

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

FEBRUARY 5, 2013

<u>PAGE</u>	<u>ITEM</u>	
6	2C-6	<u>REVISED TITLE:</u> Proclamation declaring March 2012 <u>2013</u> as “Palm Beach County Ethics Awareness Month.”
6	2C-7	<u>ADD-ON:</u> Proclamation declaring February 2013 as “National African-American History Month” in Palm Beach County. (Sponsored by Commissioner Taylor)
18	3K-3	<u>REVISED SUMMARY:</u> On November 28, 2012, one bid was received for the GUA City of Pahokee Inflow and Infiltration Improvements - Phase III Project. JCC Enterprises Labor, Inc. was the only responsive responsible bidder in the amount of \$248,650. The project is funded by the State of Florida Department of Economic Opportunity (DEO) through the Disaster Recovery Initiative Program. The project is subject to a 22.4% minority participation goal and a 6.9% female participation goal for trades rather than the County’s SBE goals. This Contract with JCC Enterprises Labor, Inc. provides for 100% participation. The prime contractor is M/WBE (100% minority and 0% female participation). Staff recommends award to JCC Enterprises Labor, Inc. based upon good faith efforts approved by DEO. Local Preference Ordinance is not applicable to this federally funded project. JCC Enterprises Labor, Inc. is <u>not</u> a local Palm Beach County company. This project is contingent upon final approval by the DEO. These are federal funds and require no local match. (WUD Project No. 12-049) <u>District 6</u> (JM) (WUD)
22	3L-4	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to: A) approve Amendment No. 1 to the Primary Contract for the Palm Beach County Annual Artificial Reef and Breakwater Project No. 2012ERM01 (R2012-0640) with The Vance Construction Company (Vance) to increase the Contract by \$105,876 at a not-to-exceed amount of \$1,143,755 for Year One and extend the Contract for one year adding a not-to-exceed amount of \$1,037,878; B) approve Amendment No. 1 to the Secondary Contract for the Palm Beach County Annual Artificial Reef and Breakwater Project No. 2012ERM01 (R2012-0641) with Center Marine Contracting LLC (Center Marine) to extend the Contract for one year <u>to May 1, 2014</u> ; C) authorize Vance to build Phase 2 of the John’s Island Oyster Reef (Project) for an amount not to exceed \$765,175 <u>\$765,059</u> under Work Order No. 4 0640-4 , in accordance with Vance’s Annual Artificial Reef & Breakwater Project No. 2012ERM01 Contract (R2012-0640); and D) authorize the County Administrator, or his designee, to sign Work Order No. 4 0640-4 for the Project. SUMMARY: On May 1, 2012, the Board of County Commissioners approved two annual construction contracts for the Palm Beach County Artificial Reef and

Breakwater Project No. 2012ERM01 (R2012-0640 - 0641) to Vance and Center Marine, respectively. Including Work Order ~~No. 4 0640-4~~ Vance will have been issued four work orders totaling \$1,143,755; Center Marine has not been issued any work order to date. Amendment No. 1 will increase the amount of work for the Vance Contract (R2012-0640) by \$105,876 and will allow the Project to be completed within the contract period. Small Business Enterprise (SBE) goals of 15.86% as set forth in the Vance Contract and 60.84% as set forth in the Center Marine Contract will remain in effect. Including Work Order ~~No. 4 0640-4~~, Vance's SBE participation will be 17.19%. Funding for the Project is supported by a Florida Inland Navigation District grant, County Vessel Registration fees and the Manatee Protection Program. Countywide (SF) (ERM)

33 5B-2 **DELETED: Staff recommends motion to approve:** a Second Amendment to the Third Restated Agreement (R2004-0257) with the Historical Society of Palm Beach County...(FDO) (Historical Society has withdrawn the request)

33 5B-3 **ADD-ON: Staff recommends motion to approve:** Amendment Number Three to Lease Agreement with Regions Financial Tower, LLLP (R2001-0483). **SUMMARY:** The Tourist Development Council (TDC) and related agencies occupy 19,700 SF of space in the Regions Financial Tower on Palm Beach Lakes Boulevard. On June 19, 2012, the Board provided direction to relocate TDC to the Airport Center Building 2 when the balance of funding for renovation of Building 2 becomes available. To accommodate TDC in the interim, this Amendment Number Three extends the term of the Lease for three years from August 1, 2014 until July 31, 2017. The stated gross annual rental rate will remain unchanged at \$483,438 (\$24.54/SF). All other terms of the Lease remain unchanged. The extension of the Lease is the most cost effective way to meet TDC's interim space requirements and is in the best interest of the County. (PREM) Countywide (HJF) (FDO)

36 5F-1 **REVISED SUMMARY: Staff recommends motion to approve:** the creation of one full-time grant funded position... **SUMMARY:** In order to implement the numerous Federal, State and County economic, housing and community development grant and loan programs, DES is required to prepare and monitor various agreements, amendments to agreement and memorandums of understanding (collectively "contracts"). In Fiscal Year 2011-2012 alone, DES prepared approximately 172 new contracts. Due to the continued increase in the workload associated with monitoring existing contracts and preparing new contracts, an additional Contract Compliance Specialist (Pay Grade 30) is needed. This position will be funded from grant funds presently available or from any other funds including ad valorem that become available at a future time. (DES Administration) Countywide (DW) (DES)

36 5F-2 **ADD-ON: Staff recommends motion to approve:** a consent for Palm Beach County employee James L. Montada to purchase and rehabilitate a home with Federal funds received under the Neighborhood Stabilization Program 3 (NSP3) as administered by the Department of Economic Sustainability (DES). **SUMMARY:** James L. Montada has been employed by Board of County Commissioners (BCC) as a Messenger for Court Administration for 10 years and 2 months. He is an income eligible homebuyer who is seeking to purchase and

rehabilitate a home at 339 Jennings Avenue, Lake Worth. The total project cost is estimated at \$160,131 which includes the purchase price of \$92,070; estimated repair costs of \$60,634; and closing costs of \$7,427. The total amount of NSP3 assistance is \$152,704, of which \$92,000 is provided as a first mortgage loan at 4% for 30 years. The balance of funding to the applicant is provided as a conditional grant that requires the applicant to reside in the home for 30 years. The conditional grant is only forgiven at the end of the 30 years. If the applicant rents, sells, or otherwise conveys the home during the 30 years, the entire conditional grant becomes due and payable. U.S. Department of Housing and Urban Development (HUD) guidelines require that NSP-assisted rehabilitation of residential property be undertaken to comply with applicable laws, codes, and other requirements relating to housing safety, quality, and habitability. Ninety-five percent of the repair costs are to correct building code violations. Federal regulations pertaining to NSP3 require that an exception be sought from HUD in instances where a conflict of interest may exist. A Conflict of Interest Exception (COIE) for Mr. Montada was approved by HUD on August 24, 2012, for the HOME Investment Partnership Program (HOME). The applicant subsequently requested participation in the NSP3 First Mortgage Loan Program and was approved for funding. Since the COIE approved by HUD is program specific to HOME and cannot be used for other Federally funded programs, a request to HUD for a revised COIE for NSP3 has been made by DES and is pending. It is DES Policy to seek the consent of the Board of County Commissioners whenever County employees are receiving assistance through DES Programs. **These are Federal NSP3 funds which require no local match.** (B&HI) District 2 (TKF) (DES)

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**

FEBRUARY 5, 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 6)
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 4. **PUBLIC HEARINGS - 9:30 A.M.** (Pages 29 – 31)
 5. **REGULAR AGENDA** (Pages 32 - 37)
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 - 2C-3 211 Awareness Week
 - 2C-4 National Engineers Week
 - 2C-5 Eating Disorders Awareness Week
 - 2C-6 Palm Beach County Ethics Awareness Month

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- 3A-1 Contract with Legal Aid Society of Palm Beach County, Inc. for Wage Dispute Project

B. CLERK & COMPTROLLER

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- 3B-1 Warrant list
 - 3B-2 Minutes: None

3B-3 Contracts and claims settlements list

C. ENGINEERING & PUBLIC WORKS

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3C-2 Escrow Agreement required by Loxahatchee River Environmental Control District for maintenance of sanitary sewer facilities constructed in Cinquez Park area

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3C-3 Resolution approving 2010 Federal Highway Administration Adjusted Urban Boundaries

D. COUNTY ATTORNEY - None

E. COMMUNITY SERVICES

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3E-1 Receive and file four Contracts for Provision of Financial Assistance with various social services agencies

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3E-2 Memorandum of Agreement with Florida Department of Health for purchase and distribution of drugs for Ryan White clients

3E-3 Service Agreement/Subcontract with American Eldercare, Inc. for DOSS to provide community-based assistance

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3E-5 Receive and file Phase 30 Grant Award from Emergency Food & Shelter National Board Program

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3E-6 Community Action Advisory Board appointments

3E-7 Head Start/Early Head Start Policy Council appointments

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3F-1 Lease Agreement with Delta Aventura Construction Corp. for lease of office, warehouse space and paved parking area at PBIA

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3F-2 Lease Agreement with Enterprise Leasing Company for lease and development of 428,757 SF of ground for rental car facility

3F-3 Second Amendment to Airline Operating and Lease Agreement with Spirit Airlines

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- 3H-2 Contract with The BG Group, LLC for annual demolition services
 - 3H-3 Interlocal Agreement with City of Riviera Beach for radio maintenance services

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- 3I-1 Receive and file various documents under several economic sustainability programs

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- 3I-2 Amendment No. 1 with Sickle Cell Foundation for comprehensive case management services
- 3I-3 Amendment No. 1 with ADT, LLC relating to job creation and retention

J. PLANNING, ZONING & BUILDING

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- 3J-1 Interlocal Agreement with City of Boynton Beach for implementation of tax exemptions on improvements to historical designated properties

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- 3L-2 Budget Transfer/Amendment related to North Jupiter Flatwoods and Pine Glades Natural Area projects

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- 3M-1 Receive and file one Sponsorship Agreement

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- 3M-2 Receive and file two Amphitheater Rental Agreements
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R. HUMAN RESOURCES - None

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3S-1 Appointments to the Town of Lantana Firefighters Pension Fund Board

3S-2 Resolution delegating signature authority to execute standard license agreements with property owners relating to Fire-Rescue training

3S-3 Regional Hazardous Materials Oversight Committee appointments

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES

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3U-1 Agreement with Prime Time Palm Beach County, Inc. to connect to County's Regional Network

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY

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3X-1 Receive and file four amendments to contracts for various services

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3X-3 Ratify signature on Grant Application to U.S. Department of Justice, Office of Violence Against Women for 2012 Domestic Violence Homicide Prevention Demonstration Initiative

Y. PURCHASING - None

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3Z-1 Amendment to Cafeteria Plan Basic Plan

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- 5A-2 Resolution regarding uniform policies and procedures for Palm Beach County advisory boards
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- 5B-1 Resolution conveying 0.22 acres of surplus property to Town of Lantana (111 East Prospect Road)
- 5B-2 Second Amendment with Historical Society of Palm Beach County for use of 1916 Courthouse

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- 5C-1 Resolution granting County tax exemption for one historic property in City of West Palm Beach (2433 South Flagler Drive)
- 5C-2 Resolution granting County tax exemption for one historic property in City of Delray Beach (109 Fern Court)

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5D-1 El Paso Drive Municipal Service Taxing Unit project

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5F-1 Creation of one full-time position

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5G-1 Impact Fee Ordinance

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ADJOURNMENT (Page 41)

FEBRUARY 5, 2013

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Proclamation declaring January 13, 2013 as “Delta Sigma Theta Sorority, Inc. Day” in Palm Beach County. (Sponsored by Commissioner Taylor)
2. Proclamation declaring the second Saturday of every February as “Palm Beach County CPR Day” in Palm Beach County. (Sponsored by Commissioner Berger)
3. Proclamation declaring February 11 – 17, 2013 as “211 Awareness Week” in Palm Beach County. (Sponsored by Commissioner Abrams)
4. Proclamation declaring February 17 – 23, 2013 as “National Engineers Week” in Palm Beach County. (Sponsored by Commissioner Vana)

5. Proclamation declaring February 24 – March 2, 2013 as “Eating Disorders Awareness Week” in Palm Beach County. (Sponsored by Commissioner Taylor)
6. **REVISED TITLE:** Proclamation declaring March ~~2012~~ 2013 as “Palm Beach County Ethics Awareness Month.” (Sponsored by Commissioner Abrams)
7. **ADD-ON:** Proclamation declaring February 2013 as “National African-American History Month” in Palm Beach County. (Sponsored by Commissioner Taylor)

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FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** a Contract with the Legal Aid Society of Palm Beach County, Inc. totaling \$100,000 for the period of January 1, 2013, through December 31, 2013 for the Wage Dispute Project. **SUMMARY:** On December 4, 2012, the Board adopted a Resolution (R2012-1857) establishing a policy that Palm Beach County condemns the denial of lawful wages to an employee and a procedure for victims of wage theft to recover back wages through a contractual wage recovery program administered by the Legal Aid Society of Palm Beach County. This funding covers the salary and benefits of the staff attorney assigned to the program together with the support, investigative, court processing services and other of the program’s actual costs. Employees Kimberly Rommel-Enright and Vicki Tucci of Legal Aid Society of Palm Beach County, Inc., serve on a County Advisory Board, the PBC HIV CARE Council. The Care Council provides no regulation, oversight, management, or policy-setting recommendations regarding the contract listed above. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. Countywide (DO)

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: None
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list

as submitted by various departments to the Clerk & Comptroller=s Office. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **DELETED**

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

A) an Escrow Agreement in the amount of \$33,347 with the Palm Beach County Clerk & Comptroller as a surety required by the Loxahatchee River Environmental Control District (District) for a one year maintenance period of the sanitary sewer facilities constructed in the Cinquez Park Area (Project); and

B) a Budget Transfer of \$34,347 in the Unincorporated Improvement Fund from Reserves to Cinquez Park Area Improvements.

SUMMARY: Approval of this Escrow Agreement and Budget Transfer will allow the Project's construction to be finalized and Municipal Services Taxing Unit assessments to begin. District requires the establishment of a surety for one year to fund any required repairs of the sanitary sewer system due to defects in material or workmanship of the Project. District 1 (MRE)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. **Staff recommends motion to adopt:** a Resolution to approve the proposed 2010 Federal Highway Administration Adjusted Urban Boundaries for Palm Beach County. **SUMMARY:** Federal legislation allows for State and local officials, in cooperation with each other and subject to approval by the Secretary of Transportation, to adjust the Census urban boundaries outward in a manner which will provide increased flexibility to various federally aided highway and transit programs. Approval of this Resolution will allow this classification process to continue. The Palm Beach Metropolitan Planning Organization adopted a similar resolution on December 10, 2012. Countywide (MRE)

E. COMMUNITY SERVICES

1. **Staff recommends motion to receive and file:** Contracts for Provision of Financial Assistance with the below-listed agencies for the period January 1, 2013, through December 31, 2013, in an amount totaling \$524,148 for services to homeless individuals:

A) Gulfstream Goodwill Industries, Inc., in an amount not to exceed \$292,398 for supportive housing;

B) Gulfstream Goodwill Industries, Inc. in an amount not to exceed \$66,030 for supportive services;

C) The Jerome Golden Center for Behavioral Health, Inc. in an amount not to exceed \$82,860 for supportive services; and

D) Comprehensive Alcoholism Rehabilitation Programs, Inc. in an amount not to exceed \$82,860 for supportive services.

SUMMARY: These contracts will continue funding for 30 transitional housing beds and supportive services offered through Gulfstream Goodwill Industries, Inc., The Jerome Golden Center for Behavioral Health, Inc., and Comprehensive Alcoholism Rehabilitation Programs, Inc. to provide staff for the Homeless Outreach Teams and related support services. Funds for these contracts are comprised of \$446,158 from the U.S. Department of Housing and Urban Development and \$91,240 in County match for a total amount of \$537,398. The contracts total \$524,148 and the remaining balance of \$13,250 is for non-contracted funds for administration and bus passes. Sufficient funding is included in the current budget to meet County obligations. Thomas McKissack of the Jerome Golden Center for Behavioral Health, Inc. serves on the Palm Beach County HIV Care Council advisory board. This Board provides no regulation, oversight, management, or policy-setting recommendations regarding the activities funded by their respective contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. 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. These contracts were executed by the County Administrator in accordance with Resolution R2011-1758 (dated November 15, 2011), which delegated authority to the County Administrator, or his designee, to sign the contracts for the HUD Supportive Housing Program. (Human Services) Countywide (TKF)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to approve:** Memorandum of Agreement (MOA) with the State of Florida, Department of Health, for the period January 1, 2013, through February 28, 2013, in an amount not to exceed \$700,000 for the costs of purchase and distribution of drugs for Ryan White clients in Palm Beach County participating in the AIDS Drug Assistance Program (ADAP State Program). **SUMMARY:** This MOA will provide a funding allocation to the ADAP State Program from the Ryan White HIV Care Part A grant funds provided to Palm Beach County by the Health Resources Services Administration (HRSA). A total HRSA grant amount of \$9,185,596 was provided to the County this contract year. The ADAP State Program provides life-sustaining drugs to uninsured individuals living with HIV/AIDs and to individuals that do not have adequate prescription coverage. The allocation of Ryan White funds will help alleviate a shortfall in ADAP funding and ensure that Palm Beach County residents receive the needed HIV/AIDS prescription medication. Funds are available for this purpose under the grant and must be utilized by the end of the contract year, February 28, 2013. No County

match is required. Countywide (TKF)

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

A) Service Agreement/Subcontract with American Eldercare, Inc. (AEC), for the Division of Senior Services (DOSS) to provide community-based assistance as a service provider effective February 5, 2013; and

B) Addendum to modify the agreement to comply with the Administrative Simplification requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

SUMMARY: DOSS has the program and facility capacity to provide community-based services to AEC clients. DOSS will offer adult day care, congregate meals, case management, and in-home services at a reimbursement rate of \$60 per day for adult day care, \$6 per congregate meal at a designated meal site, \$150 for case management per client per month and \$18 per hour for various In-home services on an as-needed basis. This will enable DOSS to generate an estimated revenue base of \$45,696 per year, independent from grants and County match. No County funds are required. DOSS is entering into this Agreement to provide utilization of services to more seniors as well as allow for easy accessibility to services. This Agreement allows DOSS to become a vendor with AEC, a Palm Beach County-based company since 2003, headquartered in Delray Beach. They are Florida's largest contractor for DOEA's Long Term Care Diversion Program. They currently provide services to over 4,500 seniors in 40 counties in the state, in all 11 planning and service areas of DOEA. This Agreement is non-competitive. The Long Term Care Diversion programs are available to other qualified care providers. To improve the efficiency of the health care system, DOEA includes HIPAA Administrative Simplification provisions that mandate privacy protections for individually identifiable electronic health information. (DOSS) Countywide (TKF)

FEBRUARY 5, 2013

3. **CONSENT AGENDA APPROVAL**

E. COMMUNITY SERVICES (Cont'd)

4. **Staff recommends motion to approve:** Amendment No. 5 to Ryan White Part A HIV Health Support Services Contract with FoundCare, Inc. (R2012-0599), decreasing by \$145,388 for a new total contract amount not to exceed \$560,810. **SUMMARY:** Ryan White Part A HIV Health Support service dollars are reviewed throughout the contract year and reallocated to best meet the needs of affected clients. Unspent program dollars in the amount of \$161,285, initially contracted for Emergency Financial Assistance (\$24,581), Home and Community Based Health Care (\$39,207), Medical Transportation (\$75,470), Outpatient Medical Care (\$3,000), and Mental Health Services (\$19,000), were returned by the agency. Additional administrative funds, in the amount of \$15,870, are necessary to allow the Ryan White HIV/AIDS Program client database system to more accurately reflect services rendered and health outcomes data required by the

federal Health Resources and Services Administration. The additional administrative funds are one time funding to this agency. These are federal funds and no County match funds are required. (Ryan White) Countywide (TKF)

5. **Staff recommends motion to:**

A) receive and file Phase 30 Grant award from the Emergency Food & Shelter National Board Program, for the period of January 1, 2012, through March 31, 2013, in an amount not to exceed \$138,784, for provision of other shelter, rent/mortgage, and utility payments to assist individuals and families in crisis; and

B) approve downward Budget Amendment of \$80,435 in the General Fund for Human Services to align the budget to the actual grant award.

SUMMARY: The Emergency Food and Shelter National Board Program is a restricted federal grant. On November 27, 2012, EFSP announced allocations for the Phase 30 award to Palm Beach County. The Award is administered locally by the United Way of Palm Beach County, Inc. This Award consists of funding for other shelter in the amount of \$60,528; rent/mortgage in the amount of \$68,239; and utilities in the amount of \$10,017. Due to the late award announcement, the National Board extended the spending deadline to March 31, 2013. Staff in the Division of Human Service offices assess applicants for this program, approve service plans to assist these households and process invoices. The total amount of funds, \$138,784, is for a fifteen-month period and is non-recurring. No match is required for these funds. (Human Services) Countywide (TKF)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. **Staff recommends motion to approve:** appointment/reappointment of the following representatives to the Community Action Advisory Board effective February 5, 2013:

<u>Seat #</u>	<u>Appointment</u>	<u>Member Category</u>	<u>Term Ending</u>	<u>Nominated By</u>
2	Maria Ruiz	Public Sector	9/30/2013	Comm. Valeche
3	Florenzia Davis	Public Sector	9/30/2014	Comm. Taylor
4	Christine Thrower	Public Sector	9/30/2014	Comm. Abrams
8	Delvin Thomas	Private Sector	9/30/2014	Comm. Taylor
9	Paula Yastremski	Private Sector	9/30/2014	Comm. Taylor
10	Rosealyn Ramsubhag	Private Sector	9/30/2013	Comm. Taylor
15	Terence Davis	Low-Income Sector	9/30/2015	Comm. Taylor
<u>Reappointment</u>				
1	Yvette Coursey	Public Sector	9/30/2015	Comm. Taylor
7	Jason McMurry	Private Sector	9/30/2015	Comm. Taylor
14	Retha Lowe	Low-Income Sector	9/30/2015	Comm. Taylor

SUMMARY: The Community Action Advisory Board (CAAB) is a 15 member board comprised of one-third elected public officials or their representatives, one-third private sector members and one-third low income representatives. New appointments will be filling seats vacated due to term expiration, resignations, or removal from the board. The appointments meet all applicable guidelines and requirements outlined in Resolution R2009-1549. The CAAB has reviewed and approved the nominees listed above. (Community Action Program) Countywide (TFK)

7. **Staff recommends motion to approve:** appointment/reappointment of the following Parent and Community Representatives to the Head Start/Early Head Start Policy Council for a term beginning on February 5, 2013, and ending February 4, 2014:

PARENT REPRESENTATIVE AND ALTERNATE(S) BY CENTER

(R) = Representative

(A) = Alternate

<u>Seat ID #</u>	<u>Community Representative</u>	<u>Seat ID#</u>	<u>Community Representative</u>
01	Natasha Stewart	02	Tamara L. Starks
<u>Seat ID #</u>	<u>Palm Glades</u>	<u>Seat ID#</u>	<u>King's Kids</u>
10	Selene M. Resendez (R) Amalia Jaimes (A)	26	Dejuana K. Johnson (R)
<u>Seat ID #</u>	<u>My First Steps</u>	<u>Seat ID#</u>	<u>YWCA</u>
27	Erica Thompson (R)	29	Recartha L. Smith (R)

SUMMARY: The term of appointment for parent representatives and alternates to the Head Start/Early Head Start (HS/EHS) Policy Council is one year, and requires that the parent representative/alternate be a parent of a child enrolled in the HS/EHS program. The Council is comprised of 33 members, of which six must be representatives of the community. The remaining membership is comprised of parents whose children are actively enrolled in the HS/EHS program. The parents committees have recommended these individuals for appointment. The Policy Council current board meeting membership listing is forthcoming. (Head Start) Countywide (TKF)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

8. **Staff recommends motion to approve:** appointment of the following representatives to the Homeless Advisory Board effective February 5, 2013, and ending September 30, 2014:

<u>Seat #</u>	<u>Appointment</u>	<u>Member Category</u>	<u>Term Ending</u>	<u>Nominated By</u>
4	Dennis Miles	Dept. of Children & Families	9/30/2014	DCF

7	Andrew Carrabis	Business Representative	9/30/2014	HAB Comm. Valeche Comm. Berger
17	Beverly Scott	Community Advocate	9/30/2014	HAB Comm. Taylor Comm. Valeche Comm. Burdick Comm. Vana
18	Pam O'Brien	Homeless & Housing Alliance	9/30/2014	HHA

SUMMARY: On May 1, 2007, the Board of County Commissioners established the Homeless Advisory Board (HAB) to develop a Ten-Year Plan to End Homelessness in Palm Beach County. Ms. O'Brien has disclosed that she is employed by Aid to Victims of Domestic Abuse (AVDA) that contracts with the County for Emergency Solutions Grant and Financially Assisted Agency funding to provide services to the homeless. The HAB provides no regulation, oversight, management, or policy-setting recommendations regarding AVDA contracts. Disclosure of this contractual relationship is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. (Human Services) Countywide (TKF)

F. AIRPORTS

1. **Staff recommends motion to approve:** a Lease Agreement (Lease) with Delta Aventura Construction Corp., a New York corporation, (Aventura) for the lease of office space, warehouse storage and paved parking areas at 3323 Belvedere Road, Building 506, at the Palm Beach International Airport (PBIA) for initial rental in the amount of \$41,500, commencing on February 5, 2013 years, and expiring February 4, 2015 with three – one year renewals. **SUMMARY:** This Lease provides for the lease of approximately 4,000 square feet of office space within Building 506, as well as 2,000 square feet of warehouse storage area within Building 505-C and 10,000 square feet of adjacent paved parking area. The space is being leased in its as-is condition. Aventura will receive a rental credit, not to exceed a total of \$10,000, to partially offset the costs to complete interior improvements necessary to make the space functionally usable. The Lease enables the Director of Airports to execute an amendment to add additional space, at the then-current rental rate to the extent such space is available. Countywide (HJF)

FEBRUARY 5, 2013

3. **CONSENT AGENDA APPROVAL**

F. AIRPORTS (Cont'd)

2. **Staff recommends motion to approve:** a Lease Agreement (Lease) with Enterprise Leasing Company of Florida, LLC, d/b/a National Car Rental, a Delaware limited liability company, (Enterprise) for the lease and development of approximately 428,757 square feet of ground located at 2125 Belvedere Road as a rental car facility, commencing on October 1, 2013, and expiring on September 30, 2033, with one – ten year option to renew, for an initial annual rental in the amount of \$385,881 and a redevelopment payment of \$805,540. **SUMMARY:** This Lease provides for lease and redevelopment of approximately 428,757 square feet of property located at 2125 Belvedere Road. In consideration of the privilege of redeveloping the property, Enterprise will pay the County the depreciated value of the existing improvements located on the site in the amount of \$805,540, which will be payable in 24 equal monthly installments, commencing on October 1, 2013. Payment of rental will commence upon the expiration of a 12-month redevelopment period on October 1, 2014. Enterprise will also be obligated to make a minimum capital expenditure of \$1.2 million toward the redevelopment of the property. Countywide (HJF)

3. **Staff recommends motion to receive and file:** Second Amendment to Airline Operating and Lease Agreement with Spirit Airlines, Inc. (R2012-0055), replacing Exhibit “B” increasing leasehold for the season, effective November 1, 2012. **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2007-1968. Countywide (AH)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** an Agreement for Public Art Consulting Services with the City of Delray Beach (City) for the provision of public art administrative services. **SUMMARY:** Through this Agreement, Facilities Development & Operations (Art in Public Places Program) will provide public art administrative services to the City, including but not limited to working with City stakeholders to develop a Public Art Master Plan and to expand the City’s public art program capacity. More specifically, the County will work with the City to develop its public art vision, mission, guiding principles, goals, and objectives; project types and locations, agreements, funding strategy, strategic collaborations and partnerships, community outreach and education, documentation and maintenance of public art. This Agreement provides for the provision of public art administrative services to the City, by Art in Public Places Program. The City will pay the County for the services performed on a quarterly basis, except that the last payment shall be made following the 16th month of service. Each of the five payments made to the County shall be in the amount of Five Thousand Dollars (\$5,000), for a total not-to-exceed amount of Twenty-five Thousand Dollars (\$25,000). In addition, the City shall pay for reimbursable expenses invoiced at the actual cost of expenditures incurred by the County. The term of this Inter-local Agreement is for one year from the date of execution by the County. (FDO ADMIN) District 4 (MJ)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** Contract with The BG Group, LLC, in an amount not-to-exceed \$500,000 for the annual demolition contract. **SUMMARY:** The Contract is for one year and is an indefinite-quantity contract with a maximum value of \$500,000. The Contract will terminate when a total of \$500,000 in work orders is issued or when the one year term has expired. The contract provides for up to four – one year term renewals each for a not-to-exceed amount of \$500,000. The work consists of the demolition of specified structures and the demolition of other items such as swimming pools, septic tanks, fences and similar site elements. Any work performed will be in accordance with the Contract and the unit-price listing. The specific magnitude of the work shall be determined by individual work orders issued by Palm Beach County. There is a 15% Small Business Enterprise (SBE) goal for this contract. The BG Group, LLC is a certified SBE contractor and a Palm Beach County company. (FDO Admin) Countywide (JM)

3. **Staff recommends motion to approve:** an Interlocal Agreement with the City of Riviera Beach (City) for the provision of radio maintenance services. **SUMMARY:** This Agreement provides for the provision of radio equipment (subscriber units and dispatch consoles) maintenance services to the City by Facilities Development & Operations and Electronic Services & Security Division (FDO/ESS). The services are to be charged on an hourly basis at a cost of \$65/hr/person and \$97.50/hr/person for overtime work. In the event that the County must outsource the labor a separate labor rate is provided. The maintenance costs for the radio consoles is provided on a lump sum basis pursuant to the County's agreement with Motorola. The maintenance costs for the radio consoles for the remainder of FY 2013 is \$20,659.95. The FDO/ESS labor rates may be adjusted annually with notification by June 1 annually (effective the following October 1) at the County's sole discretion, but in no event shall the City's fee schedule exceed the fee schedule applied to County departments. The term of the agreement is for a period of three years with one – three year renewal. The Agreement may be terminated by either party, with or without cause with a minimum of ninety days (90) days notice. (ESS) Districts 1 & 7 (JM)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to receive and file:** one Agreement, eleven Amendments to Agreements, and one Release and Cancellation of Declaration of Restrictions, as follows:
 - A) Agreement with the City of Delray Beach under the 2005 Disaster Recovery Initiative

Program - Supplemental Appropriation (DRI3);

B) Amendment No. 002 to the Agreement (R2012-1252) with the City of Riviera Beach under the 2005 Disaster Recovery Initiative Program (DRI2);

C) Amendment No. 001 to the Agreement (R2012-1798) with the Pahokee Housing Authority under DRI2;

D) Amendment No. 002 to the Agreement (R2011-1795) with the Town of Jupiter under the 2008 Disaster Recovery Initiative – Supplemental Appropriation (DRI4);

E) Amendment No. 002 to the Agreement (R2011-1796) with West Palm Beach County Housing Authority under (DRI4);

F) Amendment No. 005 to the Agreement (R2010-0903) with Community Land Trust of Palm Beach County, Inc. under the Neighborhood Stabilization Program (NSP1);

G) Amendment No. 006 to the Agreement (R2010-1036) with the Village of Wellington under NSP1;

H) Amendment No. 005 to the Agreement (R2010-0900) with Housing Partnership, Inc. under NSP1;

I) Amendment No. 005 to the Agreement (R2012-0127) with the Florida Conference Association of Seventh Day Adventists under NSP1;

J) Amendment No. 001 to the Agreement (R2012-1255) with the City of Riviera Beach under NSP1;

K) Amendment No. 003 to the Agreement (R2011-1030) with Community Land Trust of Palm Beach County, Inc. under the Neighborhood Stabilization Program 2 (NSP2);

L) Amendment No. 001 to the Loan Agreement (R2012-1800) with HTG Palm Beach II, LLC under NSP2 and the Home Investment Partnership Program (HOME); and

M) Release and Cancellation of Declaration of Restrictions for Tapper's Oar House, Inc., and Hugh W. Bayless under the Community Development Block Grant (CDBG) Program.

SUMMARY: In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Agreement, Amendments and Release and Cancellation of Declaration of Restrictions have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator, or designee, in accordance with Agenda Items R2006-1351, R2007-1524, R2009-1122, R2009-1677, R2011-1384 and Agenda Item 5C-2, approved by the Board on July 18, 2006, September 11, 2007, July 7, 2009, October 6, 2009, September 13, 2011 and June 5, 2012, respectively. These executed documents are now being submitted to the Board to receive and file. **These Federal DRI2, DRI3, DRI4, NSP1, NSP2, HOME and CDBG funds require no local match.** (DES Contract Development) Districts 1, 2, 3, 6 & 7 (TKF)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

2. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2012-1402) with Sickle Cell Foundation of Palm Beach County, Inc. (Sickle Cell

Foundation) to decrease the number of beneficiaries served and to increase the rate of reimbursement. **SUMMARY:** On October 2, 2012, the County entered into an Agreement (R2012-1402) with the Sickle Cell Foundation allocating \$12,743 in Community Development Block Grant (CDBG) funds for comprehensive case management services to 144 unduplicated individuals who have sickle cell disease or sickle cell trait and to members of their families. Although Sickle Cell Foundation requested \$56,316 in CDBG funds to serve 144 clients, due to limited CDBG funding availability, they were only awarded \$12,743 and therefore cannot serve 144 clients, and may only provide the same level of service to 46 clients. Accordingly, the amendment increases the rate of reimbursement per client to a rate commensurate with the one provided in Fiscal Year 2011-2012. **These are Federal CDBG funds which require no local match.** (DES Contract Development) Countywide (TKF)

3. **Staff recommends motion to approve:** Amendment No. 1 to an Economic Development Incentive Grant Agreement (R2013-0058) with ADT LLC modifying the Agreement term date from June 30, 2018 to January 22, 2022, and establish an annual due date of January 31st for the Annual Job Creation and Maintenance Reports. **SUMMARY:** On October 16, 2012, the Board of County Commissioners conceptually approved a Job Incentive Grant for ADT LLC in the amount of \$184,000 and formally entered into an Economic Development Incentive Grant Agreement (R2013-0058) on January 15, 2013. 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)

J. PLANNING, ZONING & BUILDING

1. **REVISED BACKUP: Staff recommends motion to approve:** an Interlocal Agreement with the City of Boynton Beach for implementation of tax exemptions on improvements to historical designated properties. **SUMMARY:** The County's historic property tax exemption ordinance applies to qualifying properties in the unincorporated area and municipalities. In accordance with the ordinance, this Interlocal Agreement delegates review of the properties within the City of Boynton Beach to the municipal historic preservation agency at no cost to the County. The County has similar agreements with other municipalities dating back to the 1990s. This agreement will bring the City of Boynton Beach in line with the other municipal governments. Districts 3, 4 & 7; Initiator: City of Boynton Beach (RPB)

FEBRUARY 5, 2013

3. **CONSENT AGENDA APPROVAL**

J. PLANNING, ZONING & BUILDING (Cont'd)

2. **Staff recommends motion to approve:** **A)** appointment of one new member; and **B)** reappointment of one current member to the Construction Industry Licensing Board (CILB):

<u>A) Appoint</u>	<u>Seat #</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated by</u>
Scott Worley	6	Residential Contractor	2/5/13-9/30/15	Comm. Burdick Comm. Abrams

<u>B) Reappoint</u>	<u>Seat #</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated by</u>
Jeff Meve	1	HARV Contractor	2/5/13-9/30/15	Comm. Burdick

SUMMARY: The Construction Industry Licensing Board was established by Special Act, Chapter 67-1876, Laws of Florida, as amended. The Special Act and subsequently Florida State Statute sets forth the membership of the Board, which consists of fifteen members. The above named members have been recommended by the Florida Atlantic Building Association (Mr. Worley) and the Plumbing & Air Conditioning Contractors Industry Fund (Mr. Meve). Mr. Scott Worley has been nominated to replace Mr. Bruce Malasky who is no longer eligible to serve. Mr. Jeff Meve is eligible and willing to continue to serve on the Board. The nomination represents the seat for a Residential Contractor and a HARV Contractor as cited in the Special Act and F.S. § 489.131 establishing the Construction Industry Licensing Board. Memorandums were sent to the Board of County Commissioners on November 29, 2012 and December 27, 2012 advising of the vacant positions. No other nominations were received. Countywide (SF)

3. **Staff recommends motion to approve:** appointment of one new member to the Land Development Regulation Advisory Board (LDRAB), for the term from February 5, 2013, to February 2, 2016:

<u>Nominee</u>	<u>Seat #</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
James M. Brake	18	None (Alternate)	Commissioner Vana

SUMMARY: The Board is comprised of nineteen 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. Unincorporated (LB)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to receive and file:** executed Agreements received during the month of December 2012:

A) Utility Concurrency Reservation Agreement with Delray Beach Associates I, LLC, No. 03-01031-000 (District 5).

SUMMARY: In accordance with County PPM CW-0-051, all delegated contracts/agreements/grants/ procurement items must be submitted by the initiating Department as a receive and file agenda item. The document has 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. District 5 (MJ)

2. **Staff recommends motion to approve:** Contract with T.V. Diversified, Inc. for the South Bay Wastewater Lift Station Rehabilitation Project in an amount of \$506,957, contingent upon final approval by the State of Florida Department of Economic Opportunity (DEO). **SUMMARY:** On November 14, 2012, six bids were received for the South Bay Wastewater Lift Station Rehabilitation Project. T.V. Diversified, Inc. was the lowest responsive responsible bidder in the amount of \$506,957. Palm Beach County Water Utilities Department (WUD) is implementing this project under its Management & Operations Contract with Glades Utility Authority. The project is funded by the Department of Economic Opportunity (DEO) through the Disaster Recovery Initiative Program. The project is subject to a 22.4% minority participation goal and a 6.9% female participation goal for trades rather than the County's SBE goals. This Contract with T.V. Diversified, Inc. provides for 3.42% minority participation and 0.29% female participation. Staff recommends award to T.V. Diversified, Inc. based upon good faith efforts determined by DEO. Local Preference Ordinance is not applicable to this federally funded project. T.V. Diversified, Inc. is a Palm Beach County based company. This project is contingent upon final approval by the DEO and the Economic Development Administration (EDA) because part of the cost of the project will contribute to matching funds for an approved EDA grant. **These are Federal funds and require no local match.** (WUD Project No. 12-040) District 6 (JM)

3. **REVISED SUMMARY: Staff recommends motion to approve:** Contract with JCC Enterprises Labor, Inc. for the Glades Utility Authority (GUA) City of Pahokee Inflow and Infiltration Improvements - Phase III Project in an amount of \$248,650. **SUMMARY:** On November 28, 2012, one bid was received for the GUA City of Pahokee Inflow and Infiltration Improvements - Phase III Project. JCC Enterprises Labor, Inc. was the only responsive responsible bidder in the amount of \$248,650. The project is funded by the

State of Florida Department of Economic Opportunity (DEO) through the Disaster Recovery Initiative Program. The project is subject to a 22.4% minority participation goal and a 6.9% female participation goal for trades rather than the County's SBE goals. This Contract with JCC Enterprises Labor, Inc. provides for 100% participation. The prime contractor is M/WBE (100% minority and 0% female participation). Staff recommends award to JCC Enterprises Labor, Inc. based upon good faith efforts approved by DEO. Local Preference Ordinance is not applicable to this federally funded project. JCC Enterprises Labor, Inc. is not a local Palm Beach County company. This project is contingent upon final approval by the DEO. **These are federal funds and require no local match.** (WUD Project No. 12-049) District 6 (JM)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. Staff recommends motion to approve:

A) Renewal of Disaster Recovery Design/Build Services Contract with CDM Constructors, Inc. (CDM) (R2010-0909);

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;

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

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

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

F) 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

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

SUMMARY: On June 8, 2010, the Palm Beach County Board of County Commissioners (BCC) approved the Water Utilities Department (WUD) Design/Build Services Contract with CDM Constructors, Inc. (R2010-0909). The Contract with CDM has a term of one year with the option for two annual renewals. In order to proceed with Work Authorization No. 7 it is necessary to renew the Contract until June 7, 2013. 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)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. [Staff recommends motion to receive and file:](#) three original documents:

A) Change Order No. 1 to the Florida Fish and Wildlife Conservation Commission Contract No. FWC11357 adds additional treatment areas to the Lake Ida and Lake Osborne aquatic weed control work plans and approves Hydrothol 191 as a control method for hydrilla and other plant species;

B) Project Agreement Amendment to the South Cove Restoration & Boardwalk Project Agreement PB-10-148 with the Florida Inland Navigation District (FIND) deletes paragraph two and replaces it with a new project completion term of September 30, 2013 and payment reimbursement requirement due on or before September 1, 2013; and

C) Project Agreement Amendment No. 2 to the Northlake Boulevard Bridge over Loxahatchee Slough Project Agreement No. LP6840 with the Florida Department of Environmental Protection (DEP), revises the completion date in Section Two from December 31, 2012, to June 30, 2013 and adds the language "State funds supporting the Agreement beyond June 30th of each year, is subject to the approval of the Governor's Office."

SUMMARY: On April 17, 2012, the Board of County Commissioners approved the Florida Fish and Wildlife Conservation Commission (FWC) Contract No. FWC 11357 (R2012-0573). Task Assignment No IP1 to FWC 11357 (R2012-1118) was approved on August 14, 2012. Delegation of authority to sign future task assignments was provided on April 17, 2012 pursuant to PPM No. CW-O-051. On February 1, 2011, the Board of County Commissioners approved FIND Project Agreement PB-10-148 (R2011-0146) providing \$1,000,000 in reimbursable funding for the South Cove Restoration and Boardwalk Project. Delegation of authority to sign all future time extensions, task assignments, certification, and other forms associated with this Agreement was given on May 28, 2010 pursuant to PPM No. CW-O-051. On April 1, 2008, the Board of County

Commissioners approved FDEP Agreement No. LP6840 (R2008-570). Delegation of authority to sign all future time extensions, task assignments, certifications and other forms associated with this Agreement and minor amendments was given on April 21, 2008 pursuant to PPM No. CW-O-051. Countywide & District 6 (SF)

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

A) Budget Transfer of \$160,000 in the Natural Areas Fund from Reserves to transfer to the Environmental Resources Capital Fund; and

B) Budget Amendment of \$160,000 in the Environmental Resources Capital Fund to recognize \$100,000 for the North Jupiter Flatwoods Public Use Facility Phase 1 Project and \$60,000 for the Pine Glades Natural Area Water Control Structure.

SUMMARY: The North Jupiter Flatwoods Phase 1 Project includes the construction of an ADA accessible sidewalk and boardwalk that connects the existing Jupiter Community Park to the North Jupiter Flatwoods Natural Area. The Pine Glades Natural Area Water Control Structure project consists of a fixed weir structure to restore wetland hydrology in Pine Glades Natural Area. This Budget Transfer and Amendment will allow for the use of non-ad valorem funding from the Natural Areas Fund. District 1 (SF)

FEBRUARY 5, 2013

3. **CONSENT AGENDA APPROVAL**

L. **ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)**

3. **Staff recommends motion to:**

A) approve Contract with Center Marine Contracting LLC in the amount of \$1,455,134.46 for the construction of the maintenance dredging in the vicinity of South Lake Worth Inlet (SLWI) Project No. 2012ERM04 for a period of 150 calendar days;

B) approve Interlocal Agreement ICW-PB-13-01 with Florida Inland Navigation District (FIND) in the amount of \$432,221 for dredging Cut P-50 in the Intracoastal Waterway;

C) approve Interlocal Agreement with the City of Boynton Beach (City) in the amount of \$93,000 for dredging the Boynton Boat Club Channel;

D) approve Budget Amendment of \$525,221 in the SLWI Fund to recognize revenue from the agreements;

E) approve Budget Transfer of \$45,000 within the \$50 Million General Obligation Waterfront Access Bond from Reserves to the South Lake Worth Inlet project; and

F) authorize the County Administrator, or his designee, to sign all future time

extensions, and other forms associated with the FIND Interlocal Agreement and the City of Boynton Beach Interlocal Agreement and necessary minor amendments that do not change the scope of work or terms and conditions of the Interlocal Agreements.

SUMMARY: This project involves hydraulic dredging of sand to the beach and mechanical dredging of fines and rock from the following locations: SLWI sand trap, the Boynton Boat Club Channel, and the Intracoastal Waterway navigation channel for Lagoon disposal. Three bids were received for this Project. Center Marine Contracting LLC, a Seminole County company, submitted the second lowest bid, but was the lowest responsive, responsible bidder with a bid that was within the range for ranking of responsive bidder consideration with 22.44% Small Business Enterprise (SBE) participation. The lowest bid did not include SBE participation and was only 4.5% below the next lowest bidder. The Interlocal Agreement with FIND reimburses the County for hydraulic and mechanical dredging costs estimated to be \$432,221, which includes project management, design, permitting, hydraulic and mechanical dredging and disposal, and all permit-required monitoring. The term of the Agreement is from the date of execution through September 30, 2014. The Interlocal Agreement with the City reimburses the County for hydraulic and mechanical dredging costs estimated to be \$93,000, which includes project management, design, permitting, hydraulic and mechanical dredging and disposal, and all permit-required monitoring. The term of the Agreement is from the date of execution through November 30, 2014. District 4 (JM)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. REVISED TITLE & SUMMARY: Staff recommends motion to:

A) approve Amendment No. 1 to the Primary Contract for the Palm Beach County Annual Artificial Reef and Breakwater Project No. 2012ERM01 (R2012-0640) with The Vance Construction Company (Vance) to increase the Contract by \$105,876 at a not-to-exceed amount of \$1,143,755 for Year One and extend the Contract for one year adding a not-to-exceed amount of \$1,037,878;

B) approve Amendment No. 1 to the Secondary Contract for the Palm Beach County Annual Artificial Reef and Breakwater Project No. 2012ERM01 (R2012-0641) with Center Marine Contracting LLC (Center Marine) to extend the Contract for one year to May 1, 2014;

C) authorize Vance to build Phase 2 of the John's Island Oyster Reef (Project) for an amount not to exceed ~~\$765,175~~ \$765,059 under Work Order ~~No. 4 0640-4~~, in accordance with Vance's Annual Artificial Reef & Breakwater Project No. 2012ERM01 Contract (R2012-0640); and

D) authorize the County Administrator, or his designee, to sign Work Order ~~No. 4 0640-~~

4 for the Project.

SUMMARY: On May 1, 2012, the Board of County Commissioners approved two annual construction contracts for the Palm Beach County Artificial Reef and Breakwater Project No. 2012ERM01 (R2012-0640 - 0641) to Vance and Center Marine, respectively. Including Work Order No. ~~4~~ 0640-4 Vance will have been issued four work orders totaling \$1,143,755; Center Marine has not been issued any work order to date. Amendment No. 1 will increase the amount of work for the Vance Contract (R2012-0640) by \$105,876 and will allow the Project to be completed within the contract period. Small Business Enterprise (SBE) goals of 15.86% as set forth in the Vance Contract and 60.84% as set forth in the Center Marine Contract will remain in effect. Including Work Order No. ~~4~~ 0640-4, Vance's SBE participation will be 17.19%. Funding for the Project is supported by a Florida Inland Navigation District grant, County Vessel Registration fees and the Manatee Protection Program. Countywide (SF)

M. PARKS & RECREATION

1. **Staff recommends motion to receive and file:** the following original executed Sponsorship Agreement:

GL Homes d/b/a Boynton Beach Associates XVIII, LLLP, cash sponsorship of a series of six concerts, fourteen movie nights and one holiday festival, Canyon Town Center Amphitheater, for the period December 18, 2012, through November 30, 2013.

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 Sponsorship 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 2008-0442, and is now being submitted to the Board to receive and file. These sponsored events help offer a balanced schedule of events which promote the quality of life in the communities we serve. District 5 (AH)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

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

A) MY.AM.I. MUSIC LLC, Black Friday Fest concert, Sunset Cove Amphitheater, for the period November 23, 2012, through November 24, 2012; and

B) Humane Society of Greater Jupiter/Tequesta, Inc., Celebrity Dog Wash and Winter

Festival, Seabreeze Amphitheater, for the period December 6, 2012, through December 10, 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 2009-0335, amended by Resolutions 2009-1807 and 2012-1715, and are now being submitted to the Board to receive and file. These events help to offer a balanced schedule of events which promote the quality of life in the communities we serve. An estimated 4,000 persons attended the events produced under these Amphitheater Rental Agreements. Districts 1 & 5 (AH)

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

A) a month-to-month Lease Agreement with Mickey Jackson, a full-time County employee, at Jupiter Farms Park; and

B) a month-to-month Lease Agreement with Gerard Laureore, a full-time County employee, at Ocean Inlet Park.

SUMMARY: Palm Beach County owns various park sites throughout the County that have facilities for employees who reside on the premises as a condition of their employment. These residents maintain and repair the property on which they reside and are on call 24 hours per day to provide on-site supervision of the Park and report any vandalism, rowdiness, illegal activities or other suspicious conduct at the Park to law enforcement personnel. Mickey Jackson and Gerard Laureore will not pay any rent, but will arrange and pay for all utilities and maintain the residence in good and sanitary condition during the term of the Lease Agreement. Districts 1 & 4 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:** a First Amendment to Interlocal Agreement (R2012-0350) (ILA) with the University of South Florida (USF) that extends the end date from February 6, 2013, to June 30, 2013. **SUMMARY:** The original ILA with USF to complete a countywide evaluation of reentry programs was approved on March 6, 2012 (R2012-0350) with an end date of February 6, 2013; however, due to delays related to local data collection, the parties agree that a no-cost extension until June 30, 2013 is appropriate. Countywide (PGE)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

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

A) Michael C. McCurdy for appointment by the Town of Lantana, as Trustee, on the Lantana Firefighters Pension Fund Board. The term will expire September 28, 2014; and

B) John Sluth for appointment by the Town of Lantana, as Trustee, on the Lantana Firefighters Pension Fund Board. The term will expire September 28, 2014.

SUMMARY: Pursuant to the Interlocal Agreement (R2010-0215) Renewing Pension Agreement (R97-1252D) Relating to Firefighters' Pension Plan with the Town of Lantana (Town), the Town is requesting the County's approval of their selection to appoint John Sluth and Michael C. McCurdy, Town residents, to the Lantana Firefighters Pension Fund Board, as Trustees. Under the Interlocal Agreement, the Town retained the power and responsibility to make appointments to the Fund's Board of Trustees for its Chapter 175 plan. Any Trustee to be appointed by Lantana first must be approved by the County. Mr. Sluth and Mr. McCurdy's current positions expired on September 28, 2012. Their reappointments would expire on September 28, 2014. District 7 (SB)

2. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the County Administrator or his designee (Fire-Rescue Administrator), to execute standard license agreements with property owners relating to Fire-Rescue training, including live structure burns; and replacing and repealing Resolution No. R2002-1936 and Resolution No. R2002-2185.

SUMMARY: The County Fire Rescue Department desires to conduct fire-rescue training exercises, including live structure burns, on particular pieces of property that become available for use from time to time with the consent and authorization of the property owner. Approval of this Resolution will authorize the Fire Rescue Administrator to enter into standard agreements with property owners as it relates to training and structure burns. This Resolution updates, replaces and repeals Resolution No. R2002-1936 and Resolution No. R2002-2185. Countywide (SGB)

3. **Staff recommends motion to approve:** reappointments to the Regional Hazardous Materials Oversight Committee beginning on February 5, 2013, through February 4, 2016:

<u>Nominee</u>	<u>Seat No.</u>	<u>Category</u>
Darrel Donatto	4	PBC Fire Chiefs Association
Dianne Strock	2	Health Department

SUMMARY: The Hazardous Materials Oversight Committee was created by the Palm Beach County Regional Hazardous Materials Response Ordinance of 1998, as amended by Ordinance No. 2012-030 dated September 25, 2012. Appointments to this five member committee are for three year terms and are composed of members from specific areas of representation. The terms of the committee members are staggered to eliminate replacing the entire committee at one time. The two reappointment nominees have requested to be reappointed. Countywide (SB)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

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

A) approve the Agreement with Prime Time Palm Beach County, Inc. (Prime Time) to connect their office located at 2300 High Ridge Road, Suite 330, Boynton Beach, FL, to the Palm Beach County (County) Regional Network at an estimated net first year revenue of \$2,340, for an initial term of one year with automatic one-year renewals unless notice is given by either party; and

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

SUMMARY: Prime Time Palm Beach County, Inc. is a non-profit, intermediary organization dedicated to ensuring that afterschool and summer programs in Palm Beach County are of the highest quality. Prime Time wishes to connect to the County Regional Network in order to receive broadband Internet access at the stated monthly rates. The County's ISS Department will be responsible for providing Internet services. 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 and municipalities. ISS has received approvals from the Florida LambdaRail (FLR) for Prime Time 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)

X. PUBLIC SAFETY

1. [Staff recommends motion to receive and file:](#) four Amendments to Agreements/Contract, as follows:

A) Amendment No. 01 to the Agreement (R2012-1722) with the State of Florida, Office of Attorney General (V12149) substituting language relating to the Indemnification article;

B) Amendment No. 01 to the Agreement (R2012-0746) with Aid to Victims of Domestic Abuse, Inc. (AVDA) under the Department of Justice, Office of Violence Against Women grant which deletes specific mileage reimbursement amount and instead provides for a total mileage budget;

C) Amendment No. 02 to the Contract (R2011-1223) with the State of Florida, Department of Health (COH8Z) which deletes the word "forensic" wherever found in the document; deletes the service task of maintaining an up to date P-SAV form in the client file of services funded through the contract; and inserts financial consequences at the department's discretion of a \$1,000 invoice reduction per omission of completion of required service tasks;

D) Amendment No. 3 to the Agreement (R2010-1315) with the Florida Council Against Sexual Violence to ensure that the Provider enters information on all sexual assault victims served and the services provided into the Florida Department of Health, Sexual Violence Data Registry (SVDR).

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Amendments have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator, or designee, in accordance with Agenda Items R2006-0099, R2012-0183, R2011-1223, R2006-0096, approved by the Board on October 10, 2006, January 24, 2012, August 16, 2011, and August 17, 2010, respectively. The Amendments are now being submitted to the Board to receive and file. There are no fiscal impact changes to the above agreements/contract. Countywide (PGE)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. **DELETED**

3. **Staff recommends motion to:**

A) ratify the signature of the Chair on a Grant Application to the U.S. Department of Justice, Office of Violence Against Women on October 15, 2012 requesting \$200,000 for a period of twelve months from the award date for the FY 2012 Domestic Violence Homicide Prevention Demonstration Initiative; and

B) authorize the County Administrator or his designee to execute the grant funding Agreement and all future time extensions, task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement if the grant is approved.

SUMMARY: This Grant Application requests \$200,000 from the U.S. Department of Justice, Office on Violence Against Women for the project titled FY 2012 Domestic Violence Homicide Prevention Demonstration Initiative. Successful applicants will conduct a comprehensive assessment of the process, systems and partnerships that address domestic violence and homicide prevention in conjunction with a local research partner. No County matching funds are required for this grant. In order to meet the grant application submission deadline, Commissioner Shelley Vana, former Chair, signed the application on behalf of the Board, as authorized by PPM CW-F-003, which requires that the grant be submitted to the Board for approval. Countywide (PGE)

Z. RISK MANAGEMENT

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

A) Palm Beach County Board of County Commissioners Cafeteria Plan Basic Plan Document, as amended; and

B) Cafeteria Plan Adoption Agreement, as amended.

SUMMARY: Effective January 1, 2013, the Patient Protection and Affordable Care Act (ACA) has mandated a statutory limit to the maximum amount an employee can elect to contribute to a health care flexible spending account. The maximum annual election is now \$2,500 per year. The ACA requires employers to amend Cafeteria Plan Documents by December 31, 2014 to reflect this new limit. Staff requests Board approval of the County's amended Cafeteria Plan Basic Plan Document and associated Cafeteria Plan Adoption Agreement to reflect the mandatory reduction from \$3,900 to \$2,500 per year, effective January 1, 2013. Countywide (TKF)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

BB. INTERNAL AUDITOR

1. **Staff recommends motion to receive and file:**

A) Audit reports reviewed by the Audit Committee at its December 19, 2012 meeting as follows:

1. 13-01 Parks and Recreation – Parks Maintenance Division (12-05);
2. 13-02 Parks and Recreation – Morikami Museum and Japanese Gardens Cash Management (12-20); and
3. 13-03 Airports – North County and Glades Airports Lease Management (12-18).

B) Audit Recommendation Status Follow-up Report as of September 30, 2012; and

C) Approved Annual Audit Plan for FY 2013.

SUMMARY: Ordinance 2012-011 requires the Internal Audit Committee to review audit reports prior to issuance. Ordinance 2012-012 requires the County Internal Auditor to send those reports to the Board of County Commissioners. At its meeting on December 19, 2012, the Committee reviewed and authorized distribution of the audit reports. We are submitting the reports to the Board of County Commissioners as required by the Ordinance. The Committee also reviewed and authorized distribution of the Audit Recommendation Status Follow-up Report as of September 30, 2012 at its December meeting. The annual audit plan for FY 2013 was reviewed and approved by the Committee at its September 19, 2012 regular meeting. The approved audit plan is submitted to the Board as required by Ordinance 2012-012. Countywide (PFK)

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. **Staff recommends motion to approve:** Change Order No. 2 to the Contract with Giannetti Contracting Corporation (R2012-0339) for the Westgate/Belvedere Homes Infrastructure Improvement Project Phase I, increasing the contract price by \$194,361.50 and 90 day time extension. **SUMMARY:** On March 6, 2012, the Palm Beach County Board of County Commissioners approved a Contract with Giannetti Contracting

Corporation (R2012-0339) for the Westgate/Belvedere Homes Infrastructure Improvements Phase I. These contract adjustments are necessary to reflect changed conditions encountered in the field. Funding for this Change Order is by Palm Beach County Water Utilities Department. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. This Change Order includes zero overall SBE participation. This project has federally participation goals of 22.4% MBE and 6.9% WBE. This Contract with Giannetti Contracting Corporation includes 13.27% MBE, 13.27% WBE participation. Giannetti Contracting Corporation has provided for SBE participation of 14.58% overall. (WUD Project No. 10-502 (11-022) District 7 (JM) (Water Utilities)

FEBRUARY 5, 2013

3. CONSENT AGENDA APPROVAL

DD. COMMISSION ON ETHICS

1. **Staff recommends motion to approve:** a Memorandum of Understanding (MOU) with the Delray Beach Housing Authority and Palm Beach County for the services of the Palm Beach County Commission on Ethics. **SUMMARY:** The Delray Beach Housing Authority 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 Housing Authority in implementing the Palm Beach County Code of Ethics, and establishes a schedule of fees to be paid by the Authority 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)

EE. SHERIFF

1. **Staff recommends motion to approve:** the return of \$365,841.86 in unexpended grant funds and \$29,821.50 in accrued interest to the Florida Department of Law Enforcement. **SUMMARY:** On June 23, 2011, the Palm Beach County Sheriff's Office was awarded \$987,344 from the Florida Department of Law Enforcement (FDLE) as the fiduciary and fiscal agent for the Miami Regional Drug Enforcement Strike Force. The funding period expired on December 31, 2012. FDLE disbursed funding in advance and requires the return of unexpended grant funds after the expiration period. Countywide (PGE)

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FEBRUARY 5, 2013

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

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

1) adopt a Resolution confirming the special assessment process for Riddle Road, Karl Road, Willow Road and Pine Road Water Main Extension Project; and

2) approve Work Authorization No. 20 to Johnson-Davis, Inc., under the Water Utilities Department (WUD) Continuing Construction Contract (R2010-1423), in the amount of \$227,587.82.

SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 62% of the property owners in the Riddle Road, Karl Road, Willow Road and Pine Road project area. The project will serve 29 residential properties currently on private wells. Individual assessments of \$7,090.53 per parcel are based on 100% of the total project cost. The assessment may be paid over 20 years with equal annual payments of principal and 5½% interest. The total assessable cost is \$205,625.37 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. The project will be constructed utilizing a Work Authorization under the WUD Continuing Construction Contract with Johnson-Davis, Inc. (R2010-1423). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Johnson-Davis, Inc. provides for SBE participation of 15%. This Authorization includes 16.38% overall participation. The cumulative SBE participation is 15.58% overall. (WUD Project No. 12-024) District 2 (MJ)

B. [Staff recommends motion to adopt:](#) 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 first proposed ordinance amendment corrects the licensing year date for a business permit so that it runs from May 1st through April 30th and the second proposed amendment corrects a scrivener's error by replacing the word "conviction" with the word "application" clarifying the eligible window of time from when a person who was convicted of a crime will become eligible for a driver identification badge. Countywide (PGE)

C. [Staff recommends motion to adopt:](#) a Resolution to: **1) abandon** any public interest in all those certain utility easements lying within Parcel A and Tracts F, L and R dedicated by the Plat of Isola Bella Isles – Phase I, together with all those certain drainage easements dedicated by the Plat of Isola Bella Isles – Phases I, as recorded in Plat Book 111, Page 119, Public Records of Palm Beach County, Florida; and **2) vacate** all of the Plat of Isola Bella Isles – Phase I, as recorded in Plat Book 111, Page 119, Public Records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will allow the petitioner, Hypoluxo Acquisition, LLC, to abandon these easements and vacate this plat to allow for redevelopment of the site. The petition site is located on the south side of Hypoluxo Road and west of Military Trail. District 3 (MRE)

FEBRUARY 5, 2013

4. PUBLIC HEARINGS CONTINUED

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

1) **conduct** a Tax Equity & Fiscal Responsibility Act (TEFRA) Public Hearing concerning the issuance of not to exceed \$10,500,000 of Palm Beach County, Florida Revenue Bonds (Bright Futures Academy Project), Series 2013A (the "Series 2013A Bonds"), which together with the Palm Beach County, Florida Revenue Bonds (Bright Futures Academy Project), Series 2013B (Taxable) (the "Series 2013B Bonds" collectively with the Series 2013A Bonds, the "Bonds") will fund a loan to Bright Futures Academy Charter School, Inc. (the "Borrower"), a Florida not-for-profit corporation which is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

2) **adopt** a Resolution (i) authorizing the issuance of the Bonds and (ii) approving the form of and authorizing the execution and delivery of documents in connection with the issuance of the Bonds, including an Indenture of Trust, Loan Agreement, Mortgage, and Bond Purchase Agreement and approving the form of a Preliminary Official Statement.

SUMMARY: On December 4, 2012, the Board of County Commissioners approved the application of the Borrower for the issuance of Bonds by the County in an amount not to exceed \$10,500,000. Proceeds of the Bonds will finance all or a portion of the costs of acquiring, constructing, reconstructing and equipping educational facilities to be located at 13205 US Highway One, Juno Beach, Florida, a municipal corporation located in the County (the "Project"), to pay interest on the Bonds for an initial period, to fund a debt service reserve for the Series 2013A Bonds and to pay certain costs incurred in connection with the issuance of the Bonds. The Bonds will be payable solely from revenues derived from operation of the Bright Futures Academy Charter School. The Economic Impact Analysis demonstrates a positive impact of \$75 Million over five years for the Bright Futures Project. **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 1 (PFK) (DES)

FEBRUARY 5, 2013

4. PUBLIC HEARINGS CONTINUED

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

1) **conduct** a Public Hearing for the purposes of approving the issuance of the Notes, as defined below, within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended; and

2) adopt an authorizing Resolution which, among other things, authorizes the issuance of not exceeding \$4,000,000 in aggregate principal amount of Palm Beach County, Florida Bond Anticipation Notes, Series 2013 (CCRC Pre-Development Project) (the “Notes”), and approves the form of certain documents relating to the issuance of the Notes.

SUMMARY: On December 21, 2010, the Board of County Commissioners approved an application (the “Application”) from Federation CCRC Development, LLC (the “Company”) for the County to issue the Palm Beach County, Florida Bond Anticipation Notes, Series 2011 (CCRC Pre-Development Project) (the “Original Notes”) as non-recourse obligations to the County to finance certain pre-development costs associated with a continuing care retirement community located in Palm Beach County, Florida (the “CCRC Project”). Such pre-development costs include, but are not limited to marketing, design, engineering and consulting costs relating to the CCRC Project. On June 15, 2011 and July 14, 2011, the County issued the Original Notes in the aggregate principal amount of \$9,450,000. The CCRC Project will be located on an approximately 22 acre site located on the southeast and northwest corners of 95th Avenue South and Baron Coleman Boulevard in unincorporated Palm Beach County, Florida. The CCRC Project, when built, will consist of independent living units, assisted living units, memory support units and skilled nursing beds and will be owned by a Florida not-for-profit corporation owned by the Company. The net proceeds of the Original Notes were not sufficient to pay all pre-development costs because of cost overruns and changes in the scope of the pre-development costs. As a result, the Company has updated the Application and has requested the County issue the Notes. The Notes will be issued pursuant to the terms and provisions of an Amended and Restated Trust Indenture, the form of which is attached to the subject authorizing Resolution. The proceeds will be loaned to the Company by an Amended and Restated Loan Agreement. The Notes will be issued on parity with the Original Notes, payable solely from the net proceeds of future industrial development bonds issued by the County or such other governmental issuer to permanently finance the construction and equipping of the CCRC Project. The Economic Impact Analysis demonstrates a positive impact exceeding \$150 Million over five years for the CCRC Project. **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 of the Notes.** District 5 (PFK) DES)

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FEBRUARY 5, 2013

5. REGULAR AGENDA

A. ADMINISTRATION

1. **Staff recommends motion to approve:** the proposed 2013/2014 Federal Legislative Program. **SUMMARY:** Staff requests the Board approval of the proposed FY 2013/2014 Federal Legislative Program, which includes priority appropriations and legislative issues, general appropriations and general issues to monitor. The Federal Legislative Agenda outlines issues the County’s Legislative Affairs Office, in conjunction with the County’s federal lobbyist, will be working on for the upcoming Congressional session. Countywide (DW)

2. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida consolidating and updating the uniform policies and procedures for Palm Beach County advisory boards, committees, and commissions; repealing Resolutions R95-1806, R2002-1606, R2010-1941, and R2011-0946 respectively; and providing for an effective date. **SUMMARY:** This Resolution consolidates and updates the uniform policies and procedures for advisory boards; including Code of Ethics requirements, current and former County employee and Commissioner eligibility to serve, terms of service, travel policy and absences. In accordance with Board discussion on January 15, this proposal includes language providing for a two year waiting period before a former commissioner can be appointed to any board. It also sets standard three year terms of service (to match ethics training requirements), but without proposing a limit in the number of terms that can be served. If the Board chooses to set term limits, nine years is recommended to conform to three year terms and ethics training requirements. Countywide (TKF)

3. **Staff requests Board direction:** regarding possible modification of the Commission on Ethics (COE) ordinance, specifically as it relates to the composition of the Commission on Ethics and term limits; and in the event the Board of County Commissioners (BCC) elects to amend the ordinance, staff also requests that the BCC appoint two representatives to serve on the ordinance drafting committee to review the proposed amendments. **SUMMARY:** At the December 18, 2012 BCC meeting, following comments from Commissioner Taylor, the Board of County Commissioners directed staff to bring back for Board discussion the possibility of term limits and the composition of the COE. As to composition, several options can be considered: leave as is; change the appointing entities; or increase the COE from five to seven members. As required by the Charter, all changes to the COE ordinance must first be referred to the ordinance drafting committee for its review and recommendation. This committee consists of two appointees of the BCC, two appointees of the League of Cities, an attorney representing each entity, and the Executive Director of the COE. Countywide (LB)

FEBRUARY 5, 2013

5. REGULAR AGENDA

B. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to:**

A) adopt a Resolution authorizing the conveyance of the County's interest in a 0.22 acre of surplus property to the Town of Lantana without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 197.592(3); and

B) approve a County Deed in favor of the Town of Lantana.

SUMMARY: The Town of Lantana requested the conveyance of a County-owned

improved surplus property located at 111 East Prospect Road. The 0.22 acre property contains a single story multifamily structure that was acquired by Tax Deed in May 2012. It is located within the Town's municipal boundaries and has an assessed value of \$92,326. The property is being conveyed pursuant to Florida Statutes Section 197.592(3), which authorizes the conveyance of surplus property acquired by Tax Deed to the municipality in which it is located. PREM obtained an appraisal from Anderson and Carr; which valued the property at \$30,000 due to the poor condition of the structure. An unsolicited third party offer of \$25,000 was received. The subject property has been declared surplus and serves no present or future County purpose. The Town proposes to utilize the property by either demolishing the structure and developing a neighborhood park, or renovating the structure for Town Staff office use. This conveyance will relieve the County of potential liability for occurrences on the property and also the cost of maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. **All purchases, sales and exchanges of real estate must be approved by a supermajority vote (5 Commissioners) pursuant to the PREM Ordinance.** (PREM) District 4 (HJF)

2. **DELETED: Staff recommends motion to approve:** a Second Amendment to the Third Restated Agreement (R2004-0257) with the Historical Society of Palm Beach County, a Florida non-profit corporation (Society) for the Society's use of the 1916 Courthouse. **SUMMARY:** In 2009, the Board approved the Third Restated Agreement with the Society for occupancy of 8,695 SF of space within the 1916 Courthouse for operation of the Palm Beach County History Museum and administrative offices for the Society. The Society pays no rent for the Museum space and rent in the amount of \$45,137 for their administrative offices. The Society has requested that they no longer be required to pay rent. In addition, the Society has requested that they no longer be required to maintain a \$250,000 letter of credit as a security deposit. Finally, the Society has requested exclusive use of a janitorial closet within the second floor women's bathroom. Attached to the Agenda Item is a letter from the Society requesting changes to the Third Restated Agreement. Staff supports the Society's request to have exclusive use of the janitorial closet and to be relieved of the requirement to maintain a letter of credit as a security deposit, and this Second Amendment includes those changes. Staff does not support allowing the Society to occupy space within the 1916 Courthouse without payment of rent, and the Amendment does not change the rental provisions. There is no legal requirement for the Society to pay rent; however, the County funded the entire capital restoration costs for the 1916 Courthouse including the Museum space and space for the fourth floor administrative offices ultimately occupied by Society. The County also funded Society's build out of the Museum itself with funds from a Recreational and Cultural facilities bond issue. The original agreement was structured to require Society to pay market rent for the fourth floor office space since Society could occupy private space for this function and Society's use is displacing County use of the space. As such, a rent abatement as requested: 1) is inconsistent with the initial terms of the relationship between the parties and; 2) would amount to a subsidy of Society's operational costs without the benefit of a competitive review of the needs of other historical organizations or not-for-profits in general. (PREM) District 2/Countywide (HJF)
3. **ADD-ON: Staff recommends motion to approve:** Amendment Number Three to Lease Agreement with Regions Financial Tower, LLLP (R2001-0483). **SUMMARY:** The Tourist Development Council (TDC) and related agencies occupy 19,700 SF of space in the Regions Financial Tower on Palm Beach Lakes Boulevard. On June 19, 2012, the Board provided direction to relocate TDC to the Airport Center Building 2 when the balance of funding for renovation of Building 2 becomes available. To accommodate TDC in the interim, this Amendment Number Three extends the term of the Lease for three years from August 1, 2014 until July 31, 2017. The stated gross annual rental rate will remain unchanged at \$483,438 (\$24.54/SF). All other terms of the Lease remain unchanged. The extension of the Lease is the most cost effective way to meet TDC's interim space requirements and is in the best interest of the County. (PREM) Countywide (HJF)

FEBRUARY 5, 2013

5. REGULAR AGENDA

C. PLANNING, ZONING & BUILDING

1. **Staff recommends motion to:**

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, granting a County tax exemption for one historic property located within the City of West Palm Beach; and

B) approve the restrictive covenant for the historic property requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

SUMMARY: The Resolution will authorize a County tax exemption for the following historic property located within the City of West Palm Beach:

Address: 2433 South Flagler Drive, West Palm Beach (Residential)

If granted the tax exemption will take effect January 1, 2013, and remain in effect for ten years, or until December 31, 2022. The exemption will apply to 100 percent of the assessed value of all improvements to the historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the 2013 Countywide Millage Rate, it is estimated that approximately \$16,496 tax dollars will be exempted annually. Accompanying each resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. District 2 (RPB)

2. **Staff recommends motion to:**

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, granting a County tax exemption for one historic property located within the City of Delray Beach; and

B) approve the restrictive covenant for the historic property requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

SUMMARY: The Resolution will authorize a County tax exemption for the following historic property located within the City of Delray Beach:

Address: 109 Fern Court, Del Ida Historical District, Delray Beach (Residential)

If granted the tax exemption will take effect January 1, 2013, and remain in effect for ten years, or until December 31, 2022. The exemption will apply to 100 percent of the assessed value of all improvements to each historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the 2013 Countywide Millage Rate, it is estimated that approximately \$48 tax dollars will be exempted annually. Accompanying each resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. District 7 (RPB)

FEBRUARY 5, 2013

5. REGULAR AGENDA

D. ENGINEERING & PUBLIC WORKS

1. Staff requests Board direction concerning the potential El Paso Drive Municipal Service Taxing Unit (MSTU) project, whether to:

A) proceed with the El Paso Drive from Blanchette Trail to Pancho Way, Pinto Drive from Blanchette Trail to Pancho Way and all of Pancho Way (Project) in its entirety, assessing 30 property owners \$10,000 per property at 5% for 20 years **although a 51% positive response was not obtained** (40% of the owners supported the Project). Palm Beach County (County) would accept the roads for courtesy maintenance upon acquisition of required rights-of-way and the expected County cost would be approximately **\$950,000**; or

B) drop the Project since only 40% support was shown; or

C) revise the limits of the Project to eliminate Pinto Drive from the Project entirely and assess 13 properties on El Paso Drive and Pancho Way \$10,000 per property at 5% for 20 years. The County would accept the roads for courtesy maintenance upon acquisition of required rights-of-way and the expected County cost would be approximately **\$685,000. The positive responses for this shortened project is 61%**; or

D) revise the limits of the Project to eliminate a portion of Pinto Drive from Blanchette Trail to 900 feet west of Pancho Way and assess the seven properties on the east 900 feet of Pinto Drive and the 13 properties on El Paso Drive and Pancho Way at \$10,000 per property at 5% for 20 years. The County would accept the roads for courtesy maintenance upon acquisition of required rights-of-way and the expected County cost would be approximately **\$851,000. The positive responses for this shortened project is 60%**.

SUMMARY: Staff petitioned residents on El Paso Drive from Blanchette Trail to Pancho Way, Pinto Drive from Blanchette Trail to Pancho Way and all of Pancho Way to determine their desire to be considered for the Municipal Service Taxing Unit program for paving and drainage improvements. A 40% positive response was received, less than the required 51%. However the current County Code, Chapter 26, Special Districts, Article II, Municipal Service Taxing Unit, Division 1, Section 26-27 allows for the Board of County Commissioners to proceed with improvements without receiving a positive response to petitions if they so decide. District 6 (MRE)

FEBRUARY 5, 2013

5. REGULAR AGENDA

E. COOPERATIVE EXTENSION SERVICE

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

A) an Agreement with the Friends of The Mounts Botanical Garden, Inc. for partial funding of a gardener position in an amount not to exceed \$27,305. The term of this Agreement will be for one year commencing on February 5, 2013 and terminating on February 4, 2014;

B) a new full-time Gardener position (Pay Grade 17) to assist in the care and maintenance of Mounts Botanical Garden;

C) a Budget Amendment of \$45,509 in the Cooperative Extension Special Revenue Fund to recognize new funding; and

D) a Budget Transfer of \$18,204 from the General Fund Contingency to Fund 1482 Cooperative Extension Revenue.

SUMMARY: The salary for a gardener position at Mounts Botanical Garden is approximately \$45,509. The Friends of the Mounts Botanical Garden will provide funding to the County in an amount not to exceed \$27,305 (\$17,969 for salary and \$9,336 for fringe benefits), or 60% of a Gardener position (Pay Grade 17) and the County will fund the remaining \$18,204 (\$11,979 for salary and \$6,225 for fringe benefits), or 40% of a Gardener position from ad valorem funding beginning February 5, 2013 and terminating on February 4, 2014. The Gardener position will continue to support the Mounts Botanical Garden. The Gardener position will be eliminated at the expiration of external funding. District 7 (AH)

F. ECONOMIC SUSTAINABILITY

1. **REVISED SUMMARY: Staff recommends motion to approve:** the creation of one full-

time grant funded position within the Department of Economic Sustainability (DES). **SUMMARY:** In order to implement the numerous Federal, State and County economic, housing and community development grant and loan programs, DES is required to prepare and monitor various agreements, amendments to agreement and memorandums of understanding (collectively "contracts"). In Fiscal Year 2011-2012 alone, DES prepared approximately 172 new contracts. Due to the continued increase in the workload associated with monitoring existing contracts and preparing new contracts, an additional Contract Compliance Specialist (Pay Grade 30) is needed. This position will be funded from grant funds presently available or from any other funds including ad valorem that become available at a future time. (DES Administration) Countywide (DW)

2. **ADD-ON: Staff recommends motion to approve:** a consent for Palm Beach County employee James L. Montada to purchase and rehabilitate a home with Federal funds received under the Neighborhood Stabilization Program 3 (NSP3) as administered by the Department of Economic Sustainability (DES). **SUMMARY:** James L. Montada has been employed by Board of County Commissioners as a Messenger for Court Administration for 10 years and 2 months. He is an income eligible homebuyer who is seeking to purchase and rehabilitate a home at 339 Jennings Avenue, Lake Worth. The total project cost is estimated at \$160,131 which includes the purchase price of \$92,070; estimated repair costs of \$60,634; and closing costs of \$7,427. The total amount of NSP3 assistance is \$152,704, of which \$92,000 is provided as a first

mortgage loan at 4% for 30 years. The balance of funding to the applicant is provided as a conditional grant that requires the applicant to reside in the home for 30 years. The conditional grant is only forgiven at the end of the 30 years. If the applicant rents, sells, or otherwise conveys the home during the 30 years, the entire conditional grant becomes due and payable. U.S. Department of Housing and Urban Development (HUD) guidelines require that NSP-assisted rehabilitation of residential property be undertaken to comply with applicable laws, codes, and other requirements relating to housing safety, quality, and habitability. Ninety-five percent of the repair costs are to correct building code violations. Federal regulations pertaining to NSP3 require that an exception be sought from HUD in instances where a conflict of interest may exist. A Conflict of Interest Exception (COIE) for Mr. Montada was approved by HUD on August 24, 2012, for the HOME Investment Partnership Program. The applicant subsequently requested participation in the NSP3 First Mortgage Loan Program and was approved for funding. Since the COIE approved by HUD is program specific to HOME and cannot be used for other Federally funded programs, a request to HUD for a revised COIE for NSP3 has been made by DES and is pending. It is DES Policy to seek the consent of the Board of County Commissioners whenever County employees are receiving assistance through DES Programs. **These are Federal NSP3 funds which require no local match.** (B&H) District 2 (TKF) (DES)

FEBRUARY 5, 2013

5. REGULAR AGENDA

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff

A) recommends motion to approve on preliminary reading and advertise for public hearing on March 12, 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) request 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 three phase-in periods on June 15, 2013, June 15, 2014 and June 14, 2015. The first phase would capture the full amount of the library and public building increase and approximately 51% of the proposed road impact fee increase. The second and third phases would capture the remaining 49% of the proposed road fee increase in two equal increments. The final adjustment of the road fee would mean all of the fees were set at 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 June 15, 2013 and June 15, 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 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.

Option 2 is the compromise worked out with industry representatives. Staff supports Option 2 because this option would result in fee increases comparable with the cost of providing the capital facilities through gradual increases over a three-year period. 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)

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FEBRUARY 5, 2013

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

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FEBRUARY 5, 2013

7. MATTERS BY THE PUBLIC – 2:00 P.M.

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FEBRUARY 5, 2013

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

FEBRUARY 5, 2013

9. COMMISSIONER COMMENTS

A. District 1 – COMMISSIONER HAL R. VALECHE

B. District 2 – COMMISSIONER PAULETTE BURDICK

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 – COMMISSIONER STEVEN L. ABRAMS, MAYOR

E. District 5 - COMMISSIONER MARY LOU BERGER

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR, VICE MAYOR

10. ADJOURNMENT

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