

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

AUGUST 17, 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
 - C. Special Presentations (Page 8)

- 3. CONSENT AGENDA (Pages 9 - 46)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 47 - 48)**

- 5. BOARD OF COUNTY COMMISSIONERS SITTING AS ENVIRONMENTAL CONTROL BOARD – PUBLIC HEARING – 9:30 A.M. (Page 49)**

- 6. REGULAR AGENDA (Pages 50 - 58)
TIME CERTAIN 10:00 A.M. (School Board .25 Mills Levy Referendum) (Page 50)**

- 7. BOARD APPOINTMENTS (Pages 59 - 62)**

- 8. STAFF COMMENTS (Page 63)**

- 9. COMMISSIONER COMMENTS (Page 63)**

- 10. ADJOURNMENT (Page 63)**

TABLE OF CONTENTS

SPECIAL PRESENTATIONS - 9:30 A.M.

Page 8

- 2A 2010 National Environmental Excellence Award
- 2B 2010 Animal Kindness Award to Peg Bowman
- 2C 2010 Special Recognition Award to Paul R. Bowman
- 2D 2010 Special Recognition Award to Michele Durkee, DVM
- 2E Palm Beach Partners Business Matchmaker Conference & Expo Day
- 2F Palm Beach County Local 2928 Firefighter Appreciation Month
- 2G Census Bureau Presentation

CONSENT AGENDA

A. ADMINISTRATION

Page 9

- 3A-1 Amendment No. 2 with City of Riviera Beach for three (3) economic development projects
- 3A-2 U.S. Department of Housing & Urban Development Section 108 Loan and Brownfield Economic Development Initiative Grant documents for Glades Home Health Care Medical Center
- 3A-3 U.S. Department of Housing & Urban Development Section 108 Loan documents for Kiddie Haven Pre-School, Inc.

Page 10

- 3A-4 Job Growth Incentive Grant Agreement with Tyco International US, Inc./ADT Security Services, Inc.
- 3A-5 Payment for participation in the Palm Beach Partners Business Matchmaker Conference & Expo
- 3A-6 Deleted

Page 11

- 3A-7 Resolution supporting Intracoastal Waterway Plan
- 3A-8 Receive and file Resolution of Port of Palm Beach regarding levy upon real/personal taxable property of Port
- 3A-9 District Appointments
- 3A-10 Golf Tournament Agreement with Trump International Golf Club and Glades Healthcare Foundation, Inc.

B. CLERK & COMPTROLLER

Page 12

- 3B-1 Warrant list
- 3B-2 Minutes: None
- 3B-3 Contracts and claims settlements list
- 3B-4 Change orders, work task orders, minor contracts, final payments
- 3B-5 List of error insolvencies, double assessments, discounts and VAB reductions on 2009 assessment roll
- 3B-6 Receive and file two (2) annual financial reports for FY ending September 30, 2009

C. ENGINEERING & PUBLIC WORKS

Page 13

- 3C-1 Amendments to Traffic Signal Contracts
- 3C-2 Contract with H & J Contracting, Inc. regarding Lyons Road Pathway improvements
- 3C-3 JPA with FDOT regarding State Road 7 irrigation/landscaping

Page 14

- 3C-4 Acceptance of Camino Del Mar for maintenance
- 3C-5 Contract with J.W. Cheatham for Seminole Pratt Whitney Road construction
- 3C-6 Deleted
- 3C-7 County Deed in favor of FDOT for Boynton Beach Blvd. right-of-way
- 3C-8 County Deed in favor of Village of Royal Palm Beach for Anthony Groves Road

Page 15

- 3C-9 Supplemental Agreement No. 1 with FDOT for Military Trail milling/resurfacing project
- 3C-10 Supplemental Agreement No. 1 with FDOT regarding Congress Avenue widening
- 3C-11 Agreement with Dyer, Riddle, Mills and Precourt, Inc. for traffic signal synchronization

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

C. ENGINEERING & PUBLIC WORKS (Continued)

Page 16

3C-12 Annual Asphalt Milling and Resurfacing contracts

3C-13 Second Amendment to annual pathway and minor construction contract with Charles S. Whiteside

D. COUNTY ATTORNEY

Page 16

3D-1 Agreement for bond counsel and related legal services with Bryant Miller Olive P.A.

Page 17

3D-2 Deleted

3D-3 Deleted

3D-4 Agreement for bond counsel and related legal services with Ruden McClosky, P.A.

3D-5 Agreement for disclosure counsel and related legal services with Nabors Giblin & Nickerson, P.A.

3D-6 Agreement for disclosure counsel and related legal services with Squire Sanders & Dempsey, LLP

3D-7 Settlement Agreement in personal injury action case Javier Cristobal Soria vs. PBC

E. COMMUNITY SERVICES

Page 18

3E-1 Modification No. 001 to Community Services Block Grant with Dept. of Community Affairs

3E-2 Amendment No. 002 & No. 003 to Nutrition Services Incentive Program with AAA

3E-3 Community Services Block Grant Policies and Procedures Manual

Page 19

3E-4 Contract Renewal for Home Care for the Elderly Program with AAA

3E-5 Contract Renewal for Community Care for the Elderly Program with AAA

3E-6 Contract Renewal for Alzheimer's Disease Initiative Program with AAA

Page 20

3E-7 Deleted

3E-8 Contract Renewal for Respite for Elders Living in Everyday Families Program with AAA

3E-9 Deleted

3E-10 Contract with Treasure Coast Health Council, Inc. regarding Ryan White HIV funding

3E-11 Contract with Treasure Coast Health Council, Inc. regarding Ryan White HIV funding

Page 21

3E-12 Application to the Early Learning Coalition for Voluntary Pre-Kindergarten funding

3E-13 Revised SF424 Grant Application to U.S. Dept. of Health & Human Services for Head Start programming funding

3E-14 Deleted

Page 22

3E-15 Memorandum of Agreement with Quantum Foundation, Palm Health Care Foundation, United Way, and Children's Services Council for common funding application

3E-16 Amendment No. 3 for Emergency Home Energy Assistance Program with AAA

Page 23

3E-17 American Recovery and Reinvestment Act Cost-of-Living Adjustment grant award for Head Start Program

3E-18 Amendment No. 1 with Union Missionary Baptist Church, Inc. for extended Head Start services

F. AIRPORTS

Page 24

3F-1 Quitclaim Deed from Irene Metzger for 10' strip of land west of PBIA

3F-2 Utility Easement Agreement with BellSouth for telecommunication facilities on DOA property

3F-3 Fifth Amendment to Lease Agreement with Galaxy Aviation at PBIA

3F-4 Deleted

3F-5 Deleted

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

F. AIRPORTS (Continued)

Page 25

- 3F-6 Amendments to Fuel Farm Facilities Lease Agreement and Airport Building/Ground Lease Agreement with Aircraft Service International, Inc.
- 3F-7 Receive and file 19 agreements for DOA

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 27

- 3G-1 Extend 2010 Tax Roll
- 3G-2 Resolution amending travel policy
- 3G-3 Budget Amendment/Transfer regarding Donald Ross Road widening project

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 28

- 3H-1 Contract with Cedars Electro-Mechanical, Inc. for removal/replacement for four (4) chillers in Central Energy Plant
- 3H-2 Amendment No. 7 with Hedrick Brothers Construction for construction management services
- 3H-3 CSA No. 4 with Heery International, Inc. regarding Jail Expansion Program 2 program management services

Page 29

- 3H-4 Amendments No. 6 and 8 with Catalfumo Construction, Ltd. for construction management services
- 3H-5 Deleted
- 3H-6 Interlocal Agreement with Port of Palm Beach District for radio maintenance services

Page 30

- 3H-7 Easements related to Fire Rescue Station No. 31 construction
- 3H-8 Declaration of Easement in favor of PBC Water Utilities Department for water main service relative to Stockade's Central Video Visitation facility
- 3H-9 Easement with Board of Trustees of the Internal Improvement Trust Fund regarding drainage improvements adjacent to West County Jail

Page 31

- 3H-10 Standard license agreement for use of County property/facilities related to Deepwater Horizon Oil Spill response

I. HOUSING & COMMUNITY DEVELOPMENT

Page 31

- 3I-1 Agreement with Village of Hope of Palm Beach County regarding Community Development Block Grant Recovery Program funds

Page 32

- 3I-2 Agreement with West Palm Beach Housing Authority for 2005 Disaster Recovery Initiative Program funding
- 3I-3 Amendment to Neighborhood Stabilization Program guidelines

Page 33

- 3I-4 Agreement with City of Delray Beach for 2005 Disaster Recovery Initiative Program funding
- 3I-5 Amendment No. 1 with Village of Wellington for Neighborhood Stabilization Program funds

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

Page 33

- 3K-1 Budget Amendment recognizing financial assistance award from U.S. Dept. of Commerce related to design and construction of wastewater infrastructure owned by GUA

Page 34

- 3K-2 Contract with R.J. Sullivan Corp. to construct Southern Region Water Reclamation Facility effluent flow delivery modifications
- 3K-3 Work Authorization No. 6 with Sheltra & Son Construction Co. for construction of two (2) wastewater lift stations

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

L. ENVIRONMENTAL RESOURCES MANAGEMENT

- Page 34
3L-1 Resolution requesting FDEP review/support funding application for shoreline protection projects in FY 2011/2012
- Page 35
3L-2 Agreement with PBSO for law enforcement services on County conservation/natural areas
3L-3 Interlocal Agreement with City of Boca Raton for management of Yamato Scrub Natural Area
- Page 36
3L-4 Receive and file five (5) original documents for ERM
- Page 37
3L-5 Grant Agreement No. 08PB4 with FDEP relative to Juno Beach Nourishment project
3L-6 Agreement with FL Dept. of Agriculture and Consumer Services for mosquito control reporting requirements
- Page 38
3L-7 Cooperative Agreement with U.S. Bureau of Land Management regarding Jupiter Inlet Lighthouse Outstanding Natural Area project
3L-8 Contract with Applied Technology & Management, Inc. for professional coastal and marine engineering services
- Page 39
3L-9 FDOT Local Agency Program Supplemental Agreement No. 1 for historic Jupiter-Indiantown Trail

M. PARKS & RECREATION

- Page 39
3M-1 Use Agreement with U.S. Coast Guard Auxiliary, Flotilla 51 for use of multipurpose room in Marine Center Building at Phil Foster Park

N. LIBRARY - None

P. COOPERATIVE EXTENSION SERVICE

- Page 39
3P-1 Agreement with Palm Beach Soil and Water Conservation District for soil and water resource conservation services

Q. CRIMINAL JUSTICE COMMISSION

- Page 40
3Q-1 Waiver/Contract with Gulfstream Goodwill Industries for home detention monitoring services to juveniles
3Q-2 Amendment with FAU for Restorative Justice Project
- Page 41
3Q-3 Grant/Contract Amendment with City of West Palm Beach for "Weed and Seed" efforts
3Q-4 Grant/Interlocal Agreement with City of Riviera Beach for "Weed and Seed" efforts
3Q-5 Budget Transfer/Amendment related to Juvenile Assessment Center security expenses

R. HUMAN RESOURCES - None

S. FIRE RESCUE

- Page 42
3S-1 Receive and file two (2) standard agreements for Fire Rescue
3S-2 Memorandum of Agreement with Children's Services Council for Drowning Prevention Coalition funding

T. HEALTH DEPARTMENT

- Page 42
3T-1 Resolution adopting FY 2010/2011 budget for Air Pollution Control Program

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

U. INFORMATION SYSTEMS SERVICES

Page 43

- 3U-1 Task Order No. 3 with Surdex Corp. for digital ortho photography mapping
- 3U-2 Agreement with Nonprofits First, Inc. to connect to County's Regional Network
- 3U-3 First Amendment with Raymond F. Kravis Center regarding County's Regional Network

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY

Page 44

- 3X-1 Receive and file grant from Florida Council Against Sexual Violence for sexual battery recovery services
- 3X-2 Receive and file grant from Florida Division of Emergency Management for Citizen Corps program initiatives
- 3X-3 Receive and file grant from Florida Division of Emergency Management for CERT program

Page 45

- 3X-4 Receive and file Service Grant Agreement with Child & Family Connections for supervised visitation services
- 3X-5 Standard agreement for Emergency Medical Services

Y. PURCHASING - None

Z. RISK MANAGEMENT

Page 46

- 3Z-1 Contract with Island Medical Care, LLC for on-site physician services at County's occupational health clinic

AA. PALM TRAN - None

BB. SHERIFF

Page 46

- 3BB-1 Budget Transfer from Law Enforcement Trust Fund

PUBLIC HEARINGS – 9:30 A.M.

Page 47

- 4A Resolution to abandon a portion of Saranac Road
- 4B Five (5) EMS Certificates of Public Convenience and Necessity
- 4C FY 2010 Section 5307 Federal Transit Administration Grant Application

Page 48

- 4D Application of Galaxy Aviation of Palm Beach, Inc. for issuance of Airport Revenue Bonds

BOARD OF COUNTY COMMISSIONERS SITTING AS ENVIRONMENTAL CONTROL BOARD

Page 49

- 5A-1 Biohazardous Waste Incineration Facility Ordinance

REGULAR AGENDA

COUNTY ATTORNEY

Page 50

- 6A-1 Resolution regarding Referendum for continued levy of 0.25 mills for School Board of Palm Beach County – **TIME CERTAIN 10:00 A.M.**
- 6A-2 Waiver/Agreement for bond counsel and related legal services with Edwards Angell Palmer & Dodge, LLP

TABLE OF CONTENTS

REGULAR AGENDA CONTINUED

COUNTY ATTORNEY (Continued)

Page 50

6A-3 Waiver/Agreement for bond counsel and related legal services with Greenberg Traurig, P.A.

AIRPORTS

Page 51

6B-1 Agreement for Purchase and Sale with Richard R. & Judith J. Brown for property located west of Runway 10L at PBIA

Page 52

6B-2 Agreement for Purchase and Sale with Hess Corporation for property located west of Runway 10L at PBIA

COMMUNITY SERVICES

Page 52

6C-1 Travel for one (1) Community Action Advisory Board Member to attend National Community Action Partnership Annual Convention and Board Governance Training

ENGINEERING & PUBLIC WORKS

Page 53

6D-1 Five Year Road Program Ordinance

6D-2 Red Light Cameras Ordinance

ENVIRONMENTAL RESOURCES MANAGEMENT

Page 54

6E-1 Termination of Easement for 0.99 acre Conservation Easement at the Whiteside Industrial Park

6E-2 Release of Conservation Easement to terminate 1.44 acre Conservation Easement at the Pratt & Orange Multiple Use Planned Development

FACILITIES DEVELOPMENT & OPERATIONS

Page 55

6F-1 Waiver/Second Amendment with St. Mary's Medical Center regarding 800 MHz radio system

Page 56

6F-2 Second Amendment with Indian Trail Improvement District regarding Acreage Community Park and Acreage Pines Natural Area

Page 57

6F-3 Proposal by Transit Village, LLC to develop "Wedge" property

PARKS & RECREATION

Page 57

6G-1 Loggerhead Marineline Center's request to lease additional park property

Page 58

6G-2 Interlocal Agreement with South Florida Science Museum, Inc. and City of West Palm Beach regarding South Florida Science Museum improvements

BOARD APPOINTMENTS (Pages 59 - 62)

STAFF COMMENTS (Page 63)

COMMISSIONER COMMENTS (Page 64)

ADJOURNMENT (Page 64)

2. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Presentation by the Solid Waste Authority to the Board of County Commissioners regarding the receipt of the 2010 National Environmental Excellence Award from the National Association of Environmental Professionals for the environmental management and beneficial re-use of the former Cross State Landfill which is now home to the Herman W. Brice Fire Rescue Complex.

- B.** 2010 Animal Kindness Award to Peg Bowman (Sponsored by Commissioner Marcus)

- C.** 2010 Special Recognition Award to Paul R. Bowman in recognition of his devotion to the welfare of animals. (Sponsored by Commissioner Marcus)

- D.** 2010 Special Recognition Award to Michele Durkee, DVM, in recognition of her devotion to the welfare of animals. (Sponsored by Commissioner Vana)

- E.** Proclamation declaring September 16, 2010 as “Palm Beach Partners Business Matchmaker Conference & Expo Day” in Palm Beach County. (Sponsored by Commissioner Aaronson)

- F.** Proclamation declaring August 2010 as “Palm Beach County Local 2928 Firefighter Appreciation Month” in Palm Beach County. (Sponsored by Commissioner Aaronson)

- G.** Special Presentation by the Census Bureau to the Board of County Commissioners and Verdenia Baker, Deputy County Administrator.

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** Amendment No. 2 to the Development Regions Round XI Grant Agreement R2007-1024 totaling \$124,000 with the City of Riviera Beach to extend the term of the Agreement from February 19, 2012, to February 19, 2013. **SUMMARY:** On June 19, 2007, the Board of County Commissioners (BCC) approved the Grant Agreement with the City of Riviera Beach (R2007-1024) for three (3) economic development projects: Earl L. Pleasant Custom Ceramic Tile, Fannie Mae Tots, Inc. and E-Z Weld, Inc., to create eight (8) full-time equivalent jobs and to retain 29 full-time equivalent jobs. Two (2) of the projects, Fannie Mae Tots, Inc. and E-Z Weld, Inc. have been completed. On February 3, 2009, the BCC approved Amendment No. 1 (R2009-0181) to extend the Agreement twelve (12) months for the remaining project, Earl L. Pleasant Custom Ceramic Tile, which was delayed due to financial difficulties. The business recently received a commitment letter from Northern Trust Bank for a \$230,000 Commercial Construction Loan to complete its project, the construction of a 3,938 sq. ft. retail/office building located at 2701 Old Dixie Highway in Riviera Beach. The Black Business Investment Corporation (BBIC) provided a loan guarantee for 50% of the loan amount and the City has committed up to \$200,000 from a Housing and Urban Development (HUD) Economic Development Initiative grant. This Amendment No. 2 will allow the company an additional 12 months to complete its project caused by a delay in seeking financing and create three (3) full-time equivalent jobs. County funds committed to this project total \$30,000. All projects are located in the "Acute" (35% or greater poverty) area of the Development Regions. District 7 (DW)

2. **Staff recommends motion to receive and file:** U.S. Department of Housing and Urban Development (HUD) Section 108 Loan and Brownfield Economic Development Initiative (BEDI) Grant documents for Glades Home Health Care Medical Center, LLC (GHHC). **SUMMARY:** On July 27, 2009, the Section 108 Loan Review Committee recommended providing funding for GHHC. On September 1, 2009, the Palm Beach County Board of County Commissioners (BCC) conceptually approved a Section 108 Loan Program Agreement with GHHC (Agenda Item 3A-1), which included an \$89,000 Section 108 loan and a \$44,337 BEDI grant, totaling \$133,337 in federal funds. On March 3, 2010, Palm Beach County closed on the above loan and grant. **These are Federal funds that do not require a local match.** District 6 (DW)

3. **Staff recommends motion to receive and file:** U.S. Department of Housing and Urban Development (HUD) Section 108 Loan documents for Kiddie Haven Pre-School, Inc. **SUMMARY:** Kiddie Haven Pre-School was approved for a \$57,000 HUD Section 108 loan on August 11, 2009 by the Loan Review Committee, on August 24, 2009 by Palm Beach County Administration and in January 2010 by HUD. Palm Beach County closed on the above loan on June 8, 2010. **These are Federal funds that do not require a local match.** District 2 (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

4. Staff recommends motion to:

A) approve a Job Growth Incentive (JGI) Grant Agreement in the amount of \$40,000 as a portion of the local match for a State Qualified Target Industry Grant (QTI) and \$100,000 as a portion of the local match for a Quick Action Closing Fund with Tyco International US, Inc./ADT Security Services, Inc. (ADT);

B) approve a Budget Transfer of \$140,000 from the General Fund contingency reserve to the Economic Development Job Growth Incentive (JGI) Program; and

C) approve a Budget Amendment of \$140,000 to the Economic Development Office Fund to recognize and appropriate the transfer of funds from the General Fund Contingency Reserve.

SUMMARY: On April 20, 2010, the Board of County Commissioners (BCC) adopted Resolution (R2010-0663) supporting a Job Growth Incentive (JGI) Grant in the amount \$40,000 as a portion of the local match for a State Qualified Target Industry Grant (QTI) and \$100,000 as a portion of the local match for a Quick Action Closing Fund with Tyco International US, Inc./ADT Security Services, Inc. (ADT). ADT has finalized their relocation plans and desires to enter into a formal agreement with the County. The Agreement requires the company to create 100 new jobs by December 31, 2015, with an average salary of \$72,000 excluding benefits; and maintain the 100 new jobs and 700 existing jobs for five (5) years from the effective date of the Agreements. All funding is on a reimbursement basis as the jobs are created. The City of Boca Raton will be providing the remaining \$140,000 or 50% of the required local match. **Funding will come from General Fund Contingency Reserves. District 4 (DW)**

5. **Staff recommends motion to approve:** Payment in an amount not to exceed \$6,000 for participation in the Palm Beach Partners Business Matchmaker Conference & Expo to be held on September 16, 2010 at the Palm Beach County Convention Center. **SUMMARY:** The Office of Small Business Assistance, Department of Airports and Palm Tran are participating with the South Florida Water Management District, School District of Palm Beach County, the City of West Palm Beach, the Center for Technology, Enterprise & Development, Inc. (TED Center) and the Paragon Foundation, Inc., to present the 2010 Business Matchmaker Conference & Expo (a statewide conference). This is the 4th annual Matchmaker Conference & Expo held in Palm Beach County. Each participating entity will contribute \$2,000 and the county's contribution will be broken down as follows: the Office of Small Business Assistance (\$2,000), Department of Airports (\$2,000) and Palm Tran (\$2,000). Payment will be made on or before August 27, 2010 to the School District of Palm Beach County. The conference and expo will provide Small Business Enterprise owners an opportunity to collaborate with larger businesses in an effort to increase business opportunities and knowledge of programs offered by the above listed governmental partners. Countywide (TKF)

6. **DELETED**

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

7. **Staff recommends motion to adopt:** a Resolution by the Board of County Commissioners of Palm Beach County, Florida supporting the Intracoastal Waterway Plan for Palm Beach County and establishing a Working Partnership with the seven (7) identified Marina Villages. **SUMMARY:** During the 2005 Palm Beach County Economic Summit, it was recommended that an Intracoastal Waterway Master Plan (Plan) be created. This recommendation was subsequently incorporated in the Strategic Economic Development Plan, adopted by the Board of County Commissioners on March 13, 2007. The Plan sets a shared vision, common goals and methods to achieve those goals that are important to protecting working waterfronts. The Plan is organized around six core public themes including increasing public access to the waterway, protecting natural resources, expanding forms of water-based transportation, increasing and enhancing nature based recreational and eco tourism opportunities, creating a system of marina “villages” and other key waterfront destinations and promoting sustainable economics. In June 2010, a PBC multi-agency working group was established to implement key recommendations from the Plan. The working group consists of the Marina Villages of Jupiter, Palm Beach Gardens, Riviera Beach, West Palm Beach, Lake Worth, Lantana, and Boynton Beach, the PBC Economic Development Office, Florida Inland Navigation District, TCRPC, Metropolitan Planning Organization, Tourist Development Council, PBC Environmental Resources Management, and PBC Parks & Recreation. The goal of the group will be to proceed in developing the appropriate partnerships, action plans, time frames and funding mechanisms in order to facilitate the Plan. In addition, each of the seven (7) Marina Villages are currently seeking to bring forth resolutions to their boards to establish a working partnership between the County and the respective municipalities. **No County match funds are required to complete this project.** Countywide (DW)
8. **Staff recommends motion to receive and file:** Resolution No. 10-07222010-05 of the Board of Commissioners of the Port of Palm Beach District adopting not to make a levy upon the real and personal taxable property of the said District for the Year 2010.

9. **Staff recommends motion to approve:** the following District appointments:

<u>District</u>	<u>Name</u>	<u>Board/Committee</u>	<u>Term</u>
Reappoint:			
2	Rae C. Franks	Fair Housing/Equal Employment Board	01/10/10-01/09/12
Appoint:			
6	Elizabeth Cayson	Emergency Medical Services Adv. Council	08/17/10-08/16/12

SUMMARY: The above individuals have been recommended by their respective District Commissioners (District 2: former Commissioner Jeff Koons; District 6: Commissioner Santamaria) for appointment/reappointment to the above named advisory boards for the terms indicated. Countywide (LB)

10. **Staff recommends motion to approve:** Golf Tournament Agreement with Trump International Golf Club, L.C. and Glades Healthcare Foundation, Inc. for a one (1) day charitable golf tournament to be held on October 26, 2010. **SUMMARY:** The Development Site Lease Agreement with the Trump International Golf Club, L.C. (Trump), approved September 3, 1996 (R96-1277D), allows use of the golf course during the months of May through October for the County to host either a single two-day, or two (2) – one (1) day charitable golf tournament(s). The Golf Tournament Agreement provides for the Trump International Golf Club to be available exclusively for the tournament to be held on October 26, 2010. Proceeds from the golf tournament will benefit the Glades Healthcare Foundation, Inc. Countywide (AH)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: None
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during June 2010. Countywide
5. **Staff recommends motion to approve:** list of errors insolvencies, double assessments, discounts & Value Adjustment Board reductions on the 2009 assessment roll. **SUMMARY:** Section 197.492, F.S. requires that on or before the 60th day after the tax certificate sale, the Tax Collector shall make out a report to the Board of County Commissioners, separately showing the discounts, errors and double assessments and insolvencies for which credit is to be given, including in every case except discounts, the names of the parties on whose account the credit is to be allowed. The Board of County Commissioners, upon receiving the report, shall examine it; make such investigations as may be necessary; and, if the board discovers that the Tax Collector has taken credit as an insolvent item any personal property tax due by a solvent taxpayer, charge the amount of taxes represented by such item to the Tax Collector and not approve the report until the Tax Collector strikes such item from record. Countywide (PFK)
6. **Staff recommends motion to receive and file:** two (2) of Palm Beach County's annual financial reports for fiscal year ending September 30, 2009:
 - A) The Units of Local Government Annual Financial Report (AFR); and
 - B) Annual Financial Audit Report (AFAR), including the Single Audit Report

SUMMARY: The Units of Local Government Report is an Annual Financial Report which serves to generate input to the state. The Annual Financial Audit Report is a special annual financial report defined in Chapter 10.550 of the rules of the Auditor General. This report is required to be filed annually with the Auditor General in compliance with Section 11.45 Florida Statutes and includes the Single Audit Report. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: the First Amendment to the Primary Annual Traffic Signal Contract, (R2009-0347), with Gerelco Traffic Controls, Inc. (Gerelco) and the Secondary Annual Traffic Signal Contract, (R2009-0348), with Signal Group, Inc. (Signal Group), Project No. 2009055 (Contract), both dated February 24, 2009. **SUMMARY:** Approval of this First Amendment to the contracts will extend the expiration date, from August 24, 2010, to February 24, 2012, and add the necessary language to the contracts regarding the applicability of the Inspector General Ordinance and the inclusion of the Inspector General fee into future tasks orders to the consultants. There are no increases to the dollar value of the Contracts. Signal Group has voluntarily reduced the unit prices of numerous existing bid items that may be used in future task authorizations. Gerelco has not reduced unit prices, but the current unit prices tend to be equal to or less than the unit prices offered by Signal Group. The Contracts provide for furnishing and installing various signal components throughout Palm Beach County on an as needed basis. Gerelco is a St. Lucie County business, whereas Signal Group is a Palm Beach County business. Small Business Enterprise (SBE) goals were established at 15% of the overall contract amount. The SBE participation committed for the project by Gerelco is 32.08% overall. The SBE participation committed for the project by Signal Group is 0.48% overall. Countywide (MRE)

2. Staff recommends motion to approve: a Contract with H & J Contracting, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$344,048.01, for the Lyons Road Pathway Improvements (Project), Project Nos. 2005081 and 2005081-27. **SUMMARY:** Approval of this Project will result in construction of pathway improvements along the west and east sides of Lyons Road, north of Lantana Road to Brandy Road. The Project will include drainage, concrete sidewalk, installing chain link fence and new sod. The Project is funded through the Florida Department of Transportation (FDOT) Local Agency Program, and the attached contract has been approved by FDOT. The Contractor is a Palm Beach County business. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed by the Contractor is 26% overall. Districts 2 & 6 (MRE)

3. Staff recommends motion to:
 - A) adopt** a Resolution to execute a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for FDOT funding for Palm Beach County's (County) installation of irrigation and landscape on State Road 7 from the Broward/Palm Beach County Line to Palmetto Park Road; and

 - B) approve** a Budget Amendment of \$400,000 in the Transportation Improvement Fund to recognize reimbursement from FDOT and appropriate it to S.R. 7 - Broward/Palm Beach County Line to Palmetto Park Road.

SUMMARY: FDOT agrees to provide the County up to \$400,000 as 100% reimbursement funding for the County's installation of irrigation and landscape in the medians of State Road 7 from the Broward/Palm Beach County Line to Palmetto Park Road. This maximum reimbursement funding amount is in excess of the estimated cost to construct the project; therefore, the project can be built at no cost to the County. The JPA requires that all work be completed by the County and accepted by FDOT no later than December 31, 2012. No matching funds are required. It is expected that County will spend an additional \$4,000 annually to operate and maintain the irrigation system and new landscaping. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. Staff recommends motion to approve: acceptance of Camino Del Mar, from the Lake Worth Drainage District (LWDD) Lateral Canal No. 49 north 450 feet +/- to Camino Real for maintenance. **SUMMARY:** Approval of this acceptance will provide for maintenance of a portion of Camino Del Mar at a projected cost of \$800 per year. District 4 (PK)

5. Staff recommends motion to approve: a Contract with J. W. Cheatham, LLC (Cheatham) in the amount of \$9,733,669.44 for the construction of Seminole Pratt Whitney Road from S.R. 80 to north of Sycamore Drive and 110th Avenue north Berm (for the future S.R. 7 Extension) from Persimmon Blvd. to 60th Street North (Project). **SUMMARY:** Approval of this Contract will allow Palm Beach County to issue a Notice to Proceed to Cheatham, a Palm Beach County company, 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 Cheatham is 15.00%. District 6 (MRE)

6. **DELETED**

7. Staff recommends motion to approve:

A) a Palm Beach County (County) Deed in favor of the Florida Department of Transportation (FDOT) for right-of-way on Boynton Beach Boulevard; and

B) a Release of Permanent Construction Easement Rights adjacent to Boynton Beach Boulevard.

SUMMARY: Approval of this item will allow a County Deed to FDOT for right-of-way on Boynton Beach Boulevard, lying on the north side of Boynton Beach Boulevard between State Road 7 and Lyons Road, and the release of a Permanent Construction Easement that is no longer required. District 5 (PK)

8. Staff recommends motion to approve: a Palm Beach County (County) Deed in favor of the Village of Royal Palm Beach (Royal Palm) for County-owned property, known as Anthony Groves Road. **SUMMARY:** Approval of this item will allow a County Deed to Royal Palm for property known as Anthony Groves Road, running west from State Road 7 and lying south of Pioneer Road. District 6 (PK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

9. Staff recommends motion to:

A) adopt a Resolution approving Supplemental Agreement Number One to the Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT) concerning the Military Trail from Clint Moore Road to Lake Worth Road milling and resurfacing (Project). This project is an American Recovery and Reinvestment Act (ARRA) Stimulus project;

B) approve a downward Budget Amendment of \$142,880 in the Transportation Improvement Fund to reduce the LAP Agreement with the FDOT for the Project; and

C) approve a Budget Transfer of \$102,250 in the Transportation Improvement Fund to supplement the reduction of the LAP Agreement from FDOT for the Project.

SUMMARY: Adoption of the Resolution for this Supplemental Agreement Number One and approval of the downward Budget Amendment and approval of the Budget Transfer will adjust the grant funds provided to Palm Beach County for construction of the Project. Districts 2, 3, 4 & 5 (MRE)

10. Staff recommends motion to adopt: a Resolution approving Supplemental Agreement Number One to the Local Agency Program (LAP) Agreement (R2009-0820) with the State of Florida Department of Transportation (FDOT) for the widening Congress Avenue from Lantana Road to South of Melaleuca Lane (Project).

SUMMARY: Adoption of this Resolution for this Supplemental Agreement Number One to the LAP will adjust the grant funds for construction of the Project. District 3 (MRE)

11. Staff recommends motion to receive and file: an Agreement containing a contract for \$198,911 with Dyer, Riddle, Mills and Precourt, Inc. (DRMP) for professional services to perform traffic signal synchronization of 77 signalized intersections within the following six (6) corridors: Northlake Boulevard, Palm Beach Lakes Boulevard, Gateway Boulevard, Linton Boulevard, Dixie Highway and Congress Avenue. This project, titled Traffic Signal Synchronization, is funded with the Federal Stimulus Block Grant monies, administered by the U.S. Department of Energy. The allotted time frame for completion to develop and implement optimized traffic signal timing plans is 18 months from the date of commencement. **SUMMARY:** This Agreement is being submitted as a receive and file agenda item for the Clerk's Office. The contract will enable DRMP to provide engineering services for developing and implementing optimized traffic signal timing plans for 77 intersections in Palm Beach County. The list of intersections is shown in Exhibit B of the attached Scope of Services. DRMP will conduct before and after travel time delay studies and document the reductions in stops and delays, fuel consumptions, CO2 emissions, and increases in travel speeds from this traffic signal synchronization project. This project is funded with Federal stimulus grants, administered through the Energy Efficiency & Renewable Energy Block Grant Program. Total funding for this project is \$200,000 and the contract with DRMP is for a total of \$198,911, as shown in contract's Exhibit A. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

12. Staff recommends motion to approve: a Contract not to exceed the total value of \$7,040,000 for task orders which may be issued for the Annual Asphalt Milling and Resurfacing Contracts (Contract), project no. 2011051, with the primary contractor, Community Asphalt Corporation, the lowest responsive, responsible bidder, and the secondary contractor, Ranger Construction Industries, Inc., the second lowest responsive, responsible bidder. **SUMMARY:** Approval of this Contract will provide services for maintenance of Palm Beach County (County) roadways and other facilities. The Contract includes milling and disposal of existing asphalt pavement, maintenance of traffic, cleaning of surfaces for finish applications, and furnishing, hauling, and placement of specified asphalt courses. Both contractors are Palm Beach County businesses. The Small Business Enterprise (SBE) goal for the project is 15%. The SBE participation committed for the project is 15.19% overall by the primary contractor and 15.09% overall by the secondary contractor. Countywide (MRE)

13. Staff recommends motion to approve: the Second Amendment to the Annual Pathway and Minor Construction Contract (Contract) (R2008-1824) with Charles S. Whiteside, Inc. (Whiteside), Project No. 2009053, dated October 21, 2008, and extended to October 21, 2010 (R2009-1847). **SUMMARY:** Approval of this Second Amendment to the Contract will extend the expiration date, from October 21, 2010, to October 20, 2011, increase the amount of the Contract by \$6,971,000, to a total of \$15,514,000, lower the unit prices on certain bid items and introduce the Inspector General Ordinance requirements and gender equity language into the Contract. The increased contract amount is based upon estimated amounts to be expended throughout Palm Beach County (County) by various Departments during the extended contract period. Whiteside has voluntarily reduced the unit prices of numerous existing bid items (2.9% overall) that may be used in future task authorizations. The Contract provides for construction and/or resurfacing of pathways, construction of parking areas, speed humps, traffic separators and other minor construction projects throughout the County on an as needed basis. Whiteside is a Palm Beach County business. The contract will be re-bid after this extension. Small Business Enterprise (SBE) goals were established at 15% of the overall Contract amount. The SBE participation committed for the project by the Contractor is 21.6% overall. Whiteside has attained SBE participation of 21.8% overall through the third quarter. Countywide (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: an Agreement for bond counsel and related legal services with the law firm of Bryant Miller Olive P.A. ("Attorney"). **SUMMARY:** The County Finance Committee (the "CFC") reviewed RFP applications for County bond counsel and disclosure counsel on June 24, 2010. The CFC recommends that Attorney be selected as one (1) of four (4) law firms to provide bond counsel services to the County through September 30, 2013. Attorney's Office is in Miami, Florida. There is no Palm Beach County office. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. DELETED

3. DELETED

4. Staff recommends motion to approve: an Agreement for bond counsel and related legal services with the law firm of Ruden McClosky, P.A. ("Attorney"). **SUMMARY:** The County Finance Committee (the "CFC") reviewed RFP applications for County bond counsel and disclosure counsel on June 24, 2010. The CFC recommends that Attorney be selected as one (1) of four (4) law firms to provide bond counsel services to the County through September 30, 2013. Attorney has an office in Palm Beach County. Countywide (PFK)

5. Staff recommends motion to approve: an Agreement for disclosure counsel and related legal services with the law firm of Nabors Giblin & Nickerson, P.A. ("Attorney"). **SUMMARY:** The County Finance Committee (the "CFC") reviewed RFP applications for County bond counsel and disclosure counsel on June 24, 2010. The CFC recommends that Attorney be selected as one (1) of two (2) law firms to provide disclosure counsel services to the County through September 30, 2013. Attorney's Office is in Tallahassee, Florida. There is no Palm Beach County office. Countywide (PFK)

6. Staff recommends motion to approve: an Agreement for disclosure counsel and related legal services with the law firm of Squire Sanders & Dempsey L.L.P. ("Attorney"). **SUMMARY:** The County Finance Committee (the "CFC") reviewed RFP applications for County bond counsel and disclosure counsel on June 24, 2010. The CFC recommends that Attorney be selected as one (1) of two (2) law firms to provide disclosure counsel services to the County through September 30, 2013. Attorney has an office in Palm Beach County. Countywide (PFK)

7. Staff recommends motion to approve: a Settlement Agreement, inclusive of attorneys fees and costs, in the total amount of \$300,000 in the personal injury action styled JAVIER CRISTOBAL SORIA, and PAMELA SORIA, his daughter, and LUCAS SORIA, a minor, by and through his father and next friend, Javier Cristobal Soria, and AGUSTINA SORIA, a minor, by and through her father and next friend, Javier Cristobal Soria, Plaintiffs, versus PALM BEACH COUNTY, Defendant, in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, Case No. 502008CA015296 MC AO. The \$300,000 settlement amount will be paid as follows. The County will pay Plaintiffs \$198,200. In order to be entitled to receive the remaining sum of \$101,800, Plaintiffs must seek, and receive, a claims bill from the Florida Legislature. **SUMMARY:** This is a personal injury claim arising from an April 17, 2007, accident between the Plaintiff, Javier Cristobal Soria, age 39, who was driving a motorcycle, and an employee of Palm Beach County Parks and Recreation, who was driving a dump truck pulling a large utility trailer. Plaintiffs allege that the County employee negligently operated the County vehicle, causing this accident. The County's employee was charged with causing the accident. Plaintiff, Javier Cristobal Soria, alleges multiple physical injuries, unpaid medical bills, future medical care and treatment, as well as pain and suffering type damages. Plaintiffs' three (3) children, one (1) adult and two (2) minors, have asserted loss of consortium claims. Palm Beach County and Plaintiffs have conditionally settled this claim. Payment terms are as follows: The County will pay Plaintiffs \$198,200. In order to be entitled to receive the remaining sum of \$101,800, Plaintiffs must seek, and receive, a claims bill from the Florida Legislature. Countywide (AP)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to:

A) ratify the Chair's signature on Modification No. 001 of the Community Services Block Grant (CSBG) Contract (R2009-1396) with the State of Florida Department of Community Affairs for the period of October 1, 2009, to September 30, 2010, in an amount of \$65,566, for self-sufficiency services to low income families; and

B) approve an upward Budget Amendment of \$65,566 in the Community Action Program Fund to reconcile grant budget, contingent upon the grant award.

SUMMARY: Modification No. 001 will incorporate base increase funds of \$22,758 and carryover funds of \$42,808 for a new CSBG total of \$961,307. These funds and County matching funds of \$192,261 bring the new CSBG Contract total to \$1,153,568. The additional funding will enable Palm Beach County Community Action to provide self-sufficiency services to additional low-income families. The emergency signature was used because there was insufficient time to submit through the regular agenda process and meet the grantor's deadline for returning the application. The County matching funds are included in the Department's FY 2010 budget. No additional County funds are required. (Community Action Program) Countywide (TKF)

2. Staff recommends motion to approve: Amendment No. 002 and No. 003 to Standard Agreement No. IU009-9500 (R2008-2297) for the Nutrition Services Incentive Program (NSIP) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period October 1, 2008, through September 30, 2009 to increase the contract amount by \$115,522.18 and increase the reimbursement unit rate to \$7.26 per meal, for a new total not-to-exceed \$436,385.45. **SUMMARY:** AAA informs Older Americans Act (OAA) designated lead agency service providers, such as the Division of Senior Services, when unused federal funds are available. NSIP's reimbursable rate was revised so that the unused 2008/2009 funds could be distributed to OAA service providers. These funds will offset County matching funds expended in FY 2009. In the area south of Hypoluxo Road, the Mae Volen Senior Center, Inc. currently provides services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. Staff recommends motion to approve: Community Service Block Grant (CSBG) Policies and Procedure Manual (PPM) which establishes agency guidelines for providing services to assist participants who are at or below 200% of poverty level achieve self-sufficiency. **SUMMARY:** CSBG is a federal grant that is designed to help reduce poverty. CSBG services enable low-income participants who reside in Palm Beach County to achieve self-sufficiency. The CSBG PPM sets forth the guidelines for service provision and funding distribution. Services include, but are not limited to, obtaining education and skills for employment, utility bill assistance, emergency rental and mortgage assistance and referrals to other community-based agencies. (Community Action Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to approve: Contract Renewal No. IH010-9500 and 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 of Palm Beach/Treasure Coast, Inc., (AAA), for the period July 1, 2010, through June 30, 2011, in an amount not-to-exceed \$137,826. **SUMMARY:** This Contract Renewal will allow the Division of Senior Services (DOSS) to renew the original standard agreement. Additionally, Amendment No. 001 will: (1) amend section D., the agreement amount; (2) introduce Section X.4., the use of subcontractors; (3) revise and replace attachment II, the budget summary; (4) revise and replace attachment IV, the agreement report schedule; (5) introduce section BBB, remedies–nonconforming services; (6) update all ancillary dates as appropriate. This Contract Renewal is funded with \$137,826 in State funds and \$61,520 in additional County funds. Sufficient funding is available in the FY 2010 budget to meet County obligations. Additional funding required to meet FY 2011 obligations is included in the proposed FY 2011 budget. In the area south of Hypoluxo Road, the Mae Volen Senior Center, Inc. currently provides services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

5. Staff recommends motion to approve: Contract Renewal No. IC010-9500 and Amendment No. 001 to Standard Agreement No. IC009-9500 (R2009-1258) for the Community Care for the Elderly (CCE) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period July 1, 2010, through June 30, 2011, in an amount not-to-exceed \$1,022,684. **SUMMARY:** This Contract Renewal will allow the Division of Senior Services (DOSS) to renew the original standard agreement. Additionally, Amendment No. 001 will: (1) amend section D., the agreement amount; (2) introduce Section X.4., the use of subcontractors; (3) revise and replace attachment II, the budget summary; (4) revise and replace attachment IV, the agreement report schedule; (5) update all ancillary dates as appropriate. This Contract Renewal is funded with \$1,022,684 in State funds, \$29,557 in Program Income funds, \$113,631 County required match, and \$454,814 in additional County funds. Sufficient funding is available in the FY 2010 budget to meet County obligations. County match and additional funding required to meet FY 2011 obligations is included in the proposed FY 2011 budget. In the area south of Hypoluxo Road, the Mae Volen Senior Center, Inc. provides services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

6. Staff recommends motion to approve: Contract Renewal No. IZ010-9500 and Amendment No. 001 to Standard Agreement No. IZ009-9500 (R2009-1259) for the Alzheimer's Disease Initiative (ADI) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period July 1, 2010, through June 30, 2011, in an amount not-to-exceed \$230,810. **SUMMARY:** This Contract Renewal will allow the Division of Senior Services (DOSS) to renew the original standard agreement. Additionally, Amendment No. 001 will: (1) amend section D., the agreement amount; (2) introduce Section X.4., the use of subcontractors; (3) revise and replace attachment II, the budget summary; (4) revise and replace attachment IV, the agreement report schedule; (5) introduce section BBB, remedies–nonconforming services; (6) update all ancillary dates as appropriate. This Contract Renewal is funded with \$230,810 in State funds, \$2,195 in Program Income funds and \$147,484 in additional County funds. Sufficient funding is available in the FY 2010 budget to meet County obligations. Additional funding required to meet the FY 2011 obligations is included in the proposed FY 2011 budget. In the area south of Hypoluxo Road, the Mae Volen Senior Center, Inc. currently provides services under a similar grant from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

7. DELETED

8. Staff recommends motion to approve: Contract Renewal No. IR010-9500 and Amendment No. 001 to Standard Agreement No. IR009-9500 (R2009-1484) for the Respite for Elders Living in Everyday Families (RELIEF) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period July 1, 2010, through June 30, 2011, in an amount not-to-exceed of \$96,264. **SUMMARY:** This Contract Renewal will allow the Division of Senior Services (DOSS) to renew the original standard agreement. Additionally, Amendment No. 001 will increase the new contract amount by \$4,500.75 and (1) amend section D., the agreement amount; (2) introduce Section X.4., the use of subcontractors; (3) revise and replace attachment II, the budget summary; (4) revise and replace attachment IV, the agreement report schedule; (5) update all ancillary dates as appropriate. Under this Agreement DOSS volunteers will provide service hours at a unit reimbursement rate not to exceed \$7.25 for each hour of In-Home Respite and training. This Contract Renewal is funded with \$96,264 in State funds and \$48,098 in additional County funds. (DOSS) Countywide (TKF)

9. DELETED

10. Staff recommends motion to approve:

A) Contract with Treasure Coast Health Council, Inc. for the period May 1, 2010, through February 28, 2011, in the amount of \$42,000 for Ryan White Part A Treatment Extension Act of 2009 HIV Emergency Relief Formula funds; and

B) an upward Budget Amendment of \$619,106 in the Ryan White Care Program fund to reconcile the County budget with the grant budget.

SUMMARY: Treasure Coast Health Council, Inc. will provide support for the client database system, CAREWare. Funding consists of \$42,000 from the Ryan White budget. No County funds are required. (Ryan White) Countywide (TKF)

11. Staff recommends motion to approve: Contract with Treasure Coast Health Council, Inc. for the period March 1, 2010, through February 28, 2011, in the amount of \$128,000 for Ryan White Part A Treatment Extension Act of 2009 HIV Emergency Relief Formula funds. **SUMMARY:** The Treasure Coast Health Council, Inc. will provide the membership activities pertaining to the support of the Palm Beach County HIV CARE Council for the Department of Community Services/Ryan White. Funding consists of \$128,000 from Ryan White budget funds. The funding is 100% Federal and no County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

12. Staff recommends motion to:

A) approve Application to the Early Learning Coalition of Palm Beach County requesting funding for the period of October 1, 2010, through June 30, 2011, in an approximate amount of \$1,255,911 to provide Voluntary Pre-Kindergarten (VPK) services to 561 children for 540 hours per child per year; and

B) authorize the County Administrator or designee to sign necessary documents regarding the VPK program.

SUMMARY: The FY 2011 VPK Program will provide early childhood education services to 561 four (4) year olds currently enrolled in ten (10) of the County's Head Start centers: Jupiter, Riviera Beach, West Palm Beach, Westgate, Boynton Beach, Delray Beach, Lake Worth, Pahokee, South Bay, and Belle Glade. Due to the many documents required by the Grantor, the delegation of signing authority by the County Administrator or his designee is being requested to expedite signed documents getting to the Grantor. The VPK reimbursement rate is \$2,666 for 540 hours per child/per year. No County match is required. (Head Start) Countywide (TKF)

13. Staff recommends motion to ratify: the Chairman's signature on a Revised SF424 Grant Application to the U.S. Department of Health and Human Services, Administration for Children and Families, for the period of October 1, 2010, through September 30, 2011, in the amount of \$15,042,969. **SUMMARY:** The Department of Health and Human Services, Administration for Children and Families issued a revised Financial Assistance Award Letter increasing the Federal Funding level. This application reflects the permanent cost-of-living adjustment (COLA) increase of 1.84% contained in the Fiscal Year 2010 appropriation for the Head Start program. The emergency signature process was used because there was insufficient time to submit the item through the regular agenda process. The total amount of the request is \$15,042,196 (Federal), \$454,964 from Children's Services Council and \$3,600,134 from County ad valorem. The County share is included in the proposed FY 2011 budget. (Head Start) Countywide (TKF)

14. **DELETED**

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

15. **Staff recommends motion to approve:** Memorandum of Agreement with Quantum Foundation, the Palm Health Care Foundation, United Way of Palm Beach County and the Children's Services Council of Palm Beach County, providing for the creation and implementation of the Florida Common Application, a web-based funding application intended for use by all participating funders. **SUMMARY:** This Agreement formally establishes a collaboration among funders to create and adopt a common funding application available to all non-profit and public agencies submitting applications under various programs. For the County, this would include the Financially Assisted Agencies Program and programs established with Community Services Block Grant funds. The funders have determined that the common application will improve efficiency and lower costs to agencies by eliminating the need for multiple applications. It is also expected to facilitate the application review process and the coordination among funders evaluating proposals. The Agreement obligates the County to pay Quantum Foundation \$7,750 in one-time customization costs and to contract with CyberGrants, Inc., a Massachusetts based internet company, to host and maintain the system on an annual basis. The County will pay CyberGrants, Inc. \$2,500 in start up costs and approximately \$2,000 annually. The contract for this service will be negotiated and authorized in accordance with Purchasing Code procedures and ISS requirements. The Memorandum of Agreement, which has been executed by all parties other than the County, defines a one (1) year term ending December 31, 2010. The Agreement will automatically renew for all parties unless a party gives 90-day prior notice of desire not to renew. In that event, the Agreement will automatically renew for all remaining parties. (Community Services) Countywide (TKF)

16. **Staff recommends motion to approve:** Amendment No. 003 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) for the period January 1, 2009, through March 31, 2010, increasing the agreement by \$1,734.11 for a new total not-to-exceed amount of \$180,948.11. **SUMMARY:** AAA informs the designated lead agency service providers, such as the Division of Senior Services (DOSS), when unused federal funds are available. The unused 2009 funds are being distributed to DOSS to increase the spending authority for EHEAP crisis benefits to seniors. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. currently provides services under a similar agreement from the AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

17. Staff recommends motion to:

A) receive and file American Recovery and Reinvestment Act (ARRA) Cost-of-Living Adjustment (COLA) grant award, for the period of July 1, 2010, through September 30, 2010, in the amount of \$65,123; and

B) approve the following Delegate Agency Agreement Amendments to recognize ARRA COLA funding:

1) Amendment No. 2 to Florence Fuller Child Development Centers, Inc. (R2009-1481) for \$4,786 and a new total not-to-exceed \$1,015,719;

2) Amendment No. 2 to Hispanic Human Resources Council, Inc. (R2009-1483) for \$8,008 and a new total not-to-exceed \$1,692,746; and

3) Amendment No. 2 to YWCA of Palm Beach County, Inc. (R2009-1482) for \$2,577 and a new total not-to-exceed \$551,541.

SUMMARY: On June 8, 2010 (R2010-0846), the Board of County Commissioners approved the submittal of the ARRA COLA Federal Assistance Grant Application for FY 2010 to the Department of Health and Human Services, Administration for Children and Families (HHS/ACF). The HHS/ACF has awarded Head Start COLA funds totaling \$65,123. Of that amount (\$65,123) - \$21,047 is allocated to delegate agencies, and \$44,076 is allocated to the grantee for operating costs. Staff requested a waiver to the required match, but HHS/ACF denied the request at time of grant award, so staff reallocated the existing overmatch towards the required match of \$16,281, which was approved by OFMB. These funds will be a permanent addition to the base grant and is included in proposed FY 2011 budget. The Delegate Agencies will utilize the monies to increase salaries, fringe benefits and/or offset operating expenses. A receive and file is needed to allow the Clerk's Office to file the fully executed document in accordance with PPM CW-O-051. Funding is comprised of \$65,123 Federal funds, and required County match of \$16,281, which is included in the current FY 2010 budget. (Head Start) Countywide (TKF)

18. Staff recommends motion to approve: Amendment No. 001 to the Head Start Contracted Services Expansion Agreement with The Union Missionary Baptist Church, Inc. (Day Care Center) (R2010-0237), effective August 17, 2010, to increase the Agreement amount by \$4,517 for a new not-to-exceed total of \$96,447, and to increase the number of hours per day from six (6) to eight (8) hours, in order to extend services provided to Head Start children and families. **SUMMARY:** This Amendment is necessary to accommodate the increase in service hours provided to 35 children at an increased rate of \$18.06 per hour/child/day for 32 hours. Funding consists of \$3,705 in Federal and \$812 in required County match. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. **Staff recommends motion to accept:** a Quitclaim Deed from Irene Metzger, a/k/a Jerene Metzger, for a 10' strip of land containing approximately 660 square feet adjacent to Parcels W-153 and W-154, west of Palm Beach International Airport (PBIA) at no cost. **SUMMARY:** Parcel W-153 (R2001-0289) and Parcel W-154 (R2001-0648) were purchased in 2001. The owner of Parcel 154 (Metzger) previously owned both Parcels W-154 and W-153, but sold Parcel W-153 in 1972. Metzger's 1972 conveyance of Parcel W-153 did not include the subject 10' strip. No separate Parcel Control Number existed for the 10' strip and records did not clearly reflect the parcel as being owned by Metzger as a portion of Parcel W-154. Consequently, the legal description for the 10' strip was not included when the County acquired Parcel W-153 and Parcel W-154. Further, title research determined that Mrs. Metzger is the owner of the 10' strip. Mrs. Metzger has agreed to convey the 10' strip by quitclaim deed at no cost to the County. Countywide (HJF)

2. **Staff recommends motion to approve:** Utility Easement Agreement with Bellsouth Telecommunications, Inc., d/b/a AT&T Florida (AT&T) for telecommunications facilities on Department of Airports property between 5th Street and 6th Street, north of the Palm Beach International Airport (PBIA) in West Palm Beach. **SUMMARY:** The Utility Easement Agreement terminates AT&T's interest in an existing easement for ingress, egress and public utilities, and grants to AT&T an easement on adjacent lands, on which AT&T has existing telecommunications facilities. Countywide (HJF)

3. **Staff recommends motion to approve:** Fifth Amendment to Lease Agreement with Galaxy Aviation of Palm Beach, Inc. (Amendment), providing for a one (1) year option to license approximately 73,151 square feet of unimproved ground for use as aircraft apron with an option fee of \$11,887 and acceleration in payment of \$273,193 for costs associated with the construction of a public use taxilane. **SUMMARY:** Galaxy Aviation of Palm Beach, Inc., (Galaxy) provides fixed-based operator services for general aviation aircraft at the Palm Beach International Airport (PBIA), pursuant to a Lease Agreement (Lease) dated October 18, 2000 (R2000-1067). Galaxy Aviation's principal place of business is in Palm Beach County. This Amendment provides for a one (1) year option to license approximately 73,151 square feet of unimproved ground for a license fee of \$11,887 payable in equal monthly installments, commencing on October 1, 2010. In the event Galaxy exercises its option to license the property, the initial annual license fee will be \$47,548. In the Fourth Amendment to the Lease (R2009-0750), Galaxy agreed to reimburse the County for certain costs associated with the construction of a taxilane over a period of 18 months concurrent with the payment of rent. This Amendment provides for a single lump reimbursement of the costs in the amount of \$273,193 on or before October 1, 2010. This Amendment also provides Galaxy with a two (2) year extension to complete construction of certain improvements and for various changes necessary to reflect issuance of new airport revenue bonds. Countywide (HJF)

4. **DELETED**

5. **DELETED**

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. Staff recommends motion to approve:

A) a Third Amendment to Fuel Farm Facilities Lease Agreement (R1999-2004D) with Aircraft Service International, Inc. (ASII) extending the term of the Lease for an additional five (5) years to June 30, 2021; and

B) a Sixth Amendment to Airport Building/Ground Lease Agreement (R1993-1323D) with Aircraft Service International, Inc. (ASII) extending the term of the Lease for an additional five (5) years to June 30, 2021.

SUMMARY: ASII currently leases ground and improvements at 1334 North Perimeter Road at the Palm Beach International Airport (PBIA) for the operation of an aeronautical support services business. ASII is a long-term tenant at PBIA with a principal place of business in Orlando, Florida. The leases are currently scheduled to expire on June 30, 2016. ASII was required to make certain improvements to the fuel farm serving the airlines to comply with new regulatory requirements. The final cost of the improvements exceeded ASII's estimated cost by approximately \$1 million. As a result of declining fuel revenues, ASII has requested an extension of the leases to allow ASII to reamortize its investment in the fuel farm in an effort to avoid increasing fuel prices. The amendments extend the term of the leases through June 30, 2021. Rental will be established by appraisal for the extended term. The Third Amendment requires ASII to provide an annual report detailing monthly fuel sales (in gallons). The Sixth Amendment requires ASII to obtain an environmental assessment of the property prior to termination of the lease and to address any potential areas of contamination at ASII's sole cost and expense. Countywide (HJF)

7. Staff recommends motion to receive and file: nineteen (19) original Agreements for the Department of Airports:

A) Agreement to Terminate Hangar Lease Agreement with Air Lynagh, Inc., Unit 15, Building 11720 at North County Airport, terminating R2005-0169 on June 30, 2010;

B) Hangar Lease Agreement with Anthony Bucknole, Unit 9, Building 11240, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on July 18, 2010;

C) Hangar Lease Agreement with T. Mitchell Kelly Unit 4, Building 11240, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on June 28, 2010; terminating Hangar Lease Agreement with T. Mitchell Kelly (R2003-1840) for Unit 2, Building 11720 at North County General Aviation Airport, same date;

D) Hangar Lease Agreement with Charles Orlandi, Unit 9, Building 11220, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on July 1, 2010;

E) Hangar Lease Agreement with William G. Siegel, Unit 2, Building 201, at Palm Beach County Glades Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on September 1, 2010;

F) General Aeronautical Services Permit with American Delivery Services, Inc., commencing October 1, 2010, expiring September 30, 2011, automatically renewed on a year-to-year basis (10/1 through 9/30);

G) General Aeronautical Services Permit with Aramatic Refreshment Services, Inc., commencing October 1, 2010, expiring September 30, 2011, automatically renewed on a year-to-year basis (10/1 through 9/30);

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

7. MOTION/TITLE CONTINUED

H) General Aeronautical Services Permit with Big Sky Aviation, Inc., commencing October 1, 2010, expiring September 30, 2011, automatically renewed on a year-to-year basis (10/1 through 9/30);

I) General Aeronautical Services Permit with Elite Laundry Services of Florida, Inc., commencing October 1, 2010, expiring September 30, 2011, automatically renewed on a year-to-year basis (10/1 through 9/30);

J) General Aeronautical Services Permit with GFM Service, Inc., commencing October 1, 2010, expiring September 30, 2011, automatically renewed on a year-to-year basis (10/1 through 9/30);

K) General Aeronautical Services Permit with Jetstream Ground Services, Inc., commencing October 1, 2010, expiring September 30, 2011, automatically renewed on a year-to-year basis (10/1 through 9/30);

L) General Aeronautical Services Permit with PrimeFlight Aviation Services, Inc., commencing October 1, 2010, expiring September 30, 2011, automatically renewed on a year-to-year basis (10/1 through 9/30);

M) General Aeronautical Services Permit with Readyjet, Inc., commencing October 1, 2010, expiring September 30, 2011, automatically renewed on a year-to-year basis (10/1 through 9/30);

N) General Aeronautical Services Permit with Rio Cleaning Company, LLC, commencing October 1, 2010, expiring September 30, 2011, automatically renewed on a year-to-year basis (10/1 through 9/30);

O) General Aeronautical Services Permit with Rivera Aircraft Detailing, LLC, commencing October 1, 2010, expiring September 30, 2011, automatically renewed on a year-to-year basis (10/1 through 9/30);

P) Consent to Sublease for a Sublease Agreement between Galaxy Aviation of Palm Beach, Inc. and Palm Beach Jet Group, Inc., commencing July 1, 2010;

Q) Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Enterprise Aviation Bermuda LTD, commencing June 1, 2010;

R) Consent to Sublease for Amendment No. 3 to the Sublease Agreement between Signature Flight Support Corporation of Palm Beach, Inc. and SEAMCA. C.A., commencing March 1, 2010; and

S) Airline Service Incentive Program Participation Agreement for Qualified Flights with American Airlines, Inc., effective July 23, 2010, expiring one (1) year from effective date, automatically renewed on year-to-year basis.

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R1994-1453, R2004-1367, R2008-1845, R2009-0634 and R2010-0708. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

A) approve request by Palm Beach County Tax Collector, Anne M. Gannon, for Board of County Commissioners to order the 2010 tax roll to be extended prior to completion of the Value Adjustment Board hearings; and

B) direct the Value Adjustment Board to certify the assessment roll as required by State Statutes.

SUMMARY: Approval of this request will avoid a delay in the issuance of tax notices beyond November 1, 2010, and will permit the collection of property taxes prior to completion of the Value Adjustment Board hearings. Countywide (PFK)

2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution No. R93-282, adopting a policy on travel of County Commissioners, County Commission staff, County Administrator, County Attorney, Internal Auditor adding the Inspector General and the Executive Director of the Commission on Ethics to that travel policy and providing an effective date. **SUMMARY:** Resolution No. R93-282 authorizes the Board Members, the County Administrator, the County Attorney, and the Internal Auditor to approve their own travel. The amended Resolution provides the Inspector General and the Executive Director of the Commission on Ethics the same authority within their budgets. Countywide (PFK)

3. Staff recommends motion to approve:

A) a Budget Amendment of \$257,152 in the Abacoa Impact Fee Fund; and

B) a Budget Transfer of \$502,966 in the Abacoa Impact Fee Fund.

SUMMARY: The Budget Amendment and Transfer recognize revenues received in FY 2010 and allow the County to appropriate and remit \$760,118 in impact fee revenues to the Northern Palm Beach County Improvement District to reimburse construction costs for the Donald Ross Road Widening Project in accordance with an impact fee agreement (R2000-0155) between Palm Beach County, Northern Palm Beach County Improvement District and the Abacoa Development Company. District 1 (LB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** a Contract with Cedars Electro-Mechanical, Inc. for \$1,981,000 for the removal and replacement of all four (4) existing Chillers in the Central Energy Plant at the Judicial Center and State Attorney/Public Defender buildings in West Palm Beach. **SUMMARY:** The scope of the project consists of the replacement of four (4) 650-ton water cooled centrifugal type chillers which provide air conditioning to the Judicial Center and the State Attorney/Public Defender Buildings. The existing chillers are almost 20 years old and at the end of their useful life. One of the units is beyond repair and currently out of service. Two (2) others were recently out of service but are now operational. The units have continued to fail after previous, costly repairs. Under peak summer conditions, up to three (3) chillers are required to maintain proper comfort levels in the buildings. In addition, the chiller refrigerant used has been out of production since 1995 and the diminished availability has increased the operating costs significantly. The replacement units will utilize a compliant refrigerant and would be significantly more energy efficient. For these reasons, delay of this planned replacement will result in additional, unbudgeted operational costs and inability to properly cool these buildings. All funding for this project is from the ad valorem five (5) year Countywide Repair, Replacement and Renovation account. The Small Business Enterprise (SBE) participation for this contract is 100%. The total construction duration is 180 days. Cedars Electro-Mechanical is a Palm Beach County company. (FD&O Admin) District 7 (JM)

2. **Staff recommends motion to approve:** Amendment No. 7 to the annual Contract with Hedrick Brothers Construction (R2007-1506) for construction management services for various capital projects. **SUMMARY:** Hedrick Brothers Construction 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. Amendment No. 7 would provide for services during the second renewal period and add language to the contract regarding the County's policy for the Office of Inspector General. Hedrick Brothers Construction has a Small Business Enterprise (SBE) participation goal of 15%. During the three (3) years of the contract, Hedrick Brothers Construction has achieved 27.7% participation. Hedrick Brothers Construction is a Palm Beach County company. (Capital Improvements Division) Countywide (JM)

3. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 4 to Contract with Heery International, Inc., (R2006-2219) for program management services for the Jail Expansion Program 2 in the amount of \$1,092,145. **SUMMARY:** CSA No. 4 will provide continued program management services for the West County Detention Facility phase of the Jail Expansion Program through March 31, 2011. The Program Manager will continue to act as an extension of staff assisting in all aspects of the project. This CSA will extend the services required for the West County Detention Facility phase as well as design phase for the Central Detention Facility (Stockade) and adds the necessary language to the contract regarding the applicability of the Inspector General Ordinance and the inclusion of the Inspector General fee into this and future CSA's. The overall duration of the West County Detention Facility was extended due to a change order resulting from permitting issues, and as a result the construction duration is longer than originally anticipated. Additionally, close out services including commissioning are now stand alone rather than concurrent with the delayed Central Detention Facility. Costs associated with these additional services which may be attributed to errors/omissions by the design professional will be evaluated in accordance with County policy at the completion of construction. Heery staff for this period has been reduced and will be replaced by two (2) County Architectural Field Representatives in order to delay lay-offs of County personnel. CSA No. 4 is funded from the Criminal Justice and Public Improvement Revenue Bond Series 2008. The Small Business Enterprise (SBE) goal for this project is 15%. Heery International's SBE participation for this CSA is 28.7%. The overall contract SBE participation is 15.3%. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve:

A) Amendment No. 6 to Contract with Catalfumo Construction, Ltd. (R2007-1217) for construction management services for various capital projects; and

B) Amendment No. 8 to Contract with Catalfumo Construction, Ltd. (R2007-1217) in the amount of \$4,694,250 for construction management services for the Homeless Resource Center.

SUMMARY: Catalfumo Construction, Ltd. was selected to provide construction management (CM) 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 and expired on July 9, 2010, due to Board request to postpone consideration to a later date. Amendment No. 6 will provide for services during the second renewal period commencing July 10, 2010 and extending through July 9, 2011. Catalfumo Construction has a Small Business Enterprise (SBE) participation goal of 15%. During the three (3) years of the contract, Catalfumo Construction has achieved 27% participation. Amendment No. 8 will provide for a Guaranteed Maximum Price (GMP) for the renovation of property for a new Homeless Resource Center located at 1000 45th Street, West Palm Beach. Construction will commence upon receipt of a building permit from the City of West Palm Beach. One existing tenant at the property is not required to move until December 31 but construction is structured to continue around his unit. The GMP assumes purchase of all materials required for the work, but supports a material and furniture donation program established by the County. Construction of this project is being funded from Federal Neighborhood Stabilization Program (NSP) Grant money. All applicable Federal Certifications and Representations are included to meet grant specifications. General Conditions pertaining to grant funded projects are applicable. This project also has a Davis-Bacon requirement. In order to comply with federal grant requirements, the County must encumber the funds by September 4, 2010, so items typically purchased or paid for by County directly (e.g. permits, utility fees, etc.) are included in Catalfumo's GMP. Expenditure of these items will be strictly approved by County and are outside the usual CM fee. Catalfumo Construction, Ltd. is a Palm Beach County firm with 99% of the work performed by Palm Beach County subcontractors. The Small Business Enterprise (SBE) participation for this work is 30%. The SBE percentage has been calculated only on the construction related items typically included in the GMP and not the County requested non-contractor related items. The Inspector General fee does not apply to this contract due to funding source being entirely federal dollars. The duration of the work is 285 days. (Capital Improvements Division) Countywide/District 7 (JM)

5. **DELETED**

6. Staff recommends motion to approve: an Interlocal Agreement with the Port of Palm Beach District (Port) for the provision of radio maintenance services. **SUMMARY:** This Agreement provides for the provision of radio equipment maintenance services to the Port, by FDO/Electronic Services and Security. The services are to be charged on an hourly basis at a cost of \$65/hr/person and \$97.50/hr/person for overtime work. In the event that the County must out-source the labor, a separate labor rate is provided. The rates may be adjusted annually with notification by June 1 (effective that following October 1) at the County's sole discretion, but in no event shall the Port's fee schedule exceed the fee schedule applied to County departments. The term of the agreement is for three (3) years with one (1) – three (3) year renewal. The Agreement may be terminated by either party, with or without cause with a minimum of three (3) months notice. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to approve:

A) an Easement Agreement with Wilhelm Herzer and Jennie D. Herzer for drainage and utilities; and

B) a Temporary Construction Easement with Pronto Enterprises of Palm Beach, Inc. (Pronto) for construction of a retaining wall as part of the overall construction of the new Fire Rescue Station No. 31 located in the Village of Palm Springs.

SUMMARY: Fire Rescue Station No. 31 is located on Lake Worth Road, east of Davis Road, in the Village of Palm Springs. The County will be constructing a new station to replace the existing station. In order to develop and maintain the fire station, the County requires a perpetual drainage and utility easement over a portion of the Herzer's property located east of and adjacent to the County's property. The County also needs a temporary construction easement from Pronto to access their property which is located south of and adjacent to the County's property for the construction of a retaining wall on County property and the right to install a temporary construction fence within Pronto's property. The Temporary Construction Easement will expire and automatically terminate upon the earlier of County's completion of, or ninety (90) days after commencement of, the project. The total area of the easements being granted to the County is 11,982 square feet (0.28 acre). The easements are being granted at no charge. (PREM) District 3 (HJF)

8. Staff recommends motion to approve: a Declaration of Easement in favor of the Palm Beach County Water Utilities Department for a water main servicing the County's Central Video Visitation Facility at the Central Detention Center (Stockade) in unincorporated West Palm Beach. **SUMMARY:** The County is constructing a Video Visitation Facility as part of the expansion of the Stockade. The Palm Beach County Water Utilities Department installed an underground water main for future development at the County's Central Video Visitation Facility. An easement is needed to protect the existing water main. The easement area is approximately 1,975 feet long and approximately 7 to 20 feet wide and contains 38,000 square feet (0.87 acres) and is located on the northern portion of the site. (PREM) District 6 (HJF)

9. Staff recommends motion to approve: an Easement with the Board of Trustees of the Internal Improvement Trust Fund for construction of drainage improvements within State property located adjacent to the West County Jail in Belle Glade. **SUMMARY:** The County leases approximately 76 acres from the State of Florida for the West County Jail, Drug Farm and other correctional and County facilities. The property is located near the intersection of State Road 80 and State Road 15 in Belle Glade. The County is currently expanding the Jail and other County facilities on the property. The Division of Forestry leases an adjacent 6.57 acres from the State. The finish grade of the County site is 3 to 6 feet higher than the elevation of the Forestry property. The South Florida Conservancy District (District) sub-leases the southern portion of Forestry's leased property. The District expressed concern that the County's development might cause their property to flood. At the County's request, Michael B. Schorah and Associates prepared a drainage report which indicated that Forestry's property would be impacted by the County's development. The County has agreed to construct drainage improvements within Forestry's property consisting of a 12' wide swale, placement of fill and sod, and replacement of 12" pipe which will alleviate any drainage impacts upon Forestry's property. The cost of the improvements will be \$28,988 and is being paid by a Change Order to the existing construction contract for the Jail Expansion Project. The Easement grants the County the right to construct the improvements upon Forestry's property which is leased from the State. Upon completion of the installation of the drainage improvements, Forestry will be responsible to maintain said improvements. (PREM) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to:

A) approve a standard license agreement to be used in the event that the County receives requests for use of County property/facilities for activities related to the Deepwater Horizon Oil Spill Response; and

B) authorize the County Administrator or his designee signature authority to execute the standard license agreement.

SUMMARY: On May 20, 2010, Palm Beach County was declared in a Local State of Emergency due to the Deepwater Horizon Oil Spill (Oil Spill). In response to this State of Emergency, staff is presenting this standard form license agreement which establishes the standard terms and conditions under which the licensee may use County property/facilities for activities to be conducted in connection with the coastal cleanup necessary as a result of the Oil Spill. Staff anticipates that the uses requested may be for: (i) beach cleanup; (ii) the launching of boats; and/or (iii) the temporary storage of materials that require disposal. Prior to a license agreement being issued, the Department of Environmental Resources Management (ERM) and the licensee must mutually agree upon the activities that will be permitted which will be set forth in a project plan (Project Plan) to be attached as an exhibit to the license agreement. Upon approval of the Project Plan by the Director of ERM or his designee, Facilities Development and Operations (FDO) Staff will impose special conditions of use (Special Conditions of Use) based upon the specific activities identified in the Project Plan, which will then be attached as an exhibit to the license agreement. The types of insurance coverage, minimum required limits of coverage and maximum allowable deductibles to be provided by the licensee will: (i) be set forth as a Special Condition of Use; (ii) depend on the nature of licensee's proposed use as set forth in the Project Plan; and (iii) be determined upon consultation with the County's Risk Management Department. In any instance that the standard terms (other than indemnification and insurance) are modified, Staff will notify the Board. A licensee fee will only be imposed if there is a loss of revenue to the County or its concessionaires resulting from the license. If warranted by the Project Plan, the standard terms and conditions of the license agreement may be modified upon the approval of both the County Attorney's Office and the Director of FDO (FDO Director). The FDO Director will sign the license agreement for use of County property/facilities on behalf of the County. (FDO Admin) Countywide (SF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to receive and file: an Agreement funded under the Community Development Block Grant Recovery (CDBG-R) Program, with Village of Hope of Palm Beach County, Inc., in the amount of \$183,082 for the period of April 1, 2010, to March 31, 2011. **SUMMARY:** On June 2, 2009, the Board of County Commissioners (BCC) approved the 11th Amendment to the Palm Beach County FY 2008-2009 Action Plan which allocated CDBG-R grant funds to Village of Hope of Palm Beach County, Inc., to enable them to undertake an infrastructure improvement project. CDBG-R funds were made available under the American Recovery and Reinvestment Act of 2009 (ARRA). Palm Beach County was allocated a total of \$1,846,758 under ARRA for public service activities, capital improvement activities, economic development activities, and for planning and administrative costs. The County Administrator executed this Agreement under the authority provided by the BCC on June 2, 2009 (R2009-0901). **These are Federal Community Development Block Grant Recovery Program Grant funds that do not require a local match.** District 1 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to receive and file: an Agreement in the amount of \$2,471,592.85 with the West Palm Beach Housing Authority (WPBHA) for the period June 15, 2010, to October 22, 2010. **SUMMARY:** This Agreement provides funding under the 2005 Disaster Recovery Initiative (DRI) Program - Supplemental Appropriation, for the continuation of two (2) projects that were commenced under Agreement (R2009-0995) for the Colony Oaks project and Agreement (R2009-0996) for the Twin Lakes project both of which expired with the expiration of the DRI Grant Agreement with the Florida Department of Community Affairs. The \$2,482,200 funded through the expired Agreements, less funds expended on these projects to date, are being recommitted to these projects through this one Agreement that combines both projects. Under this Agreement, the WPBHA will receive the remaining \$2,471,592.85 for hurricane hardening improvements at its Colony Oaks and Twin Lakes properties. The WPBHA has bid the project and the award of the bid is under review by HCD. Approval of this Agreement will allow work to proceed on the project. The project experienced delays related to the preparation and review of contract documents and specifications. The DRI Grant Agreement with the Florida Department of Community Affairs has now been extended to October 22, 2010. The expiration date of this Agreement coincides with the new expiration of the Grant Agreement with the State. However, a one (1) year time extension to the Grant Agreement with the State is currently being processed, upon the receipt of which, a commensurate time extension will be given to the WPBHA. The County Administrator executed this Agreement under the authority provided by the Board of County Commissioners on September 11, 2007 (R2007-1524). **These are Federal Community Development Block Grant funds that require no local match.** Districts 6 & 7 (TKF)

3. Staff recommends motion to approve: an Amendment to the Program Guidelines for the Neighborhood Stabilization Program (NSP-1) funded Residential Redevelopment Program to allow for the rehabilitation cost of up to \$30,000 per unit for multi-family units. **SUMMARY:** On November 18, 2008, the Board of County Commissioners (BCC) approved the application which was submitted to U.S. Department of Housing and Urban Development (HUD) for funding under the NSP-1. This included the request for \$5,000,000 to fund a Residential Redevelopment Program which would allow non-profit agencies, municipalities and other public agencies to purchase and rehabilitate (if necessary) vacant, abandoned and foreclosed residential properties, which would then be resold or leased at affordable prices/rents to eligible homebuyers or renters for use as their primary residence. On April 21, 2009, the Board of County Commissioners approved Guidelines for the Residential Redevelopment Program (Agenda Item 6D-2). The proposed Amendment would increase the rehabilitation cost limit for multi-family units from \$15,000 to \$30,000. Increasing the rehabilitation cost to no more than \$30,000 per multi-family unit would allow for the acquisition and rehab of more distressed properties that otherwise would not be able to be acquired under the NSP Residential Redevelopment Program. The acquisition and subsequent rehabilitation of these multi-family units would allow for the obligating of NSP funds that otherwise would not be obligated. This is critical since HUD has mandated that all NSP funding must be obligated on or before September 4, 2010. This Amendment will assist in meeting that deadline. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

4. Staff recommends motion to receive and file: an Agreement with City of Delray Beach, for the period of June 1, 2010, to September 16, 2010, to provide \$697,904.29, under the 2005 Disaster Recovery Initiative (DRI) Program. **SUMMARY:** This Agreement provides DRI funding for the continued implementation of a housing rehabilitation program by the City of Delray Beach (City). The City commenced the implementation of the rehabilitation program under Agreement (R2008-1482) which expired with the expiration of the DRI Grant Agreement with the Florida Department of Community Affairs. The \$980,000 funded through the expired Agreement, less funds expended on the completed work to date, are being recommitted to the continued implementation of the City's housing rehabilitation program through this Agreement. Under this Agreement, the City will receive the remaining \$697,904.29, for rehabilitation assistance to qualified low income property owners, for temporary relocation costs, and for the services of a City inspector. 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. However, a one (1) year time extension to the Grant Agreement with the State is currently being processed, upon the receipt of which, a commensurate time extension will be given to the City. The County Administrator executed this Agreement under the authority provided by the Board of County Commissioners on July 18, 2006 (R2006-1351). **These are Federal Community Development Block Grant funds that require no local match.** District 7 (TKF)

5. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2010-1036) with the Village of Wellington to expand the types of properties that may be acquired under the Agreement, and to increase the allowable cost of rehabilitation. **SUMMARY:** This Amendment adds single family detached dwelling units and townhouses to the multi-family dwelling units that may be purchased under the Agreement. The Amendment also allows for the acquisition of properties in various stages of the foreclosure process, properties with mortgage or real estate delinquency, and properties subject to code enforcement, in addition to those that have already been fully foreclosed upon and those acquired by lenders by means of a deed in lieu of foreclosure. Furthermore, the Amendment increases the maximum amount of rehabilitation costs for multi-family properties from \$15,000 to \$30,000 per unit. **These are Federal Neighborhood Stabilization Program Grant funds that require no local match.** District 6 (TKF)

K. WATER UTILITIES

1. Staff recommends motion to approve: a Budget Amendment of \$3,990,000 in the Water Utilities Department (WUD) Capital Improvement Fund to recognize the Financial Assistance Award with the U.S. Department of Commerce, Economic Development Administration (EDA). **SUMMARY:** On May 4, 2010, the Board of County Commissioners (BCC) ratified a "Financial Assistance Award" with the EDA in the amount of \$3,990,000 for the design and construction of wastewater infrastructure owned by the Glades Utility Authority (GUA), within their utility service area. WUD will manage the project for the GUA. The project will be funded from WUD's Capital Improvement Fund. The GUA will be reimbursed by EDA for the project costs and repay WUD from these funds. The Amendment is necessary to provide the expenditure budget necessary to award the related contract(s) and recognize the corresponding funding to be received from the GUA. No work can begin on the project until the budget is established. (WUD Project No. 10-062) District 6 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. Staff recommends motion to approve:

A) a Contract with R.J. Sullivan Corporation to construct the Southern Region Water Reclamation Facility (SRWRF) Effluent Flow Delivery Modifications in the amount of \$1,349,500;

B) Change Order No. 1 to this Contract in the deductive amount of \$279,865, deleting materials and equipment for the purpose of sales tax recovery and designating R.J. Sullivan Corporation, as the County's agent for the inspection and receipt of the materials; and

C) Purchase Orders with vendors of the materials and equipment in the amount of \$264,000.

SUMMARY: On May 27, 2010, twelve (12) bids were received for construction of the SRWRF Effluent Flow Delivery Modifications project with R.J. Sullivan Corporation being the lowest responsive responsible bidder based on SBE participation in the amount of \$1,349,500. This project provides low pressure pumps to the reclaimed water filters, Wakodahatchee and Green Cay wetlands thereby reducing overall pumping costs and energy usage. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with R.J. Sullivan Corporation provides for SBE participation of 17.40%. R.J. Sullivan Corporation is a local Palm Beach County Company. (WUD Project No. 07-002) District 5 (JM)

3. Staff recommends motion to approve: Work Authorization No. 6 in the amount of \$442,820 with Sheltra & Son Construction Co., Inc. (R2009-0944) for construction of the Wastewater Lift Station Rehabilitation No. 951 and 1080. **SUMMARY:** On June 2, 2009, the Board of County Commissioners approved the Water Utilities Department Continuing Construction Contract with Sheltra & Son Construction Co., Inc. (R2009-0944). This Work Authorization provides for the rehabilitation of two (2) lift stations within the Department's wastewater collection system. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with Sheltra & Son Construction Co., Inc. provides for SBE participation of 15.00% overall. This Authorization includes zero overall participation. The cumulative SBE participation, including this Authorization, is 15.09% overall. (WUD Project No. 08-009) District 5 (JM)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to adopt: a Resolution requesting that the Florida Department of Environmental Protection (FDEP) review a funding application and support funding for shoreline protection projects within its Fiscal Year 2011/2012 Beach Erosion Control Assistance Program. **SUMMARY:** The County is requesting that the State appropriate \$1,960,378 for the Jupiter/Carlin Shore Protection Project, \$450,000 for the Jupiter Beach Erosion Control Project, \$150,000 for the Juno Beach Shore Protection Project, \$2,448,105 for the Singer Island Shore Protection Project, \$1,650,000 for the Central Palm Beach County Comprehensive Erosion Control Project, \$53,000 for the South Lake Worth Inlet Management Plan, and \$164,703 for the Ocean Ridge Shore Protection Project. If the State Legislature approves funding for all of the projects, the County's matching share would be \$6,042,927. There is no fiscal impact until State funding is appropriated and a project agreement is executed. If State funds were to be appropriated for the projects and County funding is found to be insufficient to match the State-funded project, other funding sources could be considered, such as short-term borrowing, securing bonds, or delaying the design and construction of other projects already funded. Districts 1, 4 & 7 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. **Staff recommends motion to approve:** an Agreement with the Palm Beach County Sheriff's Office (PBSO) to provide continued law enforcement services on County-owned conservation lands and natural areas for a period of 36 months beginning October 1, 2010, and ending September 30, 2013. **SUMMARY:** The PBSO has provided law enforcement services under an Agreement since November 20, 2001, (R2001-2048, R2005-1361, R2007-1634). Approval of this Agreement will provide four (4) full-time deputies (reduced in 2007 from five (5) because of budgetary cut-backs) properly trained to patrol the County's conservation lands and natural areas. Funding of \$442,491 for this Agreement is included in the FY2011 budget request. The Agreement provides that an additional deputy may be added to this Agreement if outside funding sources can be arranged. The Agreement is presented unsigned, because PBSO policies require that entities contracting for their services sign the Agreement before the Sheriff signs the Agreement. Countywide (SF)

3. **Staff recommends motion to approve:** Interlocal Agreement with the City of Boca Raton (City) for management of the Yamato Scrub Natural Area, a 217-acre tract of environmentally sensitive land located within the City. **SUMMARY:** On June 5, 2001, the County entered into an Interlocal Agreement with the City (R2001-0878) to manage the natural area with the assistance of the City. The City has constructed segments of the El Rio Shared-Use Trail (Trail), a concrete multiuse path, to the north and south of the natural area and on a City-owned parcel immediately adjacent to a portion of the natural area, as part of the implementation of the City's bicycle, pedestrian, greenways and trails master plan. The City now wishes to construct a "missing link" segment of the Trail on a state-owned portion of the natural area and has obtained federal transportation enhancement funds for the project. The State has granted permission for this work through the Florida Department of Environmental Protection. Because of the number and types of changes needed to update the Agreement, staff determined that it would be more appropriate to prepare a new Agreement than to revise the existing Agreement. The new Agreement will supersede the June 5, 2001 Agreement. The Trail and associated landscaping, benches, fencing and several management access gates will be designed and paid for by the City and constructed under City supervision, with County oversight. The City will provide and maintain a temporary irrigation system to ensure the establishment of the landscaping, and will manage and maintain the Trail as part of the public access facilities on the natural area. The new Agreement will be included in the first revision of the management plan for the natural area, which is anticipated to be reviewed by the Board in 2011. The City Council approved the Agreement on July 13, 2010. District 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

4. Staff recommends motion to receive and file: five (5) original documents for the Department of Environmental Resources Management:

A) Amendment No. 1 with the Florida Fish and Wildlife Conservation Commission (FWC) Grant Agreement No. 08265 to extend the end date of the Artificial Reef Monitoring Project;

B) Amendment No. 4 with the Florida Department of Environmental Protection (FDEP) Grant Agreement No. LP6077 to extend the end date beyond the current authorized funding period for the Chain of Lakes Restoration Project;

C) Task Assignment No. 4 with FDEP Contract GC680 for contracted services related to petroleum storage tank compliance;

D) Amendment of Contract No. 014972 with the Florida Department of Agriculture and Consumer Services (FDACS) for mosquito control services; and

E) Amendment No. 4 with the FDEP Agreement No. LP6046 for revision to the project work plan (funding plan) by reallocating \$136,593 of FDEP's budget for Amendment 1 to FDEP's Amendment 2.

SUMMARY: **A)** Grant Agreement No. 08265 was approved on April 7, 2009 (R2009-0572) with the FWC which provides for monitoring thirty-one (31) reefs, including nine (9) artificial reefs built using construction grants from FWC. Delegated authority to sign time extensions was provided at that time. No ad valorem support is required for this amendment; **B)** FDEP Grant Agreement No. LP6077 was approved on April 4, 2006 (R2006-0579) to reimburse the County for a portion of the construction of the Chain of Lake Restoration project. Delegated authority to sign time extensions was provided at that time. No ad valorem support is required for this amendment. **C)** FDEP Contract GC680 was approved on June 5, 2007 (R2007-0882) for activities in the Pollutant Storage Tank Compliance Verification Program. Delegated authority to sign task assignments was provided at that time. No ad valorem support is required for this task assignment. **D)** Contract No. 014972 was approved on September 1, 2009 (R2009-1425) with FDACS for reporting requirements associated with mosquito control services. The amendment reduces the project amount from \$39,000 to a not to exceed amount of \$36,873.37 which is payable in equal quarterly installments upon receipt of required reports for the period of October 1, 2009, through September 30, 2010. Delegated authority to sign minor amendments was provided at that time and is in accordance with CW-F-003 Grant Administration, for agreements less than \$100,000 where no change in match requirements are involved. **E)** Agreement No. LP6046 with the FDEP was approved on April 4, 2006 (R2006-0583) to reimburse up to \$1,000,000 for projects under the Lake Worth Lagoon Partnership Grant Program. Additional amendments have been executed to increase the award to \$7,000,000. Delegated authority to sign minor amendments that do not change the scope of work was provided at that time. Amendment No. 4 allows FDEP to redistribute \$136,593 from Amendment No. 1 Funding Plan to Amendment No. 2 Funding Plan to allow for delays in construction attributed to Amendment No. 1 as an internal accounting adjustment. There is no change in the scope of work for any of the projects or change in the award. No ad valorem support is required for this amendment. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to:

A) approve Grant Agreement No. 08PB4 with the Florida Department of Environmental Protection (FDEP) in the amount of \$5,226,738 for cost-sharing on the Juno Beach Nourishment Project (Project) through December 31, 2013;

B) approve a Budget Amendment of \$93,086 in the Beach Improvement Fund to recognize additional revenue from the Agreement; and

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

SUMMARY: This Agreement reflects State funding of \$5,133,652 carried forward from Agreement No. 08PB1 (R2009-0111) which has expired and an additional \$93,086 for additional monitoring through December 31, 2013. Under the terms of the Grant Agreement, FDEP will reimburse 50% of the non-federal Project costs or up to \$5,226,738. The remaining \$5,226,738 is funded from a combination of tourist development taxes, interest and reserves in the Beach Improvement Fund. District 1 (SF)

6. Staff recommends motion to:

A) approve Agreement (Contract No. 016068) with the Florida Department of Agriculture and Consumer Services (FDACS) for mosquito control reporting requirements performed by the Department of Environmental Resources Management, for the period October 1, 2010, through September 30, 2011 for an amount not to exceed \$37,000; and

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

SUMMARY: The Agreement provides Arthropod Control State Aid of up to \$37,000 in quarterly installments with monthly reporting requirements regarding mosquito control activities to the FDACS. The County is considered a contractor with the State and therefore no match is required. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

7. Staff recommends motion to:

A) accept Cooperative Agreement L10AC 20019 with the U.S. Bureau of Land Management (BLM) for the engineering and design of a shoreline stabilization project at the Jupiter Inlet Lighthouse Outstanding Natural Area, commencing June 29, 2010 and ending July 30, 2011 in an amount not to exceed \$186,440.46;

B) approve Budget Amendment of \$186,441 in the Natural Areas Fund to recognize the award; and

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

SUMMARY: The BLM Cooperative Agreement will provide \$186,440.46 in funding for a shoreline stabilization project at the Jupiter Inlet Lighthouse Outstanding Natural Area on a reimbursement basis as authorized by the American Recovery and Reinvestment Act of 2009 (ARRA). No matching funds are required. The project will require the County to provide an engineering design and prepare those documents needed to submit the project for permitting, and respond to requests for additional information as the project proceeds through the permitting process. A Land Stewardship Memorandum of Understanding (MOU) with the BLM to collaborate on the joint management of the Jupiter Inlet Natural Area was approved on January 15, 2008 (R2008-0072). District 1 (SF)

8. Staff recommends motion to approve:

A) annual Contract with Applied Technology & Management, Inc. (ATM) for continuing professional coastal and marine engineering consultant services, effective for two (2) years through August 16, 2012; and

B) annual Contract with Olsen Associates, Inc. (Olsen) for continuing professional coastal and marine engineering consultant services, effective for two (2) years through August 16, 2012.

SUMMARY: ATM, a Palm Beach County company, and Olsen, a Jacksonville, Florida company, will provide professional coastal and marine engineering services on a task order basis for various projects within the Department of Environmental Resources Management and other departments. These Contracts include the necessary language regarding the applicability of the Inspector General Ordinance (IG Ordinance) and the inclusion of the Inspector General fee into future task orders with ATM and Olsen. ATM has agreed to SBE-M/WBE participation of 15%. Olsen has agreed to SBE-M/WBE participation of 38%. The Contracts contain an option to renew for one (1) additional year. Countywide (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

9. Staff recommends motion to approve:

A) State of Florida Department of Transportation (FDOT) Local Agency Program Supplemental Agreement No. 1 for Historic Jupiter-Indiantown Trail from Mack Dairy Road to Jupiter Farms Road (FM No. 425259-1-58-01) that modifies Local Agency Program Agreement R2010-0343 (Agreement) to: 1) reduce funding by \$291,481.05, 2) extend the time for completion of the funded project to June 30, 2011, and 3) add an Exhibit L; and

B) Budget Amendment of \$291,481 in the Environmental Capital Projects Fund to recognize the reduction in Agreement funding.

SUMMARY: Per current FDOT practice, the Florida Stimulus Scenic Enhancement (FSSE) funding for construction of this phase of the Historic Jupiter-Indiantown Trail (Project) is being reduced because the bid price is lower than was estimated. The Supplemental Agreement amount of \$458,519 equals the bid price for items that are FSSE eligible plus a 12% allowance for construction engineering inspection. The time extension is needed to allow for weather and other contingencies that may interfere with completion of the Project. Exhibit L incorporates landscaping into the Project as a funded item. No matching funds were required. District 1 (JM)

M. PARKS & RECREATION

1. Staff recommends motion to approve: Use Agreement with U.S. Coast Guard Auxiliary, Flotilla 51 of the Palm Beaches for the period August 17, 2010, through August 16, 2011, for use of the multipurpose room in the Marine Center Building at Phil Foster Park to conduct boating safety classes, organizational meetings, and to serve as a check in location for courtesy boat inspections. **SUMMARY:** U.S. Coast Guard Auxiliary, Flotilla 51 of the Palm Beaches has requested the use of the multipurpose room in the Marine Center Building, located in Phil Foster Park. Flotilla 51 provides services to the public to include public education programs, boating safety classes and courtesy boat inspections. With this Use Agreement, these services can continue according to a mutually agreeable schedule, at no cost to Flotilla 51. The term of the Use Agreement is for one (1) year, commencing on the date of approval, and is automatically renewed from year to year thereafter, until one party gives the other party 90 days written notice prior to the anniversary date that this Use Agreement will not be renewed for another year. District 1 (AH)

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to approve: an Agreement with the Palm Beach Soil and Water Conservation District in an amount not to exceed \$79,000 to provide soil and water resource conservation services for FY 2011. **SUMMARY:** This Agreement provides funding for the Palm Beach Soil and Water Conservation District's ("District") Resource Conservation Activities. The District provides resource conservation services to rural, agricultural, and urban communities to facilitate soil and water conservation in Palm Beach County. Services include soil information and technical assistance to improve water quality and quantity and soil planning in Palm Beach County. Countywide (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve:

A) Waiver of prohibited relationship for Michele Carter and Thomas Bell of Gulfstream Goodwill Industries, Inc., who sits as an advisory board members on the Homeless Advisory Board;

B) a Contract with Gulfstream Goodwill Industries, Inc., a not-for-profit agency, for \$61,000 for the period of September 1, 2010, through March 1, 2011, for the provision of home detention monitoring services to juveniles; and

C) a Budget Transfer of \$61,000 from the Criminal Justice Fund reserves to establish budget for this project.

SUMMARY: Michele Carter and Thomas Bell are employees of Gulfstream Goodwill Industries, Inc. and are also members the Palm Beach County Homeless Advisory Board. Per the County's Code of Ethics, this may be perceived as a prohibited relationship and Ms. Carter and Mr. Bell are disclosing this and requesting a waiver under the requirements of the Code. Staff recommends approval of the waiver. 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 (JAG): Local Solicitation. This award was received and filed by the Board of County Commissioners on October 6, 2009 as R2009-1700. The monitor will have face-to-face contact as well as indirect contact of juveniles on an unannounced, around the clock basis. Contact will be made at random, initially within 24 hours of placement under Gulfstream Goodwill Industries' supervision toward the goal of linking participating juveniles and families with community resources to help enhance life skills and reinforce proactive, acceptable social behavior. There is no match requirement for the Byrne Grant. Countywide (DW)

2. Staff recommends motion to approve: an Amendment to the Interlocal Agreement (R2010-0661) with Florida Atlantic University for a no cost extension for the period October 1, 2010, through September 30, 2011 to support the Restorative Justice Project. **SUMMARY:** The Criminal Justice Commission recommended the use of ARRA JAG funds and Criminal Justice Reserve Funds up to the amount of \$100,000 for the following project. There are unexpended funds from this project due to delays in the approval process from the Department of Justice. The Florida Atlantic University Restorative Justice Program will develop at least one school-based demonstration program based on a restorative alternative to suspension, and/or a reentry process back into school after suspension and expulsion; integrate restorative dialogue processes into existing "Youth Empowerment Centers" as a means to help ensure that high risk and academically challenged youth can successfully remain in, and graduate from, high school; provide training and technical assistance in restorative justice practice targeted to school personnel, juvenile justice staff, school resource officers and police, and community members; and develop and report initial outcome measures, while formulating a longer-term research design and protocol for formative (and later impact) assessment of the pilot programs' effectiveness. Countywide (DW)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

3. 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 for \$197,797 for October 1, 2009, through September 30, 2010;

B) approve a Contract Amendment with the City of West Palm Beach (R2007-0706), for \$98,900 for the contract period from October 1, 2009, to September 30, 2010 to support the City of West Palm Beach "Weed and Seed" efforts; and

C) approve a Budget Amendment of \$98,900 in the General Fund to establish budget for the project.

SUMMARY: The Criminal Justice Commission recommends the use of \$98,900 from the JAG Program for the continuation of "seeding" services and to extend the existing contract period to September 30, 2010. The grant application was executed by the Board of County Commissioners on August 18, 2009 as Resolution R2009-1314. The delay in processing this grant in an expeditious manner was caused by delays in the approval process with state agencies and local municipalities. There is no match requirement for JAG funds. District 7 (DW)

4. 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 for \$64,000 for October 1, 2009, through September 30, 2010;

B) approve an Interlocal Agreement with the City of Riviera Beach for \$64,000 for the contract period from October 1, 2009, to September 30, 2010 to support the City of Riviera Beach's "Weed and Seed" efforts; and

C) approve a Budget Amendment of \$64,000 in the General Fund to establish budget for the project.

SUMMARY: The Criminal Justice Commission recommends the use of \$64,000 from the JAG Program for the continuation of "seeding" services that involve law enforcement intervention and prevention. The grant application was executed by the Board of County Commissioners on August 18, 2009 as Resolution R2009-1314. The delay in processing this grant in an expeditious manner was caused by delays in the approval process with state agencies and local municipalities. There is no match requirement for JAG funds. District 7 (DW)

5. Staff recommends motion to approve:

A) a Budget Transfer of \$195,000 from the Juvenile Assessment Center (JAC) Donation Fund Reserves to the Palm Beach Sheriff's Office (PBSO) who will serve as the fiscal agent for JAC security expenses; and

B) a Budget Amendment of \$195,000 increasing the Sheriff's Grants Fund.

SUMMARY: Requested funds of \$195,000 will provide for a portion of the required security at the JAC for FY 2011, with the remaining funding coming from grants. PBSO has agreed to serve as the fiscal agent to administer the provisions noted above. PBSO currently contracts for security in the secure side of the JAC and previously funded the cost of security. Countywide (DW)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to receive and file: two (2) original standard agreements for the Fire Rescue Department:

A) Interlocal Agreement for Swimming Lessons with the City of West Palm Beach; and

B) Interlocal Agreement for Swimming Lessons with the Village of Wellington.

SUMMARY: On September 27, 2005, the Board adopted Resolution No. R2005-1906 authorizing the County Administrator, or his designee (the Fire Rescue Administrator) to execute standard agreements with municipalities and independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. Pursuant to Countywide PPM CW-O-051, two (2) standard County agreements that have been executed by the County Administrator, or his designee (the Fire Rescue Administrator) are being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (PK)

2. Staff recommends motion to approve: Memorandum of Agreement with the Children's Services Council of Palm Beach County providing the County funding of up to \$50,000 for the Drowning Prevention Coalition for the period October 1, 2010, to September 30, 2011. **SUMMARY:** The Drowning Prevention Coalition program is managed by Palm Beach County Fire Rescue. However, the program is funded by multiple sources including the Children's Services Council (CSC) of Palm Beach County and the County's general fund. This Memorandum of Agreement provides the terms and conditions of the Children's Services Council of Palm Beach County's agreement to provide funding to the County of up to \$50,000 for the Drowning Prevention Coalition program. The additional funding of this program for FY 2011 is being provided from the County's general fund in the amount of \$150,000. Countywide (PK)

T. HEALTH DEPARTMENT

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting the FY 2010/2011 budget for the Air Pollution Control Program. **SUMMARY:** This Resolution is required by the August 21, 1984, Agreement between the Board of County Commissioners and the Palm Beach County Health Department (PBCHD) to establish the annual budget for the expenditure of fees deposited into the Air Pollution Control Trust Fund. This program is solely supported by motor vehicle license registration fees. The proposed FY 2010/2011 budget for the Air Pollution Control Program from this funding source is \$960,000 which is a slight decrease (<0.5%) over the current year. This budget can be accommodated by future revenues and a surplus in the Air Pollution Control Trust Fund. Countywide (GB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to:

A) approve Task Order No. 3 to Contract R2006-2516 with Surdex Corporation in the amount of \$249,658.58 to complete countywide digital ortho photography mapping; and

B) receive and file BAE Systems Task Order No. 4.

SUMMARY: Three (3) firms were selected using the Consultant Competitive Negotiations Act (CCNA) process, contracted on November 21, 2006 to perform digital ortho photography and planimetric mapping for the County (R2006-2516, R2006-2517, and R2006-2518). This Task Order No. 3 with Surdex Corporation, a Missouri-based company, that subcontracts approximately 8% of their work to PRISM Survey, Inc., a Palm Beach County firm, is to complete countywide digital orthos photography mapping in the amount of \$249,658.58 to be funded by a USGS ARRA Grant Award No. G10AC00135 received by Palm Beach County on March 23, 2010, R2010-0437. BAE Systems (R2006-2517) Task Order No. 4, which was under \$100,000 and previously executed is submitted for receive and file purposes. Countywide (PFK)

2. Staff recommends motion to approve: an Agreement with Nonprofits First, Inc. (Non-Profit Organization) to connect to the Palm Beach County Regional Network (County) at a monthly metered usage rate of \$50 per megabit for an estimated annual cost of \$1,800, for an initial term of one (1) year, with automatic one (1) year renewals unless notice given by either party. **SUMMARY:** This Agreement allows Non-Profit Organization to access Palm Beach County network services on a cost sharing basis similar to the existing Interlocal Agreements with the County and various municipalities, as well as the Seacoast Utility Authority, 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 Non-Profit Organization's overall network costs. Non-Profit Organization agrees to pay County the monthly metered usage rate of \$50 per megabit to access the Palm Beach County Network. Per Exhibit A of the Agreement, if Non-Profit Organization's calculated usage charge exceeds \$250 per month and the usage is determined to be valid, County and Non-Profit Organization will modify the Agreement to accommodate the increased usage with an appropriate rate adjustment. This Agreement provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. District 7 (PFK)

3. Staff recommends motion to approve: the First Amendment to the Agreement (R2010-0278) with The Raymond F. Kravis Center for the Performing Arts, Inc., (Non-Profit Organization) for connection to the Palm Beach County Regional Network (County) to expand network services to include the provision of public wireless services with first year revenue to the County estimated at \$12,480. **SUMMARY:** The Non-Profit Organization has requested that County add the provision of public wireless services at their facilities to the existing suite of services agreed to in February 2010. Additionally, the Amendment will address the reimbursement by Non-Profit Organization to County for any equipment expenditures required for continued or expanded levels of network services and includes the required language pertaining to non-discrimination and the Inspector General. District 2 (PK)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) receive and file an executed agreement with Florida Council Against Sexual Violence (Contract No. 10OAG26) to receive grant funds in the amount of \$20,057 for the period July 1, 2010, to June 30, 2011 to provide sexual battery recovery services;

B) receive and file an executed agreement with Florida Council Against Sexual Violence (Contract No. 10RCP26) to receive grant funds in the amount of \$180,672 for the period of July 1, 2010, to June 30, 2013 to provide sexual battery recovery services. \$60,224 of the \$180,672 is allocated for the first grant year (July 1, 2010 to June 30, 2011);

C) approve a Budget Amendment of \$200,729 in the Public Safety Grants fund to adjust the budget to the actual grant awards.

SUMMARY: These are annual grants that are received by the Division of Victim Services. The funds will be used to provide sexual battery recovery services to victims. Resolution R2006-0096 authorizes the County Administrator or his designee to execute FCASV grant contracts on behalf of the County. **No County match is required.** Countywide (GB)

2. Staff recommends motion to:

A) receive and file a copy of executed grant agreement with the State of Florida, Division of Emergency Management to receive grant funding in the amount of \$6,000 for Citizen Corps program initiatives for the period of October 1, 2009, through April 30, 2012; and

B) approve a Budget Amendment of \$6,000 in the Emergency Management (EM) grant fund to establish the grant budget.

SUMMARY: This is an annual grant (R2009-0794) from the Florida Division of Emergency Management for Citizen Corps Council activities in Palm Beach County which coordinates the efforts of volunteer organizations through education, training, and volunteer service to make communities safer, stronger, and better prepared to respond to the threats of terrorism, crime, public health issues, and disasters of all kinds. R2006-0401 gave authority to the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. **No County match is required.** Countywide (GB)

3. Staff recommends motion to:

A) receive and file a copy of the executed grant agreement with the State of Florida, Division of Emergency Management for grant funding in the amount of \$10,000 for Community Emergency Response Team (CERT) program initiatives for the period of October 1, 2009, through April 30, 2012; and

B) approve a Budget Amendment of \$10,000 in the Emergency Management (EM) grant fund to establish the grant budget.

SUMMARY: This is an annual grant (R2009-1705) from the Florida Division of Emergency Management for CERT program activities. Funding is used to provide training to Palm Beach County citizens and to purchase required supplies. R2006-0401 gave authority to the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. **No County match is required.** Countywide (GB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

4. Staff recommends motion to:

A) receive and file the original executed Service Grant Agreement with Child & Family Connections (CFC) for a total amount not to exceed \$34,651 per fiscal year for the Division of Justice Services supervised visitation services provided by the Family Connections program. This service agreement shall be effective as of July 1, 2010 and shall automatically renew annually;

B) receive and file the executed Addendum to the CFC Contract to allow for reimbursement from CFC for the period July 1, 2010, through July 8, 2010 for which no legal contract was in effect, according to the terms and conditions of SA-PCC-011; and

C) approve a Budget Amendment of \$1,831 in the General Fund to adjust the budget to the actual grant award.

SUMMARY: The Family Connection program provides supervised family visitation services for families who are subject to court ordered supervised family visitation. Resolution R2005-1588 authorizes the County Administrator or his designee to execute grant contracts with Child & Family Connections to provide supervised visitation services. **The grant does not require any County cash match; however a County in-kind match of \$3,850.12 for state fiscal year 2009-2010 is required.** Countywide (GB)

5. Staff recommends motion to:

A) approve the standard agreements to be used between the County and various governmental and private agencies that will designate the scope of work and amount of Emergency Medical Services (EMS) grant funds provided to each agency on behalf of the Board of County Commissioners; and

B) authorize the County Administrator or his designee to execute standard agreements which will be used between the County and various governmental and private agencies on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations.

SUMMARY: This is an annual grant provided to Palm Beach County from the State of Florida Department of Health, Bureau of Emergency Medical Services, to improve and expand the EMS system. The funds are distributed as reimbursement to the EMS providers and also fund the Palm Beach County Medical Communications System. **This grant does not require a County match.** Countywide (DW)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT

- 1. Staff recommends motion to approve: a Contract with Island Medical Care, LLC., (Dr. Earl Campazzi, M.D.) to provide 20 hours per week of on-site physician services for the County's occupational health clinic for the term September 1, 2010, through August 31, 2012 in an amount not-to-exceed \$270,400. **SUMMARY:** Dr. Campazzi (Island Medical Care, LLC) has served as the contracted physician for the County's occupational health clinic since August 7, 2006. His current contract expires August 31, 2010 and contains no options for renewal. Dr. Campazzi is a Palm Beach County based occupational health physician and a provider of physician services that are essential to the continued operation of the occupational health clinic and its efforts to control costs in the County's self-insured workers' compensation program. The Contract provides for 20 hours per week of on-site physician services for an amount not-to-exceed \$270,400, representing no increase over the expiring contracted rates, for the term of September 1, 2010, to August 31, 2010. Countywide (TKF)

BB. SHERIFF

- 1. Staff recommends motion to approve: a Budget Transfer of \$5,000 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff's Office (PBSO). **Summary:** Florida Statute 932.7055 requires that no less than 15% of the LETf's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 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 \$2,312,161. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$2,307,161. The year-to-date transfer for all donations after approval of this item is \$611,607. 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>
Florida National FBI Academy Association, Inc.	<u>\$5,000</u>
Total Amount of Donations	\$5,000

* * * * *

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

A. Staff recommends motion to:

A) adopt a Resolution to abandon a portion of Saranac Avenue, a forty foot wide right-of-way within West Gate Estates (Northern Section), as recorded in Plat Book 8, Page 38, Public Records of Palm Beach County, Florida; and

B) approve a County Declaration of Easement.

SUMMARY: Adoption of this Resolution and approval of the County Declaration of Easement will allow for the construction of a new Fire Rescue Station at the northwest corner of Oswego Avenue and Seminole Boulevard. District 2 (PK)

B. Staff recommends motion to amend and approve: the issuance of five (5) new EMS Certificates of Public Convenience and Necessity due to a corporate name change. The Wackenhut Corporation is requesting their new COPCN's to read G4S Secure Solutions (USA) Inc. d/b/a G4S. **SUMMARY:** The Wackenhut Corporation currently holds "Special Secondary Service Providers" Advanced Life Support (ALS) First Response, Non Transport Certificates with Palm Beach County. These certificates are for five (5) gated communities in which The Wackenhut Corporation provides Advanced Life Support Services. To enable The Wackenhut Corporation to renew their state Emergency Medical Services/Advanced Life Support license, the state requires that The Wackenhut Corporation Palm Beach County COPCN reflect exactly the name which will appear on their renewed state license. Countywide (DW)

C. Staff recommends motion to:

A) approve the filing of the FY 2010 Section 5307 Federal Transit Administration (FTA) Grant Application FL-90-X735 for capital funds allocated to Palm Beach County in the amount of \$15,091,565;

B) approve the FTA Master Agreement (FTA MA 16) dated October 1, 2009;

C) authorize the Palm Tran Director or Assistant Director through the County Administrator to execute, on behalf of the Board of County Commissioners, and to transmit electronically the Board's approval of the Master Agreement and the 5307 grant award; and

D) approve Budget Amendment of \$3,341,565 in the Palm Tran Grants Fund to reconcile the FY 2010 budget to the actual grant award, pending actual grant award.

SUMMARY: FTA distributes Section 5307 funds to provide public transportation capital and operating assistance and for public transportation-related planning. The grant will fund capital items necessary for the continued operation of the Palm Tran system: 1) replace buses that have reached their useful life; 2) replace support vehicles that have reached their useful life; 3) capitalized maintenance items; 4) retrofit the front and lateral head signs in 63 buses, change internal lights to LED; 5) shop equipment; 6) M.I.S. equipment; 7) miscellaneous support equipment; 8) minor facility renovation projects; 9) lease for CONNECTION facilities; 10) third party contracts for security, wireless service for AVL; and consultant to study the feasibility of converting the above ground gas tank in South County to an in ground tank; 11) preventive maintenance; 12) employee education and training; 13) transit enhancements to improve ADA fixed route access; and 14) long range transportation plan at system level to prepare a five (5) year plan. The grant requires a 20% local match. Palm Tran has requested approval from the Florida Department of Transportation for the use of toll revenue credits as the required local 20% match; therefore, the projects budget lists the capital projects at 100% cost for the federal share, no County funds are required. Countywide (DR)

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

D. Staff recommends motion to:

A) approve the Application of Galaxy Aviation of Palm Beach, Inc. for the issuance of not to exceed \$14,187,500 of Airport Revenue Bonds (Galaxy Aviation of Palm Beach, Inc. - Series 2010 A) (the “Series A Bonds”) and not to exceed \$3,400,500 of Taxable Airport Revenue Bonds (Galaxy Aviation of Palm Beach, Inc. - Series 2010 B) (the “Series B Bonds” and, together with the Series A Bonds, the “Bonds”);

B) conduct a TEFRA public hearing concerning the issuance of the Series A Bonds; and

C) adopt a bond authorizing resolution which, among other things, approves the form of certain documents relating to the issuance of the Bonds.

SUMMARY: Galaxy Aviation of Palm Beach, Inc. (the “Company”) has applied for the issuance of the Bonds. Bond proceeds will be used to pay and defease the County’s Multi-Mode Airport Revenue Bonds (Galaxy Aviation Project - Series 2000 A), Taxable Multi-Mode Airport Revenue Bonds (Galaxy Aviation Project - Series 2000 B) and Variable Rate Demand Airport Revenue Bonds (Galaxy Aviation Project - Series 2007) (collectively, the “Prior Bonds”) which were issued to finance a terminal and hangars (the “FBO Projects”) used by the Company in its fixed base operations conducted at the Palm Beach International Airport (the “Airport”) pursuant to a Lease Agreement with the County. The Bond proceeds will also be used to pay the costs of issuance of the Bonds, pay the costs associated with the retirement of the Prior Bonds, and for general corporate purposes of the Company. The current lease will be amended to reflect the issuance of the Bonds. The FBO Projects are located at 3800 Southern Boulevard in West Palm Beach, Florida, at the Airport. The FBO Projects are owned by the County and leased to the Company. Under the Internal Revenue Code, prior to the issuance of the Series A Bonds, the County is required to conduct a TEFRA public hearing. The Bonds will be issued pursuant to the terms and provisions of a Trust and Agency Agreement. **The Bonds will be payable solely from revenues derived from the Company, and neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premium, if any, or interest of the Bonds.** District 2 (PFK)

* * * * *

RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

AUGUST 17, 2010

5. BOARD OF COUNTY COMMISSIONERS SITTING AS ENVIRONMENTAL CONTROL BOARD - PUBLIC HEARING 9:30 A.M. (Motion to receive and file: Proof of publication)

A. HEALTH DEPARTMENT

1. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, sitting as the Environmental Control Board; repealing Chapter 11, Article X, of the Palm Beach County Code; providing for authority; providing for the inclusion in the Code of Laws and Ordinances, and providing for an effective date. **SUMMARY:** On July 21, 1992, the Board of County Commissioners, sitting as the Environmental Control Board, adopted the Palm Beach County Biohazardous Waste Incineration Facility (BWIF) Ordinance No. 92-22, which was incorporated into the Palm Beach County Code under Chapter 11, Article X. This Ordinance is no longer needed due to the enactment of state and federal regulations which adequately address operations of medical waste incineration facilities. The proposed ordinance will repeal the BWIF Ordinance 92-22 in its entirety. Countywide (GB)

* * * * *

ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

6. REGULAR AGENDA

A. COUNTY ATTORNEY

TIME CERTAIN 10:00 A.M.

1. **Staff recommends motion to adopt:** a Resolution calling for a referendum to be held on November 2, 2010 for the purpose of submitting to the duly qualified electors of Palm Beach County, Florida a question regarding the School Board of Palm Beach County, Florida's authority to continue an annual levy of 0.25 mills for school operational purposes for the next four fiscal years beginning July 1, 2011 and ending June 30, 2015; providing for notice of election; providing for an official ballot; providing for absentee voting and early voting; providing for referendum results; providing for severability and providing an effective date. **SUMMARY:** Section 1011.71, Florida Statutes, permitted the School Board, by super majority vote, to levy an annual .25 mills for school operational purposes. That statute requires a referendum to be held before that .25 mills levy may be extended. The School Board adopted a resolution on July 21, 2010 requesting that this referendum be held on November 2, 2010. Adoption of this Resolution will allow the referendum to be held. Countywide (PFK)

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

A) an Agreement for bond counsel and related legal services with the law firm of Edwards Angell Palmer & Dodge, LLP ("Attorney"); and

B) a waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics, for Richard Miller, a partner in Attorney and a member of the Palm Beach County Investment Policy Committee.

SUMMARY: The County Finance Committee (the "CFC") reviewed RFP applications for County bond counsel and disclosure counsel on June 24, 2010. The CFC recommends that Attorney be selected as one (1) of four (4) law firms to provide bond counsel services to the County through September 30, 2013. Attorney has an office in Palm Beach County. A prohibited relationship waiver is being recommended for a partner in Attorney, Richard Miller, who serves on a County advisory board. The individual has disclosed this relationship and is requesting a waiver pursuant to Section 3.D. of the Code of Ethics. The waiver is being recommended based on a staff determination that the execution of this contract will not create a conflict of interest with the continued service of the individual on the advisory board. Countywide (PFK)

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

A) an Agreement for bond counsel and related legal services with the law firm of Greenberg Traurig, P.A. ("Attorney"); and

B) a waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics, for Pam Linden, an employee of Attorney, serving on the Sports Commission as the District 3 representative.

SUMMARY: The County Finance Committee (the "CFC") reviewed RFP applications for County bond counsel and disclosure counsel on June 24, 2010. The CFC recommends that Attorney be selected as one (1) of four (4) law firms to provide bond counsel services to the County through September 30, 2013. Attorney has an office in Palm Beach County. A prohibited relationship waiver is being recommended for Pam Linden, an employee of Attorney, who serves on a County advisory board. The individual has disclosed this relationship and is requesting a waiver pursuant to Section 3.D. of the Code of Ethics. The waiver is being recommended based on a staff determination that the execution of this contract will not create a conflict of interest with the continued service of the individual on the advisory board. Countywide (PFK)

6. REGULAR AGENDA

B. AIRPORTS

1. Staff recommends motion to:

A) approve an Agreement for Purchase and Sale for the following property at a total cost of \$465,750 by a supermajority vote. Said property is located west of Runway 10L at Palm Beach International Airport (PBIA):

Richard R. Brown, III	
Judith J. Brown	
658 North Military Trail	
West Palm Beach, FL 33415	Parcel W – 327
Sales Price	\$ 465,750
Replacement Housing	\$ N/A

B) accept a Memorandum of Agreement to be recorded in the public records to provide notice of this Agreement; and

C) approve a Budget Transfer of \$465,750 in the Airport's Improvement and Development Fund from Reserves to provide budget to fund the property purchase.

SUMMARY: The above property is being acquired in accordance with Palm Beach International Airport's approved Master Plan, which recommended the acquisition of property. The property was appraised by Anderson & Carr, Inc. in April 2010 at \$465,000. The negotiated settlement amount of \$465,750 is \$750 over the appraised amount. The subject property is vacant at this time allowing the airport to avoid tenant relocation costs. The property is leased through September 30, 2010. The lease contains a provision granting the tenant a right of first refusal which requires the seller/landlord to offer the property to the tenant on the same terms as the County's agreement. The tenant has vacated the building and is not expected to exercise its right; however the agreement contains a provision addressing this contingency because of the lease requirement. **All purchases, sales and exchanges of real estate must be approved by a supermajority vote (5 Commissioners) pursuant to recent amendments to the PREM Ordinance.** Countywide (HJF)

6. REGULAR AGENDA

B. AIRPORTS (Cont'd)

2. Staff recommends motion to approve:

A) an Agreement for Purchase and Sale for the following property at a total cost of \$295,000 by a supermajority vote. Said property is located west of Runway 10L at Palm Beach International Airport (PBIA):

Hess Corporation, a Delaware corporation	
600 N. Military Trail	
West Palm Beach, FL 33415	Parcel W-325
Sales Price	\$295,000
Replacement Housing	N/A

B) a Budget Transfer of \$295,000 in the Airport's Improvement and Development Fund from Reserves to provide budget to fund the property purchase.

SUMMARY: The property was previously improved with a self-service gas station. All improvements were removed by the Seller in 2009, and the property is now vacant. The property was appraised by Anderson & Carr, Inc., in August 2009 at \$265,000 as a vacant site. The purchase price exceeds the current appraised value by 11.3%. The comparable sales used in determining the appraised value of the property range from \$9.40 to \$16.70 per square foot. The counter offered amount of \$12.16 per square foot is within the lower range of the comparable sales. The deed will contain a restriction precluding use of the property for the operation of a retail convenience store or for the retail sale or storage of petroleum. The restriction will expire after 30 years and will not restrict the sale or storage of fuel for aviation-related purposes. The Agreement provides for indemnification by the County for environmental conditions caused by the County after closing. The County's indemnification obligation is expressly limited to the extent permitted by law. The Seller requested the exclusion of certain standard warranties and representations related to the environmental condition of and title to the property; however, the County has the right to obtain its own environmental assessment and title insurance. The Seller also agreed to indemnify the County for environmental conditions, which occurred on the property prior to closing. All inspections, including an environmental assessment, will be completed prior to closing and the County will obtain title insurance. The Seller has also agreed to provide a limited Environmental Affidavit related to the environmental condition of the property and a Seller's Affidavit relating to title matters. An Underground Storage Tank (UST) System Closure Report was completed when the fuel system was removed. **All purchases, sales and exchanges of real estate must be approved by a supermajority vote (5 Commissioners) pursuant to recent amendments to the PREM Ordinance.** Countywide (HJF)

C. COMMUNITY SERVICES

1. Staff recommends motion to approve: Travel for one (1) Community Action Advisory Board Member to attend the National Community Action Partnership Annual Convention and Board Governance training in Boston, Massachusetts from August 31, 2010, through September 3, 2010, with an estimated cost of \$2,095. **SUMMARY:** Travel approval and travel advance is requested for the Community Action Advisory Board Vice-Chair Vincent Goodman to attend the National Community Action Partnership Annual Convention and Board Governance training in Boston, Massachusetts. The grantor agency requires that the Community Action Advisory Board receive training in order to govern the Community Service Block Grant funds and to take an active role in the program. The estimated cost of \$2,095 provides for conference registration, lodging, ground transportation, airfare and meals for one (1) participant. Funding consists of \$1,676 (80%) in Federal funds and \$419 (20%) in County funds. (Community Action Program) Countywide (TKF)

6. REGULAR AGENDA

D. ENGINEERING & PUBLIC WORKS

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on Tuesday, September 14, 2010 at 9:30 a.m.:](#) an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program; providing for title; purpose; adoption of revised Five Year Road Program and revised list of projects contained in Exhibit "A"; implementation of the Program; modification of Program; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** A Mid Year Modification of the Palm Beach County Five Year Road Program is contemplated in the Traffic Performance Standards and allows the Board of County Commissioners, through the adoption of an ordinance, to delete projects from the Program two (2) times a year. Exhibit "A" to the Ordinance is a list of proposed projects for the next five (5) years and contains certain changes and modifications. This list is submitted for the Board of County Commissioners' consideration on preliminary reading today, with the final list to be approved with the Ordinance at public hearing on Tuesday, September 14, 2010. Countywide (MRE)

2. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on Tuesday, September 14, 2010 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code Chapter 19, Article IV, Red Light Cameras; (Ordinance 2008-013), relating to the use of unmanned cameras at traffic signals to promote traffic safety; providing for title and purpose; deleting use of image capture technologies; providing for traffic infraction detectors; deleting definitions; providing for adherence to red light traffic control signals; providing for violation; providing for signs at monitored intersections; providing for review of recorded images; providing for notice of violation; deleting vehicle owner responsibilities; providing for issuance of a traffic citation; providing for owners defenses; providing for penalties; providing for administrative costs; no commissions; deleting civil penalties; deleting exceptions; deleting three (3) month notice; introductory period; providing for accounting for program revenues and expenditures; providing for consistency with state law; providing for applicability; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; providing for savings, ratification and reservation of rights; and providing for effective date. **SUMMARY:** On May 20, 2008, the Board of County Commissioners adopted Ordinance 2008-013 authorizing the use of unmanned camera/monitoring systems to promote compliance with red light directives. During the 2010 Legislative Session, the Florida Legislature authorized the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State Uniform Traffic Code, and established the requirements for use of such devices by local governmental entities. This amendment is necessary to comply with the legislation. Countywide (MRE)

6. REGULAR AGENDA

E. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:** a Termination of Easement for a 0.99 acre Conservation Easement at the Whiteside Industrial Park, requiring receipt of a cash buy-out equivalent to the value of the native upland preserve. **SUMMARY:** Currently, a 0.99 acre Conservation Easement exists at the Whiteside Industrial Park as is described and required by Vegetation Permit No. V-290-01. The Whiteside Group, Inc. requests to terminate the Conservation Easement in exchange for a cash payment equal to the current value of the 0.99 acre area. A January 10, 2009 appraisal established the value of the preserve at \$85,000. This item was presented to the Board of County Commissioners (BCC) on June 8, 2010. Staff was directed to further evaluate the request. Staff has since confirmed that, in its current setting in a parking lot of a commercial trucking facility, the easement area does not possess the habitat value it once did. Staff also found that, on May 22, 2008, staff recommended and the BCC approved a development order amendment, which deleted the requirement for the onsite preserve. The conservation easement should have been terminated at the time the development order was amended to be consistent with the amended site plan, which deleted the preserve. Therefore, this agenda item terminates the conservation easement for consistency with the amended development order for the site. District 6 (SF)

2. **Staff recommends motion to approve:** a Release of Conservation Easement, in order to terminate a 1.44 acre Conservation Easement at the Pratt & Orange Multiple Use Planned Development (MUPD) in support of the proposed Acreage Branch Library and based on receipt of a buyout equivalent to the value of the native upland preserve. **SUMMARY:** Indian Trail Improvement District (ITID) currently owns a 6.66 acre parcel (Parcel B) within the Pratt & Orange MUPD. This parcel includes a 1.44 acre Conservation Easement that was executed to satisfy Vegetation Protection and Preservation regulations of the Unified Land Development Code (ULDC). Palm Beach County Property and Real Estate Management (PREM) intend to lease the parcel from ITID to support the proposed Acreage Branch Library, which is the subject of a separate agenda item. In order to construct the proposed library in accordance with the approved site plan, a payment of \$80,064 has been provided to ERM as a buyout equivalent to the value of the native upland preserve. ULDC Article 14.C. allows for a native upland preserve buyout option. The payment will be directed to the Natural Areas Fund and will be used for the acquisition and maintenance of natural areas. District 6 (SF)

6. REGULAR AGENDA

F. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:

A) Waiver of prohibited relationship for Don Chester, an Assistant Administrator at Tenet-St. Mary's Hospital Inc. d/b/a St. Mary's Medical Center (Hospital), who sits as an advisory board member on the Homeless Advisory Board; and

B) a Second Amendment to the Agreement (R2004-0207) with the Hospital to extend the term of the 800 MHz Agreement until February 2, 2013.

SUMMARY: Don Chester is an employee of the Hospital and he is a member of the Palm Beach County Homeless Advisory Board. Per the County's Code of Ethics, this may be perceived as a prohibited relationship and Don Chester is requesting a waiver under the requirements of the Code. Staff recommends approval of the waiver. The Agreement, which provides the terms and conditions under which the Hospital can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications, expired on February 3, 2010. The Agreement provides for three (3) renewal options, each for a period of three (3) years. Both parties must approve the renewal option. The Hospital has approved a renewal to retroactively extend the term of the Agreement until February 3, 2013. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to other hospitals and EMS providers. There are no charges associated with this Agreement. The Hospital is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Second Amendment renews the term, updates the notice provisions and provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Other than the changes set forth herein all other terms and conditions remain the same. (ESS) Countywide (JM)

6. REGULAR AGENDA

F. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to:

A) approve a Second Amendment to Interlocal Agreement with Indian Trail Improvement District (ITID) (R-2001-0128, R-2003-0421) for Acreage Community Park and Acreage Pines Natural Area;

B) approve a Second Amendment to Agreement of Lease with ITID (R2001-0482, R-2003-0422) for Acreage Community Park;

C) approve an Agreement of Lease with ITID for a 6.6-acre parcel behind the Publix Plaza at Seminole Pratt-Whitney Road and Orange Boulevard for the County's development of a Library; and

D) adopt a Resolution authorizing the conveyance of 17.5 acres of County-owned land to ITID, without charge and without reservation of mineral and petroleum rights; and

E) approve a County Deed conveying the approximately 17.5-acre developed portion of Acreage Community Park to ITID.

SUMMARY: In 2001, the County and ITID entered into an Interlocal Agreement for the coordinated acquisition and development of the approximately 169-acre Acreage Community Park and Acreage Pines Natural Area (R2001-0128). These Agreements: 1) revise the boundaries between the Park and the Natural Area property; 2) substitute a revised Conceptual Master Plan for the overall property reflecting the revised boundaries and changes to the improvements proposed to be constructed by ITID within the Park property; 3) transfer control of approximately seven (7) acres of preserve property included in ITID's existing lease from ITID to the County for incorporation into the Natural Area; 4) extend the term of the Park lease to a total of 75 years; 5) require the County to convey to ITID the approximately 17.5-acre developed portion of the Park property; and 6) require ITID to lease a 6.6-acre civic site within the Publix Plaza at Seminole-Pratt Whitney Road and Orange Boulevard to the County for a total of 75 years at \$1/yr for development of a library. Approval of these Agreements will finalize years of negotiations regarding boundary line disputes, maintenance and development obligations and control of the property. Approval will also provide the County a site upon which to develop a library in the Acreage, ending a ten (10) year search effort. (PREM) District 6 (HJF)

6. REGULAR AGENDA

F. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: the proposal submitted by Transit Village, LLC in response to the Request for Proposals to develop the Wedge Property. **SUMMARY:** In January of this year, the County issued a Request for Proposals to develop the “Wedge” property, which is approximately 5.7 acres bounded by Banyan Boulevard, the CSX railroad tracks and Clearwater Drive. Only one (1) proposal was received, from Transit Village, LLC. The uses proposed by Transit Village include Commercial Office, Education, Hotel, Retail and Market Rate, Student and Workforce Housing. Total square footage of the Project ranges from 600,000 – 950,000 sf., with an additional 200-400 hotel rooms, 15-25 market rate housing units, 20-120 student housing units and 20-120 workforce housing units. Transit Village proposes to pay \$100,000 for the land and other rights to build and own/operate the Project. This amount may increase to the extent that grant funding is obtained to offset Project costs. A Selection Committee consisting of representatives from FDO, Engineering, Palm Tran, West Palm Beach, TCRPC, FDOT and SFRTA met to review the Transit Village proposal and deemed it responsive, but felt that two (2) issues required further study before a recommendation for selection could be made: potential conflicts with the physical layout of the Intermodal Transfer Facility (ITF) and traffic circulation and operational impacts on Clearwater Drive. In response, Transit Village submitted a revised site plan which eliminated the conflicts with the design and layout of the ITF. Transit Village has requested that further analysis of the transportation issues be analyzed after selection. Staff recommended and the Selection Committee concurred that Transit Village’s proposal be selected providing that Transit Village perform a transportation impact study immediately following selection. Upon completion of said transportation study showing an acceptable level of impact, the County would then commence contract negotiations with Transit Village. (PREM) Countywide (HJF)

G. PARKS & RECREATION

1. Staff recommends motion to:
 - A) **approve** in concept the Loggerhead Marineline Center, Inc.’s request to lease additional park property in order to expand the existing Loggerhead Marineline Center facility; and
 - B) **direct** staff to negotiate a Second Amendment to Agreement of Lease for future consideration by the Board.

SUMMARY: On August 19, 2003, the Board approved a 30 year Lease Agreement (R2003-1246) with the Loggerhead Marineline Center, Inc. (Center) to construct a research and educational facility on 1.28 acres within Loggerhead Park. Construction of this 12,000 square foot facility was completed in December 2007. On October 7, 2008, the Board approved a First Amendment to Agreement of Lease (R2008-1749) granting the Center utility easements for the installation and maintenance of underground saltwater lines within the park. The Center is now seeking a Second Amendment to Agreement of Lease to add up to three quarters of an acre to their lease premises in order to expand their existing facility. The Center estimates that the expansion will cost approximately \$5 million and may take up to five (5) years to raise the funds needed to proceed. The proposed expansion area is north of the existing Center and would displace three (3) small picnic shelters and associated parking spaces that can be mitigated at the Center’s expense in other areas of the park. During initial meetings with County staff, members of the Center’s Board of Directors were confident they would be able to raise the money for the expansion without any financial assistance from the County. The County staff believes the proposed expansion will not adversely impact the public’s use and enjoyment of the park and, therefore, supports this request. District 1 (AH)

6. REGULAR AGENDA

G. PARKS & RECREATION (Cont'd)

2. Staff recommends motion to approve:

A) Interlocal Agreement with the South Florida Science Museum, Inc. and the City of West Palm Beach for the period August 17, 2010, through August 16, 2013, in an amount not to exceed \$2,400,000 for funding South Florida Science Museum Improvements – Phase I; and

B) Budget Transfer of \$2,400,000 within the \$25M GO Parks and Cultural Improvements Bond Fund - 2005 from Reserves to South Florida Science Museum Improvements.

SUMMARY: This Agreement provides funding for construction of Phase I improvements to the South Florida Science Museum. Funding is from the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum. District 2 (PK)

* * * * *

7. BOARD APPOINTMENTS

A. **INTERNAL AUDITOR**
(Internal Audit Committee)

1. **Staff recommends motion to select and appoint:** five (5) members from the list of nine (9) qualified candidates to serve on the newly reconstituted Internal Audit Committee. If Mr. Walk is one of those selected, the Board will need to waive a conflict of interest in that one of his partners in the law firm who serves as an escrow agent for a developer's construction funds which have been turned over to the County.

Alan Friedberg, Professor of Accounting, Florida Atlantic University
Chris Wittig, CPA, CBIZ Goldstein Lewin and Mayer Hoffman McCann PC
David Rosenstein, Retired, former Deloitte & Touch Internal Audit Services Principal
Dorritt Miller, incumbent, CPA, CIA, CGFM, Deputy City Manager, City of West Palm Beach
Evelyn Parkes, CPA, Evelyn F. Parkes CPA PA
Gary Walk, Attorney, Casey Ciklin Lubitz Martens & O'Connell, waiver required
Hal Valeche, Investment Banker, Self-employed
Mark Burger, CPA, Cherry, Bekaert & Holland, LLP
Nam Nguyen, CPA, Nam H. Nguyen, CPA, P.A.

SUMMARY: At its June 23, 2010 meeting, the Audit Committee reviewed the applications and resumes received from nine individuals wishing to serve on the Internal Audit Committee and found each applicant qualified to serve on the Committee. The Board of County Commissioners adopted Ordinance 2010-006 at its March 23, 2010 meeting. The Ordinance requires appointment of five members to serve on the Internal Audit Committee to replace the current seven (7) member committee. The Ordinance also requires the Audit Committee to make recommendations to the BCC regarding qualified candidates. The Audit Committee also recommends that the BCC select individuals representing both the racial and ethnic diversity of the county as well as a diversity of talent and expertise for membership on the committee. Countywide (PFK)

7. BOARD APPOINTMENTS

B. **FACILITIES DEVELOPMENT & OPERATIONS**
(Property Review Committee)

1. **Staff recommends motion to approve:** appointment of the initial five (5) members to the Palm Beach County Property Review Committee (PRC) as follows:

Nominee	Seat No.	Seat Requirement	Term
Thomas Barnhart	(1)	A Representative from the PBC Property Appraiser's Office.	8/17/10-8/16/11
Kathy W. Evans	(2)	A Representative from Martin County Property Appraiser's Office; Broward County Property Appraiser's Office; or an MAI certified appraiser with offices in PBC and expertise in the appraisal of PBC real estate.	8/17/10-8/16/12
Neil Merin	(3)	Licensed real estate broker with an office in PBC and expertise in PBC commercial real estate.	8/17/10-8/16/12
Bradley Miller	(4)	A Representative with expertise in land planning employed by a governmental agency with an office in PBC or recommended by PBC Planning Congress.	8/17/10-8/16/13
Keith Williams	(5)	Eminent Domain Attorney employed by a governmental agency with offices in PBC or in a private practice with an office in PBC.	8/17/10-8/16/13

SUMMARY: Palm Beach County Ordinance 2009-052, provides for the creation of a Property Review Committee, and on February 23, 2010 the Board adopted Resolution No. 2010-092, creating the PRC. The PRC will be comprised of five (5) individuals appointed At-Large by the Board. The initial terms of the members will be staggered over a three (3) year period such that the terms of no more than two (2) members expire in any one (1) year. All subsequent terms will be for three (3) years. In an effort to expedite formation of the PRC, Staff is submitting their recommendation for Committee members. Palm Beach County Ordinance 2009-051 requires the disclosure of any conflict of interest between the County and Advisory Board Members. None of the current nominees currently have conflicts of interest. However, because each of the nominees work in the industry, conflicts may arise in the future. If conflicts arise, Disclosure will be required and Staff will follow the waiver process. Countywide (HJF)

7. BOARD APPOINTMENTS

C. **ENVIRONMENTAL RESOURCES MANAGEMENT
(South Lake Worth Inlet Advisory Committee)**

1. **Staff recommends motion to approve:** two (2) appointments and one (1) reappointment of at-large members to the South Lake Worth Inlet Advisory Committee (SLWIAC):

<u>Appoint Nominee</u>	<u>Seat No.</u>	<u>Representing</u>	<u>Term</u>	<u>Nominated By</u>
Thomas Heck	1	Town of Manalapan	8/17/10-8/16/13	Town of Manalapan
Louis DeStefano	1A	Town of Manalapan	8/17/10-6/16/12	Town of Manalapan

Re-appoint

Geoffrey Pugh	2	Town of Ocean Ridge	8/21/10-8/20/13	Town of Ocean Ridge
---------------	---	---------------------	-----------------	---------------------

SUMMARY: The SLWIAC was established under the provisions of Chapter 96-466, Laws of Florida, Resolutions R-96-807 and R-2000-0631. The Committee consists of one (1) regular and one (1) alternate member nominated by the Town of Manalapan, one (1) regular and one (1) alternate member nominated by the Town of Ocean Ridge, one (1) member in a boating-related industry, one (1) member from an environmental organization, one (1) member with expertise in coastal-related matters, one (1) member with experience in parks and recreation administration and one (1) member of the general public. Mr. Gregory Dunham, Town Manager of Manalapan, held Seat No. 1 on the SLWIAC, but resigned as Town Manager in December 2009, and the position has only recently been filled by Thomas Heck. The Town of Manalapan nominated Mr. Heck for Seat 1. The Town of Manalapan also nominated Commissioner Louis DeStefano to become the new Alternate and complete the term of former Commissioner Tom Thornton, Jr. The Town of Ocean Ridge nominated Commissioner Geoffrey Pugh for re-appointment to Seat 2 as its regular representative. Following approval by the Board of County Commissioners, the Palm Beach County Legislative Delegation must confirm the appointments. District 4 (SF)

D. **PUBLIC SAFETY
(Emergency Medical Services Advisory Council)**

1. **Staff recommends motion to approve:** the selection and appointment of one (1) At-Large member to the Emergency Medical Services Advisory Council for the term of August 17, 2010, through October 5, 2011 to complete the two (2) year term from a previous council member that resigned. Seat No. 5 has one (1) person seeking nomination.

<u>Nominee</u>	<u>Representing</u>	<u>Nominated by:</u>
Dr. Jeff Davis	PBC Medical Society	Commissioner Abrams Commissioner Santamaria Commissioner Marcus Commissioner Taylor

SUMMARY: A memo was sent to all Board members on July 15, 2010 seeking nomination approvals for Seat No. 5. No other appointments were received from the Board. The above nominee for Seat No. 5 is seeking appointment and desires to serve the remaining two (2) year term which will begin August 17, 2010, through October 5, 2011. The EMS Council consists of 18 members who include 11 members that represent the various components of the EMS system with specific requirements and seven (7) members that are Commission District Consumer appointments. All nominees reside in Palm Beach County. Countywide (DW)

7. BOARD APPOINTMENTS

E. FIRE-RESCUE
(Fire Code Board of Appeals and Adjustments)

1. Staff recommends motion to approve: One (1) reappointment/appointment to Seat No. 2 and one (1) reappointment to Seat No. 9 to the Fire Code Board of Appeals and Adjustments Committee for a three (3) year term.

A) **Seat No. 2**
Choose one

Reappoint:

<u>Nominee</u>	<u>Category</u>	<u>Term</u>	<u>Nominated By</u>
Mike Carsillo	Municipal Fire Representative	5/18/2010 - 5/17/2013	Commissioner Marcus

OR

Appoint:

Troy Perry	Municipal Fire Representative	8/17/2010 - 5/17/2013	Commissioner Taylor
------------	-------------------------------	--------------------------	---------------------

B) **Seat No. 9**

Reappoint:

<u>Nominee</u>	<u>Category</u>	<u>Term</u>	<u>Nominated By</u>
Kerry Koen	Citizen	5/18/2010 – 5/17/2013	Commissioner Marcus Commissioner Taylor Commissioner Abrams

SUMMARY: The Fire Code Board of Appeals and Adjustments is maintained in accordance with the Palm Beach County Local Amendments to the Florida Fire Prevention Code (Ordinance 2008-045). On June 28, 2010, a memo was distributed to the Commissioners requesting nominations to this nine (9)-member Board (At-Large). This Board is appointed by the Board of County Commissioners and members serve three (3) year terms, with no limit on the number of terms an individual may serve. No other nominations were received. Countywide (SB)

AUGUST 17, 2010

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

9. COMMISSIONER COMMENTS

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

B. District 2 -

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

10. ADJOURNMENT

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

AUGUST 17, 2010

<u>PAGE</u>	<u>ITEM</u>	
10	3A-4	<u>DELETED:</u> Staff recommends motion to: A) approve a Job Growth Incentive (JGI) Grant Agreement in the amount of \$40,000 as a portion of the local match for a State Qualified Target Industry Grant (QTI) and \$100,000 as a portion of the local match for a Quick Action Closing Fund with Tyco International US, Inc./ADT Security Services, Inc. (ADT);...(Admin/EDO) (Further staff review)
11	3A-10	<u>DELETED:</u> Staff recommends motion to approve: Golf Tournament Agreement with Trump International Golf Club, L.C. and Glades Healthcare Foundation, Inc. for a one (1) day charitable golf tournament...(Admin) (Moved to September 14, 2010 BCC Meeting)
15	3C-9	<u>REVISED TITLE:</u> Staff recommends motion to: A) adopt a Resolution approving Supplemental Agreement Number One to the Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (FDOT) concerning the Military Trail from Clint Moore Road to Lake Worth Road milling and resurfacing (Project). This project is an American Recovery and Reinvestment Act (ARRA) Stimulus project; B) approve a downward Budget Amendment of \$142,880 <u>\$74,326</u> in the Transportation Improvement Fund to reduce the LAP Agreement with the FDOT for the Project; and C) approve a Budget Transfer of \$102,250 <u>\$33,696</u> in the Transportation Improvement Fund to supplement the reduction of the LAP Agreement form FDOT for the Project. (Engineering)
23	3E-18	<u>REVISED TITLE:</u> Staff recommends motion to approve: Amendment No. 001 to the Head Start Contracted Services Expansion Agreement with The Union Missionary Baptist Church, Inc. (Day Care Center) (R2010-0237), effective August 17, 2010, to increase the Agreement amount by \$4,517 <u>\$4,547</u> for a new not-to-exceed total of \$96,447 <u>\$96,477</u> , and to increase the number of hours per day from six (6) to eight (8) hours, in order to extend services provided to Head Start children and families. (Community Services)
41	3Q-4	<u>REVISED TITLE & SUMMARY:</u> 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 for \$64,000 for October 1, 2009, through September 30, 2010; B) approve an Interlocal Agreement with the City of Riviera Beach for \$64,000 <u>\$16,244</u> for the contract period from October 1, 2009 <u>July 22, 2010</u> , to September 30, 2010 to support the City of Riviera Beach's "Weed and Seed" efforts; and C)... SUMMARY: The Criminal Justice Commission recommends the use of \$64,000 <u>\$16,244</u> from the JAG Program for the continuation of "seeding" services that involve law enforcement intervention and prevention. The grant application was executed by the Board of County Commissioners on August 18, 2009 as Resolution R2009-1314. The delay in processing this grant in an expeditious manner was caused by delays in the approval process with state agencies and local municipalities. There is no match requirement for JAG funds. <u>District 7</u> (DW) (CJC)

- 46 3Z-1 **REVISED SUMMARY:** Dr. Campazzi (Island Medical Care, LLC) has served as the contracted physician for the County's occupational health clinic since August 7, 2006. His current contract expires August 31, 2010 and contains no options for renewal. Dr. Campazzi is a Palm Beach County based occupational health physician and a provider of physician services that are essential to the continued operation of the occupational health clinic and its efforts to control costs in the County's self-insured workers' compensation program. The Contract provides for 20 hours per week of on-site physician services for an amount not-to-exceed \$270,400, representing no increase over the expiring contracted rates, for the term of September 1, 2010, to August 31, ~~2010~~ 2012. Countywide (TKF) (Risk Mgmt)
- 50 6A-3 **REVISED TITLE & SUMMARY:** **Staff recommends motion to approve:**
- A)** an Agreement for bond counsel and related legal services with the law firm of Greenberg Traurig, P.A. ("Attorney"); and
- B)** ~~a waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics, for Pam Linden, an employee of Attorney, serving on the Sports Commission as the District 3 representative.~~
- SUMMARY:** The County Finance Committee (the "CFC") reviewed RFP applications for County bond counsel and disclosure counsel on June 24, 2010. The CFC recommends that Attorney be selected as one (1) of four (4) law firms to provide bond counsel services to the County through September 30, 2013. Attorney has an office in Palm Beach County. ~~A prohibited relationship waiver is being recommended for Pam Linden, an employee of Attorney, who serves on a County advisory board. The individual has disclosed this relationship and is requesting a waiver pursuant to Section 3.D. of the Code of Ethics. The waiver is being recommended based on a staff determination that the execution of this contract will not create a conflict of interest with the continued service of the individual on the advisory board.~~ Countywide (PFK) (County Attorney)
- 57 6F-3 **TIME CERTAIN 10:15 A.M.:** **Staff recommends motion to approve:** the proposal submitted by Transit Village, LLC in response to the Request for Proposals to develop the Wedge Property. (FDO)

ADD-ON: Staff recommends motion to adopt: a Resolution by the Board of County Commissioners of Palm Beach County, Florida, authorizing: **(a)** the submittal of a Community Challenge Planning Grant in the amount of \$2,850,000 to the United States Department of Housing and Urban Development (HUD); and **(b)** the County Administrator or his designee to sign all applications and documents that do not change the scope of work or terms and conditions of the Agreement if the Grant is approved. **SUMMARY:** In December 2009, the President signed the Consolidated Appropriations Act 2010 (Public Law 111-117), that provided \$40 million for HUD's Community Challenge Planning Grants and up to \$35 million for Department of Transportation's (DOT) transportation planning grants to be awarded as part of the National Infrastructure Investments program. HUD's \$40 million Community Challenge Planning Grant will foster reform and reduce barriers to achieving affordable, economically vital, and sustainable communities. Such efforts may include amending or replacing local master plans, zoning codes, and building codes, either on a jurisdiction-wide basis or in a specific neighborhood, district, corridor, or sector to promote mixed-use development, affordable housing, the reuse of older buildings and structures for new purposes, and similar activities with the goal of promoting sustainability at the local or neighborhood level. The Palm Beach County application will seek grant funds in the amount of \$2.85 million to create a Master Plan for the Glades Region based on an Inland Logistics Center (ILC) as a prime economic generator to anchor new and rehabilitated workforce housing, enhanced and expanded transportation choices, education and workforce training to meet the needs of an ILC and infrastructure planning for water/wastewater and roadway network needs. Eligible program applicants which include state and local governments must provide 20 percent of the requested funding amount in leveraged resources in the form of cash and/or verified in-kind contributions or a combination of these sources. **In-kind contributions may be in the form of staff time, donated materials, or services. Funds will be matched by existing budgeted project activities for the Glades communities for FY 2011 under the Special Areas of Hope Program (\$400,000) supported by the County's Department of Housing and Community Development's Community Development Block Grant Program and the Glades Utility Authority Administration budget totaling \$100,000 for a Glades Master Plan.** District 6 (DW) (Admin)

ADD-ON: Staff recommends motion to approve: modifying Palm Tran’s proposed FY 2011 budget by changing the TD Bus Pass Program fare structure and not implementing an overall fare increase at this time. **SUMMARY:** The Board of County Commissioners had directed staff to reconsider its proposed changes to the TD Bus Pass program and to consider increasing fares on Palm Tran’s Fixed Route service by twenty-five cents per trip with equivalent increases to other fares. Staff met with the Palm Tran Service Board (PTSB) on August 12, 2010 and the PTSB recommended implementing a modified change to the TD Bus Pass Program fare structure that is expected to generate slightly less revenue but would not impact the eligibility of customers as the original proposal would have. The PTSB further strongly recommended that no other fare increase be implemented at this time. The original budget proposal would have raised all TD Bus Pass fares by \$5 and eliminated eligibility for people who have household incomes above 100% of the Federal Poverty level. The new proposal for the TD Bus Pass would create a two (2) tier fare structure. People with household income at or below 100% of the Poverty level would pay \$10 for the monthly fare (a \$5 increase) while people with household income that is between 100-150% of the Poverty level would pay \$15 for the monthly pass (a \$10 increase). This proposal, which was approved unanimously (with one abstention) by the PTSB, is expected to raise approximately \$650,000 in additional revenue, and that the difference from the original budget proposal (approximately \$150,000) can be absorbed in Palm Tran’s proposed FY 2011 budget by reducing other expenses. Should the BCC believe a fare increase is warranted then staff would recommend a fare increase that would adjust the fixed route base fare by \$.25 to a fare of \$1.75 for a single trip and adjust other fares similarly. Palm Tran’s current fixed route base fare is \$1.50 for a one-way trip, \$4 for an all-day pass (unlimited access), and \$60 for the monthly pass, with Connection customers paying \$3 for a one-way trip. Staff’s recommendation would include collecting \$.50 for all transfers between Broward buses and Tri-rail trains (to Fixed Route buses) and raising Connection’s fares by \$.50 per trip to \$3.50 per trip. Passenger fares from Connection services represent just 10.6% of total costs. The Americans with Disabilities Act (ADA) allows for para-transit fares to be twice that of the fixed route service. While we have traditionally raised Connection fares concurrent with a fixed route fare, the PTSB recommended that Connection fares not be raised, if a fare increase is done now. Countywide (DR) (Palm Tran)

REVISED TITLE: Staff recommends motion to approve: one (1) ~~reappointment~~/appointment to Seat No. 2 and one (1) reappointment to Seat No. 9 to the Fire Code Board of Appeals and Adjustments Committee for a three (3) year term:

A) Seat No. 2

~~Choose one~~

Reappoint:

<u>Nominee</u>	<u>Category</u>	<u>Term</u>	<u>Nominated By</u>
Mike Carsillo	Municipal Fire Representative	5/18/2010 - 5/17/2013	Commissioner Marcus

OR

Appoint:

Troy Perry	Municipal Fire Representative	8/17/2010 - 5/17/2013	Commissioner Taylor
------------	-------------------------------	-----------------------	---------------------

B) Seat No. 9

Reappoint:

<u>Nominee</u>	<u>Category</u>	<u>Term</u>	<u>Nominated By</u>
Kerry Koen	Citizen	5/18/2010 – 5/17/2013	Commissioner Marcus Commissioner Taylor Commissioner Abrams

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 (*).