

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

**DECEMBER 21, 2010**

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

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
  
- 2. AGENDA APPROVAL**
  - A. Additions, Deletions, Substitutions
  - B. Adoption
  
- 3. CONSENT AGENDA (Pages 6 - 21)**
  
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 22 - 24)**
  
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- 6. BOARD APPOINTMENTS (Page 30)**
  
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3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Zoning	February 25, 2010
Regular	June 8, 2010
Workshop	June 15, 2010
Budget	June 16, 2010
Regular	June 29, 2010
Workshop	July 13, 2010
Zoning	July 22, 2010
Zoning	August 26, 2010
Budget	September 14, 2010
Budget	September 28, 2010
Regular	October 5, 2010
Comp Plan	October 25, 2010
Final	November 16, 2010
Reorganizational	November 16, 2010
Regular	November 16, 2010

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** a 120 calendar day Contract with Shoreline Foundation, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$152,826.10, for the construction of the Marginal Road Bridge over the L-5 Canal (Project), Project No. 2009081-16. **SUMMARY:** Approval of this Project will provide for construction of a new sidewalk and fencing across the bridge and installation of new guardrail and end treatments at both ends of the bridge. The Contractor is a Broward County business with 15% of the work to be performed by a Palm Beach County subcontractor. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the Project by the Contractor is 15.98% overall. All three (3) low bidders are located outside Palm Beach County. District 6 (MRE)
2. **Staff recommends motion to approve:** an Amendment to the Annual Microsurfacing Contract (R2009-1839) (Contract), Project No. 2010051, dated November 3, 2009, with Florida Highway Products, Inc. (FHP), to retroactively extend the Contract to November 3, 2011. **SUMMARY:** Approval of this Amendment will relate back to November 3, 2009, and extend the expiration date of the existing Contract, without interruption or lapse, to November 3, 2011. There will be no increase in the maximum value of work orders issued under the existing \$50,000 Contract. In addition, the updated language for the Palm Beach County Office of the Inspector General Ordinance has been added to the Contract as has the requirements contained in the new Local Government Prompt Payment Act. The Small Business Enterprise (SBE) goal for the project is 15%. The SBE participation committed for the project by FHP is 8.67% overall. FHP is not a local business. To date, no work orders have been issued against this Contract. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. **Staff recommends motion to approve:** an Amendment to the Annual Open Graded Asphalt Pavement Contract, R2009-1840 (Contract), Project No. 2010052, dated November 3, 2009, with Florida Highway Products, Inc. (FHP), to retroactively extend the Contract to November 3, 2011. **SUMMARY:** Approval of this Amendment will relate back to November 3, 2009, and extend the expiration date of the existing Contract, without interruption or lapse, to November 3, 2011. There will be no increase in the maximum value of work orders issued under the existing \$100,000 Contract. In addition, the updated language for the Palm Beach County Office of the Inspector General has been added to the Contract as has the requirements contained in the new Local Government Prompt Payment Act. The Small Business Enterprise (SBE) goal for the project is 15%. The SBE participation committed for the project by FHP is 8.42% overall. FHP is not a local business. To date, no work orders have been issued against this Contract. Countywide (MRE)
  
4. **Staff recommends motion to receive and file:** the Final Contract Summary for Final Acceptance and Final Payment of \$151,122 for Gator Boulevard H.I.P. Paving Project, Project No. 2010908 (Contract), R2010-1485, 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. The Board accepted the Contract on October 5, 2010 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. Road and Bridge Division staff reviewed the work as substantially complete in accordance with the Contract and recommended payment to the Contractor on August 18, 2010. Upon receipt of all required documentation from the Contractor, final payment was approved by the County Engineer on October 27, 2010. The Contractor does not have an office in Palm Beach County. District 6 (MRE)
  
5. **Staff recommends motion to approve:** a 120 calendar day Contract with Edens Construction Company, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$195,685.40 for construction of the South Bay RV Park (Project), Project No. 2010057. **SUMMARY:** Approval of this Contract will provide for the installation of concrete pathways, site furnishings, fencing, landscaping, sod, and renovation of a historic cottage railroad building at Palm Beach County South Bay RV Park. This Project is funded by Federal Grant No. FM416139-1-58-01, with a construction period of 120 days to be scheduled anytime from September 30, 2010, to December 31, 2011. The Contractor is a Glades business and has met the Federal Disadvantaged Business Enterprise requirement of 8.18%. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the Project by the Contractor is 54.61% overall. District 6 (MRE)
  
6. **DELETED**
  
7. **Staff recommends motion to approve:** a Budget Transfer of \$31,000 in the Unincorporated Improvement Fund from Reserves to Cinquez Park Area Improvements, Project No. 2006137 (Project). **SUMMARY:** Approval of this Budget Transfer will make funds available for a proposed Change Order No. 3, which is primarily for revising a section of storm sewer in order to fit existing field conditions. District 1 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

8. **Staff recommends motion to approve:** the First Amendment to Contract No. 09-015/LJ dated July 21, 2009 (R2009-1133) with American Traffic Solutions for a red light violation camera and citation system to conform with the requirements of Laws of Florida, 2010-80 and Ordinance 2008-013, as amended by Ordinance 2010-040. **SUMMARY:** Approval of this First Amendment to the Contract will allow the use of unmanned cameras in Palm Beach County and establish a program to enforce such violations. This will bring us in compliance with the new laws adopted by the State earlier this year. Countywide (MRE)
  
9. **Staff recommends motion to approve:** an Amendment to the Reimbursement Agreement (R2008-1599) with the City of Delray Beach (City) approved on September 23, 2008 to reimburse the City an amount not to exceed \$100,000 from the Transportation Improvement Fund Reserves District 7 for the installation of streets lights on Martin Luther King, Jr. Drive from Northwest 4<sup>th</sup> Avenue to Northwest 5<sup>th</sup> Avenue – District 7. **SUMMARY:** Approval of this amended Reimbursement Agreement with the City will extend the completion date for installation of the street lights from December 31, 2010, to December 31, 2011. District 7 (MRE)

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:**
  - A) a waiver of prohibited relationship pursuant to Palm Beach County Code, Article XIII, the Palm Beach County Code of Ethics for United Way of Palm Beach County employees Charles Anderson and Laurie George, a member and an alternate respectively, of the Homeless Advisory Board;
  
  - B) Contract with United Way of Palm Beach County, Inc. (United Way) for the period October 1, 2010, through September 30, 2011, in an amount not to exceed \$50,000 to provide disaster recovery services.

**SUMMARY:** This Contract with United Way will support staffing and related expenses for the Disaster Recovery Coalition. United Way agrees to provide oversight as the fiscal agent for the Coalition and direct supervision of Coalition personnel. The Coalition will provide disaster response and recovery services in support of the Palm Beach County Comprehensive Emergency Management Plan. Prohibited relationship waivers are being recommended for two (2) employees of United Way who serve on a County advisory board. The individuals have disclosed this relationship and are requesting a waiver pursuant to Section 2-443(d) of the Code of Ethics. The waivers are being recommended based on a staff determination that the execution of this Contract will not create a conflict of interest with the continued service of the individuals on the advisory board. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve:

**A)** a waiver of prohibited relationship pursuant to Palm Beach County Code, Article XIII, 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)** a waiver of prohibited relationship pursuant to Palm Beach County Code, Article XIII, the Palm Beach County Code of Ethics, for Thomas Bell and Michelle Carter of Gulfstream Goodwill Industries, Inc., members of the Palm Beach County Homeless Advisory Board; and

**C)** contracts with the following vendors for the period of January 1, 2011, through December 31, 2011, for a total of \$520,148, for services to homeless individuals:

- 1) Oakwood Center of the Palm Beaches for Supportive Services in an amount not to exceed \$82,860;
- 2) Gulfstream Goodwill Industries, Inc. for Supportive Services in an amount not to exceed \$66,030;
- 3) Gulfstream Goodwill Industries, Inc. for Supportive Housing in an amount not to exceed \$288,398; and
- 4) Comprehensive Alcoholism Rehabilitation Programs (CARP), Inc. for Supportive Services in an amount not to exceed \$82,860.

**SUMMARY:** In 2009, Housing & Urban Development awarded the Division of Human Services a one (1) year renewal grant to begin January 1, 2011. The grant will continue funding for 30 transitional housing beds and supportive services offered through Gulfstream Goodwill Industries, Inc., CARP, and Oakwood Center to provide staff for the Homeless Outreach Teams and related support services. Prohibited relationship waivers are being recommended for two (2) employees of Gulfstream Goodwill and for two (2) employees of Oakwood Center of the Palm Beaches, Inc. who serve on County advisory boards. The individuals have disclosed this relationship and are requesting a waiver pursuant to Section 2-44(d) of the Code of Ethics. The waivers are being recommended based on a staff determination that the execution of this contract will not create a conflict of interest with the continued service of the individuals on the advisory board. Funds for these contracts are comprised of \$442,158 from Housing and Urban Development and \$91,240 in County match for a total of \$533,398. The contracts total \$520,148 and the remaining balance of \$13,250 is for non-contracted funds for administration and bus passes. (Human Services) Countywide (TKF)

3. Staff recommends motion to approve: Head Start Delegate Agency Agreement with the School Board of Palm Beach County (Delray Full Service Center), for the period of October 1, 2010, through September 30, 2011, in an amount of \$1,157,791, for services to Head Start children. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services to provide child care services. As a result, Head Start is contracting with the School Board of Palm Beach County (Delray Full Service Center) to provide services to up to 185 children for 180 days at an annual rate of \$6,258.33 for 3 and 4 year olds. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to receive and file: four (4) amendments to the Ryan White Part A HIV Emergency Relief Funds contracts (Formula) for the period March 1, 2010, through February 28, 2011:

**A)** Amendment No. 1 to contract (R2010-0954) with Treasure Coast Health Council to decrease funding for outpatient specialty medical by \$95,000 for a total contract amount not to exceed \$488,000;

**B)** Amendment No. 1 to contract (R2010-0953) with Oakwood Center of the Palm Beaches, Inc. to decrease funding for residential substance abuse by \$34,000 for a total contract amount not to exceed \$2,000;

**C)** Amendment No. 1 to contract (R2010-0949) with Comprehensive AIDS Program to increase funding for health insurance continuation by \$60,000 for a total contract amount not to exceed amount \$1,438,000;

**D)** Amendment No. 1 to contract (R2010-0950) with Comprehensive Community Care Network to increase funding for nurse care coordination by \$34,000 and increase funding for outpatient primary care by \$35,000 for a new total contract amount not to exceed \$540,874.

**SUMMARY:** The fully executed amendments have been returned and require submission to the Clerk's office for filing. The amendments cover funds that were moved from agencies and reallocated to agencies that needed additional funds to serve the HIV clients in Palm Beach County. They were executed by the County Administrator in accordance with Resolution R2010-1074, which delegated authority to the County Administrator, or his designee, to sign documents related to the Ryan White Part A HIV Emergency Relief Grant. Countywide (TKF)

5. Staff recommends motion to approve: Amendment No. 1 to contract (R2010-1235) with Treasure Coast Health Council, to change contract language and increase funding for quality management by \$35,200 for a total contract amount not to exceed \$77,200. **SUMMARY:** An amendment is needed to change the method of reimbursement from actual cost to unit cost. In addition, Ryan White HIV Emergency Relief Fund dollars are reviewed throughout the contract year and are reallocated to best meet the needs of affected clients. Additional funding of \$35,200 is being moved from the Grantee's quality management budget to compensate the provider agency for services provided during the grant period. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. Staff recommends motion to approve:

**A)** a waiver of prohibited relationship pursuant to Palm Beach County Code, Article XIII, the Palm Beach County Code of Ethics for United Way of Palm Beach County employees Charles Anderson and Laurie George, a member and an alternate respectively, of the Homeless Advisory Board; and

**B)** Contract with the United Way of Palm Beach County to support the Community Food Alliance in an amount not to exceed \$25,000 for the period October 1, 2010, through September 30, 2011.

**SUMMARY:** The County continues to partner with the United Way to provide staff support of the Palm Beach County Community Food Alliance. This Alliance implements the countywide Community Food Security Action Plan to decrease hunger in Palm Beach County. This action plan was developed as a result of the 2004 Food Security Survey. Funding from the County will be matched by United Way for the support of the salary/benefits and related expenses of the Community Food Alliance Coordinator. Prohibited relationship waivers are being recommended for two (2) employees of United Way who serve on a County advisory board. The individuals have disclosed this relationship and are requesting a waiver pursuant to Section 2-443(d) of the Code of Ethics. The waivers are being recommended based on a staff determination that the execution of this contract will not create a conflict of interest with the continued service of the individuals on the advisory board. (Community Action Program) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to approve: a Kiosk Operating Agreement with Redbox Automated Retail, LLC, (Redbox) providing for the rental and sale of DVDs and video games, utilizing automated retail vending machines, at the Palm Beach International Airport (PBIA) on a trial basis for one (1) year, commencing on January 1, 2011. **SUMMARY:** This Agreement provides for the rental and sale of DVDs and video games by Redbox at PBIA on a trial basis for a period of one (1) year. Redbox is a Delaware limited liability company with its principal office in Illinois. Redbox will pay the County 15% of gross revenues for sales up to \$60,000 and an additional 2% of gross revenues for sales in excess of \$60,000. Redbox will install two (2) automated retail vending machines in the PBIA terminal in post-security locations. In addition, Redbox will provide monthly revenue reports, which will assist staff in determining the viability of the program as an on-going concession prior to issuance of a competitive solicitation. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. **Staff recommends motion to approve:** a Declaration of Drainage Easement on 0.275 acres of property located southeast of Australian Avenue, south of the Palm Beach International Airport (PBIA), providing for legal positive outfall. **SUMMARY:** The County's Land Development Division requires evidence of legal positive outfall to a parcel of airport property in order to meet the requirements for a waiver of platting. The waiver has been requested as a part of the Department's efforts to redevelop property south of PBIA. The Declaration of Drainage Easement will be recorded to provide notice of the existence and location of the legal positive outfall. Countywide (HJF)

3. **Staff recommends motion to receive and file:** seven (7) original Agreements for the Department of Airports:

**A)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Credence Aviation, LLC, commencing November 1, 2010;

**B)** Consent to Sublease for a Sublease Agreement between Piedmont Hawthorne Aviation, LLC, d/b/a Landmark Aviation and Robert J. Scialla, commencing November 1, 2010;

**C)** Consent to Sub-Sublease under Lease Agreement with Galaxy Aviation of Palm Beach, Inc. (R2000-1067) for a Sub-Sublease Agreement between Rotortech Services, Inc. and Corporate Jet Care LLC, commencing July 1, 2010;

**D)** General Aeronautical Services Permit with Aramark Aviation Services Limited Partnership, commencing October 1, 2010, expiring September 30, 2011, automatically renewed on year-to-year basis (10/1 through 9/30);

**E)** Airline Service Incentive Program Participation Agreement for Qualified Flights with Air Canada, commencing November 19, 2010, expiring one (1) year from effective date, automatically renewed on a year-to-year basis;

**F)** Fifth Amendment to Airline Operating and Lease Agreement with Air Canada (R2009-0081) replacing Exhibit B which shows exclusive and preferential use premises on first and third level of PBIA Terminal, effective October 31, 2010; and

**G)** Affidavit of Posting Resolution R2010-1461 to amend Palm Beach County Airport Rules and Regulations providing for regulation of ground transportation services.

**SUMMARY:** Delegation of authority for execution of the standard County agreements above was approved by the Board of County Commissioners in R1994-1453, R2007-1968, R2009-0634, and R2010-0708. Countywide (AH)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to adopt: a Resolution rescinding and replacing Resolution No. 2009-1164 pertaining to the Public Art Committee (PAC). **SUMMARY:** On July 21, 2009, the Board of County Commissioners (BCC) approved the latest revision to the Resolution creating and governing the Public Art Committee. One of the changes made in this revision removed the requirement that a BCC Member sit as the Chair of the PAC. While this was the most recent revision, other revisions have been made over the years to reflect the need for a different mix of expertise among members in order to coincide with the evolving role of the PAC. Recognizing the BCC's expressed desire to serve on only those committees where participation is mandated or can have a direct impact on policy issues, Staff is recommending that the PAC structure be modified to eliminate the seat for a County Commissioner. There are no other changes to the Resolution proposed. (FDO Admin) Countywide (MJ)
  
2. Staff recommends motion to approve: Amendment No. 8 to the contract with Hedrick Brothers Construction (R2007-1506) in the amount of \$545,752 for construction management services for the State Attorney Build Out project establishing a Guaranteed Maximum Price (GMP). **SUMMARY:** On September 14, 2010, the Board approved proceeding with the build out of the 3<sup>rd</sup> and 4<sup>th</sup> floor shell spaces in the State Attorney building to accommodate new prosecutors and support staff. Amendment No. 8 establishes a GMP of \$545,752 and 69 calendar days for completion of approximately 4,000 square feet of build out work on the 3<sup>rd</sup> floor and approximately 3,100 square feet of build out work for the 4<sup>th</sup> floor. The GMP includes the cost of work, the construction manager's fee and a contingency. The project is funded through the Capital Outlay Fund. The Small Business Enterprise (SBE) goal for this contract is 15%. Hedrick Brothers Construction's SBE participation for this project is 22.9%. Hedrick Brothers Construction is a Palm Beach County firm and are using all local subcontractors except one for the work. (Capital Improvements Division) District 7 (JM)
  
3. Staff recommends motion to approve:
  - A) a Budget Transfer of \$1,740,000 within the 30.5 M GO 2003 Library Improvement Bond Fund from Reserves to the Main Library project;
  - B) a Budget Transfer of \$900,000 within the Library Expansion Program Fund from Reserves to the Main Library project; and
  - C) Amendment No. 7 to the contract with The Weitz Company (R2007-1105) in the amount of \$2,506,101 for construction management services for the Main Library Renovations project establishing a Guaranteed Maximum Price (GMP).  
  
**SUMMARY:** On May 22, 2007, the Board directed to postpone building a new Main Library due to insufficient funds in the Library Expansion Program, but to renovate the existing library that is in need of upgrading. This project will replace building components that have reached their useful life expectancy including replacing portions of the roof, providing new HVAC in selected areas, upgrading lighting, repaving portions of the parking lot and updating the carpet and paint. Amendment No. 7 establishes a GMP of \$2,506,101 and 203 calendar days for completion. The GMP includes the cost of work, the construction manager's fee and a contingency. The Small Business Enterprise (SBE) goal for this contract is 15%. The Weitz Company's SBE participation for this project is 37%. The Weitz Company is a Palm Beach County firm and is using all local subcontractors with the exception of \$18,249 of work. The project is funded through the GO 2006 and GO 2003 Library District Improvement funds and the Library Improvement fund. The Budget Transfer is necessary in order to fully fund the project. (Capital Improvements Division) District 2 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve:

**A)** Amendment No. 9 to the contract with Catalfumo Construction, Ltd (R2007-1217) in the amount of \$10,271,408 for construction management services for the Acreage Library project establishing a Guaranteed Maximum Price (GMP); and

**B)** Insurance premium provided under Palm Beach County's Master Builder's Risk Program in an estimated amount not to exceed \$67,488.

**SUMMARY:** Amendment No. 9 establishes a GMP of \$10,271,408 and 390 calendar days for completion. The GMP includes the cost of work, the construction manager's fee and a small contingency. The new library will be 30,000 square foot on 6.7 acres of land leased from the Indian Trail Improvement District. The project will be US Green Building Council LEED certified and is funded through the GO 2006 Library District Improvement Fund and the Library Expansion Program. The Small Business Enterprise (SBE) goal for this contract is 15%. Catalfumo Construction's SBE participation for this project is 29.6%. Catalfumo Construction is a Palm Beach County firm and 90% of the work will be done by local subcontractors. (Capital Improvements Division) District 6 (JM)

5. Staff recommends motion to approve: Change Order No. 23 to the contract with The Weitz Company (R2003-1542) decreasing the Guaranteed Maximum Price (GMP) by \$1,689,068 for the West Boca Library project. **SUMMARY:** There is \$1,689,068 remaining in the contract contingency due to unused escalation, allowances, and contingency and buy out savings. This project was bid in mid-2007 when the bidding environment had unprecedented escalation for the past three (3) years. As a result, contractors were fearful of further price increases and were including substantial escalation and contingency factors in their prices. Fortunately, prices stabilized in late 2007 and 2008 resulting in savings returned to the County. Additionally, due to the densely vegetated 2.2 acre site, topographic data and soil characteristics prior to bidding were unreliable resulting in large allowances for clearing, removal of unsuitable soils, and importing of soils. As it turned out, most of the allowances were unused and therefore returned to the County. Change Order No. 23 will allow for the closeout of this contract. The unused funds from this project will be returned to the Library Expansion Program Fund. The final Small Business Enterprise participation for this project is 31%. (Capital Improvements Division) District 5 (JM)

6. Staff recommends motion to approve: Change Order No. 13 to the contract (R2007-1217) with Catalfumo Construction, Ltd., decreasing the Guaranteed Maximum Price (GMP) by \$955,271.20 for the Operations and Support Center (OSC) Warehouse and Storage Building. **SUMMARY:** On February 24, 2009, the Board approved the GMP in the amount of \$9,391,656 for the OSC Warehouse and Storage Building. There is \$955,271.20 remaining in the contract contingency due to unused allowances, unused owner's contingency, and buyout savings resulting from a favorable bidding environment at bid time. Due to the purchase and sale agreement on the former property, the project schedule required an accelerated start, so the project GMP was established prior to permitting resulting in allowances to compensate for possible changes required during the permit review. Change Order No. 13 reconciles the final project cost and will also allow for closeout. This project was funded entirely from the Criminal Justice and Public Improvement Revenue Bond Series 2008, and these savings will be returned to that bond reserve. Any use of these funds will require specific appropriation by the Board at a later date. The Small Business Enterprise (SBE) participation goal is 15%, and the final SBE participation is 24%. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to approve: Amendment Number Three to Lease Agreement (R2002-0957) with the Milagro Foundation, Inc. for the County's continued use of a 2,100+/- SF child care building and surrounding land for the Delray Beach Early Head Start Program at an annual rate of \$39,552. **SUMMARY:** Since 2002, the County, on behalf of the Community Services Department Head Start Division, has leased the building and surrounding land located at 346 Southwest 6<sup>th</sup> Avenue in Delray Beach. The current term of the Lease expires April 30, 2011. This Amendment extends the term of the Lease for three (3) years at the current rate of \$39,552 (\$18.83/sf) per year fixed for the entire three (3) year term. The County will continue to pay for separately metered utilities and has the right to terminate the Lease upon ninety (90) days prior written notice to Landlord. The Early Head Start Program will ultimately be relocated to a new Head Start facility within Delray Beach's Catherine Strong Park planned for construction in FY 2015. (PREM) District 7 (HJF)

8. Staff recommends motion to:

**A) approve** an Offer and Purchase Agreement with the State of Florida Department of Transportation (FDOT) for the sale of a vacant 0.66-acre parcel of land located at the northwest corner of MLK Boulevard/State Road 710 and Avenue "P" in Riviera Beach for \$381,300;

**B) approve** a County Deed in favor of FDOT;

**C) adopt** a Resolution authorizing the conveyance to FDOT;

**D) approve** an Offer and Purchase Agreement with FDOT for a Temporary Construction Easement on a 0.003-acre (137 square feet) portion of the Mayme A. Frederick Service Center (Service Center) in Riviera Beach for \$800;

**E) approve** a Temporary Construction Easement (TCE) in favor of FDOT over a portion of the Service Center; and

**F) approve** a License in favor of FDOT on a portion of the Service Center.

**SUMMARY:** FDOT made an offer of \$381,300 to purchase a 0.66-acre parcel located at the northwest corner of MLK Boulevard/State Road 710 and Avenue "P" in Riviera Beach. The property is needed for a water retention area for a planned road widening and intersection improvement project for MLK Boulevard/State Road 710. An appraisal prepared for FDOT by Woolslair & Associates, Inc. values the parcel at \$381,300. FDOT made an offer of \$800 for a Temporary Construction Easement required on a 0.003-acre portion of the 5-acre Service Center parcel to allow FDOT to tie in and harmonize the property with the proposed construction. The Temporary Construction Easement area will expire upon the completion of the proposed construction project, but not later than July 31, 2017. An appraisal prepared for FDOT by Woolslair & Associates, Inc. values the TCE at \$800. A License is required on a portion of the Service Center parcel to grant FDOT permission solely for sloping, grading, tying in, harmonizing and reconnecting existing features of the property with the proposed construction. The License area is approximately 35.2 feet long and 5 feet wide, contains 176 square feet (0.004 acres) and will expire upon the completion of the proposed construction project, but not later than July 31, 2017. No compensation is being offered for the license rights. FDOT will execute documents after Board approval. 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. (PREM) District 7 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve: an Easement for Fiber-Optic Communications Equipment (Easement) in favor of FPL FiberNet, LLC (FiberNet) for installation of fiber-optic communications equipment at the Roger Dean Stadium (Stadium). **SUMMARY:** In 1996, the Board approved a Sports Facility Use Agreement (R96-877D) (Use Agreement) for Jupiter Stadium, Ltd.'s (Teams) use, occupancy and operation of the Stadium, including the right to permit all third-parties to use the Stadium for all purposes and to retain all revenues derived from the operation of the Stadium. The Teams have requested that the County grant FiberNet an easement for the installation of fiber-optic cable, fiber-optic encasement conduit and appurtenant equipment to provide fiber-optic communication capabilities to the portion of the Stadium used as the Florida Marlins Clubhouse (Easement Area 1) and the monopole used by MetroPCS California/Florida, Inc. (Easement Area 2), together with a limited revocable license to tie into existing conduit located within the Florida Marlin's Clubhouse and the Commissary for the Stadium. Easement Area 1 is approximately 10 feet wide and 158 feet long and contains 1,581 square feet (.04 acres). Easement Area 2 is approximately 10 feet wide and 19 feet long and contains 190 square feet (.004 acres). The term of the Easement expires simultaneously with the term of the Teams' Use Agreement unless the County and FiberNet agree to extend the term. This non-exclusive easement is being granted at no charge as it will provide fiber-optic communications service to the County's Stadium. (PREM) District 1 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: an Agreement with McCurdy Senior Housing Corporation in the amount of \$67,252 under the FY 2010-2011 Community Development Block Grant (CDBG) for the period of October 1, 2010, to September 30, 2011. **SUMMARY:** The FY 2010-2011 Action Plan approved by the Board of County Commissioners on July 20, 2010 (R2010-1156) allocated \$1,356,450 of CDBG funds for the provision of public services, fair housing activities and housing activity delivery costs. The services to be provided by the above agency for which approval is being sought is as follows: provide a social services program to 75 individuals residing at the Quiet Waters facility located in Belle Glade, Florida. HCD staff reviewed the agency program budget to ensure no duplication in reimbursement of expenses from other County programs. **These are Federal funds that require no local match.** Countywide (TKF)
2. Staff recommends motion to receive and file: the following three (3) Fiscal Year 2010-2011 Grant Agreements with the U.S. Department of Housing and Urban Development (HUD):
  - A) Agreement for the Community Development Block Grant (CDBG) Program- \$7,351,246;
  - B) Agreement for the Home Investment Partnership (HOME) Agreement- \$2,777,679; and
  - C) Agreement for the Emergency Shelter Grants (ESG) Program- \$299,384.**SUMMARY:** In accordance with County PPM CW-0-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The HUD grant agreements have been fully executed on behalf of the Board of County Commissioners (Board) by Commissioner Burt Aaronson acting as Board Chair, and are now being submitted to the Board to receive and file. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

3. Staff recommends motion to approve: an Agreement with the City of Pahokee for the renovation of the Old Pahokee High School Gymnasium, in the amount of \$335,000, for the period of December 21, 2010, through November 30, 2011. **SUMMARY:** The project entails the interior and exterior renovation of the abandoned gymnasium at the Old Pahokee High School in order to put it back in service. The gymnasium is located at 360 East Main Street in the City of Pahokee. **These are Federal Community Development Block Grant funds that require no local match.** District 6 (TKF)

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to:
  - A) adopt** Resolutions of the Board of County Commissioners of Palm Beach County, Florida, granting County tax exemptions for a total of two (2) historic properties located within the City of West Palm Beach; and
  - B) approve** the restrictive covenants for both historic properties, requiring the qualifying improvements be maintained during the period that the tax exemptions are granted.

**SUMMARY:** The resolutions will authorize a County tax exemption for the following historic properties located within the City of West Palm Beach:

Address: 818 Avon Road  
720 Flamingo Drive

If granted, the tax exemptions will take effect January 1, 2011, and remain in effect for ten (10) years, or until December 31, 2020. The exemptions will apply to 100 percent of the assessed value of all improvements to each historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the 2011 Countywide Operating Millage rate, it is estimated that approximately \$2,018.75 tax dollars will be exempted annually. Accompanying each resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. District 2 (RB)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve: the purchase of three (3) lots (5.0 total acres) in the Palm Beach Heights subdivision from Martin County using the Natural Area Fund. The cost of purchasing the property is \$1,849 (land cost), plus an estimated \$100 for recording and miscellaneous fees/costs, for a total of \$1,949. **SUMMARY:** The Palm Beach Heights subdivision is north of Indiantown Road and northeast of the Bee Line Highway and includes lots in both Palm Beach and Martin Counties. Pursuant to the County's White Paper dated July 18, 2005, all 432 lots within the Palm Beach County portion of the subdivision are considered unbuildable. The lots that are the subject of this item were purchased by Martin County in late 2002 and mid 2003 as part of a large conservation land acquisition project. Martin County would like to sell the subject lots to the County rather than try to manage five (5) acres of environmentally-sensitive lands in Palm Beach County. The proposed purchase price is equal to what Martin County paid for the lots. A pre-acquisition environmental assessment will be performed by the Department of Environmental Resources Management. District 1 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS AND RECREATION

1. Staff recommends motion to approve: First Amendment to Independent Contractor Agreement (R2010-0354) with Mary Lou Putnam for the Water Exercise Program at North County Pool for the period January 26, 2010, through January 25, 2011, increasing the total contract amount by \$2,500 for a new total amount of \$12,400. **SUMMARY:** On January 26, 2010, the Parks and Recreation Department entered into an Independent Contractor Agreement with Mary Lou Putnam to provide water exercise instructor services at North County Pool. Program fees are paid by participants directly to the County, and the Independent Contractor is paid 70% of all program fees collected. The 30% retained by the County covers all expenses to administer the program and generates a positive revenue stream. Due to the popularity of the program, a greater number of participants are enrolling than were anticipated and the amount due the contractor will exceed the \$9,900 maximum by \$2,500. This Amendment allows for the additional payment to the Independent Contractor while all other terms of the Agreement remain the same. District 1 (AH)
  
2. Staff recommends motion to approve: Agreement with Friends of Daggerwing Nature Center, Inc. defining their role in management, operation, and use of the Daggerwing Nature Center; effective upon execution. **SUMMARY:** The Daggerwing Nature Center (Nature Center) is operated by the Board of County Commissioners. The Friends of Daggerwing Nature Center, Inc. (Corporation) is a private not-for-profit corporation whose purpose is to support and enhance the Nature Center and provide visitors and the surrounding community with educational and programmatic resources that will result in a recreation experience and a deeper understanding of Florida's ecosystem. The Agreement outlines the Corporation's role in the management, operation and use of the Nature Center. The Agreement shall automatically renew annually unless terminated by either party upon 60 days written notice to the other party. District 5 (AH)

N. LIBRARY

1. Staff recommends motion to approve: Budget Transfer of \$535,000 within the Library Expansion Program Fund from Reserves to Greenacres Branch Library. **SUMMARY:** This Budget Transfer will complete the renovation of the Greenacres Branch. Countywide (TKF)
  
2. Staff recommends motion to approve: Budget Transfer of \$37,000 within the Library Expansion Program Fund from Reserves to the Lantana Road Branch Library. **SUMMARY:** This Budget Transfer will provide funding for the installation of public computers and the installation of speed bumps in the parking lot of the Lantana Road Branch Library. The computers will help meet the increasing demand for computer use. The parking lot improvements are necessary to insure the safety of library patrons. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. **Staff recommends motion to approve:** an Interlocal Agreement with the West Palm Beach Housing Authority for payment of antenna attachment and service fees to Florida Power & Light (FPL) to provide Wireless Internet Access. **SUMMARY:** Palm Beach County has negotiated an Agreement with FPL (R2009-1437) that allows the Information System Services (ISS) Department to mount wireless antennas on FPL streetlight poles. These antennas will provide wireless Internet access in high poverty neighborhoods as part of the "Digital Divide" projects sponsored by the Palm Beach Broadband Coalition. ISS will mount the antennas and provide Internet access through the County's Regional Network, similar to the service provided to the public at Palm Beach International Airport and other County facilities. Under this Interlocal Agreement, the West Palm Beach Housing Authority will be responsible for reimbursing the County for the FPL annual pole attachment fee of \$117 per pole and the associated power costs of \$5 per month per pole. Palm Beach County is not responsible for any costs of this project beyond the in-kind services provided by ISS. This Agreement with West Palm Beach Housing Authority is for one (1) year with automatic renewals thereafter for an additional year unless either party provides written notice of termination. District 2 (PK)
  
2. **Staff recommends motion to approve:** Addendum No. 3 to the License Agreement with Pictometry International Corporation (R2007-1010) for implementing Self-Hosting Pictometry Online Products and Services at an annual maintenance cost of \$11,500. **SUMMARY:** Addendum No. 3 to the Pictometry License Agreement will allow Palm Beach County to host local images through an intranet web application. This will give the County access to higher resolution images and enable customization of the user interface to the images. A Self Hosted Grant of \$57,500 will pay for the web enabled enterprise license, and the Palm Beach County Property Appraiser's Office will pay the first annual software license fee of \$11,500. This will replace the Pictometry Online Subscription hosting fees reducing the annual cost from \$14,000 to \$11,500. The Pictometry International Corporation is a New York-based company. The previous Addendum No. 2 provided for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Countywide (PK)
  
3. **Staff recommends motion to receive and file:** Task Order No. 8 to the contract with Metatomix, Inc. (R2004-2414) for proportioned maintenance fees in the amount of \$5,579.20. **SUMMARY:** The current contract with Metatomix to provide software technology integrating local law enforcement systems will expire on December 31, 2010. This agenda item is to receive and file Task Order No. 8 which expended \$5,579.20 to synchronize annual maintenance cost due dates. The Director of Information System Services (ISS) was authorized by Amendment No. 7 approved on November 6, 2007 (R2007-2048) to approve Change or Task Orders up to \$100,000. Task Order No. 8 in the amount of \$5,579.20 was authorized by the Director of ISS. Countywide (PK)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. **Staff recommends motion to adopt:** Resolution approving a grant application with the Florida Department of Transportation (FDOT) to provide operating funding for mass transit in the amount of \$245,424 of Federal funds passed through the State for the Lakes Region of Palm Beach County for the period of October 1, 2010 to September 30, 2011. **SUMMARY:** FDOT has notified us that the tentative allocation of Section 5311 funds for Palm Beach County is \$245,424 for non-urbanized areas for mass transit operating assistance. These funds are used to partially offset the operating costs of mass transit in the Lakes Region of Palm Beach County. The operating costs of mass transit to the Lakes Region include operating, maintenance, and administrative costs. This is the maximum amount of FDOT operating assistance available to Palm Beach County for FY 2011 for mass transit services. The grant application for \$490,848 requires 50% local match (\$245,424 local funds) and execution of a section 49 USC§ 5333 (b) assurance. Palm Beach County provides the local funding from the local option gas tax. Grant and match are included in the FY 2011 budget. District 6 (DR)

BB. SHERIFF'S OFFICE

1. **Staff recommends motion to receive and file:** the First Amendment, amending the agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative to extend the ending grant period from April 30, 2010, through December 31, 2010. **SUMMARY:** On May 20, 2008, the Board of County Commissioners accepted on behalf of the Palm Beach County Sheriff's Office an agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative to provide \$412,745 in FY2007 reimbursable funding for various direct law enforcement oriented domestic security activities effective until April 10, 2010 (R2008-0894). On August 18, 2009, the Board of County Commissioners accepted two (2) agreements to provide an additional \$229,185 reimbursable funding (R2009-1335 & R2009-1336). This agenda item will extend the grant period from April 30, 2010, through December 31, 2010. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)
2. **Staff recommends motion to receive and file:** a Grant Adjustment Notice amending the Florida Department of Law Enforcement Florida Consortium "2009 Paul Coverdell National Forensic Sciences Improvement Grant" to extend the ending grant period from September 30, 2010, through March 31, 2011. **SUMMARY:** The Board of County Commissioners accepted this grant for \$60,601 on April 20, 2010; the original period for this grant was October 1, 2009, through September 30, 2010 (R2010-0658). This agenda item will extend the grant period from September 30, 2010, through March 31, 2011. PBSO was awarded funds to improve the quality of forensic services. The PBSO's Technical Services Division will use the funds for training in court testimony procedures and forensic management techniques, and to contract temporary clerical assistance to scan case files. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve: Agreement with Palm Beach County Cultural Council in the amount of \$6,452.45 for the administration of a cultural grant program for community-based non-profit organizations for the period of October 1, 2010, through September 30, 2011. **SUMMARY:** This Agreement, in the total amount of \$6,452.45, provides for the Cultural Council to administer a grant program which will fund the activities of non-profit organizations (Category C-I: small and emerging, children's and multicultural programs/projects). The total contract amount represents \$0 in County funding for FY 2010-11, and \$6,452.45 in rollover dollars from the balance remaining in the FY 2009-10 contract. These Tourist Development Council rollover dollars will be used by the Council to administer the program. In the event any funds are unspent, the Council may reallocate those funds to support cultural programs in the underserved areas of the County with prior approval of the County. Countywide (MC)

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

- A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Chapter 13, Article II, (Ord. No. 06-040) entitled Palm Beach County Emergency Medical Services Ordinance of 2010; providing for title; providing for authority and purpose; providing for definitions; providing for territorial applicability; providing for certificate and endorsements required; providing for procedures for requesting certificate; providing for investigation and review of application; providing requirement for board approval in granting a certificate of public convenience and necessity; providing for term and assignability of certificates; providing for rights and duties granted by certificate; providing for provision of patient outcome data; providing for vehicle permits; providing for rules and regulations; providing for general prohibition; providing for deficiencies; providing for complaint procedures; providing for certification revocation, modification, suspension; providing emergency powers; providing exclusion from certificate or permit requirement; providing for enforcement; penalties; providing for repeal of laws in conflict; providing a savings clause; providing severability; providing inclusion in the code of laws and ordinances; providing enforcement; providing penalty; providing captions; providing for an effective date. **SUMMARY:** This Ordinance has undergone extensive review by the Emergency Medical Services (EMS) Council, EMS Providers, and others agencies. There are nine (9) principal changes in this Ordinance. Should these changes be adopted, Section 9, Term and Assignability of Certificates will allow the Board the ability to extend the Certificates of Public Convenience and Necessity (COPCNs) of our current private ambulance providers (Medics, AMR) for up to four (4) years. Staff is recommending a three (3) year extension commencing on January 1, 2012 because the current two (2) ambulance providers have voluntarily agreed to forfeit their last year of their COPCN (which would have expired December 31, 2011) in order to permit Palm Beach County Fire Rescue to commence providing Advance Life Support/Basic Life Support (ALS/BLS) services countywide starting in January 2011. Had the ambulance companies not forfeited their last year of eligibility, Palm Beach County Fire Rescue would have had to wait until January 1, 2012 to commence ALS/BLS county-wide. This three (3) year extension will negate the ability of other private EMS providers to submit an application to perform secondary provider ALS with BLS Inter-facility transfer services until the three (3) year extension expires on December 31, 2015. Please refer to the executive summary for an explanation of the other eight (8) EMS Ordinance proposed changes. Countywide (DW)
- B. **Staff recommends motion to approve:** the renewal of the following Primary ALS (Advanced Life Support) Provider's six (6) year Emergency Medical Services Certificate of Public Convenience and Necessity: City of Boca Raton Fire Rescue; City of Boynton Beach Fire Rescue; City of Delray Beach Fire-Rescue; City of Greenacres Public Safety Department; Village of North Palm Beach Public Safety; Palm Beach County Fire Rescue; Town of Palm Beach Fire Rescue; City of Palm Beach Gardens Fire Rescue; City of Riviera Beach Fire Rescue; Village of Tequesta Fire Rescue; and City of West Palm Beach Fire Rescue. **SUMMARY:** Pursuant to Palm Beach County Ordinance 2006-040, any agency providing, or desiring to provide emergency medical services in Palm Beach County, must submit an application and meet the requirements for issuance of a Certificate of Public Convenience and Necessity (COPCN). On October 21, 2010, the Emergency Medical Services Advisory Council reviewed all 11 applications and their required documents. The lists of agencies have met the requirements for issuance of their respective COPCN's and the level of Advanced Life Support Endorsement required. Countywide (DW)
- C. **Staff recommends motion to postpone three (3) months to the March 15, 2011 Public Hearing:** a Resolution abandoning that certain portion of South Stacy Street, as shown on the plat of Haverhill Acres, as recorded in Plat Book 20, Page 75, Public Records of Palm Beach County, Florida. **SUMMARY:** The Petitioner is requesting a three (3) month postponement of the abandonment of that certain portion of South Stacy Street, as shown on the plat of Haverhill Acres, as recorded in Plat Book 20, Page 75, Public Records of Palm Beach County, Florida. District 2 (PK)

4. PUBLIC HEARINGS CONTINUED

D. **Staff recommends motion to adopt:** a Resolution to abandon that certain portion of the unimproved 3<sup>rd</sup> Street in Belle Glade, within the plat of Hoover Park as recorded in Plat Book 16, Page 20, Public Records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will allow the petitioner to utilize that portion of the proposed abandonment of the unimproved portion of 3<sup>rd</sup> Street, allowing the development to be consistent with the approved site plan and be in compliance with engineering conditions of approval. The petition site is located north of Avenue L and west of North Main Street. District 6 (PK)

E. **Staff recommends motion to adopt:** a Resolution abandoning Tract A, a 25 foot wide right-of-way within Eternal Light Memorial Gardens, Plat IV as recorded in Plat Book 69, Pages 6-7, Public Records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will allow the petitioner to vacate the public interest in the right-of-way to further develop the cemetery. The petition site is located on the east side of State Road 7, approximately 1 ½ miles south of Boynton Beach Boulevard. District 5 (PK)

F. **Staff recommends motion to adopt:** a Resolution to abandon that certain portion of DuBois Road right-of-way within DuBois Park, as described in the Statutory Way of Necessity recorded in Official Record Book 7573, Page 585, Official Record Book 1987, Page 689, Minutes Book 13, Page 125 and Road Plat Book 5, Page 3, of the Public Records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will allow the County to utilize that portion of the right-of-way for expansion and improvements to DuBois Park. The petition site is located approximately 405 feet north of DuBois Lane and east of A-1-A. District 1 (PK)

G. **Staff recommends motion to:**

**A) approve** the Application of Federation CCRC Development, LLC for the issuance of not to exceed \$9,000,000 of Bond Anticipation Notes (Pre-Development CCRC Project); and

**B) conduct** a TEFRA public hearing concerning the issuance of the Notes.

**SUMMARY:** Federation CCRC Development, LLC (the “Company”) has applied for the issuance of industrial development revenue notes by the County in an amount not to exceed \$9,000,000 (the “Notes”). The net proceeds of the Notes will be used to pay the pre-development costs associated with a continuing care retirement community (the “CCRC Project”) including, but not limited to, marketing design, engineering and consulting (herein, the “Pre-Development Project”). The CCRC Project will be located on an approximately 22 acre site located on the S.E. and N.W. corners of 95<sup>th</sup> Avenue South and Baron Coleman Boulevard in unincorporated Palm Beach County, Florida. The CCRC Project, when built, will consist of independent living units, assisted living units, memory support units and skilled nursing beds and will be owned by a Florida not-for-profit corporation owned by the Company.

Under the Internal Revenue Code, prior to the issuance of the Notes, the County is required to conduct a TEFRA public hearing. The Notes will be issued pursuant to the terms and provisions of a Trust Indenture which will be presented at a later Board meeting. The Notes will be payable solely from the net proceeds of future industrial development bonds issued to finance the construction and equipping of the CCRC Project. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premium, if any, or interest of the Notes.** District 5 (PFK)

4. PUBLIC HEARINGS CONTINUED

H. Staff recommends motion to:

**A) adopt** a Resolution confirming the special assessment process for the 140<sup>th</sup> Avenue North & 55<sup>th</sup> Road North 6 inch Water Main Extension; and

**B) approve** a Work Authorization No. 4 to Johnson-Davis, Inc., under the Water Utilities Department (WUD) Continuing Construction Contract (R2010-1423) in the amount of \$67,691.48.

**SUMMARY:** Petitions in favor of the installation of a potable water main have been provided by 75% of the property owners in the 140<sup>th</sup> Avenue North & 55<sup>th</sup> Road North project area. The project will serve 12 residential properties currently on private wells. Individual assessments of \$9,266.60 per parcel are based on 100% of the assessable cost and may be paid over 20 with equal annual payments of principal and 5½% interest pending the approval of the Interest Rate Reduction Agenda Item. Otherwise, the interest rate shall be 6 ½ %. The total project cost is \$111,199.20 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. As per the Agreement between the County and Indian Trails Improvement District, the County will allocate \$500,000 to provide financial support for up to 10% of the total costs for assessment projects within the legislative boundaries of the Indian Trails Improvement District. This construction cost reduction will be reflected in the final assessment roll. The project will be constructed utilizing a Work Authorization under the WUD Continuing Construction Contract with Johnson-Davis, Inc. (R2010-1423). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with Johnson-Davis, Inc. provides for SBE participation of 15.05%. This Authorization includes 17.36% overall participation. The cumulative SBE participation is 24.35% overall. (WUD Project No. 10-051) District 6 (MJ)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff requests Board direction on: extending the Palm Beach County Inspector General and Commission on Ethics Implementation Advisory Committee (Implementation Committee) sunset date from January 12, 2011, to June 30, 2011 and revising the Implementation Committee's duties and functions. **SUMMARY:** On January 12, 2010, the Board of County Commissioners (BCC) adopted a Resolution (R2010-0129) creating the Implementation Committee which is comprised of five (5) members was charged with assisting staff during the implementation of the Inspector General, Ethics Commission and Code of Ethics ordinances. The Resolution included a January 12, 2011 sunset provision. The Charter Amendment Referendum expanding the provisions of the Ethics Ordinances to the municipalities passed in November 2010, and the Implementation Committee is requesting the sunset provision be extended until June 30, 2011, so they may continue to serve in an advisory capacity through the drafting and adoption of the ordinances implementing the Charter Amendment. Should the BCC choose to continue the Implementation Committee until June 30, 2011, the BCC would need to appoint a replacement for Mr. David Baker. Mr. David Baker served as the Chair of the Implementation Committee, but resigned when the BCC appointed him to the newly created Ethics/Inspector General Ordinances Drafting Committee on December 7, 2010. Mr. Baker has recommended he be replaced Mr. Marty Rogol, who was an initial appointee to the Implementation Committee and has been very involved in the ethics initiative. Countywide (LB)

B. PUBLIC SAFETY

1. Staff recommends motion to approve: the Community Emergency Response Team (CERT) Program policies which specify responsibilities, and liability and workers' compensation protection for all CERT members trained by the Department of Public Safety during a Local Declaration of Emergency. **SUMMARY:** Palm Beach County Department of Public Safety, Division of Emergency Management provides CERT training to residents of Palm Beach County. This Program educates volunteers about disaster preparedness for all types of hazards that may impact our county. Using the training learned in the classroom and during exercises, CERT members can assist others in their neighborhood or workplace following an event **when officially activated after a local declaration of emergency and a specific "mission task" is issued. Only when activated will CERT members be provided with liability and workers' compensation protection by the County.** An example of a "mission task" would be assisting the County with distribution of food and water within their neighborhood. Countywide (GB)
2. Staff recommends motion to approve: a Contract with American Red Cross Greater Palm Beach Area Chapter (Red Cross) to provide cold weather shelter staffing, meals, and supplies for the period November 1, 2010, through September 30, 2011. The Contract will be automatically renewed for increments of one (1) year terms beginning October 1, 2011, through September 30, 2012, thereafter unless otherwise notified by the Red Cross and/or the County. **SUMMARY:** The Department of Public Safety has overseen the management of cold weather shelters through its Division of Emergency Management for many years. Prior to the 2009/2010 cold weather season, the Salvation Army provided shelter service at the Center of Hope, which was their primary shelter facility. The Westgate Community Center and West County Senior Center were used as back-up. However, during the 2009/2010 cold weather season, due to severe capacity reasons, the Salvation Army has discontinued providing this service. In order to continue to accommodate this primary role of facilitating staffing, meals and daily management of the cold weather shelters, staff is requesting approval to enter into a contract with the Red Cross to facilitate the sheltering of the homeless during our cold weather periods. The Contract stipulates the reimbursement rate for meals (\$1.62 per meal) blankets (\$4.95 each) and other incidental costs. Countywide (GB)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

**A) approve** a County Deed in favor of the City of West Palm Beach (City) reconveying a .35 acre parcel of property located at 826 Evernia Street; and

**B) request direction** regarding further implementation of the Transit Oriented Development (TOD).

**SUMMARY:** In 1957, the City conveyed a .35 acre parcel on Evernia Street (the "Property") to the County, subject to a reverter in the event the Property is not used for a Public Health Center. The State constructed an 11,000 sf building (the "Building") which spans both the Property and adjacent County-owned land, for use by the Health Department. The Health Department recently constructed a new facility on the State's block on Clematis Street and vacated the Building in 2009. The Building is old, cannot be cost effectively reused and therefore needs to be demolished. While technically the Property has already reverted to the City, Staff recommends the County approve and record the County Deed to: (i) eliminate potential title issues and (ii) lessen the County's potential liability and maintenance responsibilities. Since a portion of the Building is now owned by the City, Staff will not proceed with the demolition of the Building until such time that: (i) the City funds \$136,000 representing its proportionate share (69%) of the Building's demolition cost or (ii) the City conveys the Property to the County for inclusion in the County's TOD offering. This Property is a critical component to the County being able to complete the next step in the issuance of a Request for Proposal (RFP) for the larger TOD. Staff attempted to negotiate an interlocal agreement which would provide for the City's release of the reverter and define the terms upon which the Property would remain owned/controlled by the County and be marketed as part of the TOD, including the County assuming full responsibility for demolition of the Building. Since the County would fund the demolition and has borne all of the costs to date of pursuing implementation of the TOD, County Staff proposed that in the event the City took a future action to change the redevelopment concept to something other than a TOD, that the Property remain vested in the County and be free of further restrictions on its use. City Staff was unwilling to agree to this nor was willing to fund its share of the cost of demolition of the Building. While City Staff has indicated their willingness to cooperate in marketing the Property as part of the larger TOD and negotiate parking arrangements with the State, County Staff remains extremely concerned about the impact this separate ownership will have on the County's ability to conclude its negotiations with the State for alternate property (the next step in the TOD implementation process). As such, Staff is requesting that the Board provide direction regarding implementation of the TOD. 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. (PREM) Countywide/District 7 (HJF)

5. REGULAR AGENDA

D. PLANNING, ZONING & BUILDING

1. **Staff recommends motion to approve:** an Interlocal Agreement with the City of Boynton Beach providing for the annexation of one (1) enclave, generally located west of Congress Avenue, south of Boynton Beach Boulevard. **SUMMARY:** The Board of County Commissioners has directed staff to work with municipalities to strategically address annexations. Chapter 171, F.S., allows annexation of enclaves less than 10 acres through an Interlocal Agreement between the annexing municipality and the County. By Resolution No. R10-172, the City of Boynton Beach has petitioned the County to enter into such an agreement for the annexation of one (1) enclave identified as Exhibit "A" within the interlocal agreement. The proposed annexation meets the requirements of Chapter 171, F.S., and is consistent with the Intergovernmental Coordination Element Policy 1.4-i of the County's Comprehensive Plan. District 3 (RB)

E. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to receive and file: the significant achievements and results by all the Tourist Development Council (TDC) Funded Agencies that include Discover Palm Beach County, Inc. d/b/a as the Palm Beach County Convention and Visitors Bureau (CVB), Palm Beach County Cultural Council, Palm Beach County Sports Commission and the Palm Beach County Film & TV Commission for the fiscal year ended September 30, 2010 and marketing and sales highlights planned for fiscal year 2011. **SUMMARY:** At the September 15 and October 14 TDC meetings, the TDC funded agencies made their marketing presentation to the TDC Board. Additionally, on September 30, the CVB made its third annual Marketing and Sales Plan Presentation to the hospitality and business community in Palm Beach County. Approximately 450 people attended this multimedia presentation aimed at showcasing the efforts by the CVB in the aftermath of the most challenging period in the county's tourism industry; including the use of the Tourism Stimulus Funds approved by the Board of County Commissioners in June 2009 that included a wider range of online marketing components; as well as initiatives to attract additional air service into Palm Beach International Airport. The results have been excellent and Palm Beach has led the State of Florida in occupancy recovery year to date in 2010. Countywide (MC)

5. REGULAR AGENDA

F. PARKS & RECREATION

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on January 11, 2011 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 21 of the Palm Beach County Code (Ordinance 2004-022) pertaining to parks and recreation; amending Section 21-17 of the Palm Beach County Code (authority of the Director of Parks and Recreation); amending Section 21-18 of the Palm Beach County Code (definitions); amending Section 21-19 of the Palm Beach County Code (regulation of vehicles within parks); amending Section 21-25 of the Palm Beach County Code (boating); amending Section 21-27 of the Palm Beach County Code (fishing); amending Section 21-28 of the Palm Beach County Code (firearms); amending Section 21-31 of the Palm Beach County Code (horseback riding); amending Section 21-32 of the Palm Beach County Code (animals); amending Section 21-33 of the Palm Beach County Code (alcoholic beverages); amending Section 21-36 of the Palm Beach County Code (commercial activities); amending Section 21-37 of the Palm Beach County Code (reserved park/facility areas); providing for savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** Staff has determined it is necessary to amend Chapter 21, Article 2 of the Palm Beach County Code (Parks and Recreation) to conform to state law and provide for better management of park property. In addition to several administrative modifications, the proposed Code changes will:

- 1) Identify the Parks and Recreation Director's designee as the Assistant Director of Parks and Recreation;
- 2) Modify the definition of exotic animals considered a nuisance by the Director;
- 3) Better define Parks and Recreation areas to include water bodies located within or adjacent to the Atlantic Intracoastal Waterway, Lake Worth Lagoon and Atlantic Ocean;
- 4) Identify boater exclusion zones within areas of Phil Foster and Peanut Island Parks;
- 5) More clearly define fishing regulations within park property for reasons of public health, safety and welfare;
- 6) Modify language relating to the possession of firearms within park property to conform to Florida Statutes;
- 7) Include language pertaining to horseback riding safety in County Parks;
- 8) Better define areas within park property which may be designated for the possession and/or consumption of alcoholic beverages; and
- 9) Better define the prohibition of commercial activities within park property whether land-based or from the water without authorization. Countywide (AH)

5. REGULAR AGENDA

G. WATER UTILITIES

1. Staff recommends motion to:

**A) adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida amending Resolution No. R2000-0553, providing for a reduced interest rate from 6.5% to 5.5% for deferred payment plans; and

**B) modify** Section 3.6.3 and Section 3.7 of the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP) to reflect reduced interest rates for special assessments and deferred payment plans.

**SUMMARY:** The economic downturn that has affected Palm Beach County as well as the entire nation has dramatically reduced development and new connections to the Water Utilities Department's system. In an effort to be more in line with the interest rates on borrowing, the Department is recommending a reduction to the interest rate charged on special assessments and deferred payment plans from 6.5% to 5.5%. This proposed action is consistent with the interest rate reduction that was approved for the Engineering Department on September 14, 2010. The UPAP is a codification of the Department's fees, standards, legal documents and policies and procedures governing the provision of potable water, reclaimed water, and wastewater services. The Department performs a review of the UPAP from time to time to ensure the continued effective and efficient delivery of utility services. The proposed revisions to the UPAP would lower the interest rate on special assessments and deferred payment plans entered into on or subsequent to December 21, 2010 from 6.5% to 5.5%. The Department's existing engineering standards and utility rates are not affected by this revision. Resolution No. R2009-0427, which sets forth the provisions of the Department's deferred payment plan for service initiation fees, is also being amended to provide for the lower interest rate. Countywide (MJ)

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6. BOARD APPOINTMENTS

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

1. Staff recommends motion to approve: one (1) appointment to Seat No. 2 to the Fire Code Board of Appeals and Adjustments Committee beginning on December 21, 2010, through May 17, 2013:

<u>Appoint:</u> <u>Nominee</u>	<u>Category</u>	<u>Seat No.</u>	<u>Nominated By</u>
David Woodside	Municipal Fire Representative	2	Commissioner Taylor Commissioner Abrams Commissioner Marcus

**SUMMARY:** This appointment is to fill the vacancy left by Mr. Troy Perry, Fire Chief of the City of Riviera Beach who resigned from his position with the City on August 30, 2010. 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 No. 2008-045). On October 20, 2010, a memo was distributed to the Commissioners requesting nominations to this nine (9) member board (at-large). This Board is appointed by the Board of County Commissioners and members serve three (3) year terms, with no limit on the number of terms an individual may serve. No other nominations were received. Countywide (PK)

B. COMMISSION DISTRICT APPOINTMENTS

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**DECEMBER 21, 2010**

**7. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**DECEMBER 21, 2010**

**8. COMMISSIONER COMMENTS**

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

**B. District 2 – COMMISSIONER PAULETTE BURDICK**

**C. District 3 - COMMISSIONER SHELLEY VANA, VICE CHAIR**

**D. District 4 – COMMISSIONER STEVEN L. ABRAMS**

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

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

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

**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

DECEMBER 21, 2010

<u>PAGE</u>	<u>TEM</u>	
6	3C-2	<b><u>REVISED TITLE:</u> Staff recommends motion to approve:</b> an Amendment to the Annual Microsurfacing Contract (R2009-1839) (Contract), Project No. 2010051, dated November 3, 2009, with Florida Highway Products, Inc. (FHP), to <u>relate back to the original Contract date and retroactively</u> extend the Contract to November 3, 2011. (Engineering)
7	3C-3	<b><u>REVISED TITLE:</u> Staff recommends motion to approve:</b> an Amendment to the Annual Open Graded Asphalt Pavement Contract, R2009-1840 (Contract), Project No. 2010052, dated November 3, 2009, with Florida Highway Products, Inc. (FHP), to <u>relate back to the original Contract date and retroactively</u> extend the Contract to November 3, 2011. (Engineering)
22	4C	<b><u>REVISED MOTION/TITLE:</u> Staff recommends motion to <del>postpone three (3) months to</del> <u>continue until the March 15, 2011 the Public Hearing on:</u> a Resolution abandoning that certain portion of South Stacy Street..., as shown on the plat of Haverhill Acres, as recorded in Plat Book 20, Page 75, Public Records of Palm Beach County, Florida. (Engineering)</b>
25	5A-2	<b><u>ADD-ON, REVISED SUMMARY:</u> Staff recommends motion to approve:</b>  <b>A)</b> a Conservation Easement in favor of the City of Palm Beach Gardens (City);  <b>B)</b> the Scripps Florida Phase II/Briger Tract DRI/PCD – Preserve Area Management Plan for Offsite Mitigation;  <b>C)</b> a Budget Transfer of \$737,654 from the 98M NAV 07C CTF Scripps/Briger Fund to the 25M GO 99A Recreation and Cultural Bond Fund; and  <b>D)</b> a Budget Amendment of \$737,654 in the 25M GO 99A Recreation and Cultural Bond Fund to establish budget for the North County District Park Acquisition (District Park G).  <b>SUMMARY:</b> On April 1, 2010, the City of Palm Beach Gardens approved Resolution 1, 2009 and Resolution 80, 2009 approving the Scripps Phase II/Briger Development of Regional Impact and Mixed Use Planned Community Development District. One of the conditions of approval required the County to develop a Preserve Area Management Plan for 12.7 acres of upland property, located on the North County District Park, as acceptable upland mitigation for the County's 70 acres within the Briger Property. Additionally, the City requires a Conservation Easement to be recorded. The Budget Transfer of \$737,654-20 reimburses Parks for funds previously expended for property acquisition and to conduct the necessary improvements in accordance with the Preserve Area Management Plan. <u>Countywide</u> (HJF) (Admin)

- 25            5A-3            **ADD-ON, REVISED TITLE: Staff recommends motion to approve:** the Application of West Palm Beach Hotel Group, LLC with respect to Recovery Zone Bond Allocation of \$25,000,000 Million. **SUMMARY:** West Palm Beach Hotel Group, LLC desires to construct a Marriott Residence Inn in Downtown West Palm Beach. On February 17, 2009, the American Recovery and Reinvestment Act authorizing the issuance of Recovery Zone Bonds were signed into law. On June 12, 2009, the Treasury Department allocated \$53,988,000 to Palm Beach County. The Bond allocation expires on December 31, 2010. Legislative efforts are ongoing to attempt to extend the expiration date. Provided the bonds are extended, and the Convention Center Hotel does not utilize the allocation, staff is recommending \$25,000,000 be allocated to the project. If this occurs, the Board of County Commissioners will need to adopt a Resolution approving the Application and evidencing “official intent” and conduct a Tax Equity and Fiscal Responsibility Act Pubic Hearing. **The Bonds would be payable solely from revenues derived from the Company. Neither the taxing power nor the faith and credit of the County nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** Countywide (PFK) (Admin)
- 27            5D-1            **DELETED: Staff recommends motion to approve:** an Interlocal Agreement with the City of Boynton Beach providing for the annexation of one (1) enclave, generally located west of Congress Avenue, south of Boynton Beach Boulevard. (PZB) (Further staff review)
- 28            5F-1\*            **REVISED TITLE & SUMMARY: Staff recommends motion to approve on preliminary reading and advertise for public hearing on January 11, 2011 at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 21 of the Palm Beach County Code (Ordinance 2004-022) pertaining to parks and recreation; amending Section 21-17 of the Palm Beach County Code (authority of the Director of Parks and Recreation); amending Section 21-18 of the Palm Beach County Code (definitions); amending Section 21-19 of the Palm Beach County Code (regulation of vehicles within parks); amending Section 21-23 (control of nuisance animals); amending Section 21-25 of the Palm Beach County Code (boating); amending Section 21-27 of the Palm Beach County Code (fishing); amending Section 21-28 of the Palm Beach County Code (firearms); amending Section 21-31 of the Palm Beach County Code (horseback riding); amending Section 21-32 of the Palm Beach County Code (animals); amending Section 21-33 of the Palm Beach County Code (alcoholic beverages); amending Section 21-36 of the Palm Beach County Code (commercial activities); amending Section 21-37 of the Palm Beach County Code (reserved park/facility areas); providing for savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** Staff has determined it is necessary to amend Chapter 21, Article 2 of the Palm Beach County Code (Parks and Recreation) to conform to state law and provide for better management of park property. In addition to several administrative modifications, the proposed Code changes will:
- 1) Identify the Parks and Recreation Director’s designee as the Assistant Director of Parks and Recreation;
  - 2) ~~Modify~~ Clarify the definition of exotic animals ~~considered a nuisance by the Director~~ and update the code reference for dangerous dogs prohibited from park property;
  - 3) Better define Parks and Recreation areas to include water bodies located within or adjacent to the Atlantic Intracoastal Waterway, Lake Worth Lagoon and Atlantic Ocean;...(Parks)

**ADD-ON: Staff recommends motion to approve:**

**A)** Change Order No. 5 in the amount of \$350,727.80 and 180 days to Contract No. R2010-0022 with J.W. Cheatham, LLC for construction of 45<sup>th</sup> Street from Jog Road to east of Haverhill Road and Jog Road south of 45<sup>th</sup> Street to north of 45<sup>th</sup> Street; and

**B)** Budget Amendment of \$128,234 in the Road Impact Fee Fund – Zone 3 to recognize reimbursement funding from the Florida Department of Transportation and appropriate it to Jog Road/south of 45<sup>th</sup> Street to north of 45<sup>th</sup> Street.

**SUMMARY:** Approval of Change Order No. 5 and the Budget Amendment will allow for earthwork densification of the area in order to assure embankment stability through the installation of rock columns, extended mechanically stabilized earth wall straps, mechanically stabilized earth wall rock foundation, and additional lake slope grading. The Florida Department of Transportation has agreed to reimburse Palm Beach County (County) for fifty percent of the change order work related to the Jog Road portion of this project. This amounts to a reimbursement of \$128,234. The County's match (\$128,234) will be from Road Impact Fees – Zone 3, with the remaining funds (\$94,260.60) coming from Road Impact Fees – Zone 2. Districts 6 & 7 (MRE) (Engineering)

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