

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

**JULY 19, 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 7)
- 3. CONSENT AGENDA (Pages 8 - 37)**
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 38 - 39)**
- 5. REGULAR AGENDA (Pages 40 - 44)**
- 6. BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD (Page 45)**
- 7. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD (Page 46)**
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**PUBLIC HEARINGS – 9:30 A.M.**

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**JULY 19, 2011**

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

1. Special Presentation to the Board of County Commissioners by Audubon International, Inc. for Osprey Point Golf Course.
  
2. Proclamation declaring July 10 – 16, 2011, as “Contract Management Week” in Palm Beach County. (Sponsored by Commissioner Santamaria)

\* \* \* \* \*

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** the nomination of Bob Newmark as the Chairperson of the Housing Finance Authority of Palm Beach County (HFA) for the term of June 2011 through May 2012. **SUMMARY:** At the regular HFA meeting of June 10, 2011 the HFA board nominated Bob Newmark as its Chairperson to serve a second consecutive and final term of one (1) year in accordance with Ordinance No. 2002-022. This ordinance requires the nomination of the Chairperson to be submitted to the Board of County Commissioners for approval. (Housing Finance Authority) Countywide (TKF)
  
2. **Staff recommends motion to receive and file:** Executed Agreements with Concrete Services, LLC for a Section 108 Loan in the amount of \$250,000:
  - A) U.S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program Variable/Fixed Rate Note B-08-UC-12-0004 in the amount of \$250,000;
  - B) Request for Advance dated July 13, 2010, from Palm Beach County to HUD for a Section 108 Loan in the amount of \$250,000, under Loan Commitment No. B-08-UC-12-0004 for Concrete Services, LLC;
  - C) Letter of Opinion from County's Counsel to Secretary of U.S. Department of HUD dated June 24, 2010;
  - D) Loan Commitment letter from Palm Beach County to Concrete Services, LLC dated April 1, 2010, for a \$250,000 Section 108 Loan;
  - E) Palm Beach County Restated Section 108 Promissory Note dated June 24, 2010, in the amount of \$250,000;
  - F) Section 108 Loan Program Agreement dated June 24, 2010, to grant financing with a Section 108 Loan in the amount of \$250,000 dated June 24, 2010;
  - G) Loan Agreement dated June 24, 2010, in the principal amount of \$250,000 for Working Capital;
  - H) Mortgage and Security Agreement (with Assignment of Leases and Rents) dated June 24, 2010, and recorded with Palm Beach County Clerk and Comptroller on June 28, 2010, for a maximum principal indebtedness not to exceed \$250,000;
  - I) Guaranty Agreement for Palm Beach County to make a loan in the total principal amount of \$250,000 dated June 24, 2010;
  - J) Environmental Indemnity Agreement dated June 24, 2010, for the property located at 2976 Lark Road Palm Springs, FL 33406;
  - K) Intercreditor Agreement dated June 24, 2010, and recorded with Palm Beach County Clerk and Comptroller on February 11, 2011, among Regent Bank, Florida Business Development Corporation, Palm Beach County, Concrete Services LLC, Patrick Shawn Free, and Eric C. Kontos;
  - L) Further Assurances dated June 24, 2010, to execute other documents and assurances, and correct errors or omissions in connection with the \$250,000 Section 108 Loan;
  - M) State of Florida Uniform Commercial Code Financing Statement Form recorded with the Palm Beach County Clerk & Comptroller on June 28, 2010;



3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

2. MOTION/TITLE CONTINUED

**N)** State of Florida Uniform Commercial Code Financing Statement Form filed with the State of Florida on July 2, 2010; and

**O)** Mortgage Title Insurance Policy No. MPF-4017994 for \$250,000 in favor of Palm Beach County, issued by Old Republic National Title Insurance Company through Attorneys' Title Fund Services, LLC, effective June 28, 2010.

**SUMMARY:** In accordance with the County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Agreements have been executed on behalf of the Board of County Commissioners (Board) by the County Administrator or his designee in accordance with Resolution R2009-0725, and are now being submitted to the Board to receive and file. (EDO) District 3 (DW)

3. Staff recommends motion to receive and file: Executed Agreements with Donia Adams Roberts, P.A. for a Section 108 Loan in the amount of \$265,000:

**A)** U.S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program Variable/Fixed Rate Note B-08-UC-12-0004 in the amount of \$265,000;

**B)** Request for Advance dated December 3, 2010, from Palm Beach County to HUD for a Section 108 Loan in the amount of \$265,000, under Loan Commitment No. B-08-UC-12-0004 for Donia Adams Roberts, P.A.;

**C)** Letter of Opinion from County's Counsel to Palm Beach County dated December 1, 2010;

**D)** Letter of Opinion from Borrower's Counsel to Palm Beach County and County's Counsel dated December 1, 2010;

**E)** Loan Commitment letter from Palm Beach County to Donia Adams Roberts, P.A., dated August 16, 2010, for a \$265,000 Section 108 Loan;

**F)** Palm Beach County Section 108 Promissory Note dated November 23, 2010, in the amount of \$265,000;

**G)** Section 108 Loan Program Agreement dated November 23, 2010, to grant financing with a Section 108 Loan in the amount of \$265,000;

**H)** Loan Agreement dated November 23, 2010, in the principal amount of \$265,000 for the construction and renovation of improvements located on the Property, acquisition of machinery and equipment, working capital, financing of soft costs, and funding the capitalized interest account;

**I)** Mortgage and Security Agreement (with Assignment of Leases and Rents) dated November 23, 2010, and recorded with Palm Beach County Clerk and Comptroller on January 14, 2011, for a maximum principal indebtedness not to exceed \$265,000;

**J)** Security Agreement dated November 23, 2010, for a maximum principal indebtedness not to exceed \$265,000;

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

3. MOTION/TITLE CONTINUED

**K)** Subordination Agreement dated November 23, 2010, among Donia Adams Roberts (Subordinated Party), Palm Beach County, and Donia Adams Roberts, P.A. (Borrower);

**L)** Guaranty Agreement for Palm Beach County to make a loan in the total principal amount of \$265,000, dated November 23, 2010;

**M)** Environmental Indemnity Agreement dated November 23, 2010, for the property located at 257 Southeast Dr. Martin Luther King, Jr. Boulevard, Belle Glade, FL 33430;

**N)** Further Assurances dated November 23, 2010, to execute other documents and assurances, and correct errors or omissions in connection with the \$265,000 Section 108 Loan;

**O)** State of Florida Uniform Commercial Code Financing Statement Form recorded with the Palm Beach County Clerk & Comptroller on January 14, 2011;

**P)** State of Florida Uniform Commercial Code Financing Statement Form filed with the State of Florida on January 13, 2011; and

**Q)** Mortgage Title Insurance Policy MPF-8030142 for \$265,000 in favor of Palm Beach County, issued by Old Republic National Title Insurance Company through Donia A. Roberts, P.A., effective January 14, 2011.

**SUMMARY:** In accordance with the County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Agreements have been executed on behalf of the Board of County Commissioners (Board) by the County Administrator or his designee in accordance with Resolution R2009-0725, and are now being submitted to the Board to receive and file. (EDO) District 6 (DW)

4. Staff recommends motion to approve: two (2) 16-month contracts for Federal Lobbying for the period of July 2011 – October 2012 in the total amount of \$120,000 as described below:

**A)** a Contract with Becker & Poliakoff in the amount of \$60,000; and

**B)** a Contract with Alcalde & Fay in the amount of \$60,000.

**SUMMARY:** Palm Beach County posted RFP No. 11-033/SC for individuals and firms to respond to a request to provide federal lobbying services for Palm Beach County. The RFP provides for the County to enter into a contract with one (1) or more firms for an initial 16-month period with the option for renewal of up to three (3) 12-month contracts. Nine (9) firms responded to the RFP. The County was unable to negotiate a contract with the top scoring firm due to a conflict of interest. The County negotiated with the next two (2) highest ranking firms and believes that dividing the contract between the two (2) would best serve the needs of the County. The amount for the contracts reflects \$15,000 budgeted for the current fiscal year and \$45,000 budgeted for the next fiscal year for each of the two (2) contracts for a total of \$120,000. Countywide (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

5. Staff recommends motion to approve: a Sustainable Communities Grant Consortium Agreement with the South Florida Regional Planning Council in accordance with the U.S. Department of Housing and Urban Development Sustainable Communities Initiative (SCI) Grant application requirements. **SUMMARY:** On May 18, 2010, the Palm Beach County Board of County Commissioners approved a Memorandum of Understanding (R2010-0801) with the Treasure Coast and South Florida Regional Planning Councils establishing a working partnership for the SCI Grant application. Palm Beach County is one (1) of 130 organizations which make up the Southeast Florida Regional Partnership (Partnership). The Partnership was subsequently selected as one (1) of 45 recipients of the first round of SCI Grants in 2010, receiving an award of \$4.25 Million. The purpose of the Consortium Agreement is to formalize the roles and commitments of the Consortium participants in working with the Partnership over the next three (3) years to create and lay the foundation for implementation of the Regional Vision and Blueprint. **Under the terms of the Agreement, Palm Beach County would provide in-kind services over a three (3) year period worth a total amount of \$24,960.** Countywide (DW) (Admin/EDO)

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>
Regular	June 7, 2011
Budget	June 13 2011
Regular	June 21, 2011
Zoning	June 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
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 May 2011. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **DELETED**

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. **Staff recommends motion to receive and file:** Change Order No. 11 in the amount of \$61,145.08 and a time extension of four (4) days to Contract No.'s 2000503 and 2000504 with Ranger Construction Industries, Inc. for construction of Okeechobee Boulevard from Royal Palm Beach High School Entrance to east of Florida's Turnpike. **SUMMARY:** Change Order No. 11 in the amount of \$61,145.08 is necessary for the modification of signals at various locations on Okeechobee Boulevard. Change Order No. 11 also includes a four (4) day time extension. This Receive and File is being brought to the Board of County Commissioners because Change Order No. 11 exceeds the project's \$250,000 cumulative threshold as referenced in PPM CW-F-50. Districts 2 & 6 (MRE)
  
3. **Staff recommends motion to approve:** Change Order No. 12 in the amount of \$113,078 and a 45 day time extension to Contract No.'s 2000503 and 2000504 with Ranger Construction Industries, Inc. for construction of Okeechobee Boulevard from Royal Palm Beach High School Entrance to east of Florida's Turnpike contract. **SUMMARY:** Approval of Change Order No. 12 will compensate for costs and delays associated with the added construction of slope pavement along with re-grading to match the adjacent existing embankment slopes at the new pedestrian bridges at Florida's Turnpike per Attachments A and B. Change Order No. 12 is being brought to the Board of County Commissioners because it exceeds the individual change order \$100,000 threshold as referenced in PPM CW-F-50. Districts 2 & 6 (MRE)
  
4. **Staff recommends motion to approve:**  

**A)** a Contract with J. W. Cheatham, LLC (Cheatham), in the amount of \$575,085.45 for the construction of Haverhill Road and Dyer Boulevard Intersection Improvements (Project); and

**B)** a Budget Amendment of \$23,313 in the Road Impact Fee Fund – Zone 2 to recognize reimbursement funding from the City of Riviera Beach for \$22,733 and Florida Public Utilities for \$580 and appropriate it to Haverhill Road and Dyer Boulevard Intersection.

**SUMMARY:** Approval of this Contract and Budget Amendment will allow Palm Beach County (County) to issue a Notice to Proceed to Cheatham, a Palm Beach County company, to begin construction of the Project. The Palm Beach County Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed for the Project by Cheatham is 15.25%. District 7 (MRE)
  
5. **Staff recommends motion to approve:**  

**A)** a Contract with DP Development of the Treasure Coast, LLC (DPD) in the amount of \$1,115,574.05 for the construction of Central Boulevard, Church Street to Longshore Drive (Project); and

**B)** a Budget Amendment of \$16,542 in the Road Impact Fee Fund – Zone 1 to recognize reimbursement funding from AT&T for \$2,875 and Loxahatchee River District for \$13,677 and appropriate it to Central Boulevard, Church Street to Longshore Drive.

**SUMMARY:** Approval of this Contract and Budget Amendment will allow Palm Beach County to issue a Notice to Proceed to DPD, a Palm Beach County company, to begin construction of the Project. The Palm Beach County Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed for the Project by DPD is 61.03%. District 1 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

6. Staff recommends motion to approve: an Agreement in the amount of \$644,235.53 with HSQ Group, Inc., (HSQ) for professional services. **SUMMARY:** Approval of this Agreement will provide the professional services necessary for the preparation of design plans and construction bid documents to widen Lyons Road from Lantana Road to Lake Worth Road from two (2) lanes to four (4) lanes, a distance of two (2) miles. HSQ is a Palm Beach County company. Districts 2 & 6 (MRE)
  
7. **DELETED**
  
8. Staff recommends motion to approve: a Joint Participation and Project Funding Agreement (Agreement) with the Loxahatchee River District (District) in the amount of \$13,667.50 for utility adjustments at Central Boulevard from Church Street to Longshore Drive. **SUMMARY:** Approval of this Agreement will allow Palm Beach County (County) and the District to jointly participate in the utility adjustments to the sewage transmission system and other improvements along the right-of-way. The District agrees to reimburse the County for the cost of these utility adjustments and other improvements. District 1 (MRE)
  
9. **DELETED**
  
10. Staff recommends motion to approve: the addition of Seminole Pratt Whitney Road pathway from 3,500 feet south of the M Canal to the M Canal (Project) to the Fiscal Year 2009/2010 and 2008/2009 Pathway Programs. **SUMMARY:** Approval of this Project will allow the construction of a pathway on Seminole Pratt Whitney Road that will tie into an existing pathway serving the students of Seminole Ridge High School. District 6 (MRE)
  
11. Staff recommends motion to approve: an Interlocal Agreement with the Westgate/Belvedere Community Redevelopment Agency (CRA) for the repayment of up to \$664,468 in funding to the CRA by Palm Beach County (County) using funds from a State grant. **SUMMARY:** Approval of the Interlocal Agreement will permit the County to reimburse the CRA for construction costs the CRA has incurred in the construction of the North Westgate Area Central Lake, Project No. 2009054 (Project). The County previously entered into a Federally Funded Subgrant Agreement (Grant) with the State of Florida, Division of Emergency Management (DEM) for this Project because DEM requires the Grant to be executed by an official government entity. The Project was initiated and funded by the CRA based on the Grant between the County and DEM for the reimbursement of funds for the Project. District 2 (MRE)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. Staff recommends motion to receive and file: Second Amendment to Loan Agreements dated May 20, 2011, and June 3, 2011, between Palm Beach County and Wells Fargo Bank, N.A. in connection with the extension of the County's line of credit with Wells Fargo Bank, N.A. as approved by Resolution R2011-0735. **SUMMARY:** Resolution R2011-0735 authorized the execution of two (2) Second Amendment to Loan Agreements, and granted authority to the Chair to sign any subsequent documents. The two (2) Second Amendment to Loan Agreements extended for another year the two (2) existing lines of credit with Wells Fargo Bank that satisfy the debt service requirements for 11 County bond issues. There were no other changes in the terms. The Chair and Wells Fargo Bank have signed the documents which should now be received and filed in the Minutes Department. Countywide (PFK)

E. COMMUNITY SERVICES

1. Staff recommends motion to:
  - A) **receive and file** the 2010 U.S. Department of Housing and Urban Development (HUD) Shelter Plus Care Renewal and Consolidated Grant Agreement, FL0281C4D051003, for the period of May 23, 2011, through May 22, 2012, in the amount of \$424,704; and
  - B) **approve** Amendment No. 01 to the contract (R2011-0721) with Oakwood Center of the Palm Beaches, Inc., n/k/a The Jerome Golden Center for Behavioral Health, Inc. for the period of May 23, 2011, through May 22, 2012, to increase the contract by \$225,624 for a total of \$424,704 for permanent housing beds for disabled, homeless individuals.

**SUMMARY:** The Division has received a 2010 Shelter Plus Care Renewal and Consolidated Grant Agreement from HUD which consolidates two (2) of the Division's existing Shelter Plus Care grants to provide rental assistance for a total of 32 permanent housing beds for homeless, disabled individuals. The impacted programs are Project Home (R2010-1102) and the Flagler Project (R2011-0721). The Amendment combines the programs and reflects that The Flagler Project (R2011-0721) will retain the name and renewal dates and Project Home (R2010-1102) is terminated as of May 22, 2011. A prohibited relationship waiver was recommended and approved for an employee of Oakwood Center of the Palm Beaches, Inc., n/k/a The Jerome Golden Center for Behavioral Health, Inc. who serves on a County advisory board in the original contract (R2011-0721). No local match is required by the County for this grant. (Human Services) Countywide (TKF)
2. Staff recommends motion to approve: Amendment No. 1 to the Contract for Provision of Financial Assistance with the Center for Family Services of Palm Beach County, Inc. (R2010-1635), increasing the agreement amount by \$50,000 for the period of October 1, 2010, through September 30, 2011, for a new total contract amount not to exceed \$172,514 for emergency shelter services to homeless persons. **SUMMARY:** The Division of Human Services is contracting with the Center for Family Services to coordinate emergency after-hours shelter placement, food, transportation and case management until alternate arrangements can be made. The Center for Family Services has confirmed expenditure of the initial contract amount of \$122,514; the additional funds are to ensure that these services are available for the remainder of FY 2011. These are ad valorem funds budgeted for contract services. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve:

A) Amendment No. 1 to the contract with the Center for Family Services of Palm Beach County (R2010-1660) increasing funding for the Traveler's Aid Program by \$20,000 for a new not to exceed total amount of \$60,208 for current fiscal year; and

B) Budget Transfer of \$179,000 in the General Fund from Financially Assisted Agencies to Human Services to provide budget for Homeless Resource Center (HRC) pre-opening maintenance and security expenses, and for Traveler's Aid Program expenses in the stated amount.

**SUMMARY:** The Department of Community Services through the Financially Assisted Agencies (FAA) program has been requested to provide \$20,000 in additional funds to the Center for Family Services, specifically in the Traveler's Aid program. This program is currently funded at \$40,208 and will be raised to \$60,208. Funding under this amendment will be used for non-refundable bus tickets to transport homeless individuals to locations where permanent housing has been arranged, as well as case management services, and administrative expenses. This agency is working closely with the County's Homeless Outreach Teams under the direction of the Human Services Division to make sure all individuals who qualify will receive this emergency assistance. The funding for this amendment and the interim expenses for HRC is from FAA funds allocated for homeless services. Countywide (TKF)

4. Staff recommends motion to approve: Contract with Florida Outreach Center for the Blind, Inc., in the amount of \$22,436 for the period October 1, 2010, through September 30, 2011, for services to blind and visually impaired persons. **SUMMARY:** Florida Outreach Center for the Blind, Inc. provides educational programs and assistance in learning skills necessary for the blind and visually impaired to live independently. This Contract is retroactive back to the beginning of the fiscal year. The agency has been performing services in accordance with their approved funding proposal; however, the contract was delayed due to various administrative issues including audit acceptability, and satisfaction of agency certification standards. This contract will allow them to be compensated for services completed up to the maximum amount previously approved by the Board of County Commissioners. The funding for this contract reflects part of the total \$13,638,671 approved by the Board of County Commissioners for FY 2011. (Financially Assisted Agencies) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to approve: a WiFi Advertising Concession Agreement with Cloud 9 Wireless, Inc., providing for the sale of advertising on the Palm Beach International Airport's (PBI) WiFi portal on a trial basis for one (1) year and payment of a minimum of \$2,500 per month, commencing on August 1, 2011. **SUMMARY:** This Agreement provides for the sale of advertising on PBI's WiFi portal on a trial basis for a period of one (1) year. Cloud 9 Wireless is a California corporation with its principal office in San Francisco, California. Advertising revenues will be determined on a per campaign basis, commencing with an advertising campaign with Google. Cloud 9 Wireless will pay a minimum monthly guarantee of \$2,500 per month. Although advertising would be displayed on the WiFi portal, WiFi services at PBI will continue to be provided at no cost to the passenger. Cloud 9 Wireless will provide monthly revenue and statistical reports, which will assist staff in determining the viability of the program as an on-going concession. Although Section 2-51 of the Purchasing Code provides an exemption for procurement concessions, the Department will issue a competitive solicitation after the one (1) year trial period if it is determined that the concession opportunity has a likelihood of continued success. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. **Staff recommends motion to approve:** Sixth Amendment to Lease Agreement with Galaxy Aviation of Palm Beach, Inc. (Amendment) providing for the additional license of 43,122 +/- square feet of paved ramp area for use as aircraft apron at an annual rate of \$28,029 commencing October 1, 2011. **SUMMARY:** Galaxy Aviation of Palm Beach, Inc., provides fixed-based operator services for general aviation aircraft at the Palm Beach International Airport, pursuant to a Lease Agreement dated October 18, 2000 (R2000-1067). Galaxy Aviation's principal place of business is in Palm Beach County. This Amendment provides for the license of an additional 43,122 +/- square feet of the paved aircraft parking apron. The rental amount associated with this additional ramp area is \$0.65 per square foot, totaling \$28,029 annually. Countywide (HF)

3. **Staff recommends motion to:**

**A) adopt** a Resolution approving Supplemental Joint Participation Agreement (SJPA) Number 2 with the Florida Department of Transportation (FDOT) to extend Runway 9R/27L (10R/28L) Environmental & Design and Golfview Infrastructure Planning & Design at Palm Beach International Airport (PBIA) modifying the participation percentages due to Federal participation in the project; and

**B) approve** a Budget Amendment for \$50,000 in the Airports Improvement and Development Fund to recognize additional FDOT Grant Funding, including an increase in Airport Reserves.

**SUMMARY:** On October 16, 2007 (R2007-1791), the Board of County Commissioners (BCC) adopted a resolution approving a Joint Participation Agreement with the FDOT in the amount of \$4,142,000 or 50% of the eligible project costs, whichever is less, for the Environmental Impact Statement and Design Runway Extension at PBIA. On March 15, 2011 (R2011-0376), the BCC adopted a resolution approving SJPA Number 1 amending the original project description to Extend Runway 9R/27L (10R/28L) Environmental & Design and Golfview Infrastructure Planning & Design at PBIA, with no increase in funding. The SJPA provides for an additional \$50,000 in FDOT grant funding which reduces the amount of local funding necessary for the project. The Budget Amendment recognizes the additional grant funding and transfers the savings back to Reserves. Countywide (AH)

4. **Staff recommends motion to receive and file:** two (2) original Documents for the Department of Airports:

**A) Consent** to Sublease for Galaxy Aviation of Palm Beach, Inc. and Heritage Aviation, Inc., commencing May 1, 2011; and

**B) Consent** to Sublease for Signature Flight Support Corporation of Palm Beach, Inc. and NetJets Aviation, Inc., commencing March 16, 2011.

**SUMMARY:** Delegation of authority for execution of the standard County documents above was approved by the Board of County Commissioners in R1994-1453. Countywide (HF)



3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

**A) accept** a Quitclaim Deed from the State of Florida Department of Transportation (FDOT); and

**B) approve** a Perpetual Easement to FDOT for drainage through Waterway Park in unincorporated Jupiter.

**SUMMARY:** The County conveyed an approximately 30 x 922 foot strip of land within what is now Waterway Park to FDOT by County Deed in 1980. FDOT installed drainage improvements serving Indiantown Road. The deed was not clear as to what interest was being conveyed. FDOT documents indicate that the transfer was intended to grant easement rights and not to convey fee ownership. The County is in the final design process for the improvements to Waterway Park and both parties desire to correct and clarify the record regarding the appropriate ownership and rights of the parties. FDOT will quitclaim its interest transferred by the original County Deed and the County will grant a non-exclusive Perpetual Easement to FDOT for drainage purposes. FDOT is holding the Quitclaim Deed in escrow until the County executes the Perpetual Easement. FDOT will then record both documents. The County will be permitted to construct access road improvements over the easement area so long as drainage is not impeded. If it becomes necessary for FDOT to remove the improvements to maintain or repair the drainage system, FDOT will not be responsible or liable for damage to or replacement of such improvements. This easement is being granted to FDOT at no charge as it is a replacement for FDOT's existing rights. (PREM) District 1 (HJF)

2. Staff recommends motion to approve: the Palm Beach County Stockade plat. **SUMMARY:** As part of the overall Jail Expansion Project, the County is expanding the facilities located at the County's Central Detention Center (Stockade) in unincorporated West Palm Beach. The County is required to plat the property to satisfy current code requirements. The Plat encompasses all of the County's Stockade property totaling approximately 38.72 acres. The County will sign the plat as property owner. (PREM) District 6 (HJF)

3. Staff recommends motion to approve: Second Amendment to Temporary Construction Easement (R2009-0097) in favor of the City of Boynton Beach extending the term of the Easement. **SUMMARY:** The County's Caloosa Park is located south of Woolbright Road on the east side of Congress Avenue in Boynton Beach. On January 13, 2009, the County approved a Temporary Construction Easement (TCE) in favor of the City of Boynton Beach to install a sewer force main, landscape buffer and remove exotic vegetation on the eastern portion of the park property. The term of the TCE was for a period of one (1) year and expired on January 13, 2010. Due to unforeseen project development and fundraising issues, the project was delayed. On January 12, 2010, the Board approved a First Amendment to Temporary Construction Easement extending the term of the TCE to July 13, 2011 (R2010-0081). The overall project is complete, except that the City has not signed off on the quality and success rate of the new landscaping material installed by the contractor. The City has a one (1) year warranty with its contractor for growth and success rate of the landscape material and is therefore requesting to extend the term of the TCE until December 1, 2012. This will allow for replacement of any landscaping material which fails to meet City standards in the TCE area. Except for extension of the expiration date, all terms and conditions of the TCE shall remain in full force and effect. (PREM) District 3 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to:

**A) accept** an Access Easement from J.L. Property Owners Association, Inc. for access into Waterway Park from eastbound East Indiantown Road in unincorporated Jupiter; and

**B) approve** a Subordination Agreement with the Florida Department of Transportation (FDOT).

**SUMMARY:** The County is in the process of obtaining development approvals for the 30-acre Waterway Park property. The Park property is located on the south side of East Indiantown Road in unincorporated Jupiter, west of and adjacent to the Intracoastal Waterway. Current access to the Park is through Jonathan Drive, a private roadway owned and maintained by the J.L. Property Owners Association, Inc. (JLPOA), the property owners association for the Jonathan's Landing community. The JLPOA has agreed to give the County a secondary easement for a turn lane which will provide access into the Park directly from East Indiantown Road. The easement area is triangular in shape, located on the south side of East Indiantown Road, and contains 603.96 square feet (0.01 acres). The Access Easement will eliminate most of the eastbound car and boat trailer traffic from entering the Park through Jonathan Drive. The JLPOA granted FDOT a similar easement for that portion of the turn lane which will become FDOT right-of-way. Spoil easement rights were quitclaimed to the County from the Florida Inland Navigation District in 1997 over that portion of the JLPOA property within the FDOT easement and FDOT has requested that the County subordinate these rights. (PREM) District 1 (HJF)

5. Staff recommends motion to receive and file: a notice of exercise of the second option to extend the term of the Concessionaire Service Agreement (R2007-1109) with Brian E. Wilson and Jennifer G. Wilson, Joint Venture, d/b/a Lazy Loggerhead Café, for the continued use of the concession building at Carlin Park in Jupiter for \$70,191.51/year. **SUMMARY:** Brian E. Wilson and Jennifer G. Wilson, Joint Venture, d/b/a Lazy Loggerhead Café has operated under the current Concessionaire Service Agreement (Agreement) for the use of the concession building at Carlin Park in Jupiter since September 2007. The Lazy Loggerhead Café is now exercising the second of three (3) - one (1) year extension options for the period of September 1, 2011, to August 31, 2012. The guaranteed annual rent will be increased by four percent (4%) from \$67,491.84 (\$5,624.32/month) to \$70,191.51 (\$5,849.29/month) effective September 1, 2011. The Parks and Recreation Department is satisfied with the Lazy Loggerhead Café's performance. The Board has no discretionary authority to deny the exercise of the option; however, the County may terminate this Agreement upon 90 days written notice to the Lazy Loggerhead Café. State Statutes do not require a Disclosure of Beneficial Interest to be obtained when the County leases property to a tenant. Since the Statute does not require the Disclosure and as this is an exercise of an option to extend a previously approved agreement for which a Disclosure was obtained, Staff did not request a new Disclosure. (PREM) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: an Agreement with the Palm Beach County Housing Authority for the replacement of the currently outdated fire alarm system at Drexel House Apartments for an amount of \$52,628 for the period of July 19, 2011, through December 15, 2012. **SUMMARY:** Funds made available through this Agreement will be used for the replacement of the currently outdated fire alarm system at Drexel House Apartments located at 1745 Drexel Road in West Palm Beach. The existing fire alarm system will be replaced by a new automatic fire alarm system which includes an alarm panel and smoke and fire detection devices. **These are Federal Community Development Block Grant funds that require no local match.** (Contract Development) District 2 (TKF)
  
2. Staff recommends motion to approve: revisions to the Palm Beach County's Neighborhood Stabilization Program 1 (NSP1) and Neighborhood Stabilization Program 2 (NSP2) Residential Redevelopment Grant Program Policies. **SUMMARY:** On November 18, 2008, the Board of County Commissioners (BCC) approved the County's NSP1 application to HUD including \$5,000,000 for a Residential Redevelopment Program under which subrecipients would acquire vacant, abandoned, and foreclosed upon residential properties for resale or rental to income-eligible households. On July 7, 2009, the BCC approved the County's proposed NSP2 activities including \$20,130,000 for a similar Residential Redevelopment Program. Separate competitive solicitations were conducted under each NSP1 and NSP2 resulting in the award of funding to 11 subrecipient agencies. Certain Residential Redevelopment Program policies have posed challenges given certain housing market conditions. Also, technical advisory staff from the U.S. Department of Housing and Urban Development (HUD) has urged the County to make certain policy revisions which include: elimination of the \$50,000 per unit cap on NSP housing rehabilitation funding and elimination of the minimum housing resale cost of 75% of development cost. The proposed policy revisions will thusly improve the County's ability to implement the programs and serve targeted clientele in the current housing market. The revisions will also enhance the County's ability to meet NSP Program requirements. **These are Federal Neighborhood Stabilization Program funds which require no local match.** (Planning) Countywide (TKF)
  
3. Staff recommends motion to approve: the following Westgate/Belvedere Homes Community Redevelopment Agency (CRA) Board Officers for a one (1) year term commencing June 13, 2011, and expiring June 12, 2012:

**Board Member**

Frederick G. Wade  
Ronald Daniels

**Office**

Chair  
Vice-Chair

**SUMMARY:** The Westgate/Belvedere Homes CRA Board consists of seven (7) at large members from residents and local businesses within the CRA boundaries. At the June 13, 2011 meeting, the CRA Commissioners elected the Chair and Vice-Chair from amongst its Board. The term shall be one (1) year, beginning with the date of election. District 2 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

4. Staff recommends motion to receive and file:

**A)** a Grant Agreement with the U.S. Department of Housing and Urban Development (HUD) for the Neighborhood Stabilization Program 3 (NSP3) (Grant No. B-11-UN-12-0013), providing \$11,264,172 for the period of March 11, 2011, to March 11, 2014;

**B)** a Neighborhood Stabilization Program 2 (NSP2) Subrecipient Agreement in the amount of \$9,500,000 with Neighborhood Renaissance, Inc. for the period May 5, 2011, to November 15, 2012;

**C)** a NSP2 Subrecipient Agreement in the amount of \$2,092,075 with the Community Land Trust of Palm Beach County, Inc. (CLT) for the period May 5, 2011, to November 15, 2012; and

**D)** a NSP2 Subrecipient Agreement in the amount of \$1,132,750 with the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) for the period May 5, 2011, to November 15, 2012.

**SUMMARY:** In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The HUD Grant Agreement and Subrecipient Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or his designee in accordance with Resolution (R2011-0082) and Resolution (R2011-0559), and are now being submitted to the Board to receive and file. **These are Federal Neighborhood Stabilization Program funds which require no local match.** (Planning) Countywide (TKF)

5. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2010-1122) with Jerome Golden Center for Behavioral Health (f/k/a Oakwood Center of the Palm Beaches, Inc.), to extend the expiration date from July 31, 2011, to June 30, 2012. **SUMMARY:** This Amendment provides an extension of 11 months to the term of the existing Agreement with Jerome Golden Center for Behavioral Health for the replacement of the heating, ventilation, and air conditioning (HVAC) system in their facility. The facility is located at 1041 45<sup>th</sup> Street, West Palm Beach. Although the acquisition of local permits caused severe delays in the project, the requested time extension is recommended based on the Center's receipt of final approved permits. The Amendment also incorporates an anticipated time table of Performance Benchmarks in order to complete the project by the extended deadline. **These are Federal Community Development Block Grant funds that require no local match.** (Contract Development) District 7 (TKF)

6. Staff recommends motion to approve: the creation of one (1) full-time/time-limited position within the Department of Housing and Community Development (HCD), a Community Development Project Coordinator (Pay Grade 32), to terminate upon the exhaustion of Federal grant funds from the Neighborhood Stabilization Program II (NSP-2) and Neighborhood Stabilization Grant Program III (NSP-3). **SUMMARY:** This full-time/time-limited position will carry out technical and administrative work connected with the implementation of activities funded under two (2) grants awarded to Palm Beach County as a result of Title XII of Division "A" of the American Recovery and Reinvestment Act 2009 (ARRA), namely a \$50,000,000 (NSP-2) grant awarded in February 2010; and the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, namely a \$11,264,172 (NSP-3) grant awarded March 11, 2011. This position will terminate upon the exhaustion of these Federal funds. However, authorization is also sought for the continuation of this position in the event that future awards of Federal or State funding is made available to the County. **These are Federal funds which require no local match.** (CREIS) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to adopt: Resolution of the Board Of County Commissioners of Palm Beach County, Florida, withdrawing from the Multi-Jurisdictional Issues Coordination Forum Interlocal Agreement approved by Resolution No. 93-802. **SUMMARY:** The Board of County Commissioners, at its meeting on May 17, 2011, directed the County Attorney to discontinue County's participation in the Multi-Jurisdictional Issues Forum. The Issues Forum of the Coordination Program is a sunshine committee as it makes recommendations regarding countywide issues. By adopting this resolution the County is formally withdrawn from the Issues Forum. This action does not affect IPARC and the Executive Committee as there is no Sunshine Law conflict associated with IPARC or the Executive Committee. While both the IPARC Interlocal Agreement and the Multi-jurisdictional Issues Forum utilize the same executive committee, the details of the executive committee are spelled out in the IPARC Interlocal Agreement. Therefore, the IPARC Interlocal Agreement can function as a standalone document, when the county leaves the Issues Forum. County staff will continue to work with the executive committee and staff to develop a process to address ad hoc committee countywide issues on an as needed basis. Countywide (RB)

K. WATER UTILITIES

1. Staff recommends motion to approve: Consultant Service Authorization No. 11 to the Contract for Optimization and Improvements Design-Build Services with Globaltech, Inc. (R2008-2323) to design the Water Treatment Plant No. 2 Transfer Pump Station in the amount of \$112,417. **SUMMARY:** On December 16, 2008, the Board approved the Water Utilities Department Optimization and Improvements Design/Build Services with Globaltech, Inc. (R2008-2323). Consultant Services Authorization No. 11 with Globaltech, Inc. provides for the designing of a pump station to transfer potable water from the clearwell into the storage tanks at Water Treatment Plant No. 2 thereby increasing the usable storage capacity. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with Globaltech, Inc. provides for SBE participation of 75% overall. This Authorization includes 97.35% overall participation. The cumulative SBE participation, including this Work Authorization, is 79.28% overall. Globaltech, Inc. is a local Palm Beach County Company. (WUD Project No. 11-107) District 2 (JM)
2. Staff recommends motion to approve: Memorandum of Termination of Agreement between Palm Beach County and Cen-West Communities, Inc. for water quality monitoring. **SUMMARY:** Cen-West Communities, Inc. (Century) operates an on-site potable water distribution system at Century Village – Boca Raton serving approximately 7,000 residential units. In order to comply with regulatory requirements, Century was required to monitor water quality throughout their system, including the sampling, testing, and reporting of water quality to the appropriate agencies. In June 2007, Century requested that the Water Utilities Department provide monitoring and reporting services for the on-site potable water distribution system. Pursuant to the recent guidance from the State of Florida Department of Health, Century is no longer required to perform the water quality monitoring and is no longer considered a consecutive distribution system. Century is therefore requesting the early termination of the Agreement, which will be retroactive to May 1, 2011. District 5 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution R2010-2139; pertaining to the special assessment process for the 140<sup>th</sup> Avenue North & 55<sup>th</sup> Road North Water Main Improvement Project reducing the individual per parcel assessment from \$9,266.60 to \$7,217.65. **SUMMARY:** On December 21, 2010, the Board of County Commissioners adopted Resolution R2010-2139 confirming the 140<sup>th</sup> Avenue North & 55<sup>th</sup> Road North Water Main Special Assessment Project. Pursuant to Section 9 of Ordinance No. 2001-0010, property owners are entitled to a reduction in their individual assessment if the final cost of the project falls below the original estimate. The assessment adopted by the Board was based upon an estimated cost of \$111,199.20, while the final assessable cost is \$86,611.80. Based on 12 residential properties, the individual per parcel cost to the property owners is decreased from \$9,266.60 to \$7,217.65. (WUD Project No. 10-051) District 6 (MJ)
  
4. Staff recommends motion to approve: Consultant Services Authorization No. 1 to the contract for Engineering/Professional Services with Keshavarz & Associates, Inc. (R2011-0636) for the survey and engineering design of the South County Water Services Replacement Project – Phase II in the amount of \$196,410. **SUMMARY:** On May 3, 2011, the Board of County Commissioners approved the Water Utilities Department Engineering/Professional Services Contract with Keshavarz & Associates, Inc. (R2011-0636). This Consultant Services Authorization No.1 provides for the survey and engineering design for the replacement of potable water services and asbestos concrete water mains in three (3) areas within South County as follows: Area 1 – Palmetto Pines: located in southwest Boca Raton (west of State Road 7 and just south of Palmetto Park Road); Area 2 – Tudorwoods: located in southwest Boca Raton (west of Keystone Street and just south of Judge Winikoff Road); and Area 3 – Sandalfoot: located in southwest Boca Raton (east of Lyons Road and south of Palmetto Park Road). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Keshavarz & Associates, Inc. provides for SBE participation of 100% overall. This Authorization includes 100% overall participation. The cumulative SBE participation, including this Authorization, is 100% overall. Keshavarz & Associates, Inc. is a local Palm Beach County Company. (WUD Project No. 11-097) District 5 (MJ)
  
5. Staff recommends motion to receive and file: executed Agreement received during the month of May 2011:
  - A) Standard Indemnity Agreement with GH Savannah Lake, LLC; SDA # 05-01084-000.  
**SUMMARY:** In accordance with County PPM CW-0-051, all delegated contracts; agreements; and grants must be submitted by the initiating Department as a receive and file agenda item. The Standard Development Agreement and Indemnity Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator; Director; and Deputy Director of the Water Utilities Department in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the Board to receive and file. District 3 (SF)

3. **CONSENT AGENDA APPROVAL**

K. **WATER UTILITIES (Cont'd)**

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

**A)** Change Order No. 5 to the contract with John J. Kirlin, LLC for Water Treatment Plant (WTP) No. 2 Miex Treatment System (Miex) increasing the amount of this contract by \$385,336.38 and providing a 50-day time extension; and

**B)** a Budget Transfer of \$460,000 in the Water Utilities Department Capital Improvement Fund to provide funding for the Water Treatment Plant No. 2 Miex Treatment System.

**SUMMARY:** On June 29, 2010, the Board approved a contract with John J. Kirlin, LLC (R2010-1038). The Miex anionic exchange process will remove the color compounds, improve the water quality, and reduce energy consumption compared to the existing ozone treatment process. Change Order No. 5 adds Bid Alternate 2A and 2B to the Contract which authorizes the contractor to demolish the existing ozone system. This change order also provides for painting the interior of the Miex basin. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. This Contract with John J. Kirlin LLC provides for SBE participation of 15.30% overall for the base bid. Change Order No. 5 includes 0.00% overall SBE participation. The contractor's SBE participation, including this change order, is 15.30% overall. John J. Kirlin LLC is a local Palm Beach County Company. (WUD Project No. 09-046) District 2 (JM)

L. **ENVIRONMENTAL RESOURCES MANAGEMENT**

1. **Staff recommends motion to:**

**A) approve** Grant Agreement No.11-014E in the amount of \$5,350 with the Sea Turtle Conservancy (STC) to fund the production of sea turtle educational materials, expiring April 30, 2012;

**B) approve** Budget Amendment of \$5,350 in the Beach Improvement Fund; and

**C) authorize** the County Administrator or his designee to sign all future time extensions, task assignments, certifications, and other forms associated with the Grant Agreement, and necessary minor amendments that do not change the scope of work or terms and conditions of the Grant Agreement.

**SUMMARY:** Artificial lighting visible from the beach affects sea turtles. Environmental Resources Management will produce educational materials describing the effects of artificial lighting on sea turtles for distribution throughout the County. The STC grant will reimburse \$5,350 for project costs using funds from the Florida Sea Turtle License Plate Program; no County match is required. The Grant Agreement is effective upon execution by both parties and expires April 30, 2012. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

**A) approve** Grant Agreement No. 11-013R in the amount of \$9,460 with the Sea Turtle Conservancy (STC) to fund a sea turtle population study in the Lake Worth Lagoon (LWL) expiring April 30, 2012;

**B) approve** Budget Amendment of \$9,460 in the Beach Improvement Fund; and

**C) authorize** the County Administrator or his designee to sign all future time extensions, task assignments, certifications, and other forms associated with the Grant Agreement, and necessary minor amendments that do not change the scope of work or terms and conditions of the Grant Agreement.

**SUMMARY:** The Lake Worth Lagoon (LWL) Management Plan recommends evaluating sea turtle populations in the LWL to provide information that will guide LWL's environmental restoration. The STC grant will reimburse the study costs using Florida Marine Turtle License Plate funds. No County match is required. The Grant Agreement is effective upon execution by both parties and expires April 30, 2012. Districts 1, 2, 3, 4 & 7 (SF)

3. Staff recommends motion to approve: Second Amendment to the Lease Agreement (R2007-1539) and Amendment (R2009-0570) with the City of Lake Worth for the management of the Snook Islands Natural Area and Public Use Facilities.

**SUMMARY:** This Second Lease Amendment to the Lease Agreement (R2007-1539) with the City of Lake Worth provides for an expansion of the leased area to include a 0.3 acre pie-shaped tract as part of the Snook Island Public Use Facility and a 7.5 acre submerged tract referred to as the Bryant Park Wetland Restoration Site. District 3 (SF)

4. Staff recommends motion to:

**A) approve** Contract with Brang Construction Incorporated in the amount of \$2,498,035 for the construction of the South Cove Natural Area Restoration Project within the City of West Palm Beach, Project No. 2011ERM02 for a period of 190 calendar days;

**B) adopt** a Resolution authorizing the Clerk of the Board to disburse \$215,000 from the Vessel Registration Fee Trust Fund;

**C) approve** a Budget Transfer of \$215,000 in Vessel Registration Fees in the Environmental Enhancement Non-Specific Fund from reserves to the South Cove Natural Area Restoration Project; and

**D) approve** a Budget Transfer of \$800,000 in the Natural Areas Fund from the Manatee Protection Program to the South Cove Restoration Project.

**SUMMARY:** This project includes filling a dredged hole with sand to create mangrove islands, planters and seagrass habitat. Rock will be placed to create oyster reefs and stabilize the islands and planters. Public access features will include a boardwalk, observation deck and kiosk. Five (5) eligible bids were received for this project. A bid protest delayed this construction procurement for one (1) month. Brang Construction Incorporated, a Palm Beach County Small Business Enterprise (SBE) company, was the lowest responsive, responsible bidder with a bid that exceeds the established 15% SBE goal with 22.91% participation. Approval of the Resolution and Budget Transfers will provide \$1,015,000 to match grant funding from Florida Inland Navigation District and the Lake Worth Lagoon Partnership Grant Program. District 7 (JM)



3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to:

**A) approve** a revised standard form Interlocal Agreement for law enforcement services in the estuarine waters of Palm Beach County during manatee season; and

**B) authorize** the County Administrator or his designee to execute the revised standard form Interlocal Agreements with law enforcement agencies and to sign all future time extensions, task assignments, certifications, and other forms associated with the standard form Interlocal Agreement, and necessary amendments that do not change the scope of work or terms and conditions of the Agreement.

**SUMMARY:** Pursuant to the Manatee Protection Plan (MPP) approved by the Board on August 21, 2007 (R2007-1420), the County has committed to annually provide \$200,000 of funding for additional on-water law enforcement in the County's waterways. On December 18, 2007, the Board of County Commissioners approved a Resolution (R2007-2277) adopting a standard form Interlocal Agreement with law enforcement agencies for an increased law enforcement presence in the estuarine waters of Palm Beach County. Approval of a revised standard form Interlocal Agreement for law enforcement services will expedite contract execution and streamline the process. The program has been highly effective, with approximately 7,700 hours of enhanced manatee patrols conducted since its inception. Manatee mortalities in Palm Beach County have also significantly decreased since this program has been in place. The enforcement activities will take place during manatee season (November 15 through March 31). Countywide (SF)

6. Staff recommends motion to:

**A) approve** a Temporary Lease Agreement with the Florida Inland Navigation District (FIND) for a 14.52 acre parcel of land which may be utilized as a contractor staging site for construction activities associated with the Jupiter Ridge Natural Area Shoreline Restoration Project (JRNASRP) for a period of nine (9) months; and

**B) authorize** the County Administrator, or his designee, to sign all future time extensions, minor amendments, or other forms associated with this temporary lease agreement that do not change the scope of work or terms and conditions of this lease.

**SUMMARY:** This Temporary Lease Agreement will authorize the Department of Environmental Resources Management to utilize the FIND parcel as a potential offsite contractor staging site during construction of the JRNASRP. The FIND property is appropriate to serve as a staging site for heavy equipment and materials necessary to construct a series of inshore breakwaters along submerged lands in and around Palm Beach County's Jupiter Ridge Natural Area. The term of the temporary lease agreement shall be for a nine (9) month period at a cost of one (1) dollar per month to the County. Therefore, it is anticipated that the County will receive a substantial discount in the amount of the bid for the construction activities associated with the JRNASRP for allowing the contractor to utilize the FIND staging area. District 1 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

7. Staff recommends motion to:

**A) approve** Interlocal Agreement with the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) in an amount not to exceed \$250,000 for the infrastructure improvements to the North Westgate stormwater drainage basin through the Chain of Lakes Partnership Grant Program (COLPGP), expiring December 31, 2011; and

**B) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications, statements and other forms associated with this document, and any necessary minor amendments that do not change the scope of work or terms and conditions of this document.

**SUMMARY:** The County and CRA have previously entered into an Interlocal Agreement (R2009-0432) for the enhancement and restoration of the Chain of Lakes, which expired on December 31, 2010. CRA wishes to complete the infrastructure project for Phases IV, V, and VI. A new Interlocal Agreement is necessary to extend the project completion date to December 31, 2011, and to disburse grant funds from the COLPGP. The total grant funding for the projects is \$250,000. No ad valorem funding is being provided for this project. A 100% match is required from the CRA. District 2 (SF)

8. Staff recommends motion to adopt: a Resolution requesting that the Florida Department of Environmental Protection (FDEP) review a funding application and support funding for shoreline protection projects within its Fiscal Year 2012/2013 Beach Erosion Control Assistance Program. **SUMMARY:** The County is requesting that the State appropriate \$1,894,707 for the Jupiter/Carlin Shore Protection Project, \$150,000 for the Juno Beach Shore Protection Project, \$1,192,500 for the South Lake Worth Inlet Management Plan, and \$164,703 for the Ocean Ridge Shore Protection Project. If the State Legislature approves funding for all of the projects, the County's matching share would be \$2,606,910. Districts 1, 4 & 7 (SF)

9. Staff recommends motion to approve: Work Order No. 0648-4 to the County Artificial Reef and Breakwater Project No. 2010ERM06 Contract (R2011-0648) with The Murphy Construction Company (Murphy) for the construction of artificial reef pods for an amount not-to-exceed \$354,100, to be completed within 60 calendar days. **SUMMARY:** With the approval of this Work Order, Murphy is authorized to construct ten (10) limestone reef pods in the shallow water off of Singer Island as required mitigation for Jupiter/Carlin Shore Protection Project. Funds to cover the cost of this work will come from Jupiter Inlet District (JID). The contract time for this Work Order is 60 days. There is a 15% SBE goal for the entire Contract. However, Murphy's SBE participation on this Work Order will be 0%. District 1 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

10. Staff recommends motion to:

**A) approve** Contract with InWater Research Group, Inc. (IRG), a not-for-profit corporation, in an amount not to exceed \$9,459.52 for Phase III of a sea turtle population study in Lake Worth Lagoon (LWL); and

**B) authorize** the County Administrator or his designee to sign all future time extensions, task assignments, certifications, and other forms associated with the Contract, and necessary minor amendments that do not change the scope of work or terms and conditions of the Contract.

**SUMMARY:** The LWL Management Plan recommends evaluating sea turtle populations that serve as an indicator of LWL health. IRG will capture juvenile turtles, collect biological data and provide a summary of findings. The Contract authorizes work to begin after a Notice to Proceed. The work is funded by a grant from the Sea Turtle Conservancy using Florida Marine Turtle License Plate funds which is being considered for approval on today's Board agenda. No County match is required. The Contract is effective upon execution by both parties and expires April 30, 2012. Districts 1, 2, 3, 4 & 7 (SF)

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: executed Entertainment Contractor Agreements for County sponsored community events hosted in the months of April, May, and June of 2011:

**A)** Salvatore Lucca, The Music Masters Band Concert, Seabreeze Amphitheater, on April 16, 2011;

**B)** Seymour Shatzberg, Seymour Shatzberg and the Gold Coast Dance Band, Canyon Town Center Amphitheater, on May 7, 2011;

**C)** Richard Benjamin, The Fabulons Concert, Seabreeze Amphitheater, on June 4, 2011; and

**D)** Roger White, Burnt Biscuit Concert, Canyon Town Center Amphitheater, on June 4, 2011.

**SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Entertainment Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-1109, and are now being submitted to the Board to receive and file. Districts 1 & 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. Staff recommends motion to receive and file: executed Amphitheater Rental Agreements received during the months of April, May, and June of 2011:

A) Bangladesh American Cultural Organization Inc., Bengali New Year, Canyon Town Center Amphitheater, on April 9, 2011;

B) Cornerstone Bible Fellowship Inc., Resurrection Day Service, Canyon Town Center Amphitheater, on April 24, 2011;

C) Jewish Federation of South Palm Beach County Inc., Israel Independence Day Celebration, Sunset Cove Amphitheater, on May 10, 2011;

D) Forever Yoga, Inc., The Coconut Groove Festival, Seabreeze Amphitheater, for the period May 20, 2011, through May 23, 2011; and

E) CBS Radio Stations Inc., WIRK & The Buzz K.D.W. Fishing Tournament, Seabreeze Amphitheater, for the period of June 17, 2011, through June 20, 2011:

**SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Amphitheater Rental Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0335, amended by Resolution 2009-1807, and are now being submitted to the Board to receive and file. Districts 1 & 5 (AH)

3. Staff recommends motion to:

A) **receive and file** a fully executed State of Florida Department of Environmental Protection (FDEP) Land and Water Conservation Fund (LWCF) Project Agreement for John Prince Memorial Park - Phase IV;

B) **approve** a Budget Amendment of \$200,000 within the Park Improvement Fund to establish budget for the approved grant; and

C) **execute** a Notice of Limitation of Use/Site Dedication identifying the project site for outdoor recreation for the use and benefit of the public in perpetuity.

**SUMMARY:** On May 18, 2010, the Board authorized submission of a LWCF grant application for improvements at John Prince Memorial Park Phase IV (R2010-0792). The Board also authorized the County Administrator or his designee to execute the Project Agreement (FDEP Contract Number LW583) and other standard state and/or federal grant forms related to this project if the grant was approved. This grant was approved, the Project Agreement has been fully executed, and is now being submitted to the Board to receive and file. The term of the agreement is from March 14, 2011, to March 14, 2014. The total grant project cost is estimated at \$400,000. The awarded grant is for \$200,000 (50% of the total grant project cost) and will be matched with \$200,000 from Zone 2 Park Impact Fees. Only grant funding will be used for the renovation portions of the project. Upon completion of the project, a Notice of Limitation of Use dedicating the land in perpetuity as an outdoor recreation site must be recorded in public records as part of the required Project closeout documentation. District 3 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

4. Staff recommends motion to receive and file: fully executed Amendment No. 1 to Agreement with the Florida Fish and Wildlife Conservation Commission (FFWCC) for Florida Boating Improvement Program (FBIP) Contract No. 09030 for the Waterway Park boat launching facility extending the project completion date from March 31, 2011, to March 31, 2012. **SUMMARY:** On October 9, 2009, a grant agreement with the FFWCC was fully executed, R-2009-2078, for a FBIP grant for a Phase 1 design project for the Waterway Park boat launching facility with a completion deadline of March 31, 2011. Due to uncontrollable delays in obtaining environmental permits, the County requested a one (1) year time extension to complete Phase 1 design services for this project. The time extension was granted, and the fully executed Amendment No. 1 to Agreement is now being submitted to the Board for receive and file. District 1 (AH)

5. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the month of May of 2011:

**A)** JKF Goju Kai, Florida, Inc., Karate Instructor, West Jupiter Recreation Center, for the period June 6, 2011, through August 13, 2011;

**B)** Building up Sports Academy, Inc., Fishing Camp Instructor, John Prince Park and Okeehelie Park, for the period June 20, 2011, through August 6, 2011;

**C)** Valerie Bell, Crafts and Fun Instructor, West Jupiter Recreation Center, for the period June 30, 2011, through July 15, 2011;

**D)** Valerie Bell, Crafts and Fun Instructor, West Jupiter Recreation Center, for the period June 30, 2011, through July 15, 2011;

**E)** Valerie Bell, Crafts and Fun Instructor, Westgate Park and Recreation Center, for the period June 22, 2011, through July 28, 2011;

**F)** Valerie Bell, Crafts and Fun Instructor, Westgate Park and Recreation Center, for the period July 27, 2011, through July 28, 2011;

**G)** Palm Beach County Officials Association, Adult Basketball Referee, Westgate Park and Recreation Center, for the period May 24, 2011, through August 7, 2011;

**H)** Team Elite Athletic Management International, Inc., USA Swimming and US Masters Swimming Team Coach, Aqua Crest Pool, for the period June 1, 2011, through July 31, 2011;

**I)** LB2 Enterprises, Inc., US Master's Swimming Team Coach, North County Aquatic Complex, for the period June 1, 2011, through May 31, 2012; and

**J)** 3D Diving, Inc., USA Diving Team Coach, North County Aquatic Complex, for the period July 1, 2011, through June 30, 2012.

**SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File Agenda Item. The Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and are now being submitted to the Board to receive and file. Districts 1, 2, 3 & 7 (AH)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

**A) approve** the Fifth Amendment to the Weed and Seed Interlocal Agreement with the City of Delray Beach (R2005-2433), dated December 20, 2005, to extend the Weed and Seed project period from April 1, 2011, to September 30, 2011, and to increase the amount of the agreement by an additional \$50,000; and

**B) receive and file** a Grant for \$100,000 from the Florida Department of Law Enforcement Edward Byrne Memorial Justice Assistance Grant to coordinate local initiatives.

**SUMMARY:** The Criminal Justice Commission recommends the use of \$50,000 from the Florida Department of Law Enforcement, Edward Byrne Memorial Justice Assistance Grant for the continuation of “seeding” services and to extend the existing contract period to September 30, 2011. At a later date, the Criminal Justice Commission will return to the Board with the West Palm Beach grant project for the remaining \$50,000. No grant match is required. District 7 (GB)

2. Staff recommends motion to approve:

**A) a Budget Transfer** of \$29,825 in the Drug Abuse Trust Fund from reserves to carry forward unexpended budget from the prior fiscal year for the Riviera Beach Civil Drug Court Program; and

**B) a Budget Transfer** of \$16,000 in the Crime Prevention Fund from reserves to carry forward unexpended budget from the prior fiscal year for the Riviera Beach Civil Drug Court Program.

**SUMMARY:** The requested budget transfers of \$29,825 and \$16,000 will reconcile the FY 2011 budget of the Riviera Beach Civil Drug Court program in the Drug Abuse Trust Fund and Crime Prevention Fund. These amounts were already approved by the Board of County Commissioners on April 5, 2011 (R2011-0539). These funds are for case management services and contracts for residential and outpatient substance abuse services for indigent clients court ordered to treatment, and the purchase of drug testing and case management services provided to the families of the Civil Drug Court clients. Countywide (GB)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

3. Staff recommends motion to:

**A) receive and file** a Grant Adjustment Notice for the 2<sup>nd</sup> Chance Act Grant (R2010-1590) which authorizes the extension of the expiration date by one (1) year to September 30, 2012;

**B) approve** a Contract for \$125,391 with Gulfstream Goodwill Industries, Inc., to provide re-entry services to ex-offenders from May 1, 2011, through September 30, 2012;

**C) approve** a Contract for \$217,995 with The Lord's Place, Inc. to provide re-entry services to ex-offenders from May 1, 2011, through September 30, 2012;

**D) approve** an Interlocal Agreement for \$165,392 with the City of Riviera Beach to provide re-entry services to ex-offenders from May 1, 2011, through September 30, 2012;

**E) approve** a Legal Services Agreement for \$97,400 with the Office of the Public Defender, Fifteenth Judicial Circuit a Florida Constitutional Officer to provide re-entry services to ex-offenders from May 1, 2011, through September 30, 2012;

**F) approve** a Budget Transfer of \$97,400 in the Criminal Justice Commission Grants Fund to provide funding for the legal services agreement with the Public Defender; and

**G) approve** a Budget Amendment of \$97,400 in the Criminal Justice Trust Fund to establish budget for this program.

**SUMMARY:** Palm Beach County has accepted a grant award of \$750,000 (Resolution Number R2010-1590) from the Department of Justice to facilitate the successful reintegration of offenders as they return to the community which includes collaboration with the Florida Department of Corrections to work with ex-offenders prior to release from incarceration. The grant program, the Regional and State Transitional Offender Reentry Initiative, utilizes the Sago Palm facility in Pahokee. The Ex-offenders will be provided with pre and post release services to assist in their transition back into the community. Countywide (GB)

4. Staff recommends motion to:

**A) approve** revisions to the Memorandum of Understanding (MOU) for the Implementation Grant with the Department of Children and Families for the period of July 1, 2010, through June 30, 2013, to establish a supportive housing for homeless leaving the jail; and

**B) authorize** the Criminal Justice Commission's Executive Director, through the County Administrator or his designee, to execute any future time extensions, task assignments, necessary minor amendments, and any other forms and certifications during the term of the MOU that do not change the scope of work or terms and conditions.

**SUMMARY:** The Department of Children and Families is requesting some minor changes to the Memorandum of Understanding that do not change the scope of work or terms and conditions. The requested changes are to replace the word Recipient with County and change the title and phone number of the Procurement Manager for the Department of Children and Families and the phone number of the Grant Manager. Countywide (GB)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION (Cont'd)

5. Staff recommends motion to:

**A) receive and file** a Grant Adjustment Notice from the Florida Department of Law Enforcement (FDLE) to extend the expiration date from June 30, 2011, to September 30, 2011; and

**B) approve** the Second Amendment to the Agreement (R2010-0925; dated June 8, 2010) with the national non-profit corporation, Gulfstream Goodwill Industries, Inc. The Second Amendment will extend the Agreement from June 30, 2011, to September 30, 2011, for the provision of re-entry services. **SUMMARY:** Gulfstream Goodwill Industries, Inc. is working to bridge a large gap in services in the Glades. The grant project expiration date has been extended by FDLE and the project will be completed by September 30, 2011. Gulfstream Goodwill Industries, Inc. provides intensive case management and job development services to ex-offenders returning from the County Jail and from the State Department of Corrections. There is no match requirement for the JAG Grant. Countywide (GB)

6. **Staff recommends motion to:**

**A) ratify** the signature of the Chair on the submittal of the Second Chance Act Grant Application to the Department of Justice (DOJ) for \$750,000 for a project period of one (1) year beginning October 1, 2011, to be used to facilitate the reduction of recidivism in Palm Beach County; and

**B) authorize** the County Administrator or his designee to execute electronically all related documents for Palm Beach County's FY 2011 Second Chance Act Grant and to execute all necessary forms and documents as required by the U.S. Department of Justice, Bureau of Justice Assistance.

**SUMMARY:** Palm Beach County accepted a grant award of \$750,000 (Resolution Number R2010-1590) from the Department of Justice in 2010 to facilitate the successful reintegration of ex-offenders as they return to Palm Beach County. This application, if funded, will allow for a second year of continuation funding for the Regional and State Transitional Offender Reentry Initiative. Ex-offenders are provided with pre and post release services to assist in their transition back into the community. The Grant requires a non-federal in-kind match of 100% during the year project period. Specifically, the in-kind match requirement for the project is \$750,000. This match has been identified through the Criminal Justice Commission and partnering Community-Based Service Providers for a total amount of \$750,000. Countywide (GB)

S. FIRE RESCUE

1. Staff recommends motion to approve: the Chair to certify the non-ad valorem assessment roll for the Municipal Service Benefits Unit (MSBU) for Fire Hydrant Maintenance and Rental-Riviera Beach and for the MSBU for Fire Hydrant Maintenance and Rental-Boca Raton. **SUMMARY:** MSBU's for fire hydrant maintenance and rental for Riviera Beach and Boca Raton were established in February 1993, by Ordinance No. 93-5. The current rates as established by Resolutions are \$52.86 per parcel for Riviera Beach (R98-1023) and \$23 per parcel for Boca Raton (R2008-0239). Every year the assessment roll must be certified by the Chair of the Board and the State Department of Revenue Form DR-408A must be signed by the Chair for each MSBU. These forms and the tape of the assessment rolls must be submitted to the Tax Collector no later than September 15 of each year. Districts 4, 5 & 7 (SB)



3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

2. Staff recommends motion to approve: an Agreement with the Palm Beach State College (PBSC) for clinical field experience for Paramedic and Emergency Medical Technician (EMT) students effective retroactively to July 13, 2011, for a three (3) year period. **SUMMARY:** This Agreement allows Palm Beach County Fire Rescue to provide clinical field experience to Paramedic and EMT students of the PBSC. Paramedic and EMT students will respond with County paramedics to observe and assist in delivering emergency medical care under actual emergency conditions. This clinical field experience is a component of the Paramedic and EMT training required for State certification, and will enhance the available job pool of qualified personnel. Countywide (SB)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: Network Service Agreements with two (2) non-profit organizations:

**A)** \$700 per month Point-of-Connection (POC) Fee for Oxbridge Academy Foundation, Inc.; and

**B)** \$700 per month POC Fees for the Jewish Federation of Palm Beach County for the initial network connections for these organizations. These Agreements are anticipated to generate revenues of \$16,800 for an initial term of one (1) year, with automatic one (1) year renewals unless notice given by any party.

**SUMMARY:** The above non-profit organizations (NPO) wish to connect to the Palm Beach County network in order to receive broadband Internet access at the stated monthly rates. Each NPO will have a separate POC to the Palm Beach County fiber network. The County's Information Systems Services Department will be responsible for providing Internet services to these organizations. Although each NPO is a separate entity, both share a common campus located along Military Trail and Community Drive in West Palm Beach. Both are registered 501(3)(c) non-profit organizations which, along with government, education and health care organizations in Palm Beach County, are eligible to join the County's network. The NPO's agree to reimburse the County for fiber optic cable construction costs, estimated to be \$33,822.50. The County will not incur any costs associated with this project other than staff time involved in planning and managing the project. These Agreements are similar to existing Agreements with other non-profit organizations as well as interlocal agreements with various local governments for network services. District 2 (PFK)

2. **Staff recommends motion to approve:** Services Agreement for network and server hosting for disaster recovery services with Workforce Alliance (WFA) at the rates of \$700 per month for the network services initial connection and \$500 per month for the network services second site connection. There will also be a \$1,330 per month fee for the server hosting and disaster recovery services. This Agreement is anticipated to generate revenues of \$30,360 for an initial term of one (1) year, with automatic one (1) year renewals unless notice given by any party. **SUMMARY:** The WFA wishes to connect to the Palm Beach County network in order to receive Broadband Internet access at the stated monthly rates. This connection will also allow them to take advantage of our server hosting and disaster recovery services at the Northwest Regional Data Center in Tallahassee, FL. WFA is a registered 501(3)(c) non-profit organization which, along with government, education and health care organizations in Palm Beach County, are eligible to join the County's network. All costs incurred in connecting WFA to the County network will be the responsibility of WFA. The County will not incur any costs associated with this project other than staff time involved in planning and managing the project. These Agreements are similar to existing Agreements with other non-profit organizations as well as interlocal agreements with various local governments for network services. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (Cont'd)

3. **Staff recommends motion to approve:** an Interlocal Agreement with the Loxahatchee River Environmental Control District, a multi-county independent special district created by Chapter 2002-358, Laws of Florida (District) to connect to the Palm Beach County ("County") Regional Network at an estimated first year revenue of \$7,200 for the initial point of connection for an initial term of one (1) year, with automatic annual renewals unless notice given by either party. **SUMMARY:** The Loxahatchee River Environmental Control District wishes to connect to the Palm Beach County network in order to receive Broadband Internet access at the stated monthly rates. The District will have two (2) separate points of connection to the Palm Beach County fiber network via WiMax technology. The County's Information Systems Services (ISS) Department will be responsible for providing Internet services to this organization. The two (2) locations to be connected are 2500 Jupiter Park Drive, and 805 North U.S. Highway 1, both in Jupiter, FL. The District agrees to reimburse the County for all installation costs associated with this project, estimated to be \$15,400. The County will not incur any costs associated with this project other than staff time involved in planning and managing the project. This Interlocal Agreement provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Countywide (PFK)
  
4. **Staff recommends motion to approve:** an Interlocal Agreement with the Town of Juno Beach to connect to the Palm Beach County Regional Network, at an estimated first year revenue of \$5,940 for the initial point of connection for an initial term of one (1) year with automatic one (1) year renewals unless notice is given by either party. **SUMMARY:** The Town of Juno Beach wishes to connect to the Palm Beach County Network in order to receive broadband Internet access at the stated monthly rates. The County's Information Systems Services (ISS) will be responsible for providing Internet services. The Town of Juno Beach agrees to reimburse the County for fiber optic cable construction costs of \$5,000. The County will not incur any costs associated with this project other than staff time involved in planning and managing the project. This Agreement is similar to existing agreements with other municipalities for network services. This Interlocal Agreement provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. District 1 (PFK)

V. METROPOLITAN PLANNING ORGANIZATION

1. [Staff recommends motion to:](#)
  - A) receive and file** Joint Participation Agreement (JPA) Number AQA39 with the State of Florida Department of Transportation for the Regional Interactive Transportation Improvement Program (RITIP); and
  
  - B) approve** a \$38,400 Budget Amendment in the Metropolitan Planning Organization (MPO) Fund to recognize the JPA Number AQA39 with the State of Florida Department of Transportation for the RITIP.

**SUMMARY:** This amendment is necessary to reflect a \$38,400 grant from the State of Florida Department of Transportation (FDOT) for the initial set-up and installation of the RITIP software for all five (5) FDOT District 4 MPOs. The total project cost is \$94,400. Required matching funds of \$56,000 are for annual maintenance fees divided between the five (5) MPOs: Palm Beach \$17,200 (\$8,600/year for two (2) years); Broward \$17,200 (\$8,600/year for two (2) years); Martin \$7,200; St. Lucie \$7,200; and Indian River \$7,200. The Broward and Palm Beach MPO will initiate the process this year. The other three (3) MPOs will begin next year. The Palm Beach MPO will pay the maintenance from Federal funds. Countywide (DR)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to:

**A) receive and file** an executed Grant Agreement with the State of Florida, Division of Emergency Management, to receive State Homeland Security Grant Program funding in the amount of \$95,245 to conduct planning, training, and exercise activities in order to develop and enhance emergency preparedness capabilities for the period of October 1, 2010, through April 30, 2013; and

**B) approve** a Budget Amendment of \$95,245 in the Emergency Management Fund to recognize the actual grant award.

**SUMMARY:** This is an annual grant from the State of Florida, Division of Emergency Management, to conduct planning, training, and exercise activities in order to develop and enhance emergency preparedness capabilities. R2006-0401 gave the authority to the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. Although the grant period began on October 1, 2010, the County received the executed agreement from the State in May of 2011. No County match is required. Countywide (GB)

2. Staff recommends motion to:

**A) receive and file** the executed Grant Contract with the State of Florida, Division of Emergency Management, to receive Emergency Management grant funding in the amount of \$6,723 for the period of October 1, 2010, through April 30, 2013, for the Community Emergency Response Team (CERT) to provide training to Palm Beach County citizens and purchase required supplies; and

**B) approve** a Budget Amendment of \$6,723 in the Emergency Management grant fund to establish the grant budget.

**SUMMARY:** This is an annual grant from the Florida Division of Emergency Management for CERT program activities. Funding is used to provide training to Palm Beach County citizens and to purchase required supplies. R2006-0401 gave authority to the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. Although the grant period began on October 1, 2010, the County received the executed agreement from the State in May of 2011. No County matching funds are required for this grant. Countywide (GB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

3. Staff recommends motion to:

**A) receive and file** the executed Grant Contract with the State of Florida, Division of Emergency Management, to receive Emergency Management grant funding in the amount of \$6,600 for the period of October 1, 2010, through April 30, 2013, for Citizen Corps program initiatives; and

**B) approve** a Budget Amendment of \$6,600 in the Emergency Management grant fund to establish the grant budget.

**SUMMARY:** This is an annual grant from the Florida Division of Emergency Management for Citizen Corps Council activities in Palm Beach County which coordinates the efforts of volunteer organizations through education, training, and volunteer service to make communities safer, stronger, and better prepared to respond to the threats of terrorism, crime, public health issues, and disasters of all kinds. R2006-0401 gave authority to the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. Although the grant period began on October 1, 2010, the County received the executed agreement from the State in May of 2011. No County matching funds are required for this grant. Countywide (GB)

AA. PALM TRAN

1. Staff recommends motion to:

**A) approve** Standard Agreement with the Area Agency on Aging (AAA) in the amount of \$386,453 to fund transportation services for the Division of Senior Services (DOSS) program for the period January 1, 2011, through December 31, 2011;

**B) authorize** the Executive Director of Palm Tran to execute the sub-recipient agreement in substantially the form of Attachment 2 to the Agenda Item, with the City of Pahokee, upon its approval by the City; and

**C) approve** a Budget Amendment of \$18,000 in Palm Tran's Operating Fund for Fiscal Year 2011.

**SUMMARY:** The Standard Agreement with the AAA includes information required by the AAA for transportation services to be provided by Palm Tran CONNECTION for senior citizens who are clients of DOSS nutritional programs north of Hypoluxo Road and the City of Pahokee for its Senior Citizens Wellness Program. The AAA will provide funds in the amount of \$362,453 for Palm Beach County and \$24,000 for the City of Pahokee for a total of \$386,453. Any local match has been accounted for in Palm Tran CONNECTION's approved FY 2011 budget and the City's budget. Countywide (DR)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF

1. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office, a Recovery Act Edward Byrne Memorial Justice Assistance Grant in the amount of \$213,649, for the Region 7 Drug Enforcement Strike Force, for the period of April 1, 2011, through September 30, 2011; and

**B) approve** a Budget Amendment of \$213,649 in the Sheriff's Grant Fund.

**SUMMARY:** On June 1, 2011, the Palm Beach County Sheriff's Office received an award to implement the Region 7 Drug Enforcement Strike Force (RDESF). The RDESF will identify, investigate, apprehend, and prosecute those within the medical and pharmaceutical profession who facilitate the abuse of prescription drugs. 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 United States Department of Homeland Security FY 2008 Port Security Grant to extend the grant period from July 31, 2011, through January 31, 2012. **SUMMARY:** The Board of County Commissioners accepted this grant for \$675,000 on October 21, 2008; the original period for this grant was August 1, 2008, through July 31, 2011 (R2008-1953). This agenda item will extend the grant period from July 31, 2011, through January 31, 2012. These funds were awarded to implement the Port of Palm Beach District's (PORT) Vessels – Prevention/Detection Project. On August 1, 2008, the Palm Beach County Sheriff's Office and the PORT entered into an agreement to expend the Port Security Grant Program funding in providing security service to the PORT. The objective of the project is to create a sustainable, risk-based effort for the protection of critical port infrastructure from terrorism, especially explosives and non-conventional threats that would cause major disruption to commerce and significant loss of life. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (GB)

3. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office, a High Intensity Drug Trafficking Area Program grant in the amount of \$89,742, for the Palm Beach County Narcotics Task Force, for the period of January 1, 2011, through December 31, 2012; and

**B) approve** a Budget Amendment of \$89,742 in the Sheriff's Grant Fund.

**SUMMARY:** On March 11, 2011, the Palm Beach County Sheriff's Office received an award from the Office of National Drug Control Policy. The funds will be used for overtime reimbursement and other expenses associated with the Palm Beach County Narcotics Task Force. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

\* \* \* \* \*

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

A. Staff recommends motion to:

1) **conduct** a public hearing for approval of the use of the Uniform Method of collecting non-ad valorem special assessments provided for in Chapter 197, Florida Statutes pursuant to the Notice of Intent adopted by Resolution (R97-2152); and

2) **adopt** the non-ad valorem special assessment roll and specify the unit of measurement and amount of the assessment.

**SUMMARY:** On December 16, 1997, the Board approved Resolution (R97-2152), expressing the intent of Palm Beach County to use the Uniform Method of collecting non-ad valorem special assessments. The Uniform Method provides for inclusion of water and street improvement project special assessments on the tax bill. This method has been utilized successfully since 1998. A public hearing is required to implement this collection method for new special assessment projects to be included on the 2011 tax bill. Countywide (PFK)

B. Staff recommends motion to:

1) **adopt** a Resolution approving the Palm Beach County Action Plan (AP) for FY 2011-2012; and

2) **authorize** the Chair, or her designee, to execute Standard Forms 424 and Certifications for submission to the U.S. Department of Housing and Urban Development (HUD) to receive FY 2011-2012 formula grant funding through the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), and HOME Investment Partnerships (HOME) Programs.

**SUMMARY:** Federal Regulation 24 CFR Part 91 requires Palm Beach County to submit an Action Plan (AP) to HUD by no later than August 16, 2011, in order to receive CDBG, ESG, and HOME entitlement grant allocations totaling an estimated \$8,907,311 for FY 2011-2012. This amount is a 16.4% percent reduction for FY 2010-2011. Failure to meet the deadline will automatically result in the loss of funds for the upcoming year. The Palm Beach County Action Plan for FY 2011-2012 outlines the recommended expenditures of HUD entitlement grants as follow: CDBG - \$6,138,977 (plus program income of \$50,000); ESG - \$297,830; and HOME - \$2,470,504. A summary of the draft Plan and a Notice of Public Hearing were published on June 12, 2011. Comments received as a result of the Public Notice and meetings were summarized and added to the Plans as required by HUD regulations. The CDBG recommendations follow the Palm Beach County Five Year Consolidated Plan and Board of County Commissioners directions of placing a priority on activities addressing homelessness. The 100% ESG required local match will be provided by the 12 ESG-funded agencies. The HOME required local match (\$524,970) will be provided from State Housing Initiatives Program (SHIP) program income. **These are Federal Funds of which the Emergency Shelter Grant and HOME Investment Partnerships Programs require a local match.** (Planning) Countywide (TKF)

4. PUBLIC HEARINGS – 9:30 A.M. CONTINUED

C. Staff recommends motion to:

1) **adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, confirming the special assessment roll for the 6" Watermain Extension at Cadillac Drive; and

2) **approve** Work Authorization No. 7 to Johnson-Davis, Inc. under the Water Utilities Department (WUD) Continuing Construction Contract (R2010-1423) in the amount of \$56,760.48.

**SUMMARY:** Petitions in favor of the installation of a potable water main have been provided by 100% of the respondent property owners in the Cadillac Drive project area. The project will serve five (5) residential properties currently on private wells. Individual assessments of \$11,615.89 per parcel are based on 100% of the assessable cost and may be paid over 20 years with equal annual payments of principal and 5½% interest. The total project cost is \$67,828.75 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. The project will be constructed utilizing a Work Authorization under the WUD Continuing Construction Contract with Johnson-Davis, Inc. (R2010-1423). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Johnson-Davis, Inc. provides for SBE participation of 15%. This Authorization includes 15.64% overall participation. The cumulative SBE participation is 16.24% overall. Johnson-Davis, Inc. is a local Palm Beach County Company. (WUD Project No. 10-078) District 3 (MJ)

\* \* \* \* \*

5. REGULAR AGENDA

A. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

**A) receive and file** the Youth Violence Prevention Project Fourth Year Evaluation; and

**B) approve** the recommendations of the Criminal Justice Commission (CJC) regarding the CJC membership and Sunshine Law concerns.

**SUMMARY:** The CJC has prepared an evaluation of the Youth Violence Prevention Project fourth year. The Criminal Justice Commission (CJC) has thoroughly examined the Sunshine Law issues and concerns brought forward by the State Attorney regarding CJC membership. The CJC approved three (3) recommendations: **a)** the CJC membership remain the same; **b)** a legislative remedy be pursued that would allow the constitutional officers to serve on advisory committees, and preserve their ability to discuss issues relevant to their day to day operations; and **c)** all CJC agendas for task forces and subcommittees be reviewed to ensure that the topics are appropriate to be handled by the CJC. Countywide (GB)

B. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to adopt: a Resolution authorizing the issuance of not exceeding \$36 Million in initial aggregate principal amount of Revenue Improvement Bonds, Series 2011 (Ocean Avenue Lantana Bridge and Max Planck Florida Corporation Projects) (the Series 2011 Bonds) for the purpose of financing all or a portion of the costs of demolition and reconstruction of the Ocean Avenue Lantana Bridge and to fund a \$15,615,000 Grant to the Max Planck Florida Corporation; providing the terms and other details of such bonds; approving the sale of the bonds to \_\_\_\_\_ (the Bank) pursuant to a direct private placement; approving the form and delegating to the Chair or any other member of the Board of County Commissioners the authority to execute and deliver the bond purchase agreement to be used for the negotiated sale of the bonds to the Bank; providing for the terms and payment of such bonds; providing for the rights, security and remedies of the owners thereof, making certain covenants and agreements in connection therewith; providing for certain other matters in connection therewith; and providing for an effective date. **SUMMARY:** The Five Year Road Program assumes using \$22 Million from Gas Tax and \$15 Million from the issuance of bonds to finance the estimated \$37 Million Ocean Avenue Lantana Bridge project. The final bond funding amount for the bridge project will be determined when the County receives the construction bids for the bridge on July 12. In accordance with the Grant Agreement between the County and Max Planck Florida Corporation, the County is required to make a payment to Max Planck in the amount of \$15,615,000 on November 1, 2011. These projects have been combined into one (1) bond issue for economies of scale and savings in costs of issuance. On June 22, 2011, the County Finance Committee (CFC) approved a recommendation by staff and the County's Financial Advisor to competitively bid direct to banks the sale of the revenue bonds with a fixed rate interest rate to be amortized over 20 years. The County received the bids on July 11. Based on discussions with the County Engineer regarding the construction bids for the bridge, review of the bank bids and discussions with the CFC, staff, and the County's Financial Advisor determined the most favorable bid and are recommending approval of the Resolution. Countywide (PFK)



5. REGULAR AGENDA

B. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)

2. **Staff recommends motion to adopt:** a Resolution (I) authorizing the issuance of Public Improvement Revenue Bonds, Series 2011 (Convention Center Project) in the principle amount of not to exceed \$76 Million for the purpose of financing the costs of current refunding a portion of the County's Public Improvement Revenue Refunding Bonds, Series 2004 (Convention Center Project); funding a reserve in connection therewith, if deemed necessary, and paying certain costs of issuance related thereto; providing certain of the terms and payment of such bonds; providing for the rights, security and remedies of the holders thereof, making certain covenants and agreements in connection therewith; (II) authorizing the use of a preliminary official statement, official notice of sale and summary notice of sale in connection with the public sale of such bonds; (III) authorizing the Chair or County Administrator to accept the best bid for the purchase of the bonds; (IV) authorizing the debt manager to "deem final" for the purposes of the Security and Exchange Commission rule 15c2-12 the preliminary official statement prepared in connection with the bonds; (V) approving the form of and authorizing the execution of the official statement and escrow agreement; (VI) appointing a registrar and paying agent in connection with the bonds; (VII) appointing an escrow agent under the escrow deposit agreement; (VIII) authorizing the proper officers of the County to do all acts necessary and proper for carrying out the transactions contemplated by the resolution; and providing for an effective date. **SUMMARY:** On February 17, 2004, the Board approved a Resolution (R2004-0270) supplementing and amending Resolution No. R2004-0138 adopted on January 13, 2004, authorizing the negotiated sale of Public Improvement Revenue Refunding Bonds, Series 2004 (Convention Center Project). Under the terms of the Series 2004 Refunding Bonds, the Term Bonds (those Bonds maturing on November 1, 2030) are subject to mandatory redemption at the option of the County on November 1, 2011. The County can select either a variable or fixed interest rate on the Conversion Date. On June 22, 2011, the County Finance Committee (CFC) met to discuss the financing alternatives and recommended that, due to the current period of low interest rates, the County issue fixed rate revenue bonds through a competitive sale. Staff will proceed with discussions with the rating agencies to obtain a rating for the Bonds and expects to go to market in mid-August. The Bonds are secured by a covenant to budget and appropriate legally available non-ad valorem revenues with the source of payment being the 4<sup>th</sup> Cent Bed Tax. Countywide (PFK)

C. COUNTY ATTORNEY

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution No. R2009-0472, as amended by Resolution No. R2009-2171, approving a revision to the Investment Policy for Surplus County funds regarding notification of the downgrade of any County-owned investment security below the parameters as set forth by the County Investment Policy; and providing for an effective date. **SUMMARY:** On May 19, 2011, the Investment Policy Committee recommended a revision to the County's Investment Policy. That revision provides that the Clerk & Comptroller shall notify the Investment Policy Committee within 30 days of the downgrade of any investment security owned by the County and to make a recommendation as to the appropriate action to be taken. This procedure had been followed in the past, but was not part of the County's adopted Investment Policy. Countywide (PFK)

5. REGULAR AGENDA

D. WATER UTILITIES

1. Staff recommends motion to:

**A) approve** an Interlocal Agreement with the Village of Palm Springs for the purchase and sale of bulk wastewater transmission, treatment and disposal service (“Bulk Agreement”);

**B) approve** an Interlocal Agreement with the Village of Palm Springs for utility system transfer (“Transfer Agreement”); and

**C) authorize** the Chair of the Board of County Commissioners to execute any and all documents to effectuate the utility systems transfers contemplated in the Transfer Agreement.

**SUMMARY:** In order to ensure the most efficient delivery of water and wastewater service, the County has encouraged the use of cooperative agreements with other utility systems. This Bulk Agreement provides for the Village of Palm Springs (Village) to purchase up to 1.4 million gallons per day of wastewater service from the County. This Agreement replaces bulk wastewater agreements from 1986 (R86-363) and 1990 (R90-1087D) and simplifies the rate calculations set forth in the earlier agreements, as well as removes the requirement for the Village to require the collection of County connection fees in certain locations. The amount of reserved wastewater capacity is the same as set forth in the earlier agreements. The Village will pay a commodity fee of \$1.74 per 1,000 gallons of wastewater delivered to the points of connection, with said commodity fee being recalculated yearly based on a number of factors. The term of the Bulk Agreement is 30 years and may be extended for up to ten (10) additional years. The cost of connecting the County’s system with the Village’s system is to be borne by the respective utility on each side of interconnects, with the cost of interconnects being shared equally by the Village and the County. The Transfer Agreement transfers certain portions of the County’s and Village’s respective Utility Service Areas and associated assets in order to achieve a more efficient overall provision of service to customers of both systems. Village agrees that current County customers within the area being transferred to the Village shall initially be charged County rates, which will be increased on October 1<sup>st</sup> of each year by an by an agreed-upon index, until such time that the property annexes, or for ten (10) years, whichever occurs earlier. The Village is required to remit to the County \$185,831.76 for the difference in value in transfer area and as an agreed settlement amount of unpaid past connection charges and unpaid commodity charges under previous agreements. In addition, an accrued municipal service tax calculated from the date the Village provided notice to the County to begin collection, will be paid to the Village by the County, or utilized as a credit upon other payments owed by the Village to the County. District 3 (MJ)

5. REGULAR AGENDA

E. PLANNING, ZONING & BUILDING

1. Staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida, granting the request of the Town of Jupiter to expand the boundaries of the existing Jupiter Community Redevelopment Area (CRA) to include five (5) adjacent parcels, known as Guanabanas and Inlet Village Park. **SUMMARY:** The Jupiter Community Redevelopment Agency and the Town of Jupiter are requesting that the Board of County Commissioners consider granting the expansion of the boundaries of the Community Redevelopment Area (CRA) to include two (2) parcels known as Guanabanas totaling 0.62 acres and three (3) parcels known as the Inlet Village Park totaling 0.91 acres (owned by the Town of Jupiter and the Jupiter CRA). These parcels were unincorporated at the time of the creation of the Jupiter CRA and were subsequently annexed after the adoption of the CRA. The Jupiter CRA Board recommended the expansion of the boundaries on May 11, 2011, and adopted the recommendation by Resolution No. CRA 3-11. As provided for in Chapter 163.355, Florida Statutes, the Town of Jupiter subsequently recommended the expansion of the boundaries as well on May 17, 2011 by Resolution No. 22-11, providing a *Finding of Necessity* report. County staff has reviewed and approved the *Finding of Necessity* report for consistency with Section 163.355, F.S. District 1 (TF)

F. ADMINISTRATION

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the Economic Development Office to submit a SunShot Initiative: Rooftop Solar Challenge to Induce Market Transformation Grant Application for up to \$750,000 to the United States Department of Energy; and authorizing the County Administrator or his designee to execute all applications and documents that do not change the scope of work or terms and conditions of the Agreement if the Grant is approved. **SUMMARY:** This application will seek up to \$750,000 for Palm Beach County (PBC) to take part in a nation-wide Rooftop Solar Challenge (Challenge). The Economic Development Office (EDO) will be the applicant in coordination with several County departments, Florida Power and Light (FPL), and local photovoltaic (PV) providers. The Challenge seeks to develop solutions that make solar energy more accessible and affordable to PBC citizens and the business community. Current policy frameworks can create inefficiencies and keep PV costs high, limiting market penetration. This grant will enable project partners, including EDO and PBC Planning, Zoning and Building, to utilize administrative grant dollars to achieve internal policy and process improvements to create an overall streamlined system. Specific activities would include: assessing the current policy and market environment; streamlining and improving the solar siting and permitting process; working with FPL to improve interconnection standards and developing a plan for increasing solar market maturity in PBC. **These are federal funds and internal in-kind services in the form of staff time will be utilized for the 10% match requirement.** Countywide (DW)

5. REGULAR AGENDA

G. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: a Lease Agreement with T&D Cattle Company and Exotics, Inc. (T&D), to lease approximately 195 acres of County-owned land in the Ag Reserve located just south of Boynton Beach Boulevard and west of Highway 441/SR7. **SUMMARY:** The County acquired the 215 acre Amestoy property in 2004 subject to a lease with Mecca Farms, Inc. Mecca Farms ceased farming operations after the enactment of new drainage regulations by the South Florida Water Management District (SFWMD). In order to comply with the new regulations, substantial improvements to the existing drainage irrigation system will be required. Staff issued a new RFP to lease the Amestoy property in June, 2010. The RFP divided the property into two (2) parcels (195 acres and 20 acres) and offered the parcels for lease either together or separately. The RFP required each respondent to submit a conceptual drainage plan for the property that complied with the SFWMD regulations and would be implemented at the respondent's expense. Three (3) responses to the RFP were received. Yee Farms, Inc., proposed leasing the entire 215 acres for row crops for \$1 per year for five (5) years with 10x1-year lease extension options. T&D proposed leasing the 195 acre parcel for row crops, estimating that 140 acres would be farmable, for approximately \$6,820 per year for five (5) years, with 15x1-year lease extension options. Floral Acres, L.L.C., proposed leasing the 20 acre parcel for a containerized nursery for \$20,000 per year for five (5) years with 5x5-year extension options. After the first five (5) years of the lease, all proposed leases would adjust rent to then current fair market rental value. Staff recommends that the proposals of T&D and Floral Acres be selected, as these proposals would maximize the rent to be received by the County. Since the responses to the RFP were submitted, T&D and Floral Acres have been working with staff to improve the drainage plan for submission to SFWMD. The leases include the modified plan as an exhibit. Based on the new drainage plan, T&D estimates that there are 145 farmable acres in its parcel. In order to gain experience with the drainage characteristics of the property, Staff allowed T&D to farm approximately 117.5 acres of the Amestoy property from December 1, 2010, through June 30, 2011. T&D has paid rent of \$17,135.44 for this period. T&D provided a Disclosure of Beneficial Interest identifying Richard Bowman and Theresa Bowman as each holding a 50% interest in T&D. The Lease with Floral Acres will be presented for approval in August. (PREM) District 5 (HJF)

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**RECESS AS THE BOARD OF COUNTY COMMISSIONERS**

**CONVENE AS THE CHILD CARE FACILITIES BOARD**

6. BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD

A. HEALTH DEPARTMENT

1. [Staff recommends motion to approve on a preliminary reading and advertise for public hearing at 9:30 a.m. on August 16, 2011:](#) a Resolution of the Board of County Commissioners of Palm Beach County, Florida, sitting as the Child Care Facilities Board, titled the Palm Beach County Rules and Regulations Governing Child Care Facilities: amending Articles III Through XIX and Article XX; re-naming Articles V, VI and XI; of the Rules and Regulations Governing Child Care Facilities in Palm Beach County; providing for definitions; providing for rules of procedure for the child care advisory council; providing for license and certificate application procedures; providing for procedures for hearings, denial and revocation of licenses; providing for child care personnel training requirements; providing for background screening requirements; providing for supervision and staffing requirements; providing for daily program and discipline; providing for physical facilities requirements; providing for preparation and food service; providing for nutrition; providing for medicine, first-aid and emergency procedures; providing for communicable disease control; providing for admission, assessment and record keeping; providing child care during nighttime hours; providing for transportation; providing for field trips and swimming activities; providing for specialized child care for mildly ill children; providing for classification of violations; providing for enforcement; providing for repeal of laws in conflict; providing for inclusion in the code; providing for severability; providing for a savings clause; and providing for an effective date. **SUMMARY:** The Child Care Advisory Council and the Palm Beach County Health Department are recommending a number of changes to the Rules and Regulations Governing Child Care Facilities. The Board of County Commissioners, pursuant to a Special Act of the State of Florida, serves as the Child Care Facilities Board and in this capacity, is required to promulgate rules and regulations as needed to protect the health and safety of children in child care facilities. The proposed changes will update County rules and provide greater consistency with State regulations which have been amended several times since the last rule update in 2005. The substantive proposed rule changes accomplish the following:

1. Incorporate new State child care standards pursuant to Chapter 402, Florida Statutes and Chapter 65C-22, Florida Administrative Code;
2. Incorporate new requirements of Chapter 2010-249, Special Acts, Laws of Florida;
3. Add and clarify requirements for transportation of children;
4. Reduce outdoor play area site requirements;
5. Require high school diploma for child care personnel;
6. Add pre-licensing training requirements and clarify license application requirements;
7. Increase license fees;
8. Add guidelines for issuing provisional and probationary licenses;
9. Delete Department of Children and Families' child care training information and procedures that are not applicable child care standards;
10. Incorporate new child care personnel background screening requirements pursuant to Chapter 435, Florida Statutes;
11. Allow commingling of infants and older children to facilitate transitioning of infants to groups of older children; and
12. Reorganize the following articles of the existing rules to improve coherence and clarity: Article VI - Staff Qualifications, Article VIII - Supervision and Staffing Requirements, and Article X - Physical Facilities. Countywide (GB)

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**ADJOURN AS THE CHILD CARE FACILITIES BOARD**

**CONVENE AS THE ENVIRONMENTAL CONTROL BOARD**

7. 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 individual to the Palm Beach County Environmental Appeals Board for a term beginning July 28, 2011, and ending on July 27, 2014:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Brian Joslyn, Esq.	5	Attorney	PBC Bar Association

**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 (DEP). Countywide (GB)

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**ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD**

**RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS**

8. BOARD APPOINTMENTS

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

1. **Staff recommends motion to approve:** appointment of the following individual to the Workforce Alliance, Inc. Board (Alliance Board) for the term July 19, 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>APPOINT</b> Mary Wong	34	Private Sector/PBC Resident	Comm.'s Marcus; Burdick; Abrams; and Taylor

**SUMMARY:** The Alliance Board is comprised of a minimum of 35 members, of which at least 5% 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 June 7, 2011, a memo was distributed to the BCC requesting support for the appointment of Ms. Wong. No other nominations were received. Countywide (TKF)

B. **COMMUNITY SERVICES**  
**(HIV Comprehensive AIDS Resources Emergency CARE Council)**

1. **Staff recommends motion to approve:** appointment of five (5) individuals and reappointment of one (1) member to the Palm Beach County HIV Comprehensive AIDS Resources Emergency (CARE) Council for a term of two (2) years, with expiration dates as indicated below:

<b><u>Seat No.</u></b>	<b><u>Appointment</u></b>	<b><u>Seat Requirement</u></b>	<b><u>Term Expires</u></b>
44	Nicole Leidesdorf	Federal HIV Program	July 18, 2013
40	Sha'Wanda Manuel	State Part B Agency	July 18, 2013
8	Shantreirra Monroe	Social Service Provider	July 18, 2013
32	Juny TeTevi	Affected Communities	July 18, 2013
7	Vicki Tucci	Social Service Provider	July 18, 2013
<b><u>Seat No.</u></b>	<b><u>Reappointment</u></b>	<b><u>Seat Requirement</u></b>	<b><u>Term Expires</u></b>
13	Thomas McKissack	Mental Health Provider	July 18, 2013

**SUMMARY:** The Palm Beach County HIV CARE Council Bylaws state that total membership shall be no more than 45 and no less than 21 members. Founding members were appointed for one (1) and two (2) year terms with subsequent terms of two (2) years. The Palm Beach County HIV CARE Council nominations process is an open process with publicized criteria and legislatively defined conflict of interest standard. The five (5) new appointments and one (1) reappointment have successfully completed the Palm Beach County HIV CARE Council nominations process, and the Palm Beach County HIV CARE Council has recommended the appointments and reappointment. Ms. Leidesdorf has disclosed that she is employed by Compass, Inc., that contracts with the County for support services. Ms. Manuel has disclosed that she is employed by Comprehensive AIDS Program/Foundcare Inc., that contracts with the County for support services. Ms. Monroe has disclosed that she is employed by Families First of Palm Beach County, Inc., that contracts with the County for support and housing services. Ms. Tucci has disclosed that she is employed by Legal Aid Society of Palm Beach County, Inc., that contracts with the County for legal services. Mr. McKissack has disclosed that he is employed by the Jerome Golden Center for Behavioral Health, Inc., that contracts with the County for mental health services and homeless housing. The HIV CARE Council provides no regulation, oversight, management, or policy-setting recommendations regarding contracts. Disclosure of these contractual relationships is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. (Ryan White) Countywide (TKF)

C. **COMMISSION DISTRICT APPOINTMENTS**

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JULY 19, 2011

9. MATTERS BY THE PUBLIC – 2:00 P.M.

\* \* \* \* \*



**JULY 19, 2011**

**10. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**JULY 19, 2011**

**11. 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**

**12. ADJOURNMENT**

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

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**JULY 19, 2011**

<u>PAGE</u>	<u>ITEM</u>	
10	3A-4	<b><u>REVISED SUMMARY:</u></b> Palm Beach County posted RFP No. 11-033/SC for individuals and firms to respond to a request to provide federal lobbying services for Palm Beach County.... The County negotiated with the next two (2) highest ranking firms and believes that dividing the contract between the two (2) would best serve the needs of the County. <del>The amount for the contracts reflects \$15,000 budgeted for the current fiscal year and \$45,000 budgeted for the next fiscal year for each of the two (2) contracts for a total of \$120,000. The total amount for the two (2) initial 16-month contracts is \$120,000 which amounts to \$7,500 per month. This amount reflects a \$500 per month reduction from the previous federal lobbying contract.</del> <u>Countywide (DW) (Admin/Leg. Affairs)</u>
12	3C-5	<b><u>DELETED: Staff recommends motion to approve: A)</u></b> a Contract with DP Development of the Treasure Coast, LLC (DPD) in the amount of \$1,115,574.05 for the construction of Central Boulevard..(Engineering) (Further staff review)
14	3E-1	<b><u>REVISED SUMMARY:</u></b> The Division has received a 2010 Shelter Plus Care Renewal and Consolidated Grant Agreement from HUD which consolidates two of the Division's existing Shelter Plus Care grants to provide rental assistance for a total of 32 permanent housing beds for homeless, disabled individuals. The impacted programs are Project Home (R2010-1102) and the Flagler Project (R2011-0721). The amendment combines the programs and reflects that The Flagler Project (R2011-0721) will retain the name and renewal dates and Project Home (R2010-1102) is terminated as of May 22, 2011. <del>A prohibited relationship waiver was recommended and approved for an employee of Oakwood Center of the Palm Beaches, Inc., n/k/a The Jerome Golden Center for Behavioral Health, Inc. who serves on a County advisory board in the original contract (R2011-0721).</del> <u>The Executive Director of the Jerome Golden Center for Behavioral Health, Inc., Dr. Linda DePiano, serves on a County Advisory Board, the Criminal Justice, Mental Health and Substance Abuse Planning Council. The Council provides no regulation, oversight, management, or policy-setting recommendations regarding the Jerome Golden Center for Behavioral Health, Inc. contract. 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.</u> No local match is required by the County for this grant. (Human Services) <u>Countywide (TKF) (Community Services)</u>
32	3Q-6	<b><u>DELETED: Staff recommends motion to: A) ratify</u></b> the signature of the Chair on the submittal of the Second Chance Act Grant Application to the Department of Justice (DOJ) for \$750,000...(CJC) (Further staff review)
33	3U-2	<b><u>DELETED: Staff recommends motion to approve:</u></b> Services Agreement for network and server hosting for disaster recovery services with Workforce Alliance (WFA)... (ISS) (Further staff review)
34	3U-3	<b><u>DELETED: Staff recommends motion to approve:</u></b> an Interlocal Agreement with the Loxahatchee River Environmental Control District, a multi-county independent special district created by Chapter 2002-358, Laws of Florida ("District") to connect to the Palm Beach County ("County") Regional Network... (ISS) (Further staff review)
34	3U-4	<b><u>DELETED: Staff recommends motion to approve:</u></b> an Interlocal Agreement with the Town of Juno Beach to connect to the Palm Beach County Regional Network...(ISS) (Further staff review)

- 36 3AA-1 **REVISED TITLE: Staff recommends motion to: A) approve** Standard Agreement with the Area Agency on Aging (AAA) in the amount of \$386,453 to fund transportation services for the Division of Senior Services (DOSS) program ....**B) ...C) approve** a Budget Amendment of ~~\$18,000~~ \$23,170 in Palm Tran's Operating Fund for Fiscal Year 2011. (Palm Tran)
- 38 4B **REVISED SUMMARY:** Federal Regulation 24 CFR Part 91 requires Palm Beach County to submit an Action Plan (AP) to HUD by no later than August 16, 2011, in order to receive CDBG, ESG, and HOME entitlement grant allocations totaling an estimated \$8,907,311 for FY 2011-2012. This amount is a ~~16.4% percent~~ 14.6% reduction for FY 2010-2011....(HCD)
- 40 5B-1 **REVISED TITLE: Staff recommends motion to adopt:** a Resolution authorizing the issuance of not exceeding \$36 Million in initial aggregate principal amount of Revenue Improvement Bonds, Series 2011 (Ocean Avenue Lantana Bridge and Max Planck Florida Corporation Projects) (the Series 2011 Bonds) for the purpose of financing all or a portion of the costs of demolition and reconstruction of the Ocean Avenue Lantana Bridge, and to fund a \$15,615,000 Grant to the Max Planck Florida Corporation; providing the terms and other details of such bonds; approving the sale of the bonds to SunTrust Bank (the Bank) pursuant to a direct private placement;...(OFMB)
- 43 5F-2 **ADD-ON: Staff recommends motion to:**
- A) adopt** a Resolution by the Board of County Commissioners of Palm Beach County, Florida, authorizing the submittal of a New Markets Tax Credit (NMTC) Program Application with Palm Beach County (PBC) as the Controlling Entity in the amount of \$30,000,000 to the United States Department of the Treasury (Treasury) Community Development Financial Institutions (CDFI) Fund; authorizing Palm Beach County to enter into a Controlling Entity Agreement with CIDC-Palm Beach County Community Development Entity, LLC (CDE); authorizing the acceptance of the funds awarded in order to spur new or increased investments in established businesses in Palm Beach County and rural counties surrounding Lake Okeechobee; authorizing the Economic Development Office (EDO) to establish and manage the NMTC Loan Program to finance business projects; and authorizing the County Administrator or his designee to execute the Loan Application documents to implement the NMTC Loan Program and issue debt obligations pursuant thereto; and
- B) approve** Controlling Entity Agreement with CIDC-Palm Beach County Community Development Entity, LLC designating PBC as Controlling Entity in order to manage the CDE.
- SUMMARY:** This Application will request an allocation of Federal funds totaling \$30,000,000 to stimulate private investment capital that, in turn, will facilitate economic and community development in low-income communities and create jobs in Palm Beach County and rural counties surrounding Lake Okeechobee. The NMTC Program draws investment capital by permitting individual and corporate investors to receive a tax credit totaling 39% against their Federal income tax in exchange for making equity investments in specialized financial institutions called Community Development Entities. Palm Beach County will receive 80% of all investment capital and the rural counties will receive 20%. The Application requires that every applicant designate a Controlling Entity. The Controlling Entity Agreement with CDE, the Applicant, will designate Palm Beach County as Controlling Entity and non-member Manager, providing Management Control and Management Voting Control over the CDE. The CDE will provide financing from the pool of investment funds in the form of loans to qualified businesses within Palm Beach County and surrounding rural counties. EDO will receive an annual allocation of revenue to offset administrative costs over a seven (7) year period. The loan recipient will be responsible for paying the debt of the loan. **No County funds will be pledged to complete any project funded by the NMTC Program. These are Federal funds that do not require a match.** Countywide (DW) (Admin/EDO) (Federal Submission Deadline)

**A)** a Change Order No. 3 with The Murphy Construction Co. in the amount of \$351,056.72 for additional work on the Dubois Park Redevelopment, Project No. 2009ERM10; and

**B)** a Budget Transfer of \$551,000 within the \$50M GO 06 Waterfront Access Bond from Peanut Island Lagoon (\$174,045) and Okeeheelee South Park Boating Center (\$376,955) to Dubois Park Marina for construction costs and project management.

**SUMMARY:** The Board of County Commissioners approved the Dubois Park Redevelopment Project No. 2009ERM10 on July 20, 2010, and authorized the Chair to sign future Change Order No. 1 to include the Alternate Bid work upon receipt of the necessary permits. Change Order No. 1 (R2010-1129) was issued on December 21, 2010 and increased the contract price to \$2,122,567.03. Change Order No. 2 was issued on June 16, 2011 to replace a failing wing wall within the project area and increased the contract price to \$2,142,094.42. Change Order No. 3 will bring the cumulative contract amount to \$2,493,151.14 and will authorize the construction of a water taxi shelter, installation of 3 boat lifts for law enforcement and lifeguard vessels and associated electrical work. Along with Change Order No. 3, additional funding is necessary to complete upland improvements (such as sidewalks, surfacing, landscaping, irrigation, etc.) and electrical costs not included in the change order. The Small Business Enterprise (SBE) participation of 17.34% as set forth in the Contract will remain in effect. Murphy's SBE participation to-date is 16.97%. The Contract is funded from a combination of local, State and Federal grants and boater access bond funds, all non-ad valorem sources. District 1 (JM) (ERM) (Project would be delayed which will result in additional costs)

45 6A-1 **TIME CERTAIN 10:30 A.M. Staff recommends motion to approve on a preliminary reading and advertise for public hearing at 9:30 a.m. on August 16, 2011:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, sitting as the Child Care Facilities Board, titled the Palm Beach County Rules and Regulations Governing Child Care Facilities.....(Health Department)

**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 (\*).