

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

OCTOBER 18, 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

- 3. CONSENT AGENDA (Pages 7 - 33)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 34 - 35)**

- 5. REGULAR AGENDA (Pages 36 - 39)**
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to receive and file:** Executed Agreements with F&T of Belle Glade, Inc. under the Palm Beach County Section 108 Loan Program:
 - A)** U.S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program Variable/Fixed Rate Note B-08-UC-12-0004 for F&T of Belle Glade, Inc. in the amount of \$257,000;
 - B)** Request for Advance dated February 25, 2011, from Palm Beach County to HUD for a Section 108 Loan in the amount of \$257,000, under Loan Commitment No. B-08-UC-12-0004, for F&T of Belle Glade, Inc.;
 - C)** Letter of Opinion from County's Counsel to the Secretary of HUD dated February 18, 2011;
 - D)** Letter of Opinion from County's Counsel to Palm Beach County dated February 18, 2011;
 - E)** Letter of Opinion from Borrower's Counsel to Palm Beach County and County's Counsel dated February 18, 2011;
 - F)** Loan Commitment letter from Palm Beach County to F&T of Belle Glade, Inc., dated August 16, 2010, for a \$257,000 Section 108 Loan, and Addendum thereto dated January 6, 2011;
 - G)** Palm Beach County Amended and Restated Section 108 Promissory Note dated March 2, 2011, in the amount of \$257,000;
 - H)** Section 108 Loan Program Agreement dated February 16, 2011, to grant financing with a Section 108 Loan in the amount of \$257,000;
 - I)** Loan Agreement dated February 16, 2011, in the principal amount of \$257,000 for the construction and renovation of improvements located on the property, working capital, financing of soft costs, and funding the capitalized interest account;
 - J)** Mortgage and Security Agreement (with Assignment of Leases and Rents) dated February 16, 2011, and recorded with the Palm Beach County Clerk and Comptroller on April 6, 2011, for a maximum principal indebtedness not to exceed \$257,000;
 - K)** Guaranty Agreement for Palm Beach County to make a loan in the total principal amount of \$257,000 dated February 16, 2011;
 - L)** Environmental Indemnity Agreement dated February 16, 2011, for the property located at 232 South Main Street, Belle Glade, FL 33430;
 - M)** Further Assurances dated February 16, 2011, to execute other documents and assurances, and correct errors or omissions in connection with the \$257,000 Section 108 Loan;
 - N)** State of Florida Uniform Commercial Code Financing Statement Form recorded with the Palm Beach County Clerk & Comptroller on April 6, 2011;
 - O)** State of Florida Uniform Commercial Code Financing Statement Form filed with the State of Florida on April 4, 2011; and
 - P)** Mortgage Title Insurance Policy MPF-8030198 for \$257,000 in favor of Palm Beach County, issued by Old Republic National Title Insurance Company through Donia A. Roberts, P.A., effective April 6, 2011.

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

1. CONTINUED

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The above Agreements have been executed on behalf of the Board of County Commissioners (Board) by the County Administrator or his designee in accordance with Resolution R2009-0725, and are now being submitted to the Board to receive and file. (EDO) District 6 (DW)

2. Staff recommends motion to receive and file: Resolution 2011-2 by the Water Resources Task Force. **SUMMARY:** Per the Resolution that created the Task Force, it is understood and desired, that the collaborative work of the Task Force serve as recommendations for state and federal agencies, Palm Beach local governments, businesses, and residents as each community moves forward with consideration and decision-making regarding future water resources planning, development, and management. This Resolution encourages stakeholders to work with the South Florida Water Management District to work collaboratively to develop a water delivery plan for the Loxahatchee River from the L-8 Reservoir. Countywide (MJ)

3. Staff recommends motion to approve: a Contract for Consulting/Professional Services with The Enterprise Development Corporation of South Florida, Inc. (EDC) totaling \$57,100 funded under the Community Development Block Grant (CDBG) Economic Development Set-Aside Program FY 2011/2012 for the period of October 1, 2011, to September 30, 2012. **SUMMARY:** The Enterprise Development Corporation of South Florida, Inc. (EDC) is a non-profit organization whose mission is the development of an innovation-based economy through the creation of high skill, high wage jobs in key industries that are driving global commerce. The primary objective of the EDC is to facilitate the creation and growth of high technology companies. The Contract with the EDC will provide for operational expenses necessary to provide business assistance and support services for the development and expansion of microenterprises defined as "commercial enterprises" that have five (5) or fewer employees. The Scope of Services for FY 2011/2012 includes creating a minimum of five (5) full-time equivalent jobs. Funding for EDC is included in the approved FY 2011/2012 budget. **These are Federal CDBG funds which do not require a local match.** Countywide (DW)

4. Staff recommends motion to approve: a Contract for Consulting/Professional Services with the Palm Beach County Black Business Investment Corporation (BBIC) in the amount of \$54,000 from October 1, 2011, to September 30, 2012. **SUMMARY:** The major objectives of the BBIC are to provide financial resources to new and existing businesses, and to foster increased employment and social stability within the Black community. This Contract with the BBIC will provide for operational expenses necessary to provide consulting and financial assistance to existing and start-up small businesses in Palm Beach County. The scope of services outlined for FY 2012 include: obtaining four (4) business loan approvals from banking/financial institutions for a total amount of \$500,000, serving 270 clients, and creating/retaining 25 full-time equivalent jobs. Funding is included in the FY 2012 budget. BBIC employee John Howard, serves on the Commission on Affordable Housing. The Board/Commission provides no regulation, oversight, management, or policy-setting recommendations regarding BBIC's contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. This \$54,000 Contract is the same as last year's level of \$54,000. **These are County ad valorem funds.** Countywide (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

5. Staff recommends motion to approve: a Contract for Consulting/Professional Services with The Center for Technology, Enterprise and Development, Inc. totaling \$171,100 funded under the Community Development Block Grant (CDBG) Economic Development Set-Aside Program FY 2011/2012 for the period of October 1, 2011, to September 30, 2012. **SUMMARY:** The Center for Technology, Enterprise and Development, Inc. (TED Center), a non-profit organization, is a business incubator with associated programs and services designed to improve the viability and strength of small businesses. The primary objective of the TED Center is to provide business resources and support services for business opportunities. The Contract with the TED Center will provide for operational expenses necessary to provide countywide business assistance for the development and expansion of microenterprises defined as "commercial enterprises" that have five (5) or fewer employees. The Scope of Services for FY 2011/2012 includes creating a minimum of 15 full-time equivalent (FTE) jobs countywide. TED Center employee Seabron Smith, serves on the Treasure Coast Regional Planning Council's Comprehensive Economic Development Strategy Committee (CEDs). The Board/Council provides no regulation, oversight, management, or policy-setting recommendations regarding the TED Center's contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. Funding for the TED Center totaling \$171,100 is included in the approved FY 2011/2012 budget. **These are Federal CDBG funds which do not require a local match.** Countywide (DW)

6. Staff recommends motion to approve:

A) an Amendment to the program budget of the Community Development Block Grant (CDBG) Economic Development Set-Aside Program FY 2011/2012 in the amount of \$675,000; and

B) First Amendment to the FY 2011/2012 Annual Action Plan (R2011-1095 thru 1098), to provide funding for three (3) non-profit organizations and the Economic Development Office totaling \$675,000 under the CDBG Economic Development Set-Aside Program FY 2011/2012.

SUMMARY: The proposed Amendment will allow for the funding of three (3) non-profit organizations and the Economic Development Office to provide assistance and support services for the development of microenterprises. The individual organizations include: The Center for Technology, Enterprise and Development (TED), Inc. (\$171,100), the Enterprise Development Corporation (EDC) of South Florida, Inc. (\$57,100), the Business Loan Fund of the Palm Beaches, Inc. (\$129,600), and the Economic Development Office (\$317,200). An amount of \$675,000 was set-aside from the FY 2011/2012 CDBG grant allocation and is available for distribution under the CDBG Economic Development Set-Aside Program. These are Federal CDBG funds which do not require a local match. Countywide (DW)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Environmental Control Board	May 3, 2011
Child Care Facilities Board	August 16, 2011
Regular	August 16, 2011
Environmental Control Board	August 29, 2011
Zoning	August 29, 2011
Workshop	August 30, 2011
Joint Workshop/Health Care District Board	August 30, 2011
Joint Workshop/ School District	September 7, 2011
Budget	September 13, 2011
Regular	September 13, 2011
Joint Workshop/City of Boca Raton	September 15, 2011
Workshop	September 27, 2011

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to approve:** list of errors, insolvencies, double assessments, discounts & value adjustment board reductions on the 2010 assessment roll. **SUMMARY:** Section 197.492, F.S. requires that on or before the 60th day after the tax certificate sale, the Tax Collector shall make out a report to the Board of County Commissioners, separately showing the discounts, errors and double assessments and insolvencies for which credit is to be given, including in every case except discounts, the names of the parties on whose account the credit is to be allowed. The Board of County Commissioners, upon receiving the report, shall examine it; make such investigations as may be necessary; and, if the board discovers that the Tax Collector has taken credit as an insolvent item any personal property tax due by a solvent taxpayer, charge the amount of taxes represented by such item to the Tax Collector and not approve the report until the Tax Collector strikes such item from record. Countywide (PFK)
5. **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 August 2011. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: an Agreement with Nutting Engineers of Florida, Inc. (NEF), to provide the necessary professional construction materials testing, geotechnical engineering and inspection (testing lab) services on a task order basis, for Palm Beach Countywide (County) projects, as required. **SUMMARY:** Approval of this Agreement will provide the necessary professional testing lab services throughout the County for all user departments. At the option of the County, this Agreement may be renewed annually for a period of one (1) year, with a maximum of two (2) renewals. NEF is a Palm Beach County company. Countywide (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: an Agreement with the law firm of Anne H. Ford, P.A., to provide continued litigation services for Palm Beach County in the Workers' Compensation matter of Frank Nicasastro v. Palm Beach County, with a new cap of \$100,000 in attorney fees and \$10,000 in costs and expenses. **SUMMARY:** The law firm of Anne H. Ford, P.A., has represented Palm Beach County in the Workers' Compensation matter of Frank Nicasastro v. Palm Beach County since 2000. The fee cap of \$50,000 under a previous Agreement has been exhausted over the last ten (10) years, and new disputes, in large part over fee claims by Nicasastro's attorneys, will involve more intense litigation than the matter has involved for a number of years. Countywide (AJM)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: amendments to the Ryan White Part A HIV Health Support Services Contracts (Formula) to extend the contract end periods to February 29, 2012, clarify payment terms, and increase the total contract amounts as listed for Ryan White Part A Treatment Extension Act of 2009 HIV Emergency Relief Formula funds:

A) Amendment No. 1 to Health Care District of Palm Beach County, Inc. (R2011-0471), to increase the contract by \$355,281, for a new not to exceed total of \$775,403; and

B) Amendment No. 1 to Gratitude House, Inc. (R2011-0470) to increase the contract by \$9,228, for a new not to exceed total of \$18,456.

SUMMARY: The original Notice of Grant Award from HRSA was received on February 16, 2011. An amended grant award notice was received on September 1, 2011. The grant award is being received in multiple disbursements this year. The two (2) amendments listed represent part of the balance of the total funding and the dates of the contracts are being amended to reflect a 12-month contract term versus a six (6) month contract term. No County funds are required. (Ryan White) Countywide (TKF)

2. Staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida, designating the Palm Beach County HIV Comprehensive AIDS Resources Emergency Council, hereafter referred to as "CARE Council", as the HIV services planning council required under Part A of the Ryan White Act: repealing Resolution No. R97-1067; and updating grant title to Ryan White Part A and Part B. **SUMMARY:** The proposed Resolution changes the membership requirements of the HIV/AIDS Comprehensive AIDS Resources Emergency Council (CARE Council) to stipulate that the board be comprised of no more than 33 members. In addition, the Resolution will update the title of the grant which has changed to Ryan White Part A and Part B. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve: contracts with nine (9) financially assisted agencies totaling \$1,242,257 for the indicated activities, for the period October 1, 2011, through September 30, 2012:

A) Aid to Victims of Domestic Abuse, Inc. - \$227,007 for emergency shelter services for women and children who are victims of domestic abuse;

B) Children's Case Management Organization, Inc. d/b/a Families First of Palm Beach County - \$85,767 for Kin Support which helps relative caregivers sustain healthy family functioning;

C) Children's Case Management Organization, Inc. d/b/a Families First of Palm Beach County - \$46,209 for The Family Self-Sufficiency Program which is a collaborative with Adopt-A-Family serving economically disadvantaged families who are at risk for homelessness in Palm Beach County;

D) Drug Abuse Treatment Association, Inc. - \$257,035 for residential treatment (Walter D. Kelly Treatment Center) and adolescent outpatient treatment services;

E) Glades Area Association for Retarded Citizens, Inc. - \$185,337, for food services, supported living and supported employment services;

F) Gratitude House, Inc. - \$51,000 for substance abuse services, day treatment and, residential treatment;

G) Jeff Industries, Inc. - \$149,526 for day/night psycho-social work adjustment and supported employment services;

H) The Haven, Inc. - \$127,464 for prevention/intervention of child abuse through a therapeutic foster-care program; and

I) The Young Women's Christian Association of Palm Beach County, Florida - \$112,912 for Harmony House providing homeless and domestic abuse services for women and children.

SUMMARY: The information submitted reflects part of the total \$13,229,511 funding approved by the Board of County Commissioners for the Financially Assisted Agencies Program for FY 2012. Employees Rosalyn Collins of Gratitude House and Shantreirra Monroe of Families First/Children's Case Management Organization serve on a County Advisory Board, the Palm Beach County HIV Care Council. This Board provides no regulation, oversight, management or policy-setting recommendations regarding any of the above-listed contracts. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Section 2-443, of the Palm Beach County Code of Ethics. Other contracts will be forthcoming upon receipt of all the required information. (Financially Assisted Agency Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. **Staff recommends motion to adopt:** a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 2 with the Florida Department of Transportation (FDOT) amending the original project description to Southside Hangar Development and Infrastructure at Palm Beach County Park Airport. **SUMMARY:** On June 29, 2010, the Board of County Commissioners (BCC) adopted a resolution (R2010-1001) approving a JPA (R2010-1002) with the FDOT in the amount of \$1,500,000 or 80.00% of the eligible project costs, whichever is less, for the Westside Hangar Development Phase I at Palm Beach County Park Airport. On March 15, 2011, the BCC adopted a resolution approving SJPA Number 1 (R2011-0369) to include the E-Verify and scope of work language to the JPA. SJPA Number 2 amends the original project description to Southside Hangar Development and Infrastructure at Palm Beach County Park Airport, with no increase in funding, and amends the Scope of Service language included in the Exhibit A. Countywide (AH)
2. **Staff recommends motion to receive and file:** Federal Aviation Administration Grant Agreement Number 3-12-0086-011-2011 in the amount of \$94,966 to Conduct Wildlife Hazard Assessment at Palm Beach County Park Airport. **SUMMARY:** Delegation of authority for execution of the above standard form Grant Agreement was approved by the Board of County Commissioners on October 3, 2006 (R2006-2086). Countywide (AH)
3. **Staff recommends motion to receive and file:** Federal Aviation Administration Grant Agreement Number 3-12-0060-003-2011 in the amount of \$274,280 for the Apron Rehabilitation Design and Airfield Electrical Improvements Design at Palm Beach County Glades Airport. **SUMMARY:** Delegation of authority for execution of the above standard form Grant Agreement was approved by the Board of County Commissioners on October 3, 2006 (R2006-2086). Countywide (AH)
4. **Staff recommends motion to receive and file:** Federal Aviation Administration Grant Agreement Number 3-12-0085-055-2011 in the amount of \$1,375,660 for Terminal Roof Improvements at Palm Beach International Airport. **SUMMARY:** Delegation of authority for execution of the above standard form Grant Agreement was approved by the Board of County Commissioners on October 3, 2006 (R2006-2086). Countywide (AH)
5. **Staff recommends motion to receive and file:** the OTA (Other Transaction Agreement) with the Department of Homeland Security/Transportation Security Administration in the amount of \$26,736,942 for improvements to the checked baggage screening system at Palm Beach International Airport. **SUMMARY:** Delegation of authority for execution of the above Other Transaction Agreement was approved by the Board of County Commissioners on August 26, 2011 (Agenda Item 3F9). Countywide (HJF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. Staff recommends motion to approve:

A) Amendment No. 1 to the Construction Manager (CM) at Risk Contract with Gilbane Building Company for the Guaranteed Maximum Price (GMP) of \$1,799,390 for the Construction Phase Services of the terminal roof improvements at Palm Beach International Airport (PBIA); and

B) a Budget Amendment of \$1,889,360 in the Airports Improvement and Development Fund to provide funding for the terminal roof improvements at PBIA for project expenditures, including design costs, inspection, permitting and various fees, and to recognize \$1,375,660 of Federal Aviation Administration grant funding; and

C) a Budget Transfer of \$250,000 in the Airports Passenger Facility Charge Fund (PFC) to transfer PFC funds to the Airports Improvement and Development Fund, including a transfer from PFC Reserves.

SUMMARY: On April 5, 2011, the County entered into a CM at Risk Contract with the Gilbane Building Company for the terminal roof improvements at PBIA (R2011-0492). On April 21, 2011, the Department of Airports approved Task Authorization No. 1 for Pre-Construction Services in the amount of \$22,485 for the purpose of establishing the GMP for the Construction Phase Services of the terminal roof improvements at PBIA. Approval of Amendment No. 1 will allow the Contractor to begin construction of the roofing improvements. The Gilbane Building Company is a Rhode Island based firm with the majority of the work under this contract to be completed through their Palm Beach County office in Jupiter using local subcontractors. However, this project is federally funded and under the federal guidelines, local preference does not apply. In addition to this project being eligible for Federal Aviation Administration grant funding, it is also eligible for Passenger Facility Charge funding. The Disadvantaged Business Enterprise (DBE) goal for this contract was established at 15%. DBE participation for work under this contract is anticipated to be 15%. Construction work will not commence until the GMP is approved; therefore, there is no DBE participation to date under this contract. Countywide (JCM)

7. Staff recommends motion to receive and file: an Administrative Amendment to seven (7) Joint Participation Agreements (JPA) with the Florida Department of Transportation (FDOT), approved by the Board of County Commissioners (BCC) on August 16, 2011 for the following projects:

A) Southside Pavement and Infrastructure Improvements at Palm Beach County Park Airport – (R2011-1158);

B) Terminal Apron Rehabilitation and Taxilane Construction at Palm Beach County Glades Airport – (R2011-1159);

C) Concourse B Terminal Ramp and Taxilane at Palm Beach International Airport - (R2011-1155);

D) Construct Hangars at North Palm Beach County General Aviation Airport - (R2011-1157);

E) Upgrade and Expand Baggage Facility at Palm Beach International Airport - (R2011-1153);

F) Miscellaneous Taxiway Rehabilitation and Repair at Palm Beach International Airport - (R2011-1156); and

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

7. MOTION/TITLE CONTINUED

G) Airport Strategic Business Development Plan (Phase II) at Palm Beach International Airport – (R2011-1154).

SUMMARY: The FDOT amended Exhibit A, Scope of Services, of the seven (7) JPAs by providing for additional clarification in the Scope of Services as it relates to the Design Phase and the Construction Phase associated with the project, specifically including additional requirements for invoicing and changes to the approved Scope of Services. Delegation of authority for execution of the above Administrative Amendment was approved by the BCC on September 23, 2008 (3F3 – Item B). On August 30, 2011, the Administrative Amendment was executed by the Director of Airports. Countywide (AH)

8. **Staff recommends motion to approve:** Fourth Amendment to the Lease Agreement (Lease) (R92-471D) with MSP Partners Realty, LLC (MSP Partners), for the Airport Center Hilton Hotel (Hotel), providing for an extension of the initial term of the Lease to December 31, 2060, with one (1) - 15-year option to extend pursuant to Article VI, Section 22-104(d)(1) of the Palm Beach County Code; increasing the minimum guaranteed annual rental from \$110,000 to \$300,000 and percentage applicable to percentage rent; providing for annual adjustment to the minimum guaranteed annual rental; and providing for the removal of a restriction prohibiting the development of a hotel on the Palm Beach International Airport (PBIA). **SUMMARY:** The Lease currently expires on March 19, 2025, and provides for options to extend for an additional 35 years until 2060. Pursuant to the First Amendment to the Lease (R2006-0273), three (3) of the options to extend are contingent upon the completion of certain improvements to the Hotel, including expansion of the meeting room facilities and construction of additional guest rooms. This Amendment amends the initial term of the Lease, providing for an expiration date of December 31, 2060, with no contingencies. This Amendment also provides one (1) - 15-year option to extend the Lease subject to a minimum capital investment of \$3,000,000 by December 31, 2035. The Lease currently provides a fixed minimum guaranteed annual rental of \$110,000 and for percentage rental payments of 4.5% to 5% of the Hotel's annual gross receipts. This Amendment provides for an increase in the minimum guaranteed annual rental to the County to \$300,000 and for annual adjustments to the minimum guaranteed annual rental based upon 85% of the percentage rental for the prior lease year. This Amendment also provides for an increase in the percentage applicable to percentage rental payments to 5.03% of annual gross receipts and for increases in the percentage payable to the County based on increases in the Hotel's annual gross receipts up to a maximum of 6.03% during the initial term. This Amendment provides for a further increase in percentage rental payments during the extended term up to a maximum of 6.28% of annual gross receipts. The Lease currently provides for a restriction prohibiting the construction of a new hotel on PBIA. This Amendment removes the restriction, allowing the potential for development of a hotel on PBIA, subject to certain limitations. The Lease does not currently provide for a security deposit. This Amendment requires MSP Partners to post a security deposit of 15% of the minimum guaranteed annual rental. This Amendment also clarifies and updates audit and insurance provisions. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

9. **Staff recommends motion to approve:** a Fifth Amendment to Airline-Airport Use and Lease Agreement with Delta Air Lines, Inc. ("Delta"), authorizing Delta to sell alcohol in its VIP room ("Delta Crown Room") at the Palm Beach International Airport ("PBI") subject to payment of a privilege fee of 15.1% of gross revenues to the County from alcohol sales. **SUMMARY:** This Amendment will provide for the sale of alcohol within the Delta Crown Room. Delta will pay the County 15.1% of all gross revenues from the sale of alcoholic beverages in consideration of the privilege of selling alcohol within the PBI Terminal Building, which is equal to the percentage payable by PBI's food and beverage concessionaire. Food and beverages are currently provided by Delta on a complimentary basis only. Delta requested the right to charge for alcohol sales within the Delta Crown Room. Countywide (AH)

10. **Staff recommends motion to receive and file:** three (3) Agreements for the Department of Airports:
 - A) Palm Beach County Sheriff's Office Trespassing Enforcement Affidavit for North County General Aviation Airport (F45) for two (2) years commencing August 4, 2011;
 - B) Palm Beach County Sheriff's Office Trespassing Enforcement Affidavit for Palm Beach County Glades Airport (PHK) for two (2) years commencing August 4, 2011; and
 - C) Palm Beach County Sheriff's Office Trespassing Enforcement Affidavit for Palm Beach County Park Airport (LNA) for two (2) years commencing August 4, 2011.**SUMMARY:** Delegation of authority for execution of standard County agreements above was approved by the Board of County Commissioners in R2009-1163. Countywide (AH)

11. **Staff recommends motion to authorize:** the County Administrator or his designee to sign an Extension of Time to Joint Participation Agreements (JPA) with the Florida Department of Transportation (FDOT) and to make necessary minor changes to the JPA that do not change the scope of work or terms and conditions of the JPA. **SUMMARY:** JPAs issued by the FDOT are normally issued with a duration of approximately two (2) years; however, an Extension of Time may be requested by the County prior to the expiration date in order to extend the time of the agreement to maintain the County's ability to utilize the funds associated with the JPA. This item will allow the County Administrator or his designee to sign the time extensions, as well as to make minor changes to the language in the JPA. Countywide (AH)

12. **Staff recommends motion to adopt:** a Resolution approving a Preferred General Aeronautical Services Provider Program for the Palm Beach International Airport (PBI); authorizing the County Administrator or his designee to execute a standard form Preferred General Aeronautical Services Provider Program Agreement (Agreement); and becoming effective upon adoption. **SUMMARY:** General aeronautical service providers perform necessary services in support of airline and charter operators operating at PBI, including aircraft ramp, airline ticketing, aircraft interior cleaning, waste disposal and porter services. This Resolution establishes a Preferred General Aeronautical Services Provider Program and standard form Agreement. The Agreement provides for a fifty percent (50%) reduction in Type 4 terminal rental rates for service providers that have a lease or license to use space at PBI and satisfy certain minimum service standards. This Resolution authorizes the County Administrator or his designee to execute the standard form Agreement on behalf of the Board. The Aviation and Airports Advisory Board voted to recommend approval of the Preferred General Aeronautical Services Provider Program during its September 21, 2011 meeting. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

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

A) Agreement for One-Year Extension and Amendment of Airline-Airport Use and Lease Agreement with Southwest Airlines Co. to extend the termination date of the Agreement for one (1) year to expire on September 30, 2012;

B) Agreement for One-Year Extension and Amendment of Airline-Airport Use and Lease Agreement with JetBlue Airways Corporation to extend the termination date of the Agreement for one (1) year to expire on September 30, 2012; and

C) Agreement for One-Year Extension and Amendment of Airline-Airport Use and Lease Agreement with Delta Air Lines, Inc. to extend the termination date of the Agreement for one (1) year to expire on September 30, 2012.

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the Board of County Commissioners in R2011-0183. Countywide (AH)

14. Staff recommends motion to receive and file: License Agreement with Airport Terminal Services commencing July 1, 2011 and expiring July 31, 2011, automatically renewed in one (1) month intervals thereafter. **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2006-1906. This License Agreement provides for the use of approximately 223 square feet space within the Palm Beach International Airport (PBI) terminal building for use solely for offices in connection with provision of general aeronautical services at PBI. Countywide (AH)

15. Staff recommends motion to receive and file: General Aeronautical Services Permit with Air General, Inc. commencing on June 1, 2011, expiring September 30, 2011, renewed automatically on year-to-year 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 R2010-0708. This permit authorizes Air General, Inc., a general aeronautical service provider, to perform services in support of airline and charter operators operating at the Palm Beach International Airport, including aircraft ramp, airline ticketing, aircraft interior cleaning, waste disposal and porter services. Countywide (AH) (Airports)

16. Staff recommends motion to receive and file: Off-Airport Parking Lot Operator Ground Transportation Permit with Phillips Palm Beach, Inc., d/b/a Holiday Inn Palm Beach Int'l Airport commencing August 17, 2011, terminating September 30, 2011, automatically renewed on yearly basis (October 1st through September 30th). **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2010-1107. Countywide (AH)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:

A) Contract with Sisca Construction Services, LLC in the amount of \$2,921,000 for the construction of Fire-Rescue Station No. 74; and

B) Budget Transfer of \$490,000 within the Fire Rescue Improvement Fund (Fund 3700) Capital Reserves to South Bay Station No. 74.

SUMMARY: This Contract will provide for construction of a new 7,400 sq. ft. fire station with associated site work located on U.S. 27th North in South Bay. This project is being funded from ad valorem taxes through the Fire Rescue MSTU. This station is required in order to provide a facility meeting Fire-Rescue's standards and maintain acceptable response times. The fire station will be constructed to comply with USGBC (LEED) standards. The Small Business Enterprise (SBE) goal for this project is 15%. Sisca Construction's bid includes SBE participation of 44.3%. Sisca Construction is a Palm Beach County business utilizing 16% Glades area subcontractors. The contract time is 395 calendar days to substantial completion. (Capital Improvements Division) District 6 (JM)

2. Staff recommends motion to:

A) adopt a Resolution authorizing an extension of the term of a sub-lease pursuant to the First Amendment to Sub-Lease Agreement; and

B) approve a First Amendment to Sub-Lease Agreement (R2001-0656) with Boys and Girls Clubs of Palm Beach County, Inc., to extend the term of the Sub-Lease of the old Lake Shore Middle School Building 9 (gymnasium) and adjacent land.

SUMMARY: On May 1, 2001, the Board approved a ten (10) year Sub-Lease Agreement (R2001-0656) with Boys and Girls Clubs for the lease of the old Lake Shore Middle School Building 9 (gymnasium) and adjacent land (a/k/a the Bill Bailey Community Center). The County leases the premises from the School Board of Palm Beach County pursuant to the terms of a Lease Agreement (R2000-1807) approved by the Board of County Commissioners on October 31, 2000. The leased premises, which are located at 1101 Martin Luther King Boulevard (formerly SW Avenue E) in Belle Glade, are used by Boys and Girls Clubs for the operation of various community based youth programs. The County also uses the premises for the operation of Police Athletic League programs. This First Amendment extends the term of the Sub-Lease Agreement until October 30, 2015, and provides Boys and Girls Clubs with the right to extend the term for one (1) additional period of five (5) years, subject to approval by the Board, provided the County's Lease with the School Board is in effect. The First Amendment establishes a procedure by which the County may renegotiate the terms of the Sub-Lease in order to provide County with additional use rights. In the event the parties cannot agree on the additional use rights, County may terminate Boys and Girls Clubs' sublease of the premises. County shall also have the right to terminate the Sub-Lease Agreement for budgetary reasons upon 180 days prior written notice, provided that such notice is not given between December 1 and May 1 annually. The rent will remain at \$1 per year. The insurance, indemnification, and default provisions were modified at the request of the School Board. The First Amendment also incorporates the Inspector General disclosure language and updates the non-discrimination and notice provisions. Boys and Girls Clubs has provided a Disclosure of Beneficial Interests stating that it is a 501(c)(3) corporation and that no individuals or entities have a beneficial interest in its assets. The Board's approval of the First Amendment is subject to the School Board's approval. This First Amendment is scheduled to be considered for approval by the School Board on Oct 19, 2011. (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to receive and file: a notice of exercise of the first option to extend the term of the Concessionaire Service Agreement (R2008-1867) with Tennis Insights, Inc., for the continued use of the concession building at the South County Regional Tennis and Racquetball Center in South County Regional Park west of Boca Raton for \$14,848.20/year. **SUMMARY:** Since November 1, 2008, Tennis Insights has operated under the current Concessionaire Service Agreement (Agreement) for use of the concession building at the South County Regional Tennis and Racquetball Center in South County Regional Park west of Boca Raton. As the Agreement's initial term is expiring on October 31, 2011, Tennis Insights is exercising the first of three (3) one (1) year extension options for the period of November 1, 2011, to October 31, 2012. The guaranteed annual rent will be increased by four percent (4%) from \$14,277.12 (\$1,189.76/month) to \$14,848.20 (\$1,237.35/month) effective November 1, 2011. The Parks and Recreation Department is satisfied with Tennis Insights' performance. The Board has no discretionary authority to deny the exercise of the option; however, the County may terminate this Agreement upon ninety (90) days written notice to Tennis Insights. State Statutes do not require a Disclosure of Beneficial Interest to be obtained when the County leases property to a tenant. Since the Statute does not require the Disclosure and as this is an exercise of an option to extend a previously approved agreement for which a Disclosure was obtained, Staff did not request a new Disclosure. (PREM) District 5 (HJF)
4. Staff recommends motion to approve: a Declaration of Flowage Easement in favor of Palm Beach County for two (2) drainage pipes which provide storm water drainage for Seacrest Boulevard and Hypoluxo Road, in Lantana. **SUMMARY:** Palm Beach County owns 1.14 acres of property located near the southeast corner of Seacrest Boulevard and Hypoluxo Road in Lantana. Two (2) underground pipes run through the County property, which serve as storm water drainage for both Seacrest Boulevard and Hypoluxo Road. The easement areas vary from approximately 67' to 210' in length x 30 feet wide. The combined easement area total is approximately 8,333 sq. ft., or 0.19 acre. This Declaration of Flowage Easement will identify the drainage pipe locations and provide recorded notice of their existence. (PREM) District 7 (HJF)
5. Staff recommends motion to approve: authorization for the County Administrator to approve purchase order with Florida Power and Light (FP&L) in the amount of \$102,796 for services to be performed at the Central Detention Center. **SUMMARY:** On May 17, 2011, the Board approved the Stockade Redevelopment Site Preparation construction work which includes demolishing all buildings not slated for re-use in the redevelopment and installing new underground utility and electronic systems infrastructure required to support the postponement of the Phase 2 Jail Expansion Program by providing continuous utility and electric system to approximately 400 beds when needed ahead of and during the redevelopment of the property. The services being provided by FP&L include underground cable, equipment, and overhead cable relocations. On September 19, 2011, the Director of Facilities Development & Operations approved a purchase order for the underground conduit work in the amount of \$128,508 to FP&L. Board approval of the increase is required due to the total exceeding \$200,000 which is the limit of the Director's authority. Funding for this work is from Jail Expansion Bond Issue. (Capital Improvements Division) Countywide/District 6 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. **Staff recommends motion to approve:** exercise of the third option to extend the term of the Lease Agreement (R97-2126D) dated December 16, 1997, as amended, with Aspen Skees Road, LLC, for 6,000 SF of office and warehouse space located in West Palm Beach for the Palm Beach County Sheriff's Office at an annual rate of \$72,240 (\$6,020/month). **SUMMARY:** Since January 1, 1998, the County has leased office and warehouse space at 1438 Skees Road in West Palm Beach for the Palm Beach County Sheriff's Office. The County does not have any County-owned space available to accommodate PBSO. Due to ongoing capital budget reductions since 2008, no funding is available to proceed with the projects which would make permanent space available in a County-owned facility. The current term of the Lease Agreement, as amended, expires on December 31, 2011, and provides for one (1) extension option for a period of one (1) year. Exercise of this option will extend the term of the Lease Agreement for one (1) year, from January 1, 2012, through December 31, 2012. The annual rent for this extension period will increase approximately five percent (5%) from \$68,820 (\$11.47/SF) to \$72,240 (\$12.04/SF). In Amendment Number Four approved on September 14, 2010, the Landlord agreed to not increase rent for the period of January 1, 2011, through December 31, 2011. All other terms of the Lease Agreement remain unchanged. (PREM) District 2 (HJF)

7. **Staff recommends motion to approve:** annual contracts for general building minor construction services on an "as-needed" basis for projects typically under \$25,000 each:
 - A) All Site Construction, Inc.
 - B) AM Construction Group, Inc.
 - C) Andrea Construction, Inc.
 - D) CAM Group, LLC
 - E) Coral-Tech Associates, Inc.
 - F) Fastrack Management & Consulting, Inc.
 - G) Foster Construction Group, Inc.
 - H) Holt Contractors, Inc.
 - I) M.A.C. Construction, Inc.
 - J) Newbold Construction, Inc.
 - K) Randolph & Dewdney Construction, Inc.
 - L) Ralph Della-Pietra, Inc.
 - M) Robling Architecture Construction
 - N) Joe Schmidt Construction, Inc.
 - O) Sisca Construction Services, LLC.
 - P) Triton Associates, Inc.

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. CONTINUED

SUMMARY: These continuing contracts are for one (1) year and are indefinite-quantity contracts with maximum values of \$499,999 for each contract. The work consists of the general construction services associated with repairs, improvements and renovations to County properties. Work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of sixteen (16) pre-qualified general contractors. Contracts will terminate when a total of \$499,999 in work orders is issued to any combination of all contracts or when the one-year time frame has expired, whichever occurs first. These contracts provide for up to four (4) – one (1) year renewals, each for a not-to-exceed amount of \$499,999, at the sole option of the County. All contractors are Palm Beach County companies with the exception of CAM Group, LLC (St. Lucie), Coral-Tech Associates, Inc. (Broward), and Foster Construction Group, Inc. (Dade). The goal for Small Business Enterprise (SBE) participation is 15%. When bids are received from the pre-qualified firms under this contract, local (if applicable) and SBE preferences will be evaluated and applied at that time. (Capital Improvements) Countywide (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: a Budget Amendment of \$794,222 to the State Housing Initiatives Partnership (SHIP) Program's Fiscal Year 2011-2012 budget. **SUMMARY:** Palm Beach County will receive an allocation of \$794,222 in funding from the Florida Housing Finance Corporation through the SHIP Program to implement various affordable housing programs and other related activities. SHIP regulations require that at least 65% of a local jurisdiction's SHIP funding be allocated to home ownership activities. The Board of County Commissioners approved the SHIP First Mortgage Loan Assistance strategy on May 17, 2011 (R2011-0756). **These are State SHIP funds which require no local match.** (Fiscal) Countywide (TKF)

2. Staff recommends motion to approve: Amendment No. 004 to an Agreement (R2009-0209) with Seagull Industries for the Disabled, Inc. (Seagull Industries) to modify the scope of work. **SUMMARY:** This Amendment modifies the scope of work in the existing Agreement with Seagull Industries for the renovation of their facility located at 3879 West Industrial Way, Riviera Beach. This modification will include the installation of toilets, flush systems, and associated plumbing. **These are Federal Community Development Block Grant funds which require no local match.** (Contract Development) District 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

3. Staff recommends motion to approve: four (4) Amendments to the following four (4) Agreements under the FY 2010-2011 Federal HOME Investment Partnership (HOME) Program to increase the amount funded to \$397,049 per recipient, expand eligible activities, and provide time extensions as follows:

A) Amendment No. 001 to an Agreement (R2010-1750) with Noah Development Corporation;

B) Amendment No. 001 to an Agreement (R2010-1751) with Neighborhood Renaissance, Inc.;

C) Amendment No. 001 to an Agreement (R2010-1752) with Word of Faith Community Development Corporation; and

D) Amendment No. 001 to an Agreement (R2010-1753) with Delray Beach Community Development Corporation.

SUMMARY: On October 19, 2010, the Board of County Commissioners approved the funding of these four (4) Community Housing Development Organizations (CHDOs) in the amount of \$323,284. These funds were to be utilized to provide second mortgage assistance to lower income home buyers. Due to the currently restrictive first mortgage lending market, and the inability of these home buyers to secure first mortgages, CHDOs have not been successful in providing any second mortgage assistance. In order to provide these CHDOs with more flexibility to assist income eligible home buyers, the proposed Amendments will permit them to provide both first and second mortgage program assistance. The proposed Amendments will increase the original \$484,927 funding level to \$1,588,196 to be distributed equally among the four (4) CHDOs. Each CHDO will accordingly be allocated \$397,049. The proposed Amendments will also extend the expiration date of the Agreements from April 30, 2012, to December, 31, 2012, to allow CHDOs to utilize the expanded strategy. **These are Federal HOME Program grant funds which require no local match.** (MHA) Districts 1, 6 & 7 (TKF)

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida, changing the street name of Lake House Drive South to Lake House Drive, located in the plat of Old Port Village Plat 2. **SUMMARY:** Lost Tree Village Property Owners Association is requesting a street name change for Lake House Drive South, to correct the conflicting street names and realign their addresses to alleviate any 911 issues. Upon receiving a copy of the approved resolution, PZ&B Staff will implement the name change by notifying appropriate parties and agencies (see the attached notification list in the agenda item.) District 1 (RB)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Consultant Services Authorization No. 1 to the contract for Engineering/Professional Services with Holtz Consulting Engineers, Inc. (R2011-0635) for the South County Pre-stressed Concrete Cylinder Pipe Evaluation in the amount of \$173,791.53. **SUMMARY:** On May 3, 2011, the Board of County Commissioners approved the Water Utilities Department Engineering/Professional Services Contract with Holtz Consulting Engineers, Inc. (R2011-0635). This Consultant Services Authorization No.1 provides for the condition evaluation of the 36" and 42" wastewater pre-stressed concrete cylinder pipe between Pump Station 9N at Yamato Road and the Southern Regional Water Reclamation Facility at four (4) aerial canal crossings. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Holtz Consulting Engineers, Inc. provides for SBE participation of 95% overall. This Authorization includes 19.15% overall participation. The cumulative SBE participation, including this Authorization, is 19.15% overall. Holtz Consulting Engineers, Inc. is a local Palm Beach County Company. (WUD Project No. 11-032) District 5 (MJ)

2. **Staff recommends motion to approve:** Work Authorization No. 1 to the Annual Asphalt Milling & Resurfacing Contract, Palm Beach County Project No. 2011051 with Community Asphalt Corporation (R2010-1216) for the milling and resurfacing of asphalt roadways in the amount of \$398,280.75 associated with the project limits of the South County Water Services Replacement Project – Phase I. **SUMMARY:** On August 17, 2010, the Board of County Commissioners approved the County Engineering Annual Asphalt Milling & Resurfacing Contract Project No. 2011051 with Community Asphalt Corporation (R2010-1216). This Work Authorization No.1 for Water Utilities Department provides for the milling and resurfacing of asphalt roadways associated with the project limits of the South County Water Services Replacement Project – Phase I located in the Palmetto Pines Residential Area in southwest Boca Raton (west of State Road 7 and just south of Palmetto Park Road). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Community Asphalt Corporation provides for SBE participation of 15% overall. This Authorization includes 15.2% overall participation. The cumulative SBE participation, including this Authorization, is 15.2% overall. Community Asphalt Corporation, Inc. is a local Palm Beach County Company. (WUD Project No. 06-175) District 5 (MJ)

3. **Staff recommends motion to approve:** Consultant Services Authorization No. 3 to the Wastewater Consulting Services with Hazen and Sawyer, P.C. (R2011-0631) for a Wastewater Master Plan Update Report in the amount of \$245,114. **SUMMARY:** On May 3, 2011, the Board of County Commissioners approved the continuing Contract for Wastewater Consulting Services with Hazen and Sawyer, P.C. (R2011-0631) to obtain engineering/professional service for utility related projects. This Consultant Services Authorization will provide an update to the County Wastewater Master Plan which includes updates to wastewater demand projections, biological loads at the wastewater treatment plant, process equipment capacity evaluation, and development of a Capital Improvements Program for the County's wastewater system. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Hazen and Sawyer, P.C. provides for SBE participation of 20% overall. This Authorization includes 14.97% overall participation. The cumulative SBE participation, including this Consultant Services Authorization is 13.57% overall. Hazen and Sawyer, P.C. is a local Palm Beach County Company. (WUD Project No. WUD 11-143) Districts 1, 2, 3, 5 & 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. Staff recommends motion to receive and file: executed Agreements received during the month of August 2011:

A) Utility Concurrency Reservation Agreement with Minto Communities, LLC; No. 09-01061-000 (District 5);

B) Potable Water and Wastewater Development Agreement (SDA) with Community Land Trust of Palm Beach County No. 02-01128-000 (District 3); and

C) Standard Potable Water and Wastewater Development Agreement (SDA) with Arrigo Enterprises, Inc. No. 01-01219-000 (District 2)

SUMMARY: In accordance with County PPM CW-0-051, all delegated contracts /agreements/grants/procurement items must be submitted by the initiating Department as a receive and file agenda item. The Standard Development Agreement 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 2, 3, & 5 (SF)

5. Staff recommends motion to:

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the Water Utilities Department to submit a Funding Assistance Application of \$60,000 to the Florida Department of Law Enforcement for a State Homeland Security Program Grant; authorizing acceptance of the funds if awarded in order to purchase 16 security cameras for Water Treatment Plant No. 3 and the Central Laboratory; and authorizing the County Administrator or his designee to execute the grant documents in order to implement additional security measures at Water Treatment Plant No. 3 and the Central Laboratory to reduce the possibility of acts of terrorism; and

B) approve a Budget Amendment of \$60,000 in the Water Utilities Department Capital Improvement Fund to recognize the Florida Department of Law Enforcement State Homeland Grant.

SUMMARY: This Application will provide an allocation of \$60,000 in federal funds for the Water Utilities Department to purchase 16 security cameras for Water Treatment Plant No. 3 and the Central Laboratory. This project will provide additional security measures at these sites to reduce the possibility of acts of terrorism. The ending date is one (1) year subsequent to the start date. **These are federal funds that do not require a local match.** District 5 (MJ)

6. Staff recommends motion to approve: an Extension Agreement to the Interlocal Agreement with the School Board of Palm Beach County, Florida, for the Operation and Maintenance of Water and Wastewater Treatment Facilities. **SUMMARY:** On August 15, 2006, the Board of County Commissioners entered into an Interlocal Agreement (Agreement) (R2006-1461) with the School Board of Palm Beach County (School Board) to operate and maintain certain water and wastewater facilities currently associated with the School Board. This Extension Agreement extends the term of the Agreement with the School Board through November 14, 2011. The School Board agrees to pay the County \$51,500 for the extended time frame of services. This amount includes all labor costs for the operation and maintenance services to the facilities and the provision of required chemicals (excluding electricity) required for the operation and maintenance services during the extended term. It is mutually beneficial for the County and the School Board to extend the Agreement. Districts 1 & 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

7. Staff recommends motion to approve: a Potable Water and Wastewater Development Agreement (Agreement) with Colonial Lakes, LLC. **SUMMARY:** Colonial Lakes, LLC owns property located on the Southwest corner of Lake Worth Road and West View Street (west of Haverhill Rd). In order to provide potable water and wastewater concurrency reservations for new developments, the Department requires property owners to enter into a formal development agreement with the Department. While the Department Director has been delegated the authority to enter into Standard Development Agreements, Board approval is being sought in this case due to the timing of fee payments associated with the development of the property. Colonial Lakes has requested the option of remitting all associated fees prior to request for service initiation pursuant to certain loan timing requirements. Under the terms of the Agreement, remittal of payment prior to service initiation does not exempt Colonial Lakes from any subsequent fee changes, and Colonial Lakes is still responsible for remitting the full amount of associated fees existing as of the time of service initiation. District 2 (MJ)

8. Staff recommends motion to approve: a Partial Release of two (2) Standard Potable Water and Wastewater Development Agreements with Herbert F. Kahlert and Karl A. Kahlert as Co-Trustees of Trust A under the Will of Fritz M Kahlert, and Herbert F. Kahlert as Personal Representative for the Estate of Heinz Kahlert. **SUMMARY:** Property Owner has transferred ownership of a portion of the property encumbered by a 1997 Standard Potable Water and Wastewater Development Agreement (R97-780, recorded at ORB 9894, Page 1575); and a 1999 Standard Potable Water and Wastewater Development Agreement (R99-775, recorded at ORB 10915, Page 1282) (collectively, the "Agreements") to Bethesda Healthcare System, Inc. Property Owner has requested that this portion of the legal description contained in the original Agreements be released. District 5 (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:
 - A) approve** Contract FWC11077 with the Florida Fish and Wildlife Conservation Commission (FWC) retaining Palm Beach County through its Department of Environmental Resources Management (ERM) to perform upland invasive exotic plant control services on a task assignment basis, effective upon execution by both parties and expiring June 30, 2021; and

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

SUMMARY: FWC offers annual opportunities that fund the removal of exotic vegetation from conservation areas throughout the state. The contract, through task assignments, will reimburse ERM for exotic vegetation removal work performed in county natural areas. The current maximum for task assignments is \$100,000 per project per year. The County is not required to match this amount to comply with conditions of the contract. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. **Staff recommends motion to approve:** an Indemnification Agreement with Standard Pacific of South Florida GP, Inc. **SUMMARY:** In 2002, Strata at Cypress Lakes Preserve, LLC, a predecessor of Standard Pacific, posted a cash bond with the County in the amount of \$30,324 to secure its obligation to complete certain tree mitigation on its property pursuant to Vegetation Removal Permit P-0064-02. The property was subsequently sold to Engle Homes and ultimately to Standard Pacific. Standard Pacific has completed all work required by Permit P-0064-02 and has requested return of the bond. Because a predecessor in interest to Standard Pacific posted the bond with the County, this Indemnity Agreement is necessary to indemnify the County from and against any and all claims to the bond that may hereinafter be made by any third party. District 3 (SF)

3. **Staff recommends motion to:**
 - A) approve** an Interlocal Agreement with the Town of Jupiter for the Fullerton Island Enhancement Project, the expansion of the Burt Reynolds Park Staging Dock, and a Riverwalk Bridge; and

 - B) authorize** the County Administrator, or his designee, to sign all future time extensions, minor amendments, or other forms associated with the Interlocal Agreement and associated easements that do not change the scope of work or terms and conditions of this agreement.

SUMMARY: On September 6, 2011, the Town of Jupiter approved the 99 year Interlocal Agreement, which provides easements to the County to access, restore, operate and maintain Fullerton Island and a staging dock at Burt Reynolds Park; and provides a temporary construction easement to the Town to construct the Riverwalk Bridge Project from Burt Reynolds Park West to A1A. District 1 (AH)

M. PARKS & RECREATION

1. **Staff recommends motion to receive and file:** the following original executed Sound and Light Production Services Contractor Agreements:
 - A)** City Sound and Recording LLC; July 4th Celebration, Sunset Cove Amphitheater, on July 4, 2011;

 - B)** City Sound and Recording LLC; U2 by UV Tribute Act, Seabreeze Amphitheater, on September 3, 2011; and

 - C)** City Sound and Recording LLC; Rock and Blues Concert, Sunset Cove Amphitheater, on September 17, 2011.

SUMMARY: The Parks and Recreation Department produced three recent popular cultural events at our amphitheater facilities this quarter which required outside sound and lighting production contracts. These events were attended by an estimated 8,803 persons and generated positive support and goodwill for the County in general. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The above Sound and Light Production Services Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0592, and are now being submitted to the Board to receive and file. Districts 1 & 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. Staff recommends motion to receive and file: the following original executed Amphitheater Rental Agreement:

Palm Beach Shakespeare Festival Inc., "The Tempest", Seabreeze Amphitheater, for the period July 5, 2011, through July 25, 2011.

SUMMARY: The Parks and Recreation Department once again partnered with the Shakespeare Festival for the 21st season for Shakespeare's production of "The Tempest" at Seabreeze Amphitheater in Carlin Park. Eight (8) evening performances hosted approximately 8,600 attendees. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The above Amphitheater Rental Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0335, amended by Resolution 2009-1807, and is now being submitted to the Board to receive and file. District 1 (AH)

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

A) Chase Music LLC, Soul Survivors concert, Sunset Cove Amphitheater, on July 4, 2011;

B) Zambelli Fireworks Manufacturing Co., fireworks display, Sunset Cove Amphitheater, on July 4, 2011;

C) Frank LoVerso, Whitestone Band concert, Canyon Town Center Amphitheater, on August 6, 2011;

D) Maximum Bands Entertainment LLC, U2 by UV Tribute Act concert, Seabreeze Amphitheater, on September 3, 2011; and

E) Peter Noble, The Fabulous Fleetwoods concert, Sunset Cove Amphitheater, on September 17, 2011.

SUMMARY: The Parks and Recreation Department produced four recent popular cultural events at our amphitheater facilities this quarter attended by an estimated 9,268 persons, which generated positive support and goodwill for the County in general, for which contracts were required. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The above Entertainment Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-1109, and are now being submitted to the Board to receive and file. Districts 1 & 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. Staff recommends motion to approve: a non-standard Sponsorship Agreement with developer GL Homes, d/b/a Boynton Beach Associates XVIII, LLLP for the cash sponsorship of a series of four (4) concerts at the Canyon Town Center Amphitheater. **SUMMARY:** The Parks and Recreation Department (Department) utilizes a standard sponsorship agreement which is executed by the Department Director. This standard agreement includes a requirement that the sponsor indemnify the County. Boynton Beach Associates requested deleting the indemnification provision from the Agreement since the Agreement only requires Boynton Beach Associates provide funding to the County for sponsorship rights. Due to the nature of this sponsorship, which includes Boynton Beach Associates providing the County with \$4,104 to sponsor four (4) events at Canyon Town Center Amphitheater, the liability exposure is minimal. District 5 (AH)

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to approve:
- A) an Agreement with Housing Partnership, Inc. for funding of a part-time program assistant;
 - B) a part-time program assistant to conduct a nutrition education program at Highland Elementary School; and
 - C) a Budget Amendment of \$21,706 in the Cooperative Extension Revenue Fund to recognize new funding. The term of this Agreement shall begin when executed by both parties hereto and shall terminate on September 30, 2012.
- SUMMARY:** Housing Partnership, Inc. (HPI) will provide funding to Palm Beach County (County) to support a part-time program assistant to conduct the Bridges Nutritional Program at Highland Elementary School in amount not to exceed \$21,706. The program assistant is a fully grant funded position and will be eliminated when the grant term has expired. The funding shall consist of \$12,919 for salary plus \$2,519 for fringe benefits, \$368 for travel reimbursement, \$500 for printing costs, and \$5,400 for food and supplies for food demonstrations. District 6 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve:
- A) a Second Amendment to the Interlocal Agreement (R2010-0794) with the Palm Beach County Sheriff's Office (PBSO) to extend the expiration date from September 30, 2011, to September 30, 2012;
 - B) a First Amendment to the Interlocal Agreement (R2010-1927) with the PBSO to extend the expiration date from September 30, 2011, to September 30, 2012.
- SUMMARY:** The Law Enforcement Planning Council previously recommended to the Criminal Justice Commission (CJC), and the CJC has previously used grant funds for overtime to support strategic operations of the Gang Task Force. The strategic operations involved in this initiative are ongoing and there are unexpended dollars through no fault of either party. The continuing strategic operations will be coordinated by the Gang Task Force, which is made up of municipal police departments as well as the PBSO and the Bureau of Alcohol, Tobacco, Firearms and Explosives. This initiative is two-fold focusing on stopping the illegal sale and purchase of firearms and combating gang violence. Countywide (GB)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

2. Staff recommends motion to approve: the First Amendment to the Contract with Pride Integrated Services, Inc. (Pride), to extend the Contract for a maximum six-month term, from December 5, 2011, to June 5, 2012. **SUMMARY:** The Misdemeanor Probation Services contract is in the Request for Proposal process. The purpose of the extension is to provide time for this process to be completed without a disruption of services. The term of the Contract is amended to provide that the Contract shall continue until June 5, 2012 or when the Request for Proposal selection and transition process is complete, whichever date is first. Upon execution of the First Amendment granting an extension of the contract term, there will not be a charge for the cost of contract monitoring and auditing Pride case files. Pride agrees to the termination of the contract upon completion of the selection and a 60 day transition process if not selected. Countywide (GB)

S. FIRE RESCUE

1. Staff recommends motion to:

A) ratify a Grant Application for firefighting equipment to the U.S. Department of Homeland Security's (DHS) 2011 Assistance to Firefighters Grant program in the amount of \$409,600, with a local match of \$102,400, for a total project cost of \$512,000; and

B) ratify the Chair's designation of the County Administrator, or his designee (Division Chief Thomas Tolbert), to act as the County's representative for the purpose of electronically signing and submitting the grant application for firefighting equipment via the DHS/FEMA website; and

C) ratify a Grant Application for firefighting vehicles to the U.S. Department of Homeland Security's (DHS) 2011 Assistance to Firefighters Grant program in the amount of \$720,000, with a local match of \$180,000, for a total project cost of \$900,000; and

D) ratify the Chair's designation of the County Administrator, or his designee (Division Chief Thomas Tolbert), to act as the County's representative for the purpose of electronically signing and submitting the grant application for firefighting vehicles via the DHS/FEMA website.

SUMMARY: The 2011 Assistance to Firefighters Grant (AFG) Program is a competitive grant program designed to assist local fire departments in protecting citizens and firefighters against the effects of fire and fire-related incidents. This grant program funds activities such as purchasing firefighting equipment, personal protection equipment, training, firefighting vehicles, and firefighter/first responder safety projects. Fire Rescue submitted two (2) applications under different priorities offered by the program guidance. If awarded, the grant request for firefighting equipment (mobile data equipment), Fire Rescue will use the \$409,600 in federal funding to purchase 160 fully ruggedized, mobile medical clinical assistant units for our Advanced Life Support vehicles. These are handheld computer tablets with touch screens and wireless capability providing an essential tool for quickly conducting patient assessment and related medical functions in a fast and efficient manner, while increasing the accuracy of the data collection during patient contact. If awarded the grant request for firefighting vehicles (fire boats), Fire Rescue will use the \$720,000 in federal funding to purchase two (2) firefighting watercraft to provide a comprehensive waterborne firefighting/rescue program. This program will have a regional impact as it will be available to assist other response agencies. Currently, the Department provides land-based assistance.

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

1. SUMMARY CONTINUED

This grant funding would give us the ability to deploy firefighting/rescue boats, thereby lifting current restraints when deploying resources to respond to fires involving marine vessels and dock areas, to provide dive rescue, paramedic response, hazardous material, fuel spill and Chemical Biological Radiological Nuclear Explosive response. Grant rules require submission of grant applications by electronic format in order to assure an efficient review and competitive scoring of all funding requests submitted under this program. The deadline for submission of this Grant Application to the grantor agency was 5:00 p.m. on September 23, 2011. Due to the preparation time, submittal deadlines, and BCC meeting dates, the grant had to be submitted prior to full Board approval. Pursuant to Section 309.00 of the Palm Beach County Administrative Code, the Chair approved these grant applications, which now must be ratified by the Board. The grant applications include certifications of compliance with required assurances and certifications, as stated in the application and related program guidance. Countywide (SB)

2. Staff recommends motion to approve: a Budget Transfer of \$3,800,000 within the Fire Rescue Improvement Fund to fund the purchase of Self Contained Breathing Apparatus (SCBA) equipment in fiscal year 2012. **SUMMARY:** SCBA equipment is a device worn by rescue workers, firefighters, and others to provide breathable air in an Immediate Danger to Life and Health atmosphere. The Department is requesting approval of this Budget Transfer to fund the replacement of existing equipment. Countywide (SB)

AA. PALM TRAN

1. Staff recommends motion to adopt: a Resolution approving a Florida Department of Transportation (FDOT) Locally Funded Agreement (LFA) FM No. 429209-1-52-02 in the amount of \$123,677 for the construction of a bus bay on the north side of SR-812 across from the Lakeside Medical Center in Belle Glade, western Palm Beach County. **SUMMARY:** The Florida Department of Transportation is engaged in a project for the construction of a five-foot sidewalk along the south side of SR-812/Hooker Highway from Lakeside Medical Center to County Annex Complex in Palm Beach County. Palm Tran has requested FDOT to perform additional work on the north side of SR-812 in order to construct a bus bay located across from the Lakeside Center in order to have Palm Tran buses service the Medical Center. Due to the current absence of American with Disabilities Act compliant sidewalks, Palm Tran's west-bound buses are unable to stop on the north side of SR-812. The estimated \$123,677 local share of the cost for this project will be funded from Federal Transit Enhancement funding, and per the LFA, within 30 days of execution of this Agreement, the County will furnish FDOT with a check for the local contribution to this project. District 6 (DR)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF'S OFFICE

1. Staff recommends motion to:

A) accept, on behalf of the Palm Beach County Sheriff's Office, a National Institute of Justice FY 2011 DNA Backlog Reduction Program Grant in the amount of \$482,941 for the period October 1, 2011, through March 31, 2013; and

B) approve a Budget Amendment of \$482,941 in the Sheriff's Grants Fund.

SUMMARY: On August 23, 2011, the Palm Beach County Sheriff's Office (PBSO) received an award for the DNA Backlog Reduction Program. The Forensic Biology Unit (FBU) of PBSO accepts casework evidence from over 29 law enforcement agencies including the Medical Examiner's Office. These funds will be used to continue to pay the salary and benefits of two (2) 2008 Backlog Reduction full-time entry level Forensic Scientists and for equipment, consulting fees, and computer software licenses. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required until grant funding expires in FY 2013. Countywide (GB)

2. Staff recommends motion to receive and file:

Grant Adjustment Notice amending the FY 2011 Florida Department of Law Enforcement Florida Consortium "2010 Paul Coverdell National Forensic Sciences Improvement Grant" to extend the grant period from September 30, 2011, through April 30, 2012. **SUMMARY:** The Board of County Commissioners accepted this grant award for \$87,262 on March 1, 2011; the original period for this grant was October 1, 2010, through September 30, 2011 (R2011-0313). This agenda item will extend the grant period from September 30, 2011, through April 30, 2012. The National Institute of Justice awarded these funds to the Florida Department of Law Enforcement for the "2010 Paul Coverdell National Forensic Sciences Improvement Grant." The Palm Beach County Sheriff's Office was awarded funds to improve the quality of forensic services. Funds provided will be used to purchase a 3D laser scanner to document crime scenes and evidence and to contract temporary clerical assistance to scan case files. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

3. Staff recommends motion to approve:

a Budget Transfer of \$38,278 from the Law Enforcement Trust Fund (LETF) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETF's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2012 estimated donation requirement will not be finalized until year-end close-out. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETF balance is \$2,562,628. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$2,524,350. The year-to-date transfer for all donations after approval of this item is \$38,278. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (GB)

Organization	Amount
Audubon Society of the Everglades	\$ 4,278
Palm Beach County Police Athletic League, Inc. – Shop with a Cop	<u>\$34,000</u>
Total Amount of Donations	\$38,278

3. CONSENT AGENDA APPROVAL

BB. SHERIFF'S OFFICE (Cont'd)

4. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the Recovery Act Edward Byrne Memorial Justice Assistance Grant for the Region 7 Drug Enforcement Strike Force to extend the grant period from September 30, 2011, through December 31, 2011. **SUMMARY:** The Board of County Commissioners accepted this grant for \$213,649 on July 19, 2011; the original period for this grant was April 1, 2011, through September 30, 2011 (R2011-1091). This agenda item will extend the grant period from September 30, 2011, through December 31, 2011. The Palm Beach County Sheriff's Office received this award to implement the Region 7 Drug Enforcement Strike Force (RDESF). The RDESF will identify, investigate, apprehend, and prosecute those within the medical and pharmaceutical profession who facilitate the abuse of prescription drugs. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

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

6. **Staff recommends motion to receive and file:** the First Amendment, amending the Agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative to extend the agreement period for the Regional Virtual Fusion Center from May 31, 2011, through August 31, 2011. **SUMMARY:** On January 12, 2010, the Board of County Commissioners accepted this agreement to provide \$336,900 in reimbursable funding; the original period for this agreement was August 27, 2009, through May 31, 2011 (R2010-0121). This agenda item will extend the agreement period from May 31, 2011, through August 31, 2011. This agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. These funds and related equipment will be used for the Regional Virtual Fusion Center hosted by PBSO. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF'S OFFICE (Cont'd)

7. Staff recommends motion to:

A) accept, on behalf of the Palm Beach County Sheriff's Office, a Department of Justice Office of Justice Programs Smart Policing Demonstration Initiative Grant award in the amount of \$275,000 for the period of October 1, 2011, through September 30, 2013; and

B) approve a Budget Amendment of \$275,000 in the Sheriff's Grants Fund.

SUMMARY: On September 12, 2011, the Palm Beach County Sheriff's Office received an award to continue the Palm Beach County Sheriff's Office Data-Driven Problem-Oriented Policing Strategy. The purpose of the strategy is to reduce the number of robberies and opportunistic crimes occurring within the city and unincorporated area of Lake Worth. These funds will be used to continue to pay the salary, overtime, and benefits of the positions funded through the FY '09 award; a full-time Investigator/Lead Detective, and a Community Liaison. Funding will also be used for travel, equipment, supplies, contractual and other expenses associated with the strategy. There is no match requirement associated with this award. No additional positions are needed. No additional County funds are required until grant funding expires in FY 2013. Countywide (GB)

CC. INTERNAL AUDITOR'S OFFICE

1. Staff recommends motion to receive and file: Audit reports reviewed and approved by the Audit Committee at its September 21, 2011 meeting as follows:

A) 11-28 Risk Management – *Group Health Insurance Prescription Drug Program;*

B) 11-29 Office of Financial Management and Budget – *Municipal Impact Fee Collections City of Boca Raton;*

C) 11-30 Office of Financial Management and Budget – *Public Service Gas Tax Florida Public Utilities;*

D) 11-31 Office of Financial Management and Budget and Selected County Departments – *Interdepartmental Billings;*

E) 11-32 Water Utilities – *Inventory Controls;*

F) 11-33 County Administration and Selected County Departments – *Consultant Overhead Rates;*

G) 11-34 Office of Financial Management and Budget – *Public Service Gas Tax Ferrellgas; and*

H) 11-35 Public Safety – *Animal Care and Control Division Cash Controls.*

SUMMARY: Ordinance 2010-006 requires the Internal Audit Committee to review and approve audit reports prior to issuance and to send those approved reports to the Board of County Commissioners. At its September 21, 2011 meeting, the Audit Committee reviewed and approved the above audit reports. The approved reports are being submitted to the Board of County Commissioners as required by the Ordinance. Countywide (PFK)

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

A. **Staff recommends motion to approve:** change of name from Security Services of America, LLC. Elite Protection Services to ABM Security Services, Inc. Elite Protection Services and issue a new “Special Secondary Service” Certificate of Public Convenience and Necessity (COPCN). **SUMMARY:** Security Services of America LLC, Elite Protection Services currently provides Advanced Life Support (ALS) first response non-transport services as part of their security services to Delaire Country Club, Admiral’s Cove, and Frenchman’s Creek. Security Services of America LLC, Elite Protection Services has undergone new ownership and requires a new COPCN for the areas that they provide services for. A Public Hearing Notice was published in the Palm Beach Post on October 7, 2011. Countywide (GB)

B. **Staff recommends motion to:**

1) **adopt** a Resolution confirming the special assessment of \$19,662.55 per lot for Michlar Drive, Tamis Trail and 105th Avenue South Paving & Drainage (Project) Project No. 2002136;

2) **approve** a Contract with Rosso Paving and Drainage, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$435,519.20 for the Project; and

3) **approve** a Budget Transfer in the amount of \$526,120 in the Municipal Services Taxing Unit (MSTU) Improvement Fund from Reserves to Michlar Drive, Tamis Trail and 105th Avenue South.

SUMMARY: Adoption of this Resolution will allow Palm Beach County to assess 50% of the Project cost to the property owners at \$19,662.55 per lot for the Project. Assessments will be payable in ten (10) equal annual installments. Approval of the construction contract will authorize the Contractor to construct the Project, for a total of approximately 4,064.55 lineal feet (0.76 miles), on Michlar Drive from Anderson Lane north to Tamis Trail, Tamis Trail from Michlar Drive east to 105th Avenue South and 105th Avenue South from Tamis Trail south to 52nd Place South. This work will include new pavement, driveway reconstruction, and a storm water management system. The Contractor is a Palm Beach County business, with 50.6% of the work to be performed by the contractor. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the Project by the Contractor is 50.61% overall. District 3 (MRE)

C. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 27, Article IV, “Sewers and Sewage Disposal” of the Palm Beach County Code; 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:** The Florida Department of Environmental Protection conducted a Pretreatment Program Audit of the Water Utilities Department’s Pretreatment Program. Part of the audit was the review of the Wastewater Facilities Use Ordinance (Ordinance), codified at Chapter 27, Article IV of the Palm Beach County Code, for legal sufficiency. This Ordinance gives the Water Utilities Department the authority to administer the Pretreatment Program. The Program’s objectives are to prevent the introduction of pollutants to the wastewater collection system that if inadequately treated, can endanger the wastewater treatment process, plant operators, transmission workers, and the public with harmful pollutants. In addition, the Program improves the opportunity for the utilities to improve the quality of reclaimed water, domestic wastewater sludge, and promote the preservation and enhancement of the regional ecosystem. The changes to the Ordinance include updating references to provisions of the Florida Administrative Code, modifying definitions, relocating the numeric local discharge and surcharge standards to the Water Utilities Department’s Uniform Policies and Procedures Manual, revising requirements of the pretreatment application, modifying industrial wastewater discharge permit conditions, updating self-monitoring requirements, altering the certification statement, amending notification requirements of accidental discharge upset or bypass, modifying notification of discharge of hazardous wastes, and revising penalties for failure to comply with provisions in the Ordinance. Countywide (MRE)

4. PUBLIC HEARINGS CONTINUED

D. Staff recommends motion to:

1) **conduct** a TEFRA public hearing as required by the Internal Revenue Code regarding the request concerning the issuance of Industrial Development Revenue Bonds in an amount not to exceed \$4,600,000 (Classical South Florida Project), Series 2011 (the “Bonds”); and

2) **approve** the Application of Classical South Florida for the issuance of the Bonds.

SUMMARY: Classical South Florida, a Florida non-profit corporation, an entity described in Section 501(c)(3) of the Internal Revenue Code (the “Company”) has applied for the issuance of industrial development revenue bonds by the county in an amount not to exceed \$4,600,000. The Bond proceeds will be used to refinance conventional debt incurred by the company to acquire the assets (transmitter site, 6075 State Road 7, Lake Worth, Florida 33467; studio site, 3401 South Congress Avenue, Boynton Beach, FL 33426 and translator site, 525 South Flagler Drive, West Palm Beach, FL 33401) of radio station WPBI (90.7 FM) in order to achieve debt service savings and to finance capital expenditures of the Company. The Bonds will be payable from revenues derived from the Company. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** Districts 3 & 7 (PFK)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. **Staff requests Board direction:** on FY 2012 Legislative Program. **SUMMARY:** Staff requests the Board's review of the draft FY 2012 State Legislative Program. The Legislative Program outlines the issues that the County's Legislative Affairs Department, in conjunction with the County's lobbying team, will be working on for the Board during the upcoming Legislative Session. Countywide (DW)

2. **Staff recommends motion to conceptually approve:** an Economic Development Ad Valorem Tax Exemption for Florida South Division, LLC, not to exceed an estimated \$1,700,000 over a seven (7) year period. **SUMMARY:** Florida South Division, LLC is a Florida Corporation whose function is to be the distribution center and regional headquarters serving ALDI, Inc. stores in South Florida. ALDI, Inc. is a discount grocery store chain that operates over 1,000 stores in 31 states, with nearly 95% of the company's premium products sold under its own private label at prices 40% below traditional grocery retailers. Florida South Division, LLC's plans include the construction of a 500,000+ sq. ft. (expandable to 800,000 sq. ft.) facility which will accommodate a distribution center and regional headquarters within the municipal boundaries of Royal Palm Beach. The distribution center will serve new ALDI stores which are being constructed in South Florida. The regional headquarters will provide all management for the South Florida region for both distribution and retail stores, including human resources, purchasing, logistics, and general management. The company has agreed to create 100 new permanent jobs at an average salary of \$46,100 which is 105% over the County's average salary. Additionally, it is estimated that 280 construction jobs will occur as a result of this project. The Economic Development Office estimates that this project will have a \$112.5 Million economic impact over a five (5) period. This conceptual approval is contingent upon the company's construction of a \$43 Million facility, the creation of 100 full-time new jobs at an average annual salary of \$46,100 over a period of three (3) years from the effective date of the Agreement and retained for five (5) years, and the determination that the project meets the requirements under Florida Statute 196.012 for an Ad Valorem Tax Exemption. **Upon completion of these requirements, the final Ad Valorem Tax Exemption Application will be presented to the Board of County Commissioners for consideration and approval.** District 6 (DW)

B. COMMUNITY SERVICES

1. **Staff recommends motion to approve:**
 - A) Service Agreement with American Eldercare, Inc., for DOSS to provide community-based assistance as a service provider effective October 18, 2011, with no fixed expiration date;
 - B) a Budget Amendment of \$118,950 in the DOSS Administration Fund to reconcile the budget; and
 - C) two (2) new Senior Service Aide positions.

SUMMARY: DOSS has the program and facility capacity to provide community-based services to American Eldercare, Inc. members. DOSS will offer Adult Day Care and Congregate Meals to American Eldercare, Inc. members at a reimbursement rate of \$60 for adult day care, \$6 for a congregate meal at DOSS's meal sites, and \$5 for coordination of transportation on an as-needed basis. This will enable DOSS to generate an estimated revenue base of \$119,040 per year, independent from grants and County match, to revert to the operating budget to serve seniors. DOSS will create two (2) FTE Senior Service Aide positions, pay grade 12, effective October 18, 2011, to ensure adequate program staffing. (DOSS) Countywide (TKF)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in 0.08 acres of surplus property to the City of West Palm Beach without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 197.592(3); and

B) approve a County Deed in favor of the City of West Palm Beach.

SUMMARY: The City of West Palm Beach requested the conveyance of a County-owned unimproved surplus property located at 1028 Lincoln Road (a/k/a Lincoln Court). The 0.08 acre property was acquired by Tax Deed in December 2010, is located within the City's municipal boundaries and has an assessed value of \$8,500. The property is being conveyed pursuant to Florida Statutes Section 197.592(3), which requires the conveyance of surplus property acquired by Tax Deed to the municipality in which it is located. The subject property has been declared surplus and serves no present or future County purpose. The City proposes to utilize the property in their Affordable Housing Program. Housing & Community Development has reviewed this conveyance and has no objections. This conveyance will relieve the County of potential liability for occurrences on this property and also the cost of maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. All purchases, sales and exchanges of real estate must be approved by a supermajority vote (5 Commissioners) pursuant to recent amendments to the PREM Ordinance. (PREM) District 7 (HJF)

D. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: an Interlocal Agreement with the Village of Palm Springs providing for the annexation of six (6) enclaves, generally located south of Canal Road and north of Lakewood Road along Gulfstream Road and Coconut Road, and providing for the consent to the voluntary annexation of the unincorporated County-owned parcel, located on the southwest corner of Canal Road and Coconut Road. **SUMMARY:** The Board of County Commissioners has directed staff to work with municipalities to strategically address annexations. Chapter 171, Florida Statutes (F.S.), allows annexation of enclaves less than ten (10) acres through an Interlocal Agreement between the annexing municipality and the County. By Resolution No. 2011-57 adopted on September 8, 2011, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of six (6) enclaves consisting of 16 parcels totaling 8.26 acres, as identified in Exhibit A of the Agenda Item. In addition, the Agreement will provide consent to the voluntary annexation of a 0.05-acre County-owned parcel use as a right-of-way, located on the southwest corner of Canal Road and Coconut Road as identified in Exhibit B of the Agenda Item. Palm Beach County does not transfer ownership rights to the County-owned parcel, but rather consents to the property being annexed into, and included within, the municipal boundary of the Village of Palm Springs. The Village has provided written notice to all owners of real property located in the enclaves. The Interlocal Agreement also provides for the transfer of operation and maintenance of two (2) right-of-way segments, known as Gulfstream Road and Canals Road, as identified in Exhibit C of the Agenda Item. The annexation has been processed through the County's review departments, including Fire-Rescue, Engineering, Planning, Zoning, Environmental Resources Management, Parks and Recreation, Water Utilities, County Attorney, Property and Real Estate Management and the Office of Financial Management and Budget Departments. The proposed annexation meets the requirements of Chapter 171, F.S., and is consistent with the Intergovernmental Coordination Element of the County's Comprehensive Plan. District 3 (RB)

5. REGULAR AGENDA

E. PUBLIC SAFETY

TIME CERTAIN 2:00 P.M.

1. Staff recommends motion to:

A) conceptually approve the proposed amendments to the current Vehicle for Hire (VFH) Ordinance No. R2008-043 and move forward for 1st Reading on November 15th, 2011;

B) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution No. R2008-1681 to increase the annual application renewal fee; annual vehicle decal fee; two (2) year driver I.D. badge fee; and establish a one-time new company registration fee; and

C) request Board direction regarding the Vehicle for Hire Advisory Committee recommendation to extend the current six (6) month moratorium (Ordinance No. R2011-007, scheduled to expire on November 25, 2011) an additional six (6) months or upon implementation of all the new VFH fees and proposed ordinance changes.

SUMMARY: As a result of the VFH industries' concerns regarding the number of VFH companies in Palm Beach County, and the Airport establishing a new fee for vehicles servicing the Airport, the Board of County Commissioners approved a six (6) month moratorium on May 17, 2011, Ordinance No. R2011-007. This ordinance is scheduled to expire on November 25, 2011. During this six (6) month period, the Board directed staff to review the existing VFH Ordinance and other issues affecting the VFH Industry. On March 30, 2011, a Consumer Affairs Vehicle Advisory Committee was established to work with the VFH industry to evaluate the issues affecting their industry. The VFH Advisory Committee met numerous times and on September 22, 2011, the Committee met and finalized their proposed recommendations. All of the proposed Ordinance revisions and the recommended new fee schedule were approved by a majority vote of the VFH Advisory Committee. The Committee also recommended the current moratorium be extended six (6) months or until such time that all the proposed changes are implemented. If the proposed changes are approved, staff is recommending the implementation date for these changes be effective on January 1, 2012. Based on a funding analysis of the current fees generated by the VFH program and their related operating expenses, staff determined the current fees collected will not be sufficient to support the current VFH program budget through FY 2012. The \$5,000 initial registration fee for new companies and the Driver I.D. fee increases would be effective January 1, 2012. It is proposed the other two (2) fee increases for existing companies, application/renewal and vehicle decal fee, be deferred by 50% until the second year, January 1, 2013. The proposed new fees will generate sufficient revenue to offset the operating costs for the VFH program until at least FY 2016. Countywide (GB)

2. Staff recommends motion to approve on preliminary reading and advertise for public hearing on November 15, 2011 at 9:30a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Sections 18-33 and 18-34 of the Palm Beach County Code (Ordinance No. 2006-012), to provide the inclusion of Sexual Offenders and Sexual Predators convicted as such pursuant to the laws of other states and/or jurisdictions; providing for inclusion in the Code Of Laws and Ordinances; providing for severability; providing for repeal of laws in conflict; and providing for an effective date. **SUMMARY:** The Sheriff's Office has requested that the "Sexual Offender and Sexual Predator Residence Prohibition Ordinance of Palm Beach County" (Ord. No. 2006-012) be amended to provide that sexual predators and sexual offenders who have been designated as sexual predators and sexual offenders in another state or jurisdiction be considered as sexual predators or sexual offenders as if that offense had been committed in the State of Florida. Unincorporated (DW)

5. REGULAR AGENDA

F. RISK MANAGEMENT

1. Staff recommends motion to approve:

A) the selection of Cigna Health and Life Insurance Company (CIGNA) for plan year 2012 following a Request for Proposal (RFP No. 11-057/LJ) for claims administration services for the County's self-insured health insurance plans; and

B) Administrative Services Only Agreement and associated performance guarantees with CIGNA for claims administration services for the County's self-funded health insurance plans for the period January 1, 2012, through December 31, 2012 (with four annual options to renew) totaling \$2,421,070; and

C) Actuarial rates per coverage tier for plan year 2012; and

D) an effective date for the sunset of the PPO Plan which currently has only 16 participants remaining, hereby proposed to be December 31, 2012; and

E) a Fourth Amendment to Interlocal Agreement (R2002 2287), extending its term for five (5) years for the period January 2, 2012, through December 31, 2016.

SUMMARY: Having completed the last remaining renewal option with CIGNA for expiring plan year 2011, staff issued an RFP for health plan administrative services, including stop loss insurance, disease management and mental health, for the County's self-funded health insurance plans on behalf of the employees of the Board, Supervisor of Elections, and Palm Tran, Inc. (collectively participating in the plan through the provisions of Interlocal Agreement R2002-2287). The selection committee chose CIGNA over four (4) competing proposals on the basis that CIGNA offered the deepest discounts on medical and pharmaceutical costs and provided the least amount of provider network disruption. The new contract will include the services of a full-time onsite wellness coordinator, fully funded by Cigna, and an increase in the wellness allowance provided by CIGNA from \$30,000 per year to \$50,000 per year. The total projected health plan and administrative expense for plan year 2012 is \$65,722,423. Staff recommends that employee contributions and cost-sharing remain unchanged for plan year 2012, following significant changes that were collectively bargained and put in effect in the expiring plan year (2011). The total cost of the plan represents an increase of \$4,390,678 over the actuary's projected cost of the expiring plan year. The amount of the increase has been reduced from an earlier actuarial estimate due to favorable claims experience in the current plan year following the implementation of the plan changes. This increase has been contemplated in the 2012 budget, and is necessary to secure the financial stability of the fund following three (3) years with no increase in the County's portion of the plan's funding due to a higher than expected accumulation in the fund which was used to offset the County's costs in prior plan years. Sufficient funds have been budgeted to fund the program. Countywide (TKF)

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6. BOARD APPOINTMENTS

A. **ADMINISTRATION**
(Workforce Alliance, Inc.)

1. **Staff recommends motion to approve:** the appointment of Amy Dean, David Talley, Ed Gruvman, Ed Sabin, Gary Vonk, Mel Coleman, Melody Sanger and Roger Amidon to the Workforce Alliance, Inc. (Alliance) Board of Directors for the period October 18, 2011, to October 17, 2014:

Nominee/ Appointment	Seat No.	Term	Area of Representation	Nominated By
Amy Dean	31	From 10/18/2011 to 10/17/2014	Private Sector	Palm Healthcare Foundation
David Talley	32	From 10/18/2011 to 10/17/2014	Private Sector	D.H. Talley & Assoc., Inc.
Ed Gruvman	25	From 10/18/2011 to 10/17/2014	Private Sector	Nutrition S'Mart
Ed Sabin	4	From 10/18/2011 to 10/17/2014	Private Sector	Biomet 3
Gary Vonk	9	From 10/18/2011 to 10/17/2014	Private Sector	Keiser university
Mel Coleman	16	From 10/18/2011 to 10/17/2014	Private Sector	Nova South Eastern University
Melody Sanger	7	From 10/18/2011 to 10/17/2014	Private Sector	Drug Study Institute
Roger Amidon	36	From 10/18/2011 to 10/17/2014	Private Sector	PBC Tourist Development Council

SUMMARY: The membership of Workforce Alliance, Inc. (Alliance) conforms to the requirements of the Workforce Investment Act (WIA) of 1998, and the Workforce Innovation Act of 2000. Policy for this item is defined in R2007-1220, Agreement (R2007-1200) between Palm Beach County, Florida (County) and Alliance dated July 10, 2007. Per this Agreement, 17 private sector member appointments shall be made by County. The Workforce Investment Act of 1998 requests that an emphasis be placed on CEO's or highest level of management positions for both community and business sector appointments. The Alliance Board of Directors is compromised of a minimum of forty members as determined from time to time by the Board of Directors with representatives of business in the local area who are owners of businesses, local educational entities, labor organizations, community-based organizations, economic development agencies, one-stop partners. Countywide (TKF)

B. **AIRPORTS**
(Citizens Committee for Airport Noise)

1. **Staff recommends motion to appoint:** the following individual to the Citizens Committee on Airport Noise (CCAN) for a term of three (3) years:

<u>SEAT</u>	<u>NAME</u>	<u>ACTION</u>	<u>ORGANIZATION</u>
No. 8	Michael Klingensmith	Reappointment	PBC League of Cities

SUMMARY: Per Resolution No. R94-1060, the Citizens' Committee on Airport Noise consists of 13 seats of which six (Seat No. 8 through Seat No. 13) are recommended for appointment by the organizations approved by the Board of County Commissioners. The Palm Beach County League of Cities, Inc. submitted their recommendations for representation by letter. Countywide (AH)

6. BOARD APPOINTMENTS

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

1. **Staff recommends motion to approve:** reappointment of the following member to the Building Code Advisory Board, for a term of three (3) years, beginning October 19, 2011:

<u>Reappoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Scott Worley	10	General Contractor	CIMC	10/19/11-10/18/14

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. The Construction Industry Management Council (CIMC) of Palm Beach County has nominated Scott Worley to be reappointed to the Building Code Advisory Board, for a three (3) year term until October 18, 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) (PZB)

(Construction Board of Adjustment and Appeals)

2. **Staff recommends a motion to approve:** reappointment of the following individual to the Construction Board of Adjustment and Appeals (CBAA) for a term of three (3) years, beginning October 19, 2011:

<u>Reappoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Bart Rasper	1	Plumbing Contractor	CIMC	10/19/11-10/18/14

SUMMARY: Palm Beach County Ordinance 89-31 created the Construction Board of Adjustment and Appeals. Bart Rasper is nominated by the Construction Industry Management Council of Palm Beach County (CIMC), with a term of office of three years. The nomination represents the Plumbing Contractor member of the Board as required by the Palm Beach County Ordinance 2009-001, as amended, Palm Beach County Amendments to the Florida Building Code, 2007 Edition. The Board is comprised of seven (7) members consisting of one (1) registered architect; one (1) registered engineer; one (1) general contractor; one (1) electrical contractor; one (1) HVAC contractor; one (1) plumbing contractor and any other contractor licensed category. In addition to the seven (7) members, there should be two (2) alternate members, one (1) member with the qualifications referenced above and one (1) member at-large from the public. (Building Division) Countywide (DW)

D. **COMMISSION DISTRICT APPOINTMENTS**

OCTOBER 18, 2011

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

OCTOBER 18, 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."

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

OCTOBER 18, 2011

<u>PAGE</u>	<u>ITEM</u>	
15	3F-8	<u>REVISED TITLE:</u> Staff recommends motion to approve: Fourth Amendment to the Lease Agreement (Lease) (R92-471D) with MSP Partners Realty, LLC (MSP Partners), for the Airport Center Hilton Hotel (Hotel), providing for an extension of the initial term of the Lease to December 31, 2060, with one (1) - 15-year option to extend; <u>finding that extension of the Lease is in the best interest of the County</u> pursuant to Article VI, Section 22-104(d)(1) of the Palm Beach County Code; increasing the minimum guaranteed annual rental from \$110,000 to \$300,000 and percentage applicable to percentage rent; providing for annual adjustment to the minimum guaranteed annual rental; and providing for the removal of a restriction prohibiting the development of a hotel on the Palm Beach International Airport (PBIA). (Airports)
18	3H-2	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to: A) adopt a Resolution authorizing an extension of the term of a sub-lease pursuant to the First Amendment to Sub-Lease Agreement; and B) approve a First Amendment to Sub-Lease Agreement (R2001-0656) with Boys and Girls Clubs of Palm Beach County, Inc., to extend the term of the Sub-Lease of the old Lake Shore Middle School Building 9 (gymnasium) and adjacent land <u>subject to School Board approval scheduled for October 19, 2011.</u> SUMMARY: On May 1, 2001, the Board approved a ten (10) year Sub-Lease Agreement (R2001-0656) with Boys and Girls Clubs for the lease of the old Lake Shore Middle School Building 9 (gymnasium) and adjacent land (a/k/a the Bill Bailey Community Center). The County leases the premises from the School Board of Palm Beach County pursuant to the terms of a Lease Agreement (R2000-1807) approved by the Board of County Commissioners on October 31, 2000. The leased premises, which are located at 1101 Martin Luther King Boulevard (formerly SW Avenue E) in Belle Glade, are used by Boys and Girls Clubs for the operation of various community based youth programs. The County also uses the premises for the operation of Police Athletic League programs. This First Amendment extends the term of the Sub-Lease Agreement until October 30, 2015, and provides Boys and Girls Clubs with the right to extend the term for one additional period of five (5) years, subject to approval by the Board, provided the County's Lease with the School Board is in effect. The First Amendment establishes a procedure by which the County may renegotiate the terms of the Sub-Lease in order to provide County with additional use rights. In the event the parties cannot agree on the additional use rights, County may terminate Boys and Girls Clubs' sublease of the premises. County shall also have the right to terminate the Sub-Lease Agreement for budgetary reasons upon 180 days prior written notice, provided that such notice is not given between December 1 and May 1 annually. The rent will remain at \$1.00 per year. The insurance, indemnification, and default provisions were modified at the request of the School Board. The First Amendment also incorporates the Inspector General disclosure language and updates the non-discrimination and notice provisions. Boys and Girls Clubs has provided a Disclosure of Beneficial Interests stating that it is a 501(c)(3) corporation and that no individuals or entities have a beneficial interest in its assets. The Board's approval of the First Amendment is subject to the School Board's approval. This First Amendment is scheduled to be considered for approval by the School Board on Oct 19, 2011. All other terms and conditions remain the same. (PREM) <u>District 6 (HJF) (FDO)</u>
20	3H-6	<u>DELETED:</u> Staff recommends motion to approve: exercise of the third option to extend the term of the Lease Agreement (R97-2126D) dated December 16, 1997, as amended, with Aspen Skees Road, LLC, for 6,000 SF of office and warehouse space located in West Palm Beach for the Palm Beach County Sheriff's Office..(FDO) (Alternative less expensive option identified)

- 28 3P-1 **REVISED TITLE & SUMMARY: Staff recommends motion to approve:**
- A)** an Agreement with Housing Partnership, Inc. for funding of a part-time program assistant; and
- ~~**B)** a part-time program assistant to conduct a nutrition education program at Highland Elementary School; and~~
- ~~**C)**~~ **B)** a Budget Amendment of \$21,706 in the Cooperative Extension Revenue Fund to recognize new funding. The term of this Agreement shall begin when executed by both parties hereto and shall terminate on September 30, 2012.
- SUMMARY:** Housing Partnership, Inc. (HPI) will provide funding to Palm Beach County (County) to support a part-time program assistant to conduct the Bridges Nutritional Program at Highland Elementary School in amount not to exceed \$21,706. The program assistant is a fully grant funded position and will be eliminated when the grant term has expired. The funding shall consist of \$12,919 for salary plus \$2,519 for fringe benefits, \$368 for travel reimbursement, \$500 for printing costs, and \$5,400 for food and supplies for food demonstrations. District 6 7 (AH) (Coop. Extension)
- 34 4B **REVISED MOTION & SUMMARY: Staff recommends motion to:**
- 1) ~~adopt~~ discuss** a Resolution confirming the special assessment of \$19,662.55 per lot for Michlar Drive, Tamis Trail and 105th Avenue South Paving & Drainage (Project) Project No. 2002136;
- B) ~~approve~~ discuss** a Contract with Rosso Paving and Drainage, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$435,519.20 for the Project; and
- C) ~~approve~~ discuss** a Budget Transfer in the amount of \$526,120 in the Municipal Services Taxing Unit (MSTU) Improvement Fund from Reserves to Michlar Drive, Tamis Trail and 105th Avenue South.
- SUMMARY:** Future Adoption of this Resolution will allow Palm Beach County to assess 50% of the Project cost to the property owners at \$19,662.55 per lot for the Project. Assessments will be payable in either ten (10) or up to twenty (20) equal annual installments. Approval of the construction contract will authorize the Contractor to construct the Project, for a total of approximately 4,064.55 lineal feet (0.76 miles), on Michlar Drive from Anderson Lane north to Tamis Trail, Tamis Trail from Michlar Drive east to 105th Avenue South and 105th Avenue South from Tamis Trail south to 52nd Place South. This work will include new pavement, driveway reconstruction, and a storm water management system. The Contractor is a Palm Beach County business, with 50.6% of the work to be performed by the contractor. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the Project by the Contractor is 50.61% overall. District 3 (MRE)
- 36 5B-1 **DELETED: Staff recommends motion to approve: A)** Service Agreement with American Eldercare, Inc., for DOSS to provide community-based assistance as a service provider effective October 18, 2011, with no fixed expiration date;...(Community Services) (Further staff review)
- 43 8D-1 **ADD-ON:** Request approval to present off-site, a Proclamation declaring November 10, 2011 as “Disability Employment Awareness Day” in Palm Beach County. (Sponsored by Commissioners Abrams)
- 43 8D-2 **ADD-ON:** Request approval to present off-site, a Proclamation declaring the months of October and November 2011 as “Disability Mentoring Career Exploration” in honor of National Disability Employment Awareness Month. (Sponsored by Commissioner Abrams)

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