

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

JUNE 21, 2011

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

**COMMISSION
CHAMBERS**

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

- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption

- 3. CONSENT AGENDA (Pages 7 - 28)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 29 - 31)**

- 5. REGULAR AGENDA (Pages 32 - 37)**

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve: Agreement with the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) in an amount not-to-exceed \$500,000 for flood mitigation. **SUMMARY:** The Agreement provides for the County to reimburse the CRA an amount not-to-exceed \$500,000 to mitigate flooding in the Westgate Community. The CRA previously requested funding from the County to mitigate flooding in the Westgate Community. This project was reviewed by the Countywide Community Revitalization Team and approved for funding by the Board of County Commissioners (BCC) on February 3, 2009 in the amount of \$500,000. The submittal of this Agreement was delayed for approval due to the many major projects the CRA has been working on with a cost of over \$11 million, including: drainage, water quality improvement, flood mitigation, sanitary sewer and roadway improvements. This Agreement utilizes those funds previously approved by the BCC. The Agreement has been executed by the CRA and now needs to be approved by the BCC. District 2 (GB)

2. Staff recommends motion to approve: payment in the amount of \$3,900 to Florida Outreach Center for the Blind for the purchase of a computer, night vision goggles, instructional materials, office supplies and to cover a portion of cost for a holiday party for blind children and their families, which would have been reimbursable under the Handicapped Accessibility and Awareness Grant Program Agreement (R2009-1738) which expired on September 30, 2010 before the reimbursement request was processed. **SUMMARY:** The Board of County Commissioners previously approved this grant on October 20, 2009 with the Florida Outreach Center for the Blind, Inc. for the period October 1, 2009, through September 30, 2010 in an amount not to exceed \$5,000 and to be expended by September 30, 2010. A total amount of \$1,100 was previously expended and reimbursed to grantee on April 6, 2010, leaving a remaining balance of \$3,900. Due to an eight-month vacancy of the position of Accessibility Advocate Specialist, which facilitates payment of grant reimbursements on behalf of the Office of Equal Opportunity, there was an oversight in handling and processing this reimbursement in a timely manner during this transitional period. The grant status report/request for reimbursement was received on September 30, 2010 by deadline date for which no matching funds are required. This approval will promptly reimburse the Florida Outreach Center for the Blind for services rendered under an agreement which has since expired. Countywide (TKF)

3. Staff recommends motion to adopt: a Resolution modifying the application and financing fees for the County's Industrial Development/Private Activity Bonds Program, and providing an effective date. **SUMMARY:** On June 9, 2007, the Board of County Commissioners approved Resolution (R2007-0927) establishing policies and fees for the County's Industrial Development /Private Activity Bond Program. This Program is an important component in the economic development toolkit by providing low interest loans for large projects by permitting the borrower to take advantage of long-term financing with lower than prime interest rates. The Economic Development Office along with the County Attorney's Office provide the administrative support for this program which includes review and preparation of all ordinances, resolutions or agreements, financial and project eligibility analysis, and other procedures necessary to facilitate each Bond allocation. As the County has not raised fees since 2007, the Economic Development Office conducted an analysis to determine if the fees charged by the County were in line with those charged by other counties in the State. This Resolution adjusts the application fee from \$1,000 to \$1,500 and the financial fee structure to align the County with other comparable Florida counties. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (CONT'D)

4. Staff recommends motion to approve: Amendment No. 1 to the Palm Beach County Energy Loan Program Criteria. **SUMMARY:** On October 20, 2009, the Board of County Commissioners approved the U.S. Department of Energy's Assistance Agreement (R2009-1743) for a grant totaling \$6,587,600 to implement the Energy Efficiency and Conservation Block Grant Program which included a revolving loan fund for businesses totaling \$1,100,000. This proposed Amendment will amend the maximum loan percentage of total cost, remove the maximum job cost ratio and job creation conditions, revise the loan to value target and modify the Application Fee, which will no longer be credited to closing costs. These will expand the County's ability to qualify applicants. **These are federal funds that require no local match.** 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	May 17, 2011
Workshop	May 24, 2011
Zoning	May 26, 2011
Joint w/League of Cities	June 1, 2011

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 April 2011. Countywide
5. Staff recommends motion to approve: State Revenue Sharing Application for the Fiscal Year 2011-2012. **SUMMARY:** Each unit of local government is required to file an application in order to be considered for any funds to be distributed under the Revenue Sharing Act. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** a Contract with Safway Services LLC (Contractor), the lowest, responsive, responsible bidder, in the amount of \$10,120, for the Palmetto Park Road Bascule Bridge Tender's House Scaffolding (Contract). **SUMMARY:** Approval of this 90 calendar day Contract will allow for the supplying, erecting and dismantling of scaffolding around the Palmetto Park Bascule Bridge Tender's House. The scaffolding will be utilized by Palm Beach County Road and Bridge Division employees as a work platform for the replacement of existing windows in the bridge tender's house with wind resistant windows. The Contractor is a Miami-Dade County business and the only contractor to submit a bid. The Contractor will perform 100% of the work themselves. The Small Business Enterprise (SBE) goal for the project is 15%. The SBE participation committed for the project by the Contractor is 0% overall. District 4 (MRE)

2. **Staff recommends motion to adopt:** a Resolution designating certain parcels of land owned by Palm Beach County (County) as road right-of-way for the State Road 7 Extension from Okeechobee Boulevard to 60th Street North. **SUMMARY:** The adoption of this Resolution designates certain County-owned land as road right-of-way for the State Road 7 Extension from Okeechobee Boulevard north to 60th Street North. District 6 (MRE)

3. **Staff recommends motion to approve:**
 - A) a Contract with Rosso Paving & Drainage, Inc. (Rosso), the lowest responsive, responsible bidder in the amount of \$421,312.80 for the construction of Congress Avenue & Park Avenue Intersection Improvements (Project); and
 - B) a Budget Amendment of \$9,580 in the Road Impact Fee Fund – Zone 1 to recognize funding from AT&T for utility reimbursable work and appropriate it to Congress Avenue & Park Avenue Intersection Improvements.

SUMMARY: Approval of this Contract and Budget Amendment will allow Palm Beach County (County) to issue a Notice to Proceed to Rosso, a Palm Beach County company, to begin construction of the Project. The County's Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed for the Project by Rosso is 51.49%. District 1 (MRE)

4. **Staff recommends motion to approve:** an Agreement in the amount of \$209,517.64 with R.J. Behar & Company, Inc., for professional services. **SUMMARY:** This Agreement will provide the professional services necessary for the construction engineering and inspection services required for Okeechobee Boulevard from Australian Avenue to Tamarind Avenue/Parker Avenue. R. J. Behar & Company, Inc. has an office in Palm Beach County. District 7 (MRE)

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** Amendment No. 1 to the Agreement (R2010-1220) with the law firm of Ruden McClosky P.A. ("Attorney"), to provide bond counsel and related legal services for the not-to-exceed \$30 Million Taxable Public Improvement Revenue Bonds, Series 2012 (Convention Center Hotel) (the "Bonds"). **SUMMARY:** The law firm was selected as bond counsel for the above financing by the Board at the May 17, 2011 meeting. This Amendment No. 1 confirms that selection by amending the existing Agreement for bond counsel and related services between Palm Beach County and the law firm. Payment for the legal services in connection with the bond issuance will be as provided for in the Agreement. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (CONT'D)

2. **Staff recommends motion to approve:** Amendment No. 1 to the Agreement (R2010-1325) with the law firm of Greenberg Traurig, P.A. (“Attorney”), to provide bond counsel and related legal services for the not-to-exceed \$45 Million Public Improvements Revenue Bonds, Series 2011 (the “Bonds”). **SUMMARY:** The law firm was selected as bond counsel for the above financing by the Board at the May 17, 2011 meeting. This Amendment No. 1 confirms that selection by amending the existing Agreement for bond counsel and related services between Palm Beach County and the law firm. Payment for the legal services in connection with the bond issuance will be as provided for in the Agreement. Countywide (PFK)

3. **Staff recommends motion to approve:** Amendment No. 1 to the Agreement (R2010-1324) with the law firm of Edwards Angell Palmer & Dodge, LLP (“Attorney”), to provide bond counsel and related legal services for the estimated \$64 Million Public Improvement Revenue Refunding Bonds, Series 2011 (Convention Center Project) (the “Bonds”). **SUMMARY:** The law firm was selected as bond counsel for the above financing by the Board at the May 17, 2011 meeting. This Amendment No. 1 confirms that selection by amending the existing Agreement for bond counsel and related services between Palm Beach County and the law firm. Payment for the legal services in connection with the bond issuance will be as provided for in the Agreement. Countywide (PFK)

4. **Staff recommends motion to approve:** Amendment No. 1 to the Agreement (R2010-1222) with the law firm of Squire Sanders & Dempsey, LLP (“Attorney”), to provide disclosure counsel and related legal services for the estimated \$64 Million Public Improvement Revenue Refunding Bonds, Series 2011 (Convention Center Project) (the “Bonds”). **SUMMARY:** The law firm was selected as disclosure counsel for the above financing by the Board at the May 17, 2011 meeting. This Amendment No. 1 confirms that selection by amending the existing Agreement for disclosure counsel and related services between Palm Beach County and the law firm. Payment for the legal services in connection with the bond issuance will be as provided for in the Agreement. Countywide (PFK)

5. **Staff recommends motion to approve:** Amendment No. 1 to the Agreement (R2010-1221) with the law firm of Nabors Giblin & Nickerson, P.A. (“Attorney”), to provide disclosure counsel and related legal services for the not-to-exceed \$30 Million Taxable Public Improvement Revenue Bonds, Series 2012 (Convention Center Hotel) and the not to exceed \$45 Million Public Improvement Revenue Bonds, Series 2011 (Ocean Avenue Bridge & Max Planck Projects) (the “Bonds”). **SUMMARY:** The law firm was selected as disclosure counsel for the above financings by the Board at the May 17, 2011 meeting. This Amendment No. 1 confirms that selection by amending the existing Agreement for disclosure counsel and related services between Palm Beach County and the law firm. Payment for the legal services in connection with the bond issuances will be as provided for in the Agreement. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to approve:

A) Amendment No. 001 to Standard Contract No. XI311 (R2010-1494) for the Senior Companion Program (SCP) with the Florida Department of Elder Affairs (DoEA) for the period July 1, 2010, through June 30, 2011; and

B) renewal Contract No. XI312 to Standard Contract No. XI311 (R2010-1494) for the SCP with the DoEA for the period July 1, 2011, through June 30, 2012, in an amount not to exceed \$4,459.

SUMMARY: Amendment No. 001 will revise the SCP budget summary, program mission statement and contract compliance requirements. The Renewal Contract No. XI312 provides the Division of Senior Services \$4,459 for volunteer support services such as level II background checks, training, supplies, and volunteer recognition. No County match is required. (DOSS) Countywide (TKF)

2. Staff recommends motion to approve: Amendment No. 002 to the Consulting/Professional Services Contract with the Joseph L. Morse Geriatric Center-Just Checking Program (R2009-0966), for the period July 1, 2011, through June 30, 2012, for a total not-to-exceed amount of \$20,040. **SUMMARY:** This Amendment exercises the second renewal option for Consulting/Professional services with Joseph L. Morse Geriatric Center-Just Checking Program. Funding consists of \$18,036 (90%) in State funds and \$2,004 (10%) in County matching funds. The County matching funds are included in the current FY 2011 and the requested FY 2012 budgets. In the area south of Hypoluxo Road, the Mae Volen Senior Center, Inc. provides services under a similar grant from the AAA. (DOSS) Countywide except for portions of District 3, 4, 5 and 7 south of Hypoluxo Road (TKF)

3. Staff recommends motion to receive and file: Amendment No. 003 to Standard Agreement No. IP010-9500 (R2010-0842) for Emergency Home Energy Assistance Program (EHEAP) with the Area Aging Agency for the period April 1, 2010, through May 31, 2011, increasing the agreement amount by \$2,000 for a new total not-to-exceed amount of \$157,038. **SUMMARY:** EHEAP is a home energy assistance program for seniors. AAA informs the designated lead agency service providers, such as DOSS, when unused federal funds are available. The unused funds are being distributed to DOSS to increase the spending authority for EHEAP crisis benefits to seniors. This Amendment was executed by the County Administrator in accordance with Resolution R2010-1942, which delegated authority to the County Administrator, or his designee, to sign documents related to DOSS/AAA grant amendments. Mr. Estremera-Fitzgerald has disclosed that he is an employee of the AAA and is also a member of the Criminal Justice, Mental Health & Substance Abuse Planning Council. The above Amendment with AAA provides emergency home energy assistance for seniors. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provision of Section 2-443, of the Palm Beach County Code of Ethics, since staff has determined that the Planning Council provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract. In the area south of Hypoluxo Rd., the Mae Volen Senior Center, Inc. provides services under a similar grant. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (CONT'D)

4. Staff recommends motion to:

A) ratify the Chairperson's signature on the application to the State of Florida Department of Education (DOE) for participation in the Summer Food Service Program (SFSP) for the period of June 6, 2011, through August 19, 2011, in an amount not to exceed \$536,862 to provide nutritious meals for children; and

B) delegate authority to the County Administrator or his designee to sign additional State of Florida Department of Education (DOE) amendments and/or documents.

SUMMARY: The SFSP funds nutritious meals for children 18 years and younger during the summer months. Approximately 90 sites have been identified across the County to serve these meals. Funding allows for maximum daily meal servings consisting of 2,170 breakfasts, 4,757 lunches and 2,722 snacks. The emergency signature process was used because there was not sufficient time to submit through the regular agenda process and meet the May 13, 2011 submission deadline. No County funds are required. (Human Services) Countywide (TKF)

5. Staff recommends motion to ratify: the Chair's signature on the Farmworker Jobs & Education Program under Title I of the Workforce Investment Act Grant Application, for the period July 1, 2011, through June 30, 2012 as follows:

A) Project Application in an amount not-to-exceed \$268,486;

B) Memorandum of Understanding with Workforce Alliance, Inc.;

C) Florida Department of Education Project Amendment Request 1 for 1 FTE in an amount of \$43,864; and

D) Florida Department of Education Amendment Request 2 for .5 FTE in an amount of \$27,322.

SUMMARY: The Farmworker Jobs & Education Program (formerly Adult Migrant Program) is funded by the State Department of Education to provide academic education and vocational training to farm workers and their dependents to get permanent employment outside of farm work. Funding for Program Year 2011-2012 will provide enrollment and training services for 132 participants. The program is also requesting to increase the budget by \$71,186 to fund an additional 1.5 employee positions. The emergency signature process was used because there was not sufficient time to submit the application through the regular Board of County Commissioners process and meet the submission deadline of June 15. No County funds are required. (Adult Migrant) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (CONT'D)

6. Staff recommends to:

A) receive and file Contract No. 11EA-8U-10-60-01-023 Low Income Home Energy Assistance (LIHEAP) Sub Grant Agreement with the State of Florida Department of Community Affairs (DCA) for the period March 1, 2011, through March 31, 2012, in an amount not-to-exceed \$5,568,796; and

B) approve a Budget Amendment of \$2,570,214 in the Community Action Program fund to reconcile the budget with the grant award.

SUMMARY: The fully executed document has been returned to Community Action and requires submission to the Clerk's office for filing. LIHEAP funds of \$5,568,796 will enable Palm Beach County Community Action Program to provide assistance to 10,120 low-income households with energy bills and crisis assistance to prevent service disconnection or restore utility service. A budget amendment is necessary to align the budget with the award. (Community Action Program) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to approve: Noise Monitoring Station Easement with the Town of Cloud Lake (Town) for the installation, maintenance and operation of a noise monitoring station on Town property south of the Palm Beach International Airport (PBIA). **SUMMARY:** The easement provides for access and utilities and for the installation, operation and maintenance of a noise monitoring station that will provide readings of airport noise levels in the vicinity of the Town, lying south of PBIA, between I-95 and Australian Avenue. Countywide (HJF)

2. Staff recommends motion to approve:

A) Amendment No. 2 to the Agreement with URS Corporation Southern for Consulting/Professional Services in the amount of \$399,997 for the completion of additional services relative to the Environmental Impact Statement (EIS) for the Airfield Improvement Project at Palm Beach International Airport (PBIA); and

B) Budget Amendment of \$399,997 in the Airports Improvement and Development Fund to provide funding for EIS consulting services and to recognize \$299,998 of Federal grant funds.

SUMMARY: On August 15, 2006, the Board of County Commissioners (BCC) approved the Agreement (R2006-1406) with URS Corporation Southern for the completion of an EIS for the County's proposed Airfield Improvement Project at PBIA in the amount of \$2,873,952. Amendment No. 1 was approved by the BCC on August 21, 2007 (R2007-1290) for a net increase in the amount of \$1,338,041. The Federal Aviation Administration (FAA) issued the Draft Final Environmental Impact Statement in February 2011, after reassessing the environmental impacts of the County's proposed Airfield Improvement Project at PBIA due to revised forecast numbers contained in the Terminal Area Forecast issued in early 2009. The Scope of Services details additional Phase 3 services identified by the FAA as necessary to complete the project, including the issuance of a Record-of-Decision (ROD) and post-ROD support. While the total fee for the additional services is \$505,520, only \$399,997 in new funding is needed, as \$105,523 is available under the previously approved agreement, as amended. This effort will be eligible for State and Federal grant participation. The proposed fee was verified in accordance with FAA Advisory Circular 150/5100-14C by use of an Independent Fee Analysis conducted by a neutral third party firm (Ricondo & Associates, Inc.) for the work that is eligible for grant funding. The Disadvantaged Business Enterprise (DBE) goal for this agreement is 25%; participation for this Amendment is 13.9%. The total DBE contract participation, including all amendments, is currently anticipated to be approximately 16%. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (CONT'D)

3. Staff recommends motion to receive and file: nine (9) original documents for the Department of Airports:

A) Consent to Sublease for Galaxy Aviation of Palm Beach, Inc. and Air America Flight Services, Inc., commencing February 1, 2009;

B) Consent to Sublease for Galaxy Aviation of Palm Beach, Inc. and Four Gems Inc. d/b/a Pro Guard Aircraft Detailing, commencing November 1, 2008;

C) Consent to Sublease for Galaxy Aviation of Palm Beach, Inc. and Titan Aviation LLC, commencing September 1, 2007;

D) Consent to Sublease for Galaxy Aviation of Palm Beach, Inc. and Wilmington Aero Ventures, Inc., commencing November 1, 2008;

E) Consent to Sublease for Jet Aviation Associates, Ltd. and R&L Aviation, Inc., commencing December 7, 2010;

F) Consent to Sublease for Piedmont Hawthorne Aviation, LLC, d/b/a Landmark Aviation and Michael Drescher, commencing February 1, 2011;

G) Consent to Sublease for Piedmont Hawthorne Aviation, LLC, d/b/a Landmark Aviation and Richard Chevrolet, Inc., commencing February 1, 2011;

H) Consent to Sublease for Piedmont Hawthorne Aviation, LLC, d/b/a Landmark Aviation and Chad Sorknes, commencing March 1, 2011; and

I) Consent to Sublease for Piedmont Hawthorne Aviation, LLC, d/b/a Landmark Aviation and Y.B. DUL Inc., commencing May 1, 2011.

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the Board of County Commissioners in R1994-1453. Countywide (HF)

4. Staff recommends motion to receive and file: two (2) original documents for the Department of Airports:

A) Sixth Amendment to Airline Operating and Lease Agreement with Air Canada (R2009-0081), reducing their leasehold for the summer months, effective May 2, 2011; and

B) Agreement Covering the Operation of Aircraft with VPAA Co., owners of Gulfstream International, commencing May 1, 2011, terminating September 30, 2011, automatically extended on year-to-year basis (10/1 through 9/30).

SUMMARY: Delegation of authority for execution of the standard County documents above was approved by the Board of County Commissioners in R1993-801 and R2006-1906. Countywide (HF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (CONT'D)

5. Staff recommends motion to receive and file: two (2) original documents for the Department of Airports:

A) License Agreement with DTG Operations, Inc., amounting to \$935 in revenue, to use property solely and exclusively for parking of rental vehicles and other vehicles owned or leased by Licensee, commencing April 1, 2011, expiring April 8, 2011, automatically renewed for one (1) week intervals thereafter (HF); and

B) Federal Aviation Administration Grant Agreement Number 3-12-0085-054-2011 for \$299,998 for "Conduct Environmental Impact Statement – Phase 3" at PBI, executed May 9, 2011 (JM).

SUMMARY: Delegation of authority for execution of the standard County documents above was approved by the Board of County Commissioners in R2006-2086 and R2007-2070. Countywide

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 10 to the contract with Catalfumo Construction, Ltd. (R2007-1217) for construction management services for various capital projects. **SUMMARY:** Catalfumo Construction, Ltd. was selected to provide construction management services associated with the design and construction of various capital projects which may include new construction, additions, or renovations from \$400,000 to \$25,000,000. The Board approved an annual contract on July 10, 2007. The original contract provided for an initial two (2) year term with three (3) – one (1) year renewal options. Amendment No. 10 would provide for services during the third renewal period. Catalfumo Construction has a Small Business Enterprise (SBE) participation goal of 15%. During the four years of the contract, Catalfumo Construction has achieved 28.1% participation. Catalfumo Construction is a Palm Beach County company and had used local subcontractors for 94% of the work. (Capital Improvements Division) Countywide (JM)
2. Staff recommends motion to approve: Amendment No. 8 to the contract with The Weitz Company (R2007-1105) for construction management services for various capital projects. **SUMMARY:** The Weitz Company was selected to provide construction management services associated with the design and construction of various capital projects which may include new construction, additions, or renovations from \$400,000 to \$25,000,000. The Board approved an annual contract on July 10, 2007. The original contract provided for an initial two (2) year term with three (3) - one (1) year renewal options. Amendment No. 8 would provide for services during the third renewal period. The Weitz Company has a Small Business Enterprise (SBE) participation goal of 15%. During the four years of the contract, The Weitz Company has achieved 21.9% participation. The Weitz Company is a Palm Beach County company and has used local subcontractors for 99% of the work. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (CONT'D)

3. **Staff recommends motion to approve:** Contract with Johnson, Levinson, Ragan, Davila, Inc. to provide mechanical, electrical, plumbing engineering (MEP) and heating, ventilation and air conditioning (HVAC) consulting services on a continuing contract basis. **SUMMARY:** The purpose of this contract is to have a consultant pre-selected and under contract to provide mechanical, electrical, plumbing engineering (MEP) and heating, ventilation and air conditioning (HVAC) services for capital improvement projects generally with a construction value less than \$4,000,000. Consultant fees will be negotiated on an individual basis for the identified projects. This contract will be for two (2) years with two (2) - one (1) year renewal options. Johnson, Levinson, Ragan, Davila, Inc. is a Palm Beach County company. This contract includes a Small Business Enterprise (SBE) goal of 15%. Johnson, Levinson, Ragan, Davila, Inc. anticipates achieving 15% SBE participation. The subconsultant participation is based on estimates provided by the department as well as the consultant and is based on past history for typical projects performed under this continuing contract. (Capital Improvements Division) Countywide (JM)

4. **Staff recommends motion to approve:** Contract with Gartek Engineering Corporation to provide mechanical, electrical, plumbing engineering (MEP) and heating, ventilation and air conditioning (HVAC) consulting services on a continuing contract basis. **SUMMARY:** The purpose of this contract is to have a consultant pre-selected and under contract to provide mechanical, electrical, plumbing engineering (MEP) and heating, ventilation and air conditioning (HVAC) services for capital improvement projects generally with a construction value less than \$4,000,000. Consultant fees will be negotiated on an individual basis for the identified projects. This contract will be for two (2) years with two (2)-one (1) year renewal options. Gartek Engineering Corporation is a Palm Beach County firm. This Contract includes a Small Business Enterprise (SBE) goal of 15%. Gartek Engineering Corporation is an SBE firm and anticipates achieving 98% SBE participation on this Contract. The subconsultant participation is based on estimates provided by the department as well as the consultant and is based on past history for typical projects performed under this continuing contract. (Capital Improvements Division) Countywide (JM)

5. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 25 to the contract with Hellmuth, Obata & Kassabaum, Inc. (HOK) (R2007-0033) in the amount of \$198,000 for the Jail Expansion Program II (JEP). **SUMMARY:** On April 25, 2006, the Board approved proceeding with the first phase of the Jail Expansion Program which consisted of the construction of the West County Detention Facility, West County Court Expansion, Stockade Redevelopment Site Preparation and Video Visitation System Improvements at the Main Detention Center. CSA No. 25 will provide construction administration services for the Courts Renovations portion of the project. HOK's Tampa office is the lead Architect and Schwab Twitty & Hanser Architectural Group is the local architect working in conjunction with HOK. CSA No. 25 is funded from the Criminal Justice and Public Improvements Revenue Bond Series 2008. The Small Business Enterprises (SBE) goal for this project is 15%. CSA No. 25 includes 13.7% participation. When combined with the previous work done under this contract, the SBE participation is 16.4%. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (CONT'D)

6. **Staff recommends motion to approve:** a Modification of Deed Restrictions for a 1.0 acre parcel conveyed to the City of West Palm Beach on July 11, 2006 (R2006-1265). **SUMMARY:** On July 11, 2006, the Board conveyed a 1.0 acre parcel of vacant surplus property located at 1400 Henrietta Avenue, West Palm Beach, to the City of West Palm Beach at no cost. The City requested the conveyance of the parcel because it planned to develop the property for attainable or workforce housing including housing for the elderly. The County Deed included deed restrictions requiring the City and its successors to be in compliance with the City's attainable or workforce housing programs. The property has remained vacant. The City has made strides towards addressing its affordable housing needs on other property in the area. Due to the location of this property immediately adjacent to the railroad tracks, the City no longer believes the property is suitable for residential development. This Modification of Deed Restrictions allows the use of the property for: urban market garden with ancillary uses; community center; recreation center; cultural facilities; and parks. The original deed restrictions related to affordable housing will remain in place in the event the property is ever developed for residential purposes. (PREM) District 7 (HJF)

7. **Staff recommends motion to receive and file:** the First Amendment to Concessionaire Service Agreement (R2010-1408) with DH2, Inc., for the operation of food and beverage concession services at Osprey Point Golf Course in South County Regional Park for \$6,000/year. **SUMMARY:** On September 14, 2010, the Board approved the Concessionaire Service Agreement with DH2, Inc. for the operation of a food and beverage concession at Osprey Point Golf Course located in South County Regional Park in Boca Raton. The Agreement included Inspector General standard wording referencing the 0.25% fee to fund the Office of the Inspector General, which was to be withheld on payments. As the method of funding has changed and is now being calculated internally as the Minimum Funding Percentage, this First Amendment deletes reference to the Inspector General 0.25% fee. On September 28, 2010, the Board approved Delegation of Authority for executing amendments for the sole purpose of deleting the Inspector General Fee requirement in applicable contracts. (PREM) District 5 (HJF)

8. **Staff recommends motion to approve:** exercise of the first option to extend the term of the Lease Agreement (R2006-1917) dated September 12, 2006, with the City of South Bay for approximately 3,360 SF within the City Hall Complex located in South Bay at an annual rate of \$1/yr. **SUMMARY:** Fire Rescue currently leases approximately 3,360 SF within the City Hall Complex in South Bay for operation of Fire Rescue's temporary station No. 74. The initial term of the Lease Agreement was for five (5) years ending on September 11, 2011, with two (2) extension options, each for a period of one (1) year. This option will extend the term of the Lease Agreement for one (1) year, from September 12, 2011, through September 11, 2012. The annual rent for this extension period is \$1. Water and sewer charges are paid for by the City, but other utility charges are invoiced directly to Fire Rescue. (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (CONT'D)

9. **Staff recommends motion to receive and file:** Amendment Number Five to Lease Agreement (R97-2126D) with Aspen Skees Road, LLC, for the County's continued use of office and warehouse space for the Palm Beach County Sheriff's Office. **SUMMARY:** Since January 1, 1998, the County has leased 6,000 SF of office and warehouse space at 1438 Skees Road in West Palm Beach, on behalf of the Palm Beach County Sheriff's Office. On September 14, 2010, the Board approved Amendment Number Four (R2010-1406) that included, among other items, the Inspector General standard provision. At that time, the provision included reference to the 0.25% fee that was to be withheld on rental payments to fund the Inspector General. As the method of funding has changed and is now being calculated internally as the Minimum Funding Percentage, Amendment Number Five deletes reference to the 0.25% fee. On September 28, 2010, the Board approved Delegation of Authority for executing amendments for the sole purpose of deleting the Inspector General Fee requirement in applicable contracts. (PREM) District 2 (HJF)

10. **Staff recommends motion to approve:** a notice of termination to National Land Company, Inc. (National Land) of the Deposit Receipt and Contract for Sale and Purchase dated May 6, 2008 (R2008-0759) (Contract) and the Termination of Deposit Receipt and Contract for Sale and Purchase dated January 12, 2010 (R2010-0130) (Termination Agreement). **SUMMARY:** On May 6, 2008, the Board approved the Contract for the sale of 4.85 acres of vacant landlocked County-owned surplus land located in unincorporated Boynton Beach, at the north end of Lake Ida Park, to the adjacent landowner, National Land for \$1,600,000. Pursuant to the terms of the Contract, National Land deposited with the County \$160,000 and was required to close on the property by June 5, 2008. Although the Contract was not contingent on the buyer obtaining financing, National Land notified staff that it was having difficulty in obtaining financing and requested a delay in closing. Due to the fact that National Land was the sole bidder for the County's property and in light of the slump in the real estate market, staff was in no hurry to terminate the agreement with National Land. In light of National Land's continued inability to obtain financing, the parties entered into a Termination Agreement on January 12, 2010. The County's parcel does not have legal access and, pursuant to the Termination Agreement, National Land was to grant the County an Access and Utility Easement (Easement) across National Land's adjoining property in exchange for the return of its \$160,000 deposit and termination of the Contract. To date, National Land has been unable to cure title defects and grant the County the Easement as required by the Termination Agreement. Staff recommends that the Board terminate the Contract and the Termination Agreement and retain the \$160,000 deposit as liquidated damages. (PREM) Districts 3 & 4 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** an Agreement with the City of Lake Worth for the period June 21, 2011, through November 30, 2012, for \$200,000 in Community Development Block Grant (CDBG) funds. **SUMMARY:** This Agreement provides funding for construction of a building addition to the west side of the Norman Wimbley Gymnasium located at 1515 Wingfield Street, Lake Worth. The addition will be used as a multi-purpose room for activities such as art, dance, exercise classes, and a summer youth camp. The work will include building construction, and installation of Americans with Disabilities (ADA) compliant sidewalks and entranceways. **These are Federal Community Development Block Grant funds which require no local match.** (Contract Development) District 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (CONT'D)

2. Staff recommends motion to approve: a Budget Amendment of \$11,264,172 to establish the budget for the Neighborhood Stabilization Program 3 (NSP3) grant in the 2010-2011 budget. **SUMMARY:** On March 11, 2011, Palm Beach County received the Notification of Funding Approval and Grant Agreement from the U.S. Department of Housing and Urban Development (HUD) for NPS3 funds in the amount of \$11,264,172. The executed Grant Agreement between HUD and Palm Beach County was signed by the County Administrator and submitted to HUD on March 16, 2011. The County Administrator was delegated signature authority by the Board of County Commissioners on January 11, 2011 through their adoption of Resolution R2011-0082. These are Federal funds which require no local match. (Fiscal) Countywide (TKF)

3. Staff recommends motion to approve:

A) Mortgage and Note Assumption and Modification Agreement; and

B) a Mortgage Subordination Agreement with Groves of Delray II, Ltd.

SUMMARY: On November 2, 1993, Palm Beach County (County) entered into a Loan Agreement (R93-1447D) with Groves of Delray, Ltd. The Loan Agreement provided \$400,000 from the County's Housing Trust Fund for the acquisition of land where 158 apartments were to be constructed. Groves of Delray, Ltd. executed a Mortgage and Security Agreement (Mortgage), and a Promissory Note in exchange for the funding and commitment to rent these apartments to low and very-low income households. On November 15, 1994, the County approved an additional \$79,000 to fund impact fees associated with the construction of these new apartments. The additional funding was provided as a future advance on the Mortgage, and Groves of Delray, Ltd. executed another Promissory Note to secure these funds. Since that time, they have paid off the \$400,000 loan, and have paid down the \$79,000 Promissory Note to its current balance of \$15,126.15. Groves of Delray, Ltd., is being sold to Groves of Delray II, Ltd., who intends to acquire and rehabilitate the property using First Mortgage financing from First Housing Development Corporation of Florida, and Second Mortgage financing from Florida Housing Finance Corporation. They have requested the assumption of the remaining balance of the County's Promissory Note, and the extension of its maturity date by 15 years to coincide with the maturity date of the proposed Second Mortgage. Approval of the Mortgage and Note Assumption and Modification Agreement will authorize the requested assumption and extension, will allow the project to benefit from Low Income Housing Tax Credits as part of the new financing arrangement, and will continue the affordability period for rental to low and very-low income households for an additional 15 years. Approval of the Mortgage Subordination Agreement will subordinate Palm Beach County's interest in the Mortgage to that of the proposed First and Second Mortgages. **These are State Housing Initiatives Partnership (SHIP) funds which require no local match.** (Contract Development) District 7 (TKF)

4. Staff recommends motion to approve: Amendment Number 003 to an Agreement (R2009-0209) with Seagull Industries for the Disabled, Inc. (Seagull Industries) to extend the expiration date from June 30, 2011, to March 31, 2012. **SUMMARY:** This Amendment provides an extension of nine (9) months to the term of the existing Agreement with Seagull Industries for the renovation of a portion of their facilities. The facility is located at 3879 West Industrial Way, Riviera Beach. The Amendment also incorporates an anticipated time table of performance benchmarks in order to complete the project by the extended deadline. **These are Federal Community Development Block Grant funds that require no local match.** (Contract Development) District 1 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (CONT'D)

5. Staff recommends motion to approve: Amendment No. 003 to the Neighborhood Stabilization Program Agreement (R2010-0898) with the Palm Beach County Housing Authority to extend the expiration date from June 30, 2011, to December 31, 2011. **SUMMARY:** This Amendment provides an extension of six (6) months to the term of the existing Agreement with the Palm Beach County Housing Authority. Delays with this project are associated with the completion of the lease-up process of the rehabilitated units. Approval of the extension will allow the sub-recipient to complete the required scope of work and utilize the funding available in the Agreement. **These are Federal Neighborhood Stabilization Program Grant funds which require no local match.** (CREIS) Districts 1, 2, 3, 6 & 7 (TKF)

6. Staff recommends motion to approve: Amendment No. 003 to the Neighborhood Stabilization Program Agreement (R2010-0899) with the Riviera Beach Housing Authority (RBHA) to extend the expiration date from June 30, 2011, to October 31, 2011. **SUMMARY:** This Amendment provides an extension of four (4) months to the term of the existing Agreement with the RBHA. Delays with this program are associated with the completion of the rehabilitation contracts and the lease-up process of the rehabilitated units. Approval of the extension will allow the sub-recipient to complete the required scope of work and utilize the funding available in the Agreement. **These are Federal Neighborhood Stabilization Program Grant funds which require no local match.** (CREIS) District 7 (TKF)

7. Staff recommends motion to adopt: a Resolution to authorize the Department of Housing and Community Development (HCD) to prepare and submit a funding proposal to the State of Florida Department of Community Affairs (DCA) Community Development Block Grant (CDBG) Disaster Recovery Initiative – 2008 Supplemental CDBG Appropriations for the Disaster Recovery Enhancement Fund (DRI5-DREF); authorize the County Administrator or his designee to execute a DRI5-DREF Funding Proposal, Grant Agreement with DCA, and all other documents related to the DRI5-DREF Program; and authorize the County Administrator or his designee to sign Interlocal Agreements, Subgrant Agreements, and Amendments thereto, with organizations selected to receive DRI5-DREF funding. **SUMMARY:** In June 2011, DCA announced that Palm Beach County (County) is eligible to receive up to \$2,185,893 in DRI5-DREF funding that was made available to DCA by the U.S. Department of Housing and Urban Development. The County has been designated by DCA as the local administering entity. This Agenda Item seeks approval for HCD to submit an application to DCA for DRI5-DREF funding and authorization for the County Administrator or his designee to execute documents related to the implementation of DRI5-DREF. The County's application for funding is due to DCA by June 27, 2011. Given the short period for submission, execution of documents by the County Administrator will expedite the process and enhance the chances of meeting DCA's deadline. **These are Federal Community Development Block Grant (CDBG) funds which require no local match.** (Planning) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (CONT'D)

8. Staff recommends motion to:

A) approve Community Development Block Grant (CDBG) Inter-Local Cooperation Agreements with City of Atlantis, City of Greenacres, City of Pahokee, City of Riviera Beach, Town of Briny Breezes, Town of Glen Ridge, Town of Haverhill, Town of Hypoluxo, Town of Lake Park, Town of Mangonia Park, Town of North Palm Beach, Town of Palm Beach Shores, Town of South Palm Beach, Village of Golf, and Village of Royal Palm Beach; and

B) delegate authority to the Chair of the Board of County Commissioners (BCC) to execute Inter-Local Cooperation Agreements with other interested municipalities within Palm Beach County.

SUMMARY: In order for the County to receive Community Development Block Grant (CDBG) funds, the County must re-qualify every three (3) years as an Urban County. On April 28, 2011, the U.S. Department of Housing and Urban Development (HUD) issued Notice CPD-11-064 which contained instructions for Urban County Qualification for Participation in the CDBG Program for Fiscal Years 2012-14. The deadline for the County to submit documents to HUD in order to qualify as an Urban County under the CDBG Program for Fiscal Years 2012-14 is July 15, 2011. HCD has solicited municipalities to join with the County to establish the County's Entitlement Jurisdiction. As of "June 9, 2011, a total of 15 Inter-Local Cooperation Agreements have been received from various municipalities. These agreements are now being brought before the BCC for execution. HCD anticipates that similar Agreements will be executed by other municipalities and is thereby requesting delegation of authority for the BCC Chair to execute same in order to meet the July deadline. (Planning Section) Countywide (TKF)

K. WATER UTILITIES

1. Staff recommends motion to approve: Consultant Service Authorization No. 3 to the Water Utilities Department Disaster Recovery Services Design/Build Contract with CDM Constructors, Inc. (R2010-0909) for providing final design and permitting services related to the Central Monitoring Facility (CMF) in the amount of \$120,646. **SUMMARY:** On June 8, 2010, the Board of County Commissioners approved the Contract for Water Utilities Department Disaster Recovery Design/Build Services with CDM Constructors, Inc. (R2010-0909). In hurricanes of Category 3 or above, WUD's internal communication system and enterprise computer systems, including the SCADA system, are vulnerable to being damaged or destroyed, making operations difficult if not impossible. This Consultant Service Authorization will provide design and permitting services for a Central Monitoring Facility (CMF) designed to resist hurricanes Category 3 or above. The Utilities Communication Dispatchers will be moved from the Customer Service Center to the CMF which will be located at the Utilities Central Regional Operation Center. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with CDM Constructors, Inc. provides for SBE participation of 31.00% overall. This authorization includes 1.62% overall participation. The cumulative SBE participation, including this work authorization, is 45.74% overall. CDM Constructors, Inc. is a local Palm Beach County Company. (WUD Project No. 11-008) District 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (CONT'D)

2. Staff recommends motion to receive and file: the following two (2) documents:

A) a Contract with A.C. Schultes of Florida, Inc. in the amount of \$46,250 to perform investigative services for the monitoring well located at Pahokee Wastewater Treatment Plant. (WUD10-077) District 6 (JM); and

B) Standard Development Agreement No. 09-01060-000 with Boca Raton Associates VI, LLP for Potable Water and Wastewater District 5 (SF).

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

3. Staff recommends motion to approve: Work Authorization No. 5 to the Pipeline Continuing Construction Contract between the County and Johnson-Davis, Inc. (R2010-1423) for the construction of the South County Water Services Replacement Project – Phase I in the amount of \$974,715.10. **SUMMARY:** On September 14, 2010, the Board of County Commissioners approved the Water Utilities Department Pipeline Continuing Construction Contract with Johnson-Davis, Inc. (R2010-1423). This Work Authorization No. 5 provides for the replacement of 536 potable water services and associated meters in the Palmetto Pines Residential Area in southwest Boca Raton (located west of State Road 7 and just south of Palmetto Park Road). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with Johnson Davis, Inc. provides for SBE participation of 15.00% overall. This Authorization includes 15.32% overall participation. The cumulative SBE participation, including this Authorization, is 16.26% overall. Johnson-Davis, Inc. is a local Palm Beach County Company. (WUD Project No. 06-175) District 5 (MJ)
4. Staff recommends motion to approve: Work Authorization No. 6 for final design, permitting, and construction of the Southern Region Water Reclamation Facility (SRWRF) Digester Biogas Renewable Energy Project with CDM Constructors, Inc. in the amount of \$3,315,721. **SUMMARY:** On June 8, 2010, the Board of County Commissioners approved the Water Utilities Department Design/Build Services Contract with CDM Constructors, Inc. (R2010-0909). The Digester Biogas Renewable Energy Project will generate 14% of SRWRF's electricity from methane biogas which is currently flared and wasted. Upon completion, all of the waste products generated at the SRWRF will be recycled. The project is partially funded by the United States Department of Energy's Energy Efficiency and Conservation Block Grant Program Assistance Agreement in the amount of \$1,200,000. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with CDM Constructors, Inc. provides for SBE participation of 31.00% overall. This Authorization includes 26.94% overall participation. The cumulative SBE participation, including this Work Authorization, is 32.31% overall. CDM Constructors, Inc. is a local Palm Beach County Company. (WUD Project No. 09-030) District 5 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (CONT'D)

5. Staff recommends motion to approve: Brownfields Site Access Permission Agreement (Agreement) with the Treasure Coast Regional Planning Council (TCRPC) and Bureau Veritas North America, Inc. (BVNA) to facilitate Brownfields cleanup of the former Pike Utilities property located at 4220 Charleston Road, Lake Worth. **SUMMARY:** On April 5, 2011, the Palm Beach County Board of County Commissioners approved an Interlocal Subgrant Agreement with TCRPC to facilitate Brownfields cleanup and redevelopment of the former Pike Utilities property. The Agreement provides the TCRPC access to the site to effect cleanup of the property. BVNA will perform the Brownfields assessment, cleanup, and remediation for TCRPC, and will provide insurance and indemnification to the County. The Agreement requires no additional funding from that approved on April 5, 2011. District 2 (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve: Amendment I to the Declaration of Restrictive Covenants (R2007-0168) for grant No. 05-028-FF5 from the Florida Communities Trust (FCT). **SUMMARY:** In 2005, the County's Indian Lakes Natural Area project (located within the Pine Glades Natural Area) was selected to receive grant funding from FCT. One of the items included in the grant contract (R2005-2253) was the construction of a connecting sidewalk between the northeastern corner of the project area and an existing asphalt sidewalk along the edge of an adjacent residential community (Special Condition No. 18). Amendment I to the Declaration of Restrictive Covenants would delete the requirement for the County to construct the sidewalk. District 1 (SF)

2. Staff recommends motion to:

A) approve Agreement Number 11PB1 with the Florida Department of Environmental Protection (FDEP) for cost-sharing in the South Lake Worth Inlet Management Plan Implementation with reimbursement up to \$2,363,481, expiring July 1, 2013;

B) approve Budget Amendment of \$1,642,207 reducing the projected grant revenue budget with the Grant Agreement in the South Lake Worth Inlet Fund; and

C) authorize the County Administrator, or his designee, to sign all future time extensions and other necessary minor amendments that do not significantly change the scope of work or terms and conditions of the Agreement.

SUMMARY: FDEP Agreement number 11PB1 provides for the reimbursement of funds expended by the County for sand trap dredging design, permitting, and construction; remaining sand transfer plant construction costs; and biological, physical, and environmental monitoring. Under the terms of the Agreement, 75% of the non-Federal project construction costs could be eligible for reimbursement. Palm Beach County is responsible for the local match requirement of 25% of the non-Federal share, or \$787,827 in the South Lake Worth Inlet Fund. The original Grant Agreement 99PB1 was funded based on higher construction cost estimates for sand transfer plant construction, jetty rehabilitation, and seawall construction. When the three projects were combined and re-bid, the awarded contract was significantly lower, and the Grant Agreement was reduced to reflect the lower costs. Reimbursement is retroactive to July 1, 2010, and the Agreement terminates on July 1, 2013. District 4 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: executed Independent Contractor Agreement received during the month of May:

Jessica Yoo, Water Exercise and Swimming Instructor, Therapeutic Recreation Center, for the period May 9, 2011, through September 30, 2011.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. This Independent Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and is now being submitted to the Board to receive and file. District 3 (GB)

2. Staff recommends motion to approve: Budget Transfer of \$44,820 in Park Improvement Fund from Countywide Community Revitalization Team Neighborhood Parks Unallocated to San Castle Neighborhood Park. **SUMMARY:** This Budget Transfer will provide the funding necessary to expand and renovate the existing San Castle neighborhood park. The project includes the installation of new fencing, landscaping, irrigation, and the upgrading of existing park facilities. The property used to expand the park was previously leased to the San Castle Neighborhood Group. At the group's request, the lease has been terminated. District 7 (AH)

3. **DELETED**

4. Staff recommends motion to approve: Budget Transfer of \$75,580 within the Park Improvement Fund from the Florida Boating Improvement Program reserve to Peanut Island Floating Dock Improvements. **SUMMARY:** This Budget Transfer will provide the funding necessary to repair and replace the existing east side floating dock roller system at Peanut Island Park. Funding is from the Park Improvement Fund Florida Boating Improvement Program reserve. District 1 (GB)

5. Staff recommends motion to approve: a non-standard Amphitheater Rental Agreement with AEG Live SE, LLC for the presentation of a Wiz Khalifa Concert on July 15, 2011, at Sunset Cove Amphitheater. **SUMMARY:** The Parks and Recreation Department (Department) utilizes a standard Amphitheater Rental Agreement which is executed at the Department level. However, non-standard Amphitheater Rental Agreements are sometimes required to satisfy the complexity of specific entertainment terms of a given renter. AEG Live SE, LLC (AEG) has requested modifications to the approved standard Amphitheater Rental Agreement language. The modifications clarify the responsibilities and expectations of the County and AEG for issues such as damages, personal injury, and indemnification. These changes, along with other minor administrative changes, were agreed to by attorneys for both the renter and the County. This non-standard Amphitheater Rental Agreement releases AEG from liability to the extent such damage or injury is caused by the County's negligence or willful misconduct, or structural or premise related defects at the Sunset Cove Amphitheater. County revenues generated from the concert range from a minimum of \$3,000, or 10% of the gross ticket sales less tax, to a maximum of \$12,000 plus miscellaneous fees for vendors, parking etc. District 5 (GB)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to approve: Budget Transfer of \$650,000 within the Library Expansion Program Fund from Reserves to the Main Library. **SUMMARY:** The Main Library Renovation project is nearing the final phase of construction. This project has encountered additional construction costs exceeding the original budget and has depleted the contingency reserve. During demolition and construction, numerous unforeseen conditions have been discovered including the discovery of asbestos that was not previously identified, numerous hidden structural conditions that needed repair, modifications required to existing wiring to meet code, additional roof leaks that were discovered and an exceptionally high existing slab moisture level that required moisture barrier prior to installation of new floor covering. Countywide (TKF)

S. FIRE RESCUE

1. Staff recommends motion to approve: an Agreement with Florida Medical Training Institute, Inc., for clinical field experience. **SUMMARY:** On June 19, 2007, the Board approved an agreement (R2007-1009) with the Florida Medical Training Institute, Inc. (FMTI) to provide clinical field experience to Paramedic and EMT students of FMTI. Paramedic and EMT students respond with County paramedics to observe and assist in delivering emergency medical care under actual emergency conditions. This agreement will renew this relationship upon execution of the parties through September 30, 2013. Countywide (SB)
2. Staff recommends motion to receive and file: one (1) fully executed License Agreement with GelTech Solutions, Inc., for training at the Palm Beach County Fire Rescue Regional Training Center, for the period May 10, 2011 through May 9, 2012. **SUMMARY:** On September 15, 2009, the Board adopted Resolution No. R2009-1551, which authorized the County Administrator, or his designee (Fire Rescue Administrator) to execute a one (1) 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. Pursuant to Countywide PPM CW-O-051, one (1) fully executed License Agreement executed by the Fire Rescue Administrator and the Director of Technical Operations with GelTech Solutions, Inc., is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (SB)

U. INFORMATION SYSTEMS SERVICES

1. **DELETED**

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (CONT'D)

2. Staff recommends motion to approve: Amendment No. 6 to the Technical Currency Program (TCP) Agreement with SCT Government systems (SCT) (R2003-1017), now doing business as Affiliated Computer Systems Inc. (ACS), to modify the software maintenance coverage for the period of October 1, 2010, through September 30, 2011 to extend coverage for the criminal and traffic system components of the ACS Justice Information System at a fee increase of \$51,316 for a new total contract value of \$455,904. **SUMMARY:** The TCP License Agreement was initially entered into by Palm Beach County and SCT (now ACS) on September 29, 1998 (R-1998-1540 & 1541), for annual maintenance of the ACS Justice Information System (JIS) which includes modules for Civil, Juvenile, Criminal, and Traffic Courts, and Jury Management. The TCP Agreement provides for software maintenance coverage and establishes the amount of the annual payments to ACS. Due to postponements of the planned implementation date for the criminal and traffic court modules, extending the coverage for JIS software maintenance costs will require additional funding in the amount of \$203,557 during FY 2011, of which \$152,241 was previously approved by the Board of County Commissioners. After the Clerk & Comptroller's new case management system is implemented, annual software maintenance cost will drop to \$4,885 for the Jury Management module, the only remaining ACS software product which will remain in use by the Clerk & Comptroller. ACS is based in Lexington, KY. Countywide (PFK)

3. Staff recommends motion to approve: Addendum No. 4 to the Pictometry International Corporation (R2007-1010 and R2007-1011) contract to extend the current contract for six (6) months at no additional cost. **SUMMARY:** Additional time is necessary to negotiate the details of the last renewal option available under the existing Pictometry contract, prior to exercising the second of two (2) - two (2) year renewal options as set forth in the original contract. A Cooperative Agreement with the Sheriff's Office, Property Appraiser's Office and Palm Beach County Board of County Commissioners was approved on June 19, 2007, along with the Pictometry contract approval. The discounted cost for the two (2) year contract, and renewal agreement were shared one third by each party. The Sheriff's Office is no longer able to participate, and therefore, time is needed to renegotiate the details of the last renewal option. Additional cost sharing is being pursued with local municipalities. Countywide (PK)

X. PUBLIC SAFETY

1. Staff recommends motion to:
 - A) receive and file** an Amendment to extend the 211 Palm Beach/Treasure Coast, Inc. contract to provide over the phone emergency crisis counseling services through the Violent Crime Rape Crisis Hotline from June 30, 2011, to September 30, 2011 and increase the contract amount not to exceed to \$52,500; and

 - B) authorize** the County Administrator or his designee, to exercise the option to renew future agreements, providing that funding is available and the County Attorney signs for legal sufficiency.

SUMMARY: In order to reduce the amount of overtime paid and be more cost efficient, the Violent Crime Rape Crisis Hotline calls were transferred from the Public Safety's Emergency Management Communication Center back to 211 Palm Beach/Treasure Coast on July 1, 2010 costing \$42,000 for the contract period of July 1, 2010, to June 30, 2011 (R2010-1065). A request to extend the contract from June 30, 2011, to September 30, 2011 is being requested to continue service through the end of the fiscal year. R2010-1065 authorized the County Administrator or his designee to exercise the option to extend the agreement. Once the FY 2012 budget is approved, the 211 contract will be renewed for the period October 1, 2011, through September 30, 2012. Countywide (GB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (CONT'D)

2. **Staff recommends motion to approve:** an Agreement with United Way of Palm Beach County (United Way) as the Lead Agency and Gulfstream Goodwill Industries (Goodwill) as the Primary Support Agency for the Volunteer and Donation Unit beginning June 21, 2011. The Agreement will be a permanent working relationship and mutual assistance between United Way, Goodwill and County thereafter unless otherwise notified by United Way, Goodwill and/or the County. **SUMMARY:** The Department of Public Safety is responsible for ensuring the Volunteer and Donation Unit is fully capable of supplementing disaster management manpower with volunteers who can assist with response, recovery, donations and in-kind goods. United Way is identified as the Lead Agency for the Volunteer and Donation Unit; managing the volunteer and cash donation components, and Gulfstream Goodwill Industries is identified as the Support Agency for the Volunteer and Donation Unit; providing the warehousing management and in-kind donations component. All costs associated with the Volunteer and Donation Unit will be reimbursed using Federal Emergency Management Agency (FEMA) reimbursement protocol. Any costs that are not reimbursed by FEMA will be reimbursed by the County. The Agreement does not provide a disclosed amount for reimbursement due to the uncertainty of the level of impact a disaster can have on Palm Beach County. Countywide (GB)

BB. SHERIFF

1. **Staff recommends motion to approve:** a Budget Transfer of \$80,688 from the Law Enforcement Trust Fund (LETF) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Florida Statute 932.7055 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 2011 estimated donation requirement is \$98,015. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. 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 current State LETF balance is \$1,695,299. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,614,611. The year-to-date transfer for all donations after approval of this item is \$1,367,684. 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 agency. No new positions are needed and no additional County funds are required. Countywide (GB)

<u>Organization</u>	<u>Amount</u>
Palm Beach County P.A.L., Inc. – Explores	\$25,688
Palm Beach County P.A.L., Inc. – School Supplies	\$30,000
The Arc of Palm Beach County, Inc.	<u>\$25,000</u>
Total Amount of Donations	\$80,688

3. CONSENT AGENDA APPROVAL

CC. INTERNAL AUDITOR'S OFFICE

1. Staff recommends motion to approve: Amendment No. 7 to the contract (R2004-1796) with Joseph Bergeron, Internal Auditor; extending said contract for one (1) additional year ending on September 30, 2014. **SUMMARY:** At its April 20, 2011 meeting, the Internal Audit Committee unanimously approved recommending a one (1) year extension of the Internal Auditor's contract. The Committee recommended no salary adjustment which is consistent with general County employees. The Internal Auditor's salary will remain \$146,008. The new contract expiration date is September 30, 2014. This item is presented to the Board at this time in accordance with the 90 day notice requirement of the contract. Countywide (PFK)

DD. SUPERVISOR OF ELECTIONS

1. Staff recommends motion to approve: Precinct boundary changes submitted by Susan Bucher, Supervisor of Elections, as required by Section 101.001(1), Florida Statutes. **SUMMARY:** Precinct boundary changes as indicated. Countywide (LSJ)

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

- A. **Staff recommends motion to accept:** the applicant's request to withdraw the petition to abandon that certain portion of South Stacy Street shown on the plat of Haverhill Acres, recorded in Plat Book 20, Page 75, Public Records of Palm Beach County, Florida. **SUMMARY:** The Petitioner has requested to withdraw the petition to abandon that certain portion of South Stacy Street shown on the plat of Haverhill Acres, recorded in Plat Book 20, Page 75, Public Records of Palm Beach County, Florida. District 2 (MRE)
- B. **Staff recommends motion to adopt:** an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program (Program); providing for title; purpose; adoption of revised Program and revised list of projects contained in Exhibit "A"; implementation of the Program; modification of Program; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** Since the development and adoption of the County's Program on October 19, 2011, the progress and evolution of current and near term projects has continued to be monitored. Schedules, costs and revenues have been updated. Revisions are being proposed to modify the Program to reflect this updated information. A Mid Year Ordinance Amendment with a Preliminary Reading and a Public Hearing is required in order to accomplish this. On June 7, 2011, the Board approved this Amendment on Preliminary Reading and authorized advertisement for today's Public Hearing for final adoption. Countywide (MRE)
- C. **Staff recommends motion to:**
- 1) conduct** a public hearing required by the Internal Revenue Code regarding the request of Caron Foundation of Florida, Inc. (the "Company") to modify the existing bond financing documents executed in connection with the issuance of the Tax-Exempt Adjustable Mode Revenue Bonds (Caron Foundation of Florida, Inc. Project) Series 2008 (the "Original 2008 Bonds"); and
- 2) adopt** a Resolution (i) approving a request of Caron Foundation of Florida, Inc. to modify the existing bond financing documents executed in connection with the issuance of the Original 2008 Bonds to add a new interest rate mode and make other necessary amendments in connection therewith; and (ii) authorizing the execution and delivery of the documents necessary to accomplish the amendment of the Original 2008 Bonds.
- SUMMARY:** On January 10, 2008, Palm Beach County, Florida issued the Original 2008 Bonds to finance a project on behalf of Caron Foundation of Florida, Inc. consisting of **(A)** payment of the costs of acquisition, construction, installation and furnishing of certain leasehold improvements to the apartment facilities known as Fairways on the Green located at 2101 Lawson Boulevard, Delray Beach, Florida; **(B)** payment of the costs of the acquisition, build-out, installation and furnishing of an office and outpatient treatment facility known as Beacon Square located at 8051 Congress Avenue, Boca Raton, Florida and **(C)** payment of the costs of issuance of the Original 2008 Bonds. The Original 2008 Bonds are payable solely from revenues derived from the Company. In connection with the modification of the Original 2008 Bonds, it is necessary that the County conduct the TEFRA public hearing required by the Internal Revenue Code. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 4 (PFK)

4. PUBLIC HEARINGS – 9:30 A.M. CONTINUED

D. [Staff recommends motion to:](#)

1) conduct a public hearing required by the Internal Revenue Code regarding the request of Hanley Center, Inc. to modify the existing bond financing documents executed in connection with the issuance of the Variable Rate Demand Revenue Bonds (Hanley Center Project) Series 2006 (the “Original 2006 Bonds”); and

2) adopt a Resolution (i) approving a request of Hanley Center, Inc. to modify the existing bond financing documents executed in connection with the issuance of the Variable Rate Demand Revenue Bonds (Hanley Center Project) Series 2006 (the “Original 2006 Bonds”) to add a new interest rate mode and make other necessary amendments in connection therewith; and (ii) authorizing the execution and delivery of the documents necessary to accomplish the amendment of the Original 2006 Bonds.

SUMMARY: On October 26, 2006, Palm Beach County, Florida issued the Original 2006 Bonds to finance a project on behalf of Hanley Center, Inc. (the “Company”) consisting of **(A)** payment of the costs of financing and refinancing certain substance abuse treatment facilities located at 5200 East Avenue and 933 45th Street in West Palm Beach, Florida and **(B)** payment of the costs of issuance of the Original 2006 Bonds. The Original 2006 Bonds are payable solely from revenues derived from the Company. In connection with the modification of the Original 2006 Bonds, it is necessary that the County conduct the TEFRA public hearing required by the Internal Revenue Code. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 7 (PFK)

E. [Staff recommends motion to:](#)

1) adopt a Resolution confirming the special assessment process for 6” Water Main Extension at Hamlin Boulevard; and

2) approve Work Authorization No. 9 to AKA Services, Inc., under the Water Utilities Department (WUD) Continuing Construction Contract (R2010-1422) in the amount of \$109,682.42.

SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 67% of the respondent property owners in the Hamlin Blvd. project area. The project will serve residential properties currently on private wells. Individual assessments of \$9,923.99 per parcel are based on 100% of the assessable cost and may be paid over 20 years with equal annual payments of principal and 5½% interest. The total project cost is \$146,974.47 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. As per the 2008 Agreement between the County and Indian Trails Improvement District, the County will allocate up to \$500,000 to provide financial support for 10% of the total cost for assessment projects within the legislative boundaries of the Indian Trails Improvement District. WUD has contributed \$239,618.53 for previous projects (140th Ave. & 55th Road and Bayhill), and will contribute \$14,697.48 for the Hamlin Blvd. Project. This project cost reduction will be reflected in the final assessment roll. The project will be constructed utilizing a Work Authorization under the WUD Continuing Construction Contract with AKA Services, Inc. (R2010-1422). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with AKA Services, Inc. provides for SBE participation of 15.00%. This Authorization includes 18.10% overall participation. The cumulative SBE participation is 15.06% overall. AKA Services is a local Palm Beach County Company. (WUD Project No. 11-055) District 6 (MJ)

4. PUBLIC HEARINGS – 9:30 A.M. CONTINUED

F. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code Chapter 3, Article ii, (Ordinance No. 2008-060) pertaining to nightclub security; amending Section 3-22 definitions; amending Section 3-23 security/law enforcement presence; providing for applicability; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing captions; and providing an effective date. **SUMMARY:** In 2008, the Board of County Commissioners adopted Palm Beach County Code Chapter 3, Article II (Ord. No. 2008-060) regulating nightclub security. The Sheriff's Office has requested that the Ordinance be amended to require that all security officers at nightclubs be licensed by the State of Florida as Class "D" officers. The requirement that security officers complete a training course approved by the Sheriff's Office has been deleted at the request of the Sheriff's Office. Additionally, the Sheriff's Office has requested that the Board of County Commissioners remove the Special Restaurant Exemption as there are establishments which are currently exempt from the Nightclub Ordinance but are in fact operating as nightclubs. The Sheriff's Office has documented almost 200 calls for service at these exempt establishments. Removing the exemption, will require that these establishments comply with the security requirements of the Nightclub Ordinance and will serve to protect the health, safety and welfare of patrons at these establishments. Countywide (DW)

G. Staff recommends motion to continue the public hearing from June 21, 2011, at 9:30 a.m., to August 16, 2011, at 9:30 a.m., regarding: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing a procedure for employees who are victims of wage theft to recover back wages; providing for short title; providing for definitions; providing for wage theft complaints; providing for captions; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for effective date. **SUMMARY:** The proposed Palm Beach County Wage Theft Ordinance was brought before the Board for preliminary reading on February 1, 2011. The Board approved the ordinance on preliminary reading and set it for public hearing on June 21, 2011. At the time, a bill was pending before the Florida legislature that, if enacted, would preempt the County from enacting a wage theft ordinance. In addition, a court hearing was set for April 25, 2011, in the Florida Retail Federation's pending law suit against Miami-Dade County challenging the Miami-Dade County Wage Theft Ordinance. It was hoped that both of these issues would be resolved before the public hearing on June 21, 2011. The legislative bill did not pass. However, the court hearing in the Miami-Dade County case has been reset to July 21, 2011. Countywide (EC)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. [Staff recommends Board discussion:](#) with the Palm Beach County League of Cities, Inc. regarding the Office of Inspector General (OIG) FY 2012 budget request. **SUMMARY:** Section 2-429 (3) of the OIG ordinance, adopted on May 17, 2011, requires the Board meet with a delegation selected by the Palm Beach County League of Cities, Inc. to discuss the budget request for each fiscal year. The OIG FY 2012 budget is \$3.5 million which is 0.19% of contract activity, or 76% of the funding base. The OIG ordinance stipulates a minimum funding base of 0.25% of contract activity and anything less be accompanied with a request from the Inspector General to reduce the funding base for that year. Countywide (LB)

2. [Staff recommends motion to:](#)

A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, approving up to \$146,775 in an Ad Valorem Tax Exemption with Sikorsky Aircraft Corporation (Sikorsky Aircraft) as the required local match for a State Qualified Target Industry Grant Program (QTI) with a high impact sector bonus and quick action closing fund; and providing for an effective date; and

B) conceptually approve an Economic Development Ad Valorem Tax Exemption for Sikorsky Aircraft Corporation, not to exceed an estimated \$146,775 over a three (3) year period.

SUMMARY: Sikorsky Aircraft Corporation is a world leader in the design, manufacture, and service of military and commercial helicopters. Sikorsky's proposed expansion project encompasses a 35,000 sq. ft. building in addition to its CH-53K Marine helicopter testing facility. The company will create 14 jobs in addition to the current 81 jobs with an average salary of \$80,000 excluding benefits. The new jobs must be created within three (3) years from the effective date of the Agreement and be retained for three (3) years. The company has conceptually secured approximately \$698,000 from the State of Florida which requires a \$139,600 local match. The Regional Economic Model results estimate that the Sikorsky \$10.3 Million expansion will have a \$14 Million economic impact over a five (5) period, generating \$1 Million in Federal, State, and local taxes. Palm Beach County is competing with Maryland and Alabama for the company's expansion. The State supports the aerospace industry as a targeted high skill, high-wage industry. This conceptual approval is contingent upon the company's construction of a \$10.3 Million facility, the creation of 14 jobs at an average annual salary of \$80,000, and the determination that the project meets the requirements under Florida Statute 196.012 for an Ad Valorem Tax Exemption. **Upon completion of these requirements, the final application will be presented to the Board of County Commissioners for consideration and approval.** District 1 (DW)

3. [Presentation by the South Florida Water Management District on the Lower East Coast Water Supply Plan Update Process.](#)

5. REGULAR AGENDA

A. ADMINISTRATION (CONT'D)

4. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, urging the Legislature of the State of Florida, the Governor and the Florida Department of Corrections to continue operating the Glades Correctional Institute in Belle Glade, Florida in order to reduce the potentially devastating economic impacts a prison closing would have on this region of rural critical economic concern. **SUMMARY:** In the FY2012 State budget and its related implementing bills, the Florida Legislature, with the support of the Governor's Office, passed language that would require all prisons in Region 4 (Manatee County east to St. Lucie County and south to Monroe County) to be privatized. The proviso language of the state budget listed the prisons within the region that would be going out for Request for Proposal for privatization. Excluded from that list were two (2) prisons – the Hendry County Correctional Institute and Glades Correctional Institute. Furthermore, operating dollars for these two (2) facilities were cut so much in the FY 2012 budget that it would not be possible to maintain operations at either facility. The Hendry County facility has begun the closure process; however, Palm Beach County continues to seek support to maintain operations at Glades Correctional Institute. The main argument against closure continues to be the severe economic impact such a closure would have in an area already experiencing unemployment rates up near 40%. Countywide (DW)

5. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending the uniform policies and procedures for Palm Beach County advisory boards regarding county employee eligibility to serve; and providing for an effective date. **SUMMARY:** At the June 7, 2011 BCC meeting, the Board directed staff to review the County's policy related to the appointment of County employees to County advisory boards. The Resolution modifies this policy to allow a County employee to serve on advisory boards where the County employee is an elected official within Palm Beach County and is nominated for inclusion on the board by an entity other than the Board of County Commissioners. Countywide (MJ)

6. Staff recommends motion to adopt: a Resolution by the Board of County Commissioners of Palm Beach County, Florida authorizing the Economic Development Office to submit an Intermediary Relending Program (IRP) Application for \$750,000 to the United States Department of Agriculture (USDA) Rural Development; authorizing acceptance of the funds awarded in order to assist established businesses in Palm Beach County's Western Communities; authorizing the Economic Development Office to establish and manage the Palm Beach County Intermediary Relending Program to finance business projects; and authorizing the County Administrator or his designee to execute the Loan Application documents in order to implement the Palm Beach County Intermediary Relending Program and issue debt obligations pursuant hereto. **SUMMARY:** This application will provide an allocation of Federal funds totaling \$750,000 which will enable Palm Beach County to provide loan financing to businesses in the County's Western Communities to alleviate poverty and increase economic activity and employment. The USDA Rural Development will make loans to Intermediaries, such as Palm Beach County, to establish revolving loan programs for the purpose of providing loans to recipients to finance projects in rural areas. Loan recipients may include individuals, a corporation, partnership, limited liability company, non-profit corporation, or entity with economic development projects located in the rural area. Palm Beach County will be responsible for determining eligibility, credit quality, preparing the loan documentation, and servicing for all loans. The loan recipient will be responsible for paying the debt of the loan. These loan funds will be leveraged with SBA and private loans and the borrower will pledge security as collateral. **No County funds will be pledged to complete any project funded by the Intermediary Relending Program. These are Federal funds that do not require a match.** District 6 (DW)

5. REGULAR AGENDA

A. ADMINISTRATION (CONT'D)

7. Staff recommends motion to:

A) approve an Amendment to 2010 Agreement (R2010-0541) with the Lester Family Investments, L.P., a Florida Limited Partnership (Lester) which delineates responsibilities under the United States Army Corps of Engineers (USACOE) Permit No. SAJ-2009-1720; and

B) authorize the County Administrator or his designee to sign USACOE permit no. SAJ-2009-1720.

SUMMARY: On April 6, 2010, the Board of County Commissioners approved Agreement (R2010-0541) with Lester for offsite mitigation activities, related to the Scripps Florida Phase II development on the Briger Property, in accordance with South Florida Water Management District (SFWMD) Permit No. 50-00610-P. The County and Lester originally applied for a joint USACOE Permit for the entire 863 acre Briger Tract. However, the USACOE required that the application be revised to have the County as the sole applicant. This Amendment requires Lester to immediately apply to USACOE to have the permit transferred into Lester's name once the County successfully completes construction of the offsite mitigation work. District 1 (SF)

B. COUNTY ATTORNEY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance of not exceeding \$16,000,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Debt Obligations (The Springs Project) (the "Debt Obligations") within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the proceeds of which are to be used to make a mortgage loan to The Springs I, Ltd. to be used to finance the costs of the acquisition, construction and equipping of an approximately 192 unit multifamily rental housing development for families of low or moderate income; and providing an effective date. **SUMMARY:** The Debt Obligations are being issued by the Housing Finance Authority of Palm Beach County, Florida (the "Authority"), pursuant to a plan or plans of finance, to finance a portion of the costs of acquisition, construction and equipping by The Springs I, Ltd. (the "Borrower") of an approximately 192 unit multifamily rental housing facility to be known as The Springs, to be located at 1200 South Congress Avenue, Palm Springs, Palm Beach County, Florida to be rented to qualified persons and families in Palm Beach County, Florida (the "County") as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The Debt Obligations will be payable solely from revenues derived from the Borrower. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Debt Obligations.** District 2 (PFK)

5. REGULAR AGENDA

B. COUNTY ATTORNEY (CONT'D)

2. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance of not exceeding \$9,500,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Debt Obligations (Colonial Lakes Apartments Project) (the "Debt Obligations") within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the proceeds of which are to be used to make a mortgage loan to Colonial Lakes Apartments, Ltd. to be used to finance the costs of the acquisition, construction and equipping of an approximately 120 unit multifamily rental housing development for families of low or moderate income; and providing an effective date. **SUMMARY:** The Debt Obligations are being issued by the Housing Finance Authority of Palm Beach County, Florida (the "Authority"), pursuant to a plan or plans of finance, to finance a portion of the costs of acquisition, construction and equipping by Colonial Lakes Apartments, Ltd., (the "Borrower") of an approximately 120 unit multifamily rental housing facility to be known as Colonial Lakes Apartments, to be located on the SW corner of the intersection of Lake Worth Road and Westview Street, in the unincorporated area of Palm Beach County, Florida, to be rented to qualified persons and families in Palm Beach County, Florida (the "County") as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The Debt Obligations will be payable solely from revenues derived from the Borrower. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 2 (PFK)

3. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance of not exceeding \$7,500,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Debt Obligations (Pine Run Project) (the "Debt Obligations") within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the proceeds of which are to be used to make a mortgage loan to Pine Run Partners, L.L.L.P. to be used to finance the costs of the acquisition, construction and equipping of an approximately 77 unit multifamily rental housing development for families of low or moderate income; and providing an effective date. **SUMMARY:** The Debt Obligations are being issued by the Housing Finance Authority of Palm Beach County, Florida (the "Authority"), pursuant to a plan or plans of finance, to finance a portion of the costs of acquisition, construction and equipping by Pine Run Partners, L.L.L.P. (the "Borrower") of an approximately 77 unit multifamily rental housing facility to be known as Pine Run, to be located on the Northeast corner of Melaleuca Lane and Suburban Pines Drive, in the unincorporated area of Palm Beach County, Florida, to be rented to qualified persons and families in Palm Beach County, Florida (the "County") as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The Debt Obligations will be payable solely from revenues derived from the Borrower. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Debt Obligations.** District 2 (PFK)

5. REGULAR AGENDA

C. PARKS & RECREATION

1. Staff recommends motion to authorize: staff to negotiate a lease of 0.7 acres of County property within Burt Reynolds Park with the Burt Reynolds Institute for Film and Theater (BRIFT) to construct a 5,000 square foot institute and museum facility. **SUMMARY:** The Board of Directors of BRIFT, a 501c-3 not-for-profit corporation, is requesting that the County enter into a no-cost long term lease agreement for 0.7 acres on the east side of Burt Reynolds Park. BRIFT is proposing to build a 5,000 square foot building that would include a 99 seat black box theatre for teaching and museum space to display Mr. Reynolds' memorabilia. BRIFT would bear all costs for construction, operation, and maintenance of the facility with funding from donations, classes, fundraisers, and a gift shop. Once staff has negotiated lease arrangements with BRIFT, an agreement will be brought back to the Board of County Commissioners for consideration. District 1 (GB)

D. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve:
 - A) Amendment No. 001 to a Conditional Grant Agreement (R2009-0658) with Habitat for Humanity of Palm Beach County, Inc. (Habitat);
 - B) a First Mortgage and Note Modification Agreement with Habitat;
 - C) a First Amendment to the Declaration of Restrictive Covenant with Habitat; and
 - D) a Mortgage Subordination Agreement to subordinate Palm Beach County's interest in a Mortgage and Security Agreement received from Habitat to that of the Palm Beach County Housing Finance Authority.

SUMMARY: The proposed development of 19 homes at Kennedy Estates II is the second phase by Habitat to provide affordable housing in the Town of Jupiter. Habitat was only recently able to obtain approval of a \$1.2 Million revolving loan from the Palm Beach County Housing Finance Authority (HFA) of which \$400,000 will be for infrastructure and \$800,000 for vertical home construction. The original funding provided by the County requires Habitat to complete the construction of these homes by June 30, 2011. Since Habitat was only recently able to acquire the financing needed to proceed with this development, they have requested a two (2) year time extension to complete the construction of the homes by June 30, 2013. Habitat has indicated that given the prevailing economic conditions, it does not expect to identify a sufficient number of extremely low income households to occupy 12 of the 19 homes, and has accordingly requested that the requirement for these 12 homes be changed from extremely low income households to very low income households. The Conditional Grant Agreement, First Mortgage and Note Modification Agreement and First Amendment to the Declaration of Restrictive Covenant are being amended to reflect these changes.

The HFA is requiring the County to subordinate our \$750,000 mortgage to their \$1.2 Million line of credit. It is customary for the larger creditor to be in the first lien position. An April 2011 appraisal projects a value of \$1.1 Million upon completion of the on-site infrastructure. Should Habitat default, based on the current land value and after HFA's \$400,000 for infrastructure, there would be \$700,000 in remaining value, which would cover 93% of the County's \$750,000 mortgage. Should Habitat fail to complete the project, the County would be at risk to pay the State for the units not completed which is why it is important to ensure that there are adequate assets to cover this risk. Staff is recommending approval due to the excellent track record Habitat had executing Kennedy Estates I. **These are State Housing Initiatives Partnership (SHIP) funds which require no local match.** (Contract Development) District 1 (TKF)

5. REGULAR AGENDA

E. WATER UTILITIES

1. Staff recommends motion to approve, contingent upon the Glades Utility Authority (GUA) assignment of any potential claims:

A) Work Authorization No. 48 Lake Region Well Pump Conversions in the amount of \$458,409;

B) Work Authorization No. 49 Lake Region Floridan Aquifer Production Well 8 in the amount of \$1,459,740;

C) Work Authorization No. 50 Lake Region Water Treatment Plant Energy Recovery System in the amount of \$1,799,365, all to the Contract for Optimization and Improvements Design/Build Services with Globaltech, Inc. (R2008-2323); and

D) a Budget Transfer of \$6,900,000 in the Water Utilities Department Capital Improvement Fund to provide funding for the emergency repairs to the Lake Region Water Treatment Plant's wells.

SUMMARY: The Lake Region Water Treatment Plant (LRWTP) was placed into service in May of 2008. The plant is supplied raw water from seven (7) existing Upper Floridan Wells. These wells were designed to pump 1500 gpm each. Over the last three (3) years of operation, a significant decline in the raw water quality from these wells has occurred to the point where one (1) well is no longer useable and the water plant is experiencing operational problems. Modeling has concluded that the flow from the existing wells needs to be significantly reduced to 900 gpm to prevent further decline in the raw water quality. In order to supplement this reduction in flow, four (4) new wells need to be drilled, with one (1) needed immediately to insure that the plant continues to operate. Additionally, this decline in water quality requires permanent changes to the Reverse Osmosis Plant by incorporating energy recovery units which will allow the plant to operate with the reduced water quality. The Department (WUD) desires to utilize its Contract for Optimization and Improvements Design/Build Services with Globaltech, Inc. (R2008-2323).

Work Authorization No. 48 will install smaller pumps purchased by the County on the existing wells. Work Authorization No. 49 will construct Well 8 on the Lake Region Plant site including site preparation, well installation, raw water main and electrical connections. Work Authorization No. 50 will install energy recovery units on the membrane trains which will reduce the membrane feed pressure, reduce energy costs, and increase water production back to the original 80% percent recovery ratio. The Budget Transfer includes the cost of the three (3) emergency work orders in this Agenda Item, as well as the cost of an additional Floridan well and appurtenances to be authorized at a later date.

The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The Contract provides for SBE participation of 75% overall. These authorizations include WA No. 48 – 68.97%, WA No. 49 – 45.06%, and WA No. 50 – 81.71% overall participation. The cumulative SBE participation, including work authorizations 48, 49, and 50, is 65.75% overall. Globaltech, Inc. is a local Palm Beach County Company. The Board's approval of Work Authorizations No. 48, 49, and 50 is contingent upon the assignment by the GUA to the County of any and all claims that the GUA has in relation to the LRWTP and its wells, wellfields, and appurtenances. The Department along with the County Attorney's Office will be evaluating the possibility of recovering these costs through all legal means including litigation, if necessary. (WUD Project No. 49 11-112, No. 49 11-113 and No. 50 11-114). District 6 (JM)

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6. BOARD APPOINTMENTS

A. **PLANNING, ZONING & BUILDING**
(Building Code Advisory Board)

1. **Staff recommends motion to approve:** reappointment of the following individuals to the Building Code Advisory Board, for the term of June 22, 2011, until June 21, 2014:

<u>Reappoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>
Gary Kozan	8	Plumbing Contractor	CIMC
Howarth Lewis	12	Architect	AIA
Gregory Miller	16	Aluminum Contractor	CIMC

SUMMARY: The Building Code Advisory Board was established by a Special Act of the Florida Legislature in 1974, and amended in 2001. The term of office for board members is three years; with no limit to the number of terms a member may serve. The reappointment of Gary Kozan and Gregory Miller is nominated by the Construction Industry Management Council (CIMC) of Palm Beach County, for a three (3) year term until June 21, 2014. The reappointment of Howarth Lewis is nominated by the American Institute of Architects (AIA) of Palm Beach County, for a three (3) year term until June 21, 2014. The Board is composed of 16 members: seven (7) regional Building Officials who must be appointed from nominees submitted by the Building Officials Association of Palm Beach County; seven (7) members who must be appointed from nominees submitted by the Construction Industry Management Council of Palm Beach County; one (1) member who must be a registered Architect appointed from nominees submitted by the Palm Beach County Chapter of the American Institute of Architects; and one (1) member who must be a Professional Engineer appointed from nominees submitted by the Palm Beach County Chapter of the Florida Engineering Society. Countywide (GB)

B. **COUNTY ADMINISTRATION**
(Water Resources Task Force)

1. **Staff recommends motion to ratify:** Michael Mullaugh of the City of Boca Raton as a member for one of the League of Cities seats on the Palm Beach County Water Resources Task Force (Seat No. 2), and Matt Willhite of the Village of Wellington as a member for one of the League of Cities seats on the Palm Beach County Water Resources Task Force (Seat No. 3), effective June 21, 2011. **SUMMARY:** The Water Resources Task Force is comprised of 14 members: six (6) City elected officials; one (1) County Commissioner; one (1) special independent district water and/or wastewater provider or utility water or wastewater provider representative; one (1) Lake Worth Drainage District representative; one (1) drainage/water control district representative; one (1) South Florida Water Management District Governing Board member; one (1) environmental representative; one (1) land owner actively farming to represent agricultural interests; one (1) Indian Trail Improvement District representative. The resolution also requires designated alternates for each seat. Due to the recent resignation of a couple of the League of Cities Task Force members, two (2) new members submitted by the League of Cities need to be ratified by the Board of County Commissioners. Countywide (MJ)

C. **COMMISSION DISTRICT APPOINTMENTS**

JUNE 21, 2011

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

8. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS, CHAIR

B. District 2 – COMMISSIONER PAULETTE BURDICK

C. District 3 - COMMISSIONER SHELLEY VANA, VICE CHAIR

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

E. District 5 - COMMISSIONER BURT AARONSON

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR

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."

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JUNE 21, 2011

<u>PAGE</u>	<u>ITEM</u>	
7	3A-1	<u>DELETED:</u> Staff recommends motion to approve: Agreement with the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) in an amount not-to-exceed \$500,000 for flood mitigation. (Admin/Comm. Revital.) (Further staff review)
7	3A-3	<u>REVISED SUMMARY:</u> Staff recommends motion to adopt: a Resolution modifying the application and financing fees for the County's Industrial Development/Private Activity Bonds Program, and providing an effective date. SUMMARY: On June 9 ¹⁹ , 2007, the Board of County Commissioners approved Resolution (2007-0927) establishing policies and fees for the County's Industrial Development /Private Activity Bond Program. This Program is an important component in the economic development toolkit by providing low interest loans for large projects by permitting the borrower to take advantage of long-term financing with lower than prime interest rates. The Economic Development Office along with the County Attorney's Office provide the administrative support for this program which includes review and preparation of all ordinances, resolutions or agreements, financial and project eligibility analysis, and other procedures necessary to facilitate each Bond allocation. As the County has not raised fees since 2007, the Economic Development Office conducted an analysis to determine if the fees charged by the County were in-line with those charged by other counties in the State. This Resolution adjusts the application fee from \$1,000 to \$1,500 and the financial fee structure to align the County with other comparable Florida counties. <u>Countywide</u> (PFK) (Admin/EDO)
32	5A-2	<u>REVISED TITLE:</u> Staff recommends motion to: A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, approving up to \$146,775 in an Ad Valorem Tax Exemption with Sikorsky Aircraft Corporation (Sikorsky Aircraft) as the required local match for a State Qualified Target Industry Grant Program (QTI) with a high impact sector bonus and quick action closing fund recommending Sikorsky Aircraft Corporation (Sikorsky Aircraft) be approved as a Qualified Target Industry Business pursuant to s.288.106, Florida Statutes; providing for local financial support for the Qualified Target Industry Tax Refund with High-Impact Sector Bonus in the form of an Ad Valorem Tax Exemption; approving up to \$146,775 in an Ad Valorem Tax Exemption; and providing for an effective date; ... (Admin/EDO)
35	5B-3	<u>DELETED:</u> Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance of not exceeding \$7,500,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Debt Obligations (Pine Run Project) (the "Debt Obligations")....(County Attorney) (Pine Run has withdrawn its application)

ADD-ON: Staff recommends motion to approve:

A) Budget Transfer of \$65,000 from reserves in the 94.3M NAV 04 CTF Fund to establish a State Attorney Record Storage project budget;

B) Budget Transfer of \$35,000 in the Public Building Improvement Fund defunding State Attorney 60 Conduit and Outlet projects and establishing a transfer out-line of \$17,500 to the General Fund and transferring \$17,500 to the State Attorney Record Storage project budget;

C) Budget Amendment of \$17,500 to recognize transfer from Public Improvement Building Fund and to establish a transfer of \$47,500 from General Fund Contingency Reserves; and

D) Budget Amendment of \$65,000 from the General Fund to Criminal Justice Trust Fund.

SUMMARY: This item addresses two issues associated with the State Attorney's Office (SAO) Records Management budget; specifically: 1) the need for additional funds for expenses in FY '11, and 2) the implementation of a different approach to records management in the future which will reduce on-going costs. In the years leading up to FY '11, the SAO had been conducting its records storage function primarily through off-site contract services/space but also by the use of the shell space within its own building. However, with the Board's approval of the mid-year FY'11 capital project to build-out the shell space in that building, approximately 2500 boxes needed to be transferred off-site bringing the SAO's off-site total to approximately 8700 boxes. The SAO's County funded budget for records management was never adjusted and as a result \$30,000 in additional funding is now required for expenses through the remainder of FY'11 and \$30,000 is being transferred to the SAO's budget from General Fund Contingency for that deficit. SAO and Facilities Development and Operations (FDO) Staffs have been evaluating other options to meet the SAO's record management requirements to reduce recurring costs. The recurring costs are substantially higher for files with records retrieval requirements for use in public records requests, prisoner requests, violations of probation or destruction as well as inter-filings. The new approach to the SAO's record management function would relocate the records with: 1) the highest requirements for retrieval and inter-filings, and 2) with the shortest retention period of two (2) years; both to secure County owned space (Vista Warehouse). The retrieval and inter-filings would be performed by existing SAO Staff. The records with little or no retrieval, and the longest "keep" times will remain in off-site records storage. The one-time capital expenditure to support the relocation of approximately 5700 boxes to County-owned space will result in a 1-2 year payback on the capital costs associated with the purchase and installation of shelving and a total savings of over \$200,000 during the next five (5) years. No new capital funding is required for the capital expenses as funds remaining from successfully completed projects are being transferred. To fund the \$35,000 in one-time operating costs associated with implementation of this approach, \$17,500 is from defunded capital projects, and \$17,500 from General Fund Contingency. (FDO Admin) Countywide (JM) (FDO)

ADD-ON: Request Board approval to present an off-site proclamation recognizing June 20, 2011 as "World Refugee Day" in Palm Beach County. (Sponsored by Commissioner Taylor)

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 (*).