

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

DECEMBER 6, 2011

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

**COMMISSION
CHAMBERS**

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

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

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

- 4. REGULAR AGENDA (Pages 29 - 33)**
TIME CERTAIN - 9:45 A.M. (Clerk's Presentation on Tax Watch Special Report) (Page 30)
TIME CERTAIN - 10:00 A.M. (Redistricting) (Page 30)
TIME CERTAIN - 2:15 P.M. (Transit Oriented Development) (Page 32)
TIME CERTAIN - 3:00 P.M. (Okeechobee Boulevard Landscaping) (Page 31)

- 5. BOARD APPOINTMENTS (Page 34)**

- 6. MATTERS BY THE PUBLIC - 2:00 P.M. (Page 35)**

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- 3B-1 Warrant list
- 3B-2 Minutes
- 3B-3 Contracts and claims settlements list
- 3B-4 Change orders, work task orders, minor contracts, final payments, etc.

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J. PLANNING, ZONING & BUILDING - None

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P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION - None

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- 3S-1 Resolution authorizing signatory delegation for standard license agreements for training at County's Fire Rescue Regional Training Center

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES - None

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W. PUBLIC AFFAIRS - None

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- 3X-3 FY 2011-2012 Victim of Crime Act Grant Agreement with FL Office of the Attorney General

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CLERK & COMPTROLLER

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4B-1 TaxWatch Special Report Presentation – **TIME CERTAIN 9:45 A.M.**

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4C-2 Okeechobee Boulevard landscaping – **TIME CERTAIN 3:00 P.M.**

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4D-2 Agreement for Purchase and Sale for 1.09 acres adjacent to DuBois Park

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4E-1 Vehicle for Hire Ordinance

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4F-1 2012 General Election Referendum relative to slot machine gaming

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STAFF COMMENTS (Page 36)

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ADJOURNMENT (Page 37)

DECEMBER 6, 2011

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Proclamation declaring December 6, 2011 as “M.J. Mike Arts Day” in Palm Beach County. (Sponsored by Commissioner Abrams)

2. Certificate of Appreciation to Faith, Hope, Love, Charity, Inc. for the support services provided to Palm Beach County veterans and their families. (Sponsored by Commissioner Taylor)

3. Proclamation declaring January 22, 2012 as “Arbor Day” in Palm Beach County. (Sponsored by Commissioner Vana)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to receive and file: Executed Agreements with Ameliascapes, Inc. under the Palm Beach County Section 108 Loan Program:

- A) Loan Commitment letter from Palm Beach County to Ameliascapes, Inc. dated November 9, 2010, for a \$198,000 Section 108 Loan;
- B) Request for Advance dated February 11, 2011, from Palm Beach County to U.S. Department of Housing and Urban Development (HUD) for a Section 108 Loan in the amount of \$198,000, under Loan Commitment No. B-08-UC-12-0004, for Ameliascapes, Inc.;
- C) U.S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program Variable/Fixed Rate Note B-08-UC-12-0004 for Ameliascapes, Inc. in the amount of \$198,000;
- D) Palm Beach County Section 108 Promissory Note dated February 10, 2011, in the amount of \$198,000;
- E) Section 108 Loan Program Agreement dated February 10, 2011, to grant financing with a Section 108 Loan in the amount of \$198,000;
- F) State of Florida Uniform Commercial Code Financing Statement Form recorded with the Palm Beach County Clerk & Comptroller on August 10, 2011;
- G) State of Florida Uniform Commercial Code Financing Statement Form filed with the State of Florida on April 8, 2011;
- H) Mortgage Title Insurance Policy MF6-4009850 for \$198,000 in favor of Palm Beach County, issued by Old Republic National Title Insurance Company through Horizon Title Services, Inc. effective August 10, 2011;
- I) Mortgage and Security Agreement dated February 10, 2011, and recorded with the Palm Beach County Clerk and Comptroller on August 10, 2011, in the amount of \$198,000;
- J) Loan Agreement dated February 10, 2011, in the principal amount of \$198,000 for the acquisition of machinery and equipment, working capital and financing of soft costs;
- K) Security Agreement dated February 10, 2011, in the amount of \$198,000;
- L) Guaranty Agreement for Palm Beach County dated February 10, 2011, to make a loan in the total principal amount of \$198,000;
- M) Subordination Agreement dated February 10, 2011, to subordinate the subordinated indebtedness to the interests of Palm Beach County;
- N) Landlord Consent to Assignment and Assumption of Agricultural Lease Agreement dated January 11, 2011, for Tenant (Ameliascapes, Inc.) to grant its right, title and interest as Tenant;
- O) Further Assurances dated February 10, 2011, to execute other documents and assurances, and correct errors or omissions in connection with the \$198,000 Section 108 Loan;
- P) Letter of Opinion from Borrower's Counsel to Palm Beach County and County's Counsel dated February 10, 2011;
- Q) Letter of Opinion from County's Counsel to Palm Beach County dated February 10, 2011; and
- R) Letter of Opinion from County's Counsel to the Secretary of HUD dated February 10, 2011.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The 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 3 (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

2. Staff recommends motion to approve: a Memorandum of Understanding (MOU) with Florida First Capital Finance Corporation, Inc. establishing a mutual working relationship for the processing of Small Business Administration 504 loans. **SUMMARY:** The Palm Beach County Economic Development Office (EDO) administers various loan programs including the Housing & Urban Development Section 108 Loan Program which provides subordinate financing at rates lower than conventional financing. Frequently, Section 108 loans are used in conjunction with the Federal Small Business Administration 504 Loan Program. This MOU will provide additional revenue to EDO to offset Administrative Costs. There is no local match required. Countywide (DW)
3. Staff recommends motion to receive and file: Resolution No. R-910-11 of the Miami-Dade Board of County Commissioners, urging Florida counties that have not already enacted ordinances regulating scrap metals to do so.

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	October 4, 2011
Regular	October 18, 2011
Zoning	October 27, 2011
Regular	November 1, 2011

3. Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. Staff recommends motion to receive and file: change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during September 2011. Countywide

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: a Contract with J.W. Cheatham, LLC, (Cheatham), the lowest, responsive, responsible bidder in the amount of \$5,307,642.62 for the construction of West Atlantic Avenue, west of Lyons Road to Starkey Road (Project). **SUMMARY:** Approval of this Contract will allow Palm Beach County (County) to issue a Notice to Proceed to Cheatham, a Palm Beach County contractor, to begin construction of the Project. The Small Business Enterprise (SBE) goal for all projects is 15%, but the responsive bidders cannot be ranked for SBE compliance for this Project due to State funding restrictions. However, the SBE participation proposed for the Project by Cheatham is 15.1 %. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff recommends motion to approve: a Consent and Subordination of Permanent Embankment Easement for Lyons Road located within the boundaries of the Lake Worth Drainage District (LWDD) L-37 Canal. **SUMMARY:** Approval of this item will allow a Consent and Subordination of Permanent Embankment Easement in favor of LWDD, which will subordinate Palm Beach County's interest in a portion of a ten foot embankment easement located at the LWDD L-37 Canal and Lyons Road. District 5 (MRE)

3. Staff recommends motion to receive and file: a report of plat recordations from April 1, through September 30, 2011. **SUMMARY:** This is a bi-annual summary of subdivision plats recorded during the past two fiscal quarters as required by the Department of Engineering and Public Works Policies and Procedures Manual Item No. EL-O-2618, governing administrative approval of plats by the County Engineer. Countywide (MRE)

4. **DELETED**

5. Staff recommends motion to approve: a Contract not to exceed the total value of \$3,050,000 for task orders which may be issued for the Annual Pavement Marking Contract (Contract), Project No. 2012055, with Southwide Industries, Inc. (Contractor), the lowest, responsive, responsible bidder. **SUMMARY:** Approval of this Contract will provide for the furnishing and installation of pavement marking material, raised reflectorized pavement markers, and traffic paint on various Palm Beach County roadways on an as needed basis. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the project by the Contractor is 100% overall and the Contractor is a Palm Beach County business. The contract is effective for 18 months from the award date. Countywide (MRE)

E. COMMUNITY SERVICES

1. Staff recommends motion to receive and file: Amendment No. 001 to Standard Agreement No. IA111-9500 (R2011-0354) for the Older Americans Act (OAA) grant with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period January 1, 2011, through December 31, 2011, to reflect a decrease in total funding amount by \$44,127, for a new not to exceed total amount of \$2,044,681, and to include transfers between titles; amend Section 5 to allow for Agreement extension; revise Attachment I and VII to reference the Budget Summary; and replace the OAA Supporting Budget Schedule, Attachment VII with the OAA Budget Summary, Attachment VII. **SUMMARY:** This Amendment will increase IIIB In-Home Services by \$112,732, decrease IIIC1 Congregate Meals by \$78,903, IIIC2 Home Delivered Meals by \$76,023, IIIE Adult Day Care by \$1,933, and required County funds by \$4,903. Funding is included in the budget to meet County obligations. This Amendment was executed by the County Administrator in accordance with Resolution R2010-1942, which delegated authority to the County Administrator, or his designee, to sign documents related to DOSS/AAA grant amendments. Employee Jamie Estremera-Fitzgerald, serves on a County Advisory Board, the Criminal Justice Mental Health & Substance Abuse Planning Council. The Board/Council 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 Rd., the Mae Volen Senior 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 approve:** Consulting/Professional Services Contracts with Caregiver Services, Inc., d/b/a Friends Assisting Seniors & Families, for the period of October 1, 2011, through September 30, 2012, in an amount totaling \$122,560 for health services to Head Start and Early Head Start children:

- A) \$34,280 for Early Head Start services;
- B) \$34,280 for Early Head Start Expansion services; and
- C) \$54,000 for Head Start services.

SUMMARY: The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide health services. As a result, Head Start is contracting with Caregiver Services, Inc., d/b/a Friends Assisting Seniors & Families to provide health services to Head Start and Early Head Start children. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)

3. **Staff recommends motion to approve:** Head Start Contracted Services Expansion Agreements with the below listed agencies for the period of October 1, 2011, through September 30, 2012, in an amount totaling \$1,255,131 for services to Head Start and Early Head Start children and families:

- A) The Union Missionary Baptist Church, Inc. (Day Care Center) will provide services for up to 35 Head Start children, for a total of \$156,761;
- B) Community Child Care Center of Delray Beach, Inc. d/b/a Achievement Centers for Children and Families will provide services for up to 37 Head Start children, for a total of \$207,102;
- C) Apostolic Child Development Centers, Inc. will provide services for up to 14 Early Head Start children, for a total of \$122,909;
- D) The King's Kids Early Learning Center, Inc. will provide services for up to 18 Head Start children, for a total of \$104,413;
- E) Kidz Kaleidoscope Center for Early Learning, Inc. will provide services for up to 32 Head Start children, for a total of \$179,116;
- F) Tender Love & Care Child Development Center, Inc. will provide services for up to 32 Head Start children, for a total of \$179,116; and
- G) Family Central, Inc. will provide services for up to 40 Early Head Start children, for a total of \$305,714.

SUMMARY: The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with the above listed agencies to provide services. The agreements are funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. **Staff recommends motion to approve:** Contracts with seven (7) financially assisted agencies totaling \$898,618 for the indicated activities, for the period October 1, 2011, through September 30, 2012:

A) City of Pahokee – \$131,364 for Fresh Start/Wellness Opportunities for youth and seniors in the city;

B) Deaf Service Center of Palm Beach County, Inc. - \$73,161 for Assistive Communications Equipment for seniors;

C) Deaf Service Center of Palm Beach County, Inc. - \$146,721 for Resource & Community Education and Client Assistance & Advocacy;

D) Gulfstream Goodwill Industries, Inc. - \$44,768 for Homeless Residential Employment Services;

E) Gulfstream Goodwill Industries, Inc. - \$123,757 for Alternative to Secure Detention services for youth involved in the juvenile justice system;

F) Inter-Cultural Family Health Education Center, Inc. – \$239,105 for A Stitch in Time providing services to Haitian-American immigrants in Palm Beach County;

G) Wayside House, Inc. - \$139,742 for residential substance abuse treatment services for women.

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. Other contracts will be forthcoming upon receipt of all the required information. (Financially Assisted Agency Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Staff recommends motion to approve: Head Start/Early Head Start Contracted Services Agreements with the below-listed agencies for the period of October 1, 2011, through September 30, 2012, in an amount totaling \$6,657,608 for services to Head Start and Early Head Start children and families:

A) The Union Missionary Baptist Church, Inc. (Day Care Center) will provide services for up to 37 Head Start children, for a total of \$214,627;

B) The YWCA of Palm Beach County, Florida will provide services for up to 84 Head Start children, for a total of \$541,632;

C) Hispanic Human Resources Council, Inc. will provide services for up to 261 Head Start children, for a total of \$1,682,647;

D) Hispanic Human Resources Council, Inc. will provide services for up to 24 Early Head Start children, for a total of \$210,701;

E) Emmanuel Child Development Center, Inc. will provide services for up to 20 Early Head Start children, for a total of \$166,805;

F) A Step Above Learning Center, Inc., (d/b/a A Step Above Early Learning Center) will provide services for up to 20 Head Start children, for a total of \$116,014;

G) Apostolic Child Development Centers, Inc. will provide services for up to 24 Early Head Start children, for a total of \$210,701;

H) Apostolic Child Development Centers, Inc. will provide services for up to 78 Head Start children, for a total of \$483,793;

I) Florence Fuller Child Development Centers, Inc. will provide services for up to 22 Early Head Start children, for a total of \$183,485;

J) Florence Fuller Child Development Centers, Inc. will provide services for up to 156 Head Start children, for a total of \$1,005,719;

K) Education Development Center, Inc., (d/b/a My First Steps Preschool) will provide services for up to 82 Head Start children, for a total of \$475,659;

L) The King's Kids Early Learning Center, Inc. will provide services for up to 33 Head Start children, for a total of \$191,424;

M) The School Board of Palm Beach County will provide services for up to 185 Head Start children, for a total of \$1,052,115; and

N) Family Central, Inc. will provide services for up to 16 Early Head Start children, for a total of \$122,286.

SUMMARY: The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with the above listed agencies to provide services. The agreements are funded through a combination of Federal grant and County funds. Executive Director for Florence Fuller Child Development Centers, Inc., Lorraine Herdeen, serves on the Child Care Advisory Council. The Board/Council provides no regulation, oversight, management, or policy-setting recommendations regarding the Head Start/Early Head Start Contracted Services Agreements. 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. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. **Staff recommends motion to approve:** a First Amendment to the License Agreement (R2010-1839) (Agreement) with the United States of America, acting through the Transportation Security Administration (TSA), providing for the addition of space for TSA's radio repeater equipment at the Palm Beach International Airport (PBIA) at no cost to the TSA. **SUMMARY:** This Amendment provides the TSA with a non-exclusive license to use space within the PBIA terminal building for the installation, maintenance and operation of necessary radio repeater equipment. This Amendment also corrects the effective date of the Agreement by changing it from December 1, 2010, to December 20, 2010, which is the date the TSA approved the Agreement. Countywide (AH)

2. **Staff recommends motion to receive and file:** a License Agreement with Centerport, Inc. (Centerport) commencing October 6, 2011 and expiring September 30, 2012, for the use and occupancy of space at 1310-A North Perimeter Road, at the Palm Beach International Airport (PBIA), for payment of a license fee in the amount of \$3,166.96 per month. **SUMMARY:** Delegation of authority for execution of the standard license agreement was approved by the Board in R2007-2070. This License Agreement provides for the use of approximately 4,471 square feet space within the PBIA cargo building 1300, for use solely for the storage of materials and equipment in connection with Centerport's cargo operation at PBIA. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to approve:

A) Amendment No. 6 to the General Consulting Agreement with Ricondo & Associates, Inc. for Consulting/Professional Services in the amount of \$2,923,545 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program; and

B) a Budget Amendment of \$555,728 in the Airports Improvement and Development Fund to recognize FAA grant revenue of \$555,728 and to increase Airport Reserves to provide budget to fund the Consulting Agreement.

SUMMARY: The Consulting Agreement (R2009-1643) with Ricondo & Associates, Inc. for general airport planning and design was approved on October 6, 2009 in the amount of \$1,723,324 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for two (2) years with two (2) - one (1) year renewal options. Amendments 1-5 were approved for a net increase in the amount of \$3,140,227. Additionally, Amendment No. 5 exercised the first one (1) year renewal option. Approval of Amendment No. 6 in the amount of \$2,923,545 will provide funds to complete the following tasks and services: Task I Services – Palm Beach International Airport (PBIA) Terminal Flooring Replacement – Supplement for Construction Administration Services, PBIA PFC Application, PBIA Security Enhancements – Design Phase Services, PBIA Roof Leak Investigation (Concourse C Security Checkpoint), PBIA Terminal Air Handler Unit Options Analysis, PBIA Diverted/Large Aircraft Analyses, PBIA Terminal Flooring – Phase II Installation, PBIA Signature Leasehold Site Plan Review, PBIA Terminal Restroom Renovation - Planning and Programming, PBIA Terminal Chiller & Cooling Tower Replacement Design, PBIA Common Use Business Case & Program Definition Study, Palm Beach County Park Airport (LNA) Miscellaneous Pavement Design (Supplement No. 1), LNA Wildlife Hazard Assessments, LNA South Side Redevelopment Planning, North Palm Beach County General Aviation Airport (F45) Rail Spur Alternatives (Supplement No. 1 – Civil & Wetland Mitigation Analyses), F45 Wetland Wildlife Hazard Remediation (Supplement No. 1), F45 Taxiway D Extension – Design Services, F45 Wildlife Hazard Assessments, and Palm Beach County Glades Airports (PHK) Airfield Electrical Upgrades, PHK Apron Pavement Rehabilitation Design; Task II Services – 2011 Annual Facilities Inspections; Task III Services – Miscellaneous Financial Services; Miscellaneous Architectural, Engineering and Planning Services, and Miscellaneous Environmental Consulting Services. Ricondo & Associates, Inc. is a Chicago, Illinois based firm. Approximately 33% of the work associated with tasks in this Amendment will be completed by firms with Palm Beach County offices. Certain tasks performed during the term of this Amendment may be eligible for State and Federal grant participation. The Disadvantaged Business Enterprise (DBE) goal for the agreement was established at 25.00%. The DBE participation for this Amendment is 32.77%. The total DBE participation to date is 11.87%. A corrective action plan to increase DBE participation under this agreement has been approved by the Department. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to:

A) approve a Second Amendment to Agreement for Sale and Purchase of Easement with RaceTrac Petroleum, Inc. (RaceTrac) (Second Amendment), replacing the form of the Easement Agreement to be purchased by RaceTrac; and

B) approve the execution of the Easement Agreement with RaceTrac; and

C) approve a Letter of Release (Release) from the Federal Aviation Administration (FAA), releasing a .046 acre portion of Parcel 9L-W-123 consisting of two parcels of Airport property, containing 350 square feet and 1,650 square feet (Wallis Road Property), from federal grant agreements; and

D) approve a Declaration of Easements, Covenants and Restrictions (Declaration), imposing easements and restrictions on the Wallis Road Property, to comply with the FAA's conditions as set forth in the Release; and

E) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida; designating the Wallis Road Property for use by the general public for public street purposes, subject to the Declaration; and

F) approve the RaceTrac Petroleum at Haverhill and Wallis Plat, creating the plat of approximately 1.96 acres, including 1.61 acres of RaceTrac's development property and .35 acres of County property.

SUMMARY: On January 13, 2009, the Board approved the Agreement for Sale and Purchase of Easement with RaceTrac (R2009-0078) (Agreement) for the sale of an easement to RaceTrac on approximately .35 acres of County property west of the Palm Beach International Airport for \$64,000 and an avigation easement over RaceTrac's property. As a condition of development approval, RaceTrac is required to plat the entire proposed development property, including the RaceTrac property, plus the easement, as one tract. The Second Amendment replaces the Easement Agreement form to address concerns relating to liability and subdivision of the property as a result of the platting. The Release establishes conditions including height restrictions and a prohibition of activities that would interfere with landing or taking off of aircraft and releases the Wallis Road Property from FAA Airport Improvement Program Grant Assurances. The Declaration memorializes the conditions, as set forth in the Release, in the public records. The Resolution designates the Wallis Road Property for use by the general public for public street purposes, subject to the Declaration. Engineering has approved both the Declaration and Resolution. The County is signing the plat as one of the property owners. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving revised PPM No. CW-F-050, to change the membership on the Contract Review Committee; rescinding Resolution R91-810 to the extent of any conflict with this Resolution and providing an effective date. **SUMMARY:** At its meeting on November 1, 2011, the Board discussed the composition of the Contract Review Committee (CRC). Pursuant to Resolution R91-810, the CRC consists of three (3) permanent voting members: County Engineer, County Attorney and Director of Contract Administration/OFMB Department. During the meeting in November, the Board directed staff to add another position to the CRC. This position is to be a representative from the community with general contracting experience or an attorney experienced in construction law. PPM No. CW-F-050 is being revised to include the new member and to remove the requirement that the CRC include a Board member. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 3 to the Annual Electrical Contracts:
 - A) BK Electric, Inc. (R2009-2057) SBE/Local, \$8,030 awarded, 100% SBE;
 - B) Davco Electrical Contractors Corporation (R2009-2056) Non-SBE/Local, \$549 awarded, 0% SBE;
 - C) Global Communications & Electrical Systems, Inc. (R2009-2058) SBE/Local, \$1,055 awarded, 100% SBE;
 - D) Knight Electric Co., Inc. (R2009-2128) Non-SBE/Local, \$4,035 awarded, 0% SBE;
 - E) Langer Electric Company (R2009-2060) Non-SBE/Broward, \$12,754 awarded, 35.70% SBE; and
 - F) RCI Electric, Inc. (R2009-2059) SBE/Local, \$2,760 awarded, 100% SBE.

SUMMARY: These six (6) contractors were prequalified to provide electrical services with a maximum cumulative value of \$1,000,000 and were approved by the Board on December 1, 2009, as amended, with Knight Electric Co., Inc. being approved by the Board on December 15, 2009, as amended. Staff is bringing forward the amendment at this time based on the expiration of the term retroactive to November 30, 2011 and extending through November 30, 2012. Knight Electric Co., Inc.'s is being brought forth based on the expiration of the term as of December 14, 2011. Work is authorized through either an emergency work order or through competitive bidding when required during the term of these contracts. The original contracts provided for an initial one (1) year term with four (4) – one (1) year renewal options. Amendment No. 3 will provide for continued services during the second renewal period. These contracts have a Small Business Enterprise (SBE) participation goal of 15%. During the first year of the contracts, the combined SBE participation has been 97.70%. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** Amendment No. 3 to the Annual Heating Ventilation Air Conditioning (HVAC) Contracts:

A) Farmer and Irwin Corporation (R2010-0066) Non-SBE/Local, \$45,006 awarded, 0% SBE;

B) Horizon Air Conditioning, Inc. (R2010-0067) SBE/Local, \$2,256 awarded, 32.91% SBE;

C) Kerney & Associates, Inc. (R2010-0069) SBE/Local, \$75,563 awarded, 100% SBE;

D) Precision Air Systems, Inc. (R2010-0065) Non-SBE/Local, \$21,953 awarded, 0% SBE;

E) Stokes Mechanical Contractors, Inc. (R2010-0068) SBE/Local, \$118,299.86 awarded, 97.04% SBE; and

F) The Airtex Corporation (R2010-0070) SBE/Local, \$39,654 awarded, 75.41% SBE.

SUMMARY: These six (6) contractors were prequalified to provide HVAC services with a maximum cumulative value of \$2,000,000 and were approved by the Board on January 12, 2010, as amended. Staff is bringing forward these amendment at this time based on expiration of the term. Work is authorized through either an emergency work order or through competitive bidding when required during the term of these contracts. The original contracts provided for an initial one (1) year term with four (4) – one (1) year renewal options. Amendment No. 3 will provide for continued services during the second renewal period. These contracts have a Small Business Enterprise (SBE) participation goal of 15%. During the first year of the contracts, the combined SBE participation has been 57.80%. (FD&O Admin) Countywide (JM)

3. **Staff recommends motion to approve:** Modification No. 3 to Subgrant Agreement (R2008-0048) with Florida Division of Emergency Management (DEM) providing for reimbursement of staff costs. **SUMMARY:** Following Hurricane Wilma in 2005, the United States Department of Homeland Security-Federal Emergency Management Agency (FEMA) made available Hazard Mitigation Grant Program funds for projects designed to mitigate the hazards of disaster events relative to critical governmental facilities. A grant was approved for the work relating to the purchase and installation of impact resistant glass on all windows and doors for the Governmental Center, State Attorney/Public Defender (SA/PD), and Main Courthouse, which was subsequently revised to remove the Governmental Center from the project. As the County provided full time on site project supervision due to the highly restricted and sensitive nature of the facility both to provide monitored access and general oversight of contractor activities for the entire duration of the project, the Agreement is being modified to allow for reimbursement for the staff time. DEM has agreed in writing to reimburse the County for the costs, but requires the County to sign the modification first. (Capital Improvements Division) Countywide/District 7 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: Amendment No. 1 to Annual Roofing Contracts:

- A) Advanced Roofing, Inc. (R2010-1994), Non SBE/Broward, \$29,300, 0% SBE;
- B) Foster Construction Group, Inc. (R2010-1998) Non SBE/Miami-Dade, \$0, 0% SBE;
- C) Hi-Tech Roofing & Sheetmetal, Inc. (R2010-1993) SBE/Local, \$129,601, 100% SBE;
- D) Roofing Concepts Unlimited of Florida, Inc. (R2010-1997) Non SBE/Broward, \$55,013, 0% SBE;
- E) Tecta America South Florida, Inc. (R2010-1995) Non SBE/Broward, \$14,333, 0% SBE;
- F) Triple M Roofing Corporation (R2010-1999) Non SBE/Broward, \$3,250, 0% SBE; and
- G) Tri State Roofing & General Contractors, LLC. (R2010-1996) SBE/Local, \$72,000, 100% SBE

SUMMARY: These seven (7) roofing contractors were prequalified to provide roof repairs, maintenance, and replacements with a maximum cumulative value of \$1,500,000 and contracts were approved by the Board on December 7, 2010. Work is authorized through either an emergency work order or through competitive bidding when required during the term of this contract. The original contracts provided for an initial one (1) year term with four (4) - one (1) year renewal options. Amendment No. 1 will provide for continued services during the first renewal period. These contracts have a Small Business Enterprise (SBE) participation goal of 15%. During the first year of these contracts, the combined SBE participation has been 66%. (Capital Improvements Division) Countywide (JM)

5. Staff recommends motion to receive and file: a notice of exercise of the second option to extend the term of the Concessionaire Service Agreement (R2007-2256) with Dania Pier Management Corp., for the continued use of the concession building at the Juno Beach pier for \$52,643.64/year. **SUMMARY:** Since January 1, 2008, Dania Pier Management Corp. (DPM) has operated under the current Concessionaire Service Agreement (Agreement) for the use of the concession building at the Juno Beach pier. DPM now wishes to exercise the second of three (3) one (1) year extension options for the period of January 1, 2012, to December 31, 2012. The guaranteed annual rent will be increased by four percent (4%) from \$50,618.88 (\$4,218.24/month) to \$52,643.64 (\$4,386.97/month) effective January 1, 2012. The Parks & Recreation Department is satisfied with DPM's performance. The Board has no discretionary authority to deny the exercise of the option; however, the County may terminate this Agreement upon ninety (90) days written notice to DPM. Although not required, Staff requested a new Disclosure of Beneficial Interests be completed, which indicates that Donald V. Streeter is now the President of DPM and owns 100% of DPM. (PREM) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to:

A) adopt a Resolution authorizing a U.S. Government Lease for Real Property Agreement with The United States of America, for the continued use of the County's 45th Street Communications Tower in West Palm Beach for zero rent; and

B) approve a U.S. Government Lease for Real Property Agreement with The United States of America.

SUMMARY: The United States of America Department of Commerce National Oceanic and Atmospheric Administration (NOAA) have been operating at the County's North EMS tower located at 1130 45th Street, in West Palm Beach since 1982. NOAA utilizes the tower to transmit its weather radio broadcasts. NOAA's radio equipment is currently housed in a NOAA owned prefabricated shelter that was damaged in Hurricane Wilma and requires replacement. This will allow NOAA to relocate its radios into the County's radio equipment building, requires NOAA remove its existing prefabricated shelter, and restore the area. The County will supply electric and back up emergency generator power to NOAA's equipment without charge. The existing 1982 agreement will be terminated upon the effective date of this Lease. Either party can terminate the Lease upon one hundred eighty (180) days written notice to the other. The term of the Lease is twenty (20) years with a retroactive commencement date of November 1, 2011, and will expire on October 31, 2031. The annual rent is zero dollars (\$0) per year. NOAA is responsible for maintenance and repairs of its equipment, will remove its Radio Equipment, and restore the premises upon expiration or termination of the Lease. (PREM) District 7 (HJF)

7. Staff recommends motion to approve: a Second Amendment to the Lease exercising the first extension option to provide food services at the County's Vista Center 2300 Building in West Palm Beach at an annual rate of \$8,422.98. **SUMMARY:** Since January 1, 2007, Robert Weatherbee d/b/a The Sub Division (Weatherbee) has been leasing 349 sf of space in the Lunchroom area to provide food services at the County's Vista Center 2300 Building located at 2300 North Jog Road in West Palm Beach. The initial term of the Lease is for five (5) years, commenced on January 1, 2007, expires December 31, 2011, and contains two (2) - one (1) year extension options subject to Board approval. On December 1, 2009, the Board approved a First Amendment suspending the four percent (4%) annual rent increase for a period of one (1) year due to economic conditions. On August 12, 2011, Weatherbee requested the exercise of the first one (1) year extension option. This Second Amendment: i) exercises the first extension option, extending the term for one (1) year, from January 1, 2012, through December 31, 2012; ii) increases the annual rent by 4% to \$8,422.98 (\$701.92/mo; and iii) adds a provision regarding the Inspector General. One – one (1) year extension option remains. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. Staff recommends motion to:

A) approve a Memorandum of Understanding (MOU) for Purchase and Sale of Utility Easement between the Department of Airports (DOA), the Facilities Development and Operations Department (FDO), and the Water Utilities Department (WUD) providing for the sale of an easement for water utility purposes across approximately 0.25 acres (10,780 sq. ft.) of land located on 5th Street, north of Belvedere Road, in West Palm Beach ("Easement Parcel");

B) approve a Declaration of Easement and Restrictive Covenants in favor of Palm Beach County for water utility purposes over the Easement Parcel;

C) adopt a Resolution determining that the Easement Parcel is not necessary for airport purposes and that the utility easement will not impair the operating efficiency of the airport system or reduce the revenue producing capability of the County's Airport System; and

D) authorize the County Administrator or his designee (the DOA Director) to execute any necessary documentation for the release of the Easement Parcel from deed restrictions and Airport Improvement Program (AIP) Grant Assurances with the Federal Aviation Administration.

SUMMARY: In April 2008 (R2008-0613), the Board approved a Memorandum of Understanding providing for the exchange of approximately 19.769 acres of property located on Cherry Road (Cherry Road Property) controlled by DOA for approximately 14.99 acres of property located along Belvedere Road and 5th Street (Belvedere Property) controlled by FDO. Included within the Belvedere Property transferred to DOA was approximately 1.47 acres acquired by WUD in 1979 as part of the acquisition of the Belvedere Water Company. WUD is working with the Westgate CRA to provide sewer service to the Belvedere Homes area and needs an easement for installation of a vacuum lift station. The Declaration of Easement will allow WUD to utilize the property for water utility purposes, which will include a wastewater vacuum pump station. Because DOA received the Belvedere Property in a value for value exchange and the property is now subject to FAA restrictions that must be released in order to install the lift station and WUD paid for the property initially, Staff is recommending that the County contribute \$100,000 toward the cost of this easement from the Public Building Improvement Fund – Land Acquisition, with the balance of \$34,750 to be paid by WUD from the Water Utilities Department Capital Improvement Fund - Water Transmission Mains. The appraisal of the Belvedere Property utilized in valuing the exchange assigned a value of \$12.50 per square foot, equating to a value or purchase price of \$134,750 for the proposed easement area. (PREM) District 2 (HJF)

9. 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, as the property owner, is granting this easement and the County is consenting to this easement. 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

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2011-0142) with West Jupiter Community Group, Inc. (WJCG), to extend the expiration date from December 31, 2011, to March 31, 2012. **SUMMARY:** This Amendment provides an extension of three (3) months to the term of the existing Agreement with WJCG. The Agreement provides funding for the construction of an additional three (3) classrooms to their tutorial center located at 7187 Church Street in unincorporated Jupiter. An unexpected delay occurred while obtaining sanitary sewer permits from the Palm Beach County Health Department. All necessary permits have been obtained, and this time extension will enable the completion of the project. **These are Community Development Block Grant funds which require no local match.** (Contract Development) District 1 (TKF)

2. **Staff recommends motion to approve:** Consent for Palm Beach County employee Henry Nwankwor to purchase a home acquired and rehabilitated by the Community Land Trust of Palm Beach County, Inc. (CLT), with Federal funds received under the Neighborhood Stabilization Program 1 (NSP1) as administered by the Department of Housing and Community Development (HCD). **SUMMARY:** Henry Nwankwor is employed by Palm Beach County as a Security Guard. He is an income eligible home-buyer who is seeking to purchase a home at 6095 Plains Drive, Lake Worth, Florida 33463, which was acquired and rehabilitated by the CLT using NSP1 funds. The post-rehabilitation appraised value of the property (including land and improvements), and taking into account a 99-year lease on the land pursuant to the CLT model, is \$140,000. The appraised value of the land is \$30,000. Since the CLT will hold a 99-year lease on the land to ensure long term affordability, it will sell the home (the improvements) to Mr. Nwankwor for \$110,000. Mr. Nwankwor has obtained a \$104,500 loan commitment from BankAtlantic for the purchase of the home, and will fund the difference in the purchase price plus closing costs out of pocket. Federal regulations pertaining to NSP1 require that an exception be sought from the U.S. Department of Housing and Community Development (HUD) in instances where a conflict of interest may exist. A Conflict of Interest Exception for Mr. Nwankwor was approved by HUD on September 23, 2011, to allow this County employee to purchase this NSP1 funded home. It is HCD Policy to seek the consent of the Board of County Commissioners (BCC) whenever County employees are receiving assistance through HCD Programs. **These are Federal NSP1 funds which require no local match.** (CREIS) District 3 (TKF)

3. **Staff recommends motion to receive and file:** the following documents executed in connection with the Westgate Plaza Apartments project funded under the Neighborhood Stabilization Program 2 (NSP2):
 - A) Loan Agreement with Westgate Plaza Apartments, Ltd.;
 - B) Amendment No. 001 to the Loan Agreement with Westgate Plaza Apartments, Ltd.; and
 - C) Subordination and Intercreditor Agreement with Citibank, N.A.**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 Amendment have been fully executed on behalf of the Board of County Commissioners (Board) by the Chair of the Board and by the County Administrator, or designee, in accordance with Agenda Item R2009-1122 approved by the Board on July 7, 2009. The Agreements are now being submitted to the Board to receive and file. **These are Federal NSP2 funds which require no local match.** (Contract Development) District 2 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

4. Staff recommends motion to approve: three (3) Fiscal Year 2011-2012 Agreements with the U.S. Department of Housing and Community Development (HUD) as follows:

A) a Funding Approval/Agreement for the Community Development Block Grant (CDBG) Program in the amount of \$6,138,977;

B) a Grant Agreement for the Emergency Shelter Grants (ESG) Program in the amount of \$297,830; and

C) a Funding Approval and HOME Investment Partnerships Agreement for the Home Investment Partnership (HOME) Program in the amount of \$2,470,504.

SUMMARY: Approval of these Agreements will make Federal funds totaling \$8,907,311 available to the County. These funds will be used to provide assistance for housing and community development programs. The primary objective of the CDBG, ESG, and HOME Programs is the development of viable urban communities through the provision of decent housing, a suitable living environment, and the expansion of economic opportunities, principally for persons of low and moderate income. **No local match is required to implement the CDBG Program; however, the ESG and HOME Programs have matching requirements. The ESG Program matching requirement is met through a cash or in-kind contribution by each agency receiving this funding. The HOME Program matching requirement will be met from program income which is still being earned under the State Housing Initiatives Partnership Program.** (Planning Section) Countywide (TKF)

K. WATER UTILITIES

1. Staff recommends motion to approve: a Potable Water and Wastewater Development Agreement (Agreement) with Fairways, L.L.C. **SUMMARY:** Fairways, L.L.C. (Fairways) owns property located on the Southwest corner of Century Village Boulevard and Haverhill Road. In order to provide potable water and wastewater concurrency reservations for new developments, the Department requires property owners to enter into a formal development agreement with the Department. While the Department Director has been delegated the authority to enter into Standard Development Agreements (SDAs), Board approval is being sought in this case due to the timing of fee payments associated with the development of the property. Fairways has requested the option of remitting a portion of the fees due with this Agreement and the balance of the Mandatory Agreement payment within 30 days following the approval of the Master Plan for the property, if approved. Fairways has also requested other changes to the form of the SDA based on provisions in a 1968 Agreement, related to the property entered into between Century Village, Inc. and Century Utilities, Inc. (1968 Agreement) which are predecessors in interest to Fairways and the County, respectively. These changes relate to the continuous provision of service to the property. This Agreement supersedes all other provisions of the 1968 Agreement. Under the terms of the Agreement, remittal of the partial payment does not exempt Fairways from any subsequent fee change. District 1 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. **Staff recommends motion to receive and file:** an executed Standard Development Agreement with Faith Cathedral Worship Center, Inc. SDA No. 01-01220-000, which was received during the month of September 2011. **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 has 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. District 1 (SF)

3. **Staff recommends motion to approve:** a First Amendment to Potable Water and Wastewater Development Agreement (Amendment) with Community Land Trust of Palm Beach County, Inc. (Community Land Trust). **SUMMARY:** Community Land Trust owns property located adjacent to Davis Road, south of Melaleuca Lane. In order to provide potable water and wastewater concurrency reservations for new developments, the Water Utilities Department (Department) requires property owners to enter into a formal development agreement with the Department. Community Land Trust entered into a Standard Development Agreement (Agreement) on August 22, 2011. Subsequent to entering into the Agreement, Community Land Trust requested the option of remitting all associated fees in advance prior to request for service initiation, in order to satisfy certain loan timing requirements. The Amendment provides this option. Under the terms of the Amendment, remittal of payment prior to service initiation does not exempt Community Land Trust from any subsequent fee changes, and Community Land Trust is still responsible for remitting the full amount of associated fees existing as of the time of service initiation. District 2 (MJ)

4. **Staff recommends motion to approve:**
 - A) a Contract with Foster Marine Contractors, Inc. for the Water Treatment Plant No. 9 Surficial Production Wells No. 26, 27, 28, 29, 30, and 31 Project in an amount of \$3,347,441.50; and
 - B) Supplement No. 3 to Consultant Services Authorization No. 3 with Mock Roos & Associates, Inc. for hydrogeologic, engineering and construction services in the amount not to exceed \$146,325.

SUMMARY: On September 7, 2011, eight (8) bids were received for the Water Treatment Plant No. 9 Surficial Production Wells No. 26, 27, 28, 29, 30, and 31 Project. Foster Marine Contractors, Inc. was the lowest responsive responsible bidder in the amount of \$3,347,441.50. This Contract will provide for six (6) additional Surficial Production Wells to be constructed in Sandalfoot Cove Park and raw water mains. The wells will provide adequate raw water supply to Water Treatment Plant No. 9 while other wells are out of service or undergoing repair and/or maintenance. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. This Contract with Foster Marine Contractors, Inc. provides for SBE participation of 16.89% overall. Supplement No. 3 with Mock Roos & Associates, Inc. provides for SBE participation of 57.81% overall. The cumulative SBE participation, including this authorization is 37.22% overall. Foster Marine Contractors, Inc. and Mock Roos & Associates, Inc. are both Palm Beach County Companies and certified SBE contractors. (WUD Project No. 09-049) District 5 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. **Staff recommends motion to approve:** a Declaration of Easement in favor of the Palm Beach County Water Utilities Department (WUD) for a Reclaimed Water Main (RCWM) and appurtenant facilities to provide cooling water to the Florida Power and Light West County Energy Center (Center). **SUMMARY:** The RCWM and appurtenant facilities were installed on County owned land that runs from the east side of North Jog Road (north side of the Palm Beach County Operations and Support Center on Vista Parkway) to WUD Lift Station No. 5240 (east side of the Florida Turnpike). These facilities will enable the County to supply reclaimed water from the East Central Regional Wastewater Reclamation Facility to the Center. This easement shall be for the purpose of water and sewer utilities and shall include the right at any time to install, operate, maintain, service, construct, reconstruct, remove, relocate, repair, replace, improve, expand, tie into, and inspect potable water, reclaimed water and/or wastewater lines and appurtenant facilities and equipment in, on, over, under and across the Easement Premises. This easement or portion thereof can be utilized for a wastewater pump station. (WUD 08-031) District 2 (MJ)

6. **Staff recommends motion to approve:** Work Authorization No. 41 for engineering services, permitting, and construction of the Southern Region Operations Center (SROC) Deep Injection Well Membrane Concentrate Blending Project with Globaltech, Inc. (R2008-2323) in the amount of \$1,034,929. **SUMMARY:** On December 16, 2008, the Palm Beach County Board of County Commissioners approved the Contract for Optimization and Improvements Design-Build Services with Globaltech, Inc. (R2008-2323). The project will provide for pump and piping modifications, corrosion control, and instrumentation improvements that will allow blending of membrane concentrate from Water Treatment Plant No. 3 with plant secondary effluent from the Southern Region Water Reclamation Facility (SRWRF). The blending of the membrane concentrate with plant effluent will reduce the corrosiveness of the membrane concentrate and allow it to be injected into the deep injection well located at the SROC. The primary benefits of the project will be the ability to increase the injection capacity from 6.35 MGD to 12.74 MGD at the SROC deep injection well and an improved wet weather disposal capacity for the SRWRF. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Globaltech, Inc. provides for SBE participation of 75% overall. This authorization includes 85% overall participation. The cumulative SBE participation, including this work authorization, is 75.68% overall. Globaltech, Inc. is a Palm Beach County Company and a certified SBE contractor. (WUD Project No. 09-059) District 5 (JM)

7. **Staff recommends motion to approve:**
 - A)** an Alternative Water Supply Agreement (AWS-FY2012 LEC116/No. 4600002550) with the South Florida Water Management District (SFWMD) in the amount of \$500,000; and
 - B)** a Budget Amendment of \$500,000 in the Water Utilities Department Capital Improvement Fund to budget the award of the funds.

SUMMARY: The Agreement provides Alternative Water Supply grant funding from the SFWMD in the amount of \$500,000 for construction of the Lake Region Floridan Well Field Improvement Project. This phase of the project cost is anticipated to be approximately \$1,584,000. The balance of funding for this phase of the project, \$1,084,000, will come from capital improvement funds already budgeted by the Palm Beach County Water Utilities Department and approved by the Board of County Commissioners on June 21, 2011 (R2011-0955 through 0957). (WUD Project No. 11-113) District 6 (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to receive and file: five (5) original documents for the Department of Environmental Resources Management:

A) Amendment Number 3 to the Contract with Loggerhead Marinelife Center, Inc. for optional compaction sampling to be completed by October 15, 2011, with no increase to the amount of the original contract;

B) Interlocal Agreement for Law Enforcement Services between Palm Beach County and the Village of Tequesta from November 15, 2011, to April 30, 2014, not to exceed \$15,000 as an award amount for FY2012;

C) Interlocal Agreement for Law Enforcement Services between Palm Beach County and the Palm Beach County Sheriff's Office from November 15, 2011, to April 30, 2014, not to exceed \$16,875 as an award amount for FY2012:

D) Interlocal Agreement for Law Enforcement Services between Palm Beach County and the City of Boynton Beach from November 15, 2011, to April 30, 2014, not to exceed \$16,875 as an award amount for FY2012;

E) Interlocal Agreement for Law Enforcement Services between Palm Beach County and the Town of Jupiter from November 15, 2011, to April 30, 2014, not to exceed \$16,875 as a award amount for FY2012.

SUMMARY: **A)** Amendment Number 3 dated September 29, 2011 with Loggerhead Marinelife Center allows for optional compaction tests to be completed by October 10, 2011. Delegated authority for minor changes was approved on January 13, 2009 (R2009-0106), with the execution of the original contract. **B,C,D, & E)** On December 18, 2007, the Board of County Commissioners approved a Resolution (R2007-2277) with a standard form Interlocal Agreement with law enforcement agencies for an increased law enforcement presence in estuarine waters of Palm Beach County. Delegated authority to execute these standard form agreements was approved, pursuant to PPM No. CW-O-051 on December 18, 2007 (R2007-2277). On July 11, 2011 a revised standard form was approved. Tequesta approved the Interlocal Agreement on October 5, 2011, the Palm Beach County Sheriff's Office executed the Interlocal Agreement on September 6, 2011, the City of Boynton Beach executed the Interlocal Agreement on August 16, 2011, and the Town of Jupiter executed the Interlocal Agreement on August 22, 2011. Countywide (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to:

A) approve a non-standard Amphitheater Rental Agreement with AEG Live SE, LLC for the presentation of a “My Morning Jacket” Concert on December 10, 2011, at Sunset Cove Amphitheater; and

B) adopt a Resolution authorizing the County Administrator or his designee to execute standard Amphitheater Rental Agreements with AEG Live SE, LLC or affiliate offices.

SUMMARY: The Parks and Recreation Department (Department) utilizes a standard Amphitheater Rental Agreement which is executed at the Department level. Promoter AEG Live SE, LLC (AEG) has requested modifications to the approved standard Amphitheater Rental Agreement language. The modifications clarify the responsibilities and expectations of the County and AEG for issues such as damages, personal injury, and indemnification. These changes, along with other minor administrative changes were agreed to by attorneys for the both the renter and the County. This non-standard Amphitheater Rental Agreement releases AEG from liability to the extent such damage or injury is caused by the County’s negligence or willful misconduct, or structural or premise related defects at the Sunset Cove Amphitheater. Due to the frequency of AEG renting County amphitheaters, staff is recommending that the BCC approve a resolution which delegates authority to the County Administrator or his/her designee to execute a standard amphitheater rental agreement for use specifically with AEG instead of routinely bringing non-standard amphitheater rental agreements to the BCC for approval. County revenues generated from the concert range from a minimum of \$3,500, or 10% of the gross ticket sales less tax, to a maximum of \$12,000 plus miscellaneous fees for vendors, parking, etc. District 5 (AH)

2. Staff recommends motion to:

A) adopt a Resolution authorizing a one (1) year extension to the term of an existing lease agreement with the Northern Palm Beach County Chamber of Commerce, Inc. pursuant to Florida Statute Section 125.38; and

B) approve First Amendment to Lease Agreement R84-133 with the Chamber extending the current lease for a period of one (1) year, from December 12, 2011, until December 11, 2012, for the 2,312 square foot Chamber of Commerce office located at 800 North U.S. Highway One on the west side of Burt Reynolds Park.

SUMMARY: The Northern Palm Beach County Chamber of Commerce, Inc. (Chamber), formerly known as the Jupiter/Tequesta Chamber of Commerce, is requesting a one (1) year extension of their current 25 year lease that ends on December 12, 2011. This extension will give the chamber time to finalize plans to move to a more centralized location. The Lease Amendment grants the Chamber a one (1) year Lease extension for \$10 per year. District 1 (AH)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the County Administrator or his designee (Fire-Rescue Administrator) to execute standard license agreements for training at the Palm Beach County Fire Rescue Regional Training Center; replacing Resolution No. 2009-1551; providing for effective date. **SUMMARY:** This Resolution authorizes the County Administrator, or his designee, to execute standard License Agreements providing outside public safety agencies with use of certain areas of the Fire Rescue Regional Training Center for public safety personnel training for up to a one (1) year term. During that term, the Fire-Rescue Administrator, or his designee, will be authorized to approve or disapprove, standard Use Agreements for specific training events requested by the outside agency. The standard License Agreement provides that fees for use of the Regional Training Center shall be in accordance with a fee schedule established and updated annually pursuant to Palm Beach County Fire Rescue Operational Procedure No. VIII-7. In lieu of the insurance provisions in the standard License Agreement, the Resolution allows alternative provisions providing a substantially similar level of protection to be approved by the Director of Risk Management. This Resolution replaces Resolution No. 2009-1551. Countywide (SGB)

X. PUBLIC SAFETY

1. **DELETED**
2. Staff recommends motion to receive and file: executed Contract with Stephanie Lippman, independent contractor, serving a “post-doctoral” externship to provide psychological services at the Division of Youth Affairs in an amount not to exceed \$30,000 for the period October 1, 2011, through September 30, 2012. **SUMMARY:** Stephanie Lippman is a student completing her doctoral studies in psychology and is required to have 2,000 hours of supervised services to obtain a state license. On October 3, 2006, Agenda Item 3X2 authorized the County Administrator or his designee to execute post-doctoral externships on behalf of the Board of County Commissioners after approval of legal sufficiency by the County Attorney’s Office and within budgeted allocations. Countywide (GB)

3. Staff recommends motion to:
 - A) receive and file** the original executed FY2011-2012 Victim of Crime Act (VOCA) Grant Agreement with the State of Florida, Office of the Attorney General to receive \$140,019 for the period of October 1, 2011, through September 30, 2012;
 - B) approve** a downward Budget Amendment of \$27,210 in the Public Safety Grant Fund to adjust the budget to the actual grant award, and reallocate funding;
 - C) approve** a Budget Amendment of \$25,297 in the General Fund to realign the budget due to grant organizational changes; and
 - D) approve** a Budget Transfer of \$25,297 in the Local Requirements & Innovations Fund to realign the budget due to grant organizational changes.

SUMMARY: Resolution R97-1057 authorizes the County Administrator or his designee to execute certain VOCA grant agreements on behalf of the County with the State of Florida, Office of the Attorney General. The VOCA grant funds services that assist victims of crimes such as crisis counseling, criminal justice support, assistance with Victim Compensation, emergency legal advocacy and crisis intervention. The FY2012 VOCA grant is equivalent to the FY 2011 grant. **The grant requires a 20% match that is included in the FY 2012 budget.** Countywide (GB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

4. Staff recommends motion to approve:

A) the following contracts with agencies to provide drug treatment and testing services to individuals referred by the Drug Court, in a cumulative amount not to exceed \$405,105 for the period October 1, 2011, through September 30, 2012; and a cumulative amount not to exceed \$65,315 for the period of October 1, 2011, through August 31, 2012, for a total not to exceed amount of \$470,420:

- 1) Drug Abuse Foundation of Palm Beach County, in the amount of \$66,000;
- 2) Comprehensive Alcoholism Rehabilitation Programs, Inc. in the amount of \$70,000;
- 3) Counseling Services of Lake Worth, Inc. in the amount of \$76,327;
- 4) Drug Testing and Counseling Services in the amount of \$193,093;
- 5) South County Mental Health Center in the amount of \$15,000; and
- 6) Center for Family Services, Inc. in the amount of \$50,000.

B) authorize the County Administrator or his designee to execute amendments to these contracts on behalf of the Board of County Commissioners to adjust the not-to-exceed amounts as long as the cumulative total does not exceed \$470,420 for those items in Part A above.

SUMMARY: In July 2011, the Justice Services Division solicited proposals to provide drug treatment and testing services to 250 individuals referred by the Drug Court. Funding for these contracts will be provided by the Office of Justice Program Grant (\$65,315), Drug Abuse Trust Fund (\$100,000), Crime Prevention Fund (\$220,727) and other Public Safety funds and user charges collected from the participants (\$84,378). The contracts have two (2) different amounts and dates due to a portion of the contracts are funded by the Office of Justice Programs Grant that ends August 31, 2012. **There is no ad valorem funding required for these contracts.** Countywide (GB)

AA. PALM TRAN

1. Staff recommends motion to:

A) adopt a Resolution authorizing the sale, conveyance and transfer of two (2) - 2000 and nine (9) - 2001 Gillig Low Floor buses to the City of Gainesville; provided that the Federal Transit Administration (FTA) approves the transfer; and

B) approve an Agreement regarding the sale, conveyance, and transfer of two (2) - 2000 and nine (9) - 2001 Gillig Low Floor buses to the City of Gainesville, Florida.

SUMMARY: Palm Tran needs to dispose of two (2) - 2000 and nine (9) - 2001 Gillig Low Floor buses. These buses have reached their useful life and may be transferred to another FTA grantee with FTA's prior approval. The City of Gainesville, an FTA grantee, has approached Palm Tran and expressed its desire to acquire these buses. The City of Gainesville has affirmed that it is an entity qualified and eligible to receive a conveyance of personal property from Palm Beach County in accordance with the requirements of Section 125.38, F.S., and that it desires to use the buses for the public or community interest and welfare. These buses were purchased using 100% Federal funds. Countywide (DR)

* * * * *

4. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to:

A) approve an Energy Efficiency Conservation Loan (Energy Loan) Program Agreement with Doctors Scientific Organica, LLC (DSO) in the amount of \$240,000;

B) approve exceptions to the Palm Beach County Energy Loan Program Criteria for DSO to: (a) waive the maximum loan amount of \$150,000; and (b) waive the maximum term of ten (10) years in order to match the Small Business Administration (SBA) loan requirement of 20 years; and

C) authorize the County Administrator or his designee to sign the loan documents associated with this item.

SUMMARY: This \$240,000 Energy Loan will be for a term of 20 years and will fund energy efficiency retrofits at DSO's nutritional baking products manufacturing facility. DSO has developed a line of certified food products that are sold under three (3) trademarked names and is seeking to expand from an 18,000 to a 25,000 sq. ft. building in Riviera Beach. The approximate total project investment is \$3,126,853 and the projected sources of funding include: \$240,000 Energy Loan; \$473,000 Section 108 Loan; \$1,300,673 from a financing institution; \$1,040,538 from the SBA; and \$72,642 from DSO. The company will create 25 new full-time jobs. **These are Federal funds that require no local match.** District 7 (DW)

2. Staff recommends motion to approve on preliminary reading and advertise for public hearing on December 20, 2011 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Lobbyist Registration Ordinance, Palm Beach County Code, Chapter 2, Article VIII (codifying Ordinance 2003-018, as amended); amending Section 2-351, title and purpose; amending Section 2-352, definitions; amending Section 2-353, registration and expenditures; amending Section 2-354, record of lobbying contacts; amending Section 2-355, cone of silence; amending Section 2-356, enforcement; amending Section 2-357, penalties; providing for savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for an effective date. **SUMMARY:** The proposed amendments to the Palm Beach County Lobbyist Registration Ordinance are required in order to match the terminology used in the Code of Ethics and to allow this ordinance to apply to municipalities. These amendments also reflect Palm Beach County's establishment of a centralized lobbyist registration system that lobbyists can use to electronically register to lobby the county and any or all of the municipalities in Palm Beach County. This Ordinance will apply to the county and any municipality that does not have a conflicting ordinance in effect. The League of Cities reviewed and approved these amendments on October 26th. Countywide (LB)

4. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

TIME CERTAIN - 10:00 A.M.

3. Staff recommends motion to approve on preliminary reading and advertise for public hearing on December 20, 2011 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, fixing the boundaries of the seven county commission districts; providing for publication; providing for minutes; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** On November 1, 2011, the Board of County Commissioners (BCC) discussed four (4) redistricting map options. The BCC directed staff to bring back Option 4 which currently reflects Phil Foster Park and Peanut Island remaining within the boundaries of District 1. In addition, the Board directed staff to modify Option 4 to display an inset of Phil Foster Park and Peanut Island as a part of District 7 for further discussion. Upon final direction as it relates to Peanut Island/Phil Foster Park by the BCC, staff will finalize Option 4 and advertise for adoption at the December 20, 2011 Board meeting. Countywide (LB)

B. CLERK & COMPTROLLER

TIME CERTAIN – 9:45 A.M.

1. Staff recommends motion to receive and file: Review of County Fund Balance analysis provided in the September 2011 TaxWatch Special Report. **SUMMARY:** The Clerk & Comptroller's Office will provide a review of the County fund balance analysis provided by TaxWatch in their Special Report dated September 2011. Countywide

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on December 20, 2011 at 9:30 a.m.: an Ordinance amending Palm Beach County Code Chapter 26, Article II, Division 1, known as the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance (Ordinance 2008-063); amending Section 26-23, improvements; amending Section 26-24, special assessments; amending Section 26-29, percentage of costs, further procedures; amending Section 26-30.3, public hearing; amending Section 26-30.10, payments; amending Section 26-30.15, savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; providing for effective date. **SUMMARY:** The proposed Ordinance will amend Chapter 26, Article II, Division 1, known as the MSTU Ordinance 2008-063 to allow for assessments and collections at a percentage rate less than 100% when directed by the Board of County Commissioners. There remain a few MSTU projects that were petitioned at the previous 50% rate that cannot be approved at a rate less than 100% without this amendment. The proposed Ordinance also amends the section on street lighting improvements regarding costs being capable of being calculated for special assessment purposes and amends the timeframe between bid opening and public hearing to be as soon as practicable. Countywide (MRE)

4. REGULAR AGENDA

C. ENGINEERING & PUBLIC WORKS (Cont'd)

TIME CERTAIN – 3:00 P.M.

2. Staff requests Board direction: regarding the median beautification on Okeechobee Boulevard from State Road 7 to Florida's Turnpike. **SUMMARY:** At the November 15th Board of County Commissioners (BCC) meeting, the BCC directed staff to bring back an agenda item regarding the potential landscaping project on Okeechobee Boulevard. At the October 4th BCC meeting, the Board rejected the agreements that were required to allow the potential almost \$1 million {50% state/50% local (PBC)} project to move forward and directed staff to get with the City to discuss options. No funding or scope change options have been received from the City since the item was originally heard. The FDOT is requiring the project to have all required documents (CIGP agreement amendment and beautification permit) adopted by Palm Beach County by December 31, 2011 (the last Board meeting is December 20th). Districts 2 & 6 (MRE)

D. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in two (2) properties totaling 0.33 acres of surplus property to HFHSPBC CLT, Inc., a Florida not-for-profit corporation f/k/a Habitat for Humanity of South Palm Beach County Community Housing and Land Trust, Inc., without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 125.38; and

B) approve two (2) County Deeds in favor of HFHSPBC CLT, Inc., f/k/a Habitat for Humanity of South Palm Beach County Community Housing and Land Trust, Inc.

SUMMARY: HFHSPBC CLT, Inc. (Habitat) has requested the conveyance of two (2) County-owned vacant surplus properties totaling 0.33 acres with a combined 2011 assessed value of \$48,529. The properties are located in unincorporated Boynton Beach and Delray Beach, and were acquired via Tax Deeds. The properties have been declared surplus as they serve no present or future County purpose. Habitat proposes to utilize the properties for construction of affordable housing for homebuyers earning between 50%-120% of the area median income. Florida Statutes Section 125.38 allows the County to convey property to not for profit corporations without utilizing a bid process. Restrictions provided in both deeds will assure utilization as proposed, or the properties will revert to the County. Housing & Community Development has reviewed this conveyance and responded with its support. This conveyance will relieve the County of potential liability for occurrences on these properties and also the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. **All purchases, sales and exchanges of real estate must be approved by a supermajority vote (5 Commissioners)** pursuant to recent amendments to the PREM Ordinance. (PREM) Districts 3 & 5 (HJF)

4. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. 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% of 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)

TIME CERTAIN 2:15 P.M.

3. Staff requests Board direction: on the conclusion of contract negotiations for the sale and development of the Wedge Property located within the Transit Oriented Development District in downtown West Palm Beach. **SUMMARY:** On October 18, 2011, County Staff provided the Board with a brief update on the status of negotiations and the likely schedule for conclusion to the negotiations. Since that time, Staff has reached conclusion on all but five (5) items on which it requires direction. The five (5) items are: 1) minimum guaranteed development; 2) contract milestones and timing; 3) return of the deposit; 4) exposure for damages; and 5) traffic circulation plan. In addition, the Property Review Committee (PRC) met for an introduction to the disposition and to provide recommendations on the appraisal process and assumptions. Staff has issued an Invitation to Bid for appraisal services with an expedited schedule. The appraisal work product is due to the County the second week in February and it is anticipated that the contract could be presented to the Board for final consideration along with a recommendation from the PRC on April 3, 2012. The Board's direction on the five (5) issues will allow Staff to conclude the contract negotiations and give the appraiser's the final information required to complete their appraisal. (FDO) Countywide (HJF)

4. REGULAR AGENDA

E. PUBLIC SAFETY

1. Staff recommends motion to:

A) approve on preliminary reading and advertise for public hearing on December 20, 2011 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 19, Article IX (Ordinances No. 2001-015 and 2008-043); relating to taxicabs and other vehicles for hire, to be known as the Vehicle for Hire (VFH) Ordinance; amending Section 19-213 (definitions); amending Section 19-215 (advertising); amending Section 19-216 (municipal exemption); amending Section 19-218 (business permit application); amending Section 19-227 (driver requirements; failure to comply); amending Section 19-230 (enforcement); providing for repeal of laws in conflict; providing for a savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; providing an effective date; and

B) rescind previous Board direction from the October 18, 2011 Board of County Commissioners meeting which would have allowed companies to continue receiving a credit for the fees paid to a municipality from the amount the county collects for application/renewal, and vehicle decal fees; and

C) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution No. R2011-1669 (adopted October 18, 2011) to remove the municipal fee exemption, and per BCC direction on November 1, 2011, remove the new \$5,000 registration fee.

SUMMARY: On October 18, 2011, the Board of County Commissioners voted to amend the VFH ordinance. The proposed ordinance amendments include the following: **1)** include the addition of a Luxury Sedan category, and **2)** establish a Special Master Enforcement process with the requirements to be referenced in the Consumer Affairs Ordinance. Staff is also recommending the BCC approve staff's recommendation to discontinue allowing VFH companies to deduct the fees paid to municipalities from the amount the County collects for the application/renewal and vehicle decal fees. Currently, the existing ordinance permits approximately 69 out of 600 companies to receive a credit for fees paid to municipalities. The VFH program loses approximately \$40,000 per year in revenue for these credits. On November 1, 2011, the Board rescinded the previous staff's direction to establish a \$5,000 registration fee and establish new minimum start-up requirements for all new VFH companies. Countywide (GB)

F. COUNTY ATTORNEY

1. Staff recommends motion approve on preliminary reading and advertise for public hearing on December 20, 2011 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, providing for a countywide referendum to be placed on the ballot on November 6, 2012, for the purpose of determining whether slot machine gaming shall be authorized at licensed pari-mutuel facilities located within Palm Beach County as provided for in Article X, Section 23, of the Florida Constitution and applicable provisions of the Florida Statutes; providing for title; providing for referendum and ballot language; providing for certified copy to Supervisor of Elections; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for severability; and providing for an effective date. **SUMMARY:** This ordinance would schedule a referendum at the November 6, 2012 General Election to determine whether slot machine gaming shall be authorized at licensed pari-mutuel facilities in Palm Beach County. Countywide (PFK)

5. BOARD APPOINTMENTS

A. **ADMINISTRATION**
(Florida Atlantic Research & Development Authority)

1. **Staff recommends motion to approve:** appointment of the following individual to the Florida Atlantic Research & Development Authority (Authority) to fill the unexpired term of Mr. Michael Arts, who term expires September 12, 2012:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Bruce C. Rosetto	1	Private Sector/PBC Resident	Comm. Burdick Comm. Abrams Comm. Aaronson Comm. Taylor

SUMMARY: On October 3, 1985, the Board of County Commissioners adopted Ordinance No. 85-32, which created the Florida Atlantic Research & Development Authority. The Authority is comprised seven (7) members: three (3) Palm Beach County representatives, three (3) Broward County representatives and the President of Florida Atlantic University or his/her designee. Representatives must be employed in the private sector and reside in the County in which they represent. On October 28, 2011, a memo was distributed to the Board of County Commissioners notifying them of the resignation of Mr. Michael Arts and requesting nominations. After initial notification to the BCC, a nomination was forwarded by the Authority recommending Mr. Rosetto to fill the remaining unexpired term. A second memo was circulated to the BCC on November 8, 2011, to forward Mr. Rosetto’s information. No other nominations were received. District 4 (JM)

B. **OFFICE OF FINANCIAL MANAGEMENT & BUDGET**
(Investment Policy Committee)

1. **Staff recommends motion to approve:** Appointment of one (1) individual to the Investment Policy Committee:

<u>Nominee</u>	<u>Seat No.</u>	<u>Nominated By</u>
Joseph D. Hill, Jr.	5	Commissioner Taylor Commissioner Aaronson
<u>OR</u>		
William Wilson Moore	5	Commissioner Burdick

SUMMARY: Sevine Williams, Jr. resigned from his seat on the Investment Policy Committee (IPC) and his seat on the Committee needs to be filled. The Committee is comprised of seven (7) members, including a current member of the Board of County Commissioners, four representatives from the private sector approved by the BCC, a designee of the Palm Beach County Sheriff’s Office, and an employee of the Office of Financial Management and Budget selected by the County Administrator. Commissioner Aaronson currently serves as the Board’s representative and as the Committee’s Chairman. Countywide (PK)

C. **COMMISSION DISTRICT APPOINTMENTS**

DECEMBER 6, 2011

6. MATTERS BY THE PUBLIC – 2:00 P.M.

DECEMBER 6, 2011

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

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, CHAIR

D. District 4 – COMMISSIONER STEVEN L. ABRAMS, VICE CHAIRMAN

Request approval to present off-site, a Proclamation honoring the Florida Intergenerational Orchestra of America.

E. District 5 - COMMISSIONER BURT AARONSON

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR

Request approval to present off-site, a Proclamation declaring “We Kan Burn BBQ & Toy Drive Day” in Palm Beach County.

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

DECEMBER 6, 2011

<u>PAGE</u>	<u>ITEM</u>	
6	2C-4	<u>ADD-ON:</u> Proclamation declaring January 2012 as “Stalking Awareness Month” in Palm Beach County. (Sponsored by Commissioner Santamaria)
10	3E-2	<u>DELETED:</u> Staff recommends motion to approve: Consulting/Professional Services Contracts with Caregiver Services, Inc., d/b/a Friends Assisting Seniors & Families, for the period of October 1, 2011, through September 30, 2012, in an amount totaling \$122,560 for health services to Head Start and Early Head Start children:...(Community Services) (Insurance deficiencies)
17	3H-2	<u>REVISED TITLE:</u> Staff recommends motion to approve: Amendment No. 3 to the Annual Heating Ventilation Air Conditioning (HVAC) Contracts: A)...B)...C)...D)... E) E.C. Stokes Mechanical Contractors, Inc. (R2010-0068) SBE/Local, \$118,299.86 awarded, 97.04% SBE; and F) The Airtex Corporation (R2010-0070) SBE/Local, \$39,654 awarded, 75.41% SBE. (FDO)
19	3H-7	<u>REVISED TITLE:</u> Staff recommends motion to approve: a Second Amendment to the Lease Agreement (R2006-0077) with Robert Weatherbee d/b/a The Sub Division, a sole proprietor, exercising the first extension option to provide food services at the County’s Vista Center 2300 Building in West Palm Beach at an annual rate of \$8,422.98. (FDO)
20	3H-9	<u>REVISED TITLE:</u> Staff recommends motion to approve: an <u>Utility Underground Easement Agreement</u> 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)
29	4A-1	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to: A) approve an Energy Efficiency Conservation Loan (Energy Loan) Program Agreement with Doctors Scientific Organica, LLC (DSO) <u>Scientific Real Estate Holdings, LLC (“the Company”)</u> in the amount of \$240,000; B) approve exceptions to the Palm Beach County Energy Loan Program Criteria for DSO <u>the Company</u> to: (a) waive the maximum loan amount of \$150,000; and (b) waive the maximum term of ten (10) years in order to match the Small Business Administration (SBA) loan requirement of 20 years; and C) authorize the County Administrator or his designee to sign the loan documents associated with this item. SUMMARY: This \$240,000 Energy Loan will be for a term of 20 years and will fund energy efficiency retrofits at the DSO’s <u>Company’s</u> nutritional baking products manufacturing facility. DSO <u>The Company</u> has developed a line of certified food products that are sold under three (3) trademarked names and is seeking to expand from an 18,000 to a 25,000 sq. ft. building in Riviera Beach. The approximate total project investment is \$3,126,853 and the projected sources of funding include: \$240,000 Energy Loan; \$473,000 Section 108 Loan; \$1,300,673 from a financing institution; \$1,040,538 from the SBA; and \$72,642 from DSO <u>the Company</u> . The company will create 25 new full-time jobs. These are Federal funds that require no local match. <u>District 7</u> (DW) (Admin/EDO)

ADD-ON: Staff recommends motion to approve:

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

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

SUMMARY: Under the Agreement, the Business Development Board (BDB) will provide business recruitment, expansion and retention services and general marketing for Palm Beach County. The BDB will work in partnership with the County's Economic Development Office with the goal of creating a stable and diverse economic climate throughout Palm Beach County. A new Scope of Services will be developed annually and be subject to approval by the Board of County Commissioners. Additionally, the annual contract amount will be subject to annual budget appropriation. This Agreement provides for a Small Business Enterprise (SBE) overall participation goal of 15%, in accordance with goals established by the SBE Ordinance (R2002-0064).

A deviation from the standard County contract language is contained in Article 14-Conflict of Interest. Standard County Contract language, which requires adherence to Chapter 112, Part III Florida Statutes, "Code of Ethics for Public Officers and Employees," was deleted at the request of BDB. Notwithstanding this deletion, staff recommends approval of the Agreement because BDB agreed to changes in the Disclosure of Material Interests form (Disclosure) which sufficiently addresses the conflict of interest provisions contained in the State's Code of Ethics. The Disclosure is included as Attachment B to the Agreement, and must be signed annually by the CEO and Board of Directors before a Notary Public, and states that neither the CEO or Board of Directors, nor any member of their immediate family has any material interest, directly or indirectly in an entity seeking economic development incentives from the County with the assistance of the Business Development Board. Retroactive payments will be made to cover services rendered beginning October 1, 2011.

Business Development Board employee Gary Hines, serves on the Treasure Coast Regional Planning Council's Comprehensive Economic Development Strategy Committee. The Board/Council provides no regulation, oversight, management, or policy-setting recommendations regarding the Business Development Board's contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. This item was placed on the Add-Delete Sheet so as not to further delay economic development efforts. **These are County Ad Valorem funds.** Countywide (DW) (Admin/EDO)

REVISED TITLE: Staff recommends motion approve on preliminary reading and advertise for public hearing on December 20, 2011 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, providing for a countywide referendum to be placed on the ballot on November 6, 2012, for the purpose of determining whether slot machine gaming shall be authorized at licensed pari-mutuel facilities located within Palm Beach County; ~~as provided for in Article X, Section 23, of the Florida Constitution and applicable provisions of the Florida Statutes;~~ providing for title; providing for referendum and ballot language; providing for certified copy to Supervisor of Elections; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for severability; and providing for an effective date. (County Attorney)

ADD-ON: Staff recommends motion to approve on preliminary reading and advertise for public hearing on December 20, 2011 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, providing that the updated Florida Fire Prevention Code shall be deemed adopted; providing for local amendments to the Florida Fire Prevention Code; repealing and replacing Chapter 12, Article IV of the Palm Beach County Code (codifying Ordinance 2008-045) in its entirety; providing for legislative findings; providing for applicability; providing for repeal of laws in conflict; providing for a savings clause; providing for severability; providing for inclusion in the code; and providing for an effective date. **SUMMARY:** Pursuant to Chapter 633, Florida Statutes, the State Fire Marshal has adopted an updated statewide minimum fire safety code, known as the Florida Fire Prevention Code, in Rule Chapter 69A-60 of the Florida Administrative Code. This updated Florida Fire Prevention Code will become effective on December 31, 2011, and is based on updated Florida editions of the National Fire Protection Association's Fire Code (NFPA 1) and Life Safety Code (NFPA 101). The local amendments to the Code include a revised fee schedule creating a fee for after-hours inspection, an annual facility plan review fee and vacant building inspection fee; providing for a reduction in mercantile, business & storage inspection fees; and providing for an increase in firework permit fees. Effective December 31, 2011, the County will enforce the updated Florida Fire Prevention Code with the Palm Beach County Local Amendments adopted by this Ordinance. Countywide (SB) (Fire Rescue)

ADD-ON: Request approval to present off-site, a Proclamation declaring December 16, 2011 as "Battle of the Bulge Day" in Palm Beach County. (Sponsored by Commissioner Taylor)

NOTE: Items that were revised, added, deleted, or backup submitted and were not listed on the addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (*).