

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

NOVEMBER 15, 2011

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

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
 - D. Election of Chair
 - E. Election of Vice Chair
 - F. Comments

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

- 3. CONSENT AGENDA (Pages 7 - 33)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 34 - 35)**

- 5. REGULAR AGENDA (Pages 36 - 39)**

- 6. BOARD APPOINTMENTS (Pages 40 - 42)**

- 7. STAFF COMMENTS (Page 43)**

- 8. COMMISSIONER COMMENTS (Page 44)**

- 9. ADJOURNMENT (Page 44)**

TABLE OF CONTENTS

CONSENT AGENDA

A. ADMINISTRATION

Page 7

3A-1 Resident Education to Action Program Agreements

Page 8

3A-2 Memorandum of Agreement with Treasure Coast Regional Planning Council relative to the Brownfields Assessment Coalition

3A-3 Receive and file Agreements related to the Oxygen Development Section 108 Loan

B. CLERK & COMPTROLLER

Page 9

3B-1 Warrant list

3B-2 Minutes: None

3B-3 Contracts and claims settlements list

C. ENGINEERING & PUBLIC WORKS

Page 9

3C-1 Task Agreement with Civil Design, Inc. for engineering services related to Fargo Avenue, Pancho Way, El Paso Drive and a portion of Pinto Drive project

Page 10

3C-2 Change Order No. 1 with Rosso Paving & Drainage, Inc. related to Lyons Road (West Atlantic Ave to Boynton Beach Blvd) project

3C-3 Deleted

3C-4 Agreement with E.C. Driver & Associates, Inc. for professional services related to Ocean Avenue Bridge project

3C-5 Amendment No. 1 with FDOT related to Blue Heron Blvd at Congress Avenue project

3C-6 Resolution delegating signature authority for construction agreements with FDOT

D. COUNTY ATTORNEY

Page 11

3D-1 Agreements with JLA Geosciences, Inc. and Kimley-Horn and Associates, Inc. for consulting/professional services relating to wells and water treatment plant serving the Glades area

E. COMMUNITY SERVICES

Page 11

3E-1 Standard Agreement with Area Agency on Aging for the Emergency Home Energy Assistance for the Elderly Program

Page 12

3E-2 Amendments to agreements with the Area Agency on Aging for Community Care for the Elderly, Home Care for the Elderly, and Alzheimer's Disease Initiative programs

Page 13

3E-3 Grant award, amendments and contracts related to the funding and services under the Ryan White Program

Page 14

3E-4 Agreements with Children's Services Council for match funding related to the Early Head Start and Head Start programs

3E-5 Applications and contracts associated with the Supportive Housing Program

Page 15

3E-6 Twenty-two agreements associated with the Financially Assisted Agencies Program

F. AIRPORTS

Page 16

3F-1 Change Order No. 3 with David Brooks Enterprises, Inc. related to the terminal flooring improvements at PBI

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 17

3G-1 Misc. Budget Amendments and Transfers related to the FY 2011 Budget

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 18

- 3H-1 Deleted
- 3H-2 Deleted
- 3H-3 Deleted
- 3H-4 Deleted
- 3H-5 Deleted
- 3H-6 Deleted
- 3H-7 Assignment and Assumption Agreement with Intellitech Corporation for professional services related to the Inmate Management System
- 3H-8 Contract with Sun Art Painting Corporation for the South Region Water Reclamation Facility painting project

Page 19

- 3H-9 License Agreement for Use of Equipment with Kettle Comfort, Inc. for commercial kitchen equipment
- 3H-10 West Boynton District Park "B" Replat 1 The Springs P.U.D. plat

Page 20

- 3H-11 Drainage and Access easements in favor of the American Orchid Society, Inc.
- 3H-12 Lease Agreement with Floral Acres, LLC to lease approx. 20 acres in the Ag Reserve (nursery use)
- 3H-13 Utility Easement Agreement in favor of FPL relative to Central Detention Center project

Page 21

- 3H-14 Deleted
- 3H-15 Cross Access and Temporary Construction easements relative to driveway improvements at West Jupiter Community Park

I. HOUSING & COMMUNITY DEVELOPMENT

Page 22

- 3I-1 Amendment No. 1 with City of Pahokee regarding Pahokee High School gym renovations
- 3I-2 Receive and file three (3) Modifications to grant agreements for Community Development Block Grant, and the 2005 and 2008 Disaster Recovery Initiative programs

Page 23

- 3I-3 Receive and file agreements and amendments associated with Community Development Block, Disaster Recovery Initiative, and Neighborhood Stabilization programs
- 3I-4 One (1) additional position under Neighborhood Stabilization Program 2 grant

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

Page 24

- 3K-1 Receive and file two (2) Indemnification Agreements for Water Utilities Department
- 3K-2 Work Authorization No. 9 with Johnson-Davis, Inc. for the Watergate Mobile Home Park water main replacement project
- 3K-3 Contract with Aquifer Maintenance and Performance Management, Inc. for Systemwide Wellfield Rehabilitation and Maintenance project

L. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 25

- 3L-1 Resolutions for the Florida Department of Environmental Protection relative to funding the Petroleum Storage Tank Compliance Verification and Petroleum Contamination Cleanup programs

M. PARKS & RECREATION

Page 25

- 3M-1 Receive and file three (3) independent contractor agreements for Parks & Recreation Department

N. LIBRARY

Page 26

- 3N-1 Cooperative Agreement with Literacy*AmeriCorps for full-time Literacy*AmeriCorps member

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION

Page 26

3Q-1 Second Chance Act Grant award from Department of Justice regarding plan to reduce juvenile recidivism

3Q-2 Ratify signature on Department of Justice Contract Amendment related to juvenile home detention monitoring services

Page 27

3Q-3 Second Amendment with Florida Atlantic University relative to Restorative Justice project

R. HUMAN RESOURCES

Page 27

3R-1 2011-2012 Affirmation Action Plan

S. FIRE RESCUE - None

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES

Page 27

3U-1 First Amendment with Jewish Federation of Palm Beach County, Inc. regarding connection to County's regional network

Page 28

3U-2 Supplemental agreements with Florida LambdaRail for additional FLRNet capacity

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY

Page 28

3X-1 Emergency Medical Services Grant Second Award Letter from Florida Department of Health, Bureau of Emergency Medical Services to improve and expand EMS system

Page 29

3X-2 Fourth Amendment with City of Miramar for Urban Area Security Initiative funding for terrorism planning activities

3X-3 Fourth Amendment with City of Miramar for Urban Area Security Initiative supplemental funding for terrorism planning activities

3X-4 Standard Agreements and delegation of signature authority related to distribution of Emergency Medical Services equipment

Page 30

3X-5 Receive and file amendments with City of Miramar for Urban Area Security Initiative for terrorism planning activities

Y. PURCHASING - None

Z. RISK MANAGEMENT - None

AA. PALM TRAN

Page 30

3AA-1 Budget amendments and transfer related to Transportation Disadvantaged Grant award

BB. SHERIFF'S OFFICE

Page 31

3BB-1 Agreement with City of Miramar for Urban Area Security Initiative funding for Regional Virtual Fusion Center

3BB-2 Agreement with City of Miramar for Urban Area Security Initiative funding for domestic security activities

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

BB. SHERIFF'S OFFICE (Cont'd)

Page 32
3BB-3 Budget Transfer in Law Enforcement Trust Fund to various drug and crime prevention and education programs

CC. OFFICE OF THE INSPECTOR GENERAL

Page 32
3CC-1 Interlocal Agreement with Health Care District for Inspector General services
Page 33
3CC-2 Interlocal Agreement with Children's Services Council for Inspector General services

DD. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

Page 33
3DD-1 Federally Funded Subgrant Agreement with Florida Division of Emergency Management for canal improvements

EE. TOURIST DEVELOPMENT COUNCIL

Page 33
3EE-1 Agreement with Palm Beach County Cultural Council for administration of cultural grant program

PUBLIC HEARINGS – 9:30 A.M.

Page 34
4A Resolution to abandon 30' right-of-way in Palm Beach Farms Co. Plat No. 3
4B Five Year Road Program
4C Waive annual renewal application requirement (restricted use property classification)
Page 35
4D Vehicle for Hire (Moratorium) Ordinance
4E Uniform method of collecting non-ad valorem assessments relative to lot clearing and abating nuisances
4F Sexual Offenders and Sexual Predator Residence Prohibition Ordinance
4G Public Service Tax Ordinance

REGULAR AGENDA

ADMINISTRATION

Page 36
5A-1 Offer of Commitment from U.S. Department of Housing and Urban Development for Section 108 Loan

COUNTY ATTORNEY

Page 36
5B-1 Bond Resolution for Industrial Development Revenue Bonds (Classical South Florida, Inc. project)

FIRE RESCUE

Page 37
5C-1 Second Amendment for Fire Protection and Emergency Medical Services with City of Lake Worth

PALM TRAN

Page 37
5D-1 Palm Tran Ten-Year Transit Development Plan

TABLE OF CONTENTS

REGULAR AGENDA CONTINUED

OFFICE OF THE INSPECTOR GENERAL

Page 38

5E-1 Addition of six (6) positions

FACILITIES DEVELOPMENT & OPERATIONS

Page 38

5F-1 Agreement for Purchase and Sale relative to acquisition of 1.09 acres adjacent to DuBois Park

PLANNING, ZONING & BUILDING

Page 39

5G-1 Agreements with Tax Collector, Property Appraiser and Information System Services related to collecting non-ad valorem assessments for lot clearing, abatement of nuisances, and safety programs

BOARD APPOINTMENTS (Pages 40 - 42)

STAFF COMMENTS (Page 43)

COMMISSIONER COMMENTS (Page 44)

ADJOURNMENT (Page 44)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve:

- A) an Agreement with Neighbors Helping Neighbors Project, Inc. in an amount not-to-exceed \$850 for expenses related to the Community Organizing Project;
- B) an Agreement with Residents of Lake Osborne Heights, Inc. in an amount not-to-exceed \$2,200 for expenses related to the Community Improvement Project;
- C) an Agreement with Genesis Neighborhood Association, Inc., in an amount not-to-exceed \$1,260 for expenses related to the Community Improvement Project;
- D) an Agreement with Cabana Colony Residents League, Inc., in an amount not-to-exceed \$1,920 for expenses related to the Community Center Project;
- E) an Agreement with Challenge To Change, Inc. in an amount not-to-exceed \$850 for expenses related to the Community Organizing Project;
- F) an Agreement with Dhails Community Enhancement Services, Inc. in an amount not-to-exceed \$2,000 for expenses related to the Community Center Project;
- G) an Agreement with Paint Your Heart Out Palm Beach County, Inc. in an amount not-to-exceed \$2,500 for expenses related to the Community Beautification Project;
- H) an Agreement with Building Bridges United Outreach, Inc. in an amount not-to-exceed \$1,700 for expenses related to the Community Outreach Project;
- I) an Agreement with Building Bridges Unity Outreach, Inc. in an amount not-to-exceed \$2,500 for expenses related to the Community Improvement Project;
- J) an Agreement with Pahokee Development Corporation, Inc. in an amount not-to-exceed \$2,500 for expenses related to the Community Outreach Project;
- K) an Agreement with Belle Glade Housing Authority, Inc. in an amount not-to-exceed \$2,500 for expenses related to the Community Recreation Project;
- L) an Agreement with City of Pahokee in an amount not-to-exceed \$2,500 for expenses related to the Community Improvement Project;
- M) an Agreement with Glades Initiative, Inc. in an amount not-to-exceed \$2,500 for expenses related to the Community Outreach Project;
- N) an Agreement with The First Tee of the Glades, Inc. in an amount not-to-exceed \$2,000 for expenses related to the Community Outreach Project;
- O) an Agreement with Anteria Burgess in an amount not-to-exceed \$500 for expenses related to the Community Outreach Project; and
- P) an Agreement with Housing Partnership, Inc. in an amount not-to-exceed \$1,000 for expenses related to the Community Outreach Project.

SUMMARY: The Resident Education to Action Program (REAP) is a five (5) week, hands-on educational course on community revitalization and civic leadership development for residents and neighborhood organizations that are seeking to improve the quality of life within their communities. Remaining funds from REAP Fiscal Year 2010-2011 were carried forward to implement projects for REAP Fiscal Year 2011-2012. The Agreements being submitted represent the REAP projects selected by the Office of Community Revitalization Director to receive grant funding. Countywide (AH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

2. **Staff recommends motion to approve:** a Memorandum of Agreement (MOA) with the Treasure Coast Regional Planning Council (TCRPC) establishing a working partnership for the Brownfields Assessment Coalition. **SUMMARY:** The TCRPC submitted a Coalition Assessment Grant application to the U.S. Environmental Protection Agency (EPA) on October 15, 2010 as the “lead” eligible entity on behalf of the Brownfields Assessment Coalition. The Coalition is comprised of the TCRPC, Palm Beach County, and the Cities of West Palm Beach and Fort Pierce. Through collaboration with the coalition members, the TCRPC’s application resulted in the region receiving a \$1,000,000 Brownfields grant for the period of October 1, 2011 through September 30, 2014. The grant is to be used predominantly for site assessments targeted in areas which have a vision for the reuse and redevelopment of brownfields and the capability to achieve that vision. As a Coalition member, Palm Beach County has a mutual interest in continuing its collaboration and being part of the Treasure Coast Brownfields Redevelopment Coalition to support environmental assessment activities in connection with the grant award. This MOA will show Palm Beach County’s support for environmental assessment activities in connection with the grant award, which serve as catalysts for economic redevelopment projects contributing to the County’s sustainability. The MOA also documents the Coalition’s site selection process, which the EPA requires to be in place prior to the expenditure of any funds that have been awarded to the Coalition. **There is no local match required.** Countywide (DW)

3. **Staff recommends motion to receive and file:** executed Agreements with Oxygen Development, LLC for a Section 108 Loan in the amount of \$5,948,000:
 - A) U.S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program Variable/Fixed Rate Note B-08-UC-12-0004 in the amount of \$5,948,000;
 - B) Request for Advance dated October 13, 2010, from Palm Beach County to HUD for a Section 108 Loan in the amount of \$5,948,000, under Loan Commitment No. B-08-UC-12-0004;
 - C) Letter of Opinion from County’s Counsel to Secretary of U.S. Department of HUD dated October 21, 2010;
 - D) Letter of Opinion from Borrower’s Counsel to Palm Beach County and County’s Counsel dated October 6, 2010;
 - E) Loan Commitment letter from Palm Beach County to Oxygen Development, LLC dated September 28, 2010, for a \$5,948,000.00 Section 108 Loan;
 - F) Palm Beach County Section 108 Promissory Note dated October 6, 2010, in the amount of \$5,948,000;
 - G) Section 108 Loan Program Agreement dated October 6, 2010, to grant financing with a Section 108 Loan in the amount of \$5,948,000;
 - H) Loan and Security Agreement dated October 6, 2010, in the principal amount of \$5,948,000;
 - I) Mortgage and Security Agreement dated October 6, 2010, and recorded with Palm Beach County Clerk and Comptroller on February 2, 2011, for a maximum principal indebtedness not to exceed \$750,000;
 - J) Security Agreement dated October 6, 2010, for a maximum principal indebtedness not to exceed \$5,948,000;
 - K) Guaranty Agreement for Palm Beach County to make a loan in the total principal amount of \$5,948,000 dated October 6, 2010;
 - L) Further Assurances dated October 6, 2010, to execute other documents and assurances, and correct errors or omissions in connection with the \$5,948,000 Section 108 Loan;
 - M) State of Florida Uniform Commercial Code Financing Statement Form recorded with the Palm Beach County Clerk & Comptroller on February 16, 2011;

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. MOTION/TITLE CONTINUED

N) State of Florida Uniform Commercial Code Financing Statement Form filed with State of Florida on February 11, 2011;

O) Mortgage Title Insurance Policy No. FL6506-46-3294983-2011.7210709-83025756 for \$750,000 in favor of Palm Beach County, issued by Chicago Title Insurance Company through American Land Title Association Loan Policy, effective February 2, 2011; and

P) Life Insurance Policy No. YME1118509 of Philippe A Cohen assigned to Palm Beach County, issued by American General Life Companies through American General Life Insurance Company, dated October 25, 2010.

SUMMARY: In accordance with the 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 above Agreements have been executed on behalf of the Board of County Commissioners (Board) by the County Administrator or his designee in accordance with Resolution R2009-0725, and are now being submitted to the Board to receive and file. District 2 (DW)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: None
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:**
A) a Task Agreement for \$8,039.36 under the Annual Civil Engineering Agreement approved by Resolution Number R2010-0576, with Civil Design, Inc. for engineering services that include evaluation of alternative design and construction scenarios for Fargo Avenue, Pancho Way, El Paso Drive and the easterly portion of Pinto Drive (Project), Project No. 2008134; and

B) a Budget Transfer of \$9,040 in the Unincorporated Improvement Fund from Reserves to Fargo Avenue from El Paso Drive to Arrowhead Drive.

SUMMARY: Approval of the Task Agreement will provide preliminary engineering services that include evaluation of alternative design and construction scenarios for the Project. Approval of the Budget Transfer will provide funds for these services. The Project will include Fargo Avenue from El Paso Drive to Arrowhead Drive, El Paso Drive from Blanchette Trail to Pancho Way, Pinto Drive from 900 feet west of Pancho Way to Pancho Way and all of Pancho Way. District 6 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff recommends motion to approve: Change Order No. 1 in the amount of \$185,602.13 and a 45 day time extension to Contract No. R2011-0347 with Rosso Paving & Drainage, Inc., for the Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard contract (Project). **SUMMARY:** Approval of Change Order No. 1 will compensate for additional costs and time delays associated with the errors in the data collected by the Palm Beach County's consultant engineers/surveyors for the proposed Project as per Attachment 3 of the Agenda Item. Errors and omissions against the consultant will be considered at the end of the construction. Had the survey error not been made, we would have expected the contract bid amount to be higher, since fill material would have been required. A large number of items included in the Change Order are already in the contract-thus the prices did not have to be negotiated, and we will be adjusting the quantities to reflect the actual usage. District 5 (MRE)

3. **DELETED**

4. Staff recommends motion to approve: an Agreement in the amount of \$2,546,912.13 with E.C. Driver & Associates, Inc. (ECD), for professional services necessary for the Ocean Avenue Bridge construction phase. **SUMMARY:** Approval of this Agreement will provide the construction engineering and inspection services required for the construction of the Ocean Avenue Bridge over the Intracoastal Waterway. ECD is a Palm Beach County Company. District 4 (MRE)

5. Staff recommends motion to:

A) adopt a Resolution approving Amendment Number One to the Local Agency Program (LAP) Agreement (LAP Agreement) R2010-0701 with the State of Florida Department of Transportation (FDOT) to adjust the 100% State grant funds for the construction of Blue Heron Boulevard at Congress Avenue (Project), add the E-Verify language to the LAP Agreement and extend the expiration date to June 30, 2012; and

B) approve a downward Budget Amendment of \$3,395,956 in the Road Impact Fee Fund – Zone 1 to reduce the LAP funding from FDOT for the Project to match the actual bid price.

SUMMARY: Adoption of this Resolution to approve Amendment Number One will adjust the grant funds for construction of the Project, will add the E-Verify language to the LAP Agreement, and extend the expiration date to June 30, 2012. Approval of the Budget Amendment will reduce the grant amount by \$3,395,956. The funding will be reallocated within the existing FDOT work program. District 7 (MRE)

6. Staff recommends motion to rescind: Resolution R2011-0277 and adopt a Resolution to authorize the County Administrator and/or his designees to execute construction agreements with the Florida Department of Transportation (FDOT). **SUMMARY:** Resolution No. 2011-0277 authorized the County Administrator and/or his designees to execute construction agreements with FDOT. FDOT has now issued a revised form of agreement. Rescinding Resolution R2011-0277 and adopting a new resolution will allow the use of an updated form of agreement, and allow the County Administrator and/or his designees to continue to execute these construction agreements on behalf of Palm Beach County. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. Staff recommends motion to:

A) approve an Agreement with JLA Geosciences, Inc., for consulting and professional services; and

B) approve an Agreement with Kimley-Horn and Associates, Inc., for consulting and professional services.

SUMMARY: The Water Utilities Department has requested that the Palm Beach County Attorney's Office conduct a review of potential litigation issues relating to the design and construction of the wells and water treatment plant serving the Glades area. Geo-technical and engineering assistance is required to complete the County Attorney Office's review. The proposed agreements will authorize consulting and professional services, with a not-to-exceed amount of \$49,500 for geo-technical consultants, JLA Geosciences, Inc., and a not-to-exceed amount of \$100,000, for engineering consultants, Kimley-Horn and Associates, Inc. The fees will be paid for by the Water Utilities Department. Countywide (ATP)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve:

A) Standard Agreement No. IP011-9500 for Emergency Home Energy Assistance for the Elderly Program (EHEAP) with Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period September 1, 2011, through March 31, 2012, in an amount not to exceed \$14,743; and

B) Budget Amendment of \$5,727 in the DOSS Administration Fund to reconcile the grant budget.

SUMMARY: EHEAP is a home energy assistance program for seniors. DOSS, as a AAA Lead Agency, serves eligible low-income households who meet 150% of the federal poverty guidelines, have at least one (1) person age 60 years or older and are experiencing a home energy emergency. Benefits include emergency assistance to prevent disconnection of utility services. This agreement allows the County to receive \$14,743 for outreach & administration and to refer eligible clients for crisis benefits directly paid by AAA, in the amount of \$182,689. 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)

2. Staff recommends motion to:

A) receive and file Amendment No. 006 to Contract Renewal No. IC010-9500 (R2010-1229) for Community Care for the Elderly (CCE) with Area Agency on Aging (AAA) of Palm Beach/Treasure Coast, Inc., for the period July 1, 2010, to June 30, 2011, to increase the total funding by \$7,154.46 and to revise Attachment II, Community Care for the Elderly Agreement Budget Summary;

B) receive and file Amendment No. 006 to Contract Renewal No. IH010-9500 (R2010-1227) for Home Care for the Elderly (HCE) with AAA, for the period July 1, 2010, to June 30, 2011, to increase the total funding by \$6,584.46 and to revise Attachment II, Home Care for the Elderly Agreement Budget Summary; and

C) receive and file Amendment No. 004 to Contract Renewal No. IZ010-9500 (R2010-1231) for Alzheimer's Disease Initiative (ADI) with AAA, for the period July 1, 2010, to June 30, 2011, to increase the total funding by \$5,259.42 and to revise Attachment II, Alzheimer's Disease Initiative Program Agreement Budget Summary.

SUMMARY: These receive and file items are being submitted in accordance with Countywide PPM No. CW-0-051 to allow the Clerk's Office to note and receive the executed agreement. Amendments were executed by the County Administrator in accordance with Resolution R2010-1942, which delegated authority to the County Administrator, or his designee, to sign documents related to DOSS/AAA grant amendments. 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)

3. 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, for the balance of the grant award totaling \$8,781,650;

B) approve one (1) Amendment No. 1 to the Ryan White Part A HIV Health Support Services Contract (MAI) to Comprehensive AIDS Program, Inc. (R2011-0479) increasing the contract amount by \$314,115 for a new not to exceed total of \$577,235;

C) approve Amendment No. 3 to the Ryan White Part A HIV Health Support Services Contract (Formula) Amendment No. 3 to Comprehensive AIDS Program, Inc. (R2011-0468) increasing the contract amount by \$69,257 for a new not to exceed total of \$1,308,293; and

D) approve contracts with listed provider agencies for the period March 1, 2011, through February 29, 2012 totaling \$1,357,873 for Ryan White Part A Treatment Extension Act of 2009 HIV Health Support Services funds (Supplemental):

1) Compass, Inc.	\$181,899
2) Comprehensive AIDS Program, Inc.	\$530,000
3) Comprehensive Community Care Network, Inc.	\$ 47,000
4) Legal Aid Society of Palm Beach County, Inc.	\$ 90,879
5) Minority Development and Empowerment, Inc.	\$ 41,942
6) Palm Beach County Health Department	<u>\$466,153</u>
Total	\$1,357,873

SUMMARY: 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 \$8,781,650 (Formula \$6,505,052, Supplemental \$1,597,498, and MAI \$679,100). 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 two (2) amendments as well as the six (6) Supplemental contracts listed represent part of the balance of the total funding. Employees Nicole Leidesdorf of Compass, 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. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to approve: Agreements with Children's Services Council of Palm Beach County, for the period of October 1, 2011, through September 30, 2012, for the following amounts:

A) \$157,413 for Early Head Start services; and

B) \$297,551 for Head Start services.

SUMMARY: These Agreements will allow County to receive funding from Children's Services Council up to \$157,413 as part of the matching funding requirement to provide full day/full year comprehensive Early Head Start services to a total of 180 pregnant mothers, infants/toddlers, and up to \$297,551 as part of the matching funds requirement to provide full day/full year Head Start services to 1,871 three to five year old children and their families. Services include comprehensive health, education, parental involvement, nutritional, social and other services. (Head Start) Countywide (TKF)

5. Staff recommends motion to:

A) **ratify** the signature of the Chair on:

1) the U.S. Department of Housing and Urban Development (HUD) renewal application for the Supportive Housing Program, for the period of January 1, 2013, through December 31, 2013, in the amount of \$ 533,398; and

2) the U.S. Department of Housing and Urban Development (HUD) Shelter Plus Care renewal application, for the period of May 23, 2012, through May 22, 2013, in the amount of \$424,704;

B) **delegate** authority to the County Administrator, or his designee to sign the U.S. Department of Housing and Urban Development (HUD) Supportive Housing Program and Shelter Plus Care grant agreements;

C) **delegate** authority to the County Administrator, or his designee to sign the contracts for the HUD Supportive Housing Program with Gulfstream Goodwill Industries, Inc., Jerome Golden Center for Behavioral Health, Inc., and Comprehensive Alcoholism Rehabilitation Program, Inc. (CARP, Inc.), for no more than a one-year period to end December 31, 2013, for the maximum cumulative amount of \$533,398; and

D) **delegate** authority to the County Administrator, or his designee to sign the contract for the HUD Shelter Plus Care Program with Jerome Golden Center for Behavioral Health, Inc., for no more than a one (1) year period to end May 22, 2013, for the final amount approved in the 2011 HUD Shelter Plus Care grant agreement.

SUMMARY: The Supportive Housing Program (SHP) will continue funding 30 transitional housing beds and supportive services, including specialized Case Management for the Homeless Outreach Teams (HOT). A cash match of \$91,240 is required (20% Supportive Services-\$46,940 and 25% Operating-\$44,300). This match will be budgeted in the FY 2013 budget process. The Shelter Plus Care (S+C) Renewal Grant provides sponsor based rental assistance for 32 disabled individuals. There is no cash match requirement for this grant, but an in-kind match is provided by the partner agency, Jerome Golden Center for Behavioral Health, Inc., in the form of supportive services. Thomas McKissack of the Jerome Golden Center for Behavioral Health, Inc., serves on a County Advisory Board: the Palm Beach County HIV Care Council. This Board provides no regulation, oversight, management, or policy-setting recommendations regarding the Jerome Golden 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. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. Staff recommends motion to approve:

A) Contracts with two (2) financially assisted agencies totaling \$169,578 for the indicated activities, for the period October 1, 2011, through March 31, 2012:

- 1) Comprehensive Alcoholism Rehabilitation Programs, Inc. - \$112,158, for services through the Homeless Assessment Center including comprehensive assessment services and linkage to other homeless providers as appropriate; and
- 2) The Lord's Place, Inc. - \$57,420 for the Engagement Center which provides services to the chronic homeless to encourage and motivate behavioral changes and links them to community services;

B) Contracts with 19 financially assisted agencies totaling \$6,491,730 for the indicated activities, for the period October 1, 2011, through September 30, 2012:

- 1) Alzheimer's Community Care, Inc. - \$510,793 for family nurse consultant and specialized adult day care programs for clients and families affected by Alzheimer's Disease;
- 2) Boys & Girls Club of Palm Beach County - \$149,314 for year-round services that offer a variety of activities in six (6) core areas which include: health and life skills; education and career development; the arts; technology; sports, fitness and recreation; and character and leadership development;
- 3) Drug Abuse Foundation of Palm Beach County, Inc. - \$1,537,168 for Medical Case Management, Adult Residential Services, CARP Adolescent Residential Treatment, CARP Adult Residential Treatment, CARP Outpatient Treatment Services and CARP Social and Medical Detox;
- 4) Farmworker Coordinating Council of Palm Beach County - \$150,346 for Family Preservation and Economic Stability services;
- 5) Housing Partnership, Inc. - \$68,870 for supportive housing for individuals diagnosed with mental illness and substance abuse and for supportive services to family members;
- 6) PACE Center for Girls, Inc. - \$35,000 for services that improve educational outcomes and work readiness to girls involved with Department of Juvenile Justice, Department of Children & Families and other partners;
- 7) Parent-Child Center, Inc.— \$240,852 for children's outpatient crisis intervention and prevention activities;
- 8) Rehabilitation Center for Children & Adults (Crippled Children Society), Inc. - \$49,500 for comprehensive outpatient rehabilitation services;
- 9) Seagull Industries for the Disabled, Inc. - \$268,901 for Training for Independence which includes services that address the clients' vocational and educational development;
- 10) Sickie Cell Foundation of Palm Beach County and Treasure Coast, Inc. - \$64,473 for customized education, outreach, case management and screening to the Haitian population;
- 11) The Center for Family Services of Palm Beach County, Inc. - \$73,000 for SAFE Kids and Substance Abuse Recovery programs;
- 12) The Center for Family Services of Palm Beach County, Inc. - \$157,754 for Emergency Shelter and Traveler's Aid programs;
- 13) The Glades Initiative, Inc. - \$145,530 for the system of care services in the Glades community;
- 14) The Jerome Golden Center for Behavioral Health, Inc. - \$1,387,116 for operation of a licensed in-patient psychiatric hospital providing assessment and treatment on a twenty-four hour basis for high-risk populations. They provide services in both the north county area and in Belle Glade. Services include adult/child crisis stabilization, residential detoxification services, and adult/child medical out-patient services;

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. MOTION/TITLE CONTINUED

- 15) The Lord's Place, Inc. - \$226,380 for permanent supportive housing services;
- 16) The Mae Volen Senior Center, Inc. – \$1,153,419 for services which include transportation, in-home services, congregate meals, home delivered meals, nutrition education, screening and assessments to eligible seniors;
- 17) United Way of Palm Beach County, Inc. - \$49,500 for coordination of disaster preparedness activities throughout the county in partnership with faith-based and non-profit organizations;
- 18) United Way of Palm Beach County, Inc. - \$139,664 to oversee the local funders' combined 211 Palm Beach/Treasure Coast contract for crisis intervention, information, assessment and referral to community services through 24-hour per day, 365 days per year telephone helpline/hotline; and
- 19) Urban Youth Impact, Inc. - \$84,150 for after school education/ social programs for inner-city elementary and middle school students at risk for school dropout and delinquency.

SUMMARY: The information submitted reflects part of the total \$13,229,511 funding approved by the Board of County Commissioners for the Financially Assisted Agencies Program for FY 2012. Employee Alton Taylor of Drug Abuse Foundation serves on County Advisory Board, the Criminal Justice, Mental Health & Substance Abuse Planning Council and the Public Safety Coordinating Council, Yvette Coursey of the Sickie Cell Foundation of Palm Beach and Treasure Coast serves on the Community Action Advisory Board, Judie Aigen of The Lord's Place serves on the Homeless Advisory Board, and Thomas McKissack of The Jerome Golden Center for Behavioral Health serves on the Palm Beach County HIV Care Council. These Boards provide no regulation, oversight, management or policy-setting recommendations regarding any of the above-listed contracts. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Section 2-443, of the Palm Beach County Code of Ethics. Other contracts will be forthcoming upon receipt of all the required information. (Financially Assisted Agency Program) Countywide (TKF)

F. AIRPORTS

- 1. Staff recommends motion to approve: Change Order No. 3 to the contract with David Brooks Enterprises, Inc. for a non-compensable time extension of 107 calendar days to the Terminal Flooring Improvements-Phase 1 project at Palm Beach International Airport (PBIA). **SUMMARY:** On October 5, 2010, the Board of County Commissioners approved the contract with David Brooks Enterprises, Inc. in the amount of \$1,196,311 (R2010-1605). Change Orders 1 and 2 were approved in accordance with the authority delegated in PPM No. CW-F-50 for an increase to the contract in the amount of \$107,570.15 and no extension of time. Approval of Change Order No. 3 will extend the contract by 107 calendar days due to delays beyond the contractor's control associated with procurement of the tile, with no increase to the contract amount. The Disadvantaged Business Enterprise (DBE) goal for this project was established at 18%. The total DBE participation to date is 54%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve the following FY 2011 Budget Amendments and Transfers:

A) Budget Amendment of \$63,868,532 in the General Fund to reclassify sales tax revenue and expenditures from the Sales Tax Revenue Fund to the General Fund per Governmental Accounting Standards Board (GASB) Statement Number 54;

B) downward Budget Amendment of \$76,539,225 in the Sales Tax Revenue Fund to reclassify sales tax revenue and expenditures and close out the fund per GASB 54;

C) downward Budget Amendment of \$1,662,386 in the Transportation Improvement Fund to increase the transfer to the County Transportation Trust Fund and reclassify revenue for Trees Only Streetscape per GASB 54;

D) Budget Amendment of \$2,783,326 in the County Transportation Trust Fund to recognize the transfer from the Transportation Improvement Fund and to reclassify revenues for Trees Only Streetscape per GASB 54;

E) Budget Amendment of \$1,532 in the 11.5M LT BAN Tax Refunding 07DS, Convention Center Hotel Fund to recognize interest revenue and increase the transfer to close out the fund;

F) Budget Amendment of \$1,532 in the 11.5M NAV Tax 10DS, Ref 11M Convention Hotel BAN 07 Fund to recognize the transfer and increase reserves for future debt service payment;

G) Budget Amendment of \$39 in the 75.0 GO 01A, Environmental Land Fund to recognize interest revenue and increase the transfer to close out the fund;

H) Budget Amendment of \$39 in the 115.8M GO Tax Coupon 06 DS, Ref 75M Land Acq 99B and 01A Fund to recognize the transfer and increase reserves for future debt service payment;

I) Budget Transfer of \$2,040,152 in the Palm Tran Grant Fund to reimburse the Palm Tran Operations Fund for grant eligible Connection expenses; and

J) Budget Amendment of \$2,040,152 in the Palm Tran Operations Fund to recognize the transfer from the Palm Tran Grant Fund.

SUMMARY: FS 129.01 requires the County to budget in compliance with GASB. The Sales Tax Fund does not meet the requirements of GASB 54 for a special revenue fund. The budget must be amended to move sales tax revenue and expenditures into the General Fund for FY 2011. A Budget Amendment in the County Transportation Trust Fund is necessary to recognize additional gas tax revenue transferred in FY 2011 to fund qualifying expenses budgeted in this fund. Also per GASB 54, revenue should be recognized in the fund where the expenses are incurred. The transfer from the Transportation Improvement Fund for Trees Only Streetscape must be reclassified to gas tax revenue in the Transportation Trust Fund. The Budget Amendments in the Debt Service Funds are necessary to recognize interest revenue and increase the transfers to close out the funds. The Budget Amendment of \$2,040,152 is necessary to recognize the transfer from the Palm Tran Grant Fund as reimbursement for grant eligible Connection expenses. Countywide (PK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. DELETED

2. DELETED

3. DELETED

4. DELETED

5. DELETED

6. DELETED

7. Staff recommends motion to receive and file: an Assignment and Assumption Agreement regarding a contract with Intellitech Corporation (Contract) (R2009-0646), as amended by R2011-0114 for professional services associated with the upgrade of the existing Inmate Management System. **SUMMARY:** On April 21, 2009, the Board of County Commissioners approved the Contract which was amended on February 1, 2011. Pursuant to the terms of Article 12, the County has the right to assign the Contract to the Palm Beach County Sheriff's Office (PBSO). On August 23, 2011, the County and PBSO entered into the Assignment and Assumption Agreement that provides for the County's assignment and PBSO's assumption of all the rights, interests and obligations under the Contract, together with PBSO's agreement to hold harmless and indemnify the County from all liabilities, damages, losses and costs, arising out of the assumed obligations. (ESS) Countywide (JM)

8. Staff recommends motion to approve: Contract with Sun Art Painting Corporation in the amount of \$354,914 for the Southern Region Water Reclamation Facility Painting. **SUMMARY:** This Contract will provide for stucco repair and painting of previously painted exterior concrete, masonry and stucco surfaces, steel piping, steel doors and frames, steel digester roofs, and aluminum caps. This project is being funded from Water Utilities Department's Operating and Maintenance budget. The Small Business Enterprise (SBE) goal for this project is 15%. Sun Art Painting's bid includes SBE participation of 95.7%. Sun Art Painting Corporation is a Palm Beach County business and a certified SBE contractor. The contract time is 150 calendar days to substantial completion. (Capital Improvements Division) District 5 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. **Staff recommends motion to approve:** a License Agreement for Use of Equipment ("Agreement") with Kettle Comfort, Inc., a Florida not for profit 501(c)(3) corporation, ("Kettle Comfort") to use County-owned commercial kitchen equipment. **SUMMARY:** This Agreement provides the terms and conditions under which Kettle Comfort, Inc. can remove, use and return two (2) steam kettles ("Equipment") currently located at 673 Fairgrounds Road in West Palm Beach ("Property") for the production of food to be used by not-for-profit organizations and community partners who provide distribution of food to Palm Beach County residents. Kettle Comfort's use of the Equipment is at no cost; provided however, a license fee of \$839 will be paid to reimburse the County for the cost of disconnecting the Equipment from the County's kitchen and reinstalling it upon surrender. The term of the Agreement commences on the date the Board approves the Agreement and extends until Kettle Comfort takes possession of permanently donated kitchen equipment or six (6) months, whichever occurs first. The term of the Agreement may be terminated by Kettle Comfort upon thirty (30) days prior notice to the County and by County: (i) upon thirty (30) days prior notice in the event the Equipment is required to operate the County's kitchen on the Property or (ii) upon forty-eight (48) hours notice in the event of a declared emergency. The Agreement provides that Kettle Comfort shall: (i) be responsible for the transport of the Equipment to and from the Property; (ii) repair and maintain the Equipment at its sole cost and expense; and (iii) assume the entire risk of loss and damage to the Equipment. Kettle Comfort has submitted a Security Deposit in the amount of \$53,000. (FDO/Admin) Countywide (JM)

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

A) the West Boynton District Park "B" Replat 1 The Springs P.U.D. plat; and

B) a Signage and Maintenance Easement Agreement ("Easement") with The School Board of Palm Beach County ("School Board") for a sign easement on County property located on Jog Road in unincorporated Boynton Beach.

SUMMARY: In October 2004 (R2004-2175), the County acquired 3.72 acres of property from the School Board located on the east side of Jog Road, south of Northtree Boulevard in western Boynton Beach for the development of a PBSO Substation adjacent to the Park Vista High School site. Subsequently, the School Board constructed a right-turn lane into the high school, a portion of which encroached onto the County's property, and in October 2007 (R2007-1714), was conveyed to the School Board for \$7,680. As a result of this conveyance, the County and School Board owned parcels must be re-platted. Additionally, the School Board constructed an electronic marquee sign for the Park Vista High School on the County's property and requires an easement for same. The Easement provides a 5' by 10' area for the sign and a 10' by 179' area to run electrical service to the sign, totaling 1,842 square feet (.04 acres). This is a non-exclusive easement and is being granted at no charge as the School Board granted the County, at no charge, a 25' x 10' sign easement for the PBSO Substation entrance sign on the Park Vista High School property. The County and the School Board will each sign the plat as property owners. The School Board is responsible for all costs associated with the re-plat. (PREM) District 3 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. Staff recommends motion to approve:

A) a Drainage Easement in favor of the American Orchid Society, Inc. for storm water drainage; and

B) an Access Easement in favor of the American Orchid Society, Inc. for ingress/egress through a portion of Morikami Park.

SUMMARY: On June 20, 1995, Palm Beach County entered into a Use & Management Agreement (R95-824D) with the American Orchid Society, Inc. (AOS) whereby the orderly development of Morikami Park and the adjacent AOS Property could occur in the best interest of both parties. The Use & Management Agreement (Agreement) requires the County to grant AOS easements for access and storm water drainage across the park property at no charge. AOS is currently selling its property and desires to obtain the easements to document their legal access and drainage of the site. The drainage easement area is 10 feet wide, is approximately 323 feet long, and covers 3228 square feet (.07 acre). The access easement meanders over an area roughly 30 to 130 feet in width, is almost 357 feet in length, and covers 13,117 square feet (.301 acre). Both easements will be recorded to provide public notice of their existence. (PREM) District 5 (HJF)

12. Staff recommends motion to approve: a Lease Agreement with Floral Acres, L.L.C., to lease approximately 20 acres of County-owned land in the Ag Reserve located just south of Boynton Beach Boulevard and west of Highway 441/SR7. **SUMMARY:** Staff issued a Request for Proposal (RFP) to lease the 215 acre Amestoy property in June 2010. The RFP divided the property into two (2) parcels (195 acres and 20 acres) and offered the parcels for lease either together or separately. T&D Cattle Company and Exotics, Inc., proposed leasing the 195 acre parcel for row crops and Floral Acres, L.L.C., proposed leasing the 20 acre parcel for nursery use. On July 19, 2011, Staff recommended, and the Board approved, the proposals of T&D and Floral Acres, as these proposals would maximize the rent to be received by the County. The Lease Agreement with T&D Cattle Company and Exotics, Inc., for the 195 acre parcel was presented to the Board and approved at that time (R2011-1108). The Lease Agreement with Floral Acres for the 20 acre parcel is now being presented for approval. The initial term is for five (5) years with five (5) – five (5) year extension options. Rent is \$20,000 per year (\$1000 per acre) for the initial term, and will be prorated for the first year. After the initial term, rent will be adjusted to the then current fair market rental value. Floral Acres provided a Disclosure of Beneficial Interest identifying Patrick Rosacker and Arthur A. Rosacker, III, as each holding a 50% interest in Floral Acres. (PREM) District 5 (HJF)

13. **Staff recommends motion to approve:** a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for underground electrical service to the County's Central Detention Center (Stockade) in unincorporated West Palm Beach. **SUMMARY:** The County is in the process of expanding infrastructure at the Stockade. Ranger Construction Industries (Ranger) and the County entered into an Access Easement dated March 30, 2004 (R2004-0571) wherein Ranger granted the County an exclusive easement over the east 50' of Ranger's property. FPL requires an easement within this area for the installation of underground electrical service for the new facilities at the Stockade. The easement area is approximately 49' wide by 680.63' long and contains 33,351 sq. ft. (0.77 acres). Ranger is consenting to this easement as the property owner. This non-exclusive easement is being granted at no charge as it will provide electrical service for the benefit of the County facility. (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

14. DELETED

15. Staff recommends motion to approve:

A) a Cross Access Easement Agreement with Simpson Enterprises, Inc.;

B) a Cross Access Easement providing for cross access to, over and across the County's West Jupiter Community Park property and the adjoining property boundary owned by Simpson Enterprises, Inc.;

C) a Temporary Construction Easement in favor of Simpson Enterprises, Inc. for the installation of driveway improvements at the County's West Jupiter Community Park property; and

D) a Budget Amendment of \$68,660 in the Public Building Improvement Fund recognizing revenue and establishing a project budget.

SUMMARY: Simpson Enterprises, Inc. (Simpson) owns two (2) lots located on the north side of Indiantown Road between Palm Road and adjacent to the County's +/- 8.62-acre West Jupiter Community Park property in the Town of Jupiter. Simpson is developing the two (2) lots as a +/-4,193 square foot bank with drive-thru facilities. As Simpson and the County share a common property boundary, Simpson has requested that the County allow for connection to and use of the County's driveway to Indiantown Road. In exchange Simpson will allow vehicular access between the County's property and Palm Road to the east via Simpson's property. Simpson will require a Temporary Construction Easement (TCE) ranging from 60 to 85 feet wide and 140 feet deep (approximately 8,713 sq. ft.) to allow for Simpson's installation of the cross access driveway and modifications to the County's existing Indiantown Road driveway. A TCE ranging from 25 to 75 feet wide and 25 feet deep (approximately 1,250 sq. ft.) is required to allow for Simpson's installation of improvements to the County's existing Central Boulevard driveway. Staff has negotiated mitigation measures that minimize the impacts of traffic utilizing the Cross Access Easement upon the County's property and operations, including: 1) installation of a concrete wall surrounding the Head Start playground; 2) installation of a guardrail on the County's property opposite the cross access driveway; 3) installation of signage and rumble strips on the County's property at designated pedestrian crossings; and 4) installation of traffic signage at strategic locations on the County's property. Simpson has agreed to provide the County a cash contribution in the amount of \$68,659.23 for the County to install these mitigation measures on the County's property. The easements are being granted to Simpson at no cost on account of mutually beneficial access to the local roadway network, and Simpson's commitment to fund all direct costs associated with installation of the cross access driveway connection and Simpson's agreement to fund the cost of the related mitigation measures. Simpson has provided a Disclosure of Beneficial Interests identifying the two (2) beneficial interest holders in Simpson's lots as Robert E. Deziel and Brenda Simpson. (PREM) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2010-2109) with the City of Pahokee to extend the expiration date from November 30, 2011, to September 30, 2013, and to modify the project scope. **SUMMARY:** This Amendment provides an extension of one (1) year and ten (10) months to the term of the existing Agreement with the City of Pahokee (City) for the renovation of its High School Gymnasium located at 360 East Main Street, Pahokee. Based on the current level of funding, the City estimates that additional renovation to the gymnasium can be achieved. The amendment modifies the project scope to include additional renovation work. 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 which require no local match.** (Contract Development) District 6 (TKF)

2. Staff recommends motion to receive and file: three (3) Modifications to Grant Agreements with the State of Florida as follows:
 - A)** Modification Number 12 to the Grant Agreement (Contract No. 07DB-3V-10-60-01-Z07) for the 2005 Community Development Block Grant (CDBG) Disaster Recovery Initiative Program (DRI2);

 - B)** Modification Number 7 to the Grant Agreement (Contract No. 08DB-D3-10-60-01-A07) for the 2005 CDBG Disaster Recovery Initiative Program – Supplemental Appropriation (DRI3); and

 - C)** Modification Number 1 to the Grant Agreement (Contract No. 10-DB-K4-10-60-01-K29) for the 2008 CDBG Disaster Recovery Initiative Program (DRI4).

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 Modifications have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator, or designee, in accordance with Agenda Items R2006-1351, R2007-1524 and R2009-1677 as approved by the Board on July 18, 2006, September 11, 2007, and October 6, 2009, respectively. The Modifications are now being submitted to the Board to receive and file. **These are Disaster Recovery Initiative Program grant funds which require no local match.** (Planning Section) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

3. Staff recommends motion to receive and file: three (3) Agreements and five (5) Amendments to Agreements as follows:

A) an Agreement with the Town of Jupiter under the 2008 Disaster Recovery Initiative – Supplemental Program (DRI4) (R2010-1411);

B) an Agreement with West Palm Beach Housing Authority under DRI4 (R2010-1411);

C) a Loan Agreement with Community Land Trust of Palm Beach County, Inc., under the Neighborhood Stabilization Program 2 (NSP2) for the Davis Landings Project;

D) Amendment No. 001 to an Agreement (R2010-1944) with Community Land Trust of Palm Beach County, Inc., under NSP2 for the Davis Landings Project;

E) Amendment No. 003 to an Agreement (R2010-1124) with the City of Greenacres, under the Community Development Block Grant Recovery Program (CDBG-R);

F) Amendment No. 001 to an Agreement (R2011-0048) with We Help Community Development Corporation, under the 2005 Disaster Recovery Initiative Program (DRI2);

G) Amendment No. 001 to an Agreement (R2011-0049) with the City of Delray Beach, under DRI2; and

H) Amendment No. 001 to an Agreement (R2010-1894) with the City of Belle Glade, under the Community Development Block Grant Program (CDBG).

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 above Agreements and Amendments have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator, or designee, in accordance with Agenda Items R2001-340, R2011-0559, R2009-1679, R2006-1351, and R2009-0901. The Agreements and Amendments are now being submitted to the Board to receive and file. **These are Federal NSP, DRI, CDBG, and CDBG-R funds which require no local match.** (Contract Development) Countywide (TKF)

4. Staff recommends motion to approve: the creation of one (1) full-time/time-limited position within the Department of Housing and Community Development (HCD), a Community Development Project Coordinator (Pay Grade 32), to terminate upon the exhaustion of federal grant funds. **SUMMARY:** This full-time/time-limited position will carry out technical and administrative work in connection with the implementation of activities funded under the \$50,000,000 NSP2 grant awarded to the County through the American Recovery and Reinvestment Act of 2009, and the \$11,264,172 NSP3 grant awarded to the County through the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. This position will terminate upon the exhaustion of these federal funds. However, authorization is also sought for the continuation of this position in the event that future awards of federal or state funding are made available to the County. **These are federal funds which require no local match.** (CREIS) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to receive and file:** executed Agreements received during the month of August 2011:

A) Indemnification Agreement with Groves Medical Plaza, LLC, a Florida Limited Liability Company (WUD No. 07-004) District 6 (MJ); and

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

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

2. **Staff recommends motion to approve:** Work Authorization No. 9 to the Pipeline Continuing Construction Contract with Johnson-Davis, Inc., (R2010-1423) for the construction of the Watergate Mobile Home Park Water Main Replacement Project - Phase I in the amount of \$986,867.28. **SUMMARY:** On September 14, 2010, the Palm Beach County Board of County Commissioners approved the Water Utilities Department Pipeline Continuing Construction Contract with Johnson-Davis, Inc. (R2010-1423). This Work Authorization No. 9 provides for the construction of a 6" Water Main and a 4" Water Main, and the relocation of existing meters from the back of the properties to the front. 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 15.10% overall participation. The cumulative SBE participation is 15.84% overall. Johnson-Davis, Inc. is a local Palm Beach County Company. (WUD Project No. 06-187) District 5 (JM)

3. **Staff recommends motion to approve:** Contract with Aquifer Maintenance and Performance Management, Inc. (AMPS) for the Systemwide Wellfield Rehabilitation and Maintenance Project over a 12 month term in an amount not to exceed \$577,159 with an option to renew for two (2) additional 12 month terms at current prices. **SUMMARY:** On September 20, 2011, four (4) bids were received for the Systemwide Wellfield Improvements Project, with Aquifer Maintenance and Performance Management, Inc. (AMPS) being the lowest responsive, responsible bidder in the amount of \$577,159. This Contract will be used for wellfield rehabilitation to maintain adequate raw water supply to the Department's water treatment plants. Contract award is for a 12 month term with an option to renew for two (2) additional 12 month terms at current prices. The contract is for a not to exceed amount of \$577,159, based on the anticipated use, and the projects will be ordered on a priority basis. Work will be assigned during the 12 month contract period by formal Construction Delivery Orders (KDOs) drawn against this continuing contract with the project cost identified in each KDO. The unit prices contained in this contract will be used in determining the cost of these KDOs. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. This Contract with AMPS provides for SBE participation of 100% overall. AMPS is a Palm Beach County Company and a certified SBE contractor. (WUD Project No. 11-005/VMG) Districts 2, 3, 5 & 6 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to adopt:

A) Resolution for the Florida Department of Environmental Protection (FDEP) to continue to fully fund the Petroleum Storage Tank Compliance Verification Program under a contract with Palm Beach County (County); and

B) Resolution for the FDEP to continue to fully fund the Petroleum Contamination Cleanup Program under a contract with the County.

SUMMARY: These resolutions proclaim County support for the FDEP to continue fully funding the Petroleum Storage Tank Compliance Verification Program and Petroleum Contamination Cleanup Program. Since 1988, the FDEP has maintained a contract with the County to manage these programs. Presently, the annual contracts are in the amount of \$454,675 for the compliance and \$502,730 for cleanup, respectively. In return, Palm Beach County performs compliance inspections of petroleum storage tank systems and manages the cleanup of petroleum contamination. FDEP is proposing to reduce or eliminate funding for all county government storage tank compliance programs, including Palm Beach County. FDEP is also proposing to eliminate funding for the petroleum contamination cleanup programs in seven (7) counties, including Palm Beach County. Maintaining funding for these programs is essential for protection of the County's water resources and drinking water supplies. Countywide (AH)

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the month of September of 2011:

A) Teresa Stratton, Water Fitness Instructor, Aqua Crest Pool, for the period October 1, 2011, through September 30, 2012;

B) Stephen VanCoppennolle, Water Exercise Instructor, North County Aquatic Complex, for the period October 1, 2011, through September 30, 2012; and

C) Modern Bujutsu Karate Florida, Inc., Martial Arts Program, Therapeutic Recreation Complex, for the period October 1, 2011, through September 30, 2012.

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 above 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 1, 3 & 7 (AH)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. [Staff recommends motion to receive and file:](#) a Cooperative Agreement with Literacy*AmeriCorps through the Literacy Coalition of Palm Beach County. **SUMMARY:** On June 7, 2011, the Board approved a site application (R2011-0819) for the County Library's participation in the Literacy*AmeriCorps PBC Program for the period of August 15, 2011, through August 14, 2012, and authorized the Chairperson to execute the agreement. This Agreement will provide the County Library with one (1) full-time Literacy*AmeriCorps member. This member will offer conversational English programs and oversee the literacy learning computer lab. The Library will pay a service fee of \$5,500 to the Literacy Coalition of Palm Beach County and business-related mileage to the member up to \$2,750. AmeriCorps, with supplemental funds from the Coalition, will cover all other expenses including Workers' Compensation, liability, and health care coverage. Countywide (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. [Staff recommends motion to:](#)
 - A) receive and file** a Second Chance Act Grant award from the Department of Justice (DOJ) in the amount of \$50,000 for a period of one (1) year beginning October 1, 2011 to facilitate the development of a plan to reduce juvenile recidivism in Palm Beach County; and
 - B) approve** a Budget Amendment for \$50,000 in the Criminal Justice Grants Fund to establish budget for this program.

SUMMARY: Palm Beach County, through the Criminal Justice Commission, was successful in winning a competitive grant award of \$50,000 from the DOJ to facilitate the planning for successful reintegration of juvenile ex-offenders as they return to the County. The grant award allows for the development of a strategic plan for juvenile ex-offenders to successfully transition back into the community. The grant requires a non-federal in-kind match of 100%. This match has been identified through the Criminal Justice Commission for a total amount of \$59,409. Countywide (GB)
2. [Staff recommends motion to:](#)
 - A) ratify** the signature of the Chair on the approval of the Department of Juvenile Justice Contract Amendment (R2011-0535) to increase the amount to \$133,610, and to extend the term until March 31, 2012 to provide home detention monitoring services to juveniles in Palm Beach County;
 - B) approve** the First Amendment to the Contract with Gulfstream Goodwill Industries, Inc., (R2011-0536) a not-for-profit agency, to extend the contract term from September 30, 2011, to March 31, 2012 to provide home detention monitoring services to juveniles in Palm Beach County; and
 - C) approve** a Budget Amendment of \$66,805 in the Criminal Justice Commission Grants Fund to increase funding for this program.

SUMMARY: The Department of Juvenile Justice awarded the Palm Beach County Criminal Justice Commission funds to provide home detention monitoring services to juveniles in Palm Beach County. The term of the initial contract was from April 11, 2011, through September 30, 2011. The Department of Juvenile Justice is providing an additional \$66,805 of funding for a total of \$133,610 and extending the contract term to March 31, 2012. The initial contract with Gulfstream Goodwill Industries, Inc. was to provide home detention monitoring services to juveniles in Palm Beach County and this funding will extend the contract period to March 31, 2012. There is no match requirement. Countywide (GB)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

3. Staff recommends motion to approve: the Second Amendment to the Interlocal Agreement (R2010-0661) with Florida Atlantic University to extend the term from September 30, 2011, to March 31, 2012 to support the Restorative Justice Project. **SUMMARY:** The Criminal Justice Commission recommended the use of the American Reinvestment and Recovery Act Justice Assistance Grant Program (ARRA JAG) funds and Criminal Justice Reserve Fund funds, totaling \$100,000 for the project. There are remaining funds from this project due to delays in the initial approval process from the Department of Justice and some cost savings within the project. In order to provide appropriate time to expend remaining funds, an extension of the term of the agreement from September 30, 2011, to March 31, 2012 is necessary. There is no match requirement for the ARRA JAG Program. Countywide (DW)

R. HUMAN RESOURCES

1. Staff recommends motion to approve: Palm Beach County's 2011- 2012 Affirmative Action Plan, a voluntary effort to correct under-representation where it exists in the Board of County Commissioners' workforce. **SUMMARY:** Implementation of this year's Plan focuses on methods and procedures for achieving targeted work unit goals, enhancing special recruitment efforts, and continuing to develop systems to correct under-representation. Minority representation for all job categories for 2010 – 2011 was 33.7%, which is 5.7% above the availability. Females represented 35.7% of the County's workforce in 2010 – 2011 as compared to the availability of the labor force for all occupations of 46.0%. There is no fiscal impact. Countywide (EC)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: the First Amendment to the Agreement (R2011-1085) with the Jewish Federation of Palm Beach County, Inc. ("Jewish Federation") for connection to the Palm Beach County ("County") Regional Network for an additional facility located at 8500 Jog Road, Boynton Beach with a first-year revenue to the County estimated at \$6,000. **SUMMARY:** The Jewish Federation is a non-profit organization which has an existing agreement with Palm Beach County for County-provided network services. The Jewish Federation wishes to amend this agreement to include an additional facility to be connected to the County's fiber network. This Amendment provides for reimbursement to County for any capital expenditures associated with these network services. In addition to the revenues generated for the County, an estimated annual savings of \$15,000 will be realized by the Jewish Federation. District 3 (PFK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (Cont'd)

2. Staff recommends motion to approve:

A) Supplemental Service Order Request Quote No FLR-20110925-01, with Florida LambdaRail (FLR) to add three (3) Gigabytes of FLRNet capacity, under the Terms and Conditions applicable to Affiliate Connection Agreement (R2008-0674), effective December 1, 2011 with a one-time cost of \$73,930 and a recurring, annual cost of \$44,160, for a new total cost for FLR services of \$364,567 for the period January 1, 2011, through September 30, 2012; and

B) Supplement to Affiliate Connection Agreement, Aggregator Third Party Connections Report, which acknowledges the agencies connected to the Palm Beach County network as of September 30, 2011, clarifies the procedure for notification to FLR and approval by FLR for all future Third Party Connections and establishes a review process for exemption of payment to FLR of the Downstream Subscriber Connection fee(s) of \$100 per month per agency at a cost estimated at \$33,800 for the period January 1, 2010, through September 30, 2012.

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, educational and non-profit entities participating in the Palm Beach County Regional Network. Network service conditions change frequently in an effort to serve our network customer's needs. The most recent requirement is the need to upgrade our current FLRNet connection to a total of 4GB in order to accommodate new services to our planned new partners such as Florida Atlantic University and South Florida Water Management District. Additionally, the notification and approval procedures under which Palm Beach County is responsible to pay a Downstream Connection Charge to FLR are revised in the appropriate sections of the Supplement to Affiliate Connection Agreement. Countywide (PFK)

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) receive and file the Emergency Medical Services Grant Second Award Letter in the amount of \$168,190; and

B) approve a Budget Amendment of \$168,190 in the Emergency Medical Services (EMS) Grant Fund to recognize the second of two (2) EMS grant award disbursements.

SUMMARY: The EMS grant provides biannual fund disbursements to Palm Beach County from the State of Florida Department of Health, Bureau of Emergency Medical Services, to improve and expand the County EMS system by purchasing life saving equipment and providing public safety outreach/training. The total grant amount awarded to the County was \$343,766. The County received the first disbursement in the amount of \$175,576 in May of 2011. This EMS grant ends on April 13, 2012. **No County matching funds are required for this grant.** Countywide (GB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. **Staff recommends motion to receive and file:** the executed Fourth Amendment to the Memorandum of Agreement with the City of Miramar, a municipal corporation of the State of Florida, as a fiscal agent for the Fort Lauderdale Urban Area Security Initiative (UASI) to extend the 2007 Agreement from June 30, 2011, to December 30, 2011. **SUMMARY:** The County was awarded \$412,745 from the US Department of Homeland Security UASI Grant through the City of Miramar. These funds will be used to address planning, equipment, training, and exercise needs of the County to prevent, protect against, respond to, and recover from acts of terrorism. A request to extend the grant from June 30, 2011, to December 30, 2011 has been approved. Resolution R2006-2669 authorizes the County Administrator or his designee to execute standard UASI agreements with various governmental and private agencies on behalf of the Board of County Commissioners. **No County matching funds are required.** Countywide (GB)

3. **Staff recommends motion to receive and file:** the executed Fourth Amendment to the Memorandum of Agreement with the City of Miramar, a municipal corporation of the State of Florida, as a fiscal agent for the Fort Lauderdale Urban Area Security Initiative (UASI) to extend the 2007 Supplemental Agreement from June 30, 2011, to December 30, 2011. **SUMMARY:** The County was awarded \$146,685 from the US Department of Homeland Security Urban Area Security Initiative (UASI) Grant through the City of Miramar. These funds will be used to address planning, equipment, training, and exercise needs of the County to prevent, protect against, respond to, and recover from acts of terrorism. A request to extend the grant from June 30, 2011, to December 30, 2011, 2011 has been approved. Resolution R2006-2669 authorizes the County Administrator or his designee to execute standard UASI agreements with various governmental and private agencies on behalf of the Board of County Commissioners. **No County matching funds are required.** Countywide (GB)

4. **Staff recommends motion to:**
 - A) approve** two (2) standard agreements, one for governmental agencies and one for non-governmental/private entities, to be used by the County to designate the distribution of Emergency Medical Services (EMS) equipment to various governmental and private agencies; and

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

SUMMARY: The EMS grant fund is a bi-annual grant provided to Palm Beach County from the State of Florida Department of Health, Bureau of Emergency Medical Services, to improve and expand the EMS system. The equipment is distributed to governmental entities and non-governmental/private entities based upon a countywide assessment by a Grant committee and licensed EMS providers appointed by the EMS Council. The County shall purchase this equipment with EMS grant funds. No County matching funds are required. Countywide (GB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

5. Staff recommends motion to receive and file: the executed amendments to the Memorandums of Agreements (MOA) with the City of Miramar, a municipal corporation of the State of Florida, as a fiscal agent for the Fort Lauderdale Urban Area Security Initiative (UASI) to extend the following agreements from May 31, 2011, to August 31, 2011:

- A) the UASI 2008 Jurisdictional Agreement;
- B) the UASI 2008 WebEOC Agreement; and
- C) the UASI 2008 Citizen Corp Agreement.

SUMMARY: The County was awarded \$1,095,937 from the U.S. Department of Homeland Security UASI Grant through the City of Miramar. These funds will be used to address planning, equipment, training, and exercise needs of the County to prevent, protect against, respond to, and recover from acts of terrorism. The funds will also be used to enhance the County WebEOC which is a standard emergency collaboration system, and the Citizen Corps program which is strategy to bring together government and community leaders to involve citizens in all-hazards emergency preparedness/resilience. Requests to extend the grants from May 31, 2011, to August 31, 2011 have been approved. Resolution R2006-2669 authorizes the County Administrator or his designee to execute standard UASI agreements with various governmental and private agencies on behalf of the Board of County Commissioners. **No County matching funds are required.** Countywide (GB)

AA. PALM TRAN

1. Staff recommends motion to approve:

- A) a downward Budget Amendment of \$390,913 in Palm Tran's Grant Fund for Fiscal Year 2012 in order to reconcile the budget to the actual Transportation Disadvantaged (TD) Grant award and related County match;
- B) a downward Budget Amendment of \$390,913 in Palm Tran's Operating Fund for Fiscal Year 2012 in order to reconcile the budget to the actual amount of the appropriations and related transfer from grant fund; and
- C) a Budget Transfer of \$38,888 in the General Fund to reduce the transfer to Fund 1341.

SUMMARY: The FY 2012 budget was formulated with a TD Grant estimate provided by the State of Florida. State funding was less than expected and the final amount represented a downward adjustment in the Grant of \$352,025 and therefore a corresponding downward adjustment in the required County match of \$38,888. The TD Grant was approved at the October 4, 2011 Board meeting - Agenda Item Number 3AA1. It provides approximately 90% of the funding for Palm Beach County's TD program. Palm Beach County has been allocated the following funds for FY 2011/2012: Total State Grant amount \$2,135,024 (includes Voluntary Dollar Contributions of \$2,038 and a State Grant in the amount of \$2,132,986) plus a County Match of \$237,224 (includes In-Kind Match for Voluntary Contributions of \$226 and a Local Match of \$236,998) for a Total Project Cost of \$2,372,248. The agreement for this project expires on June 30, 2012. The local match has already been budgeted in Palm Tran's proposed FY 2012 operating budget. Countywide (DR)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF'S OFFICE

1. Staff recommends motion to:

A) accept, on behalf of the Palm Beach County Sheriff's Office (PBSO), an Agreement with the City of Miramar, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative to provide \$140,000 in reimbursable funding for the Regional Virtual Fusion Center effective until April 30, 2013; and

B) approve a Budget Amendment of \$140,000 in the Sheriff's Grant Fund.

SUMMARY: This Agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. These funds and related equipment will be used for the Regional Virtual Fusion Center hosted by PBSO. 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, an Agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative to provide \$433,038 in reimbursable funding for various direct law enforcement oriented domestic security activities effective until April 30, 2013; and

B) approve a Budget Amendment of \$433,038 in the Sheriff's Grant Fund.

SUMMARY: This Agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. These funds and related equipment will be used for direct law enforcement activities. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF'S OFFICE (Cont'd)

3. **Staff recommends motion to approve:** a Budget Transfer of \$253,750 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2012 estimated donation requirement will not be finalized until year-end close-out. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETf balance is \$2,116,357. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,862,607. The year-to-date transfer for all donations after approval of this item is \$700,021. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (GB)

ORGANIZATION	AMOUNT
Acreage Loxahatchee Rotary Club	3,000
Florida Sheriff's Youth Ranches, Inc.	169,500
Gulfstream Council of the Boy Scouts of America, Inc.	10,000
Inner City Youth Golfers', Inc.	10,000
Jerome Golden Center for Behavioral Health	5,000
Lake Worth High School – Criminal Justice Academy	5,000
National Campaign to Stop Violence, Inc.	6,250
Palm Beach County Association of Chiefs of Police	5,000
College for Kids, Inc.	25,000
The Lord's Place, Inc.	15,000
Total Amount of Donations	\$253,750

CC. OFFICE OF THE INSPECTOR GENERAL

1. **Staff recommends motion to approve:**
- A)** an Interlocal Agreement (ILA) between the Health Care District (District) and Palm Beach County for the provision of Inspector General services at the District for the period January 1, 2012, through September 30, 2014; and
- B)** a Budget Amendment of \$255,089 in the Inspector General Fund to reflect the initial year revenues from the District.
- SUMMARY:** Under the ILA, the Office of Inspector General (OIG) will exercise the authority, functions and powers granted by the Office of Inspector General, Palm Beach County, Florida Ordinance (OIG Ordinance) for the District. The ILA will be in effect through September 30, 2014. The District will pay Palm Beach County \$255,089 for the nine (9) month period January 1, 2012, through September 30, 2012 with funding for future years to be budgeted in accordance with the OIG Ordinance. Countywide (LB)

3. CONSENT AGENDA APPROVAL

CC. OFFICE OF THE INSPECTOR GENERAL (Cont'd)

2. Staff recommends motion to approve:

A) an Interlocal Agreement (ILA) between the Children’s Services Council (CSC) and Palm Beach County for the provision of Inspector General services at the CSC for the period January 1, 2012, through September 30, 2014; and

B) a Budget Amendment of \$131,044 in the Inspector General Fund to reflect the initial year revenues from the CSC.

SUMMARY: Under the ILA, the Office of Inspector General (OIG) will exercise the authority, functions and powers granted by the Office of Inspector General, Palm Beach County, Florida Ordinance (OIG Ordinance) for the CSC. The ILA will be in effect through September 30, 2014. The CSC will pay Palm Beach County \$131,044, for the nine (9) month period January 1, 2012, through September 30, 2012 with funding for future years to be budgeted in accordance with the OIG Ordinance. Countywide (LB)

DD. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. Staff recommends motion to authorize: the Chair to execute a Federally Funded Subgrant Agreement (Grant), Contract Number 12HMY-2Y-10-60-01-001, 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). **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 Community Redevelopment Agency (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 bidding. District 2 (MRE) (Engineering)

EE. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve: Agreement with Palm Beach County Cultural Council in the amount of \$200,000 from October 1, 2011, through September 30, 2012 for services relating to the administration of Category C – Level 1 (Small and Emerging Organizations, Children’s and Multicultural projects) cultural grant program for non-profit organizations within the County. **SUMMARY:** The County shall provide an amount not to exceed \$200,000 to fund certain activities of non-profit organizations as determined by the Council pursuant to a process established herein and approved by County. Of the \$200,000 in County funding, up to \$180,000 shall be applied to Category C-Level I (Small and Emerging Organizations, Children’s and Multicultural projects). A portion of the remaining funds, not to exceed 10% of the total amount, may be used by the Council to administer the program. In the event some of the funds are unspent, the Council will reallocate funds to support cultural programs in underserved areas of the County. Rena Blades of the Cultural Council serves on the Overall Economic Development Program (“OEDP”) 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)

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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:** a Resolution to abandon a 30' right-of-way (ROW) located between Tract 13 and Tract 20 and a 50' ROW located between Tract 36 and Tract 37 in Block 21 of Palm Beach Farms Co. Plat No. 3. **SUMMARY:** Adoption of this Resolution will allow the petitioner, Palm Beach County Water Utilities Department, to utilize those portions of the two (2) ROWs for expansion and improvements to Palm Beach County Water Treatment Plant No. 2. The petition sites are located north of Lake Worth Road and south of Forest Hill Boulevard; the 50' ROW is east of Pinehurst Drive, and the 30' ROW is east of Florida's Turnpike. District 2 (MRE)

B. **Staff recommends motion to:**

1) determine that Palm Beach County (County) has adhered to and implemented its Five Year Road Program (Program) based on substantial evidence that the funding for the current fiscal year and the addition of the new fifth year are as contemplated in the Comprehensive Plan (Plan) and that fewer than 20% of the FY 2010 construction projects are more than 12 months behind schedule as defined in Attachment "1" of the Agenda Item; and

2) adopt an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Program; providing for title; purpose; adoption of revised Program and revised list of projects contained in Exhibit "A" of the Agenda Item; implementation of the plan; modification of plan; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date.

SUMMARY: In accordance with Traffic Performance Standards, Article 12, Chapter N, Section 5 of the present Unified Land Development Code requires that concurrent with the adoption of the annual Program, the Board of County Commissioners (Board) must determine that the Findings of Fact (Findings) have been made. The Findings have been made and are defined in Attachment "1" of the Agenda Item. This is the annual update of the County's Program which is required to be considered each year by the Program Ordinance. On November 1, 2011, the Board approved this Ordinance on preliminary reading. Exhibit "A" to the Ordinance contains the road projects to be undertaken by the County in the next five (5) years. Countywide (MRE)

C. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, waiving the annual renewal application requirement where the restricted use property classification has been applied for and granted under Section 193.501, Florida Statutes; providing for notice to property appraiser and penalties; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** The Property Appraiser has requested that the Board adopt this ordinance to waive the annual renewal application requirement where restricted use property classification has been applied for and granted, as provided under Section 193.501, Florida Statutes. Waiving the annual renewal application for such classification will save public funds and the funds of owners of property entitled to such classification. This ordinance also provides for notice to the Property Appraiser of any changes in use and provides penalties. The Board has already waived the annual renewal application requirement for homestead and other property exemptions. Countywide (PFK)

4. PUBLIC HEARINGS CONTINUED

- D. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code Chapter 19, Article IX (Ordinance No. 2001-015, amended by Ordinance No. 2008-043, amended by Ordinance No. 2011-007); relating to taxicabs and other vehicles for hire (VFH), to be known as the vehicle for hire ordinance; providing for a moratorium extension; providing for repeal of laws in conflict; providing for a savings clause; providing for captions; providing for inclusion in the Code of Laws and Ordinances; providing for severability; providing for an effective date. **SUMMARY:** On October 18, 2011, the Board of County Commissioners (BCC) voted to amend the current VFH ordinance to extend the current moratorium that expires on November 25, 2011 for an additional six (6) months which will defer the acceptance of applications for the issuance of VFH business permits for new companies wishing to operate within Palm Beach County. The BCC approved the 1st Reading on the Ordinance amendment on November 1, 2011, and authorized staff to move forward for Final Reading. Public Safety will return to the BCC in December 2011 to advertise for public hearing amending the ordinance to include the remaining revisions discussed at the October 18, 2011 meeting. Countywide (GB)
- E. **Staff recommends motion to adopt:** a Resolution declaring intent to use the uniform method of collecting non-ad valorem assessments which may be levied within the unincorporated area of Palm Beach County for the cost of providing lot clearing and abating nuisances in accordance with the Palm Beach County Property Maintenance Code; boarding and demolition of unsafe structures; securing open and unsafe swimming pools; and other property maintenance to eliminate nuisances on private real property, commencing with the calendar year beginning January 1, 2012. **SUMMARY:** Adoption of this Resolution allows the County to recoup actual costs and expenses incurred when the County cleans up, improves, or eliminates a nuisance or unsafe condition on a lot, parcel, or tract. Examples would include demolition of an unsafe structure, securing an open pool, or lot clearing when a nuisance is found. A levy of non-ad valorem assessments for the costs will be placed against the benefitted property. Unincorporated (GDB)
- F. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Sections 18-33 and 18-34 of the Palm Beach County Code (Ordinance No. 2006-012), to provide the inclusion of Sexual Offenders and Sexual Predators convicted as such pursuant to the laws of other states and/or jurisdictions; providing for inclusion in the Code of Laws and Ordinances; providing for severability; providing for repeal of laws in conflict; and providing for an effective date. **SUMMARY:** The Sheriff's Office has requested that the "Sexual Offender and Sexual Predator Residence Prohibition Ordinance of Palm Beach County" (Ord. No. 2006-012) be amended to provide that sexual predators and sexual offenders who have been designated as sexual predators and sexual offenders in another state or jurisdiction be considered as sexual predators or sexual offenders as if that offense had been committed in the State of Florida. Unincorporated (DW)
- G. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Section 17-227(a), the Palm Beach County Public Service Tax Ordinance to provide for verification by sellers of the location of purchasers or consumers of goods subject to the public service tax; providing for severability; providing for inclusion in the Code of Laws and Ordinances and providing for an effective date. **SUMMARY:** In July 2011, the Internal Auditor conducted an audit of a propane gas vendor to determine if that vendor was collecting and remitting public service taxes to Palm Beach County in accordance with the County's public service tax ordinance. The Auditor was unable to make a determination due to significant errors found in the database being utilized by the vendor. This resulted in an audit finding and recommendation that the OFMB Director modify the existing ordinance to specify acceptable databases for vendors to use to be in compliance. Countywide (PFK)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to:

A) receive and file the U.S. Department of Housing and Urban Development (HUD) Offer of Commitment for a new Section 108 Loan in the amount of \$10,000,000, for the Palm Beach County Section 108 Loan Program; and

B) approve a Budget Amendment of \$10,000,000 in the Economic Development Fund to recognize the award.

SUMMARY: On March 1, 2011, the Palm Beach County Board of County Commissioners (BCC) adopted a Resolution (R2011-0330) authorizing the submittal of a Section 108 Loan Program application to increase the fund allocation of the Palm Beach County Section 108 Loan Program by \$10 Million. In April 2011, the Economic Development Office (EDO) submitted a request for \$10 Million Section 108 funds to HUD. EDO has received an Offer of Commitment from HUD. The Palm Beach County Section 108 Loan Program was developed to create a source of loan funding for use by businesses, investors, community and non-profit organizations, and economic development organizations to implement business ventures that will create new jobs and help revitalize communities. Over the last two (2) years the County's Section 108 Loan Program has created 716 new jobs in Palm Beach County. **No County funds will be pledged to complete any project funded by a Section 108 loan. These are Federal funds that do not require a local match.** Countywide (DW)

B. COUNTY ATTORNEY

1. Staff recommends motion to adopt: a Bond Resolution authorizing the issuance of up to \$4,600,000 Industrial Development Revenue Bonds (Classical South Florida, Inc. Project), Series 2011 (the "Bonds"). **SUMMARY:** Classical South Florida, Inc., a Florida non-profit corporation, (the "Company") has applied for the issuance of industrial development revenue bonds by the County in an amount not to exceed \$4,600,000. Proceeds of the Bonds will be used to make a loan to the Company to provide funds to refinance a conventional loan issued to the Company to acquire certain of the assets necessary to the operation of radio station WPBI (90.7 FM), including the licenses and permits necessary to operate such station, transmission equipment located at 6075 SR 7, Lake Worth, FL 33467; a studio site, located at 3401 South Congress Avenue, Boynton Beach, FL 33426, and broadcast translation facility located at 525 South Flagler Drive, West Palm Beach, FL 33401 and to refinance and finance related facilities located at the same locations. At the October 18, 2011 meeting, the Board approved the Company's application for issuance of the Bonds and conducted the TEFRA public hearing. The Bonds will be payable from revenues derived from the Company. **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.** Districts 3, 4 & 7 (PFK)

5. REGULAR AGENDA

C. FIRE RESCUE

1. Staff recommends motion to approve: a Second Amendment to Interlocal Agreement for Fire Protection and Emergency Medical Services with the City of Lake Worth (R2009-0607), contingent upon the City adopting by December 20, 2011, the attached City Ordinance No. 2011-14 to extend the City's participation in the Fire/Rescue Municipal Service Taxing Unit (MSTU). **SUMMARY:** Since October 1, 2009, the City has received fire-rescue services from the County through the Fire/Rescue MSTU (Municipal Services Taxing Unit), and a ten (10) year Interlocal Agreement for Fire Protection and Emergency Medical Services (R2009-0607) as amended by the First Amendment (R2011-1124) (collectively "Agreement"). The Agreement required the City to make certain supplemental funding payments to the County to offset costs of employing former City firefighters. The City has defaulted on its supplemental funding obligations. This Second Amendment resolves the supplemental funding dispute. The County waives the past due and future supplemental funding payments; however, if the City terminates the Agreement or its participation in the MSTU early, the City will pay the County a portion of the total supplemental funding that would be due under the full contract term. Certain reimbursement obligations are deleted and other clarifications made. The Agreement is extended for an additional two (2) years. This Second Amendment is contingent on the City adopting an ordinance to extend its MSTU participation for two (2) additional years, which will fund services through fiscal year 2021. The City is scheduled to adopt said ordinance on the evening of December 6, 2011. Countywide (SB)

D. PALM TRAN

1. Staff recommends motion to approve: the Palm Tran Ten-Year 2011-2021 Transit Development Plan (TDP) prepared by Kittelson & Associates, a consultant for the Florida Department of Transportation (FDOT). **SUMMARY:** On Oct 21, 2010, the Metropolitan Planning Organization (MPO) of Palm Beach County amended the adopted Transportation Improvement Plan (TIP) to allocate \$300,000 in Federal Transit Administration (FTA) funds for preparation of Palm Tran's TDP update. These funds were transferred to FDOT by the MPO for services of one of the FDOT consultants. FDOT selected Kittelson & Associates as the consultant to conduct transit surveys and develop a major update to the Palm Tran 2011-2021 TDP. The FDOT requires a TDP in order for Palm Tran to maintain eligibility for state block grant funding (the current FDOT funding is almost \$4 million annually). Countywide (DR)

5. REGULAR AGENDA

E. OFFICE OF THE INSPECTOR GENERAL

1. **Staff recommends motion to approve:** the addition of six (6) positions to the County's personnel complement to reflect six (6) positions the Office of Inspector General (OIG) is adding to the OIG's complement. **SUMMARY:** The OIG has negotiated interlocal agreements with the Health Care District (District) and Children's Services Council (CSC) to have the OIG exercise the authority, functions and powers granted by the Office of Inspector General Ordinance (IG Ordinance) for the benefit of the District and CSC, effective January 1, 2012. The OIG is also negotiating an interlocal agreement with the Housing Finance Authority that will be brought before them for approval on November 17, 2011. The OIG needs six (6) positions to accommodate this expansion of its jurisdiction. In addition, the OIG is reorganizing operations to enhance its capacity to react timely to the needs of the more than 40 entities it oversees. The process of increasing the complement has created the opportunity to use three (3) of the new positions for the reorganization. To accommodate the expansion, three (3) existing positions and three (3) new positions will be allocated. Funding for the expansion is being provided through the Interlocal agreements. Funding for the reorganization is available in the OIG's FY 2012 budget. The Inspector General has the power to appoint, employ and remove employees. The County has included the OIG employees in its complement and therefore any increase in the OIG complement triggers an increase in the BCC Complement which requires BCC approval. Countywide (LB)

F. FACILITIES DEVELOPMENT & OPERATIONS

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

A) an Agreement for Purchase and Sale with David Neil DuBois, Michael Alan DuBois, and Daniel Edwards DuBois, as Tenants in Common, to acquire 1.09 acres adjacent to DuBois Park for \$400,000; and

B) a Budget Transfer of \$405,000 from reserves in the Waterfront Access Bond Fund to establish a project budget.

SUMMARY: This Agreement is for the purchase of 1.09 acres of property located on DuBois Lane adjacent to the County's DuBois Park in an unincorporated portion of the Town of Jupiter for a purchase price of \$400,000. DuBois Park is one of the most popular and overcrowded Parks within the County's system. This property is one of three (3) remaining outparcels within the logical ultimate boundaries of the Park. The property has approximately 105 feet of water frontage on the tidal lagoon area of DuBois Park. In April 2011, the County obtained two (2) appraisals of the property with values of \$325,000, and \$400,000 respectively. The Property Appraiser's Office has assessed this property at \$174,768. The Sellers have total obligations encumbering their interests in the property in excess of the purchase price and \$400,000 was the minimum price they were willing to accept. As the \$400,000 proposed purchase price is more than 110% above the average of both appraisals (\$362,500), PREM Ordinance No. 2009-052 requires the County's Property Review Committee (PRC) to review the transaction. The PRC met on October 17, 2011, to evaluate this transaction and recommended that the County move forward with the transaction at the negotiated price of \$400,000. Funding for this property acquisition will come from the 2004 voter approved \$50 Million Waterfront Access General Obligation Bond. **This transaction requires a supermajority vote (5 Commissioners) for approval.** (PREM) District 1 (HJF)

5. REGULAR AGENDA

G. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve:

A) an Agreement with the Tax Collector for collection of non-ad valorem assessments for Nuisance Abatement and safety related properties;

B) an Agreement with the Property Appraiser to provide the County with a list of special assessment properties by electronic medium for Nuisance Abatement properties; and

C) an Assignment of Computer Tape between Palm Beach County Information System Services (ISS) and the Property Appraiser to assign to ISS the property information to be received from the Property Appraiser.

SUMMARY: On November 15, 2011, the Palm Beach County Board of County Commissioners approved by Resolution, a Notice of Intent to utilize the uniform method of collecting non-ad valorem assessments for the cost of providing lot clearing, abatement of nuisances, and safety problems in accordance with various County Ordinances and the Florida Building Code. Agreements between the Tax Collector, the Property Appraiser and ISS are required to allow the necessary flow of information to enable this billing procedure to be implemented. Unincorporated (GDB)

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6. BOARD APPOINTMENTS

A. **ADMINISTRATION**
(South Florida Regional Transportation Authority)

1. **Staff recommends motion to approve:** reappointment of the following individual to the South Florida Regional Transportation Authority (SFRTA) for a term of four (4) years, beginning November 15, 2011, to November 14, 2015:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Marie Horenburger	4	Palm Beach County Resident with Business or Civic Interest	Comm. Marcus Comm. Burdick Comm. Vana Comm. Abrams Comm. Aaronson Comm. Santamaria Comm. Taylor

SUMMARY: The SFRTA was created pursuant to Section 343.53, Florida Statutes. The SFRTA is comprised of nine (9) voting members: one (1) county commissioner each from Miami-Dade, Broward and Palm Beach counties; one (1) citizen member (business/civic interest) from each of the three (3) counties; the secretary of the Department of Transportation; and two (2) citizens of any of the three (3) counties selected by the Governor. On October 25, 2011, staff distributed a memo to the Board of County Commissioners requesting support for the reappointment of Ms. Horenburger or requesting addition nominees for consideration. The Commissioners noted above support the reappointment of Ms. Horenburger. No other nominations were received. Countywide (DR)

(Treasure Coast Regional Planning Council)

2. **Staff recommends motion to ratify:** the following Palm Beach County League of Cities (League) representatives to the Treasure Coast Regional Planning Council for a one (1) year term beginning December 1, 2011, to November 30, 2012:

<u>Nominees</u>	<u>Seat No.</u>	<u>Requirement</u>
<u>Regular appointments:</u>		
Martha Webster	4	Palm Beach County Official
Sam Ferreri	5	Palm Beach County Official
Karen Golonka	6	Palm Beach County Official
Carmine Priore	7	Palm Beach County Official
Shelby Lowe	8	Palm Beach County Official
<u>Alternate appointments:</u>		
Joni Brinkman	4A	Palm Beach County Official
David Norris	5A	Palm Beach County Official
Jo-Ann Golden	6A	Palm Beach County Official
Kimberly Mitchell	7A	Palm Beach County Official
Ellen Andel	8A	Palm Beach County Official

SUMMARY: In accordance with the TCRPC Rules of Order, the Board of County Commissioners (BCC) is requested to appoint their members and alternates for the coming year before the Council's annual meeting on December 9, 2011. The BCC also ratifies the League's members. The League appointed the above municipal representatives at their October 26, 2011 meeting. Countywide (RPB)

6. BOARD APPOINTMENTS

B. **COMMUNITY SERVICES**
(Citizens Committee on Health & Human Services)

1. **Staff recommends motion to approve:** reappointment of one (1) member and appointment of one (1) member to the Palm Beach County Citizens Advisory Committee on Health and Human Services (CAC/HHS) for a term commencing on November 15, 2011:

Reappointment

<u>Nominee</u>	<u>Category/Seat No.</u>	<u>Term Expires</u>	<u>Nominated by:</u>
Dr. Richard Galeta	PBC League of Cities/8	9/30/14	Comm. Marcus Comm. Burdick

Appointment

<u>Nominee</u>	<u>Category/Seat No.</u>	<u>Term Expires</u>	<u>Nominated by:</u>
Pamela Gionfriddo	Support Services/11	9/30/14	Comm. Marcus Comm. Burdick

SUMMARY: The Citizens Advisory Committee on Health and Human Services consists of eleven (11) members with at least one (1) member being a resident west of the 20 Mile Bend and at least one (1) member being a representative of the Palm Beach County League of Cities. Founding members were appointed for 1, 2 and 3 year terms with subsequent terms of three (3) years. Resolution R-2001-0913 requires the Executive Committee of the Citizens Advisory Committee to solicit and recommend member nominations for transmittal to the Board of County Commissioners. The Board of County Commissioners was notified by memo dated August 4, 2011, and requested to provide nominations for appointment. Countywide (TKF)

6. BOARD APPOINTMENTS

B. **COMMUNITY SERVICES (Cont'd)**
(Palm Beach County HIV Comprehensive AIDS Resources Emergency Council)

2. **Staff recommends motion to approve:** appointment/reappointment of the following individuals to the Palm Beach County HIV Comprehensive AIDS Resources Emergency (CARE) Council for a term of two (2) years with expiration dates as indicated:

<u>Seat No.</u>	<u>Reappointment</u>	<u>Seat Requirement</u>	<u>Term Expires</u>
28	Cindy Barnes	State Medicaid Agency	11/14/2013
20	Donald Hilliard	Affected Community	11/14/2013
29	Dr. Marlinda Jefferson	State Part B Agency	11/14/2013
7	Kimberly Rommel-Enright	Social Service Provider	11/14/2013
22	Rafael Abadia	Affected Community	11/14/2013
10	Rosalyn Collins	Substance Abuse	11/14/2013
<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Term Expires</u>
18	Melissa McGee	Affected Community	11/14/2013

SUMMARY: The total membership shall be no more than 33 members, per Resolution No. 2011-1560. Founding members were appointed for two (2) year terms with subsequent terms of two (2) years. The HIV CARE Council nominations process is an open process with publicized criteria and legislatively defined conflict of interest standards. The six (6) reappointments and one (1) new appointment successfully completed the HIV CARE Council nominations process, and the HIV CARE Council has recommended their reappointments and appointment. Dr. Jefferson has disclosed that she is employed by Minority Development and Empowerment, Inc. that contracts with the County for outreach services. Ms. Rommel-Enright has disclosed that she is employed by Legal Aid Society of Palm Beach County, Inc. that contracts with the County for legal services. Ms. Collins has disclosed that she is employed by Gratitude House, Inc. that contracts with the County for substance abuse services. The HIV CARE Council provides no regulation, oversight, management, or policy-setting recommendations regarding contracts. Disclosure of these contractual relationships is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. (Ryan White) Countywide (TKF)

C. **COMMISSION DISTRICT APPOINTMENTS**

NOVEMBER 15, 2011

7. STAFF COMMENTS

A. ADMINISTRATION

B. COUNTY ATTORNEY

8. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 – COMMISSIONER PAULETTE BURDICK

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

E. District 5 - COMMISSIONER BURT AARONSON

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR

9. ADJOURNMENT

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

NOVEMBER 15, 2011

<u>PAGE</u>	<u>ITEM</u>	
7	3A-1	<u>DELETED:</u> Staff recommends motion to approve: A) an Agreement with Neighbors Helping Neighbors Project, Inc. ... (Admin/OCR) (Further staff review)
19	3H-9	<u>DELETED:</u> Staff recommends motion to approve: a License Agreement for Use of Equipment ("Agreement") with Kettle Comfort, Inc., (FDO) (Will not be rescheduled)
20	3H-13	<u>DELETED:</u> Staff recommends motion to approve: a Utility Easement Agreement in favor of Florida Power & Light Company (FPL) for underground electrical service to the County's Central Detention Center (Stockade) in unincorporated West Palm Beach. (FDO) (Further staff review)
24	3K-3	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve: Contract with Aquifer Maintenance and Performance Management Systems, Inc. (AMPS) for the Systemwide Wellfield Rehabilitation and Maintenance Project over a 12 month term in an amount not to exceed \$577,159 with an option to renew for two (2) additional 12 month terms at current prices. SUMMARY: On September 20, 2011, four (4) bids were received for the Systemwide Wellfield Improvements Project with, Aquifer Maintenance and Performance Management, Inc. (AMPS) <u>AMPS</u> being the lowest responsive, responsible bidder in the amount of \$577,159. This contract will be used for wellfield rehabilitation to maintain adequate raw water supply to the Department's water treatment plants. Contract award is for a 12 month term with an option to renew for two (2) additional 12 month terms at current prices. The contract is for a not to exceed amount of \$577,159, based on the anticipated use, and the projects will be ordered on a priority basis. Work will be assigned during the 12 month contract period by formal Construction Delivery Orders (KDOs) drawn against this continuing contract with the project cost identified in each KDO. The unit prices contained in this contract will be used in determining the cost of these KDOs. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. This contract with AMPS provides for SBE participation of 100% overall. AMPS is a Palm Beach County Company and a certified SBE contractor. (WUD Project No. 11-005/VMG) <u>Districts 2, 3, 5 & 6 (JM) (WUD)</u>
38	5F-1*	<u>DELETED:</u> Staff recommends motion to approve: A) an Agreement for Purchase and Sale with David Neil DuBois, Michael Alan DuBois, and Daniel Edwards DuBois, as Tenants in Common, to acquire 1.09 acres adjacent to DuBois Park for \$400,000; and... (FDO) (Postponed until December 6, 2011)
39	5G-1	<u>DELETED:</u> Staff recommends motion to approve: A) an Agreement with the Tax Collector for collection of non-ad valorem assessments for Nuisance Abatement and safety related properties;... (PZB) (Further staff review)

40 6A-2 **REVISED TITLE: Staff recommends motion to ratify:** the following Palm Beach County League of Cities (League) representatives to the Treasure Coast Regional Planning Council for a one (1) year term beginning December 1, 2011, to November 30, 2012: (Admin)

<u>Nominees</u>	<u>Seat No.</u>	<u>Requirement</u>
<u>Alternate appointments:</u>		
Joni Brinkman	4A	Palm Beach County Official
David Norris	5A	Palm Beach County Official
Jo Ann Golden	6A	Palm Beach County Official
Kimberly Mitchell	7A	Palm Beach County Official
Ellen Andel	8A	Palm Beach County Official

44 8F **ADD-ON:** Request approval to present off-site, a Proclamation honoring Senator Lizbeth Benacquisto's dedicated service to Palm Beach County. (Sponsored by Commissioner Santamaria)

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 (*).