

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

NOVEMBER 1, 2011

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

**COMMISSION
CHAMBERS**

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

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

- 3. CONSENT AGENDA (Pages 7 - 17)**

- 4. REGULAR AGENDA (Pages 18 - 23)**

- 5. BOARD APPOINTMENTS (Pages 24 - 27)**

- 6. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 28)**

- 7. STAFF COMMENTS (Page 29)**

- 8. COMMISSIONER COMMENTS (Page 30)**

- 9. ADJOURNMENT (Page 30)**

TABLE OF CONTENTS

SPECIAL PRESENTATIONS - 9:30 A.M.

Page 6

- 2C-1 Abner Roswell Harrington
- 2C-2 Corporal Burt Richards
- 2C-3 Ethics Awareness Day
- 2C-4 Breaking the Silence Year
- 2C-5 Joey Bergsma Retinoblastoma Awareness Month
- 2C-6 Alzheimer's Disease Awareness Month
- 2C-7 Palm Tran – 40 Years of Public Transportation Services
- 2C-8 Hunger and Homelessness Awareness Week
- 2C-9 World AIDS Day
- 2C-10 Community Foundation Week
- 2C-11 Veterans Appreciation Month

CONSENT AGENDA

A. ADMINISTRATION

Page 7

- 3A-1 Resolution from Town of Palm Beach regarding Citizens' Advisory Committee on Airport Noise
- 3A-2 Designation of authority to sign permits relative to Scripps/Briger Property
- 3A-3 Amendments to six (6) contracts related to state lobbying services

B. CLERK & COMPTROLLER

Page 8

- 3B-1 Warrant list
- 3B-2 Minutes
- 3B-3 Contracts and claims settlements list

C. ENGINEERING & PUBLIC WORKS

Page 8

- 3C-1 Interlocal Agreement with Town of Lantana regarding open cuts in County maintained rights-of-way
- 3C-2 Supplemental Agreement No. 7 with E.C. Driver & Associates relative to Ocean Avenue Bridge project
- 3C-3 Agreements with Ardaman & Associates and Nordarse and Associates for testing lab services
- 3C-4 Deleted

Page 9

- 3C-5 FY 2011/2012 Pathway Program
- 3C-6 Annual Pathway & Minor Construction Contract with Wynn & Sons Environmental Construction
- 3C-7 Agreement with Wantman Group relative to West Atlantic Avenue/Jog Road intersection improvements

D. COUNTY ATTORNEY - None

E. COMMUNITY SERVICES - None

F. AIRPORTS

Page 9

- 3F-1 Federal Aviation Administration Grant Agreement for wildlife hazard assessment at North Palm Beach County General Aviation Airport

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 10

- 3G-1 Budget Amendment related to bonds for the Convention Center project

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 10

- 3H-1 License Agreement with PBSO for bus/car wash system in Belle Glade

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

Page 11

- 3H-2 Change Order No. 10 with The Weitz Company regarding the Greenacres Library project
- 3H-3 License with FDOT for construction of drainage structure at John Prince Park
- 3H-4 Declaration of Flowage Easement through Mounts Botanical Gardens

I. HOUSING & COMMUNITY DEVELOPMENT - None

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

Page 11

- 3K-1 Receive and files two (2) standard contracts/agreements for Water Utilities

L. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 12

- 3L-1 Budget Transfer related to South Lox Slough Wetland Restoration project
- 3L-2 Third Term Permit Interlocal Agreement with NPBCID related to water quality activities
- 3L-3 First Amendment with City of West Palm Beach regarding South Cove Natural Area Restoration project

M. PARKS & RECREATION

Page 13

- 3M-1 Non-standard Amphitheater Rental Agreement with AEG Live SE, LLC for Hollywood Undead Concert
- 3M-2 Receive and file 13 independent contractor agreements for Parks & Recreation

N. LIBRARY - None

P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION - None

R. HUMAN RESOURCES - None

S. FIRE RESCUE - None

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES

Page 14

- 3U-1 Thirteenth, Fourteenth and Fifteenth Amendments with CGI-AMS relative to the County's Advantage Financial System

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY

Page 15

- 3X-1 Contract with Legal Aid Society of Palm Beach County to provide legal services to the indigent
- 3X-2 Contract with 211 Palm Beach/Treasure Coast to provide emergency crisis counseling services

Y. PURCHASING - None

Z. RISK MANAGEMENT - None

AA. PALM TRAN - None

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

BB. SHERIFF'S OFFICE

Page 16

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

CC. SUPERVISOR OF ELECTIONS

Page 16

3CC-1 Precinct boundary changes

DD. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENG AGENCY

Page 17

3DD-1 Agreement with Westgate/Belvedere Homes CRA relative to widening of the L-2B Canal

REGULAR AGENDA

ADMINISTRATION

Page 18

4A-1 Resolution opposing state legislation that makes changes to appointments and/or funding allocations relative to the South Florida Regional Transit Authority

4A-2 Palm Beach County legislative position on sales taxes relative to on-line purchases

4A-3 Reconsideration of funding reduction relative to the Palm Beach State College Business Development Center contract

Page 19

4A-4 Commission Redistricting

COUNTY ATTORNEY

Page 19

4B-1 Restricted Use Property Classification (waive annual renewal application requirement) Ordinance

ENGINEERING & PUBLIC WORKS

Page 19

4C-1 Five Year Road Program Ordinance

OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 20

4D-1 Public Service Tax Ordinance

4D-2 Removal of Commissioner on Contract Review Committee

4D-3 Approval of financial policies

ENVIORNMENTAL RESOURCES MANAGEMENT

Page 21

4E-1 Interlocal Agreements with City of Delray Beach and City of Lake Worth regarding Wellfield Protection Program

FACILITIES DEVELOPMENT & OPERATIONS

Page 22

4F-1 Conveyance of .19 acre vacant parcel to Carl L. Terwilliger and Donna M. Leone

HOUSING & COMMUNITY DEVELOPMENT

Page 22

4G-1 Waiver to Residential Rehabilitation Program project for Joshua and Mary Harris

Page 23

4G-2 Additional Neighborhood Stabilization Program 2 funding to Colonial Lakes Apartments and Community Land Trust relative to two (2) affordable housing projects

NOVEMBER 1, 2011

TABLE OF CONTENTS
REGULAR AGENDA CONTINUED

PUBLIC SAFETY

Page 23

4H-1 Vehicle for Hire (Moratorium Extension)

BOARD APPOINTMENTS (Pages 24 - 27)

MATTERS BY THE PUBLIC – 2:00 P.M. (Page 28)

STAFF COMMENTS (Page 29)

COMMISSIONER COMMENTS (Page 30)

ADJOURNMENT (Page 30)

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Proclamation honoring Abner Roswell Harrington, Jr. (Sponsored by Commissioner Santamaria)
2. Certificate of Appreciation for Corporal Burt Richards. (Sponsored by Commissioner Taylor)
3. Proclamation declaring November 18, 2011 as “Ethics Awareness Day” in Palm Beach County. (Sponsored by Commissioner Marcus)
4. Proclamation declaring 2012 as “Breaking the Silence Year” in Palm Beach County. (Sponsored by Commissioner Burdick)
5. Proclamation declaring November 2011 as “Joey Bergsma Retinoblastoma Awareness Month” in Palm Beach County. (Sponsored by Commissioner Vana)
6. Proclamation declaring November 2011 as “Alzheimer’s Disease Awareness Month” in Palm Beach County. (Sponsored by Commissioner Abrams)
7. Proclamation celebrating Palm Tran and 40 Years of Public Transportation Services in Palm Beach County. (Sponsored by Commissioner Aaronson)
8. Proclamation declaring November 13 – 19, 2011 as “Hunger and Homelessness Awareness Week” in Palm Beach County. (Sponsored by Commissioner Taylor)
9. Proclamation declaring December 1, 2011 as “World AIDS Day” in Palm Beach County. (Sponsored by Commissioner Burdick)
10. Proclamation declaring November 12 – 18, 2011 as “Community Foundation Week” in Palm Beach County. (Sponsored by Commissioner Abrams)
11. Proclamation declaring November 2011 as “Veterans Appreciation Month” in Palm Beach County. (Sponsored by Commissioner Aaronson)

* * * * *

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to receive and file: Resolution No. 87-11 of the Town Council of the Town of Palm Beach, Florida, urging the Citizens' Committee on Airport Noise (CCAN) and the Board of County Commissioners of Palm Beach County to amend and supercede Resolution No. R2002-0544, pertaining to CCAN at Section 1(G), to enable the Town of Palm Beach CCAN representative to reside anywhere within the corporate limits of the Town of Palm Beach.

2. Staff recommends motion to approve:

A) designation of authority for the County Administrator or his designee to sign standard forms relating to the Development of Regional Impact (DRI), Planned Community Development District, South Florida Water Management District (SFWMD) Permit 50-00610-S-24, and United States Army Corps of Engineers (USACOE) Permit related to the County's 70 acres for Scripps on the Briger Property; and

B) ratification of all prior signatures by County Staff related to these documents.

SUMMARY: On April 1, 2010, the City of Palm Beach Gardens approved the DRI and the Planned Community Development Overlay for the Scripps Florida Phase II/Briger Tract. The County and the Lester Family are the named developers under the approvals. On May 4, 2010 and June 29, 2011, respectively, the SFWMD and the USACOE permits were approved. A project of this complexity will continually evolve thus requiring amendments or modifications to existing approval. In order to keep the project moving forward in a timely manner, Staff is recommending that the County Administrator or his designee have designated signature authority. Any modifications impacting the County fiscally will be brought to the Board of County Commissioners for consideration prior to execution. District 1 (HJF)

3. Staff recommends motion to approve: amendments to six (6) consulting/professional service contracts for state lobbying on behalf of Palm Beach County to extend the term for 12 months to September 30, 2012 for a total amount of \$195,000 as follows:

A) Sixth Amendment to the contract with Akerman Senterfitt (R2005-2299) in the amount of \$27,500;

B) Sixth Amendment to the contract with Pittman Law Group (R2005-2301) in the amount of \$35,000;

C) Sixth Amendment to the contract with Ericks Consultants (R2005-2302) in the amount of \$27,500;

D) Sixth Amendment to the contract with Corcoran and Associates (R2005-2303) in the amount of \$35,000;

E) Sixth Amendment to the contract with The Moya Group (R2005-2304) in the amount of \$35,000; and

F) Fifth Amendment to the contract with Foley and Lardner, LLP (R2006-2141) in the amount of \$35,000.

SUMMARY: The original term of the contracts with Akerman Senterfitt, Pittman Law Group, Ericks Consultants, Corcoran and Associates and the Moya Group for state lobbying was for November 1, 2005, through October 31, 2006 with additional amendments extending the term through September 30, 2011. It is the Fifth Amendment with Foley and Lardner, LLP. 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>
Child Care Facilities Board	September 13, 2011
Zoning	September 26, 2011
Budget	September 27, 2011
Comp Plan	October 11, 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

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** an Interlocal Agreement with the Town of Lantana (Town) regarding open cuts in Palm Beach County (County) maintained rights-of-way. **SUMMARY:** The Town has agreed to follow the policies and procedures set forth by the County regarding open cuts in County roads; however, the Town is requesting that it not be required to provide surety for the open cuts, as required by County PPM EL-O-3605 and EL-O-3606, but instead be bound by the terms and conditions of this Interlocal Agreement. Districts 3, 4 & 7 (MRE)
2. **Staff recommends motion to approve:** Supplemental Agreement No. 7 to project agreement R2008-0017 in the amount of \$837,923.11 with E.C. Driver & Associates, Inc. for professional services. **SUMMARY:** Approval of this Supplemental Agreement will provide the necessary post design services during the construction phase for the Ocean Avenue Bridge over the Intracoastal Waterway. District 4 (MRE)
3. **Staff recommends motion to approve:** Agreements with Ardaman & Associates, Inc. (A&A) and Nodarse & Associates, Inc., A Terracon Company (N&A), to provide the necessary professional construction materials testing, geotechnical engineering and inspection (testing lab) services on a task order basis, for Palm Beach County-wide (County) projects, as required. **SUMMARY:** Approval of these agreements will provide the necessary professional testing lab services throughout the County for all user departments for a term of one (1) year. At the option of the County, these agreements may be renewed annually, with a maximum of two (2) renewals. A&A and N&A are Palm Beach County companies. Countywide (MRE)
4. **DELETED**

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. **Staff recommends motion to approve:** the Fiscal Year 2011/2012 Pathway Program. **SUMMARY:** Approval of the Fiscal Year 2011/2012 Pathway Program will allow the construction of the proposed projects compiled in response to requests from the Palm Beach County School Board, Palm Beach County Sheriff's Office, members of the Board of County Commissioners, and residents of Palm Beach County. The proposed projects include 12 new construction projects and 16 major maintenance projects. The total program cost is \$1,500,000 and is divided into the following categories:

School Related	\$ 946,000
Major Maintenance	\$ 470,000
ADA and Minor Maintenance	\$ 25,000
Cost and Feasibility Studies	\$ 35,000
Fast Track Schools	\$ 24,000
Total	\$1,500,000

Countywide (MRE)

6. **Staff recommends motion to approve:** a Contract not to exceed the total value of \$5,230,000 for task orders which may be issued for the Annual Pathway & Minor Construction Contract (Contract), Project No. 2012053, with Wynn & Sons Environmental Construction, Inc. (Contractor), the lowest, responsive, responsible bidder. **SUMMARY:** Approval of this Contract will provide for construction and/or resurfacing of pathways and parking areas, construction of speed humps, traffic separators, miscellaneous concrete works and other minor construction projects required by various County Departments on an as needed basis. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the project by the Contractor is 98% overall. The Contractor is a Palm Beach County business. Countywide (MRE)
7. **Staff recommends motion to receive and file:** an Agreement with Wantman Group, Inc., in the amount of \$50,883.94, for professional services for the preparation of design plans and construction bid documents for West Atlantic Avenue and Jog Road intersection improvements. This Agreement was approved on September 13, 2011, by the County Engineer, as a delegated authority in accordance with the Purchasing Code. **SUMMARY:** This Agreement is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. District 5 (PK)

F. AIRPORTS

1. **Staff recommends motion to receive and file:** Federal Aviation Administration Grant Agreement Number 3-12-0113-015-2011 in the amount of \$186,482 for the North Parcel Taxiway design and to conduct wildlife hazard assessment at North Palm Beach County General Aviation 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. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

A) Budget Amendment of \$2,720,212 in the \$81.3M Revenue Refunding Bonds, Series 2004 (Convention Center Project) Debt Service Fund 2511 to adjust the transfer from the TDC 4th Cent Local Option Tax Fund for annual principal and interest payments;

B) Budget Amendment of \$2,102,919 in the \$62.775M Public Improvement Revenue Refunding Bonds, Series 2011 (Convention Center Project) Debt Service Fund 2526 to record the transfer of funds from the TDC 4th Cent Local Option Tax Fund for the payments of annual interest and trustee and paying agent services;

C) Budget Transfer of \$2,720,212 in the Tourist Development Council 4th Cent Local Option Tax fund to reduce the amount of the transfer required for FY 2012 debt service payments to the \$81.3 Million Revenue Refunding Bonds, Series 2004 (Convention Center Project) Debt Service Fund 2511 and establish the transfer required for FY 2012 debt service payments to the \$62.775M Public Improvement Revenue Refunding Bonds, Series 2011 (Convention Center Project) Debt Service Fund 2526; and

D) Budget Amendment of \$5,716,776 in the \$62.775M Convention Center Refunding Bonds, Series 2011, Debt Service Reserve Fund 2527 to record the FY 2012 Reserve for Future Debt Service Payments as required by the bond issue. The setting up of this reserve in FY 2011 was previously approved by the board on September 13, 2011. This amendment creates the reserve in FY 2012.

SUMMARY: On August 31, 2011, the County closed the sale of the Series 2011 Refunding Bonds (Convention Center Project). These budget amendments amend the Fiscal 2012 Budget to set up the annual payments of interest and trustee and paying agent fees for the Series 2011 Refunding Bonds. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: a License Agreement with the Sheriff of Palm Beach County (Sheriff) for the non-exclusive use of an automated bus/car wash system (Bus Wash) located at 38601 James Wheeler Way in Belle Glade for an annual fee of \$5,000. **SUMMARY:** The County built the Belle Glade Maintenance Facility located at 38601 James Wheeler Way for use by Palm Tran to assist Palm Tran in serving the public transportation needs of the County's Western Communities. Due to the Western Communities' unique environmental conditions, the facility was designed to include the Bus Wash. This License Agreement provides the Sheriff's Office with the non-exclusive use of the Bus Wash on an as needed basis to wash Sheriff owned vehicles used by sworn law enforcement or corrections personnel. The Sheriff will pay an annual fee of \$5,000 that will be used by Palm Tran to offset the operation and maintenance costs of the Bus Wash. The term of the License Agreement is for three (3) years. The Agreement may be terminated by either party, with or without cause with a minimum of thirty (30) days notice. (FDO Admin) District 6 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** Change Order No. 10 to the contract with The Weitz Company (R2007-1105) decreasing the Guaranteed Maximum Price (GMP) for the Greenacres Library by \$177,905. **SUMMARY:** The renovation of the Greenacres Library is complete. Of the original \$1,692,169 GMP, there is \$177,905 remaining in the contract contingency due to unused contingency funds, an unused Builder's Risk insurance deductible and project savings due to competitive subcontractor buyout. Change Order No. 10 reconciles the final project cost and will allow for the closeout of this contract. The unused funds from this project will be returned to the Library Expansion Program Fund. The final Small Business Enterprise (SBE) participation for this project is 44.3%. (Capital Improvements Division) District 2 (JM)

3. **Staff recommends motion to approve:** a License with the State of Florida Department of Transportation (FDOT) for construction of a drainage structure at John Prince Park. **SUMMARY:** This License will allow FDOT to construct an underground drainage structure to tie into and modify the existing drainage structure at John Prince Park, which provides drainage for Lake Osborne Drive and Boutwell Road. The proposed licensed area is 24' wide and 40' long and runs along the park property abutting the Lake Worth Road right-of-way. The term of the License expires March 2015, or upon completion of the FDOT project. The County will not charge for the use of the licensed premises as the improvements serve the Park. (PREM) District 3 (HJF)

4. **Staff recommends motion to approve:** a Declaration of Flowage Easement through the County-owned Mounts Botanical Garden (Mounts) and adjacent County-owned land in unincorporated West Palm Beach. **SUMMARY:** The County constructed drainage improvements for the Grove Street and Evans Lane neighborhoods located north of Mounts, west of North Military Trail, and south of Belvedere Road in unincorporated West Palm Beach. A portion of the drainage improvements runs through Mounts and adjacent County-owned land currently leased to the Florida Department of Highway Safety and Motor Vehicles (DMV), and outfalls into the Lake Worth Drainage District's L-4 Canal. All improvements associated with this easement are located underground. The easement area, which includes Lake Orth, varies from 20 feet to 395 feet in width, is approximately 730 feet long, and contains 77,193 square feet (1.77 acres) located in the easterly portion of Mounts and the westerly portion of the adjacent County-owned land leased to DMV. The Declaration of Flowage Easement will be recorded to provide notice of the existence and location of the drainage improvements. (PREM) District 6 (HJF)

K. WATER UTILITIES

1. **Staff recommends motion to receive and file:** the following two (2) documents:
 - A) a Contract with TLC Diversified, Inc. in the amount of \$138,600 for Cherry Road Lift Station (L.S. 6066) Rehabilitation Project. (WUD Project No. 08-007) (District 2) (JM); and
 - B) Standard Indemnity Agreement with G L Homes of Boca Raton Associates V, Ltd., SDA No. 05-01026-008. (District 5)(SF)**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 above Standard Development Agreements, Contracts, and Indemnity Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Deputy Director of the Water Utilities Department in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the Board to receive and file.

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:** Budget Transfer of \$210,000 in the South Lox Slough Wetland Restoration Fund from reserves to the South Lox Slough Wetland Restoration project (SLSRP). **SUMMARY:** The approximate 780-acre SLSRP area is part of the County's Loxahatchee Slough Natural Area. A Memorandum of Understanding (MOU) was approved by the Board on July 23, 2002. The MOU defines the process by which the U.S. Army Corps of Engineers, Jacksonville District (USACOE) and the Florida Department of Environmental Protection (FDEP) will direct wetland mitigation dollars to the County to help pay for the restoration, enhancement, and long-term management and maintenance of County-owned lands within the SLSRP area. This Budget Transfer will provide \$210,000 from reserves to the South Loxahatchee Slough Wetland Restoration project. These funds are needed for the restoration, enhancement and long-term management and monitoring activities identified within the SLSRP as identified in the MOU. District 1 (SF)

2. **Staff recommends motion to:**
 - A) approve** Third Term Permit Interlocal Agreement with the Northern Palm Beach County Improvement District (NPBCID) for services under the National Pollutant Discharge Elimination System (NPDES) Permit from the Florida Department of Environmental Protection (DEP); and

 - B) authorize** the County Administrator or his designee to sign any necessary amendments in accordance with the agreement that do not exceed \$25,000 in any given funding year.

SUMMARY: On September 9, 2003, the Board of County Commissioners approved the Second Term Permit Interlocal Agreement (R2003-1369) with NPBCID for services under the NPDES permit with DEP. On March 2, 2011, DEP under its NPDES responsibilities delegated from the Environmental Protection Agency (EPA) issued its Third Term five (5) year NPDES permit to governmental entities designated as the Palm Beach County-Municipal Separate Storm Sewer System Permittees. The NPBCID will conduct lead permittee activities for all co-permittees including the County. The County will conduct sampling and water quality related activities on behalf of NPBCID and the co-permittees. This Interlocal Agreement is effective upon execution by the NPBCID and is continuous until terminated in accordance with the Agreement terms. The Agreement also authorizes the Director of Environmental Resources Management to provide written notice when required under the Agreement to NPBCID and amend Exhibit "A" and Exhibit "B" the Scope of Work and Exhibit "C" the Resolution, when required by either party. However, if the amendment increases funding year costs in excess of \$25,000, Board of County Commissioner approval will be required. Countywide (AH)

3. **Staff recommends motion to approve:** First Amendment to the Interlocal Agreement (R2011-0645) with the City of West Palm Beach for the use of Currie Park as a staging site for the County's South Cove Natural Area Restoration Project. **SUMMARY:** On October 17, 2011, the City of West Palm Beach approved the First Amendment to the Interlocal Agreement, which provides an alternate staging location within Currie Park. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** a non-standard Amphitheater Rental Agreement with AEG Live SE, LLC for the presentation of a Hollywood Undead Concert on November 18, 2011, at Sunset Cove Amphitheater. **SUMMARY:** The Parks and Recreation Department (Department) utilizes a standard Amphitheater Rental Agreement which is executed at the Department level. However, non-standard Amphitheater Rental Agreements are sometimes required to satisfy the complexity of specific entertainment terms of a given renter. AEG Live SE, LLC (AEG) has requested modifications to the approved standard Amphitheater Rental Agreement language. The modifications clarify the responsibilities and expectations of the County and AEG for issues such as damages, personal injury, and indemnification. These changes, along with other minor administrative changes, were agreed to by attorneys for both the renter and the County. This non-standard Amphitheater Rental Agreement releases AEG from liability to the extent such damage or injury is caused by the County's negligence or willful misconduct, or structural or premise related defects at the Sunset Cove Amphitheater. County revenues generated from the concert range from a minimum of \$3,500, or 10% of the gross ticket sales less tax, to a maximum of \$12,000 plus miscellaneous fees for vendors, parking, etc. District 5 (AH)

2. **Staff recommends motion to receive and file:** executed Independent Contractor Agreements received during the month of September of 2011:
 - A) JKF Goju Kai, Florida, Inc., Karate Program, West Jupiter Recreation Center, for the period October 1, 2011, through September 30, 2012;
 - B) Dawn Gunduz, Belly Dancing Instructor, West Jupiter Recreation Center, for the period October 6, 2011, through September 28, 2012;
 - C) Kim Moser, Classical Fencing Instructor, West Jupiter Recreation Center, for the period October 5, 2011, through September 27, 2012;
 - D) Cindy Martling, Fitness Program Instructor, West Jupiter Recreation Center, for the period October 1, 2011, through September 30, 2012;
 - E) Michael Alford, Basketball Official, Westgate Park and Recreation Center, for the period October 1, 2011, through November 13, 2011;
 - F) Emmitte Dixon, Basketball Official, Westgate Park and Recreation Center, for the period October 1, 2011, through November 13, 2011;
 - G) Caroline Andre, Cheerleading Coach, Westgate Park and Recreation Center, for the period October 1, 2011, through November 13, 2011;
 - H) Palm Beach County Officials Association, Inc., Flag Football Referee, Westgate Park and Recreation Center, for the period October 1, 2011, through November 30, 2011;
 - I) Gold Coast Gymnastics, Inc., Tumbling Instructor, West Boynton Park and Recreation Center, for the period October 6, 2011, through September 28, 2012;
 - J) Frankie Thomas, Dance Instructor, Therapeutic Recreation Complex, for the period October 1, 2011, through September 30, 2012;
 - K) Mobile Group Fitness, LLC, Fitness Program, West Jupiter Recreation Center, for the period October 3, 2011, through September 30, 2012;
 - L) Shelly Janssen, Dance Instructor, West Boynton Park and Recreation Center, for the period October 4, 2011, through September 30, 2012; and

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. MOTION/TITLE CONTINUED

M) Modern Bujutsu Karate Florida, Inc., Martial Arts Program, West Boynton Park and Recreation Center, for the period October 5, 2011, through September 29, 2012.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File Agenda Item. The above Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and are now being submitted to the Board to receive and file. Districts 1, 2 & 3 (AH)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve:

A) Thirteenth Amendment to contract with CGI-AMS (formerly named American Management Systems, Inc.) (R2002-1782), to extend the ending date from December 31, 2011 to December 30, 2012, at no additional cost to the County;

B) Fourteenth Amendment to contract with CGI-AMS (formerly named American Management Systems, Inc.) (R2002-1782), to extend the ending date of Statement of Work No. 4 from September 3, 2011 to November 15, 2011, at no additional cost to the County; and

C) Fifteenth Amendment to contract with CGI-AMS (formerly named American Management Systems, Inc.) (R2002-1782), to revise the software maintenance schedule applicable to this contract for the five (5) year period October 1, 2011, through September 30, 2016, at a total cost of \$3,102,904.

SUMMARY: The Thirteenth Amendment is a date extension to allow additional time for completion of the deliverables specified in the original contract, including Vendor Self Service and modification No. 11. The Fourteenth Amendment is a date extension to allow additional time for completion of deliverables specified in Statement of Work No. 4 for the development and installation of enhancements to the functionality of the County's Advantage Financial System. The Fifteenth Amendment renews the annual software and technical update maintenance contract for the Advantage financial system for the five (5) year period October 1, 2011, through September 30, 2016. CGI-AMS is not a Palm Beach County or a Florida-based business. Countywide (PK)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. **Staff recommends motion to receive and file:** the original executed contract with the Legal Aid Society of Palm Beach County, Inc. to provide legal services to the indigent citizens of Palm Beach County in the areas of Family Law, Elder Law, Juvenile Advocacy, Education Advocacy, Public Guardianship and Domestic Violence Victim Representation in the amount not to exceed \$1,032,752 from October 1, 2011, through September 30, 2012 as approved in the FY 2012 budget. **SUMMARY:** Resolution R2006-2132 authorizes the County Administrator or his designee to execute contracts with the Legal Aid Society of Palm Beach County, Inc. The Legal Aid Society of Palm Beach County, Inc. has historically provided these services. This contract will ensure the seamless continuation of legal aid services to indigent citizens of Palm Beach County. The contract with Legal Aid consists of the State Required program (\$765,409), the Public Guardianship program (\$154,530) and the Domestic Violence Representation program (\$112,813). The \$65 Court Fee generates \$204,000 for the state required program and partially offsets the costs of these programs. Three (3) staff members of the Legal Aid Society of Palm Beach County, Inc. serve on different County Advisory Boards. Vicki A. Tucci and Kimberly Rommel-Enright serve on the HIV Care Council and Mickale Linton serves on the Head Start/Early Head Start Policy Council. These Boards provide no regulation, oversight, management, or policy-setting recommendations regarding the Legal Aid Society of Palm Beach County, Inc. contract. Disclosure of the contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. Countywide (GB)

2. **Staff recommends motion to receive and file:** the 211 Palm Beach/Treasure Coast, Inc. contract renewal to provide over the phone emergency crisis counseling services through the Violent Crime Rape Crisis Hotline in an amount not to exceed \$42,000 for the period October 1, 2011, through September 30, 2012. **SUMMARY:** In order to reduce the amount of overtime paid and be more cost efficient, the Violent Crime Rape Crisis Hotline calls were transferred from the Public Safety's Emergency Management Communication Center back to 211 Palm Beach/Treasure Coast on July 1, 2010 costing \$52,500 for the period of July 1, 2010, through September 30, 2011. In FY 2012, 211 Palm Beach/Treasure Coast will continue to provide immediate telephone rape crisis intervention services twenty-four (24) hours per day, seven (7) days per week on the Violent Crime Rape Crisis Hotlines. Three thousand dollars from the Sexual Assault grant funding will be used to offset the sexual violence related calls through the Rape Crisis hotline. Resolution R2011-0937 authorized the County Administrator or his designee to exercise the option to renew future agreements provided that funding is available and the County Attorney signs for legal sufficiency. Countywide (GB)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF'S OFFICE

1. **Staff recommends motion to approve:** a Budget Transfer of \$407,991 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 \$2,524,350. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$2,116,359. The year-to-date transfer for all donations after approval of this item is \$446,269. 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
Boys & Girls Club of Palm Beach County, Inc.	25,412
Children's Case Management Organization, Inc.	15,000
Faith, Hope, Love, Charity, Inc.	25,000
Florida Sheriffs Youth Ranches, Inc.	120,860
Gratitude House, Inc.	25,000
Humane Society of Greater Jupiter Tequesta, Inc.	25,000
Junior Achievement of the Palm Beaches, Inc.	25,000
Nope Task Force, Inc.	12,500
Project Lifesaver of Palm Beach County, Inc.	10,487
Safety Council of Palm Beach County, Inc.	2,500
The ARC of Palm Beach County, Inc.	50,000
Urban League of Palm Beach County, Inc.	53,232
United States Naval Sea Cadet Corps, Palm Beach Division	18,000
Total Amount of Donations	\$407,991

CC. SUPERVISOR OF ELECTIONS

1. **Staff recommends motion to approve:** Precinct boundary changes submitted by Susan Bucher, Supervisor of Elections, as required by Section 101.001(1), Florida Statutes **SUMMARY:** Precinct boundary changes as indicated. Countywide (LSJ)

3. CONSENT AGENDA APPROVAL

DD. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. **Staff recommends motion to approve:** an Agreement with the Westgate/Belvedere Homes Community Redevelopment Agency in the amount of \$81,810 for acquisition of land in connection with the widening of the L-2B Canal for the period of November 1, 2011, through December 31, 2012. **SUMMARY:** This Agreement provides funding for the continuation of a project that commenced under Agreement (R2011-0509) on April 5, 2011, that has since expired. The \$85,000 funded through the expired Agreement, less funds expended on the project to date, are being recommitted to enable the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) to purchase four (4) lots adjacent to the L-2B Canal. After completing the acquisition, the CRA will undertake the widening of the Canal in order to improve storm drainage capacity in the Westgate neighborhood. Allocation of these funds to the CRA was initially approved by the Board of County Commissioners on July 21, 2009, through its approval of Palm Beach County's Action Plan for Fiscal Year 2009-2010 (R2008-1209). **These are Federal Community Development Block Grant (CDBG) funds which require no local match.** (Contract Development) District 2 (TKF)

* * * * *

4. REGULAR AGENDA

A. ADMINISTRATION

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, opposing state legislation that weakens Palm Beach, Broward, and Miami-Dade's home rule powers by eliminating our ability to appoint local, citizen members to the South Florida Regional Transit Authority, by allowing gubernatorial appointments to the SFRTA from outside the tri-county area, by weakening the Authority's independent exercise of statutory powers as they relate to governance and operations, and by altering the control and allocation of SFRTA funds. **SUMMARY:** The South Florida Regional Transportation Authority was created to provide rail service in the South Florida region. Florida statute governs how members are appointed to the board and set the funding requirements of the three (3) counties that make up the SFRTA region. Recent communications from the Governor's office and the Department of Transportation have indicated a desire to alter how members are appointed to the SFRTA Board. Additionally, concerns have been raised about the overall contribution rates of the state and the three (3) local governments as it relates to the amount of authority that each entity has over the governance of the Authority. Additionally, the Governor's office has made broad statements about potential legislative action they may take this session on special districts and entities that have tax and bonding authority of public funds. Countywide (DW)

2. **Staff recommends motion to approve:** a legislative position supporting state efforts to collect already required sales taxes on goods purchased in Florida online. **SUMMARY:** This issue arises from out-of-state companies being able to avoid collecting and sending sales taxes to Florida. Groups supporting the collection of this tax claim this gives an unfair advantage to the Internet-based retailers over Florida businesses that are subject to sales taxes. The Legislature has been reluctant to address the issue in part because of arguments that collection of the sales tax would amount to a tax increase. The issue also has some hurdles at the federal level. In the Supreme Court case of Quill v. N. Dakota (1992), the state is prohibited from acting against retailers who have no physical presence in the state and enforcing the requirement that they collect and remit the tax. Under current law, Florida consumers are already supposed to pay sales taxes when they buy goods over the Internet; however, most do not. Florida already has a "use tax" on the books, which applies in situations where sales tax is due but not collected. The use tax is a liability of the purchaser, but there is no practical way to enforce collection of it. The amount of sales tax dollars not being collected from online purchases in Florida ranges between \$1 billion to \$2 billion a year. In order to allow Florida to collect these taxes already authorized, the State of Florida and Congress should work together to require states to collect each other's sales taxes. Countywide (DW)

3. **Staff requests Board direction:** regarding reconsideration of reduction of annual contract with the Palm Beach State College Small Business Development Center (SBDC) in the amount of \$34,000 for the period of October 1, 2011, through September 30, 2012. **SUMMARY:** On October 4, 2011, the Board of County Commissioners directed staff to bring the SBDC contractual reduction of \$34,000 in FY 2012 budget back for further consideration by the Board. Currently, the Office of Small Business Assistance (OSBA) FY 2012 budget contains \$60,000 for SBDC contract. The reduction in the contract amount was a part of the required \$67,476 budget reduction of the OSBA. The SBDC contract provides Palm Beach County's Small Business Enterprise firms with technical assistance and training in the form of direct consulting services in the areas of finance, marketing, management, construction, human resources, business plans and international trade. As a result of the budget reduction, the level of service will be reduced to small businesses within the County. Countywide (TKF)

4. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

4. [Staff requests Board direction:](#) regarding the selection of one of the redistricting maps (Options 1 – 4) for the adoption of new commission district boundaries based on increased population per 2010 census data. **SUMMARY:** Chapter 124, Florida Statutes requires County Commissioners from time to time, to amend the boundaries of Commission Districts to maintain them as nearly equal in proportion to population as possible. These changes can only be made in odd-number years. Attached to the Agenda Item are County Commission District options 1- 4 that reflect reconfiguration of district boundaries based on 2010 census data. On May 3, 2011, the Board of County Commissioners approved the following criteria to be applied when redrawing commission districts: 1) maximum of a 10% variance from the ideal population among districts; 2) adhere to Section 2 of the Voting Rights Acts of 1965, as amended and interpreted through case law; 3) follow major natural and man-made boundaries; 4) maintain integrity of communities of interest, including municipal boundaries; 5) insure compactness; 6) contiguity of districts; and 7) preserve the core of the existing voter's districts. Countywide (LB)

B. COUNTY ATTORNEY

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on November 15, 2011 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, waiving the annual renewal application requirement where the restricted use property classification has been applied for and granted under Section 193.501, Florida Statutes; providing for notice to property appraiser and penalties; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** The Property Appraiser has requested that the Board adopt this ordinance to waive the annual renewal application requirement where restricted use property classification has been applied for and granted, as provided under Section 193.501, Florida Statutes. Waiving the annual renewal application for such classification will save public funds and the funds of owners of property entitled to such classification. This Ordinance also provides for notice to the Property Appraiser of any changes in use and provides penalties. The Board has already waived the annual renewal application requirement for homestead and other property exemptions. Countywide (PFK)

C. ENGINEERING & PUBLIC WORKS

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on November 15, 2011 at 9:30 a.m.:](#) an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program; providing for title; purpose; adoption of revised Five Year Road Plan and revised list of projects contained in Exhibit "A" to the Agenda Item; implementation of the Plan; modification of Plan; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** This is the Annual Update of Palm Beach County's Five Year Road Plan which is required to be considered each year by the Five Year Road Program Ordinance. Exhibit "A" to the Ordinance is a list of proposed projects for the next five (5) years and contains certain changes and modifications. This list is submitted for the Board of County Commissioners' consideration on preliminary reading today with the final list to be approved with the Ordinance at public hearing on Tuesday, November 15, 2011. Countywide (MRE)

4. REGULAR AGENDA

D. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on November 15, 2011 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Section 17-227(a), the Palm Beach County Public Service Tax Ordinance to provide for verification by sellers of the location of purchasers or consumers of goods subject to the public service tax; providing for severability; providing for inclusion in the Code of Laws and Ordinances and providing for an effective date. **SUMMARY:** In July, 2011, the Internal Auditor conducted an audit of a propane gas vendor to determine if that vendor was collecting and remitting public service taxes to Palm Beach County in accordance with the County's public service tax ordinance. The Auditor was unable to make a determination due to significant errors found in the database being utilized by the vendor. This resulted in an audit finding and recommendation that the OFMB Director modify the existing ordinance to specify acceptable databases for vendors to use to be in compliance. Countywide (PFK)

2. Staff recommends motion to rescind: former Board direction to include one (1) Commissioner to be a voting member of the Contract Review Committee and approve revisions to PPM No. CW-F-050 accordingly. **SUMMARY:** On June 11, 1991, the Board approved Resolution R91-810 which provides a means to implement contractual authority for construction contracts. It establishes the Contract Review Committee that shall consist of three (3) permanent voting members: County Engineer, County Attorney, and Director of the Contract Administration Division/OFMB Department. The Committee meets weekly and reports its activity to the Board monthly as a receive-and-file agenda item. On July 27, 1993, the Board held a workshop to review the County's current change order policies and during that workshop determined that one (1) Commissioner should sit on the Committee but have no authority to override the Committee. While the Countywide Policy (CW-F-050) was revised to include the Commissioner membership, the Resolution was never amended. Initially, Commissioners took turns attending Committee meetings, but there has been no Commissioner participation for several years. Due to the sunshine issues that are present when a Board member sits on the Committee and considering that the Commissioner-member was given no authority to override the Committee, staff recommends the Board rescind the 1993 direction to add a Commissioner and return to staff-only membership as authorized in Resolution R91-810. Countywide (PFK)

3. Staff recommends motion to approve: financial policies for Palm Beach County as recommended by the Government Finance Officers Association (GFOA). **SUMMARY:** Each year the County's budget is developed using financial policies described in the budget document. The purpose of these policies is to provide guidance for an effective budget process and to facilitate management actions on financial decisions. These policies were developed based on GFOA best practices and have guided the budget development process for many years. Revisions have been made to recognize changes required by new accounting rules affecting fund balance classification. The GFOA best practices also recommend financial policies be formally adopted by the governing board, so the financial policies developed by OFMB for FY 2013 budget development process, along with the recommended revisions, are now being brought forward for formal discussion and approval. Further GFOA guidance calls for a staff review of the financial policies annually. The results of that review will be shared with the Board during the review of the proposed FY 2014 budget. Countywide (PFK)

4. REGULAR AGENDA

E. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve Interlocal Agreement with the City of Delray Beach for \$37,137 to share in the costs of the Wellfield Protection Program; and

B) approve Interlocal Agreement with the City of Lake Worth for \$14,802 to share in the costs of the Wellfield Protection Program; and

C) authorize the County Administrator, or his designee, to sign all future time extensions and other necessary amendments that do not significantly change the scope of work or terms and conditions of the Agreements listed in A) and B) above; and

D) authorize staff to make the necessary changes to the Wellfield Protection Ordinance to limit the applicability of the Ordinance to only those jurisdictions participating in the Water Utility Cost Share Program.

SUMMARY: Since 1988, ERM has implemented the County-wide Wellfield Protection Program, Unified Land Development Code (ULDC) Article 14 Chapter B, using both ad valorem funding and revenue from permit fees charged to the regulated community. For fiscal year 2011-12, the Board of County Commissioners eliminated ad valorem funding to this program. Going forward, Wellfield Protection by County staff will only be implemented within County wellfields and those utilities that participate in a Water Utility Cost Share Program. In recent years, ad valorem funding provided approximately \$500,000 per year to the total program cost of approximately \$600,000. The remaining approximately \$100,000 was provided through permit fees imposed on regulated businesses. The cost for each business within a wellfield protection zone ranges from \$60 to \$200 per year. Countywide (LB)

4. REGULAR AGENDA

F. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in a .19 acre vacant parcel of County-owned land located between Ranches Road and Western Way in unincorporated Lake Worth for \$100 with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

B) approve a County Deed in favor of Carl L. Terwilliger and Donna M. Leone, his wife and Donna M. Leone, as trustee (Terwilliger/Leone).

SUMMARY: The County acquired a long narrow undevelopable 10.75 acre parcel of vacant land between Ranches Road and Western Way in unincorporated Lake Worth by Tax Deed in 1984. The property currently supports a shallow 50' wide canal which provides drainage to the surrounding properties. Staff has been offering to sell 25' sections of the canal to the abutting property owners on either side of the canal. Terwilliger/Leone was offered the north 25' of the canal adjacent to their property and BR Osprey Acquisitions, LLC was offered the south 25' of the canal adjacent to its property. Since BR Osprey Acquisitions did not respond to the County's property sale notice, Terwilliger/Leone offered to purchase the entire 50' section comprising approximately .19 acre for \$100. This property is deemed surplus because it serves no present or future County purpose and is subject to an easement for canal purposes.

Pursuant to the PREM Ordinance, an appraisal is not required as this parcel's value is less than \$25,000. Pursuant to Florida Statute, Section 125.35(2), the Board may affect a private sale of the parcel upon a finding that the value of a parcel is \$15,000 or less, as determined by the County Property Appraiser, and when due to its size, shape, location and value, it is of use to only one or more adjacent property owners. Staff recommends the sale of this parcel as it will: (i) lessen the County's potential liability and maintenance responsibilities; and (ii) return a portion of the County parcel to the tax roll. The County will retain mineral rights in accordance with Florida Statute Section 270.11, but will not retain rights of entry and exploration. This sale must be approved by a supermajority vote (5 Commissioners). (PREM) District 3 (HJF)

G. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: a waiver to exceed the \$10,000 per home limit for lead-based paint abatement related costs by authorizing an additional \$15,587.33 for Joshua and Mary Harris, of Pahokee, under the Residential Rehabilitation Program (Program). **SUMMARY:** Program policies approved by the Board of County Commissioners authorized up to \$10,000 per home for lead-based paint related costs in connection with the rehabilitation of homes undertaken under the Program. Joshua and Mary Harris are very low income homeowners residing in Pahokee. The cost of rehabilitating their home (built in 1954) is \$30,700. Additional costs related to the removal of lead-based paint hazards total \$25,587.33, thereby necessitating a waiver to Program policies. **These are federal Community Development Block Grant funds which require no local match.** (CREIS Section) District 6 (TKF)

4. REGULAR AGENDA

G. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve:

A) \$1,000,000 in additional Neighborhood Stabilization Program 2 (NSP2) funding to Colonial Lakes Apartments, Ltd. for the construction of 120 new affordable rental apartments; and

B) \$1,200,000 in additional NSP2 funding to Community Land Trust of Palm Beach County, Inc. for construction of 25 new affordable rental apartments.

SUMMARY: On March 1, 2011, the Board of County Commissioners (Board) approved \$5,846,934 in NSP2 funding for Colonial Lakes Apartments, Ltd. (CLA); pursuant to which the County entered into a Loan Agreement with CLA on July 21, 2011, for the construction of 120 affordable rental units to be located on Lake Worth Road in unincorporated Greenacres. CLA has been unsuccessful in obtaining a critical grant of \$1,000,000 from the Federal Home Loan Bank of Atlanta. Approval of the additional NSP2 funding to CLA will enable the project to proceed. On July 7, 2009, the Board authorized the submission of the County's NSP2 grant application to the U.S. Department of Housing and Urban Development (HUD) which included \$4,523,006 in NSP2 funding for Community Land Trust of Palm Beach County, Inc. (CLT). Upon HUD's approval of the NSP2 grant, the County entered into an Agreement (R2010-1944) with CLT on November 16, 2010, for the construction of 25 affordable rental units to be located on Davis Road just south of Melaleuca Lane in unincorporated Lake Worth. Six (6) construction bids for the project were received by CLT on September 9, 2011, with the lowest responsive responsible bid of \$4,155,000 which is \$745,000 over budget. The additional \$455,000 is for project contingencies and soft costs. Approval of the additional NSP2 funding to CLT will enable the award of the construction contract and the provision of a construction contingency. These projects have very strict timelines in order to meet NSP2 expenditure deadlines. **These are federal NSP2 funds which require no local match.** (HCD Administration) Districts 2 & 3 (TKF)

H. PUBLIC SAFETY

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on November 15, 2011 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code Chapter 19, Article IX (Ordinance No. 2001-015, amended by Ordinance No. 2008-043, amended by Ordinance No. 2011-007); relating to taxicabs and other vehicles for hire (VFH), to be known as the vehicle for hire ordinance; providing for a moratorium extension; providing for repeal of laws in conflict; providing for a savings clause; providing for captions; providing for inclusion in the code of laws and ordinances; providing for severability; providing for an effective date. **SUMMARY:** On October 18, 2011, the Board of County Commissioners (BCC) voted to amend the current VFH ordinance to extend the current moratorium that expires on November 25, 2011 for an additional six (6) months which will defer the acceptance of applications for the issuance of VFH business permits for new companies wishing to operate within Palm Beach County. Public Safety will return to the BCC in December 2011 to advertise for public hearing amending the ordinance to include the remaining revisions discussed at the October 18, 2011 meeting. Countywide (GB)

* * * * *

5. BOARD APPOINTMENTS

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

1. **Staff recommends motion to approve:** the appointment of Richard Radcliffe to the Workforce Alliance, Inc. (Alliance) Board of Directors for the period November 1, 2011, to October 31, 2014:

Nominee/ Appointment	Seat No.	Area of Representation	Nominated By
Richard Radcliffe	38	Private Sector	Palm Beach County League of Cities

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. Per Agreement (R2007-1200) between Palm Beach County, Florida (County) and Alliance dated July 10, 2007, 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 comprised of a minimum of 40 members as determined 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, or one-stop partners. Countywide (TKF)

B. **ENVIRONMENTAL RESOURCES MANAGEMENT**
(Groundwater and Natural Resources Protection Board)

1. **Staff recommends motion to approve:** the re-appointment of one at-large member to the Groundwater and Natural Resources Protection Board (GNRPB) for a term of three (3) years beginning November 1, 2011, through October 31, 2014:

<u>Nominee</u>	<u>Representing</u>	<u>Seat No.</u>	<u>Nominated By</u>
Mal Behl	Citizen possessing expertise and experience in managing a business.	7	Commissioner Taylor Commissioner Marcus Commissioner Burdick

SUMMARY: Ordinance 92-20, as amended, and Article 2.G.3.F. of the Unified Land Development Code (ULDC) provides for a seven (7) member GNRPB. The membership consists of one (1) professional engineer registered by the State of Florida, one (1) attorney licensed to practice in Florida, one (1) hydrologist or hydrogeologist, one (1) citizen possessing expertise and experience managing a business, one (1) biologist or chemist, one (1) concerned citizen of PBC, and one (1) member of an environmental organization. Ordinance 92-20, as amended, and Article 2.G.3.F. of the ULDC requires Seat No. 7 to be filled by a citizen possessing expertise and experience managing a business. No other nominations were received. Countywide (SF)

5. BOARD APPOINTMENTS

B. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)
(Natural Areas Management Advisory Committee)

2. Staff recommends motion to approve:

A) the appointment of one (1) of two (2) nominees for Seat 1, Steven P. Coughlin **or** Linda King to the Natural Areas Management Advisory Committee (NAMAC), for a three (3) year term beginning on November 1, 2011 and extending through October 31, 2014; and

B) the re-appointment of Richard Moyroud to Seat 2, to the Natural Areas Management Advisory Committee (NAMAC), for a three (3) year term beginning on November 1, 2011 and extending through October 31, 2014:

A) <u>Appoint Nominee</u>	<u>Representing</u>	<u>Nominated by</u>
For Seat 1:		
Steven P. Coughlin	Person with Experience in Management of Natural Areas	Comm. Karen Marcus
OR		
Linda King	Person with Experience in Management of Natural Areas	Comm. Paulette Burdick

B) Re-Appointment
For Seat 2:

Richard Moyroud	Biological Scientist	Comm. Karen Marcus Comm. Paulette Burdick
-----------------	----------------------	--

SUMMARY: On February 24, 2009, the Board of County Commissioners adopted Resolution No. 2009-0319 which established NAMAC with seven (7) at-large members. The composition of the Committee shall be as follows: one (1) member with experience in the management of natural areas, one (1) biological scientist, one (1) professional educator with knowledge of South Florida ecosystems, one (1) representative of a local municipal government public recreation program, one (1) member of the Palm Beach County Parks and Recreation Department staff, two (2) citizens having an interest in preservation and conservation of natural areas. A memorandum from Environmental Resources Management was sent to the Board of County Commissioners on September 19, 2011 advising them of the reappointment and the need for a new appointment. Steven P. Coughlin and Linda King expressed their willingness to serve on the Committee and assume the duties of Seat 1. Richard Moyroud expressed a willingness to continue the duties of Seat 2 for another term. All of the nominees meet the necessary requirements. Countywide (SF)

5. BOARD APPOINTMENTS

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

1. **Staff recommends motion to approve:** appointment of the following representatives to the Homeless Advisory Board (HAB) effective November 1, 2011, with a term ending September 30, 2013:

<u>Seat Number</u>	<u>Appointment</u>	<u>Member Category</u>	<u>Nominated By</u>
2	Cpt. Jeffrey Lindskoog	Palm Beach County Sheriff's Office Representative	Palm Beach County Sheriff's Office
3	Kim Williams	Palm Beach County School District Representative	Palm Beach County School District
4	Perry Borman	Florida Department of Children and Families Rep.	Florida Department of Children and Families
5	Dean Lavallee	Business Representative	HAB/ Marcus/Burdick/ Aaronson/Taylor
6	Philip D. Lewis	Business Representative	HAB/ Marcus/Burdick/ Aaronson/Taylor
12	Leo Abdella	Faith-Based Community Representative	HAB/ Marcus/Burdick/ Aaronson/Taylor
14	Judie Aigen	Housing Authority Representative	HAB/ Marcus/Burdick/Abrams Aaronson/Taylor
16	Jordan Hunt	Homeless Coalition Representative	Homeless Coalition Board
17	Charleen Szabo	Veterans Administration Representative	Veterans Administration
18	Daniel Gibson	Homeless and Housing Alliance Representative	Homeless and Housing Alliance

SUMMARY: On May 1, 2007, the Board of County Commissioners (BCC) established the Homeless Advisory Board to develop a Ten-Year Plan to End Homelessness in Palm Beach County. The need to reduce membership and change the direction of the Homeless Advisory Board (HAB) from one of plan development to a board whose focus is on implementation was identified. Resolution R2011-1233, approved by the BCC on August 16, 2011, reduces the membership from 36 to 19. Ms. Aigen has disclosed that she is employed by the Boca Raton Housing Authority that contracts with the County for Community Development Block Grant funding. Mr. Gibson has disclosed that he is employed by The Lord's Place that contracts with the County for FAA funding to provide services to the homeless. The Homeless Advisory Board provides no regulation, oversight, management, or policy-setting recommendations regarding the Boca Raton Housing Authority or The Lord's Place contracts. Disclosure of these contractual relationships is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. (Human Services) Countywide (TKF)

5. BOARD APPOINTMENTS

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

1. **Staff recommends motion to approve:** reappointment/appointment of the following individuals to the Emergency Medical Services Advisory Council (EMS Council) for a term of two (2) years, from November 1, 2011, to October 31, 2013:

REAPPOINT: Nominee	Representing/Seat No.	Nominated By
Darrell Donatto	PBC Fire Chief's Assoc./Seat #1	Comm. Marcus Comm. Burdick Comm. Taylor
Brooke Liddle	Private Ambulance/Seat #3	Comm. Marcus Comm. Burdick Comm. Taylor
Jeffrey Davis	PBC Medical Society/Seat #5	Comm. Marcus Comm. Burdick Comm. Taylor
John Treanor	EMS Educator/Seat #8	Comm. Marcus Comm. Burdick Comm. Taylor
APPOINT:	Representing/Seat No.	Nominated By
Sandra Schwemmer	Health Care District Trauma/Seat #4	Comm. Marcus Comm. Burdick Comm. Taylor
Kenneth Schepke	PBC Medical Directors Assoc/Seat #16	Comm. Marcus Comm. Burdick Comm. Taylor
Ricardo Grau	PBC Council of Firefighters/Seat #17	Comm. Marcus Comm. Burdick Comm. Taylor
CHOOSE ONE:	Representing/Seat No.	Nominated By
Jerry Fedele OR	PBC Hospital CEO/Seat #18	Comm. Abrams
Gina Melby OR		Comm. Burdick Comm. Vana
David Carbone		Comm. Burdick Comm. Aaronson Comm. Taylor

SUMMARY: The EMS Council (R2009-0248) consists of 18 members who include 11 members that represent the various components of the EMS system with specific requirements, and seven (7) Commission District Consumer appointments. A memo was sent to all Board members on September 12, 2011 seeking nominations for the above eight (8) At-large seats. Seat No. 18 has three (3) nominations. Countywide (GB)

E. **COMMISSION DISTRICT APPOINTMENTS**

NOVEMBER 1, 2011

6. MATTERS BY THE PUBLIC – 2:00 P.M.

* * * * *

NOVEMBER 1, 2011

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

Ratification of the appointment of Robert Robbins as Director, Department of Environmental Resources Management

B. COUNTY ATTORNEY

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

Request approval to present off-site, a Proclamation declaring November 17, 2011 as “The Florida Association of Minority Business Enterprise Officials Day” in Palm Beach County.

9. ADJOURNMENT

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

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

NOVEMBER 1, 2011

<u>PAGE</u>	<u>ITEM</u>	
7	3A-2	<p><u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve:</p> <p>A) designation of authority for the County Administrator or his designee to sign standard forms relating to the Development of Regional Impact (DRI), Planned Community Development District (<u>PCD Overlay</u>), South Florida Water Management District (SFWMD) Permit 50-00610-S-24, and United States Army Corps of Engineers (USACOE) Permit related to the County's 70 acres for Scripps on the Briger Property; and B)...</p> <p>SUMMARY: On April 1, 2010, the City of Palm Beach Gardens approved the DRI and the Planned Community Development Overlay for the Scripps Florida Phase II/Briger Tract. The County and the Lester Family are the named developers under the approvals. On May 4, 2010 and June 29, 2011, respectively, the SFWMD and the USACOE permits were approved. A project of this complexity will continually evolve thus requiring amendments or modifications to existing approval. In order to keep the project moving forward in a timely manner <u>and not cause unnecessary delays</u>, Staff is recommending that the County Administrator or his designee have designated signature authority. Any modifications impacting the County fiscally will be brought to the Board of County Commissioners for consideration prior to execution. <u>District 1 (HJF) (Admin/Scripps)</u></p>
10	3H-1	<p><u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve: a License Agreement with the Sheriff of Palm Beach County (Sheriff) for the non-exclusive use of <u>the County/Palm Tran's</u> automated bus/car wash system (Bus Wash) located at 38601 James Wheeler Way <u>West County Maintenance Facility (Maintenance Facility) in unincorporated Belle Glade</u> for an annual fee of \$5,000. SUMMARY: The County built the Belle Glade Maintenance Facility located at 38601 James Wheeler Way for use by Palm Tran to assist Palm Tran in serving the public transportation needs of the County's Western Communities. Due to the Western Communities' unique environmental conditions, the facility was designed to include <u>the Bus Wash</u>. This License Agreement provides the Sheriff's Office with the non-exclusive use of the Bus Wash on an as needed basis to wash Sheriff owned vehicles used by sworn law enforcement or corrections personnel. <u>Palm Tran has a need for security presence at the Maintenance Facility and the Sheriff has a public safety need to utilize the Bus Wash to remove bugs and airborne particulates from Sheriff-owned vehicles, mid shift. The County and Sheriff have each determined that the value of the benefits received from this partnership exceed the respective costs to each party. In addition,</u> the Sheriff will pay an annual fee of \$5,000 that will be used by Palm Tran to offset the operation and maintenance costs of the Bus Wash. The term of the License Agreement is for three (3) years. The Agreement may be terminated by either party, with or without cause with a minimum of thirty (30) days notice. (FDO Admin) <u>District 6 (JM) (FDO)</u></p>

14 3U-1 **REVISED TITLE: Staff recommends motion to approve:**

A) Thirteenth Amendment to contract with CGI Technologies and Solutions, Inc. (CGI-AMS) (formerly named American Management Systems, Inc.) (R2002-1782), to extend the ending date from December 31, 2011 to December 30, 2012, at no additional cost to the County;

B) Fourteenth Amendment to contract with CGI-AMS (formerly named American Management Systems, Inc.) (R2002-1782), to extend the ending date of Statement of Work No. 4 from ~~September 3, 2011~~ September 2, 2011 to November 15, 2011, at no additional cost to the County; and...(ISS)

16 3BB-1 **REVISED TITLE & SUMMARY: Staff recommends motion to approve:** a Budget Transfer of ~~\$407,994~~ \$407,993 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 \$2,524,350. Approval of this request will reduce the State Law Enforcement Trust Fund balance to ~~\$2,116,359~~ \$2,116,357. The year-to-date transfer for all donations after approval of this item is ~~\$446,269~~ \$446,271. 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) (PBSO)

ORGANIZATION	AMOUNT
Boys & Girls Club of Palm Beach County, Inc.	25,412
Children's Case Management Organization, Inc.	15,000
Faith, Hope, Love, Charity, Inc.	25,000
Florida Sheriffs Youth Ranches, Inc.	120,860
Gratitude House, Inc.	25,000
Humane Society of Greater Jupiter Tequesta, Inc.	25,000
Junior Achievement of the Palm Beaches, Inc.	25,000
Nope Task Force, Inc.	12,500
Project Lifesaver of Palm Beach County, Inc.	10,487 <u>10,489</u>
Safety Council of Palm Beach County, Inc.	2,500
The ARC of Palm Beach County, Inc.	50,000
Urban League of Palm Beach County, Inc.	53,232
United States Naval Sea Cadet Corps, Palm Beach Division	18,000
Total Amount of Donations	\$407,994 <u>\$407,993</u>

ADD-ON: Staff recommends motion to approve: Amendment No. 3 to the unit price Contract with Rangeline Tapping Services, Inc. for the Water Utilities Department Pipe Wet Tapping & Line Stopping Continuing Contract to provide materials and installation services for wet tapping and line stopping of potable water, reclaimed water and wastewater pipelines, renewing the Contract for a 12 month period. **SUMMARY:** On November 17, 2009, the Board of County Commissioners approved the Water Utilities Department Pipe Wet Tapping & Line Stopping Continuing Contract (R2009-1976) to Rangeline Tapping Services, Inc. in the amount of \$2,702,279. The contract renewal will allow the continued efficiency and installation of pipe wet taps and line stops for emergency pipe repairs, pipe and valve replacements and construction projects throughout the County’s service area. Contract renewal is for the base Contract only, and the Contract by itself does not guarantee nor authorize Rangeline Tapping Services, Inc. to perform any work. Work will be assigned during the 12 month renewal period by formal work authorizations drawn against this contract, with approvals pursuant to PPM CW-F-050 and requirements for any federally funded projects. There shall be no increase in unit prices for labor and materials contained in this Contract for the duration of the 12 month renewal period. Supplements to work authorizations for changes that occur during construction will be subject to the change order limits for construction contracts as established under PPM CW-F-050 with each work authorization considered as an individual construction contract. Supplements to work authorizations for changes that occur during construction will be subject to the change order limits for construction contracts as established under PPM CW-F-050 with each work authorization considered as an individual construction contract. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. This contract with Rangeline Tapping Services, Inc. provides for SBE participation of 100% overall. Rangeline Tapping Services, Inc. is a local Palm Beach County Company. Due to time constraints and contract negotiations, this item is being put on as an “Add-On” so as to prevent service interruption and unnecessary time delays. (WUD Project No. 08-019) Districts 1, 2, 3, 5 & 6 (JM) (WUD)

REVISED TITLE: Staff recommends motion to approve: appointment of the following representatives to the Homeless Advisory Board (HAB) effective November 1, 2011, with a term ending September 30, 2013:...(Community Svcs)

<u>Seat Number</u>	<u>Appointment</u>	<u>Member Category</u>	<u>Nominated By</u>
2	Cpt. Jeffrey Lindskoog	Palm Beach County Sheriff’s Office Representative	Palm Beach County Sheriff’s Office
3	Kim Williams	Palm Beach County School District Representative	Palm Beach County School District
4	Perry Borman	Florida Department of Children and Families Rep.	Florida Department of Children and Families
5	Dean Lavallee	Business Representative	HAB/ Marcus/Burdick/ Aaronson/Taylor
6	Philip D. Lewis	Business Representative	HAB/ Marcus/Burdick/ Aaronson/Taylor
12	Leo Abdella	Faith-Based Community Representative	HAB/ Marcus/Burdick/ Aaronson/Taylor
14	Judie Aigen	Housing Authority Representative	HAB/ Marcus/Burdick/Abrams Aaronson/Taylor
16	Jordan Hunt	Homeless Coalition Representative	Homeless Coalition Board
17	Charleen Szabo	Veterans Administration Representative	Veterans Administration
18	Daniel Gibson	Homeless and Housing Alliance Representative	Homeless and Housing Alliance

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 (*).