

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

**FEBRUARY 1, 2011**

**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 6)
- 3. CONSENT AGENDA (Pages 7 - 23)**
- 4. PUBLIC HEARING - 9:30 A.M. (Page 24)**
- 5. REGULAR AGENDA (Pages 25 - 26)**  
**TIME CERTAIN 10:00 A.M. (Presentation by the Supervisor of Elections) (Page 25)**  
**TIME CERTAIN 10:30 A.M. (Wage Theft Ordinance) (Page 26)**
- 6. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD (Page 27)**
- 7. BOARD APPOINTMENTS (Pages 28 - 31)**
- 8. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 32)**
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- 10. COMMISSIONER COMMENTS (Page 34)**
- 11. TRANSIT ORIENTED DEVELOPMENT - JOINT MEETING WITH THE CITY OF WEST PALM BEACH – TIME CERTAIN 2:30 P.M. (Page 34)**
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- 2B Palm Beach County Saves Week
- 2C 211 Awareness Week
- 2D Eating Disorders Awareness Week
- 2E Congressman Ted Deutch

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**BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD** (Page 27)

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**JOINT MEETING WITH THE CITY OF WEST PALM BEACH - TRANSIT ORIENTED DEVELOPMENT – TIME CERTAIN 2:30 P.M.** (Page 34)

**ADJOURNMENT** (Page 34)

**FEBRUARY 1, 2011**

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

- A.** Certificate of Commemoration to Wilhelmina Jakes Street. (Sponsored by Commissioner Taylor)
  
- B.** Proclamation declaring February 20 – 27, 2011 as “Palm Beach County Saves Week” in Palm Beach County. (Sponsored by Commissioner Marcus)
  
- C.** Proclamation declaring February 11 – 17, 2011 as “2-1-1 Awareness Week” in Palm Beach County. (Sponsored by Commissioner Vana)
  
- D.** Proclamation declaring February 20 – 26, 2011 as “Eating Disorders Awareness Week” in Palm Beach County. (Sponsored by Commissioner Taylor)
  
- E.** Presentation by Congressman Ted Deutch.

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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: None
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during November 2010. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** a Preliminary Engineering Agreement to facilitate the preparation of plans and specifications for a repair to the Palmetto Park Road at the CSX Transportation, Inc. railroad tracks. **SUMMARY:** Approval of the Preliminary Engineering Agreement at an estimated cost of \$6,500 will allow for the preparation of the design and specifications in order to raise the west set of railroad tracks to the same elevation as the east set of railroad tracks. The construction will provide a smoother ride over the tracks for vehicles traveling on Palmetto Park Road. District 4 (MRE)
2. **DELETED**
3. **Staff recommends motion to adopt:** a Resolution approving recordation and filing of a Specific Purpose Survey Maintenance Map with the Clerk of the Circuit Court (Clerk) of and for Palm Beach County (County), Florida, certifying that Dryden Road from Haverhill Road to Mango Drive, has been maintained or repaired, continuously and uninterrupted, by the County for over four (4) years and all rights, title, easement appurtenances in and to the road are therefore vested in the County. **SUMMARY:** Adoption of this Resolution will establish and confirm title of Dryden Road from Haverhill Road to Mango Drive to the County in accordance with Section 95.361, Florida Statutes, which provides that upon four (4) years of continuous and uninterrupted maintenance or repair of the road by the County and upon filing of a map with the Clerk, title to the road becomes vested in the County for the extent in width that has been actually maintained. The Road and Bridge Division Director has certified, on the cover of the Dryden Road from Haverhill Road to Mango Drive Specific Purpose Survey Maintenance Map, that it depicts the limits of maintenance by the County. District 2 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. Staff recommends motion to approve:

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

**B)** a partial release of a Permanent Construction Easement adjacent to Boynton Beach Boulevard.

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

5. Staff recommends motion to approve: a Department of the Army Consent to Easement Agreement (Agreement) to use Corps of Engineers right-of-way to remove and reconstruct the Ocean Avenue Bridge over the Intracoastal Waterway in Lantana.

**SUMMARY:** Approval of this Agreement will allow Palm Beach County to remove and reconstruct the Ocean Avenue Bridge within the Federal right-of-way of the Intracoastal Waterway. District 4 (PK)

6. Staff recommends motion to approve: an Agreement in the amount of \$530,297.48 with Arcadis U.S., Inc. for professional services. **SUMMARY:** Approval of this Agreement will provide the professional services necessary for the preparation of design plans and construction bid documents for Haverhill Road from south of the Lake Worth Drainage District L-14 Canal to Lake Worth Road. Arcadis U.S., Inc. is a Palm Beach County company. Districts 2 & 3 (PK)

7. Staff recommends motion to approve: an Agreement with Cypress Woods Association Incorporated (Community) for traffic control jurisdiction to be performed by the Palm Beach County Sheriff's Office (Sheriff). **SUMMARY:** Approval of this Agreement will authorize the Sheriff to provide traffic control enforcement services within the Community. District 6 (MRE)

8. **Staff recommends motion to adopt:** a Resolution to authorize the Palm Beach County (County) Administrator and/or his designees to execute utility relocation agreements for utilities located within Palm Beach County right-of-way. **SUMMARY:** Resolution No. 87-916 authorized the County Engineer or his designee to enter into utility relocation agreements on behalf of Palm Beach County. The form of agreement authorized under Resolution No. 87-916 is outdated. Approval of this Resolution will allow use of an updated form of agreement for utility relocations, and allow the County Administrator and/or his designees to execute the agreement on behalf of Palm Beach County. Countywide (MRE)



3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** a revised Exhibit "A" to the previously approved Agreement R2010-1373 with Broad and Cassel for Airport-Related Bankruptcy Legal Services dated December 21, 2009. **SUMMARY:** The revised Exhibit "A" allows for and specifically names additional members of the firm and its staff to work on behalf of the County under the contract within the previously approved contractual cap and hourly rates of all personnel. All other aspects of the contract remain unchanged. The contract is funded by the Department of Airports; however, the revised Exhibit "A" will have no additional fiscal impact. Countywide (PM)
  
2. **Staff recommends motion to approve:** a Settlement in the amount of \$71,339 including attorney's fees, but excluding costs, in the eminent domain action styled Palm Beach County v. Joanne E. Josti, et al., Case No. 50 2006 CA010632XXXXMBAE, for the taking of parcels 112/312, owned by Joanne E. Josti. **SUMMARY:** The County has negotiated a settlement for parcels 112 and 312 in the amount of \$71,339 as compensation for the land taken, including attorney's fees, but excluding costs, subject to the approval of the Board of County Commissioners. The subject property is located on Seminole Pratt Whitney Road/Southern Boulevard to south of Okeechobee Boulevard. The County's expert appraiser valued the subject parcels at \$33,700 with a valuation date of November 22, 2006. The property owner's expert appraiser valued the subject parcels at \$105,970. The proposed settlement is \$62,000 for the land taken, plus attorney's fees in the amount of \$9339, calculated mathematically pursuant to Florida law. The funds for this settlement will be funded by the Engineering Five Year Road Program – Road Impact fees/Zone 3. District 6 (DRO)

E. COMMUNITY SERVICES

1. **Staff recommends motion to receive and file:**
  - A)** State of Florida Department of Children and Families (DCF) Homeless Challenge Grant Agreement, No. IFZ15, for the period of December 21, 2010, through June 30, 2011, in an amount of \$63,397, for provision of transitional housing, homeless prevention services, emergency shelter, and childcare;
  
  - B)** Contract with Coalition for Independent Living Options, Inc. for the period of December 21, 2010, to June 30, 2011, in the amount of \$15,849, for provision of homeless prevention services to individuals and families with disabilities;
  
  - C)** Contract with Palm Beach Recovery Coalition, Inc. for the period of December 21, 2010, to June 30, 2011, in the amount of \$15,849, for provision of transitional housing to homeless individuals; and
  
  - D)** Contract with The Lord's Place for the period of December 21, 2010, to June 30, 2011, in the amount of \$31,699, for the provision of emergency shelter and childcare.

**SUMMARY:** On October 5, 2010 (R2010-1502), the Board of County Commissioners delegated authority to the County Administrator or his designee to sign the State of Florida DCF Homeless Challenge Grant Agreement and to sign contracts with Coalition for Independent Living Options, Inc., Palm Beach Recovery Coalition Inc., and The Lord's Place, for a period no longer than one (1) year, to end June 30, 2011. This authorization and designation was necessary to expedite the contracts and thereby avoid gaps in service delivery to homeless individuals. The total amount of funds, \$63,397, is for a one (1) year period and is non-recurring. No match is required for these funds. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to receive and file: two (2) amendments to the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) contracts for the period November 16, 2010, through November 15, 2013:

**A)** Amendment No. 1 to Standard Agreement No. IA010-9500 (R2010-0188) with AAA to transfer \$50,000 from C-1 funding to C-2 funding and to increase the agreement amount by \$7,479 for various supportive services to seniors for a total not to exceed \$2,075,685; and

**B)** Amendment No. 1 to Standard Agreement No. IU010-9500 (R2010-0049) with AAA to increase the reimbursement unit rate from 0.60 to 0.759233066, and to increase the maximum reimbursement by \$46,653.35 for a total not to exceed the amount of \$396,243.95 for various supportive services to seniors.

**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 senior clients in Palm Beach County. They were executed by the County Administrator in accordance with Resolution R2010-1942, which delegated signatory authority to the County Administrator or his designee. Countywide (TKF)

3. 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., for the period October 1, 2010, through September 30, 2011, in an amount of \$141,075, to oversee the local funders' combined 211 Palm Beach/Treasure Coast contract for crisis intervention, information, assessment and referral to community services through 24-hour per day, 365 days per year telephone helpline/hotline.

**SUMMARY:** On July 13, 2010, the Board of County Commissioners approved the list of agencies and funding allocations under the Financially Assisted Agencies Program. The \$141,075 being contracted in this item was allocated to 211 Palm Beach/Treasure Coast, Inc. United Way will administer a consolidated funding contract for the County, Children's Service Council and United Way. The amount is part of the total \$13,638,671 funding approved by the Board of County Commissioners for FY 2011. Prohibited relationship waivers are being recommended for two (2) employees of United Way who serve on a County advisory board. These individuals 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 these individuals on the advisory board. Other contracts will be forthcoming upon receipt of all the required information. (Financially Assisted Agency Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to approve:

**A)** Change Order No. 4 to the contract with Ranger Construction Industries, Inc. increasing the contract in the amount of \$73,092.85 and a time extension of 203 calendar days for the Construct Apron A Project at Palm Beach International Airport (PBIA); and

**B)** a Budget Transfer of \$73,093 in the Airports Improvement and Development Fund from Reserves to provide budget for the construction change order.

**SUMMARY:** On October 20, 2009, the Board approved the contract with Ranger Construction Industries, Inc., a Palm Beach County Company, for the Construct Apron A Project in the amount of \$3,838,345 with a contract time of 150 calendar days (R2009-1765). Change Orders 1-3 were approved in the amount of \$101,949.80 and extended the contract time to 179 calendar days. Approval of this Change Order will increase the total contract price by \$73,092.85 and increase the contract time by 203 calendar days. The time extension is needed due to the time required to re-evaluate a design issue, negotiate a cost between the consultant and the contractor and schedule the work. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 15%. The DBE participation for this Change Order is 0%. The total DBE contract participation to date including all change orders is 16.19%. Countywide (JCM)

2. Staff recommends motion to approve: a First Amendment to Short-Term Lease Agreement (Amendment) with Gate Gourmet, Inc. (Gate Gourmet), providing for the lease of 189 additional square feet of space at the Palm Beach International Airport (PBIA) for an additional monthly rental in the amount of \$100. **SUMMARY:** The Amendment provides for the addition of approximately 189 square feet of interior space at Building 1169 to Gate Gourmet for office administration, shipping, receiving, storage and related activities in support of Gate Gourmet's airline catering operations. Gate Gourmet received additional business from airlines subsequent to approval of the Short-Term Lease Agreement (Lease) (R2010-1982) and asked to modify the Lease to add a small amount of additional space. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to receive and file: six (6) original Agreements for the Department of Airports:

**A)** Consent to Sublease for a Sublease Agreement between Jet Aviation Associates, Ltd. and Weeks Davies, commencing December 7, 2010;

**B)** Consent to Sublease for a Sublease Agreement between Piedmont Hawthorne Aviation, LLC, d/b/a Landmark Aviation and Johnny Carrier, commencing November 5, 2010;

**C)** License Agreement with Jet Aviation Associates Ltd. for use of property solely and exclusively for temporary parking of operable vehicles for a charity event, commencing January 19, 2011 at 3:00 p.m., expiring January 21, 2011 at 11:00 a.m.;

**D)** Hotel-Motel Courtesy Shuttle Operator Permit with MSP Partners Realty, LLC d/b/a Hilton Palm Beach Airport, commencing October 1, 2010, terminating September 30, 2011, automatically renewed on yearly basis (10/1 through 9/30);

**E)** Airline Operating and Lease Agreement with Southern Sky Air and Tour, LLC d/b/a Direct Air, commencing November 18, 2010, terminating September 30, 2011, automatically renewed on year-to-year basis (10/1 through 9/30); and

**F)** Airline Service Incentive Program Participation Agreement for Qualified Flights with Southern Sky Air and Tour, LLC d/b/a Direct Air, commencing on December 20, 2010, expiring one (1) year from effective date, automatically renewed on year-to-year basis.

**SUMMARY:** Delegation of authority for execution of the standard County agreements above was approved by the Board of County Commissioners in R1994-1453, R2007-1968, R2007-2070, R2009-0634 and R2010-0707. Countywide (AH)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Contract with Construct Group Corporation in the amount of \$343,000 for improvements to the South Bay Boat Ramp. **SUMMARY:** This Contract will provide two (2) new floating boat docks and a floating staging dock with gangways along with associated site improvements. The fixed docks adjacent to the existing two (2) boat ramps were destroyed during the hurricanes of 2004 and 2005 and will be replaced with removable, floating docks and gangways. A floating staging dock and gangway will also be constructed. The project's funding source is the Florida Boating Improvement Program. The three (3) lowest bids were submitted by out-of-county contractors with a total of four (4) of the seven (7) bids by out-of-county firms. The Small Business Enterprise (SBE) goal for this project is 15%. Construct Group Corporation's bid includes SBE participation of 18.56%, with 18% met through the use of a Belle Glade subcontractor. Construct Group Corporation is a Miami/Dade County business. The contract time is 112 calendar days to substantial completion. (Capital Improvements Division) District 6 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to approve:** Contract with Leo A. Daly Company to provide architectural services on a continuing contract basis. **SUMMARY:** The purpose of this Contract is to have a consultant pre-selected and under contract to provide architectural services for capital improvement projects generally with a construction value less than \$5,000,000. Consultant fees will be negotiated on an individual basis for the identified projects. This Contract will be for two (2) years with two (2) - one (1) year renewal options. Leo A. Daly Company is a Palm Beach County firm and will be using Palm Beach County subconsultants for 91% of the work. This Contract includes a Small Business Enterprise (SBE) goal of 15% which can be met through the use of either M/WBE or SBE firms. Leo A. Daly Company anticipates achieving 32% SBE and 12% M/WBE participation. The subconsultant participation is based on estimates provided by the department as well as the consultant and is based on past history for typical projects performed under this continuing contract. (Capital Improvements Division) Countywide (JM)
  
3. **Staff recommends motion to approve:** Contract with Colome & Associates, Inc. to provide architectural services on a continuing contract basis. **SUMMARY:** The purpose of this Contract is to have a consultant pre-selected and under contract to provide architectural services for capital improvement projects generally with a construction value less than \$5,000,000. Consultant fees will be negotiated on an individual basis for the identified projects. This Contract will be for two (2) years with two (2) - one (1) year renewal options. Colome is a Palm Beach County firm and will be using Palm Beach County subconsultants for 99% of the work. This Contract includes a Small Business Enterprise (SBE) goal of 15% which can be met through the use of either M/WBE or SBE firms. Colome & Associates, Inc anticipates achieving a 70% SBE participation. The subconsultant participation is based on estimates provided by the department as well as the consultant and is based on past history for typical projects performed under this continuing contract. (Capital Improvements Division) Countywide (JM)
  
4. **Staff recommends motion to approve:** First Amendment to the Agreement with Intellitech Corporation (R2009-0646) extending the expiration date to October 31, 2011. **SUMMARY:** The upgrade to the Jail Management System (JMS) defined in the Agreement has been completed and the JMS system is providing the necessary inmate information to support the new Video Visitation System. The Agreement required Intellitech to activate the license and provide software support services for one (1) year following acceptance of the upgrade which took place on October 31, 2010. As a result, the Agreement now needs to be extended from its expiration date of February 28, 2011, to October 31, 2011 to cover the full one (1) year license and support services period. All other terms of the Agreement remain unchanged and in full force and effect. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve: a First Amendment to Interlocal Agreement (R2008-0863) with the Town of Ocean Ridge (Town) to extend the term of the agreement to March 31, 2014. **SUMMARY:** The Interlocal Agreement with the Town, which provides the terms and conditions under which the Town receives radio equipment maintenance services from the County will expire on March 31, 2011. The Interlocal Agreement provides for one (1) renewal option for a period of three (3) years. Both parties must approve the renewal option. The Town has approved the renewal to extend the term of the Interlocal Agreement until March 31, 2014. The renewal now requires Board approval. The terms of the agreement are standard and the maintenance rates are consistent with those being charged to County Departments. The Interlocal Agreement may be terminated by either party, with or without cause, with a minimum of three (3) months notice. The County has been providing these services since April 1, 2008. (ESS) District 4/Countywide (JM)
  
6. Staff recommends motion to approve: an Interlocal Agreement with the Town of Lake Clarke Shores (Town) for the provision of radio maintenance services. **SUMMARY:** This Agreement provides for the provision of radio equipment maintenance services to the Town, by FDO/Electronic Services & Security Division. The services are to be charged on an hourly basis at a cost of \$65/hr/person and \$97.50/hr/person for overtime work. In the event that the County must out-source the labor, a separate labor rate is provided. The rates may be adjusted annually with notification by June 1 (effective that following October 1) at the County's sole discretion, but in no event shall the Town's fee schedule exceed the fee schedule applied to County departments. The term of the agreement is for three (3) years with one (1) – three (3) year renewal. The Agreement may be terminated by either party, with or without cause with a minimum of three (3) months notice. The County has been providing radio equipment maintenance services to the Town since February 1, 2005. (ESS) District 3/Countywide (JM)
  
7. Staff recommends motion to approve: a Termination of Interlocal Agreement (R2006-0460) with the U.S. Marshals Service (Marshals) terminating the County's provision of fleet management services to the Marshals. **SUMMARY:** On March 14, 2006, the Board approved an Interlocal Agreement with the Marshals, which provided for the County's provision of fleet management services to the Marshals for a period of five (5) years, which was extended until March 13, 2016, via a First Amendment to Interlocal Agreement (R2010-1673). Pursuant to the terms of the Interlocal Agreement, the County has been reselling fuel to the Marshals based on the premise that the Marshals are included by the Internal Revenue Service (IRS) within the definition of "State". On October 28, 2010, the Office of Chief Counsel of the IRS issued an opinion that federal agencies are not included within the definition of "State". In order for the County to preserve its tax exempt status regarding its fuel purchases the County cannot sell to any agency that is not considered within the IRS definition of "State". Therefore, the County must terminate the Interlocal Agreement with the Marshals. (Fleet) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. **Staff recommends motion to approve:** a Termination of Interlocal Agreement (R2005-1479) with the U.S. Department of Justice/Federal Bureau of Investigation (FBI) terminating the County's provision of fleet management services to the FBI. **SUMMARY:** On August 16, 2005, the Board approved an Interlocal Agreement with the FBI, which provided for the County's provision of fleet management services to the FBI for a period of five (5) years, which was extended until August 15, 2016, via a First Amendment to Interlocal Agreement (R2010-0337). Pursuant to the terms of the Interlocal Agreement, the County has been reselling fuel to the FBI based on the premise that the FBI is included by the Internal Revenue Service (IRS) within the definition of "State". On October 28, 2010, the Office of Chief Counsel of the IRS issued an opinion that federal agencies are not included within the definition of "State". In order for the County to preserve its tax exempt status regarding its fuel purchases the County cannot sell to any agency that is not considered within the IRS definition of "State". Therefore, the County must terminate the Interlocal Agreement with the FBI. (Fleet) Countywide (JM)
  
9. **Staff recommends motion to approve:** a U.S. Army Corps of Engineers' (USACE) Consent to Easement to construct a staging dock extension at Burt Reynolds Park, Jupiter. **SUMMARY:** The County completed a \$2.9 million expansion project for Burt Reynolds Park in the fall of 2007, which included the construction of a staging dock in the Intracoastal Waterway. The staging dock was originally designed to be 289' long; however, due to issues surrounding ownership of the submerged lands under the dock, the dock was scaled back to 110' long. The submerged lands issues are in the process of being resolved so that the County may extend the dock. As the extension of the dock is within the right-of-way of the Intracoastal Waterway, USACE requires a Consent to Easement to be executed by the County and the USACE prior to construction. The USACE requires a \$300 administrative fee for processing the consent. (PREM) District 1 (HJF)
  
10. **Staff recommends motion to approve:** a Second Amendment to License Agreement (R2009-1216) with the United States Department of Homeland Security Federal Emergency Management Agency (FEMA) retroactively extending the term to December 31, 2011. **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 December 31, 2010. This Second Amendment retroactively extends the term of the License Agreement upon the same terms and conditions until December 31, 2011. There are no charges associated with this Second Amendment. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. Staff recommends motion to approve: a Second Amendment to the Interlocal Agreement (R2001-0200) with the City of Boynton Beach (City) to extend the term of the agreement to February 5, 2016. **SUMMARY:** The Interlocal Agreement with the City, which provides the terms and conditions under which the City can use the County's microwave system to transport radio signals from the City's tower to the County SmartZone Controller expires on February 6, 2011. The Interlocal Agreement provides for four (4) renewal options, each for a period of five (5) years. Both parties must approve the renewal option. The City has approved a renewal to extend the term of the Interlocal Agreement until February 5, 2016. The renewal now requires Board approval. Under the terms of the Interlocal Agreement, the City pays its share of the operational and maintenance costs associated with the microwave system. The costs for each fiscal year are provided by the County by March 1<sup>st</sup> annually. The Interlocal Agreement may be terminated by either party, with or without cause, upon one (1) years notice. This Second Amendment renews the term and updates the notice provisions. Other than the changes set forth herein all other terms and conditions of the Interlocal Agreement remain the same. (ESS) Countywide (JM)

12. 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 MPA Architect's employee Mark Beatty, a member of the Palm Beach County Zoning Commission; and

**B)** Contract with MPA Architects, Inc. to provide architectural services on a continuing contract basis.

**SUMMARY:** A prohibited relationship waiver is being recommended for an employee of MPA Architects who serves on the County Zoning Commission. The individual has disclosed this relationship and is requesting a waiver pursuant to Section 2-443(d) of the Code of Ethics. The waiver is being recommended based on a staff determination that the execution of this contract will not create a conflict of interest with the continued service of the individual on the Zoning Commission. The purpose of this Contract is to have a consultant pre-selected and under contract to provide architectural services for capital improvement projects generally with a construction value less than \$5,000,000. Consultant fees will be negotiated on an individual basis for the identified projects. This Contract will be for two (2) years with two (2)-one (1) year renewal options. MPA Architects is a Palm Beach County firm and will be using Palm Beach County subconsultants for 100% of the work. This Contract includes a Small Business Enterprise (SBE) goal of 15%. MPA Architects, Inc. anticipates achieving 78% SBE participation. The subconsultant participation is based on estimates provided by the department as well as the consultant and is based on past history for typical projects performed under this continuing contract. (Capital Improvements Division) Countywide (JM)



3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** Amendment No. 001 to the Agreement with Coalition for Independent Living Options, Inc. (R2010-1687) to reduce the reimbursement rate from \$35.42 per meal package delivered weekly to eligible disabled individuals to \$33.02 per meal package, and to increase the number of unduplicated individuals served from 80 to 85. **SUMMARY:** The FY 2010-2011 Action Plan approved by the Board of County Commissioners (R2010-1156) on July 20, 2010, allocated \$39,000 of Community Development Block Grant funds to Coalition for Independent Living Options, Inc. (CILO) for the Disability Inclusion & Nutritional Education (DINE) program. The DINE program provides the following services to disabled individuals and their families: delivery of meal packages (five (5) frozen breakfasts and five (5) frozen dinners per week plus hurricane ready meals) for up to three (3) months per client; provision of emergency financial assistance in the form of rent/mortgage/utilities payments; and for teaching independent living skills regarding budgeting, food shopping, cooking and preparing a balanced diet. Thirty-four thousand dollars (\$34,000) is allocated for provision of meal packages and \$5,000 for emergency one-time financial assistance. The Agreement originally states that CILO will be reimbursed at a rate of \$35.42 per meal package provided to an unduplicated 80 eligible disabled individuals. This Amendment seeks to lower the rate of reimbursement to \$33.02 per meal package provided to an eligible disabled individual and increase service to an unduplicated 85 individuals. **These are Federal Community Development Block Grant funds that do not require a local match.** Countywide (TKF)

2. **Staff recommends motion to ratify:** the signature of the Board of County Commission Chairman on the following six (6) documents with the U.S. Department of Housing and Urban Development (HUD):

**A)** Funding Approval/Agreement, Amount: \$7,351,246, Terms: October 1, 2010, through September 30, 2011 (HUD-7082, CDBG);

**B)** Amendment to Funding Approval/Agreement (HUD-7082, CDBG);

**C)** Funding Approval/Agreement, Amount: \$2,777,679, Terms: October 1, 2010, through September 30 2011 (HUD-40093, HOME);

**D)** Amendment to Funding Approval/Agreement (HUD-40093, HOME);

**E)** ESG Program Local Government Grant Agreement, Amount: \$299,384 Terms: October 1, 2010, through September 30 2011; and

**F)** Amendment to ESG Program Local Government Grant Agreement.

**SUMMARY:** The Board of County Commission (BCC) approved the County's FY 2010-2011 Action Plan for Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG) and Home Investment Partnership (HOME) on July 20, 2010 (R2010-1156). The Agreements with HUD were executed by the BCC Chairman. Ratification by the BCC of the Chairman's signature is required to bring the Agreements and Amendments into Compliance. **No local match is required to implement the CDBG program; however, the ESG and HOME programs have matching requirements. The ESG Program matching requirements of 100% is met through a cash or in-kind contribution by each agency receiving this funding, and the HOME matching requirement of 25% will be met from program income which is still being earned under the State Housing Initiatives Partnership Program (SHIP).** Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

3. Staff recommends motion to approve: the following four (4) Amendments to Declarations of Restrictions with the Community Land Trust of Palm Beach County, Inc.:

**A)** First Amendment to the Declaration of Restrictions for Very Low Income Households (441 Jennings Avenue, Greenacres, Property Control Number: 18-42-44-23-01-045-0240);

**B)** First Amendment to the Declaration of Restrictions for Middle Income Households (876 Briarwood Drive, Haverhill, Property Control Number: 22-42-43-36-21-000-0290);

**C)** First Amendment to the Declaration of Restrictions for Middle Income Households (9072 Arpege Place, Lake Worth, Property Control Number: 00-42-44-30-01-001-0030); and

**D)** First Amendment to the Declaration of Restrictions for Middle Income Households for (6095 Plains Drive, Lake Worth, Property Control Number: 00-42-44-34-29-000-3450).

**SUMMARY:** On April 1, 2010, Palm Beach County entered into an Agreement (R2010-0903) with the Community Land Trust of Palm Beach County, Inc., (CLT). The Agreement provided \$800,000 in Neighborhood Stabilization Program (NSP1) funds for the acquisition and rehabilitation of least four (4) single-family homes which will be sold to income qualified households. The CLT has already acquired four (4) homes, and will have sufficient funding to acquire one (1) more home. NSP1 funds used for the acquisition of these four (4) homes were secured by a Declaration of Restrictions executed by the CLT at the closing for each home. The executed Declarations of Restrictions each provided for a date by which the CLT must sell these homes to income qualified households approved by the County. Delays associated with the proposed homeowners acquiring private mortgage financing and getting income qualified will not enable the resale of these homes by the designated date. The four (4) Amendments whose approval is hereby requested will extend the designated date to enable the CLT to comply with the requirements of the Agreement. **These are Federal Neighborhood Stabilization Program Grant funds that require no local match.** Districts 2, 3 & 6 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

4. **Staff recommends motion to ratify:** eight (8) Agreements executed by the County Administrator under the Neighborhood Stabilization Program and entered into with:
- A) Palm Beach County Housing Authority in the amount of \$750,000 (R2010-0898);
  - B) Riviera Beach Housing Authority, Inc., in the amount of \$500,000 (R2010-0899);
  - C) Housing Partnership, Inc., in the amount of \$850,000 (R2010-0900);
  - D) Neighborhood Renaissance, Inc., in the amount of \$500,000 (R2010-0901);
  - E) Florida Conference Association of Seventh-Day Adventists in the amount of \$272,600 (R2010-0902);
  - F) Community Land Trust of Palm Beach County, Inc., in the amount of \$800,000 (R2010-0903);
  - G) City of Riviera Beach in the amount of \$577,400 (R2010-0904); and
  - H) Village of Wellington in the amount of \$750,000 (R2010-1036).

**SUMMARY:** Palm Beach County entered into a Grant Agreement (R2009-1672) with the U.S. Department of Housing and Urban Development (HUD) for the receipt of \$27,700,340 under the Neighborhood Stabilization Program (NSP). On November 3, 2009, the Board of County Commissioners (BCC) approved funding recommendations for this Program which included the eight (8) herein identified recipients of NSP funds. All eight (8) Agreements make funds available for the acquisition and rehabilitation of foreclosed properties. Acquired properties are then sold to, or leased to, income qualified households. Staff processed these eight (8) Agreements believing that the County Administrator had the authority to execute them as provided by the BCC on November 18, 2008 (R2008-2154). The County Attorney's office has since indicated that said Resolution did not clearly provide for such authority. Ratification of these Agreements will clearly authorize execution of these Agreements by the County Administrator. **These are Federal Neighborhood Stabilization Program Grant funds that do not require local matching funds. Districts 1, 2, 5, 6 & 7 (TKF)**

5. **Staff recommends motion to approve:** an Agreement with the West Jupiter Community Group, Inc., for the tutorial center expansion, in the amount of \$255,489, for the period of January 11, 2011, through December 31, 2011. **SUMMARY:** This project will provide three (3) additional classrooms which will expand the West Jupiter Community Group's tutorial center where after school tutoring and enrichment activities to disadvantaged and at-risk children residing in the West Jupiter and surrounding areas are provided. The tutorial center is located at 7187 Church Street, in unincorporated Palm Beach County in the Limestone Creek area. **These are federal Community Development Block Grant funds that require no local match. District 1 (TKF)**

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Supplement No. 1 to Work Authorization No. 33 to the Contract for Optimization and Improvements Design-Build Services with Globaltech, Inc. (R2008-2323) for replacement of the Filter No. 1 Media at Water Treatment Plant No. 8 (WTP 8) in the amount of \$88,328 and 150 days time extension. **SUMMARY:** On July 28, 2010, the Contract Review Committee approved Work Authorization No. 33 with Globaltech, Inc. (R2008-2323) in the amount of \$180,800 for the Filter Media Replacement for Filters 2 and 3 at WTP 8. This Supplement adds Filter No. 1 for a lump sum amount of \$88,328 with a time extension of 150 days. The total for Work Authorization No. 33 including Supplement No. 1 is \$269,128; therefore requiring authorization by the Board. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.0% overall. The contract with Globaltech, Inc. provides for SBE participation of 75.00% overall. This Authorization includes 86.38% overall participation. The cumulative SBE participation, including this Work Authorization, is 75.21% overall. Globaltech, Inc. is a local Palm Beach County firm. (WUD Project No. 10-066) District 2 (JM)
  
2. **Staff recommends motion to approve:** a Wastewater Development Agreement with Green House Bazaar, Inc. (Green House). **SUMMARY:** In conjunction with the City of Greenacres, the Palm Beach County Water Utilities Department (Department) is currently in the process of planning and designing a gravity sewer system along 10th Avenue North, west of Haverhill Road, which will provide sufficient capacity to serve the Green House property, as well as other potential users, with wastewater service. The construction of the gravity sewer system will eliminate the need for Green House, and other potential users, to construct, operate, and maintain private lift stations. As a contribution in lieu of construction, Green House agrees to pay to the Department the amount of \$10,000, said contribution to be allocated by the County to the costs for installation of the gravity sewer system. Green House shall pay the \$10,000 prior to or within ten (10) days of the effective date of this Agreement. In exchange for this contribution, Department shall use its best efforts to have the gravity sewer system installed in order to be available for connection to Green House's onsite wastewater collection system on or before April 2, 2011. (WUD Project No.11-507) District 2 (MJ)
  
3. **Staff recommends motion to approve:** Work Authorization No. 38 to the Optimization and Improvements Design/Build Services with Globaltech, Inc. (R2008-2323) for a diesel fuel tank at Water Treatment Plant No. 3 in the amount of \$249,823. **SUMMARY:** On December 16, 2008, the Board of County Commissioners approved the Water Utilities Department Optimization and Improvements Design/Build Services Contract with Globaltech, Inc. (R2008-2323) for treatment plant and regional pump station projects. This Work Authorization is for the purchase and installation of an underground 30,000 gallon diesel fuel tank for Water Treatment Plant No. 3. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Globaltech, Inc. provides for SBE participation of 75.00% overall. This authorization includes 100.00% overall participation. The cumulative SBE participation, including this Work Authorization, is 76.37% overall. Globaltech, Inc. is a local Palm Beach County Company. (WUD Project No. 09-004) District 5 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

**A) receive and file** three (3) original documents for the Department of Environmental Resources Management:

1) Project Agreement PB-10-147 with the Florida Inland Navigation District (FIND) providing \$500,000 in reimbursable funding for the Jupiter Ridge Shoreline Restoration Project expiring September 1, 2012;

2) Project Agreement PB-10-148 with the FIND providing \$1,000,000 in reimbursable funding for the South Cove Restoration and Boardwalk Project expiring September 1, 2012;

3) Project Agreement PB-08-133 amendment with the FIND extending the project completion date for the Snook Islands Public Use Facilities project to September 1, 2011; and

**B) approve** Budget Amendment of \$1,500,000 in the Natural Areas Fund to recognize revenue from the FIND agreements and includes a transfer from the Manatee Protection Program to the Jupiter Ridge Shoreline Restoration project to provide \$979,718 for estimated project costs and the required FIND match.

**SUMMARY:** 1) & 2) Agreement No. PB-10-147 and PB-10-148 are awards from FIND for FY2011 funding as a result of applications submitted by the Board of County Commissioners on May 18, 2010 (R2010-0784 & R2010-0785). Delegated authority to sign the agreements was provided at that time. The agreements include provisions that allow FIND to seek reimbursement of funds provided the County fails to comply in any way. The County is also liable for attorney's fees if any property is transferred and a dispute ensues. The Manatee Protection Program will provide \$979,718 for additional project costs and the appropriate FIND match associated with the Jupiter Ridge Shoreline Restoration Project. The South Cove Project is funded with a combination of Lake Worth Lagoon State Grant, Manatee Protection Program and Vessel Registration Fees. 3) Agreement No. PB-08-133 was approved on December 2, 2008 (R2008-2219). Delegated authority to sign time extensions was provided at that time. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to receive and file: three (3) original documents for the Department of Environmental Resources Management:

**A)** Amendment No. 1 to the Wetlands Reserve Program with the Natural Resources Conservation Service (NRCS) for the Loxahatchee Slough Natural Area – Sandhill Crane East Restoration Project Contract No. 66-4209-7-77-07 extending the agreement until September 30, 2011;

**B)** Amendment No. 1 to the Wetlands Reserve Program with the NRCS for the Winding Waters Restoration Project Contract No. 66-4209-7-77-06 extending the agreement until September 30, 2011; and

**C)** Change Order No. 1 for Contract No. FWC8135 with the Florida Fish and Wildlife Conservation Commission (FWC) adding fluridone pellets as an acceptable aquatic exotic plant control method for the work plan.

**SUMMARY: A) & B)** Amendment No. 1 amends the term of the agreements between PBC and NRCS entered into on July 10, 2007 (R2007-1221 and R2007-1222) to extend the agreement until September 30, 2011. All other provisions of this Agreement remain unchanged with no fiscal impact. Delegated authority to sign the agreement was provided at that time. **C)** Contract No. FWC8135 October 1, 2002 (R2002-1748) provides aquatic vegetation control services in accordance with a work plan for water bodies with Palm Beach County. All other provisions of this Agreement remain unchanged with no fiscal impact. Delegated authority to sign time extensions and minor amendments that do not change the scope of work was provided at that time. Countywide (SF)

3. Staff recommends motion to accept: Purchase Order A33EB0 from Florida Fish and Wildlife Conservation Commission (FWCC) for Gopher Tortoise Habitat Management at two (2) Palm Beach County Natural Areas, Yamato Scrub and Juno Dunes, expiring May 27, 2011, in an amount not to exceed \$15,000 for each site. **SUMMARY:** Funds were requested to assist with activities at Yamato Scrub Natural Area in Boca Raton and Juno Dunes Natural Area in Juno Beach. The cost reimbursement resulting from the approval of this Purchase Order will provide funding up to \$15,000 per natural area (total potential reimbursement of \$30,000) for land management activities to improve gopher tortoise habitat. There is no match required for this reimbursement funding. Districts 1 & 4 (SF)

M. PARKS & RECREATION

1. Staff recommends motion to approve: Interlocal Agreement with the City of Pahokee for the period of February 1, 2011, through August 1, 2012, in an amount not-to-exceed \$60,000 for Pahokee Athletic Field Improvements. **SUMMARY:** This allocation provides funding for improvements to Pahokee's athletic field located at its Parks and Recreation Complex to include refurbishing the existing football/soccer field and the purchase and installation of an irrigation system. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to October 5, 2010. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. District 6 (PK)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to receive and file: one (1) fully executed License Agreement with the Town of Palm Beach, for training at the Palm Beach County Fire Rescue Regional Training Center, for the period December 15, 2010, through December 14, 2011. **SUMMARY:** On September 15, 2009, the Board adopted Resolution No. R2009-1551, which authorized the County Administrator, or his designee (Fire Rescue Administrator) to execute a one year standard license agreement with outside fire rescue/public safety agencies and other authorized entities, providing them with access to the Regional Training Center to conduct training activities and events for public safety personnel. Pursuant to Countywide PPM CW-O-051, one fully executed license agreement that has been executed by the Fire Rescue Administrator and the Town of Palm Beach, is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (SB)

2. Staff recommends motion to approve and select:

A) Michael C. McCurdy for appointment by the Town of Lantana, as Trustee, on the Lantana Firefighters Pension Fund Board. The term will expire September 28, 2012; and

B) John Sluth for appointment by the Town of Lantana, as Trustee, on the Lantana Firefighters Pension Fund Board. The term will expire September 28, 2012.

**SUMMARY:** Pursuant to the Interlocal Agreement (R2010-0215) Renewing Pension Agreement (R97-1252D) Relating to Firefighters' Pension Plan with the Town of Lantana (Town), the Town is requesting the County's approval of their selection to appoint John Sluth and Michael C. McCurdy, Town residents, to the Lantana Firefighters Pension Fund Board, as Trustees. Under the Interlocal Agreement, the Town retained the power and responsibility to make appointments to the Fund's Board of Trustees for its Chapter 175 Plan. Any Trustee to be appointed by Lantana first must be approved by the County. Mr. Sluth and Mr. McCurdy's current positions expired on September 28, 2010. Their reappointments would expire on September 28, 2012. District 7 (SB)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: 1st Amendment to the Schedule of Purchase of Equipment and/or Service (R2011-0070) contained in the 1st Pricing Schedule attachment to the Master Services Agreement (R2009-1055) for maintenance and purchase of equipment and other services pertaining to the County's Meridian telephone systems, reducing the total contract amount by \$5,989, for a revised total of \$228,666, for the period February 1, 2011, through February 1, 2012. **SUMMARY:** This amended Pricing Schedule reduces the total cost of maintenance services, purchase of telephone equipment and other PBX-related services for the Meridian telephone systems located at the Judicial Center Complex. The total savings to the County for the contract period is \$5,989. This reduction in maintenance cost is the result of ISS Voice Services working diligently with AT&T to reconcile the total covered equipment count for this location. AT&T has an office in Palm Beach County. Countywide (PK)

BB. SUPERVISOR OF ELECTIONS

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

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

- A. **Staff recommends motion to adopt:** Resolutions of the Board of County Commissioners of Palm Beach County, Florida pursuant to Palm Beach County Code Chapter 13, Article II, Emergency Medical Services, Division I (Ordinance No. 2010-056); granting a three (3) year extension of existing emergency medical services Certificate of Public Convenience and Necessity for Medics Ambulance Service, Inc. and Atlantic/Palm Beach Ambulance, Inc., doing business as American Medical Response to December 31, 2014. **SUMMARY:** These Resolutions implement, by the extension of the existing ambulance Certificates of Public Convenience and Necessity (COPCN), agreements between the private ambulance services and Palm Beach County to allow Palm Beach County Fire-Rescue to provide transportation of patients from the scene of 9-1-1 calls instead of the private ambulance providers. In anticipation of Palm Beach County Fire Rescue COPCN renewal on December 31, 2010, and as a result of agreements with the private providers, Fire-Rescue will provide all emergency response and patient transportation services in all of their services areas. The private ambulance providers are requesting the issuance of a three (3) year extension of their current COPCN from January 1, 2011, to December 31, 2014. Private providers will serve as a secondary provider for Advanced Life Support emergency transport, which will allow them to provide daily back up during the pilot program and be available for response in the event of storms, evacuations and disasters. It will also allow for emergency and non-emergency inter-facility transfers. The Emergency Medical Services Council approved granting the three (3) year extension. Countywide (DW)

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5. REGULAR AGENDA

A. ADMINISTRATION

**TIME CERTAIN 10:00 A.M.**

1. Supervisor of Elections Presentation
  
2. **Staff recommends motion to approve:** a Contract with Palm Beach State College Small Business Development Center (SBDC) in the amount of \$94,000 to provide technical assistance and training to small businesses in Palm Beach County for the period of October 1, 2010, through September 30, 2011. **SUMMARY:** This Contract provides Palm Beach County’s Small Business Enterprise firms with technical assistance and training in the form of direct consulting services in the areas of finance, marketing, management, construction, human resources, business plans and international trade. In addition, SBDC provides local SBE’s with services that result in federal certifications, such as 8(a), HUBZone and Small Disadvantaged Business; identify federal contract opportunities for local small businesses; and assist local businesses in submitting bids to local, state, and federal agencies. The total amount of this proposed contract for FY 2011 is \$94,000 and is being made retroactive to October 1, 2010. An audit has been completed for contracted services in FY 2010 and resulted in satisfactory performance. The FY 2010 performance and FY 2011 contracted performance is listed below. Countywide (TKF)

	<b>Deliverables</b>	<b>FY10 Contracted</b>	<b>Achieved As of 9/30/10</b>	<b>FY11 Contracted</b>
	<b>SBDC</b>			
1	Management & Technical Assistance Clients	500	627	550
2	Loans Approved	\$1,750,000	\$1,330,000	\$1,330,000
3	SBDC Seminars	4	4	6
	<b>PTAC</b>			
4	Management & Technical Assistance Clients	125	249	150
5	Procurement Approved	\$5,000,000	\$162,813,953	\$10,000,000
6	Government Procurement Seminars	16	22	18
7	Certification Training	8	8	10
8	Review of RFP/Bid Process	6	8	8
	<b>PBCC</b>			
9	Quarterly Report and Client Profile	4	4	4

B. ENGINEERING & PUBLIC WORKS

1. **Staff requests Board direction:** regarding a policy for the installation of school speed zone on roads fronting/adjacent to high schools. **SUMMARY:** School speed zone are typically not installed at high schools in Palm Beach County. Parents of children attending Seminole Ridge High School have requested a school speed zone at the high school. The Board has directed staff to prepare information concerning the installation of school speed zones at high schools throughout Palm Beach County. Countywide (MRE)

5. REGULAR AGENDA

C. COUNTY ATTORNEY

**TIME CERTAIN 10:30 A.M.**

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on March 15, 2011 at 9:30a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing a procedure for employees who are victims of wage theft to recover back wages resulting from wage theft; providing for short title; providing for definitions; providing for wage theft complaints; providing for captions; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for effective date. **SUMMARY:** The issue of wage theft was brought before the Board on October 19, 2010. At that meeting the Board directed the County Attorney to draft a wage theft for preliminary reading. The Ordinance provides for a definition of wage theft and procedures for the filing, conciliation and hearing of wage theft complaints. The Board also directed the County Attorney to continue to monitor the legal challenge to the Miami-Dade Wage Theft Ordinance brought by the Florida Retail Federation. Countywide (EC)

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**RECESS AS THE BOARD OF COUNTY COMMISSIONERS**

**CONVENE AS THE ENVIRONMENTAL CONTROL BOARD**

6. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD

A. HEALTH DEPARTMENT  
(Environmental Control Hearing Board)

1. Staff recommends motion to approve: reappointment of the following members to the Environmental Control Hearing Board for a term of three (3) years beginning February 1, 2011, to January 31, 2014:

<u>Name</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Recommended By</u>
David Freudenberg	4	Citizen-at-Large	Commissioner Aaronson Commissioner Marcus Commissioner Abrams Commissioner Taylor
Edwin Sherman	3	Citizen-at-Large	Commissioner Marcus Commissioner Abrams

**SUMMARY:** The Board is composed of five (5) members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association, one (1) medical doctor recommended by the Palm Beach County Medical Society, one (1) engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society, and two (2) citizens-at-large not holding elective office. On December 10, 2010 and December 30, 2010, memos were circulated to the Board of County Commissioners regarding the above reappointments. No additional nominations were received. Countywide (GB)

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**ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD**

**RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS**

7. BOARD APPOINTMENTS

A. AIRPORTS  
(Aviation & Airports Advisory Board)

1. Staff recommends motion to approve: one (1) reappointment/appointment to Seat No. 8 to the Aviation and Airports Advisory Board (AAAB) for a three (3) year term:

**Seat No. 8 (Choose one)**

**Reappoint:**

Nominee  
Ronald Ash

Requirement  
Favorable reputation for experience and expertise in: architecture, engineering, banking, insurance, law, accounting, non-residential construction, business or consumer

Term  
2/1/11 – 1/31/14

Nominated By:  
Comm. Marcus  
Comm. Abrams  
Comm. Taylor  
Comm. Aaronson

**OR**

**Appoint:**

Nominee  
Robin Rockwell

Requirement  
Favorable reputation for experience and expertise in: architecture, engineering, banking, insurance, law, accounting, non-residential construction, business or consumer

Term  
2/1/11 – 1/31/14

Nominated By:  
Comm. Burdick

**SUMMARY:** Per Resolution No. R96-205, the AAAB consists of nine (9) members. Seven (7) members are District appointments (Seats 1 through 7) and two (2) members are At-Large appointments (Seats 8 & 9). On January 11, 2011, the term for Seat No. 8 expires and is open for appointment of a three (3) year term as stipulated in the Resolution. Memos and forms dated December 1, 2010 were forwarded to the Board of County Commissioners (BCC) notifying the BCC of the expirations. The current incumbent, Mr. Ash meets the membership requirements and is willing to serve another term. Mr. Robin Rockwell meets the membership requirements and is willing to serve. Countywide (AH)

7. BOARD APPOINTMENTS

B. **COMMUNITY SERVICES**  
**(Community Action Advisory Board)**

1. **Staff recommends motion to approve:** appointment of the following representative to the Community Action Advisory Board to fill the unexpired term of a vacated seat:

<b><u>Seat No.</u></b>	<b><u>Appointment</u></b>	<b><u>Member Category</u></b>	<b><u>Term Ending</u></b>	<b><u>Nominated By</u></b>
11	Retha Lowe	Low Income Sector (Lake Worth TAC)	9/30/12	Comm. Marcus Comm. Taylor Comm. Abrams Comm. Vana Comm. Aaronson

**SUMMARY:** The Community Action Advisory Board (CAAB) is a 15 member board comprised of one-third elected public officials or their representatives, with the remaining members being business, industry, labor, religion, law enforcement, education or other major groups in the community. On December 2, 2010, written notice was sent to each Commissioner to request nominations. The above appointment will complete the unexpired term of Sharon Odums who was removed for lack of attendance. The appointment meets all applicable guidelines and requirements outlined in Resolution R2009-1549. The CAAB has reviewed and approved the nominee listed above. (Community Action) Countywide (TKF)

C. **PLANNING, ZONING & BUILDING**  
**(Construction Board of Adjustment & Appeals)**

1. **Staff recommends motion to approve:** the appointment/reappointment of the following named individuals to the Construction Board of Adjustment and Appeals (CBAA):

<b><u>Reappoint</u></b>	<b><u>Seat</u></b>	<b><u>Requirement</u></b>	<b><u>Term</u></b>	<b><u>Nominated By</u></b>
Marc Wiener	4	Architect	2/2/11-2/1/14	CIMC
<b><u>Appoint</u></b>	<b><u>Seat</u></b>	<b><u>Requirement</u></b>	<b><u>Term</u></b>	<b><u>Nominated By</u></b>
Margie Walden	8	Citizen At Large	2/2/11-2/1/12	Comm. Abrams

**SUMMARY:** Palm Beach County Ordinance 89-31 created the Construction Board of Adjustment and Appeals. Marc Wiener is nominated by the Construction Industry Management Council of Palm Beach County (CIMC), with a term of office of three years. Margie Walden is nominated by Commissioner Steven L. Abrams, with a term of office of one year. The nominations represent the Architect member and the Alternate Citizen At-Large member of the Board as required by the Palm Beach County Ordinance 2002-005, as amended, Palm Beach County Amendments to the Florida Building Code, 2007 Edition. The Board is comprised of seven (7) members consisting of one (1) registered architect; one (1) registered engineer; one (1) general contractor; one (1) electrical contractor; one (1) HVAC contractor; one (1) plumbing contractor and any other contractor licensed category. In addition to the seven (7) members, there should be two (2) alternate members, one (1) member with the qualifications referenced above and one (1) member at-large from the public. A memorandum from the Building Division was sent to the Board of County Commissioners on October 6, 2010 requesting nominations for Seat 8. There were no other nominations. (Building Division) Countywide (DW)

7. BOARD APPOINTMENTS

C. **PLANNING, ZONING & BUILDING (Cont'd)**  
**(Construction Industry Licensing Board)**

2. **Staff recommends motion to approve:** the appointment of three (3) members to the Construction Industry Licensing Board (CILB):

<b><u>Appoint</u></b>	<b><u>Seat No</u></b>	<b><u>Requirement</u></b>	<b><u>Term</u></b>	<b><u>Nominated by</u></b>
Mark Landis	4	Roofing Contractor	2/1/11-9/30/13	Comm. Marcus Comm. Burdick Comm. Taylor
Thomas Hogarth	7	Building Official	2/1/11-9/30/11	Comm. Marcus Comm. Taylor
Joseph T. Hennessey	8	Plumbing Contractor	2/1/11-9/30/13	Comm. Marcus Comm. Burdick Comm. Taylor

**SUMMARY:** The Construction Industry Licensing Board was established by Special Act, Chapter 67-1876, Laws of Florida as amended. The Special Act and Florida Statute sets forth the membership of the Board, which consists of 15 members. The above named construction members have been recommended by the Construction Industry Management Council (CIMC) (Mr. Landis & Mr. Hennessey), and the Building Officials Association of Palm Beach (BOA) (Mr. Hogarth). Mark Landis has been nominated to replace Mr. Joseph Byrne and Joseph T. Hennessey has been also nominated to replace Mr. Mark Hyson, both members terms have expired. Mr. Thomas Hogarth was recommended to replace Mr. John Farinelli that had resigned. The nominations represent seats for a Roofing Contractor, a Building Official, and a Plumbing Contractor as cited in the Special Act and F.S. § 489.131 establishing the Construction Industry Licensing Board. Memorandums were sent to the Board of County Commissioners on November 18, 2010 & December 16, 2010 advising of the vacant positions; no other nominations were received. Countywide (GB)

7. BOARD APPOINTMENTS

D. **PUBLIC SAFETY**  
**(Consumer Affairs Hearing Board)**

1. **Staff recommends motion to approve:** reappointment of five (5) members to the countywide Consumer Affairs Hearing Board as follows:

Nominee	Beginning Term	Ending Term	Seat	Requirement	Recommended by
Alexander Domb	02/01/11	01/31/13	1	Attorney	Comm. Karen Marcus
Pedro Guilarte	02/01/11	01/31/13	2	Nom. by Chamber of Comm.	Comm. Karen Marcus Comm. Paulette Burdick
Herbert Milstein	02/01/11	01/31/13	9	Special Technical	Comm. Karen Marcus Comm. Steven Abrams Comm. Paulette Burdick
Philip Shapkin	02/01/11	01/31/13	7	PBC Citizen	Comm. Karen Marcus Comm. Paulette Burdick
Daniel Pikula	02/01/11	01/31/13	5	Bus. Management	Comm. Karen Marcus Comm. Paulette Burdick

**SUMMARY:** Palm Beach County Consumer Affairs Ordinance 72-10 established a Hearing Board. The nine (9) members of the Board are selected for countywide representation and serve two (2) year terms for a maximum of six (6) years. The Board serves in both an advisory capacity to the County Commissioners and as an Appeals Board to hear and act on consumer concerns about unfair/deceptive business practices and appeals relating to the towing, vehicle for hire, moving and price gouging ordinances. The Hearing Board represents various businesses, professionals and the general public. On November 23, 2010, a memo was distributed to the Commissioners requesting support for the above nominations. **NOTE:** With the appointment of these five (5) seats, the Hearing Board will still have one (1) vacancy for a certified contractor. Nominations are being sought from the Board of County Commissioners for this vacant position. With approval of this motion the Hearing Board will have eight (8) of nine (9) appointed/active members. Countywide (GB)

E. **COMMISSION DISTRICT APPOINTMENTS**

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FEBRUARY 1, 2011

8. MATTERS BY THE PUBLIC – 2:00 P.M.

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**FEBRUARY 1, 2011**

**9. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**FEBRUARY 1, 2011**

**10. 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**

Request approval to present off-site, a Proclamation declaring February 5, 2011 as “National Black HIV/AIDS Awareness Day” in Palm Beach County.

Request approval to present off-site, a Proclamation honoring Earlene Jordan Weston.

**11. TRANSIT ORIENTED DEVELOPMENT MEETING WITH CITY OF WEST PALM BEACH – TIME CERTAIN 2:30 P.M.**

**12. 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**

**FEBRUARY 1, 2011**

<u>PAGE</u>	<u>ITEM</u>	
7	3C-3	<b><u>DELETED:</u> Staff recommends motion to adopt:</b> a Resolution approving recordation and filing of a Specific Purpose Survey Maintenance Map with the Clerk of the Circuit Court (Clerk) of and for Palm Beach County (County), Florida, certifying that Dryden Road from Haverhill Road to Mango Drive, has been maintained or repaired....(Engineering) (Further staff review)
8	3C-8	<b><u>DELETED:</u> Staff recommends motion to adopt:</b> a Resolution to authorize the Palm Beach County (County) Administrator and/or his designees to execute utility relocation agreements for utilities located within Palm Beach County right-of-way. (Engineering) (Further staff review)
20	3K-2	<b><u>DELETED:</u> Staff recommends motion to approve:</b> a Wastewater Development Agreement with Green House Bazaar, Inc. (Green House). (WUD) (Further staff review)
25	5A-2	<b><u>REVISED SUMMARY:</u></b> This contract provides Palm Beach County's Small Business Enterprise firms with technical assistance and training in the form of direct consulting services in the areas of finance, marketing, management, construction, human resources, business plans and international trade. In addition, SBDC provides local SBE's with services that result in federal certifications, such as 8(a), HUBZone and Small Disadvantaged Business; identify federal contract opportunities for local small businesses; and assist local businesses in submitting bids to local, state, and federal agencies. The total amount of this proposed contract for FY 2011 is \$94,000 and <del>is being made</del> <u>payment is being allowed for services</u> retroactive to October 1, 2010....(Admin/OSBA)
25	5D-1	<b><u>ADD-ON:</u> Staff recommends motion to approve:</b> an Agreement of Ground Lessor between the County, Wells Fargo Bank, Riviera Trading and Marketing, Inc. and Scribe Enterprises, Inc. <b>SUMMARY:</b> The County owns a 1.74 acre parcel off Central Boulevard behind the Jupiter West Plaza Shopping Center in Jupiter which it leases to Riviera Trading and Marketing, Inc., and Scribe Enterprises, Inc., pursuant to a Ground Lease dated June 28, 1988 (R88-8643D). In exchange for the Ground Lease, Riviera and Scribe subleased the County a 1.71 acre parcel located adjacent to the Jupiter West Shopping Center upon which the County built Fire-Rescue Station No. 19 (R92-1037D). The Ground Lease allows Riviera and Scribe to mortgage their interest in the County's property without the County's consent. Riviera and Scribe are refinancing the mortgage and their lender, Wells Fargo Bank, has requested that the County execute this Agreement of Ground Lessor. The Agreement provides the lender the opportunity to cure any default on the part of Riviera and Scribe under the Ground Lease within thirty (30) days of notice, and provides that the Ground Lease may not be amended without the lender's consent. While the County is not required to enter into this Agreement, Wells Fargo will not make the loan without it, and it is in the County's interest to facilitate the refinancing of the loan. If the refinancing does not occur, Riviera and Scribe's current loan may go into default, which could have potential ramifications for the County's sublease of the Fire Station property. The other parties will execute this Agreement of Ground Lessor after Board approval. This Agreement is being added on to facilitate the closing of the loan which is scheduled to close on Wednesday, January 26, 2011, with funding subject to this Agreement being approved on February 1, 2011. (PREM) <u>District 1</u> (HJF) (FDO)

**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 (\*).