

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

MAY 15, 2012

**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

- 3. CONSENT AGENDA (Pages 6 - 28)**

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

- 5. REGULAR AGENDA (Pages 32 - 34)**
TIME CERTAIN 10:45 A.M. (Comprehensive Annual Financial Report) (Page 33)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) an Award/Contract (Charge Resolution Contract No. EECCN120020) with the U.S. Equal Employment Opportunity Commission (EEOC) allowing the Office of Equal Opportunity (OEO) to receive revenue in the total amount of \$97,550 as payment for processing and resolving employment discrimination complaints; and

B) an upward Budget Amendment of \$25,550 in the General Fund to adjust the budget to the actual Award/Contract.

SUMMARY: Execution of this Contract is required so that OEO can receive payment for processing and resolving complaints of employment discrimination pursuant to the Worksharing Agreement with the EEOC. This Charge Resolution Contract is for FY 2011 - 2012 and is in the amount of \$97,550 (\$94,900 - charge processing; \$1,250 Intake Services, and \$1,400 - attendance at EEOC sponsored annual training). EEOC Charge Resolution Contracts for all Fair Employment Practices Agencies nationwide provide payment at a rate of \$650 per charge. OEO's contract is for a total of 146 charges. Countywide (DO)

2. Staff recommends a motion to approve:

A) Budget Transfer of \$89,525 from the CCRT Recoup Funding Account to the Neighborhood Partnership Grant (NPG) Program account; and

B) NPG funding agreements for Fiscal Year 2011-2012 as follows:

- 1) Agreement with Paint Your Heart Out Palm Beach County, Inc. in an amount not-to-exceed \$20,000 to purchase painting and home improvement supplies;
- 2) Agreement with Rebuilding Together of the Palm Beaches, Inc. in an amount not-to-exceed \$20,000 to purchase building materials for repairs and to pay for pressure cleaning services prior to homes being painted;
- 3) Agreement with Lake Worth West Resident Planning Group, Inc. in an amount not-to-exceed \$8,000 to purchase large and medium outdoor message centers and landscaping around the message centers and community building;
- 4) Agreement with Denise Dilauro in an amount not-to-exceed \$11,000 to purchase fencing and landscaping to beautify and deter crime in Westgate; and
- 5) Agreement with Dhails Community Enhancement Services, Inc. in an amount not-to-exceed \$7,000 to purchase and install a perimeter fence, signage for community center and landscaping.

SUMMARY: This budget transfer will be used to continue the implementation of the NPG Program and fund the current round of NPG Program projects. A total of six (6) NPG Program projects were reviewed by the Neighborhood Partnership Grant Program Review Committee (NPG RC) on September 21, 2011, five (5) of which are now being recommended for funding. The total amount of recommended funding for these five (5) NPG Program projects is \$66,000. In addition to the above five (5) projects, the Office of Community Revitalization will be recommending \$20,000 in NPG funding to the School District for the construction of a walking trail at Berkshire Elementary School. The request for funding this project and the NPG Agreement will be brought to the Board of County Commissioners at a later date, following approval by the School District. The NPG Program funding for FY 2012-2013 is \$100,000. Funding from existing CCRT Recoup and NPG accounts will be used to fund neighborhood improvement projects for FY 2011-2012 and FY 2012-2013. Countywide (AH)

3. CONSENT AGENDA APPROVAL

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	March 20, 2012
Environmental Control	March 20, 2012
Zoning	March 22, 2012
Workshop	March 27, 2012
Comprehensive Plan	March 28, 2012
Regular	April 3, 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 January 2012. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:**
 - A) a Contract with The Murphy Construction, Co. (Murphy), the lowest responsive, responsible bidder in the amount of \$966,784 for the construction of 10th Avenue North Bridge over Keller Canal (Project); and
 - B) a Budget Transfer of \$150,000 in the Road Program Sweeps Reserve and appropriate it to the Project's account.

SUMMARY: Approval of this Contract and Budget Transfer will allow Palm Beach County (County) to issue a Notice to Proceed to Murphy, a Palm Beach County company, to begin construction of the Project. The Palm Beach County Small Business Enterprise (SBE) goal for all projects is 15% overall. The SBE participation proposed for the Project by Murphy is 17.09%. District 3 (MRE)
2. **Staff recommends motion to adopt:** a Resolution authorizing execution of an agreement with Martin County, Florida East Coast Railway, L.L.C. (FEC) and Florida Department of Transportation (FDOT), for the installation and maintenance of grade crossing traffic control devices at the FEC crossing on County Line Road, Crossing Number 272372-S. **SUMMARY:** Adoption of this Resolution will approve an agreement with Martin County, FEC and the FDOT, for installation and maintenance of grade crossing traffic control devices at the FEC crossing on County Line Road, Crossing Number 272372-S. The FEC will install or have installed these improvements and the FDOT will reimburse the FEC for all construction costs. Palm Beach County holds the license agreement for this crossing and will continue to pay 50 percent of the annual signal maintenance fees which is currently \$1,701 for this Type III, Class III crossing. District 1 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. **Staff recommends motion to approve:** Work Order No. 2012053-026 in the amount of \$305,266 to construct a pathway on Seminole Pratt Whitney Road from 1700 feet north of Persimmon Boulevard to the "M" Canal utilizing Palm Beach County's (County) Annual Pathway and Minor Construction Contract R2011-1684 (Improvements) with Wynn & Sons Environmental Construction Corporation. **SUMMARY:** Approval of this Work Order will provide the contractual services necessary to construct the Improvements. Per County PPM CW-F-0-050, this work order exceeds the threshold related to staff approvals of contracts, thus requiring the Board of County Commissioners' approval. District 6 (MRE)

4. **DELETED**

5. **Staff recommends motion to approve:** the renewal of the Intersection Improvement Annual Agreement with Arcadis U.S., Inc., (Arcadis), whose original agreement was dated May 17, 2011 (R2011-0703). **SUMMARY:** Approval of this renewal agreement will extend the required professional services for one (1) year, on a task order basis. The renewal agreement with Arcadis will continue for the period of May 17, 2012, through May 16, 2013. This is the first renewal of two (2) possible one (1) year renewals contemplated in the original agreement. Arcadis is a Palm Beach County company, but not a certified Small Business Enterprise. Countywide (MRE)

6. **Staff recommends motion to approve:** the renewal of the Intersection Improvement Annual Agreement with Kimley-Horn and Associates, Inc., (KHA), whose original agreement was dated May 17, 2011 (R2011-0704). **SUMMARY:** Approval of this renewal agreement will extend the required professional services for one (1) year, on a task order basis. The renewal agreement with KHA will continue for the period of May 17, 2012, through May 16, 2013. This is the first renewal of two (2) possible one (1) year renewals contemplated in the original agreement. KHA is a Palm Beach County company, but not a certified Small Business Enterprise. Countywide (MRE)

7. **Staff recommends motion to approve:** a 120 calendar day Contract (Contract) with AKA Services, Inc. (Contractor), the lowest responsive, responsible bidder, in the amount of \$1,265,492 for Limestone Creek Drainage Improvements Phase IIc (Project), Project No. 2011056. **SUMMARY:** Approval of this Contract will permit the construction of a drainage system for Limestone Creek Road and Mitchell Street; construction or reconstruction of the roads to coordinate with the storm water improvements and provide pedestrian circulation. The Contractor is a Palm Beach County business. The Contract is funded with federal grant funds; therefore, the Small Business Enterprise Ordinance does not apply to this Project. Approval for award of this Contract has been received from the State of Florida Department of Economic Opportunity (DEO). District 1 (MRE)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to receive and file:** the two (2) Third Amendments to Loan Agreements dated May 20, 2012 and June 3, 2012 between Palm Beach County and Wells Fargo Bank, N.A. in connection with the extension of the County's lines of credit with Wells Fargo Bank, N.A. as approved by Resolution R2012-0315. **SUMMARY:** Resolution R2012-0315 authorized the execution of two (2) Third Amendments to Loan Agreements and granted authority to the Chair to sign any subsequent documents. The two (2) Third Amendments to Loan Agreements extended for another year the two (2) existing lines of credit with Wells Fargo Bank that satisfy the debt service requirements for 11 County bond issues. There were no other changes in the terms. The Chair and Wells Fargo Bank have signed these documents which should now be received and filed in the Minutes Department. Countywide (PFK)

2. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners regarding the number of members of the governing board of the Palm Beach County Educational Facilities Authority (the "Authority"). **SUMMARY:** The resolution confirms that the Authority is governed by a seven (7) member board and ratifies all prior action of the Board of County Commissioners appointing seven (7) members. Countywide (PFK)

3. **Staff recommends motion to approve:** the Contracts for Bond and Disclosure Services between Housing Finance Authority of Palm Beach County, Florida, and Greenberg Traurig, P.A. and Bryant Miller Olive P.A., respectively (the "Bond/Disclosure Counsel Contracts"). **SUMMARY:** The Housing Finance Authority of Palm Beach County, Florida (the "Authority") was established by the Board of County Commissioners (the "Board") in 1979 in accordance with Part IV, Chapter 159, Florida Statutes (the "Act"). Section 2-189 of the Palm Beach County Code of Ordinances requires that all contracts of the Authority for the purchase of goods and services in excess of \$10,000 shall be submitted to and approved by the Board. The Bond/Disclosure Counsel Contracts set forth the terms under which Greenberg Traurig, P.A. and Bryant Miller Olive P.A. will provide bond and disclosure counsel services to the Authority. The two firms were selected by the Authority to provide bond and disclosure counsel services pursuant to an RFQ process on March 9, 2012, and the proposed contracts were entered into, subject to approval by the Board, on April 13, 2012. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

4. **Staff recommends motion to approve:** Settlement Agreement in Deininger et. al. v. Palm Beach County for \$600,000, inclusive of attorney's fees. **SUMMARY:** In April, 2004, the Fourth District Court of Appeal issued its decision in Dascott v. Palm Beach County, holding that the County's pre-termination hearings were required to be held in accordance with the notice and public attendance requirements of the Sunshine Law, F.S. §286.011. Prior to May 2004, the County held at least a portion of its pre-termination and grievance hearings in private and did not publicly notice the hearings. Plaintiffs Marie Deininger and Arthur Hackney are former County employees who were disciplined and terminated under the pre-May 2004 grievance and termination process. On September 1, 2004, Deininger and Hackney filed a class action lawsuit on behalf of themselves and all other similarly situated former County employees who had either been terminated or disciplined under the pre-Dascott process. The class action suit alleged one count of Sunshine Law violations and one count for the recovery of unpaid wages. Two classes were certified in the case – one for those who had been terminated and one for those who had been disciplined under the pre-May 2004 procedures. The parties attended court-ordered mediation on April 19, 2012, and have negotiated a proposed settlement, settling all claims, including attorney's fees, for a lump sum payment of six hundred thousand dollars (\$600,000), which will be distributed to the class membership by an equitable distribution methodology that the parties will develop and present to the Court for approval, along with all other settlement terms. Three hundred thousand dollars (\$300,000) of the proposed six hundred thousand dollar (\$600,000) settlement will be reimbursed by the County's excess carrier, United National. Countywide (AP)

E. COMMUNITY SERVICES

1. **Staff recommends motion to receive and file:** Amendment No. 0001 to State of Florida Department of Children and Families (DCF) Homeless Challenge Grant Agreement No. IFZ16 (R2012-0233), for the period December 8, 2011, through June 30, 2012, to replace Attachment II, Request for Release of Funds Schedule. **SUMMARY:** On March 23, 2012, DCF amended Grant No. IFZ16 by replacing Attachment II, Request for Release of Funds Schedule. This amendment was executed by the County Administrator in accordance with Resolution R2011-1303, which delegated authority to the County Administrator, or his designee, to sign documents related to the State of Florida DCF Homeless Challenge Grant Agreement. This authorization and designation was necessary to expedite the contracts and thereby avoid gaps in service delivery to homeless individuals. (Human Services) Countywide (TKF)
2. **Staff recommends motion to approve:** Contract for Consulting/Professional Services with Nutritious Lifestyles, Inc., for the period May 1, 2012, through September 30, 2012, in an amount not to exceed \$46,080, to provide nutritional services to Head Start and Early Head Start children. **SUMMARY:** The Head Start/Early Head Start program has received funds from the Department of Health and Human Services to provide nutritional services to Head Start and Early Head Start children. As a result, Head Start is contracting with Nutritious Lifestyles, Inc., an Orlando-based firm, to provide these nutritional services for children identified with special needs. The services will include nutritional counseling, development of lunch menu and assistance with nutritional plan. Services are funded with \$30,257 in Federal funds and \$15,823 in County funds. Nutritious Lifestyles, Inc. offers dietetic consulting services throughout the Southeast. The staff is composed of registered/licensed clinicians and food service professionals including a Palm Beach County-based registered nutritionist. This firm has provided services to the County's Division of Senior Services under a previous solicitation. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to approve: a Contract with Community Asphalt Corp. in the amount of \$2,523,182.55 for the Exit Taxiway C4 project at Palm Beach International Airport (PBIA). **SUMMARY:** This project was advertised utilizing the County's competitive bid process. On March 6, 2012, three (3) bids were received for the Exit Taxiway C4 project at PBIA. Of the three (3) bids, Community Asphalt Corp., a Palm Beach County company has been identified as the lowest responsible/responsive bidder in the amount of \$2,523,182.55 for the Exit Taxiway C4 project at PBIA. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 17.00%. No bidders on this project achieved the 17% DBE goal. Community Asphalt Corp. committed to a minimum of 4.6% DBE utilization on this project and was responsive to the DBE bid requirements by demonstrating good faith efforts to achieve the goal. Florida Department of Transportation grant funding and Passenger Facility Charge funds are being utilized to fund this project. Countywide (JCM)

2. Staff recommends motion to approve: a Contract with Ranger Construction Industries, Inc. in the amount of \$2,921,820 for the Runway 15-33 Rehabilitation, Taxiway C Reconstruction/Edge Lighting and Apron Pavement Repair project at Palm Beach County Park Airport (Lantana). **SUMMARY:** This project was advertised utilizing the County's competitive bid process. On March 1, 2012, four (4) bids were received for the Runway 15-33 Rehabilitation, Taxiway C Reconstruction/Edge Lighting and Apron Pavement Repair project at Lantana. Of the four (4) bids, Ranger Construction Industries, Inc., a Palm Beach County company has been identified as the lowest responsible/responsive bidder in the amount of \$2,921,820. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 16.00%. Ranger Construction Industries, Inc. is responsive to the DBE bid requirements and has committed to a minimum of 16% DBE utilization on this project. Florida Department of Transportation grant funding and Passenger Facility Charge funds are being utilized to fund this project. Countywide (JCM)

3. Staff recommends motion to approve:
 - A) Change Order No. 6 to the contract with David Brooks Enterprises, Inc. in the amount of \$39,581.84 and a time extension of 37 calendar days to the Terminal Flooring Improvements-Phase 1 project at Palm Beach International Airport (PBIA); and
 - B) a Budget Transfer of \$39,582 in the Airports Improvement and Development Fund from Reserves to provide additional budget to fund the Change Order.

SUMMARY: On October 5, 2010, the Board of County Commissioners approved the contract with David Brooks Enterprises, Inc. in the amount of \$1,196,311 (R2010-1605). Change Orders 1 through 5 were approved in accordance with the authority delegated in PPM No. CW-F-050 for an increase to the contract in the amount of \$188,772.78 and 108 calendar days. Approval of Change Order No. 6 in the amount of \$39,581.84 will extend the contract by 37 calendar days. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 18%. The total DBE participation to date is 69%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to:

A) approve a Letter of Release (Release) from the Federal Aviation Administration (FAA), releasing approximately 1.0148 acres of land located west of Palm Beach International Airport (Airport) (the Wallis Road Property) from the terms, conditions and obligations of grant assurances with the FAA, subject to the Release conditions imposed by the FAA;

B) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida (the Bond Resolution); determining that the Wallis Road Property is not necessary for airport purposes and that the disposition of the property shall not impair the operating efficiency or reduce the revenue producing capability of the County's Airport System; and

C) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida (the Right-of-Way Resolution); imposing certain easements, covenants and restrictions on the Wallis Road Property (the Declaration), and designating the Wallis Road Property for use by the general public for public street purposes, subject to the Declaration.

SUMMARY: As part of the Runway 9L (10L) acquisition project, the Department of Airports (DOA) has acquired approximately 57.41 acres property lying north of Wallis Road, south of the L-4 Canal, and between Military Trail and Haverhill Road. DOA is seeking to convert the property from residential to commercial or industrial uses, and has requested a plat waiver from the County's Engineering Department (Engineering). As a condition of approval, Engineering requires the dedication of right-of-way adjacent on the north side of Wallis Road, resulting in an ultimate right-of-way of 40 feet. The Release releases the Wallis Road Property from the terms, conditions and obligations of FAA grant assurances. The Bond Resolution is required in order that the property may be used for non-airport purposes. The Right-of-Way Resolution establishes certain easements, covenants and restrictions on the Wallis Road Property (the Declaration), and designating the Wallis Road Property for use by the general public for public street purposes, subject to the Declaration. Countywide (AH)

5. Staff recommends motion to approve: Seventh Amendment to Lease Agreement with Galaxy Aviation of Palm Beach, Inc. (Amendment), providing for: i) the lease of an additional 17,997 +/- square feet of unimproved ground for the construction of an aircraft parking apron at an annual rate of \$11,698; and ii) the option to lease an additional 133,049 +/- square feet of improved ground currently in use by the FAA. **SUMMARY:** Galaxy Aviation of Palm Beach, Inc., (Galaxy) provides fixed-based operator services for general aviation aircraft at the Palm Beach International Airport (PBIA), pursuant to a Lease Agreement (Lease) dated October 18, 2000 (R2000-1067). Galaxy Aviation's principal place of business is in Palm Beach County. This Amendment provides for the lease of an additional 17,997 +/- square feet of unimproved ground for the construction of an aircraft parking apron. The rental amount associated with this additional area is \$0.65 per square foot, totaling \$11,698 annually and will commence upon the earlier of: i) the issuance of a permit to construct the parking area; or ii) January 1, 2013. This Amendment also provides for the option to lease an additional 133,049 +/- square feet of property currently in use by the FAA for their operation of the Air Traffic Control Tower at PBIA. In consideration of this lease option, Galaxy will reimburse County 50% of the costs for demolition of the improvements currently located on the site in an amount not to exceed \$100,000. The option provides for the lease of the property at such time as the site is no longer needed for the Air Traffic Control Tower at the then current fair market rental rate based upon appraisal. Countywide (HF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. Staff recommends motion to receive and file: Seventh Amendment to Airline Operating and Lease Agreement with Air Canada (R2009-0081), replacing Exhibit "B" adding leasehold for the season, effective October 30, 2011. **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2007-1968. Countywide (AH)

7. Staff recommends motion to receive and file: Hotel-Motel Courtesy Shuttle Operator Permit with Island Hospitality Management II, Inc., d/b/a Stay Inn West Palm Beach Airport Hotel commencing December 12, 2011, terminating September 30, 2012, automatically renewed on yearly basis (October 1st through September 30th). **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2010-0707. Countywide (AH)

8. Staff recommends motion to receive and file: thirteen (13) original Documents for the Department of Airports:
 - A) Consent to Sublease for Signature Flight Support Corporation of Palm Beach, Inc. and N50PS-1, LLC, commencing October 1, 2011;
 - B) Consent to Sublease for Signature Flight Support Corporation of Palm Beach, Inc. and Complete Island Homes LLC d/b/a CIH Airways, commencing November 1, 2011;
 - C) Consent to Sublease for Jet Aviation Associates, Ltd. and C.A.A. Leasing Enterprises, Inc., commencing February 1, 2012;
 - D) Consent to Sublease for Jet Aviation Associates, Ltd. and East Coast Brokerage Services, commencing January 1, 2012;
 - E) Consent to Sublease for Jet Aviation Associates, Ltd. and Advanced Airways, commencing December 21, 2011;
 - F) Consent to Sublease for Jet Aviation Associates, Ltd. and Katakana (BVI) Ltd., commencing February 1, 2012;
 - G) Consent to Sublease for Jet Aviation Associates, Ltd. and Jet Lease Palm Beach, Inc., commencing January 1, 2012;
 - H) Consent to Sublease for Piedmont Hawthorne Aviation LLC, d/b/a Landmark Aviation and Whisky Aviation LLC, Erik Waldin, President, commencing February 1, 2012;
 - I) Consent to Sublease for Piedmont Hawthorne Aviation LLC, d/b/a Landmark Aviation and Aaron G. Caraveo, commencing February 1, 2012;
 - J) Consent to Sublease for Piedmont Hawthorne Aviation LLC, d/b/a Landmark Aviation and The Murray Company LLC, Dickron Murray, Managing Officer, commencing February 1, 2012;
 - K) Consent to Sublease for Piedmont Hawthorne Aviation LLC, d/b/a Landmark Aviation and Topps Air LLC, John T. Slattery, commencing January 6, 2012;
 - L) Consent to Sublease for Piedmont Hawthorne Aviation LLC, d/b/a Landmark Aviation and Kelmscott Ventures LLC, James Strathmeyer, commencing January 1, 2012; and
 - M) Consent to Sublease for Piedmont Hawthorne Aviation LLC, d/b/a Landmark Aviation and Chris Kuebler, commencing January 5, 2012.

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the Board of County Commissioners in R94-1453. Countywide (AH)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Amendment No. 3 to five (5) Job Order Contracts (JOC) serving the North, South & Central areas of the County:

A) All-Site Construction, Inc. (R2010-0751), North, SBE/Local, 83.7% SBE;

B) F.H. Paschen, S.N. Nielsen & Associates, LLC. (R2010-0752), Central, Non SBE/Miami-Dade, 38.2% SBE;

C) H.A. Contracting Corporation (R2010-0804), Central, Non SBE/Local, 33.6% SBE;

D) M.A.C. Construction, Inc. (R2010-0776), Central, Non SBE/Local, 36.0% SBE; and

E) Robling Architecture Construction, Inc. (R2010-0802), South, SBE/Local, 72.0% SBE.

SUMMARY: Amendments No. 3 extend the term of five (5) Job Order Contracts (JOC) serving North, South & Central areas with no increase in capacity. The contractors will continue to perform as an annual general contractor for implementation of maintenance and capital projects. The Job Order Contract is an indefinite-quantity, fixed unit price contract. The Board approved annual contracts on May 18, 2010, which provided for an initial one (1) year term with four (4) – one (1) year renewal options. Amendment No. 2 increased the term by one (1) year and increased the maximum cumulative capacity of work orders from \$2,500,000 to \$5,000,000 (\$1,500,000 to \$3,000,000 for Robling). Amendment No. 3 will provide for services during the third renewal period. Due to greatly reduced funding for capital improvements, renovations, and renewal/replacement projects, no additional capacity is being added for the third renewal period. Pursuant to Special Conditions, Article 7 of the Terms and Conditions of the JOC Contract and to account for escalation, the contractor's adjustment factors will be modified by 1.0576%. The Small Business Enterprise goal established for this contract is 15% participation. (Capital Improvements Division) Countywide (JM)

2. Staff recommends motion to approve: Amendment No. 2 to the Contracts for property development evaluation services on a continuing contract basis:

A) Cotleur & Hearing, Inc., (R2010-0807);

B) Gentile Holloway O'Mahoney & Associates, Inc. (R2010-0753); and

C) Urban Design Kilday Studios (R2010-0805).

SUMMARY: Amendments No. 2 extend the term of three (3) contracts for professional consulting services for property development evaluations for one (1) year. The Board approved annual contracts on May 18, 2010. The original Contracts provided for an initial two (2) year term with two (2) – one (1) year renewal options. Amendment No. 2 will provide services during the first renewal period. The Small Business Enterprise (SBE) goal for these contracts is 15% participation. All three (3) of these firms are local SBE's. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** a Second Amendment to Interlocal Agreement (R2002-0764) with the Town of Juno Beach ("Town") to extend the term of the agreement to May 21, 2017. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Town can program its radios and utilize the countywide common talk groups for certain inter-agency communications, expires on May 21, 2012. The Agreement provides for three (3) renewal options, each for a period of five (5) years. Both parties must approve the renewal option. The Town has approved a renewal to extend the term of the Agreement until May 21, 2017. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Town is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Second Amendment renews the term, updates the notice provisions, modifies the provision on access and release of programming codes, and provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (JM)

4. **Staff recommends motion to approve:** a First Amendment to Interlocal Agreement (R2009-0848) with the Town of South Palm Beach ("Town") to extend the term of the agreement to May 18, 2015. **SUMMARY:** The Interlocal Agreement, which provides the terms and conditions under which the Town receives radio equipment maintenance services from the County will expire on May 18, 2012. The Interlocal Agreement provides for one (1) renewal option for a period of three (3) years. Both parties must approve the renewal option. The Town has approved the renewal to extend the term of the Interlocal Agreement until May 18, 2015. The renewal now requires Board approval. The terms of the agreement are standard and the maintenance rates are consistent with those being charged to County Departments. The Interlocal Agreement may be terminated by either party, with or without cause, with a minimum of three (3) months notice. (ESS) District 4 (JM)

5. **Staff recommends motion to receive and file:** a notice of exercise of the extension option under the Lease Agreement with Bedner Farm, Inc. (R2001-0582) for Bedner Farm's continued agricultural use of approximately 246 acres located in the Ag Reserve for \$122,918.50/year. **SUMMARY:** On April 17, 2001, the Board approved the Lease Agreement with Bedner Farm, Inc. for the use of two (2) parcels of property in the Ag Reserve for row crops. One (1) parcel is approximately 156 acres located just west of the Turnpike and north of Atlantic Avenue. The other parcel is approximately 90 acres located west of U.S. 441 and north of Boynton Beach Boulevard. The initial term of the Lease Agreement was for one year ending May 31, 2002, with nine (9) - one (1) year extension options. The Board previously approved various amendments (R2007-0827 and R2010-0083) which provided for additional renewal options and rent reduction. The current expiration date of the Lease Agreement is May 31, 2012. Exercising this eleventh option will extend the term to May 31, 2013. There remain ten (10) annual extension options through May 31, 2023. The annual rental rate will remain at \$122,918.50/year (\$500/acre). Pursuant to the Lease Agreement, Bedner Farm has the right to exercise its option and the Board has no discretionary authority to deny the exercise of the option. (PREM) Districts 3 & 5 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to approve:

A) a Utility Easement in favor of the City of Delray Beach for a water main; and

B) a Declaration of Easement in favor of the County for mast arm traffic signals located on a portion of the South County Administrative Complex property in Delray Beach.

SUMMARY: Engineering installed mast arm traffic signals on the north and south sides of the entrance to the South County Administrative Complex located on Congress Avenue in Delray Beach. The City has an existing water main located nearby which was required to be relocated. The City has relocated the existing water main out of the right-of-way into a small area of the County's property, which requires an easement from the County. The City's Utility Easement is 12' wide and approximately 23.3' in length, containing 276.6 square feet (0.006 acres). This non-exclusive easement is being granted at no charge as relocation was required for installation of the traffic signal. The Declaration of Easement encumbers two (2) easement areas: i) north of the entrance road, which contains 1,466 square feet (0.03 acres) and ii) south of the entrance road, which contains 781 square feet (0.02 acres). (PREM) District 7 (HJF)

7. DELETED

8. Staff recommends motion to approve: Second Amendment to Lease Agreement (R2006-1267) with S&S Enterprises, Inc., for the County's continued use of 1,247 SF of office space for a Palm Beach County Sheriff's Office (PBSO) substation in the Sierra Square Plaza on Indiantown Road in western Jupiter at an annual rate of \$25,004.55. **SUMMARY:** Since May 22, 2007, the County has leased 1,247 SF of storefront office space at the Sierra Square Plaza on Indiantown Road in western Jupiter for a PBSO substation serving North County/Jupiter Farms. PBSO feels strongly that this substation is essential to its operations in the North County/Jupiter Farms area. No County owned space is available to accommodate this program and the rent is comparable to other available commercial space in this area. The Lease expires on May 21, 2012, and this Second Amendment extends the term by four (4) years to May 21, 2016, decreases the base rent adjustment and increases the CAM adjustment portions of the total rent. The effect of these adjustments is that the annual total rent will stay at the current rate for the first year of the term extension, and increase approximately three percent (3%) annually thereafter. The increases in future years are due primarily to increased CAM charges arising out of connection to Jupiter's water and sewer system. (PREM) District 1 (HJF)

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2010-2008) with the City of Pahokee to extend the expiration date from May 30, 2012, to April 30, 2013. **SUMMARY:** On July 21, 2009, the Board of County Commissioners approved (R2008-1209) the allocation of \$92,817 in Community Development Block Grant (CDBG) funds to the City of Pahokee. On December 7, 2010, the County entered into an Agreement (R2010-2008) with the City of Pahokee allocating these funds for park improvements at City Park located at 525 Bacom Point Road, Pahokee. The City of Pahokee has experienced unforeseen delays with the development of the bid documents. This extension will provide the City additional time to bid the work and complete construction. **This funding is projected to create one (1) job and have a five (5) year Economic Sustainability Impact of \$115,700. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 6 (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Consultant Services Authorization No. 4 to the Wastewater Engineering/Professional Services Contract with Hazen and Sawyer, P.C. (R2011-0631) for design of the Southern Regional Water Reclamation Facility (SRWRF) headworks by-pass in the amount of \$188,178. **SUMMARY:** On May 3, 2011, the Board of County Commissioners approved the continuing Contract for Wastewater Consulting Services with Hazen and Sawyer, P.C. (R2011-0631) to obtain engineering/professional service for utility related projects. This Consultant Services Authorization will provide final design plans to construct a headworks bypass which is needed for future inspections and repairs to the headworks. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Hazen and Sawyer, P.C. provides for SBE participation of 20% overall. This Authorization includes 19.66% overall participation. The cumulative SBE participation, including this Consultant Services Authorization is 16.07% overall. Hazen and Sawyer, P.C. is a Palm Beach County company. (WUD Project No. 12-015) District 5 (JM)

2. **Staff recommends motion to approve:** Interconnect Agreement with Florida Power and Light (FPL) for the Southern Region Water Reclamation Facility (SRWRF) Digester Biogas Renewable Energy Project. **SUMMARY:** The Digester Biogas Renewable Energy Project will generate approximately 20% of SRWRF's electricity from methane biogas which is currently flared and wasted. An Interconnect Agreement is required with FPL as the power generated will be synchronized and interconnected with the FPL provided power. All of the electric power generated from the project will be used at the SRWRF. Upon completion, all of the waste products generated at the SRWRF will be recycled. The project is partially funded by the United States Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG) Program Assistance Agreement in the amount of \$1,417,000. (WUD Project No. 09-030) District 5 (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) adopt a Resolution for Assistance through Florida Inland Navigation District (FIND) Waterways Assistance Program authorizing submission of a grant application requesting \$579,790 to cover a portion of the \$3,038,282 associated with construction of the Jupiter Inlet Lighthouse Outstanding Natural Area;

B) adopt a Resolution for Assistance through FIND Waterways Assistance Program authorizing submission of a grant application requesting \$263,080 to cover a portion of the \$1,965,239 associated with maintenance dredging of the South Lake Worth Inlet Sand Trap and the Boynton Boat Club Channel situated in the Lake Worth Lagoon;

C) adopt a Resolution for Assistance through FIND Waterways Assistance Program authorizing submission of a grant application requesting \$1,266,355 to cover a portion of the \$3,670,544 associated with construction of the Fullerton Island Environmental Restoration Project within the Town of Jupiter;

D) authorize the County Administrator, or his designee, to sign the project agreements, all future time extensions, task assignments, certifications, statements and other forms associated with these documents, and any necessary minor amendments that do not change the scope of work or terms and conditions of these documents; and

E) authorize the Director of the Department of Environmental Resources Management to serve as Liaison Agent with FIND for these projects.

SUMMARY: The County will be submitting three (3) grant proposals which will reimburse the County up to \$2,109,225 for projects that are approved to go forward or part of an approved management plan. Specifically, the grant proposals would reimburse the County for \$579,790 (Jupiter Inlet Lighthouse Outstanding Natural Area); \$263,080 (South Lake Worth Inlet Sand Trap); and \$1,266,355 (Fullerton Island Environmental Restoration). If successful in receiving approval(s) for funding, the deadline for spending the grant(s) will be September 2014 with the possibility of one (1) – one (1) year extension. The County's share for each grant request is anticipated from a combination of federal funding, state grants, municipal partners, Pollution Recovery Trust, Vessel Registration, Waterfront Access Bond, and Manatee Protection funds to be determined depending on the award amount. Districts 1 & 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

A) approve Funding Agreement (Purchase Order 95000) No. 4600002634 with the South Florida Water Management District (SFWMD) in the amount of \$30,000 from Indian River Lagoon License Plate Funding, to reimburse the County for exotic vegetation removal associated with the Fullerton Island Restoration project, expiring on May 15, 2013;

B) approve Budget Amendment of \$30,000 in the Natural Areas Fund (Manatee Protection Program); and

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

SUMMARY: This agenda item acknowledges and formally accepts, for budgetary purposes, \$30,000 from the SFWMD. The agreement acknowledges a 25% cash match (\$7,500) from the Manatee Protection Fund. The work covered under this funding agreement includes the selective clearing of exotic vegetation which is impacting existing mangroves. The work will be completed by an annual contractor. The Agreement expires within one (1) year of execution. District 1 (AH)

3. Staff recommends motion to:

A) approve Amendment No. 4 to Grant Agreement No. 06PB2 with the Florida Department of Environmental Protection (FDEP) for cost-share on the Singer Island Erosion Control efforts. Amendment No. 4 includes a reversion of \$3,773,213 in State funds from Task 3.1 for Construction of Structures and transfers \$542,000 from Task 3.1 to Task 3.2 for Construction of Dunes. The total revised grant amount is reduced from \$9,535,395 to \$5,762,182 and extends the Agreement to July 1, 2014;

B) approve Budget Amendment of (\$3,773,213) to recognize the revenue decrease in the Beach Improvement Fund; and

C) approve Budget Transfer of \$5,672,807 within the Beach Improvement Fund from Singer Island to the Jupiter Carlin account for anticipated costs associated with the upcoming shore protection project.

SUMMARY: The Florida Legislature authorized funding through the FDEP to provide assistance to eligible governmental entities for beach erosion control activities under the Florida Beach Management Funding Assistance Program. FDEP Grant Agreement No. 06PB2 was executed by the Board of County Commissioners on January 9, 2007 (R2007-0046) for cost share of the design and permitting of the Singer Island Erosion Shore Protection Project. Amendment No. 4 reallocates \$542,000 of State funds to facilitate the next dune restoration project on Singer Island between Reference Monuments R-60.5 and R-69. In addition, the Amendment reverts \$3,773,213 of State funding and extends the agreement expiration date through July 1, 2014. The award reduction also includes a match reduction of \$5,672,807 to be transferred to the Jupiter Carlin Shore Protection Project for anticipated costs associated with the upcoming shore protection project. District 1 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** First Amendment to Interlocal Agreement with the Town of Lantana in an amount not-to-exceed \$300,000 for the funding of Sportsman's Park Improvements to extend the project completion date from June 15, 2012, to December 15, 2015, and to add Project Milestones and conditions regarding Inspector General requirements. **SUMMARY:** This First Amendment to Agreement, R2009-1012, extends the project completion date by 42 months in order to allow time for the completion of construction of the Ocean Avenue Bridge prior to commencing construction of the Lantana Sportsman's Park Improvements Project (the "Project"). The Amendment also adds Project Milestones and Inspector General requirements, as now required for County bond funding Agreements. All other terms of the Agreement, including the funding amount of \$300,000, remain the same. Funding is from the 2004 \$50 Million General Obligation Waterfront Access Bond referendum. District 4 (PK)

2. **Staff recommends motion to receive and file:** executed Independent Contractor Agreements received during the month of April:
 - A) Palm Beach County Officials Association, Inc., Flag Football Referee, Westgate Park and Recreation Center, for the period April 9, 2012, through June 18, 2012;
 - B) JKF Goju Kai, Florida, Inc., Martial Arts Instructor, West Jupiter Recreation Center, for the period June 11, 2012, through August 18, 2012;
 - C) Teresa Krellner, Basketball Official, West Boynton Park and Recreation Center, for the period April 28, 2012, through June 17, 2012; and
 - D) Annabeth Karson, Yoga Instructor, Therapeutic Recreation Complex, for the period April 19, 2012 through September 27, 2012.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File Agenda Item. The above Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 2002-2103, 2007-0409, and 2012-0168, and are now being submitted to the Board to receive and file. Districts 1, 3 & 7 (AH)

3. **Staff recommends motion to approve:** transfer of ownership and management of the Mizner Park Amphitheater to the City of Boca Raton. **SUMMARY:** The Mizner Park Amphitheater was partially funded in the amount of \$2,000,000 from the 1999 \$25 Million Recreation and Cultural Facilities Bond. The Interlocal Agreement, R2001-0779, for the funding of this Project was with The Boca Raton Community Redevelopment Agency and the Centre for the Arts at Mizner Park, Inc. The ownership and management of the amphitheater has now been transferred from the Boca Raton Community Redevelopment Agency to the City of Boca Raton, and in accordance with the funding Agreement, the Mayor of the City of Boca Raton has requested the County's consent for such transfers. District 4 (PK)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. Staff recommends motion to receive and file: the following original executed Entertainment Contractor Agreements for County sponsored community events:

A) Stephen D. Middleton, Eclipse concert, Seabreeze Amphitheater, on October 15, 2011;

B) Jason Sambataro, Stirling Road concert, Canyon Town Center Amphitheater, on October 22, 2011; and

C) Leon Lachance, Pee Wee Lewis & the Hues concert, Seabreeze Amphitheater, on November 19, 2011.

SUMMARY: The Parks and Recreation Department produced three recent popular cultural events at our amphitheater facilities during the fourth quarter of 2011, which were attended by an estimated 1,790 persons and generated positive support and goodwill for the County in general, for which contracts were required. 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 Entertainment Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2008-1109, amended by Resolution 2010-0644, and are now being submitted to the Board to receive and file. Districts 1 & 5 (AH)

5. Staff recommends motion to receive and file: the following original executed Sound and Light Production Services Contractor Agreement:

City Sound and Recording LLC; My Morning Jacket concert, Sunset Cove Amphitheater, for the period December 10, 2011, through December 11, 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 Sound and Light Production Services Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0592, as amended by Resolution 2010-0645, and is now being submitted to the Board to receive and file. District 5 (AH)

6. Staff recommends motion to approve: Amendment No. 3 to Agreement with the Florida Fish and Wildlife Conservation Commission (FFWCC) for Florida Boating Improvement Program (FBIP) Contract No. 08083 for the DuBois Park Docks and Shoreline Stabilization Project modifying the scope of work and increasing FFWCC's percentage of reimbursement. **SUMMARY:** On October 20, 2008, a Grant Agreement with the FFWCC was fully executed, R2008-2232, to fund a portion of the DuBois Park marina project. The Grant Agreement has been amended twice to extend the project completion date. The County received several grants for the DuBois Park marina project and in order to avoid confusion on overlapping grant project elements, the scope of work for the FFWCC grant was reduced and the percentage of reimbursement increased. FFWCC's maximum contribution of \$500,000 has not changed. Although the Dubois Park marina project was completed using multiple funding sources, the overall project elements and cost remained the same. This Amendment is for administrative/clerical purposes only and to simplify the reimbursement process. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. Staff recommends motion to receive and file: the following original executed Amphitheater Rental Agreements:

A) Boca Raton Dog Club, Inc., AKC All Breed Championship Dog Show, Sunset Cove Amphitheater, for the period November 5, 2011, through November 6, 2011;

B) Makayla Joy Sitton Foundation, Inc., Shine the Light Christmas Pageant, Seabreeze Amphitheater, for the period December 16, 2011, through December 17, 2011; and

C) Jewish Community Center of the Greater Palm Beaches, Community Hanukkah Celebration, Canyon Town Center Amphitheater, on December 18, 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 Amphitheater Rental Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0335, amended by Resolution 2009-1807, and are now being submitted to the Board to receive and file. Districts 1 & 5 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) ratify the signature of the Chair on the approval of the Third Amendment of the Department of Juvenile Justice Contract to increase the amount to \$200,415.60 and to extend the term until September 30, 2012 to provide home detention monitoring services to juveniles in Palm Beach County;

B) approve the Fourth Amendment of the Department of Juvenile Justice Contract (R2011-0535) to decrease the amount to \$150,621.30;

C) approve a Contract to reinstate the original contract with Gulfstream Goodwill Industries, Inc. (R2011-0536), a not-for-profit agency, to extend the term of the contract until September 30, 2012, for the provision of home detention monitoring services in Palm Beach County; and

D) approve a Budget Amendment of \$17,011 in the Criminal Justice Commission Grants Fund to recognize the new contract amount.

SUMMARY: The Department of Juvenile Justice awarded the Palm Beach County Criminal Justice Commission funds to provide home detention monitoring services to juveniles in Palm Beach County. The Third Amendment extended the term of the Contract through September 30, 2012 and increased the amount to \$200,415.60. Due to a budgeting error on the part of Department of Juvenile Justice, the Fourth Amendment to the Contract reduces the amount to \$150,621.30. The funds are subcontracted with Gulfstream Goodwill Industries, Inc. to provide the home detention services as an alternative to secure detention. We are requesting the Contract with Gulfstream Goodwill Industries, Inc. be reinstated, extended, and increased to the amount of \$150,621.30 Countywide (PGE)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

2. Staff recommends motion to approve: the Second Amendment to the Contract (R2008-1566) with Pride Integrated Services, Inc. (Pride), to extend the Contract for a maximum six-month term, from June 6, 2012, to December 5, 2012. **SUMMARY:** The Second Amendment extending the Misdemeanor Probation Services contract for another six (6) months is required because the Request for Proposal (RFP) process is ongoing. The purpose of the extension is to provide time for this process to be completed without a disruption of services. Following the review of bids by the selection committee and the posting (PBC RFS No. 800108/LJ) of the award by the Purchasing Department, a formal protest was filed by the current service provider, Pride Integrated Services, Inc. As such, a formal protest hearing will be scheduled to take place before a Special Master in the near future. If the Special Master upholds the recommended bid award, staff will still require additional time to finalize the contract for the Board of County Commissioners' approval and also transition all the clients' records to the new company. The term of the Contract is amended to provide that the Contract shall continue for an additional six (6) months (December 5, 2012). By agreeing to this extension, Pride does not waive any of its claims in its protest of the selection process in RFS No. 800108/LJ. Countywide (PGE)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: an executed Contract with Aid to Victims of Domestic Abuse, Inc. (AVDA) in the amount of \$100,293 for the period of April 1, 2012, through September 30, 2013 to provide crisis intervention, supportive counseling and advocacy to victims of sexual assault in cases of domestic violence. **SUMMARY:** On January 24, 2012, the Board of County Commissioners approved the acceptance of the Department of Justice, Office of Violence Against Women (OVW) Fiscal Year 2011 Grant to Encourage Arrest Policies and Enforcement of Protection Orders Program (No. 2011-WE-AX-0027) in the amount of \$906,949 with no County matching funds required. Of the \$906,949 in grant funding, \$100,293 will be used to contract with AVDA to hire a specialized domestic violence Victim Advocate (non-county), to provide crisis intervention, supporting counseling and advocacy to victims of sexual assault in domestic violence cases assigned to the OVW Grant for Victim Services and Rape Crisis Center. Partnership with a non-profit entity, such as AVDA, was a requirement of the grant. R2012-0183 authorized the County Administrator or his designee to execute contracts and amendments utilizing funding from the Department of Justice, Office on Violence Against Women on behalf of the Board of County Commissioners. Countywide (PGE)

2. Staff recommends motion to:

A) receive and file the executed Grant Agreement with the City of Miramar, a municipal corporation of the State of Florida, as a fiscal agent for the Ft. Lauderdale Urban Area Security Initiative (UASI) to receive \$126,250 in reimbursable UASI 2010 Citizen Corps grant funding to enhance the County's Citizen Corps program for the period of February 22, 2012, through April 30, 2013; and

B) approve a Budget Amendment of \$126,250 in the UASI Grant Fund to recognize the grant award.

SUMMARY: The County was awarded \$126,250 from the U.S. Department of Homeland Security 2010 Grant through the City of Miramar. This grant will be used to address the ongoing needs of the County's Citizen Corps such as training, supplies and equipment. Citizen Corps is a grassroots strategy acknowledged by the Federal Emergency Management Agency (FEMA) to bring together government and community leaders to involve citizens in all-hazards emergency preparedness and resilience. Resolution 2006-2669 authorizes the County Administrator or his designee to execute UASI grant agreements and sub-agreements on behalf of the Board. **No County matching funds are required.** Countywide (PGE)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

3. Staff recommends motion to:

A) receive and file an executed Grant Agreement with the City of Miramar, a municipal corporation of the State of Florida, as a fiscal agent for the Ft. Lauderdale Urban Area Security Initiative (UASI) to receive UASI WebEOC 2010 grant funding in the amount of \$297,239.63 to fund the enhancement of the regional web based collaboration system for the period of February 27, 2012, through April 30, 2013; and

B) approve a Budget Amendment of \$297,240 in the UASI Grant Fund to recognize the grant award.

SUMMARY: The County was awarded \$297,239.63 from the US Department of Homeland Security through the City of Miramar. The grant funds will be used to enhance WEBEOC, a web based emergency collaboration system. WEBEOC was adopted as the standard emergency collaboration system and will be used by the counties and municipalities in the Southeast Florida region. The County's Emergency Management Division is leading this effort on behalf of the Fort Lauderdale UASI. Resolution 2006-2669 authorizes the County Administrator or his designee to execute UASI grant agreements and sub-agreements on behalf of the Board. **No County matching funds are required.** Countywide (PGE)

4. Staff recommends motion to receive and file: the following executed agreements pertaining to the use of the Geographic-based Notification System, "Dialogic" for a period of three (3) years which commence on May 15, 2012 and are automatically renewed for increments of three (3) year terms thereafter:

A) City of Boynton Beach in the amount of \$4,000;

B) Town of Lantana in the amount of \$1,500;

C) Town of Ocean Ridge in the amount of \$1,500; and

D) Village of Tequesta in the amount of \$1,500.

SUMMARY: The agreements provide access to the County's Geographic-based and/or NXT, roster-based Alert and Notification System (Dialogic System). The County's Dialogic System has been in place for over eight (8) years and allows Palm Beach County agencies, municipalities, State and County Departments to access the Dialogic System to make approximately 2,000,000 calls. It has been used for Amber Alerts, hurricane evacuations, boil water notices, etc. Resolution R2006-0799 authorizes the County Administrator or his designee to sign Dialogic agreements on behalf of the Board of County Commissioners. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

5. Staff recommends motion to receive and file: the following executed Interlocal Agreements pertaining to the distribution of medical equipment purchased with Emergency Medical Services grant funding:

A) City of Palm Beach Gardens;

B) City of Boynton Beach; and

C) Village of Tequesta.

SUMMARY: The County was awarded \$343,766 from the State of Florida Department of Health, Bureau of Emergency Medical Services (EMS), to improve and expand the EMS systems. The County through its Public Safety Department purchased sixteen (16) Video Laryngoscopes Systems for \$160,080 to distribute to EMS providers to allow paramedics to increase the efficiency with which they mechanically manage breathing for patients who due to traumatic or medical reasons cannot do it for themselves. Of the sixteen (16) purchased, three (3) were distributed to the City of Palm Beach Gardens, three (3) to the City of Boynton Beach, and two (2) to the Village of Tequesta. The remaining laryngoscopes have either already been distributed or will be distributed. Countywide (PGE)

6. Staff recommends motion to:

A) **receive and file** the executed Grant Agreement with the State of Florida, Division of Emergency Management to receive \$39,000 from the State Homeland Security Grant Program (SHSGP) to conduct planning, training and exercise activities for the period of March 7, 2012, through April 30, 2014; and

B) **approve** a Budget Amendment of \$39,000 in the Emergency Management Fund to recognize the actual grant award.

SUMMARY: This is an annual federal grant from the State of Florida Division of Emergency Management to conduct planning, training and exercise activities in order to develop, and enhance emergency preparedness capabilities. R2006-0401 gave the authority to the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. **No County matching funds are required.** Countywide (PGE)

7. Staff recommends motion to receive and file: an executed Contract with American Red Cross of Palm Beaches Treasure Coast Region (ARC) to provide staffing, exercise materials and logistical support for the Citizen Corps Full Scale Exercise Project in the amount of \$15,000 from March 20, 2012, through April 23, 2012.

SUMMARY: The County was awarded \$108,000 from the U.S. Department of Homeland Security 2009 Grant through the Fort Lauderdale Urban Area Security Initiative (UASI) for Citizen Corp projects. The County will provide \$15,000 of this grant funding to the ARC to provide staffing, exercise materials and logistical support for the Citizen Corps Full Scale Exercise Project. This project will provide the second phase in a four (4) year exercise plan to all Citizen Corps partners to interact with each other and with first responders in real-time simulations, bringing teams together from across the region to learn and evaluate their abilities and exercise their skills. The project will consist of a full day full scale exercise. Resolution R2006-2669 authorizes the County Administrator or his designee to execute standard UASI agreements and sub-grant agreements with various governmental and private agencies on behalf of the Board of County Commissioners. **No County matching funds are required.** Countywide (PGE)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to:

A) adopt a Resolution approving a Florida Department of Transportation (FDOT) Supplemental Joint Participation Agreement No. 2 (JPA) FM No. 407188-1-84-02 amending the original agreement by increasing the total amount to \$26,313,300 (a \$4,455,581 increase – State funds requiring a match of \$4,455,581 - local funds); to provide funding for year three of five of this grant agreement;

B) approve an upward Budget Amendment of \$57,266 in Palm Tran's Grant Fund for Fiscal Year 2012 in order to reconcile the budget to the actual grant award and transfer the funds to Palm Tran's Operating Fund; and

C) approve a Budget Amendment of \$57,266 in Palm Tran's Operating Fund for Fiscal Year 2012 in order to recognize the transfer from Palm Tran's Grant Fund.

SUMMARY: FDOT is providing \$4,455,581 from the Public Transit Block Grant Program to help offset the operating costs of mass transit in urbanized areas of Palm Beach County. The operating costs include operating, maintenance, and administrative costs. The original five (5) year JPA was approved by the Board under R2010-0285. This Amendment provides funds for year three of the agreement and will become effective upon execution by FDOT. The JPA requires a 50% match of \$4,455,581 with local funds. Palm Beach County provides the local funding from the local option gas tax. Grant and match are included in the FY 2012 budget. Countywide (DR)

2. Staff recommends motion to:

A) adopt a Resolution approving a Florida Department of Transportation (FDOT) Supplemental Joint Participation Agreement No. 2 (JPA) FM No. 407184-1-84-07 amending the original agreement by increasing the total amount to \$1,499,412 (a \$251,595 increase – State funds requiring a match of \$251,595 - local funds); to provide funding for year three of five of this grant agreement;

B) approve a Budget Amendment of \$6,171 in Palm Tran's Grant Fund for Fiscal Year 2012 in order to reconcile the budget to the actual grant award; and

C) approve a Budget Amendment of \$6,171 in Palm Tran's Operating Fund for Fiscal Year 2012 in order to reconcile the budget to the actual grant award.

SUMMARY: FDOT is providing Section 5311 grant funds in the amount of \$251,595 to assist mass transit operating in non-urbanized areas of Palm Beach County. The operating costs include operating, maintenance, and administrative costs. The original five (5) year JPA was approved by the Board under R2010-0118. This Amendment provides funds for year three of the agreement and will become effective upon execution by FDOT. The JPA requires a 50% match of \$251,595 with local funds. Palm Beach County provides the local funding from the local option gas tax. Grant and match are included in the FY 2012 budget. District 6 (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

3. Staff recommends motion to adopt: a Resolution authorizing the Executive Director of Palm Tran, through the County Administrator, to extend the completion date for the installation of bus shelters to November 18, 2012, in accordance with the Interlocal Agreement with the City of Delray Beach for the Funding of Transit Infrastructure (R2010-0798). **SUMMARY:** On May 18, 2010, the Board approved an Interlocal Agreement with the City of Delray Beach providing for the construction and installation of bus shelters in the City and authorized the Executive Director of Palm Tran, through the County Administrator, to extend the completion date for the installation of the shelters for a period of time not to exceed six (6) months. The City requested and was granted an extension to May 18, 2012. The shelters have been installed but certain benches did not meet ADA requirements and the City has requested another six (6) month extension to November 18, 2012, to replace the non-compliant benches and complete the installation. Districts 4 & 5 (DR)

BB. SHERIFF

1. Staff recommends motion to approve: a Budget Transfer of \$94,800 from the Law Enforcement Trust Fund (LETF) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETF's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2012 estimated donation requirement is \$87,670. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETF balance is \$2,180,297. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$2,085,497. The year-to-date transfer for all donations after approval of this item is \$1,070,745. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (PGE)

ORGANIZATION	AMOUNT
211 Palm Beach Treasure Coast, Inc.	\$25,000
Homesafe, Inc.	\$6,000
PBSO – Traffic Division	\$23,800
The National Center for Missing and Exploited Children, Inc.	\$15,000
The First Tee of the Palm Beaches, Inc.	\$25,000
Total Amount of Donations	\$94,800

3. CONSENT AGENDA APPROVAL

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in .58 acres of property to the Westgate/Belvedere Homes Community Redevelopment Agency pursuant to Florida Statutes Section 125.38 without charge and with reservation mineral rights, but without rights of entry and exploration; and

B) approve a County Deed in favor of the Westgate/Belvedere Homes Community Redevelopment Agency.

SUMMARY: On September 13, 2011, Palm Beach County entered into an Interlocal Agreement (R2011-1429) with the Westgate/Belvedere Homes Community Redevelopment Agency (WCRA) for a drainage project in Westgate. The project entails creating a new drainage retention area and widening of the LWDD L-2 Canal. The Interlocal Agreement requires the County to convey approximately .58 acres of undeveloped land to the WCRA to facilitate WCRA's construction of the drainage/canal improvements. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, but without rights of entry and exploration. (PREM) District 7 (HJF) (FDO)

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

A. Staff recommends motion to:

1) **adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, confirming the Special Assessment Roll for the Blanchette Trail Water Main Extension; and

2) **approve** a Work Authorization No. 12 to Johnson-Davis, Inc., under the Water Utilities Department (WUD) Continuing Construction Contract (R2010-1423) in the amount of \$34,294.97.

SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 60% of the property owners in the Blanchette Trail project area. The project will serve five (5) residential properties currently on private wells. Individual assessments of \$47.13 per front foot are based on 100% of the assessable cost and may be paid over 20 years with equal annual payments of principal and 5½% interest. The total assessable cost is \$56,744.52 and includes the costs of surveying, design, permitting, construction, inspection, administration, and construction contingency. The project will be constructed utilizing a Work Authorization under the WUD Continuing Construction Contract with Johnson-Davis, Inc. (R2010-1423). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with Johnson-Davis, Inc. provides for SBE participation of 15.00%. This Authorization includes 15.36% overall participation. The cumulative SBE participation is 15.83% overall. (WUD Project No. 11-116) District 6 (MJ)

B. Staff recommends motion to:

1) **approve** the filing of the Section 5309 Federal Transit Administration (FTA) Grant Application FL-04-0157 for capital funds in the amount of \$800,000; and

2) **authorize** the Palm Tran Director or Assistant Director through the County Administrator to execute, on behalf of the Board, and to transmit electronically the Board's approval of the 5309 grant award.

SUMMARY: The application covers \$800,000 of Section 5309 funds for Bus and Bus Facilities. The funds were allocated by Congress and earmarked specifically for Palm Tran Park and Ride Facilities. Palm Tran has requested approval from the Florida Department of Transportation (FDOT) for the use of toll revenue credits as the required local 20% match of the federal dollars for the capital funds. Therefore, the projects budget lists the capital projects at 100% cost for the federal share, no county funds are required. This project will be developed in two phases. Phase one will entail the selection of a site that better suits the needs of Palm Tran current and potential riders, and the environmental clearance by FTA of the selected site. Phase two will require this grant to be amended to use the remainder funds for the purchase of the site and the construction of the Park & Ride Facility, the grant amendment will be brought to the Board for approval. FTA will not approve a grant application that includes land acquisition and construction until the site has been given environmental clearance by FTA. Countywide (DR)

C. Staff recommends motion to adopt: a Resolution abandoning any public interest in that certain improved portion of the 30 foot right-of-way for Persimmon Avenue as shown on the plat of Delray Lakes Estates, as recorded in Plat Book 41, Pages 200-201, Public Records of Palm Beach County (County), Florida and a portion of the 30 foot right-of-way easement as shown within the westerly 15 feet of Tract 8 and the easterly 15 feet of Tract 9, Palm Beach Farms Company Plat No. 1, as recorded in Plat Book 2, Pages 26-28, of said County records.

SUMMARY: Adoption of this Resolution will allow the County to vacate its interest in that certain portion of Persimmon Avenue to allow the subdivisions to the south, Delray Lakes Estates and Balmoral, to privatize and gate their communities. The petition site is located on the south side of Atlantic Avenue and is 0.8 miles west of Florida's Turnpike. District 5 (MRE)

4. PUBLIC HEARINGS CONTINUED

D. Staff recommends motion to:

1) **adopt** a Resolution abandoning that certain improved portion of Persimmon Avenue and all of Sawpine Road, Tall Oak Avenue, Sweetgum Avenue, Sweetgum Street and Sourgum Street, all within Delray Lakes Estates, recorded in Plat Book 41, Pages 200-201; and

2) **approve** authorization for the Chair to execute the Deed to convey the roads and rights-of-way within the plat of Delray Lakes Estates to the homeowners' association pursuant to F.S. 336.125(2).

SUMMARY: Adoption of this Resolution will allow the petitioners to privatize and gate their communities. Approval of this authorization will allow the roads to be conveyed to Delray Lakes Estates Homeowners Association, Inc. The petition site is located on the south side of Atlantic Avenue and is 0.8 miles west of Florida's Turnpike. District 5 (MRE)

E. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County Florida amending Palm Beach County Code Chapter 14, Article I, Property Maintenance Code (ordinance 2003-051, as amended by ordinance 2005-061 and ordinance 2009-009); amending Section 14-1 (General); amending Section 14-3 (Duties and Powers of Code Official); amending Section 14-4 (Violations); amending Section 14-22 (General Definitions); amending Section 14-32 (Exterior Property Areas); amending Section 14-33 (Exterior of Structure or Building); amending Section 14-35 (Rubbish and Garbage); amending Section 14-36 (Extermination); amending Section 14-41 (General); amending Section 14-45 (Plumbing Facilities and Fixture Requirements); amending Section 14-52 (Common Areas); amending Section 14-54 (Plumbing Facilities and Fixture Requirements); amending Section 14-61 (Definitions); amending Section 14-62 (Nuisances Declared); amending Section 14-63 (Nuisance to be Abated); amending Section 14-64 (Procedure for Enforcement); amending Section 14-65 (Appeal Procedures); adding Section 14-66 (Special Assessment Imposed); adding Section 14-67 (Notice of Assessment); adding Section 14-68 (Collection of Non-Ad Valorem Assessment); adding Section 14-69 (Alternative Method to Collect Assessment); providing for applicability; providing for a savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in code of laws and ordinances; providing for captions; and providing for an effective date. **SUMMARY:** The ordinance amends the Property Maintenance Code ("PMC") to create consistency with requirements in other applicable codes, to correct spelling and grammatical errors and to allow the County to recover the cost of abatement of nuisances, if unpaid, through assessment on the tax roll as a non-ad valorem assessment. Unincorporated (SF)

CONTINUED FROM APRIL 17, 2012

F. Staff recommends motion to approve: Alignment Alternative Four for Jupiter Park Drive/Western Corridor (Island Way) within unincorporated Palm Beach County, Jupiter Gardens Boulevard to 68th Terrace. **SUMMARY:** Per Board direction of March 20, this approves Alignment Alternative Four for Jupiter Park Drive/Western Corridor (Island Way) within unincorporated Palm Beach County (from Jupiter Gardens Boulevard to 68th Terrace). This approval is required to allow the establishment of the overall alignment from Jupiter Park Drive to Indiantown Road. The Town of Jupiter (Town) is finalizing the development conditions of approval for the Hawkeye Jupiter property (formerly known as the Brown property). The new road, Island Way, will need to be designed and built to provide appropriate access to the property. Land will have to be acquired to allow the construction of the road. The northern and southern ends of the road are within the Town, and are approximately 60% of the road length. The remaining section lies within the unincorporated area. The road is intended to be a Town road when it is constructed with funding expected to come from the Town and the Hawkeye development. However, adopting an alignment at this time may expose the County to inverse condemnation claims. There are no County funds available for this right of way acquisition. District 1 (MRE)

4. PUBLIC HEARINGS CONTINUED

G. [Staff recommends motion to adopt:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 19, Article IX (Ordinances No. 2001-015, amended by Ordinance No. 2008-43, amended by Ordinance No. 2011-007, amended by Ordinance No. 2011-032, and amended by Ordinance No. 2011-040); relating to taxicabs and other vehicles for hire, to be known as the vehicle for hire ordinance; amending section 19-213 (definitions); amending section 19-214 (compliance with article required); amending section 19-218 (business permit application); amending section 19-220 (vehicle requirements); amending section 19-222 (impoundment); amending section 19-224 (non-medical wheelchair and stretcher transportation service companies operational requirements); amending section 19-225 (vehicle inspections); amending section 19-227 (driver requirements; failure to comply); amending section 19-229 (revocation, suspension and denial of permits/I.D. badges; administrative appeal); amending section 19-235 (start-up); providing for a moratorium extension; providing for repeal of laws in conflict; providing for a saving clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing an effective date. **SUMMARY:** On April 17, 2012, the Board of County Commissioners (BCC) approved the first reading amending the Vehicle for Hire Ordinance. The amendments included extending the current VFH moratorium, which expires on May 25, 2012, to June 1, 2013. The BCC directed staff to make two minor changes in the proposed amendments which have been incorporated in the final ordinance amendments. The moratorium, which is being extended, prohibits the establishment of any new companies from operating in Palm Beach County through June 1, 2013. The other ordinance amendments include the following: 1) provide a comprehensive definition of a vehicle for hire company; 2) provide for additional exemptions for the operation of vehicles, companies and organizations engaged in transporting persons not subject to the Ordinance, i.e. not for profit 501(c)(3) organizations, hotel, and motel shuttle services; 3) provide clarification concerning the requirement to submit a new business application to the Division upon the sale, transfer and change of ownership of a vehicle for hire business; 5) establish additional enforcement, revocation and impoundment actions for failure to maintain commercial liability insurance; 6) provide clarification of color/signage schemes and distinct trade names for all taxis and non-medical wheelchair/stretchers transportation service companies; 7) establish bi-annual inspections for all vehicles over seven (7) years old or which have exceeded 500,000 miles; 8) modify the vehicle for hire driver I.D. badge requirements to be consistent with other Division ordinances regulating driver I.D. badges, and the Florida Highway and Safety Motor Vehicle rules and regulations; 9) provide a sunset date for existing vehicle for hire companies to meet new color, signage and trade name requirements. There are several other minor deletions, additions and clarification, including the correction of scrivener errors. Enforcement of this Ordinance is funded entirely through license fees. Staff will continue to work with the VFH industry in developing procedures and guidelines for the implementation of a lottery or medallion program which will permit new companies to operate within Palm Beach County. Staff will report back to the Board within three (3) to six (6) months regarding additional changes in the VFH Ordinance. These changes will standardize the requirements for all VFH companies serving the County and the Palm Beach International Airport. Countywide (PGE)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the use of Pollution Recovery Trust Fund monies for climate change action planning and environmental sustainability coordination activities. **SUMMARY:** This Resolution will authorize disbursements from the Pollution Recovery Trust Fund for a two-year period to fund a professional staff position for climate change action planning and environmental sustainability coordination. Miscellaneous expenses associated with the position, including travel expenses, as approved by the County Administrator, are also authorized by this Resolution. The position level and work location would be determined by the County Administrator. There are sufficient unobligated funds in the Trust Fund to accommodate this purpose. Countywide (PE)

2. Staff:

A) recommends motion to receive and file the efficiency study presented by Gerstle, Rosen & Goldenberg, P.A., Certified Public Accountants (GRG); and

B) requests Board direction on the recommendation to outsource 696 County jobs, mostly field operations, to potentially save \$12,000,000 annually.

SUMMARY: GRG was retained to conduct a study of the countywide ad valorem-equivalent departments. Objectives included to identify: possible efficiencies and cost reductions, potential areas of consolidation, new and additional revenue sources, efficiency/effectiveness measures to be utilized in rating departmental performance. The study concludes that \$29.4 million could be saved through a variety of means including the elimination of 921 positions, with much savings from reducing/eliminating compensation/benefits for outsourced employees. The remaining savings from operating efficiencies and staff reductions are currently being reviewed by staff on a case-by-case basis for future budget consideration. Constitutional Officer administrative cost review will be separately addressed. Countywide (PFK)

3. Staff requests Board direction: regarding the findings in the Gerstle, Rosen & Goldenberg, P.A., Certified Public Accountants (GRG) report regarding duplicate operating functions and related costs of certain Constitutional Officers, to potentially save \$5,786,939 annually. **SUMMARY:** GRG was retained to conduct a study of the countywide ad valorem-equivalent departments. Objectives included identification of possible efficiencies and cost reductions, potential areas of consolidation, new and additional revenue sources, and efficiency/effectiveness measures to be utilized in rating departmental performance. As part of the overall project, GRG conducted a review of the Constitutional Offices (except the Sheriff's office) administrative costs, primarily related to central services, and identified \$5,786,939 as duplicate operating functions of the Board of County Commissioners. The Constitutional Officers of Palm Beach County are all independent entities and cannot be compelled to use the central services of the BCC. Each of them have different systems, policies, and processes, and are separate employers. For these reasons, it would not be practical to assume that many of the 74 positions identified in the report as redundant could be eliminated or have the corresponding workload absorbed by the existing County workforce. Staff believes that the findings in the report are not supportable and that the anticipated savings would not be achievable. Consideration should be given to discuss with the Constitutional Officers the feasibility of participating with the County for central services to determine if any organizational efficiencies and cost savings could be realized. Countywide (PFK)

5. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

4. Staff recommends motion to approve: removal of the listed members from their respective boards/committees for non-compliance with the revised Palm Beach County Code of Ethics Ordinance training requirements. **SUMMARY:** In December 2009, the Board of County Commissioners (BCC) adopted the Palm Beach County Code of Ethics (Code) to help ensure that public officials and employees abide by the highest ethical standards. On May 17, 2012, the BCC adopted revisions to the Code. Under the revised Code, any individual appointed by the BCC is considered an "official" and is required to comply with the Code. In August 2011, notices were sent to committee members with instructions on accessing the on-line training program; and reminder notices were sent in mid-November. In addition, in February 2012, County Administration contacted department/division committee liaisons requesting the need to follow up with their respective committee members. One final notice was sent on April 16, 2012, with an established deadline of April 30, 2012 for compliance. The attached list represents those committee members who have still not satisfied the revised ethics training requirements, and are being recommended for removal. Countywide (LB)

B. CLERK & COMPTROLLER

TIME CERTAIN 10:45 A.M.

1. Staff recommends motion to receive and file: Presentation of the Palm Beach County Comprehensive Annual Financial Report for fiscal year ending September 30, 2011. **SUMMARY:** The Clerk & Comptroller's office will provide a year-end financial review based on the Palm Beach County Comprehensive Annual Financial Report for FY 2011. Countywide (DN)

C. 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 revenue bonds in an amount not to exceed \$12,000,000 (the "Bonds") by the Palm Beach County Educational Facilities Authority (the "Authority"). **SUMMARY:** If issued, the proceeds of the Bonds will be loaned by the Authority to Lynn University, Inc. (the "University"). The University will use the proceeds to pay costs of issuance and to acquire assets (the "Assets") consisting of a new central chilled water plant, replacements of deteriorating infrastructure associated with the chilled water system, existing building retrofits for energy efficiency, improvements to electrical infrastructure on campus and metering of existing buildings to trend performance the University's educational facilities located at 3601 North Military Trail, Boca Raton, Florida. All Assets will be owned and operated by the University. Approval by an elected body is required by the Internal Revenue Code; however, adoption of this resolution does not in any way obligate the County. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 4 (PFK)

5. REGULAR AGENDA

D. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve: a Letter of Understanding authorizing the expenditure of \$150,000 in tourist development tax revenues from the Special Projects Fund to Lynn University for the 2012 Presidential Debate. **SUMMARY:** By approving this item, the Board of County Commissioners establishes the expenditure of tourist development tax revenues on the final 2012 Presidential Debate will promote Palm Beach County tourism and authorizes the expenditure of those funds in the total amount of \$150,000 as a reimbursable expense. This has been reviewed and approved by the Tourist Development Council Board. (TDC) Countywide (DW)

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6. BOARD APPOINTMENTS

A. **COMMUNITY SERVICES**
(Homeless Advisory Board)

1. **Staff recommends motion to approve:** appointment of the following representative to the Homeless Advisory Board effective May 15, 2012, and ending September 30, 2013:

<u>Seat No.</u>	<u>Appointment</u>	<u>Member Category</u>	<u>Term Ending</u>	<u>Nominated By</u>
3	Marcia Andrews	Palm Beach County School District Representative	09/30/2013	PBC School District

SUMMARY: The Homeless Advisory Board (HAB) developed the Ten-Year Plan to End Homelessness in Palm Beach County (Ten-Year Plan). The Plan was approved by the BCC in September 2008. The focus of the HAB is now directed towards implementation of the Ten-Year Plan. The HAB is comprised of 19 members; nine (9) seats are designated for specific agency representatives. The remaining ten seats are designated for business representatives, formerly homeless persons and faith-based representatives. The above-designated seat requires appointment of a Palm Beach County School District Representative. Ms. Andrews was recommended by the Palm Beach County School District to serve on the Homeless Advisory Board as their representative. (Human Services) Countywide (TKF)

B. **ADMINISTRATION**
(Fire Rescue Level of Service Committee)

1. **Staff recommends motion to approve:** the appointment of the following member to the Fire Rescue Level of Service Committee for a term of three (3) years from May 15, 2012, to May 14, 2015:

<u>Nominee</u>	<u>Seat</u>	<u>Category</u>
J.D. Armstrong	6	Fire Chief-Small City

SUMMARY: Palm Beach County Resolution R2004-0494 established the Fire Rescue Level of Service Committee (LOS Committee). It consists of nine (9) members representing specific categories, each serving a term of three (3) years after the initial start up. The LOS Committee recommends the appointment of Chief J.D. Armstrong, Fire Chief, Village of North Palm Beach Fire Rescue to replace the vacant Seat No. 6 held by Chief Weinand, Tequesta Fire Department. Countywide (SB)

6. BOARD APPOINTMENTS

C. **PUBLIC SAFETY**
(Emergency Medical Services Advisory Council)

1. **Staff recommends motion to approve:** the reappointment of two (2) "At-Large" seats to the Emergency Medical Services Advisory Council (EMS Council) for the terms indicated:

<u>Re-appoint</u>	<u>Representing/Seat No</u>	<u>Term</u>	<u>Nominated by:</u>
Joann Franklin	ER Nurses Forum/2	04/20/12 – 04/19/14	Comm. Marcus Comm. Burdick Comm. Taylor
<u>Re-appoint</u>			
Dr. Craig Kushnir	Emergency Room Physician/7	04/20/12 – 04/19/14	Comm. Marcus Comm. Burdick Comm. Taylor

SUMMARY: Per Resolution (R2009-0248), the Board of County Commissioners approved a representative make-up of the Emergency Medical Services Council to include eighteen (18) members. Eleven (11) members are representatives of the various components of the EMS system with specific requirements and seven (7) members are Commission District Consumer appointments. A memo was sent to all Board members on March 28, 2012 seeking nominations for the above two (2) at-large seats. Countywide (PGE)

D. **FIRE RESCUE**
(Fire Code Board of Appeals & Adjustments)

1. **Staff recommends motion to approve:** two (2) reappointments to Seat No. 3 and Seat No. 5 to the Fire Code Board of Appeals and Adjustments Committee beginning on May 15, 2012, through May 14, 2015:

Reappoint:

<u>Nominee</u>	<u>Category</u>	<u>Seat No.</u>	<u>Nominated By</u>
Jacek Tomasik	Building Official	3	Comm. Marcus Comm. Taylor Comm. Burdick
John Whitehead	Sprinkler Representative	5	Comm. Marcus Comm. Taylor Comm. Burdick

SUMMARY: The Fire Code Board of Appeals and Adjustments is maintained in accordance with the Palm Beach County Local Amendments to the Florida Fire Prevention Code (Ordinance 2011-038). On March 26, 2012 a memo was distributed to the Commissioners requesting nominations to this eight (8)-member board (At-Large). This Board is appointed by the Board of County Commissioners and members serve three (3) year terms, with no limit on the number of terms an individual may serve. No other nominations were received. Countywide (PK)

E. **COMMISSION DISTRICT APPOINTMENTS**

MAY 15, 2012

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

MAY 15, 2012

8. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 – COMMISSIONER PAULETTE BURDICK

Request approval to present off-site, a Proclamation declaring May 20 – 26, 2012 as “Emergency Medical Services Week” in Palm Beach County.

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 May 19, 2012 as “The Ebony Chorale’s Day of Remembrance” 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

MAY 15, 2012

<u>PAGE</u>	<u>ITEM</u>	
8	3C-7	<p><u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve:</p> <p><u>A)</u> a 120 calendar day contract (Contract) with AKA Services, Inc. (Contractor), the lowest responsive, responsible bidder, in the amount of \$1,265,492 for Limestone Creek Drainage Improvements Phase IIC (Project), Project No. 2011056;</p> <p><u>B)</u> a Budget Transfer of \$1,440,492 \$1,438,179 in the Disaster Recovery Initiative Fund to the Capital Outlay Fund for the Limestone Creek Phase IIC project; and</p> <p><u>C)</u> a Budget Amendment of \$1,440,492 \$1,438,179 in the Capital Outlay Fund to recognize the transfer from the Disaster Initiative Recovery Fund and appropriate it to the project.</p> <p>SUMMARY: Approval of this Contract will permit the construction of a drainage system for Limestone Creek Road and Mitchell Street; construction or reconstruction of the roads to coordinate with the storm water improvements and provide pedestrian circulation. The Contractor is a Palm Beach County business. The Contract is funded with federal grant funds; therefore, the Small Business Enterprise Ordinance does not apply to this Project. Approval for award of this Contract has been received from the State of Florida Department of Economic Opportunity (DEO). <u>The budget transfer and amendment allow for the proper accounting of the project in a capital fund. District 1 (MRE) (Engineering)</u></p>
14	3H-2	<p><u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve: Amendment No. 2 to the Contracts for property development evaluation services on a continuing contract basis:</p> <p>A) Cotleur & Hearing, Inc., (R2010-0807); B) Gentile <u>Glas</u> Holloway O'Mahoney & Associates, Inc. (R2010-0753); and C) Urban Design Kilday Studios (R2010-0805).</p> <p>SUMMARY: Amendments No. 2 extend the term of three (3) contracts for professional consulting services for property development evaluations for one (1) year. The Board approved annual contracts on May 18, 2010. The original Contracts provided for an initial two (2) year term with two (2) – one (1) year renewal options. Amendment No. 2 will provide services during the first renewal period. <u>Amendment No. 2 with Gentile Glas Holloway O'Mahoney & Associates, Inc. also recognizes a name change of the firm.</u> The Small Business Enterprise (SBE) goal for these contracts is 15% participation. All three (3) of these firms are local SBE's. (Capital Improvements Division) <u>Countywide</u> (JM) (FDO)</p>
20	3M-3	<p><u>DELETED:</u> Staff recommends motion to approve: transfer of ownership and management of the Mizner Park Amphitheater to the City of Boca Raton. (Parks) (Moved to June 5, 2012 Meeting)</p>

- 22 3M-7 **REVISED 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 Amphitheater Rental Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0335, amended by Resolution 2009-1807, and are now being submitted to the Board to receive and file. These events help to offer a balanced schedule of events which promote the quality of life in the communities we serve. An estimated 10,562 persons attended the events produced under these Amphitheater Rental Agreements. Districts 1 & 5 (AH) (Parks)
- 30 4E **REVISED SUMMARY:** The ordinance amends the Property Maintenance Code (“PMC”) to create consistency with requirements in other applicable codes, to correct spelling and grammatical errors and to allow the County to recover the cost of abatement of nuisances, if unpaid, through assessment on the tax roll as a non-ad valorem assessment. After the first reading on May 1, 2012, language was added to the amendments to the PMC to clarify that if an assessment is not paid within twenty business days of the notice of assessment, the special assessment will be recorded as a lien against the property. Unincorporated (SF) (PZB)
- 32 5A-1 **REVISED MOTION & TITLE: Staff recommends motion to adopt:**
- A) adopt a** Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the use of Pollution Recovery Trust Fund monies for climate change action planning and environmental sustainability coordination activities; and
- B) authorize** the Office of Financial Management & Budget to administratively transfer up to \$200,000 from the Pollution Recovery Trust Fund reserves to fund the position and related expenses for a two-year period. (Admin)
- 35 6A-1 **REVISED TITLE: Staff recommends motion to approve:** appointment of the following representative to the Homeless Advisory Board effective May 15, 2012, and ending September 30, ~~2013~~ 2014...(Community Services)

<u>Seat No.</u>	<u>Appointment</u>	<u>Member Category</u>	<u>Term Ending</u>	<u>Nominated By</u>
3	Marcia Andrews	Palm Beach County School District Representative	09/30/2013 <u>09/30/2014</u>	PBC School District

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 (*).