

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

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**JULY 10, 2012**

<b><u>PAGE</u></b>	<b><u>ITEM</u></b>	
15	3F-1	<b><u>DELETED:</u> Staff recommends motion to approve:</b> the Professional Services Agreement with Corgan Associates, Inc. in the amount of \$1,856,500 for the performance of professional planning and design services related to the Baggage Handling System (BHS) improvements at Palm Beach International Airport (PBI). (Airports) (Further staff review)
33	5A-2	<b><u>DELETED:</u> Staff recommends motion to adopt:</b> a Resolution of the Board of County Commissioners of Palm Beach County, Florida, supporting the Central Everglades Planning Project for the restoration of the Central Everglades. (Admin/Legislative Affairs) (Further staff review)
41	5E-5	<b><u>ASSIGNED TIME CERTAIN 2:45 P.M.:</u> Staff recommends motion to approve:</b> Amendment Number 2 to Interlocal Agreement (R2007-0349) with the City of Riviera Beach for renovations and improvements to the City Marina. (FDO)

**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 (\*).

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

**JULY 10, 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 Presentations (Page 7)
  
- 3. CONSENT AGENDA (Pages 8 - 30)**
  
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 31 - 32)**
  
- 5. REGULAR AGENDA (Pages 33 - 42)**
  - TIME CERTAIN 11:00 A.M.** (Transit Oriented Development) (Page 40)
  - TIME CERTAIN 1:00 P.M.** (Executive Session/Closed) (Page 34)
  - TIME CERTAIN 2:15 P.M.** (FY 2013 Budget) (Page 34)
  - ASSIGNED TIME CERTAIN 2:45 P.M.** (Riviera Beach Marina) (Page 41)
  - TIME CERTAIN 3:00 P.M.** (Boynton Beach CRA) (Page 38)
  
- 6. BOARD APPOINTMENTS (Pages 43 - 44)**
  
- 7. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 45)**
  
- 8. STAFF COMMENTS (Page 46)**
  
- 9. COMMISSIONER COMMENTS (Page 47)**
  
- 10. ADJOURNMENT (Page 47)**

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- 2C-2 American WaterWorks Association Outstanding Class A Water Treatment Plant Award
- 2C-3 2012 Animal Kindness Award to Barbara Duncan
- 2C-4 2012 Special Recognition Award to David Hitzig
- 2C-5 Welcome Home Heroes Day
- 2C-6 Parks & Recreation Month
- 2C-7 Palm Beach Partners Business Matchmaker Conference & Expo Day
- 2C-8 Certificate of Appreciation to Senator Ellyn Bogdanoff

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**A. ADMINISTRATION**

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- 3B-2 Minutes: None
- 3B-3 Contracts and claims settlements list
- 3B-4 Receive and file two (2) annual financial reports

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- 3C-1 Annual Traffic Signal Contracts with two firms
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**MATTERS BY THE PUBLIC – 2:00 P.M.** (Page 45)

**STAFF COMMENTS** (Page 46)

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**ADJOURNMENT** (Page 47)

**JULY 10, 2012**

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

1. Presentation of the Community Rating System Plaque to Palm Beach County by Susan Wilson, Chief of Mitigation Division, DHS/FEMA Region IV.
2. Presentation by the American WaterWorks Association to the Water Utilities Department for Outstanding Class A Water Treatment Plant in 2011.
3. 2012 Animal Kindness Award to Barbara Duncan. (Sponsored by Commissioner Santamaria)
4. 2012 Special Recognition Award to David Hitzig. (Sponsored by Commissioner Marcus)
5. Proclamation declaring April 21, 2012 as “Welcome Home Heroes Day” in Palm Beach County. (Sponsored by Commissioner Taylor)
6. Proclamation declaring July 2012 as “Parks & Recreation Month” in Palm Beach County. (Sponsored by Commissioner Burdick)
7. Proclamation declaring September 19, 2012 as “Palm Beach Partners Business Matchmaker Conference & Expo Day” in Palm Beach County. (Sponsored by Commissioner Taylor)
8. Certificate of Appreciation to Senator Ellyn Bogdanoff for her dedication and leadership as Chair of the Palm Beach County Legislative Delegation. (Sponsored by Commissioner Marcus)

\* \* \* \* \*

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** payment in an amount not to exceed \$3,000 for participation in the Palm Beach Partners Business Matchmaker Conference & Expo to be held on September 19, 2012 at the Doubletree by Hilton and Executive Meeting Center, Palm Beach Gardens. **SUMMARY:** The Office of Small Business Assistance, Department of Airports, and Palm Tran are participating with the South Florida Water Management District, School District of Palm Beach County, the City of West Palm Beach, the Center for Technology, Enterprise & Development, Inc. (TED Center) and the Paragon Foundation, Inc., to present the 2012 Business Matchmaker Conference & Expo (a statewide conference). This is the 5th Annual Matchmaker Conference & Expo held in Palm Beach County. Each participating entity will contribute \$3,000 and the county's contribution will be broken down as follows: the Office of Small Business Assistance (\$1,000), Department of Airports (\$1,000) and Palm Tran (\$1,000). Payment will be made on or before August 1, 2012 to the Education Foundation of Palm Beach County. The conference and expo will provide Small Business Enterprise owners an opportunity to collaborate with larger businesses in an effort to increase business opportunities and knowledge of programs offered by the above listed governmental partners. Countywide (TKF)

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
4. **Staff recommends motion to receive and file:** two (2) of Palm Beach County's annual financial reports for fiscal year ended September 30, 2011:
  - A) The Units of Local Government – Annual Financial Report (AFR); and
  - B) Annual Financial Audit Report (AFAR), including the Single Audit Report.

**SUMMARY:** The Units of Local Government Report is an Annual Financial Report which serves to generate input to the state. The Annual Financial Audit Report is a special annual financial report defined in Chapter 10.550 of the Rules of the Auditor General. This report is required to be filed annually with the Auditor General in compliance with Section 11.45 Florida Statutes and includes the Single Audit Report. Countywide (DN)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** a Contract in an amount not to exceed the total value of \$2,750,000, for task orders which may be issued for the annual traffic signal contract (Project), Project No. 2012056, with Gerelco Traffic Controls, Inc. (Primary Contractor), the lowest, responsive, responsible bidder and Traffic Control Devices, Inc. (Secondary Contractor), the next lowest, responsive, responsible bidder. **SUMMARY:** Approval of these contracts will provide for the furnishing and installation of various signal components for traffic control devices required by the Traffic Division on an as needed basis. The Small Business Enterprise (SBE) goal for the Project is 15%. The primary contractor achieved 3.23% participation, the secondary contractor achieved 0% participation and the third low bidder fell outside the range for ranking participation. Neither the primary nor secondary contractors are Palm Beach County businesses. Countywide (MRE)
  
2. **DELETED**
  
3. **DELETED**
  
4. **Staff recommends motion to approve:** the renewal of the Traffic Signal Design Annual Agreements with Kimley-Horn and Associates, Inc., (KHA), whose original agreement was dated August 16, 2011 (R2011-1131) and Simmons & White, Inc. (S&W), whose original agreement was dated August 16, 2011 (R2011-1132). **SUMMARY:** Approval of these renewal agreements will extend required professional services for one (1) year, on a task order basis. These renewal agreements with KHA and S&W will continue for the period of August 16, 2012, through August 15, 2013. These are the first renewals of two (2) possible one (1) year renewals contemplated in the original agreements. KHA has offices in Palm Beach County, but is not a certified Small Business Enterprise (SBE). S&W is a Palm Beach County company and is a certified SBE. Countywide (MRE)
  
5. **Staff recommends motion to approve:** the renewal of the Construction Materials Testing, Geotechnical Engineering and Inspection Annual Agreements with Dunkelberger Engineering & Testing, Inc., (DET), whose original agreement was dated August 16, 2011 (R2011-1133), Radise International L.C., (Radise), whose original agreement was dated August 16, 2011 (R2011-1134) and Tierra South Florida, Inc., (TSF), whose original agreement was dated August 16, 2011 (R2011-1135). **SUMMARY:** Approval of these renewal agreements will extend the required professional services for one (1) year, on a task order basis. These renewal agreements with DET, Radise and TSF will continue for the period of August 16, 2012, through August 15, 2013. These are the first renewals of two (2) possible one (1) year renewals contemplated in the original agreements. DET, Radise and TSF are all Palm Beach County companies. DET is not a certified Small Business Enterprise. Radise and TSF are certified Small Business Enterprises. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** Settlement Agreement in the matter between Palm Beach County, Honeywell, and Sperian Respiratory Protection USA, LLC wherein Honeywell has agreed to pay the County \$1,750,000 and donate equipment to our Fire Department with an approximate market value of \$200,000. **SUMMARY:** This case involves the potential breach of a written contract and warranties concerning the County's purchase of 585 Self-Contained Breathing Apparatus ("SCBA") or air packs manufactured by Sperian Respiratory Protection USA, LLC ("Sperian Fire") for use by Palm Beach County Fire Rescue ("PBCFR"). PBCFR received the air packs in October 2009, began using them in March 2010, and stopped using them in January 2012 due to various problems experienced with the air packs. Subsequent to the County's purchase of the Sperian Fire air packs, Honeywell purchased Sperian Fire. The County and Honeywell attended a pre-lawsuit mediation on May 30, 2012, and have negotiated a proposed settlement, settling all claims, including attorney's fees and costs, for a lump sum payment by Honeywell to the County in the amount of \$1,750,000. Honeywell will also donate to PBCFR 100 sets of turn out gear, which has an approximate market value of \$200,000. The remaining Sperian Fire air packs and accessory equipment will be returned to Honeywell at Honeywell's expense. Countywide (AP)
  
2. **Staff recommends motion to approve:** Settlement Agreement in the alternative dispute resolution proceeding styled, In re Complaint No.: C-2011-04010004, Petitioner Anshei Emuna Congregation, 16191 South Jog Road, Delray Beach, FL, Property ID. #00-42-46-27-00-000-3900. **SUMMARY:** In 2006, Anshei Emuna Congregation (the "Temple") requested a land use amendment and development order amendment to delete 1.5 acres from the southern portion of the Temple's site, so that the deleted acreage could be separately developed as a proposed medical office building. As part of the comprehensive plan and zoning changes requested, a site plan and Alternative Landscape Plan were approved, in order to address compatibility concerns expressed by the neighboring homeowner's association, Bristol Pointe Homeowner's Association. The medical office site was ultimately never developed, and the alternative landscaping plan was never implemented. In June 2009, T-Mobile, Inc. ("T-Mobile") submitted an application for a 100-foot camouflaged cell-phone tower at the synagogue site, pursuant to a lease from the Temple. The final site plan for the cell-phone tower included the Alternative Landscaping Plan. However, the Temple and T-Mobile never installed the Alternative Landscaping Plan as part of the cell-phone tower installation. The County Building Department refused to issue a certificate of occupancy until the Alternative Landscaping Plan was implemented. Nevertheless, T-Mobile and the Temple connected the cell-phone tower to electrical power through the existing irrigation system. Consequently, the County cited the Temple for allowing the cell-phone tower to be placed in operation without a certificate of occupancy, in Complaint No.: C-2011-04010004. The Temple and T-Mobile filed a petition for alternative dispute resolution, pursuant to F.S. §70.51. Bristol Pointe Homeowner's Association joined the dispute as an interested party. The parties conducted the mediation phase of the alternative dispute resolution process, and ultimately drafted the proposed settlement agreement. The settlement agreement provides that the Temple and T-Mobile pay \$25,000 to Bristol Pointe Homeowner's Association for additional landscaping, and requires the Temple and T-Mobile, Inc. to apply for variances to allow for the continued maintenance of an existing thirty-foot ficus hedge on the Temple property. Further, the Temple and T-Mobile are required to maintain additional camouflaging materials installed on the cell phone tower as part of the mediation process. Under the settlement agreement, each party shall bear their own attorney's fees and costs. District 5 (ATP)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

3. Staff recommends motion to approve: Settlement Agreement in Elena Escovar v. Palm Beach County for \$75,000, inclusive of attorney's fees and costs, as well as Ms. Escovar resigning her employment with Palm Beach County. **SUMMARY:** Ms. Escovar filed an eleven count amended complaint alleging discrimination, hostile work environment, and retaliation based on her national origin, age, and perceived disability. She also alleged that the County violated Family Medical Leave Act ("FMLA"). The parties attended court ordered mediation on June 28, 2012 and reached a tentative settlement agreement with the following terms and conditions: 1) the agreement is subject to Board of County Commission review and approval; 2) the County shall pay Ms. Escovar \$75,000, inclusive of attorney's fees and costs; 3) Ms. Escovar shall resign her employment with the County; and 4) Ms. Escovar shall dismiss the lawsuit with prejudice and provide the County with a full release of liability. It is the County's intent to pay the settlement amount with Federal grant funds. Countywide (AP)

E. COMMUNITY SERVICES

1. Staff recommends motion to receive and file:

**A) receive and file** Notice of grant award from the Department of Health & Human Services, for the period March 1, 2012, through February 28, 2013, in an amount not to exceed \$9,054,547; and

**B) approve** Four (4) Amendments to Ryan White Part A HIV Health Support Services (Formula) for the period March 1, 2012, through February 28, 2013:

1. Amendment No. 2 to Compass, Inc. (Formula) (R2012-0483) to increase funding for Medical Case Management by \$48,000, for a new total contract amount not to exceed \$380,322; and
2. Amendment No. 2 to Comprehensive AIDS Program of Palm Beach County, Inc. (Formula) (R2012-0597) to increase funding for Medical Case Management by \$252,000 for a new total contract amount not to exceed \$1,448,728; and
3. Amendment No. 2 to FoundCare, Inc. (Formula) (R2012-0599) to add funding for Housing Services by \$56,994 for a new total contract amount not to exceed \$538,874; and
4. Amendment No. 2 to Treasure Coast Health Council, Inc. d/b/a Health Council of Southeast FL (Formula) (R2012-0487) to increase funding for Specialty Outpatient Medical Care by \$100,000 for a new total contract amount not to exceed \$483,000.

**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 amendments listed represent a portion of the total funding of the agency awards approved by the Board of County Commissioners on April 3, 2012, April 17, 2012 and June 5, 2012. Four (4) of the contracts approved on these dates are being amended to reflect actual award amount and allocations made by the PBC HIV CARE Council. The amendments are for services for HIV affected clients, including medical case management, medical care, and housing services. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve: Use of Facility Agreements with the following entities for operating congregate meal sites for the elderly effective July 10, 2012:

A) Pinnacle Palms, LTD, facility located at 601 Executive Center Drive, West Palm Beach; and

B) Beth Zion, Inc., facility located at 129 Sparrow Drive, Royal Palm Beach.

**SUMMARY:** These Agreements will enable DOSS to operate congregate meal sites for the elderly at the above locations at no cost to the County for space or energy usage. Each facility will recruit volunteers to operate the congregate meal sites. DOSS shall provide training for the volunteers. All meals and necessary food related services and supplies shall be furnished by the County through its designated food service vendor, subject to the availability of funds. The estimated annual cost of meals at the Pinnacle Palms, LTD facility will be \$39,399, funded under the Older Americans Act (OAA) grant, in the amount of \$35,459 (90%) and \$3,940 (10%) in County match funds. The estimated annual cost of meals at the Beth Zion, Inc. facility will be \$25,886, funded under the OAA grant, in the amount of \$23,297 (90%) and \$2,589 (10%) in County match funds. The County's portion is included in the proposed FY2013 budget. Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. Staff recommends motion to approve:

A) Standard Contract No. XI313 for the Senior Companion Program (SCP) with the Florida Department of Elder Affairs (DoEA) for the period July 10, 2012, through June 30, 2013, in an amount not to exceed \$2,200 for volunteer support expenses; and

B) Downward Budget Amendment of \$32,324 in the DOSS Administration Fund to reconcile the budget to the actual grant award.

**SUMMARY:** This Contract will reimburse DOSS \$2,200 to pay for volunteer level II background checks, training, supplies, recognition, and physicals. Stipends, meals and mileage will be provided by DoEA. Supervision of the Senior Companion volunteers will be provided by DOSS. The downward Budget Amendment is necessary to recognize that the Area Agency on Aging will be responsible for direct payment of client service vendors. No County match is required. (DOSS) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to approve:

**A)** Downward Budget Amendment of \$48,369 in the Human Services Division in the General fund to transfer the budget for Homeless Prevention and Rapid Re-Housing Program to increase program delivery; and

**B)** Budget Transfer of \$78,237 in the Department of Economic Sustainability fund 1110 to increase the budget for homeless prevention services; and

**C)** Budget Transfer of \$29,868 in the Department of Economic Sustainability Fund 1101 to reconcile the personal service charge-off budget.

**SUMMARY:** Palm Beach County was allocated \$2,823,871 under the Homeless Prevention and Rapid Re-Housing Program in 2009. The Division of Human Services was authorized to directly provide Homeless Prevention Services under this funding in two (2) categories: Direct Homeless Prevention Services - \$800,000, and Program Delivery Services - \$90,525.75. All Direct Homeless Prevention Service funds have been expended. There is a balance remaining in Program Delivery Services of \$48,369. Due to continued significant demand for services, the Division has requested to transfer the remaining funds to Direct Homeless Prevention Services to increase funds for residents in need of assistance. No County match funds are required. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Staff recommends motion to:

**A) receive and file** Amendment No. 001 to Standard Agreement No. IC011-9500 (R2011-1317) for Community Care for the Elderly (CCE) with Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2011, through October 1, 2012, to revise Attachment II, CCE Agreement Budget Summary and to increase the agreement by \$30,000 for a new total amount not to exceed \$1,052,684; and

**B) receive and file** Amendment No. 001 to Standard Agreement No. IP011-9500 (R2011-1743) for Emergency Home Energy Assistance Program (EHEAP) with AAA for the period September 1, 2011, to July 31, 2012, to amend Paragraph 3 extending contract end date, amend Paragraphs 6.4, 2.3.2.1.1 and 3.2 of Attachment I, amend Attachments III and VIII; introduce Paragraphs 6.6, 6.7, and Attachment XIII; introduce Paragraph 49 and renumber existing paragraph 49 and 50 as 50 and 51; and

**C) receive and file** Amendment No. 002 to Standard Agreement No. IU011-9500 (R2011-0465) for Nutrition Services Incentive Program (NSIP) with AAA for the period October 1, 2010, to December 30, 2011, to amend Paragraph 4, Paragraph 3.1 of Attachment I, and revise and replace Attachment III Exhibit 1 and increase the agreement by \$6,167.64 for a new total amount not to exceed \$311,498.64; and

**D) receive and file** Amendment No. 001 to Standard Agreement No. IH011-9500 (R2011-1316) for Home Care for the Elderly (HCE) with AAA, for the period July 1, 2011, to October 1, 2012, to revise Attachment II HCE Agreement Budget Summary, increase Case Management by \$15,000 and decrease Subsidy by \$45,000 for a new total amount not to exceed \$23,291; and

**E) receive and file** Amendment No. 007 to Contract Renewal No. IH010-9500 (R2011-1227) for HCE with AAA, for the period July 1, 2010, to October 1, 2011, to revise Attachment II HCE Agreement Budget Summary, increase Case Management by \$1,089.38 and decrease Subsidy by \$1,241.57 for a new total amount not to exceed \$96,258.27; and

**F) approve** Budget Amendment of \$14,006 in the DOSS Administration Fund to reconcile the budget to the actual grant awards.

**SUMMARY:** These receive and file items are being submitted in accordance with Countywide PPM No. CW-O-051 to allow the Clerk's Office to note and receive the executed agreements. These amendments were executed by the County Administrator in accordance with Resolution R2010-1942, which delegated authority to the County Administrator, or his designee, to sign documents related to DOSS/AAA grant amendments. Required County funds of \$3,333 for CCE are included in the current budget. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Rd (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. ~~**DELETED: Staff recommends motion to approve:** the Professional Services Agreement with Corgan Associates, Inc. in the amount of \$1,856,500 for the performance of professional planning and design services related to the Baggage Handling System (BHS) improvements at Palm Beach International Airport (PBIA).~~ **SUMMARY:** In order to carry out the BHS improvements project at PBIA, the Department of Airports requires professional design and engineering services. In accordance with Florida Statutes 287.055 and the Federal Aviation Administration's Advisory Circular 150/5100-14 (current edition), Corgan Associates, Inc. was competitively selected to provide these services. This Agreement, for a term of two (2) years, with two (2) - one (1) year renewal options, in the amount of \$1,856,500 will provide the Department of Airports with the needed professional services to implement this approved Capital Improvement Project. Corgan Associates, Inc. is a Dallas, Texas based firm, however, the work will be completed in conjunction with two (2) Palm Beach County subconsultants and firms. The services performed during the term of this contract will be eligible for State and Federal grant participation; as such, the proposed fee for these tasks has been/will be verified in accordance with FAA Advisory Circular 150/5100-14C by use of an Independent Fee Analysis conducted by a neutral third party firm (Ricondo & Associates, Inc.). A Disadvantaged Business Enterprise (DBE) goal of 12% was set for this contract. The DBE participation for this contract is 27.5%, which exceeds the established goal. Countywide (JCM)
2. **Staff recommends motion to receive and file:** Airline Operating and Lease Agreement with IBC Airways, Inc. commencing June 1, 2011 and terminating September 30, 2012, with an automatic extension of the initial term on a year-to-year basis. **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2007-1968. Countywide (AH)
3. **Staff recommends motion to receive and file:** General Aviation Airport Aeronautical Activities Permit (Permit) with Ocean Helicopters, Inc. commencing on April 1, 2012 and expiring March 31, 2013, automatically renewed at one (1) year intervals thereafter upon the expiration of the current term. **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2010-0323. Countywide (AH)
4. **Staff recommends motion to receive and file:** General Aviation Airport Aeronautical Activities Permit (Permit) with Airmen Testing and Training, Inc. d/b/a Palm Beach Helicopters commencing on April 1, 2012 and expiring March 31, 2013, automatically renewed at one (1) year intervals thereafter upon the expiration of the current term. **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2010-0323. Countywide (AH)
5. **Staff recommends motion to receive and file:** Nonconcessionaire Rental Car Operator Ground Transportation Permit with Sixt Rent A Car, LLC (Sixt) commencing June 1, 2012, terminating September 30, 2012, automatically renewed on yearly basis (October 1<sup>st</sup> through September 30<sup>th</sup>). **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2012-0629. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. Staff recommends motion to receive and file: Nonconcessionaire Rental Car Operator Ground Transportation Permit with National Car Rentals of Palm Beach, Inc. d/b/a Datura Auto Rentals (Datura) commencing June 1, 2012, terminating September 30, 2012, automatically renewed on yearly basis (October 1<sup>st</sup> through September 30<sup>th</sup>). **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2012-0629. Countywide (AH)
  
7. Staff recommends motion to receive and file: License Agreement with DTG Operations, Inc. (DTG) commencing April 30, 2012 and expiring May 13, 2012, for the parking of vehicles in connection with DTG's rental car operation at the Palm Beach International Airport (PBIA), for payment of a license fee in the amount of \$1,354. The License Agreement may be renewed for one week intervals at the rate of \$677 per week, provided that there shall be no renewal beyond June 30, 2012. **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 40,000 square feet of overflow parking area nearby the DTG rental car facility at PBIA, for use solely for the parking of vehicles in connection with DTG's rental car operation at PBIA. Countywide (AH)
  
8. Staff recommends motion to approve:
  - A) a Contract with The Marc J. Parent Company, Inc., d/b/a PB Builders in the amount of \$1,021,605 for the Terminal Flooring Improvements–Phase 2 at Palm Beach International Airport (PBIA); and
  
  - B) a Budget Amendment of \$1,082,901 in the Airports' Improvement and Development Fund to recognize Passenger Facility Charge (PFC) Revenues and increase Building Improvement by \$1,082,901; and
  
  - C) a Budget Transfer of \$1,082,901 in the Airports' PFC Fund to transfer Reserves PFC Funds to the Airports' Improvement and Development Fund; including a Transfer from PFC Reserves.

**SUMMARY:** This project was advertised utilizing the County's competitive bid process. On May 22, 2012, four (4) bids were received for the Terminal Flooring Improvements-Phase 2 at PBIA. Of the four (4) bids, PB Builders, a Palm Beach County company has been identified as the lowest responsible/responsive bidder in the amount of \$1,021,605 for the Terminal Flooring Improvements – Phase 2 at PBIA. In addition to the construction contract, project expenditures also include 6% for inspections and costs associated with the temporary relocation of airport tenants during this period for a total project cost of \$1,082,901. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 12%. PB Builders' DBE participation is 78.47%. PFC funds are being utilized to fund this project. Countywide (JCM)
  
9. Staff recommends motion to receive and file: Nonconcessionaire Rental Car Operator Ground Transportation Permit with Rent Max Miami, Inc. (Rent Max) commencing June 1, 2012, terminating September 30, 2012, automatically renewed on yearly basis (October 1<sup>st</sup> through September 30<sup>th</sup>). **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2012-0629. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

10. Staff recommends motion to approve: Fourth Amendment to Lease Agreement (Amendment) with Signature Flight Support Corporation (Signature) providing for a legal description of the Northwest Tract containing 326,338 square feet of unimproved ground; the lease of an additional 30,575 square feet of unimproved ground for the construction of an aircraft apron with an initial annual rental of \$19,873; and rental credit in the amount of \$100,000. **SUMMARY:** Signature provides fixed-based operator services for general aviation aircraft at the Palm Beach International Airport (PBIA) pursuant to a Lease Agreement (Lease) dated September 30, 2004 (R2004-1990). Signature is a Delaware corporation with its principal place of business in Orlando, Florida. The Third Amendment to the Lease (R2011-0493) provided for the lease of approximately 326,700 square feet of unimproved ground (Northwest Tract) to Signature for the development of aeronautical facilities on PBIA. Signature subleased the site to NetJets Aviation, Inc. The Third Amendment included a general depiction of the site, but did not include a legal description. This Amendment replaces the depiction with a specific legal description and survey of the site. This Amendment also provides for the lease of an additional 30,575 square feet of unimproved ground to be used for the future construction of aircraft parking apron. Rental for the additional property will commence upon substantial completion of any improvements on the property or 18 months from the rental commencement date for the Northwest Tract, whichever occurs first. The development will include a new one story, 10,000 square-foot terminal building, vehicular parking and aircraft parking apron. Signature will also be constructing improvements necessary to access the site, including a public use taxiway connector and a new entrance road and culvert crossing from Belvedere Road into PBIA. Signature has estimated the cost to complete the improvements will be approximately \$10-\$12 million dollars. The Department has requested Signature upgrade the taxiway connector's base and subbase courses and to increase the size of the main water lines to accommodate future development plans for PBIA. In consideration of the upgraded improvements, Signature may utilize excavation removed from storm water drainage areas to increase the Northwest Tract's site elevation and will receive a rental credit in the amount of \$100,000 upon completion of the work. Countywide (HJF)
  
11. Staff recommends motion to receive and file: General Aviation Airport Aeronautical Activities Permit (Permit) with Tradewinds Aviation, Inc. commencing on January 1, 2012 and expiring December 31, 2012, automatically renewed at one (1) year intervals thereafter upon the expiration of the current term. **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2010-0323. Countywide (AH)
  
12. Staff recommends motion to receive and file: General Aviation Airport Aeronautical Activities Permit (Permit) with Skywords Advertising, LLC commencing on January 1, 2012 and expiring December 31, 2012, automatically renewed at one (1) year intervals thereafter upon the expiration of the current term. **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2010-0323. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

13. Staff recommends motion to receive and file: Off-Airport Parking Lot Operator Ground Transportation Permit with Marriott Hotel Services, Inc., d/b/a Marriott West Palm Beach Hotel commencing October 1, 2011, terminating September 30, 2012, automatically renewed on yearly basis (October 1<sup>st</sup> through September 30<sup>th</sup>). **SUMMARY:** Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2011-1107. Countywide (AH)
14. Staff recommends motion to receive and file: twelve (12) original documents for the Department of Airports:
- A)** Consent to Sublease for Signature Flight Support Corporation of Palm Beach, Inc. and TRT Leasing, Inc., commencing March 1, 2012 for approximately 1,791 square feet of Hangar Deck Space in Hangar A (No. 2);
  - B)** Consent to Sublease for Signature Flight Support Corporation of Palm Beach, Inc. and TRT Leasing, Inc., commencing March 1, 2012 for approximately 6,816 square feet of Hangar Deck Space in Hangar A (No. 2);
  - C)** Consent to Sublease for Signature Flight Support Corporation of Palm Beach, Inc. and TRT Leasing, Inc., commencing March 1, 2012 for approximately 6,893 square feet of Hangar Deck Space in Hangar A (No. 2);
  - D)** Consent to Sublease for Jet Aviation Associates, Ltd. and Brunskole Aviation Group, Inc. d/b/a Skyloft Aviation, commencing February 1, 2012;
  - E)** Consent to Sublease for Jet Aviation Associates, Ltd. and Brunskole Aviation Group, Inc. d/b/a Skyloft Aviation, commencing February 1, 2012 for approximately 381 rentable square feet of space located in the Hangar as Suite ME 103 and ME 098;
  - F)** Consent to Sublease for Jet Aviation Associates, Ltd. and Florida Jet Sales, Inc., commencing April 1, 2012;
  - G)** Consent to Sublease for Jet Aviation Associates, Ltd. and Kaitar Resources, LLP, commencing January 1, 2012;
  - H)** Consent to Sublease for Jet Aviation Associates, Ltd. and Piaggio America, Inc., commencing January 1, 2012;
  - I)** Consent to Sublease for Jet Aviation Associates, Ltd. and N250RG, LLC, commencing May 1, 2011;
  - J)** Consent to Sublease for Galaxy Aviation of Palm Beach, Inc. and Foresight Energy Services, LLC, commencing February 1, 2012;
  - K)** Consent to Sublease for Galaxy Aviation of Palm Beach, Inc. and Challenger Management, LLC, commencing February 1, 2012; and
  - L)** Consent to Sublease for Piedmont Hawthorne Aviation LLC, d/b/a Landmark Aviation and Screendreams USA Inc., Erik Simons, CEO, commencing March 14, 2012.
- SUMMARY:** Delegation of authority for execution of the standard County documents above was approved by the Board of County Commissioners in R1994-1453. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

15. **Staff recommends motion to approve:** Second Amendment to Air Cargo Building Lease and Operating Agreement (Second Amendment) with United Parcel Service Co. (UPS) extending the term of UPS' lease of cargo building space at the Palm Beach International Airport (PBIA) until September 30, 2014 with two (2) – two (2) year renewal options. **SUMMARY:** On November 3, 2009, the Board approved the Air Cargo Building Lease and Operating Agreement (Agreement) (R2009-1875) with UPS for the lease of 6,000 square feet of cargo space for office administration, shipping, receiving and sorting of parcels, freight and cargo. The Agreement is scheduled to expire on September 30, 2012, with two (2) – one (1) year renewal options. The Second Amendment extends to the term of the Agreement to September 30, 2014 with two (2) – two (2) year automatic renewals thereafter. Countywide (AH)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to approve:** the recording of the FY 2011 retirements of tangible personal property (equipment, vehicles, publications) in the official minutes of the Board of County Commissioners' meeting as prescribed by Florida Statutes, Chapter 274. **SUMMARY:** Florida Statutes, Chapter 274 and the Palm Beach County "Surplus Property Ordinance" require the recording of the disposal (retirement) of tangible personal property from the official records of Palm Beach County at historical value. Disposal, retirement, and adjustments total \$23,739,371.04. Countywide (PK)

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

**A)** a Budget Amendment of \$175,470,407 in the \$147M Public Improvement Revenue Refunding Bonds, Series 2012 debt service fund to budget bond proceeds, costs of issuance, and payment to refunding bond escrow agent;

**B)** a Budget Amendment of \$1,201,462 in the \$94.3M Public Improvement Revenue Bonds, Series 2004 debt service fund to reduce the interest payment and the transfer from the General Fund; and

**C)** a Budget Transfer of \$1,201,462 in the General Fund to reduce the transfer to the \$94.3M Public Improvement Revenue Bonds, Series 2004 debt service fund and increase reserves.

**SUMMARY:** On April 3, 2012 the Board authorized the issuance of the Series 2012 Refunding Bonds for a partial refunding for the Public Improvement Revenue Refunding Bonds, Series 2004, Public Improvement Revenue Bonds, Series 2004A, and Public Improvement Revenue Bonds, Series 2005A through a competitive-negotiated sale as recommended by the County Financing Committee and the County's Financial Advisor. Through a bid, the County awarded the sale to Goldman Sachs and Loop Capital Markets. The refunding will save the County \$12 million in debt service over the life of the bonds. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Work Order No. 12-032 with E.C. Stokes Mechanical Contractor, Inc. (R2010-0068) in the amount of \$208,950 for the Mounts Agriculture Center Exhibit Hall Heating, Ventilating and Air Conditioning (HVAC) replacement. **SUMMARY:** The work consists of the replacement of the existing air conditioning system with two (2) new 12 ton air cooled chillers including new air handlers, electronic controls, and sheet metal duct work. The existing equipment is more than 20 years old and at the end of its useful life. It has become expensive to maintain and increasingly difficult to ensure continued operations. The new equipment will increase efficiency. This project is budgeted as part of the Five Year Countywide Repair, Replacement and Renovation program. This work was competitively bid amongst the pool of six (6) annual Heating, Ventilating and Air Conditioning contractors with E.C. Stokes Mechanical Contractors, Inc., a Palm Beach County Company, submitting the lowest responsive, responsible bid. The Small Business Enterprise (SBE) participation for this work order is 21%. When the participation for this work order is added to the total participation of the HVAC annual contract, the resulting value is 33.5%. (Capital Improvements Division) District 7 (JM)
  
2. **Staff recommends motion to approve:** Continuing Services Contract for construction management services for various capital improvement projects with the following firms:
  - A) Hedrick Brothers Construction Co., Inc.;
  - B) The Weitz Company, LLC; and
  - C) Trillium Construction, Inc.

**SUMMARY:** This contract provides for construction management services associated with the design and construction of various capital projects, to be determined later, which may include new construction, additions, or renovations from \$100,000 to \$10,000,000. Once a project is assigned, a task authorization for preconstruction services will be authorized. Once the project completes the design phase, a Guaranteed Maximum Price (GMP) will be prepared for the construction phase. The GMP will include the cost of work required by the construction documents and the construction manager's fee associated with project construction. Individual GMP's will be implemented as amendments or work orders to this annual contract and will be presented to the appropriate approval authority. The Contract is for a period of two (2) years, with one (1) – two (2) year renewal option. All of the firms are local businesses (non-SBE). SBE goals for the projects will be 15%. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** Amendment No. 11 to the contract with The Weitz Company (R2007-1105) in the amount of \$1,697,877 for construction management services for the Water Utilities Department's (WUD) Central Monitoring Facility (CMF) project establishing a Guaranteed Maximum Price (GMP). **SUMMARY:** In hurricanes of Category 3 or above, Water Utilities internal communication system and enterprise computer systems, including the Supervisory Control and Data Acquisition system, are vulnerable to being damaged or destroyed, making operations difficult if not impossible. The CMF will consist of a central communications control room, integrated computer applications, and space for County staff to monitor, optimize, and respond to situations throughout the county on a 24/7 basis during a disaster event emergency. Once completed, WUD communication dispatchers will be moved from the Customer Service Center to the CMF which will be located at the WUD Central Regional Operation Center. The CMF will be a secure facility with communication and computer system capabilities, and will be accessible to County staff prior, during, and after a disaster. The CMF will supplement the existing communication available from the Emergency Operations Center. This facility is the last of the hurricane hardening projects approved by the Board after Hurricane Wilma. Funding for this project is from the Water Utilities Department Capital Improvement Fund. Amendment No. 11 establishes a GMP of \$1,697,877 and 212 calendar days for completion. The GMP includes the cost of work, the construction manager's fee and a contingency. The Small Business Enterprise (SBE) goal for this contract is 15%. Amendment No. 11 includes 16.5% SBE participation. The Weitz Company is a Palm Beach County firm and is using all local subcontractors with the exception of \$150,000 of the work. (Capital Improvements Division) District 2 (JM)
  
4. **Staff recommends motion to receive and file:** a notice of exercise of the third option to extend the term of the Concessionaire Service Agreement (R2007-1109) with Brian E. Wilson and Jennifer G. Wilson, Joint Venture, d/b/a Lazy Loggerhead Café, for the continued use of the concession building at Carlin Park in Jupiter for \$72,999.17/year. **SUMMARY:** Brian E. Wilson and Jennifer G. Wilson, Joint Venture, d/b/a Lazy Loggerhead Café has operated under the current Concessionaire Service Agreement (Agreement) for the use of the concession building at Carlin Park in Jupiter since September 2007. The Lazy Loggerhead Café is now exercising the third of three (3) one (1) year term extension options for the period of September 1, 2012, to August 31, 2013. The guaranteed annual rent will be increased by four percent (4%) from \$70,191.51 (\$5,849.29/month) to \$72,999.17 (\$6,083.26/month) effective September 1, 2012. The Parks and Recreation Department is satisfied with the Lazy Loggerhead Café's performance. The Board has no discretionary authority to deny the exercise of the option; however, the County may terminate this Agreement upon ninety (90) days written notice to the Lazy Loggerhead Café. State Statutes do not require a Disclosure of Beneficial Interest to be obtained when the County leases property to a tenant. Since the Statute does not require the Disclosure and as this is an exercise of an option to extend a previously approved agreement for which a Disclosure was obtained, Staff did not request a new Disclosure. (PREM) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY

1. Staff recommends motion to:

**A) receive and file** an Agreement with the Florida Department of Economic Opportunity for the Community Development Block Grant (CDBG) Disaster Recovery Initiative - 2008 Supplemental CDBG Appropriations for the Disaster Recovery Enhancement Fund (DRI5-DREF);

**B) approve** a Department of Economic Sustainability Budget Amendment of \$2,197,063 to appropriate the budget for the DRI5-DREF Grant in FY 2011-2012; and

**C) approve** a Water Utilities Department Budget Amendment of \$2,142,136 to appropriate the budget for the DRI5-DREF Grant in FY 2011-2012.

**SUMMARY:** On June 21, 2011, the Board of County Commissioners (Board) approved Resolution R2011-0907 which authorized the Department of Economic Sustainability (DES) to submit an application to the Florida Department of Economic Opportunity (DEO) for funding under the DRI5-DREF Program. In December 2011, DES was advised by DEO that Palm Beach County was awarded \$2,197,062.77. On January 19, 2012, the Assistant County Administrator executed an Agreement with DEO to receive these funds and this was counter-executed by DEO on April 5, 2012.

According to the Agreement with DEO, \$2,142,136.20 of the awarded funds will be used by the Palm Beach County Water Utilities Department, on behalf of the Glades Utility Authority, to rehabilitate sewer lift stations and manholes in the Cities of Pahokee, Belle Glade, and South Bay in order to reduce major inflow and infiltration. The proposed work will address damages caused by Tropical Storm Fay. The balance of awarded funds will be used for DES administrative costs. **This funding is projected to create 77 jobs and have a five (5) year Economic Sustainability Impact of \$4.85 Million. These are Federal DRI5-DREF funds which require no local match.** (DES Strategic Planning) District 6 (TKF)

2. Staff recommends motion to receive and file: one (1) Agreement and two (2) Amendments to Agreements, as follows:

**A) Agreement** with the Pahokee Housing Authority under the 2005 Disaster Recovery Initiative Program - Supplemental Appropriation (DRI3);

**B) Amendment No. 004** to the Agreement (R2010-0900) with the Housing Partnership, Inc. under the Neighborhood Stabilization Program (NSP1); and

**C) Amendment No. 004** to the Agreement (R2010-0903) with the Community Land Trust of Palm Beach County, Inc. (CLT) under NSP1.

**SUMMARY:** In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The Agreement and Amendments have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator, or designee, in accordance with Agenda Items R2007-1524 and R2011-1384, approved by the Board on September 11, 2007, and September 13, 2011, respectively. The Agreement and Amendments are now being submitted to the Board to receive and file. **These are Federal DRI3 and NSP1 funds which require no local match.** (DES Contract Development) Districts 1, 2, 6 & 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. ECONOMIC SUSTAINABILITY (Cont'd)

3. Staff recommends motion to approve: Amendment No. 005 to an Agreement (R2009-0649) with the City of Lake Worth to increase the grant amount from \$170,000 to \$232,000. **SUMMARY:** On July 22, 2008, the Board of County Commissioners approved (R2008-1347) the allocation of \$170,000 in Community Development Block Grant (CDBG) funds to the City of Lake Worth. On April 21, 2009, the County entered into an Agreement (R2009-0649) with the City of Lake Worth allocating these funds for park improvements at the Sunset Ridge Park located at 1415 North "D" Street, Lake Worth. CDBG funds in the amount of \$62,000 have been reallocated from the City of Lake Worth's Shuffleboard project in order to complete the Sunset Ridge Park project. The additional funds will be used to purchase and install playground improvements. **This funding is projected to create seven (7) jobs and have a five (5) year Economic Sustainability Impact of \$277,780. These are Federal CDBG funds which require no local match.** (DES Contract Development) District 3 (TKF)
  
4. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, modifying the Financing Fee; establishing an Attorney Fee for Industrial/Development/Private Activity Bonds, Refundings, and Refinancings in Palm Beach County; rescinding Resolution R2011-0852; and providing an effective date. **SUMMARY:** On June 21, 2011, the Board of County Commissioners approved Resolution R2011-0852 establishing bond financing fees, which had not been changed since 2007. The bond financing fees were raised to become aligned with those charged by other counties in the State. Recent discussions between the private sector and the Department of Economic Sustainability prompted staff to revisit the current structure. It was determined that while these fees were fair, staff recommends special consideration for applications from non-profits and for bonds used for refinancing purposes only. This Resolution adjusts the financial fee structure by setting a maximum fee for for-profit bond applications at \$100,000, and establishes a fee structure for non-profit corporations which caps the financing fee at \$50,000. Applications for refinancing only will only be subject to the application fee. (DES Administration) Countywide (PFK)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve:

**A)** an Agreement with the U.S. Navy to provide potable water and sanitary sewer service at the Navy Operational Support Center (Agreement);

**B)** an Amendment to the Agreement correcting the facility location; and

**C)** an Amendment of Solicitation/Modification of Contract to terminate the previous agreement that expired on March 1, 2012 (Closeout Modification).

**SUMMARY:** The Agreement sets forth the terms and conditions for the provision of water and sewer services for facilities at the Navy Operational Support Center (NOSC) located at 1227 Marine Drive, in West Palm Beach, Florida, which is used by U.S. Navy Reserve personnel to conduct drills at the facility. Execution of the proposed Agreement is required for NOSC to purchase these services. The proposed Agreement is for the next ten (10) years, with a retroactive commencement date of March 1, 2012, through February 28, 2022. The rates, fees, and charges for the services are specified in the Uniform Policy and Procedure Manual under 6.6.2. Monthly Customer Fees for Non-Residential Customers. The Agreement submitted by the U.S. Navy listed the location of the service site as Hialeah, FL instead of West Palm Beach, FL. This error is corrected in the Amendment. In addition, Navy procedures require the execution of the Closeout Modification to terminate the Agreement. District 7 (MJ)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to receive and file:

A) executed Independent Contractor Agreements received during the month of May:

- 1) Valerie Bell, Crafts and Fun Instructor, two-hour morning session at West Jupiter Recreation Center, for the period June 20, 2012, through July 19, 2012;
- 2) Valerie Bell, Crafts and Fun Instructor, two-hour afternoon session at West Jupiter Recreation Center, for the period June 20, 2012, through July 19, 2012;
- 3) Mind Lab South Florida LLC, Mind Games Instructor, Westgate Park and Recreation Center, for the period July 2, 2012, through July 3, 2012;
- 4) LB2 Enterprises, Inc., Masters Swim Team Coach, North County Aquatic Complex, for the period June 1, 2012, through May 31, 2013;
- 5) Palm Beach County Officials Association, Inc., Basketball Referee, Westgate Park and Recreation Center, for the period May 29, 2012, through August 1, 2012; and

B) executed Amendment to Independent Contractor Agreement received during the month of May:

- 1) LB2 Enterprises, Inc., Masters Swim Team Coach, North County Aquatic Complex, First Amendment for the period June 1, 2011, through May 31, 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. These Independent Contractor Agreements and Amendment 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 2002-2103, 2007-0409, and 2012-0168, and are now being submitted to the Board to receive and file. Districts 1 & 7 (AH)

2. Staff recommends motion to receive and file: the following original executed Amphitheater Rental Agreement:

AEG Live SE, LLC, The Avett Brothers Concert, Sunset Cove Amphitheater, for the period February 10, 2012, through February 11, 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 Amphitheater Rental Agreement has 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 2011-1960, and is now being submitted to the Board to receive and file. This event helped to offer a balanced schedule of events which promote the quality of life in the communities we serve. An estimated 2,002 persons attended the event produced under this Amphitheater Rental Agreement. District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to receive and file: the following original executed Amphitheater Rental Agreements:

A) West Boca Community Council Inc., Birthday Celebration Concert, Sunset Cove Amphitheater, on February 25, 2012;

B) Music Jam Productions, LLC, Spring Jam Concert, Seabreeze Amphitheater, for the period March 2, 2012, through March 4, 2012; and

C) Reach Communications Inc., Jeremy Camp Concert, Sunset Cove Amphitheater, for the period March 23, 2012, through March 24, 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 Amphitheater Rental Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0335, amended by Resolution 2009-1807, and are now being submitted to the Board to receive and file. These events help to offer a balanced schedule of events which promote the quality of life in the communities we serve. An estimated 10,562 persons attended the events produced under these Amphitheater Rental Agreements. Districts 1 & 5 (AH)

4. Staff recommends motion to approve: Budget Transfer of \$80,000 within the \$50 Million General Obligation Waterfront Access Bond from Reserves to the Peanut Island Lagoon project. **SUMMARY:** This Budget Transfer will provide the funding necessary to improve the snorkeling lagoon and swim area at Peanut Island Park. This attraction in the park requires additional renovations to increase water flow and tidal flushing to improve snorkeling conditions and sedimentation caused by outgoing tidal flow. Funding is from the \$50M GO Waterfront Access Bond reserve. The Bond reserve balance was formulated through interest and other project residual balances. The remainder of the reserve balance has been identified for future park waterfront expansion and improvements. Districts 1 & 7 (AH)

S. FIRE RESCUE

1. Staff recommends motion to receive and file: one (1) original standard Independent Contractor Agreement with Small Fish Big Fish Swim School, LLC, for the Fire Rescue Department. **SUMMARY:** On September 27, 2005, the Board adopted Resolution Number R2005-1906 authorizing the County Administrator, or his designee (the Fire Rescue Administrator) to execute standard agreements with municipalities and independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. Pursuant to Countywide PPM CW-O-051, one (1) standard County agreement that has been executed by the County Administrator, or his designee (the Fire Rescue Administrator) is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (PK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to:

**A) approve** the Interlocal Agreement with the City of Greenacres (City) to connect three (3) buildings to the Palm Beach County (County) Regional Network at an estimated net first year revenue of \$8,400, for an initial term of one (1) year with automatic one (1) year renewals unless notice is given by either party; and

**B) authorize** the County Administrator or his designee, ISS Director, to approve and execute Task Orders associated with these services up to a maximum total revenue of \$50,000 per Task Order.

**SUMMARY:** The City wishes to connect to the Palm Beach County Network in order to receive broadband Internet access at the stated monthly rates. The County's Information Systems Services (ISS) department will be responsible for providing Internet services. The City agrees to reimburse the County for fiber optic cable and WiMax construction costs of \$42,550. The County will not incur any costs associated with this project other than staff time involved in planning and managing the project. This Agreement is similar to existing agreements with other municipalities for network services. This network connection requires the County to pay Florida LambdaRail a Third Party Connection of \$100 per month. 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)

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: an executed First Amendment to the Memorandum of Agreement (MOA) with the City of Miramar, a municipal corporation of the State of Florida, as a fiscal agent for the Ft. Lauderdale Urban Area Security Initiative (UASI) to extend the UASI 2009 (Jurisdictional, Citizen Corps, and WebEOC) agreements from April 30, 2012, to July 31, 2012. **SUMMARY:** The County was awarded \$840,773 from the U.S. Department of Homeland Security Urban Area Security Initiative Grant through the City of Miramar. The award funds Jurisdictional, Citizen Corps, and WebEOC projects. Jurisdictional projects include emergency management and other approved anti-terrorism activities. Citizen Corps projects bring together government and community leaders to involve citizens in all-hazards emergency preparedness and resilience. WebEOC is the web-based regional emergency collaboration system that is used by municipalities and county agencies throughout Southeast Florida. A request to extend the grant from April 30, 2012, to July 31, 2012 has been approved. Resolution R2006-2669 authorizes the County Administrator or his designee to execute UASI grant agreements and sub-agreements on behalf of the Board of County Commissioners. **No County matching funds are required.** Countywide (PGE)

2. Staff recommends motion to receive and file: an executed Modification No. 1 to the State Homeland Security Grant Program Agreement 10DS-39-10-60-01-319 with the State of Florida, Division of Emergency Management, to extend the agreement from April 30, 2012, to July 31, 2012. **SUMMARY:** The County was awarded \$111,725 from the State of Florida Division of Emergency Management to conduct planning, training and exercise activities in order to develop, and enhance emergency preparedness capabilities. A request to extend the grant from April 30, 2012, to July 31, 2012 has been approved. Resolution R2006-0401 authorizes the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

3. Staff recommends motion to:

**A) receive and file** an executed Grant Agreement with the State of Florida, Division of Emergency Management, to receive emergency management grant funding in the amount of \$9,421 for the period of March 23, 2012, through April 30, 2014, for Community Emergency Response Team (CERT) program initiatives; and

**B) approve** a Budget Amendment of \$9,421 in the Emergency Management (EM) Grant Fund to recognize the grant award.

**SUMMARY:** This is an annual grant from the Florida Division of Emergency Management for CERT program activities. Funding is used to provide training to Palm Beach County citizens and to purchase required supplies such as CERT kits and backpacks. R2006-0401 gave authority to the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. **No County matching funds are required for this grant.** Countywide (PGE)

4. Staff recommends motion to:

**A) ratify** the signature of the Chair regarding the submittal of the Family Drug Court Program Enhancement Grant to the Department of Justice, Office of Juvenile Justice and Delinquency Prevention for \$550,000 for a project period of three (3) years beginning October 1, 2012 to be used to enhance the existing Family Drug Court Program; and

**B) authorize** the County Administrator or his designee to execute all related documents for Palm Beach County's FY 2012 Family Drug Court Program Enhancement Grant and to execute all necessary forms and documents as required by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

**SUMMARY:** Palm Beach County applied for a grant award of \$550,000 from the Department of Justice, Office of Juvenile Justice Delinquency Prevention to facilitate the planning for successful reintegration of juvenile ex-offenders as they return to Palm Beach County. The emergency signature process was used due to the time constraints of the grant submission date. It was released on March 7, 2012 and the submission date was April 23, 2012. This project is to enhance our existing family drug court program that serves individuals with substance abuse disorders and co-occurring mental health disorders, including histories of trauma, who are involved with the family dependency court as a result of child abuse, neglect, and other parenting issues. If awarded, there is a total in-kind match requirement of \$137,500, of which \$72,799.28 will be provided through staff support from the Department of Public Safety, Division of Justice Services Director, Court Services Manager and a Financial Analyst and \$64,700.72 will be provided through staff support from the 15th Judicial Circuit Chief Deputy Court Administrator. Countywide (PGE)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

5. Staff recommends motion to approve: an Interlocal Agreement with the Office of the Public Defender, Fifteenth Judicial Circuit of Florida for the period July 1, 2012, through June 30, 2013, to provide services by obtaining information for the criminal indigent status application for defendants that are interviewed during the pretrial stage prior to their first appearance hearing at court. **SUMMARY:** The Office of Public Defender, Fifteenth Judicial Circuit of Florida has requested the Palm Beach County Justice Services Division to provide a service; specifically existing County staff will perform duties in completing applications for criminal indigent status of defendants prior to the defendant's first appearance hearings at court. The Office of the Public Defender will compensate the Palm Beach County Justice Services Division for this additional service. Countywide (PGE)

AA. PALM TRAN

1. Staff recommends motion to approve: Contract with CBS Outdoor Group, Inc. (CBS) under which they will install, maintain, and service bus shelters along Palm Tran's fixed routes. **SUMMARY:** The term of the contract is for ten (10) years and the advertising shelter will provide the County with an estimated \$2,610,000 in revenue. The County also has the right to purchase up to twenty (20) non-advertising shelters at a maximum cost of \$369,250. This went through the RFP process twice and both times we received only the one proposal as recommended, from our existing vendor. The Contract is managed out of CBS's Broward County facility. At start up, the Contractor will review all the existing shelters for American with Disabilities Act (ADA) compliance, and if necessary, bring them up to current ADA standards, all at no cost to the County. Thereafter, the Contractor will maintain the shelters, surrounding area, and handle waste pick up. Monthly payment to the County will be based on the number of advertising shelters (estimated at 300) in service each month. Countywide (DR)
2. 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. This went through an RFP process twice and both times we received only one proposal from our existing vendor. The Contract will be managed out of their Palm Beach County office, with the Company's headquarters in Canada. 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)

3. CONSENT AGENDA APPROVAL

BB. HOUSING FINANCE AUTHORITY

- 1. **Staff recommends motion to approve:** the nomination of Bobby “Tony” Smith as the Chairperson of the Housing Finance Authority of Palm Beach County (HFA) for the term of June 2012 through May 2013. **SUMMARY:** At the regular HFA meeting of June 8, 2012, the HFA board nominated Bobby “Tony” Smith as its Chairperson to serve an initial term of one (1) year in accordance with Ordinance No. 2002-022. This ordinance requires the nomination of the Chairperson to be submitted to the Board of County Commissioners for approval. (Housing Finance Authority) Countywide (PK)

CC. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

- 1. **Staff recommends motion to approve:** the following Westgate/Belvedere Homes Community Redevelopment Agency (CRA) Board Officers for a one (1) year term commencing June 11, 2012, and expiring June 10, 2013:

**Board Member**  
 Ronald Daniels  
 Melanie Marvin

**Office**  
 Chair  
 Vice-Chair

**SUMMARY:** The Westgate/Belvedere Homes CRA Board consists of seven (7) At-Large members from residents and local businesses within the CRA boundaries. At the June 11, 2012 meeting, the CRA Commissioners elected the Chair and Vice-Chair from amongst its Board. The term shall be one (1) year, beginning with the date of election. District 7 (RB)

- 2. **Staff recommends motion to approve:** Modification No. 5 to the Subgrant Agreement between the Florida Division of Emergency Management (DEM) and Palm Beach County (County) for the L-2 East Canal Acquisition and Expansion Project to reinstate the Subgrant Agreement and extend the expiration date of the Subgrant Agreement to July 13, 2012. **SUMMARY:** The Subgrant Agreement for the design of canal improvements to the Lake Worth Drainage District L-2 Canal between Wabasso Drive and Osceola Drive in Westgate expired on April 4, 2012. This Modification No. 5 will reinstate the Subgrant Agreement as though it had never expired and extend the expiration date to provide sufficient time for the Westgate/Belvedere Homes CRA to submit reimbursement requests to DEM for the canal improvements. This project is complete. District 7 (RB)

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

A. Staff recommends motion to:

1) **conduct** a public hearing for approval of the use of the Uniform Method of collecting non-ad valorem special assessments provided for in Chapter 197, Florida Statutes pursuant to the Notice of Intent adopted by Resolution 97-2152; and

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

**SUMMARY:** On December 16, 1997, the Board approved Resolution 97-2152, expressing the intent of Palm Beach County to use the Uniform Method of collecting non-ad valorem special assessments. The Uniform Method provides for inclusion of water and street improvement project special assessments on the tax bill. This method has been utilized successfully since 1998. A public hearing is required to implement this collection method for new special assessment projects to be included on the 2012 tax bill. Countywide (PK)

B. Staff recommends motion to:

1) **adopt** a Resolution approving the Palm Beach County Action Plan for Fiscal Year 2012-2013; and

2) **authorize** the Chair, or designee, to execute Standard Forms 424 and Certifications for submission to the U.S. Department of Housing and Urban Development (HUD) to receive Fiscal Year 2012-2013 formula grant funding through the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnership (HOME) Programs.

**SUMMARY:** At the January 17, 2012 Workshop, the Board of County Commissioners (BCC) established the priorities for the Fiscal Year 2012-2013 Action Plan (AP). The priorities for the three (3) Programs include the following allocations:

<u>CDBG Program</u>	
- Housing Rehabilitation and Demolition	\$ 375,213
- Economic Development	\$ 766,593
- Public Services	\$ 287,473
- Senator Philip D. Lewis Center	\$ 862,418
- Entitlement Municipal Allocation	\$ 977,777
- County-Initiated/Non-entitlement Municipalities	\$1,575,430
- Special Area of Hope	\$ 420,232
- Contingency and Unprogrammed Funds	\$ 128,629
<b>Subtotal:</b>	<b>\$5,393,765</b>
<u>HOME Program</u>	\$1,590,204
<u>ESG Program</u>	\$ 531,619
<b>Total Grant Allocation:</b>	<b>\$7,515,588</b>

Federal Regulation 24 CFR Part 91 requires Palm Beach County to submit an AP to HUD no later than August 16, 2012, in order to receive CDBG, ESG, and HOME entitlement grant allocations totaling an estimated \$7,515,588 for Fiscal Year 2012-2013. This amount is a 16% percent reduction from Fiscal Year 2011-2012. Failure to meet the deadline will automatically result in the loss of funds for the upcoming year. A summary of the draft AP and a Notice of Public Hearing were published on June 9, 2012. Comments received at the citizen participation meetings were summarized and added to the AP as required by HUD regulations. **The dollar for dollar ESG required local match will be provided by the nine (9) ESG-funded agencies. The HOME required local match (\$397,551) will be provided from program income earned under the State Housing Initiatives Program. The Federal CDBG funds require no local match.** (Strategic Planning) Countywide (TKF)

4. PUBLIC HEARINGS CONTINUED

C. Staff recommends motion to:

1) **adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, designating the parcel located at 4220 Charleston Street within unincorporated Palm Beach County as a Brownfield Area; providing an effective date; providing that County staff shall notify the Florida Department of Environmental Protection of the Brownfield Area designation;

2) **approve** a Site Access Agreement with the Florida Department of Environmental Protection (FDEP);

3) **approve** a Brownfield Site Rehabilitation Agreement (BSRA) with FDEP;

4) **authorize** the Department to make application to FDEP for the Voluntary Cleanup Tax Credit; and

5) **if approved, designate** the County Administrator or his designee to execute the necessary documents to receive the Voluntary Cleanup Tax Credits.

**SUMMARY:** On April 5, 2011, the Palm Beach County Board of County Commissioners approved an Interlocal Subgrant Agreement with Treasure Coast Regional Planning Council (TCRPC) (R2011-0519) to facilitate Brownfields cleanup and redevelopment of the former Pike Utilities property owned by the County. Per Section 376.80(2)(a), Florida Statutes, two (2) public hearings are required in order to designate the property as a Brownfield Area. The first Public Hearing was conducted on June 19, 2012. The TCRPC has agreed to allocate \$98,550 from the Environmental Protection Agency (EPA) Brownfields Assessment federal grant funds to the County toward additional site assessment and to provide technical and administrative assistance. The estimated project cost for cleanup is \$482,000 with \$98,550 in federal grant funds and \$383,450 coming from WUD's reserves. Designation of the property requires that the Board consider the criteria set forth in Section 376.80(2)(a), Florida Statutes, and also that the Board determine that the designation meet the requirements of Section 376.80(2)(b), Florida Statutes. District 2 (MJ)

**CONTINUED FROM APRIL 17, 2012 & MAY 15, 2012**

D. Staff recommends motion to approve: Alignment Alternative Four for Jupiter Park Drive/Western Corridor (Island Way) within unincorporated Palm Beach County, from Jupiter Gardens Boulevard to 68<sup>th</sup> Terrace. **SUMMARY:** Per Board direction and discussions from the meetings held on April 17 and May 15, this will approve Alignment Alternative Four for Jupiter Park Drive/Western Corridor (Island Way) within unincorporated Palm Beach County (from Jupiter Gardens Boulevard to 68<sup>th</sup> 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. There are no funds available for this right-of-way acquisition. The Board asked at the May 15 meeting, that additional neighborhood coordination occur prior to this meeting. The Town of Jupiter had a meeting with the residents on July 2, to tour facilities similar to those expected to be built at the Hawkeye Jupiter property and to discuss the various aspects of the proposed development, including the employment opportunities and future Island Way alignment. District 1 (MRE)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, supporting the Health Care District of Palm Beach County assumption of management and operations of the Federally Qualified Health Centers providing primary care at Palm Beach County Health Department clinics. **SUMMARY:** The Board of Commissioners of the Health Care District of Palm Beach County is considering the assumption of management and operations of the Federally Qualified Health Centers providing primary care at Palm Beach County Health Department clinics. These services are being provided at locations in Delray Beach, Lantana, West Palm Beach, Riviera Beach and Belle Glade. Passage of this Resolution will indicate Board of County Commissioners support for the proposed action. It also states that the Board of County Commissioners is agreeable to Health Care District utilization and sharing of County-owned land and/or buildings currently occupied by the Palm Beach County Health Department and is supportive of a grant application to be submitted by the Health Care District to the Health Resources Services Administration (HRSA). Finally, the Resolution indicates County staff will cooperate with Health Care District and Health Department staff to facilitate the transfer of responsibilities without increasing the County's financial burden for facilities services at the Health Department locations. Countywide (TKF)
  
2. ~~**DELETED: Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, supporting the Central Everglades Planning Project for the restoration of the Central Everglades. **SUMMARY:** The Everglades Ecosystem has been deteriorating for years. Although several restoration plans have been in place, the restoration efforts have been slow. The Central Everglades Planning Project seeks to expedite certain restoration projects within the Central Region over the next 18 months. Through this effort, the goal is to significantly reduce planning times and deliver a finalized plan containing a list of restoration projects. Ultimately, the results will be an improvement to drinking water quality, improved water storage capabilities and a healthier Everglades ecosystem. Countywide (DW)~~

5. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

**TIME CERTAIN 2:15 P.M.**

3. Staff recommends motion to authorize:

A) Staff to submit proposed millage rates for the FY 2013 budget to the Property Appraiser as follows:

	RollBack		Proposed		Over/(Under) Rollback	
	Millage	Taxes	Millage	Taxes	Amount	Percent
Countywide Non-Voted	4.7682	\$597,950,586	<b>4.7815</b>	<b>\$599,618,457</b>	\$1,667,871	0.28%
Library	0.5476	37,314,918	<b>0.5491</b>	<b>37,417,132</b>	102,214	0.27%
Fire Rescue MSTU	3.4634	177,277,785	<b>3.4581</b>	<b>177,006,499</b>	(271,286)	-0.15%
Jupiter Fire Rescue MSTU	2.1580	15,601,900	<b>2.1393</b>	<b>15,466,702</b>	(135,198)	-0.87%
Aggregate-Excluding Voted Debt	6.6610	\$828,145,189	<b>6.6147</b>	<b>\$829,508,790</b>	\$1,363,601	0.16%
Countywide Voted-Debt	NA	NA	<b>0.2087</b>	<b>\$26,190,364</b>		
Countywide Library Voted-Debt	NA	NA	<b>0.0575</b>	<b>\$3,918,202</b>		

B) Staff to submit to the Property Appraiser public hearing dates of Thursday, September 6 at 6 p.m. and Monday, September 24 at 6 p.m. in the Commission Chambers, 6<sup>th</sup> floor of the Governmental Center for FY 2013;

C) Administrative adjustments to establish funding in the FY 2013 budget for capital projects approved and established in the current fiscal year. These projects were approved in the current fiscal year (FY 2012) after the preparation of the proposed budget and are therefore not currently included in the FY 2013 budget. These adjustments will have no impact on proposed ad valorem taxes and will be incorporated into the tentative budget to be presented at the first public hearing; and

D) Administrative adjustments to establish funding in the FY 2013 budget for designated fund balances for contingency and other projects and carryover for encumbrances. These balances and encumbrances were approved in the current fiscal year (FY 2012) after the preparation of the proposed budget and are therefore not currently included in the FY 2013 budget. These adjustments will have no impact on proposed ad valorem taxes and will be incorporated into the tentative budget to be presented at the first public hearing.

**SUMMARY:** The proposed millage rates for Countywide, Library, & Fire Rescue MSTU are at the current year millage rate, with Countywide and Library **above rollback and Fire Rescue MSTU below rollback**. The millage rate for the Jupiter Fire MSTU is below the current rate and **below rollback**. Countywide (PFK)

**TIME CERTAIN 1:00 P.M.**

4. Executive Session scheduled for 1:00 p.m. in McEaddy Conference Room to discuss collective bargaining negotiations with the ATU Local 1577 and CWA Local 3181.

**CLOSED SESSION**

5. REGULAR AGENDA

B. COUNTY ATTORNEY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending Resolution No. R2009-0472, as amended by Resolution No. R2009-2171 and Resolution No. R2011-1101, approving a revision to the Investment Policy for surplus County funds; revising the definition of money market funds that are authorized investments under the Investment Policy; and providing for an effective date. **SUMMARY:** On May 10, 2012, the Investment Policy Committee recommended a revision to the County's Investment Policy. That revision modifies the definition of money market funds authorized under the Investment Policy to those Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency. This new definition tracks the more flexible statutory definition for authorized money market investments. Countywide (PFK)
  
2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida approving the issuance of revenue bonds in an amount not to exceed \$90,000,000 (the "Bonds") by the Palm Beach County Health Facilities Authority (the "Authority"). **SUMMARY:** If the Bonds are issued, the Authority will loan the proceeds of the Bonds to any one or more of The Joseph L. Morse Geriatric Center, Inc., The Tradition of the Palm Beaches, Inc., and/or MorseLife, Inc. (collectively, the "Corporations") to provide funds to be used to refund the Palm Beach County, Florida Variable Rate Demand Revenue Bonds (Morse Obligated Group) Series 2003 (the "Refunded Bonds") and to finance the renovation of existing, and construction of new, nursing and assisted living facilities on the Corporations' existing campus (the "Campus") located at 4847 Fred Gladstone Drive and 4920 Loring Drive in the City of West Palm Beach, Florida. All facilities financed and refinanced with the Bonds will be located at the Campus and will be owned and operated by one or more of the Corporations and MorseLife Foundation, Inc. Approval by an elected body is required by the Internal Revenue Code; however, adoption of this resolution does not in any way obligate the County. **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 2 (PFK)

5. REGULAR AGENDA

B. COUNTY ATTORNEY (Cont'd)

3. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the application submitted by Pine Crest Preparatory School, Inc. with respect to the requested issuance by the County of its Palm Beach County, Florida refunding revenue bonds (Pine Crest Preparatory School, Inc. Project), Series 2012A (the "Series 2012A Bonds"), in an aggregate principal amount not to exceed \$35,615,000, and its Palm Beach County, Florida refunding revenue bonds (Pine Crest Preparatory School, Inc. Project), Series 2012B (the "Series 2012B Bonds" and, together with the Series 2012A Bonds, the "Bonds"), in an aggregate principal amount not to exceed \$35,615,000; authorizing the negotiated sale of the Bonds; authorizing the execution and delivery of an interlocal agreement; determining certain details of the Bonds; approving and authorizing the execution and delivery of the Bonds; approving and authorizing the execution and delivery of a financing agreement in respect of the Series 2012A Bonds and a trust indenture and loan agreement in respect of the Series 2012B Bonds; approving and authorizing the execution and delivery of certain other documents, including a bond purchase agreement in respect of the Series 2012B Bonds; approving form and authorizing distribution of the official statement for the Series 2012B Bonds; approving the underwriter, the remarketing agent, the trustee, the paying agent and the tender agent, all for the Series 2012B Bonds; authorizing the registration of the Series 2012B Bonds under a book-entry system; approving a limited waiver of the fees required to be paid to the County in connection with the issuance of the Bonds; authorizing the proper officers of the County to do all other things deemed necessary or advisable in connection with the sale and delivery of the Bonds; and providing for an effective date. **SUMMARY:** Pine Crest Preparatory School, Inc. (the "School"), a Florida non-profit corporation exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, has applied for the issuance of the Bonds by the County in a combined aggregate principal amount not to exceed \$71,230,000. The Bonds will be issued in two series, each in an aggregate principal amount not to exceed \$35,615,000. The Series 2012A Bonds will be placed directly with Bank of America, N.A. The Series 2012B Bonds will be offered publicly and supported by an irrevocable letter of credit from TD Bank, N.A. Proceeds of the Bonds will be used to current refund the County's outstanding Revenue Bonds (Pine Crest Preparatory School, Inc. Project), Series 2008 (the "Series 2008 Bonds"), which will be outstanding in the aggregate principal amount of \$71,225,000 on the projected closing date for the issuance of the Bonds. The County issued the Series 2008 Bonds to finance and refinance the costs of acquisition, construction, reconstruction and equipping of educational facilities of Pine Crest School at its Boca Raton campus located at 2700 St. Andrews Boulevard, Boca Raton, Florida 33434 and its Fort Lauderdale campus located at 1501 Northeast 62nd Street, Fort Lauderdale, Florida 33334. Because part of the educational facilities are located in Boca Raton, and part are located in Fort Lauderdale, the County will be authorized pursuant to an interlocal agreement with Fort Lauderdale to issue the Bonds for such educational facilities. The Bond Resolution includes a limited waiver of financing fees otherwise required to be paid to the County in connection with the issuance of the Bonds. The Borrower has paid the required application fee and remains obligated to pay the fees of the County Attorney's office incurred in connection with the proposed issuance of the Bonds. The Bonds will be payable solely from revenues derived from the School, and the Series 2012B Bonds will be further secured by an irrevocable letter of credit from TD Bank, N.A. **Neither the taxing power nor the faith and credit of the County, nor any County funds shall be pledged to pay principal or redemption premium, if any, or interest on the Bonds.** District 4 (PFK)

5. REGULAR AGENDA

C. ECONOMIC SUSTAINABILITY

1. **Staff recommends motion to approve:** a Modification to the State Housing Initiative Partnership (SHIP) Program's Local Housing Assistance Plan (LHAP) to modify the maximum subsidy limits for very low, low, and moderate income eligible households. **SUMMARY:** The SHIP Program provides funding for various programs designed to further the development and preservation of affordable housing. The current maximum subsidy limits for the Purchase Assistance Program as funded through SHIP is \$150,000 for very low income households whose incomes are at or below 50% of Area Median Income (AMI), \$60,000 for low income household whose incomes are at or below 80% of AMI, and \$45,000 for moderate income households whose incomes are at or below 120% of AMI. The new recommended subsidy limits are \$100,000 for very low income households, \$65,000 for low income households, and \$50,000 for moderate income households. The recommended subsidy limits support the current average median sales price for Palm Beach County, increase the number of residents able to be assisted throughout the County, and bring about consistency with all County programs. Upon approval of this agenda item, the LHAP will be amended to reflect the above modifications and forwarded to the Florida Housing Finance Corporation (FHFC). Staff had prepared to take this item to the Commission on Affordable Housing for approval on January 26, 2012 and on April 26, 2012. However, both meetings were cancelled due to the lack of a quorum. So as not to further delay the submission of these modifications to FHFC, Staff is bringing them forward for approval. **These are State SHIP grant funds which require no local match.** (B&H) Countywide (TKF)

D. PLANNING, ZONING & BUILDING

1. **Staff recommends motion to approve:** an Interlocal Agreement with the Village of Tequesta providing for the annexation of three (3) enclaves, generally located on the south side of County Line Road, east of Riverside Drive. **SUMMARY:** The Board of County Commissioners (BCC) has directed staff to work with municipalities to strategically address annexations. Chapter 171, Florida Statutes (F.S.), allows annexation of enclaves less than 10 acres through an Interlocal Agreement between the annexing municipality and the County. By Resolution No. 13-12, adopted on June 14, 2012, the Village of Tequesta has petitioned the County to enter into such an agreement for the annexation of three (3) enclaves consisting of five (5) parcels totaling 2.12 acres, as identified in Exhibit A of the Interlocal Agreement. The Village has provided written notice to all owners of real property located in the enclaves as shown in Attachment 4 of the Agenda Item. The annexation has been processed through the County's review departments, including Fire-Rescue, Sheriff's Office, Engineering, Planning, Zoning, Environmental Resources Management, Parks and Recreation, Water Utilities, County Attorney, Property and Real Estate Management and the Office of Financial Management and Budget. The proposed annexation meets the requirements of Chapter 171, F.S., and is consistent with the Intergovernmental Coordination Element of the County's Comprehensive Plan. District 1 (RB)

5. REGULAR AGENDA

E. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: Option Agreement (“Agreement”) with NewKita Group, Inc., (“NewKita”) for the donation of an 11.8 acre parcel of County-owned land (“Parcel”) adjacent to the Palm Glades Apartment Complex in unincorporated Belle Glade for the development of a multi-use recreational and community center complex (“Complex”). **SUMMARY:** The County owns the vacant Parcel adjacent to Palm Glades Apartment Complex in unincorporated Belle Glade. NewKita 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. The estimated construction cost for the Complex is \$5,385,250 with total project costs of approximately \$6,507,250. 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 key milestones require: 1) NewKita to submit annual status reports in their fundraising efforts until such time that the Purchase Agreement is executed, 2) NewKita to demonstrate that it has raised \$2,100,000 represented by receipts and guaranteed pledges by the second anniversary of this Agreement, and 3) County to enter into a Purchase and Sale Agreement (“Purchase Agreement”) for the Parcel at such time that NewKita raises \$4,000,000 within four (4) years of the effective date of this Agreement. In the event that any of these milestones are not met, the County has the right to terminate the Option Agreement. The Purchase Agreement will convey the Parcel for \$0, making this a donation by the County. The Purchase Agreement will require NewKita to demonstrate that it has raised 100% of projected construction costs prior to closing (at which time title will be conveyed) and commencement of construction must begin construction within two (2) years of the execution of the Purchase Agreement. The Purchase Agreement will also have a reverter in favor of the County in the event that construction is not timely commenced or thereafter the Parcel is not used for Complex purposes only or for failure to commence construction by the milestone. The appraisal of the property assigned a market value of \$195,000 to the Parcel. **This Option Agreement must be approved by supermajority vote (5 Commissioners).** (FDO Admin) District 6 (HJF)

**TIME CERTAIN 3:00 P.M.**

2. Staff requests Board direction: regarding the request from the Boynton Beach Community Redevelopment Agency (CRA) to amend the Declaration of Covenants and Restrictions encumbering the Boynton Marina to allow the CRA to demolish an existing building formerly housing the dive shop. **SUMMARY:** The Board considered the CRA’s request on January 24 and May 1 of this year. In response to the Board’s request on May 1 for the CRA to explore providing alternate space, the CRA has performed an evaluation of alternates and has requested the Board reconsider the position from May 1, 2012. Written correspondence has been received from Splashdown Divers since the May 1st workshop, but it was prior to the receipt of the CRA’s latest update. (PREM) District 4 (HJF)

5. REGULAR AGENDA

E. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: an Amended and Restated Declaration of Covenants and Restrictions with Pero West Land, LLC., modifying use restrictions and removing the reverter on 53 acres of the McMurrain property in the Ag Reserve. **SUMMARY:** The County sold 53 acres of the McMurrain property to Pero West Land, LLC. in 2002 for use by Pero in the expansion of its existing hydroponic facilities. As part of the sale, the County imposed a deed restriction limiting use of the property to agricultural purposes, with the specific intention that hydroponic facilities be constructed. The deed also contained a reverter if the restrictive covenant was violated. Pero desires to expand their existing packing and processing facilities and has requested: 1) that the existing restrictive covenant be modified to remove references to hydroponic facilities; and 2) to expand the definition of "agricultural purposes" to include the processing of agricultural products, including storing, bottling, manufacturing, wholesale selling, packaging, transportation and distribution of agricultural products and the construction of facilities in support of such processing. Economic conditions, including the inability to obtain windstorm insurance at a reasonable price, make it cost prohibitive to construct new hydroponic facilities. Pero has also requested that the reverter be released as it makes it difficult, if not impossible, to obtain financing for development of new agricultural support facilities. Staff recommends approval, as the processing of agricultural products is an ancillary use which will enable Pero to expand and take full advantage of the agricultural production occurring in the Ag Reserve and will help ensure the long term viability of agricultural production in the County. The County will retain the right to enforce compliance with the Covenants and Restrictions, notwithstanding release of the reverter. Pero leases adjacent land from the County upon which crops grow that could be processed hereon, which lease expires in 2013. Pero has indicated its desire to extend that lease, but this approval should not be a predisposition of that lease determination. (PREM) District 5/Countywide (HJF)

5. REGULAR AGENDA

E. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

**TIME CERTAIN 11:00 A.M.**

4. **Staff requests Board direction:** on the approval of an Agreement for Purchase and Sale (“Agreement”) with Transit Village, LLC (“TV”) for certain interests in the County owned real property commonly known as the Wedge and located within the City of West Palm Beach’s Transit Oriented Development (TOD) District. **SUMMARY:** Pursuant to the Agreement, TV will develop a transit oriented development (“Project”) over and adjacent to the County’s Intermodal Transit Center (ITC). TV has six (6) years to commence construction (interim milestones apply) on the Project, at a reduced intensity, of up to: 1) 12,500 sf of civic uses, 2) 400,000 sf of commercial/office, 3) 375 hotel rooms, 4) 150 residential units (student/workforce/market), 5) 150 luxury residential units and 6) 75,000 sf amenity retail. The four (4) critical objectives of the Request for Proposals (RFP) leading up to the Agreement were to: 1) protect the operation of the ITC, 2) ensure that County would not assume any financial risk or liability associated with the development of the Project, 3) ensure that the Project would not consume more than its share of the public infrastructure available for, or otherwise burden, the remainder of the development of the TOD, and 4) fulfill the County’s obligations to the South Florida Regional Transportation Authority (SFRTA) with respect to parking. The Agreement is legally sufficient and can be approved today to move this project forward. In relation to the critical objective of protecting ITC operations, it should be noted that the Agreement contains extensive pre-construction and construction requirements to protect ITC operations from the impacts of the Project. However even with these contractual protections, it is not possible to guarantee that ITC operations will not be impacted. The purchase price is \$100,000. The appraised values ranged from \$350,000 to -\$5,000,000 under the sales comparison approach and both appraisals deemed the Project infeasible utilizing the discounted sell-out/land residual valuation approach. The Property Review Committee reviewed the appraisals and the proposed sales price and found the sales price to be reasonable and market oriented. **This Agreement must be approved by supermajority vote (5 Commissioners).** (FDO) Countywide (HJF)

5. REGULAR AGENDA

E. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. **ASSIGNED TIME CERTAIN 2:45 P.M.** **Staff recommends motion to approve:** Amendment Number 2 to Interlocal Agreement (R2007-0349) with the City of Riviera Beach for renovations and improvements to the City Marina. **SUMMARY:** In 2007, the County approved a \$5 million grant to the City for improvements to the City Marina (Project). At a workshop on May 24, 2011, the City presented plans for a complete replacement of the seawall/bulkheads, piers and docks within the Marina in two phases and requested a time extension until September 30, 2012. The Board supported the change, and since the Workshop the City has made substantial progress on the Project. It has completed redesign of the Project, obtained permits for the new docks, completed replacement of the north half of the seawall/bulkhead, completed selection of a contractor to manufacture new docks with dock delivery and installation scheduled to begin at the end of June. Phase 1 of the Project, the portion being funded by the County, will be completed at the end of September and open to the public no later than December 31, 2012. Consistent with the presentation at the workshop, Amendment Number 2: i) modifies the Project Description, Conceptual Site Plan and Cost Estimates attached to the Interlocal Agreement; ii) revises the date for completion of Phase 1 of the Project to December 31, 2012; iii) revises the legal description of the property upon which the Project will be constructed to include only the area in which the seawall/bulkhead, piers and docks will be constructed; and iv) clarifies that the County funding is for only Phase 1 of the Project and authorizes reimbursement of previous expenditures by the City, including design and engineering fees. This Amendment also acknowledges that the City intends to redevelop the upland portions of the City property with a mix of public and private uses, including without limitation, restaurants, a public market, a community center, retail shops, a hotel and parking garages, and allows the City to enter into a development agreement with a master developer so long as such agreement is consistent with the goal of providing public access to and increased usage of the waterfront. The Amendment continues to prohibit transfer of ownership of both the water and upland portions of the Marina, but allows the City to enter into a management agreement with a marina management company. (PREM) District 2/Countywide (HJF)

5. REGULAR AGENDA

F. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve:

**A)** the receipt of OTC (on-line travel companies) settlement funds from the Tax Collector in the amount of \$1,335,482 including interest earned to date which will be distributed to the Tourist Development Council (TDC) Agencies based upon their respective bed tax allocation; and

**B)** a Budget Transfers from Film Commission (\$15,000), Sports Commission (\$15,000), Convention & Visitors Bureau (\$15,000), Beaches (\$5,000), and Cultural Arts (\$5,000) to the Special Projects Fund; and

**C)** a Budget Amendment of \$55,000 in the TDC Special Projects Fund to recognize the transfers and establish the budget for the Palm Beach County Ultimate Diver Challenge.

**SUMMARY:** The TDC received from the Tax Collector a total net collection of \$1,335,482 from a legal settlement from the on-line travel companies. The funds were deposited and invested into an interest bearing account with the Palm Beach County Clerk & Comptroller. Funds will be distributed including interest earned to the agencies based upon their respective bed tax allocations. A transfer of \$55,000 will be made to the Special Projects Fund to promote and market the Palm Beach County Ultimate Diver Challenge. (TDC) Countywide (DW)

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6. BOARD APPOINTMENTS

A. **ADMINISTRATION**  
**(Small Business Assistance Advisory Committee)**

1. **Staff recommends motion to reappoint:** two (2) individuals to the Small Business Assistance Advisory Committee, for the terms indicated below:

<u>NOMINEE</u>	<u>SEAT</u>	<u>DESIGNATION</u>	<u>TERM</u>	<u>NOMINATED BY</u>
Jane Bloom	9	Women’s Business	9/1/2012 – 8/31/2015	Comm. Marcus Comm. Burdick Comm. Taylor
Edward Kramer	12	Small Business Dev. Center	7/10/2012 – 7/9/2015	Comm. Marcus Comm. Burdick Comm. Abrams Comm. Taylor

**SUMMARY:** The SBA Advisory Committee is established pursuant to Section 2.80.32, of the Palm Beach County Code. The Committee consists of fourteen (14) members representing one (1) black business owner certified as a small business by the County; one (1) Hispanic business owner certified as a small business by the County; one (1) woman business owner certified as a small business by the County; one (1) white male business owner certified as a small business by the County; one (1) business owner domiciled in Palm Beach County; one (1) representative of the Palm Beach County Resource Center; one (1) representative of the Hispanic Chamber of Commerce; one (1) representative of the National Association of Women in Construction; one (1) representative of a Women’s Business Organization; one (1) certified minority contractor; one (1) representative of the Associated General Contractors of America; one (1) representative of the Small Business Development Center; one (1) representative of the Business Loan Fund of the Palm Beaches; and one (1) representative of the Black Chamber of Commerce. The incumbents for seats 9 and 12 have requested reappointment and the SBA Advisory Committee supports the nominations. A memo was sent to the Board of County Commissioners on June 6, 2012 requesting approval of the recommended slate. No other nominations were received. Edward Kramer, Small Business Development Analyst and Regional Director of the Small Business Development Center at Palm Beach State College, serves on the Small Business Advisory Committee. The Committee provides no regulation, oversight, management or policy-setting recommendations regarding the Office of Small Business Assistance’s contracts. Disclosure of the contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. Countywide (TKF)

6. BOARD APPOINTMENTS

B. TOURIST DEVELOPMENT COUNCIL  
(Tourist Development Council Board)

- 1. Staff recommends motion to appoint: a member “At-Large” to the Tourist Development Council Board to complete the remainder of the term left vacant by the unexpected passing of Commissioner Moss:

<u>Appointment</u>	<u>Seat No.</u>	<u>Term</u>	<u>Nominated by</u>
Mayor Muoio	At-Large	7/10/2012-4/4/2015	City of WPB

**SUMMARY:** The Tourist Development County Board was established by Resolution No. R81-275, adopted March 3, 1981; Chapter 125.0104 F.S. “The Levy of a Tourist Development Tax pursuant to the “LOCAL OPTION TOURIST DEVELOPMENT ACT,” Palm Beach County Code 117-111. This Code sets up the nine (9) member Tourist Development Council Board. One (1) member shall be the Chair of the Board of County Commissioners (BCC) or designee who shall serve as the Chair of the County. Of the remaining eight (8) members appointed by the BCC; two (2) members shall be elected municipal officials, one of whom shall be from the most populous municipality in Palm Beach County. Mayor “Jeri” Muoio is the current mayor of the City of West Palm Beach, the most populous municipality in Palm Beach County. Commissioner Moss was a City Commissioner that represented the City of West Palm Beach and was reappointed to the TDC Board on April 5, 2011 for a term that will expire on April 4, 2015. Due to the unexpected passing of Commissioner Moss the City requests his term be completed by Mayor Muoio. (TDC) Countywide (DW)

C. COMMISSION DISTRICT APPOINTMENTS

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**JULY 10, 2012**

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

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**JULY 10, 2012**

**8. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**JULY 10, 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."