

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

DECEMBER 3, 2013

<u>PAGE</u>	<u>ITEM</u>	
6	2C-4	<u>ADD-ON:</u> Proclamation declaring December 6, 2013 as “Disability Employment Awareness Day” in Palm Beach County. (Sponsored by Commissioner Abrams)
29	4E-1	<u>ADD-ON:</u> Staff recommends motion to ratify: the following Palm Beach County League of Cities (League) representatives to the Treasure Coast Regional Planning Council for a one year term beginning December 1, 2013, to November 30, 2014:

<u>Nominees</u>	<u>Seat No.</u>	<u>Representing</u>
<u>Regular appointments:</u>		
Anne Gerwig	4	Councilwomen, Village of Wellington
Sam Ferreri	5	Mayor, City of Greenacres
Karen Golonka	6	Mayor, Town of Jupiter
Joni Brinkman	7	Councilmember, Village of Palm Springs
James DuBois	8	Mayor, Town of Lake Park
<u>Alternate appointments:</u>		
Jeff Hmara	4A	Vice Mayor, Village of Royal Palm Beach
John Szerdi	5A	Commissioners, City of Lake Worth
Marcie Tinsley	6A	Vice Mayor Pro Tem, City of Palm Beach Gardens
Bruce Guyton	7A	Councilman, City of Riviera Beach
David Norris	8A	Councilman, Village of North Palm Beach

SUMMARY: On November 19, 2013, in accordance with the TCRPC Rules of Order, the Board of County Commissioners (BCC) appointed their members and alternates for the coming year before the Council’s annual meeting on December 13, 2013. The BCC also ratifies the League’s members. The League appointed the above municipal representatives at their November 27, 2013 meeting. Countywide (RPB) (Admin)

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**

DECEMBER 3, 2013

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

**COMMISSION
CHAMBERS**

BOARD OF COUNTY COMMISSIONERS SITTING AS THE SOLID WASTE AUTHORITY – 9:30 A.M.

**Adjourn as the Solid Waste Authority
Convene as the Board of County Commissioners**

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

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

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

- 4. REGULAR AGENDA (Pages 25 - 29)**
TIME CERTAIN 10:00 A.M. (Pioneer Road) (Page 29)

- 5. BOARD APPOINTMENTS (Page 30)**

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

- 7. STAFF COMMENTS (Page 32)**

- 8. COMMISSIONER COMMENTS (Page 33)**

- 9. ADJOURNMENT (Page 33)**

TABLE OF CONTENTS

SPECIAL PRESENTATIONS - 9:30 A.M.

Page 6

- 2C-1 75th Anniversary of the West Palm Beach Housing Authority
- 2C-2 Unicorn Village Academy Day
- 2C-3 Phi Beta Sigma Fraternity, Inc. Gamma Zeta Sigma Chapter Day

CONSENT AGENDA

A. ADMINISTRATION

Page 7

- 3A-1 Resolution supporting Leon County Commissioner Bryan Desloge for Second Vice President of the National Association of Counties

B. CLERK & COMPTROLLER

Page 7

- 3B-1 Warrant list
- 3B-2 Minutes
- 3B-3 Contracts and claims settlements list

C. ENGINEERING & PUBLIC WORKS

Page 7

- 3C-1 Report of plat recordations (April 1, 2013 – September 30, 2013)
- 3C-2 Change Order No. 6 with J.W. Cheatham relative to the Seminole Pratt Whitney Road project

Page 8

- 3C-3 Budget Transfer/Amendment for the Sherwood Forest Boulevard Pathway project
- 3C-4 Resolution to release portions of the alignment and right-of-way for Seminole Pratt Whitney Road relating to the sale of the Mecca property

Page 9

- 3C-5 Amendment No. 7 to the Transportation Regional Incentive Program Agreement with FDOT relative to the C-51 Bridge at SR 7/SR 80 intersection project

D. COUNTY ATTORNEY - None

E. COMMUNITY SERVICES

Page 9

- 3E-1 Memorandum of Agreement with Florida Department of Health for purchase and distribution of drugs for Ryan White clients

F. AIRPORTS

Page 10

- 3F-1 Receive and file eleven FDOT Extension of Time forms for various Airport projects

Page 11

- 3F-2 License Agreement with Enterprise Leasing Company of Florida for parking of vehicles at PBIA
- 3F-3 First Amendment to Lease Agreement with Delta Aventura Construction Corp. to add paved parking area to Lease Agreement at PBIA

Page 12

- 3F-4 FDOT Public Records Form modifying language in Joint Participation Agreements for projects at all County-owned airports

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET - None

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

H. FACILITIES DEVELOPMENT & OPERATIONS

- Page 12
3H-1 Various license agreements
- Page 13
3H-2 Amendment No. 3 to six annual roofing contracts
3H-3 Amendment No. 2 with Hedrick Brothers Construction Company, Inc. for construction of Main Detention Center cooling tower replacement
- Page 14
3H-4 Change Order No. 14 with The Weitz Company relative to the Belle Glade Branch Library and Civic Center project
3H-5 Plat of Gramercy County Park
3H-6 Declaration of Easement in favor of Palm Beach County Water Utilities for water and sewer improvements on the east side of the County's Mecca property
- Page 15
3H-7 First Amendment with Toll FL V Limited Partnership relative to a temporary construction easement for sewer lines to Bert Winters Park
- Page 16
3H-8 Donation Agreement with Urban Growers Community Economic Development Corporation for removal of fencing located at 1200 – 45th Street, West Palm Beach

I. ECONOMIC SUSTAINABILITY - None

J. PLANNING, ZONING & BUILDING

- Page 16
3J-1 Construction Industry Licensing Board reappointments

K. WATER UTILITIES - None

L. ENVIRONMENTAL RESOURCES MANAGEMENT

- Page 17
3L-1 Grant Agreement with Florida Department of Environmental Protection for funding relating to the construction of the Grassy Flats Restoration project
- Page 18
3L-2 Receive and file various agreements relating to ERM projects

M. PARKS & RECREATION

- Page 19
3M-1 Receive and file two Sound and Light Production Services Contractor Agreements
3M-2 Receive and file two Amphitheater Rental Agreements – Sunset Cove
3M-3 Receive and file one Amphitheater Rental Agreement - Seabreeze
- Page 20
3M-4 Receive and file one Entertainment Contractor Agreement
3M-5 Florida Inland Navigation District Waterways Assistance Program Grant for development of Waterway Park
- Page 21
3M-6 Florida Inland Navigation District Waterways Assistance Program Grant for planning, design and permitting of the Ocean Inlet Park Marina

N. LIBRARY - None

P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION - None

R. HUMAN RESOURCES - None

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

S. FIRE RESCUE - None

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES - None

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY

Page 21

3X-1 Contract with Margaret H. Lindrose, D.V.M. for relief veterinary services

Page 22

3X-2 Receive and file two agreements providing for Urban Area Security Initiative funding for emergency preparedness services

Page 23

3X-3 Extend U.S. Department of Justice, Office of Violence Against Women Grant

3X-4 Three year Contract with Child Protection Team of Palm Beach, Inc. to provide medical evaluations for children (0-17) who are alleged victims of abuse, neglect and/or abandonment

Page 24

3X-5 Receive and file two agreements providing for Urban Area Security Initiative funding for a COOP Plan, and Re-entry/Evacuation Plan

3X-6 First Amendment with American Red Cross for management of cold weather shelters

Y. PURCHASING - None

Z. RISK MANAGEMENT - None

AA. PALM TRAN - None

BB. INTERNAL AUDITOR

Page 24

3BB-1 Ratify County Internal Auditor's signature on Agreement with Association of Local Government Auditors to conduct a peer review

REGULAR AGENDA

COUNTY ATTORNEY

Page 25

4A-1 Consumer Affairs Ordinance

FACILITIES DEVELOPMENT & OPERATIONS

Page 26

4B-1 Contract for Sale and Purchase with Southern Investments Partnership, LP for the sale of a 10.73 acre parcel known as Haverhill Linear Park

Page 27

4B-2 Resolution extending Concessionaire Service Agreement with Dania Pier Management Corp. to continue operating the concession building at the Juno Beach pier

TABLE OF CONTENTS

REGULAR AGENDA CONTINUED

FIRE RESCUE

Page 28

4C-1 Fire Rescue Emergency Transport Fee Ordinance

ENGINEERING & PUBLIC WORKS

Page 29

4D-1 Pioneer Road – **TIME CERTAIN 10:00 A.M.**

BOARD APPOINTMENTS (Page 30)

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

STAFF COMMENTS (Page 32)

COMMISSIONER COMMENTS (Page 33)

ADJOURNMENT (Page 33)

DECEMBER 3, 2013

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Proclamation recognizing the 75th Anniversary of the West Palm Beach Housing Authority. (Sponsored by Mayor Taylor)

2. Proclamation declaring December 3, 2013 as “Unicorn Village Academy Day” in Palm Beach County. (Sponsored by Commissioner Berger)

3. Proclamation declaring January 9, 2014 as “Phi Beta Sigma Fraternity, Inc. Gamma Zeta Sigma Chapter Day” in Palm Beach County. (Sponsored by Mayor Taylor)

4. **ADD-ON:** Proclamation declaring December 6, 2013 as “Disability Employment Awareness Day” in Palm Beach County. (Sponsored by Commissioner Abrams)

* * * * *

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff requests motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, supporting the candidacy of Commissioner Bryan Desloge for Second Vice-President of the National Association of Counties. **SUMMARY:** Leon County Commissioner Bryan Desloge has faithfully served on the Leon County Board of County Commissioners for seven years representing the citizens in District 4, as well as all of the citizens of Leon County. He currently serves as the President of the Florida Association of Counties and previously served as President-Elect, 1st Vice President, 2nd Vice President, and a policy chairman of the Florida Association of Counties. Commissioner Desloge has also faithfully served on the National Association of Counties Board of Directors for two terms, as well as Vice Chair of the Behavioral Health Subcommittee. Countywide (DW)

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	October 22, 2013
Zoning	October 24, 2013
Comprehensive Plan	October 28, 2013
Workshop	October 29, 2013

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to receive and file:** a Report of plat recordations from April 1, 2013, through September 30, 2013. **SUMMARY:** This is a bi-annual summary of subdivision plats recorded during the past two fiscal quarters as required by the Department of Engineering and Public Works Policies and Procedures Manual Item No. EL-O-2618, governing administrative approval of plats by the County Engineer. Countywide (MRE)
2. **Staff recommends motion to approve:** Change Order No. 6 in the amount of \$87,399.30 and a 49 day time extension to the contract with J.W. Cheatham, LLC for the Seminole Pratt Whitney Road, south of the M Canal to south of Orange Boulevard project (R2012-1211) (Project). **SUMMARY:** Approval of Change Order No. 6 will compensate for costs and delays associated with additional work required on the Project, due to unforeseen soil conditions encountered during lake excavation and utility trench dewatering. Change Order No. 6 is being brought to the Board of County Commissioners because the total value (including the monetary value of the time extension) exceeds the individual change order threshold of \$100,000 referenced in PPM-CWF-50. District 6 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve:

A) a Budget Transfer of \$50,000 from the Housing and Community Development Fund to the Capital Outlay Fund for the Sherwood Forest Boulevard Pathway project (Project); and

B) a Budget Amendment of \$50,000 in the Capital Outlay Fund to recognize the transfer from the Housing and Community Development Fund and appropriate it to the Project.

SUMMARY: Approval of the budget transfer and budget amendment for this Project will provide for the design and construction of the pathway, consisting of survey, design, permitting, staff and construction costs. The Project is funded with Community Development Block Grant funding through the Department of Economic Sustainability. District 2 (MRE)

4. Staff recommends motion to adopt:

A) a Resolution to release portions of the alignment of Seminole Pratt Whitney Road located within Sections 1 and 12, Township 42 South, Range 40 East and Sections 6 and 7, Township 42 South, Range 41 East, and the 100' drainage and borrow right-of-way located within section 1, 12 and the north half of Section 13, Township 42 South, Range 40 East as recorded in Road Book 4, Pages 117-127;

B) a Resolution to release a portion of the approved conceptual alignment "C" of Seminole Pratt Whitney Road located within Sections 6 and 7, Township 42 South, Range 41 east, as approved by Palm Beach County (County) on January 17, 1995; and

C) a Resolution to release Parcel 100 and Parcel 101 as road right-of-way adopted by Resolution R2005-0726 by the County on April 19, 2005.

SUMMARY: On October 22, 2013, the County approved the agreement R2013-1514 for the sale of a portion of the County's Mecca Property (Property) to the South Florida Water Management District. The agreement requires the following County actions to remove certain encumbrances from the Property prior to closing the sale: 1) adopt a resolution to release portions of the road, drainage and borrow right-of-way alignment reservations for Seminole Pratt Whitney Road located within the Property and portions of the Corbett Wildlife area as recorded in Road Book 4, Pages 117-127; 2) adopt a resolution to release a portion of the conceptual Alignment "C" approved on January 17, 1995, from the Property; and 3) adopt a resolution to release all of Parcel 100 and Parcel 101 that were previously designated as right-of-way, as recorded in Official Record Book 18526, Page 164. The approval of the resolutions referenced above will satisfy those requirements. The closing for the sale of the Property is scheduled to occur on or before December 16, 2013. District 1 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to:

A) adopt a Resolution to approve Amendment Number Seven to the Transportation Regional Incentive Program (TRIP) Agreement R2008-0939 (Agreement) with the State of Florida Department of Transportation (FDOT), approved on June 3, 2008, to increase both the FDOT TRIP funding and the State funding for construction and construction engineering inspection of the C-51 Bridge at the State Road 7/State Road 80 Intersection project (Project) and extend the expiration date to June 30, 2014; and

B) approve a Budget Amendment of \$211,803 in the Road Impact Fee Fund - Zone 3 to recognize the TRIP agreement with FDOT and appropriate the funds to the Project.

SUMMARY: Adoption of the Resolution to approve the Agreement will increase the FDOT TRIP funding and also the State funding for the Project. It will also extend the expiration date of the TRIP agreement to June 30, 2014. Approval of the budget amendment will program the funds for the Project. District 6 (MRE)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Memorandum of Agreement (MOA) with the Florida Department of Health, for the period April 1, 2013, through February 28, 2014, in an amount not to exceed \$1,000,000 for the costs of purchase and distribution of drugs for Ryan White clients in Palm Beach County participating in the AIDS Drug Assistance Program (ADAP State Program). **SUMMARY:** This MOA will provide a funding allocation to the ADAP State Program from the Ryan White HIV Care Part A grant funds provided to Palm Beach County by the Health Resources Services Administration (HRSA). A total HRSA grant amount of \$7,778,227 was provided to the County this contract year. The ADAP State Program provides life-sustaining drugs to uninsured individuals living with HIV/AIDs and to individuals that do not have adequate prescription coverage. The allocation of Ryan White funds will help alleviate a shortfall in ADAP State Program funding and ensure that Palm Beach County residents receive the needed HIV/AIDS prescription medication. The amount of funding unexpended by our local network of providers varies each year. This amount determines the allocation to the ADAP State Program. No County match is required. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. [Staff recommends motion to receive and file:](#) an Extension of Time to the following Joint Participation Agreements (JPA) with the Florida Department of Transportation (FDOT):
 - A)** Security Improvements at Palm Beach County General Aviation Airports, Financial Project Number 416296-1-94-01 approved by the Board on September 23, 2008 (R2008-1637) and amended August 18, 2009 (R2009-1268) is hereby extended until December 31, 2014;
 - B)** Extend Runway 9R/27L (10/28) EIS and Design Golfview at Palm Beach International Airport, Financial Project Number 420340-1-94-01 approved by the Board on October 16, 2007 (R2007-1791) and amended March 15, 2011 (R2011-0376) and July 19, 2011 (R2011-1020) is hereby extended until December 31, 2014;
 - C)** Construct Taxiway L at Palm Beach International Airport, Financial Project Number 420373-1-94-01 approved by the Board on October 16, 2007 (R2007-1794) is hereby extended until December 31, 2014;
 - D)** Security Enhancements and Improvements at Palm Beach International Airport, Financial Project Number 427911-1-94-01 approved by the Board on June 29, 2010 (R2010-1013 and R2010-1014) and amended March 15, 2011 (R2011-0375) is hereby extended until December 31, 2014;
 - E)** Parking Garage Rehab and Repair at Palm Beach International Airport, Financial Project Number 427913-1-94-01 approved by the Board on June 29, 2010 (R2010-1005 and R2010-1006) and amended March 15, 2011 (R2011-0371) is hereby extended until March 31, 2014;
 - F)** Air Cargo Apron Expansion and Rehab at Palm Beach International Airport, Financial Project Number 427914-1-94-01 approved by the Board on June 29, 2010 (R2010-1011 and R2010-1012) and amended March 15, 2011 (R2011-0374) is hereby extended until December 31, 2014;
 - G)** Construct Apron and Taxilanes and Miscellaneous General Aviation Security Improvements at Palm Beach County General Aviation Airports, Financial Project Number 416294-1-94-01 approved by the Board on September 23, 2008 (R2008-1636) and amended January 13, 2009 (R2009-0080), May 1, 2012 (R2012-0622) and April 13, 2013 (R2013-0436) is hereby extended until December 31, 2014;
 - H)** Taxiway M Rehab (apron/runway/taxiway crack sealing) at North Palm Beach County General Aviation Airport, Financial Project Number 427903-1-94-01 approved by the Board June 29, 2010 (R2010-1009 and R2010-1010) and amended March 15, 2011 (R2011-0373) and December 4, 2012 (R2012-1785 and R2012-1786) is hereby extended until December 31, 2014;
 - I)** Construct Apron, Taxilanes and Infrastructure at North Palm Beach County General Aviation Airport, Financial Project Number 427912-1-94-01 approved by the Board on June 29, 2010 (R2010-1003 and R2010-1004) and amended March 15, 2011 (R2011-0370) is hereby extended until December 31, 2014;
 - J)** Wetland Wildlife Hazard Mitigation at North Palm Beach County General Aviation Airport, Financial Project Number 427133-1-94-01 approved by the Board on October 6, 2009 (R2009-1716) is hereby extended until December 31, 2014; and

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

1. MOTION/TITLE CONTINUED

K) Southside Hangar Development and Infrastructure at Palm Beach County Park Airport, Financial Project Number 427915-1-94-01 approved by the Board on June 29, 2010 (R2010-1001 and R2010-1002) and amended March 15, 2011 (R2011-0369) and October 18, 2011 (R2011-1570 and R2011-1571) is hereby extended until December 31, 2014.

SUMMARY: Delegation of authority for execution of the above Extensions of Time to the JPAs with the FDOT was approved by the Board on October 18, 2011 (Agenda Item No. 3F11). Countywide (AH)

2. Staff recommends motion to receive and file: License Agreement with Enterprise Leasing Company of Florida, LLC (Enterprise) commencing September 4, 2013 and expiring September 30, 2013, and renewing weekly thereafter, provided no renewal shall extend beyond November 18, 2013, for the parking of Enterprise's passenger vehicles at the Palm Beach International Airport (PBIA), for payment of a license fee in the amount of \$545 per week, for each acre of overflow parking area used. **SUMMARY:** Delegation of authority for execution of the standard license agreement was approved by the Board in R2007-2070. This License Agreement provides for the use of a variable amount of parking area at 2401 Turnage Boulevard at PBIA, for the parking of passenger vehicles. Because Enterprise has variable overflow parking needs, the License Agreement provides for adjustment of both the dates and size of the area utilized, for which Enterprise will pay the license fee. Countywide (AH)

3. Staff recommends motion to receive and file:

A) a First Amendment to Lease Agreement (Amendment) with Delta Aventura Construction Corp. (Aventura), adding 2,660 square feet of paved parking area to the Lease Agreement with Aventura (R2013-0136) (Lease) at the Palm Beach International Airport (PBIA), at the current rental rate of \$0.85 per square foot annually, effective September 1, 2013; and

B) a Consent to Sublease (Consent) consenting to the sublease of a portion of space under the Lease by Aventura to Gas Systems Technology, Inc. (Gas Systems).

SUMMARY: The Lease provides for the lease of approximately 4,000 square feet of office space within Building 506, plus 2,000 square feet of warehouse storage area within Building 505-C and 10,000 square feet of adjacent paved parking area, all at 3200 Belvedere Road north of Palm Beach International Airport. The Lease enables the Director of Airports to execute an amendment to add additional space at the then-current rental rate, to the extent such space is available. Aventura has requested to add 2,660 square feet at the current rental rate of \$0.85 per square foot, annually. Gas Systems is a Florida corporation, and general contractor that partners with Aventura on projects, and both companies operate from the same location. Delegation of authority for execution of the standard form Consent was approved by the Board in R94-1453. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to receive and file: a Florida Department of Transportation (FDOT) Public Records Form modifying the language of the Joint Participation Agreements (JPA) with the FDOT for projects at Palm Beach International Airport, North Palm Beach County General Aviation Airport, Palm Beach County Park Airport and Palm Beach County Glades Airport , required to bring the JPAs into compliance with state law. **SUMMARY:** Delegation of authority for execution of the above Public Records Form with the FDOT was approved by the Board on September 23, 2008 (Agenda Item No. 3F3 – Part B). House Bill 1309, which became law July 1, 2013 requires contractors to comply with public records requests when contracting with public agencies and requires the language found on the Public Records Form be added to all professional services contracts in which the contractor is working on behalf of the County. Countywide (AH)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to receive and file: various executed License Agreements as follows:

A) Standard License Agreement for Commercial Activity with the Palm Beach Chapter of the Florida Engineering Society (2300 N. Vista Parkway);

B) Standard License Agreement for Use of County-owned Property with Intersport, Inc. (Summit Library);

C) Standard License Agreement for Commercial Activity with The Curators of the University of Missouri on behalf of Missouri Law Enforcement Training Institute; (Animal Care and Control);

D) License Agreement with the Palm Beach County Health Department (1 West Wing Suite, 2633 Vista Parkway);

E) Standard License Agreement for Use of County-Owned Property with AARP (North County Senior Center); and

F) Standard License Agreement for Use of County-Owned Property with Glitch Happens, LLC (North County Senior Center).

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Standard License Agreements, dated from June 24, 2013 to October 10, 2013, have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or his designee in accordance with R2010-0333. These executed documents are now being submitted to the Board to receive and file. (FDO Admin) Countywide (MJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: Amendment No. 3 to six annual roofing contracts:

<u>Contractor</u>	<u>Original Contract Resolution #</u>	<u>Status</u>	<u>Total Dollar In Work Orders to Date</u>	<u>Total SBE Participation to Date</u>
Advanced Roofing, Inc.	R2010-1994	Non SBE/ Broward	\$194,057.62	0%
Hi-Tech Roofing & Sheetmetal, Inc.	R2010-1993	SBE/ Local	\$923,602.24	78.3%
Roofing Concepts Unlimited of Florida, Inc.	R2010-1997	Non SBE/ Broward	\$100,948.44	0%
Tecta America South Florida, Inc.	R2010-1995	Non SBE/ Broward	\$136,683.03	0%
Triple M Roofing Corporation	R2010-1999	Non SBE/ Broward	\$16,720.00	0%
Tri State Roofing & General Contractors, LLC	R2010-1996	SBE/ Local	\$334,954.41	100%

SUMMARY: These six roofing contractors were prequalified to provide roof repairs, maintenance, and replacements with a maximum cumulative value of \$1,500,000 across all six contracts and the contracts were approved by the Board on December 7, 2010. Work is authorized through either an emergency work order or through competitive bidding when required during the term of this contract. The original contracts provided for an initial one year term with four one-year renewal options. Amendment No. 3 will provide for continued services for the third renewal period. These contracts have a Small Business Enterprise (SBE) participation goal of 15%. During the first three years of these contracts, the combined SBE participation has been 75.4%. (Capital Improvements Division) Countywide (JM)

3. Staff recommends motion to approve: Amendment No. 2 to the contract with Hedrick Brothers Construction Company, Inc. (R2012-1000) in the amount of \$457,351 for construction of the Main Detention Center (MDC) Cooling Tower Replacements. **SUMMARY:** Amendment No. 2 authorizes the replacement of two of the four existing cooling towers at the Main Detention Center (MDC) on Gun Club Road. These cooling towers are over 23 years old and have reached their useful life span. This project will occur concurrent with the Video Visitation project which Hedrick Brothers is also managing resulting in General Condition and Construction Management fee savings. The Small Business Enterprise (SBE) goal for this contract is 15%. Hedrick Brothers SBE participation for this project is 7.4%. Hedrick Brothers is a Palm Beach County firm and is using local subcontractors for 86% of the work. This project is funded from the Public Building Improvement Fund. (Capital Improvements Division) District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. **Staff recommends motion to approve:** Change Order No. 14 to the contract with The Weitz Company (R2007-1105) decreasing the Guaranteed Maximum Price (GMP) for the Belle Glade Branch Library and Civic Center project in the amount of \$280,679. **SUMMARY:** On September 13, 2011, the Board approved Amendment No. 9 to the continuing services contract with The Weitz Company (R2011-1347) in the amount of \$6,099,651 for construction management services to construct a new 17,000 square foot library with 3,100 square foot civic center space. There is \$280,679 remaining as a result of buyout savings, unused allowances, unused owner contingency and reconciliation of sales tax recovery purchase orders. The amendment was funded through the 30.5M GO 03 Library District Improvement Fund, 22.3M GO 06 Library District Improvement Fund and the Library Expansion Fund. All savings will be returned to the 22.3M GO 06 Library District Improvement Fund. The Small Business Enterprise (SBE) goal for this contract is 15% and the final SBE participation is 31%. The Weitz Company is a Palm Beach County firm. (Capital Improvements Division) District 6 (JM)

5. **Staff recommends motion to approve:** the plat of Gramercy County Park. **SUMMARY:** The County plans to develop a neighborhood park on a vacant piece of County land which is located on the north side of 45th Street just west of Haverhill Road in the City of West Palm Beach adjacent to the western edge of the Gramercy Park residential neighborhood. The County is required to plat the property as a condition of approval for the proposed park. The plat encompasses 6.11 acres of County-owned land and will be divided into Tract A and Tract B. Tract A (1.89 acres) is the portion of the plat which is proposed for development as a neighborhood park. Tract B (4.22 acres) will remain undeveloped in its natural state. The County will sign the plat as the property owner. (PREM) District 7 (HJF)

6. **Staff recommends motion to approve:** a Declaration of Easement (Easement) in favor of Palm Beach County Water Utilities Department (WUD) for water and sewer improvements located at the east side of the County's Mecca Property. **SUMMARY:** On October 22, 2013 (R2013-1514), the Board approved the sale of the County's Mecca Property to the South Florida Water Management District (SFWMD). The County's Water Utilities Department has existing water and sewer improvements in an easement running along the eastern boundary of the property. The previously recorded Declaration of Easement does not cover a 50' x 260' area platted as right-of-way and to be abandoned prior to closing with SFWMD. This Declaration of Easement will cover the gap and provide WUD the legal right to continue to use the 50' x 260' area after closing. (PREM) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to:

A) approve a First Amendment to the Agreement to Construct with Toll FL V Limited Partnership;

B) execute a Temporary Construction Easement (TCE); and

C) authorize the County Administrator or his designee to execute a Temporary Construction Access Easement (TCAE) pursuant to the terms of the First Amendment to Agreement to Construct.

SUMMARY: Toll FL V Limited Partnership (Toll Brothers) is currently developing Frenchman's Harbor PUD located on the north side of the County's Bert Winters Park, along Ellison Wilson Road, in unincorporated Juno Beach. On December 7, 2010, the County entered into an Agreement to Construct (Agreement) (R2010-2003) with Toll Brothers for the conveyance of the PUD's 1.54 acre civic site to the County by September 1, 2010. The Agreement required the County to grant Toll Brothers a Temporary Construction Easement (TCE) within the Park to install the sewer line to the Park restroom and a Temporary Construction Access Easement (TCAE) over the civic site for installation of a lift station and utility lines and temporary access across the civic site to the Frenchman's Harbor development – both easements to be granted to Toll Brothers after conveyance of the civic site to the County. However, by operation of Florida Senate Bill's 1752 and 2156, the civic site conveyance date was extended to July 22, 2014. The County is in the planning stages of redeveloping Bert Winters Park and desires to have Toll Brothers connect the sewer line to the Park restrooms prior to conveyance of the civic site. Toll Brothers has agreed to install the sewer line now in exchange for the County further extending the conveyance date to not earlier than April 2015, but no later than October 2015, and allowing Toll Brother's construction trailers/asphalt parking to remain on the eastern portion of the civic site for up to six months after conveyance or 30 days after County provides notice that it is ready to commence construction of Park improvements. County Staff has agreed to this timeframe as it will roughly coincide with the date Parks and Recreation anticipates construction to begin on the planned improvements to the park. These proposed modifications to the Agreement, TCE and TCAE will not have a negative impact on the County's redevelopment plans for the Park. (PREM) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. Staff recommends motion to approve:

A) a Donation Agreement with Urban Growers Community Economic Development Corporation, a not for profit corporation; and

B) a Temporary Construction Easement with Mack & Son, LLC for the removal of fencing located at 1200 45th Street, West Palm Beach.

SUMMARY: Urban Growers Community Economic Development Corporation, a not for profit corporation (Urban Growers) has requested donation of the aluminum fencing located at 1200 45th Street, West Palm Beach, the former Edward J. Healey Nursing and Rehabilitation Center (the "Property"), for use at Urban Growers Community Farm located at 1400 Henrietta Avenue. The fencing was declared a surplus asset of the Health Care District of Palm Beach County (District) and became a surplus County asset upon approval of an agreement with the District dated June 18, 2013 (R2013-0757). The estimated value of the fencing based on County's existing scrap metal contract is approximately \$248. Staff determined that a credit for the value of the scrap metal would be equal to or less than the labor associated with demolition. Urban Growers has contracted with Mack & Son, LLC for the removal of the fencing and has agreed to pay all costs for the disassembly, removal and relocation of the fencing. The Temporary Construction Easement (TCE) is granted to Mack & Son, LLC for the purpose of entering, disassembly and removal of the fencing from the areas depicted on Exhibit "B" to the TCE. The term of the TCE is until the earlier of completion of the project or December 30, 2013. The Donation Agreement could be approved administratively, but the item is being presented to the Board for approval due to the TCE. (FDO Admin) Countywide (MJ)

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: reappointment of two current board members to the Construction Industry Licensing Board (CILB):

<u>Re-appoint</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated by</u>
Mark T. Landis	4	Roofing Contractor	12/3/13-9/30/16	Comm. Abrams Vice Mayor Burdick Mayor Taylor Comm. Valeche
Vicki Soderlund	12	Architect Member	12/3/13-9/30/16	Comm. Abrams Vice Mayor Burdick Mayor Taylor Comm. Valeche

SUMMARY: The Construction Industry Licensing Board was established by Special Act, Laws of Florida, Chapter 67-1876, as amended. The Special Act and, subsequently, Florida Statute (F.S.) §489.131 sets forth the membership of the Board, which consists of 15 members. Mark T. Landis was nominated by the Palm Beach County Roofing & Sheet Metal Contractors Association for another term. Vicki Soderlund has been recommended by the American Institute of Architects Palm Beach. The nominations represent a seat for the Roofing Contractor and an Architect Member as cited in the Special Act, and F.S. establishing the Construction Industry Licensing Board. A memorandum was sent to the Board of County Commissioners on October 10, 2013, advising of the vacant positions. No other nominations were received. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve Grant Agreement G0364 with the Florida Department of Environmental Protection (FDEP) to provide \$110,000 toward construction of the Grassy Flats Restoration Project within the Lake Worth Lagoon by June 15, 2014;

B) approve a Budget Amendment of \$110,000 in the Environmental Enhancement Non-Specific Fund (1225) to recognize the grant award; and

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

SUMMARY: FDEP Grant Agreement G0364 is pass through Federal funding awarded by the National Oceanic and Atmospheric Administration and will reimburse the County up to \$110,000 for transportation and placement of sand to cap muck sediments at the Grassy Flats project site. No match is required by this grant. District 7 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to receive and file:

A) Project Agreement Amendment Exhibit B – Cost Estimate Revision to the Florida Inland Navigation District (FIND) Project Agreement PB-10-147 (R2010-0784) for the Jupiter Ridge Shoreline Restoration Project, revises and replaces the Project Cost Estimate;

B) Interlocal Agreement with the Town of Palm Beach to provide a mechanism for the Town and the County to implement the cell-wide obligations and commitments for the Beach Management Agreement;

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

D) Project Partnership Agreement with the Department of the Army for the nourishment of the Delray Beach Segment in substantial conformance with the Agreement;

E) Project Agreement Amendment to Project Agreement PB-11-154 (R2012-0255), John's Island Oyster Reef Project Phase B with the Florida Inland Navigation District (FIND) extends the Project completion term for one year, to September 1, 2014; and

F) Work Order No. 0640-4 to The Vance Construction Co. for The Annual Artificial Reef & Breakwater Project No. 2012ERM01 (R2012-0640) for the construction of an oyster reef habitat on John's Island from July 15, 2013 to March 12, 2014 and not to exceed \$764,993.

SUMMARY: On May 18, 2010, the Board of County Commissioners approved Project Agreement No. PB-10-147 (R2010-0784) with FIND for the Jupiter Ridge Shoreline Restoration Project. Delegated authority to execute all future time extensions, task assignments, certifications, and any other forms associated with this project agreement was approved pursuant to PPM No. CW-O-051. On August 13, 2013 through agenda item 5D-1, the Board of County Commissioners authorized the Mayor to sign an Interlocal Agreement with the Town of Palm Beach to implement commitments of the Beach Management Agreement. On August 13, 2013 through agenda item 5D-1, the Board of County Commissioners authorized the Mayor to sign the Palm Beach Island Beach Management Agreement with the Town of Palm Beach, the Florida Fish and Wildlife Conservation Commission, and the Florida Department of Environmental Protection to coordinate beach management activities. On July 16, 2013 through agenda item 5E-1, the Board of County Commissioners authorized the Mayor to sign a Project Partnership Agreement with the Department of the Army for periodic nourishment of the Delray Beach Segment of the PBC Shore Protection Project. On May 17, 2011, the Board of County Commissioners approved Resolution (R2011-0757) for FIND Waterways Assistance Program grant for the John's Island Oyster Reef Project (Phase 2) (R2012-0255). Delegated authority to execute project agreements, all future time extensions, task assignments, certifications, statements, and any other forms associated with this project agreement was approved at that time, pursuant to PPM No. CW-O-051. On February 5, 2013, the Board of County Commissioners authorized The Vance Construction Co. to build Phase 2 of the John's Island Oyster Reef Project in accordance the Annual Artificial Reef & Breakwater Project No. 2012ERM01 (2012-0640). Delegated authority to sign Work Order 0640-4 was approved pursuant to PPM No. CW-O-051. Countywide (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

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

A) City Sound and Recording LLC, Rebelution with Collie Buddz concert, Sunset Cove Amphitheater, for the period September 20, 2013, through September 21, 2013; and

B) City Sound and Recording LLC, The Lumineers concert, Sunset Cove Amphitheater, for the period October 20, 2013, through October 21, 2013.

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

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

A) AEG Live SE, LLC, Rebelution with Collie Buddz concert, Sunset Cove Amphitheater, for the period September 20, 2013, through September 21, 2013; and

B) AEG Live SE, LLC, The Lumineers concert, Sunset Cove Amphitheater, for the period October 20, 2013, through October 21, 2013.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Amphitheater Rental Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2011-1960, and are now being submitted to the Board to receive and file. These events helped to offer a balanced schedule of events which promote the quality of life in the communities we serve. An estimated 6,600 persons attended the events produced under these Amphitheater Rental Agreements. District 5 (AH)

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

Palm Beach Broadcasting LLC, Pet-A-Palooza event, Seabreeze Amphitheater, for the period October 11, 2013, through October 14, 2013.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Amphitheater Rental Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0335, amended by Resolutions 2009-1807 and 2012-1715, and is now being submitted to the Board to receive and file. This event helps to offer a balanced schedule of events which promote the quality of life in the communities we serve. An estimated 4,000 persons attended the event produced under this Amphitheater Rental Agreement. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

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

Peter Noble, The Blunts Family Circus concert; Canyon Town Center Amphitheater, on October 19, 2013.

SUMMARY: The Parks and Recreation Department produced a popular cultural event at our Canyon Town Center Amphitheater. This event was attended by an estimated 300 people and generated positive support and goodwill for the County. A sponsorship with GL Homes offset the expenses of this concert. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Entertainment Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2008-1109, amended by Resolution 2010-0644, and is now being submitted to the Board to receive and file. District 5 (AH)

5. Staff recommends motion to:

A) receive and file a fully executed Florida Inland Navigation District (FIND) Waterways Assistance Program Grant Project Agreement for development of Waterway Park for the period October 16, 2013, through September 1, 2015; and

B) approve Budget Amendment of \$1,420,396 within the Park Improvement Fund to establish budget for the approved grant.

SUMMARY: On May 7, 2013, the Board authorized submission of a Waterways Assistance Program grant application, R2013-0572, to fund 50% of the construction costs associated with the development of Waterway Park. The Board also authorized the County Administrator, or his designee, to execute the Project Agreement (FIND Project No. PB-13-173) and other grant forms related for this project if the grant was approved. The grant application requested \$1,861,168, and FIND awarded \$1,420,396 in grant funding. The Project Agreement has been fully executed in accordance with Board authorization, and is being submitted to the Board to receive and file and to establish budget for the grant. The County is providing \$1,420,396 in matching funds (50%) for this grant from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue. The balance of this \$3,722,336 project will be paid for using proceeds from the Waterfront Access Bond. This grant contract requires reimbursement information submitted to FIND on or before September 1, 2015. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

6. Staff recommends motion to:

A) receive and file a fully executed Florida Inland Navigation District (FIND) Waterways Assistance Program Grant Project Agreement for the planning, design and permitting of the Ocean Inlet Park Marina for the period October 16, 2013, through September 1, 2015; and

B) approve Budget Amendment of \$75,000 within the Park Improvement Fund to establish budget for the approved grant.

SUMMARY: On May 7, 2013, the Board authorized submission of a Waterways Assistance Program grant application, R2013-0574, to fund 50% of the costs associated with the planning, design and permitting to renovate the Ocean Inlet Park Marina. The Board also authorized the County Administrator, or his designee, to execute the Project Agreement (FIND Project No. PB-13-172) and other grant forms related for this project if the grant was approved. The request for \$75,000 in FIND grant funding was approved. The Project Agreement has been fully executed in accordance with Board authorization, and is being submitted to the Board to receive and file and to establish budget for the grant. The County is providing \$75,000 in matching funds (50%) from the Florida Boating Improvement Program (FBIP) funding. This grant contract requires reimbursement information submitted to FIND on or before September 1, 2015. District 4 (AH)

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) approve a Contract with Margaret H. Lindrose, D.V.M. for relief veterinary services at the main shelter in an amount not to exceed \$100,000 for the period December 3, 2013, through December 2, 2014. This contract may be renewed by written mutual agreement of the parties for up to three additional one year renewals for the same terms and conditions; and

B) authorize the County Administrator or his designee, to execute the renewal of this contract for the relief veterinary services with Margaret H. Lindrose.

SUMMARY: The Animal Care and Control Division is required to provide appropriate and necessary veterinary services for sheltered animals. The relief veterinarian would enable staff to maintain an acceptable number of veterinarians to handle the volume of animals processed throughout the year, especially during periods of high influx. This Contract will only be used on an as needed basis and during absences or shortages of staff veterinarians from the shelter in order to continue coverage. Countywide (SF)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to receive and file:

A) Palm Beach County Medical Society Services, Inc. in the amount of \$21,025 for the period October 28, 2013, through January 31, 2014 to provide planning, training and exercise services to strengthen medical response in Palm Beach County; and

B) City of Greenacres in the amount of \$16,520 for the period October 28, 2013, through January 31, 2014 to enhance their emergency advisory radio system.

SUMMARY: The County was awarded \$658,604 from the U.S. Department of Homeland Security through the City of Miami. Of the \$658,604 in grant funding, the County will award, \$21,025 to Palm Beach County Medical Society Services, Inc. to hire a consultant who will provide planning, training and exercise services which will enhance and/or develop new emergency capabilities for responding to disaster events affecting the 22 member health care and emergency management organization. The City of Greenacres will be awarded \$16,520 to enhance its emergency advisory radio system. This enhancement will enable the City of Greenacres to strengthen its emergency information sharing capabilities. All of these projects have been approved by the City of Miami Urban Area Security Initiative (UASI) Working Group as the regional fiscal agent's approval authority. Resolution R2013-0622 authorizes the County Administrator or his designee to execute all UASI sub-grant contracts on behalf of the Board of County Commissioners, for the UASI Grant Program. **No County matching funds are required.** Countywide (PGE)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

3. Staff recommends motion to receive and file:

A) No Cost Extension with the U.S. Department of Justice Office on Violence Against Women Grant to Encourage Arrest Policies and Enforcement of Protection Orders Program No. 2011-WE-AX-0027 (R2012-0183) which extends the completion date from September 30, 2013 to September 30, 2014; and

B) Agreement reinstating and amending the original agreement for investigative services between Palm Beach County and the Office of the State Attorney, Fifteenth Judicial Circuit which extends the completion date from September 30, 2013 to September 30, 2014 and amends the Agreement decreasing the amount from \$57,184.56 to \$19,332.13 to continue to conduct investigations of sexual assault cases with adult victims and serious domestic violence cases; and

C) Contract reinstating and amending the terms of the original contract, as amended for professional services between Palm Beach County and Aid To Victims of Domestic Abuse, Inc. (AVDA) which extends the completion date from September 30, 2013 to September 30, 2014 and amends the contract amount increasing from \$100,293 to \$116,051 to continue to provide crisis intervention, supportive counseling and advocacy to victims of sexual assault in cases of domestic violence.

SUMMARY: On January 24, 2012, the Board of County Commissioners approved the acceptance of the U.S. Department of Justice, Office on Violence Against Women Fiscal Year 2011 Grant to Encourage Arrest Policies and Enforcement of Protection Orders Program (No. 2011-WE-AX-0027) in the amount of \$906,949 with no County matching funds required. A No Cost Extension was granted by the funder to extend the project completion date from September 30, 2013 to September 30, 2014. The reason for this was due to a delay in funding availability following the award and the need to extend the timeframe in order to complete all project goals. There is no change in the original grant award budget, however, line item adjustments were made to accommodate the extension period. The SAO15 agreement was decreased by \$37,852.43 due to unexpended funds. The AVDA contract was increased by \$15,758 to cover the extension period. R2012-0183 authorizes the County Administrator or his designee to execute contracts and amendments utilizing funding from the Department of Justice, Office on Violence Against Women on behalf of the Board of County Commissioners. Countywide (PGE)

4. Staff recommends motion to receive and file: executed three-year Contract with Child Protection Team of Palm Beach, Inc. (CPT) to provide medical evaluations for children 0-17 who are alleged victims of abuse, neglect and/or abandonment, excluding sexual abuse, and are referred to CPT by law enforcement, Department of Children and Families (DCF) and/or the courts for the period October 1, 2013, through September 30, 2016 in the amount of \$615,000, not to exceed \$205,000 per fiscal year. **SUMMARY:** The CPT program is funded by legislature through the Department of Health, Children's Medical Service office. Florida Statute-Chapter 39.304(5) provides that the county in which the child is a resident shall bear the initial costs of medical evaluations of the allegedly abused, abandoned, or neglected child. CPT will be funded to provide medical evaluations for up to 820 children who reside in Palm Beach County and are referred to CPT by law enforcement, DCF and/or the courts. This service will be based on an exam rate of \$250 per child. A medical evaluation is defined as a complete history and physical examination of a child. Medical evaluations for children who are alleged victims of sexual abuse are excluded from this contract as those exams are funded through a different source. R2013-1230 authorizes the County Administrator or his designee to execute contracts, amendments, and modifications with Child Protection Team of Palm Beach, Inc. on behalf of the Board of County Commissioners. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

5. Staff recommends motion to receive and file:

A) Agreement Reinstating and Amending the Terms of Contract dated November 7, 2012 for a Continuity of Operations Plan (COOP) Update, Training and Scenario Based Exercise with the City of Pahokee to January 31, 2014 and to change the grant funding source; and

B) Agreement Reinstating and Amending the Terms of Contract dated November 7, 2012 for Evacuation and Re-Entry Plan, Training and Scenario Based Exercise with the City of Pahokee to January 31, 2014 and to change the grant funding source.

SUMMARY: On November 7, 2012, the Board of County Commissioners allocated \$90,000 to the City of Pahokee for two projects; 1) a COOP Plan update; and 2) a Re-Entry/Evacuation plan, training and exercise for the Cities of Pahokee, Belle Glade and South Bay. Resolution R-2013-0622 authorizes the County Administrator or his designee to execute all Urban Area Security Initiative (UASI) sub-grant contracts on behalf of the Board of County Commissioners for the UASI Grant Program in any given year. **No County matching funds are required.** Countywide (PGE)

6. Staff recommends motion to:

A) **approve** a First Amendment to the Contract with American Red Cross (Red Cross) (R2010-2143) dated December 21, 2010; and

B) **authorize** the County Administrator or his designee, to execute subsequent Amendments to the Contract.

SUMMARY: The Department of Public Safety oversees the management of Cold Weather Shelters through its Division of Emergency Management. The Red Cross has provided this service at the Westgate Community Center and the West County Senior Center. Contract R2010-2143 set forth standard costs for meals, blankets, and medical/hygiene kits. For the 2013-2014 cold weather season, the reimbursement rate paid by the County for the cost of blankets will increase from \$4.95 to \$7. The price increase reflects the actual material cost. Countywide (PGE)

BB. INTERNAL AUDITOR

1. Staff recommends motion to ratify: the County Internal Auditor’s signature on an Agreement with the Association of Local Government Auditors to conduct a peer review of the Internal Auditor’s Office at an estimated cost of \$4,500. **SUMMARY:** Government Auditing Standards require a triennial peer review of each audit organization conducting audits in accordance with Government Auditing Standards. This requirement applies to the County Internal Auditor’s Office. The review will be conducted by the Association of Local Government Auditors. The only cost to Palm Beach County for the peer review is the travel costs for the three person team conducting the review. Countywide (PFK)

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4. REGULAR AGENDA

A. COUNTY ATTORNEY

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on December 17, 2013, at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing Palm Beach County Code, Chapter 9, Article I, codifying Ordinance No. 72-2, as amended, "The Palm Beach County Consumer Affairs Ordinance," relating to consumer affairs and unfair or deceptive trade practices; and adopting a new consumer affairs ordinance; providing for title; providing for definitions; providing for scope of ordinance; providing for exemptions; providing for other rights and remedies; providing for a Consumer Affairs Division; providing for a Director of Consumer Affairs; providing for powers of Director; providing for complaints; providing for the prohibition of unfair or deceptive trade practices; providing for a consumer affairs hearing board; providing for powers of the consumer affairs hearing board—proceedings at hearing; providing for assurance of voluntary compliance; providing for cease and desist order of director; providing for order to show cause; providing for statutes adopted; providing for enforcement and civil penalties; providing for repeal of laws in conflict; providing for savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and, providing for an effective date. **SUMMARY:** The current Consumer Affairs Ordinance was last amended in 1977. Due to the substantial procedural and substantive changes made to the ordinance with the purpose of bringing it into compliance with the numerous County policies and procedures implemented since 1977, including Resolution 2013-0193 concerning County Advisory Boards affecting the Consumer Affairs Hearing Board, repealing and replacing the Consumer Affairs Ordinance in its entirety is more efficient than amending it piecemeal. The League of Cities has no opposition to the proposed ordinance. The Consumer Affairs Hearing Board supports the proposed ordinance in its present form. Countywide (PGE)

4. REGULAR AGENDA

B. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:

A) a Deposit Receipt and Contract for Sale and Purchase (Agreement) with Southern Investments Partnership, L.P. (Southern Investments) for the sale of a 10.73 acre parcel of County-owned property known as Haverhill Linear Park, located in West Palm Beach for \$1,005,429; and

B) a County Deed in favor of Southern Investments with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes, Section 125.35(1)(c).

SUMMARY: The County acquired a 24+/- acre parcel of land, commonly known as Haverhill Linear Park, from the Town of Haverhill in May 2007. The County parcel was a 210' wide strip of land extending from Belvedere Road to Southern Boulevard. The County donated the northern 11.8 acre portion of the property to the Boys and Girls Clubs, leaving approximately 10.73 acres of undeveloped property south of the LWDD L-4 Canal. The property is currently encumbered with a Conservation Easement and is also subject to mineral rights reservations, royalty interests and an oil, gas and mineral lease. The property was advertised for sale and an Invitation For Bids was issued in June 2013. Southern Investments submitted the only bid for \$1,005,429 (\$93,702 per acre). Southern Investments' bid amount for the County property is 19.5% higher than the price it paid for 58 adjacent acres purchased from Palm Beach Atlantic University in 2012. Staff obtained two appraisals of the property using an assumption that the property was not subject to the Conservation Easement. The appraisals valued the County property at \$1,450,000 (\$135,135/acre) and \$1,575,000 (\$146,785/acre). Staff obtained one appraisal valuing the County property as subject to the Conservation Easement at \$187,000 (\$17,428/acre). Staff believes that the appraisals reflect the range between: 1) the value of the property to Southern Investments for assemblage into its adjoining property; and 2) the value to the County for sale as a standalone parcel. Because of that significant variation and the fact that it is 19.5% higher than the price paid for adjacent property, Staff also believes that the bid price is very reasonable. On October 21, 2013, the Property Review Committee reviewed the proposed transaction and recommended the sale of the property to Southern Investments at its bid price. The property is being sold "As Is" and Southern Investments is responsible for paying all closing costs and any other costs associated with this transaction. The County will retain its existing mineral and petroleum rights, without rights of entry and exploration. **This sale must be approved by a supermajority vote (5 Commissioners).** Closing is to occur within 30 days of Board approval. (PREM) District 2 (HJF)

4. REGULAR AGENDA

B. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to:

A) adopt a Resolution authorizing a three month term extension and finding that the First Amendment to Concessionaire Service Agreement with Dania Pier Management Corp. (DPM) is in the best interest of the County; and

B) approve a First Amendment to Concessionaire Service Agreement (R2007-2256) with DPM to continue operating the concession building at the Juno Beach pier for \$4,562.45/month.

SUMMARY: Since January 1, 2008, DPM has operated the concession building at the Juno Beach pier. The Agreement's initial three year term commenced January 1, 2008, offered three options to extend the term for one year each, and currently expires on December 31, 2013. Staff is in the process of preparing a Request for Proposals for the pier concession services and believes numerous vendors are interested in operating the concession. Since the Juno Beach pier is extremely busy during the New Year's period, Staff recommends extending the term for three months in order to provide for a smooth transition in the event a new vendor is chosen. This First Amendment: i) extends the term of the Agreement for three months from January 1, 2014, to March 31, 2014; ii) modifies the non-discrimination provision; and iii) adds provisions regarding third party beneficiaries and the Office of the Inspector General. The current rent of \$4,562.45/month will continue throughout the three month term extension. The Agreement is managed by Parks & Recreation and they are satisfied with DPM's performance. (PREM) District 1 (HJF)

4. REGULAR AGENDA

C. FIRE RESCUE

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on December 17, 2013 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 13, Article II, Division 3 of the Palm Beach County Code, known as the “Palm Beach County Fire Rescue Emergency Transport Fee Ordinance”; providing for an increase in emergency transport fees; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** The current fees for emergency transport services are as follows:

<u>Effective Date</u>	<u>Basic Life Support (BLS)</u>	<u>Advanced Life Support-1 (ALS1)</u>	<u>Advanced Life Support-2 (ALS2)</u>	<u>Mileage</u>
January 1, 2011	\$530.00	\$530.00	\$690.00	\$10.00

The proposed ordinance amendment provides for an increase in the emergency transport fee schedule as follows:

<u>Effective Date</u>	<u>Basic Life Support (BLS)</u>	<u>Advanced Life Support-1 (ALS1)</u>	<u>Advanced Life Support-2 (ALS2)</u>	<u>Mileage</u>
January 1, 2014	\$590.00	\$590.00	\$750.00	\$11.50
January 1, 2015	\$610.00	\$610.00	\$770.00	\$12.00
January 1, 2016	\$630.00	\$630.00	\$790.00	\$12.50
January 1, 2017	\$650.00	\$650.00	\$810.00	\$13.00
January 1, 2018	\$670.00	\$670.00	\$830.00	\$13.50

Establishing these new rates will ensure that Fire Rescue continues to receive the Medicare maximum allowance for ground transportation services. These fees were last increased on January 1, 2011. The proposed rates are comparable to other billing agencies within the County and are estimated to result in an additional \$1,985,264 in revenues in the first full year. Countywide (SGB)

4. REGULAR AGENDA

D. ENGINEERING & PUBLIC WORKS

TIME CERTAIN 10:00 A.M.

1. **Staff recommends the Board deny:** the request from the Village of Royal Palm Beach (Village) for the County to condemn property owned by the Westwoods HOA to allow access to Pioneer Road (a public road, current daily volume 2,500 trips) for a commercial project in the southeast quadrant of State Road 7 (SR 7) and Pioneer Road. **SUMMARY:** The Village is asking the County to condemn approximately 50' of a 1140' long by 25' wide strip along the south side of Pioneer Road owned by the Westwoods HOA to allow a 100,000 s.f. commercial site within the Village to have access to Pioneer Road – which would allow site traffic to use the traffic signal at SR 7. The Village believes this will improve road safety and flow. The developer would pay all costs associated with the condemnation. The Village municipal limits stop 25' south of Pioneer Road. Westwoods, and the area proposed to be condemned, are within unincorporated Palm Beach County. The commercial site does have a direct connection to SR 7, but without a Pioneer Road connection, traffic would be limited to right turns in and right turns out. This would require most trips associated with the site to make U-turns on SR 7. Access to the traffic signal would significantly reduce U-turns. The Westwoods PUD sits on the north side of Pioneer Road, and was approved in the late 1970's. Five homes have driveway connections onto Pioneer Road. The Westwoods HOA opposed the commercial project, which was originally residential property, and does not want the traffic (an additional 5,000 daily trips) on Pioneer Road. Staff believes that the Village should execute the condemnation for a Village development, but the Village says they cannot legally condemn outside their municipal limits in this case. The Developer does own the two adjacent lots to the east, and the easternmost lot has legal access to Pioneer approximately 1325' from SR 7. Therefore, the potential exists that the commercial traffic could gain access to Pioneer through the adjacent lots. District 6 (MRE/PM)

E. ADMINISTRATION

1. **ADD-ON: Staff recommends motion to ratify:** the following Palm Beach County League of Cities (League) representatives to the Treasure Coast Regional Planning Council for a one year term beginning December 1, 2013, to November 30, 2014:

<u>Nominees</u>	<u>Seat No.</u>	<u>Representing</u>
<u>Regular appointments:</u>		
Anne Gerwig	4	Councilwomen, Village of Wellington
Sam Ferreri	5	Mayor, City of Greenacres
Karen Golonka	6	Mayor, Town of Jupiter
Joni Brinkman	7	Councilmember, Village of Palm Springs
James DuBois	8	Mayor, Town of Lake Park
<u>Alternate appointments:</u>		
Jeff Hmara	4A	Vice Mayor, Village of Royal Palm Beach
John Szerdi	5A	Commissioners, City of Lake Worth
Marcie Tinsley	6A	Vice Mayor Pro Tem, City of Palm Beach Gardens
Bruce Guyton	7A	Councilman, City of Riviera Beach
David Norris	8A	Councilman, Village of North Palm Beach

SUMMARY: On November 19, 2013, in accordance with the TCRPC Rules of Order, the Board of County Commissioners (BCC) appointed their members and alternates for the coming year before the Council's annual meeting on December 13, 2013. The BCC also ratifies the League's members. The League appointed the above municipal representatives at their November 27, 2013 meeting. Countywide (RPB) (Admin)

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DECEMBER 3, 2013

5. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

DECEMBER 3, 2013

6. MATTERS BY THE PUBLIC – 2:00 P.M.

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DECEMBER 3, 2013

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

DECEMBER 3, 2013

8. COMMISSIONER COMMENTS

A. District 1 – COMMISSIONER HAL R. VALECHE

B. District 2 – COMMISSIONER PAULETTE BURDICK, VICE MAYOR

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

E. District 5 - COMMISSIONER MARY LOU BERGER

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR, 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."