

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

**JUNE 8, 2010**

**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 7 - 32)**
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 33)**
- 5. PUBLIC HEARING - 9:30 A.M. (Page 34)**
- 6. REGULAR AGENDA (Pages 35 - 42)**  
**TIME CERTAIN 10:00 A.M. (2010 Legislative Session Final Report) (Page 35)**
- 7. BOARD APPOINTMENTS (Page 43)**
- 8. MATTERS BY THE PUBLIC (Page 44)**
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**REGULAR AGENDA**

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to receive and file:

**A)** Resolution No. 54-10, of the Town of Palm Beach, Florida expressing opposition to the proposed Palm Beach County 1% Fire Rescue Sales Surtax; memorializing the Town Commission's decision to decline participation in a proposed interlocal agreement with Palm Beach County; and providing for an effective date; and

**B)** Resolution No. 2-2009 of the City Commission of the City of South Bay, Florida, requesting and supporting construction of a new elementary school in the City of South Bay.

2. **Staff recommends motion to approve:** an Agreement with Aramark Sports and Entertainment Services, Inc., for the provision of Food and Beverage Operations Services at the Palm Beach County Convention Center for the period of July 1, 2010, through September 30, 2015 (five (5) years and three (3) months) in the amount of \$62,499.98 management fee for the first contract year (15 months), each subsequent year will be based on \$50,000 and adjusted for C.P.I. beginning October 1, 2011 and receive six percent (6%) of net profit; earn an incentive fee of up to \$25,000 and the option to renew agreement for one (1) additional five (5) year term. **SUMMARY:** This Agreement allows Aramark to provide Food and Beverage Operations Services at the Palm Beach County Convention Center for the next five (5) years and three (3) months, with an option to renew for one (1) additional five (5) year term. Each year of the Agreement, Aramark will receive 6% of net profits. Aramark will make a grant of \$125,000 to the County upon commencement of this agreement for mutually agreed upon marketing activities of the Convention Center. In addition, Aramark has committed to a minimum of 17% Small Business Enterprise utilization during the term of this agreement. In order to qualify for the annual \$25,000 Incentive Fee, they must meet or exceed the specified criteria in the agreement relating to Customer Satisfaction, Financial Results, Community Impact and Marketing and Revenue Generation. Aramark has been an excellent partner with the County over the last seven (7) years. Not only have they provided excellent service at the Convention Center, they have been involved in the community through a number of activities. Aramark has committed to continue to be a good community partner as well as provide outstanding food and beverage operations services at the Convention Center. Countywide (MC)

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 approve: State Revenue Sharing Application for the Fiscal Year 2010-2011. **SUMMARY:** Each unit of local government is required to file an application in order to be considered for any funds to be distributed under the Revenue Sharing Act. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

5. Staff recommends motion to:

**A) receive and file** the Report of County Officials Bonds dated June 2010; 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 the 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 January 1, through March 31, 2010. **SUMMARY:** This is a quarterly summary of subdivision plats recorded during the past fiscal quarter as required by the Department of Engineering and Public Works Policies and Procedures Manual Item No. ED-O-11, governing administrative approval of plats by the County Engineer. Countywide (MRE)

2. Staff recommends motion to approve: an Interlocal Agreement with the Town of Jupiter (Town) to provide for mowing of the following road rights-of-way: Military Trail from Frederick Small Road to Indiantown Road; Center Street from S.R. 811 to Indiantown Road; Central Boulevard from Indiantown Road to Indian Creek Parkway and Indian Creek Parkway from Central Boulevard to Military Trail (Roads). **SUMMARY:** Approval of this Agreement will provide for the mowing of the Roads' rights-of-way that Palm Beach County (County) is responsible for maintaining. The County will pay the Town an amount not to exceed \$6,600 per year for actual mowing time provided. This Agreement also shall include any costs incurred from April 3, 2010, through June 8, 2010 related to the mowing of such Roads rights-of-way, and good for one (1) year with the option of five (5) – one (1) year renewals by written notification. The Town has been providing the mowing maintenance of these Roads since 1990. District 1 (MRE)

3. Staff recommends motion to:

**A) approve** a Contract with Ranger Construction Industries, Inc., (Ranger), the lowest responsive, responsible bidder in the amount of \$772,932.20 for the construction of Sansbury's Way and Process Drive Intersection Improvements (Project); and

**B) approve** a Budget Amendment of \$730 in the Transportation Improvement Fund to recognize reimbursement funding from AT&T and appropriate it to Sansbury's Way and Process Drive Intersection Improvements.

**SUMMARY:** Approval of this Contract and Budget Amendment will allow Palm Beach County to issue a Notice to Proceed to Ranger, a Palm Beach County contractor, to begin construction of the Project. The Palm Beach County Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed for the Project by Ranger is 15.13%. Time to complete all work under this Contract shall be no more than 200 calendar days. District 6 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. **Staff recommends motion to approve:** a Contract with H & J Contracting, Inc. (H & J), the lowest responsive, responsible bidder in the amount of \$541,311.27 for the construction of Australian Avenue from north of I-95 to south of Okeechobee Boulevard (Project). **SUMMARY:** Approval of this Contract will allow Palm Beach County to issue a Notice to Proceed to H & J, a Palm Beach County contractor, to begin construction of the Project. The Palm Beach County Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed for the Project by H & J is 17.08%. Time to complete all work under this Contract shall be no more than 120 calendar days. District 7 (MRE)
  
5. **Staff recommends motion to approve:** a Contract with H & J Contracting, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$220,983.61, for Project No. 2003061, the Glen Ridge/Cloud Lake Drainage Improvements (Project). **SUMMARY:** Approval of this Project will allow for the dredging of both Cloud Lake and Gem Lake, and the replacement of the connecting culvert to provide better drainage for the area. The Contractor is a Palm Beach County business. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the Project by the Contractor is 15% overall. District 3 (MRE)
  
6. **Staff recommends motion to approve:** a Subordination of Encumbrance to Property Rights from the City of West Palm Beach (City) over a parcel of land, designated as Parcel 101, needed for the 60<sup>th</sup> Street North, from west of Royal Palm Beach Boulevard to the State Road 7 Extension project (Project). **SUMMARY:** Approval of this subordination will release the interest of the City in a parcel of land owned by Palm Beach County. District 6 (PK)
  
7. **Staff recommends motion to:**  

**A) adopt** a Resolution approving a County Incentive Grant Program (CIGP) Agreement with the State of Florida Department of Transportation (FDOT), in the amount of \$7,295,000, for the new construction of Lyons Road from 900 feet north of S.R. 806/Atlantic Avenue to 1.5 miles south of S.R. 804/Boynton Beach Boulevard (Project); and

**B) approve** a Budget Amendment of \$7,295,000 in the Road Impact Fee Fund – Zone 5 to recognize a CIGP Agreement with FDOT and appropriate it to the Project.

**SUMMARY:** Approval of this CIGP Agreement will allow Palm Beach County (County) to receive a grant of up to \$7,295,000 (50/50 matching funds) for the Project whose current estimated construction cost is \$13,633,000. The County will be responsible for all costs above this grant amount. District 5 (MRE)
  
8. **Staff recommends motion to adopt:** a Resolution to approve Amendment Number Two to the Transportation Regional Incentive Program (TRIP) Agreement approved on June 5, 2007 (R2007-0837) with the State of Florida Department of Transportation (FDOT) for the West Atlantic Avenue project from west of Lyons Road to Starkey Road (Project). **SUMMARY:** Approval of this Amendment will include environmental contamination and remediation services in the TRIP Agreement and FDOT will reimburse Palm Beach County for half of its expenditures. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

9. Staff recommends motion to:

**A) accept** a City Deed, a Drainage Easement, a Permanent Line of Sight Easement, and a Permanent Pedestrian Sidewalk Easement from the Town of Jupiter (Jupiter) in connection with Indian Creek Parkway; and

**B) approve** a County Deed in favor of Jupiter for the unused portion of Indian Creek Parkway.

**SUMMARY:** Approval of this item will allow acceptance of a deed and related easements, and will allow approval of a Palm Beach County Deed to Jupiter, all in connection with Indian Creek Parkway. District 1 (PK)

10. Staff recommends motion to approve: an Agreement in the amount of \$574,173.86 with Metric Engineering, Inc. for professional services. **SUMMARY:** Approval of this Agreement will provide the professional services necessary for the performance of construction engineering and inspection services for the Military Trail from Clint Moore Road to Lake Worth Road resurfacing project. Metric Engineering, Inc. has a Palm Beach County office. Districts 2, 3, 4 & 5 (PK)

D. COUNTY ATTORNEY

1. Staff recommends motion to receive and file: the official transcript for the closing of the Palm Beach County, Florida, Taxable Public Improvement Revenue Bonds (Convention Center Hotel Project), Series 2010 (the "Bonds"), as authorized by Resolution R2010-0665. The closing occurred April 28, 2010. **SUMMARY:** On April 20, 2010, the Board adopted Resolution No. R2010-0665, authorizing the issuance of the Bonds. The official transcript for this transaction has been provided. This transcript should now be received and filed in the Minutes Department. Countywide (PFK)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Contract with Glades Health Initiative, Inc. for the period March 1, 2010, through June 30, 2010, in an amount of \$30,000 for Ryan White Part A Treatment Extension Act of 2009 HIV Emergency Relief Formula funds. **SUMMARY:** A Notice of Grant Award from the Department of Health and Human Services Health Resources and Services Administration was received on March 5, 2010, that conveys an award for Formula funds for the contract period March 1, 2010, through February 28, 2011. Glades Health Initiative, Inc. provides outreach services which identifies and encourages HIV affected clients to seek medical services. (Ryan White) District 6 (TKF)
2. Staff recommends motion to approve: Contract with Comprehensive AIDS Program, Inc. for the period March 1, 2010, through February 28, 2011, totaling \$526,240 for Ryan White Part A Treatment Extension Act of 2009 HIV Emergency Relief Minority AIDS Initiative (MAI) funds. **SUMMARY:** A Notice of Grant Award from the Department of Health and Human Services Health Resources and Services Administration was received on March 5, 2010, that conveys an award for Minority AIDS Initiative (MAI) funds for the contract period March 1, 2010, through February 28, 2011. The Grantee, Palm Beach County, is responsible for selecting and contracting with service providers that meet the criteria for the Minority AIDS Initiative. The funding is for the provision of medical case management services. The agency listed was selected through the Request For Proposal (RFP) process and has been recommended to receive MAI funding. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve:

**A) receive and file** Grant Award Letter from Department of Health & Human Services, for the budget period of March 1, 2010, through February 28, 2011, in the amount of \$7,118,957; and

**B) approve** contracts with listed provider agencies for the period March 1, 2010, through February 28, 2011, totaling \$3,787,874 for Ryan White Part A Treatment Extension Act of 2009 HIV Emergency Relief Formula funds:

	<u>Formula</u>
A) Compass, Inc.	\$ 399,000
B) Comprehensive AIDS Program, Inc.	\$1,378,000
C) Comprehensive Community Care Network, Inc.	\$ 471,874
D) Legal Aid Society of Palm Beach County, Inc.	\$ 190,000
E) Minority Development & Empowerment, Inc.	\$ 30,000
F) Oakwood Center of the Palm Beaches, Inc.	\$ 36,000
G) Treasure Coast Health Council, Inc.	\$ 583,000
H) Gratitude House, Inc.	\$ 15,000
I) Health Care District	\$ <u>685,000</u>
<b>Total</b>	<b>\$3,787,874</b>

**SUMMARY:** A Notice of Grant Award from the Department of Health and Human Services Health Resources and Services Administration (HRSA) was received on March 5, 2010, that conveys an award for Formula funds totaling \$6,499,851. The total award includes \$649,985 for Grantee Administration, and \$324,992 for Quality Management. The contracts listed represent a portion of the total funding. The balance of the funding will be awarded and the provider contracts will be submitted on a future BCC agenda. The grant award is for the provision of services related to HIV affected clients, such as medical case management, medical care, oral health care and substance abuse treatment. The Grantee, Palm Beach County, is responsible for selecting and contracting with service providers, and the Palm Beach County HIV CARE Council is charged with the sole responsibility of determining service priorities and allocation of funding accordingly. The agencies listed were selected through the Request For Proposal process and have been recommended to receive funding. (Ryan White) Countywide (TKF)

4. Staff recommends motion to receive and file: Memorandum of Agreement (MOA) with Governor's Council for Community Health Partnerships, Inc. (GCCHP). **SUMMARY:** The purpose of the MOA is to clearly identify roles and responsibilities of each party as they relate to handling fiscal aspects for services provided by the Divisions of Human and Senior Services. This includes payment processing, record keeping, payment reports and receipts for funding. The MOA was executed by the County Administrator on April 27, 2010, pursuant to authority granted by the Board of County Commissioners (R2010-0222). (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. **Staff recommends motion to approve:** Amendment No. 001 to the Contract for Consulting/Professional Services with Joseph L. Morse Geriatric Center-Just Checking Program (R2009-0966), for the period July 1, 2010, through June 30, 2011, for a not-to-exceed amount of \$20,040, to execute the first renewal option and increase the hourly rate for mental health counseling services. **SUMMARY:** This Amendment exercises the first renewal option for services with Joseph L. Morse Geriatric Center-Just Checking Program. It allows the Division of Senior Services (DOSS) to continue to meet the Area Agency on Aging Palm Beach/Treasure Coast, Inc. (AAA) counseling services requirements of the Community Care for the Elderly (CCE) grant by providing mental health counseling services to clients on an individual basis. This Amendment increases the per hour rate to \$75. Funding consists of \$18,036 (90%) in State funds and \$2,004 (10%) in County matching funds. The County match funds are included in the current FY 2010 and the requested FY 2011 budgets. In the area south of Hypoluxo Road, The Mae Volen Senior Center, Inc. provides services under similar grants from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5 & 7 south of Hypoluxo Road (TKF)
  
6. **Staff recommends motion to approve:** Standard Agreement No. IP010-9500 for the Emergency Home Energy Assistance Program (EHEAP) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period April 1, 2010, through July 1, 2011, in the amount of \$132,865. **SUMMARY:** This Agreement will allow the Division of Senior Services (DOSS), as AAA Lead Agency, to serve 204 eligible low-income households who meet 150% of the federal poverty guidelines, have at least one (1) person age 60 years or older and are experiencing a home energy emergency. Benefits include emergency assistance to prevent disconnection of utility services. EHEAP services which are funded with \$132,865 in Federal funds provided through the AAA Agreement and additional County funds in the amount of \$44,484 are needed to cover staff salaries and administrative costs not covered by the grant. Sufficient funding is available in the FY 2010 budget to meet County obligations. In the area south of Hypoluxo Road, AAA Lead Agency, The Mae Volen Senior Center, Inc. provides EHEAP services under a similar agreement from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (TKF)
  
7. **Staff recommends motion to approve:**
  - A) Refunding Application for Federal assistance in the amount of \$1,113,738 to operate the Head Start Expansion program for the period of September 30, 2010, through September 29, 2011; and
  - B) Refunding Application for Federal assistance in the amount of \$1,091,401 to operate the Early Head Start Expansion program for the period of September 30, 2010, through September 29, 2011.

**SUMMARY:** Head Start received the American Recovery and Reinvestment Act (ARRA) Expansion grants to serve 154 three (3) through five (5) year olds and 91 pregnant women, infants and toddlers birth through 36 months old. Head Start will continue to provide services for the period of September 30, 2010, through September 29, 2011. The total funding for Head Start is \$1,392,173, which consists of \$1,113,738 in Federal funds and \$278,435 in County required match. The total funding for Early Head Start is \$1,364,251, which consists of \$1,091,401 in Federal funds, \$120,823 in County required match and \$152,027 in-kind match from Healthy Beginnings, Children's Services Council and Cooperative Extension. The County's portion has been requested in the FY 2011 budget. The refunding application is due to Department of Health & Human Services by June 30, 2010. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

8. **Staff recommends motion to approve:** Contract for Consulting/Professional Services with Audrey Greenwald, for the period of June 8, 2010, through September 30, 2010, in an amount of \$12,000, for speech and language services to Head Start children. **SUMMARY:** Audrey Greenwald, a local speech pathologist, will provide speech/language therapy by appropriate licensed therapists to Head Start children. The provider is required to bill Medicaid for evaluations and services for children who are Medicaid eligible. Funding consists of \$9,600 (80%) in Federal funds and \$2,400 (20%) in County funds. The County's portion is included in the FY 2010 budget. (Head Start) Countywide (TKF)
  
9. **Staff recommends motion to:**
  - A) ratify** the Chairman's signature on the SF424 Application for federal assistance for FY 2010 Cost-of-Living Adjustment (COLA) funds to the Department of Health and Human Services, Administration for Children and Families (HHS/ACF), for the period of July 1, 2010, through September 30, 2010, in the amount of \$65,123; and
  - B) approve** an upward Budget Amendment of \$65,123 in the Head Start Fund to reconcile the grant budget, contingent upon the grant award.

**SUMMARY:** HHS/ACF has notified Head Start of the availability of COLA funds totaling \$65,123. These funds will be a permanent addition to the base grant. A budget amendment is needed to reconcile the grant budget. The application was submitted through the emergency signature process because there was not sufficient time to submit through the regular Board of County Commissioners agenda process. Funding is comprised of \$65,123 Federal funds. A request of waiver of non-federal share was filed and approved. (Head Start) Countywide (TKF)
  
10. **Staff recommends motion to approve:** a Refunding Application for federal assistance in the amount of \$15,042,196 (Head Start \$13,237,046 & Early Head Start \$1,805,150), to operate the full day/full year Head Start and Early Head Start programs for the period October 1, 2010, through September 30, 2011. **SUMMARY:** The FY 2010/2011 full day/full year Head Start/Early Head Start programs will provide comprehensive child development services to 1,871 three (3) – five (5) year-olds, 180 pregnant women, infants/toddlers and economically disadvantaged children in Palm Beach County. Total funding of \$23,119,708 (for the Head Start/Early Head Start Program) consists of Federal funds of \$15,042,196; Children's Services Council funds of \$454,964 and Palm Beach County required funding of \$3,305,586 with overmatch funding of \$4,316,962. The County's portion has been requested in the FY 2011 budget. The refunding application is due to Department of Health & Human Services by June 30, 2010. (Head Start) Countywide (TKF)
  
11. **Staff recommends motion to approve:** Amendment No. 002 to Standard Agreement No. IP009-9500 (R2009-0745) for the Emergency Home Energy Assistance Program (EHEAP) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA). **SUMMARY:** This Amendment is to extend the service date to May 31, 2010, extend the agreement ending date to June 10, 2010, and to revise and replace the Agreement Report Schedule. In the area south of Hypoluxo Road, The Mae Volen Senior Center, Inc. currently provides EHEAP services under a similar agreement from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

12. **Staff recommends motion to approve:** Amendment No. 001 to Standard Agreement No. IH009-9500 (R2009-1260) for the Home Care for the Elderly (HCE) Program with the Area Agency on Aging (AAA) of Palm Beach/Treasure Coast, Inc. for the period July 1, 2009, through June 30, 2010, decreasing the Agreement amount by \$30,000 for a new total not-to-exceed amount of \$107,826. **SUMMARY:** The HCE Program consists of two (2) components: a subsidy to assist caregivers in keeping low-income elders at home and case management. The purpose of this amendment is to reduce HCE subsidy and to increase HCE Case Management for the provision of in-home care for seniors as an alternative to nursing home/institutional care. The \$30,000 reduction in HCE is offset by a \$30,000 net increase in Community Care for the Elderly (CCE) funding (R2010-0597). These adjustments are periodically required at the request of AAA to align budgetary priorities. In the area south of Hypoluxo Road, The Mae Volen Senior Center, Inc., provides HCE services from AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5 & 7 south of Hypoluxo Road (TKF)

F. AIRPORTS

1. **Staff recommends motion to adopt:** a Resolution establishing a standard form Cargo Building Lease Agreement (Lease); authorizing the County Administrator or his designee to execute the standard form Lease and amendments to the Lease for the purpose of relocating, increasing or decreasing a tenant's leased or licensed premises; repealing Resolution 97-233; and becoming effective upon adoption. **SUMMARY:** The Resolution establishes a new standard form Lease for use with tenants at the cargo building at 1300 N. Perimeter Road (Building 1300) at the Palm Beach International Airport (PBIA), and authorizes the County Administrator or his designee to execute the standard form Lease on behalf of the Board. The Resolution also authorizes the County Administrator or his designee to execute amendments to the Lease for the purpose of relocating, increasing or decreasing a tenant's leased or licensed premises. The new standard form replaces the standard form Air Freight Building Lease Agreement established by Resolution 97-233. Countywide (HJF)
2. **Staff recommends motion to approve:** Change Order No. 3 to the Contract with E. C. Stokes Mechanical Contractors, Inc. increasing the contract in the amount of \$246.70, and an extension of 30 calendar days for PB07-2 Cabin Air System improvements at Palm Beach International Airport (PBIA). **SUMMARY:** On April 7, 2009, the Board approved the contract with E.C. Stokes Mechanical Contractors, Inc., a Palm Beach County Company, for the Cabin Air System Improvements Project in the amount of \$833,325 with a contract time of 340 calendar days (R2009-0546). Change Orders 1 and 2 were approved by the Contract Review Committee decreasing the contract in the amount of \$208.21 and increasing the contract time by 90 calendar days. Approval of this Change Order will increase the total contract price by \$246.70 and extend the contract time by an additional 30 calendar days. Approval of Change Order No. 3 for an increase in the amount of \$246.73 is being brought to the Board for approval due to the absolute value of the itemized changes in the costs included in the change order amount pursuant to Revised PPM No. CW-F-050. The Small Business Enterprise (SBE) Goal for this project was established at 15%. The SBE participation for this Change Order is 100%. The total SBE contract participation including all change orders is 100%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. [Staff recommends motion to receive and file:](#) thirty seven (37) original Agreements for the Department of Airports:
  - A) Agreement to Terminate Hangar Lease Agreement with Advanced Medical Support, Inc., Unit 9, Building 11220 at North County Airport, terminating R2004-0027 on March 31, 2010;
  - B) Agreement to Terminate Hangar Lease Agreement with Gerald T. Sutterfield, Unit 12, Building 11240 at North County Airport, terminating R2003-1841 on May 1, 2010;
  - C) Hangar Lease Agreement with Rollaguard Security, LLC, Unit 7, Building 11220, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on May 1, 2010;
  - D) License Agreement with Centerport, Inc. for use of Unit 1310-A of 1300 Cargo Building, commencing April 20, 2010, expiring May 31, 2010, automatically renewed on monthly basis;
  - E) License Agreement with Galaxy Aviation of Palm Beach, Inc. for aircraft parking on Apron "A", commencing April 1, 2010, expiring April 30, 2010, automatically renewed on monthly basis;
  - F) License Agreement with Signature Flight Support Corporation for aircraft parking on Apron "B", commencing April 1, 2010, expiring April 30, 2010, automatically renewed on monthly basis;
  - G) Consent to Sublease for a Sublease Agreement between Florida Airmotive, Inc. and Cesar Tinoco, commencing into March 1, 2010;
  - H) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and Due Process Services, LLC, commencing into June 1, 2009;
  - I) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and Falcon Maintenance Corporation, commencing November 1, 2009;
  - J) Consent to Sublease for a Sublease Agreement between Galaxy Aviation and Lexington Management Group, Inc., commencing March 1, 2010;
  - K) Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Agro-Industrial Management, Inc., commencing November 11, 2005;
  - L) Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Arthur DeMoss Foundation, commencing April 1, 2009;
  - M) Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Avia Treasury GmbH, commencing August 1, 2008;
  - N) Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Clementine Aviation Service LLC, commencing April 1, 2008;
  - O) Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Corporacion Castillo Bertran, commencing November 1, 2009;
  - P) Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Dankjold Reed Aviation, LLC, commencing August 1, 2009;

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. MOTION/TITLE CONTINUED

**Q)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and DCS Management Services, Inc., commencing October 1, 2009;

**R)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Executive Affiliates, Inc., commencing May 1, 2009;

**S)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Executive Jet Management, Inc., commencing August 1, 2009;

**T)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Florida Jet Sales, Inc., commencing September 15, 2007;

**U)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Gavilan Corporation, commencing October 1, 2009;

**V)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Helicopters, Inc., commencing June 1, 2009;

**W)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Horta Aviation, LLC, commencing January 15, 2010;

**X)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Kaitar Resources, LLP, commencing December 1, 2006;

**Y)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Loomis Corporation, commencing June 1, 2009;

**Z)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Lovejoy Industries, Inc., commencing April 1, 2009;

**AA)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Odyssey Aviation, commencing November 1, 2008;

**BB)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Oxbow Falcon LLC, Building 1512, Hangar 3, commencing December 1, 2008;

**CC)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Oxbow Falcon LLC, Building 1516, Storage Unit 15, commencing December 1, 2008;

**DD)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Palm Beach Aviation, Inc., commencing August 1, 2008;

**EE)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Symax Aviation, Inc., commencing May 1, 2009;

**FF)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Tradanta, Inc., commencing May 1, 2009;

**GG)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and US Cable Corp., commencing October 1, 2009;

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. MOTION/TITLE CONTINUED

**HH)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Vecellio Management Services, commencing August 24, 2007;

**II)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Weeks Davies, commencing December 2, 2007;

**JJ)** Consent to Sublease for a Sublease Agreement between Peidmont Hawthorne Aviation, LLC and Jet Tech Interiors, entered into April 1, 2010; and

**KK)** Consent to Sublease for a Sublease Agreement between Signature Flight Support Corporation of Palm Beach, Inc. and Bombardier Aerospace Corporation d/b/a Flexjet, entered into February 1, 2010.

**SUMMARY:** Delegation of authority for execution of the standard County agreements above was approved by the Board of County Commissioners in R1994-1453, R2004-1367, R2007-2070 and R2008-1845. The Department of Airports is in the process of reviewing all files for compliance. Countywide (AH)

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)

2. Staff recommends motion to approve: the recording of the FY 2009 retirements of tangible personal property (equipment, vehicles, publications) in the official minutes of the Board of County Commissioners' meeting as prescribed by Florida Statutes, Chapter 274. **SUMMARY:** Florida Statutes, Chapter 274 and the Palm Beach County "Surplus Property Ordinance" require the recording of the disposal (retirement) of tangible personal property from the official records of Palm Beach County at historical value. Disposal, retirement, and adjustments total \$32,383,088.36. Approval of this agenda item allows for Palm Beach County to meet required legal obligations. Countywide (PK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: JOC Work Order No. 10-094 with Robling Architecture Construction, Inc. (R2007-1099) in the amount of \$637,258.73 to provide site work and renovations at Belle Glade Airport Park. **SUMMARY:** The site modifications and site work shall provide for refurbished tennis & basketball courts, playground equipment, concession area, and bleachers at Belle Glade Airport Park (a City-owned park). These improvements will provide the surrounding community with usable recreational areas. The project is being funded by Federal Community Development Block Grant (CDBG) monies and is being managed by Facilities Development & Operations on behalf of the City of Belle Glade. The Small Business Enterprise (SBE) goal is 15%. The SBE participation in this Work Order is 100%. When the participation for this Work Order is added to Robling Architecture Construction, Inc.'s total participation-to-date, the resulting values are 100%. The total construction duration is 240 days. (FD&O Admin) District 6 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: a First Amendment to the Agreement with Medics Emergency Services of Palm Beach County, Inc. (Agency) (R2007-2247) to extend the term of the Agreement until December 17, 2013. **SUMMARY:** The Agreement, which provides the terms and conditions under which the Agency can program into the County's 800 MHz Radio System and utilize the countywide and EMS common talk groups for certain types of interagency communications, expires on December 17, 2010. The County's system may not be utilized for routine operational communications by the Agency. The Agreement provides for three (3) renewal options, each for a period of three (3) years. Both parties must approve the renewal option. The Agency has approved a renewal to extend the term of the Agreement until December 17, 2013. The renewal now requires Board approval. The terms of this Agreement are standard and have been offered to all EMS providers. There are no charges associated with this Agreement. The Agency is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This First Amendment renews the term, updates the notice provisions and provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Other than the changes set forth herein and a few minor changes, all other terms and conditions remain the same. (ESS) Countywide (JM)
  
3. Staff recommends motion to approve: exercise of the first option to extend the term of the Lease Agreement (R2000-1807) dated October 31, 2000, with the School Board of Palm Beach County for the County's continued use of Lake Shore Middle School Building 9 (gymnasium) and adjacent land. **SUMMARY:** The County currently leases Lake Shore Middle School Building 9, as well as adjacent land, for various community based youth programs and parking located at 1101 Southwest Avenue E in Belle Glade. The leased premises are currently used by the Palm Beach County Sheriff's Office for Police Athletic League (PAL) programs and by the Boys and Girls Club of Palm Beach County, Inc. (B&G Club) for after school, weekend and summer programming, pursuant to the terms of a Sublease Agreement (R2001-0656) approved by the Board of County Commissioners on May 1, 2001. The County has leased this facility since 2000 and the current term will expire on October 30, 2010. The Lease Agreement provides for two (2) renewal options, each for a period of five (5) years. This notice of exercise of the option extends the term of the Lease Agreement from October 31, 2010 through October 30, 2015, and provides the School Board with disclosure of Ordinance No. 2009-049 regarding the Office of the Inspector General. The annual rent for this extension period is \$1.00/yr. All other terms of the Lease Agreement remain unchanged. (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to:

A) approve a drainage easement;

B) accept an access easement; and

C) accept a utility easement from the City of South Bay to serve the County's replacement site for Fire Rescue Station No. 74 in South Bay.

**SUMMARY:** The County acquired a 3.04-acre site from the City of South Bay in 2007 for development of a replacement for Fire Rescue Station No. 74. The site is located on the northeast side of North U.S. Highway 27 at the entrance to the proposed South Bay Park of Commerce. Drainage, access, and utility easements are required to serve the County parcel. The drainage easement is 25' x 1,696.80' extending to South Shore Drainage District's Villa Lago Canal and contains 42,420 square feet (0.97 acres). The access easement is 208.80' long x 120.10' to 146.16' wide, and contains 25,395 square feet (0.58 acres). The utility easement contains 57 square feet. All the easements are located on City-owned property, benefit the County parcel and are being granted by the City at no charge for development of the Fire Rescue Station. (PREM) District 6 (HJF)

5. Staff recommends motion to receive and file: a notice of exercise of the third option to extend the term of the Concessionaire Service Agreement with Kayak-King Watersports, Inc., (R2007-0958) for the continued operation of a water sports and recreational rental concession in Okeeheelee Park at an annual rate of \$5,399.35. **SUMMARY:** Kayak-King Watersports, Inc. has operated its concession in Okeeheelee Park since May 2008 (R2008-0761). The Board previously recognized two (2) renewal options (R2008-1476 dated September 9, 2008, and R2009-0757 dated May 5, 2009) that extended the expiration date of the Concessionaire Service Agreement to June 30, 2010. Kayak-King Watersports is exercising the third of four (4) - one (1) year extension options for the period of July 1, 2010, through June 30, 2011. The annual rent for this extension period is increased by four percent (4%) to \$5,399.35. The Board has no discretionary authority to deny the exercise of the option; however, either party may terminate this Agreement upon ninety (90) days written notice. Florida Statutes Section 286.23 requires that a Disclosure of Beneficial Interest be obtained when a property held in a representative capacity is leased to the County, but does not require such Disclosure when the County leases property to a tenant. Since the Statute does not require the Disclosure and as this is an exercise of an option to a Concessionaire Service Agreement which was previously approved by the Board, staff did not request a new Disclosure. All other terms and conditions of the Concessionaire Service Agreement shall remain in full force and effect. (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. **Staff recommends motion to approve:** a First Amendment to the Agreement with the City of Margate (City) (R2005-2158) to extend the term of the Agreement until October 31, 2015. **SUMMARY:** The Agreement, which provides the terms and conditions under which the City can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications, expires on October 31, 2010. The Agreement provides for three (3) renewal options, each for a period of five (5) years. Both parties must approve the renewal option. The City has approved a renewal to extend the term of the Agreement until October 31, 2015. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The City is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This First Amendment renews the term, updates the County's notice provision and provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Other than the changes set forth herein and a few minor changes, all other terms and conditions remain the same. (ESS) Countywide (JM)
  
7. **Staff recommends motion to approve:** Amendment No. 7 to Contract with Catalfumo Construction, Ltd. (R2007-1217) in the amount of \$4,209,613 for construction management services for the Governmental Center Chiller Replacement. **SUMMARY:** Amendment No. 7 will provide for a Guaranteed Maximum Price (GMP) to replace the roof top cooling towers and chillers at the Governmental Center with a new chiller building located east of the Governmental Center parking garage. The new chillers will also provide chilled water to the Historic Courthouse and eliminate the chiller/generator yard located northeast of the Historic Courthouse. Due to the location of the new Central Energy Plant (CEP), the Rose Garden will be relocated and enhanced with a new Public Assembly Plaza including an open-air sheltered pavilion with seating and a landscaped plaza, the cost of which is included in this Amendment. Project funding is ad valorem. Catalfumo is a local firm using all Palm Beach County subcontractors. The Small Business Enterprise (SBE) goal for this project is 15%. Catalfumo Construction will provide 49% SBE participation in this Amendment. The construction duration of the CEP is 150 calendar days to substantial completion. The second phase, Public Assembly Plaza, will commence upon completion of the CEP and relocating of the Historic Courthouse equipment. (Capital Improvements Division) Countywide/District 7 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. Staff recommends motion to approve:

**A)** Work Order No. 10-025 with Farmer & Irwin (R2006-2089) in the amount of \$17,586 to provide new steel supports, patch rusted ductwork, replace damaged hurricane straps and bird screens, and paint the new pressurization fans at the Judicial Center; and

**B)** Work Order No. 10-020 with Farmer & Irwin (R2006-2089) in the amount of \$18,753 to provide test and balance services for nine (9) stairwell fans and one (1) smoke exhaust fan at the Main Courthouse/Judicial Center, and conduct an after-hours inspection with the City of West Palm Beach.

**SUMMARY:** The original Work Order (09-033) in the amount of \$188,966 was approved by the Contract Review Committee on July 5, 2009, and authorized the replacement of deteriorating existing stairwell pressurization fans and associated auxiliary equipment. Work Order No. 10-025 expands the scope of work to correct concealed and unforeseen damage. This work has been completed. The scope identified in Work Order 10-020 includes pressurization re-testing of all doors from the stairwell required by the City of West Palm Beach Building Official but not noted as an original permit condition. Approval of Work Orders 10-020 and 10-025 require Board approval as the cumulative value of the project exceeds \$200,000. The Small Business Enterprise (SBE) goal is 15%. The SBE participation in these Work Orders is 0%. When the participation for these Work Orders is added to the HVAC Annual Contract total participation-to-date, the resulting values are 76.6%. (FD&O Admin) District 7 (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2010-0259) with the Town of Lake Park to modify the scope of the project at West Ilex Park. **SUMMARY:** The Agreement for this project included the purchase and installation of playground equipment, landscaping, benches, pavers, sidewalks, a bike rack and irrigation system modifications at West Ilex Park located at 760 West Ilex Drive, in the Town of Lake Park. The Agreement anticipated the procurement of all of the aforesaid items under one contract. The Town has instead requested that the project be expanded and be divided into two (2) parts. Under this Amendment, one part will include the purchase of playground equipment, safety surfacing, picnic tables, trash receptacles, benches, bike racks and trellises, and the second part will include construction work that encompasses excavation for the playground, concrete walkways and pads, and installation of truncated dome mats, root control barrier, picnic shelter, fencing, lighting, irrigation and sod. **These are Federal Community Development Block Grant funds that require no local match.** District 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to receive and file: seven (7) agreements funded under the Neighborhood Stabilization Program for the period of April 1, 2010, to March 31, 2011, with:

A) Palm Beach County Housing Authority in the amount of \$750,000;

B) Riviera Beach Housing Authority, Inc., in the amount of \$500,000;

C) Housing Partnership, Inc., in the amount of \$850,000;

D) Neighborhood Renaissance, Inc., in the amount of \$500,000;

E) Florida Conference Association of Seventh-Day Adventists in the amount of \$272,600;

F) Community Land Trust of Palm Beach County, Inc., in the amount of \$800,000; and

G) City of Riviera Beach in the amount of \$577,400.

**SUMMARY:** Palm Beach County entered into a Grant Agreement (R2009-1672) with the U.S. Department of Housing and Urban Development for the receipt of \$27,700,340 under the Neighborhood Stabilization Program (NSP). On November 3, 2009, the Board of County Commissioners (BCC) approved funding recommendations for this Program which included the seven (7) herein identified recipients of NSP funds. All seven (7) Agreements make funds available for the acquisition and rehabilitation of foreclosed properties. Acquired properties are then sold to, or leased to, income qualified households. The County Administrator executed these seven (7) agreements under the authority provided by the BCC on November 18, 2008 (R2008-2154). **These are Federal Neighborhood Stabilization Program Grant funds that require no local match.** Districts 1, 2, 5, 6 & 7 (TKF)

3. Staff recommends motion to receive and file: an Agreement with NOAH Development Corporation, in the amount of \$1,496,414, for the period of April 15, 2010, to September 16, 2010. **SUMMARY:** This Agreement provides funding under the 2005 Disaster Recovery Initiative (DRI) Program for the continuation of a project that has commenced under Agreement (R2009-0998) which expired with the expiration of the DRI Grant Agreement with the Florida Department of Community Affairs. The \$1,500,000 funded through the expired Agreement, less funds expended on the project to date, is being recommitted to the project through this Agreement. Under this Agreement, NOAH Development Corporation (NOAH) will receive the remaining \$1,496,414, for hurricane hardening at Covenant Villas and South Bay Villas. NOAH has received bids and awarded a construction contract for the work. Approval of the Agreement will allow work to proceed. The project experienced delays related to the preparation of contract documents and specifications and related to permit approvals by the building departments with jurisdiction. The DRI Grant Agreement with the Florida Department of Community Affairs has now been extended to September 16, 2010. The expiration date of this Agreement coincides with the new expiration of the Grant Agreement with the State. The County Administrator executed this Agreement under the authority provided by the Palm Beach County Board of County Commissioners on July 18, 2006 (R2006-1351). **These are Federal Community Development Block Grant funds that require no local match.** District 6 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

4. Staff recommends motion to receive and file: a Subordination Agreement with Florida Housing Finance Corporation, and Villages at Delray Apartments, and an Intercreditor and Subordination Agreement with Village at Delray, Ltd., PNC Bank, National Association, and Florida Housing Finance Corporation, dated May 6, 2010, for the Village at Delray Apartments. **SUMMARY:** The Board of County Commissioners authorized the Chair to execute these Subordination Agreements and Intercreditor Agreement pursuant to the Loan Agreement approved on February 23, 2010 (R2010-0260). District 7 (TKF)

K. WATER UTILITIES

1. Staff recommends motion to approve: Change Order No. 3 to the Contract with AKA Services, Inc. (R2009-1518) for the City of Pahokee Inflow and Infiltration Program and Wastewater Pump Stations Project. **SUMMARY:** This Change Order authorizes the deletion or quantity reduction of several line items in the amount of \$1,229,577.43 for repairs and services that are now deemed to be less critical than when the contract scope was developed. This revenue will be allocated for new repair work and quantity increases of several contract line items in the amount of \$1,229,573.45. These items are more crucial to the operation of the wastewater system including the upgrade of lift station control panels, performing more pipe repairs and completely replacing gravity sewer lines. While the change in the net contract price is only a \$3.98 reduction, and there is no change to the contract schedule, the dollar value of the additions and deletions to the contract necessitates Board action. The total change orders to date including Change Order No. 3, equals \$99,662.67 (a 2.08% increase). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15.0% overall. The original contract with AKA Services, Inc. provides for 16.12% SBE participation overall. (WUD Project No. 09-057) District 6 (JM)
2. Staff recommends motion to approve: a Contract for Disaster Recovery Design/Build Services with Camp Dresser and McKee, Inc (CDM). **SUMMARY:** This Contract is recommended as prudent planning to ensure the integrity of the County's water and wastewater infrastructure prior to, during, and immediately following natural disasters, including Category 4 or 5 hurricanes. Following these events, reconstruction of water utility facilities needs to begin immediately in order to protect public health. This Contract facilitates the immediate reconstruction of such infrastructure and will be used by the Water Utilities Department to obtain engineering/professional design/build/construction services for disaster recovery or mitigation related projects. The Facilities Development and Operations Department may also use the design/build Contract. Consultant Service Authorizations will be negotiated and issued in accordance with the standard County procedures outlined in Countywide PPM No. CW-F-050. The Contract has a term of one (1) year, subject to two (2) annual renewals. The selected firm has agreed to meet or exceed a 31% small business participation goal. The consultant has included a list of certified small business (SBE) subcontractors which they intend to use to meet their goal. CDM is a Palm Beach County Company. (WUD 10-027) Countywide (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. **Staff recommends motion to receive and file:** one (1) Utility Concurrency Reservation Agreement complete with executed documents received during the month of May 2010:

**Utility Concurrency Reservation Agreement**

A) H & M Development, L.L.C. (District 6) 02-01124-000

**SUMMARY:** The terms and conditions for Standard Development Agreements are outlined in the Water Utilities Department's Uniform Policies and Procedures Manual. The Board of County Commissioners delegated the authority to execute various types of Standard Development Agreements to the Department Director including potable water and wastewater Agreements (R93-1619); reclaimed water Agreements (R96-0228); and additional conditions for potable water, wastewater, and reclaimed water Agreements (R2003-0539). After these Agreements are executed by the developer and the Department, they must be recorded by the County Clerk's Office. This Utility Concurrency Reservation Agreement with H & M Development L.L.C., for the project known as Legend Lakes Center is located in Lake Worth. This agenda item recommends the Board receive and file the agreements so they may be properly recorded. Countywide (SF)

4. **Staff recommends motion to approve:** an Interlocal Agreement with the Palm Beach County School Board for installation, dedication and maintenance of a force main. **SUMMARY:** The Palm Beach County School Board is currently constructing the new Western Communities Elementary School (O3W) on Lyons Road, south of Pioneer Road. The Department's Wastewater Master Plan requires the installation of an oversized force main in Lyons Road, adjacent to this property. The School Board requested that the department install the pipeline. The School Board agreed to provide the department a complete engineering design, all necessary permits and a monetary contribution of \$89,500 in lieu of construction. The department has the necessary resources to complete the pipe installation in time for the proposed school opening. (WUD No. 09-518) District 6 (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:** a Termination of Easement, which terminates a 0.99 acre Conservation Easement at the Whiteside Industrial Park based on receipt of a cash buy-out equivalent to the value of the native upland preserve. **SUMMARY:** The Whiteside Group, Inc. currently owns a 0.99 acre Conservation Easement within the Whiteside Industrial Park that was executed as a permit condition under Article 14.C, Vegetation Protection and Preservation, of the Unified Land Development Code (ULDC), (Vegetation Permit No. V-290-01). The Whiteside Group, Inc. requests to terminate the existing Conservation Easement and has provided a cash payment of \$85,000 to the County which is the cash buy out equivalent to the value of the native upland preserve based upon the submitted January 10, 2009 appraisal, in lieu of retaining the upland preserve. The ULDC, Article 14.C allows for a native upland preserve buyout option. The Whiteside Group has chosen to exercise this option. Upon approval by the Board of County Commissioners, the payment will be recorded in the Natural Areas Fund for the acquisition and maintenance of natural areas. District 6 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

**A) approve** Interlocal Agreement with the City of Lake Worth (City) in an amount not to exceed \$210,000 for the installation of a pollution control device through the Lake Worth Lagoon Partnership Grant Program (LWLPGP);

**B) approve** Budget Transfer to recognize the re-allocation of \$210,000 from Westgate Community Revitalization Area award to the City of Lake Worth; and

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

**SUMMARY:** On September 5, 2008, the LWLPGP Selection Committee approved the reallocation of \$210,000 unspent funds from the State's Department of Environmental Protection (FDEP) Grant Agreement No. LP6046 (R2006-0583) to the City's water quality improvement project. Construction projects benefiting Lake Worth Lagoon habitat and water quality will be administered as subgrants via Interlocal Agreements with the responsible entities. The total grant funding for the projects is \$210,000. A 100% match is required from the local entities. Countywide (SF)

3. Staff recommends motion to:

**A) receive and file** an original document for the Department of Environmental Resources Management (ERM) for Amendment No. 3 to the Metropolitan Planning Organization (MPO) Agreement No. R2008-1507 to increase project funds by \$30,000 for the construction of a water taxi docking at the Snook Islands Public Use Facility;

**B) receive and file** an original document for ERM for Amendment No. 3 to the MPO Agreement No. R2009-0114 to increase project funds by \$30,000 for the construction of a water taxi docking at the Juno Dunes Natural Area;

**C) approve** a Budget Transfer of \$60,000 in the MPO Fund from Palm Beach County Water Taxi Facilities to the Environmental Resources Capital Projects Fund; and

**D) approve** a Budget Amendment of \$60,000 in the Environmental Resources Capital Projects Fund to recognize the revenue from the two (2) MPO Project Agreements.

**SUMMARY:** The BCC approved Grant Agreements R2008-1507(Delegation of Approval Authority memo was signed by the County Administrator on September 9, 2008) and R2009-0114 (Delegation of Approval Authority memo was signed by the County Administrator on May 4, 2009) with MPO to cover a portion of the costs of the Snook Islands Public Use Facility and Juno Dunes Natural Area Water Taxi Docks, respectively. Under the terms of these Grant Agreements, MPO will reimburse up to \$130,000 project costs for each project. A Budget Transfer and Amendment are necessary to apply the additional MPO funding towards these projects. No matching funds are required. Districts 1 & 3 (SF)

4. **DELETED**

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. **Staff recommends motion to approve:** Agreement with Martin County to cooperate for environmental enhancement and restoration of the Loxahatchee River. **SUMMARY:** Permit-required screening of the newly placed beach sand at Juno Beach has produced nearly 6,000 tons of non-beach compatible material, mostly limestone rubble and shells. The intent of this Agreement is to allow Martin County to use 3,436 tons of this material as oyster reef habitat in the Loxahatchee River. In return for receiving this material at no charge, Martin County will place up to 1,120 tons of additional oyster reef habitat in Palm Beach County (total of 4,556 tons). There is no transfer of funds to or from either party as part of this Agreement. This Agreement will save Palm Beach County up to \$19,335 in potential hauling costs for this material and create a new oyster reef within the Palm Beach County portion of the Loxahatchee River. District 1 (SF)
  
6. **Staff recommends motion to:**
  - A) approve** Budget Amendment of \$2,151,646 in the Beach Improvement Fund to recognize a Federal Emergency Management Agency (FEMA) reimbursement received for the Juno Beach Shore Protection Project; and
  
  - B) approve** Change Order No. 1 to a Construction Contract (R2009-0930) with Weeks Marine, Inc. (WMI) in the amount of \$1,496,921.25 for differing site conditions encountered in the borrow area while dredging, and the increased quantity of sand placed during the construction of the Juno Beach Shore Protection 2<sup>nd</sup> Nourishment Project No. 2009ERM01.

**SUMMARY:** The Board of County Commissioners approved the Contract with WMI on June 2, 2009. The Project includes offshore dredging and constructed placement of fill along 2.4 miles of publicly accessible beach in Juno Beach and Jupiter. Beach work on this Contract commenced December 20, 2009. The Contract is funded from a combination of State grant dollars, tourist development taxes, and FEMA reimbursement due to impacts from Hurricanes Frances and Jeanne on Juno Beach. District 1 (JM)
  
7. **Staff recommends motion to approve:** Amendment No. 1 to the Project Cooperation Agreement (PCA) with the Department of the Army for modification of the Palm Beach Harbor, Florida Project and the Intracoastal Waterway Project (Peanut Island Restoration "Project"). **SUMMARY:** The Project was completed in 2005 through a PCA (R2001-108) with U.S. Army Corps of Engineers (USACE). The PCA outlines a 75%/25% Federal/Non-Federal (County) cost share and a \$5,000,000 cap on Federal funds for the Section 1135 portion of the Project, which includes Peanut Island environmental restoration and the Snook Islands Natural Area. These projects were completed in cooperation with Florida Inland Navigation District (FIND). Working through Congress, language was included in the Water Resources Development Act (WRDA) of 2007 increasing the maximum amount of Federal funds that may be expended on the Section 1135 Project to \$9.75 million. Amendment 1 will prompt the USACE to provide additional final accounting to allow reimbursement to the County and FIND for overpayment. Districts 1 & 7 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. DELETED

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

Caroline Karolinko, Synchronized Swimming Coach, Aqua Crest Pool for the period April 18, 2010, through April 17, 2011, in an amount not-to-exceed \$27,000.

**SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor 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 02-2103 and 07-0409, and is now being submitted to the Board to receive and file. District 7 (AH)

3. Staff recommends motion to approve:

**A)** First Amendment to Agreement with the Young Men's Christian Association of the Palm Beaches, Inc. (YMCA) for construction of a concession building at the John Knapp Little League Ballfield Complex; and

**B)** Budget Transfer of \$18,699 within the \$25M GO Parks and Cultural Improvements Bond fund - 2003 from School Board/EEE High School Auditorium Fly Loft to YMCA of the Palm Beaches Concession/Bathroom Building.

**SUMMARY:** This First Amendment to Agreement (R2010-0524) increases the funding amount of this 2002 Recreation and Cultural Facilities Bond project by \$18,699, for a total of \$143,699; adds a required YMCA match of \$6,595; expands the project scope to include additional regulatory ADA and Palm Beach County Fire Rescue requirements; and provides language now required in all Bond Agreements to address Inspector General requirements. The \$18,699 from the 2002 Recreational and Cultural bond referendum is from a residual balance from a completed District 3 bond project. District 3 (PK)

4. Staff recommends motion to approve: Special Use Agreement with the School Board of Palm Beach County for mutual use of recreational facilities at West Boynton District Park and Park Vista Community High School. **SUMMARY:** The Special Use Agreement enables students and faculty of Park Vista Community High School to use the major league baseball field, softball field, multipurpose fields, batting cages and associated park amenities at West Boynton District Park for Florida High School Athletic Association seasonal play and Park Vista Community High School after-school activities. It provides for public use of Park Vista Community High School's eight (8) lighted tennis courts, four (4) lighted multipurpose courts and primary parking lot. The Agreement allows the County to use the gym and portable classrooms for summer camp activities and provides for use of open space owned by the School Board to be utilized by the Parks and Recreation Department for employee parking. District 3 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. Staff recommends motion to:

**A) approve** Grant Agreement with the Palm Beach Metropolitan Planning Organization (MPO) in an amount not-to-exceed \$65,000 for funding a water taxi shelter at DuBois Park;

**B) authorize** the County Administrator or his designee to execute all future time extensions, task assignments, minor amendments, and other necessary forms and certifications during the term of the Grant Agreement that do not change the amount of funding, scope of work, or terms and conditions of the Agreement;

**C) authorize** the Director of the Parks and Recreation Department to serve as Liaison Agent with the MPO for this project;

**D) approve** a Budget Transfer of \$65,000 in the Metro Planning Organization Fund for PBC Water Taxi Facilities from Contributions to Other Governmental Agencies to Transfer to Park Improvement Fund 3600; and

**E) approve** a Budget Amendment of \$65,000 in the Park Improvement Fund to recognize the transfer from the Metro Planning Organization Fund.

**SUMMARY:** This Grant Agreement provides an amount not-to-exceed \$65,000 for design, permitting and construction of a water taxi shelter on the Jupiter Inlet at DuBois Park. The estimated cost for the water taxi shelter is \$125,444, and the additional funding of \$60,444 will be provided from previously established funding from the 2004 Waterfront Access Bond for the DuBois Park Marina project. The project must be completed and the facility open to and accessible by the public within two (2) years of the execution of the Grant Agreement. The term of this Grant Agreement is for ten (10) years, until June 8, 2020. Funding is from the U.S. Department of Transportation, Ferry Boat Discretionary Program, through the State of Florida Department of Transportation, and is administered by the Palm Beach County MPO. District 1 (AH)

6. Staff recommends motion to approve: Agreement with Seagull Industries for the Disabled, Inc. for the mutual operation of the County's Therapeutic Recreation Summer Camp program. **SUMMARY:** The County and Seagull Industries, Inc. have previously independently offered a recreational summer camp program for persons with developmental disabilities ages 13-22. Due to budget constraints, the County's Therapeutic Recreation Section's summer program would be offered to a maximum of 12 participants in FY 2010. The partnership between the County and Seagull Industries allows the summer camp program to more than double the maximum number served to 30 participants through shared resources, while maintaining quality and supervisory standards. This Agreement is for one (1) year and shall automatically renew annually unless terminated by either party. The County will receive \$200.80 per participant and recreation supplies valued at \$200 per summer. District 3 (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:** a Contract with the Oakwood Center of the Palm Beaches, Inc., a not-for-profit agency, for \$268,252 for the period of October 1, 2009, to March 31, 2012, for the provision of expanding Crisis Intervention Team training and providing intensive forensic case management to dually-diagnosed repeat offenders. **SUMMARY:** Palm Beach County has received a direct award of \$249,942 and matched the grant with \$84,085 in cash and in-kind services, under the Justice and Mental Health Collaboration Program of the United States Department of Justice, Office of Justice Programs Bureau of Justice Assistance. The grant application was made through the Palm Beach County Criminal Justice Commission in partnership with the Oakwood Center of the Palm Beaches, Inc. This award was received and filed by the Board of County Commissioners on October 20, 2009. The Oakwood Center of the Palm Beaches, Inc., will receive \$268,252 of the grant funds to provide mental health and substance abuse treatment services on the project to dually-diagnosed repeat offenders, and to provide an expansion of the Crisis Intervention Training program. Countywide (DW)

2. **Staff recommends motion to:**

**A) receive and file** a Grant from the Florida Department of Law Enforcement (FDLE) for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program: State Solicitation;

**B) approve** a Contract with the national non-profit corporation, Gulfstream Goodwill Industries, Inc., in the amount of \$60,000 to provide reentry services to returning offenders in the western communities of Belle Glade, Pahokee, and South Bay for the period October 1, 2009, to September 30, 2010; and

**C) approve** a Budget Amendment of \$60,000 in the General Fund to establish budget for the project.

**SUMMARY:** Gulf Stream Goodwill and Belle Glade Weed and Seed will work together to bridge a large gap in services in the Glades. Goodwill Industries proposes intensive case management and job development services to ex-offenders returning from the County Jail and from the State Department of Corrections. These services will be offered out of the Weed and Seed Offices located at 234 Southwest 5<sup>th</sup> Avenue in Belle Glade, FL. The grant application was executed by the Board of County Commissioners on August 18, 2009 as resolution R2009-1314. There is no match requirement for JAG funds. District 6 (DW)

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

**A)** a Budget Transfer of \$40,000 from the General Fund to increase budget for the Public Defender Re-Entry Program; and

**B)** a Budget Amendment for \$40,000 in the Criminal Justice Trust Fund to recognize the transfer from the General Fund.

**SUMMARY:** The requested transfer of \$40,000 will consolidate the FY 2010 budget of the Public Defender's Office, in the Criminal Justice Trust Fund. These funds were already approved by the BCC on February 23, 2010 (R2010-0277). The Re-Entry Program provides case management services to citizens returning to the community from the county jail system. Countywide (DW)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

4. Staff recommends motion to approve: the Fourth Amendment with the City of Riviera Beach (R2005-2435) for \$100,000 for the contract period from October 1, 2009, to September 30, 2010 to support the City of Riviera Beach "Weed and Seed" efforts. **SUMMARY:** The Criminal Justice Commission recommends the use of \$100,000 from the Criminal Justice Reserve Fund for the continuation of "seeding" services and to extend the existing contract period to September 30, 2010. District 7 (DW)

5. Staff recommends motion to approve:

**A)** a Contract with The Salvation Army – A Georgia Corporation for the Salvation Army, West Palm Beach, a not-for-profit agency, for \$55,000 for the period of October 1, 2009, through March 31, 2012 for an after-school intervention program; and

**B)** a Budget Transfer of \$55,000 in the American Recovery and Reinvestment Act – Justice Assistance Grant Fund from reserves to establish budget for this project. These funds are grants from the 2009 American Recovery and Reinvestment Act, Justice Assistance Grant (JAG).

**SUMMARY:** Palm Beach County has received a direct award of \$1,246,822 as part of the FY 2009 American Recovery and Reinvestment Act – Justice Assistance Grant: Local Solicitation. This award was received and filed by the Board of County Commissioners on October 6, 2009 (R2009-1700). The Salvation Army will provide an after-school tutorial program to children in the target Weed and Seed neighborhood. The program will include school aged children who will be engaged at the center located at 600 North Rosemary Avenue, West Palm Beach, Monday-Friday after pick up at their respective schools. The program will offer an opportunity to engage children in math, science, and engineering. District 7 (DW)

R. HUMAN RESOURCES

1. Staff recommends motion to approve: Contract with NMS Management Services, Inc., to provide drug and alcohol testing services for Palm Beach County's employee drug and alcohol testing program, at an annual cost of \$ 41,450. **SUMMARY:** NMS Management Services, Inc. will screen Palm Beach County applicants and employees in safety-sensitive positions for drugs and alcohol, as required under the Omnibus Transportation Employee Testing Act of 1991. Services shall commence on May 1, 2010, for a term of three (3) years, with two (2) – one (1) year options to renew, at an annual cost of \$41,450. Countywide (EC)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: an Interlocal Agreement with Seacoast Utility Authority (SUA) to connect to the Palm Beach County Regional Network at an annual cost of \$8,400 for the first point of connection, for an initial term of one (1) year, with automatic one (1) year renewals unless notice given by either party. **SUMMARY:** This Interlocal Agreement allows SUA to access Palm Beach County (County) network services on a cost sharing basis similar to the existing Interlocal Agreements between the County and various municipalities, as well as the South Florida Water Management District, Health Care District, and the Kravis Center for the Performing Arts. Interconnection to the County's network will provide greater bandwidth for internet access and disaster recovery programs while reducing SUA's overall network costs. SUA agrees to pay the County \$8,400 annually as the initial connection fee to access the Palm Beach County network. Per Exhibit A of the Agreement, fees for additional connections are set at \$6,000 annually per connection. This Agreement provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. District 1 (PFK)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to approve: a Separation Agreement, Waiver and General Release in the amount of \$23,426.05 plus continuing health care coverage under Palm Beach County's group health insurance plan for three (3) years beginning July 1, 2010, for County employee Nancy A. Dixon. **SUMMARY:** This Separation Agreement, Waiver and General Release is being extended to County employee Nancy A. Dixon, Director of the Victim Services and Support Division in the Public Safety Department, to obtain a full waiver and general release of any claims she now has or may bring arising from her employment with Palm Beach County. Staff, including the Public Safety Department and County Administration, concur that this Separation Agreement, Waiver and General Release is in the best interest of Palm Beach County. Countywide (EC)

AA. PALM TRAN

1. Staff recommends motion to:
  - A) approve** motion to accept grant award in the amount of \$320,000 with the Federal Transit Administration (FTA) "TIGGER Program" to purchase motor fans to outfit diesel buses and improve their gas mileage performance; and
  - B) approve** Budget Amendment of \$320,000 in the Palm Tran Grants Fund from the Federal Transit Administration (FTA) "TIGGER" Program.

**SUMMARY:** On April 21, 2009, the Board approved the electronic filling of grant application for the Transit Investment for Greenhouse and Energy Reduction "TIGGER" program (R2009-0694). Palm Beach County was awarded \$320,000 from the TIGGER program for the purchase of thermal systems (electrical motor fans), that will replace existing hydraulic fan systems in Palm Tran's buses and lead to an increase in fuel efficiency. The grant was awarded on January 15, 2010. The Board's acceptance of the grant award will bind the County to the terms and conditions of the grant, including the additional special conditions described in the Conditions of Award set forth in Part 7 of the Application, and the terms and conditions of the FTA Master Grant Agreement (FTA G-16, October 1, 2009), and applicable Certifications and Assurances, as further described in Attachment 2 of the Agreement. Certain terms and conditions had not been established for TIGGER and ARRA grant awards at the time the grant application was submitted. The purchase and installation of motor fans will be completed by March 30, 2011. Palm Tran's Executive Director and Assistant Director, through the County Administrator, were authorized to electronically execute the grant in R2009-0694. Countywide (DR)
2. Staff recommends motion to approve: Second Amendment to the Contract (R2000-1931, dated November 23, 2000) with The Bench Press Ltd. to extend their Contract for bus bench advertising for 14 months through February 14, 2012. **SUMMARY:** Under its Contract with the County, The Bench Press Ltd. provides bus benches at Palm Tran bus stops. In return for placing and maintaining the benches the Contract allows the Company to place advertising on the benches, with the County receiving a portion of the revenue. The Contract would expire on November 21, 2010. This Amendment will extend it, upon the same terms and conditions, through February 14, 2012. Countywide (DR)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF

- 1. **Staff recommends motion to approve:** a Budget Transfer of \$37,500 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2010 estimated donation requirement is \$158,962. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETf balance is \$1,799,185. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,761,685. The year-to-date transfer for all donations after approval of this item is \$542,607. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (DW)

<u>ORGANIZATION</u>	<u>AMOUNT</u>
211 Palm Beach/Treasure Coast, Inc.	\$25,000
Inner City Youth Golfers', Inc.	\$10,000
Safety Council of Palm Beach County, Inc.	<u>\$ 2,500</u>
<b>Total Amount of Donations</b>	<b>\$37,500</b>

CC. SUPERVISOR OF ELECTIONS

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

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**4. SPECIAL PRESENTATIONS – 9:30 A.M.**

- A.** Certificates of Appreciation to Representative Mary Brandenburg and Representative Carl Domino in recognition of their eight (8) years of service to Palm Beach County in the Florida House of Representatives.
  
- B.** Certificate of Appreciation to Representative Maria Sachs in recognition of her leadership as Chair of the Palm Beach County Legislative Delegation.
  
- C.** Certificates of Congratulations to Jessica Stone and Maxx Melanson in recognition of getting First Place for their efforts to stop youth violence in the *Do the Write Thing Challenge*. (Sponsored by Commissioner Koons)
  
- D.** Proclamation declaring July 18 – 24, 2010 as “Probation, Parole and Community Supervision Week” in Palm Beach County. (Sponsored by Commissioner Taylor)
  
- E.** Proclamation declaring July 18-24, 2010 as “Contract Management Week” in Palm Beach County. (Sponsored by Commissioner Santamaria)
  
- F.** Proclamation declaring June 13 – 20, 2010 as “Father Central Week” in Palm Beach County. (Sponsored by Commissioner Koons)
  
- G.** Proclamation declaring June 27, 2010 as “National HIV Testing Day” in Palm Beach County. (Sponsored by Commissioner Taylor)

\* \* \* \* \*

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

A. Staff recommends motion to:

**A) conduct** a TEFRA public hearing concerning the issuance of up to \$13,000,000 Industrial Development Revenue bonds (South Florida Fair Project), Series 2010 (the “Bonds”); and

**B) approve** the application of South Florida Fair & Palm Beach County Expositions, Inc. for the issuance of the Bonds.

**SUMMARY:** South Florida Fair & Palm Beach County Expositions, Inc. (the “Company”) has applied for the issuance of industrial development revenue bonds by the County in an amount not to exceed \$13,000,000. Bond proceeds will be used to refund the County’s revenue bonds issued in 2000 for the benefit of the Company in order to achieve a reduction in debt service. The Bonds will be payable from revenues derived from the Company, and, as with the 2000 Bonds, the County will agree that in the event of the inability of the Company to pay debt service on the Bonds, the County will do so from lawfully available revenues of the County not derived from ad valorem taxation. The form of the County’s agreement has not been finalized and will be considered by the Board at a future meeting. By approving the Company’s application, the County is not obligating itself to enter into any such agreement at this time. **Except as described above, neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 6 (PFK)

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6. REGULAR AGENDA

A. ADMINISTRATION

TIME CERTAIN – 10:00 A.M.

1. Staff recommends motion to receive and file: Presentation of the 2010 Legislative Session Final Report. **SUMMARY:** A presentation of the final legislative report reviewing Palm Beach County's 2010 State Legislative Agenda priorities and appropriations with the Board of County Commissioners. Countywide (DW)

B. COUNTY ATTORNEY

1. Staff recommends motion to approve: an Employment Contract with Sheryl G. Steckler, chosen by the Inspector General Selection Committee to become Palm Beach County's first Inspector General. **SUMMARY:** The Palm Beach County Commission on Ethics, with the assistance of the County Attorney, has negotiated a four (4) year Employment Contract with Sheryl G. Steckler. The Employment Contract provides for a four (4) year term beginning June 28, 2010, a starting salary of \$150,000 per year, an automobile allowance, and includes other benefits similar to those provided to all County employees. On May 27, 2010, the Commission on Ethics unanimously voted to recommend that the Board of County Commissioners approve the employment contract. In accordance with Ordinance 2009-049, the Employment Contract is hereby presented for approval by a majority of the Board of County Commissioners. Countywide (DMN)

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: an alternative design standard for lighting thoroughfare roadways which are County maintained and rural in nature, as identified in the Palm Beach County Thoroughfare Right-of-Way Identification Map. The proposed alternative would allow consideration of a reduced illumination requirement on thoroughfare lighting projects outside of the Urban Service Area. **SUMMARY:** Approval of this design standard will allow some thoroughfare roadways, primarily rural, to be considered for a reduced illumination level. This new standard would be considered for roadways rural in nature, and predominately residential. Major urban facilities or designated State roads would not be considered for this standard. Implementing this standard in lieu of the current major arterial standard would be at the discretion of the County Engineer. Countywide (MRE)

6. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** a First Restated Sports Facility Use Agreement (R96-2117) with Jupiter Stadium, Ltd. (Teams). **SUMMARY:** In 1996, the Board approved a Sports Facility Use Agreement with the Teams for its use, occupancy and operation of the Roger Dean Stadium for a term of 20 years. On March 17, 2009, the Board authorized Staff to negotiate with the Teams the terms of an Amendment to establish the Renewal/Replacement (R/R) Program. This First Restated Agreement: (i) extends the term ten (10) years from April 30, 2017, to April 30, 2027; (ii) establishes the R/R Program; (iii) requires the Teams to contribute \$250,000 a year toward scheduled capital improvements and provides the terms under which the County will reimburse the Teams for annual capital expenses greater than \$250,000; (iv) provides the Teams an option to terminate; and (v) requires the Teams in the event of early termination to reimburse the County certain expenses through the effective date of the early termination. The Teams' Option to Terminate is conditioned upon the Teams providing evidence satisfactory that the Teams' exercise of its option is solely the result of a decline in the physical presence of Major League and/or Minor League baseball teams' spring training activities in Florida. The Teams must provide notice of exercise of its Option to Terminate no earlier than April 30, 2015, and no later than April 30, 2017, provided however, such termination will not be effective prior to April 30, 2017. If the Restated Agreement is terminated prior to December 1, 2016, or if the Teams' exercise its Option to Terminate, the Teams must reimburse the County the entire value of the County's expenditures towards the Teams' assets that were funded through the R/R Program and the depreciated value of the County's assets that were funded through the R/R Program, prior to the Teams' being relieved of all obligations accruing subsequent to the termination of the Restated Agreement. Other than the changes set forth herein and a few other minor changes, this Restated Agreement also: (i) incorporates the terms of both the First Amendment and Second Amendment to the Use Agreement; (ii) removes the terms which have been previously satisfied; and (iii) provides the County with unlimited use of the Stadium subject only to scheduling and an event specific use agreement. FDO Staff presented the Restated Agreement to the Tourist Development Council on May 13, 2010, and obtained its support of this item. The County received an opinion of bond counsel indicating that the terms of the Restated Agreement are in compliance with the private activity rules of the bonds used to finance the construction of the Roger Dean Stadium. (FDO Admin) Countywide (JM)

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

**A) approve** a Donation Agreement with the Boys and Girls Clubs of Palm Beach County, Inc. to donate approximately 11.8 acres to the Boys and Girls Clubs for development of a new club facility; and

**B) adopt** a Resolution authorizing the conveyance of the property to the Boys and Girls Clubs of Palm Beach County, Inc.

**SUMMARY:** On May 6, 2008, the Board conceptually approved the donation of a portion of the County's Haverhill Linear Park property to the Boys and Girls Clubs. The Boys and Girls Clubs has obtained all development approvals for its facility, the Plat of the property is being submitted as a companion item, and approval of this Agreement will finalize this transaction. Construction of the new facility is projected to commence in August. This property was appraised in April of 2009 for an average value of \$460,000. The property will be subject to a restriction limiting use of the property to construction and operation of a Boys and Girls Clubs clubhouse and a reverter in the event the Boys and Girls Clubs fails to construct the facility within three (3) years or uses the property for any other purpose. (PREM) District 6 (HJF)

6. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** the Boys and Girls Club - Haverhill plat. **SUMMARY:** The County acquired title to a 24 acre parcel of property, commonly known as Haverhill Linear Park, from the Town of Haverhill in May 2007. It is a 210' wide strip extending from Belvedere Road to Southern Boulevard. In May 2008, the Board directed Staff to move forward with a request by the Boys & Girls Clubs of Palm Beach County, Inc. for the County to donate a portion of the Linear Park property for the Boys & Girls Clubs to construct a new club facility. The Donation Agreement is being submitted for approval as a companion item. The Boys & Girls Clubs has received all zoning and site plan approvals for its new facility, and approval of this Plat is the final step to enable the County to convey the property. The Plat encompasses all of the County property lying north of the canal totaling approximately 13 acres. The Plat dedicates approximately .36 acres for right-of-way for future widening of Belvedere Road and .91 acres for Drexel Road. The County is signing the Plat as the property owner. (PREM) District 6 (HJF)
  
4. **Staff recommends motion to approve:** a Third Amendment to Lease Agreement with Shiraz, Inc. (Shiraz) (R92-471) for operation of the Airport Center Hilton Hotel. **SUMMARY:** The County leases the land underlying the Airport Center Hilton Hotel to Shiraz. On December 15, 2009, the Board approved Shiraz's request that it be provided an 18 month extension of the time-frame in which to complete an expansion of the Hotel's meeting room facilities. This Third Amendment extends the deadline for completing the expansion of the Hotel's meeting room facilities until June 13, 2011. This Amendment also allows Shiraz to delay construction of 36 additional parking spaces required in connection with the expansion until such time as the County starts the renovation of Office Building 2. (PREM) Countywide (HJF)

6. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to:

**A) approve** an internal Memorandum of Understanding (MOU) for Property Exchange between the Department of Airports (DOA) and Facilities Development and Operations Department (FDO) providing for the exchange of approximately 16.92 acres of FDO property improved with the Airport Center Hilton Hotel, located at the northeast corner of Australian Avenue at Southern Boulevard (Hotel Property), in exchange for approximately 15.829 acres of unimproved DOA property located at the northwest corner of Congress Avenue at Gun Club Road (Gun Club Property);

**B) adopt** a Resolution determining that the Gun Club Property is not necessary for airport purposes and that the disposition of the Gun Club Property shall not impair the operating efficiency of the airport system or reduce the revenue producing capability of the County's Airport System; and

**C) authorize** the County Administrator or his designee (the DOA Director) to execute any necessary documentation for the release of the Gun Club Property from deed restrictions and Airport Improvement Program (AIP) Grant Assurances with the Federal Aviation Administration.

**SUMMARY:** The MOU provides for the value-for-value exchange of the Gun Club Property for the Hotel Property. The Hotel Property is improved with a hotel building and ancillary improvements and is operated as the Airport Hilton. The Hotel Property is subject to a Lease Agreement for Hotel Complex (R92-471), as amended (Lease). The Hotel Property is located within the flight path of the Palm Beach International Airport (PBIA). Management of the Lease by DOA will provide DOA with a long-term revenue stream and enable DOA to ensure that future development of the Hotel Property is consistent with the safe and efficient operation of PBIA. The Gun Club Property is located across the street from the Main Jail/PBSO Administrative Complex and is the optimum location for development of facilities to support PBSO operations. Staff recommends that the Gun Club Property be used for development of an Evidence and Impound Facility for PBSO, as it is one (1) of only two (2) properties meeting the operational requirement to be in close proximity to the PBSO Administrative Complex. The MOU is contingent on approval by the Federal Aviation Administration (FAA) and obtaining a Deed of Release from the United States of America, releasing reservations and restrictions on the Gun Club Property set forth in the deed to the County. The Resolution is required for purposes of documenting that the Gun Club Property has been released from the Airport System Revenue Bond Resolution (R84-427) requirements. Countywide (HJF/AH)

6. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to:

**A) adopt** a Resolution authorizing the conveyance of a five (5) acre parcel of land adjacent to Boca Rio Road to the City of Boca Raton for construction and operation of an animal shelter and pet cemetery;

**B) approve** a County Deed conveying the five (5) acre parcel to the City of Boca Raton, with reservation of mineral and petroleum rights, but without rights of entry and exploration;

**C) adopt** a Resolution authorizing the conveyance of 13.76 acres adjacent to Boca Rio Road to The Haven, Inc., (Haven) for construction and operation of facilities for a staffed residential behavioral health and educational program for at-risk children;

**D) approve** a County Deed conveying the 13.76-acre parcel to The Haven, Inc. with reservation of mineral and petroleum rights, but without rights of entry and exploration; and

**E) approve** a Termination of Lease with the Tri-County Humane Society (R2005-1083).

**SUMMARY:** The County currently owns approximately 19 acres on the west side of Boca Rio Road between Glades and Palmetto Roads. The City of Boca Raton owns an adjacent 9.34 acres. Since the early 1980s, the County has leased 4.91 acres of the property to the Haven for vocational training and a therapeutic residence for children (R81-1313). The County leased the other 13.85 acres to the Tri-County Humane Society for a passive park and bird sanctuary (R82-20; R2005-1083). Rent under both leases is \$1/yr. The City also leases its 9.34 acres to the Humane Society for operation of the Lullis M. Ritter Animal Shelter. There is 70 years remaining on the Humane Society lease and 21 years on the Haven lease. The Haven needs a portion of the land currently leased to the Humane Society for expansion of the Haven's facility. The Humane Society needs to expand the uses allowed under the Lease to allow expansion of the animal shelter. The Haven and the Humane Society have agreed upon a division of the land in a manner which will accomplish both of their objectives. Staff recommends that the County convey five (5) acres to the City who will in turn lease it to the Humane Society. Staff also recommends that the County convey to the Haven the existing 4.91 acres under Lease plus an additional 8.85 acres, for a total of 13.76 acres. Conveying the land, rather than remaining under lease, will overcome numerous Unified Land Development Code limitations upon further development of the property across parcel lines with separate ownership. The Deeds restrict the use of the property to the specified purposes and contain reverters. Termination of the Humane Society lease will allow for the conveyances. The property is assessed at \$150,000/acre. Using the assessed value, the value of land being conveyed to the City and the Haven is \$750,000 and \$2,064,000 respectively, for a total of \$2,814,000. The assessed value does not account for the fact that this property is subject to long-term leases and also does not reflect the physical condition of the property. A substantial portion of the property is heavily vegetative and low, being previously mined for shell rock. **A supermajority vote is required for approval of this item.** (PREM) District 5 (HJF)

6. REGULAR AGENDA

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

**A) approve on preliminary reading and advertise for Public Hearing on June 29, 2010, at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Unified Land Development Code, Ordinance 2003-67, as amended, by amending Article 13, concerning countywide impact fee amounts and regulations, as follows: amending Chapter A - General; Chapter B - County District, Regional, and Beach Parks Impact Fee; Chapter C - Fire-Rescue Impact Fee; Chapter D - Library Impact Fee; Chapter E - Law Enforcement Impact Fee; Chapter F - Public Buildings Impact Fee; Chapter G - School Impact Fee; Chapter H - Road Impact Fee; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Unified Land Development Code; providing for an effective date; and

**B) receive and file** the Impact Fee Review Committee report to the Board of County Commissioners (BCC).

**SUMMARY:** Under Article 13.A.5.F of the ULDC, the Impact Fee Manager is required to undertake a study of the Impact Fee system every two (2) years and recommend to the Board of County Commissioners whether any changes should be made to the fee schedules to reflect changes in the factors that affect the fee schedules. Dr. James Nicholas, impact fee consultant, has completed the study and prepared a final report. This agenda item authorizes advertisement of the Public Hearing on impact fees and provides for receiving the Impact Fee Review Committee's report to the Board of County Commissioners (BCC), as required by Ordinance. Staff and the Impact Fee Review Committee recommend no fee increases at this time.

Updating the Ordinance now without increasing fees allows for the following:

1. Compliance with State legislation requiring impact fees be based on the most recent localized data.
2. Incorporates the latest factors, population figures, parameters, facility costs, etc., into Article 13.
3. Structures the Ordinance so that future fee increases may be considered based on the latest information.

If the BCC agrees with staff's recommendation, the fees would be calculated in accordance with the consultant's report and then discounted back to the existing fee schedule amounts. Countywide (LB)

6. REGULAR AGENDA

F. PALM TRAN

1. Staff requests Board direction: regarding Palm Tran's participation and providing partial funding for the Lake Region Commuter Route that provides service between Belle Glade and Clewiston. **SUMMARY:** The Lake Region Commuter Route (formerly the Belle Glade Clewiston Shuttle) currently operates one (1) bus on a seven (7) day a week basis providing ten (10) hours of service on weekdays and nine (9) hours of service on Saturday and Sunday. The service is being operated by Good Wheels, a non-profit provider, through a funding plan with the Florida Department of Transportation, District 1, the Florida Heartland Economic Development Initiative (FHREDI) and the Lake Okechobee Regional Initiative. Palm Beach County is being asked to provide \$42,000 annually for the next three (3) years to support and maintain the operation of one (1) bus, and ideally would like an additional \$42,000 (a total of \$84,000 annually) to enable this service to operate two (2) buses in service. Commissioner Koons as part of his comments at the May 4, 2010 Board of County Commissioner's meeting, recommended that the County provide this service with \$20,000 in funding for the remainder of this fiscal year. Staff was directed at that time to bring this back for further Board discussion and possible action. The Palm Tran Service Board (PSTB) discussed this at its May meeting, and recommends that the County provide \$42,000 in funding for at least the next year. The members of the PSTB were very concerned about making this recommendation in light of anticipated Palm Tran fare increases and other changes as part of the proposed FY2011 budget, but felt that the Lake Region Commuter Route provides an important service to the people in the Glades area. District 6 (DR)

6. REGULAR AGENDA

G. WATER UTILITIES

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

A) Master Agreement for Energy Performance Contracting with FPL Services, LLC in accordance with Florida Statute §1013.23;

B) delegation of authority for Energy Performance Contracting using the limits established in Countywide PPM CW-F-50; and

C) authorization of Investment-Grade Energy Audit No. 1 for the Digester Biogas Renewable Energy Project at Southern Region Water Reclamation Facility (SRWRF) in the amount of \$113,410.

**SUMMARY:** Energy Performance Contracting is a contractual vehicle similar to design build construction with an added performance guarantee that the savings produced by a project will be sufficient to finance the full cost of the project. These services begin with an investment-grade technical energy audit, the cost of which is deferred into the later performance contract phase. Energy performance contracting may be funded by grants, capital dollars or through tax-exempt lease financing with the annual lease payments being covered by the guaranteed savings. If the savings are not realized following completion of the improvements, then FPL Services, LLC will contractually be required to pay for the difference. Energy Performance Contracting may be used at the SRWRF, other Water Utilities sites and other County designated facilities. Investment Grade Audit No. 1 for the biogas at the SRWRF is to convert the existing wasted methane flare into generated electricity to be used on-site. Investment Grade Audits, similar to Consultant Service Authorizations and Energy Performance Contracting Work Authorizations will be negotiated and issued in accordance with the standard County procedures outlined in Countywide PPM No. CW-F-050. Delegation of Authority for approval of Work Authorization shall be granted to the Department Director and Contract Review Committee using the limits established in Countywide PPM CW-F-50. Investment-Grade Energy Audit No. 1 for the Digester Biogas Combined Heat and Power (CHP) Renewable Energy Project at Southern Region Water Reclamation Facility (SRWRF) is in the amount of \$113,410. The Contract has a term of two (2) years subject to annual performance reviews. FPL Services is a local firm and has agreed to meet or exceed a 17% SBE and M/WBE combined participation goal. (WUD 09-030) Countywide (MJ)

H. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** a Reimbursement of \$285,000 to District Hospital Holdings, Inc., for the purchase of a mammography machine pursuant to Palm Beach County’s Action Plan for Fiscal Year 2009-2010. **SUMMARY:** On July 21, 2009, the Board of County Commissioners (County) approved Palm Beach County’s Action Plan for Fiscal Year 2009-2010 (R2008-1209) which included an allocation of \$285,000 for District Hospital Holdings, Inc. (District), for the purchase of a mammography machine for the Lakeside Medical Center in Belle Glade. The District purchased the machine before October 1, 2009, the beginning of Fiscal Year 2009-2010, and before a subrecipient agreement was executed with the County. In consideration of the County’s funding of the equipment, the District has agreed to reimburse the County for the funded amount should at a later date a determination be made by the U.S. Department of Housing and Urban Development that the amount funded did not comply with grant regulations. Staff accordingly recommends this reimbursement. **These are Federal Community Development Block Grant funds that require no local match.** District 6 (TKF)

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7. BOARD APPOINTMENTS

A. **COUNTY ADMINISTRATION**  
**(Health Facilities Authority)**

1. **Staff recommends motion to approve:** reappointment of the following individual to the Palm Beach County Health Facilities Authority (Authority) for a term of four (4) years, effective May 1, 2010, to April 30, 2014:

<b><u>Nominee</u></b>	<b><u>Seat No.</u></b>	<b><u>Seat Requirement</u></b>	<b><u>Nominated by:</u></b>
Dr. Gerald Robinson	1	Palm Beach County Resident	Comm. Marcus Comm. Koons Comm. Abrams Comm. Aaronson Comm. Santamaria Comm. Taylor

**SUMMARY:** Chapter 154.207, Florida Statutes, allows for the creation of a Health Facilities Authority, and in 1977, the Board of County Commissioners adopted Resolution R77-379, creating the Authority. The Authority is comprised of five (5) at-large residents of Palm Beach County. Dr. Robinson has served on the Authority since April 2006. He is eligible to serve another four (4) year term and has expressed a desire to be reappointed. A memo was distributed to the Board of County Commissioners on May 10, 2010 requesting nominations. No other nominations were received. Countywide (TKF)

B. **WATER UTILITIES**  
**(Water Utilities Advisory Board)**

1. **Staff recommends motion to approve:** the reappointment of two (2) at-large members to the Water Utilities Advisory Board for a term of three (3) years effective June 8, 2010, through June 7, 2013:

<b><u>Nominee:</u></b>	<b><u>Requirements:</u></b>	<b><u>Seat No.</u></b>	<b><u>Nominated by:</u></b>
Edwin Wechsler	Current WUD Customer Resides in PBC	8	Commissioner Marcus Commissioner Koons Commissioner Aaronson
Lawrence Gold	Current WUD Customer Resides in PBC	9	Commissioner Marcus Commissioner Koons Commissioner Aaronson

**SUMMARY:** On May 1, 2010, Edwin Wechsler and Lawrence Gold's terms will expire as at-large members of the Water Utilities Advisory Board (WUAB). Mr. Gold's has served on the WUAB for eight (8) years. His contributions to the Water Utilities Department and the County have been invaluable. Mr. Wechsler has served on the WUAB since November 2008, and his contributions have also been exemplary. Both individuals have indicated a desire to continue as WUAB members, and the Advisory Board unanimously supports their reappointment. Chairman of the WUDAB, along with Department staff, recommends the reappointment of Edwin Wechsler and Lawrence Gold due to their outstanding service to date. The Commissioners were notified of the vacancies by the Water Utilities Department on May 7, 2010. Countywide (MJ)

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**JUNE 8, 2010**

**8. MATTERS BY THE PUBLIC – 2:00 P.M.**

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**JUNE 8, 2010**

**9. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**JUNE 8, 2010**

**10. 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**

**E. District 5 - COMMISSIONER BURT AARONSON, CHAIR**

**F. District 6 - COMMISSIONER JESS R. SANTAMARIA**

**G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR**

Request approval to present off-site, a Proclamation declaring June 23, 2010 as “Turner School of Construction Management Day” in Palm Beach County.

**11. 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 8, 2010**

<u>PAGE</u>	<u>ITEM</u>	
7	3A-2	<b><u>DELETED:</u></b> Staff recommends motion to approve: an Agreement with Aramark Sports and Entertainment Services, Inc., for the provision of Food and Beverage Operations Services at the Palm Beach County Convention Center... (Admin) (Further staff review)
9	3C-8	<b><u>REVISED SUMMARY:</u></b> Approval of this Amendment will <del>include</del> add environmental contamination and remediation services ( <u>Environmental Services</u> ) to the Project thereby making Environmental Services eligible for reimbursement in accordance with the terms and conditions of <del>in</del> the TRIP Agreement and FDOT will reimburse Palm Beach County for half of its expenditures. <u>District 5 (MRE) (Engineering) (West Atlantic Avenue project)</u>
10	3E-1	<b><u>REVISED SUMMARY:</u></b> A Notice of Grant Award from the Department of Health and Human Services Health Resources and Services Administration was received on March 5, 2010, that conveys an award for Formula funds for the contract period March 1, 2010, through February 28, 2011. Glades Health Initiative, Inc. provides outreach services which identifies and encourages HIV affected clients to seek medical services. <u>These are federal funds that require no County match.</u> (Community Services) (Ryan White)
10	3E-2	<b><u>REVISED SUMMARY:</u></b> A Notice of Grant Award from the Department of Health and Human Services Health Resources and Services Administration was received on March 5, 2010, that conveys an award for Minority AIDS Initiative (MAI) funds for the contract period March 1, 2010, through February 28, 2011.... <u>These are federal funds that require no County match.</u> (Community Services) (Ryan White)
11	3E-3	<b><u>MOVED TO REGULAR (6I-1):</u></b> Staff recommends motion to approve: <b>A) receive and file</b> Grant Award Letter from Department of Health & Human Services....; and (Community Services) (Ryan White)
20	3H-7	<b><u>REVISED TITLE &amp; SUMMARY:</u></b> Staff recommends motion to approve:  <b><u>A) Amendment No. 6 to the Contract with Catalfumo Construction, Ltd. (R2007-1217) for construction management services for various capital projects; and</u></b>  <b><u>B) Amendment No. 7 to Contract with Catalfumo Construction, Ltd. (R2007-1217) in the amount of \$4,209,613 for construction management services for the Governmental Center Chiller Replacement.</u></b>  <b><u>SUMMARY:</u></b> <u>Catalfumo Construction, Ltd. was selected to provide construction management services associated with the design and construction of various capital projects which may include new construction, additions, or renovations from \$400,000 to \$25,000,000. The original contract provided for an initial two (2) year term with three (3) - one (1) year renewal options. a) Amendment No. 6 will provide for services during the second renewal period. Catalfumo Construction has a Small Business Enterprise (SBE) participation goal of 15%. During the three (3) years of the contract, Catalfumo Construction has achieved 20.3% participation. B)...</u> (FDO)
33	4H	<b><u>ADD-ON:</u></b> Proclamation declaring June 21, 2010 as “Summer Learning Day” in Palm Beach County. (Sponsored by Commissioner Vana)
33	4I*	<b><u>ADD-ON:</u></b> Request approval to present off-site, a Proclamation declaring June 13, 2010 as “Jay DiPietro Day” in Palm Beach County. (Sponsored by Commissioner Aaronson) (Previously shown under Commissioner Comments)

**ADD-ON, TIME CERTAIN 11:00 A.M.: Staff requests Board direction:** on the implementation of a discretionary sales surtax to offset ad-valorem tax levies and non-ad valorem assessments for emergency fire rescue service by the amount of the estimated surtax. **SUMMARY:** Counties are authorized to impose a discretionary sales surtax up to 1% for emergency fire rescue services and facilities under certain circumstances, if approved by referendum. A majority of the twelve (12) fire rescue providers within the County must execute an interlocal agreement regarding distribution of the surtax proceeds in order for the Board to adopt an ordinance to request voter approval of the surtax. Pursuant to Board direction, staff prepared an ordinance to place the surtax referendum on the primary election ballot on August 24, 2010; however, the necessary Interlocal agreements will not be approved by the municipalities in time to meet the Supervisor of Elections deadline for the primary election.

Staff has identified the following issues requiring further Board direction:

• **Referendum at General Election**

Staff is requesting direction whether to proceed with the necessary Interlocal agreements and ordinance to place the surtax referendum on the general election ballot on November 2, 2010. To meet the Supervisor of Elections' deadline for ballot language submission for the general election, the BCC meeting dates recommended by staff for adoption of the ordinance are:

June 15, 2010 -- preliminary reading of the ordinance  
July 20, 2010 -- final adoption of the ordinance.

The ordinance must be advertised twice during the 30 day period prior to the referendum. The submission deadline to the Supervisor of Elections for ballot language is noon, August 20, 2010 for the November 2, 2010 general election.

• **Surtax Percentage**

Staff requests direction on whether to include the entire 1% surtax, or some other percentage (e.g. one-half percent), in the Interlocal agreement, ordinance and voter referendum. Current projections indicate the 1% surtax would generate approximately \$188 million countywide. A 0.5% surtax would generate approximately half that amount.

• **Sunset Provision**

Staff is requesting direction on whether to include a sunset provision to expire the surtax after four (4) years. Should the Board desire to extend the surtax beyond the sunset date, a new referendum and vote by the electors would be required in the 2014 general or primary election.

Based on issues raised by municipalities, staff has requested, and is waiting for, further Department of Revenue clarification on two (2) questions:

- 1) Whether the expenditure distribution methodology is available to a County that has an MSTU rather than a special fire district?
- 2) Whether distribution of the surtax proceeds based on expenditures of non-ad valorem assessments for fire-rescue services includes expenditures from all non-ad valorem revenue sources, including fees and interest, rather than just special assessments? Countywide (SB) (Admin)

**ADD-ON: Staff recommends motion to adopt:** a Resolution by the Board of County Commissioners of Palm Beach County, Florida, finding that UTC Fire & Security, Inc. herein referred to as “UTCFS” or “Company”, be approved as a qualified applicant pursuant to s288.106, Florida Statutes; and providing an appropriation of up to \$11,000 as local participation in the Qualified Target Industry Tax Refund Program pursuant to the Palm Beach County Job Growth Incentive Grant Program; and to be approved as a qualified applicant pursuant to s288.1088, Florida Statutes; and providing an appropriation of up to \$20,000 as a local participation for a Quick Action Closing Fund pursuant to the Palm Beach County Job Growth Incentive Grant Program; and providing for an effective date. **SUMMARY:** UTCFS is the newest division of UTC offering a full line of fire detection, suppression and fire fighting products and services, as well as installation, monitoring and servicing a variety of security systems. UTCFS is currently located in Boca Raton and employs 111 people. UTCFS desires to locate and construct their Marioff Water Mist Fire Customer, Research and Development and Test facility on the Pratt & Whitney Campus. The 30,000 sq facility is estimated to cost \$15 to \$20 million and will serve as the customer showcase for the next generation of the environmentally-friendly, resource-efficient fire protection systems for use around the world. The local match requirement in total is \$62,000. The County will provide up to \$31,000 or 50% and the City of Boca Raton will provide \$31,000 or 50%. This leverages \$310,000 from the State. These local commitments require the company to create 22 new full-time jobs by December 31, 2013 with an average salary of \$79,242 excluding benefits; and retain 111 existing jobs for five (5) years from the effective date of the agreements. The UTCFS average salary is 100% over the state average wage of \$39,621. UTCFS is expected to produce an economic development return on investment including direct, indirect and induced dollars as follows: \$44 million in output, \$16 million in wages, and more than \$1 million in taxes over the period of the grant. Palm Beach County is competing with North Carolina, South Carolina and Georgia for this project. When UTCFS has finalized their relocation plans, these agreements and a request for a budget transfer and amendment will be brought before the BCC. The BCC directed staff to bring qualified companies to the BCC for consideration. **Funding will come from General Fund Contingency Reserves.** Districts 1 & 4 (DW)

**REVISED MOTION/TITLE & SUMMARY:** ~~Staff recommends motion to approve: **A) approve** an alternative design standard for lighting thoroughfare roadways which are County maintained and rural in nature as contained in the report; , as identified in the Palm Beach County Thoroughfare Right-of-Way Identification Map. The proposed alternative would allow consideration of a reduced illumination level requirement on thoroughfare lighting projects, when so determined by the Board of County Commissioners, outside of the Urban Service Area.~~

~~**B) determine** that Seminole Pratt Whitney Road (Southern Boulevard – Northlake Boulevard) and Northlake Boulevard (Seminole Pratt Whitney Road – Grapeview Boulevard) are rural and eligible for the alternative lighting criteria, when and if, corridor lighting is approved that is associated with one or more widening projects on each road; and~~

~~**C) direct** staff to proceed with the design and installation of corridor lighting at the alternative/reduced standard for Seminole Pratt Whitney Road (Southern Boulevard to Sycamore Drive), including removal/modification of existing lighting along the segment;~~

**SUMMARY:** ~~**A)** Approval of this design standard will allow some thoroughfare roadways, primarily rural, to be considered for a reduced illumination level. Staff believes tThis new standard ~~would~~ should be considered for roadways primarily rural in nature, and predominately residential. Major urban facilities or designated State roads would not be considered for this standard. The decision to implement Implementing this standard in lieu of the current major arterial standard would be by the Board of County Commissioners (Board) when they it approves the initial project design phase. ~~at the discretion of the County Engineer.~~ **B)** Designation of these two (2) roads will allow consistent application of lighting when installed after the widening of the two (2) roads. **C)** The Indian Trail Improvement District (ITID) last week voted 3-2 to recommend the installation of corridor lighting at the alternative/reduced standard along the first segment (Seminole Pratt Whitney Road (Southern Boulevard – Sycamore Drive)), with the dissenting votes supporting installing lights only at each of the intersecting streets. Countywide (MRE) (Engineering)~~

**DELETED:** Staff recommends motion to approve: a First Restated Sports Facility Use Agreement (R96-2117) with Jupiter Stadium, Ltd. (Teams). (FDO) (Further staff review)

**ADD-ON:** Staff recommends motion to: **A) receive and file** Palm Beach Metro Transportation, LLC's (PBMT) Waiver and Release of claims it may have against the County related to the County's demand for full payment, in the amount of \$750,000, against the Letter of Credit (LOC) furnished under PBMT's Contract for Supply of Paratransit Services (R2004-2447), as amended, and the County's retention of all interest earned on the \$750,000; and

**B) authorize** a payment in the amount of \$750,000 to PBMT, which sum represents the proceeds derived from the County's demand against the LOC.

**SUMMARY:** On October 28, 2008, the Board authorized a demand for full payment, in the amount of \$750,000, against the LOC issued for PBMT, by the Bank of Montreal, Chicago (Bank) to the County, which LOC was required under the County's Contract for Supply of Paratransit Services with PBMT. The proceeds (\$750,000) derived from the demand were received by the County on November 4, 2008, and deposited into an interest bearing account. The proceeds have been in the possession of the County since. PBMT has recently provided a Performance Bond that complies with its contract with the County, and has requested that the \$750,000 being held by the County be paid to it. PBMT has agreed to forfeit any rights it may have to the interest earned on the \$750,000 and to waive and release the County from claims related to the County's demand against the LOC, and to indemnify the County against claims by the Bank of Montreal. As a result of the efforts taken by County to mitigate its damages arising out of PBMT's default and the partial termination of its contract, the County's damages were minimal and are less than the interest earned on the \$750,000. Countywide (DR) (Palm Tran)

42 6G-1 **DELETED: Staff recommends motion to approve: A)** Master Agreement for Energy Performance Contracting with FPL Services, LLC in accordance with Florida Statute §1013.23;..(WUD) (Further staff review)

42 6I-1 **ADD-ON, MOVED FROM CONSENT (3E-3), REVISED MOTION/TITLE & SUMMARY: Staff recommends motion to:**

**A) receive and file** grant award letter from Department of Health & Human Services, for the budget period of March 1, 2010, through February 28, 2011, in the amount of \$7,118,957;

**B) approve** a waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics, for Kimberly Rommel Enright of Palm Beach County Legal Aid Society, Inc., Hugo Rocchia of Compass, Inc., Rosalyn Collins of Gratitude House, Inc., Marlinda Jefferson of Minority Development and Empowerment, Inc., and Thomas McKissack of Oakwood Center of the Palm Beaches, Inc., members of the Palm Beach County HIV Care Council; and

**BC) approve** contracts with listed provider agencies for the period March 1, 2010, through February 28, 2011, totaling \$3,787,874 for Ryan White Part A Treatment Extension Act of 2009 HIV Emergency Relief Formula funds:

	<b><u>Formula</u></b>
A) Compass, Inc.	\$399,000
B) Comprehensive AIDS Program, Inc.	\$1,378,000
C) Comprehensive Community Care Network, Inc.	\$471,874
D) Legal Aid Society of Palm Beach County, Inc.	\$190,000
E) Minority Development & Empowerment, Inc.	\$30,000
F) Oakwood Center of the Palm Beaches, Inc.	\$36,000
G) Treasure Coast Health Council, Inc.	\$583,000
H) Gratitude House, Inc.	\$15,000
I) Health Care District	<u>\$685,000</u>
<b>Total</b>	<b>\$3,787,874</b>

**SUMMARY:** A Notice of Grant Award from the Department of Health and Human Services Health Resources and Services Administration (HRSA) was received on March 5, 2010, that conveys an award for Formula funds totaling \$6,499,851. The total award includes \$649,985 for Grantee Administration and \$324,992 for Quality Management. The contracts listed represent a portion of the total funding, the balance of the funding will be awarded and the provider contracts will be submitted on a future BCC agenda. The grant award is for the provision of services related to HIV affected clients, such as medical case management, medical care, oral health care and substance abuse treatment. Prohibited relationship waivers are being recommended for five (5) individuals who serve as members of the Palm Beach County HIV CARE Council. These individual are employed by not-for-profit agencies that are current service providers and are being recommended for new service provider contracts. The individuals have disclosed this relationship and are requesting a waiver pursuant to Section 3.D. of the Code of Ethics. The waivers are being recommended in recognition of the fact that federal law and County Resolution R97-1067 require service provider representation on the HIV CARE Council. The Grantee, Palm Beach County, is responsible for selecting and contracting with service providers and the Palm Beach County HIV CARE Council is charged with the sole responsibility of determining service priorities and allocation of funding accordingly. The agencies listed were selected through the Request For Proposal (RFP) process and have been recommended to receive funding. (Ryan White) Countywide (TKF) (Community Services)

**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 (\*).