

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

DECEMBER 20, 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 – **9:30 a.m.** (Page 6)

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

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

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DECEMBER 20, 2011

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Legislative Update from Representative Pafford

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. [Staff recommends motion to adopt:](#) a Resolution of the Palm Beach County Board of County Commissioners in support of preserving county home rule authority during the 2012 state legislative session. **SUMMARY:** At the November 2011 Florida Association of Counties Legislative Conference, the following statement on preserving home rule authority was adopted: Home Rule - County officials are dedicated to the preservation of democratic principles, specifically that the government closest to the people is the appropriate authority to serve the needs and requirements of the community. Home rule is the right of the people to determine and implement a public purpose at the grassroots level. Home rule power is conferred to Florida counties by Article VIII, Sections 1(f) and 1(g) of the Florida Constitution (1968), and by Section 125.01, Florida Statutes. The preservation of this fundamental democratic concept is essential to the operation of county governments in Florida. Accordingly, the Florida Association of Counties is dedicated to maintaining the integrity of county home rule power, both administrative and fiscal, which allows counties to develop and implement community-based solutions to local problems. This Resolution further supports this guiding legislative principal of the Florida Association of Counties and incorporates it into Palm Beach County's legislative priority agenda. Countywide (DW)

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	November 15, 2011
Workshop	November 29, 2011
Zoning	December 1, 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 City of West Palm Beach (City) regarding open cuts in Palm Beach County (County) maintained rights-of-way. **SUMMARY:** The City has agreed to follow the policies and procedures set forth by the County regarding open cuts in County roads; however, the City is requesting that it not be required to provide surety for the open cuts, as required by County PPM EL-O-3605 and PPM EL-O-3606, but instead be bound by the terms and conditions of this Interlocal Agreement. Districts 2, 3 & 7 (MRE)
2. [Staff recommends motion to approve:](#) an Agreement in the amount of \$548,006.42 with New Millennium Engineering, Inc. (NME), for professional services necessary for the West Atlantic Avenue construction phase. **SUMMARY:** Approval of this Agreement will provide the construction engineering and inspection services required for the construction of West Atlantic Avenue from west of Lyons Road to Starkey Road. NME has an office in Palm Beach County. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve: an Amendment to the Annual Roadway Landscape Contract (Contract) No. 2011053, R2011-0019 with Arazoza Brothers Corporation (Contractor) to extend the Contract to January 11, 2013, and reinstate the original unit prices of specific contract items. **SUMMARY:** Approval of the Amendment will extend the contract from January 11, 2012, to January 11, 2013. The Amendment will also reinstate the original bid unit prices on specific items shown in Exhibit A of the Agenda Item. On September 13, 2011, the Board of County Commissioners approved an Amendment, whereby the Contractor voluntarily reduced specific unit prices of 56 contract items. The Contractor has now determined that he is unable to construct 13 of those items without realizing a loss and desires that the original bid unit prices of those 13 items be reinstated. Countywide (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve:

A) the Housing Finance Authority of Palm Beach County, Florida (the "Authority") Guidelines for Issuance of Multi-Family Rental Housing Revenue Bonds (the "Multi-Family Guidelines");

B) the Authority's Bond Underwriter Selection Policy (the "Underwriter Selection Policy"); and

C) the Contract for Legal Representation between the Authority and Greenspoon Marder, P.A. (the "Legal Services Contract").

SUMMARY: The Palm Beach County Code requires that all rules and regulations promulgated by the Authority be submitted to and approved by the Board. The County Code also requires that all contracts of the Authority for the purchase of goods and services in excess of \$10,000 be submitted to and approved by the Board. The Multi-Family Guidelines set forth the general requirements and procedures which apply to the financing of multi-family rental housing projects by the Authority, and update the current multi-family guidelines of the Authority adopted in 2008. The Underwriter Selection Policy sets forth the Authority's selection process for both multi-family and single family bond issues. The Authority will consider requests on an ongoing basis to identify a pool of qualified underwriters. For multi-family bond issues, a borrower must utilize the services of an underwriter on the list. For single family bond issues, the Authority shall conduct an RFP to which all qualified underwriters shall be permitted to respond. This would replace the Authority's current rotation of three (3) underwriters, which has been in place since 1998. The Legal Services Contract provides for Greenspoon Marder, P.A., the successor to the firm that was selected by the Authority to provide general legal services pursuant to an RFP process in November of 2010, to be General Counsel to the Authority. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. Staff recommends motion to approve: a Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$60,000 in the personal injury action styled James E. Danni and Paulette Danni, his wife v. Palm Beach County, Case No. 502011CA000801XXXMB(AH). **SUMMARY:** On May 7, 2009, the driver of a County vehicle ran a red light at the intersection of South Quadrille and Okeechobee Boulevards, and was broadsided by a vehicle driven by James E. Danni. After seeing a chiropractor, physical therapist, M.D., and having the latest MRI on March 31, 2011, Mr. Danni was diagnosed with significant permanent injuries. Mr. Danni's vehicle was damaged in the amount of \$4,700. Mrs. Danni has a loss of consortium claim. This settlement, reached at Mediation and subject to the approval of the Palm Beach County Board of County Commissioners is for \$60,000, inclusive of attorney's fees and costs. Staff, including the Risk Management Roundtable concurs that this settlement is in the best interest of Palm Beach County. Countywide (PM)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Contract for Provision of Financial Assistance with the following vendors for the period of January 1, 2012, through December 31, 2012, for a total of \$520,148, for services to homeless individuals:

A) Gulfstream Goodwill Industries, Inc. for supportive services in an amount not to exceed \$ 66,030;

B) Gulfstream Goodwill Industries, Inc. for supportive housing in an amount not to exceed \$ 288,398;

C) Jerome Golden Center for Behavioral Health, Inc. for supportive services in an amount not to exceed \$82,860; and

D) Comprehensive Alcoholism Rehabilitation Programs, (CARP) Inc. for supportive services in an amount not to exceed \$82,860.

SUMMARY: In 2010, HUD awarded the Division of Human Services a one year renewal grant to begin January 1, 2012. The grant will continue funding for 30 Transitional housing beds and supportive services offered through Gulfstream Goodwill Industries, Inc., CARP, and Jerome Golden Center for Behavioral Health, Inc. to provide staff for the Homeless Outreach Teams and related support services. Funds for these contracts are comprised of \$442,158 from Housing and Urban Development (HUD) and \$91,240 in County match for a total of \$533,398. The contracts total \$520,148 and the remaining balance of \$ 13,250 is for non-contracted funds for administration and bus passes. Thomas McKissack of the Jerome Golden Center for Behavioral Health, Inc., serves on a County Advisory Board, the Palm Beach County HIV Care Council. This Board provides no regulation, oversight, management, or policy-setting recommendations regarding the activities funded by their respective contract. Disclosure of these contractual relationships 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. (Human Services) Countywide (TKF)

2. Staff recommends motion to approve: Contract for Consulting/Professional Services with Palm Beach County Health Department for the period of December 20, 2011, through September 30, 2012, in an amount of \$50,000, for health services to Head Start/Early Head Start children. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide health services. As a result, Head Start is contracting with Palm Beach County Health Department to provide health services to Head Start/Early Head Start children and their families. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve: Contract for Provision of Financial Assistance with four (4) Financially Assisted Agencies totaling \$1,926,696 for the indicated activities, for the period October 1, 2011, through September 30, 2012:

A) Child Protection Team of Palm Beach, Inc. - \$160,000 for medical examinations in alleged maltreatments of child abuse and neglect;

B) South County Mental Health Center, Inc. - \$1,486,826 for CSU, Intake and Mobile Crisis Team, Psychiatric & Medical Services;

C) The ARC of Palm Beach County, Inc. - \$238,541 for the Community Living program; and

D) The Children's Place at Home Safe, Inc. - \$41,329 for the Safety Net Violence Prevention & Intervention Program

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. Other contracts will be forthcoming upon receipt of all the required information. (Financially Assisted Agencies Program) Countywide (TKF)

4. Staff recommends motion to adopt: a Resolution to repeal and replace Resolution R2006-1878 regarding the Head Start/Early Head Start (HS/EHS) Policy Council. **SUMMARY:** A modified Resolution is necessary to define the membership guidelines of the HS/EHS Policy Council and Parent Committees. Upon approval of this Resolution, the terms of appointment will now require that all parent members and community members of Policy Council and Policy Committees must stand for election or re-election annually. In addition, provisions addressing the Sunshine Law, the State Code of Ethics, and the Palm Beach County Code of Ethics are being added. (Head Start) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to approve: a Ninth Amendment to the Lease and Concession Agreement with Host International, Inc. (Host), providing for the termination of its lease of approximately 1388 square feet of concession space located within the Palm Beach International Airport (PBIA) and the partial extension of a capital investment deadline to September 30, 2015. **SUMMARY:** Host provides food and beverage concession services at PBIA pursuant to a Lease and Concession Agreement (Agreement) (R-98-1293D). Host is a Delaware corporation with a principal place of business in Bethesda, Maryland. Host has requested to terminate its lease as to the Cinnabon unit because it is an underperforming unit. Paradies-Palm Beach, LLC (Paradies), the retail concessionaire for PBIA, has requested approval to lease the unit for the introduction of the Comfort Zone spa concept. Pursuant to the Seventh Amendment to the Agreement (R2007-1283), Host is required to expend \$500,000 on the refurbishment and improvement of its concession units at PBIA on or before September 30, 2012. Host has requested that the County extend the deadline by authorizing Host to spend \$250,000 on or before September 30, 2012, on the refurbishment of existing concession units, and to spend the remaining \$250,000 on or before September 30, 2015. Host recently completed approximately \$2.85 million improvements at PBIA, which included the construction of new Starbucks Coffee locations, a Chili's Too and a Quiznos Subs; therefore, the Department recommends approval of the requested partial extension of the capital investment deadline to avoid requiring Host to make unnecessary improvements for the purpose of meeting the investment deadline. This Amendment also requires capital investment expenditures to be supported by a report prepared by an independent certified accountant. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to approve: a Third Amendment (Amendment) to Retail Concession Agreement with Paradies-Palm Beach, LLC (Paradies), providing for the lease of approximately 1,388 square feet of concession space within the Palm Beach International Airport (PBIA) terminal building for the introduction of the Comfort Zone spa concept for a privilege fee of 12% of annual gross revenues and modifying provisions related to the annual charity golf tournament sponsored by Paradies to allow the proceeds to benefit the Glades Healthcare Foundation, Michelle McGann Foundation or other charitable organizations providing support for the research, prevention and treatment of diabetes or to allow Paradies to make a direct charitable contribution to any such organization(s) in lieu of sponsoring a golf tournament. **SUMMARY:** Paradies provides retail concession services at PBIA pursuant to a Retail Concession Agreement (Agreement) (R2007-2052). Paradies is a Florida limited liability company with a principal place of business in Atlanta, Georgia. This Amendment provides for the introduction of the Comfort Zone spa concept. The Comfort Zone will replace the existing Cinnabon, which is currently operated by PBIA's food and beverage concessionaire, Host International, Inc. (Host). The Comfort Zone is a woman-owned airport concession disadvantaged business enterprise (ACDBE) and will be operated pursuant a sublease. The Agreement provides for a 25% ACDBE participation goal, which is currently being satisfied through a joint venture agreement. Although not required by the request for proposals issued by the Department (RFP No. PB-07-05), Paradies offered to host an annual charity golf tournament for the benefit of the Glades Healthcare Foundation as part of its original proposal. Paradies has requested to modify this provision to provide additional flexibility. This Amendment provides that Paradies may elect to host a charitable golf tournament for the benefit of the Glades Healthcare Foundation, Michelle McGann Foundation or any other charitable organization providing support for the research, prevention and treatment of diabetes or by making a direct charitable contribution to any such organization(s). The Agreement requires Paradies to charge street prices for certain staple items, such as newspapers, magazines and over-the-counter medications. This Amendment modifies the reporting requirements for price comparisons, authorizing the Department to require Paradies to submit a price comparison report up to two (2) times per lease year. Countywide (AH)

3. Staff recommends motion to receive and file: a Modification to the Reimbursable Agreement with the Federal Aviation Administration (FAA) in the amount of \$44,275 to relocate the Runway 28R Glide Slope (GS) and Touchdown Runway Visual Range (RVR) at Palm Beach International Airport (PBIA). **SUMMARY:** The Board of County Commissioners approved a Reimbursable Agreement Number AJW-FN-ESA-10-0789 with the FAA on October 20, 2009 (R2009-1760) in the amount of \$128,524 for the FAA to provide engineering support services for the relocation of Runway 28R GS and RVR system. This work was required prior to the extension of the Taxiway Lima project currently under construction at PBIA. The Modification to the Reimbursable Agreement provides additional funding to the FAA in the amount of \$44,275 for the relocation, installation and tune-up of the existing GS and RVR electronics equipment at PBIA. Delegation of authority for execution of the above Modification to the Reimbursable Agreement with the FAA was approved per PPM CW-O-051. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to approve: the First Amendment to Fixed Base Operator Lease Agreement (Lease) with Piedmont Hawthorne Aviation, LLC, d/b/a Landmark Aviation (Landmark) for the North County General Aviation (North County Airport) and Palm Beach County Glades Airports (Pahokee Airport), providing for a deadline extension for certain required improvements; rental credits in the amount of \$9,906; consent to certain subleases; and Landmark's purchase of fire extinguishers and office furniture for a total amount of \$3,265. **SUMMARY:** Landmark currently leases the buildings and airport facilities at the North County Airport and the Pahokee Airport providing fixed based operator services for general aviation aircraft, pursuant to the Fixed Base Operator Lease Agreement dated July 20, 2010 (R2010-1109). Landmark is a Delaware limited liability company with its principal place of business in Houston, Texas. This Amendment provides for the extension of the deadline to replace the North County Airport's terminal building roof from March 1, 2011, to May 1, 2012, and the deadline to complete renovations of the North County terminal building from November 1, 2011, to September 1, 2012. Both projects were delayed by the need to complete more immediate and necessary repairs at the airports. Landmark has agreed to purchase existing fire extinguishers at the North County and Pahokee Airports for \$2,065 and lobby furniture at the Pahokee Airport for \$1,200. The fire extinguishers and lobby furniture were purchased between 1995 and 2009 when both airports were under separate management agreements. The extinguishers and furniture are no longer needed for use by the Department. Landmark has been obtaining and paying for all required inspections, testing and certification of the fire extinguishers since September 1, 2010. This Amendment also provides for a rental credit in the amount of \$6,000 for Landmark's loss of hangar usage under the previous management agreement due to delays in repairs performed by the Department and a rental credit for the annual cost of runway lighting at the Pahokee Airport in the amount of \$3,906. In addition, this Amendment provides for the County's consent to subleases that were in place with Landmark under its prior management agreement. This Amendment will also provide the County with the option to issue a small inventory of gate access cards to Landmark for issuance to its subtenants and contractors on behalf of County, subject to collection of the required application and applicable fees. Countywide (HJF)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

A) a Budget Transfer in the General Fund in the amount of \$67,750 to provide funding for the purchase of 15 memory pack readers (MPRs) for the Supervisor of Elections; and

B) a Budget Amendment in the Optical Scan Voting Equipment Fund in the amount of \$67,750 to establish budget for the purchase of the MPRs.

SUMMARY: It is necessary for the Supervisor of Elections (SOE) to purchase 15 additional memory pack readers in preparation for the January 31, 2012 Presidential Preference Primary, as well as for use in future elections. The cost of these readers, including shipping, is \$67,750 which is available in the SOE's budget. However, pursuant to Florida Statutes, elections equipment must be purchased by the Board of County Commissioners so it is necessary to transfer the budget from the SOE's line item into an account from which the purchase can be made. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. DELETED

2. Staff recommends motion to approve: a Second Amendment to the Agreement (R2006-0074, as amended by R2008-1862) with Allied Barton Security Services, LLC (Agency) successor in interest to Barton Protective Services, LLC to extend the term of the Agreement to January 9, 2015. **SUMMARY:** The Agreement which provides the terms and conditions under which the Agency can program into the County's 800 MHz Radio System and utilize the countywide and EMS common talk groups for certain types of interagency communications expires on January 10, 2012. The County's system may not be utilized for routine operational communications by the Agency. The Agreement provides for three (3) renewal options, each for a period of three (3) years. Both parties must approve the renewal option. The Agency has approved a renewal to extend the term of the Agreement until January 9, 2015. The renewal now requires Board approval. The terms of this Agreement are standard and have been offered to all EMS providers. There are no charges associated with this Agreement. The Agency is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Second Amendment: (i) renews the term; (ii) clarifies the renewal options provided for; (iii) updates the insurance and notice provisions; and (iv) provides for disclosure of the establishment of the Office of the Inspector General. All other terms of the Agreement remain unchanged. (ESS) Countywide (JM)

3. Staff recommends motion to approve: a First Amendment to Interlocal Agreement (R2007-0029), with the Town of Lake Park (Town) to extend the term of the agreement to January 8, 2017. **SUMMARY:** The Interlocal Agreement which provides: (i) the County and PBSO the right to purchase fuel from the Town; (ii) the Town the right to purchase fuel from the County's fueling sites; and (iii) the terms and conditions by which the County provides fuel management services and maintenance of the Town's fuel control reader, will expire on January 8, 2012. The Interlocal Agreement provides for one (1) renewal option for a period of five (5) years. Both parties must approve the renewal option. The Town has approved a renewal extending the term of the Interlocal Agreement to January 8, 2017. The renewal now requires Board approval. The County does not require any additional staffing and/or equipment to implement this Interlocal Agreement, and as such, this Interlocal Agreement will result in increased revenues to Fleet Management. The actual amount of revenue to be generated will depend on the level of use by the Town. The Interlocal Agreement may be terminated by either party for any reason upon sixty (60) days notice. This First Amendment: (i) renews the term; (ii) updates the notice provisions; (iii) updates the locations of the County's fueling sites; and (iv) provides for disclosure of the establishment of the Office of the Inspector General. All other terms of the Interlocal Agreement remain unchanged. (Fleet) District 1 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. **Staff recommends motion to approve:** Amendment Number Three to Lease Agreement (R85-177) with The Jerome Golden Center for Behavioral Health, Inc., to allow installation of certain improvements on property leased from the County. **SUMMARY:** On February 5, 1985, Western Palm Beach County Mental Health Clinic, Inc. (Western), entered into a 99-year Lease of County-owned land and buildings on NW 11th Street in Belle Glade to provide mental health services. In 2005, Western's mental health services contracted by the State were transferred to Oakwood Center of the Palm Beaches, Inc. (Oakwood) and Western subsequently dissolved its corporation. In 2008, Oakwood was permitted to demolish, at their expense, two County-owned buildings that had been damaged by hurricanes. In April 2011, Oakwood's name was changed to The Jerome Golden Center for Behavioral Health, Inc. (Golden). Golden requires office and storage space and has requested approval to install three (3) portable buildings and a fence. Amendment Number Three provides for these improvements, updates various sections, and adds required standard provisions to the Lease. Staff requested a Disclosure of Beneficial Interest which identifies Golden as a Florida not-for-profit corporation in which no individual or entity holds a beneficial interest in its assets. (PREM) District 6 (HJF)

5. **Staff recommends motion to approve:** a Third Amendment to License Agreement (R2009-1216) with The United States Department of Homeland Security Federal Emergency Management Agency (FEMA) extending the term to June 30, 2012. **SUMMARY:** The License Agreement, which provides the terms and conditions under which FEMA uses four (4) modular open air work stations on the second floor of the Vista Center Office Building located at 2300 North Jog Road for general office purposes, expires on December 31, 2011. This Third Amendment to License Agreement: (i) extends the term of the License Agreement until June 30, 2012; (ii) provides FEMA with the right to terminate the License Agreement upon 15 days prior written notice; and (iii) updates the non-discrimination provision. All other terms of the License Agreement remain unchanged. There are no rent or other charges associated with this License Agreement. (PREM) District 2 (HJF)

6. **Staff recommends motion to approve:** Amendment Number Six to Lease Agreement (R97-2126D) with Aspen Skees Road, LLC, for the County's continued use of 6,000 SF of office and warehouse space for the Palm Beach County Sheriff's Office at an annual rate of \$60,000 (\$10 per SF). **SUMMARY:** Since January 1, 1998, the County has leased office and warehouse space at 1438 Skees Road in West Palm Beach. This Amendment Number Six: i) extends the term of the Lease for three (3) years to December 31, 2014; ii) decreases the current annual rental rate by approximately 13% to \$60,000; iii) deletes the approximately 5% annual rental increases; and iv) provides for exclusive use of eight (8) parking spaces at no charge. The above results in an estimated total savings of \$36,720 over the term of this extension. All other terms of the Lease remain unchanged. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to:

A) approve a standard interlocal agreement to be entered into with municipalities which want their law enforcement services provider to be able to refer homeless individuals to the Homeless Resource Center (HRC); and

B) authorize County Administrator or his designee the authority to sign and administer the standard interlocal agreement, including all renewals thereto.

SUMMARY: The interlocal agreement (Agreement) accomplishes: 1) the goal of the Homeless Advisory Board by creating Best Practices for Interaction with the Homeless; 2) compliance with a condition of the purchase and sale agreement for the HRC property designed to uphold safe and orderly operation of the HRC and sustain compatibility between the HRC and the neighborhood; and 3) initiation of the process for qualified individuals to end their homelessness. The terms of the Agreement: 1) sets forth the Countywide policy and protocol for handling/interacting with the homeless by law enforcement (developed, adopted, and maintained by the Law Enforcement Planning Council - LEPC); 2) establishes compliance with the HRC referral protocol using the Field Referral Forms (developed in conjunction with LEPC and maintained by the County) attached to the Agreement; and 3) provides for the reimbursement of any transport costs incurred by the County. Execution of the Agreement is voluntary by the municipalities but only law enforcement personnel of participating municipalities will have the ability to refer homeless persons to the HRC. The Agreement has an initial term of five (5) years and provides for three (3) renewal options each for a period of five (5) years. The Agreement may be terminated by either party for any reason upon sixty (60) days prior notice to the other party. The following municipalities have executed the Agreement: Town of Jupiter, Town of Jupiter Inlet Colony, Town of Palm Beach, Village of Palm Springs; and City of West Palm Beach. (FDO Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: 21 Agreements under the Fiscal Year 2011-2012 Community Development Block Grant (CDBG) Program totaling \$1,077,389 to 19 non-profit agencies and two (2) municipalities, in the amounts indicated below, for the period October 1, 2011, to September 30, 2012, as follows:

- A) Adopt-A-Family of the Palm Beaches, Inc. in the amount of \$48,622 for rental subsidy and case management services;
- B) Aid to Victims of Domestic Abuse, Inc. in the amount of \$42,458 for transitional housing and support services;
- C) The ARC of Palm Beach County, Inc. in the amount of \$60,755 for employment services and training;
- D) Children's Case Management (d/b/a Families First) in the amount of \$15,084 for case management and legal services;
- E) Children's Home Society of Florida, Inc. in the amount of \$59,204 for case management;
- F) Children's Place at Home Safe, Inc. in the amount of \$51,746 for emergency transitional shelter and specialized therapeutic care;
- G) Coalition for Independent Living Options, Inc. in the amount of \$32,682 for emergency meals and rent and utility payments;
- H) FoundCare, Inc. in the amount of \$50,439 for primary medical care;
- I) Jesus and You Outreach Ministries, Inc., in the amount of \$20,400 for transitional housing and support services;
- J) Legal Aid Society of Palm Beach County, Inc. in the amount of \$159,220 for fair housing education, outreach, advocacy and enforcement activities;
- K) Place of Hope, Inc. in the amount of \$31,844 for transitional emergency housing and support services;
- L) Redlands Christian Migrant Association in the amount of \$26,694 for child care and education services;
- M) Seagull Industries for the Disabled, Inc. in the amount of \$60,336 for vocational training;
- N) Sickie Cell Foundation of Palm Beach County, Inc. in the amount of \$39,375 for an outreach program, counseling, and case management services;
- O) The Lord's Place, Inc. in the amount of \$53,625 for job training and placement assistance;
- P) The Salvation Army in the amount of \$14,011 for transitional housing and support services;
- Q) Urban League of Palm Beach County, Inc. in the amount of \$42,930 for homebuyer education classes and housing counseling services;
- R) Vita Nova, Inc. in the amount of \$25,000 for transitional housing and case management services;
- S) West Jupiter Community Group, Inc. in the amount of \$45,252 for after school services;
- T) City of Belle Glade in the amount of \$145,117 for asbestos testing, abatement, and demolition costs; and
- U) City of Pahokee in the amount of \$52,595 for activity delivery costs associated with housing rehabilitation and demolition.

SUMMARY: The Fiscal Year 2011-2012 "Palm Beach County Action Plan: October 2011-September 2012" approved by the Board of County Commissioners on July 19, 2011 (R2011-1096), allocated \$1,118,539 of CDBG funds for the provision of public services, including fair housing activities, and housing rehabilitation and demolition activity delivery costs. These Agreements will allocate \$1,077,389 of the aforesaid allocation as follows: \$879,677 to 19 non-profit agencies for the provision of public services, and \$197,712 to the City of Belle Glade and the City of Pahokee for activity delivery costs in connection with the County's housing rehabilitation and demolition programs, and for asbestos testing and abatement. Maite Reyes-Coles, an employee of the Coalition for Independent Living Options, Inc., serves on a County Advisory

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

1. SUMMARY CONTINUED

Board, the Commission on Affordable Housing. Kimberly Rommel-Enright and Vicki Tucci, employees of Legal Aid Society of Palm Beach County, Inc., serve on the HIV CARE Council, a County Advisory Board. Mickale Linton, an employee of Legal Aid Society of Palm Beach County, Inc., serves on a County Advisory Board, Early Head Start Policy. Daniel Gibson, an employee of the Lord's Place, Inc., serves on a County Advisory Board, the Homeless Advisory Board. Yvette Coursey, an employee of the Sickie Cell Foundation of Palm Beach County, Inc., serves on a County Advisory Board, the Community Action Advisory Board. Patrick Franklin, an employee of the Urban League of Palm Beach County, Inc., serves on a County Advisory Board, the Overall Economic Development Program. Jimmy Weatherspoon, an employee of the Urban League of Palm Beach County, Inc., serves on a County Advisory Board, the Housing Finance Authority. These boards provide no regulation, oversight, management, or policy-setting recommendations regarding the agency contracts listed above. Disclosure of these contractual relationships 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. **These are Federal CDBG funds which require no local match.** (Planning) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. **Staff recommends motion to approve:** 12 Agreements under the Fiscal Year 2011-2012 Emergency Shelter Grants Program (ESGP) totaling \$257,939 to 11 non-profit agencies, in the amounts indicated below, for the period October 1, 2011, to September 30, 2012, as follows:

- A) Adopt-A-Family of the Palm Beaches, Inc. in the amount of \$19,133.75 for emergency rent and utility payments;
- B) Aid to Victims of Domestic Abuse, Inc. in the amount of \$25,000 for emergency shelter, residential services, crisis intervention, and counseling services;
- C) The Center for Family Services of Palm Beach County, Inc. in the amount of \$19,133.75 for operational and maintenance expenses of an emergency shelter;
- D) Children's Case Management Organization, Inc. (d/b/a Families First) in the amount of \$23,000 for emergency shelter motel vouchers and emergency rent and utility payments;
- E) Children's Home Society of Florida, Inc. in the amount of \$21,404 for food, shelter and counseling services;
- F) Children's Place at Home Safe, Inc. in the amount of \$25,000 for transitional housing and enhanced specialized therapeutic group care;
- G) Farmworkers Coordinating Council, Inc. in the amount of \$25,000 for emergency rent and utility payments;
- H) Jesus and You Outreach Ministries, Inc. in the amount of \$12,000 for operational expenses of a transitional housing facility;
- I) The Lord's Place, Inc. in the amount of \$19,133.75 for operational expenses of a family emergency shelter;
- J) The Lord's Place, Inc. in the amount of \$19,133.75 for operational expenses of a men's emergency shelter;
- K) The Salvation Army in the amount of \$25,000 for housing and support services; and
- L) Young Women's Christian Association of Palm Beach County, Inc. in the amount of \$25,000 for operational and maintenance expenses of an emergency shelter.

SUMMARY: The Fiscal Year 2011-2012 "Palm Beach County Action Plan: October 2011-September 2012" approved by the Board of County Commissioners on July 19, 2011 (R2011-1069), allocated \$282,939 of ESGP funds to 12 non-profit agencies that provide assistance countywide to the homeless and to those at risk of becoming homeless. The 12 Agreements allocate \$257,939 in ESGP funds to 12 activities for the operation and maintenance of emergency shelters and transitional housing facilities and for homeless prevention activities. Daniel Gibson, an employee of The Lord's Place, Inc., serves on a County Advisory Board, the Homeless Advisory Board. This board provides no regulation, oversight, management, or policy-setting recommendations regarding the agency contracts listed above. 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. **These Federal ESGP funds require a matching contribution which will be provided by the agencies.** (Planning Section) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve: the revised management plan for the Juno Dunes Natural Area. **SUMMARY:** The management plan for the Juno Dunes Natural Area was originally approved by the Board of County Commissioners on December 21, 1999 and by the State of Florida on December 19, 2000. The management plan was revised in 2011 to include additional information regarding the history of the site and its biological resources, a chronology of significant events and activities occurring since the County's acquisition, improvements in management techniques for the site, and other new information. This document is the first update to the plan. The next update will be due in 2021. The County continues to manage the site with the assistance of the Town of Juno Beach. District 1 (SF)

2. **DELETED**

3. Staff recommends motion to:

A) approve annual contracts with Eastman Aggregate Enterprises, LLC (Eastman) (Primary) not to exceed the amount of \$4,245,171.20 for the first year of construction; and H & R of Belle Glade, Inc. (H & R) (Secondary) not to exceed \$4,754,650 for the first year of construction for Palm Beach County Annual Dune and Wetlands Restoration Project, Project No. 2011ERM05 for a period of 12 months, with the cumulative total of both Contracts not to exceed the amount of \$4,754,650;

B) approve Work Order No. 1 to the Palm Beach County Annual Dune and Wetlands Restoration Project No. 2011ERM05 Contract with Eastman for the construction of the Jupiter Dune Restoration not-to-exceed \$1,290,574.60, to be completed within 60 calendar days;

C) approve an Interlocal Agreement with the Town of Jupiter for \$200,000 to share in the costs of the Jupiter Dune Restoration Project;

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

E) approve a Budget Amendment of \$200,000 in the Beach Improvement Fund to recognize the cost share with the Town of Jupiter; and

F) approve a Budget Transfer of \$1,000,000 from Reserves in the Beach Improvement Fund to the Jupiter Dune Restoration Project (\$800,000), the Shoreline Protection Program (\$100,000) and the South Lake Worth Inlet Management Program (\$100,000).

SUMMARY: The contracts are being established for constructing beach dune and wetland habitat restoration projects throughout the County on an as-needed basis. Three (3) responsive, responsible bids were received for this Project. The contracts will be awarded to a primary and secondary bidder. Eastman Aggregate Enterprises, LLC, a Palm Beach County company, was the primary lowest responsive, responsible bidder, with 21.23% Small Business Enterprise (SBE) participation, which exceeds the established 15% goal. H & R of Belle Glade, Inc., a Palm Beach County company located in Belle Glade, with 15.87% SBE participation, was the secondary lowest responsive, responsible bidder. The initial contract term is 12 months, which may be extended for an additional 24 months upon approval of the Board of County Commissioners. Work Order No. 1 details the necessary tasks to construct the Jupiter Dune Restoration Project. The Transfer from Reserves will provide the necessary funding for costs associated with the Shoreline Protection Program and the South Lake Worth Inlet Program for FY2012 and continued design, permitting and monitoring of the Jupiter Dune Restoration Project, supported by Tourist Development Taxes. Countywide (JM)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the months of October and November of 2011:

A) Team Elite Athletic Management International, Inc., Competitive Swim Team Coach, Aqua Crest Pool, for the period October 1, 2011, through December 31, 2011; and

B) Palm Beach County Officials Association, Inc., Volleyball Official, West Boynton Park and Recreation Center, for the period November 1, 2011, through December 15, 2011.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File Agenda Item. The above 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 3 & 7 (AH)

2. Staff recommends motion to:

A) **receive and file** a fully executed Florida Inland Navigation District (FIND) Waterways Assistance Program Grant Project Agreement for design and permitting of Bert Winters Park for the period October 25, 2011, through September 1, 2013; and

B) **approve** Budget Amendment of \$90,000 within the Park Improvement Fund to establish budget for the approved grant.

SUMMARY: On May 3, 2011, the Board authorized submission of a Waterways Assistance Program (WAP) grant application, R2011-0668, to fund a portion of the cost of the planning, design and permitting for renovation and expansion of the boating facilities at Bert Winters Park. The Board also authorized the County Administrator or his designee to execute the Project Agreement and other grant forms related to this project if the grant was approved. The grant was approved, and the Project Agreement has been fully executed in accordance with Board authorization and is being submitted to the Board to receive and file and to establish budget for the grant. The cost of the planning, design and permitting is estimated to be \$180,000, with the County providing \$90,000 (50%) in matching funds from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue. District 1 (AH)

3. 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 eight (8) 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 to provide funding to the County for sponsorship rights. Due to the nature of this sponsorship, which includes Boynton Beach Associates providing the County with \$8,208 to sponsor eight (8) events at Canyon Town Center Amphitheater, the liability exposure is minimal. These eight (8) events are scheduled between the months of January through September 2012. District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. **Staff recommends motion to approve:** First Amendment to Agreement with Palm Beach County Officials Association, Inc. in an amount not-to-exceed \$89,238 for a period of one (1) additional year beginning January 2, 2012, through January 1, 2013, for sports officiating services. **SUMMARY:** The current Agreement, R2008-2330, for providing sports officiating services for softball expires on January 1, 2012. This First Amendment extends the Agreement an additional one (1) year for an amount not to exceed \$89,238. The cost of this Agreement will be completely offset by revenue derived from program fees. Countywide (AH)

5. **Staff recommends motion to:**

A) adopt a Resolution authorizing the County Administrator or the Director or Assistant Director of the Parks and Recreation Department to execute the amended standard form Independent Contractor Agreement for Palm Beach County Parks and Recreation Department for recreation instructors and sports officials;

B) approve the amended standard form Independent Contractor Agreement for Palm Beach County Parks and Recreation Department for recreation instructors and sports officials; and

C) rescind in its entirety the standard form Independent Contractor Agreement approved by Resolution No. 94-422, amended by Resolution No. 2002-2103 and Resolution No. 2006-0409.

SUMMARY: The Parks and Recreation Department's standard form Independent Contractor Agreement has been amended to provide for clarification of various terms and conditions, revised insurance requirements, and inclusion of reference to Palm Beach County Code, Section 2-2421 – 2-440, the Office of the Inspector General. Adoption of the Resolution implements the amended standard form Independent Contractor Agreement and continues the delegation of authority to execute the Agreement on behalf of the Board to the County Administrator or the Director or Assistant Director of the Parks and Recreation Department. Adoption of the Resolution additionally extends to the County Administrator or the Director or Assistant Director of the Parks and Recreation Department the authorization to execute amendments to the standard form Agreement when provisions such as, but not limited to, the total amount payable, the dates and times of the activity, the scope of the activity, and the effective and termination dates of the Agreement which are required to be revised as a result of previously unforeseen circumstances or events. Such circumstances and events may include extending the term of the Agreement and possibly the scope of the activity due to popular demand resulting in an increase in the total amount payable to the contractor. Amendments qualifying to be executed in this manner will in no way change the Agreement's Board-approved standard terms and conditions nor exceed the threshold of the not-to-exceed amounts authorized to be approved and expended by the Director or Assistant Director of the Parks and Recreation Department or the County Administrator. Countywide (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve: an Interlocal Agreement for \$136,005 with the Office of the Public Defender of the Fifteenth Judicial Circuit, to manage and operate the Reentry Ex-Offender Initiative Program from October 1, 2011, through September 30, 2012. **SUMMARY:** Palm Beach County has accepted a grant award of \$228,558 (Resolution Number R2011-1210) from the Department of Justice to reduce crime and increase public safety. The Reentry Ex-Offender Initiative will connect ex-offenders returning from state and local incarceration with appropriate community based providers in conjunction with their felon registration; provide sealing and expungement of records assistance to ex-offenders; and connect work release eligible inmates and ex-offenders with employment opportunities. The ex-offenders will be provided with pre and post release services to assist in their transition back into the community. Countywide (GB)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to:
 - A) **approve** agreements for digital orthophotography and planimetric mapping beginning December 20, 2011, to December 19, 2013, with the option for up to three (3) one year renewals with:

- 1) Surdex Corporation;
- 2) BAE Systems, Inc.; and
- 3) Woolpert, Inc.

B) authorize the County Administrator or his designee to negotiate and execute a series of Task Orders of less than \$100,000.

SUMMARY: These agreements will provide the professional services required to complete planimetric mapping and to provide updates to the digital orthophotography portion of the County's Geographic Information System (GIS) base map. This project is part of the Information Systems Services, Countywide GIS Capital Project. Surdex Corporation, BAE Systems Inc., and Woolpert, Inc. were selected using the Consultant Competitive Negotiations Act (CCNA) process. These agreements are continuing in nature, and the pricing will be determined on a task by task basis within funded project amounts. Individual Task Orders for projects will be negotiated or assigned directly based upon the County's requirements. Task Orders amounting to more than \$100,000 will be brought to the Board for approval. Countywide (PK)

2. **DELETED**

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (Cont'd)

3. Staff recommends motion to approve:

A) Task Order No. 3 to the license agreement with Pictometry International Corporation (R2007-1010 and R2007-1011) to exercise a second two (2) year renewal option for new imagery at a not-to-exceed cost of \$251,806; and

B) a Budget Amendment in the Information Technology Capital Improvement Fund to recognize a total of \$125,905 in revenue from the Property Appraiser's Office, and an additional \$3,318 in project funding from the Information Technology Center Improvement Fund Contingency Reserve.

SUMMARY: Pictometry International, of Rochester, New York, provides detailed aerial photography which shows buildings, infrastructure and land from all sides, as well as a straight down perspective. Task Order No. 3 to the Pictometry license agreement exercises the second of two (2) – two (2) year renewal options as set forth in the original contract. Funding for the renewal will come from the Countywide GIS Capital account, with revenue from the Property Appraiser's Office in the amount of \$63,101 for FY 2012, and \$62,802 for FY 2013 for a total of \$125,903. The not-to-exceed cost represents a 10% renewal discount as outlined in the original contract, plus an additional 5% discount from the vendor. The cost for Task Order No.3 is for \$251,806 with \$126,202 to be paid in year one and \$125,604 to be paid in year two. Additional cost sharing agreements are being pursued with local municipalities to assist with this important project. Countywide (PK)

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) approve the following Contracts with agencies to provide drug treatment and testing services to individuals referred by the Juvenile Delinquency Drug Court, in a cumulative amount not to exceed \$76,773 for the period October 1, 2011, through September 30, 2012:

- 1) Drug Testing and Counseling Services (DTCS) in the amount of \$20,193
- 2) The Drug Abuse Treatment Association, Inc. (DATA) in the amount of \$56,580; and

B) authorize the County Administrator or his designee to execute amendments to these contracts on behalf of the Board of County Commissioners to adjust the not-to-exceed amounts as long as the cumulative total does not exceed \$76,773 for those items in Part A above; and

C) authorize the use of \$2,500 for incentives to reward drug court participants for positive behavior as approved by the Criminal Justice Commission Executive Committee on July 13, 2009.

SUMMARY: The Criminal Justice Commission approved the use of \$76,773 in Drug Abuse Trust Fund monies to contract for outpatient substance abuse treatment and testing services and \$2,500 for rewards such as gift cards and certificates for positive behavior for juveniles who are court ordered to treatment through the Delinquency Drug Court Program located in Palm Beach County. There is no ad valorem funding required. Countywide (GB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

A) receive and file the Contract with Emergency Specialists of Wellington (ESOW) in the amount of \$122,792 for the period of September 1, 2011, through June 30, 2014 for forensic rape examinations and medical treatment; and

B) approve a Budget Amendment of \$17,792 in the Public Safety Grants Fund to recognize program income that will be generated from the forensic examinations.

SUMMARY: On August 16, 2011, the Board of County Commissioners approved the contract with the State of Florida, Department of Health to receive funding to establish Sexual Assault Response Team (SART) and exam site in Palm Beach County. Funding from this contract includes \$105,000 for a medical provider. ESOW will serve as the medical provider and hire one full-time RN Nurse Coordinator and have on stand-by a pool of trained Sexual Assault Nurse Examiners (SANE) to conduct forensic rape examinations for the purpose of providing patient assessment and medical treatment, documenting and collecting forensic evidence, and preparing for offender prosecution. Approximately 250 forensic examinations will be completed annually at the designated treatment facility (Wellington Regional Medical Center) or other area hospitals. Funding generated from these forensic examinations will help offset the balance of \$17,792 from the ESOW contract. Per Florida Statute 960.28, the Attorney General's Crime Victims' Services Office shall pay for medical expenses connected with an initial forensic physical examination of a victim of sexual battery. R2011-1223 authorizes the County Administrator or his designee to execute contracts and amendments utilizing funding from the State of Florida, Department of Health on behalf of the Board of County Commissioners. Countywide (GB)

3. Staff recommends motion to adopt: the 2011 Palm Beach County's Comprehensive Emergency Management Plan (CEMP) which has been approved by the State of Florida, Division of Emergency Management. **SUMMARY:** As required by Florida Statute Chapter 252, the Division of Emergency Management revised the County's Comprehensive Emergency Management Plan that was approved by the Board of County Commissioners on November 19, 2002 (R2002-2113). The CEMP outlines how the various departments and agencies, both public and private, will discharge their responsibilities for providing direction and control during any large-scale disaster affecting Palm Beach County. Major revisions to the CEMP include a County Disaster Recovery Plan, updated hazard specific plans related to hurricanes, radiological emergencies, floods, wild land fires, cold weather, terrorism, and a breach of the Herbert Hoover Dike along Lake Okeechobee. Countywide (GB)

4. Staff recommends motion to adopt: the 2011 Palm Beach County's Disaster Recovery Plan which has been approved by the State of Florida, Division of Emergency Management. **SUMMARY:** As required by the State of Florida Division of Emergency Management, Palm Beach County's Division of Emergency Management developed the County's Disaster Recovery Plan (DRP). DRP is one of several plans published by the County's Department of Public Safety, Division of Emergency Management, which is the framework for countywide response, recovery and mitigation activities. It is the intent of the DRP to provide a flexible structure that consists of the precaution taken so that the effects of a disaster will be minimized and Palm Beach County will be able to either maintain or quickly resume mission-critical functions countywide. It is also to facilitate interoperability between local, state, and federal governments. Countywide (GB)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. **Staff recommends motion to approve:** a two (2) year Agreement with the School District of Palm Beach County (School Board) to provide annual and semester bus passes available to certain students as a means of transportation services for the 2011 - 2012 school year at the annual pass rate of \$380 or \$190 per pass for the second semester, and for the 2012-2013 school year at the annual pass rate of \$390 or \$195 for the second semester. They may also purchase 31-day student passes at the rate in effect (currently \$45). **SUMMARY:** The School Board has contracted for annual bus passes as a means of transportation for students since August 1998. Palm Tran historically has provided approximately 800 passes annually. The Agreement rates include annual increases of approximately 3%. Payments for annual school passes are in lieu of School Board's students paying individual fares into the fare boxes on Palm Tran routes. The Agreement will establish pricing for school bus passes through the end of school year 2013. Countywide (DR)

2. **Staff recommends motion to:**
 - A) approve** the Federal Fiscal Year 2012 Certifications and Assurances to be used in connection with all Federal assistance programs the Federal Transit Administration (FTA) administers during Federal Fiscal Year 2012; and

 - B) authorize** Palm Tran's Executive Director and Assistant Executive Director, through the County Administrator, to electronically execute and file the required certifications and assurances, on behalf of the Board of County Commissioners, and to transmit the Board's approval.

SUMMARY: Palm Tran needs to execute and file the required annual certifications and assurances on behalf of the Board of County Commissioners before FTA may award a Federal grant or cooperative agreement. The applicant must provide to FTA all certifications and assurances pertaining to itself or its project as required by Federal laws and regulations. Selecting and submitting certifications and assurances to FTA, through FTA's Transportation Electronic Award and Management system signifies the county's intent to comply with the requirements of those certifications and assurances to the extent they apply to a program for which the county submits an application for assistance in Federal Fiscal Year 2012. FTA's Certifications and Assurances are generally pre-award requirements, i.e., those requirements of Federal law and regulations the Applicant must fulfill before FTA is legally authorized to award Federal financial assistance to an Applicant. FTA requires a current (Federal Fiscal Year 2012) attorney's affirmation of the Applicant's legal authority to certify compliance with the funding obligations in this document; the attorney's signature from a previous year is not acceptable. Countywide (DR)

3. **Staff recommends motion to approve:** a Budget Amendment in the Palm Tran Grant Fund establishing a revenue and expense budget to record the revenue of \$71,318 generated by the sale of surplus equipment acquired with federal funds and subsequent capital purchases. **SUMMARY:** Federal regulations mandate that the funding agency be reimbursed for their share in the cost of any equipment that, after completing its useful life, generates sales revenue of over \$5,000. To date \$71,318 has been collected from the sale of surplus equipment that was funded with federal grants. This amount only reflects items sold separately for over \$5,000 in the County's Thrift Store Sale of November 5, 2011. With the approval of the funding agency, these funds can be held to offset the cost of a subsequent federal funded capital purchases. Palm Tran is expected to dispose of over 18 buses in the next two (2) years. The balance of this unit will be amended each time assets are disposed of generating revenue of over \$5,000. Countywide (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

4. Staff recommends motion to:

A) approve Amendment No. 001 to the Standard Agreement with the Area Agency on Aging (AAA) program for the period January 1, 2011, through December 31, 2011; and

B) authorize the Executive Director of Palm Tran to execute the Amendment in the form of Attachment 1.

SUMMARY: The Standard Agreement with the AAA includes information required by the AAA for transportation services to be provided by Palm Tran CONNECTION for senior citizens who are clients of DOSS nutritional programs north of Hypoluxo Road and the City of Pahokee for its Senior Citizens Wellness Program. The AAA will provide funds in the amount of \$362,453 for Palm Beach County and \$24,000 for the City of Pahokee for a total of \$386,453. The initial Agreement did not contain the clause indicating that matching funds are required for the Palm Beach County amount of the Agreement. County matching funds in the amount of \$36,245 (10%) are required. The local match has been accounted for in Palm Tran Connection's approved FY 2012 budget. Countywide (DR)

5. Staff recommends motion to:

A) adopt a Resolution authorizing the sale, conveyance and transfer of four (4) model year 2001 El Dorado Cutaway buses to the City of Boynton Beach, Florida; provided that the Federal Transit Administration (FTA) approves the transfer; and

B) approve an Agreement regarding the sale, conveyance, and transfer of four (4) model year 2001 El Dorado Cutaway buses to the City of Boynton Beach, Florida.

SUMMARY: Palm Tran needs to dispose of four (4) model year 2001 El Dorado Cutaway buses. These buses have reached their useful life, and in accordance with the Federal Transit Administration (FTA) guidelines, may be disposed of. The City of Boynton Beach has approached Palm Tran and expressed their desire to acquire these buses. The City of Boynton Beach has affirmed that it is an entity qualified and eligible to receive a conveyance of personal property from Palm Beach County in accordance with the requirements of Section 125.38, F.S., and that it desires to use the buses for the public or community interest and welfare. These buses were purchased using 100% Federal Funds. Countywide (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, Grant Modification 2 with the Office of National Drug Control Policy, to provide an additional \$20,339 in reimbursable funding, for the Palm Beach County Narcotics Task Force;

B) accept on behalf of the Palm Beach County Sheriff's Office, Grant Modification 3 with the Office of National Drug Control Policy, to provide an additional \$98,400 in reimbursable funding, for the Palm Beach County Narcotics Task Force; and

C) approve a Budget Amendment of \$118,739 in the Sheriff's Grant Fund.

SUMMARY: The Board of County Commissioners accepted this grant for \$89,742 on July 19, 2011; the original period for this grant was January 1, 2011, through December 31, 2012 (R2011-1093). This Grant Modification will provide supplemental funds for overtime reimbursement and other expenses associated with the Palm Beach County Narcotics Task Force. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

2. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a Florida Department of Law Enforcement Office of Criminal Justice grant in the amount of \$34,074 for PBSO's EOD Team Enhanced Capability Project for the period of October 1, 2011, through December 31, 2011; and

B) approve a Budget Amendment of \$34,074 in the Sheriff's Grants Fund.

SUMMARY: On November 9, 2011, the Palm Beach County Sheriff's Office received an award to purchase equipment under the Florida Domestic Security Strategic Plan. These funds and related equipment, which have been approved by FDLE for purchase, will be used to enhance Florida's SWAT and EOD capability and capacity. This project will continue to enhance South Florida's EOD Regional Team's capability to respond to Weapons of Mass Destruction and CBRNE threats and attacks. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

3. Staff recommends motion to:

A) accept a Bureau of Justice Assistance Bulletproof Vest Partnership Grant in the amount of \$14,267 for the period of October 1, 2011, through September 30, 2012 for the purchase of bulletproof vests; and

B) approve a Budget Amendment of \$14,267 in the Sheriff's Grants Fund.

SUMMARY: The Bureau of Justice Assistance (BJA) has made available funds for the purchase of bulletproof vests for law enforcement personnel. The Palm Beach County Sheriff's Office was awarded the amount of \$14,267 for the purchase of approximately twenty-two (22) National Institute of Justice approved vests. The vests will be purchased between October 1, 2011, and September 30, 2012. The required match in the amount of \$14,267 is being provided by the Palm Beach County Sheriff's Office and is included in the Sheriff's approved FY 2012 Budget. No additional positions are needed and no additional County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida approving the Westgate/Belvedere Homes Community Redevelopment Agency's (CRA) Fiscal Year 2012 Budget for its Redevelopment Trust (operating) Fund, Construction Fund, Sinking Fund and Reserve Fund budgets. **SUMMARY:** As permitted under Chapter 163.387 F.S., the CRA receives annual funding from Tax Increment Financing (TIF) in late December of each year. The Budget, in the amount of \$8,909,900, is composed of four (4) components. The first component, the Redevelopment Trust Fund, in the amount of \$1,679,928, consists of the CRA's Annual Tax Increment Financing and balance brought forward from previous years. The second component, the Construction Fund, in the amount of \$6,698,250, consists of transfers from the operating fund and balances of grants awarded to the CRA by County, State, and Federal governments for construction activities. The third component is the Sinking Fund, in the amount of \$263,460, which consists of one (1) annual payment from TIF revenues to repay the revenue bond reissued in 1999 to retrofit infrastructure in the Westgate area. The last component is the Reserve Fund, in the amount of \$268,262, which consists of a one-year security payment (principal and interest), held in escrow for the March 1, 1999, Redevelopment Revenue Refunding Bonds in the amount of \$3,380,000. District 2 (TKF)

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

- A. **Staff recommends motion to continue:** the Public Hearing for the Michlar Drive, Tamis Trail and 105th Avenue South Paving and Drainage (Project) assessment approval, Project No. 2002136 and the award of a contract with Rosso Paving and Drainage, Inc., from December 20, 2011, to January 24, 2012, at 9:30 a.m. **SUMMARY:** The Public Hearing was previously scheduled for December 20, 2011 to approve assessments and the award of a contract. This action was dependant however, on approval of the changes to the Municipal Services Taxing Unit Ordinance which was delayed until the January 24, 2012 meeting. District 3 (MRE)
- B. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, providing for a countywide referendum to be placed on the ballot on November 6, 2012, for the purpose of determining whether slot machine gaming shall be authorized at licensed pari-mutuel facilities located within Palm Beach County; providing for title; providing for referendum and ballot language; providing for certified copy to Supervisor of Elections; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for severability; and providing for an effective date. **SUMMARY:** This Ordinance would schedule a referendum at the November 6, 2012 General Election to determine whether slot machine gaming shall be authorized at licensed pari-mutuel facilities in Palm Beach County. Countywide (PFK)
- C. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, providing that the updated Florida Fire Prevention Code shall be deemed adopted; providing for local amendments to the Florida Fire Prevention Code; repealing and replacing Chapter 12, Article IV of the Palm Beach County Code (codifying Ordinance 2008-045) in its entirety; providing for legislative findings; providing for applicability; providing for repeal of laws in conflict; providing for a savings clause; providing for severability; providing for inclusion in the code; and providing for an effective date. **SUMMARY:** Pursuant to Chapter 633, Florida Statutes, the State Fire Marshal has adopted an updated statewide minimum fire safety code, known as the Florida Fire Prevention Code, in Rule Chapter 69A-60 of the Florida Administrative Code. This updated Florida Fire Prevention Code will become effective on December 31, 2011, and is based on updated Florida editions of the National Fire Protection Association's Fire Code (NFPA 1) and Life Safety Code (NFPA 101). The local amendments to the Code include a revised fee schedule creating a fee for after-hours inspection, an annual facility plan review fee and vacant building inspection fee; providing for a reduction in mercantile, business & storage inspection fees; and providing for an increase in firework permit fees. Effective December 31, 2011, the County will enforce the updated Florida Fire Prevention Code with the Palm Beach County Local Amendments adopted by this Ordinance. Countywide (SB)
- D. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Lobbyist Registration Ordinance, Palm Beach County Code, Chapter 2, Article VIII (codifying Ordinance 2003-018, as amended); amending Section 2-351, title and purpose; amending Section 2-352, definitions; amending Section 2-353, registration and expenditures; amending Section 2-354, record of lobbying contacts; amending Section 2-355, cone of silence; amending Section 2-356, enforcement; amending Section 2-357, penalties; providing for savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for an effective date. **SUMMARY:** The proposed amendments to the Palm Beach County Lobbyist Registration Ordinance are required in order to match the terminology used in the Code of Ethics and to allow this ordinance to apply to municipalities. These amendments also reflect Palm Beach County's establishment of a centralized lobbyist registration system that lobbyists can use to electronically register to lobby the county and any or all of the municipalities in Palm Beach County. This Ordinance will apply to the county and any municipality that does not have a conflicting ordinance in effect. The League of Cities reviewed and approved these amendments on October 26th. Countywide (LB)

4. PUBLIC HEARINGS – 9:30 A.M. CONTINUED

E. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 19, Article IX (Ordinances No. 01-015 and 2008-43); relating to taxicabs and other vehicles for hire, to be known as the Vehicle for Hire Ordinance; amending Section 19-213 (definitions); amending Section 19-215 (advertising); amending Section 19-216 (municipal exemption); amending Section 19-218 (business permit application); amending Section 19-227 (driver requirements; failure to comply); amending Section 19-230 (enforcement); providing for a moratorium amendment; providing for repeal of laws in conflict; providing for a saving clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing an effective date. **SUMMARY:** On December 6, 2011, the Board of County Commissioners voted to amend the Vehicle for Hire (VFH) ordinance. The ordinance amendments include the following: 1) include the addition of a Luxury Sedan category, 2) establish a Special Master Enforcement process with the requirements to be referenced in the Consumer Affairs Ordinance, 3) discontinue allowing VFH companies to deduct the fees paid to municipalities from the amount the county collects for the application/renewal and vehicle decal fees, and 4) establish a six (6) month moratorium effective December 20, 2011 to set a cap on the number of VFH vehicles that will operate in Palm Beach County. Staff will meet with the VFH industry to develop a policy establishing guidelines for the new VFH cap. Countywide (GB)

F. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, fixing the boundaries of the seven (7) county commission districts; providing for publication; providing for minutes; 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:** On December 6, 2011, the Board of County Commissioners approved the preliminary reading and permission to advertise new commission districts map (Option 4 with Phil Foster Park being in District 7 and Peanut Island remaining in District 1). On November 1, 2011, staff presented a total of four (4) options to the BCC of which the county's legal consultants opined all options were legal and followed the criteria adopted by the Board. The BCC adopted Option 4 and directed staff to bring back the Peanut Island and Phil Foster Park issue for further discussion at the December 6, 2011 meeting. In an effort to encourage public participation public input was accepted relating to the redistricting process at several Board meetings, including a countywide meeting at Vista Center in July 2011. In addition, a redistricting website was created and maintained by staff during this period. All verbal and written communications received relating to the redistricting process was considered by staff. Countywide (LB)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. **Staff requests Board direction:** on Commissioner appointments to various boards and committees. **SUMMARY:** A number of County and statutorily created advisory boards and committees require Commissioner representation. Each year, the Board reviews the current boards and committee assignments for confirmation or changes. On December 1, 2011, Commissioner Vana circulated a memo to Commissioners requesting input on their respective board assignments by December 16th. Today's action will confirm each of the Commissioner's board assignments for one (1) year. Countywide (DN)

2. **Staff recommends motion to approve:** Amendment No. 1 to the FY 2012 Agreement with the Business Development Board of Palm Beach County, Inc. in the amount of \$200,000 for the implementation of the FY2011-2012 New Marketing Initiatives 1.0. **SUMMARY:** On December 6, 2011, the Board of County Commissioners (BCC) approved a new five (5) year contract (R2011-1975) with the Business Development Board (BDB). On July 20, 2011, a BCC Workshop was held with the BDB which included a proposal to fund "new marketing initiatives". This proposal required an additional \$200,000 funding commitment from the BCC over the BDB's annual FY 2012 contract amount of \$931,470. This Amendment will allocate \$200,000 to the BDB to implement these initiatives. These new initiatives will be funded from \$200,000 in County funds matched by \$200,000 obtained from private sector sources for a total budget of \$400,000. County funds will be used for specific activities identified in the FY 2011-2012 New Marketing Initiatives 1.0. These funds will be used to enhance economic development promotion to increase the visibility of Palm Beach County's business environment and to attract new businesses to Palm Beach County. This marketing program is in addition to the efforts included in the "Scope of Services" outlined in the BDB's current contract with the County. Retroactive payments will be made to cover services rendered beginning October 1, 2011. **These are County Ad Valorem funds.** Countywide (DW)

3. **Staff recommends a motion to approve:** participation in Palm Beach County's Medical Home Day in February 2012, at an expense not to exceed \$5,600 to cover bus pass vouchers and informational materials. **SUMMARY:** At the August 30, 2011, joint meeting of the BCC and the Health Care District, the board directed staff to determine the feasibility of conducting a one-day medical event designed to connect residents without "medical homes" to medical information and services. The medical home approach provides an emphasis on prompt access to primary care and an ongoing relationship with a primary care provider. Staff has been working with the Quantum Foundation, the Palm Beach County Health Department, the Health Care District and other local organizations and has determined that a "Medical Home Day" utilizing existing clinics to promote initial and ongoing healthcare services for county residents is practical and consistent with the ongoing efforts to secure access to medical services for all residents. Participating facilities will provide medical screening for benefits, services and follow-up. Countywide (TKF)

5. REGULAR AGENDA

B. AIRPORTS

1. Staff recommends motion to:

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending the Airport Rules and Regulations (R98-220, as amended) as codified in Appendix B of the Palm Beach County Code; amending definitions; providing for regulation of ground transportation services; providing for promulgation of rules and regulations; providing for severability; superseding Resolution 2010-1462 to the extent of any conflict; providing for codification; providing for an effective date; and

B) direct the Clerk of the Board to deliver a copy of the Resolution amending the Airport Rules and Regulations to the Municipal Code Corporation for codification upon receipt of an affidavit that the posting requirements of Section 332.08(2) (b), Florida Statutes, have been satisfied.

SUMMARY: This Resolution amends the Airport Rules and Regulations to authorize vehicle for hire companies to drop off customers at the Palm Beach International Airport (PBIA) without a ground transportation permit or decal. Vehicle for hire companies desiring to pick up customers at PBIA will remain obligated to obtain an airport ground transportation decal/permit. Countywide (AH)

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on January 24, 2012 at 9:30 a.m.: an Ordinance of the Board of County Commissioners (Board) of Palm Beach County, Florida, amending Palm Beach County Code Chapter 26, Article II Division 1, known as the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance (Ordinance 2008-063); amending Section 26-23, improvements; amending Section 26-24, special assessments; amending Section 26-29, percentage of costs, further procedures; amending Section 26-30.3, public hearing; amending Section 26-30.10, payments; amending Section 26-30.15, savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; providing for effective date. **SUMMARY:** The proposed Ordinance will amend Chapter 26, Article II, Division 1, known as the MSTU Ordinance 2008-063 to allow for assessments and collections at a percentage rate less than 100% when directed by the Board of County Commissioners. There remain a few MSTU projects that were petitioned at the previous 50% rate that cannot be approved at a rate less than 100% without this amendment. The proposed Ordinance also amends the section on street lighting improvements regarding costs being capable of being calculated for special assessment purposes and amends the timeframe between bid opening and public hearing to be as soon as practicable. Countywide (MRE)

5. REGULAR AGENDA

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff recommends motion to:

A) adopt a Resolution to approve Amendment Number Eight to the County Incentive Grant Program Agreement R2001-2157 (Agreement) with the State of Florida Department of Transportation (FDOT) to extend the expiration date and provide for a reallocation of up to \$650,000 of the existing matching roadway construction funding for median beautification on Okeechobee Boulevard from State Road 7 to Florida's Turnpike (Improvements) and a Maintenance Memorandum of Agreement (MMOA) to ensure the maintenance of the Improvements and grassy areas within the above limits;

B) approve an exception to the 2002 policy that restricts Palm Beach County's (County) installation of median beautification to areas that are unincorporated and not contiguous to a municipality;

C) approve an Interlocal Agreement with the City of West Palm Beach (City) under which the City agrees to contribute \$100,000 towards the construction of the Improvements and accept all maintenance obligations for the Improvements and grassy areas; and

D) authorize the County Engineer or his designee to issue a Task Authorization not-to-exceed \$650,000 to construct the Improvements utilizing the Annual Roadway Landscaping Contract.

SUMMARY: On December 6, 2011, the Board of County Commissioners approved the Improvement concept at an amount of \$650,000 utilizing County funding of \$225,000, City funding of \$100,000 and FDOT's 50% matching funding of \$325,000. Adoption of the resolution to approve Amendment Number Eight and approve the MMOA will establish a reallocation of up to \$650,000 of budgeted but unused roadway construction funding for the Improvements and will obligate the County to maintain the Improvements and grassy areas. This action will also extend the expiration date of the Agreement. The County will then pass the maintenance obligations to the City. Approval of the Interlocal Agreement will obligate the City to contribute \$100,000 towards the construction of the Improvements and accept all maintenance responsibilities for the Improvements and grassy areas. In accordance with the terms of the original Agreement, matching funding would be utilized to install the Improvements. The County's one-time cost of \$225,000 is available in the roadway project's previously approved budget. Districts 2 & 6 (MRE)

5. REGULAR AGENDA

D. OFFICE OF THE INSPECTOR GENERAL

1. Staff recommends motion to approve: the addition of six (6) positions to the County's personnel complement to reflect six positions the Office of Inspector General (OIG) needs to hire to accommodate interlocal agreements with the Health Care District (District) and Children's Services Council (CSC). **SUMMARY:** The District and CSC contacted the OIG after receiving correspondence in May 2011, from the Chair of the Board of County Commissioners (BCC) encouraging them to enter into agreements with the BCC to extend OIG jurisdiction to their agencies. The District and CSC voluntarily negotiated interlocal agreements with the OIG which the BCC subsequently approved at their regularly scheduled Commission meeting on November 15, 2011. Budget amendments to reflect funding provided by the District and CSC were also approved at that time. No County ad valorem will be required for these interlocal agreements. The OIG will exercise the authority, functions and powers granted by the Office of Inspector General Ordinance (IG Ordinance) for the benefit of the District and CSC, effective January 1, 2012. The OIG needs six (6) positions to accommodate this expansion of its jurisdiction. Upon termination of the interlocal agreements, the OIG will reduce its complement accordingly.

In addition, the OIG is reorganizing operations to enhance its capacity to react timely to the needs of the more than 40 entities within its jurisdiction. The process of increasing the complement at this time allows the OIG to allocate three (3) existing positions and three (3) new positions for the expansion of OIG jurisdiction. The remaining three (3) new positions will be used to accommodate the reorganization. Funding for the reorganization is available in the OIG's FY 2012 budget. The Inspector General has the power to appoint, employ and remove employees. The County has included the OIG employees in its complement and therefore any increase in the OIG complement triggers an increase in the BCC Complement which requires BCC approval. After considering this increase to the County's complement at their November 15, 2011 Commission meeting, the BCC voted to not approve it at that time, and directed staff to bring the item back in 30 days. Countywide (LB)

5. REGULAR AGENDA

E. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Change Order No. 180 to the contract with Moss & Associates, LLC (R2007-0031) in the amount of \$2,304,942 for the West County Detention Facility, Courts Renovations. **SUMMARY:** On May 17, 2011, the Board authorized the expansion and renovation of the West County Courthouse (R2011-0755). The Courts Renovation project is the last phase of the Jail Expansion II project. This phase consists of the adaptive re-use of three buildings built between 1982-1998 to expand Court facilities to accommodate the increased in-custody population and provide a level of court facilities in the Western Communities equivalent to those at other satellites. Immediately upon starting interior demolition, it was apparent that unforeseen conditions would require design modifications. When additional reviews of the architect's design commenced to address the unforeseen conditions, it was determined that the architect had not fully complied with the County's program requirements. Because of the combined magnitude of the unforeseen conditions and architect's error and omissions (E/Os), it was necessary to address all design modifications concurrently. The project was re-phased to complete all demolition activities first thereby revealing all concealed conditions allowing these design revisions to be made at the same time as the revisions resulting from E/Os. Ultimately 25% of the value of this change order is attributable to unforeseen building conditions and 50% due to E/Os and the Architect not complying with the Florida Building Codes. Staff estimates the premium value of the E/Os and associated general conditions to be approximately \$400,000. According to County policy and law, Staff will evaluate the premium value of all change orders identified as E/Os against the contractual standard of care to determine if the standard has been exceeded and the premium value recovered from the Architect. The remaining 25% of this Change Order (\$600,000) attributable to County initiated changes, the most significant of which, \$240,000, is for courtroom electronics and security design. The remaining County initiated changes are necessary to: 1) reconcile the security and building code requirements, and/or to 2) reduce operating and maintenance requirements. Change Order No. 180 is funded from the contingency line of the Criminal Justice and Public Improvement Revenue Bond Series 2008. The original value of this contract is \$11,926,673. Moss & Associates will be achieving 21.5% Small Business Enterprise (SBE) participation in this Change Order bringing their total contract participation to 16.5%. (Capital Improvements Division) Countywide/District 6 (JM)

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6. BOARD APPOINTMENTS

A. **PUBLIC SAFETY**
(Consumer Affairs Hearing Board)

1. **Staff recommends motion to approve:** the reappointment of the following representative to the countywide Consumer Affairs Hearing Board for a term of one year, twenty five days beginning on December 20, 2011, and ending on January 13, 2013:

<u>Nominee</u>	<u>Term</u>	<u>Expires</u>	<u>Seat</u>	<u>Requirement</u>	<u>Recommended By</u>
*Herbert Milstein	Reappoint	1/13/2013	9	Special Technical	Burt Aaronson

*Herbert Milstein, who resigned on July 7, 2011 from the board mid-term, would be reinstated for a term that expires on January 13, 2013

SUMMARY: Palm Beach County Consumer Affairs Ordinance 72-10 established a Hearing Board. The nine (9) members of the Board are selected for countywide representation and serve two (2) year terms for a maximum of six (6) years. The Board serves in both an advisory capacity to the County Commissioners and as an Appeals Board to hear and act on consumer concerns about unfair/deceptive business practices and appeals relating to the towing, vehicle for hire, moving and price gouging ordinances. The Hearing Board represents various businesses, professionals and the general public. **NOTE:** With the re-appointment of this one seat, the Hearing Board will still have two (2) vacancies for a certified contractor and a business person or retired business person with at least five (5) years experience in the operation or management of a business. Nominations are being sought from the Board of County Commissioners for these vacant positions. With approval of this motion the Hearing Board will have seven (7) of nine (9) appointed/active members. Countywide (GB)

B. **COMMUNITY SERVICES**
(Community Action Advisory Board)

1. **Staff recommends motion to approve:** appointment/reappointment of the following representatives to the Community Action Advisory Board effective December 20, 2011:

<u>Seat No.</u>	<u>Appointment</u>	<u>Member Category</u>	<u>Term Ending</u>	<u>Nominated By</u>
7	Jason McMurray	Private Sector	9/30/2012	Comm. Taylor
8	Ramona Maharaj	Private Sector	9/30/2014	Comm. Taylor
9	Mildred Anderson	Private Sector	9/30/2014	Comm. Taylor
10	Donald Wilson	Private Sector	9/30/2013	Comm. Taylor
<u>Reappointment</u>				
3	Pamela Williams	Public Sector	9/30/2014	Comm. Taylor
4	Deirdre Jacobs	Public Sector (City of WPB)	9/30/2014	Comm. Taylor
13	Theresa Jackson	Low Income Sector (Delray/Boynton TAC)	9/30/2014	Comm. Taylor

SUMMARY: The Community Action Advisory Board (CAAB) is a 15 member board comprised of one-third elected public officials or their representatives, with the remaining members being business, industry, labor, religion, law enforcement, education, or other major groups in the community. On November 2, 2011, written notice was sent to each Commissioner to request nominations. Jason McMurray (seat 7) will be completing the remaining term for Gina Horn. Donald Wilson (seat 10) will be completing the remaining term for Alvin Colbert. The appointments meet all applicable guidelines and requirements outlined in Resolution R2009-1549. The CAAB has reviewed and approved the nominees listed above. (Community Action) Countywide (TKF)

6. BOARD APPOINTMENTS

B. **COMMUNITY SERVICES (Cont'd)**
(Head Start/Early Head Start Policy Council)

2. **Staff recommends motion to approve:** appointment of the following Parent and Community Representatives to the Head Start/Early Head Start Policy Council for terms effective December 20, 2011 and ending September 30, 2012:

<u>PARENT REPRESENTATIVE AND ALTERNATE(S) BY CENTER</u>			
(R) = Representative		(A) = Alternate	
<u>Seat ID #</u>	<u>Community Representative</u>	<u>Seat ID #</u>	<u>Community Representative</u>
01	Mickale Linton	02	Tamara L. Starks
03	Larry D. Brown	04	Patricia A. Trought
05	Sakina Bivins	06	Vacant
07	<u>Boynton Beach</u> Pernell Jones (R) Patrica Moore (A)	08	<u>Jupiter</u> Jezebel Rodriguez (R) Vacant (A)
09	<u>South Bay-HS</u> Olga L. Flores (R) Adriana Flores (A)	10	<u>Palm Glades</u> Jessica Jones (R) Vacant (A)
11	<u>Delray Beach HS</u> Christan G. Franklin (R) Malissa L. Johnson (A)	12	<u>Pahokee</u> Latoya S. Lawrence(R) Leslie R. Bouie (A)
13	<u>Westgate</u> Solecia M. Higgs (R) Maribel Martinez (A)	14	<u>Lake Worth</u> Spadreen Facey (R) Kimberly L. Pierre Louis (A)
15	<u>Riviera Beach</u> Tynisha L. Ball (R) Lisa A. Robinson (A)	16	<u>West Palm Beach</u> Kenneth Poitier Jr. (R) Natasha A. Stewart (A)
17	<u>Union Baptist</u> Anesper Atilus (R) Melguer Bartolon (A)	18	<u>Delray Beach EHS</u> Casetra Frederick (R) Charlemagne Louis-Charles (A)
19	<u>Achievement Center</u> Guilene Beaubrun (R) N/A (A)	20	<u>Family Child Care Home</u> Rodna J. Achille (R) Vacant (A)
21	<u>Home Base, EHS</u> Yajaira Martinez (R) Vacant (A)	22	<u>Florence Fuller CDC</u> Vacant (R)
23	<u>Apostolic CDC, Inc.</u> Jovanie Barthelemy(R) Vacant (A)	24	<u>A Step Above</u> Brittini C. Adams (R) Wilbentz Deneville (A)
25	<u>Emmanuel</u> Chanda A. Antoine (R) Kenya M. McKenzie (A)	26	<u>King's Kids</u> Winston K. Thomas(R) Vacant (A)
27	<u>My First Steps</u> Nadege Adrien (R) Suze Dimache (A)	28	<u>San Castle</u> J. Jarrodd Cadore (R) Shayla T. Valentine(A)
29	<u>YWCA</u> Lisa G. Smith (R)	30	<u>Tender Love & Care</u> Fantasia E. Sims (R)
31	<u>Kidz Kaleidoscope</u> Emely A. Andino (R) Michelle L. Vilmenay (A)	32	<u>Hispanic Human Resources Council</u> Vacant (R)
33	<u>School District (Village Academy)</u> Vacant (R)		

SUMMARY: The term of appointment for representatives to the Head Start/Early Head Start (HS/EHS) Policy Council is one (1) year. The Council is comprised of 33 members, of which nine (9) must be representatives of the community. The remaining membership is comprised of parents whose children are actively enrolled in the HS/EHS program. The HS/EHS Policy Council has recommended these individuals for appointment. Mr. Mickale Linton has disclosed that he is employed by the Legal Aid Society of Palm Beach County, Inc. that contracts with the County for funding to provide legal services to Ryan White clients and 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. The Policy Council provides no regulation, oversight, management, or policy-setting recommendations regarding the Legal Aid Society of Palm Beach County contracts. Disclosure of these contractual relationships is being provided at a duly noticed public meeting in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. (Head Start) Countywide (TKF)

6. BOARD APPOINTMENTS

C. ADMINISTRATION
(Treasure Coast Regional Planning Council)

1. Staff recommends motion to ratify: the following Palm Beach County League of Cities (League) representative to the Treasure Coast Regional Planning Council for a one (1) year term beginning December 20, 2011, to November 30, 2012:

<u>Nominee</u>	<u>Seat No.</u>	<u>Requirement</u>
<u>Alternate appointment:</u>		
James DuBois	6A	Palm Beach County Official

SUMMARY: As required under the TCRPC’s Rules of Orders, on November 1, 2011, the Board of County Commissioners (BCC) appointed three (3) Commissioners as members and three Commissioners (3) as alternates to serve on the TCRPC for the coming year. In addition, on November 15, 2011, the BCC ratified the League’s members with the exception of an alternate for Seat No. 6, which was vacant. At their November 23, 2011, the League selected Mayor DuBois as the alternate to Seat No. 6. The BCC must now ratify the selection. Countywide (RPB)

(Comprehensive Economic Development Strategy Committee)

2. Staff recommends motion to approve: reappointment/appointment of the following individuals to the Treasure Coast Regional Planning Council’s Comprehensive Economic Development Strategy (CEDS) Committee, for the term January 1, 2012, to December 31, 2012:

Reappoint:
 Sherry Howard, Director, Palm Beach County Economic Development Office
 Seabron A. Smith, Executive Director, Center for Technology, Enterprise & Development, Inc.
 Gary Hines, Sr. Vice President, Business Development Board of Palm Beach County, Inc.

Appoint:
 Tony T. Brown, Executive Director, Riviera Beach Community Redevelopment Agency

SUMMARY: The Treasure Coast Regional Planning Council (TCRPC) manages and maintains the on-going CEDS Committee, whose purpose is to oversee and guide District-wide economic development planning. The CEDS Plan is a requirement of the U.S. Department of Commerce Economic Development Administration. The CEDS Committee is comprised of five (5) appointees from each of the participating counties: Palm Beach, Martin, St. Lucie and Indian River. Every year, the TCRPC requires the appointing authority to review its existing members, and either appoint or reappoint members. Staff recommends reappointment/appointment of the above four (4) individuals. This action still leaves Palm Beach County with one vacant position, which was previously held by the CEO of the Workforce Alliance. The new CEO of Workforce Alliance is scheduled to start in January, and staff anticipates coming back to the BCC for appointment of the Workforce Alliance CEO in early February. Mr. Smith of the TED Center; and Mr. Hines of the BDB have each disclosed that their respective employers have existing contracts with the County. Staff has evaluated these contractual relationships and determined that the above Committee provides no regulation, oversight, management or policy-setting recommendations regarding any of the disclosed contractual relationships. Disclosures of these contractual relationships at a duly noticed public meeting are being provided in accordance with the provisions of Section 2-443, of the Palm Beach County Code of Ethics. Countywide (DW)

D. COMMISSION DISTRICT APPOINTMENTS

DECEMBER 20, 2011

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

DECEMBER 20, 2011

8. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 – COMMISSIONER PAULETTE BURDICK

C. District 3 - COMMISSIONER SHELLEY VANA, CHAIR

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

E. District 5 - COMMISSIONER BURT AARONSON

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR

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

DECEMBER 20, 2011

<u>PAGE</u>	<u>ITEM</u>	
19	3L-3	<p><u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to: A) approve annual contracts with Eastman Aggregate Enterprises, LLC (Eastman) (Primary) not to exceed the amount of \$4,245,171.20 for the first year of construction; and H & R of Belle Glade, Inc. (H & R) (Secondary) not to exceed \$4,754,650 for the first year of construction for Palm Beach County Annual Dune and Wetlands Restoration Project, Project No. 2011ERM05 for a period of 12 months, with the cumulative total of both Contracts not to exceed the amount of \$4,754,650; B)..C)..D)...E)...F) approve a Budget Transfer of \$1,000,000 from Reserves in the Beach Improvement Fund to the Jupiter Dune Restoration Project (\$800,000 <u>\$750,000</u>), the Shoreline Protection Program (\$100,000), <u>the North Boca Shore Program (\$50,000)</u> and the South Lake Worth Inlet Management Program (\$100,000). SUMMARY: The contracts are being established for constructing beach dune and wetland habitat restoration projects throughout the County on an as-needed basis. Three (3) responsive, responsible bids were received for this Project. The contracts will be awarded to a primary and secondary bidder. Eastman Aggregate Enterprises, LLC, a Palm Beach County company, was the primary lowest responsive, responsible bidder, with 21.23% Small Business Enterprise (SBE) participation, which exceeds the established 15% goal. H & R of Belle Glade, Inc., a Palm Beach County company located in Belle Glade, with 15.87% SBE participation, was the secondary lowest responsive, responsible bidder. The initial contract term is 12 months, which may be extended for an additional 24 months upon approval of the Board of County Commissioners. Work Order No. 1 details the necessary tasks to construct the Jupiter Dune Restoration Project. The Transfer from Reserves will provide the necessary funding for costs associated with the Shoreline Protection Program, and <u>and the South Lake Worth Inlet Program, and the North Boca Shore Program</u> for FY2012 and continued design, permitting and monitoring of the Jupiter Dune Restoration Project, supported by Tourist Development Taxes. <u>Countywide</u> (JM) (ERM)</p>
21	3M-5	<p><u>DELETED:</u> Staff recommends motion to: A) adopt a Resolution authorizing the County Administrator or the Director or Assistant Director of the Parks and Recreation Department to execute the amended standard form Independent Contractor Agreement for Palm Beach County Parks and Recreation Department for recreation instructors and sports officials;...(Parks) (Further staff review)</p>
23	3U-3	<p><u>REVISED TITLE:</u> Staff recommends motion to approve: A) Task Order No. 3 to the license agreement with Pictometry International Corporation (R2007-1010 and R2007-1011) to exercise a second two-year renewal option for new imagery at a not-to-exceed cost of \$251,806; and B) a Budget Amendment in the Information Technology Capital Improvement Fund to recognize a total of \$125,905 <u>\$125,903</u> in revenue from the Property Appraiser's Office, and an additional \$3,318 in project funding from the Information Technology Center <u>Capital</u> Improvement Fund Contingency Reserve. (ISS)</p>

- 30 4E **REVISED SUMMARY:** On December 6, 2011, the Board of County Commissioners voted to amend the Vehicle for Hire (VFH) ordinance. The ordinance amendments include the following: 1) include the addition of a Luxury Sedan category, 2) establish a Special Master Enforcement process with the requirements to be referenced in the Consumer Affairs Ordinance, 3) discontinue allowing VFH companies to deduct the fees paid to municipalities from the amount the county collects for the application/renewal and vehicle decal fees, and 4) establish a six (6) month moratorium effective December 20, 2011 to set a cap on the number of VFH vehicles that will operate in Palm Beach County. Staff will meet with the VFH industry to develop a policy establishing guidelines for the new VFH cap. On December 12, 2011, the Vehicle for Hire Advisory Committee held a special meeting to discuss the proposed 6-month vehicle cap moratorium and recommended the BCC modify the proposed moratorium as follows: 1) establish the moratorium for only 90 days, which will allow staff to implement long term policies and guidelines which will regulate the number of VFH vehicles that will be able to operate in the future; 2) the moratorium will only be applicable to taxis, sedans, and SUVs. Limousines, non-medical transport vehicles, shuttles, and wheelchair equipment vehicles will be exempt from the moratorium; 3) any vehicle acquired for a short-term period of 30 days or less will be exempt from this moratorium; and 4) allow current licensed VFH companies operating in Palm Beach County to increase their vehicle inventory by up to three (3) vehicles during this 90 day moratorium period. Countywide (GB) (Public Safety)
- 32 5C-1 **REVISED TITLE:** Staff recommends motion to approve on preliminary reading and advertise for public hearing on **Tuesday, January 24, 2012 at 9:30 a.m.:** an Ordinance of the Board of County Commissioners (Board) of Palm Beach County, Florida, amending Palm Beach County Code Chapter 26, Article II Division 1, known as the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance (Ordinance 2008-063); ... (Engineering)
- 33 5C-2* **REORDERED AS FIRST ITEM ON AGENDA FOLLOWING ADOPTION OF AGENDA:** Staff recommends motion to: **A) adopt** a Resolution to approve Amendment Number Eight to the County Incentive Grant Program Agreement R2001-2157 (Agreement) with the State of Florida Department of Transportation (FDOT) to extend the expiration date and provide for a reallocation of up to \$650,000 of the existing matching roadway construction funding for median beautification on Okeechobee Boulevard from State Road 7 to Florida's Turnpike (Improvements) and a Maintenance Memorandum of Agreement (MMOA) to ensure the maintenance of the Improvements and grassy areas within the above limits;... (Engineering)
- 40 8C **ADD-ON:** Request approval to present off-site, a Proclamation declaring January 12, 2012 as "Haiti 2010 Earthquake 2nd Anniversary Commemoration" in Palm Beach County. (Sponsored by Commissioner Vana)
- 40 8E **ADD-ON:** Request approval to present off-site, a Proclamation honoring Elaine Bernstein, National President of the Ladies Auxiliary, Jewish War Veterans of the United States. (Sponsored by Commissioner Aaronson)

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 (*).