

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

FEBRUARY 7, 2012

**TUESDAY
6:00 P.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 - 22)**

- 4. REGULAR AGENDA (Pages 23 - 27)**
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- 5. BOARD APPOINTMENTS (Pages 28 - 29)**

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BOARD APPOINTMENTS (Pages 28 - 29)

MATTERS BY THE PUBLIC – 7:00 P.M. (Page 30)

STAFF COMMENTS (Page 31)

COMMISSIONER COMMENTS (Page 32)

ADJOURNMENT (Page 32)

FEBRUARY 7, 2012

2C. SPECIAL PRESENTATIONS – 6:00 P.M.

1. Florida Section of the American Water Works Association Water Distribution Award.
2. Proclamation recognizing Palm HealthCare Foundation's 10th Year of Service. (Sponsored by Commissioner Burdick)
3. Proclamation declaring February 11, 2012 ad "Medical Home Day" in Palm Beach County. (Sponsored by Commissioner Aaronson)
4. Proclamation recognizing Family Central's 40th Anniversary. (Sponsored by Commissioner Vana)
5. Proclamation commending the Palm Beach County Multi-Agency Diversion Task Force. (Sponsored by Commissioner Aaronson)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution R1992-165D, approving a cash deposit agreement between Palm Beach County and the State of Florida Department of Transportation, to expand the cash deposit agreement's use to include airport parking and other services available through SunPass for authorized County officials; and providing for an effective date. **SUMMARY:** In January 1992, the Board approved Resolution R1992-165D which approved a cash deposit with the State in the amount of \$1,100, securing payment for tolls incurred when authorized County officials traveled on the Florida turnpike. Since that time, Palm Beach International Airport (PBIA) has authorized the use of SunPass for parking. Although there is no additional cash deposit required by the State for this additional usage, it is necessary to amend the existing resolution to authorize County officials' use of the SunPass for other than turnpike tolls. Countywide (PFK)

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	December 20, 2011
Zoning	January 5, 2012

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 November 2011. Countywide

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to adopt: five (5) Resolutions to declare the acquisition of property designated as Parcel 100 as a Fee Simple acquisition and Parcels 302, 303, 304A and 304B as Temporary Construction Easements necessary for the construction and improvements at the intersection of Toney Penna Drive and Old Dixie Highway. **SUMMARY:** The adoption of these Resolutions will initiate eminent domain proceedings against five (5) parcels having a total appraised value of \$98,400. District 1 (PM)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff recommends motion to receive and file: a Construction Agreement, dated December 15, 2011, with the Florida Department of Transportation (FDOT) for construction of the West Atlantic Avenue from west of Lyons Road to Starkey Road project (Project). This Construction Agreement was approved on November 30, 2011, by the Deputy County Engineer, as a delegated authority in accordance with R2011-1740. **SUMMARY:** This Construction Agreement is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. District 5 (MRE)

3. Staff recommends motion to approve: a payment to Florida Power & Light Company (FPL) in an amount not to exceed \$103,471.08 for relocation of overhead facilities crossing State Road 7 for the State Road 7 and C-51 Canal Bridge widening project (Project). **SUMMARY:** Approval of this payment to FPL will allow for the required relocation of conflicting overhead electric distribution facilities to allow for construction of the Project. Payment to FPL is required because their existing facilities are located within South Florida Water Management District canal right-of-way. District 6 (MRE)

4. Staff recommends motion to approve: a 120 calendar day Contract with Foster Marine Contractors, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$447,458 for the Glen Ridge Paving & Drainage Improvements (Project), Project No. 2003061-G. **SUMMARY:** Approval of this Project will provide for the construction of a drainage system for the Glen Ridge area and reconstruction of the roads to coordinate with the storm water improvements. The Contractor is a Palm Beach County business. The construction contract is wholly funded with federal grant funds, therefore the Small Business Enterprise (SBE) Ordinance does not apply to this Project. District 3 (MRE)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to receive and file:

A) State of Florida Department of Children and Families (DCF) Homeless Challenge Grant Agreement, No. IFZ16, for the period of December 8, 2011, through June 30, 2012, in an amount of \$63,397, for provision of Homeless Prevention Services;

B) Contract with Coalition for Independent Living Options, Inc. for the period of December 8, 2011, to June 30, 2012, in an amount of \$21,132 for provision of Homeless Prevention Services to individuals and families with disabilities;

C) Contract with Adopt-A-Family of the Palm Beaches, Inc. for the period of December 8, 2011, to June 30, 2012, in an amount of \$21,133, for provision of Homeless Prevention Services to individuals and families; and

D) Contract with Faith-Hope-Love-Charity, Inc. for the period of December 8, 2011, to June 30, 2012, in an amount of \$21,132, for the provision of Homeless Prevention Services to Veterans and their families.

SUMMARY: On September 13, 2011 (R2011-1303), the Board of County Commissioners delegated authority to the County Administrator or his designee to sign the State of Florida DCF Homeless Challenge Grant Agreement and to sign contracts with Coalition for Independent Living Options, Inc., Adopt-A-Family of the Palm Beaches, Inc., and Faith-Hope-Love-Charity, Inc. for a period no longer than one (1) year, to end June 30, 2012. This authorization and designation was necessary to expedite the contracts and thereby avoid gaps in service delivery to homeless individuals. The total amount of funds, \$63,397, is for a one-year period and is non-recurring. No match is required for these funds. (Human Services) Countywide (TKF)

2. Staff recommends motion to receive and file: Amendment No. 002 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 add Attachment VIIA reflecting OAA 2011 approved rates. **SUMMARY:** The purpose of this Amendment is to add Attachment VIIA reflecting OAA 2011 approved rates and to add reference to OAA 2011 approved rates to sections 2.8.4 and 3.1.1 and the Index to Agreement Attachments. 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. (DOSS) Countywide (TKF)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 5 to Contract with The BG Group, LLC (R2008-1055) to implement the fourth renewal of the annual Demolition contract with a maximum value of \$500,000. **SUMMARY:** Amendment No. 5 is a renewal to the Annual Demolition Contract which was awarded to The BG Group, LLC. The Annual Demolition Contract is an indefinite-quantity contract and this renewal has a maximum value of \$500,000. Staff is bringing forward the amendment at this time based on pending work which would exceed the value of the contract. All terms of the original contract remain in effect. The Small Business Enterprise (SBE) participation goal for the contract is 15%. The BG Group's SBE participation for work orders issued to date is 96%. The BG Group, LLC is a Palm Beach County company and a certified SBE contractor. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 2 with Johnson, Levin, Ragen, Davila, Inc. (JLRD) (R2011-0850) in the amount of \$238,649 for radio frequency (RF) engineering services. **SUMMARY:** This Authorization will provide services associated with two separate RF projects: (1) the migration of the County's analog microwave system to a digital system (assessment, design, project management and commissioning services), and (2) master planning and peer design review for the renewal/replacement of the existing 800 MHz network infrastructure with digital IP based network infrastructure (master planning and peer design review services). The microwave project is designed to replace a 28 year old system now supporting only UHF EMS communications to the same digital protocol which the County installed new in 1998 to support its 800 MHz system. This microwave replacement project will expand the current capacity which is at its max in two regions of the County and put in place the necessary microwave support for the 800 MHz renewal/replacement project. The existing 800 MHz system is over 12 years old, support for certain network components is no longer available and no dispatch consoles, transmitter sites and RF channels can be added. This planned replacement of the network infrastructure will allow for: 1) continued support and reliability of the system, 2) P25 compliant system infrastructure to be in place giving the users the option to migrate when operational requirement and budgets allow, 3) future expansion of the system, enhance communication and interoperability capabilities, and 4) direct connection with other counties planning identical projects. JLRD is under contract for Electrical Engineering Continuing Services and has subcontracted with a firm with particular expertise in this specialized area. This contract includes a Small Business Enterprise (SBE) goal of 15%. This task has 0% SBE participation as JLRD is a non-SBE firm and the specialized work these projects entail is not available by any SBE certified engineering firm. When added to the Consultant's participation to date, the resulting SBE participation is 0%. JLRD is a Palm Beach County firm. This CSA is funded from the Radio System Renewal/Replacement Account which is made up from annual fees paid by all full time users of the system for this restricted purpose as well as \$12.50 fine and forfeiture proceeds. (Capital Improvements Division) Countywide/District 2 (JM)

3. **Staff recommends motion to approve:** Change Order No. 15 to the contract with Moss & Associates, LLC (R2007-0031) decreasing the Guaranteed Maximum Price (GMP) for the West County Detention Facility Amendment No. 7 in the amount of \$757,389.97 for construction of the Palm Tran West Maintenance Facility. **SUMMARY:** The Board approved Amendment No. 7 in the amount of \$5,726,930 to the GMP with Moss Construction to construct the Palm Tran Maintenance Facility adjacent to the West County Detention Center. This Change Order to reduce the contract amount is based on: 1) savings due to return of unused allowances, 2) unused owner's contingency resulting from buyout savings and reconciliation of sales tax recovery purchase orders, and 3) efficiencies in general condition costs due to the overlapping of the various projects associated with the construction of the jail expansion project. This project was funded through stimulus money and federal grants from the federal government, and all savings will be returned to Palm Tran. The Disadvantaged Business Enterprise (DBE) participation goal for this project is 10%. Moss & Associates has obtained 14.5% DBE participation upon approval of this final Change Order. (Capital Improvements Division) Countywide/District 6 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. **Staff recommends motion to approve:** an Interlocal Agreement with the United States Marshals Service allowing for interoperable communications through the countywide common groups of the County's Public Safety Radio System. **SUMMARY:** This Interlocal Agreement provides the conditions under which the U.S. Marshals Service can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications. The County's system will not be utilized for routine operational communications by the U.S. Marshals Service. The terms of the agreement are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this agreement. The U.S. Marshals Service is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the County's Public Safety Radio System. The agreement provides for an initial term of five (5) years with three (3) renewal options, each for a period of five (5) years. This Interlocal Agreement may be terminated by either party, with or without cause, upon ten (10) days prior notice to the other party. (ESS) Countywide (JM)

5. **Staff recommends motion to approve:** a Lease Agreement with the City of Boynton Beach, for the County's Boynton Beach Head Start facility located at 909 Northeast 3rd Street, Boynton Beach at an annual rental rate of \$1. **SUMMARY:** Since October 2, 1990 (R90-1697D) the County, on behalf of the Community Services Department, has subleased an approximately 10,190 SF building plus associated ground area for the operation of a child care center located at 909 Northeast 3rd Street, Boynton Beach from The Boynton Beach Child Care Center, Inc. (BBCCC) pursuant to a Sublease dated October 2, 1990 (R90-1697D). The building is owned by the City of Boynton Beach and leased to BBCCC. The County exercised all its available extension options, and the Sublease expired on May 31, 2010. Head Start has continued to occupy the space, and is currently operating on a month to month basis. After several attempts to obtain program information from the BBCCC to document the nature and extent of BBCCC's use of the building to ensure no interference with Head Start operations proved unsuccessful, the City at its December 6, 2011 meeting terminated its Lease Agreement with BBCCC and approved the execution of a Lease Agreement with the County. This Lease Agreement provides for a ten (10) year initial term, and includes automatic extensions for two (2) successive periods of ten (10) years each, unless either party provides 180 days notice prior to the current terms expiration date. The annual rent is \$1. The County will be responsible for all maintenance on the building and building systems, including the playground equipment, landscaping and irrigation systems. (PREM) District 7 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to:

A) approve an extension letter to exercise the second option to extend the Lease Agreement (R2007-1722) with South Florida Water Management District (SFWMD) and Roth Farms, Inc., for Roth Farms to continue to farm 114.57 acres of land at 20 Mile Bend; and

B) adopt a Resolution finding that exercising the second option to extend the Lease Agreement with South Florida Water Management District and Roth Farms, Inc., is in the best interest of the County.

SUMMARY: The County and SFWMD own adjacent parcels of land at 20 Mile Bend that are leased by Roth Farms for sugar cane and row crops. The extension letter approves the second of three (3) renewal options of one (1) year each, extending the term to February 25, 2013, with a three percent (3%) rent increase. The revenues are shared on a pro rata basis between SFWMD (33.92%) and the County (66.08%). The annual rent for the extension period is \$25,363.51 and the County will receive \$16,760.21. All other terms of the Lease remain in full force and effect. Rick Roth of Roth Farms serves on the Agricultural Enhancement Council. The Council provides no regulation, oversight, management, or policy-setting recommendations regarding the lease agreement. Disclosure of the contractual relationship at a duly noticed public meeting is being provided in accordance with the provision of Sect. 2-443, of the Palm Beach County Code of Ethics. (PREM) District 6 (HJF)

7. Staff recommends motion to approve: a First Amendment to and Reinstatement of ATM Operating License Agreement (R2007-0140) with the PBC Credit Union to retroactively extend the term to February 5, 2015, for the operation of an automated teller machine (ATM) at the Vista Center Office Building. **SUMMARY:** The ATM Operating License Agreement (ATM Agreement), which provides the terms and conditions under which PBC Credit Union uses space on the first floor of the County-owned Vista Center Office Building located at 2300 North Jog Road in West Palm Beach for the operation of an ATM, expired on February 5, 2012. The ATM Agreement provided for two (2) renewal options, each for a period of five (5) years. This First Amendment reduces the term of each renewal option from five (5) years to three (3) years each. Both parties must approve the renewal option. PBC Credit Union has approved a renewal to extend the term of the ATM Agreement until February 5, 2015. The renewal now requires Board approval. The ATM Agreement provides that either party may terminate the ATM Agreement for any reason upon thirty (30) days notice to the other party. PBC Credit Union is not charged a license fee for the use of the ATM space. This First Amendment: (i) renews the term for 3 years; (ii) provides for disclosure of the County Ordinance establishing the Office of the Inspector General; and (iii) reduces the term of the remaining renewal option to three (3) years. Other than the changes set forth herein all other terms and conditions remain the same. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to receive and file:** a Summary of short sales approved through December 31, 2011, by the Department of Economic Sustainability (DES). **SUMMARY:** On January 12, 2010, the Board of County Commissioners (BCC) approved Short Sale Policy Guidelines. DES approved 35 short sales from January 12, 2010, through December 31, 2011, which are hereby being submitted to the BCC to receive and file. All short sales comply with the approved Guidelines. (MHA) Countywide (TKF)

2. **Staff recommends motion to approve:** the following three (3) Community Development Block Grant (CDBG) Agreements:
 - A) an Agreement with the Town of Jupiter in the amount of \$201,145.10 for the period February 7, 2012, to November 15, 2013;

 - B) an Agreement with the Town of Mangonia Park in the amount of \$7,225 for the period February 7, 2012, to December 12, 2012; and

 - C) an Agreement with the City of Riviera Beach in the amount of \$200,892 for the period February 7, 2012, to July 31, 2013.

SUMMARY: On July 19, 2011, the Board of County Commissioners (BCC) approved (R2011-1096) the allocation of the funds for the Town of Jupiter, Town of Mangonia Park, and the City of Riviera Beach through the approval of Palm Beach County's Action Plan for Fiscal Year 2011-2012. The project in the Town of Jupiter includes street improvements in the Pine Gardens North and the Eastview Manor neighborhoods. The project in the Town of Mangonia Park includes installation of recreational playground improvements at the Addie L. Greene Public Park. The project in the City of Riviera Beach includes street improvements on West 36th Street. **These are Federal CDBG funds which require no local match.** (Contract Development) Districts 1 & 7 (TKF)

3. **Staff recommends motion to approve:** consent for Palm Beach County employee Conrad L. Bowen to purchase and rehabilitate a home with Federal funds received under the Neighborhood Stabilization Program 2 (NSP2) as administered by the Department of Economic Sustainability (DES). **SUMMARY:** Conrad L. Bowen has been employed by Palm Beach County Parks & Recreation Department as a Maintenance Worker II for three (3) years and nine (9) months. He is an income eligible homebuyer who is seeking to purchase and rehabilitate a home at 556 Cashiers Drive, West Palm Beach, Florida 33413. The appraised value of the home is \$120,000. The total project cost is \$179,525.39, which includes the purchase price of \$120,000; repair costs of \$50,000; and closing costs of \$9,525.39. The total amount of NSP2 assistance is \$178,000. Funding to this applicant is provided as a \$75,000 first mortgage loan at 4% for 30 years. The balance of funding to the applicant is provided as a conditional grant that requires the applicant to reside in the home for 30 years. The conditional grant is only forgiven at the end of the 30 years. If the applicant rents, sells, or otherwise conveys the home during the 30 years, the entire conditional grant becomes due and payable. The value of the home after rehabilitation will be \$170,000. Federal regulations pertaining to NSP2 require that an exception be sought from the U.S. Department of Housing and Urban Development (HUD) in instances where a conflict of interest may exist. A Conflict of Interest Exception for Mr. Bowen was approved by HUD on September 23, 2011, and allows this County employee to be funded under NSP2. It is DES Policy to seek the consent of the Board of County Commissioners (BCC) whenever County employees are receiving assistance through DES Programs. **These are Federal NSP2 funds which require no local match.** (MHA) District 2 (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

4. Staff recommends motion to ratify: the acceptance of three (3) deeds in lieu of foreclosure received by Palm Beach County as follows:

A) Deed in lieu of foreclosure from Leroy J. Spruill, Jr. dated January 21, 2010, and recorded in Official Record Book 24339, Page 1955, of the Public Records of Palm Beach County, Florida;

B) Deed in lieu of foreclosure from Siam Jude Joseph dated September 24, 2010, and recorded in Official Record Book 24169, Page 1776, of the Public Records of Palm Beach County, Florida; and

C) Deed in lieu of foreclosure from Naimah Abdul Rahmaan dated August 17, 2011, and recorded in Official Record Book 24716, Page 1526, of the Public Records of Palm Beach County, Florida.

SUMMARY: Each of the above named individuals received repayable first mortgage assistance to enable them to purchase homes under the Universal Housing Trust Fund Program (UHTF). In addition, Mr. Spruill and Mr. Joseph received forgivable second mortgage assistance under the State Housing Initiatives Partnership (SHIP) Program, and Ms. Abdul Rahmaan received forgivable second mortgage assistance under the HOME Investment Partnership (HOME) Program. The recipients defaulted on their first mortgage payments and requested that the County accept a deed in lieu of foreclosure. The three (3) above stated deeds were prepared by the County Attorney's Office and accepted by the County in response to such request. The County Administrator, with the concurrence of the County Attorney, approved these settlements pursuant to the Administrative Code. The mortgages of record were satisfied as part of this transaction. The satisfaction of these mortgages may be regarded as debt forgiveness under Internal Revenue Service rules and may have tax reporting implications for these recipients. This ratification will formalize the acceptance of these three (3) deeds which will enable the cancellation of the associated mortgages as receivable assets and will enable any tax reporting filings to move forward. The homes will be sold to income eligible homebuyers. (MHA) Districts 2, 6 & 7 (TKF)

5. Staff recommends motion to approve: the creation of nine (9) full-time positions within the Department of Economic Sustainability, which will be grant funded. **SUMMARY:** These nine (9) positions are required to perform administrative, planning, technical, and customer service work required by the implementation of various Federal and State funded programs. The nine (9) positions to be created are: a Customer Service Specialist (Pay Grade 15); an Administrative Assistant (Pay Grade 26); a Community Development Project Coordinator (Pay Grade 32); a Fiscal Specialist II (Pay Grade 20); a Contract Manager (Pay Grade 39); a Compliance Inspector (Pay Grade 29); and three (3) Planner I (Pay Grade 29). These positions will be funded from grant funds presently available or from any other funds that become available at a future time. The positions will terminate upon the exhaustion of available funds. (DES Administration) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 6 to MWH Americas, Inc. for replacement and rehabilitation of five (5) Production Wells at Water Treatment Plant No. 8 in the amount of \$166,443.60. **SUMMARY:** On May 3, 2011, the Palm Beach County Board of County Commissioners approved the continuing Contract for Utility Hydrogeologic & Water Resources Engineering Services with MWH Americas, Inc. (R2011-0632) to obtain engineering/professional services for utility related projects. This CSA will provide for engineering and hydrogeological services to design and permit replacement of two (2) wells and rehabilitation of three (3) wells at Water Treatment Plant No. 8. Over one-third of the Department's 89 wells have been in service 30 years or longer and they are approaching their useful lifespan. This is the first phase of a multi-year asset management plan to replace or rehabilitate five (5) wells per year with upgraded corrosion resistant materials which will substantially increase their lifespan. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with MWH Americas, Inc. provides for SBE participation of 26% overall. This authorization includes 17.06% overall participation. The cumulative SBE participation, including this CSA is 7.68% overall. MWH Americas, Inc. is a Palm Beach County company. (WUD Project No. WUD 12-008) District 2 (JM)

2. **Staff recommends motion to approve:** an Amendment to the "Financial Assistance Award" with the U.S. Department of Commerce, Economic Development Administration (EDA) and the Glades Utility Authority (GUA) to add the City of Belle Glade as a co-recipient. **SUMMARY:** On January 12, 2010, the Board of County Commissioners (BCC) ratified the signature of the County Administrator on an application for Federal Assistance (SF-424) as "Co-Applicant" with the GUA for Federal Grant funding from the Department of Commerce, Economic Development Administration (R2010-0139). On April 8, 2010, Palm Beach County was notified that the Grant was approved. A local match requirement of \$1,330,000 will be obtained from previously awarded State and local grants. On May 4, 2010, The BCC ratified a "Financial Assistance Award" with the EDA and GUA in the amount of \$3,990,000 for the design and construction of wastewater infrastructure owned by the GUA, within their utility service area. Water Utilities Department (WUD) will manage the project for the GUA. The project will be funded from WUD's Capital Improvement Fund. The GUA will be reimbursed by EDA for the project costs and repay WUD from these funds. The Amendment is necessary to add the City of Belle Glade as a co-recipient which is necessary since the City of Belle Glade has property rights within one of the project areas. These property rights relate to a reverter clause contained in a deed conveying property from the City of Belle Glade to GUA. District 6 (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) accept Purchase Orders A4CFEB and A4CFD8 from Florida Fish and Wildlife Conservation Commission (FWCC) for Gopher Tortoise Habitat Management at two (2) Palm Beach County Natural Areas, Yamato Scrub and Lake Park Scrub, expiring May 25, 2012 in an amount of \$10,000 for each site; and

B) authorize the County Administrator, or his designee, to sign purchase orders if required and other forms or amendments associated with this cost reimbursement upon written notification by FWCC.

SUMMARY: Funds were requested to assist with activities at Yamato Scrub Natural Area in Boca Raton and Lake Park Scrub Natural Area in Lake Park. These initial orders are for \$10,000 at each site. The program has a potential reimbursement of up to \$15,000 for each site, depending on the number of acres improved with these gopher tortoise habitat management activities and the availability of funding. There is no match required for this reimbursement funding. Districts 4 & 7 (SF)

2. Staff recommends motion to approve: Task Order No. 1435-03 to a continuing Contract (R2010-1435) with Taylor Engineering, Inc. (Taylor) in the amount of \$237,018.11 for sea turtle monitoring services in association with the South Lake Worth Inlet Maintenance Dredging Project, the South Lake Worth Inlet Sand Transfer Plant Reconstruction Project, and the Singer Island Dune Restoration Project and to provide sea turtle data management and analysis services for monitoring associated with seven (7) environmental permits for projects in Ocean Ridge, Singer Island, Jupiter and Juno Beach. **SUMMARY:** The Board of County Commissioners approved the Contract with Taylor, a Palm Beach County company, on September 14, 2010 (R2010-1435). This Task Order No. 1435-03 authorizes Taylor to manage sea turtle monitoring activities during the 2012 sea turtle nesting season. There is 75% Small Business Enterprise (SBE) sub consultant participation on the Task Order. Taylor committed to an overall 19% SBE participation in the Contract. The work is funded by the Beach Improvement Fund supported by tourist development taxes, a non-ad valorem source. Districts 1, 4, & 7 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to:

A) receive and file Project Agreement (PB-11-154) executed by the Florida Inland Navigation District (FIND) for \$406,250 to cover a portion of the \$812,500 associated with the construction of the John's Island Oyster Reef Project (Phase 2/Phase B) situated in the Lake Worth Lagoon;

B) approve Budget Amendment of \$406,250 in the Environmental Enhancement Non-Specific Fund to recognize the FIND agreement;

C) adopt Resolution for the Clerk of the Board to disburse \$256,000 from the Vessel Registration Fee Trust Fund for the John's Island Oyster Reef Project (Phase 2/Phase B);

D) approve Budget Transfer of \$256,000 from reserves in the Environmental Enhancement Non-Specific Fund (1225) to the John's Island Oyster Reef Project (Phase 2/Phase B); and

E) approve Budget Transfer of \$250,250 from the Manatee Protection Program to the John's Island Oyster Reef Project (Phase 2/Phase B).

SUMMARY: Receive and file Project Agreement (PB-11-154) with FIND for \$406,250 to cover 50% of the construction costs for John's Island Oyster Reef Project (Phase 2/Phase B). Approve budget amendment of \$406,250 that represents the FIND funding and adopt and approve a resolution and budget transfer of \$256,000 from Vessel Registration Fees and \$250,250 from the Manatee Protection program to cover the estimated project costs of \$912,500. District 7 (SF)

M. PARKS & RECREATION

1. Staff recommends motion to approve: a non-standard Amphitheater Rental Agreement with JM Family Enterprises, Inc., for a company picnic event on February 18, 2012, at Sunset Cove Amphitheater. **SUMMARY:** The Parks and Recreation Department (Department) utilizes a standard Amphitheater Rental Agreement which is executed at the Department level. However, non-standard Amphitheater Rental Agreements are sometimes required to satisfy the specific requirement terms of a given renter. JM Family Enterprises, Inc., has requested modifications to the approved standard Amphitheater Rental Agreement language. The modifications clarify the responsibilities and expectations of the County and JM Family Enterprises, Inc., for issues such as cancellation and postponement, minimum and maximum attendance, photography and recording rights, and compliance with public entity crimes certification. County net revenues generated from the company picnic event total \$4,450. District 5 (AH)

2. Staff recommends motion to approve: Agreement with the South Florida Water Management District (SFWMD) to provide potable water access from John Stretch Memorial Park to the adjacent S-3 Pump Station for a 10-year period from October 1, 2011, through September 30, 2021. **SUMMARY:** SFWMD is currently receiving potable water from John Stretch Memorial Park under an Agreement approved by the Board on January 8, 2002, R2002-0094. That Agreement has now expired and is being replaced by this new, retroactive Agreement. The S-3 Pump Station is located adjacent to John Stretch Memorial Park on top of the Herbert Hoover dike located along the south shore of Lake Okeechobee. The SFWMD will pay the County \$1,200 per year for the water service and usage. District 6 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. **Staff recommends motion to receive and file:** fully executed Project Agreement Amendment with the Florida Inland Navigation District (FIND) Waterways Assistance Program Grant PB-09-140 for the Dubois Park Marina and Shoreline Stabilization project extending the project completion date from September 1, 2011, to September 1, 2012. **SUMMARY:** In 2009, the County applied for and was awarded a \$987,000 FIND grant for the Dubois Park Marina and Shoreline Stabilization project. The term of the grant agreement, R2009-2079, was from October 22, 2009, to September 1, 2011. The County applied for and was awarded a one year project completion extension. The project is nearing completion. The fully executed Project Agreement Amendment is now being submitted to the Board to receive and file. There are no other changes to the terms of the Agreement as a result of this Amendment. District 1 (AH)

4. **Staff recommends motion to execute and record:** a Notice of Limitation of Use/Site Dedication for a portion of Dubois Park. **SUMMARY:** In July of 2008, the County was awarded a Florida Fish and Wildlife Conservation Commission Florida Boating Improvement Program grant to assist in the construction of the Dubois Park marina. The grant project is now complete and the grant contract requires that a Notice of Limitation of Use/Site Dedication be executed and recorded in public records, dedicating the project site for the use and benefit of the public for a period of 20 years. District 1 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:** the Second Amendment to the Contract with Gulfstream Goodwill Industries, Inc. (R2011-0538) a not-for-profit agency, to extend the contract term from November 30, 2011, to September 30, 2012 to continue to provide the Alternative to Secure Detention Program. **SUMMARY:** The term of the initial contract was from March 1, 2011, through August 31, 2011. The First Amendment extended the term to November 30, 2011. The Criminal Justice Commission requested the Florida Department of Law Enforcement (FDLE) approve an extension of the grant funding term to September 30, 2012. The authority for Michael Rodriguez to request the extension was given by FDLE and approved by the Board of County Commissioners in R2011-0537. The initial contract with Gulfstream Goodwill Industries, Inc. was delayed due to start up time in getting youth into the program and getting staff hired and trained. There are unexpended funds due to additional revenue sources being utilized for the caseworkers for the 2012 fiscal year. This extension will enable additional tutoring services to be provided to the youth for 2012. Countywide (GB)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

2. Staff recommends motion to:

A) ratify signature of Chair on a Contract for \$77,013.24 with the Department of Juvenile Justice (DJJ) to contract for security services at the Juvenile Assessment Center (JAC) from February 1, 2012, through August 31, 2012;

B) approve a Budget Amendment of \$77,013.24 in the Criminal Justice Grant Fund to establish budget for this project;

C) approve an Interlocal Agreement with the Palm Beach County Sheriff's Office (PBSO) to subcontract for security services at the JAC for \$405,159 for the contract period of December 1, 2011, through September 30, 2012;

D) approve a Budget Transfer of \$318,000 from the Criminal Justice JAG Program Grant to the PBSO Grants Fund transfer line to establish budget;

E) approve a Budget Transfer of \$10,146 from the JAC Donation Fund reserves; and

F) approve a Budget Amendment of \$405,159 to the PBSO Grants Fund.

SUMMARY: DJJ funds of \$77,013.24; JAG funds of \$318,000; and JAC Donation Fund reserves of \$10,146 will provide for the cost of required security at the JAC for FY 2012. PBSO has agreed to serve as the fiscal agent to administer the provisions noted above. PBSO currently contracts for security in the secure side of the JAC and previously funded the cost of security. Countywide (GB)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: an Interlocal Agreement with Florida Atlantic University ("FAU") to connect FAU's Jupiter campus to the Palm Beach County ("County") Regional Network. This connection will also provide access to the Florida LambdaRail for both the Scripps and Max Planck facilities located on the Jupiter campus. The estimated net first year revenue to the County will be \$15,600 for the initial point of connection, for an initial term of one (1) year with automatic one-year renewals unless notice is given by either party. **SUMMARY:** FAU wishes to connect their Jupiter campus to the Palm Beach County Network in order to access the Florida LambdaRail. This connection will also allow Scripps and Max Planck facilities, located on the FAU Jupiter campus, access to the Internet2 research network. The County's Information Systems Services (ISS) Department will be responsible for providing these access services. FAU agrees to reimburse the County for fiber optic cable construction costs of \$23,970. The County will not incur any costs associated with this project other than staff time involved in planning and managing the project. This network connection does not require the County to pay Florida LambdaRail a Third Party Connection Fee of \$100 per month, as FAU is an equity member and both Max Planck and Scripps are affiliate members of the Florida LambdaRail. In addition to generating \$15,600 in revenues to the County, FAU will save approximately \$12,500 annually. This Interlocal Agreement provides for disclosure of Article XII, Section 2-422, Palm Beach County Code, establishing the Office of the Inspector General. District 1 (PFK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (Cont'd)

2. Staff recommends motion to approve: a Budget Transfer of \$221,102 in the Information Technology Capital Improvements Fund from Contingency Reserves to the ARRA-GIS Project. **SUMMARY:** The Countywide GIS capital project provides for many geographical information resources used throughout the County. This capital project has been jointly funded by the County and GIS partners, including the Sheriff's Office and the Property Appraiser's Office. Interlocal agreements have been executed between these entities further memorializing these relationships. This Budget Transfer will increase the ARRA-GIS Capital Project and fully fund this project for FY 2012. Countywide (PK)

AA. PALM TRAN

1. Staff recommends motion to:
 - A) **adopt** a Resolution authorizing the conveyance of one (1) Arboc Mobility 20-Passenger Low Floor Cut Away bus to Lakeland Area Mass Transit District, Florida, and
 - B) **approve** Agreement regarding the conveyance of one (1) Arboc Mobility 20-Passenger Low Floor Cut Away bus to Lakeland Area Mass Transit District, Florida.

SUMMARY: Palm Tran needs to dispose of one (1) Arboc Mobility 20-Passenger Low Floor Cut Away bus. This bus has not reached its useful life, and in accordance with the Federal Transit Administration (FTA) guidelines, may be conveyed to another FTA grant recipient. Lakeland Area Mass Transit District, has approached Palm Tran and expressed their desire to acquire this bus. Lakeland Area Mass Transit District, 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 Bus for the public or community interest and welfare. This bus was purchased using 100% Federal Funds earmarked to the City of Boynton Beach, and Palm Beach County purchased this bus on behalf of the City of Boynton Beach. The City of Boynton Beach has notified Palm Tran of the discontinuation of their service and the bus is no longer needed by the City. Countywide (DR)

BB. SHERIFF'S OFFICE

1. Staff recommends motion to receive and file: Grant Adjustment Notice amending the High Intensity Drug Trafficking Area (HIDTA) Program grant to extend the grant period from December 31, 2011, through March 31, 2012. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$143,269 on May 4, 2010; the original period for this grant was January 1, 2009, through December 31, 2010 (R2010-0726). On May 3, 2011, the BCC received and filed an agenda item extending the grant period from December 31, 2010, through June 30, 2011 (R2011-0683). On August 16, 2011, the BCC accepted a Grant Modification providing additional funding of \$37,500 (R2011-1224). On September 13, 2011, the BCC received and filed an agenda item extending the grant period from June 30, 2011, through December 31, 2011 (R2011-1427). This agenda item will extend the grant period from December 31, 2011, through March 31, 2012. The Office of National Drug Control Policy awarded these funds for expenses associated with the Palm Beach County Multi-Agency Diversion Task Force. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF'S OFFICE (Cont'd)

2. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the Recovery Act Edward Byrne Memorial Justice Assistance Grant to extend the grant period from September 30, 2011, through March 31, 2012. **SUMMARY:** The Board of County Commissioners accepted this grant for \$213,649 on July 19, 2011; the original period for this grant was April 1, 2011, through September 30, 2011 (R2011-1091). This agenda item will extend the grant period from September 30, 2011, through March 31, 2012. The Edward Byrne Memorial Discretionary Grants Program, administered by the Office of Justice Programs, Bureau of Justice Assistance awarded these funds for expenses associated with the Region 7 Drug Enforcement Strike Force. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

3. **Staff recommends motion to receive and file:** the Second Amendment, amending the agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative to extend the agreement period for various direct law enforcement oriented domestic security activities, from August 31, 2011, through December 30, 2011. **SUMMARY:** On August 18, 2009, the Board of County Commissioners (BCC) accepted this agreement to provide \$451,337 in reimbursable funding; the original period for this agreement was August 27, 2009, through May 31, 2011 (R2009-1334). On October 18, 2011, the BCC received and filed an agenda item extending the grant period from May 31, 2011, through August 31, 2011 (R2011-1652). This agenda item will extend the agreement period from August 31, 2011, through December 30, 2011. This agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. These funds and related equipment will be used for direct law enforcement activities. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

4. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the National Institute of Justice FY 2009 Forensic DNA Unit Efficiency Improvement Program Grant to extend the grant period from September 30, 2011, through September 30, 2012. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$519,544 on December 15, 2009; the original period for this grant was October 1, 2009, through March 31, 2011 (R2009-2164). On March 1, 2011, the BCC received and filed an agenda item extending the grant period from March 31, 2011, through September 30, 2011 (R2011-0311). This agenda item will extend the grant period from September 30, 2011, through September 30, 2012. The National Institute of Justice awarded these funds for an evidence screening laboratory to improve the capacity and efficiency of the Forensic Biology Unit (FBU) of PBSO. The screening laboratory will be developed through renovation of existing space in the Boca Raton Police Services Department in which trained Laboratory Analyst will screen and process crime scene items before submission to the FBU. The Boca Raton Police Services Department will provide the required 25% match requirement associated with this award. No additional positions are needed and no additional County funds are required Countywide (GB)

3. CONSENT AGENDA APPROVAL

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. Staff recommends motion to receive and file: an executed Federally Funded Subgrant Agreement (Grant), Modification One with the State of Florida Division of Emergency Management (DEM) for the Westgate L-2 Pump Station, Project No. 2008910 (Project), to reinstate and extend the expiration date of the Grant. This Grant was approved on November 14, 2011 by the County Administrator, as a delegated authority in accordance with R2006-0401. **SUMMARY:** On January 11, 2011 the Board executed the Grant, R2011-0084. The Westgate/Belvedere Community Redevelopment Area (CRA) previously applied for the Grant funding from the DEM. Palm Beach County (County) entered into the Grant, Contract No. 11HM-2Y-10-60-01-010, with the DEM for this Project because the DEM requires that the Grant be executed by an official government entity. The Project was initiated and funded by the CRA based on the Grant between the County and DEM for the reimbursement of the funds. Modification One extends the expiration date of the Grant to August 23, 2012. District 2 (MRE) (Engineering)

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4. REGULAR AGENDA

A. ADMINISTRATION

1. **Staff requests Board direction:** regarding request from the Inspector General to commit to funding a potential deficit, not to exceed \$600,000 in FY 2012, in the Office of Inspector General's (OIG) fund resulting from nonpayment by municipalities. **SUMMARY:** In May 2011, the Board of County Commissioners adopted the OIG ordinance. Section 2-429(1) of the ordinance included the funding formula which proportionately distributed the OIG's County/Municipal operations costs between the County and municipalities based on actual expenditures levels as reported in the State's Local Government Electronic Reporting System (LOGGER). This formula was thoroughly vetted through the ordinance drafting committee which included municipal representation and was unanimously approved by the Board. In November 2011, fifteen (15) municipalities filed suit challenging the legality of this funding mechanism. In response to this suit, the Clerk and Comptroller has refused to allocate any municipal revenues to fund the OIG. The OIG's current FY 2012 County/Municipal budget is \$3,049,643, of which \$1,263,509 is to be funded from municipalities, based on the funding mechanism outlined in the OIG ordinance. Countywide (LB)

B. COUNTY ATTORNEY

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance of not exceeding \$6,100,000 Housing Finance Authority of Palm Beach County, Florida Multifamily Housing Revenue Bonds (Village Square Project) (the "Bonds"). **SUMMARY:** The Bonds are being issued by the Housing Finance Authority of Palm Beach County, Florida (the "Authority") to finance a portion of the costs of acquisition, construction and equipping by Village Square Elderly, Ltd. (the "Borrower") of an approximately 84 unit multifamily rental housing facility to be known as Village Square, to be located at 770 SW 12th Terrace, Delray Beach, Florida 33444, to be rented to qualified elderly persons in Palm Beach County, Florida (the "County") as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay the principal or redemption premium, if any, or interest on the Bonds.** District 7 (PFK)

4. REGULAR AGENDA

C. COMMUNITY SERVICES

1. Staff recommends motion to approve:

A) Modification No. 001 of the Community Services Block Grant (CSBG) Contract (R2011-1313) with the State of Florida Department of Economic Opportunity for the period of October 1, 2011, to September 30, 2012, in an amount of \$602,947 for self-sufficiency services to low income families;

B) Budget Amendment of \$723,536 in the Community Action Program (CAP) Fund to establish the additional funding and corresponding required match contingent upon the grant award;

C) Budget Transfer from the General Fund Contingency Reserves to the CAP Fund to provide required match of \$120,589; and

D) Two (2) new grant funded positions.

SUMMARY: Modification No. 001 will incorporate base increase funds of \$314,861 and carryover funds of \$288,086 for a new CSBG total of \$1,147,967. An additional required match of \$120,589 brings the new CSBG Contract total to \$1,377,560. The additional funding will enable CAP to provide self-sufficiency services to additional low income families. The program offers employment support, rental and mortgage assistance, and utility assistance to eligible clients. The focus of the program is to increase community-based collaboration enabling the program to provide more services to individuals and families and to expand certification and training programs for low income individuals and families that enable them to become more self-sufficient. CSBG will create two (2) FTE Community Outreach Specialist I (Pay Grade 15) positions. The positions will be eliminated upon expiration of the grant funds. The additional County required match funds are not included in the FY 2012 budget. (Community Action Program) Countywide (TKF)

4. REGULAR AGENDA

C. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to approve:** recommended grant awards for Ryan White Part A and Minority Aids Initiative (MAI) federal funds for the period of March 1, 2012, to February 28, 2013, in an estimated total amount of \$7,268,734 based on current year grant funding as follows:

<u>Agency</u>	<u>Amount</u>
A) FoundCare, Inc.	\$547,239
B) Palm Beach County Health Department	\$2,358,864
C) Treasure Coast Health Council, Inc.	\$453,000
D) Health Care District of Palm Beach County	\$775,403
E) Compass, Inc.	\$330,082
F) Comprehensive AIDS Program, Inc.	\$1,878,515
G) Gratitude House, Inc.	\$17,120
H) Legal Aid of Palm Beach County, Inc.	\$255,000
I) Case Management (Eligibility)	<u>\$ 653,511</u>
Total Amount	\$7,268,734

SUMMARY: The awards will provide new or ongoing funding for agencies providing services to residents of Palm Beach County living with HIV/AIDS. The Ryan White Program provides services under several categories including in Outpatient/Ambulatory Medical Care, Laboratory Diagnostic Testing, Drug Reimbursement, Medical Case Management, and Non-Medical Case Management. The detailed list of awards with service categories is attached. The applicants for Case Management (Non-Medical) eligibility services were non-responsive in this category and agency allocations are not being recommended at this time. The Department will initiate negotiations with agencies for eligibility services and address in future contracts. As directed by the federal Department of Health and Human Services, the Department of Community Services issues a Request for Proposals (RFP) every three (3) years. The agencies listed were selected through RFP process issued September 29, 2011 and have been recommended to receive funding for the RFP cycle. The award amounts are subject to change based on the actual 2012 award and recommendations from Palm Beach County HIV CARE Council. The Provider contracts will be submitted for Board Approval on a future BCC agenda. These are 100% federal grant-funded services. (Ryan White) Countywide (TKF)

D. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida repealing Resolution 2007-1639 and 2008-0559, which will dissolve the Palm Beach County Criminal Justice Mental Health and Substance Abuse Planning Council. **SUMMARY:** The Criminal Justice Commission is recommending the dissolution of the Palm Beach County Criminal Justice Mental Health and Substance Abuse Planning Council and the designation of the Public Safety Coordinating Council as the planning council. On September 25, 2007, Palm Beach County Board of County Commissioners created it to align policy initiatives of the criminal justice, juvenile justice and mental health systems to ensure the most effective use of resources. The designation of the Public Safety Coordinating Council is allowed under the statute and this provides a more efficient use of committees. The subcommittees established under this Planning Council have continued to meet and provide recommendations on criminal justice, juvenile justice and mental health systems, and will report to the Criminal Justice Commission. Countywide (GB)

4. REGULAR AGENDA

E. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to ratify:** approval of a short sale for and acceptance of \$3,000 from Charmettes, Inc. in connection with the Pine Ridge Apartments project. **SUMMARY:** On February 2, 1999, the Board of County Commissioners (Board) approved a cash flow dependent loan of \$370,000 in Federal HOME Investment Partnership Program funds to Pine Ridge Apartments Joint Venture for the acquisition and rehabilitation of the Pine Ridge Apartments. On May 10, 2008, Charmettes, Inc. (Charmettes), a non-profit organization, purchased the 12 unit Pine Ridge Apartments with a \$335,000 first mortgage loan from PNC Bank to which the County subordinated its mortgage. As part of the transaction, Charmettes assumed the County's \$370,000 second mortgage on the property located at 1401 Division Avenue, West Palm Beach. Charmettes was unable to derive sufficient income from the property to cover its debt service and operating expenses as a consequence of which it defaulted on its first mortgage. PNC Bank approved a short sale of the property after it filed for foreclosure when Charmettes defaulted on its first mortgage. The County approved the short sale and accepted \$3,000 from the proceeds of the sale as an alternative to being foreclosed out without receiving any payment at all. Since acceptance of the \$3,000 from this short sale is consistent with the Board approved Short Sale Policy Guidelines which cover homeowners, but not non-profits organizations, the Board is requested to ratify approval of this short sale and the acceptance of \$3,000. No loan payments were received by the County from Charmettes, nor from the Pine Ridge Apartments Joint Venture. No County General Funds were invested in this project. (MHA) District 7 (TKF)

2. **Staff recommends motion to approve:** Policies for Alternative Strategies to Foreclosure to address the approval of short sales and the receipt of deeds in lieu of foreclosure in connection with housing programs administered by the Department of Economic Sustainability (DES). **SUMMARY:** These Policies for Alternative Strategies to Foreclosure (Policies) establish standards for the approval of short sales and for the receipt of deeds in lieu of foreclosure as alternative strategies to foreclosing on County financed homeowners who become delinquent on their mortgage payments. DES administers various housing programs under which homeowners receive financial assistance in exchange for which they grant the County repayable first and/or second mortgages as security for such funding. These Programs include, but are not limited to, the Universal Housing Trust Program (UHT), the Neighborhood Stabilization Programs 1, 2, and 3 (NSP1, NSP2, and NSP3), the State Housing Initiatives Partnership Program (SHIP) and the HOME Investment Partnership Program (HOME). Homeowners who become delinquent on their County financed mortgages, or on privately financed mortgages senior to those financed by the County, may in some instances be able to avert foreclosure by short selling their homes or by conveying title to the County by means of a deed in lieu of foreclosure. Under these Policies short sales may be approved when the County holds a second mortgage, provided that the first mortgage holder is in agreement with the short sale, the homeowner does not sell the home to a relative, the homeowner does not receive any funds from the proceeds, the County approves the closing statement for the transaction, and the County receives the lesser of \$3,000 or eight percent (8%) of the remaining balance owed on the second mortgage. Deeds in lieu of foreclosure may be accepted under these Policies when the County holds a first mortgage, provided that the homeowner pays off all obligations associated with the home (such as taxes and homeowners' association fees) and delivers a deed to the County without any objectionable cloud on the title as determined by the County Attorney's Office. These Policies require homeowners to pay a non-refundable \$750 fee to recover the County's administrative costs associated with the acceptance of deeds in lieu of foreclosure. These Policies also incorporate reporting requirements to the Board of County Commissioners (Board) and the Palm Beach County Clerk and Comptroller's Office for both short sale and deed in lieu of foreclosure transactions. On January 12, 2010, the Board approved Short Sale Policy Guidelines. These Policies supersede the aforesaid Short Sale Policy Guidelines. **No additional local funds are required to implement the proposed policies.** (MHA) Countywide (TKF)

4. REGULAR AGENDA

F. ENVIRONMENTAL RESOURCES MANAGEMENT

TIME CERTAIN – 7:30 P.M.

1. Staff requests Board direction: Review of shore perpendicular structural options as part of the Singer Island erosion control efforts. **SUMMARY:** At the March 22, 2011 BCC Workshop, a motion to proceed with the permitting process for shoreline projects that include erosion control structures failed (5-2). The Board subsequently held another workshop on June 28, 2011 to discuss the proposed breakwaters designed for Singer Island. Representatives from the State and Federal permitting agencies participated in the workshop. Based on the feedback from the agencies, the Board directed staff to evaluate other potential erosion control alternatives, including shore perpendicular groins as was suggested by the Florida Department of Environmental Protection. Staff will present the Board with a review of the evaluation of shore perpendicular structures as an alternative for erosion control on Singer Island. Staff requests Board direction on whether to initiate the permitting process for any of the alternatives presented. Countywide (SF)

G. PLANNING, ZONING & BUILDING

1. Staff recommends motion to:

A) adopt Resolution of the Board of County Commissioners of Palm Beach County, Florida, granting a County tax exemption for a total of one (1) historic property located within the City of Delray Beach; and

B) approve a restrictive covenant for the historic property, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

SUMMARY: The Resolution will authorize a County tax exemption for the following historic property located within the City of Delray Beach:

Address: 114 Northeast 1st Avenue Delray Beach/property type (residential)

If granted, the tax exemption will take effect January 1, 2012, and remain in effect for ten (10) years, or until December 31, 2021. The exemption will apply to 100 percent of the assessed value of all improvements to each historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the 2012 Countywide Millage Rate, it is estimated that approximately \$1,913 tax dollars will be exempted annually for the property. Accompanying each resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. District 7 (RB)

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5. BOARD APPOINTMENTS

A. **ECONOMIC SUSTAINABILITY**
(Comprehensive Economic Development Strategy Committee)

1. **Staff recommends motion to approve:** appointment of the following individual to the Treasure Coast Regional Planning Council’s Comprehensive Economic Development Strategy (CEDS) Committee, for the term February 7, 2012, to December 31, 2012:

Appoint:
 Steve Craig, CEO, Workforce Alliance, Inc.

SUMMARY: The Treasure Coast Regional Planning Council (TCRPC) manages and maintains the on-going CEDS Committee, whose purpose is to oversee and guide District-wide economic development planning. The CEDS Plan is a requirement of the U.S. Department of Commerce Economic Development Administration. The CEDS Committee is comprised of five (5) appointees from each of the participating counties: Palm Beach, Martin, St. Lucie and Indian River. Every year, the TCRPC requires the appointing authority to review its existing members, and either appoint or reappoint members. On December 20, 2011, the BCC reappointed four (4) individuals to the CEDS Committee, and recommended that once the new CEO for Workforce Alliance was hired, the BCC consider him/her for the vacant position. Mr. Steve Craig was officially promoted to CEO in January and is now seeking appointment to the CEDS Committee as the fifth representative for the BCC. Mr. Craig as completed all the applicable Ethics training requirements. Countywide (DW)

B. **PLANNING, ZONING & BUILDING**
(Zoning Commission)

1. **Staff recommends motion to approve:** re-appointment of the following nominee to the Zoning Commission (ZC) for the terms indicated below:

<u>Nominee</u>	<u>Seat No</u>	<u>Requirement</u>	<u>Nominated by</u>	<u>Term</u>
Mark Beatty	8	Architect	AIA Palm Beach	2/7/2012-2/3/2015

SUMMARY: The Zoning Commission membership, powers, and duties are established by Ordinance 2003-067, as amended. The Board consists of nine (9) members appointed by the Board of County Commissioners (BCC). Each member of the BCC shall appoint one (1) District member to the ZC. The remaining two (2) members shall be appointed by a majority vote of the BCC and shall be architects registered in the State of Florida nominated by the Palm Beach County Chapter of the American Institute of Architects (AIA). These appointments are consistent with the Unified Land Development Code (ULDC) requirements, Article 2.G.3.M, ZC. As required by Section 2-443(d) of the Code of Ethics, this Agenda Item Summary will serve as disclosure for Mark Beatty. Mr. Beatty is an employee of an architectural firm that has a contract with Palm Beach County to provide services to the Facilities Development and Operations Department. The Zoning Commission provides no regulation, oversight, management or policy-setting recommendations regarding this contract. Unincorporated (RB)

5. BOARD APPOINTMENTS

C. **ADMINISTRATION**
(Small Business Assistance Advisory Committee)

1. **Staff recommends motion to appoint:** three (3) individuals to the Small Business Assistance Advisory Committee, for the terms indicated below:

<u>NOMINEE</u>	<u>SEAT</u>	<u>DESIGNATION</u>	<u>TERM</u>	<u>NOMINATED BY</u>
E. Ann McNeill	3	Certified Woman	2/7/2012 - 9/30/2015	Commissioner Marcus
Robert Geoff Waite	4	Certified White Male Business Owner	2/7/2012 – 9/30/2015	Commissioner Marcus
Angela Randolph	5	Bus. Domiciled in PBC	2/7/2012 – 9/30/2015	Commissioner Marcus

SUMMARY: The SBA Advisory Committee is established pursuant to Section 2.80.32, of the Palm Beach County Code. The committee consists of fourteen (14) members representing one (1) black business owner certified as a small business by the County; one (1) Hispanic business owner certified as a small business by the County; one (1) woman business owner certified as a small business by the County; one (1) white male business owner certified as a small business by the County; one (1) business owner domiciled in Palm Beach County; one (1) representative of the Palm Beach County Resource Center; one (1) representative of the Hispanic Chamber of Commerce; one (1) representative of the National Association of Women in Construction; one (1) representative of a Women’s Business Organization; one (1) certified minority contractor; one (1) representative of the Associated General Contractors of America; one (1) representative of the Small Business Development Center; one (1) representative of the Business Loan Fund of the Palm Beaches; and one (1) representative of the Black Chamber of Commerce. The incumbents for seats 4 and 5 resigned. The SBA Advisory Committee supports the nominations and change in seat for Mrs. Randolph. A memo was sent to the Board of County Commissioners on January 17, 2012 requesting approval of the recommended slate. No other nominations were received. Angela Randolph, owner of Randolph & Dewdney Construction, Inc., serves on the Small Business Advisory Committee. The Committee provides no regulation, oversight, management or policy-setting recommendations regarding the Office of Small Business Assistance’s contracts. Disclosure of the contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. Countywide (TKF)

D. **COMMISSION DISTRICT APPOINTMENTS**

FEBRUARY 7, 2012

6. MATTERS BY THE PUBLIC – 7:00 P.M.

FEBRUARY 7, 2012

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

FEBRUARY 7, 2012

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

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 February 10, 2012 as “Inner City Youth Golfers’ Community Giants 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

FEBRUARY 7, 2012

<u>PAGE</u>	<u>ITEM</u>	
6	2C-6	<u>ADD-ON:</u> Proclamation declaring February 11 – 17, 2012 as “2-1-1 Awareness Week” in Palm Beach County. (Sponsored by Commissioner Abrams)
32	8G	<u>ADD-ON:</u> Request approval to present off-site, a Proclamation declaring February 7, 2012 as “National Black HIV/AIDS Awareness 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 (*).