

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MAY 21, 2013

<u>PAGE</u>	<u>ITEM</u>	
22	5A-3	<p>REVISED SUMMARY: Staff recommends motion to continue: present defense of the IG funding lawsuit, and continue LOGER method of calculating and financing the IG Office. SUMMARY: In follow-up to BCC discussion on May 7, 2013, this item provides the opportunity to review current BCC direction which is the staff recommendation or consider two alternatives: continuing defense but directing staff to implement 1/4% contract fee as of October 1, 2013, or directing staff to try to negotiate a settlement of the lawsuit on the city <u>desired</u> basis which would implement the 1/4% contract fee via County ordinance but make it a choice of the cities to use the audit services of the IG, with the cities independently contracting and paying for those services if desired. General audit services cannot legally be paid for by the contract fee. <u>Countywide</u> (DN) (Admin)</p>
23	5C-1	<p>REVISED TITLE & SUMMARY: Staff recommends motion to conceptually approve: a sale of the approximately 4750 <u>1,920</u> acres of the Mecca property to the South Florida Water Management District (SFWMD) for \$26M and subject to SFWMD agreeing that reserving the balance of approximately 150 acres <u>will be provided to the Florida Fish and Wildlife Commission for the development and operation of</u> a shooting range. SUMMARY: In August of 2012, the Board conceptually approved terms upon which the County would negotiate the sale of 1,920 acre Mecca Farms property to SFWMD. Based upon the property appraiser's assessed value of \$49M, SFWMD and County Staff recommended a target price of \$54M in total compensation, subject to appraisals. Subsequently, both parties obtained appraisals of the Mecca property with SFWMD's appraisal coming in at \$21M and the County's appraisal at \$26M for an average of \$23.5M. While the appraisals are an indication of current market value, Staff does not believe that the appraisals reflect the price the County could reasonably expect to receive when the market fully recovers and do not account for the significant cost savings and other benefits the SFWMD will achieve utilizing the Mecca property to accomplish its objectives of capturing and storing freshwater, restoring flows to the Loxahatchee River and providing flood protection for the Acreage. However, there are significant limitations upon the County's ability to sell the property for another use and the price the County would receive today. Clearly there are substantial environmental and public safety benefits from the use of the Mecca property for the SFWMD's proposed project. Staff has repeatedly lowered its price objective, most recently to \$30M. In response to Staff's placing this item on the agenda for discussion with the Board, the SFWMD Governing Board at its May 9th meeting approved a counter offer of \$26M based upon the higher of the two appraisals. While a price of \$26M is less than what Staff believes the County could ultimately sell the property for, a sale to SFWMD will avoid years of controversy associated with trying to sell the property for development, will provide current revenue to the County and facilitates the SFWMD's environmental restoration and flood protection objectives. In a companion agenda item (5C-2), Staff is recommending the donation of <u>approximately 150 acres be provided to Florida Fish and Wildlife Conservation Commission for a State owned shooting range.</u> (PREM) <u>Districts 1 & 6/Countywide</u> (HJF) (FDO)</p>
24	5C-2	<p>REVISED MOTION & TITLE: Staff recommends motion to conceptually approve: <u>require, as part of the purchase and sale agreement with the South Florida Water Management District (SFWMD), that SFWMD provide the donation of approximately 150</u></p>

acres of land within the ~~County-owned~~ Mecca Property adjacent to the Florida Fish and Wildlife Conservation Commission's (FWC) ~~J.W. Corbett Wildlife Management Area (WMA)~~ South Entrance for the design, construction and operation of a Public Shooting Park (Park). (FDO)

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**

MAY 21, 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

- 3. CONSENT AGENDA** (Pages 6 - 19)

- 4. PUBLIC HEARINGS - 9:30 A.M.** (Pages 20 - 21)

- 5. REGULAR AGENDA** (Pages 22 - 30)
TIME CERTAIN 9:45 A.M. (Comprehensive Annual Financial Report/Clerk) (Page 23)
TIME CERTAIN 10:00 A.M. (Inspector General Funding Lawsuit) (Page 22)
TIME CERTAIN 2:00 P.M.
 - 5C-1 Mecca Farms (Page 23)
 - 5C-2 Public Shooting Range (Page 24)
 - 5C-3 ATV Park (Page 25)
 - 5C-4 Pope Farms (Page 26)

- 6. BOARD APPOINTMENTS** (Page 31)

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CLERK & COMPTROLLER

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- 5B-1 Comprehensive Annual Financial Report presentation – **TIME CERTAIN 9:45 A.M.**

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MAY 21, 2013

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. [Staff recommends motion to ratify:](#) the following Palm Beach County League of Cities (League) alternate representative to the Treasure Coast Regional Planning Council (TCRPC) for the term ending November 30, 2013:

<u>Nominees</u>	<u>Seat No.</u>	<u>Requirement</u>
<u>Alternate appointment:</u> Jeff Hmara	8A	Palm Beach County Official

SUMMARY: In accordance with the TCRPC Rules of Order, on November 20, 2012, the Board of County Commissioners appointed six Commissioners (three members and three alternates) to serve on the TCRPC. In addition, as required by the TCRPC bylaws, the BCC ratified the League's representatives. Staff has been notified that the League has made a change in the municipal representation. Councilmember Jeff Hmara has been appointed to fill a vacant alternate seat which was created when Vice Mayor Pro Tem Ellen Andel was selected to serve as a regular member of the TCRPC. This change must now be ratified by the BCC. Countywide (RPB)

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:

Meeting Type	Meeting Date
Regular	March 12, 2013
Regular	April 2, 2013
Regular	April 16, 2013
Workshop	April 23, 2013
Zoning	April 25, 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

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** a Budget Transfer in the amount of \$43,599 in the Unincorporated Improvement Fund from Reserves to Wallis Road, Sunbeam Avenue, 1st, 2nd & 3rd Street (Project) Project No. 2005135. **SUMMARY:** Approval of this Budget Transfer will provide funding for Change Order No. 5 which involves the installation of speed humps on these roads. It will also fund additional staff time. District 2 (MRE)
2. **Staff recommends motion to approve:** a Palm Beach County (County) Deed in favor of the Florida Department of Transportation (FDOT), for right-of-way on the east side of the Pete Damon Memorial Bridge (Bridge) over the Loxahatchee River in Jupiter. **SUMMARY:** Approval of this County Deed will convey right-of-way on the east side of the Bridge to FDOT, for the reconstruction of a fishing pier. This Bridge connects Alternate A1A over the Loxahatchee River in Jupiter. District 1 (MRE)

MAY 21, 2013

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. **Staff recommends motion to approve:** an Interlocal Agreement (Agreement) with the Town of Lake Clarke Shores (Town) in the amount of \$2,600 to support and protect water distribution lines for Nautical Way Drainage Improvements (Project). **SUMMARY:** Approval of this Agreement will allow Palm Beach County (County) and the Town to jointly participate in supporting and protecting the Town's water distribution lines located within the Project's limits. The Town agrees to reimburse the County for the cost to support and protect the Town's water distribution lines. District 3 (MRE)
4. **Staff recommends motion to adopt:** a Resolution to approve Amendment Number Two to the Joint Participation Agreement (JPA) R2009-0823, with the Florida Department of Transportation (FDOT) for the operation and maintenance of the Traffic Management Center (TMC) at the Vista Center. **SUMMARY:** The Board of County Commissioners (Board) approved an earlier version of the JPA Amendment Number Two of the JPA R2012-1869, on December 18, 2012. However, FDOT decided not to execute it. They instead made additional changes/additions to the Amendment and requested that the Board approve this new Amendment Number Two. The FDOT added a new funding account number and included E-Verify requirements. Adoption of the Resolution will approve Amendment Number Two to the JPA, which will add \$250,000 over the next five years, through Fiscal Year 2017/2018, for the maintenance of the TMC. FDOT will continue to reimburse the County 70% of the costs of operating and maintaining audio and video systems in the TMC. The remaining 30% will come from the Traffic Operations account. Approval of revised JPA Amendment Number Two will also permit the transfer of network equipment, which includes six Hewlett Packard servers and three other peripheral units listed in Appendix A of the JPA from Palm Beach County to the FDOT. Countywide (MRE)

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** Amendment No. 3 to the Agreement (R2010-1222) with the law firm of Squire Sanders (US) LLP (formerly known as Squire, Sanders & Dempsey (US) LLP) ("Attorney"), to provide disclosure counsel and related legal services for: (a) the not to exceed \$31 Million Convention Center Hotel Project 2013 Bonds, and (b) the not to exceed \$45 Million refunding of General Obligation Bonds, Series 2006 (Waterfront Preservation and Library District Bonds). **SUMMARY:** The Attorney was selected as disclosure counsel for the above financings by the County Financing Committee at the April 12, 2013 meeting. This Amendment No. 3 confirms that selection by amending the existing Agreement for disclosure counsel and related services between Palm Beach County and the Attorney. Payment for the legal services in connection with the bond issuances will be as provided for in the Agreement.

This Amendment also extends the Agreement's term to September 30, 2016, as provided for in the Agreement. Countywide (PFK)

2. **Staff recommends motion to approve:** Amendment No. 2 to the Agreement (R2010-1325) with the law firm of Greenberg Traurig, P.A. ("Attorney"), to provide bond counsel and related legal services for the not to exceed \$45 Million refunding of General Obligation Bonds, Series 2006 (Waterfront Preservation and Library District Bonds). **SUMMARY:** The Attorney was selected as bond counsel for the above financing by the County Financing Committee at the April 12, 2013 meeting. This Amendment No. 2 confirms that selection by amending the existing Agreement for bond counsel and related services between Palm Beach County and the Attorney. Payment for the legal services in connection with the bond issuance will be as provided for in the Agreement. This Amendment also extends the Agreement's term through September 30, 2016, as provided for in the Agreement. Countywide (PFK)

MAY 21, 2013

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

3. **Staff recommends motion to approve:** Amendment No. 3 to the Agreement (R2010-1324) with the law firm of Edwards Wildman Palmer LLP (formerly known as Edwards Angell Palmer & Dodge LLP) ("Attorney"), to provide bond counsel and related legal services for the not to exceed \$13.5 Million grant for the Max Planck Project. **SUMMARY:** The Attorney was selected as bond counsel for the above financing by the County Financing Committee at the April 12, 2013 meeting. This Amendment No. 3 confirms that selection by amending the existing Agreement for bond counsel and related services between Palm Beach County and the Attorney. Payment for the legal services in connection with the bond issuance will be as provided for in the Agreement. This Amendment also extends the Agreement's term through September 30, 2016 as provided for in the Agreement. Countywide (PFK)
4. **Staff recommends motion to approve:** a settlement in the amount of \$50,000, for full satisfaction of four Code Enforcement Liens and eight Water Utility Liens in the foreclosure action styled Private Capital Group, LLC, v. Bayview Loan Servicing, LLC, et al., Case No. 502008CA038017XXXXMBAO. **SUMMARY:** The County holds four Code Enforcement Liens in the total amount of \$503,397, and eight Water Utility Liens in the total amount of \$14,092, as of May 20, 2013, against properties owned by Bayview Loan Servicing, LLC ("Bayview"). Bayview inadvertently obtained title to these properties by issuance of a Clerk's Certificate of Title in an earlier foreclosure action in which it was the Plaintiff. The mortgage foreclosed by Bayview in that case contained the legal description of three properties. Bayview did not intend to foreclose the mortgage on the two properties that are the subject of this settlement and have filed a lawsuit to reform the mortgage and vacate the Clerk's Certificate of Title as to these properties. Due to what appears to be a patent mistake on the part of Bayview in foreclosing on these two properties that are dilapidated, uninhabitable, and on which Bayview was a junior mortgagee, County Staff recommends a financial settlement in the amount of \$50,000 as to all outstanding County Liens, which represents 100% collection of the Water Utility Liens and 14% of the Code Enforcement Liens. In addition, and as a part of the settlement, Bayview has entered into a sales contract with a third party builder to fully rehabilitate the subject properties into work force housing, which is needed in the area. The builder has a proven history of rehabilitating property in the area into functional work force housing. Based on the combination of these factors, Staff recommends approval of this

settlement. District 3 (PM)

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Amendment No. 02 to Contract for Provision of Services with The Lord's Place, Inc. (R2012-0614) for the period of October 1, 2012, through September 30, 2013, to increase funding for employment services to homeless individuals and families by \$43,000 for a new total amount not to exceed \$387,668. **SUMMARY:** A budget transfer was approved by the Board of County Commissioners on March 12, 2013 (Agenda Item 4F), to provide gap funding to The Lord's Place, Inc. These funds are to maintain current staff and continue job training activities for the Senator Philip D. Lewis Center (Lewis Center). The intent is to fund the break in service only, between the end of the previous Workforce Alliance contract and the start of a new contract. (Human Services) Countywide (TKF)

MAY 21, 2013

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to ratify:** signature of the Mayor on the Florida Department of Education Project Application for the period July 1, 2013, through June 30, 2014, in an amount not to exceed \$219,369 for the Farmworker Jobs & Education Program under Title I of the Workforce Investment Act. **SUMMARY:** The Farmworker Jobs & Education Program is funded by the Florida Department of Education to provide academic education and vocational training to farm workers and their dependents to get permanent employment outside of farm work. Funding for program year 2013-2014 will provide enrollment and training services for 97 participants. The emergency signature process was utilized because there was not sufficient time to submit the application through the regular agenda process and meet the submission deadline of May 1, 2013. No County funds are required. (Farmworker Jobs & Education Program) Countywide (TKF)

F. AIRPORTS

1. **Staff recommends motion to:**
A) adopt a Resolution approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$1,000,000 to construct apron, taxilanes/taxiways and infrastructure at Palm Beach International Airport (PBIA). The grant expiration date is June 30, 2015; and
B) approve a Budget Amendment of \$1,000,000 in the Airport Improvement and Development Fund to recognize the receipt of a grant from the FDOT; and increase the project cost by \$2,000,000, which includes a transfer from reserves in the amount of \$1,000,000.
SUMMARY: The FDOT has issued a JPA reflecting their commitment of funding to the above referenced project in the amount of \$1,000,000 or 50.00% of the eligible project costs, whichever is less. Countywide (AH)

2. **Staff recommends motion to approve:** Second Amendment to Advertising Concession

Agreement (Amendment) with In-Ter-Space Services, Inc., d/b/a Clear Channel Airports (Clear Channel), providing for the extension of the term through March 31, 2019, and for the purchase of 28 power charging stations for installation at the Palm Beach International Airport (PBI). **SUMMARY:** On February 24, 2009, the Board approved the Advertising Concession Agreement (R2009-0280) (Agreement) with Clear Channel for the operation of an advertising concession in the Palm Beach International Airport. Clear Channel is a Pennsylvania corporation with its principal place of business in Allentown, Pennsylvania. The Agreement is scheduled to expire on March 31, 2014, unless renewed. The Agreement provides for one five-year option to renew. The Amendment will renew the Agreement through March 31, 2019. Due to the growing number of mobile electronic devices, such as cell phones, laptops and tablets, being used by passengers at PBI, there is a need to provide convenient locations to recharge the devices. Clear Channel has agreed to purchase 28 power charging stations for installation at PBI, which will provide passengers the ability to charge their mobile electronic devices at no charge. The power charging stations will also provide new locations for the display of advertising at PBI, generating additional advertising revenues. Countywide (AH)

MAY 21, 2013

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Change Order No. 3 to the contract with Tan Construction Services, Inc. for the improvements to Palm Tran West County Maintenance and Operations facility in the amount of \$3,870.41. **SUMMARY:** The original scope of the project consists of site improvements to the existing Belle Glade facility that includes new closed circuit television (CCTV) cameras, fencing, sliding automatic gate, minor access control equipment, and supporting infrastructure. These renovations enhance operational security for the facility. The original contract value was \$191,770 and was approved by the Department Director. Two subsequent change orders for permit reimbursement and adding three additional cameras increased the contract value to \$196,789. Change Order No. 3 modifies the installation of the new gate to accommodate field conditions necessary for gate operations. Change Order No. 3 must be approved by the Board as it brings the new contract amount above \$200,000, which is the Department Director's limit. This project is funded through the U.S. Department of Transportation, Federal Transit Administration (FTA). Davis Bacon requirements including a Disadvantaged Business Enterprise (DBE) goal of 10%, and prevailing wage provisions apply to this contract. DBE participation for this project to date is 13.1%. Tan Construction Services, Inc. is a Palm Beach County company. (Capital Improvements Division) District 6 (JM)
2. **Staff recommends motion to approve:** an Interlocal Agreement with the City of Riviera Beach (City) allowing for direct access to the County's 800 MHz Public Safety Radio System. **SUMMARY:** This Interlocal Agreement (Agreement) provides the terms and conditions under which the City can directly access the County's 800 MHz Public Safety Radio System (Radio System). The terms of this Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies where connection through an established municipal hub is not technically feasible. On January 13, 2004, the City and County entered into a Temporary Access Agreement (R2004-0096) which was amended by a First Amendment to Agreement (R2008-0187) on February 5, 2008. The Temporary Access Agreement provided for the City's use of the County's Radio System on a temporary basis

until City paid all connection fees in full. The City paid all connection charges and now requires the Agreement be executed by the Board. The Agreement requires that the City pay a one-time \$2,089/unit access or capacity charge as well as annual fees of \$211.42/unit towards the renewal and replacement fund and \$154/unit towards maintenance and operation of the system infrastructure. The annual fees are consistent with those being charged to the County departments. The City is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The term of the Agreement is for five years and there are two renewal options, each for a term of four years. The Agreement may be terminated by either party, with or without cause on October 1st of any year, with a minimum of six months notice. (ESS) Countywide (JM)

MAY 21, 2013

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** an Interlocal Agreement with the Town of Jupiter (Town) allowing for interoperable communications through the countywide common groups of the County's Public Safety Radio System. **SUMMARY:** This Interlocal Agreement (Agreement) provides the conditions under which the Town can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications. The County's system will not be utilized for routine operational communications by the Town. The terms of the Agreement are standard and offered to those municipalities with 800 MHz trunked radio capabilities that have migrated to the MPSCC Open Sky Radio System. Within 10 days of the execution of this Agreement, the Town is required to provide the County with its internal procedures for monitoring the common talk groups. There are no charges associated with this Agreement. The Agreement provides for an initial term of five years with three renewal options, each for a period of five years. This Agreement may be terminated by either party, with or without cause, upon ten days prior notice to the other party. (ESS) Countywide (JM)

4. **Staff recommends motion to approve:** an Amended, Restated and Reinstated License Agreement with the School Board of Palm Beach County for use of School Board property to provide temporary customer service and a maintenance facility area for the Water Utilities Department's (WUD) operations and maintenance crews in Belle Glade. **SUMMARY:** WUD and the Glades Utility Authority (GUA) have been using 3.8 acres of the School Board's property adjacent to the Glades Regional Water Treatment facility and the School Board's West Tech campus in Belle Glade since 2006, the substantial majority of time without a formal agreement. This Amended, Restated and Reinstated License Agreement provides for WUD's continued use of the School Board property until December 31, 2014, for modular buildings, a parking area, fuel storage, and a lay down area for storage of utility materials and equipment. WUD will compensate the School Board a total of \$123,500 based on eight years of use. This will resolve a long standing issue with the School Board regarding compensation for the extended use of this property by WUD and the GUA. (PREM) District 6 (HJF)

MAY 21, 2013

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. [Staff recommends motion to approve:](#)

A) a First Amendment to Lease Agreement (R2008-1471) with the Playa Del Mar Association, Inc., a Florida not-for-profit corporation, for continued use of the Condominium's rooftop for communication equipment on behalf of the Palm Beach County Sheriff's Office; and

B) a First Amendment to Use Agreement (R2008-1472) with the Palm Beach County Sheriff's Office (PBSO) establishing PBSO's continued financial responsibility for rent and its equipment.

SUMMARY: On September 9, 2008, the Board approved the Lease Agreement with the Playa Del Mar Association for PBSO's use of 400+/- SF of roof top space on the Playa Del Mar Condominium for the placement of a radar dish and mast to enhance maritime security and improve communication between local law enforcement agencies. The Use Agreement with PBSO established PBSO's responsibility for the annual rent and costs associated with the installation of the equipment. The initial term of the Lease Agreement was for five years ending on September 8, 2013. The gross annual rent for FY 2013 is \$6,077.54 and has been paid. This First Amendment extends the term of the Lease from September 9, 2013, through September 8, 2018; revises Section 2.02 Cost of Living Adjustment of Annual Gross Rent by reducing the annual increases from five (5%) percent or CPI, whichever is greater, to three (3%) percent or CPI, whichever is greater; and modifies various standard provisions in the Lease. The County has the option to terminate this Agreement for any reason upon ninety days prior written notice to the Association. (PREM) Countywide (HJF)

I. ECONOMIC SUSTAINABILITY

1. [Staff recommends motion to approve:](#) a Budget Amendment allocating \$407,500 to the Workforce Housing Trust Fund for Fiscal Year 2012-2013. **SUMMARY:** Palm Beach County received \$407,500 from the developer of the 44 unit Boca Reserve PUD located on Riverside Drive just south of Palmetto Park Road in unincorporated Palm Beach County. The developer made an "in-lieu payment" as permitted under the Unified Land Development Code (ULDC). The ULDC permits developers who have received a density bonus and who choose not to follow the requirements of the Workforce Housing Program (WHP) to make an "in-lieu payment" of \$81,500 per for-sale unit and \$50,000 per rental unit. This payment was made for five (5) for-sale units. Funds received in this manner under the WHP will be used for affordable housing benefiting households with incomes from 60% to 140% of area median income. The Department of Economic Sustainability will make a recommendation to the Board of County Commissioners for the use of these funds at a later date. (FALS) Countywide (TKF)

MAY 21, 2013

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Contract with Man-Con, Incorporated for the Water Treatment Plant No. 8 Belvedere Road and Haverhill Park Raw Water Main in the amount of \$1,595,662.20. **SUMMARY:** On March 19, 2013, nine bids were received for the Water Treatment Plant No. 8 Belvedere Road and Haverhill Park Raw Water Main project, with Man-Con, Incorporated being the lowest responsive responsible bidder in the amount of \$1,595,662.20. This project will provide infrastructure for four potable water wells which will be constructed in Haverhill Park under a separate contract. The Water Utilities Department has coordinated the project with Parks and Recreation Department and the Town of Haverhill. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. This Contract with Man-Con, Incorporated provides for SBE participation of 15.54% overall. Man-Con, Incorporated is not a Palm Beach County company. Their home base office is located in Deerfield Beach, Florida with a Palm Beach County office in Wellington. (WUD Project No. 12-006) District 2 (JM)

2. **Staff recommends motion to approve:** Change Order No. 1 to the Contract with Lanzo Lining Services, Inc. (R2012-0335) for the Town of Lake Clark Shores Sewer Rehabilitation South Service Area – Phase II Project, increasing the contract price by \$27,780.10 with a 120 day time extension. **SUMMARY:** On March 6, 2012, the Palm Beach County Board of County Commissioners (BCC) approved a Contract with Lanzo Lining Services, Inc. (R2012-0335) for the Town of Lake Clark Shores Sewer Rehabilitation South Service Area – Phase II Project. This Change Order authorizes the contractor to modify the electrical panels at Lift Station No. 5 in the Town of Lake Clark Shores at their request. The County is paying for this work through the Department of Economic Sustainability under the Community Development Block Grant (CDBG) project. The original project was approved when the BCC adopted FY 2012-2013 CDBG Action Plan on July 10, 2012 (R2012-0942). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance does not apply because this project is funded by federal grant. Lanzo Lining Services, Inc. is not a Palm Beach County company. (WUD Project No. 11-139) Districts 2 & 3 (JM)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to:**
 - A) approve** Amendment No. 1 to Interlocal Agreement (R2012-1579) with the City of Riviera Beach (City) for cost sharing on Singer Island Dune Restoration efforts (Project). Amendment No. 1 increases the City's cost-share cap to \$339,000 to cover the City's 20% cost-share of the Project costs associated with Hurricane Sandy; and
 - B) approve** Budget Amendment of \$139,000 in the Beach Improvement Fund to recognize the estimated additional revenues from the City.

SUMMARY: The scheduled Singer Island Dune Restoration Project required an additional 16,000 cubic yards of sand to mitigate the additional erosion suffered during Hurricane Sandy. The cost of the increased scope exceeded the \$200,000 cap established in the Agreement. Amendment No. 1 increases the cap to \$339,000 to cover the additional expenses. District 1 (SF)

MAY 21, 2013

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. **Staff recommends motion to approve:** two re-appointments of at-large members to the Artificial Reef and Estuarine Enhancement Committee (AREEC). Seats No. 3 and No. 7 are for terms of three years each, beginning May 21, 2013, through May 20, 2016:

<u>Nominees</u>	<u>Seat #</u>	<u>Representing</u>	<u>Term</u>	<u>Nominated By</u>
Re-Appoint James J. Barry III	3	Other Government Entity	3 yrs	Comm. Abrams Comm. Taylor Comm. Valeche Comm. Burdick Comm. Berger
Re-Appoint Tom L. Twyford Jr.	7	Recreational Fishing	3 yrs	Comm. Abrams Comm. Taylor Comm. Valeche Comm. Burdick Comm. Berger

SUMMARY: Resolution No. R08-1511 provides for an eleven-member AREEC. The membership consists of one representative of the County Commission, one representative of commercial SCUBA diving, one representative of recreational SCUBA diving, one representative of marine industry, one representative of recreational fishing, one representative of fisheries, one representative of an environmental organization, two representatives from other government entity and two general members. On April 1, 2013, the Board was advised that two seats were vacant and need to be filled. Countywide (HF)

M. PARKS & RECREATION

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

Bangladesh American Multi-Cultural Organization, Inc., Bangladesh News Years event, Canyon Town Center Amphitheater on 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. The Amphitheater Rental 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 2009-0335, amended by Resolutions 2009-1807 and 2012-1715, and is now being submitted to the Board to receive and file. This event helped to offer a balanced schedule of events which promote the quality of life in the communities we serve. An estimated 600 persons attended the event produced under this Amphitheater Rental Agreement. District 5 (AH)

MAY 21, 2013

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. **Staff recommends motion to approve:** an Interlocal Agreement for Fire Vehicle Maintenance with the Town of Palm Beach Shores for a period of ten years. **SUMMARY:** This Agreement provides for the maintenance and emergency repair of the Town of Palm Beach Shores Fire-Rescue emergency response apparatus by Palm Beach County Fire Rescue Support Services personnel. Labor shall be calculated using the hourly rate listed as the Warranty Rate on the County's Rate Schedule for Warranty, Vehicle and Staff Charges in effect at the time of service. Labor, parts, commercial repair and reimbursable insurance repairs will generate approximately \$33,871 in external revenues which are expected to exceed the cost of the additional related operating expenses, estimated at \$17,004 for FY2013. Countywide (SB)
2. **Staff recommends motion to approve:** two reappointments to Seat No. 2 and Seat No. 8 to the Fire Code Board of Appeals and Adjustments Committee beginning on May 21, 2013, through May 20, 2016:

<u>Nominee</u>	<u>Category</u>	<u>Seat No.</u>	<u>Nominated By</u>
David Woodside	Municipal Fire Representative 2		Commissioner Valeche Commissioner Taylor Commissioner Abrams Commissioner Burdick Commissioner Berger
Kerry Koen	Citizen	8	Commissioner Valeche Commissioner Taylor Commissioner Abrams Commissioner Berger

SUMMARY: The Fire Code Board of Appeals and Adjustments is maintained in accordance with the Palm Beach County Local Amendments to the Florida Fire Prevention Code (Ordinance 2011-038). On March 20, 2013, a memo was distributed to the Commissioners requesting nominations to this eight member board (At-Large). This board is appointed by the Board of County Commissioners and members serve three year terms, with no limit on the number of terms an individual may serve. No other nominations were received. Countywide (PFK)

X. PUBLIC SAFETY

1. **Staff recommends motion to receive and file:** Modification No. 1 to the Subgrant Agreement 11DS-9Z-10-60-01-445 with the State of Florida, Division of Emergency Management (FDEM) under the State Homeland Security Grant Program Contract 2011 to extend the agreement from April 30, 2013, to June 30, 2013. **SUMMARY:** The County was awarded \$95,245 from the State of Florida Division of Emergency Management to conduct planning, training and exercise activities in order to develop, and enhance emergency preparedness capabilities. A request to extend the grant from April 30, 2013, to June 30, 2013 has been approved. R2012-1731 gave the authority to the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. Countywide (PGE)

MAY 21, 2013

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

A) approve the Memorandum of Agreement for Participating Miami Urban Area Security Initiative (UASI) Grant 2011 Agency with the City of Miami to receive \$658,604 in reimbursable grant funding for the period May 21, 2013, through April 30, 2014;

B) authorize the County Administrator or his designee to execute all UASI sub-grant contracts on behalf of the Board of County Commissioners, for the UASI Grant Program in any given year;

C) approve a Budget Amendment of \$658,604 in the Urban Areas Security Initiative Grant Fund to recognize the grant award; and

D) approve a Budget Amendment of \$84,000 (included in the jurisdictional UASI projects totaling \$244,183) in the Water Utilities Department Capital Improvement Fund to establish grant budget.

SUMMARY: This Agreement provides a means of funding various domestic security activities within the County using federal UASI funds through the City of Miami as the UASI fiscal agent. The UASI awarded \$658,604 to the County, of which \$244,183 will be used to fund jurisdictional fire, health, emergency management and other approved anti-terrorism activities; \$300,000 towards the regional WebEOC incident management software and support; \$36,701 to regional training to improve operational readiness of disaster responders in the region and \$77,720 for enhancement of the Citizen Corps program fostering self sufficiency during a disaster. The Fort Lauderdale/Miami UASI has been restructured and the regional fiscal agent for the Fort Lauderdale/Miami UASI has changed from the City of Miramar and is now the City of Miami. **No County matching funds are required. Countywide (PGE)**

3. Staff recommends motion to receive and file: the following executed Interlocal Agreements pertaining to the purchase or reimbursement from Emergency Medical Services (EMS) grant funding for medical equipment:

- A) Village of North Palm Beach;**
- B) City of Delray Beach; and**
- C) City of Greenacres.**

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The County was awarded \$288,470 from the State of Florida Department of Health, Bureau of Emergency Medical Services (EMS), to improve and expand the EMS systems. The County, through its Public Safety Department, purchased a Pharmaceutical Dispenser for the Village of North Palm Beach in the amount of \$17,206.40. The County through its Public Safety Department agrees to reimburse the City of Delray Beach for the purchase of one Onboard Mobile Gateway Wireless Networking Platform in the amount of \$70,000. The County through its Public Safety Department agrees to reimburse the City of Greenacres for the purchase of three Electrocardiogram Monitors in the amount of \$68,000. The remaining EMS Grant funding will be used to purchase EMS equipment for County and municipal agencies related to EMS. The Interlocal Agreements are now being submitted to the Board to receive and file. On November 15, 2011, the County Administrator or his designee was authorized to execute these standard agreements between the County and various governmental and non-governmental/private entities on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. **There is no ad valorem funding required. Countywide (PGE)**

MAY 21, 2013

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

4. Staff recommends motion to:

A) receive and file the executed grant agreement (13DS-97-10-60-01-425) with the State of Florida, Division of Emergency Management to receive \$35,500 from the State Homeland Security Grant Program to conduct planning, training and exercise activities for the period of March 19, 2013, through April 30, 2014; and

B) approve a Budget Amendment of \$35,500 in the Emergency Management Fund to recognize the actual grant award.

SUMMARY: This is an annual federal grant from the State of Florida Division of Emergency Management to conduct planning, training and exercise activities in order to develop, and enhance emergency preparedness capabilities. R2012-1731 gave the authority to the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. **No County matching funds are required.** Countywide (PGE)

BB. SHERIFF

1. 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 \$92,864 for the purchase of law enforcement equipment; and

B) approve a Budget Amendment of \$92,864 in the Sheriff's Grant Fund.

SUMMARY: On February 6, 2013, 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 to purchase law enforcement equipment. A budget amendment is needed to acknowledge the donated funds. There is no expiration period for the expenditure of the funds. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (PGE)

MAY 21, 2013

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

2. Staff recommends motion to approve: a Budget Transfer of \$64,505 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 automated external defibrillators, 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 is \$59,110. 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 \$1,029,244. 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 \$1,160,724. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,096,219. 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
Boys & Girls Clubs of Palm Beach County, Inc. – Boca Raton	\$5,000
Children's Healing Institute, Inc.	\$5,000
Palm Beach County Sheriff's Foundation – Shop With A Cop	\$44,100
Palms West Community Foundation – ReggaeFest 2014	\$5,000
Safety Council of Palm Beach County, Inc. – Baby in Back	<u>\$5,405</u>
Total Amount	\$64,505

MAY 21, 2013

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL

1. **Staff recommends motion to appoint:** a member "At-Large" to the Tourist Development Council Board to complete the remainder of the term left vacant by Mayor Jeri Muoio:

<u>Appointment</u>	<u>Seat #</u>	<u>Term</u>	<u>Nominated by</u>
Commissioner Sylvia Moffett	At-Large	5/21/13-4/4/15	City of WPB

SUMMARY: The Tourist Development Council Board was established by Resolution No. R81-275, adopted March 3, 1981; Chapter 125.0104 F.S. "The Levy of a Tourist Development Tax pursuant to the "LOCAL OPTION TOURIST DEVELOPMENT ACT," Palm Beach County Code 117-111. This Code sets up the nine member Tourist Development Council Board. One member shall be the Chair of the Board of County Commissioners (BCC) or designee who shall serve as the Chair of the Council. Of the remaining eight members appointed by the BCC; two members shall be elected municipal officials, one of whom shall be from the most populous municipality in Palm Beach County. Sylvia Moffett is a current commissioner of the City of West Palm Beach, the most populous municipality in Palm Beach County. Commissioner Sylvia Moffett represents District 1 in West Palm Beach and has been selected to serve on the Tourist Development Council and represent the City of West Palm Beach to complete Mayor Muoio's term expiring on April 4, 2015. Countywide (DW)

MAY 21, 2013

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

A. Staff recommends motion to:

1) **approve** the filing of the FY 2012 Section 5307 Federal Transit Administration (FTA) Grant Application FL-90-X812 for capital funds allocated to Palm Beach County in the amount of \$14,762,445; and

2) **approve** the FTA Master Agreement FTA MA (19) dated October 1, 2012; and

3) **authorize** the Palm Tran Director or Assistant Director through the County Administrator to execute, on behalf of the Board, and to transmit electronically the Board's approval of the Master Agreement and the 5307 grant award.

SUMMARY: FTA distributes Section 5307 funds to provide public transportation capital and public transportation-related planning. The grant will fund capital items necessary for the continued operations of the Palm Tran system: 1) Purchase ten expansion buses to address capacity and congestion issues (if funds for service improvements approved by the Board do not require ten expansion buses, Palm Tran will use remaining funds for replacement buses), 2) Purchase EMP motor fans, 3) Tire Lease, 4) MIS equipment, 5) AVL System customization, 6) Security projects, 7) Miscellaneous support equipment, 8) Rehabilitation of the 4 Points Facility first floor to relocate Palm Tran Connection administrative offices, 9) Maintenance projects at main administrative/maintenance buildings parking lots, 10) Lease for CONNECTION facilities, 11) Bus radio replacement, 12) Preventive maintenance, 13) ADA Paratransit Service, 14) Real Estate acquisition for Palm Tran expansion, 15) ADA transit enhancements. The grant requires a 20% local match. Palm Tran has requested approval from the Florida Department of Transportation for the use of toll revenue credits as the required local 20% match; therefore, the projects' budget lists the capital projects at 100% cost for the federal share, and no county funds are required. Countywide (DR)

B. Staff recommends motion to approve: the issuance of a "Special Secondary Service Provider" Certificate of Public Convenience and Necessity (COPCN) to ABM Security Services, Inc. d/b/a Elite Protection Services, a private security provider agency, to allow the agency to provide Advanced Life Support Service (ALS) first response, non-transport services to the private gated community of Mirasol Country Club. **SUMMARY:** ABM Security Services, Inc. d/b/a Elite Protection Services provides Security Service to the private gated community of Mirasol Country Club. The residents of Mirasol Country Club wish to have ABM Security Services, Inc. d/b/a Elite Protection Services provide Advanced Life Support first response, non-transport EMS services as part of their security services. The County Emergency Management Office, and Palm Beach Garden's Fire Rescue have reviewed the application and recommend the approval of a Special Secondary Service Provider – Non-Transport COPCN be issued to ABM Security Services, Inc. d/b/a Elite Protection Services for operation restricted to the confines of the community of Mirasol Country Club. District 1 (PGE)

MAY 21, 2013

4. PUBLIC HEARINGS CONTINUED

C. [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 the Temple Boulevard west of 140th Avenue North Water Main Extension; and

2) **approve** a Work Authorization No. 1 to Johnson-Davis, Inc., under the Water Utilities Department (WUD) Continuing Construction Contract (R2013-0550) in the amount of \$121,023.59.

SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 80% of the property owners in the Temple Boulevard project area. The project will serve ten residential properties currently on private wells. Individual assessments of \$10,560.04 per parcel are based on 90% of the total project cost as per the agreement between the County and Indian Trails Improvement District (ITID), 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 ITID. WUD has encumbered and expended for previous ITID assessment projects a total of \$235,025.05. The assessment may be paid over 20 years with equal annual payments of principal and 5½% interest. The total assessable cost is \$105,600.40 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. (R2013-0550). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Johnson-Davis, Inc. provides for SBE participation of 15%. This Authorization includes 16.61% overall participation. The cumulative SBE participation is 16.61% overall. If the actual cost exceeds the total assessable cost, the differential will be covered by WUD's budget. (WUD Project No. 13-023) District 6 (MJ & JM)

MAY 21, 2013

5. REGULAR AGENDA

A. ADMINISTRATION

1. [Staff recommends motion to approve:](#) an Economic Development Incentive Grant Agreement with Florida South Division, LLC (FSD) for an Ad Valorem Tax Exemption in the amount of \$1.7 Million over a seven year period. **SUMMARY:** On October 18, 2011, the Board of County Commissioners (BCC) conceptually approved an Ad Valorem Tax Exemption for FSD in the amount of \$1.7 Million over a seven year period. FSD is a Florida corporation whose function is to be the distribution center and regional headquarters serving ALDI, Inc. stores in South Florida. The Company will construct a 650,000 sf facility in Royal Palm Beach which represents a \$55 Million capital investment. The Company will create 95 full-time equivalent jobs at an average annual wage of \$46,100 within three years after receipt of the Certificate of Occupancy. The conceptual approval required 100 jobs; however, Staff is recommending approval of the 95 jobs based on the fact that the capital investment has been increased from \$43 Million to \$55 Million. Prior to receipt of the exemption, FSD must file an application with the Property Appraiser's Office for its determination that the project meets the requirements under Florida Statute 196.012 for an Ad Valorem Tax Exemption. If the project

meets the requirements, an Ordinance granting the exemption will be presented to the BCC as required by State statute. The Department of Economic Sustainability estimates that the project will have a \$112.5 Million return on our economic investment. District 6 (DW)

2. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida approving the Workforce Alliance, Inc. Fiscal Year 2013-2014 Budget in the amount of \$17,092,203 for its programs under Public Law 105-220 enacted by Congress effective August 1998 which act is known as the Workforce Investment Act. **SUMMARY:** The Board of County Commissioners (BCC) of Palm Beach County has designated Workforce Alliance as the Workforce Development Board to design, coordinate, and direct the local workforce development system for Palm Beach County. Workforce Alliance (WA) receives Federal funding through the State Department of Economic Opportunity (DEO). Funds are received by the DEO from the U.S. Department of Labor and U.S. Department of Health & Human Services. These are formula funds which are based on the Federal budget and the local population statistics. In 2012, the Florida Legislature passed House Bill 7023, also known as the Workforce Accountability Act. This Bill, which strengthens the accountability and transparency of Regional Workforce Boards, requires the BCC to approve the WA budget by June of each year. Workforce Alliance, Inc.'s budget for Fiscal Year 2013-2014 is \$17,092,203. In Fiscal Year 2012-2013, its budget was \$21,718,968. Countywide (TKF)

TIME CERTAIN 10:00 A.M.

3. **REVISED SUMMARY: Staff recommends motion to continue:** present defense of the Inspector General (IG) funding lawsuit, and continue LOGER method of calculating and financing the IG Office. **SUMMARY:** In follow-up to BCC discussion on May 7, 2013, this item provides the opportunity to review current BCC direction which is the staff recommendation or consider two alternatives: continuing defense but directing staff to implement 1/4% contract fee as of October 1, 2013, or directing staff to try to negotiate a settlement of the lawsuit on the ~~city desired~~ basis which would implement the 1/4% contract fee via County ordinance but make it a choice of the cities to use the audit services of the IG, with the cities independently contracting and paying for those services if desired. General audit services cannot legally be paid for by the contract fee. Countywide (DN)

MAY 21, 2013

5. REGULAR AGENDA

B. CLERK & COMPTROLLER

TIME CERTAIN 9:45 A.M.

1. **Staff recommends motion to receive and file:** Presentation of the Palm Beach County Comprehensive Annual Financial Report for fiscal year ending September 30, 2012. **SUMMARY:** The Clerk & Comptroller's Office will provide a year-end financial review based on the Palm Beach County Comprehensive Annual Financial Report for FY 2012. (Time: 15 min.) Countywide (DN)

C. FACILITIES DEVELOPMENT & OPERATIONS - TIME CERTAIN 2:00 P.M.

1. **REVISED TITLE & SUMMARY: Staff recommends motion to conceptually approve:** a sale of the approximately ~~4750~~ 1,920 acres ~~of the~~ Mecca property to the South Florida Water

Management District (SFWMD) for \$26M and subject to SFWMD agreeing that reserving the balance of approximately 150 acres will be provided to the Florida Fish and Wildlife Commission for the development and operation of a shooting range. **SUMMARY:** In August of 2012, the Board conceptually approved terms upon which the County would negotiate the sale of 1,920 acre Mecca Farms property to SFWMD. Based upon the property appraiser's assessed value of \$49M, SFWMD and County Staff recommended a target price of \$54M in total compensation, subject to appraisals. Subsequently, both parties obtained appraisals of the Mecca property with SFWMD's appraisal coming in at \$21M and the County's appraisal at \$26M for an average of \$23.5M. While the appraisals are an indication of current market value, Staff does not believe that the appraisals reflect the price the County could reasonably expect to receive when the market fully recovers and do not account for the significant cost savings and other benefits the SFWMD will achieve utilizing the Mecca property to accomplish its objectives of capturing and storing freshwater, restoring flows to the Loxahatchee River and providing flood protection for the Acreage. However, there are significant limitations upon the County's ability to sell the property for another use and the price the County would receive today. Clearly there are substantial environmental and public safety benefits from the use of the Mecca property for the SFWMD's proposed project. Staff has repeatedly lowered its price objective, most recently to \$30M. In response to Staff's placing this item on the agenda for discussion with the Board, the SFWMD Governing Board at its May 9th meeting approved a counter offer of \$26M based upon the higher of the two appraisals. While a price of \$26M is less than what Staff believes the County could ultimately sell the property for, a sale to SFWMD will avoid years of controversy associated with trying to sell the property for development, will provide current revenue to the County and facilitates the SFWMD's environmental restoration and flood protection objectives. In a companion agenda item (5C-2), Staff is recommending ~~the donation of approximately 150 acres be provided to Florida Fish and Wildlife Conservation Commission for a State owned shooting range.~~ (PREM) Districts 1 & 6/Countywide (HJF)

MAY 21, 2013

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

TO FOLLOW 5C-1

2. **REVISED MOTION & TITLE:** Staff recommends motion to conceptually approve: require, as part of the purchase and sale agreement with the South Florida Water Management District (SFWMD), that SFWMD ~~provide the donation of~~ approximately 150 acres of land within the County-owned Mecca Property adjacent to the Florida Fish and Wildlife Conservation Commission's (FWC) J.W. Corbett Wildlife Management Area (WMA) South Entrance for the design, construction and operation of a Public Shooting Park (Park). **SUMMARY:** The recreational needs of the shooting public have been increasing over time and safe gun handling is in the best interest of the community. The development of this Park has been a longstanding goal of the County since the 1970's. Approximately 10 years ago, the FWC actively joined the County as a partner in planning for the development of a public shooting park with an additional mission to bolster hunter safety and related educational programming in Palm Beach County. In 2007, the Board accepted the donation of approximately 95 acres from South Florida Water Management District (SFWMD) at 20 Mile Bend and programmed \$12,100,000 in the Capital Improvement Program (CIP) for Phase 1 development. FWC is now proposing to develop a public shooting park in four phases on 150 acres of donated County-owned land in the Northwest corner of Mecca. FWC will also assume all costs associated with the development, operation and maintenance of the Park. The FWC facility proposed at Mecca will; 1) provide significantly more facilities and features than were proposed at 20 Mile Bend including ranges built to Olympic specifications; 2) allow for

completion of Phase 1 in two years and all phases in five - six years as opposed to an uncertain and indefinite timeframe at 20 Mile Bend; and 3) provide a non-County funding source for the development and operation of the Park. FWC's funding source for the design, construction and operation of the Park is Hunter Education Funds (aka Pittman Robertson funds) provided by the U.S. Fish and Wildlife Service Division of Federal Aid. As a result, this proposal will relieve the County of all fiscal impact and operational involvement in the Park, but still allow the County to receive the full recreational and economic development benefits. The estimated value added economic benefit of the Park resulting from its routine use is estimated at \$6,748,000 annually. In addition, there are a variety of shooting sport related events that the Palm Beach Sports Commission believes it could attract to Palm Beach County that would enhance economic impact and stimulate bed tax revenues. Due to the longer duration of these shooting tournaments when compared to other sports, the economic benefit of a typical national and international event could range between \$5,000,000 -\$12,000,000 per event. (FDO Admin) Countywide/District 6 (HJF)

MAY 21, 2013

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

TO FOLLOW 5C-2

3. **Staff recommends motion to authorize:** County Administrator to prepare a needs analysis and feasibility study of developing an All Terrain Vehicle (ATV) Park in Palm Beach County at the County's 20 Mile Bend Property. **SUMMARY:** The number of ATV owners in Palm Beach and surrounding counties continues to increase despite the lack of legal, safe areas in which to ride. Riding in areas illegally results in personal injuries and damage to personal property and the environment. Providing a safe, legal site for this highly popular recreational activity will reduce injuries, save environmentally sensitive areas from damage, resolve other conflicts and provide a boost to the local economy. Due to the limited number of ATV parks in the State of Florida, it is also possible that the Park will result in a source of local economic development as well as the potential for motorized sports tournaments and tourism. With the relocation of the public shooting park to the Mecca Property, the County-owned property at 20 Mile Bend would become available and be suitable for development of an ATV Park with little or no capital cost to the County. It is anticipated that the operation of the ATV Park would be funded through user fees and the operation, outsourced. The preparation of a needs analysis will provide the County with the information necessary to identify the potential usage, combination of facilities and capital cost estimate for the development of the park. The feasibility study will include but not be limited to, addressing; 1) environmental impacts, 2) economic impacts, and 3) a variety of other operational and risk topics. Planning and development grants are available through the T. Mark Schmidt Off-Highway Recreation Grant Program (State) and the Recreational Trails Program (Federal). The outcome of the needs analysis and feasibility study would be presented to the Board at a later date for consideration as to whether the County would proceed with an RFP. (FDO Admin) Countywide/District 6 (HJF)

MAY 21, 2013

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

TO FOLLOW 5C-3

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

A) termination of Request for Proposals 2011-102-RCB (RFP) for lease of the Mecca property for agricultural farming purposes; and

B) payment of \$15,000 to Pope Farms, Inc. for expenses incurred by Pope in connection with responding to and negotiating terms of Lease pursuant to Board direction the RFP.

SUMMARY: In December of 2011, Staff issued an RFP to lease the Mecca property for agricultural farming purposes. On March 6, 2012, the Board selected the proposal submitted by Pope Farms, Inc. as being the most responsive and provided direction to Staff and the selected respondent as to terms which needed to be negotiated and addressed in the proposed lease. Staff negotiated and prepared the proposed lease with Pope Farms as well as an agenda item (collectively Item) recommending approval on the May 15, 2012 BCC agenda. However, in the days before the meeting, and at the request of the South Florida Water Management District (SFWMD), the Item was pulled from the agenda to allow time for County and SFWMD Staff to explore a sale of the property to SFWMD. As the RFP has been outstanding for over a year while the County continues to negotiate with SFWMD, Staff recommends that the RFP be terminated. Pope Farms claims it incurred roughly \$23,000 of expenses in connection with the RFP. While the RFP states that the County will have no liability for any expenses incurred prior to award by respondents to the RFP, this is a somewhat unusual situation where Staff was recommending an award of the lease after Board selection of Pope Farms' proposal, and the lease was not awarded through no fault of Pope Farms. Staff feels that \$15,000 is a reasonable reimbursement amount and that compensating Pope Farms is fair under the circumstances and will help alleviate negative perceptions of the County's process related to future RFPs for the disposition or lease of County lands. (PREM) District 6 (HJF)

MAY 21, 2013

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. **Staff recommends motion to:**

A) adopt a Resolution authorizing the conveyance of the County's interest in 0.41 acres of surplus property to Ingleby Farms, LLC (Ingleby Farms) for \$20,365.99, with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes, Section 125.35 (2);

B) approve a Deposit Receipt and Contract For Sale and Purchase with Ingleby Farms; and

C) approve a County Deed in favor of Ingleby Farms.

SUMMARY: Ingleby Farms requested the conveyance of County-owned unimproved surplus property located west of Flying Cow Road, between Deer Path Lane and Norris Road in Rustic Ranches. The 0.41 acre property is approximately 30' wide and 600' in length contains 18,023 sq. ft. and is a portion of a 0.91 acre parcel acquired by Tax Deed in June 2001. Due

to the narrow width it cannot be developed as a stand alone parcel and is only of use to the adjoining owner. It is located within the Village of Wellington's municipal boundaries and has an assessed value of \$17,541.25. Ingleby Farms, the adjacent owner, has proposed a purchase price of \$20,365.99. Pursuant to Florida Statutes, Section 125.35(2), the Board may effect a private sale of the parcel upon finding that the property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on such property. The subject property has been declared surplus and serves no present or future County purpose. Staff recommends the sale of this parcel as it will: i) lessen the County's potential liability and maintenance responsibilities; and ii) return the parcel to the tax roll. The County will retain mineral and petroleum rights in accordance with Florida Statutes, Section 270.11, without rights of entry and exploration. **This sale must be approved by a supermajority vote (5 Commissioners).** (PREM) District 6 (HJF)

MAY 21, 2013

5. REGULAR AGENDA

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve Change Order No. 2 to Contract No. 2012ERM02 (R2012-0907) for \$2,636,306 with Arbor Tree and Land (ATL), to generate an additional 60,000 cubic yards of fill from the Fullerton Island Restoration Project necessary for completion of the Florida Department of Transportation (FDOT) & County Wetland Mitigation Project (FDOT Project) with the contract time extended 310 days until June 1, 2014;

B) approve a Budget Transfer in the Natural Areas Fund from the completed Manatee Protection funded projects of \$889,525 from the South Cove Project (\$398,132) and the Jupiter Ridge Shoreline Restoration Project (\$491,393), to the Fullerton Island Restoration Project;

C) adopt a Resolution authorizing the Clerk of the Board to disburse \$500,000 from the Vessel Registration Fee Trust Fund for this project; and

D) approve a Budget Transfer in the Waterfront Access Bond Fund of \$400,000 from Fullerton Island Park Improvements to the Fullerton Island Restoration Project.

SUMMARY: A Change Order of \$2,636,306 to an original contract value of \$4,431,641 with ATL will provide for an additional 60,000 cubic yards of fill to complete the FDOT Project currently under construction within the City of Lake Worth. The fill will come from the Fullerton Island Restoration Project, an existing spoil island in Jupiter being reconfigured into a seagrass lagoon. Accomplishing the fill removal of the Fullerton project by change order to the FDOT fill placement project accrues considerable cost and necessary time savings to the County. The beneficial re-use of spoil from the Fullerton Project will result in a cost savings to the County of approximately \$724,300 as compared to the more typical method of upland disposal of the spoil material. And use of a Change Order allows for completion of the FDOT project within the contractual time frames of that project which otherwise would not be met. Costs for the additional work will be shared by FDOT, the Parks Waterfront Access Bond Fund, Vessel Registration, and the Manatee Program. The majority of the additional Change Order work utilizes barges and tugs with limited additional SBE opportunity which will reduce the contracted SBE participation for the contract from 17% to 11%. Districts 1 & 3 (SF)

MAY 21, 2013

5. REGULAR AGENDA

E. ECONOMIC SUSTAINABILITY

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

A) First Amendment to Mortgage and Security Agreement and Modification of Promissory Note with Marina Clinton Associates, Ltd. (MCA);

B) First Amendment to Mortgage and Security Agreement and Modification of Promissory Note with MCA;

C) Subordination Agreement with MCA and Lancaster Pollard Mortgage Company in an amount not to exceed \$11.9 Million;

D) Delegation of authority to the County Administrator, or his designee, to execute the aforesaid documents and any other documents necessary to complete the transactions related to these documents; and

E) M Bay Associates, LLC, a Florida limited liability company, as the new General Partner of MCA.

SUMMARY: On November 21, 2000, the County entered into a Loan Agreement (R2000-1932) with MCA which provided \$291,950 in State Housing Initiative Partnership (SHIP) funds to assist in the construction of Marina Bay Apartments, a 192 unit elderly multifamily affordable housing project in unincorporated Lantana. The County secured this three percent (3%) cash flow dependent loan with a second mortgage which matures on April 30, 2030. On July 12, 2005, the County entered into a Loan Agreement (R2005-1345) with MCA which provided \$50,000 in SHIP funds for hurricane repairs at Marina Bay Apartments. The County secured this one percent (1%) cash flow dependent loan with a third mortgage which matures on April 30, 2021. MCA desires to refinance their first mortgage with a new first mortgage that will not exceed \$11.9 Million. The new first mortgage will mature on June 1, 2048, and it is a condition of that lender that the County's two mortgages be subordinated to, and not mature before, the new first mortgage. Accordingly, MCA is requesting that the County extend both of its mortgages to June 1, 2048, and execute the Subordination Agreement. MCA will not know the exact amount it is refinancing until the time of closing and therefore cannot submit executed documents to the County for approval. Delegation of authority to the County Administrator, or his designee, to execute these documents after execution by MCA is requested in order to allow MCA to proceed with its refinancing. MCA will obtain a new general partner at the time of the new first mortgage closing. MCA is required under the County's two mortgages to obtain the County's approval of any transfer of interest of its general partner. Staff has reviewed the credentials of M Bay Associates, LLC, MCA's new general partner, and has no objection to the change. The County will receive \$113,099 in back interest payments as well as \$55,688 to monitor the project as required by the State for the additional 18 year extension period that commences in 2030. (DES Contract Development) District 3 (TKF)

MAY 21, 2013

5. REGULAR AGENDA

E. ECONOMIC SUSTAINABILITY (Cont'd)

- 2. [Staff recommends motion to adopt:](#) a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance by the Palm Beach County Educational Facilities Authority of revenue bonds in an amount not to exceed \$30,000,000. **SUMMARY:** Upon issuance, the proceeds of the bonds will be loaned by the Palm Beach County Educational Facilities Authority (Authority) to Lynn University, Inc. (University). The University will use the proceeds to refinance the Authority's Variable Rate Demand Educational Facilities Revenue Bonds (Lynn University Project), Series 2001 and the Authority's Revenue Bond, Series 2009 (Lynn University Project) and to finance or reimburse the University for capital expenditures incurred to pay for the cost of the University's educational facilities located at 3601 North Military Trail in Boca Raton. All assets will be owned and operated by the University. Approval by an elected body is required by the Internal Revenue Code; however, adoption of this Resolution does not in any way obligate the County. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay the principal, premium, if any, or interest on the Bonds.** District 4 (PFK)

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MAY 21, 2013

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

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MAY 21, 2013

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

MAY 21, 2013

8. COMMISSIONER COMMENTS

A. District 1 – COMMISSIONER HAL R. VALECHE

B. District 2 – COMMISSIONER PAULETTE BURDICK

C. District 3 - COMMISSIONER SHELLEY VANA

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

E. District 5 - COMMISSIONER MARY LOU BERGER

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

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

9. ADJOURNMENT

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