

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MARCH 12, 2013

<u>PAGE</u>	<u>ITEM</u>	
8	2C-5	<u>REVISED TITLE:</u> Proclamation recognizing March 12, 2013 as the “25 th Anniversary of the Armory Art Center” in Palm Beach County. (Sponsored by Commissioner Burdick)
14	3C-9	<u>REVISED SUMMARY: Staff recommends motion to approve:</u> contracts not to exceed the total value of \$6,110,000 for task orders which may be issued for the Annual Asphalt Milling and Resurfacing Contracts (Contract), Project No. 2013052, with the lowest responsive, responsible bidder, Community Asphalt Corporation, (Community), and the second lowest responsive, responsible, bidder, Ranger Construction Industries, Inc., (Ranger). SUMMARY: Approval of these Contracts will provide services for maintenance of Palm Beach County (County) roadways and other facilities. The Contracts include milling and disposal of existing asphalt pavement, maintenance of traffic, cleaning of surfaces for finish applications, and furnishing, hauling, and placement of specified asphalt courses. Both contractors are <u>Community is a Miami-Dade County Company, but they have a permanent place of business within Palm Beach County. Ranger is a County businesses.</u> The Small Business Enterprise (SBE) goal for the project is 15%. The SBE participation committed for the project is 15.32% overall by Community and 15.10% overall by Ranger. <u>Countywide (MRE) (Engineering)</u>
29	3I-4	<u>REVISED SUMMARY: Staff recommends motion to approve:</u> an Agreement with Pratt & Whitney, a division of United Technologies Corporation, for an Ad Valorem Tax Exemption not to exceed \$700,000 over a seven year period and a Job Growth Incentive (JGI) Grant not to exceed \$300,000 over a four year period. SUMMARY: On October 16, 2012, the Board of County Commissioners conceptually approved (R2012-1590) an Ad Valorem Tax Exemption and the Job Growth Incentive totaling \$1 million to Pratt & Whitney. The Agreement requires Pratt & Whitney to make a minimum \$63 million capital investment, create 230 new jobs over a ten year period at an average annual salary of \$81,110 and maintain the created jobs for five years following the job creation period. Award of the Ad Valorem Tax Exemption is contingent upon the determination that the project meets the requirements under Florida Statute 196.012 for an Ad Valorem Tax Exemption. The Company has been offered \$3.4 million in State funding. This funding is projected to have a five year economic impact of \$225 million. The budget transfer and amendment were conceptually approved on October 16, 2012 <u>July 24, 2012</u> . Funding will come from General Fund Contingency Reserves. (DES)
32	3K-5	<u>DELETED: Staff recommends motion to approve:</u> Consent to Lake Discharge Agreements with the following:...(WUD) (Further staff review)
38	3Q-1	<u>REVISED TITLE: Staff recommends motion to receive and file:</u> executed Agreements received during the months of August and November, 2012: A) Memorandum of Agreement with the Florida Department of Juvenile Justice for data sharing, approved on August 28, 2012 (Countywide); B) <u>Seventh Amended and Restated</u> Interlocal Agreement with the City of Belle Glade for the Youth Violence Prevention Project (YVPP), approved on November 26, 2012, (District 6); and... (CJC)

REVISED TITLE & SUMMARY: Staff recommends motion to: A) approve Interlocal Agreements rescinding and replacing existing Agreements, as amended for various ISS services with the following organizations: ~~Martin County (R2010-1725)~~; City of Delray Beach (R2010-1446 and R2008-1796); City of Boynton Beach (R2010-0110); City of Palm Beach Gardens (R2008-1937 and R2011-1417); and the Town of Jupiter (R2008-1938). These revisions remove non-applicable language pertaining to the fee structure referenced in the original Agreements and adjust fees applicable to the City of Palm Beach Gardens ~~and Martin County~~; and **B) authorize** the County Administrator or his designee, ISS Director, to approve and execute Task Orders associated with these services up to maximum total revenue of \$50,000 per Task Order. **SUMMARY:** The above referenced organizations have existing network service agreements with Palm Beach County. These agreements were the subject of an internal audit which determined the original agreements included an erroneous clause stating network service fees would be adjusted annually based on the ISS Cost Allocation Plan. This was some holdover language from a predecessor agreement with the Palm Beach County School District which was never intended to apply to the agreements with these ~~four~~ ~~five~~ organizations. Accordingly, this language has been removed from the revised agreements. The agreements have also been revised to reference other changes as follows: additional network services to be provided for the City of Delray Beach’s Digital Divide Project; expansion of network services to include the Palm Beach Gardens Golf Facility which will increase annual revenues to the County by \$1,800; ~~and a reduction of \$7,200 in fees charged to Martin County as the connectivity will now be used exclusively to enable cooperative network services that benefit both Palm Beach and Martin County emergency dispatch services.~~ No changes in fees are proposed for either Boynton Beach or Jupiter. All of the original services provided by ISS, as identified in the Background and Justification section, will continue with these new Agreements. Countywide (PFK) (ISS)

53 5A-2

DELETED: Staff recommends motion to approve: A) a Loan Agreement in the amount of \$875,000 with NOAH Development Corporation (NOAH), a Florida not-for-profit corporation, in connection with the Covenant Villas Project;...(DES) (Moved to March 26, 2013)

59 6A-1

REVISED TITLE: Staff recommends motion to approve: appointment of one elected official to the Health Care District of Palm Beach County (HCD) Board of Commissioners, Seat No. 1, for a term commencing March 12, 2013, and ending September 30, 2017:

<u>Appoint (One only)</u>	<u>Position</u>	<u>Nominated By</u>
Susan M. Bucher	Supervisor of Elections, Palm Beach County	Comm. Burdick <u>Comm. Vana</u>

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**

MARCH 12, 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 8)

- 3. CONSENT AGENDA (Pages 9 - 47)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 48 - 51)**

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- 6. BOARD APPOINTMENTS (Page 59)**

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 - 2C-5 25th Anniversary of the Armory Art Center

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MATTERS BY THE PUBLIC – 2:00 P.M. (Page 60)

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2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Proclamation declaring March 2013 as “Women’s History Month” in Palm Beach County. (Sponsored by Commissioner Valeche)
2. Proclamation declaring March 2013 as “Florida Bicycle Month” in Palm Beach County. (Sponsored by Commissioner Burdick)
3. Proclamation declaring March 2013 as “Myeloma Awareness Month” in Palm Beach County. (Sponsored by Commissioner Abrams)
4. Proclamation declaring March 20, 2013 as “Kick Butts Day” in Palm Beach County. (Sponsored by Commissioner Valeche)
5. **REVISED TITLE:** Proclamation recognizing ~~March 12, 2013 as~~ the “25th Anniversary of the Armory Art Center” in Palm Beach County. (Sponsored by Commissioner Burdick)

* * * * *

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** the appointment of the James J. Martini and Mr. Christopher G. Cothran to the Workforce Alliance, Inc. (Alliance) Board of Directors for the period to March 12, 2013, through March 11, 2016:

<u>Nominee/ Appointment</u>	<u>Seat No.</u>	<u>Area of Representation</u>	<u>Nominated By</u>
James J. Martini	9	Private Sector	Business Development Board of Palm Beach County, Inc.
Mr. Christopher G. Cothran	10	Private Sector	Business Development Board of Palm Beach County

SUMMARY: The membership of Workforce Alliance, Inc. (Alliance) conforms to the requirements of the Workforce Investment Act (WIA) of 1998, and the Workforce Innovation Act of 2000. Policy for this item is defined in R2007-1220 Agreement between Palm Beach County, Florida (County) and Alliance dated July 10, 2007. Per this Agreement, 17 private sector member appointments shall be made by County. The Workforce Investment Act of 1998 requests that an emphasis be placed on CEO's or highest level of management positions for both community and business sector appointments. The Alliance Board of Directors is comprised of a minimum of 40 members as determined from time to time by the Board of Directors with representatives of business in the local area who are owners of businesses, local educational entities, labor organizations, community-based organizations, economic development agencies, one-stop partners. Mr. Christopher G. Cothran has disclosed that he is employed with FPL that contracts with the County for various services. The Workforce Alliance, Inc. Board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract(s). Disclosure of this contractual relationship at a duly noticed public meeting is being provided for Mr. Cothran in accordance with the provisions of Sect. 2-443, of the Code. Countywide (TKF)

2. **Staff recommends motion to approve:** a Declaration of Unity of Control by the Lester Family Investments, L.P., a Delaware Limited Partnership, Richard Thall, Robert Thall, Peter L. Briger, Paul H. Briger and The David Minkin Florida Realty Trust and Palm Beach County, a political subdivision of the State of Florida, and Florida Power & Light Company, a Florida Corporation. **SUMMARY:** The City of Palm Beach Gardens is requiring the execution of this form by the owners of the property within the Briger Planned Community Development Master Plan. The Declaration provides for mutual and reciprocal rights-of-way for the purpose of ingress and egress, parking, drainage and utilities within the property. District 1 (HF)

3. **Staff recommends motion to approve:** Interlocal Agreement with the Palm Beach Metropolitan Planning Organization (MPO) for Staff and Services. **SUMMARY:** On January 17, 2013, the MPO Board approved an Interlocal Agreement with the County for office space, equipment, personnel, and administrative and technical support services. The initial term of the agreement is for five years and grants the MPO options to renew the agreement for two additional five year periods. This Agreement replaces and updates the current agreement (R85-1747; dated October 22, 1985) between the MPO and the County. Countywide (DR)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	December 18, 2012
Environmental Control Board	January 3, 2013
Zoning	January 3, 2013
Regular	January 15, 2013
Environmental Control Board	January 24, 2013
Zoning	January 24, 2013
Retreat	January 29, 2013

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during October 2012. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to:

A) approve finalization of the assessment roll at the previously established cost of \$20 per abutting foot for the 181st Street North and 182nd Road North Water Main Improvements (Project), Project No. 2007050.010;

B) adopt a Resolution to include an additional assessment of \$1,328 per lot for the five property owners who elected to have the cost of their individual water services included in their assessment for the Project;

C) adopt a Resolution to include an additional assessment for the water connection fees, which range from \$4,478.36 for one meter, up to \$13,435.08 for three meters for those property owners that elected to include the cost of their connection fees in their assessment for the Project; and

D) authorize the Tax Collector's Office to process and collect the assessments and transfer the funds to the Town of Jupiter (Town) per Assessment Agreement R2011-286.

SUMMARY: Finalization of the water main assessment roll and adoption of the water services and connection fees assessment rolls for the Project is necessary so that the assessment payments can be processed and collected by the Tax Collector's Office. The funds will be transferred to the Town which has borne all the costs of the Project in this unincorporated area. The original interest rate on the water main assessments remains 5.5%. Property owners were also provided with the option to have the Town's contractor hook up their water services at a cost of \$1,328 based on the contractor's bid submitted for the Project. Five property owners agreed to have the Town's contractor install their water service. In addition, eleven property owners agreed to include the cost of their connection fees in their assessment. The fee amounts, established by the Town, range from \$4,478.36 for one meter to \$13,435.08 for three meters, where there are multiple dwelling units. The Office of Community Revitalization is contributing approximately 49% of the cost of the Project in order to limit the water main assessment to \$20 per abutting foot for the property owners in this Limestone Creek Countywide Community Revitalization Team area. District 1 (MRE)

2. Staff recommends motion to receive and file: a Contract dated January 2, 2013, with Tree Cycle Land Clearing, Inc., (Tree Cycle), in the amount of \$53,851.50 for the clearing and grubbing of Lyons Road from Rosemount Drive to 1500' north of Rosemount Drive and Haverhill Road from 120' south of Navarre Road to Flory Drive (Project). **SUMMARY:** This Contract is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. On January 2, 2013, the County Engineer approved the contract as a delegated authority in accordance with the Purchasing Code. Districts 2 & 3 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve: a Fifth Amendment to a Bridgetending Agreement R2001-1425 dated September 11, 2001, with Charles Corbin (Amendment) at the Point Chosen Swing Bridge to extend the term of the contract from April 1, 2013, through October 1, 2013, for a fixed amount of \$5,510.44 each month, not-to-exceed a total amount of \$33,062.64. **SUMMARY:** Approval of this Amendment will extend the expiration date of the existing agreement to October 1, 2013, and will provide uninterrupted bridgetending service for the Point Chosen Swing Bridge. The Office of Small Business Assistance has no listing of certified Minority/Women Business Enterprises to perform this service. The Point Chosen Swing Bridge crosses the Okeechobee Rim Canal on West Lake Road (CR-717) from Belle Glade to Torry Island, Florida. A new bridgetending contract is being put out to bid and should become effective by the end of the term established under this Amendment. District 6 (MRE)

4. Staff recommends motion to approve:
 - A) a Contract with Rosso Site Development, Inc., (Rosso) in the amount of \$233,897.41 for the construction of Belvedere Road and Haverhill Road Intersection Improvements (Project); and

 - B) a Budget Amendment of \$2,068 in the Road Impact Fee Fund – Zone 2 to recognize reimbursement funding from AT&T (\$1,858), Florida Power & Light (\$105), and Florida Public Utilities (\$105) and appropriate it to the Project's account.

SUMMARY: Approval of this Contract and Budget Amendment will allow Palm Beach County to issue a Notice to Proceed to Rosso, a Palm Beach County company, to begin construction of the Project. The Palm Beach County Small Business Enterprise (SBE) goal for all projects is 15% overall. The SBE participation proposed for the Project by Rosso is 27.27%. District 7 (MRE)

5. Staff recommends motion to adopt: a Resolution designating a parcel of land owned by Palm Beach County (County) located approximately one half mile east of Jog Road, between the L-18 and L-19 canals, south of Hypoluxo Road, as right-of-way for roadway drainage purposes. **SUMMARY:** Adoption of this Resolution will designate a County-owned parcel of land as right-of-way for roadway drainage purposes. District 3 (MRE)

6. Staff recommends motion to approve: a Work Task Order to the Annual Agreement R2011-0703 in the amount of \$154,307.20 with Arcadis U.S., Inc. (Arcadis) for professional services. **SUMMARY:** Approval of this Work Task Order will provide the professional services necessary for the preparation of design plans and construction bid documents for the Northlake Boulevard and Military Trail Intersection Improvements project (Project). The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for this Project by Arcadis is 20.65%. Arcadis is a Palm Beach County company. FDOT is contributing \$100,000 toward the design. District 1 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

7. Staff recommends motion to:

A) adopt a Resolution to amend the original assessment roll by reducing the interest rate to 5.5% at the previously established cost of \$104.60 per abutting foot for the Cinquez Park area paving and drainage project;

B) adopt a Resolution to amend the original assessment roll by reducing the interest rate to 5.5% at a reduced cost of \$53.63 per abutting foot for the Cinquez Park area potable water project;

C) adopt a Resolution to amend the original assessment roll by reducing the interest rate to 5.5% at a reduced cost of \$43.77 per abutting foot for the Cinquez Park area sanitary sewer project; and

D) authorize the Tax Collector's Office to process and collect the assessments.

SUMMARY: Finalization of the assessment roll for the Cinquez Park Area Improvement Project No. 2006137 (Project) in Section 03, Township 41 South, Range 42 East is needed so the assessment payments can be processed and collected by the Tax Collector's Office. The interest rate on the initial assessments, which was 6.5%, is being reduced to 5.5%. The associated Project roads are Palmetto Street from Cinquez Park Road West to Cinquez Park Road East, Cinquez Park Road West from Palmetto Street north for the first five lots, Cinquez Park Road East from Palmetto Street north to the end, Carver Avenue from Indiantown Road north to the end, Cornelia Avenue from Tuscaloosa Street north to the end, Evangeline Avenue from Tuscaloosa Street north to the end, Tuscaloosa Street from Cornelia Avenue east to Yancy Avenue and Yancy Avenue from Tuscaloosa Street to the Courtyard Gardens Rehabilitation Center property line. The actual cost (\$115.32) per abutting foot of the paving and drainage portion of this Project is higher than the original estimated assessment. However, pursuant to Palm Beach County Code, Chapter 26 - Special Districts, Article II, Municipal Service Taxing Units, assessments can only be lowered from the initial assessment roll, not increased. Consequently the original estimated cost of \$104.60 per abutting foot for the paving and drainage portion remains the assessment for these improvements. The actual cost of the water line portion of the Project is \$53.63 per abutting foot which is lower than the original assessment (\$54.34), and the actual cost of the sanitary sewer portion of this Project is \$43.77 per abutting foot which is lower than the original assessment (\$45.37). District 1 (MRE)

8. Staff recommends motion to adopt: a Resolution approving recordation and filing of a Specific Purpose Survey Maintenance Map with the Clerk of the Circuit Court (Clerk) of and for Palm Beach County (County), Florida, certifying that a 0.045 acre rectangular portion of Marguerita Drive at 4779 Marguerita Drive has been maintained or repaired, continuously and uninterrupted, by the County for over four years and all rights, title, easement appurtenances in and to the road are therefore vested in the County. **SUMMARY:** Adoption of this Resolution will establish and confirm title of Marguerita Drive at 4779 Marguerita Drive to the County in accordance with Section 95.361, Florida Statutes, which provides that upon four years of continuous and uninterrupted maintenance or repair of the road by the County and upon filing of a map with the Clerk, title to the road becomes vested in the County for the extent in width that has been actually maintained. The Road and Bridge Division Director has certified, on the cover of the Marguerita Drive Specific Purpose Survey Maintenance Map, that it depicts the limits of maintenance by the County. District 7 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

9. **REVISED SUMMARY:** Staff recommends motion to approve: contracts not to exceed the total value of \$6,110,000 for task orders which may be issued for the Annual Asphalt Milling and Resurfacing Contracts (Contract), Project No. 2013052, with the lowest responsive, responsible bidder, Community Asphalt Corporation, (Community), and the second lowest responsive, responsible, bidder, Ranger Construction Industries, Inc., (Ranger). **SUMMARY:** Approval of these Contracts will provide services for maintenance of Palm Beach County (County) roadways and other facilities. The Contracts include milling and disposal of existing asphalt pavement, maintenance of traffic, cleaning of surfaces for finish applications, and furnishing, hauling, and placement of specified asphalt courses. ~~Both contractors are~~ Community is a Miami-Dade County Company, but they have a permanent place of business within Palm Beach County. Ranger is a County businesses. The Small Business Enterprise (SBE) goal for the project is 15%. The SBE participation committed for the project is 15.32% overall by Community and 15.10% overall by Ranger. Countywide (MRE)

10. Staff recommends motion to approve: Change Order No. 4 in the amount of \$458,642.81 to resolution R2011-1446 with GLF Construction Corporation for the construction of the Ocean Avenue Bridge over the Intracoastal Waterway. **SUMMARY:** Approval of Change Order No. 4 will compensate for cost associated with extra work required to complete the installation of bridge piles at Abutment eight. This Change Order is being brought to the Board of County Commissioners for approval due to the fact that the value exceeds the approval authority of the department and the Contract Review Committee as referenced in PPM CW-F-050. District 4 (MRE)

11. Staff recommends motion to adopt: a Resolution approving recordation and filing of a Specific Purpose Survey Maintenance Map with the Clerk of the Circuit Court (Clerk) of and for Palm Beach County (County) Florida certifying that a portion of 40th Terrace North in Section 24, Township 42, Range 42, has been maintained or repaired, continuously and uninterrupted, by the County for over four years and all rights, title, easement appurtenances in and to the road are therefore vested in the County. **SUMMARY:** Adoption of this Resolution will establish and confirm title of 40th Terrace North in Section 24, Township 42, Range 42, to the County in accordance with Section 95.361, Florida Statutes, which provides that upon four years of continuous and uninterrupted maintenance or repair of the road by the County and upon filing of a map with the Clerk, title to the road becomes vested in the County for the extent in width that has been actually maintained. The Road and Bridge Division Director has certified, on the cover of the 40th Terrace North Specific Purpose Survey Maintenance Map, that it depicts the limits of maintenance by the County. District 1 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to receive and file: the official transcript for the closing of the Palm Beach County, Florida Refunding Revenue Bonds (Pine Crest Preparatory School, Inc. Project) Series 2012A and Series 2012B (the "Bonds"). **SUMMARY:** The official transcript for the Bonds has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. Staff recommends motion to approve: a Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$90,000 in the personal injury action styled Timothy J. Pike vs. Palm Tran, Case No. 502011CA016985XXXXMB AE. **SUMMARY:** On August 29, 2008, Plaintiff, a 28-year-old West Palm Beach police officer, was struck by a Palm Tran bus that was turning left onto Electronics Way as Plaintiff was traveling west on 25th Avenue in West Palm Beach. Plaintiff's patrol car flipped over and landed upside down. Plaintiff was transported by ambulance to St. Mary's Hospital for emergency treatment. Plaintiff followed up with a neurosurgeon and a chiropractor. He sustained herniated discs in his neck at two levels and in his back at two levels for which he underwent surgery. He was left with a 12% permanent impairment and his doctor opined that he is a candidate for future neck surgery and a lumbar fusion. Medical bills to date total \$97,708, and there is an outstanding lien for \$4,686. Staff, including the Risk Management Roundtable Committee, concurs that this settlement is in the best interest of Palm Beach County. Countywide (SCL)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Amendment No. 01 to the Contract for Provision of Financial Assistance with the City of Pahokee (R2011-1883) for the period October 1, 2012, through September 30, 2013, increasing funding by \$131,364 for a new amount not to exceed \$262,728 for the Fresh Start/Wellness Opportunities programs. **SUMMARY:** The information submitted reflects the last contract of a total of 46 contracts, allocating \$12,220,011 of funding for the Financially Assisted Agencies Program for FY 2013. The amendment amount reflects the dollar amount approved by the Board of County Commissioners for FY 2013 for the City of Pahokee. District 6 (TKF)
2. Staff recommends motion to adopt: Resolution amending Resolution No. 2010-1942 regarding the Division of Senior Services (DOSS) authorizing the County Administrator, or his designee, signatory authority on individual amendments and any other necessary documents related to Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) and Department of Elder Affairs (DOEA) grant agreements/contracts for not more than ten percent (10%) of the grant award or \$150,000, whichever is greater, effective March 12, 2013. **SUMMARY:** An amended resolution is necessary to allow signature authority on individual amendments and any other necessary documents related to AAA and DOEA grants agreements/contracts. DOSS receives Federal and State grant funds annually through agreements or contracts with AAA and DOEA. These contracts are adjusted periodically to align budgetary priorities and to adjust grant amounts when unused federal funds become available for distribution. Delegating signatory authority to the County Administrator, or his designee, on individual amendments and any other necessary documents within the defined threshold would facilitate the spending of funds in a timely manner in compliance with the grant mandates. Amendments signed by the County Administrator, or his designee, will be brought before the Board of County Commissioners as receive and file documents in accordance with PPM CW-O-051. (DOSS) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve: Memorandum of Agreement with Families First of Palm Beach County for the period March 12, 2013, through September 30, 2013, to refer infants and toddlers to Palm Beach County Head Start for eligible services. **SUMMARY:** Federal and State initiatives encourage the development of collaborative agreements between agencies. This Agreement will reduce duplication of services; facilitate improved service delivery for infants and toddlers and more effectively utilize available resources. No County funds are required. (Head Start) Countywide (TKF)

4. Staff recommends motion to receive and file: Notice of Grant Award from the Department of Health and Human Services Administration for Children and Families for the period October 1, 2012, through September 30, 2013, in the amount not to exceed \$13,866,170, for Head Start/Early Start programs. **SUMMARY:** A Notice of Grant Award from the Department of Health and Human Services Administration for Children and Families was received and awards partial funding totaling \$13,866,170. The balance of the funding will be awarded at a later date. Budget will be aligned once the final notice of award has been received. The 2013 Refunding Grant Application was approved by the Board of County Commissioners on September 11, 2012 (R2012-1314). Head Start FY 2013 objectives and performance measures include ensuring that at least 10% of total Head Start/Early Head Start enrollment will be children with disabilities; maintaining at least 85% attendance for the funded enrollment of 2,296 children and replacing all vacant slots within 30 days; and achieving 75% of Voluntary Pre Kindergarten scores above the state requirement. This Notice of Grant Award shall be received and filed in the Minutes Department. (Head Start) Countywide (TKF)

5. Staff recommends motion to approve: Amendment No. 1 to Memorandum of Understanding (MOU) for the Retired and Senior Volunteer Program (RSVP) (R2012-1872) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period December 18, 2012 through December 18, 2015, revising the effective date and the RSVP representative. **SUMMARY:** This Amendment establishes a new effective date of December 18, 2012, and assigns a new AAA representative for the volunteer program. The MOU designates DOSS as a RSVP Volunteer Station. DOSS will interview, train and supervise RSVP volunteers at DOSS facilities. No County funds are required. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. Staff recommends motion to approve:

A) Early Head Start Contracted Services Agreement with The School Board of Palm Beach County (District), for the period February 21, 2013, through September 30, 2013, in an amount totaling \$184,746 for services to Early Head Start children and families; and

B) Notice of Lease Cancellation with the Milagro Foundation, Inc. for rental of child care facility and surrounding land used for Delray Beach Early Head Start Program.

SUMMARY: The Division of Head Start receives funds from the Department of Health and Human Services to provide child care services. The County contracts with various providers including the District to deliver a portion of these services. The Village Academy is a magnet school that serves 739 students in grades K-12, located at 400 Southwest 12th Avenue, Delray Beach. The Village Academy also serves 185 Head Start children from the ages of 3 to 5 years through a County provider contract. The proposed Agreement will expand the Village Academy program, and allow them to serve Early Head Start children from birth to age 3. Since 2002, the County has leased the building and surrounding land located at 346 Southwest 6th Avenue in Delray Beach and operated an Early Head Start program at this location. The child care services provided at this facility will be delegated to the District and relocated to the Village Academy School. The District will receive one time capital improvement funding in the amount of \$70,000 to bring the facility in compliance with Palm Beach County Health Department and Head Start regulations. The current term of the Lease with the Milagro Foundation is scheduled to expire on April 30, 2014. The County has the right to cancel the Lease Agreement for any reason upon 90 days written notice. The Notice of Lease Cancellation will cancel the Lease effective August 30, 2013. The estimated annual cost savings as a result of this change will be \$100,000. The savings will be used to offset expenses associated with teacher reclassifications and operational performance standards mandated by the Office of Head Start. Six County employees, currently assigned to the Delray Beach location, will be re-assigned to other positions based on their credentials. Early retirements, vacancies and arranged transfers will absorb these currently filled positions. (Head Start) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to approve: a Design Concept for the installation of a Visitor Welcome Sign and Landscape at Palm Beach International Airport (PBIA) proposed by Keep Palm Beach County Beautiful, Inc. (KPBCB), a non-profit volunteer-based organization. **SUMMARY:** KPBCB is dedicated to improving the quality of life in Palm Beach County through litter prevention education, beautification efforts and environmental stewardship. The proposed project which includes a visitor welcome sign with a specific message, landscape beautification, and supporting irrigation and lighting, encourages residents and visitors to contribute to the stewardship of the community environment. The project creates a focal point and landmark for travelers to enjoy when exiting PBIA and for those driving on Australian Avenue, a heavily traveled and highly visible County thoroughfare. The Design Concept was presented to and approved by the Aviation and Airports Advisory Board on January 16, 2013. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. **Staff recommends motion to receive and file:** two original Agreements for the Department of Airports:
 - A) Amendment to Extend Airline-Airport Use and Lease Agreement with Southwest Airlines Co. to extend the termination date of the Agreement for two (2) additional years to expire on September 30, 2014; and
 - B) Amendment to Extend Airline-Airport Use and Lease Agreement with Delta Air Lines, Inc. to extend the termination date of the Agreement for two (2) additional years to expire on September 30, 2014.

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the Board of County Commissioners in R2012-0823. Countywide (AH)

3. **Staff recommends motion to receive and file:** Off-Airport Parking Lot Operator Ground Transportation Permit with West Palm Beach Hotel, LLC, d/b/a Doubletree Hotel West Palm Beach Airport commencing November 1, 2012, terminating September 30, 2013, automatically renewed on yearly basis (October 1st through September 30th). **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2010-1107. Countywide (AH)

4. **Staff recommends motion to receive and file:** License Agreement with Jet Aviation Associates, Ltd. (Jet) commencing January 22, 2013 and expiring January 26, 2013, for overflow parking of vehicles in connection with the annual La Bella Macchina charity event hosted by Jet at the Palm Beach International Airport (PBIA), at no cost to Jet. **SUMMARY:** Delegation of authority for execution of the standard license agreement was approved by the Board in R2007-2070. This License Agreement provides for the use of a portion of the parking area adjacent to the PBIA Air Cargo Building No. 1475 for use solely for the parking of vehicles in connection with Jet's charity event. Countywide (AH)

5. **Staff recommends motion to receive and file:** License Agreement with Sixt Rent A Car LLC (Sixt) commencing December 12, 2012 and expiring January 11, 2013, renewing automatically each month thereafter, provided no renewal shall extend beyond May 11, 2013, for overflow parking of vehicles in connection with Sixt's rental car operation the Palm Beach International Airport (PBIA), for payment of a license fee in the amount of \$675 per month. **SUMMARY:** Delegation of authority for execution of the standard license agreement was approved by the Board in R2007-2070. This License Agreement provides for the use of a portion of the parking area adjacent to PBIA Building No. 1440 for use solely for the parking of vehicles in connection with Sixt's rental car operation at PBIA. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. **Staff recommends motion to approve:** the reading into the records for compliance with Florida Statutes 287.055 (Public Announcement in a Uniform and Consistent Manner) the attached Notice of General Consulting Services Desired by Palm Beach County Department of Airports to provide Engineering, Architectural, Planning, Construction Management, Environmental Assessment and Land Development Professional Services. The Department of Airports will execute an advertisement and selection process. **SUMMARY:** In accordance with Board established procedures referencing the Consultant's Competitive Negotiation Act, this notice is required to be processed as the initial step of the selection process. A Disadvantaged Business Enterprise goal of 15% has been established. Countywide (AH)

7. **Staff recommends motion to approve:** Third Amendment (Amendment) to Airport Ground Transportation Concession Agreement with Southeastern Florida Transportation Group, LLC (SEFTG) (Agreement) (R2005-1774), extending the term of the Agreement for two years through September 30, 2015, for payment of concession fees equal to the greater of a per capita charge of \$0.0885 per deplaned passenger or a minimum annual guarantee (MAG) of \$266,959. **SUMMARY:** SEFTG provides on-demand ground transportation services, including taxicabs, executive sedans, limousines and shared ride services, at the Palm Beach International Airport. SEFTG is a Florida limited liability company with its principal office in Fort Lauderdale. The Agreement commenced on October 1, 2005, and expires on September 30, 2013. This Amendment extends the term of the Agreement for two years through September 30, 2015. SEFTG will be required to pay concession fees equal to the greater of a per capita charge of \$0.0885 per deplaned passenger or a minimum annual guarantee of \$266,959. Countywide (AH)

8. **Staff recommends motion to adopt:** a Resolution amending Resolution R2005-0457 to increase aircraft apron fee rates at the Palm Beach International Airport (PBIA); providing for severability; and providing for an effective date. **SUMMARY:** Fixed base operators at PBIA currently pay \$0.03 per gallon of aviation fuel sold for the right to use aircraft parking apron owned and developed by the County. The fee was established in 2005 pursuant to Resolution R2005-0457 and has not been increased since that time. Staff has conducted an analysis of rates charged by other Florida airports for use of improved apron areas and has determined that the current rate is below market and should be adjusted. After meeting with the fixed base operators at PBIA, staff is recommending increasing the fee over a four-year period. The first increase of \$0.02 per gallon will occur on January 1, 2014. Subsequent increases of \$0.02 per gallon will occur on each October 1st thereafter until the fee reaches \$0.13 per gallon. Staff's recommendation was reviewed and unanimously approved by the Aviation and Airports Advisory Board at its January 16, 2013 meeting. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

9. **Staff recommends motion to adopt:** a Resolution establishing standard form lease agreements for the lease of hangars and offices at County-owned general aviation airports; authorizing the County Administrator or his designee to execute the approved standard form agreements; establishing a methodology for establishing rental rates; authorizing the County Administrator or his designee to make certain modifications to the standard form agreements; providing for severability; providing for the repeal of Resolutions R2007-1755, R2008-1845 and R2009-1073; and providing for an effective date. **SUMMARY:** This Resolution authorizes the County Administrator or his designee to execute new standard form Commercial Hangar Lease, Non-Commercial Hangar and Office Lease Agreements for the lease of hangars and offices at the County's general aviation airports. This Resolution also provides that rental rates will be determined by an appraisal and authorizes the use of promotional rental rates in an amount not less than 75% of fair market rental value for a period not to exceed three years as an incentive to potential tenants. This Resolution authorizes the County Administrator or his designee to update insurance provisions upon the advice of the Risk Management Department and to agree to non-material changes to the standard forms. Countywide (HJF)

10. **Staff recommends motion to approve:** Agreement to Terminate Option Contract for Ground Lease Agreement (Agreement) with A.E.C.O.A., Inc. (A.E.C.O.A.), providing for reimbursement of costs in the amount of \$71,132.52. **SUMMARY:** This Agreement terminates an Option Contract for Ground Lease (R2009-0279) (Option Contract) with A.E.C.O.A. in exchange for the reimbursement of costs in the amount of \$71,132.52 incurred by A.E.C.O.A. toward the development of four aircraft hangars at the Palm Beach County Park Airport (Lantana Airport). The proposed development is inconsistent with future redevelopment plans for the Lantana Airport; therefore, staff is recommending termination of the Agreement. A.E.C.O.A.'s current development plans are in the design and permitting stage. In the event the development is completed, the County would be obligated to buyout the cost of the improvements in order to redevelop the area where the hangars are to be located. A.E.C.O.A. has estimated the final construction costs of the project to be approximately \$425,000, exclusive of design costs. Countywide (AH)

11. **Staff recommends motion to receive and file:** Ninth Amendment to Airline Operating and Lease Agreement with Air Canada (R2009-0081), replacing Exhibit "B" increasing leasehold for the season, effective October 28, 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)

12. **Staff recommends motion to receive and file:** Change Order No. 2 to the contract with The Marc J. Parent Company, Inc., d/b/a PB Builders in the amount of \$3,307.50 and a time extension of 30 calendar days for the Terminal Flooring Improvements – Phase 2 at Palm Beach International Airport. **SUMMARY:** The contract with PB Builders was approved by the Board of County Commissioners on July 10, 2012 (R2012-0980). Change Order No. 1 was approved by the Committee on November 21, 2012 in the amount of \$1,750.53 and a time extension of 90 calendar days. Change Order No. 2 is being presented to the Board as a Receive and File item due to the cumulative time extension exceeding the 120-day threshold pursuant to Revised PPM No. CW-F-050. The PPM states that the item that causes the limitation to be reached shall be presented to the Board as a Receive and File Item by the Lead Department. The cumulative time extensions are then set to begin again. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

13. Staff recommends motion to:

A) approve a Lease Agreement (Lease) with Bus One LLC, (Bus One) a Florida limited liability company, for the lease of warehouse storage and paved parking areas at 1146 Carmichael Road at the Palm Beach International Airport for initial annual rental in the amount of \$50,125.20, commencing on March 15, 2013, and expiring March 14, 2015, with three automatic one-year renewals; and

B) authorize the County administrator or his designee, the Director of the Department of Airports (Department), to execute amendments to add additional parking area adjacent to the warehouse at 1146 Carmichael Road at the then-current rental rate, to the extent available.

SUMMARY: This Lease provides for the lease of approximately 8,192 square feet of warehouse storage area and 5,000 square feet of adjacent paved parking area at 1146 Carmichael Road. Bus One will use the space for passive storage of vehicles and equipment. The space is being leased in its "as-is" condition; however, Bus One will receive a rental credit in the amount of \$2,000 to partially offset the costs to complete necessary interior improvements. Approval of this item will also authorize the County Administrator or his designee, the Department Director, to execute amendments to add additional parking area adjacent to the warehouse at the then-current rental rate, to the extent such space is available. Countywide (HJF)

14. Staff recommends motion to approve: a Development Site Lease Agreement (Lease) with West Palm Beach Plaza, LLC (WPB Plaza), a Florida limited liability company, for the lease and development of approximately 113,211 square feet of unimproved ground as a travel plaza on the Palm Beach International Airport at the southwest corner of Belvedere Road and Florida Mango Road, commencing on March 12, 2013, and expiring 30 years from the date of beneficial occupancy for an initial annual rental of \$152,848 and payment of a fuel flowage fee of \$0.005 per gallon of fuel sold and a concession fee of 2.5% of gross revenues in excess of \$1 million. **SUMMARY:** This Lease provides for lease of approximately 113,211 square feet of property to WPB Plaza for the development of an on-airport travel plaza, which will include a gas station, convenience store, car wash, food service facilities and related amenities such as restrooms, free wireless internet access, a flight information display screen and customer loyalty program. WPB Plaza will also construct and maintain a collocated cell phone waiting area adjacent to the site at WPB Plaza's sole cost. The existing cell phone waiting area will be closed upon completion of the project. The Lease provides for a minimum capital expenditure of \$2,882,250 toward the completion of the required improvements. Ground rental will commence on the date of beneficial occupancy, which is defined as the first to occur of: substantial completion of the required improvements, the date WPB Plaza commences its business operations on the property, or April 1, 2015. Payment of the concession and fuel flowage fees will commence two years after the date of beneficial occupancy. Additional zoning approvals may be required to allow the property to be developed as an on-airport travel plaza; therefore, the Lease provides WPB Plaza with the right to terminate the Lease in the event it is unable to obtain the required approvals after exercising best efforts to do so. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to adopt:** a Resolution authorizing the execution of a Fourth Amendment to Loan Agreement in connection with the extension of the County's line of credit dated May 21, 2009 with Wells Fargo Bank, N.A., that satisfies the debt service reserve fund requirements for seven of the County's outstanding bond issues; authorizing the execution of a separate Fourth Amendment to Loan Agreement in connection with the extension of the County's separate line of credit with Wells Fargo Bank N.A. (the Bank), dated June 4, 2009 that satisfies the debt service reserve fund requirements for four other County bond issues and providing an effective date. **SUMMARY:** Under the terms of the loan agreements, the County requested that the Bank extend the maturity date for each loan agreement for one year. The Bank has agreed to extend the loan agreements for one year with all other terms and conditions remaining unchanged. The County will continue to pay an annual fee of .65% (\$316,194) for the letters of credit issued to satisfy the debt service reserve requirements under the loan agreements. The County expects to continue to renew the loan agreements each year. Countywide (PFK)

2. **Staff recommends motion to approve:** Budget Amendment of \$10,032,000 in the \$10.1M Public Improvement Revenue Bonds, Series 2013 Capital Project Fund to budget bond proceeds and costs of issuance. **SUMMARY:** On January 15, 2013, the Board approved R2013-0110 for the issuance of the Series 2013 bonds for the unified communications system (replace phone system) and to pay the cost of issuance of the bonds. Through a competitive bid process, PNC Bank will finance the bond for seven years at 1.28%. The annual debt service is \$1.5 million and will begin in FY 2014. These budget amendments set up the budget for the sale of the Series 2013 Bonds. Countywide (PFK)

3. **Staff recommends motion to approve:** the recording of the FY 2012 retirements of tangible personal property (equipment, vehicles, publications) in the official minutes of the Board of County Commissioners' meeting as prescribed by Florida Statutes, Chapter 274. **SUMMARY:** Florida Statutes, Chapter 274 and the Palm Beach County "Surplus Property Ordinance" require the recording of the disposal (retirement) of tangible personal property from the official records of Palm Beach County at historical value. Disposal, retirement, and adjustments total \$31,499,921.12. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** a Third Amendment to Agreement (R2004-0095) as amended by (R2006-0982) and as amended by (R2010-0336) with Bethesda Hospital, Inc. (“Hospital”) to extend the term of the agreement for interoperable radio communications through the countywide common talk groups of the County’s 800 MHz Radio System to January 11, 2016. **SUMMARY:** The Agreement, which provides the terms and conditions under which Hospital can program its radios and utilize the countywide common talk groups for certain inter-agency communications expired on January 11, 2013. The Agreement provided for three renewal options, each for a period of three years. Both parties must approve the renewal option. Hospital has approved a retroactive renewal to extend the term of the Agreement to January 11, 2016. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. Hospital is required to pay all costs associated with the subscriber units and to comply with established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Third Amendment retroactively renews the term, updates the notice provisions, modifies the provision on access and release of programming codes, and provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (JM)

2. **Staff recommends motion to approve:** a Third Amendment to Agreement (R2006-1422) with Palms West Hospital Limited Partnership (Palms West) to extend the term of the agreement for interoperable radio communications through the countywide common talk groups of the County’s 800 MHz Radio System to October 6, 2015. **SUMMARY:** The Agreement, which provides the terms and conditions under which Palms West can program its radios and utilize the countywide common talk groups for certain inter-agency communications expired on October 6, 2012. The Agreement provided for three renewal options, each for a period of three years. Both parties must approve the renewal option. Palms West has approved a retroactive renewal to extend the term of the Agreement to October 6, 2015. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. Palms West is required to pay all costs associated with the subscriber units and to comply with established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Third Amendment retroactively renews the term, updates the notice provisions, modifies the provision on access and release of programming codes, and provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** a Third Amendment to Agreement (R2003-1066) with JFK Medical Center Limited Partnership (JFK) to extend the term of the agreement for interoperable radio communications through the countywide common talk groups of the County's 800 MHz Radio System to July 14, 2015. **SUMMARY:** The Agreement, which provides the terms and conditions under which JFK can program its radios and utilize the countywide common talk groups for certain inter-agency communications expired on July 15, 2012. The Agreement provided for three renewal options, each for a period of three years. Both parties must approve the renewal option. JFK has approved a retroactive renewal to extend the term of the Agreement to July 14, 2015. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. JFK is required to pay all costs associated with the subscriber units and to comply with established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Third Amendment retroactively renews the term, updates the notice provisions, updates JFK's name, modifies the provision on access and release of programming codes, and provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (JM)

4. **Staff recommends motion to approve:** a First Amendment to Interlocal Agreement (R2007-1108) with the Florida Forest Service, Florida Department of Agriculture and Consumer Services (Forest Service) to extend the term of the agreement for interoperable radio communications through the countywide common talk groups of the County's 800 MHz Radio System to July 9, 2017. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Forest Service can program its radios and utilize the countywide common talk groups for certain inter-agency communications expired on July 9, 2012. The Agreement provided for three renewal options, each for a period of five years. Both parties must approve the renewal option. The Forest Service has approved a retroactive renewal to extend the term of the Agreement until July 9, 2017. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Forest Service is required to pay all costs associated with the subscriber units and to comply with established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This first Amendment retroactively renews the term, updates the notice provisions, updates the Forest Service name, modifies the provision on access and release of programming codes, and provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve: a Second Amendment to Interlocal Agreement (R2002-0886) as amended by (R2007-0953) with Florida Atlantic University (FAU) to extend the term of the agreement for interoperable radio communications through the countywide common talk groups of the County's 800 MHz Radio System to June 3, 2017. **SUMMARY:** The Agreement, which provides the terms and conditions under which FAU can program its radios and utilize the countywide common talk groups for certain inter-agency communications expired on June 4, 2012. The Agreement provided for three renewal options, each for a period of five years. Both parties must approve the renewal option. FAU has approved a retroactive renewal to extend the term of the Agreement until June 3, 2017. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. FAU is required to pay all costs associated with the subscriber units and to comply with established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Second Amendment retroactively renews the term, updates the notice provisions, modifies the provision on access and release of programming codes, and provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (JM)

6. Staff recommends motion to:

A) approve a County Quitclaim Deed in favor of the State of Florida Department of Transportation (FDOT) for a vacant 0.20-acre parcel of land, known as FDOT Parcel No. 200, located on Dr. Martin Luther King, Jr. Boulevard/State Road 710 (MLK Blvd/SR 710) in the City of Riviera Beach;

B) adopt a Resolution authorizing the conveyance of FDOT Parcel No. 200 to FDOT;

C) approve a County Quitclaim Deed in favor of FDOT for a vacant 0.26-acre parcel of land, known as FDOT Parcel No. 202, located on MLK Blvd/SR 710;

D) adopt a Resolution authorizing the conveyance of FDOT Parcel No. 202 to FDOT;

E) approve a County Quitclaim Deed in favor of FDOT for a vacant 0.07-acre parcel of land, known as FDOT Parcel No. 214, located on MLK Blvd/SR 710; and

F) adopt a Resolution authorizing the conveyance of FDOT Parcel No. 214 to FDOT.

SUMMARY: Several parcels of vacant land were acquired by the County along MLK Blvd/SR 710 through tax deeds. The County conveyed these parcels to the City of Riviera Beach and reserved an interest in mineral rights without rights of entry or exploration. FDOT is in the process of constructing a road widening and intersection improvement project for MLK Blvd/SR 710 between Australian Avenue and Old Dixie Highway and is acquiring these three parcels from the City. FDOT is requesting County Quitclaim Deeds to release the County's mineral reservations. The reservations are being released to FDOT at no cost as this project will improve traffic circulation. (PREM) District 7 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. **Staff recommends motion to approve:** Change Order No. 7 to the contract with Catalfumo Construction, Ltd. (R2007-1217) decreasing the Guaranteed Maximum Price (GMP) for the Acreage Branch Library project in the amount of \$1,086,431.81. **SUMMARY:** On December 21, 2010, the Board approved Amendment No. 9 to the continuing services contract with Catalfumo Construction, Ltd. (R2010-2095) in the amount of \$10,271,408 for construction management services to construct a new 30,000 square foot library. There is \$1,086,431.81 remaining as a result of buyout savings, unused allowances, unused owner contingency and reconciliation of sales tax recovery purchase orders. The project was funded through the 22.3M GO 06 Library District Improvement Fund, the Library Expansion Fund, and the Library Impact Fee Fund. All savings will be returned to the Library Impact Fee Fund. The Small Business Enterprise (SBE) goal for this contract is 15% and the final SBE participation is 24%. Catalfumo Construction, Ltd. is a Palm Beach County firm. (Capital Improvements Division) Countywide (JM)

8. **Staff recommends motion to approve:** a Fourth Amendment to Lease Agreement (R2007-0395) with Tallman, LLC, for the County's continued use of 4,990 SF of indoor secured vehicle storage space for the Palm Beach County Sheriff's Office at an annual rate of \$84,000 (\$16.83 per SF). **SUMMARY:** Since March 29, 2007, the County has leased 4,990 SF of indoor storage and 6,000 SF of paved outdoor storage within the Murphy Towing Complex located at 6907 Southern Boulevard in unincorporated Palm Beach County for the operation of both indoor and outdoor secured vehicle storage for PBSO. Tallman, LLC, provides maintenance, repair and security of the site, and delivers, places and moves up to fifty vehicles a month for PBSO at no additional cost, while complying with PBSO evidence handling requirements and the County's Access to Critical Facilities Procedures. This Fourth Amendment extends the term of the Lease Agreement for five years to March 28, 2018; provides for two extension options of one year each; deletes the 6,000 SF outside storage area and reduces the Annual Rent from \$95,793.22 to a fixed rate of \$84,000 and updates the County's insurance liability coverage amounts pursuant to State Statutes. (PREM) District 6 (HJF)

9. **Staff recommends motion to approve:** a Contract with Ahrens Enterprises, Inc. (d/b/a Ahrens Companies) in the amount of \$424,000 to construct a 80' x 80' metal pavilion at Water Utilities Department's Water Treatment Plant (WTP) No. 9 in Boca Raton. **SUMMARY:** The work consists of providing a new 80' x 80' pre-engineered metal pavilion that will provide housing for Water Utilities piping stock, utility shut-off valves and maintenance equipment. Project will include utilities and site modifications. The new pavilion will meet all current wind requirements with the standing seam roofing having a 20 year warranty. The funding for this project is from water utility user fees. This work was competitively bid with Ahrens Companies submitting the lowest responsive, responsible bid. The goal for Small Business Enterprise (SBE) participation is 15%. The SBE participation in this contract is 15%. The total construction duration is 180 days. Ahrens Companies is a Palm Beach County company. (Capital Improvements Division) District 4 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to approve: a Lease Agreement with Wallace K. Lutz, Sr., and Theresa C. Lutz, as Trustees of the Wallace K. Lutz, Sr. Revocable Living Trust Dated October 8, 1991, for 1,050 SF of office space at 607 South Main Street in Belle Glade for \$10,500/year. **SUMMARY:** The Department of Community Services' Community Action Program (CAP) currently operates from a County-owned building in South Bay that is in disrepair. Community Services wishes to continue providing CAP services in the western communities and needs to relocate. There is no other County space in this area which is available for this program. A 1,050 SF office at 607 South Main Street, Unit 102, in Belle Glade that is adjacent to the Community Services Department's Migrant Program in Unit 103 suits the County's and community's needs. The Lease term will commence April 1, 2013, and continue for three years to March 31, 2016, with five extension options, each for one year with one percent (1%) rent increases. The annual rent is fixed for the initial three year term at \$10,500 (\$10.00/SF). Staff researched other available office space meeting the program requirements of the CAP and determined that this space is approximately \$2/SF lower than rates quoted for other available space. (PREM) District 6 (HJF)

11. Staff recommends motion to approve: Amendment Number Eight to Lease Agreement (R91-437-D) with Wallace K. Lutz, Sr., and Theresa C. Lutz, as Trustees of the Wallace K. Lutz, Sr. Revocable Living Trust Dated October 8, 1991. **SUMMARY:** The County, on behalf of the Department of Community Services' Migrant Program, currently leases 699 SF of office space at 607 South Main Street, Unit 103, Belle Glade, as a satellite office. This Amendment extends the term of the Lease for two (2) years from June 1, 2013, to May 31, 2015, at the current rental rate of \$7,366.80 (\$10.54/SF). The Amendment also provides two extension options each for a period of two years. Rent during each option period will increase by two percent (2%). Staff researched other available office space for lease and determined that the rental rate for this lease is approximately \$2/SF less than other available space. Extending this Lease will avoid the cost and disruption associated with a move and is in the best interest of the County. (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

12. Staff recommends motion to approve: reappointment of five members to the Public Art Committee for a three year term:

<u>Member</u>	<u>Public Art Committee Seat</u>	<u>Term</u>
Brian Cheguis	Urban Planner or Architectural Design professional	3/12/2013 – 3/11/2016
Bill Nix	Cultural Council of Palm Beach County	3/12/2013 – 3/11/2016
Cynthia Palmieri	PBC resident with significant visual art background	3/12/2013 – 3/11/2016
Erica Ando	PBC resident with significant visual art background	3/12/2013 – 3/11/2016
Jo Ellen Leisinger	Landscape Architect	3/12/2013 – 3/11/2016

SUMMARY: Palm Beach County Resolution No. 2009-1164 established terms for the members of the Public Art Committee. Each of the five Committee members recommended for reappointment to the Public Art Committee are being asked to serve another term to continue their involvement and to provide expertise in advising the Commissioners as to: **a)** overall art policy and integration of artistic elements into the planning, design and engineering process of County facilities; **b)** set the direction and conduct the selection of all County works of art, whether loaned, donated or purchased, and **c)** develop educational programs to expand the traditional definition and perception of art and the benefit of incorporating artwork into public design projects. Bill Nix of the Cultural Council serves on the Public Art Committee. The Committee provides no regulation, oversight, management, or policy-setting recommendations regarding the Cultural Council’s contracts. Brian Cheguis of Cotleur & Hearing, Inc, serves on the Public Art Committee and has a contractual relationship with the Department of Facilities Development and Operations. The Public Art Committee provides no regulation, oversight, management, or policy-setting recommendations regarding the Cotleur & Hearing, Inc.’s contracts. Disclosure of the contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. (FDO Admin) Countywide (MJ)

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve: Amendment No. 003 to the Agreement (R2007-1024) with the City of Riviera Beach to extend the expiration date from February 19, 2013 to August 29, 2014. **SUMMARY:** On June 19, 2007, the Board of County Commissioners approved a Grant Agreement (R2007-1024) with the City of Riviera Beach in the amount of \$124,000 under the Development Regions Grant Program. Funding was made available to three businesses (E-Z Weld, Inc., Fannie Mae Tots, Inc., and Earl L. Pleasant Custom Ceramic Tile) to create eight full-time equivalent jobs, retain 29 full-time equivalent jobs, and maintain these jobs for a period of 24 months. The first two businesses have completed their projects and have met their obligations. Due to the economic downturn and difficulty in obtaining financing, Earl L. Pleasant Custom Ceramic Tile, was only able to create their required three full-time equivalent jobs as of August 1, 2012. This Amendment provides a time extension to enable this business to meets its 24-month job maintenance requirement which will end on July 31, 2014. **This funding is projected to create twenty-five jobs and have a five year Economic Sustainability Impact of \$4,165,000. These are ad valorem funds.** (Strategic Planning) District 7 (DW)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to approve:

A) a Budget Amendment allocating \$395,053 to the State Housing Initiatives Partnership (SHIP) Program budget for Fiscal Year 2012-2013; and

B) a technical revision to the Local Housing Assistance Plan (LHAP) to increase the maximum amount of replacement housing from \$108,000 to 95 percent of Housing and Urban Development median sales price for Palm Beach County, currently \$215,000.

SUMMARY: Palm Beach County received an allocation of \$395,053 in funding from the Florida Housing Finance Corporation to administer the SHIP Program's various affordable housing programs and other related activities. In the past four years (Fiscal Years 2009-2010, 2010-2011, 2011-2012 and 2012-2013) the County's annual funding allocation was \$1,988,773. This allocation reflects a statewide reduction of \$33.8 million for the Program from prior funding years. The reduction in funding has severely limited staff's ability to administer the program and adhere to annual monitoring requirements. This allocation will be used for existing housing strategies, eligible program delivery costs, and administrative costs. Additionally, a technical revision to the LHAP Replacement Housing strategy to provide a higher maximum replacement cost. The cost to demolish and replace an existing home has increased substantially since the original policy limits were established. The Replacement Housing limit shall increase from \$108,000 to 95 percent of median sales price, currently \$215,000. **These are State SHIP funds which require no local match.** (FALS) Countywide (TKF)

3. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2011-2029) with the City of Pahokee extending the expiration date from December 31, 2012 to September 30, 2013. **SUMMARY:** On December 20, 2011, the County entered into an Agreement (R2011-2029), as amended by Amendment No. 001 (R2012-0439) on March 20, 2012, with the City of Pahokee to provide \$109,439 in Community Development Block Grant (CDBG) for activity delivery costs for the processing of files related to housing rehabilitation and demolition of dilapidated structures. The time extension will allow the City to continue processing housing rehabilitation and demolition files. **These are Federal CDBG funds which require no local match.** (DES Contract Development) District 6 (TKF)

4. **REVISED SUMMARY:** Staff recommends motion to approve: an Agreement with Pratt & Whitney, a division of United Technologies Corporation, for an Ad Valorem Tax Exemption not to exceed \$700,000 over a seven year period and a Job Growth Incentive (JGI) Grant not to exceed \$300,000 over a four year period. **SUMMARY:** On October 16, 2012, the Board of County Commissioners conceptually approved (R2012-1590) an Ad Valorem Tax Exemption and the Job Growth Incentive totaling \$1 million to Pratt & Whitney. The Agreement requires Pratt & Whitney to make a minimum \$63 million capital investment, create 230 new jobs over a ten year period at an average annual salary of \$81,110 and maintain the created jobs for five years following the job creation period. Award of the Ad Valorem Tax Exemption is contingent upon the determination that the project meets the requirements under Florida Statute 196.012 for an Ad Valorem Tax Exemption. The Company has been offered \$3.4 million in State funding. **This funding is projected to have a five year economic impact of \$225 million.** The budget transfer and amendment were conceptually approved on ~~October 16, 2012~~ July 24, 2012. Funding will come from General Fund Contingency Reserves. District 1 (DW)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: A) reappointment of one member; and B) appointment of one new member to the Building Code Advisory Board:

Reappoint				
<u>Member</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Doug Wise	2	Building Official, District 2	BOAPBC	3/12/13-12/03/15

Appoint				
<u>Nominee</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Roger Held	1	Building Official District 1	BOAPBC	3/12/13-1/10/14

SUMMARY: The Building Code Advisory Board was established by a Special Act of the Florida Legislature in 1974, and amended in 2001. The term of office for board members is three years; with no limit to the number of terms a member may serve. The Building Official's Association of Palm Beach County has nominated Doug Wise and Roger Held. Doug Wise is currently serving on the Board in Seat 2; effective January 1, 2013 he is representing Palm Beach County as their Building Official. Roger Held is completing the term of Steven Kennedy upon his resignation. The Board is comprised of sixteen members; composed of seven Building Officials, one from each commission election district; seven members appointed from nominees submitted by the Construction Industry Management Council of Palm Beach County; one registered architect appointed from nominees submitted by the Palm Beach Chapter of the American Institute of Architects; and one professional engineer appointed from nominees submitted by the Palm Beach Chapter of the Florida Engineering Society. Countywide (SF)

2. Staff recommends motion to approve: reappointment of one member to the Construction Board of Adjustments and Appeals:

<u>Nominee</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Ronnie Dixon	5	Engineer	FES	3/12/2013- 3/11/2017

SUMMARY: Palm Beach County Ordinance 89-31 created the Construction Board of Adjustment and Appeals. The Florida Engineer Society has nominated Ronnie Dixon for a term of four years. Mr. Dixon has previously served on the board. Per Palm Beach County Ordinance 2012-006, as amended, Palm Beach County Amendments to the Florida Building Code, 2010 Edition the Board is comprised of nine members. One architect; one engineer; one general contractor; one electrical contractor; one HVAC contractor; one plumbing contractor and any other contractor licensed category. In addition to these members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. Countywide (SF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to receive and file:** Closing documents relating to the recent utility system transfer with the Village of Palm Springs. **SUMMARY:** On July 19, 2011, the Board approved the Interlocal Agreement (County Resolution No. R2011-1103) with the Village of Palm Springs (Village) for Utility System Transfer (Transfer Agreement) and authorized the Chair of the Board of County Commissioners to execute any and all documents necessary to carry out the closing of the utility system transfer with the Village. The Transfer Agreement transfers certain portions of the County's and Village's utility service areas and associated assets in order to achieve a more efficient overall provision of service to customers of both systems. On or about October 3, 2012, the Chair and the Village's Mayor executed the closing documents. The documents are now being submitted to the Board to receive and file into the public record. District 3 (MJ)

2. **Staff recommends motion to approve:** Work Authorization No. 10 with Globaltech, Inc. (R2012-0159) for Water Treatment Plan No. 2 (WTP 2) Wellfield Backup Power Improvements in the amount of \$716,189.09. **SUMMARY:** Work Authorization No. 10 will replace power supply system for seven wells and install new remote telemetry units (RTU's) at six wells. The electrical cables from WTP 2 to Wells 9, 10 and 11 are over 30 years old and need replacement. In addition, four existing potable water wells will be connected to the WTP 2 emergency generator and will then utilize the lower Florida Power & Light Commercial Industrial Load Control rates. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Globaltech, Inc. provides for SBE participation of 75% overall. This Authorization includes 100% overall participation. The cumulative SBE participation, including this Work Authorization, is 85.94% overall. Globaltech is a Palm Beach County and Certified SBE Company. (WUD Project No. 12-005) District 2 (JM)

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

A) Indemnity Agreement with HTG Palm Beach, II, LLC, No. 02-01085-001.

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 2 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. **Staff recommends motion to approve:** Work Authorization No. 21 to Johnson-Davis, Inc., under the Water Utilities Department (WUD) Continuing Construction Contract (R2010-1423) for Pioneer Road Sanitary Sewer Extension in the amount of \$230,059.31. **SUMMARY:** On September 14, 2010, the Palm Beach County Board of County Commissioners approved WUD's Continuing Construction Contract (R2010-1423) with Johnson-Davis, Inc. The project consists of the installation of approximately 360 linear feet of sanitary sewer mains, three manholes, 18 service connections, 325 linear feet of force main and a new lift station. Funding for this project has been allocated by Palm Beach County's Department of Economic Sustainability and funded under Community Development Block Grant (CDBG). WUD will manage the project for the Town of Mangonia Park and receive reimbursement from the grant. These are Federal FY 2012-13 CDBG funds that require no local match. 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 Work Authorization includes 20.36% overall participation. The cumulative SBE participation including this Authorization is 15.69% overall. (WUD Project No. 13-010) District 7 (JM)

5. **DELETED: Staff recommends motion to approve:** ~~Consent to Lake Discharge Agreements with the following:~~

- ~~A) Boca Springs Association, LLC;~~
- ~~B) Boca Country Estates Homeowners Association, Inc.;~~
- ~~C) Boca Heights Property Owners Association, Inc.; and~~
- ~~D) Meadow Lake at Boca Raton Homeowners Association, Inc.~~

SUMMARY: Palm Beach County Water Utilities Department (County) has obtained a Diversion and Impoundment Permit from South Florida Water Management District to divert water from the Hillsboro Canal to certain bodies of water located in the vicinity of existing County owned potable water supply wells for recharge during the dry season. The County will divert the canal water into the lake systems at its discretion and does not guarantee the quality and quantity of water that may be diverted, or the timing/duration of the diversion. There is no cost to the homeowner associations for the diversion of canal water into their lake systems. No new infrastructure is necessary. (WUD No. 04-218A) District 5 (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve Grant Agreement FWC-12103 with the Florida Fish and Wildlife Conservation Commission (FFWCC) to provide up to \$60,000 pass-through Federal funding for constructing Boynton Inlet site artificial reef by August 21, 2013, starting upon execution of the agreement and expiring August 31, 2013;

B) approve Budget Amendment of \$60,000 in the Environmental Enhancement Saltwater Fund, including a transfer from Reserves of \$80,000 for a total of \$140,000 in project funding for the Boynton Inlet artificial reef site;

C) adopt Resolution authorizing the Clerk of the Board to disburse \$80,000 from the Vessel Registration Fee Trust Fund to cover matching funds for this artificial reef project; and

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

SUMMARY: This FFWCC Grant Agreement will reimburse the County up to \$60,000 for placing about 850 tons of limestone boulders at Boynton Inlet artificial reef site. Estimated total project cost is \$130,000. The Resolution and Budget Transfer from County Vessel Registration Fees, a non-ad valorem source, will cover the County's \$70,000 matching cost share (54%) for the project and \$10,000 for contingencies. District 4 (SF)

2. Staff recommends motion to:

A) approve a renewal to the Contract retroactively extending Florida Atlantic University's consulting contract in the not-to-exceed amount of \$58,200 for digitizing and analyzing nearshore coastal aerials county-wide in association with shoreline protection projects; and

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

SUMMARY: The original Contract was approved May 19, 2009 (R2009-0860) to provide an automated means of digitizing aerial photographs for mapping nearshore reef resources to meet permit and project design requirements. The Contract expired November 30, 2011. This extension will expire August 31, 2013. Though Florida Atlantic University, with their extensive Geographic Information System expertise, has developed an automated methodology that will significantly accelerate the work, completing and proofing the backlogged aerials required more time than anticipated. The digitizing work has been completed, but the trend analyses and comparisons will require additional time. Funding for this Contract is supported by Tourist Development taxes and South Lake Worth Inlet District residual balance. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to receive and file: two original documents:

A) Project Agreement Amendment to the Jupiter Ridge Shoreline Restoration Project (PB-10-147) with the Florida Inland Navigation District (FIND) deletes paragraph two and replaces it with a new project completion term of September 1, 2013 and payment reimbursement requirement due on or before September 1, 2013; and

B) Amendment No. 1 to the Florida Department of Environmental Protection (DEP) Agreement No. S0581 revises the completion date in Section (I) from December 28, 2012 to December 28, 2013.

SUMMARY: On May 18, 2010 (R2010-0784) the Board of County Commissioners approved FIND Project Agreement No. PB-10-147 to the Jupiter Ridge Shoreline Restoration Project. Delegation of authority to sign all future time extensions, task assignments, certifications, and other forms associated with this project agreement was approved on May 25, 2010 pursuant to PPM No. CW-O-051. On January 24, 2012 (R2012-0163) the Board of County Commissioners approved DEP Agreement No. S0581 for the management and preservation of the Cypress Creek Natural Area in order to receive Florida Forever Revenue Bond proceeds. Delegation of authority to execute all documents in connection with this agreement was approved on January 25, 2012 pursuant to PPM No. CW-O-051. Countywide & District 1 (SF)

4. Staff recommends motion to approve: Contract Amendment No. 1 with the Loggerhead Marineline Center (LMC) of Juno Beach for a not-to-exceed amount of \$86,069.50 for two years of sea turtle monitoring services for the Coral Cove Dune Restoration Project in Tequesta. **SUMMARY:** Environmental permits issued by the Florida Department of Environmental Protection (DEP) require monitoring to assess the impact of dune restoration on sea turtles. The LMC currently conducts similar sea turtle monitoring in Jupiter and Juno Beach on behalf of the County (R2012-0342). The Contract is funded by tourist development taxes. The Amendment includes standard tasks that total \$81,113.50 and optional tasks which total a not-to-exceed amount of \$4,956. Upon execution by both parties, the Amendment is retroactive to March 1, 2013 and does not change the December 31, 2014 expiration date of the existing Contract. Delegation of authority to sign all future time extensions, task assignments, certifications, and other forms associated with this contract that do not change the scope of work or terms and conditions of the contract was approved March 6, 2012, pursuant to PPM No. CW-O-051. District 1 (SF)

5. Staff recommends motion to approve: the Reading into the records for compliance with Florida Statutes 287.055 (Public Announcement in a uniform and consistent manner) the Notice of Professional Services Required (Notice) for coastal and marine engineering consultant services for various projects on an annual basis, and to authorize the advertisement for professional services. **SUMMARY:** The consultants will provide professional coastal and marine engineering services on a task order basis for various projects within the Department of Environmental Resources Management and other departments. The Board's approval of the Notice will start this process, which will result in the County entering into annual contracts with up to four consultants to provide these services. Countywide (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

6. Staff recommends motion to:

A) approve Cooperative Agreement with the South Florida Water Management District (District) for the collection and analysis of water quality data in the Lake Worth Lagoon (LWL); and

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

SUMMARY: The five year Agreement outlines the cooperative process in which Palm Beach County Environmental Resources Management (PBCERM) will collect surface water quality samples and associated field parameters at 14 stations in the LWL. The District shall analyze the samples and post the data on the District's data base, DBHYDRO. Countywide (SF)

7. Staff recommends motion to adopt: a Resolution establishing a penalty schedule and the imposition of fines by way of a written ticket as an efficient alternative to the current method of arrest and court appearance for minor violations of County Ordinance 94-13, as amended. A ticket may be issued by law enforcement officers including deputies of the County's Wildlands Task Force of the Palm Beach County Sheriff's office. The existing method of arrest and court appearance will continue to be used for major violations of the Ordinance. **SUMMARY:** Ordinance 94-13 (aka Chapter 11, Article XI of the County Code) was amended by the Palm Beach County Board of County Commissioners (BCC) on September 13, 2011 (Ord. 2011-021). It provides for the regulation of activities occurring within County-managed natural areas and approves multiple methods of enforcement, including the issuance of fines to be imposed for violations of the Ordinance. To issue the fines, a fine schedule must be established. Approval of this Resolution will establish the fine schedule and the form of the written citation to be issued. Countywide (SF)

8. Staff recommends motion to approve: **A)** reappoint one member and **B)** appoint one new member to the Groundwater and Natural Resources Protection Board (GNRPB) for a term of three years beginning March 12, 2013, through March 11, 2016:

Reappoint

<u>Nominee</u>	<u>Representing</u>	<u>Seat No.</u>	<u>Nominated By</u>
Art Cobb	Citizen of PBC	5	Commissioner Taylor Commissioner Burdick Commissioner Abrams

Appoint

<u>Nominee</u>	<u>Representing</u>	<u>Seat No.</u>	<u>Nominated By</u>
W. Mason	Attorney licensed to practice in Florida	2	Palm Beach County Bar Association

SUMMARY: Ordinance 92-20, as amended, and Article 2.G.3.F.3 of the Unified Land Development Code (ULDC) provide for a seven member GNRPB. The membership consists of one professional engineer, one attorney, one hydrologist or hydrogeologist, one a citizen possessing expertise and experience in managing a business, one (1) biologist or chemist, one citizen of Palm Beach County, and one member of an environmental organization. Ordinance 92-20 and Article 2.G.3.F.3. of the ULDC requires Seat No. 5 to be filled by a citizen of Palm Beach County and Seat No. 2 to be filled by an attorney licensed to practice in Florida. No other nominations were received. Countywide (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** Authorized Provider Agreement with the American National Red Cross (Red Cross) to allow properly certified Parks and Recreation Department employees to teach Red Cross courses at County facilities for the period of March 12, 2013, through March 11, 2016. **SUMMARY:** The Parks and Recreation Department's Aquatics and Recreation Services Divisions utilize the Red Cross safety services courses to certify lifeguards, teach swimming lessons, and train staff to teach instructor level safety services courses. The Agreement requires the Department to ensure that instructors maintain the appropriate Red Cross certifications for courses being taught, operate in accordance with Red Cross policies, pay the provider fees associated with the courses taught, and properly submit course records to the Red Cross. The Red Cross will provide course materials, certifications for courses and access to the Red Cross electronic resources. Countywide (AH)

2. **Staff recommends motion to approve:** Budget Transfer of \$130,000 within Park Impact Fees Zone 2 from Reserves to the Lake Lytal Park Improvements Phase 2 project. **SUMMARY:** This budget transfer will provide the funding necessary to expand parking lot lighting at Lake Lytal Park. The current estimated capital cost of the new lighting is \$130,000, and includes design, engineering, permitting, purchase, and installation of fifteen additional light poles. Funding for this budget transfer is from the Park Impact Fees Zone 2 reserve. District 2 (AH)

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

City Sound and Recording LLC; Rock & Blues concert featuring The Fabulous Fleetwoods, Sunset Cove Amphitheater, on January 25, 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 Sound and Light Production Services Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0592, amended by Resolution 2010-0645, and is now being submitted to the Board to receive and file. District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. Staff recommends motion to receive and file: the following original executed Entertainment Contractor Agreements for community events:

A) Paul Saca, Viva Classic Rock concert; Canyon Town Center Amphitheater, on January 12, 2013; and

B) Peter Noble, The Fabulous Fleetwoods concert; Sunset Cove Amphitheater, on January 25, 2013.

SUMMARY: The Parks and Recreation Department produced two popular cultural events at our Canyon Town Center and Sunset Cove Amphitheaters. These events were attended by an estimated 600 people and generated positive support and goodwill for the County. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Entertainment Contractor 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 2008-1109, amended by Resolution 2010-0644, and are now being submitted to the Board to receive and file. District 5 (AH)

5. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the month of January:

A) Mary Lou Putnam, Water Aerobics Instructor, North County Aquatic Complex, for the period January 26, 2013, through September 30, 2013;

B) Cullett CMAA, Inc., Karate Instructor, Westgate Recreation Center, for the period February 22, 2013, through April 19, 2013; and

C) Caroline Andre, Cheerleading Instructor; Westgate Recreation Center, for the period February 11, 2013, through April 13, 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. These Independent Contractor 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 94-422, amended by Resolutions 2002-2103, 2007-0409, and 2012-0168, and are now being submitted to the Board to receive and file. Districts 1 & 7 (AH)

6. Staff recommends motion to approve: Work Order No. PR 81237 in the amount of \$239,125 to repair storm damage on Peanut Island caused by Hurricane Sandy utilizing the Annual Pathway and Minor Construction Contract R2011-1684 with Wynn & Sons Environmental Construction, Inc. **SUMMARY:** Approval of this Work Order No. PR 81237, Annual Contract No. 2012053, will provide the contractual services necessary to repair Hurricane Sandy storm damage on the southeast side of Peanut Island. The proposed work will stabilize the shoreline with the installation of riprap and the relocation of sand from the interior of the Island (Port of Palm Beach stockpile). The existing brick paver sidewalk will be relocated further west to protect it against future storms. Per County PPM CW-F-050, this work order exceeds the threshold relating to staff approvals of contracts, thus requiring the Board of County Commissioners' approval. Districts 1 & 7 (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to:

A) receive and file Grant Agreement in the amount of \$1,129,821 awarded by the Florida Department of State, Division of Library and Information Services for FY 2013 State Aid to Libraries; and

B) approve a Budget Amendment of \$101,199 to increase the County Library Fund to reconcile the State Aid to Libraries Grant Budget to the actual award amount.

SUMMARY: The Application was approved and the Agreement was signed by the Board of County Commissioners on September 11, 2012 (R2012-1290). Notification of the award was issued on January 31, 2013. The State provides an annual operating grant to eligible libraries based upon their annual operating expenditures from local funds. Estimated State Aid revenue was included in the County Library's FY 2013 budget. Countywide (AH)

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to approve: Agreement with Riviera Beach Community Redevelopment Agency (CRA) for an amount not to exceed \$10,000 as start-up funding for a new GreenMarket located within the municipal boundaries of the City of Riviera Beach. **SUMMARY:** CRA will operate a seasonal GreenMarket in Riviera Beach, which will provide outlets for 40 small growers and businesses from November through March each season. This Agreement will help assist CRA with start-up funding to operate the GreenMarket, since this will be CRA's first year of operating a GreenMarket within the City of Riviera Beach. Funding for the GreenMarket in an amount not to exceed \$10,000 is available from the Agricultural Economic Development program funds. District 7 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. **REVISED TITLE:** Staff recommends motion to receive and file: executed Agreements received during the months of August and November 2012:

A) Memorandum of Agreement with the Florida Department of Juvenile Justice for data sharing, approved on August 28, 2012 (Countywide);

B) Seventh Amended and Restated Interlocal Agreement with the City of Belle Glade for the Youth Violence Prevention Project (YVPP), approved on November 26, 2012, (District 6); and

C) Interlocal Agreement with the City of Riviera Beach for the YVPP, approved on November 26, 2012, (District 7).

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. These documents have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Executive Director of the Criminal Justice Commission in accordance with Resolutions R2012-1134, R2012-1133 and agenda item 3Q-3 from August 28, 2012, and are now being submitted to the Board to receive and file. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

2. Staff recommends motion to approve: appointment of the following individuals to the Criminal Justice Commission for the period March 12, 2013, through December 31, 2015:

<u>Appoint Nominee</u>	<u>Seat No.</u>	<u>Term to Expire</u>	<u>Nominated By:</u>
Mr. Barry Krischer	24	12/31/15	Economic Council
Ms. Christina Morrison	26	12/31/15	Economic Council

SUMMARY: The Criminal Justice Commission is comprised of 33 members including elected officials and representatives from private and public sectors. The 12 private sector members are nominated for three-year terms by the Economic Council of Palm Beach County, Inc. and appointed by the Board of County Commissioners. The Council has nominated Mr. Barry Krischer and Ms. Christina Morrison for appointment effective March 12, 2013. Countywide (PGE)

S. FIRE RESCUE

1. Staff recommends motion to receive and file: one fully executed Interlocal Agreement with Palm Beach State College (College) for the provision of professional development training services provided by the College to Palm Beach County Fire Rescue employees. **SUMMARY:** One Interlocal Agreement relating to the provision of fire rescue training and instructional services by the College to the County was executed by the Purchasing Director on January 23, 2013, pursuant to the authority granted by Section 2-53(d), Palm Beach County Code. This fully executed agreement is being submitted as a receive and file agenda item for the Clerk's Office to note and receive in accordance with Section 163.01(11) F.S., which requires the filing of interlocal agreements. Countywide (SB)

2. Staff recommends motion to receive and file: four original standard agreements for the Fire Rescue Department:

A) Independent Contractor Agreement for Swimming Lessons with Small Fish Big Fish Swim School, LLC; and

B) Interlocal Agreement for Swimming Lessons with the City of Palm Beach Gardens; and

C) Interlocal Agreement for Swimming Lessons with the City of Boynton Beach; and

D) Interlocal Agreement for Swimming Lessons with the City of Delray Beach.

SUMMARY: On September 27, 2005, the Board adopted Resolution Number R2005-1906 authorizing the County Administrator, or his designee (the Fire Rescue Administrator) to execute standard agreements with municipalities and independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. Pursuant to Countywide PPM CW-O-051, four standard County agreements that have been executed by the County Administrator, or his designee (the Fire Rescue Administrator) are being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (PK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. **Staff recommends motion to approve:** 3rd Maintenance Services Schedules to the Master Services Agreement with AT&T (R2009-1055) for maintenance in the amount of \$214,247 and for the purchase of equipment and other services pertaining to the County's Meridian telephone systems not to exceed \$20,000, for a total amount not to exceed of \$234,247 for the period February 1, 2013 through February 1, 2014. **SUMMARY:** These 3rd Maintenance Services Schedules provide quotes for the maximum cost of maintenance services, purchase of telephone equipment and other PBX-related services for the Meridian telephone systems located at the Judicial Center Complex and Airport Center. AT&T has offices in Palm Beach County. Countywide (PK)

2. **Staff recommends motion to approve:** an Interlocal Agreement with the School Board of Palm Beach County (School Board) that institutes a formal process whereby Palm Beach County (County) may submit a request to install, at no cost to the County, wireless antenna on towers owned by the School Board. **SUMMARY:** This Interlocal Agreement will institute a formal process whereby the School Board can review, on a case-by-case basis, the County's request to place antenna(s) on specific School Board ITV towers. The antennae may also be used for broadband connectivity for the School Board, for Digital Divide projects or broadband connectivity for County projects. Each antennae placement request will require the review and approval by School Board staff for building and code compliance, technical and real estate requirements. Countywide (PFK)

3. **REVISED TITLE & SUMMARY:** **Staff recommends motion to:**

A) approve Interlocal Agreements rescinding and replacing existing Agreements, as amended for various ISS services with the following organizations: ~~Martin County (R2010-1725);~~ City of Delray Beach (R2010-1446 and R2008-1796); City of Boynton Beach (R2010-0110); City of Palm Beach Gardens (R2008-1937 and R2011-1417); and the Town of Jupiter (R2008-1938). These revisions remove non-applicable language pertaining to the fee structure referenced in the original Agreements and adjust fees applicable to the City of Palm Beach Gardens ~~and Martin County;~~ and

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

SUMMARY: The above referenced organizations have existing network service agreements with Palm Beach County. These agreements were the subject of an internal audit which determined the original agreements included an erroneous clause stating network service fees would be adjusted annually based on the ISS Cost Allocation Plan. This was some holdover language from a predecessor agreement with the Palm Beach County School District which was never intended to apply to the agreements with these ~~four~~ five organizations. Accordingly, this language has been removed from the revised agreements. The agreements have also been revised to reference other changes as follows: additional network services to be provided for the City of Delray Beach's Digital Divide Project; expansion of network services to include the Palm Beach Gardens Golf Facility which will increase annual revenues to the County by \$1,800; ~~and a reduction of \$7,200 in fees charged to Martin County as the connectivity will now be used exclusively to enable cooperative network services that benefit both Palm Beach and Martin County emergency dispatch services.~~ No changes in fees are proposed for either Boynton Beach or Jupiter. All of the original services provided by ISS, as identified in the Background and Justification section, will continue with these new Agreements. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

W. PUBLIC AFFAIRS

1. Staff recommends motion to approve: an Interlocal Agreement with the Village of Wellington (Wellington) for Palm Beach County Channel 20 to provide production staff for recording, broadcasting, and other production services as required to Wellington. Total annual billings to Wellington shall not exceed \$15,000. **SUMMARY:** This Interlocal Agreement provides for the conditions under which Palm Beach County Channel 20 will provide production staff for recording, broadcasting and other production services to Wellington on an on-going basis until terminated by the parties. The broadcasts are to be carried on Wellington's channel, not Palm Beach County Channel 20. Billings are based on actual payroll hours and equipment usage utilizing predetermined rates that are subject to annual adjustment in accordance with Channel 20's approved budget. The term of the Agreement is from the date of execution for a period of ten years, or until such time it is terminated by either party upon 30 days written notice. District 6 (MJ)

X. PUBLIC SAFETY

1. Staff recommends motion to:
 - A) approve** the Norton Progressive After School Arts Community Education (PACE) Agreement Form for the period FY 2012 through FY 2013 to provide after school arts community education for at-risk youth attending the Highridge Family Center at no cost to the County; and
 - B) authorize** the County Administrator or his designee to execute any future Agreements, or amendments with the Norton Museum of Art for educational art classes or programs at the Highridge Family Center on behalf of the Board of County Commissioners.

SUMMARY: Highridge Family Center has been selected by the Norton Museum of Art as one of four sites to participate in the PACE program for the FY 2012-2013. The PACE program provides free weekly art classes to at-risk youth by a local professional artist. In exchange for art classes conducted at Highridge, County staff must assist with the annual assessment of the program and the instructing artist, as well as be responsible for the general maintenance and cleaning of the meeting room. There are no costs associated with this Agreement. Countywide (PGE)
2. Staff recommends motion to receive and file: the executed Modification No. 1 to Subgrant Agreement (Contract Number: 13-FG-86-10-60-01-117), a Federal Emergency Management Performance Grant Agreement-Federal for \$236,844 with the State of Florida, Division of Emergency Management (FDEM), to remove and replace Attachment C (Program Conditions) of the grant agreement from the current contract for the period of July 1, 2012 through June 30, 2013. **SUMMARY:** The Emergency Management Performance Grant-Federal (EMPG) is an annual grant that the Public Safety Department's Division of Emergency Management receives to enhance and improve emergency management plans and programs of the County, consistent with the State Comprehensive Emergency Management Plan and Programs and provide operational support to maintain state required programs. The grant will be used to further enhance emergency planning, response, mitigation and recovery in the County. Attachment C - Subsection Two has been revised to reflect more rigorous standards for each EMPG funded position regarding their level of training and the exercises attended each grant year. Resolution No. R2012-1731 authorizes the County Administrator or his designee to execute certain operational agreements with FDEM. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

3. Staff recommends motion to receive and file: an executed Contract with American Red Cross – Palm Beaches/Treasure Coast Region (ARC) to provide planning, facilitation, support, and after action review of a half day shelter functional exercise in the amount of \$25,000 for the period December 1, 2012, through March 30, 2013. **SUMMARY:** The County was awarded \$126,250 from the U.S. Department of Homeland Security 2010 Grant through the Fort Lauderdale Urban Area Security Initiative (UASI) for Citizen Corps projects. Through a selection process and discussion with the Palm Beach County Citizen Corps Council a motion and approval was made by the Palm Beach County Citizen Corps Council for the County to provide \$25,000 of this grant funding to the ARC to plan, facilitate, support and provide an after action review for the Citizen Corps half day shelter functional exercise. As part of this agreement ARC will pay all fees associated with the execution of this exercise to include reimbursement of school police, registration staff, exercise materials, etc. This project will provide the third phase in a four year plan for Citizen Corps partners to bring teams together and exercise. Resolution R2006-2669 authorizes the County Administrator or his designee to execute standard UASI agreements and sub-grant agreements with various governmental and private agencies on behalf of the Board of County Commissioners. **No County matching funds are required.** Countywide (PGE)

4. Staff recommends motion to:
 - A) ratify** the signature of the Mayor on a Grant Agreement with the American Society for the Prevention of Cruelty to Animals in the amount of \$7,000 for the period November 29, 2012, through May 29, 2013, for the care of fourteen horses seized on November 7, 2012; and
 - B) approve** a Budget Amendment of \$7,000 in the General Fund to recognize the actual grant award.

SUMMARY: This Grant Agreement provides \$7,000 designated for medical care, food, and supplies for the care of fourteen horses seized after a cruelty investigation by Palm Beach County's Animal Care and Control (ACC) Division on November 7, 2012. Based on the condition of the horses, expenses for medical care, food and supplies will exceed \$3,000 for each horse with an approximate length of stay of three months or more at ACC. No County matching funds are required for this grant. The Grant Agreement provides that the laws of the State of New York govern the agreement and that venue for any litigation concerning the agreement shall be in the State of New York. Countywide (SF)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

5. Staff recommends motion to:

A) approve the Office of Juvenile Justice and Delinquency Prevention FY 2013 Application for the period October 1, 2013, through September 30, 2016, in an amount of \$733,198 for the Family Drug Court Program; and

B) authorize the County Administrator or his designee to execute all related documents and contracts for Palm Beach County's Family Drug Court Program enhancement grant and to execute all necessary forms, documents including electronic submission and acceptance of grant application as required by the U.S. Department of Justice, Office of Juvenile and Delinquency Prevention.

SUMMARY: The Division of Justice Services of the Public Safety Department has operated a Family Drug Court since October 2009 through an implementation grant awarded by the U.S. Department of Justice, Office of Juvenile Justice Delinquency Prevention. The Division is requesting approval to submit a new enhancement grant application for this program. The enhanced program will support the Family Drug Court and will provide the added services of an Outpatient Treatment Life Coach. If awarded, the total grant income will be \$549,898. There is a total match requirement of \$183,300 which is twenty-five percent of the grant being applied for. The County match requirement will be met by providing staffing support from the Department of Public Safety, Division of Justice Services Director, Court Services Manager and a Financial Analyst in the amount of \$102,424.10. An in-kind match is also being met by staff support provided by the 15th Judicial Circuit Chief Deputy Court Administrator in the amount of \$80,875.90. Countywide (PGE)

AA. PALM TRAN

1. Staff recommends motion to:

A) adopt a Resolution authorizing the sale, conveyance and transfer of two 2001 and three 2002 Gillig Low Floor buses, that have reached their useful life to Sarasota County, provided that the Federal Transit Administration (FTA) approves the transfer; and

B) approve an Agreement regarding the sale, conveyance, and transfer of two 2001 and three 2002 Gillig Low Floor buses to Sarasota County, Florida.

SUMMARY: Palm Tran needs to dispose of two 2001 and three 2002 Gillig Low Floor buses. These buses have reached their useful life and may be transferred to another FTA grantee with FTA's prior approval. The heavy-duty buses used by Palm Tran have a useful life of 500,000 miles or 12 years of service. On average, these buses reach 500,000 miles in 9 1/2 years. Keeping these buses in heavy duty service after reaching useful life has proven unproductive and costly for Palm Tran, and very inconvenient for our customers due to more frequent breakdowns because of engine, electrical or air conditioning failure. Other transportation agencies offering shorter routes and needing light duty vehicles can retrofit these vehicles and use them for an average of three to five years while they test new service. Sarasota County, an FTA grantee, has approached Palm Tran and expressed its desire to acquire these buses. Sarasota County has affirmed that it is an entity qualified and eligible to receive a conveyance of personal property from Palm Beach County in accordance with the requirements of Section 125.38, F.S., and that it desires to use the buses for the public or community interest and welfare. These buses were purchased using 100% Federal funds. Countywide (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

2. [Staff recommends motion to approve:](#) appointment of two At-Large members to the Palm Tran Service Board:

<u>Nominee</u>	<u>Category, Seat #</u>	<u>Term to Expire</u>	<u>Nominated By</u>
Cathy Alice Koyanagi	Rep. with Extensive Paratransit Experience Seat No. 12	03/11/2015	Comm. Valeche
Roberta Van Sickle	Disability Advocate, Seat No. 2	08/15/2013	Comm. Vana

SUMMARY: The Palm Tran Service Board was established December 18, 2001 (R2001-2241), and is composed of thirteen at-large members. The new appointment of Ms. Koyanagi, Seat 12, will fill a vacancy. If appointed, Ms. Roberta Van Sickle, Seat 2, will fill the same seat vacated by Ms. Van Sickle in October 2012 due to the rule of absences. Ms. Van Sickle was ill earlier in the year and missed four meetings. Countywide (DR)

BB. MEDICAL EXAMINER

1. [Staff recommends motion to receive and file:](#) an extension for the 2011 Paul Coverdell Forensic Sciences Improvement Grant (2011-CD-BX-0026) through the Florida Department of Law Enforcement extending the end date from September 30, 2012, to March 31, 2013. **SUMMARY:** On May 1, 2012, the Board of County Commissioners received and filed (R2012-0652) the 2011 Paul Coverdell Forensic Sciences Improvement Grant 2011-CD-BX-0026 through the Florida Department of Law Enforcement to received \$7,650 to provide forensic anthropology and odontology services for the period February 1, 2012, through September 30, 2012. The grant was extended to March 31, 2013. **No County match is required for this grant.** Countywide (PGE)

CC. SHERIFF

1. [Staff recommends motion to:](#)
- A) accept** on behalf of the Palm Beach County Sheriff's Office, an Agreement with the City of Miami, as the fiscal agent for the Miami Urban Area Security Initiative to provide \$200,000 in reimbursable funding for Investigative/Intelligence Equipment effective until February 28, 2013; and
- B) approve** a Budget Amendment of \$200,000 in the Sheriff's Grant Fund.

SUMMARY: This Agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miami as the Miami UASI's fiscal agent. These funds will be used to purchase Investigative/Intelligence Equipment for Region 7. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

2. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the National Institute of Justice FY 2011 DNA Backlog Reduction Program Grant to extend the grant period from March 31, 2013, through June 30, 2013. **SUMMARY:** On October 18, 2011, the Board of County Commissioners accepted this award to provide \$482,941 in reimbursable funding; the original grant period for this award was October 1, 2011, through March 31, 2013 (R2011-1649). This agenda item will extend the grant period from March 31, 2013, through June 30, 2013. The objective of this grant award is to continue to pay the salary and benefits of two 2008 Backlog Reduction full-time entry level Forensic Scientists and for equipment, consulting fees, and computer software licenses. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required until grant funding expires in FY 2013. Countywide (PGE)

3. **Staff recommends motion to:**
 - A) accept** on behalf of the Palm Beach County Sheriff's Office, an Agreement with the City of Miami, as the fiscal agent for the Miami Urban Area Security Initiative to provide \$428,951 in reimbursable funding for various direct law enforcement domestic security activities effective until February 28, 2014; and

 - B) approve** a Budget Amendment of \$428,951 in the Sheriff's Grant Fund.

SUMMARY: This Agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miami as the Miami UASI's fiscal agent. These funds and related equipment will be used for direct law enforcement activities. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

4. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the Florida Department of Law Enforcement Florida Consortium "2011 Paul Coverdell National Forensic Sciences Improvement Grant" to extend the grant period from September 30, 2012, through April 30, 2013. **SUMMARY:** On March 6, 2012, the Board of County Commissioners accepted this award to provide \$73,007 in reimbursable funding; the original grant period for this award was October 1, 2011, through September 30, 2012 (R2012-0373). This agenda item will extend the grant period from September 30, 2012, through April 30, 2013. The objective of this grant award is to improve the quality of forensic services. Funds provided will be used for; travel, training, supplies and to pay overtime and benefits for Latent Print Examiners, Firearm Examiners, and Evidence Technician Staff. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

5. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a donation from The Howard E. Hill Foundation, Inc., in the amount, of \$100,000 for the FY 2014 Gunfire Detection and Location Project; and

B) approve a Budget Amendment of \$100,000 in the Sheriff's Grant Fund.

SUMMARY: On November 5, 2012, the Palm Beach County Sheriff's Office (PBSO) received a donation from The Howard E. Hill Foundation. The funds provided will be used by PBSO for direct law enforcement activities. A budget amendment is needed to acknowledge the donated funds. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (PGE)

6. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, an Agreement with the Port of Palm Beach District for reimbursement of expenses associated with advanced marine and tactical training classes for the region, in the amount of \$100,000 associated with the FY 2011 Port Security Grant for the period ending June 30, 2013; and

B) approve a Budget Amendment of \$100,000 in the Sheriff's Grant Fund.

SUMMARY: The Port of Palm Beach District (PORT) received an award from the United States Department of Homeland Security FY 2011 Port Security Grant to provide advanced marine and tactical training. On January 10, 2013, the Palm Beach County Sheriff's Office (PBSO) and the PORT entered into an agreement to expend the Port Security Grant. PBSO, in compliance with the FY 2011 Port Security Grant, will host advanced marine and tactical training classes for the region. Under this agreement, the PBSO will receive \$100,000 in reimbursable funds for expenses associated with the training classes. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

7. **Staff recommends motion to approve:** a Budget Transfer of \$37,202 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Florida Statute 932.7055(5) provides that the seizing agency shall use Forfeiture proceeds for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing AED's, and providing matching grant funds. F.S. 932.7055(5) also requires that no less than 15% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2013 estimated donation requirement will not be finalized until year-end close-out. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The year-to-date transfer for all donations to outside organizations after approval of this item is \$659,627. The funds are requested here are to aid PBSO and qualified organizations that meet the requirements set forth in F.S. 932.7055. Use of LETf requires approval by the Board, upon request of the Sheriff. The current State LETf balance is \$1,945,800. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,908,598. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective organization or agency. No new positions are needed and no additional County funds are required. Countywide (PGE)

ORGANIZATION	AMOUNT
Comprehensive Alcoholism Rehabilitation Programs, Inc.	\$8,350
Kids in Distress	\$10,000
National Campaign to Stop Violence – Do the Write Thing	\$5,000
PBSO – Narcotics Division	\$5,502
Sunset House, Inc.	\$8,350
Total Amount	\$37,202

* * * * *

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

A. Staff recommends motion to:

1) **adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, confirming the special assessment roll for 74th Street North Water Main Extension Project; and

2) **approve** a Work Authorization No. 22 to Johnson-Davis, Inc., under the Water Utilities Department (WUD) Continuing Construction Contract (R2010-1423) in the amount of \$75,633.48.

SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 56% of the property owners in the 74th Street North project area. The project will serve nine residential properties currently on private wells. Individual assessments of \$9,529.81 per parcel are based on 90% of the total project cost as per the Agreement between the County and Indian Trails Improvement District, in which the County will allocate \$500,000 to provide financial support for up to 10% of the final cost for assessment projects within the legislative boundaries of the Indian Trails Improvement District. WUD has encumbered and expended for previous projects a total of \$215,888.18. The assessment may be paid over 20 years with equal annual payments of principal and 5½% interest. The total assessable cost is \$85,768.29 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 18.36% overall participation. The cumulative SBE participation is 15.56% overall. If the actual cost exceeds the total assessable cost, the differential will be covered by WUD's budget. Johnson-Davis, Inc. is a local Palm Beach County company. (WUD Project No. 11-132) District 6 (MJ & JM)

B. Staff recommends motion to adopt: a Resolution to vacate the lots and abandon any public interest in the rights-of-way in a portion of the plat of Tracts "F," "G," "H," "I" & "J," Osceola Groves, Inc., as recorded in Plat Book 20, Page 30, Public Records of Palm Beach County, Florida; a portion of the plat of Tract "R" and Tract "S," Osceola Groves, Inc., as recorded in Plat Book 22, Page 32, Public Records of Palm Beach County, Florida; and all of the Replat of Lot 119 to 134 Inclusive of Tract "S," Osceola Groves, Inc., as recorded in Plat Book 23, Page 171, Public Records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will allow a co-petitioner, Florida Inland Navigation District, to vacate the lots and abandon the rights-of-way to use the site for its intended purpose as a future dredged material management area. The other co-petitioners are Miller Couse, Toni L. Couse, Earnest H. Rawls, As Trustee of the Earnest H. Rawls Revocable Trust Dated June 8, 2007, Earnest H. Rawls, as Trustee of the Hazel C. Rawls Revocable Trust dated June 8, 2007, Hazel C. Rawls, as Trustee of the Earnest H. Rawls Revocable Trust dated June 8, 2007 and Hazel C. Rawls, as Trustee of the Hazel C. Rawls Revocable Trust dated June 8, 2007, and the current platted configuration is inconsistent with the land's agricultural use. The petition site is located approximately ½ mile south of the Martin County Line, north of the L-8 Canal and east of Lake Okeechobee. District 1 (MRE)

4. PUBLIC HEARINGS CONTINUED

C. Staff recommends motion to:

1) **conduct** a public hearing (TEFRA) on the proposed issuance of revenue bonds (the "Bonds") by the City of St. Petersburg Health Facilities Authority (the "Authority") in an amount not to exceed \$45,000,000 of which not-to-exceed \$4,200,000 will be used to finance certain projects located in Palm Beach County; and

2) **adopt** a Resolution approving an interlocal agreement with the Authority and the issuance of the Bonds, and providing an effective date.

SUMMARY: The Authority has agreed to issue up to \$45 million of bonds for the benefit of OneBlood to refinance debt across the state and to finance and refinance a new project in Broward County, Florida. OneBlood, a Florida not-for-profit corporation is the successor entity, by merger, of three Florida blood banks that operated in various areas throughout the state, including Community Blood Centers of South Florida. OneBlood, as successor entity now desires to consolidate and refinance, for savings, various debt acquired by the predecessors of OneBlood. The local project to be refinanced with the proceeds of the Bonds consists of the acquisition of 3.5 acres of land located at 3451 Northlake Boulevard in Lake Park, Palm Beach County, Florida 33403, and the construction and equipping thereon of an approximately 40,900 square foot, three-story administrative building and blood processing and distribution center, and the acquisition of 3 acres of land adjacent to and located to the east of the hereinbefore described land to be used for future expansion (the "Palm Beach Project") originally financed with the proceeds of the County's Industrial Development Authority's Industrial Development Revenue Bonds (South Florida Blood Banks, Inc. Project), Series 2002. Pursuant to federal tax law, prior to the issuance of the Bonds to refinance the Palm Beach Project, a public hearing must be conducted and the issuance of the Bonds to refinance the Palm Beach Project must be approved by the Board. In addition, pursuant to state law, prior to the issuance of the Bonds to refinance the Palm Beach Project, the Board must enter into an interlocal agreement with the Authority. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** District 1 (PFK)

Continued from January 15, 2013

D. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Sections 2-80.20 through 2-80.34 of the Palm Beach County Code, which codified Ordinance No. 2002-064, as amended by Ordinance No. 04-071, Ordinance No. 05-048, Ordinance No. 2008-014, and Ordinance No. 2009-024, and established a Small Business Enterprise Program; providing for policy and purpose; providing for definitions; providing for Small Business Certification; providing for M/WBE certification; providing for the Small Business Advisory Board; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** On December 18, 2012, the Board of County Commissioners held preliminary reading of this ordinance and authorized advertising for public hearing. The proposed changes to the SBE Ordinance are recommended to create a thorough process for reviewing applications for certification, update the membership of the SBE Advisory Board, and provide further clarity. This item was continued from the January 15, 2013 Board of County Commissioners Meeting, and changes were made to the Advisory Board composition to maintain seats for representatives from the Associated General Contractors, Black Chamber of Commerce of Palm Beach County, and the National Association of Women in Construction. A seat for a representative of a professional services organization was added. Countywide (TKF)

4. PUBLIC HEARINGS CONTINUED

E. Staff recommends motion to:

1) adopt 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

2) receive and file the Impact Fee Review Committee Report to the Board of County Commissioners (BCC).

SUMMARY: At the Commission meeting on February 5, 2013, the BCC approved staff's request for permission to advertise a public hearing on impact fee increases. The Board has not approved an increase in impact fees since January 6, 2006. The February 5th agenda item listed three possible options for fee increases. Option 1 increased all of the fees to the maximum allowed under the ordinance effective June 15, 2013. Option 3 provided for a 20% increase in the applicable road, public building, and library impact fees in two phase-in periods on June 15, 2013 and June 14, 2014.

The Board approved Option 2 with further discussion to occur during the public hearing on March 12, 2013. Option 2 is the compromise solution worked out with industry. Option 2 sets all applicable impact fees, except the road impact fee, to the maximum allowed under the ordinance effective June 15, 2013. The road impact fee would be increased over three phase-in periods with the first phase on June 15, 2013 capturing approximately 51% of the proposed increase. The next two phase-in periods on June 15, 2014 and June 14, 2015 would each capture approximately 24.5% of the remaining road impact fee increase. After the third phase-in period, all of the impact fees would be at the maximum allowed under the ordinance. However, during Fiscal Year 2015 a new biennial update will be completed and presented to the BCC for consideration of new impact fees which may further increase or reduce the fees.

Other options for consideration based on Option 2 include the following:

1. Option 2B – Spread the road impact fee increase over 4 years.
2. Option 2C – Spread the road impact fee increase over 5 years. Countywide (LB)

4. PUBLIC HEARINGS CONTINUED

F. Staff recommends motion to approve:

- 1) Budget amendments and transfers in various funds reflecting adjustments for balances brought forward, other revenues, reserves and operating expenses;
- 2) \$1,105,391 in budget reclassified from the General Fund to the Transportation Improvement Fund as part of the merger of Engineering Services and Roadway Production Divisions; and
- 3) \$193,000 transfer from contingency for the Senator Philip D. Lewis Homeless Resource Center to meet the need for housing homeless families (\$150,000) and to fund three months of job training activities due to a gap in grant funding (\$43,000). The total of the adjustments is an increase of \$67,458,485 in 221 funds.

SUMMARY: These budget amendments and transfers are necessary to adjust FY 2013 budgets to reflect differences between actual and estimated revenues and expenditures of FY 2012. These amendments adjust the balances brought forward, various revenue, expenditure and reserve accounts to their audited balances. The proposed adjustments include \$31,392,559 additional reserves in the General Fund. The adjustment is a result of:

- \$5,979,780 net additional excess fees and commission refunds from Constitutional Officers; and
- \$14,081,220 net additional revenues: Transfer from Fleet Management \$4,318,536, Transfer from Employee Health \$6,335,901, and other revenue sources \$3,426,783; and
- \$10,419,168 expenditures less than and revenues greater than originally estimated; and
- \$912,391 reclassification of Engineering Services' budget and funding for the Homeless Resource Center.

FY 2014 budget projections currently assume these additional reserves will be carried forward to balance the annual budget. Countywide (PFK)

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5. REGULAR AGENDA

A. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance of not exceeding \$6,000,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds (La Joya Villages Project) the proceeds of which are to be used for the purpose of financing the acquisition, construction and/or equipping of a not to exceed 55 unit multifamily rental housing development to be known as La Joya Villages; approving GA Housing LLC or other tax exempt investment fund sponsored by Red Stone Partners, and Community & Southern Bank or an affiliate thereof, as the Purchaser of said Bonds, within the meaning of Palm Beach County Code Section 2-190; and providing an effective date. **SUMMARY:** The Housing Finance Authority of Palm Beach County, Florida (the "Authority") was established by the Board of County Commissioners (the "Board") in 1979 in accordance with Part IV of Chapter 159, Florida Statutes (the "Act"). Section 2-190 of the Palm Beach County Code requires that all bonds of the Authority and the purchaser of such bonds must be submitted to and approved by the Board. The Bonds are being issued by the Authority, to finance the costs of the acquisition, construction and/or equipping by La Joya Villages, Ltd. (the "Borrower") and being developed by Realtex Development Corporation Southeast and Community Land Trust of Palm Beach County (jointly, the "Developer") of a not to exceed 55 unit multifamily rental housing facility to be known as La Joya Villages, located at 1105 6th Avenue South, Lake Worth, Florida 33460, in the City of Lake Worth (the "City"), to be rented to qualified persons and families as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Greenberg Traurig, LLP is Bond Counsel to the Authority with respect to the Bonds. There will be no underwriter for the Bonds since the Authority will deliver the Bonds directly to GA Housing LLC and to Community & Southern Bank or an affiliate of either thereof, as the purchasers thereof. **This funding is projected to create 247 jobs and have a five year Economic Sustainability Impact of \$23.7 million. Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** (HFA of PBC) District 7 (PFK)

5. REGULAR AGENDA

A. ECONOMIC SUSTAINABILITY (Cont'd)

2. ~~DELETED: Staff recommends motion to approve:~~

~~A) a Loan Agreement in the amount of \$875,000 with NOAH Development Corporation (NOAH), a Florida not-for-profit corporation, in connection with the Covenant Villas Project;~~

~~B) an Amended and Restated Mortgage Agreement;~~

~~C) the delegation of authority to the County Administrator, or his designee, to execute any other documents necessary to complete the transactions related to this funding; and~~

~~D) a Budget Amendment allocating \$875,000 to the Affordable Housing Trust Fund budget for Fiscal Year 2012-2013.~~

SUMMARY: NOAH currently owns and operates a 144 unit affordable housing project in Belle Glade known as Covenant Villas. This project was completed in 1989 for \$5.4 Million. Of this amount, \$2.7 Million was provided by the County of which \$1.35 Million was in the form of a loan and \$1.35 Million was in the form of a grant. The source of the County funds were from the County's General Fund. Due to significant economic challenges in the Glades region, the project is in disrepair and has an occupancy rate of 50%. Repairs are currently estimated at \$867,000. Despite this, an appraisal obtained by NOAH in December 2012, describes the project as "the best quality multifamily project in Belle Glade" and established its fair market value at \$3.3 Million. Due to the low occupancy rate, NOAH is currently in default of their first mortgage and is facing foreclosure. In order to prevent the loss of this affordable housing project to foreclosure, including the loss of the County's investment, and prevent the property from additional decline, staff is recommending to provide NOAH \$875,000, which will be used to partially pay off the existing first mortgage. In return, the County will be in a first mortgage position and the existing first mortgage will be converted into a second mortgage that secures approximately \$300,000. In total, the County's investment will be secured by three ~~senior~~ mortgages totaling \$3,020,500. Staff is recommending a three year deferment in principal payments to allow NOAH to make the necessary repairs to increase the occupancy rate. The source of funds will be from funds received by the County from the recent acquisition of NOAH's South Bay Villas project by the Palm Beach County Housing Authority. The County received \$875,000 at that closing due to a mortgage held on that property by the County. (DES Contract Development) District 6 (TKF)

5. REGULAR AGENDA

B. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve:

A) a Budget Transfer of \$575,000 in the General Fund from Contingency Reserves to the County Transportation Trust Fund; and

B) a Budget Amendment of \$575,000 in the County Transportation Trust Fund to recognize the transfer and appropriate it to Railroad Crossing Maintenance.

SUMMARY: Palm Beach County (County) is responsible for the maintenance of railroad crossings over County roads. We are responsible for several annual maintenance agreements with CSX Transportation, Inc. (CSX) and Florida East Coast (FEC) railroads. When the railroad company determines that projects/repairs or rebuilds are necessary, the County is responsible for those costs as well. The current FY 2013 budget includes funding which covers annual maintenance costs and a few minor repairs. We have recently been notified that CSX has three major projects/repairs totaling approximately \$200,000 and FEC has five major repairs totaling approximately \$525,000 scheduled for 2013. There is now the need for an additional \$575,000 to cover these unanticipated projects. Countywide (MRE)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in 2.40 acres of vacant County-owned land located between Ranches Road and Western Way in unincorporated Lake Worth for a total of \$1,260 with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

B) approve fourteen separate County Deeds in favor of: Dustin & Lindsay Demmery; Brian L. & Deborah M. Douglas; Joseph & Mary Essa; Fish Farm, LLC; White House, LLC; Jeryl M. Lloyd; Thomas C. & Henrietta T. Maier; Dennis J. McKenzie III & Laurian M. McKenzie; David D. & Patricia L. Millner; William & Mary Morgan; Walter D. Percy, Trustee of the Percy Revocable Trust of 2008; Terence A. & Mary T. Schaad; R.L. Scheurer; and Truc Tran & Bich P. Che.

SUMMARY: The County acquired approximately 10.40 acres of long narrow strips of undevelopable vacant land located off Ranches Road and Western Way in unincorporated Lake Worth by Tax Deed in 1984. A portion of the vacant land is a 50' wide strip which runs east/west between Ranches Road and Western Way that supports a shallow canal for drainage to serve the surrounding properties. In November of 2011, a portion of this east/west strip, .19 acres, was sold to Carl Terwilliger and his wife Donna Leone for \$100 or \$.012/SF. Staff sent notice to the adjoining property owners along the balance of the east/west strip offering to sell portions to each owner subject to Board of County Commissioners approval. Staff was successful in receiving a positive response from owners along the strip such that the entire 50' would be sold at the same per square foot price (\$.012/SF) as the Terwilliger conveyance. In total, approximately 2.40 acres will be sold off in segmented portions to the adjacent owners. The 2.40 acres is deemed surplus because it serves no present or future County use and is subject to an existing easement for canal purposes. The balance of the overall property, approximately 4.96 acres, will remain in County ownership for road drainage purposes. Pursuant to the PREM Ordinance, an appraisal is not required as this parcel's value is less than \$25,000. The assessed value of the 2.40 acres is approximately \$720. Pursuant to Florida Statutes, Section 125.35(2), the Board may effect a private sale of the parcel upon a finding that the value of a parcel is \$15,000 or less, as determined by the County Property Appraiser, and when due to its size, shape, location and value, it is of use to only one or more adjacent property owners. Staff recommends the sale of these parcels as it will: (i) lessen the County's potential liability and maintenance responsibilities and (ii) return a portion of the property to the tax roll. The County will retain mineral rights in accordance with Florida Statute, Section 270.11, but will not retain rights of entry and exploration. **This sale must be approved by a supermajority vote (5 Commissioners).** (PREM) District 3 (HJF)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve:

A) a Civic Site Dedication Agreement with Boynton Beach Associates XXIV, LLLP; Boynton Beach Associates XIX, LLLP; Delray Beach Associates I, LLC; Boca Raton Associates VI, LLLP; Atlantic Commons Associates, LLLP; Boca Raton Associates VII, LLLP; and Boca Raton Associates VIII, LLLP;

B) a Memorandum of Agreement between the County and Atlantic Commons Associates, LLLP;

C) a Termination of Memorandum of Agreement; and

D) a Budget Amendment of \$200,000 in the Civic Site Fund recognizing cash out revenue received and establishing a project expense budget.

SUMMARY: Pursuant to this Civic Site Dedication Agreement, GL Homes, through its various development entities, will convey to the County a 6.276 acre civic site within the Atlantic Commons PUD at the northeast corner of Atlantic Avenue and the Turnpike and cash out the balance of GL Homes' civic dedication requirements for its Ag Reserve development projects for the sum of \$2,854,477. This civic site dedication will provide sufficient land to meet the foreseeable demand for County services arising out of development in the Ag Reserve, from a site which is just outside the boundaries of the Ag Reserve. The cash out funds will assist in offsetting the cost of development for County facilities serving the West Delray area. The Budget Amendment recognizes the \$200,000 that GL is required to pay within 90 days of the execution of this Agreement and establishes budget for pre-construction services for renovations to the old West Atlantic Library building for use by the Palm Beach County Sheriff's Office as a substation to house District 4 and the Countywide Traffic Unit as contemplated by the 5-Year Capital Improvements Program. The Memorandum will be recorded and provide public notice of the County's rights under this Agreement. The Termination of Memorandum will be held in escrow and recorded at closing of the civic site. **These Agreements must be approved by a supermajority vote (5 Commissioners).** (PREM) District 5 (HJF)

D. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: a Contract for external auditing services with McGladrey, LLP. This is a three year contract with all services to be completed by June 30, 2016. The contract includes two renewal options of two years each, at the County's sole discretion. **SUMMARY:** On February 6, 2013, the External Auditor Selection Committee (Committee), after hearing oral presentations, selected McGladrey, LLP as the first-ranked proposer to provide external audit services to Palm Beach County. The Committee was comprised of representatives of the Constitutional Officers, County Administration, OFMB, Office of Small Business Assistance, and the Internal Auditor. The initial contract period is for three years at \$739,100 per year, for a total cost of \$2,217,300, with 25% SBE participation. This price represents a 5% reduction from the current year cost of \$778,000. The audit work will be conducted out of McGladrey's West Palm Beach office. Countywide (PFK)

5. REGULAR AGENDA

E. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve:

A) two Site Planner II positions that were previously eliminated during the Fiscal Year Budget Reduction from 2009 through 2012; and

B) a Budget Transfer of \$67,500 from General Fund Contingency Reserves to the Zoning Division.

SUMMARY: For the purposes of budget reduction during Fiscal Years 2009, 2010, 2011 and 2012, thirteen professional and technical positions in the Zoning Division were eliminated. The Zoning Division has had to maintain the existing processes and services with reduced staffing from 50 to 37. This request is for two additional positions to meet current workload conditions. Unincorporated (RPB)

F. ADMINISTRATION

1. Staff recommends motion to adopt: a proposed Resolution of the Board of County Commissioners of Palm Beach County, Florida, supporting the priorities of the 16 county Ecosystem Summit, an annual summit for the counties that comprise the South Florida Water Management District and an initiative of the 9 County Coalition for Responsible Management of Lake Okeechobee – St. Lucie and Caloosahatchee Estuaries and Lake Worth Lagoon. **SUMMARY:** All 16 counties that attended the Ecosystem Summit have been asked to pass identical resolutions requesting support for the Summit's federal legislative priorities. Staff requests the Board's approval on a proposed Resolution adopting the 16 county Ecosystem Summit federal legislative priorities, which include:

- 1) Restoration of the Herbert Hoover Dike, increasing the annual appropriation for rehabilitation of the Herbert Hoover Dike to accelerate project completion;
- 2) Restoration of the Kissimmee River, continuing appropriations to complete restoration; and
- 3) Providing the funding necessary to complete St. Lucie C-44 reservoirs/ Stormwater Treatment Area complex;
- 4) Requesting Congressional authorization of the Caloosahatchee River, C-43 West Reservoir; and
- 5) Requesting an updated Water Resources Development Act to include authorization for other crucial elements of ecosystem restoration. Countywide (DW)

5. REGULAR AGENDA

F. ADMINISTRATION (Cont'd)

2. **Staff requests Board direction:** regarding a Resolution revising budgetary policy and expenditure controls for the operation of Commission District offices, and rescinding Resolution No. R2010-0224. **SUMMARY:** Staff was requested to review the existing policy concerning the personnel classification and pay scale of the County Commission Administrative Assistant positions now that term limits may also impact the tenure of County Commission staff. Under the existing resolution, a County Commission Administrative Assistant may be promoted to Senior County Commission Administrative Assistant if they meet certain criteria which require between eight and fifteen years as an employee of the Board of County Commissioners (in any capacity), with additional requirements for working on a Commissioner's staff. Following the review, staff is providing three options for consideration:

Option 1: Allow for a promotion to the Senior level after serving four years on a Commissioner's staff, with no additional requirements;

Option 2: Allow for a promotion to the Senior level after two years working on a Commissioner's staff, plus five years of local government experience;

Option 3: Leave Resolution as is. Countywide (PFK)

G. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** an Excess Policy Commutation Agreement (Agreement) between Palm Beach County's excess workers' compensation insurance carrier, TIG Insurance Company (TIG) and the Palm Beach County Board of County Commissioners (County). **SUMMARY:** This Agreement arises from a project undertaken by staff to review old excess insurance policy contracts dating back to the 1970's through the early 1990's and to identify any outstanding opportunities to collect unfiled claim reimbursements that were not paid to the County for losses incurred under those policies during those years. This specific Agreement, between the County and TIG, if approved, relates to the latter-most portion of the project that identifies claim reimbursements from policies dating from January 1, 1991 through January 1, 1994, and will provide the County with \$1,700,000 in previously unreimbursed losses, including consideration for future loss expenditures. Countywide (PM)

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6. BOARD APPOINTMENTS

A. ADMINISTRATION
(Health Care District Board of Commissioners)

1. **REVISED TITLE:** Staff recommends motion to approve: appointment of one elected official to the Health Care District of Palm Beach County (HCD) Board of Commissioners, Seat No. 1, for a term commencing March 12, 2013, and ending September 30, 2017:

<u>Appoint (One only)</u>	<u>Position</u>	<u>Nominated By</u>
Susan M. Bucher	Supervisor of Elections, Palm Beach County	Comm. Burdick <u>Comm. Vana</u>
Angeleta Gray	Deputy Vice Mayor, City of Delray Beach	Comm. Abrams
Wendy K. Harrison	Council Member, Town of Jupiter	Comm. Valeche
Al Jacquet	Commissioner, City of Delray Beach	Comm. Abrams
Keith A. James	Commissioner, City of West Palm Beach	Comm. Taylor
Robert S. Margolis	Mayor, Village of Wellington	Comm. Santamaria

SUMMARY: This appointment will fill the seat vacated by Senator Joseph Abruzzo who resigned effective January 7, 2013. The selected individual must be an elected official at the time of appointment and members of the Board of County Commissioners are not eligible to serve. The term of appointment would include the remainder of this fiscal year and one full four-year term. Per Chapter 2003-326, Laws of Florida, the HCD is comprised of seven members. The appointing authority shall consider the diverse geographic areas of Palm Beach County in selecting individuals to serve on the HCD, and at least one person, but not more than two shall reside in the Glades Area. The Governor shall appoint three members; the Board of County Commissioners shall appoint three members, one of which must be an elected official at the time of appointment; and one member shall be the director of the Palm Beach County Health Department. Members may serve two, four-year terms. A memorandum requesting nominations for this seat was distributed to all members of the Board of County Commissioners. Countywide (TKF)

(Commission on Ethics Ordinance Drafting Committee)

2. Staff recommends motion to appoint: two of the following individuals to the Commission on Ethics (COE) Ordinance Drafting Committee:

	<u>Nominees</u>
	David Baker
APPOINT TWO	Alan Johnson
	Bruce Lewis
	Dennis Lipp

SUMMARY: On February 5, 2013, the Board of County Commissioners (BCC) approved reconvening the COE Drafting Ordinance Committee to recommend possible modifications to the Ordinance, specifically as it relates to the composition of the COE and term limits. This Committee will consist of two appointees from the BCC, two appointees from the League of Cities, an attorney representing each entity, and the Executive Director of the COE. The above nominations have been received for consideration. Countywide (LB)

B. COMMISSION DISTRICT APPOINTMENTS

MARCH 12, 2013

7. MATTERS BY THE PUBLIC – 2:00 P.M.

MARCH 12, 2013

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

MARCH 12, 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, CHAIRMAN

E. District 5 - COMMISSIONER MARY LOU BERGER

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

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

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."