

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

JUNE 5, 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 7)

- 3. CONSENT AGENDA (Pages 8 - 27)**

- 4. PUBLIC HEARINGS – 9:30 A.M. (Page 28)**

- 5. REGULAR AGENDA (Pages 29 - 38)**

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- 2C-2 Nation of Jamaica's 50th Anniversary of Independence
- 2C-3 Girl Scouts of the USA Month
- 2C-4 World Refugee Day

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- 3B-2 Minutes: None
- 3B-3 Contracts and claims settlements list
- 3B-4 Report of County Officials Bonds

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S. FIRE RESCUE - None

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U. INFORMATION SYSTEMS SERVICES - None

V. METROPOLITAN PLANNING ORGANIZATION - None

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2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Proclamation congratulating the Nation of Trinidad & Tobago on its 50th Anniversary of Independence. (Sponsored by Commissioner Vana)

2. Proclamation congratulating the Nation of Jamaica on its 50th Anniversary of Independence. (Sponsored by Commissioner Taylor)

3. Proclamation declaring June 2012 as “Girl Scouts of the USA Month” in Palm Beach County. (Sponsored by Commissioner Vana)

4. Proclamation declaring June 20, 2012 as “World Refugee Day” in Palm Beach County. (Sponsored by Commissioner Burdick)

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3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: None
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to:**

A) receive and file the Report of County Officials Bonds dated June 2012; and

B) identify all Bonds described in the Bond Report as sufficient pursuant to Section 2-140, of the County Code.

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

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to receive and file:** a Report of plat recordations from October 1, 2011, through March 31, 2012. **SUMMARY:** This is a bi-annual summary of subdivision plats recorded during the past two fiscal quarters as required by the Department of Engineering and Public Works Policies and Procedures Manual Item No. EL-O-2618, governing administrative approval of plats by the County Engineer. Countywide (MRE)
2. **Staff recommends motion to approve:** a Contract with Ranger Construction Industries, Inc. (Ranger), in the amount of \$400,000 for the construction of Hypoluxo Road and I-95 Intersection improvements (Project). **SUMMARY:** Approval of this Contract will allow Palm Beach County (County) to issue a notice to proceed to Ranger, a Palm Beach County company, to begin construction of the Project. The Palm Beach County Small Business Enterprise (SBE) goal for all projects is 15% overall. The SBE participation committed for the Project by Ranger is 13.59% overall and does not meet the 15% SBE requirement for this Project. The remaining bidder, however, also did not meet the SBE goal for this Project. District 3 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to:

A) accept a Deed for a right-of-way easement from Congress Park Owners Association, Inc. (Congress Park) on the west side of Congress Avenue, approximately 1,108 feet south of Atlantic Avenue; and

B) approve a Subordination of Utility Interests (Subordination Agreement) with Bell South Telecommunications, L.L.C. d/b/a AT&T (Bell South) on said parcel of land.

SUMMARY: Acceptance of the deed for the right-of-way easement from Congress Park will provide Palm Beach County with ten and a half feet of area for roadway purposes on the west side of Congress Avenue, approximately 1,108 feet south of Atlantic Avenue. Approval of the Subordination Agreement will release the Bell South utility easement interest on the parcel. District 4 (MRE)

4. Staff recommends motion to approve: Change Order No. 6 for a 101 day time extension with H&J Contracting, Inc. (R2010-0737) for Congress Avenue from Lantana Road to south of Melaleuca Lane (Project). **SUMMARY:** Approval of Change Order No. 6 will compensate the contractor for delays associated with survey errors (53 days) and numerous utility conflicts (48 days) beyond the contractor's control as per Attachment "A" of the Agenda Item. This project is jointly funded by FDOT (using federal funds) and Palm Beach County. The Federal Government, and thus FDOT, does not recognize survey errors and Palm Beach County will be responsible for paying liquidated damages to the State for the 53 days at the rate of \$3,057 per day for a total of \$162,021. Also, due to utility delays, a 48 day extension is necessary. This extension has been approved by the FDOT. The contractor will receive no additional money in the contract for this 101 day time extension. District 3 (MRE)

5. Staff recommends motion to approve: Change Order No. 7 in the amount of \$238,061 and a 40 day time extension to the construction contract (Resolution No. R2011-0349) with Ranger Construction Industries, Inc., for the Westgate North infrastructure improvements, Phases 4, 5, and 6. **SUMMARY:** Approval of Change Order No. 7 is for the removal of two feet of trash and concrete debris at retention area R-10 and replacement with two feet of clean fill material. District 7 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

6. Staff recommends motion to approve:

A) a 60 calendar day Contract (Contract) with Seacoast, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$1,306,379.24 for the CR 707 Bascule Bridge Machine Room repairs (Project); and

B) Supplement No. 2 for \$46,950 to the task authorization approved by Resolution No. R2011-0174 on February 15, 2011, with Bridge Design Associates, Inc. (Consultant) for additional engineering services for shop drawing reviews, periodic site visits and reports, initial and final monitoring of balance tests, semi-final and final inspection and attendance at meetings.

SUMMARY: Approval of this Contract will allow the repair or replacement of various sub-structure steel and concrete items associated with the operation of the lift span. Approval of Supplement No. 2, with Palm Beach County's annual structural engineering Consultant will provide additional engineering services. The Contractor is a Pinellas County business and was the sole bidder. The Small Business Enterprise (SBE) goal for the Project is 15%. The Contractor has performed some on site value engineering and determined that rather than closing the bridge to traffic for the 60 day contract period, he could perform the necessary work over the 60 day period with eight (8) separate night closures. The 60 day Contract time will start only after all of the required parts have been ordered and received. We estimate the contract and the associated night time closures may start sometime after October 1, 2012. District 1 (MRE)

7. Staff recommends motion to approve: a Restrictive Covenant over five (5) water management areas owned by Palm Beach County (County), which will protect the designated planted littoral shelves as approved by the County Department of Environmental Resources Management. **SUMMARY:** Approval of the Restrictive Covenant will provide for perpetual preservation over the area designated as planted littoral shelves on five (5) County-owned water management areas. District 6 (MRE)

8. Staff recommends motion to adopt: a Resolution designating a certain parcel of land owned by Palm Beach County (County) located on the east side of Lyons Road, north of Lantana Road, just north of Rosemount Drive, as a dry detention area required for future roadway improvements for the Lyons Road from Lantana Road to Lake Worth Road project (Project). **SUMMARY:** Adoption of this Resolution will designate a certain County-owned parcel of land as a dry detention area for the Project. District 3 (MRE)

9. Staff recommends motion to adopt: a Resolution designating two (2) parcels of land owned by Palm Beach County (County) located on the north side of Belvedere Road at Wynnwood Drive and east of Wynnwood Drive, as right-of-way for Belvedere Road. **SUMMARY:** Adoption of this Resolution will designate two (2) County-owned parcels of land as right-of-way for Belvedere Road. District 2 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

10. Staff recommends motion to:

A) accept a Warranty Deed for Parcels 100 and 101 from Lynn University for additional right-of-way for Military Trail; and

B) approve a subordination of utility interests to Palm Beach County from the City of Boca Raton.

SUMMARY: This action provides for the acceptance of a warranty deed conveying additional right-of-way for Military Trail and the approval of a subordination of utility interests. District 4 (MRE)

11. Staff recommends motion to approve: a Construction Engineering & Inspections (CEI) Services Contract with Gannett Fleming, Inc. (Contract), in the amount of \$403,121.89, to oversee construction of the Advanced Traffic Management System Group 3 project (ATMS Project). **SUMMARY:** Approval of this Contract will provide the professional CEI services required for the ATMS Project, in the amount of \$403,121.89. The costs of providing CEI services will be reimbursed under the Local Agency Participation Agreement FPN No. 416525-02-58-01 by the Florida Department of Transportation. Countywide (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: a Settlement in the amount of \$67,500, inclusive of attorney fees and costs, of the personal injury claim of Carlos Isaza, Claim 000103-009088-AB-01. **SUMMARY:** On May 6, 2011, a County pickup truck rear-ended a car driven by Carlos Isaza. Claimant was stopped in front of the County vehicle on southbound Haverhill Road near Nautica Isles Boulevard, in the City of Greenacres at the time of the accident. Mr. Isaza suffered several disc herniations and underwent a cervical fusion. His medical bills exceeded \$138,000. Staff, including the Risk Management Roundtable Committee, recommends this Settlement as in the County's best interests. Countywide (AJM)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. **Staff recommends motion to approve:** Settlement Agreement in the appeal styled Plantation Plaza, L.L.C. v. Palm Beach County, Case No. 502011CA001197XXXXMB (Fifteenth Judicial Circuit) and the alternative dispute resolution proceeding styled, In re Case Number C-2010-10250024 & Case Number C-2011-01040016, Petitioner Plantation Plaza, LLC. **SUMMARY:** Palm Beach County brought Code Enforcement Cases C-2010-10250024 and C-2011-01040016, against Plantation Plaza, L.L.C., for repeated noise violations arising from the operation of the Plaza's strip mall, located at 2650 South Military Trail. After hearing the cases, the Code Enforcement Special Magistrate assessed a fine of \$5,000 per day for six days of repeated noise violations and administrative costs in the amount of \$1,390.97. On January 24, 2011, Plantation Plaza, L.L.C., initiated alternative dispute resolution procedures with the County, pursuant to F.S. 70.51(3), contesting the \$31,390.97 fine imposed upon Plantation Plaza, L.L.C., as an unreasonable burden on the subject property. Plantation Plaza, L.L.C. also appealed the Special Magistrate's decision by petition for writ of certiorari in the case styled, Plantation Plaza, L.L.C. v. Palm Beach County, Case No. 502011CA1197XXXXMB. Both at the code enforcement hearing and in its alternative dispute resolution proceeding, Plantation Plaza, L.L.C., took the position that the noise violations were the fault of its tenant, who the Plaza was in the process of evicting. The Plaza also cited several remedial measures being taken at the property in order to reduce commercial noise, such as foam insulation. While the dispute resolution process and the certiorari appeal were pending, the Town of Palm Springs annexed the property into its jurisdiction. Thereafter, Plantation Plaza L.L.C. offered to settle the alternative dispute resolution proceeding and the certiorari appeal by paying a reduced fine of \$1,000 per day for the six days of violation and the administrative costs of \$1,390.97, totaling \$7,390.97. Under the settlement agreement, each party shall bear their own attorney's fees and costs. District 3 (ATP)

E. COMMUNITY SERVICES

1. **Staff recommends motion to:**
 - A) receive and file** 2011 Supportive Housing Program Renewal Grant Agreement No. FL0292B4D051104, with the United States Department of Housing and Urban Development (HUD), for the period January 1, 2013, through December 31, 2013, in an amount not to exceed \$442,158 and a required County match of \$91,240;
 - B) receive and file** 2011 Shelter Plus Care Renewal and Consolidation Grant Agreement No. FL0281C4D051104, with the United States Department of Housing and Urban Development, for the period May 23, 2012, through May 22, 2013, in an amount not to exceed \$370,176;
 - C) receive and file** Contract for Provision of Financial Assistance with The Jerome Golden Center for Behavioral Health, Inc., for the period May 23, 2012, through May 22, 2013, in an amount not to exceed \$370,176.
 - D) approve** Budget Amendment of \$58,492 in the HUD Supportive Housing fund to align the budget to the actual grant award.

SUMMARY: On November 15, 2011, (R2011-1758 and R2011-1759) the Board of County Commissioners delegated authority to the County Administrator or his designee to sign the United States Department of Housing and Urban Development (HUD) Supportive Housing Program and Shelter Plus Care Grant Agreements, and the Contract with The Jerome Golden Center for Behavioral Health, Inc. for the HUD Shelter Plus Care Program. This authorization and designation was necessary to expedite the agreements and thereby avoid gaps in service delivery to homeless individuals. A County match of \$91,240 is required. County match funds of \$68,430 are included in the proposed FY 2013 budget. The remaining County match funds of \$22,810 will be requested during the FY 2014 budget process. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve: Amendment No. 002 to Use of Facility Agreement with MorseLife, Inc. (R2009-1070) to: a) increase the agreement amount by \$10,003, for the period July 7, 2009, through July 6, 2012, for a new amount not to exceed \$46,965; and b) extend the Agreement for an additional twelve (12) months for the period July 7, 2012, through July 6, 2013, in an amount not to exceed \$36,962. **SUMMARY:** DOSS has received federal funds from the Older Americans' Act (OAA) to provide senior congregate meal sites. Based on new projections, an increase is needed to provide an additional 2,029 kosher meals to seniors at the rate of \$4.93 per meal. The Agreement will also be extended for an additional twelve (12) months for the period July 7, 2012, through July 6, 2013 in an amount not to exceed \$36,962. The contract is funded through a combination of Federal grant and County funds. Required County funds are included in the FY 2012 and proposed FY 2013 budgets. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. Staff recommends motion to approve:

A) seven (7) Amendments to Ryan White Part A HIV Health Support Services (Formula and MAI) for the period March 1, 2012, through February 28, 2013:

- 1) Amendment No. 1 to Compass, Inc. (Formula) (R2012-0483) to increase funding for Emergency Financial Assistance by \$2,000, Food Bank by \$2,400, Medical Transportation by \$1,600, Non-Medical Case Management Eligibility Units by \$3,923, and Non-Medical Case Management Eligibility FTE by \$58,333 for a new total contract amount not to exceed \$332,322;
- 2) Amendment No. 1 to Gratitude House, Inc. (Formula) (R2012-0484) to increase funding for Substance Abuse Outpatient by \$3,424 for a new total contract amount not-to-exceed \$17,120;
- 3) Amendment No. 1 to Health Care District of Palm Beach County (Formula) (R2012-0485) to increase funding for Nutritional Supplements by \$3,081 for a new total contract amount not-to-exceed \$623,403;
- 4) Amendment No. 1 to Treasure Coast Health Council, Inc. d/b/a Health Council of Southeast FL (Formula) (R2012-0487) to increase funding for CARE Council Support by \$20,600 for a new total contract amount not-to-exceed \$383,000;
- 5) Amendment No. 1 to Comprehensive AIDS Program of Palm Beach County, Inc. (Formula) (R2012-0597) to increase funding for Non-Medical Case Management Eligibility Units by \$97,371 and Non-Medical Case Management Eligibility FTE by \$58,333 for a new total contract amount not-to-exceed \$1,196,728;
- 6) Amendment No. 1 to Comprehensive AIDS Program of Palm Beach County, Inc. (MAI) (R2012-0598) to decrease funding for Medical Case Management by \$13,773 for a new total contract amount not-to-exceed \$563,462;
- 7) Amendment No. 1 to FoundCare, Inc. (Formula) (R2012-0599) to increase funding for Mental Health by \$5,486, Outpatient Primary Care by \$7,200, Laboratory Diagnostic Testing by \$13,200, Oral Health by \$13,509, Nurse Care Coordination by \$4,000, and Substance Abuse Residential by \$693 for a new total contract amount not-to-exceed \$481,880;

B) nine (9) Contracts for Provision of Ryan White Part A HIV Health Support Services (Formula, Supplemental and Offset) with listed provider agencies for the period March 1, 2012, through February 28, 2013, totaling \$3,540,456, for Ryan White Part A Treatment Extension Act of 2009 HIV Emergency Relief Formula funds:

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. MOTION/TITLE CONTINUED

1) Compass, Inc. (Supplemental)	\$144,309
2) Comprehensive AIDS Program of Palm Beach County, Inc. (Supplemental)	\$554,635
3) Comprehensive AIDS Program of Palm Beach County, Inc. (Offset)	\$94,445
4) FoundCare, Inc. (Supplemental)	\$92,794
5) Health Care District of Palm Beach County (Supplemental)	\$152,000
6) Legal Aid Society of Palm Beach County, Inc. (Supplemental)	\$58,931
7) Palm Beach County Health Department (Supplemental)	\$475,366
8) Palm Beach County Health Department (Formula)	\$1,887,091
9) Treasure Coast Health Council, Inc. d/b/a Health Council of Southeast FL	<u>\$80,885</u>
Total	\$3,540,456

C) downward Budget Amendment of \$830,615 in the Ryan White Care Program Fund to align the budget to the actual grant award.

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 Board of County Commissioners (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 was awarded at previous BCC meetings on April 3, 2012 and April 17, 2012. Seven (7) of the contracts approved on these dates are being amended to reflect actual award amount and allocations made by the PBC HIV CARE Council. The contracts and amendments are for 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 PBC 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 and amendments 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)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to approve: Subrecipient Agreement No. S11-013, with Workforce Alliance, Inc., for the period of June 5, 2012, through March 31, 2013, providing funding to the County in an amount not to exceed \$175,436, for services to Targeted Populations to Enter Unsubsidized Employment. **SUMMARY:** The Workforce Alliance, Inc. Subrecipient Agreement is to provide services for targeted populations to obtain and maintain gainful unsubsidized employment through the Targeted Populations to Enter Unsubsidized Employment program. These services will be provided through the Senator Philip D. Lewis Center where forty unemployed homeless individuals will be assessed and enrolled in a training and placement employment program. The funds will be sub-contracted with The Lord's Place as a service provider at the Senator Philip D. Lewis Center. The grant application was executed by the Board Chair on December 7, 2011, and ratified by the Board of County Commissioners on January 24, 2012 (R2012-0051). (Human Services) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to adopt: a Resolution updating the standard form Airline-Airport Use and Lease Agreement for the Palm Beach International Airport (PBIA); establishing a standard form amendment to extend the existing Airline-Airport Use and Lease Agreements; authorizing the County Administrator or his designee to execute the approved standard form documents and to make certain amendments to the standard form documents; superseding and replacing the standard form Airline-Airport Use and Lease Agreement approved pursuant to Resolution No. R2006-1906; providing for severability; and providing for an effective date. **SUMMARY:** The Airline-Airport Use and Lease Agreements with the existing signatory airline tenants at PBIA are scheduled to expire on September 30, 2012. This Resolution establishes a new standard form amendment providing for a two-year extension of the Airline-Airport and Lease Agreements with existing signatory airline tenants. This Resolution also modifies the current standard form Airline-Airport Use and Lease Agreement to incorporate updated boilerplate provisions relating to non-discrimination and the Office of Inspector General. The updated form will be used for the lease of space to new signatory airline tenants during the two-year extension period. This Resolution also authorizes the County Administrator or his designee to execute the approved standard form documents on behalf of the Board; to agree to modifications an airline's leased premises, as may be required; to update insurance provisions upon the advice of the Risk Management Department; and to agree to non-material changes to the standard forms. Staff is recommending the two-year extension to facilitate the negotiation and development of a new standard form Airline-Airport Use and Lease Agreement, which will commence in fiscal year 2015. Countywide (AH)
2. Staff recommends motion to approve: Second Amendment (Amendment) to Airport Ground Transportation Concession Agreement with Southeastern Florida Transportation Group, LLC (SEFTG) (Agreement) (R2005-1774), renewing the term of the Agreement for one (1) year through September 30, 2013, and providing for payment of concession fees equal to the greater of a per capita charge of \$0.0885 per deplaned passenger or a minimum annual guarantee (MAG) of \$266,959. **SUMMARY:** SEFTG provides on-demand ground transportation services, including taxicabs, executive sedans, limousines and shared ride services, at the Palm Beach International Airport (PBIA). SEFTG is a Florida limited liability company with its principal office in Fort Lauderdale. The Agreement commenced on October 1, 2005, and expires on September 30, 2012. This Amendment extends the term of the Agreement by one (1) additional year. SEFTG will be required to pay concession fees equal to the greater of a per capita charge of \$0.0885 per deplaned passenger or a minimum annual guarantee of \$266,959. The Amendment also updates non-discrimination provisions to ensure compliance with recent changes to 49 CFR Part 23, which regulates airport concession disadvantage business enterprise (ACDBE) programs. The Agreement has an annual 17% ACDBE participation goal and SEFTG reported 20.67% ACDBE participation for fiscal year 2011. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to receive and file: Eighth Amendment to Airline Operating and Lease Agreement with Air Canada (R2009-0081), replacing Exhibit "B" decreasing leasehold for the season, effective May 1, 2012. **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2007-1968. Countywide (AH)

4. Staff recommends motion to approve:

A) Amendment No. 1 to the General Consulting Agreement with CH2M Hill, Inc. for Consulting/Professional Services in the amount of \$1,453,038 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program; and

B) a Budget Transfer of \$508,586 in the Airports Improvement and Development Fund from Reserves to provide budget to fund the Consulting Agreement.

SUMMARY: The Consulting Agreement (R2011-1333) with CH2M Hill, Inc. for general airport planning and design was approved on September 13, 2011 in the amount of \$1,521,708 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for two (2) years with two (2) - one (1) year renewal options. Approval of Amendment No. 1 in the amount of \$1,453,038 will provide funds to complete the following tasks and services: Task I Services – North Palm Beach County General Aviation Airport (F45) Hangar Planning & Programming Services; Palm Beach International Airport (PBIA) Runway 10L-28R Rehabilitation Construction Administration (CA), Construction Engineering Inspections (CEI) and Quality Assurance (QA) Materials Testing Services; PBIA Taxiway C4 High-Speed Exit Construction Support (CS), Construction Engineering Inspections (CEI) and Quality Assurance (QA) Materials Testing Services; PBIA Airport Layout Plan (ALP) Update; PBIA Exhibit "A" Property and Grant-Acquired Noise Land Map Update; and PBIA Air Service Support –Task 2; Task III Services – Miscellaneous Planning and Engineering Services; Miscellaneous Financial Consulting and Capital Programming Services; and Miscellaneous Environmental Consulting Services. CH2M Hill, Inc. is a Englewood, Colorado based firm; however, the majority of the work to be completed in this Agreement will be completed and/or managed through their Palm Beach Gardens, Florida office in conjunction with several Palm Beach County-based subconsultants and firms. Certain tasks performed during the term of this Amendment may be eligible for State and Federal grant participation. The Disadvantaged Business Enterprise (DBE) goal for the agreement was established at 25.00%. The DBE participation for this Amendment is 36.13%. The total anticipated DBE participation to date is 30%. Countywide (JCM)

5. Staff recommends motion to approve: a Contract with Community Asphalt Corp. in the amount of \$10,845,038.27 for the Runway 10L–28R Rehabilitation project at Palm Beach International Airport (PBIA). **SUMMARY:** This project was advertised utilizing the County's competitive bid process. On April 24, 2012, three (3) bids were received for the Runway 10L-28R Rehabilitation project at PBIA. Of the three (3) bids, Community Asphalt Corp., a Palm Beach County company has been identified as the lowest responsible/responsive bidder in the amount of \$10,845,038.27 for the Runway 10L-28R Rehabilitation project at PBIA. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 14.00%. None of the bidders achieved the DBE goal. Community Asphalt Corp. is responsive to the DBE requirements and has committed to a minimum of 6.09% DBE utilization on this project. Passenger Facility Charge funds are being utilized to fund this project. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to authorize: the Chair to certify the non ad-valorem assessment roll on electronic media to the Tax Collector pursuant to Chapter 197, Florida Statutes. **SUMMARY:** In 1998 the County began using the Uniform Method of collecting non-ad valorem special assessments. Under this procedure, special assessments are included on the tax bills. Each year the non-ad valorem assessment roll must be certified to the Tax Collector by September 15. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:

A) Amendment No. 13 to the contract with Hedrick Brothers Construction (R2007-1506) in the amount of \$2,014,476 for construction management services for the Main Detention Center and Sheriff's Office Headquarters Electrical Infrastructure/Emergency Power Renewal/Replacement Project establishing a Guaranteed Maximum Price (GMP); and

B) Budget Transfer in the amount of \$1,921,673 in the Public Building Improvement Fund decreasing funding for three (3) completed and/or abandoned projects with the Public Building Improvement Fund and increasing the budget for the PBSO Headquarters Infrastructure Renewal/Replacement.

SUMMARY: Amendment No. 13 establishes a GMP of \$2,014,476 and 63 calendar days for completion. The GMP includes the cost of work, the construction manager's fee and a contingency. Replacement of electrical infrastructure and emergency power systems is necessary as existing generators and electrical gear were installed in 1991, are in poor condition, and need replacement to provide reliable emergency power to support the life safety functions at the Jail and reliable emergency power to Headquarters. Reliability of the existing equipment is an ongoing issue as replacement parts are no longer available from the manufacturer, difficult to locate from other sources, and when located, costly. In addition, the new generators will comply with current Environmental Protection Agency emission regulations. This project includes the replacement of existing generators and electrical switchgear as well as the addition of a one story building and renovation to existing central energy plant to facilitate the replacement of the generators. GMP No.13 authorizes early site work and procurement of the generators and switchgear, the latter of which has a long production lead time. A GMP for the remainder of the work in the project will be brought to the Board in late 2012. The Small Business Enterprise (SBE) goal for this contract is 15%. Hedrick Brothers Construction's SBE participation for this GMP is 0% as the majority of this GMP is the procurement of long lead time equipment directly from the manufacturer. The contractor will address the SBE goals in the GMP for the construction portion of this project. This GMP is funded through project specific funding included in the FY 12 Public Building Improvement Fund, and the budget transfer establishes the funding required for the construction GMP of the project by sweeping remaining balances in three (3) completed/abandoned projects in the Public Building Improvement Fund. (Capital Improvements Division) District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: the purchase of a 1.10 acre parcel of vacant land located in the Palm Beach Heights subdivision, west of Jupiter, from Dennis Patton, a married man joined by his wife, Tova Bross, for \$1,650. **SUMMARY:** The Palm Beach Heights subdivision is north of Indiantown Road and northeast of the Bee Line Highway, and is part of the Pal-Mar ecosite. Mr. Patton acquired this 1.10 acre parcel through a bankruptcy sale and has offered to sell the property to the County. The proposed purchase price will reimburse Mr. Patton for expenses he incurred (\$1,500 for land purchase, plus \$150 for auctioneer fees) at the bankruptcy sale. The proposed price is significantly lower than a previous acquisition where the County's Department of Environmental Resources Management (ERM) paid \$4,600 for a similar parcel at a tax deed sale in November 2011. A title policy will be obtained and a pre-acquisition environmental assessment will be performed by ERM. Due to the remote location and low price of the parcel, a boundary survey will not be obtained as the cost could exceed the value of the land. The 1.10 acre parcel will be conveyed to the County by Statutory Warranty Deed. Under the Palm Beach County Property Acquisition, Disposition and Leasing Ordinance, 2002-067, as amended, an appraisal is not required since the proposed purchase price is less than \$25,000. The assessed value of the property is \$850. **This purchase must be approved by a supermajority vote (5 Commissioners).** (PREM) District 1 (HJF)

3. Staff recommends motion to:

A) approve a standard ATM Operating License Agreement with the Palm Beach County Credit Union, a not-for-profit financial cooperative owned and operated by its members who include the employees of Palm Beach County, for the installation and operation of automated teller machines in County-owned buildings; and

B) authorize the Director of Facilities Development and Operations to sign and administer the ATM Operating License Agreement, including all amendments, and extensions thereof.

SUMMARY: On October 22, 2002, the Board adopted Ordinance 2002-067, the Palm Beach County Real Property Acquisition, Disposition and Leasing Ordinance (PREM Ordinance) which authorized the Director of the Facilities Development and Operations Department or his or her designee to execute, on behalf of the Board, standard form license agreements approved by the Board. This license agreement establishes the standard terms and conditions under which the Credit Union can install and operate an automated teller machine (ATM) in a County-owned building. Site-specific conditions shall be addressed in a Letter of Agreement attached to and incorporated into the license agreement. The term of use for any agreement will not exceed five (5) years. The Credit Union is responsible for all costs associated with installation, use, maintenance, and repair of the ATM. There is no license fee associated with this license. Either party may terminate the agreement upon thirty (30) days written notice to the other party. The standard agreement includes a disclosure regarding the authority of the Inspector General. The delegation of authority to the Director of Facilities Development and Operations includes the authority to approve and execute agreements, site-specific conditions, amendments, term extensions, and changes to terms when those changes are not inconsistent with the approved standard agreement. (PREM) Countywide (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: a Modification of Deed Restriction for Tract R-1 in the Delray Lakes Estates PUD. **SUMMARY:** In March 1981, Tracts R-1 and R-2 (Tracts), of Delray Lakes Estates PUD were dedicated to Palm Beach County via plat. These two (2) Tracts, comprising 3.54 acres, were dedicated for perpetual use of the public in satisfaction of recreation and civic site code requirements. In January 1995, the Delray Lakes Estates Homeowners Association (HOA) purchased the Tracts from the County (R94-1627D) for \$25,000 since it was determined that the Parks Department did not have any use for the Tracts as a public park. However, a restriction was included in the deed requiring the Tracts to be used for park purposes serving the residents of Delray Lakes Estates. Currently, the HOA desires to construct a security gate house and privatize the roads internal to the PUD. Construction of the gatehouse and entry road will encroach into Tract R-1 in an area which is 90 feet x 250 feet (22,500 square feet, or .52 acre). The HOA has requested relief from the deed restriction to allow for the gatehouse and roadway encroachment into Tract R-1. The Modification of Deed Restriction allows the subject portion of Tract R-1 to be used for the guard house, gate, associated entry features, and access road, with the balance of the property remaining restricted to park use. Privatizing the internal roadways will relieve the County of maintenance responsibility. (PREM) District 5 (HJF)

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2010-1122) with Jerome Golden Center for Behavioral Health, Inc. (Jerome Golden Center) to extend the expiration date from June 30, 2012, to December 30, 2012. **SUMMARY:** On December 7, 2010, the County entered into an Agreement (R2010-1122) with the Jerome Golden Center allocating \$275,513 in Community Development Block Grant (CDBG) funds for the renovation of its heating, ventilation, and air condition (HVAC) system. On July 19, 2011, the Agreement was amended by Amendment No. 001 (R2011-1032) which increased the funding to \$343,712.50. The Jerome Golden Center, which was formerly known as the Oakwood Center of the Palm Beaches, Inc., is located at 1041 45th Street in the City of West Palm Beach. The work being presently undertaken was delayed due to an electrical fire and due to delays experienced in the initial phase of this renovation work. **This funding is projected to create two (2) jobs and have a five (5) year Economic Sustainability Impact of \$137,000. These are federal CDBG funds which require no local match.** (DES Contract Development) District 7 (TKF)

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, changing the street name of Valencia Palms Boulevard to Valencia Shores Drive, located in Valencia Shores Plat 1, Plat Book 93, pages 88-113. **SUMMARY:** Valencia Shores Master Association has asked the Palm Beach County Board of County Commissioners to rename Valencia Palms Boulevard to Valencia Shores Drive. Upon receiving a copy of the approved Resolution, Planning, Zoning and Building Staff will implement the name change by notifying appropriate parties and agencies. District 3 (RB)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to receive and file: executed Agreement received during the month of April 2012:

A) Utility Concurrency Reservation Agreement with Delray Beach Associates I, LLC - UCRA No. 05-01110-000

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 Utility Concurrency Reservation Agreement has 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 is now being submitted to the Board to receive and file. District 5 (MJ)

2. **DELETED**

3. Staff recommends motion to approve: Release of two (2) Utility Easements on land owned by Oxbridge Academy Foundation, Inc. (Oxbridge). **SUMMARY:** This document will release the County's interest in the Palm Beach County Utility Easements (PBCUE) solely granted by Official Record Book 20823, Page 1875 and Official Record Book 20823, Page 1872 on land currently owned by Oxbridge. The Water Utilities Department has determined that these easements are no longer needed, and therefore recommends the release. (WUD No. 12-525) District 7 (MJ)

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

A) a Second Amendment to the Interlocal Agreement (R2005-0897) for Biosolids Processing and Recycling with the Solid Waste Authority of Palm Beach County (SWA) for the treatment of biosolids generated at the Southern Region Water Reclamation Facility (SRWRF); and

B) a Budget Transfer of \$700,000 from the System Renewal and Expansion Capital Project to the Sludge Pelletization Facility Project in the Water Utilities Department's Capital Improvement Fund to fund this Amendment.

SUMMARY: On May 3, 2005, the Board of County Commissioners approved an Interlocal Agreement for Biosolids Processing and Recycling with SWA (R2005-0897) (Interlocal Agreement). As part of the wastewater treatment process at SRWRF, biosolids are removed from the water, thereby purifying it. These biosolids can be either landfilled or beneficially recycled as a fertilizer or soil amendment. Prior to entering into the Interlocal Agreement, these biosolids were bulk land applied in St. Lucie County. In recent years, land application regulations have become increasingly stringent, resulting in fewer land application sites and higher costs. Biosolids pelletization provides an attractive alternative that will allow for the continued recycling of this product while at the same time meeting existing and future regulations. The resulting pellets are blended with other fertilizer components and then be beneficially reused by the public. Under the Interlocal Agreement, the SWA is responsible for the design, construction, operation and maintenance of the regional Biosolids Processing and Recycling Facility, and, in addition, will market the biosolids pellets to various fertilizer manufacturers. The Facility became operational in 2010. This Second Amendment finalizes the capital cost of the project based on a Settlement Agreement with the Contractor, and authorizes final payment to SWA from WUD in the amount of \$694,663.75. Countywide (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

5. DELETED

6. **Staff recommends motion to approve:** the advertising of public hearings on Tuesday, June 19, 2012 at 9:30 a.m. and Tuesday, July 10, 2012 at 9:30 a.m. considering the designation of a parcel located at 4220 Charleston Street within unincorporated Palm Beach County as a Brownfield Area. **SUMMARY:** On April 5, 2011, the Palm Beach County Board of County Commissioners approved an Interlocal Subgrant Agreement with Treasure Coast Regional Planning Council to facilitate Brownfields cleanup and redevelopment of the former Pike Utilities property owned by the County. Staff recommends designating the property as a Brownfield Area pursuant to the Brownfields Redevelopment Act set forth in Sections 376.77-376.85, Florida Statutes. Per Section 376.80(2)(a), Florida Statutes, two (2) public hearings are required in order to designate the property as a Brownfield Area. Designation of the property as a Brownfield Area will allow for its development into an open space passive park, provide more favorable cleanup standards, and obtain site closure with Florida Department of Environmental Protection. District 2 (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

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

A) Amendment No. 1 extends the Interlocal Agreement R2010-1432 (September 14, 2010) between the County and Westgate/Belvedere Homes CRA from April 30, 2012, to October 31, 2012; and

B) Amendment No. 6 to the Florida Department of Environmental Protection, (FDEP) State Financial Assistance Agreement No. LP6046 (R2006-0583) for the Seagrass Survey Project in the Lake Worth Lagoon (LWL) and Intracoastal Waterway, (ICW) extends the end date from June 30, 2012, to June 30, 2013. Amendment No. 6 also deletes Attachment A, Project Work Plan and replaces it with Attachment A-1, Revised Grant Project Work Plan.

SUMMARY: On September 14, 2010, the Board of County Commissioners approved Interlocal Agreement R2010-1432 with the Westgate/Belvedere Homes CRA for the North Westgate Infrastructure Improvement Project. Delegated authority to execute time extensions and other minor changes was approved, pursuant to PPM No. CW-O-051, on September 14, 2010 (R2010-1432). On April 27, 2006, the Board of County Commissioners approved the State Financial Assistance Agreement No. LP6046 with the FDEP (R2006-0583) to provide funds for the Palm Beach County Seagrass Survey project. Delegated authority to execute time extensions and other minor changes was approved, pursuant to PPM No. CW-O-051, on April 27, 2006 (R2006-0583). Countywide (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: executed Independent Contractor Agreement received during the month of April:

Caroline Ann Karolinko, US Synchronized Swimming Coach, Aqua Crest Pool, for the period April 18, 2012, through April 17, 2013.

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. This Independent Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 2002-2103, 2007-0409 and 2012-0168, and is now being submitted to the Board to receive and file. District 7 (AH)

2. Staff recommends motion to approve: Second Amendment to Agreement with Acme Improvement District and Boys and Girls Clubs of Palm Beach County, Inc., in an amount not-to-exceed \$600,000 for the funding of the Wellington Boys and Girls Club facility construction costs to extend the project completion date from October 20, 2012, to October 20, 2013. **SUMMARY:** This Second Amendment to Agreement, R2008-1922, as amended by R2010-1909, provides an additional twelve-month extension of the Project completion date from October 20, 2012, to October 20, 2013. The Amendment also includes project completion milestones in accordance with the extended project completion date. All other terms of the Agreement, including the funding amount of \$600,000, remain the same. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond. District 6 (PK)
3. Staff recommends motion to approve: Budget Transfer of \$50,000 within the Park Improvement Fund from the Florida Boating Improvement Program reserve to Phil Foster Boat Dock Walkway Improvements. **SUMMARY:** This Budget Transfer will provide the funding necessary to provide maintenance/improvements to the north side boat dock walkway access at Phil Foster Park. Funding is from the Park Improvement Fund Florida Boating Improvement Program reserve. District 1 (AH)
4. Staff recommends motion to receive and file: letters from the City of Boca Raton, the Boca Raton Community Redevelopment Agency (CRA) and the Centre for the Arts at Mizner Park, Inc. now d/b/a the Schmidt Family Centre for the Arts (Centre), advising of the transfer of ownership and management of the Mizner Park Amphitheater to the City of Boca Raton and acceptance of the obligations of Agreement R2001-0779 by the City of Boca Raton. **SUMMARY:** The Mizner Park Amphitheater (project) was partially funded in the amount of \$2,000,000 from the 1999 \$25 Million Recreation and Cultural Facilities Bond. A tri-party funding agreement (R2001-0779) with the CRA and the Centre provided for construction and long-term management of the project. The ownership and management of the amphitheater has now been transferred from the CRA and the Centre to the City of Boca Raton. The City has accepted the ownership and management obligations for the project in accordance with the terms of the Agreement. Transfer of ownership and management of the project to a governmental entity is permissible under Section 4.05 of the Agreement. District 4 (PK)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to:

A) approve a Literacy Coalition of Palm Beach County AmeriCorps Site Application for the County Library's participation in a Literacy AmeriCorps PBC Project for the period August 13, 2012, through July 12, 2013; and

B) authorize the County Administrator or his designee to execute any other necessary forms and certifications.

SUMMARY: This site application, if approved, will provide the County Library with one (1) full-time AmeriCorps member for one (1) year. This member will contribute 32 hours per week offering conversational English programs and overseeing the computer learning lab. The Library will pay a service fee of \$5,620 to the Coalition and business-related mileage to the member up to \$2,750. Literacy AmeriCorps, with supplemental funds from the Coalition, will cover all other expenses including Workers' Compensation, liability, and health coverage. Funds will be provided through the Library's FY 2012 and FY 2013 operating budgets and will have minimal fiscal impact. Countywide (AH)

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to:

A) approve an Agricultural Land Management Interlocal Agreement with the Palm Beach Soil and Water Conservation District (PBSWCD) for a period of three (3) years which continues their management of County property within the Ag Reserve that has been purchased by Palm Beach County and leased out for agricultural uses, for a fee of \$53,994 per year to be paid from funds generated by the lease program; and

B) authorize the County Administrator or his designee to execute amendments to the Agricultural Land Management Interlocal Agreement which would give the PBSWCD the ability to manage up to 750 acres of the Mecca Property pursuant to the Agricultural Land Management Interlocal Agreement.

SUMMARY: PBSWCD will manage agricultural lands under the Agricultural Land Management Interlocal Agreement ("Agreement") purchased by the County with funds from the March 1999 Conservation Lands Bond Referendum. Management fees will be paid by agricultural leased properties owned by Palm Beach County during the period of this Agreement. This Agreement is for a three-year period beginning July 1, 2012 for an annual fee of \$53,994. The Agreement also provides the County with an option to have the PBSWCD manage the Mecca Property up to 750 acres for an additional \$15,000 if the Board approves a farming lease for that property, which will be presented to the Board of County Commissioners at a later date. Districts 1, 3 & 5 (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) ratify the signature of the Chair on the approval of the Second Chance Act Grant Application to the Department of Justice (DOJ) for \$750,000 from October 1, 2012, to September 30, 2013 to facilitate the reduction of recidivism in Palm Beach County; and

B) authorize the County Administrator or his designee to execute electronically all related documents for Palm Beach County's FY 2012 Second Chance Act Grant and to execute all necessary forms and documents as required by the U.S. Department of Justice, Bureau of Justice Assistance.

SUMMARY: Palm Beach County accepted a grant award of \$750,000 (Resolution Number R2010-1590) from the Department of Justice in 2010 to facilitate the successful reintegration of ex-offenders as they return to Palm Beach County. This application, if funded, will allow for a second year of continuation funding for the Regional and State Transitional Offender Reentry (RESTORE) Initiative. Ex-offenders are provided with pre- and post-release services to assist in their transition back into the community. The Grant requires a non-federal in-kind match of \$750,000 (50%). This match has been identified through existing Criminal Justice Commission resources (\$113,287) and partnering Reentry Service Providers (\$636,713). Countywide (PGE)

AA. PALM TRAN

1. Staff recommends motion to approve:

A) acceptance of the designation of Palm Beach County Board of County Commissioners (BCC) as the Community Transportation Coordinator (CTC) for Palm Beach County, Florida, as defined in Chapter 427, Florida Statutes; and

B) Memorandum of Agreement (MOA) with the State of Florida Commission for the Transportation Disadvantaged (CTD) to serve as the designated CTC for the period of July 1, 2012, through June 30, 2017.

SUMMARY: Since 1999, the BCC has been the designated CTC for Palm Beach County. It has fulfilled the responsibilities as required to coordinate transportation-disadvantaged services in the most cost effective and efficient manner. Palm Tran CONNECTION has assumed responsibilities for the implementation, scheduling, and monitoring of the para-transit transportation of seniors, individuals with disabilities, and the transportation disadvantaged. In light of these efforts, the Metropolitan Planning Organization Board recommended to the CTD, that the BCC continue as the designated CTC. The CTD approved the designation on April 12, 2012, subject to acceptance by the Transportation Disadvantaged Local Coordinating Board on April 18, 2012, at which time this Board approved the designation. The proposed designation will be effective July 1, 2012, through June 30, 2017. Countywide (DR)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF

1. **Staff recommends motion to receive and file:** Grant Modification amending the FY '09 State Homeland Security grant to extend the grant period April 30, 2012, through July 31, 2012. **SUMMARY:** On October 30, 2009, the Palm Beach County Sheriff's Office received an award from the State of Florida, Division of Emergency Management; the original period for this award was October 1, 2009, through April 30, 2012 (R2010-0727). This agenda item will extend the award period from April 30, 2012, through July 31, 2012. These funds and related equipment will be used for direct Homeland Security Initiatives. There is no match associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

2. **Staff recommends motion to:**

A) accept on behalf of the Palm Beach County Sheriff's Office, an Agreement with Workforce Alliance, Inc., in the amount of \$176,961, for the Palm Beach County Sheriff's Office Reentry Job Placement Program, for the period of April 1, 2012, through March 31, 2013; and

B) approve a Budget Amendment of \$176,961 in the Sheriff's Grant Fund.

SUMMARY: The Workforce Alliance, Inc. received an award from the U.S. Department of Labor for the Targeted Populations to Enter Unsubsidized Employment Project. On February 28, 2012, the Palm Beach County Sheriff's Office (PBSO) and the Workforce Alliance, Inc. entered into an agreement to implement the Palm Beach County Sheriff's Office Reentry Job Placement Program (REJPP). The objective of the REJPP is to provide services to 50 Workforce Investment Act of 1988 eligible participants from the targeted population of inmates who are eligible for the PBSO Work Release Program. The program will allow inmates to be trained and enrolled into community-based employment prior to their release from jail. The funds will be used for expenses associated with the implementation of the Palm Beach County Sheriff's Office REJPP. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PGE)

CC. TOURIST DEVELOPMENT COUNCIL

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

A) First Amendment to the Amended and Restated Agreement (R2011-1434) with the Palm Beach County Film and Television Commission, Inc. ("PBCFTC") for the provision of services under Palm Beach County's (PBC) Tourist Development Plan during the period of October 1, 2011, through September 30, 2012; deleting the requirement that the Tourist Development Council (TDC) Director be an ex-officio member of the PBCFTC; and

B) adding the requirement that the TDC's Executive Director shall be notified of all meetings of the Board of Directors, and the executive committee as well as all committees and subcommittees of the PBCFTC whose functions are in any way related to the expenditure of County or Tourist Development Tax funds. The TDC's Executive Director shall be provided notice of meetings and an opportunity to be heard at the meetings. Notice of the meetings shall be provided to the TDC's Executive Director no later than five (5) days before the meeting is to occur.

SUMMARY: This Amendment to the Amended and Restated Agreement removes reference that the TDC Executive Director serves as ex-officio member of the PBCFTC committees and sub-committees, but requires notification of all meetings and an opportunity to be heard. (TDC) Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL (Cont'd)

2. Staff recommends motion to approve:

A) Amendment to the Amended and Restated Agreement (R2011-1435) with Palm Beach County Sports Commission, Inc. (the "PBCSC") for the provision of services under Palm Beach County's (PBC) Tourist Development Plan during the period of October 1, 2011, through September 30, 2012; deleting the requirement that the Tourist Development Council (TDC) Executive Director be an ex-officio member of the Sports Commission;

B) adding the requirement that the TDC's Executive Director shall be notified of all meetings of the Board of Directors, and the executive committee as well as all committees and subcommittees of the Sports Commission whose functions are in any way related to the expenditure of County or Tourist Development Tax funds. The TDC's Executive Director shall be provided notice of meetings and an opportunity to be heard at the meetings. Notice of the meetings shall be provided to the TDC's Executive Director no later than five (5) days before the meeting is to occur;

C) that the Board of County Commissioners (BCC) appointees of the Sports Commission shall comply with the provisions of the Palm Beach County Code of Ethics, Sections 2-441 through 2-448 (as amended from time to time) of the County Code;

D) the Sports Commission may offer its employees a simplified employee pension plan. Contributions to such plan shall not exceed seven (7%) percent of the employees' actual salaries; and

E) amending Exhibit A – FY 2012 budget in the amount of \$100,000.

SUMMARY: This Amendment to the Amended and Restated Agreement removes the reference that the TDC Executive Director serves as ex-officio member of the Sports Commission's committees and sub-committees, but requires notification of all meetings and an opportunity to be heard and revises language to the Palm Beach County Code of Ethics by adding the BCC appointees into the body of the agreement. The Sports Commission may offer its employees a simplified employee pension plan. Contributions to such plan shall not exceed seven (7%) percent of the employees' actual salaries. This provision reduces the current employer contribution from 10% to 7% in conformity with the other TDC agencies and amends Exhibit A in the amount of \$100,000 for sports related grants. (TDC) Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL (Cont'd)

3. Staff recommends motion to approve:

A) First Amendment to the Amended and Restated Agreement (R2011-1432) with the Palm Beach County Cultural Council, Inc. ("Cultural Council") for the provision of services under Palm Beach County's (PBC) Tourist Development Plan during the period of October 1, 2011, through September 30, 2012; deleting the requirement that the TDC Executive Director be an ex-officio member of the Cultural Council;

B) adding the requirement that the TDC's Executive Director shall be notified of all meetings of the Board of Directors, and the executive committee as well as all committees and subcommittees of the Cultural Council whose functions are in any way related to the expenditure of County or Tourist Development Tax funds. The TDC's Executive Director shall be provided notice of meetings and an opportunity to be heard at the meetings. Notice of the meetings shall be provided to the TDC's Executive Director no later than five (5) days before the meeting is to occur; and

C) amending Exhibit A – FY 2012 budget in the amount of \$232,765.

SUMMARY: This Amendment to the Amended and Restated Agreement removes the reference that the TDC Executive Director serves as ex-officio member of the Cultural Council's committees and sub-committees, but requires notification of all meetings and an opportunity to be heard and amends Exhibit A in the amount of \$232,765 for marketing/advertising, funding Cat B grantee and staffing the new visitor center. (TDC) Countywide (DW)

* * * * *

4. PUBLIC HEARINGS – 9:30 A.M.

CONTINUED FROM MAY 15, 2012

A. **Staff recommends motion to adopt:** a Resolution abandoning any public interest in that certain portion of the 30 foot right-of-way for Persimmon Avenue as shown on the plat of Delray Lakes Estates, as recorded in Plat Book 41, Pages 200-201, Public Records of Palm Beach County (County), Florida and a portion of the 30 foot right-of-way easement as shown within the westerly 15 feet of Tract 8 and the easterly 15 feet of Tract 9, Palm Beach Farms Company Plat No. 1, as recorded in Plat Book 2, Pages 26-28, of said County records, reserving one (1) utility easement over the entire area to be abandoned and executing two (2) utility easements over a portion of the area to be abandoned. **SUMMARY:** Adoption of this Resolution will allow the County to vacate its interest in that certain portion of Persimmon Avenue to allow the subdivisions to the south, Delray Lakes Estates and Balmoral, to privatize and gate their communities. The petition site is located on the south side of Atlantic Avenue and is 0.8 miles west of Florida’s Turnpike. District 5 (MRE)

CONTINUED FROM MAY 15, 2012

B. **Staff recommends motion to:**

1) approve authorization for the Chair to execute the Deed to convey that certain portion of Persimmon Avenue and all of Sawpine Road, Tall Oak Avenue, Sweetgum Avenue, Sweetgum Street and Sourgum Street, all within Delray Lakes Estates, recorded in Plat Book 41, Pages 200-201, to the homeowners’ association pursuant to F.S. 336.125(2); and

2) adopt a Resolution abandoning these roads and rights-of-way within the plat of Delray Lakes Estates, recorded in Plat Book 41, Pages 200-201.

SUMMARY: Approval of this authorization will allow the roads to be conveyed to Delray Lakes Estates Homeowners Association, Inc. Adoption of this Resolution will allow the petitioners to privatize and gate their communities. The petition site is located on the south side of Atlantic Avenue and is 0.8 miles west of Florida’s Turnpike. District 5 (MRE)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. **Staff requests Board direction:** for a budget request on the Lake Worth Inlet Sand Transfer Plant (LWISTP) for the Town of Palm Beach. **SUMMARY:** The Town of Palm Beach requests that the County continue to fund the operation and maintenance of the LWISTP at a cost of approximately \$255,000 per year. Two possible funding sources are the general fund or a re-allocation of the tourism tax beach dollars. One partial source for re-allocation is \$72,000 currently reserved for the 2013 Palm Beach Midtown Beach Project. There are insufficient tourism tax beach dollars for all anticipated beach-related projects. The Town has not advised us of any proposed enhancement to public beach access which was a Board request for last year's funding approval. District 1 (SF)

2. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida approving the Workforce Alliance, Inc. Fiscal Year 2012-2013 Budget in the amount of \$21,718,968 for its programs under public law 105-220 enacted by Congress effective August 1998 which act is known as the Workforce Investment Act. **SUMMARY:** The Board of County Commissioners (BCC) of Palm Beach County has designated Workforce Alliance as the Workforce Development Board to design, coordinate, and direct the local workforce development system for Palm Beach County. Workforce Alliance (WA) receives federal funding through the State Department of Economic Opportunity (DEO). Funds are received by the DEO from the U.S. Department of Labor and U.S. Department of Health & Human Services. These are formula funds which are based on the Federal budget and the local population statistics. This year the Florida Legislature passed House Bill 7023, also known as the Workforce Accountability Act. This Bill, which strengthens the accountability and transparency of regional workforce boards, requires the BCC to approve the WA budget by June of each year. The Fiscal Year 2012-2013 Budget in the amount of \$21,718,968 includes anticipated revenues from the U.S. Department of Labor of \$18,444,339 of which \$17,118,718 is from the Workforce Investment Act, \$2,995,439 from U.S. Department of Health and Human for Temporary Assistance for Needy Families, and \$279,190 from a grant with the U.S. Department of Education. Countywide (TKF)

3. 2012 County Hurricane Preparedness Presentation by the Public Safety Department.

5. REGULAR AGENDA

B. PUBLIC SAFETY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County Florida, amending Resolution No R95-625, which will permit the use of any excess fees collected and allocated from the first \$1 of the sterilized tag fee revenue and the first \$5 of non-sterilized tag fee revenues for the Mobile Spay/Neuter Program be used to support the other cost of the Animal Care and Control's operating budget. **SUMMARY:** In May 1995, the Board of County Commissioners adopted Resolution R95-625, which established a Mobile/Spay Neuter Program for dogs and cats and also created a dedicated funding source comprised of \$1 from all sterilized tags and \$5 from all non-sterilized tags sold to support the operation of this program. The intent of this Resolution was to use the revenue generated from these fees to entirely fund the spay/neuter program and not use any ad valorem tax dollars to support this program. However, due to increase tag fee sales, a surplus of approximately \$250,000 has been generated over the past several years. Staff will continue to allocate the first \$1 and \$5 of tag fees to support the entire cost of the Mobile Spay/Neuter Program; however, staff is requesting approval to allocate these surplus tag fees and future excess tag fees to support the other cost of the Animal Care and Control operating budget. By utilizing these surplus funds, staff will be able to reduce the ad valorem funding support by \$250,000 for next fiscal year. Countywide (SF)

C. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2011-1030) with Community Land Trust of Palm Beach County, Inc. (CLT) to increase the grant amount from \$2,092,075 to \$2,465,395 and to extend the expenditure deadline date from November 15, 2012, to January 31, 2013. **SUMMARY:** On April 5, 2011, the Board of County Commissioners (Board) approved \$2,092,075 in Neighborhood Stabilization Program 2 (NSP2) funding for the CLT, pursuant to which the County entered into an Agreement with the CLT on May 5, 2011 (R2011-1030), as amended on December 20, 2011, by Amendment No. 001 (R2012-0135), for the acquisition and rehabilitation of properties. To date, the CLT has acquired 13 homes and has completed rehabilitation of three (3) of these homes. Recent building code changes affecting the rehabilitation of the remaining ten (10) homes are anticipated to increase construction costs associated with properties thereby necessitating the additional funding. The time extension for the expenditure deadline provides the CLT as much time as possible to expend funds within the grant parameters for NSP2. The project approach is being modified to provide the CLT additional flexibility for the procurement of contractors. This project has very strict timelines in order to meet NSP2 expenditure deadlines. **This funding is projected to create one-half (1/2) job and have a five (5) year Economic Sustainability Impact of \$296,000. These are Federal NSP2 funds which require no local match.** (DES Contract Development) Districts 2 & 3 (TKF)

5. REGULAR AGENDA

C. ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to:

A) conceptually approve a Neighborhood Stabilization Program 2 (NSP2) funding award in the amount of \$3,673,027 and a HOME Investment Partnerships (HOME) Program award in the amount of \$1,863,791 to HTG of Palm Beach II, LLC;

B) direct staff to negotiate the Loan Agreement with HTG of Palm Beach II, LLC;

C) authorize staff to negotiate with the second ranked respondent, Community Land Trust of Palm Beach County, Inc. (CLT), should negotiations fail with HTG of Palm Beach II, LLC; and

D) approve the delegation of authority to the County Administrator, or his designee, to execute the Loan Agreement and other documents necessary for implementation of the NSP2/HOME award.

SUMMARY: On March 21, 2012, the Department of Economic Sustainability (DES) issued a Request for Proposals (RFP) for the County's NSP2 and HOME Programs making \$5,536,818 available from these programs. Six (6) proposals were received, of which three (3) were deemed responsive, thereby qualifying them for consideration by the Selection Committee (Committee). Notice of the results of the responsiveness review was provided directly to all respondents. The Committee, which met at a public meeting on May 3, 2012, consisted of seven (7) voting members and non-voting legal counsel. The Committee ranked the proposals based on the criteria established in the RFP, and recommended award to HTG of Palm Beach II, LLC, in the amount of \$5,536,818 for the construction of 63 new affordable townhomes known as Pine Run Apartments located at 5212 Sunset Trail, in unincorporated Palm Beach County. This is a \$13 Million project of which the County will contribute a total of \$5,536,818 through these federal funds. The second ranked respondent was the CLT. The CLT requested \$5,536,818 for the construction of Davis Landings West, consisting of 12 rental homes and eight (8) townhomes, to be located at 4938 Davis Road in unincorporated Palm Beach County. RFP criteria required that the property be rented to households whose income are below 120% AMI; that all funds be provided in the form of a cash flow dependent loan (2% APR); and that the property be located in the Urban Redevelopment Area or the Glades Region Target Area. **These are Federal NSP2 grant funds which require no local match, and Federal HOME funds which require a 100% local match being provided by State Housing Initiative Partnership funds.** (DES Administration) District 2 (TKF)

5. REGULAR AGENDA

C. ECONOMIC SUSTAINABILITY (Cont'd)

3. Staff recommends motion to approve:

A) a Job Growth Incentive (JGI) Grant Agreement with Digital Risk, LLC in the amount of \$75,000 as a portion of the required local match for a State Quick Action Closing Fund (QACF);

B) a Budget Transfer of \$75,000 from the General Fund Contingency Reserves to the Department of Economic Sustainability JGI Program; and

C) a Budget Amendment of \$75,000 to the Economic Development Fund to recognize and appropriate the transfer of funds from the General Fund Contingency Reserves.

SUMMARY: On January 24, 2012, the Board of County Commissioners conceptually approved (R2012-0207) a JGI Grant in the amount of \$75,000 to Digital Risk, LLC (DRLLC). This grant amount is one-half of the local match required by the State to enable the company to receive a \$750,000 tax refund under QACF. The other one-half of the local match will come from the City of Boca Raton. The Agreement requires DRLLC to create 150 jobs by December 31, 2014, with an average wage of \$48,048, excluding benefits. Palm Beach County's economic development incentive will be payable over a period of four (4) years. **This funding is projected to have five (5) year Economic Sustainability Impact of \$130 Million. Funding will come from General Fund Contingency Reserves.** (DES Contract Development) District 4 (DW)

5. REGULAR AGENDA

C. ECONOMIC SUSTAINABILITY (Cont'd)

4. Staff recommends motion to conceptually approve: the funding recommendations for FY 2012-2013 Community Development Block Grant (CDBG) public service activities to the following 13 public service agencies:

A) Aid to Victims of Domestic Abuse, Inc.	\$18,406
B) Children’s Home Society of Florida, Inc.	\$16,990
C) Children’s Place at Home Safe, Inc.	\$12,750
D) Healthy Mothers/Healthy Babies Coalition of Palm Beach County, Inc.	\$ 6,668
E) Jesus and You Outreach Ministries, Inc.	\$ 8,495
F) Legal Aid Society of Palm Beach County, Inc.	\$43,487
G) Place of Hope, Inc.	\$11,125
H) Redlands Christian Migrant Association, Inc.	\$ 9,911
I) Seagull Industries for the Disabled, Inc.	\$22,249
J) Sickle Cell Foundation of Palm Beach County, Inc.	\$12,743
K) The Coalition for Independent Living Options, Inc.	\$16,384
L) The Urban League of Palm Beach County, Inc.	\$13,552
M) Vita Nova, Inc.	\$ 9,506

SUMMARY: At its January 17, 2012 meeting, the Board of County Commissioners (BCC) directed that 15% (\$809,064) of its CDBG allocation be utilized for eligible public services. Of this amount, the BCC directed that 75% (\$606,798) of the eligible public service allocation be used to directly fund the Senator Philip D. Lewis Center (formerly the Homeless Resource Center) and that the remaining 25% (\$202,266) be awarded, via a competitive process, to non-profit agencies to carry out public service activities. The Board prioritized special needs, senior services and disabled, and recognized fair housing as a being a HUD requirement. On March 12, 2012, the Department of Economic Sustainability (DES) issued a Request for Proposals (DES CDBG2012.1) which made available \$202,266 in CDBG funding to non-profit organizations to undertake public service activities during the period October 1, 2012, to September 30, 2013. Sixteen (16) proposals were received of which 13 were deemed responsive. Notice of the results of the responsiveness review was provided to all respondents and posted to the public. At its May 21, 2012 meeting, the CDBG Public Service Selection Committee recommended funding to the 13 public service agencies. DES staff has coordinated with Community Services to ensure that there is no duplication of service activities under the Financially Assisted Agencies Program. Once conceptually approved, funding recommendations will be incorporated in the County’s 2012-2013 Action Plan (the application for funding under the CDBG, HOME and ESG Programs), and brought to the BCC for final approval at a public hearing on July 10, 2012. **These are Federal CDBG Program funds which require no local match.** (Strategic Planning) Countywide (TKF)

5. REGULAR AGENDA

D. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2011-1031) with Westgate/Belvedere Homes Community Redevelopment Agency (CRA) to increase the grant amount from \$1,132,750 to \$2,441,578 and to extend the expenditure deadline date from November 15, 2012, to January 31, 2013. **SUMMARY:** On April 5, 2011, the Board of County Commissioners (Board) approved \$1,132,750 in Neighborhood Stabilization Program 2 (NSP2) funding for the CRA, pursuant to which the County entered into an Agreement with the CRA on May 5, 2011 (R2011-1031), as amended on December 20, 2011, by Amendment No. 001 (R2012-0136), for the acquisition and rehabilitation of properties. To date, the CRA has acquired 12 homes intended for rehabilitation. The extent of work required by recent building code changes have rendered the rehabilitation of six (6) of these homes infeasible thereby necessitating additional funds for the CRA in order to demolish and reconstruct these homes. In addition, these recent building code changes are also anticipated to increase construction costs associated with rehabilitation of the other six (6) homes thereby also necessitating additional funding. The time extension for the expenditure deadline provides the CRA as much time as possible to expend funds within the grant parameters for NSP2. The project approach is being modified to provide the CRA additional flexibility for the procurement of contractors, to add the demolition and reconstruction of homes as an option under the Agreement, and to update certain exhibits previously included in the Agreement. This project has very strict timelines in order to meet NSP2 expenditure deadlines. **This funding is projected to create two (2) jobs and have a five (5) year Economic Sustainability Impact of \$1,080,000. These are Federal NSP2 funds which require no local match.** (DES Contract Development) District 7 (TKF) (DES)

E. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:
 - A) a Civic Site Dedication Agreement with Boynton Beach Associates XXIV, LLLP;
 - B) a Memorandum of Agreement between the County and Boynton Beach Associates XXIV, LLLP; and
 - C) a Termination of Memorandum of Agreement.

SUMMARY: Pursuant to this Agreement, G.L. Homes of Florida (“GL Homes”) d/b/a Boynton Beach Associates XXIV, LLLP, will convey to the County 19.64 acres of property within the Hyder PUD located on the west side of Lyon’s Road between Atlantic Avenue and Clint Moore Road. This conveyance will establish a “civic site land bank” which will be used to offset civic dedication requirements of current and future GL Homes’ development orders. This land bank will provide the County an assemblage of property for future government services in the western Delray Beach area. The Memorandum of Agreement will be recorded to provide public notice of the existence of the County’s rights under this Agreement. The Termination of Memorandum will be held by the County and provided to GL Homes upon conveyance of the civic site land bank to the County. **This Agreement must be approved by a supermajority vote (5 Commissioners).** (PREM) District 5 (HJF)

5. REGULAR AGENDA

E. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to:

A) approve a Fourth Amendment to the Lease between Palm Beach County, the South Florida Water Management District (SFWMD) and Pero Family Farms, LLC (Pero); and

B) adopt a Resolution finding that the extension of the term of the Lease until May 31, 2013, at an annual rent of \$294,517.32 is in the best interests of the County.

SUMMARY: The County (39.4%) and SFWMD (60.6%) jointly own the 570 acre McMurrain property in the Ag Reserve. Pursuant to a Lease managed by the SFWMD, Pero Family Farms, LLC has farmed the property pre dating the County's acquisition of the property in 2000. The term of the Lease was scheduled to expire on May 31, 2012, and there were no extension options. SFWMD approved this Fourth Amendment on May 10. This Fourth Amendment extends the term for one (1) year from June 1, 2012, until May 31, 2013. SFWMD obtained a current appraisal of the fair market rental rates for farmable ag land in the Ag Reserve. The appraisal indicates that current fair market rental values are \$600/farmable acre. There are 491 farmable acres within the property. Using the fair market rental rate, the total rent for the extension period is \$294,517.32/yr of which the County will receive \$116,039.82/yr. Overall this is a reduction in total rent of \$17,328.58, equating to a reduction in County revenues of \$6,824. (PREM) District 5/Countywide (HJF)

F. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on Tuesday, June 19, 2012 at 9:30 a.m.: an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program; providing for title; purpose; adoption of revised Five Year Road Program and revised list of projects contained in Exhibit "A"; implementation of the Program; modification of Program; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** A Mid Year Modification of the Palm Beach County Five Year Road Program is contemplated in the Traffic Performance Standards and allows the Board of County Commissioners, through the adoption of an ordinance, to delete projects from the Program two times a year. Exhibit "A" to the Ordinance is a list of proposed projects for the next five (5) years and contains certain changes and modifications. This list is submitted for the Board of County Commissioners' consideration on preliminary reading today, with the final list to be approved with the Ordinance at public hearing on Tuesday, June 19, 2012. Countywide (MRE)

5. REGULAR AGENDA

G. INTERNAL AUDITOR

1. Staff recommends motion to approve on preliminary reading and advertise for a Public Hearing on June 19, 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 Board of County Commissioners 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)

2. Staff recommends motion to approve on preliminary reading and advertise for a Public Hearing on June 19, 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. In addition, the Board of County Commissioners at its April 24, 2012 workshop directed inclusion of solicitation of input from county officials in the development of the annual audit plan as part of the ordinance. Countywide (PFK)

H. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff requests Board direction to either:
 - A) continue** to implement the Wellfield Protection Program for only those utilities electing to participate in the cost share program; **or**
 - B) restore** the original Countywide Program with a net ad valorem impact of \$355,379 and eliminate the cost share program. Should the board decide to restore the original Countywide Program, it is requested that the direction include approval to reinstate one Environmentalist position previously eliminated from the program.

SUMMARY: During the March 27, 2012 Board of County Commissioners Workshop, the Board directed staff to return in 60 days to allow time for discussions to take place with municipal officials and utility directors before the Board provides direction regarding the Wellfield Protection Program. Staff is currently talking with utility directors to determine their intended course of action if the current cost share program remains in place. That information will be updated in the Board presentation. Countywide (LB)

5. REGULAR AGENDA

I. PLANNING, ZONING & BUILDING

1. Staff requests Board direction: Recycling Drop-Off Bins (aka Donation Boxes/Stations). **SUMMARY:** This Agenda Item was requested by the Board of County Commissioners (BCC) to allow for input by interested persons regarding the regulation of portable unattended Recycling Drop-Off Bins (commonly known as Donation Boxes/Stations). In a letter dated February 15, 2012, and as discussed at the March 6, 2012 BCC Public Hearing and April 26, BCC Zoning Hearing, Gulfstream Goodwill is requesting that the BCC consider adopting regulations that would prohibit unattended donation boxes/stations. The current Palm Beach County Unified Land Development Code has provisions for two (2) types of unattended recycling drop-off bins which are defined below and the standards are found in Attachment 3 of the Agenda Item:

Recycling Drop-Off Bin- A totally enclosed mobile structure, containing no more than four cubic yards, within which pre-sorted, non-biodegradable recovered materials are collected for redistribution or sale for the purpose of reuse, subject to Development Review Officer (DRO) approval. If there is no DRO certified site plan on file with the Zoning Division, a Special Permit shall be required.

Recycling Collection Station- A totally enclosed structure or mobile container, containing more than four cubic yards, within which pre-sorted, recyclable and recovered materials are collected for redistribution or sale for the purpose of reuse, subject to Administrative Amendment approval. If no DRO site plan then Special Permit required.

The discussion will focus on enforcement and possible Code amendments. Staff request direction on the following options:

- 1) Enforce Code as currently adopted with minor amendments to provide clarification by including additional language, such as: types of goods that may be collected in a Recycling Drop-Off bin or Recycling Collection Station (donation boxes/stations) to also include shoes and clothes;
- 2) Limit donation boxes or stations to manned versus unmanned stations;
- 3) Require labeling of boxes to reflect the name of the collection organization, to include if for profit or not-for-profit; and
- 4) Eliminate the use of Donation Drop-Off or Stations. Unincorporated (RPB)

5. REGULAR AGENDA

J. WATER UTILITIES

1. Staff recommends motion to approve: a Contract with Inland Waters Pollution Control, Inc. (IWPC) for the Wastewater Infrastructure Collection Project - City of Belle Glade in an amount of \$1,892,948. **SUMMARY:** On February 15, 2012, four (4) bids were received for the Wastewater Infrastructure Collection Project – City of Belle Glade. IWPC was the lowest responsive, responsible bidder in the amount of \$1,892,948. The second low bid was received by the Hinterland Group, Inc. in the amount of \$1,918,320 which is less than 1% above the first low bid. Due to the fact that this project is being funded through EDA, the County may not apply our Local Preference Ordinance in this case. Hinterland is a Palm Beach County business. Hinterland filed a bid protest for several reasons. In accordance with the County Purchasing Ordinance, the protest was heard by a Special Master. The Protest Hearing occurred on April 26, 2012, with the Special Master recommending the bid protest be denied. The project is funded through a U.S. Department of Commerce Economic Development Administration (EDA) grant. On August 18, 2009, (R2009-1345) the Board of County Commissioners approved a Special Agreement with GUA for Operations, Maintenance and Management of the GUA Utility system. The Water Utilities Department will administer this project under the terms of that Agreement. The project is subject to a 22.4% minority participation best efforts goal and a 6.9% female participation best efforts goal for trades, which percentages were calculated based on Federal criteria. Due to the fact that the project is federally funded, the County SBE goals are not applicable. This contract with IWPC has zero minority participation and 64.1% SBE participation. Staff is recommending approval based on the fact that IWPC was responsive and the protest denial recommendation by the Special Master. IWPC is a Detroit, Michigan based company. These are federal EDA funds requiring no local match. (WUD Project No. 10-062) District 6 (JM)

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6. BOARD APPOINTMENTS

A. **ENVIRONMENTAL RESOURCES MANAGEMENT
(Artificial Reef and Estuarine Enhancement Committee)**

1. **Staff recommends motion to approve:** two (2) re-appointments of at-large members to the Artificial Reef and Estuarine Enhancement Committee (AREEC). Seats 9 and 11 are for a term of three (3) years beginning June 5, 2012, through June 4, 2015:

<u>Nominees</u>	<u>Seat No.</u>	<u>Representing</u>	<u>Term</u>	<u>Nominated By</u>
<u>Re-appoint</u>				
Gregory Reynolds	9	Environmental Organization	3 yrs	Comm. Vana Comm. Marcus Comm. Burdick
Tom Warnke	11	General Member	3 yrs	Comm. Vana Comm. Marcus Comm. Burdick Comm. Abrams

SUMMARY: Resolution No. R08-1511 provides for an eleven-member AREEC. The membership consists of one (1) representative of the County Commission, one (1) representative of commercial SCUBA diving, one (1) representative of recreational SCUBA diving, one (1) representative of marine industry, one (1) representative of recreational fishing, one (1) representative of fisheries, one (1) representative of an environmental organization, two (2) representatives from other government entity and two (2) general members. On April 19, 2012, the Board was advised that two (2) seats were vacant and need to be filled. Countywide (HF)

B. **PALM TRAN
(Palm Tran Service Board)**

1. **Staff recommends motion to approve:** reappointment of three (3) incumbent members from the following categories to the Palm Tran Service Board:

<u>Nominee</u>	<u>Category & Seat Number</u>	<u>Term to Expire</u>	<u>Nominated By</u>
Richard Herman	Senior Citizen, Seat No. 7	6/28/2014	Comm. Taylor
Terry Brown	Rep. with Transportation Experience, Seat No. 1	6/28/2014	Comm. Taylor Comm. Abrams
John Wilson	Citizen at Large, Seat No. 11	6/28/2014	Comm. Taylor

SUMMARY: The Palm Tran Service Board was established December 18, 2001 (R2001-2241), as amended April 2, 2002 (R2002-0485), and is currently comprised of thirteen (13) at-large voting members from thirteen (13) categories appointed by the Palm Beach County Board of County Commissioners. Members may serve two (2) year terms with no limit on reappointments. The above incumbents of Seats 1, 7 and 11 are members in good standing and have expressed their desire to continue to serve subsequent terms. These nominees were nominated as a result of a memo dated May 1, 2012 that was circulated to the Board of County Commissioners along with Board Appointment Nomination Forms. Countywide (DR)

C. **COMMISSION DISTRICT APPOINTMENTS**

JUNE 5, 2012

7. MATTERS BY THE PUBLIC – 2:00 P.M.

JUNE 5, 2012

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JUNE 5, 2012

9. 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

Request approval to present off-site, a Proclamation declaring June 27, 2012 as “National HIV Testing Day” in Palm Beach County.

10. 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

JUNE 5, 2012

<u>PAGE</u>	<u>ITEM</u>	
13-14	3E-3	<u>REVISED TITLE:</u> A) seven (7) Amendments to Ryan White Part A HIV Health Support Services (Formula and MAI) for the period March 1, 2012, through February 28, 2013;... B) ... C) downward Budget Amendment of \$830,615 <u>\$830,616</u> in the Ryan White Care Program Fund to align the budget to the actual grant award.
20	3K-4	<u>DELETED:</u> Staff recommends motion to approve: A) a Second Amendment to the Interlocal Agreement (R2005-0897) for Biosolids Processing and Recycling with the Solid Waste Authority of Palm Beach County (SWA) for the treatment of biosolids generated at the Southern Region Water Reclamation Facility (SRWRF); and...(WUD) (Further staff review)
35	5F-2	<u>ADD-ON:</u> Staff recommends motion to: A) adopt a Resolution approving Amendment Number Three to the Local Agency Program (LAP) Agreement R2010-0697 with the State of Florida Department of Transportation (FDOT) to add \$38,448.70 for the construction of Okeechobee Boulevard from Australian Avenue to Tamarind Avenue (Project); and B) approve a Budget Amendment of \$38,449 in the Road Impact Fee Fund – Zone 2 to increase the LAP funding from FDOT for the Project. SUMMARY: Adoption of this Resolution approving Amendment Number Three and approval of the Budget Amendment will add \$38,448.70 for Construction Engineering Inspection of the Project. <u>District 7</u> (MRE) (Engineering)
35	5F-3	<u>ADD-ON:</u> Staff recommends motion to: A) adopt a Resolution approving Amendment Number Two to the Local Agency Program (LAP) Agreement (LAP Agreement) R2010-0701 with the State of Florida Department of Transportation (FDOT) to add \$169,033.09 to the FDOT grant funds for the construction of Blue Heron Boulevard at Congress Avenue (Project) and extend the expiration date to June 30, 2013; and B) approve a Budget Amendment of \$169,033.09 in the Road Impact Fee Fund – Zone 1 to increase the LAP funding from FDOT for the Project. SUMMARY: Adoption of this Resolution to approve Amendment Number Two and approval of the Budget Amendment will add \$169,033.09 to the grant funds for construction of the Project and extend the expiration date to June 30, 2013. <u>District 7</u> (MRE) (Engineering)

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 (*).