

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

MARCH 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 - 24)**

- 4. REGULAR AGENDA (Pages 25 - 29)**
TIME CERTAIN 11:00 A.M. (Lake Worth Fire Rescue) (Page 29)

- 5. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD (Page 30)**

- 6. BOARD APPOINTMENTS (Page 31)**

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 - 2E Certificate of Congratulations to Ann Holt

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BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD
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BOARD APPOINTMENTS (Page 31)

MATTERS BY THE PUBLIC – 2:00 P.M. (Page 32)

STAFF COMMENTS (Page 33)

COMMISSIONER COMMENTS (Page 34)

ADJOURNMENT (Page 34)

MARCH 1, 2011

2. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Proclamation declaring March 10, 2011 as “National Women and Girls HIV/AIDS Awareness Day” in Palm Beach County. (Sponsored by Commissioner Taylor)

- B.** Proclamation declaring March 22, 2011 as “All People’s Day” in Palm Beach County. (Sponsored by Commissioner Aaronson)

- C.** Proclamation declaring March 2011 as “Wellness Campaign Month” in Palm Beach County. (Sponsored by Commissioner Burdick)

- D.** Proclamation declaring March 2011 as “Bicycling Month” in Palm Beach County. (Sponsored by Commissioner Marcus)

- E.** Certificate of Congratulations to Ann Holt on receiving the Florida Woman of the Year in Agriculture Award. (Sponsored by Commissioner Santamaria)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve: Amendment No. 1 to (R2005-0483) Florida Turbine Technologies, Inc. and J&S Analysis, Inc. (FTT) Job Growth Incentive (JGI) Grant Agreement, extending the job creation and maintenance dates by 24 months. **SUMMARY:** The original Agreement (R2005-0483) required FTT to create fifty (50) full-time jobs by December 31, 2007. Due to the downturn in the economy, FTT did not create the required jobs until December 31, 2009. FTT is in the County's Aerospace Cluster Industry and exceeded the job creation goals (71 FTEs in 2009) and continues their expansion efforts. Florida Turbine Technologies specializes in the engineering, development, and testing of gas turbines, propulsion components, turbopumps, and systems for military and commercial aircraft, space propulsion, and industrial applications including clean power generation and oil and gas. District 1 (DW)

2. Staff recommends motion to approve:

A) a Job Growth Incentive (JGI) Grant Agreement in the amount of \$210,000 as a portion of the required local match for a State Qualified Target Industry Grant (QTI) Grant and Quick Action Closing Fund with GARDA USA, INC. (GARDA);

B) a Budget Transfer of \$210,000 from the General Fund Contingency Reserves to the Economic Development JGI Program; and

C) a Budget Amendment of \$210,000 to the Economic Development Office Fund to recognize and appropriate the transfer of funds from the General Fund Contingency Reserves.

SUMMARY: On January 11, 2011, the Board of County Commissioners adopted Resolution (R2011-0078) supporting a JGI Grant in the amount of \$210,000 as a portion of the local match for a State QTI and Quick Action Closing Fund with GARDA. GARDA has finalized their relocation plans and desires to enter into a formal agreement with the County. The Agreement requires the company to create 100 jobs by December 31, 2013, with an average wage of \$65,769, excluding benefits. The Regional Economic Model, Inc. results estimate that GARDA will have a \$44 million economic impact over a five (5) year period, generating \$3 million in Federal, State and local taxes. Palm Beach County's economic development incentive will be payable over a period of six (6) years. The standard JGI contract language was modified in order to streamline the contract. **Funding will come from General Fund Contingency Reserves.** District 4 (DW)

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>
Environmental Control Board	December 9, 2010
Environmental Control Board	January 27, 2011
Zoning	January 27, 2011

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

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

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 December 2010. Countywide

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to adopt: Forty-five Resolutions to declare the acquisition of property designated as Parcels PE-203, PE-205, PE-207, PE-208, PE-209, PE-210, PE-211, PE-212, PE-213, PE- 214, PE-216, PE-223, PE-226 and PE-230 as Permanent Easements; Parcels 103, 105, 109, 113, 123, 124, 126, 127 and 132 as Perpetual Right-of-Way Easements; Parcels 201, 202, 204, 206, 217, 218, 219, 220, 221, 222, 224, 225, 227 and 228 as Permanent Embankment Easements; Parcels 307, 315, 316, 317, 329, 331, 332 and 333 as Temporary Construction Easements necessary for the construction and improvements on Seminole Pratt Whitney Road from the M Canal to south of Orange Boulevard. **SUMMARY:** The adoption of these Resolutions will initiate eminent domain proceedings against forty-five parcels having a total appraised value of \$161,700. District 6 (PM)
2. Staff recommends motion to receive and file: Supplement No. 11 to Project Number 2002111, under Agreement Number R2001-1596, with Arcadis U.S., Inc. in a total amount of \$15,347.21 for professional services for the preparation of design plans and construction bid documents for Okeechobee Boulevard from Australian Avenue to Tamarind Avenue/Parker Avenue. **SUMMARY:** Filing of this Supplement No. 11 will provide notification to the Board of County Commissioners, required under PPM CW-F-050 that the cumulative value of the additional services exceeds \$250,000. Supplement No. 11, with a total amount of \$15,347.21, resulted in a cumulative value of \$260,795.55, for approved additional services. Arcadis U.S., Inc. is under contract as the County's annual intersection consultant. The original contract was to perform a study for under \$30,000. The project moved forward to full design and is currently out to bid. District 7 (PK)
3. Staff recommends motion to approve: an Interlocal Agreement with the Town of Jupiter (Town) regarding open cuts in Palm Beach County (County) maintained rights-of-way. **SUMMARY:** The Town has agreed to follow the policies and procedures set forth by the County regarding open cuts in County roads; however, the Town is requesting that it not be required to provide surety for the open cuts, as required by County Policy, but instead be bound by the terms and conditions of this Interlocal Agreement. District 1 (MRE)
4. Staff recommends motion to approve: Work Authorization No. 3 to project agreement R2007-0842 in the amount of \$117,437.16 with Wantman Group, Inc., (WGI) for professional services. **SUMMARY:** Approval of this Work Authorization will provide the services necessary for the preparation of design plans and construction bid documents for Australian Avenue and Palm Beach Lakes Boulevard Intersection Improvements. WGI is a Palm Beach County company. District 7 (PK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. **Staff recommends motion to receive and file:** Change Order No. 14 in the amount of \$28,463.85 and the time extension of 29 days to Contract No. R2008-2177 with Ranger Construction Industries, Inc., for construction of Alternate A-1-A (SR-811) from south of Frederick Small Road to Center Street. **SUMMARY:** Change Order No. 14 in the amount of \$28,463.85 is necessary to install a 2' gravity wall between the project and private property; and remove and dispose of a median at the request of the Florida Department of Transportation to ensure the safety of the general public. Change Order No. 14 also includes a 29-day time extension, putting the cumulative time extensions over the 120 days threshold allowed by PPM-CW-F-050 for approval by the Change Order Committee. District 1 (MRE) (Engineering)
6. **DELETED**
7. **DELETED**
8. **Staff recommends motion to approve:** Amendment No. 1 to Agreement R2007-0842 with Wantman Group, Inc. for Australian Avenue from Banyan Boulevard to 45th Street (Project). **SUMMARY:** Approval of this Amendment will add language to the agreement regarding the applicability of the Inspector General Ordinance and the Equal Employment Ordinance. District 7 (PK)
9. **DELETED**
10. **Staff recommends motion to adopt:** a Resolution to authorize the County Administrator and/or his designees to execute construction agreements with the Florida Department of Transportation (FDOT). **SUMMARY:** Resolution No. 2005-0948 authorized certain Engineering personnel to sign permit applications on behalf of Palm Beach County. FDOT is no longer accepting permit applications for projects that have a significant impact on their roadways, and is instead requiring execution of a construction agreement. Approval of this Resolution will allow the County Administrator and/or his designees to execute these construction agreements on behalf of Palm Beach County. Countywide (MRE)

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve and file with the Clerk of the Circuit Court:** the Rider for Public Official Bond No. POB 8962909 for Commissioner Priscilla Taylor approved on November 16, 2010 (R2010-1777). **SUMMARY:** A miscalculation in the term of office for Commissioner Taylor was made on her Public Official Bond referenced above. Her term should have been calculated as expiring in 2012 instead of 2014. The Rider for that Bond has been obtained reflecting the corrected expiration date for Commissioner Taylor's term of office to be November 18, 2012. That Rider should now be approved and filed. District 7 (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

2. Staff recommends motion to approve: reimbursement of attorney's fees and costs in the amount of \$5,000, incurred by Commissioner Burt Aaronson in successfully defending a complaint filed against him before the Palm Beach County Commission on Ethics. **SUMMARY:** A complaint was filed against Commissioner Aaronson alleging a possible ethics violation while engaged in official County business: that he knowingly accepted a gift in excess of one hundred dollars from a principal or employer of a lobbyist. The Palm Beach County Commission on Ethics dismissed the complaint with a letter of instruction on February 3, 2011. This motion is consistent with County Policy, PPM CW-F-057, which authorizes the County Attorney to review and approve requests for reimbursement on behalf of present and former County Officials who prevail in actions brought before the Palm Beach County Commission on Ethics, provided the matter was connected to an official County function and in furtherance of a public purpose. District 5 (LB)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: New Settlement Agreement to modify and replace existing Settlement Agreement (R2010-1106) to Standard Contract No. LD903 (R2008-2182) for the Brief Intervention and Treatment for Elders (BRITE) Program with the Florida Department of Children and Families (DCF) for the period December 1, 2009, through April 30, 2010, for payment of \$53,181.17. **SUMMARY:** The replacement contract is modifying the existing settlement amount of \$62,500 to \$53,181.17. This replacement settlement agreement is aligning the BRITE award with the actual expenditures in the program. The settlement agreement reimburses the Division of Senior Services (DOSS) in the amount associated with the BRITE services rendered. (DOSS) Countywide (TKF)
2. Staff recommends motion to approve: Amendment No. 001 to Use of Facility Agreement with MorseLife, Inc. (R2009-1070), increasing the agreement amount by \$517.65 for the period April 1, 2010, through July 1, 2011, for a new total amount not-to-exceed \$37,479.65 for the cost of kosher meals. **SUMMARY:** The Division of Senior Services (DOSS) has received funds from the Older Americans' Act (OAA) to provide senior congregate meal sites. As a result, DOSS is contracting with MorseLife, Inc. to provide an additional 105 kosher meals at the rate of \$4.93 per meal/day for two (2) additional days for seniors who require a kosher meal. The contract is funded through a combination of Federal grant and County funds. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)
3. Staff recommends motion to approve: Contract with Mae Volen Senior Center, Inc., in the amount of \$1,165,070 for the period October 1, 2010, through September 30, 2011, for services which include transportation, in-home services, congregate meals, home delivered meals, nutrition education, screening and assessment to eligible seniors. **SUMMARY:** Mae Volen Senior Center, Inc. is an approved agency to provide services to eligible seniors as a Financially Assisted Agency vendor. The information submitted reflects part of the total \$13,638,671 funding approved by the Board of County Commissioners for FY 2011. (Financially Assisted Agency Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. **Staff recommends motion to receive and file:** two (2) 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. 2 to contract (R2010-0949) with Comprehensive AIDS Program to increase funding for health insurance continuation by \$7,000 for a total contract amount not to exceed \$1,445,000; and

B) Amendment No. 2 to contract (R2010-0950) with Comprehensive Community Care Network to increase funding for nurse care coordination by \$7,000, home health care by \$15,000, and increase funding for outpatient primary care by \$21,000 for a new total contract amount not to exceed \$583,874.

SUMMARY: The fully executed amendments have been returned and require submission to the Clerk's office for filing. The amendments are 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. (Ryan White) Countywide (TKF)

5. **Staff recommends motion to receive and file:** three (3) amendments to the Ryan White Part A HIV Emergency Relief Funds contracts (Supplemental) for the period March 1, 2010, through February 28, 2011:

A) Amendment No. 1 to contract (R2010-0994) with Health Care District of Palm Beach County to increase funding for local drug supplemental/ADAP Drug Program by \$105,000, for a total contract amount not to exceed \$231,747;

B) Amendment No. 1 to contract (R2010-0987) with Comprehensive Community Care Network to increase funding for nurse care coordination by \$4,000, and increase funding for medical transportation by \$36,000 for a new total contract amount not to exceed \$218,729; and

C) Amendment No. 1 to contract (R2010-0985) with Compass, Inc. to increase funding for medical transportation by \$5,000 for a new total contract amount not to exceed \$102,029.

SUMMARY: The fully executed amendments have been returned and require submission to the Clerk's office for filing. The amendments are 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. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve:

A) Budget Transfer of \$960,000 from the \$16,500,000 Capital Improvement Bond Anticipation Note (BAN), Series 2009 (Four Points and Other Public Buildings) Capital Fund to reimburse the Public Building Improvement Fund for project expenditures made prior to the issuance of the BAN; and

B) Budget Amendment of \$960,000 in the Public Building Improvement Fund to record the transfer of funds from the \$16,500,000 Capital Improvement Bond Anticipation Note, Series 2009 (Four Points and Other Public Buildings) Capital Fund.

SUMMARY: On June 16, 2009, the Board adopted Resolution No. R-2009-0977 amending Resolution No. R2009-0888, adopted on May 19, 2009, modifying certain parameters established with respect to the issuance of not to exceed \$16.5 Million Capital Improvement Bond Anticipation Note, Series 2009 (Four Points and Other Public Buildings). The various facility improvements included building code upgrades and hardening of entire facility at Four Points, replacement of cooling towers and chillers at the Governmental Center and other capital improvements to County facilities. The Budget Transfer and Amendment are required to reimburse the Public Building Improvement Fund for preliminary expenditures incurred prior to the issuance of the BAN. Countywide (PFK)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. DELETED

2. Staff recommends motion to approve: donation of a VHF antennae and 200 feet of a 7/8th inch transmission cable (Equipment) to the Jupiter-Tequesta Repeater Group, Inc. (JTRG), a Florida non-profit corporation. **SUMMARY:** On December 20, 2010, JTRG requested that the County return to JTRG the Equipment located on the radio communications tower (Tower) at the former Fire Station No. 14 in Jupiter Farms Park, which is slated to be removed from the Tower in conjunction with the County's microwave upgrade project. Upon investigation, Staff determined that in 1989, the County installed the original Equipment that JTRG claims ownership of; however, the County has been unable to verify whether the original Equipment was subsequently replaced by JTRG. Staff has confirmed that the Equipment has never been used for County purposes and is not maintained by the County. Furthermore, the County has no current or future use for the Equipment. Staff was able to price the replacement cost of the Equipment as if it were purchased in 2002/2003 at \$1,647.30. Since the original Equipment was purchased prior to 2002/2003 and based upon ordinary wear and tear and the depreciation, Staff has determined that the Equipment currently has no commercial value. In light of the circumstances, Staff recommends that the County remove the Equipment from the Tower at the time that the County begins its microwave system upgrade project and donate it to JTRG in its "as is" condition. If the Board approves this donation, FDO Staff will complete the necessary paperwork to dispose of this asset at the time of transfer to JTRG. In the event of damage or loss to the Equipment prior to the transfer, the County will have no obligations to JTRG, as JTRG has been unable to provide the County with evidence of title to the Equipment. (FDO Admin) District 1 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 1 with Leo A. Daly Company (R2011-0112) in the amount of \$199,767 for design services for Main Detention Center Video Visitation System. **SUMMARY:** On April 25, 2006, the Board approved the Jail Expansion Program II (JEP) which includes the implementation of a Video Visitation System (VVS). The public will use the new Central Video Visitation Center adjacent to the Stockade to visit with inmates at the new West Detention Center and the Main Detention Center on Gun Club Road. CSA No. 1 authorizes design services for the final phase which is the installation of inmate VVS kiosks at the Main Detention Center. The VVS reduces costs and enhances security associated with the operation of the detention system. CSA No. 1 is funded from the Criminal Justice and Public Improvement Revenue Bond Series 2008. Leo A. Daly Company is a Palm Beach County firm. The contract includes a Small Business Enterprise (SBE) goal of 15% which can be met through the use of either M/WBE or SBE firms. This task has 1.6% M/WBE participation and 0% SBE participation as the design work involves a non-M/WBE/SBE specialty engineer who was not on Daly's team at selection. (Capital Improvements Division) Countywide/District 2 (JM)

4. **Staff recommends motion to receive and file:** Consultant Services Authorization (CSA) No. 21 with CH2M Hill, Inc. (R94-533D) in the amount of \$90,785 for Okeeheelee South Park. **SUMMARY:** CSA No. 21 with CH2M Hill continues the environmental restoration and recreational development program at Okeeheelee South Park. CSAs 17–21, which all contribute to the \$250,000, provided the services necessary to re-permit the Cholee Lake to a new, lower water elevation as the South Florida Water Management District (SFWMD) required elevation was not supportable, and a "river section" was designed and permitted to satisfy mitigation obligations and create a mitigation bank for future projects. Work in CSA No. 21 includes the design and permitting of a boat ramp, parking, restroom, and infrastructure increasing the recreational opportunities in the park by providing public access to the improvements. In accordance with PPM CW-F-050, when the cumulative value of changes approved by the lead Department and the Contract Review Committee exceeds \$250,000, the Department is required to notify the Board that it has exceeded this reporting threshold. CSA No. 21 has been approved by the Contract Review Committee and the cumulative value of changes for this project now exceeds \$250,000. This item notifies the Board that the cumulative threshold has been reached. After the item is approved by the Board, the cumulative reporting thresholds are reset. (Capital Improvements Division) District 6 (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement (R2010-1280) with the Village of Hope of Palm Beach County, Inc., to extend the expiration date from March 31, 2011, to September 30, 2011. **SUMMARY:** This Amendment provides an extension of six (6) months to the term of the existing Agreement for infrastructure improvements, including roadway reconstruction, storm drainage, and sanitary sewers. This extension request is necessary to provide the Village of Hope of Palm Beach County, Inc., sufficient time to perform the work and the associated grant requirements due to unforeseen events and field conditions on the project site. A substantial amount of construction has been completed. **These are Federal Community Development Block Disaster Grant Program funds which do not require a local match.** District 1 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2010-0092) with the Comprehensive Community Care Network, Inc., to extend the expiration date from March 31, 2011, to September 30, 2011. **SUMMARY:** This Amendment provides an extension of six (6) months to the term of the existing Agreement for completion of the renovation work at their community health care center. This extension request is necessary to provide the Comprehensive Community Care Network, Inc., sufficient time to perform the work and the associated grant requirements due to unforeseen delays related to specification changes and building department permit processing. **These are Federal Community Development Block Grant Program funds which do not require a local match.** District 3 (TKF)

3. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2010-1123) with Westgate/ Belvedere Homes Community Redevelopment Agency, to extend the expiration date from March 31, 2011, to September 30, 2011. **SUMMARY:** This Amendment provides an extension of six (6) months to the term of the existing Agreement for the reconstruction of the Cherry Road Bridge in the Westgate/Belvedere Homes area. There have been project delays caused by the need for deactivation of overhead electrical lines during construction. This extension request is necessary to provide them sufficient time to perform the work. **These are Federal Community Development Block Grant Program funds which do not require a local match.** District 2 (TKF)

4. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2010-1124), with the City of Greenacres, to extend the expiration date from March 31, 2011, to September 30, 2011. **SUMMARY:** This Amendment provides an extension of six (6) months to the term of the existing Agreement for purchase and installation of street and traffic signs in the City of Greenacres. This extension request is necessary to provide the City sufficient time for the City to perform the work and comply with the associated grant requirements. **These are Federal Community Development Block Grant Recovery Program Grant funds which require no local match.** District 2 (TKF)

K. WATER UTILITIES

1. 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. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. Staff recommends motion to approve: Work Authorization No. 5 to the Pipeline Continuing Construction Contract with AKA Services, Inc. (R2010-1422) for the construction of the North County Airport Water & Sewer Service Project in the amount of \$1,087,365.65. **SUMMARY:** On September 14, 2010, the Board of County Commissioners (BCC) approved the Water Utilities Department Pipeline Continuing Construction Contract with AKA Services, Inc. (R2010-1422). This Work Authorization provides for the construction of a 12" Water Main and 6" Force Main to provide water and wastewater service to the North County General Aviation Airport. This project is funded by the Department of Airports. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with AKA Services, Inc. provides for SBE participation of 15.0% overall. This Authorization includes 18.26% overall participation. The cumulative SBE participation, including this Authorization, is 16.46% overall. AKA Services, Inc. is a local Palm Beach County firm. (WUD Project No. 10-020) District 1 (JM)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:
 - A) approve** Purchase Order No. 4500024531 from the South Florida Water Management District for \$34,355.76 to initiate Phase I of the North Jupiter Flatwoods Natural Area Restoration Plan, expiring July 1, 2011;
 - B) approve** Budget Transfer of \$34,356 from the Natural Areas Fund from reserves to the Environmental Resources Capital Fund;
 - C) approve** Budget Amendment of \$68,712 in the Environmental Resources Capital Fund to recognize the Purchase Order and transfer from the Natural Areas Fund to the North Jupiter Flatwoods Natural Area Project; and
 - D) authorize** the County Administrator or his designee to sign all future time extensions, task assignments, certifications, and other forms associated with the Purchase Order, and necessary amendments that do not change the scope of work or terms and conditions of the Purchase Order.

SUMMARY: Purchase Order No. 4500024531 is a cost share agreement for \$34,355.76 to initiate Phase I of a restoration plan for the North Jupiter Flatwoods Natural Area requiring a 50% match provided from the Natural Areas Fund. The total funding for this project is estimated to be \$68,712 with \$34,356 from the Purchase Order and \$34,356 from the Natural Areas Fund, a non-ad valorem source. Initial costs do not include a formal construction bid but can be accommodated through master agreements and informal bids through Purchasing. District 1 (SF)
2. Staff recommends motion to approve: Task Order No.1435-01 to a continuing Contract (R2010-1435) with Taylor Engineering, Inc. (Taylor) in the amount of \$250,782.07, expiring March 31, 2012, for sea turtle monitoring services in association with the Singer Island Dune Restoration Project, the South Lake Worth Inlet Maintenance Dredging Project, and the South Lake Worth Inlet Sand Transfer Plant Reconstruction Project and to provide sea turtle data management and analysis services for monitoring associated with seven (7) environmental permits. **SUMMARY:** The Board of County Commissioners approved the Contract with Taylor, a Palm Beach County company, on September 14, 2010 (R2010-1435). This Task Order No. 1435-01 authorizes Taylor to manage sea turtle monitoring activities during the 2011 sea turtle nesting season. There is 76% Small Business Enterprise (SBE) sub consultant participation on the Task Order. Taylor committed to an overall 19% SBE participation in the Contract. All work will be completed by March 31, 2012. Districts 1, 4, & 7 (JM) (ERM)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** a Notice of Termination for Independent Contractor, Eric Mundt (Agreement No. R2010-1054), for coaching services of a USA Competitive Diving Team at Aqua Crest Pool in Delray Beach. **SUMMARY:** On May 5, 2010, the County entered into an Independent Contractor Agreement with Mr. Mundt (Contractor) to coach a USA Diving Team at Aqua Crest Pool. The Contractor has continually failed to meet several conditions of the Agreement including the provision of insurance, participant information and growth of the program. He has also violated some of the facility safety protocols. For these reasons, staff is recommending the termination of the Agreement. District 7 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:** an Interlocal Agreement with the City of Riviera Beach to support substance abuse treatment services for the Civil Drug Court for \$52,254 for the period October 1, 2010, through September 30, 2011. **SUMMARY:** The Criminal Justice Commission recommended the use of the Drug Abuse Trust Fund for the Civil Drug Court Program located in the City of Riviera Beach. The program provides case management services and contracts for residential and outpatient substance abuse services for indigent clients, court ordered to treatment. These funds are for the purchase of drug testing and substance abuse treatment services. Countywide (GB)

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

A) an Interlocal Agreement for \$202,254 with the Palm Beach County Sheriff's Office (PBSO) for the provision of security at the Juvenile Assessment Center (JAC) from October 1, 2010, through September 30, 2011;

B) a Budget Transfer of \$202,254 within the General Fund from Justice Assistance Grant State Solicitation – FY 2011 to the Sheriff's Grants Fund transfer line; and

C) a Budget Amendment of \$202,254 increasing the Sheriff's Grants Fund.

SUMMARY: Requested funds of \$202,254 will provide for a portion of the required security at the JAC for FY 2011, with the remaining funding coming from the JAC Donation Fund reserves. PBSO has agreed to serve as the fiscal agent to administer the provisions noted above. PBSO currently contracts for security in the secure side of the JAC and previously funded the cost of security. Countywide (GB)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

3. Staff recommends motion to approve:

A) an Interlocal Agreement for \$71,352 with the City of West Palm Beach as a partner to enhance the Youth Violence Prevention Project in the targeted area October 1, 2010, through March 31, 2012;

B) an Interlocal Agreement for \$71,352 with the City of Boynton Beach as a partner to enhance the Youth Violence Prevention Project in the targeted area October 1, 2010, through March 31, 2012;

C) an Interlocal Agreement for \$71,352 with the City of Lake Worth as a partner to enhance the Youth Violence Prevention Project in the targeted area October 1, 2010, through March 31, 2012;

D) a Fifth Amended and Restated Interlocal Agreement (R2008-0088) adding \$71,352 with the City of Belle Glade as a partner to enhance the Youth Violence Prevention Project in the targeted area October 1, 2010, through March 31, 2012; and

E) a Budget Transfer of \$285,408 in the Criminal Justice Commission Grants Fund from reserves to grants and aid to recognize the grant amount.

SUMMARY: The Criminal Justice Commission is requesting the use of \$285,408 from the Department of Justice, Office of Juvenile Justice and Delinquency Prevention for an enhancement of the Youth Violence Prevention Project (Project) and its primary partners, four (4) of the five (5) cities at greatest risk for future violence (Riviera Beach's Interlocal is pending City Council approval). The Project began the fifth year of implementation and funding on October 1, 2010. To date, the funds have established Youth Empowerment Centers in all five (5) hot-spot geographic areas including: West Palm Beach, Lake Worth, Riviera Beach, Boynton Beach, and Belle Glade and a Justice Service Center in Riviera Beach. In addition, joint law enforcement operations with multiple revenue sources complete the suppression component of the Project. There is no requirement for a match with this grant. Countywide (GB)

S. FIRE RESCUE

1. Staff recommends motion to receive and file: three (3) original standard agreements for the Fire Rescue Department:

A) Independent Contractor Agreement for Swimming Lessons with the Young Men's Christian Association of the Palm Beaches, Inc.;

B) Interlocal Agreement for Swimming Lessons with the City of Delray Beach; and

C) Interlocal Agreement for Swimming Lessons with the City of Boynton Beach.

SUMMARY: On September 27, 2005, the Board adopted Resolution No. R2005-1906 authorizing the County Administrator, or his designee (the Fire Rescue Administrator) to execute standard agreements with municipalities and independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. Pursuant to Countywide PPM CW-O-051, three (3) standard County agreements that have been executed by the County Administrator, or his designee (the Fire Rescue Administrator) are being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (PK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: an Agreement with South Florida Fair & Palm Beach Expositions, Inc., (Non-Profit Organization) for interconnection to the Palm Beach County Regional Network (County) at an estimated first year revenue of \$4,200 based on estimated connection periods, for an initial term of one (1) year, with automatic one (1) year renewals unless notice given by either party. **SUMMARY:** This Agreement allows the Non-Profit Organization to access the County's Regional Network and services on a cost-sharing basis similar to existing Agreements between the County and other non-profit organizations, various municipalities, the School District of Palm Beach County and other public sector agencies. Interconnection to the County's Network will provide greater bandwidth for Internet access and disaster recovery opportunities while reducing overall network costs for the Non-Profit Organization and County. The Non-Profit Organization will have the right to activate and deactivate network connectivity upon notice to PBC Information System Services (ISS) Network Services. Per Exhibit "A" of the Agreement, fees for network connectivity are \$700 per month, with a one (1) month minimum connection period, based on formal notification. This Agreement provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Countywide (PFK)

2. Staff recommends motion to:

A) approve establishment of an on-going program for the donation of surplus Palm Beach County computers for use in the Palm Beach Broadband "Digital Divide" program; and

B) authorize the Director of Information Systems Services (ISS) to receive custody of donated computers from the County's warehouse and subsequently transfer ownership of these assets to the School District of Palm Beach County.

SUMMARY: These surplus computers will be refurbished at Palm Beach County Schools by students and then provided to low-income members of the community who currently do not have computers at home. Eligible families are identified by the School District of Palm Beach County using the 'free and reduced lunch' program and other criteria. The School District's computer refurbishment program has been in existence for a number of years and additional computers are needed to expand the program. The County's participation in this program will enable the recycling of computers that would otherwise be sold in bulk through the County Thrift Store. It is estimated that the Digital Divide program would be able to utilize approximately 30% of the surplus desktop PCs turned into OFMB's Fixed Asset Management Office each year. This program involves the collaborative efforts of members of the Palm Beach Broadband Coalition, including the County's Information Systems Services Department. Countywide (PK)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida authorizing the Department of Public Safety (Department) to charge a fee to provide logistical support and resources for incident management during special events throughout Palm Beach County; authorizing the County Administrator or his designee to execute standard form agreements; and becoming effective upon adoption. **SUMMARY:** The Department will administer resources on behalf of the County and incur costs associated with establishing a multi-agency/multi-jurisdictional unified command post to provide oversight for the security, health, and safety of participants and/or spectators of any given event. Forms of logistical support and incident management require varying degrees of resources unique to each event. The Department will bill for actual personnel costs plus an administrative fee of 10% for services rendered as well as actual costs for other related operating costs. Countywide (GB)

2. Staff recommends motion to receive and file: an executed agreement with the Palm Beach Medical Society Services to provide grant project funding in the amount of \$20,000 for the period January 13, 2011, through May 31, 2011 for the purchase of Mobile Medical Triage Screening Units as approved by the Fort Lauderdale Urban Area Security Initiative (UASI) Grant 2008 Citizen Corps Regional Grant Funds contract between the City of Miramar and Palm Beach County (R2009-1926). **SUMMARY:** The County was awarded \$105,000 from the U.S. Department of Homeland Security through the City of Miramar. The County will provide \$20,000 of this grant funding to the Palm Beach Medical Society Services for the Mobile Medical Triage Screening Units project. This project is designed to reduce the medical surge at hospitals and other healthcare facilities in the aftermath of a disaster by providing mobile medical triage and treatment services by Palm Beach County's Medical Reserve Corps Unit. Resolution R2006-2669 authorizes the County Administrator or his designee to execute standard UASI agreements with various governmental and private agencies on behalf of the Board of County Commissioners. **No County match is required.** Countywide (GB)

3. Staff recommends motion to receive and file: the following executed interlocal agreements with municipalities for the period October 1, 2009, through September, 30 2010, to distribute a total of thirteen (13) Video Laryngoscope Systems (Systems) for Emergency Medical Services (EMS) providers:
 - 1) City of Boca Raton received four (4);
 - 2) City of Palm Beach Gardens received three (3);
 - 3) City of Boynton Beach received three (3);
 - 4) City of West Palm Beach received three (3).

SUMMARY: The County was awarded \$459,254 from the State of Florida Department of Health, Bureau of Emergency Medical Services, to improve and expand the EMS systems. The County through its Public Safety Department purchased twenty-one (21) Video Laryngoscopes Systems for \$210,105 to distribute to EMS providers to allow paramedics to increase the efficiency with which they mechanically manage breathing for patients who due to traumatic or medical reasons cannot do it for themselves. Of the twenty-one (21) purchased, thirteen (13) were distributed to municipalities and eight (8) to Palm Beach County Fire Rescue. There is no ad valorem funding required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

4. Staff recommends motion to receive and file: an executed Contract with United Way of Palm Beach County (UWPBC) to provide staffing, exercise materials and logistical support for the Citizen Corps Tabletop Exercise Project in the amount of \$15,000 from February 11, 2011, through May 31, 2011, as approved by the 2008 Fort Lauderdale Urban Area Security Initiative (UASI) Grant contract with the City of Miramar. **SUMMARY:** This Contract is required because UWPBC is the Lead Agency for the Volunteer and Donation Unit and is responsible for the Citizen Corps Tabletop Exercise Project that will involve multiple agencies/organization across Palm Beach County and Region 7. The County was awarded \$105,000 from the U.S. Department of Homeland Security 2008 Grant through the Fort Lauderdale UASI for Citizen Corp projects (R2009-1926). This Contract provides the mechanism to establish the grant award to the UWPBC. This project will provide the first phase in a three (3) year exercise plan to all Citizen Corps partners to interact with each other and with first responders in real-time simulations, brings teams together from across the region, learn, evaluate their abilities and exercise their skills. The project will consist of a full day table top exercise. Resolution R2006-2669, approved by the Board of County Commissioners on December 5, 2006, authorized the County Administrator, or his designee, to execute standard UASI sub-grant agreements with various governmental and private agencies on behalf of the Board of County Commissioners. **No County match is required.** Countywide (GB)

AA. PALM TRAN

1. Staff recommends motion to:
 - A) adopt** a Resolution approving a Florida Department of Transportation (FDOT) Supplemental Joint Participation Agreement (JPA) No. 1 FM No. 407188-1-84-02 amending the original agreement by increasing the total amount to \$17,402,138 (a \$4,398,315 increase – State funds requiring a match of \$4,398,315 - local funds) to provide funding for year two (2) of this five (5) year grant agreement;
 - B) approve** an upward Budget Amendment of \$95,315 in Palm Tran's Grant Fund for Fiscal Year 2011 in order to reconcile the budget to the actual grant award and transfer the funds to Palm Tran's Operating Fund; and
 - C) approve** a Budget Amendment of \$95,315 in Palm Tran's Operating Fund for Fiscal Year 2011 in order to recognize the transfer from Palm Tran's Grant Fund.

SUMMARY: FDOT is providing \$4,398,315 from the Public Transit Block Grant Program to help offset the operating costs of mass transit in urbanized areas of Palm Beach County. The operating costs include operating, maintenance, and administrative costs. The original five (5) year JPA was approved by the Board under R2010-0285. This Amendment provides funds for year two of the agreement and will become effective upon execution by FDOT. The JPA requires a 50% match of \$4,398,315 with local funds. Palm Beach County provides the local funding from the local option gas tax. Grant and match are included in the FY 2011 budget (there is no cost increase to the County by this action). Countywide (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

2. Staff recommends motion to:

A) adopt a Resolution approving a Florida Department of Transportation (FDOT) Supplemental Joint Participation Agreement No. 1 (JPA) FM No. 407184-1-84-06 amending the original agreement by increasing the total amount to \$996,222 (a \$245,424 increase – State funds requiring a match of \$245,424 - local funds) to provide funding for year two (2) of this five (5) year grant agreement;

B) approve a downward Budget Amendment of \$7,576 in Palm Tran's Grant Fund for Fiscal Year 2011 in order to reconcile the budget to the actual grant award and transfer the funds to Palm Tran's Operating Fund; and

C) approve a Budget Amendment of \$7,576 in Palm Tran's Operating Fund for Fiscal Year 2011 in order to recognize the transfer from Palm Tran's Grant Fund.

SUMMARY: FDOT is providing Section 5311 grant funds in the amount of \$245,424 to assist mass transit operating in non-urbanized areas of Palm Beach County. The operating costs include operating, maintenance, and administrative costs. The original five (5) year JPA was approved by the Board under R2010-0118. This Amendment provides funds for year two of the agreement and will become effective upon execution by FDOT. The JPA requires a 50% match of \$245,424 with local funds. Palm Beach County provides the local funding from the local option gas tax. Grant and match are included in the FY 2011 budget (there is no cost increase to the County by this action). Countywide (DR)

BB. SHERIFF

1. Staff recommends motion to receive and file: Grant Adjustment Notice amending the National Institute of Justice Forensic FY 2009 DNA Backlog Reduction Program Grant to extend the grant period from March 31, 2011, through June 30, 2011.

SUMMARY: The Board of County Commissioners accepted this grant for \$427,775 on November 17, 2009; the original period for this grant was October 1, 2009, through March 31, 2011 (R2009-2001). This agenda item will extend the grant period from March 31, 2011, through June 30, 2011. The National Institute of Justice awarded these funds to continue to pay the salary and benefits of two (2) 2008 Backlog Reduction full-time entry level Forensic Scientists and for equipment, supplies, and consulting fees. 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: Grant Adjustment Notice amending the National Institute of Justice FY 2009 Forensic DNA Unit Efficiency Improvement Program Grant to extend the grant period from March 31, 2011, through September 30, 2011.

SUMMARY: The Board of County Commissioners accepted this grant for \$519,544 on December 15, 2009; the original period for this grant was October 1, 2009, through March 31, 2011 (R2009-2164). This agenda item will extend the grant period from March 31, 2011, through September 30, 2011. The National Institute of Justice awarded these funds for an evidence screening laboratory to improve the capacity and efficiency of the Forensic Biology Unit (FBU) of the Palm Beach County Sheriff's Office. The screening laboratory will be developed through renovation of existing space in the Boca Raton Police Services Department in which trained Laboratory Analyst will screen and process crime scene items before submission to the FBU. The Boca Raton Police Services Department will provide the required 25% match requirement associated with this award. No additional positions are needed and no additional County funds are required Countywide (GB)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

3. Staff recommends motion to receive and file: Grant Adjustment Notice amending the Florida Department of Law Enforcement Office of Criminal Justice grant to extend the grant period from December 31, 2010, through March 31, 2011. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$120,000 on April 7, 2009; the original period for this grant was February 1, 2009, through January 31, 2010 (R2009-0600). On March 23, 2010, the BCC received and filed and agenda item extending the grant period from January 31, 2010, through May 31, 2010 (R2010-0425). On June 29, 2010, the BCC received and filed and agenda item extending the grant period from May 31, 2010, through August 31, 2010 (R2010-1067). On October 5, 2010, the BCC received and filed and agenda item extending the grant period from August 31, 2010, through December 31, 2010 (R2010-1592). This agenda item will extend the grant period from December 31, 2010, through March 31, 2011. The Florida Department of Law Enforcement awarded these funds to the Palm Beach County Sheriff's Office to purchase equipment under the Florida Domestic Security Strategic Plan for the EOD Regional Team Enhanced Capability Project. The purpose of the EOD Regional Team Enhanced Capability Project is to maintain specialized equipment and replace items that have exceeded their useful lifespan for SWAT and EOD teams. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

4. Staff recommends motion to:
 - A) **accept** a Florida Department of Law Enforcement Florida Consortium "2010 Paul Coverdell National Forensic Sciences Improvement Grant" in the amount of \$87,262 for the period of October 1, 2010, through September 30, 2011; and

 - B) **approve** a Budget Amendment of \$87,262 in the Sheriff's Grant Fund.

SUMMARY: The National Institute of Justice awarded these funds to the Florida Department of Law Enforcement for the "2010 Paul Coverdell National Forensic Sciences Improvement Grant." On January 4, 2011, the Palm Beach County Sheriff's Office was awarded funds to improve the quality of forensic services. Funds provided will be used to; purchase a 3D laser scanner to document crime scenes and evidence, 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)

5. Staff recommends motion to receive and file: Grant Adjustment Notice amending the agreement with the City of West Palm Beach for the Gramercy Weed and Seed Project FY 2010 to extend the agreement period from September 30, 2010, through March 31, 2011. **SUMMARY:** The Board of County Commissioners accepted this agreement for \$16,585 on January 12, 2010; the original period for this agreement was October 1, 2009, through September 30, 2010 (R2010-0120). This agenda item will extend the grant period from September 30, 2010, through March 31, 2011. The City of West Palm Beach, received an award from the United States Department of Justice Office of Justice Programs for the Gramercy Village Weed and Seed Project FY 2010. On November 2, 2009, the Palm Beach County Sheriff's Office and the City of West Palm Beach entered into an agreement to continue the Gramercy Village Community Area Multi-Agency Law Enforcement Unit (MALEU). The objective of the MALEU is to prevent, control, and reduce violent crime, drug abuse, and gang activity in the Gramercy Village Community Area. Under this agreement, the Palm Beach County Sheriff's Office will receive \$16,585 in reimbursable funds for overtime costs associated with the program. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. District 7 (GB)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF (Cont'd)

6. Staff recommends motion to:

A) accept, on behalf of the Palm Beach County Sheriff's Office, an agreement with the City of West Palm Beach for reimbursement of overtime cost, in the amount of \$19,903, associated with the Gramercy Village Weed and Seed Project FY 2011 for the period of October 1, 2010, to March 31, 2012; and

B) approve a Budget Amendment of \$19,903 in the Sheriff's Grant Fund.

SUMMARY: The City of West Palm Beach, received an award from the United States Department of Justice Office of Justice Programs for the Gramercy Village Weed and Seed Project FY 2011. On October 18, 2010, the Palm Beach County Sheriff's Office and the City of West Palm Beach entered into an agreement to continue the Gramercy Village Community Area Multi-Agency Law Enforcement Unit (MALEU). The objective of the MALEU is to prevent, control, and reduce violent crime, drug abuse, and gang activity in the Gramercy Village Community Area. Under this agreement, the Palm Beach County Sheriff's Office will receive \$19,903 in reimbursable funds for overtime costs associated with the program. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. District 7 (GB)

7. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a FY 2010 State Homeland Security grant in the amount of \$368,882, for the period of August 1, 2010, through January 31, 2013; and

B) approve a Budget Amendment of \$368,882 in the Sheriff's Grant Fund.

SUMMARY: On December 16, 2010, the Palm Beach County Sheriff's Office received an award from the State of Florida, Division of Emergency Management, retroactive to August 2010. These funds and related equipment will be used for direct Homeland Security Initiatives. There is no match associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

CC. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve:

A) Amendment to the Amended and Restated Agreement (R2010-1457) with the Palm Beach County Cultural Council, Inc. (the "Cultural Council") for the provision of services under the County's Tourist Development Plan from October 1, 2010, to September 30, 2011; and

B) a Budget Transfer to provide for a \$75,000 increase in the FY 2011 annual budget.

SUMMARY: This Amendment to the Amended and Restated Agreement provides for a revised FY 2011 Annual Budget (Exhibit A) with an increase of \$75,000 to be funded from its current reserve of \$426,938. The increased funds will provide for additional advertising in the Marketing Plan, a re-titled Web Site Manager's position as reflected in revised Exhibits "G"/Salary ranges and "H"/Organizational Chart and computer and AV equipment needs for promotional purposes for the new Cultural Information Center. Countywide (MC)

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL (Cont'd)

2. Staff recommends motion to approve:

A) Amendment to the Amended and Restated Agreement (R2010-1460) with Discover Palm Beach County, Inc. d/b/a Palm Beach County Convention and Visitors Bureau (the "CVB") for the provision of services under the County's Tourist Development Plan from October 1, 2010, to September 30, 2011; and

B) a Budget Transfer to provide for a \$800,000 increase in the FY 2011 annual budget.

SUMMARY: This Amendment to the Amended and Restated Agreement provides for a revised FY 2011 Annual Budget (Exhibit A) with an increase of \$800,000 to be funded from its current reserve of \$1,546,597. This \$800,000 will fund needed marketing investments to include \$300K for online marketing, \$200K for traditional media, \$200K for airlift development and \$100K for reinstatement of certain sales and marketing staff functions already included in the approved organizational chart. Countywide (MC)

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4. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, urging the Legislature of the State of Florida to enact a ban on large capacity ammunition feeding devices including a magazine, belt, drum, feed strip, or similar device that has the capacity of, or can be readily restored or converted to accept, more than 21 rounds of ammunition. This ban includes the transfer, possession, or manufacturing of such devices in the State of Florida. **SUMMARY:** The federal ban on large capacity ammunition feeding devices (LCAFD) and Semi-Automatic Weapons expired on September 13, 2004. Since that time, several states have enacted bans on LCAFD because of their potential to inflict tremendous harm such as the tragedies in Tucson, Arizona, and Columbine, Colorado. Studies have shown that bans on LCAFD significantly reduced the capacity and lethality of a firearm. Therefore, the Board of County Commissioners of Palm Beach County urges the Legislature to consider and support legislation that would ban LCAFD with a capacity of 21-rounds or greater. Countywide (DW)

2. Staff recommends motion to:

A) adopt a Resolution authorizing the submittal of a \$10,000,000 Section 108 Federal Loan Application to the U.S. Department of Housing and Urban Development (HUD);

B) approve a Budget Amendment of \$10,000,000 in the Economic Development Fund to appropriate the loan and recognize the revenue; and

C) authorize the County Administrator or his designee to sign all documents related to the loan application.

SUMMARY: This Application will increase the allocation of federal funds from HUD by \$10,000,000, enable Palm Beach County to continue offering funding to businesses as a way of creating economic vitality and new jobs in the County area and ensure the continuity of the Program. The current loan fund balance of \$5,365,000 is expected to be disbursed in less than one year to eligible business projects currently being considered for approval, and are under revision. The Palm Beach County Section 108 Program was developed to create a source of loan funding for use by businesses, investors, community and non-profit organizations, and economic development organizations to implement business ventures that will create new jobs and help revitalize communities. To date, 586 jobs have been created with a total investment of \$38,392,388. **No County funds will be pledged to complete any project funded by a Section 108 loan. These are Federal funds which do not require a local match.** Countywide (DW)

4. REGULAR AGENDA

B. PUBLIC SAFETY

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on March 15, 2011 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 4 of the Palm Beach County Code (Ordinance 98-22, as amended by ordinances 2001-065, 2003-27, 2005-44, 2008-004, and 2009-019), amending Section 4-2 (definitions); amending Section 4-5 (animals creating nuisances); amending Section 4-18 (guard dogs); amending Section 4-23 (kennel, excess animal habitat, pet shop, grooming parlor, and commercial stable permits); amending Section 4-24 (animal care; manner of keeping); amending Section 4-27 (dangerous dogs and vicious dogs); amending Section 4-29 (hobby breeder permits); amending Section 4-30 (animal care and control hearing board); amending Section 4-32 (violations, civil infractions, civil penalties); providing for repeal of laws in conflict; providing for savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for penalty; providing for captions; and providing for an effective date. **SUMMARY:** This Amendment places additional requirements on pet shops and pet dealers to protect consumers; expands the definition of nuisance animals; revises provisions pertaining to animal establishments; requires all guard dogs services and individuals using guard dogs to obtain a permit, to comply with registration requirements, and to provide guard dogs with a humane existence; revises definitions; prohibits the tethering of animals as a means of confinement; amends manner of keeping regulations; revises provisions pertaining to hobby breeder permits; revises provisions pertaining to dangerous and vicious dogs; revises provisions pertaining to special master hearings; and revises provisions pertaining to violations. Countywide (SF)

2. Staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida amending Resolution No. R2008-0448 to increase and/or adjust the following operating fees: veterinarian handling fee; increase the senior citizen 25% discount dog and cat license fee from age 65 to age 70; electronic microchip I.D. implant fee; and private euthanasia fee. **SUMMARY:** It is necessary to amend the schedule of fees and fines utilized by the Division of Animal Care and Control (ACC) to: increase the veterinarian handling fee from \$2 to \$5; increase the age from 65 years to 70 years for the senior citizens discount of twenty-five percent (25%) for all regular dog and cat license tags purchased; set the electronic microchip I.D. implant fee for sterilized feral cats at \$5, for sterilized dogs/cats at \$10, and for non-sterilized dogs/cats at \$20; increase the euthanasia fees for privately owned animals excluding livestock from \$30 to \$50. The ACC Director may waive the fee to euthanize an animal if the owner is indigent. In order to increase adoptions, the ACC Director may also waive adoption fees on adult cats. The veterinarian handling fee increase is to allow veterinarians to be fairly compensated for the documentation necessary for selling County Rabies Tags. Veterinarians might be encouraged to sell additional tags for the extra \$3 handling fee. The senior citizen discount age is increased in an attempt to enhance revenue to help offset rising operating costs. The remaining two (2) fee increases (microchip and euthanasia) are an attempt to offset rising medical costs. It is anticipated there will be a cost savings of \$10,000 in operating expenses (postage & overtime) due to fewer tag billings by ACC, (the tags will be purchased up front at the veterinarian offices) and additional revenue of \$50,000 for the fee revisions and additional tag sales. If the Board approves the resolution, the revised fees and changes will be effective April 1, 2011. Countywide (SF)

4. REGULAR AGENDA

C. ENGINEERING & PUBLIC WORKS

1. 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)

D. PALM TRAN

1. Staff recommends motion to approve:

A) an increase to transfer fares effective April 3, 2011 for customers traveling between Palm Tran buses and South Florida Regional Transportation Authority (SFRTA) trains, and between Palm Tran buses and Broward County Transit (BCT) buses; and

B) an upward Budget Amendment of \$100,000 in the Palm Tran Operations Fund.

SUMMARY: Currently, Tri-Rail riders with a valid SFRTA pass can transfer to/from Palm Tran buses at a significant discount over normal fares to encourage transit usage. A SFRTA customer at a SFRTA station, can now board Palm Tran buses free. Presently, when SFRTA customers board a bus on a route that serves a SFRTA station, they pay \$.50. Customers must present a SFRTA pass or ticket upon boarding the bus with a valid use date to receive this discount.

Tri-Rail has begun using new "smart-card" technology for all tickets and passes. This *EasyCard* uses electronic media that cannot be accepted in the farebox systems that both Palm Tran and BCT use. The new pass does not provide any visible indication as to whether it is a valid pass. Tri-Rail has told their customers that they must present to the driver their purchased pass receipt in order to be afforded the discount. Palm Tran and BCT expect that the use of the *EasyCard* as it is currently designed will lead to significant fare abuse and revenue loss.

Staff recommends modifying the existing transfer policy/fare structure to control the abuse of the *EasyCard*. While there are several options, staff recommends that we modify the transfer charge that a person boarding at a SFRTA station bus stop who has an *EasyCard* and a fare receipt/transfer would be charged \$.50. This would provide the customer with a \$1 discount. Boarding's at any other location would be charged regular fare (\$1.50). The amount of discount would be consistent with what SFRTA allows Palm Tran customers boarding the train with a Palm Tran bus pass.

We would recommend that passengers transferring from BCT buses to Palm Tran also be charged \$.50, which is currently collected by BCT and Miami Dade for their transfers. Countywide (DR)

4. REGULAR AGENDA

E. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to:

A) approve a Neighborhood Stabilization Program 2 (NSP2) funding award in the amount of \$6,100,000 to Westgate Plaza Apartments, Ltd.;

B) approve a NSP2 funding award in the amount of \$5,846,934 to Colonial Lakes Apartments, Ltd.;

C) direct staff to negotiate the loan agreements; and

D) adopt a Resolution authorizing the County Administrator or his designee to execute loan agreements, and amendments thereto, required for projects approved for NSP2 funding through the Neighborhood Rental Redevelopment Loan Program Request for Proposals.

SUMMARY: On September 11, 2010, the Department of Housing and Community Development issued a Request for Proposals (HCDNSP2.2010.1) (RFP) for the County's NSP2 Neighborhood Rental Redevelopment Loan Program (NRRLP) to distribute \$11,946,934. A total of seven (7) proposals were received, of which five (5) were deemed responsive and forwarded to the Selection Committee. Notice of the results of the responsiveness review was provided directly to all respondents and was posted on Housing and Community Development's (HCD) website with notice of the Committee meeting. A Selection Committee consisted of five (5) voting members and two (2) non-voting advisory members, met at a public meeting held on February 7, 2011. The Committee ranked the proposals based on the criteria established in the RFP. As a result of that public process, the Selection Committee recommended that the following two (2) entities be awarded funding as follows:

1. Westgate Plaza Apartments, Ltd. in the amount of \$6,100,000 for the construction of 80 new affordable multi-family rental units in Westgate by Landmark Development Corp.

2. Colonial Lakes Apartments, Ltd. in the amount of \$5,846,934 for the construction of 120 new affordable multi-family units in unincorporated Greenacres by The Richman Group of Florida.

NRRLP loans are to be 30-year fixed rate (2.0% APR) and cash flow dependent with all unpaid principal and interest due upon expiration of the loan term, or upon cessation of the properties' use for specified NSP2 purposes. Both developers are required to expend fifty percent (50%) of the awarded funds by December 15, 2011 in order to meet Federal criteria. Authorization of the County Administrator, or his designee, to execute loan agreements with the owners/developers of the above-listed projects will expedite implementation of the NRRLP and the County's ability to meet expenditure deadlines. **These are Federal Neighborhood Stabilization Program (NSP2) funds which require no local match.** District 2 (TKF)

4. REGULAR AGENDA

F. FIRE RESCUE

TIME CERTAIN – 11:00 A.M.

1. Staff is requesting Board direction: regarding the City of Lake Worth’s request to renegotiate the following two (2) Interlocal Agreements to reduce the City’s cost for service:

A) Interlocal Agreement for Fire Protection and Emergency Medical Services with the City of Lake Worth; and

B) Interlocal Agreement Relating to Pension Matters Supplementing Section 7G of the Interlocal Agreement for Fire Protection and Emergency Medical Services with the City of Lake Worth.

SUMMARY: On April 7, 2009, the Board approved an Interlocal Agreement for Fire Protection and Emergency Medical Services with the City of Lake Worth (R2009-0607) and an Interlocal Agreement Relating to Pension Matters Supplementing Section 7G of the Interlocal Agreement for Fire Protection and Emergency Medical Services with the City of Lake Worth (R2009-0608). The Board received a written request from the City dated January 10, 2011 to renegotiate these Agreements regarding fire rescue services provided by the County to the City. Under the terms of the Fire Protection and Emergency Services Agreement, the City’s obligation for fiscal years 2011 and 2012 are \$700,000 and \$900,000, respectively. Staff does not recommend modification of either Interlocal Agreement. Countywide (SB)

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RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

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

A. HEALTH DEPARTMENT
(Environmental Appeals Board)

1. [Staff recommends motion to approve:](#) reappointment of the following individuals to the Palm Beach County Environmental Appeals Board for terms indicated on the attached Advisory Board Nominee Information forms:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Michael Bechtold	4	Drinking Water Engineer	Fl. Dept. of Environmental Employed by DEP Protection
David Colangelo	2	Water resource professional employed by SFWMD	So. Fl. Water Management District

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) person recommended by the Gold Coast Builders Association (formerly known as Home Builders and Contractors Association); one (1) professional engineer recommended by the Palm Beach Branch of the American Society of Civil Engineers; one (1) water resource professional employed by the South Florida Water Management District (SFWMD); and one (1) drinking water engineer employed by the Department of Environmental Protection. Countywide (GB)

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ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

6. BOARD APPOINTMENTS

A. ADMINISTRATION
(Florida Atlantic Research & Development Authority)

1. Staff recommends motion to approve: reappointment of the following individual to the Florida Atlantic Research & Development Authority (Authority) for a term of four (4) years, effective March 1, 2011, to February 28, 2015:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Michael I. Daszkal	3	Private Sector/PBC Resident	Comm. Marcus Comm. Burdick Comm. Abrams Comm. Aaronson Comm. Santamaria

SUMMARY: On October 3, 1985, the Board of County Commissioners adopted Ordinance No. 85-32, which created the Florida Atlantic Research & Development Authority. The Authority is comprised seven (7) members: three (3) Palm Beach County representatives, three (3) Broward County representatives and the President of Florida Atlantic University or his/her designee. Representatives must be employed in the private sector and reside in the County in which they represent. On January 27, 2011, a memo was distributed to the Board of County Commissioners requesting support for the reappointment of Mr. Daszkal. Mr. Daszkal has served on the Authority since May 2007, and currently serves as the Chair. He has expressed a desire to be reappointed. No other nominations were received. District 4 (JM)

B. COMMISSION DISTRICT APPOINTMENTS

MARCH 1, 2011

7. MATTERS BY THE PUBLIC – 2:00 P.M.

MARCH 1, 2011

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

MARCH 1, 2011

9. 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

10. ADJOURNMENT

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

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MARCH 1, 2011

<u>PAGE</u>	<u>ITEM</u>	
6	2C	<u>DELETED:</u> Proclamation declaring March 2011 as “Wellness Campaign Month” in Palm Beach County. (Sponsored by Commissioner Burdick)
7	3A-2	<u>REVISED SUMMARY:</u> On January 11, 2011, the Board of County Commissioners adopted Resolution (R2011-0078) supporting <u>supported</u> a JGI Grant in the amount of \$210,000 as a portion of the local match for a State QTI and Quick Action Closing Fund with GARDA. GARDA has finalized their relocation plans and desires to enter into a formal agreement with the County. The Agreement requires the company to create 100 jobs by December 31, 2013 <u>June 30, 2014</u> , with an average wage of \$65,769, excluding benefits. The Regional Economic Model, Inc. results estimate that GARDA will have a \$44 million economic impact over a five (5) year period, generating \$3 million in Federal, State and local taxes. Palm Beach County’s economic development incentive will be payable over a period of six (6) years. The standard JGI contract language was modified in order to streamline the contract. Funding will come from General Fund Contingency Reserves. <u>District 4</u> (DW) (Admin/EDO)
23	3CC-1	<u>REVISED TITLE: Staff recommends motion to approve: A)</u> Amendment to the Amended and Restated Agreement (R2010-1457) with the Palm Beach County Cultural Council, Inc. (the “Cultural Council”) for the provision of services under the County’s Tourist Development Plan from October 1, 2010, to September 30, 2011; and <u>B)</u> a Budget Transfer to provide for a <u>of \$75,000 increase in the FY 2011 Annual Budget. from reserves in the TDC Cultural Arts Fund.</u> (TDC)
24	3CC-2	<u>REVISED TITLE: Staff recommends motion to approve: A)</u> Amendment to the Amended and Restated Agreement (R2010-1460) with Discover Palm Beach County, Inc. d/b/a Palm Beach County Convention and Visitors Bureau (the “CVB”) for the provision of services under the County’s Tourist Development Plan from October 1, 2010, to September 30, 2011; and <u>B)</u> a Budget Transfer to provide for a <u>of \$800,000 increase in the FY 2011 Annual Budget. from reserves in the TDC Convention & Visitors Bureau Fund.</u> (TDC)
25	4A-3	<u>ADD-ON: Staff recommends motion to adopt:</u> a Resolution of the Board of County Commissioners of Palm Beach County, Florida, requesting the Florida Legislature to amend Florida Statute 790.06 to include a prohibition on carrying a firearm within 1,000 feet of a public facility. SUMMARY: Florida Statute 790.06 outlines the various locations where carrying a firearm is prohibited, including schools, any meeting of the governing body of a county, law enforcement stations, courthouses, and polling locations; however, there is no perimeter ban on public facilities. Palm Beach County believes it would be beneficial to implement a ban on carrying a firearm within 1,000 feet of a public facility, with the exception of law enforcement officers. <u>Countywide</u> (DW) (Admin/Legislative Affairs)

- 25 4A-2 **REVISED MOTION/TITLE:** Staff recommends motion to adopt: a Resolution by the Board of County Commissioners of Palm Beach County, Florida, authorizing the Economic Development Office to submit a Section 108 Loan Fund Application for \$10,000,000 to the United States Department of Housing and Urban Development (HUD); authorizing acceptance of the funds awarded in order to assist established businesses in Palm Beach County; authorizing the County Administrator or his designee to execute the Loan Application documents in order to implement the Palm Beach County Section 108 Loan Program and issue debt obligations pursuant thereto.
- ~~**A) adopt** a Resolution authorizing the submittal of a \$10,000,000 Section 108 Federal Loan Application to the U.S. Department of Housing and Urban Development (HUD);~~
- ~~**B) approve** a Budget Amendment of \$10,000,000 in the Economic Development Fund to appropriate the loan and recognize the revenue; and~~
- ~~**C) authorize** the County Administrator or his designee to sign all documents related to the loan application. (Admin/EDO)~~
- 27 4C-1 **REVISED TITLE & SUMMARY:** 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 a 0.025 acre wedge-shaped portion of Dryden Road from Haverhill Road to Mango Drive, at 4859 Dryden Road has been maintained or repaired, continuously and uninterrupted, by the County for over four (4) seven (7) 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 at 4859 Dryden Road to the County in accordance with Section 95.361, Florida Statutes, which provides that upon four (4) seven (7) 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 at 4859 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) (Engineering)
- 29 4F-1 **REVISED SUMMARY:** On April 7, 2009, the Board approved an Interlocal Agreement for Fire Protection and Emergency Medical Services with the City of Lake Worth (R2009-0607) and an Interlocal Agreement Relating to Pension Matters Supplementing Section 7G of the Interlocal Agreement for Fire Protection and Emergency Medical Services with the City of Lake Worth (R2009-0608). The Board received a written request from the City dated January 10, 2011 to renegotiate these agreements regarding fire rescue services provided by the County to the City. Under the terms of the fire protection and emergency services agreement, the City's obligation for fiscal years 2011, and 2012 and 2013 are \$700,000, \$900,000 and \$900,000, respectively, as supplemental payments to offset costs incurred by the County in employing the City's former firefighters. Beginning in FY2014, the City is obligated to contribute \$1.3 million annually as the supplemental payment. This obligation continues as long as the City remains in the Fire/Rescue MSTU, even if the contract expires or is earlier terminated. The City realized an annual savings of \$2.6 million at the time they abolished their fire department, or \$1.9 million net of the supplemental payment obligation. The current fiscal impact to the County associated with providing service to the City is \$3.7 million over revenue. Staff does not recommend modification of either Interlocal agreement. Countywide (SB) (Fire Rescue)
- 34 9G **ADD-ON:** Request approval to present off-site, a proclamation honoring the late James Julius "Jeff" Jefferson. (Sponsored by Commissioner Taylor)

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