

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JUNE 4, 2013

<u>PAGE</u>	<u>ITEM</u>	
6	2C-6	<u>ADD-ON:</u> Proclamation declaring July 2013 as “Bladder Cancer Awareness Month” in Palm Beach County. (Sponsored by Mayor Abrams)
6	2C-7	<u>ADD-ON:</u> Proclamation declaring June 23, 2013 as “Working Dog Handlers and K9 Police Dogs Day” in Palm Beach County. (Sponsored by Commissioner Burdick)
6	2C-8*	<u>ADD-ON, REVISED TITLE:</u> Proclamation declaring May <u>June</u> 2013 as “National Drug Court Month” in Palm Beach County. (Sponsored by Commissioner Berger)
16	3K-2	<u>REVISED SUMMARY:</u> Staff recommends motion to approve: an Agreement with Cen-West Communities, Inc. for repairs and fire hydrant replacement. SUMMARY: Cen-West Communities, Inc. is home to over 10,000 Palm Beach County residents. The homeowners association's expansive infrastructure includes 35.4 miles of water and sewer lines and 255 fire hydrants. Cen-West Communities, Inc. has requested that the Water Utilities Department (WUD) provide maintenance services within their community. Under this Agreement, WUD will make necessary replacements of fire hydrants and repair line breaks within the community. Labor costs for the first year will be incurred at cost as shown on Exhibit “B”. The maximum hourly rate for labor in subsequent years will be adjusted by the U.S. Department of Labor's Consumer Price Index for “All Urban Consumers, Water and Sewerage Maintenance”. Either party <u>The County</u> may cancel the Agreement with a 30 <u>five</u> day written notice. <u>District 5</u> (MJ) (WUD)

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**

JUNE 4, 2013

**TUESDAY
9:30 A.M.**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance

- 2. AGENDA APPROVAL/SPECIAL PRESENTATIONS**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
 - C. Special Presentations (Page 6)

- 3. CONSENT AGENDA (Pages 7 - 24)**

- 4. REGULAR AGENDA (Pages 25 - 29)**
TIME CERTAIN 1:30 P.M. (Executive Session w/ATU – Closed) (McEaddy) (Page 26)

- 5. BOARD APPOINTMENTS (Page 30)**

- 6. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 31)**

- 7. STAFF COMMENTS (Page 32)**

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- 9. ADJOURNMENT (Page 33)**

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- 2C-2 Caribbean-American Heritage Week
- 2C-3 Guardian Ad Litem Month
- 2C-4 World Refugee Day
- 2C-5 Turner School of Construction Management Day

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- 3B-2 Minutes
- 3B-3 Contracts and claims settlements list
- 3B-4 Report of County Officials' Bonds

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MATTERS BY THE PUBLIC – 2:00 P.M. (Page 31)

STAFF COMMENTS (Page 32)

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ADJOURNMENT (Page 33)

JUNE 4, 2013

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. [Employee Annual Service Awards](#)
2. Proclamation declaring June 17 – 22, 2013 as “Caribbean-American Heritage Week” in Palm Beach County. (Sponsored by Vice Mayor Taylor)
3. Proclamation declaring June 2013 as “Guardian Ad Litem Month” in Palm Beach County. (Sponsored by Commissioner Burdick)
4. Proclamation declaring June 20, 2013 as “World Refugee Day” in Palm Beach County. (Sponsored by Mayor Abrams)
5. Proclamation declaring June 19, 2013 as “Turner School of Construction Management Day” in Palm Beach County. (Sponsored by Vice Mayor Taylor)
6. **ADD-ON:** Proclamation declaring July 2013 as “Bladder Cancer Awareness Month” in Palm Beach County. (Sponsored by Mayor Abrams)
7. **ADD-ON:** Proclamation declaring June 23, 2013 as “Working Dog Handlers and K9 Police Dogs Day” in Palm Beach County. (Sponsored by Commissioner Burdick)
8. **ADD-ON, REVISED TITLE:** Proclamation declaring ~~May~~ June 2013 as “National Drug Court Month” in Palm Beach County. (Sponsored by Commissioner Berger)

* * * * *

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: None
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to:**

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

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

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

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to receive and file:** a report of plat recordations from October 1, 2012, through March 31, 2013. **SUMMARY:** This is a bi-annual summary of subdivision plats recorded during the past two fiscal quarters as required by the Department of Engineering and Public Works Policies and Procedures Manual Item No. EL-O-2618, governing administrative approval of plats by the County Engineer. Countywide (MRE)
2. **Staff recommends motion to approve:** a Contract with Electrical Design Associates, Inc. (EDA) to provide the necessary professional services for street lighting design on a work task order basis, for Countywide (County) projects, as required. **SUMMARY:** Approval of this contract will provide the necessary professional services for street lighting design throughout the County for all user Departments. At the option of the County, this contract may be renewed annually for a period of one year, with a maximum of two renewals. EDA is a Palm Beach County company and is a certified Small Business Enterprise (SBE). Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve:

A) a Contract with Ranger Construction Industries, Inc. (Ranger) in the amount of \$655,779.15 for the construction of Congress Avenue, south of Lantana Road to Lantana Road (Project); and

B) a Budget Amendment of \$15,005 in the Road Impact Fee Fund – Zone 4 to recognize reimbursement funding from AT&T (\$7,502.50), and Florida Public Utilities (\$7,502.50) 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 Ranger, 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 Ranger is 18.11%. District 3 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: a Settlement in the amount of \$65,000, inclusive of attorney fees and costs, in the personal injury claim of Connie Griffith, Claim 000103-009233-GB-01. **SUMMARY:** On December 10, 2011, Connie Griffith, a 64 year-old woman, was watching her daughter perform at a Special Olympics event. When the Claimant attempted to step onto the bleachers they collapsed, causing her to fracture both wrists and sprain her elbows and knees. Claimant has \$44,000 in outstanding medical bills. Staff, including the Risk Management Roundtable Committee, recommends this settlement as in the County's best interests. Countywide (AJM)

2. Staff recommends motion to approve: Settlement Agreement in Kenneth Kegel v. Palm Tran, Inc., Case No.: 502012CA017993XXXMB AD (Fifteenth Judicial Circuit Court) for Fifty Five Thousand Dollars and No Cents (\$55,000), inclusive of attorney's fees and costs. **SUMMARY:** Plaintiff Kenneth Kegel (Kegel) sued Palm Tran, Inc. for injuries allegedly sustained when the bus upon which he was traveling started moving before he could take a seat and then made a sudden stop. The event allegedly occurred in Palm Beach Gardens, Florida. Palm Tran has no independent record of the event, although Kegel did report the claim in a telephone call placed to Palm Tran's customer service on the date the incident allegedly took place. The case is currently set on a trial docket that runs from May 13, 2013, to July 5, 2013. The parties have drafted a proposed settlement agreement that would compensate Kegel for his alleged injuries in the amount of Fifty Five Thousand Dollars and No Cents (\$55,000), inclusive of attorney's fees and costs. Countywide (ATP)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

3. **Staff recommends motion to approve:** a Contract for legal services with de la Parte & Gilbert, P.A. in the case styled, COVE CLUB INVESTORS, LTD., a Florida limited partnership d/b/a BOCA DUNES GOLF & COUNTRY CLUB, v. PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS, Case No. 50 2013 CA 003916 XXXX MB (Fifteenth Judicial Circuit in and for Palm Beach County, Florida). The amount to be paid for is an amount not-to-exceed Two Hundred Thirty-Five Thousand Dollars (\$235,000), including reimbursable costs. **SUMMARY:** The Contract provides for compensation to the law firm of de la Parte & Gilbert, P.A., for providing legal services to Palm Beach County in the circuit court case filed in the Fifteenth Judicial Circuit Court styled, COVE CLUB INVESTORS, LTD., a Florida limited partnership d/b/a BOCA DUNES GOLF & COUNTRY CLUB, v. PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS, Case No. 50 2013 CA 003916 XXXX MB (Fifteenth Judicial Circuit in and for Palm Beach County, Florida). The County Attorney's Office will serve as primary counsel in the case, and will seek the assistance of de la Parte & Gilbert, P.A., as needed. The amount to be paid for is an amount not-to-exceed Two Hundred Thirty-Five Thousand Dollars (\$235,000), including reimbursable costs; reimbursable costs and expenses have a separate not-to-exceed amount of Fifteen Thousand Dollars (\$15,000). Countywide (ATP)

F. AIRPORTS

1. **Staff recommends motion to approve:** the Construction Manager (CM) at Risk Contract with The Morganti Group, Inc. for a term of two years with three one-year renewal options for CM at Risk Services for Terminal Improvements at Palm Beach International Airport (PBI) for Palm Beach County Department of Airports. **SUMMARY:** In order to complete capital improvement projects at PBI for the County, the Department of Airports (Department) requires the services of a CM at Risk contractor. The Morganti Group, Inc. was one of two firms competitively selected to provide these services. Projects may include but are not limited to security improvements, Federal Inspection Service (FIS) Facility expansion, terminal restroom improvements, and terminal HVAC improvements. The pre-construction/construction services under this Contract are task order based and the projects to be assigned will be determined at a later date and approved in accordance with PPM CW-F-50 with the appropriate bonds and insurance documents. The Morganti Group, Inc. is a Danbury, Connecticut, based firm; however, the work will be directly managed by their southeast regional office in Palm Beach County. A Disadvantaged Business Enterprise (DBE) goal of 13% was set for this contract. As one of the successful proposers, The Morganti Group, Inc. will be required to demonstrate its good faith efforts to achieve the established DBE goal. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. **Staff recommends motion to approve:** the Construction Manager (CM) at Risk Contract with The Weitz Company, LLC, for a term of two years with three one-year renewal options for CM at Risk Services for Terminal Improvements at Palm Beach International Airport (PBIA) for Palm Beach County Department of Airports. **SUMMARY:** In order to complete capital improvement projects at PBIA for the County, the Department of Airports (Department) requires the services of a CM at Risk contractor. The Weitz Company, LLC was one of two firms competitively selected to provide these services. Projects may include but are not limited to security improvements, Federal Inspection Service (FIS) Facility expansion, terminal restroom improvements, and terminal HVAC improvements. The pre-construction/construction services under this Contract are task order based and the projects to be assigned will be determined at a later date and approved in accordance with PPM CW-F-50 with the appropriate bonds and insurance documents. The Weitz Company, LLC is an Iowa based firm; however, the work will be directly managed by their local south Florida office in Palm Beach County. A Disadvantaged Business Enterprise (DBE) goal of 13% was set for this contract. As one of the successful proposers, The Weitz Company, LLC will be required to demonstrate its good faith efforts to achieve the established DBE goal. Countywide (JCM)

3. **Staff recommends motion to approve:** Amendment No. 1 to the Professional Services Agreement with Corgan Associates, Inc. in the amount of \$225,718 for the continued performance of professional planning and design services related to the Baggage Handling System (BHS) Improvements at Palm Beach International Airport (PBIA). **SUMMARY:** The Professional Services Agreement (R2012-1241) with Corgan Associates, Inc. for professional planning, design and engineering services was approved on September 11, 2012 in the amount of \$1,491,800. Approval of Amendment No. 1 in the amount of \$225,718 will provide funds to revise and resubmit the 30% Design Submittal to the Transportation Security Administration. Corgan Associates, Inc. is a Dallas, Texas based firm; however, the work will be completed in conjunction with two Palm Beach County subconsultants and firms. The Disadvantaged Business Enterprise (DBE) goal for the agreement was established at 12%. The DBE participation for this Amendment is 21.9%. The total anticipated DBE participation to date is 18.51%. Countywide (JCM)

4. **Staff recommends motion to approve:** a Memorandum of Lease (Memorandum) with Galaxy Aviation of Palm Beach, Inc. (Galaxy), a Florida Corporation, to be recorded in the public records, providing notice as to the specific provisions and terms of the current Lease. **SUMMARY:** Galaxy provides fixed-based operator services for general aviation aircraft at the Palm Beach International Airport (PBIA), pursuant to a Lease Agreement (Lease) dated October 18, 2000 (R2000-1067), as amended. Galaxy's principal place of business is in Palm Beach County. The purpose of this Memorandum is to provide a brief summary of the Lease, placing the public on notice as to specific provisions, terms, covenants and conditions of the Lease. The recorded Memorandum is also required in order for Galaxy to acquire financing to construct a new aircraft hangar at PBIA. Countywide (HJF)

5. **Staff recommends motion to receive and file:** Amendment to Extend Airline-Airport Use and Lease Agreement with American Airlines, Inc. to extend the termination date of the Agreement for two additional years to expire on September 30, 2014. **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2012-0823. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. Staff recommends motion to receive and file: General Aeronautical Services Permit with A + M Management Systems, LLC d/b/a GSRX, LLC commencing on April 1, 2013 and expiring September 30, 2013, automatically renewed at one year intervals thereafter upon the expiration of the current term. **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2010-0708. Countywide (AH)
7. Staff recommends motion to receive and file: In-Flight Catering Permit (Permit) with Gate Gourmet, Inc. commencing October 1, 2012 and terminating September 30, 2013. This Permit will automatically renew on a 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 R2012-1523. Countywide (AH)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to authorize: the Mayor to certify the non ad-valorem assessment roll on electronic media to the Tax Collector pursuant to Chapter 197, Florida Statutes. **SUMMARY:** In 1998 the County began using the Uniform Method of collecting non-ad valorem special assessments. Under this procedure, special assessments are included on the tax bills. Each year the non-ad valorem assessment roll must be certified to the Tax Collector by September 15. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 1 to the Contracts for mechanical, electrical, plumbing (MEP) engineering and heating, ventilation and air conditioning (HVAC) consulting services on a continuing contract basis:

- 1) Gartek Engineering Corporation (R2011-0895); and
- 2) Johnson, Levinson, Ragan, Davila, Inc. (R2011-0850)

SUMMARY: Amendment No. 1 extend the term of two contracts for professional consulting services for MEP/HVAC services for one year. The Board approved annual contracts on June 21, 2011. The original Contracts provided for an initial two year term with two one-year renewal options. Amendment No. 1 will provide services during the first renewal period. Gartek Engineering Corporation and Johnson, Levinson, Ragan, Davila, Inc. are SBE firms. During the first two years of these contracts, Gartek Engineering Corporation has achieved 97.4% SBE participation, and JLRD has achieved 67.8%. The Small Business Enterprise (SBE) goal for Gartek Engineering Corporation is 98% and JLRD is 15% SBE participation. Both of these firms are local. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve:

A) Budget Transfer in the amount of \$244,000 in the 30.5M GO 03 Bond Fund from the Reserves to the Jupiter Library Renovation Project;

B) Budget Transfer in the amount of \$535,000 in the 22.3M GO 06 Bond Fund from the Reserves to the Jupiter Library Renovation Project;

C) Budget Transfer in the amount of \$1,194,000 in the Library Expansion Program Fund from the Reserves to the Jupiter Library Renovation Project; and

D) Amendment No. 2 to the contract with Trillium Construction, Inc. (R2012-1002) in the amount of \$1,250,676 for construction management services for Jupiter Branch Library Renovations establishing a Guaranteed Maximum Price (GMP).

SUMMARY: The work includes mechanical, plumbing, electrical, interior upgrade and reconfiguration of the interior spaces, and exterior building, landscaping, and site improvements. The Jupiter Branch Library has reached an age that necessitates renovation and upgrade of the building systems as well as technology upgrades and interior and exterior refinishing. Amendment No. 2 establishes a GMP of \$1,250,676 and 159 calendar days for completion. The GMP includes the cost of work, the construction manager's fee and a contractor contingency. The Small Business Enterprise (SBE) goal for this contract is 15%. Trillium Construction, Inc.'s SBE participation for this project is 19%. Trillium is a Palm Beach County firm and is using local subcontractors for 96% of the work. This GMP is funded from General Obligation Bonds issued in 2003 & 2006 and Ad Valorem taxes. The Budget Transfer also includes \$704,824 for furniture and a contingency. (Capital Improvements Division) District 1 (JM)

3. Staff recommends motion to approve: an Interlocal Agreement with the Town of Jupiter Inlet Colony (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 Municipal Public Safety Communications Consortium Open Sky Radio System. Within ten 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)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: a First Amendment to the Interlocal Agreement (R2009- 0559) (Agreement) with the Town of Lantana (Town) to extend the term of the Agreement to April 7, 2017. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Town can directly access the County's 800 MHz Radio System expired on April 7, 2013. The Agreement provides for two renewal options, each for a period of four years. Both parties must approve the renewal option. The Town has approved a retroactive renewal to extend the term of the Agreement to April 7, 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 where connection through an established municipal hub is not technically feasible. The annual fees are consistent with those being charged to the County departments. The Town is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. 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. This Amendment retroactively renews the term, updates the attachment regarding the Public Safety Radio System Policies and Procedures, modifies the provision on access and programming codes, provides for disclosure of County Ordinance No. 2011-009 establishing the Office of the Inspector General and provides for the exclusion of third party beneficiaries to this Agreement. Other than the changes set forth herein all other terms and conditions remain the same. (ESS) Countywide (JM)

5. Staff recommends motion to approve: a Third Amendment to the Agreement (R2004-0896) with Wellington Regional Medical Center, Inc. (Hospital) to extend the term of the Agreement to May 18, 2016. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Hospital can program its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications, expired on May 18, 2013. The Agreement provides for three renewal options, each for a period of three years. Both parties must approve the renewal option. The Hospital has approved a retroactive renewal to extend the term of the Agreement to May 18, 2016. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to other hospitals and EMS providers. There are no charges associated with this Agreement. The Hospital is required to pay all costs associated with subscriber units and to comply with the 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 attachment regarding the Public Safety Radio System policies and procedures, modifies the provision on access and programming codes, updates the procedures on utilization of the EMS talk groups, provides for disclosure of County Ordinance No. 2011-009 establishing the Office of the Inspector General and provides for the exclusion of third party beneficiaries. Other than the changes set forth herein all other terms and conditions remain the same. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to:

A) receive and file various documents executed in connection with the Palm Beach County Intermediary Relending Program (PBC IRP) funded by the U.S. Department of Agriculture (USDA) as follows:

1. USDA Intermediary Relending Program Loan Agreement in the amount of \$400,000;
2. USDA Rural Business-Cooperative Service Security Agreement in the amount of \$400,000;
3. USDA Rural Development Memorandum of Understanding;
4. Closing Instructions for the USDA Intermediary Relending Program;
5. USDA Rural Business – Cooperative Service Intermediary Relending Program Promissory Note;
6. USDA Rural Development Federal Collection Policies for Consumer or Commercial Debts;
7. USDA Assurance Agreement;
8. USDA Equal Opportunity Agreement;
9. Palm Beach County Attorney Certification Letter;
10. Palm Beach County Authorized Signature Letter; and

B) approve a Budget Amendment of \$400,000 in the USDA Rural Development Intermediary Relending Program fund to recognize the grant revenue and to establish the grant appropriation budget.

SUMMARY: In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The documents have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator, or designee, in accordance with Agenda Item R2011-0947 approved by the Board on June 21, 2011. These executed documents are now being submitted to the Board to receive and file. **These are Federal grant funds which require no local match.** (Strategic Planning) District 6 (DW)

2. Staff recommends motion to:

A) receive and file a Funding/Approval Agreement with the U.S. Department of Housing and Urban Development (HUD) in the amount of \$1,568,000 for the Palm Beach County Section 108 Loan Program; and

B) approve a Budget Amendment of \$1,568,000 in the HUD Loan Repayment Account fund to recognize the grant revenue and to establish the grant appropriation budget.

SUMMARY: This Agreement increases the available Section 108 Loan Program allocation by \$1,568,000. Funds made available through this Agreement will be placed in the Palm Beach County Section 108 Loan Program pool and will be used to make low interest loans according to Program guidelines. This Agreement was executed on behalf of the Board of County Commissioners (Board) by the County Administrator, or his designee, in accordance with Agenda Item R2009-0725 approved by the Board on May 5, 2009. The Agreement is being submitted to the Board to receive and file in accordance with County PPM CW-0-051. **These are Federal grant funds which require no local match.** (B&HI) Countywide (DW)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

3. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2011-1027) with the Palm Beach County Housing Authority (PBCHA) to provide an additional \$40,000 for the Drexel House Apartments project. **SUMMARY:** On July 19, 2011, the County entered into an Agreement (R2011-1027) with the PBCHA to provide \$52,628 in Community Development Block Grant (CDBG) funds for Drexel House Apartments, a public housing building constructed in 1984 that houses elderly and disabled residents. On December 4, 2012, Amendment No. 001 (R2012-1813) was executed to provide a time extension for the project to December 15, 2013. The project entails the replacement of an outdated fire and smoke alarm system at Drexel House Apartments, located at 1745 Drexel Road in West Palm Beach. The existing fire alarm system will be replaced by a new automatic fire alarm system, which includes an alarm panel and smoke and fire detection devices. The original budget for the project was based on a limited scope of work. A comprehensive scope of work was bid out to address the safety needs at this building. To accomplish this work based on bids received by PBCHA these additional funds are needed for the project. **These are Federal CDBG funds which require no local match.** (DES Contract Development) District 2 (TKF)

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: reappointment of two members to the Historic Resources Review Board (HRRB):

<u>Nominee</u>	<u>Seat</u>	<u>Seat Requirement</u>	<u>Term</u>	<u>Nominated By</u>
Friederike Mittner	4	Historic Preservationist	06/04/13-05/31/16	Comm. Taylor Comm. Burdick Comm. Valeche Comm. Berger
Arlene Fradkin	6	Archaeologist	6/04/13-05/31/16	Comm. Taylor Comm. Burdick Comm. Valeche Comm. Berger

SUMMARY: The Unified Land Development Code Article 2, Chapter G, Section 3-H provides for the membership of the HRRB. Seats 4 and 6 need to be reappointed at this time, all HRRB seats are at-large positions to be appointed by the Board of County Commissioners. Ms. Friederike Mittner and Ms. Arlene Fradkin have expressed an interest in reappointment to the HRRB. Both are eligible for reappointment. A memo requesting nominations was sent to the Board of County Commissioners on April 3, 2013. Unincorporated (RPB)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve: a Contract with Hinterland Group, Inc. to construct the Wastewater Lift Station Rehabilitation Project 2012 in the amount of \$2,598,835. **SUMMARY:** On April 3, 2013, two construction bids were received for the Wastewater Lift Station Rehabilitation Project Phase I, with Hinterland Group, Inc. being the low responsive, responsible bidder in the amount of \$2,598,835. This project will provide for the conversion of nine lift stations from dry can (outdated technology) to submersible type (current Department standard). These upgrades will improve reliability during hurricane and other emergency events. The Department staff recommends award of this contract to Hinterland Group, Inc. in the amount of \$2,598,835. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. This Contract provides for 15% SBE participation. Hinterland Group, Inc. is a local company. (WUD Project No. 11-039) Districts 2 & 5 (JM)

2. **REVISED SUMMARY:** Staff recommends motion to approve: an Agreement with Cen-West Communities, Inc. for repairs and fire hydrant replacement. **SUMMARY:** Cen-West Communities, Inc. is home to over 10,000 Palm Beach County residents. The homeowners association's expansive infrastructure includes 35.4 miles of water and sewer lines and 255 fire hydrants. Cen-West Communities, Inc. has requested that the Water Utilities Department (WUD) provide maintenance services within their community. Under this Agreement, WUD will make necessary replacements of fire hydrants and repair line breaks within the community. Labor costs for the first year will be incurred at cost as shown on Exhibit "B" to the Agenda Item. The maximum hourly rate for labor in subsequent years will be adjusted by the U.S. Department of Labor's Consumer Price Index for "All Urban Consumers, Water and Sewerage Maintenance". ~~Either party~~ The County may cancel the Agreement with a ~~30-day~~ 5-day written notice. District 5 (MJ)

3. Staff recommends motion to receive and file: executed Agreements received during the six month period of September 2012 to March 2013:
 - A) Indemnification Agreement with Westgate Plaza Apartments, LTD (WUD No. 11-525) District 7 (MJ);

 - B) Indemnification Agreement with Colonial Lakes Apartments, LTD (WUD No. 11-523) District 2 (MJ); and

 - C) Indemnification Agreement with Southern & Crestwood Properties, LLC, a Florida limited liability company. (WUD No. 12-528) District 6 (MJ)

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 Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Deputy Director of the Water Utilities Department in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the Board to receive and file.

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve Contract with InWater Research Group, Inc. (IRG), a not-for-profit corporation based in Martin County, in an amount not to exceed \$12,811.20 to continue Phase V of an inwater sea turtle population assessment in Lake Worth Lagoon until June 30, 2014; 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, terms or conditions of the Contract.

SUMMARY: This study will continue work that began in 2005 to evaluate sea turtle populations in Lake Worth Lagoon (LWL). The Lake Worth Lagoon Management Plan recommends evaluating sea turtle populations as a means of evaluating the success of environmental restoration efforts. Field work will be conducted in 2013 and a report will summarize the findings. The Contract is funded by the Pollution Recovery Trust Fund. No Small Business Enterprise opportunities are available for work under this Contract. The Contract is effective upon execution by both parties and expires June 30, 2014. Districts 1, 2, 3, 4 & 7 (SF)

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: the following original executed Independent Contractor Agreement:

Caroline Karolinko, US Synchronized Swimming Coach, Aqua Crest Pool, for the period April 18, 2013, through September 30, 2013.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File Agenda Item. This Independent Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 2002-2103, 2007-0409, and 2012-0168, and is now being submitted to the Board to receive and file. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

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

BandsRock Entertainment International, Inc., The Bulldogs concert; Canyon Town Center Amphitheater, on April 20, 2013.

SUMMARY: The Parks and Recreation Department produced a popular cultural event at our Canyon Town Center Amphitheater. This event was attended by an estimated 250 people and generated positive support and goodwill for the County. A sponsorship with GL Homes offset the expenses of this concert. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Entertainment Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2008-1109, amended by Resolution 2010-0644, and is now being submitted to the Board to receive and file. District 5 (AH)

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

Another World LLC, 4/20 concert, Sunset Cove Amphitheater, for the period April 20, 2013, through April 21, 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 helps to offer a balanced schedule of events which promote the quality of life in the communities we serve. An estimated 900 persons attended the event produced under this Amphitheater Rental Agreement. District 5 (AH)

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

City Sound and Recording LLC; 04/20 concert, Sunset Cove Amphitheater, for the period April 20, 2013, through April 21, 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

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to:

A) approve the revised Interlocal Agreement for network services between Palm Beach County and Martin County. This revision removes non-applicable language pertaining to the fee structure referenced in the original Agreement and eliminates the network service fee of \$7,200 annually from 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: Martin County has an existing network service agreement with Palm Beach County. This agreement was the subject of an internal audit which determined the original agreement 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 agreement with Martin County. Accordingly, this language has been removed from the revised agreement. The agreement has also been revised to eliminate the \$7,200 fee 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. Countywide (PFK)

2. Staff recommends motion to approve: the Second Amendment to the Agreement (R2011-1085) with The Jewish Federation of Palm Beach County, Inc. (Jewish Federation) for a third connection to the Palm Beach County (County) Regional Network located at 5221 Hood Road, Palm Beach Gardens, which will generate \$6,000 in first year revenue to the County. **SUMMARY:** The Jewish Federation is a non-profit organization which has an existing agreement with Palm Beach County for Network Services. The Jewish Federation wishes to amend this agreement to include network connectivity for a third location as described in the Second Amendment. The Jewish Federation will pay \$6,000 annually to the County for this additional network connection, as well as an estimated one-time \$12,500 cost for set up & installation. District 1 (PFK)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) approve an Agreement with Merial Limited - Tier 1 Shelter Partners in Protection Program to utilize Frontline and Heartgard brand products for dogs and cats that are in the care of Palm Beach County's Division of Animal Care and Control at no cost for the period retroactive to January 1, 2013, through December 31, 2013; and

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

SUMMARY: This Agreement will provide the Division of Animal Care and Control (Division) with Frontline and/or Heartgard products at no cost to the County. The Division agrees to exclusively apply Frontline product for the prevention of fleas and ticks and provide Heartgard for the prevention of heartworms to all cats and dogs expected to be adopted from the shelter. The Division will display Merial's Frontline and Heartgard brand products through material provided by Merial such as marketing collateral and coupons. This program saves the Division thousands of dollars each year. Countywide (SF)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

A) receive and file acceptance of the Department of Justice, Office on Violence Against Women (OVW), Domestic Violence Homicide Prevention Demonstration Initiative (Grant No. 2013-HI-AX-K012) in the amount of \$200,000 for the first 12 month phase of the initiative to conduct a community assessment and work plan to reduce and prevent domestic violence homicides for the period of April 1, 2013, to March 31, 2014; and

B) authorize the County Administrator or his designee to execute future contracts and amendments/modifications utilizing funding from the Department of Justice, Office on Violence Against Women on behalf of the Board of County Commissioners; and

C) approve a Budget Amendment of \$200,000 in the OVW Domestic Violence Homicide Prevention Demonstration Initiative Fund to recognize funding from the Department of Justice, Office on Violence Against Women; and

D) approve a Budget Transfer of \$7,273 in the General Fund to adjust for the OVW Domestic Violence Homicide Prevention Demonstration Initiative Grant's indirect costs and increase reserves-balance forward.

SUMMARY: Palm Beach County Victim Services and Certified Rape Crisis Center, in partnership with the College of Criminology and Criminal Justice at Florida State University (FSU) and Aid to Victims of Domestic Abuse (AVDA), received this grant to help build the capacity of local jurisdictions to improve identification of and services for high risk victims while better monitoring high-risk offenders to reduce domestic violence related homicide. The Domestic Violence Homicide Prevention Demonstration Initiative is a four year initiative with two award phases. This award is for the first phase of the initiative to conduct a comprehensive community assessment of the processes, systems and partnerships in place that address domestic violence and homicide prevention and to develop a work plan for the second phase of the initiative. The second phase of the initiative is to implement strategies to reduce and prevent domestic violence homicides. The quality of the work plan in phase one will determine selection of sites for phase two funding. This grant will pay for the personnel costs of our grant required research partner, FSU, and our non-profit domestic violence service partner, AVDA. The grant budget also includes money for OVW-mandated travel for training and technical assistance and a temporary project support coordinator. Duties of the temporary position will be determined as the full scope of work is clarified. The position is not expected to exceed 6-months in duration. R2013-0181 authorized the County Administrator or his designee to execute the grant funding Agreement and all future time extension, task assignments, certifications, standard forms, or amendments to the agreement that do not change the scope of work or terms and conditions of the Agreement if the grant is approved. The Director of Justice Services was authorized by the County Administrator to execute all related documents for the OVW Fiscal Year 2012 Domestic Violence Homicide Prevention Demonstration Initiative. **No County matching funds are required of this grant.** Countywide (PGE)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF

1. Staff recommends motion to:

A) accept a Florida Department of Law Enforcement Florida Consortium “2012 Paul Coverdell National Forensic Sciences Improvement Grant” in the amount of \$28,048 for the period of October 1, 2012, through September 30, 2013; and

B) approve a Budget Amendment of \$28,048 in the Sheriff’s Grant Fund.

SUMMARY: The National Institute of Justice awarded these funds to the Florida Department of Law Enforcement for the “2012 Paul Coverdell National Forensic Sciences Improvement Grant.” On February 22, 2013, the Palm Beach County Sheriff’s Office was awarded funds 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)

2. Staff recommends motion to:

A) receive and file an Agreement with the State of Florida, Division of Emergency Management, for the FY ‘10 State Homeland Security Grant, with a revised grant period of October 1, 2010, through, April 30, 2013; and

B) receive and file a Grant Modification amending the agreement with the State of Florida, Division of Emergency Management, for the FY ‘10 State Homeland Security Grant, extending the grant period from April 30, 2013, through, June 30, 2013.

SUMMARY: The Board of County Commissioners accepted this grant for \$368,882 on March 1, 2011; the original grant period was August 1, 2010, through January 31, 2013 (R2011-0316). However, the new sub-grant agreement revised the grant period from October 1, 2010, through June 30, 2013. These funds and related equipment will be used for direct Homeland Security Initiatives. There is no match associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

3. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff’s Office, a FY ‘12 State Homeland Security Grant in the amount of \$30,250, for the period of March 25, 2013, through April 30, 2014; and

B) approve a Budget Amendment of \$30,250 in the Sheriff’s Grant Fund.

SUMMARY: On March 26, 2013, the Palm Beach County Sheriff’s Office received an award from the State of Florida, Division of Emergency Management. These funds and related equipment will be used for direct Homeland Security Initiatives. There is no match associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

4. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a pass-through contribution from Massachusetts Mutual Life Insurance Company in the amount of \$38,125, which represents reimbursement of a portion of administrative cost paid by Sheriff employees for FY 2012; and

B) approve a Budget Amendment of \$38,125 in the Sheriff's Grant Fund.

SUMMARY: As contracted, Massachusetts Mutual Life Insurance Company is responsible to pay fees incurred in the administration of the Palm Beach County Sheriff's Office (PBSO) 12-b-1 employee deferred compensation plan. On April 12, 2013, the PBSO received a reimbursement of a portion of the administrative cost paid by employees for FY 2012. Once accepted, the funds will be transferred to the employee welfare organization 501(c)(4). There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (PGE)

5. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a Bureau of Justice Assistance (BJA) State Criminal Alien Assistance Program FY 2012 Grant in the amount of \$403,000; and

B) approve a Budget Amendment of \$403,000 in the Sheriff's Grants Fund.

SUMMARY: The Bureau of Justice Assistance has made funds available to be used for correctional purposes. These funds will be used in accordance with the Department of Justice Reauthorization Act of 2005. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

6. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a Grant Modification with the U.S. Department of Homeland Security Transportation Security Administration, to provide an additional \$52,000 in annual reimbursable funding, for Homeland Security Enforcement at the Palm Beach International Airport; and

B) approve a Budget Amendment of \$52,000 in the Sheriff's Grants Fund.

SUMMARY: The Board of County Commissioners (BCC) accepted this grant for \$1,252,000 on November 16, 2010 (R2010-1938). On October 2, 2012, the BCC accepted a Grant Modification providing additional FY 2012 funding of \$52,500 (R2012-1440). This Grant Modification will provide additional annual FY 2013 funding to offset the costs associated with the salary and benefits of five deputies and the costs associated with the care of five TSA canines. Reimbursable costs for this award include, but are not limited to: supplies such as kennels, vet care, vehicles, and dog food. The purpose of this grant program is to provide maximum coverage during peak airport operating hours and to maintain the ability to promptly respond to threats and suspected threat explosive devices which affect air carrier operations. 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. MEDICAL EXAMINER

1. Staff recommends motion to:

A) receive and file the 2012 Paul Coverdell Forensic Sciences Improvement Grant (2012-CD-BX-0018) through the Florida Department of Law Enforcement to receive \$2,245 to purchase Zebra thermal transfer labels, for the period February 1, 2013, through September 30, 2013;

B) approve a Budget Amendment of \$ 2,245 in the General Fund to establish revenue and expenditure budget; and

C) authorize the County Administrator or his designee to execute future grant agreements, amendments, and modifications with the Florida Department of Law Enforcement.

SUMMARY: The National Institute of Justice has awarded a Paul Coverdell Forensic Sciences Improvement Grant to the Palm Beach County Medical Examiner's Office, through the Florida Department of Law Enforcement. The grant funding will be used to purchase Zebra thermal transfer labels, which are water and fluid proof labels used on a daily basis to label evidence, documents and human specimens unique to each Medical Examiner case. **No County match is required for this grant.** Countywide (PGE)

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4. REGULAR AGENDA

A. ADMINISTRATION

1. Presentation recognizing Representative Mark Pafford for his dedicated service as the 2012/2013 Palm Beach County Legislative Delegation Chair.

Presentation recognizing Representative Pat Rooney, Jr. for his dedicated service as the 2012/2013 Palm Beach County Legislative Delegation Vice Chair.

2. **Staff recommends motion to receive and file:** Presentation of the 2013 Legislative Session final report by the Palm Beach County Legislative Affairs Office and the Palm Beach County Legislative Delegation Chair, Representative Mark Pafford. **SUMMARY:** A presentation of the final legislative report reviewing Palm Beach County's 2013 State Legislative Agenda priorities and appropriations with the Board of County Commissioners. Countywide (DW)

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

A) an Amendment to the Hotel Lease; and

B) an Amendment to the Development Agreement with Related Companies, L.P. and City Place Hotel, LLC (collectively "Developer").

SUMMARY: On October 30, 2012, the Board of County Commissioners approved Agreements to facilitate the construction and operation of the Convention Center Hotel. The Hotel Lease required the County to provide a guarantee of the first mortgage obtained by Developer. This guarantee was limited to 40% of the first mortgage amount up to \$20 Million with a maximum length of seven years. The Payment, Performance and Construction Guaranty required Related Companies, L.P. (Related) to guarantee the operation of the hotel for the duration of the lease, which had a maximum term of 98 years. Following execution of the Agreements, it was determined by the County's external Bond Counsel that it is not legal under Florida's Constitution for the County to provide this type of guarantee. The elimination of the County's mortgage guarantee, along with the requirement for Related to guarantee that the hotel would stay operational for up to 98 years, created a significant financing challenge for Developer. To overcome these financial challenges, Related requested that the operational guarantee be reduced to a period of seven years after execution of the Agreements. In the event of an operational default after the expiration of the operational guarantee that is not cured by Developer, the first mortgage lender would very likely cure such default in order to avoid termination of the lease and loss of their leasehold mortgage which secures the first mortgage. If the lender fails to cure, the County could pursue termination of the lease which would also terminate the first mortgage. In this event, the County's investment would be \$27 Million as compared to \$47 Million due to the elimination of the \$20 Million mortgage guarantee. Staff is recommending amendments to the Hotel Lease and the Development Agreement to resolve the financing issues, to clarify and strengthen the language of the Agreements related to funding sources and public purpose, and to allow Developer to pursue the construction of the project in phases thereby enabling an earlier start date for the commencement of construction. Countywide (JM) (HJF)

4. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

4. Staff recommends motion to adopt:

A) a Resolution by the Board of County Commissioners of Palm Beach County, Florida, repealing Resolution R2000-0992, as amended by resolutions R2002-0198, R2002-2001, R2004-0935, R2005-1921, R2007-1048 and R2008-0280; dissolving the Overall Economic Development Program Committee (OEDP); and providing for an effective date; and

B) a Resolution of the Board of County Commissioners of Palm Beach County, Florida, repealing Resolution 2004-0494; dissolving the Fire Rescue Level of Service Committee (FRLOS); and providing for an effective date.

SUMMARY: On April 23, 2013, the Board of County Commissioners (BCC) discussed the possibility of reducing the overall number of advisory boards. Staff presented a list of 23 boards that might be dissolved without an adverse impact on the County, including two boards that had not met in years because either the mission of the board had changed or had been accomplished. The OEDP has not met since December of 2009, primarily due to the fact that the BCC eliminated ad valorem funded economic development programs, which recommendations for funding came from OEDP. Additionally, other functions have been assumed by the County's Legislative staff and the Regional Comprehensive Economic Development Strategy Committee which the BCC appoints five members. The FRLOS was established in 2004 to assist in the development and implementation of voluntary countywide minimum levels of service and recommendations for a common dispatch system for fire rescue providers. This goal was accomplished and the services of the FRLOS are no longer necessary. Staff recommends the dissolution of these two advisory boards. Other advisory boards may be brought to the BCC in the future for similar consideration. Countywide (TKF)

TIME CERTAIN 1:30 P.M.

5. Executive Session scheduled for 1:30 p.m. in McEaddy Conference Room to discuss collective bargaining with the Amalgamated Transit Union (ATU) Local 1577.

(Closed Session)

B. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on Tuesday, June 18, 2013 at 9:30 a.m.: an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program (Program); providing for title; purpose; adoption of revised Program and revised list of projects contained in Exhibit "A" to the Agenda Item; implementation of the Program; modification of Program; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the code of laws and ordinances; and effective date. **SUMMARY:** A Mid Year Modification of the Program is contemplated in the Traffic Performance Standards and allows the Board of County Commissioners (Board), through the adoption of an ordinance, to delete projects from the Program two times a year. Exhibit "A" to the Ordinance is a list of proposed projects for the next five years and contains certain changes and modifications. This list is submitted for Board consideration on preliminary reading today, with the final list to be approved with the Ordinance at public hearing on Tuesday, June 18, 2013. Countywide (MRE)

4. REGULAR AGENDA

B. ENGINEERING & PUBLIC WORKS (Cont'd)

2. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on Tuesday, June 18, 2013 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code Chapter 19, Article IV, Red Light Cameras (Ordinance 2010-040), relating to the use of unmanned cameras at traffic signals to promote traffic safety; providing for adherence to red light traffic control signals; providing for notice of violation; providing for procedures for a hearing; providing for issuance of a traffic citation; providing for owners defenses; providing for consistency with state law; providing for applicability; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; providing for savings, ratifications and reservation of rights; and providing for effective date. **SUMMARY:** On September 14, 2010, the Board of County Commissioners adopted Ordinance 2010-040 authorizing the use of unmanned camera/monitoring systems to promote compliance with red lights at traffic signals. During the 2013 Legislative Session, the Florida Legislature amended Chapter 316, the State Uniform Traffic Code, requiring local governments to establish a hearing process for red light violations. This amendment is necessary to comply with the legislation. Countywide (MRE)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. [Staff recommends motion to approve:](#) an Amendment to existing criteria under which the County's Department of Environmental Resources Management is authorized to bid on certain parcels at a scheduled tax deed sale, without having to obtain parcel-specific Board approval for that action. **SUMMARY:** On August 19, 2003 (Item 3L4), the Board approved criteria under which the Department of Environmental Resources Management (ERM) could apply for a tax deed and/or bid at a scheduled tax deed sale without parcel-specific Board approval for that action. This item will allow ERM to bid up to the lesser of ERM's reasonable estimation of value or \$5,000 on parcels under one acre, or \$10,000 on parcels one acre or more, and to possibly bid more in those instances where additional funds are donated or provided by way of agreement for such purpose. All other criteria, including the County Administrator's prior approval, remain unchanged. Countywide (SF)

4. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

A) adopt a Resolution authorizing a continuing reduction in the rental rate and finding that the Fourth Amendment (R2002-0829) to Governmental Center Lease Agreement with LJL Food Management, Inc., d/b/a Tina's Café is in the best interest of the County; and

B) approve a Fourth Amendment to Governmental Center Lease Agreement with LJL Food Management, Inc., d/b/a Tina's Café.

SUMMARY: LJL Food Management, Inc., d/b/a Tina's Café has been the food service provider operating in Suite 110 of the Governmental Center Parking Garage since 2005. In response to the economic downturn and Tina's Café's poor payment history, rent was reduced by 20% in 2009 and by another 50% in 2010 for a period of two years. The Third Amendment, approved by the Board on December 18, 2012 (R2012-1941) documented the reduced rental rate of \$16,601/yr until April 30, 2013, at which time the Board requested a further review of the rent. Tina's Café just recently became current with payment of rent, is still on a payment plan for a Federal tax lien and Staff doubts that Tina's Café would be able to pay the higher rent at this time. This Fourth Amendment provides for the continuance of the same \$16,601/yr reduced rental rate until April 30, 2014. (PREM) Countywide (HJF)

2. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in two parcels totaling 0.75 acres of surplus property to the City of South Bay without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 125.38; and

B) approve a County Deed in favor of the City of South Bay.

SUMMARY: In 1977, the County acquired two adjacent parcels on Palm Beach Road in South Bay for a Head Start facility, improved with a 7,544 SF building. The building was renovated and served as a Head Start facility until the County constructed a new South Bay Head Start facility in 2004. After Head Start vacated the building in 2004, it served as a Community Action Program (CAP) facility. The building's foundation; however, has been deteriorating and CAP Staff recently vacated the building. The City of South Bay then requested both parcels be conveyed to them at no charge. As this property serves no present or future County purpose, the building is deteriorating and as securing and maintaining both parcels would be costly, Staff recommends conveyance of both parcels to the City of South Bay at no charge without any restrictions. The Property Appraiser valued the parcels at \$266,149. Staff obtained an appraisal of both parcels which valued the parcels at \$56,000 due to the building's deterioration. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. **All purchases, sales and exchanges of real estate must be approved by a supermajority vote (5 Commissioners) pursuant to recent amendments to the PREM Ordinance.** (PREM) District 6 (HJF)

4. REGULAR AGENDA

E. PLANNING, ZONING & BUILDING

1. **Staff recommends motion to receive and file:** a "White Paper" identifying Planning and Zoning best practices to be implemented or maintained by each Planning and Zoning regulatory agency and by private business (i.e. property owner, business operator, agent, consultant, developer, etc.) to enhance the local business climate in Palm Beach County. **SUMMARY:** A Voluntary Committee composed of public and private sector planners was established and charged with identifying constraints and presenting opportunities as it pertains to the regulatory application and review process in order to improve business development and economic growth within Palm Beach County. The White Paper is intended to be used as a tool by any Palm Beach County (public or private) planning and zoning organization to re-evaluate and re-tool their organization to help improve the regulatory process in Palm Beach County. The utilization of best practices identified in this White Paper will improve the predictability for those involved in the Planning and Zoning regulatory approval process. In addition, these practices will continue to enhance the relationships between the public and private sectors resulting in increased communication and knowledge which will work to expedite reviews and approvals. Countywide (RPB)

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JUNE 4, 2013

5. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

JUNE 4, 2013

6. MATTERS BY THE PUBLIC – 2:00 P.M.

JUNE 4, 2013

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JUNE 4, 2013

8. COMMISSIONER COMMENTS

A. District 1 – COMMISSIONER HAL R. VALECHE

B. District 2 – COMMISSIONER PAULETTE BURDICK

Request approval to present off-site, a Proclamation declaring June 5, 2013 as “Traffic Safety Distinguished Citizens Day” in Palm Beach County.

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."