

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

SEPTEMBER 13, 2011

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

**COMMISSION
CHAMBERS**

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

- 2. AGENDA APPROVAL/SPECIAL PRESENTATIONS**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
 - C. Special Presentations (Page 9)

- 3. CONSENT AGENDA (Pages 10 - 51)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 52 - 53)**

- 5. BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD – 9:30 A.M. (Family Day Care Facilities Rules & Regulations) (Page 54)**

- 6. REGULAR AGENDA (Pages 55 - 61)**

- 7. BOARD APPOINTMENTS (Pages 62 - 63)**

- 8. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 64)**

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- 2C-3 Habilitation Center Day
- 2C-4 National Preparedness Month
- 2C-5 National Hereditary Breast & Ovarian Cancer Week and National Previvor Day
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**BOARD OF COUNTY COMMISSIONERS SITTING AS CHILD CARE FACILITIES BOARD
PUBLIC HEARING 9:30 A.M.**

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REGULAR AGENDA

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2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Literacy AmeriCorps Members Swearing In Ceremony (Sponsored by Commissioner Vana)
2. Proclamation declaring September 24, 2011 as “Caribbean-American for Community Involvement Day” in Palm Beach County. (Sponsored by Commissioner Santamaria)
3. Proclamation declaring October 1, 2011 as “Habilitation Center Day” in Palm Beach County. (Sponsored by Commissioner Abrams)
4. Proclamation declaring September 2011 as “National Preparedness Month” in Palm Beach County. (Sponsored by Commissioner Marcus)
5. Proclamation declaring September 25 – October 2, 2011 as “National Hereditary Breast and Ovarian Cancer Week” and September 28, 2011 as “National Previvor Day” in Palm Beach County. (Sponsored by Commissioner Vana)
6. Proclamation declaring September 2011 as “Hunger Action Month” in Palm Beach County. (Sponsored by Commissioner Abrams)
7. Proclamation declaring October 16, 2011 as “National Childhood Nutrition Day” in Palm Beach County. (Sponsored by Commissioner Marcus)
8. Proclamation declaring October 2011 as “Domestic Violence Awareness Month” in Palm Beach County. (Sponsored by Commissioner Santamaria)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** Golf Tournament Agreement with Trump International Golf Club, L.C. and Glades Healthcare Foundation, Inc. for a one (1) day charitable golf tournament to be held on October 31, 2011. **SUMMARY:** The Development Site Lease Agreement with the Trump International Golf Club, L.C. (Trump), approved September 3, 1996 (R96-1277D), allows use of the golf course during the months of May through October for the County to host either a single two (2) day, or two (2) – one (1) day charitable golf tournament(s). The Golf Tournament Agreement provides for the Trump International Golf Club to be available exclusively for the tournament to be held on October 31, 2011. Proceeds from the golf tournament will benefit the Glades Healthcare Foundation, Inc. Countywide (AH)

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Environmental Control Board	June 27, 2011
Workshop	June 28, 2011
Joint Mtg w/Glades Area cities	June 30, 2011
BCC Retreat	June 30, 2011
Budget Workshop	July 11, 2011
Workshop	July 12, 2011
Child Care Facilities Board	July 19, 2011
Environmental Control Board	July 19, 2011
Regular	July 19, 2011
Comp Plan	July 26, 2011
Environmental Control Board	July 28, 2011
Zoning	July 28, 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 June 2011. Countywide
5. **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 July 2011. Countywide

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

6. Staff recommends motion to receive and file: proof of publications “Unclaimed Monies” advertised by the Clerk & Comptroller of Palm Beach County. **SUMMARY:** Pursuant to Florida Statutes 116.21, the Clerk advertised certain unclaimed monies held which are subject to forfeiture to Palm Beach County. Florida Statutes 116.21 requires that the proof of publication “shall be filed and recorded in the minutes of the County Commission of such county.” Countywide (PFK)

7. Staff recommends motion to approve: destruction of the following Board of County Commissioners records, which have met the revised required State retention schedule:

Receipt/Revenue Records – FY 2002 thru FY 2004
Financial Reports – FY 1988 thru 2004
Bank Statements – FY 1988 thru 2004

SUMMARY: These records have met the required retention schedule of the Florida Division of Library and Information Services (Ch 28.30, Ch 257.36(6)). Countywide (PFK)

8. Staff recommends motion to receive and file: two (2) of Palm Beach County’s annual financial reports for fiscal year ended September 30, 2010:

A) The Units of Local Government – Annual Financial Report (AFR); and

B) Annual Financial Audit Report (AFAR), including the Single Audit Report.

SUMMARY: The Units of Local Government Report is an Annual Financial Report which serves to generate input to the state. The Annual Financial Audit Report is a special annual financial report defined in Chapter 10.550 of the rules of the Auditor General. This report is required to be filed annually with the Auditor General in compliance with Section 11.45 Florida Statutes and includes the Single Audit Report. Countywide (DN)

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: an Interlocal Agreement (Agreement) with the Town of Jupiter (Town) for the assessment of water main construction on 181st Street North and 182nd Road North in the Limestone Creek area (Project). **SUMMARY:** Approval of this Agreement will allow the Town to proceed with the construction of the Project in the unincorporated area. The Town has agreed to advance the funds for design and permits for the Project and will also fund the construction. Palm Beach County (County) has received a positive response from a majority of the property owners on both streets, indicating their willingness to be assessed 100% of the costs associated with the water main. The County will assess the property owners upon completion of the Project, over a 20 year period, and transfer the collected funds to the Town. District 1 (MRE)

2. Staff recommends motion to approve: Supplemental Agreement No. 10 to project agreement R2001-0270 in the amount of \$113,734.17 with Wantman Group, Inc. (WGI) for professional services. **SUMMARY:** Approval of this Supplemental Agreement will provide the services necessary for the preparation of revised design plans for Congress Avenue and Hypoluxo Road intersection improvements. WGI is a Palm Beach County company. District 3 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to adopt: a Resolution vacating a drainage easement within Tract D, Boys and Girls Club Haverhill, recorded in Plat Book 113, Page 87, Public Records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will eliminate a conflict and allow for the construction of a buffer wall within the abandoned drainage easement. District 6 (MRE)
4. Staff recommends motion to approve: Change Order No. 10 in the amount of \$68,689.40 and a 58 day time extension to Contract No. R2009-0261 with American Engineering & Development Corp. for the Lyons Road from Glades Road to Yamato Road contract. **SUMMARY:** Approval of Change Order No. 10 will compensate for costs and delays associated with the excavation of unanticipated cap rock from the proposed retention lake. Change Order No. 10 is being brought to the Board of County Commissioners because the accumulated time extensions exceed the maximum time of 90 days the Contract Review Committee can approve as referenced in PPM-CWF-050. District 5 (MRE)
5. Staff recommends motion to approve: a Palm Beach County (County) Deed in favor of the Florida Department of Transportation (FDOT) for right-of-way on Hooker Highway from State Road (SR) 715 east to SR-15. **SUMMARY:** Approval of this item will allow a County Deed to FDOT for right-of-way on Hooker Highway from SR-715 east to SR-15. District 6 (MRE)
6. Staff recommends motion to ratify: Change Order No. 13 (Change Order) in the amount of \$49,749.29 and a 20 day time extension to Contract No's. 2000503 and 2000504 with Ranger Construction Industries, Inc., for construction of Okeechobee Boulevard from Royal Palm Beach High School Entrance to east of Florida's Turnpike (Contract). **SUMMARY:** The Change Order was for modifications to the storm sewer system. The Department inadvertently failed to send the Change Order directly to the Board of County Commissioners (Board) for approval. Change Order No. 13 required approval by the Board, as stated in PPM CW-F-050. Districts 2 & 6 (MRE)
7. **DELETED**
8. Staff recommends motion to rescind: Resolution R87-916 and adopt a Resolution to authorize the Palm Beach County (County) Administrator and/or his designees to execute utility relocation agreements on behalf of the County for utilities located within County right-of-way. **SUMMARY:** Resolution R87-916 authorized the County Engineer or his designee to execute utility relocation agreements on behalf of the County. Rescinding Resolution R87-916 and adopting a new resolution will allow the use of an updated form of agreement for utility relocations, and allow the County Administrator and/or his designees to execute the agreement on behalf of the County. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

9. Staff recommends motion to approve:

A) termination of the Secondary Annual Roadway Landscaping Contract (R2011-0020), with Vila & Son Landscaping Corporation (Vila); and

B) an Amendment to the Primary Annual Roadway Landscaping Contract (Contract No. 2011053 (R2011-0019), with Arazoza Brothers Corporation (Contractor) to lower the unit prices on certain bid items as detailed on Exhibit A of the Agenda Item.

SUMMARY: Approval for termination of the Secondary Annual Roadway Landscaping Contract is requested because Vila has ceased business operations. Approval of the Amendment to the Contract will incorporate lower unit prices for several of the existing Contract bid items that may be used in future task authorizations. There is no increase to the dollar value of the Contract. The Contract includes furnishing and installing plant material and irrigation systems within Palm Beach County. Countywide (MRE)

10. Staff recommends motion to adopt: a Resolution to enter into a Local Agency Program (LAP) Agreement FPN 423189-1-58-01 with the Florida Department of Transportation to provide federal Safe Routes to School (SRTS) funding for the construction of five (5) overhead mast arm school zone flashers (Project). **SUMMARY:** Adoption of this Resolution will allow Palm Beach County to receive \$387,500 in federal grants to fund the construction of overhead mast arm school zone flashers at five (5) elementary school locations. The design work for this Project has been completed utilizing \$80,000 of the original federal SRTS grant. This LAP agreement will expire on June 30, 2013. Districts 2, 3 & 5 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: Amendment No. 14 to the Contract (R96-0714D) with Denise M. Nieman, County Attorney; providing for a term commencing October 1, 2011, through December 31, 2016, with optional renewal periods. **SUMMARY:** This Amendment provides for a straight term through December 31, 2016, with optional renewal periods, instead of an automatic annual renewal. The severance language has also been revised to comply with legislation enacted this past session. Countywide (DMN)

2. Staff recommends motion to receive and file: the official transcript for the closing of the \$11,230,000 Palm Beach County, Florida, Industrial Development Revenue Bonds (South Florida Fair Project – Series 2010), as authorized by Resolution R2010-1158 adopted on July 20, 2010. The closing occurred August 27, 2010. **SUMMARY:** On July 20, 2010, the Board adopted Resolution No. R2010-1158 authorizing the issuance of the Bonds. The closing occurred August 27, 2010. The official transcript on CD-ROM for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

3. Staff recommends motion to receive and file: the official transcript for the closing of the \$10,050,000 Palm Beach County, Florida, Industrial Development Revenue Bonds (Jupiter Christian School Project – Series 2011), as authorized by Resolution R2011-0691 adopted on May 3, 2011. The closing occurred May 9, 2011. **SUMMARY:** On May 3, 2011, the Board adopted Resolution No. R2011-0691 authorizing the issuance of the Bonds. The closing occurred May 9, 2011. The official transcript and transcript on CD-ROM for this transaction have been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

4. Staff recommends motion to receive and file: the official transcript for the closing of the \$30,691,407 Palm Beach County, Florida, Revenue Improvement Bonds, Series 2011 (Ocean Avenue Lantana Bridge and Max Planck Florida Corporation Projects), as authorized by Resolution R2011-1099 adopted on July 19, 2011. The closing occurred July 27, 2011. **SUMMARY:** On July 19, 2011, the Board adopted Resolution No. R2011-1099 authorizing the issuance of the Bonds. The closing occurred July 27, 2011. The official transcript on CD-ROM for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

5. Staff recommends motion to approve: a Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$65,000 in the personal injury action styled Eddie M. Rodriguez vs. Palm Tran, Inc., Case No. 502010CA027707XXXMB AF. **SUMMARY:** Plaintiff was in a pedestrian-bus accident on December 17, 2008. Plaintiff alleges that when he exited the Palm Tran bus to retrieve his bicycle located on the front rack of the bus, the bus driver failed to keep the bus in the stopped position and began to move forward striking the plaintiff. Plaintiff was taken to the emergency room. He sustained injuries to both knees and his lower back and treated with several health care providers. Staff, including the Risk Management Roundtable Committee concur that this settlement is in the best interest of Palm Beach County. Countywide (SCL)

6. Staff recommends motion to approve: Agreement between Palm Beach County and Fisher & Phillips, L.L.P., for legal services. **SUMMARY:** The County is currently defending an employment discrimination lawsuit styled *Sonia M. Giles v. Palm Beach County et.al.*, Case No. 50 2010 CA 02789 XXX MB AI, in the Fifteenth Circuit Court in and for Palm Beach County, arising from disability discrimination and retaliation claims brought by a Head Start worker against the County and the worker's former supervisor, Dennis Sloat. The County Attorney's Office handled defense of the case at the initial pleadings stage for both the County and the individual defendant. However, the case has progressed to a stage where it believes that joint defense of both the County and the individual defendant would represent a conflict of interest on the part of the County Attorney's Office. Therefore, outside counsel for the individual defendant is required. The proposed agreement has a not-to-exceed amount of \$90,000 for attorney's fees and \$5,000 for costs, for a total not-to-exceed amount of \$95,000. Countywide (ATP)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to:

A) ratify the signature of the Chair on the FY 2011-2012 State of Florida Department of Children and Families (DCF) Homeless Challenge Grant Application;

B) delegate authority to the County Administrator or his designee to sign the State of Florida DCF contract for the Homeless Challenge Grant; and

C) delegate authority to the County Administrator or his designee to sign the contracts with Adopt-A-Family of the Palm Beaches, Inc., Coalition for Independent Living Options, Inc., and Faith, Hope, Love Charity, Inc. for no more than a one (1) year period to end June 30, 2012, for the maximum cumulative amount of \$100,000.

SUMMARY: The Division of Human Services is applying for funding to provide Homeless Prevention Services through the FY 2011-2012 Homeless Challenge Grant. DCF will allocate funds based on the applicant’s score up to a maximum of \$100,000. Upon receipt of a grant award, the County will contract with service providers as follows:

Level 1 Award \$100,000	Level 2 Award \$63,397	Applicant Agency	Type of Service	Level 1 # to be Served	Level 2 # to be Served
\$33,334	\$21,133	Adopt-A-Family of the Palm Beaches, Inc.	Homeless Prevention	50	30
\$33,333	\$21,132	Coalition for Independent Living Options, Inc	Homeless Prevention	50	30
\$33,333	\$21,132	Faith, Hope, Love, Charity, Inc.	Homeless Prevention	50	40

Should the funding level be below the maximum, the allocations would be reduced to amounts agreed to in advance amongst the providers. The emergency signature process was utilized because there wasn’t sufficient time to submit the application through the regular BCC agenda process and meet the return deadline. Two (2) staff members of the Coalition for Independent Living Options, Inc. serve on different County Advisory Boards. Genevieve Cousminer, Esq., Executive Director, serves on the Emergency Shelter Grants Program Advisory Board, and Maite Reyes-Coles, Coordinator of Independent Living Services, serves on the Commission on Affordable Housing. These Boards provide no regulation, oversight, management, or policy-setting recommendations regarding the State of Florida DCF Homeless Challenge Grant contracts. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. No local match is required by the County for this grant. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to:

A) receive and file the Phase 29 Emergency Food and Shelter Program (EFSP) Award Letter; and

B) approve a Budget Amendment of \$59,219 in the General Fund, to reconcile the Human Service's EFSP budget to the actual grant award.

SUMMARY: The Division received a Phase 29 EFSP award of \$219,219, for the time period of January 1, 2011, through December 31, 2011. A budget amendment of \$59,219 is needed to align the County budget with the additional grant allocation. No match is required for these funds. (Human Services) Countywide (TKF)

3. Staff recommends motion to approve: Amendment No. 2 to the Contract for Provision of Financial Assistance with The Center for Family Services of Palm Beach County, Inc. (R2010-1635), extending the end date to January 31, 2012 and increasing the agreement amount by \$40,838, for a new total contract amount not to exceed \$213,352, for emergency shelter services to homeless persons. **SUMMARY:** The Division of Human Services is contracting with The Center for Family Services to coordinate emergency after-hours shelter placement, food, transportation and case management until alternate arrangements can be made. The Center for Family Services has confirmed anticipating complete expenditure of the amended contract amount of \$172,514 by September 30, 2011; the extension and additional funds are to ensure that these services are available until the Homeless Resource Center is operational. These are ad valorem funds budgeted for contract services. (Human Services) Countywide (TKF)

4. Staff recommends motion to approve: Contract with Gulfstream Goodwill Industries, Inc., for the period October 1, 2011, through September 30, 2012, in an amount not to exceed \$34,005, for supportive services to homeless persons. **SUMMARY:** Gulfstream Goodwill Industries, Inc. will provide case management services to 30 homeless individuals through the Transitional Housing program, Project SUCCESS (Start Ultimate Challenge, Choose Empowerment, Self-Sufficiency). Case management services are a vital link to meet the needs of the homeless individual to overcome the numerous barriers that have led to their homelessness. A total of \$34,005 in County funds is included in the proposed FY 2012 budget. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. **Staff recommends motion to approve:** Contract with Jerome Golden Center for Behavioral Health, Inc. (Golden Center), for the period of October 1, 2011, through September 30, 2012, in an amount not to exceed \$73,318, for services to homeless individuals. **SUMMARY:** Golden Center will provide supportive services through the Homeless Assertive Community Treatment Team to include case management, employment counseling, medication management, benefits counseling, peer counseling and group counseling. These services are provided to homeless individuals who are severely mentally ill or dually diagnosed and have been placed in permanent housing through the Housing and Urban Development (HUD) Shelter Plus Care grant programs. A total of \$73,318 in County funds is included in the proposed FY 2012 budget. Employees Dr. Linda DePiano, Chief Executive Officer and Thomas McKissack of the Golden Center, serve on County Advisory Boards, the Criminal Justice, Mental Health, and Substance Abuse Planning Council and the Palm Beach County HIV Care Council, respectively. These Boards provide no regulation, oversight, management, or policy-setting recommendations regarding the Homeless Assertive Community Treatment Team activities funded by this Contract. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. (Human Services) Countywide (TKF)

6. **Staff recommends motion to approve:** Consulting/Professional Services Contracts with Marriage & Family, Inc., for the period of October 1, 2011, through September 30, 2012, for the following amounts:
 - A) \$4,500 for Head Start Expansion services;
 - B) \$16,000 for Early Head Start services; and
 - C) \$30,000 for Head Start services.

SUMMARY: The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide mental health services. As a result, Head Start is contracting with Marriage & Family, Inc. to provide mental health services to Head Start and Early Head Start children. The contracts are funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

7. Staff recommends motion to ratify the Chair's signature on:

A) Child Care Food Program (CCFP) Permanent Contract;

B) 2011-2012 Budget in the amount of \$1,520,755 for catered meals served to Head Start/Early Head Start children;

C) Annual Information Update and Certification; and

D) the Child Care Food Program Delegation of Signing Authority document, authorizing the Department of Community Services Director to sign program documents required by the Department of Health (DOH).

SUMMARY: This Contract will enable the Head Start Program to participate in the FY 2011-2012 Child Care Food Program (CCFP) by providing 1010 infants, toddlers and children with breakfast, lunch, and a snack each day. Due to the Healthy Hunger Free Kids Act (the Act), there will no longer be an annual CCFP contract renewal. The Act requires a permanent contract, which will be subject to changes as needed through contract amendment procedures. The Annual Update and Certification Form is a requirement of the Act and is necessary to update any previously submitted CCFP materials. The Delegation of Signing Authority form will allow one representative, other than the Chair, to sign any additional forms from the DOH during the contract period. The projected earnings for FY 2011-2012 are based on a reconfigured food service process to be a more accountable system. Head Start staff projects reimbursement of \$1,286,724 from the Florida Department of Health (DOH). The emergency signature process was utilized because there wasn't sufficient time to submit the documents through the regular BCC agenda process and meet the return deadline. County support of \$234,031 is required for a total amount of \$1,520,755 to serve meals to Head Start and Early Head Start children. The County funds are included in the proposed FY 2012 budget. (Head Start) Countywide (TKF)

8. Staff recommends motion to ratify the Chair's signature on:

A) Agreement with the State of Florida, Department of Community Affairs, for the period of October 1, 2011, through September 30, 2012, in an amount not-to-exceed \$654,024, for FY 2011-2012 Community Services Block Grant (CSBG); and

B) Modification No. 1 of the Low Income Home Energy Assistance Program (LIHEAP) Grant (R2011-0488), for the period of April 1, 2011, through March 31, 2012 in the amount of \$5,568,796.

SUMMARY: The FY 2011-2012 CSBG will provide a range of services to low-income households in Palm Beach County that enables families to become self-sufficient. CSBG funds will help stabilize low income families through assistance with utility, shelter, transportation, and child care costs. It will also support assistance to low-income persons seeking to gain or maintain employment. A 20% County required match of \$109,004 is included in the FY 2011-2012 CSBG budget. This year, CSBG federal funding has been reduced by 50% and subsequently, 11 positions are being eliminated in the FY 2012 budget. The loss of the CSBG staff positions will necessitate the addition of five (5) LIHEAP staff positions to ensure that the LIHEAP grant funds are expended. These positions are paid by the grant and are included in the proposed FY 2012 budget. The addition of the positions under the LIHEAP will help minimize the direct client service delivery impact and reduce the number of people separated from employment. The positions will be eliminated in the future if the LIHEAP funding is reduced or withdrawn. The emergency signature process was utilized because there wasn't sufficient time to submit the applications through the regular BCC agenda process and meet the return deadline. No County funds are required for the LIHEAP program. (Community Action Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

9. **Staff recommends motion to approve:** Standard Agreement No. IZ011-9500 for Alzheimer's Disease Initiative (ADI) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2011, through June 30, 2012, in an amount not-to-exceed \$230,810 for services to seniors and their caregivers. **SUMMARY:** This Agreement allows DOSS to provide case management, in-home respite and facility-based respite, which are funded with \$230,810 in State funds, \$132,329 in additional County funds and \$2,195 in Program Income funds. Funding is available in FY 2011 budget to meet County obligations. Additional County funding required to meet FY 2012 obligations is included in the proposed FY 2012 budget. Jaime Estremera-Fitzgerald of the AAA serves on a County Advisory Board, the Criminal Justice, Mental Health & Substance Abuse Planning Council. The Board provides no regulation, oversight, management, or policy-setting recommendations regarding the AAA contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. In the area south of Hypoluxo Road, The Volen Center, Inc. provides services under a similar AAA grant. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

10. **Staff recommends motion to approve:** Standard Agreement No. IH011-9500 for Home Care for the Elderly (HCE) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2011 through June 30, 2012, in an amount not-to-exceed \$137,826 for services to seniors and their caregivers. **SUMMARY:** This Agreement allows DOSS to provide case management to seniors and subsidies to caregivers, which are funded with \$137,826 in State funds and \$53,502 in additional County funds. Funding is available in the FY 2011 budget to meet County obligations. Additional County funding required to meet FY 2012 obligations is included in the proposed FY 2012 budget. Jaime Estremera-Fitzgerald of the AAA serves on a County Advisory Board, the Criminal Justice, Mental Health & Substance Abuse Planning Council. The Board provides no regulation, oversight, management, or policy-setting recommendations regarding the AAA contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. In the area south of Hypoluxo Road, The Volen Center, Inc. provides services under a similar AAA grant. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

11. **Staff recommends motion to approve:** Standard Agreement No. IC011-9500 for Community Care for the Elderly (CCE) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2011 through June 30, 2012, in an amount not-to-exceed \$1,022,684 for services to seniors. **SUMMARY:** This agreement allows DOSS to provide in-home services, which are funded with \$1,022,684 in State funds, \$113,631 in County required funds, \$406,571 in additional County funds, and \$29,557 in Program Income funds. Funding is available in the FY 2011 budget to meet County obligations. County match and additional funding required to meet FY 2012 obligations is included in the proposed FY 2012 budget. Jaime Estremera-Fitzgerald of the AAA serves on a County Advisory Board, the Criminal Justice, Mental Health & Substance Abuse Planning Council. The Board provides no regulation, oversight, management, or policy-setting recommendations regarding the AAA contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. In the area south of Hypoluxo Road, The Volen Center, Inc. provides services under a similar AAA 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)

12. Staff recommends motion to approve:

A) Standard Agreement No. IR011-9500 for Respite for Elders Living in Everyday Families (RELIEF) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2011, through June 30, 2012, in an amount not-to-exceed \$96,266 for services to seniors; and

B) Budget Amendment of \$4,593 in the DOSS Administration Fund to reconcile the FY 2012 budget.

SUMMARY: This Agreement allows DOSS to provide in-home respite by trained volunteers, specifically evening and weekend respite. Under this Agreement, DOSS will directly provide 13,278 volunteer service hours at a unit reimbursement rate of \$7.25 for each hour of in-home respite and training provided to the volunteers. RELIEF services are funded with \$96,266 in State funds and \$41,929 in additional County funds. Funding is available in the FY 2011 budget to meet County obligations. Additional County funding required to meet FY 2012 obligations is included in the proposed FY 2012 budget. Jaime Estremera-Fitzgerald of the AAA serves on a County Advisory Board, the Criminal Justice, Mental Health & Substance Abuse Planning Council. The Board provides no regulation, oversight, management, or policy-setting recommendations regarding the AAA contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. In the area south of Hypoluxo Road, The Volen Center, Inc. provides services under a similar AAA grant. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

13. Staff recommends motion to approve: Amendment No. 1 to the Contract for Provision of Financial Assistance with Governor's Council for Community Health Partnerships, Inc. (R2011-0607), for the period of May 1, 2011, through September 30, 2011, increasing the contract amount by \$20,000, for a new not to exceed total amount of \$467,365, for Summer Camp Scholarships. **SUMMARY:** The Summer Camp Scholarship Program pays full tuition and associated fees for eligible children to attend day camp during the summer months. Governor's Council for Community Health Partnerships, Inc. (GCCHP) processes payments to the specific summer camp providers based on invoices from PBC Division of Human Services. The initial contract amount of \$447,365 has been expended to fund summer camp scholarships for eligible children. GCCHP has the need to fund the cost of children placed in alternate summer camp sites when an approved camp accommodating 44 scholarship children closed unexpectedly without meeting its contract obligations. The County Attorney's Office is working with the GCCHP to recover funds prepaid to the camp. The cost for this Amendment is from unexpended Division funds. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

14. Staff recommends motion to:

A) receive and file Grant Award Letter from Department of Health & Human Services, for the period of March 1, 2011, through February 29, 2012, in the amount of \$7,956,788;

B) receive and file Amendment No. 1 to Comprehensive AIDS Program, Inc. (R2011-0468) to increase Health Insurance Continuation by \$50,000 for a new not to exceed total of \$1,189,036;

C) approve a Budget Amendment of \$4,427,485 in the Ryan White Program Fund to reconcile the budget with the grant award; and

D) approve ten (10) amendments to the Ryan White Part A HIV Health Support Services Contracts (Formula) to extend the contract end period to February 29, 2012, clarify payment terms, and increase the total contract amounts as listed for Ryan White Part A Treatment Extension Act of 2009 HIV Emergency Relief Formula funds:

1) Amendment No. 1 to Compass, Inc. (R2011-0467) increase by \$171,806 for a new not to exceed total of \$343,614;

2) Amendment No. 2 to Comprehensive AIDS Program, Inc. (R2011-0468) increase by \$701,078 for a new not to exceed total of \$1,239,036;

3) Amendment No. 1 to Comprehensive Community Care Network, Inc. DBA Foundcare (R2011-0469) increase by \$305,132 for a new not to exceed total of \$608,619;

4) Amendment No. 1 to Jerome Golden Center for Behavioral Health, Inc. (R2011-0474) to recognize agency's name change;

5) Amendment No. 1 to Legal Aid Society of Palm Beach County, Inc. (R2011-0472) increase by \$89,560 for a new not to exceed total of \$179,121;

6) Amendment No. 1 to Minority Development and Empowerment, Inc. (R2011-0473) increase by \$71,626 for a new not to exceed total of \$143,252;

7) Amendment No. 1 to Palm Beach County Health Department (R2011-0475) increase by \$820,869 for a new not to exceed total of \$1,641,740;

8) Amendment No. 1 to Treasure Coast Health Council, Inc. (R2011-0476) increase by \$254,572 for a new not to exceed total of \$509,146;

9) Amendment No. 1 to Treasure Coast Health Council, Inc. (R2011-0477) increase by \$53,000 for a new not to exceed total of \$103,000;

10) Amendment No. 1 to Treasure Coast Health Council, Inc. (R2011-0478) increase by \$20,000 for a new not to exceed total of \$40,000.

SUMMARY: The amendment that was signed by the County Administrator in accordance with the Resolution (R2010-1074) has been fully executed, returned and requires submission to the Clerk's office for filing. In addition, a second award has been received from the Department of Health and Human Services Health Resources and Services Administration (HRSA), which includes a total of \$7,956,788. The original Notice of Grant Award from HRSA was received on February 16, 2011. The grant award is being received in multiple disbursements this year. The 10 amendments listed represent part of the balance of the total funding and the dates of the contracts are being amended to reflect a 12 month contract term versus a six (6) month contract.

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

14. SUMMARY CONTINUED

Employees Nicole Leidesdorf of Compass, Inc., Sha'Wanda Manuel of Comprehensive AIDS Program, Rosalyn Collins of Gratitude House, Inc., Kimberly Rommel-Enright and Vicki Tucci of Legal Aid Society of Palm Beach County, Inc., and Marlinda Jefferson of Minority Development and Empowerment, Inc. serve on a County Advisory Board, the HIV CARE Council. Employee Mickale Linton of Legal Aid Society of Palm Beach County, Inc. serves on a County Advisory Board, the Head Start-Early Head Start Policy Council. These boards provide no regulation, oversight, management, or policy-setting recommendations regarding the agency contracts listed above. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. A budget amendment is necessary to align the budget with the award. No County funds are required. (Ryan White) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to adopt: a Resolution approving a parking discount program at Palm Beach International Airport (PBIA); authorizing the County Administrator or his designee to determine promotional flight eligibility, promotional period, and group travel discounts; and providing an effective date. **SUMMARY:** The Resolution provides for a parking discount to customers flying on designated promotional flights from PBIA. Promotional flights include two (2) categories: new air service and group travel. New air service includes new non-stop flights to any market not currently served on a non-stop basis or flights where seasonal service is being extended. New air service promotions will consist of a \$20 parking discount over a 90 day promotional period, meaning that any customer on a promoted flight during the promotional period can receive up to \$20 off parking. The customer must present a valid driver license and flight documentation for the discount. Group travel, such as school trips, athletic groups, or clubs, will have flexible parking discounts depending on the nature of the group, therefore the discount level will be established by the County Administrator or his designee. To be eligible, groups must be pre-approved prior to travel to determine the discount package and make the proper arrangements to accommodate the group. The Department of Airports and Convention and Visitors Bureau will advertise the program to allow the public to take advantage of the savings, promote new flights, and promote group sales benefits. The concept of the parking discount program was approved by the Aviation and Airports Advisory Board during the meeting of June 16, 2011. For new service promotions, the estimated amount of parking revenue discounted is \$125,000 per 90 day promotional period; group travel discounts will likely be anywhere from \$100 to \$1,000 per trip. The Department will also incur advertising costs to promote the savings program and the new flights. This program only involves Airport revenues and has no impact to the General Fund or ad valorem revenues. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. **Staff recommends motion to approve:** a list of twelve (12) charitable organizations to benefit from the proceeds (coins) from the fountain at Palm Beach International Airport during the period October 1, 2011, through September 30, 2012. **SUMMARY:** On March 14, 1989, the Board approved the concept of collecting contributions from the Airport's fountain on a monthly basis and contributing the funds to a different charitable organization recommended by the Community Services Department and approved by the Board. The Department of Airports recommends the non-profit organizations listed on Attachment "A" (of the Agenda Item) provided by the Community Services Department to receive contributions for the forthcoming fiscal year, commencing October 1, 2011. Average monthly contributions for the past year have been approximately \$100. In addition, the list will be provided to Paradies-Palm Beach, LLC, the Airport's retail concessionaire, who will send the contribution from the fountain in its gift shop areas along with an additional contribution of \$250 to the recommended recipients pursuant to its concession agreement. Countywide (AH)

3. **Staff recommends motion to adopt:** a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 2 with the Florida Department of Transportation (FDOT) amending the original project description to Southside Hangar Development and Infrastructure at Palm Beach County Park Airport. **SUMMARY:** On June 29, 2010, the Board of County Commissioners (BCC) adopted a resolution (R2010-1001) approving a JPA (R2010-1002) with the FDOT in the amount of \$1,500,000 or 80.00% of the eligible project costs, whichever is less, for the Westside Hangar Development Phase I at Palm Beach County Park Airport. On March 15, 2011, the BCC adopted a resolution approving SJPA Number 1 (R2011-0369) to include the E-Verify and scope of work language to the JPA. SJPA Number 2 amends the original project description to Southside Hangar Development and Infrastructure at Palm Beach County Park Airport, with no increase in funding. Countywide (AH)

4. **Staff recommends motion to approve:** Amendment No. 1 to the contract with CTR Systems Parking, Inc. for the Parking Access and Revenue Control System (PARCS) Replacement Project at Palm Beach International Airport (PBIA) for the inclusion of a Maintenance Agreement to the contract with no increase in cost, and to include language regarding the Office of Inspector General. **SUMMARY:** On February 5, 2008, the Board approved the contract with CTR Systems Parking, Inc. for the PARCS project at PBIA (R2008-0172) in the amount of \$2,370,495. Change Orders 1-7 were approved for a net increase in the amount of \$612,989. Approval of Amendment No. 1, with no additional funding requested, will provide for a Maintenance Agreement containing the terms and conditions for future maintenance activities on the system, as well as adds language to the contract regarding the Palm Beach County Office of Inspector General. CTR Systems Parking, Inc. is a Warrendale, Pennsylvania based firm, with a local Florida office in Dania Beach, Florida (Broward County). The Small Business Enterprise (SBE) goal for this project was established at 15.00%. There is no SBE participation in this Amendment. The total SBE participation to date is 18.85%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

5. Staff recommends motion to approve: the General Consulting Agreement with CH2M Hill, Inc. for a term of two (2) years, with two (2) - one (1) year renewal options in the amount of \$1,521,708:

Level 1 Tasks	Specific Projects for 2011	\$ 1,160,717
Level 2 Tasks	Annual Services for 2011	\$ 110,991
Level 3 Tasks	Misc. and Admin. Services for 2011	\$ 250,000

for the performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program.

SUMMARY: In order to carry out the approved Capital Improvement Program for the County, the Department of Airports requires professional planning and design engineering services. In accordance with Florida Statutes 287.055 and the Federal Aviation Administration's Advisory Circular 150/5100-14 (current edition), CH2M Hill, Inc. was competitively selected to provide these services. The first agreement of a potential multi-year contract in the amount of \$1,521,708 will provide the Department of Airports with the needed continuing professional services to implement the approved Capital Improvement Program. The services identified and negotiated are as follows: Level 1 Tasks – Palm Beach International Airport (PBIA) Runway 10L-28R and Taxiway Rehabilitation, Lighting and Electrical Upgrades and Stormwater Drainage Improvements; PBIA Golfview Implementation Planning; Level 2 Tasks – 2012 Annual Environmental Compliance Monitoring, Inspection and Training Services; Level 3 Tasks – Miscellaneous Architectural, Engineering and Planning Consulting Services, Miscellaneous Financial Consulting and Capital Programming, and Miscellaneous Environmental Consulting Services. CH2M Hill, Inc. is an Englewood, Colorado based firm, however, the majority of the work to be completed in this Agreement will be completed and/or managed through their Palm Beach Gardens, Florida office in conjunction with several Palm Beach County-based subconsultants and firms. Certain tasks performed during the term of this Contract will be eligible for state and federal grant participation; as such, the proposed fee for these tasks has been/will be 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.). A Disadvantaged Business Enterprise (DBE) goal of 25% was set for this Contract. The DBE participation for this Contract is 39.65%, which exceeds the established goal. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. **Staff recommends motion to approve:** Amendment No. 5 to the General Consulting Agreement with Ricondo & Associates, Inc. for Consulting/Professional Services to modify the insurance requirements and to exercise the first one (1) year renewal option for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program, with no additional funding. **SUMMARY:** The Consulting Agreement (R2009-1643) with Ricondo & Associates, Inc. for general airport planning and design was approved on October 6, 2009 in the amount of \$1,723,324 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for two (2) years with two (2) - one (1) year renewal options. Amendments 1-4 were approved for a net increase in the amount of \$3,140,227. Approval of Amendment No. 5 modifies the original insurance requirements to bring them in line with other consultant agreements at the Airport, and will also allow the County, at its sole discretion, to exercise the first one (1) year renewal option for the continuation of services provided under this Agreement. Ricondo & Associates, Inc. is a Chicago, Illinois based firm, however, the majority of the work to be completed in this Agreement is done through their Miami, Florida office in conjunction with several Palm Beach County-based subconsultants and firms. The Disadvantaged Business Enterprise (DBE) goal for this project is established at 25.00%. DBE participation to date is 12.64%. Due to a change in the certification status of a participating DBE firm and to individual task assignments, DBE participation has been less than originally anticipated. Upcoming design projects and tasks are expected to provide increased opportunities for DBE participation. Additional funds will not be requested until a corrective action plan has been submitted to the Department of Airports, demonstrating how the DBE goal will be achieved. Countywide (JCM)

7. **Staff recommends motion to adopt:** a Resolution establishing a standard form Terminal Space Lease Agreement; authorizing the County Administrator or his designee to execute the standard form Terminal Space Lease Agreement; and becoming effective upon adoption. **SUMMARY:** The Resolution establishes a new standard form Terminal Space Lease Agreement for use in leasing space to non-airline tenants at the Palm Beach International Airport (PBIA), and authorizes the County Administrator or his designee to execute the standard form Terminal Lease Agreement on behalf of the Board. Countywide (AH)

8. **Staff recommends motion to approve:**
 - A) Fourth Amendment to Airport Ground Lease Agreement with Avis Rent A Car System, LLC, (Avis), extending the term to September 30, 2016, for an initial annual rental in the amount of \$385,628.75; and

 - B) Fourth Amendment to Airport Ground Lease Agreement with DTG Operations, Inc. (DTG), extending the term to September 30, 2016, for an initial annual rental in the amount of \$339,021.50.

SUMMARY: The Airport Ground Lease Agreements with Avis (R88-314) and DTG (R93-1267D) for on-airport rental car facilities at the Palm Beach International Airport (PBIA) expire on September 30, 2011. The facilities are used by Avis and DTG in support of their rental car concession operations at PBIA. The amendments extend the term of each lease through September 30, 2016, with one additional renewal option of five (5) years. Rental is at the appraised value and will be adjusted October 1, 2013. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

9. Staff recommends motion to approve: an Agreement for Rental Car Lease and Concession, commencing on October 1, 2011 and expiring on September 30, 2016, with one (1) – two (2) year renewal option, for the operation of a rental car concession at the Palm Beach International Airport (PBIA) with each of the following companies:

A) Avis Rent A Car System, LLC (Avis), for an initial Minimum Annual Guarantee (MAG) of \$1,501,000 and facility rentals of \$73,910;

B) Budget Rent A Car System, Inc. (Budget), for an initial MAG of \$936,108 and facility rentals of \$72,381;

C) DTG Operations, Inc., d/b/a Dollar Rent A Car and Thrifty Car Rental (DTG), for an initial MAG of \$1,201,463 and facility rentals of \$72,561;

D) Enterprise Leasing Company of Florida, LLC (Enterprise), d/b/a Alamo Rent A Car, for an initial MAG of \$1,039,087 and facility rentals of \$72,561;

E) Enterprise Leasing Company of Florida, LLC, d/b/a Enterprise Rent-A-Car, for an initial MAG of \$1,123,176 and facility rentals of \$72,561;

F) Enterprise Leasing Company of Florida, LLC, d/b/a National Car Rental, for an initial MAG of \$750,051 and facility rentals of \$28,607; and

G) The Hertz Corporation, d/b/a Hertz and d/b/a Advantage Rent A Car (Hertz), for an initial MAG of \$1,766,000 and facility rentals of \$73,820.

SUMMARY: On March 20, 2011, the Department of Airports (DOA) issued Invitation for Bid No. PB 11-5 for seven (7) rental car lease and concession agreements at PBIA. Responsive bids were received on June 10, 2011, from the rental car companies listed above. The agreements allow the companies to operate rental car concessions and to lease reservation counter and office areas within the PBIA terminal building. The Agreements require the companies to pay concession fees equal to the greater of the MAG or ten percent (10%) of annual gross revenues. In addition, the companies are required to pay facility rentals for the use of reservation counter and office areas. The MAG is subject to adjustment annually based on increases to the prior year's gross revenues, and facility rentals are based on standard terminal rental rates, which are adjusted annually in accordance with the Airline-Airport Use and Lease Agreement (R2006-1906). Countywide (HJF)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

A) Budget Amendment of \$71,755,137 in the \$62.775M Public Improvement Revenue Refunding Bonds, Series 2011 (Convention Center Project) debt service fund to budget bond proceeds, costs of issuance, payment to refunding bond escrow agent and the transfer to Series 2011 Refunding Bonds debt service reserve fund to set up the debt service reserve on the bonds; and

B) Budget Amendment of \$5,701,875 in the \$62.775M Public Improvement Revenue Refunding Bonds, Series 2011 (Convention Center Project) debt service reserve fund to record the transfer from the Series 2011 Refunding Bonds debt service fund setting up the debt service reserve.

SUMMARY: On July 19, 2011, the Board authorized the issuance of the Series 2011 Refunding Bonds for a current refunding of a portion of the County's Public Improvement Revenue Refunding Bonds, Series 2004 (Convention Center Project) and authorized the County Administrator to publish through electronic means a summary Notice of Sale, receive bids pursuant to a competitive sale of the bonds and award the sale of the bonds to the responsible bidder offering the lowest true interest costs to the County. The County received the bids on August 18 and awarded the sale of the Series 2011 Refunding Bonds to J. P. Morgan Securities LLC at a true interest cost of 3.5456%. These budget amendments set up the sale of the 2011 Refunding Bonds, costs of issuance, payment to escrow agent and the debt service reserve. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:

A) a Budget Transfer of \$1,785,906 within the 30.5M GO '03 Library Improvement Bond Fund from the Reserves to the Belle Glade Library project;

B) a Budget Transfer of \$2,039,657 within the 22.3M GO '06 Library District Improvement Bond Fund from the Reserves to the Belle Glade Library project;

C) a Budget Transfer of \$1,354,437 within the Library Impact Fee Fund from the reserves to the Belle Glade Library project;

D) a Budget Transfer of \$345,000 within the Library Expansion Program from the Reserves to the Belle Glade Library project;

E) Amendment No. 9 to the contract with The Weitz Company (R2007-1105) in the amount of \$6,099,651 for construction management services for the Belle Glade Library and Civic Center project establishing a Guaranteed Maximum Price (GMP); conditioned on the receipt of: 1) a grant extension, and 2) approval of the contract award request; both from the Department of Community Affairs (DCA); and

F) Insurance premium provided under Palm Beach County's Master Builder's Risk Program in an estimated amount not to exceed \$46,033.22.

SUMMARY: The Board conceptually approved the reallocation of funds within three (3) funding sources in support of this project. With these budget transfers, the project is funded through the 30.5M GO '03 Bond Fund, the 22.3 M GO '06 Bond Fund, the Library Expansion Program Fund and Library Impact fees as well as the Disaster Recovery Community Development Block Grant (CDBG). On May 18, 2010, the Board approved a tri-party Inter-local Agreement with the City of Belle Glade and the School Board of Palm Beach County allowing for the lease of 4.18 acres of property to the County to develop a library and civic center. Amendment No. 9 establishes a GMP of \$6,099,651 and 413 calendar days for completion. The GMP includes the cost of work, the construction manager's fee and a contingency. The new library will be 17,000 square foot which includes a 3,100 square foot civic center space. The Small Business Enterprise (SBE) goal for this Contract is 15%. The Weitz Company's SBE participation for this project is 41.1%. The Weitz Company is a Palm Beach County firm and is using local subcontractors for 76% of the work which includes 21% for Glades subcontractors. The award of Amendment No. 9 is contingent on receipt of DCA approvals; both of which are anticipated before the next scheduled Board meeting. (Capital Improvements Division) District 6 (JM)

2. Staff recommends motion to approve:

A) a Budget Transfer of \$600,000 in the 30.5M GO '03 Bond Fund from the Reserves to the West Boynton Branch Renovation project; and

B) Amendment No. 10 to the contract with The Weitz Company (R2007-1105) in the amount of \$1,735,567 for construction management services for the West Boynton Library renovation project establishing a Guaranteed Maximum Price (GMP).

SUMMARY: Amendment No. 10 establishes a GMP of \$1,735,567 and 182 calendar days for completion. The GMP includes the cost of work, the construction manager's fee and a contingency. The Small Business Enterprise (SBE) goal for this contract is 15%. The Weitz Company's SBE participation is 43%. This project is one of the projects slated for the Library Expansion II program. The project is funded through the 30.5 M GO '03 Bond Fund and the Library Expansion Program Fund. The cost is within the original project budget, but the budget transfer is necessary to transfer the money to an expenditure line. (Capital Improvements Division) District 5 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** Consulting Services Authorization (CSA) No. 5 to contract with Saltz Michelson Architects, Inc. (R2008-0378) in the amount of \$119,549 for architectural and engineering services related to the shell/build out of a portion the first floor space at the Four Points Office Building. **SUMMARY:** CSA No. 5 will provide for the design, permitting and construction administration services for the last phase of the continuing improvements for the Four Points Office Building consisting of relocating Information Systems Services (ISS) Platform and Enterprise Services and Data Center from the Government Center. This move will provide a hardened location for the Data Center as the Four Points Office Building has been recently renovated to withstand 180 mph winds. Relocating the Data Center will secure the County's network servers and provide redundant utilities and a higher level of back-up power generation for this critical function. Funding for this project is from the Public Building Improvement Fund. The Small Business Enterprise (SBE) goal for this contract is 25%. Saltz Michelson is providing 62% SBE participation. When added to the Consultant's participation to date, the resulting SBE participation is 31.6%. Saltz Michelson Architects, Inc. is a Palm Beach County firm. (Capital Improvements Division) District 2 (JM)

4. **Staff recommends motion to approve:** Contract with The Gordian Group, Inc. for consulting/professional services for the administration and maintenance of the Job Order Contracting (JOC) system. **SUMMARY:** This Contract provides the terms and conditions under which The Gordian Group, Inc. will furnish professional consulting services to the County for the continuation of the Job Order Contracting system. Payment for services rendered will be made based on work awarded in the amount of 1.95% of the value or work ordered utilizing the JOC system with a not to exceed limit of \$400,000 for the two (2) year period. There is no minimum guarantee in the contract, and the consultants' compensation is directly related to the success of the JOC program. The scope of services to be provided includes JOC document development and maintenance, JOC training for contractors and staff, implementation and technical support, software customization and project management services. The Gordian Group developed and is the sole provider of the PROGEN Software system which is the basis of implementation of the JOC process. Based on research conducted by Facilities Development and Operations Department staff, The Gordian Group is the only firm that can provide the County with an owner specific and owner focused JOC procurement system customized for the County's specific requirements. Duration of the contract is for a two (2) year period with three (3) - one (1) year options for renewal. The Gordian Group is based in South Carolina. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve: Amendment No. 11 to the contract with Hedrick Brothers Construction (R2007-1506) in the amount of \$249,063 for construction management services for the South County Tax Collector site improvements project establishing a Guaranteed Maximum Price (GMP). **SUMMARY:** Amendment No. 11 established a GMP of \$249,063 and 56 calendar days for completion. The GMP includes the cost of work, the construction manager's fee and a contingency. On April 6, 2010, the Board approved renovating the Tax Collector's facilities at the South County Administrative Complex to accommodate driver license services. That work, which included an expanded parking area, was completed in September 2010. Subsequent to opening of the driver license services, the Tax Collector's office has received a higher visitation than expected, which has necessitated these revisions in order to increase the safety, traffic flow and convenience of patrons visiting the office. All improvements are within the area currently allocated to the Tax Collector and do not further impact the future redevelopment of the site for a public/private transit oriented development, anchoring the City's vision for the corridor. Plans specifically include modified parking lot traffic circulation, additional handicap spaces as well as fencing to secure the driver's course. The project is funded by the Tax Collector's Office. The Small Business Enterprise (SBE) goal for this contract is 15%. Hedrick Brothers Construction's SBE participation for this project is 19%. (Capital Improvements Division) District 7 (JM)

6. Staff recommends motion to receive and file: Notification of the cumulative total of change orders to The Weitz Company (R2010-2094) for the Main Library Renovation project having exceeded the \$250,000 reporting threshold. **SUMMARY:** In accordance with PPM CW-F-050, when the cumulative value of changes approved by the Lead Department and the Contract Review Committee exceeds \$250,000, the Department is required to notify the Board that it has exceeded this reporting threshold. With the approval of Change Order No. 10 in the amount of \$1,324 on August 17, 2011, by the Facilities Development and Operations Department Director the cumulative value of changes for this project exceeded \$250,000. Change Order No. 10 provided for replacing a leaking pipe in an existing roof drain. This item notifies the Board that the cumulative threshold has been reached. The Small Business Enterprise (SBE) goal for this project is 15%. The cumulative SBE participation on this contract is 40%. (Capital Improvements Division) District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to approve: seven (7) annual contracts for the construction of pavilions, shelters, and sheds with the following pre-qualified contractors:

- A) Andrea Construction, Inc.
- B) AWM Construction, Inc.
- C) Carrick Contracting Corporation
- D) Fastrack Management & Consulting, Inc.
- E) Playspace Services, Inc.
- F) Robling Architecture Construction, Inc.
- G) Joe Schmidt Construction, Inc.

SUMMARY: The work consists of the construction of picnic pavilions, shelters, or storage sheds and associated site improvements. These continuing contracts are for one (1) year and are indefinite-quantity contracts with maximum values of \$499,999. Individual contracts will expire unless renewed per the terms of the contract when a total of \$499,999 in work orders is issued against any combination of all contracts or when the one-year time frame has expired, whichever occurs first. These contracts provide for up to four (4) - one (1) year renewals, each for a not-to-exceed amount of \$499,999, at the sole option of the County. The work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of seven (7) general contractors. All contractors are Palm Beach County companies with the exception of AWM Construction, Inc. and Playspace Services, Inc. The goal for Small Business Enterprise (SBE) participation is 15%. When bids are received from the pre-qualified firms under this contract, local and SBE preferences will be evaluated and applied at that time. (Capital Improvements Division) Countywide (JM)

8. Staff recommends motion to approve: a First Amendment to Interlocal Agreement (R2008-1652) with the Town of Palm Beach Shores (Town) to extend the term of the agreement to September 22, 2014. **SUMMARY:** The Interlocal Agreement which provides the terms and conditions under which the Town receives radio equipment maintenance services from the County will expire on September 22, 2011. The Interlocal Agreement provides for one (1) renewal option for a period of three (3) years. Both parties must approve the renewal option. The Town has approved the renewal to extend the term of the Interlocal Agreement until September 22, 2014. The renewal now requires Board approval. The terms of the agreement are standard and the maintenance rates are consistent with those being charged to County Departments. The Interlocal Agreement may be terminated by either party, with or without cause, with a minimum of three (3) months notice. (ESS) District 1/Countywide (JM)

9. Staff recommends motion to approve: Cherry Road Complex Plat in unincorporated West Palm Beach. **SUMMARY:** The County acquired title to 19.62 acres on the north side of Cherry Road between North Congress Avenue and North Military Trail in unincorporated West Palm Beach from The King's Academy, Inc. in January 2003. Two (2) buildings are currently being used by the Sheriff's Office on a permanent basis and there is sufficient land to accommodate the remainder of the County's warehouse and light industrial facility requirements once capital funding is available. As a condition of the previously approved rezoning, the property is required to be platted. The County is signing the plat as the property owner. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to approve: a Lease Agreement (Lease) with Wellington Regional Medical Center Incorporated, a Florida corporation, (Landlord) for lease of 400 SF of improved space within the Wellington Regional Hospital Medical Center (Hospital) located at 10101 Forest Hill Boulevard in the Village of Wellington for use as a forensic rape exam site (Center). **SUMMARY:** This Lease Agreement provides for the use of approximately 400 square feet of space within the Hospital through June 30, 2012, for the operation of a rape crisis exam center, together with the non-exclusive use of the common areas and the exclusive use of three (3) designated parking spaces. No County owned properties are available for this purpose. After an extensive search, the Division of Victim Services was able to locate this space, which would meet its unique criteria. The initial term of the lease is for ten (10) months, commencing retroactive to September 1, 2011. The County will pay a monthly rental fee of \$500. The Landlord is responsible for all utility fees, maintenance, repairs, custodial, laundry services and hazardous waste removal. The Landlord will make all improvements required for the County's use of the Center in the approximate amount of \$5,000 at Landlord's sole cost and expense. Both parties have the right to terminate the Lease Agreement for any reason whatsoever upon ninety (90) days notice to the other party. (PREM) Countywide/District 6 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 001 to an Agreement with Aid to Victims of Domestic Abuse, Inc. (AVDA) (R2010-1675) for an additional \$5,244.21 in Emergency Shelter Grants Program (ESGP) funds changing the award from \$30,000 to \$35,244.21 for the period October 1, 2010, to September 30, 2011. **SUMMARY:** Palm Beach County Housing and Community Development staff has identified \$5,244.21 in ESGP funds that are available for reprogramming. These funds are derived from unexpended ESGP funding awarded to five (5) of the 12 subreipients during FY 2009-2010 and whose Agreements with Palm Beach County (County) expired on September 30, 2010. The funds are recommended to be awarded to AVDA, a not-for-profit agency that provides emergency shelter to victims of domestic abuse. AVDA has a current FY 2010-2011 ESGP Agreement with the County in which these additional funds will be added. The ESGP Advisory Board is recommending this additional funding allocation. These are Federal ESGP funds and the required program match will be met by the agency. **These are federal Emergency Shelter Grants funds that require no ad valorem match.** (Planning Section) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve: the following five (5) Amendments to the Declaration of Restrictions with the Village of Wellington:

A) Amendment No. 001 to the Declaration of Restrictions - 1196 12th Fairway, Wellington, FL (Parcel Control Number (PCN): 73-41-44-02-03-009-0123);

B) Amendment No. 001 to the Declaration of Restrictions - 13657 Yarmouth Ct., Wellington, FL (PCN: 73-41-44-09-02-071-0101);

C) Amendment No. 001 to the Declaration of Restrictions - 1291 Periwinkle Pl., Wellington, FL (PCN: 73-41-44-04-01-060-0403);

D) Amendment No. 001 to the Declaration of Restrictions - 10485 Pelican Dr., Wellington, FL (PCN: 73-41-44-12-12-000-1210); and

E) Amendment No. 001 to the Declaration of Restrictions - 13571 Jonquil Pl., Wellington, FL (PCN: 73-41-44-04-01-042-0060).

SUMMARY: On May 15, 2010, Palm Beach County (County) entered into an Agreement (R2010-1036) with the Village of Wellington to provide \$750,000 in Neighborhood Stabilization Program (NSP1) funds for the acquisition and rehabilitation of five (5) housing units to be sold to income qualified households. The Agreement was amended on August 17, 2010 (R2010-1283), to expand the purchasable eligible properties to include single family units and townhouses; and further amended on March 15, 2011, to extend the project completion date to December 31, 2011 (R2011-0398), and reduce the Village of Wellington's allocation to \$680,141.30 (R2011-0399). NSP1 funding used for the acquisition of these five (5) housing units was secured by a Declaration of Restrictions executed by the Village of Wellington at the closing for each home. The executed Declarations of Restrictions provided for a date by which the Village of Wellington must sell these homes to income qualified households approved by the County. Delays associated with the properties rehabilitation and proposed homeowners acquiring private mortgage financing will not enable the resale of these homes by the designated date. These Declarations of Restrictions currently have deadline dates which will all expire prior to December 31, 2011. These Amendments, whose approval is hereby requested, will extend the designated dates until December 31, 2011, which is the current expiration date of the Village of Wellington's Agreement and allow the Village of Wellington the additional time required to complete the sale of the acquired housing units. **These are federal Neighborhood Stabilization Program Grant funds that require no local match.** (CREIS) District 6 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

3. Staff recommends motion to receive and file: Inter-local Cooperation Agreements for the Urban County Qualification for Participation in the Community Development Block Grant Program for Fiscal Years 2012-2014:

- A) an Inter-local Cooperation Agreement with the City of Belle Glade;
- B) an Inter-local Cooperation Agreement with the City of Lake Worth;
- C) an Inter-local Cooperation Agreement with the Town of Cloud Lake;
- D) an Inter-local Cooperation Agreement with the Town of Lantana;
- E) an Inter-local Cooperation Agreement with the Town of Lake Clarke Shores;
- F) an Inter-local Cooperation Agreement with the Town of Loxahatchee Groves;
- G) an Inter-local Cooperation Agreement with the City of Palm Beach Gardens;
- H) an Inter-local Cooperation Agreement with the Town of Palm Beach;
- I) an Inter-local Cooperation Agreement with the Village of Tequesta;
- J) an Inter-local Cooperation Agreement with the Village of Palm Springs;
- K) an Inter-local Cooperation Agreement with the Town of Gulf Stream;
- L) an Inter-local Cooperation Agreement with the Town of Jupiter Inlet Colony;
- M) an Inter-local Cooperation Agreement with the Town of Juno Beach; and
- N) an Inter-local Cooperation Agreement with the Town of Manalapan.

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 Inter-Local Cooperation Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the Board Chair in accordance with Agenda Item R2011-0922 approved by the Board on June 21, 2011. The Agreements are now being submitted to the Board to receive and file. (Planning Section) Countywide (TKF)

4. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2010-2006) with the Town of Mangonia Park to extend the expiration date from September 30, 2011, to July 31, 2012. **SUMMARY:** This Amendment provides an extension of ten (10) months to the term of the existing Agreement between Palm Beach County (County) and the Town of Mangonia Park (Town) in which \$81,107 was awarded to the Town for the renovation of its community center located at 5000 South Australian Avenue, Mangonia Park. 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.** (HCD Contract Development) District 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

5. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2010-1698) with the City of South Bay (City) extending the contract expiration date to September 30, 2012, and reducing the amount of funding to \$30,000. **SUMMARY:** This proposed Amendment extends the expiration date of the existing Agreement between Palm Beach County (County) and the City from September 30, 2011 to September 30, 2012. This Amendment also reduces the amount of Community Development Block Grant (CDBG) funding from \$43,448 to \$30,000 to be disbursed at a rate of \$10,000 for each housing unit rehabilitated versus the previous rate of \$9,445 per unit rehabilitated. The required number of completed rehabilitation cases will thusly be reduced from four (4) to three (3) due to the City's increased administrative costs associated with the CDBG Rehabilitation Program. Due to the overwhelming need for housing rehabilitation in the City and the high cost of undertaking the rehabilitation of residential properties, the City also chooses to eliminate demolition as an activity to be undertaken with its CDBG allocation. **These are federal CDBG Grant funds which require no local match.** (Planning Section) District 6 (TKF)

6. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida, amending the prior Resolution (R2008-2154), and authorizing the County Administrator, or his designee, to execute Standard Forms 424, Certifications, subrecipient agreements and amendments thereto, and all other documents related to the implementation of the Neighborhood Stabilization Program (NSP-1). **SUMMARY:** On November 18, 2008, the BCC adopted Resolution R2008-2154, which established the authority of the County Administrator or his designee to sign the NSP-1 Grant Application and Request for Release of Funds. In order to meet strict deadlines imposed by the United States Department of Housing and Urban Development (HUD) and for the timely expenditure of the funds under the NSP-1 Program, the BCC is being requested to authorize the County Administrator, or his designee, to sign the aforementioned documents, and any other HUD required documents. The Department of Housing and Community Development will act in accordance with County PPM CW-O-051 and submit a receive and file agenda item for all delegated subrecipient agreements, amendments, and HUD forms. (HCD Contract Development) Countywide (TKF)

K. WATER UTILITIES

1. **Staff recommends motion to receive and file:** executed Agreements received during the months of June and July 2011:
 - A) Standard Indemnity Agreement with Arrigo Enterprises, Inc.; SDA No. 01-00594-002 (District 2);
 - B) Standard Water and Wastewater Development Agreement with Legend Lakes Center 18, LLC; SDA No. 02-01124-001 (District 6);
 - C) Standard Water and Wastewater Development Agreement with Mission Lakes I & II, LLC; SDA No. 02-01127-000 (District 2); and
 - D) Standard Water and Wastewater Development Agreement with Civic Development Group, LLC; SDA No. 05-01108-000 (District 3).

SUMMARY: In accordance with County PPM CW-0-051, all delegated contracts/agreements/ grants/procurement items must be submitted by the initiating Department as a receive and file agenda item. The Standard Development Agreement 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. (SF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. **Staff recommends motion to approve:** Work Authorization No. 25 to the Contract for Optimization and Improvements Design-Build Services with Globaltech, Inc. (R2008-2323) for Water Treatment Plant No. 3 Ground Water Rule Improvements in the amount of \$298,000. **SUMMARY:** On December 16, 2008, the Board of County Commissioners approved the Water Utilities Department Optimization and Improvements Design/Build Services with Globaltech, Inc. (R2008-2323). Work Authorization No. 25 with Globaltech, Inc. provides design/build services for improvements to Water Treatment Plant 3 to meet the requirements of the new Ground Water Rule. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Globaltech, Inc. provides for SBE participation of 75% overall. This Authorization includes 83.23% overall participation. The cumulative SBE participation, including this Work Authorization, is 73.81% overall. Globaltech, Inc. is a local Palm Beach County Company. (WUD Project No. 10-034) District 5 (JM)

3. **Staff recommends motion to approve:** Supplement No. 2 to Work Authorization No. 4 in the amount of \$14,159.65 to the Contract with Sheltra & Son Construction Co., Inc. (R2009-0944) for the 16" Water & Force Main Aerial Crossing at Lucerne Lakes LWDD L-14 Canal and increasing the contract time by 120 days. **SUMMARY:** On June 2, 2009, the Board of County Commissioners approved the Continuing Construction Contract with Sheltra & Son Construction Co., Inc. (R2009-0944). Supplement No. 2 to Work Authorization No. 4 authorizes the Contractor additional time in the scope of work of the Lucerne Lakes Project. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. This Supplement includes zero (0) SBE participation. The Contract with Sheltra & Son Construction Co., Inc. provides for SBE participation of 15%. The cumulative SBE participation, including this Supplement, is 21.41% overall. Sheltra & Son Construction Co., Inc. is a Palm Beach County Company. (WUD Project No. 08-056) District 2 (JM)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:** Contract with The Murphy Construction Co. in the amount of \$983,944.70 for construction of the Jupiter Ridge Erosion Control Project No. 2011ERM04 for a period of 180 calendar days. **SUMMARY:** This Project will provide for construction of 23 limestone breakwaters on submerged lands to protect and stabilize shoreline habitat from erosive wave activity caused by boat wakes around the Jupiter Ridge Natural Area in the Intracoastal Waterway. Nine (9) bids were received for this Project. The Murphy Construction Co., a Palm Beach County company, was the lowest responsive, responsible bidder with a bid that exceeds the established 15% Small Business Enterprise (SBE) goal with 16.75% participation. Funding for this Project includes a \$500,000 award from the Florida Inland Navigation District (R2011-0145) and matching funds from the Manatee Protection Program. District 1 (JM)

2. **DELETED**

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to approve: a Termination of Easement, which will terminate a duplicate 1.5 acre Conservation Easement at the Whispering Woods Subdivision. **SUMMARY:** On January 13, 2005, Tuttle Land Holding Corp. executed a 1.5 acre Conservation Easement in favor of the County within the Whispering Woods PUD. On June 16, 2005, Shelby Homes executed a duplicative Conservation Easement in favor of the County to the same property. The dedication of the preserve area was required as a condition of approval for Resolution No. R2004-2034. Due to a miscommunication between the Tuttle Land Holdings, the original developer, and Shelby Homes, the purchaser, two (2) conservation easements were recorded over the same preserve. At the request of Shelby Homes' successor, D.R. Horton, Inc., the conservation easement executed by Tuttle Land Holdings will be released leaving only the easement executed by Shelby Homes. District 6 (SF)

4. Staff recommends motion to:

A) approve Contract with the Sea to Shore Alliance, Inc. (a not-for-profit corporation) in an amount not to exceed \$84,040 for a boat speed compliance study expiring March 31, 2013; and

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

SUMMARY: This study is needed to meet a requirement of the 2007 Manatee Protection Plan (MPP) and will summarize boater use patterns and evaluate compliance by boaters with waterway speed zones. Sea to Shore Alliance, Inc. (S2S) will perform eight (8) surveys at six (6) locations over a one (1) year period and perform analysis of aerial data of boat traffic collected for the Florida Fish and Wildlife Commission in 2007. Results will be compared to previous studies to determine changes in boat use patterns and speed zone compliance. The results will be used to determine whether changes to the MPP are necessary when it undergoes formal review in 2014. The Contract will be funded from the Manatee Protection allocation effective upon execution by both parties and expires March 31, 2013. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to:

A) accept Cooperative Agreement L11AC 20221 with the U.S. Bureau of Land Management (BLM) for management of the Jupiter Inlet Lighthouse Outstanding Natural Area (JILONA), for a five (5) year period commencing August 3, 2011 and ending September 30, 2016 in an amount not to exceed \$100,000 per year for a potential total of \$500,000;

B) approve Budget Amendment of \$100,000 in the Natural Areas Fund to recognize the award for the first year; and

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

SUMMARY: The BLM Cooperative Agreement will provide \$100,000 in funding for the management of JILONA on a reimbursement basis. It is anticipated that Environmental Resources Management (ERM) will receive a similar Cooperative Agreement with BLM over the next five (5) years to receive this amount annually. This Agreement facilitates the joint implementation of the Comprehensive Management Plan that was developed in cooperation with ERM and other partners. No matching funds are required. A Land Stewardship Memorandum of Understanding with the BLM to collaborate on the joint management of the Jupiter Inlet Natural Area was approved on January 15, 2008 (R2008-0072). BLM does not require a signature from the County. District 1 (SF)

6. Staff recommends motion to approve: Task Order No. 1297-02 to a continuing Contract (R2010-1297) with Olsen Associates, Inc. (Olsen) in the amount of \$428,804 for planning, design, and permitting of the third nourishment of the Ocean Ridge Shore Protection Project. **SUMMARY:** The Contract with Olsen, a Jacksonville, Florida company, was approved on August 17, 2010 (R2010-1297). Task Order 1297-01 was approved on October 5, 2010 and included planning, borrow area development, and preliminary engineering and design of the beach fill project. This Task Order 1297-02 authorizes Olsen to prepare, submit, and coordinate the Federal Decision Document (Limited Reevaluation Report - LRR) as well as State and Federal permits for the Ocean Ridge Shore Protection Project with a completion date of December 15, 2012. The Task Order is funded by tourist development taxes. State and Federal funding agreements are also anticipated. There is 22.9% Small Business Enterprise and Minority/Woman Business Enterprise (SBE-M/WBE) sub-consultant participation on the Task Order. Olsen committed to an overall 38% SBE-M/WBE participation in the Contract. Olsen has achieved 25.2% cumulative SBE-M/WBE participation on the Contract including this Task Order. District 4 (JM)

7. Staff recommends motion to:

A) approve Joint Partnership Agreement (R2009-0864) Amendment No.1 with the Florida Department of Transportation (FDOT) to expand the mitigation construction area to include a location off of Bryant Park within the City of Lake Worth; and

B) adopt a Resolution to authorize entering into this Agreement Amendment as a requirement of FDOT.

SUMMARY: Agreement (R2009-0864) Amendment No. 1 will expand the size of the original mitigation project area to include a project site located off of Bryant Park. Both the original Snook Islands project location and the new Bryant Park site will allow for additional mitigation credits to FDOT, while the not to exceed amount of the original agreement remains the same. All costs for this effort are the responsibility of FDOT. District 3 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

8. **Staff recommends motion to approve:** Budget Amendment of \$384,063 in the Environmental Resources Capital Projects Fund, reducing the award for State of Florida Department of Transportation Local Agency Program Agreement (Agreement) for reimbursement of construction costs of Bluegill Trail from Riverbend Park to Sandhill Crane Park (FM No. 423809-1-58-01). **SUMMARY:** This Budget Amendment will adjust the federal funding for the Bluegill Trail to its actual eligible cost reimbursement amount of \$865,936.11. The project was completed in March 2011. Final contract costs were \$806,775.90, of which \$774,995.90 was eligible for reimbursement under the Agreement. The remainder of the amount received from FDOT was for staff construction engineering inspection (CEI) costs up to the limit reimbursable under the Agreement. District 1 (JMB)
9. **Staff recommends motion to:**
- A) approve** Cooperative Agreement No. F11AC00772 in the amount of \$20,000 with the U.S. Department of Interior Fish and Wildlife Services (USFWS) to fund the construction of Living Shorelines, expiring September 30, 2012;
- B) approve** Budget Amendment of \$20,000 in the Environmental Enhancement Non-Specific Fund; and
- C) authorize** the County Administrator or his designee to execute and to sign all future time extensions, task assignments, certifications, and other forms associated with the Grant Agreement, and necessary minor amendments that do not change the scope of work or terms and conditions of the Cooperative Agreement.
- SUMMARY:** Environmental Resources Management (ERM) is partnering with USFWS to create Living Shorelines which consist of the placement of limestone breakwaters and installation of native plants, attracting numerous species of fish and invertebrates and improving estuary water quality. The USFWS grant will reimburse \$20,000 for project planning costs in the first year. After the initial grant, USFWS may provide up to an additional \$200,000 in future years, depending upon budget availability, for construction of projects. At that time, the County would have to identify up to \$77,650 in matching funds. Match sources may include in-kind services and grants from other agencies. No ad valorem funds would be expended. The Cooperative Agreement is effective upon execution by both parties and expires September 30, 2012. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

10. Staff recommends motion to:

A) approve Agreement Contract No. 017245 with the Florida Department of Agriculture and Consumer Services (FDACS) for mosquito control reporting requirements performed by the Department of Environmental Resources Management, for the period October 1, 2011, through September 30, 2012 for an amount not to exceed \$18,500;

B) approve Budget Amendment of \$18,500 in the State Mosquito Fund to recognize the revenue; and

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

SUMMARY: The Agreement provides Arthropod Control State Aid of up to \$18,500 in quarterly installments with monthly reporting requirements regarding mosquito control activities to the FDACS. The County is considered a contractor with the State and therefore no match is required. The FDACS Form 13617 Certified Budget must be delivered to Tallahassee by September 15, 2011. The signed agreement must be executed and returned not later than October 1, 2011. Countywide (SF)

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the months of July and August of 2011:

A) Amy Hair, Sign Language Interpreter, Lake Lytal Pool, for the period July 12, 2011, through August 30, 2011;

B) Jessica Thune, Sign Language Interpreter, Lake Lytal Pool, for the period July 12, 2011, through August 30, 2011; and

C) Team Elite Athletic Management International, Inc., USA Swimming and US Masters Swimming Team Coach, Aqua Crest Pool, for a period August 1, 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. The Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and are now being submitted to the Board to receive and file. Districts 2 & 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. Staff recommends motion to receive and file: Second Amendment to Contract (Contract No. 80009/LS) with Chet's, Inc., located in Boynton Beach, Florida, to provide professional water ski instruction at South County Regional Park for the period October 1, 2011, through September 30, 2012. **SUMMARY:** On September 25, 2009, Palm Beach County entered into a Standard Contract with Chet's, Inc. to provide a complete water skiing school program at South County Regional Park. The Contract provided an initial one (1) year term, which expired on September 30, 2010, with three (3) - one (1) year renewal options. This Second Amendment renews the Agreement for the second option period of October 1, 2011, through September 30, 2012. The total annual revenue for this Second Amendment is \$12,420. All other terms of the contract remain the same. This contract extension has been executed by the Purchasing Director in accordance with the authority provided to the Director by the Purchase Code. District 5 (AH)

3. Staff recommends motion to approve: State of Florida Department of Transportation (FDOT) Local Agency Program (LAP) Supplemental Agreement FPN No. 416139-1-58-01 for the South Bay Lake Okeechobee Scenic Trail Gateway Trailhead Enhancement Project to decrease total state and federal funding from \$500,000 to \$195,485.40. **SUMMARY:** On June 28, 2010, the Parks and Recreation Department Director executed a funding Agreement for the renovation of the South Bay Historic Railroad Cottage and trail related improvements as authorized by the Board on March 23, 2010, R2010-0417. On December 7, 2010, the Board approved a Supplemental Agreement, R2010-2019, reducing the total state and federal funding from \$500,000 to \$195,485.40, and a Budget Amendment of \$195,485. Prior to FDOT's execution of the previously presented Supplemental Agreement, additional language was required to the Supplement Agreement including E-Verify. The terms of the Agreement have changed; therefore, a new Supplemental Agreement is being presented to the Board for execution. District 6 (AH)

4. Staff recommends motion to receive and file: a Letter from the United States Department of the Interior for the National Park Service's American Battlefield Protection Program (ABPP) Grant Agreement No. GA-2255-09-021, for the development of a battlefield site identification plan at Riverbend Park extending the project completion date from December 31, 2010, to December 31, 2011. **SUMMARY:** On March 17, 2009, the Board authorized submission of a National Park Service ABPP grant application for the development of a battlefield site identification plan at Riverbend Park, R2009-0441. The grant was approved and was executed by the Director of the Parks and Recreation Department as authorized by the Board, and was submitted to the Board on October 20, 2009, to receive and file, R2009-1802. The United States Department of the Interior has approved a one (1) year time extension for the completion date for the Grant Agreement from December 31, 2010, to December 31, 2011. District 1 (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to:

A) approve an Application to the Florida Department of State, Division of Library and Information Services, for State Aid to Libraries in an estimated amount of \$1,004,453 for FY 2012;

B) approve the Agreement for State Aid to Libraries; and

C) authorize the Chairperson of the Board of County Commissioners to execute any other necessary forms and certifications.

SUMMARY: The State provides an annual operating grant to eligible libraries based upon their annual operating expenditures from local funds. Estimated State Aid revenue has been included in the County Library's FY 2012 proposed budget. There is no match requirement for this grant. Countywide (TKF)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve: a Third Amendment to the Interlocal Agreement (R2010-0530) with the City of Riviera Beach to extend the expiration date from March 31, 2011, to September 30, 2011; and increase the project budget by \$44,000 to support the Youth Violence Prevention Project (YVPP). **SUMMARY:** The Florida Department of Law Enforcement approved this six (6) month extension on March 22, 2011 including the reallocation of \$44,000 from YVPP evaluation to the Riviera Beach Youth Empowerment Center on June 30, 2011. The cities of West Palm Beach, Lake Worth, and Belle Glade's Interlocal Agreements were previously extended. Countywide (GB)

2. Staff recommends motion to approve: the First Amendment to the Interlocal Agreement with the University of South Florida to add \$10,190 to provide additional technical assistance to an evaluation of the Palm Beach County Justice, Mental Health Collaboration Project for the period of July 1, 2011, to September 30, 2012; and to extend the term of the Interlocal Agreement to September 30, 2012. **SUMMARY:** This Amendment will provide \$10,190 of the grant funds for additional technical assistance on the project, specifically, analysis of case management records for dually diagnosed repeat offenders in the Recidivist Recovery Court program and extends the term of the agreement from March 31, 2012, to September 30, 2012. Assistance will also be provided to Palm Beach County for an evaluation of the Crisis Intervention Team training programs fidelity to the original Memphis model. Countywide (GB)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

3. Staff recommends motion to approve: a Contract with the Jerome Golden Center for Behavioral Health, Inc. for \$132,968 to provide supportive housing services for homeless persons leaving the County jail for the term retroactive to August 1, 2011, through July 31, 2012. **SUMMARY:** On March 15, 2011, the Board of County Commissioners received and filed the Department of Children and Families grant for \$455,295 for the Criminal Justice, Mental Health and Substance Abuse Reinvestment Act Program for the period of July 1, 2010, through June 30, 2013; and approved a Memorandum of Understanding for Implementation Grant with the Department of Children and Families for the period of July 1, 2010, through June 30, 2013 to establish supportive housing for homeless leaving the County jail who are homeless with a mental health and substance abuse disorder with a focus for custodial parents. The Jerome Golden Center was selected to provide the services as a not-for-profit community mental health agency currently serving this population and utilizing the supportive housing model. Jerome Golden Center employee Thomas McKissack, also serves on a County advisory board, the Palm Beach County HIV Care Council. The HIV Care Council provides no regulation, oversight, management, or policy-setting recommendations regarding the referenced Jerome Golden Center contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided for Mr. McKissack in accordance with the provisions of Sect. 2-443, of the Code. Countywide (GB)

4. Staff recommends motion to:

A) ratify the signature of the Chair on the approval of the submittal of the Second Chance Act Grant Application to the Department of Justice (DOJ) for \$50,000 for a project period of one (1) year beginning October 1, 2011 to facilitate the development of a plan for the reduction of recidivism in juveniles in Palm Beach County; and

B) authorize the County Administrator or his designee to execute all related documents for Palm Beach County's FY 2011 Second Chance Act Grant as required by the U.S. Department of Justice, Bureau of Justice Assistance.

SUMMARY: Palm Beach County applied for a grant award of \$50,000 from the Department of Justice to facilitate the planning for successful reintegration of juvenile ex-offenders as they return to Palm Beach County. The emergency signature process was used due to the time constraints of the grant submission date. It was released on June 10, 2011 and the submission date was July 11, 2011. This application, if funded, will allow for the development of the plan for juvenile ex-offenders to be provided with pre and post release services to assist in their transition back into the community. The Grant requires a non-federal in-kind match of 100% during the year project period. Specifically, the in-kind match requirement for the project is \$50,000. This match has been identified through the Criminal Justice Commission for a total amount of \$59,409. Countywide (GB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to approve: an Affiliate Agreement with 211 Palm Beach/Treasure Coast to remain in force until terminated by either party. **SUMMARY:** In July 2000, the Federal Communications Commission designated the three (3) digit number, 2-1-1, nationally to serve as the abbreviated dialing code for access to community information and referral services. Fire-Rescue requested the Drowning Prevention Coalition (DPC) be added to the 211 referral database. On February 2, 2010, the Board approved a 211 Palm Beach/Treasure Coast Affiliate Agreement (R2010-0214, as revised by R2010-1145) which is required for each organization wishing to be listed as a referral or a resource to its callers. The DPC agreed to receive clients meeting eligibility criteria set forth in the Resource Information Survey. The 211 Palm Beach/Treasure Coast agreed to be available as a resource to its affiliate's client's 24-hours a day for telephone counseling and information and/or referral to community resources, such as the DPC. The 211 Palm Beach/Treasure Coast is updating its resource database and is requesting the Board approve a new Affiliate Agreement. Countywide (PK)

2. Staff recommends motion to approve: an Agreement with Dr. Thomas H. Matese, Jr. for medical direction for a three (3) year period (October 1, 2011 - September 30, 2014) in the amount of \$601,910.64. **SUMMARY:** State law requires Palm Beach County Fire-Rescue, as an Emergency Medical Services Provider, contract with a licensed/certified M.D. or D.O., who meets all criteria of Chapter 401, Florida Statutes, and the Rules of the Department of Health, Chapter 64E-2,F.A.C.. This Agreement includes the requirement for a second physician to serve as Associate Medical Director in order to provide increased training classes provided to the Paramedics and EMTs, an increased level of time spent in the field for supervision/observation of skill levels, and availability of twenty-four hour emergency consultation. Countywide (SGB)

3. Staff recommends motion to approve: a Second Amendment to Professional Services Agreement with Hope Health and Wellness, Inc., to provide fire department physician and related services during a one (1) year renewal period beginning October 1, 2011, in an amount not-to-exceed \$500,000 annually. **SUMMARY:** The components of the Palm Beach County Fire-Rescue Wellness Program established by the Collective Bargaining Agreement (CBA) include the provision of a Fire Department Physician, the administering of medical physical examinations and drug testing for Fire-Rescue employees. The Palm Beach County Fire-Rescue Wellness Steering Committee (Committee) is responsible for selecting a service provider and approving a service agreement. In 2008, the County issued a Request for Proposal (RFP) for Fire-Department Physician and Related Services and the Committee selected Hope Health and Wellness, Inc. The Agreement (R2009-0127) provides for three (3) – one (1) year renewals, upon prior approval of the Committee. The First Amendment to the Agreement (R2010-1064) renewed the Agreement until September 30, 2011. This Second Amendment will renew the Agreement for an additional one year period expiring September 30, 2012. The Committee approved this second renewal of the Agreement at their July 13, 2011 meeting. The total amount to be paid by the County under this Second Amendment to the Agreement shall not exceed a total annual amount of \$500,000. Hope Health and Wellness, Inc. is a local business in Palm Beach County. Countywide (SGB)

3. CONSENT AGENDA APPROVAL

T. HEALTH DEPARTMENT

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting the FY 2011/2012 budget for the Air Pollution Control Program. **SUMMARY:** This Resolution is required by the August 21, 1984, Agreement between the Board of County Commissioners and the Palm Beach County Health Department (PBCHD) to establish the annual budget for the expenditure of fees deposited into the Air Pollution Control Trust Fund. This program is solely supported by motor vehicle license registration fees. The proposed FY 2011/2012 budget for the Air Pollution Control Program from this funding source is \$960,000 which is the same as the current year. This budget can be accommodated by future revenues and a surplus in the Air Pollution Control Trust Fund. Countywide (GB)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: a Network Service Agreement with The ARC of Palm Beach County, Inc. (ARC), a non-profit organization, at an estimated first year revenue of \$8,400 for the initial point of connection, for an initial term of one (1) year, with automatic (1) year renewals unless notice given by any party. **SUMMARY:** ARC wishes to connect to the Palm Beach County network in order to receive broadband Internet access at the stated monthly rates. The County's Information Systems Services Department will be responsible for providing Internet services to this organization. ARC agrees to reimburse the County for construction costs estimated at this time of \$6,425 within 90 days of the effective date of this agreement. ARC is a registered 501(3) (c) non-profit organization which, along with government, education and health care organizations in Palm Beach County, are eligible to join the County's network. The County will not incur any costs associated with this project other than staff time involved in planning and managing the project. These agreements are similar to existing agreements with other non-profit organizations as well as interlocal agreements with various local governments for network services. In addition to the revenues generated for the County, an estimated annual cost savings of \$12,000 will be realized by ARC as the result of this Agreement. This Agreement provides for disclosure of Article XII, Section 2-422, Palm Beach County Code establishing the Office of the Inspector General. Countywide (PFK)
2. Staff recommends motion to approve: the First Amendment to the Inter-local Agreement (R2008-1937) with the City of Palm Beach Gardens ("City") for connection to the Palm Beach County ("County") Regional Network to expand network services to five (5) new City locations with first year revenue estimated at \$5,400. **SUMMARY:** The City has requested that the County add five (5) new locations to the original network services agreement, executed in October 2008. The County's Information Systems Services (ISS) department is responsible for providing Internet services to the City. The City agrees to reimburse the County for construction costs estimated at this time of \$15,141 within 90 days of the effective date of this Amendment. The County will not incur any costs associated with this project other than staff time involved in planning and managing the project. In addition to the revenues generated for the County, an estimated annual cost savings of \$15,768 will be realized by the City as the result of this Amendment. This Amendment provides for disclosure of Article XII, Section 2-422, Palm Beach County Code establishing the Office of the Inspector General. District 1 (PFK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (Cont'd)

3. Staff recommends motion to ratify: Supplemental Service Order Request with Florida LambdaRail (FLR) to increase commodity Internet service capacity from 75 megabytes (MB) to 540 MB and to reduce commodity internet service unit pricing from \$36 per MB to \$15 per MB, all applicable to Affiliate Connection Agreement (R2008-0674), effective January 1, 2011 for an increase in FY 2011 of \$64,800 and a new annual cost of \$128,011. **SUMMARY:** On April 15, 2008, the County entered into an Affiliate Connection Agreement with Florida LambdaRail, LLC to obtain high-speed, high bandwidth optical network services to support the needs of the County and other governmental, education and non-profit entities participating in the Palm Beach County Regional Network. In the intervening three (3) years, the capacity needs of the County and its' customers has grown beyond the original system specification. During the same period, the FLR Board of Directors made decisions which changed the basic pricing model for this service. This agenda item will address and adjust for these changes beginning January 1, 2011. Countywide (PFK)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: the following four (4) executed amendments to adjust the not-to-exceed amounts within the Drug Court agency contracts that provide drug treatment and testing services to individuals referred by the Drug Court. These amendments do not adjust the cumulative total of \$490,672 for the original executed contracts:

A) Drug Abuse Foundation increase funding by \$20,025 for a new total not to exceed amount of \$86,025;

B) Comprehensive Alcoholism Rehabilitation Program decrease funding by \$10,012 for a new total not to exceed amount of \$55,988;

C) Counseling Services of Lake Worth decrease funding by \$20,013 for a new total not to exceed amount of \$114,271; and

D) Drug Testing and Counseling Services increase funding by \$10,000 for a new total not to exceed amount of \$206,138.

SUMMARY: During FY 2011, the Adult Drug Court program had far more clients electing to attend Drug Abuse Foundation for their treatment services than in years past. In order to address this short fall and still expend the total allotted FY 2011 funding for the Adult Drug Court program of \$490,672, it is necessary to decrease funding from the Comprehensive Alcoholism Rehabilitation Program by \$10,012 and decrease funding from Counseling Services of Lake Worth by \$20,013, thereby increasing the Drug Abuse Foundation contracted amount by \$20,025 and increasing Drug Testing and Counseling Services contracted amount by \$10,000. R2010-2034, R2010-2035, R2010-2036, and R2010-2038 authorized the County Administrator or his designee to execute amendments to the Drug Court contracts on behalf of the Board of County Commissioners to adjust the not-to-exceed amounts as long as the cumulative total does not exceed \$490,672. Countywide (GB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

A) ratify the signature of the Vice Chair of the Board of County Commissioners on a copy of the grant agreement with Florida Animal Friend, Inc. in the amount of \$25,000 for the period August 30, 2011, through August 31, 2012; and

B) approve a Budget Amendment of \$25,000 in the ACC Mobile Spay Neuter Program fund to establish grant budget.

SUMMARY: This grant will be used to provide spay/neuter services for 20 large dogs every Monday for a one (1) year period. Because of limited large cage space, Animal Care and Control struggles to meet the demand for large dog surgeries promptly. As a result, many of the dogs are not being sterilized which results in increased litters of unwanted puppies and/or increased numbers of large dogs surrendered to the shelter. Marmaduke Mondays will be held at the main shelter where cage capacity for this specific purpose will be established. The agreement to use the funds for large dog sterilization was signed by the Vice Chair of the Board of County Commissioners because there was limited time to accept the funding. Countywide (SF)

BB. SHERIFF

1. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a South Florida High Intensity Drug Trafficking Area (HIDTA) FY 2011 Domestic Marijuana Eradication/Violent Crimes and Drug Trafficking Organization (DME/VCDTO) grant in the amount of \$30,000, for the OGT Initiative, for the period of June 29, 2011, through June 28, 2012; and

B) approve a Budget Amendment of \$30,000 in the Sheriff's Grant Fund.

SUMMARY: On June 29, 2011, the Palm Beach County Sheriff's Office received an award from the South Florida HIDTA DME/VCDTO. The funds provided will be used for overtime reimbursement associated with dismantling or disrupting a Drug Trafficking Organization (DTO) that knowingly deals in the sale of hydroponic equipment to marijuana growers. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

2. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office a South Florida High Intensity Drug Trafficking Area (HIDTA) FY 2011 Domestic Marijuana Eradication/Violent Crimes and Drug Trafficking Organization (DME/VCDTO) grant in the amount of \$30,000, for the OMR Initiative, for the period of June 29, 2011, through June 28, 2012; and

B) approve a Budget Amendment of \$30,000 in the Sheriff's Grant Fund.

SUMMARY: On June 29, 2011, the Palm Beach County Sheriff's Office received an award from the South Florida HIDTA DME/VCDTO Initiative. The funds provided will be used for overtime reimbursement associated with dismantling or disrupting a Drug Trafficking Organization engaged in the sale and harvesting of marijuana hydroponics. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

3. Staff recommends motion to:

A) receive and file a Florida Department of Law Enforcement (FDLE) Memorandum of Understanding and Reimbursement Agreement in the amount of \$987,344, for the Miami Regional Drug Enforcement Strike Force (RDESF), for the period of July 1, 2011, through June 30, 2012; and

B) approve a Budget Amendment of \$987,344 in the Sheriff's Grant Fund.

SUMMARY: On June 23, 2011, the Palm Beach County Sheriff's Office (PBSO) received an award for the RDESF. PBSO will act as the fiscal agent for the RDESF distributing reimbursement funding to participating RDESF law enforcement agencies. The RDESF participating agencies will identify, investigate, apprehend, and prosecute those within the medical and pharmaceutical profession who facilitate the abuse of prescription drugs. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

4. Staff recommends motion to receive and file: Grant Adjustment Notice amending the High Intensity Drug Trafficking Area (HIDTA) Program grant to extend the grant period from June 30, 2011, through December 31, 2011. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$143,269 on May 4, 2010; the original period for this grant was January 1, 2009, through December 31, 2010 (R2010-0726). On May 3, 2011, the BCC received and filed an agenda item extending the grant period from December 31, 2010, through June 30, 2011 (R2011-0683). On August 16, 2011, the BCC accepted a Grant Modification providing additional funding of \$37,500 (R2011-1224). This agenda item will extend the grant period from June 30, 2011, through December 31, 2011. The Office of National Drug Control Policy awarded these funds for expenses associated with the Palm Beach County Multi-Agency Diversion Task Force. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. Staff recommends motion to approve: the following Westgate/Belvedere Homes Community Redevelopment Agency (CRA) Board Officers for a one (1) year term commencing August 8, 2011, and expiring August 7, 2012:

<u>Board Member</u>	<u>Office</u>
Ronald L. Daniels	Chair
Joseph H. Kirby	Vice-Chair

SUMMARY: The Westgate/Belvedere Homes CRA Board consists of seven (7) at large members from residents and local businesses within the CRA boundaries. At the August 8, 2011 meeting, the CRA Commissioners elected the Chair and Vice-Chair from amongst its Board due to the resignation of the Board Chair. The term shall be one (1) year, beginning with the date of election. (CRA) District 2 (TKF)

3. CONSENT AGENDA APPROVAL

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY (Cont'd)

2. Staff recommends motion to:

A) authorize the Chair to execute a Federally Funded Subgrant Agreement (Grant), Contract Number 11HM-2Y-10-60-01-014, between the Florida Division of Emergency Management (DEM) and Palm Beach County (County) for the construction of canal improvements in order to improve the storage capacity of both the Lake Worth Drainage District (LWDD) L-2 Canal and the County L-2B Canal, adjacent to the Westgate subdivision (Project);

B) approve a Budget Amendment of \$504,931 in the Capital Outlay Fund to recognize the funding from the Grant for the Westgate L-2 and L-2B Canals;

C) approve an Interlocal Agreement with the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) for the transfer of County property, presently being used as a storm water detention area to the CRA for the widening of the L-2 Canal, together with the responsibility for maintaining the storm water drainage system that discharges to the detention area and managing the bidding and construction of the L-2 & L-2B Canal improvements; and

D) approve an Interlocal Agreement with the CRA for the reimbursement of funds associated with the DEM Grant.

SUMMARY: The DEM Grant will fund the construction phase of the drainage improvements in the LWDD L-2 Canal from the Palm Beach International Airport Canal easterly to west of Wabasso Drive and the L-2B Canal from Saginaw Avenue north to Nokomis Avenue and Cherokee Avenue north to Genesee Avenue. The CRA will provide the local share funding of the DEM Grant and will have their consultant perform the construction administrative services for the Project after they bid the Project. (Engineering) District 2 (MRE)

3. Staff recommends motion to approve:

A) an Interlocal Agreement with the Westgate/Belvedere Homes Community Redevelopment Area (CRA) for the reimbursement of funds associated with a State of Florida grant; and

B) a Budget Amendment of \$62,400 in the Capital Outlay Fund to recognize the funding from the grant for the Westgate L-2 East Canal.

SUMMARY: Approval of the Interlocal Agreement will permit Palm Beach County (County) to reimburse the CRA with Federally Funded Subgrant Agreement (Grant) funds for design costs incurred in the design of the L-2 East Canal Acquisition and Expansion (Project), Project No. 2010058. The CRA applied for the Grant from the State of Florida Division of Emergency Management (DEM) but the County entered into the Grant, Contract No. 09HM-37-10-60-01-075, with DEM for this Project because DEM requires the Grant be executed by an official government entity. The Project was initiated and funded by the CRA based on the Grant between the County and DEM for the reimbursement of funds for the Project. (Engineering) District 2 (MRE)

3. CONSENT AGENDA APPROVAL

DD. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve: an Amended and Restated Agreement (R2007-1622) with the Palm Beach County Cultural Council, Inc. ("Cultural Council") for the provision of services under Palm Beach County's (PBC) Tourist Development Plan during the period of October 1, 2011, through September 30, 2012 in the amount of \$999,082. **SUMMARY:** The Amended and Restated Agreement updates for the Fiscal Year 2012 Exhibit "A" – Annual Budget; Exhibit "E" – Performance Measures; Exhibit "F" - (Travel and Entertainment Policy) requires Cultural Council's CEO approval on entertainment expenses and advanced approval for air travel; adding PBC Code of ethics provision into the body of the contract. In addition, contract includes Cultural Council's building overhead not to exceed 5% of contract budget, percentage change in Cultural Council's contribution to retirement plan. Contract changes have been reviewed and approved by the TDC. Cultural Council will continue to administer Category B grants totaling \$2,080,000, and Category C II grants totaling \$280,000 for the County. In addition, indirect cost and reserves of \$848,193 are included for a total budget of \$4,207,275. This will be the fifth year of the five (5) year agreement. Rena Blades of the Cultural Council serves on the Overall Economic Development Program Committee. The Committee provides no regulation, oversight, management, or policy-setting recommendations regarding the Cultural Council's contracts. Disclosure of the contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. (TDC) Countywide (DW)

2. Staff recommends motion to approve: an Amended and Restated Agreement (R2007-1623) with Discover Palm Beach County, Inc. d.b.a. Palm Beach County Convention & Visitors Bureau ("CVB") marketing contract for the provision of services under the County's Tourist Development Plan during the period of October 1, 2011, through September 30, 2012 in the amount of \$8,641,383. **SUMMARY:** The Amended and Restated Agreement updates for the Fiscal Year 2012 Exhibit "A" – Annual Budget; Exhibit "H" – Performance Measures. Exhibit "E" - Procurement policy adds Tourist Development Council (TDC) Board member to selection committee for purchases over \$50,000, Exhibit "J" – Compensation Policy is amended requiring TDC and Palm Beach County (PBC) approval on salary increases, percentage change for retirement plan, car allowance in conformance with the County PPM; Exhibit "G" – Travel & Entertainment Policy - approval for air travel and entertainment expenses by the CVB President/CEO or designee senior level staff; adding the PBC Code of Ethics provision into the body of the contract. Contract changes have been reviewed and approved by the TDC. In addition, administrative cost, reserves, and other costs totaling \$1,940,781 are included for a total budget of \$10,582,164. This will be the fifth year of the five (5) year agreement. Countywide (DW)

3. CONSENT AGENDA APPROVAL

DD. TOURIST DEVELOPMENT COUNCIL (Cont'd)

3. **Staff recommends motion to approve:** an Amended and Restated Agreement (R2007-1624) with the Palm Beach County Film and Television Commission (PBCFTC) for the provision of services under the County's Tourist Development Plan during the period of October 1, 2011, through September 30, 2012 in the amount of \$513,366. **SUMMARY:** The Amended and Restated Agreement updates for Fiscal Year 2012 Exhibit "A" – Annual Budget, Exhibit "F" - Performance Measures; Exhibit "D" – Travel & Entertainment Policy - approval by Film Commissioner on air travel and entertainment expenses; Exhibit "H" Salary Policy - prior approval by TDC and County on salary increases and Exhibit "I" – Salary Ranges – for range adjustment. Add the Palm Beach County (PBC) Code of Ethics provision into the body of the contract and percentage change in PBCFTC contribution to the retirement plan. Contract revisions have been reviewed and approved by the TDC. In addition, indirect cost and reserves totaling \$179,227 are included for a total budget of \$692,593. This will be the fifth year of the five year (5) agreement. Chuck Elder of the PBCFTC serves on the Overall Economic Development Program Committee. The Committee provides no regulation, oversight, management, or policy-setting recommendations regarding the PBCFTC contracts. Disclosure of the contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. (TDC) Countywide (DW)

4. **Staff recommends motion to approve:** an Amended and Restated Agreement (R2007-1625) with Palm Beach County Sports Commission, Inc. (the "PBCSC") for the provision of services under Palm Beach County's (PBC) Tourist Development Plan during the period of October 1, 2011, through September 30, 2012 in the amount of \$637,845. **SUMMARY:** The Amended and Restated Agreement updates for Fiscal Year 2012 Exhibit "A" – Annual Budget; Exhibit "E"- Performance Measures; Exhibit "C" – Travel & Entertainment Policy - approvals for entertainment and air fare expenses by PBCSC Executive Director; and Exhibit "F" – Salary Policy - prior approval by the TDC Executive Director and PBC on salaries and incentives. Add the PBC Code of Ethics provision into the body of the contract. Contract changes have been reviewed and approved by the TDC. PBCSC will continue to administer Category G grants totaling \$275,000 for the County. In addition, indirect cost and reserves of \$519,998 are included for a total budget of \$1,432,843. This will be the fifth year of the five (5) year agreement. Countywide (DW)

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

- A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 17, Article 4, Division 1, Section 17-128, Section 17-131 and Section 17-136 of the Palm Beach County Code; providing for records of transaction; providing for holding period (sale transactions); providing for secondhand dealers; disposal of property; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing for an effective date. **SUMMARY:** The subject ordinance requires secondhand dealers to maintain their records and to hold second hand goods in accordance with Florida Statute chapters 538 and 539. This amendment is necessary due to a change in state law, which prohibits a county from adopting any ordinance, rule or regulation relating to the regulation of firearms and ammunition. Any existing ordinances, rules, or regulations not specifically authorized by the legislature, are in violation of state law and must be amended. Countywide (AH)
- B. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 28, Article 2, Division 1, Section 28-22 of the Palm Beach County Code; providing for discharge of firearms; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing for an effective date. **SUMMARY:** The subject ordinance deletes the prohibition of discharging a firearm east of the line that was delineated in the ordinance, or west within three hundred (300) yards of any structure. This amendment is necessary due to a change in state law, which prohibits a county from adopting any ordinance, rule, or regulation relating to the regulation of firearms and ammunition. Any existing ordinances, rules, or regulations not specifically authorized by the legislature are in violation of state law and must be amended. Countywide (AH)
- C. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 9, Article 2, Division 1, Section 9-35 of the Palm Beach County Code; providing for declaration of emergency; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing for an effective date. **SUMMARY:** The subject ordinance deletes the County Administrator’s ability to restrict the sale, purchase or possession of firearms during a state of emergency. This amendment is necessary due to a change in state law, which prohibits a county from adopting any ordinance, rule, or regulation relating to the regulation of firearms and ammunition. Any existing ordinances, rules, or regulations not specifically authorized by the legislature are in violation of state law and must be amended. Countywide (AH)
- D. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 11, Article 11, Division 1, Section 11-262 and Section 11-271 of the Palm Beach County Code; providing for prohibited activities; providing for penalties; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing for an effective date. **SUMMARY:** The subject ordinance deletes the prohibition of using a firearm that is potentially inimical to wildlife and dangerous to human safety and from shooting into a natural area from beyond the boundaries of the natural area. The amendment also provides for the Groundwater Natural Resource Protection Board to enforce the provisions of the ordinance. This amendment is necessary due to a change in state law, which prohibits a county from adopting any ordinance, rule, or regulation relating to the regulation of firearms and ammunition. Any existing ordinances, rules, or regulations not specifically authorized by the legislature are in violation of state law and must be amended. The ordinance amendment also allows for enforcement of violations by the Groundwater and Natural Resources Protection Board or as provided in Chapter 162, Florida Statutes, Part II. Countywide (AH)

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

E. Staff recommends motion to:

1) **adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, confirming the special assessment roll for the 6" Watermain Extension at Cadillac Drive; and

2) **approve** Work Authorization No. 7 to Johnson-Davis, Inc. under the Water Utilities Department (WUD) Continuing Construction Contract (R2010-1423) in the amount of \$56,760.48.

SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 100% of the respondent property owners in the Cadillac Drive project area. The project will serve five (5) residential properties currently on private wells. Individual assessments of \$11,615.89 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 \$67,828.75 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. The project will be constructed utilizing a Work Authorization under the WUD Continuing Construction Contract with Johnson-Davis, Inc. (R2010-1423). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Johnson-Davis, Inc. provides for SBE participation of 15%. This Authorization includes 15.64% overall participation. The cumulative SBE participation is 16.24% overall. Johnson-Davis, Inc. is a local Palm Beach County Company. (WUD Project No. 10-078) District 3 (MJ)

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RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE CHILD CARE FACILITIES BOARD

5. **BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD
PUBLIC HEARING – 9:30 A.M. (Motion to receive and file: Proof of publication)**

- A. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, sitting as the Child Care Facilities Board, adopting the Palm Beach County Rules and Regulations governing Family Day Care Facilities; amending Article VIII of the Rules and Regulations governing Family Day Care in Palm Beach County; providing for repeal of laws in conflict; providing for inclusion in the code of laws and ordinances; providing for severability; and providing for an effective date. **SUMMARY:** The Board of County Commissioners, pursuant to a Special Act of the State of Florida, serves as the Child Care Facilities Board. This amendment requires all loaded firearms stored or left on a premise where a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person in charge of the minor be kept in a securely locked box or container. This amendment is necessary due to a change in state law, which prohibits a county from adopting any ordinance, rule, or regulation relating to the regulation of firearms and ammunition. Any existing ordinances, rules, or regulations not specifically authorized by the legislature are in violation of state law and must be amended. Countywide (AH)

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ADJOURN AS THE CHILD CARE FACILITIES BOARD

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

6. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) a Five (5) Year Agreement with the Business Development Board of Palm Beach County, Inc., in the aggregate amount of \$4,657,350, subject to annual potential adjustment and appropriation, for the period of October 1, 2011, through September 30, 2016, to assist in providing economic development activities for Palm Beach County; and

B) the Scope of Services for Fiscal Year 2011-2012 in the amount of \$931,470.

SUMMARY: Under the Agreement, the Business Development Board (BDB) will provide business recruitment, expansion and retention services and general marketing for Palm Beach County. The BDB will work in partnership with the County's Economic Development Office with the goal of creating a stable and diverse economic climate throughout Palm Beach County. A new Scope of Services will be developed annually and be subject to approval by the Board of County Commissioners. Additionally, the annual contract amount will be subject to annual budget appropriation. Business Development Board employee Gary Hines, serves on the Treasure Coast Regional Planning Council's Comprehensive Economic Development Strategy Committee. The Board/Council provides no regulation, oversight, management, or policy-setting recommendations regarding the Business Development Board's contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. These are County ad valorem funds. Countywide (DW)

2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, requesting the Legislature to reconsider its position on the ability of local governments to pass local ordinances related to firearms and ammunition. **SUMMARY:** The County had four (4) ordinances and two (2) resolutions related to gun control that must be amended because of the enactment of Chapter 2011-109 Laws of Florida. The County concurs with the position of the Florida Association of Counties on Home Rule that a local government is often best able to enact local rules and ordinances to protect the safety of its residents and visitors. With the enactment of Chapter 2011-109 Laws of Florida, Florida Statute Section 790.33 has been amended to provide penalties to local governments that violate the preemption language in said Statute that prevents all local governments in Florida from passing certain gun control measures. It is the desire of the County to request that the Legislature reconsider the enactment of this preemption and subsequent penalties. Countywide (DW)

6. REGULAR AGENDA

B. AIRPORTS

1. Staff recommends motion to:

A) approve an Agreement for Purchase and Sale for the following property at a total cost of \$830,000 by a supermajority vote. Said property is located west of Runway 10L at Palm Beach International Airport (PBIA):

Annie Holdings, LLC, a Florida limited liability company	Parcel W-314
325-327 N. Military Trail, West Palm Beach, FL 33415	\$830,000
Sales Price:	
Replacement Housing: N/A	

B) accept a Memorandum of Agreement to be recorded in the public records to provide notice of this Agreement;

C) approve a Budget Amendment of \$871,500 in the Airport's Improvement and Development Fund to recognize Passenger Facility Charge (PFC) revenue in the amount of \$435,750 and Florida Department of Transportation (FDOT) grant revenue in the amount of \$435,750. Increase the project cost by \$871,500, which includes a five percent contingency for the current purchase of \$830,000; and

D) approve a Budget Transfer of \$435,750 in the Airport's PFC fund to transfer PFC funds to the Airport's Improvement and Development Fund.

SUMMARY: The property is improved with an 8,512 square foot commercial building and is currently occupied by two (2) existing tenants that operate automotive service businesses: PJ Properties, Inc. d/b/a Autocare of the Palm Beaches (PJ Properties) and AA Economy Transmission Specialists, LLC (AA Transmission). The PJ Properties lease expires January 31, 2012 with two (2) additional five (5) year renewals. The AA Transmission lease expires October 31, 2012 with two (2) additional three (3) year renewals. The leases will be assigned to the County at closing and the County is scheduled to receive gross rental income of \$83,049 in FY 2012, with increases thereafter, pursuant to the terms of each lease. The property was appraised by Anderson & Carr, Inc. in May 2010 at \$800,000. The purchase price exceeds the current appraised value by 3.75%. The comparable sales used in determining the appraised value of the property range from \$90 to \$110 per square foot of building area and the appraiser concluded a market value of \$850,000 via the sales comparison approach. The appraiser estimated net annual income of \$59,754, capitalized at 8.0%, resulting in a market value of \$750,000 via the income approach. The purchase price of \$830,000 is within the range of the comparable sales. The five percent contingency is being budgeted to cover the cost of environmental review, survey and closing costs. PFC and FDOT funding is available for the purchase of this property. All purchases, sales and exchanges of real estate must be approved by a **supermajority vote (5 Commissioners)** pursuant to recent amendments to the PREM Ordinance. Countywide (HJF)

C. COMMISSION ON ETHICS

1. Staff recommends motion to approve: a Memorandum of Understanding with the Boca Raton Airport Authority to engage the services of the Palm Beach County Commission on Ethics. **SUMMARY:** This Memorandum of Understanding will allow the Boca Raton Airport Authority to engage the services of the Commission on Ethics and its Executive Director. This action addresses the Airport Authority's desire to subject itself to the County's ethics regulations. District 4 (LB)

6. REGULAR AGENDA

D. COUNTY ATTORNEY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving Citibank, N.A. or an affiliate thereof as the payee, within the meaning of Palm Beach County Ordinance No. 2002-022, of the 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"), 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, to be rented to qualified persons and families in Palm Beach County. The County, by the adoption of Resolution R2011-9050 on June 21, 2011, previously approved the issuance of the Debt Obligations as required by Section 147(f) of the Internal Revenue Code of 1986, as amended. Bryant Miller Olive is Bond Counsel to the Authority with respect to the Debt Obligations. There will be no underwriter for the Debt Obligations since the Authority will deliver the Debt Obligations directly to Citibank, N.A. or an affiliate thereof, as the purchaser thereof. **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)

E. PUBLIC SAFETY

1. Staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida repealing Resolution 2005-1609, which will dissolve the Animal Care and Control Advisory Committee. **SUMMARY:** At the June 7, 2011 board meeting, the Board of County Commissioners directed staff to identify advisory boards that are no longer needed. The Animal Care and Control Advisory Board was created in 1977 and charged with receiving reports on and discussing ideas involving animal matters and proposing projects to benefit animals in Palm Beach County. In 1993, the membership of the Advisory Board was reduced. In 2005, the membership of the Advisory Board was changed to consist of professionals in the field of animal welfare, animal science and public health. Meetings are held quarterly and the majority of meetings do not have a quorum. Staff recommends dissolving the Advisory Board, but will continue to work with local animal organizations, citizens and professionals in the field of animal welfare. The Division will continue to accept citizen input and volunteer support on all issues relating to improving animal welfare. Countywide (SF)

6. REGULAR AGENDA

F. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** a Waiver to exceed the \$35,000 funding limit under the Community Development Block Grant (CDBG) Residential Rehabilitation Program (Program) for Preston and Juanita Boyce, by authorizing an additional \$6,605.10 to complete the rehabilitation project at their Pahokee home. **SUMMARY:** In accordance with the Program policies, Preston and Juanita Boyce were approved for \$35,000 for a rehabilitation project at their Pahokee home. A previously undetected leak was discovered in the course of the project that requires additional plumbing repairs as well as repairs to a section of the bathroom wall. In addition, the local building official has required plumbing and electrical corrections to the water heater, and hand railings for the steps at the front and side doors. The original project cost, before the addition of the funds requested herein, was \$35,610.70, with \$35,000 being funded through the Program and \$610.70 being contributed by the homeowners. The cost of this additional work (including closing costs) is \$6,605.10, which will bring the total project cost to \$42,215.80. Since the funding will exceed the \$35,000 funding limit under the Program, a waiver to the applicable Program policies is necessary in order to enable the additional work to be completed. All funding provided to homeowners under the Program is secured by a mortgage and promissory note. **These are federal Community Development Block Grant funds which require no local match.** (CREIS Section) District 6 (TKF)

G. WATER UTILITIES

1. **Staff recommends motion to approve:** a one (1) year extension to all Water Utilities Department Development Agreements and Renewal Agreements that are scheduled to expire on or after September 30, 2011, and before September 30, 2012. **SUMMARY:** Developers who meet certain criteria as outlined in the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP) are required to enter into Development Agreements (Agreement) to reserve potable water, wastewater, and/or reclaimed water capacity (Capacity) for their projects. The terms of the Agreement require the submittal of a Mandatory Agreement Payment (MAP) to reserve Capacity for a period of five (5) years. Any unused Capacity remaining in the Agreement after five (5) years can be renewed for one (1) additional five (5) year term upon payment of another MAP and execution of a Renewal Agreement. No further renewals are available after ten (10) years as prescribed by UPAP. On January 13, 2009 (Agenda Item 3K-1), WUD recommended and the Board approved an additional one (1) year extension of Development Agreements and Renewal Agreements due to the continued economic downturn that has reduced development activity. The one (1) year extension was approved for Development Agreements set to expire between the period of September 1, 2008, and September 30, 2013. Additionally, Section 14(1), Chapter 2009-06, Laws of Florida, provided for a two (2) year extension for development orders and building permits expiring between September 1, 2008 and January 1, 2012. Although the County Attorney's Office determined that these laws do not apply to the WUD Agreements, the Department recommended it due to its minimal impact on operations. As the forecast for the economy remains grim and development activity remains sluggish, staff is recommending that the Board approve an additional one (1) year extension of Agreements. The extension will not apply to any Agreements entered into on or after October 1, 2011. Districts 1, 2, 3, 5 & 6 (MJ)

6. REGULAR AGENDA

H. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to:

A) adopt a Resolution to approve Amendment Number Eight to the County Incentive Grant Program Agreement R2001-2157 (Agreement) with the State of Florida Department of Transportation (FDOT) to provide for a reallocation of up to \$1,000,000 of the existing matching roadway construction funding for median beautification on Okeechobee Boulevard from State Road 7 to Florida's Turnpike (Improvements) and a Maintenance Memorandum of Agreement (MMOA) to ensure the maintenance of the Improvements;

B) approve an exception to the 2002 policy that restricts Palm Beach County's (County) installation of median beautification to areas that are unincorporated and not contiguous to a municipality;

C) approve an Interlocal Agreement with the City of West Palm Beach (City) under which the City agrees to accept all maintenance obligations for the Improvements; and

D) authorize the County Engineer or his designee to issue a Task Authorization not-to-exceed \$1,000,000 to construct the Improvements utilizing the Annual Roadway Landscaping Contract.

SUMMARY: Adoption of the Resolution to approve Amendment Number Eight and approve the MMOA will establish a reallocation of up to \$1,000,000 of budgeted but unused roadway construction funding for the Improvements and will obligate the County to maintain the Improvements. The County will then pass the maintenance obligations to the City. Approval of the Interlocal Agreement will obligate the City to accept all maintenance responsibilities for the Improvements. In accordance with the terms of the original Agreement, 50/50 (County/FDOT) matching funding would be utilized to install the Improvements. The County's one-time cost of \$500,000 is available in the roadway project's previously approved budget. Districts 2 & 6 (MRE)

6. REGULAR AGENDA

H. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff recommends motion to approve:

A) a Contract with GLF Construction Corporation (GLF), in the amount of \$29,681,238.26 for the construction of the Ocean Avenue (Lantana) Bridge over the Intracoastal Waterway (Project);

B) a Budget Amendment of \$12,250 in the Transportation Improvement Fund to recognize Utility relocation reimbursement from the Town of Lantana (\$2,500), AT&T (\$4,875), and Comcast Cable (\$4,875) and appropriate it to the Project's account;

C) a Budget Transfer of \$60,000 within the \$25 Million General Obligation Parks and Cultural Improvement Bond Fund – 2003 from Reserves to the Project's account; and

D) Change Order No. 1 to increase the contract amount by \$154,000. This will cover the potential additional costs that may be charged by the Town of Lantana for a construction staging area for the Project. This will bring the amount available to be paid to the Town of Lantana to \$327,000 per year for the proposed two (2) year project. This staging area will be in portions of the Town parks on the north and south sides of Ocean Avenue.

SUMMARY: Approval of this Contract, Budget Amendment, Budget Transfer and Change Order No. 1 will allow Palm Beach County (County) to issue a Notice to Proceed to GLF, a Dade County company, to begin construction of the Project. Time to complete all work under this contract shall be no more than 705 calendar days, and will involve a complete closure of the bridge for 600 of those days. The Small Business Enterprise (SBE) participation committed for the Project by GLF is 9.09% overall and does not meet the 15% SBE requirement for this Project. The remaining bidders, however, fall outside the dollar range for ranking of responsive bidders. The second and third place bidders, both out of county, also did not meet the SBE requirement. The new bridge will include a \$560,000 fishing pier under the west end of the bridge, paid for by Park's bond fund. District 4 (MRE) (Engineering)

6. REGULAR AGENDA

H. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to:

A) open the Municipal Services Taxing Unit (MSTU) program for the Fargo Avenue and El Paso Drive/Pancho Way/Pinto Drive (east end only) road improvement projects;

B) provide interim courtesy maintenance upon receipt (at no cost) of any needed right-of-way;

C) authorize modification of the MSTU Ordinance to allow a percentage up to 100% of project costs to be assessed for these two (2) projects;

D) propose assessments equal to 50% of the project cost, with the exception of any road adjacent to a canal, where the historical MSTU percentage calculation shall be used when adjacent to a canal;

E) provide the most cost effective paved surface for these roads, which may or may not involve installing drainage to meet current County standards; and

F) direct staff to immediately proceed to hire a consultant to design the projects; and

G) direct staff to proceed with the MSTU process, finishing the design and bidding the projects, followed by a public hearing to establish the maximum dollar assessments for each project.

SUMMARY: The above roads are in the Ranchettes and are located west of the Florida Turnpike and north of Lake Worth Road. Accepting Fargo from El Paso to Arrowhead into the MSTU program would allow the County to begin maintenance of the shell rock road as it exists today in a public right-of-way. Staff estimates that an initial cost of \$38,000 would be required to bring the road to County standards for shell rock roads. Annual maintenance costs would be approximately \$7,800. Staff will be determining the most cost effective option to pave the road and will then inform the Board of the recommended construction option when it brings the MSTU assessment roll for Board adoption. The other three (3) roads (El Paso, Pancho and the east end of Pinto) have recently been privately treated with crushed asphalt to improve the rideability and lessen maintenance, with the work paid for by some of the residents. These three (3) road rights-of-way are still owned by the original developer. In the past, he has dedicated rights-of-way, at no cost, to the County upon request. Staff recommends that the County accept maintenance when the rights-of-way are obtained. Staff would recommend that, at a minimum, the proposed improvement include a new surface on the three (3) roads, along with guardrails along El Paso. Again, the existing drainage may not be changed with the installation of the new paved surface. County MSTU funds would be used for up-front money for the projects, and will provide the funding required for the construction costs over assessment receipts.
District 6 (MRE)

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7. BOARD APPOINTMENTS

A. ADMINISTRATION
(Water Resources Task Force)

1. Staff recommends motion to ratify: the appointment of David Stewart of the Town of Lantana as a member for one (1) of the League of Cities seats on the Palm Beach County Water Resources Task Force (Seat No. 6), and J.P. Sasser of the City of Pahokee (Seat No. 6) and Dawn Pardo of the City of Riviera Beach (Seat No. 5) as alternate members for the League of Cities seats on the Palm Beach County Water Resources Task Force, effective September 13, 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 few of the League of Cities Task Force members, one (1) new member and two (2) new alternates submitted by the League of Cities need to be ratified by the Board of County Commissioners. Countywide (MJ)

(Health Facilities Authority)

2. Staff recommends motion to approve: reappointment of the following individuals to the Palm Beach County Health Facilities Authority (Authority) for the term September 13, 2011, to April 30, 2015:

<u>Nominees</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Dr. James T. Howell	4	Palm Beach County Resident	Comm. Burdick Comm. Abrams Comm. Taylor Comm. Marcus
Tenna Wiles	5	Palm Beach County Resident	Comm. Burdick Comm. Vana Comm. Abrams Comm. Taylor Comm. Marcus

SUMMARY: Chapter 154.207, Florida Statutes, allows for the creation of a Health Facilities Authority, and in 1977, the Board of County Commissioners adopted Resolution R77-379, creating the Authority. The Authority is comprised of five (5) at-large residents of Palm Beach County. Dr. Howell has served on the Authority since 2008, and Ms. Wiles has served since 2007. Both are eligible to serve another term and have expressed a desire to be reappointed. A memo was distributed to the Board of County Commissioners on August 4, 2011 requesting nominations. No other nominations were received. District 4 (TKF)

7. BOARD APPOINTMENTS

A. **ADMINISTRATION (Cont'd)**
(Fire Rescue Level of Service Committee)

3. **Staff recommends motion to approve:** appointment of the following individual to the Fire Rescue Level of Service Committee to complete the unexpired term of Kurt Bressner, who resigned and whose term expires March 15, 2012:

<u>Nominee</u>	<u>Seat</u>	<u>Category</u>
David Harden	3	Manager-Large City

SUMMARY: Palm Beach County Resolution R2004-0494 established the Fire Rescue Level of Service Committee (LOS Committee). It consists of nine (9) members representing specific categories, each serving a term of three (3) years after the initial start up. The League of Cities has recommended City Manager Mr. David Harden, City of Delray Beach as a replacement for Mr. Bressner, who has resigned. Mr. Harden meets the seat requirement and has satisfactorily completed all applicable training requirements. Countywide (SB)

(Health Care District)

4. **Staff recommends motion to approve:** appointment of one (1) individual to the Health Care District of Palm Beach County (HCD), to fill the seat vacated by Dr. Effie Gear, for a four (4)-year term commencing October 1, 2011, and ending September 30, 2015:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
Sandra Chamblee	2	Glades Area Resident	Comm. Marcus Comm. Santamaria
<u>OR</u>			
Brian Lohman	2	Glades Area Resident	Comm. Aaronson Comm. Abrams Comm. Burdick Comm. Taylor Comm. Vana

SUMMARY: Per Chapter 2003-326, Laws of Florida, the HCD is comprised of seven (7) members. The appointing authority shall consider the diverse geographic areas of Palm Beach County in selecting individuals to serve on the HCD, and at least one (1) person, but not more than two (2) shall reside in the Glades Area. The Governor shall appoint three (3) members; the Board of County Commissioners shall appoint three (3) members, one of which must be an elected official at the time of appointment; and one (1) member shall be the director of the Palm Beach County Health Department. Members may serve two (2), four (4)-year terms. Seat No. 2 is currently occupied by Dr. Effie Gear. Dr. Gear will be completing her second and final term on September 30, 2011. Both candidates for Seat No. 2 meet the requirements for District Board members. Countywide (TKF)

B. **COMMISSION DISTRICT APPOINTMENTS**

SEPTEMBER 13, 2011

8. MATTERS BY THE PUBLIC – 2:00 P.M.

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SEPTEMBER 13, 2011

9. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

10. 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

11. 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

SEPTEMBER 13, 2011

<u>PAGE</u>	<u>ITEM</u>	
12	3C-4	<u>REVISED SUMMARY:</u> Staff recommends motion to approve: Change Order No. 10 in the amount of \$68,689.40 and a 58 day time extension to Contract No. R2009-0261 with American Engineering & Development Corp. for the Lyons Road from Glades Road to Yamato Road contract. SUMMARY: Approval of Change Order No. 10 will compensate for costs and delays associated with the excavation of unanticipated cap rock from the proposed retention lake. Change Order No. 10 is being brought to the Board of County Commissioners because the accumulated time extensions it exceeds the maximum time of 90 days the Contract Review Committee can approve as referenced in PPM-CWF-050. <u>District 5 (MRE) (Engineering)</u>
21	3E-14	<u>REVISED TITLE:</u> Staff recommends motion to: A) receive and file Grant Award Letter from Department of Health & Human Services, for the period of March 1, 2011, through February 29, 2012, in the amount of \$7,956,788; B) receive and file Amendment No. 1 to Comprehensive AIDS Program, Inc. (R2011-0468) to increase Health Insurance Continuation by \$50,000 for a new not to exceed total of \$1,189,036 <u>\$537,958</u> ;...(Community Services)
23	3F-3	<u>DELETED:</u> Staff recommends motion to adopt: a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 2 with the Florida Department of Transportation (FDOT) amending the original project description to Southside Hangar Development and Infrastructure at Palm Beach County Park Airport. (Airports) (Further staff review)
44	3S-2	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve: an Agreement with Dr. Thomas H. Matese, Jr. for medical direction for a three (3) year period (October 1, 2011 - September 30, 2014) in the <u>total contract</u> amount of not to exceed \$601,910.64. SUMMARY: State law requires Palm Beach County Fire-Rescue, as an Emergency Medical Services Provider, contract with a licensed/certified M.D. or D.O., who meets all criteria of Chapter 401, Florida Statutes, and the Rules of the Department of Health, Chapter 64E-2, F.A.C. 64J-1, F.A.C. This Agreement includes the requirement for a second physician to serve as Associate Medical Director in order to provide increased training classes provided to the Paramedics and EMTs, an increased level of time spent in the field for supervision/observation of skill levels, and availability of twenty-four hour emergency consultation. <u>Countywide (SGB) (Fire Rescue)</u>
46	3U-3	<u>REVISED MOTION:</u> Staff recommends motion to ratify <u>approve:</u> Supplemental Service Order Request with Florida LambdaRail (FLR) to increase commodity Internet service capacity from 75 megabytes (MB) to 540 MB and to reduce commodity internet service unit pricing from \$36 per MB to \$15 per MB, all applicable to Affiliate Connection Agreement (R2008-0674), effective January 1, 2011 for an increase in FY 2011 of \$64,800 and a new annual cost of \$128,011. (ISS)
55	6A-1	<u>DELETED:</u> Staff recommends motion to approve: A) a Five (5) Year Agreement with the Business Development Board of Palm Beach County, Inc., in the aggregate amount of \$4,657,350, subject to annual potential adjustment and appropriation, for the period of October 1, 2011, through September 30, 2016, to assist in providing economic development activities for Palm Beach County; and....(Admin/EDO) (Further staff review)

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 (*).