

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

OCTOBER 5, 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 - 35)**

- 4. REGULAR AGENDA (Pages 36 - 39)**

- 5. BOARD APPOINTMENTS (Pages 40 - 41)**

- 6. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 42)**

- 7. STAFF COMMENTS (Page 43)**

- 8. COMMISSIONER COMMENTS (Page 44)**

- 9. ADJOURNMENT (Page 44)**

TABLE OF CONTENTS

SPECIAL PRESENTATIONS - 9:30 A.M.

Page 7

- 2A Disability Employment Awareness and Mentoring Month
- 2B National Childhood Nutrition Day
- 2C National 4-H Week
- 2D Healthy Mouth, Healthy Body Day
- 2E 117th Church Anniversary Month for Tabernacle Missionary Baptist Church
- 2F Be A Hero Month/Day
- 2G National Arts and Humanities Month
- 2H Certificate of Appreciation to Senator Dave Aronberg

CONSENT AGENDA

A. ADMINISTRATION

Page 8

- 3A-1 Resolution from Town of South Palm Beach supporting Charter Amendment which would establish Inspector General, Code of Ethics, and Commission on Ethics

B. CLERK & COMPTROLLER

Page 8

- 3B-1 Warrant list
- 3B-2 Minutes: None
- 3B-3 Contracts and claims settlements list
- 3B-4 Unclaimed Monies

C. ENGINEERING & PUBLIC WORKS

Page 8

- 3C-1 Contract with H.I.P. Paving for Gator Boulevard Hot-In-Place paving project
- 3C-2 Deleted
- 3C-3 Deleted
- 3C-4 Interlocal Agreement with Town of Lake Park for street lighting maintenance along Silver Beach Road

Page 9

- 3C-5 Department of Army Consent to Easement related to Point Chosen Swing Bridge repair
- 3C-6 Annual Guardrail Contract with Southeast Attenuators, Inc.
- 3C-7 Resolution vacating 10 foot wide utility easement within Escondido at Boca Raton
- 3C-8 Contract with WRS Infrastructure & Environment, Inc. for West Atlantic Avenue contamination remediation services
- 3C-9 Renewal of Testing Lab Services agreements with Dunkelberger Engineering & Testing, Inc., Nodarse & Associates, Inc. and Testing Lab of the Palm Beaches, Inc.

D. COUNTY ATTORNEY

Page 10

- 3D-1 Settlement Agreement in personal injury action case Nina Lewis v. Palm Beach County

E. COMMUNITY SERVICES

Page 10

- 3E-1 Standard Contract with Dept. of Elder Affairs for Senior Companion Program
- 3E-2 Grant Agreement with DCF for Rapid Re-Housing Program/Wavier/Subcontracts

Page 11

- 3E-3 Consulting/Professional Services Contract with Marriage & Family Services for mental health services to Head Start children
- 3E-4 Consulting/Professional Services Contract with Caregivers Services for health services to Head Start children
- 3E-5 Consulting/Professional Services Contract with Audrey Greenwald for speech and language services to Head Start children
- 3E-6 Consulting/Professional Services Contract with Marriage & Family Services for mental health services for Head Start Expansion grant children

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

E. COMMUNITY SERVICES (Continued)

- Page 12
3E-7 Ratify signature on FL Dept. of Children & Families Homeless Challenge Grant Application/Waiver
- Page 13
3E-8 Waiver/Contract with Oakwood Center of the Palm Beaches for services to homeless individuals
3E-9 Waiver/Contract with Oakwood Center of the Palm Beaches and CARP for support services to homeless individuals
- Page 14
3E-10 Ratify signature on Revised Early Head Start Expansion Grant Applications to U.S. Dept. of Health & Human Services
3E-11 Resolution delegating authority to sign annual HIV Emergency Relief Grant Application for Ryan White funds
3E-12 Delegate Agency Agreement with YWCA for services to Head Start children and families
- Page 15
3E-13 Delegate Agency Agreement with Hispanic Human Resources Council for services to Head Start children and families
3E-14 Delegate Agency Agreement with Florence Fuller Child Development Centers, Inc. for services to Head Start children and families/Waiver
3E-15 Agreements with Children's Services Council for Head Start and Early Head Start matching funds
- Page 16
3E-16 Ratify signature on Low Income Energy Assistance Program contract modification with Dept. of Community Affairs
3E-17 Amendment No. 2 with Area Agency on Aging for Community Care for the Elderly Program
3E-18 Amendment No. 2 with Area Agency on Aging for Home Care for the Elderly Program
- Page 17
3E-19 Amendment No. 2 with Area Agency on Aging for Alzheimer's Disease Initiative Program

F. AIRPORTS

- Page 17
3F-1 Second Amendment to Lease Agreement with Jet Aviation Associates at PBIA
3F-2 Resolution adopting Administrative Fee Schedule for security badge and fingerprinting fees
- Page 18
3F-3 Contract with ITran Partners, Inc. for Automated Weather Observing System at North Palm Beach County General Aviation Airport
3F-4 Receive and file five (5) standard agreements

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET - None

H. FACILITIES DEVELOPMENT & OPERATIONS

- Page 18
3H-1 JOC Work Order No. 10-174 with All Site Construction, Inc. for installation of card access system at Southern Region Water Reclamation Facility
- Page 19
3H-2 Amendment No. 4 with L.D. Astorino Architects, Inc. for professional architectural services
3H-3 Amendment No. 4 with Corzo Castella Carballo Thompson Salman for professional design services
3H-4 Amendment No. 3 with Handex Consulting & Remediation – Southeast for environmental assessment services
- Page 20
3H-5 Amendment No. 3 with Dunkelberger Engineering & Testing for environmental assessment services
3H-6 Amendment No. 3 with REP Associates, Inc. for environmental assessment services
3H-7 Contract with CAM Group, Inc. for construction of Fire-Rescue Station No. 31
3H-8 First Amendment with FBI regarding 800 MHz radio system

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

H. FACILITIES DEVELOPMENT & OPERATIONS (Continued)

- Page 21
3H-9 First Amendment with Town of Lake Clarke Shores for fleet management services
3H-10 First Amendment to License Agreement with FEMA for use of modular open air work stations at Vista Center
3H-11 Deed of Conservation Easement across a portion of Okeeheelee Park South in favor of SFWMD
3H-12 Utility Easement Agreement with FPL at Water Treatment Plant No. 2
- Page 22
3H-13 Special Warranty Deed from Dizengoff-Courtney Park conveying .73 acre lake tract in southwest corner of Lantana Road and Haverhill Road
3H-14 Resolution authorizing payment/County Deed in favor of Town of Loxahatchee Groves
- Page 23
3H-15 Sole source procurement/Amendment No. 6 with The Gordian Group, Inc. for consulting/professional services with job order contracting system
- Page 24
3H-16 First Amendment with The Historical Society of Palm Beach County regarding 1916 Courthouse alterations

I. HOUSING & COMMUNITY DEVELOPMENT

- Page 24
3I-1 Agreement with City of Riviera Beach for West 32nd Street improvements
- Page 25
3I-2 Resolution delegating authority to sign Request for Release of Funds and Certification forms for CDBG, HOME and NSP programs

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

- Page 25
3K-1 Indemnity Agreement with Tierra Del Rey Property Owner's Association regarding potable water project
3K-2 Resolution conveying a 1997 Sewer/Vacuum Truck vehicle to City of Pahokee

L. ENVIRONMENTAL RESOURCES MANAGEMENT

- Page 26
3L-1 Task Order No. 1297-01 with Olsen Associates, Inc. for planning, design and permitting related to Ocean Ridge Short Protection project

M. PARKS & RECREATION

- Page 26
3M-1 Interlocal Agreement with City of Lake Worth regarding Bryant Park boat ramp improvement project
3M-2 First Amendment with City of Belle Glade regarding Belle Glade Marina improvements
- Page 27
3M-3 Receive and file four (4) independent contractor agreements
3M-4 Receive and file six (6) sound and light production services
- Page 28
3M-5 Receive and file 11 entertainment contractor agreements
- Page 29
3M-6 Receive and file 13 entertainment contractor agreements
- Page 30
3M-7 Receive and file eight (8) amphitheater rental agreements
3M-8 Budget Transfer to Park Ridge Golf Course improvements

N. LIBRARY - None

TABLE OF CONTENTS
CONSENT AGENDA CONTINUED

P. COOPERATIVE EXTENSION SERVICE

Page 31

3P-1 Agreement with Friends of Mounts Botanical Garden, Inc. for funding of a horticulturist position

Q. CRIMINAL JUSTICE COMMISSION

Page 31

3Q-1 Amendment with City of Riviera Beach for Civil Drug Court and Family Restart Program

Page 32

3Q-2 Amendments with five (5) cities for Youth Violence Prevention Programs

3Q-3 Grant Adjustment Notice for Program Monitoring & Evaluation Project with FDLE

Page 33

3Q-4 Second Chance Act Adult & Juvenile Offender Reentry projects with Department of Justice

R. HUMAN RESOURCES - None

S. FIRE RESCUE - None

T. HEALTH DEPARTMENT

Page 34

3T-1 Contract with Dept. of Health for environmental health and engineering programs

U. INFORMATION SYSTEMS SERVICES - None

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY - None

Y. PURCHASING - None

Z. RISK MANAGEMENT - None

AA. PALM TRAN - None

BB. INTERNAL AUDITOR'S OFFICE

Page 35

3BB-1 Ratify signature on Agreement with Association of Local Government Auditors to conduct peer review

CC. SHERIFF'S OFFICE

Page 35

3CC-1 Grant Adjustment Notice with FDLE, Office of Criminal Justice for EOD Regional Team Enhancement Capability project

REGULAR AGENDA

AIRPORTS

Page 36

4A-1 Agreement for Purchase and Sale property located west of Runway 10L at PBIA with Danny & Karen Roberts

4A-2 Contract with David Brooks Enterprises for Terminal flooring improvements at PBIA

ENGINEERING & PUBLIC WORKS

Page 37

4B-1 Five Year Road Program Ordinance

TABLE OF CONTENTS

REGULAR AGENDA CONTINUED

PARKS & RECREATION

Page 37

- 4C-1 Reallocation of Recreational & Cultural Facilities Bond funds to Okeeheelee South Park; Pahokee Athletic field improvements and Belle Glade Lake Shore playground improvements

RISK MANAGEMENT

Page 38

- 4D-1 Fourth renewal of Amended & Restated Administrative Services Only Agreement with CIGNA for health insurance plans

OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 38

- 4E-1 Reconsider build-out of 1st Floor of State Attorney/Public Defender building

HOUSING & COMMUNITY DEVELOPMENT

Page 39

- 4F-1 Sale of one (1) Westgate/Belvedere Homes CRA-owned property to Housing Trust Group

WATER UTILITIES

Page 39

- 4G-1 Distribution of information in WUD bills regarding Numeric Nutrient Criteria rule by EPA

BOARD APPOINTMENTS (Pages 40 - 41)

MATTERS BY THE PUBLIC – 2:00 P.M. (Page 42)

STAFF COMMENTS (Page 43)

COMMISSIONER COMMENTS (Page 44)

ADJOURNMENT (Page 44)

2. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Proclamation declaring October 2010 as “Disability Employment Awareness and Mentoring Month” in Palm Beach County. (Sponsored by Commissioner Abrams)

- B.** Proclamation declaring October 16, 2010 as “National Childhood Nutrition Day” in Palm Beach County. (Sponsored by Commissioner Marcus)

- C.** Proclamation declaring October 3 – 9, 2010 as “National 4-H Week” in Palm Beach County. (Sponsored by Commissioner Santamaria)

- D.** Proclamation declaring October 27, 2010 as “Healthy Mouth, Healthy Body Day” in Palm Beach County. (Sponsored by Commissioner Vana)

- E.** Proclamation declaring October 2010 as “117th Church Anniversary Month” for the Tabernacle Missionary Baptist Church in Palm Beach County. (Sponsored by Commissioner Taylor)

- F.** Proclamation declaring November 2010 as “Be A Hero Month” and November 1, 2010 as “Be A Hero Day” in Palm Beach County. (Sponsored by Commissioner Aaronson)

- G.** Proclamation declaring October 2010 as “National Arts and Humanities Month” in Palm Beach County. (Sponsored by Commissioner Vana)

- H.** Certificate of Appreciation to Senator Dave Aronberg in recognition of his eight (8) years of service to Palm Beach County in the Florida Senate.

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to receive and file:** Resolution No. 03-2010 of the Town Council of the Town of South Palm Beach, Florida, evidencing its support for the placement of a Palm Beach County Charter Amendment on the November General Election Ballot which would require that the Board of County Commissioners established by Ordinance a Code of Ethics, a Commission on Ethics, and an independent Inspector General, all of which would be made applicable to any municipality voting in favor of such Charter Amendment.

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: None
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file proof of publications:** "Unclaimed Monies" advertised by the Constitutional Clerk & Comptroller of Palm Beach County. **SUMMARY:** Pursuant to F.S. 116.21, the Clerk advertised certain unclaimed monies held which are subject to forfeiture to Palm Beach County. Florida Statutes 116.21 requires that the proof of publication "shall be filed and recorded in the minutes of the County Commission of such county." Countywide (PFK)

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to receive and file:** a Contract not to exceed the total value of \$151,122 for Gator Boulevard Hot-In-Place Paving project, Project No. 2010908 (Contract), with H.I.P. Paving, LLC (Contractor). **SUMMARY:** Approval of the Contract by the County Engineer, on August 6, 2010, made possible maintenance resurfacing and reconstruction of Gator Boulevard from Hatton Highway to Sam Senter Road. Work was performed in accordance with the Hot-In-Place Asphaltic Concrete Recycling Contract between the City of Tampa, Florida and the Contractor which has been incorporated by reference. The Contract period was 30 days from the Contract date. The Contractor, H.I.P Paving, LLC does not have an office in Palm Beach County. District 6 (MRE)
2. **DELETED**
3. **DELETED**
4. **Staff recommends motion to approve:** an Interlocal Agreement with the Town of Lake Park (Town) to establish the maintenance end date to December 31, 2029 for street lighting along Silver Beach Road from Congress Avenue to Avenue "S". **SUMMARY:** Approval of this Agreement will reimburse the Town for the operation and maintenance of the street lighting improvements in an amount to not exceed \$51,277 from October 1, 2009, through September 30, 2029, allowing three (3) months for the processing of the final invoices. District 7 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to approve: a Department of the Army Consent to Easement (Consent) to use the Corps of Engineers Right of Way of the Okeechobee Waterway at the Point Chosen Swing Bridge in Belle Glade. **SUMMARY:** Approval of this Consent will expedite the repair of the Point Chosen Swing Bridge. Palm Beach County is in the process of replacing the existing fender system under Project No. 2010906. The fender system is in the Okeechobee Waterway, which is under the jurisdiction of the Corps of Engineers, who are requiring that this Consent be executed. District 6 (MRE)
6. Staff recommends motion to approve: a Contract not to exceed the total value of \$530,000 for task orders which may be issued to Southeast Attenuators, Inc. (Contractor), the lowest responsive, responsible bidder for the Annual Guardrail Contract (Contract), Project No. 2011052. **SUMMARY:** Approval of this Contract will provide for furnishing and installing guardrail, furnishing guardrail products, removing and disposing of "old" guardrail and/or resetting of existing guardrail. The Contractor is a Palm Beach County (County) Business, with 100% of the work to be performed by them and their in-County subcontractors. The Small Business Enterprise (SBE) goals were established at 15% of the overall Contract amount. None of the bidders including the Contractor achieved any SBE participation. Countywide (MRE)
7. Staff recommends motion to adopt: a Resolution to vacate the north five feet of a ten foot wide utility easement within Lot 23 Block One Escondido at Boca Raton, Plat No. 2 as recorded in Plat Book 32, Page 172, Public Records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will allow the petitioners to vacate a portion of the utility easement to accommodate the installation of a swimming pool. The petition site is located on the east side of Lyons Road and north of Palmetto Park Road. District 5 (PK)
8. Staff recommends motion to approve: a Contract with WRS Infrastructure & Environment, Inc. (WRS), in the amount of \$1,034,010 for contamination remediation services for the West Atlantic Avenue (SR 806) from west of Lyons Road to Starkey Road (Project). **SUMMARY:** Approval of this Contract will allow Palm Beach County to issue a Notice to Proceed to WRS to remove and dispose of contaminated soil and an underground storage tank, and to install an impermeable liner for the Project. Time to complete all work under this Contract shall be no more than 90 calendar days. Prior to commencing the work, a bond will be in place. WRS is a national company with an office in Palm Beach County. District 5 (MRE)
9. Staff recommends motion to approve: the renewal of the Testing Lab Services Annual Agreements with Dunkelberger Engineering & Testing, Inc. (DET), whose original Agreement was dated October 21, 2008 (R2008-1828); Nodarse & Associates, Inc. (Nodarse), whose original Agreement was dated October 21, 2008 (R2008-1829) and Testing Lab of the Palm Beaches, Inc. (TLPB), whose original Agreement was dated November 18, 2008 (R2008-2034). **SUMMARY:** Approval of these Renewal Agreements will extend required professional services for one (1) year, on a task order basis. The Renewal Agreement with DET will continue for the period of October 21, 2010, through October 20, 2011. The Renewal Agreement with Nodarse will continue for the period of October 21, 2010, through October 20, 2011. The Renewal Agreement with TLPB will continue for the period of November 18, 2010, through November 17, 2011. DET is a Palm Beach County company. Nodarse has an office in Palm Beach County. TLPB is a Palm Beach County company. Countywide (PK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** a Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$90,000 in the personal injury action styled Nina Lewis v. Palm Beach County, Case No. 502008CA026911XXXXMBAB. **SUMMARY:** On May 14, 2005, Nina Lewis was a passenger on a Palm Tran bus. The driver drove the bus into a light pole in the parking lot of the Palm Beach Mall. Damage to the bus totaled \$76,000. The County driver was terminated. Countywide (SCL)

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Standard Contract No. XI311 for the Senior Companion Program (SCP) with the Florida Department of Elder Affairs (DoEA) for the period July 1, 2010, through June 30, 2011, in an amount not to exceed \$4,459, for volunteer support expenses. **SUMMARY:** This Contract will reimburse the Division of Senior Services (DOSS) \$4,459 to pay for level II background checks, training, supplies, and volunteer recognition. Stipends, meals and mileage will be provided by the DoEA. Supervision and training for the Senior Companion volunteers will be provided by DOSS. No County match is required. (DOSS) Countywide (TKF)

2. **Staff recommends motion to:**

A) approve a Grant Agreement with the State of Florida Department of Children and Families (DCF) for a one (1) year period to end June 30, 2011 in an amount of \$484,916 for Rapid Re-Housing;

B) approve a waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics, for Wendy Tippett of Adopt-A-Family of the Palm Beaches, Inc., a member of the Commission on Affordable Housing;

C) approve Subcontract with Adopt-A-Family of the Palm Beaches, Inc., for the period October 5, 2010, through June 30, 2011, in an amount of \$468,187 for Rapid Re-Housing;

D) approve Subcontract with 211 Palm Beach/Treasure Coast, Inc., for the period October 5, 2010, through June 30, 2011, in an amount of \$12,000 for Data Collection and Evaluation;

E) approve an upward Budget Amendment of \$484,916 in the Human Services Division, in the General Fund to reconcile grant budget.

SUMMARY: On June 5, 2010, DCF awarded the Division of Human Services Homeless Prevention Rapid Re-housing Program (HPRP) funds as a result of an American Recovery and Reinvestment Act grant. Palm Beach County was allocated \$484,916 in HPRP funding, which is allocated to the agencies listed as well as \$4,729 for administrative costs to the Division. Adopt-A-Family will coordinate rapid re-housing through a housing relocation and stabilization component and 211 Palm Beach/Treasure Coast, Inc. will coordinate the record keeping and reporting through HUD's Homeless Management Information System software. A prohibited relationship waiver is being recommended for one (1) employee of Adopt-A-Family of the Palm Beaches who serves on a County advisory board. The individual disclosed this relationship and is requesting a waiver pursuant to Section 3.D. of the Code of Ethics. The waiver is being recommended based on a staff determination that the execution of this contract will not create a conflict of interest with the continued service of this individual on the advisory board. These are Federal funds that require no local match. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. **Staff recommends motion to approve:** Consulting/Professional Services Contract with Marriage & Family Services, Inc., for the period October 1, 2010, through September 30, 2011, in an amount of \$20,000, for mental health services for Head Start children. **SUMMARY:** Marriage & Family Services, Inc., a Palm Beach County firm, will provide mental health services to Head Start children. Funding consists of \$16,000 (80%) in Federal funds and \$4,000 (20%) in County funds. (Head Start) Countywide (TKF)

4. **Staff recommends motion to approve:** Contract for Consulting/Professional Services with Caregivers Services, Inc., d/b/a Friends Assisting Seniors and Families, for the period of October 5, 2010, through September 29, 2011, in an amount of \$25,948, for health services to Head Start Expansion children. **SUMMARY:** Caregivers, Inc., a Palm Beach County firm, will provide ongoing well baby and well child health services in accordance with the Head Start Act. This Contract will enable Caregivers, Inc. to provide specialized licensed practical nurse services in the Head Start Expansion program for three (3) and four (4) year old children who are in need of services to ensure healthy outcomes. Funding consists of \$20,758 (80%) in Federal funds and \$5,190 (20%) in County funds. (Head Start) Countywide (TKF)

5. **Staff recommends motion to approve:** Contract for Consulting/Professional Services with Audrey Greenwald, a local speech pathologist for the period of October 5, 2010, through September 30, 2011, in an amount of \$24,000, for speech and language services to Head Start children. **SUMMARY:** Audrey Greenwald, a local speech pathologist, will provide speech/language therapy by appropriate licensed therapists to Head Start children. The provider is required to bill Medicaid for evaluations and services for children who are Medicaid eligible. Funding consist of \$19,200 (80%) in Federal funds and \$4,800 (20%) in County funds. The County's portion is included in the FY 2011 budget. (Head Start) Countywide (TKF)

6. **Staff recommends motion to approve:** Consulting/Professional Services Contract with Marriage & Family Services, Inc., for the period October 1, 2010, through September 29, 2011, in an amount of \$4,500, for mental health services for Head Start Expansion grant children. **SUMMARY:** Marriage & Family Services, Inc., a Palm Beach County firm, will provide mental health services to Head Start Expansion grant children. Funding consists of \$3,600 (80%) in Federal funds and \$900 (20%) in County funds. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

7. Staff recommends motion to:

A) ratify the signature of the Chair on the State of Florida Department of Children and Families (DCF) Homeless Challenge Grant Application;

B) delegate authority to the County Administrator or his designee to sign the State of Florida DCF contract for the Homeless Challenge Grant;

C) approve a waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics, for Genevieve Cousminer of the Coalition for Independent Living Options, Inc. a member of the Emergency Shelter Grants Program Advisory Board and Maite Reyes-Coles of the Coalition for Independent Living Options, Inc., a member of the Commission on Affordable Housing; and

D) delegate authority to the County Administrator or his designee to sign the contracts with Palm Beach Recovery Coalition, Coalition for Independent Living Options, Inc., and The Lord's Place for no longer than a one (1) year period to end June 30, 2011, for the maximum cumulative amount of \$100,000.

SUMMARY: The Division of Human Services is applying for funding to provide Transitional Housing, Homeless Prevention, Emergency Shelter, and Childcare through the FY2010-2011 Homeless Challenge Grant. DCF will allocate funds based on the applicant's score up to a maximum of \$100,000. Upon receipt of a grant award, the County will contract with service providers as follows:

Level 1 Award <u>\$100,000</u>	Level 2 Award <u>\$63,397</u>	Applicant Agency	Type of Service	Level 1 # to be Served	Level 2 # to be Served
\$25,000	\$15,849	Palm Beach Recovery Coalition	Transitional Housing	21	13
\$25,000	\$15,849	Coalition for Independent Living Options, Inc.	Homeless Prevention	40	25
\$20,000	\$15,000	The Lord's Place	Emergency Shelter	40	30
\$30,000	\$16,699	The Lord's Place	Childcare	29	16

Should the funding level be below the maximum, the allocations would be reduced to amounts agreed to in advance amongst the providers. Prohibited relationship waivers are being recommended for two (2) employees of Coalition for Independent Living Options, Inc. who serve on County advisory boards. These individuals 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 these individuals on the advisory boards. No County funds are required. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

8. Staff recommends motion to:

A) approve a waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics, for Dr. Linda DePiano of Oakwood Center of the Palm Beaches, Inc., a member of the Criminal Justice, Mental Health, and Substance Abuse Planning Council and Thomas McKissack of Oakwood Center of the Palm Beaches, Inc., a member of the Palm Beach County HIV Care Council; and

B) approve Contract with Oakwood Center of the Palm Beaches, Inc., for the period of October 1, 2010, through September 30, 2011, in an amount not to exceed \$73,318, for services to homeless individuals.

SUMMARY: Oakwood Center of the Palm Beaches, Inc. will provide supportive services through the Homeless Assertive Community Treatment Team to include case management, employment counseling, medication management, benefits counseling, peer counseling and group counseling. These services are provided to homeless individuals who are severely mentally ill or dually diagnosed and have been placed in permanent housing through the Housing and Urban Development (HUD) Shelter Plus Care grant programs. A total of \$73,318 in County funds is included in the FY 2011 budget. Prohibited relationship waivers are being recommended for two (2) employees of Oakwood Center of the Palm Beaches, Inc. who serve on County advisory boards. These individuals 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 these individuals on the advisory boards. (Human Services) Countywide (TKF)

9. Staff recommends motion to:

A) approve a waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics, for Dr. Linda DePiano of Oakwood Center of the Palm Beaches, Inc., a member of the Criminal Justice, Mental Health, and Substance Abuse Planning Council and Thomas McKissack of Oakwood Center of the Palm Beaches, Inc., a member of the Palm Beach County HIV Care Council;

B) approve Contract with Oakwood Center of the Palm Beaches, Inc. for the period of October 1, 2010, through September 30, 2011, in an amount not to exceed \$42,330, for support services to homeless individuals; and

C) approve Contract with Comprehensive Alcoholism Rehabilitation Programs, Inc. (CARP) for the period of October 1, 2010, through September 30, 2011, in an amount not to exceed \$42,330, for support services to homeless individuals.

SUMMARY: Oakwood Center of the Palm Beaches, Inc. and Comprehensive Alcoholism Rehabilitation Programs, Inc. (CARP) provide special population staffing that target homeless persons. Separate contracts are provided for these two (2) agencies. Each contract will receive \$42,330. A total of \$84,660 County funds are included in the FY 2011 budget. Prohibited relationship waivers are being recommended for two (2) employees of Oakwood Center of the Palm Beaches, Inc. who serve on County advisory boards. These individuals 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 these individuals on the advisory boards. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

10. Staff recommends motion to ratify the Chair's signature on:

A) the Revised SF424 and 424A Early Head Start Expansion Grant Application to the U.S. Department of Health and Human Services (HHS), Administration for Children and Families, for the period of December 1, 2009, through September 29, 2010 in the amount of \$350,000; and

B) the Revised SF424 Early Head Start Expansion Grant Application to HHS, for the period of September 30, 2010, through September 29, 2011, to reflect the actual amount being awarded.

SUMMARY: A Revised SF424 and SF424A document for awarded American Recovery and Reinvestment Act (ARRA) Early Head Start funds was needed to request that \$350,000 of the awarded \$1,214,364 be reprogrammed. It is projected that the funds will be unspent due primarily to lapse salary dollars caused from a delay in hiring of new staff. The other Revised SF424 was needed to reflect the actual amount of funding Early Head Start will receive from Expansion Grant funding. Originally, the Board of County Commissioners approved (R2010-0844) an application for the amount of \$1,091,401. The actual amount being awarded is \$1,091,037. The emergency signature process was used because there was insufficient time to submit the item through the regular agenda process and meet the submittal deadlines. No County funds are required. (Head Start) Countywide (TKF)

11. Staff recommends motion to adopt: Resolution delegating authority to the County Administrator, or his designee, to sign the annual HIV Emergency Relief Grant Application and related documents. **SUMMARY:** The County is notified annually that it is one of the Eligible Metropolitan Areas (EMAs) which will receive funds under the Ryan White Part A HIV Emergency Relief Grant. Part A funds provide direct financial assistance to EMAs most severely affected by the HIV epidemic. The purpose of the funds is to deliver or enhance HIV related outpatient and ambulatory health and support services, including case management and comprehensive treatment for individuals and families with HIV disease. The grant application must be submitted to the U.S. Department of Health and Human Services (HHS) within 60 days of the release date. To ensure that the deadline is met, the delegation of authority to sign the application is requested. Funding is provided through HHS. No County match is required. (Ryan White) Countywide (TKF)

12. Staff recommends motion to approve: Delegate Agency Agreement with The YWCA of Palm Beach County, Inc., for the period of October 1, 2010, through September 30, 2011, in an amount of \$541,541, for services to Head Start children and families. **SUMMARY:** The YWCA of Palm Beach County, Inc. will provide services for up to 84 children for 249 days at an annual rate of \$6,446.92 per child. There are not sufficient County facilities to accommodate all 1,871 authorized slots for children 3 and 4 years of age in the Head Start program. Therefore, the County enters into delegate agency agreements with child care agencies to provide comprehensive Head Start services. Funding consists of \$352,904 in Federal funds, \$87,582 in required match County funds and \$101,055 in overmatch. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

13. Staff recommends motion to approve: Delegate Agency Agreement with Hispanic Human Resources Council, Inc., for the period of October 1, 2010, through September 30, 2011, in an amount of \$1,682,647, for services to Head Start children and families. **SUMMARY:** Hispanic Human Resources Council, Inc. will provide services for up to 261 children for 249 days at an annual rate of \$6,446.92 per child. There are not sufficient County facilities to accommodate all 1,871 authorized slots for children 3 and 4 years of age in the Head Start program. Therefore, the County enters into delegate agency agreements with child care agencies to provide comprehensive Head Start services. Funding consists of \$1,096,523 in Federal funds, \$274,131 in required match County funds and \$311,993 in overmatch. (Head Start) Countywide (TKF)
14. Staff recommends motion to approve:
- A)** Delegate Agency Agreement with Florence Fuller Child Development Centers, Inc., for the period of October 1, 2010, through September 30, 2011, in an amount of \$1,005,719, for services to Head Start children and families; and
- B)** a waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics, for Lorraine Herdeen of Florence Fuller Child Development Centers, Inc., member of the Child Care Advisory Council.
- SUMMARY:** Florence Fuller Child Development Centers, Inc. will provide services for up to 156 children for 249 days at an annual rate of \$6,446.92 per child. There are not sufficient County facilities to accommodate all 1,871 authorized slots for children 3 and 4 years of age in the Head Start program. Therefore, the County enters into delegate agency agreements with child care agencies to provide comprehensive Head Start services. A prohibited relationship waiver is being recommended for Lorraine Herdeen, Executive Director for Florence Fuller Child Development Centers, Inc. who serves on the Child Care Advisory Council. The individual has disclosed this relationship and is requesting a waiver pursuant to Section 3.D. of the Code of Ethics. The waiver is being recommended based on a staff determination the execution of this contract will not create a conflict of interest with the continued service of the individual on the advisory board. Funding consists of \$655,392 in Federal funds, \$162,652 in required match County funds and \$187,675 in overmatch. (Head Start) Countywide (TKF)
15. Staff recommends motion to approve: Agreements with Children's Services Council of Palm Beach County, for the period of October 1, 2010, through September 30, 2011, for the following amounts:
- A)** \$157,413 for Early Head Start services; and
- B)** \$297,551 for Head Start services
- SUMMARY:** These Agreements will allow Children's Services Council to provide up to \$157,413 as part of the matching funding requirement to provide full day/full year comprehensive Early Head Start services to a total of 180 pregnant mothers, infants/toddlers, and up to \$297,551 as part of the matching funds requirement to provide full day/full year Head Start services to 1,871 three to five year old children and their families. Services include comprehensive health, education, parental involvement, nutritional, social and other services. Federal funding of \$13,237,046 (Head Start) and \$1,805,150 (Early Head Start) was approved in the Refunding Application (R2010-0847) at the Board of County Commissioners Meeting on June 8, 2010. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

16. Staff recommends to:

A) ratify Chair's signature to Modification of Contract No. 10EA-8F-10-60-01-023 (R2010-0322) Low Income Home Energy Assistance Program (LIHEAP) with the State of Florida Department of Community Affairs, increasing the contract by \$2,347,076 for a new not-to-exceed amount of \$6,741,166 for utility assistance to low-income families;

B) approve an upward Budget Amendment of \$2,347,076 in the LIHEAP Fund to reconcile the grant contingent upon the State execution of the grant agreement; and

C) approve reinstatement of four (4) positions.

SUMMARY: Palm Beach County received notification that additional LIHEAP funds are available under the current agreement. The Modification incorporates an additional \$2,347,076 increase in the base allocation in the existing contract for a new grant total of \$6,741,166. The \$2,347,076 represents Palm Beach County Community Action's share of the increased Federal allocation and will enable the program to serve additional low income households for the period ending March 31, 2011, and re-instate positions that were earlier funded through the American Reinvestment and Recovery Act funds, which are targeted to end September 30, 2010 as listed. The additional LIHEAP funding will enable the continuation of the positions, subject to continued grant availability. No County funds are required. (Community Action Program) Countywide (TKF)

<u>Position #</u>	<u>Position Title</u>	<u>Pay Grade</u>
8379	Community Outreach Specialist	18
8380	Community Outreach Specialist	18
8377	Family Development Specialist	22
896	Sr. Community Outreach Specialist	22

17. Staff recommends motion to approve: Amendment No. 002 to Contract Renewal No. IC010-9500 (R2010-1230) for the Community Care for the Elderly (CCE) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period July 1, 2010, through June 30, 2011. **SUMMARY:** The purpose of this Amendment is to revise Attachment III, Community Care for the Elderly Agreement rate sheet. The rate sheet revisions are technical in nature and do not alter the general terms, scope of services or funding amount of the contract. In the area south of Hypoluxo Road, the Mae Volen Senior Center, Inc. currently provides services under a similar grant from AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

18. Staff recommends motion to approve: Amendment No. 002 to Contract Renewal No. IH010-9500 (R2010-1228) for the Home Care for the Elderly (HCE) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc., (AAA), for the period July 1, 2010, through June 30, 2011. **SUMMARY:** The purpose of this Amendment is to revise Attachment III, Community Care for the Elderly Agreement rate sheet. The rate sheet revisions are technical in nature and do not alter the general terms, scope of services or funding amount of the contract. In the area south of Hypoluxo Road, the Mae Volen Senior Center, Inc. currently provides services under a similar grant from AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

19. Staff recommends motion to approve: Amendment No. 002 to Contract Renewal No. IZ010-9500 (R2010-1232) for the Alzheimer's Disease Initiative (ADI) program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period July 1, 2010, through June 30, 2011. **SUMMARY:** The purpose of this amendment is to revise Attachment III, Community Care for the Elderly Agreement rate sheet. The rate sheet revisions are technical in nature and do not alter the general terms, scope of services or funding amount of the contract. In the area south of Hypoluxo Road, the Mae Volen Senior Center, Inc. currently provides services under a similar grant from AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

F. AIRPORTS

1. Staff recommends motion to approve: a Second Amendment to Lease Agreement (R1999-2239) with Jet Aviation Associates, Ltd., a Florida limited partnership, (Jet Aviation) providing for a reduction in the ground area leased to Jet Aviation at the Palm Beach International Airport (PBIA) by 847 square feet, resulting in a decrease in annual rental by approximately \$550.55. **SUMMARY:** Jet Aviation provides fixed-based operator services for general aviation aircraft at the Palm Beach International Airport (PBIA) pursuant to a Lease Agreement dated November 23, 1999 (R1999-2239). Jet Aviation's principal place of business is in Palm Beach County. In 2004, the Board approved a First Amendment to the Lease (R2004-2587), which allowed Jet Aviation to construct an automobile parking lot to accommodate overflow customer parking based on an estimated square footage. This Second Amendment amends Exhibit "A" of the Lease to replace the estimated square footage for the automobile parking lot identified in the First Amendment with the actual square footage of the improved area(s). In addition, this Second Amendment provides for the retroactive reimbursement of rents collected in the amount of \$3,165.67, based on the difference between the estimated square footage and the actual square footage as required by the First Amendment. This Second Amendment also corrects an error in rental adjustment provisions related to the calculation of the percentage change in the Consumer Price Index. Countywide (HJF)
2. Staff recommends motion to adopt: a Resolution adopting an administrative Fee Schedule for security badge and fingerprinting fees; providing for adjustment of the fee schedule by the County Administrator or his designee; and becoming effective upon adoption. **SUMMARY:** Pursuant to the Title 49 Code of Federal Regulations Ch. XII Part 1542, the County is required to provide security background checks including fingerprint identification for airport workers at Palm Beach International Airport. Palm Beach County's Department of Airports Security Office performs application intake, fingerprinting, and security badge issuance. Due to increased charges from the required service provider, the Aviation Security Clearinghouse (ASC), staff proposes to increase the security fees to \$42 per application plus \$15 per year maintenance fee, an increase from \$35 and \$10, respectively. Staff also recommends to charge \$100 per lost or non-returned badge, an increase from \$75. This revenue pays for the ASC charges plus a portion of the Security Office staffing. Staff also reviewed charges at other airports to insure overall reasonableness of the fees. This Resolution also authorizes the County Administrator or his designee to increase the fees as necessary, by an amount not to exceed 5% per year. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to approve: a Contract with ITran Partners, Inc. in the amount of \$173,898 for the Automated Weather Observing System (AWOS) at North Palm Beach County General Aviation Airport (F45). **SUMMARY:** This project was advertised utilizing the County's competitive bid process. On July 20, 2010, three (3) bids were received for the AWOS project at F45. Of the three (3) bids, ITran Partners, Inc., a Collier County Company, has been identified as a responsible/responsive bidder in the amount of \$173,898. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 15.00%. ITran Partners, Inc. DBE participation is 8.97%. ITran Partners, Inc., lowest bidder, did not meet the DBE requirements. The second lowest bidder met the DBE requirements but is not in the range of "Ranking of Responsive Bidders". Federal Aviation Administration (FAA) grant funding of \$165,203 (95%) and local funds of \$8,695 (5%) are being utilized to fund this project. Countywide (JCM)

4. Staff recommends motion to receive and file: five (5) original Agreements for the Department of Airports:
 - A) Hangar Lease Agreement with Reed Aero, Inc., Unit 7, Building 11730, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on July 1, 2010;
 - B) General Aeronautical Services Permit with Aircraft Service International, Inc., commencing October 1, 2010, expiring September 30, 2011, automatically renewed on a year-to-year basis (10/1 through 9/30);
 - C) General Aeronautical Services Permit with G2 Secure Staff, LLC, commencing October 1, 2010, expiring September 30, 2011, automatically renewed on a year-to-year basis (10/1 through 9/30);
 - D) Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Cummings Air, LLC, commencing August 5, 2010; and
 - E) Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Executive Airlink, commencing August 5, 2010.

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

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: JOC Work Order No. 10-174 with All Site Construction, Inc. (R2010-0751) in the amount of \$256,968.40 for the installation of a card access system at Palm Beach County's Water Utilities Department's Southern Region Water Reclamation Facility (SRWRF). **SUMMARY:** The work will consist of the installation of a card access system in multiple buildings at SRWRF that is compatible to the Water Utilities Department's current LAN based access system. This will include installation of a building controller, card readers, door strikes, door position switches, request to exit devices, and ancillary materials (conduits, wires, etc.) required to provide a turnkey operation on each building. The Small Business Enterprise (SBE) participation in this Work Order is 100%. When the participation for this Work Order is added to All Site Construction, Inc.'s total participation-to-date, the resulting values are 100%. The SBE goals are 15%. The total construction duration is 90 days. All Site Construction, Inc. is a Palm Beach County company. (FD&O Admin) Countywide/District 5 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** Amendment No. 4 to the annual Contract with L.D. Astorino Architects, Inc. (R2006-2228) for professional architectural services on a continuing contract basis. **SUMMARY:** L.D. Astorino Architects, Inc. was selected to provide professional architectural services for small construction projects generally with construction values less than \$1,000,000. The Board approved an annual contract on October 17, 2006. The original contract provided for an initial two (2) year term with three (3) – one (1) year renewal options. Amendment No. 4 would provide for services during the third renewal period. L.D. Astorino Architects, Inc. has a Small Business Enterprise/Minority/Women Business Enterprise (SBE/M/WBE) participation goal of 35%. During the four (4) years of the contract, L.D. Astorino Architects, Inc. has achieved 36.6% participation. L.D. Astorino Architects, Inc. is a Palm Beach County company. (Capital Improvements Division) Countywide (JM)

3. **Staff recommends motion to approve:** Amendment No. 4 to the Contract with Corzo Castella Carballo Thompson Salman, P.A. (R2007-1812) for professional design services for Parks and Recreation Department capital improvement projects. **SUMMARY:** Corzo Castella Carballo Thompson Salman, P.A. was selected to provide professional design services for Parks and Recreation Department capital improvement projects. The Board approved a contract on October 16, 2007. The original contract provided for an initial one (1) year term with three (3) – one (1) year renewal options. Amendment No. 4 would provide for services during the third renewal period. Corzo Castella Carballo Thompson Salman, P.A. has a Small Business Enterprise/Minority/Women Business Enterprise (SBE/M/WBE) participation goal of 2% SBE and 100% M/WBE. During the three (3) years of the Contract, Corzo Castella Carballo Thompson Salman, P.A. has achieved 9.1% SBE and 96.8% M/WBE participation. The M/WBE goal was not achieved as the projects assigned under this contract did not always utilize Corzo Castella Carballo Thompson Salman's M/WBE sub-consultants. Corzo Castella Carballo Thompson Salman, P.A. is a Palm Beach County company. (Capital Improvements Division) Countywide (JM)

4. **Staff recommends motion to approve:** Amendment No. 3 to the annual Contract for environmental assessment services with Handex Consulting & Remediation – Southeast, LLC. (R2007-1807) for professional consulting services on a continuing contract basis. **SUMMARY:** Handex Consulting & Remediation-Southeast, LLC. was selected to provide professional consulting services for Annual Environmental Assessment Services. The Board approved an annual contract on October 16, 2007. The original contract provided for an initial two (2) year term with two (2) - one (1) year renewal options. Amendment No. 3 will provide for services during the second renewal period. Handex Consulting & Remediation– Southeast, LLC. has a Small Business Enterprise (SBE) participation goal of 20%. During the three (3) years of the Contract, Handex Consulting & Remediation – Southeast, LLC. has achieved 25.8% participation. Handex Consulting & Remediation - Southeast, LLC. is a Palm Beach County company. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. **Staff recommends motion to approve:** Amendment No. 3 to the annual Contract for environmental assessment services with Dunkelberger Engineering & Testing, Inc. (R2007-1809) for professional consulting services on a continuing contract basis. **SUMMARY:** Dunkelberger Engineering & Testing, Inc. was selected to provide professional consulting services for Annual Environmental Assessment Services. The Board approved an annual contract on October 16, 2007. The original contract provided for an initial two (2) year term with two (2) - one (1) year renewal options. Amendment No. 3 would provide for services during the second renewal period. Dunkelberger Engineering & Testing, Inc. has a Small Business Enterprise (SBE) participation goal of 15%. During the three (3) years of the contract, Dunkelberger Engineering & Testing, Inc. has achieved 15.2% participation. Dunkelberger Engineering & Testing, Inc. is a Palm Beach County company. (Capital Improvements Division) Countywide (JM)

6. **Staff recommends motion to approve:** Amendment No. 3 to the annual Contract for environmental assessment services with REP Associates, Inc. (R2007-1808) for professional consulting services on a continuing contract basis. **SUMMARY:** REP Associates, Inc. was selected to provide professional consulting services for Annual Environmental Assessment Services. The Board approved an annual contract on October 16, 2007. The original contract provided for an initial two (2) year term with two (2) - one (1) year renewal options. Amendment No. 3 will provide for services during the second renewal period. REP Associates, Inc. has a Small Business Enterprise (SBE) participation goal of 85%. During the three (3) years of the contract, REP Associates, Inc. has achieved 89.3% participation. REP Associates is a Palm Beach County company. (Capital Improvements Division) Countywide (JM)

7. **Staff recommends motion to approve:** Contract with CAM Group, Inc. in the amount of \$2,074,900 for the construction of Fire-Rescue Station No. 31. **SUMMARY:** This Contract will provide for demolition of the existing fire station located on Lake Worth Road in Palm Springs and construction of a new 6,222 sq. ft. fire station with associated site work. This project is being funded from ad valorem taxes through the Fire Rescue MSTU. The new fire station will be constructed to comply with USGBC (LEED) standards. The Small Business Enterprise (SBE) goal for this project is 15%. CAM Group's bid includes participation of 21.9%. CAM Group is a St. Lucie County business. The contract time is 395 calendar days to substantial completion. (Capital Improvements Division) District 3 (JM)

8. **Staff recommends motion to approve:** a First Amendment to the Agreement (R2005-1709) with the Federal Bureau of Investigation (FBI) to retroactively extend the term of the 800MHz agreement until September 12, 2015. **SUMMARY:** The Agreement which provides the terms and conditions under which the FBI can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications, expired on September 12, 2010. The Agreement provides for three (3) renewal options, each for a period of five (5) years. Both parties must approve the renewal option. The FBI has approved a renewal to retroactively extend the term of the Agreement until September 12, 2015. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The FBI is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This First Amendment renews the term and updates the notice provisions. Other than the changes set forth herein, all other terms remain the same. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve: a First Amendment to Interlocal Agreement (R2005-1480) with the Town of Lake Clarke Shores (Town) for the County to provide fleet management services until February 2, 2016. **SUMMARY:** The Interlocal Agreement under which the County provides fleet services to the Town will expire on February 2, 2011. The Interlocal Agreement provides for one (1) renewal option for a period of five (5) years. Both parties must approve the renewal option. The Town has approved the renewal to extend the term of the Interlocal Agreement until February 2, 2016. The renewal now requires Board approval. The County does not require any additional staffing and/or equipment to extend this Interlocal Agreement, and as such, this Interlocal Agreement will result in increased revenues to Fleet Management. The actual amount of revenue to be generated will depend on the level of use by the Town. This First Amendment renews the terms and updates the notice provisions. Other than the changes set forth herein, all other terms remain the same. (Fleet) Countywide (JM)

10. Staff recommends motion to approve: a First Amendment to License Agreement (R2009-1216) with the United States Department of Homeland Security Federal Emergency Management Agency (FEMA) retroactively extending the term until December 31, 2010. **SUMMARY:** The License Agreement, which provides the terms and conditions under which FEMA uses four (4) modular open air work stations on the second floor of the Vista Center Office Building located at 2300 North Jog Road for general office purposes, expired on April 20, 2010. This First Amendment retroactively extends the term of the License Agreement upon the same terms and conditions until December 31, 2010. There are no charges associated with this Amendment. (PREM) District 2 (HJF)

11. Staff recommends motion to approve: a Deed of Conservation Easement across a portion of Okeeheelee Park South in unincorporated Greenacres in favor of the South Florida Water Management District (SFWMD). **SUMMARY:** As a condition of a SFWMD permit for the development of Okeeheelee Park South, the County is required to grant SFWMD a Deed of Conservation Easement upon completion of construction of a surface water management system and on-site wetland mitigation to serve the 600+ acre park. This non-exclusive easement consists of 14 wetland mitigation areas containing a total of 7.68 acres all being located along the banks of a 71-acre on-site lake. The easement is being granted to the SFWMD at no cost as a condition of compliance with the SFWMD permit. (PREM) District 6 (HJF)

12. Staff recommends motion to approve: a Utility Easement Agreement with Florida Power & Light Company at Water Treatment Plant No. 2 in unincorporated Greenacres. **SUMMARY:** The Water Utilities Department is in the process of upgrading Water Treatment Plant No. 2 on Pinehurst Drive to a new magnetic ion exchange treatment system. As a result of the construction, electric service needs to be relocated and an easement needs to be provided for the new and existing lines. The easement is approximately 1,697.52 feet long, varies in width from 10 feet to 15.5 feet, and contains 19,313 square feet (0.44 acres) and will be located in the northern portion of the property, running easterly from Pinehurst Drive to connect to an existing easement. A portion of the easement will be located in the southern portion of the property running from the electrical building south to an existing easement near the south property line. This non-exclusive easement is being granted at no charge as it provides service to the County's water treatment plant. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

13. Staff recommends motion to accept: a Special Warranty Deed from Dizengoff–Courtney Park, LLC, (Dizengoff), conveying a .73 acre lake tract parcel located in the southwest corner of Lantana Road and Haverhill Road in unincorporated Lake Worth. **SUMMARY:** The lake tract parcel was dedicated to the County on February 15, 2000, per the plat of Winston Trails Parcel 19, in Plat Book 87, Page 95 (Water Management Tract Lake-1). In 2005, Courtney Park Limited Partnership included the lake tract in a deed to Marcliff Courtney Development, LLC. To rectify this error, the current owner (Dizengoff) wants to deed this lake tract to the County. The County Attorney's Office has recommended that the County accept this Special Warranty Deed to clear record title in the County. (PREM) District 6 (HJF)

14. Staff recommends motion to:

A) adopt a Resolution authorizing the payment of \$5,000 and the conveyance of the County's interest in a 1.24 acre surplus property to the Town of Loxahatchee Groves 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 Town of Loxahatchee Groves.

SUMMARY: The Town of Loxahatchee Groves requested the conveyance of a County-owned vacant surplus property. The 1.24 acre property was acquired by Tax Deed in March of 2003 and is located on 22nd Road North, within the Town's municipal boundaries with an assessed value of \$453. 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 County has not been performing any maintenance of this property, it is overgrown and adjacent residents have complained to the Town. The Town requested the County contribute \$5,000 to offset clean up costs. The Town will permit continued access by the adjacent property owner across this property. Staff believes that this property will be more appropriately maintained and managed by the Town. This conveyance will relieve the County of potential liability for occurrences on this property and further requests for 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 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

15. Staff recommends motion to approve:

A) a sole source procurement with The Gordian Group, Inc. (TGG) for consulting/professional services in conjunction with the Job Order Contracting (JOC) system; and

B) Amendment No. 6 to Contract with The Gordian Group, Inc. (R2005-1489) for consulting/professional services extending the contract until October 5, 2011, and increases the not to exceed limit from \$675,000 to \$775,000.

SUMMARY: The County has a need on an on-going basis for a process/system which reduces the time associated with scoping, bidding and awarding of contracts for minor construction projects while maintaining compliance with all local bidding and contracting requirements and practices. The Job Order Contracting (JOC) system is the only integrated system which provides for: 1) development of standard contract documents, 2) identification of tens of thousands construction tasks with pricing and associated technical specifications, 3) maintenance of software system for scope and contract preparation, 4) support for bidding, and 5) technical support. TGG is the only provider of JOC or similar integrated system. On April 20, 1993, the Board authorized Facilities Development & Operations to negotiate a sole source contract with TGG for consulting services. New sole source determinations were subsequently made in 1997, 2001, and 2005 with a subsequent contract extension in 2009. A new sole source determination is required by the Purchasing Code and that determination will be implemented by a contract extension in order to take advantage of a reduced license fee, 23% lower than the market, and only available via a contract extension.

Amendment No. 6 is an extension to the Contract with The Gordian Group, Inc. The Gordian Group provides professional services required to implement the JOC system to facilitate renovation, repair, and/or maintenance improvement projects. Compensation is 1.5% of the dollar value of issued JOC work orders estimated to be \$100,000 over the term of the extension. Staff is bringing forward the Amendment at this time based on expiration of the term as well as pending work which would exceed the value assigned to the contract. All other terms of the original contract remain in effect. The Gordian Group is a South Carolina company. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

16. Staff recommends motion to:

A) approve a First Amendment to Third Restated Agreement (R2009-0414) with The Historical Society of Palm Beach County (Society), a Florida non-profit corporation, to provide the Society the right to request the County's consent to make alterations to the exterior of the 1916 Courthouse and the surrounding grounds (Exterior Alterations); and

B) authorize the County Administrator or his designee the authority to grant, condition or deny Society's request to make exterior alterations

SUMMARY: In 2009, the Board approved the Third Restated Agreement with the Society for the operation of a museum of history (Museum) and the occupancy of a portion of the 1916 Courthouse for a 30 year term that commenced on January 1, 2008. The Society and County desire to maximize public access to the 1916 Courthouse, including the Museum, as a venue for historical education. Society desires that the County allow it to mount banners to the exterior of the 1916 Courthouse to identify the Museum and to announce upcoming and pending historic attractions. This First Amendment to the Third Restated Agreement: (i) provides Society the ability to request the County's consent for Society to make Exterior Alterations; (ii) updates the Society's notice information; and (iii) provides Society with the disclosure of the Office of the Inspector General. Society shall pay all costs and expenses regarding any Exterior Alterations, including securing the necessary permits from the City of West Palm Beach. Other than the changes set forth herein, all other terms remain the same. (FDO Admin) Countywide/District 7 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: an Agreement with the City of Riviera Beach in the amount of \$98,876.39, for the period of October 5, 2010, through June 30, 2011. **SUMMARY:** On February 27, 2007, the County entered into an Agreement (R2007-0296) with the City for street improvements on West 32nd Street, which expired on August 31, 2008. This Agreement provides funding for the continuation of the project. The City received bids and awarded a construction contract for infrastructure improvements during the term of the Agreement. The County reimbursed the City \$317,238.61 out of the \$416,115 funded through the Agreement. The project was not fully completed because the City identified deficiencies in the contractor's work. Since correction of these deficiencies could not be accomplished in an amicable manner, the City terminated the construction contract and proceeded to seek remedies through the surety and other legal avenues. The original Agreement expired while these processes took their course. The City has now made the necessary arrangements to complete the project, and accordingly wishes to re-establish an Agreement with the County to fund the remaining \$98,876.39 allocated to this project. As such, the remaining \$98,876.39, funded through the expired Agreement is being recommitted to the project through this Agreement. **These are Federal Community Development Block Grant funds that require no local match.** District 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to adopt: a Resolution authorizing the County Administrator, or his designee to sign Request for Release of Funds and Certification forms (HUD-7015.15) as the duly designated Certifying Officer to comply with environmental grant conditions for projects proposed to be funded under federal programs, including, but not limited to the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), and Neighborhood Stabilization (NSP) Programs. **SUMMARY:** CDBG, HOME and NSP funded projects must comply with 24 CFR Part 58, which establishes regulations concerning the Environmental Review (ER) procedures for these programs. Under these regulations, the County is required to: A) aggregate geographically or functionally, all activities into projects; B) determine which project is in need of an environmental assessment and, where applicable, issue an environmental clearance finding; C) publish the finding to receive public input; and D) execute and submit Form HUD-7015.15 to the U.S. Department of Housing and Urban Development (HUD). This form documents and certifies to HUD that all steps have been taken with respect to HUD's environmental procedures and that the County assumes the responsibilities that would otherwise apply to HUD under the National Environmental Policy Act (NEPA), in addition to whatever other responsibilities the County may have to comply with (local, state and federal environmental laws and authorities). HUD responds to this request with a form authorizing the use of grant funds. Projects and activities undergoing the ER process have already been approved for funding by the Board of County Commissioners; therefore, to expedite the process and expend federal funds in a timely manner, this Resolution is presented. **CDBG Program funds are Federal funds that require no local match. HOME Program funds will require a local match that will be provided by program income from the State Housing Initiative Partnership (SHIP) Program. Countywide** (TKF)

K. WATER UTILITIES

1. Staff recommends motion to approve: an Indemnity Agreement with Tierra Del Rey Property Owner's Association, Inc. (POA). **SUMMARY:** On March 23, 2010, the Board of County Commissioners approved the Tierra Del Rey Special Assessment Project (R2010-0429). In order for the County to construct, install, and maintain potable water pipelines and appurtenant facilities within the Tierra Del Rey development, the POA is required to provide various easements to the County. Based on the complicated nature of the dedicated roads and easements within Tierra Del Rey, an Indemnity Agreement has been executed by the POA and, upon execution by the Board, will be recorded in the public records. The Agreement holds the County harmless against any and all liabilities and expenses imposed upon or asserted against the County related to the operation and maintenance of installed facilities within the utility easements granted by the POA and related to any service interruptions or service termination due to facilities removal and/or relocation from those utility easements. (WUD Project No. 09-061) District 5 (MJ)
2. Staff recommends motion to adopt: a Resolution authorizing the conveyance of a certain 1997 Sewer/Vacuum Truck vehicle (Asset Number: 10113764), and transfer of its title, to the City of Pahokee, pursuant to Section 125.38, Florida Statutes; providing for an effective date. **SUMMARY:** Consistent with Palm Beach County Fleet Management's recommended guidelines for vehicle replacement, Palm Beach County Water Utilities Department has received a new Sewer Vacuum Truck which was ordered as a replacement for Asset No. 10113764. The Department has no further use for the replaced vehicle which was originally purchased in 1997, has been fully operational since that time and remains in fair condition. The City of Pahokee has requested that Palm Beach County donate this surplus vehicle to allow them to better manage stormwater runoff within their city limits. The current value of the vehicle is estimated at \$10,000. District 6 (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve: Task Order No. 1297-01 to a continuing Contract (R2010-1297) with Olsen Associates, Inc. (Olsen) in the amount of \$185,092.18 for Phase I planning, design and permitting of the third nourishment of the Ocean Ridge Shore Protection Project. **SUMMARY:** The Contract with Olsen, a Jacksonville, Florida company, was approved on August 17, 2010 (R2010-1297). This Task Order 1297-01 authorizes Olsen to conduct planning, borrow area development, preliminary engineering and design of the beach fill project, a preliminary feasibility investigation into groin field modifications, and permit application, with a completion date of April 5, 2011. The Task Order is funded by tourist development taxes. State and Federal funding agreements are also anticipated. No ad valorem support is required. There is 27.9% Small Business Enterprise and Minority/Woman Business Enterprise (SBE-M/WBE) sub-consultant participation on the Task Order. Olsen committed to an overall 38% SBE-M/WBE participation in the Contract. Olsen has achieved 27.9% cumulative SBE-M/WBE participation on the Contract including this Task Order. District 4 (JM)

M. PARKS & RECREATION

1. Staff recommends motion to approve:
 - A) Interlocal Agreement with the City of Lake Worth for the period October 5, 2010, through October 5, 2012, in an amount not-to-exceed \$200,000 for funding of the Bryant Park Boat Ramp Improvement Project; and
 - B) Budget Transfer of \$200,000 within the \$50M GO 05 Waterfront Access Bond from Jaycees Park Boat Docks to Lake Worth Bryant Park Boat Ramps Improvements.

SUMMARY: This Interlocal Agreement provides funding for improvements to the boat ramps at Bryant Park located on the Intracoastal Waterway in Lake Worth. Construction elements of the Bryant Park boat ramps improvement project include permitting, demolition and debris removal, concrete apron and walls, two floating docks and pilings, and a six-boat aluminum floating staging dock and pilings. Funding is from the 2004 \$50 Million GO Waterfront Access Bond referendum. District 3 (PK)
2. Staff recommends motion to approve: First Amendment to Agreement with the City of Belle Glade for funding of Belle Glade Marina Improvements – Phase I to expand the project scope, extend the project completion date from August 20, 2010, to February 20, 2011, and to add an additional County-required condition regarding the Inspector General requirements. **SUMMARY:** This First Amendment to Agreement (R2007-1362) provides a revised Exhibit A (Project Description and Cost Estimate) and expands the project scope to include dredging to Pavilion Lake, replacement of the existing force main under the boat channel, and construction of ADA walkways adjoining the northern bulkhead as reimbursable project elements. It also extends the project completion date from August 20, 2010, to February 20, 2011, in order to complete project construction and accomplish reimbursement paperwork and provides language now required in all Bond Agreements to address Inspector General requirements. All other terms of the Agreement, including the funding amount of \$2,463,600, remain the same. District 6 (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 month of August:

A) Modern Bujutsu Karate Florida, Inc., Martial Arts, West Boynton Park & Recreation Center for the period October 1, 2010, through October 1, 2011, in an amount not-to-exceed \$22,000;

B) Shelly Janssen, Dance Instructor, West Boynton Park & Recreation Center for the period October 2, 2010, through September 30, 2011, in an amount not-to-exceed \$30,000;

C) Team Elite Athletic Management International, Inc., Competitive Swim Team Coach, Aqua Crest Pool for the period August 16, 2010, through January 31, 2011, in an amount not-to-exceed \$9,500; and

D) Gold Coast Gymnastics, Inc., Tiny Tot Tumbling, West Boynton Park and Recreation Center for the period October 7, 2010, through September 30, 2011, in an amount not-to-exceed \$3,500.

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 3 & 7 (AH)

4. Staff recommends motion to receive and file: executed Sound and Light Production Services Contractor Agreements received during the months of May, June, August, and December of 2009, and February of 2010:

A) City Sound and Recording LLC; Sweet Justice Concert; Seabreeze Amphitheater for the period June 13, 2009, through June 14, 2009, in an amount not-to-exceed \$850;

B) City Sound and Recording LLC; 4th of July Celebration; Sunset Cove Amphitheater for the period July 4, 2009, through July 5, 2009, in an amount not-to-exceed \$1,500;

C) City Sound and Recording LLC; Comedy Show; Seabreeze Amphitheater for September 19, 2009, in an amount not-to-exceed \$600;

D) City Sound and Recording LLC; Winter Solstice Party; Sunset Cove Amphitheater for December 19, 2009 in an amount not-to-exceed \$350;

E) City Sound and Recording LLC; JP Soars Concert; Seabreeze Amphitheater for the period February 27, 2010, through February 28, 2010, in an amount not-to-exceed \$1,500; and

F) City Sound and Recording LLC; July 4th Concert; Sunset Cove Amphitheater for July 4, 2010 in an amount not-to-exceed \$2,000.

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 Sound and Light Production Services 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 2009-0592, and are now being submitted to the Board to receive and file. Districts 1 & 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. Staff recommends motion to receive and file: executed Entertainment Contractor Agreements received during the months of February, May, June, and September of 2009:

A) Chris Legrand, Band Concert, Sunset Cove Amphitheater for the period March 14, 2009, through March 15, 2009, in an amount not-to-exceed \$4,100;

B) CK Entertainment Incorporated, July 4th Concert, Sunset Cove Amphitheater for the period July 4, 2009, through July 5, 2009, in an amount not-to-exceed \$6,000;

C) Richard Benjamin, d.b.a. The Fabulons, Grand Opening Concert, Canyon Town Center Amphitheater for the period May 17, 2009, through May 18, 2009, in an amount not-to-exceed \$1,500;

D) Randolph Markland, Sweet Justice Concert, Seabreeze Amphitheater for the period June 13, 2009, through June 14, 2009, in an amount not-to-exceed \$2,000;

E) Bill Cockrell, High Tide Band, Canyon Town Center Amphitheater for the period June 13, 2009, through June 14, 2009, in an amount not-to-exceed \$800;

F) Sid Parker, Band Concert, Canyon Town Center Amphitheater for the period July 11, 2009, through July 12, 2009, in an amount not-to-exceed \$850;

G) Ray Williams, Duo Cats Concert, Canyon Town Center Amphitheater for the period August 15, 2009, through August 16, 2009, in an amount not-to-exceed \$500;

H) Peter Fogel, Comedy Show, Seabreeze Amphitheater for the period September 19, 2009, through September 20, 2009, in an amount not-to-exceed \$2,000;

I) Mark Knick, Insti-Gators Band, Canyon Town Center Amphitheater for Saturday, September 12, 2009, in an amount not-to-exceed \$1,000;

J) Peter Noble, The Fabulous Fleetwoods Concert, Canyon Town Center Amphitheater for the period October 10, 2009, through October 11, 2009, in an amount not-to-exceed \$750; and

K) Joseph Taffuri, Valcano Band, Seabreeze Amphitheater for the period October 17, 2009, through October 18, 2009, in an amount not-to-exceed \$850.

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 Entertainment 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 2009-1109, and are now being submitted to the Board to receive and file. Districts 1 & 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

6. Staff recommends motion to receive and file: executed Entertainment Contractor Agreements received during the months of October and November of 2009, and January, March, April and May of 2010:

A) Gene Mattis, Orchestra Concert, Canyon Town Center Amphitheater for November 7, 2009, in an amount not-to-exceed \$900;

B) Morgan Renee Entertainment, Odyssey Road Concert, Seabreeze Amphitheater for November 14, 2009, in an amount not-to-exceed \$2,000;

C) The Club Singers Inc., Choral Concert, Canyon Town Center Amphitheater for December 5, 2009, in an amount not-to-exceed \$600;

D) Superstar Productions, Inc., Winter Solstice Party, Sunset Cove Amphitheater for Saturday, December 19, 2009, in an amount not-to-exceed \$750;

E) Soars High Production Inc., Band Concert, Seabreeze Amphitheater for Saturday, February 27, 2010, in an amount not-to-exceed \$800;

F) Ben Grisafi, Band Concert, Seabreeze Amphitheater for March 20, 2010, in an amount not-to-exceed \$1,500;

G) Maximum Bands Entertainment LLC, Crossroads Concert, Seabreeze Amphitheater for May 8, 2010, in an amount not-to-exceed \$2,040.10;

H) Melvin Carnegie, Band Concert, Seabreeze Amphitheater for April 17, 2010, in an amount not-to-exceed \$1,200;

I) Maximum Bands Entertainment LLC, Crossroads Concert, Sunset Cove Amphitheater for May 29, 2010, in an amount not-to-exceed \$2,606.50;

J) Peter Noble, The Blunts Concert, Seabreeze Amphitheater for June 5, 2010, in an amount not-to-exceed \$2,005;

K) Claude Roatta, Dashboard Saints Concert, Canyon Town Center Amphitheater for June 12, 2010, in an amount not-to-exceed \$900;

L) Seymour Schatzberg, Gold Coast Dance Band, Canyon Town Center Amphitheater for May 15, 2010, in an amount not-to-exceed \$900; and

M) Marlow Productions LLC, July 4th Concert, Sunset Cove Amphitheater for the period July 4, 2010, in an amount not-to-exceed \$6,007.52.

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 Entertainment 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 2008-1109, amended by Resolution 2009-0644, and are now being submitted to the Board to receive and file. Districts 1 & 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. Staff recommends motion to receive and file: executed Amphitheater Rental Agreements received during the months of March, April, June, and August of 2010:

A) Morgan Renee Live LLC; The Renegade Revival Tour; Sunset Cove Amphitheater for the period April 24, 2010, through April 25, 2010, in an amount not-to-exceed \$12,000;

B) Bangladesh American Multicultural Organization; Bengali New Year; Canyon Town Center Amphitheater for April 10, 2010, in an amount not-to-exceed \$901.25;

C) CBS Radio Stations, Inc.; The CBS Fishing Tournament and Concert; Seabreeze Amphitheater for the period June 18, 2010, through June 21, 2010, in an amount not-to-exceed \$2,869.11;

D) Palm Beach Shakespeare Festival, Inc.; Macbeth; Seabreeze Amphitheater for the period July 6, 2010, through July 26, 2010, in an amount not-to exceed \$0;

E) AEG Live SE, LLC; Slightly Stoopid; Sunset Cove Amphitheater for the period August 21, 2010, through August 22, 2010, in an amount not-to-exceed \$12,000;

F) AEG Live SE, LLC; Sublime with Rome; Sunset Cove Amphitheater for the period July 25, 2010, through July 26, 2010, in an amount not-to-exceed \$12,000;

G) AEG Live SE, LLC; Silversun Pickups; Sunset Cove Amphitheater for the period June 16, 2010, through June 17, 2010, in an amount not-to-exceed \$12,000; and

H) Guanabanas Restaurant, Inc.; Kayabuya Summer; Seabreeze Amphitheater for the period August 13, 2010, through August 14, 2010, in an amount not-to-exceed \$4,800.

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 Amphitheater Rental 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 2009-0335, amended by Resolution 2009-1807, and are now being submitted to the Board to receive and file. Districts 1 & 5 (AH)

8. Staff recommends motion to approve: Budget Transfer of \$175,000 within the \$25M GO 05, Recreational & Cultural Facilities Bond fund from Public Shooting Range to Park Ridge Golf Course Improvements. **SUMMARY:** An immediate need exists to remediate and renovate a shared-use metal framed Quonset styled building located at the Mosquito Control compound on the corner of Lantana Road and Lyons Road. This building is shared by the Parks and Recreation Department (Park Ridge Golf Course) and ERM (Land Management Section). This budget transfer is necessary to provide funding to complete the remediation project. This funding source is recommended because the \$10 Million Public Shooting Range project will not be pursued at this time due to current and projected budget constraints. District 2 (PK)

3. CONSENT AGENDA APPROVAL

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to approve: an Agreement with the Friends of Mounts Botanical Garden, Inc. for funding of a horticulturist position to assist in the care and maintenance of the Mounts Botanical Garden. **SUMMARY:** The Friends of the Mounts Botanical Garden (FMBG) will provide funding to the County in amount not to exceed \$40,977 (\$28,820 salary and \$12,157 fringe benefits) to support 65.5% of a horticulturist position beginning July 19, 2010, and ending on July 18, 2011. Palm Beach County will be funding the remaining \$21,583 (\$15,180 salary and \$6,403 fringe benefits) at a funding level of 34.5% for a total of \$62,560. The position will continue to support the Botanical Garden. District 6 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve: an Amendment to the Interlocal Agreement (R2010-0649) with the City of Riviera Beach to extend the expiration date from September 30, 2010 through December 31, 2010 to support the Civil Drug Court and Family Restart Program. **SUMMARY:** The Criminal Justice Commission recommended the use of American Recovery and Reinvestment Act – Justice Assistance Grant funds, Drug Abuse Trust funds and Crime Prevention funds for the Civil Drug Court and Family Restart Program. There are unexpended funds from this project due to delays in the approval process from the Department of Justice. The Civil Drug Court Program located in the City of Riviera Beach provides case management services and contracts for residential and outpatient substance abuse services for indigent clients' court ordered to treatment. Countywide (GB)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

2. Staff recommends motion to approve:

A) an Amendment to the Interlocal Agreement (R2010-0529) with the City of West Palm Beach to extend the expiration date from September 30, 2010, through December 31, 2010 to support the West Palm Beach Youth Violence Prevention Project;

B) an Amendment to the Interlocal Agreement (R2010-0530) with the City of Riviera Beach to extend the expiration date from September 30, 2010, through December 31, 2010, and the addition of \$3,000 for the purchase of a bullet catcher that has been recommended by the director of the Palm Beach County Firearms Lab to support the Riviera Beach Youth Violence Prevention Project;

C) an Amendment to the Interlocal Agreement (R2010-0531) with the City of Boynton Beach to extend the expiration date from September 30, 2010, through December 31, 2010 to support the Boynton Beach Youth Violence Prevention Project;

D) an Amendment to the Interlocal Agreement (R2010-0532) with the City of Lake Worth to extend the expiration date from September 30, 2010, through December 31, 2010 to support the Lake Worth Youth Violence Prevention Project; and

E) the Fourth Amended and Restated Interlocal Agreement with the City of Belle Glade to extend the expiration date from September 30, 2010, through December 31, 2010 to support the Belle Glade Youth Violence Prevention Project.

SUMMARY: The Criminal Justice Commission recommended the use of \$1,691,582 from the Federal FY '09 Recovery Act Edward Byrne Memorial Justice Assistance Grant for the continuation of the Youth Violence Prevention Project (YVPP) and its primary partners, the five (5) cities at greatest risk for future violence. The YVPP began the fourth year of implementation and funding on October 1, 2009. To date, the funds have established Youth Empowerment Centers in all five (5) geographic areas (listed above) identified as hot-spots and a Justice Service Center in Riviera Beach. In addition, joint law enforcement operations with multiple revenue sources complete the suppression component of the YVPP. Remaining grant funds of \$150,000 will be contracted for law enforcement training and technology for the fourth year evaluation. The Florida Department of Law Enforcement approved this extension on July 14, 2010. Countywide (GB)

3. Staff recommends motion to approve: a Grant Adjustment Notice for the Edward Byrne Memorial Justice Assistance Grant Program for the Program Monitoring and Evaluation Project (R2010-0647) to extend the expiration date from September 30, 2010, through December 31, 2010. **SUMMARY:** The Criminal Justice Commission requested the use of \$160,212 from the Florida Department of Law Enforcement FY '09 Edward Byrne Memorial Justice Assistance Grant (JAG). There is no match requirement for JAG funds. All unexpended grant funds will be administratively carried forward to FY 2011. Countywide (GB)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

4. Staff recommends motion to:

A) receive and file the Department of Justice FY '10 grant for the Second Chance Act Adult and Juvenile Offender Reentry Demonstration Projects of \$750,000 for the period from October 1, 2010, through September 30, 2011; and

B) approve a Budget Amendment of \$750,000 in the Criminal Justice Commission Grant Fund to establish funds for this grant project.

SUMMARY: Palm Beach County has received a grant award of \$750,000 under the Department of Justice for facilitating the successful reintegration of offenders as they return to the community which shall include collaboration with the Department of Corrections to work with offenders prior to release from incarceration. This grant addresses that goal utilizing the facility in Pahokee to house inmates nearing release who are returning to Palm Beach County. They will be assessed and provided with services to assist in their transition back into the community and also provided with services upon their release. Matching funds for the amount requested are required. The Match requirement is 50% in-kind and 50% cash; however, a waiver of the cash match was approved so the in-kind match will total \$750,000. A portion of the match requirement will come from the Department of Corrections. Countywide (GB)

3. CONSENT AGENDA APPROVAL

T. HEALTH DEPARTMENT

1. Staff recommends motion to approve:

A) a Contract with the Department of Health (DOH) in the amount of \$2,097,459 for Environmental Health and Engineering programs provided by the Palm Beach County Health Department (CHD) for the period October 1, 2010, through September 30, 2011; and

B) an Addendum to the Contract to clarify:

- 1) Paragraph 6.a. – as State employees/personnel, CHD employees are not “officers, agents, or employees of the County”;
- 2) Paragraph 7.c. – The County shall assure that insurance coverage for vehicles is available through either a self-insurance program or insurance purchased by the County except for insurance referenced in paragraph 7.e.;
- 3) Paragraph 7.d. – The County shall be named as additional insured on any agreement in which the CHD contracts or subcontracts any work to be performed on the premises to a third party; and
- 4) Paragraph 7.e. – As a State agency, the CHD agrees to be responsible for its own, its officers’, employees’, or agents’ negligent acts, or omissions, or tortuous acts, which result in claims or suits against the parties, and agrees to be liable for any damages proximately caused by said acts or omissions.

SUMMARY: This Contract sets forth the funding responsibilities of the DOH and the County for the operation of the Palm Beach County Health Department. The State and County share in the funding of the \$8,304,735 environmental health budget. The State and County share in the funding of the \$8,304,735 environmental health budget. The State’s share is \$3,537,878 (42.6%), primarily from State general revenue and fees. Funding from the County’s FY 2011 budget is \$2,097,459 (25.3%) that includes Childcare Enforcement & Control Funding of \$125,890. The remaining local share (32.1%) is comprised of County Authorized Fees of \$1,166,026 (14.0%), Federal Funds of \$345,406 (4.2%), Department of Environmental Protection (DEP) Funds of \$197,966 (2.4%), and the Air Pollution Tag Fees of \$960,000 (11.6%). County funding is used primarily for salaries and benefits. The environmental staffing is responsible for surveillance of public drinking water systems, permitting and inspection of septic tanks, regulation of air pollution sources, inspection and licensing of child care and other group care facilities, and other duties related to environmental health. The Childcare Enforcement & Control Funding provides for a full-time Attorney/Hearing Officer and a half-time paralegal position to provide counsel for the Child Care Advisory Council and to serve as Environmental Control Officer for the Environmental Control Hearing Board. County funds are included in the FY 2011 budget. No additional funds are needed. County staff requested certain changes to the State’s standard contract in order to clarify the insurance and liability provisions. The State preferred including these in an Addendum instead of revising the standard contract. Countywide (GB)

3. CONSENT AGENDA APPROVAL

BB. INTERNAL AUDITOR'S OFFICE

1. Staff recommends motion to ratify: the County Internal Auditor's signature on an agreement with the Association of Local Government Auditors to conduct a peer review of the Internal Auditor's Office at an estimated cost of \$2,500 to \$3,000. **SUMMARY:** Government Auditing Standards require a triennial peer review of each audit organization conducting audits in accordance with Government Auditing Standards. This requirement applies to the County Internal Auditor's Office. The review will be conducted by the Association of Local Government Auditors. The only cost to Palm Beach County for the peer review is the travel costs for the three (3) person review team associated with the review. Countywide (PFK)

CC. SHERIFF'S OFFICE

1. Staff recommends motion to receive and file: Grant Adjustment Notice amending the Florida Department of Law Enforcement Office of Criminal Justice grant to extend the grant period from August 31, 2010, through December 31, 2010. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$120,000 on April 7, 2009; the original period for this grant was February 1, 2009, through January 31, 2010 (R2009-0600). On March 23, 2010, the BCC received and filed and agenda item extending the grant period from January 31, 2010, through May 31, 2010 (R2010-0425). On June 29, 2010, the BCC received and filed and agenda item extending the grant period from May 31, 2010, through August 31, 2010 (R2010-1067). This agenda item will extend the grant period from August 31, 2010, through December 31, 2010. The Florida Department of Law Enforcement awarded these funds to the Palm Beach County Sheriff's Office to purchase equipment under the Florida Domestic Security Strategic Plan for the EOD Regional Team Enhanced Capability Project. The purpose of the EOD Regional Team Enhanced Capability Project is to maintain specialized equipment and replace items that have exceeded their useful lifespan for SWAT and EOD teams. 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. REGULAR AGENDA

A. AIRPORTS

1. Staff recommends motion to:

A) approve an Agreement for Purchase and Sale for the following property at a total cost of \$110,000 by a supermajority vote. Said property is located west of Runway 10L at Palm Beach International Airport (PBIA):

Danny F. Roberts	
Karen Roberts	
172 Pine Road	
West Palm Beach, FL 33415	Parcel W – 156
Sales Price	\$ 110,000
Replacement Housing	\$ N/A

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

C) approve a short term Residential Lease Agreement with Danny F. Roberts and Karen Roberts for a period not to exceed 90 days.

SUMMARY: The above property is being acquired in accordance with Palm Beach International Airport’s approved Part 150 Noise Compatibility Study, which recommended the acquisition of property. An offer to purchase was presented to the Roberts on August 9, 2010 in the amount of \$85,000 and accompanying the offer was a notice of their Price Differential Payment eligibility of up to \$31,900 for total package of \$116,900. This settlement of \$110,000 is \$6,900 less than the total package of \$116,900. It should also be noted that in addition to the \$85,000 fair market value and the Price Differential of \$31,900, the Roberts family would have also been eligible to claim incidental expenses on their replacement dwelling and moving costs, however, they are not planning on purchasing a replacement property as they own another property that they are planning to relocate to. This agreement would be considered an Administrative Settlement under the FAA ORDER 5100.37B Chapter 3; Section 2. All purchases, sales and exchanges of real estate must be approved by a supermajority vote (5 Commissioners) pursuant to recent amendments to the PREM Ordinance. Countywide (HJF)

2. Staff recommends motion to approve: a Contract with David Brooks Enterprises, Inc. in the amount of \$1,196,311 for the Terminal Flooring Improvements – Phase 1 at Palm Beach International Airport (PBIA). **SUMMARY:** This project was advertised utilizing the County’s competitive bid process. On July 27, 2010, five (5) bids were received for the Terminal Flooring Improvements – Phase 1 at PBIA. Of the five (5) bids, David Brooks Enterprises, Inc., a Palm Beach County company, has been identified as a responsible/responsive bidder in the amount of \$1,196,311. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 18.00%. David Brooks Enterprises, Inc. DBE participation is 74.69%. Federal Aviation Administration (FAA) grant funding of \$897,233 (75%) and Passenger Facility Charge (PFC) funds of \$299,078 (25%) are being utilized to fund this project. Countywide (JCM)

4. REGULAR AGENDA

B. ENGINEERING & PUBLIC WORKS

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on Tuesday, October 19, 2010 at 9:30 a.m.:](#) an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program; providing for title; purpose; adoption of revised Five Year Road Plan and revised list of projects contained in Exhibit "A"; implementation of the Plan; modification of Plan; 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:** This is the Annual Update of the County's Five Year Road Plan which is required to be considered each year by the Five Year Road Program Ordinance. Exhibit "A" to the Ordinance is a list of proposed projects for the next five (5) years and contains certain changes and modifications. This list is submitted for Board of County Commissioner's consideration on preliminary reading today with the final list to be approved with the Ordinance at public hearing on Tuesday, October 19, 2010. Countywide (MRE)

C. PARKS & RECREATION

1. [Staff recommends motion to approve:](#)
 - A)** reallocation of \$250,000 from the lapsed Interlocal Agreement (R2005-1552, R2008-2328) with the City of West Palm Beach for the Grassy Waters Preserve Picnic Pavilion project to Okeeheelee Park South for the wetlands restoration project (\$150,000), the City of Pahokee for athletic field improvements (\$60,000), and the City of Belle Glade for Lake Shore Playground improvements (\$40,000); and
 - B)** Budget Transfer of \$250,000 within the \$25M GO 05, Recreational & Cultural Facilities Bond Fund from Grassy Waters Preserve Expansion to Okeeheelee South Park Development Phase III (\$150,000), Pahokee Athletic Field improvements (\$60,000), and Belle Glade Lake Shore Playground improvements (\$40,000).

SUMMARY: Due to budgetary constraints, the City of West Palm Beach was unable to move forward with the Grassy Waters Preserve Pavilion project that was partially funded by the 2002 Recreational and Cultural Facilities Bond as allocated from District 6 monies. The Interlocal Agreement for that project, as amended, terminated on April 15, 2010. At this time, the District 6 Commissioner has requested that the \$250,000 be reallocated to three (3) needed recreational projects in District 6 (i.e., Okeeheelee Park South wetland restoration, Pahokee athletic fields, and Belle Glade Lake Shore Playground improvements). District 6 (PK)

4. REGULAR AGENDA

D. RISK MANAGEMENT

1. Staff recommends motion to approve:

A) Fourth annual option to renew the Amended and Restated Administrative Services Only Agreement (R2006-2287; dated October 17, 2006), with Connecticut General Life Insurance Company (CIGNA) for claims administration services for the County's self-funded triple option (HMO, POS, PPO) health insurance plan for the period January 1, 2011, through December 31, 2011;

B) CIGNA's proposed administrative fees and specific stop loss premiums and risk retention level for plan year 2011; and

C) changes to certain co-payments and rate contributions paid by employees and their eligible dependents for plan year 2011

SUMMARY: Staff recommends Board approval for the fourth annual option to renew the Administrative Services Only Agreement with CIGNA for the period January 1, 2011, through December 31, 2011. For plan year 2011, projected Board premiums for the County's self-funded health plans reflect an increase in employee cost sharing for both plan co-payments and monthly premiums. The recommended employee cost sharing increases, estimated to be \$7,000,000 for the 2011 plan year, are necessary to offset the increasing cost of the health plans and to meet the Board's budgetary objectives. The total plan cost projected for 2011 is \$61,530,514, a \$1,678,173 increase over the projected cost for the expiring plan year. The increase in employee cost sharing, coupled with a fund balance accumulation due to less than expected claims experience in prior plan years, will negate a need to increase the Board's level of funding for coming year. Eligible employees of Palm Tran, Inc. and the Supervisor of Elections will continue to participate in the health insurance plans along with the eligible employees of the Palm Beach County Board of County Commissioners. Sufficient funds have been budgeted to fund the program. Countywide (TKF)

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to reconsider: approval of and save \$70,000 for build-out of the 1st floor of the State Attorney/Public Defender (SA/PD) building authorized on September 14, 2010 and approve build-out of the 3rd and 4th floor spaces only. **SUMMARY:** At their September 14, 2010 meeting, the Board heard a request from the State Attorney's Office for build-out of shell spaces located on the 1st, 3rd and 4th floors of the SA/PD building. Total cost of the build-out was estimated to be \$833,000. At that time, staff recommendation was to limit the build-out to the 3rd and 4th floors, which would provide more work spaces than proposed new hires, at a cost of \$763,000. In addressing the Board, the State Attorney's representative confirmed that they could "give up" the first floor portion of the project, but reiterated the need for the 3rd and 4th floors. Due to the significant budget constraints the County is experiencing, staff recommends the elimination of the 1st floor portion of the project, saving the additional cost of \$70,000, which will remain in the General Fund Contingency. Countywide (PFK)

4. REGULAR AGENDA

F. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: the sale of one (1) Westgate/Belvedere Homes Community Redevelopment Agency (CRA)-owned property to Housing Trust Group, LLC (HTG), an affordable housing developer, for \$153,700 subject to the terms of the Agreement for Purchase and Sale between the CRA and HTG. **SUMMARY:** On March 14, 2010, the CRA issued an RFP to solicit redevelopment proposals for a 0.21 acre property pursuant to Section 163.380, F.S. (2008) from interested parties. The 0.21 acre property will be combined with adjacent parcels to develop a three-story, 68-unit multi-family affordable rental housing development called Westgate Commons. HTG has indicated to the CRA that it will also be seeking Neighborhood Stabilization Program 2 (NSP 2) funding from the County in addition to the 4% Federal Housing Tax Credit and Tax-exempt Bonds through Housing Finance Authority (HFA) of Palm Beach County for the project. The CRA Board awarded the contract to HTG on May 17, 2010 subject to BCC approval and the negotiated Agreement for Purchase or Sale. The September 3, 2010 appraisal report by Jenkins Appraisal Services, Inc. indicates the market value of the property at \$125,000. Pursuant to Ordinance No. 89-6, Board of County Commissioners approval is required for disposition of any real property owned by the CRA. The CRA purchased the property as part of its redevelopment effort envisioned for the Westgate Avenue corridor. Funds received from the sale of the properties will be put back in the CRA's General Fund for future redevelopment activities. District 2 (TKF)

G. WATER UTILITIES

1. Staff recommends motion to approve: the distribution of information in Palm Beach County Water Utility (WUD) bills to inform its customers of the new federal Numeric Nutrient Criteria rule proposed by the Environmental Protection Agency (EPA) and the potential rate impact. **SUMMARY:** On January 14, 2009, a federal judge ruled that new or revised water quality standards in the form of numeric nutrient water quality criteria were necessary to meet the requirements of the Clean Water Act in the State of Florida. The Department of Justice and EPA subsequently entered into a consent decree that required EPA to adopt numeric nutrient standards by October 15, 2010. In January 2010, the EPA proposed numeric nutrient criteria that would impose very stringent limitations on discharges to all water bodies, including drainage lakes and canals. While some portions of the criteria have been delayed until 2012, the criteria that covers lakes (the water bodies potentially impacted by reclaimed water systems) are still scheduled to go into effect October 15, 2010. The cost of compliance to businesses, farms and utilities in South Florida is staggering and could possibly shut down the reclaimed water systems that Florida utilities have invested in at a cost of several billion dollars. Many of WUD's customers and homeowners associations have requested more information on the subject. WUD in conjunction with a consortium of cities, counties, associations (including Florida Association of Counties) and businesses developed the a bill stuffer which WUD is requesting to be distributed in the bills beginning October 10, 2010, for one bill cycle. Countywide (MJ)

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5. BOARD APPOINTMENTS

A. **FIRE RESCUE**
(Fire Code Board of Appeals and Adjustments)

1. **Staff recommends motion to approve:** one (1) appointment to Seat No. 5 to the Fire Code Board of Appeals and Adjustments Committee beginning on October 5, 2010, through May 17, 2012:

Appoint:

<u>Nominee</u>	<u>Category</u>	<u>Seat No.</u>	<u>Nominated By</u>
John Whitehead	Sprinkler Representative	5	Comm. Marcus Comm. Taylor Comm. Abrams Comm. Aaronson

SUMMARY: This appointment is to fill the vacancy left by Mr. Mark Galavan for non-compliance of the Palm Beach County Code of Ethics training requirements. The appointment is for the remainder of a term ending May 17, 2012. The Fire Code Board of Appeals and Adjustments is maintained in accordance with the Palm Beach County Local Amendments to the Florida Fire Prevention Code (Ordinance 2008-045). On July 19, 2010, a memo was distributed to the Commissioners requesting nominations to this nine (9) member board (At-Large). This Board is appointed by the Board of County Commissioners and members serve three (3) year terms, with no limit on the number of terms an individual may serve. Mr. Whitehead was nominated by the American Fire Sprinkler Association. No other nominations were received. Countywide (PK)

B. **ENVIRONMENTAL RESOURCES MANAGEMENT**
(Natural Areas Management Advisory Committee)

1. **Staff recommends motion to approve:** the reappointment of the following individuals to the Natural Areas Management Advisory Committee (NAMAC) for a term of three (3) years beginning November 1, 2010, through October 31, 2013. Staff received nominations for:

<u>Reappoint</u>	<u>Representing</u>	<u>Seat No</u>	<u>Nominated by</u>
Russ Ruskay	Local Municipal Parks and Recreation	4	Comm. Abrams Comm. Marcus Comm. Santamaria Comm. Taylor Comm. Aaronson
<u>Reappoint</u> Allen Trefry	Citizen	7	Comm. Abrams Comm. Marcus Comm. Santamaria Comm. Taylor Comm. Aaronson

SUMMARY: On February 24, 2009, the Board of County Commissioners (BCC) adopted Resolution No. 2009-0319 which established NAMAC with seven (7) at-large members. The composition of the Committee shall be as follows: one (1) member with experience in the management of natural areas, one (1) biological scientist, one (1) professional educator with knowledge of South Florida ecosystems, one (1) representative of a local municipal government public recreation program, one (1) member of the Palm Beach County Parks and Recreation Department staff, two (2) citizens having an interest in preservation and conservation of natural areas. A memorandum from Environmental Resources Management (ERM) was sent to the BCC on August 18, 2010 requesting nominations for Seats 4 and 7. Countywide (SF)

5. BOARD APPOINTMENTS

C. LIBRARY
(Library Advisory Board)

1. Staff recommends motion to approve: reappointment of the following at-large member of the Library Advisory Board for a term of three (3) years, effective October 1, 2010, to September 30, 2013:

<u>Nominee</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Nominated by</u>
Rosalie Krasnow	15 At Large	Resident of PBC Library District	Commissioner Aaronson Commissioner Abrams Commissioner Marcus

SUMMARY: Per Chapter 67-1869; amended by Resolution R77-1302; the Library Advisory Board consists of 15 members, one (1) at large and 14 district appointees. Ms. Krasnow has served on the Library Advisory Board since 1999. She is eligible to serve another three (3) year term and has expressed a desire to be reappointed. A memo was distributed to the Board of County Commissioners on August 23, 2010 requesting nominations. No other nominations were received. Countywide (TKF)

D. COMMISSION DISTRICT APPOINTMENTS

OCTOBER 5, 2010

6. MATTERS BY THE PUBLIC – 2:00 P.M.

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OCTOBER 5, 2010

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

8. 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

Approval for a Proclamation declaring September 9, 2010 as “I am Empowered Day” in celebration of the Urban League Centennial that was presented off-site on September 29, 2010.

9. 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

OCTOBER 5, 2010

<u>PAGE</u>	<u>ITEM</u>	
7	2I	<u>ADD-ON:</u> Proclamation declaring October 15, 2010 as “White Cane Safety Day” and October 2010 as “Blindness Awareness Month” in Palm Beach County. (Sponsored by Commissioner Abrams)
38	4D-1*	<u>DELETED: Staff recommends motion to approve: A)</u> Fourth annual option to renew the Amended and Restated Administrative Services Only Agreement (R2006-2287; dated October 17, 2006), with Connecticut General Life Insurance Company (CIGNA) for claims administration services for the County’s self-funded triple option (HMO, POS, PPO) health insurance plan for the period January 1, 2011, through December 31, 2011;...(Risk Mgmt) (Moved to October 19, 2010)
44	8C	<u>ADD-ON:</u> Proclamation declaring November 2010 as “National Adoption Month” in Palm Beach County. (Sponsored by Commissioner Vana)
44	8G	<u>ADD-ON:</u> Certificate of Congratulations to Rev. Griffin and Hughetta Davis on celebrating 45 years as Pastor, founder and builder of the Hilltop Missionary Baptist Church. (Sponsored by Commissioner Taylor)

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 (*).