt service payments,

federal, state, and local grants, and gas taxes.

Staff supports Option 2 because this Option would result in the fee increases comparable with the cost of providing the capital facilities once the second phase-in period is implemented on May 4, 2014. The BCC has not approved an increase in impact fees since January 6, 2006. Subsequent impact fee studies in 2007 and 2009 calculated increases in impact fees based on increases in capital facility cost. However, the Board did not approve fee increases at that time primarily because of the significant decline of the economy. The general economy and specifically the housing market have shown significant improvements in 2012 and both are projected to show continued improvements in 2013. Countywide (LB)

**JANUARY 15, 2013**

**5. REGULAR AGENDA**

**D. AIRPORTS**

1. **Staff recommends motion to approve:** a Purchase and Sale Agreement for the following property at a total cost of \$90,000 by a supermajority vote. Said property is located west of Runway 10L at Palm Beach International Airport (PBIA):

Florida Department of Transportation (FDOT)  
Bertram Street, West Palm Beach, FL 33415  
Parcels W-302, W-303 & W-304  
Sales Price \$ 90,000  
Replacement Housing \$ N/A

**SUMMARY:** The subject property consists of .207 acres (9,013 square feet) on Bertram Street lying west of the Military Trail right of way. The property is vacant and there are no improvements. The property was appraised at \$90,000 by Anderson & Carr, Inc., and an appraisal review statement has been prepared by an independent review appraiser, Edward E. Wilson, ASA, supporting the appraiser's analysis and value conclusion. Conveyance will be by quitclaim deed with a restriction that prohibits access or driveway connection to Military Trail through the right turn lane or its associated taper. The effect of this restriction was considered in the appraisal. Although there are no representations and warranties in the agreement, it provides for an inspection period during which the County may terminate the Agreement in the event of any deficiency. **All purchases, sales and exchanges of real estate must be approved by a supermajority vote (5 Commissioners) pursuant to recent amendments to the PREM Ordinance.** Countywide (HJF)

**JANUARY 15, 2013**

**5. REGULAR AGENDA**

**D. AIRPORTS (Cont'd)**

2. **Staff requests Board direction on:**

**A)** renewal of Airport Ground Transportation Concession Agreement with Southeastern Florida Transportation Group, LLC (SEFTG) (R2005-1774), for up to two additional years through September 30, 2015; or

**B)** issuance of an Invitation for Bids for a ground transportation concession agreement for the provision of on-demand ground transportation services, including taxicabs, executive sedans, limousines and shared ride services, at the Palm Beach International Airport (PBIA).

**SUMMARY:** The current agreement for on-demand airport ground transportation services commenced on October 1, 2005, with an initial term of seven years plus one - three-year option to renew at the County's sole option. Pursuant to the Board's direction on March 20, 2012, the Department of Airports (DOA) issued Request for Proposals 12-8 on April 11, 2012, for the solicitation of a ground transportation concession at PBIA (RFP). On April 17, 2012, the Board directed staff to cancel the RFP and negotiate an extension of the existing agreement for one year to September 30, 2013, which was approved by the Board on June 5, 2012 (R2012-0824). The solicitation process can take up to six months or more to complete from the date of issuance to contract award. In order to ensure that there will be no interruption in ground transportation services at PBIA, the County will need to issue a solicitation for a new agreement or extend the current agreement for a period not to exceed two additional years. The current agreement, or any new agreement, will require the concessionaire to provide a sufficient number of taxicabs, executive sedans, sedans, limousines and share ride services to meet the requirements of all persons requesting such services, during daily peak and non-peak periods and periods of heavy seasonal and holiday passenger traffic. In addition, the ground transportation concession at PBIA provides for vehicle, driver and operational standards, such as requirements that vehicles be no more than five years old; that drivers meet certain dress code standards; and that all vehicles be equipped with on-board credit card devices. On April 17, 2012, the Board directed Consumer Affairs to work with the industry to adopt standards within the Vehicle for Hire Ordinance (R2008-043) to be consistent with the ground transportation concession at PBIA. The current agreement requires SEFTG to pay concession fees equal to the greater of a per capita charge of \$0.0885 per deplaned passenger or a minimum annual guarantee of \$266,959; provides for adjustment of the per capita charge based on increases to SEFTG's fares and rates; and provides for adjustment of the minimum annual guarantee based upon increases to the number of deplaned passengers. If the Board elects to approve the issuance of a solicitation in lieu of extending the current agreement, the solicitation will establish, as a minimum requirement, payment of concession fees at least equal to the amounts paid under the current agreement. Countywide (AH)

**JANUARY 15, 2013**

**5. REGULAR AGENDA**

## E. PUBLIC SAFETY

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on February 5, 2013, at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 19, Article IX (Ordinance No. 2008-43, amended by Ordinance No. 2011-007, amended by Ordinance No. 2011-032, amended by Ordinance No. 2011-040, and amended by Ordinance No. 2012-009); relating to taxicabs and other vehicles for hire, to be known as the Vehicle for Hire Ordinance; amending Section 19-218 (business permit application); amending Section 19-227 (driver requirements; failure to comply); providing for repeal of laws in conflict; providing for a saving clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing an effective date. **SUMMARY:** The proposed amendments are needed to correct certain scrivener's errors in the current Ordinance. The first proposed amendment fixes the licensing year date for a business permit so that it runs from May 1<sup>st</sup> through April 30<sup>th</sup>, rather than from April 30<sup>th</sup> through May 1<sup>st</sup>. The second proposed amendment fixes the window of time that a person must wait before being eligible for a vehicle for hire Driver's ID Badge if he or she has been convicted of a first degree misdemeanor or a felony. The current Ordinance states that the window of time runs from the date of conviction, when it should state that the window of time runs from the date of application. Countywide (PGE)

## F. COMMISSION ON ETHICS

1. **ADD-ON:** [Staff recommends motion to approve:](#) a Memorandum of Understanding (MOU) with the Delray Beach Community Redevelopment Agency and Palm Beach County for the services of the Palm Beach County Commission on Ethics. **SUMMARY:** The Delray Beach Community Redevelopment Agency agreed to subject itself to the jurisdiction and authority of the Commission on Ethics. This MOU identifies the roles and responsibilities of the Commission on Ethics and the Delray Beach Community Redevelopment Agency in implementing the Palm Beach County Code of Ethics, and establishes a schedule of fees to be paid by the Agency to the County in exchange for services. As required by the Commission on Ethics Ordinance, all fees paid under this agreement must be used to fund Commission on Ethics operations. The MOU is subject to final approval of the Board of County Commissioners. District 7 (LB) (Commission on Ethics)
2. **ADD-ON:** [Staff recommends motion to approve:](#) a Memorandum of Understanding (MOU) with the Lake Worth Community Redevelopment Agency and Palm Beach County for the services of the Palm Beach County Commission on Ethics. **SUMMARY:** The Lake Worth Community Redevelopment Agency agreed to subject itself to the jurisdiction and authority of the Commission on Ethics. This MOU identifies the roles and responsibilities of the Commission on Ethics and the Lake Worth Community Redevelopment Agency in implementing the Palm Beach County Code of Ethics, and establishes a schedule of fees to be paid by the Agency to the County in exchange for services. As required by the Commission on Ethics Ordinance, all fees paid under this agreement must be used to fund Commission on Ethics operations. The MOU is subject

to final approval of the Board of County Commissioners. District 3 (LB) (Commission on Ethics)

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**JANUARY 15, 2013**

**6. BOARD APPOINTMENTS**

**A. Florida Association of Counties (FAC) Board Appointment**

**B. COMMISSION DISTRICT APPOINTMENTS**

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**JANUARY 15, 2013**

**7. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**JANUARY 15, 2013**

**8. COMMISSIONER COMMENTS**

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

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

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

Request approval to present off-site, a Proclamation declaring January 20, 2013 as “John Anthony Wilson Memorial Day” in Palm Beach County.

**ADD-ON:** Request approval to present off-site, a Certificate of Special Recognition for Gloria Blake.

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

**E. District 5 - COMMISSIONER MARY LOU BERGER**

Request approval to present off-site, a Proclamation honoring Arelene Lodgen National President of the Ladies Auxiliary, Jewish War Veterans of the United States.

**ADD-ON:** Request approval to present off-site, a Proclamation declaring March 22, 2013 as “All People’s Day” in Palm Beach County. (Sponsored by Commissioner Berger)

**F. District 6 - COMMISSIONER JESS R. SANTAMARIA**

**G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR, VICE CHAIR**

**9. ADJOURNMENT**

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."