

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

MARCH 20, 2012

**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 Presentation

- 3. CONSENT AGENDA (Pages 8 - 26)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 27 - 29)**

- 5. REGULAR AGENDA (Pages 30 - 37)
TIME CERTAIN 11:00 A.M. (SOE Warehouse) (Page 35)**

- 6. BOARD APPOINTMENTS (Pages 38 - 39)**

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MARCH 20, 2012

2C. SPECIAL PRESENTATION – 9:30 A.M.

1. Legislative Update by Representative Pafford

* * * * *

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to receive and file: Resolution No. 2012-2889 of the City Commission of the City of Belle Glade, Florida, expressing appreciation to those who provided assistance to individuals affected by the fire at 511 Southwest 5th Street.

2. Staff recommends motion to approve:

A) an Agreement with Neighbors Helping Neighbors Project, Inc., in an amount not-to-exceed \$850 for expenses related to the Community Organizing Project;

B) an Agreement with Residents of Lake Osborne Heights, Inc., in an amount not-to-exceed \$2,200 for expenses related to the Community Improvement Project;

C) an Agreement with Genesis Neighborhood Association, Inc., in an amount not-to-exceed \$1,260 for expenses related to the Community Improvement Project;

D) an Agreement with Cabana Colony Residents League, Inc., in an amount not-to-exceed \$1,920 for expenses related to the Community Center Project;

E) an Agreement with Challenge To Change, Inc., in an amount not-to-exceed \$850 for expenses related to the Community Organizing Project;

F) an Agreement with Dhails Community Enhancement Services, Inc., in an amount not-to-exceed \$2,000 for expenses related to the Community Center Project;

G) an Agreement with Paint Your Heart Out Palm Beach County, Inc., in an amount not-to-exceed \$2,500 for expenses related to the Community Beautification Project;

H) an Agreement with Pahokee Development Corporation, Inc., in an amount not-to-exceed \$2,500 for expenses related to the Community Outreach Project;

I) an Agreement with Belle Glade Housing Authority, Inc., in an amount not-to-exceed \$2,500 for expenses related to the Community Recreation Project;

J) an Agreement with City of Pahokee, in an amount not-to-exceed \$2,500 for expenses related to the Community Improvement Project;

K) an Agreement with Glades Initiative, Inc., in an amount not-to-exceed \$2,500 for expenses related to the Community Outreach Project;

L) an Agreement with The First Tee of the Glades/Explorer Post 611, Inc., in an amount not-to-exceed \$2,000 for expenses related to the Community Outreach Project;

M) an Agreement with Anteria Burgess, in an amount not-to-exceed \$500 for expenses related to the Community Outreach Project; and

N) an Agreement with Housing Partnership, Inc., in an amount not-to-exceed \$1,000 for expenses related to the Community Outreach Project.

SUMMARY: The Resident Education to Action Program (REAP) is a five (5) week, hands-on educational course on community revitalization and civic leadership development for residents and neighborhood organizations that are seeking to improve the quality of life within their communities. Remaining funds from REAP Fiscal Year 2010-2011 were carried forward to implement projects for REAP Fiscal Year 2011-2012. The Agreements being submitted represent the REAP projects selected by the REAP Review Committee to receive grant funding. Countywide (AH)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.

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

<u>Meeting Type</u>	<u>Meeting Date</u>
Environmental Control	January 24, 2012
Zoning	February 23, 2012
Workshop	February 28, 2012

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

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

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: a Contract with American Engineering & Development Corporation (American), the lowest, responsive, responsible bidder in the amount of \$277,737.35 for the construction of Caroline Avenue Crossing Over Lake Worth Drainage District L-3 Canal (Project). **SUMMARY:** Approval of this Contract will allow Palm Beach County to issue a Notice to Proceed to American, 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 proposed for the Project by American is 17.07%. District 2 (MRE)
2. Staff recommends motion to approve: a 90-calendar day Contract (Contract) with The Signal Group, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$353,487.50, for Overhead School Zone Flashers (Project), Project No. 2011055. **SUMMARY:** Approval of this Contract will allow for upgrading the flashers in several school zones. The Florida Department of Transportation has funded this Project with LAP Agreement No. FPN 423189-1-38/58-01. The Contractor is a Palm Beach County business. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the Project by the Contractor is 5% overall. As these are Federal funds, we cannot use SBE goals in determining Contract award. Districts 2, 3, 5 & 7 (MRE)
3. Staff recommends motion to authorize: the County Administrator, or his designee, to issue Work Orders to construct irrigation and landscape improvements on State Road 7 in the amounts not-to-exceed \$400,000 from the Broward County Line to Palmetto Park Road, and \$248,000 from Palmetto Park Road to Glades Road (Improvements) utilizing Palm Beach County's (County) Annual Roadway Landscaping Contract R2011-0019, as amended by R2011-1294 and R2011-1987 with Arazoza Brothers Corporation. **SUMMARY:** This authorization will enable the County Administrator, or his designee, to issue Work Orders for the contractual services necessary to construct the Improvements. The Florida Department of Transportation has agreed to provide the County with up to \$400,000 (for Broward County Line to Palmetto Park Road) and \$248,000 (for Palmetto Park Road to Glades Road) in 100% grant funding for the construction of the Improvements. No matching funds are required. The County is currently responsible for maintaining both segments of State Road 7. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. Staff recommends motion to:

A) approve a Subordination of Utility Interests and Agreement for Reimbursement for Additional Facility Relocations (Subordination Agreement) with Florida Power & Light Company (FPL) on a parcel of land that is for dedicated right-of-way on Wallis Road just east of North Cleary Road; and

B) accept a Subordination of Property Interests for drainage easements (Drainage Subordination) from Tallman, L.L.C. (Tallman) on a parcel of land that is for dedicated right-of-way on Wallis Road just east of North Cleary Road; and

C) accept a Warranty Deed from Southern Waste Systems, Ltd. (Southern) for right-of-way on Wallis Road and North Cleary Road.

SUMMARY: Approval and acceptance of these actions will allow a Subordination Agreement which releases an FPL utility easement interest in a parcel of land just east of North Cleary Road and will allow a Drainage Subordination from Tallman on the same parcel of land dedicated for right-of-way. Acceptance will also allow a Warranty Deed from Southern for a parcel of land that contains ten feet of right-of-way on Wallis Road and 15 feet of right-of-way on North Cleary Road. District 2 (MRE)

5. Staff recommends motion to approve:

A) a 90-calendar day Contract (Contract) with AKA Services, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$321,705 for the Glades Citizens Villas (Project), Project No. 2007905, located near the City of Pahokee contingent upon approval of the Contract documents by the State of Florida Department of Economic Opportunity (DEO); and

B) a Budget Amendment of \$16,060 in the Capital Outlay Fund to recognize utility relocation reimbursements from Florida Power and Light (\$14,530) and Cable Television (\$1,530), and appropriate it to the Project.

SUMMARY: Approval of this Contract will allow for the construction of new storm sewers and drainage structures. After review of the contingent items, AT&T advised that they would protect, adjust and support their facilities (bid items 26 & 27) thereby reducing the total Contract award amount by \$5,000, from the original total of \$326,705. The Contractor is a Palm Beach County business and is applying for SBE certification. The construction contract, except for the utility work, is funded with Federal grant funds; therefore the Small Business Enterprise Ordinance does not apply to this Project. Approval of this Contract is contingent upon DEO's approval of the Contract documents. District 6 (MRE)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. Staff recommends motion to approve:

A) a Settlement Agreement with Florida Airmotive, Inc., for an amount not to exceed \$275,000; and

B) a Budget Transfer of \$275,000 in the Airports Improvement and Development Fund from Reserves to provide budget to fund the settlement purchase of buildings and hangars.

SUMMARY: Florida Airmotive is the fixed base operator of the Palm Beach County Park Airport (“Lantana Airport”) pursuant to a Lease Agreement (R86-712) (“Lease”) with the County. Florida Airmotive claims ownership of approximately 28 metal buildings and aircraft hangars located at the Lantana Airport based upon provisions in the Lease that allow Florida Airmotive to remove certain types of improvements at the end of the Lease term. The County filed suit against Florida Airmotive seeking declaratory judgment to determine whether the County or Florida Airmotive owns the disputed improvements at the Lantana Airport. The proposed Settlement Agreement provides for the purchase by the County of any interest that Florida Airmotive may have in the disputed improvements. Florida Airmotive will also attempt to obtain signed statements from current subtenants, disclaiming any ownership interest in the improvements (“Disclaimer of Interest”). The full settlement amount for all disputed improvements is \$275,000. The settlement amount has been pro-rated on a per square foot basis to establish a price per building/hangar. For those improvements where a Disclaimer of Interest has not been obtained, the County will pay a reduced settlement amount of approximately 50% of the pro-rata purchase price. The disputed improvements range in size from approximately 1,558 to 10,292 square feet, comprising a total of approximately 128,708 square feet of improved building space. Countywide (ATP)

2. Staff recommends motion to approve: Amendment No. 2 to the Agreement (R2010-1222) with the law firm of Squire Sanders (US) LLP (formerly known as Squire, Sanders & Dempsey (US) LLP) (“Attorney”), to provide disclosure counsel and related legal services for the refunding of Public Improvement Revenue Bonds Series 2004, 2004A (Biomedical Research Park Project), and 2005A (Biomedical Research Park Project). **SUMMARY:** The law firm was selected as disclosure counsel for the above financing by the County Financing Committee at the February 14, 2012 meeting. This Amendment No. 2 confirms that selection by amending the existing Agreement for disclosure counsel and related services between Palm Beach County and the law firm. Payment for the legal services in connection with the bond issuance will be as provided for in the Agreement. Countywide (PFK)

3. Staff recommends motion to approve: Amendment No. 2 to the Agreement (R2010-1324) with the law firm of Edwards Wildman Palmer LLP (formerly known as Edwards Angell Palmer & Dodge LLP) (“Attorney”), to provide bond counsel and related legal services for the refunding of Public Improvement Revenue Bonds, Series 2004, 2004A (Biomedical Research Park Project), and 2005A (Biomedical Research Park Project). **SUMMARY:** The law firm was selected as bond counsel for the above financing by the County Financing Committee at the February 14, 2012 meeting. This Amendment No. 2 confirms that selection by amending the existing Agreement for bond counsel and related services between Palm Beach County and the law firm. Payment for the legal services in connection with the bond issuance will be as provided for in the Agreement. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

4. Staff recommends motion to approve:

A) First Amendment to Legal Services Authorization 2011-0352-B with de la Parte & Gilbert, P.A., for legal services related to water policy issues;

B) First Amendment to Legal Services Authorization 2011-0352-C with de la Parte & Gilbert, P.A., for miscellaneous legal services related to water utilities regulatory issues;

C) First Amendment to Legal Services Authorization 2011-0353-A with Sundstrom, Friedman & Fumero LLP, for legal services related to the Water Utilities Department's sustainable business plan, modification of service availability policies, ratemaking, and related matters; and

D) First Amendment to Legal Services Authorization 2011-0353-B with Sundstrom, Friedman & Fumero, LLP, for miscellaneous legal services related to complex utilities projects/agreements.

SUMMARY: On March 15, 2011, the Board of County Commissioners approved agreements with de la Parte & Gilbert, P.A. (R2011-0352) and Rose Sundstrom & Bentley, LLP (R2011-0353) for legal services related to water utilities issues. Pursuant to those agreements, work assignments were to be authorized by Legal Services Authorizations. On May 3, 2011, the Board of County Commissioners approved Legal Services Authorizations 2011-0352-B (R2011-0601) and 2011-0352-C (R2011-0602) with de la Parte & Gilbert, P.A, and Legal Services Authorizations 2011-0353-A (R2011-0598) and 2011-0353-B (R2011-0599) with Rose, Sundstrom & Bentley, LLP, now known as Sundstrom, Friedman & Fumero, LLP. The First Amendments all extend the term of the Legal Services Authorizations for one year to March 15, 2013. In addition, the First Amendment to Legal Services Authorization 2011-0353-B with Sundstrom, Friedman & Fumero, LLP amends the not-to-exceed amount from \$20,000 to \$50,000. Legal Services Authorization 2011-0353-A (R2011-0600) with de la Parte & Gilbert, P.A, for legal services related to numeric nutrient criteria rules, is not being extended due to inactivity. Countywide (MWJ)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Agreement No. IA112-9500 for the Older Americans Act (OAA) Federal grant funds totaling \$2,044,014 with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period January 1, 2012, through December 31, 2012, for nutritional and in-home services to the elderly. **SUMMARY:** This is the resulting Agreement of the Service Provider Application to the Request for Proposal approved by the Board of County Commissioners on December 1, 2009 (R2009-2054) which allows DOSS, as an AAA Lead Agency, to provide direct services to seniors. Services are funded with \$2,044,014 in Federal funds, \$227,113 in County required funds, \$1,415,208 in additional County funds, \$207,757 in Nutrition Services Incentive Program, and \$59,812 in Program Income. The Agreement spans two (2) County fiscal years. Sufficient County funding inclusive of required match in the amount of \$1,231,741 is available in the FY 2012 budget to meet County obligations. County funding in the amount of \$410,580 to meet FY 2013 obligations will be requested in the FY 2013 budget process. (DOSS) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve: Governance Structure Agreement with Quantum Foundation, Palm Healthcare Foundation, United Way of Palm Beach County, and the Children's Services Council of Palm Beach County providing for the oversight of the Florida Funders Application with an annual partnership fee of \$5,000 due at the beginning of each County fiscal year. **SUMMARY:** On July 20, 2010, the Board entered into a Memorandum of Agreement (MOA) to establish collaboration among funders to create and adopt a common funding application available to all non-profit and public agencies submitting applications under Financially Assisted Agencies and various other programs. The new Governance Structure Agreement further defines the ongoing oversight of the Florida Funders Application (FFA). It also designates an annual fee which is required for the ongoing maintenance, enhancements and revisions of the FFA. The Governance Structure Agreement does not have an expiration date, but allows for termination of participation by any funding partner at any time. Countywide (TKF)

3. Staff recommends motion to approve:

A) Amendments to two (2) Financially Assisted Agencies contracts extending the contracts to September 30, 2012 and increasing funding by \$339,156, for the indicated services:

1. Amendment No. 01 to the contract with Comprehensive Alcoholism Rehabilitation Programs, Inc. (R2011-1760), for the period October 1, 2011, through September 30, 2012 increasing funding for the Homeless Assessment Center by \$224,316 for a new total not-to-exceed amount of \$336,474;
2. Amendment No. 01 to the contract with The Lord's Place, Inc. (R2011-1761), for the period October 1, 2011, through September 30, 2012 increasing funding for the Engagement Center by \$114,840 for a new total not-to-exceed amount of \$172,260; and

B) Contract for Provision of Financial Assistance with Area Agency on Aging of Palm Beach/Treasure Coast, Inc., for the period October 1, 2011, through September 30, 2012 in an amount not-to-exceed \$245,253, to allow Palm Beach County (PBC) to provide match funds to the Area Agency on Aging (AAA) for programs serving seniors.

SUMMARY: The information submitted reflects part of the total \$13,229,511 funding approved by the Board of County Commissioners for the Financially Assisted Agencies Program for FY 2012. Funds for the services provided by Comprehensive Alcoholism Rehabilitation Program and The Lord's Place are part of the Homeless Resource Center allocation in the Homelessness Service Category. The use of these funds is recommended to ensure continuity of services prior to and during the Homeless Resource Center start-up. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to approve: Amended and Restated Agreement with The Homeless Coalition of Palm Beach County, Inc. (Coalition) replacing Agreement R2011-1232, dated August 16, 2011, establishing a working relationship to advocate and educate on behalf of the homeless and implement the Ten-Year Plan to End Homelessness in Palm Beach County with the effective date remaining August 16, 2011. **SUMMARY:** The Amended and Restated Agreement redefines and further develops the working partnership between the Board of County Commissioners and the Coalition to advocate and educate on the issue of homelessness, assist in the implementation of the Ten-Year Plan and pursue resources in support of the Ten-Year Plan. The County will continue to provide staff support to the Coalition and provide office space at a Human Services location. The Coalition will continue to: transfer designated salary, administration and operational funds received from third parties to the County; take a lead role in activities that support advocacy, community outreach, public awareness and education related to homeless and at risk of becoming homeless residents; conduct fundraising activities designed to support and further the goals of the Ten-Year Plan; and with this Agreement will solicit donations for sponsorship opportunities at the Homeless Resource Center(s). Funding for the County's obligations under this Agreement is included in the FY 2012 budget. (Human Services) Countywide (TKF)

F. AIRPORTS

1. Staff recommends motion to approve: a Contract Close-Out Agreement with ThyssenKrupp Airport Systems, Inc. for the replacement of Passenger Loading Bridges at Palm Beach International Airport (PBIA), providing for the payment of \$106,157 to Palm Beach County. **SUMMARY:** On October 17, 2006, the Board of County Commissioners approved the construction contract with ThyssenKrupp Airport Systems, Inc. (R2006-2205) for the replacement of Passenger Loading Bridges at PBIA (the Project), Project No. PB 06-2. Upon completion of the Project, disputes arose related to the compliance with the terms and conditions of the warranty. This Close-Out Agreement, if approved, will resolve the disputes between the County and ThyssenKrupp Airport Systems Inc. The Palm Beach County Attorney's Office assisted in the preparation of this Close-Out agreement. Countywide (JCM)

2. Staff recommends motion to approve:

A) a Construction Manager Authorization for Task No. M-12 under the Construction Manager at Risk (CMR) Contract with The Morganti Group, Inc. in the amount of \$1,880,000 for the Terminal Chiller and Cooling Tower Construction Services at Palm Beach International Airport (PBIA); and

B) a Budget Transfer of \$2,030,000 in the Airports Improvement and Development Fund from Reserves to provide additional budget needed to fund the installation of the equipment, permits, inspections and unforeseen contingencies.

SUMMARY: The CMR Contract with The Morganti Group, Inc., a Palm Beach County company, for the Miscellaneous Repair, Replacement and Improvement Projects for Palm Beach County Department of Airports (DOA) was approved on May 20, 2008 (R-2008-0850). The Contract is for two (2) years with three (3) - one (1) year renewal options. Amendments No. 1-3 exercised all three (3) of the renewal options. Tasks M-1 through M-11 for The Morganti Group, Inc. were approved in the amount of \$6,151,370. Approval of Task No. M-12 for Terminal Chiller and Cooling Tower Construction Services in the amount of \$1,880,000 will enable the DOA to complete the installation of the equipment that was pre-purchased under Task M-11 (R2012-0061). The Small Business Enterprise (SBE) Goal for this contract was established at 15%. The total anticipated SBE contract participation is 24%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. **Staff recommends motion to approve:** First Amendment (Amendment) to the WiFi Advertising Concession Agreement (Agreement) with Cloud 9 Wireless, Inc. (R2011-1018), providing for the elimination of the minimum monthly guarantee. **SUMMARY:** This Amendment eliminates the provision in the Agreement that provided for payment of a minimum monthly guarantee of \$2,500 per month. Cloud 9 Wireless has determined that it is unable to guarantee monthly payments, but is willing to continue providing advertising sales services on a per campaign basis through the expiration of the Agreement on July 31, 2012. All other terms and conditions of the Agreement will remain the same for the remainder of the contract, including the provision for payment of advertising concession fees on a per campaign basis. Advertising campaigns have tended to be short term, making future revenues difficult to predict. The Agreement allows either party to terminate the Agreement for convenience. If this Amendment is not approved, Cloud 9 Wireless has indicated that it will terminate the Agreement. If approved, it is anticipated that the concession will continue to generate revenues to the County of approximately \$1,000 to \$1,500 per month. The Agreement was approved as a one-year pilot program. In the event the Department desires to continue to offer the concession opportunity after evaluating the results of the pilot program, a competitive solicitation will be issued. Countywide (AH)

4. **DELETED**

5. **Staff recommends motion to receive and file:** Nonconcessionaire Rental Car Operator Ground Transportation Permit with Sixt Rent A Car, LLC commencing January 24, 2012, terminating September 30, 2012, automatically renewed on yearly basis (October 1st through September 30th). **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2010-1107. Countywide (AH)

6. **Staff recommends motion to receive and file:** Fourth Amendment (Amendment) to Retail Concession Agreement with Paradies-Palm Beach, LLC (Paradies), providing for replacement of a retail concept at Unit C-2 from a bookstore to a tech store, and increasing the percentage rent at this location from 20% to 22%. **SUMMARY:** Paradies provides retail concession services at PBIA pursuant to a Retail Concession Agreement (Agreement) (R2007-2052). Paradies is a Florida limited liability company with a principal place of business in Atlanta, Georgia. This Amendment modifies the Agreement to replace the New York Times Bookstore at Unit C-2 with a tech concept, Tech For Take-Off. Paradies will pay an increased percentage rental of 22% for sales at Unit C-2. The Amendment replaces definitions and exhibits to conform to the change in concepts at this location. The Amendment was signed by the Director of Airports pursuant to the authorization in item (B) of Agenda Item Summary 3F-6, approved by the Board on September 9, 2008. Countywide (AH)

7. **DELETED**

8. **Staff recommends motion to receive and file:** License Agreement with Jet Aviation Associates, Ltd. (Jet) commencing January 18, 2012, and expiring January 20, 2012, for overflow parking of vehicles in connection with the La Bella Macchina charity event hosted by Jet at the Palm Beach International Airport (PBIA), at no cost to Jet. **SUMMARY:** Delegation of authority for execution of the standard license agreement was approved by the Board in R2007-2070. This License Agreement provides for the use of a portion of the parking area adjacent to the Air Cargo Building No. 1475 for use solely for the parking of vehicles in connection with Jet's charity event. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

9. **Staff recommends motion to receive and file:** License Agreement with Bullet Delivery of WPB, Inc. (Bullet) commencing January 23, 2012, and expiring February 22, 2012, for the use and occupancy of space at 1310-A North Perimeter Road, at the Palm Beach International Airport (PBI), for payment of a license fee in the amount of \$1,979.35. **SUMMARY:** Delegation of authority for execution of the standard license agreement was approved by the Board in R2007-2070. This License Agreement provides for the use of approximately 2,230 square feet space within the PBI cargo building 1300, for use solely for the storage of materials and equipment in connection with Bullet's cargo operation at PBI. Countywide (AH)

10. **Staff recommends motion to receive and file:** Agreement Covering the Operation of Aircraft with Atlas Air, Inc., commencing January 1, 2012, terminating September 30, 2012, automatically extended on year-to-year basis (10/1 through 9/30). **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R1993-801. Countywide (AH)

11. **Staff recommends motion to adopt:** Resolution repealing Resolution R82-804, as amended by R90-1344, R94-1060 and R2002-0544, pertaining to the Citizens' Committee on Airport Noise; providing for a citizens' committee; providing for nature of appointments; providing for secretary to citizens' committee; providing for term of membership; providing for duties of citizens' committee on airport noise; providing for rules of citizens' committee; providing for filling of vacancies; providing for compliance with uniform policy for advisory boards and commissions and providing for an effective date. **SUMMARY:** This Resolution repeals R82-804, as amended by R90-1344, R94-1060 and R2002-0544 and decreases the number of Citizens' Committee on Airport Noise (CCAN) members from thirteen (13) to eleven (11) members in order to comply with R95-1806 which requires all advisory boards to have no more than eleven (11) members. This Resolution also includes a boundary change for the committee member recommended by the Town of Palm Beach to include all residents within the corporate limits of the Town, includes criteria the Board of County Commissioners (BCC) could consider when appointing a member to the committee, and requires a member be removed for failing to attend three (3) consecutive meetings or failure to attend at least two-thirds of the meetings scheduled during a calendar year. Countywide (AH)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** a License Agreement with South Florida Water Management District (SFWMD) for use of parking spaces at Lake Lytal Park from March 18, 2012, until March 17, 2013, at no charge. **SUMMARY:** This License Agreement will allow SFWMD to utilize up to seventy-five (75) parking spaces at Lake Lytal Park while SFWMD works on a permanent plan to provide for its parking needs at its administrative headquarters complex, which is located adjacent to Lake Lytal Park. Use will be limited to employees for the parking of personal automobiles between the hours of 7:00 a.m. and 5:00 p.m., excluding weekends and County holidays. SFWMD's use of the parking spaces is during the times of day and week that do not interfere with the public's use of the facilities at Lake Lytal Park. The term of the License Agreement is for one (1) year and is retroactive to March 18, 2011. The County may revoke the license for any reason whatsoever upon thirty (30) days written notice to SFWMD. The County will not charge for the use of the licensed premises. (FDO) District 2 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to receive and file: notification of the cumulative total of change orders to Moss and Associates (R2007-0031) for the Jail Expansion Program having exceeded \$500,000. **SUMMARY:** In accordance with PPM CW-F-050, when the cumulative value of changes approved by the Lead Department exceeds \$500,000, the Department is required to notify the Board that it has exceeded this reporting threshold. The approval of Change Order No. 174 in the amount of \$45,182 on November 10, 2011, by the Department Director, caused the cumulative value of changes for this project to exceed \$500,000. This item notifies the Board that the cumulative threshold has been reached. After the item is approved by the Board, the cumulative reporting thresholds are reset. The original value of this contract is \$129 Million. (Capital Improvements Division) Countywide/District 6 (JM)

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to approve: an Agreement with Oxygen Development, L.L.C. (Oxygen) in the amount of \$100,000 in Community Development Block Grant (CDBG) funds for the period March 6, 2012, to March 6, 2013. **SUMMARY:** On March 23, 2010, the Board of County Commissioners (BCC) approved a repayable Section 108 Loan for Oxygen in the amount of \$5,947,740. The company requested a grant in the amount of \$100,000 to assist with startup working capital. In lieu of a General Fund grant, staff is recommending the use of CDBG funds. This Agreement is just being brought to the BCC due to the fact that Federal environmental audits had to be obtained. **The overall project is projected to create 1,283 jobs and have a five (5) year Economic Sustainability Impact of \$14.5 Million. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 2 (TFK)
2. Staff recommends motion to approve: an Agreement with the City of Belle Glade in the amount of \$336,000 for the period of March 20, 2012, to November 15, 2013. **SUMMARY:** On July 19, 2011, the Board of County Commissioners approved (R2011-1096) the allocation of \$336,000 in Community Development Block Grant (CDBG) funds to the City of Belle Glade. The project in the City of Belle Glade entails the rehabilitation of the Lake Shore Civic Center located at 1224 Southwest Avenue E Place. The work includes interior and exterior renovations to the building, as well as site improvements. **This funding is projected to create 11 jobs and have a five (5) year Economic Sustainability Impact of \$564,570. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 6 (TKF)
3. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2011-2029) with the City of Pahokee to increase the grant amount from \$52,595 to \$109,439 and to extend the expiration date from September 30, 2012, to December 31, 2012. **SUMMARY:** On July 19, 2011, the Board of County Commissioners approved (R2011-1096) the allocation of \$52,595 in Community Development Block Grant (CDBG) funds to the City of Pahokee. On December 20, 2011, the County entered into an Agreement (R2011-2029) with the City of Pahokee allocating these funds for activity delivery costs for the processing of five (5) housing rehabilitation and five (5) demolition files. The proposed Amendment with the City of Pahokee consolidates \$56,844 in unexpended funds previously allocated to the City into this Agreement. The addition of \$56,844 to the current Agreement requires the City to process an additional five (5) housing rehabilitation files and an additional seven (7) demolition files. **This funding is projected to create three (3) jobs and have a five (5) year Economic Sustainability Impact of \$976,500. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 6 (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

4. Staff recommends motion to approve: Amendment No. 002 to an Agreement (R2011-0142) with West Jupiter Community Group, Inc. (WJCG) to increase the grant amount from \$255,489 to \$380,489 and to extend the expiration date from March 31, 2012, to July 31, 2012. **SUMMARY:** On July 10, 2007, the Board of County Commissioners approved (R2007-1219) the allocation of \$255,489 in Community Development Block Grant (CDBG) funds to WJCG. On February 1, 2011, the County entered into an Agreement (R2011-0142) with WJCG allocating these funds for the construction of three (3) additional classrooms to their tutorial center located at 7187 Church Street in the Limestone Creek area of unincorporated Palm Beach County. The additional \$125,000 provided by the proposed amendment will be used to offset unforeseen construction costs. **This funding is projected to create 12 jobs and have a five (5) year Economic Sustainability Impact of \$663,800. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 1 (TKF)

5. Staff recommends motion to approve: revisions to the Palm Beach County Neighborhood Stabilization Program (NSP) Residential Redevelopment Grant Program Policies. **SUMMARY:** On July 19, 2011, the Board of County Commissioners approved Residential Redevelopment Grant Program (RRGP) Policies for NSP1 and NSP2. Existing Policies require 20-year and 30-year affordability periods for resale and rental properties, respectively. The proposed revisions change the affordability periods to match the HUD-required periods as follows: 15 years for all resale properties, 15 years for properties acquired and rehabilitated for rental, and 20 years for properties acquired, demolished and reconstructed for rental. The proposed changes to the affordability periods will enhance the marketability of the resale homes and will eliminate the administrative costs of monitoring for affordability beyond the HUD-required period. HUD technical advisory staff has urged the County to make these policy revisions. The proposed policy revisions will improve the County's ability to administer the RRGF in accordance with NSP requirements and to serve targeted clientele in the current housing market. **These are Federal NSP funds which require no local match.** (DES Administration) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

6. Staff recommends motion to:

A) receive and file a Cooperative Agreement with the U.S. Department of Housing and Urban Development (HUD) for the Community Challenge Planning Grant (CCPG);

B) approve the creation of one (1) full-time position within the Department of Economic Sustainability (DES), a Special Projects Manager (Pay Grade 46), which will be grant funded; and

C) approve a Budget Amendment of \$1,980,504 in the HUD Community Challenge Planning Grant fund to recognize the grant revenue and establish the grant appropriation budget.

SUMMARY: In accord 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 Cooperative Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator in accordance with Agenda Item R2010-1338 approved by the Board on August 17, 2010. The Cooperative Agreement is now being submitted to the Board to receive and file. The Special Projects Manager performs technical and administrative work in connection with the implementation of grant funded activities undertaken by DES. The CCPG included a \$518,809 budget to cover three (3) years of program administration, salaries, benefits, and related costs associated with the position. The position will initially be funded from the CCPG and then from any other funds that become available at a future time. The position will terminate upon the exhaustion of available funds. **The County's matching requirement will be met through in-kind contributions that include staff time and resources from the County and other partner agencies.** (DES Contract Development) District 6 (DW)

K. WATER UTILITIES

1. Staff recommends motion to approve: a First Amendment to Potable Water and Wastewater Development Agreement (Amendment) with API Cameron Park LLC (Cameron Park WUD 11-542). **SUMMARY:** Cameron Park owns property located on the south side of Atlantic Avenue, west of Sims Road. In order to provide the potable water and wastewater concurrency reservations for new developments, the Water Utilities Department (Department) required property owner to enter into a formal Standard Development Agreement (Agreement) with the Department. Cameron Park entered into a Standard Agreement on December 30, 2005. In accordance with the Agreement, Cameron Park shall design and construct all utility facilities as required by the Department. During the design process the Department required Cameron Park to include a modification of certain existing utility facilities in Atlantic Avenue right-of-way. These modifications were not in the scope of required improvements by Cameron Park. Cameron Park agreed to perform these modifications and requested that the Department pay \$5,000 for the required modifications upon completion of the utility work. The \$5,000 payment is substantially less than what the modifications would have cost the Department if performed as a stand alone project. (WUD Project No. 11-542) District 5 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

2. **Staff recommends motion to receive and file:** an executed Indemnity Agreement with Delray Beach Associates I, LLC, a Florida Limited Liability Company, received during the month of December 2011. **SUMMARY:** In accordance with County PPM CW-0-051, all delegated contracts/agreements/grants/procurement items must be submitted by the initiating Department as a receive and file agenda item. The Indemnity Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Deputy Director of the Water Utilities Department in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and is now being submitted to the Board to receive and file. District 5 (MJ)

3. **Staff recommends motion to approve:** Work Authorization No. 10 to the Pipeline Continuing Construction Contract with Johnson-Davis, Inc. (R2010-1423) for the construction of the Watergate Mobile Home Park Water Main Replacement Phase II, in the amount of \$645,472.70. **SUMMARY:** On September 14, 2010, the Board of County Commissioners approved the Water Utilities Department Pipeline Continuing Construction Contract with Johnson-Davis, Inc. (R2010-1423), and on January 24, 2012, the Board of County Commissioners approved Amendment No. 1 to the unit price contract with Johnson-Davis, Inc. (R2012-0153) for the Water Utilities Department Pipeline Continuing Construction Contract renewing the Contract for a 12 month period. This Work Authorization No. 10 provides for the construction of 4,965 feet of replacement water mains in the Watergate Mobile Home Park. 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 16.1% overall participation. The cumulative SBE participation is 15.83% overall. Johnson-Davis, Inc. is a Palm Beach County company. (WUD Project No. 11-110) District 5 (MJ)

4. **Staff recommends motion to approve:** Contract with Poole & Kent Company of Florida for the Glades Utility Authority's (GUA) Belle Glade Wastewater Treatment Plant Improvements Project in an amount of \$1,623,000. **SUMMARY:** On January 13, 2012, six (6) bids were received for the GUA Belle Glade Wastewater Treatment Plant Improvements Project. Palm Beach County Water Utilities Department (WUD) is implementing this project under its Management & Operations Contract with GUA. Poole & Kent Company of Florida was the lowest responsive responsible bidder in the amount of \$1,623,000. The project is funded through a U.S. Department of Commerce Economic Development Administration (EDA) grant. The project is subject to a 22.4% minority participation goal and a 6.9% female participation goal for trades rather than the County's SBE goals. This contract with Poole & Kent Company of Florida provides 1.17% M/WBE participation utilizing trades and an additional 30.04% participation utilizing M/WBE certified suppliers (23.17% minority and 6.87% female participation). Staff recommends award to Poole & Kent Company of Florida based upon good faith efforts. Although the Local Preference Ordinance is not applicable to this EDA funded project, Poole & Kent Company of Florida is a local company and has estimated that 75% of the work will be performed by local Palm Beach County companies. These are Federal EDA funds requiring no local match. (WUD Project No. 10-062R) District 6 (JM)

5. **DELETED**

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

6. **Staff recommends motion to approve:** Change Order No. 3 to Contract with Hinterland Group, Inc. (R2011-0521) for the Wastewater Lift Station Rehabilitation Project, increasing the contract time by 120 days. **SUMMARY:** On April 5, 2011, the Palm Beach County Board of County Commissioners (BCC) approved the Contract with Hinterland Group, Inc. (R2011-0521) for the Wastewater Lift Station Rehabilitation Project in the amount of \$1,488,751. This Change Order increases the contract time by 120 days at no additional cost to allow for project completion within 360 days. The original bid items included rebuilding four (4) lift stations with a project schedule of 240 days to attain substantial completion. Due to a scrivener's error in a previous change order, the adjusted schedule for the alternative bid items that include two (2) additional lift stations will give the contractor 60 days per lift station to reach substantial completion. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. The contract with Hinterland Group, Inc. provides for SBE participation of 15.11% overall. This Change Order includes zero overall SBE participation. The cumulative SBE participation, including this Change Order is 14.7% overall. Hinterland Group, Inc. is a Palm Beach County company. (WUD Project No. 08-009) District 5 (JM)

7. **Staff recommends motion to approve:** a "Utility Work by Highway Contractor" Agreement with Florida's Department of Transportation (FDOT) in the amount of \$10,560. **SUMMARY:** Florida's Department of Transportation (FDOT) is proposing improvements to State Road 704 (Okeechobee Boulevard) from Military Trail to east of Congress Avenue. These improvements will necessitate the adjustment of 27 Palm Beach County Water Utilities Department (PBCWUD) water/wastewater valve boxes and three (3) manholes that must be protected and adjusted to the new grade elevation. In order to include the adjustment of the valve boxes and manholes within the road improvement project, FDOT requires PBCWUD to enter into a "Utility Work by Highway Contractor" Agreement to reimburse FDOT for the valve box and manhole adjustments in the amount of \$10,560. (WUD Project No.12-020J) Districts 2 & 7 (MJ)

8. **Staff recommends motion to approve:** the partial release of a utility easement over property owned by Haverhill Quadplex, LLC. **SUMMARY:** This document will release the County's interest in a portion of a utility easement recorded in the Official Records of Palm Beach County, Book 22596, Page 0362 over property owned by Haverhill Quadplex, LLC. The Water Utilities Department has determined that this portion of easement is no longer needed and therefore recommends the release. District 2 (MJ)

9. **Staff recommends motion to approve:** a non-standard Utility Easement from South Florida Water Management District (District). **SUMMARY:** The Utility Easement is necessary for access and maintenance purposes for a relocated water main on the property located at 3301 Gun Club Road (Property). Recent improvements to the Property required that a portion of a water main be relocated, for which a utility easement is required. The District requested a modification to the Water Utilities Department (Department) standard utility easement in regard to the relocated pipe, as the District is unable to warrant title pursuant to Section 373.099, Florida Statutes. This change is acceptable to the Department and the County Attorney's Office. There is no cost to the County for acquisition of this easement. District 2 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

10. Staff recommends motion to approve: an Indemnity/Restoration Agreement with Boca Raton Associates VI, LLP, a Florida limited liability partnership (Property Owner). **SUMMARY:** The Property Owner is in the process of developing a residential project "The Bridges PUD" in suburban Delray Beach and has entered into a Standard Development Agreement (Agreement) with the County regarding the provision of potable water and wastewater services to the property, including the installation of potable water and wastewater pipelines and appurtenant facilities (Facilities). Following the completion of the installation of the Facilities, Property Owner will convey the Facilities and corresponding utility easements to the County to maintain, repair, remove or replace the Facilities. Certain Facilities will be constructed in easements located underneath and/or adjacent to artificial bridges (Bridge Facilities), made up of berms, retaining walls, roads and landscape materials. Property Owner agrees to indemnify and hold County harmless for damages related to the Bridge Facilities. Furthermore, the Property Owner also agrees that the restoration of the bridges following County construction, maintenance, repair, removal or replacement of the Bridge Facilities shall be the responsibility of the Property Owner or its successors. (WUD No. 11-538) District 5 (MJ)

11. Staff recommends motion to approve: the partial release of a utility easement over property owned by Rreef America Reit II Corporation J. **SUMMARY:** This document will release the County's interest in a portion of a utility easement recorded in the Official Records of Palm Beach County, Book 07421, Page 1969, over property owned by Rreef America Reit II Corporation J. The Water Utilities Department has determined that this portion of easement is no longer needed and therefore recommends the release. District 5 (MJ)

12. Staff recommends motion to approve: Supplement No. 1 to Work Authorization No. 5 (R2011-0292) to the Continuing Construction Contract with AKA Services, Inc. (R2010-1422) in the amount of \$106,270.34 and 60 day time extension for the North County Airport Utility Improvement Project. **SUMMARY:** On March 1, 2011, the Board of County Commissioners approved a Work Authorization No. 5 (R2011-0292) to the Continuing Construction Contract with AKA Services Inc. (R2010-1422), for the North County Airport Utility Improvement Project. This Supplement authorizes the contractor to perform additional work for quantity adjustments and additional work required by the CSX permit. These contract adjustments are necessary to reflect change conditions to the contract requirements. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. The contract with AKA Services, Inc. provides for SBE participation of 16.01% overall. This Supplement includes zero overall SBE participation. The cumulative SBE participation, including this Supplement is 16.45% overall. AKA Services, Inc. is a Palm Beach County company. (WUD Project No. 10-020) District 1 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

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

A) Interlocal Agreement executed by Riviera Beach Police Department for manatee speed zone law enforcement from November 15, 2011, to March 31, 2014, not to exceed \$16,875 as an award amount for FY 2012; and

B) Interlocal Agreement executed by the Florida Fish and Wildlife Conservation Commission for manatee speed zone law enforcement from November 15, 2011, to April 30, 2014, not to exceed \$33,750 as an award amount for FY 2012.

SUMMARY: On December 18, 2007, the Board of County Commissioners approved a Resolution (R2007-2277) with a standard form Interlocal Agreement with law enforcement agencies for an increased law enforcement presence in estuarine waters of Palm Beach County. Delegated authority to execute these standard form agreements was approved, pursuant to PPM No. CW-O-051, on December 18, 2007 (R2007-2277). District 7/Countywide (SF)

M. PARKS & RECREATION

1. Staff recommends motion to approve:

A) reallocation of \$100,000 within the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum from Expanding and Preserving Our Cultural Heritage, Inc. (EPOCH) and the City of Delray Beach for construction of the C. Spencer Pompey Amphitheater to Old School Square, Inc., and the City of Delray Beach for the purchase and installation of a sound system for the Old School Square pavilion;

B) Interlocal Agreement with Old School Square, Inc., and the City of Delray Beach for the period of March 20, 2012, through March 19, 2013, in an amount not-to-exceed \$100,000 for the purchase and installation of a sound system for the Old School Square pavilion; and

C) Budget Transfer of \$100,000 within the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum from C. Spencer Pompey Amp/Pass-Through to the Old School Square Pavilion Sound Equipment project.

SUMMARY: The District 7 Commissioner has identified \$100,000 from the \$50 Million Recreational and Cultural Facilities Bond that she is requesting the Board redirect to Old School Square for the replacement of their pavilion's sound system that is no longer useable. The \$100,000 is from the 2002 Recreational and Cultural Facilities Bond allocation for Neighborhood Parks that is no longer needed for EPOCH's proposed amphitheater project at the Spady House Museum. The Agreement for the Old School Square sound system is a tri-party Interlocal Agreement with the City of Delray Beach, as owner of the leased Old School Square property. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to December 1, 2011. District 7 (PK)

3. CONSENT AGENDA APPROVAL

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve: an Interlocal Agreement for \$51,000 with the City of Riviera Beach for the period January 1, 2012, through September 30, 2012, to support the Civil Drug Court Program's case management and substance abuse treatment services. **SUMMARY:** The Criminal Justice Commission recommended the use of the Drug Abuse Trust Fund for funding the following project. The Civil Drug Court Program located in the City of Riviera Beach provides case management services and contracts with residential and outpatient substance abuse service providers for indigent clients ordered to treatment by the court. Countywide (PGE)

S. FIRE RESCUE

1. Staff recommends motion to approve: an Interlocal Agreement for Fire Vehicle Maintenance with the Town of Palm Beach for a period of ten (10) years. **SUMMARY:** This Agreement provides for the maintenance and emergency repair of the Town of Palm Beach's Fire-Rescue emergency response apparatus by Palm Beach County Fire Rescue Support Services personnel. Labor shall be calculated using the hourly rate listed as the Warranty Rate on the County's Rate Schedule for Warranty, Vehicle and Staff charges in effect at the time of service. Labor, parts, commercial repair and reimbursable insurance repairs will generate approximately \$116,000 in external revenues which are expected to exceed the cost of the additional related operating expenses, estimated at \$47,500 for FY 2012. Countywide (SB)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: an Interlocal Agreement with the South Florida Water Management District (SFWMD), an independent taxing district, at an estimated first year net revenue of \$21,816, for an initial term of one (1) year, with automatic (1) year renewals unless notice given by any party. **SUMMARY:** This Interlocal Agreement allows the SFWMD to access Palm Beach County (the "County") network services on a cost sharing basis similar to the existing Interlocal Agreements between the County and various municipalities, Children's Services Council, and the Kravis Center for the Performing Arts. There are two (2) planned connections to the County's network. The first will serve as the SFWMDs' backup Internet access and the second will provide connectivity to the SFWMD disaster recovery equipment located in the Network Access Point (NAP) of the Americas data center located in Miami. In addition to the revenues the County will receive, it is estimated that this agreement will reduce SFWMD's costs by \$50K annually. Florida LambdaRail will provide termination equipment and connection services at the NAP of the Americas. These monthly charges will be billed to SFWMD by the County. As this additional service requires an amendment to the existing FLR-PBC contract, that amendment is being submitted as a separate Agenda item. 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 and educational institutions for network services. This Interlocal Agreement provides for disclosure of Article XII, Section 2-422, Palm Beach County Code, establishing the Office of the Inspector General. District 2 (PFK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (Cont'd)

1. Staff recommends motion to approve: Supplemental Service Order Request Quote No. FLR-20110913-01, with the Florida LambdaRail, LLC (FLR) to add services at the Network Access Point (NAP) of the Americas data center in Miami under the Terms and Conditions applicable to Affiliate Connection Agreement (R2008-0674), effective April 1, 2012 with a one-time cost of \$2,750 and a recurring annual cost of \$17,484 for a new total cost for FLR services of \$376,059 for the period January 1, 2011, through September 30, 2012. **SUMMARY:** On April 15, 2008, the County entered into an Affiliate Connection Agreement with Florida LambdaRail, LLC to obtain high-speed, high bandwidth optical network services to support the needs of the County and other governmental, educational and non-profit entities participating in the Palm Beach County Regional Network. This additional service will provide the SFWMD with network connectivity to Network Access Point (NAP) of the Americas' data center in Miami. Agenda Item No. 3U-1 provides this connection as well as the additional FLR services identified in the Service Order Request. The County's costs in providing these additional network services will be fully recovered by the revenues to be received from the SFWMD, per companion Agenda Item No. 3U-1, dated March 20, 2012. Countywide (PFK)

Z. RISK MANAGEMENT

1. Staff recommends motion to approve:
 - A) reimbursement to Palm Beach County Facilities Department of \$220,644.87 to cover the clean up, remediation and property replacement through the County Self-Insured Plan for an extensive sewage back-up at 810 Datura Street, West Palm Beach, FL 33401; and
 - B) a Budget Amendment of \$35,000 in the Public Building Improvement Fund recognizing insurance proceeds and establishing furniture replacement budget line.

SUMMARY: On August 31, 2011, a sewage backup occurred in the Community Services Building located at 810 Datura Street in West Palm Beach. The result was serious damage to furniture, files and walls in the basement level of the building. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT (Cont'd)

2. Staff recommends motion to approve:

A) renewal of the County's Excess Property, Liability and Workers' Compensation Insurance Program for the period April 1, 2012, through March 31, 2013, purchased through the County's contracted broker, Arthur J. Gallagher Risk Management Services, Inc., under Contract No. 10-042R/LJ, for a total cost not-to-exceed \$12,318,000; and

B) the County Self-Insured Retention Plan Document, as Amended and Restated.

SUMMARY: The County's expiring Excess Property, Liability and Workers' Compensation Insurance Program provides excess layers of property insurance totaling \$200 Million inclusive of the County's \$1,000,000 self-insured retention, excess layers of liability insurance totaling \$5 Million excess of the County's \$500,000 self-insured retention, and \$2,000,000 of excess coverage for workers' compensation inclusive of a \$1,000,000 self-insured retention. The Program also includes various ancillary excess insurance policies covering damage to County-owned property resulting from flood, terrorism, boiler & machinery, and employee dishonesty. The coverage structure has been analyzed and configured to provide the best coverage terms at the most competitive prices. The Self-Insured Retention Plan Document has been amended and restated to reflect corresponding excess coverages currently in effect. The projected 2012-2013 renewal figures reflect a much harder market in which some adjustments to existing coverage must be evaluated in order to procure the highest amount of insurance possible, while keeping costs as close to expiring premiums as possible. The hardening market is attributable to worldwide catastrophic losses, and a newer, more conservative CAT modeling system that has been adopted by the insurance industry and the State of Florida. The County's total insurable values have increased less than 1% this year to approximately \$2.39 Billion. The cost of the program is also impacted by a variety of State-mandated surcharges and assessments that have increased in 2012. The total not-to-exceed cost of \$12,318,000 represents no increase over the actual expiring premium. Sufficient funds are budgeted in FY 2012 for this coverage. Countywide (TKF)

AA. PALM TRAN

1. **Staff recommends motion to approve:** Contract with Creative Outdoor Advertising of America, Inc. under which they will install, maintain, and service advertising bus benches along Palm Tran's fixed routes. **SUMMARY:** The initial term of the contract is for ten (10) years and will provide the County with an estimated \$379,500 in revenue. At its option, the County may extend the Contract for an additional five (5) years. At start up, the Contractor will remove all existing advertising benches and replace them with modern American with Disabilities Act (ADA) compliant benches (with two waste containers for recycling). In addition, the surface areas at the benches will be brought up to current ADA standards all at no cost to the County. Thereafter the Contractor will maintain the benches, surrounding area, and handle waste pick up. Monthly payment to the County will be based on the number of advertising benches in service each month. Countywide (DR)

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

A. **Staff recommends motion to approve:** Budget amendments and transfers in various funds reflecting adjustments for balances brought forward, other revenues, reserves and operating expenses including a \$2,063,242 budget transfer from contingency to fund the projected FY 2012 budget deficit for Palm Tran Connection. The total of the adjustments is an increase of \$88,461,046 in 222 funds. **SUMMARY:** These budget amendments and transfers are necessary to adjust FY 2012 budgets to reflect differences between actual and estimated revenues and expenditures of FY 2011. These amendments adjust the balances brought forward, various revenue, expenditure, and reserve accounts to their audited balances. The proposed adjustments include \$26,396,964 additional reserves in the General Fund. The adjustment is a result of:

- \$7,742,767 additional excess fees: Sheriff's Office \$3,766,597 Clerk & Comptroller \$661,931, Supervisor of Elections \$3,314,239; and
- (\$1,603,210) Tax Collector commission refunds below estimate; and
- \$987,562 Property Appraiser commission refunds above estimate; and
- \$6,669,115 additional revenues: Sheriff's revenues \$879,366, Interest \$963,940, Utility Tax Electric \$794,091, Franchise Fee Electricity \$981,179, State Revenue Sharing \$2,494,752, Surcharge Traffic \$555,787; and
- \$7,375,466 expenditures less than and revenues greater than originally estimated: Parks & Recreation \$1,260,911, Planning Zoning & Building \$1,422,671, Other County Funded \$1,005,120, General Government Operations \$1,391,553, various other departments \$2,295,211; and
- \$1,393,196 expenditures less than and revenues greater than originally estimated for the Local Government ½ Cent Sales Tax; and
- \$3,820,788 transfers less than originally estimated: Head Start \$708,073, County Transportation Trust Fund \$1,177,611, Fire Rescue Common Dispatch \$1,064,422, various other transfers \$870,682; and
- (\$735,000) transfer from Contingency Reserve to the 13M NAV 05 FAU Scripps Debt Service Fund for debt service payment; and
- \$746,280 reflects various adjustments including grant match, expenditures less than and revenue greater than originally estimated.

FY 2013 deficit projections currently assume these additional reserves will be carried forward to balance the annual budget. Countywide (PK)

B. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, pertaining to posting of underage drinking signs; providing for definitions; providing for general requirements; providing for enforcement; providing for severability; providing for repeal of laws in conflict; providing for inclusion in the Code of Laws and Ordinances; providing for captions; providing for applicability; and providing for an effective date. **SUMMARY:** The Board of County Commissioners of Palm Beach County, Florida, having been made aware that underage drinking and service of alcoholic beverages to minors is an increasing problem in Palm Beach County, has determined that an effective way to combat this problem is to make the general public aware of the general prohibitions against service of alcohol to minors and the penalties associated with such service. This Ordinance requires the posting of signs with such information by vendors and certain other dispensers of alcoholic beverages warning of the prohibition against and the penalties associated with the sale or provision of alcoholic beverages to minors. Countywide (LB)

4. PUBLIC HEARINGS CONTINUED

- C. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, **repealing** Ordinance 2009-001 Palm Beach County Amendments to the Florida Building Code, 2007 Edition, Chapter 1 “Administration” and Section and Figure 1609.1 Basic Wind Speed Map of Palm Beach County, Appendix F “Proposed Construction Building Codes for Turf and Landscape Irrigation Systems” of the 2007 Florida Building Code, Plumbing Volume, with Palm Beach County Amendments “Exhibit A” of Ordinance 2009-002, and Sub-Section 7-36(B) of Article III, Sections 7-52, 7-53 and 7-55 Of Article IV, and Articles V, VII, VIII, X, And XI of the Palm Beach County Code of Ordinances; **adopting** the Palm Beach County Amendments to the Florida Building Codes (FBC) 2010 Edition Chapter 1 “Administration” (FBC-Building) and Flood and Wind Provisions (FBC-Building and Residential), and Appendix F “Construction Building Codes for Turf and Landscape Irrigation Systems” (FBC-Plumbing) WITH Palm Beach County Amendments, and Sub-Section 7-36(b) of Article III Palm Beach County Code of Ordinances; providing for applicability; providing for repeal of laws in conflict; providing for inclusion in the Code of Laws and Ordinances; providing for a savings clause; providing for severability; and providing for an effective date. **SUMMARY:** The Legislature adopted F.S. 553.73, mandating a Statewide Florida Building Code (FBC), and allowing local governments to adopt their own Administrative Chapter of the FBC, 2010 Edition, applicable in the unincorporated area of Palm Beach County, and those municipalities having an Interlocal Agreement for the provision of County plan review and inspection services. Significant change in this administrative chapter is the ability to place a non-ad valorem assessment on a property for costs associated with abatement of unsafe buildings and other entities. This chapter is based upon recommendations of the Palm Beach County Building Code Advisory Board. Figures 1609 A, B, and C in the FBC are accurate for basic wind design to the County, and provides for local government to establish specific wind speed/wind borne debris lines using physical landmarks, whenever possible. As a result of landscape irrigation regulations adopted in the last code cycle, many cross connections of drinking water and irrigation systems have been abated, and proper water conservation designs have been implemented. Practical application brought forth some few areas where there was a redundancy of proper regulation. Those redundancies are being eliminated. The 2010 FBC will include flood resistant provisions applicable in flood hazard areas, a change from previous editions. The code refers to local floodplain management ordinances, that are required to be incorporated into the FBC 2010 Edition, in accordance with new legislation in 553.73, F.S. Unincorporated (AH)
- D. **Staff recommends motion to approve:** Conceptual Alignment 2A (South) for Congress Avenue from Park Lane to State Road 811/Alternate A1A. **SUMMARY:** Approval of Conceptual Alignment 2A (South) for Congress Avenue from Park Lane to State Road 811/Alternate A1A, will finalize the alignment and allow the start of the design and right-of-way acquisition process for this portion of Congress Avenue. At the Board of County Commissioners (Board) meeting held on February 28, 2006, the Board approved the alignment of Congress Avenue south of this segment, from Northlake Boulevard to Park Lane. Ultimately, over 22 residences will have to be acquired to allow this new road to be constructed. District 1 (MRE)

4. PUBLIC HEARINGS CONTINUED

- E. **Staff recommends motion to adopt:** a Resolution confirming the special assessment of \$20 per abutting foot for 181st Street North and 182nd Road North Water Main Improvements (Project) in the Limestone Creek Countywide Community Revitalization Team (CCRT) unincorporated area, Project No. 2007050.010. **SUMMARY:** Adoption of this Resolution will allow Palm Beach County (County) to assess the property owners of 181st Street North and 182nd Road North \$20 per abutting foot for the water main improvements. In addition, the Office of Community Revitalization will contribute funds (approximately \$15 per abutting foot) from its CCRT Recoup Funding Reserves in order to limit the assessment to the property owners in this CCRT unincorporated area at \$20. The expenditure of these funds will be brought to the Board of County Commissioners for approval by the Engineering Department during the final assessment process. Assessments will be payable in 20 equal annual installments. The Town of Jupiter (Town) agreed to advance the funds for design and permits for the Project and will also fund the construction. The County has received a positive response from a majority of the property owners on both streets, indicating their willingness to be assessed for the water main. The property owners will also have an opportunity to execute an agreement with the Town for water service connection fees that will permit the fees to be added to the final assessment. The Tax Collector's Office will transfer the collected funds to the Town. District 1 (MRE)

- F. **Staff requests Board direction:** regarding alignment alternatives for Jupiter Park Drive/Western Corridor (Island Way) from Jupiter Park Drive to Indiantown Road. **SUMMARY:** The Town of Jupiter (Town) is finalizing the development conditions of approval for the Hawkeye Jupiter property (formerly known as the Brown property). The new road, Island Way, will need to be designed and built to provide appropriate access to the property. Land will have to be acquired to allow the construction of the road. The northern and southern ends of the road are within the Town and are approximately 60% of the road length. The remaining section lies within the unincorporated area. The road is intended to be a Town road when it is constructed, with funding expected to come from the Town and the Hawkeye development. District 1 (MRE)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to approve: a Contract with the Small Business Development Center (SBDC) at Palm Beach State College in the amount of \$94,000 to provide technical assistance and training to small businesses in Palm Beach County for the period of October 1, 2011, through September 30, 2012. **SUMMARY:** This Contract provides Palm Beach County’s Small Business Enterprise firms with technical assistance and training in the form of direct consulting services in the areas of finance, marketing, management, construction, human resources, business plans and international trade. In addition, the Florida Procurement Technical Assistance Center (PTAC), a specialized program under the SBDC, provides local SBE’s with services that result in federal certifications, such as 8(a), HUBZone and Small Disadvantaged Business; identify federal contract opportunities for local small businesses; and assist local businesses in submitting bids to local, state, and federal agencies. The total amount of this proposed contract for FY 2012 is \$94,000. An audit has been completed for contracted services in FY 2011 and resulted in satisfactory performance. The FY 2011 performance and FY 2012 contracted performance is listed below. Countywide (TKF)

	Deliverables	FY11 Contracted	Achieved as of 9/30/11	FY12 Contracted
SBDC				
1	Management & Technical Assistance Clients	550	627	550
2	Loans Approved	\$1,330,000	\$1,330,000	\$1,330,000
3	SBDC Seminars	4	4	6
4	Quarterly Report and Client Profile	4	4	4
PTAC				
5	Management & Technical Assistance Clients	150	249	150
6	Procurement Approved	\$10,000,000	\$162,813,953	\$10,000,000
7	Government Procurement Seminars	18	22	18
8	Certification Training	10	8	10
9	Review of RFP/Bid Process	8	8	8

5. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

2. Staff recommends motion to:

A) direct staff, following contractual presuit notice and dispute resolution requirements, to initiate litigation seeking a Declaratory Judgment Action and supplemental relief, including but not limited to the appointment of an independent receiver, as appropriate to resolve the County's conflict over the Interlocal Agreement (R2009-1034) establishing the Glades Utility Authority (GUA);

B) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, declaring its intent to initiate presuit notice and dispute resolution procedures pursuant to Section 7.13 of the Interlocal Agreement, and to initiate intergovernmental conflict resolution procedures with the GUA, the City of South Bay, the City of Belle Glade, and the City of Pahokee, pursuant to Chapter 164, Florida Statutes (2012), in the event it is determined to be applicable to the present conflict; and declaring that an immediate danger to the health, safety, and welfare of the public requires immediate action, and that significant legal rights will be compromised if a court proceeding does not take place before complying with the provisions of the Florida Governmental Conflict Resolution Act; and

C) direct staff to initiate intergovernmental conflict resolution procedures during the pendency of litigation.

SUMMARY: To date, the GUA has not adopted a surcharge to address revenue shortfalls and therefore does not have a FY 2011-2012 budget. The GUA remains in a perilous fiscal condition. On January 24, 2012, the Board of County Commissioners (BCC) approved all seven (7) negotiated absorption conditions agreed to by the Cities of Belle Glade and Pahokee, and established a deadline of February 15, 2012, for the City of South Bay to pass a Resolution agreeing to the absorption conditions with no additional requirements. The City of South Bay failed to pass a Resolution by the February 15, 2012, date. The BCC also further directed Staff to have no further negotiations with the Tri-Cities concerning absorption and to bring options to protect the Public interest with respect to the GUA, to the March 20, 2012, BCC meeting.

Staff has reviewed all legal options with the County Attorney's Office and believes seeking a Declaratory Judgment Action is in the best interest of the Public due to the failure of the City of South Bay to pass the required Resolution which would have avoided this litigation. District 6 (ATP)

5. REGULAR AGENDA

B. AIRPORTS

1. Staff requests Board direction on:

A) renewal of Airport Ground Transportation Concession Agreement (Amendment) with Southeastern Florida Transportation Group, LLC (SEFTG) (R2005-1774), for three (3) additional years through September 30, 2015; or

B) issuance of a competitive solicitation for a ground transportation concession agreement for the provision of on-demand ground transportation services, including taxicabs, executive sedans, limousines and shared ride services, at the Palm Beach International Airport (PBIA).

SUMMARY: The current agreement for on-demand airport ground transportation services expires on September 30, 2012. The current agreement provides for an initial term of seven (7) years with one (1) – three (3) year option to renew at the County's sole option. The Department is requesting the Board to approve: (i) the renewal of the current agreement; or (ii) the issuance of a competitive solicitation by the Department for a new agreement for on-demand ground transportation services. The current agreement, or any new agreement, will require the concessionaire to provide a sufficient number of taxicabs, executive sedans, sedans, limousines and share ride services to meet the requirements of all persons requesting such services, during daily peak and non-peak periods and periods of heavy seasonal and holiday passenger traffic. If approved, the Amendment would renew the current agreement through September 30, 2015. The current agreement requires SEFTG to pay concession fees equal to the greater of a per capita charge of \$0.0885 per deplaned passenger or a minimum annual guarantee of \$266,959; provides for adjustment of the per capita charge based on increases to SEFTG's fares and rates; and provides for adjustment of the minimum annual guarantee based upon increases to the number of deplaned passengers. If the Board elects to approve the issuance of competitive solicitation in lieu of extending the current agreement, the solicitation will establish, as a minimum requirement, payment of concession fees at least equal to the amounts paid under the current agreement. The Amendment updates non-discrimination provisions to ensure compliance with recent changes to 49 CFR Part 23, which regulates airport disadvantage business enterprise (ACDBE) programs. The current agreement has an annual 17% ACDBE participation goal. SEFTG reported 20.67% ACDBE participation for Fiscal Year 2011. If the Board approves issuance of a competitive solicitation, the solicitation will include an ACDBE goal established in accordance with the requirements of 49 CFR Part 23. Regardless of whether the Board approves renewal of the current agreement or issuance of a competitive solicitation, non-concessionaire ground transportation providers will continue to be permitted to operate at PBIA on a pre-arranged basis subject to compliance with applicable Airport Rules and Regulations. Countywide (AH)

5. REGULAR AGENDA

C. COMMUNITY SERVICES

1. Staff recommends motion to:

A) approve a phased opening beginning July 2, 2012, for the Senator Philip D. Lewis Center (Lewis Center);

B) authorize staff to complete contract negotiations with the following service providers and present contracts for BCC consideration within 30 days: Gulfstream Goodwill Industries, Inc., Adopt-A-Family, Inc., and The Lord's Place, Inc.; and

C) approve Budget Transfer of \$1,208,184 in the Human Services, General Fund to establish FY 2012 funding for the Lewis Center, with \$216,213 transferred from existing Financially Assisted Agencies (FAA) budget and the balance of \$991,971 funded from the General Fund Contingency Reserve.

SUMMARY: The Lewis Center will serve as the main point of access for homeless services in central Palm Beach County. Facility operations and service provision will be contracted to three local non-profit organizations that are currently serving the homeless population in Palm Beach County and have demonstrated a strong commitment to the goals established in the BCC adopted Ten-Year Plan to End Homelessness. Gulfstream Goodwill Industries, Inc. will be the lead facility operator and will provide individual housing placement; ongoing support and oversight of the on-site interim housing. Adopt-A-Family, Inc. will provide family engagement, housing placement and ongoing support; and The Lord's Place, Inc. will provide navigation and employment services. The County's Homeless Outreach (HOT) teams and a Health Department staffed medical facility will also be located on site. A projected expenditure and revenue budget is included with this item. Staff is recommending a budget of \$1,312,532 for FY 2012 which includes start up costs and partial year funding for Lewis Center operations and required off-campus supportive housing. The estimated total annual operating cost for FY 2013 is approximately \$4.8 Million and will be addressed in the FY 2013 budget process. A portion of the funds required for FY 2012 is allocated in the current budget and the remainder of the required funding is being requested from general fund reserves. The phasing plan anticipates opening all on-site services and one-third of the available beds on July 2, 2012, an additional one-third on October 1, 2012, and the final one-third open by January 2, 2013. (Human Services) Countywide (TKF)

D. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to adopt: a Resolution authorizing the Department of Economic Sustainability (DES) to submit a Section 108 Loan Fund Application for \$7,240,130 to the United States Department of Housing and Urban Development (HUD); authorizing the acceptance of awarded funds in order to assist established businesses in Palm Beach County; and, authorizing the County Administrator, or his designee, to execute the Loan Application documents. **SUMMARY:** This Application will increase the allocation for the County's Section 108 Loan Program (Program) by \$7,240,130. The Program provides gap financing to businesses seeking to locate or expand in the County in order to create new jobs and help revitalize communities. The Program gives priority to businesses in distressed areas of unincorporated Palm Beach County and then to businesses in distressed areas within municipalities in the County. To date, approximately \$14 Million in loans have been made, generating 828 jobs and a five-year Economic Sustainability Impact of \$602 Million. An additional \$5.5 Million in loans is currently being processed and is projected to generate 375 jobs and a five-year Economic Sustainability Impact of \$119 Million. The funding being applied for is projected to create 214 jobs and have a five-year Economic Sustainability Impact of \$206 Million. **The Section 108 Loan funds are Federal grant funds which require no local match and the staff costs to implement the program are funded from are Ad Valorem sources.** (DES Contract Development) Countywide (DW)

5. REGULAR AGENDA

E. WATER UTILITIES

1. **Staff recommends motion to approve:** Contract with Atlantic Environmental Systems, Inc. for the Royal Palm Beach Lift Station Remote Telemetry Unit (RTU) Upgrade in an amount of \$753,125. **SUMMARY:** On December 13, 2011, five (5) bids were received for the Royal Palm Beach Lift station RTU Upgrade with Engineer Service Corporation (Jacksonville, Florida company) being the lowest bidder in the amount of \$738,000. The second low bid was received from Atlantic Environmental (Palm Beach County Company) in the amount of \$753,125. The Palm Beach County Local Preference Ordinance provides for award to the local company if the first and second bidders are within 5%. Accordingly, Staff is recommending award to Atlantic Environmental Systems, Inc. in accordance with the Local Preference Ordinance. This Contract will replace 41 lift stations RTU's and associated lift station controls to match the Water Utilities standards. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. This Contract with Atlantic Environmental Systems, Inc. provides for SBE participation of 100% overall. Atlantic Environmental Systems, Inc. is a Palm Beach County company and certified SBE contractor. (WUD Project No. 11-037) District 6 (JM)

2. **Staff recommends motion to receive and file:** a presentation providing a status report on the C-51 Reservoir project. **SUMMARY:** On October 18, 2011, the Board of County Commissioners (Board) approved a Memorandum of Understanding directing Staff to provide input into and monitor the progress of the C-51 Reservoir project. This status report is intended to update the Board with respect to the following:
 - Project Timing;
 - Water Quality Concerns;
 - Current Project Cost;
 - Utility Participation; and
 - Leadership and Governance Issues.

This presentation was scheduled at the request of the Board on February 6, 2012. Countywide (MJ)

5. REGULAR AGENDA

F. FACILITIES DEVELOPMENT & OPERATIONS

TIME CERTAIN 11:00 A.M.

1. **Staff requests Board direction regarding:** a request by the Supervisor of Election (SOE) to immediately exercise the renewal option on a SubLease with Huttig Building Products (R2009-1211) for warehouse space utilized by the SOE for support operations and election day vote tabulation. **SUMMARY:** On July 21, 2009, the Board entered into a SubLease with Huttig for approximately 76,000 sf of warehouse space for the SOE for a term of five (5) years with a renewal option ending June 21, 2016. At the same time, the Board entered into a Consent to SubLease with RREEF America REIT II Corp (RREEF or Landlord R2009-1212). The Broker for the transaction was Robert Goldstein, President Hospitality Consultants Realty Services (HCRS) and the broker fees are owed by Huttig, pursuant to an agreement to which the County is not a party. For the last several months, HCRS has been requesting that the County exercise the renewal option so that HCRS can be paid its brokerage fee. In addition, HCRS and SOE believe that by exercising the renewal option early, there will be financial benefits to the County, will relieve the County from liability, and better protect the SOE from the potential interruption in the use of the space in the event of Huttig's bankruptcy. It is Staff's position that there are no benefits to the County or SOE in exercising the option early. On January 24, 2012, the Board directed Staff to open negotiations with RREEF regarding options beyond 2016; however, RREEF is unwilling to discuss an extension at this early date. Staff believes that RREEF's refusal to open negotiations are for the same reasons that Staff desires to postpone negotiations - preservation of negotiating position based on conditions and needs just prior to the time that the option has to be exercised. For this reason, Staff is recommending that the plans for accommodating the SOE's needs beyond June 2016 occur in the summer of 2013, and based on the conclusion of those discussions, consider exercising the option at that time. (PREM) Countywide (HJF)

5. REGULAR AGENDA

F. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve:

A) a Second Amendment to Sub-Lease Agreement (R2011-1595, R2001-0656) with the Boys and Girls Clubs of Palm Beach County, Inc. (BGCPBC) for the Bill Bailey Community Center in Belle Glade to: (i) assign responsibility for payment of the water, wastewater and electricity to the County for the period of April 1, 2012, through September 30, 2012 ("County Obligations"), and (ii) obligate BGCPBC to reimburse the County for any expenditures on County Obligations in excess of \$21,000; and

B) a First Amendment to Agreement (R2001-0657) with the Palm Beach County Sheriff's Office (PBSO) for the operation of a Police Athletic League (PAL) Program to provide for the payment of a use fee in the amount of \$21,000 for the period of April 1, 2012, through September 30, 2012.

SUMMARY: On October 18, 2011, the Board approved a First Amendment to Sub-Lease Agreement with BGCPBC that provided for a lease extension to the Sub-Lease through October 30, 2015, for BGCPBC's operation of various community based youth programs from the County's Bill Bailey Community Center Gymnasium located within the City of Belle Glade. PBSO also uses the premises for the operation of the PAL programs. On December 16, 2011, BGCPBC notified the County of funding shortfalls which jeopardize the continuation of programs from this particular facility. Staff believes it is important that the services continue to be provided from this facility not only for the youth, but also for community benefits as the only indoor recreational facility in this area and one of just a couple public assembly buildings in the Western Communities which can be used for post disaster recovery needs. In order to address the funding shortfall through the end of this budget year, PBSO/PAL will pay the County a \$21,000 use fee from non ad valorem sources. Between now and September 30, 2012, BGCPBC as well as the County and PBSO Staff will attempt to identify alternate sources of funding for the utility costs (approximately \$80,000 annually) which will likely include the requests of the BGCPBC for financial assistance through other County programs and/or Staff identifying these costs as an unfunded existing program requirement for the Board to consider as part of the budget process. After September 30, 2012, the funding obligations of both the County and PBSO/PAL will expire and BGCPBC will once again be obligated to pay for the utilities, which may force a decision on whether BGCPBC can continue its programming. All other terms of both the Sub-Lease and the PBSO/PAL Agreement remain in effect and unchanged. (FDO Admin) District 6 (HJF)

5. REGULAR AGENDA

F. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to authorize:

A) Staff to negotiate an option agreement with NewKita Group, Inc., for the donation of an 11.8 acre parcel of land adjacent to the Palm Glades Apartment Complex in unincorporated Belle Glade for the development of a multi-use recreational and community center complex; and

B) Staff to obtain an appraisal of the County property at the County's expense, estimated not to exceed \$5,000.

SUMMARY: The County owns an 11.8 acre parcel of vacant property adjacent to Palm Glades Apartment Complex in unincorporated Belle Glade. The County has no identified use for the property, and it is unlikely that the property could be sold in the foreseeable future for anywhere close to its appraised value of \$373,000. NewKita Group is a not-for-profit organization with a mission to enhance personal enrichment and community unity through recreational activities, sports, health, fitness, entertainment and education. NewKita has submitted a proposal to develop a multi-use complex which would consist of a two-part 50,000 square foot building which will house 3,400 to 4,000 theatre style seats, two (2) full size multi-purpose courts to accommodate tennis, basketball, volleyball, soccer, dance, skating, arena football as well as a hospitality area, fitness center, conference rooms, youth activity center, and two (2) full service locker rooms. NewKita's proposal is extremely aggressive but due to the lack of indoor recreational and public assembly facilities in the Western Communities, the budget limitations which prevent the County or City from providing such facilities at any time in the future combined with low probability of a sale of the property for anywhere near its assessed value; Staff believes that it is in the community's best interest to allow NewKita the opportunity to reach its goal. The option agreement envisioned would commit the County to a donation of the property in the event that NewKita met specific timing and fundraising milestones. Because the assessed value of the property exceeds \$25,000, an appraisal is required. NewKita has requested that Staff seek Board approval for the funding required for the appraisal. Funding is available in the Public Building Improvement Fund Account identified for appraisals and due diligence on otherwise unfunded projects. Based on the outcome of the appraisal, it is possible that the Option Agreement will need to be reviewed by the Property Review Committee in advance of it being presented to the Board for consideration. (FDO Admin) District 6 (HJF)

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6. BOARD APPOINTMENTS

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

1. **Staff recommends motion to approve:** reappointment of the following three (3) members to the Fire Rescue Level of Service Committee each for a term of three (3) years from March 20, 2012, to March 19, 2015:

<u>Nominee</u>	<u>Seat</u>	<u>Category</u>
David Harden	3	Manager-Large City
Dr. Richard Galeta	8	Fire Rescue Advisory Board
Darrel Donatto	9	EMS Advisory Board

SUMMARY: Palm Beach County Resolution R2004-0494 established the Fire Rescue Level of Service Committee (LOS Committee). It consists of nine (9) members representing specific categories, each serving a term of three (3) years after the initial start up. The LOS Committee recommends the reappointment of David Harden, Dr. Richard Galeta and Darrel Donatto. These incumbents desire to continue to serve, are eligible for reappointment. Countywide (SB)

B. **PLANNING, ZONING & BUILDING**
(Building Code Advisory Board)

1. **Staff recommends motion to approve:** **A)** Appointment of one (1) new member; and **B)** reappointment of one (1) member to the Building Code Advisory Board:

<u>Appoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Andrew Mack	7	Building Official	BOAPBC	3/21/2012-1/10/2013

<u>Reappoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Maurice Jacobson	15	HVAC Contractor	CIMC	3/21/2012-3/6/2015

SUMMARY: The Building Code Advisory Board was established by a Special Act of the Florida Legislature in 1974, and amended in 2001. The term of office for board members is three (3) years; with no limit to the number of terms a member may serve. The appointment of Andrew Mack is nominated by the Building Officials Association of Palm Beach County (BOAPBC). The reappointment of Maurice Jacobson is nominated by Construction Industry Management Council (CIMC) of Palm Beach County. The Board is composed of 16 members; seven (7) regional Building Officials who must be appointed from nominees submitted by the Building Officials Association of Palm Beach County; seven (7) members who must be appointed from nominees submitted by the Construction Industry Management Council of Palm Beach County; one (1) member who must be a registered Architect appointed from nominees submitted by the Palm Beach County Chapter of the American Institute of Architects; and one (1) member who must be a Professional Engineer appointed from nominees submitted by the Palm Beach County Chapter of the Florida Engineering Society. Countywide (SF)

6. BOARD APPOINTMENTS

C. OFFICE OF FINANCIAL MANAGEMENT & BUDGET
(Contract Review Committee)

1. [Staff recommends motion to approve:](#) appointment of one (1) individual to the Contract Review Committee:

<u>Nominee</u>	<u>Seat No.</u>	<u>Nominated By</u>
Malcolm F. Cunningham, Jr., Esq.	4	Commissioner Taylor Commissioner Aaronson

SUMMARY: On December 6, 2011, the Board of County Commissioners voted to add an At-Large appointee to the Contract Review Committee. The Committee is currently comprised of three staff members, which consists of the County Attorney (or designee), the County Engineer (or designee) and the Director of Contract Development and Control (or designee) who serves as the Committee’s Chair. The appointee by the Board will become the fourth member of the Committee, and serve a term of two (2) years, at which time the appointee may be re-appointed, or a new appointee selected by the Board. The Board desires that the appointee be a representative from the community with general contracting experience or an attorney experienced in construction law. Mr. Cunningham is a local attorney who specializes in construction law. Countywide (JM)

D. COMMISSION DISTRICT APPOINTMENTS

RECESS AS THE BOARD OF COUNTY COMMISSIONERS

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 on April 7, 2012, and ending on April 6, 2015:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Ray Puzzitiello	3	Member	Gold Coast Builders Assoc. (now known as Florida Atlantic Builders Assoc.)

SUMMARY: The Board is composed of (5) five 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 (now known as Florida Atlantic Builders 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; and one (1) drinking water engineer employed by the Department of Environmental Protection. Countywide (PE)

(Environmental Control Hearing Board)

- 2. Staff recommends motion to approve: reappointment of the following individual to the Palm Beach County Environmental Control Hearing Board for a term beginning on April 7, 2012 and ending on April 6, 2015:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Lewis Green	2	Medical Doctor	Palm Beach County Medical Society

SUMMARY: The Board is composed of five (5) members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association, one (1) medical doctor recommended by the Palm Beach County Medical Society, one (1) engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society, and two (2) citizens-at-large not holding elective office. Countywide (PE)

ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

RECOVENE AS THE BOARD OF COUNTY COMMISSIONERS

MARCH 20, 2012

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

MARCH 20, 2012

9. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 – COMMISSIONER PAULETTE BURDICK

C. District 3 - COMMISSIONER SHELLEY VANA, CHAIR

D. District 4 – COMMISSIONER STEVEN L. ABRAMS, VICE CHAIRMAN

E. District 5 - COMMISSIONER BURT AARONSON

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR

10. ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MARCH 20, 2012

<u>PAGE</u>	<u>ITEM</u>	
7	2C-1	<u>DELETED:</u> Legislative Update by Representative Pafford.
13	3E-3	<u>REVISED SUMMARY:</u> Staff recommends motion to approve: A) Amendments to two (2) Financially Assisted Agencies contracts extending the contracts to September 30, 2012 and increasing funding by \$339,156, for the indicated services: B)... SUMMARY: The information submitted reflects part of the total \$13,229,511 funding approved by the Board of County Commissioners for the Financially Assisted Agencies Program for FY 2012. Funds for the services provided by Comprehensive Alcoholism Rehabilitation Programs and The Lord's Place are part of the Homeless Resource Center allocation in the Homelessness Service Category. The use of these funds is recommended to ensure continuity of services prior to and during the Homeless Resource Center start-up. <u>The AAA funds are provided annually, in an amount determined by the BCC, to secure state and federal grant funds for programs serving seniors. Countywide (TKF) (Community Services)</u>
16	3H-1	<u>REVISED SUMMARY:</u> This License Agreement will allow SFWMD to utilize up to seventy-five (75) parking spaces at Lake Lytal Park while SFWMD works on a permanent plan to provide for its parking needs at its administrative headquarters complex, which is located adjacent to Lake Lytal Park. Use will be limited to employees for the parking of personal automobiles between the hours of 7:00 a.m. and 5:00 p.m., excluding weekends and County holidays. SFWMD's use of the parking spaces is during the times of day and week that do not interfere with the public's use of the facilities at Lake Lytal Park. The term of the License Agreement is for one (1) year and is retroactive to March 18, 2011 <u>2012</u> . The County may revoke the license for any reason whatsoever upon thirty (30) days written notice to SFWMD. The County will not charge for the use of the licensed premises. (FDO) <u>District 2 (MWJ) (FDO)</u>
17	3I-1	<u>REVISED TITLE:</u> Staff recommends motion to approve: an Agreement with Oxygen Development, L.L.C. (Oxygen) in the amount of \$100,000 in Community Development Block Grant (CDBG) funds for the period March 6, 2012 <u>March 20, 2012</u> , to March 6, 2013 <u>March 19, 2013</u> . (DES)
17	3I-2	<u>REVISED TITLE:</u> Staff recommends motion to approve: an Agreement with the City of Belle Glade in the amount of \$336,000 for the period of March 20, 2012, to November 15, 2013 <u>December 15, 2013</u> . (DES)
26	3AA-1	<u>DELETED:</u> Staff recommends motion to approve: Contract with Creative Outdoor Advertising of America, Inc. under which they will install, maintain, and service advertising bus benches along Palm Tran's fixed routes. (Palm Tran) (Waiting for executed contracts from vendor)
30	5A-1	<u>DELETED:</u> Staff recommends motion to approve: a Contract with the Small Business Development Center (SBDC) at Palm Beach State College in the amount of \$94,000 to provide technical assistance and training to small businesses in Palm Beach County for the period of October 1, 2011, through September 30, 2012. (Admin/OSBA) (Waiting for executed contracts from vendor)

ADD-ON: Staff requests Board direction: regarding a proposed settlement agreement and ordinance amendments to the Inspector General Ordinance. Should the Board direct staff to accept the settlement and ordinance amendments, the Board should also appoint two (2) individuals to serve on the Ordinance Drafting Committee to expedite the ordinance amendment process. **SUMMARY:** Proposed amendments to the ordinance would provide for a contract fee to defray in part the expenses of the Inspector General (IG) office. As a regulatory fee, the contract fees collected can only be used to pay for IG inspection, audit and other oversight operations tied to contract activities of the County and cities. The cities have refused to pay any amount to fund the IG Office beyond the contract fees they would collect, leaving the County to fund the balance of IG operations. Dade County employs the contract fee as a method of partially offsetting IG operation costs. The contract fee was originally employed by the County Commission to apply to County government operations only, but was discontinued several months after implementation due to administrative costs. The proposed settlement agreement would end all litigation between the cities, the Clerk and Comptroller, and the County. As part of the settlement, the cities have tentatively offered to provide some amount of funding to offset the operational costs of the IG office pending full implementation of the contract fee system. As of this writing, however, no concrete proposal to provide such funding has been offered. Countywide (LB) (County Attorney)

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 (*).