

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

APRIL 3, 2012

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

**COMMISSION
CHAMBERS**

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

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

- 3. CONSENT AGENDA (Pages 7 - 24)**

- 4. REGULAR AGENDA (Pages 25 - 30)**
TIME CERTAIN – 10:00 A.M. (Banking Services Contract/Clerk & Comptroller) (Page 25)

- 5. BOARD APPOINTMENTS (Page 31)**

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- 2C-4 Child Abuse Prevention Month
- 2C-5 National Crime Victims' Week
- 2C-6 Water Conservation Month
- 2C-7 Authors Month
- 2C-8 Building Safety Month
- 2C-9 Sexual Assault Awareness Month
- 2C-10 Eta Phi Beta Sorority, Inc. Delta Chapter Day
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APRIL 3, 2012

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Proclamation honoring Samantha Kerker, and declaring April 3, 2012 as “The Prudential Spirit of Community Recognition Day” in Palm Beach County. (Sponsored by Commissioner Aaronson)
2. Proclamation declaring April 2012 as “Drowning Prevention Awareness Month” in Palm Beach County. (Sponsored by Commissioner Santamaria)
3. Proclamation declaring April 21 – 28, 2012 as “Week of the Young Child” in Palm Beach County. (Sponsored by Commissioner Burdick)
4. Proclamation declaring April 2012 as “Child Abuse Prevention Month” in Palm Beach County. (Sponsored by Commissioner Vana)
5. Proclamation declaring April 22 – 28, 2012 as “National Crime Victims’ Week” in Palm Beach County. (Sponsored by Commissioner Marcus)
6. Proclamation declaring April 2012 as “Water Conservation Month” in Palm Beach County. (Sponsored by Commissioner Abrams)
7. Proclamation declaring April 2012 as “Authors Month” in Palm Beach County. (Sponsored by Commissioner Burdick)
8. Proclamation declaring May 2012 as “Building Safety Month” in Palm Beach County. (Sponsored by Commissioner Vana)
9. Proclamation declaring April 2012 as “Sexual Assault Awareness Month” in Palm Beach County. (Sponsored by Commissioner Marcus)
10. Proclamation declaring March 31, 2012 as “Eta Phi Beta Sorority, Inc. Delta Chapter Day” in Palm Beach County. (Sponsored by Commissioner Taylor)
11. Proclamation declaring February 27 – March 4, 2012 as “Honda Classic Week” in Palm Beach County (Sponsored by Commissioner Taylor)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to:

A) ratify the submission of two (2) National Association of Counties Award Applications submitted to the National Association of Counties (NACO) on February 13, 2012 by the Chair; and

B) adopt a Resolution authorizing the County Administrator, or his designee, to submit future NACO Achievement Award applications and other similar forms associated with the application submitted by County Departments.

SUMMARY: The annual NACO Achievement Award Program is a non-competitive awards program that recognizes innovative county government programs. Each application is judged on its own merits and not against other applications received. Awards are given in 21 different categories including civic education and information, environmental protection, children and youth, criminal justice, county administration, information technology, health, and many more. Due to time constraints, the Chair approved the submittal of the NACO award applications by the Office of Community Revitalization (OCR) and the Department of Environmental Resources Management (ERM), which is now being submitted to the entire Board for approval. The Resolution authorizes the County Administrator or his designee to submit future NACO applications on behalf of the County. Countywide (AH)

B. CLERK & COMPTROLLER

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

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

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

C. ENGINEERING & PUBLIC WORKS

1. **DELETED**

2. **Staff recommends motion to approve:** a Renewal Agreement with Gentile, Holloway, O'Mahoney & Associates, Inc., (GHO), for Landscape Architectural Services Annual Agreement, whose original Agreement was dated April 20, 2010 (R2010-0551). **SUMMARY:** Approval of this Renewal Agreement will extend the required professional services for one year, on a task order basis. The Renewal Agreement with GHO will continue for the period of April 20, 2012, through April 19, 2013. GHO is a Palm Beach County company, but not a certified Small Business Enterprise. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. **Staff recommends motion to approve:** the renewal of the Civil Engineering Annual Agreements with Civil Design, Inc. (CDI) whose original Agreement was dated April 20, 2010 (R2010-0576); Last Devenport, Inc. (LDI), whose original Agreement was dated April 20, 2010 (R2010-0592), and Michael B. Schorah & Associates, Inc. (Schorah), whose original Agreement was dated May 4, 2010 (R2010-0693). **SUMMARY:** Approval of these renewal agreements will extend required professional services for one year, on a task order basis. The renewal agreements for CDI and LDI will continue for the period of April 20, 2012, through April 19, 2013. The Renewal Agreement with Schorah will continue for the period of May 4, 2012, through May 3, 2013. CDI, LDI, and Schorah are Palm Beach County companies and certified Small Business Enterprises. Countywide (MRE)

4. **Staff recommends motion to approve:** the renewal of the Street Lighting Services Annual Agreements with Erdman Anthony of Florida, Inc. (EAF) whose original Agreement was dated April 20, 2010 (R2010-0552), and Progressive Design & Engineering, Inc. (PD&E) whose original Agreement was dated April 20, 2010 (R2010-0553). **SUMMARY:** Approval of these renewal agreements will extend the required professional services for one year, on a task order basis. The renewal agreement with EAF and PD&E will continue for the period of April 20, 2012, through April 19, 2013. EAF and PD&E are both Palm Beach County companies. EAF is not a certified Small Business Enterprise (SBE). PD&E is a certified SBE. Countywide (MRE)

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:**
 - A) Florida Department of Education Project Application for the period July 1, 2012, through June 30, 2013, in an amount of \$223,486, for the Farmworker Jobs & Education Program under Title I of Workforce Investment Act; and
 - B) Memorandum of Understanding (MOU) with Workforce Alliance, Inc. to provide program services to farm workers.

SUMMARY: The Farmworker Jobs & Education Program (formerly Adult Migrant Program) is funded by the State Department of Education to provide academic education and vocational training to farm workers and their dependents to get permanent employment outside of farm work. Funding for Program Year 2012-2013 will provide enrollment and training services for 99 participants. The MOU will establish an organizational framework to integrate the delivery of Program workforce services into the One-Stop delivery system. The MOU satisfies the Program delivery requirement contained in the Workforce Investment Act of 1998. No County funds are required. (Farmworker Jobs & Education Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to approve:** five (5) amendments to Ryan White Part A HIV Health Support Services (Formula and Supplemental) Contracts for the period March 1, 2011, through February 29, 2012:

A) Amendment No. 3 to Comprehensive Community Care Network, Inc. DBA FoundCare, Inc. (R2011-0469) to decrease funding for Home Health Care by \$12,000, Mental Health Counseling by \$7,000, Residential Substance Abuse by \$5,000, and Medical Transportation by \$14,000 for a new total contract amount not-to-exceed \$467,619;

B) Amendment No. 2 to Health Care District of Palm Beach County (R2011-0471) to decrease funding for Local Supplemental/ADAP Drug Program by \$90,000 for a new total contract amount not-to-exceed \$685,403;

C) Amendment No. 5 to Comprehensive AIDS Program of Palm Beach County, Inc. (R2011-0468) to increase funding for Medical Case Management by \$128,000 for a new total contract amount not-to-exceed \$1,654,293;

D) Amendment No. 2 to Treasure Coast Health Council, Inc. (R2011-0478) to increase funding for Quality Management Services by \$13,792 for a new total contract amount not-to-exceed \$53,792; and

E) Amendment No. 1 to Palm Beach County Health Department (R2011-1755) to transfer funding from Outpatient Primary Medical Care to Lab/Diagnostic Services by \$35,000 for a new total contract amount not-to-exceed \$466,153.

SUMMARY: Ryan White HIV Health Support service dollars are reviewed throughout the contract year and are reallocated to best meet the needs of affected clients. A decrease of \$38,000 from Comprehensive Community Care Network, Inc. DBA FoundCare and \$90,000 from Health Care District of Palm Beach County was reallocated to Comprehensive AIDS Program of Palm Beach County, Inc. (\$128,000). An increase of \$13,792 to Treasure Coast Health Council, Inc. from Grantee Administration allowed additional Quality Management projects to be completed to ensure quality client level data to meet grant compliance. Palm Beach County Health Department transferred funding in order to meet the needs in Lab/Diagnostic services. These reallocations and transfers allowed clients to be served from the waiting list with Medical Case Management and Lab/Diagnostic services. These amendments are part of a final reconciliation and sweep process to ensure services were maximized and a waiting list was avoided. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. **Staff recommends motion to approve:** five (5) contracts for provision of Ryan White Part A HIV Health Support Services with listed provider agencies for the period March 1, 2012, through February 28, 2013, totaling \$1,464,484, for Ryan White Part A Treatment Extension Act of 2009 HIV Emergency Relief Formula funds:

A) Compass, Inc.	\$ 264,066
B) Gratitude House, Inc.	\$ 13,696
C) Health Care District of Palm Beach County	\$ 620,322
D) Legal Aid Society of Palm Beach County, Inc.	\$ 204,000
E) Treasure Coast Health Council, Inc.	<u>\$ 362,400</u>
Total	\$1,464,484

SUMMARY: A Notice of Grant Award from the Department of Health and Human Services Health Resources and Services Administration (HRSA) was received on March 1, 2012 and conveys an award totaling \$9,054,547 for the contract period March 1, 2012, through February 28, 2013. The contracts listed represent a portion of the total funding of the agency awards approved by the BCC on February 7, 2012. These agencies are selected and recommended for contracting through a Request for Proposal (RFP) process. The balance of the funding will be awarded and the provider contracts will be submitted on a future BCC agenda. The contracts cover services for HIV affected clients, including medical case management, medical care, pharmacy, oral health care, and substance abuse treatment. Employees Roz Collins of Gratitude House, Inc., Kimberly Rommel-Enright and Vicki Tucci of Legal Aid Society of Palm Beach County, Inc. serve on a County Advisory Board, the HIV CARE Council. Employee Mickale Linton of Legal Aid Society of Palm Beach County, Inc. serves on a County Advisory Board, the Head Start-Early Head Start Policy Council. 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. No County funds are required. (Ryan White) Countywide (TKF)

F. AIRPORTS

1. **Staff recommends motion to adopt:** a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 1 with the Florida Department of Transportation (FDOT) amending the original project description. **SUMMARY:** On October 16, 2007, the Board of County Commissioners adopted a resolution (R2007-1792) approving a Joint Participation Agreement with the FDOT in the amount of \$2,625,000 or 50% of the eligible project costs, whichever is less, for the Airfield Taxiway Rehab project at Palm Beach International Airport (PBIA). That project came in under budget, leaving \$1,183,531 available for re-programming to another eligible project. The Department of Airports has requested and obtained approval to utilize those excess funds for security improvements at PBIA. The FDOT vehicle for accomplishing this reallocation is a SJPA. SJPA Number 1 amends the original project description to include Airport Security Improvements at PBIA and amends the FDOT's participation on the balance of the original project in the amount of \$1,183,531 from 50% to 100%. Countywide (AH)
2. **Staff recommends motion to approve:** Noise Monitoring Station Easement with Palm Beach Atlantic University (PBAU) for the installation, maintenance and operation of a noise monitoring station on PBAU property in the Vedado neighborhood, located in the City of West Palm Beach (City), east of the Palm Beach International Airport (PBIA). **SUMMARY:** The easement provides for access and utilities and for the installation, operation and maintenance of a noise monitoring station that will provide readings of airport noise levels in the vicinity of the Vedado neighborhood, located east of PBIA, north of Southern Boulevard and east of Interstate 95. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to receive and file: Agreement for One-Year Extension and Amendment of Airline-Airport Use and Lease Agreement with US Airways, Inc. to extend the termination date of the Agreement for one year to expire on September 30, 2012. **SUMMARY:** Delegation of authority for execution of the standard County agreements above was approved by the Board of County Commissioners in R2011-0183. Countywide (AH)
4. Staff recommends motion to receive and file: Hotel-Motel Courtesy Shuttle Operator Permit with THI IV PBG Lessee LLC d/b/a DoubleTree Palm Beach Gardens Hotel commencing February 6, 2012, terminating September 30, 2012, automatically renewed on yearly basis (October 1st through September 30th). **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2010-0707. Countywide (AH)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: a First Amendment to Interlocal Agreement (R2009-0558) with the Town of Lantana (Town) to extend the term of the agreement to April 6, 2015. **SUMMARY:** The Interlocal Agreement with the Town, which provides the terms and conditions under which the Town receives radio equipment maintenance services from the County will expire on April 6, 2012. The Interlocal Agreement provides for one (1) renewal option for a period of three (3) years. Both parties must approve the renewal option. The Town has approved the renewal to extend the term of the Interlocal Agreement until April 6, 2015. The renewal now requires Board approval. The terms of the agreement are standard and the maintenance rates are consistent with those being charged to County Departments. The Interlocal Agreement may be terminated by either party, with or without cause, with a minimum of three (3) months notice. (ESS) District 7 (JM)
2. Staff recommends motion to approve: a Declaration of Easement in favor of Palm Beach County Water Utilities Department (WUD) for a force main located on a portion of the County's Southwinds Public Golf Course (Southwinds Golf Course) property in unincorporated Boca Raton. **SUMMARY:** WUD has installed a force main on the west side of Lyons Road within the Southwinds Golf Course's eastern boundary, between New England Boulevard and Kimberly Boulevard, in unincorporated Boca Raton. The force main is necessary in order to reduce pressure in the sewer collection system for the surrounding area. Palm Beach County Parks & Recreation Department and WUD have entered into a Memorandum of Understanding memorializing the terms and conditions regarding the installation of the force main wherein WUD contributed \$60,000 towards the repaving of the clubhouse parking lot. The easement is irregular in shape and varies in width, but is generally 20' wide and contains approximately 49,222.80 square feet (1.13 acres). The Declaration will be recorded to provide notice of the existence and location of the force main. (PREM) District 5 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** a Second Amendment to Interlocal Agreement (R2002-0548) with the Health Care District of Palm Beach County ("District") to extend the term of the Agreement to April 15, 2017. **SUMMARY:** The Agreement which provides the terms and conditions under which the District can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications, expires on April 15, 2012. The Agreement provides for three (3) renewal options, each for a period of five (5) years. Both parties must approve the renewal option. The District has approved a renewal to extend the term of the Agreement until April 15, 2017. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The District 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 renews the term, updates the notice provisions, modifies the access and release of programming codes, and provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (JM)

I. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to approve:** a technical revision to the State Housing Initiative Partnership (SHIP) Program Local Housing Assistance Plan's Foreclosure Prevention Strategy. **SUMMARY:** The technical revision to the Foreclosure Prevention Strategy will allow an income eligible applicant to receive up to a maximum award of \$15,000. This increase is necessary because requests for assistance have consistently been exceeding the current maximum award of \$10,000. Palm Beach County is partnering with neighboring U.S. Department of Housing and Urban Development (HUD) approved housing counseling agencies to provide mortgage delinquency and default resolution counseling services to income certified families seeking foreclosure prevention assistance. The revision will allow for a \$500 project activity delivery fee for counseling agencies, and a direct assistance allocation up to \$14,500 to assist with delinquent mortgage payments, including late fees, attorney's fees, homeowners association fees, special assessments, other associated foreclosure costs, property taxes and homeowners insurance. This proposed revision will help reinstate additional loans at risk of foreclosure, and maintain affordable homeownership. **These are State SHIP grant funds which require no local match.** (B&HA) Countywide (TKF)
2. **Staff recommends motion to approve:** the reduction of the encumbrance period for the Foreclosure Prevention, Utility Connection/Impact Fee Payment, and Owner-Occupied Rehabilitation Strategies funded under the State Housing Initiative Partnership (SHIP) program. **SUMMARY:** The current encumbrance period for the Foreclosure Prevention, Utility Connection/Impact Fee Payment, and Owner Occupied Rehabilitation Strategies is 30 years. The proposed encumbrance periods for these Strategies follow a tiered approach as follows: five (5) years for applicants receiving up to \$15,000 in assistance, ten (10) years for applicants receiving more than \$15,000 up to \$40,000 in assistance, and 15 years for applicants receiving more than \$40,000 up to the maximum allowable amount of assistance. Upon approval of this agenda item, the State Local Housing Assistance Plan will be amended to reflect the above revisions to the encumbrance periods and will be forwarded to the Florida Housing Finance Corporation. **These are State SHIP grant funds which require no local match.** (B&HA) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

3. Staff recommends motion to receive and file: the State Housing Initiative Partnership (SHIP) Annual Reports for:

A) Grant Fiscal Year 2008/2009 covering the program period from July 1, 2008, to June 30, 2009, representing the expenditure of \$9,587,106, which includes expending \$8,173,250 to assist 227 households under the homeownership strategy, and expending \$1,413,856 to assist 457 households under the rental strategy;

B) Grant Fiscal Year 2009/2010 covering the program period from July 1, 2009, to June 30, 2010, representing the expenditure of \$81,153.95 to assist 13 households under the homeownership strategy; and

C) Grant Fiscal Year 2010/2011 covering the program period from July 1, 2010, to June 30, 2011, representing a funding allocation of \$347,917, to assist five (5) income eligible applicants under the homeownership strategy.

SUMMARY: The Florida Housing Finance Corporation (FHFC) requires the submission of the SHIP Annual Reports in connection with the County's receipt of SHIP funds. These reports provide the number of households assisted and the amount of funds expended on such assistance by grant year and by affordable housing strategy. The SHIP Annual Reports for Grant Fiscal Years 2008/2009, 2009/2010, and 2010/2011 have been submitted to and approved by the State. These reports were executed on behalf of the Board of County Commissioners (BCC) by the County Administrator, or his designee, in accordance with Resolution R2009-1176, approved by the BCC on July 21, 2009. They are now being submitted to the BCC to receive and file. The County historically received approximately \$8.9 Million in SHIP funds annually. Over the last three (3) years the County has received approximately \$796,000 annually, which is a reduction of approximately \$8.1 Million per year. **This funding is projected to create 121 jobs and have a five (5) year Economic Sustainability Impact of \$18.1 Million. These are State SHIP grant funds which require no local match.** (B&HA) Countywide (TKF)

K. WATER UTILITIES

1. Staff recommends motion to approve: Supplement No. 1 to Work Authorization No. 38 with Globaltech, Inc. (R2008-2323) for Water Treatment Plant (WTP) No. 3 Diesel Fuel Tank Installation increasing the contract time by 159 days at no additional cost. **SUMMARY:** On February 1, 2011, the Palm Beach County Board of County Commissioners (BCC) approved Work Authorization No. 38 with Globaltech, Inc. (R2008-2323) for WTP No. 3 Diesel Fuel Tank Installation in the amount of \$249,823. This Supplement increases the contract time by 159 days at no additional cost to allow for project completion within 319 days. The original Work Authorization included the design, permitting and installation of a new 30,000 gallon below ground, fiberglass, diesel storage tank at WTP No. 3 with a project schedule of 160 days to attain final completion. A time extension of 159 days is requested due to delays caused by site plan revisions required during the design phase. The location of the tank was revised, resulting in additional evaluation of conflicts with existing utilities, site constraints and permitting. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. The contract with Globaltech, Inc. provides for SBE participation of 75% overall. This Supplement includes 100% overall SBE participation. The cumulative SBE participation, including this Supplement is 76.24 % overall. Globaltech, Inc. is a Palm Beach County company. (WUD Project No. 09-004) District 5 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. [Staff recommends motion to receive and file:](#) executed Standard Development Agreements received during the month of February 2012:

A) Standard Development Agreement with Pebb Enterprises Royal Palm Beach Property, LLC SDA No. 01-01223-000 (District 6);

B) Standard Development Agreement with Oak Leaf Park, LLC, SDA No. 02-01130-000 (District 3); and

C) Standard Development Agreement with Most Reverend Gerald M. Barbarito, D.D.J.C.L, as Bishop of the Diocese of Palm Beach, SDA No. 09-01061-001 (District 5).

SUMMARY: In accordance with County PPM CW-0-051, all delegated contracts/agreements/grants/ procurement items must be submitted by the initiating Department as a receive and file agenda item. The above Standard Development Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Deputy Director of the Water Utilities Department in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the Board to receive and file. (SF)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

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

A) receive and file: Project Agreement (PB-11-155) executed by the Florida Inland Navigation District (FIND) for \$372,868 for the Lake Wyman Restoration Project situated along the Intracoastal Waterway within the City of Boca Raton, expiring September 1, 2013; and

B) approve: Budget Amendment of \$372,868 in the Environmental Enhancement Non-Specific Fund to recognize the FIND agreement.

SUMMARY: Project Agreement (PB-11-155) with FIND for \$372,868 for the Lake Wyman Restoration Project requires a 50% match from the Environmental Enhancement Non-Specific Fund. The project includes removal of exotic vegetation and restoring of mangroves and maritime hammock; shoreline stabilization and oyster reef habitat; and it provides public-use facilities, including additional boardwalk, pathway, and an observation tower, and enhancement of canoe trails, to promote environmental education and recreational opportunities. District 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

A) approve Grant Agreement No. 11152 with the Florida Fish & Wildlife Conservation Commission (FFWCC) that provides \$45,180 for installation of twenty-eight (28) mooring buoys and thirty-eight (38) anchor pins at several locations in Palm Beach County, expiring March 15, 2018;

B) approve Budget Amendment of \$45,180 to the Environmental Enhancement Saltwater Fund for the mooring buoy project;

C) adopt Resolution authorizing the Clerk of the Board to disburse \$100,000 from the Vessel Registration Fee Trust Fund for the Mooring Buoy Program;

D) approve Budget Transfer of \$100,000 from the Vessel Registration Fee Trust Fund for installation and maintenance of the Mooring Buoy Program; and

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

SUMMARY: A Resolution authorizing the Director of Environmental Resources Management to submit a grant application and to serve as project manager was approved by the Board of County Commissioners on May 3, 2011 (R2011-0646). The FWC Florida Boating Improvement Program (FBIP) Grant Agreement will reimburse the County \$45,180 for installation of twenty-eight (28) mooring buoys and thirty-eight (38) anchor pins at several locations in Palm Beach County. A non-cash match of \$15,020 is required from in-kind services. Mooring Buoy Program costs are supported by Vessel Registration Fee Funds and private donations. Districts 1, 4 & 7 (SF)

3. Staff recommends motion to:

A) approve a 25-year Sovereignty Submerged Lands Lease with the Florida Department of Environmental Protection for the management of approximately 3.8-acre area of State-owned, Sovereignty Submerged Lands adjacent to the County's Delaware Scrub Natural Area; and

B) authorize the County Administrator, or his designee, to sign all future time extensions, and other forms associated with this lease and necessary minor amendments that do not change the terms and conditions of the lease.

SUMMARY: This fee-waived lease provides for the long-term management and maintenance of a 3.8-acre area of State-owned Sovereignty Submerged Lands adjacent to the County's Delaware Scrub Natural Area. This 25-year lease will allow the County to manage the area as part of the natural area and enforce the provisions of the County's Natural Areas Ordinance (No. 94-13) as amended. The only fiscal impact to the County will be the cost to record the document (estimated cost of \$146.00). Management of the additional 3.8 acres of relatively exotic-free mangrove habitat will be accomplished with existing Delaware Scrub management staff and volunteers, resulting in no additional fiscal impact to the County. District 1 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. Staff recommends motion to receive and file: two (2) original documents for the Department of Environmental Resources Management:

A) Amendment No.5 with the Florida Department of Environmental Protection (FDEP) Grant Agreement No. LP6077 to extend the end date beyond the current authorized funding period for the Chain of Lakes Restoration Project; and

B) Task Assignment No. SE-167 to the Fish and Wildlife Conservation Commission (FWC) Contract No.11077 for contracted services to treat and control invasive exotic plants in the Palm Beach County Loxahatchee Slough Natural Area.

SUMMARY: Grant Agreement No. LP6077 was approved on April 4, 2006 (R2006-0579) with the FDEP to reimburse the County for a portion of the construction of the Palm Beach County Chain of Lakes Restoration Project. Delegated authority to sign all future time extensions was provided at that time pursuant to PPM CW-O-051. No ad valorem support is required. Contract No. 11077 was approved on October 18, 2011 (R2011-1632) with the FWC retaining Palm Beach County through the Department of Environmental Resources Management (ERM) to perform upland invasive exotic plant control services on a task assignment basis, effective upon execution by both parties and expiring June 30, 2021. Delegated authority to sign all task assignments was provided at that time pursuant to PPM CW-O-051. No ad valorem support is required for this task assignment. District 1/Countywide (SF)

5. Staff recommends motion to:

A) approve Task Order No. 1296-07 to a continuing Contract (R2010-1296) with Applied Technology & Management (ATM) in the amount of \$233,094 for engineering services for a pilot project to reduce phosphorus in Pine Lake, the northernmost of the Chain of Lakes;

B) adopt Resolution authorizing the Clerk of the Board to disburse \$151,547 from the Vessel Registration Fee Trust Fund for the Phoslock Project;

C) approve Budget Transfer of \$151,547 from the Vessel Registration Fee Trust Fund for the Task Order(\$116,547) and Contingency and Start-up costs (\$35,000); and

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

SUMMARY: The BCC approved the Contract with ATM, a Palm Beach County company, on August 17, 2010 (R2010-1296). This Task Order No. 1296-07 authorizes ATM to oversee the services of a subcontractor (AMEC) who will manage the surface application of a compound (Phoslock) that will bind phosphorus and reduce pollution levels of Pine Lake. There is 0% Small Business Enterprise (SBE) participation on the Task Order. ATM committed to an overall 15% SBE participation in the Contract and has achieved 26.5% participation with this Task Order. The work is funded by the Environmental Restoration Program and the Vessel Registration Fund, a non-ad valorem source. The Task Order is scheduled to be complete December 31, 2012. District 2 (JM)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. [Staff recommends motion to receive and file:](#) executed Independent Contractor Agreements received during the month of February of 2012:

A) Caroline Andre, Cheerleading Coach, Westgate Park and Recreation Center, for the period February 18, 2012, through April 22, 2012 (ANDRE11626902125232M); and

B) Michael Alford, Basketball Official, Westgate Park and Recreation Center, for the period February 18, 2012, through April 22, 2012 (ALFO11980202125232J).

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 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, 07-0409 and 12-0168, and are now being submitted to the Board to receive and file. District 7 (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) receive and file three (3) Grant Adjustment Notices from the Bureau of Justice Assistance to change the scope of work of the grant projects to be used for the Riviera Beach Justice Service Center (RBJSC);

B) approve the Interlocal Agreement for \$212,165 with the City of Riviera Beach as a partner to continue providing reentry services at the Justice Service Center from October 1, 2011, through September 30, 2012 as outlined in the Palm Beach County Criminal Justice Commission Reentry Task Force's 5-Year Strategic Plan;

C) approve a Budget Transfer of \$20,000 within the JAG-LLEBG ARRA Grant Fund from reserves to meet continuing funding obligations in the RBJSC Program;

D) approve a Budget Transfer of \$58,000 within the Local Law Enforcement Block Grant Fund from transfers to meet continuing funding obligations in the RBJSC Program;

E) approve a Budget Transfer of \$64,495 within the Criminal Justice Commission Grants Fund from transfers to meet continuing funding obligations in the RBJSC Program;

F) approve a Budget Transfer of \$6,942 within the Crime Prevention Fund from reserves to meet continuing funding obligations in the RBJSC Program; and

G) approve a Budget Amendment of \$122,495 in the Criminal Justice Trust Fund to recognize the transfer amounts from the Local Law Enforcement Block Grant Fund and Criminal Justice Commission Grants Fund.

SUMMARY: Changes to the grants' scopes of work include reallocation of \$37,089 from "Interest Income," \$60,000 from the "Pride Probation Referral Program," and \$20,017 from "Interest Income" for the continuation of reentry services at the Riviera Beach Justice Service Center. The Riviera Beach Justice Service Center has been operational for five (5) years and serves released offenders from state facilities with a variety of services with the ultimate goal being successful reintegration into the community and reduction in recidivism. The Riviera Beach Justice Service Center provides services on-site or through referrals. Services include employment-training and education, substance abuse, mental health, legal assistance, life skills, and court assistance. The Board previously approved the FY 2012 Justice Assistance Grant (JAG) Application on August 16, 2011 (R2011-1210). There is no match requirement for JAG funds. Countywide (PGE)

2. Staff recommends motion to approve:

A) a Budget Transfer of \$61,590 within the Criminal Justice Commission Grants Fund from contributions to meet continuing funding obligations in the Regional and State Transitional Offender Reentry (RESTORE) Initiative; and

B) a Budget Amendment of \$61,590 in the Criminal Justice Trust Fund to recognize the transfer from the Criminal Justice Commission Grants Fund.

SUMMARY: The transfer within the Criminal Justice Commission Grants Fund recognizes that unexpended funding from the prior fiscal year is required for outstanding obligations of the Office of the Public Defender as per the contract (R2011-1077). The above mentioned budget adjustments will allow for this to take place. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to:

A) approve the Second Amendment to the Agreement (R2010-0650) with Palm Beach State College (PBSC) for Co-Location Services which will generate first year revenue to Palm Beach County (County) estimated at \$13,080, and

B) authorize the County Administrator or his designee, ISS Director, to approve and execute Task Orders associated with these services up to a maximum total revenue of \$10,000 per Task Order.

SUMMARY: PBSC is a State of Florida educational institution which has an existing agreement with Palm Beach County for Network Services. PBSC wishes to amend this agreement to include Co-Location Services as described in the attached Second Amendment. PBSC would now like to take advantage of our Co-Location service, which will allow PBSC to bring their backup computer hardware to our facility. District 3 (PFK)

X. PUBLIC SAFETY

1. Staff recommends motion to ratify: the signature of Palm Beach County's Purchasing Director on the Tier 1 Shelter - Partners in Protection Program Agreement with Merial Limited to utilize Frontline and Heartgard brand products for dogs and cats that are in the care of Palm Beach County's Division of Animal Care and Control at no cost for the period February 13, 2012, through December 31, 2012. **SUMMARY:** This agreement will provide the Division of Animal Care and Control (ACC) with Frontline and/or Heartgard products at no cost to the County. ACC agrees to exclusively apply Frontline product for the prevention of fleas and ticks and provide Heartgard for the prevention of heartworms to all cats and dogs expected to be adopted from ACC's shelter. ACC will promote Merial's Frontline and Heartgard brand products through material provided by Merial such as marketing collateral and coupons. This program was solicited through the coordinating efforts of ACC and Merial. This program saves ACC thousands of dollars each year. Countywide (SF)

Z. RISK MANAGEMENT

1. Staff recommends motion to approve: a Contract with Concept EFL Imaging Center, LLC to provide radiology services to the County's occupational health clinic in the amount not-to-exceed \$81,000 for the period April 23, 2012, through April 22, 2015. **SUMMARY:** Radiology services are necessary to the operation of the County's on-site occupational health clinic for high risk positions in keeping with "best practice" employee safety provisions under Occupational Safety & Health Administration (OSHA), National Institute for Occupational Safety & Health (NIOSH) and National Fire Protection Association (NFPA). Services include lumbosacral and/or chest x-rays required on pre-employment, periodic/annual physical exams, and special screening as needed followed by written interpretations and summary reports. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. **Staff recommends motion to approve:** Contract with Creative Outdoor Advertising of America, Inc. under which they will install, maintain, and service advertising bus benches along Palm Tran's fixed routes. **SUMMARY:** The initial term of the contract is for ten (10) years and will provide the County with an estimated \$379,500 in revenue. At its option, the County may extend the Contract for an additional five (5) years. At start up, the Contractor will remove all existing advertising benches and replace them with modern American with Disabilities Act (ADA) compliant benches (with two waste containers for recycling); in addition the surface areas at the benches will be brought up to current ADA standards, all at no cost to the County. Thereafter the Contractor will maintain the benches, surrounding area, and handle waste pick up. Monthly payment to the County will be based on the number of advertising benches in service each month. Countywide (DR)

BB. SHERIFF'S OFFICE

1. Staff recommends motion to:
 - A) receive and file** the Third Amendment with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative to extend the ending grant period from June 30, 2011, through December 30, 2011;
 - B) receive and file** the Fourth Amendment with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative to provide an additional \$10,000 in reimbursable funding for various direct law enforcement oriented domestic security activities and to extend the ending grant period from December 31, 2011, through June 30, 2012; and
 - C) approve** a Budget Amendment of \$10,000 in the Sheriff's Grant Fund.

SUMMARY: On May 20, 2008, the Board of County Commissioners accepted on behalf of the Palm Beach County Sheriff's Office, an agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative to provide \$412,745 in FY 2007 reimbursable funding for various direct law enforcement oriented domestic security activities effective until April 10, 2010 (R2008-0894). On August 18, 2009, the Board of County Commissioners (BCC) accepted two (2) agreements to provide an additional \$229,185 in reimbursable funding (R2009-1335) (R2009-1336). On December 21, 2010, the BCC received and filed an agenda item extending the grant period from April 30, 2010, through December 31, 2010 (R2010-2121). On May 3, 2011, the BCC received and filed an agenda item extending the grant period from December 31, 2010, through June 30, 2011 (R2011-0682). This agenda item will extend the grant period from June 30, 2011, through June 30, 2012. The PBSO has been given an extension to allow the previously awarded grant funds to be fully expended. The award was not fully expended in FY 2011. The balance of the award being carried forward into FY 2012 is \$834. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PE)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF'S OFFICE (Cont'd)

2. **Staff recommends motion to receive and file:** the Third Amendment with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative to extend the agreement period for various direct law enforcement oriented domestic security activities, from December 30, 2011, through February 29, 2012. **SUMMARY:** On August 18, 2009, the Board of County Commissioners (BCC) accepted an agreement to provide \$451,337 in reimbursable funding; the original period for this agreement was August 27, 2009, through May 31, 2011 (R2009-1334). On October 18, 2011, the BCC received and filed an agenda item extending the grant period from May 31, 2011, through August 31, 2011 (R2011-1652). On February 7, 2012, the BCC received and filed an agenda item extending the grant period from August 31, 2011, through December 30, 2011 (R2012-0269). This agenda item will extend the agreement period from December 30, 2011, through February 29, 2012. This agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. These funds and related equipment will be used for direct law enforcement activities. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PE)

3. **Staff recommends motion to receive and file:** the Third Amendment with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative to extend the agreement period for the Regional Virtual Fusion Center from December 30, 2011, through February 29, 2012. **SUMMARY:** On January 12, 2010, the Board of County Commissioners (BCC) accepted an agreement to provide \$336,900 in reimbursable funding; the original period for this agreement was August 27, 2009, through May 31, 2011 (R2010-0121). On October 18, 2011, the BCC received and filed an agenda item extending the grant period from May 31, 2011, through August 31, 2011 (R2011-1653). On March 6, 2012, the BCC received and filed an agenda item extending the grant period from August 31, 2011, through December 30, 2011 (3BB-3). This agenda item will extend the agreement period from December 30, 2011, through February 29, 2012. This agreement provides a means of funding various domestic security activities within the County and region using federal Urban Area Security Initiative (UASI) funds through the City of Miramar as the Ft. Lauderdale UASI's fiscal agent. These funds and related equipment will be used for the Regional Virtual Fusion Center hosted by PBSO. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PE)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF'S OFFICE (Cont'd)

4. **Staff recommends motion to approve:** a Budget Transfer of \$20,000 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2012 estimated donation requirement is \$87,670. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETf balance is \$1,813,300. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,793,300. The year-to-date transfer for all donations after approval of this item is \$769,328. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (GB)

<u>Organization</u>	<u>Amount</u>
Horses Healing Hearts, Inc.	\$15,000
Palms West Community Foundation	<u>\$ 5,000</u>
Total Amount of Donations	\$20,000

5. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the Florida Department of Law Enforcement Office of Criminal Justice Grant to extend the grant period from December 31, 2011, through March 31, 2012. **SUMMARY:** On December 20, 2011, the Board of County Commissioners accepted this award to provide \$34,074 in reimbursable funding; the original period for this award was October 1, 2011, through December 31, 2011 (R2011-2063). This agenda item will extend the award period from December 31, 2011, through March 31, 2012. 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 (PE)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF'S OFFICE (Cont'd)

6. Staff recommends motion to:

A) accept, on behalf of the Palm Beach County Sheriff's Office, an Agreement with the Port of Palm Beach District (PORT) for reimbursement of expenses associated with the Marine Emergency Response Project, in the amount of \$500,000 associated with the 2007 Port Security Grant for the period ending on September 30, 2012; and

B) approve a Budget Amendment of \$500,000 in the Sheriff's Grant Fund.

SUMMARY: The Port of Palm Beach District received an award from the United States Department of Homeland Security FY 2007 Port Security Grant for the Marine Emergency Response Project. On February 2, 2012, the Palm Beach County Sheriff's Office and the PORT entered into an agreement to expend the Port Security Grant Program funding in providing security service to the PORT. The objective of the project is to create a sustainable, risk-based effort for the protection of critical port infrastructure from terrorism, especially explosives and non-conventional threats that would cause major disruption to commerce and significant loss of life. Under this Agreement, the Palm Beach County Sheriff's Office will receive \$500,000 in reimbursable funds for capital expenses associated with the project. The required match in the amount of \$166,667 is being provided by the Palm Beach County Sheriff's Office through U.S. Department of Treasury forfeiture funds. No additional positions are needed and no County funds are required. Countywide (PE)

7. Staff recommends motion to receive and file: Grant Adjustment Notice amending the National Institute of Justice (NIJ) FY 2010 "Solving Cold Cases with DNA" to extend the grant period from March 31, 2012, through September 30, 2012. **SUMMARY:** On October 19, 2010, the Board of County Commissioners accepted this award to provide \$132,505 in reimbursable funding; the original grant period for this award was October 1, 2010, through March 31, 2012 (R2010-1732). This agenda item will extend the grant period from March 31, 2012, through September 30, 2012. The objective of this grant award is to combine the efforts of the PBSO Special Investigations Bureau, Crimes Against Children/Sexual Assault Unit with the Violent Crimes Bureau in conjunction with the experience of the Serology/DNA Section of the Crime Laboratory to solve Cold Cases. These funds, which have been approved by NIJ, will be used to pay overtime, travel, and consulting fees; and for the purchase of laboratory supplies and equipment. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (PE)

3. CONSENT AGENDA APPROVAL

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. **Staff recommends motion to approve:** a Consultant Service Authorization No. 4 to the Engineering/Professional Services Contract with Keshavarz & Associates, Inc. (R2011-0636) for the construction administration services for Westgate/Belvedere Homes Infrastructure Improvement Project, Phase I in the amount of \$381,535. **SUMMARY:** On May 3, 2011, the Board of County Commissioners approved the Water Utilities Department (WUD) Engineering/Professional Services Contract with Keshavarz & Associates, Inc. (R2011-0636). This Authorization No. 4 provides construction services relating to grading, paving and drainage components for the Westgate/Belvedere Homes Infrastructure Improvement Project, Phase I. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Keshavarz & Associates, Inc. provides for SBE participation of 15%. This Authorization includes 100% overall participation. The cumulative SBE participation is 100% overall. Keshavarz and Associates, Inc. is a Palm Beach County Company. (WUD Project No. 11-022) District 7 (JM) (Water Utilities)

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4. REGULAR AGENDA

A. CLERK & COMPTROLLER

TIME CERTAIN – 10:00 A.M.

1. Staff recommends motion to receive and file: review of new banking services contract. **SUMMARY:** The Clerk & Comptroller's office will provide a review of the savings and increased efficiencies that have resulted from the new Banking Services Contract with Wells Fargo. Countywide (DN)

B. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve:

A) issuance of an Impact Fee Assistance Program Certificate of Award to Dakota Abacoa Housing, LLC for a credit of \$445,512 towards the payment of Road Impact Fees in Zone 1 for the construction of 132 affordable rental units; and

B) a Budget Transfer of \$445,512 to appropriate funds for the Dakota Abacoa Housing, LLC housing project.

SUMMARY: Dakota Abacoa Housing, LLC (DAH) submitted a request for assistance in response to a Notice of Funding Availability issued in November 2011 by the Department of Economic Sustainability (DES). Staff is recommending \$445,512 in credits towards the payment of County Zone 1 Road Impact Fees for Dakota Apartments which will have a total of 142 units. The total Zone 1 Road Impact Fees for the project are \$480,000. The award amount was reduced by 7% as the total number of affordable units are only 93% (132) of the total number of units (142). All 132 affordable rental units are intended to be rented to persons of moderate income whose income is less than 120% of the median annual adjusted gross income. The monthly rents including utilities do not exceed 30% of the median adjusted gross income for the household. The project allows for conversion of the units to for-sale units provided the requirements for affordability remain. A Declaration of Restrictive Covenants will be recorded to ensure a 15 year affordability period. DAH's funding request included evidence of site control, infrastructure availability, appropriate zoning, and proper location within the County's Zone 1 Road Impact Fee area. Staff had prepared to take this item to the Commission on Affordable Housing for a funding recommendation on January 26, 2012. However, the meeting was cancelled due to the lack of a quorum. So as not to delay the project further, Staff is bringing the project forward for approval. **This project is projected to create 166 jobs and have a five (5) year Economic Sustainability Impact of \$20.2 Million. These funds are from interest earned by the Impact Fee Fund.** (DES Contract Development) District 1 (TKF)

4. REGULAR AGENDA

B. ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to:

A) conceptually approve a Section 108 Loan Program Agreement with Jupiter CY, LLC (Company) in the amount of \$2.3 Million contingent upon the approval of the U.S. Department of Housing and Urban Development (HUD);

B) conceptually approve an Energy Efficiency Revolving Loan (Energy Loan) Program Agreement with Jupiter CY, LLC in the amount of \$450,000; and

C) approve an exception to the Energy Efficiency Revolving Loan Program Criteria for Jupiter CY, LLC to waive the maximum loan amount of \$150,000.

SUMMARY: These loans will assist in the construction of a 128 room hotel and 650 square feet of street level retail space near Scripps and Max Planck in Abacoa. The \$2.3 Million Section 108 Loan will fund working capital for the project and the \$450,000 Energy Loan will fund energy efficient appliances, HVAC, and room occupancy sensors. The approximate total project investment is \$19.6 Million and the projected sources of funding include: \$11.5 Million from a financial institution, \$5 Million in owner equity, \$2.3 Million in a Section 108 Loan, and \$450,000 in the Energy Loan. **The overall project is expected to create 293 jobs (including construction jobs) and have a five (5) year Economic Sustainability Impact of \$32 Million. These are Federal funds that require no local match.** (DES Administration) District 1 (DW)

C. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff requests Board direction: regarding whether to terminate the Governmental Center Lease Agreement with LJL Food Management, Inc. (R2002-0829), for the lease of restaurant space within the Governmental Center Parking Garage. **SUMMARY:** LJL Food Management, Inc. d/b/a Tina's Café has been the food service provider operating in Suite 110 of the Governmental Center Parking Garage since 2005. In 2009, the Board approved the First Amendment (R2009-0146) that permitted Tina's Café to increase the leased premises by expanding into the adjacent Suite 114, reduced the rent for a period of two (2) years, and extended the term of the Lease until January 31, 2019. After business declined due to economic conditions, Tina's Café did not pay rent for several months and requested further rent relief. In 2010, the Board approved the Second Amendment (R2010-0436) which deferred payment of the past due rent until December 2018 and retroactively reduced the rent by ½ from \$33,202.00/yr (\$13.00/SF) to \$16,601.00/yr (\$6.50/SF) for a period of two (2) years effective January 1, 2010. Tina's Café currently owes six (6) months of rent (totaling \$13,834.16, not including sales tax, late payment interest or the past due rent totaling \$6,917.08 that was deferred until December 2018). The Second Amendment's ½ rent provision expired December 31, 2011, and full rent became effective January 1, 2012. Tina's Café currently has two (2) outstanding tax liens against it for nonpayment of taxes: 1) \$10,362 owed to the Florida Department of Revenue, and 2) \$23,764 to the IRS. Staff recommends that the Board direct Staff to take all action necessary to terminate the lease and issue a new RFP for a food service lease with direction as to whether Tina's Café should be allowed to respond to the RFP. (PREM) Countywide (HJF)

4. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** an Amended and Restated Declaration of Covenants and Restrictions with Pero West Land, LLC modifying use restrictions on 53 acres of the McMurrain property in the Ag Reserve. **SUMMARY:** The County sold 53 acres of the McMurrain property to Pero West Land, LLC, in 2002 for use by Pero in the expansion of its existing hydroponic facilities. As part of the sale, the County imposed a deed restriction limiting use of the property to agricultural purposes, with the specific intention that hydroponic facilities be constructed. The deed also contained a reverter if the restrictive covenant was violated. Pero desires to expand their existing packing and processing facilities and has requested; 1) that the existing restrictive covenant be modified to remove references to hydroponic facilities; and 2) to expand the definition of "agricultural purposes" to include the processing of agricultural products, including packaging, transportation and distribution of agricultural products and the construction of facilities in support of such processing. In addition, economic conditions, including the ability to obtain windstorm insurance, make it cost prohibitive to construct new hydroponic facilities. Pero has also requested that the reverter be released as it makes it difficult, if not impossible, to obtain financing for development of new agricultural support facilities. Staff recommends approval as the processing of agricultural products is an ancillary use which will enable Pero to expand and take full advantage of the agricultural production occurring in the Ag Reserve and will help ensure the long term viability of agricultural production in the County. The County will retain the right to enforce compliance with the Covenants and Restrictions, notwithstanding release of the reverter. (PREM) District 5/Countywide (HJF)

D. INTERNAL AUDITOR

1. [Staff recommends motion to approve on preliminary reading and advertise for a public hearing on April 17, 2012 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Ordinance 2010-007; providing for title; providing for general matters, duties, responsibilities and independence of the County Internal Auditor; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** The Audit Committee has been conducting a review of the duties and responsibilities of the County Internal Auditor as established in Ordinance 2010-007, known as the Palm Beach County Internal Auditor Ordinance, and has identified several revisions they believe are necessary. The revisions are recommended to reflect the Committee's approval role for the annual audit plan, to revise the process relative to audits requested by a BCC member, to establish a formal recommendation follow up and reporting program, to establish a process for review and approval of the annual budget for the Office of the County Internal Auditor, and to revise the distribution process for audit reports. The revisions also clarify the expected relationship between the County Internal Auditor and the Palm Beach County Inspector General. Countywide (PFK)
2. [Staff recommends motion to approve on preliminary reading and advertise for a public hearing on April 17, 2012 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Ordinance 2010-006; providing for title; providing for the establishment, purpose, authority, composition, meetings and responsibilities of the Palm Beach County Internal Audit Committee; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** The Audit Committee has been conducting a review of its duties and responsibilities as established in Ordinance 2010-006, known as the Palm Beach County Internal Audit Committee Charter Ordinance, and has identified several revisions they believe are necessary. The revisions are recommended to reflect the Committee's advisory role relative to the BCC and the County Internal Auditor, and to clarify that the Committee has oversight authority for actions the County Internal Auditor is responsible for taking. Countywide (PFK)

4. REGULAR AGENDA

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to receive and file:** the LEANBREAKTHRU Consulting Group's final report on the study of the Department of Engineering and Public Works and the staff response to the study. **SUMMARY:** On October 24, 2011, staff was presented with the final report LEANBREAKTHRU Consulting Group's study of the Engineering and Public Works Department. This study, which was performed free of charge, was to be an "operational transformation approach focused on identifying, aligning and capturing cost reduction targets." While some of the Consultant's minor recommendations have been implemented, staff did not find more significant recommendations to be viable or justified. After reviewing the report and its findings, staff provided a written response in December 2011. Countywide (PFK)

2. **Staff recommends motion to adopt:** a Resolution (I) authorizing the issuance of Public Improvement Revenue Refunding Bonds, Series 2012 in the principal amount of not to exceed \$150,000,000 for the purpose of refunding all or a portion of the County's Public Improvement Revenue Refunding Bonds, Series 2004, all or a portion of the County's Public Improvement Revenue Bonds, Series 2004A (Biomedical Research Park Project), and/or all or a portion of the County's Public Improvement Revenue Bonds, Series 2005A (Biomedical Research Park Project), funding a reserve in connection therewith, if deemed necessary, and paying certain costs of issuance related thereto; providing certain of the terms and payment of such bonds; providing for the rights, security and remedies of the holders thereof, making certain covenants and agreements in connection therewith; (II) authorizing the Chair or County Administrator to select the underwriting team for the bonds in accordance with the County's competitive selection of bond underwriters policy for negotiated sales upon recommendation of the County Financing Committee and the financial advisor; (III) approving the form and authorizing the distribution of a preliminary official statement; (IV) establishing criteria for determining the date, interest rates, provisions for the redemption and maturity schedule of the bonds, the amount, if any, of the debt service reserve requirement for the bonds and authorizing the Chair (or in the absence of the Chair, the Vice Chairman) and the County Administrator to award the sale of the bonds on a negotiated basis; (V) authorizing the Debt Manager to "deem final" for the purpose of the Securities and Exchange Commission rule 15c2-12 the preliminary official statement prepared in connection with the bonds; (VI) authorizing the execution and delivery of a bond purchase agreement and approving the conditions and criteria of the bond sale; (VII) approving the form of and authorizing the execution of an official statement and escrow deposit agreement; (VI) appointing a registrar and paying agent in connection with the bonds; (VII) appointing an escrow agent under the escrow deposit agreement; (VIII) appointing a registrar and paying agent in connection with the bonds; (IX) appointing an escrow agent under the escrow deposit agreement; (X) authorizing the proper officers of the County to do all acts necessary and proper for carrying out the transactions contemplated by the resolution; and providing for an effective date. **SUMMARY:** The County has received several proposals to do a partial and/or full refunding for the Public Improvement Revenue Refunding Bonds, Series 2004, Public Improvement Revenue Bonds, Series 2004A, and Public Improvement Revenue Bonds, Series 2005A. On February 16, 2012, the County Financing Committee (CFC) met to discuss the financing alternatives and recommended that, due to the current period of low interest rates, the County should proceed with the refunding for potential savings. Upon the recommendation of the County's Financial Advisor and the CFC, the refunding is being done through a competitive-negotiated sale. Countywide (PFK)

4. REGULAR AGENDA

F. PUBLIC SAFETY

1. Staff recommends motion to adopt: a Resolution establishing a standard form Promissory Note for use by the Division of Animal Care and Control in order to help reduce euthanasia and potentially increase revenue. **SUMMARY:** This Resolution establishes a standard form Promissory Note for use by the Division of Animal Care and Control (the "Division") in instances where an individual needs additional time to pay the fee and redeem an animal. With a promissory note in place, the Division may increase revenue and reduce euthanasia if individuals are given additional time to pay the fees and redeem the animal. If the individual defaults on the note, the note would be sent to a collection agency. The resolution will allow the Division Director or designee to approve a promissory note in instances where the amount is \$1,500 or less. In providing special medical care, it would not be unusual to expend \$1,500 or more in medical costs for large animals such as horses. In instances where the promissory note amount exceeds \$1,500, the County Administrator or designee's approval will be required. Countywide (SF)

G. WATER UTILITIES

1. Staff recommends motion to receive and file: a presentation providing a status report on the C-51 Reservoir project. **SUMMARY:** On October 18, 2011, the Board of County Commissioners (Board) approved a Memorandum of Understanding directing Staff to provide input into and monitor the progress of the C-51 Reservoir project. This status report is intended to update the Board with respect to the following:
 - Project Timing;
 - Water Quality Concerns;
 - Current Project Cost;
 - Utility Participation; and
 - Leadership and Governance Issues.

This presentation was scheduled at the request of the Board on February 6, 2012. Countywide (MJ)

H. PALM TRAN

1. Staff recommends motion to approve: the recommendation of the selection committee, as set forth in Attachment 1 (of the Agenda Item) that the County enter into a Contract, substantially in the form of Attachment 2 (of the Agenda Item), with Metro Mobility Management Group, LLC, to provide Paratransit Services throughout the County for a five (5) year period at the not-to-exceed amount of \$90,246,070.12. **SUMMARY:** The Selection Committee reviewed the five (5) proposals received in response to RFP No 11-097R/SC (PARATRANSIT SERVICES) and following a presentation by each proposer and discussion, evaluated the proposals and recommends entering into the proposed contact with Metro Mobility Management Group, LLC. The proposal by Metro Mobility Management Group, LLC was scored highest by the selection committee and is the proposal that will provide Palm Tran/Palm Beach County with the greatest cost savings for the operation of our paratransit service, estimated to be approximately \$3 Million dollars annually over the five (5) year period. No other proposal came close to this. Countywide (DR)

4. REGULAR AGENDA

I. ADMINISTRATION

1. Staff recommends motion to approve: a Contract with the Small Business Development Center (SBDC) at Palm Beach State College in the amount of \$94,000 to provide technical assistance and training to small businesses in Palm Beach County for the period of October 1, 2011, through September 30, 2012. **SUMMARY:** This Contract provides Palm Beach County’s Small Business Enterprise firms with technical assistance and training in the form of direct consulting services in the areas of finance, marketing, management, construction, human resources, business plans and international trade. In addition, the Florida Procurement Technical Assistance Center (PTAC), a specialized program under the SBDC, provides local SBE’s with services that result in federal certifications, such as 8(a), HUBZone and Small Disadvantaged Business; identify federal contract opportunities for local small businesses; and assist local businesses in submitting bids to local, state, and federal agencies. The total amount of this proposed contract for FY 2012 is \$94,000. An audit has been completed for contracted services in FY 2011 and resulted in satisfactory performance. The FY 2011 performance and FY 2012 contracted performance is listed below. Countywide (TKF)

	Deliverables	FY11 Contracted	Achieved as of 9/30/11	FY12 Contracted
SBDC				
1	Management & Technical Assistance Clients	550	627	550
2	Loans Approved	\$1,330,000	\$1,330,000	\$1,330,000
3	SBDC Seminars	4	4	6
4	Quarterly Report and Client Profile	4	4	4
PTAC				
5	Management & Technical Assistance Clients	150	249	150
6	Procurement Approved	\$10,000,000	\$162,813,953	\$10,000,000
7	Government Procurement Seminars	18	22	18
8	Certification Training	10	8	10
9	Review of RFP/Bid Process	8	8	8

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5. BOARD APPOINTMENTS

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

1. **Staff recommends motion to approve:** the appointment of Jay DiPietro and Peter J. Applefield to the Workforce Alliance, Inc. (Alliance) Board of Directors for the period April 3, 2012, through April 2, 2015:

Nominee/ Appointment	Seat No.	Term	Area of Representation	Nominated By
Jay DiPietro	4	From to 4/3/12 through 4/2/15	Private Sector	Workforce Alliance, Inc.
Peter J. Applefield	34	From to 4/3/12 through 4/2/15	Private Sector	Workforce Alliance, Inc.

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

B. **CRIMINAL JUSTICE COMMISSION**
(Criminal Justice Commission Board)

1. **Staff recommends motion to approve:** the recommendation of the Economic Council to the Criminal Justice Commission for reappointment of Lee Waring to serve as a private sector member. His term will begin April 3, 2012 and expire December 31, 2014 as follows:

<u>Reappoint Nominee</u>	<u>Seat No.</u>	<u>Term to Expire</u>
Mr. Lee Waring	25	12/31/14

SUMMARY: The Criminal Justice Commission (CJC) is comprised of 33 members including elected officials and representatives from private and public sectors. The twelve private sector members are nominated for three (3) year terms by the Economic Council of Palm Beach County, Inc. and appointed by the Board of County Commissioners. The Council has nominated Mr. Lee Waring for appointment effective April 3, 2012. Countywide (PGE)

C. **COMMISSION DISTRICT APPOINTMENTS**

APRIL 3, 2012

6. MATTERS BY THE PUBLIC – 2:00 P.M.

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APRIL 3, 2012

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

APRIL 3, 2012

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

APRIL 3, 2012

<u>PAGE</u>	<u>ITEM</u>	
7	3C-2	<u>DELETED:</u> Staff recommends motion to approve: a Renewal Agreement with Gentile, Holloway, O'Mahoney & Associates, Inc., (GHO), for Landscape Architectural Services Annual Agreement, whose original Agreement was dated April 20, 2010 (R2010-0551). (Engineering) (Further staff review)
20	3AA-1	<u>DELETED:</u> Staff recommends motion to approve: Contract with Creative Outdoor Advertising of America, Inc. under which they will install, maintain, and service advertising bus benches along Palm Tran's fixed routes. (Palm Tran) (Waiting for signed contracts from Vendor)
26	4B-2	<u>DELETED:</u> Staff recommends motion to: A) conceptually approve a Section 108 Loan Program Agreement with Jupiter CY, LLC (Company) in the amount of \$2.3 Million contingent upon the approval of the U.S. Department of Housing and Urban Development (HUD);...(DES) (Further staff review)
26	4C-1	<u>REVISED SUMMARY:</u> LJL Food Management, Inc. d/b/a Tina's Café has been the food service provider operating in Suite 110 of the Governmental Center Parking Garage since 2005. In 2009, the Board approved the First Amendment (R2009-0146) that permitted Tina's Café to increase the leased premises by expanding into the adjacent Suite 114, reduced the rent for a period of two (2) years, and extended the term of the Lease until January 31, 2019. After business declined due to economic conditions, Tina's Café did not pay rent for several months and requested further rent relief. In 2010, the Board approved the Second Amendment (R2010-0436) which deferred payment of the past due rent until December 2018 and retroactively reduced the rent by ½ from \$33,202.00/yr (\$13.00/SF) to \$16,601.00/yr (\$6.50/SF) for a period of two (2) years effective January 1, 2010. Tina's Café currently owes six (6) <u>three (3)</u> months of rent (totaling \$13,834.16 <u>\$8,300.49</u> , not including sales tax, late payment interest or the past due rent totaling \$6,917.08 that was deferred until December 2018). The Second Amendment's ½ rent provision expired December 31, 2011, and full rent became effective January 1, 2012. Tina's Café currently has two (2) outstanding tax liens against it for nonpayment of taxes: 1) \$10,362 owed to the Florida Department of Revenue, and 2) \$23,764 to the IRS. Staff recommends that the Board direct Staff to take all action necessary to terminate the lease and issue a new RFP for a food service lease with direction as to whether Tina's Café should be allowed to respond to the RFP. (PREM) <u>Countywide</u> (HJF) (FDO)
27	4C-2	<u>DELETED:</u> Staff recommends motion to approve: an Amended and Restated Declaration of Covenants and Restrictions with Pero West Land, LLC, modifying use restrictions on 53 acres of the McMurrain property in the Ag Reserve. (FDO) (Withdrawn)
28	4E-1	<u>ASSIGNED TIME CERTAIN 10:30 A.M.:</u> Staff recommends motion to receive and file: the LEANBREAKTHRU Consulting Group's final report on the study of the Department of Engineering and Public Works and the staff response to the study.

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| 29 | 4H-1 | <p><u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve: the recommendation of the selection committee, as set forth in Attachment 1 that the County enter into a Contract, substantially in the form of Attachment 2, with Metro Mobility Management Group, LLC, to provide Paratransit Services throughout the County for a 5-year period at the not-to-exceed amount of \$90,246,070.12. The selection committee's recommendation of Metro Mobility Management Group, LLC (MMMG) as the recommended awardee of a contract for the provision of paratransit services, for a term of 5 years, and at the not to exceed amount of \$90,246,070.12. SUMMARY: The Selection Committee reviewed the five (5) proposals received in response to RFP No 11-097R/SC (PARATRANSIT SERVICES), and following a presentation by each proposer and discussion, evaluated the proposals and recommends entering into the proposed contract <u>recommended an award to</u> Metro Mobility Management Group, LLC. The proposal by Metro Mobility Management Group, LLC was scored highest by the selection committee and is the proposal that will provide Palm Tran/Palm Beach County with the greatest cost savings for the operation of our paratransit service, estimated to be <u>approximately over \$3.7 Million dollars in the first year alone, annually over the five (5) year period.</u> No other proposal came close to this <u>proposal from a cost savings standpoint.</u> <u>The Purchasing Director will post the Board's award recommendation for a period of five (5) days for review by interested parties. Once a contract has been finalized and executed by the vendor, the contract will be placed on the BCC's Contract List for the BCC's approval.</u> Countywide (DR) (Palm Tran)</p> |
| 34 | 8D | <p><u>ADD-ON:</u> Request approval to present off-site, a Proclamation declaring May 2012 as "Sand Sifters Appreciation Month" in Palm Beach County. (Sponsored by Commissioner Abrams)</p> |
| 34 | 8G | <p><u>ADD-ON:</u> Request approval to present off-site, a Proclamation declaring April 21, 2012 as "Welcome Home Heroes Day" in Palm Beach County. (Sponsored by Commissioner Taylor)</p> |
| 34 | 8G* | <p><u>ADD-ON:</u> Request approval to present off-site, a Proclamation in honor of the late Frank Malcolm Cunningham, Sr. (Sponsored by Commissioner Taylor)</p> |

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 (*).