

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

**JUNE 7, 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)  
**TIME CERTAIN 9:30 A.M.** (Employee Service Awards) (Page 6)  
**TIME CERTAIN 10:00 A.M.** (Proclamations/Certificates) (Page 6)

**3. CONSENT AGENDA (Pages 7 - 21)**

**4. REGULAR AGENDA (Pages 22 - 27)**  
**TIME CERTAIN 11:30 A.M.** (2011 Legislative Session Final Report) (Page 22)

**5. BOARD APPOINTMENTS (Pages 28 - 31)**

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- 2C-5 Turkeys Day
- 2C-6 COBWRA 30<sup>th</sup> Anniversary
- 2C-7 National Goodwill Week
- 2C-8 Parks and Recreation Month

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C. SPECIAL PRESENTATIONS

**TIME CERTAIN – 9:30 A.M.**

1. [Employee Service Awards](#)

**TIME CERTAIN 10:00 A.M. – All Proclamations/Certificates**

2. 2011 Animal Kindness Award to Catherine Bradley (Sponsored by Commissioner Marcus)
3. 2011 Special Recognition Award to Ibis Wildlife Foundation. (Sponsored by Commissioner Santamaria)
4. Certificates of Congratulations to Christina Gamble and Jacob Wesson, winners of the National Campaign to Stop Violence “Do The Write Thing Campaign”. (Sponsored by Commissioner Burdick)
5. Proclamation declaring July 14, 2011 as “Turkles Day” in Palm Beach County. (Sponsored by Commissioner Vana)
6. Proclamation honoring COBWRA on its 30<sup>th</sup> Anniversary. (Co-Sponsored by Commissioners Aaronson and Vana)
7. Proclamation declaring May 1 – 7, 2011 as “National Goodwill Week” in Palm Beach County. (Sponsored by Commissioner Abrams)
8. Proclamation declaring July 2011 as “Parks and Recreation Month” in Palm Beach County. (Sponsored by Commissioner Marcus)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** Amendment No. 1 to the Job Growth Incentive (JGI) Grant Agreement (R2007-0208) with Sunbeam Products d/b/a Jarden Consumer Solutions (Jarden) and Jarden Corporation to extend the job maintenance end date from December 31, 2011, to December 31, 2013 and to extend the Agreement term expiration date from April 30, 2012, to April 30, 2014. **SUMMARY:** On February 6, 2007, the Board of County Commissioners approved a JGI Grant Agreement with Jarden to create 80 Full-Time Equivalent (FTE) jobs, relocate 20 FTE jobs and retain 340 FTE jobs by December 31, 2007. The Performance Audit found Jarden in compliance with the conditions of the JGI Grant Agreement. Amendment No. 1 is required to allow the County's local financial support disbursement schedule to match the revised State Qualified Target Industry (QTI) disbursement schedule. The revised QTI disbursement schedule reflects a one-time Economic Stimulus Exemption approved by the Office of Tourism Trade and Economic Development. Jarden designs and manufactures a diverse portfolio of consumer products, marketed nationally and internationally. 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>
Zoning	April 28, 2011
Regular	May 3, 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
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 March 2011. Countywide

5. **Staff recommends motion to:**
  - A) **receive and file** the Report of County Officials Bonds dated June, 2011; and
  - B) **identify** all bonds described in the Bond Report as sufficient pursuant to Section 2-140, of the County Code.

**SUMMARY:** Section 2-140 of the County Code sets various bond amounts for specified County officers and provides for examination of the sufficiency of all of the bonds at the regular meeting of the Board of County Commissioners in January and June of each year. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: an easement (Easement) from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida Sovereignty Submerged Lands, required for the removal and reconstruction of the Ocean Avenue Bridge over the Intracoastal Waterway in Lantana. **SUMMARY:** Approval of this Easement will allow Palm Beach County to access and use the submerged lands located within the Federal right-of-way of the Intracoastal Waterway in order to remove and reconstruct the Ocean Avenue Bridge. District 4 (MRE)
  
2. Staff recommends motion to adopt: a Public Purpose Resolution to the Florida Department of Transportation (FDOT) requesting conveyance of surplus property to Palm Beach County (County) for a portion of the paving and drainage infrastructure incorporated in the Royal Palm Estates Municipal Services Taxing Unit (MSTU) project. **SUMMARY:** Adoption of the Public Purpose Resolution will transfer the parcel of publicly owned land shown in Exhibit "A" currently owned by FDOT to the County. The land was originally intended to be utilized by FDOT as the location of a frontage road along the south end of the roadways in Royal Palm Estates as part of their reconstruction of State Road 80. The property owners in Royal Palm Estates requested the elimination of the frontage road because they preferred to live on dead end streets. The frontage road area was consequently developed as a detention area for the Royal Palm Estates MSTU project. District 6 (MRE)
  
3. Staff recommends motion to:  

**A) approve** a negotiated amount of \$343,000 for the fee simple purchase of a 3.08 acre vacant parcel from The Church of God of Prophecy (Church) to be utilized for storm water management for the widening of Haverhill Road from south of the Lake Worth Drainage District L-14 Canal to Lake Worth Road project (Project); and

**B) accept** a warranty deed signed by Mr. Robert F. Davis, Jr. on March 10, 2011, who is an authorized representative of the Church and is entitled to act on their behalf in property sale matters.

**SUMMARY:** The Engineering Department's Roadway Production Division has negotiated the purchase price of \$343,000 for one vacant parcel, measuring 3.08 acres located on the west side of Haverhill Road approximately ¼ mile south of Lake Worth Road. This parcel will be used as a storm water management area for the Project. This agenda item is to approve the negotiated purchase price of \$343,000 (2% above County appraisal) and to accept the signed warranty deed conveying the parcel to Palm Beach County. Districts 2 & 3 (MRE)
  
4. Staff recommends motion to approve: a Contract with The Murphy Construction Company (Contractor), the lowest, responsive, responsible bidder, in the amount of \$828,120, for repairs on the 45<sup>th</sup> Street bridge over the C-17 Canal and repairs on the Northlake Boulevard bridge over the C-17 Canal (Project), Project No. 2010904. **SUMMARY:** Approval of this Contract will allow for the installation of shear locks on the bridge deck slabs permitting the deck slabs to work in unison as was the original design. The work will be performed only at night between the hours of 8:00 PM and 5:00 AM. During the day, all lanes will be open to traffic. This is a 180 calendar day contract. The Contractor is a Palm Beach County business with 91% of the work to be performed by them and County subcontractors. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the Project by the Contractor is 25% overall. Districts 1 & 7 (MRE)



3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (CONT'D)

5. Staff recommends motion to approve: an Interlocal Agreement with the Town of Jupiter (Town) for the construction of infrastructure on the south end of Carver Avenue in the Cinquez Park Area. **SUMMARY**: Approval of this Interlocal Agreement will provide \$6,898.75 to the Town for the construction of improvements that Palm Beach County (County) had originally planned for the same area. The Town conditioned the developer of Lot 23 to construct Carver Avenue, adjacent to his lot, to an urban section rather than the rural section designed by the County. District 1 (MRE)
  
6. **DELETED**
  
7. Staff recommends motion to receive and file: a report of plat recordations from January 1, through March 31, 2011. **SUMMARY**: This is a quarterly summary of subdivision plats recorded during the past fiscal quarter as required by the Department of Engineering and Public Works Policies and Procedures Manual Item No. EL-O-2618, governing administrative approval of plats by the County Engineer. Countywide (MRE)
  
8. Staff recommends motion to approve: a Second Contract Amendment to the Annual Pavement Marking Contract (Contract) (R2008-1423) Project No. 2009051, dated September 9, 2008, with Southwide Industries, Inc. (Contractor) to add Florida Department of Transportation (FDOT) pavement marking items. **SUMMARY**: Approval of this Amendment to the Contract will add FDOT pavement marking items for State projects. The Contract amount will remain unchanged. Small Business Enterprise (SBE) goals were established at 15% of the overall Contract amount. The Contractor did not propose any SBE participation in the original Contract and no SBE participation has occurred. Countywide (MRE)
  
9. **DELETED**
  
10. Staff recommends motion to:
  - A) rescind** the County Incentive Grant Program (CIGP) Agreement with the State of Florida Department of Transportation (FDOT), R2011-0018, approved on January 11, 2011; and
  - B) adopt** a Resolution to approve a new CIGP Agreement with the State of Florida Department of Transportation (FDOT) in the amount of \$5,140,000 for accomplishing the widening of Palmetto Park Road from 0.5 miles west of Military Trail to Interstate 95 (Project), which includes the U.S. Department of Homeland Security's E-Verify requirement.

**SUMMARY**: The Board of County Commissioners approved a CIGP Agreement with FDOT on January 11, 2011, to facilitate funding for the Project. FDOT has since added a new requirement of including the U.S. Department of Homeland Security's E-Verify for all the State administered projects. Rescinding the Agreement per R2011-0018, and approving the new Agreement will allow the construction of the Project. Approval of this CIGP Agreement will allow Palm Beach County (County) to receive a grant of up to \$5,140,000 which requires matching funds of up to \$5,140,000 for the Project. The County's matching funds will be from Road Impact Fees – Zone 5. The County will be responsible for all costs above this grant amount. District 4 (MRE)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to approve:

**A)** a Construction Manager Authorization for Task No. M-9 under the Construction Manager (CM) at Risk Contract with The Morganti Group, Inc. in the amount of \$150,000 for the Concourse C Exit Improvements at Palm Beach International Airport (PBIA); and

**B)** a Budget Amendment of \$196,861 in the Airports Improvement and Development Fund to provide funding for Concourse C Security Access Improvements for project expenditures, including design costs and contingency funding, and to recognize \$196,861 of Florida Department of Transportation (FDOT) grant funding.

**SUMMARY:** The Department of Airports is requesting Board approval of Task M-9 to The Morganti Group, Inc., a Palm Beach County Company, under the continuing contract for CM at Risk Services approved May 20, 2008 (R2008-0850). Tasks M-1 through M-8 for The Morganti Group, Inc. were approved in the amount of \$4,437,059. The services provided in this Construction Manager Authorization in the amount of \$150,000 constitute the ninth task to be assigned to The Morganti Group, Inc. On March 15, 2011 the Board adopted Resolution Number R2011-0367 approving a Joint Participation Agreement (JPA) with the FDOT for Concourse C Security Improvements at PBIA. The Small Business Enterprise (SBE) goal for this contract was established at 15%. The SBE participation for this Task is 26%. The total SBE contract participation including Task M-9 is 21%. Countywide (JCM)

2. Staff recommends motion to approve: a Contract with Community Asphalt Corporation in the amount of \$6,967,689.75 for the Taxiway 'L' Extension at Palm Beach International Airport (PBIA). **SUMMARY:** This project was advertised utilizing the County's competitive bid process. On April 5, 2011 three (3) bids were received for the Taxiway 'L' Extension at PBIA. Of the three (3) bids Community Asphalt Corporation, a Palm Beach County company, has been identified as a responsible/responsive bidder with the lowest bid in the amount of \$6,967,689.75. This project is partially funded by the Florida Department of Transportation (FDOT) pursuant to a Joint Participation Agreement (JPA) (R2007-1794). The JPA does not permit the application of a local preference and requires Disadvantaged Business Enterprise (DBE) to have the maximum opportunity to participate in this contract. A DBE Goal for this project was established at 15%. Community Asphalt Corporation is responsive to the DBE requirements and has committed to a minimum of 15% participation. FDOT grant funding of \$3,483,845 (50%) and Passenger Facility Charge (PFC) funds of \$3,483,845 (50%) are being utilized to fund this project. Countywide (JCM)

3. Staff recommends motion to approve: a First Amendment to Airport Baggage Cart Concession Agreement (R2010-1108) (Agreement) with Smarte Carte, Inc., reducing the number of baggage cart dispensing units at the Palm Beach International Airport (PBIA) and allowing for the installation of directional signage. **SUMMARY:** Smarte Carte currently provides self-service baggage carts for use by passengers at PBIA. Smarte Carte requested permission to remove seven (7) underutilized baggage cart dispensing units located near the terminal entryway drive lanes and inside the parking garage. Smarte Carte will be installing directional signage within the parking garage directing passengers to the closest baggage cart vending unit(s). This First Amendment also provides for the addition of language related to the Office of the Inspector General. All other terms of the Agreement remain in full force and effect. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to authorize: the Chair to certify the non ad-valorem assessment roll on electronic media to the Tax Collector pursuant to Chapter 197, Florida Statutes. **SUMMARY:** In 1998, the County began using the Uniform Method of collecting non-ad valorem special assessments. Under this procedure, special assessments are included on the tax bills. Each year the non-ad valorem assessment roll must be certified to the Tax Collector by September 15. Countywide (PFK)

2. Staff recommends motion to approve:

**A)** Budget Amendment of \$110,000 in the School Impact Fee Zone 2 Account-Contributions to Other Governmental Agencies; and

**B)** Budget Amendment of \$341,000 in the School Impact Fee Zone 3 Account-Contributions to Other Governmental Agencies.

**SUMMARY:** These Budget Amendments in the school impact fee accounts recognize additional school impact fee revenues collected in FY 2011 and allow the County to appropriate and remit the revenues to the Palm Beach County School District in accordance with Article 13 of the ULDC. Countywide (LB)

3. Staff recommends motion to approve:

**A)** Budget Transfer from School Impact Fee Zone 1 reserve account to School Impact Fee Zone 1 appropriation account for \$672,000;

**B)** Budget Transfer from School Impact Fee Zone 2 reserve account to School Impact Fee Zone 2 appropriation account for \$390,000;

**C)** Budget Transfer from School Impact Fee Zone 3 reserve account to School Impact Fee Zone 3 appropriation account for \$273,000; and

**D)** Budget Transfer from School Impact Fee Zone 4 reserve account to School Impact Fee Zone 4 appropriation account for \$248,000.

**SUMMARY:** Impact fees budgeted in reserve accounts cannot be appropriated until funds have been collected. These Budget Transfers recognize current year revenues as of February 2011 and allow for their appropriation so that the County may remit funds to the School District in accordance with Article 13 of the ULDC. Countywide (LB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Change Order No. 4 to the contract with Southeast Drilling Services, Inc. (R2010-1019) in the amount of \$498,017 for the construction of the second irrigation recharge well at the South County Regional Park Osprey Point Golf Course. **SUMMARY:** Change Order No. 4 provides for construction of a second recharge well, distribution pipe, associated electrical service, and control systems. Southeast Drilling Services, Inc. was awarded the construction of the initial recharge well on June 29, 2010. As part of the bid, an alternate was requested for the second recharge well. However, the pricing for the second well exceeded the funds available at the time, and it was decided to obtain some operational history on the watering requirements for the new type of sod being installed. Parks has determined that the second well will be required as allowed by the permit in order to maintain the golf course and has the funds remaining from the previously authorized construction budget. Southeast Drilling Services, Inc. has agreed to hold the pricing from their original bid and construct the well at this time. The recharge well and pump will operate by withdrawing water from the well and pumping it into the lake drainage system in order to replace the water withdrawn by the golf course and common area irrigation pumps. This recharge measure is required as part of the South Florida Water Management District (SFWMD) Water Use permit re-issued in July, 2009. The funding for this change order is coming from Parks Impact Fees - Zone 3. The Small Business Enterprise (SBE) goal for this project is 15%. This change order includes 29.7% SBE participation. The contract time is 180 calendar days to substantial completion. Southeast Drilling Services, Inc. is a Palm Beach County company. (Capital Improvements Division) District 5 (JM)
  
2. **Staff recommends motion to approve:** Change Order No. 5 to the Contract with The Weitz Company (R2007-1105) decreasing the Guaranteed Maximum Price (GMP) for the State Attorney/Public Defender & Judicial Center Hurricane Hardening project by \$1,449,176.94. **SUMMARY:** On October 20, 2009, the Board approved the GMP (R2009-1774) in the amount of \$10,931,930 for the State Attorney/Public Defender & Judicial Center Hurricane Hardening project. There is \$1,449,176.94 remaining in the contract contingency due to unused allowances, unused owner's contingency, buyout savings, and work efficiencies resulting from an alternate method to replacing the glass. Change Order No. 5 reconciles the final project cost and will also allow for closeout. The Small Business Enterprise (SBE) participation goal is 15%, and the final SBE participation is 17%. Funding for this project came from the FEMA Hazard Mitigation Grant Program Fund (75%) and the Public Building Improvement Fund (25%) and \$362,294 will be returned to General Fund Contingency. (Capital Improvements Division) Countywide (JM)
  
3. **Staff recommends motion to receive and file:** notification of the cumulative total of Consultant Services Authorizations to Hellmuth, Obata & Kassabaum, Inc. (HOK) (R2007-0033) for the Jail Expansion Program having exceeded the \$250,000 of the original contract value. **SUMMARY:** 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. The approval of Consultant Services Authorization (CSA) No. 18 in the amount of \$76,527 on December 22, 2010, by the Contract Review Committee caused the cumulative value of changes for this project to exceed \$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. CSA No. 18 provided for additional design and construction administration services associated with the Video Visitation Facility located at the Central Detention Center. The Small Business Enterprise (SBE) goal for this project is 15%. The cumulative SBE participation on this contract is 16.2%. (Capital Improvements Division) District 6 (JM)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement with the City of Pahokee (R2010-2008) to expand the scope of work, clarify the definition of program income, and to extend the Agreement expiration date from November 30, 2011 to May 30, 2012, for \$92,817. **SUMMARY:** The City of Pahokee is constructing a restroom building at “City Park” that includes Americans with Disabilities Act (ADA) compliant bathrooms and auxiliary improvements. The requested scope of work change would modify the project scope to include the construction of a concession stand for which there would be no additional expense. The definition and reporting requirements for program income earned from the concession stand are clarified, and a six (6) month extension to the existing Agreement is provided. **These are federal Community Development Block Grant funds which do not require a local match.** (Contract Development) District 6 (TKF)
  
2. **Staff recommends motion to approve:** Technical Revisions to the State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan’s (LHAP) Foreclosure Prevention Strategy and submission to Florida Housing Finance Corporation for notification. **SUMMARY:** These recommended Technical Revisions, will allow an income eligible applicant to receive up to the maximum award of \$10,000, but will eliminate the maximum number of months of delinquencies that can be addressed. The current Policy permits only up to six (6) months of delinquent payments. Additionally, a prerequisite has been added requiring applicants to provide documentation from their first mortgage lender stating the lenders willingness to cease foreclosure proceedings upon the applicant’s approval for funding assistance through this strategy. These proposed revisions will reinstate loans and maintain affordable homeownership. The Commission on Affordable Housing Advisory Board recommended these revisions to the Board of County Commissioners on April 28, 2011. **These are State Funds which require no local match.** (Mortgage and Housing Assistance) Countywide (TKF)
  
3. **Staff recommends motion to approve:** Amendment No. 001 to an Agreement with the West Palm Beach Housing Authority to correct a scrivener’s error. **SUMMARY:** The Agreement provides the West Palm Beach Housing Authority \$2,471,537.65 for hurricane hardening improvements at their Twin Lakes Housing Complex and Colony Oaks Apartment Complex. These are 2005 Disaster Recovery Initiative (DRI) - Supplemental Appropriation funds. The Amendment corrects a numerical error in the funding amount to account for recording fees that were expended but not reflected in the funding amount. **These are Federal Community Development Block Grant (DRI) funds which require no local match.** (CREIS) Districts 6 & 7 (TKF)

J. PLANNING, ZONING & BUILDING

1. **Staff recommends motion to approve:** an Amendment to the Interlocal Agreement (R2007-1026) with the Town of Loxahatchee Groves providing general conditions, building permitting, and construction inspection within the municipal limits of the Town of Loxahatchee Groves, Florida, by Palm Beach County Planning, Zoning and Building Department. **SUMMARY:** The Town of Loxahatchee Groves has adopted their own Land Development codes that affect the Interlocal Agreement with Palm Beach County Planning, Zoning and Building Department providing building plan review/permitting and inspection services. The zoning reviews for single family dwellings and their accessory structures will be performed by the Town, instead of the Building Division. There will be no cost to the County, and no change in staff is needed. Permit fees will continue to pay for the full cost of services for the continued building review. This amendment to the Interlocal Agreement shall be in effect immediately. The amended Interlocal Agreement shall be automatically renewed thereafter from fiscal year (October 1 to September 30), unless either party shall notify the other in writing of the party’s desire to terminate all or part of this Agreement. District 6 (GB)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

**A) adopt** a Resolution authorizing the Clerk to disburse \$10,000 from the Pollution Recovery Trust Fund (PRTF) for costs associated with monitoring of our artificial and natural reefs; and

**B) approve** a Budget Transfer of \$10,000 within the PRTF from reserves for costs associated with artificial and natural reef monitoring.

**SUMMARY:** This Resolution will authorize the transfer of \$10,000 from the PRTF reserves for continuation of the long term reef monitoring for up to one year. The monitoring is conducted on behalf of Palm Beach County (PBC) by the PBC Reef Research Team (RRT), a group of trained volunteers, who have recognition at the State level as being the best research team generating quality data. Countywide (SF)

2. Staff recommends motion to approve: Memorial Bench Donation process.

**SUMMARY:** The Department of Environmental Resources Management (ERM) proposes to initiate a Memorial Bench Donation process as an element of the Natural Areas Program. Individuals, families, and groups could memorialize a loved one, honor an individual or group, or commemorate a special event by making a donation to the Natural Areas Fund for the installation of a memorial bench with a commemorative plaque attached on a natural area managed by ERM. A donation of \$1,500 will cover the estimated cost for fabrication of the bench and plaque and installation of the bench. Memorial benches will provide additional amenities on natural areas which otherwise would not have been funded. The donation amount will be subject to change as material and labor costs change. Donations would cover the cost of fabrication and installation only and would not provide additional revenue to the Natural Areas Program. Countywide (SF)

3. **Staff recommends motion to approve:** Work Order No. 0647-1 to the Palm Beach County Artificial Reef and Breakwater Project No. 2010ERM06 Contract (R2011-0647) with Shoreline Foundation, Inc. (SFI) for the construction of the Jupiter Ridge Breakwater Project consisting of 23 breakwaters along 5,100 lineal feet of Intracoastal Waterway shoreline at an estimated cost of \$1,139,733.70. **SUMMARY:** The Board approved SFI's annual Contract (R2011-0647) on May 3, 2011. With the approval of this Work Order, SFI is authorized to construct a series of breakwaters along the County's Jupiter Ridge Natural Area eroded shoreline. Funds to cover the Work Order are currently budgeted from a \$500,000 Florida Inland Navigation District (FIND) Waterways Assistance Grant and \$639,734 from the Manatee Protection Program. The contract time for this Work Order is 165 days. There is no SBE participation on the Contract or this Work Order. District 1 (JM)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to approve: Interlocal Agreement with the Town of Lantana for the period of June 7, 2011, through June 6, 2041, for the construction and use of the Ocean Avenue Public Fishing Pier. **SUMMARY:** The Board previously approved the transfer of \$500,000 from the 2002 Recreational and Cultural Facilities Bond referendum to the Palm Beach County Engineering Department for design and construction of the Ocean Avenue Fishing Pier, which will be built underneath the new Ocean Avenue Bridge. In exchange for the County's construction of the project, the Town of Lantana has agreed to maintain and operate the pier. The 2002 Recreational and Cultural Facilities General Obligation Bond funding is being used for the design and construction of the fishing pier, and the Interlocal Agreement requires that Lantana maintain and operate the pier for the general public on a non-discriminatory basis for the standard thirty (30) year term required for bond-funded projects. District 4 (PK)
  
2. Staff recommends motion to approve: a month-to-month Lease Agreement with Kim Potter, a full-time County employee, at DuBois Park. **SUMMARY:** Palm Beach County owns various park sites throughout the County that have facilities for employees who reside on the premises as a condition of their employment. These residents maintain and repair the property on which they reside and are on call 24 hours per day to provide on-site supervision of the Park and report any vandalism, rowdiness, illegal activities, or other suspicious conduct at the Park to law enforcement personnel. Kim Potter will not pay rent but will arrange and pay for all utilities and maintain the residence in good and sanitary condition during the term of the Lease Agreement. District 1 (GB)
  
3. Staff recommends motion to approve:
  - A)** the fourth extension to the Concessionaire Service Agreement, R2007-1153, with Vending Americas, Inc., to provide vending machine services at Parks and Recreation facilities located in the north and west regions for the period July 11, 2011, through July 10, 2012; and
  
  - B)** the fourth extension to the Concessionaire Service Agreement, R2007-1154, with Sunshine Beverage and Snack, LLC, to provide vending machine services at Parks and Recreation facilities located in the south region for the period July 11, 2011, through July 10, 2012.

**SUMMARY:** On July 10, 2007, the Board approved Concessionaire Service Agreements with Vending Americas, Inc. and Sunshine Beverage and Snack, LLC. The original Agreements provided for an initial one (1) year term, which expired on July 10, 2008, with four (4) one (1) year renewal options. On July 22, 2008, the Board approved the first extension of each of these Agreements. On July 7, 2009, the Board approved the second extension of each of these Agreements. On June 29, 2010, the Board approved the third extension of each of these Agreements. This amendment renews the Agreements for the fourth and final option period of July 11, 2011, through July 10, 2012, and adjusts the machine fee amounts that the vendors will pay to the County for the period July 11, 2011, through July 10, 2012, by multiplying the current monthly payment by 104%. All other terms of the contract remain the same. Vending Americas, Inc. has a Palm Beach County office. Sunshine Beverage and Snack, LLC is a Palm Beach County company. Countywide (GB)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (CONT'D)

4. Staff recommends motion to approve: Budget Transfer of \$26,312 within the \$25 Million General Obligation Parks and Cultural Improvements Bond Fund - 2003 from Santaluces Park Athletic Field Improvements (\$10,788) and Santaluces Park Bleachers and Scoreboards (\$15,524) to the Santaluces Park Dugout Renovation project. **SUMMARY:** This Budget Transfer is necessary to renovate additional dugouts at Santaluces Park. This funding will be used for renovations/improvements to a portion of the current dugouts and includes widening, lengthening and raising the roofs. Two (2) projects located within Santaluces Park (Santaluces Park Athletic Field Improvements and Santaluces Park Bleachers and Scoreboards) have been completed and this \$26,312 is now available for reallocation. This funding is from the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum, as amended. District 3 (PK)

N. LIBRARY

1. Staff recommends motion to:
  - A) approve** Public Library Construction Grant application totaling \$500,000 to the Florida Department of State, Division of Library and Information Services for the following Library Expansion Program (LEP) project: Belle Glade Branch Library; and
  - B) approve** Certification of Exclusive Use as a Public Library; and
  - C) authorize** the Chair to execute the grant agreement and any other necessary forms and certifications.

**SUMMARY:** This grant application is for \$500,000 with local matching funds of \$500,000. If awarded, grant funds will be used towards the cost of construction, thus freeing up other funds for furnishing and equipping this library. The projected cost of this project is \$7,650,000. The project will be completed whether the grant is funded or not. Funding for this project is from the 2002 Library Expansion Program Bond Issue supplemented by Library District ad valorem revenue. Countywide (TKF)
2. Staff recommends motion to:
  - A) approve** a Literacy Coalition of Palm Beach County AmeriCorps Site Application for the County Library's participation in a Literacy AmeriCorps PBC Project for the period August 15, 2011 through August 14, 2012.
  - B) authorize** the County Administrator or his designee to execute any other necessary forms and certifications.

**SUMMARY:** This site application, if approved, will provide the County Library with one (1) full-time AmeriCorps member for one (1) year. This member will contribute 32 hours per week offering conversational English programs and overseeing the computer learning lab. The Library will pay a service fee of \$5,500 to the Coalition and business-related mileage to the member up to \$2,750. Literacy AmeriCorps, with supplemental funds from the Coalition, will cover all other expenses including Workers' Compensation, liability, and health coverage. Funds will be provided through the Library's operating budget and will have minimal fiscal impact. Countywide (TKF)



3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve:

**A)** an Interlocal Agreement for \$149,657 with the Palm Beach County Sheriff's Office (PBSO) as a partner to implement the domestic violence training and related expenses from May 15, 2011, through May 15, 2013;

**B)** a Budget Transfer of \$149,657 in the Domestic Violence Fund from reserves to the Sheriff's Grants Fund; and

**C)** a Budget Amendment of \$149,657 in the Sheriff's Grants Fund to establish budget for the project.

**SUMMARY:** The Law Enforcement Planning Council (LEPC) of the Palm Beach County Criminal Justice Commission has approved \$149,657 for domestic violence training and related expenses. This initiative is to provide training on the Best Practices Guideline for Domestic Violence Investigations to law enforcement officers throughout Palm Beach County. Countywide (GB)

2. Staff recommends motion to approve:

**A)** a Third Amendment to the Interlocal Agreement (R2010-0529) with the City of West Palm Beach to extend the expiration date from March 31, 2011, to September 30, 2011 to support the West Palm Beach Youth Violence Prevention Project; and

**B)** a Third Amendment to the Interlocal Agreement (R2010-0532) with the City of Lake Worth to extend the expiration date from March 31, 2011, to September 30, 2011 to support the Lake Worth Youth Violence Prevention Project.

**SUMMARY:** The Criminal Justice Commission recommended the use of \$1,691,582 from the Federal FY 2009 Recovery Act Edward Byrne Memorial Justice Assistance grant for the continuation of the Youth Violence Prevention Project and its primary partners, the five (5) cities at greatest risk for future violence. The Florida Department of Law Enforcement approved this six (6) month extension on March 22, 2011. Only the cities of West Palm Beach and Lake Worth have funds to extend. The City of Belle Glade's Interlocal Agreement was previously extended on March 1, 2011. Countywide (GB)

S. FIRE RESCUE

1. Staff recommends motion to receive and file: two (2) original standard agreements for the Fire Rescue Department:

**A)** Independent Contractor Agreement for Swimming Lessons with the Young Men's Christian Association of South Palm Beach County, Inc.; and

**B)** Interlocal Agreement for Swimming Lessons with the City of West Palm 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, two (2) 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: Statement of Work No. 5 pursuant to contract with CGI-AMS (R2002-1782), for development and installation of enhancements to the functionality of the County's Advantage Financial System, in an amount not to exceed \$109,000. **SUMMARY:** The Statement of Work identifies functional and technical services required to develop, test and deliver the Advantage Financial Procurement Enhancements approved by the Financial System Administration Team (FSAT). Countywide (PFK)

2. Staff recommends motion to approve:

**A)** Amendment A to Microsoft Enterprise Agreement R2010-0109 with Software House International, Inc. to transfer 300 software assurance Core Client Access Licenses to the Palm Beach County Tax Collector; and

**B)** Amendment B to Microsoft Enterprise Agreement R2010-0109 with Software House International, Inc. to adjust the County's count of qualified software assurance Core Client Access Licenses in the third year of enrollment from 5,292 to 4,992 based on the transfer of the 300 licenses valued at \$16,989.

**SUMMARY:** The Microsoft Enterprise Agreement for software assurance provides the County with the right to the latest version of the software products under the Agreement. The County currently has 5,292 Core Client Access Licenses under software assurance which includes 300 licenses allocated for use by the Palm Beach County Tax Collector's Office. Due to budgetary constraints in FY 2010, the County discontinued software assurance coverage for the 5,292 Office Application licenses and since October 1, 2009 has not been entitled to upgrade from the Office 2007 software version. The Tax Collector is interested in transferring 300 Core Client Access Licenses from the County's Enterprise Agreement to establish their own separate Enterprise Agreement with Microsoft. Their Agreement will include software assurance for the Office Applications, thereby entitling the Tax Collector to upgrade to the Office 2010 software version. Since the Tax Collector has been utilizing the software licenses under the County's Enterprise Agreement, the transfer of the 300 Core Client Access Licenses will be retroactive to the effective date of the County's agreement - October 1, 2009. Software House International is not a Palm Beach County or a Florida-based business. Countywide (PFK)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: an executed Contract with Boca Raton Regional Hospital to provide grant project funding in the amount of \$50,000 for the period of April 21, 2011, through April 30, 2012 to upgrade its Dispatch and Closed Circuit Television (CCTV) systems as approved by the Fort Lauderdale Urban Area Security Initiative (UASI) Grant 2009 contract between the City of Miramar and Palm Beach County (R2010-1932). **SUMMARY:** The County was awarded \$432,773 from the U.S. Department of Homeland Security through the City of Miramar. The County will provide \$50,000 of this grant funding to Boca Raton Regional Hospital for their "CCTV Access Control/Security Dispatch Area" project. This Project will allow the hospital to modify and upgrade its current system to be more conducive to the hospital maintaining a secure environment, particularly in the labor and delivery areas. Resolution R2006-2669 authorizes the County Administrator or his designee to execute standard UASI contracts with various governmental and private agencies on behalf of the Board of County Commissioners. **No County match is required.** Countywide (GB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (CONT'D)

2. **Staff recommends motion to receive and file:** a Contract with Children's Health Care Associates, P.A., in an amount not to exceed \$54,000 for the period October 1, 2011, through September 30, 2012 for the professional/medical services to the residents of the Highridge Family Center. **SUMMARY:** This Contract provides physical examinations, diagnosis, and treatment of illnesses of the residents of the Highridge Family Center. Resolution R2010-1147 authorized the County Administrator or his designee to execute contracts for professional/medical services at the Highridge Family Center on behalf of the Board of County Commissioners. Countywide (GB)
  
3. **Staff recommends motion to approve:** the Criminal Justice User Agreement with the Florida Department of Law Enforcement (FDLE), which authorizes the Palm Beach County Pretrial Services Program (PTS) to utilize the FDLE's Criminal Justice Network, an intra-agency information and data-sharing network for use by the State of Florida's criminal justice agencies for criminal background checks. **SUMMARY:** Execution of the Criminal Justice User Agreement will insure that the Palm Beach County Pretrial Services Program will have comprehensive access to the criminal histories of individuals who fall within the scope of work performed by PTS, by allowing access to and retrieval of information from the Florida Crime Information Center (FCIC) as well as the National Crime Information Center (NCIC). This Agreement is continuing and has no expiration. Countywide (GB)
  
4. **Staff recommends motion to receive and file:** an Agreement with the Florida Department of Health, Palm Beach County Health Department pertaining to the use of the Geographic-based and NXT Alert and Notification System, "Dialogic". **SUMMARY:** The Board of County Commissioners (BCC), approved on August 16, 2005, Agenda Item 3X1 authorizing the County Administrator or his designee to sign Dialogic agreements with municipalities, county agencies, partner agencies and State of Florida Departments on behalf of the BCC utilizing a standard agreement format authorizing access to the County's Geographic-based and/or NXT, roster-based Alert and Notification System (Dialogic). Countywide (GB)
  
5. **Staff recommends motion to receive and file:** an executed Modification to the Memorandum of Agreement with the City of Miramar, a municipal corporation of the State of Florida, as a fiscal agent for the Ft. Lauderdale Urban Area Security Initiative (UASI) to extend the Agreement from December 31, 2010, to June 30, 2011. **SUMMARY:** The County was awarded \$559,430 from the U.S. Department of Homeland Security 2007 Grant through the City of Miramar. A request to extend the grant from December 31, 2010, to June 30, 2011 has been approved. 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. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (CONT'D)

6. Staff recommends motion to:

**A) ratify** the signature of the Director of Animal Care and Control (ACC) on a copy of the grant agreement with the Animal Farm Foundation, Inc. in the amount of \$15,000 that was effective on April 7, 2011; and

**B) approve** a Budget Amendment of \$15,000 in the ACC Mobile Spay/Neuter Program fund to establish grant budget.

**SUMMARY:** This grant will be used to renovate an existing passenger van to accommodate safe, comfortable transportation and temporary kenneling of adoptable dogs and cats. Additionally, the van can be used to adopt pets during special events. The County's logo and ACC's information will be displayed on the exterior of the van. Animal Farm Foundation, Inc. is not seeking any recognition on the vehicle graphics. Animal Farm Foundation, Inc.'s time frame to apply for these funds did not allow for sufficient time to secure prior approval by the Board of County Commissioners. **No matching funds are required.** Countywide (SF)

BB. SHERIFF

1. Staff recommends motion to approve: a Budget Transfer of \$86,500 from the Law Enforcement Trust Fund (LETF) to the Palm Beach County Sheriff's Office (PBSO).

**SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETF's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2011 estimated donation requirement is \$98,015. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETF balance is \$1,781,799. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,695,299. The year-to-date transfer for all donations after approval of this item is \$1,286,996. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (GB)

ORGANIZATION	AMOUNT
A Child Is Missing, Inc.	\$5,000
Crime Stoppers of Palm Beach County, Inc.	\$35,000
Florida Crime Prevention Association, Inc.	\$5,000
Girl Scouts of Southeast Florida, Inc.	\$10,000
Hanley Center Foundation, Inc.	\$10,000
Knights of Pythagoras Mentoring Network, Inc.	\$10,000
Palm Beach County Coalition for Children, Inc.	\$1,500
West Jupiter Community Group, Inc.	\$10,000
Total Amount of Donations	\$86,500

3. CONSENT AGENDA APPROVAL

CC. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve: an Interlocal Agreement among Broward, Martin, Miami-Dade, Monroe and Palm Beach Counties to provide for the continued operation of a regional cultural consortium known as The South Florida Cultural Consortium (SFCC) for a 30 year period. **SUMMARY:** This Agreement provides for the continued operation of the SFCC, a cultural organization comprised of the five (5) South Florida counties, which began in 1985 and has continued to provide for cooperative programs for the advancement and encouragement of cultural and fine arts activities in the region. From its inception, the Palm Beach County Cultural Council has represented the County on the Consortium. The term of the Interlocal will begin upon the execution of the Agreement by the last of the five (5) counties and will continue for 30 years; however, the County may withdraw from the Interlocal Agreement on October first of any year upon 90 advance days notice. Countywide (MC)
  
2. Staff recommends motion to approve: Amendment No. 2 to the Amended and Restated Agreement (R2007-1622) dated September 25, 2007 with the Palm Beach County Cultural Council, Inc. relating to the Cultural Council's role as the County's representative on the South Florida Cultural Consortium (SFCC). **SUMMARY:** This amendment to the Amended and Restated Agreement provides the terms and conditions under which the Cultural Council will act as the County's representative on the South Florida Cultural Consortium, including the provision that neither the Cultural Council, its designee, employee, representative nor agent shall obligate the County to any financial or monetary contribution or commitment to the Consortium. Countywide (MC)

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4. REGULAR AGENDA

A. ADMINISTRATION

**TIME CERTAIN 11:30 A.M.**

1. **Staff recommends motion to receive and file:** presentation of the 2011 Legislative Session Final Report. **SUMMARY:** A presentation of the final legislative report reviewing Palm Beach County's 2011 State Legislative Agenda priorities and appropriations with the Board of County Commissioners. Countywide (DW)
  
2. **Staff recommends motion to approve:** Amendment No. 3 to Agreement R2007-0360 with Tripp Electric Motors, Inc. to revise the job creation requirement from 27 full-time equivalent jobs to 12 full-time equivalent jobs and extend the expiration date from June 30, 2009, to December 31, 2014. **SUMMARY:** On March 13, 2007, the Board of County Commissioners approved a Community Development Block Grant (CDBG) Economic Set-Aside Agreement with Tripp Electric Motors, Inc. (Tripp) totaling \$400,000 for the purchase and installation of specialized equipment and parking lot improvements. Through this funding, Tripp was provided \$14,814.81 per job to create 27 full-time equivalent (FTE) jobs for low and moderate income residents in the Lake Okeechobee region. Tripp completed the project activity, however, due to the economic downturn has been unable to fulfill the job creation requirement. The company created 4.5 FTE jobs during the contract period in addition to the existing 15.5 FTE jobs hired at the time of the Agreement. The U.S. Dept. of Housing and Urban Development (HUD) requirement is to create or retain at least one (1) FTE permanent job per \$35,000 of CDBG funds used as per CFR 24 § 570.209(b)(1)(i). This Amendment No. 3 will assist the business by lowering the job creation total to 12 FTE jobs (\$33,333 per FTE), which is more in line with HUD guidelines and extending the expiration date from June 30, 2009 to December 31, 2014. Tripp Electric Motors, Inc. will be required to reimburse Palm Beach County \$33,333.33 for each job not created and/or maintained at the end of the job creation and/or maintenance period. District 6 (DW)
  
3. **Staff recommends motion to:**
  - A) **reject** all received bids and cancel Palm Beach County Purchasing Bid #11-058/CC; and
  - B) **approve** the use of State of Florida Office and Educational Consumables Contract No. 618-000-11-1, as amended, with Office Depot, Inc. for the purchase of office supplies.

**SUMMARY:** Bid #11-058/CC was issued by the Palm Beach County Purchasing Department for the purpose of establishing a new term contract for the purchase of office supplies. Four (4) vendors submitted bids. Analysis of the bids revealed that all bids exceeded the pricing available under the State of Florida contract by 6% or more. Pursuant to Sections 2-54(c)(7) and (8) of the Purchasing Code, the Board of County Commissioners may reject any and all bids solicited through a formal competitive bid process. Additionally, Purchasing Code Section 2-54(f)(5) allows the County to use federal, state or municipal contracts for the purchase of goods or services provided that the originating entity utilized a competitive process similar to the County's and the same terms and conditions are offered by the vendor and accepted by the County. The State of Florida contract with Office Depot, Inc. meets these conditions. Utilization of the State contract will result in an estimated annual cost savings of approximately \$115,000 (compared to the low bidder), based on average County spending for office supplies over the last three (3) years. Office Depot, Inc. is headquartered in Palm Beach County. Countywide (DW)

4. REGULAR AGENDA

B. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** a continuing proxy appointing Commissioner Karen T. Marcus as Palm Beach County's representative for purposes of voting at the June 10, 2011, landowners' annual meeting and any subsequent landowners' meetings of the Pal Mar Water Control District. **SUMMARY:** This proxy authorizes Commissioner Marcus to vote on behalf of the County at the annual landowners' meeting on June 10, 2011 and thereafter until revoked. The number of acres now owned by Palm Beach County is 228.63. District 1 (JCM)
  
2. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance of not exceeding \$9,000,000 Housing Finance Authority of Palm Beach County, Florida Governmental Lender Notes (Westgate Plaza Apartments Project) (the "Notes") within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended, the proceeds of which are to be used to make a mortgage loan to Westgate Plaza Apartments, Ltd. to be used to finance the costs of the acquisition, construction and equipping of an approximately 80 unit multifamily rental housing development for families of low or moderate income; approving the payee of the notes within the meaning of Ordinance No. 2002-022; providing for a repealer; and providing an effective date. **SUMMARY:** The Notes are being issued by the Housing Finance Authority of Palm Beach County, Florida (the "Authority"), pursuant to a plan of finance, to finance a portion of the costs of acquisition, construction and equipping by Westgate Plaza Apartments, Ltd. (the "Borrower") of an approximately 80 unit multifamily rental housing facility to be known as Westgate Plaza Apartments, to be located on the south side of Westgate Avenue, approximately 220 feet west of Quail Drive, in the unincorporated area of Palm Beach County, Florida, to be rented to qualified persons and families in Palm Beach County, Florida (the "County") as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The Notes will be a direct loan from Citibank, N.A. or an affiliate thereof. **The Notes will be payable solely from revenues derived from the Borrower, and neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Notes.** District 2 (PFK)
  
3. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution No. R2011-0079 to increase the authorized amount of Bond Anticipation Notes, Series 2011 (Pre-Development CCRC Project) from not exceeding \$9,000,000 to not exceeding \$9,450,000; and providing an effective date. **SUMMARY:** On January 11, 2011, the Board adopted Resolution No. R2011-0079 authorizing the issuance of not to exceed \$9,000,000 Palm Beach County, Florida Bond Anticipation Notes, Series 2011 (Pre-Development CCRC Project) (the "Notes") to finance the pre-development costs of a continuing care retirement community on behalf of the Jewish Federation of South Palm Beach County, Inc. The prospective purchaser of a majority of the principal amount of the Notes has requested that a certain amount of proceeds be used to pay capitalized interest on the Notes. In order to satisfy such request and be able to sell the Notes under current market conditions, it is necessary to increase the authorized amount of the Notes from not to exceed \$9,000,000 to not to exceed \$9,450,000 in aggregate principal amount. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premium, if any, or interest on the Notes.** District 6 (PFK)

4. REGULAR AGENDA

C. ENGINEERING & PUBLIC WORKS

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on Tuesday, June 21, 2011 at 9:30 a.m.:](#) an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program; providing for title; purpose; adoption of revised Five Year Road Program and revised list of projects contained in Exhibit "A"; implementation of the Program; modification of Program; funding of other roadway improvements, interpretation of exhibit; repeal of laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date. **SUMMARY:** A Mid Year Modification of the Palm Beach County Five Year Road Program is contemplated in the Traffic Performance Standards and allows the Board of County Commissioners, through the adoption of an ordinance, to delete projects from the Program two times a year. Exhibit "A" to the Ordinance is a list of proposed projects for the next five (5) years and contains certain changes and modifications. This list is submitted for the Board of County Commissioners' consideration on preliminary reading today, with the final list to be approved with the Ordinance at public hearing on Tuesday, June 21, 2011. Countywide (MRE)

D. FACILITIES DEVELOPMENT & OPERATIONS

1. [Staff recommends motion to approve:](#)
  - A)** a Modification of Deed Restrictions for a 5.57 acre parcel located south of Pioneer Road and west of the Florida Turnpike conveyed to KidSanctuary, Inc., on June 6, 2006 (R2006-1043); and
  - B)** a retroactive consent to a transfer of ownership to KidSanctuary Campus, Inc., a Florida non-profit corporation.

**SUMMARY:** On June 6, 2006, the Board conveyed the 5.57 acre parcel located south of Pioneer Road and west of the Florida Turnpike to KidSanctuary, Inc., a non-profit corporation, at no cost. The County Deed provided that the property would automatically revert to the County under certain circumstances including the property owner's failure to meet certain construction and/or operational deadlines, or the property owner's conveyance of the property to an unrelated entity without prior Board consent to the conveyance. KidSanctuary, Inc., conveyed the property in 2008 to KidSanctuary Campus, Inc., a separate non-profit corporation, without obtaining County consent to the conveyance. KidSanctuary Campus, Inc., requested an extension to the deadlines contained in the County Deed, and Staff requested Board direction. This Modification of Deed Restrictions will implement the April 5, 2011, Board direction to provide an extension to construct the facility in five (5) phases over a 15 year period expiring on February 1, 2026, and provide a retroactive consent to transfer of ownership from KidSanctuary, Inc., to KidSanctuary Campus, Inc. The assessed value of the property is \$279,481. The property furthers no County function, and the Modification of Deed Restrictions will allow KidSanctuary Campus additional time to construct its facilities. **This Modification of Deed Restrictions must be approved by a supermajority vote (5 Commissioners).** (PREM) District 6 (HJF)



4. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS (CONT'D)

2. Staff recommends motion to:

**A) rescind** Board approval of an Interlocal Agreement with the City of Belle Glade (City) as submitted on October 20, 2009 (R2009-1772);

**B) approve** an Interlocal Agreement with the City providing for the City's donation of an approximate 0.82 acre parcel of real property located in Belle Glade to the County, together with an access easement; and

**C) approve** payment of \$142.69 for non-ad valorem real property taxes.

**SUMMARY:** On October 20, 2009, the Board approved an Interlocal Agreement for the City's donation of a 0.82 acre parcel of land for fire rescue purposes and the County's donation of \$75,000 to be applied towards the City's re-configuration of the master plan of their new municipal complex. The 0.82 acres is adjacent to the existing Fire Rescue Station No. 73 property and is located within the City's municipal services compound. After the Board's approval, the City made changes to the Interlocal Agreement to require the County to accept title subject to certain existing title exceptions, including State reservations, which could have impacted the County's development plans. Staff has worked over the past year obtaining partial releases of the reservations from the State. With the partial releases being recorded, the status of title is now acceptable. The City has also requested that the County pay the City's portion of the 2011 non-ad valorem tax, which is estimated to be \$142.69. This item rescinds the Interlocal Agreement approved by the Board and replaces it with the version approved by the City. **This donation must be approved by a supermajority vote (5 Commissioners).** (PREM) District 6 (HJF)

3. Staff requests Board direction: regarding implementation of the Town of Lake Park's Marina Project pursuant to the Interlocal Agreement with the Town. **SUMMARY:** On November 16, 2010, the County and the Town entered into an Interlocal Agreement (R-2010-1943) which provided the Town with \$2.4 Million for acquisition of .8 acres of land adjacent to the Marina for expansion of boat trailer parking. The Town closed on the acquisition in December 2010 using the County's grant funding. The Interlocal Agreement required the Town to complete the boat trailer parking lot renovation within 24 months. The Interlocal Agreement also requires that the Town close the southernmost section of Lake Shore Drive and construct a pedestrian promenade within 60 months. Recently, Staff has been informed that the Town Council, in response to complaints raised by neighboring residents, may be reconsidering its commitment to closing Lake Shore Drive and constructing the pedestrian promenade as required by the Interlocal Agreement. While Staff has not received a request from the Town to modify the Interlocal Agreement and the Town has up to 60 months to complete the pedestrian promenade phase of the project, Staff believes that it would be helpful to clarify the Board's position on this issue prior to the Town committing to a position on the issue with the objecting neighbors. (PREM) District 1/Countywide (HJF) (FDO)

4. REGULAR AGENDA

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff requests Board direction: on the sale of two (2) surplus pickup trucks to the Suwannee Water & Sewer District of Dixie County, Florida, at less than fair market value. **SUMMARY:** The Suwannee Water & Sewer District (District), an entity of Dixie County, sent a letter to the Board of County Commissioners (BCC) requesting consideration to purchase two (2) vehicles that are coming up for sale at the County's next thrift store auction. The trucks have a combined fair market value of \$9,875. Due to the District's limited resources, they also requested assistance or relief regarding the sale price. The discounted sale or donation of surplus assets to an entity outside of Palm Beach County requires BCC approval. Staff does not recommend a sale at below fair market value. Countywide (PFK)

F. PUBLIC SAFETY

1. Staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida approving revised and new fees and fines for the Palm Beach County Division of Animal Care and Control. This Resolution repeals the following resolutions: R2007-2119, R2008-0448, and R2011-0331. **SUMMARY:** This Resolution establishes guard dog permit fees and amends guard dog license tag fees and registration fees; increases the permit fees for commercial breeders and pet shops; provides for a partial refund of permit fees when permits are denied after review; repeals nuisance complaint fees; increases bite investigation fees, where an officer responds; establishes an appeal bond; and establishes a category IV citation offense for certain manner of keeping violations. Countywide (SF)

G. SHERIFF'S OFFICE

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on June 21, 2011 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code Chapter 3, Article II, (Ordinance No. 2008-060) pertaining to nightclub security; amending section 3-22 definitions; amending section 3-23 security/law enforcement presence; providing for applicability; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing captions; and providing an effective date. **SUMMARY:** In 2008, the Board of County Commissioners adopted Palm Beach County Code Chapter 3, Article II (Ord. No. 2008-060) regulating nightclub security. The Sheriff's Office has requested that the Ordinance be amended to require that all security officers at nightclubs be licensed by the State of Florida as Class "D" officers. The requirement that security officers complete a training course approved by the Sheriff's Office has been deleted at the request of the Sheriff's Office. Additionally, the Sheriff's Office has requested that the Board of County Commissioners remove the Special Restaurant Exemption as there are establishments which are currently exempt from the Nightclub Ordinance but are in fact operating as nightclubs. The Sheriff's Office has documented almost 200 calls for service at these exempt establishments. Removing the exemption, will require that these establishments comply with the security requirements of the Nightclub Ordinance and will serve to protect the health, safety and welfare of patrons at these establishments. Countywide (DW)

4. REGULAR AGENDA

H. COMMUNITY SERVICES

1. **Staff recommends motion to receive and file:** the *Report of Health & Human Services In Palm Beach County – Based on Key Community Indicators 2010*. **SUMMARY:** The *Report of Health & Human Services In Palm Beach County – Based on Key Community Indicators 2010* is intended for use as a guide to making decisions and promoting community participation in government for those involved in health and human services. The plan was developed by the Citizens Advisory Committee on Health and Human Services (CAC) and supported by the Department of Community Services and numerous subject matter experts. The CAC approved the plan on May 12, 2011, after a 16-month development process that included extensive research on community models, input from public agency representatives, service providers, funders, the general public, and numerous workshop sessions. The impetus for this plan was to create a “snapshot” of information that creates a general framework to be used by the Board of County Commissioners, County Administration and the CAC in making decisions about the development of the community’s social services programs. It is advisory in nature and contains text, graphics, quotes and statistics that together form a publication conveying information about 16 Service Categories relating to the Palm Beach County Comprehensive Plan- Health & Human Services Element. Countywide (TKF)

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5. BOARD APPOINTMENTS

A. **ADMINISTRATION**  
**(Workforce Alliance, Inc.)**

1. **Staff recommends motion to approve:** reappointment of the following individual to the Workforce Alliance, Inc. Board (Alliance Board) for the term June 7, 2011, to January 31, 2014:

<b><u>Nominee</u></b>	<b><u>Seat No.</u></b>	<b><u>Seat Requirement</u></b>	<b><u>Nominated by:</u></b>
<b>REAPPOINT</b> George T. Elmore	18	Private Sector/PBC Resident	Comm. Marcus Comm. Burdick Comm. Vana Comm. Abrams Comm. Aaronson Comm. Taylor

**SUMMARY:** The Alliance Board is comprised of a minimum of 35 members, of which at least 51% of the representatives are from the private sector with an emphasis on CEO's or the highest level of management positions. Other representatives are local educational entities, labor organizations, community-based organizations, economic development agencies, etc. Per the County's Agreement with Workforce Alliance, Inc., the BCC appoints 17 of the private sector representatives. On May 3, 2011, a memo was distributed to the BCC requesting support for the reappointment of Mr. Elmore. Mr. Elmore has served on the Alliance Board since August 2003 has expressed a desire to be reappointed. No other nominations were received. Mr. Elmore has disclosed that he has an ownership position in a business, Hardrives Construction, Inc. that contracts with the County for highway construction and repaving. The Alliance Board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract(s). Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. Countywide (TKF)

**(Water Resource Task Force)**

2. **Staff recommends motion to ratify:** Michael Mullaugh of the City of Boca Raton as a member for one (1) of the League of Cities seats on the Palm Beach County Water Resources Task Force (Seat No. 2), effective June 7, 2011. **SUMMARY:** The Water Resources Task Force is comprised of 14 members: six (6) City elected officials; one (1) County Commissioner; one (1) special independent district water and/or wastewater provider or utility water or wastewater provider representative; one (1) Lake Worth Drainage District representative; one (1) drainage/water control district representative; one (1) South Florida Water Management District Governing Board member; one (1) environmental representative; one (1) land owner actively farming to represent agricultural interests; one (1) Indian Trail Improvement District representative. The resolution also requires designated alternates for each seat. Due to the recent resignation of a couple of the League of Cities Task Force members, two (2) new members will need to be filled. However, the League of Cities is only submitting one (1) member at this time for ratification by the Board of County Commissioners. Countywide (MJ)

5. BOARD APPOINTMENTS

A. **ADMINISTRATION (CONT'D)**  
**(Fire Rescue Level of Service Committee)**

3. **Staff recommends motion to approve:** reappointment of one (1) member to the Fire Rescue Level of Service Committee each for a term of three (3) years from June 7, 2011, through June 6, 2014:

<b><u>Nominee</u></b>	<b><u>Seat</u></b>	<b><u>Category</u></b>
Michael J. Mayo	7	Labor Representative

**SUMMARY:** Palm Beach County Resolution R2004-0494 established the Fire Rescue Level of Service Committee (LOS Committee). It consists of nine (9) members representing specific categories, each serving a term of three (3) years after the initial start up. The LOS Committee recommends reappointment of Michael J. Mayo. The incumbent desires to continue to serve, is eligible for reappointment and was in attendance at the past calendar year LOS Committee meetings. Countywide (SB)

**(Boca Raton Airport Authority)**

4. **Staff recommends motion to approve:** reappointment of the following individuals to the Boca Raton Airport Authority (Authority) for the term June 7, 2011, to May 31, 2013:

<b><u>Nominee</u></b>	<b><u>Seat No.</u></b>	<b><u>Seat Requirement</u></b>	<b><u>Nominated by:</u></b>
Cheryl Budd	6	Palm Beach County Resident/ (Greater Boca Raton Reserve Area)	Comm. Burdick Comm. Abrams Comm. Aaronson Comm. Taylor
Willard "Bill" Schwartz	7	Palm Beach County Resident/ (Greater Boca Raton Reserve Area)	Comm. Burdick Comm. Abrams Comm. Aaronson Comm. Taylor

**SUMMARY:** The Authority created by Chapter 2004-468, Laws of Florida, is comprised of seven (7) members: five (5) members are appointed by the City of Boca Raton and must reside within the municipality; and two (2) members are appointed by the Board of County Commissioners (BCC) and must reside within the Greater Boca Raton Reserve Area. The above two (2) representatives' terms expired June 1, 2011. Both representatives have expressed a desire to continue on the Authority and are eligible for reappointment. While the Airport is located in District 4, it also has an impact on District 5. Historically, staff has requested nominations for the Authority from the District 4 and District 5 Commissioners. Both Commissioner Abrams and Aaronson indicated a desire to reappoint Ms. Budd and Mr. Schwartz. On May 13, 2011, a memo was distributed to the entire BCC requesting support of the nominees for reappointment. District 4 (AH)

5. BOARD APPOINTMENTS

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

1. Staff recommends motion to approve: one (1) reappointment to Seat No. 7 to the Fire Code Board of Appeals and Adjustments Committee for a three (3) year term beginning June 7, 2011, through June 6, 2014:

**Reappoint:**

<u>Nominee</u>	<u>Category</u>	<u>Seat No.</u>	<u>Nominated By</u>
Roy Pollack	Fire Alarm Contractor	7	Commissioner Marcus Commissioner Burdick Commissioner Aaronson

**SUMMARY:** The Fire Code Board of Appeals and Adjustments is maintained in accordance with the Palm Beach County Local Amendments to the Florida Fire Prevention Code (Ordinance 2008-045). On April 1, 2011, a memo was distributed to the Commissioners requesting nominations to this nine (9)-member Board (At-Large). This Board is appointed by the Board of County Commissioners and members serve three (3) year terms, with no limit on the number of terms an individual may serve. No other nominations were received. Countywide (PK)

2. Staff recommends motion to approve: one (1) reappointment to Seat No. 8 to the Fire Code Board of Appeals and Adjustments Committee for a three (3) year term beginning June 7, 2011, through June 6, 2014:

**Appoint:**

<u>Nominee</u>	<u>Category</u>	<u>Seat No.</u>	<u>Nominated By</u>
Daniel Thompson	Mechanical Engineer	8	Commissioner Marcus Commissioner Burdick Commissioner Abrams Commissioner Vana Commissioner Aaronson Commissioner Taylor

**SUMMARY:** The Fire Code Board of Appeals and Adjustments is maintained in accordance with the Palm Beach County Local Amendments to the Florida Fire Prevention Code (Ordinance 2008-045). On May 5, 2011, a memo was distributed to the Commissioners requesting nominations to this nine (9) member Board (At-Large). This Board is appointed by the Board of County Commissioners and members serve three (3) year terms, with no limit on the number of terms an individual may serve. No other nominations were received. Countywide (SB)

C. INTERNAL AUDIT  
(Internal Audit Committee)

1. Staff recommends motion to approve: reappointment of Dr. Alan Friedberg to the Palm Beach County Internal Audit Committee Seat No. 5 for a three (3) year term from August 17, 2011, to August 16, 2014. **SUMMARY:** Palm Beach County Ordinance 2010-006 established the Internal Audit Committee. The Ordinance requires five (5) members to serve on the Internal Audit Committee for staggered terms of three (3) years. The Ordinance also requires the Internal Audit Committee to make recommendations to the Board of County Commissioners regarding qualified candidates. The Audit Committee unanimously decided to recommend the reappointment of Dr. Alan Friedberg to a three (3) year term on the Committee. Countywide (PFK)

5. BOARD APPOINTMENTS

D. **CRIMINAL JUSTICE COMMISSION**  
**(Criminal Justice Commission)**

1. **Staff recommends motion to approve:** the recommendations of the Economic Council to the Criminal Justice Commission for Susan Yoffee to serve as a private sector member. Her term will begin June 7, 2011 and expire December 31, 2013 as follows:

<b><u>Appoint Nominee</u></b>	<b><u>Seat No.</u></b>	<b><u>Term to Expire</u></b>
Ms. Susan Yoffee	29	12/31/13

**SUMMARY:** The Criminal Justice Commission (CJC) is comprised of 33 members including elected officials and representatives from private and public sectors. The 12 private sector members are nominated for three (3) year terms by the Economic Council of Palm Beach County, Inc. and appointed by the Board of County Commissioners. The Council has nominated Ms. Susan Yoffee for appointment effective June 7, 2011. Countywide (GB)

E. **PALM TRAN**  
**(Palm Tran Service Board)**

1. **Staff recommends motion to approve:** reappointment of three (3) at-large members from the following categories to the Palm Tran Service Board:

<b><u>Nominee</u></b>	<b><u>Category &amp; Seat Number</u></b>	<b><u>Term to Expire</u></b>	<b><u>Nominated By</u></b>
Terry Brown	Representative with Transportation Experience Seat No. 1	6/28/2012	Comm. Abrams Comm. Burdick Comm. Taylor
Charles Falana	Representative of the Diverse Communities Seat No. 6	6/6/2013	Comm. Burdick Comm. Taylor
Jayne King	Fixed Route Bus Rider Seat No. 9	6/6/2013	Comm. Abrams Comm. Marcus Comm. Santamaria

**SUMMARY:** The Palm Tran Service Board (PTSB) was established December 18, 2001 (R2001-2241), as amended April 2, 2002 (R2002-0485), and is currently comprised of 13 at-large voting members from 13 categories appointed by the Palm Beach County Board of County Commissioners. Members may serve two (2) year terms with no limit on reappointments. The above individuals have been on the PTSB in good standing, and have indicated their desire to continue to serve subsequent terms. Staff is recommending a realignment of these individuals to the named seats as it is a better fit for the board and the members. A memo dated April 21, 2011 was circulated to the Board of County Commissioners along with the Board Appointment Nomination Forms. This same memo also requested nominations for several various seats that are open at this time. Countywide (DR)

F. **COMMISSION DISTRICT APPOINTMENTS**

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**JUNE 7, 2011**

**6. MATTERS BY THE PUBLIC – 2:00 P.M.**

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**JUNE 7, 2011**

**7. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**JUNE 7, 2011**

**8. COMMISSIONER COMMENTS**

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

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

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

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

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

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

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

**9. ADJOURNMENT**

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

BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JUNE 7, 2011

<u>PAGE</u>	<u>ITEM</u>	
6	2C-7	<b><u>DELETED:</u></b> Proclamation declaring May 1 – 7, 2011 as “National Goodwill Week” (Sponsored by Commissioner Abrams)
14	3L-3	<b><u>DELETED:</u></b> <b>Staff recommends motion to approve:</b> Work Order No. 0647-1 to the Palm Beach County Artificial Reef and Breakwater Project No. 2010ERM06 Contract (R2011-0647) with Shoreline Foundation, Inc. (SFI) for the construction of the Jupiter Ridge Breakwater Project consisting of 23 breakwaters along 5,100 lineal feet of Intracoastal Waterway shoreline at an estimated cost of \$1,139,733.70. (ERM) (Further staff review)

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