

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

APRIL 17, 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 PRESENTATION**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
 - C. Special Presentation (Page 6)

- 3. CONSENT AGENDA (Pages 7 - 18)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 19 - 20)**

- 5. REGULAR AGENDA (Pages 21 - 25)**
TIME CERTAIN 10:30 A.M. (Wage Theft) (Page 21)
TIME CERTAIN 11:00 A.M. (Vehicle For Hire) (Page 24)

- 6. BOARD APPOINTMENTS (Pages 26 - 28)**

- 7. STAFF COMMENTS (Page 29)**

- 8. COMMISSIONER COMMENTS (Page 30)**

- 9. ADJOURNMENT (Page 30)**

TABLE OF CONTENTS

SPECIAL PRESENTATION - 9:30 A.M.

Page 6

2C-1 Legislative Update by Representative Pafford

CONSENT AGENDA

A. ADMINISTRATION - None

B. CLERK & COMPTROLLER

Page 7

3B-1 Warrant list

3B-2 Minutes: None

3B-3 Contracts and claims settlements list

C. ENGINEERING & PUBLIC WORKS

Page 7

3C-1 County Deed conveying certain parcels to Mr. & Mrs. Smith M. Blanchard to correct 1984 conveyance

3C-2 Change Order No. 5 with H&J Contracting related to Congress Avenue improvement project (Lantana Rd to Melaleuca Ln)

3C-3 Joint Participation and Project Funding Agreements with AT&T Florida and FPL relating to utility adjustments at various road improvement projects

Page 8

3C-4 Renewal agreements with ten (10) firms for annual appraisal services

3C-5 Renewal Agreement with Gentile Glas Holloway O'Mahoney & Associates for annual landscape architectural services

3C-6 Supplemental No. 1 with Civil Design, Inc. for additional engineering services associated with Fargo Avenue drainage outfalls

Page 9

3C-7 Agreement with The Corradino Group for professional services related to the SR 7 and C-51 Canal bridge widening project

3C-8 Three (3) Subordination Agreements with FDOT related to a future road embankment easement for Atlantic Avenue (Lyons Rd to Starkey Rd)

D. COUNTY ATTORNEY - None

E. COMMUNITY SERVICES

Page 9

3E-1 Three (3) contracts with two (2) vendors related for health support services under the Ryan White Program

F. AIRPORTS

Page 10

3F-1 Department of Army Permit for Wetland Wildlife Hazard Mitigation project at North Palm Beach County General Aviation Airport

3F-2 License Agreement with Bullet Delivery of WPB, Inc. for use of cargo space at PBIA

3F-3 Non-concessionaire Rental Car Operator Ground Transportation Permit with Rent Max Miami, Inc.

3F-4 License Agreement with Avis Rent A Car System related to rental car operation at PBIA

Page 11

3F-5 Change Order No. 8 with CTR Systems Parking for the Parking Access and Revenue Control System Replacement project at PBIA

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET - None

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 11

3H-1 Contract with Carrick Contracting Corporation for removal/replacement of cooling towers at Convention Center

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

Page 12

3H-2 Interlocal Agreement with ATF for use of countywide common groups on County's Public Safety Radio System

3H-3 Notice of exercise of third extension to Lease Agreement with Theodore W. & Gertrude K. Winsberg for continued agricultural use of 60 acres on Hagen Ranch Road

Page 13

3H-4 Flowage and Drainage Easement in favor of Sannlor Properties

I. ECONOMIC SUSTAINABILITY - None

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

Page 13

3K-1 Utility Concurrency Reservation Agreement with The Allegro at Boynton Beach, LLC

3K-2 Potable Water and Wastewater Development Agreement with Jewish Community Facilities Corp and Federation CCRC Property Corp

Page 14

3K-3 Change Order No. 8 with John J. Kirlin Construction related to WTP No. 2 MIEX Treatment System

3K-4 Resolution amending Bayhill Estates Distribution System assessment

3K-5 Interlocal Agreement with City of Greenacres for installation of a water main in Greenacres

L. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 14

3L-1 Contract with Florida Fish and Wildlife Conservation Commission relating to aquatic exotic plant control services

Page 15

3L-2 Ratify Vice Chair's signature on FDEP Land and Water Conservation Fund Grant Application related to Pine Glades Natural Area

3L-3 Florida Inland Navigation District Project Agreement/Interlocal Agreement with City of Lake Worth relating to improvements to the Bryant Park boat ramp facility

M. PARKS & RECREATION

Page 16

3M-1 Independent Contractors Agreements

N. LIBRARY - None

P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION

Page 16

3Q-1 Grant Adjustment Notice/Contract with Jerome Golden Center for Behavioral Health related to Recidivist Recovery Court and Crisis Intervention Team training

R. HUMAN RESOURCES - None

S. FIRE RESCUE

Page 17

3S-1 Budget Transfers relating to the South Bay Fire Station project

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES

Page 17

3U-1 Sixteenth Amendment with CGI-AMS relating to improvements to the Advantage System

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY - None

Y. PURCHASING - None

Z. RISK MANAGEMENT - None

AA. PALM TRAN

Page 17

3AA-1 Standard Agreement with Area Agency on Aging relating to transportation services for the DOSS program

BB. SHERIFF'S OFFICE

Page 18

3BB-1 Grant Adjustment Notice relating to the Recovery Act Edward Byrne Memorial Justice Assistance Grant associated with the Region 7 Drug Enforcement Strike Force

3BB-2 Reimbursement from Hartford Life Insurance Company for a portion of administration fees related to the 12(b)(1) employee deferred compensation plan

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

Page 18

3CC-1 Contract with R.J. Sullivan Corporation for construction of Vacuum Wastewater Pumping facility

PUBLIC HEARINGS – 9:30 A.M.

Page 19

4A Resolution to abandon certain right-of-way easements in Palm Beach Farms Co. Plat No. 1

4B Resolution confirming special assessment roll for Raulerson Drive water main extension project

Page 20

4C Resolution confirming special assessment roll for East Secretariat Drive water main extension project

4D Conceptual Alignment 2A (South) for Congress Avenue extension (Park Land to SR 811)

4E Alignment Alternative Four for Jupiter Park Drive/Western Corridor (Island Way)

REGULAR AGENDA

ADMINISTRATION

Page 21

5A-1 2012 Legislative Session final report

5A-2 Wage Theft – **TIME CERTAIN 10:30 A.M.**

COUNTY ATTORNEY

Page 21

5B-1 Resolution approving issuance of Housing Finance Authority Multifamily Housing Revenue Bonds (Village at the Park Project)

Page 22

5B-2 Resolution approving issuance of Housing Finance Authority Multifamily Housing Revenue Debt Obligations (Pinnacle Palms Apartments Project)

TABLE OF CONTENTS

REGULAR AGENDA CONTINUED

PLANNING, ZONING & BUILDING

Page 22

5C-1 Resolution granting County tax exemption for historic property within Town of Palm Beach (Bath and Tennis Club)

FACILITIES DEVELOPMENT & OPERATIONS

Page 23

5D-1 Consent to Assignment and Amendment of Lease Agreement with James Crystal Boynton Beach, Inc. and Actualidad 1040 AM, LLC (radio antenna towers)

PUBLIC SAFETY

Page 24

5E-1 Vehicle for Hire Ordinance – **TIME CERTAIN 11:00 A.M.**

ECONOMIC SUSTAINABILITY

Page 25

5F-1 Section 108 Loan Program Agreement with Jupiter CY, LLC

BOARD APPOINTMENTS (Pages 26 - 28)

STAFF COMMENTS (Page 29)

COMMISSIONER COMMENTS (Page 30)

ADJOURNMENT (Page 30)

APRIL 17, 2012

2C. SPECIAL PRESENTATION – 9:30 A.M.

1. Legislative Update by Representative Mark S. Pafford

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings: None
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** a County Deed to convey certain parcels of land to Mr. and Mrs. Smith M. Blanchard (Property Owners). This County deed will return certain parcels mistakenly conveyed by the Property Owners to Palm Beach County (County) in 1984 as they attempted to comply with the right-of-way dedication required in Petition Number 84-82. **SUMMARY:** Approval of this County Deed will return to the Property Owners certain parcels of land conveyed to the County in error. District 3 (MRE)
2. **Staff recommends motion to approve:** Change Order No. 5 for a 67 day time extension with H&J Contracting, Inc. (R2010-0737) for Congress Avenue from Lantana Road to south of Melaleuca Lane (Project). **SUMMARY:** Approval of Change Order No. 5 will extend the Project due to delays caused by weather and holidays. Per PPM CW-F-050, the threshold to decide approval authority must be calculated by multiplying the number of days by the daily delay charge. This total of \$204,819 puts this time extension over the threshold requiring Board approval. District 3 (MRE)
3. **Staff recommends motion to receive and file:**
 - A)** a Joint Participation and Project Funding Agreement (Agreement) with AT&T Florida for utility adjustments at East Ocean Avenue (Lantana) Bridge over Intracoastal Waterway;
 - B)** a Joint Participation and Project Funding Agreement (Agreement) with AT&T Florida for utility adjustments at Old Dixie Highway and Hidden Valley Boulevard; and
 - C)** a Joint Participation and Project Funding Agreement (Agreement) with Florida Power and Light Company (FPL) for utility adjustments at Hatton Highway over H.G.W.C.D. E-2 Canal.

SUMMARY: This receive and file will record two (2) agreements with AT&T Florida and one (1) agreement with FPL which were executed by the Deputy County Engineer. These items are being submitted in accordance with Countywide PPM No. CW-0-051 to allow the Clerk's Office to note and receive the executed agreements. Districts 4 & 6 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. **Staff recommends motion to approve:** ten (10) Renewal Agreements (Renewals) with the appraisal firms: Anderson & Carr, Inc.; Appraisal and Acquisition Consultants, Inc.; Callaway and Price, Inc.; Cardo Appraisal Group, LLC; Jenkins Appraisal Services, Inc.; M.R. Ford & Associates, Inc.; Parrish and Edwards, Inc.; Real Estate Analysts, LLC; S.F. Holden, Inc.; and The Spivey Group, Inc. (Firms). **SUMMARY:** Approval of these Renewals will allow the Firms to remain on Palm Beach County's (County) pre-qualified appraiser list for one (1) additional year from April 21, 2012, through April 20, 2013. This would be the first and only renewal available for these Firms under the current contract. All Firms have at least one principal of the firm certified as a State-Certified General Appraiser; met a minimum of eight (8) years appraisal experience; has the required expert witness experience; and has not been removed from the County list in the past three (3) years. All the Firms have offices in the County. Countywide (MRE)

5. **Staff recommends motion to approve:** a Renewal Agreement with Gentile Glas Holloway O'Mahoney & Associates, Inc., Landscape Architects, Planners, Environmental Consultants, (GGHO), formerly Gentile, Holloway, O'Mahoney & Associates, Inc., for Landscape Architectural Services Annual Agreement, whose original Agreement was dated April 20, 2010 (R2010-0551). **SUMMARY:** Approval of this Renewal Agreement will extend the required professional services for one (1) year, on a task order basis. The Renewal Agreement with GGHO will continue for the period of April 20, 2012, through April 19, 2013. This is the second and final renewal of this firm's Agreement. GGHO is a Palm Beach County company, but not a certified Small Business Enterprise. Countywide (MRE)

6. **Staff recommends motion to approve:**
 - A) Supplement No. 1 for \$3,617.92 to the task authorization approved by Resolution No. R2011-1734 on November 15, 2011, with Civil Design, Inc. for additional engineering services for evaluation of an alternative design and cost estimates for drainage outfalls west of Fargo Avenue, Project No. 2008134, and for possible closure of those streets now entering Fargo Avenue from the east; and

 - B) a Budget Transfer of \$4,618 in the Unincorporated Improvement Fund from Reserves to Fargo Avenue from El Paso Drive to Arrowhead Drive.**SUMMARY:** Approval of Supplement No. 1 will provide additional engineering services that include a site visit to review existing ditch sections and easement encroachments and meetings to discuss additional alternative designs and cost estimates regarding restoration of outfall ditches in rear and side yards west of Fargo Avenue, and suitable turn-around options for closing side streets to Fargo Avenue. Approval of the budget transfer will provide funds for these services. District 6 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

7. Staff recommends motion to approve:

A) an Agreement in the amount of \$388,270.12 with The Corradino Group, Inc. (TCG), for professional services necessary for the State Road 7 and C-51 Canal Bridge widening construction phase (Project); and

B) a Budget Transfer of \$389,000 in the Road Impact Fee Fund – Zone 3 from State Road 80 PFA Reserves to the Project.

SUMMARY: Approval of this Agreement will allow the construction engineering and inspection services required for the construction of State Road 7 and C-51 Canal Bridge widening. TCG has an office in Palm Beach County, but is not a certified Small Business Enterprise (SBE). The SBE goal cannot be a factor in consultant selection due to Florida Department of Transportation funding restrictions. District 6 (MRE)

8. Staff recommends motion to approve: three (3) Subordination Agreements for Atlantic Avenue (SR 806) with the Florida Department of Transportation (FDOT).

SUMMARY: Approval of this item will allow three (3) Subordination Agreements in favor of FDOT, which will subordinate Palm Beach County's interest in: (1) a Standard Potable Water & Wastewater Development Agreement, (2) Drainage Easement, and (3) a Reclaimed Water Development Agreement. FDOT requires these subordination agreements to provide clear title for a future road embankment easement for Atlantic Avenue, located between Lyons Road and Starkey Road. District 5 (MRE)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: three (3) Contracts for Provision of Ryan White Part A HIV Health Support Services with listed provider agencies for the period March 1, 2012, through February 28, 2013, totaling \$2,056,051, for Ryan White Part A Treatment Extension Act of 2009 HIV Emergency Relief Formula and MAI funds:

A) Comprehensive AIDS Program of Palm Beach County, Inc. (Formula)	\$1,041,024
B) Comprehensive AIDS Program of Palm Beach County, Inc. (MAI)	577,235
C) FoundCare, Inc.	<u>437,792</u>
Total	\$2,056,051

SUMMARY: A Notice of Grant Award from the Department of Health and Human Services Health Resources and Services Administration (HRSA) was received on March 1, 2012, and conveys an award totaling \$9,054,547 for the contract period March 1, 2012, through February 28, 2013. The contracts listed represent a portion of the total funding of the agency awards approved by the Board of County Commissioners (BCC) on February 7, 2012. These agencies are selected and recommended for contracting through a Request for Proposal process. The balance of the funding will be awarded and the provider contracts will be submitted on a future BCC agenda. The contracts cover services for HIV affected clients, including medical case management, medical care, pharmacy, oral health care, and substance abuse treatment. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. **Staff recommends motion to approve:** a Department of the Army Permit No. SAJ-1991-00402 (IP-EGR) for the Wetland Wildlife Hazard Mitigation Project at North Palm Beach County General Aviation Airport. **SUMMARY:** The Palm Beach County Department of Airports (DOA) is currently planning mitigation of wildlife attractants at North Palm Beach County General Aviation Airport (“airport”). Several wetlands at the airport are located in close proximity to the runway/taxiway environment, prompting the need to remove or relocate them in order to minimize the impact to aircraft operations. As a result, the DOA has submitted a permit application to the U.S. Army Corps of Engineers (Corps) for the Wetland Wildlife Hazard Mitigation Project. The Corps has completed the review and evaluation of the Department of the Army Permit Application Number SAJ-1991-00402 and has requested the DOA review the terms and conditions prior to final signature by the Department of the Army. As a condition of approval of the permit the DOA shall provide verification to the Corps that 36.71 federal wetland mitigation credits have been debited from the Pine Glade West Mitigation Area. Palm Beach County Department of Environmental Resources Management has agreed to provide those mitigation credits. Countywide (AH)

2. **Staff recommends motion to receive and file:** License Agreement with Bullet Delivery of WPB, Inc. (Bullet) commencing February 23, 2012, and expiring March 22, 2012, for the use and occupancy of space at 1310-A North Perimeter Road, at the Palm Beach International Airport (PBIA), 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 PBIA cargo building 1300, for use solely for the storage of materials and equipment in connection with Bullet’s cargo operation at PBIA. Countywide (AH)

3. **Staff recommends motion to receive and file:** Non-concessionaire Rental Car Operator Ground Transportation Permit with Rent Max Miami, Inc. commencing November 15, 2011, 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)

4. **Staff recommends motion to receive and file:** License Agreement with Avis Rent A Car System, LLC (Avis) commencing February 1, 2012 and expiring February 15, 2012, for the parking of vehicles in connection with Avis’ rental car operation at the Palm Beach International Airport (PBIA), for payment of a license fee in the amount of \$1,462.50. **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 43,200 square feet of parking area adjacent to the Avis rental car facility at PBIA, for use solely for the parking of vehicles in connection with Avis’ rental car operation at PBIA. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

5. Staff recommends motion to approve:

A) Change Order No. 8 to the contract with CTR Systems Parking, Inc. in the amount of \$103,827 for the Parking Access and Revenue Control System (PARCS) Replacement Project at Palm Beach International Airport (PBI); and

B) a Budget Transfer of \$103,827 in the Airports Improvement and Development Fund to establish budget for Change Order No. 8 with CTR Systems Parking, Inc. Included in this transfer is \$103,827 from Reserves.

SUMMARY: On February 5, 2008, the Board approved the contract with CTR Systems Parking, Inc. for the PARCS project at PBI (R2008-0172) in the amount of \$2,370,495 and a contract time of 180 calendar days. Change Orders 1-7 were approved for a net increase to the contract in the amount of \$612,989 and extended the contract time by 516 calendar days. On September 13, 2011, the Board approved Amendment No. 1 (R2011-1332) to provide for a 5-year Maintenance Agreement with no increase in funding. Approval of Change Order No. 8 in the amount of \$103,827 will provide funding to convert PBI's East Commercial Loop to a 'pre-paid' card system with 'declining balance' methodology, with no increase in the contract time. CTR Systems Parking, Inc. is a Warrendale, Pennsylvania based firm, with a local Florida office in Dania Beach, Florida (Broward County). The Small Business Enterprise (SBE) Goal for this project was established at 15.00%; however, none of the bidders included SBE participation in their submittals. The SBE participation for this Change Order is 0%. The total SBE participation to date is 0%. While there is no SBE participation in the contract, CTR Systems Parking, Inc. subcontracted 18.85% of the work to Disadvantaged Business Enterprise (DBE) firms. Countywide (JCM)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Contract with Carrick Contracting Corporation in the amount of \$446,000 for the removal and replacement of two (2) of the four (4) existing Cooling Towers at the Convention Center. **SUMMARY:** This contract will remove Heating, Ventilation, & Air Conditioning (HVAC) cooling towers 1 and 2 and replace with new upgraded towers, isolation valves, flow meters and all associated plumbing and electrical. These towers were installed in 1999 and serve portions of the exhibition floor and meeting room and have reached their useful life span due to deterioration caused by salt and weather corrosion. The replacement towers are upgraded to more corrosion resistant materials that will provide for longer life span, as well as reducing energy, maintenance and operating costs. Existing towers 3 & 4 also need replacement and will be done as a separate project later this year. The Small Business Enterprise (SBE) goal is 15%. The SBE participation in this contract is 77%. The total construction duration is 70 calendar days. Carrick Contracting Corporation is a Palm Beach County company. Funding for this project is entirely from construction bond proceeds specifically identified for renewal/replacement projects. The annual debt service on the bond is paid for from bed tax proceeds. (Capital Improvements Division) District 7 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: an Interlocal Agreement with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") allowing for interoperable communications through the countywide common groups of the County's Public Safety Radio System. **SUMMARY:** This Interlocal Agreement provides the conditions under which ATF can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications. The County's system will not be utilized for routine operational communications by ATF. The terms of the agreement are standard and have been offered to all municipalities and local branches of state and federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. ATF is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the County's Public Safety Radio System. The agreement provides for an initial term of five (5) years with three (3) renewal options, each for a period of five (5) years. This Interlocal Agreement may be terminated by either party, with or without cause, upon ten (10) days prior notice to the other party. (ESS) Countywide (JM)

3. Staff recommends motion to receive and file: notice of exercise of the third extension option under the Lease Agreement with Theodore W. Winsberg and Gertrude K. Winsberg (R99-842D) for the Winsbergs' continued agricultural use of approximately 60 acres located on Hagen Ranch Road in Boynton Beach. **SUMMARY:** In 1996, the County purchased 175 acres of property from the Winsbergs for the development of the Water Utilities Department's Green Cay Wetlands Water Reclamation project. The property is located off Hagen Ranch Road between Boynton Beach Boulevard and Atlantic Boulevard. The Board approved the original Lease Agreement in May of 1999 (R99-842D), which allowed the Winsbergs to continue to farm the property until the Water Utilities Department (WUD) was ready to construct their project. Over time, as WUD constructed phases of the Water Reclamation Project, the area leased to the Winsbergs was reduced and the Winsbergs currently lease approximately 60 acres. The next phase of the Water Reclamation Project is not expected to be implemented within the next five (5) years. In April of 2008, the Board approved the Fourth Amendment (R2008-0629) which extended the term of the Lease Agreement through May 1, 2010, and provided the Winsbergs with ten (10) additional one (1) year options to extend the term of the Lease Agreement. Exercising this third option will extend the term of the Lease Agreement through May 1, 2013. The Winsbergs have the right to exercise their option and the Board has no discretionary authority to not allow the exercise of the option. The County will continue to have the right to terminate this Lease upon 120 days notice. The annual rental rate for this option period will continue to be \$1/yr. Seven (7) one (1) year options remain available to the Winsbergs. All other terms of the Lease Agreement remain in full force and effect. (PREM) District 5 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: a Flowage and Drainage Easement in favor of Sannlor Properties II, LLC. **SUMMARY:** Morikami Park (Park) is located on Jog Road in western Delray Beach between Linton Boulevard and Clint Moore Road. Sannlor Properties II, LLC (Sannlor) owns a 5 acre site adjacent to the Park which it recently purchased from the American Orchid Society. Sannlor is redeveloping the site as a daycare and private school serving autistic children. Currently, the site drains into an existing lake on County property pursuant to a drainage easement (R2011-1785) granted as required by a Use and Management Agreement entered into with the Orchid Society (R95-824D), but does not have legal positive outfall as required by the County's Unified Land Development Code. A Flowage and Drainage Easement is required to allow storm water to flow through the existing lake and through a connection to the LWDD L-37 Canal. Sannlor will have the right to construct and maintain an underground pipe across currently undeveloped park property connecting to the canal. In the event the Easement has to be relocated in the future because of further Park development, Sannlor will be required to pay the County for all expenses associated with the pipe relocation. The lake area is approximately 142,501 square feet (3.27 acres), and the pipe area is 15' wide, 436' long, and contains approximately 6,542 square feet (.15 acre). This Easement is being granted at no charge since the original intent of the Use and Management Agreement in 1995 was to facilitate drainage from the Sannlor property into the Park's storm water drainage system. (PREM) District 5 (HJF)

K. WATER UTILITIES

1. Staff recommends motion to receive and file: executed Utility Concurrency Reservation Agreement with The Allegro at Boynton Beach, L.L.C. UCRA No. 05-01109-000. **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 Utility Concurrency Reservation 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)
2. Staff recommends motion to approve: a Potable Water and Wastewater Development Agreement (Agreement) with Jewish Community Facilities Corporation and Federation CCRC Property Corporation (JCFC). **SUMMARY:** JCFC owns property located within the Rainberry P.U.D. between US 441 and Lyons Road, south of Glades Road. In order to provide potable water and wastewater concurrency reservations for new developments, the Department requires property owners to enter into a formal development agreement with the Department. While the Department Director has been delegated the authority to enter into Standard Development Agreements (SDAs), Board approval is being sought in this case due to the timing of fee payments associated with the development of the property. JCFC has requested that a portion of the fees be remitted upon execution of the SDA with the remaining payable no later than 60 days following final Development Review Officer (DRO) approval or December 31, 2012, whichever occurs first. Under the terms of the Agreement, remittal of the partial payment does not exempt JCFC from any subsequent fee change. District 5 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. **Staff recommends motion to approve:** Change Order No. 8 to the Contract with John J. Kirlin Construction, Inc. (R2010-1038) for the Water Treatment Plant (WTP) No. 2 MIEX Treatment System decreasing the contract price by (\$7,733.92) and increasing the contract time by 78 calendar days. **SUMMARY:** On March 9, 2010, the Board of County Commissioners (Board) approved the contract with John J. Kirlin Construction, Inc. (R2010-1038) for the WTP No. 2 MIEX Treatment System. This Change Order No. 8 authorizes the Contractor to modify the scope of work due to changed field conditions. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. This Change Order includes zero SBE participation. The contract with John J. Kirlin Construction, Inc. provides for SBE participation of 15.3%. The cumulative SBE participation, including this Change Order is 15.3% overall. (WUD Project No. 09-046) District 2 (JM)

4. **Staff recommends motion to adopt:** a Resolution amending Resolution No. R2011-0548 for the Bayhill Estates Water Distribution System, reducing the individual assessment from \$8,550 per parcel to \$5,966.36 per parcel. **SUMMARY:** On April 5, 2011, the Board adopted Resolution R2011-0548 confirming the Bayhill Estates Water Distribution System assessment. Pursuant to Section 9 of Ordinance No. 2001-0010, property owners are entitled to a reduction in their individual assessment if the final cost of the project falls below the original estimate. The assessment adopted by the Board was based upon an estimated cost of \$2,299,950, while the final assessable cost is \$1,604,950.84. This project is based on 269 residential properties, the individual cost to the property owners is decreased from \$8,550 per parcel to \$5,966.36 per parcel. (WUD Project No. 11-025) District 6 (MJ)

5. **Staff recommends motion to approve:** an Interlocal Agreement with the City of Greenacres (City) in an amount up to \$30,000 for installation of a water main in Greenacres. **SUMMARY:** This Interlocal Agreement provides the terms and conditions under which the County will reimburse the City for all costs associated with construction of an 8" water main along Jackson Avenue. The County has existing water mains on Jackson and 10th Avenues which should be connected in order to improve fire flow and increase water pressure within the area. As part of a City bid for utility improvements, the City included an alternate for the construction of the 8" water main along Jackson Avenue connecting to the County water main along 10th Avenue. Adding the installation of the 8" water main section to the City's construction contract is the least disruptive and most economical method to complete this project. Ownership of the 8" water main will be conveyed to the County following completion of construction. District 2 (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to:**
 - A) approve** Contract No. FWC 11357 with the Florida Fish and Wildlife Conservation Commission (FWC) for aquatic exotic plant control services performed by ERM on a task assignment basis, effective upon execution by both parties and expiring June 30, 2022; and
 - B) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications, and other forms associated with this contract, and necessary minor amendments that do not change the scope of work, terms or conditions of this Contract.

SUMMARY: This Contract, through task assignments, will provide funding for the Aquatic Plant Control Program on a reimbursement basis, with approval by the FWC of annually submitted work plans. There is no cost to the County. Districts 2, 3 & 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

A) ratify the Vice-Chair's signature on a State of Florida Department of Environmental Protection (DEP) Land and Water Conservation Fund (LWCF) Grant Application to help pay for the construction of passive recreational facilities on a portion of the County's Pine Glades Natural Area; and

B) authorize the Director of Environmental Resources Management to act as the Grant Liaison with DEP for this project.

SUMMARY: This Grant Application requests \$200,000 from LWCF for the Pine Glades Natural Area Hiking Trail and Support Facilities Phase I project. The County will provide a \$200,000 match - \$140,000 in cash from the Natural Areas Fund (1226) and \$60,000 in in-kind services. No ad valorem dollars will be used for this project. Project elements include the renovation of an existing primitive parking area and canoe/kayak launch, approximately 3.8 miles of hiking trails and a 0.6-mile segment of the Old Wire Trail. It also includes the construction of a new fishing pier, wildlife observation platform, 2.9 miles of new hiking trails, covered picnic area, a slab and privacy screen for a portable restroom, three (3) informational kiosks, landscaping, and related support facilities. If selected for funding, the County will be required to execute a Notice of Limitation of Use/Site Dedication identifying the project site for outdoor recreation for the use and benefit of the public in perpetuity. District 1 (SF)

3. Staff recommends motion to:

A) approve a Florida Inland Navigation District (FIND) Project Agreement No. PB-11-153 for \$255,000 to cover a portion of the \$625,000 project costs for the refurbishment and improvements of the Bryant Park Boat Ramp Facility located within the City of Lake Worth, expiring September 1, 2013;

B) approve an Interlocal Agreement with the City of Lake Worth to provide the \$255,000 of FIND funding to the City as well as commit the City's share of \$370,000 as match, expiring August 1, 2013;

C) approve Budget Amendment of \$255,000 in the Environmental Enhancement Saltwater Fund as project funding for the Bryant Park Boat Ramp Facility; and

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

SUMMARY: The approval of the FIND Project Agreement No. PB-11-153 and Interlocal Agreement with the City of Lake Worth will allow the County to pass funding from FIND to the City of Lake Worth to cover the estimated \$625,000 in project costs for the refurbishment and improvements to the Bryant Park Boat Ramp Facility. Work is expected to begin within 60 days. The Project includes the replacement of the seawall and existing boat ramp features with the addition of a 100' staging dock. District 3 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the month of March of 2012:

A) Elaine Williamson, Water Fitness Instructor, Therapeutic Recreation Complex, for the period April 2, 2012, through September 28, 2012;

B) Christine Dimond, Water Exercise Instructor, North County Pool, for the period March 11, 2012, through March 10, 2013; and

C) Chad A. Rollins, Basketball Official, Westgate Park and Recreation Center, for the period March 17, 2012, through April 21, 2012.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File Agenda Item. The above Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103, 07-0409 and 12-0168, and are now being submitted to the Board to receive and file. Districts 1, 3 & 7 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) **receive and file** a Grant Adjustment Notice from the Bureau of Justice Assistance to extend the term of the grant to September 30, 2012 to be used for the Recidivist Recovery Court and Crisis Intervention Team Training; and

B) **approve** reinstating and extending the Contract (R2010-0923) with the Jerome Golden Center for Behavioral Health, Inc., a not-for-profit agency, from March 31, 2012, to September 30, 2012, for the provision of expanding Crisis Intervention Team training and providing intensive forensic case management to dually diagnosed repeat offenders.

SUMMARY: The Jerome Golden Center for Behavioral Health, Inc., formerly known as the Oakwood Center of the Palm Beaches Inc., received \$268,252 of the grant funds to provide mental health and substance abuse treatment services on the project to dually-diagnosed repeat offenders, and to provide an expansion of the Crisis Intervention Training program. There are unexpended funds, due to a delay in the program implementation that will be utilized to extend the programs an additional six (6) months. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to approve:

A) a Budget Transfer of \$397,000 within the Fire Rescue Improvement Fund (Fund 3700) Capital Reserves to South Bay Fire Station No. 74; and

B) a Budget Transfer of \$225,000 within the Fire Rescue Improvement Fund (Fund 3700) Capital Reserves to Dispatch UPS Replacement.

SUMMARY: On October 18, 2011, the Board approved a contract (R2011-1656) with Sisca Construction Services, LLC for the construction of Fire Rescue Station No. 74 in the City of South Bay. A budget transfer is necessary to establish the additional funding to cover unanticipated project costs such as fencing, water/sewer design connection fees and a span wire traffic signal that were not included in the construction project. These items are necessary in order to complete this project. The current Uninterrupted Power Supply (UPS) units used to provide backup power, in the event of a power failure, are no longer reliable and have exceeded their useful life. A budget transfer is necessary to establish the cost of the design, purchase and installation of one (1) new UPS unit to replace the 20 existing outdated units for which parts are no longer available. Countywide (SB)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: Sixteenth Amendment to contract with CGI-AMS (formerly named American Management Systems, Inc.) (R2002-1782), to make certain revisions to the milestone payment schedule specified in the Statement of Work, Section 4 (Compensation), at no additional cost to the County. **SUMMARY:** The Sixteenth Amendment deletes Items No. 9 and 10 on the Payment Schedule and replaces them with Items No. 9 through 12 for the Vendor Registration and Bid/Solicitation modules of the Advantage System. This Sixteenth Amendment modifies the previously delineated payment schedule which had one-time payments of \$36,160 each for Vendor Registration and Bid/Solicitation sub-modules. This modification establishes two (2) payment milestones for both the Vendor Registration and the Bid/Solicitation modules of \$26,160 for the prototyping/application configuration in the test environment and \$10,000 for implementation in each module. CGI-AMS is not a Palm Beach County or a Florida-based business. Countywide (PK)

AA. PALM TRAN

1. Staff recommends motion to:

A) approve Standard Agreement with the Area Agency on Aging (AAA) in the amount of \$386,453 to fund transportation services for the Division of Senior Services (DOSS) program for the period January 1, 2012, through December 31, 2012; and

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

SUMMARY: The Standard Agreement with the AAA includes information required by the AAA for transportation services to be provided by Palm Tran CONNECTION for senior citizens who are clients of DOSS nutritional programs north of Hypoluxo Road and the City of Pahokee for its Senior Citizens Wellness Program. The AAA will provide funds in the amount of \$362,453 for Palm Beach County and \$24,000 for the City of Pahokee for a total of \$386,453. The local match for Palm Beach County of \$36,245 (10%) has been accounted for in Palm Tran CONNECTION's approved FY 2012 budget. As a sub-recipient, the City of Pahokee does not have a match requirement. Countywide (DR)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF'S OFFICE

1. Staff recommends motion to receive and file: Grant Adjustment Notice amending the Recovery Act Edward Byrne Memorial Justice Assistance Grant to extend the grant period from March 31, 2012, through June 30, 2012. **SUMMARY:** The Board of County Commissioners accepted this grant for \$213, 649, on July 19, 2011; the original period for this grant was April 1, 2011, through September 30, 2011 (R2011-1091). On February 7, 2012, the Board of County Commissioners received and filed an agenda item extending the grant period from September 30, 2011, through March 31, 2012 (R2012-0268). This agenda item will extend the grant period from March 31, 2012, through June 30, 2012. The Edward Byrne Memorial Discretionary Grants Program, administered by the Office of Justice Programs, Bureau of Justice Assistance awarded these funds for expenses associated with the Region 7 Drug Enforcement Strike Force (RDESF). There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (PE)

2. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a pass-through contribution from Hartford Life Insurance Company in the amount of \$38,125, which represents reimbursement of a portion of administrative cost paid by Sheriff employees for FY 2011; and

B) approve a Budget Amendment of \$38,125 in the Sheriff's Grant Fund.

SUMMARY: As contracted, Hartford Life Insurance Company (Hartford Life) is responsible to pay fees incurred in the administration of the Palm Beach County Sheriff's Office (PBSO) 12-b-1 employee deferred compensation plan. On March 12, 2012, the PBSO received a reimbursement of a portion of the administrative cost paid by employees for FY 2011. Once accepted, the funds will be transferred to the employee welfare organization 501(c)(4). There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (PE)

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. Staff recommends motion to approve: a Contract with R.J. Sullivan Corporation for the construction of a Vacuum Wastewater Pumping Facility in the amount of \$1,189,000 with an Alternate Bid of \$62,000 to serve the Belvedere Homes area. The contract is contingent upon approval by the Florida Department of Economic Opportunity. **SUMMARY:** On February 29, 2012, two (2) bids were received for the Belvedere Homes Infrastructure Improvements Vacuum Pump Station Building and Site Landscaping project, with R.J. Sullivan Corporation being the lowest responsive bidder in the amount of \$1,189,000 with an alternate bid of \$62,000 that includes a stainless steel tank to minimize maintenance cost along with electrical and site improvements. Palm Beach County Water Utilities Department (WUD) will administer the project for the Westgate/Belvedere Homes Community Redevelopment Agency. Funding for this project has been provided by Palm Beach County Department of Economic Sustainability (DES) under the Community Development Block Grant Program (\$985,400.00) and by WUD (\$203,600.00). This Project has participation goals of 22.4% MBE and 6.9% WBE per the "Equal Opportunity Clause" and "Standard Federal Equal Employment Specification" set forth in the Requirements for Federally Funded Projects Section of the Contract. The Contract with R.J. Sullivan Corporation includes 2.15% MBE. Although SBE participation is not required by the Contract, R.J. Sullivan Corporation provides an SBE participation of 14.97% overall. R.J. Sullivan Corporation is a Palm Beach County company. (WUD Project No. 10-502) District 2 (JM)

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

A. **Staff recommends motion to adopt:** a Resolution to abandon: 1) that portion of the 15 foot wide and 30 foot wide right-of-way easements falling in Tracts 128, 98, 97, 96, 95, 65, 66 and 67 in Section 17, Township 46 South, Range 42 East, according to the Plat of Palm Beach Farms Co. Plat No. 1, as recorded in Plat Book 2, Pages 26 through 28, Public Records of Palm Beach County, Florida; and 2) that portion of the 30 foot wide right-of-way easement falling in Tracts 30, 31, 32, 33, 34 and 35 in Section 17, Township 46 South, Range 42 East, according to the Plat of Palm Beach Farms Co. Plat No. 1, as recorded in Plat Book 2, Pages 26 through 28, Public Records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will allow the petitioner, Atlantic Commons Associates, LLLP, to vacate these unimproved road rights-of-way which are not depended upon for access and utilize the abandoned right-of-way for development purposes. The petition site is located north of Atlantic Avenue, west of the Lake Worth Drainage District Canal E-2E and east of Florida's Turnpike. District 5 (MRE)

B. **Staff recommends motion to:**

1) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, confirming the special assessment roll for Raulerson Drive Water Main Extension; and

2) approve a Work Authorization No. 14 to AKA Services, Inc. (R2010-1422) under the Water Utilities Department (WUD) Continuing Construction Contract in the amount of \$33,979.37.

SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 75% of the responding property owners in the Raulerson Drive project area. The project will serve five (5) residential properties currently on private wells. Individual assessments of \$4,978.72 per parcel are based on 100% of the assessable cost and may be paid over 20 years at 5½% interest. The total project cost is \$40,295.67 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. The project will be constructed utilizing a Work Authorization under the WUD Continuing Construction Contract with AKA Services, Inc. (R2010-1422). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with AKA Services, Inc. provides for SBE participation of 15%. This Authorization includes 0% overall participation. The cumulative SBE participation is 14.48% overall. (WUD Project No. 11-148) District 2 (MJ)

4. PUBLIC HEARINGS CONTINUED

C. Staff recommends motion to:

1) **adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, confirming the special assessment roll for the East Secretariat Drive Water Main Extension; and

2) **approve** a Work Authorization No. 11 to Johnson-Davis, Inc. (R2010-1423) under the Water Utilities Department (WUD) Continuing Construction Contract in the amount of \$44,020.37.

SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 75% of the responding property owners in the East Secretariat Drive project area. The project will serve four (4) residential properties currently on private wells. Individual assessments of \$9,194.73 per parcel are based on 90% of the assessable cost as per the agreement between the County and Indian Trails Improvement District (ITID), in which the County will contribute a maximum of \$500,000 total to provide financial support for up to 10% of the final cost for assessment projects within the legislative boundaries of the ITID. To date the County has contributed \$205,501.96 for assessment projects within ITID which includes \$4,045.68 for this project. The assessment may be paid over 20 years at 5½% interest. The total project cost is \$58,987.28 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration, and construction contingency. The project will be constructed utilizing a Work Authorization under the WUD Continuing Construction Contract with Johnson-Davis, Inc. (R2010-1423). The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15% overall. The contract with Johnson-Davis, Inc. provides for SBE participation of 15%. This Authorization includes 16.17% overall participation. The cumulative SBE participation is 15.83% overall. (WUD Project No. 12-027) District 6 (MJ)

CONTINUED FROM MARCH 20, 2012

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)

E. Staff recommends motion to approve: Alignment Alternative Four for Jupiter Park Drive/Western Corridor (Island Way) within unincorporated Palm Beach County, Jupiter Gardens Boulevard to 68th Terrace. **SUMMARY:** Per Board direction of March 20, this approves Alignment Alternative Four for Jupiter Park Drive/Western Corridor (Island Way) within unincorporated Palm Beach County (from Jupiter Gardens Boulevard to 68th Terrace). This approval is required to allow the establishment of the overall alignment from Jupiter Park Drive to Indiantown Road. 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. However, adopting an alignment at this time may expose the County to inverse condemnation claims. There are no County funds available for this right-of-way acquisition. District 1 (MRE)

* * * * *

5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to receive and file: Presentation of the 2012 Legislative Session final report. **SUMMARY:** A presentation of the final legislative report reviewing Palm Beach County's 2012 State Legislative Agenda priorities and appropriations with the Board of County Commissioners. Countywide (DW)

TIME CERTAIN 10:30 A.M.

2. Staff requests Board direction: regarding moving forward with an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing a procedure for victims of wage theft to recover back wages. **SUMMARY:** The proposed Palm Beach County Wage Theft Ordinance was brought before the Board for preliminary reading on February 1, 2011, and the public hearing scheduled on June 21, 2011. At the June 21, 2011 meeting, the issue was continued until March 2012 because a bill was proposed before the Florida Legislature, which if passed, would have preempted local government from enacting wage theft legislation. In addition, a court ruling was pending in the Florida Retail Federation's law suit against Miami-Dade County challenging Miami-Dade County's Wage Theft Ordinance. Lastly, in February 2011, the Legal Aid Society of Palm Beach County implemented a wage theft program to reach out to victims of wage theft and inform them of their rights and the assistance available to them through Legal Aid. Countywide (DO)

B. COUNTY ATTORNEY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance of not exceeding \$10,000,000 Housing Finance Authority of Palm Beach County, Florida Multifamily Housing Revenue Bonds (Village at the Park Project) (the "Bonds"). **SUMMARY:** The Bonds are being issued by the Housing Finance Authority of Palm Beach County, Florida (the "Authority") to finance a portion of the costs of acquisition, construction, rehabilitation and/or equipping by Village at the Park, Ltd. (the "Borrower") of an existing 152 unit multifamily rental housing facility to be known as Village at the Park, to be located at 625 Auburn Circle, Delray Beach, Florida 33444, to be rented to qualified persons in Palm Beach County, Florida (the "County") as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** District 7 (PFK)

5. REGULAR AGENDA

B. COUNTY ATTORNEY (Cont'd)

2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance of the not exceeding \$8,400,000 Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Refunding Debt Obligations (Pinnacle Palms Apartments Project) (the "Debt Obligations") and of Citibank, N.A. or an affiliate thereof as the payee, within the meaning of Palm Beach County Ordinance No. 2002-022, of the Debt Obligations. **SUMMARY:** The Debt Obligations are being issued by the Housing Finance Authority of Palm Beach County, Florida (the "Authority"), to refund the outstanding principal amount of the Authority's Multifamily Housing Revenue Bonds, Series 2001A (Pinnacle Palms Apartments Project) (the "Refunded Bonds"), which Refunded Bonds were issued to finance the costs of the acquisition, construction, rehabilitation and/or equipping of a 152 unit multifamily rental housing facility for the elderly known as Pinnacle Palms Apartments, located at 601 Executive Center Drive, West Palm Beach, Florida 33401, rented to qualified persons and families as required by the Act and the Internal Revenue Code of 1986, as amended (the "Code") in Palm Beach County, Florida. The County approved the issuance of the Refunded Bonds prior to their issuance as required by Section 147(f) of the Internal Revenue Code of 1986, as amended. The Debt Obligations will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Greenberg Traurig is Bond Counsel to the Authority with respect to the Debt Obligations. There will be no underwriter for the Debt Obligations since the Authority will deliver the Debt Obligations directly to Citibank, N.A. or an affiliate thereof, as the purchaser thereof. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Debt Obligations.** District 7 (PFK)

C. PLANNING, ZONING & BUILDING

1. Staff recommends motion to:
 - A) adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, granting County a tax exemption for a historic property located within the Town of Palm Beach; and
 - B) approve** Historic Preservation Property Tax Exemption Covenant for the historic property, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

SUMMARY: The Resolution will authorize a County tax exemption for the following historic property located within the Town of Palm Beach:

Address:	1170 South Ocean Boulevard
Owner:	Bath and Tennis Club, Inc.
Property type:	Commercial

If granted the tax exemption shall take effect January 1, 2012, and shall remain in effect for ten (10) years, or until December 31, 2021. The exemption shall apply to 100 percent of the assessed value of all improvements to the historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the 2012 Countywide Millage Rate, it is estimated that approximately \$21,884 tax dollars will be exempted annually. Accompanying the Resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. District 1 (RB)

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:

A) a Consent to Assignment and Amendment of Lease Agreement with James Crystal Boynton Beach, Inc. and Actualidad 1040 AM, LLC, assigning and amending Lease Agreement with James Crystal Boynton Beach dated May 16, 2006 (R2006-0905); and

B) a finding that the amendment of the Lease Agreement is in the best interest of the County.

SUMMARY: Since 1986, James Crystal Boynton Beach, Inc. (JCBB) has leased approximately 16 acres of land within the Bowman Farm Property in the Ag Reserve which the County acquired in 2001. JCBB is a broadcasting company that operates four (4) AM radio stations in Palm Beach and Broward Counties, and has four (4) AM radio antenna towers on the property leased from the County. JCBB's current rent is \$75,000.41/year (\$4,687.53/acre) but JCBB has been consistently late with rental payments and is currently approximately \$140,000 in arrears (last payment was for June 2010). The Lease Agreement expired on May 15, 2011, but JCBB had four (4) extension options of five (5) years each which Staff did not allow them to exercise because of the past due rent. Actualidad 1040AM, LLC (Actualidad) is in the process of purchasing the interest of JCBB in the 1040AM radio station, including the FCC radio station license, tower and equipment. Actualidad will pay the back rent in full, provided the County agrees to reinstate the Lease, consents to an assignment of the lease, and reduces the rent to \$30,000/year (\$2,500/month). The rent was based upon a recent appraisal. The reduced rental rate translates to \$1,875/acre which exceeds the \$500/acre currently paid by row crop farmers. Actualidad will also post a \$6,250 security deposit. Actualidad will pay the back rent upon execution of this Consent to Assignment, but all further obligations of Actualidad are contingent upon closing of Actualidad's purchase of the radio station from JCBB which is projected to occur by the end of April. The ability to collect all past due rent and an appraisal indicating the rent will be set at current market rates supports a finding that modification of the lease is in the best interest of the County. (PREM) District 5/Countywide (HJF)

5. REGULAR AGENDA

E. PUBLIC SAFETY

TIME CERTAIN 11:00 A.M.

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on May 15, 2012, at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 19, Article IX (Ordinances No. 2001-015, amended by Ordinance No. 2008-43, amended by Ordinance No. 2011-007, amended by Ordinance No. 2011-032, and amended by Ordinance No. 2011-040); relating to taxicabs and other vehicles for hire, to be known as the vehicle for hire ordinance; amending section 19-213 (definitions); amending section 19-214 (compliance with article required); amending section 19-218 (business permit application); amending section 19-220 (vehicle requirements); amending section 19-222 (impoundment); amending section 19-224 (non-medical wheelchair and stretcher transportation service companies operational requirements); amending section 19-225 (vehicle inspections); amending section 19-227 (driver requirements; failure to comply); amending section 19-229 (revocation, suspension and denial of permits/I.D. badges; administrative appeal); amending section 19-235 (start-up); providing for a moratorium extension; providing for repeal of laws in conflict; providing for a saving clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing an effective date.
SUMMARY: On February 28, 2012, during a Vehicle for Hire (VFH) workshop, the Board of County Commissioners (BCC) voted to amend the current VFH Ordinance to extend the current moratorium, which currently expires on May 25, 2012, through June 1, 2013. The moratorium prohibits the establishment of any new companies from operating in Palm Beach County. In addition, staff was given direction to revise and clarify several other provisions of the Ordinance as follows: 1) provide a comprehensive definition of a vehicle for hire company; 2) provide for additional exemptions for the operation of vehicles, companies and organizations engaged in transporting persons not subject to the Ordinance, i.e. not for profit 501(c)(3) organizations, hotel, and motel shuttle services; 3) provide clarification concerning the requirement to submit a new business application to the Division upon the sale, transfer and change of ownership of a vehicle for hire business; 5) establish additional enforcement, revocation and impoundment actions for failure to maintain commercial liability insurance; 6) provide clarification of color/signage schemes and distinct trade names for all taxis and non-medical wheelchair/stretcher transportation service companies; 7) establish bi-annual inspections for all vehicles over seven (7) years old or which have exceeded 500,000 miles; 8) modify the Vehicle for Hire Driver I.D. Badge requirements to be consistent with other Division ordinances regulating driver I.D. Badges, and the Florida Highway and Safety Motor Vehicle rules and regulations; 9) provide a sunset date for existing vehicle for hire companies to meet new color, signage and trade name requirements. There are several other minor deletions, additions and clarification, including the correction of scrivener errors. Enforcement of this Ordinance is funded entirely through license fees. Staff will also continue to work with the VFH industry in developing procedures and guidelines for the implementation of a lottery program or medallion program which will permit new companies to operate within Palm Beach County. Countywide (PGE)

5. REGULAR AGENDA

F. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to:

A) conceptually approve a Section 108 Loan Program Agreement with Jupiter CY, LLC (Company) in the amount of \$2.3 Million contingent upon the approval of the U.S. Department of Housing and Urban Development (HUD);

B) conceptually approve an Energy Efficiency Revolving Loan (Energy Loan) Program Agreement with Jupiter CY, LLC in the amount of \$450,000; and

C) approve an exception to the Energy Efficiency Revolving Loan Program Criteria for Jupiter CY, LLC to waive the maximum loan amount of \$150,000.

SUMMARY: These loans will assist in the construction of a 128 room hotel and 650 square feet of street level retail space near Scripps and Max Planck in Abacoa. The \$2.3 Million Section 108 Loan will fund working capital for the project and the \$450,000 Energy Loan will fund energy efficient appliances, HVAC, and room occupancy sensors. The approximate total project investment is \$19.6 Million and the projected sources of funding include: \$11.5 Million from a financial institution, \$5 Million in owner equity, \$2.3 Million in a Section 108 Loan, and \$450,000 in the Energy Loan. **The overall project is expected to create 293 jobs (including construction jobs) and have a five (5) year Economic Sustainability Impact of \$32 Million. These are Federal funds that require no local match.** (DES Administration) District 1 (DW)

* * * * *

6. BOARD APPOINTMENTS

A. ADMINISTRATION
(Health Council of Southeast Florida, Inc.)

1. Staff recommends motion to approve: appointment/reappointment of the following individuals to the Health Council of Southeast Florida, Inc., formally known as Treasure Coast Health Council, Inc. (Council) for two (2) year terms from April 17, 2012, to April 16, 2014:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by</u>
<u>Appoint</u>			
Mary Jo Bulfin	8	Health Care Provider	Staff
<u>Reappoint</u>			
Marnie R. Poncy, RN	9	Health Care Purchaser	Council

SUMMARY: The Council is comprised of 12 members: six (6) representatives appointed by Palm Beach County; two (2) representatives each appointed by Martin and St. Lucie Counties; and one (1) representative each appointed by Indian River and Okeechobee Counties. Appointees shall be representatives of health care providers, health care purchasers, and non-governmental health care consumers. A majority of the Council must be health care purchasers and health care consumers, and the Council must include a representative number of persons over 60 years of age. With the appointment of Ms. Bulfin and the reappointment of Ms. Poncy, there are still two (2) seats available for appointment by Palm Beach County (one consumer; and one purchaser). Staff previously notified the BCC about the available seats. At this time, no other nominations have been received. Countywide (TKF)

(Water Resources Task Force)

2. Staff recommends motion to appoint: Ted Winsberg as the member for the Agricultural seat on the Palm Beach County Water Resources Task Force (Seat No. 13) effective April 17, 2012. **SUMMARY:** The Water Resources Task Force is comprised of 14 members: six (6) City elected officials; one (1) County Commissioner; one (1) special independent district water and/or wastewater provider or utility water or wastewater provider representative; one (1) Lake Worth Drainage District representative; one (1) drainage/water control district representative; one (1) South Florida Water Management District Governing Board member; one (1) environmental representative; one (1) land owner actively farming to represent agricultural interests; one (1) Indian Trail Improvement District representative. The resolution also requires designated alternates for each seat. Due to the recent resignation of the Agricultural representative Task Force member, a new member is being submitted for approval by the Board of County Commissioners. Ted Winsberg has disclosed that he has ownership in Green Cay Farms, Inc., that contracts with the County for the lease of County lands for farming. The Water Resources Task Force provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sec. 2-443, of the Palm Beach County Code of Ethics. Countywide (MJ)

6. BOARD APPOINTMENTS

B. **FIRE RESCUE**
(Fire Rescue Advisory Board)

1. **Staff recommends motion to approve:** reappointment to the Fire Rescue Advisory Board for the term indicated below:

<u>Nominee</u>	<u>Seat No.</u>	<u>Category</u>	<u>Term</u>	<u>Nominated By</u>
Harold Ostrow	3	Financial Rep.	04/17/2012 04/16/2015	Commissioner Marcus Commissioner Aaronson Commissioner Abrams Commissioner Taylor Commissioner Vana

SUMMARY: The Fire Rescue Advisory Board was created by Resolution No. R89-1661 and revised by No. R92-596 on April 28, 1992. This board consists of seven (7) (At Large) members with specific fields of expertise and serve three (3) year terms. On March 5, 2012, a memo was distributed to the County Commissioners requesting nominations to the board. No other nominations have been received. Countywide (SB)

C. **ENVIRONMENTAL RESOURCES MANAGEMENT**
(Artificial Reef & Estuarine Enhancement Committee)

1. **Staff recommends motion to approve:** three (3) appointments of at-large members to the Artificial Reef and Estuarine Enhancement Committee (AREEC). Seats No. 4, 5 and 8 are for a term of three (3) years beginning April 17, 2012, through April 16, 2015:

<u>Nominees</u>	<u>Seat No.</u>	<u>Representing</u>	<u>Term</u>	<u>Nominated By</u>
<u>Appoint</u> Michael Newman	4	Commercial Diving	3 yrs	Comm. Marcus Comm. Burdick Comm. Taylor
<u>Appoint</u> Alyssa Freeman	5	Marine Industries	3 yrs	Comm. Marcus Comm. Burdick Comm. Taylor
<u>Appoint</u> Linton Creel	8	Recreational Diving	3 yrs	Comm. Marcus Comm. Burdick Comm. Taylor

SUMMARY: Resolution No. R-08-1511 provides for an eleven-member AREEC. The membership consists of one (1) representative of the County Commission, one (1) representative of commercial SCUBA diving, one (1) representative of recreational SCUBA diving, one (1) representative of marine industry, one (1) representative of recreational fishing, one (1) representative of fisheries, one (1) representative of an environmental organization, two (2) representatives from other government entity, and two (2) general members. On February 22, 2012, the Board was advised that three (3) seats were vacant and need to be filled. Countywide (HF)

6. BOARD APPOINTMENTS

D. **COMMUNITY SERVICES**
(Head Start/Early Head Start Policy Council)

1. **Staff recommends motion to approve:** appointment/reappointment of the following parent representatives and alternates to the Head Start/Early Head Start Policy Council for a term beginning on April 16, 2012, and ending on September 30, 2012:

PARENT REPRESENTATIVE AND ALTERNATE(S) BY CENTER

(R) = Representative

(A) = Alternate

<u>Seat ID #</u>	<u>West Palm Beach</u>	<u>Seat ID #</u>	<u>A Step Above</u>
16	Natasha A. Stewart (R) Kenneth Poitier, Jr. (A)	24	Erncie Jean (A)

<u>Seat ID #</u>	<u>King’s Kids</u>	<u>Seat ID #</u>	<u>My First Steps</u>
26	Sheena R. Burgess (R)	27	Eleisha R. Freeman (R) Elodia Cortes (A)

<u>Seat ID #</u>	<u>Village Academy (School District)</u>
33	Edoris J. Maddox (R) Yvette E. Montot (A)

SUMMARY: Term of appointment for parent representatives and alternates to the Head Start/Early Head Start Policy Council (Council) is one year and requires that representatives and alternates be a parent of a child enrolled in the Head Start/Early Head Start (HS/EHS) program. The Council is comprised of 33 members, of which six (6) are Community representatives. With this motion, a current Parent representative and alternate will switch roles and new parent representatives and alternates will be added to complete the terms of seats left vacant due to resignation. The Council has recommended these parents for appointment. Countywide (TKF)

E. **COMMISSION DISTRICT APPOINTMENTS**

APRIL 17, 2012

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

APRIL 17, 2012

8. 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

9. ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

APRIL 17, 2012

<u>PAGE</u>	<u>ITEM</u>	
14	3K-3	<u>REVISED TITLE & SUMMARY:</u> Staff recommends motion to approve: Change Order No. 8 to the Contract with John J. Kirlin Construction, Inc-LLC (R2010-1038) for the Water Treatment Plant (WTP) No. 2 MIEX Treatment System decreasing the contract price by (\$7,733.92) and increasing the contract time by 78 calendar days. SUMMARY: On March 9, 2010, the Board of County Commissioners (Board) approved the contract with John J. Kirlin Construction, Inc-LLC (R2010-1038) for the WTP No. 2 MIEX Treatment System. This Change Order No. 8 authorizes the Contractor to modify the scope of work due to changed field conditions. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance is 15% overall. This Change Order includes zero SBE participation. The contract with John J. Kirlin Construction, Inc-LLC provides for SBE participation of 15.3%. The cumulative SBE participation, including this Change Order is 15.3% overall. (WUD Project No. 09-046) <u>District 2</u> (JM) (WUD)
19	4B	<u>REVISED SUMMARY:</u> Staff recommends motion to: 1) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, confirming the special assessment roll for Raulerson Drive Water Main Extension; and 2)... SUMMARY: Petitions in favor of the installation of a potable water main have been provided by 75% 60% of the responding property owners in the Raulerson Drive project area....(WUD)
21	5A-2	<u>REVISED TIME CERTAIN OF 10:00 A.M.</u> Staff requests Board direction: regarding moving forward with an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, establishing a procedure for victims of wage theft to recover back wages. (Admin)
22	5C-1	<u>REVISED SUMMARY:</u> Staff recommends motion to: A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, granting County a tax exemption for a historic property located within the Town of Palm Beach; and B)... SUMMARY: The Resolution will authorize a County tax exemption for the following historic property located within the Town of Palm Beach: Address: 1170 South Ocean Boulevard Owner: Bath and Tennis Club, Inc. (<u>Private Club</u>) Property type: Commercial (PZB)
30	8D*	<u>ADD-ON:</u> Request approval to present off-site, a Proclamation declaring April 25, 2012 as "Parental Alienation Awareness Day" in Palm Beach County. (Sponsored by Commissioner Abrams)

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 (*).