

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

JANUARY 11, 2011

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

**COMMISSION
CHAMBERS**

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

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

- 3. CONSENT AGENDA (Pages 7 - 25)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Page 26)**

- 5. REGULAR AGENDA (Pages 27 - 31)**
TIME CERTAIN 10:30 A.M. (Dry Season Presentation by SFWMD) (Page 27)

- 6. BOARD APPOINTMENTS (Page 32 - 34)**

- 7. STAFF COMMENTS (Page 35)**

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- 2B Certificate of Congratulations to Dr. Richard Hays
- 2C Arbor Day

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PUBLIC HEARINGS – 9:30 A.M.

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REGULAR AGENDA

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2. SPECIAL PRESENTATIONS – 9:30 A.M.

A. Certificate of Appreciation to Rose Rosenkranz for her dedicated and tireless efforts over the past twenty years to preserve and teach Jewish History to future generations. (Sponsored by Commissioner Marcus)

B. Certificate of Congratulations to Dr. Richard Hays on receiving the Florida Physician of the

Year award. (Sponsored by Commissioner Vana)

- C. Proclamation declaring January 23, 2011 as “Arbor Day” in Palm Beach County. (Sponsored by Commissioner Vana)

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JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

- 1. **Staff recommends motion to receive and file:** executed Contract Agreements received from the U.S. Department of Housing and Urban Development (HUD) during FY 2009 and FY 2010:

A) Palm Beach County Section 108 Loan Program (Countywide): a HUD Contract for Loan Guarantee Assistance Under Section 108 of the Housing and Community Development Act of 1974, As Amended, 42 U.S.C. §5308, dated August 8, 2009, ending September 30, 2014, in the amount of \$13,340,000 (B-08-UC-12-0004);

B) Avenue “A” Revitalization Project (Belle Glade): a HUD Contract for Loan Guarantee Assistance Under Section 108 of the Housing and Community Development Act of 1974, As Amended, 42 U.S.C. §5308, dated March 6, 2009, ending September 30, 2014, in the amount of \$2,600,000 (B-07-UC-12-0004);

C) Downtown Pahokee Revitalization Project: a HUD Brownfields Economic Development Initiative (BEDI) Grant Agreement, dated September 14, 2010, ending September 15, 2015, in the amount of \$1,058,971 (B-09-BD-12-8009); and

D) Downtown Pahokee Revitalization Project: a HUD Contract for Loan Guarantee Assistance Under Section 108 of the Housing and Community Development Act of 1974, as Amended, 42 U.S.C. §5308, dated September 14, 2010, ending September 30, 2015, in the amount of \$2,824,000 (B-09-UC-12-0004).

SUMMARY: In accordance with the County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Contract Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator and his designee, the Assistant County Administrator, in accordance with Resolutions R2007-2307, R2009-0255, R2009-0725, R2009-0902 and R2010-0362, and are now being submitted to the Board to receive and file. Countywide (DW)

- 2. **Staff recommends motion to approve:** Neighborhood Partnership Grant (NPG) funding agreements for Fiscal Year 2010-2011:

A) Agreement with Paint Your Heart Out, Inc. in an amount not-to-exceed \$20,000 to purchase painting and home improvement supplies;

B) Agreement with Rebuilding Together of the Palm Beaches, Inc. in an amount not-to-exceed \$20,000 to purchase building materials for repairs and to pay for pressure cleaning services prior to homes being painted; and

C) Agreement with Gramercy Park Neighborhood Corporation, Inc. in an amount not-to-exceed \$14,500 to install landscaping and irrigation along the community's back wall to deter crime, purchase a community announcement sign and landscaping materials for maintenance of the community's neighborhood.

SUMMARY: The three (3) NPG Program Projects were reviewed by the Neighborhood Partnership Grant Program Review Committee (NPG RC) on December 8, 2010, and are now being recommended for funding. The total amount of recommended funding for the three (3) NPG Program Projects is \$54,500. Funding from existing NPG accounts will be used to fund neighborhood improvement projects for FY 2010-2011. Countywide (AH)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. Staff recommends motion to approve:

A) a Job Growth Incentive (JGI) Grant Agreement in the amount of \$24,000 as the required local match for a State Qualified Target Industry Grant (QTI) with National Healing Holding Corporation (NHHHC); and

B) a Budget Transfer of \$24,000 from the General Fund Contingency Reserves to the Economic Development JGI Program; and

C) a Budget Amendment of \$24,000 to the Economic Development Office Fund to recognize and appropriate the transfer of funds from the General Fund Contingency Reserves.

SUMMARY: On April 20, 2010, the Board of County Commissioners (BCC) adopted Resolution (R2010-0664) supporting a JGI Grant in the amount of \$24,000 as the local match for a State QTI with NHHHC. NHHHC has finalized their expansion plans and desires to enter into a formal agreement with the County. The Agreement requires the company to create 40 new jobs by December 31, 2012, with an average salary of \$58,403 excluding benefits; and maintain the new jobs and the 82 existing jobs for five (5) years from the effective date of the Agreement. The Regional Economic Development, Inc. model estimates that the Company's expansion will create a total of 88 direct and indirect jobs within five (5) years, and generate a \$6 million economic

impact with \$1 million in federal, state and local taxes. **Funding will come from General Fund Contingency Reserves. District 4** (DW)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners= meetings: None
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller=s Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during October 2010. Countywide
5. **Staff recommends motion to:**
 - A) receive and file** the Report of County Officials Bonds dated January 2011; and
 - B) identify** all bonds described in the Bond Report as sufficient pursuant to Section 2-140, of the County Code.

SUMMARY: Section 2-140 of the County Code sets various bond amounts for specified County officers and provides for examination of the sufficiency of all of the bonds at the regular meeting of the Board of County Commissioners in January and June of each year. Countywide (PFK)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:**
 - A)** a blanket approval for appraisal and acquisition of the lands, rights-of-way, and easements on all Fiscal Year 2011 projects as identified in the Five Year Road Program Annual Update, as adopted on October 19, 2010; and
 - B)** the employment of all experts, including but not limited to real estate appraisers, engineers, certified public accountants, business damage experts, and other experts,

deemed necessary to appraise and acquire the before mentioned lands, rights-of-way, and easements.

SUMMARY: On October 19, 2010, the Board of County Commissioners adopted the Annual Update of the Five Year Road Program for Fiscal Year 2011 through Fiscal Year 2015. Approval of this item will provide for the acquisitions necessary to accomplish the road goals set therein. Countywide (PK)

2. **Staff recommends motion to approve:** a revision to PPM ETO-500, also known as the Street Lighting Policy. **SUMMARY:** Approval of the revised PPM ETO-500 will more clearly define current conditions of street lighting program tasks and handling of requests. This policy has not been revised by the Board of County Commissioners since August 2004. The changes and/or additions that are recommended are shown in the revised policy. Countywide (MRE)
3. **Staff recommends motion to adopt:** a Resolution to approve a County Incentive Grant Program (CIGP) Agreement with the State of Florida Department of Transportation (FDOT) in the amount of \$5,140,000, for the widening of Palmetto Park Road from 0.5 miles west of Military Trail to Interstate 95 (Project). **SUMMARY:** Approval of this CIGP Agreement will allow Palm Beach County (County) to receive a 50/50 grant of up to \$5,140,000, which requires County matching funds up to \$5,140,000 (100% of grant amount) for the Project. The County's matching funds will be from Road Impact Fees – Zone 5. The County will be responsible for all costs above this grant amount. District 4 (MRE)
4. **DELETED**
5. **Staff recommends motion to approve:** a 12-month Contract not to exceed the total value of \$2,310,000 for task orders which may be issued for the Annual Roadway Landscaping Contract (Contract), Project No. 2011053, with the primary contractor, Arazoza Brothers Corporation (Primary), the lowest responsive, responsible bidder, and the secondary contractor, Vila & Son Landscaping Corporation (Secondary), the second lowest responsive, responsible bidder. **SUMMARY:** Approval of this Contract will provide for furnishing, installing and maintaining trees and sod, and furnishing and installing irrigation systems and wells within the rights-of-way of various roadways in Palm Beach County. The primary contractor is a Miami-Dade County business and the secondary contractor is a non-SBE Palm Beach County business. The Small Business Enterprise (SBE) goal for the project is 15%. Neither contractor achieved any SBE participation. Countywide (MRE)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

6. **Staff recommends motion to approve:** a Financial Assistance Agreement with the

School Board of Palm Beach County (School Board) for West Boca Raton Community High School buffer landscaping on school property along the school's perimeter within 25 feet of, and visible from Palm Beach County's (County) Glades Road. **SUMMARY:** Approval of this Agreement will provide for a reimbursement to the School Board in an amount not to exceed \$100,000, for improvements along the County's Glades Road from approximately 1,300 feet west of Boca Falls Drive to approximately 4,600 feet west of Boca Falls Drive. Funding for this Agreement came from the District 5 Gas Tax Reserves, which was previously approved and encumbered by Agreement R2006-0308 which has expired. The School Board has completed the improvements and final invoices shall be submitted no later than September 30, 2011. The School Board will be responsible for the perpetual maintenance of these improvements. This Agreement is necessary since the final invoice was not submitted in a timely manner. District 5 (MRE)

7. **Staff recommends motion to approve:** a Release of Easement Rights for ingress/egress and utility rights. **SUMMARY:** Approval of this Release of Easement Rights for ingress/egress and utility rights along this small (less than 10,000 square feet) east/west strip of property will enable the Palm Beach County Department of Airports to redevelop property along 5th and 6th Streets, north of Palm Beach International Airport. District 2 (PK)

8. **Staff recommends motion to:**

A) adopt a Resolution approving a Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) to accomplish the Advanced Traffic Management System (ATMS) Group 3 project; and

B) approve a Budget Amendment of \$3,561,918 in the Transportation Improvement Fund to establish grant revenue for the ATMS Group 3 project.

SUMMARY: Approval of this LAP Agreement will allow the accomplishment of the ATMS Group 3 project by expanding the current Intelligent Transportation System (ITS) in Palm Beach County (County), using Federal funding. There will be no matching funds required by the County. It is the latest phase of a multi-phase program to implement the ATMS. Countywide (MRE)

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

A) a Budget Transfer of \$6,000,000 in the Road Impact Fee Fund – Zone 1 from Reserves to the Proportionate Share Trust Fund; and

B) a Budget Amendment in the Proportionate Share Trust Fund to recognize the transfer and appropriate it to Donald Ross Road from I-95 to Heights Boulevard.

SUMMARY: On January 12, 2010, the Board approved the Scripps Florida Phase II/Briger Proportionate Share Agreement with Lester Family Investments L.P., Richard Thall, Robert Thall, Peter L. Briger, Paul H. Briger, and the David Minkin Florida Realty Trust, collectively referred to as "Lester", and with the City of Palm Beach Gardens (City), and the Florida Department of Transportation (FDOT) and the Florida Turnpike

Enterprise (FTE) subject to execution by each agency. The agreement required the transfer of \$6,000,000 to the Proportionate Share Trust Fund within 180 days of the DRI Development Order. This transfer satisfies the requirement of the agreement. District 1 (MRE)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** a Settlement in the amount of \$134,583, as to Parcel 819, inclusive of attorney's fees and experts' fees and costs, in the eminent domain proceeding entitled Palm Beach County v. Delray Lakes Estates, Inc., et al., Case No. 502009CA014184XXXMBAG, for the improvement of West Atlantic Avenue. **SUMMARY:** This action would approve a settlement as to the acquisition of one perpetual exclusive easement for canal purposes acquired for the construction and improvement of West Atlantic Avenue, from west of Lyons Road to Starkey Road and a portion of Lyons Road just north of West Atlantic Avenue (Project No. 2004602), by paying \$134,583 for the property acquired, any and all damages and costs to cure such damages, attorney's fees, experts' fees and costs, and deposit fee to the clerk of the court. This project is funded by the Transportation Improvement Fund. District 5 (PM)

2. **Staff recommends motion to approve:** execution of:

A) a Quit-Claim Deed to Solid Waste Authority of Palm Beach County, FL, a dependent special district; and

B) a Quit-Claim Deed to The Murphy Construction Co., a Florida corporation for profit, conveying any County interest in certain rights-of-way in Palm Beach Farms Plat No. 3.

SUMMARY: Recorded quit-claim deeds to the County from West Peninsular Title Company and Absolute, Inc. have raised a title issue. County Quit-Claim Deeds have been used to resolve these title issues with other affected property owners. These Quit-Claim Deeds cover certain Palm Beach Farms Plat No. 3 strips that had lost public dedication through the West Peninsular federal lawsuit. The right-of-way property is located just north of the Solid Waste Authority's Cross State Landfill property and south of the Murphy Construction Co. property between Pike Road and Benoist Farms road in unincorporated Palm Beach County, Florida. District 6 (PFK)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to approve:

A) a waiver of prohibited relationship pursuant to Palm Beach County Code, Article XIII, the Palm Beach County Code of Ethics, for Area Agency on Aging Palm Beach/Treasure Coast employee Jamie Estremera-Fitzgerald, a member of the Criminal Justice, Mental Health & Substance Abuse Planning Council; and

B) contracts with three (3) financially assisted agencies totaling \$426,064 for the indicated activities:

1. Area Agency on Aging of Palm Beach/Treasure Coast, Inc., for the period October 1, 2010, through September 30, 2011, in the amount of \$247,730 to subcontract with a network of provider agencies that will offer various services to the senior population of Palm Beach County;

2. Parks and Recreation Department, City of Pahokee, for the period October 1, 2010, through September 30, 2011, in the amount of \$132,691, for a social recreational program providing before and after care services to at-risk children and their families and a wellness program for seniors; and

3. Palm Beach County Health Department, in the amount of \$45,643, for the period October 1, 2010, through February 28, 2011, to provide in-depth, comprehensive counseling for recalcitrant HIV positive clients tested by the PBCPHU and necessary punitive actions for repeat offenders.

SUMMARY: On July 13, 2010, the Board of County Commissioners approved the list of agencies and funding allocations under the Financially Assisted Agency Program. The information submitted reflects part of the total \$13,638,671 funding approved by the Board of County Commissioners for FY 2011. A prohibited relationship waiver is being recommended for an employee of the Area Agency on Aging who serves on a County advisory board, commission or council. This individual disclosed this relationship and is requesting a waiver pursuant to Section 2-443(d) of the Code of Ethics. The waivers are being recommended based on a staff determination that the execution of this contract will not create a conflict of interest with the continued service of this individual on the advisory board. Other contracts will be forthcoming upon receipt of all the required information. (Financially Assisted Agency Program) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to approve: a First Amendment to Lease Agreement (R2009-0973) (Lease) with CSC Applied Technologies, LLC, a Delaware limited liability company, providing for ten (10) - one (1) year renewal options to the current Lease term.

SUMMARY: CSC Applied Technologies, LLC (CSC), currently provides operational support for the U.S. Navy's Atlantic Undersea Test and Evaluation Center (AUTEC) through the lease of ground, office, and hangar facilities at the Palm Beach International Airport (PBIA). The initial term of the Lease is from July 19, 2009, through March 31, 2011, with five (5) - one (1) year renewal options. At the request of CSC, the Department of Airports has agreed to amend the current renewal options under the Lease to provide for a total of ten (10) - one (1) year renewal options. The Lease provides that either party may terminate this Lease upon 90 days prior written notice of the then current term. This First Amendment also provides for the addition of language related to the Office of the

Inspector General. All other terms of the Lease remain in full force and effect.
Countywide (HJF)

JANUARY 11, 2011

3. **CONSENT AGENDA APPROVAL**

F. **AIRPORTS** (Cont'd)

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

A) a Purchase and Sale Agreement for the following property at a total cost of \$85,500 by a supermajority vote. Said property is located west of Runway 10L at Palm Beach International Airport (PBIA):

Florida Department of Transportation (FDOT)	
161 N. Military Trail, West Palm Beach, FL 33415	Parcel W – 328
Sales Price	\$ 85,500
Replacement Housing	\$ N/A

B) a Budget Transfer of \$100,000 in the Airports Improvement and Development Fund from Reserves to provide budget to fund the property purchase, appraisal and estimated closing costs.

SUMMARY: The subject property consists of .288 acres lying west of the Military Trail right-of-way. On July 19, 2010, the FDOT provided notice that the property was being sold by public bid and FDOT offered the property to the County at FDOT's minimum bid amount of \$85,500. The property was appraised at \$85,500 by FDOT's appraiser, Woolslair & Associates, Inc., and an appraisal review statement has been prepared by an independent review appraiser, Edward E. Wilson, ASA, supporting the appraiser's analysis and value conclusion. FDOT requires reimbursement at closing in the amount of \$9,350 for the cost of the appraisal. Conveyance will be by quitclaim deed with a restriction that prohibits access or driveway connection to Military Trail through the right turn lane or its associated taper. The effect of this restriction was considered in the appraisal. Although there are no representations and warranties in the agreement, it provides for an inspection period during which the County may terminate the Agreement in the event of any deficiency. All purchases, sales and exchanges of real estate must be approved by a supermajority vote (5 Commissioners) pursuant to recent amendments to the PREM Ordinance. Countywide (HJF)

3. **Staff recommends motion to approve:** a Feasibility Study Authorization Form with FPL Services, LLC to perform an Investment Grade Energy Audit of the Palm Beach International Airport (PBIA) Terminal and Parking Garages at a cost of \$129,710. **SUMMARY:** Palm Beach County entered into a Master Agreement for Energy Performance Contracting with FPL Services, LLC on July 20, 2010 (R2010-1159). The Department of Airports wishes to use that Master Agreement to determine if there are

financially viable energy conservation opportunities at PBI. The first phase of the Energy Performance Contracting is to perform an Investment Grade Energy Audit. This Feasibility Study will identify energy conservation opportunities in the areas of lighting retrofits, water conservation and heating, ventilation and air-conditioning upgrades. Once these opportunities are identified, the Department of Airports will come back to the Board with an agreement with FPL Services, LLC to implement the recommendations of the Audit. FPL Services, LLC is a local firm and has agreed to meet or exceed a 15% Small Business Enterprise (SBE) participation goal. Countywide (AH)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to approve:

A) a Consent to Assignment and Assumption of Agreement and First Amendment of Assigned Contract (Consent) with Palm Beach Transportation Group, LLC, (PBTG/Assignor) and Southeastern Florida Transportation Group, LLC (SEFTG/Assignee) for the assignment, assumption and amendment of the Airport Ground Transportation Concession Agreement (R2005-1774) (Concession Agreement), becoming effective upon approval; and

B) a License Agreement with SEFTG for the use of office and parking space on the Palm Beach International Airport (PBI), becoming effective upon approval, for \$2,813.42 per month.

SUMMARY: PBTG provides on-demand ground transportation services at PBI pursuant to the Concession Agreement. The Concession Agreement commenced on October 1, 2005 and expires on September 30, 2012. The County has one (1) – three (3) year option to renew upon expiration of the initial term. PBTG has requested the County's consent to assign the Concession Agreement to a newly formed Florida limited liability company, SEFTG. SEFTG's principal place of business is located in Palm Beach County. Because SEFTG is a newly formed entity, the Consent also requires SEFTG's obligations under the Concession Agreement to be guaranteed by Peninsula Transportation Group, LLC, PTG Enterprises, LLC and the Jean Meathe Irrevocable Trust. SEFTG is also obligated to provide payment security equal to 50% of the minimum annual guarantee. The Consent amends the Concession Agreement to add the Inspector General language and to modify business automobile liability insurance provisions to allow for Scheduled Autos if Business Automobile Liability is not commercially available for all owned, non-owned and hired automobiles. Scheduled Auto coverage is limited to the vehicles listed on the policy. Accordingly, the Consent provides that SEFTG shall only operate the Scheduled Autos covered by insurance on PBI. In addition to the Concession Agreement, PBTG entered into a license agreement (R2008-1849) for the use of office and parking space at PBI as a staging area for its ground transportation operations. The license agreement is not assignable; therefore,

staff is recommending the approval of a new license agreement with SEFTG. Countywide (AH)

5. **Staff recommends motion to receive and file:** three (3) original Agreements for the Department of Airports:

A) Consent to Sublease for a 2nd Amendment to Sublease Agreement between United Air Lines, Inc. and Spirit Airlines, Inc., commencing November 10, 2010;

B) Consent to Sublease for a Sublease Agreement between Piedmont Hawthorne Aviation, LLC, d/b/a Landmark Aviation and GMI Aviation, commencing November 1, 2010; and

C) Hotel-Motel Courtesy Shuttle Operator Permit with Florida Motor Lodge, Inc., d/b/a/ Best Western University Inn, commencing October 1, 2010, terminating September 30, 2011, automatically renewing on a yearly basis (10/1 through 9/30).

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the Board of County Commissioners in R1994-1453, R2006-1906, and R2010-0707. Countywide (AH)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Amendment No. 2 to Contract with Farmer & Irwin Corporation (R2010-0066) to implement the first renewal of an annual Heating Ventilation Air Conditioning (HVAC) contract with a maximum value of \$2,000,000. **SUMMARY:** Amendment No. 2 is a renewal to the Annual HVAC Contract which was awarded to Farmer & Irwin Corporation as one (1) of six (6) approved contractors. Each work order is bid among the six (6) contractors with the lowest responsive annual contractor awarded the work order. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$2,000,000 among all six (6) annual contractors. The renewal term is twelve (12) months or until \$2,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the term. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the Contract. The goal for Small Business Enterprise (SBE) participation is 15% and will be tracked cumulatively for each work order issued. This is a bond-waiver contract. The cumulative value of active work orders at any time will be limited to \$200,000 per contractor. Farmer & Irwin Corporation had \$39,765 in work orders under this contract during the last term and their participation for work orders issued to date is 0%. Farmer & Irwin Corporation is a Palm Beach County company. (FD&O Admin) Countywide (JM)
2. **Staff recommends motion to approve:** Amendment No. 2 to Contract with Kerney &

Associates, Inc. (R2010-0069) to implement the first renewal of an annual Heating Ventilation Air Conditioning (HVAC) contract with a maximum value of \$2,000,000. **SUMMARY:** Amendment No. 2 is a renewal to the Annual HVAC Contract which was awarded to Kerney & Associates, Inc. as one (1) of six (6) approved contractors. Each work order is bid among the six (6) contractors with the lowest responsive annual contractor awarded the work order. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$2,000,000 among all six (6) annual contractors. The renewal term is twelve (12) months or until \$2,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the term. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the Contract. The goal for Small Business Enterprise (SBE) participation is 15% and will be tracked cumulatively for each work order issued. This is a bond-waiver contract. The cumulative value of active work orders at any time will be limited to \$200,000 per contractor. Kerney & Associates, Inc. had \$101,688.01 in work orders under this contract during the last term and their participation for work orders issued to date is 100%. Kerney & Associates, Inc. is a certified SBE contractor and is a Palm Beach County company. (FD&O Admin) Countywide (JM)

3. **Staff recommends motion to approve:** Amendment No. 2 to Contract with Horizon Air Conditioning, Inc. (R2010-0067) to implement the first renewal of an annual Heating Ventilation Air Conditioning (HVAC) contract with a maximum value of \$2,000,000. **SUMMARY:** Amendment No. 2 is a renewal to the Annual HVAC Contract which was awarded to Horizon Air Conditioning, Inc. as one (1) of six (6) approved contractors. Each work order is bid among the six (6) contractors with the lowest responsive annual contractor awarded the work order. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$2,000,000 among all six (6) annual contractors. The renewal term is twelve (12) months or until \$2,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the term. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the Contract. The goal for Small Business Enterprise (SBE) participation is 15% and will be tracked cumulatively for each work order issued. This is a bond-waiver contract. The cumulative value of active work orders at any time will be limited to \$200,000 per contractor. Horizon Air Conditioning, Inc. had \$4,600 in work orders under this contract during the last term and their participation for work orders issued to date is 100%. Horizon Air Conditioning, Inc. is a certified SBE contractor and is a Palm Beach County company. (FD&O Admin) Countywide (JM)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. **Staff recommends motion to approve:** Amendment No. 2 to Contract with Precision Air Systems, Inc. (R2010-0065) to implement the first renewal of an annual Heating Ventilation Air Conditioning (HVAC) contract with a maximum value of \$2,000,000. **SUMMARY:** Amendment No. 2 is a renewal to the Annual HVAC Contract which was awarded to Precision Air Systems, Inc. as one (1) of six (6) approved contractors. Each work order is bid among the six (6) contractors with the lowest responsive annual contractor awarded the work order. The annual HVAC contract is an indefinite-quantity

contract and this renewal has a maximum value of \$2,000,000 among all six (6) annual contractors. The renewal term is twelve (12) months or until \$2,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the term. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the Contract. The goal for Small Business Enterprise (SBE) participation is 15% and will be tracked cumulatively for each work order issued. This is a bond-waiver contract. The cumulative value of active work orders at any time will be limited to \$200,000 per contractor. Precision Air Systems, Inc. had \$71,570 in work orders under this contract during the last term and their participation for work orders issued to date is 0%. Precision Air Systems, Inc. is a Palm Beach County company. (FD&O Admin) Countywide (JM)

5. **Staff recommends motion to approve:** Amendment No. 2 to Contract with The Airtex Corporation (R2010-0070) to implement the first renewal of an annual Heating Ventilation Air Conditioning (HVAC) contract with a maximum value of \$2,000,000. **SUMMARY:** Amendment No. 2 is a renewal to the Annual HVAC Contract which was awarded to The Airtex Corporation as one (1) of six (6) approved contractors. Each work order is bid among the six (6) contractors with the lowest responsive annual contractor awarded the work order. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$2,000,000 among all six (6) annual contractors. The renewal term is twelve (12) months or until \$2,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the term. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the Contract. The goal for Small Business Enterprise (SBE) participation is 15% and will be tracked cumulatively for each work order issued. This is a bond-waiver contract. The cumulative value of active work orders at any time will be limited to \$200,000 per contractor. The Airtex Corporation had \$6,457.60 in work orders under this contract during the last term and their participation for work orders issued to date is 100%. The Airtex Corporation is a certified SBE contractor and is a Palm Beach County company. (FD&O Admin) Countywide (JM)

6. **Staff recommends motion to approve:** Amendment No. 2 to Contract with E.C. Stokes Mechanical, Inc. (R2010-0068) to implement the first renewal of an annual Heating Ventilation Air Conditioning (HVAC) contract with a maximum value of \$2,000,000. **SUMMARY:** Amendment No. 2 is a renewal to the Annual HVAC Contract which was awarded to E.C. Stokes Mechanical, Inc. as one (1) of six (6) approved contractors. Each work order is bid among the six (6) contractors with the lowest responsive annual contractor awarded the work order. The annual HVAC contract is an indefinite-quantity contract and this renewal has a maximum value of \$2,000,000 among all six (6) annual contractors. The renewal term is twelve (12) months or until \$2,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the term. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the Contract. The goal for Small Business Enterprise (SBE) participation is 15% and will be tracked cumulatively for each work order issued. This is a bond-waiver contract. The cumulative value of active work orders at any time will be limited to \$200,000 per contractor. E.C. Stokes Mechanical, Inc. had \$122,162 in work orders under this contract during the last term and their participation for work orders issued to date is 100%. E.C. Stokes Mechanical, Inc. is a certified SBE contractor and is a Palm Beach County company. (FD&O Admin)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. **Staff recommends motion to approve:** Work Order No. 11-007 with Roofing Concepts Unlimited/Florida, Inc. (R2007-0943) in the amount of \$201,960 to replace the tile roof at the Water Utilities Department No. 5 Customer Service Building located at 9045 Jog Road in Boynton Beach. **SUMMARY:** The work consists of the removal of the existing tile roof system and replacement with a new Englert standing seam metal roofing system. The roof replacement is timely due to concerns of the instability of the existing roof and its impact on the window hardening project. The project is being funded by Water User Fees. This work was competitively bid amongst the pool of five (5) annual roofing contractors with the lowest responsive annual contractor awarded the work order. Roofing Concepts Unlimited/Florida, Inc. submitted the lowest responsive, responsible bid. The Small Business Enterprise (SBE) participation for this work order is 0%. When the participation for this work order is added to the total participation against the roofing contract, the resulting values are 41.17%. The total construction duration is 90 days. Roofing Concepts Unlimited/Florida, Inc. is a Broward County company. (FD&O Admin) District 3 (JM)
8. **Staff recommends motion to approve:** Change Order No. 62 to the contract with C.R. Klewin Southeast, Inc. (R2004-2066) decreasing the Guaranteed Maximum Price (GMP) for the Fire Rescue Training Facility by (\$1,457,726.70). **SUMMARY:** Change Order No. 62 reconciles final costs including buy-out savings, allowances, and contingency. Change Order No. 62 will allow for closeout of this contract. The unused funds will be returned to Palm Beach County Fire Rescue. The final Small Business Enterprise (SBE) participation is 19.2%. (Capital Improvements Division) District 6 (JM)
9. **Staff recommends motion to receive and file:** Change Order No. 129 in the amount of \$27,977 with Moss and Associates (R2007-0031) for Jail Expansion Project. **SUMMARY:** In accordance with PPM CW-F-050, when the cumulative value of changes approved by the Lead Department exceeds a certain cumulative value, in this case \$500,000, the Department is required to notify the Board that it has exceeded this reporting threshold. The Change Order has been approved by the Facilities Development and Operations Department Director and the cumulative value of all changes for this project authorized by the Department now exceeds \$500,000. This item notifies the Board that the cumulative threshold has been reached. After the item is approved by the Board, the cumulative reporting thresholds are reset. (Capital Improvements Division) Countywide/District 6 (JM)
10. **Staff recommends motion to approve:** a Termination of Lease Agreement with Sprint Spectrum L.P. (R2006-1920) relating to the right to construct a 100' stealth flagpole

communication tower and equipment building within Veteran's Park in unincorporated western Boca Raton. **SUMMARY:** In April of 2005, Staff issued a Request for Proposals for the installation of a 100' stealth flagpole communication tower and communications equipment building with a public pavilion on a 433 sq. ft. parcel located within the County's Veterans Park, at 9400 Palmetto Park Road, in unincorporated Boca Raton. On September 12, 2006, the Board approved a Lease Agreement with Sprint Spectrum L.P (Sprint). The initial term was for five (5) years and expires on September 11, 2011. Sprint has five (5) extension options for a period of five (5) years each. Sprint informed the County it does not intend to exercise its extension option, and offered to pay the annual rent through the expiration date, in exchange for terminating the Lease early. The County will return Sprint's \$5,000 deposit within 30 days of the County's approval of the Termination of Lease Agreement. Over the course of the Lease Agreement, the County has earned \$227,174.29, including a \$20,000 capital contribution which was used by the Parks and Recreation Department for improvements to Veterans Park. (PREM) District 5 (HJF)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in a 0.01 acre vacant parcel of County-owned land located on Reo Drive in Jupiter to William F. and Joan E. Rasperger for \$210 with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

B) approve a County Deed in favor of William F. and Joan E. Rasperger.

SUMMARY: The County acquired a 0.01 acre parcel of vacant land on Reo Drive in Jupiter by Tax Deed in December 1996. It is a 2 ½' x 100' strip running between two (2) residential properties. This property was deemed surplus because it serves no present or future County purpose. The assessed value of the parcel is \$199. Pursuant to Florida Statutes Section 125.35(2), the Board may affect a private sale of the parcel upon a finding that the value of a parcel is \$15,000 or less, as determined by the County Property Appraiser, and when due to its size, shape, location and value it is of use to only one or more adjacent property owners. Notice of the County's intent to sell this parcel was sent to the two (2) adjacent property owners who were given the opportunity to bid on this parcel. Only one (1) bid was received from William F. and Joan E. Rasperger, with a proposed purchase price of \$210. Staff recommends the sale of this parcel as it will: (i) lessen the County's potential liability and maintenance responsibilities and, (ii) return the parcel to the tax roll. The County will retain mineral rights in accordance with Florida Statutes Section 270.11, but will not retain rights of entry and exploration. This sale must be approved by a supermajority vote (5 Commissioners). (PREM) District 1 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to:**

A) approve a waiver of prohibited relationship pursuant to Article XIII, the Palm Beach County Code of Ethics, for We Help Community Development Corporation employee, Dr. Dorothy M. Walker, a member of the Emergency Shelters Grants Program Advisory Board, and the Homeless Advisory Board; and

B) receive and file the following three (3) Agreements:

- 1) Agreement with We Help Community Development Corporation dated October 21, 2010;
- 2) Agreement with the City of Delray Beach dated October 28, 2010; and
- 3) Agreement with NOAH Development Corporation dated October 12, 2010.

SUMMARY: The County Administrator, or designee, executed these Agreements based on authority delegated by the Palm Beach County Board of County Commissioners on July 18, 2006, Resolution No. R2006-1351, and on September 11, 2007, Resolution No. R2007-1524. A prohibited relationship waiver is being recommended for one (1) individual who serves on two (2) County boards. This individual has disclosed this relationship and is requesting a waiver pursuant to Section 2-443(d) of the Code of Ethics. The waiver is being recommended based on a staff determination that the execution of this Contract will not create a conflict of interest with the continued service of this individual on these advisory boards. This Agenda Item formally receives and files the aforesaid executed Agreements. **These are federal Community Development Block Grant funds that do not require a local match.** Districts 6 & 7 (TKF)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** the following two (2) payments to non-profit scientific and technical research foundations; of:

A) a one-time payment of \$10,000 to the Water Reuse Research Foundation (WRRF) to participate in a Co-Funding Agreement to evaluate potential nutrient impacts related to Florida's waterReuse program; and

B) a one-time payment to the Water Environment Research Foundation (WERF) in the amount of \$2,000 to participate in the collaborative effort to develop information on nitrogen sources, water quality impacts and control strategies.

SUMMARY: In November 2010, the U.S. Environmental Protection Agency (EPA) promulgated new and very stringent water quality criteria on nutrients in Florida water bodies. These criteria have a significant potential impact on Palm Beach County Water

Utilities Department (PBCWUD) and its customers depending on how EPA and Florida Department of Environmental Protection (FDEP) implement these new standards. Of particular concern is PBCWUD's future ability to continue to operate its reclaimed water system which saves millions of gallons a day of fresh water. EPA delayed implementation of the criteria for one (1) year to obtain input from impacted parties and to work closely with stakeholders on implementation guidelines. The data and information to be developed by WRRF and WERF is critical toward helping EPA and FDEP implement meaningful and practical guidelines. Both WRRF and WERF are non-profit scientific and technical research foundations which are implementing large-scale projects to obtain Florida specific data by pooling money from numerous Florida entities. Our cost using this approach is a fraction of the cost of gathering this data on our own by hiring consultants. Countywide (MJ)

2. **Staff recommends motion to approve:** a Partial Release from executed and recorded Standard Development Agreements. **SUMMARY:** Whitworth Estates PUD, LLC entered into a Standard Water and Wastewater Development Agreement dated July 18, 2005 (R2005-1732), as amended by the First Amendment to Potable Water and Wastewater Development Agreement dated August 15, 2006 (R2006-1459), and a Reclaimed Water Development Agreement dated August 15, 2006 (R2006-1460) (Development Agreements), all of which were recorded in Palm Beach Official Records. A portion of the property encumbered by the Development Agreements has since been deeded to the County for right-of-way. The right-of-way is in the process of being conveyed to Florida Department and Transportation, which has requested that the County release the right-of-way property from the terms and conditions of the Development Agreements. District 5 (MJ)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. **Staff recommends motion to approve:** an Interagency Contract (No. 4600002308) with the South Florida Water Management District for the design and construction of the Acme Dairy Reclaimed Water Main Project in the amount of \$25,000. **SUMMARY:** This project is intended to design and construct a reclaimed water pipeline to interconnect two (2) existing reclaimed water pipelines on Acme Dairy Road, which are presently not connected. The total cost of the project is approximately \$150,000. This Interagency Agreement provides \$25,000 in South Florida Water Management District Alternative Water Supply (AWS) Program funding to reduce the Palm Beach County Water Utilities Department overall cost. This project was included in Palm Beach County Water Utilities Department FY 2011 capital improvement budget, which has been approved by the Board of County Commissioners. The pipeline will provide approximately 1.6 million gallons per day (MGD) of reclaimed water to three (3) existing developments and one (1) potential new development along Acme Dairy Road. The existing developments include an elementary school, a shopping center, and two (2) residential communities (Valencia

Reserve and Canyon Lakes). These developments are located within Palm Beach County's Mandatory Reuse Zone (MRZ) and will be required by ordinance to immediately connect to the new system. The potential new customer (Canyon Lakes PUD) presently exists, but its development predates Palm Beach County's MRZ Ordinance requirements and therefore is exempt from the ordinance. District 5 (MJ)

4. [Staff recommends motion to receive and file:](#) the following two (2) documents:

A) a Standard Indemnity Agreement with BR Osprey Acquisition LLC SDA No. 05-01085-000 - District 3 (SF); and

B) a Contract with All Webb's Enterprises, Inc. in the amount of \$57,580 to perform mechanical integrity testing of a Class 1 Deep Injection Well (IW-1) at the Southern Region Water Reclamation Facility. (WUD 10-073) - District 5 (JM).

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 Standard Development Agreement, Contracts and Indemnity Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Deputy Director of the Water Utilities Department in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the Board to receive and file. Districts 3 & 5 (WUD)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. [Staff recommends motion to approve:](#)

A) Contract with Arbor Tree & Land, Inc. d/b/a ATL Diversified Industries (ATL) in the amount of \$267,465 for the construction of Pine Glades Natural Area Seepage Barrier, Project No. 2010ERM05;

B) Budget Transfer of \$900,000 in the Natural Areas Fund from Reserves to the Environmental Resources Capital Fund; and

C) Budget Amendment of \$900,000 in the Environmental Resources Capital Fund to recognize the transfer from the Natural Areas Fund to the Pine Glades Natural Area Project.

SUMMARY: The Project will construct a seepage barrier along three (3) linear miles of the Pine Glades Natural Area in unincorporated northern Palm Beach County during the dry season in Spring 2011. Five (5) eligible bids were received for this Project. The bid evaluation was based on the lowest responsive, responsible bidder for the Base Bid combined with the Alternate Bid. ATL, a Palm Beach County company, was the lowest

responsive, responsible bidder with 7% Small Business Enterprise (SBE) participation, which does not meet the established 15% goal. However, the second low bid falls outside the range for the ranking of responsive bidder consideration. The funding for this Project is the Natural Areas Fund, a non ad-valorem source and includes the estimated cost of \$600,000 for wetland restoration with the use of master agreements. Master agreements will be used for earthwork using heavy equipment and operators. The contract time is 90 days. District 1 (JM)

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

A) Amendment No. 2 to incorporate several revisions to the continuing Contract (R2008-0877, R2010-0788) with Coastal Planning and Engineering, Inc. (CPE) for professional coastal and marine engineering services on a countywide basis;

B) Amendment No. 2 to incorporate several revisions to the continuing Contract (R2008-0878, R2010-0789) with Humiston and Moore Engineers (Humiston) for professional coastal and marine engineering services on a countywide basis;

C) Amendment No. 1 to incorporate several revisions to the continuing Contract (R2010-1296) with Applied Technology & Management, Inc. (ATM) for professional coastal and marine engineering services on a countywide basis;

D) Amendment No. 1 to incorporate several revisions to the continuing Contract (R2010-1297) with Olsen Associates, Inc. (Olsen) for professional coastal and marine engineering services on a countywide basis;

E) Amendment No. 1 to incorporate several revisions to the continuing Contract (R2010-1434) with Coast & Harbor Engineering, Inc. (C&H) for professional coastal and marine engineering services on a countywide basis; and

F) Amendment No. 1 to incorporate several revisions to the continuing Contract (R2010-1435) with Taylor Engineering, Inc. (Taylor) for professional coastal and marine engineering services on a countywide basis.

SUMMARY: CPE (R2008-0877, R2010-0788), Humiston (R2008-0878, R2010-0789), ATM (R2010-1296), Olsen (R2010-1297), C&H (R2010-1434), and Taylor (R2010-1435), were selected in accordance with County procedures for the Consultant's Competitive Negotiations Act (CCNA). Implementation of the Inspector General Ordinance 2009-049 and a change to the Periods of Service clause requires modification of these existing annual agreements. Countywide (JM)

JANUARY 11, 2011

3. **CONSENT AGENDA APPROVAL**

M. PARKS & RECREATION

1. **Staff recommends motion to:**

A) receive and file a fully executed Florida Inland Navigation District (FIND) Waterways Assistance Program Grant Project Agreement for the staging dock extension at Burt Reynolds Park for the period October 27, 2010, through September 1, 2012; and

B) approve Budget Amendment of \$75,000 within the Park Improvement Fund to establish budget for the approved grant.

SUMMARY: On May 4, 2010, the Board authorized submission of a Waterways Assistance Program grant application (R2010-0724) to fund the extension of the existing staging dock on the western side of Burt Reynolds Park by 179 linear feet. The Board also authorized the County Administrator or his designee to execute the Project Agreement (FIND Project No. PB-10-146) and other grant forms related to this project if the grant was approved. The grant was approved, and 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 \$75,000 FIND grant will be matched by \$75,000 from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue. This grant project must be completed and all required reimbursement information submitted to FIND on or before September 1, 2012. District 1 (AH)

2. **Staff recommends motion to:**

A) receive and file a fully executed Florida Inland Navigation District (FIND) Waterways Assistance Program Grant Project Agreement for design and permitting of Waterway Park for the period October 27, 2010, through September 1, 2012; and

B) approve Budget Amendment of \$100,000 within the Park Improvement Fund to establish budget for the approved grant.

SUMMARY: On May 4, 2010, the Board authorized submission of a Waterways Assistance Program grant application (R2010-0722) to fund a portion of the cost of the design and permitting for Waterway Park. The Board also authorized the County Administrator or his designee to execute the Project Agreement (FIND Project No. PB-10-149) and other grant forms related to this project if the grant was approved. The grant was approved, and 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 cost of the design and permitting is \$428,711, with the County providing \$328,711 (77%) in matching funds from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue. This grant project must be completed and all required reimbursement information submitted to FIND on or before September 1, 2012. District 1 (AH)

JANUARY 11, 2011

3. **CONSENT AGENDA APPROVAL**

M. **PARKS & RECREATION (Cont'd)**

3. **Staff recommends motion to:**

A) ratify the signature of the Chair on a State of Florida Department of Environmental Protection (FDEP) Agreement No. CM016 Amendment No. 1; and

B) receive and file a fully executed State of Florida Department of Environmental Protection Agreement No. CM016 Amendment No. 1 for a \$50,000 Florida Coastal Management Program grant approving a 6-month time extension, and modifying the

scope of work.

SUMMARY: On December 2, 2008, the Board authorized submission of a Florida Coastal Partnership Initiative grant application (R2008-2237) for upland improvements at the Zeke's Marina property. The grant was awarded, and on October 20, 2009, a Receive and File agenda item was presented to the Board to enter the Grant Agreement (R2009-1798) into public records and to establish budget for the grant. The Grant Agreement required all improvements to be completed by September 30, 2010; however, due to construction delays, the County requested a 6-month time extension and a modification to the scope of work reducing the proposed sidewalk width from 12 feet to 6 feet. The time extension and modification of the scope of work was approved by FDEP, and Commissioner Aaronson signed the Amendment on behalf of the County. The document is now being presented to the Board to receive and file. District 1 (AH)

4. **Staff recommends motion to receive and file:** a fully executed Sovereignty Submerged Lands Lease (No. 500341216) between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (LESSOR) and Palm Beach County (LESSEE) for 5,855 square feet of submerged lands at the Zeke's Marina portion of DuBois Park. **SUMMARY:** In 2008, the Zeke's Marina property was acquired by the County in part to expand public boater access to DuBois Park. The acquisition included a State of Florida Sovereignty Submerged Lands Lease, which was issued in the name of the seller. In conjunction with the Dubois Park Marina and Artificial Reef project, the County applied to the State of Florida for the reassignment of the Submerged Lands Lease to Palm Beach County. The new lease will allow the County to construct and operate a 4-slip docking facility with an access ramp at Zeke's Marina. The lease term is from August 5, 2010, to May 8, 2012, and there is no annual lease fee. District 1 (AH)

Q. CRIMINAL JUSTICE COMMISSION

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

A) a Grant Adjustment Notice from the Florida Department of Law Enforcement extending the expiration date from September 30, 2010, to June 30, 2011; and

B) the Ninth Amendment to the Interlocal Agreement (R2001-2131; dated December 4, 2001) with the Office of the Public Defender for re-entry services for \$193,500 from October 1, 2010, through June 30, 2011.

SUMMARY: In 2008, a permanent re-entry task force was approved, and a formalized structure began to take shape under the leadership of Carey Haughwout and Harry Johnston. With this, re-entry became a permanent component of the Criminal Justice Commission's crime prevention strategy. This project hopes to assist up to 200 persons who voluntarily agree to services. The various components of the project include: services to the County jail, services for a countywide paralegal and coordinator to implement the strategic plan for re-entry. There is no match requirement. Countywide (GB)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. **Staff recommends motion to approve:** 1st Pricing Schedule attachment to the Master Services Agreement (MSA) with AT&T (R2009-1055) for maintenance and purchase of equipment and other services pertaining to the County's Meridian telephone systems in the amount of \$234,655 for the period February 1, 2011, through February 1, 2012. **SUMMARY:** This Pricing Schedule specifically provides for maintenance services, purchase of telephone equipment and other PBX-related services for the three (3) Meridian telephone systems in use throughout the County. This Pricing Schedule is for a period of 12 months and will be re-quoted each year that the MSA is in force. This Pricing Schedule will provide the County with high quality repair and maintenance services for these critical telephone systems. An extensive review of the equipment covered and level of services provided under this Pricing Schedule has resulted in a reduction of approximately \$21,289 per year in the cost of these services to the County compared to the previous maintenance agreements. AT&T has an office in Palm Beach County. Countywide (PK)

2. **Staff recommends motion to approve:** an Agreement with the Children's Case Management Organization Inc., d/b/a Families First of Palm Beach County, Inc., ("Non-Profit Organization") for interconnection to the Palm Beach County Regional Network ("County") at an estimated first year revenue of \$8,400 for the first point of connection, for an initial term of one (1) year, with automatic one (1) year renewals unless notice given by either party. **SUMMARY:** This Agreement allows the Non-Profit Organization to access the County's Regional Network and services on a cost-sharing basis similar to existing Agreements between the County and other non-profit organizations, various municipalities, the School District of Palm Beach County and other public sector agencies. Interconnection to the County's Network will provide greater bandwidth for Internet access and disaster recovery opportunities while reducing overall network costs for the Non-Profit Organization and County. The Non-Profit Organization agrees to pay the County \$8,400 annually for the initial connection and access to the County's network Per Exhibit "A" of the Agreement. Fees for additional network connections are set at \$6,000 annually. Additionally, the Non-Profit Organization agrees to reimburse the County \$5,386 for the initial fiber optic cable construction at the Non-Profit Organization's location. This Agreement provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Countywide (PFK)

X. PUBLIC SAFETY

1. **Staff recommends motion to:**

A) receive and file an original copy of the executed grant contract with the State of Florida, Division of Emergency Management, to receive emergency management grant funding in the amount of \$77,043 for the period of October 1, 2010, through June 30, 2011; and

B) approve a Budget Amendment of \$77,043 in the Emergency Management Preparedness and Assistance Fund to adjust the budget to recognize the grant award.

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. A portion of the grant funds will also be used to pay for one (1) current Emergency Management position. R2006-0401 gave authority 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. The County received this executed grant contract from the State in late November. **No County matching funds are required for this grant.** Countywide (GB)

JANUARY 11, 2011

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to receive and file: the original executed service agreement with Child and Family Connections (CFC) FSSA009-09 for the period July 1, 2010, through June 30, 2011. **SUMMARY:** The Public Safety Department's Division of Justice Services, Court Psychology Program provides court ordered psychological evaluations for dependency cases under CFC jurisdiction referred by the Juvenile Division of the Fifteenth Judicial Circuit Court. These are frequently performed on the parents of children under CFC care and are required as part of a case plan or to support, and provide important and relevant expert psychological information for litigation. This agreement compensates Court Psychology for court ordered psychological evaluations and expert witness testimony in Dependency Court cases under CFC's jurisdiction. R2005-0792 authorizes the County Administrator or his designee to sign contracts to provide psychological services to the Fifteenth Judicial Circuit Court. Countywide (GB)

AA. PALM TRAN

1. Staff recommends motion to approve: the Second Amendment to the Contract with WTC Backgrounds & Drug Testing, Inc., (R2007-0712) exercising the County's option to extend the Contract for one (1) additional year through April 30, 2012. WTC provides professional medical consultation, specimen collection and laboratory, and Medical Review Officer (MRO) services for Palm Tran's drug free workplace program in an amount not to exceed \$21,000 per year. **SUMMARY:** The contractor will provide, on an as needed basis, specimen collection, alcohol breath testing, specimen analysis, and MRO services. Unit pricing for the various services shall remain the same throughout the performance period of the Contract. Countywide (DR)
2. Staff recommends motion to approve: Interlocal Agreement with the Village of Wellington to reimburse, in part, Palm Beach County for the delivery of door-to-door paratransit transportation services to Village of Wellington residents with American with Disabilities Act (ADA) eligibility, in an amount of \$40,000 for the period of October 1, 2010, through September 30, 2011. **SUMMARY:** This Interlocal Agreement with the Village of Wellington will provide paratransit services to residents who are no longer eligible for Americans with Disabilities Act (ADA) paratransit services due to the redefinition of the ADA core area. This agreement takes effect as of October 1, 2010 and expires September 30, 2011, in the amount of \$40,000. District 6 (DR)

3. **Staff recommends motion to approve:** a two (2) year Agreement with Lakes of Delray, Inc. for provision of transportation services (via Palm Tran routes 70 and 81) to residents of Lakes of Delray, at a per dwelling rate (for 1,408 units) of \$4.74 per unit, per month, for the period February 1, 2011, through January 31, 2012 and \$4.86 per month for the year February 1, 2012 through January 31, 2013. **SUMMARY:** Lakes of Delray, Inc has contracted with Palm Tran for bus service for its residents since the inception of the development. The rates in the proposed agreement represent a 2.5% yearly increase over each preceding year. Payment of the per unit rates are in lieu of residents paying individual fares into the fareboxes on Palm Tran routes 70 and 81. The commencement date of this new agreement is February 1, 2011 and the termination date is January 31, 2013. District 5 (DR)

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JANUARY 11, 2011

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

- A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 21 of the Palm Beach County Code (Ordinance 2004-022) pertaining to parks and recreation; amending Section 21-17 of the Palm Beach County Code (authority of the Director of Parks and Recreation); amending Section 21-18 of the Palm Beach County Code (definitions); amending Section 21-19 of the Palm Beach County Code (regulation of vehicles within parks); amending Section 21-23 of the Palm Beach County Code (control of nuisance animals); amending Section 21-25 of the Palm Beach County Code (boating); amending Section 21-27 of the Palm Beach County Code (fishing); amending Section 21-28 of the Palm Beach County Code (firearms); amending Section 21-31 of the Palm Beach County Code (horseback riding); amending Section 21-32 of the Palm Beach County Code (animals); amending Section 21-33 of the Palm Beach County Code (alcoholic beverages); amending Section 21-36 of the Palm Beach County Code (commercial activities); amending Section 21-37 of the Palm Beach County Code (reserved park/facility areas); providing for savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** Staff has determined it is necessary to amend Chapter 21, Article 2 of the Palm Beach County Code (Parks and Recreation) to conform to state law and provide for better management of park property. In addition to several administrative modifications, the proposed Code changes will:

- Identify the Parks and Recreation Director's designee as the Assistant Director of Parks and Recreation;
- Clarify the definition of exotic animals and update the code reference for dangerous dogs prohibited from park property;
- Better define Parks and Recreation areas to include water bodies located within or adjacent to the Atlantic Intracoastal Waterway, Lake Worth Lagoon and Atlantic Ocean;
- Identify boater exclusion zones within areas of Phil Foster and Peanut Island Parks;
- More clearly define fishing regulations within park property for reasons of public health, safety and welfare;
- Modify language relating to the possession of firearms within park property to conform to Florida Statutes;
- Include language pertaining to horseback riding safety in County Parks;
- Better define areas within park property which may be designated for the

- possession and/or consumption of alcoholic beverages; and
- Better define the prohibition of commercial activities within park property whether land-based or from the water without authorization. Countywide (AH)

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JANUARY 11, 2011

5. REGULAR AGENDA

A. ADMINISTRATION

TIME CERTAIN – 10:30 A.M.

1. Presentation by South Florida Water Management District on upcoming dry season and water use.

2. **Staff recommends motion to:**

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, conceptually approving a \$40,000 Job Growth Incentive (JGI) Grant as a portion of the local match for a State Qualified Target Industry (QTI);

B) conceptual approval of a \$20,000 High Impact Performance Incentive (HIPI) Grant; and

C) conceptual approval of a \$150,000 Quick Action Closing Fund Grant, with GARDA USA, INC., and providing for an effective date.

SUMMARY: GARDA USA, INC. is a foreign corporation based in Montreal, Canada, specializing in security and cash logistics, who supplies armored transport, ATM maintenance, smart safes and cash processing services. The company has major offices in New York and Chicago and is considering locating a regional headquarters in Boca Raton. The company will create 100 jobs by December 31, 2013, with an average annual salary of \$65,769, excluding benefits. The company has secured a total of \$1,000,000 from the State of Florida which requires a \$420,000 local match. Of this amount, the City of Boca Raton will provide \$210,000 and the County will provide a total of \$210,000 over six (6) years, with an estimated disbursement schedule of \$35,000 in FY 2011, \$43,000 in FY 2012, \$37,000 in FY 2013, \$35,000 in FY 2014, \$25,000 in FY 2015, and \$35,000 in FY 2016. The Regional Economic Model, Inc. results estimate that GARDA USA, INC. will have a \$44 million economic impact over a five (5) year period, generating \$3 million in federal, state and local taxes. GARDA USA, INC. is considering Boca Raton, along with Broadview, Illinois, and Wilmington, Delaware. As this approval is conceptual, formal Grant Agreements will be brought before the Board of County Commissioners (BCC) when GARDA USA, INC. has finalized their relocation plans. The BCC directed staff to bring qualified companies to the BCC for consideration. **Funding will come from General Fund Contingency Reserves.** District 4 (DW)

3. **Staff requests Board direction:** regarding the possibility of holding some Board of

County Commissioner's (BCC) meetings at night. **SUMMARY:** At the request of Commissioners Santamaria and Burdick, staff has researched the possibility of conducting some BCC meetings at night. Currently, all regular BCC meetings are conducted during the day, and include live broadcast on Channel 20 as well as live streaming video on the internet. Pursuant to law, the two (2) public budget hearings are held at night, after 5 p.m. Numerous issues will need to be addressed including: staffing, security, and transportation. Countywide (PK)

JANUARY 11, 2011

5. REGULAR AGENDA

B. COUNTY ATTORNEY

1. **Staff recommends motion to adopt:** an authorizing Resolution which, among other things, authorizes the issuance of not exceeding \$9,000,000 in aggregate principal amount of Palm Beach County, Florida Bond Anticipation Notes, Series 2011 (CCRC Pre-Development Project) (the "Notes"), approves the form of certain documents relating to the issuance of the Notes and provides an effective date. **SUMMARY:** On December 21, 2010, the Board approved the application of Federation CCRC Development, LLC (the "Company") for the County to issue the Notes as non-recourse obligations to the County to finance certain pre-development costs associated with a continuing care retirement community located in Palm Beach County, Florida (the "CCRC Project"). Such pre-development costs include but are not limited to marketing, design, engineering and consulting costs relating to the CCRC Project. On December 21, 2010, the Board also held a TEFRA hearing. The CCRC Project will be located on an approximately 22 acre site located on the S.E. and N.W. corners of 95th Avenue South and Baron Coleman Boulevard in unincorporated Palm Beach County, Florida. The CCRC Project, when built, will consist of independent living units, assisted living units, memory support units and skilled nursing beds and will be owned by a Florida not-for-profit corporation owned by the Company. The Notes will be issued pursuant to the terms and provisions of a Trust Indenture the form of which is attached to the subject authorizing resolution. The Notes will be payable solely from the net proceeds of future industrial development bonds issued by the County to permanently finance the construction and equipping of the CCRC Project. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premium, if any, or interest of the Notes.** District 5 (PFK)

C. COMMUNITY SERVICES

1. **Staff recommends motion to receive and file:** the Community Action Program (CAP) 2009-2010 Annual Report. **SUMMARY:** The FY 2010 Community Action Program received funding from the Community Services Block Grant (CSBG), the CSBG-American Recovery and Reinvestment Act (ARRA) grant and the Low Income Home Energy Assistance (LIHEAP) grant. The program provides services to low-income residents of Palm Beach County that enable them to become more self-sufficient. These

services include education and training, employment, employment support, emergency assistance through eviction prevention and utility payments, nutrition and health services, and referrals. CAP operates from seven (7) target area centers that are strategically located in high poverty areas throughout Palm Beach County. The Community Action Advisory Board oversees the CSBG and is comprised of 15 members with representation from public, private and low-income sectors. The program collaborates with more than 65 agencies throughout Palm Beach County to provide services to low-income participants. (Community Action Program) Countywide (TKF)

JANUARY 11, 2011

5. REGULAR AGENDA

D. PALM TRAN

1. **Staff recommends motion to approve:** Consent to Assignment and Assumption of Agreement with Palm Beach Metro Transportation, LLC (PBMT), the Assignor, and Metro Mobility Management Group, LLC (MMM), the Assignee. **SUMMARY:** PBMT and the COUNTY entered into a contract (R2004-2447; dated November 22, 2004), as subsequently amended, under which PBMT provides approximately 50% of the ambulatory and non-ambulatory paratransit transportation services in Palm Beach County. In September 2010, as a result of reorganization and transfer of the assets of PBMT to MMM, the COUNTY has been requested to approve the assignment of our contract to MMM. A review of the documents presented and the representations provide that the management and personnel will continue substantially unchanged and indicate that MMM will have the financial and technical capacity to complete the contract. Countywide (DR)

E. PUBLIC SAFETY

1. **Staff recommends motion to adopt:** Resolution of the Board of County Commissioners of Palm Beach County, Florida amending Resolution No. R2008-0448 to increase the veterinarian handling fee, adjust the electronic microchip I.D. implant fees, increase euthanasia fees, and broaden euthanasia applications. **SUMMARY:** Resolution No. R2008-0448 modified the schedule of fees and fines which is utilized by the Division of Animal Care and Control. Therefore, it is necessary to amend the schedule of fees and fines to increase the veterinarian handling fee from \$2 up to \$5, increase the electronic microchip I.D. implant fee from \$5 to \$10 for sterilized dogs/cats, and increase euthanasia fees for the public from \$30 to \$50, and only exclude livestock. The senior citizens discount of twenty-five percent (25%) for all regular dog and cat license tags purchased will be eliminated due to the downturn of the economy. The veterinarian handling fee increase is to allow veterinarians to be fairly compensated for the documentation necessary for selling County Rabies Tags. The remaining two (2) fee increases (microchip and euthanasia) are an attempt to offset rising medical costs. It is anticipated there will be a cost savings of \$10,000 in operating expenses (postage & overtime) due to fewer tag billings, (the tags will be purchased up front at the veterinarian offices) and additional revenue of \$90,000 from the fee revisions and

additional tag sales. Countywide (SF)

F. COMMISSION ON ETHICS

1. [Staff recommends motion to approve:](#) an Interlocal Agreement with the City of Lake Worth to engage the services of the Palm Beach County Commission on Ethics. **SUMMARY:** The Lake Worth City Commission adopted an ordinance subjecting the City to the jurisdiction and authority of the Palm Beach County Commission on Ethics. This Interlocal Agreement will allow the City to engage the services of the Commission on Ethics and its Executive Director. This action addresses the City's desire to subject itself to the County's ethics regulations prior to adoption of countywide ethics regulations this spring. Districts 3 & 7 (LB)

JANUARY 11, 2011

5. REGULAR AGENDA

G. HOUSING & COMMUNITY DEVELOPMENT

1. [Staff recommends motion to:](#)

A) authorize the Department of Housing and Community Development to amend its FY 2010-2015 Consolidated Plan and FY 2010-2011 Community Development Action Plan to submit an application to the U.S. Department of Housing and Urban Development (HUD) under the Neighborhood Stabilization Program 3 (NSP3);

B) approve eligible NSP3 activities and corresponding funding allocations; and

C) adopt a Resolution authorizing the County Administrator or his designee to execute the Neighborhood Stabilization Program 3 Grant Application, Standard Form 424, Certifications, Agreement with HUD, and all other documents related to implementation of the Neighborhood Stabilization Program 3.

SUMMARY: In this third round of NSP funding, the County is being allocated \$11,264,172 to assist in the redevelopment of abandoned and foreclosed residential properties in qualified target areas. HUD requires that NSP3 grantees identify areas of greatest need utilizing a HUD Foreclosure Need Mapping Tool. Based on HUD's criteria for selecting areas of greatest need and the County's desire to fund activities that have a countywide impact, staff has identified proposed target areas as delineated on Attachment A to the Agenda Item. NSP3 funds must provide benefits to individuals and families whose income does not exceed 120% of the area median income (AMI). HUD Regulations also stipulate that at least 25% of the funds must be set-aside to provide permanent housing for households with incomes that do not exceed 50% of the AMI. In order to access NSP3 funds, Palm Beach County must submit an application to HUD by March 1, 2011 delineating proposed use of funds and the entity(s) that will carry out the activity(s). The following program activities are included in the County's application: **a)** \$7,321,712 million for an HCD-administered first and second mortgage homebuyer

assistance program; **b)** \$2,816,043 million for a Glades Region rental redevelopment program to be carried out in partnership with the Palm Beach County Housing Authority and the Pahokee Housing Authority; and **c)** \$1,126,417 million to be used for general administration and planning activities. Delegation of signatory authority will appreciably expedite preparation of the application and the County's ability to meet HUD's deadline. The public was notified of this Board of County Commissioners meeting via a posting on the Department's website and a Public Notice published on December 26, 2010. **These are Federal funds that require no local match. Countywide** (TKF)

JANUARY 11, 2011

5. REGULAR AGENDA

H. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve:

A) an Agreement to: 1) pay a \$404,421 reimbursement to the Town of Palm Beach (Town) for emergency work conducted on Old South Ocean Boulevard after damage by Hurricane Frances in September 2004; and 2) transfer this segment of roadway and two (2) other segments of Old South Ocean Boulevard to the Town, subject to public access being maintained to perpetuity on this segment; and

B) a Budget Transfer of \$404,421 in the General Fund from the Contingency Reserve to Old South Ocean Boulevard - Town of Palm Beach.

SUMMARY: Old South Ocean Boulevard from Ocean Boulevard to its southerly end, a Palm Beach County (County) roadway length of approximately 400 feet, was significantly damaged by Hurricane Frances in 2004, rendering it unusable for the three (3) residents who use it for access. The Town asked the County's Property and Real Estate Management Division for permission to conduct emergency repairs for later reimbursement by the County. There is a dispute of facts between the parties after this point. The Town submitted an invoice to the Engineering Department for reimbursement; however staff determined that the reimbursement amount being requested by the Town was not justified. Instead, the County has agreed to reimburse ½ of the requested amount. District 7 (PFK)

2. Staff recommends motion to:

A) authorize the Chair to execute a Federally Funded Subgrant Agreement (Agreement) between the Florida Division of Emergency Management (DEM) and Palm Beach County (County) for the construction of a stormwater pump on the County L-2 Canal (Project) in the Westgate/Belvedere Homes Community Redevelopment Area (CRA);

B) approve a Budget Amendment of \$3,408,486, in the Capital Outlay Fund to recognize the funding from the Federal Emergency Management Agency (FEMA) for the Hazard Mitigation Grant, \$2,556,365, and from the CRA for the 25% match requirement, \$852,121, and appropriate it to the CRA – Lakeside Mobile Home Park Drainage; and

C) approve an Interlocal Agreement with the CRA for the repayment of \$852,121 by the

CRA to the County for the 25% local match required for the DEM Agreement.

SUMMARY: Approval of the DEM Agreement, Budget Amendment and Interlocal Agreement will allow the utilization of funding to construct the stormwater pump on the County L-2 Canal, Project No. 2008910. The stormwater pump will provide better flood protection by discharging existing stored stormwater from the area prior to pending storm. FEMA has agreed to approve a Hazard Mitigation Grant, Contract Number 11HM-2Y-10-60-01-010, with a Federal Share amount of \$2,556,365 representing 75% of the estimated Project cost. The duration of the Agreement is from August 23, 2010 to November 23, 2011. The Agreement between the CRA and the County will require the CRA to repay the County \$752,121 at a rate of \$100,000 a year starting January 15, 2012 and ending with the final payment of \$152,121 on January 15, 2018. District 2 (MRE)

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JANUARY 11, 2011

6. BOARD APPOINTMENTS

**A. AIRPORTS
(Aviation and Airports Advisory Board)**

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

A) waiver of prohibited relationship pursuant to Article XIII of the Palm Beach County Code of Ethics for E. Llwyd Ecclestone, who is employed with the Ecclestone Organization which has one (1) existing contract with the Board of County Commissioners, and

B) reappointment of the following individual to the Aviation and Airports Advisory Board (AAAB):

<u>Reappoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated By:</u>
E. Llwyd Ecclestone	9	Favorable reputation for experience and expertise in: architecture engineering, banking, insurance, law, accounting non-residential construction business or consumer.	1/12/11-1/11/14	Comm. Marcus Comm. Burdick Comm. Vana Comm. Abrams Comm. Comm.
Aaronson Taylor				

SUMMARY: Per Resolution No. R96-205, the AAAB consists of nine (9) members. Seven (7) members are District appointments (Seats 1 through 7) and two (2) members are At-Large appointments (Seats 8 & 9). On January, 11, 2011, the term for Seat No. 9 expires and is open for appointment of a three (3) year term as stipulated in the Resolution. Memos and forms dated December 1, 2010 were forwarded to the Board of County Commissioners (BCC) notifying the BCC of the expirations. The current

incumbent, Mr. Ecclestone meets the membership requirements and is willing to serve another term. No other nominations were received. A prohibited relationship waiver is being recommended for E. Llwyd Ecclestone, employee of the Ecclestone Organization, which has one (1) existing commercial lease with the Board of County Commissioners. Mr. Ecclestone has disclosed this relationship and is requesting a waiver pursuant to Section 2.443(d) of the Code of Ethics. The waiver is being recommended based on staff's determination that the contract between E. Llwyd Ecclestone and the County constitutes no conflict of interest with his duties on the AAAB. Countywide (AH)

B. PARKS & RECREATION
(Boynton Beach Municipal Golf Course Advisory Committee)

1. **Staff recommends motion to reappoint:** one (1) regular at-large County member to the Boynton Beach Municipal Golf Course Advisory Committee for a term of five (5) years, June 21, 2010, to June 20, 2015:

<u>Nominee</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Nominated By:</u>
Arthur Matthews, Jr	1	Citizen at Large	Comm. Karen T. Marcus Comm. Steven L. Abrams Comm. Priscilla A. Taylor

SUMMARY: The Board of County Commissioners, according to the Agreement with the City of Boynton Beach, appoints two (2) regular members and one (1) alternate member to the Boynton Beach Municipal Golf Course Advisory Committee. Mr. Matthews has filled Seat No. 1 since December 21, 1999, and desires to be reappointed. Mr. Matthews has satisfied the Ethics Training requirements. Notice was sent to the Commissioners on November 5, 2010, asking for nominations to fill this vacancy. Countywide (AH)

JANUARY 11, 2011

6. BOARD APPOINTMENTS

C. PLANNING, ZONING & BUILDING
(Building Code Advisory Board)

1. **Staff recommends motion to approve:** appointment/reappointment of the following individuals to the Building Code Advisory Board, for the term of January 11, 2011, until January 10, 2014:

<u>Appoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>
Steven Kennedy	1	Building Official	BOAPBC
Bette Lowe	3	Building Official	BOAPBC
George Diaz	7	Building Official	BOAPBC
Joseph Byrne	9	Roofing Contractor	CIMC
<u>Reappoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>
Michael Fichera	4	Building Official	BOAPBC

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 (3) years; with no limit to the number of terms a member may serve.

Steven Kennedy, Bette Lowe, and George Diaz, are nominated by the Building Officials Association of Palm Beach County (BOAPBC), and Joseph Byrne is nominated by the Construction Industry Management Council of Palm Beach County (CIMC), for a three (3) year term until January 10, 2014. The reappointment of Michael Fichera is nominated by the Building Officials Association of Palm Beach County, for a three (3) year term until January 10, 2014. The Board is composed of 16 members; seven (7) regional Building Officials who must be appointed from nominees submitted by the Building Officials Association of Palm Beach County; seven (7) members who must be appointed from nominees submitted by the Construction Industry Management Council of Palm Beach County; one (1) member who must be a registered Architect appointed from nominees submitted by the Palm Beach County Chapter of the American Institute of Architects; and one (1) member who must be a Professional Engineer appointed from nominees submitted by the Palm Beach County Chapter of the Florida Engineering Society. Countywide (GB)

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

- Staff recommends motion to approve:** reappointment of one (1) member to the Fair Housing/Equal Employment Board for a term beginning on January 9, 2011, through January 9, 2013. The appointment is to be made from the following nominees:

<u>Nominee</u>	<u>Nominated By:</u>	<u>Seat No.:</u>
Eric Malkin	Commissioner Marcus Commissioner Aaronson Commissioner Abrams Commissioner Taylor	7

SUMMARY: Eric Malkin is a current at-large member of the Fair Housing/Equal Employment Board. He was appointed to the board on April 6, 2010 to complete a term that expires on January 9, 2011. Mr. Malkin has expressed an interest in reappointment and has met the attendance requirement during his current term. The board is composed of nine (9) members. Seven (7) members are district appointments and two (2) 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 December 8, 2010. Countywide (TKF)

JANUARY 11, 2011

6. BOARD APPOINTMENTS

**D. ADMINISTRATION (Cont'd)
(Boca Raton Airport Authority – Aviation Advisory Committee)**

- Staff recommends motion to approve:** appointment of the following individual to the

Boca Raton Airport Authority – Aviation Advisory Committee (Advisory Committee) for the term January 11, 2011, to May 31, 2012:

	<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u> <u>by:</u>	<u>Nominated</u>
Aaronson	Sheri Scarborough	N/A	Palm Beach County Resident (Unincorporated Boca Raton)	Comm.

SUMMARY: The Advisory Committee (Boca Raton Airport Authority Resolution 12-67-10) is comprised of nine (9) members. The City of Boca Raton, the City of Delray Beach, the Town of Highland Beach, the City of Deerfield Beach and Palm Beach County shall each appoint one (1) member. In the case of the County, the individual must reside within unincorporated Palm Beach County. The Boca Raton Airport Authority appoints four (4) members with each member residing in established quadrants of the Airport. While the Airport resides in District 4, it has an impact on District 5, and historically nominations have come from District 4 and/or District 5. A request was sent to the District 4 and 5 Commissioners on November 18, 2010 requesting nominations. Commissioner Aaronson recommended the above nominee. District 4 (AH)

E. COMMISSION DISTRICT APPOINTMENTS

JANUARY 11, 2011

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JANUARY 11, 2011

8. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS, CHAIR

B. District 2 – COMMISSIONER PAULETTE BURDICK

C. District 3 - COMMISSIONER SHELLEY VANA, VICE CHAIR

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

E. District 5 - COMMISSIONER BURT AARONSON

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR

9. ADJOURNMENT

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

January 10, 2011 – 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS BOARD MEETING PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JANUARY 11, 2011

<u>PAGE</u>	<u>ITEM</u>	
6	2C	REVISED: Proclamation declaring January 23, 2011 as "Arbor Day" in Palm Beach County. (Sponsored by Commissioner <u>Marcus Vana</u>)
7	3A-1	WAITING FOR BACKUP: Staff recommends motion to receive and file: executed Contract Agreements received from the U.S. Department of Housing and Urban Development (HUD) during FY 2009 and FY 2010:...(Admin/EDO)
8	3A-3	WAITING FOR BACKUP: Staff recommends motion to approve: A) a Job Growth Incentive (JGI) Grant Agreement in the amount of \$24,000 as the required local match for a State Qualified Target Industry Grant (QTI) with National Healing Holding Corporation (NHHC); and (Admin/EDO)
10	3C-8	WAITING FOR BACKUP: Staff recommends motion to: A) adopt a Resolution approving a Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) to accomplish the Advanced Traffic Management System (ATMS) Group 3 project; and...(Engineering)
12	3E-1	WAITING FOR BACKUP: A) a waiver of prohibited relationship pursuant to Palm Beach County Code, Article XIII, the Palm Beach County Code of Ethics, for Area Agency on Aging Palm Beach/Treasure Coast employee Jamie Estremera-Fitzgerald, a member of the Criminal Justice, Mental Health & Substance Abuse Planning Council; and B) contracts with three (3) financially assisted agencies totaling \$426,064 for the indicated activities:...(Community Services)
19	3K-1	REVISED TITLE: Staff recommends motion to approve: a Co-Funding Agreement with the WaterUse Foundation and the following two (2) payments to non-profit scientific and technical research foundations; of: A) a Co-Funding Agreement with the WaterReuse Research Foundation (WRRF) which includes a one-time payment of \$10,000 to <u>WRRF</u> the Water Reuse

~~Research Foundation (WRRF) to participate in a Co-Funding Agreement to evaluate potential nutrient impacts related to Florida's water reuse waterReuse program; and~~

B) a one-time payment to the Water Environment Research Foundation (WERF) in the amount of \$2,000 to participate in the collaborative effort to develop information on nitrogen sources, water quality impacts and control strategies. (WUD)

23 3M-3 **WAITING FOR BACKUP: Staff recommends motion to: A) ratify** the signature of the Chair on a State of Florida Department of Environmental Protection (FDEP) Agreement No. CM016 Amendment No. 1; and...(Parks)

26 4A **DELETED: Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 21 of the Palm Beach County Code (Ordinance 2004-022) pertaining to parks and recreation; amending Section 21-17 of the Palm Beach County Code (authority of the Director of Parks and Recreation); amending Section 21-18 of the Palm Beach County Code (definitions); amending Section 21-19 of the Palm Beach County Code (regulation of vehicles within parks); amending Section 21-23 of the Palm Beach County Code (control of nuisance animals); amending Section 21-25 of the Palm Beach County Code (boating); amending Section 21-27 of the Palm Beach County Code (fishing); amending Section 21-28 of the Palm Beach County Code (firearms); amending Section 21-31 of the Palm Beach County Code (horseback riding); amending Section 21-32 of the Palm Beach County Code (animals); amending Section 21-33 of the Palm Beach County Code (alcoholic beverages); amending Section 21-36 of the Palm Beach County Code (commercial activities); amending Section 21-37 of the Palm Beach County Code (reserved park/facility areas); providing for savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. (Error in the public notice) (Parks)

27 5A-2 **WAITING FOR BACKUP: Staff recommends motion to: A) adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, conceptually approving a \$40,000 Job Growth Incentive (JGI) Grant as a portion of the local match for a State Qualified Target Industry (QTI);...(Admin/EDO)

27 5A-3 **WAITING FOR BACKUP: Staff requests Board direction:** regarding the possibility of holding some Board of County Commissioner's (BCC) meetings at night. (Admin)

29 5E-1 **WAITING FOR BACKUP: Staff recommends motion to adopt:** Resolution of the Board of County Commissioners of Palm Beach County, Florida amending Resolution No. R2008-0448 to increase the veterinarian handling fee, adjust the electronic microchip I.D. implant fees, increase euthanasia fees, and broaden euthanasia applications. (Public Safety/ACC)

30 5G-1* **REVISED TITLE: Staff recommends motion to:**

A) authorize the Department of Housing and Community Development to

amend its FY 2010-2015 Consolidated Plan and FY 2010-2011 Community Development Action Plan to submit an application to the U.S. Department of Housing and Urban Development (HUD) under the Neighborhood Stabilization Program 3 (NSP3);

B) approve eligible NSP3 activities and corresponding funding allocations; and

C) adopt a Resolution authorizing the County Administrator or his designee to execute the Neighborhood Stabilization Program 3 Grant Application, Standard Form 424, Certifications, Agreement with HUD, Subrecipient Agreements and all other documents related to implementation of the Neighborhood Stabilization Program 3. (HCD)

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5H-2

REVISED SUMMARY & WAITING FOR BACKUP: Staff recommends motion to:

A) authorize the Chair to execute a Federally Funded Subgrant Agreement (Agreement) between the Florida Division of Emergency Management (DEM) and Palm Beach County (County) for the construction of a stormwater pump on the County L-2 Canal (Project) in the Westgate/Belvedere Homes Community Redevelopment Area (CRA); B)..and C)...

~~**SUMMARY:** Approval of the DEM Agreement, Budget Amendment and Interlocal Agreement will allow the utilization of funding to construct the stormwater pump on the County L-2 Canal, Project No. 2008910. The stormwater pump will provide better flood protection by discharging existing stored stormwater from the area prior to pending storms. The construction of the L-2 Pump Station, as part of the proposed L-2 Canal improvements, is one of the priority projects identified and supported by the County's Stub Canal Task Force. FEMA has agreed to approve a Hazard Mitigation Grant, Contract Number 11HM-2Y-10-60-01-010, with a Federal Share amount of \$2,556,365 representing 75% of the estimated Project cost. This Grant requires a 25% local match, or \$852,121. The duration term of the FEMA Subgrant Agreement is from August 23, 2010 to November 23, 2011. The Interlocal Agreement between the CRA and the County will require the CRA to repay the County \$752,121 \$852,121 at a rate of \$100,000 a year starting January 15, 2012 2011 and ending with the final payment of \$152,121 on January 15, in 2018. District 2 (MRE) (Engineering)~~

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8G*

ADD-ON: Request approval to present off-site, a Proclamation honoring the Swing & Jazz Preservation Society. (Sponsored by Commissioner Taylor)

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