

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

DECEMBER 1, 2009

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

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
- 3. CONSENT AGENDA (Pages 6 - 22)**
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 23)**
- 5. REGULAR AGENDA (Pages 24 - 27)**
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SPECIAL PRESENTATIONS - 9:30 A.M.

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve: First Amendment to the Tri-Party Agreement with the Supervisor of Elections (SOE) and Runbeck Elections Services, Inc. (Runbeck) (R2008-0902) for Sentio ballot printing equipment. **SUMMARY:** As mandated by the Florida Legislature, the SOE converted to optical scan voting equipment in 2008. This conversion included printing ballots on demand for early and absentee voting. The Board entered into a four (4) year Agreement (through May 2012) with Runbeck, an Arizona company, to lease ballot printing equipment and to purchase ballot forms and supplies. The SOE has re-negotiated certain terms in this Agreement to include a fifth year at no charge and to decrease the “per ballot charge.” Additionally, Runbeck will provide a credit of \$78,176 to be applied against future payments under this Agreement. The SOE anticipates the savings of this Amendment to be more than \$470,000. Countywide (LSJ)

2. Staff recommends motion to:

A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, authorizing the submittal of an Energy Efficiency and Conservation Block Grant (EECBG) application for the Retrofit Ramp-up Program in the amount of \$50,000,000 to the United States Department of Energy (DOE) Environmental Management Consolidated Business Center (EMCBC) on behalf of the Office of Energy Efficiency and Renewable Energy; and

B) authorize the County Administrator or his designee to sign all applications and documents that do not change the scope of work, or terms and conditions of the Agreement, if the grant is approved.

SUMMARY: The American Recovery and Reinvestment Act of 2009, Public Law 111-5, provided funding for the Department of Energy (DOE) totaling \$453.72 million in Recovery EECBG funds for competitive grants awarded under Topic 1, the Retrofit Ramp-up Program and Topic 2, the General Innovation Fund. Topic 1, the Retrofit Ramp-up Program, provides up to \$390.04 million for programs that provide \$5 to \$75 million for 8 to 20 awards to eligible entities including formula-eligible units of local government of which Palm Beach County (PBC) is classified. Topic 2 does not allow entities that received a prior formula based award which would include PBC. Funds awarded must be obligated/committed within an 18-month period and expended within 36 months. PBC will partner with the local utility, Florida Power and Light, to provide “whole neighborhood” retrofits to residential, commercial and industrial buildings including the Palm Beach International Airport (PBIA) within the targeted Urban Redevelopment Area (URA). The \$50 million application consists of energy efficiency retrofits for PBIA to offset the almost \$4 million in Airport energy costs. These retrofits may include; the installation of solar rooftop units on out parcel buildings, HVAC upgrades, and lighting system retrofits to terminal facilities and parking structures. The residential and commercial component includes the establishment of a sustainable Energy Efficiency Retrofit Grant Program (Trust Fund) for low and moderate income residents; an Energy Efficiency Retrofit Revolving Loan Fund for Residents and Businesses, and funding for Administrative costs. These Federal Funds will leverage an investment of \$250 million at the ratio of 5:1 through other established programs/organizations, which include but are not limited to: FPL, Treasure Coast Regional Planning Council, Florida Public Utilities, Palm Beach Community College, Florida Atlantic University, Workforce Alliance of Palm Beach County, Inc., Business Development Board and the Solid Waste Authority. Applications must be received by December 14, 2009 not later than 11:59 PM EST. **These are federal funds that require no local match.** Countywide (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

2. Staff recommends motion to adopt: Resolution by the Board of County Commissioners of Palm Beach County, Florida, requesting that Governor Crist, Senate President Atwater, and House Speaker Cretul include statewide dedicated funding for regional transportation authorities in the call announcing a possible special session; requesting support for a dedicated funding source or sources for regional transportation authorities, specifically the South Florida Regional Transportation Authority; providing an effective date. **SUMMARY:** At the request of Commissioner Jeff Koons, staff was directed to draft this Resolution. Countywide (DW)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: 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 receive and file: change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during September 2009. Countywide
5. Staff recommends motion to receive and file: annual financial reports, excess fees and unexpended budget for FY 2008-2009 for the Clerk & Comptroller, Tax Collector, and Property Appraiser. **SUMMARY:** The financial reports of these Constitutional Officers were submitted to the Office of the Clerk & Comptroller on or before October 31, 2009, in accordance with F.S. 218.36. The amounts shown for the Tax Collector and the Property Appraiser represent the total payment to the County. A portion of these revenues are budgeted in the Library, Fire Rescue, and various other special revenue funds.

	Budget Estimate	Actual Excess Fees	Additional/Decrease in Excess Fees
CLERK & COMPTROLLER	\$ 500,000.00	\$ 492,166.54	\$ (7,833.46)
TAX COLLECTOR	\$ 38,835,381.00	\$ 35,527,922.86	\$(3,307,458.14)
PROPERTY APPR.	\$ 1,688,724.00	\$ 2,130,156.88	\$ 441,432.88
	\$ 41,024,105.00	\$ 38,150,246.28	\$(2,873,858.72)

The amounts shown as additional/decrease in excess fees will be included in the adjustment for additional balances brought forward which will be brought to the Board of County Commissioners in March, 2010. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: a Release of Rights for portions of Amelia Street and Elizabeth Street as requested by the Department of Airports (DOA). **SUMMARY:** Approval of this item will release the County's interest in two (2) roads within a future the DOA development site (lying west of the Airport between Military Trail and Haverhill Road). District 6 (PFK)

2. Staff recommends motion to approve: Contract Amendments to extend the expiration date for the Primary Annual Roadway Landscaping Contract (Contract), Project No. 2008052 (R2007-1911; dated November 6, 2007) with Superior Landscaping & Lawn Service, Inc. (Superior) and the Secondary Annual Roadway Landscaping Contract (R2007-1911.1), with Vila & Son Landscaping Corporation (Vila) retroactively from November 6, 2009, to November 6, 2010, and lower the unit prices on certain bid items as detailed on Exhibit A of the Agenda Item. **SUMMARY:** Approval of these Contract Amendments will extend the expiration dates of the existing Contracts to November 6, 2010. There is no increase to the dollar value of the Contract. Both contractors have voluntarily reduced their unit prices for many of the existing bid items that may be used in future task authorizations. The reductions range as high as 50% for some items. Superior has reduced 83% of the items with reductions in unit prices ranging from 2% to 24%. Vila has reduced 58% of items with reductions from 1% to 83%. The contracts include furnishing and installing plant material and irrigation systems within Palm Beach County. Superior is a Miami-Dade County company and Vila is a Palm Beach County company. The Small Business Enterprise (SBE) goal for the project is 15%. The SBE participation committed for the project by Superior is 5.39% overall and the SBE participation committed by Vila is 5.31% overall. Countywide (MRE)

3. **DELETED**

4. Staff recommends motion to approve: a County Deed in favor of Florida Department of Transportation (FDOT) for property on Boynton Beach Boulevard at Hagen Ranch Road. **SUMMARY:** Approval of this item will transfer title for a strip of right-of-way on Boynton Beach Boulevard to FDOT. District 5 (PK)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: a Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$80,000 in the personal injury action styled Maria Maldonado vs. Palm Beach County Board of County Commissioners, Case No. 502008CA006263XXXXMB. **SUMMARY:** The Plaintiff, Maria Maldonado, was injured after falling while riding as a passenger on a Palm Tran bus. Plaintiff was transported to an emergency room, treated and released. She complained of pain in her neck, back, shoulders, arms, and lower back with pain radiating to the legs. Subsequently, Plaintiff was treated by a chiropractor, a pain management specialist, and a neurosurgeon who performed neck surgery for a herniated disc. Plaintiff's medical bills totaled \$97,177.27. Staff, including the Risk Management Roundtable Committee concur that this settlement is in the best interest of Palm Beach County. Therefore, it is recommended that the County approve the Settlement Agreement in the amount of \$80,000. Countywide (SCL)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Amendments to renew 11 contracts with financially assisted agencies totaling \$1,330,234, for the indicated activities, for the period October 1, 2009, through September 30, 2010:

A) Amendment No. 2, 211 Palm Beach/Treasure Coast, Inc. (R2007-2065) in the amount of \$89,692, for Elder crisis outreach;

B) Amendment No. 2, Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (R2007-1924) in the amount of \$53,858, for the Retired and Senior Volunteer Program (RSVP) and emergency assistance/disaster preparedness;

C) Amendment No. 2, Children's Home Society, Inc. (R2007-1930) in the amount of \$164,862, for project Safe Place, Nelle Smith Residence for Girls, and transitional housing;

D) Amendment No. 2, Communities in Schools of Palm Beach County, Inc. (R2007-1932) in the amount of \$93,327, for comprehensive social, educational and career related support for at-risk children throughout the Palm Beach County area;

E) Amendment No. 2, Deaf Service Center of Palm Beach County, Inc. (R2007-1935) in the amount of \$237,564, for client assistance and communication, resources and education;

F) Amendment No. 2, Jeff Industries, Inc. (R2007-1949) in the amount of \$151,035, for day/night psycho-social work adjustment and supported employment services;

G) Amendment No. 2, Seagull Industries for the Disabled, Inc. (R2007-1956) in the amount of \$271,617, for adult day habilitation programs and residential assisted living facilities;

H) Amendment No. 2, The Children's Place at Home Safe, Inc. (R2008-0032) in the amount of \$41,746, for short-term, intensive treatment and coordinated services to children and families victimized by domestic violence;

I) Amendment No. 2, The Haven, Inc. (R2007-1960) in the amount of \$128,752, for prevention/intervention of child abuse through a therapeutic foster-care program;

J) Amendment No. 2, The Homeless Coalition of Palm Beach County, Inc. (R2007-1947) in the amount of \$10,950, for homeless assessment and coordination services; and

K) Amendment No. 2, The Juvenile Transition Center, Inc. (R2007-1961) in the amount of \$86,831, for education enrichment, mentoring and job training skills to at risk youth ages 13-18.

SUMMARY: On September 8, 2009, the Board of County Commissioners (BCC) approved the list of agencies and funding allocations under the Financially Assisted Agency Program. These amendments are the final renewal options, as agreed to under the contract terms, and the information submitted reflects part of the total \$12,042,722 funding approved by the BCC for FY 2010. Other contracts will be forthcoming upon receipt of all the required information. (Financially Assisted Agency Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to approve:** Amendments to contracts with the following agencies, totaling \$486,893 for the period and services as indicated:

A) Amendment No. 2, Early Learning Coalition of Palm Beach County, Inc. (R2007-2170), for the period October 1, 2009, through September 30, 2010, in the amount of \$256,500, for subsidized child day care services;

B) Amendment No. 2, Center for Family Services of Palm Beach County, Inc. (R2007-2064), for the period of October 1, 2009, through September 30, 2010, in the amount of \$120,850, for the Home Instruction Program for Preschool Youngsters (HIPPY);

C) Amendment No. 1, Palm Beach County Health Department (R2009-0065), for the period of October 1, 2009, through September 30, 2010 in the amount of \$109,543, for services provided to HIV positive clients tested by the Palm Beach County Health Department and necessary punitive actions for repeat offenders.

SUMMARY: On September 8, 2009, the Board of County Commissioners approved the list of agencies and funding allocations under the Financially Assisted Agency (FAA) Program, and subsequently adopted a budget for FY 2010 that included funds for Other County sponsored programs. The contract amendments being recommended for approval reflect the funding amounts previously approved by the Board. Additional contract amendments will be forthcoming upon receipt of all required information. Countywide (TKF)

3. **Staff recommends motion to approve:** Consulting/Professional Services Contract with Caregivers Services, Inc., d/b/a Friends Assisting Seniors and Families, for the period of December 1, 2009, through September 30, 2010, in an amount of \$21,706, to provide health services to Head Start children. **SUMMARY:** Caregivers, Inc. will provide ongoing child health services in accordance with the Head Start Act. This Contract will enable Caregivers, Inc. to provide specialized licensed practical nurse services in the Head Start program for children to ensure healthy outcomes. Funding to provide health services to Head Start children is through the American Recovery and Reinvestment Act (ARRA). The ARRA grant was awarded to Palm Beach County Head Start and approved by the Board of County Commissioners on November 17, 2009. Funding consists of \$17,365 (80%) in Federal funds and \$4,341(20%) in County funds. (Head Start) Countywide (TKF)

4. **Staff recommends motion to approve:** three (3) amendments to the Ryan White Part A HIV Health Support Services Contracts (Formula) for the period March 1, 2009, through February 28, 2010:

A) Amendment No. 2 to Contract (R2009-0829) with Comprehensive Community Care Network, Inc. to decrease funding by \$40,000 for a new total not to exceed amount of \$545,103;

B) Amendment No. 2 to Contract (R2009-0830) with Glades Health Initiative, Inc. to decrease funding by \$7,662 for a new total not to exceed amount of \$92,736;

C) Amendment No. 2 to Contract (R2009-0835) with Treasure Coast Health Council, Inc. to increase funding by \$47,662 for a new total not to exceed amount of \$382,393.

SUMMARY: Ryan White HIV Health Support service dollars are reviewed throughout the contract year and allocated to best meet the needs of affected clients. The contract adjustments will help ensure that agencies have funds to meet budgetary needs for the grant period. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. **Staff recommends motion to approve:** two (2) amendments to the Ryan White Part A HIV Health Support Services Contracts (Supplemental) for the period March 1, 2009, through February 28, 2010:

A) Amendment No. 1 (R2009-1153) with Comprehensive Community Care Network, Inc. (CCCN) to decrease funding for Home Health Care by \$60,000 and internally transfer \$50,000 to Primary Medical Care for a new total contract amount not to exceed \$184,594; and

B) Amendment No. 1 (R2009-1262) with Treasure Coast Health Council, Inc. (TCHC) to increase funding for Specialty Outpatient Medical Services by \$10,000 for a new total contract amount not to exceed \$318,332.

SUMMARY: Ryan White HIV Health Support service dollars are reviewed throughout the contract year and allocated to best meet the needs of affected clients. CCCN's Home Health Care budget will be reduced by \$60,000 and reallocated internally to Primary Medical Care (\$50,000) and externally to TCHC (\$10,000) for Specialty Outpatient Medical Services. Contract terms require that budget changes in excess of ten percent (10%) of the total contract amount be approved by the Board of County Commissioners. No County funds are required. (Ryan White) Countywide (TKF)

6. **Staff recommends motion to approve:** Contract with Child Protection Team of Palm Beach, Inc., for the period October 1, 2009, through September 30, 2010, in the amount of \$160,000, for medical evaluations of children referred by law enforcement, Department of Children and Families, and/or the courts who are the alleged victims of abuse, neglect, and/or abandonment. **SUMMARY:** On September 8, 2009, the Board of County Commissioners approved the list of agencies and funding allocations under the Financially Assisted Agency (FAA) Program, and subsequently adopted a budget for FY 2010 that included funds for Other County sponsored programs. The contract being recommended for approval reflects the funding amount previously approved by the Board. Countywide (TKF)

7. **Staff recommends motion to approve:** Contract with Easter Seals Florida, Inc. for the period October 1, 2009, through September 30, 2010, in the amount of \$38,475, for services to children birth to five (5) years with disabilities and special needs so they are able to enter school ready to learn. **SUMMARY:** On September 8, 2009, the Board of County Commissioners approved the list of agencies and funding allocations under the Financially Assisted Agency Program. The information submitted in this item reflects part of the \$12,042,722 approved for FY 2010. (Financially Assisted Agency Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

8. Staff recommends motion to approve: Amendment No. 2 to the Contract with Langton Associates (R2006-2679) extending the contract for a one (1) year period commencing October 1, 2009, ending September 30, 2010, in an amount not to exceed \$44,000, for consulting services regarding homeless strategic planning. **SUMMARY:** In March 2006, as a result of a 2002 Federal mandate requiring communities to develop a Ten-Year Plan to End Homelessness, the Division began gathering information needed for this strategic plan. Langton Associates facilitated the initial focus groups that assisted in the assessment of homeless issues in Palm Beach County. Upon completion of the community assessment and review of the information by the Homeless Advisory Board, Langton Associates organized the data into a final document; the Ten-Year Plan to End Homelessness which was adopted by the Board of County Commissioners on September 23, 2008. Following the plan's adoption, Langton Associates continued to assist in overseeing the facilitation of Homeless Advisory Board meetings, providing staffing assistance to the seven (7) Homeless Advisory Board Committees, and overseeing implementation of the Action Steps. Langton Associates will continue in this role. Funding for this purpose is included in the Department's FY 2010 budget. (Human Services) Countywide (TKF)

9. Staff recommends motion to ratify the Chairman's signature: on the Service Provider Application (SPA) to the Request for Proposal (RFP) response for the Older Americans Act (OAA) Federal grant funds totaling \$2,068,207 with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period January 1, 2010, through December 31, 2010, for various services for the elderly, with two (2) one (1) year renewal options. **SUMMARY:** The SPA response to the RFP encompasses Department of Elder Affairs (DoEA) funded programs managed by the AAA including OAA Title IIIB, C1, C2 and IIIE programs and allows the Division of Senior Services (DOSS), as lead agency, to provide direct services to seniors. Services include adult day care, congregate meal screening, screening/assessment, nutrition education, nutrition counseling, interpreter/translating, outreach and in-home services (companionship, escort, homemaker, personal care, respite, home delivered meals, and specialized medical equipment, services & supplies). In-home services are provided through vendors and coordinated by DOSS. Services are funded with \$2,068,207 in Federal funds, \$229,801 in County required funds, \$847,921 in additional County funds, \$252,974 in Nutrition Services Incentive Program (NSIP) and \$69,962 in Program Income. The SPA response to the RFP spans two (2) County fiscal years. Sufficient funding is available in the FY 2010 budget to meet County obligations. The County match required to meet FY 2011 obligations will be requested in the FY 2011 budget process. OAA funds administered and managed by the AAA will allow DOSS to provide federal supportive services which assist in improving the lives of the elderly and caregivers. The SPA response to the RFP was submitted through the emergency signature process due to insufficient time to submit it through the regular agenda process. The required submit date was October 23, 2009. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides OAA services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

10. Staff recommends motion to approve: Early Head Start Contracted Services Agreement with Family Central, Inc., for the period of October 1, 2009, through September 30, 2010, in an amount of \$119,866, for services to Early Head Start children and families. **SUMMARY:** Family Central, Inc. will recruit, contract and maintain four (4) licensed Family Child Care Home Providers in Belle Glade, Pahokee and South Bay for the Early Head Start program for a total of 16 children (ages birth-36 months). Family Central, Inc. will be reimbursed at a rate of \$25.56 per child/per day for 16 children that are approved for subsidized child care for a maximum of 249 days. Reimbursement costs for postage, mileage, training, conferences and substitutes shall not exceed \$18,035. Funding consists of \$73,740 in Federal funds, \$18,435 in required match County funds and \$27,691 in overmatch, for a total of \$119,866. (Head Start) Countywide (TKF)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: an annual Contract with Davco Electrical Contractors to perform electrical contracting services on an as-needed basis for projects typically under \$100,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$1,000,000. The Contract will terminate when a total of \$1,000,000 in work orders are issued among the pool of approved electrical contractors or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) – one (1) year renewals, at the sole option of the County. Staff will review the status of the contractor's certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of six (6) electrical contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders. The Small Business Enterprise (SBE) goal is 15%, and will be tracked cumulatively for each work order issued. Davco Electrical Contractors is a Palm Beach County company. This is a bond-waiver contract. The cumulative value of active work orders at any time will be limited to \$200,000 per contractor. (FD&O Admin) Countywide (JM)
2. Staff recommends motion to approve: an annual Contract with BK Electric, Inc., to perform electrical contracting services on an as-needed basis for projects typically under \$100,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$1,000,000. The Contract will terminate when a total of \$1,000,000 in work orders are issued among the pool of approved electrical contractors or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) – one (1) year renewals, at the sole option of the County. Staff will review the status of the contractor's certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of six (6) electrical contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders. The Small Business Enterprise (SBE) goal is 15% and will be tracked cumulatively for each work order issued. BK Electric, Inc. is a certified SBE Contractor and is a Palm Beach County company. This is a bond-waiver contract. The cumulative value of active work orders at any time will be limited to \$200,000 per contractor. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: an annual Contract with Global Communications & Electrical Systems, Inc., to perform electrical contracting services on an as-needed basis for projects typically under \$100,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$1,000,000. The Contract will terminate when a total of \$1,000,000 in work orders are issued among the pool of approved electrical contractors or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) - one (1) year renewals, at the sole option of the County. Staff will review the status of the contractor's certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of six (6) electrical contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders. The Small Business Enterprise (SBE) goal is 15%, and will be tracked cumulatively for each work order issued. Global Communications & Electrical Systems, Inc. is a certified SBE Contractor and is a Palm Beach County company. This is a bond-waiver contract. The cumulative value of active work orders at any time will be limited to \$200,000 per contractor. (FD&O Admin) Countywide (JM)

4. Staff recommends motion to approve: an annual Contract with RCI Electric, Inc., to perform electrical contracting services on an as-needed basis for projects typically under \$100,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$1,000,000. The Contract will terminate when a total of \$1,000,000 in work orders are issued among the pool of approved electrical contractors or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) - one (1) year renewals, at the sole option of the County. Staff will review the status of the contractor's certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of six (6) electrical contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders. The Small Business Enterprise (SBE) goal is 15%, and will be tracked cumulatively for each work order issued. RCI Electric, Inc. is a certified SBE Contractor and is a Palm Beach County company. This is a bond-waiver contract. The cumulative value of active work orders at any time will be limited to \$200,000 per contractor. (FD&O Admin) Countywide (JM)

5. Staff recommends motion to approve: an annual Contract with Langer Electric Company to perform electrical contracting services on an as-needed basis for projects typically under \$100,000 each. **SUMMARY:** The Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$1,000,000. The Contract will terminate when a total of \$1,000,000 in work orders are issued among the pool of approved electrical contractors or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) – one (1) year renewals, at the sole option of the County. Staff will review the status of the contractor's certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of six (6) electrical contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders issued. The Small Business Enterprise (SBE) goal is 15%, and will be tracked cumulatively for each work order issued. Langer Electric is a Broward County company. This is a bond-waiver contract. The cumulative value of active work orders at any time will be limited to \$200,000 per contractor. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to approve: a Second Amendment to the Interlocal Agreement (R2002-0177) with U.S. Fish & Wildlife Service of Boynton Beach (Service) for direct access to the County's 800MHz Radio System. **SUMMARY:** The Agreement which provides the terms and conditions under which the Service can directly access the County's 800MHz Radio System will expire on February 5, 2010. The Agreement provides for two (2) - four (4) year renewals but renewals require approve by both parties. The Service has approved a renewal to extend the term of the Agreement until February 4, 2014. This last renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies where connection through an established municipal hub is not technically feasible. The annual fees are consistent with those being charged to County departments. The Agreement may be terminated by either party, with or without cause, on October 1st of any year, with a minimum of six (6) months notice. (ESS) Countywide (JM)

7. Staff recommends motion to:

A) adopt a Resolution authorizing a one (1) year suspension of the four percent (4%) increase in rent and finding that the First Amendment to the Lease Agreement with Robert Weatherbee d/b/a The Sub Division, a sole proprietor is in the best interest of the County; and

B) approve a First Amendment to the Lease Agreement (R2006-0077) with Robert Weatherbee d/b/a The Sub Division, a sole proprietor.

SUMMARY: On July 31, 2005, staff issued a Request for Proposals (RFP) to lease space and provide food services at the County's Vista Center 2300 Building, located at 2300 North Jog Road in West Palm Beach. On January 10, 2006, the RFP was awarded to Robert Weatherbee d/b/a The Sub Division. The Lease premises consist of 349 sq. ft. within the lunchroom area of the 2300 Building, together with the use of two (2) unassigned parking spaces within the parking garage. The initial term of the Lease is for five (5) years, commenced on January 1, 2007, and expires on December 31, 2011. It contains two (2) extension options, each for a period of one (1) year, subject to Board approval. The current annual rental rate is \$7,787.52 (\$22.31/sf), with four percent (4%) annual increases. On August 12, 2009, staff received a request from Robert Weatherbee for a suspension of the four percent (4%) annual rent increase for a period of one (1) year, due to economic conditions and the reduction of County staff occupying the building. Mr. Weatherbee provides a valuable service to the occupants and visitors of the building and staff believes that rent is the least important factor in analyzing the use of this space. There is no question that business has declined as a result of the downturn in the economy and staff recommends that rent increases be suspended for one (1) year. In the event that business does not pickup next year, staff recommends that we explore potential interest from other operators in deciding whether to continue with the suspension of rental increases. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. Staff recommends motion to approve:

A) an easement in favor of Lake Worth Drainage District (LWDD) for access and maintenance of the PBIA-West Canal; and

B) an easement in favor of LWDD for access and maintenance of the L-2 Canal, both canals being in unincorporated West Palm Beach.

SUMMARY: LWDD requested easements to allow for access and maintenance of the existing PBIA-West Canal. The canal is adjacent to the east boundary line of the PBSO Training Facility at 4215 Cherry Road in unincorporated West Palm Beach. The County acquired the 20-acre parcel, which is east of North Military Trail and north of Belvedere Road, in 2003 from The King's Academy, Inc. The PBIA-West Canal easement is 660.57 feet long and varies in width from 46.00 feet to 56.00 feet for a total of 35,449.13 square feet (0.81 acres). LWDD also requested a 45 foot by 45 foot corner clip containing 1,012 square feet (0.02 acres) at the southwest corner of the intersection of the PBIA-West Canal and the L-2 Canal. Both of these easements are exclusive and are being given to LWDD at no charge as they will assume maintenance responsibility of the PBIA-West Canal. (PREM) District 2 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve:

A) an Agreement with Aid to Victims of Domestic Abuse, Inc. in the amount of \$25,000; and

B) an Agreement with the Salvation Army in the amount of \$21,412.

SUMMARY: Palm Beach County will receive a total of \$302,730 in Emergency Shelter Grant Program (ESGP) funds for FY 2009/2010 to provide assistance countywide to the homeless and those at risk of becoming homeless. These Agreements will distribute \$46,412 in ESGP funds for the operation and maintenance of emergency shelters and transitional housing facilities. Staff has evaluated each of the activities proposed to be funded under these Agreements to ensure that the services to be provided are not duplicated by activities funded under any other County Program or Agreement. All agencies are Palm Beach County entities. **These federal funds require a matching contribution which will be provided by the agencies.** Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve:

A) an Agreement with Place of Hope in the amount of \$38,000;

B) an Agreement with Redlands Christian Migrant Association, Inc., in the amount of \$35,592; and

C) an Agreement with the Salvation Army in the amount of \$16,720.

SUMMARY: The FY 2009/2010 Action Plan approved by the Board of County Commissioners on July 21, 2009 (R2009-1207) allocated \$1,138,542 of Community Development Block Grant (CDBG) funds for the provision of public services, fair housing activities and housing activity delivery costs. The services to be provided by the three agencies under the contracts for which approval is being sought are as follows: Place of Hope will provide transitional housing and support services for 36 abused and/or neglected children in foster care at the agency's Paxton Campus in Palm Beach Gardens, Florida; Redlands Christian Migrant Association will operate two (2) child development centers in Belle Glade, Florida and unincorporated Palm Beach County to serve 110 children of migrant farmworkers; and the Salvation Army will provide transitional housing and support services to 275 homeless men at the Center of Hope transitional housing facility in West Palm Beach, Florida. These Agreements will allocate \$90,312 of approved funding for the provision of public services. Staff has evaluated each of the activities proposed to be funded under these Agreements to ensure that the services provided are not duplicated by activities funded under any other County Program or Agreement. All Agencies are Palm Beach County entities. **These are Federal funds that require no local match.** Countywide (TKF)

3. Staff recommends motion to approve: the Fiscal Year 2009/2010 Funding Approval/Grant Agreement Forms (Forms) with the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG) Program (\$6,815,780); the Emergency Shelter Grants (ESG) Program (\$302,730); and Home Investment Partnership (HOME) Program (\$2,799,335). **SUMMARY:** Approval of these Forms is required to receive \$9,917,845 in Federal funds available to the County to provide assistance for community development programs. These Forms constitute the contracts with HUD which make the CDBG, ESG, and HOME funds available to the County's line of credit with the U.S. Treasury. **No local match is required for the CDBG Program; however, the ESG and HOME Programs have matching requirements. The ESG Program match requirement will be met through a cash or in-kind contribution by each agency receiving funding, and the HOME match requirement will be met through the Palm Beach County Universal Housing Trust Fund and State Housing Initiatives Partnership unencumbered program income.** Countywide (TKF)

4. Staff recommends motion to approve: revisions to the Community Development Block Grant (CDBG) Program Criteria relating to agency certification by Nonprofits First and homeless shelter/transitional housing restrictions. **SUMMARY:** The County's CDBG evaluation process currently requires non-profit agencies to be certified by the agency Nonprofits First or to have initiated the certification process to receive funding. Because of economic hardship faced by some agencies most agencies are unable to afford the cost of the certification process. Staff is recommending that the requirement be modified to be a preference whereby additional evaluation points are given to those agencies that are certified. CDBG criteria currently require that all non-profit agencies located in municipalities prove that at least 51% of beneficiaries reside outside the municipality where the agency is located and outside other entitlement municipalities. Due to the transient nature of the homeless population, staff recommends exempting homeless shelters and transitional housing from this requirement. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

5. Staff recommends motion to approve:

A) an Amendment to the Loan Agreement (R2004-0844) with Thirteenth Street Industrial Park, Inc. (TSIP) to extend the job creation date from January 2009 to January 2012 to create 70 full-time equivalent jobs;

B) an Amendment to the Promissory Note for Acquisition Loan changing the effective date of the interest rate of the Note from "in effect July 1, 2004" to seven (7) days prior to the payment due date each month; and

C) an Amendment to the Promissory Note for equipment purchase changing the effective date of the interest rate of the Note from "in effect July 1, 2004" to seven (7) days prior to the payment due date each month.

SUMMARY: The Amendment to the Loan Agreement provides for an extension of three (3) years to the term of the existing Agreement to enable TSIP to create 70 full-time equivalent (FTE) jobs. The last monitoring of the company's facility, conducted in June 2009 revealed that only 45 FTE jobs were created. Due to challenging economic conditions, TSIP requested a time extension to January 2012 to create the required 70 FTE jobs. The Amendments to the Promissory Note for property acquisition and the Promissory Note for equipment purchase will clarify the method of calculating the interest on the loans and ensure that the wording on the notes is consistent with both the County's and the Borrower's interpretation. The Amendments will ensure that the interest rate charged each month will be the six month London Interbank Offered Rate (LIBOR) published seven (7) days prior to the payment due date (which is the first day of each month) plus one percent (1%). **These are Federal Section 108 Loan funds that require no local match.** District 7 (TKF)

6. **Staff recommends motion to approve:** Amendment No. 001 to Agreement (R2009-1291) with Northwest Riviera Beach Community Redevelopment Corporation (NWRBCRC) revising the Agreement commencement date from November 1, 2008, to October 10, 2008. **SUMMARY:** On August 18, 2009, the Board of County Commissioners (BCC) approved an Agreement (R2009-1291) with NWRBCRC to allocate \$294,500 in Federal Home Investment Partnership funds; to facilitate the construction of 22 single family homes in an affordable homeownership project known as "Brooks Subdivision." Unfortunately, the commencement date was incorrectly identified as November 1, 2008 instead of October 10, 2008. Approval will permit NWRBCRC to be reimbursed for development expenditures incurred immediately after purchase of the development site on October 10, 2008. **This Agreement provides Federal HOME Community Housing Development Organization Reserve funds, which requires no local match.** District 7 (TKF)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: the annexation of a portion of the unincorporated right-of-way of Donald Ross Road, located between the centerline of Ellison Wilson Road, and up to the centerline of the Intracoastal Waterway, into the Town of Juno Beach. **SUMMARY:** The Town of Juno Beach has requested the voluntary annexation for the portion of the unincorporated right-of-way segment of Donald Ross Road, west of Ellison Wilson Road and up to the centerline of the Intracoastal Waterway, abutting the boundary of the City of Palm Beach Gardens, as identified in Attachment B of the Agenda Item. This annexation was requested by the Town of Juno to allow the Town to: 1) monitor and enforce traffic safety; 2) provide the Town's police department jurisdiction under the bridge for safety and regular patrols for activities that may impact the nearby Town residents; 3) provide for potential red light monitoring along the roadway; and 4) allow for all existing public works maintenance of the medians and edges of the right-of-way to continue within the Town's jurisdiction without creating additional liability to our contracted landscape maintenance crews. The Town does not request the transfer of operation and maintenance of the right-of-way. The annexation has been reviewed through the annexation review process, and the County review departments (including, but not limited to, Fire-Rescue, Sheriff's Office, Engineering, Planning, Zoning, Environmental Resources Management, Water Utilities, County Attorney, and the Office of Financial Management and Budget) are not opposed to the annexation. The proposed annexation meets the requirements of Chapter 171, F.S., as the area is contiguous, compact, does not create an enclave, and is consistent with the Intergovernmental Coordination Element, Objective 1.4, of the County's Comprehensive Plan. District 1 (RB)

K. WATER UTILITIES

1. Staff recommends motion to approve:
 - A) a piggyback unit price Contract in the amount of \$450,000 with Aquifer Maintenance and Performance Systems (AMPS) for rehabilitation of surficial aquifer wells; and
 - B) Work Authorization No. 1 to rehabilitate wells at Water Treatment Plants Nos. 2, 3, 8, 9, and 10 in the amount of \$450,000.

SUMMARY: The piggyback contract is from the Town of Jupiter (Contract No. JW 09-03). This Contract will be used for wellfield rehabilitation to maintain adequate raw water supply to all of the Water Utilities Department's (WUD) Water Treatment Plants. It includes line items for removal and installation of well pumps, removal of existing screen and riser, furnishing and installing stainless steel screen and riser, pump testing, and well disinfection for surficial production wells. The Contract includes provisions for a 12 month renewal on May 1, 2010 that would require future Board approval. At such time, the additional monies and work authorizations may be authorized pursuant to PPM CW-F-050. The Town of Jupiter does not have an SBE program; therefore, the Small Business Enterprise (SBE) participation goal established by SBE Ordinance (R2002-0064) does not apply to this piggyback contract. AMPS is a local Palm Beach County company. (WUD Project No. 09-069) Districts 2, 5 & 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. Staff recommends motion to adopt: a Resolution consenting to the renewal of the East Central Regional Wastewater Treatment Facility (ECR) Interlocal Agreement for a term of thirty years. **SUMMARY:** On September 9, 1992, the County approved an Interlocal Agreement (R92-1228D) with the City of Lake Worth, the City of Riviera Beach, the Town of Palm Beach, and the City of West Palm Beach (the "Entities") establishing the duties and responsibilities among the Entities for the operation of the ECR Wastewater Treatment Facility. The County has a 36.7% ownership share in the ECR, which treats wastewater flows from the northern portion of the Water Utilities Department's service area. The ECR Interlocal Agreement has an initial term of thirty years, expiring in the year 2022, and has a provision for renewal of the term for an additional 30 years with the consent of all of the Entities. The ECR Board has developed a 20-Year Capital Plan to replace significant components of the treatment facilities which are nearing the end of their useful lives. However, in order to execute the necessary contractual agreements and obtain financing for the capital plan, the Interlocal agreement must be extended beyond the current expiration date. This Resolution provides the County's consent to extend the term of the Interlocal Agreement for an additional 30 years to the year 2052. Countywide (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve: the naming of an artificial reef created from the placement of limestone boulders offshore of Ocean Ridge in 67 feet of water as the "Donnyboy Silpe Reef". **SUMMARY:** The Silpe Foundation has generously donated \$10,000 to the County's Artificial Reef Program for constructing an artificial reef with the stipulation that the reef be named the "Donnyboy Silpe Reef" in honor of the father who is an avid local diver and fisherman. The reef consists of limestone boulders placed concurrent to a county project situated at the Boynton No. 3 Site in approximately 67 feet of water. District 4 (HF)

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: First Amendment to Agreement (R2009-1011) with the Town of Lantana for operational costs for the Lantana Sports Complex to extend the project completion date from July 31, 2009, to August 31, 2009. **SUMMARY:** This fully executed First Amendment to Agreement extends the project completion date for the completed Lantana Sports Complex project in order to allow the County to continue with the reimbursement process. The reimbursement request was received before the deadline date of October 31, 2009, but the project end date needs to be extended to allow for reimbursement of all eligible project expenses. All other terms of the Agreement, including the funding amount of \$14,000, remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 3 Funds. District 7 (AH)
2. Staff recommends motion to receive and file: First Amendment to Agreement (R2008-1669) with Caridad Center, Inc. for funding of youth activities and summer camp programs to extend the project completion date from June 1, 2009, to October 30, 2009, and the reimbursement submission date from September 1, 2009, to October 30, 2009. **SUMMARY:** This fully executed First Amendment to Agreement extends the project completion date and reimbursement submission date for the completed programs to October 30, 2009, in order to allow the County to continue with the reimbursement process. The reimbursement request has already been received, but the project end date needs to be extended to allow for reimbursement of all eligible project expenses. All other terms of the Agreement, including the funding amount of \$25,000, remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to:

A) receive and file fully executed Florida Fish and Wildlife Conservation Commission Florida Boating Improvement Program Grant Agreement for \$170,000 for the design and permitting of the Waterway Park boat launching facility for the period October 8, 2009, through June 30, 2031; and

B) approve Budget Amendment of \$170,000 within the Park Improvement Fund to establish budget for the approved grant.

SUMMARY: On April 21, 2009 (R2009-0672), the Board authorized submission of a Florida Fish and Wildlife Conservation Commission (FWCC) Florida Boating Improvement Program Grant Application requesting \$170,000 for the design and permitting of the Waterway Park boat launching facility. The Board also authorized the County Administrator or his designee to execute the Project Agreement and other standard state and/or federal grant forms related to this project if the grant was approved. This grant was approved by the FFWCC and the Grant Agreement (FWC Contract No. 09030) has been fully executed, and it is now being submitted to the Board to receive and file. The grant will be matched with funds from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond referendum. The Grant Agreement requires the County to execute and record a Notice of Limitation of Use dedicating the site for a minimum of 20 years for the use and benefit of the public once construction is complete. District 1 (AH)

4. Staff recommends motion to:

A) receive and file fully executed Florida Inland Navigation District (FIND) Waterways Assistance Program Project Agreement for \$987,000 for the Dubois Park Marina and Shoreline Stabilization project for the period October 22, 2009, through September 1, 2011;

B) approve Budget Amendment of \$987,000 within the Park Improvement Fund to establish budget for the approved grant; and

C) approve Budget Transfer of \$987,000 within the 2004 \$50 Million Waterfront Access Bond fund from Dubois Park Marina to Reserves.

SUMMARY: On April 21, 2009, the Board authorized submission of a Waterways Assistance Program grant application for improvements associated with the redevelopment of Dubois Park (R2009-0671). The Board also authorized the County Administrator or his designee to execute the funding Agreement and other grant forms related to this project if the grant was approved. This grant was approved by FIND, and the Project Agreement (Project No. PB-09-140) has been fully executed and is now being submitted to the Board to receive and file. The estimated \$2,587,975 Dubois Park Marina and Shoreline Stabilization project is located on the Jupiter Inlet in northern Palm Beach County and includes 17 day use dock slips, shoreline stabilization and creation of a one (1) acre snorkeling area. This grant funding of \$987,000 will replace a portion of the project budget established from the 2004 \$50 Million Waterfront Access and Preservation Bond. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. Staff recommends motion to approve: First Amendment to Independent Contractor Agreement (R2009-0332) with Gordon Andrews for USA Swimming Program services at Lake Lytal Pool for the period February 1, 2009, through January 31, 2010. **SUMMARY:** On January 6, 2009, the Parks and Recreation Department entered into an Independent Contractor Agreement with Gordon Andrews to provide coaching services for the USA Swimming program at Lake Lytal Pool. Under this original Agreement, the total amount to be paid by the County for all services and materials was not to exceed \$70,000. This First Amendment increases the total contract amount by \$20,000 to \$90,000. District 2 (AH)

6. Staff recommends motion to approve: reallocation of \$435,000 within the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum for the Boca Raton Museum of Art gallery space on the first floor of the Boca Raton Cultural Center (a/k/a Mizner Park Cultural Center) to Boca Raton Museum of Arts improvements. **SUMMARY:** The District 4 Commissioner has requested that the scope of the \$435,000 allocated in the \$50 Million Recreational and Cultural Facilities Bond for Boca Raton Museum of Art gallery space within the Mizner Park Cultural Center be changed to allow for the funding to be used by the Boca Raton Museum of Art for improvements to the Boca Raton Museum of Art facility located within Mizner Park. District 4 (PK)

R. HUMAN RESOURCES

1. Staff recommends motion to approve: Palm Beach County's 2009-2010 Affirmative Action Plan, a voluntary effort to correct under-representation where it exists in the Board of County Commissioners' workforce. **SUMMARY:** Implementation of this year's Plan focuses on methods and procedures for achieving targeted work unit goals, enhancing special recruitment efforts, and continuing to develop systems to correct under-representation. Minority representation for all job categories for 2008-2009 was 32.5% which is 4.5% above the availability. Females represented 36.4% of the County's workforce in 2008-2009 as compared to the availability of the labor force for all occupations of 46.0%. There is no fiscal impact. Countywide (EC)

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Certificate of Appreciation to Donald Silpe in recognition of his \$10,000 contribution towards the construction of a Palm Beach County artificial reef. (Sponsored by Commissioner Koons)

- B.** Certificate of Congratulations to the Woolbright Family in recognition of their father, Beryl Woolbright, for his contributions to the growth and development of Palm Beach County. (Sponsored by Commissioner Abrams)

- C.** Certificates of Appreciation to Deputy Kerry Dutter and Deputy Robert Mangold in recognition of their outstanding dedication, devotion to duty and service to residents of Seminole Manor. (Sponsored by Commissioner Vana)

- D.** Proclamation declaring 2010 as “Year of the Everglades” in Palm Beach County. (Sponsored by Commissioner Marcus)

- E.** Proclamation declaring December 1, 2009 as “World AIDS Day” in Palm Beach County. (Sponsored by Commissioner Vana)

- F.** Proclamation declaring December 5 – 11, 2009 as “Holiday Boat Parade Week” in Palm Beach County. (Sponsored by Commissioner Marcus)

- G.** Proclamation declaring December 2, 2009 as “Financial Reporting Excellence Day” in Palm Beach County. (Sponsored by Commissioner Aaronson)

- H.** Proclamation declaring December 17, 2009 as “Animal Rights Day” in Palm Beach County. (Sponsored by Commissioner Koons)

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5. REGULAR AGENDA

A. COUNTY ATTORNEY – TIME CERTAIN 10:00 A.M.

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on December 15, 2009 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, providing for title; creating and establishing the Palm Beach County Office of Inspector General; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for enforcement; providing for penalty; providing for captions; and providing for an effective date. **SUMMARY:** In response to the Presentment of the Palm Beach County Grand Jury regarding Investigation of Palm Beach County Governance and Public Corruption Issues, the Board of County Commissioners directed the County Attorney's Office to draft ordinances creating a local Code of Ethics, and establishing an Office of Inspector General and Commission on Ethics. This Ordinance establishes the Palm Beach County Office of Inspector General. Countywide (LB)

2. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on December 15, 2009 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing the Palm Beach County Commission on Ethics; providing for creation and jurisdiction; providing for membership qualifications, terms and vacancy; providing for applicability of the Code of Ethics; providing for organization of the Commission on Ethics; providing for powers and duties; providing for financial support; providing for procedure on complaints filed; providing for public hearing procedures; providing for notification and referral to other authorities; providing for dismissal of complaints; providing for frivolous or groundless complaints; providing for effect on other laws; providing for prospective jurisdiction; providing for personnel proceeding; providing for statute of limitations; providing for advisory opinion; providing for appeals; 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:** In response to the Presentment of the Palm Beach County Grand Jury regarding Investigation of Palm Beach County Governance and Public Corruption Issues, the Board of County Commissioners directed the County Attorney's Office to draft ordinances creating a local Code of Ethics, and establishing an Office of Inspector General and Commission on Ethics. This Ordinance establishes the Palm Beach County Commission on Ethics. Countywide (LB)

3. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on December 15, 2009 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, creating the Palm Beach County Code of Ethics; providing for title; providing for definitions; prohibiting certain conflicts of interest and creating voting conflict standards; providing for a gift law; providing anti-nepotism law; providing for training; providing for non-interference; providing for administration, enforcement, and penalties; amending the Palm Beach County Lobbyist Registration Ordinance, Palm Beach County Code, Chapter 2, Article VIII (Codifying Ordinances 2003-018 and 2003-055); amending Section 2-353 concerning registration form and requirements; amending Section 2-355 Code of Silence; amending Section 2-356 Enforcement; amending Section 2-357 Penalties; 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:** In response to the Presentment of the Palm Beach County Grand Jury regarding Investigation of Palm Beach County Governance and Public Corruption Issues, the Board of County Commissioners directed the County Attorney's Office to draft ordinances creating a local Code of Ethics, and establishing an Office of Inspector General and Commission on Ethics. This Ordinance establishes the Palm Beach County Code of Ethics. Countywide (LB)

5. REGULAR AGENDA

A. COUNTY ATTORNEY – TIME CERTAIN 10:00 A.M. (Cont'd)

4. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on December 15, 2009 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Real Property Acquisition, Disposition and Leasing Ordinance, Chapter 22, Article VI of the Palm Beach County Code; providing for definitions; providing for supermajority vote; providing for creation of a property review 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:** This Amendment amends the “Palm Beach County Real Property Acquisition, Disposition and Leasing Ordinance” (the “PREM Ordinance”) codified in Chapter 22, Article VI of the Palm Beach County Code in order to implement recommendations made by the Palm Beach County Grand Jury. The Amendment adds a provision to the PREM Ordinance requiring that all purchases (including eminent domain), sales and exchanges of real property, other than internal interdepartmental transactions and those pursuant to delegated authority, which do not require a Board action, be approved by a supermajority (5) vote of the Board. The Amendment also adds a provision requiring the County to establish a “Property Review Committee” (“PRC”) within sixty (60) days to review, evaluate and advise the Board regarding real estate transactions involving the purchase (including eminent domain), sale or exchange of real property when such transactions are based on appraisals utilizing hypothetical conditions or extraordinary assumptions; are based upon appraisals assuming change of land use, comprehensive plan amendment or concurrency other than that which currently exists; are transactions in which the price varies from the appraised value by more than 10%; or is an exchange of real property in which the value of the property to be conveyed or received by County plus any additional consideration to be paid or received by County exceeds \$250,000. Transactions for less than \$250,000, transactions subject to Federal Aviation Administration review or audit other than off airport transactions for non airport purposes, transactions pursuant to the Conservation lands Protection Ordinance and intergovernmental transactions are excluded from the PRC review requirement. Countywide (HJF)

B. ADMINISTRATION

1. [Staff requests Board direction:](#) on the draft FY 2010 State Legislative Program. **SUMMARY:** Staff requests the Board’s review of the draft FY 2010 State Legislative Program. The Legislative Program outlines the issues that the County’s Legislative Affairs Department in conjunction with the County’s lobbying team will be working on for the Board in the upcoming Legislative Session. Countywide (DSW)

5. REGULAR AGENDA

B. ADMINISTRATION (Cont'd)

2. Staff recommends motion to adopt: the Southeast Florida Regional Climate Change Compact providing for a coordinated climate change strategy with Broward, Miami-Dade, and Monroe Counties. **SUMMARY:** By approving this Compact the County commits to the following:
- To develop a joint policy position urging the United States Congress to pass legislation that recognizes the unique vulnerabilities of Southeast Florida to the impacts of climate change and to further a joint policy position that includes specific recommendations regarding the allocation of federal climate change funding based on vulnerability to climate change impacts;
 - To develop additional legislative policy statements relating to global climate change and future legislation to be considered by the Congress of the United States for transmittal to the Congressional Delegation representing districts within the area covered by this Compact;
 - To develop joint position statements on proposed State legislation and energy/climate policies;
 - To develop joint position statements for future State legislation that may be considered by the Florida Legislature for transmittal to the Legislative Delegation representing districts within the area covered by this Compact;
 - To dedicate appropriate staff resources and expertise, within budget constraints, to participate in a Regional Climate Team toward the development of a Southeast Florida Regional Climate Change Action Plan;
 - To coordinate with other counties party to this Compact in developing a Southeast Florida Regional Climate Change Action Plan; and
 - To participate in hosting the Second Southeast Florida Regional Climate Change Summit in October 2010. Countywide (GB)

C. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: an Amended and Restated Grant of Working Waterfront Preservation Easement and Declaration of Restrictive Covenants (R2006-0425) for Palm Beach Yacht Center (PBYC). **SUMMARY:** Pursuant to Board direction on December 18, 2007 and January 27, 2009, this Amended and Restated Grant of Working Waterfront Preservation Easement and Declaration of Restrictive Covenants subjects the entire Palm Beach Yacht Center Property to restrictions limiting the use of the property to boat yard, dry storage and marina and marine related uses which are required to be open to paying public customers on a first come first served basis. The Easement also assigns to the County all residential development rights associated with the property. The value of the Amended Easement was appraised at \$16,250,000. The County paid \$14,000,000 for the original Easement, and this Amended Easement is being granted without additional charge. The County and the Town of Hypoluxo are signing as parties to the Agreement. PBYC will provide an updated title policy insuring the priority of the County's interest in the Easement. (PREM) District 4 (HJF)

5. REGULAR AGENDA

D. FIRE RESCUE

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on December 15, 2009 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 26-51, Subsection (b), of Chapter 26, Article II, Division 3, of the Palm Beach County Code; amending the boundaries of the Fire/Rescue MSTU (Municipal Service Taxing Unit) to include the Town of South Palm Beach; providing for effectiveness; providing for opt-out procedures; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions. **SUMMARY:** The Fire/Rescue MSTU encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within the municipal boundaries of municipalities that have opted to join the MSTU. The County currently provides fire-rescue services to the Town of South Palm Beach (Town) through an Interlocal Agreement (R2004-0363), at a rate established by the Agreement. The Town now desires to opt into the Fire/Rescue MSTU as a method to receive and pay for fire-rescue services from the County. This Ordinance will amend the boundaries of the Fire /Rescue MSTU to include the properties within the municipal boundaries of the Town. Inclusion of the Town in the Fire/Rescue MSTU will not change the amount of revenue received from the Town for fire-rescue services. Countywide (SB)

E. PLANNING, ZONING & BUILDING

1. [Staff recommends motion to approve:](#) a Conservation Easement form to be used when lands owned by the South Florida Water Management District are used as preserves for an Agriculture Reserve – Planned Development District (AgR-PDD). **SUMMARY:** The Board of County Commissioners has previously approved several Conservation Easement forms for preserves associated with AgR-PDDs. These several forms address specific situations affecting preserves, such as preserves located along the Lyons Road Rural Parkway or preserves affecting Lake Worth Drainage District land or facilities, to name a few. The form in front of the Board today has been drafted specifically for preserves owned by the South Florida Water Management District, and contains terms agreed upon by the County and the District. This item will assist the development approval process by allowing the Easements to be accepted without having to be approved by the BCC each time, provided the Easements are in the same form. Any material change to the form shall require further BCC approval. Districts 3 & 5 (HF)

F. ENGINEERING & PUBLIC WORKS

1. [Staff recommends motion to approve:](#)
 - A) an Interlocal Agreement to reimburse up to \$500,000 to the City of West Palm Beach (City) for Imagining Howard Park/Stub Canal Storm Water Improvements; and
 - B) a Budget Transfer of \$500,000 in the Transportation Improvement Fund from Reserve for District 3 to Imagining Howard Park/Stub Canal Storm Water Improvement – District 3.**SUMMARY:** This Agreement will supply reimbursement funds to the City to make storm water improvements to the Stub Canal. Districts 2, 3, & 7 (MRE)

* * * * *

6. BOARD APPOINTMENTS

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

1. **Staff recommends motion to approve:** appointment/reappointment of the following community and business representatives to the Homeless Advisory Board for a term of two (2) years:

Reappointments, Effective November 6, 2009

<u>Seat No.</u>	<u>Nominee</u>	<u>Member Category</u>
17	Michelle Diffenderfer	Business Representative
18	Susan Gallagher	Business Representative
20	Senator Phillip Lewis	Business Representative
23	William Washington	Business Representative
27	Thomas Bell	Formerly Homeless Representative
28	Michelle Carter	Formerly Homeless Representative
29	Stephen Johnson	Formerly Homeless Representative
31	Leo Abdella	Faith-Based Organization
32	Kerry Gallagher	Philanthropist
33	Judith Aigen	Housing Authority

New Appointments, Effective December 1, 2009

21	Brent Ion	Business Representative
22	Ezra Krieg	Business Representative
25	Cathleen McFarlane	Private Foundation
35	Jamie Titcomb	General Representative

SUMMARY: On May 1, 2007, the Board of County Commissioners approved a resolution establishing the Homeless Advisory Board. The Advisory Board consists of sixteen (16) core members who are principally elected officials or agency heads (or their designees) and twenty (20) community and business members. The community and business member seats are broken down as follows: seven (7) business representatives; three (3) private foundation representatives; four (4) formerly homeless representatives; one (1) faith based community representative; one (1) philanthropist; one (1) housing authority representative; one (1) hospital executive officer; and two (2) general members. In accordance with the establishing resolution, the community and business representatives to this advisory board are nominated by the core members. The above slate of nominations for the community and business member seats was approved by the core members on August 19, 2009 with modifications approved on November 18, 2009. A General Representative member was recommended for appointment to a Business seat and is thereby submitted as a new appointment (Ezra Krieg). Countywide (TKF)

6. BOARD APPOINTMENTS

B. ADMINISTRATION
(Treasure Coast Regional Planning Council)

1. Staff recommends motion to approve: appointment of the following members to the Treasure Coast Regional Planning Council for a one (1) year term beginning December 1, 2009, to November 30, 2010:

<u>Nominees</u>	<u>Seat No.</u>	<u>Requirement</u>
<u>Regular appointments:</u>		
Commissioner Karen Marcus	1	Palm Beach County Official
Commissioner Jeff Koons	2	Palm Beach County Official
Commissioner Shelley Vana	3	Palm Beach County Official
<u>Alternate appointments:</u>		
Commissioner Steven L. Abrams	1A	Palm Beach County Official
Commissioner Priscilla A. Taylor	2A	Palm Beach County Official
Commissioner Jess R. Santamaria	3A	Palm Beach County Official

SUMMARY: In accordance with the Treasure Coast Regional Planning Council (TCRPC) Rules of Order, the Board of County Commissioners (BCC) is requested to appoint their members and alternates for the coming year before the Council's Annual meeting on December 11, 2009. The BCC will also ratify the Palm Beach County League of Cities members under a separate board appointment item. Countywide (RPB)

C. COMMISSION DISTRICT APPOINTMENTS

DECEMBER 1, 2009

7. MATTERS BY THE PUBLIC – 2:00 P.M.

* * * * *

DECEMBER 1, 2009

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

9. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS, VICE CHAIR

B. District 2 - COMMISSIONER JEFF KOONS

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

Proclamation honoring HER MAJESTY’S Counsel General Keith Allan.

E. District 5 - COMMISSIONER BURT AARONSON, CHAIR

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR

Proclamation celebrating Bishop Willie Hudson’s 47 years of Ministry and Community Service on December 5, 2009.

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

DECEMBER 1, 2009

<u>PAGE</u>	<u>ITEM</u>	
6	3A-2	<p><u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to: A) adopt a Resolution by the Board of County Commissioners of Palm Beach County, Florida, authorizing the submittal of an Energy Efficiency and Conservation Block Grant (EECBG) application for the Retrofit Ramp-up Program in the amount of <u>up to</u> \$50,000,000 to the United States Department of Energy (DOE) Environmental Management Consolidated Business Center (EMCBC) on behalf of the Office of Energy Efficiency and Renewable Energy; and B)....SUMMARY: The American Recovery and Reinvestment Act of 2009, Public Law 111-5, provided funding for the Department of Energy (DOE) totaling \$453.72 million in Recovery EECBG funds for competitive grants awarded under Topic 1, the Retrofit Ramp-up Program and Topic 2, the General Innovation Fund....The \$50 Million application consists of energy efficiency retrofits for PBIA to offset the almost \$4 million in Airport energy costs. These retrofits may include; the installation of solar rooftop units on out parcel buildings, HVAC upgrades, and lighting system retrofits to terminal facilities and parking structures. The residential and commercial component includes the establishment of a sustainable Energy Efficiency Retrofit Grant Program (Trust Fund) for low and moderate income residents; an Energy Efficiency Retrofit Revolving Loan Fund for Residents and Businesses, and funding for Administrative costs. These Federal Funds will leverage an investment of <u>up to</u> \$250 million at the ratio of <u>up to</u> 5:1 through other established programs/organizations, which include but are not limited to: FPL, Treasure Coast Regional Planning Council, Florida Public Utilities, Palm Beach Community College, Florida Atlantic University, Workforce Alliance of Palm Beach County, Inc., Business Development Board and the Solid Waste Authority. Applications must be received by December 14, 2009 not later than 11:59 PM EST. These are federal funds that require no local match. <u>Countywide (DW) (Admin/EDO)</u></p>
18	3I-5	<p><u>DELETED:</u> Staff recommends motion to approve: A) an Amendment to the Loan Agreement (R2004-0844) with Thirteenth Street Industrial Park, Inc. (TSIP) to extend the job creation date from January 2009 to January 2012;...(HCD) (Moved to December 15, 2009)</p>
19	3K-1	<p><u>REVISED TITLE:</u> Staff recommends motion to approve: A) a piggyback unit price Contract in the amount of <u>not to exceed</u> \$450,000 with Aquifer Maintenance and Performance Systems (AMPS) for rehabilitation of surficial aquifer wells.; and B) Work Authorization No. 1 to rehabilitate wells at Water Treatment Plants Nos. 2, 3, 8, 9 and 10 in the amount of \$450,000. (WUD)</p>
26	5C-1	<p><u>REVISED SUMMARY:</u> Pursuant to Board direction on December 18, 2007 and January 27, 2009, this Amended and Restated Grant of Working Waterfront Preservation Easement and Declaration of Restrictive Covenants subjects the entire Palm Beach Yacht Center Property to restrictions limiting the use of the property to boat yard, dry storage and marina and marine related uses which are required to be open to paying public customers on a first come first served basis. The Easement also assigns to the County all residential development rights associated with the property. The value of the Amended Easement was appraised at \$16,250,000. The County paid \$14,000,000 for the original Easement, and this Amended Easement is being granted without additional charge. The County and the Town of Hypoluxo are signing as parties to the Agreement. <u>Staff is recommending that the Board's approval of the Easement be contingent upon</u> PBYC will provide providing an updated title policy insuring the priority of the County's interest in the Easement. (PREM) <u>District 4 (HJF) (FDO)</u></p>

REVISED, MOTION/TITLE & SUMMARY: Staff recommends motion to conceptually approve:

~~A) an Interlocal Agreement to reimburse up to \$500,000 to the City of West Palm Beach (City) for Imagining Howard Park/Stub Canal Storm Water Improvements; and~~

~~B) a Budget Transfer of \$500,000 in the Transportation Improvement Fund from Reserve for District 3 to Imagining Howard Park/Stub Canal Storm Water Improvement – District 3.~~

~~**SUMMARY:** This Agreement will supply reimbursement funds to the City to make storm water improvements to the Stub Canal.~~

an Interlocal Agreement to reimburse the City of West Palm Beach (City) \$500,000 for storm water improvements to Imagining Howard Park/Stub Canal.

SUMMARY: This Agreement will reimburse funds to the City for storm water improvements within the Howard Park turning basin by providing additional storage. Howard Park is within the Stub Canal Drainage Basin (Basin). In 2005, a Task Force was formed to evaluate improvements required to increase flood protection within this flood prone Basin. The Task Force members recommended that additional storage within Howard Park be constructed and made it a priority project in their recommendations. The City has been awarded a \$1,000,000 grant by the Florida Department of Environmental Protection (DEP) for drainage improvements within this Basin. The City intends to utilize \$500,000 of these funds, along with \$500,000 of the County’s funds, to complete the Howard Park drainage improvements. The remaining \$500,000 from the DEP grant (along with \$500,000 of City funds) will be utilized for additional drainage improvements within the Basin. Residents from other areas within Districts 2, 3, & 7 that utilize the Stub Canal for their outfall will benefit from the Howard Park Project and these additional drainage improvements. Lower stages in the Stub Canal mean less flooding for these communities. The Transportation Improvement Fund for District 3 has a total amount of \$500,000 in reserves for this project. This was originally an allocation made by Commissioner Newell. Districts 2, 3, & 7 (MRE) (Engineering)

ADD-ON: Staff recommends motion to ratify: the following Palm Beach County League of Cities (League) representatives to the Treasure Coast Regional Planning Council for a one (1) year term beginning December 1, 2009, to November 30, 2010:

<u>Nominees</u>	<u>Seat No.</u>	<u>Requirement</u>
<u>Regular appointments:</u>		
Joni Brinkman	4	Palm Beach County Official
Sam Ferreri	5	Palm Beach County Official
Karen Golonka	6	Palm Beach County Official
Carmine Priore	7	Palm Beach County Official
Terry Brown	8	Palm Beach County Official
<u>Alternate appointments:</u>		
Fred Pinto	4A	Palm Beach County Official
David Norris	5A	Palm Beach County Official
Martha Webster	6A	Palm Beach County Official
Shelby Lowe	7A	Palm Beach County Official
Ellen Andel	8A	Palm Beach County Official

Summary: In accordance with the TCRPC Rules of Order, the Board of County Commissioners (BCC) is requested to appoint their members and alternates for the coming year before the Council’s annual meeting on December 11, 2009. The BCC also ratifies the League’s members. The League appointed the above municipal representatives at their November 25, 2009 meeting. Countywide (RPB)

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