

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

AUGUST 13, 2013

<u>PAGE</u>	<u>ITEM</u>	
7	2C-3	<u>REVISED TITLE:</u> Proclamation declaring August 2013 as “ The Professional Firefighters/Paramedics of Palm Beach County <u>Fire Rescue and IAFF, Local 2928 and Palm Beach County Fire Rescue Firefighter</u> Appreciation Month” in Palm Beach County. (Sponsored by Vice Mayor Taylor)
8	3B-5	<u>REVISED TITLE:</u> Staff recommends motion to approve: list of errors, insolvencies, double assessments, discounts & value adjustment board reductions on the <u>2011 and 2012</u> assessment roll. (Clerk)
41a	5F-1	<u>ADD ON:</u> Staff requests direction regarding FY 2014 funding for the Office of Inspector General (OIG). SUMMARY: The proposed FY 2014 budget submitted by the Inspector General is \$3.7 million. This budget includes 40 positions, of which 23 are currently filled. The funding source for this budget is the County, Children Services Council, Solid Waste Authority, and municipalities. The proposed FY 2014 budget assumes municipalities would fund \$1.5 million of the total budget. As a result of the law suit brought by the municipalities regarding the OIG funding, it is unlikely that there will be any resolution that would provide the OIG with any significant municipal funding during FY 2014. Additionally, the Health Care District cancelled their agreement resulting in a loss of revenue of \$298,000. If the OIG budget was reduced to only fund the currently filled positions (23), the total budget would be \$2.75 million. To maintain staffing at the existing level, an additional \$687,000 would be required from the County’s General Fund. No funds are currently available in the FY 2014 budget at this time. If the Board chooses to fund this request, amendments to the FY 2014 proposed budget will be included in the 1 st Public Hearing scheduled for September 9 th . These amendments would increase the funding contribution from the County and reduce the overall budget to reflect only the 23 filled positions. Should the Board take this action, the 17 currently vacant positions will be reinstated once the municipal funding is implemented. Without the additional funding from the County, the Inspector General will need to layoff six (6) employees by September 27 th and another three (3) by December 27 th . <u>Countywide</u> (LB) (Inspector General/Admin)
44	8B*	<u>ADD-ON:</u> Request Board approval to present off-site, a Proclamation declaring August 26, 2013 as “Women’s Equality Day” in Palm Beach County. (Sponsored by Commissioner Burdick)

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**

AUGUST 13, 2013

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

**COMMISSION
CHAMBERS**

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

- 2. AGENDA APPROVAL/SPECIAL PRESENTATIONS**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
 - C. Special Presentations (Page 7)

- 3. CONSENT AGENDA (Pages 8 - 37)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Page 38)**

- 5. REGULAR AGENDA (Pages 39 - 41)**

- 6. BOARD APPOINTMENTS (Page 42)**

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- 2C-3 Professional Firefighters/Paramedics of Palm Beach County IAFF, Local 2928 and Palm Beach County Fire Rescue Firefighter Appreciation Month
- 2C-4 Florida Water Professionals Week

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- 3B-2 Minutes: None
- 3B-3 Contracts and claims settlements list
- 3B-4 Change orders, work task orders, minor contracts, final payments, etc.
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ADJOURNMENT (Page 44)

AUGUST 13, 2013

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Certificate of Appreciation to Dorritt Miller. (Sponsored by Commissioner Vana)
2. Proclamation declaring September 20, 2013 as “Palm Beach Partners Business Matchmaker Conference & Expo Day” in Palm Beach County. (Sponsored by Mayor Abrams)
3. **REVISED TITLE:** Proclamation declaring August 2013 as “~~The Professional Firefighters/Paramedics of Palm Beach County Fire Rescue and IAFF, Local 2928 and Palm Beach County Fire Rescue Firefighter~~ Appreciation Month” in Palm Beach County. (Sponsored by Vice Mayor Taylor)
4. Proclamation declaring August 19 – 23, 2013 as “Florida Water Professionals Week” in Palm Beach County. (Sponsored by Commissioner Berger)

* * * * *

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) expenditure of \$240,000 to complete Phase 2 of the installation and 20 years maintenance of 40 “cobra head” streetlights within the Plantation Countywide Community Revitalization Team (CCRT) area;

B) Budget Transfer of \$240,000 in the Capital Outlay Fund from the CCRT Street Lighting Project account to establish a transfer of \$160,000 to the CCRT Street Lighting Maintenance Fund and \$80,000 to the Plantation Street Lighting Project to fund the installation of this project including necessary tree trimming; and

C) Budget Amendment of \$160,000 in the CCRT Street Lighting Maintenance Fund to recognize and appropriate the transfer from the Capital Outlay Fund.

SUMMARY: The Plantation street lighting project was initiated by members of the Plantation neighborhood group. The total amount of funding required for Phase 2 of this project is \$240,000. Based on review by the Palm Beach County Sheriffs’ Office and the Office of Community Revitalization staff, it was determined that the installation of these streetlights would help reduce crime, enhance pedestrian safety and facilitate safer vehicular movement. District 2 (AH)

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 receive and file: change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during February 2013. Countywide

5. **REVISED TITLE:** Staff recommends motion to approve: list of errors, insolvencies, double assessments, discounts & value adjustment board reductions on the **2011 and 2012** assessment roll. **SUMMARY:** Section 197.492, F.S. requires that on or before the 60th day after the tax certificate sale, the Tax Collector shall make out a report to the Board of County Commissioners, separately showing the discounts, errors and double assessments and insolvencies for which credit is to be given, including in every case except discounts, the names of the parties on whose account the credit is to be allowed. The Board of County Commissioners, upon receiving the report, shall examine it; make such investigations as may be necessary; and, if the board discovers that the Tax Collector has taken credit as an insolvent item any personal property tax due by a solvent taxpayer, charge the amount of taxes represented by such item to the Tax Collector and not approve the report until the Tax Collector strikes such item from record. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to:

A) accept a warranty deed and two right-of way easement deeds for right-of-way from Palm Beach Mall Holdings, LLC (Palm Beach Holdings) on three parcels of land located on the west side of Congress Avenue, and north of Palm Beach Lakes Boulevard;

B) approve a subordination of utility interests and an agreement for reimbursement for additional facility relocations (Subordination Agreement) with Florida Power and Light Company (FPL) on a parcel of land known as parcel 101; and

C) approve a subordination of utility interests and an agreement for reimbursement for additional facility relocations (Subordination Agreement) with Bell South Telecommunications, LLC d/b/a AT&T (Bell South) on two parcels of land known as parcel 101 and parcel 201.

SUMMARY: Acceptance of the warranty deed and two right-of-way easement deeds from Palm Beach Holdings will provide Palm Beach County with additional right-of-way for roadway purposes on the west side of Congress Avenue, north of Palm Beach Lakes Boulevard. Approval of the two Subordination Agreements will release the FPL utility easement interest on parcel 101 and release the Bell South utility easement interests on parcel 101 and parcel 201. District 7 (MRE)

2. Staff recommends motion to approve: Change Order No. 3 in the amount of \$38,916 and a 60 day time extension with J.W. Cheatham, LLC for the Jog Road from north of SR-710 to north of Florida's Turnpike project, R2012-1077. **SUMMARY:** Approval of Change Order No. 3 will compensate for costs and delays associated with revisions to the plan elevations of the retaining wall at the project site. Change order no. 3 is being brought to the Board of County Commissioners because it exceeds the individual change order threshold referenced in PPM-CW-F-50. District 1 (MRE)

3. Staff recommends motion to adopt: a Resolution to approve recordation and filing of a Specific Purpose Survey Maintenance Map with the Clerk of the Circuit Court (Clerk) of and for Palm Beach County (County) Florida certifying that a portion of Hairland Drive in Section 12, Township 44 South, Range 42 East, has been maintained or repaired, continuously and uninterrupted, by the County for over four years and all rights, title, easement appurtenances in and to the road are therefore vested in the County. **SUMMARY:** Adoption of this Resolution will establish and confirm title of Hairland Drive in Section 12, Township 44 South, Range 42 East, to the County in accordance with Section 95.361, Florida Statutes, which provides that upon four years of continuous and uninterrupted maintenance or repair of the road by the County and upon filing of a map with the Clerk, the title to the road becomes vested in the County for the extent in width that has been actually maintained. The Road and Bridge Division director has certified, on the cover of the Hairland Drive Specific Purpose Survey Maintenance Map, that it depicts the limits of maintenance by the County. District 2 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. Staff recommends motion to approve: a Consent to Assignment of the annual agreement R2008-0161, for structural engineering services on a work task order basis from Corzo Castella Carballo Thompson Salman, P.A. (C3TS) to Stantec Consulting Services, Inc. (Stantec). **SUMMARY:** On February 5, 2008, the Board of County Commissioners approved the annual agreement R2008-0161 with C3TS for structural engineering services on a work task order basis. On November 30, 2012, Stantec acquired the assets of C3TS. C3TS has consented to assign their agreement to Stantec for the completion of an active work task order. Countywide (MRE)
5. Staff recommends motion to approve: a Novation Agreement with E.C. Driver & Associates, Inc. (ECD) and URS Corporation Southern (URS). **SUMMARY:** Approval of this Novation Agreement will allow ECD to transfer to URS the following contracts which were awarded to ECD by Palm Beach County (County): Phase I of Seminole Pratt Whitney Road from Orange Boulevard to Northlake Boulevard Agreement, dated May 21, 2002, R2002-0736; Ocean Avenue (Lantana) Bridge over the Intracoastal Waterway Agreement, dated January 15, 2008, R2008-0017; and Ocean Avenue Bridge over the Intracoastal Waterway (CEI) Agreement, dated November 15, 2011, R2011-1736. ECD and URS are wholly-owned subsidiaries of URS Corporation. ECD intends to formally dissolve, and is requesting that the above referenced contracts be transferred to URS for completion of work. Districts 4 & 6 (MRE)
6. Staff recommends motion to approve: a Work Task Order to the Annual Agreement R2011-0174 in the amount of \$176,668.11 with Bridge Design Associates, Inc. (BDA), for professional services for the Ellison Wilson Road from south of Juno Isles Boulevard to north of Ascot Road project (Project). **SUMMARY:** Approval of this Work Task Order will provide the professional services necessary for the preparation of design plans and construction bid documents for the Project. BDA is a Palm Beach County company. The Small Business Enterprise (SBE) goal for the Project is 15%. BDA has committed to a 63.44% SBE participation for this Project and has achieved 73.07% overall under this Annual Agreement R2011-0174. District 1 (MRE)
7. Staff recommends motion to approve: a Work Task Order to the Annual Agreement R2011-0174 in the amount of \$156,467.25 with Bridge Design Associates, Inc. (BDA) for professional services for the Purdy Lane from Forest Hill Elementary to east of Major Drive project (Project). **SUMMARY:** Approval of this Work Task Order will provide the professional services necessary for the preparation of design plans and construction bid documents for the Project. BDA is a Palm Beach County company. The Small Business Enterprise (SBE) goal for the Project is 15%. BDA has committed to a 66.58% SBE participation for this Project, and has achieved 73.07% overall under this Annual Agreement R2011-0174. District 2 (MRE)

D. COUNTY ATTORNEY

1. DELETED
2. Staff recommends motion to receive and file: the official transcript for the closing of the \$2,900,000 Palm Beach County, Florida Bond Anticipation Notes, Series 2013, (CCRC Pre-Development Project) (the "Bonds"). **SUMMARY:** The official transcript for the Bonds has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

3. **Staff recommends motion to approve:** a Contract with the law firm of Clarke & Platt, P.A. to provide workers' compensation litigation defense services for Palm Beach County, Palm Tran, Inc., and Constitutional Officers participating in the County's Self Insurance Program for a period of five years from October 1, 2013 at an annual fixed amount of \$477,400, plus reasonable costs and expenses not to exceed four percent of the total fees (\$19,096 per fiscal year). Payments shall be made in four equal installments (December 31, March 31, June 30 and September 30 of each fiscal year). **SUMMARY:** The law firm of Clarke & Platt, P.A. has provided workers' compensation litigation defense services to Palm Beach County, Palm Tran, Inc., and a number of Constitutional Officers. Their current Contract expires on September 30, 2013. After a competitive selection process in which proposals ranged from \$400,000 to \$1,600,000, staff recommends the contract be awarded to Clarke & Platt, P.A. and that they continue to provide workers' compensation litigation defense services beginning October 1, 2013. Countywide (AJM)

4. **Staff recommends motion to approve:** a settlement in the amount of \$254,000, including attorney's fees and costs of the property owner and the damage portion of the lessee's claim, in the eminent domain action styled Palm Beach County v. Ascot AG Land, LLC, Case No. 502012CA003652XXXMB, for the taking of parcel 113, owned by Ascot AG Land, LLC. **SUMMARY:** This case involves the condemnation of a single parcel of land, parcel 113, in Delray Beach, Florida, owned by Ascot AG Land, LLC ("Ascot"). A large portion of this parcel was leased to Robert Howard for use as a nursery. Subject to the County's resolution of the damage claims of Robert Howard, Ascot has accepted the County's initial good faith offer in the amount of \$182,000, plus \$10,000 for attorney's fees that are included in this settlement. This settlement includes and limits Robert Howard's damages to \$62,000. If this settlement in the amount of \$254,000 is approved, it would resolve the outstanding claims, including costs and attorney's fees of the property owner, Ascot, and the damage portion of Robert Howard's claim. If this settlement is approved, the only claims that would remain open are Robert Howard's claims for attorney's fees and costs that are being contested by the County. District 5 (PM)

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Amendment No. 01 to Contract for Provision of Financial Assistance with The Center for Family Services of Palm Beach County, Inc. (R2012-1511) for the period October 1, 2012, through September 30, 2013, increasing funding by \$23,489 for transportation of homeless individuals to their home state. **SUMMARY:** The Center for Family Services of Palm Beach County, Inc. has requested additional funds for the Traveler's Aid program. This program is currently funded at \$48,917 and will be increased to \$72,406. The new total contract amount is not to exceed \$181,243. Funding under this Amendment will be used for non-refundable bus tickets to transport homeless individuals to locations where permanent housing has been arranged, as well as case management services, and administrative expenses. The County's Homeless Outreach Teams and the Senator Philip D. Lewis Center, under the direction of the Division of Human Services, coordinate with the agency to make sure all individuals who qualify receive this emergency assistance. The funding for this amendment is from unused allocated Financially Assisted Agencies funds. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to:

A) approve a Reimbursable Agreement (AJW-FN-ESA-13-7177) with the Federal Aviation Administration (FAA) in the amount of \$22,714 for a Siting Study to relocate the Remote Receiver Site at Palm Beach International Airport (PBI);

B) request the Clerk to make an advance payment of \$22,714 to the FAA in accordance with the requirements of the Reimbursable Agreement;

C) approve a Budget Transfer of \$22,714 in the Airport Passenger Facility Charge (PFC) Fund to transfer PFC funds to the Airport Improvement and Development Fund, including a transfer from PFC Reserves; and

D) approve a Budget Amendment of \$22,714 in the Airport Improvement and Development Fund to provide funding for the Siting Study to Relocate the Remote Receiver Site at PBI.

SUMMARY: The Palm Beach County Department of Airports would like to relocate the existing FAA-owned Remote Receiver facility at PBI. The Remote Receiver is part of a communication facility on the Airport that provides ground-to-ground and air-to-ground communications capabilities between aircraft and air traffic control personnel. Therefore, the County has requested that the FAA perform a preliminary design/siting study to determine the requirements and costs associated with relocating the Remote Receiver. This agreement provides funds for the FAA to perform this study. Funding sources consist of Passenger Facility Charge funds. Countywide (AH)

2. Staff recommends motion to approve: Utility Easement Agreement with Florida Power & Light Company (FPL) for electric utilities to service the NetJets Aviation, Inc. (NetJets) facility at the Palm Beach International Airport (PBI). **SUMMARY:** FPL requires an easement to provide electric utility services to the newly-constructed NetJets facility at PBI, on Belvedere Road at Country Club Drive. The easement will connect to an existing utility easement on PBI. Countywide (HJF)

3. Staff recommends motion to receive and file: License Agreement (Agreement) with Workforce Alliance, Inc. (Workforce) commencing June 18, 2013 and expiring September 30, 2013, for the storage of furniture and equipment within a portion of Building 1169 at Palm Beach International Airport (PBI), for payment of a license fee in the amount of \$750 per month. **SUMMARY:** Delegation of authority for execution of the standard license agreement was approved by the Board in R2007-2070. This Agreement provides for the use of approximately 1,500 square feet storage space within PBI Building 1169, for use solely for the storage of furniture and equipment. The Agreement will automatically renew month-to-month beginning October 1, provided that no renewal shall extend beyond May 30, 2014. Workforce may add overflow storage space at the rate of \$50 per month for each 100 square feet of overflow storage space. Workforce will store furniture and equipment in Building 1169 until construction is completed at PBI Building 3400, which is estimated to be approximately January 1, 2014. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to approve: an Agreement with the Florida Airports Council (FAC) for Palm Beach County Department of Airports to host the 46th Annual FAC Conference and Exposition in 2015 at The Breakers Hotel. **SUMMARY:** The FAC has selected The Breakers Hotel in Palm Beach as the location for the 46th Annual FAC Conference and Exposition beginning Sunday, July 26, 2015 until Wednesday, July 29, 2015. This annual event draws an estimated 650+ participants, including FAC members, nationally recognized speakers, corporate sponsors and aviation industry exhibitors for the largest single-state aviation conference in the nation. Expected attendees include federal and state leaders as well as industry professionals who will discuss national and state issues affecting Florida's airports. Palm Beach County Department of Airports' responsibilities as host include on-site assistance in registration of participants and development of conference topics. In hosting the event, the Department is paying the FAC \$50,000 to offset the cost of holding the conference. Countywide (AH)

5. Staff recommends motion to approve:

A) a Contract with Rio-Bak Corporation in the amount of \$2,477,981.38 for Wetland Wildlife Hazard Mitigation at North Palm Beach County General Aviation Airport (F45); and

B) a Budget Transfer of \$207,628 in the Airport Improvement and Development Fund to provide budget for the Rio-Bak contract. This includes a transfer from Reserves of \$207,628.

SUMMARY: This project was advertised utilizing the County's competitive bid process. On May 16, 2013, six bids were received for the Wetland Wildlife Hazard Mitigation project at F45. Of the six bids, Rio-Bak Corporation, a Palm Beach County company has been identified as the lowest responsible/responsive bidder in the amount of \$2,477,981.38 for the Wetland Wildlife Hazard Mitigation project at F45. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 18%. Although the DBE goal was not achieved for all phases, Rio-Bak Corporation provided the required documentation of good faith efforts to achieve the goal and has committed to overall DBE participation of 14% for this project. Florida Department of Transportation grant funding of \$1,008,313.50 and Passenger Facility Charge funds of \$491,380 are being utilized to fund this project. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. **Staff recommends motion to approve:** Amendment No. 9 to the General Consulting Agreement with Ricondo & Associates, Inc. for consulting/professional services in the amount of \$742,007 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program. **SUMMARY:** The Consulting Agreement (R2009-1643) with Ricondo & Associates, Inc. for general airport planning and design was approved on October 6, 2009 in the amount of \$1,723,324 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for two years with two, one year renewal options. Amendments 1-8 were approved for a net increase in the amount of \$7,552,496. Additionally, Amendments No. 5 and No. 7 exercised the first and second one year renewal options, respectively. Approval of Amendment No. 9 in the amount of \$742,007 will provide funds to complete the following tasks and services: Task I Services – Palm Beach International Airport (PBIA) Building 3400 Modifications: Phase 2 Design; PBIA Terminal Restrooms – Construction Phase Services; PBIA Building 3400 Modifications – Construction Phase Services; PBIA Security Enhancements – Construction Phase Services (Supplement #1); PBIA Passenger Facility Charge Use Application 14-15; Palm Beach County Glades Airport (PHK) Airfield Electrical Improvements – Construction Phase Services; PHK Airfield Electrical Improvements – Supplemental Design Services; and North Palm Beach County General Aviation Airport (F45) Drainage Modifications – Construction Phase Services. Ricondo & Associates, Inc. is a Chicago, Illinois based firm. Approximately 60.9% of the work associated with tasks in this Amendment will be completed by firms with Palm Beach County offices. Certain tasks performed during the term of this Amendment may be eligible for State and Federal grant participation. The Disadvantaged Business Enterprise (DBE) goal for the agreement was established at 25.00%. The DBE participation for this Amendment is 66.3%. The total DBE participation to date is 24%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida **(I)** authorizing the issuance of not exceeding \$13,200,000 in original aggregate principal amount of its Public Improvement Revenue Bonds (Max Planck project), Series 2013 for the purpose of funding a grant to the Max Planck Florida Corporation, and paying certain costs related thereto; **(II)** providing for the terms and payment of such series 2013 bonds; **(III)** providing for the rights, security and remedies of the holder thereof; **(IV)** making certain covenants and agreements in connection therewith; **(V)** delegating authority to proper officials of the County, in consultation with the County's financial advisor, to select a qualified financial institution pursuant to a competitive proposal process to purchase the series 2013 bonds and to award the sale of the series 2013 bonds to such purchaser, subject to certain parameters and other matters set forth in this resolution; **(VI)** authorizing the execution and delivery of an agreement with the purchaser of the series 2013 bonds to set forth additional covenants of the county and matters relating to the series 2013 bonds as may be required by the purchaser; **(VII)** authorizing the proper officials of the county to do all other things deemed necessary or advisable in connection with the issuance of the series 2013 bonds; **(VIII)** providing for certain other matters in connection therewith; and providing for an effective date. **SUMMARY:** On July 22, 2008, the Board approved a Grant Agreement with Max Planck Florida Corporation (MPFC) that provides \$86,926,000 to construct and operate a Biomedical Research Facility in Palm Beach County. The agreement provides for distribution of funds through five separate bond issues. This is the third issuance and the remaining funds are due on November 1 of 2015 in the amount of \$13,384,000 and 2017 in the amount of \$5,347,000. Bonds will be issued for this project in amount not to exceed \$13,200,000 (\$13,137,000 for the project and not to exceed \$63,000 for cost of issuance). The County Financing Committee (CFC) met on April 12, 2013 and approved this issuance to be competitively bid as a direct bank placement as recommended by the County's Financial Advisor. The Board approved Edwards Wildman Palmer LLP as bond counsel for this financing. As it is a direct bank placement, disclosure counsel is not needed. This issue is a covenant to budget and appropriate with an estimated annual debt service payment of approximately \$960,000 per year, for 20 years. The first debt service payment will be budgeted in FY 2014. At the request of the CFC, the bids will also include pricing for a 15-year maturity to be compared to the 20-year maturity. The County's financial advisor will make a recommendation as to which maturity to accept. Countywide (PFK)

2. Staff recommends motion to:

A) approve request by Palm Beach County Tax Collector, Anne M. Gannon, for Board of County Commissioners to order the 2013 tax roll to be extended prior to completion of the Value Adjustment Board (VAB) hearings; and

B) direct the VAB to certify the assessment roll as required by State Statutes.

SUMMARY: Approval of this request will avoid a delay in the issuance of tax notices beyond November 1, 2013, and will permit the collection of property taxes prior to completion of the VAB hearings. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to receive and file: a notice of exercise of the second extension option of Concessionaire Service Agreement (R2010-1408) (Agreement) with DH2, Inc. for the operation of food and beverage services at Osprey Point Golf Course in Burt Aaronson South County Regional Park for \$6,749.18/year. **SUMMARY:** On September 14, 2010, the Board approved the Agreement with DH2, Inc. for the use of a 183 SF snack bar and a portion of the exterior patio area at the clubhouse, and the operation of mobile food and beverage carts on the golf course at Osprey Point Golf Course located in South County Regional Park. The minimum guaranteed annual rent is \$6,749.18/year with a per round fee of \$0.20 for each round of golf played during the preceding 12 months that exceeds 60,000 rounds. The Osprey Point Golf Course opened in November of 2010, with per round use of between 51,000 to 66,955 played annually over the past three years. The course is maturing and becoming popular with the public. Use during this 12 month extension period is anticipated to exceed the 60,000 round threshold by 18,000 rounds. DH2, Inc. is exercising the second option for the period of November 5, 2013, to November 4, 2014. The Parks and Recreation Department is satisfied with DH2, Inc.'s performance. Pursuant to the Agreement, DH2 Inc. has the right to exercise its option and the Board has no discretionary authority to deny the exercise of the option. (PREM) District 5 (HJF)

2. Staff recommends motion to approve: a Second Amendment to Interlocal Agreement (R2003-0801) with the City of West Palm Beach (City) to extend the term of the Agreement for interoperable radio communications through the countywide common talk groups of the County's 800 MHz Radio System to June 3, 2018. **SUMMARY:** The Agreement, which provides the terms and conditions under which the City can program its radios and utilize the countywide common talk groups for certain inter-agency communications expired on June 3, 2013 and the City has been in continual compliance with the terms of the Agreement while the renewal was being executed. The Agreement provides for three renewal options, each for a period of five years. The City has approved a retroactive renewal to extend the term of the Agreement to June 3, 2018 and the renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The City is required to pay all of the City's direct costs associated with the subscriber units and to comply with established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Second Amendment retroactively renews the term, updates the notice provisions, updates the attachments, provides for disclosure of County Code Section 2-421 - 2-440 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 remain the same. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: a Second Amendment to the Interlocal Agreement (R2003-1206) (Agreement) with the Village of Palm Springs (Village) to extend the term of the Agreement for interoperable radio communications through the countywide common talk groups of the County's 800 MHz Radio System to August 18, 2018. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Village can program its radios and utilize the countywide common talk groups for certain inter-agency communications expires on August 18, 2013. The Agreement provides for three renewal options, each for a period of five years. The Village has approved a renewal to extend the term of the Agreement to August 18, 2018 and the renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Village is required to pay all costs associated with the subscriber units and to comply with established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Second Amendment renews the term, updates the notice provisions, updates the attachments, updates the provision on County Code Section 2-421 - 2-440 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 remain the same. (ESS) Countywide (JM)

4. Staff recommends motion to approve: an Interlocal Agreement with Hendry County (Participant) allowing for interoperable communications through the countywide and EMS common talk groups of the County's 800 MHz Radio System (System). **SUMMARY:** This Interlocal Agreement provides the conditions under which the Participant can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications. The County's system will not be utilized for routine operational communications by the Participant. The terms of the Agreement are standard and have been offered to all municipalities and local branches of federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Participant 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 with three - five year renewals. The Agreement may be terminated by either party, with or without cause upon ten days written notice to the other party. (ESS) Countywide (JM)

5. Staff recommends motion to approve: an Interlocal Agreement with the Town of Palm Beach (Town) allowing for interoperable communications through the countywide common groups of the County's Public Safety Radio System. **SUMMARY:** This Interlocal 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 (MPSCC) Open Sky Radio System. There are no charges associated with this Agreement. The Town is required to pay all costs associated with subscriber units, to comply with the established operating procedures for the County's Public Safety Radio System and to provide County with Town's internal procedures in regards to monitoring common talk groups within ten days of execution of the 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)

6. Staff recommends motion to approve: an Interlocal Agreement with the Town of Juno Beach (Town) allowing for interoperable communications through the countywide common groups of the County's Public Safety Radio System. **SUMMARY:** This Interlocal 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 (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)

7. Staff recommends motion to approve: a Third Amendment to Agreement (R2004-0207) with Tenet St. Mary's, Inc. d/b/a St. Mary's Medical Center (Hospital) to extend the term of the Agreement to February 3, 2016. **SUMMARY:** The Agreement, which provides the terms and conditions under which Hospital can program its radios and utilize the countywide and EMS common talk groups for certain inter-agency communications expired on February 3, 2013. The Agreement provided for three renewal options, each for a period of three years. Hospital has approved a retroactive renewal to extend the term of the Agreement to February 3, 2016 and the renewal now requires Board approval. The Hospital has been in continual compliance with the terms of the Agreement while this Amendment was being prepared. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement but the Hospital is required to pay all costs associated with the subscriber units and to comply with established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Third Amendment retroactively renews the term, updates the notice provisions, modifies the provision on access and release of programming codes, modifies the provisions on scenarios of usage and hospital talk group procedures, updates the provision on County Code Section 2-421 - 2-440 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 remain the same. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. **Staff recommends motion to approve:** a Third Amendment to Agreement (R2004-0897) with Boca Raton Regional Hospital, Inc. (Hospital) to extend the term of the Agreement to May 18, 2016. **SUMMARY:** The Agreement, which provides the terms and conditions under which Hospital can program its radios and utilize the countywide and EMS common talk groups for certain inter-agency communications expired on May 18, 2013. The Agreement provided for three renewal options, each for a period of three years. Hospital has approved a retroactive renewal to extend the term of the Agreement to May 18, 2016 and the Agreement now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement but the Hospital is required to pay all costs associated with the subscriber units and to comply with established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Third Amendment retroactively renews the term, updates the Hospital's name, deletes and replaces outdated exhibits, updates the scenarios of usage, modifies the provision on access and release of programming codes, provides for disclosure of County Code Section 2-421 - 2-440 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 remain the same. (ESS) Countywide (JM)

9. **Staff recommends motion to approve:** a Second Amendment to the Interlocal Agreement (R2005-1338) (Agreement) with the Port of Palm Beach District (Port) to extend the term of the Agreement to July 11, 2017. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Port can directly access the County's 800 MHz Radio System expired on July 11, 2013. The Agreement provides for two renewal options, each for a period of four years. The Port has approved a retroactive renewal to extend the term of the Agreement to July 11, 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. In addition, the Port is required to directly 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 Second Amendment retroactively renews the term, replaces the attachments, updates the notice provisions, provides for disclosure of County Code Section 2-421 - 2-440 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)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to approve: a Concessionaire Service Agreement with Hawkhaven, LLC d/b/a Lazy Loggerhead Café (Hawkhaven) for operation of the concession building at Carlin Park in Jupiter for \$73,000/year effective September 1, 2013. **SUMMARY:** The Parks and Recreation Department desires to continue to provide food, beverage and sundry items at Carlin Park through a concession operation. The current vendor, Brian E. Wilson & Jennifer G. Wilson, Joint Venture, d/b/a Lazy Loggerhead Café, operates under a Concessionaire Service Agreement dated July 10, 2007 (R2007-1109), which expires on August 31, 2013. In June 2013, PREM advertised a Request For Proposals (RFP) for the operation of the Carlin Park food concession. Jennifer Wilson, representing Hawkhaven and Lazy Loggerhead Café, was the only attendee at the mandatory pre-proposal conference. Hawkhaven submitted the only proposal. The guaranteed annual rent under this Concessionaire Service Agreement is \$73,000/year (\$6,083.33/month), with annual two percent (2%) increases. In addition, Hawkhaven will pay percentage rent calculated as the amount by which 8.5% of the certified annual gross revenues derived from the operation of the concession exceeds the guaranteed annual rent. The initial term of the Concessionaire Service Agreement is for three years, ending August 31, 2016, with three options to extend, each for a period of two years. Parks manages this Concessionaire Service Agreement. (PREM) District 1 (HJF)

11. Staff recommends motion to approve: Amendment No. 2 to the contract with The Weitz Company, LLC (R-2012-1001) in the amount of \$433,806 for construction management services for recreation yard improvements at the West Detention Center located in Belle Glade. **SUMMARY:** On April 25, 2006, the Board approved proceeding with the Jail Expansion Program II consisting of the expansion of the West Detention Center, and the Stockade and renovations to the Main Detention Center. Amendment No. 2 authorizes improvements to the recreation yards and enhancing the security of the West Detention Center. The improvements to the recreation yards are to repair cracking stucco, re-caulk windows, paint walls, additional fencing, and razor wire being installed to increase security. The Small Business Enterprise (SBE) goal for this contract is 15%. The Weitz Company, LLC's SBE participation for this project is 21.3%. The Weitz Company, LLC is a Palm Beach County firm and is using 58% Palm Beach County subcontractors. Amendment No. 2 is jointly funded by the Sheriff and the Public Building Improvement Fund (Renewal/Replacement). (Capital Improvements Division) Countywide/District 6 (JM)

12. Staff recommends motion to approve: Contract with Cedars Electro-Mechanical, Inc. in the amount of \$543,375 for the removal and replacement of two of the four existing Cooling Towers at the Convention Center. **SUMMARY:** This Contract will remove cooling towers No. 3 and No. 4 and replace with new upgraded towers, isolation valves, flow meters and all associated plumbing and electrical. These towers which were installed in 1999 and serve portions of the exhibition floor and meeting room have reached their useful life span due to deterioration caused by salt and weather corrosion. The replacement towers will include a higher level of corrosion resistant material which will provide for longer life span, as well as reducing energy, maintenance and operating costs. Existing towers 1 & 2 were replaced as a separate project in 2012. The Small Business Enterprise (SBE) goal is 15%. The SBE participation in this Contract is 90%. The total construction duration is 90 calendar days. Cedars Electro-Mechanical, Inc. is a certified SBE Palm Beach County company. Funding for this project is entirely from construction bond proceeds specifically identified for renewal/replacement projects. The annual debt service on the bond is paid for from bed tax proceeds. (Capital Improvements Division) District 7 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

13. Staff recommends motion to approve: **A)** reappointment of one member; and **B)** appointment of one new member to the Property Review Committee (PRC):

<u>Reappointment Member</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Term</u>	<u>Nominated by:</u>
Keith L. Williams, Esq.	5	Eminent Domain Attorney employed by a governmental agency with offices in PBC or in a private practice with an office in PBC.	August 17, 2013 – August 16, 2016	Comm. Burdick Comm. Valeche
<u>Appointment Member</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Term</u>	<u>Nominated by:</u>
Kristin K. Garrison, AICP, CPF	4	A Representative with expertise in land planning employed by a governmental agency with an office in PBC or recommended by the PBC Planning Congress.	August 17, 2013 – August 16, 2016	Mayor Abrams Comm. Valeche Comm. Berger

SUMMARY: Palm Beach County Resolution No. 2010-0292 established the PRC that is comprised of five members appointed at-large by the Board. Each member must meet specific seat requirements. Each seat is now for a term of three years. Mr. Williams has served on the PRC for the duration of an initial three year term for Seat No. 5 that expires on August 16, 2013. Mr. Williams has agreed, if reappointed, to continue to serve as the Seat No. 5 representative on the PRC. Seat No. 4 is currently served by Christopher Barry, AICP. Mr. Barry has requested not to be reappointed due to the potential for real and/or perceived conflicts of interest as a result of his recent change in employment. Ms. Garrison has agreed, if appointed, to serve as the Seat No. 4 representative on the PRC. Both seats are for a term commencing August 17, 2013, through August 16, 2016. (PREM) Countywide (HJF)

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2012-1408) with Children’s Case Management Organization, Inc. to increase the funded amount from \$21,667 to \$22,884.81. **SUMMARY:** On October 2, 2012, the County entered into an Agreement (R2012-1408) with Children’s Case Management Organization, Inc. (CCMO) allocating \$21,667 of Emergency Solutions Grant (ESG) Program funds. CCMO provides emergency shelter services to pregnant and parenting families who are homeless and homeless prevention services to families who are at risk of becoming homeless from their facility at 3333 Forest Hill Boulevard in unincorporated Palm Beach County. The Department of Economic Sustainability (DES) has identified \$1,217.81 in ESG funds that are available for reprogramming and the Community Services Department has recommended that CCMO be the recipient of these funds for their programs. **These Federal ESG funds require a matching contribution which will be provided by the funded agency.** (DES Contract Development) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to approve:

A) an increase of \$82,000 in the Water Utilities Department's (WUD) funding for the Digester Biogas Combined Heat and Power Renewable Energy Project under the Energy Efficiency and Conservation Block Grant received from the Department of Energy;

B) a Budget Transfer of \$82,000 from the Energy Efficiency and Conservation Block Grant Revolving Loan Fund to the WUD Digester Biogas Renewable Energy Project in the Energy Efficiency and Conservation Block Grant Capital Fund; and

C) a Budget Amendment of \$82,000 in the Energy Efficiency and Conservation Block Grant Capital Fund to recognize and appropriate the transfer of funds from the Energy Efficiency and Conservation Block Grant Fund.

SUMMARY: To date, WUD has been allocated \$1,867,681 for the Digester Biogas Combined Heat and Power Renewable Energy Project at the Southern Region Water Reclamation Facility (SRWRF). These funds will be used to fund equipment and materials for a micro turbine to complete the 100% recycling objective at SRWRF by generating power from digester gas. Digester gas is currently being burned in a waste gas flare. The micro turbine will generate mechanical energy which will be converted to electricity for on-site use. **These are Federal grant funds which require no local match.** (DES Administration) District 5 (DW)

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: appointment of one new member to the Construction Industry Licensing Board (CILB):

<u>Appoint</u>	<u>Seat #</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated by</u>
Sammy Berry, Jr.	15	Consumer Member	8/13/13-9/30/14	Comm. Taylor Comm. Burdick

SUMMARY: The Construction Industry Licensing Board was established by Special Act, Chapter 67-1876, Laws of Florida, as amended. The Special Act and, subsequently, Florida State Statute (F. S. §) sets forth the membership of the Board, which consists of 15 members. Mr. Sammy Berry, Jr. has been nominated to replace Ms. Christine Hoke who is no longer able to serve. The nomination represents the Seat for a Consumer Member as cited in the Special Act and F.S. § 489.131 establishing the Construction Industry Licensing Board. A Memorandum was sent to the Board of County Commissioners on May 20, 2013, advising of the vacant position. No other nominations were received. Countywide (SF)

3. CONSENT AGENDA APPROVAL

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

2. Staff recommends motion to approve: appointment of one new member to the Building Code Advisory Board for a term of three years:

<u>Nominee</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
A. Thomas Hogarth	11	Professional Engineer	Florida Engineering Society	8/13/13-8/12/16

SUMMARY: The Building Code Advisory Board was established by a Special Act of the Florida Legislature in 1974, and amended in 2001. The term of office for Board members is 3 years with no limit to the number of terms a member may serve. The Palm Beach Chapter of Florida Engineering Society has nominated A. Thomas Hogarth to fill a vacated seat. The Board is comprised of 16 members: composed of seven building officials, one from each commission election district; seven members appointed from nominees submitted by the Construction Industry Management Council of Palm Beach County; one registered architect appointed from nominees submitted by the Palm Beach Chapter of the American Institute of Architects; and one professional engineer appointed from nominees submitted by the Palm Beach Chapter of the Florida Engineering Society. Countywide (SF)

K. WATER UTILITIES

1. Staff recommends motion to approve: Release of Utility Easement in the Lake Worth Drainage District. **SUMMARY:** This document will release the County's interest in a Utility Easement recorded in the Official Records of Palm Beach County in Book 3543, Page 0078. It has been determined that the referenced easement encroached on an existing Lake Worth Drainage District (LWDD) easement at time of conveyance. LWDD now requests release of the encroaching easement. The Water Utilities Department concurs with this request and, therefore, recommends the release. There are no costs related to the release of this easement. District 5 (MJ)
2. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 9 with Keshavarz & Associates, Inc. (R2011-0636) for the Southwest Belle Glade Water Main Replacement - Zone 1 in the amount of \$302,045. **SUMMARY:** On May 3, 2011, the Palm Beach County Board of County Commissioners (BCC) approved the Water Utilities Department (WUD) Engineering/Professional Services Contract with Keshavarz & Associates, Inc. (R2011-0636). This CSA No. 9 is to provide services related to the surveying, design, permitting and construction of the water main replacement in the southwest area in the City of Belle Glade designated as Zone 1. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Keshavarz & Associates, Inc. provides for SBE participation of 100%. This Authorization includes 100% overall participation. The cumulative SBE participation is 100% overall. Keshavarz & Associates, Inc. is a local company. (WUD Project No. 13-060) District 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. Staff recommends motion to receive and file: two executed Agreements received during the months of June and July 2013:

A) Indemnification Agreement with DG Belle Glade, LLC (District 6); and

B) Indemnification Agreement with Hazara Enterprises, Inc. (District 3)

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

4. Staff recommends motion to approve:

A) Budget Amendment of \$100,000 decreasing the Water Utilities Capital Improvement Fund;

B) Budget Transfer of \$100,000 in the Water Utilities Revenue Fund to establish a transfer to the Disaster Recovery Initiative Fund;

C) Budget Amendment of \$100,000 increasing the Disaster Recovery Initiative Fund for cost associated with staffing and administration grant fund for Disaster Recovery Initiative projects; and

D) Budget Transfer of \$90,000 increasing the Economic Development Fund for reimbursement of staff costs associated with Disaster Recovery Initiative projects.

SUMMARY: This Amendment allows for a nonrecurring transfer of funds to be used by Department of Economic Sustainability (DES) for costs associated with staffing and administration of grant funds provided by the U.S. Department of Housing and Urban Development and the State of Florida for Community Development Block Grant (CDBG) and Disaster Recovery Initiative (DRI) projects for water and wastewater infrastructure. DES is responsible for the administration of the CDBG and DRI grants. At present, Department of Water Utilities (WUD) is managing construction efforts for \$3,159,301 CDBG projects and \$10,925,418 DRI projects from these funds. WUD has no capability nor expertise in administering these types of grants and must rely on DES for this effort. Within DES, the administrative duties related to these projects have placed a strain on limited financial resources. The transfer of funds will allow them to secure additional resources to assist in the area. Countywide (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. Staff recommends motion to approve:

A) Contract with Southeast Drilling Services, Inc. for Water Treatment Plant No. 8 (WTP 8) well replacement and rehabilitation in the amount of \$1,704,960; and

B) Consultant Services Authorization (CSA) No. 11 to MWH Americas, Inc. (R2011-0632) for construction services related to the five production wells for WTP 8 in the amount of \$298,419.46.

SUMMARY: On June 6, 2013, four bids were received for Project No. WUD 12-008 to construct one new production well and rehabilitate four production wells for WTP 8. The low bidder, Southeast Drilling Services, Inc., is the lowest responsive, responsible bidder in the amount of \$1,704,960. CSA 11 will provide construction services related to the five wells and associated raw water mains. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. Southeast Drilling Services, Inc. has met the SBE goal with a participation of 70.38% overall. Southeast Drilling Services, Inc. is a local company. The contract with MWH Americas, Inc. provides for SBE participation of 26% overall. This CSA includes SBE participation of 7.63%. The cumulative SBE participation, including this CSA is 27.55% overall. MWH Americas, Inc. is a local company. (WUD Project No. 12-008) District 2 (JM)

6. Staff recommends motion to approve:

A) Contract with Florida Design Contractors, Inc. to construct eight new surficial production wells for Water Treatment Plants No. 2, 3, and 8 in the amount of \$3,373,850; and

B) Consultant Services Authorization (CSA) No. 10 to MWH Americas, Inc. (R2011-0632) in the amount of \$328,273.20.

SUMMARY: On May 24, 2013, four bids were received for Project No. WUD 12-006 to construct new production wells for Water Treatment Plants No. 2, 3, and 8. The low bidder was determined to be non-responsive. The award was protested by the low bidder on June 25, 2013. The Palm Beach County Purchasing Department reviewed the protest letter and PBC project documents and determined that the protest would not be upheld and the recommended award proceed as posted. The second low bidder, Florida Design Contractors, Inc., is the lowest responsive, responsible bidder in the amount of \$3,373,850. CSA 10 will provide construction services related to the eight new wells and associated raw water mains. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. While Florida Design Contractors, Inc. did not receive SBE credit in their bid, the Contractor has committed to an SBE participation of 25.35% overall. Florida Design Contractors, Inc. is a local company. On May 3, 2011, the Palm Beach County Board of County Commissioners (Board) approved the continuing Contract for Utility Hydrogeologic & Water Resources Engineering Services with MWH Americas, Inc. (R2011-0632). This CSA 10 will provide services during the construction of the wells. The contract with MWH Americas, Inc. provides for SBE participation of 26% overall. This CSA includes SBE participation of 18.83%. The cumulative SBE participation, including this CSA is 29.81% overall. MWH Americas, Inc. is a local company. (WUD Project No. 12-006) Districts 2 & 5 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:** an initial management plan for the Cypress Creek Natural Area. **SUMMARY:** The initial management plan for the 2,083-acre Cypress Creek Natural Area Management Plan identifies the natural and cultural resources present on the site and provides for the preservation, restoration, enhancement and ongoing management of those important resources. The management plan also identifies recreational uses and amenities which may be accommodated on the site without adversely affecting the site's resources. The first update to this management plan will be due in 2023. District 1 (SF)

2. **Staff recommends motion to approve:** an Amendment to Agreement R2012-0340 with PBA Holdings, Inc. (PBA) to revise the implementation schedule for restoration of a 2.87-acre parcel of property to be used as a portion of a wildlife corridor, and to provide for a performance bond. **SUMMARY:** As part of PBA's development approval for a Type IIIB excavation, PBA accepted a condition to restore and convey a 2.87-acre parcel as part of a wildlife corridor. The planting was to have been completed within 180 days of the March 6, 2012 effective date of the Agreement. PBA requests an extension of the restoration deadline to August 31, 2019. The amended agreement will also provide for a performance bond in the amount of \$50,411.83 to help ensure timely performance. There is no cost to the County. District 6 (SF)

3. **Staff recommends motion to approve:** an Indemnification Agreement with SLV Capistara, LLC. **SUMMARY:** In 2009, Touse Homes, Inc., a predecessor of SLV Capistara, LLC. ("Capistara") posted a cash bond with the County in the amount of \$10,000 to secure its obligation to complete certain littoral shelf requirements on its property pursuant to Excavation Approval No. E200514. The property was subsequently sold to Capistara. Capistara has completed all littoral shelf requirements of Excavation Approval No. E200514 and has requested return of the bond. Because a predecessor in interest to Capistara posted the bond with the County, this Indemnity Agreement is necessary to indemnify the County from and against any and all claims to the bond that may hereinafter be made by any third party. District 3 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. Staff recommends motion to:

A) receive and file Amendment No. 7 to the Florida Department of Environmental Protection Agreement No. LP6046 (R2006-0583) for the Seagrass Survey Project in the Lake Worth Lagoon (LWL) and Intracoastal Waterway (ICW) extends the end date from June 30, 2013 to June 30, 2014 and reallocates unspent funds in the amount of \$78,735 to fund the seagrass survey and a hurricane post sediment management study;

B) receive and file Task Assignment No. 7 to the Florida Department of Environmental Protection Contract No. GC680 (R2007-0882) for contracted services related to the Petroleum Storage Tank Compliance Verification Program in the amount of \$428,731.24 with a performance period of July 1, 2013, through June 30, 2014;

C) receive and file Task Assignment No. 5 to the Florida Department of Environmental Protection (FDEP) Grant Agreement S0485 (R2010-0095) for the Petroleum Contamination Site Cleanup Services Program on 150 petroleum contaminated sites for a not to exceed amount of \$494,839.73 with a performance period of July 1, 2013, through June 30, 2014;

D) approve Budget Transfer of \$78,736 FDEP Lake Worth Lagoon Fund from the Westgate CRA Project to the LWL Monitoring Project; and

E) approve Budget Amendment of \$494,840 in the Petroleum Storage Tank Program Fund to recognize Task Assignment No. 5.

SUMMARY: On April 4, 2006, the Board of County Commissioners approved the State Financial Assistance Agreement No. LP6046 with the FDEP (R2006-0583) to provide funds for the Palm Beach County Seagrass Survey Project. Delegated authority was provided at that time. On June 5, 2007, the Board of County Commissioners approved FDEP Contract No. GC680 (R2007-0882) for activities related to the Petroleum Storage Tank Compliance Verification Program. Delegated authority to execute Task Assignments was provided at that time. Budget for FY13/FY14 is included in the Petroleum Storage Tank compliance Fund. On January 12, 2010, the Board of County Commissioners approved FDEP Grant Agreement S0485 (R2010-0095) for contracted services related to the Petroleum Contamination Site Cleanup Services Program. Delegated authority to execute Task Assignments was provided at that time. Budget for FY13/FY14 is included in the Petroleum Storage Tank Fund. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to approve:

A) an Access Easement and Release of Easement Agreement (Access Easement) whereby Palm Beach County (PBC) grants a 30-foot wide access easement to the South Florida Water Management District (District) and Martin County through the Cypress Creek Natural Area. The easement will run with the land and generally follows the footprint of the existing Gulfstream Citrus Road from Indiantown Road to the Martin County line; and

B) execution of a Memorandum of Agreement (MOA) with the District and Martin County for a period of five years, with four, five-year options to extend the MOA for the issuance of PBC licenses via the District's web-based permitting process to regulate the public use of the Access Easement.

SUMMARY: During the acquisition of the Cypress Creek Natural Area, PBC, the District and Martin County signed an Interlocal Agreement dated May 28, 2002 (R2002-0850) to cooperate in the purchase of 3,996 acres known as Cypress Creek. That Interlocal Agreement was subsequently amended by the First Amendment to the Interlocal Agreement (First Amendment) dated December 12, 2002 (R2002-2195). The First Amendment requires PBC to grant the District and Martin County an access easement through PBC's portion of the Cypress Creek Natural Area so that they may access their jointly-owned lands in Martin County. There is no cost to the County associated with this item. District 1 (HJF)

6. Staff recommends motion to approve: reappoint one member to the Groundwater and Natural Resources Protection Board (GNRPB) for a term of three years beginning August 13, 2013, through August 12, 2016:

<u>Nominee</u>	<u>Representing</u>	<u>Seat No.</u>	<u>Nominated By</u>
Kirt W. Rusenko	Biologist or Chemist	4	Commissioner Abrams Commissioner Burdick Commissioner Taylor Commissioner Valeche

SUMMARY: Ordinance 92-20, as amended and Article 2.G.3.F.3 of the Unified Land Development Code (ULDC) provide for a seven member GNRPB. The membership consists of one professional engineer, one attorney, one hydrologist or hydrogeologist, one a citizen possessing expertise and experience in managing a business, one biologist or chemist, one citizen of Palm Beach County, and one member of an environmental organization. Ordinance 92-20 and Article 2.G.3.F.3. of the ULDC requires Seat No. 4 be filled by a biologist or chemist. Mr. Kirt Rusenko desires to continue the duties of Seat 4 for another term and meets the requirements. The new term will expire August 12, 2016. Countywide (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** First Amendment to Interlocal Agreement with the City of Lake Worth for the funding of the Lake Worth Beach Redevelopment Project to extend the project completion date from February 1, 2013, to August 31, 2013, and to add conditions regarding Inspector General requirements. **SUMMARY:** This First Amendment to Agreement, R2010-0223, extends the project completion date by approximately 4 months in order to allow time for the completion of construction punch list items and the reimbursement process. The new Project completion date is August 31, 2013. The Amendment also adds Inspector General requirements. All other terms of the Agreement, including the funding amount of \$5,000,000, remain the same. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. District 7 (PK)

2. **Staff recommends motion to approve:**
 - A) Interlocal Agreement with the Town of Mangonia Park for the period of August 13, 2013, through February 12, 2015, in an amount not-to-exceed \$50,000 for funding of constructing improvements to the Town's Community Center and Senior Center; and
 - B) Budget Transfer of \$50,000 within the \$25M GO Recreational and Cultural Facilities Bond Fund – 2005 from the Center for Creative Education Construction Project to the Mangonia Park Community & Senior Centers.

SUMMARY: On June 19, 2012, the Board approved a reallocation of \$50,000 from the Center of Creative Education construction project to construct improvements at the Town of Mangonia Park's Community Center and Senior Center. This Agreement provides funding to renovate the interior of a town-owned duplex to create a Senior Center, as well as to construct improvements to the Town's Community Center. The agreement also includes specific project milestone completion deadlines. District 7 (PK)

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

City Sound and Recording LLC; Palm Beach Carnival event, Sunset Cove Amphitheater, for the period June 15, 2013, through June 16, 2013.

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

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

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

Palm Beach Multicultural Organization Incorporation, Palm Beach Carnival event, Sunset Cove Amphitheater, for the period June 15, 2013, through June 16, 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. An estimated 900 persons attended the event produced under this Amphitheater Rental Agreement. District 5 (AH)

N. LIBRARY

1. Staff recommends motion to approve: The County Library's Long-Range Plan for FY 2014-2016. **SUMMARY:** This plan represents the Library's mission statement, goals and objectives, and strategic plan for FY 2014 through FY 2016. This annual process of strategic planning is done in conjunction with the State's requirements for libraries receiving State Aid funds and with the County's budget process. The Library anticipates receipt of \$1,073,330 in State Aid to Public Libraries during FY 2014. The Library Advisory Board has endorsed this Plan with Resolution 13-01, dated July 8, 2013.

Highlights of the Plan for FY 2014 include:

- Circulation of books and other materials will increase by 3% to 9,388,480.
- Renovated Jupiter Branch Library reopens;
- Continued promotion of self service options for library users including automated return of items and self pick-up of holds;
- Reference questions will increase by 3% to 2,091,309;
- Continued emphasis in children's programming and family reading skills development;
- Increased offering of classes on how to use E Readers and E Resources. Countywide (AH)

3. CONSENT AGENDA APPROVAL

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to approve: an Agreement with the Palm Beach Soil and Water Conservation District in an amount not to exceed \$79,000 to provide soil and water resource conservation services for FY14. **SUMMARY:** This Agreement provides funding for the Palm Beach Soil and Water Conservation District's (District) Resource Conservation Activities. The District provides resource conservation services to rural, agricultural, and urban communities to facilitate soil and water conservation in Palm Beach County. Services include soil information, technical assistance and education to improve water quality and quantity and soil planning in Palm Beach County. Countywide (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:
 - A) **approve** an Interlocal Agreement to reinstate and amend the original Interlocal Agreement with the Palm Beach County Sheriff's Office (R2012-0263);
 - B) **receive and file** Grant Adjustment Notice to purchase capital items; and
 - C) **receive and file** Grant Adjustment Notice extending the expiration date to July 31, 2013.

SUMMARY: Grant funds previously covered the cost of security at the Juvenile Assessment Center (JAC). The Department of Juvenile Justice assumed that responsibility beginning September 1, 2012. Remaining Justice Assistance Grant funds from FY 2012 are being redirected to equipment and capital outlay to support the JAC which relocated in late December 2012. An extension of time is required to fully complete the purchasing of equipment. The Grant Adjustment Notice has been executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Executive Director of the Criminal Justice Commission in accordance with Resolution R2011-1213, and is now being submitted to the Board to receive and file. Countywide (PGE)

S. FIRE RESCUE

1. Staff recommends motion to approve: the Mayor to certify the non-ad valorem assessment roll for the MSBU (Municipal Service Benefits Unit) for Fire Hydrant Maintenance and Rental-Riviera Beach and for the MSBU for Fire Hydrant Maintenance and Rental-Boca Raton. **SUMMARY:** MSBU's for fire hydrant maintenance and rental for Riviera Beach and Boca Raton were established in February, 1993, by Ordinance No. 93-5. The current rates as established by resolutions are \$52.86 per parcel for Riviera Beach (R98-1023) and \$23 per parcel for Boca Raton (R2008-0239). Every year the assessment roll must be certified by the Mayor of the Board and the State Department of Revenue Form DR-408A must be signed by the Mayor for each MSBU. These forms and the tape of the assessment rolls must be submitted to the Tax Collector no later than September 15 of each year. Districts 4, 5 & 7 (SB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

2. Staff recommends motion to receive and file: one fully executed license agreement with the City of Palm Beach Gardens, for training at the Palm Beach County Fire Rescue Regional Training Center, for the period July 1, 2013 through June 30, 2014. **SUMMARY:** On December 6, 2011, the Board adopted Resolution No. R2011-1962, which authorized the County Administrator, or his designee (Fire Rescue Administrator) to execute a one year standard license agreement with outside fire rescue/public safety agencies and other authorized entities, providing them with access to the Regional Training Center to conduct training activities and events for public safety personnel. The Licensee is responsible for the payment of applicable user fees. Pursuant to Countywide PPM CW-O-051, one license agreement fully executed by the Fire Rescue Administrator and the City Manager for the City of Palm Beach Gardens, is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (SB)

3. Staff recommends motion to:

A) ratify the Purchasing Director's letter to Dr. Andrew P. Hope terminating a Professional Services Agreement with Hope Health & Wellness, Inc., without cause to be effective January 11, 2013; and

B) approve a Professional Services Agreement with the Palm Beach County Firefighters Employee Benefits Fund for the provision of a Fire Department Physician, medical physical examinations and related services effective retroactively to January 11, 2013, through September 30, 2016.

SUMMARY: The components of the Palm Beach County Fire-Rescue Wellness Program established by the Collective Bargaining Agreement (CBA) with the Professional Firefighters/Paramedics of Palm Beach County Local 2928 (Union) include the provision of a Fire Department Physician, the administering of medical physical examinations and drug testing for Fire-Rescue employees. The Palm Beach County Fire-Rescue Wellness Steering Committee (Committee) is comprised of staff appointed by the Fire-Rescue Administrator and the Union. The Committee is responsible for selecting a service provider. On January 13, 2009, based on the Committee recommendation, the Board approved a Professional Services Agreement with Hope Health and Wellness, Inc., to provide Fire Department Physician and Related Services through September 30, 2013, in an amount not-to-exceed \$500,000 annually (R2009-0127, as amended by R2010-1064, R2011-1414 and R2012-1429).

As a result of the recent Collective Bargaining Agreement (CBA) negotiations between the County and the Union, the Union agreed to fund 100% of the cost of employee medical physicals required under Article 45 of the CBA, in lieu of a 3% reduction, as proposed by the County, to the County's contribution to the Union Plan. The Committee selected and approved the Palm Beach County Firefighters Employee Benefits Fund (Fund) as the new Provider to meet the services outlined in Article 45 and terminate the existing Professional Services Agreement with Hope Health & Wellness, without cause. The early termination is expected to result in a savings to the main Fire/Rescue MSTU of approximately \$388,913 for the remainder of the current fiscal year. Due to the timing of the termination and the selection of the new Provider, the Purchasing Director communicated the County's intent to terminate, without cause, its' Agreement with Hope Health & Wellness, Inc., effective January 11, 2013. Staff is requesting Board ratification and approval of the termination letter and new Agreement. Countywide (SB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: Amendment to the Microsoft Enterprise Agreement with SHI International Corporation (R2012-1305), increasing the total number of user licenses by 742, from 5,418 to 6,160, to reflect the correct number of licenses assigned to County agencies at no additional cost to Palm Beach County. **SUMMARY:** The Microsoft Enterprise Agreement approved on September 11, 2012 for software assurance provides the County with the right to upgrade to later versions of the software products purchased under the original Agreement. This Agreement was approved for the correct dollar amount - \$476,684.13; however, the Microsoft contract documents included as an attachment to the Board Agenda Item understated the number of licenses by 742. This typographical error was discovered after the execution of the Agreement. This Amendment increases the quantity of user licenses by 742 to reflect the correct total of 6,160 licenses at no additional cost to the County. SHI International Corporation is not a Palm Beach County or a Florida-based business and is the only authorized reseller of Microsoft products in the State of Florida. Countywide (PK)

X. PUBLIC SAFETY

1. Staff recommends motion to:
 - A) receive and file** the Grant Award Letter and executed Agreement (13-CI-58-10-60-01-499) with the State of Florida, Division of Emergency Management, to receive Emergency Management grant funding in the amount of \$5,400 for the period of June 26, 2013, through September 30, 2013, for the Community Emergency Response Team (CERT) program to provide training to Palm Beach County citizens; and
 - B) approve** a Budget Amendment of \$5,400 in the Emergency Management Grant Fund to establish the grant budget.

SUMMARY: This is an annual grant from the Florida Division of Emergency Management to provide CERT training to Palm Beach County citizens. R2012-1731 gave authority to the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. Although the grant period began on October 1, 2012, the County received the executed agreement from the State in July of 2013. **No County matching funds are required for this grant.** Countywide (PGE)
2. Staff recommends motion to:
 - A) receive and file** an executed First Amendment to the Memorandum of Agreement (MOA) with the City of Miramar, a municipal corporation of the State of Florida, as a fiscal agent for the Fort Lauderdale Urban Area Security Initiative (UASI) to extend the UASI 2010 (Jurisdictional, Citizen Corps and WebEOC) agreements from April 30, 2013 to June 30, 2013. **SUMMARY:** The County was awarded \$856,527.63 from the US Department of Homeland Security UASI Grant through the City of Miramar. The award funds Jurisdictional (\$433,038), Citizen Corps (\$126,250) and Regional WebEOC (\$297,239.63) projects. A request to extend the grant from April 30, 2013 to June 30, 2013 has been approved. Resolution R2006-2669 authorizes the County Administrator or his designee to execute amendments to UASI grant agreements with the City of Miramar on behalf of the Board of County Commissioners. **No County matching funds are required.** Countywide (PGE)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

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

A) approve two standard contract templates, one to be used by the County to reimburse various governmental agencies and another to reimburse private agencies for the purchase of Emergency Medical Services (EMS) equipment from the EMS County Grant Fund Program;

B) authorize the County Administrator or his designee to execute these standard agreements between the County and various governmental and non-governmental/private entities and make non-substantive or ministerial changes on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations.

SUMMARY: The EMS County Grant Fund Program is an annual grant provided to Palm Beach County from the State of Florida Department of Health, Bureau of Emergency Medical Services, to improve and expand the EMS system. The funding for EMS equipment is distributed to governmental agencies and non-governmental/private entities based upon a countywide assessment by a Grant Committee and licensed EMS providers appointed by the EMS Council. The County is authorized to either purchase the equipment for the entity or reimburse the entity for equipment it has purchased that falls within the EMS Grant Trust Fund guidelines. **No County matching funds are required.** Countywide (PGE)

BB. INTERNAL AUDITOR

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

A) Audit reports reviewed by the Audit Committee at its March 20, 2013 and June 19, 2013 meetings as follows:

1. 13-04 Purchasing Department – *Purchasing Operations*;
2. 13-05 Engineering & Public Works – *Bridge Operations and Maintenance*;
3. 13-06 Water Utilities Department – *Engineering Division*; and
4. 13-07 Environmental Resources Management Department – *Mosquito Control Division*.

B) Audit recommendation status follow-up report as of March 31, 2013 reviewed by the Audit Committee at its June 19, 2013 meeting.

SUMMARY: Ordinance 2012-011 requires the Internal Audit Committee to review audit reports prior to issuance. Ordinance 2012-012 requires the County Internal Auditor to send those reports to the Board of County Commissioners. At its meetings on March 20, 2013 and June 19, 2013, the Committee reviewed and authorized distribution of the attached audit reports. The Committee also reviewed and authorized distribution of the Audit Recommendation Status Follow-up Report as of March 31, 2013 at its June 2013 meeting. We are submitting these reports to the Board of County Commissioners as required by the Ordinance. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

BB. INTERNAL AUDITOR (Cont'd)

2. Staff recommends motion to receive and file: annual performance appraisals for Joseph Bergeron, County Internal Auditor. **SUMMARY:** At its March 20, 2013 meeting the Internal Audit Committee conducted its annual evaluation of the performance of the County Internal Auditor. All five members of the Committee rated the County Internal Auditor as either meets or exceed expectations on all evaluation categories. No contract actions were recommended as the current contract provides for the incumbent to receive the same salary increase as all other county personnel and the contract does not expire until September 30, 2015. Countywide (PFK)

CC. SHERIFF

1. Staff recommends motion to receive and file: Amendment to extend the agreement period, for the Ft. Lauderdale Urban Area Security Initiative Regional Fusion Center, from April 30, 2013, through June 30, 2013. **SUMMARY:** The Board of County Commissioners accepted this grant for \$140,000, on November 15, 2011; the original period for this grant was effective through April 30, 2013 (R2011-1826). This agenda item will extend the grant period from April 30, 2013, through June 30, 2013. This agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. These funds and related equipment will be used for the Regional Virtual Fusion Center hosted by Palm Beach Sheriff's Office. 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 approve: a Budget Transfer of \$5,385 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 \$1,053,629. 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 \$1,042,419. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,037,034. 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
Florida National FBI Academy Association, Inc.	\$5,385
Total Amount	\$5,385

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

3. **Staff recommends motion to receive and file:** Grant Modification to extend the agreement period, for the Miami Urban Area Security Initiative Regional Fusion Center Analysts, from April 30, 2013, through June 30, 2013. **SUMMARY:** The Board of County Commissioners accepted this grant for \$140,000, on November 20, 2012; the original period for this grant was effective through April 30, 2013 (R2012-1751). This agenda item will extend the grant period from April 30, 2013, through June 30, 2013. This agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miami as the Miami UASI's fiscal agent. These funds will be used for contractual services for Regional Virtual Fusion Center analysts. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

4. **Staff recommends motion to receive and file:** Amendment to extend the agreement period, for the Ft. Lauderdale Urban Area Security Initiative Collabria System and the TI Training Corp Lab, from April 30, 2013, through June 30, 2013. **SUMMARY:** The Board of County Commissioners accepted this grant for \$66,000, on October 16, 2012; the original period for this grant was effective through April 30, 2013 (R2012-1586). This agenda item will extend the grant period from April 30, 2013, through June 30, 2013. This agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. These funds will be used to fund two regional projects, the Collabria System and the TI Training Corp Lab for the Regional Domestic Security Task Force. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

5. **Staff recommends motion to receive and file:** Amendment to extend the agreement period, for the 2010 Ft. Lauderdale Urban Area Security Initiative, from April 30, 2013, through June 30, 2013. **SUMMARY:** The Board of County Commissioners accepted this grant for \$433,038, on November 15, 2011; the original period for this grant was effective through April 30, 2013 (R2011-1827). This agenda item will extend the grant period from April 30, 2013, through June 30, 2013. This agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. These funds and related equipment will be used for direct law enforcement activities. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

6. **Staff recommends motion to receive and file:** Grant Modification amending the U.S. Department of Justice, Community Oriented Policing Services, COPS Hiring Program Grant to extend the grant period from August 31, 2013, through August 31, 2014. **SUMMARY:** The Board of County Commissioners accepted this grant for \$2,639,400 on December 7, 2010; the original period for this grant was September 1, 2010, through August 31, 2013 (R2010-2044). This agenda item will extend the grant period from August 31, 2013, through August 31, 2014. Grant funding supports ten sworn law enforcement positions. There is no match requirement associated with this award. However, there is a retention period of twelve months after the expiration of the grant period. No additional positions are needed and no additional County funds are required until grant funding expires in FY 2014. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

- 7. Staff recommends motion to receive and file: Grant Adjustment Notice amending the Department of Justice Office of Justice Programs Smart FY2010 Comprehensive Approaches to Sex Offender Management Grant to extend the grant period from September 30, 2013, through December 31, 2013. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$150,000 on October 19, 2010; the original period for this grant was October 1, 2010, through September 20, 2012 (R2010-1734). On October 2, 2013, the BCC received and filed an agenda item extending the grant period from September 30, 2012, through September 30, 2013 (R2012-1439). This agenda item will extend the grant period from September 30, 2013, through December 31, 2013. The purpose of the strategy is to provide for greater offender accountability; while improving community safety, and support of the successful re-integration of sexual offenders into the community. Funding provided will be used for equipment, supplies, contractual services, and to pay overtime associated with the strategy. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

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

A. Staff recommends motion to approve: the proposed fare increase for Palm Tran Fixed Route and Connection services. **SUMMARY:** On June 11, 2013, the Board of County Commissioners (BCC) authorized Staff to schedule a Public Hearing in regard to increasing fares for both the Fixed Route and Connection paratransit programs. Palm Tran’s last system-wide fare increase occurred in October 2007. Since that time ridership on the Fixed Route service has grown by over 25% to approximately 12 Million riders annually. Passenger revenue from Fixed Route operations represents approximately 18% of operating costs, while passenger revenue from Connection services represents approximately 9% of operating costs. It is estimated that this overall fare increase would generate approximately \$2.5 Million annually. Of the \$2.5 Million in additional revenue, \$1.1 Million would be utilized to support service improvements and \$1.4 Million would be utilized to offset Ad-Valorem funding. Staff estimates that the proposed fare increase would improve the farebox recovery ratio on Fixed Route to over 20%, more in line with national averages. The fare increase proposal would become effective Monday, October 7, 2013. Attachment 2 to the Agenda Item itemizes the proposed fare increases. The proposed service improvements (Attachment 3 to the Agenda Item) would expand and improve Fixed Route service to nine different routes one of which includes providing new service to the new Bethesda Hospital West. FTA regulations require an equity analysis be conducted to determine if the proposed fare increase would have a disparate impact to minority populations and/or a disproportionate burden to low income populations. This analysis concluded that both the minority and low income riders pay significantly less than the 20% threshold, therefore a disparate impact or disproportionate burden will not occur as a result of the planned fare increase. **On May 23, 2013, the Palm Tran Service Board recommended approval for the service improvements and supports the need for this fare increase.** Countywide (DR)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida, requesting aggressive flood control improvement efforts from the South Florida Water Management District (SFWMD) and the United States Army Corps of Engineers (USACE). **SUMMARY:** In 2012, there was extensive flooding in the wake of Tropical Storm Isaac in central Palm Beach County. Recent improvements to SFWMD facilities and pending enhancements such as acquisition of the Mecca property should allow the SFWMD to reconsider permit limitations to allow greater discharges during storm events to reduce the likelihood of flooding incidents. The USACE has been engaged in making safety improvements to the Lake Okeechobee dike, but this effort has been delayed. This Resolution encourages these agencies to improve flood control and public safety. Countywide (DN)

B. COMMUNITY SERVICES

1. Staff recommends motion to approve: Agreement with Friends of Community Services, Inc. (Friends), a not-profit organization, establishing a working relationship to enhance, compliment and/or provide support for the resources and service capacity of the Department of Community Services with an effective date of August 13, 2013. **SUMMARY:** Friends was initially incorporated in 1993 as the Governor's Council for Community Health Partnerships (GCCHP) to improve community health and wellness by linking public/private partnerships, housed at the Palm Beach County Health Department. Their mission and Board composition has been restructured to align in support of the needs of low-income and underserved residents of the County. The Agreement defines and develops the working partnership between the Board of County Commissioners and the Friends to enhance, compliment and/or provide support for the Department of Community Services to meet the needs of low-income and/or underserved residents identified by the staff. The County will provide staff support to Friends and provide office space at a Community Services location. The Friends will take a role in activities that provide support for the programs within the Department in order to augment available assistance. No County funding is required under this Agreement. (Community Services) Countywide (TKF)

5. REGULAR AGENDA

C. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve:

A) a Servicer Participation Agreement (Agreement) with the Florida Housing Finance Corporation (FHFC) for participation in the Unemployment Mortgage Assistance Program (UMAP) and the Mortgage Loan Reinstatement Program (MLRP);

B) delegation of authority to the County Administrator, or his designee, to execute all other documents necessary to participate in these Programs;

C) a Budget Transfer of \$25,000 from General Fund Contingency Reserves to the Department of Economic Sustainability (DES) for administrative costs associated with these Programs;

D) a Budget Amendment of \$25,000 in the Economic Development fund to cover administrative costs not reimbursed by these Programs; and

E) a Budget Transfer of \$25,000 in the Housing & Community Development Fund to reduce the charge off amount.

SUMMARY: The FHFC is in receipt of funds from the United States Treasury Department under the Emergency Economic Stabilization Act of 2008 (EESA). A portion of these funds are to be utilized for programs that provide first mortgage assistance to eligible unemployed or under-employed homeowners in attempts to prevent foreclosure. FHFC has created two Programs which are eligible for this funding. The UMAP is for homeowners who are unemployed or under-employed, and provides up to 12 months of first mortgage payments with a cap of \$24,000. The MLRP is for homeowners who have returned to work or who have recovered from under-employment, and provides a one-time payment of up to \$25,000 for mortgage reinstatement. Participating in these Programs will allow the County, as a first mortgage lender, to receive payments from FHFC on behalf of homeowners who become delinquent under their loans with the County. Under the Agreement, the County would be required to waive late charges and non-sufficient fund fees and would not be permitted to charge administrative fees. Additionally, the County would be required to provide loan performance data for all borrowers who receive assistance for a period of 12 months. Under the terms of the Agreement, the County will not be reimbursed for costs associated with processing payments and conducting required monitoring. Since there are currently no grant funds that will cover these costs, staff is requesting \$25,000 in general funds to administer these Programs. DES currently has 23 mortgage delinquencies directly related to a loss of income within the borrowers' households. Should the number of delinquencies significantly increase, staff will seek direction from the Board regarding the need for additional funding and whether the Board desires to continue participation in these Programs. Countywide (TKF)

5. REGULAR AGENDA

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve an Interlocal Agreement with the Town of Palm Beach (Town) to cost share on the completion of a joint Army Corps of Engineers (ACOE) required Environmental Impact Statement (EIS) for the proposed erosion control projects known as the Reach 8 South End Palm Beach Restoration Project and the Central Palm Beach County Comprehensive Erosion Control Project (Project);

B) approve a Letter of Agreement (LOA) between the ACOE, Town, and Third Party Contractor (TPC), Coastal Planning & Engineering, Inc. (CPE) (a CB&I Company);

C) authorize the Mayor to sign the Palm Beach Island Beach Management Agreement (BMA) with the Town of Palm Beach, the Florida Fish and Wildlife Conservation Commission, and the Florida Department of Environmental Protection (DEP) to coordinate beach management activities;

D) authorize the Mayor to sign an Interlocal Agreement with the Town to provide a mechanism for the Town and the County to implement the cell-wide obligations and commitments of the BMA; and

E) approve Budget Amendment in the Beach Improvement Fund to recognize a \$43,351 contribution from the Town of South Palm Beach (R2007-0796) and a contribution of \$216,758 to the Town of Palm Beach.

SUMMARY: Both the Town and the County are evaluating erosion control alternatives for their respective projects on the shoreline between the Lake Worth Pier and northern Manalapan. The ACOE has determined that an EIS will be required for both projects. Due to the multi-jurisdictional nature of the EIS, and the significant savings possible because of economies of scale, the Town and the County will partner to hire one contractor (CPE) to perform the EIS for the entire shoreline length. The BMA is an agreement intended to coordinate and facilitate flexible permitting for beach management and to achieve net ecosystem benefits and related public objectives for the area. The Agreement Area is generally defined by the boundaries of the coastal cell located within the coastal system of Palm Beach Island. The BMA Interlocal Agreement provides for administration and funding of the BMA monitoring and mitigation requirements by the Town with specific data collection by the County. District 4 (SF)

E. PLANNING, ZONING & BUILDING

1. Staff recommends motion to adopt: a Resolution establishing a Contractor Enrollment Agreement and authorizing the County Administrator or his designee to execute the Agreement. **SUMMARY:** This Agreement creates a contractor enrollment program whereby participating municipalities within the County can utilize the construction contractor information obtained by the County rather than having a separate enrollment program and sets forth the terms and conditions of the program. The program will benefit local construction contractors by allowing them to do business with all participating jurisdictions after enrolling with the County. Countywide (SF)

5. REGULAR AGENDA

F. OFFICE OF THE INSPECTOR GENERAL/ADMINISTRATION

1. **ADD ON: Staff requests direction:** regarding FY 2014 funding for the Office of Inspector General (OIG). **SUMMARY:** The proposed FY 2014 budget submitted by the Inspector General is \$3.7 million. This budget includes 40 positions, of which 23 are currently filled. The funding source for this budget is the County, Children Services Council, Solid Waste Authority, and municipalities. The proposed FY 2014 budget assumes municipalities would fund \$1.5 million of the total budget. As a result of the law suit brought by the municipalities regarding the OIG funding, it is unlikely that there will be any resolution that would provide the OIG with any significant municipal funding during FY 2014. Additionally, the Health Care District cancelled their agreement resulting in a loss of revenue of \$298,000. If the OIG budget was reduced to only fund the currently filled positions (23), the total budget would be \$2.75 million. To maintain staffing at the existing level, an additional \$687,000 would be required from the County's General Fund. No funds are currently available in the FY 2014 budget at this time. If the Board chooses to fund this request, amendments to the FY 2014 proposed budget will be included in the 1st Public Hearing scheduled for September 9th. These amendments would increase the funding contribution from the County and reduce the overall budget to reflect only the 23 filled positions. Should the Board take this action, the 17 currently vacant positions will be reinstated once the municipal funding is implemented. Without the additional funding from the County, the Inspector General will need to layoff six (6) employees by September 27th and another three (3) by December 27th. Countywide (LB)

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AUGUST 13, 2013

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

AUGUST 13, 2013

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

8. COMMISSIONER COMMENTS

A. District 1 – COMMISSIONER HAL R. VALECHE

B. District 2 – COMMISSIONER PAULETTE BURDICK

ADD-ON: Request Board approval to present off-site, a Proclamation declaring August 26, 2013 as “Women’s Equality Day” in Palm Beach County. (Sponsored by Commissioner Burdick)

C. District 3 - COMMISSIONER SHELLEY VANA

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

E. District 5 - COMMISSIONER MARY LOU BERGER

Request approval to present off-site, a Proclamation declaring August 11 – 17, 2013 as “National Forensic Science Week” in Palm Beach County.

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."