

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

SEPTEMBER 14, 2010

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

**COMMISSION
CHAMBERS**

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

- 2. AGENDA APPROVAL/SPECIAL PRESENTATIONS**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
 - C. Special Presentations (Page 7)

- 3. CONSENT AGENDA (Pages 8 - 36)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 37 - 38)**

- 5. REGULAR AGENDA (Pages 39 - 45)**

- 6. BOARD APPOINTMENTS (Page 46)**

- 7. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 47)**

- 8. STAFF COMMENTS (Page 48)**

- 9. COMMISSIONER COMMENTS (Page 49)**

- 10. ADJOURNMENT (Page 49)**

TABLE OF CONTENTS

SPECIAL PRESENTATIONS - 9:30 A.M.

Page 7

- 2A Literacy AmeriCorps Swearing In Ceremony
- 2B Summer Camp Programs Certificates of Appreciation
- 2C Historic Preservation Certificates of Appreciation
- 2D Constitution Week
- 2E Domestic Violence Awareness Month
- 2F German American Day
- 2G American Business Women's Day
- 2H Oktoberfest 2010
- 2I Dennis Eshleman 35 Years of Service

CONSENT AGENDA

A. ADMINISTRATION

Page 8

- 3A-1 Resident Education to Action Program Agreements

Page 9

- 3A-2 Golf Tournament Agreement with Trump International Golf Club, Inc. and Glades Healthcare Foundation
- 3A-3 Amendment regarding Loan Agreement with Thirteenth Street Industrial Park, Inc.

B. CLERK & COMPTROLLER

Page 9

- 3B-1 Warrant lists
- 3B-2 Minutes

Page 10

- 3B-3 Contracts and claims settlements list
- 3B-4 Change orders, work task orders, minor contracts, final payments

C. ENGINEERING & PUBLIC WORKS

Page 10

- 3C-1 Report of plat recordations
- 3C-2 Finalization of assessment roll for Navarre Road paving improvement project
- 3C-3 Resolution allowing County Administrator/designee to approve time extensions with FDOT
- 3C-4 Contract Amendment with American Traffic Solutions for red light cameras

Page 11

- 3C-5 Interlocal Agreement with Loxahatchee River Environmental Control District regarding open cuts in County maintained rights-of-way
- 3C-6 Change Order No. 4 with J.W. Cheatham regarding 45th Street improvements
- 3C-7 Subgrant Agreement with FL Division of Emergency Management regarding construction of a water management area within Westgate/Belvedere Homes CRA

D. COUNTY ATTORNEY

Page 11

- 3D-1 Amendment No. 13 with Denise M. Nieman, County Attorney

Page 12

- 3D-2 Agreement with Broad and Cassel for Airport-Related Bankruptcy legal services
- 3D-3 Addendum to stipulated Settlement Agreement with Town of Highland Beach
- 3D-4 Settlement in eminent domain case PBC v. Maria Mink, et. al.

E. COMMUNITY SERVICES

Page 13

- 3E-1 Contract for Provision of Financial Assistance with 211 Palm Beach Treasure Coast, Inc. for supportive services to homeless persons
- 3E-2 Revised Agreement Report Schedule with AAA regarding Emergency Home Energy Assistance Program
- 3E-3 Waiver/Contract with Gulfstream Goodwill Industries for supportive services to homeless persons

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

E. COMMUNITY SERVICES (Cont'd)

- Page 14
- 3E-4 Standard Contract with FL Dept. of Elder Affairs for Adult Care Food Program
 - 3E-5 Ratify signature on Dept. of Community Affairs Community Services Block Grant application
 - 3E-6 Ratify signature on Child Care Food Program contract with Department of Health
- Page 15
- 3E-7 Memorandum of Agreement with Children's Services Council for SAMIS system
 - 3E-8 Amendment No. 1 with Area Agency on Aging for RELIEF Program
 - 3E-9 Ratify signature on FL Dept. of Community Affairs Community Block Grant – American Recovery and Revitalization Act grant modification
- Page 16
- 3E-10 Agreement with Health Care District for joint participation in Community Health Planning project
 - 3E-11 Contract with New Beginnings Community Development Center regarding self-sufficiency services to low-income individuals/families
 - 3E-12 Memorandum of Agreement with FL Dept. of Children and Families regarding Interim Assistance Reimbursement Program

F. AIRPORTS

- Page 17
- 3F-1 Deleted
 - 3F-2 Second Amendment to Lease Agreement with Signature Flight Support Corp. at PBI
 - 3F-3 Amendment No. 3 with Ricondo & Associates for professional planning/design services
- Page 18
- 3F-4 Resolution establishing standard Cargo Building Lease Agreement
 - 3F-5 Receive and file five (5) standard Airport agreements

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

- Page 19
- 3G-1 Budget Amendments regarding School Impact fees
 - 3G-2 Budget Transfers regarding School Impact fees
 - 3G-3 Budget Amendment in \$19.53 General Obligation Refunding Bonds (Library District Improvement Project)

H. FACILITIES DEVELOPMENT & OPERATIONS

- Page 20
- 3H-1 Contract with MAC Construction, Inc. for replacement bus lifts at Palm Tran Maintenance facility
 - 3H-2 Amendment No. 6 with The Weitz Company for exterior caulking at Judicial Center
 - 3H-3 Utility Easement Agreement with FPL for additional electrical service at Four Points Center
- Page 21
- 3H-4 License Agreement from City of South Bay for development Fire Rescue Station No. 74
 - 3H-5 Utility Easement Agreement with FPL for Jupiter Farms Park improvements
 - 3H-6 Unity of Title for property located on Saranac Avenue and Seminole Boulevard
- Page 22
- 3H-7 Resolution conveying .14 acre of surplus property to City of West Palm Beach
 - 3H-8 Amendment No. 4 to Lease Agreement with Aspen Skees Road, LLC for PBSO office/warehouse space
- Page 23
- 3H-9 First Amendment to Lease Agreement with FL Dept. of Education for use of space in Judicial Center
 - 3H-10 Concessionaire Service Agreement with DH2, Inc. for operation of food/beverage services at Osprey Point Golf Course

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

I. HOUSING & COMMUNITY DEVELOPMENT

Page 24

- 3I-1 Amendment No. 2 with City of Lake Worth for Sunset Ridge Park improvements
- 3I-2 Amendment No. 1 with Westgate/Belvedere Homes CRA for Cherry Road bridge construction
- 3I-3 Agreement with FL Dept. of Community Affairs for CDBG Disaster Recovery Initiative Program funds

Page 25

- 3I-4 Four amendments under the Emergency Shelter Grants Program
- 3I-5 Amendment No. 2 with Seagull Industries for the Disabled for facility renovations

Page 26

- 3I-6 Agreement with West Palm Beach Housing Authority regarding hurricane hardening project at Robinson Villas housing development
- 3I-7 Agreement with City of West Palm Beach regarding housing rehabilitation program
- 3I-8 Agreement with City of Riviera Beach regarding housing rehabilitation program

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

Page 27

- 3K-1 Supplement No. 1 with Globaltech, Inc. for South Bay Regional Wastewater Pump Station project
- 3K-2 Supplement No. 1 with Globaltech, Inc. for Southwest Boca Diversion and Impoundment Plan

Page 28

- 3K-3 Unit Price contracts with AKA Services, Inc. and Johnson-Davis, Inc. regarding Water Utilities Pipeline Construction Contract
- 3K-4 Piggyback Unit Price Contract with Miller Pipeline Corp. regarding Water Utilities Continual Construction Contract

L. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 29

- 3L-1 Receive and file five (5) original documents for Environmental Resources Management
- 3L-2 Authorize County Administrator/designee to enter into Consent Order with FL Dept. of Environmental Protection regarding South Lake Worth Inlet projects

Page 30

- 3L-3 Interlocal Agreement with Westgate/Belvedere Homes CRA regarding infrastructure improvement project
- 3L-4 Amendment No. 2 to Lease Agreement with State of Florida regarding state-owned land in Loxahatchee Slough Natural Area
- 3L-5 Annual contracts for professional coastal and marine engineering consultant services with Coast & Harbor, Inc. and Taylor Engineering, Inc.

Page 31

- 3L-6 Vessel Registration Fee Trust Fund disbursement

M. PARKS & RECREATION

Page 31

- 3M-1 Interlocal Agreement with Boca Raton CRA and Boca Raton Museum of Art for improvements to Museum
- 3M-2 First Amendment with City of Delray Beach regarding Delray Beach Miracle League field improvements

Page 32

- 3M-3 Receive and file Independent Contractor Agreements
- 3M-4 First Amendment with Gordon Andrews for USA Competitive Head Swim Coach services
- 3M-5 Receive and file Florida Boating Improvement Program Grant for DuBois Park improvements

Page 33

- 3M-6 Budget Transfer to Jupiter Farms Park improvement project
- 3M-7 Authorize County Administrator/designee to execute Sovereignty Submerged Lands Lease regarding submerged lands at Zeke's Marina (DuBois Park)
- 3M-8 License Agreement with Society of European Stage Authors and Composers for public live performances

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

M. PARKS & RECREATION (Cont'd)

Page 34

3M-9 Budget Transfer to John Prince Park improvement project

N. LIBRARY

Page 34

3N-1 Application to FL Dept. of State, Division of Library and Information Services for State aid

3N-2 Library's Long-Range Plan for FY 2011-2013

P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION - None

R. HUMAN RESOURCES - None

S. FIRE RESCUE - None

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES

Page 34

3U-1 Interlocal Agreement with City of Delray Beach regarding Regional Network connection

Page 35

3U-2 Agreement with Center for Family Services of PBC regarding Regional Network connection

3U-3 Agreement with Learning Excellence Foundation regarding Regional Network connection

3U-4 Addendum No. 2 to License Agreement with Pictometry International Corp.

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY

Page 36

3X-1 Grant Agreement with FPL for Radiological Emergency Preparedness Program

Y. PURCHASING - None

Z. RISK MANAGEMENT

Page 36

3Z-1 Airport liability insurance with Arthur J. Gallagher & Co.

AA. PALM TRAN

Page 36

3AA-1 Two (2) Year Agreement with Cen-West Communities, Inc. for provision of transportation service to residents of Century Village Boca Raton

BB. SHERIFF'S OFFICE

Page 36

3BB-1 Accept Bureau of Justice Assistance State Criminal Alien Assistance Program Grant

PUBLIC HEARINGS – 9:30 A.M.

Page 37

4A Winding Waters Natural Area land management responsibility exchange

4B Special Assessment for Coconut Road paving and draining project

Page 38

4C Five Year Road Program Ordinance

4D Red Light Cameras Ordinance

TABLE OF CONTENTS

REGULAR AGENDA

ADMINISTRATION

Page 39

5A-1 Amendment No. 19 with Robert Weisman, County Administrator

COUNTY ATTORNEY

Page 39

5B-1 Inspector General Ordinance

5B-2 Commission on Ethics Ordinance

Page 40

5B-3 Code of Ethics Ordinance

5B-4 Resolution amending amount of General Obligation Refunding Bonds (Recreational and Cultural Facilities)

5B-5 Tourist Development Ordinance

COMMUNITY SERVICES

Page 41

5C-1 North County Senior Center management/operation RFP

FACILITIES DEVELOPMENT & OPERATIONS

Page 41

5D-1 State Attorney's requests for build-out of shell space at State Attorney/Public Defender Building

HOUSING & COMMUNITY DEVELOPMENT

Page 42

5E-1 Program Guidelines for Impact Fee Assistance Program for Affordable Housing

INTERNAL AUDITOR'S OFFICE

Page 42

5F-1 Internal Audit Report (Engineering Services Division, Municipal Service Taxing Unit Section, and Construction Coordination Division)

TOURIST DEVELOPMENT COUNCIL

Page 43

5G-1 Waiver/Amended & Restated Agreement with Palm Beach County Cultural Council, Inc.

5G-2 Amended & Restated Agreement with Palm Beach County Sports Commission

Page 44

5G-3 Wavier/Amended & Restated Agreement with Palm Beach County Film and Television Commission

5G-4 Amended & Restated Agreement with Discover Palm Beach County, Inc.

AIRPORTS

Page 45

5H-1 Resolution amending Airport Rules and Regulations

BOARD APPOINTMENTS (Page 46)

MATTERS BY THE PUBLIC – 2:00 P.M. (Page 47)

STAFF COMMENTS (Page 48)

COMMISSIONER COMMENTS (Page 49)

ADJOURNMENT (Page 49)

2. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Literacy AmeriCorps Members Swearing In Ceremony (Sponsored by Commissioner Vana)

- B.** Certificates of Appreciation to Alonzo Jefferson, Jessie Hester, Malachi & Esmeralda Knowles, Lawrence Knight, LaCheri Lee, Dan Calloway, Tavarius Jackson, Billy “White Shoes” Johnson, Houston Tate, Ken Crawford, Ken Funderburk, Abram Elam, Micah Mays, Willard Monroe, Ed Etheredge, Joe Green, Capt. Javaro Sims, Lt. Michael Coleman, Cerina Anderson, Patricia Flowers, Beverly Wright, Eddie Shannon, and Charlotte Jackson for their efforts in providing quality summer programs that combat summer learning loss and help children in District 7 get ahead. (Sponsored by Commissioner Taylor)

- C.** Certificates of Appreciation to Greg Mount and Dr. Michele Williams for their ongoing work assisting the County Historic Preservation Officer/Archaeologist. (Sponsored by Commissioner Marcus)

- D.** Proclamation declaring September 17 – 23, 2010 as “Constitution Week” in Palm Beach County. (Sponsored by Commissioner Aaronson)

- E.** Proclamation declaring October 2010 as “Domestic Violence Awareness Month” in Palm Beach County. (Sponsored by Commissioner Santamaria)

- F.** Proclamation declaring October 3, 2010 as “German American Day” in Palm Beach County. (Sponsored by Commissioner Vana)

- G.** Proclamation declaring September 22, 2010 as “American Business Women’s Day” in Palm Beach County. (Sponsored by Commissioner Taylor)

- H.** Proclamation declaring October 8 – 10, and 15 – 17, 2010 as “Oktoberfest 2010” in Palm Beach County. (Sponsored by Commissioner Vana)

- I.** Proclamation honoring Dennis Eshleman for his 35 years of service to Palm Beach County. (Sponsored by Commissioner Marcus)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) an Agreement with Tropical Ridge Neighborhood Association, Inc. in an amount not-to-exceed \$410 for expenses related to the Community Organizing Project;

B) an Agreement with Lake Worth's College Park Homeowners Association, Inc. in an amount not-to-exceed \$2,255 for expenses related to the Community Beautification Project;

C) an Agreement with Residents of Lake Osborne Heights, Inc. in an amount not-to-exceed \$2,400 for expenses related to the Community Organizing and Beautification Project;

D) an Agreement with Gramercy Park Neighborhood Corporation, Inc. in an amount not-to-exceed \$850 for expenses related to the Community Organizing Project;

E) an Agreement with Neighborhood Association Presidents' Council, Inc. in an amount not-to-exceed \$410 for expenses related to the Community Organizing Project;

F) an Agreement with Royal Palm Estates Crime Watch, Inc. in an amount not-to-exceed \$1,720 for expenses related to the Community Organizing Project;

G) an Agreement with Paint Your Heart Out Palm Beach County, Inc. in an amount not-to-exceed \$2,500 for expenses related to the Community Beautification Project;

H) an Agreement with Rebuilding Together of the Palm Beaches, Inc. in an amount not-to-exceed \$2,500 for expenses related to the Community Beautification Project;

I) an Agreement with Downtown Jewel Neighborhood Association, Inc. in an amount not-to-exceed \$410 for expenses related to the Community Organizing Project;

J) an Agreement with Genesis Neighborhood Association, Inc. in an amount not-to-exceed \$410 for expenses related to the Community Organizing Project;

K) an Agreement with Sailing Foundation of the Palm Beaches, Inc. in an amount not-to-exceed \$1,810 for expenses related to the Community Beautification Project;

L) an Agreement with We Care Group, Inc. in an amount not-to-exceed \$850 for expenses related to the Community Organizing Project;

M) an Agreement with East Beach Family Emergency Depot, Inc. in an amount not-to-exceed \$850 for expenses related to the Community Organizing Project;

N) an Agreement with American Step Association, Inc. in an amount not-to-exceed \$850 for expenses related to the Community Organizing Project;

O) an Agreement with The Glades Initiative, Inc. in an amount not-to-exceed \$2,500 for expenses related to the Community Outreach Project; and

P) an Agreement with Okeechobee Lodge No. 54, Inc. in an amount not-to-exceed \$2,500 for expenses related to the Community Organizing and Beautification Project.

SUMMARY: The Resident Education to Action Program (REAP) is a five (5) week, hands-on educational course on community revitalization and civic leadership development for residents and neighborhood organizations that are seeking to improve the quality of life within their communities. Remaining funds from REAP Fiscal Year 2009-2010 were carried forward to implement projects for REAP Fiscal Year 2010-2011. The Agreements being submitted represent the REAP projects selected by the Office of Community Revitalization Director to receive grant funding. Countywide (AH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

2. 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 (2) 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. Staff recommends motion to approve:

A) Amendment No. 2 to the Loan Agreement (R2004-0844) with Thirteenth Street Industrial Park, Inc. (TSIP) to include Financial Statement and Tax Return language that are consistent with County policies and guidelines;

B) Amendment No. 2 to the Promissory Note for the acquisition of the property loan, to include new Financial Statement and Tax Return language that are consistent with County policies and guidelines; and

C) Amendment No. 2 to the Promissory Note for the purchase of Machinery and Equipment loan to include new Financial Statement and Tax Return language that are consistent with County policies and guidelines.

SUMMARY: These Amendments provide for financial statements to be furnished upon County's request. The Amendments also provide that the annual federal tax returns of Borrower and Guarantors be furnished to the County within 30 days of filing, but in no event later than October 15th following the close of any tax year. In addition, any state income tax returns of Borrower and Guarantors should be furnished to the County no later than 30 days after the due date for filing same, including extensions. These Amendments will ensure that the Agreement and the Promissory Notes are consistent with current County policies and guidelines. **These are federal funds that do not require a local match.** District 7 (DW)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List: A) corrections of August 17, 2010; and B) list dated September 14, 2010.

2. Staff recommends motion to approve: the following final minutes of the Board of County Commissioners' meetings:

<u>Meeting Type</u>	<u>Meeting Date</u>
Workshop	October 27, 2009
Workshop	November 24, 2009
Regular	December 15, 2009
Joint/Legislative Delegation	January 6, 2010
Zoning	January 7, 2010
Zoning	January 28, 2010
Workshop	March 16, 2010
Joint/Health Care District	March 16, 2010
Regular	April 6, 2010
Regular	April 20, 2010
Zoning	June 24, 2010
Comprehensive Plan	July 21, 2010

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

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 July 2010. Countywide

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to receive and file: a report of plat recordations from April 1, through June 30, 2010. **SUMMARY:** This is a quarterly summary of subdivision plats recorded during the past fiscal quarter as required by the Department of Engineering and Public Works Policies and Procedures Manual Item No. EL-O-2618, governing administrative approval of plats by the County Engineer. Countywide (MRE)
2. Staff recommends motion to:
 - A) adopt** a Resolution to amend the initial interest rate of 6.5 percent to a 5.5 percent interest rate;
 - B) approve** finalization of the assessment roll at \$25 per abutting foot for the Navarre Road Paving Improvement Project (Project) and to hereby authorize the Tax Collector's Office to process and collect the assessment payments; and
 - C) approve** the transfer of Navarre Road to a County-owned and maintained roadway.

SUMMARY: Finalization of the assessment roll for the Project, (Project No. 2006145) from Haverhill Road, east to the end, (Section 25, Township 44 South, Range 42 East) is needed so the assessment payments can be processed and collected by the Tax Collector's Office. The Resolution will amend the previous interest rate of 6.5 percent to a revised interest rate of 5.5 percent. Navarre Road will be reclassified from a County courtesy maintained roadway to a County maintained roadway. District 2 (MRE)
3. **Staff recommends motion to adopt:** a Resolution authorizing the County Administrator or his designee to approve amendments to existing funding agreements with the Florida Department of Transportation (FDOT) to extend the expiration date of the agreements. **SUMMARY:** Approval of this will allow the County Administrator or his designee to approve time extensions to existing agreements with FDOT. Countywide (MRE)
4. **Staff recommends motion to approve:** a Contract Amendment with American Traffic Solutions for red light cameras, reflecting changes required by the creation of the Mark Wandall Traffic Safety Program. **SUMMARY:** Approval of this action will make the terms of the contract consistent with the recently adopted House Bill 325. House Bill 325 created the Mark Wandall Traffic Safety Program which regulates the use of red light cameras. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to approve: an Interlocal Agreement with the Loxahatchee River Environmental Control District (District) regarding open cuts in Palm Beach County (County) maintained rights-of-way. **SUMMARY:** The District has agreed to follow the policies and procedures set forth by the County regarding open cuts in County roads; however, the District is requesting that it not be required to provide surety for the open cuts, as required by County Policy, but instead will be bound by the terms and conditions of this Interlocal Agreement. This is similar to the agreement entered into between the County and the Village of Palm Springs last year. District 1 (MRE)

6. Staff recommends motion to approve: Change Order No. 4 in the amount of \$719,750 to Contract No. R2010-0022 with J.W. Cheatham, LLC for construction of 45th Street from Jog Road to east of Haverhill Road and Jog Road south of 45th Street to north of 45th Street. **SUMMARY:** Approval of Change Order No. 4 will allow for the removal and disposal of unsuitable materials and replacement with clean compacted fill. Fifty percent of this Change Order will be reimbursed by Florida Department of Transportation. The current contract amount (not including this Change Order) is \$14,658,347.35. Districts 6 & 7 (MRE)

7. Staff recommends motion to:
 - A) **authorize** the Chair to execute a Federally Funded Subgrant Agreement (Agreement) between the Florida Division of Emergency Management (DEM) and Palm Beach County for the construction of a water management area (Lake) within the Westgate/Belvedere Homes Community Redevelopment Area (CRA); and
 - B) **approve** a Budget Amendment of \$885,957, in the Capital Outlay Fund to recognize the funding from the Federal Emergency Management Agency (FEMA) for the Hazard Mitigation Grant, \$664,468, and from the CRA for the 25% match requirement of \$221,489, and appropriate it to Westgate/Belvedere Community North Drainage Study.

SUMMARY: Approval of this Agreement and Budget Amendment will allow the utilization of funding to complete the construction of the Lake for storm water detention. This would complete Phase 2 of the Westgate Central Lakes Project No. 2009054. FEMA has agreed to approve a Hazard Mitigation Grant, Contract Number 11HM-2Y-10-60-01-001, with a Federal Share amount of \$664,468, for the construction of the Lake. District 2 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to approve: Amendment No. 13 to the Contract (R96-0714D) with Denise M. Nieman, County Attorney; extending said contract for one (1) additional year, ending on September 30, 2015. **SUMMARY:** This Amendment provides for the services of Denise M. Nieman as County Attorney. The contract was automatically extended for one (1) additional year through September 30, 2015. No salary increase is being sought; the current annual salary is \$199,513. Countywide (DMN)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. **Staff recommends motion to approve:** an Agreement with Broad and Cassel for Airport-Related Bankruptcy Legal Services, providing for attorney's fees in a total amount not to exceed \$250,000 and reimbursable costs to up to \$25,000, for a total of \$275,000 for the entire five (5) year contractual period, which includes the three (3) individual yearly renewal periods. **SUMMARY:** Bankruptcy law is a highly specialized area. Airport bankruptcies often involve large sums of money due to Palm Beach County. It is therefore in the County's best interest to retain counsel to provide legal assistance, on an as-needed basis in the more complex airport-related bankruptcies matters. The initial contract period is for two (2) years from December 21, 2009, and providing for \$100,000 in attorney's fees and \$10,000 in reimbursable costs, with three (3) yearly renewal periods at \$50,000 attorney's fees per year and \$5,000 in reimbursable costs. This Agreement is being funded exclusively from the Department of Airports and not ad valorem revenue. Countywide (PM)

3. **Staff recommends motion to approve:** an Addendum to the stipulated settlement agreement with the Town of Highland Beach which was approved by the Board of County Commissioners on May 18, 2010. **SUMMARY:** On May 18, 2010, the Board of County Commissioners approved a stipulated settlement agreement with the Town of Highland Beach resolving pending litigation between the parties regarding the Town's approval with conditions of the County's special exception use application for the Cam D. Milani Park. The settlement agreement contained scrivener's errors which both parties wish to be clarified through the execution of the Addendum, including a corrected effective date, contact information for the Town of Highland Beach, an updated clarification regarding the County's dispute with Boca Highlands Condominium Association, and a specific reference to the version of the Town Code to be used in implementing the settlement agreement provisions. District 4 (ATP)

4. **Staff recommends motion to approve:** a Settlement in the amount of \$566,170, which includes attorney's fees, expert fees and costs, in the eminent domain action styled *Palm Beach County v. Maria Mink, et al.*, Case No. 502006CA010149AG, for the taking of Parcel 4, owned by Rolando Ruben Ramos and Ana Maria Valdivia. **SUMMARY:** The County has negotiated a settlement in the amount of \$550,000, subject to the approval of the Board of County Commissioners, for Parcel 4 as full compensation for the land taken and all damages of any kind whatsoever, excluding attorney's fees, expert fees and costs. The County previously deposited \$501,000 as its initial good faith deposit and estimate of value for the land taken. Attorney's fees, expert fees and costs total \$16,170, making the total settlement \$566,170. The Owner's Appraiser valued the subject property at \$650,000. If this settlement is approved, it would require the County to pay an additional \$65,170, to fully fund the settlement. District 6 (PM)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Contract for Provision of Financial Assistance with 211 Palm Beach Treasure Coast, Inc., for the period October 1, 2010, through September 30, 2011, in an amount not to exceed \$45,707 for supportive services to homeless persons. **SUMMARY:** 211 Palm Beach Treasure Coast, Inc. will provide homeless individuals access to a toll free Homeless Helpline and an Intake Worker 24 hours per day, 7 days per week for 365 days per year. The intake worker screens appropriate referrals for the Homeless Outreach Teams (HOT), accesses other available resources and enters all data into the Client Management Information System (CMIS), a centralized computer database. The Homeless Helpline will work in conjunction with the 211 Information System. Payment is based on a unit cost and the estimated number of appointments scheduled for the HOT. A total of \$45,707 in County funds is included in the FY 2011 budget. County obligations under this contract are subject to budget approval. (Human Services) Countywide (TKF)

2. **Staff recommends motion to receive and file:** revised Attachment II - Agreement Report Schedule to Standard Agreement No. IP010-9500 (R2010-0842) for the Emergency Home Energy Assistance Program (EHEAP) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period April 1, 2010, through July 1, 2011. **SUMMARY:** The revised Attachment II - Agreement Report Schedule modifies the standard agreement to include the submission of additional monthly reports by the Division of Senior Services to the AAA to authorize benefit payments for EHEAP. In the area south of Hypoluxo Road, Mae Volen Senior Center, Inc. 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. **Staff recommends motion to approve:**
 - A) Contract with Gulfstream Goodwill Industries, Inc., for the period October 1, 2010, through September 30, 2011, in an amount not to exceed \$34,005, for supportive services to homeless persons; and

 - B) a waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics, for Thomas Bell and Michelle Carter of Gulfstream Goodwill Industries, Inc., members of the Palm Beach County Homeless Advisory Board.

SUMMARY: Gulfstream Goodwill Industries Inc. will provide case management services to 30 homeless individuals through the Transitional Housing program, Project SUCCESS (Start Ultimate Challenge, Choose Empowerment, Self Sufficiency). Case management services are a vital link to meet the needs of the homeless individual to overcome the numerous barriers that have led to their homelessness. Prohibited relationship waivers are being recommended for two (2) employees of Gulfstream Goodwill who serve on County advisory boards. The individuals have disclosed this relationship and are requesting a waiver pursuant to Section 3.D. of the Code of Ethics. The waivers are being recommended based on a staff determination that the execution of this contract will not create a conflict of interest with the continued service of the individuals on the advisory board. A total of \$34,005 County funds are included in the FY 2011 budget. County obligations under this Contract are subject to budget approval. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to approve: Standard Contract No.Y1119 for the Adult Care Food Program (ACFP) with the Florida Department of Elder Affairs (DoEA) for the period October 1, 2010, through September 30, 2011, in an amount not-to-exceed \$82,835. **SUMMARY:** The ACFP provides meal reimbursements to approved providers for servicing eligible adult participants. Under this Contract, DOSS will be reimbursed \$82,835 to continue servicing meals and snacks to eligible Adult Day Care clients age 60 and older. The ACFP is a component of the federally funded Child and Adult Care Food Program, operated nationally by the USDA and administered, at the state level, by the DoEA. No County match is required. (DOSS) Countywide (TKF)

5. Staff recommends motion to ratify: the Chair's signature on the State of Florida, Department of Community Affairs FY 2010-2011 Community Services Block Grant (CSBG) application for the period of October 1, 2010, through September 30, 2011, in an amount not-to-exceed \$1,070,579. **SUMMARY:** The FY 2011 CSBG will provide a range of services to low-income households in Palm Beach County that enables families to become self-sufficient. CSBG funds will help stabilize low-income families through assistance with utility, shelter, transportation, and child care costs. In addition, the funding supports assistance to low-income persons seeking to gain or maintain employment. The emergency signature process was used to ensure timely submission to DCA. A 20% County required match of \$178,430 is included in the FY 2011 budget. County obligations under this agreement are subject to budget approval. (Community Action Program) Countywide (TKF)

6. Staff recommends motion to ratify the Chair's signature on:
 - A) Child Care Food Program (CCFP) Contract for the period of October 1, 2010, through September 30, 2011, in the amount of \$1,359,067 for meals served to Head Start/Early Head Start children;
 - B) Amendment No. 1 to FY 2010-2011 Contract; and
 - C) the Child Care Food Program Delegation of Signing Authority document, authorizing the Department of Community Services Director to sign program documents required by the Department of Health (DOH).

SUMMARY: This Contract will enable the Head Start Program to participate in the FY 2010-2011 CCFP by providing 979 infants, toddlers and children with breakfast, lunch, and a snack each day. Amendment No. 1 is needed to incorporate necessary provisions to the contract. It reflects new food safety and sanitation requirements, the right to legal counsel and the distribution of copies. The Delegation of Signing Authority form will allow one (1) representative, other than the Chairperson, to sign any additional forms from the DOH during the contract period. Head Start staff projects reimbursement of \$950,000 from the DOH. County support of \$409,067 is required for a total amount of \$1,359,067 to serve meals to Head Start and Early Head Start children. The application was received at the DOH training workshop on August 2, 2010. The County funds are included in the proposed FY 2011 budget. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

7. **Staff recommends motion to approve:** Memorandum of Agreement (MOA) with the Children's Services Council of Palm Beach County (CSC), for the period of July 1, 2010, through September 30, 2011, in an amount of \$88,387, with a yearly management fee not to exceed \$45,000, for the utilization of the Services and Activity Management Information Services (SAMIS) system. **SUMMARY:** SAMIS is a web-based reporting system developed to increase the efficiency of the program and financial data transfer between the Department and its funded agencies. SAMIS will be used to track Department funded agencies' demographic information, referrals, program services and activities, measurable objectives, waiting times for services, attendance, volunteers, budgetary data, reimbursement process and position management. Membership is limited to the CSC and this MOA will allow the County, as a local funding partner, to utilize the SAMIS through CSC's membership. Other counties participating in this effort include Broward, Duval, Martin and Pinellas. All entities using SAMIS share in the operating expenses, billed on a quarterly basis, which affords participants the opportunity to work directly with the SAMIS developers to make individual enhancements. The initial cost of \$88,387 is in the current budget and the yearly management fee, not to exceed \$45,000 will be requested in the 2012 and future budgets. Countywide (TKF)

8. **Staff recommends motion to approve:** 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 (AAA) of Palm Beach/Treasure Coast, Inc. for the period July 1, 2009, through October 1, 2010, increasing the agreement amount by \$8,000 for a new total amount not-to-exceed \$99,763. **SUMMARY:** RELIEF started on July 1, 1998, and has been operating as a volunteer stipend program for 12 years. The purpose of this Amendment is to increase the agreement amount by \$8,000 for reimbursement for In-Home Respite services to the elderly. (DOSS) Countywide (TKF)

9. **Staff recommends motion to:**
 - A) ratify** the Chair's signature on the State of Florida, Department of Community Affairs (DCA), FY 2010 Community Services Block Grant – American Recovery and Revitalization Act (CSBG-ARRA) grant modification in the amount of \$50,000, for the period July 1, 2009, through September 30, 2010;

 - B) approve** Amendment No. 1 to the Sub-Grant Agreement with Gulfstream Goodwill Industries, Inc. (Goodwill) (R2010 0040), increasing the contract by \$42,500 for a new not-to-exceed total of \$1,128,725, for the period of October 1, 2009, through September 30, 2010; and

 - C) approve** an upward Budget Amendment of \$65,000 in the Community Action Program (CAP) fund to reconcile the grant budget contingent upon the grant award and recognize the program income generated from the CSBG-ARRA program.

SUMMARY: The emergency signature process was used on the CSBG-ARRA modification grant in an effort to return it to the Department of Community Affairs in a timely manner. The additional \$50,000 from the grant and \$15,000 from program income will allow the CAP to increase the current Goodwill contract and reimburse other expenses. A budget amendment is needed to recognize the additional funding. No match is required. (Community Action Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

10. Staff recommends motion to approve:

A) an Agreement with the Health Care District of Palm Beach County for Joint Participation in a Community Health Planning Project; and

B) a Budget Transfer of \$15,000 in the General Fund from Financially Assisted Agencies (FAA) to Community Services Department.

SUMMARY: This Agreement defines the responsibilities of the County and the Health Care District in a community-wide strategic health planning process utilizing the MAPP (Mobilizing for Action through Planning and Partnerships) tool. The planning process is being conducted by the Health Care District and the Palm Beach County Health Department in partnership with the County and various community organizations. The end product deliverable addressed in this Agreement is a comprehensive healthcare plan for Palm Beach County. The Agreement commits the County to a one-time payment of \$15,000 to the Health Care District to help offset the consultant fee for meeting facilitation and plan development. The County funding is available in the current year budget as a result of the mid-year closure of a contracted agency in FAA. Countywide (TKF)

11. Staff recommends motion to approve: Contract with New Beginnings Community Development Center, Inc., for the period August 1, 2010, through September 30, 2010, in the amount of \$39,766, to deliver self sufficiency services to low-income individuals and families. **SUMMARY:** New Beginnings Community Development Center, Inc. a not-for profit agency, is providing a range of services to low-income households in Palm Beach County that enable families to become self-sufficient. Community Action is expanding those services to help 25 Community Services Block Grant (CSBG) eligible families also attain self-sufficiency. Participants will receive case management, counseling and workshops. New Beginnings will also coordinate direct assistance with rent/mortgage, transportation, uniforms, school supplies, child care costs and other supports as deemed necessary. These services will enable participants to be more self-sufficient by eliminating one or more of the government assistance programs they are currently receiving. Funding includes a 20% County match totaling \$7,953 and 80% grant funds totaling \$31,813. (Community Action Program) Countywide (TKF)

12. Staff recommends motion to approve: a Memorandum of Agreement (MOA) with the State of Florida Department of Children and Families (DCF) for the Interim Assistance Reimbursement Program (IAR), with no expiration date, to receive reimbursement of funds expended on behalf of Supplemental Security Income (SSI) applicants. **SUMMARY:** The Social Security Administration requires counties to enter into a MOA with DCF in order to be eligible for the IAR. The MOA documents that the County agrees to the terms governing the IAR process. The MOA does not obligate the County to assist applicants, but should the County accept clients pending SSI determination, then the County is obligated to follow the IAR process. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. DELETED

2. Staff recommends motion to approve: a Second Amendment to Lease Agreement for Fixed Base Operation at Palm Beach International Airport (R2004-1990) with Signature Flight Support Corporation (Signature), a Delaware Corporation, to correct an error in the rental adjustment provisions for ground and building space leased at the Palm Beach International Airport (PBI A). **SUMMARY:** Signature provides fixed-based operator services for general aviation aircraft at PBI A pursuant to a Lease Agreement for Fixed Base Operation dated September 30, 2004 (R2004-1990). This Amendment corrects an error in rental adjustment provisions related to the calculation of the percentage change in Consumer Price Index and provides for the addition of language related to the Office of the Inspector General. Countywide (HJF)

3. Staff recommends motion to approve:

A) Amendment No. 3 to the General Consulting Agreement with Ricondo & Associates, Inc. for consulting/professional services in the amount of \$1,434,885 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program; and

B) a Budget Transfer of \$645,688 in the Airports Improvement and Development Fund from Reserves to provide budget to fund the Consulting Agreement.

SUMMARY: The Consulting Agreement (R2009-1643) with Ricondo & Associates, Inc. for general airport planning and design was approved on October 6, 2009 in the amount of \$1,723,324 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for two (2) years with two (2) - one (1) year renewal options. Amendments 1-2 were approved for a net increase in the amount of \$1,705,342. Approval of Amendment No. 3 in the amount of \$1,434,885 will provide funds to complete the following tasks and services: Task I Services – Palm Beach International Airport (PBI A)– Golfview Implementation Planning, PBI A Baggage System Upgrades, PBI A Terminal Flooring Replacement (Phase I), PBI A Annual Noise Report, PBI A Security System Enhancements (Program Verification), PBI A Terminal Chiller Plant Improvements (Phase 1), PBI A Interactive Airport Layout Plan, PBI A Targeted Airline Route Analysis and Presentations, PBI A Passenger Facility Charge Use Applications, PBI A Parcel W-328 Review Appraisal, Acquisition & Phase I Environmental Site Assessment, Palm Beach County Park (LNA) Stormwater Master Plan Supplement No. 1 – Wetlands Boundary Survey, and Miscellaneous General Aviation Airport Security Improvements (Phases 3 & 4); Task III Services – Miscellaneous Architectural, Engineering and Planning Services. Ricondo & Associates, Inc. is a Chicago, Illinois based firm; however, the majority of the work to be completed in this Amendment will be done through their Miami, Florida office in conjunction with several Palm Beach County-based subconsultants and firms. Certain tasks performed during the term of this Amendment may be eligible for State and Federal grant participation. The Disadvantaged Business Enterprise (DBE) participation for this Amendment is 10.99%. The total DBE contract goal including all amendments is 23.85%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to adopt: a Resolution establishing a standard form Cargo Building Lease Agreement (Lease); authorizing the County Administrator or his designee to execute the standard form Lease, and amendments to the Lease for the purpose of relocating, increasing or decreasing a tenant's leased or licensed premises; repealing Resolution 2010-0850; and becoming effective upon adoption. **SUMMARY:** The Resolution establishes a new standard form Lease for use with tenants at the cargo building at 1300 North Perimeter Road (Building 1300) at the Palm Beach International Airport (PBIA), which will replace the standard form Cargo Building Lease Agreement established by Resolution 2010-0850. The Resolution authorizes the County Administrator or his designee to execute the standard form Lease on behalf of the Board and amendments to the Lease for the purpose of relocating, increasing or decreasing a tenant's leased or licensed premises. Revisions to the previously approved standard form lease were requested by the existing tenants to address operational issues, provide for a reduced security deposit equal to 1.5 months rental and include a termination for convenience clause. Countywide (HJF)

5. Staff recommends motion to receive and file: five (5) original Agreements for the Department of Airports:

A) Hangar Lease Agreement with Davin T. Connelly, Jr., Unit 13, Building 11220, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on July 1, 2003;

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

C) Consent to Sublease for a Sublease Agreement between Galaxy Aviation of Palm Beach, Inc. and Mountain Eagle Aviation, LLC, commencing July 1, 2010;

D) Fourth Amendment to Airline-Airport Use and Lease Agreement with Delta Air Lines, Inc., effective August 2, 2010; and

E) Non-concessionaire Rental Car and Parking Lot Operator Ground Transportation Permit with Rent Max Miami, Inc., effective June 7, 2010, terminating September 30, 2010, automatically renewed on yearly basis (10/1 through 9/30).

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the Board of County Commissioners in R1994-1453, R2003-0522, R2006-1906, R2009-1267 and R2010-0708. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

A) Budget Amendment of \$495,800 in the School Impact Fee Zone 1 Account-Contributions to Other Governmental Agencies;

B) Budget Amendment of \$211,000 in the School Impact Fee Zone 2 Account-Contributions to Other Governmental Agencies;

C) Budget Amendment of \$469,077 in the School Impact Fee Zone 3 Account-Contributions to Other Governmental Agencies; and

D) Budget Amendment of \$107,750 in the School Impact Fee Zone 4 Account-Contributions to Other Governmental Agencies.

SUMMARY: These Budget Amendments in the School Impact Fee accounts recognize additional school impact fee revenues collected in FY 2010 and allow the County to appropriate and remit the revenues to the Palm Beach County School District in accordance with Article 13 of the Unified Land Development Code. Countywide (LB)

2. Staff recommends motion to approve:

A) Budget Transfer from School Impact Fee Zone 1 reserve account to School Impact Fee Zone 1 appropriation account for \$437,228;

B) Budget Transfer from School Impact Fee Zone 2 reserve account to School Impact Fee Zone 2 appropriation account for \$365,036;

C) Budget Transfer from School Impact Fee Zone 3 reserve account to School Impact Fee Zone 3 appropriation account for \$500,000; and

D) Budget Transfer from School Impact Fee Zone 4 reserve account to School Impact Fee Zone 4 appropriation account for \$385,187.

SUMMARY: These Budget Transfers recognize additional revenues collected in FY 2010 and allow the County to appropriate and remit the revenues to the Palm Beach County School District in accordance with Article 13 of the Unified Land Development Code. Countywide (LB)

3. Staff recommends motion to approve: a Budget Amendment of \$20,644,948 in the \$19.53M General Obligation Refunding Bonds, Series 2010 (Library District Improvement Project) debt service fund to budget bond proceeds, cost of issuance and the payment to the refunding bond escrow agent on the bonds. **SUMMARY:** On May 18, the Board authorized the issuance of the refunding bonds for all or a portion of the General Obligation Bonds, Series 2003 (Library District Improvement Project) and authorized the County Administrator to publish through electronic means a summary Notice of Sale and to receive bids pursuant to a competitive sale of the bonds and award the sale of the bonds to the responsible bidder offering the lowest true interest costs to the County resulting in a minimum net present value savings of not less than 3.5%. The County accepted bids to refund a portion of the Series 2003 Bonds on August 24 and awarded the sale of the Series 2010 Refunding Bonds to Fidelity Capital Markets at a net present value savings of \$1,873,713 or 10.42%. This Budget Amendment establishes budget for the sale of the 2010 Refunding Bonds, the costs of issuance and the payment to the refunding bond escrow agent. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** a Contract with MAC Construction, Inc. in the amount of \$399,990 to provide replacement bus lifts at the Palm Tran Administration and Maintenance Facility in West Palm Beach. **SUMMARY:** The work consists of replacing the pistons, cylinders, motors, pumps and hydraulics for two (2) of the four (4) existing in-ground bus lifts. A replacement of two (2) of the four (4) lifts with a new system (with guaranteed availability of parts for seven years) will help alleviate the maintenance issue with two (2) of the lifts because the existing bus lifts have reached the end of its useful life, have become an expensive maintenance problem, and parts are no longer available. This project is funded by a contract between Palm Beach County and the U.S. Department of Transportation, Federal Transit Administration (FTA) and governed by the provisions listed under the Master Grant Agreement FTA MA (15) dated October 1, 2008. All applicable Federal Certifications and Representations are required to meet grant specifications. All activities related to this project are subject to the following conditions which are outlined in greater detail in U.S. Department of Transportation (USDOT) regular 49 CFR part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government"; Federal Transit Administration (FTA) Circular 4220.1F, "Third Party Contracting Guidelines," dated November 1, 2008, as may be amended, and other laws and regulations governing procurement activities for Palm Beach County programs and projects. Davis Bacon requirements including a Disadvantaged Business Enterprise (DBE) goal of 10%, and prevailing wage provisions shall apply to all contractors and all tiers of subcontractors. DBE participation for this project is 14.3%. The total construction duration is 120 days. MAC Construction, Inc. is a Palm Beach County company. (FD&O Admin) Countywide/District 7 (JM)

2. **Staff recommends motion to approve:** Amendment No. 6 to Contract with The Weitz Company (R2007-1105) in the amount of \$485,990 to replace the exterior caulking of the Judicial Center. **SUMMARY:** The work consists of removal and replacement of all exterior caulking including resealing of all building joints for the Main Courthouse and State Attorney/Public Defenders buildings with a weatherproofing sealant. These buildings experience wind-driven water intrusion through the exterior surface. This has been an on-going problem throughout the various sections of the buildings, during routine driven rains and more substantial rain events. The caulking is beyond its useful life and was identified early after the completion of construction as a condition to watch. Combined with the glass replacement, a major component of the building envelope will be replaced and sealed. The Weitz Company is currently replacing the glass of the Courthouse and having the work completed concurrent with the windows, will result in a savings in general conditions costs. The Small Business Enterprise (SBE) goal is 15%. The SBE participation in this Amendment is 18%. When the participation for this work order is added to The Weitz Company's total participation to date, the overall SBE is 19.4%. The construction duration is 180 days. This is a budgeted maintenance repair to this facility and funding is from the Countywide Repair, Replace, and Renovate account. (Capital Improvements Division) Countywide/District 7 (JM)

3. **Staff recommends motion to approve:** a Utility Easement Agreement with Florida Power & Light Company (FPL) for additional electric service at the County's Four Points Center in unincorporated West Palm Beach. **SUMMARY:** Four Points Center is located at the southeast corner of Southern Boulevard and South Military Trail in West Palm Beach. As part of the Phase 1 renovations of the Four Points Office Building, an existing easement needs to be extended in order to allow for the installation of a new transformer and removal and replacement of the old transformer with a splice box. All improvements are located underground with the exception of an above-ground transformer located on a concrete pad. The easement area is approximately 294 feet long, 10 feet wide, and contains a total of 2,946 square feet (0.07 acres). The easement is non-exclusive and is being granted to FPL at no charge as it provides additional electric service to County-owned facilities. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. **Staff recommends motion to accept:** a License Agreement from the City of South Bay which is required for the development of the County's new Fire Rescue Station No. 74 site in South Bay. **SUMMARY:** The County is in the process of developing a site for the replacement of Fire Rescue Station No. 74 in South Bay. The site is located on the northeast side of North US Highway 27 at the entrance to the proposed South Bay Park of Commerce. The County acquired the 3.04-acre site from the City of South Bay in 2007. Development of the site will require the placement of fill, sloping, grading, tying in, harmonizing and reconnecting the existing elevation grade of the adjacent City property with the final site elevation of the Fire Station. The City is granting a License to the County to use its land for these purposes. The area covered by the License, located adjacent to the northeast boundary of the County parcel, is 368.5 feet long, varies in width from 15.00 feet to 25.02 feet, and contains 6,233 square feet (0.14 acres). The License is being granted by the City at no charge. (PREM) District 6 (HJF)

5. **Staff recommends motion to approve:** a Utility Easement Agreement with Florida Power & Light Company at Jupiter Farms Park in unincorporated Jupiter. **SUMMARY:** The Parks and Recreation Department is in the process of constructing a lake side group picnic pavilion at Jupiter Farms Park. An easement is needed to bring power to the pavilion. The Park is located at 16655 Jupiter Farms Road in the Jupiter Farms community, west of Florida's Turnpike and south of West Indiantown Road, west of the Town of Jupiter. The easement is approximately 848.17 feet long, 10 feet wide, and contains 8,482 square feet (0.19 acres) in the northern portion of the property. The improvements associated with this easement, with the exception of a transformer and a power pole drop line, are located underground. This non-exclusive easement is being granted at no charge as it provides service to a County facility. (PREM) District 1 (HJF)

6. **Staff recommends motion to approve:** a Unity of Title for County property located on Saranac Avenue and Seminole Boulevard in unincorporated West Palm Beach. **SUMMARY:** The County is finalizing the design plans for a new Fire Station on Seminole Boulevard between Saranac Avenue and Oswego Avenue in Westgate. Upon completion of the design, the project will be put on hold until funding becomes available for construction. In connection with this project, the County recently abandoned 379 feet of the 40' wide Saranac Avenue right-of-way which is located immediately west of Seminole Avenue. As a condition of approval for the abandonment, the County is required to record a Unity of Title to combine the subject 40' strip with two (2) adjacent County parcels currently being used as a storm water retention lake. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in .14 acres of surplus property to the City of West Palm Beach without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 197.592(3); and

B) approve a County Deed in favor of the City of West Palm Beach.

SUMMARY: The City of West Palm Beach requested the conveyance of a County-owned vacant surplus property. The .14 acre property was acquired by Tax Deed in March of 2005 and is located at 818 - 8th Street, within the City's municipal boundaries with an assessed value of \$35,088. The property is being conveyed pursuant to Florida Statutes Section 197.592(3), which requires the conveyance of surplus property acquired by Tax Deed to the municipality in which it is located. The subject property has been declared surplus and serves no present or future County purpose. The City proposes to utilize this property for housing, landscaping or community related programs. Staff believes that this property will be more appropriately developed, managed and maintained by the City. Housing & Community Development has reviewed this conveyance and has no objections to the conveyance but would prefer that the use be restricted to affordable housing. This conveyance will relieve the County of potential liability for occurrences on this property and also the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. (PREM) District 7 (HJF)

8. Staff recommends motion to approve: Amendment Number Four to Lease Agreement (R97-2126D) with Aspen Skees Road, LLC, for the County's continued use of 6,000 SF of office and warehouse space for the Palm Beach County Sheriff's Office at an annual rate of \$68,820 (\$11.47 per SF). **SUMMARY:** Since January 1, 1998, the County has leased office and warehouse space at 1438 Skees Road in West Palm Beach. This Amendment Number Four: i) extends the term of the Lease Agreement one (1) year to December 31, 2011; ii) maintains the current annual rental rate during this one (1) year extension; and iii) updates the Lease Agreement to incorporate the Disclosure of Beneficial Interests and Inspector General standard provisions. The landlord has agreed to suspend the approximate five percent (5%) rental rate increase adjustment during this one (1) year extension which will save \$3,441. All other terms of the Lease Agreement remain unchanged. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. **Staff recommends motion to approve:** a First Amendment to Agreement of Lease dated June 22, 2004 (R2004-1438), with the Florida Department of Education on behalf of the Division of Blind Services for the continued use of 825 SF of space within the Palm Beach County Judicial Center at an annual rate of \$13,322.72. **SUMMARY:** The Florida Department of Education on behalf of the Division of Blind Services currently leases approximately 825 SF of floor space within the Palm Beach County Judicial Center located at 205 North Dixie Highway in West Palm Beach, for the operation of Don's Coffee Spot. The initial term of the Lease was for two (2) years ending September 30, 2006, with four (4) successive extension options, each for a period of two (2) years. This First Amendment: i) exercises the third renewal option extending the term of the Lease for two (2) years, from October 1, 2010, through September 30, 2012, ii) revises Section 4.05 to include a prohibition against discrimination based on gender identity or expression, iii) replaces Article VIII Indemnification to language more suitable for use between governmental agencies, iv) updates the Notice provisions and, v) adds language acknowledging the power and authority of the Office of Inspector General. The annual rent for this extension period is \$13,322.72 based on an estimated annual three percent (3%) CPI increase. All other terms and conditions of the Lease shall remain in full force and effect. (PREM) District 7 (HJF)

10. **Staff recommends motion to approve:** a Concessionaire Service Agreement with DH2, Inc. for operation of Food and Beverage Services at Osprey Point Golf Course in South County Regional Park. **SUMMARY:** The Parks and Recreation Department desires a fixed and mobile food and beverage services concession at the Osprey Point Golf Course, located in South County Regional Park. In June 2010, PREM advertised a Request for Proposals to sell food items, beverages including beer and wine, and sundry items to the patrons at Osprey Point Golf Course from the snack bar area in the clubhouse and from mobile food and beverage service carts on the golf course. Proposals were received from two (2) respondents, DH2, Inc. and Ala Carte Golf Service, Inc. A Selection Committee, consisting of two (2) representatives from the Parks and Recreation Department and one (1) from the Property and Real Estate Management Division, reviewed the proposals on August 2, 2010 and determined that the proposal submitted by Ala Carte Golf Services was non-responsive as it failed to provide for the minimum guaranteed annual rent of \$6,000 per year as required in the RFP. The Selection Committee reviewed DH2, Inc.'s proposal, deemed it responsive and voted unanimously to support DH2, Inc.'s proposal. The initial term of the Agreement is for two (2) years commencing either the first day the Golf Course opens to the public, or 30 days after the Effective Date of this Agreement, whichever occurs last. The Agreement includes three (3) extension options, each for one (1) year. The guaranteed annual rent is \$6,000, to be paid in equal monthly installments of \$500, with annual four percent (4%) increases, together with the payment of an annual "per round" fee of .20 for each round of golf played during the preceding 12 months that exceeds 60,000 rounds. DH2, Inc. has posted the required \$1,000 security deposit. The sole shareholder and principal of DH2, Inc., Todd Weiss, has executed a personal guaranty of the Concessionaire Service Agreement. (PREM) District 5 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2009-0649), with the City of Lake Worth, to extend the expiration date from September 30, 2010, to May 31, 2011. **SUMMARY:** This Amendment provides an extension of eight (8) months to the term of the existing Agreement for the park improvements at Sunset Ridge Park in the City of Lake Worth. The time extension is requested to provide the City time to prepare bid documents, and to bid and construct the project. **These are federal Community Development Block Grant funds that require no local match.** District 3 (TKF)

2. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2010-1123) with the Westgate/Belvedere Homes Community Redevelopment Agency to increase the grant amount from \$600,000 to \$700,000. **SUMMARY:** This Amendment provides an additional \$100,000 in Community Development Block Grant (CDBG) funds to the existing Agreement for the construction of the Cherry Road Bridge in the Westgate/Belvedere Homes area. The original Agreement amount of \$600,000 was funded through the Community Development Block Grant Recovery (CDBG-R) Program. CDBG-R funds were made available under the American Recovery and Reinvestment Act of 2009 (ARRA). This funding increase will address a portion of the funding shortfall revealed upon the receipt of bids. The lowest bid received was for \$740,895. The remaining balance of \$40,895 needed to fully fund the project will come from the Westgate/Belvedere Homes Community Redevelopment Agency who will also fund any contingency costs. This Amendment also incorporates certain provisions into the Agreement that relate to the Office of the Inspector General. **These are federal Community Development Block Grant funds that require no local match.** District 2 (TKF)

3. Staff recommends motion to receive and file: an Agreement with the State of Florida Department of Community Affairs (DCA) for the 2008 Community Development Block Grant (CDBG) Disaster Recovery Initiative Program (Contract No. 10-DB-K4-10-60-01-K29), for the period of June 14, 2010, to June 13, 2012, to provide a total of \$6,533,405 under the 2008 CDBG Disaster Recovery Initiative Program (DRI 4) - Tropical Storm Fay. **SUMMARY:** On October 6, 2009, the Board of County Commissioners approved a Resolution (R2009-1677) authorizing HCD's submittal of a Project Proposal on behalf of the County, and authorizing the County Administrator to execute the application and sign all documents related to the implementation of the DRI 4 program. On January 14, 2010, the County submitted to DCA its application for DRI 4 funding. On April 20, 2010, the County received notification of its application approval by DCA. On May 13, 2010, the County Administrator executed the Agreement between the County and the State and on June 14, 2010, DCA counter executed the Agreement which provides CDBG DRI 4 grant funding to undertake 11 activities associated with Tropical Storm Fay. **These are federal Community Block Grant funds that require no local match.** Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

4. Staff recommends motion to approve: four (4) Amendments totaling \$6,520 to Agreements under the Emergency Shelter Grants Program (ESGP) with the following agencies for the period October 1, 2009, to September 30, 2010:

A) Amendment No. 001 to an Agreement with Aid to Victims of Domestic Abuse, Inc. (R2009-2066) for an additional \$1,630 to increase the amount funded from \$25,000 to \$26,630;

B) Amendment No. 001 to an Agreement with Center for Family Services of Palm Beach County, Inc. (R2009-1889) for an additional \$1,630 to increase the amount funded from \$21,404 to \$23,034;

C) Amendment No. 001 to an Agreement with Faith-Hope-Love-Charity, Inc. (R2009-1891) for an additional \$1,630 to increase the amount funded from \$21,404 to \$23,034; and

D) Amendment No. 001 to an Agreement with The Salvation Army (R2009-2067) for an additional \$1,630 to increase the amount funded from \$21,412 to \$23,042.

SUMMARY: HCD staff has identified \$6,522.81 in ESGP funds that are available for re-programming. These funds are derived from unexpended ESGP funds which were awarded to seven (7) subrecipients during FY 2008-2009 and whose Agreements with the County expired on September 30, 2009. The funds are recommended to be awarded equally (\$1,630) to the following agencies: Aid to Victims of Domestic Abuse, Inc., Center for Family Services of Palm Beach County, Inc., Faith-Hope-Love-Charity, Inc. and The Salvation Army. All of the above named agencies have current FY 2009-2010 ESGP Agreements with the County to which the additional funds will be added. The criteria used to select the agencies which are being recommended to receive these funds was formulated by the ESGP Advisory Board and are as follows: agencies have expended all of the funding received in FY 2008-2009 and most of their FY 2009-2010 ESGP award; performed well in terms of meeting their contractual goals; and funds be distributed to subrecipients whose contracted activity is "Operation and Maintenance" of a homeless shelter. **These are federal Emergency Shelter Grant Program funds and the required match will be met by the agency. No match from County general funds is required.** Countywide (TKF)

5. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2009-0209) with Seagull Industries for the Disabled, Inc. (Seagull), to extend the expiration date from October 31, 2010, to June 30, 2011. **SUMMARY:** This Amendment provides an extension of eight (8) months to the term of the existing Agreement with Seagull for the renovation of a portion of their facility that is used by their clients and the public. The facility is located at 3879 West Industrial Way in Riviera Beach. Plan revisions and bid document preparation caused delays in the project, thereby requiring the requested time extension. The Amendment also incorporates certain provisions into the Agreement that relate to the Office of the Inspector General. **These are federal Community Development Block Grant funds that require no local match.** District 1 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

6. **Staff recommends motion to receive and file:** an Agreement with the West Palm Beach Housing Authority for the period of July 15, 2010, to October 22, 2010, to provide \$60,000, under the 2005 Disaster Recovery Initiative (DRI) Program - Supplemental Appropriation, for hurricane hardening at the Robinson Villas housing development. **SUMMARY:** On April 23, 2008, Palm Beach County entered into an Agreement with the Florida Department of Community Affairs (DCA) to receive up to \$19,568,569, for various projects to be funded under the 2005 DRI Program - Supplemental Appropriation. The Agreement provided herein is funded under said Agreement with DCA. The Assistant County Administrator executed these two (2) Agreements 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.** District 7 (TKF)

7. **Staff recommends motion to receive and file:** an Agreement with the City of West Palm Beach, for the period of July 1, 2010, to September 16, 2010, to provide \$3,045,361, under the 2005 Disaster Recovery Initiative (DRI2) Program. **SUMMARY:** This Agreement provides DRI funding for the continued implementation of a housing rehabilitation program by the City of West Palm Beach (City). The City commenced the implementation of the rehabilitation program under Agreement (R2008-1483) which expired with the expiration of the DRI Grant Agreement with the Florida Department of Community Affairs on March 15, 2010. The \$3,045,361 funded through the expired Agreement is being recommitted to the City's housing rehabilitation program for assistance to qualified low income property owners, for temporary relocation costs, and for City staff costs. 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 being processed, upon the receipt of which, a commensurate time extension will be given to the City. The Assistant 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 2 (TKF)

8. **Staff recommends motion to receive and file:** an Agreement with the City of Riviera Beach, for the period of February 16, 2010, to September 16, 2010, to provide \$1,236,000, under the 2005 Disaster Recovery Initiative (DRI2) Program. **SUMMARY:** This Agreement provides DRI2 funding for the continued implementation of a housing rehabilitation program by the City of Riviera Beach (City). The City commenced the implementation of the rehabilitation program under Agreement (R2008-1483) which expired on February 15, 2010. The City's Agreement could not be renewed in time before the March 15, 2010, expiration of the DRI2 Grant Agreement with the Florida Department of Community Affairs under which it was funded. The DRI2 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 DRI2 Grant Agreement with the State. However, a one (1) year time extension to the DRI2 Grant Agreement with the State is being processed, upon the receipt of which, a commensurate time extension will be given to the City. The \$1,236,000 funded through the expired Agreement is being recommitted to the City's housing rehabilitation program for assistance to qualified low income property owners and for temporary relocation costs. The Assistant 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)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Supplement No.1 to Work Authorization No. 4 (R2009-1293) for South Bay Regional Wastewater Pump Station with Globaltech, Inc. (R2008-2323) providing a 184 day time extension with no change to the Work Authorization price. **SUMMARY:** On August 18, 2009, the Board of County Commissioners approved Work Authorization No.4 (R2009-1293) South Bay Regional Wastewater Pump Station with Globaltech, Inc. (R2008-2323) in the amount of \$550,336 for the design and construction of a packaged wastewater pump station to transport wastewater from the decommissioned South Bay Wastewater Treatment Plant to the Glades Utility Authority Wastewater Treatment Plant in Belle Glade. This Supplement No.1 authorizes a time extension of 184 days to allow time for value engineering design changes made to the pump station design to bring the project within budget. It also incorporates time for a delay by the manufacturer in the delivery of the pumping equipment. This Supplement does not change the Work Authorization price. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.0% overall. This Supplement does not change the overall SBE participation. The cumulative SBE participation, including this Work Authorization, is 75.17% overall. (WUD Project No. 09-041) District 6 (JM)

2. **Staff recommends motion to approve:** Supplement No.1 to Work Authorization No. 11 for the Southwest Boca Diversion and Impoundment Plan with Globaltech, Inc. (Contract R2008-2323) providing a 150 day time extension with no change in Work Authorization price. **SUMMARY:** On August 19, 2009, the Contract Review Committee approved Work Authorization No.11 with Globaltech, Inc. (Contract R2008-2323) in the amount of \$164,056 for the design and construction of a packaged pump station to transport water from the Hillsborough Canal to a retention pond in the Meadowlake Estates community. This Supplement authorizes a time extension of 150 days to allow for value engineering design changes. This Supplement does not change the Work Authorization price. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.0% overall. This Supplement does not change the overall SBE participation. The cumulative SBE participation, including this Work Authorization, is 75.17% overall. (WUD Project No. 04-218) District 5 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. Staff recommends motion to approve:

A) a unit price contract with AKA Services, Inc. in a cumulative amount not to exceed \$6,902,903.50;

B) a unit price contract with Johnson-Davis, Inc. in a cumulative amount not to exceed \$7,211,660 for the Water Utilities Department Pipeline Continuing Construction Contract to install raw water mains, potable water mains, reclaimed water mains, force mains, wastewater manholes and water service lines over an 18 month term; and

C) Work Authorization No. 1 in the amount of \$362,432.67 with AKA Services, Inc. (R2010-XXXX) for construction of the Pahokee Water Main Replacement.

SUMMARY: On July 8, 2010, nine (9) bids were received for the Water Utilities Department Pipeline Continuing Construction Contract. AKA Services, Inc. and Johnson-Davis, Inc. are the first and second lowest responsible and responsive bidder, respectively. This Contract will be used to expedite utility special assessment projects, federally funded utility improvement projects for the Belle Glade, Pahokee and South Bay Areas and other pipeline projects where timing is critical. Contract award is for the base contract only, and the contract by itself does not guarantee nor authorize AKA Services, Inc. or Johnson-Davis, Inc. to perform any work. Work will be assigned during the 18 month contract period by formal work authorizations drawn against this Contract, with approvals pursuant to PPM No. CW-F-050 and requirements for any federally funded projects. The unit prices contained in this Contract will be used in determining the cost of work authorizations. Supplements to work authorizations for changes that occur during construction will be subject to the change order limits for construction contracts as established under PPM No. CW-F-050 with each work authorization considered as an individual construction contract. Work Authorization No. 1 provides for construction of a new 8" water main and 6" water main and abandoning an existing 2" water main in the alleyways of Canal Point to increase fire flow. The project is 100% federally funded through Housing and Community Development and therefore the Inspector General fee is not applicable. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This Contract with AKA Services, Inc. provides for SBE participation of 16.11% and Johnson-Davis, Inc. provides for SBE participation of 15.05% overall. This Authorization with AKA Services, Inc., includes 15.09% overall participation. The cumulative SBE participation for AKA Services, Inc. including this Authorization, is 15.09% overall. Both firms are local Palm Beach County firms. **These are federal Community Development Block Grant (CDBG) funds that do not require a local match.** (Work Authorization No. 1 WUD Project No. 08-086) District 6 (WUD Project No. 10-046) Districts 1, 2, 3, 5 and 6 (JM)

4. Staff recommends motion to approve: a piggyback unit price contract with Miller Pipeline Corp. for the Water Utilities Department Continual Construction Contract to provide for rehabilitation of wastewater gravity pipelines over a 12 month term in a cumulative amount not to exceed \$400,000. **SUMMARY:** The piggyback contract is from the City of Coral Gables (Construction of Sanitary Sewer Improvements Contract PWD No. 07-13 – Resolution 2008-50). It includes line items for cleaning and televising, root removal, joint seals, joint pressure testing, point repairs and for furnishing and installation of fold-and-form liner for the wastewater gravity pipelines. The City of Coral Gables does not have an SBE program. The Contractor has submitted a letter stating they will commit to the County's SBE requirement for this project. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. (WUD Project No. 10-071) Countywide (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

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

A) Amendment No. 1 with the South Florida Water Management District (SFWMD) Grant Agreement No. 4600001764 to extend the end date to April 26, 2011 for the Delaware Scrub Project;

B) Amendment No. 2 with the SFWMD Grant Agreement No. 4600001245 to extend the end date to April 13, 2011 for the Limestone Creek Phase III Project;

C) Task Assignment No. AP9 with the Florida Fish and Wildlife Conservation Commission (FWC) Grant Agreement No. 8135 for contracted services related to the aquatic plant control program;

D) Task Assignment No. 2 with the FDEP Agreement No. S0485 for contracted services related to the petroleum contamination clean-up program; and

E) Amendment No. 5 with the FDEP Agreement No. LP6046 to extend the end date to June 30, 2012 for the Lake Worth Lagoon Partnership Grant Program.

SUMMARY: **A)** Agreement No. 4600001764 was approved on May 19, 2009 (R2009-0859). Delegated authority to sign time extensions was provided at that time; **B)** Agreement No. 4600001245 was approved on March 11, 2008 (R2008-0407). Delegated authority to sign time extensions was provided at that time; **C)** FWC Agreement No. 8135 was approved on October 1, 2002 (R2002-1748). Delegated authority to sign task assignments was provided at that time; **D)** FDEP Contract S0485 was approved on January 12, 2010 (R2010-0095) for activities in the Pollutant Storage Tank Clean-Up Program. Delegated authority to sign task assignments was provided at that time; **E)** Agreement No. LP6046 with the FDEP was approved on April 4, 2006 (R2006-0583) to reimburse for projects under the Lake Worth Lagoon Partnership Grant Program. Delegated authority to sign time extensions was provided at that time. No ad valorem support is required for any of these task assignments or amendments. Countywide (SF)

2. Staff recommends motion to authorize: the County Administrator or his designee to enter into a Consent Order with the State of Florida, Department of Environmental Protection (DEP) to reach settlement of certain matters at issue between the DEP and the County on the South Lake Worth Inlet (SLWI) Projects. **SUMMARY:** The Consent Order was developed to clarify conditions of a Joint Coastal Permit pertinent to the construction of the SLWI Projects. The Consent Order format, as opposed to a permit modification, is being utilized because most of the construction is already completed. District 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to:

A) approve Interlocal Agreement with the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) in an amount not to exceed \$1,496,442 for the infrastructure improvement project in the CRA District through the Lake Worth Lagoon Partnership Grant Program (LWLPGP); and

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

SUMMARY: The County and CRA have previously entered into an Interlocal Agreement (R2006-0881, which has been amended by R2007-0169 and R2008-0651) for the enhancement and restoration of the Lake Worth Lagoon (LWL), which expired on March 30, 2010. CRA wishes to complete the infrastructure project for Phases IV, V, and VI. A new Interlocal Agreement is necessary to extend the project completion date to April 30, 2012 and to disburse grant funds from the LWLPGP. The total grant funding for the project is \$1,496,442. A 100% match is required from the CRA. Countywide (SF)

4. Staff recommends motion to approve: Amendment No. 2 to Lease Agreement No. 4161 with the State of Florida to include an approximate three (3) acre state-owned parcel located within the County's Loxahatchee Slough Natural Area. **SUMMARY:** A 50-year term Lease Agreement with the State of Florida was approved for a portion of the Juno Dunes Natural Area on August 19, 1997 (R97-1040D). Lease No. 4161 allows the County to manage those lands identified in the Lease and to construct public use facilities. Lease No. 4161 was first amended to include additional lands within the Juno Dunes Natural Area on August 24, 1999. Although the three (3) acre parcel described in the proposed Amendment is not within the Juno Dunes Natural Area, the State prefers to amend the existing lease rather than create a separate lease agreement. Amendment No. 2 to Lease No. 4161 will allow the County to manage the 3-acre Loxahatchee Slough parcel without having to pay \$300 per year for a separate lease, and will save staff time at both the State and County levels. The estimated cost to manage and maintain the three (3) acre parcel is \$100/year and will be paid from the Natural Areas Fund, a non-ad valorem source. District 1 (SF)

5. Staff recommends motion to approve:

A) annual Contract with Coast & Harbor, Inc. (CH) for continuing professional coastal and marine engineering consultant services, effective for two (2) years through September 13, 2012; and

B) annual Contract with Taylor Engineering, Inc. (Taylor) for continuing professional coastal and marine engineering consultant services, effective for two (2) years through September 13, 2012.

SUMMARY: CH, a Palm Beach County company, and Taylor, a Palm Beach County 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 and the inclusion of the Inspector General fee into future task orders with CH and Taylor. CH has agreed to SBE-M/WBE participation of 32%. Taylor has agreed to SBE-M/WBE participation of 19%. The contracts contain an option to renew for one (1) additional year. Countywide (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

6. Staff recommends motion to:

A) adopt a Resolution authorizing the Clerk of the Board to disburse \$250,000 from the Vessel Registration Fee Trust Fund to cover the costs of two (2) artificial reefs offshore of Jupiter and Juno Beach; and

B) approve a Budget Transfer of \$250,000 in the Environmental Enhancement Non-Specific Fund from reserves to the Jupiter/Juno Artificial Reef Project.

SUMMARY: The Resolution and Budget Transfer from County Vessel Registration Fees will provide the estimated \$250,000 to cover costs of the Jupiter Inlet and Juno Beach Artificial Reef Projects. Reef projects would include: 1) the placement of approximately 750 tons of concrete in proximity to the Jupiter Inlet in 25-30 ft. of water; and 2) installation of concrete poles into the ocean bottom in 20-25 ft. of water 500-1000' east of the Juno Beach Fishing Pier to create a "bait reef". Funding for these projects will come entirely from County Vessel Registration Fees. District 1 (SF)

M. PARKS & RECREATION

1. Staff recommends motion to approve:

A) Interlocal Agreement with the Boca Raton Community Redevelopment Agency (CRA) and the Boca Raton Museum of Art, Inc. for the period September 14, 2010, through March 13, 2012, in an amount not-to-exceed \$435,000 for improvements to the Boca Raton Museum of Art; and

B) Budget Transfer of \$435,000 within the \$25M GO Parks and Cultural Improvements Bond Fund - 2005 from Reserves for Boca Raton Museum of Art Gallery Space to Boca Raton Museum of Art Improvements.

SUMMARY: This Agreement provides funding for design and construction of capital renovations to the existing Boca Raton Museum of Art. Funding is from the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum - District 4. The Agreement allows for reimbursement of pre-Agreement expenses incurred subsequent to December 1, 2009. District 4 (PK)

2. Staff recommends motion to approve: First Amendment to Agreement with the City of Delray Beach for funding of the Delray Beach Miracle League Field to expand the project scope, reduce the amount of Delray Beach's required funding contribution for this completed project, and to extend the project completion date from September 10, 2010, to October 31, 2010. **SUMMARY:** This First Amendment to Agreement (R2007-1557) provides a revised Exhibit A (Project Description and Cost Estimate) and extends the Project completion date from September 10, 2010, to October 31, 2010, in order to accomplish reimbursement paperwork. It also expands the project scope to include construction of a modular concession/restroom/storage building as an additional project element, and decreases the amount of the City's match since the total project cost was less than the originally estimated amount. The modular concession/restroom/storage building is an integral part of the Miracle League Field. The Amendment reduces the amount of matching funding required to be spent by Delray Beach from \$310,750 to \$290,000, and the total project cost is reduced from \$560,750 to \$540,000. All other terms of the Agreement, including the funding amount of \$250,000, remain the same. District 4 (PK)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the months of June and July:

A) 3D Diving Inc., Competitive Springboard Diving, North County Aquatic Complex for the period July 1, 2010, through June 30, 2011, in an amount not-to-exceed \$50,000; and

B) Gordon Andrews, Masters Swim Team Coach, Lake Lytal Aquatic Center for the period June 14, 2010, through September 30, 2010, in an amount not-to-exceed \$5,000.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and are now being submitted to the Board to receive and file. Districts 1 & 2 (AH)

4. Staff recommends motion to approve: First Amendment to Independent Contractor Agreement (ANDR00200210530200L) with Gordon Andrews for USA Competitive Head Swim Coach services at Lake Lytal Pool for the period February 1, 2010, through January 31, 2011, to expand programming to include a US Masters Swimming Program and to increase the not-to-exceed amount from \$90,000 to \$106,500.

SUMMARY: On December 29, 2009, the Parks and Recreation Department entered into an Independent Contractor Agreement (R2010-0271) with Gordon Andrews to provide coaching services for the USA Swimming program at Lake Lytal Pool. Under this original Agreement, the total amount to be paid by the County for all services and materials was not-to-exceed \$90,000. This First Amendment amends the services to include a US Masters swimming program and increases the total contract amount by \$16,500 to \$106,500. District 2 (AH)

5. Staff recommends motion to receive and file: fully executed Amendment No. 1 to Agreement (R2008-2232) for the Florida Fish and Wildlife Conservation Commission (FFWCC) Florida Boating Improvement Program (FBIP) Grant No. 08083 for the DuBois Park docks and shoreline stabilization project extending the project completion date for one year from June 15, 2010, to June 15, 2011. **SUMMARY:** On July 8, 2008, the Board authorized the County Administrator or his designee to execute the funding Agreement, as well as task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or terms and conditions of the Agreement for the FFWCC FBIP grant for Dubois park dock construction and shoreline stabilization (R2008-1210). The grant was awarded and the Director of the Parks and Recreation Department executed the Grant Agreement on behalf of the County. The Grant Agreement was submitted to the Board on December 2, 2008, to receive and file. Due to environmental permitting delays, the County requested a one (1) year extension to complete the project. A fully executed Amendment No. 1 to Agreement is now being submitted to the Board to receive and file. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

6. **Staff recommends motion to approve:** Budget Transfer of \$50,000 in the Park Impact Fees Zone 1 from Dubois Park Riverwalk Improvements to Jupiter Farms Park Improvements. **SUMMARY:** This Budget Transfer is necessary to provide funding for construction of restrooms for the new Jupiter Farms Park group picnic pavilion. In order for the pavilion to be used as a community meeting site, the County's Building Department is requiring that restrooms be added to the picnic pavilion to meet the current County building code. The \$50,000 budget transfer will be used for permitting and construction of the required restrooms. Elements of the Dubois Park Riverwalk Improvements project have been included in the DuBois Marina project, which is fully funded with grants and the Waterfront Access bond. This \$50,000 is available for reallocation. District 1 (AH)

7. **Staff recommends motion to authorize:**

A) the County Administrator or his designee to execute Sovereignty Submerged Lands Lease (No. 500341216) between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (LESSOR) and Palm Beach County (LESSEE) for 5,855 square feet of submerged lands at the Zeke's Marina portion of DuBois Park, from the date of the lease assignment to Palm Beach County through May 8, 2012; and

B) the Director of the Parks and Recreation Department to serve as Liaison Agent with the State of Florida for this project.

SUMMARY: On June 9, 2008, the County acquired the 1.10 acre property known as the Susan DuBois Kindt Estate that included Zeke's Marina for the expansion of DuBois Park. The acquisition included a State of Florida Sovereignty Submerged Lands Lease which was issued in the name of the seller. The County has applied to the State of Florida for a reassignment of the Lease to Palm Beach County. The new terms of the lease allow the County to construct and operate a 4-slip docking facility. The lease requires a \$569 processing fee, with no annual lease fee. The processing fee is budgeted by the Parks and Recreation Department under annual operating expenses. District 1 (AH)

8. **Staff recommends motion to approve:** License Agreement with SESAC LLC for the period January 1, 2010, through January 1, 2011, in an amount not-to-exceed \$5,001 to provide public performances including live performances, recorded performances, and music, in the SESAC (Society of European Stage Authors and Composers) repertory, in accordance with the copyright laws of the United States. **SUMMARY:** Title 17 of the United States Code establishes property rights in musical works and grants creators and owners of copyrighted musical works the exclusive right to perform or authorize the performance of their works publicly. Under the law, owners and operators of facilities or presenters of concerts and other events are responsible for performances on the premises. The property owners must obtain a license to present musical performances in order to be in compliance with the copyright law. This Agreement provides for the County to present an entire musical spectrum of performances in the SESAC repertory, within various venues in the County, in accordance with copyright laws. Countywide (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

9. **Staff recommends motion to approve:** Budget Transfer of \$50,000 within the \$25M GO Parks and Cultural Improvements Bond Fund - 2003 from Lake Worth Bryant Park/Sunset Ridge Park to John Prince Park Improvements Phase IV. **SUMMARY:** The District 3 Commissioner has identified \$50,000 from the \$50 Million Recreational and Cultural Facilities Bond that she has requested the Board redirect to the John Prince Park Improvements Phase IV project, which includes the redevelopment of the Mounds Circle area. District 3 (PK)

N. LIBRARY

1. **Staff recommends motion to:**
 - A) **approve** an Application to the Florida Department of State, Division of Library and Information Services, for State Aid to Libraries in an estimated amount of \$893,194 for FY 2011;
 - B) **approve** the Agreement for State Aid to Libraries; and
 - C) **authorize** the Chairperson of the Board of County Commissioners to execute any other necessary forms and certifications.

SUMMARY: The State provides an annual operating grant to eligible libraries based upon their annual operating expenditures from local funds. Estimated State Aid revenue has been included in the County Library's FY 2011 proposed budget. There is no match requirement for this grant. Countywide (TKF)
2. **Staff recommends motion to approve:** the County Library's Long-Range Plan for FY 2011-2013. **SUMMARY:** This Plan represents the Library's mission statement, goals and objectives, and strategic plan for FY 2011 through FY 2013. This annual process of strategic planning is done in conjunction with the State's requirements for libraries receiving State Aid funds and with the County's budget process. The Library Advisory Board has endorsed this Plan with Resolution 10-01; dated August 11, 2010. Countywide (TKF)

U. INFORMATION SYSTEMS SERVICES

1. **Staff recommends motion to approve:** an Interlocal Agreement with the City of Delray Beach (City) to connect to the Palm Beach County Regional Network (County) at an estimated first year revenue of \$8,400 for the first point of connection, for an initial term of one (1) year, with automatic one (1) year renewals unless notice given by either party. **SUMMARY:** This Interlocal Agreement allows the City to access the County's Regional Network and services on a cost sharing basis similar to existing Interlocal Agreements between the County and various municipalities, the School District of Palm Beach County and others. Interconnection to the County's Network will provide greater bandwidth for Internet access and disaster recovery while reducing the City's and County's overall network costs. The City agrees to pay the County \$8,400 annually for the initial connection and access to the County's network. Per Exhibit "A" of the Interlocal Agreement, fees for additional network connections are set at \$6,000 annually. This Interlocal Agreement provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. District 4 (PFK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (Cont'd)

2. **Staff recommends motion to approve:** an Agreement with the Center for Family Services of Palm Beach County, Inc. (Non-Profit Organization) for interconnection to the Palm Beach County Regional Network (County) at an estimated first year revenue of \$8,400 for the first point of connection, for an initial term of one (1) year, with automatic one (1) year renewals unless notice given by either party. **SUMMARY:** This Agreement allows the Non-Profit Organization to access the County's Regional Network and services on a cost sharing basis similar to existing Agreements between the County and other non-profit organizations, various municipalities, the School District of Palm Beach County and other public sector agencies. Interconnection to the County's Network will provide greater bandwidth for Internet access and disaster recovery while reducing overall network costs for the Non-Profit Organization and County. The Non-Profit Organization agrees to pay the County \$8,400 annually for the initial connection and access to the County's network. Per Exhibit "A" of the Agreement, fees for additional network connections are set at \$6,000 annually. Additionally, the Non-Profit Organization agrees to reimburse the County \$6,482.50 for the initial fiber optic cable construction at the Non-Profit Organization's location. This Agreement provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Countywide (PFK)

3. **Staff recommends motion to approve:** an Agreement with the Learning Excellence Foundation of South Florida, Inc., d/b/a Imagine Schools – Chancellor Campus (School) for interconnection to the Palm Beach County Regional Network (County) at an estimated first year revenue of \$3,000 for the first point of connection, for an initial term of one (1) year, with automatic one (1) year renewals unless notice given by either party. **SUMMARY:** This Agreement allows the School to access the County's Regional Network and services on a cost sharing basis similar to existing Agreements between the County and other organizations, various municipalities, the School District of Palm Beach County and other public sector agencies. Interconnection to the County's Network will provide greater bandwidth for Internet access and disaster recovery while reducing overall network costs for the School and County. The School agrees to pay the County an estimated \$3,000 annually for the initial connection and agrees to use the Tiered-Rate Structure Plan for determining the School's usage of and payment for use of the County's' network, both per Exhibit "A" of the Agreement. Additionally, the School agrees to reimburse the County \$9,283.75 for the initial fiber optic cable construction at the School's location. This Agreement provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Countywide (PFK)

4. **Staff recommends motion to approve:** Addendum No. 2 to the License Agreement with Pictometry International Corporation (R2009-1021, R2007-1010 and R2007-1011) for Image Navigator Software Development Kit License Agreement at no additional cost. **SUMMARY:** Addendum No. 2 to the Pictometry License Agreement will allow the use of the Pictometry Image Navigator Software Development Kit. The Kit will allow ISS staff to examine the features of the self-hosted Pictometry Online viewing software to determine whether it can meet the needs of Palm Beach County. Annual maintenance would be \$14,000 per year if the decision is made to keep the self-hosting online option. The Pictometry International Corporation is a New York-based company. This Addendum provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: the executed grant agreement with Florida Power & Light Company (FPL) to receive \$193,116 for the Radiological Emergency Preparedness (REP) Program of the Division of Emergency Management for the period of October 1, 2010, through September 30, 2012. **SUMMARY:** FPL will provide Palm Beach County \$193,116 over two (2) years, for the Palm Beach County Division of Emergency Management REP Program, in accordance with U.S. Nuclear Regulatory Commission Provision (NRC) 10 CFR Pars 50 and 70, NCR guidance document NUREG 0654 and Florida Statutes 252. The FPL grant will continue to fund a planner position that oversees the REP program and related expenses. There is no cash match required and the agreement is eligible for renegotiation every two (2) years. Resolution R2001-0217 authorizes the County Administrator or his designee to execute grant contracts with FPL. **No County match is required.** Countywide (GB)

Z. RISK MANAGEMENT

1. Staff recommends motion to approve: the purchase of airport liability insurance, for the period October 10, 2010, through October 10, 2011 to be purchased through the County's contracted broker, Arthur J. Gallagher & Co. for a total cost of \$172,177. **SUMMARY:** The estimated total cost of \$172,177 for airport liability insurance represents a 5% decrease over the expiring premium of \$180,397. Countywide (TKF)

AA. PALM TRAN

1. Staff recommends motion to approve: a Two (2) Year Agreement with Cen-West Communities, Inc. for provision of transportation service (via Palm Tran Routes 91 and 92) to residents of Century Village Boca Raton at the annual rates of \$181,105 for the fiscal year beginning October 1, 2010, and \$185,633 for the second fiscal year beginning October 1, 2011. **SUMMARY:** Cen-West Communities, Inc. has contracted for bus service for residents since the inception of the development of Century Village Boca Raton. The contract rate of \$181,105 during the first year of the proposed contract represents a 2.5% increase over the contract for the prior year ending September 30, 2010 and the second year rate of \$185,633 represents a 2.5% increase over the first year. Payment of the annual contract rates is in lieu of residents paying individual fares into the farebox on Palm Tran Routes 91 and 92. The commencement date of this new agreement is October 1, 2010, and the termination date is September 30, 2012. District 5 (DR)

BB. SHERIFF'S OFFICE

1. **Staff recommends motion to:**

A) accept on behalf of the Palm Beach County Sheriff's Office a Bureau of Justice Assistance (BJA) State Criminal Alien Assistance Program FY 2009 Grant in the amount of \$634,481; and

B) approve a Budget Amendment of \$634,481 in the Sheriff's Grants Fund.

SUMMARY: The BJA has made funds available to be used for correctional purposes. These funds will be used accordance to the Department of Justice Reauthorization Act of 2005. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

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

A. **Staff recommends motion to adopt:** a Resolution authorizing the land management responsibility exchange of 1.90 acres of land within the Winding Waters Natural Area, managed by the Department of Environmental Resources Management (ERM), in exchange for approximately 2.18 acres of land managed by the County's Parks and Recreation Department (Parks) as part of Bert Winters Park pursuant to the Conservation Lands Protection Ordinance (No. 2003-052). **SUMMARY:** The Conservation Lands Protection Ordinance requires that a request to use or convey an interest in conservation lands for purposes other than originally intended be offset by an offer that provides "an exceptional benefit" to the Conservation Lands Program. The removal of 1.90 acres of land from the southern end of what is known as the "pigtail" of the Winding Waters Natural Area will provide land that Parks needs for a small neighborhood park serving Gramercy Park and Caribbean Village. This "pigtail" is separated from the main portion of the Winding Waters Natural Area by the EPB-10 Canal; is highly impacted with exotic vegetation and is difficult to manage with the Winding Waters Natural Area. In exchange for this land, Parks would transfer control of 2.18 acres of quality scrub land in Bert Winters Park to ERM to be managed as part of the Juno Dunes Natural Area. This land exchange among County departments allows both departments to fulfill their missions at minimal costs to the taxpayer and is wise and prudent public policy. The exchange is an exceptional benefit to the Conservation Lands Program. Pursuant to the Conservation Lands Protection Ordinance, a Public Hearing must be held for consideration of a resolution by the Board to approve the using of Conservation Lands for purposes other than originally intended or conveying interests in Conservation Lands to another entity. Pursuant to Section 3.03 of the Ordinance, the Natural Areas Management Advisory Committee (NAMAC) has reviewed and recommended this easement exchange. The City of West Palm Beach has also reviewed the exchange application and has not offered any objection to the exchange. **In order to approve the Resolution, the Board must have an affirmative vote of five (5) members of the Board.** District 7 (SF)

B. **Staff recommends motion to:**

A) adopt a Resolution confirming the special assessment of \$25 per abutting foot for Coconut Road Paving & Drainage (Project) Project No. 2005126;

B) approve a Contract with Rio-Bak Corporation (Contractor), the lowest, responsive, responsible bidder, in the amount of \$274,874.50 for the Project; and

C) approve a Budget Transfer in the amount of \$321,675 in the Municipal Services Taxing Unit (MSTU) Improvement Fund from Reserves to Coconut Road/Arden Road to Lake Worth Road.

SUMMARY: Adoption of this Resolution will allow Palm Beach County (County) to assess the property owners at \$25 per abutting foot for the Project. Assessments will be payable in 20 equal annual installments. The interest rate will be 5.5% as referenced in the August email that discussed the MSTU interest rate. Approval of the construction contract will authorize the Contractor to construct the Project for approximately 2600 lineal feet (0.50 miles) on Coconut Road, from Lake Worth Road south to Arden Road. This work will include new pavement, driveway reconstruction, a drainage stormwater management system, and milling and resurfacing work near Lake Worth Road. The Contractor is a Palm Beach County business, with 100% of the work to be performed by them and County subcontractors. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the Project by the Contractor is 17.01% overall. District 3 (MRE)

4. PUBLIC HEARINGS CONTINUED

C. Staff recommends motion to:

A) approve Road Program Findings of Fact (per Article 12.N.4.B of the Unified Land Development Code) that the deletion of three (3) construction projects will not result in any Link or Intersection on the road network operating at greater than the Adopted LOS and that no project which was approved and phased based upon such Assured Construction would be denied Building Permits because of the deletion of the construction. The three (3) projects that have met this criteria are the deletion of construction of Boca Rio Road, (Palmetto Park Road to Boca Lago Boulevard); and delaying construction for both the Congress Avenue and Hypoluxo Road intersection; and the Community Drive and Military Trail intersection; and

B) adopt an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program (Program); providing for title; purpose; adoption of revised 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: In accordance with Article 12.N.4.B of the Unified Land Development Code, and prior to the deletion of any construction project from the County's Five Year Road Program, the Board must determine that the Findings of Fact have been made. Since the development and adoption of Palm Beach County's current Five Year Road Program on November 17, 2009, the progress and evolution of current and near term projects has continued to be monitored. Traffic counts, costs and revenues have been updated. Revisions are being proposed to modify the Program to reflect this updated information. A Mid Year Ordinance Amendment with a Preliminary Reading and a Public Hearing is required in order to accomplish this. On August 17, 2010, the Board approved this Amendment on Preliminary Reading and authorized advertisement for today's Public Hearing for final adoption. Countywide (MRE)

D. Staff recommends motion to adopt: 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:** This Ordinance was before the Board of County Commissioners on August 17, 2010 for preliminary reading and permission to advertise. It amends the Red Light Camera Ordinance that was adopted on May 20, 2008. 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)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. [Staff recommends motion to approve:](#) Amendment No. 19 to the Contract (R91-1876D) with Robert Weisman, County Administrator, extending said contract through August 31, 2015. **SUMMARY:** This Amendment provides for the County Administrator's services through August 31, 2015. The current contract expires December 31, 2014. This year marks completion of 30 years as a County employee and 19 years as Administrator. No change to the current salary of \$251,592.64 is proposed. Countywide (MC)

B. COUNTY ATTORNEY

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on September 28, 2010, at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Office of Inspector General Ordinance, Palm Beach County Code Chapter 2, Article XII (Ord. 2009-049), as follows: amending Section 2-423 Functions, Authority and Powers; amending 2-425 Contract; amending 2-427 Procedure for Finalization of Reports and Recommendations; amending 2-429 Financial Support and Budgeting; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for effective date. **SUMMARY:** The Board of County Commissioners adopted a new Code of Ethics, and established an independent Commission on Ethics and an independent Inspector General on December 15, 2009, as part of a series of ethics reforms. Last month, the Board of County Commissioners approved a change in the manner of assessing the .25% fee on County contracting/purchasing activity to fund the Office of Inspector General from a charge on each bill payable to a single charge on gross contract/purchasing amounts. This Ordinance introduces amendments to provide for that change and also includes several clarifications proposed by the Inspector General. Countywide (LB)
2. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on September 28, 2010, at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Commission on Ethics, Palm Beach County Code Chapter 2, Article V, Division 8 (Ord. 2009-050) as follows: amending Section 2-260, Procedure on Complaints Filed, to allow the Executive Director of the Commission on Ethics, the Palm Beach County Inspector General, and the State Attorney to file complaints with the Commission on Ethics; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for effective date. **SUMMARY:** The Board of County Commissioners adopted a new Code of Ethics, and established an independent Commission on Ethics and an independent Inspector General on December 15, 2009, as part of a series of ethics reforms. The Commission on Ethics, among other things, is authorized to review ordinances and state and federal laws relating to ethics and government, and to make recommendations to the County Commission as it deems appropriate. Pursuant to this authority, the Commission on Ethics reviewed the Commission on Ethics Ordinance, and recommends the amendment set forth in this Ordinance. Countywide (LB)

5. REGULAR AGENDA

B. COUNTY ATTORNEY (Cont'd)

3. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on September 28, 2010, at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Code of Ethics, Palm Beach County Code Chapter 2, Article XIII (Ord. 2009-051) as follows: amending Section 2-441 Title, Statement of Purpose; amending 2-442 Definitions; amending 2-443 Prohibited Conduct; amending 2-444 Gift Law; amending 2-448 Administration, Enforcement and Penalties; amending Palm Beach County Code Chapter 2, Article VIII, Lobbyist Registration Section 2-356, Enforcement; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for effective date. **SUMMARY:** The Board of County Commissioners adopted a new Code of Ethics, and established an independent Commission on Ethics and an independent Inspector General December 15, 2009, as part of a series of ethics reforms. The Commission on Ethics, among other things, is authorized to review ordinances and state and federal laws relating to ethics and government, and to make recommendations to the County Commission as it deems appropriate. Pursuant to this authority, the Commission on Ethics reviewed the Code of Ethics and the Lobbyist Registration Ordinance, and recommends the amendments set forth in this Ordinance. Countywide (LB)
4. [Staff recommends motion to adopt:](#) a Resolution amending Resolution No. R2010-0816 (the "Original Resolution") adopted on May 18, 2010, to increase the maximum authorized amount of General Obligation Refunding Bonds, Series 2010 (Recreational and Cultural Facilities) (the "Bonds") from an aggregate principal amount of the Bonds of not exceeding \$32,000,000 to an aggregate principal amount of not exceeding \$35,000,000; and providing for an effective date. **SUMMARY:** The Original Resolution authorized the issuance of not exceeding \$32,000,000 in aggregate principal amount of the Bonds based on market conditions existing at that time. Market conditions are more favorable and thus more Bonds may be issued to increase the present value savings. The County's financial advisor recommends an increase in the Bonds authorized to be issued from \$32,000,000 to \$35,000,000. Countywide (PFK)
5. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on October 19, 2010 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Sections 17-115 and 116 of the Code of Laws and Ordinances; codifying the "Tourist Development Ordinance" of Palm Beach County, Florida, Ordinance 95-30, as amended, providing for an amendment to the Tourist Development Plan relating to the expenditure of 'Bed Tax' revenues for the payment of debt service for bonds issued to finance the planning, design and construction of a professional sports franchise facility and a convention center and for the operation and maintenance of the convention center; providing for compliance with a revised Code of Ethics; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** This Amendment to the TDC Ordinance authorizes the expenditure of TDC "bed tax" revenues for debt service payments for bonds issued for the planning, design and construction costs of the Roger Dean Stadium and Convention Center and operational costs of the Convention Center. These expenditures have been paid exclusively from 4th cent TDC revenues. However, due to declining "bed tax" receipts, it will be necessary, in order to meet these debt service obligations, to use revenues from the 5th cent as well. This Amendment also provides for a revised Code of Ethics. Countywide (MC)

5. REGULAR AGENDA

C. COMMUNITY SERVICES

1. Staff recommends motion to approve:

A) the issuance of a Request for Proposal (RFP) for the management and operation of the North County Senior Center to include the adult day care program; and

B) proposal requirements, scope of work/services, eligibility requirements, timetable, and selection criteria subject to modification by staff and incorporation into standard RFP format.

SUMMARY: On June 29, 2010, the Board of County Commissioners directed staff to develop an approach for the possible outsourcing of the operation of the North County Senior Center including the adult day care program. Staff is recommending that an RFP be issued to accomplish this direction. The RFP would be used to determine whether outsourcing is a viable alternative and for selection of an operator if such a determination is made. Eligibility would be limited to legally incorporated, 501(c)(3) not-for-profit organizations or governmental entities. Under the staff proposal, the Division of Senior Services (DOSS), current operator of the Center, would be permitted to respond and be evaluated along with the outside proposers. District 1 (TKF)

D. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff requests Board direction: on a request from the State Attorney for the addition of \$943,000 into the Capital Improvement Program (CIP) for the build-out of shell spaces on the 3rd, 4th and 1st floors of the Criminal Justice State Attorney/Public Defender Building (SA/PD) to accommodate new attorney and support staff hires into existing, approved positions. **SUMMARY:** The State Attorney (SA) has requested the build-out of shell spaces located on the 3rd, 4th, and 1st floors of the SA/PD Building. These spaces are for: 1) 14 new prosecutors and six (6) support staff hired by the SA in August 2010, 2) the relocation of five (5) attorneys and support staff located within the Investigative Unit allowing for expansion, and 3) the expansion of the Public Integrity Unit by one (1) attorney, and (2) support staff by the fall of 2011. These positions, as well approximately 18 other vacancies have existed within the SA's complement since before 2007 when the build-out of these shell spaces was first requested. As part of the Five Year CIP budget, FDO Staff recommended the build-out of these spaces in FY 12 and FY 13 respectively. On July 15, 2010, the SA requested that the County reevaluate the timing of the projects based on the SA's hiring of additional personnel now for which there is currently insufficient space. FDO concurs that there is currently insufficient space to accommodate the proposed new hires, nor is it appropriate to further relocate staff from the SA/PD Building. If the Board desires to provide space, then Staff recommends that the 3rd and 4th Shell Space Build-Out be funded in the amount of \$763,000. Build-out of the 3rd and 4th floor shells will provide more work spaces than proposed hires. If approved, funding for this project would be taken from General Fund Contingency. (Admin) Countywide (JM)

5. REGULAR AGENDA

E. HOUSING AND COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** the Program Guidelines for the Impact Fee Assistance Program for Affordable Housing. **SUMMARY:** The Impact Fee Assistance Program (Program) was developed to implement direction by the Board of County Commissioners (BCC) to secure a funding source for the creation of affordable housing. On November 17, 2009, the BCC authorized the utilization of impact fee investment earnings on roads, parks, and public buildings to support affordable housing within Palm Beach County (R2009-2013). Beginning in Fiscal Year 2011, unallocated road impact fee benefit "Zone 1" investment earnings of \$1,037,000 accumulated through 2010 will be allocated to affordable housing projects. The BCC shall designate during each budget development process, beginning Fiscal Year 2011, for Capital Improvement Program/Capital Improvement Element (CIP/CIE) budget Fiscal Year 2014, fifty percent (50%), but not to exceed a total of \$3,000,000 annually or adjusted accordingly, of the projected investment earnings on roads, parks and public building impact fee fund balances. Beginning in Fiscal Year 2015, the BCC shall designate fifty percent (50%) of the investment earnings realized during the prior year on the roads, parks and public building impact fee fund balances, but not to exceed a total of \$3,000,000 annually. Only those projects that can demonstrate Evidence of Site Control, Evidence of Infrastructure Availability and Evidence of Appropriate Zoning can apply. Approved projects must apply for a building permit with one (1) year of approval and be complete with four (4) years. Funds not contracted/awarded with two (2) years and not spent within four (4) years will revert back to the original impact fee type and zone. The Commission on Affordable Housing recommended approval on July 23, 2010. Countywide (TKF)

F. INTERNAL AUDITOR'S OFFICE

1. **Staff recommends motion to receive and file:** Internal Audit Report Number 10-19 titled Engineering Services Division, Municipal Service Taxing Unit Section and Construction Coordination Division. **SUMMARY:** The Audit Committee received and approved this report at its meeting on June 23, 2010. At the July 20, 2010 BCC meeting the Commission directed staff to submit this report to the full Board. Countywide (PFK)

5. REGULAR AGENDA

G. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve:

A) a waiver of prohibited relationship pursuant to Ordinance 2009-0051, the Palm Beach County Code of Ethics, for Rena Blades and Bill Nix of Palm Beach County Cultural Council; and

B) an Amended and Restated Agreement (R2007-1622) with the Palm Beach County Cultural Council, Inc. (the "Cultural Council") for the provision of services under the County's Tourist Development Plan during the period of October 1, 2010, through September 30, 2011 in the amount of \$740,274. This will be the fourth year of the five (5) year agreement.

SUMMARY: The Amended and Restated Agreement updates for the Fiscal Year 2011 Exhibit "A" – Annual Budget; Exhibit "E" – Performance Measures; and Exhibit "H" – Organizational Chart. Deleting Exhibit "D" – SBE Policy and adding SBE language into the body of the contract, add Inspector General's fee provision into the body of the contract. The contract includes changes on the terms for auditing service and presenting the annual audit. Contract changes have been reviewed and approved by the Tourist Development Council. Cultural Council will continue to administer Category B grants totaling \$1,661,985, and Category C II grants totaling \$223,156 for the County. In addition, indirect cost and reserves of \$664,029 are included for a budget totaling \$3,289,444. Prohibited relationship waivers are being recommended for Rena Blades and Bill Nix, employees of the Palm Beach County Cultural Council, a Florida not-for-profit corporation that promotes cultural activities and programs that promote Palm Beach County tourism under its contract with the County. Blades serves on the Overall Economic Development Program Committee and Nix serves on the Public Art Committee. Countywide (MC)

2. Staff recommends motion to approve: an Amended and Restated Agreement (R2007-1625) with Palm Beach County Sports Commission, Inc. (the "PBCSC") for the provision of services under the County's Tourist Development Plan during the period of October 1, 2010, through September 30, 2011 in the amount of \$610,600. This will be the fourth year of the five (5) year agreement. **SUMMARY:** The Amended and Restated Agreement updates for Fiscal Year 2011: Exhibit "A" – Annual Budget; Exhibit "E"- Performance Measures; Exhibit "G" – Salary Structure; Exhibit "H" – Organizational Chart. The Amended and Restated Agreement makes a revision on board governance selection by County Commissioners, deleting Exhibit "D" – SBE Policy and adding SBE language together with the Inspector General's fee provision and compliance to County Code of ethics into the body of the contract. The contract includes changes on the terms for auditing service and presenting the annual audit. Contract changes have been reviewed and approved by the Tourist Development Council. PBCSC will continue to administer Category G grants totaling \$250,000 for the County. In addition, indirect cost and reserves of \$383,886 are included in the budget for a total of \$1,244,486. Countywide (MC)

5. REGULAR AGENDA

G. TOURIST DEVELOPMENT COUNCIL (Cont'd)

3. Staff recommends motion to approve:

A) a waiver of prohibited relationship pursuant to Ordinance 2009-0051, the Palm Beach County Code of Ethics, for Chuck Elderd of Film and Television Commission; and

B) an Amended and Restated Agreement (R2007-1624) with the Palm Beach County Film and Television Commission (the PBCFTC) for the provision of services under the County's Tourist Development Plan during the period of October 1, 2010, through September 30, 2011 in the amount of \$463,600. This will be the fourth year of the five (5) year agreement.

SUMMARY: The Amended and Restated Agreement updates for Fiscal Year 2011 Exhibit "A" – Annual Budget, Exhibit "F" - Performance Measures, Exhibit "I" – Salary Ranges and Exhibit "J" – Organizational Chart. Deleting Exhibit "D" – SBE Policy and adding SBE language into the body of the contract, add Inspector General's fee provision into the body of the contract. The contract includes changes on the terms for auditing service and presenting the annual audit. Contract revisions have been reviewed and approved by the Tourist Development Council. In addition, indirect cost and reserves totaling \$128,442 are included for a total budget of \$592,042. A waiver of prohibited relationship is being recommended for Mr. Elderd who serves as a member of the Overall Economic Development Program Committee. Mr. Elderd is employed by the Palm Beach County Film and TV Commission, a Florida not-for-profit corporation that promotes the County as a film and television destination to advance Palm Beach tourism. Countywide (MC)

4. Staff recommends motion to approve: an Amended and Restated Agreement (R2007-1623) with Discover Palm Beach County, Inc. d.b.a. Palm Beach County Convention & Visitors Bureau (the "CVB") marketing contract for the provision of services under the County's Tourist Development Plan during the period of October 1 2010, through September 30, 2011 in the amount of \$6,665,317. This will be the fourth year of the five (5) year agreement. **SUMMARY:** The Amended and Restated Agreement updates for the Fiscal Year 2011: Exhibit "A" – Annual Budget; Exhibit "G" – Performance Measures; Exhibit "J" - Organizational Chart, increasing the upper limit of purchases from \$5,000 to \$10,000 which requires three (3) oral quotes and increase the lower limit of purchases from \$5,001 to \$10,001 which requires three (3) written quotes, deleting certain members on the selection committee for purchases over \$50,000, and include pricing better or equal to other competitive entities for Exhibit "C" - Procurement Policy. Deleting Exhibit "D" – SBE Policy and adding SBE language into the body of the contract, add Inspector General's fee provision into the body of the contract. The contract includes changes on the terms for auditing service and presenting the annual audit. Exhibit "I" Compensation Policy adds a reclassification/consolidation of a job description and the attendant salary and/or benefit adjustment associated herewith is not limited to merit increases. Contract changes have been reviewed and approved by the Tourist Development Council. In addition, administrative cost, reserves, and other cost totaling \$2,159,597 are included for a total budget of \$8,824,914. Countywide (MC)

5. REGULAR AGENDA

H. AIRPORTS

1. Staff recommends motion to:

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending the Airport Rules and Regulations (R-98-220, as amended) as codified in Appendix B of the Palm Beach County Code; amending definitions; providing for general compliance; providing for regulation of ground transportation services; providing for promulgation of rules and regulations; providing for severability; providing for codification; providing for an effective date (Regulatory Resolution);

B) direct the Clerk of the Board to deliver a copy of the Regulatory Resolution amending the Airport Rules and Regulations to the Municipal Code Corporation for codification upon receipt of an affidavit that the posting requirements of Section 332.08(2)(b), Florida Statutes, have been satisfied;

C) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, providing for airport ground transportation fees and charges; providing for adjustment of fees and charges; providing for administration by the Division of Consumer Affairs; providing for applicability; providing for severability; providing for an effective date (Administrative Resolution); and

D) authorize the Division of Consumer Affairs (Consumer Affairs) to increase its employee complement by one part-time position (20 hrs/week) to assist with administration of the new airport ground transportation regulations with the costs of the position to be offset by the fees and charges to be collected. Annual costs will be \$14,538 to \$23,153 for a Secretary position, pay grade 16.

SUMMARY: The Regulatory Resolution amends existing airport regulations to provide for the issuance of airport ground transportation permits to vehicle for hire companies operating at PBIA on a pre-arranged basis and to allow the permit process to be administered by Consumer Affairs on behalf of the Department of Airport (DOA). Palm Beach Transportation Group, LLC, currently provides all on-demand ground transportation services on PBIA pursuant to an Airport Ground Transportation Concession Agreement (R2005-1774) and pays concession fees in excess of \$250,000 for the privilege of operating on PBIA. Countywide (AH)

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6. BOARD APPOINTMENTS

A. **ADMINISTRATION**
(Fair Housing/Equal Employment Board)

1. **Staff recommends motion to approve:** appointment of one (1) member to the Fair Housing/Equal Employment Board for a term beginning on September 14, 2010, through January 9, 2011. The appointment is to be made from the following nominee:

<u>Nominee</u>	<u>Nominated By:</u>	<u>Seat No.:</u>
Kenyetta V. Haywood	Commissioner Vana	4

SUMMARY: This appointment is to fill the at-large seat created by the resignation of Brenda Montague. The appointment is at-large and for the remainder of a term ending January 9, 2011. The board is composed of nine (9) members. Seven (7) members are district appointments and two (2) are at-large. The Ordinances require that the appointees should reflect, to the greatest extent possible, representation from the protected groups identified in the Ordinances and who have experience and interest in equal opportunities. The board meets quarterly. A memorandum was sent to the Board of County Commissioners on January 21, 2010 requesting nominations. Commissioner Vana nominated Ms. Haywood. No other nominations were received. Countywide (TKF)

B. **COMMUNITY SERVICES**
(Palm Beach County HIV Comprehensive AIDS Resources Emergency Care Council)

1. **Staff recommends motion to approve:** appointment of the following individual to the Palm Beach County HIV Comprehensive AIDS Resources Emergency (CARE) Council for a term of two (2) years:

<u>Seat No.</u>	<u>Appointment</u>	<u>Seat Requirement</u>	<u>Term Expires</u>
17	Kenneth Talbot	Affected Communities	September 13, 2012

SUMMARY: The Palm Beach County HIV CARE Council Bylaws state that total membership shall be no more than 45 and no less than 21 members. Founding members were appointed for one (1) and two (2) year terms with subsequent terms of two (2) years. The Palm Beach County HIV CARE Council nominations process is an open process with publicized criteria and legislatively defined conflict of interest standards. Mr. Talbot successfully completed the Palm Beach County HIV CARE Council nominations process, and the Palm Beach County HIV CARE Council has recommended his appointment. (Ryan White) Countywide (TKF)

C. **COMMISSION DISTRICT APPOINTMENTS**

SEPTEMBER 14, 2010

7. MATTERS BY THE PUBLIC – 2:00 P.M.

SEPTEMBER 14, 2010

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

SEPTEMBER 14, 2010

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

SEPTEMBER 14, 2010

<u>PAGE</u>	<u>ITEM</u>	
1	1:30 p.m.	<u>ADD-ON:</u> Executive Session at 1:30 p.m. in the McEaddy Conference Room for the purpose of discussing collective bargaining negotiations with the Communications Workers of America (CWA) and Amalgamated Transit Union (ATU Local 1577). (Closed Session)
10	3C-3	<u>DELETED: Staff recommends motion to adopt:</u> a Resolution authorizing the County Administrator or his designee to approve amendments to existing funding agreements with the Florida Department of Transportation (FDOT) to extend the expiration date of the agreements. (Engineering) (Further staff review)
10	3C-4	<u>DELETED: Staff recommends motion to approve:</u> a Contract Amendment with American Traffic Solutions for red light cameras, reflecting changes required by the creation of the Mark Wandall Traffic Safety Program. (Engineering) (Further staff review)
11	3C-7	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to: A) authorize the Chair to execute a Federally Funded Subgrant Agreement (Agreement) between the Florida Division of Emergency Management (DEM) and Palm Beach County for the construction of a water management area (Lake) within the Westgate/Belvedere Homes Community Redevelopment Area (CRA); and B) approve a Budget Amendment of \$885,957 \$664,468 in the Capital Outlay Fund to recognize the funding from the Federal Emergency Management Agency (FEMA) for the Hazard Mitigation Grant. \$664,468 , and from the CRA for the 25% match requirement of \$221,489, and appropriate it to Westgate/Belvedere Community North Drainage Study SUMMARY: Approval of this Agreement and Budget Amendment will allow the utilization of funding to complete the construction of the Lake for storm water detention. This would complete Phase 2 of the Westgate Central Lakes Project No. 2009054. FEMA has agreed to approve a Hazard Mitigation Grant, Contract Number 11HM-2Y-10-60-01-001, with a Federal Share amount of \$664,468, for the construction of the Lake. <u>The Agreement is retroactive to September 9, 2009 and the CRA has executed a contract for this work. An agreement between the CRA and the County will be necessary to transfer the grant funds to the CRA. District 2 (MRE) (Engineering)</u>
36	3BB-1	<u>DELETED: Staff recommends motion to:</u> A) accept on behalf of the Palm Beach County Sheriff's Office a Bureau of Justice Assistance (BJA) State Criminal Alien Assistance Program FY 2009 Grant in the amount of \$634,481; and...(PBSO) (Further staff review)

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 (*).