

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

OCTOBER 4, 2011

**TUESDAY
9:30 A.M.**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance

- 2. AGENDA APPROVAL/SPECIAL PRESENTATIONS**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
 - C. Special Presentations (Page 6)

- 3. CONSENT AGENDA (Pages 7 - 24)**

- 4. REGULAR AGENDA (Pages 25 - 30)**

- 5. BOARD APPOINTMENTS (Pages 31 - 32)**

- 6. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 33)**

- 7. STAFF COMMENTS (Page 34)**

- 8. COMMISSIONER COMMENTS (Page 35)**

- 9. ADJOURNMENT (Page 35)**

OCTOBER 4, 2011

TABLE OF CONTENTS

SPECIAL PRESENTATIONS - 9:30 A.M.

Page 6

- 2C-1 Allen J. Kaplan
- 2C-2 Lucille Karasick Day
- 2C-3 INTRADE Trade Delegation
- 2C-4 German-American Day
- 2C-5 Breast Cancer Awareness Month
- 2C-6 National 4-H Week
- 2C-7 White Cane Safety Day
- 2C-8 Oktoberfest 2011
- 2C-9 Lights On After-School Day
- 2C-10 Guardianship Fraud Awareness Month

CONSENT AGENDA

A. ADMINISTRATION

Page 7

- 3A-1 Cooperative Agreement with U.S. Dept. of Housing & Urban Development relative to processing/resolving housing discrimination complaints
- 3A-2 Golf Tournament Agreement with Trump International Golf Club and The Children's Place at Home Safe for charitable golf tournament
- 3A-3 Film & TV Tech Prep Grant Agreement with Film & Television Commission to prepare high school and college students for future workforce in film and television industry

B. CLERK & COMPTROLLER

Page 7

- 3B-1 Warrant list
- 3B-2 Minutes: None
- 3B-3 Contracts and claims settlements list

C. ENGINEERING & PUBLIC WORKS

Page 8

- 3C-1 Amendment to annual guardrail contract with Southeast Attenuators, Inc.
- 3C-2 Agreement with Target Engineering Group relative to Blue Heron Blvd and Congress Ave intersection improvements
- 3C-3 Deleted
- 3C-4 Amendment No. 1 with FDOT relative to construction Okeechobee Blvd (Australian Ave to Tamarind Ave)
- 3C-5 Deleted

Page 9

- 3C-6 Amendment to annual asphalt milling and resurfacing contracts with Community Asphalt (primary) and Ranger Construction Industries (secondary)

D. COUNTY ATTORNEY

Page 9

- 3D-1 Settlement Agreement in personal injury action case Inmar Cruz vs. PBC
- 3D-2 Settlement Agreement in personal injury claim submitted by Angelo DePolo

Page 10

- 3D-3 Legal Services Authorization 2011-0353-C with Rose Sundstrom & Bentley for legal services

related to the Glades Utility Authority

E. COMMUNITY SERVICES

Page 10

3E-1 Refunding Grant Application to U.S. Dept. of Health & Human Services relative to Head Start/Early Head Start program funding

Page 11

3E-2 Consulting/Professional Services contracts with several agencies for speech and language services to Head Start children

3E-3 Amendment No. 5 with Area Agency on Aging relative to the Emergency Home Energy Assistance for Elderly Program

OCTOBER 4, 2011

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

-
E. COMMUNITY SERVICES (Cont'd)

Page 12

3E-4 Contracts with two (2) agencies for supportive services to homeless individuals

Page 13

3E-5 Contracts with seven (7) agencies under the Financially Assisted Agency Program for various services

F. AIRPORTS - None

-
G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET - None

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 14

3H-1 Contracts with three (3) firms to provide environmental assessment services

3H-2 CSA No. 2 with Leo A. Daly Company relative to design services for the Main Detention Center and Sheriff's Office Headquarters electrical infrastructure/emergency power replacement

Page 15

3H-3 Annual contracts for general building minor construction services with 16 companies

I. HOUSING & COMMUNITY DEVELOPMENT - None

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

Page 16

3K-1 Interlocal Agreement with Loxahatchee River District establishing wastewater and reclaimed water services areas

3K-2 Interlocal Agreement with Town of Jupiter establishing potable water service area boundaries

L. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 16

3L-1 Contract with J. Rawn Enterprises for construction of Pondhawk Natural Area and Acreage

Pines Natural Area public use facilities

Page 17

3L-2 Receive and file three (3) executed documents for Dept. of Environmental Resources Management

3L-3 Task Order 1435-02 with Taylor Engineering relative to Jupiter/Carlin Shore Protection project

M. PARKS & RECREATION

Page 18

3M-1 Receive and file seven (7) independent contractor agreements for Parks & Recreation Dept.

N. LIBRARY - None

P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION

Page 18

3Q-1 First Amendment with Gulfstream Goodwill Industries relative to the Alternative to Secure Detention program

R. HUMAN RESOURCES - None

S. FIRE RESCUE - None

OCTOBER 4, 2011

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

T. HEALTH DEPARTMENT

Page 19

3T-1 Contract with Department of Health for environmental health and engineering programs

U. INFORMATION SYSTEMS SERVICES

Page 20

3U-1 Task Order No. 2 with Woolpert, Inc. for coastal aerial and photography

3U-2 Interlocal Agreement with City of Riviera Beach to connect to County's regional network

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY

Page 20

3X-1 Grant Agreement with Florida Division of Emergency Management for enhancements and improvements to emergency management plans and programs (position)

Page 21

3X-2 Grant Agreement with Florida Division of Emergency Management for enhancements and improvements to emergency management plans and programs (planning, response, mitigation and recovery)

Y. PURCHASING - None

Z. RISK MANAGEMENT

Page 21

3Z-1 Purchase of airport liability insurance with Arthur J. Gallagher & Co.

3Z-2 Memorandum of Understanding of Drivers License and Motor Vehicle Record Data Exchange with the Florida Dept. of Highway Safety

AA. PALM TRAN

Page 22

3AA-1 Florida Commission for the Transportation Disadvantaged Trip and Equipment Grant for transportation disadvantaged funding

BB. COMMISSION ON ETHICS

Page 22

3BB-1 Memorandum of Understanding with Lake Worth Community Redevelopment Agency to engage the services of the Palm Beach County Commission on Ethics

CC. SHERIFF

Page 22

3CC-1 Victim of Crime Act Agreement with Florida Office of the Attorney General relative to funding for victim advocate position

Page 23

3CC-2 National Association of Drug Diversion Investigators grant relative to prescription drug abuse enforcement

3CC-3 Budget Transfer in the Law Enforcement Trust Fund to two (2) organization providing drug and crime prevention and education programs

DD. WESTGATE/BELEVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

Page 24

3DD-1 Federally Funded Subgrant Agreement and Grant Modifications 1, 2 and 3 with Florida Division of Emergency Management for the Westgate L-2 East Canal project

OCTOBER 4, 2011

TABLE OF CONTENTS

REGULAR AGENDA

ADMINISTRATION

Page 25

4A-1 Purchase of Insight Listener Software and related modems relative to transmission of election vote totals

Page 26

4A-2 Glades Utility Authority

Page 27

4A-3 Response to Inspector General on two (2) Office of Small Business Assistance reports

ENGINEERING & PUBLIC WORKS

Page 28

- 4B-1 Amendment No. 8 to County Incentive Grant Program Agreement with FDOT relative to median beautification on Okeechobee Boulevard (SR 7 to Florida Turnpike)

WATER UTILITIES

Page 29

- 4C-1 Sewers and Sewage Disposal Ordinance
- 4C-2 Memorandum of Understanding with South Florida Water Management District, Lake Worth Drainage District and City of Fort Lauderdale relative to regional reservoir in the C-51 Basin

FACILITIES DEVELOPMENT & OPERATIONS

Page 30

- 4D-1 Request by City of Boynton Beach to modify Quantum Park deed restriction

BOARD APPOINTMENTS (Pages 31 - 32)

MATTERS BY THE PUBLIC – 2:00 P.M. (Page 33)

STAFF COMMENTS (Page 34)

COMMISSIONER COMMENTS (Page 35)

ADJOURNMENT (Page 35)

OCTOBER 4, 2011

2C. SPECIAL PRESENTATIONS – 9:30 A.M.

1. Proclamation honoring Allen J. Kaplan. (Sponsored by Commissioner Marcus)
2. Proclamation declaring October 4, 2011 as “Lucille Karasick Day” in Palm Beach County. (Sponsored by Commissioner Aaronson)
3. Proclamation welcoming the INTRADE Trade Delegation to Palm Beach County. (Sponsored by Commissioner Abrams)
4. Proclamation declaring October 6, 2011 as “German-American Day” in Palm Beach County. (Sponsored by Commissioner Vana)
5. Proclamation declaring October 2011 as “Breast Cancer Awareness Month” in Palm Beach County. (Sponsored by Commissioner Burdick)

6. Proclamation declaring October 2 – 8, 2011 as “National 4-H Week” in Palm Beach County. (Sponsored by Commissioner Santamaria)
7. Proclamation declaring October 15, 2011 as “White Cane Safety Day” and October 2011 as “Blindness Awareness Month” in Palm Beach County. (Sponsored by Commissioner Marcus)
8. Proclamation declaring October 7 – 9 and 14-16 as “Oktoberfest 2011” in Palm Beach County. (Sponsored by Commissioner Vana)
9. Proclamation declaring October 20, 2011 as “Lights On After-School Day” in Palm Beach County. (Sponsored by Commissioner Abrams)
10. Proclamation declaring October 2011 as “Guardianship Fraud Awareness Month” in Palm Beach County. (Sponsored by Commissioner Aaronson)

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OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to ratify:** the signature of the Chair on a Cooperative Agreement No. FF204K114023 (Charge Resolution Contract) with the U.S. Department of Housing and Urban Development (HUD) allowing the Office of Equal Opportunity (OEO) to receive revenue for processing and resolving housing discrimination complaints for the period of July 1, 2010, through June 30, 2011 in the total amount of \$219,670. **SUMMARY:** Execution of this contract was required prior to August 30, 2011 in order for OEO to meet HUD’s FY 2011 federal funding deadlines. This Cooperative Agreement is in the amount of \$219,670 (\$178,170 - case processing; \$11,500 - training funds and \$30,000 - administrative costs). Countywide (TKF)
2. **Staff recommends motion to approve:** Golf Tournament Agreement with Trump International Golf Club, L.C. and The Children’s Place at Home Safe for a one (1) day charitable golf tournament to be held on October 27, 2011. **SUMMARY:** The Development Site Lease Agreement with the Trump International Golf Club, L.C. (Trump), approved September 3, 1996 (R96-1277D), allows use of the golf course during the months of May through October for the County to host either a single two (2) day, or two (2) - one (1) day charitable golf tournament(s). This Golf Tournament Agreement provides for the Trump International Golf Club to be available exclusively for the tournament to be held on October 27, 2011. Proceeds from the golf tournament will

benefit The Children's Place at Home Safe. Countywide (AH)

3. **Staff recommends motion to approve:** a \$50,000 Film & TV Tech Prep Grant Agreement with the Palm Beach County Film & Television Commission commencing October 1, 2011, and ending September 30, 2012. **SUMMARY:** The objectives of the Palm Beach County Film & TV Technical Prep Program are to prepare high school students for career pathway; to create future workforce in the film & television industry; to provide educational, financial and logistic resources for high school, college students and teachers through the Palm Beach County Film & Television Commission (FTC). This \$50,000 Agreement with FTC will provide funding for operational, education and equipment expenses for conducting the Film & TV Tech Prep Program, which is entering its 17th year of operation. This Grant will continue to develop the Film & TV Industry in Palm Beach County through an enhanced strategic plan drafted by educators and industry professionals. The FY 2012 Grant Agreement of \$50,000 is an increase over the FY 2011 budget of \$23,000. Palm Beach County Film & Television Commission employee Chuck Elder, serves on the Overall Economic Development Program Committee. The Committee provides no regulation, oversight, management, or policy-setting recommendations regarding the Film & TV Tech Prep Grant Agreement. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. **These funds are included in the adopted budget for FY 2012.** Countywide (DW)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners= meetings: 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

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** an Amendment to the Annual Guardrail Contract (Contract), R2010-1488, Project No. 2011052, dated October 5, 2010, with Southeast Attenuators, Inc. (Contractor). This Amendment will extend the expiration date, lower the unit prices on certain bid items and increase the total budget. **SUMMARY:** Approval of this Amendment will extend the expiration date 12 months, from October 5, 2011, to October 5, 2012. The contract provides that the term of the contract may be extended for a not to exceed amount of 36 months total contract time. Approving this extension will use 24 months of the total contract time. The dollar value of the Contract will increase by \$250,000, to a total new value of \$780,000, but several items will show lower prices. The Contract consists of furnishing and installing guardrail,

furnishing guardrail products, removing and disposing of "old" guardrail and/or resetting of existing guardrail. Small Business Enterprise (SBE) goals were established at 15% of the overall Contract amount. None of the bidders at the time, including the Contractor, achieved any SBE participation. However, on October 10, 2010, the Contractor became an SBE certified business. Therefore, all of the \$269,000 spent on this contract to date has gone to an SBE contractor. Countywide (MRE)

2. **Staff recommends motion to receive and file:** an Agreement with Target Engineering Group, Inc., in the amount of \$155,933.15, for professional services for construction engineering and inspection for Blue Heron Boulevard and Congress Avenue (Phase II) intersection improvements. This Agreement was approved on July 8, 2011, by the County Engineer, as a delegated authority in accordance with the Purchasing Code. **SUMMARY:** This Agreement is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. District 7 (PFK)

3. **DELETED**

4. **Staff recommends motion to:**

A) adopt a Resolution approving Amendment Number One to the Local Agency Program (LAP) Agreement R2010-0697 with the State of Florida Department of Transportation (FDOT) to adjust the grant funds for the construction of Okeechobee Boulevard from Australian Avenue to Tamarind Avenue (Project) and add the E-Verify language to the LAP Agreement; and

B) approve a downward Budget Amendment of \$387,236 in the Transportation Improvement Fund to reduce the LAP funding from FDOT for the Project to match the actual bid price.

SUMMARY: Adoption of this Resolution approving Amendment Number One will adjust the grant funds for construction of the Project and will add the E-Verify language to the LAP Agreement. District 7 (MRE)

5. **DELETED**

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

6. **Staff recommends motion to approve:** an Amendment to the Annual Asphalt Milling and Resurfacing Contract, (Contract), Project No. 2011051, dated August 17, 2010, with Community Asphalt Corporation (Primary) (R2010-1216), and Ranger Construction Industries, Inc. (Secondary) (R2010-1217) to extend the expiration date. **SUMMARY:** Approval of this Amendment will extend the expiration date retroactively, from August 17,

2011, to October 1, 2012 (approximately 13.5 months), while holding the unit prices as bid. The contract provides that the term of the contract may be extended for a not to exceed amount of 36 months total contract time. Approving this extension will use 25.5 months of the total contract time. The Contract consists of milling and disposal of existing asphalt pavement, maintenance of traffic, cleaning of surfaces for finish applications, and furnishing, hauling, and placement of specified asphalt courses. The Small Business Enterprise (SBE) goal for the project is 15% participation. The Primary contractor committed to 15.1% but has reached an overall participation of 33.4%. The Secondary contractor has not been issued any work orders as of the present time. Countywide (MRE)

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** a Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$70,000 in the personal injury action styled Inmar Cruz vs. Palm Beach County, Case No. 502011CA002171XXXMB Al. **SUMMARY:** On May 4, 2007, Mr. Cruz was rear-ended by a Palm Beach County Fire Rescue truck while eastbound on Southern Boulevard in Belle Glade. He was evaluated for neck, back, right knee, right ankle, right foot and right upper extremity pain and he was discharged to sedentary work. He was referred to the workers' compensation care clinic and later to a spinal orthopedic surgeon for evaluation. Due to his knee pain, he ultimately underwent right knee surgery and followed up with extensive physical therapy. He was also referred to and treated by a physiatrist, a foot and ankle specialist, and a spinal surgeon for his various complaints and injuries. Extensive neck surgery was recommended. Staff, including the Risk Management Roundtable, concurs that this settlement is in the best interest of Palm Beach County. Countywide (SCL)

2. **Staff recommends motion to approve:** a Settlement and Release, inclusive of attorney's fees and costs, in the total amount of \$66,000 in personal injury Claim No. 000103-008801-AB-01, submitted by Angelo DePolo. **SUMMARY:** This is a personal

injury claim arising from a rear-end motor vehicle accident on April 7, 2010, between a Water Utilities truck and claimant's vehicle on Jog Road in West Palm Beach, Florida. The County employee admits that he saw claimant was braking his vehicle to slow down for two (2) dogs crossing the street in front of his car, but the employee turned his head away momentarily and when he turned back, claimant's vehicle had come to a final stop. Staff, including the Risk Management Roundtable, concurs that this settlement is in the best interest of Palm Beach County. Countywide (PGE)

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (Cont'd)

3. **Staff recommends motion to approve:** Legal Services Authorization 2011-0353-C for a not-to-exceed amount of \$50,000 with Rose Sundstrom & Bentley, LLP for legal services related to the Glades Utility Authority (GUA). **SUMMARY:** On March 15, 2011, the Board of County Commissioners approved an Agreement with Rose Sundstrom & Bentley, LLP for legal services (R2011-0353) related to complex utility projects/agreements. Pursuant to the Agreements, legal services are to be assigned pursuant to task specific Legal Services Authorizations. The GUA is currently facing a financial crisis and has failed to adopt a balanced budget for fiscal year 2012. This failure to adopt a balanced budget will affect the County as a member of the GUA, as the contract service provider to the GUA, and as a guarantor to certain GUA debt. This Legal Services Authorization will be utilized to seek advice and counsel as to the course of action that the County undertakes in relation to the GUA. Countywide (MWJ)

E. COMMUNITY SERVICES

1. **Staff recommends motion to:**

A) ratify the Chair's signature on a Refunding Grant Application to the U.S. Department of Health and Human Services (HHS), Administration for Children and Families, for the period of October 1, 2011, through September 30, 2012, in the amount of \$20,158,068;

B) ratify the Chair's signature on a Expansion Funds Grant Application to HHS, for the period October 1, 2010, through September 30, 2011, in the amount of \$1,354,358; and

C) delegate authority to the County Administrator or his designee to sign the resulting carryover grant application for the Expansion funds.

SUMMARY: The FY 2011- 2012 Full Day/Full Year Head Start/Early Head Start Program will provide comprehensive child development services to 2,296 children and their families in Palm Beach County. This revised application is necessary because HHS requested that it reflect two (2) fiscal years as opposed to the customary one (1) fiscal year. Therefore, the application which was previously approved by the BCC

(R2011-1139) was changed accordingly. In addition, the expansion funds will need to be requested as a carryover once the current fiscal year ends. Delegation of signatory authority will allow the Division the opportunity to apply for those funds expeditiously. The emergency signature process was used because there was insufficient time to submit the item through the regular agenda process. There are additional funds in the program budget which include obligations of County ad valorem and overmatch as indicated below. The County share is included in the proposed FY2012 budget. (Head Start) Countywide (TKF)

Total Request	\$17,209,939
Required Match	\$ 4,302,487
*County 3,695,496	
*CSC 454,964	
*In-Kind 152,027	
Additional County Match	\$ 3,956,128
Total Budget	\$25,468,5524

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. **Staff recommends motion to approve:** Consulting/Professional Services Contracts totaling \$37,200, with the below-listed agencies for the amounts indicated, for the period of October 1, 2011, through September 30, 2012, for speech and language services:

A) Audrey Greenwald, in an amount of \$25,200, for Head Start children;

B) Invo Healthcare Associates, Inc., in an amount of \$4,000, for Head Start Expansion services; and

C) Invo Healthcare Associates, Inc., in an amount of \$8,000 for Head Start children.

SUMMARY: The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide speech and language services. As a result, Head Start is contracting with the above-listed providers to provide speech and language services to Head Start children. The contracts are funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)

3. **Staff recommends motion to receive and file:** Amendment No. 005 to Standard Agreement No. IP010-9500 (R2010-0842) for Emergency Home Energy Assistance for the Elderly Program (EHEAP) with Area Agency on Aging (AAA), for the period April 1, 2010, to August 31, 2011, to amend paragraphs 1.A, 1.D and Attachment I which

increases the agreement amount by \$3,500 for a new total not-to-exceed \$170,538; amend paragraphs 1.B.2, 1.B.3 and 4.C which extends the agreement period for 3 months to end on November 30, 2011; and revise and replace Attachment II Agreement Report Schedule and Attachment V Statistical Report. **SUMMARY:** EHEAP is a home energy assistance program for seniors. AAA informs the designated lead agencies, such as DOSS, when unused federal funds are available. The unused funds are being distributed to DOSS to increase the spending authority for EHEAP crisis benefits to seniors. The spending authority allows the County to receive \$22,934 for outreach & administration and to refer eligible clients for crisis benefits directly paid by AAA, in the amount of \$147,604. Employee Jamie Estremera-Fitzgerald, serves on a County Advisory Board, the Criminal Justice Mental Health & Substance Abuse Planning Council. The Board/Council provides no regulation, oversight, management, or policy-setting recommendations regarding the AAA contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. The amendment was 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. In the area south of Hypoluxo Road, The Volen Center, Inc. provides services under a similar AAA grant. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Rd (TKF)

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. [Staff recommends motion to approve:](#)

A) Contract with Jerome Golden Center for Behavioral Health, Inc. for the period of October 1, 2011, through September 30, 2012, in an amount not to exceed \$42,330, for support services to homeless individuals; and

B) Contract with Comprehensive Alcoholism Rehabilitation Programs, Inc. (CARP) for the period of October 1, 2011, through September 30, 2012, in an amount not to exceed \$42,330, for support services to homeless individuals.

SUMMARY: Jerome Golden Center for Behavioral Health, Inc. (Golden Center) and Comprehensive Alcoholism Rehabilitation Programs, Inc. (CARP) provide special population staffing that target homeless persons. Separate contracts are provided for these two (2) agencies. Each contract will receive \$42,330. A total of \$84,660 in County funds is included in the FY 2012 budget. Employee Thomas McKissack of the Golden Center serves on a County advisory board, the Palm Beach County HIV Care Council. This Board provides no regulation, oversight, management, or policy-setting recommendations regarding this contract. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. (Human Services) Countywide (TKF)

OCTOBER 4, 2011

3. **CONSENT AGENDA APPROVAL**

E. **COMMUNITY SERVICES (Cont'd)**

5. **Staff recommends motion to approve:** Contracts with seven (7) financially assisted agencies totaling \$1,122,606 for the indicated activities, for the period October 1, 2011, through September 30, 2012:

A) Adopt-A-Family of the Palm Beaches, Inc. - \$255,500 for homeless prevention services, supportive housing and housing stabilization;

B) Adopt-A-Family of the Palm Beaches, Inc. - \$38,812 for service enriched housing services;

C) Coalition for Independent Living Options, Inc. - \$243,652 for independent living skills training, advocacy, information and referral, and peer support services to individuals with disabilities and to provide after-school services to disabled adolescents;

D) Elizabeth H. Faulk Foundation, Inc./Center for Group Counseling - \$59,584 for SAGES, which helps the functioning of seniors at risk of becoming increasingly dependent and support groups for caregivers;

E) Legal Aid Society of Palm Beach County, Inc. - \$89,100 for guardian advocacy and legal case management to developmentally disabled youth aging out of the foster care system and individuals under 60 adjudicated incapacitated;

F) Palm Beach Habilitation Center, Inc. - \$272,745 for the Senior in Transition and Retirement Services (STARS) Program;

G) The Children's Home Society of Florida, Inc. - \$163,213, for project Safe Place, Nelle Smith Residence for Girls, and Transitions Housing.

SUMMARY: The information submitted reflects part of the total \$13,229,511 funding approved by the Board of County Commissioners for the Financially Assisted Agencies Program for FY 2012. Employees Kimberly Rommel-Enright, Vicki Tucci and Mickale Linton, of the Legal Aid Society of Palm Beach County, Inc., serve on County advisory boards, the Palm Beach County HIV Care Council and the Head Start/Early Head Start Policy Council. These Boards provide no regulation, oversight, management, or policy-setting recommendations regarding any of the above-listed contracts. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Section 2-443, of the Palm Beach County Code of Ethics. Other contracts will be forthcoming upon receipt of all the required information. (Financially Assisted Agency Program) Countywide (TKF)

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Contracts with three (3) firms to provide environmental assessment services on a continuing contract basis for Facilities Development and Operations Department:

A) Dunkelberger Engineering & Testing, Inc.;

B) URS Corporation Southern; and

C) REP Associates, Inc.

SUMMARY: The purpose of these contracts is to have consultants under contract to provide environmental services for condition assessment, identification of remedial activities, and related consulting and remediation observation services for Facilities Development and Operations Department. These services are required on both County-owned properties and properties being considered for acquisition, and those on which grants are being considered for third parties. Consultant fees will be negotiated on an individual basis for each identified project. These contracts will be for two (2) years with two (2) - one (1) year extension options. All of the firms have agreed to meet or exceed the Small Business Enterprise (SBE) goal of 15%. Each consultant has included a list of certified small business subconsultants which they intend to use to meet the SBE goal. All firms are Palm Beach County companies. (Capital Improvements Division) Countywide (JM)

2. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 2 with Leo A. Daly Company (R2011-0112) in the amount of \$356,755 for design services for the Main Detention Center and Sheriff's Office Headquarters Electrical Infrastructure/Emergency Power Replacement. **SUMMARY:** Replacement of electrical infrastructure and emergency power systems is necessary as existing generators and electrical gear were installed in 1991 and are in poor condition and in order to provide reliable emergency power to support the life safety functions at the Jail and provide reliable emergency power to headquarters. Reliability of the existing equipment is an ongoing issue as replacement parts are no longer available from the manufacturer, difficult to locate from other sources, and when located, costly. In addition, the new generators will comply with current Environmental Protection Agency (EPA) emission regulations. CSA No. 2 authorizes design, permitting, and construction administration services of the electrical and emergency power system replacement and for a one story addition and renovation of the existing Facilities Maintenance building to facilitate the replacement of the existing emergency generators and electrical gear. Leo A. Daly Company is a Palm Beach County firm. This Contract includes a Small Business Enterprise (SBE) goal of 15%. This task has 59.1% SBE participation. When added to

the Consultant's participation to date, the resulting SBE participation is 37.9%. This project will be completed in two (2) phases with the first phase awarding of the electrical work including purchasing of generators with an estimated cost of \$3,000,000. The remainder of the project, Phase II, will be awarded in Fiscal Year 2013. This CSA is funded from the Public Building Improvement Fund. (Capital Improvements Division) Countywide/District 2 (JM)

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** Annual contracts for general building minor construction services on an "as-needed" basis for projects typically under \$25,000 each:

- A)** All Site Construction, Inc.
- B)** AM Construction Group, Inc.
- C)** Andrea Construction, Inc.
- D)** CAM Group, LLC
- E)** Coral-Tech Associates, Inc.
- F)** Fastrack Management & Consulting, Inc.
- G)** Foster Construction Group, Inc.
- H)** Holt Contractors, Inc.
- I)** M.A.C. Construction, Inc.
- J)** Newbold Construction, Inc.
- K)** Randolph & Dewdney Construction, Inc.
- L)** Ralph Della-Pietra, Inc.
- M)** Robling Architecture Construction
- N)** Joe Schmidt Construction, Inc.
- O)** Sisca Construction Services, LLC.
- P)** Triton Associates, Inc.

SUMMARY: These continuing contracts are for one (1) year and are indefinite-quantity contracts with maximum values of \$499,999 for each contract. The work consists of the general construction services associated with repairs, improvements and renovations to County properties. Work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of sixteen (16) pre-qualified general contractors. Contracts will terminate when a total of \$499,999 in work orders is issued to any combination of all contracts or when the one-year time frame has expired, whichever occurs first. These contracts provide for up to four (4) – one (1) year renewals, each for a not-to-exceed amount of \$499,999, at the sole option of the County. All contractors are Palm Beach County companies with the exception of CAM Group, LLC (St. Lucie), Coral-Tech Associates, Inc. (Broward), and Foster Construction Group, Inc. (Dade). The goal for Small Business Enterprise (SBE) participation is 15%. When bids are received from the pre-qualified firms under this contract, local (if applicable) and SBE preferences will be evaluated and applied at that time. (Capital Improvements) Countywide (JM)

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** an Interlocal Agreement with the Loxahatchee River District establishing wastewater and reclaimed water service areas. **SUMMARY:** In order to ensure the most efficient delivery of utility service countywide, the County encourages the use of cooperative agreements with other public utilities. This Agreement defines the service area for the provision of wastewater and reclaimed water service between the Loxahatchee River District (LRD) and Palm Beach County. This Agreement defines only the service area being transferred to LRD and does not change the statutory boundaries of LRD or provide to LRD any development approval rights beyond existing statutory authority, consistent with the County's Comprehensive Plan and the County Water Utilities Department Master Plan. District 1 (MJ)

2. **Staff recommends motion to approve:** an Interlocal Agreement with the Town of Jupiter establishing potable water service area boundaries. **SUMMARY:** In order to ensure the most efficient delivery of utility service countywide, the County encourages the use of cooperative agreements with other public utilities. This Agreement defines the service area for the provision of potable water service between the Town of Jupiter (Town) and Palm Beach County. This Agreement defines only the service area being transferred to the Town and does not change the statutory boundaries of the Town or provide to the Town any development approval rights beyond existing statutory authority, consistent with the County's Comprehensive Plan and the County Water Utilities Department Master Plan. District 1 (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve:

A) Contract with J. Rawn Enterprises, Inc. in the amount of \$597,146 for construction of Pondhawk Natural Area and Acreage Pines Natural Area Public Use Facilities, Project No. 2001ERM03 for a period of 180 calendar days;

B) Budget Transfer of \$369,202 in the Environmental Resources Capital Projects Fund from the Winding Waters Natural Area Project (\$207,893) and the Delaware Scrub Natural Area Project (\$161,309) to the Acreage Pines Natural Area Project (\$234,527) and the Pondhawk Natural Area Project (\$134,675);

C) Budget Transfer of \$151,890 in the Natural Areas Fund from reserves to the Environmental Resources Capital Projects Fund; and

D) Budget Amendment of \$317,515 in the Environmental Resources Capital Projects Fund to recognize the transfer from the Natural Areas Fund (\$151,890) and revenue from the Indian Trails Improvement District (\$127,158) and the City of Boca Raton (\$38,467) for cost shares associated with these projects.

SUMMARY: This Project will provide trails, boardwalks, observation platforms and other amenities at two (2) natural areas: Pondhawk in Boca Raton and Acreage Pines in the unincorporated County area known as the Acreage. Eleven bids were received for this Project. J. Rawn Enterprises, Inc., a Palm Beach County company, was the lowest responsive, responsible bidder with a bid that exceeds the established 15% Small Business Enterprise (SBE) goal with 61.69% participation. Indian Trails Improvement District (R2001-0128, R2010-1332) will cost share \$127,157.50 estimated for the Acreage Pines public facilities. The City of Boca Raton (R2008-0457) will cost share \$38,467 estimated for a portion of the Pondhawk Natural Area public facilities. Construction in the Winding Waters Natural Area and Delaware Scrub Natural Area has recently been completed allowing for the transfer of residual balances to support the Contract. The Natural Areas Fund is a non-ad valorem funding source. Districts 4 & 6 (JM)

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to receive and file: three (3) original documents for the Department of Environmental Resources Management:

A) Time extension for Cooperative Agreement L10AC20019 with the Bureau of Land Management from July 30, 2011, to July 30, 2012;

B) Interlocal Agreement executed by the Lantana Police Department for manatee speed zone law enforcement from November 15, 2011, to April 30, 2014; and

C) Task Assignment No. AP10 with the Florida Fish and Wildlife Conservation Commission (FWC) Grant Agreement No. 8135 for contracted services related to the aquatic plant control program for \$57,223, expiring June 30, 2012.

SUMMARY: **A)** The Cooperative Agreement L10AC 20019 with the U.S. Bureau of Land Management for the engineering and design of a shoreline stabilization project at the Jupiter Inlet Lighthouse Outstanding Natural Area, commencing June 29, 2010 and ending July 30, 2011 was approved August 27, 2010 (R2010-1295). Delegated authority to sign time extensions was provided at that time. **B)** On December 18, 2007, the Board of County Commissioners approved a Resolution (R2007-2277) with a standard form Interlocal Agreement with law enforcement agencies for an increased law enforcement presence in estuarine waters of Palm Beach County. Delegated authority to execute these standard form agreements was approved, pursuant to PPM No. CW-O-051, on December 18, 2007 (R2007-2277). On July 11, 2011, a revised standard form was approved. **C)** FWC Agreement No. 8135 was approved on October 1, 2002 (R2002-1748). Delegated authority to sign task assignments was provided at that time. Districts 1, 7 & Countywide (SF)

3. **Staff recommends motion to approve:** Task Order 1435-02 to a continuing Contract (R2010-1435) with Taylor Engineering, Inc. (Taylor) in the amount of \$503,167.90 for geotechnical work needed to identify potential sand borrow areas for the Jupiter/Carlin Shore Protection Project (Project). **SUMMARY:** The Board of County Commissioners (BCC) approved the Contract with Taylor, a Palm Beach County company, on September 14, 2010 (R2010-1435). This Task Order 1435-02 authorizes Taylor to perform geotechnical work within the previously permitted Singer Island borrow area and to delineate a potential borrow area located north of Jupiter Inlet. Engineering, design & permitting of the Project commenced when the BCC approved Task Order 0410-05 (R2008-1510). Florida Department of Environmental Protection (FDEP) Grant Agreement 09PB1 (R2008-1509) provides for 50% cost-share of the non-Federal Project costs. Federal cost-sharing is anticipated following the County's completion of the Army Corps of Engineers (ACOE) required Reevaluation Report, Section 934 (Report) and finalization of a new Project Partnership Agreement (PPA). Task Order 0410-07 (R2009-0322) authorized the development of the Report. The ACOE's cost share for the previous nourishment projects was 54.71% of the total project costs. Similar cost share is anticipated for this project. The County's share of this Task Order is funded by tourist development taxes. There is 5.8% Woman Business Enterprise (WBE) sub-consultant participation on the Task Order. Taylor committed to an overall 19% SBE-M/WBE participation in the Contract. Taylor has achieved 29.1% cumulative SBE-M/WBE participation on the Contract including this Task Order. District 1 (JM)

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. **Staff recommends motion to receive and file:** executed Independent Contractor Agreements received during the month of August 2011:
 - A)** Teresa Krellner, Basketball Official, West Boynton Park and Recreation Center, for the period September 3, 2011, through October 16, 2011;
 - B)** Kristina Klaas, Read a Recipe Instructor, West Jupiter Recreation Center, for the period September 15, 2011, through December 1, 2011;
 - C)** Kristina Klaas, Read a Recipe Instructor, Westgate Park and Recreation Center, for the period September 20, 2011, through November 8, 2011;
 - D)** Palm Beach County Officials Association, Inc., Flag Football Referee, Westgate Park and Recreation Center, for the period September 14, 2011, through September 30, 2011;
 - E)** Emmitte Dixon, Basketball Official, Westgate Park and Recreation Center, for the period September 12, 2011, through September 30, 2011;
 - F)** Michael Alford, Basketball Official, Westgate Park and Recreation Center, for the period September 12, 2011, through September 30, 2011; and
 - G)** Caroline Andre, Cheerleading Coach, Westgate Park and Recreation Center, for the period September 12, 2011, through September 30, 2011.

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

Q. CRIMINAL JUSTICE COMMISSION

1. **Staff recommends motion to approve:** the First Amendment to the Contract with Gulfstream Goodwill Industries, Inc., (R2011-0538) a not-for-profit agency, to extend the contract term from August 31, 2011, to November 30, 2011. **SUMMARY:** The term of the initial contract was from March 1, 2011, through August 31, 2011. The Florida Department of Law Enforcement has approved an extension of the grant funding term to November 30, 2011. The initial contract with Gulfstream Goodwill Industries, Inc. was delayed due to start up time in getting youth into the program and getting staff hired and trained. The monitor has face-to-face contact as well as indirect contact of juveniles on an unannounced, around the clock basis. Contact is made initially within 24 hours of placement under Gulfstream Goodwill Industries' supervision and at random times thereafter. The program works toward the goal of linking participating juveniles and families with community resources to help enhance life skills and reinforce proactive, acceptable social behavior. Countywide (GB)

OCTOBER 4, 2011

3. **CONSENT AGENDA APPROVAL**

T. **HEALTH DEPARTMENT**

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

A) a Contract with the Department of Health (DOH) in the amount of \$1,992,586 for Environmental Health and Engineering programs provided by the Palm Beach County Health Department (CHD) for the period October 1, 2011, through September 30, 2012; and

B) An Addendum to the Contract to clarify:

1) Paragraph 6.a. – as State employees/personnel, CHD employees are not “officers, agents, or employees of the County”;

2) Paragraph 7.c. – The county shall assure that insurance coverage for vehicles is available through either a self-insurance program or insurance purchased by the County except for insurance referenced in paragraph 7.e.;

3) Paragraph 7.d. – The County shall be named as additional insured on any agreement in which the CHD contracts or subcontracts any work to be performed on the premises to a third party; and

4) Paragraph 7.e. – As a State agency, the CHD agrees to be responsible for its own, its officers’, employees’, or agents’ negligent acts, or omissions, or tortuous acts, which result in claims or suits against the parties, and agrees to be liable for any damages proximately caused by said acts or omissions.

SUMMARY: This Contract sets forth the funding responsibilities of the DOH and the County for the operation of the Palm Beach County Health Department. The State and County share in the funding of the \$8,175,426 environmental health budget. The State’s share is \$3,754,349 (45.9%), primarily from State general revenue and fees. Funding from the County’s FY 2012 budget is \$1,992,586 (24.4%) that includes Childcare Enforcement & Control Funding of \$119,596 which is a 5% decrease from FY 2011 funding of \$2,097,459. The remaining local share (29.7%) is comprised of County Authorized Fees of \$989,091 (12.1%), Federal funds of \$305,485 (3.7%), Department of Environmental Protection funds of \$173,915 (2.1%), and the Air Pollution Tag Fees of \$960,000 (11.7%). County funding is used primarily for salaries and benefits. The environmental staffing is responsible for surveillance of public drinking water systems, permitting and inspection of septic tanks, regulation of air pollution sources, inspection and licensing of child care and other group care facilities, and other duties related to environmental health. The Childcare Enforcement & Control Funding provides for a full-time Attorney/Hearing Officer and a half-time paralegal position to provide counsel for the Child Care Advisory Council and to serve as Acting Environmental Control Officer for

the Environmental Control Hearing Board. County funds are included in the FY 2012 budget. No additional funds are needed. County staff requested certain changes to the State's standard contract in order to clarify the insurance and liability provisions. The State preferred including these in an Addendum instead of revising the standard contract. Countywide (GB)

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. **Staff recommends motion to receive and file:** Task Order No. 2 to contract (R2006-2518) with Woolpert, Inc. for \$75,733 for coastal aerial photography. **SUMMARY:** Woolpert, Inc. was selected using the Consultant Competitive Negotiations Act (CCNA) process on November 21, 2006, to perform digital ortho photography and planimetric mapping for the County (R2006-2518). Task Order No. 2 with Woolpert, Inc. is to provide countywide coastal aerial photography for Environmental Resources Management (ERM). Woolpert, Inc. is an Ohio-based company with offices in Orlando and Miami, FL. This Task Order was under \$100,000 and was previously executed by the ISS Director; therefore, it is now being submitted for receive and file purposes. Funding for Task Order 2 in the amount of \$75,733 is funded by Environmental Resources Management. Delegation of signature authority was delegated to the Information Systems Services Director at the time the contract was approved. Countywide (PK)
2. **Staff recommends motion to approve:** an Interlocal Agreement with the City of Riviera Beach ("City") to connect to the Palm Beach County ("County") Regional Network at an estimated net first year revenue of \$7,200 for the initial point of connection, for an initial term of one (1) year with automatic one (1) year renewals unless notice is given by either party. **SUMMARY:** The 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 Department will be responsible for providing Internet services. The City agrees to reimburse the County for fiber optic cable construction costs of \$8,600. 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 7 (PFK)

X. PUBLIC SAFETY

1. **Staff recommends motion to:**

A) receive and file an executed Grant Agreement with the State of Florida, Division of Emergency Management, to receive emergency management grant funding in the amount of \$105,806 to enhance and improve emergency management plans and programs of the County for the period July 1, 2011, through June 30, 2012; and

B) approve a Budget Amendment of \$105,806 in the Emergency Management Preparedness and Assistance Fund to recognize the grant award.

SUMMARY: This is an annual grant that the Public Safety Department's Division of Emergency Management receives to enhance and improve emergency management plans and programs of the County consistent with the State Comprehensive Emergency Management Plan and Programs. A portion of the grant funds will also be used to pay for one current Emergency Management position. This grant funded position will be approved for the length of the funding and will be eliminated when the funding is discontinued. R2006-0401 gave authority to the County Administrator or his designee, to execute agreements with the State of Florida, Division of Emergency Management on behalf of the Board of County Commissioners. No County matching funds are required for this grant. Countywide (GB)

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

A) receive and file the executed Grant Agreement with the State of Florida, Division of Emergency Management, to receive emergency management grant funding in the amount of \$231,989 to enhance and improve emergency management plans and programs of the County for the period July 1, 2011, through June 30, 2012; and

B) approve a Budget Amendment of \$231,989 in the Emergency Management Preparedness and Assistance Fund to recognize the grant award.

SUMMARY: This is an annual grant that the Public Safety Department's Division of Emergency Management receives to enhance and improve emergency management plans and programs of the County, consistent with the State Comprehensive Emergency Management Plan and Programs. The grant will be used to further enhance emergency planning, response, mitigation and recovery in the County. R2006-0401 gave authority to the County Administrator or his designee, to execute agreements with the State of Florida, Division of Emergency Management on behalf of the Board of County Commissioners. **A dollar for dollar match is required by the grant and included in the County budget.** Countywide (GB)

Z. RISK MANAGEMENT

1. **Staff recommends motion to approve:** the purchase of airport liability insurance, for the period October 10, 2011, through October 10, 2012 to be purchased through the County's contracted broker, Arthur J. Gallagher & Co., for a total cost of \$114,865. **SUMMARY:** The estimated total cost of \$114,865 for airport liability insurance represents a 33% decrease over the expiring premium of \$172,177. Countywide (TKF)

2. **Staff recommends motion to approve:** Memorandum of Understanding of Drivers License and Motor Vehicle Record Data Exchange with the Florida Department of Highway Safety, which will allow the County's Risk Management Department to continue to receive weekly electronic information from the Department of Highway Safety that ensures the validity of the drivers licenses of county employees approved to drive county vehicles. **SUMMARY:** The signing of the Memorandum of Understanding of Drivers License or Motor Vehicle Record Data Exchange with the Florida Department of Highway Safety will allow the County, through its Risk Management Department, to continue to ensure that only authorized drivers with valid licenses are allowed to operate county vehicles. This is to ensure the safety of county employees and the general public. The record data exchange provides an automated file from the State to the County on a weekly basis. The file contains information on each authorized driver, which includes notification of an invalid license, and the reason why a license has been suspended or revoked. The executed document is required by the State of Florida as a condition of continuing the Drivers License and Motor Vehicle Record Data Exchange with the County under the provisions of the Driver's Privacy Protection Act, which protects the personal information contained within the files. Countywide (TKF)

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. **Staff recommends motion to:**

A) approve Florida Commission for the Transportation Disadvantaged (CTD) Trip and Equipment Grant in the amount of \$2,135,024 for FY 2011/2012 to provide non-sponsored trips in accordance with the Transportation Disadvantaged Trust Fund in Chapter 427 Florida Statutes and Rule 41-2 Florida Administrative Code;

B) authorize the Executive Director of Palm Tran, through the County Administrator or his designee, to file and execute the Trip and Equipment Grant Agreement with the CTD; and

C) modify the approved budget by reducing the State grant amount by \$352,025 and reducing the County contribution by \$38,888.

SUMMARY: The original Grant with County match would have provided a total of \$2,763,161 for TD Services. The revised funding grant provides approximately 90% of the funding for Palm Beach County's TD program for FY 2012. The revised Grant for Palm Beach County now allocates the following funds for FY 2011/2012: Total State grant amount of \$2,135,024 (includes voluntary dollar contributions of \$2,038 and a State grant in the amount of \$2,132,986) plus a County match of \$237,224 (includes in-kind match for voluntary contributions of \$226 and a local match of \$236,998) for a total project cost of \$2,372,248. The agreement for this project expires on June 30, 2012. The local match has already been budgeted in Palm Tran's proposed FY 2012 operating budget. Countywide (DR)

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BB. COMMISSION ON ETHICS

1. **Staff recommends motion to approve:** a Memorandum of Understanding with the Lake Worth Community Redevelopment Agency to engage the services of the Palm Beach County Commission on Ethics. **SUMMARY:** This Memorandum of Understanding will allow the Lake Worth Community Redevelopment Agency (Lake Worth CRA) to engage the services of the Commission on Ethics and its Executive Director. This action addresses the Lake Worth CRA's desire to subject itself to the County's ethics regulations. District 7 (LB)

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CC. SHERIFF

1. **Staff recommends motion to:**

A) accept on behalf of the Palm Beach County Sheriff's Office, a Victim of Crime Act (VOCA) Agreement with the State of Florida, Office of the Attorney General in the amount of \$53,223 for the period October 1, 2011, through September 30, 2012; and

B) approve a Budget Amendment of \$53,223 in the Sheriff's Grants Fund.

SUMMARY: On June 16, 2011, the Palm Beach County Sheriff's Office (PBSO) received a VOCA grant. These funds will be used to continue to allow for a victim advocate allocation to concentrate on the victim population in Palm Beach County. This position will continue to coordinate services with PBSO officers, the County's Victim Services Program, and other municipal agencies to offer crisis intervention, lethality assessments and safety plans. The PBSO will be reimbursed for personnel expenses totaling \$53,223. The PBSO will provide the 20% required match in the amount of \$13,306, through its approved operating budget. No additional positions are needed and no additional County funds are required until grant funding expires in FY 2012. Countywide (GB)

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

2. **Staff recommends motion to:**

A) accept on behalf of the Palm Beach County Sheriff's Office, a National Association of Drug Diversion Investigators, Inc. award in the amount of \$5,000 for the Prescription Drug Abuse Enforcement Project FY '11; and

B) approve a Budget Amendment of \$5,000 increasing the Sheriff's Grants Fund.

SUMMARY: On August 1, 2011, the Palm Beach County Sheriff's Office (PBSO) received an award from the National Association of Drug Diversion Investigators, Inc. (NADDI) for the PBSO Public Service Campaign Project. The funds provided will be used by PBSO's Narcotics Division to conduct drug diversion investigations and increase public awareness. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

3. **Staff recommends motion to approve:** a Budget Transfer of \$38,278 from the Law Enforcement Trust Fund (LETF) to the Palm Beach County Sheriff's Office (PBSO).

SUMMARY: Florida Statute 932.7055 requires that no less than 15% of the LETF's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2011 estimated donation requirement is \$98,015. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETF balance is \$1,527,853. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,489,575. The year-to-date transfer for all donations after approval of this item is \$1,492,720. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (GB)

Organization	Amount
Audubon Society of the Everglades	\$ 4,278
Palm Beach County Police Athletic League, Inc. – Shop with a Cop	<u>\$34,000</u>
Total Amount of Donations	\$38,278

OCTOBER 4, 2011

3. CONSENT AGENDA APPROVAL

DD. WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

1. **Staff recommends motion to receive and file:** an executed Federally Funded Subgrant Agreement (Grant) of \$20,195, and Grant Modifications One, Two and Three with the State of Florida Division of Emergency Management (DEM) for the Westgate L-2 East Canal (Project). **SUMMARY:** The Westgate/Belvedere Community Redevelopment Agency (CRA) applied for the Grant from the DEM. Palm Beach County (County) entered into the Grant, Contract No. 09HM-37-10-60-01-075, with DEM for this Project because DEM requires the Grant be executed by an official government entity. The Project was initiated and funded by the CRA based on the Grant between the County and DEM for the reimbursement of the funds. Modification One reinstated the expired Grant and extended the date from November 4, 2008 until July 4, 2010. Modification Two further extended the expiration date until February 4, 2011 and increased the maximum allowable payment to \$62,400. Modification Three further extended the expiration date of the Grant until October 4, 2011, and the CRA is currently working on another extension with DEM. District 2 (MRE) (Engineering)

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OCTOBER 4, 2011

4. REGULAR AGENDA

A. ADMINISTRATION

1. **Staff recommends motion to:**

A) adopt a Resolution for the Chair's certification to the Division of Elections that, based upon the recommendation of the Supervisor of Elections, the procurement of Insight Listener Software from Dominion Voting Systems, Inc. (Dominion) is a sole source;

B) approve a Tri-Party Agreement with the Palm Beach County Supervisor of Elections and Dominion Voting Systems, Inc., in the amount of \$961,900, providing for the development and purchase of Insight Listener software and purchase of related modems for the purpose of receiving vote totals by modem from the Insight ballot counters in the precincts, purchase contingent on State certification;

C) authorize the Chair to execute a letter to the Secretary of State of Florida certifying that the Board of County Commissioners of Palm Beach County, Florida has determined that Dominion Voting Systems, Inc. is a sole source for the Insight Listener Software & modems;

D) approve Budget Transfer of \$961,900 from General Fund Contingency Reserves to establish funding for Supervisor of Election's software and hardware upgrades and support services; and

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E) approve Budget Amendment of \$961,900 to recognize transfer from the General Fund to establish the project.

SUMMARY: Upon recommendation of the Supervisor of Elections, Dominion is designated as a sole source to provide the Insight Listener Software and related modems for the purpose of receiving vote totals by Modem from Insight ballot counters in the precincts. There is a \$100,000 development fee due at the time of approval of the Agreement. The Agreement requires that Dominion submit the Insight Listener Software for State certification by November 30, 2011. Without obtaining State certification by March 1, 2012, or without the delivery of State certified versions of the Insight Listener Software within four (4) weeks after certification, the terms and conditions of the Agreement will become null and void and the \$100,000 development fee will be returned to the County. Upon obtaining State certification, Dominion will deliver the Insight Listener Software and modems to the Supervisor of Elections. Countywide (DW)

OCTOBER 4, 2011

4. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

2. **Staff requests Board direction:** regarding the Glades Utility Authority (GUA).
SUMMARY: On June 16, 2009, the Board of County Commissioners approved the Interlocal Agreement establishing the GUA pursuant to Chapter 163, Florida Statutes. The GUA is a regional partnership established for the purpose of providing water utility services to the residents of Belle Glade, Pahokee, South Bay and surrounding areas. The utility has faced many challenges, including a decline in utility revenues due to unemployment, housing unit vacancies, reduced business activity, and pipe breakages costing in excess of \$1 million annually. The Glades Correctional Institution closing will have a significant effect on GUA revenues as they are the largest customer. The GUA is projected to have a revenue shortfall in excess of \$2 million in the upcoming year. To date, the GUA Board has not adopted a surcharge to address the revenue shortfall.

As directed by the Board, Staff did evaluate the ability for the County's Water Utility Department to provide a subsidy. It has been determined that the Palm Beach County Water Utilities Department (WUD) cannot legally do so.

As an alternative to a GUA default, Staff has developed a plan that will allow for WUD to absorb the GUA. The proposed conditions of the merger plan are as follows:

1. The City Commissions approve, by December 31, 2011, a Resolution to amend the GUA Interlocal Agreement to merge the GUA into WUD beginning October 1, 2012.
2. The County will loan to GUA, from its General Fund reserves, an amount of up to \$2 Million, with increments of payment starting when necessary, after the City

Resolutions are passed. Repayment is proposed by September 30, 2014;

3. To help pay for the rehabilitation of the GUA system, the Cities agree that GUA host fees will be eliminated over the next five (5) years as follows:

Year	Amount
FY 2012 – 2013	7%
FY 2013 - 2014	5%
FY 2014 - 2015	3%
FY 2015 - 2016	1%
FY 2016 – Future	No host fees

4. The Cities agree that the current GUA rate structure will continue subject to annual index increases.

Provided Conditions 3 and 4 identified above are met, the fiscal impact to WUD is tolerable.

Should the Board of County Commissioners not approve a merger plan, Staff does not recommend further intervention by the County. (Admin) District 6 (MWJ)

OCTOBER 4, 2011

4. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

3. **Staff recommends motion to receive and file:** Staff responses to the Inspector General reports received as follows:

A) 2010-0008 - Office of Small Business – Road Construction Hauling and Preference for SBE; and

B) 2010-0010 - Office of Small Business – Line Tec, Inc.

SUMMARY: In September 2010, County Administration and the County Attorney's Office brought forward to the Inspector General a concern regarding the possible use of an SBE trucking sub-contractor performing as a conduit for prime contractors on road construction projects. Because of their investigation, the Office of the Inspector General (OIG) released two (2) reports relating to the Office of Small Business during FY- 2011. The scope of the first report was limited to road construction hauling and preference given to Prime contractors because of the partnership with the SBE. The report identified recommendations that included but was not limited to modifying the SBE Ordinance, SBE Policies and Procedures (PPM), certification process and excluding road construction hauling from being eligible for SBE certification. Staff concurred with and implemented a number of recommendations within the first report as reflected in staff full response in Attachment A of the Agenda Item. However, staff disagreed with some of the conclusions and recommendations made by the OIG such as the Ordinance/PPMs lacks clarity and leads to confusion; SBE program is subjectively administered resulting

in questionable certifications/re-certifications and de-certifications. The OIG report states that confusion exist as to whether the 15% SBE participation in the bid process is mandatory or a goal. Furthermore, staff disagreed with eliminating trucking as an area eligible for small business certification as recommended by the OIG based on the facts that county road projects range from small to very large projects and a small trucking firm would possess the ability to fulfill a commercial useful function on small jobs. In addition, the small trucking firm has the ability to joint venture with other small trucking businesses in an effort to increase capacity and compete for larger jobs as well. However, it was necessary to implement additional measures to require the Prime and the SBE to attest to their representations made during the bid and payment processes. The second report, OIG-2010-0010, was regarding Line-Tec, Inc. submitting misleading documents and/or falsifying documents to obtain certification. When the OIG provided new evidence to OSBA regarding altered documents Line-Tec, Inc. had submitted as part of their latest request for **re-certification** as an SBE of supplies. OSBA conducted an independent investigation and took the appropriate actions by decertifying Line-Tec Inc. for supplies. As a result of this action, the company was suspended from doing business with the County for two (2) years. However, staff maintains that Line-Tec, Inc. met the eligibility criteria when originally certified and all related complaints investigated. The OIG made a brief reference to the January 15, 2009 court decision denying Corcel Corp petition, citing that the courts did not have authority to substitute its judgment for that of OSBA. While this is correct, the Judge's ruling was substantive in its reasoning. The Court listened to all the arguments and reviewed all exhibits introduced into evidence by Corcel Corp. and OSBA and opined that OSBA staff had conducted a thorough job of investigating this matter and it was not a perfunctory effort. The Court further stated OSBA fulfilled their obligation by conducting a well documented investigation in which all elements were met and carefully considered. The Court noted that the behavior of OSBA was exemplary and in total conformance with the code and under the law. The Court concluded that the explanations given by OSBA representatives were extremely plausible and totally in line with the clear language of the relevant ordinances, and in this light, there was absolutely no basis on which the Court could substitute its judgment for that of the agency. A full response to this report is included in Attachment 2 of the Agenda Item. Staff will continue to review and modify the Ordinance and PPMs to maintain the integrity of the program. It is our goal to ensure Palm Beach County's small businesses fully participate in County procurement. Countywide (TKF)

OCTOBER 4, 2011

4. REGULAR AGENDA

B. ENGINEERING & PUBLIC WORKS

1. Staff requests Board direction on:

A) adopting a Resolution to approve Amendment Number Eight to the County Incentive Grant Program Agreement R2001-2157 (Agreement) with the State of Florida Department of Transportation (FDOT) to provide for a reallocation of up to \$1,000,000 of the existing matching roadway construction funding for median beautification on

Okeechobee Boulevard from State Road 7 to Florida's Turnpike (Improvements) and a Maintenance Memorandum of Agreement (MMOA) to ensure the maintenance of the Improvements;

B) approving an exception to the 2002 policy that restricts Palm Beach County's (County) installation of median beautification to areas that are unincorporated and not contiguous to a municipality;

C) approving an Interlocal Agreement with the City of West Palm Beach (City) under which the City agrees to accept all maintenance obligations for the Improvements; and

D) authorizing the County Engineer or his designee to issue a Task Authorization not-to-exceed \$1,000,000 to construct the Improvements utilizing the Annual Roadway Landscaping Contract.

SUMMARY: If the funding is not approved, the FDOT will be responsible for mowing the medians and swales along this 3+ mile stretch of road. They currently mow approximately seven (7) times per year. Adoption of the Resolution to approve Amendment Number Eight and approve the MMOA will establish a reallocation of up to \$1,000,000 of budgeted but unused roadway construction funding for the Improvements and will obligate the County to maintain the Improvements. The County will then pass the maintenance obligations to the City. Approval of the Interlocal Agreement will obligate the City to accept all maintenance responsibilities for the Improvements. In accordance with the terms of the original Agreement, 50/50 (County/FDOT) matching funding would be utilized to install the Improvements. The County's one-time cost of \$500,000 is available in the roadway project's previously approved budget. Districts 2 & 6 (MRE)

OCTOBER 4, 2011

4. REGULAR AGENDA

C. WATER UTILITIES

1. [Staff recommends motion to approve a preliminary reading and to advertise for Public Hearing on October 18, 2011, at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 27, Article IV, "Sewers and Sewage Disposal" of the Palm Beach County Code; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** The Florida Department of Environmental Protection conducted a Pretreatment Program Audit of the Water Utilities Department's Pretreatment Program. Part of the audit was the review of the Wastewater Facilities Use Ordinance (Ordinance), codified at Chapter 27, Article IV of the Palm Beach County Code, for legal sufficiency. This Ordinance gives the Water Utilities Department the authority to administer the Pretreatment Program. The Program's objectives are to prevent the introduction of pollutants to the wastewater collection system that if inadequately treated, can endanger the wastewater treatment process, plant operators, transmission workers, and the public with harmful pollutants. In addition, the Program improves the opportunity for the utilities to improve the quality of

reclaimed water, domestic wastewater sludge, and promote the preservation and enhancement of the regional ecosystem. The changes to the Ordinance include updating references to provisions of the Florida Administrative Code, modifying definitions, relocating the numeric local discharge and surcharge standards to the Water Utilities Department's Uniform Policies and Procedures Manual, revising requirements of the pretreatment application, modifying industrial wastewater discharge permit conditions, updating self-monitoring requirements, altering the certification statement, amending notification requirements of accidental discharge upset or bypass, modifying notification of discharge of hazardous wastes, and revising penalties for failure to comply with provisions in the Ordinance. Countywide (MRE)

2. **Staff requests Board direction:** regarding a Memorandum of Understanding (MOU) between the South Florida Water Management District (District), Palm Beach County, Lake Worth Drainage District (LWDD), and the City of Fort Lauderdale regarding multiple use C-51 Water Supply & Water Quality Reservoir Planning and Development. **SUMMARY:** This non-binding MOU provides for the cooperative planning of a regional reservoir in the C-51 Basin as well as related pumping and conveyance improvements. The proposed reservoir provides both environmental and water supply benefits. Environmental benefits are realized by helping to stabilize flows to the Stormwater Treatment Areas that feed Water Conservation Area 1, and by reducing excessive and damaging stormwater flows to the Lake Worth Lagoon. Water supply benefits are realized through the recharge of surficial aquifer wellfields. The current concept of using the LWDD to convey this water south assures that Palm Beach County's wellfields get recharged first, regardless of other participants.

District responsibilities under this MOU require the District to identify the sustainable surface water yield from the C-51Basin, perform hydrologic modeling, determine the water needed for environmental restoration and the quantity of water available for regional water supplies. The municipal utilities responsibilities include determining the potential users and projected long term water demands. This information, in addition to feasibility studies already completed by the municipal utilities, will be used to determine the initial project feasibility.

The MOU contains a joinder provision for other parties to sign on as the project becomes better defined. Any financial contributions to subsequent studies will be subject to approval by the Palm Beach County Board of County Commissioners. The term of the MOU is until March 30, 2012, or until execution of a separate agreement, whichever occurs first. There is no cost to the MOU, except for staff participation included in current approved budgets. District 6 (MJ)

OCTOBER 4, 2011

4. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff requests Board direction:** regarding a request by the City of Boynton Beach to modify a deed restriction on a portion of 17.5 acres donated by the County to the City. **SUMMARY:** In 1987, at the City's request, the County conveyed 17.5 acres within the

Quantum Park planned development at no cost to the City, subject to a deed restriction limiting the use thereof to park and public purposes. The City has not developed the park and does not expect to have funding to develop the park within the next ten (10) years. The City is proposing to lease approximately two (2) acres of the park property to EWE Warehouse Investments XI, Ltd. for 20 years for construction of 200 parking spaces to serve EWE's adjoining warehouse/office building. EWE is in the process of finalizing a lease with a call center operator to relocate from outside the County to EWE's building, and the tenant requires additional parking. The City is proposing that EWE not be charged rent for this use, but they will be required to construct an additional 30 parking spaces to serve the park at such time, if ever, as the City constructs park improvements. The City believes that this is adequate consideration. Staff has concerns regarding the proposed length of term not being consistent with an "interim use" and has suggested that some level of rent be charged. Board direction is required as to whether the Board desires to modify the deed restriction to permit this use and the terms and conditions, if any, to be placed on that modification. (PREM) District 3 (HJF)

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OCTOBER 4, 2011

5. BOARD APPOINTMENTS

**A. OFFICE OF FINANCIAL MANAGEMENT & BUDGET
(Impact Fee Review Committee)**

1. **Staff recommends motion to approve:** the appointment/reappointment of one (1) of the following nominees for each seat on the Impact Fee Review Committee for the three year term October 4, 2011, through October 3, 2014:

<u>Nominee</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Nominated By</u>
<u>Reappoint</u> Nancy Hogan	2	Municipal	Commissioner Marcus Commissioner Abrams Commissioner Aaronson
<u>Reappoint</u> Jerry Beavers	3	Municipal	Commissioner Marcus Commissioner Aaronson Commissioner Burdick
<u>Appoint</u> Darrell Searcy	4	Business	Commissioner Taylor
<u>Reappoint</u> E. Llwyd Ecclestone, III	5	Business	Commissioner Marcus Commissioner Abrams Commissioner Aaronson Commissioner Burdick
<u>Reappoint</u> Joseph Pollock	6	Business	Commissioner Marcus

Commissioner Abrams
Commissioner Aaronson
Commissioner Burdick

Reappoint

Arnold Broussard 7 At Large

Commissioner Marcus
Commissioner

Aaronson
Commissioner Burdick

Appoint

Scott Worley Alternate Business

Commissioner Marcus
Commissioner Aaronson
Business Forum

Reappoint

Bruce Malasky Alternate At Large

Commissioner Marcus
Commissioner Aaronson
Commissioner Burdick

SUMMARY: The Impact Fee Review Committee is composed of seven (7) members and three (3) alternate members appointed by the BCC. The membership of the committee includes three (3) representatives from municipalities, three (3) representatives from the business community, and one (1) member selected at large. The alternate members include one representative from each of the categories above. All of the nominees have completed the required County ethics training. 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. This Agenda Item Summary will serve as disclosure for Llwyd Ecclestone, III, manager of Four Points Construction, LLC. Four Points Construction leases office space to the Tourist Development Council and the Cultural Council. The Impact Fee Review Committee provides no regulation, oversight, management or policy-setting recommendations regarding this lease. This will also serve as a disclosure for Darrell Searcy, a consultant with The Chandler & Campbelle Group. The Chandler & Campbelle Group has contracts with Human Resources to provide training services in 2011 and 2012. The Impact Fee Review Committee provides no regulation, oversight, management or policy-setting recommendations regarding these contracts. Countywide (LB)

OCTOBER 4, 2011

5. BOARD APPOINTMENTS

**B. FACILITIES DEVELOPMENT & OPERATIONS
(Property Review Committee)**

1. **Staff recommends motion to approve:** the reappointment of Thomas A. Barnhart to the Palm Beach County Property Review Committee (PRC) for a term of three (3) years beginning October 4, 2011, to October 3, 2014:

Reappointment Nominee	Seat No.	Seat Requirement
Thomas Barnhart	(1)	A Representative from the PBC Property

Appraiser's Office.

SUMMARY: Palm Beach County Resolution No. 2010-0292 established the PRC that is comprised of five (5) members appointed at-large by the Board. Each member must meet specific seat requirements and serve a term of three (3) years, after the initial start up, with no limit on the number of terms an individual may serve. Mr. Barnhart served on the PRC for a one (1) year term that expired on August 16, 2011, and has agreed, if reappointed, to continue to serve on the PRC. Seat No. 1 must be filled by a representative from the Palm Beach County Property Appraiser's Office. Countywide (HJF)

C. COMMISSION DISTRICT APPOINTMENTS

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OCTOBER 4, 2011

6. MATTERS BY THE PUBLIC – 2:00 P.M.

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OCTOBER 4, 2011

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

OCTOBER 4, 2011

8. COMMISSIONER COMMENTS

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

B. District 2 – COMMISSIONER PAULETTE BURDICK

C. District 3 - COMMISSIONER SHELLEY VANA, VICE CHAIR

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

E. District 5 - COMMISSIONER BURT AARONSON

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR

Request approval to present off-site, a Proclamation honoring Tabernacle Missionary Baptist Church on their 118th Anniversary.

9. ADJOURNMENT

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

September 27, 2011 – Noon

BOARD OF COUNTY COMMISSIONERS BOARD MEETING PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

OCTOBER 4, 2011

<u>PAGE</u>	<u>ITEM</u>	
7	3A-3	<u>WAITING FOR BACKUP:</u> Staff recommends motion to approve: a \$50,000 Film & TV Tech Prep Grant Agreement with the Palm Beach County Film & Television Commission commencing October 1, 2011, and ending September 30, 2012. (Admin/EDO)
7	3B-3	<u>WAITING FOR BACKUP:</u> Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller=s Office. (Clerk)
8	3C-4	<u>WAITING FOR BACKUP:</u> Staff recommends motion to: A) adopt a Resolution approving Amendment Number One to the Local Agency Program (LAP) Agreement R2010-0697 with the State of Florida Department of Transportation (FDOT) to adjust the grant funds for the construction of Okeechobee Boulevard from Australian Avenue to Tamarind Avenue (Project) and add the E-Verify language to the LAP Agreement; and...(Engineering)
9	3D-1	<u>WAITING FOR BACKUP:</u> Staff recommends motion to approve: a Settlement Agreement, inclusive of attorney's fees and costs, in the total amount of \$70,000 in the personal injury action styled <u>Inmar Cruz vs. Palm Beach County</u> , Case No. 502011CA002171XXXXMB Al. (County Attorney)
10	3D-3	<u>WAITING FOR BACKUP:</u> Staff recommends motion to approve: Legal Services Authorization 2011-0353-C for a not-to-exceed amount of \$50,000 with Rose Sundstrom & Bentley, LLP for legal services related to the Glades Utility Authority (GUA). (County Attorney)
10	3E-1	<u>WAITING FOR BACKUP:</u> Staff recommends motion to: A) ratify the Chair's signature on a Refunding Grant Application to the U.S. Department of Health and Human Services (HHS), Administration for Children and Families, for the period of October 1, 2011, through September 30, 2012, in the amount of \$20,158,068;...(Community Services)

- 11 3E-2 **WAITING FOR BACKUP: Staff recommends motion to approve:** Consulting/Professional Services Contracts totaling \$37,200, with the below-listed agencies for the amounts indicated, for the period of October 1, 2011, through September 30, 2012, for speech and language services:... (Community Services)
- 13 3E-5 **WAITING FOR BACKUP: Staff recommends motion to approve:** Contracts with seven (7) financially assisted agencies totaling \$1,122,606 for the indicated activities, for the period October 1, 2011, through September 30, 2012:... (Community Services)
- 14 3H-1 **WAITING FOR BACKUP: Staff recommends motion to approve:** Contracts with three (3) firms to provide environmental assessment services on a continuing contract basis for Facilities Development and Operations Department...(FDO)
- 15 3H-3 **WAITING FOR BACKUP: Staff recommends motion to approve:** Annual contracts for general building minor construction services on an "as-needed" basis for projects typically under \$25,000 each: ...(FDO)
- 16 3K-1 **WAITING FOR BACKUP: Staff recommends motion to approve:** an Interlocal Agreement with the Loxahatchee River District establishing wastewater and reclaimed water service areas. (WUD)
- 16 3K-2 **WAITING FOR BACKUP: Staff recommends motion to approve:** an Interlocal Agreement with the Town of Jupiter establishing potable water service area boundaries. (WUD)
- 16 3L-1 **REVISED TITLE & WAITING FOR BACKUP: Staff recommends motion to approve: A)** Contract with J. Rawn Enterprises, Inc. in the amount of \$597,146 for construction of Pondhawk Natural Area and Acreage Pines Natural Area Public Use Facilities, Project No. ~~2004ERM03~~ 2011ERM03 for a period of 180 calendar days;...(ERM)
- 17 3L-2 **WAITING FOR BACKUP: Staff recommends motion to receive and file:** three (3) original documents for the Department of Environmental Resources Management;...(ERM)
- 19 3T-1 **WAITING FOR BACKUP: Staff recommends motion to approve: A)** a Contract with the Department of Health (DOH) in the amount of \$1,992,586 for Environmental Health and Engineering programs provided by the Palm Beach County Health Department (CHD) for the period October 1, 2011, through September 30, 2012; and...(Health Dept)
- 21 3X-2 **WAITING FOR BACKUP: Staff recommends motion to: A) receive and file** the executed Grant Agreement with the State of Florida, Division of Emergency Management, to receive emergency management grant funding in the amount of \$231,989 to enhance and improve emergency management plans and programs of the County for the period July 1, 2011, through June 30, 2012; and...(Public Safety)
- 22 3AA-1 **WAITING FOR BACKUP: Staff recommends motion to: A) approve** Florida Commission for the Transportation Disadvantaged (CTD) Trip and Equipment

Grant in the amount of \$2,135,024 for FY 2011/2012 to provide non-sponsored trips in accordance with the Transportation Disadvantaged Trust Fund in Chapter 427 Florida Statutes and Rule 41-2 Florida Administrative Code;...(Palm Tran)

- 24 3DD-1 **WAITING FOR BACKUP: Staff recommends motion to receive and file:** an executed Federally Funded Subgrant Agreement (Grant) of \$20,195, and Grant Modifications One, Two and Three with the State of Florida Division of Emergency Management (DEM) for the Westgate L-2 East Canal (Project). (Westgate CRA)
- 25 4A-1 **WAITING FOR BACKUP: Staff recommends motion to:** **A) adopt** a Resolution for the Chair's certification to the Division of Elections that, based upon the recommendation of the Supervisor of Elections, the procurement of Insight Listener Software from Dominion Voting Systems, Inc. (Dominion) is a sole source;...(Admin/SOE)
- 26 4A-2 **WAITING FOR BACKUP: Staff requests Board direction:** regarding the Glades Utility Authority (GUA). (Admin/GUA)
- 27 4A-3 **WAITING FOR BACKUP: Staff recommends motion to receive and file:** Staff responses to the Inspector General reports received as follows:... (Admin/OSBA)
- 30 4D-1 - **WAITING FOR BACKUP: Staff requests Board direction:** regarding a request by the City of Boynton Beach to modify a deed restriction on a portion of 17.5 acres donated by the County to the City. (FDO)
- 32 5B-1 **WAITING FOR BACKUP: Staff recommends motion to approve:** the reappointment of Thomas A. Barnhart to the Palm Beach County Property Review Committee (PRC) for a term of three (3) years beginning October 4, 2011, to October 3, 2014:...(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 (*).