

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

DECEMBER 4, 2012

<u>PAGE</u>	<u>ITEM</u>	
6	2C-2	<u>ADD-ON:</u> Certificate of Appreciation to Lorraine Herdeen. (Sponsored by Commissioner Abrams)
8	3C-1	<u>REVISED TITLE & SUMMARY:</u> A) adopt a Resolution approving Amendment Number Five to the Transportation Regional Incentive Program (TRIP) Agreement... B) approve a Budget Amendment of \$1,943,843 <u>\$2,051,646</u> in the Road Impact Fee Fund – Zone 3 to recognize a TRIP agreement with FDOT and appropriate it to the Project. SUMMARY: Approval of Amendment Number Five to the Agreement will reduce the FDOT TRIP funding and increase the FDOT non-TRIP funding to match the awarded construction contract amount. It will also extend the expiration date of the TRIP agreement to June 30, 2013. A Palm Beach County (County) match of \$654,651 <u>\$708,613</u> is required and represents the County's share of TRIP funding. <u>District 6</u> (MRE) (Engineering)
18	3L-2	<u>REVISED SUMMARY:</u> A) Change Order No. 5 decreasing the construction Contract (R2011-1042) with Brang Construction Incorporated (Brang)... SUMMARY: On July 19, 2011, the Board entered into a \$2,498,035 Contract with Brang to construct the South Cove Natural Area Restoration Project within the Lake Worth Lagoon in the City of West Palm Beach. Four (4) change orders totaling a reduction of \$118,193.97 were issued. Change Order No. 5 accounts for final quantity adjustments and increases time by 159 days. The Contract Close-Out Agreement is a negotiated resolution of a disagreement over the extension of time. The new Contract amount is \$2,263,633.07, a net decrease of \$234,401.93. Brang achieved the Contract required 21.94% <u>22.91%</u> small business enterprise (SBE) participation which exceeds the established 15% SBE goal. <u>District 7</u> (JM) (ERM)
29	4A-2	<u>REVISED SUMMARY:</u> A proposed Palm Beach County Wage Theft Ordinance was brought before the Board for preliminary reading on February 1, 2011, and the public hearing scheduled on June 21, 2011. That public hearing was deferred pending the outcome of several issues that could have affected the Board's ability to enact a wage theft ordinance. However, the legislative bill did not pass, the Eleventh Circuit Court dismissed the Florida Retail Federation's lawsuit and found that the Miami-Dade County Wage Theft Ordinance was a proper exercise of governmental authority under Florida's Constitution and Legal Aid provided an updated report regarding their wage theft project. On April 17, 2012, the Board directed Staff to meet with the representatives from Legal Aid, People Engaged in Active Community Efforts, Inc., (PEACE), and the business community. Staff revised the proposed Wage Theft Ordinance based upon comments from the interested parties and met with the parties in June and October 2012. The parties were not able to agree upon the language of or the need for a County Wage Theft Ordinance. Legal Aid has represented that an approximate amount of \$100,000 annually will be required to provide the necessary support to implement the wage recovery program. If the resolution is adopted by the Board, Staff will bring back to the Board for approval a contract between the County and Legal Aid which will include deliverables, deadlines, benchmarks and reporting requirements for the wage recovery program including a provision that the contract will be reviewed within two (2) years. <u>Additionally, Chief Judge Blanc has suggested a potential role for the courts in resolution of wage disputes. Countywide</u> (DO)
38	8D	<u>ADD-ON:</u> Commissioner Board Assignments Discussion. (Commissioner Abrams)

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 (*).

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

DECEMBER 4, 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
 - C. Special Presentations (Page 6)

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

- 4. REGULAR AGENDA (Pages 29 - 32)**
TIME CERTAIN 10:30 A.M. (Wage Theft) (Page 29)

- 5. BOARD APPOINTMENTS (Pages 33 - 35)**

- 6. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 36)**

- 7. STAFF COMMENTS (Page 37)**

- 8. COMMISSIONER COMMENTS (Page 38)**

- 9. ADJOURNMENT (Page 38)**

TABLE OF CONTENTS

SPECIAL PRESENTATIONS - 9:30 A.M.

- Page 6
2C-1 Certificate of Commendation to William C. Ferris

CONSENT AGENDA

A. ADMINISTRATION

- Page 7
3A-1 Streetlights for Limestone Creek and Cabana Colony neighborhoods

B. CLERK & COMPTROLLER

- Page 7
3B-1 Warrant list
3B-2 Minutes: None
3B-3 Contracts and claims settlements list

C. ENGINEERING & PUBLIC WORKS

- Page 8
3C-1 Amendment No. 5 with FDOT relating to C-51 Bridge at SR 7/SR 80
3C-2 Subordinations of utility interest with FPL and Seacoast Utility, and Subordination of drainage easement relating to Roan Court
3C-3 Subordination of utility interest with FPL relating to Community Drive
Page 9
3C-4 Joint Participation and Project Funding Agreement with Town of Jupiter relating to improvements to Central Boulevard
3C-5 Highway Maintenance Memorandum of Agreement with FDOT for construction of Jog Road (Gun Club Rd to Wallis Rd)
3C-6 Amendment No. 1 with FDOT regarding State Road 7 irrigation and landscaping

D. COUNTY ATTORNEY

- Page 10
3D-1 Amendments to Legal Services Authorizations with de la Parte & Gilbert and Sundstrom, Friedman & Fumero

E. COMMUNITY SERVICES - None

F. AIRPORTS

- Page 10
3F-1 Receive and file four Extensions of Time to FDOT Joint Participation Agreements
Page 11
3F-2 Supplemental Joint Participation Agreement No. 2 with FDOT relating to rehabilitation of Taxiway M at North Palm Beach County General Aviation Airport

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

- Page 11
3G-1 Negotiated settlement offer with Thomas & Cassandra Veit for code enforcement lien
3G-2 Negotiated settlement offer with Gregory Pashkow for code enforcement lien

H. FACILITIES DEVELOPMENT & OPERATIONS

- Page 12
3H-1 Easement in favor of Lake Worth Drainage District for canal maintenance across County property south of Forest Hill Boulevard
3H-2 Third option to extend Concessionaire Service Agreement with Dania Pier Management Corp. for use of concession building at Juno Beach pier
3H-3 Second option to extend Lease Agreement with Robert Weatherbee to provide food service at Vista Center (2300 Building)

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

Page 13

- 3H-4 Utility Easement Agreement in favor of FPL for overhead electrical service for Hagen Ranch Road Library
- 3H-5 Contract with Fastrack Management & Consulting to provide new water treatment equipment at Emergency Operations Center

- 3H-6 Amendment No. 2 to six annual roofing contracts

I. ECONOMIC SUSTAINABILITY

Page 14

- 3I-1 Receive and file four Agreements and ten Amendments under various federal/state program

Page 15

- 3I-2 Amendment No. 1 with Town of Mangonia Park regarding playground improvements at Addie Green Public Park
- 3I-3 Amendment No. 1 with Palm Beach County Housing Authority for replacement of fire and smoke alarm system at Drexel House Apartments
- 3I-4 Resolution approving ADT, LLC as Qualified Target Industry business`

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

Page 15

- 3K-1 Work Authorization No. 6 with Globaltech, Inc. for regional wastewater pump Station No. 5241 improvements

Page 16

- 3K-2 First Amendment with United Technologies Corp. and Beeline Community Development District relating to the potable water and wastewater development agreement
- 3K-3 CSA No. 8 with Carollo Engineers, Inc. for filter replacement at WTP No. 2
- 3K-4 Supplemental No. 2 with AKA Services for North County Airport Utility improvements

Page 17

- 3K-5 First Amendment to Standard Potable Water and Wastewater Development Agreement and an Indemnity/Restoration Agreement with KRG/Atlantic Delray Beach
- 3K-6 Interlocal Agreement with Village of Royal Palm Beach to provide a berm and landscape improvements under the County's Northern Region Operations Center project
- 3K-7 Contract with Lanzo Lining Services, Inc. for inflow and infiltration improvements for the Glades Utility Authority City of Pahokee

L. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 18

- 3L-1 Grant Agreement with FDEP relating to Ocean Ridge Beach Nourishment project
- 3L-2 Change Order No. 5 with Brang Construction Incorporated relating to South Cove Natural Area project

M. PARKS & RECREATION

Page 19

- 3M-1 Vending Service Agreement with Florida Division of Blind Services to provide vending machine services at County Parks & Recreation facilities
- 3M-2 Receive and file three Independent Contractor Agreements

Page 20

- 3M-3 FIND Waterways Assistance Program Grant Project Agreement relating to Burt Reynolds Park improvements
- 3M-4 FIND Waterways Assistance Program Grant relating to design/permitting of Waterway Park

Page 21

- 3M-5 Ratify signature on Florida Coastal Partnership Initiative Grant Application for Jupiter Beach Park Restoration/Enhancement project
- 3M-6 Ratify signature on Florida Recreation Development Assistance Program Grant Application for John Prince Memorial Park improvements

TABLE OF CONTENTS
CONSENT AGENDA CONTINUED

M. PARKS & RECREATION (Cont'd)

Page 22

- 3M-7 Ratify signature on Florida Recreation Development Assistance Program Grant Application for Okeehetee Park South improvements
- 3M-8 Project Agreement Amendment with FIND Waterways Assistance Program Grant regarding staging dock in Burt Reynolds Park

Page 23

- 3M-9 Budget Transfer to Green Nature Center improvements

N. LIBRARY - None

P. COOPERATIVE EXTENSION SERVICE

Page 23

- 3P-1 Urban and Community Forestry Grant Memorandum of Agreement with Florida Department of Agriculture and Consumer Services for funding part-time program assistant for urban forestry program

Q. CRIMINAL JUSTICE COMMISSION - None

R. HUMAN RESOURCES - None

S. FIRE RESCUE - None

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES

Page 23

- 3U-1 Interlocal Agreement with Village of Wellington for geographic data sharing

Page 24

- 3U-2 Task Orders relating to digital orthophotography and planimetric mapping services
- 3U-3 Agreement for IT services with Palm Beach County Law Enforcement Exchange, Inc.

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY

Page 24

- 3X-1 Agreements with City of Pahokee to provide grant funding for Continuity of Operations Plan update and an evacuation and re-entry plan

Page 25

- 3X-2 Memorandum of Understanding with PBSO relating to Geographic-based Notification System
- 3X-3 Modification to reinstate/extend Emergency Management Performance Grant 2010 Agreement with Florida Division of Emergency Management
- 3X-4 Contract with 211 Palm Beach/Treasure Coast, Inc. for phone emergency crisis counseling services

Page 26

- 3X-5 Agreement to reinstate/extend contract with Children's Home Society of Florida to provide consulting/professional services in the area of family drug court/dependency proceedings
- 3X-6 Pricing Schedule with AT&T relative to County's Next Generation 911 System

Y. PURCHASING - None

Z. RISK MANAGEMENT - None

AA. PALM TRAN - None

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

BB. SHERIFF

Page 27

3BB-1 Budget Transfer from Law Enforcement Trust Fund to various drug and crime prevention and education programs

CC. WESTAGE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

Page 28

3CC-1 Modification No. 3 to subgrant agreement with Florida Division of Emergency Management relative to L-2 Canal stormwater pump station construction

3CC-2 Change Order No. 1 with Giannetti Contracting Corporation for Westgate/Belvedere Homes infrastructure improvements

REGULAR AGENDA

ADMINISTRATION

Page 29

4A-1 2013 Draft State Legislative Program

4A-2 Resolution establishing Wage Theft policy – **TIME CERTAIN 10:30 A.M.**

COUNTY ATTORNEY

Page 29

4B-1 Application of Bright Futures Academy Charter School, Inc. for Florida Revenue Bonds

ENGINEERING & PUBLIC WORKS

Page 30

4C-1 Five Year Road Program Ordinance

OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 30

4D-1 Refund to Florida Division of Emergency Management relating to de-obligation of Hurricanes Frances, Jeanne and Wilma claims

PARKS & RECREATION

Page 31

4E-1 Aqua Crest Pool facility proposed lease with City of Delray Beach

PLANNING, ZONING & BUILDING

Page 31

4F-1 Interlocal Agreement with Village of Palm Springs providing for annexation of one enclave

ECONOMIC SUSTAINABILITY

Page 32

4G-1 Economic Development Ad Valorem Tax Exemption Ordinance

BOARD APPOINTMENTS (Pages 33 - 35)

MATTERS BY THE PUBLIC – 2:00 P.M. (Page 36)

STAFF COMMENTS (Page 37)

COMMISSIONER COMMENTS (Page 38)

ADJOURNMENT (Page 38)

DECEMBER 4, 2012

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Certificate of Commendation to William C. Ferris. (Sponsored by Commissioner Abrams)
2. **ADD-ON:** Certificate of Appreciation to Lorraine Herdeen. (Sponsored by Commissioner Abrams)

* * * * *

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) Expenditure of \$180,000 to complete Phase 2 of the installation and 20 years maintenance of 30 "cobra head" streetlights within the Limestone Creek Countywide Community Revitalization Team (CCRT) area;

B) Expenditure of \$40,000 to extend the maintenance for 20 "cobra head" streetlights in the Cabana Colony area for approximately 10 additional years for Phase 1;

C) Budget Transfer of \$220,000 in the Capital Outlay Fund from the CCRT Street Lighting Project account to the Limestone Creek Street Lighting Project (\$60,000 for installation) and to the CCRT Street Lighting Maintenance Fund for Limestone Creek (\$120,000) and Cabana Colony (\$40,000); and

D) Budget Amendment of \$160,000 in the CCRT Street Lighting Maintenance Fund to recognize and appropriate the budget transfer from the Capital Outlay Fund.

SUMMARY: The Limestone Creek street lighting project was initiated by members of the Limestone Creek neighborhood group. The total amount of funding provided for this project is \$180,000. Based on review by the Palm Beach County Sheriffs' Office and the Office of Community Revitalization staff, it was determined that the installation of these streetlights would help reduce crime, enhance pedestrian safety and facilitate safer vehicular movement. The Cabana Colony Street Lighting Project Phase 1 was approved by the Board of County Commissioners on September 9, 2008. The project entailed the installation and 10-year maintenance of 20 cobra head streetlights within the Cabana Colony neighborhood. A total of \$40,000 was allocated to this project. The requested transfer of \$40,000 is needed to extend the maintenance of the lights for an additional 10 years. District 1 (AH)

B. CLERK & COMPTROLLER

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

2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: None

3. Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. REVISED TITLE & SUMMARY: Staff recommends motion to:

A) adopt a Resolution approving Amendment Number Five to the Transportation Regional Incentive Program (TRIP) Agreement R2008-0939 with the State of Florida Department of Transportation (FDOT), approved on June 3, 2008, to reduce the FDOT TRIP funding and increase the FDOT non-TRIP funding for construction and construction engineering inspection of the C-51 Bridge at the State Road 7/State Road 80 Intersection project (Project) and extend the expiration date to June 30, 2013; and

B) approve a Budget Amendment of ~~\$1,943,843~~ \$2,051,646 in the Road Impact Fee Fund – Zone 3 to recognize a TRIP agreement with FDOT and appropriate it to the Project.

SUMMARY: Approval of Amendment Number Five to the Agreement will reduce the FDOT TRIP funding and increase the FDOT non-TRIP funding to match the awarded construction contract amount. It will also extend the expiration date of the TRIP agreement to June 30, 2013. A Palm Beach County (County) match of ~~\$654,654~~ \$708,613 is required and represents the County's share of TRIP funding. District 6 (MRE)

2. Staff recommends motion to:

A) approve two Subordinations of utility interests and an Agreement for reimbursement for current and future facility relocations (Subordination Agreements) with Florida Power and Light Company (FPL) on two parcels of land known as parcels 100 and 101 located on the west side of Roan Lane, south of Roan Court;

B) approve a Subordination of utility interests (Utility Subordination) with Seacoast Utility Authority (Seacoast) on a ten foot strip of land known as parcel 101 located on the west side of Roan Lane, south of Roan Court; and

C) accept a Subordination of drainage easement (Drainage Subordination) from Filippo L. Milio (Milio) on a ten foot strip of land known as parcel 101 located on the west side of Roan Lane, south of Roan Court.

SUMMARY: Approval of the two Subordination Agreements from FPL and the Utility Subordination from Seacoast will release the utility easements on parcels 100 and 101. Acceptance of the Drainage Subordination will release a drainage easement encumbrance from Milio on parcel 101. These actions will provide unencumbered ownership of the parcels to Palm Beach County. District 1 (MRE)

3. Staff recommends motion to approve: a Subordination of utility interests (Subordination Agreement) with Florida Power & Light Company (FPL) on a parcel of land located on the north side of Community Drive at Military Trail. **SUMMARY:** Oxbridge Academy of the Palm Beaches (Oxbridge), as part of the platting process is required to provide Palm Beach County (County) with 895 square feet of additional right-of-way on the north side of Community Drive for intersection improvements at Military Trail. Approval of the Subordination Agreement will release an FPL utility easement interest in said parcel and allow the County to accept a warranty deed from the owner free and clear of all encumbrances. District 7 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. Staff recommends motion to approve:

A) a Joint Participation and Project Funding Agreement (Agreement) with the Town of Jupiter (Town) in the amount of \$7,400 for water utility adjustments and improvements on Central Boulevard from C-18 Canal to Church Street; and

B) a Budget Amendment of \$7,400 in the Road Impact Fee Fund – Zone 1 to recognize reimbursement funding from the Town of Jupiter and appropriate it to the Central Boulevard/Indiantown Road to Longshore Drive project (Project).

SUMMARY: Approval of this Agreement will allow Palm Beach County (County) and the Town to jointly participate in water utility adjustments and improvements for the Project. The Town agrees to reimburse the County for the cost of these utility adjustments and improvements. This Budget Amendment is necessary to reflect the funding by the Town of Jupiter for the utility improvements to be incorporated into the County's construction of the Project. District 1 (MRE)

5. Staff recommends motion to adopt: a Resolution to approve a Highway Maintenance Memorandum of Agreement (Agreement) with the Florida Department of Transportation (FDOT) for construction of Jog Road from south of Gun Club Road to north of Wallis Road (Project). **SUMMARY:** Approval of this Agreement will allow FDOT to construct the Project, which will provide full width paved shoulders. District 2 (MRE)

6. Staff recommends motion to adopt: a Resolution to approve Amendment Number One to the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) to add E-Verify language and detailed FDOT-permitted landscape plans as an exhibit regarding Palm Beach County's (County) installation of irrigation and landscape in the medians of State Road 7 from the Broward/Palm Beach County Line to Palmetto Park Road (Project). **SUMMARY:** Approval of Amendment Number One to the JPA will add E-Verify language and detailed FDOT-permitted landscape plans as an exhibit to the JPA. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. Staff recommends motion to approve:

A) Second Amendment to Legal Services Authorization 2011-0352-B with de la Parte & Gilbert, P.A., for legal services related to water policy issues; and

B) Second Amendment to Legal Services Authorization 2011-0353-C with Sundstrom, Friedman & Fumero, LLP, for legal services related to the Glades Utility Authority.

SUMMARY: On March 15, 2011, the Board of County Commissioners approved agreements with de la Parte & Gilbert, P.A. (R2011-0352) and Rose Sundstrom & Bentley, LLP (now known as Sundstrom, Friedman, & Fumero) (R2011-0353) for legal services related to water utilities issues. Pursuant to those agreements, work assignments were to be authorized by Legal Services Authorizations. On May 3, 2011, the Board of County Commissioners approved Legal Services Authorization 2011-0352-B (R2011-0601) with de la Parte & Gilbert, P.A, for water policy legal services (the "Water Policy LSA"). The Water Policy LSA was amended on March 20, 2012 (R2012-0417) to extend its term for a period of one (1) year. This Second Amendment to the Water Policy LSA increases the not-to-exceed amount from \$66,800 to \$116,800 and is necessary due to ongoing water policy issues facing the Water Utilities Department. On October 4, 2011, the Board of County Commissioners approved Legal Service Authorization 2011-0353-C with Sundstrom, Friedman & Fumero, LLP (R2011-1488) for legal services related to the Glades Utility Authority (the GUA LSA). The GUA LSA was amended on January 24, 2012 (R2012-0208) to increase the not-to-exceed amount from \$50,000 to \$100,000. This Second Amendment to the GUA LSA increases the not-to-exceed amount from \$100,000 to \$175,000 and extends the expiration date from December 21, 2012 until June 30, 2013 and is necessary to utilize the services of Sundstrom, Friedman & Fumero for issues relating to the transfer of the GUA utility system to the County. Countywide (MWJ)

F. AIRPORTS

1. Staff recommends motion to receive and file: an Extension of Time to the following Joint Participation Agreements (JPA) with the Florida Department of Transportation (FDOT):

A) Airfield Taxiway Rehabilitation and Security at Palm Beach International Airport, Fin. Proj. No.: 414564-1-94-01 approved by the Board on October 16, 2007 (R2007-1792) and amended April 3, 2012 (R2012-0488), is hereby extended until May 31, 2013; and

B) Construct Apron and Taxilanes and Miscellaneous GA Security Improvements at North Palm Beach County General Aviation Airport and Palm Beach County Glades Airport, Fin. Proj. No.: 416294-1-94-01 approved by the Board on September 23, 2008 (R2008-1636) and amended January 13, 2009 (R2009-0080) and May 1, 2012 (R2012-0622), is hereby extended until December 31, 2013; and

C) Acquire Land Runway 9L/27R (10L/28R) at Palm Beach International Airport, Fin. Proj. No.: 416295-1-94-01 approved by the Board on October 7, 2008 (R2008-1741), is hereby extended until December 31, 2013; and

D) Connection to County Water and Wastewater Service at North Palm Beach County General Aviation Airport, Fin. Proj. No.: 427134-1-94-01 approved by the Board on October 6, 2009 (R2009-1715), is hereby extended until March 31, 2013.

SUMMARY: Delegation of authority for execution of the above Extensions of Time to the JPAs with the FDOT was approved by the Board on October 18, 2011 (Agenda Item No. 3F-11). Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to adopt: a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 2 with the Florida Department of Transportation (FDOT) to amend the original project description with no increase in funding. **SUMMARY:** On June 29, 2010, the Board of County Commissioners (BCC) adopted a resolution (R2010-1009) approving a Joint Participation Agreement (JPA) (R2010-1010) with the FDOT in the amount of \$55,000 or 80.00% of the eligible project costs, whichever is less, to rehabilitate Taxiway M at North Palm Beach County General Aviation Airport. On March 15, 2011, the BCC adopted a resolution (R2011-0373) approving SJPA Number 1 to include the E-Verify and scope of work language to the said JPA. SJPA Number 2 amends the original project description to include apron/runway/taxiway crack sealing with no increase in funding. Countywide (AH)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$4,588.72 for the full satisfaction of a Code Enforcement Lien that was entered against Thomas & Cassandra Veit on May 19, 2008. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on February 6, 2008 giving the Veits until March 7, 2008 to obtain a permit for re-roofing work that was being done on their home. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50 per day was imposed. The CESM then entered a claim of lien against the Veits on May 19, 2008. The cited code violation was fully corrected as of June 18, 2008, the date the permit was issued. The total accumulated lien amount through October 18, 2012, the date settlement discussions began, totaled \$9,177.44 of which the Veits have agreed to pay the County \$4,588.72 (50%) for full settlement of their outstanding Code Enforcement Lien. District 2 (PGE)
2. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$8,900 for the full satisfaction of a Code Enforcement Lien that was entered against Gregory Pashkow on August 6, 2008. **SUMMARY:** The Code Enforcement Special Master (CESM) entered an Order on April 2, 2008 giving Mr. Pashkow until June 2, 2008 to mow the property, repair/replace all damaged windows and screens, clean up of mold and mildew, repair/replace missing/damaged siding and screens, repair/replace non-working refrigerator and chest freezer and replace all missing/damaged electrical outlet covers. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50 per day was imposed. The CESM then entered a claim of lien against Mr. Pashkow on August 6, 2008. The cited code violations were fully corrected as of January 16, 2009. The total accumulated lien amount through October 12, 2012, the date settlement discussions began, totaled \$19,270.70 which Mr. Pashkow has agreed to pay the County \$8,900 (46.2%) for full settlement of his outstanding Code Enforcement Lien. District 2 (PGE)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** an Easement in favor of Lake Worth Drainage District (LWDD) for canal maintenance across the County property located south of Forest Hill Boulevard, east of the Turnpike. **SUMMARY:** The County owns approximately 768 acres of property on the south side of Forest Hill Boulevard across from Okeeheelee Park. The County has developed Okeeheelee Park South, the Sheriff's K-9 facility, and WUD's Central Regional Operations Center on this property. The LWDD's E-2E canal runs along the western boundary of the County's property. The County is in the process of platting the County's overall property, and during extensive review of the survey it was discovered that LWDD did not have easements for portions of the LWDD's E-2E canal. This Easement will complete LWDD's overall easement requirements along the eastern bank of the E-2E canal and the western boundary of the County's property. The combined easement areas cover 2.37 acres. The Easement is being granted now at no cost to LWDD as it will ultimately be required to finalize the plat. (PREM) District 2 (HJF)

2. **Staff recommends motion to receive and file:** a notice of exercise of the third option to extend the term of the Concessionaire Service Agreement (R2007-2256) with Dania Pier Management Corp., for the continued use of the concession building at the Juno Beach pier for \$54,749.39/year. **SUMMARY:** Since January 1, 2008, Dania Pier Management Corp. (DPM) has operated under the current Concessionaire Service Agreement for the use of the concession building at the Juno Beach pier. DPM now wishes to exercise the third of three (3) one (1) year extension options for the period of January 1, 2013, to December 31, 2013. The Annual Rent will be increased by four percent (4%) from \$52,643.64 (\$4,386.97/month) to \$54,749.39 (\$4,562.45/month) effective January 1, 2013. The Parks & Recreation Department is satisfied with DPM's performance. The Board has no discretionary authority to deny the exercise of the option; however, the County may terminate this Agreement upon ninety (90) days written notice to DPM. (PREM) District 1 (HJF)

3. **Staff recommends motion to approve:** exercise of the second option to extend Lease Agreement (R2006-0077) with Robert Weatherbee d/b/a The Sub Division, a sole proprietor, to continue to provide food services at the County's Vista Center 2300 Building in West Palm Beach at an annual rate of \$8,759.90. **SUMMARY:** Since January 1, 2007, Robert Weatherbee d/b/a The Sub Division (Weatherbee) has been leasing 349 square feet of space in the Lunchroom area to provide food services at the County's Vista Center 2300 Building located at 2300 North Jog Road in West Palm Beach. The initial term of the Lease was for five years commencing on January 1, 2007, and contained two - one year extension options subject to Board approval. Weatherbee has requested the County's consent to his exercise of the second and final one year extension option which will extend the term through December 31, 2013. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. **Staff recommends motion to approve:** a Utility Easement Agreement in favor of the Florida Power & Light Company (FPL) for overhead electrical service within the County's Hagen Ranch Road Library property in Delray Beach. **SUMMARY:** FPL has an existing power pole within the right-of-way in front of the library which for safety reasons needs to be relocated approximately 5 feet onto the adjacent library site. The relocation of the pole will align the overhead power lines over the library site requiring a 10' easement. The easement includes two 10' easement areas being approximately 88' and 260' in length. There is an existing 10' FPL easement located between the two proposed easement areas. The combined easement area total is approximately 3,509 sq. ft. (0.08 acres). This non-exclusive easement is being granted at no charge as it has no impact on the existing County facilities and will improve the reliability of electrical service to our facilities. (PREM) District 5 (HJF)

5. **Staff recommends motion to approve:** a Contract with Fastrack Management & Consulting, Inc. in the amount of \$279,168 to provide new water treatment equipment at the Emergency Operations Center in West Palm Beach. **SUMMARY:** The existing water treatment system is no longer operating leaving no backup potable water for the facility during a critical event. The project will also provide a new well separating the potable source from the irrigation system. The funding for this project is from the five year Countywide Repair, Replace and Renovate account. The Small Business Enterprise (SBE) goal is 15%. Fastrack Management & Consulting, Inc.'s bid includes SBE participation of 72.5%. The total construction duration is 120 days. Fastrack Management & Consulting, Inc. is a Palm Beach County company. (Capital Improvements) District 2 (JM)

6. **Staff recommends motion to approve:** Amendment No. 2 to six annual roofing contracts:

<u>Contractor</u>	<u>Original Contract Resolution #</u>	<u>Status</u>	<u>Total Dollar In Work Orders to Date</u>	<u>Total SBE Participation to Date</u>
A) Advanced Roofing, Inc.	R2010-1994	Non SBE/ Broward	\$80,923.00	0%
B) Hi-Tech Roofing & Sheetmetal, Inc.	R2010-1993	SBE/Local	\$434,218.11	100%
C) Roofing Concepts Unlimited of Florida, Inc.	R2010-1997	Non SBE/ Broward	\$90,803.51	0%
D) Tecta America South Florida, Inc.	R2010-1995	Non SBE/ Broward	\$47,192.20	0%
E) Triple M Roofing Corporation	R2010-1999	Non SBE/ Broward	\$3,250.00	0%
F) Tri State Roofing & General Contractors, LLC	R2010-1996	SBE/Local	\$130,115.41	100%

SUMMARY: These six (6) roofing contractors were prequalified to provide roof repairs, maintenance, and replacements with a maximum cumulative value of \$1,500,000 across all six (6) contracts and the contracts were approved by the Board on December 7, 2010. Work is authorized through either an emergency work order or through competitive bidding when required during the term of this contract. The original contracts provided for an initial one year term with four - one year renewal options. Amendment No. 2 will provide for continued services for the second renewal period. These contracts have a Small Business Enterprise (SBE) participation goal of 15%. During the first two years of these contracts, the combined SBE participation has been 71%. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to receive and file: four Agreements and ten Amendments to Agreements, as follows:

A) Agreement with the Pahokee Housing Authority under the 2005 Disaster Recovery Initiative Program (DRI2);

B) Agreement with the Treasure Coast Regional Planning Council under the Community Challenge Planning Grant (CCPG);

C) Loan Agreement with HTG Palm Beach II, LLC under Neighborhood Stabilization Program 2 (NSP2) and the Home Investment Partnership Program (HOME);

D) Subordination and Intercreditor Agreement with Citibank, N.A., under NSP2 and HOME;

E) Amendment No. 003 to the Agreement (R2011-1031) with Westgate/Belvedere Homes Community Redevelopment Agency under NSP2;

F) Amendment No. 001 to the Agreement (R2012-1252) with the City of Riviera Beach under DRI2;

G) Amendment No. 001 to the Agreement (R2012-0137) with the Housing Authority of the City of Belle Glade under the 2005 Disaster Recovery Initiative Program - Supplemental Appropriation (DRI3);

H) Amendment No. 001 to the Agreement (R2012-1006) with Pahokee Housing Authority under the DRI3;

I) Amendment No. 003 to the Agreement (R2011-0618) with the Boca Raton Housing Authority under DRI3;

J) Amendment No. 003 to the Agreement (R2009-1778) with the Boca Raton Housing Authority under DRI3;

K) Amendment No. 002 to the Agreement (R2011-0617) with In The Pines, Inc. under DRI3;

L) Amendment No. 002 to the Agreement (R2011-0621) with Neighborhood Renaissance, Inc. under DRI3;

M) Amendment No. 002 to the Agreement (R2011-0622) with the Palm Beach County Housing Authority under DRI3; and

N) Amendment No. 003 to the Agreement (R2011-0615) with the West Palm Beach Housing Authority under DRI3.

SUMMARY: In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Agreements and Amendments have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator, or designee, in accordance with Agenda Items R2006-1351, R2007-1524, R2009-1122, R2010-1338, and 5C-2, approved by the Board on July 18, 2006, September 11, 2007, July 7, 2009, August 17, 2010, and June 5, 2012, respectively. The Agreements and Amendments are now being submitted to the Board to receive and file. **The Federal DRI2, DRI3, NSP2, and HOME funds require no local match, while the Federal CCPG funds require a match which will be met through in-kind contributions that include staff time and resources from the County and other partner agencies.** (DES Contract Development) Districts 1, 2, 4, 6 & 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2012-0247) with the Town of Mangonia Park extending the expiration date from December 12, 2012, to June 30, 2013. **SUMMARY:** On February 7, 2012, the County entered into an Agreement (R2012-0247) with the Town of Mangonia Park allocating \$7,225 in Community Development Block Grant (CDBG) funds for the purchase, delivery and construction of playground improvements at the Addie Greene Public Park located at 1233 53rd Street, Mangonia Park. Delays in identifying public agency contracts for the Town's use to purchase playground equipment have necessitated this time extension. **These are Federal CDBG funds which require no local match.** (DES Contract Development) District 7 (TKF)

3. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2011-1027) with the Palm Beach County Housing Authority extending the expiration date from December 15, 2012, to December 15, 2013. **SUMMARY:** On July 19, 2011, the County entered into an Agreement (R2011-1027) with the Palm Beach County Housing Authority to provide \$52,628 in Community Development Block Grant (CDBG) for the replacement of an outdated fire and smoke alarm system at Drexel House Apartments, located at 1745 Drexel Road, West Palm Beach. Additional time is needed in order to revise the specifications and bid documents to replace the entire system rather than certain components of the system as originally attempted. **These are Federal CDBG funds which require no local match.** (DES Contract Development) District 2 (TKF)

4. Staff recommends motion to adopt: a Resolution by the Board of County Commissioners of Palm Beach County, Florida, recommending approval of ADT, LLC, a newly created corporate entity, as a Qualified Target Industry (QTI) business pursuant to s.288.108, Florida Statutes; providing for local financial support for the Qualified Target Industry Tax Program not to exceed \$84,000 and the Quick Action Closing Fund in the form of a job growth incentive grant not to exceed \$100,000 over a three year period. **SUMMARY:** On October 16, 2012, the Board of County Commissioners adopted a Resolution (R2012-1589) conceptually approving a Job Growth Incentive Grant to ADT, LLC in an amount not to exceed \$184,000 as a portion of the local match for the State Qualified Target Industry Grant. The State requested changes to the language to process the State's portion of the incentive. **There is no additional fiscal impact.** District 4 (DW)

K. WATER UTILITIES

1. Staff recommends motion to approve: Work Authorization No. 6 to the Contract for Water, Wastewater and Reclaimed Water Improvements Design-Build Services with Globaltech, Inc. (R2012-0159) for the Regional Wastewater Pump Station No. 5241 Improvements in the amount of \$277,780.62. **SUMMARY:** On January 24, 2012, the Palm Beach County Board of County Commissioners approved the Water Utilities Department Optimization and Improvements Design/Build Services Contract with Globaltech, Inc. (R2012-0159). This Work Authorization is a fixed price for replacement of the hydraulic pump discharge control valves with new check valves and piping improvements for the Regional Wastewater Pump Station No. 5241. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Globaltech, Inc. provides for SBE participation of 75% overall. This Authorization includes 100% overall participation. The cumulative SBE participation, including this Work Authorization, is 81.46% overall. Globaltech is a Palm Beach County firm and certified SBE company. (WUD Project No. 12-061) District 2 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. **Staff recommends motion to approve:** a First Amendment to the Potable Water and Wastewater Development Agreement with United Technologies Corporation (“Tenant”) and the Beeline Community Development District (“Property Owner”) reimbursing the Tenant \$42,550 for certain redesign and re-permitting costs. **SUMMARY:** Tenant rents property from the Beeline Community Development District. Tenant’s facility, which tests fire protection systems, requires a much higher than standard level of fire flow protection. Tenant completed the design and permitting, with Water Utilities Department (WUD) approval, of a suitable system and was permitted to construct it. Prior to the beginning of construction WUD discovered that a recently installed WUD-owned auxiliary re-chlorination facility would inhibit Tenant from achieving its required and permitted fire protection flow. Tenant was required to re-design and re-permit the utility facilities. WUD recommends a partial reimbursement of Tenant’s re-design and re-permitting fees due to the late discovery of the re-chlorination facility. The completed water system installed by the Tenant is owned by County and has adequate capacity to provide higher than standard level of fire protection to future projects in the vicinity of Tenant property. Board’s approval will reimburse the Tenant for the partial cost of re-design and re-permitting only. District 1 (MJ)

3. **Staff recommends motion to approve:** Consultant Services Authorization No. 8 for the Water Treatment Plant No. 2 (WTP 2) Filter Replacement in the amount of \$926,373 to the Water Plant and Water Resources Engineering Services Contract with Carollo Engineers, Inc. (R2011-0630). **SUMMARY:** On June 3, 2011, the Board of County Commissioners approved the Contract for Consulting/Professional Services with Carollo Engineers, Inc. (R2011-0630). This Consultant Services Authorization will provide for design and permitting of the WTP 2 Filter Replacement. The existing steel fabricated filters were installed as a developer constructed water treatment facility in 1973 (Phase 1) and 1981 (Phase 2), and are nearing the end of their useful life. The replacement filters will be designed with concrete construction to house the filter media which will provide a longer useful life. The design will include the addition of backwash recovery to conserve water resources and reduce operating costs. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The Contract with Carollo Engineers, Inc. provides for SBE participation of 26% overall. This Authorization includes 29.58% overall participation. The cumulative SBE participation, including this Authorization, is 27.99% overall. Carollo Engineers, Inc. is a Palm Beach County company. (WUD Project No. 12-066) District 2 (JM)

4. **Staff recommends motion to approve:** Supplement No. 2 to Work Authorization No. 5 to the Continuing Contract with AKA Services, Inc. (R2010-1422) for the North County Airport Utility Improvement Project, increasing the contract price by \$198,116 and providing for an 81 day time extension. **SUMMARY:** On March 1, 2011, the Palm Beach County Board of County Commissioners approved Work Authorization No. 5 (R2011-0292) to the Continuing Construction Contract with AKA Services, Inc. (R2010-1422) for the North County Airport Utility Improvement Project. This Supplement authorizes the contractor to perform additional work identified in this Supplement, and awards a delay claim caused by the late issuance of the CSX Railroad permit. These contract adjustments are necessary to reflect changed conditions to the contract requirements. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. The Contract with AKA Services, Inc. provides for SBE participation of 16.01% overall. This Supplement includes zero overall SBE participation. The Cumulative SBE participation including this Supplement is 13.85% overall. AKA Services, Inc. is a Palm Beach County company. (WUD Project No. 10-020) District 1 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. Staff recommends motion to approve: a First Amendment to the Standard Potable Water and Wastewater Development Agreement and an Indemnity/Restoration Agreement with KRG/Atlantic Delray Beach, LLC (Property Owner). **SUMMARY:** The County and Property Owner entered into a Standard Potable Water and Wastewater Development Agreement for a property on August 27, 2007. The County and Property Owner also entered into a Reclaimed Water Development Agreement on September 11, 2007, as this property is located in the "Mandatory Reclaimed Water Service Area". Reclaimed water service is not presently available to the site, but is anticipated to be available within one (1) year. The Property Owner has built its irrigation system to use reclaimed water in accordance with the Reclaimed Agreement. This Amendment permits the use of potable water for irrigation on the property until such time as reclaimed water is available. The Property Owner will connect to reclaimed water for landscape irrigation within 30 days of notification that reclaimed water is available. The Property Owner will obtain necessary approvals to use potable water for irrigation as the unavailability of reclaimed water to the subject property is caused by circumstances outside the control of the Property Owner. The Water Utilities Department recommends the temporary provision of potable water for irrigation at the temporary wholesale rate, which is currently \$1.40 per 1,000 gallons and deference of Impact Fees until reclaimed water is made available to the customer. Additionally, the County is requiring the Property Owner and its successors to memorialize certain obligations related to maintenance and/or replacement and hold the County harmless from and against any and all damages related to maintenance of the Utility facilities. District 5 (MJ)

6. Staff recommends motion to approve: an Interlocal Agreement with the Village of Royal Palm Beach (Village) to provide a berm and landscape improvements on the Village's cell tower site, under the Palm Beach County Northern Region Operations Center (NROC) project. **SUMMARY:** On October 16, 2012, the Palm Beach County Board of County Commissioners (Board) approved a Contract with Rio-Bak Corporation for the NROC Site Civil and Landscape Improvements (R2012-1552). A berm with landscaping will be installed to visually shield the NROC site from the adjacent residential properties. This Interlocal Agreement directs the County to install the berm and landscaping on the Village's cell tower site as provided in the alternate bid Item. The Interlocal Agreement obliges the Village to pay the cost of the bid alternate in the amount not to exceed \$62,000. (WUD Project No. 11-012) District 6 (MJ)

7. Staff recommends motion to approve: Contract with Lanzo Lining Services, Inc. for the Glades Utility Authority (GUA) City of Pahokee Inflow and Infiltration Improvements - Phase II Project in an amount of \$1,024,591.11. **SUMMARY:** On September 5, 2012, three bids were received for the Glades Utility Authority City of Pahokee Inflow and Infiltration Improvements - Phase II Project. Lanzo Lining Services, Inc. was the lowest responsive responsible bidder in the amount of \$1,024,591.11. Palm Beach County Water Utilities Department is implementing this project under its Management & Operations Contract with GUA. The project is funded by the State of Florida Department of Economic Opportunity (DEO) through the Disaster Recovery Initiative Program (DRI). The project is subject to a 22.4% minority participation goal and a 6.9% female participation goal for trades rather than the County's SBE goals. This Contract with Lanzo Lining Services, Inc. provides for 27.44% minority participation and 0.00% female participation. Staff recommends award to Lanzo Lining Services, Inc. contingent upon DEO approval of good faith efforts. Local Preference Ordinance is not applicable to this DRI funded project. Lanzo Lining Services, Inc. is a Broward County based firm. This project is contingent upon final approval by the DEO. **These are Federal DRI funds and require no local match.** (WUD Project No. 12-039) District 6 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve:

A) Grant Agreement No. 13PB1 with the Florida Department of Environmental Protection (FDEP) for cost-sharing in the Ocean Ridge Beach Nourishment Project with reimbursement up to \$147,925; and

B) Budget Amendment of \$147,925 to recognize the revenue increase in the Beach Improvement Fund.

SUMMARY: Grant Agreement No. 13PB1 provides for the reimbursement of funds expended by the County for engineering, environmental, and economic design of the Ocean Ridge Beach Nourishment Project. Under the terms of the Agreement, fifty percent (50%) of the non-Federal project costs could be eligible for reimbursement. The County is responsible for the local match requirement of fifty percent (50%) of the non-Federal share, or \$147,925, which is available in the Beach Improvement Fund from tourist development taxes. Reimbursement is retroactive to September 1, 2010, and the Agreement terminates on September 1, 2014. District 4 (SF)

2. REVISED SUMMARY: Staff recommends motion to approve:

A) Change Order No. 5 decreasing the construction Contract (R2011-1042) with Brang Construction Incorporated (Brang) in the amount of \$116,207.96 for quantity adjustments and increasing the contract time by 159 days to the substantial completion date of August 16, 2012 for South Cove Natural Area Project No. 2011ERM02 (Project); and

B) Contract Close-Out Agreement on construction Contract (R2011-1042) with Brang in the amount of \$122,832.44.

SUMMARY: On July 19, 2011, the Board entered into a \$2,498,035 Contract with Brang to construct the South Cove Natural Area Restoration Project within the Lake Worth Lagoon in the City of West Palm Beach. Four (4) change orders totaling a reduction of \$118,193.97 were issued. Change Order No. 5 accounts for final quantity adjustments and increases time by 159 days. The Contract Close-Out Agreement is a negotiated resolution of a disagreement over the extension of time. The new Contract amount is \$2,263,633.07, a net decrease of \$234,401.93. Brang achieved the Contract required ~~24.94%~~ 22.91% small business enterprise (SBE) participation which exceeds the established 15% SBE goal. District 7 (JM)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to:

A) approve a Vending Service Agreement with the State of Florida Department of Education Division of Blind Services for the period of December 4, 2012, through December 3, 2013, to provide vending machine services at Palm Beach County Parks and Recreation facilities; and

B) authorize the County Administrator or his designee to sign amendments to the Vending Service Agreement which add, subtract, or change the number or location of vending machines, but do not change the terms or conditions of the Vending Service Agreement.

SUMMARY: The Parks and Recreation Department has identified 19 locations within its operated and/or controlled facilities that would benefit by having vending machine services available. The proposal submitted by the State of Florida Department of Education Division of Blind Services (Division) demonstrated relevant experience and provided for a variety of beverage and snack items at competitive prices. The Agreement requires the Division to provide a selection of healthy snacks and drinks equal to 50% of the total of its product line in accordance with Palm Beach County Health Department protocols. The Division will pay the County a 10% commission on gross profit for all Parks public vending machine sales. Countywide (AH)

2. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the month of October:

A) Annabeth Karson, Yoga Instructor, Therapeutic Recreation Complex, for the period October 1, 2012, through September 30, 2013;

B) Caultett CMAA, Inc., Karate Instructor, Westgate Park & Recreation Center, for the period October 5, 2012, through November 30, 2012; and

C) Palm Beach County Officials Association, Inc., Volleyball Officials, West Boynton Park & Recreation Center, for the period November 13, 2012 through April 28, 2013.

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. These 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 3 & 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to:

A) receive and file a fully executed Florida Inland Navigation District (FIND) Waterways Assistance Program Grant Project Agreement for the planning, design and permitting necessary to redevelop the west side of Burt Reynolds Park for the period October 16, 2012, through September 1, 2014; and

B) approve a Budget Amendment of \$50,000 within the Park Improvement Fund to establish budget for the approved grant.

SUMMARY: On May 1, 2012, the Board authorized submission of a Waterways Assistance Program grant application, R2012-0644, to fund a portion of the planning, design, and permitting costs associated with the redevelopment of the west side of Burt Reynolds Park. The Board also authorized the County Administrator or his designee to execute the Project Agreement (FIND Project No. PB-12-162) and other grant forms related to this project if the grant was approved. The grant was approved, the Project Agreement has been fully executed in accordance with Board authorization, and is being submitted to the Board to receive and file and to establish budget for the grant. The \$50,000 FIND grant requires a \$50,000 (50%) match, which will be funded from the Florida Boating Improvement Program (FBIP). This grant project must be completed and all required reimbursement information submitted to FIND on or before September 1, 2014. District 1 (AH)

4. Staff recommends motion to receive and file: fully executed Project Agreement Amendment with the Florida Inland Navigation District (FIND) Waterways Assistance Program Grant PB-10-149 for the design and permitting of Waterway Park extending the project completion date from September 1, 2012, to September 1, 2013. **SUMMARY:** In 2010, the County applied for and was awarded a \$100,000 FIND grant to fund a portion of the planning, design and permitting costs associated with the future development of Waterway Park. The term of the grant agreement, R2011-0064, was from October 27, 2010, to September 1, 2012. The County applied for and was awarded a one year project completion extension. The fully executed Project Agreement Amendment is now being submitted to the Board to receive and file. There are no other changes to the terms of the Agreement as a result of this Amendment. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. Staff recommends motion to:

A) ratify the signature of the Chair on a Florida Coastal Partnership Initiative (FCPI) Grant Application submitted to the State of Florida Department of Environmental Protection (FDEP) on October 30, 2012, requesting \$30,000 for the Jupiter Beach Park Restoration/Enhancement project;

B) authorize the County Administrator or his designee to execute the grant funding Agreement and all future time extensions, task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement if the grant is approved; and

C) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with FDEP for this project.

SUMMARY: This Grant Application requests \$30,000 from FCPI for the Jupiter Beach Park Restoration/Enhancement project. The grant elements include clearing exotic vegetation, planting native vegetation to both stabilize the dune and provide shade along the new picnic areas and pathways, installing picnic facilities and a bike rack, and constructing concrete sidewalks and asphalt pathways to create interconnectivity. The FCPI makes federal funds from the National Oceanic and Atmospheric Administration available to local governments for the protection and effective management of Florida's coastal resources. The total project cost identified in this Grant Application is \$60,000. The requested grant is for \$30,000, and requires a \$30,000 (50%) match, which will be funded from the 2002 \$50 Million Recreational and Cultural Facilities General Obligation Bond Issue. The \$30,000 match will come from the \$150,000 allocation for the Jupiter Beach Enhancement project to reconfigure the dune, improve the access structure, and add a concrete barrier between the dune and parking lot. District 1 (AH)

6. Staff recommends motion to:

A) ratify the signature of the Chair on a Florida Recreation Development Assistance Program (FRDAP) Grant Application submitted to the State of Florida Department of Environmental Protection (FDEP) on September 26, 2012, requesting \$200,000 for the John Prince Memorial Park Phase IV-B Improvement project;

B) authorize the County Administrator or his designee to execute the grant project Agreement and all future time extensions, task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement if the grant is approved; and

C) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with FDEP for this project.

SUMMARY: This Grant Application requests \$200,000 from FRDAP for the John Prince Memorial Park Phase IV-B Improvement project. The project is located in the Mound Circle area of the park. Project elements include a new restroom, picnic facilities, playground, fishing pier, bike trail, dog park, landscaping and parking, as well as renovation of the existing picnic facilities, bike trail and parking. The total project cost identified in this Grant Application is \$400,000. The requested grant is for \$200,000, and requires a \$200,000 (50%) match, which will be funded from Zone 2 Park Impact Fees. Only grant funding will be used for the renovation portions of the project. If the grant is awarded, and once the project is complete, the grant project agreement requires a Notice of Limitation of Use to be recorded in public records limiting the project site to outdoor recreation for the use and benefit of the public in perpetuity as part of the close-out documentation. District 3 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. Staff recommends motion to:

A) ratify the signature of the Chair on a Florida Recreation Development Assistance Program (FRDAP) Grant Application submitted to the State of Florida Department of Environmental Protection (FDEP) on September 26, 2012, requesting \$200,000 for the Okeeheelee Park South Phase III-B Improvement project;

B) authorize the County Administrator or his designee to execute the grant project Agreement and all future time extensions, task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement if the grant is approved; and

C) authorize the Director of the Parks and Recreation Department to serve as Liaison Agent with FDEP for this project.

SUMMARY: This Grant Application requests \$200,000 from FRDAP for the Okeeheelee South Park Phase III-B Improvement project. This project is part of the development of Okeeheelee South Park Boating Center. Project elements include both new and renovated recreational facilities. New facilities include a new boat ramp, picnic facilities, playground, canoe/kayak launch, hiking trail, restroom, car/trailer parking spaces, car parking lot, landscaping, and bike trail. In addition, as part of this project the hiking, equestrian and bike trail will all be renovated. The total project cost identified in this Grant Application is \$400,000. The requested grant is for \$200,000, and requires a \$200,000 (50%) match, which will be funded from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue. The \$200,000 match will come from the \$950,000 allocated to the Okeeheelee Park South project to add a boat ramp, docks, trailhead, restroom building, and parking lot. If the grant is awarded, and once the project is complete, the grant project agreement requires a Notice of Limitation of Use to be recorded in public records limiting the project site to outdoor recreation for the use and benefit of the public in perpetuity as part of the close-out documentation. District 2 (AH)

8. Staff recommends motion to receive and file: fully executed Project Agreement Amendment with the Florida Inland Navigation District (FIND) Waterways Assistance Program Grant PB-10-146 for the extension of the staging dock on the west side of Burt Reynolds Park extending the project completion date from September 1, 2012, to September 1, 2013. **SUMMARY:** In 2010, the County applied for and was awarded a \$75,000 FIND grant for the Burt Reynolds Park staging dock extension project. The term of the grant agreement, R2011-0063, was from October 27, 2010, to September 1, 2012. The County applied for and was awarded a one year project completion extension. The fully executed Project Agreement Amendment is now being submitted to the Board to receive and file. There are no other changes to the terms of the Agreement as a result of this Amendment. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

9. Staff recommends motion to approve: Budget Transfer of \$11,408 in Park Improvement Fund from the Payment in Lieu of Recreation reserve to Green Cay Nature Center Improvements. **SUMMARY:** This Budget Transfer establishes funding for the Green Cay Nature Center Improvements project from reserves generated pursuant to the County's Unified Land Development Code Article 5, Parks and Recreation – Rules and Recreation Standards. Article 5 revenues originate from cash-outs from residential developments that are unable to provide homeowners onsite recreation areas. Revenues from this fund are to be used for the purpose of acquiring and/or developing land necessary to meet the need for neighborhood or community type recreational facilities created by the development. This funding will be used for LED lighting improvements/upgrades to the exhibit areas. Funding for this project is from the \$123,379.20 Payment In Lieu of Recreation payment received for the Aspen Square development. The balance of \$111,971.20 will remain after this expenditure. This project meets the requirements of ULDC Article 5. District 5 (AH)

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to approve:

A) an Urban and Community Forestry Grant Memorandum of Agreement with the Florida Department of Agriculture and Consumer Services for continued funding of a part-time program assistant to conduct an urban forestry program in Palm Beach County for 25 hours per week for one year;

B) a Budget Amendment of \$15,000 in the Cooperative Extension Revenue Fund to recognize new funding. The term of this Agreement shall begin upon execution and shall terminate on January 31, 2014.

SUMMARY: The Florida Department of Agriculture and Consumer Services will provide funding to Palm Beach County (County) to continue to support a part-time program assistant to conduct the Urban Forestry Program in Palm Beach County in an amount not to exceed \$15,000. County will provide an in-kind match of \$15,000 which includes 265 volunteer hours and 505 hours of professional and staff support from ad valorem funding. The program assistant will develop reusable learning objects (RLOs) for professional and residential audiences, develop presentations, train volunteers and master gardeners in Palm Beach County, as well as adjacent counties, and develop partnerships and relationships throughout the state to publicize the RLOs and delivered presentations and make them available at no cost to any user. The program assistant is a grant funded position and will be eliminated when the grant term has expired. The funding shall consist of \$12,770 for salary, plus \$1,686 for fringe benefits, \$416.50 for travel and \$127.50 for supplies. Countywide (AH)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to receive and file: Interlocal Agreement for geographic data sharing with the Village of Wellington at no additional cost to the County. **SUMMARY:** The County began putting Interlocal agreements in place (R2005-1911) to encourage the exchange of geographic and land information in an efficient and timely manner, in order for all agencies to have the most up-to-date and accurate information. The ISS Director was designated as the signatory for the GIS data sharing interlocal agreements and has executed this Agreement. There are no costs associated with entering into these interlocal agreements. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (Cont'd)

2. Staff recommends motion to:

A) approve Task Order No. 1 to Contract R2011-2052 with Surdex Corporation to complete the eastern digital orthophotography at a cost of \$156,180; and

B) approve Task Order No. 1 to Contract R2011-2053 with BAE Systems to complete the western digital orthophotography at a cost of \$105,797; and

C) approve Supplement No. 1 to Task Order No. 1 with Woolpert, Inc. (R2011-2054) to extend the term to November 21, 2013 at no additional cost; and

D) receive and file Woolpert, Inc. Task Order No. 1.

SUMMARY: Three firms were selected using the Consultant Competitive Negotiations Act (CCNA) process, contracted on December 20, 2011 to perform digital orthophotography and planimetric mapping for the County (R2011-2052, R2011-2053, and R2011-2054). Task Order No. 1 with Surdex Corporation is to complete .5 foot color digital orthophotography for the eastern areas at a cost of \$156,180, and Task Order No. 1 with BAE Systems is to complete mostly 1 foot color digital orthophotography for the western areas of Palm Beach County at a cost of \$105,797. Supplement No. 1 is to extend the term of Task Order No. 1 with Woolpert, Inc. due to weather delays. Woolpert Task Order No. 1, which was under \$100,000 and previously executed is submitted for receive and file purposes. There are no costs associated with Supplement No. 1 with Woolpert. Countywide (PFK)

3. Staff recommends motion to approve: an Agreement for Information Technology (IT) services with Palm Beach County Law Enforcement Exchange, Incorporated (LEX), which will generate FY 2013 revenue to the County estimated at \$191,600 for an initial term of one year with automatic one-year renewals unless notice is given by either party. **SUMMARY:** LEX is a non-profit organization established for the purpose of sharing law enforcement data among the law enforcement agencies in Palm Beach County. The LEX organization is entering into an Agreement with Palm Beach County's Department of Information Systems Services (ISS) for IT Services as described in the attached Agreement and Exhibit A. The Agreement is anticipated to generate FY 2013 revenue in the amount of \$191,600. Countywide (PFK)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: two executed Agreements with the City of Pahokee to provide grant project funding in the amounts of: a) \$50,000 for the period November 7, 2012, through March 15, 2013 for the purchase of a Continuity of Operations Plan (COOP) Update, Training and Scenario Based Exercise, and b) \$40,000 for the period November 7, 2012, through April 30, 2013 for the purchase of an Evacuation and Re-Entry Plan, Training and Exercise both of which have been approved by the Fort Lauderdale Urban Area Security Initiative's (UASI) Working Group Grant 2010 contract between the City of Miramar and Palm Beach County (BA-2012-0789). **SUMMARY:** The County was awarded \$433,038 from the U.S. Department of Homeland Security UASI funding through the City of Miramar. The County will provide a total of \$90,000 of this grant funding to the City of Pahokee for the COOP Update, Training and Scenario Based Exercise (\$50,000) and the Evacuation and Re-Entry Plan, Training and Exercise (\$40,000). Both of these projects will greatly enhance the City of Pahokee's emergency preparedness in relation to all hazards the City may face including but not limited to a breach of the Herbert Hoover Dike. Resolution R2006-2669 authorizes the County Administrator or his designee to execute standard agreements utilizing UASI funding 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

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to receive and file: executed Memorandum of Understanding (MOU) with Palm Beach County Sheriff's Office (PBSO) for a one-time fee of \$1,500 to create a database for PBSO, and for PBSO's use of the Geographic-based Notification System, "Dialogic" for a period of three (3) years for an annual access and usage charge of \$3,000 which commenced on November 6, 2012 and is automatically renewed in increments of three-year terms thereafter. **SUMMARY:** The MOU provides 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 years and allows Palm Beach County agencies, municipalities, state and County Departments to access the system to make approximately 2,000,000 calls. It has been used for Amber Alerts, hurricane evacuations, boil water notices, etc. Resolution R2006-0799 authorized the County Administrator or his designee to sign Dialogic agreements on behalf of the Board of County Commissioners. Countywide (PGE)

3. Staff recommends motion to receive and file: an executed Modification to reinstate and extend the Emergency Management Performance Grant 2010 Agreement (12-FG-R3-10-60-01-117) with the State of Florida Division of Emergency Management, extending the agreement from June 30, 2012, to December 31, 2012 to enhance and improve emergency management plans and programs of the County, and provide operational support to maintain state required programs. **SUMMARY:** This is an annual grant that the Public Safety Department's Division of Emergency Management receives to enhance and improve emergency management plans and programs of the County, consistent with the State Comprehensive Emergency Management Plan and Programs and to provide operational support to maintain state required programs. The grant will be used to further enhance emergency planning, response, mitigation and recovery in the County. On November 20, 2012, authority was given to the County Administrator or his designee to execute agreements with the State of Florida, Division of Emergency Management on behalf of the Board of County Commissioners. **A dollar for dollar match is required by the grant and included in the County budget.** Countywide (PGE)

4. Staff recommends motion to receive and file: the executed 211 Palm Beach/Treasure Coast, Inc. Contract to provide over the phone emergency crisis counseling services through the Violent Crime Rape Crisis Hotline in an amount not to exceed \$42,000 for the period October 1, 2012, through September 30, 2013. **SUMMARY:** 211 Palm Beach/Treasure Coast will continue to provide immediate telephone rape crisis intervention services twenty-four hours per day, seven days per week on the Violent Crime Rape Crisis Hotlines. Three thousand dollars (\$3,000) from the Sexual Assault grant funding will be used to offset the sexual violence related calls through the Rape Crisis hotline. Resolution R2011-0937 authorized the County Administrator or his designee, to exercise the option to renew future agreements provided that funding is available and the County Attorney signs for legal sufficiency. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

5. Staff recommends motion to:

A) approve an Agreement to reinstate and amend the contract with Children's Home Society of Florida (R2011-0776) to extend the agreement for an additional twelve months to September 30, 2013, and increase the contract amount by \$20,400 for a new total not to exceed amount of \$40,400, to provide consulting/professional services in the area of Family Drug Court/Dependency proceedings;

B) approve an Agreement to reinstate and amend the contract with Drug Testing Counseling Services, Inc. (R2010-0654) to extend the agreement for an additional twelve months to September 30, 2013, to provide drug testing services to the Family Drug Court Program; and

C) receive and file the approved the Family Drug Court Grant (2009-DC-BX-0115) Adjustment Notice to extend the grant period for an additional twelve months to September 30, 2013.

SUMMARY: The Division of Justice Services, in conjunction with the Department of Children and Families Substance Abuse and Mental Health Office applied for and was awarded a grant from the Office of Justice Programs (2009-DC-BX-0115) in the amount of \$484,907 to develop a Family Drug Court program which was approved by the Board of County Commissioners on October 20, 2009. While the program is currently fully operational, the program was delayed in the beginning due to associated administrative issues during the start up phase of the program. Therefore, a request to extend the grant from September 30, 2012, to September 30, 2013 has been approved and is in order to fully expend the grant award. There are sufficient funds to continue the program for an additional twelve months, to September 30, 2013. Therefore, amendments to the Children's Home Society and the Drug Testing and Counseling Services contracts are necessary. On April 20, 2010 and May 17, 2011, the Board of County Commissioners approved agreements with Drug Testing and Counseling Services, Inc. in the amount of \$69,300 and Children's Home Society of Florida in the amount of \$20,000, respectively. Countywide (PGE)

6. Staff recommends motion to approve: a Pricing Schedule (Contract) from Master Agreement (R2009-1055) with AT&T in the amount of \$518,700 which includes a one-time hardware and software purchase, a sixty month software license, and professional services all commencing when pricing schedule is signed by all parties, installation is completed, and service is available for use by the Emergency Call Tracking System (ECaTS) for the County's Next Generation 911 System (NG911) which is funded from the State of Florida E-911 funds. **SUMMARY:** The current 9-1-1 system in Palm Beach County is a leased system consisting of two different brand end user manufacturers. This equipment is nearing end of life and the Public Safety Department is in the process of replacing it. The new NG911 system being purchased includes a rudimentary data collection feature with basic features and cannot import the data from the legacy systems. The ECaTS system is being purchased to support the new NG911 system which would allow for the collection of data from the current system in addition to collecting the data from the new system, providing for continuity of information by merging both. The Public Safety Department recommends the purchase of the ECaTS System which brings a number of benefits to the County such as (a) ownership as opposed to leasing the system; (b) ability to import data from multiple manufacturers; and (c) enhanced reporting features. The purchase will have to be through AT&T as they are the sole provider of the NG911 system. ECaTS will be paid for utilizing State of Florida E-911 funds that are included in the current budget. **No County matching funds are required.** Countywide (PGE)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF

1. **Staff recommends motion to approve:** a Budget Transfer of \$415,637 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Florida Statute 932.7055(5) provides that the seizing agency shall use Forfeiture proceeds for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing AED's, and providing matching grant funds. F.S. 932.7055(5) also 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 2013 estimated donation requirement will not be finalized until year-end close-out. 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 year-to-date transfer for all donations to outside organizations after approval of this item is \$460,537. The funds are requested here are to aid PBSO and qualified organizations that meet the requirements set forth in F.S. 932.7055. Use of LETf requires approval by the Board, upon request of the Sheriff. The current State LETf balance is \$2,528,827. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$2,113,190. 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 organization or agency. No new positions are needed and no additional County funds are required. Countywide (PGE)

<u>ORGANIZATION</u>	<u>AMOUNT</u>
a) Children's Case Management Organization, Inc.	\$15,000
b) College for Kids, Inc.	\$25,000
c) Faith, Hope, Love, Charity, Inc.	\$25,000
d) Florida Sheriff's Youth Ranches, Inc.	\$133,624
e) Gratitude House, Inc.	\$25,000
f) Gulfstream Council of the Boy Scouts of America, Inc.	\$10,000
g) Horses Healing Hearts, Inc.	\$25,000
h) Junior Achievement of the Palm Beaches & Treasure Coast, Inc.	\$25,000
i) Mental Health Association of Palm Beach County, Inc.	\$25,000
j) Project Lifesaver of Palm Beach County, Inc.	\$9,513
k) Safety Council of Palm Beach County, Inc.	\$2,500
l) The ARC of Palm Beach County, Inc.	\$50,000
m) The Lord's Place, Inc.	\$25,000
n) United States Naval Sea Cadet Corps, Palm Beach Division	\$20,000
Total Amount	\$415,637

3. CONSENT AGENDA APPROVAL

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. Staff recommends motion to:

A) receive and file an executed Federally Funded Subgrant Agreement (Grant) Modification No. 2, with the State of Florida Division of Emergency Management (DEM) for extending the expiration date of the Grant to August 22, 2013;

B) authorize the Chair to execute Modification No. 3 to the Grant between the Division of Emergency Management and Palm Beach County to increase the maximum amount payable under Grant 11-HM-2Y-10-60-01-010 from \$2,585,735 to \$2,674,318; and

C) approve a Budget Amendment of \$85,684 in the Capital Outlay Fund to recognize additional Grant funding (\$117,953), decreased overmatch necessary from the Westgate Belvedere Homes Community Redevelopment Agency (CRA) (\$32,269) and appropriate the increased funding to the project expense budget.

SUMMARY: On January 11, 2011, the Board of County Commissioners approved Grant R2011-0084 with DEM in the amount of \$2,585,735. The Grant provided funding for the construction of the L-2 Canal Stormwater Pump Station (Project) in the Westgate redevelopment area. When the Grant was originally received, the match required from the Westgate Belvedere Homes Community Redevelopment Agency (CRA) was \$852,121. However, when the bids were received, the estimated cost exceeded the Grant and match funding by \$61,601. This overmatch amount was required from the CRA. The CRA subsequently applied for additional Grant dollars. This in turn decreased the overmatch necessary for the Project. The budget amendment reconciles the budget to the amounts required in the Grant. Modification No. 2, signed by the County Administrator, extended the expiration date of the Grant to August 22, 2013. Modification No. 3 increases the amount of the DEM Grant by \$88,583. The 25% local contribution is being provided by the CRA. District 2 (MRE) (Engineering)

2. Staff recommends motion to approve: Change Order No. 1 to the Contract with Giannetti Contracting Corporation (R2012-0339) for the Westgate/Belvedere Homes Infrastructure Improvement Project Phase I, increasing the contract price by \$98,261.67 and providing for a 22 day time extension. **SUMMARY:** On March 6, 2012, the Palm Beach County Board of County Commissioners approved a Contract with Giannetti Contracting Corporation (R2012-0339) for the Westgate/Belvedere Homes Infrastructure Improvements Phase I. This Change Order authorizes the contractor to install an additional 445 feet of water main and 332 feet of sewer main, including associated repair work. Contract adjustments are necessary to reflect changed conditions encountered in the field. Funding for this Change Order is by Palm Beach County Water Utilities Department. This project has federally participation goals of 22.4% MBE and 6.9% WBE. This Contract with Giannetti Contracting Corporation includes 13.27% MBE and 13.27% WBE participation. Giannetti Contracting Corporation has achieved SBE participation of 14.58% overall. Giannetti Contracting Corporation is not a Palm Beach County company. Their home base office is located in Sterling Heights, MI with a Florida office in Pompano Beach. (WUD Project No. 10-502 (11-022) District 2 (JM) (Westgate CRA)

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4. REGULAR AGENDA

A. ADMINISTRATION

1. Staff requests Board direction: on 2013 State Legislative Program. **SUMMARY:** Staff requests the Board's review of the draft 2013 State Legislative Program. The Legislative Program outlines the issues that the County's Legislative Affairs Office, in conjunction with the County's lobbying team, will be working on for the Board during the upcoming Legislative Session. Countywide (DW)

TIME CERTAIN 10:30 A.M.

2. REVISED BACKUP & SUMMARY: Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, establishing a policy that Palm Beach County condemns the denial of lawful wages to an employee and a procedure for victims of wage theft to recover back wages through a contractual wage recovery program administered by the Legal Aid Society of Palm Beach County. **SUMMARY:** A proposed Palm Beach County Wage Theft Ordinance was brought before the Board for preliminary reading on February 1, 2011, and the public hearing scheduled on June 21, 2011. That public hearing was deferred pending the outcome of several issues that could have affected the Board's ability to enact a wage theft ordinance. However, the legislative bill did not pass, the Eleventh Circuit Court dismissed the Florida Retail Federation's lawsuit and found that the Miami-Dade County Wage Theft Ordinance was a proper exercise of governmental authority under Florida's Constitution and Legal Aid provided an updated report regarding their wage theft project. On April 17, 2012, the Board directed Staff to meet with the representatives from Legal Aid, People Engaged in Active Community Efforts, Inc., (PEACE), and the business community. Staff revised the proposed Wage Theft Ordinance based upon comments from the interested parties and met with the parties in June and October 2012. The parties were not able to agree upon the language of or the need for a County Wage Theft Ordinance. Legal Aid has represented that an approximate amount of \$100,000 annually will be required to provide the necessary support to implement the wage recovery program. If the Resolution is adopted by the Board, Staff will bring back to the Board for approval a contract between the County and Legal Aid which will include deliverables, deadlines, benchmarks and reporting requirements for the wage recovery program including a provision that the contract will be reviewed within two years. Additionally, Chief Judge Blanc has suggested a potential role for the courts in resolution of wage disputes. Countywide (DO)

B. COUNTY ATTORNEY

1. Staff recommends motion to approve: the Application of Bright Futures Academy Charter School, Inc. with respect to the requested issuance by the County of its Palm Beach County, Florida Revenue Bonds, in an aggregate principal amount not to exceed \$10,500,000 (the "Bonds"). **SUMMARY:** Bright Futures Academy Charter School, Inc. (the "School"), a Florida not-for-profit corporation which is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, has applied for issuance of the Bonds by the County. Proceeds of the Bonds will be used to finance the costs of acquisition, renovation and equipping of educational facilities at the School's new campus to be located at 13205 U.S. Highway One, Juno Beach, Florida. The School has paid the required application fee and remains obligated to pay the applicable County costs incurred in connection with the proposed issuance of the Bonds. The Bonds will be payable solely from revenues derived from the School's operations. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Debt Obligations.** District 1 (PFK)

4. REGULAR AGENDA

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on Tuesday, December 18, 2012 at 9:30 a.m.: an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program; providing for title; purpose; adoption of revised Five Year Road Plan and revised list of projects contained in Exhibit "A"; implementation of the Plan; modification of Plan; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** This is the Annual Update of Palm Beach County's Five Year Road Plan which is required to be considered each year by the Five Year Road Program Ordinance. Exhibit "A" to the Ordinance is a list of proposed projects for the next five years and contains certain changes and modifications. This list is submitted for the Board of County Commissioners' consideration on preliminary reading today with the final list to be approved with the Ordinance at public hearing on Tuesday, December 18, 2012. Countywide (MRE)

D. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: a Refund of \$2,648,556.78 to the State of Florida, Division of Emergency Management (State), relating to the de-obligation of the County's Hurricanes Frances, Jeanne, and Wilma claims, including \$341,828.09 on behalf of the Solid Waste Authority. **SUMMARY:** The County received assistance from the Federal Emergency Management Agency (FEMA) and the State in excess of \$120 million relating to Hurricanes Frances, Jeanne, Wilma and Tropical Storm Fay. These agencies are now conducting an audit of this funding. This audit is on-going and has resulted in the de-obligating of a number of the County's claims. The de-obligations fall into the following categories:

- Expenses deemed ineligible
- Claims in which the County also received insurance proceeds
- Claims in which FEMA deemed the County should have received insurance proceeds
- Variance between estimated vs. actual expenses
- Miscellaneous other adjustments

The total de-obligations to-date equal \$5,098,842. This amount was offset by new claim revenue during FY 2012 resulting in a net refund due. The expenses associated with these de-obligations have already been recorded in FY 2012. No additional appropriation budget is required to make the payment. Countywide (PFK)

4. REGULAR AGENDA

E. PARKS & RECREATION

1. **Staff recommends motion to authorize:** staff to explore the possibility of a lease of the Aqua Crest Pool facility with the City of Delray Beach. **SUMMARY:** In June of this year, the Parks and Recreation Department was contacted by officials of the City of Delray Beach about the possibility of leasing the Aqua Crest Pool to the City of Delray Beach. A lease of the facility will allow the City to expand its sports academy program with the private sector, ELEV/8 Sports Institute (ELEV/8), to include swimming. Currently, ELEV/8 successfully operates the Bucky Dent Baseball School in the City's Miller Park. If leased from the County, the City and ELEV/8 have indicated that swim lessons and programs which currently exist at the Aqua Crest facility would continue, along with the introduction of a swim academy under the direction of a high profile Olympic swimmer. The Aqua Crest pool is one of the most underutilized facilities that the County operates and recovers less than one quarter of its operating expenses through revenue. While most traditional swimming pools throughout the country are subsidized to some degree, Aqua Crest costs the County in excess of \$400,000 annually to operate. Marketing efforts and discounted pricing to increase attendance and generate additional revenue have had little impact on the level of subsidization. In addition, much needed capital equipment repairs/replacements will be required in the next year. Under a lease arrangement, the City would be responsible for managing, staffing, maintaining and absorbing other costs associated with the pool operation, thus eliminating the County's annual subsidization. The City would subsequently pass on these expenses to ELEV/8 through a contractual arrangement to operate the pool and swim academy. It is felt that if the terms and conditions of a lease can be negotiated with the City, the lease would result in a savings of more than \$400,000 to the County, bring a world class swimming academy to Delray Beach, and maintain the various swimming opportunities that currently exist. If agreement is reached on a lease, it would be brought to the Board for approval at a future meeting. District 7 (HF)

F. PLANNING, ZONING & BUILDING

1. **Staff recommends motion to approve:** an Interlocal Agreement with the Village of Palm Springs providing for the annexation of one enclave generally located on the west side of Miller Road and north of Second Avenue North. **SUMMARY:** The Board of County Commissioners (BCC) has directed staff to work with municipalities to strategically address annexations. Chapter 171, Florida Statutes (F.S.), allows annexation of enclaves less than ten acres through an Interlocal Agreement between the annexing municipality and the County. By Resolution No. 2012-64, adopted on September 27, 2012, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of one enclave consisting of a parcel totaling 0.17 acre, as identified in Exhibit A of the Interlocal Agreement. The Village has provided written notice the owner of real property located in the enclave. The annexation has been processed through the County's review departments, including Fire-Rescue, Sheriff's Office, Engineering, Planning, Zoning, Environmental Resources Management, Parks and Recreation, Water Utilities, County Attorney, Property and Real Estate Management and the Office of Financial Management and Budget. The proposed annexation meets the requirements of Chapter 171, F.S., and is consistent with the Intergovernmental Coordination Element of the County's Comprehensive Plan. District 3 (RB)

4. REGULAR AGENDA

G. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to:

A) approve on preliminary reading and advertise for public hearing on December 18, 2012, at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 17, Article VII of the Palm Beach County Code (Ordinance No. 2005-004) entitled “Economic Development Ad Valorem Tax Exemption Ordinance of Palm Beach County”; amending intent and declaration; amending definition of terms; amending economic development ad valorem tax exemption established; deleting application for exemption; providing for approval process; amending application consideration; amending application fee; amending applicability; providing for inclusion in the code of laws and ordinances; providing for severability; providing for repeal of laws in conflict; and providing for an effective date; and

B) conceptual approval of the Program Criteria.

SUMMARY: On February 15, 2005, the Board of County Commissioners (BCC) approved Ordinance 2005-004 establishing the County’s Ad Valorem Tax Exemption Program which remains in effect until August 31, 2014. The Ordinance currently conflicts with Section 196.1995 due to changes in the Statute over the last seven years. The proposed ordinance amendment streamlines the eligibility requirements to default to the State Statutes; therefore, eliminating any future conflicts should the Statute change. The Palm Beach County Property Appraiser concurs that the County’s Ordinance should be modified to be consistent with the State Statutes. Staff is also recommending an increase in the application fees from \$1,000 to \$2,000 to help offset costs to review and process the applications. To date, 20 companies have been approved under the Program since its inception in 1994. Over \$2.3 million in business property taxes have been forgiven to date. The Program Criteria is being revised to be consistent with the proposed Ordinance amendments. (Admin) Countywide (DW)

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5. BOARD APPOINTMENTS

A. **ADMINISTRATION**
(Fair Housing/Equal Employment Board)

1. **Staff recommends motion to approve:** reappointment of one member to the Fair Housing/Equal Employment Board for a term beginning on January 9, 2013, through January 8, 2015. The appointment is to be made from the following nominee:

<u>Nominee</u>	<u>Nominated By</u>	<u>Seat No.</u>
Eric Malkin	Commissioner Burdick Commissioner Vana Commissioner Taylor Commissioner Berger	2

SUMMARY: Eric Malkin is a current at-large member of the Fair Housing/Equal Employment Board. He was reappointed to the board on January 11, 2011 to complete a term that expires on January 9, 2013. Mr. Malkin has expressed an interest in reappointment and has met the attendance requirement during his current term. The board is composed of nine members. Seven members are district appointments and two are at-large. The Ordinances require that the appointees should reflect, to the greatest extent possible, representation from the protected groups identified in the Ordinances and who have experience and interest in equal opportunities. The board meets quarterly. A memorandum was sent to the Board of County Commissioners on October 12, 2012. Countywide (DO)

B. **PLANNING, ZONING & BUILDING**
(Construction Board of Adjustments & Appeals)

1. **Staff recommends motion to approve:** appointment of one new member to the Construction Board of Adjustments and Appeals, for a term of four years:

<u>Nominee</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Peter Dzenutis	7	Other Contractor	CIMC	12/4/12-12/3/16

SUMMARY: Palm Beach County Ordinance 89-31 created the Construction Board of Adjustment and Appeals. The Construction Industry Management Council of Palm Beach County (CIMC) has nominated Peter Dzenutis. Mr. Dzenutis previously served in Seat 9 for a one year term. Per Palm Beach County Ordinance 2012-006, as amended, Palm Beach County Amendments to the Florida Building Code, 2010 Edition the Board is comprised of nine members: one architect; one engineer; one general contractor; one electrical contractor; one HVAC contractor; one plumbing contractor and any other contractor licensed category. In addition to these members, there should be two alternate members, one member with the qualifications referenced above and one member at-large from the public. (Building Division) Countywide (SF)

5. BOARD APPOINTMENTS

B. **PLANNING, ZONING & BUILDING (Cont'd)**
(Building Code Advisory Board)

2. **Staff recommends motion to approve:** A) reappointment of three members; and B) appointment of one new member to the Building Code Advisory Board, each for a term of three (3) years:

REAPPOINT

<u>Member</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Doug Wise	2	Building Official, District 2	BOAPBC	12/4/12-12/3/15
Jacek Tomasik	6	Building Official, District 6	BOAPBC	12/4/12-12/3/15
William Ray Higgins	13	Contractor	CIMC	12/4/12-12/3/15

APPOINT

<u>Nominee</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Steven Tobias	5	Building Official, District 5	BOAPBC	1/02/13-1/01/16

SUMMARY: The Building Code Advisory Board was established by a Special Act of the Florida Legislature in 1974, and amended in 2001. The term of office for board members is three years; with no limit to the number of terms a member may serve. Construction Industry Management Council of Palm Beach County has nominated William Ray Higgins. The Building Official’s Association of Palm Beach County has nominated Doug Wise, Jacek Tomasik and Steven Tobias. The Board is comprised of 16 members; composed of 7 Building Officials, 1 from each commission election district; 7 members appointed from nominees submitted by the Construction Industry Management Council of Palm Beach County; 1 registered architect appointed from nominees submitted by the Palm Beach Chapter of the American Institute of Architects; and 1 professional engineer appointed from nominees submitted by the Palm Beach Chapter of the Florida Engineering Society. Countywide (SF)

C. **ENVIRONMENTAL RESOURCES MANAGEMENT**
(Artificial Reef & Estuarine Enhancement Committee)

1. **Staff recommends motion to approve:** one re-appointment of an at-large member to the Artificial Reef and Estuarine Enhancement Committee (AREEC). Seat No.10 is for a term of three (3) years beginning December 4, 2012, through December 3, 2015:

<u>Nominee</u>	<u>Seat #</u>	<u>Representing</u>	<u>Term</u>	<u>Nominated By</u>
James Bowser	10	General Member	3 yrs	Comm. Vana Comm. Burdick Comm. Berger

SUMMARY: Resolution No. R08-1511 provides for an eleven-member AREEC. The membership consists of one representative of the County Commission, one representative of commercial SCUBA diving, one representative of recreational SCUBA diving, one representative of marine industry, one representative of recreational fishing, one representative of fisheries, one representative of an environmental organization, two representatives from other government entity and two general members. On October 1, 2012, the Board was advised that two seats were vacant and need to be filled. Countywide (HF)

5. BOARD APPOINTMENTS

D. **FACILITIES DEVELOPMENT & OPERATIONS**
(Palm Beach County Property Review Committee)

1. **Staff recommends motion to approve:** appointment of Christopher Barry, AICP to the Palm Beach County Property Review Committee (PRC) for a term of nine months beginning December 4, 2012, to August 16, 2013:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Term</u>
Christopher Barry, AICP	(4)	A representative with expertise in land planning employed by a governmental agency with an office in PBC or recommended by the PBC Planning Congress	December 4, 2012 – August 16, 2013

SUMMARY: On February 23, 2010, the Board of County Commissioners adopted Resolution No. 2010-0292, which established the PRC consisting of five members appointed at-large by the Board. Each member is appointed to serve a term of three years, after the initial start up period, with no limit on the number of terms an individual may serve. Bradley Miller, AICP served as the initial Seat No. 4 representative on the PRC prior to his resignation effective September 4, 2012. Seat No. 4 must be filled by an individual with expertise in land planning. Mr. Barry satisfies that requirement and currently has no conflicts of interest. The Palm Beach County Planning Congress supports the appointment of Mr. Barry. A memo was sent to the Board of County Commissioners on October 2, 2012 advising of the vacant position as well as Mr. Barry’s interest and qualification. No other nominations were received. Because PRC representatives work in the industry, conflicts may arise in the future. If conflicts arise, Disclosure will be required and Staff will follow the waiver process or take other appropriate action. Countywide (HJF)

E. **COMMISSION DISTRICT APPOINTMENTS**

DECEMBER 4, 2012

6. MATTERS BY THE PUBLIC – 2:00 P.M.

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DECEMBER 4, 2012

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

DECEMBER 4, 2012

8. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER HAL R. VALECHE

B. District 2 – COMMISSIONER PAULETTE BURDICK

C. District 3 - COMMISSIONER SHELLEY VANA

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

ADD-ON: [Commissioner Board Assignments](#) Discussion.

E. District 5 - COMMISSIONER MARY LOU BERGER

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR, VICE CHAIR

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."